



भारतीय खेल  
प्राधिकरण  
sports  
authority of  
india

SPORTS AUTHORITY OF INDIA,  
NSSC, BENGALURU



NATIONAL LAW SCHOOL OF INDIA UNIVERSITY,  
BENGALURU

AU. No. 12636

Day & Date	10:30 am- 11:45 am		12:00 pm – 1:30 pm		2.30 pm – 3.30 pm		3.45 pm – 5.15 pm
Monday October 5	INAUGURATION		Sports Organization & Governance Sports Law (SAI & BKD)		Constitutional Law : Issues and Implications (VSM)		Interactive session with Participants
	9:30 am – 11:00 am		11:15 am - 12:45am		2:00 pm – 3:30 pm		3:45 pm- 5:15 pm
Tuesday October 6	Sports : Contract Management and Risk Insulation (SRB)	T E A	Sports : Contract Management and Risk Insulation (AMJ)	L U N C H	Sports : Contract Management And Risk Insulation (AMJ)	T E A	Sports and Insurance Law (SVJ)
Wednesday October 7	Sports and Intellectual Property Rights (IPRs) (SKK)	B R E A K	Sports and Intellectual Property Rights (IPRs) (NNK)	B R E A K	Sportspersons-Ads, Endorsements and Marketing : Legal Issues and Implications (NNK)	B R E A K	Sports : Public-Private-People Relationship : Policy Issues (SRB)
Thursday October 8	Sports and Dispute Resolution (SHS)		Sports : Broadcasting and Media Rights (DVP)		Sports : Broadcasting and Media Rights (ABM)		Sports and Relevance of Competition Law (TSS)
Friday October 9	Sports: Issues of Criminal Liability (KUA)		Dutee Chand Case Study (PSM)		National Anti-Doping Agency: Overview (SPL)		Interactive Session with Participants (Moderated by BKD)
	10:30 am- 11:45 am						
Saturday October 10	Valediction and Certificate Distribution						

**DETAILED SESSIONS SCHEDULE**

**SKILL DEVELOPMENT PROGRAMME ON SPORTS LAW**

S. No.	Session Title	Resource Person Code	Resource Persons	Session Date and Time
<b>OCTOBER 5, 2015</b>				
1.	Inaugural		Justice Mukul Mudgal, & Mr. Injeti Srinivas DG, Sports Authority of India and other Dignitaries	10:30 a.m. – 11:45 a.m
2.	Sports Organization & Governance Sports Law,	SAI & BKD	SAI Faculty & Biswa Kalyan Dash	12:00 p.m.– 1:30 p.m.
3.	Constitutional Implications on Sports Law	VSM	Prof. V.S. Mallar, Professor of Law, NLSIU	2:30 p.m. – 4:00 p.m.
<b>OCTOBER 6, 2015</b>				
4.	Sports : Contract Management and Risk Insulation	SRB	Dr. Sairam Bhat, Associate Professor of Law, NLSIU	9:30 a.m.– 11:00 a.m.
5.	Sports : Contract Management and Risk Insulation	AMJ	Mr. Amrut Joshi, Partner, Gamechanger, Bengaluru	11:15 a.m.- 12:45 p.m.
6.	Sports : Contract Management and Risk Insulation			2:00 p.m. – 3:30 p.m.
7.	Sports and Insurance Law	SVJ	Prof. S.V. Joga Rao, Professor of Law, NLSIU	3:45 p.m. – 5:15 p.m.
<b>OCTOBER 7, 2015</b>				
8.	Sports and Intellectual Property Rights (IPRs)	SKK	Mr. Shreeknath Katti, Head- Legal, Via.com	9:30 a.m.– 11:00 a.m.
9.	Sports and Intellectual Property Rights (IPRs)	NNK	Mr. Nandan Kamath, The Law Office of Nandan Kamath	11:15 a.m. – 12:45 p.m.
10.	Sportspersons-Ads, Endorsements and Marketing : Legal Issues and Implications			2:00 p.m. – 3:30 p.m.
11.	Sports : Public-Private-People Relationship : Policy Issues (SB)	SRB	Dr. Sairam Bhat, Associate Professor of Law, NLSIU	3:45 p.m. – 5:15 p.m.
<b>OCTOBER 8, 2015</b>				
12.	Sports and Dispute Resolution (SS)	SHS	Mr. Shivam Singh, Advocate, Chambers20	9:30 a.m. – 11:00 am
13.	Sports : Broadcasting and Media Rights	ABM	Mr. Deva Prasad M., Assistant Professor of Law, NLSIU	11:15 a.m. – 12:45 p.m.
14.	Sports : Broadcasting and Media Rights	DPM	Mr. Abhishek Malhotra, Senior Associate, TMT Law	2:00 p.m. – 3:30 p.m.
15.	Sports and Relevance of Competition Law	TSS	Dr. T.S. Somashekar, Associate Professor of Law, NLSIU	3:45 p.m. –

				5:15 p.m.
<b>OCTOBER 9, 2015</b>				
16.	Sports Issues of Criminal Liability	KUA	Mr. Kunal Ambasta, Assistant Professor of Law, NLSIU	9:30 a.m. – 11:00 a.m.
17.	Dutee Chand Case Study	PSM	Dr. Piyoshni Mitra	11:15 a.m.- 12:45 a.m.
18.	National Anti-Doping Agency: Overview	SPL	Dr. S. Perumal	2:00 a.m. – 3:30 a.m.
19.	Interactive Session	BKD	Mr. Bishwa Kalyan Dash	3:45 p.m.- 5:15 p.m.
<b>OCTOBER 10, 2015</b>				
20.	Valedictory		Mr. Pullela Gopichand and Other dignitaries	10:30 am 12:00 pm

Inaugural Ceremony for the Skill Development Programme on Sports Law on October 5, 2015



October 5, 2015

DAY 1

Inaugural

A 6 Day Skill Development Programme on Sports Law witnessed its inaugural ceremony on October 5, 2015 in presence of Hon'ble Justice Mukul Mudgal (Chief Guest), presided by Mr. Injeti Srinivas, Director General, National Institute of Sports, Patiala. Along with them we had Prof. (Dr.) N.L. Mitra, Chancellor KIIT University, Prof. V.S. Mallar, Professor of Law, NLSIU, Bengaluru, Mr. Shyam Sundar, Regional Director, Sports Authority of India, NLSIU, Bengaluru, Dr. Satram Bhar, Associate Professor of Law, NLSIU and Dr. Ramchandran, Director, Coaching, Sports Authority of India, NSSC, Bengaluru as our Guest of honour. Inaugural was attended by 21 registered participants from various background viz. Sports Persons, Coaches, Administrators, Lawyers and Students, and Faculty members of NLSIU and SAI. Mr. R. Shyam Sundar, Regional Director, SAI, NSSC, Bengaluru welcomed all the dignitaries and all the distinguished guest were facilitated in traditional Mysore Style.



**PRESIDENTIAL ADDRESS BY MR. INJETI SRINIVAS:**

Sports Law is in a nascent stage. It is considered to be independent and autonomous body. So, how to regulate the autonomous sector? This appears to be a contradiction. But looking deeper into its evolution, the traditional as well as historical factors show the realization of some sort of regulation in the area. There are certain issues leading to regulation:

1) **Commercialisation of Sports:** It is necessary to treat sports like any other business, as its market is commercialised and hence regulation is required in the area.



2) **Traditionally** there has been mosaic of regimes across the world like Anti-Hooliganism, Anti- Racism Act and Apartheid laws in sports.

There are gross issues involved in sports law in terms of core human values. Though USA follows free economy only the amateur athletic union was governing body, there have been restrictions on women in athletic events and sponsorships by athletes etc. In 1980, due to private sponsorships being main source of revenue, it led to blurring of differences between amateurism and professionalism as earlier sports was only seen as quest of excellence and national pride and not as a profession. Therefore concerns for human safety in boxing, prohibiting certain sports on grounds of cruelty to animals, issues regarding fair play led to WADA being established by IOC. Therefore sports is not dissociated from law due to overall entangled areas like anti-doping and age fraud issues. In India the area is developing with the help of court rulings and certain statutes.

The overall structure of sports organizations can be generally said to be at three levels- Indian Olympic Association, Indian Olympic Federation and National Olympic Federation. The personnel's are appointed by private bodies and not government. It should be noted that to provide adequate support to amateurs, government finance is important for the purpose, which then is perceived as interference by the government as the same is given on basis of certain conditions. The ruling of the Supreme Court in a landmark case put the BCCI amenable to writ jurisdiction and hence the clubs cannot be said to be outside the same, irrespective of the requirement of autonomy.

There are two models: National Monopoly Model and Social Cultural Model. It should be noted that in technical aspects like dimension of pitch, number of goals, internal management etc. in which there should not be interference of the state. But in other issues which are linked to the nature of public function needs maintenance of transparency and accountability. Therefore the involvement of commercial matters does not create a niche for sports to be considered outside the ambit of state intervention. Also there should be involvement of athletes in the consultation program for the purpose of framing of legislations like in US wherein they have been provided 20% voting rights. There should be proper grievance redressal mechanism and resolutions of disputes for athletes. There can be two models like High Controlled and Zero Controlled. The former refers to 'interference' of state in way of complete say over the management as followed in France and latter deals with arbitration procedures like private law as followed in Australia, China etc. So there should be autonomy with rule of law for successful development of legal regime for sports.

**ADDRESS BY HON'BLE JUSTICE MUKUL MUDGAL:**

Sports are gaining importance because of the media and its commercialization. Now it has become an occupation which was earlier stated as hobby. There are two aspects of sports law. *Firstly*, the area which can be termed as core sports law deals with anti-doping, decision of sports disciplinary panels on interpretation of rules and regulation of sports in which the normal rules of a game



will be taken into consideration. The recent example can be taken from cricket match between India and West Indies in which the changed rule regarding requirement of 200 runs was not known to the captain of West Indies leading to loss of match. Also according to new rule of Hockey field goal will be considered as two goals. These are major changes in the existing rule and every athlete should know about the basic rules of a particular game. WADA is a private body and funded by the government. Unfortunately, sports authority has given lots of power to the WADA. If any action of WADA is affecting the FR of an individual the court should interfere in such matters. Secondly, the area encompassing general concept of law like those of contracts, specific relief, IPR, taxation etc. intermingles with sporting activities.

**Need of Sports Law:** Burgeoning of commercial activities and IPR issues has become very important in today's world. Sports law is not only lawyers wanting to work in the sports industry or related enterprise but also essential for players, coaches, managers, agents to understand the basic concept of sports law. This will enable them to understand their rights, duties and obligations. This would facilitate them in being better professionals. It is essential that the sports administrators, coaches, athletes and all support personnel should understand the sports policies of India. The national Sports Development Code of India 2011 has codified some of them. Recently Delhi High Court held that this code is enforceable regarding determination of age, tenure norm, transparency norms, right of representations of an athlete, right to question unfair selection, right to file complaint against sexual harassment (by coaches or anyone else during the game), guidelines for age fraud, right to direct reimbursement of tours events etc. Knowing ones right is first step towards protecting one interest, therefore the knowledge of the tenets of sports policies in an important step.

**Basic Contractual Rights:** Whereas the details pertaining to interpretation of contracts may not be feasible for a non-lawyer. A basic understanding of the language of the contract will enable the coaches, players and managers in understanding what obligations they are undertaking and their deliverables. Creating basic awareness like entirely reading the contract, seeking help where

terms are not understood, understanding the dispute resolution and governing law provisions, understanding the essence of each right i.e. image right, public appearance rights, understanding the appropriate player agent terms, would go a long way in protecting one's interests. The basic reason behind it is that sportsman can easily be misled by signing any documents because they are the most straight forward persons.

**Anti-Doping:** Whereas most coaches, players and managers are aware of WADA, anti-doping regulations, they are not aware of the strict liability which can be imputed on them and hence are responsible for anything which can be ingested in them. The point that implicit trust in doctors or coaches and obeying their directions blindly, pertaining to consumption of supplements and other banned products, will lead to sanction and harm to the athletes career need to be stressed. The athletes also need to be made aware that they have the right to defend themselves before the disciplinary tribunal and understand basic safeguards to be followed for facilitating their case. There are certain safeguards like full disclosure on testing form, ensuring that sample analysis lit is sealed, keeping records of all medicines taken with prescriptions, seeking a retrospective therapeutic exemption if possible etc. which needs to be followed.

**Violence in Sports:** The players and managers need to understand that while they may have accepted the liability of sports injuries, they may have a right to take action for injuries which are grossly outside the rules. This could be like batsman hitting a fielder with a bat, footballer deliberately going for double footed tackle to seriously injure a player, a player beating another player for example in case of Mike Tyson who was convicted for sports violence and suspended for one year, no appeal was made to CAS for the enhancement of punishment. However, when four girls are convicted from India and NADA suspended them for one year, an appeal made before the CAS and their punishment was enhanced for two years. This shows prevalence of racism.

**Racial Abuse:** The world of football has taken a very serious stand against racism in football and the 'monkey gate' saga highlighted that is the case in cricket too. Under UEFA and FA rules, there is a strict liability on the club for conduct of its spectators. This has to be understood by the players and administrator. The player should not accept any racial or verbal abuse and report the same to their senior, be it the captain or umpire on the field or the stadium administrator or association off the field. This would spur them to initiate action against the culprit and contribute towards prevention of such untoward incidents in the future.

**Integrity regulations:** Often, but not always, players and officials are lured with gifts, obligations, honey traps etc. so that the dubious elements can exercise control over their activities. The officials and the players need to be educated

about the ways such dubious element approach them, the integrity regulations applicable to them, so that they are aware of the conduct that is punishable and the commensurate sanctions. This would enable to players to have a general sense of awareness as well as fear of engaging in such activities.

## General

# Mudgal repeats call to legalise betting in sport

**BENGALURU.** Backing the newly-elected BCCI president Shashank Manohar to deliver, Justice (ret'd) Mukul Mudgal, one of India's foremost authorities on sports law, underlined his view that betting should be legalised to rein in corruptive forces.

Mudgal, who headed the four-member Committee that conducted an independent enquiry into the allegations of betting and spot-fixing in the sixth edition of the Indian Premier League, said that the game can be cleansed if the BCCI followed a code of ethics in a dedicated manner.

Speaking on the sidelines of the inaugural Sports Law course conducted by the Sports Authority of India, Southern Centre, here, Mudgal pointed out that he had recommended legalisation of betting during his enquiry into the IPL spot-fixing issue.

**Excerpts:**  
**On Shashank Manohar:** I am confident that Shashank will deliver for the good of the game. He will work towards the interest of cricket and he has already started his duties on a right note. It is true that there is a lot of work to be done as far as wiping out issues that are troubling the game is concerned but Shashank and his team are up for the challenge.

**On the Lodha panel:** The panel has done a thorough study of the IPL betting and spot-fixing issue. They have met many people such as cricketers, administrators and have taken suggestions from them. I have also met the members and I can promise that their work is very comprehensive. The members, under Justice RMLodha have done extensive research and ground work.

**On the role of law in cricket:** Following the Lodha panel report, the court has said that



Justice Mukul Mudgal

they will imbibe rules and regulations on the BCCI. Of course the rules will not interfere too much into the functioning of the body but it will mention small changes.

**On legalisation of betting:** Betting should be legalised. Even during the time of Mudgal Committee's enquiry, I had recommended for legalisation of betting. For example, the FIFA has a pattern to analyse suspicious betting. When they trace any dubious betting activities, they warn the players or order forfeiting of the match. Malpractice cannot be eliminated completely but can be reduced to certain extent by taking such measures.

**On BCCI's future responsibilities:** A Code of Ethics which is good and outright, must be followed in a strict manner. Another area of concern is the popularity of Test cricket. We see empty stadiums for the longer format of the game. The situation can improve if children from government schools are given free entry to stadiums across the country. We must develop interest in the younger generation and BCCI can seek sponsors for making this happen.

DH News Service

## Sports law course at SAI

**BENGALURU, DHNS:** The Sports Authority of India, Southern Centre, in collaboration with National Law School of India University (NLSIU), launched a short term course on Sports Law here on Monday.

The six-day course, being held at the NLSIU campus, involves accomplished professors from across the country focusing on skill development in sports law.

Speaking at the inauguration, Injeti Srinivas, Director General of SAI, said that sports law is still at a nascent stage in the country but stressed that it is important in the ethical management of sports. "Safety issues in various sports, protection of individual rights of the sportspersons and preventing

malpractice has brought the focus on sports law," he said.

"Age fraud in sports is a serious concern in the country today. It makes a negative impact on talented athletes who are innocent. Thus, stringent laws, which will help curb the malpractice will push Indian sports towards the right direction," he said.

Srinivas stressed sports laws must not interfere in the basic rules and regulations of a sport and it must allow the autonomous nature of sports bodies to remain. "The rules on goals announced by Hockey India for the next edition of Hockey India League is a good example of self-governance in sports. All sporting bodies should supervise the activities and decisions regularly."

THE TIMES OF INDIA, BENGALURU  
TUESDAY, OCTOBER 6, 2015

## 'Knowledge of sports law must for athletes'

Times News Network

**Bengaluru:** Sports as a profession has led to a complex situation where athletes have to understand multiple issues if they are to pursue their careers without a hitch. This was the gist of a short speech by former chief justice Mukul Mudgal, where he stressed that knowledge of diverse issues concerning sport was crucial to every stakeholder.

"Anti-doping, for one, has seen athletes from certain societies being discriminated against. The World Anti-Doping Agency, a private body, is opaque and Europe-centric. For example, they did not appeal against the one-year ban on sprinter Tyson Gay for a positive drugs test in 2013 while they did when four Indian athletes were caught in 2011. Their rules, regulations and list of banned substances ought to be studied well if athletes and those who are involved in sports need to steer clear of doping," he told participants of a short-term course on sports law organised by the Sports Authority

of India at the National Law School University of India here on Monday.

Likewise, rules governing endorsements, image rights and intellectual property rights, contracts, violence in sport, racism and enticement too form crucial cogs of sports law, he said.

SAI director general Injeti Srinivas, who presided over the inaugural function, stated that regulations become mandatory once sport became commercialised. "Also national sports federations, which are autonomous bodies, come under regulation and government scrutiny when they performed state-like function such as selection of teams to represent the nation, etc. This had to be ensured so that federations were answerable and accountable to the public. These will be dealt with in a broad spectrum called sports law."

The course, which ends on October 10, deals with subjects varying from contracts to sports medicine, broadcasting and media rights to sports and dispute resolution amongst others.

Sessions

DAY 1

October 5, 2015

## DAY 1

### SPORTS GOVERNANCE

**Resource Person:** Mr. Biswa Kalyan Dash, Assistant Professor, NLU Odisha

#### **What is Sport?**

*Sports are **Institutionalized competitive activities** that involves vigorous **physical exertion** or the use of relatively complex **physical skills** by individuals whose participation is motivated by **combination of Intrinsic and Extrinsic factors**;*

Coakley

*A human activity that involves specific **administrative organizations** and historical background of **rules** which defines the object and **limit the pattern of human behavior**; it involves **competition and/or challenge** and a definite outcome primarily determined by **physical skill**;*

Singer-

*Sport means all form of physical activity which through **casual or organized participation** aim at expressing or improving **physical fitness and mental well-being**, forming social relationship or **obtaining results** in the competition level;*

European Sport Charter 2001-

Sport Governance means **exercise of Power** and authority in sport organizations, including **policy making**, **Organizational Structure-** Committees, councils, directors, president, executive staff **Membership-eligibility** – by-laws, operating procedures, rules and **regulatory power-** enforce rules, impose punishments et al.

Before governing any sporting activity it is important that it should be recognised. **For** recognition of Sporting activity which the governing body is claiming to govern must be in the Sporting Activity list and no other governing body is present for that sport (**Uniqueness**). Further Sustainability of such bodies trying to govern the sport; International Affiliation; Predefined Governance Structure; Membership and Participation; Influence and Control;

Sports Governance Structure is in form of pyramidal structure of which forms the basis of regulation and governance. Pyramid structure means a single national sport association per sport and Member State, which operates under the umbrella of a single continental/national Federation and a single worldwide Federation, which is at the top of the pyramid. For Olympic sports, the worldwide Federation is affiliated to International Olympic Committee (IOC), which forms the top of pyramid. Most important merits of the pyramid structure which are:

- Pyramid structure helps to ensure that the special requirements of sports, such as uniform rules and a uniform timetable for competitions, are taken into account.
- Pyramid structure is essential for organization of national championships and the selection of national athletes and national teams for international competitions.
- Enforcement of rules that ensure proper organization and prioritisation of international competition as the international competition is recognized to be an essential and valuable feature of sport.
- Enforcement of rules that protect integrity of the sport and maintain public confidence.

**International Olympic Committee (IOC)** at the top works as a catalyst among all the sporting committees for establishing collaboration. Give mandate to the “Olympic Charter” by supporting the Olympic values and supports affiliated members.

**Role of IOC:**

1. Encourage *Sports ethics* and education of youth through sports
2. *Encourage the institutions* for meeting the need of sports promotion
3. *Co-operation* among public and private bodies for sports promotion
4. *Take action* for the protection of Olympic movement
5. Lead fight against *Doping* in sport
6. Encourage and support initiative blending sports and culture and education
7. Revenue distribution of IOC:
8. IOC distributes 90% of its revenues to organizations throughout Olympic movement to support staging Olympic games and to promote world wide development of Sport

**International Sports Federations (ISF):** They are Non-governmental organizations recognized by IOC (ISF statute must be in conformity with the Olympic Charter) as administering one or more sport at the world level. National Sport federations constitute the ISF. It has the responsibility to monitor the everyday functioning of the sport at the world level

**National Olympic Committees (NOC):** They promote fundamental principles of Olympism at the National Level. Participate in training of sports administrators by organizing educational programmes NOC ensures that athletes from the respective nations attend Olympic games

**Association of National Olympic Committees (ANOC):** More than one NOCs come together to form the ANOC. ANOC facilitates information to the IOC for improving

the standards of Olympic movement. It recommends IOC for the use of funds. ANOC is made up of 206 countries and being divided into 5 continental associations.

**Ministry of Youth Affairs and Sports:** Earlier 'Department of Sport' and now MYAAS aims to provide opportunities for developing the personality of youth so that they may achieve their full potential and involving them in various nation-building activities on the one side, and, "broad basing" of sports and "achieving excellence" at National and International levels on the other. It also formulates and implements policy for facilitation of sports and community services. It provide policy framework to involve youth and making them part of the nation building activity and popularizing indigenous sports.

## DAY 1

### CONSTITUTIONAL LAW IMPLICATION ON SPORTS

**Resource Person:** Prof. V.S. Mallar, Professor of Law (Adjunct), NLSIU

Main thrust of this session was to understand whether various sports organisation and association falls within the definition of state under Article 12 of the Constitution of India. The reason being, if they fall, then they can be held liable for violation of fundamental right. Prof. Mallar took participants through the whole idea of concept of "state" under constitution and difference between Article 32 and 226 of the Constitution of India. Finally he summed up is lecture with two prominent cases in sports sector produced here below.

***Ajay Jadeja v. Union of India and Others*** ILR (2001) II Delhi 306

BCCI imposed ban on Ajay Jadeja, a National Cricket Player on allegations of betting and match fixing. Order banning Mr. Jadeja has been challenged on the ground of lack of jurisdiction, procedural unfairness as well as on merit. BCCI objection was maintainability of writ petition in view of the fact that BCCI is not a 'state' within the meaning of Article 12.

**Held:** Though not state but, Article 226 also includes the word 'person'. Language of Article 226 does not admit of any limitation on the powers of high court's jurisdiction and that it could be exercised only when the body or authority, decision of which is complained of is exercising its power in the discharge of public duty. Meaning assigned to the term "authority" in Article 12 would not apply to such a term in Article 226 of the Constitution. Furthermore Article 226 also includes the word "person" which would be interpreted in terms of Section 2(24) of the General Clauses Act and is in an all-encompassing expression. It is the nature of right that is relevant in the exercise of jurisdiction even against a body which is neither state nor an instrumentality of the state or "other authority".

In the instant case not only violation of fundamental right complained of but the nature of the duty being discharged by the respondent is certainly a public duty dealing with an activity which is of widest general public interest and is in the furtherance of a sporting activity which is of importance to any civilised society. In fact modern education policies regard sports as an essential component of good education. Thus even if this court proceed on the presumption that BCCI is a private body, the fact that it performs some public function affecting vital public interest cannot be denied.

***Zee Telefilms Ltd. and Another v. Union of India and Others*** (2005) 4 SCC 649

BCCI a society registered under Tamil Nadu Societies Registration Act recognized by Union of India, Ministry of Youth affairs and sports. Notice was issued inviting tender for grant of exclusive television rights for a period of four years by Board for which offers were given by several entertainment groups including “Zee Telefilm Ltd.” Board accepted offer of Zee Telefilms whereupon it deposited Rs 92.50 crores in State Bank of Travancore. Later BCCI terminated the contract in arbitrary manner, which was challenged under Article 32 of the Constitution as being violative of Article 14

Contention of BCCI was that Writ petition was not maintainable since Board is not being a “State” within meaning of Article 12.

**Held:** Petition under Article 32 was not maintainable, as Board was not a “State”. Reasons given were that Board was not created by a statute, no part of share capital of Board was held by government, no financial assistance was given by government to Board, and there was absence of any deep and pervasive state control over Board. Although Board enjoyed a monopoly Status in field of cricket but such status was not state conferred. Merely because a non-government body exercised some public duty, it was not sufficient to make such body a “State” for purpose of Article 12. Since activities of Board not coming under guidelines laid down in case of *Pradeep Kumar Biswas v. Indian Institute of Chemical Biology & Ors.* (2002) 5 SCC 1111 so as to render it “State” under Article 12, petition held not maintainable.

DAY 2  
October 6, 2015

## DAY 2

### SPORT CONTRACT MANAGEMENT

**Resource Persons:** Prof. Sairam Bhat, Associate Professor of Law, NLSIU

Mr. Amruth Joshi, Founder Partner, Gamechanger, Bengaluru

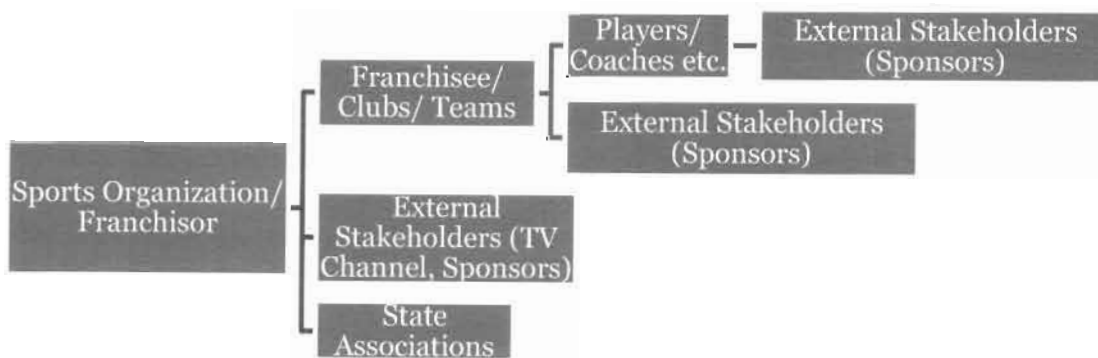
Contract Management is the process of administering legal and contractual relationships that businesses form with stakeholders (both internal & external). It Involves Relationship Management, Financial Management, Performance & Services, and Contract Administration, Legal and Regulatory Compliance. It entails negotiation, creation, storage, scheduling of important contractual events, supervision, administration & enforcement. It is 360<sup>o</sup> management.

Sports industry accounts for 3% of world trade and hence this commercial nature brings in the need to regulate player contracts and transfers. Sponsorship, broadcasting, advertising and endorsements deals are bringing in vast amounts of money into sport, world trade in sportswear and equipment is growing. Contract is the essential base to underlie each of the above businesses. Further, organising tournaments at a national and global level requires excellent contract management skills.

Various types of Sports Contract were identified, which are as follows:

- Professional Services Contracts/ Employment Agreements: Player, Coaches, Physician, Nutritionist, Performance Analysts etc.
- Broadcast Rights Agreements
- Franchise Agreements (League Sports)
- Sponsorship Agreements
- Brand Endorsement Agreements
- Equipment Agreements
- Arena/ Stadium Licensing Agreements
- Agency/Representation Contracts

Case study of organising a national league was also discussed in the session. Where following different stakeholders were identified:



### **Sports Organisation and Franchisees:**

#### **ISSUES TO CONSIDER:**

- Central Rights v. Franchisee Rights
- Rights Income apportionment (Between central, franchisee and prize money)
- Franchisee Obligations

### **Sports Organization and External Stakeholder:**

#### **ISSUES TO CONSIDER:**

- Broadcast Agreements: Sponsor broadcast coverage rights, Technical aspects (quality of broadcast), Conflict marketing provisions, Various modes (live streams on internet and mobiles, live updates, interviews with players etc.)
- Sponsorship Agreements: Advertising rights, Product category exclusivity, PR related issues (morality clauses)

### **Sports Organization and State Associations**

#### **ISSUES TO CONSIDER:**

- How will costs associated with hosting of matches, maintenance, repairs be divided between the sports organization, the stadium and the franchisee?
- How will revenue from gate receipts be shared?
- Insurance coverage
- Security Obligations
- Interface with Government- Health, Safety and Environment

## DAY 2

### SPORTS AND INSURANCE LAW

**Resource Persons:** Prof. S.V. Joga Rao, Visiting Faculty, NLSIU

If something goes wrong in professional sports and there is an insurance policy, it should not be assumed that the policy represents money in the bank. Things can go wrong under the policy, just as much as things can go wrong in sports. There are legal risks with respect to any claim under an insurance policy, whether the policy insures professional sports or anything else. Those risks must be managed and they can be managed in a large part by two important steps, *firstly* clarifying and understanding the scope of the insurance cover; and *secondly*, ensuring the risk is presented fairly to the insurer.

Sport by its very nature brings about inherent risks of injury with some carrying a much greater risk. Although, to a certain extent, adults should be expected to accept an element of risk if they choose to take part in an activity which gives rise to unavoidable occurrences. For example, in the case of rugby or skiing, a complete defence for the organiser of these activities cannot always be provided. It should also be remembered that greater care must be taken to ensure the safety of child participants. Most businesses and organizations have insurance needs but it's especially crucial for sports organizations. Sports naturally have a fair share of injuries and accidents and there are certainly inherent risks and liabilities. A single mishap can devastate a sports organization if it does not properly protect itself and its participants. In addition, many sports organizations must provide proof of insurance to receive permits for playing fields, gyms or event spaces.

There are various insurance products available covering sports persons and events like Career Ending Insurance, temporary Disablement/Income Protection, Personal Accident insurance, Sports Federation Liability insurance, Motorsport Insurance Solutions, Sports Travel Insurance, Contingent Medical Expenses, Property Insurance, Stadium Insurance, Event Cancellation, Event Liability, Contractual Bonus Insurance etc.

Prof. Joga Rao, has beautifully described about the need of tailored made insurance and proper customisation of insurance to suit the sports persons need. Highlight certain difficulties in the present insurance model like:

**1. Definition of career ending:** One of the most contentious issues in an athlete disability insurance contract is whether the athlete has suffered the type of injury contemplated by the contract and worthy of a payout. Most athlete disability insurance contracts are meant to provide insurance for a career-ending injury, hence one that prevents the player from ever being able to play again.

The issue gets controversial when it is difficult to ascertain whether the end of an athlete's career is a result of an injury or the player's skill level resulted in the end of his or her career.

**2. The Waiting Period:** Under an athlete disability insurance policy, the athlete cannot collect the insurance payout immediately following suffering a potentially career-ending injury. As part of the insurance contract, the athlete must establish permanent total disability, which requires the athlete be unable to perform at his sport for twelve months following the injury. The waiting period helps determine whether the injury suffered is temporary or legitimately career ending as contemplated by the policy.

**3. Exclusions:** It is rare for an athlete to reach an elite or professional status without having suffered an injury and many have suffered major injuries. Consequently, teams and insurance companies are often hesitant to employ or insure an athlete that is more likely to suffer a serious injury. It is not uncommon for teams to require a player to execute an injury waiver, which describes a specific pre-existing medical condition of the player. Should the player suffer the same or a substantially related injury the team is not required to fulfill its obligations under the contract, i.e. the team can cut the athlete without compensation

**4. Type of Coverage and Term of Coverage:** The insurance contract is very specific in that it will only cover injuries incurred during or related to the athlete's professional career. Concussions and illnesses are also generally covered unless specifically excluded. All contracts in the Big Four require that the athlete withhold from participating in other activities that involve a significant risk of injury, including sports in which the athlete is not a professional. If an athlete is injured participating in a different sport without the permission of his team, he risks having his contract voided.

It is important for anyone working in the sports industry to have a good, overall understanding on how insurance works, the process and the options. Ultimately, it is a business decision for all of the impacted parties. And this particular specialty niche of insurance is driven by both the statistics and the market

DAY 3

October 7, 2015

### DAY 3

#### SPORTS AND INTELLECTUAL PROPERTY RIGHTS

**Resource Persons:** Mr. Nanadan Kamath, Law NK

Mr. Shreekanth Katti, Head-Legal, Via.com &

Inventions and creative expressions based on which there is a public willingness to bestow the status of property and provides certain exclusive rights to the inventors or creators or other owners of that property, in order to enable them to reap commercial benefits from their efforts or reputations. This is termed as “intellectual property”(IP). Further, statutes provide specific protection to IP in order to facilitate Incentive to create; gives the inventor the exclusive right to use, make, sell or import it; economic benefits from exclusivity; and protection of reputation associated with the Intellectual Property.

There are various forms of IP associated with sports like Copyright, Trademark, Patents, Trademarks, Design, Personality Rights and each has various kinds of stakeholders like Athletes, Event Organisers, Sponsors, Sports Manufacturers, Team Owners and Broadcasters.

**COPYRIGHT:** The term Copyright refers to the rights granted to a **creator** of an original **literary, musical, artistic or dramatic work**. In India, **computer programmes, photographs, sound recordings and cinematographic films** are also protected. Associated rights such as Broadcasters’ rights and Performers’ rights are also addressed as a part of it. Copyright protects the **expression** and **not the idea** itself. Facts cannot be subject of copyright. The protection is not perpetual rather the term of copyright is life of the author plus 60 years, after that copyrighted work falls in public domain. The following properties may be copyright protected in the context of sports:

1. Event or team songs (lyrics, sound recordings, composition);
2. Promotional material;
3. Slogans;
4. Images and audio-visual footage;
5. Cinematographic films.

In India, the Copyright Act, 1957 grants the copyright holder the exclusive right to reproduce the work; Issue copies to the public; Perform the work in public; Make a sound recording/cinematograph film; Translate or adapt the work. Further, authors of works also have the moral rights to claim authorship, and restrain distortion of the work. Each specific kind of work may bestow additional rights on the copyright holder. However, there are certain exceptions to the exclusivity like Fair Dealing, News Reporting, Research / Private Study and Criticism/Review.

Copyright protected works are not required to be registered under law to entitle the copyright holders to exercise their rights. However, the Copyright Act, 1957 provides for registration of copyrights. Registration includes publishing of the copyright protected work in the Register of Copyrights. A registered copyright is admissible in court as evidence. This places the burden of proof on the person claiming that the copyright holder is not, in fact the owner of the copyright in the work. Further, a registered copyright provides notice to the public of the copyright holder's claim of rights, preventing an infringer from claiming that he used the work innocently

Within copyright there is also an aspect of Performers Right. Performers have rights in the performance of works. Performers' rights are infringed if a performance, or a substantial part of a performance, is exploited without the performer's consent.

Another aspect of copyright is in form of Broadcasters have special rights known as broadcast reproduction rights. Broadcasters have the exclusive right to re-broadcast; license the broadcast; make any sound recording or visual recording of the broadcast; and sell or hire to the public, or offer for such sale or hire, any sound recording or visual recording of the broadcast.

Remedies against Copyright Infringement:

1. Civil Remedies includes injunction, Damages, and accounts.
2. Remedy for groundless threat of legal proceedings: Injunction against the continuance of threats; and recovery of damages sustained by reason of threats.
3. Criminal Penalties: Imprisonment for 6 months – 3 years; and fine of INR 50,000 – INR 2,00,000, in each instance.

**DATA RIGHTS:** Right of possession or use, title, or proprietary interest in unpublished data or information which (while not copyrightable or patentable) gives the holder a competitive advantage or exclusive consideration. Certain Information like fixtures, Match Updates, live scorecards, score alerts will fall within its purview. Event organisers and broadcasters are the two stakeholders who may own data rights, depending on the contractual arrangement. Data rights include the right to license and commercially exploit rights arising out of or in relation to events, specifically sporting events, including internet and mobile rights. To safeguard this “quasi-property” right “Hot News” doctrine may be applied. Hot news refers to written material or the live televised events, often “facts,” that have value for a short duration, and which will soon move into the “public realm” losing their value completely.

**TRADEMARK:** A trademark is a sign capable of distinguishing the goods or services of an entity from those of other entities. Trademarks can include **words, numerals, letters (or a combination thereof); logos; colours; shapes; sounds; smells; and**

**holograms.** A trademark is an indication of **origin** and **quality** of a particular good or service. In order to be registered as a trademark, the mark shall –

1. be distinctive;
2. not comprise exclusively of descriptive uses of terms, such as quality, quantity, geographical origin etc.;
3. not consist of terms which have been used customarily.

Marks which deceive the public or cause confusion; hurt religious sensibilities; contain scandalous or obscene content; or are prohibited under law may not be registered. Athlete Names, Logos and Nicknames constitute trademarks like Cristiano Ronaldo has registered “CR7”, Lionel Messi has registered “LEO MESS1”, Shaquille O’Neal has registered “Shaq”, Sachin Tendulkar and Yuvraj Singh have also registered their respective names. Cricket Australia has registered a trademark in relation to the phrase “63 NOT OUT”, post Phil Hughes’ death, in an attempt to prevent people cashing in on Phil Hughes’ death. Trademarks are required to be registered in order to be protected under the Trade Marks Act, 1999. Unregistered trademarks are also afforded some protection under other intellectual property regimes, such as copyright, design rights, and through the tort of passing off. However, registration offers a few advantages that unregistered trademarks cannot avail of. They are as follows:

1. The goodwill of the brand is protected;
2. Third parties are discouraged from promoting identical or similar marks;
3. Registered trademarks may be assigned/licensed/transferred for commercial means;
4. Trademark registration is admissible as evidence in a court of law;
5. Counterfeit or infringing merchandise can be seized on the basis of a trademark registration.

Trademarks are capable of protection under the Trade Marks Act, 1999. The registration of a trademark gives the registered proprietor of the trade mark the exclusive right to use the trade mark in relation to the goods or services in respect of which the trade mark is registered, and to obtain relief for infringement of trade mark. Unlicensed uses of a registered trademark in the following ways constitute infringement:

1. Use of the trademark, or a mark deceptively similar to the trademark, in the course of trade;
2. Use of the trademark which causes confusion in the mind of the public;
3. Use of the trademark or a mark similar to the trademark for a different class of goods or services, when such trademark has a reputation in India;
4. Any sale, packaging, import or advertising using the trademark by a person other than the proprietor of the trademark.

However, there are certain exceptions to this under the Trade Marks Act, 1999. The following uses of registered trademarks are permitted:

1. Honest concurrent use;
2. Acquiescence;
3. Prior user;
4. Use in accordance with honest practices in industrial or commercial matters;
5. Parallel Imports;
6. Fair use in description of the goods or service;
7. Generic nature;
8. Where the goods bearing a registered trade mark are lawfully acquired by a person.

Further, internationally, “*descriptive fair use*” and “*nominative fair use*” are exceptions to trademark infringement. Descriptive fair use is the ability to use ordinary words to describe goods or services, even if those words happen to be part of someone's trademark. Nominative fair use is the reference by an entity to a registered trademark, for purposes of reporting, commentary, criticism, and parody, as well as for comparative advertising.

Under the Trade Marks Act, 1999, infringement of a registered trademark is an offence. The penalty is imprisonment for 6 months – 3 years; and fine of INR 50,000 – INR 2,00,000, in each instance. The penalty for falsely representing a trademark as registered is imprisonment for up to three years or with fine, or with both. In the event of a conviction under the Act, the court may direct the forfeiture of goods to the Government.

**PATENT:** An exclusive right granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem. For the grant of patent following four tests should be satisfied-

1. Must relate to a **process** or **product** or both ;
2. Must be **novel**;
3. Must involve an **inventive step**;
4. Must be capable of **industrial application**.

In Sports the applicability of patent relates to technology employed in sports like Goal – Line Technology, Hawk Eye, Trackable Hockey Puck etc. and Sports Equipment's like Stengaurd Helmet, Mongoose Bat, Football Boots etc.

Under the Patents Act, 1970, the owner of the patent has the right to preclude any person from exploiting the protected invention by any of the following acts –

- a. **For a product patent** - making, importing, offering for sale, selling and using the product, or stocking the product;
- b. **For a process patent** - using the process, or making, importing, offering for sale, selling and using the product, in respect of a product obtained directly by means of the process.

Unauthorised making, importing, offering for sale, selling and using the patented product and Stocking such product for the purposes of offering it for sale, selling or using the product constitute infringement of patent. However, there are certain exceptions to this like Government use, Research Exemption and parallel Import. Against infringement owner can obtain remedies like - an injunction to restrain unauthorised performance; to claim damages for unauthorised use; to claim compensation from any person who, without his authorization, performed any of the inventions, claimed in the published application, as if a patent had been granted for that invention

**DESIGN RIGHTS:** Design Rights protect the **aesthetic** and **visual** appeal of a product (shape, colour, pattern, configuration, etc.) and **not its functionality**. Any design can be registered, unless the design:

1. is not new or original;
2. has been previously disclosed to the public;
3. is not distinctive in nature; or
4. Contains scandalous or obscene content.

Registered designs can be protected under the Design Act, 2000. The registration of a design gives the registered owner of the design right the exclusive right to use and commercialise articles in the classes in which the design is registered, and to obtain relief for infringement of design. In 2002, Arsenal Football Club was engaged in a long-drawn legal battle in relation to a trademark dispute and the use of the Arsenal logo on unlicensed merchandise. Arsenal was seeking to stop the sale of replica goods which made unauthorised use of the club logo – a heraldic crest with a picture of a cannon. As a result of the difficulties it was facing in enforcing its rights, Arsenal took the decision to re-brand, changing its logo. The new logo is protected under both trademark and design rights.

Only registered designs are protected under the Designs Act, 2000. A registered design complements the protection available to an entity under trademark law. A logo with artistic elements may also be registered as a design. Although some unregistered designs

may be afforded protection under other intellectual property regimes such as copyright and patents, infringements based solely on the visual appearance may continue.

**PERSONALITY RIGHTS:** It refer to the right of every individual to control the use of his/her **name, likeness, image, voice or any other identifiable facet** of the individual's personality. There is no specific law on the subject matter of Personality rights in India, and all advancements have been through judge made law. In the context of this presentation, personality rights are deemed to include both the right to **privacy** and **publicity** rights. The use of an individual's name, likeness, image, voice or any other identifiable facet of the individual's personality, without license is an infringement of such individual's personality rights. Personality rights are broadly covered in the right to life and personal liberty guaranteed by Article 21 of the Constitution. Relief for infringement of personality rights may be sought under various other legal regimes, such as:

1. Copyright law (Performers' rights and/or moral rights);
2. Trademark law (if trademarks are registered);
3. Passing Off and/or Character Merchandising (in respect of unregistered trademarks);
4. Defamation;
5. Advertising Code (prohibits any reference which may bring the person into disrepute)

After Sourav Ganguly's successful stint at Lord's, Tata Tea Ltd. was promoting its brand by offering the consumers a chance to congratulate Sourav Ganguly, intending to benefit from Sourav's popularity. The case was eventually settled out of court, but Sourav alleged an infringement of his personality rights in this instance. Registration of a trademark in relation to the facets of an individual's persona is advantageous in this respect, as the individual may then be entitled to license his/her persona for a fee, and prevent unlicensed commercial exploitation.

DAY 4

October 8, 2015

## DAY 4

### SPORTS AND DISPUTE SETTLEMENT

**Resource Person:** Mr. Shivam Singh, Advocate, Supreme Court & Delhi High Court

In sports the process of dispute settlement has to be speedy and quick. It is an essential requirement for sportsperson, since they play for a less span period of time and get paid a huge sum of money for weekly work which involve risk of injuries and form is very big. In Sports the disputes are either commercial or regulatory and quasi criminal. Though, all disputes in Sports have a commercial impact. There is no need of a fixed hierarchy in dispute resolution settlement. Parties involved in sports dispute have three ways to resolve the dispute; by complaining to the internal authority within the sporting federation, by instituting a civil suit and through a body of ADR.

If the dispute is within the rules of the game then the procedure set up by the governing body of the game to be followed. In India, there is not such definite forum to decide sports dispute. Though, some of the National Sports Federation (Athletics federation of India etc) has made efforts to set up some kind of an internal dispute resolution. The SC in the case of *MP Triathlon Association v Indian Triathlon federation* held that any dispute between the NSF could be resolved through a dispute resolution process which could be initiated by the IOA.

Moreover, IOA has failed to set up a proper dispute resolution body. Then the Ministry of Youth Affairs & Sports proposed a bill to set up a dispute resolution body in sports. Sec 27 of the bill states the Central Govt has power to notify and set up sports tribunal. The appellate sports tribunal shall not adjudicate any disputes or conflicts arising during the Olympic Games, Commonwealth Games, Asian Games or during other similar events organized by the International Federations in respect of which the CAS has the exclusive jurisdiction and also where the National Anti -Doping Agency have exclusive jurisdiction.

The appellate court shall have all the power that is vested in the civil court under CPC while trying a suit. Also, the bill excludes the court to entertain any suit or proceeding in respect of any matter which the Appellate Sports Tribunal is empowered by or under this Act to determine. Sec 32 contains a non obstante clause which states that the appeal against the decision of tribunal shall lie before the SC upon the ground stated under sec 100 of CPC.

### SPORTS DISPUTE RESOLUTION MECHANISM AND OLYMPIC GAMES

As per the provisions of Olympic Charter, Olympic sport governing bodies do not have unlimited discretion because their athlete eligibility decisions are subject to independent review. The resolution of sports dispute through arbitration was already common in ancient Greece. In fact, arbitration mechanism in the modern era took a long time to

create. The Olympic Charter was silent on the matter until, in 1967 the then Rule 41 set up something different, namely a final Court of Appeal, a means of allowing the IOC executive to decide all disputes related to the games, provided they were not of technical nature.

The Court of Arbitration for Sport (CAS; Tribunal Arbitral du Sport or TAS in French) is an arbitration body whose sole purpose is to settle the disputes related to sports. Its headquarters are located in Lausanne and additional courts are located in New York City and Sydney. The policies of CAS have changed over the years in order to make itself more financially independent of the IOC. Structural and financial changes in the CAS during the reforms led to the creation of an “International Council of Arbitration for Sport” (ICAS) which replaced the IOC. A dispute can be referred to the CAS only if there is an arbitration agreement between the parties incorporating exclusive recourse to the CAS. It is pertinent to note that all Olympic International Federations and many National Olympic Committees have incorporated in their statutes an arbitration clause for the dispute resolution and the disputes between the parties can be referred to the CAS in view of the express recognition of jurisdiction of the CAS. The CAS arbitrators are high level jurists and the arbitration between the parties is usually in high regard in the international sports community.

There was consensus that arbitration would allow the court to act in a way which was simple, flexible, inexpensive and speedy. Since the normal slow pace of justice is not compatible with the time tables of sports competitions. The award passed by the CAS should be free and fair. in this context, the court went on to draw attention to some organisational and financial links between the IOC and CAS, which in their view, could undermine the necessary independence of the CAS, especially when the IOC is a party to the case. The necessary independence could also be jeopardised by the fact that much of the financing of the CAS was provided by the IOC; the IOC also has power to modify the CAS statutes and the considerable power has been granted to the IOC to appoint the members of the CAS.

Though these above problem were solved in the case of *Lazutina v IOC* CAS has its sufficient independence from the IOC, even when the IOC is party to the dispute. Finally, under the heading ‘Dispute- Arbitration’ it states: ‘any dispute arising on the occasion of, or in connection with, the Olympic games shall be submitted to the CAS, in accordance with the code of Sports-related Arbitration.

**DAY 4**

~ 28 ~

## SPORTS, BROADCASTING AND MEDIA RIGHTS

Resource Persons: Mr. Abhishek Malhotra, Managing Partner, TMT Law, New Delhi

Mr. Deva Prasad, Assistant Professor, NLSIU

Sports have evolved into a massive public entertainment industry, closely connected to the unprecedented growth and reach of the contemporary global media. Increased viewership worldwide has turned nearly all national and international sporting events into potential opportunities for generation of revenue. FIFA (Fédération Internationale de Football Association) got USD 2.4 billion for broadcasting rights of the World Cup for 2014 held in Brazil. ICC (International Cricket Council) sold worldwide broadcast rights for events during 2007-2015 for USD 1.1 billion. The English Premier League (matches broadcast in 212 countries), sold domestic and international television rights for seasons 2010-2013 for £3.2 billion

Broadcasting of live sports involves the following stages:

1. **Production of the event:** this involves installation of cameras and other equipment at the sports arena to capture the live images of the game (video feed), inserting graphics like scores (graphics feed) and the audio commentary (audio feed).
2. **Uplinking:** The feed is taken from the producer and usually uplinked by the team manning the DSNG van (Direct Satellite News Gathering) to the specified satellite. The producer or the uplinking team secures a deal with a satellite and ensures that the signals are sent in encrypted mode.
3. **Downlinking:** The contracted broadcasters located anywhere in the world will be given the decryption code and will be able to downlink the live feed to their own studios. Post downlinking, the broadcaster inserts its commercials and local content (graphics or audio) and then uplinks it back for broadcasting through its channels.
4. **Broadcast:** The subscribers to the broadcasters channels will receive the live broadcast through either cable, DTH or analog signals, which are downlinked and supplied to them.
5. **Internet:** Streaming rights, which is a rapidly evolving phenomenon, is usually provided to either the broadcaster itself or to a different entity.

Broadcasting of sports can be done in various like “**live**” **broadcast** relays images from the game almost in real time (usually the actual delay is about 2 to 12 seconds). “**Delayed**” **broadcast** relays images after a delay of a pre-determined time (few minutes to few hours) and hence, fetches lesser commercial value. Usually a delayed broadcast is used in order to allow editing of the live feed so as to delete any unwanted images, or to ensure broadcast at prime time in a more popular time slot. **Highlights** are a pre-programmed capsule for important parts of the game while **clippings** are just short bits of the broadcast for use primarily by news broadcasters.

Broadcasting of sports events involves broadcasting via traditional means such as television, radio, as well as via new media like the internet television, and mobile phones. Sports Broadcasting in India is basically done through Digital Terrestrial Television Service, Satellite Television Service, Cable Television Channel Service and Direct to Home-DTH Broadcasting Service. With rapid development of technology, new broadcasting platforms and services are emerging. Some new forms of technology used in broadcasting delivery are Internet Protocol Television (IPTV), Headend-In-the-Sky (HITS), Mobile Television and Standard-definition television (SDTV), High-definition TV (HDTV), 3D TV, Ultra-high-definition television, Pay-per view (PPV)

Before the 1994 amendment to the Copyright Act, the only broadcaster in India was the Doordarshan (DD) and Chapter VIII of the Act only afforded protection of the broadcasting reproduction rights to the Government. India became a signatory to the Uruguay Round of the WTO Agreement of 1994 and the relevant portion of the said Agreement read as follows:

*Broadcasting organisations shall have the right to prohibit the following acts when undertaken without their authorisation: the fixation, the reproduction of fixations, and the rebroadcasting by wireless means of broadcasts, as well as the communication to the public of television broadcasts of the same. Where Members do not grant such rights to broadcasting organisations, they shall provide owners of copyright in the subject matter of broadcasts with the possibility of preventing the above acts, subject to the provisions of the Berne Convention (1971).*

Consequent to the WTO Agreement, the Copyright Act, 1957 (hereinafter referred to as the 'Copyright Act') was amended in 1994 to incorporate definitions under sections 2(dd) and 2(ff), and the relevant provisions relating to Broadcasting Reproduction right in section 37, section 39 and section 39 (A) in Chapter VIII and finally the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 was enacted. Aim of the Act according to its long titles is:

*"...to provide access to the largest number of listeners and viewers, on a free to air basis, of sporting events of national importance through mandatory sharing of sports broadcasting signals with Prasar Bharati and for matters connected therewith or incidental thereto".*

The power to classify events of national importance has been granted under section 5 of the Sports Broadcasting Act and the Central Government has been empowered to issue guidelines to classify events of national importance. The Indian government comes out with periodic notifications classifying events of national importance. The government itself in a notification number 603/1/2005-BC-III had classified some national and international events, and laid down that events related to tennis, hockey, football, chess, billiards and snooker would be classified as events of national importance.

### **Unresolved Issues and Ambiguities**

The whole Sports Broadcasting Act leaves the declaration of various events to the discretion of the officers in the Central Government. The first question that can be raised here is: Whether all matches played by the Indian team are of national importance? Secondly, there is an ambiguity as to what the semi-finals and the finals of international competition of cricket would mean. Thirdly, even if the greater interest of the viewers has to be taken into account as a parameter of classifying events of national importance, there is no reason why viewers in India would be interested in watching the semi-finals and the finals of any tournament, not involving players of the national teams. A significant question which arises is that whether the Act will be applicable to the matches of the Indian Premier League.

**Other Issues and Ambiguities:** A practical problem seen in the enforcement of the Sports Broadcasting Act is in relation to the notice that has to be served to broadcast an event of national importance. Rule 3 of the rules framed under the Sports Broadcasting Act by a notification lays down that the private broadcaster has to notify the Prasar Bharati 45 days prior to the broadcast of the events of national importance. If the international regulations are taken into perspective, certain criteria could have been laid down that if a broadcaster reaches 70 per cent of the prospective audiences, then he is not required to share the feed with the national broadcaster. A similar provision needs to be inserted in the Indian Sports Broadcasting Act too. Yet another controversy arose recently as to whether Prasar Bharati could relay the shared signal through its cable operators in the case of Board of Control for Cricket in India (BCCI) and *Ors v. Prasar Bharati and Ors*.

### **International Broadcasting Legislation:**

Certain provisions of the Television Without Frontier Directive and now the Audio Visual Media Services Directive, relating to the sale of exclusive broadcasting rights, and measures that can be imposed by the national governments on the sale of the national broadcasting rights, warrant scrutiny. **Article 81 of the European Council Directive** deals with competition and the power of an enterprise to restrict such competition, and also details cases exempted from its ambit. In general terms, on the basis of a case by case evaluation made in the light of the documentation provided by the Parties, events may qualify as events of major importance for the society if at least two of the following conditions are met:

- The event and its outcome have a special general resonance in the relevant Party, not simply is significant to those who ordinarily follow the sport or activity concerned.

- The event has a generally recognised, distinct cultural importance for the population in the Party concerned and in particular contains elements of its cultural identity;
- It involves the national team in the sport concerned in a major international tournament;

**International Broadcasting Legislation:**

The European Council, through its directives, has laid down certain guidelines based on which the Member States are to prepare their list of events of national importance. The European Court has also laid down rules to protect the rights of the listed events in the member states. Ruling in *R v Independent Television Commission, ex parte TV Danmark I Ltd* the House of Lords concluded that a Member State in which a broadcaster is based is required to prevent the exercise of exclusive rights by that broadcaster in such a way that a substantial proportion of the population in another Member State would be deprived of the possibility of watching a listed event on television.

**International Broadcasting Regulation:**

Under Article 72 of the *Mediawet*, the Dutch Media Act, an event may be placed on the list referred to under paragraph I, if at least two of the following requirements are fulfilled:

- The event is of general interest to the Dutch society;
- The event has special cultural meaning;
- The event was already broadcast on free television in the past and could count on high ratings;
- It is a major international sports event in which the national team participates.

**Overspill in Broadcasting and Revenue Loss:**

Broadcasting packages are bundled in the form of platform, content type, mode of delivery, time, and most importantly, territory. A single multi-national conglomerate would not be able to cater to the global demand to view the event; therefore, the right to broadcast is licensed on a territorial basis to specialist distributors in a particular region in order to reach the potential audience. It is due to this territorial packaging of broadcasting rights that the problem of ‘overspill’ arises. “Overspill” is the term used to describe the phenomenon when there is a reception of a satellite signal in a territory where the signal is not intended to be received. The problem of overspill mainly arises due to the technology associated with satellite broadcasting.

**Overspill:** A peculiar example of overspill can be seen from the problem that arises in India due to the territorial layout of the country. Places like Bangladesh, Bhutan, and Nepal, and to an extent parts of Pakistan and Sri Lanka are able to receive signals from the terrestrial broadcasts of the Prasar Bharati as well as from the satellite broadcasts of

various other broadcasters. In the global scenario, a similar problem arose during the 2002 FIFA World Cup finals when the German broadcasters, the *Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland* (ARD) and the *Zweites Deutsches Fernsehen* (ZDF) wanted to broadcast the matches unencrypted via satellite.

**Problem of Overspill:** The problem of overspill arises due to the current technology in use for terrestrial and satellite broadcasting. The reason for the promulgation of the Sports Broadcasting Mandatory Sharing Act is that the people of India can receive the broadcast of the game which is considered of national importance. As much as encryption is a method to avoid broadcast signals being used in an overspill territory, it is also important to ensure when drafting contracts that the broadcaster that may cause the overspill does not distribute its decoders in the overspill territories.

**The need for Conditional Access System:** The Conditional Access System (CAS) is a satellite broadcast system by which the electronic transmission of digital media is limited to subscribing clients. The salient feature of such a system is that the access to the service or signal is made conditional upon a prior authorisation that aims at ensuring remuneration for the services. The importance of the CAS and the protection through it was recognised by the Indian Government; hence they made the CAS mandatory for viewing pay channels by enactment of the Cable TV Networks (Regulation) Amendment Bill 2002.

The importance of the CAS in sports broadcasting is to be stressed, since the rights to broadcast sports events are granted on a territorial basis and to particular broadcasters. In India, people receive these signals through the cable operators or through the Direct-To-Home (DTH) Set Top Boxes (STB).

**CAS and DAS:** The CAS system has since been replaced with DAS (Digital Addressable System). With DAS all channels on the cable system including the free-to-air channels (FTA) are in digital mode and received through a set-top-box (STB). The TRAI, in August 2010, recommended to the government to complete digitization with addressability (DAS) by December 2013, in a phased manner. This system is able to carry large number of TV channels, radio services and other value added services. In this system the consumer can choose channels/bouquet and pay only for the same. The switch over is being done in a phased manner in 4 phases.

## DAY 4

### RELEVANCE OF COMPETITION LAW IN SPORTS

**Resource Person:** Prof. T.S. Somashekar

Sports is considered as premium content. Exclusive rights are owned by broadcaster or pay TV retailer. These exclusive rights are concentrated in the hands of one few players in the market. “Live” events are preferred over delayed ones and hence sports pose challenges and will attract competition scrutiny as exclusive rights tend to be in the hands of incumbent operators.

#### Competition Issues in Sports

1. Restriction of Competition or Abuse of Dominance
2. Bid Rigging
3. Grant of Exclusive Broadcasting Rights
4. Player Restraint
5. Sponsorship Agreements
6. Grant of Franchises
7. Sports Merchandising

#### Bid Rigging and Competition Issues

In Bid rigging, a commercial contract is promised to one party even though for the sake of appearance several other parties also present a bid. It is a form of price fixing and market allocation. The allegation of rigging of bids as well as collusion among bidders, like cartels, is the most serious crime in competition law. Under the Competition Act, “Any agreement which directly or indirectly results in bid rigging or collusive bidding shall be presumed to have an appreciable adverse effect on competition.”

#### Grant of Exclusive Broadcasting Rights

Competition relating to the sale and acquisition of sports media rights has three important features.

With the rapid revolution of media sector including new technological developments few powerful players which are competing for scarce and valuable sporting rights. In **Upstream Markets**, the initial rights owner (sports associations and clubs) sell rights of sports events to sports right intermediaries or directly to retailers. **The Downstream Transmission Markets** constitute the final stage of value chain, covering provisions of sports media services to consumers by retail operators like broadcasting companies’ internet service providers, mobile operators. Sports media rights are most attractive when broadcast live as the value of the right declines once the decision is known to viewers.

### **Exclusivity Issues: Foreclosure**

The grant of exclusivity for long durations will lead to foreclosure at the time of renegotiation at the end of the contract; the broadcaster with the exclusive rights will be at an advantage in comparison to the other players due to the revenues it is likely to have earned during that long time. Exclusivity of longer duration, of over three years, and that too for a wider range of rights can definitely restrict competition, e.g.,

1. Mobile application rights
2. Official website rights
3. Ticket sales arrangements

### **Player Restraint and Competition Issues:**

In several professional leagues around the world, participating clubs compete amongst them to sign players, subject to rules imposed by the league or agreed to among themselves. Rules imposed by leagues often significantly restrain competition for players. Some of them are:

1. *reserve list*, whereby clubs will not bid for reserved players;
2. *player draft*, whereby amateurs or veterans not under contract can only negotiate with the team that selects them;
3. several leagues have *employed club salary caps*, which prevent a club from competing for players when its total payroll for players exceeds a specified amount;
4. Some leagues also employ *individual player salary caps* that limit the amount a player can receive based on years of service within the league or his previous salary.

**Effects of Player Restraints:** lower salaries for players; significant transfer of wealth from players to clubs; player's investment in training gets affected; quality of the sport gets hurt; inefficient allocation of players among teams; limiting competitive bids to amounts significantly below what the market would bear; harming consumers by producing a result unresponsive to consumer demand.

**Player Restraint – Justification:** Three justifications are often asserted for player restraints:

1. enhancing competitive balance;
2. recovering club investment in player development; and
3. achieving "cost certainty" for clubs.

Most of these restraints are unnecessary to the goals.

## **Sponsorship Agreements and Competition Issues**

Sponsoring can give rise to concerns under Competition law when it results in the award of exclusive rights for a manufacturer to supply the market with its products, thereby excluding competitors. Sponsor can be linked to the athlete, team or organization and have their logo displayed on their sports kits, transport and advertisements. Companies can be associated with successful sports personalities and teams, with the idea that the success of the performer can be associated with success of the company and success of the companies products. Consumer will be able to link the product with the sports personalities name and hence exclusive rights to one manufacturer and excluding competitors leads to competition concerns.

### **Grant of Franchisee Rights**

There are often irregularities observed in respect of:

1. Grant of franchise rights for Team ownership;
2. Grant of media rights for coverage of the league/event/ sport tournament;
3. Award of sponsorship rights and other local contracts related to organisation of the league/event/ sport tournament.

### **Sports Merchandising and Competition Issues**

The Competition Act prohibits price fixing and business collusion and Sec 3(3) of the Competition Act, 2002 also prohibits agreements which directly or indirectly determine price. Even the Consumer Act, 1986 under Section 2 of the Act prohibits unfair trade practices. Due to the complex nature of sponsorship these days teams have a number of additional sponsors, with the names of these sponsors being displayed throughout the team's home ground and in any other place they may get exposure to sports fans. For example it is universal practice for football teams to have a match ball sponsor for each game, which will be displayed in the programme and announced over the tannoy. Hence the possibility of leading sports brands indulging into price fixing, abusing dominance or collusion by restricting new entrants cannot be ruled out either.

## **Competition related issues in Sports – Indian Perspective**

### **Abuse of dominant position BCCI**

BCCI is abusing its dominant position by denying market access to potential competitor to IPL by "bidding itself" not to organize, sanction, or recognize any private professional domestic league and limiting number of franchisees in one private professional league. The allegations that IPL bosses allegedly advised the Dhoots and Adanis to keep their

bids modestly above \$300 million or that IPL administration also allegedly told the promoters of Kochi consortium not to put more than \$300 million on the table are sufficient to provoke a complaint to CCI under Section 3 of the Act.

**Exclusive Broadcasting Rights by BCCI** -The BCCI has been 'selling' broadcasting rights to its 'exclusive partners' for a long time. The board sold five-year contracts to ESPN STAR Sports (1995-99) and Prasar 16 Bharati (1999-2004). Thereafter, it sold the rights on a territorial basis and Nimbus Communications bought the rights for India for five years (2006-10), ESPN STAR Sports for overseas matches for four years (2005-08) and Zee Television for matches in neutral venues for five years (2006-11). The broadcast rights for IPL were sold exclusively to WSG-Sony Entertainment combine for 10 years reportedly for \$1.03 billion. Although grant of exclusive broadcasting and telecasting rights is a common commercial practice in the sport industry, it is important to consider the impact of such long-term agreements on competition in this market.

**Other Issues – BCCI Exclusivity of longer duration**, of over three years, as granted by the BCCI and that too for a wider range of rights can definitely restrict competition. This is particularly the case if the broadcaster too is in a dominant position. Thus, if Sony can be proved to be having a large market share of viewership in telecast of cricket matches in India, besides BCCI, it will also face the charge of abuse of its dominant position from other competing TV channels such as STAR Sports, ESPN or TEN Sports, etc.

**Official Website** - The IPL has reportedly negotiated a contract with a Canadian company, Live Current Media Inc, to run and operate its portals and the minimum guarantee has been negotiated at \$50 million over the long extended period of the next 10 years.

**Other Issues - Sponsorship** - The sale of sponsorship rights to Sahara India and DLF brings BCCI within the ambit of Competition Law. Sahara India has sponsorship rights of Indian Cricket Team since 2001. Hence this might lead to exclusivity issues.

**Sports Merchandising** There are various sports goods manufacturing company like Reebok, Addidas and Nike which are associated with Indian Cricket Team as well as with other sports events. Also there are various internet retailers who sell official team jerseys and other sports merchandise. Hence a number of sportswear retailers enter into price fixing agreements to supply sportswear to various clubs or consumers could lead to infringing various provisions of Competition Act.

**Sh. Dhanraj Pillay and Others vs M/S Hockey India**

Hockey India – India’s officially sanctioned hockey body was allegedly discriminating against a few former players who had wanted to participate in the World Series Hockey (WSH) tournament, run on the lines of the now disbanded Indian Cricket League. The players, including former hockey captain Dhanraj Pillay, had approached the CCI in 2011 alleging abuse of dominance by Hockey India, which had warned players against participating in the WSH, terming it an “unsanctioned” event. Allegedly, players who had signed up to play in various franchisees of the WSH – which is organised by the rival Indian Hockey Federation (FIH) – were deliberately not selected for the Indian national hockey team. In its order, the CCI barred the two bodies from placing any restriction on players to play in sanctioned or unsanctioned events.

### **BCCI vs CCI and Mr. Surinder**

The Competition Commission of India (“Commission / CCI”) based on a complaint filed by Mr. Surinder Singh Barmi in February, 2013 had imposed a fine on the Board for Control of Cricket in India (“BCCI”) of INR 52.24 Crores for abusing its dominant position in contravention of Section 4(2) (c) of the Competition Act, 2002 (“Act”) (“CCI Order”). The Commission in addition to imposition of fine had also directed BCCI to cease and desist from any practice of denying market access to potential competitors through inclusion of one-sided clauses in any agreement in the future, deletion of certain clause in media agreements as well as usage of its regulatory powers in the process of deciding matters relating to its commercial functions. Consequently this decision was challenged by the BCCI before the Competition Appellate Tribunal (“COMPAT”) which stayed the penalty as well as the directions issued by the Commission and thereafter allowed the appeal, setting aside the order of the Commission due to breach of principles of natural justice.

#### Before the Commission:-

The key issues that were considered by the CCI in this matter were:

1. What is the legal status of BCCI,
2. Whether BCCI could be considered an enterprise for the purposes of the Act, and
3. Whether BCCI had abused its dominant position in the relevant market in contravention of Section 4 of the Act.
4. The last issue would involve defining the relevant market, assessment of dominance by the BCCI in the relevant market, as well as analysis of the conduct of the BCCI for contravention of Section 4 of the Act.

### **Decision of the CCI**

**Abuse of dominant position by BCCI** in the relevant market - The CCI held that basic premise for determination of alleged abuse of dominance is establishing that one party is

in a dominant position in the relevant market. The CCI concluded that owing to regulatory role, monopoly status, control over infrastructure, players, ability to control entry of other leagues, historical evidences that **BCCI is in a dominant position in the market for organizing private professional league cricket events in India**. The Commission noted that the, BCCI has clearly bound itself not to organize, sanction, recognize any other private professional domestic league/event which could compete with IPL. The CCI held that by explicitly agreeing not to sanction any competitive league during the currency of media rights agreement BCCI has used its regulatory powers in arriving at a commercial agreement, which is at the root of a violation of Section 4(2) (c).

BCCI is in a dominant position by virtue of being the sole authority responsible for regulating game of cricket in India, having membership of ICC, recognizing one cricket board/authority and exercising monopoly powers in relation to commercial activities. CCI directed that reasonable time-frame should be fixed for both media and franchise agreement and tendering process in a fair and transparent manner should be followed in relation to sponsorship agreements. Grant of exclusive rights for a period of ten years would put the entity in an advantageous position, promoting market power and barriers for new entrants thereby leading to violations under Section 3(1) of the Act creating appreciable adverse effect on the market.

The CCI having established BCCI of contravening provisions of the Act directed them to:-

1. Cease and desist from any practice denying market access to potential competitors, including inclusion of similar clauses in any agreement in the future;
2. Cease and desist from using its regulatory powers in any way in the process of considering and deciding on any matters relating to its commercial activities;
3. Deletion of Clause 9.1(c)(i) in the Media Rights Agreement; and
4. Penalty of INR 52.24 Crores.
5. penalty of 6% of the average annual revenue of BCCI for past three years under Section 27(b) of the Act.

Key Issues Before COMPAT:-

1. Whether the CCI Order ought to be set aside due to violation of the principles of natural justice?
2. Whether the Commission was correct in relying upon TRP ratings and other news reports available online in its findings, without affording an opportunity to controvert the same?
3. Whether the Commission was right in making observation in context of Clause 9.1 (c) (i) of the Media Rights Agreement when no references were made to it during the hearing?

### **Decision of COMPAT**

Aggrieved by the order of the CCI, the BCCI approached COMPAT under Section 53B of the Act due to violation of principles of natural justice. COMPAT initially found a prima face case in favour of BCCI and ordered that only 25% of the penalty imposed by CCI be paid within one month. The recovery of the rest of the amount was stayed until further orders. Considering the contentions of both the parties, COMPAT while relying on settled propositions of natural justice in a plethora of cases held that the impugned order was vitiated due to violation of the principles of natural justice. COMPAT held that BCCI did not get any opportunity to contest the proposed determination of the 'relevant market' by the Commission. COMPAT also held that reliance on TRP and TAM ratings available online in the public domain was wrong since the Commission had failed to disclose the information/material being used to arrive at findings to BCCI, thereby denying the opportunity of controverting the same and per se do not constitute legally acceptable evidence.

### **Approach to handle competition issues in sports**

**Unbundling** – Rights should be unbundled into several packages in order to give a fair opportunity to broadcasters to compete for them;

**Non- Discriminatory and Transparent Tendering** –Collective sellers must organize a competitive bidding process and offer rights on non-discriminatory and transparent terms;

**The limited period of Exclusive Rights** - To reducing the risk of long-term market foreclosure is to impose a limit on the duration of the grant of broadcasting rights on an exclusive basis;

**Conclusion:** Most competition regimes aim to avoid anti- competitive agreements and prevent firms from abusing their dominance in any particular market. The issues of broadcasting rights and telecast rights are some of the activities which dominate the role of competition policy today. All's fair in sport and competition, provided it is proportionate, or, as Weatherill states forcefully, sporting bodies enjoy a "conditional autonomy" when setting the rules of the game.

DAY 5

October 9, 2015

## DAY 5

### MODULE | Sports and Criminal Liability | Session

**Resource Persons:** Mr. Kunal Ambasta, Assistant Professor of Law, NLSIU

Principles of criminal law generally apply irrespective of the forum for the commission of the offence. Eg: a crime committed over a computer resource is still a crime. The NDPS Act is a penal statute for the control of use, manufacture and trade in certain substances. The use of performance enhancing substances may or may not intersect with NDPS. In case of such intersection, criminal law as well as disciplinary proceedings do not preclude each other. Betting/gambling is the subject matter of state regulation and most states in India criminalise the same. Online betting is a grey area in law, however, the IT Act has ensured more clarity. The BCCI, like the NADA, is not "State". Therefore, criminal action for betting, match-fixing stands on a different footing from disciplinary action undertaken and both do not preclude each other. More and more cases of intersections between criminal law and sports may come to light, such as racism, discrimination etc. Foundational understanding of criminal law is instrumental in understanding such situations.

Frequent Criminal Law Applications in sports relates to (1) Drug Abuse- Performance Enhancing Drugs and NDPS Act; and (2) Betting and Fixing- Laws against betting, online betting/affecting or influencing conduct, progress or results of matches

The Application of the NDPS Act depends on whether the drug is listed under the "Schedule" Therefore, performance enhancing drugs may not lead to criminal liability.

Is Betting Illegal?

Entry 34, Seventh Schedule of the State List in the Constitution of India deals with betting. State Government has competence over betting/gambling and most states in India have considered betting games to be illegal. However, Sikkim and Goa consider it to be legal, but have regulations on the subject.

What about online gambling? What is the difference between gambling or betting and match-fixing? What is spot fixing? There is a growing interest in legalising betting to ensure it occurs in a regulated and controlled fashion. Most instances of gambling and fixing have arisen in the case of cricket, and specifically, in the IPL. Criminal prosecution for betting and disciplinary action under BCCI Rules stand on a different footing. Principles of criminal law operate independently. Therefore, both remedies may be invoked simultaneously against a person

DAY 6

October 10, 2015

Valedictory

# Sports law crucial for athletes: Gopi

TIMES NEWS NETWORK

Bengaluru: National badminton coach Pullela Gopichand on Saturday exhorted sports law experts to reach out to athletes and coaches to ensure that they get to understand the legal intricacies that have become a critical part of sports these days.

Highlighting their role in three major spheres at the valedictory function of the short-term course on sports law, organised by the Sports Authority of India and the National Law School of India University, Gopi said: "We are living in an intensely competitive world. When compared with athletes of the past, today's generation is extremely motivated and is determined to win. Knowledge of sports law will help them shape their careers better."

## WORDS OF ADVICE

Gopichand appealed to SAI and NLSIU to educate coaches and athletes on decorum and professional etiquette. "Coaches can be taught about the niceties of body language, the language to use and the tone when they interact with their trainees. Both coaches and players should know what constitutes verbal abuse, whether a rebuke or a comment is acceptable or not."

Gopi narrated the incident of former badminton star Aparna Popat, who was banned for three months in 2000 for testing positive for stimulant Phenylpropanolamine. Though the act was in-



advertent—Aparna took a tablet used for treating cold and flu without realizing that it contained the stimulant—she couldn't escape the ban ahead of the Sydney Olympics.

"There was no one to effectively argue Aparna's case. It would have helped had there been lawyers well versed with sports law. But, unlike today there weren't many. In contrast, take the case of Malaysian Lee Chong Wei. He was banned this year for testing positive for a banned drug. But he hired the best lawyers. They presented his case effectively and now he is back in time to qualify for the Rio Olympics."

Another area that requires focus is contracts, Gopi said. "Sportspersons do not have the patience to study bulky contracts. They sign after reading a few lines or pages. They wake up when a problem arises. This shows how vulnerable they are. Sports law experts can make them aware about their duties and responsibilities besides their rights when signing a contract," the former All England champion said.