

**Memo for the Uniform Law Commission Committee on the Uniform College Athlete
Name, Image, and Likeness Act to Accompany Revised Version of the Draft for
April 2021 Committee Meeting**

This memo summarizes the most significant changes to the revised draft of the Uniform College Athlete Name, Image and Likeness Act (the “Act”). The Committee and Observers will have an opportunity to discuss these and other issues at the upcoming meeting.

Section 2: Definitions

Broadens the definition of “Athletic Association”; deletes the terms “Non-Game Related” and “Game-Related”; changes all references of “NIL” to “name, image, and likeness.”

Section 3: Scope

3(b) Adds a legislative note to clarify that the act does not apply to U.S. Service academies or other institutions that are subject to federal regulations that might conflict with this act.

Section 5: Right to Earn Compensation; Limits on Athletic Association and Institution

Section 5(e): Clarifies that this section does not apply to the use of a college student athlete’s name, image, and likeness in the broadcast of games.

Section 6: Restrictions on Name, Image, and Likeness Activity

Section 6(a): Modifies the restrictions on use of institution or conference trademarks to make them consistent with basic trademark principles and to protect against a likelihood of confusion.

Section 6(f): Requires the institution to refrain from engaging in any commercial activity if the college student athlete is prohibited from engaging in such activity (e.g., an endorsement agreement with an alcohol sponsor).

Section 6(g): Clarifies and limits the institution’s ability to prevent college student athletes from engaging in activity with conflicting sponsors.

Section 8: Disclosure Requirements of College Student Athletes and Institutions

Section 8(a): Changes the triggering requirement for disclosure from an annual aggregate minimum to a minimum per activity to allow for timely disclosures.

Section 10: Disclosure Requirements of Third-Party Entity

Maintains two options for third parties—a disclosure or registration requirement.

Section 12: Third Party Entity Certificate of Registration

Section 12(b): Adds categories of misconduct for the registration standards.