



ENTERTAINMENT & SPORTS LAW PRACTICE GROUP

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THE FIRM

At CM Advocates LLP, we pride ourselves on being able to provide our clients with consistently timely, high quality, innovative and commercially relevant legal advice. Since technical know-how is not adequate, we constantly seek to build excellent working relationships with our clients and clearly understand their businesses and the realities and imperatives they face. Our strategy is to build teams that are specific to our clients' needs and also combine specialist legal skills, industry experience and practical know-how.

Our focus is getting to the core of our clients' legal needs, creating and adding value to them; by delivering timely, innovative and commercially-sound advice and legal solutions. We have set up robust systems to ensure consistently high quality out-put in every assignment we undertake and we are uncompromising in our quality control. Moreover, we always seek to protect our clients' interests, mitigate their risks and create superior outcomes for them.

Our achievements for clients are made possible by our professional team of technically and commercially brilliant lawyers led by our Managing Partner at the fore front of every transaction, who are singularly focused on their clients' success. In other words, our pride is to make you succeed in your business or project.

We have a culture of professionalism, team work and respect, where talented professionals with different views, experiences and backgrounds can thrive. To remain on the cutting edge, we put extra emphasis on continuous learning, knowledge sharing and peer reviews. This has enabled the Firm to carve a niche for itself in the existing as well as new and emerging branches of law. The Firm's local and international clientele cuts across various sectors of our economy like financial services, real estate development, manufacturing, telecommunication, agribusiness, tourism and hospitality, energy and mining.

OUR PRACTICE AREAS

1. Anti-Bribery & Anti-Corruption
2. Asset Tracing & Recovery
3. Aviation Law
4. Capital Markets
5. Charities and Not-for-Profit Organizations (NPOs)
6. Commercial/Business Law
7. Construction & Infrastructure Law Unit
8. Corporate Law
9. Cyber Security, Privacy & Data Protection
10. Debt Recovery, Restructuring & Insolvency
11. Dispute Resolution
12. Employment, Labour Relations and Immigration Law Advisory
13. Energy, Mining & Extractive Industries
- 14. Entertainment & Sports Law**
15. Family Law, Estate Planning & Probate Administration
16. Forensics & Investigations, Risk & Compliance
17. IP & TMT (Telecommunications, Media & Technology)
18. Lobbyist & Policy Practice
19. Multi-lateral Organizations. Foreign Embassies & Consultants
20. Non-Compete, Non-Solicit & Trade Secret Practices
21. Private Equity & Venture Capitalist
22. Real Estate, Banking & Finance
23. Shipping, Logistics & Admiralty Law
24. Start-ups & Small & Medium Sized Enterprises

ENTERTAINMENT & SPORTS LAW

CM Advocates is a multi-disciplinary law firm that has managed to create specialized practice units which operate as autonomous “law firms” within the firm. We hereby introduce to you the Entertainment & Sports Law (ESL) Practice.

Long gone are the days when the entertainment and sports industries were mere pass times. Sports men and women as well as varied artists put in immense effort in the growth of their skill set. These industries have now been professionalized and commercialized. Sportsmen and artists seeking to optimize commercial value of their skills need and deserve a technocrat who understands the legal and regulatory framework of these industries.

We have organized our Entertainment & Sports Law (ESL) practice to ensure that our clientele benefit from the specializations held by our advocates. We pride ourselves in offering timely and tenable legal solutions. Moreover, the ESL practice is built on a key attribute -commercial awareness. Our team of lawyers have honed their commercial awareness skills and guarantee our clientele top notch legal service resulting in optimal commercial benefit. The firm management ensures all advocates continually improve on this critical skill.

For us, the video game, the sport, the acting, modelling, designing, programming, coding, social media content creation is not simply talent

or a hobby- it is an avenue for commercial benefit! We advise and structure these relationships for to avoid legal exposure and optimise commercial benefit.

Our practice areas in ESL are: -

1) Transactional/ Commercial ESL Practice

Whether it is simple contract issued to the sportsman, or the mega endorsement/sponsorship deal, or the novel content put up on social media that is now viral and advertisers are calling- we offer legal advisory and help negotiate for the best contractual terms. We have acted for various artists and are well versed with intricacies of the entertainment and sports industries.

Our transactional lawyers have in the past handled the following: -

- Drafting and review of sports and entertainment contracts including but not limited to sponsorship, merchandising, franchise, retail, marketing and distribution agreements;
- Legal advisory on structuring sponsorship, endorsement and advertisement deals;
- Registration and enforcement of various IP rights – trademarks, copyright,

patents, image rights etc.

- Attending negotiations, with, for and on behalf of clients particularly where intellectual property rights accrue and need legal protection;
- Advisory and representation on sports competition law arising issues;
- Registration of sports clubs, sports associations, entertainment companies, foundations etc.
- Drafting, review and or amendment of Articles of Association, Constitution and other policy document for sports clubs, sports associations and entertainment companies;

2) Dispute Resolution and ADR

Legal disputes emanating from the sports and entertainment dispute make headlines all the time. We have handled disputes relating to: -

- Ownership and transfer rights;
- IP rights infringement;
- Sports disciplinary matters;
- Sports competition law and anti-trust disputes;
- Employment disputes; and
- Contractual disputes.

3) Regulatory Framework Advisory

In the past decade, Kenya has promulgated quite a number of laws and established different institutions all in a bid to better regulate and structure the professional sports industry. Moreover, there exists a slew of international regulations and codes of conduct binding sports stakeholders in Kenya e.g., FIFA, CECAFA, CAF, IOC to which local entities must conform or risk sanction.

We have in the past worked with several national sports organizations by training on the existing legal framework and consulting in the formulation of policy documents that are in tandem with existing laws. This includes anti-doping policies, anti-corruption policies, employment policies e.tc.

Further, we also advise national and county sports organizations created under the Acts on implementation of their mandate and legal advisory on the interpretation of the various local statutes and international regulation.

We have also established networks within the sports industry inter alia the office of the registrar of sports, sports disputes tribunal, antidoping agency, BCLB and can act a liaison with these government agencies.

We are committed stakeholders to the legal and regulatory sports framework in Kenya and thus ensure to keep ourselves and our clients duly updated on the developments in this sector. We also actively participate in policy and law formulation through offering our comments and advisory in the public participation forums during the law-making process.

4) Tax and Immigration Law Advisory

Our tax and immigration experts have in the past advised on the following sports and entertainment law related matters: -

- Taxation of salaries of non-resident players, coaches, athletes, athletes' support personnel etc.;
- Taxation of sports incomes earned overseas by a Kenyan resident;
- Taxation of foreign direct investments

made to local sports organization, sports clubs or sports association;

- Taxation of sports foundation - talent development groups;
- Application for tax exemptions for sports foundations and other sports related charitable organizations;
- Advisory on existing double taxation agreements for sportsmen actively participating in sports in Kenya and another foreign country;
- Advisory on applicable tax relief/ rebates for foreign or local investments in the sports industry; and
- Procuring work permits, passes and suitable visas for visiting sportsmen.

5) Corruption, & Anti-doping

The sports industry has developed as one that is very susceptible to corruption, bribery and

related offences. Existing local and international laws and regulations also creates quite a number of offences and sanction relating to undue influence, unfair advantage, corruption anti-trust, and anti-doping practices. This coupled with the fact that regulators around the world, including Kenya, are becoming more aggressive and cooperative in investigating and enforcing anti-bribery and anti-corruption laws and related economic crimes has necessitated the need for legal specialization on anti-corruption laws.

Moreover, with the increasing global awareness of the risk of doping on both the individual sportsmen and the sports industry generally, government and international agencies are collaborating to curb the doping condurum.