

The background features a light gray circuit board pattern with black lines and circular nodes. A dark horizontal band runs across the middle of the image, serving as a backdrop for the text.

Legal Challenges in Esports

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Play the Game 2017, November 30, Eindhoven

1. The Esports Ecosystem 2017

- **Game Publishers**
 - Develop the games and are the IP rights' holders
- **Tournament Organizers**
 - Organizing online and offline (LAN) events which are broadcasted via internet platforms (Youtube, Twitch.tv) or TV
- **Clubs:**
 - Traditional sports clubs (Schalke 04, PSG, FC Copenhagen, Cleveland Cavaliers)
 - Genuine sports clubs (Fnatic, SkT T1)
- **Players:**
 - Individual players in games like FIFA or Starcraft
 - Team players in games like League of Legends
- **Private regulatory bodies such as Esports Integrity Coalition (ESIC), International eSports Federation (IeSF), World Esports Association (WESA)**
- **(Fans)**

2. Game Publisher: Monopolist and Rights' holder

- Game publisher owns all IP in connection to its game, exercise of rights **only limited by**
 - Customer Protection Regulation
 - Competition Law
 - Civil Law principles
- **Potential case scenarios with conflicts:**
 - Barrier of entry for new competitors in the vertical chain (broadcaster, event organizer, clubs)
 - Customer bans (TOS)
 - Global esports regulation and frictions with national law
 - Broadcast regulation

3. Clubs and Players: More than just playing the game

- The majority of player contracts are **employment contracts**
- **Compliance** with Employment Law, Tax and Social Security Regulation
- Compliance with publisher regulation (such as transfer windows, conflict of interest rules, minimum salaries, anti-poaching, integrity rules)
- Complex management of **revenue sources and IP rights**: League participation, prize monies, streaming, individual endorsements
- High **worker mobility** required: Immigration Law issues
- Introduction of **salary caps**?

4. Esports=sports? Marketing machine or cultural expression of our society?

- **Relevance:** Tax benefits, worker mobility, subsidies
- Esports mainly perceived as marketing tool
- Transcended its initial purpose and is now a cultural phenomenon
- France, South Korea and other countries have recognized esports as sports
- Recognition as sports contingent upon assessment of the national authority of the Olympic Committee (Germany: DOSB)
- **Criteria** (Germany): physical aspect, compliance with fair play principles, association with at least 10.000 members

5. Does esports need regulation?

- Areas: Integrity of the game, fair play, league and team stability, financial sustainability
- **Regulatory bodies:** Private (game publisher/league vs. Independent) vs Statutory
- Statutory regulation in areas such as youth protection, anti-corruption
- Potential conflict: Limitations of game publisher rights by regulatory bodies, game publisher „pulling the plug“



Thank you!

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