

***What is Name, Image & Likeness (NIL)?***

Name, image, and likeness (NIL) are the three elements that make up “right of publicity”, a legal concept used to allow the use of an individual to promote a product or service. Example of NIL-related activities include autographs, personal appearances, promoting a business, sale of merchandise with the individual’s NIL, social media endorsement, or representation in video games.

Louisiana state law permits intercollegiate student-athletes enrolled at a university or college in the state to earn compensation at market value for use of their name, image, and likeness (NIL) and retain a marketing agent or advisor relating to this compensation. A college or university, athletic conference or the NCAA cannot prevent a student-athlete from earning compensation from the use of the student-athlete's name, image, or likeness.

*\*NOTE\** Act 479 of the Regular Session of the Louisiana Legislature, concerning the compensation of intercollegiate athletes for the use of their name, image and likeness (“NIL”) and related matters, was signed into law in 2021

***What can student-athletes do to promote my business?***

NIL contract activities include appearances, autograph signings, social media promotions, advertisements or endorsements and other similar events in which a business, brand, product or service is promoted.

***When can I sign a student-athlete to a promotional contract?***

Current student-athletes can sign contracts now. Prospective student-athletes cannot be offered or sign NIL contracts in order to recruit or entice them to enroll at Tulane (the University). Doing so would be designated as an NCAA infraction. Once enrolled and attending class they become current student-athletes and eligible to sign contracts.

***May student-athletes have representation?***

Student-athletes are permitted to retain agents or advisors for the purposes of providing counsel and assistance for NIL contracts only. Agents or advisors for student-athlete NIL contracts must be registered with the Louisiana Secretary of State. Student-athletes are still prohibited from retaining agents or advisors for the purposes of gaining a professional opportunity.

***Do I negotiate directly with the student-athlete?***

Student-athletes or their agents can negotiate NIL contracts with businesses. The University may not be involved in any form of brokering NIL-related contracts. The University can make connections between businesses and donors but cannot broker the contract or pay the student-athlete directly.

***Is my payment to student-athletes tax deductible?***

No, because this is a contract with a student-athlete for a work-related endeavor, the payment is not tax-deductible. The payment cannot be paid to the University to give to the student. Tulane University does have an external collective for NIL contracts with Tulane student-athletes that offers a tax-deductible option.

***When must the University be notified of potential NIL contracts?***

Student-athletes must disclose each contract they enter into for compensation for the use of their name, image, or likeness to Tulane University Athletics Department. Disclosure must be made by the contract’s first effective date or the first reasonable opportunity to disclose, whichever is earlier. Per Louisiana, state law the duration of a contract for representation of an intercollegiate athlete or

compensation for the use of a student-athlete's name, image or likeness shall not extend beyond their participation in an athletic program at a postsecondary education institution.

***May student-athletes use branded attire or material during promotional events (e.g., student-athlete filming endorsement ad while wearing Tulane hat)?***

Student-athletes must obtain express written consent from Tulane Athletics before being able to use any Tulane University's facilities, uniforms, registered trademarks, products protected by copyright, or official logos, marks, colors, or other indicia in connection with the use of the student-athlete's name, image, or likeness.

For all Tulane University name, logo, uniform, and facilities use requests, student-athletes and/or the business should contact the licensing department at [trademrk@tulane.edu](mailto:trademrk@tulane.edu) to discuss approvals prior to signing any contracts or displaying any Tulane names, logos, marks, uniforms or facilities in their announcements publically. Retail sales of any of the items mentioned above requires the business or student-athlete to be a licensed, approved vendor of Tulane University.

***How do I compensate a student-athlete?***

Student-athletes may receive compensation in the form of money, services, discounts, or goods.

***Is there a limit on what I can compensate a student-athlete for their NIL?***

No, but state law requires that payment or compensation to a student-athlete for a NIL contract must be at fair market value.

***May a student-athlete receive NIL compensation based on the student-athletes' athletic performance?***

No.

***May an NIL contract stipulate that a student-athlete must compete for, or attend, Tulane?***

No.

***May I compensate a student-athlete for their NIL when the student-athlete is engaged in official team activities?***

No. If a student-athlete is participating in a competition, fan event or other activity sponsored or organized by Tulane Athletics, the student-athlete may not be compensated for his autograph, photo, or other service.

***What kinds of promotions are prohibited?***

Student-athletes may not enter a NIL contract to receive compensation for the advertisement, endorsement, or promotion of the following:

- Gambling
- Alcohol
- Performance Enhancing Supplements
- Adult Entertainment
- Pornography
- Controlled Substances
- Marijuana
- Tobacco

- Student-athletes may not earn compensation that violates Tulane University Code of Student Conduct policies

***May international student-athletes utilize NIL?***

International student-athletes should NOT enter into any NIL agreements without the guidance from the Tulane University Office of International Students Scholars to discuss and prevent any complications with student visa/immigration issues. Internal student-athletes can reach out to [oiss@tulane.edu](mailto:oiss@tulane.edu) with specific questions.

***Who do I contact for any NIL questions?***

Jana Woodson; Deputy AD External Relations

[jwoodson@tulane.edu](mailto:jwoodson@tulane.edu)

504-862-8442

Nik Shah; NIL Executive General Manager

[Nik.shah@altiusp.com](mailto:Nik.shah@altiusp.com)

847-778-9548