



Scott M. Hervey

Shareholder
scott.hervey@weintraub.com
T: 916.558.6065
F: 916.446.1611

Practice Areas

- Corporate
- Entertainment/New Media
- Intellectual Property
- Licensing and Distribution

Scott Hervey is a corporate attorney and intellectual property attorney who works with companies in a variety of different industries. His clients include technology companies, entertainment/new media companies, wineries, restaurants and all varieties of brand driven enterprises. Scott has led his clients through hundreds of matters involving complex acquisitions and licensing, financings, and other transactions, and also assists his clients in protecting their valuable brands through trademark infringement litigation, domain name infringement arbitration, and proceedings before the United States Patent and Trademark Office and Trademark Trial and Appeals Board.

Scott has extensive knowledge and experience in trademark, copyright and "cyberspace" law. He has successfully guided clients in a variety of industries (from gaming machine manufacturer Aristocrat Technologies, to the Palms Casino and Resort in Las Vegas, to retail operators such as The Berry Factory, publicly traded medical device company Thermogenesis, to sports and entertainment figures Hulk Hogan and Chris Webber) in the domestic and international trademark registration process for thousands of trademarks. Scott also assists his clients in protecting their valuable brands through trademark infringement litigation, domain name infringement arbitration, and proceedings before the United States Patent and Trademark Office and Trademark Trial and Appeals Board.

Scott is one of a handful of entertainment lawyers in Northern California and his roll as counsel for one of the more prolific producers of reality television programming gives him a unique understanding of the industry. His experience in the music, television and independent film industries allow Scott to represent his clients in a wide variety of entertainment transactions.

In addition to traditional entertainment law transactions, Scott's role as acting business affairs director for publicly traded Digital Music Group, Inc. gave him experience and expertise in the new media / web 2.0 industries and the digital distribution of entertainment content that is difficult to find outside of the Bay Area.

From financing to operational matters, Scott has worked with a number of wineries, restaurants and other businesses in the club and concert venue industries. Among others, the Palms Casino and Resort in Las Vegas has added Scott to its team to provide advice and assistance in the operation of its restaurants, bars, clubs, lounges and concert venue.

Representative Transactions

Intellectual Property

- Representation of companies in all industries in domestic and foreign trademark registration, maintenance and rights enforcement actions;
- Representation of new media company in complex copyright infringement action;
- Representation of new media technology company in a series of multi-million dollar content acquisition transactions;

Education

J.D., *with distinction*, University of the Pacific, McGeorge School of Law, 1995

B.A., California State University, Northridge, 1992

Bar Admissions

California

Affiliations

State Bar of California, Business Law and Intellectual Property Law Sections and Trademark Subcommittee

Sacramento County Bar Association, Business Law and Intellectual Property Law Sections

Pacific McGeorge Alumni Association, Board of Directors



- Representation of software development company in multi million dollar sale of company and international software development and technology transfer agreement with German technology university;
- Representation of Hulk Hogan in various brand licensing transactions.

Music Industry

- Represented of artists in negotiation recording agreements with major label (e.g., Universal) and large independent label (e.g., Savoy, Concord, Compass Records); representation of independent record labels in distribution, licensing and artist agreements;
- Counsel for Palms Casino and Resort Hotel concert venue in transactions with national concert promoter, major concert series sponsors, and top tier talent.

Television Industry

- Representation of Los Angeles based television production companies in negotiating agreements for the production of television programming for E!, VH1, CMT, TruTV, Discovery, A&E, and NBC;
- Served as production counsel for various television and pay per view programs;
- Representation of on-air talent in the negotiation of talent agreements for cable and network television programs.

Independent Film Industry

- Served as acting business counsel director for independent film production company Redwood Palms Pictures in structuring film slate financing transactions, theatrical and home video distribution agreements for numerous pictures including *Battle in Seattle*, *Numb*, *When a Man Falls in The Forest*, and *While She Was Out*;
- Structured a \$6 million multi-film syndication financing transaction for 6 direct to video motion pictures;
- Served as production counsel for numerous independent film projects.

New Media Industry

- Served as acting director of business affairs for publicly traded digital content aggregator and represented company in the acquisition of over \$40 million dollars of music and video content; negotiated over 50 distribution agreements with mobile and Internet retailers, including iTunes, Napster, YouTube, Revver, Lycos, Yahoo music, Zingy, and Cingular;
- Represented world renowned Las Vegas hotel in digital music sponsorship agreement with iTunes;
- Representation of one of the most watched YouTube content producers in various content production and sponsorship transactions.
- Wineries / Restaurant / Club / Concert Venue Industries
- The formation and structuring of numerous corporate entities for wineries, restaurant and night club owners, and assistance in financing transactions;
- Assisting wineries, restaurant, club and concert venue clients in developing and protecting their brands;
- Negotiating and closing sponsorship and vendor agreements with major beer, liquor and energy drink companies;
- Negotiating and closing cook book publishing deal with HarperCollins for Los Angeles area chef;
- Assisting the Palms Casino in negotiating and closing agreements with celebrity chef Kerry Simon to open *Simon Restaurant/Lounge*;
- Representation in all matters; counsel for Las Vegas based concert venue in transactions with national concert promoter, major concert series sponsors, and top tier talent;
- Representation of franchisor in formation of restaurant franchise system; representation of numerous restaurant franchisees in major franchise systems such as Togos.

Scott is the editor-in-chief and frequent contributor to The IP Law Blog (www.theiplawblog.com) and has published a law review article entitled *The Future of Online Music: Labels and Artists*. Scott is a frequent lecturer for the California State Bar and the American Corporate Counsel Association.

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