



Educational Document regarding  
Name, Image, Likeness & Intellectual Property



With Wildcat student-athletes off and running in the Name, Image & Likeness (NIL) era, UK Athletics reminds all those involved with transactions to be mindful of Commonwealth of Kentucky and University policies. The purpose of this document is to provide specific education regarding use of University of Kentucky Intellectual Property. Those seeking to use the University’s trademarks, colors and other identifying indicia and copyrighted content need to obtain a license from the University or other authorized party. UK Athletics supports student-athletes in their NIL endeavors, and therefore, this document is intended to help navigate the waters of intellectual property parameters.

For more specific questions regarding NIL intellectual property or use of marks, please contact the UK Athletics Marketing Office.

Name, Image & Likeness (NIL)		Intellectual Property (IP)
NIL is <u>YOUR</u> name, image or likeness		IP includes trademarks, copyrights, and trade dress owned by OTHERS

OTHERS is anyone but YOU including the University of Kentucky, SEC, NCAA, Nike, artists, and photographers

As shown in the product endorsements images on the following pages, YOUR name, image, and likeness does NOT include you adorned in University of Kentucky branded gear/clothing or OTHERS’ branded gear/clothing.

YOUR name, image, and likeness is just YOU.

YOU can wear your own branded gear, branded gear of the product you are endorsing, or unbranded gear.

IP LIMITATIONS

You MAY NOT use the University’s OR OTHER’S (1) trademarks, (2) colors, (3) other identifying indicia, OR (4) copyrighted content UNLESS you have (5) a license from the University or the OTHER party to do so.

(1) TRADEMARKS include words, symbols, and designs (KENTUCKY WILDCATS, NIKE)

- a. Trade dress is a form of trademark use that does not necessarily include the use of a logo, but instead, a commonly worn uniform (a brown uniform is the trade dress of UPS and functions as a trademark), packaging (the silhouette of a building or the outline of a bottle), or other elements that would lead a reasonable person to associate the element with a trademark owner.
- b. Uniform piping or striping, checkerboard pattern, etc.
- c. Colors include the University’s blue and white colors

(3) Other identifying INDICIA includes items such as #BBN, CATS, WILDCATS, BLUE WALL, BIG BLUE WALL, GO BIG BLUE etc.

(4) COPYRIGHTS include images/pictures created/taken by OTHERS

(5) LICENSING can provide YOU the ability to use the University’s and OTHER’S IP

## EXAMPLES of PROPER Use of NIL Rights in Product Endorsements

Anthony Davis



Anthony Davis is NOT in a uniform in the purple and gold color scheme of the L.A. Lakers. Rather, he is in a lime colored uniform to match the product flavor

No trademarks of OTHERS are visible in the product packaging

Frito-Lay created the image of Anthony Davis

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Anthony Davis is in a Lakers uniform, including its purple and yellow color scheme **BUT** Frito-Lay SECURED A LICENSE to use the Laker's IP for this particular purpose

The "Nike Swoosh" trademark, owned by Nike, is shown on the Lakers uniform **BUT** Frito-Lay SECURED A LICENSE to use Nike's IP.

No other trademarks of OTHERS are visible in the product packaging except for the licensed marks.

Frito-Lay created the image of Anthony Davis.

**EXAMPLES of PROPER Use of NIL Rights in Product Endorsements**



Kerri Walsh

Kerri Walsh is NOT in a team uniform (e.g., U.S. Olympic team uniform) having a color scheme associated with the team.

No trademarks of OTHERS are visible in the advertisement except those of the product being endorsed.

The statement "Endorsed by Olympic Gold Medalist Kerri Walsh" is acceptable because it is factually accurate and the phrase is not highlighted but is the same as the rest of the wording in the ad.

KT Health, LLC created the image of Kerri Walsh.

\* \* \* \* \*



Patrick Mahomes II

Patrick Mahomes is not in a Kansas City Chiefs uniform having a red and gold color scheme associated with the team.

No trademarks of OTHERS are visible in the advertisement except those of the product being endorsed.

The statement "Kansas City Quarterback" is acceptable because it is factually accurate and the phrase is not highlighted but is the same as the rest of the wording in the ad.

Advocare created the image of Patrick Mahomes.

### **10 TIPS for Proper use of NIL Rights**

1. You alone are being paid to endorse a product. Not you in UK branded clothing or Nike branded clothing or third party branded clothing.
2. Wear clothing (hats, shirts, etc.) that does not have any trademarks visible unless it is the trademark associated with the product you are endorsing in the advertisement.
3. Wear clothing that is not blue and white.
4. Use only photographs that you took or that you have a license to use.
5. Cover (have blurred) any tattoos that may appear in the advertisement unless you have a license from the artist.
6. If you endorse a product, the endorsement should reflect your honest opinions, beliefs, or experiences with the product (DO NOT endorse something you do not like).
7. Do not appear in an advertisement that suggests you use the endorsed product unless you actually use the product.
8. Do not make statements about a product that you know to be untrue.
9. Surround yourself with individuals that you trust!
10. ASK QUESTIONS and READ THE FINE PRINT!

## **Frequently Asked Questions:**

Question 1: Can I use a university provided image of myself for NIL related activities?

**No, unless you get a license from the University.** The University provides images to student-athletes for personal use on social media only. The images are not for use in product endorsements or on your own personal website offering product for sale.

Question 2: How do I get a license from the University?

If you want to secure a license for a photo or video, please visit [ukathletics.com/nil](http://ukathletics.com/nil) and select “Catapult Licensing.”

If you want to secure permission to use UK marks on merchandise or apparel, please visit [ukathletics.com/nil](http://ukathletics.com/nil) and select “Fanatics Licensing Management.”

For additional questions on licensing and use of marks, please email Nathan Schwake at [Nathan.schwake@uky.edu](mailto:Nathan.schwake@uky.edu).

Question 3: Can I have my own website that touts my NIL availability?

**Yes**, as long as the website does not utilize images of (1) yourself in uniform, (2) yourself in University of Kentucky (or third party) branded gear, or (3) University Facilities including athletic fields/stadiums.

Question 4: Can I have my own website that sells my own personal branded products?

**Yes**, as long as the personal branded products do not include Trademarks or other indicia of the University or images of yourself in uniform, AND the website itself does not utilize images of (1) yourself in uniform, (2) yourself in University of Kentucky (or third party) branded gear, or (3) University Facilities including athletic fields/stadiums.

Question 5: Can I appear in an advertisement in my official University of Kentucky uniform?

**Not unless you have permission from the university to do so.** Typically, the advertiser would secure these rights, not you the student-athlete. Trademarks, blue/white colors, or other indicia of the University on a uniform cannot be used for NIL related activities or on your own personal website offering product for sale.

Question 6: Can I sell (or contract with a third party to sell) apparel featuring an image of myself in a blue/white uniform?

**No, unless you get a license from the University.** The University’s blue/white colors, and other indicia on a uniform, create an association with the University and cannot be used for NIL related activities or on your own personal website offering product for sale.

Question 7: Can I appear in an advertisement in a blue and white uniform with the University’s trademarks removed?

**No, unless you get a license from the University.** The University’s blue/white colors and other indicia on a uniform create an association with the University and cannot be used for NIL related

activities or on your own personal website offering product for sale. One color (Blue or White) may be used; but not both blue and white together. If you are unsure, please ask!

Question 8: Can I appear in an advertisement in University of Kentucky branded clothing I bought at the mall or bookstore?

**Only if the company that you are advertising has secured the rights to do so.** Trademarks, blue/white colors, and other indicia of the University cannot be used for NIL related endorsements or on your own personal website offering product for sale.

Question 9: Can I appear in an advertisement in or in front of University facilities including athletic facilities?

**No.**

Question 10: Can I appear in an advertisement wearing Third Party branded clothing (e.g., a NIKE t-shirt, a ADIDAS hat, a LULULEMON skirt)?

**No, unless you get a license from the Third Party brand owner.** Trademarks of a Third Party cannot be used for NIL related endorsements or on your own personal website.

Question 11: Can I refer to myself as a University of Kentucky student athlete in NIL related activities?

**Yes.** You can print a statement concerning your association with the University (e.g., University of Kentucky Defensive End, University of Kentucky gymnast, University of Kentucky athlete) as long as the statement is accurate and is not made to stand out relative to other printed words in the advertisement or on your own personal website (e.g., same font and size text).

Question 12: Can I use an image of myself in my official University of Kentucky uniform in an image that was not provided by the University (i.e a newspaper or website photographer)?

**No, unless you get a license from the University to use trademarks and the person who created the image, to use their copyright.** Trademarks, blue/white colors, and other indicia of the University on a uniform cannot be used for NIL related endorsements or on your own personal website offering product for sale. In addition, the person who created the image owns a copyright in the image and a license would be required to use the image for NIL related endorsements or on your own personal website offering product for sale.

Question 13: Can I use an image of myself in a blue and white uniform with the University's trademarks removed?

**No, unless you get licenses from the University and the person who created the image.** The University's blue/white colors and other indicia on a uniform create an association with the University and cannot be used for NIL related endorsements or on your own personal website offering product for sale. In addition, the person who created the image owns a copyright in the image and a license would be required to use the image for NIL related endorsements or on your own personal website offering product for sale.

Question 14: Can I use an image of myself in University of Kentucky branded clothing?

**No, unless you get licenses from the University and the person who created the image.**

Trademarks, blue/white colors, and other indicia of the University cannot be used for NIL related endorsements or on your own personal website offering product for sale. In addition, the person who created the image owns a copyright in the image and a license would be required to use the image for NIL related endorsements or on your own personal website offering product for sale.

Question 15: Can I use an image of myself in front of University facilities including athletic facilities or of the University facilities themselves?

**No.**

Question 16: Can I use an image of myself in an advertisement wearing Third Party branded clothing (e.g., a NIKE t-shirt, a ADIDAS hat, a LULULEMON skirt)?

**No, unless you get licenses from the Third Party brand owner and the person who created the image.** Trademarks of a Third Party cannot be used for NIL related endorsements or on your own personal website. In addition, the person who created the image owns a copyright in the image and a license would be required to use the image for NIL related endorsements or on your own personal website.

Question 17: Can I sell University branded products through my own personal website?

**Yes, so long as the branded product is licensed.** Trademarks, blue/white colors, and other indicia, including pictures of you in uniform, of the University cannot be used on product sold on your own personal website.

Question 18: Why do I need to cover my tattoos?

The artist who created the tattoo owns a copyright in the tattoo and some artists have sued athletes and gaming companies for reproducing those tattoos in advertisements and video games. You should have any tattoo artist assign their rights in your tattoos to you in writing.

## EXAMPLES OF PERMISSIBLE

University of Kentucky Student Athlete NIL Merchandise for Sale





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