

Sports & Entertainment Spotlight

## **Sports & Entertainment Spotlight: What the Recent Senate Hearing Might Mean for a Federal NIL Law as State Laws Go Into Effect on July 1**

By Joshua Bloomgarden on 6.17.21 | Posted in Sports & Entertainment Spotlight

As we inch closer to the summer solstice here in the Northern Hemisphere (the first day of summer for those of you who were asleep in science class), the heat is not rising only on the thermometer, but also in the halls of Congress, where the push for federal name, image and likeness (NIL) legislation forges ahead of the July 1 “cliff” — when at least six of the states’ own NIL legislation (including the latest, and perhaps most significant entrant, Texas) will come into effect, and the world of collegiate athletics will be turned upside down.

With that backdrop, the Senate Commerce Committee recently convened for its second NIL hearing in as many weeks — this time, commendably giving current and former athletes, and the father of Jordan McNair (a University of Maryland football player who tragically died of heat stroke during a team practice in 2015) an opportunity to speak for themselves. Although there remains general bipartisan consensus on the need for NIL legislation, loftier — but no less important — aims of mandating the provision of health care and other benefits to collegiate athletes along with the NIL legislation, may spoil the brew in an oft-deadlocked Congress. Still, various states and universities including my alma mater (*ON, WISCONSIN!*), are preparing as if NIL rights are a foregone conclusion. Buckle up, folks, this situation looks like it will continue to develop over the next few days and come down to the wire.

In the meantime, to help pass the time, here are some of the other stories I am spotlighting this week:

- Those looking for a last minute Father’s Day gift (you can do much better than a necktie) may be shopping through an unlikely platform — Indeed, as the streaming wars rage on, Netflix is turning to consumer goods and live events (remember those?) as a way of tapping into new revenue.
- Music Management Company, Primary Wave, leveraged its holdings of the song catalog of the Father of Reggae, Bob Marley (amongst others) to attract significant investment from the latest titan financial firm to add music copyright assets to its portfolio. Fitting

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because Bob Marley might be the only artist that I would want to be listening to in order to “Feel Alright” about writing a \$375 million check.

- Blue Ivy Carter’s dad, Jay-Z, filed a lawsuit against the photographer for the cover of Jay-Z’s 1996 debut studio album, “Reasonable Doubt,” alleging that the photographer has been illegally profiting off of the use of Jay-Z’s name and likeness in prints and merchandise. Although you “Can’t Knock the Hustle” of the photographer, in spite of First Amendment defenses, he may have some “Regrets” about at least some of the works sold for “Dead Presidents.”

Thanks for reading! Catch you all (and hopefully some newcomers) next week! Until then, have a great Father’s Day to all the dads out there.

**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](mailto:josh.bloomgarden@foster.com).**

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### Endorsement Deals, Sponsorships & Investments

#### **Nike Super Spikes Are So Fast That Rivals Are Wearing Them**

*June 14, 2021 via Wall Street Journal - General (subscription may be required)*

Brands that pay elite athletes to endorse their shoes are granting them permission to wear a competitor’s product.

#### **Here Are The Cryptocurrencies These Celebs Have Invested In**

*June 11, 2021 via TheThings*

Cryptocurrencies are all the rage in 2021, and a number of celebrities have invested in them.

#### **The Funny Way Chris Pratt Is Using His Mother to Promote Amazon’s Tomorrow War**

*June 10, 2021 via CINEMABLEND*

Chris Pratt became the conductor of "The Tomorrow War" promo train. At times, the actor has appeared to be more hyped about the film than moviegoers. With this sci-fi film's release date only weeks away, the "Jurassic World: Dominion" star's promo run has gone into overdrive with a family twist. Pratt shared a funny endorsement using his mother to promote Amazon's "The Tomorrow War."

#### **15 Celebrities With Multi-Million Dollar Side Hustles**

*June 10, 2021 via TheRichest*

Celebrities are most often trained and skilled in one area of expertise. Whether it be singing, acting, or another form of talent, they skyrocket to fame as a direct result of their exceptional skill in one particular field. Many of them go on to accept high-paying endorsement deals, and

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get paid well to become the face of another brand. However, other celebrities have a knack for business and develop secondary businesses that are all their own.

### **Dak Prescott Is Reportedly Leaving Adidas for Jordan Brand**

*June 10, 2021 via Sportico - Business*

Dallas Cowboys quarterback Dak Prescott is reportedly making moves from Adidas, Footwear News reports. According to ESPN's Adam Schefter, the pro football player is leaving his longtime ties with the German sportswear brand to sign a major contract with Nike-owned Jordan Brand.

### **Mastercard Bets on Women's Rugby With Five-Year Global Partnership**

*June 9, 2021 via Sportico - Business*

Mastercard is getting behind the future of women's rugby. The financial services giant has inked an expansive five-year deal with World Rugby that includes becoming the founding global partner of the governing body's new Women in Rugby marketing campaign.

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## **Film & TV**

### **How International Motor Sports Association Races Are Becoming a Key Launchpad for New Consumer Auto Launches**

*June 14, 2021 via Forbes – Business (subscription may be required)*

The International Motor Sports Association (IMSA), the North American sports car racing sanctioning body, has grown in visibility due to the core fan base interest in sports cars, but also with the increased visibility through their network partnership with NBC Sports.

### **Netflix Has a Plan to Sell You Toys, T-Shirts and Concert Tickets**

*June 13, 2021 via Bloomberg - Top Stories*

Netflix Inc. has sold more than 200 million people a subscription to its streaming service. We're about to find out if it can sell them anything else. Just this week, the company announced a new online store, as well as plans for a comedy festival next year.

### **Memphis to Build Second Largest Black-owned Film Studio**

*June 11, 2021 via Local Memphis*

Plans are moving forward to build the country's second largest Black-owned film studio in Memphis.

### **Big Sky and ESPN Announce Multi-year Agreement**

*June 9, 2021 via AZ Daily Sun News*

The Big Sky Conference and ESPN announced a new multi-year, multi-platform media rights

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agreement, adding hundreds of Big Sky live events to ESPN's college sports portfolio.

### **NBC Bullish on Olympics' Potential for Record-Setting Revenue**

*June 15, 2021 via Sportico - Business*

NBCUniversal remains bullish on the upcoming Tokyo Olympics, as the company's chief executive today, June 15, predicted that the 17-day event could very well be the biggest money-maker in the history of the Games.

### **Nine European Soccer Leagues Combine Media Rights Into One Central Package**

*June 15, 2021 via Sportico - Business*

A group of nine European soccer leagues, including the top domestic leagues in Denmark, Switzerland and Norway, are pooling their international media rights in the hopes that selling a larger centralized package will bring more eyeballs and more revenue.

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## **Music Biz**

### **The Jesus and Mary Chain Latest Artists to Sue Their Former Label Over United States Termination Right**

*June 15, 2021 via Complete Music Update*

The Jesus and Mary Chain are the latest artists to test the reach of the termination right under US copyright law by suing their former label Warner Music.

### **National Religious Broadcasters Tells Congress A Performance Royalty Could Be 'Financially Fatal' To Religious Radio**

*June 14, 2021 via Inside Radio - News*

The National Religious Broadcasters is using its sway with local lawmakers to advocate against any attempt to change federal copyright law to create a performance right on the use of music for over-the-air radio.

### **Copyright Royalty Board Raises Royalty Rates**

*June 14, 2021 via Radio Ink Magazine*

On Friday, June 11, the Copyright Royalty Board announced its Web V proceeding, which details how much radio stations will pay in streaming royalties through 2025.

### **Bob Marley Music Owner Attracts \$375 Million Investment From Oaktree Lucas Shaw and John J Edwards III**

*June 11, 2021 via Yahoo Finance - Top Stories*

Oaktree Capital Management LP is investing up to \$375 million in Primary Wave Music, an independent company that manages songs from Bob Marley and Whitney Houston, joining a

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parade of financial powerhouses diving into the recording industry.

### **Roblox Confirms Suit by Music Publishers Over Copyrights**

*June 10, 2021 via Bloomberg Law - News Top Stories (subscription may be required)*

Roblox confirms a lawsuit by music publishers, including Universal Music, alleging that it engaged in copyright infringement by using certain compositions on the Roblox platform without proper licenses.

### **Record Labels Sue Frontier For Failing to Terminate Persistent Pirates**

*June 9, 2021 via Torrent Freak*

15 major recording labels including UMG, Sony Music and Warner Music have sued United States' Internet Service Provider Frontier Communications for failing to suspend the accounts of customers who allegedly downloaded and shared pirated music.

### **Jay-Z, Timbaland Must Face Singer's Copyright Suit, Judge Says**

*June 9, 2021 via Bloomberg Law - Intellectual Property News (subscription may be required)*

Jay-Z, Timbaland, and music publishers BMG Rights Management (US) LLC and W Chappell Music Corp. must face a 1960s soul singer's copyright lawsuit alleging they incorporated elements of his song into two hip-hop songs without his permission, a federal judge in Manhattan ruled.

### **A Quiet New Apple Music Feature Is A Win For Record Labels**

*June 8, 2021 via Yahoo Finance - Top Stories*

Along with its high profile rollout of Spatial and Lossless Audio to users on Tuesday, leading up to the launch Apple Music also more quietly unveiled a feature last month giving record labels their own pages the same way artists get.

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## **Non-Fungible Tokens (NFTs)**

### **'Tiger King' Star Joe Exotic Jumps on NFT Bandwagon From Behind Prison Bars**

*June 15, 2021 via Forbes – Business (subscription may be required)*

Joseph Maldonado-Passage—more commonly known as the star of Netflix's "Tiger King," Joe Exotic—is the latest viral sensation to cash in on the non-fungible token (NFT) craze, auctioning off a suite of digital and physical assets from federal prison.

### **Cyber Criminals are Targeting Digital Artists**

*June 15, 2021 via IT Security News*

Cyber criminals looking for a quick payout and valuables are targeting digital artists using NFTs (non-fungible tokens), warns security researcher Bart Blaze.

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### **Armstrong Satellite NFT Launch with Space Force**

*June 15, 2021 via Financial Buzz - Top Stories*

On June 17, 2021, the United States Space Force (USSF) is scheduled to launch the fifth vehicle of its GPS III fleet of satellites, advancing the GPS constellation's global positioning and navigation services to military and civilian users.

### **Football-focused NFT Platform Plans to Kick Off in Style, With Some Big Names**

*June 14, 2021 via Cointelegraph - Business*

This nonfungible token platform specializes in the world of football — and it's doing things a little differently to the many other NFT marketplaces out there.

### **Hong Kong's Latest Tech Unicorn Animoca Brands is Betting Big on Video Game NFTs**

*June 12, 2021 via Yahoo Finance - Top Stories*

Animoca Brands, a tech company recently valued at more than US\$1 billion, is pioneering the integration of non-fungible tokens, or NFTs, in video games.

### **Five Reasons Why the NFT Hype Might Not Last**

*June 9, 2021 via Insider Monkey Blog*

The biggest hype in the current cryptocurrency market is this concept known as a non-fungible token. While looking rather complex on the surface, the concept behind them is rather simple. One can own the digital rights to a digital product as opposed to owning the physical item. As a result of this craze, digital artworks have been bought and sold for colossal prices, making many people millionaires in the process. Nonetheless, it could be argued that the NFT craze will not last. Read on now for four key reasons why.

### **Is There a Role for NFTs in Travel?**

*June 9, 2021 via Phocus Wire*

Non-fungible tokens could present an opportunity for travelers to gain clout and for providers to connect with their audiences.

### **Nobel-Prize-Winning Data Is Focus of Berkeley NFT Contest**

*June 8, 2021 via Bloomberg Law - News Top Stories (subscription may be required)*

A group of University of California at Berkeley alumni exploring the use of blockchain technology to promote research were the winning bidders in a first-of-its kind auction of digital data related to Nobel-Prize-winning work on groundbreaking cancer treatments.

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## **Right of Publicity**

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### **Captiv8 Launches Captiv8 Collegiate to Educate Student Athletes on the Influencer Marketing Industry to Prepare for NIL Legislature Updates**

*June 15, 2021 via Yahoo Finance - Top Stories*

To help prepare for upcoming major changes to collegiate name, image, and likeness (NIL) regulations, Captiv8, the leading end-to-end influencer marketing solution, announced its latest initiative, Captiv8 Collegiate, which will educate student-athletes on how to effectively manage their personal social-media brands and partnerships.

### **With NIL Bill Signed Into Law, Texas Poised to Take Advantage of Brand Power**

*June 15, 2021 via Horns247*

The Texas Longhorns have one of the strongest brands in the world, and that should benefit them in recruiting moving forward. Today, Texas Governor Greg Abbott signed a bill allowing college athletes to profit off their own name, image and likeness.

### **Jay-Z Sues Photographer Jonathan Mannion for ‘Exploiting’ Name, Likeness Without Consent**

*June 15, 2021 via Complex*

Jay-Z is suing a photographer he worked with on one of his most iconic album cover shoots. As initially reported Tuesday, June 15, by TMZ, Hov claims in a new lawsuit that the photographer of the *Reasonable Doubt* album cover — Jonathan Mannion — is using his name and image without consent.

### **Name, Image and Likeness (NIL): What it Means, Why it Matters and How it Will Impact the NCAA and College Sports**

*June 14, 2021 via The Athletic (subscription may be required)*

The introduction of name, image and likeness (NIL) legislation could change the dynamics of college sports forever, and the impact will start to be felt this summer.

### **McCann: What It Was Like to Testify Before the Senate on NIL**

*June 11, 2021 via Sportico - Law*

This week I had the privilege of testifying before the United States Senate, at a hearing titled “NCAA Athlete NIL Rights,” centering on federal legislative proposals addressing name, image and likeness in college sports.

### **Congress Urged To Act As States Start Allowing Outside Cash For Student Athletes**

*June 10, 2021 via NPR - Talk of the Nation*

College sports are about to change dramatically and Congress needs to act quickly in order to ensure fairness.

### **Here's How Wisconsin is Preparing For Its Athletes to be Able to Cash in on Marketing Their Brands**

*June 10, 2021 via Madison News*

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The transfer of power in the University of Wisconsin athletic department will happen on the same day that college players in some states get the power to market themselves in a foundational change for NCAA sports.

### **Many Colleges Setting up Programs to Help Athletes With Endorsements**

*June 9, 2021 via Daily Reporter*

On July 1, laws in five states will go into effect that will usurp current NCAA regulations prohibiting NIL compensation for athletes. As of now, the NCAA is lagging behind on its pledge to “modernize” its rules on the subject, but schools from coast to coast are not waiting.

### **Connecticut Becomes Latest to Allow College Athlete Compensation**

*June 9, 2021 via NBC Connecticut - Top Stories*

Connecticut has become the latest state to pass legislation allowing college athletes to make a profit from their names, images and likenesses.

### **Louisiana College Athlete Endorsement Bill Heads to Governor**

*June 9, 2021 via New Orleans City Business - News*

Louisiana is poised to join more than a dozen other states allowing college athletes to earn cash from endorsements and sponsorship deals under an effort gaining steam across the country because of the NCAA’s inaction on a national policy.

### **Will College Athletes Make Money? Here’s Where the Debate Stands**

*June 9, 2021 via New York Times - Global View (subscription may be required)*

College athletes are on the brink of being able to make money off their fame under coming changes to the rules that have governed college sports for more than a century.