



University of Kentucky Name, Image & Likeness
Frequently Asked Questions
REVISED June 28, 2022

Question #1: Do I have to tell anyone at UK about an arrangement I have entered for payment for my NIL?

YES. Per UK Athletics policy, a student-athlete is required to disclose any proposed contract or agreement 7 days prior to the activity to the Athletics Compliance Office.

Question #2: Am I allowed to wear UK branded gear in my NIL activity for compensation?

Yes, in certain circumstances. UK logos and marks (i.e., university intellectual property) are only permitted based on approval by the university multimedia rights holder, JMI Sports. Any use of university intellectual property on retail product will require a separate licensing agreement. For retail products, contact Fermata Partners. License applications will be considered consistent with existing practice.

Question #3: Is a “booster” allowed to pay me for use of my NIL?

YES. However, a “booster” or donor is only permitted to pay you for use of your NIL IF:

- 1) It is not used as a recruiting inducement or extra benefit;
- 2) It is not based on an athletic performance or achievement; and
- 3) It is not at the direction or arranged by a coach or institutional staff member.

Question #4: Are there companies that I am not allowed to enter into an agreement with to use my NIL?

YES. You are not permitted to enter into an arrangement for compensation for your NIL for any of the following:

- 1) Lotteries, casinos, sports wagering facilities or online equivalents.
- 2) Products and establishments that market products exclusively to those 18 years of age or older.
- 3) Adult entertainment.
- 4) Tobacco, marijuana, nicotine vapor products.
- 5) Providers of higher education (other colleges and universities), health care, and related services.



Question #5: I am an international student-athlete. Am I allowed to have a contract/agreement with a company to pay me for use of my NIL?

Yes, in certain circumstances. If you are an international student-athlete, you need to check with the International Student Office PRIOR to entering into a contract or agreement for compensation. The International Office can assist you with reviewing your VISA requirements to determine if this is something that you are permitted to do.

Question #6: If I am compensated by a company for use of my NIL, will it impact my athletics scholarship?

NO. Your athletics scholarship (tuition, room, board, books, fees, and cost of attendance) will not be impacted by any compensation that you receive as part of a NIL arrangement.

Question #7: Will any NIL compensation I receive impact my ability to receive a Pell grant or other need-based financial aid?

YES. Any NIL compensation that you receive could impact your ability to receive a Pell grant or any other need-based financial aid. You should contact the University of Kentucky Financial Aid office for any additional questions regarding this.

Question #8: Is my coach or other UK staff member allowed to make calls to companies to try to help arrange a NIL deal for me?

NO. No university employees (including coaches and staff) are permitted to make any arrangements to negotiate a NIL deal. However, this does not include providing your contact information to companies.

Question #9: What happens if I don't report my NIL contract/agreement to the Athletics Compliance Office?

You may lose eligibility and/or be suspended from team activities (including practice).

Question #10: Am I required to pay taxes on any NIL compensation I receive?

YES. You should consult a financial advisor, accountant, or tax attorney for specific reporting requirements.

Question #11: Am I allowed to use an agent or other outside third party to negotiate a NIL contract?

YES. The agent needs to be registered with the state of Kentucky and the UK Athletics Compliance Office prior to involvement in negotiations. The agent is also limited to only



providing counsel to the NIL agreement, not for future professional playing opportunities.

Question #12: Can I miss practice/competition to participate in a NIL promotional activity?

NO. Per UK Athletics NIL policy, you may not miss any required team activities (CARA or RARA), class, or any other academic obligations (i.e. tutors) in order to participate in NIL opportunities.

Question #13: Can I take a picture that a UK photographer has taken of me and make copies of it to use at an autograph signing and/or sell copies of the photo?

Yes, provided you obtain a license to use the image, which is subject to copyright ownership. You may contact XOS Digital to inquire about obtaining a license.

Question #14: Can I develop a Nonfungible Token (NFT)?

Yes, provided you do not use University of Kentucky intellectual property, or you obtain a license for any University of Kentucky intellectual property.

Question #15: Can university staff help me develop graphics, take photographs/video, or help develop other social media communication for my NIL activities?

Yes IF the student-athlete pays for the activity. If the student-athlete does not pay, then this would be considered an extra benefit provided by a university staff member and result in a violation of NCAA rules and student-athlete ineligibility consequences. Please note that the activity must be approved by the employee's supervisor and conducted outside of the staff member's normal work responsibilities.

Question #16: Can a member of the institution's staff review a contract and provide feedback/guidance?

Yes. The staff member is permitted to provide guidance on a proposed NIL opportunity.

Question #17: Can a member of the institution's staff purchase an item that a SA is selling as part of a NIL deal?

Yes. An institutional staff member may purchase goods produced by a student-athlete provided the purchases are made at the same rate and in the same manner as any potential customer. Further, the purchases of the products must be for legitimate purposes (e.g., not a guise for pay-for-play)."



Question #18: Can a member of the institutions staff promote a student-athlete's NIL activity (i.e. social media, radio, television, etc)?

Yes, Institutional staff members may "like" or "retweet" a student-athlete, signee, or prospect's social media post on an NIL activity provided the coach or staff member does NOT add any "call to action" or other text/characters to the like or retweet. See Question #19 for additional clarification on university employee responsibilities with promoting or advertising commercial products.

Question #19: Can coaches or other university employees participate in NIL activities with student-athletes?

Yes, provided there is advance approval. University of Kentucky regulations stipulate that university members may not use or allow the use of the name of the university or identify themselves as employees of the university in the public promotion or advertising of commercial products without prior written approval.

Question #20: Can a student-athlete or their NIL representative receive approval for the NIL activity via email/text?

No. In order for a NIL activity to be reviewed for approval, it must be submitted via INFLCR.

Question #21: What is the difference between a student-athlete's participation in an institutional promotional activity (i.e., community service) and a NIL activity?

If the student-athlete is getting compensated for the activity or there is any type of commercial involvement in the activity, then it needs to be disclosed as a NIL activity via INFLCR. Institutional promotional activities do not need to be disclosed via INFLCR; however, an institutional promotional activity form should be completed. These forms can be obtained by contacting the UK Athletic Compliance Office at compliance@uky.edu.

Question #22: What is the difference between student-athlete employment and NIL?

Student-athlete employment does not involve a commercial business using the SAs' name, image, or likeness in the promotion of the business or product. Permissible employment does not need to be disclosed as a NIL activity and only requires that the student-athlete and supervisor complete the necessary employment form, including private lessons/camps.



However, if the student-athlete is providing private lessons/camps and using their name/image/likeness to promote that employment (for example, on social media, flyers, etc), it does need to be disclosed as a NIL activity.

Question #23: Does a prospective student-athlete need to disclose any NIL activities that happen prior to enrollment to the institution?

No. If a prospective student-athlete has a NIL deal that they will continue to engage in and be compensated for after enrollment then they need to disclose that deal upon enrollment. Prospective student-athletes need to be attentive to the law governing NIL activities in their home state in order to ensure compliance.