



Benjamin R. Mulcahy

Partner

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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. *The Hollywood Reporter* has also recognized Ben for his work on high-profile sports sponsorship and rights acquisition negotiations, naming him in 2021 to its 15th annual Power Lawyers list of Hollywood's top 100 attorneys.

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

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

- Media, Sport and Entertainment
- Technology

for the Los Angeles City Attorney Office.

CREDENTIALS

Admissions

- California
- New York

Prior Experience

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

Recognitions

- *The Hollywood Reporter*, Power Lawyers 2021, Hollywood's Top 100 Attorneys (2021)
- *Variety*, Dealmakers Impact Report: Recognizing the dealmakers who help make things happen in Hollywood (2013, 2014, 2016, 2018, 2020)
- *National Law Journal*, "40 Under 40" list of the country's leading lawyers under 40
- *Chambers USA*
2021 - Band 3, USA - Nationwide Advertising: Transactional & Regulatory
Chambers comments, "*Benjamin Mulcahy is especially active in marketing issues arising in the entertainment sector.*" *Clients say, "Ben has provided excellent leadership and oversight."*
- 2018 - 2020 - Band 3, USA - Nationwide Advertising: Transactional & Regulatory
- *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)
- *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*
2021 - Hall of Fame, Advertising and Marketing: Transactional and Regulatory (formerly Advertising and Marketing: Transactional)
Legal 500 comments, "*A contact in this space is Los Angeles-based Benjamin Mulcahy, who chairs the practice nationally and has broader expertise across IP and technology matters.*" *Clients say, "Ben Mulcahy is our go-to on all things sponsorship and advertising. He provides excellent counsel, helps our organization see around corners, and he finds cost-effective paths to meet our company.' 'Ben Mulcahy is a true standout in this space. His responsiveness with respect to client needs is second to none and his ability to get a practical solution to company wide problems makes him better than any other lawyer in this space. He makes you feel like you are his only client — he is able to understand all the nuances of our business and provide us with world class solutions quickly and efficiently."*
- 2018 - 2021 - Leading Lawyer, Advertising and Marketing: Transactional and Regulatory (formerly Advertising and Marketing: Transactional)
- *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

INSIGHTS

Publications

Going global: How reputation can boost brand protection prospects

20 November 2020

A generic term – the commonly used name of a class of products or services – is ineligible for federal trademark registration in the US. But a generic term combined with ".com" can create a federally protectable trademark, even if the generic term alone could not.

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

DLA Piper receives 2021 Intellectual Property Practice Group of the Year award from *Law360*

20 January 2022

DLA Piper is pleased to announce that *Law360* has named the firm's Intellectual Property and Technology practice a Practice Group of the Year for 2021.

Tom Ara and Benjamin Mulcahy named to *The Hollywood Reporter's* 2021 Power Lawyers list

27 May 2021

DLA Piper is pleased to announce that Tom Ara and Benjamin Mulcahy have been named to *The Hollywood Reporter's* 2021 Power Lawyers list highlighting the 100 top attorneys in Hollywood.

Eight DLA Piper attorneys named to *Variety's* 2020 Dealmakers Impact Report

10 December 2020

The recently released *Variety* Dealmakers Impact Report recognizes eight DLA Piper attorneys for their successful contributions to entertainment deal making in 2020: Tom Ara, Afshin Beyzaee, Scott Bradford, Katherine Imp, David Markman, Ben Mulcahy, Robert Sherman and Alex Steinberg.

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.