



**Major League Baseball Players Association
Prospective Licensee Information Form**

COMPANY INFORMATION

Name of Company:

Address:

Telephone:

Fax:

Website:

NOTE: This is an **application**, not a license or offer of a license. It will be reviewed and accepted or rejected at the sole discretion of the Major League Baseball Players Association.

Thank you for your request for a license with the Major League Baseball Players Association (“MLBPA”). We appreciate your interest, and want to familiarize you with the following guidelines concerning our program. Please complete and return the enclosed application so that we may begin the evaluation process.

Among other rights, the MLBPA holds the exclusive right to use, license and sub-license the names, numbers, nicknames, likenesses, signatures, playing records, and/or biographical data (known as “publicity rights”) of all active Major League Baseball players for use in connection with any brand, product, service or product line when more than two (2) players are involved. These rights include instances where the publicity rights of three (3) or more active Major League Baseball players are featured on a single product (for example, a single poster featuring three or more players) or where three (3) or more players are featured on individual products within a product line or brand (for example, three separate posters, each of which featuring the publicity rights of only one player, offered by a company in a given year).

MLBPA license agreements will have a royalty rate, which is a percentage of net sales (gross sales minus returns), that is earned out against a minimum guarantee. The applied-for license is not for use of the rights for general promotional purposes or endorsement purposes or on premium products.

Your submission of an application is merely an initial step in the evaluation process, and does not guarantee a license. Please be sure to include your most recent financial statement. We look forward to reviewing your application and will contact you after reviewing the application.

Please provide all of the information requested herein and return the completed application, along with the requested business plan and bank and credit references. Requests for license will not be considered unless a signature from an authorized representative from your company appears on page 9.

1) LICENSING PRODUCT INFORMATION:

A) Description of products for which you seek a license: _____

B) Estimated Wholesale Selling Price/Unit: _____

C) Estimated Retail Price/Unit: _____

D) Is Prototype or Sample of the Product to be Sold Available for Review? _____

E) Does Your Company Currently Manufacture and Sell the Item in Question? _____

F) Trade/Brand Names of Products Sold By Your Company: _____

2) OWNERSHIP/MANAGEMENT INFORMATION:

A) Principal Owners (Complete name, title and business address):

a.

b.

B) Principal Management:

a. President _____

b. Vice President(s) _____

i. _____

c. Sales Director _____

d. Marketing/Advertising Director _____

e. Chief Financial Officer _____

C) Legal form of organization (circle one)

- i. Corporation
- ii. S Corporation
- iii. Partnership
- iv. Limited Partnership
- v. Sole Partnership
- vi. Trust
- vii. Other (please specify): _____

- viii. If a corporation, state or province of incorporation: _____

- ix. Employer ID number: _____

D) Do any active or retired MLB players have an ownership interest in your company or the right to acquire ownership in the future? If so, please list the name of each player and their respective percentage.

E) Are there any individuals or entities with an ownership stake in your company that have an affiliation with Major League Baseball or a MLB club? If so, list each such individual or entity, and the percentage of ownership held in your company.

F) Is any percentage of your company held by an individual or entity which represents current Major League baseball players? If so, please list the name of each such individual or entity and their ownership percentage.

3) FINANCIAL INFORMATION

Please include the following in your application submission: (i) letters from at least two banks and two credit references; (ii) copies of your company's audited financial statements and corporate tax returns for the last three (3) years, and (iii) copies of any bank covenants related to your company's debt securitization. The bank letters and credit references must be on official letterhead and signed by an appropriate representative of the reference.

Bank references must contain all of the following:

- Date the account was opened
- Average balance in the account
- Confirmation that the account is satisfactory
- Line of credit extended, if any

Credit references must contain all of the following:

- Length of time you have been doing business with the reference
- Type of business being conducted with reference
- Credit limit placed on the account
- Whether the account is current and if so, the current balance
- Information on the timeliness of your payment and financial obligations
- A general characterization of your relationship with them

4) MANUFACTURING INFORMATION:

A) Will Your Company Actually Manufacture This Product? _____

If Not, Who Will Manufacture This Product? _____

C) Where Will The Product Be Manufactured? U.S. Domestic () Foreign ()

D) Number of Factories Involved in the Manufacture of the Product: _____

E) Location of Principal Plants: _____

5) SALES AND DISTRIBUTION INFORMATION:

A) Company Sales Volume for Most Recent Year _____

B) Company Sales Volume for Previous Year _____

C) Distribution Capability (check all that apply):

NATIONAL ()

REGIONAL - NUMBER OF STATES ()

INTERNATIONAL ()

List countries _____

ONLINE ()

DIRECT-TO-CONSUMER ()

D) Sales Force:

1) Own Sales Force () No. Of Salesmen _____

2) Reps, Jobbers, Etc. () No. _____

3) Distributors () No. _____

4) Total No. of Field Sales Force _____

5) Other (please explain) _____

E) Current Distribution

<u>TYPE OF ACCOUNT</u>	<u>% OF SALES VOLUME</u>	<u>LEADING ACCOUNTS SOLD</u>
1. National Chains	_____	_____
2. Regional Chains	_____	_____
3. Department Stores	_____	_____
4. Sports Specialty (fan shops)	_____	_____
5. Team Concessionaires	_____	_____
6. Drug Stores	_____	_____
7. Food Stores	_____	_____
8. Convenience Stores	_____	_____
9. Discount Stores	_____	_____

- 10. Catalogs / Direct Mail _____
- 10. Toy Stores _____
- 11. Other (Specify) _____

F) Estimate of annual wholesale dollar volume of the items you wish to manufacture under this license:

Year One _____ Year Two _____

G) Primary selling season _____

H) Accounts to whom you plan to sell the licensed product(s):

- 1) _____ 4) _____
- 2) _____ 5) _____
- 3) _____ 6) _____

I) If you currently market a similar type of item, what was its wholesale dollar volume and number of units sold for the most recent year?

J) Please list three Retail Trade Contacts to whom you currently sell product:

- 1. Company _____
Address _____

Contact Name w/ Title _____
Telephone _____
Email _____

- 2. Company _____
Address _____

Contact Name w/ Title _____

Telephone _____

Email _____

3. Company _____

Address _____

Contact Name w/ Title _____

Telephone _____

Email _____

6) MARKETING INFORMATION

A) Indicate the marketing/promotional elements you will use to support your product(s). Please be specific including names of websites, publications, marketing programs, etc.

	<u>TV/Radio</u>	<u>Print</u>	<u>Online</u>	<u>Other</u>
Consumer Advertising:	_____	_____	_____	_____
Trade Advertising:	_____	_____	_____	_____
In-Store Materials:	_____	_____	_____	_____
Sales/Trade Incentive:	_____	_____	_____	_____
Co-op Advertising:	_____	_____	_____	_____
Other:	_____	_____	_____	_____

B) Please identify your advertising agency:

Name _____

Address _____

Key Contact _____

Phone Number _____

Email _____

C) Should you receive a license, what amount do you plan to spend in advertising, promotion and merchandising in support of the licensed product(s) for the first year?

D) Who is responsible for your product design and artwork?

Firm Name: _____

Address: _____

Key Contact: _____

Telephone: _____

Email: _____

E) Describe your quality control process: _____

7) LICENSING INFORMATION

A) List any other licenses your company currently holds:

Property: _____

Years under license: _____

Licensor: _____

Primary Contact: _____

Telephone: _____

Email: _____

Property: _____

Years under license: _____

Licensor: _____

Primary Contact: _____

Telephone: _____

Email: _____

Property: _____

Years under license: _____

Licensor: _____

Primary Contact: _____

Telephone: _____

Email: _____

8) TIMING INFORMATION

A) Initial marketing date for proposed product(s): _____

B) Date product(s) will be presented to Buyers: _____

9) OTHER INFORMATION

A) Have there been any voluntary or involuntary bankruptcies of the companies listed in Sections 1 & 3? _____

B) Have any claims been filed against the companies listed in Sections 1 and 3 for trademark, copyright or patent infringements or for product liability? _____

C) Have any of the companies listed in Sections 1 and 3 been subject to proceedings before the Federal Trade Commission? _____

10) BUSINESS PLAN

Please include in your application submission a business plan with the following information:

A) Objective

- Concise statement of what goals you are trying to meet with this product(s)
- Information with reference to size of market, major competitors, respective market shares and current trends

B) Strategy

- How, and on what product(s) or product line(s), the licensed rights will be utilized
- To what extent the licensed rights will be utilized, including advertising and marketing, packaging, POS materials, etc.
- Define specific distribution strategies with regard to key retailers

C) Marketing

- Specific plans and/or programs that will be employed to achieve objectives and support strategies

D) Terms of proposal

- Length of term
- Territory
- Annual sales forecasts
- Guarantee & royalty rate
- Advertising & promotion budget

PLEASE INCLUDE WITH THIS FORM AS MUCH OF THE FOLLOWING INFORMATION THAT YOU ARE CURRENTLY ABLE TO PROVIDE. THE MORE INFORMATION SUBMITTED, THE FASTER WE CAN MAKE A DECISION ON YOUR APPLICATION:

- 1) Annual Report
- 2) Dun and Bradstreet Report (if available)
- 3) Sales Catalogues
- 4) Letter of Commendation from Retailers for Product Quality/ Service
- 5) Newspaper/Magazine Articles about Your Company

6) Financial Statements

Please feel free to supplement this form with other materials which may help us to evaluate your company.

PROSPECTIVE LICENSEE STATEMENT

1) I hereby affirm that my answers to the above questions are true and complete, except that such questions that explicitly call for estimates, plans or projections have been answered by me in good faith and to the best of my knowledge. I understand that any license which may be granted to me by MLBPA will be subject to immediate termination, without the return of any amounts paid or the abatement of any amounts due, in the event the MLBPA finds that I have supplied false, misleading, fraudulent or incomplete information.

2) I hereby acknowledge the proprietary nature of all Major League Baseball Players names, likenesses, photos, signatures and biographical data, and I further acknowledge that all rights, title and interest to such names, likenesses, photos, signatures and biographical data of all active Major League Baseball Players who are MLBPA members (the “Players”) belong to such individual players and Major League Baseball Players Association. I also acknowledge MLBPA as the sole and exclusive holder, now and for the future, of all right, title and interest in and to the names, nicknames, likenesses, signatures, pictures, numbers, playing records, biographical data and/or other personal indicia of Players (the “Rights”), which are to be marketed commercially in a manner that includes the Rights of multiple players. I represent and warrant that I currently do not, and will not in the future, use or authorize the use of any Player name, likeness, photo, signature or biographical data or other Rights, including without limitation on or in connection with any products, services, entity or brand, without the prior written consent of the MLBPA.

3) I hereby agree that my product or concept will be reviewed, and accepted, rejected or held, at the sole discretion of the MLBPA.

I acknowledge that MLBPA will examine the product samples, mock-up(s), renderings, etc., that I submit in support of my application internally, within the MLBPA organization, during the review period. I acknowledge that these materials will become the sole property of the MLBPA and, notwithstanding the foregoing sentence, MLBPA shall not be subject to any obligation of confidence in connection with, or

liable for any use or disclosure of, such materials except as expressly provided under a separate written agreement with me. In addition, I acknowledge and agree that MLBPA at all times has many products and projects in various stages of development and/or licensing, the results of these endeavors may be similar or identical to my own products or projects, and from time to time the MLBPA may license other products or concepts similar to mine without any obligation to me. In the event any portion of this Prospect Licensing Statement is held to be invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect any other portion of this Prospect Licensing Statement and the remainder of the statement shall continue in effect and be valid and enforceable to the fullest extent permitted by law.

Name of Individual Supplying Information

Name: _____

Title: _____

Company: _____

Signature: _____

Date: _____