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Sports & Entertainment Beat

Sports & Entertainment Spotlight: Intellectual Property Rights in the Crosshairs as Lawsuits Involving Disney and Facebook Surface

10.01.21

- *What will the "Endgame" be for the lawsuit between Walt Disney Company and former Marvel comic book creators? In the spring of this year, a host of famed artists and illustrators of Marvel characters such as Iron Man, Spider-Man, Doctor Strange, Ant-Man, Hawkeye, Black Widow, Falcon and Thor, has filed notices of copyright termination citing a provision of copyright law that grants full rights back to the authors of the work after a set period of time. Disney, who owns Marvel Entertainment, responded with a defense of "made-for-hire" workers and lawsuits seeking to invalidate the notices. So, could Disney potentially lose full ownership of the characters?*

- *Does Section 230 of the Communication Decency Act protect social media sites such as Facebook from liability over misuse of user content? Maybe not so in the case of Karen Hepp vs. Facebook, which involves an unauthorized use of a Philadelphia Fox 29 co-anchor Karen Hepp's photo on Facebook's dating site. The U.S. Court of Appeals for the Third Circuit Court revived the case, ruling that Section 230 does not shield Facebook from intellectual-property related claims, such as right of publicity.*

- *In a memorandum issued on Wednesday to the National Labor Relations Board (NLRB) regional directors and officials, NLRB General Counsel Jennifer Abruzzo expressed her view that college athletes have statutory rights similar to employee rights recognized under the NLRB. Although this isn't officially converting college athletes into employees of their schools, is this a sign of things to come?*

Endorsement Deals, Sponsorships & Investments

Richard Branson, Who Never Liked Cruising, Looks to Disrupt the Industry With Virgin Voyages
September 29, 2021 via CNBC
From Virgin Atlantic in the skies to Virgin Galactic in space, Richard Branson has now set his sights on the high seas. The business tycoon who started Virgin Group, the company behind dozens of Virgin-branded ventures, is looking to disrupt the $100 billion cruise industry - at a time when the major established operators are still figuring out how to manage Covid.

Bojangles Keeps Marketing Focus on College Sports, NASCAR - But With a Twist
September 28, 2021 via Biz Journal – Media & Marketing

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Bojangles is putting a slight twist on two of its sports marketing mainstays: college football and NASCAR. In recent months, the Charlotte-based fast-food company has signed 70 college athletes - many of them are football and men's basketball players - to promote the company's tailgate-friendly chicken and biscuits menu.

Creative Artists Agency to Acquire ICM Partners

September 27, 2021 via Business Wire – Communications News

Leading entertainment and sports agency Creative Artists Agency (CAA) announced today (September 27) the execution of a definitive agreement to acquire ICM Partners (ICM), one of the world's premier entertainment and sports agencies, to drive broader and more inclusive representation as their clients, their work, and their brands shape culture.

Kyline Alcantara Takes on a New and Exciting Journey of Being the Newest Face of Ever Bilena!

September 25, 2021 via Lemon Green Tea

A multi-talented star who's up for any role life throws at her, Kyline Alcantara takes on a new and exciting journey of being the newest face of Ever Bilena! Charming, beautiful, and hardworking, Kyline represents the ideal Ever Bilena woman.

Federer-Backed Laver Cup Brings in Sponsors Despite Missing Stars on Court

September 24, 2021 via Sportico Business (subscription may be required)

The Laver Cup, Roger Federer's latest contribution to tennis, is enjoying much of the same sponsorship success as the man who founded it. Named after the Australian tennis legend Rod Laver, the only tennis player to win the calendar-year Grand Slam twice, the tournament was created by Federer and his agent Tony Godsick, the president and CEO of TEAM8, back in 2017. This Davis Cup-meets-Ryder Cup event has quickly gained both fan and brand interest.

Excel Sign Tom Leese From Hashtag United for a Transfer Fee in FIFA Esports First

September 24, 2021 via Mirror

Excel Esports have completed the signing of Tom Leese from Hashtag United, who becomes the first-ever professional FIFA player to command a significant transfer fee. Leese has been ranked as the number one ranked professional FIFA player in the world for the past two years.

New Team! Michael Smith Signs on for 30 Mountain Mike's

September 23, 2021 via Franchising – News & Announcements

Michael Smith, the former NBA and European professional basketball player and later television commentator, is now a multi-unit franchisee for Mountain Mike's Pizza. He made news earlier this year when he signed a 30-unit development agreement with the brand.

First Arab-American Female NASCAR Racer Paves Way for Next Generation of Women Drivers, Lands Major Sponsor

September 23, 2021 via Forbes – Leadership

Earlier this year, Toni Breidinger became the first Arab-American female race car driver to join the NASCAR

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family, at only 22. In July, Triller, an AI-powered social media company, announced its partnership with Breidinger, adding to her growing list of sponsors.

Why South Korean Food Company Bibigo Just Signed a $100 Million Deal With the Lakers
September 22, 2021 via Mashed
According to the Los Angeles Times, the Lakers announced that Bibigo signed a five-year sponsorship contract worth $100 million with the basketball team, and the brand's name now appears on team jerseys. The sponsorship marks a major moment for the team - this is the first international partnership in Lakers' history, and the team now plans to promote Bibigo in courtside advertisements, on social media and through virtual fan campaigns.

Celebrity Endorsement Weighs Heavily for U.S. Crypto Investors - Survey
September 22, 2021 via Crypto News
Crypto owners differ from other investors in how they gather information about potential investments, a survey conducted by the business intelligence firm Morning Consult has revealed. In particular, celebrity endorsement of cryptoassets appears to weigh heavily when crypto holders make their investment decisions.

Jaiden Fields Won't be Paying Extra for Guac. UGA Softball Player Signs Deal With Chipotle
September 22, 2021 via Online Athens
Georgia softball's Jaiden Fields has struck a deal with a fast-casual chain to become one of its first "college athlete ambassadors." The outfielder has a name, image and likeness deal with Chipotle Mexican Grill as part of its "Real Food for Real Athletes," campaign.

Film & TV

Thanos Snap: Could Disney Lose Avengers? What Investors Should Know About Comic Book Lawsuit
September 28, 2021 via Benzinga
Lawsuits between Marvel comic book creators and Disney could change the outlook of the superhero movie universe. The family of Stan Ditko filed a notice of termination of Spider-Man, a character that first appeared in comic books in 1962.

Entertainment Company "Hunt a Killer" Joins Forces With Agatha Christie Limited on Immersive Whodunit
September 28, 2021 via Ellensburg Daily Record – News
Today (September 28), Hunt A Killer, the leading immersive entertainment company and purveyor of exquisite mystery stories and games, announced their new partnership with Agatha Christie Limited, who manage the literary and media rights to the Queen of Mystery's works around the world.

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Walmart Collaborates With Rachael Ray on Livestream Shopping Event

September 28, 2021 via Pymnts

Walmart is once again dipping its toes into the social commerce waters, hosting a shoppable livestream event on Facebook this week with TV personality Rachael Ray to promote the celebrity cook and author's line of dog food and other products.

Sony Music Publishing's Visual + Media Rights Unveils Major Upgrades to SCORE Portal

September 27, 2021 via Yahoo Finance – Top Stories

Sony Music Publishing's newly rebranded Visual + Media Rights division (formerly known as Broadcast & Media Rights) today (September 27) announced a series of major enhancements to the company's copyright and royalty portal SCORE to bring state-of-the-art service, insight and transparency to its songwriters, composers and film and television studio clients.

'These Are Really Hard Calls': Comcast CEO Brian Roberts Talks Media Rights Deals With NFL, Premier League

September 24, 2021 via Biz Journal - Sports (subscription may be required)

Comcast Corp. has been scaling its sports and entertainment offerings, but CEO Brian Roberts said the company has had to "pick and choose" which opportunities to go after to balance the cost of sports broadcast rights with the value they bring.

Music Biz

Lil Peep's Mom Says His Record Label Owes Her $4 Million

September 29, 2021 via Greenwich Time

Lil Peep's mother Liza Womack claims her late son's music label is refusing to pay a whopping $4 million owed to his estate - and that it's all part of a "transparent" attempt to stymie her wrongful death and business lawsuit against the company and its top boss. The label, First Access Entertainment, disputed the allegation at a court hearing Tuesday, saying the emo rapper's mom is the one to blame for any delay.

Celebrity Podcasts Fueling Rise of Music Streaming Subscriptions in Australia

September 27, 2021 via The Music Network

The total number of audio streaming subscriptions in Australia reached 13.5 million at the end of June 2021 - up 13 percent from a year ago. According to technology analyst firm Telsyte about a quarter signed on to listen to "celebrity" podcasts and broadcasts.

ASCAP – American Society of Composers Authors and Publishers ASCAP Expands Royalty Premium Payment Plan for Music in Top Streamed Shows on Online Streaming Services

September 23, 2021 via Public Now – Public Announcements – Top Stories

As more and more consumers subscribe to online, direct-to-consumer audio-visual platforms, ASCAP is immediately expanding its existing TV Premium payment plan to include eligibility for top streamed shows

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on major “over-the-top” (OTT) streaming services.

Non-Fungible Tokens (NFTs)

NFT Platform Dapper Labs Tackles New Sport With NFL Partnership
September 29, 2021 via Bloomberg - News (subscription may be required)
Dapper Labs Inc., the creator of the highly popular NBA Top Shot platform for NFTs, is tackling a new sport: Football. The company and the National Football League, as well as its players association, on Wednesday (September 29) announced a partnership to create non-fungible tokens of digital-video highlights from games.

A 27-Year-Old Bohemian Prince Jumps Into NFTs
September 29, 2021 via Bloomberg - News (subscription may be required)
A 600-year-old Bohemian noble family is embracing the latest craze sweeping the crypto and art worlds, hoping that NFTs will help pay for the restoration of its artwork collection and an ancestral castle.

Axis Technologies Group, Inc. Announces Upcoming Launch of NFT Entertainment Channel, NFTtoday.tv and NFT Documentary Titled “NFT Revolution”
September 27, 2021 via MarketWatch – All Company Press Releases News & Commentary
AXIS TECHNOLOGIES GROUP, INC. (OTC: AXTG) (“AXTG” or the “Company”), a holding company that promotes decentralized finance businesses, and supports the development of blockchain and decentralized finance (DeFi) projects, is proud to announce the upcoming launch of NFTtoday.tv, a channel dedicated for NFT entertainment with game tutorials, resources, reviews, movies, music videos and all forms of media that pertain to NFTs, DeFi, digital assets and the overall cryptocurrency space.

Nolan Bushnell, the Man Behind Atari and Chuck E. Cheese, Is Releasing an NFT
September 27, 2021 via Bloomberg - News (subscription may be required)
For the so-called father of the video game industry, perhaps it was only a matter of time. On a recent afternoon in Los Angeles, Nolan Bushnell, co-founder of Atari and, perhaps importantly, the man who brought the world Chuck E. Cheese restaurants, is set to soon release a new NFT.

Right of Publicity

College Athletes Are Employees, NLRB Counsel Says
September 29, 2021 via Sportico Law (subscription may be required)
In a memorandum to National Labor Relations Board regional directors and other agency officials on Wednesday, NLRB general counsel Jennifer Abruzzo announced her view that college athletes have

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statutory rights consistent with employee recognition under the National Labor Relations Act. While not of itself a change in law that allows athletes to be paid wages for playing sports in college, the memo is another step on the road of treating college athletes as actual laborers and not mere amateur students.

Handbag Co. Beats TM Suit From Estate of Kerouac's First Wife

September 28, 2021 via Law360 – Retail & E-commerce (subscription may be required)

A Michigan federal judge has tossed a lawsuit claiming Edie Parker LLC wrongly used the name of Frankie Edith Kerouac Parker - the first wife of writer Jack Kerouac - without permission, finding the handbag company's trademarks torpedoed the case.

Facebook Ruling Splits Courts Over Liability Shield Limits for IP

September 28, 2021 via Bloomberg Law – News Top Stories (subscription may be required)

A Third Circuit ruling reviving a right of publicity lawsuit against Facebook Inc. raises fundamental questions about a federal liability shield for social media platforms.

Disney Dodges Evel Knievel Trademark Suit Over 'Toy Story 4' Character

September 27, 2021 via Courthouse News

A stuntman character from the 2019 animated film "Toy Story 4" did not infringe on the trademarks of daredevil Evel Knievel, a Nevada federal court ruled. K&K Productions, the company of Knievel's son, sued Disney claiming the character Duke Caboom violated their intellectual property and publicity rights to the daredevil stunt performer who rose to prominence in the 1960s, 70s and 80s.

The Conversation | Colleges Must Choose Whether to Let Athletes Wear School Gear for Paid Promotions

September 26, 2021 via News-Gazette

Since the NCAA permitted college athletes to monetize their own name, image and likeness - often abbreviated as "NIL" - athletic departments have been trying to craft policies to govern the practice. While many schools were reluctant to allow athletes access to university logos, other schools have been permissive in creating policies that allow easier access to school intellectual property.

Philly News Anchor Overcomes Tech Industry's Favorite Legal Shield in Appellate Twist

September 24, 2021 via News Break – Top Stories

For the last few years, Section 230 of the Communications Decency Act has saved social media sites like Facebook and YouTube from facing most legal claims over user content. On Thursday, however, a TV journalist in Philadelphia scored a significant legal victory that will allow her to blow past Section 230 and take on Facebook in a lawsuit over the misappropriation of her right of publicity.

Athliance, Leading NCAA NIL Compliance & Protection Software, Launches "PlayItSafe" Brand Consulting Service

September 23, 2021 via Business Wire – Communications News

Athliance, a premier Sports Management and NCAA Software company launches, 'PlayItSafe,' a Name Image Likeness (NIL) compliance consulting service to assist brands, group media buying agencies and

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social media marketers in navigating the complex federal, state, and university/college regulations in this burgeoning arena.

Posted in Sports & Entertainment Spotlight

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