

### A TALE OF SPORTS STARS, RAPPERS AND LAWYERS

25 July 2014 | [James Nurton](#)



**I spent Tuesday morning this week learning about IP licensing from Lionel Messi, Sachin Tendulkar, Marilyn Monroe and Jimi Hendrix at a seminar discussing celebrity endorsement and music rights**

Sadly they weren't actually present in person at the seminar, hosted by [ialci](#) (the association of lawyers for the creative industries) at a London hotel. But they all provided some useful lessons discussed by the well-informed, and predictably well-dressed, audience of businesspeople, lawyers and others (right).



### Ambassadors and music clearance: case studies

Messi and Tendulkar are among the [brand ambassadors](#) representing Swiss watch maker [Audemars Piguet](#), and the company's chief legal officer, Nicolas Burgener, explained some of the challenges that ambassadors present - such as tensions between individual and team sponsorships, the role of agents and termination clauses.



Among the other presentations, Richard Kerstein of Resilient Music provided a case study of a complex music clearance [project](#) for [Peroni beer](#), and Malcolm Gaskin of Idea Mine (left) told the fascinating story of how Courvoisier cognac was endorsed by US rappers, enabling it to penetrate a new market (watch the memorable [video](#) of 'Pass The Courvoisier Part II' by Busta Rhymes featuring P Diddy & Pharrell).

All of those speaking agreed that sportspeople, celebrities and musicians are becoming more and more important in marketing and PR. Brand owners want the boost from a big name, especially when trying to reach new audiences, while artists can commercially exploit the loyal following they have from fans (intensified by social media). In the music industry, for example, revenue from so-called [sync rights](#) can go some way to making up the

shortfall from falling record sales. One person at Tuesday's seminar told me that some publishers have annual seven-figure targets for such revenues.

## How a win-win can become a lose-lose

The marriage of big brands and celebrities can seem like a win-win but too often it turns out to be lose-lose. As one person pointed out on Tuesday, sometimes this is down to naïve expectations: A brand owner that wants to exploit the edgy appeal of a rock star to reach young consumers cannot realistically expect that the star will be a teetotal, drug-free virgin.

One potential obstacle is negotiations over rights and money - where copyright is concerned there may be many owners of performance and publishing rights, all of which have to be cleared. (Apparently the most problematic discussions are often where the rights owner has died, and you have to deal with his or her estate.)

Another is the ethical issues. For the celebrity, these include: do I want to be associated with this brand? How much exposure am I going to get? What are the risks? What limits should I place on my use? It was a lesson learned the hard way by [Scarlett Johansson](#). For brand owners, as lawyer and ialdi president [Annabelle Gauberti](#) (right) explained, there are also significant risks, namely that the celebrity may bring the wrong kind of publicity: recent examples include Luis Suarez, Kate Moss and Tiger Woods.



Often legal advisers are seen as obstructing these kinds of deals, focused on the fine print and forever telling clients: "No, you can't do that." That's probably unavoidable to some extent, but it's a pity. Smart, commercial, creative lawyers should on the contrary be able to enable agreements that benefit both sides while keeping commercial risks to a minimum. That's the challenge for those who work in this area.

## COMMENTS

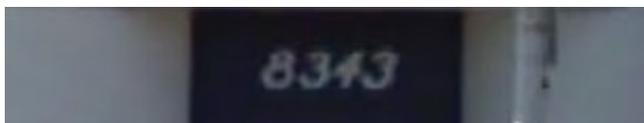
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Annabelle Gauberti

Display this name

info@crefovi.com

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## Article Comments

Thank you James for this review of ialci's and Crefovi's law of luxury goods series seminar on "how to market through celebrities & music bands: endorsement deals, product placement & publicity rights".

We also had a lot of fun during that morning and are glad that you found both the content of our presentations and the networking opportunities offered by this seminar of high quality!

Information about the future seminars on the law of luxury goods series (in particular on the fight against counterfeiting in the luxury sector and IP in fashion & luxury), will be released here: <http://ialci.org>

Videos of the presentations done during the seminar of 22 July 2014 are available here:  
<https://www.youtube.com/user/ialci1901>

**Annabelle Gauberti Aug 10, 2014**

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