

Sports & Entertainment Spotlight: Risks of NIL Pitfalls Prove Greater Than 'NIL'

07.15.21 01.07.26

Just two weeks into the name, image, and likeness (NIL) era in college sports, and we are already starting to see not only novel and creative partnerships, but also the emergence of legal gray areas and pitfalls for college athletes. This was, of course, to be expected with the NCAA acting with last minute haste (rather than methodical planning) coupled with the euphoria of athletes who could *finally* make endorsement money without losing NCAA eligibility. Under those circumstances, nuance is out the window - until it isn't. Case in point: [the rise of Barstool Athletes](#), the fledgling collegiate athlete marketing arm of digital media giant, Barstool Sports. On its face, Barstool Athletes offers a straightforward, merchandising- and social media-driven formula for athletes to market themselves to fans. However, in the rush to capitalize on this opportunity, student-athletes of schools in states that prohibited NIL deals with traditionally vice-oriented businesses, overlooked that Barstool could be construed as a company in the gambling business. Indeed, Barstool operates a sportsbook and was acquired by Penn National Gaming in early 2020. Now some of those who leapt before they looked could be [risking their eligibility](#), after all. Above all, until there is more uniformity and/or stronger guidance across the country, student-athletes are safest clearing deal with their schools' compliance departments.

From reference to vices, I shift to celebrating your virtue as you patiently waited for this week's installment of the *Spotlight*. So let's get to it:

- Cannabis company (OK, back to vice), Solar Therapeutics, found itself in a "sticky" situation as it was sued by Sacha Baron Cohen for an unauthorized use of his likeness (in the form of Cohen's mockumentary character, Borat Sagdiyev) on a billboard. Cohen, for his part, asserts that he objects to the association because he has never used cannabis..."Ali G" on the other hand...?

- NFT startup Notables has its share of notables in its corner - namely, the biggest Hollywood talent agencies - giving the platform a potential leg-up on the competition given their ability to funnel A-list athletes and entertainers into the space. But what would *really* be notable is if my agent returned my calls.
- Each time you hop on your Peloton bike, you could be padding your favorite artists' royalty statements at a faster clip than you do on a traditional digital music streaming platform. Incidentally, streaming also describes my sweat and tears on a Peloton bike.

As a friendly reminder, if there are topics you'd like to see featured, please feel free to contact me at josh.bloomgarden@foster.com.

Endorsement Deals, Sponsorships & Investments

Celebrity Personal Trainer Jono Castano Bizarrely Admits He's Never Used the Teeth Aligning Products He's Endorsing - Despite Being An Ambassador For The Brand

July 10, 2021 via This is Money – Top Stories

Jono Castano has candidly admitted he doesn't use a teeth aligning product he's endorsing – despite being an ambassador for the brand.

'Black Widow' Star Scarlett Johansson's Net Worth Revealed

July 9, 2021 via Inquisitr

Scarlett Johansson has been at the top of her game as an actress for the past several years. So, it's no surprise that the 36-year-old has a stunning net worth.

Saquon Barkley Joins X2 Energy Drink's \$16 Million Series D Raise

July 7, 2021 via Sportico - Business (subscription may be required)

Giants running back Saquon Barkley has joined Bucs linebacker Lavonte David and the NBA's Kawhi Leonard as an investor in X2 Performance, the makers of non-carbonated energy drinks.

Drew Brees Signs With PointsBet as NBC Equity Ties Overlap

July 7, 2021 via Sportico - Business (subscription may be required)

Recently-retired NFL quarterback Drew Brees is partnering with PointsBet as he begins his off-the-field career. The exclusive, multi-year agreement between the two parties includes an undisclosed equity stake and a cash component for the former Saints quarterback, who will serve as a brand ambassador for the global gambling operator.

Kim Kardashian Unveils Kate Moss as SKIMS Ambassador

July 13, 2021 via Mail Online

Kate Moss is the new face of Kim Kardashian's SKIMS underwear collection.

Sydney McLaughlin's Net Worth Might Surprise You

July 9, 2021 via The List

At just 21, Olympic athlete Sydney McLaughlin has amassed a large fortune from her talents and skill.

What is FTX? How Is Tom Brady Involved in the Crypto Firm's Big Push Into Sports?

July 9, 2021 via Sportskeeda

Tom Brady is the latest sports icon to sign a sponsorship deal with crypto company FTX. The Tampa Bay Buccaneers star and his wife, Brazilian supermodel Gisele Bundchen, inked an endorsement deal with crypto exchange FTX, which will see them receive equity in the company.

Film & TV

Netflix's Deal With Amblin Shows They Are Continuing to Focus on Oscar-Contending Content

July 13, 2021 via Programming Insider

Netflix has been producing some quality content over the years, and they have even managed to grab some wins and plenty of nominations with 2018's Roma. Their new deal with Amblin shows that they are determined to continue to push for Oscar-worthy content.

Netflix and Universal Extend Animated Film License Deal

July 13, 2021 via The Futon Critic

Netflix and Universal Filmed Entertainment Group (UFEG) announced on July 13 a multi-year, exclusive licensing deal in the United States for animated feature films.

Obamas Teaming Up With Netflix for Film, TV Projects Again

July 13, 2021 via WION

The Obamas' Higher Ground and Fatherhood producers have teamed up with Netflix again for a new project. The two companies are developing 'Blackout', a film and TV 'event' that is being adapted from six different love stories, each written by a different writer.

Jennifer Lopez, Skydance & Concord Team to Adapt IP From Legendary Musical Catalog

July 12, 2021 via Deadline – Hollywood Breaking News

Jennifer Lopez and her Nuyorican Productions are collaborating with Skydance and Concord to develop a slate of original projects based on Concord's catalog of musicals, which includes the works of Broadway icons Rodgers & Hammerstein.

Racing TV Secures Media Rights Renewals With British Racecourses

July 9, 2021 via Sports Pro Media - News

Racecourse Media Group (RMG), which operates Racing TV, announced the extended deal on July 8, in a move confirming showpiece meetings such as Aintree's Randox Grand National, the Cheltenham Festival, the Cazoo Derby at Epsom, Goodwood's Qatar Sussex Stakes and York's Juddmonte International will all

remain in the channel's portfolio.

Shonda Rhimes Extends Her Massive Deal With Netflix to Include Feature Films Along With Gaming and VR Content Plus Live Events

July 9, 2021 via Mail Online

Shondaland is getting bigger at Netflix, with the streaming service expanding the massive deal Shonda Rhimes first signed in August 2017.

50 Cent Creates New Hip-Hop Competition Series For ABC, Pushes More TV & Film Projects Forward

July 8, 2021 via VIBE

In his latest move as a multimedia mogul, 50 Cent is currently working on Unrapped, a hip-hop competition series that's in development at ABC network under the G-Unit Film & Television umbrella.

NBCUniversal's Plans For The Tokyo Olympics

July 7, 2021 via Forbes - Business (subscription may be required)

After an unprecedented one-year postponement the Opening Ceremonies of the Summer Olympics is scheduled for July 23 and Closing Ceremonies on August 8. Tokyo, which became the first Asian city to host the Summer Games in 1964, will play host for a second time.

Kevin Feige and 'Black Widow' Team on Straddling Marvel's Past and Future

July 7, 2021 via Business Google News

The studio boss looks at Scarlett Johansson's prequel and reveals the days of the Samuel L. Jackson-style, nine-picture deals are behind it.

Peacock Inks Multi-Year, Accelerated Pay-One Licensing Deal With Universal Filmed Entertainment Group

July 6, 2021 via The Futon Critic

The deal includes an accelerated window that will bring Universal, Focus Features, Illumination and DreamWorks Animation titles exclusively to Peacock no later than four months following their theatrical debuts.

Music Biz

Mid-Year Study Shows Recorded Music Having a Surge in 2021, Led by Olivia Rodrigo, Taylor Swift and, Yes, Morgan Wallen

July 13, 2021 via Variety

Any lingering impact that COVID-19 had on American life did nothing to slow music's six-year growth streak, as MRC Data's 2021 Mid-Year Report shows overall music consumption for the first six months up 13.5 percent over the same stretch of 2020.

The Triller v. TikTok Patent Infringement Lawsuit Is Coming to California

July 12, 2021 via Digital Music News

Back in late July of 2020, short-form video-sharing app Triller submitted a massive lawsuit to a Texas federal court, accusing TikTok and its ByteDance parent company of infringing upon U.S. Patent 9,691,429. Now, the presiding judge has officially approved the defendants' request to transfer the case to California.

Music Industry Moves: Chris Isaak Partners With Primary Wave and Sun Records; Warner Chappell Inks Deal With Cab Calloway Estate

July 8, 2021 via Variety

Singer-songwriter Chris Isaak has partnered with Primary Wave in a deal that sees the publishing company acquiring a 50 percent stake in his master recordings and signing with the legendary Sun Records for future recordings (which was recently acquired by Primary Wave).

Chris Brown Sued For Alleged Copyright Infringement by United Kingdom Music Publisher

July 7, 2021 via Music Business Worldwide

A United Kingdom-based music publishing company called Greensleeves Publishing Ltd, which also has a U.S.-based headquarters in New York, alleges that Brown ripped off a 1997 dancehall track called "Tight Up Skirt" to create his track.

Peloton Pays Musicians Way More than Spotify, But Not Because It Cares

July 13, 2021 via Input

Three cents per stream is nothing to sneer at, but Peloton isn't going to save the music industry. Peloton pays a substantial 3.1 cents per stream of music on its platform.

Non-Fungible Tokens (NFTs)

South American Soccer Cup "Copa America" Trophy to be Minted as an NFT

July 13, 2021 via Bitcoinist

2021's South American Soccer cup, "Copa America", winner's trophy will be minted as a Non-fungible Token.

Joe Bonamassa Stands to Forever Reshape the Music Industry With NFT of "One Song Record Company"

July 13, 2021 via Yahoo Finance – Top Stories

Blues rock hero Joe Bonamassa is partnering with Heritage Auction House to announce a game-changing NFT collection that stands to reshape the music industry forever by tokenizing the original master and publishing rights to a brand-new song titled "Broken Record."

NBA Top Shot Moments in Free Fall, But NFTs Far From Dead

July 13, 2021 via Sportico - Business (subscription may be required)

NBA Top Shot achieved mainstream recognition in the second half of the first quarter of 2021 helping to drive parent company Dapper Labs' valuation up to \$2.6 billion.

NFT Startup Venture Notables Draws CAA, UTA, WME as Advisors (EXCLUSIVE)

July 12 via Variety

Investment firm Forest Road Co. has enlisted Hollywood's largest talent agencies CAA, UTA and WME to help launch the NFT sales venture Notables. Notables is designed to serve as both a creator of NFTs and as an online sales platform for the "non-fungible tokens" offered up for auction as unique digital items often aimed at super-fans of a given sector or personality.

Social NFT Project Nifty's Raises \$10 Million, Partners With Entertainment Giant Warner Bros

July 12, 2021 via Bitcoin

The Miami-based Nifty's, Inc. announced the launch of the project's website which aims to reveal a non-fungible token social platform focused on gathering mainstream attention.

Are Blockchains Vulnerable, Slow And Unfair?

July 12, 2021 via Forbes – Top Stories (subscription may be required)

Cryptocurrency and non-fungible tokens have grown in popularity in 2021. Bitcoin, the leading cryptocurrency, has soared again in value and picked up mainstream institutional support, even amidst continued volatility. NFTs have become hot collector's items. The rising acceptance of cryptocurrency and NFTs makes this a good time to examine the blockchain technologies collectors rely on.

The Crypto World Is Getting Greener. Is It Too Little Too Late?

July 9, 2021 via Greenwich Time

Recent advancements in "proof-of-stake" blockchain networks, carbon offsetting, alternative energy and more will lead to an environmentally friendlier future for NFTs, experts say.

Anthony Hopkins Will Star in NFT-Based Tech Thriller

July 7, 2021 via Crypto Briefing

Anthony Hopkins will star in a film called "Zero Contact," which will be distributed as a blockchain-based NFT.

Superplastic's 'Synthetic Celebrities' Janky And Guggimon Join NFT Push With Christie's Help

July 7, 2021 via Forbes - Business (subscription may be required)

The hapless digital duo of Janky and Guggimon, "synthetic celebrities" and virtual artists that already are social-media stars with an animated movie on the way, will be a key part of a big NFT-based art drop through venerable auction house Christie's in New York.

Right of Publicity

Sacha Baron Cohen Sues Cannabis Company Over 'Borat' Billboard

July 13, 2021 via Reuters – Top Stories

Actor Sacha Baron Cohen has sued Somerset, Massachusetts, cannabis company Solar Therapeutics in Boston federal court for allegedly using an image of his “Borat” character on a Massachusetts billboard without his permission.

These Twin Sisters are College Basketball Stars and Have 3 Million TikTok Followers. Now They're Cashing In

July 11, 2021 via Gwinnett Daily Post - News

Unless you are a huge fan of college hoops or a regular on TikTok, you may not be familiar with Haley and Hanna Cavinder. But they are ushering in a new era of college sports. The twin sisters, stars on Fresno State's women's basketball team, are arguably the leading faces of the [name, image and likeness \(NIL\) movement](#) that is now allowing top college athletes to earn money from their talents and fame.

College Athletes and Their Sponsors Face Tax Reality of NIL

July 9, 2021 via Sportico - Law (subscription may be required)

All of the athletes now earning compensation - whether through promotional deals or personal business endeavors, whether endorsing products or selling non-fungible tokens - will have to remember one thing: They'll need to file income taxes and, in some cases, turn over portions of their earnings to Uncle Sam and state treasuries.

A One-Billion-Dollar Market in Two Years: Brands Move Quickly After NIL Ruling

July 9, 2021 via Campaign Live - News

College athletes are finally getting their dues. And it's not just competitors in major sports who are cashing in via endorsement deals with brands. Throughout the NCAA's 115-year history, college athletes have had to sit on the sidelines and refrain from profiting from their name and celebrity due to their amateur status. Having anticipated the move, some brands were ready to act, generating media coverage for being among the first out of the gate to support the watershed change.

Posted in [Sports & Entertainment Spotlight](#)

Authored by

[Joshua A. Bloomgarden](#)

[Principal|New York](#)

[212.965.4529](tel:212.965.4529) josh.bloomgarden@foster.com