



## Media & Entertainment Practice Group

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The Media, Entertainment & Sports Team of Nishith Desai Associates (“NDA”) is specialist and highly equipped to deal with all issues arising out of regulatory, technological, legal and tax changes in the media, entertainment and sports industries in India.

**Strategy:** The team has assisted with strategies and policies for our clients' operations both within India and internationally, in accordance with broadcasting, publication, intellectual property and ancillary laws and regulations in India.

**Structuring:** The team has advised Viacom, Turner Broadcasting, MGM, CBS, MTV, Sahara, Osians, World Space, Reliance Entertainment ADAG, Times Group (to name some) on the structuring of their investments and transactions taking into account current the tax, legal and regulatory regime. The firm also provides advice on the structuring of investments in the media industry for overseas and domestic clients as well as the setting up of media-related funds, fund investments, joint ventures, co-productions for film and acquisition of publishing and broadcast media, in Print, Internet, TV and Radio. The firm has advised several new-media clients on their India-related activities, including amongst other, the drafting of content licenses, webcasting, and co-branding agreements. It has counseled Nickelodeon Global Network Ventures on its India-related business and the Eenadu Group of Companies, one of the largest entertainment and media companies in Southern India.

**Regulatory:** On the regulatory work, we continue to advise World Space on all aspects of operation of satellite radio services in India. We have also assisted Astro All Asia Networks with their India businesses. We are also advising another UK based company in the launch of their TV channel in India on the DTH platform and several other overseas companies who license their TV channel content for viewing in India. We have and continue to advise MGM on their regulatory filings and compliances in India. Further the firm has also advised Space Systems/Loral, MEASAT Broadcast Network Systems, SDN BHD Malaysia, Zee TV, and Asia

Satellite Communications Holdings Limited on their space communication ventures.

**Documentation and advisory:** We continue to advise our clients such as Warner Bros., Reliance Entertainment ADAG, Time Warner, Times Global, Times Group, MGM, Sahara, Music Choice, BullDog Media, Headstart Films and many film makers and producers in their documentation for all types of media contracts. The firm has also advised top entertainment companies on drafting and negotiating various deal memos and contracts, including option and purchase agreements, distribution agreements, exhibition agreements, production and finance agreements, licensing and assignment agreements, marketing assistance and alliance agreements, music agreements, actor-director-producer agreements, and merchandising, sponsorship & endorsement agreements, as well as television format licensing. The firm also advises iDream Productions which has distributed films such as “Monsoon Wedding,” “Bend It like Beckham,” “Bollywood Hollywood,” “Samay”, “16 December”, and “Agnivarsha” amongst others and several of their ongoing projects. We continue to work many of the largest right down to start up production companies in India on various film and TV productions.

**IP Advisory:** The firm has advised the Really Useful Group (an Andrew Lloyd Webber Company) on IP ownership issues for its musical “Bombay Dreams”. We have advised and assisted with strategy in relation to IP issues for the films, Gandhi My Father and Black. We have advised Warner Bros. in IP infringement issues in India.

**Due Diligence:** We specialize in conducting due diligence of media companies including issues relating to ownership of rights, regulatory compliances and tax.

**Film Distribution:** In respect of the film distribution, our firm handled the distribution related contracts for the film “*Passion of the Christ*” and distribution contracts for iDream Productions and Warner Bros to name a few.



Production Counsel: We have acted as production counsel for the mainstream Bollywood films like “Kaante” and cross over films like “Bollywood Bride”.

Our firm acted as production counsel to one of the most acclaimed Indian films of the year, “Black”. As production counsel we advised the client on a host of intellectual property issues arising out of the production of the film. We also acted as production counsel for “Gandhi my Father”. We are counsel for Warner Bros. for their Indian productions.

Talent arrangements: NDA has also advised top Indian artists on drafting and negotiating their agreements with production houses. Some of our clients include Anil Kapoor, Sushmita Sen, Kabir Bedi, Shekhar Kapur, Feroz Khan (theatre producer-director), Vishal Bhardwaj and Sanjay Leela Bhansali. The team represented celebrity and talent management companies such as 9Yards and assisted in drafting and negotiating several endorsement and celebrity management deals with sports personalities and actors. We have advised Shekhar Kapur, of the Oscar winning Elizabeth’s fame, on all legal issues arising out of film direction/production and related activities.

Sports: We are the only law firm specializing in the sports industry. The team has advised on purchase of football clubs, entry strategy and regulatory issues for Premier League Clubs from UK wanting to develop its fan base in India including merchandise and broadcast rights. We continue to advise overseas sports ticketing companies with regard to their contracts with BCCI for ticketing of matches in India, the Commonwealth Games Committee and other associations and organizations on all IP and broadcast relates issues. We have also assisted clients in their bids for the Indian Premiere League for the T 20 cricket format.

Print Media: We have are actively involved with developments in the print media sector and continue to advise international publishing houses, including Dubai based ITP Publishing Group on the launch of

their printed magazines in India, primarily through IP licensing arrangements.

Funds and investments: Our knowledge and expertise in new media has helped grow our funds and private equity practice as we advise more companies from overseas on investments in the media and entertainment industries.

Litigation: The team has successfully represented Bennett and Coleman Limited in one of the first online domain name disputes in India and has also represented Cox & Kings and Wipro on similar matters. The firm has also successfully represented several international and Indian clients in negotiations, litigation, arbitration and drawing up settlements, including advising and taking action on behalf of a leading film production company with respect to their copyright disputes, a leading international event management company with respect to infringement of their intellectual property rights and passing off. NDA has also represented several clients in respect of disputes arising out of endorsement contracts. We have assisted Toonz Animation in their mediation proceedings.

Reports: As a research-based law firm, we have authored two media specific reports encompassing the film and the television industries, titled “Bollywood v. Hollywood: Legal and Business Practices A Comparative Analysis,” and “Globalising the Indian Television Industry: Implications and Opportunities”. We also continue to contribute widely on media related issues to various publications within India and abroad such as the World Copyright Law Report and have also made presentations on media and entertainment law around the world. We have also carried out extensive research on co-production treaties and the availability of tax breaks and subsidies worldwide for film productions.

## Team:

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