



PRACTICE GROUP CHAIRS

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SPORTS AND ENTERTAINMENT

The global sports and entertainment industries employ millions of workers, delight billions of spectators, and generate trillions of dollars each year. The combination of sports franchises, media ventures, and entertainment companies is a global cultural juggernaut like no other, and the industries create tremendous opportunities for individuals and for companies — just think of the disruption of streaming services, and the rise of millionaire YouTubers and Instagrammers, both phenomena of the last decade. But along with these opportunities, there are also legal risks and challenges unique to the industry.

The Sports and Entertainment Practice Group at Goldberg Segalla comprises attorneys experienced in representing national-league sports franchises, musicians' guilds, movie studios and production and post-production companies, magazines and other publications, television and radio stations, entertainment technology companies, online content and software providers, and events companies, as well as professional athletes, musicians, artists, and media figures. Backed by a record of successfully resolving complex and high-value disputes involving licensing, contracts, intellectual property, and civil litigation, they represent some of the sports and entertainment world's most recognizable names, defending them in court and counseling them on day-to-day business management, emerging risks, and industry-specific challenges.

Your Counsel — Your Team

Under the leadership of the Sports and Entertainment Practice Group's founder and chair Joseph M. Hanna, Joe, a nationally recognized authority on the National Football League concussion litigation and member of the *Law360* Sports Editorial Advisory Board, our attorneys have built reputations not only as superior litigators, but as keen and far-sighted commentators on business and legal trends in sports and entertainment, publishing widely and keeping our clients up to date through the award-winning *Sports and Entertainment Law Insider* blog.

Trenchant insights into trends and emerging issues equip our team not only to help clients avoid risk and leverage opportunities, but also to steer them toward the most cost-effective and strategic resolution of disputes. As a member of the International Institute for Conflict Prevention and Resolution's Panels of Distinguished Neutrals, a group of global leaders in providing and promoting alternative dispute resolution, Joe has personally handled and supervised our experienced team in numerous mediations, helping clients meet their goals without the costs of litigation, discovery, and trial. When litigation, trials, or appeals are likelier to meet a client's objectives — on time and under budget — we bring the full force and depth of our team's experience to the task.

Vice Chair John F. Stephens, representing the group on the west coast from the firm's Los Angeles office, brings deep experience in data privacy and digital marketing issues; media and entertainment litigation; live entertainment transactional matters, including music festivals and intellectual property licensing and transactions; and specialty insurance coverage and litigation. As an International Association of Privacy Professionals (IAPP) Certified Information Privacy Professional for the United States (CIPP/US), John is equally well-positioned to counsel individuals on privacy and image protection as he is to advise major media entities on data collection practices and breach preparedness.

Clients rely on Goldberg Segalla for boutique-firm levels of attention and finesse, but without the limitations of pigeonholed practices and narrow specialization. Our team is national, diverse, and deeply experienced in areas of the law beyond sports, media, and entertainment, allowing us to provide clients with truly comprehensive counsel and defense. Other team members add decades of experience handling major construction and development projects, multijurisdictional and multimillion- and billion-

dollar transactions, national and international mergers and acquisitions, intricate matters of corporate law and governance, and high-stakes commercial disputes, including numerous trials and appeals in state and federal courts across the country.

When clients in sports, media, and entertainment choose Goldberg Segalla, they're choosing *this* team: a cross-disciplinary and collaborative group of accomplished attorneys working across the firm's entire footprint to deliver superior, proactive, cost-effective, and *global* legal services.

Daily Business Operations

Our attorneys are in daily communication with executives and in-house counsel for sports teams, studios, media companies, and others to advise on the full spectrum of legal issues pertaining to operations at every level. These include:

- Corporate entity selection and formation
- Trademark and trade dress selection, licensing, and enforcement and infringement defense
- Drafting and negotiating agreements for the creation, development, production, distribution, licensing, and dissemination of all manner of entertainment content, products, and services
- Marketing compliance, including text-based marketing
- Privacy issues, including misrepresentation of photographic images
- Right of publicity advice, enforcement, and defense
- Clearance work and prepublication reviews
- Data collection and security issues and breach preparedness
- Corporate governance
- Employment matters
- All types of commercial litigation

Contracts, Licenses, and Releases

We also advise our clients in complex negotiations, leveraging the full weight of our experience, transactional finesse, and understanding of the sports and entertainment industries to protect our clients' rights, ensure their talents and services are properly valued, and position them to achieve their long-term financial and career goals. With experience representing major movie studios as well as independent filmmakers, national-league teams, production companies, and celebrity musicians and entertainers, our services include:

- License agreements
- Entertainment unions and guilds
- Entertainment joint ventures and entities
- Merchandising/branding
- Advertising agreements
- Distribution agreements and licenses
- Production agreements and licenses
- Film agreements and licenses
- Talent agreements and releases
- Options
- Commission contracts

- Negotiate music publishing rights
- Clearance work and secure requisite intellectual property rights for literary works
- Negotiate artist management rights
- Legal production for music festivals and other live events and club promoters

We also help our clients achieve the cost-effective resolution of high-stakes disputes surrounding contractual issues, including:

- Performance, endorsement, and royalty agreements
- Licensing agreements
- Contract litigation and arbitration

Government Policy and Regulatory Compliance

We help our clients navigate and comply with complex and ever-evolving national and international regulatory schemes, including compliance under:

- Communications Decency Act
- Digital Millennium Copyright Act
- Privacy Protection Act
- Telephone Consumer Protection Act
- Media-related laws
- Open government laws
- FCC regulations on indecency and obscenity
- Consumer privacy and data security
- Copyright and trademark licensing, enforcement and liability
- International law

Transactions

Led by attorneys with decades of experience handling all aspects of complex transactions for some of the world's largest companies and brands, our Sports and Entertainment Practice Group guides clients through:

- Purchase and sale of media and entertainment properties and businesses and sports teams and companies, including foreign teams and companies
- Equity and debt financings
- Mergers and acquisitions
- Anti-dilution statutes
- Leasing and real estate matters

Intellectual Property Rights

Our clients regularly produce groundbreaking inventions, artistic logos, hit songs, and award-winning films — and they trust us to defend them. We help clients protect their creative output through services including:

- Intellectual property litigation

- Management, protection, and optimization of intellectual property, including copyright and trademark registrations
- Trade secret identification, protection, and misappropriation litigation
- Trademark Trial and Appeal Board proceedings
- Patent, trademark, and copyright licenses
- Guidance on the doctrine of “works made for hire,” including employee inventions
- Unfair competition defense

Protecting Publicity and Privacy Rights

Privacy is both a fundamental human expectation as well as a potentially valuable asset in the world of sports and entertainment. Because of the ubiquity of the internet and “smart” technology, we increasingly barter our privacy for social reasons; and this has shifted cultural expectations in ways that impact celebrities — athletes, entertainers, public figures — the most.

Our team helps athletes, entertainers, and high-profile media figures to protect their privacy, defend against defamation, and prevent businesses and individuals from using their names and likenesses for financial gain without consent. We can do this by catching language in contracts and agreements that might jeopardize privacy rights, as well as by aggressively pursuing litigation against those who violate those rights. As neither rights of privacy nor publicity are the subject of federal law, our team is primed to interpret pertinent state laws to defend our clients in any jurisdiction. We also regularly handle privacy- and publicity-related matters that intersect with First Amendment issues, slander, and libel.

Comprehensive Counsel for Live Entertainment Events and Ventures

Goldberg Segalla counsels clients, including the world’s largest entertainment company, on the myriad legal issues surrounding live entertainment performances. Led by John Stephens, who has two decades of experience helping entertainment companies plan and orchestrate concerts and festivals across the U.S. and around the globe, the firm’s Sports and Entertainment Practice Group offers a “soup to nuts” suite of legal services tailored to all of the challenges arising from live entertainment events. Ready to serve, advise, and defend clients in North and South America, the Caribbean, Europe, and Asia, our team regularly handles:

- Premises liability
- Large-loss property damage
- Complicated personal injury litigation
- Construction
- Bid protests
- Environmental matters
- Breach of contract
- Dram Shop laws
- Employment matters
- Traditional labor law
- The Employee Retirement Income Security Act (ERISA)
- Workers’ compensation

Our Experience

SPORTS

- Represented the world's most popular brand of sports-themed beverage products in a dispute with a company breaching the NFL's exclusivity agreement with its respective sponsors.
- Negotiated several successful outcomes for a two-time NBA All-Star and the client's popular brand of sneakers and clothing.
- Handled a total of 18 premises liability matters over eight years for an NFL franchise, including security issues with the team's venues.
- Represents one of the nation's largest dealers of leading global sports apparel brands and a major distributor of athletic apparel to professional and college sports teams throughout the country, in contractual and commercial matters.
- Negotiated and reviewed commercial contracts for an NHL Hall of Famer.
- Represented a future NBA Hall of Famer in an agreement with a major sports apparel and sneaker company.

ENTERTAINMENT AND MEDIA

- Negotiated media rights and television rights for television shows which appeared on a cable network received by more than 91 million homes.
- Negotiated contracts on behalf of multiple independent artists, including numerous well-known actors, singers, and rappers, and a songwriter for eight-time Grammy Award-winning singer Usher.
- Earned an adjudicated dismissal for our client, an advertising and marketing company, in an action filed in federal court in California, involving claims of trademark infringement, unfair competition, and unjust enrichment for use of the same company name. The plaintiff filed a motion for preliminary injunction and we subsequently filed a motion to dismiss on the primary ground that the trademark and company name in question is the generic name for a type of an online marketing system, and therefore unprotectable. The court granted our request to consolidate the hearings for both motions and then denied the plaintiff's motion for preliminary injunction and granted our motion to dismiss.
- Obtained a no-cost dismissal for our client, a publisher, in an action in federal court. The plaintiff sued for copyright infringement and injunctive relief arising out of the use of his photographs in our client's magazine without his consent. We informed the plaintiff that we would seek, through a motion for summary judgment, a ruling from the court that the settlement of two prior lawsuits provided our client with a license to use all of the plaintiff's photographs in perpetuity. In response, the plaintiff agreed to settle the case and non-suit our client in exchange for an agreement that our client would not use his photographs in the future without consent.
- Obtained a dismissal of a business disparagement action against our client, a consumer advocacy group.
- Obtained a dismissal for our client, a major movie production company, in an action filed in federal court, involving claims of copyright infringement and Lanham Act violations along with multiple state law claims, including misappropriation/theft of confidential information, unfair competition and deceptive trade practices. The plaintiff alleged that our client's film about an all-robot society infringed upon the plaintiff's copyrighted and trademarked live-action, interactive Las Vegas show. We obtained the underlying documentation for the claim, which the plaintiff had not provided, and filed an early motion to dismiss, convincing the court that the plaintiff had not — and could not —

plead a claim upon which relief could be granted. The court ultimately granted the motion and dismissed the lawsuit prior to discovery.

- Obtained an early voluntary dismissal of a defamation lawsuit filed against our client, a radio station DJ. A radio listener sued our client in Justice of the Peace Court for libel and slander based on comments the host made on her radio program that were also available on the station's website. We filed a plea to the jurisdiction, special exceptions, and an answer asserting the affirmative defenses, including those of opinion and substantial truth. A few days prior to the hearing on the plea to the jurisdiction and special exceptions, the plaintiff voluntarily nonsuited the case.
- Resolved a dispute brought by a father who did not want his daughter featured on a network broadcast, despite prior consent by the mother (his ex-wife). The husband sued his ex-wife to effect changes in their custody arrangement based on his former wife's involvement in the episode of a program airing on our client's network. He also included claims against the television network for invasion of privacy based on the episode and for injunctive relief to prevent airing of the episode. We negotiated the issue so that the daughter still appeared in the broadcast and that the father dropped his invasion of privacy claims.
- Obtained an injunction preventing any use or dissemination of over 250 hours of videotaped footage of a celebrity comedian pending arbitration, leading to settlement.
- Defended a startup and its founders in suit for misappropriation of trade secrets, leading to settlement.