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Notes from the Field: Sports Tech: A Sports Lawyer's Playbook, Brooklyn Law School Third Annual Sports Law Symposium



Sometimes the best learning experiences are local. After a quick subway ride on the 2 to Borough Hall, I walked into Brooklyn Law School (BLS) for its third annual Sports Law Symposium, presented each year by the Brooklyn Entertainment Sports Law Students and Intellectual Property Law Association. As a speaker and attendee, I was impressed by the substance and caliber of the completely student-organized program. Here are my takeaways from this year's symposium, [Sports Tech: A Sports Lawyer's Playbook](#).

- **AI and athlete biometric data.** I was a speaker on the first panel, "Playing Offense: Optimizing Artificial Intelligence & Athlete Biometric Data in Sports." We started with a primer on [artificial intelligence](#), including machine learning, deep learning, natural language processing, and, with particular relevance to sports, [computer vision](#). I shared my self-invented and admittedly simplistic "AI rubric," breaking down the technology into four parts: input, prompts, algorithms, and output.
 - The speakers shared how different stakeholders, including individual players, coaches, referees, players unions, team owners, sporting venues, advertisers, fans, broadcasters, streamers, and sports betting apps, have different perspectives about the use of data in sports. The session also explored how different types of data, such as stats; athlete biometrics; video footage; and name, image, and likeness (NIL); are treated differently under copyright, right of publicity, biometric data, and privacy laws. We ended with a discussion about what it means to "[future proof](#)" your clients in the face of emerging technologies like AI.
- **eSports.** The second panel, titled "The Esports Playing Field," contrasted the economics underpinning the traditional sports ecosystem as compared to the esports ecosystem. Several speakers highlighted how,

unlike the traditional sports industry, the entire esports industry, from the players to the teams, is particularly beholden to the copyright owners of the videogames. The panelists pointed to the challenges for esports players who are not unionized and include few who are able to command the kind of lucrative sponsorship packages more commonly extended to traditional sports athletes.

- **Data privacy and cybersecurity.** The third panel, titled "Playing Defense: Sports Data Privacy & Security," featured in-house counsel from several major sports leagues or teams. For all of them, privacy and cybersecurity have become some of the highest-stakes issues for their clients. The speakers also noted how quickly the laws, the regulations, and—not to be underestimated—public opinion, can change, and how important it is to be proactive and collaborate when it comes to customers, fans, and brands.
- **Leadership.** The symposium closed with a keynote conversation with a [sports lawyer and executive](#) who shared her rise from law firm associate to in-house counsel at a liquor company to executive at MLS. She emphasized how her early understanding about social media gave her an edge in what was called "new media law."
- **Conclusion.** Data, analytics, and technology have always played an important role in sports, but upcoming advances in AI, biometrics, and sensor technology present athletes and sports organizations with thorny issues relating to who owns and controls, and gets to use and exploit, athlete data.

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