

Many Athletes Unknowingly Sign Away Rights to Profit From Their Images

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By [Brad Wolverton](#)

Chapel Hill, N.C.—Does the NCAA’s use of former athletes’ images and likenesses infringe upon their rights? That question, which is at the heart of a federal class-action lawsuit, has prompted a wave of recent academic studies, some of whose results were presented here on Wednesday at a conference sponsored by the [College Sport Research Institute](#).

In one of the most interesting studies, researchers asked 3,000 football and men’s basketball players if they realized that, by signing a consent form the NCAA requires them to hand over before suiting up, they were giving the association and its licensees permission to profit from their image or likeness. Of the nearly 300 players who responded to the survey, almost half said they didn’t understand what rights they were signing away. And four out of 10 said there should be additional information clarifying how the NCAA uses their images.

DJ Looney, a former football player at Mississippi State University, recalls signing 30 or so forms at the beginning of the year, but not that one. “You hope they’re all in your best interest,” he says, “but you just want to get out of that meeting in 15 minutes.”

The results could prove valuable for lawyers in Ed O’Bannon’s closely watched [case against the NCAA](#). Michael McCann, a professor of law and director of the Sports Law Institute at Vermont Law School, said in an e-mail. Although the study concerns the views of current athletes while the O’Bannon lawsuit centers on the legal rights of former players, the study still goes to the issue of whether college athletes are adequately informed of their legal rights and of the implications of potentially waiving away identity rights in perpetuity, Mr. McCann said.

The athletes’ confusion didn’t stop with the form. Fifty-four percent of the survey’s respondents thought that by appearing in video games bearing their images or likenesses, they were endorsing those commercial goods, said Anastasios Kaburakis, an assistant professor of management and sports business at Saint Louis University and the study’s lead author.

“They weren’t getting any money, but they still felt they were actually endorsing the product,” he said in a phone interview.

Despite the confusion, 97 percent of respondents liked being featured in video games, and two-thirds believed that the way the NCAA and video-game companies used their image or likeness was fair. But only 33 percent believed that their athletic scholarship was sufficient payment for the use of their

image or likeness. (Mr. O'Bannon's lawyers would most likely focus on that last point, Mr. McCann said, as it is a core argument in his case.)

Mr. Kaburakis and his fellow researchers—who include David Pierce, of Ball State University; Beth A. Cianfrone, of Georgia State University; and Amanda L. Paule, of Bowling Green State University—plan to submit their paper for publishing within the next few weeks.

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