

POINT/COUNTERPOINT: Allowing student athletes to profit from use of their name, image and likeness

EDITOR’S NOTE: As of July 1, the National Collegiate Athletic Association has implemented an interim policy that allows student athletes to monetize their name, image and likeness, often referred to as NIL. At the same time, the state of Illinois enacted a similar measure. In the past month the Illinois Business Journal has gathered reactions from across the political spectrum. Here is a sampling of voices on the issue.

Statement by Mark Emmert, president of the NCAA: “This is an important day for college athletes since they all are now able to take advantage of name, image and likeness opportunities. With the variety of state laws adopted across the country, we will continue to work with Congress to develop a solution that will provide clarity on a national level. The current environment — both legal and legislative — prevents us from providing a more permanent solution and the level of detail student-athletes deserve.”

Luis Pardiollo, CEO and co-founder of Dreamfield, a digital marketplace: “We view NIL as not just a financial opportunity, but a balance shift of empowerment. This puts the power back in the hands of the athletes.” — As quoted in Sports Illustrated.

Adi Kunalic, president of OpenDorse, a social media company in Lincoln, Neb.: “This market, one year ago, there was 10 to 15 companies dabbling in it. We’ve been in this since 2012. Now, there are more than 100 companies, and they’re popping up left and right.” — as reported in the Austin American-Stateman.

Gov. Pritzker on the Illinois bill, stating he hopes the Student-Athlete

Endorsement Rights Act will keep more student-athletes in Illinois colleges and universities. “(With this bill) into law, Illinois will lead the United States in giving student-athletes the opportunity to sign endorsement deals of their own— joining a growing coalition of states leading the fight for innovation in our modern collegiate sports system.”

The new law came shortly after the Supreme Court ruled the NCAA could not place limits on education-related benefits that schools provide student-athletes.

Jodi-Tatiana Charles, the founder of LCG Brands: “The door is now open for National Collegiate Athletic Association athletes to profit from their names, images, and likenesses. Although the laws are a bit hazy on a state-to-state and even university-to-university case, the road map to endorsement and advertising opportunity is not. Strong personal branding by student athletes will be the deciding factor of who profits from this new marketing gold rush.

“Additionally, athletes with a solid team of an attorney, accountant, financial advisor, mentors, and brand developers will have the best opportunity to capitalize and create a lasting legacy.

“There is a huge difference between being known as a college athlete within that space to becoming an icon. Similarly, there is a massive chasm between being featured in an ad for a local car dealership versus being the face of one of the largest automakers.”

University of Illinois Athletic Director Josh Whitman on the Illinois law: “(Senate Bill 2338 is) the most dramatic, meaningful change to come to the collegiate model since the adoption of athletic

scholarships. We’re very proud to be able to host this very important and special day, not only in the history of college athletics here in our state, but in the history of college athletics across all of the states.”

Rep. Kambium Buckner, D-Chicago, who played football at the University of Illinois: “The new law “is not just a win for the star quarterback or the star point guard. This gives the women’s tennis player an opportunity to be compensated for teaching lessons back in her hometown during summer breaks,. This creates an apparatus for the women’s softball player to lend her image to the local pizzeria for fair market value. Obviously the college athletics landscape is changing, and I think that what we have proven here through this coalition is that we will always be willing and ready to be creative and to be a step ahead to lead the charge. We don’t know what everything will look like in the coming months and years, but I think what this signals is that we’re poised and ready to be at the vanguard and be at the front of the charge.”

Eva Rubin, a women’s basketball player at the U of I, said college athletes pour hours into their school work and sports careers, but there are other partnerships that the new law can help facilitate. She pointed to her experience as a Type 1 diabetic and public outreach she has participated in for that cause. “With my small platform that I’ve been able to kind of build for myself here at the University of Illinois, I’ve had many opportunities to work with diabetes research foundations, the American Diabetes Association, just organizations and causes like that that are important to me. So now with the (law) being passed,

I can only imagine the opportunities that I’ll be able to create for myself and build for myself in ways that that will help me give back to my community.”

Vederian Lowe, a lineman for U of I’s football team: College athletes have “been dreaming of” the opportunity to reap financial benefits for the work they put into their sports. The bill is a “historic change” for college athletics.

A summary: The new law will allow universities to prohibit a student from obtaining any sponsorships from wearing logos from certain brands during a competition. For example, if the university has a contract with Nike, it can prevent in-game Adidas sponsorships of individual athletes.

It prohibits endorsements for gambling, sports betting, controlled substances, marijuana, tobacco, alcohol, e-cigarettes, performance-enhancing supplements, adult entertainment, “or any other product or service that is reasonably considered to be inconsistent with the values or mission of a post-secondary educational institution.”

Universities and colleges would be prohibited from adjusting scholarship offers for students who receive compensation for their name and likeness. And organizations such as the NCAA, which oversees major college athletics, would be prohibited from punishing athletes or schools that accept or allow compensation.

Illinois joins 20 other states having passed such legislation, according to businessofcollegesports.com, although many of them have later effective dates.

Capitol News Illinois provided some of the information for this column.

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