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Lawyers Caution College Athletes on NIL Partnerships (/marketing/lawyers-caution-college-athletes-on-nil-partnerships.html)



by Andy Berg (/featured-writer-blogs/andy-berg.html)

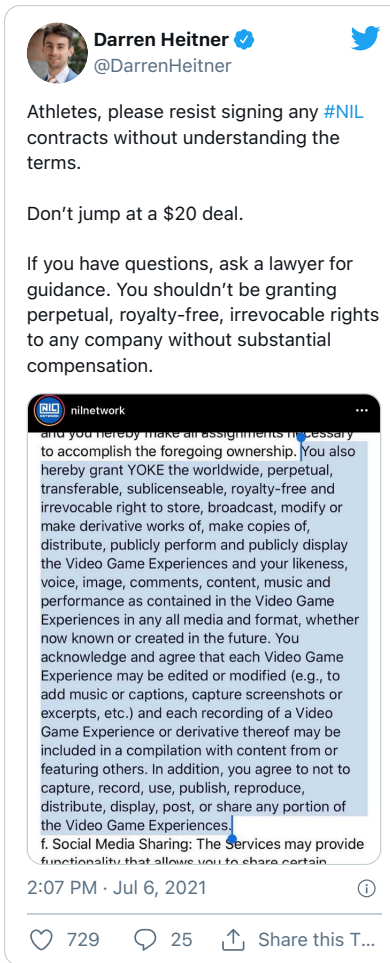
📅 July 2021

As college student-athletes begin marketing themselves in the NIL era, there may be reason for caution as they seek partnerships with some companies.

Earlier this month a number of members of the University of Iowa football team shared a post by Yoke Gaming on their Instagram feeds. Yoke, which says it enables people to play video games with their favorite athletes, promised it would pay college athletes for sharing the post.

Dan Lust, a sports attorney and professor at New York Law School, says there's reason for players to proceed with caution.

"I would be a little less trustworthy of these non-publicly traded behemoths that you're signing their terms and conditions," Lust told *The Gazette* (<https://www.thegazette.com/iowa-hawkeyes/one-week-into-nil-lawyers-caution-athletes-on-barstool-yoke-gaming-and-misinformation-that-could-a/>). "We have no idea what's in them. You're dealing with a company that is off the grid, not enforced by the Securities and Exchange Commission, I would read every word, every comma, every period of any type of deal



Darren Heitner, a University of Florida professor in sports law and practicing sports, entertainment and IP lawyer, looked into Yoke and found that the company doesn't actually offer legal contracts with the players.

"My understanding is that YOKE offered a whole variety of athletes roughly \$20 in exchange for some sort of endorsement," Heitner said. "The big thing that stuck out to me when I saw this post on YOKE was extensive rights that the athletes were providing. And not only the extent of those rights but that they were perpetual royalty free and irrevocable. For an athlete, not to be able to revoke that right at any point for the rest of that athlete's life or career, it's a concern, especially if the compensation is around \$20."

Barstool Sports has also gotten into the mix, allowing college athletes to fill out an online application and promising their partnership will eventually be announced by @StoolAthletics. Barstool has also said it will be producing athlete-specific merchandise. Jackson State volleyball player Adelaide Halverson became a Barstool athlete and saw her following explode, which led to her being contacted about multiple partnerships.

Lust said partnerships with companies like Barstool could get athletes in trouble, as some state and school-specific rules do not allow athletes to partner with alcohol, tobacco, cannabis and gambling companies. Penn National, a company that owns and operates casinos and hotels across the country, has a 36-percent stake in Barstool Sports, which also has its own sportsbook.

"I think it's a very big risk for a company that's maybe offering merchandise, and you know a couple extra followers," Lust said. "I had people in my replies that were telling me, well, if 100,000 student athletes are trying to sign up with just one company, there's no way the NCAA would possibly remove their eligibility because that would be stripping their entire talent pool of assets."

The NCAA has not provided any restrictions and has left that entirely up to the states and schools' compliance departments.

"The schools would have to create some sort of guidance, saying Barstool is a gambling company, so if you signed a deal with them, you might be punished," Lust said.

The fact that NIL rules vary from state to state and school to school means athletes need to pay attention to rules put in place by their school or state.

"If you're an athlete in Iowa pay attention to Iowa, listen to what your compliance officials say in the school," Lust said. "If anyone's getting broad brush strokes, not tying something to a particular school or to a particular state, I wouldn't listen to that."

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Hercy Miller, a 19-year-old Tennessee State University basketball player who's also the son of famous music artist Master P, is expected to earn \$2 million from tech company Web Apps America through an endorsement deal made possible by the NCAA's interim rule change (https://www.ncaa.com/news/ncaa/article/2021-06-30/ncaa-adopts-interim-name-image-and-likeness-policy?utm_campaign=hp-rr-links) allowing student-athletes to earn money from use of their name, image and likeness.

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Individual endorsement agreements began emerging immediately once college student-athletes were finally permitted to leverage their name, image and likeness for profit last week, but none match the deal cooked up by the owner of a Florida-based chain of mixed martial arts studios.

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Champaign Businesses Exit Illinois NIL Meeting Eager (</marketing/champaign-businesses-exit-illinois-nil-meeting-eager.html>)

The first day of the NIL era for University of Illinois student-athletes came Thursday and was full of endorsement opportunities, including U of I Credit Union, various football and basketball players partnering with Yoke, an online gaming platform; Cameo; or GoPuff, a delivery service for food, drink and household items.

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While some college athletes are hoping to leverage new NIL policies for their own gain, some are hoping to make a difference with the opportunity.

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A new era is dawning for collegiate athletes and their programs.

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For Many Schools, NIL Era Starts With a 'Name' (/marketing/for-many-schools-nil-era-starts-with-a-name.html)

The day has arrived. The floodgates have opened. The long-anticipated NIL era — in which collegiate student-athletes can finally make money by taking their name, image and likeness to market — is upon us.

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Wisconsin QB Mertz Introduces Personal Trademark (/marketing/wisconsin-qb-mertz-introduces-personal-trademark.html)

He has just seven games as a collegiate starting quarterback under his belt, and now a personal logo. Wisconsin's Graham Mertz kicked off NIL launch week by introducing his own trademark — an angular "G" intertwined with an "M" for a look that Twitter users quickly pointed out closely resembles the established logos of video game developer Guerrilla and the Nintendo GameCube.

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