

## **2022 NIL & SPORTS LAW AGENDA**

### **“After Biting the Apple”**

Name, Image, & Likeness (NIL)

North American Summit Punta Cana, Dominican Republic

Moderator: Ms. Shannon A. Ligon, Esq. Pretty Smart Law, Miami, FL

Panelists:

Tate Henshaw      ARC Business Management Atlanta, GA

Greg Curtner, Esq. Riley Safer Holmes & Cancila, Ann Arbor, MI

Alan K. Fertel, Esq. Weiss Serota Helfman Pastoriza Cole & Bisinske Coral Gables, FL

Ivan Parron, Esq.    Parron Law Miami, FL

Panel Outline:

- Historical Overview of name, image or likeness (NIL) laws - Greg
- Introduction of NIL Statutes - Alan
- How is the money made & protected?- Tate
- Recent News, Current Deals & Trends in NIL Deals- Ivan, Alan, Greg
  - Ethics, Women & NIL, The PrimeEffect - All
- Questions & Discussion- All

**NIL History & Overview:** On June 30, 2021, the Division 1 Board of Directors approved an interim name, image and likeness (NIL) policy. This new policy allows all NCAA D1, D2 and D3 student-athletes to be compensated for their NIL as of July 1, 2021, regardless of whether their state has a NIL law in place or not. The law which became effective July 1, 2021, the NCAA approved name, image, and likeness policy allows student-athletes to monetize their NIL. However, no federal legislation or specific NCAA NIL rules have been established. NIL activities and restrictions vary from state to state and school to school, which means student-athletes must understand both sets of rules before entering into any NIL agreements.<sup>1</sup> On October 26, 2022 The DI Board of Directors issues clarification on the role schools can play in name, image and likeness space.<sup>2</sup>

**NCAA NIL Policy:** Please see handout for full policies.

Initial Policy (7/1/2021):

[http://ncaaorg.s3.amazonaws.com/ncaa/NIL/NIL\\_InterimPolicy.pdf](http://ncaaorg.s3.amazonaws.com/ncaa/NIL/NIL_InterimPolicy.pdf)

Updated Policy (10/26/2022): [https://ncaaorg.s3.amazonaws.com/ncaa/NIL/D1NIL\\_InstitutionalInvolvementNILActivities.pdf](https://ncaaorg.s3.amazonaws.com/ncaa/NIL/D1NIL_InstitutionalInvolvementNILActivities.pdf)

---

<sup>1</sup> <https://www.ncsasports.org/name-image-likeness#:~:text=Effective%20July%201%2C%202021%2C%20the,NIL%20rules%20have%20been%20established.>

<sup>2</sup> <https://www.ncaa.org/sports/2021/2/8/about-taking-action.aspx#policy>

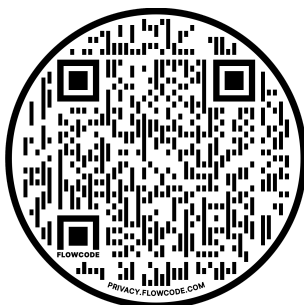
**Sample State NIL Law (Florida):** Please see handout for full statute.

Florida Statute Section 1006.74 was the third state NIL law and served as a model for other state legislatures considering NIL legislation.<sup>3</sup> Student-athletes in the State of Florida are now eligible to earn compensation for use of their name, image or likeness (NIL) without affecting their athletics eligibility or grant-in-aid. Student-athletes earning NIL compensation must do so in accordance with the Florida NIL Law (Section 1006.74, Florida Statutes).

**NIL Resources:**

- <https://www.ncaa.org/sports/2021/2/8/about-taking-action.aspx>
- <https://www.law360.com/articles/1542832/ncaa-athletes-seek-cert-in-antitrust-suit-over-nil-limits>
- <https://www.law360.com/articles/1542832>
- <https://www.ncaa.org/news/2022/5/9/media-center-di-board-of-directors-issues-name-image-and-likeness-guidance-to-schools.aspx>

**Keep Up With the Latest- NIL State by State Tracker:** [businessofcollegesports.com/tracker-name-image-and-likeness-legislation-by-state/](https://businessofcollegesports.com/tracker-name-image-and-likeness-legislation-by-state/)



**\$400 Average NIL Compensation Per Student-Athlete**

Division I: \$471 Average (\$210,000 Max, \$35 Median)

Division II: \$81 Average (\$750 Max, \$30 Median)

Division III: \$47 Average (\$50 Max, \$30 Median)

**Where did the money come from?**

- 46% Social Media Promotions
- 29% Licensing NIL Rights
- 10% Signing Autographs
- 6% Making Appearances
- 6% Creating Content
- 1% Hosting Camps
- 1% Selling Products

**What were the most common types of activities?**

- 88.5% Social Media Promotions
- 3.9% Licensing NIL Rights
- 2.7% Creating Content
- 2.0% Making Appearances
- 1.7% Hosting Camps
- 0.7% Selling Products
- 0.4% Signing Autographs

<sup>3</sup> <https://www.foley.com/en/insights/publications/2020/06/florida-intercollegiate-athlete-nil-law>  
\$400 Average NIL Source: <https://twitter.com/RossDellenger/status/1425816340741324804> (OpenDose shared it's July 2021 data with Sports Illustrated)