

Sports & Entertainment Beat

Sports & Entertainment Spotlight: As Mid-Term Elections Approach, the New Congress Will Likely Take a Renewed Look at Federal Name, Image, and Likeness (NIL) Legislation

By Joshua Bloomgarden on 10.6.22 | Posted in Sports & Entertainment Spotlight

Welcome back to the "Spotlight!" If you're like me, after having fasted all day Wednesday, you're probably relieved to be diving back into your morning coffee, mid-morning snack, mid-mid-morning snack, lunch, afternoon snack and so on. Of course, I am referring to Yom Kippur (the Day of Atonement in the Jewish faith in which one seeks forgiveness for their misdeeds by neither eating nor drinking for 24 hours and then (to loosely paraphrase the Torah) gorges oneself with bagels, cream cheese and lox when all is said and done, only then to seek forgiveness of one's cardiologist. Fittingly, over the past few days, there have been other prominent (and less caloric) instances of making amends in the realm of Sports and Entertainment. To start us off, Kim Kardashian agreed to settle charges from the Securities Exchange Commission (SEC) over her having promoted via social media the EthereumMax cryptocurrency token without having disclosed that she received compensation (approximately a quarter million dollars) for the promotion. Perhaps I have been in this world for too long, but I don't know how someone would not understand that Kardashian was being paid for the post. In any event, in lieu of fasting, Kardashian agreed to forfeit the fees she received from EthereumMax, plus a \$1 million fine. Elsewhere in Hollywood, Alec Baldwin agreed to settle a wrongful death lawsuit brought by the family of Halyna Hutchins, the Director of Photography of the film, "Rust" who was tragically killed on set when struck by a real bullet from what was supposed to have been a benign prop gun wielded by Baldwin during filming. In this case, the sum to make Hutchins' family "whole" was undisclosed, but unquestionably, no amount of money could ever make up for the loss. With that backdrop of doing one's best to legally right wrongs, what, if anything, is the olive branch that will be extended to Miami Dolphins Quarterback Tua Tagovailoa, who—after having clearly demonstrated neurological distress following an in-game hit on September 25th, was not only cleared by a neurologist to return to the same game, but also cleared to take the field again just four days later. As you may have heard, the results of the latter decision were horrifying to see, as Thursday Night Football viewers witnessed Tagovailoa experience brain trauma that sent him straight to the hospital. Thankfully, Tagovailoa says he is doing much better, and his case is causing a re-examination

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of the NFL's concussion protocols, but what comes next for him and those who might have wronged him (hopefully more than a bagel and a schmear) is a question that will remain, for the time being, in the "Spotlight."

- As the mid-term elections approach, on tap for the new Congress will likely be a renewed look at federal name, image and likeness (NIL) legislation. For the sake of leveling the playing field across all states and athletic programs, hopefully the outcome will be greater than NIL.
- Chris Hemsworth, who plays the role of Thor in the Marvel Cinematic Universe and is in far better shape than me, signs an exclusive first look deal with NatGeo Channel. The announcement itself is not that all unusual given that he's not someone who likes to be low-key (get it...Lo-ki?).
- Phil Collins and two Genesis bandmates sell their song catalog for approximately \$300 million. For Collins, it's just another day in paradise.

Endorsement Deals, Sponsorships & Investments **These Four Celebrities**
Endorsing Crypto Faced the Wrath of Regulators *October 5, 2022 via Newsweek*
 Cryptocurrency companies have routinely enlisted the help of highly recognizable public faces but, unfortunately, not every endorsement has gone smoothly.

Kim Kardashian Faces \$1 Million Fine for EthereumMax Crypto Promo *October 3, 2022 via InvestorPlace*
 Celebrities can embarrass themselves selling the idea of crypto, but when they endorse securities, the SEC is stepping in.

Celebrities With the Most Brand Endorsements *September 30, 2022 via Independent Ghana*
 Endorsement is a channel of brand communication in which a celebrity acts as the brand's spokesperson and certifies the brand's claim and position by extending his/her personality, popularity, status in society, or expertise in the field to the brand.

Sports **NFL Discovers Fountain of Youth in Amazon's 'Thursday Night Football'**
October 4, 2022 via Sportico (subscription may be required) At first glance, the shift of the NFL's Thursday Night Football package from the familiar trappings of linear TV to the wilds of Amazon Prime Video has proven to be a palpable, if modest, success.

Sen. Wicker Wary of NCAA Power in Path for Post-Midterm NIL Deal *October 3, 2022 via Sportico (subscription may be required)*
 After punting on federal NIL legislation in June 2021, Congress left state governments and the NCAA to govern college athletes' pursuit of payment in exchange for endorsing, influencing and sponsoring.

Big 12 Taps Endeavor for TV Talks and Commercial Media Growth *September 29, 2022 via Sportico (subscription may be required)*
 The Big 12 has chosen WME Sports and IMG Media to lead its global broadcast, sponsorship and commercial strategy, in what will be a critical few years for the Power Five conference.

NCAA Steering Farther and Farther Away From Harsh Penalties *September 29, 2022 via M Northwest*
 The NCAA accused Memphis of four Level I and two Level II violations, including lack of institutional control, head coach responsibility and failure to monitor.

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Music Biz **Songwriters Call for Full Transparency Around U.S. Song Royalty Rate Settlement Deal** *October 5, 2022 via Complete Music Update* The Music Creators North America organization has called on the U.S. Copyright Royalty Board to make public the agreement reached between the music publishers and the streaming services regarding the rates to be paid by the latter for the streaming of songs in the years ahead.

'Got Talent' Creator Simon Cowell's Syco Entertainment Strikes 'Groundbreaking' \$125 Million Securitization Deal for Reality Format *October 3, 2022 via News Break* The agreement, billed by advisor ACF as “the first of its kind” and “groundbreaking,” securitizes the intellectual property behind Got Talent, including the United States, United Kingdom and international versions of the format, which is in 72 territories worldwide.

Phil Collins and Two Genesis Bandmates Sell Song Catalogue for a Reported \$300 Million *September 30, 2022 via BBC News* Phil Collins and his Genesis bandmates have sold the rights to their music in a deal reportedly worth \$300 million.

20 Musicians Who Were Sued for Plagiarism *September 29, 2022 via BuzzFeed* Music copyright is famously complicated, especially when it comes to sampling.

Film & TV **Esports Media Firm Gets VC Backing from Dodgers-Affiliated Elysian Park** *October 5, 2022 via Sportico (subscription may be required)* U.S. sports-focused venture capital funds Elysian Park Ventures and Cerro Capital headline a \$12 million funding round for Gamurs, an Australia-based publisher of 16 esports and entertainment-focused titles.

F1 Extends Broadcast Partnership With Sky UK to 2029 *September 30, 2022 via Times LIVE* Formula One announced an extension of its broadcast partnership with Sky television in Britain, Ireland, Germany and Italy.

Despite Beefed-Up Streaming Push, the NFL Is Keeping Traditional TV Aloft *September 30, 2022 via Sportico (subscription may be required)* As prescribed by the First Law of Cartoon Physics (and substantiated by generations of Looney Tunes shorts), a body suspended in space will remain impervious to gravitational forces until said body becomes aware of its circumstances.

Chris Hemsworth Sets Nat Geo First-Look Deal Through New Production Company *September 29, 2022 via Register Citizen* Chris Hemsworth, along with producing partner Ben Grayson, have announced the launch of Wild State, their new multiplatform production company.

Non-Fungible Tokens (NFTs) **Steve Aoki Backs Crypto With a Firm Belief in Web3** *October 5, 2022 via Cryptonews* Steve Aoki is not just a DJ anymore. He is also half crypto-man who strongly believes that cryptocurrency will become an exchange in the future.

The World's First 'Magic Ink' NFT Tattoo by Celebrity Artist BANG BANG Sells for 100 ETH *October 3, 2022 via Blockster* Celebrity tattoo artist BANG BANG sold the world's first rewritable and reprogrammable tattoo as a 1/1 NFT for 100 ETH.

Rare David Bowie NFT Collaboration With FEWOCIOUS Sells for \$127,000 *October 4, 2022 via Coindesk* The David Bowie estate partnered with top NFT marketplace OpenSea to sell “Bowie on the Blockchain,” a 15-piece NFT collection to commemorate the British pop legend and the colorful motifs used throughout his career.