



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

Name, image, and likeness (NIL) are 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. “3<sup>rd</sup>-Party” NIL refers to compensation paid to a student-athlete by an external entity (e.g., a business) in exchange for use of the student-athlete’s NIL, as well as some form of quid pro quo (e.g., social media promotions). Examples include deals with Felipe’s, Marucci, and other corporate entities.

Louisiana state law permits intercollegiate student-athletes enrolled at a university or college in the state to earn compensation for use of their NIL and retain a marketing agent or advisor relating to this compensation. All NCAA Division I student-athletes must report third-party NIL deals (link: [Student-Athlete NIL Deals](#)). These deals are disclosed in NIL Go (compliance website) and are subject to review by the College Sports Commission’s (CSC) “range of compensation” and “valid business purpose” evaluations.

*\*NOTE\* Act 479 of the Regular Session of the Louisiana Legislature, concerning the compensation of intercollegiate athletes for the use of their NIL and related matters, was signed into law in 2021 and has most recently been amended in May, 2024*

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

NIL contract activities include appearances, autograph signings, social media promotions, content creation, advertisements or endorsements and other similar events in which an athlete promotes a business, brand, product or service.

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

Current student-athletes can sign contracts now. Depending on the state law, prospective student-athletes are allowed to engage in 3<sup>rd</sup> party NIL deals. 3<sup>rd</sup> party NIL offers/deals may NOT be contingent upon athletic participation or performance.

### ***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 3<sup>rd</sup> party NIL contracts with businesses. The University can make connections between student-athletes and businesses/donors, however the written contract and payment needs to be provided by the business and disclosed by the student-athlete in NIL Go.

### ***Are 3<sup>rd</sup> party NIL deals to student-athletes tax deductible?***

No, a 3<sup>rd</sup> party NIL deal with a student-athlete is a work-related endeavor, so the payment is not tax-deductible. Donations to the [Tulane Talent Fund](#), a vehicle that supports Tulane’s NIL efforts, are tax-deductible.

### ***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 NIL to NIL Go and the CSC’s NIL compliance system. Disclosure must be made within five days of agreeing to a deal. 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 NIL shall not extend beyond their participation in an athletic program at a postsecondary education institution.

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

Agreeing to a 3<sup>rd</sup>-party NIL deal with a student-athlete does NOT guarantee the use of Tulane University’s Intellectual Property (IP), including facilities, uniforms, trademarks, official logos, or other indica. If interested in using Tulane IP, please email [trademrk@tulane.edu](mailto:trademrk@tulane.edu) or [steven.stroud@tulanesportsproperties.com](mailto:steven.stroud@tulanesportsproperties.com).



### ***In what forms may a student-athlete receive NIL compensation?***

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 the CSC, the entity that oversees *House* settlement and third-party NIL deal compliance, requires that NIL compensation to a student-athlete must meet specific requirements (e.g., range of compensation, valid business purpose).

### ***May a student-athlete receive NIL compensation based on the student-athletes' athletic performance (i.e., "pay for play")?***

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?***

- 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 engage in NIL opportunities?***

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. If you have specific questions, reach out to [nshah10@tulane.edu](mailto:nshah10@tulane.edu).

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

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