

Ron Nessim and Julia Cherlow Publish Article in UCLA Entertainment Law Review Discussing How Profit Participants Can Protect Themselves from Self-Dealing in Television Streaming Distribution

Principals [Ron Nessim](#) and [Julia Cherlow](#) recently authored the article, “The Application of the Sales Comparison Affiliate Transaction Provision to New, In-House Streaming Transactions Involving Historical Television Programs, and Their Impact on Profit Participants,” for the *UCLA Entertainment Law Review* (Volume 28, Issue 1).

Nessim and Cherlow provide valuable insights into the interpretation and application of a common affiliate transaction provision. They discuss the Sales Comparison ATP (a term coined by the authors), in television profit participation contracts, in general, and, specifically, in the context of in-house streaming deals for platforms like HBO Max, Disney+, Paramount+, and Peacock. They further explain, “[a]s more entertainment conglomerates move towards exhibiting their library content on their own in-house streaming platforms – once their contracts with Netflix, Amazon Prime, Hulu, and other third-party streaming services expire – profit participants should keep a close eye on these new related party transactions to make sure studios comply with their obligations under any Sales Comparison ATP in the relevant profit participation agreements.”

Nessim and Cherlow provide a thorough roadmap for how profit participants can analyze, protect and preserve their rights in what is (up to now) largely uncharted territory. The attorneys draw from an in-depth analysis of the plain meaning of the five sentences of the Sales Comparison ATP provision and how they relate. Additionally, they dug into the nuanced understanding of the context in which the Sales Comparison ATP became the industry standard.

To read the article in its entirety, click [here](#).

For decades, principals Ron Nessim, Julia Cherlow and others at Bird Marella have led numerous successful challenges to profit participation accounting by studios on behalf of producers and creators of popular television programs and other entertainment properties, with a focus on self-dealing and breaches of the Sales Comparison ATP. Read more about the firm's Entertainment practice [here](#).