



Benjamin R. Mulcahy

Partner

benjamin.mulcahy@dlapiper.com

Los Angeles (Century City)

T: +1 310 595 3048

F: +1 310 595 3348

Benjamin R. Mulcahy is a partner in the Intellectual Property and Technology practice and co-chair of the firm's National Advertising Team. Ben represents major film studios, broadcast and cable television networks, retailers, prominent website operators, major consumer brands and their agencies in all aspects of sports marketing, entertainment marketing and interactive marketing, as well as in structuring and negotiating virtual reality, gaming, eSports and innovative branded entertainment initiatives and navigating the rights of stakeholders and the ever-changing laws that affect how campaigns are activated and content is distributed across all media.

Ben has been ranked as one of the country's leading lawyers by *The National Law Journal*, which named him at the age of 36 to its annual "40 Under 40" list of leading lawyers under the age of 40. *Variety*, one of the two leading entertainment industry publications, has twice recognized him as a Game-Changing Entertainment Attorney in its Legal Impact Report, naming 50 lawyers whose deals and court battles have changed the shape of entertainment. *Variety* has also named Ben to its Dealmakers Impact Report, recognizing the deal makers who help make things happen in Hollywood.

Ben has been consistently selected for inclusion in annual editions of Chambers USA: America's Leading Lawyers for Business as a leading transactional Entertainment and Advertising Law lawyer and has been listed by the *Legal 500* in its guide to outstanding lawyers nationwide as an elite "Leading Lawyer" for his marketing and advertising practice in the media and technology industries. In 2014, the *Daily Journal* named Ben to its annual list of the Top Entertainment Lawyers in California for rapidly reshaping the movie, music and game businesses. Ben has been recognized by *Lawdragon Magazine* as one of the leading Film, Television and Advertising lawyers in America and has been consistently named a Super Lawyer, Entertainment and Sports, by the editors of *Law & Politics* magazine in both New York and Southern California. In 2008, Ben received a prestigious Burton Award, one of the highest literary honors in law, for his legal writing on the virtual world "Second Life."

Ben began his career practicing entertainment litigation, representing clients in cases involving copyright and trademark infringement, profit participation, television and motion picture distribution, product placement, and production credit. He also litigated antitrust and civil racketeering cases in addition to serving pro bono as a Special Assistant City Attorney prosecuting gross-misdemeanor jury trials for the Los Angeles City Attorney Office.

RELATED SERVICES

- Intellectual Property and Technology
- Trademark and Copyright
- Data Protection, Privacy and Security
- Cybersecurity

RELATED SECTORS

- Media, Sport and Entertainment
- Technology

CREDENTIALS

Admissions

- California
- New York

Prior Experience

- Judicial Clerk to the Honorable Paul A. Anderson of the Minnesota Supreme Court

Recognitions

- *National Law Journal*, "40 Under 40" list of the country's leading lawyers under 40
- *Chambers USA*, Advertising: Transactional & Regulatory (Nationwide), (2016-2020)
- *Chambers USA*, Advertising: Transactional, New York, (2007-2015)
- *Variety*, Legal Impact Report: Top entertainment lawyers that have a significant impact on the industry, (2017, 2018)
- *Variety*, Legal Impact Report: Game-Changing Entertainment Attorney (named among 50 lawyers whose recent deals and court battles have changed the shape of entertainment), (2012)
- *Variety*, Dealmakers Impact Report: Recognizing the dealmakers who help make things happen in Hollywood, (2013, 2014, 2016, 2018)
- *Daily Journal*, Top 50 Entertainment Lawyers in California, (2014)
- *New York Super Lawyers*, Entertainment and Sports, (2007, 2009-2017)
- *Southern California Super Lawyers*, Entertainment and Sports, (2010-2013, 2015-2017)
- Burton Award recipient for legal writing on the virtual world "Second Life," 2008
- *The Legal 500 United States*, Media, Technology and Telecoms – Recognized, Advertising and Marketing, and Cyber Law (2017); Elite Leading Lawyer, Marketing and Advertising Transactions (2014-2018); Recognized, Marketing and Advertising Transactions, (2009-2015)
- *Lawdragon Magazine*, Leading Lawyers in America, (2007)
- *Who's Who Legal*, Sports and Entertainment, (2015-2017)

Education

- J.D., University of Minnesota Law School
cum laude
- B.A., Saint John's University
magna cum laude

Courts

- United States Court of Appeals for the Eighth Circuit
- United States Court of Appeals for the Ninth Circuit

Memberships

- Professional Sports and the Law Member, Editorial Board
- Sports Lawyers Association, Member
- International Association of Privacy Professionals, Member
- Brand Activation Association, Government and Legal Affairs Committee, Member

Publications

Minors in pro esports bring 3 critical legal considerations

28 July 2020

What legal issues arise when the stars are children?

- Co-author, "Minors in Pro Esports Bring 3 Critical Legal Considerations," *Law360*, July 23, 2020
- Co-author, "Engaging Influencers," *Los Angeles Lawyer*, May 2020
- Co-author, "Online gaming and gambling are changing," June 28, 2018
- Co-author, "Clearing Content for Digital Advertising: 5 Things to Address," *Law360*, July 19, 2017
- "I Got 5 On It': UFC Fighter's Suspension for a Positive Marijuana Test Reeks of Controversy," *Professional Sports and the Law*, October 2015
- "Jerseys For Sale - \$500,000,000 Each," *Sports Litigation Alert*, September 7, 2012
- "Losing Games: Player Strikes Adversely Affect Sponsorship Agreements," *New York Law Journal*, October 31, 2011
- "Who's Right On Privacy?" *The Metropolitan Corporate Counsel*, September 2011
- "March Madness Isn't For Everyone," *Sports Litigation Alert*, March 25, 2011
- "Stealing the Show?" *Sports Litigation Alert*, October 22, 2010
- "On Your Marks, Get Set.... Ambush!" *Sports Litigation Alert*, February 26, 2010
- "The Athlete Endorsement Game: Securing a high-profile endorsement often requires lengthy negotiation and comes at a high cost of entry," *Sports Litigation Alert*, April 24, 2009
- "Citi Field: What's In A Name?" *Sports Litigation Alert*, February 13, 2009
- "Recapturing Ownership Through Copyright Terminations," *New York Law Journal*, October 14, 2008
- "Second Life Raises Novel IP Issues," *The National Law Journal*, December 3, 2007
- "A New Roll of the Dice," *New York Law Journal*, September 26, 2006
- "That's Advertainment!" *Los Angeles Lawyer*, May 18, 2006
- "Movie Sweepstakes Promotions Require Careful Legal Planning," *Los Angeles Daily Journal*, September 22, 2002
- "Congratulations! You've Got the Part. Now What? - Feature Film Actor Agreements," International Association of Entertainment Lawyers, February 2001
- "Tech Wars - 'InterCast' Television Raises New Copyright Issues," *Los Angeles Daily Journal*, May 24, 1999

Events

Previous

International advertising law webinar: The trend to sustainability and ESG advertising

15 July 2020 (afternoon session)

International advertising law webinar: The trend to sustainability and ESG advertising

Webinar

International advertising law webinar: The trend to sustainability and ESG advertising

15 July 2020 (morning session)

International advertising law webinar: The trend to sustainability and ESG advertising

Webinar

- Guest Lecturer, "Legal Issues Arising out the Structure and Activation of Esports Leagues and Tournaments," Gaming & Technology Law Course, University of California Irvine School of Law.
- Moderator, "Original Content is King: An Overview of the Ecosystem and the Opportunities for Brands," 2019 ANA/BAA Marketing Law Conference in San Diego, November 2019
- Panelist, "Ambush Marketing", General Counsel Roundtable presented with Gina Reif Ilardi and Nick Fitzpatrick, March 13, 2019
- Moderator, "Experiential Marketing," 2018 ANA/BAA Marketing Law Conference in Chicago, November 2018
- Moderator, "As American as Apple π: Automobile Advertising and Promotions Charge into The Future", 2017 ANA/BAA 39th Marketing Law Conference, Brand Activation Association (division of Association of National Advertisers), November 13-15, 2017
- Moderator, "Advanced Review of Olympics, FIFA, Sponsorships, & Ambush Marketing", 2016 ANA/BAA 38th Marketing Law Conference, Brand Activation Association (division of Association of National Advertisers), November 9-11, 2016
- "Ambush Marketing & Made In The USA," Brand Activation Association webinar, August 9, 2016
- Panelist, "Using Athlete Names, Images and Likenesses: Legal Battles Over the Right of Publicity," Sports Lawyers Association 42nd Annual Conference, May 13, 2016
- Moderator, "eSports, Extreme Sports and their Sponsorships, Promotions and Advertising," Brand Activation Association's 37th Marketing Law Conference, Chicago, November 2, 2015
- Co-chair of the Brand Activation Association's 37th Marketing Law Conference "Walking the Line: Between Innovation and Regulation," Chicago, November 2015
- Presenter, "Legal Issues in Branded Entertainment," 2015 PLI Advertising Law Institute, San Francisco, October 15-16, 2015
- Presenter, "Legal Issues in Branded Entertainment," 2015 PLI Advertising Law Institute, Chicago, September 18, 2015
- "Handling Stadium and Arena Issues," 41st Annual Sports Lawyers Association Conference, Baltimore, May 15, 2015
- "Navigating the Music Rights Ecosystem," Digital Media Update presented in Santa Monica, California, May 7, 2015
- "Sports Marketing Challenges in Player/Celebrity, Team and League Negotiations," 36th Annual BAA Marketing Law Conference, Chicago, November 06, 2014

NEWS

Five DLA Piper partners recognized in *Variety's* 2018 Dealmakers Impact Report

5 DEC 2018

DLA Piper is pleased to announce that five of its partners have been selected for *Variety's* 2018 Dealmakers Impact Report. The list honors the year's most accomplished dealmakers across all sectors of the entertainment industry who "keep the wheels of Hollywood turning, the content flowing and the money coming in."

MEDIA MENTIONS

- "Canada a hub for booming esports industry, says lawyer" *Canadian Lawyer*, December 5, 2019
- "Tackling Today's Nontraditional Media," *Minnesota Law*, April 28, 2019

PRO BONO

Ben Mulcahy serves as outside counsel to The Pad Project, a California Nonprofit Public Benefit Corporation that was founded by a group of high school students in Los Angeles and produced the documentary short film entitled "Period. End of Sentence.", which won the Academy Award in 2019 for Best Documentary Short Film and is available for streaming on Netflix. The Pad Project's mission is to help transform the global narrative surrounding menstruation into a source of empowerment and pride. To further that mission, The Pad Project continues to lead several initiatives designed to educate the general public about how girls around the world face barriers to receiving a quality education because they lack access to menstrual health education, adequate water, sanitation, hygiene facilities, and affordable, hygienic menstrual products. Ben also provides pro bono support to the Natural Resources Defense Council, a non-profit organization working to safeguard the earth - its people, its plants and animals, and the natural systems on which all life depends.