

Sports & Entertainment Beat

## **Sports & Entertainment Spotlight: The Dawn of the NIL Era in College Sports**

By Joshua Bloomgarden on 7.1.21 | Posted in Sports & Entertainment Spotlight

Well, today is the big day. If you're reading this week's installment of the *Spotlight*, it means that you survived the long and arduous journey of the name, image and likeness (NIL) era in college sports. Indeed, with the National Collegiate Athletic Association (NCAA) Board of Directors agreeing this week (Wednesday, June 30) to waive enforcement of its prohibition against collegiate athletes making money off of their NIL rights (their fame) amid interim guidance to schools, we find ourselves in a brave new world where you might see your alma mater's star quarterback licensing his or her NIL rights, newly-designed logos (I see you, Graham Mertz) for commercial use in anything from an advertisement for the off-campus car dealership to one for a multinational car brand. As ever, the devil is in the details, and in schools adopting their own rules and programs designed to educate and empower their student-athletes – particularly in the vast majority of states that do not have NIL legislation coming into effect today – those details are all the more devilish given that the NCAA spotted them less than a week to prepare its athletes (and themselves) for a moment that the NCAA could not itself prepare for in the span of years. With so much potential for uncertainty and confusion in this landscape, now more than ever, it is incumbent on educators, business advisors, coaches and parents to play an active role to ensure that the NIL era gets off on the right foot. Still, as we roll into a weekend in which the U.S. celebrates its independence, it's gratifying to know that college athletes will be celebrating their newfound independence (to a degree).

Speaking of which, although I don't have an early Fourth of July fireworks show to offer (my marketing budget wouldn't support it), allow me to dazzle your screen with this week's highlights:

- Recording Artist/Producer/Entrepreneur Kanye West is suing Walmart for allegedly knocking-off his YEEZY footwear and apparel brand's wildly-popular, clog-like Foam Runner shoes. This comes just months after another controversy between YEEZY and Walmart in which Walmart claimed that YEEZY's new logo could cause consumer confusion. For me, the biggest controversy is that they both refer to *those things* (pictured in the related article below) as "shoes."

- With non-fungible tokens (NFTs) bursting onto the scene in the collectibles industry, it only makes sense that Marvel Entertainment would leverage the technology to tokenize its comic books and make big green that would put the Hulk to shame.
- Sticking with the theme of NFTs as collectibles and picking up on last week's *Spotlight*, Jay-Z adds insult to injury, putting his album, "Reasonable Doubt" up for bidding as an NFT at Sotheby's – just days after his estranged business partner Damon Dash was hit with a lawsuit for seeking to do pretty much the same. It truly is a "Hard Knock Life."

Thanks for stopping by, and enjoy your Fourth of July!

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## **Endorsement Deals, Sponsorships & Investments**

### **Team USA's Female Athletes Will Wear Kim Kardashian's Skims at the Olympics**

*June 29, 2021 via Sportico – Business*

Kim Kardashian is lending a hand to Team USA for this year's summer Olympics in Tokyo. It was announced today that the reality star's brand Skims has entered a licensing deal with Team USA, which includes a limited-edition collection of undergarments, sleepwear and loungewear designed for U.S. Olympic and Paralympic female athletes.

### **A Few Tennis Pros Make a Fortune. Most Barely Scrape By**

*June 29, 2021 via New York Times - Most Recent (subscription may be required)*

On Halloween night 2019, the Canadian tennis player Vasek Pospisil faced Chris O'Connell, an Australian, in a third-round match at the Charlottesville Men's Pro Challenger in Virginia. The event was part of the A.T.P. Challenger Tour, a rung below the main circuit in men's tennis. The match had a minor-league vibe: There were maybe a dozen spectators, and one of them was Pospisil's coach.

### **Kanye West Is Suing Walmart Over 'Virtually Indistinguishable' Knockoffs of His Foam Yeezy Shoes**

*June 25, 2021 via Business Insider*

Kanye West sued Walmart on Thursday (June 24), accusing the retail giant of selling knockoffs of his Yeezy Foam Runners. The billionaire's lawsuit alleged that Walmart has been profiting from his name by selling foam sliders that look "virtually indistinguishable" from his Yeezy Foam Runners.

### **Why Andy Murray is Eyeing a Life in Business After Tennis Career**

*June 25, 2021 via City AM – News*

Sportswear entrepreneur Tom Beahon can remember one of his first meetings with Andy

Murray, at the 2019 Australian Open. “Andy was in his hotel room, watching a Djokovic match, making notes on which side of the service box Novak was serving to just in case he played him in that tournament,” recalls Beahon, whose company, Castore, has a partnership with Murray.

**Jordan Brand Leads Nike Resurgence in Sales and Shares**

*June 24, 2021 via Sportico – Business*

Nike’s fourth-quarter sales were almost double those of a year ago as the company reported its fiscal 2021 earnings to Wall Street this afternoon. Revenue in the fourth quarter, ending May 31, was up 96% to \$12.3 billion, helping the athletic goods maker post a 19% year-over-year sales gain to \$44.5 billion.

**Record Venture Funding Spawns New Sports Sponsorship Investment**

*June 23, 2021 via Sportico – Business*

Ernst & Young recently determined venture-backed U.S. companies raised \$64 billion in Q1 2021. The record-setting quarter comes on the heels of a record year in 2020 (despite the pandemic) and three straight years of at least \$100 billion in venture funding. The flood of investment capital pouring into startups has—and should continue to be—a boon to the sports sponsorship business.

**Celebrities Need to Be More Honest About Their Beauty Routines If They're Going to Sell Skin-Care Products**

*June 28, 2021 via Business Insider - Australia (businessinsider.com.au)*

Celebrities often cite their namesake beauty products as the secrets to their glowing skin. But they often don't mention the role of healthy food, top doctors, and expensive beauty treatments. As a result, celebrities might be negatively affecting consumers with their skin-care brands.

**Film & TV**

**Writer-Producers Bridget Kyle & Vicky Luu Ink Overall Deal With Universal Television**

*June 29, 2021 via Deadline - Hollywood Breaking News*

Writer-producers Bridget Kyle and Vicky Luu are staying in business with Universal Television. The duo have signed a two-year deal at UTV, a division of Universal Studio Group, to develop and produce projects for a multiple television platforms.

**Wapanatahk Media Announces Development Deal With the Amazing Race Canada Winners, Anthony Jonson and Dr. James Makokis**

*June 24, 2021 via Anishinabek News*

Wapanatahk Media, founded and led by Indigenous producers Tania Koenig-Gauchier and

Shirley Mclean, in partnership with Great Pacific Media, is excited to announce a development deal with Anthony Johnson and Dr. James Makokis, Season 7 winners of The Amazing Race Canada.

**Emerging Star Pop Provocateur Ikill Orion Signs TV Show Development Deal With OpenGate Entertainment (Exclusive)**

*June 23, 2021 via MENAFN - Top Stories(MENAFN - PR Newswire)*

Internationally acclaimed artist and global brand Ikill Orion has partnered with OpenGate Entertainment on the development of his Reality Lifestyle series "Provocouture TV."

**Adventure Documentary 'Savage Waters' Boarded By Abacus Media Rights – Cannes**

*June 23, 2021 via Deadline - Hollywood Breaking News*

Abacus Media Rights has boarded international distribution on Savage Waters, the feature documentary about a mission to find and surf a spectacular big wave in the Atlantic Ocean.

**Peacock Is Finally Coming to Amazon Fire TV**

*June 23, 2021 via Business Google News*

Almost a year after NBCUniversal launched Peacock nationwide, the streaming service is finally coming to Amazon's Fire TV set-tops and Fire tablets. Under an agreement between NBCU and Amazon, Peacock will launch on the Amazon devices in the U.S. starting Thursday, June 24.

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**Music Biz**

**11 More House Republicans Come Out Against A Proposed Radio Royalty**

*June 28, 2021 via Inside Radio – News*

The introduction last week of a bill that would give artists and music companies a way to collect performance royalties for FM/AM airplay makes the addition of more House member names to a resolution opposing such a move more critical to broadcasters. 11 lawmakers – all Republicans – say they will oppose any potential legislation that imposes new performance royalties on broadcast radio stations. It brings the tally to 149 in the House where 218 is the key number to block any bill from being passed.

**NLE Choppa Sued by Atlanta Rapper Kilo Ali for Alleged Copyright Infringement**

*June 28, 2021 via Music Business Worldwide*

American rap star NLE Choppa (real name Bryson Potts) has been sued for copyright infringement over his track Make Em Say, released in August 2020 and taken from his album Top Shotta.

**American Music Fairness Act Latest Legislative Push to Reverse Radio Royalty Exemption**

*June 25, 2021 via RAIN News*

A proposed bill called the American Music Fairness Act was introduced yesterday (June 24) in a public spectacle attended by Dionne Warwick and other music celebrities. The legislation is fronted by congressional reps Ted Deutch (D-FL) and Darrell Issa (R-CA). The Argument At issue — long standing issue — is the exemption from performance royalties for the use of recordings enjoyed by the American radio broadcast industry.

**How East Goes Global’s NFT Partnership Is Empowering Artists**

*June 25, 2021 via Forbes – Business (subscription may be required)*

Non-fungible tokens (NFTs) are shaking up the music industry, and stars like Eminem, Steve Aoki and Shawn Mendes have already jumped at the chance to influence how artwork, music and other assets are valued.

**Jay-Z to Auction ‘Reasonable Doubt’ NFT at Sotheby's**

*June 25, 2021 via Yahoo Finance - Top Stories*

Jay-Z is selling a non-fungible token (NFT) based on the album cover of his debut album, “Reasonable Doubt.” The NFT will be sold by Sotheby's in a special single-lot auction that opens today and runs through July 2.

**Non-Fungible Tokens (NFTs)**

**Jay-Z and Jack Dorsey Plan on Adding NFTs and Smart Contracts to Their Tidal Music-Streaming App to Improve Artists' Pay**

*June 29, 2021 via Business Insider*

Rapper Jay-Z and Twitter CEO Jack Dorsey, who co-own the Tidal music streaming platform, have signaled they may add non-fungible tokens and smart contracts to their app.

**NFTs Offer Tantalizing Gains To Investors, But Their Murky Legal Status Adds Complications**

*June 29, 2021 via Forbes - Top Stories (subscription may be required)*

NFTs have become the newest growth vertical in crypto. Through a unique set of characteristics, each NFT provides new ways for investors to acquire and store digital wealth and value. However, their novel nature adds additional complications to the already murky legal status of more traditional crypto assets.

**The Rise of NFT Into An Emerging Digital Asset Class**

*June 29, 2021 via Entrepreneur.com Latest Articles*

Heading into the third quarter of the year, you’ve probably come across NFTs. The NFT space has taken the world by storm as it emerges as a new digital asset class after receiving

paramount support from various industries, especially the digital art industry.

#### **How Nonfungible Tokens Are Unlocking A New Digital Economy**

*June 29, 2021 via Forbes – Innovation (subscription may be required)*

While 2020 was a big year for decentralized finance, the NFT industry has also exploded over the past few months. With massive amounts of investment flowing into the industry, it grew 17 percent in 2019 and is forecast to grow 50 percent by the end of 2020. At the beginning of December 2020, the top five players in the NFT sector had seen over [\\$1.2 million in volume](#) over the past seven days.

#### **Marvel Entertainment to Launch NFTs – Fans Can Soon Hunt for Rare NFT Comic Books**

*June 25, 2021 via Bitcoin.com*

Marvel Entertainment has announced the company is stepping into the realm of NFTs. The wholly-owned subsidiary of The Walt Disney Company and the popular comic book creator explains that Marvel fans will be able to buy “official Marvel NFT digital collectibles, digital comic books and more.”

#### **More Than A Trend: Entering The Metaverse Will Become A Necessity For Brands**

*June 24, 2021 via Forbes – Business (subscription may be required)*

In May of this year, one of the biggest events in the crypto and blockchain world, Consensus 2021, debuted “Long the Metaverse,” a VR exhibition featuring dozens of crypto artists at the heart of a financial movement.

### **Right of Publicity**

#### **NCAA approves interim NIL policy for college athletes**

*June 30, 2021 via The Athletic*

College athletes will now be able to make money from endorsements and sponsorships while retaining eligibility. The Division I Board of Directors approved an interim name, image and likeness (NIL) policy at its meeting on Wednesday (June 30), paving the way for athlete NIL compensation starting on Thursday (July 1).

#### **NCAA Athletes Would Get Image Rights Under Proposed Change**

*June 28, 2021 via Bloomberg Law - News Top Stories (subscription may be required)*

The NCAA moved a step closer to eliminating its red-line ban against student athletes exploiting their publicity rights, while keeping pay-for-play and recruitment inducement prohibitions in place. The college sports governing body issued a press release Monday saying its Division I Council recommended suspension of amateurism rules related to name, image, and likeness.

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### **NCAA to Face More Collusion Claims in Wake of Alston NIL Defeats**

*June 28, 2021 via Sportico – Law*

Last week was perhaps the most transformative week in college sports law in decades, if not ever. You might not be aware of one reason why. Last Thursday, U.S. District Judge Claudia Wilken mostly denied NCAA and Power 5 conferences' motions to dismiss two lawsuits brought against them by two current players and one former one.

### **UCLA Stars Trying to Tap Hollywood, Social Media and Their Talent for NIL Payday**

*June 28, 2021 via Los Angeles Times- Sports New*

Like he does when he skirts the sideline on one of his long runs, Dorian Thompson-Robinson must step carefully when it comes to his lifestyle clothing brand. He cannot use his high-profile status as UCLA's starting quarterback to promote the line of "FriendsOverFans" sweatshirts, hats and other apparel that has generated more than \$10,000 in merchandise sales since the end of March.

### **NCAA to Ban Performance Based NIL Deals in Revised Guidance**

*June 26, 2021 via Sportico – Law*

A system where schools decide their own name, image and likeness rules could prove welcome news for athletes and the various companies that seek to do business with them — so long as that compensation isn't performance-based, the NCAA says in its latest NIL guidance.

### **College Athletes Are Ready to Reap the Rewards of the Billion-Dollar NIL Market. Opendorse Is Here To Help.**

*June 24, 2021 via Forbes – Business (subscription may be required)*

When Blake Lawrence cofounded athlete marketing platform Opendorse in 2012, the idea of college athletes turning a profit on sponsorships and endorsements was a pipe dream, outlawed by the NCAA. But Lawrence could see the opportunity—and now, with laws allowing college athletes to profit from their name, image and likeness for the first time set to take effect in seven states on July 1, his faith is about to be rewarded.

### **Kentucky Gov. Issues Executive Order to Allow College Athletes to Earn Off Likeness**

*June 24, 2021 via Oklahoma City News*

Kentucky Gov. Andy Beshear signed an executive order Thursday (June 24) allowing the state's college athletes — including players on the nationally renowned Kentucky and Louisville men's basketball teams — to make money through the use of their name, image or likeness.

### **NCAA to Let Schools and States Set Athlete NIL Pay Rules Amid 'Guidance'**

*June 23, 2021 via Sportico – Law*

The NCAA has thrown up its hands at the challenges of paying its athletes and will leave the issue to individual schools. The organization, according to reports, is pursuing a new plan with a week to go before name, image and likeness statutes going into effect in six states, and a full

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11 years and 11 months from the day former UCLA basketball star Ed O'Bannon sued the NCAA over the illegal use of his likeness in college basketball video games.

### **Consumers File Amended Complaint in Consolidated Clearview AI Privacy Litigation**

*June 28, 2021 via Law Street Media*

A first amended complaint was filed in the Northern District of Illinois on Friday against Clearview AI, Inc., Rocky Mountain Data Analytics LLC and Macy's Inc. by numerous American citizens. This comes after Clearview allegedly took billions of photographs and uploaded it to their biometric database without the plaintiffs' consent.

### **SiriusXM Beats Comedian's Suit Over Old 'Howard Stern Show' Bits**

*June 25, 2021 via Bloomberg Law - News Top Stories (subscription may be required)*

"Stuttering John" Melendez's claim that SiriusXM Radio Inc. violated his right of publicity under California law by using outtakes from his old bits on "The Howard Stern Show" to promote rebroadcasts is preempted by the Copyright Act, a federal court in Manhattan.

### **Here's Why Celine Dion Could Sue the Las Vegas Golden Knights - But Won't**

*June 24, 2021 via Forbes – Business (subscription may be required)*

The law can move mountains and this is one such case. Looking to have fun with rival Montreal Canadiens fans, the Las Vegas Golden Knights posted this photo of Quebec-born Celine Dion on the T-Mobile Arena jumbotron ahead of Game 5 of the Stanley Cup semifinal's against the Canadiens: Dion confirmed via her Twitter account that she never gave the Knights permission to use her likeness (in case you don't read French, I'm from Montreal and speak French so you can trust me when I tell you that's what it says).