

## Scott M. Hervey

Shareholder

shervey@weintraub.com

**t:** 310.860.3304

**f:** 310.550.7191



### 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 & Awards

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

Southern California Super Lawyer, 2014-2017

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### PRACTICE AREAS

Entertainment | Intellectual Property | Licensing and Distribution | Advertising | Corporate | Mergers and Acquisitions | Digital Media | Private Equity and Venture Capital

Scott Hervey is an entertainment, intellectual property and business attorney who works with companies in a variety of different industries. He represents traditional entertainment and digital media companies, technology companies, early stage investors and all varieties of brand driven enterprises, in financings, mergers and acquisitions, licensing and other general business transactions.

Scott's entertainment practice is primarily in the area of television and digital media. Scott regularly represents television production companies in network negotiations and has served as production and clearance counsel on television programming for Netflix, History, Go90, TheCW, E!, VH1, NatGeo, WGN, CMT, WEtv, TruTV, Discovery, and A&E.

In the area of emerging media, Scott represents investors, venture capital funds and emerging growth companies in financing transactions. Scott also represents top digital media content creators, digital media studios, YouTube Networks and other new technology companies in a wide variety of matters including acquisitions, production, clearance and general business matters. Scott previously served as the acting business affairs director for the publicly traded digital content company, Digital Music Group, Inc. (now The Orchard).

Scott was featured in Variety's 2014 Legal Impact Report and is a 2017 Super Lawyer®. Scott is a professor of entertainment law at King Hall law school, U.C. Davis and he serves on the board of directors of the Hollywood Radio and Television Society (HRTS).

Scott has extensive knowledge and experience in trademark law. He has represented clients in domestic and international trademark registration and enforcement in a variety of industries such as gaming (i.e., slot machine manufacturer Aristocrat Technologies), entertainment and hospitality (i.e., the Palms Casino and Resort in Las Vegas), wine and spirit brands (i.e., Popcorn Sutton's Tennessee White Whiskey and Oak Ridge Winery), medical devices (i.e., Cesca Therapeutics) and sports and entertainment.

**ATTORNEY PROFILE**

## **REPRESENTATIVE TRANSACTIONS**

### **Emerging Media**

- Representation of game studio, MX Digital, in early stage financings, game development and distribution transactions.
- Investor's counsel for seed investment round in Oculus VR, Inc.
- Representation of the creators behind the top YouTube channel "Smosh" in financing, sponsorship and endorsement transactions.
- Representation of STX Entertainment in connection with various emerging media transactions
- Fund counsel for VR accelerator, Green Screen Institute.
- Representation of Pharrell Williams' "I am Other" YouTube channel.
- Representation of DreamWorks Animation Television in connection with the production of its daily, YouTube program, "YouTube Nation."
- 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, Rewver, Lycos, Yahoo music, Zingy, and Cingular;

### **Television**

- Representation of production companies in all aspects of production of scripted and non scripted television programming, including acquisition and development and negotiation of network production service agreements

### **Intellectual Property**

- Representation of companies in all industries in domestic and foreign trademark registration, maintenance and rights enforcement actions.
- Representation of brands in sponsorship, endorsement and licensing transactions.
- 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.

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- Representation of software development company in multi-million dollar sale of company and international software development and technology transfer agreement with German technology university.

### 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.
- Structured a \$6 million multi-film syndication financing transaction for six direct-to-video motion pictures.
- Served as production counsel for numerous independent film projects.

Scott is the editor-in-chief and frequent contributor to the IP Law Blog 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.