

## Danica L. Mathes

### Partner

[dmathes@bellnunnally.com](mailto:dmathes@bellnunnally.com)

214-740-1474



**DANICA IS THE ADVERTISING, ENTERTAINMENT AND INTELLECTUAL PROPERTY LEADER CREATIVES TURN TO FOR RESULTS. SOME OF THE MOST WELL-KNOWN NATIONAL AND INTERNATIONAL BRANDS AND BIGGEST NAMES IN ENTERTAINMENT REGULARLY TRUST HER WITH THEIR CREATIVE ASSETS AND BRAND REPUTATION. DANICA'S GRASP OF COMPLEX IP AND RELATED ISSUES HAS EARNED TRUST FROM HER CLIENTS, PRAISE FROM HER PEERS AND SIGNATURE OPPORTUNITIES — INCLUDING ADDRESSING SXSW ATTENDEES.**

Danica is a branding and creativity attorney, and her practice focuses on intellectual property, entertainment, advertising and new media law. She helps clients protect and profit from their brands, products, services and talents.

Counseling individuals, entrepreneurs and *Fortune* 100 companies in a wide range of industries, Danica handles legal strategies for all aspects of brand protection, licensing, advertising and promotions compliance, branded entertainment initiatives, sponsorship and endorsement deals, broadcast and merchandising rights, sweepstakes and contests, as well as internet, e-commerce, software and other interactive and social media matters and related issues.

Danica is adept at handling traditional and emerging intellectual property, advertising and media matters, including:

- Assisting in the development, acquisition, use, prosecution, protection, registration, clearance, licensing and sale of proprietary products and services, brand management and exploitation of ancillary and related rights.
- Managing United States and international intellectual property portfolios, including trademarks, copyrights, patents, trade secrets, domain names, licenses and agreements.
- Protecting intellectual property rights, including handling trademark infringement, copyright infringement, misappropriation and other enforcement actions.

- Counseling and advising clients regarding internet and e-commerce ventures, technology transactions, software development, website development, mobile app development, terms of use and digital content licensing and acquisition.
- Analyzing and consulting on advertising and trade issues, including media, advertising and marketing agreements; trade regulation compliance; telemarketing, fax and email spam law compliance; sweepstakes, contests and other promotions; influencer marketing; Name, Image & Likeness (NIL) regulations and licensing; and branded entertainment initiatives.

Working with a wide variety of sports and entertainment organizations, as well as individual artists and athletes, Danica represents and counsels clients in various arenas of the entertainment industry, including music (established and developing recording artists and producers, musicians, managers, record labels and publishers), film (production companies, producers, directors, actors and screenwriters), television, radio, theatre, visual arts, literary publishing (authors, publishers and agents), amateur and professional athletes and sports teams (golfers; football, basketball and baseball players; boxers; U.S. Olympians; college athletes; coaches; league franchises; broadcasters; sponsors and promoters), and podcast personalities, producers and studios, in addition to traditional and interactive media outlets.

Danica frequently handles matters for national and international fashion, cosmetics, toy, food, beverage, alcohol and other consumer product companies, manufacturers and retailers, movie theatres, restaurants and hotels. She also advises creators of new media and emerging technology in the development and licensing of innovative software, mobile apps and games, and web-based platforms.

## Practices

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Entertainment, Advertising and Media  
Intellectual Property

## Industries

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Agribusiness, Beverage and Food  
Hospitality  
Manufacturing  
Nonprofits  
Software, Technology and Telecommunications  
Sports and Entertainment  
Wholesale, Retail and Services

## Representative Experience

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- Worked with a national luxury retailer in high-profile promotion and advertising matters.
- Advised literary agents, publishers and authors whose books regularly appear on *The New York Times* Best Sellers list and are adapted into motion pictures and television shows.
- Advised a national retailer in the negotiation of multimillion-dollar exclusive distribution and marketing arrangements with multi-platinum musical recording artists.
- Represented international toy retailers with all intellectual property and corporate matters, including trademark estate management, license negotiations, co-promotion and co-branding agreements, trade dress protection and retail lease agreements.
- Represented national and international alcohol, food and beverage companies in advertising clearance, copyright and trademark management and licensing, domain name disputes, Digital Millennium Copyright Act (DMCA) take down and enforcement actions, special events, promotions, sponsorships, endorsements and product placement matters.
- Counseled major media outlets with respect to fair use, ownership rights related to historic documents, copyright infringement matters, as well as issues regarding adapting traditional media to social and interactive media platforms.
- Assisted advertising agency clients to license music rights, develop relationships with celebrities, run contests and sweepstakes, and explore new product names.
- Counseled organizations and college athletes in Name, Image & Likeness (NIL) deals and related matters.
- Represented collegiate and professional sports organizations in negotiations of broadcast, digital and related rights.
- Advised a major retailer in the negotiation of public performance rights with ASCAP, BMI and SESAC.
- Worked with Grammy-winning, multi-platinum-selling musical recording artists, songwriters, producers and independent record labels and music publishers with respect to traditional recording, distribution and publishing agreements, as well as ancillary rights such as licensing, merchandising, touring, endorsements, film and television appearances, and cutting-edge collaborations and joint ventures with nontraditional entertainment outlets.
- Represented children's literary and animated properties in connection with United States and international distribution, licensing and ancillary rights matters.
- Represented the estate of a multi-platinum songwriter and performer in the multimillion-dollar sale of his music publishing catalog.

- Advised reality television show talent, competition winners and contestants in negotiations with production companies and in connection with endorsements and related agreements.
- Represented a number of emerging recording artists in the negotiation of agreements with major record labels and music publishers.
- Advised museums in acquisition of artifacts, works of art and related rights.

## Noteworthy

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- Selected by attorney peers for inclusion in *The Best Lawyers in America*®, 2007–2024
- Listed in Inaugural Edition of *U.S. News & World Report* and *Best Lawyers*® Best Law Firms - Bell Nunnally Tier 1 ranking in the Entertainment category, 2011–2013, 2019–2024
- Featured in *Best Lawyers*® Texas' Best Lawyers, 2020
- Selected by attorney peers as a Texas Super Lawyer®, Thomson Reuters, 2022–2023
- Selected by attorney peers for inclusion in *Super Lawyers*® Texas Rising Stars®, *Texas Monthly*, 2016–2018
- Named one of the "Best Lawyers in Dallas" by *D Magazine*, 2019–2023
- Selected as one of Dallas Bar Association's *Headnotes*' "Best Series of Substantive Legal Articles: Sports and Entertainment Law," State Bar of Texas' Publication Committee, 2012
- Adjunct Professor of Entertainment Law, Washington University in St. Louis School of Law, 2004–2009
- Listed in Cambridge Who's Who Registry among Executive and Professional Women, 2009
- Selected as one of *Missouri Lawyers Weekly*'s "Up and Coming Lawyers," 2004
- Selected as one of *St. Louis Business Journal*'s "30 Under 30," 2002

## Activities and Memberships

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- Leadership Dallas
  - Class of 2017–2018
- Texas Bar Foundation
  - Fellow, 2018–Present
- The College of the State Bar of Texas

- Member, 2015–Present
- American Bar Association
  - Entertainment & Sports Law Forum, Member
- State Bar of Texas
  - Entertainment & Sports Law Section (TESLAW), Council Member, 2016–2019
  - Intellectual Property Law Section
- Dallas Bar Association
  - Entertainment, Art & Sports Law Section
  - Intellectual Property Law Section
- The Missouri Bar
  - Member
- International Trademark Association (INTA)
  - Member
- Association of National Advertisers (ANA)
  - Member
- American Advertising Federation (AAF)
  - Member
- American Marketing Association (AMA)
  - Member
- Legal OnRamp
  - Law Firm Member
- Big Thought
  - Board Chair, 2020–2021
  - Board Member, 2016–present
- Attorneys Serving the Community

- Member
- Dallas International Film Festival
  - Former Panel Coordinator and Moderator
- Women in Film Dallas
- IgniteDallas
  - Inaugural Event Organizer, 2010–2016
- St. Louis Volunteer Lawyers and Accountants for the Arts
  - Former Board Member and Vice President
- St. Louis Young Variety
  - Former Board Member
  - Night of the Rising Stars Charity Event, Chair
- Junior League of St. Louis
  - Member, 2005–2007

## Publications

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- "USPTO Further Extends Certain Patent and Trademark Deadlines Until June 1 Under CARES Act," Bell Nunnally Client Alert, author; April 29, 2020.
- "USPTO Extends Certain Patent and Trademark Deadlines Under CARES Act," Bell Nunnally Client Alert, author; April 1, 2020.
- "COVID-19 Changes Affecting U.S. Intellectual Property Filings and Proceedings," Bell Nunnally Client Alert, co-author; March 18, 2020.
- "[Why and how brands selling on Amazon should enroll in Amazon Brand Registry](#)," *Dallas Business Journal*, author; October 2, 2019.
- "Don't Get Defensive...It's Only Fair Use," *Dallas Bar Association Headnotes*, author; March 2019.
- "Are Handshake Deals in the Entertainment Biz on Shaky Ground?" *The Texas Lawbook*, co-author; October 25, 2018.

- "[Best legal practices for brands using influencer marketing](#)," *Dallas Business Journal*, author; July 26, 2018.
- "[Lessons From Google Surviving The Genericide Attack](#)," *Law360*, author; July 7, 2017.
- "[Music Licensing Reform May Be On The Way](#)," *Law360*, author; September 9, 2014.
- "[Why Can A Librarian Make Unlocking Cellphones Illegal?](#)," *Law360*, author; April 5, 2013.
- "[A Different Kind of Title Insurance: How to Protect Titles of Creative Works](#)," *Bloomberg BNA'S Patent, Trademark, & Copyright Journal*, author; December 14, 2012.
- "New Mobile Apps Rating System for Kids," *Dallas Bar Association's Headnotes*, author; June 2012.
- "Kids' Marketing Guidelines Put Heat on Food Industry," *Law360*, interviewed; May 13, 2011.
- "Intellectual Property in Corporate Transactions," *Dallas Bar Association's Headnotes*, author; November 2010.
- "Talk to Our Lawyer," *Playback: stl Magazine*, columnist; 2006, 2007.
- "Missouri Sunshine Laws," *Missouri Lawyers Weekly* segment, Fox 2, KTVI-TV, interviewed; 2005.
- "New Federal Law 'CANs' Spam and Regulates Email Marketing," *St. Louis Small Business Monthly*, 2004.

## Presentations

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- "The State of the Art Law in Dallas," *Dallas Bar Association*, panelist; 2019.
- "Best Legal Practices for Brands and Non-Profits Advertising on Social Media," *Texas State Bar Annual Meeting*, presenter; 2018.
- "Essential Information for a Rapidly Changing World," *Bell Nunnally Client Seminar*, presenter; 2016.
- "Entertainment Law Essentials," *Dallas Producers Association – Texas Production Expo*, panelist; 2016.
- "Know Your Rights," *Dallas International Film Festival, High School Day*, panelist; 2016.
- "From Book to Film," *Dallas Bar Association Sports & Entertainment Law Section, Literary Boot Camp*, moderator; 2015.
- "Social Media and the Law," *Social Media Club of Dallas*, panelist; 2013.
- "Don't Get Defensive...It's Only Fair Use," *Dallas Bar Association Sports & Entertainment Law Section*, presenter; 2013.

- "By the Book: Legal Issues in Filmmaking," Dallas International Film Festival, moderator; 2013.
- "A Filmmaker's Guide to Entertainment Law," Dallas Producers Association, panelist; 2013.
- "Dallas Artist Sues Over Song: 'Someone Stole It From Me'," News 8 at 6:00, WFAA-TV, interview by Debbie Denmon; 2012.
- "Social Media Legal Issues in Not-For-Profits," Dallas Bar Association, Non-Profit Entity Study Group, presenter; 2011.
- "Filmmaking and the Law," Dallas International Film Festival, panel moderator; 2011 and 2010.
- "Advertising Law Overview," Bell Nunnally Corporate Transaction Series, presenter; 2010.
- South by Southwest Music Conference (SXSW), Austin, Texas, panelist; 2010.
- "Bloggers' Rights: Protecting Your Intellectual Property," PLAY:stl Inter:Play Conference, St. Louis, Missouri, panelist; 2008.
- "The Latest on Consumer Privacy Issues," Preventing Lawsuits and Violations in Advertising and Promotions, National Business Institute Seminar, St. Louis, Missouri, presenter; 2008.
- South by Southwest Music Conference (SXSW), Austin, Texas, panelist; 2006.
- "How to Negotiate," Society of Children's Book Writers & Illustrators, Children's Writers Conference, St. Louis, Missouri, presenter; 2006.
- "Dealing With the Lawyer," St. Louis Filmmakers Showcase, Filmmaking 101 Seminar, St. Louis, Missouri, panelist; July 22, 2006.
- "Weird Issues in Copyright Law," Bar Association of Metropolitan St. Louis, co-presenter; 2006.
- "Women-Owned Business Enterprise Certification: Is It Right for Your Business?," *St. Louis Small Business Monthly*; 2005.
- "Cautionary Legal Advice for Performers Who Become Stars/American Idols," Fox 2 News in the Morning, KTVI-TV, interview by John Pertzborn and Margie Ellisor; 2004.
- Hip Hop Congress National Convention, St. Louis, Missouri, panelist; 2004.
- MECA Music Conference, Chicago, Illinois, panelist; 2004.
- "What's Wrong with American Idol?," Extra Edition, KMOV-TV (CBS), interview with Bob Baker by Jamie Allman; 2004.
- "Federal Anti-Spam Law," Today in St. Louis, KSDK-TV (NBC), interview by Art Holliday; 2004.



- "Music Law Crash Course: What Every Musician Should Know," St. Louis Volunteer Lawyers and Accountants for the Arts' Music Workshop Series, instructor; 2003.
- Nashville New Music Conference (2NMC), Nashville, Tennessee, presenter and panelist; 2003 and 2004.
- "Independent Music Conference (IMC)," Philadelphia, Pennsylvania; mentor, panelist and workshop instructor; 2003.

## Credentials

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### **Education**

- JD, Washington University in St. Louis School of Law
- BA, DePauw University

### **Admissions**

- Texas
- Missouri
- United States District Court for the Eastern District of Missouri

## Languages

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- German