

# Fisher Broyles

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**Practice Areas:** Intellectual Property; Entertainment & Sports; Licensing; Technology; Privacy & Data Security; International; Cyber-Risk; Internet & eCommerce; Advertising; Trademark; Copyright; Strategic IP Counselling; Media & Communications Law

**Bar Admissions:** England & Wales (Solicitor); New York; California; Massachusetts

**Education:** Northeastern University School of Law; University of Wisconsin; University of Massachusetts

**Experience:** DLA Piper LLP (Partner, Solicitor); Nixon Peabody

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Richard P. Flaggert (CIPP/E, CIPP/US, CIPP/C, CIPM, CIPT), a dual-qualified (US/England & Wales) partner and solicitor, focuses his extensive, global practice on intellectual property, data privacy, and technology matters, with particular sector expertise in media, sport, and entertainment. Richard provides strategic and tactical legal and business guidance to global client leadership teams, institutions, startups, and individuals.

Richard is a key advisor to clients in the US, UK, and worldwide, and most recently served for a decade in the Media, Sport, and Entertainment practice of an AmLaw Top 5 firm.

Intellectual Property, IP Transactions, Licensing

Richard provides clients with practical advice tailored to both immediate and long-term business objectives. He assists clients in exploiting, acquiring, protecting, enforcing and defending their intellectual property rights around the globe, maximizing the value of his clients' trademark, copyright, patent, and related assets while maintaining and expanding the integrity of their portfolios and rights. He also uses his significant technology transaction expertise to assist businesses and individuals in the development, protection, licensing, collaboration, and exploitation of their technology, data, and other intellectual property, and commercializes client intellectual property by negotiating, structuring, and drafting efficient and effective technology and brand licensing agreements among various stakeholders and across borders.

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### Entertainment and Media

Richard uses a depth and breadth of experience to provide distinctive and bespoke advice in the media, sport, and entertainment sectors, representing chief industry stakeholders, their partners, vendors, and other related parties worldwide. He counsels global media interests, production and distribution companies, digital/new media businesses, studios, licensors/rights holders, and individual talent/performers.

### Sport

He advises professional and amateur sports franchises, ownership, leagues, federations, governance, digital, linear, and OTT broadcasters, sponsors, investors, stadium interests, and related parties in a full complement of sector transactions, ranging from franchise acquisition to stadium naming rights, content distribution, sponsorships, endorsements, and athlete/talent matters.

### Data Privacy and Cybersecurity

Richard also helps companies ensure the privacy and security of the data they collect, store, and process as ongoing digitization increases regulatory and competitive pressure. Ric helps clients adopt compliant strategies that enable them to both protect and leverage data in an increasingly complex state, federal, and international regulatory environment.

## Representative Transactions

### Trademark, Copyright and Licensing

- Trademark/Copyright/Licensing (IP/SaaS/cloud)/Transactional counselor to global rights owners, including international sports/media broadcasters, consumer products companies, and various technology startups.
- Strategic clearance, prosecution, and protection of client trademark and copyright portfolios worldwide, including for the world's leading entertainment, sports, and media network.
- Advise global sports media conglomerate on launch of eSports portal and related intellectual property strategies.
- Sports betting and advertising advisor to professional football league and other international clients.
- Advertising, licensing, and media counselor to consumer products retailers.
- Advise facilities operator on global shooting rights arrangements with production studios.

### Data Protection/Data Privacy/Cybersecurity

- Privacy program counselling, including drafting policies, notices, conducting audits and inventories for various media, technology, and retail clients.
- Counsel to and coordinate privacy work across international conglomerate to ensure a consistent approach in operations; model for data collection and use across multiple platforms (cable, Internet, online services), and meet current and evolving federal, state, and self-regulatory privacy requirements, resulting in improved internal data flows, processes, time to implement new initiatives, and reduced annual costs.
- Conduct team privacy assessments (compliance measurement exercises), PIA, and DPIA, and vendor assessments on behalf of global news media conglomerate, encompassing cable, digital, podcasting, and print in more than forty countries worldwide; interface with EU Supervisory Authorities on behalf of same.
- Provide training re: GDPR, CCPA, COPPA, and direct marketing/advertising matters, risks associated with AI/blockchain, data access, transfer, BYOD agreements, and domestic state/federal, and international policy matter analysis.

### Media/Transactional Matters

- Advise global media interest on acquisition of US-based cable television network, including IP, employment, and corporate diligence; core transition team lead for same.
- Establish joint venture on behalf of global sports broadcasting rights owner for entry of sports programmer to United States; secure and negotiate agreements for distribution of marquee European and UK-based professional football (soccer) leagues
- Advise American entertainment company on launch of OTT SVOD service.
- Advise sports media consultancy on acquisition by global sports and media agency.

### Affiliate/Content Distribution Matters

- Negotiation of long-term domestic affiliation/carriage agreements for global media/sports network, totaling more than \$2B in commitments
- Advise global multimedia sports conglomerate on launch of NCAA Conference network
- Distribution counsel to largest American Spanish-language programming network, negotiation of affiliate/carriage agreements with all major cable distributors.
- Establishment of new domestic programming network for global media conglomerate, including negotiation of license transfers and carriage agreements with distributors.
- Counsel American News/Opinion platform in expansion to Middle East and South America (Dubai, Qatar, Indonesia, Mexico, South Africa), draft joint partnership agreements underpinning each and advise on related launches.

### Sponsorship Matters

- Negotiate and secure IOC TOP sponsorship for PyeongChang (2018) and Tokyo (2020) Olympiads valued at more than \$400M.
- Counsel NFL franchise on various sponsorship deals relating to new stadia.
- Represent Chinese manufacturing company in extensive facility and team sponsorship arrangement with the Boston Bruins.
- Counsel eSports franchise purchaser in establishment/acquisition of Overwatch® League franchise
- Represent Japanese mobile/e-commerce conglomerate in data, AI, coaching/player development exchange as between Japanese professional baseball club and the Arizona Diamondbacks organization.
- Represent top-3 insurance company in top-tier NFL team sponsorships with various NFL franchises

### Endorsement and Related Matters

- Represent global nutrition company in multi-year endorsement arrangement with A-list media personalities, actors, actresses, and models.
- Advise luxury retail company on multi-year arrangement with actress and model Kate Upton.
- Represent German perfume and cosmetics retailer in endorsement/modeling arrangements for print, broadcast, digital media and live promotion with various talent, including four of the top-10 earning fashion model talents of 2019/2020.
- Advise sponsor on multi-year endorsement deal with NHL All-Star David Pastrnak and joint venture with CAA.

### Presentations and Teaching Experience

- Adjunct Faculty, Northeastern University School of Law
- Guest lecturer (Media and Entertainment; Intellectual Property Transactions) - Northeastern University School of Law (2015-2020)
- "Navigating a New Reality: A Multi-Platform Look at Media and the Law" - Keynote Speech, UMASS Law School Symposium (2019)

### Publications

- Fortnite, Copyright, and Legal Precedent - TechCrunch (March 25, 2019)
- Copyright in eSports: A Top-Heavy Power Structure - IP & Technology News (2018)
- Effective Cybersecurity - IP & Technology News (2018)

### Memberships/Community Activities

- Infragard
- International Association of Privacy Professionals (IAPP)
- Paley Media Council
- Sports Lawyers' Association
- Information Systems Audit and Control Association (ISACA)
- International Trademark Association (INTA)
- American Intellectual Property Law Association (AIPLA)
- Boston Bar Association
- American Bar Association
- Massachusetts Bar Association
- Mensa International

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