

Sports & Entertainment Law

Practice Contacts:

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Preti Flaherty's Sports & Entertainment Law Practice Group understands the challenges and legal needs facing professionals in the sports, entertainment, and recreational arena. We provide 360° representation—ranging from business formation and protection of intellectual property rights to contract negotiation, litigation, and estate planning—to a broad range of clients, including:

- **Sports and Recreation Industry Clients:** We support athletes at the professional, amateur, collegiate, and high school levels, as well as retired professional athletes and coaches. We also represent professional sports franchises, sports marketing companies, and sports agents, along with ski resort and ski industry clients, and individuals and companies providing products and services in the industry.
- **Entertainment Industry Clients:** Our clients range from musicians, actors, comedians, models, and entertainers, to singers, songwriters, authors, artists, and filmmakers. We also represent record studios and labels, publishers, broadcasters, national media, media trade associations, and other industry clients.

Our Experience

Several Preti Flaherty attorneys enjoyed former careers as professional athletes before launching their legal careers. Others bring former careers or involvement in sports broadcasting, coaching, competition, and entertainment to their legal careers. We combine our skills and talents with the unique ability to understand the demands facing sports and entertainment professionals, allowing us to fully support clients' legal and business interests. Through our firm's affiliation with TerraLex® and other networks, we are able to provide full-service representation for clients while ensuring that their needs are met in jurisdictions throughout the country and the world.

Our Services

We recognize that sports and entertainment professionals require a full range of professional services and counseling. Our services include:

Intellectual Property:

- Celebrity endorsement agreements, licensing deals, and protection of publicity rights, privacy rights, and First Amendment rights
- Branding, merchandising, and licensing
- Protection and enforcement of copyright, trademark, trade secret, and other intellectual property rights through registration, assignments, licensing, and litigation
- Internet, interactive media, and new technologies
- Domain name disputes
- Royalty agreements

Litigation/Arbitration:

- Olympic Anti-Doping and NCAA eligibility arbitration
- Representing sports and entertainment clients in litigation and arbitration matters to protect and enforce publicity rights, privacy rights, intellectual property rights, and contractual rights arising under performance agreements, endorsement agreements, royalty agreements, and other agreements
- White collar criminal defense
- Alternative Dispute Resolution, including arbitration, mediation, judicial settlement conferences, and other forms of ADR

Business Law:

- Limited liability entity formation for new business ventures, including for profit and non-profit entities

- Advising athletes, entertainers, celebrities, and companies in connection with business ventures and contract negotiations
- Advising and assisting current and retired professional athletes, entertainers, celebrities, and other players in the entertainment and sports arena with business ventures ranging from forming start-up companies to acquisition of existing businesses to franchising successful businesses
- Contract drafting and negotiation of deals ranging from music, reality television, motion pictures, cable, radio, internet, interactive media, and new technologies, theatre and performing arts, visual arts, and literacy publishing
- Multi-jurisdictional transactions

Tax Law:

- Income tax issues, including nonresident tax issues
- Income tax issues related to multiple jurisdictions or foreign markets
- Signing bonuses and related negotiations
- Tax implications related to charitable donations

Other Areas:

- Real estate acquisition and conveyances
- Formation and operation of non-profit organizations
- Estate planning
- Immigration (including experience in the P&O visa categories set aside for entertainers and athletes)
- Workers compensation
- Bankruptcy
- International law

REPRESENTATIVE MATTERS

- Preti Flaherty represented four women "Affected Athletes" on the US 2010 Olympic Biathlon team in an emergency arbitration involving a claim brought by a Belarussian athlete against the US Biathlon Association, arguing that she should be eligible to compete for Team USA in the 2010 Olympics in the sport of Biathlon. Our clients would have been knocked off the team if the claimant had succeeded. The argument centered around the Belarussian athlete's two-year "redshirt" period, which began after she competed in the 2006 Olympics for Belarus. She then competed in a race in March of 2008, just 5 days short of her two years. The case turned on whether she had competed for the US or Belarus in that March 2008 race. Preti Flaherty argued successfully that since she had never sought or received a waiver from the US Biathlon Association to compete during her two-year "redshirt" period, it was impossible for her to have competed for the US in 2008 as she had claimed. As a result, she had actually competed for Belarus by default, and could not compete for the US until late 2010, when two years had passed since her last race for Belarus. The arbitrator agreed, stating that she was not eligible to compete for the Team USA in the February 2010 Olympics, which kept all of Preti's clients on the US Team.
- Preti Flaherty represented the nine "push athletes" on the 2010 Men's Olympic Bobsled team who were the "Affected Athletes" in a claim brought by four other bobsled push athletes. The claimants challenged the 12-part selection criteria used by the US Bobsled Federation to choose the push athletes to this year's team, and proposed a race-off against our clients as an alternative remedy. We argued successfully that the selection procedure was wholly rational, and should be respected, and that a race-off on the eve of the Games would be totally unfair to our clients. Having already been named to the team, we argued that a race-off would be highly disruptive to the Men's US Bobsled team which has a great chance to win a gold medal for the first time since 1948.