

Media, Entertainment, Music & Sports

Overview

Our sports and entertainment group has long been trusted counsel to companies, athletes, teams, leagues, associations, and related organizations for a wide variety of high-stakes matters. From team, event, and stadium financing and structuring of joint ventures, entities, and franchises, to litigation, launches of sports networks, and entertainment and media agreement negotiations, Carlton Fields has played a pivotal role in the sports and entertainment industry. We offer comprehensive litigation and transactional services to clients involved in all aspects of the media, entertainment, and sports industries.

How We Can Help

- Team and stadium financing
- Sponsorship, naming rights, intellectual property, and licensing
- Team, league, joint venture, entity, and franchise development and structuring
- Tax planning, structuring, and representation against taxing authorities
- Sports and entertainment media transactions and negotiations
- Transactional documents, licenses, and agreements for content providers, artists, and advisers for various entertainment-related deals involving music publishing and recordings, film and television, and literary works
- Equity and debt capital financing transactions to raise funds for entertainment projects
- Mergers and acquisitions
- Complex commercial agreements
- Litigation, arbitration, and collective bargaining

Music Publishing and Recording

We represent all music industry players, including songwriters, recording artists, record producers, and record labels. On their behalf, we prepare and negotiate a wide range of industry agreements, including those related to copyright protection and licensing of music compositions; recording and distribution of master recordings of songs; and performances of music by recording artists.

Film and Television

- Our representation of copyright holders, actors, directors, producers, and distributors covers the full range of agreements and relationships necessary to take an original work or reality concept from its acquisition — or creation as an underlying literary work — to its final distribution as a film, television, or internet production.

Literary

Our representation of authors and publishers includes negotiating publishing agreements for both traditional print and online content, assisting in clearance and defamation reviews, and licensing literary works for use in other formats or media. We provide comprehensive services that address issues such as an author's engagement of agents, managers, and other professionals; copyright protection and licensing of literary works; clearance and defamation reviews; arrangements between multiple authors; publishing agreements; and the licensing, sale, or acquisition of rights to use literary works.

Internet, Video Gaming and Cyberlaw

Carlton Fields represents clients, including innovative startups and emerging growth companies, in the areas of digital media, entertainment, internet applications (apps), gaming, and technology (including software, hardware and internet) industries. Our team handles a wide variety of their legal matters, including startup, formation and organizational work, commercial and transactional, corporate and M&A, seed and VC financing, real estate, litigation, HR and employment, IP protection and enforcement, rights review and clearance, union and guild matters, and data use and privacy matters.

We have particular expertise in structuring, negotiating, and drafting a wide array of commercial agreements in the following areas:

Interactive Entertainment/Gaming: All types of agreements involving interactive entertainment and games for consoles, PC, mobile, virtual and augmented reality and other devices and platforms, including development, marketing, publishing, licensing and distribution agreements.

IP and Technology Transactions: IP licensing and technology based agreements, including merchandise and trademark licensing, digital advertising, software development and licensing, software service and subscription based agreements (SaaS), software publishing and distribution, IT infrastructure, cloud computing and distribution, and hardware design and manufacturing.

Digital Advertising: Advertising network advertiser and publisher terms of service, analytics and data use and sharing agreements, IOs and other partnership agreements with major advertisers (brand and performance), IAB terms and conditions, RTB programmatic ad exchange agreements, and ad platform technology licenses.

Digital Media and Distribution Platforms: Licensing, distribution and streaming of media and entertainment content via various digital distribution and streaming platforms, including cloud gaming, electronic sell-through (EST), and video on demand (VOD).

Entertainment Content Acquisition and Licensing: Content acquisition and license agreements with major film and television studios and other major content companies.

Network and Data Center Infrastructure: Colocation, Network/POPs, IP transit, fiber and wavelength and other infrastructure and telecommunications agreements relating to the placement and operation of servers in network data centers, including data center leases.

Theater

We represent investors and producers of theatrical productions. Our services cover the preparation and negotiation of underlying investment agreements, the acquisition of literary and any grand rights for productions, and agreements with or for directors, choreographers, and actors.

Media and Mass Communication Law

We advise and represent clients, including journalists, newspapers, and advertisers, regarding the U.S. and international laws that affect media and mass communication. Our services cover matters related to defamation; publicity and privacy rights; commercial speech regulation and related FCC and FDA rules; and other First Amendment issues, such as those concerning content based regulation, broadcast, cable and satellite regulation, ratings of film content, political programming, and obscenity.

Sports Law

We represent clients, including athletes, major and minor league franchises and franchisees, investors, companies, teams, leagues, associations, and related organizations, in a wide variety of

sports-related matters. On their behalf, we provide comprehensive services that address issues including team, event, and stadium financing; structuring of joint ventures, entities, and franchises; litigation; launches of sports networks; sports franchise sales and acquisitions; player contracts and endorsements; marketing, branding, and advertising arrangements for franchises and athletes; naming rights for arenas and other venues; and copyright and trademark matters.

Experience

Our team has a comprehensive understanding of the legal challenges that can arise in the sports and entertainment industry and the best approaches to address these wide-ranging issues.

Media and Entertainment

- Represented authors, publishers, and newspapers in defamation actions.
- Represented newspapers in litigation seeking access to public records.
- Represented newspaper, defending invasion of privacy claim based on its publication of name of victim of alleged sexual assault.
- Represented movie studio and writers in defense of copyright infringement claim.
- Prosecuted and defended copyright claims on behalf of publishers.
- Represented television and radio broadcaster in breach-of-contract litigation involving rights to live recordings in the company's music archive.
- Represented telephone directory publisher in false advertising case.
- Represented broadcast network in defense of copyright claim.
- Represented financial publisher and documentary filmmaker in First Amendment reporter's privilege cases.
- Obtained court approval of contracts to bind entertainers who had not yet reached the age of majority.
- Financed production and global distribution of several major motion pictures.
- Negotiated and drafted \$16 million naming rights agreement.
- Represented music licensing organization in enforcement of licensing and copyrights.
- Represented anonymous Internet message board posters in opposing subpoenas aimed at uncovering their identities.

- Represented various artists and record companies in preparing recording, publishing, and producer agreements.
- Represented production companies, filmmakers, artists, directors, producers, and others in connection with television and feature film deals.

Sports

- Represented city in relocating its professional ice hockey team, rebranding, and financing strategy to construct new arena.
- Represented NHL team in entity structuring and extensive U.S. tax planning, as well as against taxing authorities, resulting in millions of dollars of tax savings.
- Represented NFL team owners in connection with stadium financing.
- Represented university in negotiations and structuring of employment arrangement with its legendary former head coach of Division I men's basketball team.
- Represented company in its multimillion-dollar naming rights deal for NHL hockey and entertainment arena.
- Represented NFL team in tax structuring, planning, and against taxing authorities, resulting in millions of dollars of tax savings.
- Represented company in financing of TPC golf courses.
- Represented professional athletes and celebrities in a variety of different matters, including appearance agreements, endorsement agreements, sponsorship agreements, merchandise licensing agreements, brand ambassador agreements, name, image and likeness license agreements, talent agreements, consulting agreements, publishing agreements, and loan-out corporate formations and agreements.
- Represented sports marketing firm in sponsorship deals, broadcast rights, and sales, as well as the dissolution of the company and sale of its assets.
- Represented company in the acquisition and sale of soccer teams, as well as all aspects of promotions, including activations, merchandise sponsorship and sales, and acquisition and sale of broadcast rights.
- Assisted with client services and the facilitation of successful brand partnerships and other endorsement opportunities at several top sports talent agencies.
- Worked as front office staff with professional sports teams, providing evaluation of professional basketball data patterns and strategic solutions based on in-depth player and personnel analysis.

- Advised on governance matters regarding minor league baseball league.
- Represented both major and minor league clients in transactional matters including franchise acquisitions and disposition.
- Prosecuted franchise relocation application with sports authorities.
- Resolved territorial rights issues.
- Negotiated licensing and merchandising agreements.
- Drafted league constitutions and bylaws.
- Structured, drafted, and negotiated agreements for development, construction, management, lease, and use of sports facilities and venues.
- Represented clients before governmental authorities to secure facility rights and incentives.
- Drafted and negotiated agreements with governmental, regulatory, and supervisory agencies and bodies.
- Represented major and minor franchise and leagues in regulatory and operational matters.

Insights

07.06.2023

Top 10 First Amendment Cases of the 2022-2023 Supreme Court Term

06.30.2022

Top 10 First Amendment Cases of the Supreme Court Term

04.17.2020

Keep It Secret, Keep It Safe: Trade Secrets in Video Games and Esports

04.16.2020

Red Tape Redemption: Global Regulation of Video Games

04.15.2020

A Moment with the Misfits: Legal Issues Facing Top Esports Teams

04.08.2020

Doubling Down on Loot Boxes

03.25.2020

Expect the Unexpected: Coronavirus Cancels Esports and Gaming Events, Almost

03.19.2020

7 Tips for Restaurants Switching to Takeout or Delivery-Only “Ghost Kitchens” During the Coronavirus Crisis

03.12.2020

The Next Frontier: Legal and Practical Issues That Surround Mobile Gaming

02.26.2020

Collegiate Esports 101: Trends & Legal Issues

02.12.2020

You've Been Served: The Legal Effects of Games as a Service (GaaS)

11.26.2019

Live From DreamHack and the Atlanta Esports Summit

09.09.2019

Seventh Circuit Reins in Federal Trade Commission's Implied Powers

08.01.2019

LAN Party Lawyers: Live from Guardian Con 2019 (Part 2)

07.22.2019

Let's Get Political: Fourth Circuit Protects Maryland Voter List as “Political Speech”

07.19.2019

LAN Party Lawyers: Live from Guardian Con 2019 (Part 1)

07.01.2019

S1:E11 - Not All Fun and Games: Employment Issues in the Esports and Gaming Industry

06.19.2019

S1:E10 - Covering Your Digital Assets: Intellectual Property Rights and Gaming

06.05.2019

S1:E9 - Investing in Esports: Putting Your Money Where Your Mouse Is

05.22.2019

S1:E8 - Censoring Online Influencers: FTC Endorsement Guidelines and the First Amendment

05.09.2019

U.S. Regulation of Loot Boxes Heats Up with Announcement of New Legislation

05.08.2019

S1:E7 - Unfinished Business: Legal and Practical Issues with Early Access Games

04.26.2019

Insight: A Moral Compass - A Guide to Celebrity-Focused Morals Clauses

04.24.2019

S1:E6 - The Impact of Net Neutrality on the Esports and E-Gaming Industry

04.10.2019

S1:E5 - Bugging Out: The Legal Effects of Bugs and Glitches in Games

03.26.2019

S1:E4 - Raiding Your Vault: Cybersecurity in Gaming

03.15.2019

LAN Party Lawyers Live at Ultimate Gamer Miami

03.13.2019

S1:E3 - Even the Games Have Eyes: Data Privacy and Gaming

02.27.2019

S1:E2 - One Step Closer to Skynet: Artificial Intelligence and Gaming

02.12.2019

S1:E1 - All-In on Loot Boxes

09.20.2011

Q&A With Carlton Fields' Alan Rosenthal

07.01.2011

Employers Take Risks When Asking for Access to Social Media Sites

01.02.2011

Helping Journalists Get the Story Right

Hillsborough County Bar Association Lawyer Magazine (PDF)

01.01.1993

Collaboration Prompted By Competition Concerns

01.01.1989

Developments in Robinson-Patman Law

01.01.1988

The Increasingly Pivotal Competitive Injury Requirement in Secondary Line Cases under the Robinson-Patman Act: Relevant Factors in Today's Environment

01.01.1986

Treble Damages Remedy

01.01.1976

Comment, The Budd Co.: The Toehold Defense to a Section 7 Attack

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Related Capabilities

Practices

- Business Transactions
- Corporate Law and Governance
- Cybersecurity and Privacy
- Intellectual Property
- Labor & Employment
- Private Equity and Venture Capital
- Public-Private Partnerships
- Tax

Industries

- Technology

- Technology
- Trade Secrets / Noncompete Litigation and Consulting
- Technology & Intellectual Property Transactions
- Intellectual Property Protection & Portfolio Management
- Esports and Electronic Gaming
- AdTech
- Blockchain and Digital Currency
- Litigation and Trials