

# Name, Image, and Likeness

## Key Considerations and the Developing Landscape

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### Presenters:

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# NIL: What Is It?

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- In simplest terms, endorsement deals.
- Generally defined as: The use of an athlete's name, image, likeness, and reputation for commercial purposes.
- Most common examples: appearances, autographs, commercials, social media posts, QR links for product sales, camps, brand ambassadorships.



# NIL vs. Revenue Sharing

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## NIL

- Brand deals
- Endorsements
- External, consumer-focused marketing
- Agreements can be with schools or outside third-parties

## Revenue Sharing

- Direct payments from schools
- Subject to caps (\$20.5 million per school in 2025-26)

# NIL: How Do You Do It?

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- License to schools directly
- Collectives
  - Direct donations
  - Subscriptions
  - Contracts with businesses
  - Formerly, redirected booster club funds, until IRS memo
  - Many now rolled up in-house
- Third-party deals with athletes



# Issues Facing Schools

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- Maximizing the cap amount (e.g., fundraising)
- Maximizing cap space
- Predictability in roster construction
  - *Transfer portal is separate but related*
- Retention of rights
- Recalibrating an institution's allocation of resources
- Enforcement

# Litigation and Enforcement

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- *House Settlement and Corresponding NCAA Bylaw Changes*
- College Sports Commission
- *University of Wisconsin, et al. v. University of Miami*
- *University of Georgia Athletic Association, Inc. v. Damon Wilson*
  - Georgia state court
- *Damon Wilson II v. University of Georgia Athletic Association, Inc., et al.*
  - Missouri state court
- *Duke University v. Mensah*
  - North Carolina state court
- High School:
  - *Rolanda Brandon v. North Carolina State Board of Education, et al.*
- Enforcement
  - Recent tampering violations by Virginia Tech (2022) (cross-country, football)

# Contact Information

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