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Contemporary Issues in E-sports Law: ADR, Development and Regulation and the E-Sports Bill

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ABSTRACT

Man is a social animal. Sports has been an ancient part of this animal society. In today's day and age, a new genre of sport is emerging and establishing itself. E-sports. This new branch of sports has taken over the world by surprise. The emergence and popularity have been discussed further in the research. In E-sports, like every other technological development, it is very difficult to understand its scope completely and regulate it. In India, there is still no specific law that governs and regulates E-sports. This research aims to understand and shed light upon issues that surround E-sports in its entirety.

With E-sports gaining such a weightage that it might make its debut in the Olympics, there comes a need for its regulation and development just like every other sport. There are several key issues to be understood- Firstly, the IPR and its issues surrounding the game; player's image rights, the issue ownership of broadcasting and publishing of E-sports. These issues are discussed vaguely among other sports but with E-sports it becomes an issue of higher gravity. Secondly, issues such as cheating, match-fixing, doping and gambling are wide spread and no global structure has yet been developed. Thirdly, like other sports, the career of E-sports players is also short lived and it is essential nature that disputes are resolved in an efficacious manner so as to not affect the players, teams and tournaments. For this the role of arbitration in sports will be discussed along with emphasis on Court of Arbitration for Sport.

With the rising level of E-sports rivaling that of other traditional sports, it is on the road to becoming a multi-billion-dollar business as well and along with all the implications of such magnitude, there is a lot for Law and Legislation to take care of.

Keywords: *Esports, Gaming Laws, IPR, Match-fixing, gambling and betting.*

I. INTRODUCTION

Video games are enjoyed by everyone all across the globe, whether it be as entertainment or competitive in nature. This newfound industry of gaming has seen an uplifting trend due to the

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boom of TV, computer and console video games and online gaming platforms. After the internet boom in the 90s, this new Esports sector saw its huge gain in popularity.

In India there is a huge potential of this industry and has seen a massive increase in online games and complementary sites. This popularity can be seen through the massive growth of online card games, like Poker, Rummy and games like FIFA, fantasy sports², among other games such as Valorant, League of Legends, CS:GO and DOTA to name a few.

The rise and coming of internet providers like JIO in India have recently turned the entire internet scene causing a telecom revolution, creating internet access and cable in most parts of the country, and the increasing popularity of these with the general population. Gaming has become such a major source of income that in itself it is a sustainable income source and a profitable business across the globe.³

“In a recent study by KPMG India and Google dated May 2017, it suggests that the Indian online gaming industry is set to become a USD 1 billion industry by 2021.”⁴

This research, discusses the issues related with this new sector of E-sports with respect to its regulation. The issues related to IPR, Dispute resolution, E-sports Bill, Regulation and development (Cheating, doping, match-fixing, and gambling) will be discussed in depth.

With the sudden rise of this sector, there are many issues and problems that have arisen overnight and the main problem is that there is not one proper means to address any of these issues. With the growing problem of Gambling, Match-fixing, doping, and cheating in games, it becomes critical that these problems need to be addressed equitably and as fast as possible. At present, the game developers have taken it into their own hands to come up with their rules and regulations, but at the larger level, there is an impending doom awaiting if an International Governing body which forms an umbrella for multiple governing bodies to form their own regulations and laws abiding by the guidelines or law of the main governing body.

Along with the fact that not only does the legislative part play a huge role, the Judiciary is also responsible for problem solving. A sportspersons career lifespan is very short and any hinderance to it may cause that person to lose their whole career as a missed opportunity with no way to get it back. In such times, Alternative Dispute Resolution Mechanisms play their beneficial role of filing the gap. Arbitration is the best means of solving any problem that arises

² Gowree Gokhale & Rishabh Sharma, *The ‘Skill’ Element in Fantasy Sports Games*, The SPORTS LAW & POLICY CENTRE, BENGALURU, 9-13, 2018.

³ Anubhav Pandey, Legal framework regulating eSports in India, iPleaders blog, (Oct 12, 2018), <https://blog.iplayers.in/esports-in-india/>.

⁴ “Online Gaming in India: Reaching a New Pinnacle.,A Study by KPMG in India and Google” (May 2017), <https://assets.kpmg.com/content/dam/kpmg/in/pdf/2017/05/online-gaming.pdf>.

as a Judiciary matter. This research will further highlight the importance and advantages of referring to ADR methods along with explaining the benefits of the Court of Arbitration for Sport.

The suggestions and conclusions for this research have been given throughout the research and have been condensed in the last chapter.

II. MEANING OF ESPORTS AND ITS SCOPE

Electronic-Sports or popularly known as E-sports is the form of competitive sport using video and computer games. It can be described that video games have 2 major types- Casual and Competitive. Casual games are those games which have a story line for the player to engage in, with no limit on how many times it is played, or how it is played. There is hardly any competitive edge and are mostly of the non-multiplayer genre. For example, the “Prince of Persia” and the “Splinter Cell”.

On the other hand, Competitive games are those which have some sort of skill level based game-play along with a leader-board and mass multiplayer base. These require the player to learn the game and to master it as well. Better explained with examples- FIFA, Counter-Strike Series, Rainbow Six Siege, Dota 2 etc. Game developers and organisers have these games in mind while creating tournaments and competitions all around the world.

One major factor that distinguishes E-sports from other sports is that there is no regulation in E-sports. Since E-sports is an up-and-coming sector, countries and their governments have failed to come up with laws and rules for this sector making way for a lot of the menace to operate without any hindrance. E-sport organizations have taken it upon themselves to formulate laws and regulations for the time being until the countries pitch in their own standards.

In India, Shashi Tharoor, a member of parliament introduced a private member’s bill in the Lok Sabha seeking regulatory mechanism for this largely unorganised online gaming sector. This Sports (Online Gaming and Prevention of Fraud) Bill aims to establish a regulatory body like the other sports.

“The main purpose of my bill is to preserve the integrity of sports. The bill is primarily divided into two parts for this purpose. One part recognises the offence of sports fraud and prescribes a special procedure to deal with it. The other part acknowledges the fact that the increasing commercial nature of sports increases financial incentives for vested interests to manipulate sporting events, therefore it provides for the regulation of online sports betting activities,”

-Shashi Tharoor, M.P.

III. THE NEED FOR REGULATION OF E-SPORTS

The fast-paced development of this sector has created a need for new development of law and legislation, especially to curb the menace that comes along with such a sector, match-fixing, doping, and many other problems. Therefore, there is urgency at our hands to increase development of regulation. Here are a few Regulatory moves that are necessary to maintain the legitimacy of Esports.

(A) Regulated Esports Betting and its boons

In India, even though there is a ban on any kind of betting and especially on sports. But even then, there are multiple bypasses to this rule and multiple websites that allow some or the other kind of betting on Esports Titles. The problem with the ban on betting is that no matter how much avoidance is taken into consideration, there will always be a way to create and participate in betting. The best solution to this problem would be to actually allow betting on Esports to a certain extent and then regulate every move. Age restrictions, Monetary restrictions, state wise regulations would not only benefit the policy makers and the governing body but also all the participants as they will have some sort of protection as well as a redressal body.

As most Esports fans are under the age of 18 (which is slowly increasing) and currently as there is no necessity data available to keep track of the situation, it is very difficult to keep things under check. The recent unbanning of Crypto currency means that now there is another easy means for anyone and everyone to get into Betting of Esports.

A Supreme Court ruling that would overturn betting as legal in India and direct the govt. to come up with a regulation for the same, would do wonders to a country like India. Not only the regulatory body but also the organisers and betting apps will take efforts to keep the place secure and safe.

(B) Education and regulation of match-fixing

The next step after legalizing Betting, would be to keep a keen eye on the bookmakers and the players as there would be a tremendous increase in Match-fixing. Esports as a whole has seen the dirty side of sports with “match-fixing”. “CSGO players in 2015 were banned after being found to have taken a form of virtual currency holding object for throwing the game.”⁵ “A Starcraft player along with the operator of an online gambling (illegal) site were arrested for

⁵ Noah Smith, Esports bookmaking? Globally, it's already a billion-dollar gambling industry, Sports. (Apr 6, 2018) <https://www.chicagotribune.com/sports/breaking/ct-esports-bookmaking-20180406-story.html>

match-fixing”.⁶

“The Esports Integrity Coalition (ESIC), established in 2015, promotes honesty and integrity in esports and publishes an Anti-Corruption Code, targeted at CS:GO, Dota 2, League of Legends, and StarCraft.”⁷ The ESIC is the acting police when it comes to match-fixing. They act as the bridge between all sorts of regulators and participants such as tournament organisers, betting sites, and players and notify the necessary bodies when any sort of suspicious betting patterns emerge.

This approach is all well said and done, but this is just one part. There are countless Esports leagues and tournaments where the ESIC cannot completely take care of everything. All the participants require to setup their own due diligence methods and means to look after such and such requirements.

(C) Proper Drug Testing to identify and prevent Doping

Just like traditional sports and how athletes can take performance enhancing drugs to gain an unfair advantage over others, Esports players can consume “Adderall and Ritalin to improve their concentration and reflexes.”⁸ To provide fair platform, officials and organisers need to take the necessary care that players do not use banned substances.

“ESL (Electronic Sports League) which is the largest organiser of its kind, conducts random drug tests at their events to implement its Anti-doping policies.”⁹ However, the problem is similar to the match-fixing issue, not every case can be identified and punished as they are not able to screen every player for random drug tests. The formula tried and tested by the traditional sports organisers and officials should be applied to Esports as well as they have their own track record of being fairly successful. There needs to be a unanimous effort to stop Doping and effective policing is required to rid the games and competitions of it.¹⁰

(D) Need for Specialized Regulation

ESIC is the only current international governing and regulating body for Esports leagues. The inconsistency can be attributed to the large number of games being played in tournaments. Just like there are different governing bodies separate for each traditional Sport, it would not be

⁶ Id.

⁷ Aaron Swerdlow, 4 esports regulations to watch for in 2018, GamesBeat (May 8, 2018), <https://venturebeat.com/2018/05/08/4-esports-regulations-to-watch-for-in-2018/>

⁸ Ingram, J.A., 2019. Kicking it new school: Applying the FIFA regulatory model to the esports industry. *Geo. Wash. Int'l L. Rev.*, 51, p.483.

⁹ Id.

¹⁰ Hollist, K. E. (2019). Time To Be Grown-Ups About Video Gaming: The Rising Esports Industry And The Need For Regulation. *Arizona Law Review*, 824-847.

feasible for each game to have its own governing body. Which is why there is a need for an umbrella governing body and multiple individual governing bodies for each game under this one umbrella, which would solve the problem of multiplicity. This mass appeal for the sport can only be governed if action is taken at the higher levels to take the necessary actions.

IV. MATCH-FIXING, AND GAMBLING IN E-SPORTS

(A) The Menace

Like every sport in the world, the platform of E-sports is not immune from several dark evil times which come in the form of Match-fixing, Cheating, Betting, Doping etc. Every organiser takes steps to avoid these but some things just cannot be prevented, only cured. This research discusses through these problems one by one and discuss the solutions that are in place and if they can be made better.

(B) Match-Fixing

Match-fixing like in every other sport, is the dishonest determination or deciding the outcome of a game or match before the match is played. Where one team has the incentives to lose the game (either a monetary gain or other) and ‘throws’ the match in favour of the opponent. When seen from a layman’s perspective, it is pretty cut and dried that match-fixing is a serious offense that spoils the integrity of any sport and should be dealt with a zero-tolerance policy.

The actual scenario of dealing with Match-fixing is rather complicated. Most of the times, direct evidence is found against players and teams and they are convicted- either getting banned from competing in all forms of tournament, the time period ranging from months to possibly lifetime ban. The other end of this spectrum- Criminal conviction and sentenced to imprisonment. And other times, there are mere allegations, which have to be proven through bets placed, transfer of any monetary benefits or deduced from actual game-play to understand if a player were losing the game deliberately

One of the biggest scandals to have taken place in one of the biggest title- Counter-Strike Global Offensive is the ‘iBUYPOWER’ match fixing at the Season 5 of the CEVO Professional League. The match was played between the teams “iBUYPOWER” and “NetcodeGuides.com”, and even though the former were the favourites to win the match but they lost 16-4 in a best of 16 match.

The following players were banned by Valve (the publisher of CS GO) indefinitely, though the bans were lifted by event organisers such as ESL and ESEA among others which are competitions for the professional CS:GO players to participate in.

- “Sam **DaZeD** Marine”
- “Braxton **swag** Pierce”
- “Keven **AZK** Larivière”
- “Joshua **steel** Nissan”¹¹

The controversial decision is often criticised due to the exclusion of the fifth player of iBUYPOWER, Tyler “Skadoodle” Latham was not banned as there wasn’t evidence that he was involved in the match-fixing due to the fact that he had not received ‘skins’ (a type of in-game property which can be purchased with money).¹²

(C) Why does match-fixing occur?

Match-fixing is not a simple problem. It is a fundamental issue with its roots running very deep. There are several factors as to why match-fixing is becoming a bigger and bigger problem day by day. Some of the most notable ones I believe are-

(D) Gambling and Betting

- Low Prize-pool in competitions and tournaments
- Lack of legislation and regulation
- Lack of awareness amongst players
- Gambling and Betting

One of the main promoter of match-fixing is the Gambling-Betting scene. Teams, Bookies, Players and other related parties create a hostile environment when they bet against a team. Often times in order to gain monetary profits through bets, players and teams may throw the match to predetermine the outcome and bet against themselves.

There are two types to this too-lower tier match fixing where players and low level chancers place bets wanting to make a quick buck and then, there is the elite side with major gambling syndicates who bribe the players to fix the outcome of the match.

“If you’re looking at sporting integrity ... in eSports you’ve really got to look at betting fraud and match-fixing as the biggest threats,”

-Ian Smith

“Integrity Commissioner at the Esports Integrity Coalition”

¹¹ North American match fixing scandal, Liquipedia- Counter-Strike (Oct 1, 2020), https://liquipedia.net/counterstrike/North_American_match_fixing_scandal

¹² Id.

(E) Low prize pool at competitions

When players realise that there is a lot more to gain by losing the match and winning simply turns out to be an integrity issue, they turn to match-fixing. In the recent years though, this has changed quite a bit. Esports tournaments generally have a very low prize pool unless it is a wide scale event like the ESL or the Intel Extreme Masters. With Esports becoming one of the biggest and fastest growing industry, people have realised the potential it has to offer. The incentives to have a go at becoming the best have gotten bigger and bigger, making it more expensive in terms of opportunity cost to take the risk of match-fixing and the sorts.

The recent example of “Kyle **Bugha** Giersdorf” winning “the Fortnite World Cup Finals, with a \$30 million prize pool, which took place July 26 to 28 in New York City at the Arthur Ashe Stadium.” Is one of the most recent prize pools that was large enough to make news around the world, but only an exception.

(F) Lack of awareness amongst players

Players often underestimate the repercussions of their actions. A ban due to matchfixing can be a lifelong ban with fine and even imprisonment. A player of a high caliber having a huge prospect can throw away his or her career for a misjudgment. It should not be mistaken that players who match-fix or engage in such dirty activities are not liable and guilty. They most definitely are, but some moral education and awareness needs to be created to broadcast the ill-effects of their actions. We live in a world where even if anything is said on the internet, it can be held against you. Players need to learn that every word and action by them is forever etched and cannot be forgotten. A good example of this is Joshua “steel” Nissan speaking about the effects of match-fixing in a satirical video titled “Fair play PSA” by the Youtube channel ‘Beyond the Summit- CS:GO’¹³.

(G) Lack of Legislation and Regulation

In most countries, the government and the law makers have failed to realise the potential and the growth of the Esports industry. In India, The Sports (Online Gaming and Prevention of Fraud) Bill had been proposed, but is yet to see movement. But I believe with the speed at which it is growing, legislation is bound to catch up. When there is a set of rules and regulations for the publisher of the game, the organisers of events and tournaments and Gambling sites to follow, structured stability should follow. I will discuss the Sports (Online Gaming and Prevention of Fraud) Bill in depth in an upcoming post.

¹³ Joshua Nissan, Fair Play PSA, Beyond the Summit- CS:GO (Apr 23, 2017), <https://www.youtube.com/watch?v=ax6Xfbmn7uU>.

(H) What can be done now?

There are several actions that need to be taken. First is the dire need for a legislation regulating this industry. Although the issues dealt with mostly focused on CS:GO, there are many competitive games which face all the same issues and require the same kind of regulation and legislation to guide them. Along with local legislations, there needs to be a worldwide assent to a standard set of rules and regulations to maintain uniformity among developers, organisers and players. Issues like, prize money, competition rules, doping regulation among others need a strict guideline to follow.

The last point that needs to be discussed is the punishment given for match-fixing. Handing out punishment for match-fixing is not a black or white decision and there is a lot of grey in it. One of the main factors should be considered is the age of the players. Esports is a place where players range from kids who have just recently learnt how to use a mouse and controller to the Senior League where participants are 60+ along with the whole professional scene competing at the international level. Awarding punishment, especially for minors (below 18) is a complex matter. Where is most countries, a minor can't be held equally liable for even a serious crime like murder, an offence like match-fixing obviously needs another solution. A player like "swag" who has been awarded an indefinite ban by Valve- the publisher of CS:GO at the age of 17 definitely is detrimental to a career of a lifetime. Since his ban has not yet been lifted by the developers at Valve, he has recently announced that he has decided to retire from the CSGO scene, quitting his CSGO team- Swole Patrol with immediate effect and focus on the new and upcoming games (Riot's new project-a: Valorant) and try to make a name for himself over there.¹⁴ I could argue that other steps need to be in place to deal with such special cases. Although the image of a player is forever tarnished, a chance at redemption should be given. Based on the tier-level at which the match-fixing occurred, the age of the player, the situation of the player at the time of the match-fixing and the number of offences committed, the punishment should be determined.

V. ROLE OF COURTS AND TRIBUNALS IN SPORTS

Governance can be said to be the management of any org. by exercising of power. In this matter the judicial system has a huge and pivotal role to accomplish better public governance. There will always a big pile of legislations, rules and regulations to manage and when disputes do arise, they have to be resolved in the court of law. In Sports as well as Esports, courts do and

¹⁴Andrew Amos, Swag announces CSGO retirement to pursue future in Riot's Project A, CS:GO Dexterto.com (Feb 28, 2020), <https://www.dexerto.com/csgo/swag-retires-csgo-future-project-a-1334640/>.

would continue to play an important role in the management and efficacious working of the sports org. and also the huge number of participants involved- individual and groups- players, clubs, media, spectators, fans, commercial bodies, as well as educational institutes. It is evident that there is a large chunk of population affected by the org. of sports, and that it was eventually inevitable that the dispute resolution system of judiciary, courts and ADR would evolve.

(A) The case of Dutee Chand

Dutee Chand, an Indian Sprinter was not allowed to participate in the 2014 Commonwealth Games stating the reason of “high testosterone compared to regular women, resulting in an unfair advantage”. It was not even a case of doping or external intake of testosterone, but natural levels of internal testosterone that caused this issue eventually leading to her disqualification from the 2104 CW Games.

Cases like this is exactly the reason why there is an urgent need for a specialized and particular panel for providing a mechanism for dispute resolution for Esports. It is very important to understand the lives of sportspersons as they are monitored day and night and their every move tracked by analysts, media and the public. It is safe to say that the career of a sportsperson is a very short period of their lives. There are many risks involved in a career of a sportsperson- injuries, loss of form etc. and it is of utmost importance that when a dispute arises, it is not only important to provide effective remedy, but it should also be expeditious.

One of the major problems related to Esports related disputes is that there is no fixed hierarchy or method of achieving resolution. The basic methods can be clubbed into 3 parts:

1. A complaint filed within the internal authorities of that particular organisation of sport-national or international. E.g. ESFI, ESIC, ESL, or the game developers in themselves.
2. A writ petition in the court of law, depending on its nature- civil or criminal,
3. ADR

When a question of sports law is mixed with a question of other Indian laws, the most viable option would be to file a writ petition in the Hight Court or the Supreme Court. As in the case of *Zee Telefilms and Anr. v. UOI*¹⁵, where it was held that BCCI, the organisation that manages Cricket in India is not a state under Article 12. This was decided after many back and forth arguments but finally the court held that BCCI doesn't perform any public functions, nor is it appointed by the govt. among many reasons.

When the whole team of iBuypower approached Valve (the game developer) to uplift the bans

¹⁵ *Zee Telefilms and Anr. v. UOI*, (2005) 4 SCC 649.

imposed on them for Match-fixing, it was rejected and Valve being the sole regulator of the game Counter-Strike Global Offensive, had the final say in the matter and the ban to this day is in place.

When a dispute is not being resolved or is of a difficult nature which cannot be resolved even by the means of intervention of the courts, the newer method of dispute resolution- i.e. ADR can take its place in a better manner. ADR specifically includes any and all 'methods of resolving disputes in sports' which would not have been possible otherwise by the traditional road of the judiciary and trial by courts.

The medium of ADR, i.e. arbitration, mediation, conciliation, sports ombudsman, negotiations, and many others may vary according to the type of dispute that has arisen and presented itself.

(B) Court of Arbitration for Sports

Arbitration for disputes in sports at the international level exists and operates through the Court of Arbitration for Sport. All international sport related disputes are referred to CAS. It is the most prominent and ideal forum for dispute resolution of sports related issues which is headquartered in Lausanne, Switzerland. It was established by the International Olympic Committee in 1983. The specialty of CAS is that the 150+ arbitrators from all over the world have expertise and are specialized in sports laws and arbitration.

Almost all of the International Sports Federations and associations who form part of the Olympic Games are bound to submit their disputes arising between themselves to CAS. There are instances where it is not required to be submitted to CAS where there is already a special tribunal for international dispute resolution such as for Formula I, there is the FIA has its own dispute settlement tribunal and then there are organisations which are even part of the Olympic Games but have their own dispute redressal mechanism such as for Football, where FIFA, its governing body has its own tribunal for the same.

A dispute can be submitted to CAS only if there exists an arbitration agreement or clause between the parties and that reference must be particularly stating recourse to CAS. The official language permitted in CAS is either French or English. On paper, principally, these are the 2 types of disputes that can be submitted to CAS are to be of this nature:

1. Commercial nature, and
2. Disciplinary nature.

(C) Advantages of referring cases to CAS

1. There exists a lot of expertise among the arbitrators appointed at CAS compared to that of general civil judges who do not possess the necessary intricate knowledge related to sports laws and arbitration.
2. The procedure of CAS is fairly flexible and informal compared to that of a normal court proceeding.
3. One of the major advantages lies in the expeditious proceedings of a case which require a case to be heard and completed within a matter of months from the date the matter has been referred to CAS. During Olympic events, CAS bench setup at the Olympic villages is required to solve disputes within 24 hours so as to not affect the Games.
4. Lower costs compared to other dispute resolution mechanisms for the participants.
5. Since CAS is a private procedure, it is free from the interference of the public, media and press. The members, arbitrators and CAS staff are required by obligation to not disclose any information connected with any dispute.

(D) Advantages of ADR in disputes related to sports especially Esports

It has the way of life through several centuries that the only redressal means for a dispute arisen is to file a lawsuit before the judicial system of Courts. But now it's becoming more evident day by day that there is an alternative solution available for civil disputes- ADR. For that matter, even lawyers themselves have realized the benefits of ADR when it comes to effectiveness of the dispute resolution mechanism. ADR has managed to evolve and overcome a lot of the problems and hurdles of the Court system.

It can be seen by the naked eye that an increasing number of sports organisations are switching to ADR as the primary means of dispute resolution of both on field nature and of commercial business matters. Courts are increasingly becoming more inadequate and ineffective in providing redressal and that has led to the realization that ADR is a better platform. Several pointers as to how ADR is better are:

1. A unitary system of dispute resolution:

Taking CAS as an example of a unitary method of ADR, it can be said that it helps in maintaining uniformity and consistency across multiple organisations and jurisdiction. The rules and regulation to be abided by have been provided by CAS.

2. Speed:

It is of utmost importance for a sportsperson or team to be granted a remedy in the shortest of time as the lifetime of one's career is very short-lived. It is common knowledge that courts in India take their own sweet time in determining a case and if that same attitude is

applied towards sports- even a single dispute will have the potential to ruin a sportspersons career. ADR provides for a speedy and efficacious remedy and it makes a difference especially since Courts are not up to the same mark.

3. CAS Ad Hoc Division:

This division is an ADR mechanism body that only performs its duty during a specific event e.g. the Olympic Games, FIFA, World Cup etc. A panel of arbitrators is appointed by the international Council of Arbitration for sports (ICAS) which sits during the duration of the event for any dispute that may arise and to provide resolution for it. The CAS AD Hoc Division is supposed to grant a resolution within 24 hours of the filing of application. This time frame is what makes this division one of the most effective ADR mechanisms. It is necessary for the smooth and continuous running of such large-scale events and organisations.

4. Cost:

Modes of ADR like, mediation and conciliation involve significantly lower cost than litigation. Even arbitration is cost-effective compared to the costs involved in indulging in litigation. More often than not, one party is usually a giant organisation with deep pockets, and the other party is a sportsperson who may not be able to meet the expense needs involved in courts and litigation. The reasonableness of costs is a visible advantage of ADR.

5. Expertise:

It becomes a very niche job when it comes to determining disputes related to sports laws. In India, the lack of dedicated courts for sports related disputes makes it very difficult for any organisation to approach litigation. Whereas on the other hand, when there is an arbitrator who has been associated with the sport and its rules and regulations, its laws are much better suited to actually effectively resolve the dispute. Having an expert on the bench also reduces the time consumed in overcoming basic factors that arise in any dispute and straight jump into the crux of the issue of the dispute. Such an issue may arise especially in complex matters such as Anti-Doping laws.

6. Finality:

Arbitration awards just like court decisions have a certain amount of finality and can still be challenged in the form of an appeal before a higher authority.

7. Enforceability:

Sports bodies are much more likely to effectively comply with the awards achieved through ADR mechanisms. The domestic laws in recent times have been based on the UNCITRAL law, which provides for a unitary base of law.

8. Confidentiality:

Confidentiality is a very important aspect of any dispute resolution. Since Courts are not private in nature, the disputes resolved by the judiciary are open and public knowledge, whereas ADR is a private process and confidentiality is one of the key factors of it. Confidentiality becomes very important especially when it can hamper the image and brand value of an organisation or sports person due to the statements made during the process.

Under R43 of the 2013 edition of the CAS code, the awards made by CAS cannot be made public unless both the parties agree to do so or the Division President so decides.

It is important to inculcate the '*preservation of goodwill*' as the parties involved in a dispute may have to continue to participate in a subsisting relation for mutual benefit. Litigation can have an adverse effect on the relation between parties and cause damage to both.

Consistency and Transparency- The emergence of CAS as an ADR mechanism has created consistency among the decision provided in similar disputes arising all around the globe.

VI. SUGGESTIONS AND CONCLUSION

Esports as a whole has been one of the topmost upcoming sectors all across the world. This new and upcoming sector, as is, has many unanswered issues and problems that it is currently facing. Right from Gambling, Match-fixing, Doping, betting to Regulatory issues, are all that this new sector has yet to tackle completely. Throughout this research, it has been pointed out that an umbrella regulatory body is the need of the hour which would then imbibe the smaller governing bodies under it to form a unifying body at an international level. This would standardize the regulations and laws and make it more efficient for organisers, developers to govern these particular games.

Along with Governance though, education is also of an important aspect. With the players age starting from 11-12 years old, most of them who do not even qualify as an adult need to be educated and made understood all the aspects that come along with Esports- Match-fixing and its repercussions, doping and its woes, the ill-habit of gambling etc. Where the law falls short, education needs to take its place. There need not be another case of "Swag" who would lose out on an entire career of Esports due to lack of education and support during his Esports Career beginning.

When it comes to complaints and problem solving, the upside to having arbitration as a dispute resolution mechanism in the field of sports would be evident in its benefits, but it does not mean that it is without its perils. The recent debate whether Sports governing bodies are part of the meaning of state under Art. 12 shows that there are problems with the governance of governing bodies itself. Even at CAS there is a chance there might be arbitrary appointment of

arbitrators. The only appeal of CAS decisions lies with the Switzerland Supreme Court- and that too on procedural grounds which are very narrow to overcome. The reach of CAS is limited by the number of benches in the world. For effectiveness of CAS, it has to expand its bench and reach into more countries where it makes it more accessible to every aggrieved person or organisation.

Multiple CAS benches in India would benefit hugely as local sports-persons and organisation would gain a new mode of dispute resolution apart from the judiciary. It is clear and evident that in sports law and sports related disputes, ADR is the overall better solution compared to traditional dispute resolution mechanisms and would evenly apply to Esports as well. Hopefully, in the near future, ADR mechanisms especially those of arbitration in sports are more easily and readily accessible than it is today.
