

Sports & Entertainment Beat

## **Sports & Entertainment Spotlight: The 'Nirvana Baby' Raises a Number of Legal Issues Including Right of Publicity**

By Joshua Bloomgarden on 9.2.21 | Posted in Sports & Entertainment Spotlight

- *"Whose job is in Jeopardy?" Mike Richards may be an appropriate answer. Sony announces that he will be dropped as Executive Producer of the program on the tails of stepping down as a host. He joins a number of celebrities who have made similar exits from their posts as a result of questionable past actions and comments. The iconic gameshow continues its search to replace Alex Trebek.*
- *In a blast from the past, the 'Nirvana Baby' is back in the headlines raising issues of right of publicity, emotional distress and child pornography laws. This seems to be a flip-turn from his past reenactments of the photo (albeit not nude) that he previously did for the album's key anniversaries. The 30-year old Spencer Elden has filed a federal lawsuit against the estate of Kurt Cobain and other band members.*
- *With the NFT market showing no signs of slowing down, a new trend may be fractional ownership of the NFTs. The Doge meme which holds the crown as the most expensive meme NFT will be split into 17 billion pieces for auction. Now anyone can own a piece of history.*
- *In the realm of sports and entertainment, how far is too far when it comes to hero worship? Following in the tracks of Lil Nas-X, Tony Hawk collaborated with a water company to produce limited edition skateboards that contained of all things: his blood.*

**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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### **Endorsements, Sponsorships & Investments**

**'Plant Based Treaty': New Campaign Seeks to Put Climate-friendly Diets at Heart of Global Decarbonisation Efforts**

September 1, 2021 via Business Green - Headlines

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Activists gathered outside city halls around the world yesterday to call on governments and local leaders to adopt a Plant Based Treaty that would aim to halt the impact of animal agriculture on the climate and catalyze a shift towards more sustainable, climate-friendly plant based diets.

### **Dodgers’ Elysian Park Leads \$90M Raise for Prep Sports Fundraising Platform**

*August 31, 2021 via Sportico – Business (subscription may be required)*

Stand back, door-to-door candy sales and sweaty summer car washes: High school sports have a new, 21st-century fundraising tool — and there’s big money behind it. Snap Mobile Inc., the parent company of digital fundraising platform Snap Raise, has raised \$90 million in a Series B round of financing led by Elysian Park Ventures, the private investment arm of the ownership of the Los Angeles Dodgers. Elysian Park’s investments include DraftKings, SeatGeek, Rawlings, Second Spectrum and the Professional Fighters League, as well as youth sports management platform LeagueApps, which provides tech support to more than 3,000 youth sports organizations in the United States.

### **Michelob ULTRA Pledges \$100 Million for Visibility of Women in Sports**

*August 28, 2021 via Philanthropy News Digest*

Anheuser-Busch brand Michelob ULTRA has announced a five-year, \$100 million commitment in support of gender equality in sports through greater visibility. The brand is pledging to achieve gender balance in its ad creative, lifestyle media inventory, talent endorsements, sponsorships, and influencer roster by 2025.

### **Skateboards Containing American Pro Skater Tony Hawk’s Blood Sell Out**

*August 27, 2021 via East Idaho News*

Athletes may be used to putting their blood, sweat and tears into sports, but legendary skater Tony Hawk has just taken it one step further. Hawk donated his blood as part of a collaboration with water company Liquid Death to produce 100 skateboards — and they’ve already sold out.

### **UCLA Wins Early Round With Under Armour in \$200 Million Court Case**

*August 27, 2021 via Sportico – Law (subscription may be required)*

Almost a year to the day UCLA first sued Under Armour for breach of their 15-year, \$280 million contract, a Los Angeles superior court on Thursday issued a tentative, pretrial ruling in the school’s favor. Judge H. Jay Ford III overruled Under Armour’s “demurrer” (formal objection) to UCLA’s complaint.

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## **Film & TV**

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### **Ousted Jeopardy! Host Mike Richards Also Out as Executive Producer, Sony Says**

*September 1, 2021 via CBC - Arts & Entertainment News*

Mike Richards is out as executive producer of Jeopardy!, days after he stepped down as the quiz show's newly appointed successor to beloved host Alex Trebek because of past misogynistic and disparaging comments. Richards also will no longer serve as executive producer of Wheel of Fortune.

### **Arizona Bowl Shrugs Off County Funding Cut After Barstool Deal**

*August 31, 2021 via Sportico – Business (subscription may be required)*

The Pima County Board of Supervisors recently voted 4-1 to pull funding from the Arizona Bowl after the game named Barstool Sports the title sponsor and broadcaster.

### **U.S. Open Returns With Fewer Star Players, More Premium Seating**

*August 30, 2021 via Sportico – Business (subscription may be required)*

For the first time since 1997, a tennis major championship will not have Serena and Venus Williams, Roger Federer or Rafael Nadal in the main singles draw. Yet the possibility of Novak Djokovic winning the Grand Slam, plus upgraded high-end hospitality packages, have U.S. Open officials optimistic about attendance.

### **"Selling Sunset" Stars Jason Oppenheim and Emma Hernan Talk L.A.'s Real Estate Market and The Show's New Seasons**

*August 30, 2021 via Forbes - Top Stories (subscription may be required)*

Netflix's hit show Selling Sunset has captivated audiences for three seasons by showcasing some of Los Angeles' most impressive luxury real estate. The show follows the founders and employees of real estate brokerage The Oppenheim Group, and viewers get a behind-the-scenes look of the cut-throat competition.

### **This Fast-Growing Columbus Company Is Changing the Way High Schools Sell Football Tickets**

*August 30, 2021 via Biz Journal - Accounting News*

Columbus-based Hometown Ticketing is changing the way high schools sell tickets to Friday night football games, homecoming dances, concerts and school plays. More than 10,000 schools nationwide have signed on with Hometown Ticketing's digital ticketing platform, which ditches paper tickets and cash boxes.

### **Scarlett Johansson & Chris Evans Reunite in Apple TV+ Romance**

*August 30, 2021 via AppleInsider*

Marvel stars Scarlett Johansson and Chris Evans are expected to star in "Ghosted," a romantic action film, from the writers of "Deadpool," and director Dexter Fletcher, for Apple TV+.

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### **Simultaneous Releases Make Movie Piracy More (& Less) Appealing**

*August 28, 2021 via Torrent Freak*

Movie studios are increasingly experimenting with shorter release windows or even simultaneous theatrical and digital premieres. This is good news for consumers, who have more choice. This drastic decision is also changing the piracy landscape, which worries some stakeholders. However, we caution everyone from jumping to conclusions.

### **ESPN Moves Rachel Nichols Off NBA Coverage, Cancels 'The Jump'**

*August 25, 2021 via Sportico – Business (subscription may be required)*

ESPN used to rely on two talented female sportscasters, Rachel Nichols and Maria Taylor, for some of its top basketball coverage. Going forward, the network isn't going to have either. Variety reports that ESPN has decided to cancel "The Jump," the Nichols-led weekday daily basketball-news program.

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## **Music Biz**

### **Why Vans Is Launching a Skateboarding World Inside of Roblox**

*September 1, 2021 via Fast Company*

Starting August 31, Roblox's 46 million daily active users will be able to enter the world of Vans via an interactive, 3D environment that will allow them to perfect their ollie, kickflip off a half-pipe, and design their own pair of Vans silhouettes and skateboards. A partnership between the wildly popular video game platform and the action sports brand, Vans World is the latest marketing marriage between Roblox and a growing number of companies looking to connect with young audiences where they're spending most of their time. Over the last several months, Sony Music Entertainment, BMG, Warner Bros., Hasbro, and even Gucci have all joined forces with Roblox.

### **Lee 'Scratch' Perry: How the Late Producer Changed the Direction of Music**

*August 30, 2021 via Billboard*

From his inventive use of sampling on an early reggae single to the tough, hypnotic roots sound he brought to The Wailers' music to his groundbreaking sonic experimentation as a creator of dub, Lee "Scratch" Perry, who died at 85 on Sunday, August 29, brought numerous innovations to Jamaica's music.

### **Kanye West Says Universal Released 'Donda' Without His Permission**

*August 30, 2021 via Business Insider*

"Universal put my album out without my approval, and they blocked jail 2 from being on the album," Kanye West said in an Instagram post.

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

#### **Beyond Art and Crazy Tweets: NFT Rewards Will Revamp Customer-Loyalty Programs**

*September 1, 2021 via Newsbinding - Top Stories*

Artists have already found great success using NFTs to connect with fans, so it makes sense for businesses to follow suit.

#### **The Most Expensive Meme NFT Ever Sold Will Be Auctioned Off in 17 Billion Pieces**

*September 1, 2021 via Business Insider*

The Doge meme NFT, which sold for four million dollars back in June, can now be owned by anyone. The owner, an organization called PleasrDAO, is splitting the NFT into 17 billion pieces and putting them up for auction on September 1.

#### **NFT Market Will See “Massive Increase” in Volume in 12 Months: deVere CEO**

*August 31, 2021 via Investor Ideas*

The already booming NFT market will experience a massive increase in volume over the next 12 months as more major investors begin to pile in.

#### **NSAV and LuxFi Join Hands to Bring NFTs to Luxury Brands**

*August 31, 2021 via Crypto News Australia - Top Stories Worldwide*

NSAV and LuxFi will help to bring luxury brands to the blockchain using unique NFTs. This will help to eliminate the issue of counterfeit products and to have real-world pricing. On Monday, August 30, digital assets technology company Net Savings Link (NSAV) announced its partnership with LuxFi.

#### **DKNY Turns Its New Logo Into an NFT**

*August 31, 2021 via SmartBrief - American Advertising Federation News*

DKNY is marking the debut of its new logo by auctioning it as a NFT to raise money for the American Nurses Foundation Coronavirus Response Fund for Nurses. The logo is inspired by an old New York City brand mural and is animated with runners, cyclists and Times Square.

#### **Tennis Champion Naomi Osaka’s New Found Interest in Cryptocurrencies**

*August 31, 2021 via Money Control*

The 23-year-old Grand Slam champion doubled down on NFT as she launched the second bout of NFT offering a Preseason Access Pass Collection, which will grant the holders VIP access to Autograph’s first limited-edition Naomi Osaka.

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### **Comic-Inspired NFT Dino Warriors Boasts Marvel Creative and Dimitri Vegas' Backing (EXCLUSIVE)**

*August 30, 2021 via Greenwich Time*

Dimitri Thivaivos, of chart-topping EDM duo, Dimitri Vegas and Like Mike, has teamed up with Michael Uslan, executive producer of the “Batman” extended universe, and his son, David, an expert in the animation and graphic novel field, to create an NFT art collection of Thivaivos’ upcoming comic book characters.

### **Simone Biles NFTs Coming From DraftKings and Autograph: What Investors and Collectors Should Know**

*August 30, 2021 via Benzinga*

The greatest gymnast of all time and celebrated U.S. Olympic athlete Simone Biles is the latest athlete to launch a NFT.

### **The Largest Art Museum in the World Partners With Binance to Auction Leonardo Da Vinci, Claude Monet NFTs**

*August 30, 2021 via Bitcoin*

The Binance NFT Marketplace announced today that the NFT platform will launch a premium NFT collection backed by the State Hermitage Museum in Saint Petersburg, Russia. The NFT auction will begin on August 31 and run until September 7, 2021. The NFT auction will feature NFT artwork by the world-renowned artists’ Vincent Van Gogh, Claude Monet, and Leonardo da Vinci.

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## **Right of Publicity**

### **Arizonans Have Right to Control Own Publicity, Appeals Court Rules**

*August 30, 2021 via Tucson*

A company that uses your image to promote its product or service without first getting your approval is breaking the law and can be sued for damages, the Arizona Court of Appeals has ruled. The judges rejected arguments by the owners of Denim & Diamonds, a Mesa country-and-western-themed nightclub and dance bar that used to have a sister operation of the same name in Tucson.

### **Attorney for 'Nirvana Baby' Explains Why They Believe the 'Nevermind' Cover Is Child Porn**

*August 26, 2021 via Greenwich Time*

A jury has yet to vote, if the case should make it to court, on whether the former members of Nirvana and their associates sexually exploited a child by putting an unclothed four-month-old boy on the cover of the classic 1991 album “ Nevermind.”

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**College Athletes Claim as Employees Boosted in NCAA Labor Case**

*August 26, 2021 via Sportico – Law (subscription may be required)*

While their litigation remains a long way from victory, six current and former athletes from a handful of colleges — Villanova, Fordham, Sacred Heart, Cornell and Lafayette — received encouraging news Wednesday, August 25 from Pennsylvania federal judge John Padova, who denied those schools’ motion to dismiss Ralph “Trey” Johnson et al. v. NCAA.