

## SPORTS, MEDIA AND ENTERTAINMENT

Some of the world's largest brands, professional athletes, world-renowned entertainers, sporting events, rightsholders and governing bodies have long turned to Armstrong Teasdale for counsel in all aspects of global brand management and protection, reviewing and negotiating commercial contracts (including endorsements and sponsorship opportunities) and the handling of complex litigation.

Our lawyers have decades of experience in the sports, media and entertainment sector, including as former licensed sports agents, personal counsel to professional athletes, in-house counsel for iconic Fortune 500 brands, event organizers, and even professional film and stage actors, musicians and dancers who have a deep understanding of the business and some of the world's preeminent, international player associations and studios alike. In addition, our lawyers have written articles and given interviews to international broadcast media on current sports law issues.

As such, our experienced lawyers are recognized as being at the forefront of the development of sports law in football, rugby, horse racing, cricket, golf, cycling, athletics, marathon running, motor racing and tennis, and have led groundbreaking work involving complex litigation on issues such as competition, ticketing and brand infringement.

Our team collectively has over 50 years' experience providing legal advice in the following areas:

- Agent-Related Issues
- Ambush Marketing
- Anti-counterfeiting
- Anti-doping
- Artificial Intelligence, Virtual Reality and E-sports
- Business Entity Formation
- Commercial Advice
- Competition Compliance (international competition laws; contests, sweepstakes, lotteries and loyalty programs)
- Contracts and Agreements
- Corporate (finance, sports governance, investments, joint ventures, mergers and acquisitions)
- Data and Betting (protection policies, data exploitation, enforcement and licensing)
- Disputes and Litigation
- Emerging Companies and Startups
- Endorsement Arrangements, including name, image and likeness rights; and image rights corporate structures
- Endorsement Deals and Cause Marketing
- Estate Planning and Wealth Management
- Event Establishment, Structuring and Funding
- Event Hospitality
- Event Management
- Foundations and Philanthropic Pursuits

- Franchising and Distribution
- Immigration/Visa Issues
- Influencer and Blogger Relations
- Intellectual Property (copyright, trademark, licensing, enforcement; domain name recovery; trademark oppositions and infringement actions)
- Marketing and Advertising (sponsorship; endorsement; merchandising and licensing; copy and image clearance; regulatory clearances; agency work)
- Media (international media rights licenses for traditional, new and social media)
- Movie Production
- Naming Rights for Stadiums and Sports/Entertainment Facilities
- Outside Corporate Counsel
- Ownership Rights
- Procurement (rules; invitations to tender; bidding processes and award of contract)
- Product Claims and Packaging/Labeling
- Publishing
- Real Estate
- Regulatory Compliance and Interpretation (information sharing agreements; investigations; disciplinary procedures; integrity issues and corruption)
- Sponsorship Agreements
- Sports Governance
- Supply of Goods and Services
- Talent Representation and Management (player transfers; protection and exploitation issues; reputation management; defamation and privacy; disciplinary)
- Tax
- Ticketing
- Websites and E-Commerce (including terms and conditions, privacy and cookie policies and consumer law)
- Web3, Nonfungible Tokens (NFTs), Metaverse and Collectibles

## **OUTSIDE CORPORATE COUNSEL SERVICES**

Given the increasing complexity of the contemporary business environment and the rapid pace of regulatory changes, legal issues can spark reputational disasters, affect customer sentiment and coordination, and expose an individual or company to significant legal risk. Employing outside corporate counsel can drive significant value by bringing different perspectives and niche experience to the table on an as-needed basis. It is an efficient, effective alternative to full-time in-house counsel for both established and growing companies. Armstrong Teasdale's lawyers serve as outside corporate counsel to athletes, sporting events, rightsholders and entertainers in matters across a range of industries. We provide scalable legal advice, whether in an on-call capacity, a case-by-case basis, or with more robust, on-site support when needs are intensive.

## MUSIC

The modern music industry is a far cry from its roots in the early 20th century. Innovation and disruption have led to significant transformation in recent years, driving both new opportunities and unexpected complexities. Some of the world's most prominent and decorated artists, musicians and songwriters, record labels, industry executives, event and festival producers, rights owners, agencies and advertisers rely on Armstrong Teasdale for sound legal advice backed by decades of experience.

Our lawyers include musicians and dancers, professional film and stage actors, former licensed sports agents and in-house attorneys for iconic Fortune 500 brands. As such, our team has a deep understanding of the business and some of the world's preeminent studios.

We counsel clients in all aspects of global music management, licensing and intellectual property, ticketing and events, brand marketing and protection, financing (including blockchain and nonfungible tokens), technology and digital media. We also advise clients seeking to license music or acquire ownership rights for distribution given the proliferation of streaming and emerging media platforms, as well as more traditional film, theater and gaming applications. Our robust, cross-disciplinary team also counsels clients in matters involving regulatory bodies and labor unions internationally, including the American Federation of Musicians, SAG-AFTRA, the Union of Musicians and Allied Workers, and The Musicians' Union (U.K.).

We work seamlessly with music and entertainment industry clients, helping them remain authentic to their voice and achieve their strategic goals by leveraging a diverse skill set:

- Acquisition and exploitation of music rights
- Advertising regulation
- Artificial Intelligence, Virtual Reality and E-sports
- Business Entity Formation and Dissolution
- Composer agreements
- Contests, Sweepstakes and Loyalty Programs
- Employment Matters
- Endorsement Deals and Cause Marketing
- Estate Planning and Wealth Management
- Foundations and Philanthropic Pursuits
- Franchising and Distribution
- Intellectual Property (Patent, Copyright, Trademark)
- Investment Opportunities
- Licensing and Distribution
- Litigation and Disputes
- Live events
- Marketing and Advertising

- Management and agency agreements
- Non-fungible token (NFT) agreements
- Partnership agreements
- Piracy
- Production
- Publishing
- Real Estate
- Recording agreements
- Reputation management
- Royalties
- Social Media
- Sponsorship agreements
- Streaming and Digital Media
- Talent Agreements
- Websites and E-Commerce

## **EXPERIENCE**

### **Negotiated Retransmission Consent Cycles for Broadband Company**

Negotiated three retransmission consent cycles for a broadband telecommunications company. Managed the increasing costs of sports and entertainment programming while setting a foundation to enable the company to expand operations into new markets.

### **On-Demand Content Distribution Platform for Yoga Company**

Launched an on-demand content distribution platform for a national yoga studio chain. The client had a short window in which to complete the production, licensing, and distribution agreements. Worked closely with the client to launch the services efficiently, and to expand the on-demand presence during the COVID-19 pandemic.

### **Wind-Down of Fantasy Sports Subsidiary**

Completed the wind-down of a client's fantasy sports subsidiary. Transitioned customer accounts off service. Negotiated and managed the early termination of multiple operating agreements to minimize cost and disruption to the client's ongoing operations.

### **Dismissal of Case Seeking to Ban “Obscene” Book in Virginia**

Secured the dismissal of a Virginia state court case seeking to ban the sale of a client’s book. A Virginia Beach General Assembly Delegate brought the action against our client and one of its authors, filed under a decades-old statute and alleging that the book – a memoir, told in graphic novel form, of the author’s own journey of realizing their nonbinary and asexual identity – was “obscene.” Argued that the statute was unconstitutional both facially and as-applied, and that the petition failed to state a claim under Virginia law. The Court agreed and found that the book could not be considered

“obscene” under state law, as well as that the statute was unconstitutional in violation of due process and the First Amendment.

**Obtained Summary Judgment for Publicly Traded Live Event Producer**

Obtained summary judgment for a publicly traded producer of live events where the primary issue was whether our client, who recently purchased the assets – but not the stock – of a local live event production company, was bound by the arbitration provision in a contract between the local company and the opponent. The asset purchase agreement specifically excluded the contract containing the arbitration provision. The opponent argued that the asset sale was a de facto merger so the contractual exclusion did not apply. The Court rejected that argument and adopted our argument holding, among other things, that the terms of the asset purchase agreement governed.

**Obtained Victory for Client After Five-Day Arbitration**

Obtained a complete defense victory following a five-day arbitration hearing on behalf of a local festival and concert promoter in a dispute filed by the counter-party to an expired profit-sharing agreement.

**Negotiated Favorable Settlement in Shareholder Dispute Involving Concert Promoter**

Represented majority shareholders in lawsuit filed by minority member and negotiated favorable settlement resulting in minority member’s removal from the company.

**Secured Motion to Dismiss for Social Gaming Company**

Won a motion to dismiss on behalf of an internet-based social gaming company accused of violating Illinois gambling statutes. The entire class action complaint filed in federal court was dismissed before any discovery took place.

**Obtained Dismissal in Dispute Between Event Promoter and Investor**

Won the dismissal with prejudice of the counterclaim filed against a live event promoter and its principals. The promoter entered into a revenue-sharing agreement with a company looking to invest in two of its larger outdoor music festivals. Ultimately, the relationship deteriorated and, in 2014, the investment company initiated litigation against the promoter. We obtained a complete victory for our client.

**Representation of State Lottery Operator in Various Disputes**

Represented a state lottery operator in various disputes related to Freedom of Information Act (FOIA) requests, the disclosure of confidential information and contractual disagreements with the governmental department responsible for the lottery.

**\$132 Million Sale of Patent Pool Administrator**

Represented a minority owner in the \$132 million sale of a patent pool administrator to another patent pool administrator in the audio and video coding technology space.

**Defeated Putative Class Action Against Streaming Media Clients**

Represented streaming media companies in the U.S. District Court for the Southern District of Illinois and the U.S. Court of Appeals for the Seventh Circuit in a lawsuit brought by an Illinois city claiming video streaming companies owed fees pursuant to an Illinois statute. The Court of Appeals upheld the District Court’s dismissal of the matter.

**Filed Trademarks for Retirement Plan Provider in Naming of Major Sports Stadium**

Served as IP counsel to a retirement plan provider related to their involvement in purchasing naming rights to a major U.S. sports stadium. Provided counsel on and filed for trademark protection of names and logos following multi-year deal.

**\$1 Billion-Plus Rights Deal for MLB Team**

Assisted client, a Major League Baseball team, in closing a more than \$1 billion rights deal with a major cable sports network. The deal ensures more than 150 regular season games will be aired on the network through 2032.

**Dismissal of Claims for Wrongful Death of Professional Hockey Player**



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Secured a dismissal of claims against a national sports association for lack of personal jurisdiction in an action for the wrongful death of a professional hockey player that was upheld on a writ by the Missouri Court of Appeals.