



Name Image and Likeness

Whether you're a business selling a product, a university or academic institution or a student-athlete pursuing a deal, the commercial use of a person's name, image and likeness (NIL) presents both opportunity and risk.

NIL is not new to the business world. Its new prominence may be attributed to the NCAA's policy changes permitting college athletes to profit from the commercial use of their name, likeness, or other recognizable aspects of their persona.

Now businesses and influencers alike are seeking to capitalize on opportunities across a wide range of marketing, advertising and promotional platforms, including digital and social media, print, television and, in some instances, personal appearances. All have proven to be a profitable means for generating brand value, but none is without liability.

To maximize and safeguard your investments, it's important to consider all business and legal implications at play.

At Williams Mullen, our attorneys counsel universities and colleges, businesses, investors, creators, collectives, student-athletes and other influencers on how to build, expand, protect and monetize their brand and its equity. From regulatory compliance to carefully crafted contracts, we help clients navigate the ever-changing landscape of advertising, marketing and promotion and NIL.

We regularly assist clients with:

Contracts & Agreements. Review, assess, draft and negotiate contracts and agreements. Outline provisions detailing scope of work, branding requirements, regulatory guidelines, ownership of content, infringement, rights to publicity, confidentiality and termination. It's essential to have all considerations in place before finalizing an agreement.

Regulatory Compliance. Develop, update and, when necessary, enforce compliance policies as they apply to the deal and the individual, business, institution, and jurisdiction. Even though the NCAA rules have changed allowing student athletes to capitalize on their NIL and seek endorsement deals, there are still state laws to consider as well as schools' individual policies.

Policies & Training. Review, evaluate and draft company policies for employees' and influencers' use of social media on company accounts. Provide training on proper usage of company accounts to advertise with appropriate disclaimers regarding endorsements, testimonials, sweepstakes and

contests, prevent disclosure of proprietary information (e.g., unreleased products or unannounced collaborations, etc.) and avoid posting content that may have an underlying context/meaning and is offensive or insensitive, defamatory, or misappropriates intellectual property or other proprietary rights.

Brand Protection. Develop brand protection plans and trademark enforcement programs to ensure intellectual property assets ? such as trademarks and copyrights ? are used properly and are well protected. We help file and protect word or design marks, nicknames, slogans and logos, and more.

Collectives: Counsel boosters and businesses in the development and formation of NIL Collectives and other NIL cooperate enterprises. Advise Collectives on compliance with NIL state laws and NCAA and university NIL policies as Collectives assist athletes in the monetization of personal brands, rights to publicity, and intellectual property rights.

Related News

- [PODCAST: NCAA NIL - Where Things Stand One Year Later](#)
- [PODCAST: NIL - New NCAA Guidelines and State Law Implementation](#)
- [PODCAST: NIL - Trending Issues Related to the NCAA?s Name, Image and Likeness Policy in 2023](#)
- [Virginia High School League Adopts Name, Image and Likeness Guidelines](#)

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