



INTERNATIONAL SPORTS LAW

THE EVOLUTION OF INTERNATIONAL SPORTS LAW

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Abstract: International Sports Law, as a coherent discipline, has developed rapidly since its origin in about 1970. For exactly half this period of time--22 years--the International Association of Sports Law (IASL) has advanced the discipline through meetings, publications and able leadership. The annual IASL Congress in particular has provided an influential forum for the exchange of information and ideas among leading academic specialists, professional lawyers, decision-makers and students. New projects are underway.

International Sports Law can be roughly divided into three eras, the first two of which each lasted about twenty years. The third era has just begun. One characteristic of the first era was a necessary consolidation and development of scattered rules and processes largely under the banner of the Olympic Movement, appropriately centered in Greece, the hub of both the Ancient Games and the IASL. This emerging body of law has operated from its beginning at three levels: the rules of the game (the so-called *lex ludica*), the larger structure of international and regional institutions ranging from the International Olympic Committee to the European Union, and national law. It has always been obvious that the relationships among these levels of authority is complex. Routine judicial deference to the autonomy of sports activity and broader recognition of its specificity are cornerstones of the overall framework.

Another characteristic of the first era was the issue of eligibility for competition, given the lingering dichotomy between professional (compensated) and amateur (uncompensated) athletes that was rooted in an elitist tradition favoring amateurs. Still another characteristic of this era involved responses to Cold War and other political antagonisms. The boycotts of the Moscow and Olympic Games are perhaps the best remembered examples of this era's geopolitical tensions and responses to them.

During the second era the geopolitical issues largely disappeared, but several other threats to the integrity of international competition emerged full-blown. These include doping, rampant commercialization of sports activity, corruption and related betting transactions, as well as violence in the sports arena. On the positive side were the advent of open competition, the surprising strength and respected status of the new Court of Arbitration for Sport (CAS) as the principal international mechanism for resolving sports-related disputes, the related growth of the *lex sportiva*, and the robust financing of both international competition and athletic training, particularly of youth in developing countries. The globalization of sports law had become a reality.

It is still too early to identify precisely the characteristics of the third era, but recent developments suggest the growing need for reform of the institutional framework of decision-making that affects athletes and competition around the world, the salience of public-private partnerships of management and regulation, and

the decentralization otherwise of the international sports regime as championship tours and world cups proliferate. Perhaps most importantly, however, is a sharper focus on the rights of individual athletes. For example, issues of nationality, including so-called "country swapping;" gender equality; the accommodation of disabled athletes; and the improvement of the sports environment in developing countries to equalize opportunities for everyone regardless of their economic circumstances have all become prominent.

Problems do not just disappear, of course. We shouldn't therefore exaggerate the demarcation of the three eras. Moreover, lesser issues of the past can expand into major issues of the present and future. International Sports Law has essentially evolved over time. It is evident, however, that, whatever the issues, this middle-aged legal regime--*our* middle-aged regime really--will continue to flourish, thanks to the work of the IASL, kindred organizations within and beyond the Olympic Movement, and efforts to strengthen and improve an already impressive legal system of cooperation, regulation and dispute resolution

Key words: Globalization, International Sports Law, Arbitration, doping, *lex sportiva*, Olympic Movement

HUMAN RIGHTS, SOCIAL JUSTICE AND GIGANTISM IN SPORT: SUBVERTING DEMOCRACY IN THE DRIVE TO ACCUMULATE WEALTH AND POWER THROUGH SPORT

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Abstract: I have argued for the past several years that "global sport is killing sport globally," by this I mean the drive to be the biggest, most desirable, most followed events among international sports federations and professional sports leagues has led to a focus on capital accumulation at the expense of democratic principles. My speech touches on key elements of how this has been occurring through discussion of Olympic Games Acts, the WADA Code and the Anti-Doping Crusade, and corruption at high levels of international sports administration. I argue the areas of ethics and law provide key tools to fight against those who do harm to sport in the name of sport and can empower athletes and citizens to challenge the status quo.

Key words: globalisation; WADA; Olympic Games; corruption; ethics; law; human rights

DOPING AND DATA PROTECTION

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Abstract: Five years after my presentation in Warsaw about "*The fight against doping, are we fighting the right way? Some examples, specially about the activity of WADA and some data privacy problems*", I thought that it could be the right time to review my different research papers and to look if the situation is better or worse than before.

From my point of view the situation is even worse that in 2009, the fight against doping does not work better and the athletes' fundamental rights are not well enough protected. We have a new WADA Code, a new Law against Doping in Spain and a project for such a Law in Germany, but no one of these regulations brings an improvement, specially about Data Protection.

In this paper I will show that Doping is social problem, not only a sport's problem, showing some examples. I will also review some Doping cases(e.g. Claudia

Pechstein) and the Data Protection problems in the fight against Doping (inter alia whereabouts, international data transfer to ADAMS Database, data retention period, athletes' consent).

I will try to show that WADA and its ADAMS Database are working in an illegal way about Data Protection, reviewing the Art.29 Working Party opinions about this issue.

Key words: Doping, WADA, Data Protection, Privacy, Art.29 Working Party, Fundamental Rights

A WORLD AGAINST CORRUPTION; MATCH FIXING

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Abstract: How can we diminish match fixing? The main issue that will be addressed in this presentation is match fixing. The last couple of years there is an increase regarding corruption in the world of sports with the biggest problem to be acknowledged as the match fixing.

The presentation will begin with a brief historic description regarding match fixing and a recursion through the years regarding the legal position on this matter from an international point of view. Supporting the legal situation regarding match fixing and how the legal world of sports approaches the issue, some cases will be briefly analyzed. In addition, current legislation will be mentioned.

For the second part of the presentation an audio will be presented with some experience of athletes being approached to fix a match. Mainly these will be evidences from foreign athletes.

The final part of the presentation will be specified on ways to prevent future match fixing incidents. Specifically, the current precautions and cooperation between the sports and the government bodies will be stated and suggestions and propositions for extra collaborations will be suggested. Also, there will be an analysis of what we have to change regarding the legislation in each country (here I will take as example Cyprus) and in continuance some new legislation will be proposed on European and International level. Despite the legislation one more step is needed in order to prevent match fixing and corruption in sports; education of the athletes. The athletes need to be reminded of why they chose to become athletes. They need to learn the Corinthian values and implement them in their lives and their way of thinking.

Key words: Match Fixing; Flashback; Current legal position; Ways to eliminate; Education.

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Abstract: The international transfer market of football players, despite of the crisis that still hits several countries, is continually growing, having reached USD 3.7 billion expenditure in 2013 by football clubs. In 2014 some countries reached a record expenditure.

The participation of agents and investors in the revenue of player's transfers has been increasing each year, which has called the attention of FIFA. The participation of non licensed agents has been also a problem that FIFA and the federations have been unable to deal with so far.

On the side of the Regulations, new FIFA intermediaries system will be in place from 1 April 2015, bringing a radical change on the agent's licensing system and opening the market for everyone interested in representing a player.

The TPO or player's economic rights brought big discussions, especially in South America and Europe. In September FIFA informed its intention to ban third party intervention on player's transfers, whose final regulations will be presented in the 2015 FIFA Congress.

Therefore, the magnitude of the transfer market, its current challenges and the application of FIFA regulations shall be examined.

Key words: FIFA – Regulations on the Status and Transfers of Players – agents and intermediary regulations – third party ownership – economics rights – transfer market – international transfers

OLYMPIC ENCLOSURE OF GENERIC WORDS, HAS EVENT-SPECIFIC LEGISLATION STRUCK THE RIGHT BALANCE?

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Abstract : Generic words/symbols have been enclosed through the event specific legislation to address the need of the owners of mega sporting games such as Olympics to protect their brand value. The enclosed words/symbols are however only part of the indicators of the brand value of the Games that has no subject matter to demarcate its scope. Based on trade mark theories and a small empirical study this article explores whether the legislation has correctly balanced the need of protecting the interest of event owners and their sponsors and that of legitimate business to benefit from the buzz of the Games.

Key words: Olympic symbols, generic words, trade mark law, event specific legislation

CODIFICATION OF PROVED SPORT PATTERNS : A STUDY OF ITS NECESSITY

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Abstract: Today, Sport plays a vital role in the lifes of the people across the world. Millions of individuals do sport and there are many audiences and advocates of various sport events broadcasted by T.V and radio channels.

Before we discuss the necessity of ethics in sport, we need to clearly explore the objectives of sport. Iran's Comprehensive sport system has been designed as comprised of a pyramid with four layers, which is operated since its beginning to its peak. The pillars include developmental sport with health and education attitude, public, sport with a social health and happiness attitude, championship sport with Medal ganging attitude and professional sport with economic attitude. for two models including the developmental and the public sports, ethics plays a significant role, especially for the developmental model, observation of moral behaviors is the basis of education. On the other hand, since a professional sport man and sport man is expected to behave as an exemplar of its society's youth and to observe the moral values and customs of sport, definition of morality criteria and ethical codes together with exploring the patterns of professional behaviors is the first step in this path.

Ethics in sport is one of the subjects of applied ethics which is used for used for measuring the ethical, practical decisions and for facing the ethical issues, behaviors and policies in professions, technologies, governments, etc. "correct Functions in sport" written by Warren Farley (1984) was the leading work which explored the

duties of Coaches , sport men and sport woman. In 1990 S, more comprehensive textbooks emerged. Influenced by McIntire, many Philosophers viewed sport as a social performance and went away from analytical, social and historical descriptions of the games and sports. Mostly, they got far away from epistemological interpretation of ethics in sport, especially within the framework for structures of the theories for fair play. Instead, they tended more toward theoretical inter predations of sport. Simultaneously, ethics was gotten a widely global application and “Ethics and Sport” edited by Mike Nammie and Jim Perry (1998) was an appropriate event.

Behavioral regulations are applied for all member of the Family and these regulations are specifically enacted for official authorities are sport individuals. For instance, FIFA enacted its behavioral regulations on august 2012 and stressed that it is necessary to observe the behavioral principles enacted within these behavioral regulations.

As the amendment 1 of article 22-7 for the disciplinary code of practice of Taekwondo Federation contend, the Faults of sport are not limited to the above mentioned areas.

However according to the code of practice , it is generally accepted that doing or not doing a dangerous action against the ethics and customs of sport could be regarded as a Fault or crime. Therefore, article 22 outlined the crimes in Taekwondo and announced that the crimes are not exclusive. And if an action Function which is not accorded with the requirements of this article but it is complained, the disciplinary authority should Firstly investigate if it is a crime or not.

When defining ethics in sport. Its philosophy and sources should be identified and considered. While sport is used as a tool for gaining money and prestige , ethics will not be held. Unfortunately, professional ethics hasn't been given an important position in terms of structure and ethical discussions were mainly used as advices and recommendations. This is while the necessity for defining these behaviours is a must and the current research is intended to consider this issue.

Here, part one considers the ethical basics of sport , defines the functions against of sport. Part two comparatively studies the ethical values in various societies and considers their exemplars in different countries part three provides recommendations on formulation of comprehensive regulations for the exemplars and criteria corresponding with position of professional sport in Iran.

Key words: Sport patterns , Ethics in sport , Professional sport , Moral values , Fault, Code of practice .