

Media, Entertainment & Content Clearance



Members of our **Media & Entertainment Practice** work with advertising agencies, advertising agency networks, direct marketers, media companies, publishers, television and cable networks, filmmakers, producers, individual talent and celebrities, technology companies and operators of digital content platforms, among others, on an array of media and entertainment matters.

We advise on all segments of the entertainment industry, including interactive and digital entertainment, mobile applications, feature films, documentaries, docu-dramas, television, music, publishing and sports. In particular, we advise our clients on strategies to monetize content on traditional and developing platforms.

Our practice covers areas as diverse as content development and content clearance, film clearance, regulatory compliance, consumer protection, intellectual property, celebrity endorsements, collective bargaining agreements, social media, e-commerce, promotions, sweepstakes, contests, product placement, licensing, defamation and invasion of privacy.

Sullivan's **Content Clearance Group** advises studios, production companies, independent filmmakers, advertising agencies and major brands on clearance of news, documentary, feature film and advertising video content for television and digital broadcast.

Our team reviews content for distribution on all types of platforms including premium cable, streaming services such as Netflix and Hulu, film festivals, YouTube, Instagram, Facebook, Snapchat, websites and native video platforms.

Our multi-disciplinary team has a deep knowledge and experience advising on copyright fair use, trademark, First Amendment, publicity and privacy issues, and litigation. We work collaboratively with our clients to provide tailored recommendations to reduce risk and overcome obstacles to publication. We draft and review releases, licenses and permissions, and we issue copyright fair use opinions. We also advise our clients on acquiring errors and omissions insurance.

Key Contact



Kim Herman

Practice Group Leader

(617) 338-2943 | kherman@sullivanlaw.com



< View full biography

Experience Spotlight: Represented the media and publishing interests of Lynn Roy, the mother of Conrad Roy III, whose former girlfriend was convicted by the Massachusetts Supreme Judicial Court for her role in the texting-suicide case featured in HBO's *I Love You, Now Die: The Commonwealth v. Michelle Carter*, and Hulu's *The Girl from Plainville*.

Accolades & Honors

Recognized as **Global Leader** by *World Trademark Review (WTR) 2024 Global Leader* JUNE 2024

Recipient of **Gold Band Ranking** in prosecution and strategy in Massachusetts by *World Trademark Review 1000: The World's Leading Trademark Professionals (WTR 1000)* JANUARY 2025

Ranked for **Trademark Law** by *Best Lawyers in America®* 2024 Edition AUGUST 2023

“Representing the firm in Boston, Kimberly Herman is appreciated for her ‘**clear and concise advice which is always delivered in a timely manner.**’ She keeps abreast of evolving laws in her clients’ industries, ensuring that she delivers commercial insights carefully tailored to their needs.”

WTR 1000 2025 Editorial Comments



Representative Client Work: Media, Entertainment and Content Clearance

- Provides counsel to media and other content publishers in the areas of trademark, copyright clearance and fair use, and frequently conducts pre-publication and pre-broadcast content reviews for television, cable and Internet networks. Regularly conducts pre-publication reviews of content on the following platforms: Facebook, Instagram, Snapchat, Twitter, YouTube and others.
- Provides advice to magazine publishing companies, television networks and content publishers on editorial issues, privacy and publicity rights, defamation, fair use and other potential litigation matters. Advises clients on content and manner of advertising in print and on product packaging to assess risks and avoid litigation.
- Regularly provides advice and counseling to entertainment and media clients, including television and film production companies; film and television producers; on-air talent; as well as investors, developers and licensees of film, television, music and Internet content.
- Drafts and negotiates music licensing agreements, talent agreements, event production agreements, including live event contracts, life story rights agreements and other entertainment-related contracts.
- Advises multimedia companies in drafting and negotiating production and distribution agreements, syndication agreements, insertion orders as well as sponsorships and endorsement agreements relating to both traditional and online distribution of content.
- Represents companies in the United States and Europe including independent production companies with the licensing and distribution of content via Internet broadcasting, streaming video, music on-demand and interactive television, including VOD. Also negotiates manager, performer and producer agreements for film and video projects.
- Represented the media and publishing interests of Lynn Roy, the mother of Conrad Roy III, whose former girlfriend was convicted by the Massachusetts Supreme Judicial Court in connection with her role in the texting-suicide of Conrad. The HBO documentary *I Love You, Now Die: The Commonwealth v. Michelle Carter*, directed by Erin Lee Carr, is a two-part documentary that treats difficult questions about social media, mental health and the use of technology and whether someone can be held liable for causing the suicide of another. Additionally, the Hulu program *The Girl from Plainville* is an eight-part show inspired by the true story of that same unprecedented “texting-suicide” case.
- Represented Vice Media in its acquisition of trademark rights and domain names and negotiation of manufacturing, sales, distribution and licensing agreements. Projects included news and document content, “Beat the Internet” and “Judy and Punch.”
- Represented media, entertainment and publishing clients including Vice Media, The Business of Fashion, Guardian News & Media (including various film and TV option agreements), INC. Magazine, Two Daughters Entertainment and Bally’s Corporation in U.S. and worldwide trademark clearance, prosecution, enforcement and brand licensing matters.
- Successfully represented the estate of a world-renowned Israeli artist Menashe Kadishman in a copyright infringement dispute against a global television network for its unauthorized use of the artist’s magnum opus *Shalekhet (Fallen Leaves)* in the network’s wildly popular television series.
- Represented an Italian movie director in a matter involving clearance and use of a depiction of Marilyn Monroe owned by the Andy Warhol Foundation.
- Represented filmmaker Ian McFarland in copyright fair use, license and release review for the Showtime feature-length music documentary, *The Godfathers of Hardcore*.
- Represented a number of well-known film directors, including Oscar winner Errol Morris, with respect to film copyright clearance and title matters. In addition, represents investors and filmmakers in connection with the adaptation of books into feature films.
- Represented journalist, documentarian and scientific researcher Hamilton Morris in a book option agreement and in his docuseries *Hamilton’s Pharmacopeia*.
- Represented investor and independent film producer in a book option for a feature film and an Olympic film deal.
- Represents a rights holder in connection with the works of master mystery writer John Bellairs.