



THE WEST BENGAL NATIONAL
UNIVERSITY OF JURIDICAL SCIENCES

CENTRE REPORTS

CENTRE FOR SPORTS LAW
AND POLICY



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MONOGRAPH

ABOUT THE CENTRE FOR SPORTS LAW AND

POLICY, WBNUJS

AN OVERVIEW



CENTRE FOR SPORTS LAW AND POLICY,

WBNUJS

About the Centre:

The Centre was established to foster a culture of innovation, legal scholarship, and policy-making in sports law and its many interactions with the subjects. The establishment of this Centre has been possible due to the constant support, encouragement and patronage of Hon'ble Vice Chancellor Sir Prof. (Dr.) Nirmal Kanti Chakrabarti. With an acknowledgement that contribution to this discussion has been less than enthusiastic from Eastern India, this Centre aims not only to fill the void but also to contribute at the national and international level. This Centre harnesses the potential of the WBNUJS to contribute to the research and thought leadership of Sports Law. The WBNUJS aims to be a part of the solution, and this Centre will be another step in the journey by introducing and working on contemporary national and international sports issues. This discourse on law and policy will go a long way in bringing societal change, one step at a time. Currently, the Centre is headed by Dr. Lovely Dasgupta, Associate Professor Law

“Sports do not build character. They reveal it.”

~ John Wooden

ACTIVITIES:

The International Conference on Sports, Governance, Ethics and Policy, Organised by the Centre for Sports Law & Policy, in collaboration with Global Sports Policy Review, on 2 and 3rd March 2024 (Online). The conference was presided over by eminent personalities who are associated with Sports law and have immense experience in the fields concerned. The conference also provided a platform for paper presentations on various contemporary themes

The International Conference on Sports Contract: It was organized by NUJS Centre for Sports Law & Policy, in collaboration with Sportiva Education LLP and Global Sports Policy Review on 5th & 6th February 2022 in an online format. The conference was the first of its kind in India and second globally. The conference was presided over by eminent personalities, who are associated with Sports law and have immense experience in the fields concerned. The conference also provided a platform for paper presentations on various contemporary themes.

THE NUJS CENTRE FOR SPORTS LAW AND POLICY'S INTERNATIONAL WEBINAR WITH DR APRIL HENNING

Date – 18th January, 2021

Time – 3:00 PM

ABOUT THE GUEST

Dr April Henning is a Lecturer in Sport Studies at the University of Stirling, United Kingdom and an Associate Editor at the Journal Performance Enhancement and health. She has done her research in areas such as substance use in sport and fitness settings (including sports doping, fitness doping and image and performance-enhancing drugs use), harm reduction and anti-doping policy.

Dr Henning is a board member of the Human Enhancement Drug Networks (HEDN) and the co-director of the S3RG Research group within the faculty of Health Sciences and Sports. She is also a co-director of the International Network of Doping Research (INDR).

Dr Henning holds a Ph.D. in Sociology from the Graduate Center at the City University of New York and has completed her pre and post-doctoral fellowship supported by the National Institute for Health (NIH) and National Institute on Drug Abuse (NIDA) in the United States.

Dr Henning discussed upon '**Sports Doping Policy Issues**' where she elaborated upon the true meaning to doping and its associated terms and then shared her opinions on the contemporary policy issues pertinent in sports doping.

ANISH DAYAL SESSION CONDUCTED BY NUJS CENTRE FOR SPORTS LAW AND POLICY

Date - 16th December, 2020

Time - 4:00 PM

ABOUT THE GUEST

Mr. Anish Dayal is a renowned figure in the area of commercial litigation and has been active in the legal profession since 1995. Sir practices in the Supreme Court of India and the Delhi High Court and his area of specialties apart from Commercial Litigation and Arbitration are Media, Entertainment and Sports Law, Policy and Legislation, Art and Heritage. The Supreme Court collegium in August this year has approved Mr. Dayal's name for elevation as judge of the Delhi High Court along with 5 other lawyers.

Mr. Dayal has pursued his M.A. Law (Hons) degree from Churchill College, University of Cambridge and completed B.Sc. (Hons) in Physics from St. Stephens College, University of Delhi. He deals with litigation, advisory and policy advocacy work and is also engaged as Counsel by legal firms and legal practitioners before the Supreme Court of India, Delhi High Court, Arbitration Panels and Tribunals.

Currently, he is the sitting Judge of the Delhi High Court.

He discussed the **Nuances of the Sports Contracts** where he covered the issues and points to be kept in mind while drafting standard sports contracts.

Publications

- 1. NUJS-CSLP Primer, 1st Edition-2019**
- 2. NUJS-CSLP Primer, 2nd Edition-2021**
- 3. NUJS-CSLP News Letter, 2020**
- 4. NUJS-CSLP News Letter, 2021**

Research:

FUTURE OF E-SPORTS: PROSPECTS & POLICIES:

A Snapshot is presented hereunder:

Tracing the Evolution of E-sports

Traditional sports have evolved their jurisprudence around the fact that professional participants are considered as “athletes”. Professional E-sports players are not yet considered as athletes in India. This can impact participants in a number of ways, including:

- The provision of special visas to allow participation in global events.
- Being categorized as an athlete also affords certain protections.

Traditional sports have evolved their jurisprudence around the fact that professional participants are considered as “*athletes*”. Professional E-sports players are not yet considered as athletes in India. This can impact participants in a number of ways, including:

1. The provision of special visas to allow participation in global events. For example, the United States has allowed E-sports players to apply and even granted the P-1 visa which is an “*event-only*” visa therefore allowing participation in US-based E-sports events.
2. Being categorized as an athlete also affords certain protections. Professional footballers, for example, are registered with FIFPro which acts as a body which represents the interests of the players. At present there are no such organisations promoting the interests of professional E-sports athletes or protecting them from exploitation. Formal recognition as “*athletes*” would, in the authors’ view, help catalyse this process.

To help in the recognition process, significant regulatory developments are necessary. The E-sports Federation of India (ESFI) is the main representative body. ESFI must maintain a healthy dialogue with the developers, events’ organizers and governmental authorities to help create standardisation, certainty and legitimacy to the spectacle. ESFI is a member of the International E-sports Federation (IESF) and the Asian Electronic Sports Federation (AESF). This membership mandates that Indian E-sports players adhere to the same standards of conduct as laid out by these international bodies.

Judicial Precedents on Gaming and laws pursuant to it

The landmark judgment in interpretation of gaming laws in India is of *R.M.D. Chamarbaugwalla v. Union of India* where the Supreme Court held that the competitions in which skill is the main deciding factor of the outcome of the competition are not prohibited under the provisions of the Prize Competition Act. This test has been honed further in the case of *Dr. K.R. Lakshman v State of Tamil Nadu* where the court held that the: (a) test of predominance of skill is applied as set out in to validate the nature of the game; (b) where skill was the predominant factor the activity would be protected by Article 19(1)(g) of the Constitution as a permitted business activity. Subsequently, games in which the element of skill predominates would be permitted as business activities. For example, all card games have an element of chance – luck of the cards being dealt to you but then skill is applied to use those cards to win. Where the outcome of the game is dependent more on skill than chance, the game passes muster. Applying these tests set out by the judiciary, rummy, bridge, chess, horse-racing, etc. where the element of skill is greater than the element of chance are permitted – even for stakes.

The All India Gaming Federation ("AIGF"), the apex gaming body focuses on policy, advocacy, research and self-regulation for its member gaming companies. Their self-regulation framework is based on the principles of transparency, integrity and responsible gaming, implements their Skill Games Charter ("Charter") to ensure compliance by stakeholders and members of the AIGF. The AIGF concentrates on games of skill played in a pay-to-play format and aims to meet the evolving needs of the gaming industry through its policies and advocacy with the government on framing more relevant legal framework.

How E-sports and Gaming are different

The word “E-sports” is a combination of two words “electronic” and “sports.” When put together, this term means competitive video games. Video games have been inherently competitive since the 1970s. Still, the idea of large crowds and high prize pools didn’t come to popularity until the 2000s, when the internet became more widely available to households.

E-sports and gaming are two terms often used interchangeably. While they might overlap in some of the aspects, there exists several fundamental difference between the two. Gaming is a broad term encompassing playing any video game regardless of platform or means. E-sports only focuses on competitive video gaming where one side loses and the other side wins. However, E-sports are multiplayer e-games played competitively for spectators by professional gamers. The primary intention of an E-sports athlete is to excel at playing a certain game. E-sports is defined by competition, risk, and a reward for being the best.

Parliamentary exertions pertaining to E-sports:

There subsists a huge vacuum, as far as parliamentary laws governing the field of E-sports are concerned. The Indian Parliament has not framed any legislation pertaining to E-sports in India. Even though they have recognized the prominence of the said field and the need to regulate the same, the Ministry of Youth Affairs and Sports has not curated any specific legislations or set of guidelines to govern the E-sports activities in India.

Even though the lawmakers of our nation have not formulated any legislation on E-sports, legal discourse regarding the same has been a part of Parliamentary discussion.

On February 4, 2021, the erstwhile Minister of State for Youth affairs and Sports, Mr. Kiren Rijiju, addressed questions regarding the legitimacy and future prospects of E-sports in India. Jagdambika Pal, an Hon'ble member of the Lok Sabha, raised certain questions regarding the "Gaming and e-sports policy" in India. Rijiju addressed the said questions. He acknowledged the rising prominence of the E-sports market and the fact that it is being incorporated in major sporting events throughout the world, including the biggest of them all, the Olympics.

Questions related to "Gaming and e-sports policy" presented in Lok Sabha:

Jagdambika Pal, Member of Lok Sabha asked the following questions to the Minister of State of the Ministry of Youth Affairs and Sports (Kiren Rijiju) regarding "Gaming and e-Sports Policy" in India.

1. whether the Government has any plan to introduce Gaming and e-Sports Policy in the country and if so, the details thereof
2. whether the Government has any plans to bring the sports and gaming in the Concurrent List of the Constitution and if so, the details thereof
3. whether the Government has any estimates on the size/value of the gaming industry in India and if so, the details thereof
4. whether the Government has any plans or taken any steps to regulate/curb illegal gaming, betting, and gambling in India, if so, the details thereof and if not, the reasons therefor
5. whether the Government has taken any steps or has any plan to introduce educational gaming and if so, the details thereof

Response of the Indian Minister of State for Youth Affairs and Sports:

The Union Government recognized and acknowledged e-sports:

The minister of state for youth affairs and sports, Kiren Rijiju, representing the union government, recognized and acknowledged the emergence of e-sports as a global sports entity. He acknowledged the fact that e-sports is gaining prominence and popularity among the youth of this country and a large facet of the Indian populace has become e-sports enthusiast. He also mentioned the fact that E-sports has been inculcated as an event in major sporting spectacles throughout the world such as Asian Games and Olympics. He stated that E-sports has been included as a medal discipline in Asian Games and the same can be done in the Paris Olympics as well.

The Union Government acknowledged the **difference between E-sports and Gaming and Gambling, etc.**

In a move, which is being considered to be the biggest win for the e-sports industry in India, Kiren Rijiju created an apposite and clear distinction between e-sports and gaming or gambling. He stated that, "e-sports are different from gambling or betting because the former is a skill based activity, while the latter is chance based." It is being considered beneficial for the e-sports sector because gambling or betting activities are illegal in India and their separation from e-sports essentially means that there will be no legal impediments in the introduction of e-sports laws and policies in India.

No proposal to incorporate "sports and gaming" in the concurrent list of the Constitution:

Mr. Rijiju stated that at present, there are no plans in place to inculcate sports and gaming in the concurrent list of the constitution. He stated that “Sports” is a state subject and the primary responsibility for development and promotion of sports rests with the respective state or Union Territory government. He stated that, the union ministry of sports and youth affairs only supplements efforts of the state or union government through its various schemes and policies. He further said that presently there are no plans or reasons for incorporating sports and gaming in the concurrent list of the constitution.

Electronic sports federation of India (ESFI):

Kiren Rijiju said that the Department of sports is aware of the fact that there are many federations pertaining to the e-sports sector such as, Electronic Sports Federation of India (ESFI), E-sports Development Association of India (EDAI), and E-sports India (EI). *However, he said that none of the said foundations or associations have been officially recognised by the Ministry of Youth Affairs and sports.”*

Estimation of the size of E-sports and gaming industry in India:

Kiren Rijiju stated that the government of India has not taken any significant steps to measure or estimate the value or size of the E-sports or gaming industry in India.

Steps to curb regulate or curb illegal gambling:

On the matter of legalizing Gambling or betting in India, Kiren Rijiju stated that “Betting and Gambling is a State Subject (Entry at serial number 34 in the List II- State List of Seventh Schedule of the Constitution of India), therefore, the State authorities are responsible to regulate/curb illegal gaming, betting and gambling in their respective States. He further relied on the law commission’s report on legalizing betting and gambling and stated that the Law Commission in its Report No. 276 titled “Legal Framework: Gambling and Sports Betting including Cricket in India,” which it submitted to the government in July 5, 2018, stated that legalizing betting and gambling is not desirable in India in the present scenario.

E-sports Governance in India

Presently, the E-sports federation of India is considered as the governing body of e-sports in India. It has been recognized by the global e-sports bodies such as the International e-sports federation and the Asian electronic sports federation.

E-sports federation of India:

ESFI is considered as the governing body of E-sports in India. Despite having the onus of governing e-sports in our country, the said organisation has not been conferred with the title of a National Sports federation (NSF). It is an established norm that for a body to be considered as NSF, it has to be recognized by the Ministry of Youth Affairs (MYAS). However, MYAS has not recognised ESIF till now. The **National Sports Development code of India, 2011 (Sports code)**, states that there are certain conditions, which should be fulfilled before a body can be recognized as a NSF. The said criteria are as follows:

1. Membership of international organizations,
2. Recognition from Indian Olympic Authority (IOA),

3. Active efforts by the Federation for the development of sports in the country,
4. Financial and Managerial accountability,
5. Democratic election,
6. Transparency in governance,
7. Availability of required infrastructure,

The ESIF has not been recognized by the IOA till now, which essentially means that it has not satisfied the criteria of a NSF.

Failing in maintainability of all the above mentioned criteria eventually put the governing body out of the very ambit of MYAS which means that all the requirements to be an NSF have not been complied with hence the body cannot be considered as a NSF.

Similar to the BCCI who is not a national sports federation, but is still considered to be the sole governing body of cricket in our country resulting from the absence of any other competing body, ESFI has also so far gained the recognition to be considered as the nodal body for E-sports governance in India. The only difference or concern is IOA's approval which stands mandatory on the purpose of being considered as NSF for Olympic and Asian games sports. Since such approval is very much responsible for sending the entries for these competitions from the country. Cricket on the other end is a kind of sport which faces no such difficulty as the tournaments are only conducted by the governance of ICC. But in case of E-sports which has already been a demonstration sport for 2018 Asian games, and also included in the 2022 Asian Games, that too coupled with its potential inclusion in Olympics in 2024, India right now is in the exigency of forming a particular governing body which would be complied with both the Sports Code and international governance norms.

IOC's recognition of E-sports:

After the detailed discussion on e-sports in the parliament, the secretary general of IOA, Rajeev Mehta also issued a statement. He stated that the onus to recognize the legitimacy of ESFI is not on IOA but on AEF because AEF has the responsibility to select teams for the Asian Games and AEF has in turn conferred the said responsibility on ESFI. The said statement is a bit contradictory to what was decided during the parliamentary session because, the IOA has shrugged of all the responsibility of providing recognition to the ESFI and without the said recognition, ESFI cannot be recognized as an NSF by the MYAS.

Introduction to E-sports from a Legal Perspective

E-sports differ from other professional sports in several significant ways, but one of the most notable from a legal point of view is that the **games have owners**. *No one can claim the right to control who plays traditional sports which are played without any regulation, permission, or rules other than those made the players themselves who indulge in the game.*

In the present day world, popularity of E-sports has created a huge platform for advertisers and additional revenue streams for athletes, teams, media companies, and tournament managers. Brand sponsorships are responsible for 40 percent of the income generated by E-sports, making it the industry's biggest revenue

stream. Companies, whether operating in the video game space or otherwise, collectively spend billions on sponsoring leagues, tournaments, teams, and individual players to expose their products to E-sports audiences.

Why regulations should be formed?

How regulations should be formed

Before setting up the framework or regulations, the government needs to first clearly understand the sector. Due to its nascent stage along with the fact that E-sports is continuously evolving, the sector is shrouded in obscurity. Hence, it is imperative to differentiate E-sports from other online gaming segments and lay down the clear definition for the layman. Post which the government should strive towards forming an E-sports body consisting of people who understand the ecosystem, experts and authority. From eminent personalities who have experience of content and content certification and can create guidelines, to jurists who can help in creating frameworks and rules coupled with six to seven E-sports industry stakeholders, analysts believe that the E-sports body should comprise this broad spectrum of experts.

Post the formation of an E-sports body, the government should frame holistic guidelines that encourage both global and local games, foster physical and mental fitness as well as define terms and conditions for fair play. The government can also incorporate provisions from the various countries who already have e-sports policies at place.

E-sports and Finance

E-sports have become big business and growth shows no signs of slowing down. They have garnered the interest of venture capitalists and other investors who are lured by potentially lucrative deals in advertising, media, event management, game development, and a host of other related niches. The industry is dynamically evolving, with promising startups, mega-mergers, and acquisitions driving and new developments.

Investment – E-sports attorneys with strong financial acumen and extensive experience with the unique challenges, opportunities, and circumstances entailed in E-sports can advise potential investors about how to position themselves to maximize opportunities for return. Team ownership and sponsorship, media, merchandising, player representation, branding, event management, game and platform technology, game development, and publishing are just a few of the areas generating opportunities through growth and consolidation.

The use of Intellectual Property Rights in E-sports

Unlike other sports, each E-sport discipline has its own developer and copyright holder. The copyright holder controls the use of their game. A computer game publisher (the copy-right holder) is able to choose from several legal options and mechanisms to govern the use of their IP for E-sport tournaments. This can range from low levels of control allowing users to use their game to hold championships free of charge with minimal formalities, to more regulation and agreements governing the conduct of games and income from competitions.

In the latter scenario, the publisher independently sells the right by concluding a license agreement (tournament license) for a fee. The publisher can monitor the competition because the name of the game registered as a trademark, prevents anyone from using the commercial name of the game. Therefore, copyright holders can either promote a discipline or restrict it by restricting access.

Governance model of the traditional sports v. E-sports

Traditional Sports	E-sports
This sort of governance is a direct result of output legitimacy which is determined by the outcome of the model. Hence the credibility of these organizations gets decided through their performances	E-sports on the other end talks about a sort of governance which is based on the input legitimacy and it is because E-sports are governed by the publishers of the game who at the same time govern the tournaments of their respective games.
In traditional sports governance has always been the main task which is assigned to a global organization.	E-sports on the other end mostly concerns about their publishers who mainly focuses on their business aspect of selling video games. Governance is simply a part of their marketing spectrum.
On the aspects of competitive integrity such as match fixing, doping, gambling etc, the traditional sports have their global organization that collaborates with the regional organizations and the enforcement agencies to deter these malpractices.	E-sports in this purpose very much dependant on the amount of control exercised by the publisher. For example, Riot Games, the publisher of League of Legends (LOL) controls the entire domain of the esport aspect of the games. Hence they have strict prohibition against betting.

Role of International e-Sport Federation (IeSF)

It is noteworthy to mention that so far there have been few number of attempts to formulate a world governing body for sports. One of the major ones among them is ***International e-Sport Federation (IeSF)***. This federation predominantly aims at constantly improving e-Sports and promoting it in the terms of its values which, inter alia, includes humanitarian, educational, cultural, a unity of purpose and ability to promote peace. IeSF is also known as the signatory of the World Anti-Doping Code (WADC) and conducts doping tests on cyber athletes. But still the suitability of IeSF for regulation of E-sports is questionable. The reasoning of such can easily be traced back to the very peculiarities of E-sports as illustrated earlier. The E-sports industry and its distinctive features has led IeSF to conceptualize on the framework of input legitimacy. In addition to that it also focuses on various aspects of this sector such as national membership, segregation of teams as per gender, uniformity in the application of rules. But they somehow overlooked the reality which shows the majority of the E-sports are international. Therefore, focussing only on national governance that too in accordance with traditional sports has turned out to be a flawed one.

Role of World e-Sport Association (WESA)

There is another organization naming World E-sports Association (WESA) which was founded in 2016 by a group of E-Sports teams and Electronic Sports League (i.e. largest video game event in the world). WESA mostly entails in professionalizing the industry, regulating matters regarding revenues and schedules. This

organization is also brought about with its own internal arbitration court that operates independently and has always been open to everyone involved in E-Sports, such as players, teams, organizers and publishers.

Keeping the very distinctive characteristics of E-sports governance, the structure of this organization seems to be more suitable. The membership consists of few multi-gaming organizations, E-sports teams founded on the model of revenue sharing among the constituents. But in recent times its membership mostly focuses on the European countries.

Recognition by the countries round the globe and laws in force

[Work In Progress]

Certain countries have already recognized E-sports as official sport, these are

1. **South Korea**- 1st country to recognise. Below mentioned is the law applicable in the country for E-sports in general and advertisement of E-sports related advertisements
 - a. ***Act on Promotion of E-sports - Article 12*** of the Act provides that an institution responsible for the selection of games can be designated, and currently KESPA is designated as such relevant institution, to select and support several E-sports games as ‘specialized games’, including LOL and FIFA Online. According to ***Article 14***, in order to promote international exchange of E-sports, the government may provide necessary assistance to the International E-sports Federation and others relating to E-sports.
 - b. ***Game Industry Promotion Act***- Article 34, Paragraph (1) prohibits indicating a game rating different from the actual rating, advertising contents different from the actual content of the game, and advertising to promote the speculative spirit.

2. **China** - There is not a specific ‘single’ law regulating E-sports and related activities. Instead, rules relating to E-sports and related activities are found across various laws and regulations (both on a national and provincial level).

3. **Finland**-
 - A. ***Laws with regard to the applicability of prize promotion regulations to E-sports activities:***
 - a. Lotteries Act (1047/2001, as amended)
 - b. The Consumer Protection Act (38/1978, as amended)

- c. The Act on Electronic Communication Services (917/2014, as amended)

With regard to the advertisement of E-sports related activities:

- a. Consumer Protection Act (38/1978, as amended)
- b. Unfair Business Practices Act (1061/1978, as amended)

B. With regard to the processing of personal data as part of E-sports activities

- a. Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data Data Protection Act (1050/2018, as amended)

4. **USA-**

Laws applicable with regard to the advertisement of E-sports related activities:

- a. The Federal Trade Commission Act (5 U.S.C. §§ 41–58) prohibits “unfair” and “deceptive” acts and practices.
- b. The Federal Trade Commission Guides Concerning the Use of Endorsements and Testimonials in Advertising, 16 CFR Part 255

Currently, there is no mechanism in the United States for licensing E-sports competitions under the gambling laws. So if an E-sports competition is not structured properly, it will constitute unlicensed gambling. Unlicensed gambling in various forms violates criminal law in the United States. Gambling is principally regulated at the state level. But state law violations can also form a predicate act under various federal criminal statutes, and gambling can constitute an independent federal crime if interstate travel or instrumentalities (most notably phone or wire transmissions) are involved. A violation of the criminal anti-lottery or anti-gambling laws can also constitute a predicate act that exposes the party violating those laws to civil liability.

5. **Germany**

- a. Section 762 of the ***German Civil Code*** providing that games and bets do not establish a legal obligation (‘Game’ is interpreted to refer to gambling and skill games; ***E-sports might be interpreted to be skill games***).
- b. ***German Copyright Act*** (‘UrhG’), especially Section 23 sent. 1 and Section 39 para. 1 prohibiting the modification or alteration of the work without consent of the owner (modifying or altering the videogame by inserting advertisement)

- c. *German Act against Unfair Competition* ('UWG'), especially Sec. 5a para. 6 prohibiting surreptitious advertising.

6. Ukraine

7. Pakistan

8. Thailand

9. Russia

10. Italy

11. Brazil

12. Indonesia

13. Macedonia

14. South Africa

15. Sri Lanka

The Professional Interview and Suggestions Vertical

The members of this vertical had taken up the popular esports which have been selected to be played in the Asian Game 2022 event. The members of this team have at the initial level read and summarised the overall regulatory setup in terms of tournaments, player and team rules, broadcasting rights etc of the each of the selected sport. As the second stage we have been trying to contact players, team managers, other stakeholders involved in the respective games to get an idea about their experience and need for changes related to the said esports events right from view point of association formation, uniformity in competition etc.

FIFA

Currently, FIFA operates at various levels in India and at the international level. The most popular game mode is *FIFA Ultimate Team* and it is where all the competitive tournaments usually take place. The most renowned tournament is the *FIFA Global Series* where participants initially compete throughout the season to take part in the qualification for each region (India participates in the South Asia Region). The best performing athletes from each region end up competing at the global level with other athletes who qualified from their respective regions. India only gained eligibility to participate in the FIFA Global Series 2 years ago.

Similarly, the *FIFA eNations* series also takes place in a similar format. The only difference is with respect to who the players are representing. While even in the Global Series, the athletes are playing under the Indian flag, they are representing themselves as individual athletes and the organisations that they have been signed to. On the other hand, the eNations series requires athletes to be playing for India and they play

as official representatives of the All India Football Federation. Hence, athletes have two opportunities to represent India at that national stage.

Apart from this, the ISL has recently started an eISL which has an identical format as the ISL tournament. Each team has 2 members who represent the ISL Club. Each tie has 3 matches played where each athlete has a 1 v 1 match. The third match is a co-op 2 v. 2 match. Whoever wins the most games from the best of 3, gets the win for that specific tie. The season is currently underway with around 100 ties being played up till now. This was one of the biggest opportunities for budding athletes who want to build their name in this growing eSport as there was a demand for 40 athletes during the registration process.

Local and International tournaments held by different organisers such as NODWIN gaming and the Virtual Bundesliga also take place from time to time. However, the only national and international ones that have similarity to an international world cup like tournament are the ones mentioned above.

Our team has currently been in touch with eSports athletes such as

- 1. Lokmany Chaturvedi** - Professional FIFA Player - Indian eNational Team & Kerala Blasters FC.
Athlete - True Rippers Esports.
FIFA Esports Commentator & Analyst. (Worked with ESL India & AIFF)
- 2. Saransh Jain** - FIFA player @m42esports @chennaiinfsc
Virtual Bundesliga Winner and FCC1 South Asia Champion
- 3. Saksham Rattan-** Professional eSports Athlete @mumbaicityfc
Joint second ever Indian to win an International Fifa Tournament
Ranked 3rd in India & 20th in W. Asia Fifa 21
- 4. Selwyn Santmajor** - Professional FIFA Caster, has had years of experience with the game ever since it emerged in the competitive sphere.

Our team member (Aaryan) has spoken to them and received confirmation from them about their willingness to participate in our survey and interview process. He has also been in touch with several other eSports athletes who currently are playing in the eISL and will be willing to speak to our team in case we require more athletes. The various issues that the athletes in FIFA currently face are the lack of uniformity with respect to the competitive sphere, lack of Indian based eSports organisations for their representation, server issues when competing in competitions such as the global series.

DOTA 2

Dota 2 is a multiplayer online battle arena (MOBA) video game developed and published by Valve. The game is a sequel to *Defense of the Ancients (DotA)*, which was a community-created mod for Blizzard

Entertainment's *Warcraft III: Reign of Chaos*. *Dota 2* is played in matches between two teams of five players, with each team occupying and defending their own separate base on the map.

Dota 2 has a large esports scene, with teams from around the world playing in various professional leagues and tournaments. Valve (the developer company) manages an event format known as the *Dota Pro Circuit*, a series of tournaments that award qualification points for earning direct invitations to *The International*, the game's premier annual tournament.

The format of the said tournament is

Format

[\[edit\]](#)

- **Participants**
 - 12 teams qualify through [Dota Pro Circuit](#)
 - 6 teams qualify through Regional Qualifiers; one team each from North America, South America, Western Europe, Eastern Europe, China and Southeast Asia^[6]
- **Group Stage** - *October 7th - October 10th, 2021*
 - Eighteen teams divided in two groups of nine teams each where they play in a round-robin format.^[7]
 - All matches are played in a [Bo2](#).
 - [Top four teams](#) in each group advance to the Upper Bracket of the [Main Event](#).
 - Top seed in each group will pick their first opponent for the playoffs from either the 3rd or 4th place finish in the opposite group.^{[8][9]}
 - [Bottom team](#) in each group is eliminated.
 - [Remaining teams](#) advance to the Lower Bracket of the Main Event.
 - [Click here for tiebreaker rules](#)
- **Main Event** - *October 12th - October 17th, 2021*
 - Sixteen teams play in a double-elimination bracket.
 - Eight teams begin in the Upper Bracket, eight in the Lower Bracket.
 - First Lower Bracket match is [Bo1](#), Grand Final is [Bo5](#), all others matches are [Bo3](#).

* date mentioned with reference to the 2021 edition of the International 2021 event.

Internationals feature a crowdfunded prize money system that has seen amounts in upwards of US\$40 million, making the Internationals the biggest esports tournament in the world in terms of the monetary cash prize money involved.

There are third party events too which are organized by individual parties such as ESL, We Play Esports, One Esports, PGL, Singapore Tourism Board etc which have individual sponsorship and format. Such tournaments are *ESL One Fall*, *WEPLAY Animajor*, *ONE Esports Singapore Major*.

Media coverage of most tournaments is done by a selection of on-site staff who provide commentary and analysis for the ongoing matches, similar to traditional sporting events. In addition to playing live to audiences in arenas and stadiums, broadcasts of them are also streamed over the internet and sometimes simulcast on television networks, with peak viewership numbers in the millions.

In the Indian national scenario though there is enthusiasm at the Novice level about the game and there are

various Discord groups which initiate to go about playing intra level tournaments the presence of Indian Team and Players at international level is in its nascent stage.

Our team has been trying to get in touch with the following players to get an experienced view with reference to the DOTA playing and regulatory mechanism.

1. Varun - Dota Player , Member of Esports Premier Series Organisation

2. Darshan Bata - Dota player @ Avengers, Taiwan Excellence Cup 2019 Winner

ESL India Premiership 2019 - Fall Season Winner

Similar to Fifa the players associated with this game too face issues with reference to the lack of uniformity with respect to the competitive sphere, lack of Indian based eSports organisations for their representation, server issues when competing in competitions et al.

PUBG Mobile

PUBG Mobile is a free-to-play battle royale video game developed by LightSpeed & Quantum Studio, a division of Tencent Games. It is the mobile version port of the original *PlayerUnknown's Battlegrounds*. The game was released in March 2018 for iOS and Android under the name *Game for Peace* in China and *Battlegrounds Mobile India* in India.

Players parachute down to a remote island and fight to remain as the last player standing, competing alone or in teams of two or four, depending on the gamemode selected before the match. Each match lasts about 30 minutes.

The game supports several esport leagues and tournaments. Each major region has a PUBG Mobile Club Open (PMCO) and players compete in their respective regions until later tournaments. Only 32 teams can qualify out of the many teams that signed up. This phase is known as PMCO group stages where the 32 teams are divided into four groups of eight. Once the group stages have elapsed, the finals are hosted where the top 16 teams play. From here, the teams compete to make it to a higher level of competition known as the PUBG Mobile Pro League (PMPL)

On September 2, 2020, the Ministry of Electronics and Information Technology, Government of India banned *PUBG Mobile* in India. Following this, Tencent Games terminated all services for users in India to PUBG MOBILE and PUBG MOBILE Lite on October 30, 2020. The rights to publish PUBG MOBILE in India had been returned to the owner of the PUBG intellectual property, Krafton.

On May 6, 2021, Krafton announced the relaunch of the game in India, following the ban imposed by the Government of India. Krafton directly published the game instead of Tencent as a newly named title which could be only be accessed by users in India as "*Battlegrounds Mobile India*"

For the record, despite its popularity, esport is yet to get official recognition from the Sports Ministry. But the recent reports claimed that the Indian Olympic Association is in favour of establishing a national federation.

Initially, the Asian Games version of **PUBG** was announced as a medal event at the next year's continental showpiece but since PUBG is banned in India, Indian gamers were unsure whether they would get an opportunity to compete.

However, Indian gamers can compete at the continental event through BGMI instead of the now-banned PUBG mobile game. Indian gamers can now qualify for the **2022 Asian Games** through the Indian version of the PUBG mobile game called Battlegrounds Mobile India (BGMI), gaming company Krafton confirmed

How will the Indian PUBG Mobile team be selected for Asian Games 2022?

According to AESF (Asian Electronic sports federation), the 2022 tournament structure is divided into three stages:

1. National Team Selections (Including National Qualifiers)
2. Road to Asian Games (RDAG) Regionals
3. Esports Finals in the 19th Asian Games

The initial procedure for the National Team Selections began in November 2021 and officially ended on January 14, 2022. Therefore, national tournaments and player selections for the main team to represent the nation in the Asian Games are the only things left to be conducted.

The RDAG 'National Team Selection' will take place between the months of February and April. Thereafter, the seedings of the national teams will be decided between April and July, for the finals scheduled to be held in September 2022 in Hangzhou, China.

The same procedure was followed in India, and it looks probable that the performance of players in the recently concluded BGIS 2021 has affected the National Tournament Selections. It is to be seen which players will finally make it through to PUBG Mobile's main lineup representing India at the Asian Games.

Proposed Guest List

1. Abhijeet Andhare known as **Ghatak** - India's veteran PUBG and BGMI gamer.
2. **Naman Mathur** also known as **Mortal** is one of the best players of PUBG in India and he is first in the line to who might represent India in Asian Games 2022. Mortal is a 4 finger clay technique dominatrix and is also the leader of Soul Clan. He bagged the first position in PUBG Mobile Club Open – Sprint Split India and PUBG Mobile India Series 2019.
3. **Tanmay Singh** also known as **ScoutOP**. He is India's one of the most prominent PUBG players. Scout has a YouTube channel where he creates PUBG content. He is the first Indian to reach the PUBG Conqueror level. He won first place in the Qume Bitcoin Cup and Fighting League 2018-India and was the first Indian to compete in the PUBG Mobile Star Challenge Asia in 2018.
4. **Jonathan Jude Amaral** better known as **Jonathan** is considered as one of the best assaulters in PUBG Mobile. He is nearly undefeated when it comes to close range combats and 1 vs 4 clutches. Jonathan was a part of one of the world's top esports organizations- TSM FTX. Jonathan was placed at the 4th rank for most finishes at PMCO Global Finals 2019.

5. **Anish Arvind**- Country Manager PUBG Mobile India appointed by Krafton Inc.
6. **Karan Pathak** -Senior Esports Manager at Krafton Inc.

Hearthstone

Hearthstone, published by Blizzard Entertainment is a free-to-play online digital collectible card game between two opponents, with decks of 30 cards and a chosen hero with a distinctive power. Players utilise their limited mana crystals to activate abilities or summon minions to attack the opponent's hero, with the goal of destroying the opponent's hero. Winning matches and completing objectives earns you in-game gold as well as rewards in the form of new cards and other in-game gifts. Players can then personalize and strengthen their decks by purchasing packs of additional cards with money or microtransactions. There are numerous modes of play available in the game, including casual and ranked matches, drafted arena fights, and single-player adventures.

Development on the game's user interface began with the premise that the game needed to be both approachable and charming in order to attract new players while also making it apparent how to play the game. For this, game components such as pre-made decks for each hero, deck-building aids, and visual hints were designed from the start to be played entirely online and to simulate the sensation of actual cards. The further incorporated the idea of interactive boards which came out from the movie Jumanji in which a board game comes to life, and also mimics how physical card players would often toy with their cards while waiting on their opponent.

While prior attempts by various companies to digitise physical card games hoped to improve on that experience, they left parts that felt were wanting, for example, allowing players to react to other players which takes a long time in a virtual context. Hearthstone was designed with the goal of removing any gameplay from the opponent during the player's turn, hence streamlining the game.

The seeds of recognizing esports as a medaled event were seeded at the 2018 Asian Games in Jakarta, Indonesia, when hearthstone along with five other esports was included as a demonstration event—a move that was enthusiastically applauded by the gaming community. And the esports scene continues to grow as Hearthstone has become one of the officially listed events in the 2022 Asian Games out of the 8 esports titles which will grace the competition. However, according to the Asian Games 2018 Organising Committee (INASGOC), eSports is still a "testing the market" exhibition tournament. As a result, medals won in these demonstration matches will not be counted in the individual countries' medal total.

The member of the team is looking out for various players or managers so as to contact them for the interview and esports related discussion.

One of the proposed guests is Tirth Mehta.

Specific questions on Hearthstone which has been prepared :

- What do you think has made Hearthstone Esports more competitive this year?
- Touching on the presentational aspect of the eSport, Hearthstone, there isn't more information or metrics being displayed on the screen. For instance, percentage chance to draw an out on a turn, or the casters knowing what the top card in each deck is, or something like that. Is that something that you'd like to see more of?
- Recently, the Czech Republic squad in the Hearthstone Global Games received a warning for not using on-meta decks, which sparked some debate. How do you know when a team hasn't played to its full potential?
- There is certainly a lot going on in terms of tournament play this year, but do you believe that in order to promote the next generation of tournament players, tournament support should be implemented in the client? What about a best of three or five formats? There are certainly a number of people who are intimidated by open tournaments but would like to have a taste of that side of the game. Would that be something feasible?
- Esports in Hearthstone is in trouble: Viewership has dropped since migrating to YouTube.
- While YouTube was endowed with exclusive rights to stream eSports tournaments of several Blizzard games, including Hearthstone, how has this arrangement panned out for eSports?
- Where do you see the next couple of years going for Hearthstone in terms of esports?

Arena Valour

Arena of Valour has been included along with seven other esports titles in the Asian Games 2022 at Hangzhou, Zhejiang, China, as a medal event. Arena of Valour is a multiplayer online battle arena developed by TiMi Studio Group and published by Tencent Games for Android, iOS, and Nintendo Switch. The game has found popularity in the Asian market, including China, Japan, Thailand, Indonesia. The 5v5 ranked match, better known as Grand Battle, where the Players are tasked with destroying the enemy's turrets on the map and securing objectives such as killing Abyssal Dragon and Dark Slayer, with the victory condition being to destroy the enemy's core. There are a total of 108 heroes in Arena of Valour to choose from, and the heroes are further categorised into one of six classes, Depending on the playstyle.

The Indian esports team selection process for the Asian Games begins this month, with registrations likely to open in the first week of March. The team size for 'Arena of Valour' will be five players plus one substitute. The playoffs for qualification are likely to be held from March 20 to April 10, when the team will be finalised.

The Arena of Valour esports is expanding at a brisk pace. There is a massive player base in South-Asian countries such as Vietnam, Indonesia, and Thailand and other Asian countries like Taiwan, China, and Japan. With its wide range of popularity amongst the Asian countries, Arena of Valour makes sense as one of the top choices for being included under the esports discipline. Furthermore, the game's ease of access and low spec requirements makes it quite approachable.

Questionnaire

A certain set of generic questions have been proposed by the team which are to be asked by all the invited stakeholders over the course of their interview process which are mentioned below. Apart from these introductory questions our team has decided upon to ask subjective and sport regulation and management specific questions to the professionals on an individual basis as per the theme of the interview which will be decided with approval of the associated guest.

Questions:

- What do you believe is missing in India to help eSports enter the mainstream? What do you think should be done to encourage more eSports players to pursue a career in the sport?
- Is there a requirement of a uniform mechanism in form of association or governing body to help out for improving the infrastructural level facilities and increase professional participation?
- At a time when social distance has become the norm, has Esports managed to penetrate the public consciousness to make more and more people in India engage in competitive video gaming?
- As various e-sports have been selected to be part of the Asian Games 2022 what is your view on the same and how do you think our Country can perform well in this arena of sports at the said stage?
- Do you think e-sports in our country is taken up more as a hobby and less as a professional career? If yes, what are the reasons behind the same and how can the same be changed?



Phone

(+91) 025694700

Mail

registrare@nujs.edu

Website

<http://www.nujs.edu/>

Address

The West Bengal National University of Juridical Sciences
"Dr. Ambedkar Bhavan" 12, Lb Block, Sector III, Salt Lake City,
Kolkata - 700 106