Chapter 5
The Legal Validity of E-Sports as a Sport

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ABSTRACT

The chapter aims to investigate the e-sports phenomenon and analyze its legal relevance and validity with the traditional sports world. The chapter looks to provide the current framework of the e-sports field and its potential to be a sport, followed by the legal challenges it faces towards being possibly recognized as one. The second segment of this chapter additionally looks into the regulations currently in place as well as analyzes the minimum changes required in order to ensure the growth of this field. The chapter eventually concludes by analyzing the possible future for the field and suggestions to help facilitate its development.

INTRODUCTION

In general, it takes an activity about 50 years to be recognized as a sport by society, taking note that professional gaming tournaments began in the 1970's, the professional gaming industry is near achieving that 50 year milestone (Taylor, 2012). Considering its rapid growth and development over the past few years as well as the ever increasing reliance of society on technology, it is evident that the question of whether esports can be considered as a sport is a major topic for present as well as future discussion.

The traditional perspective of sport is that it would be an activity involving a form of physical exertion while also involving a social element. The development and advancement of technology and consequently esports has lead this conventional concept to be challenged. Over the past few years, there have been numerous articles

and perspectives put forward proclaiming esports as the sport of the new generation (Stubbs, 2017; Young, 2016). Such arguments have naturally caused controversy and debate as to whether esports can legitimately be termed as a sport. The numbers for the industry have been astronomical and have displayed an unprecedented growth rate with major endemic and non-endemic brands entering the field to provide sponsorships as well as major investors from traditional sports investing in various aspects of the industry.

The following chapter aims to investigate this phenomenon and analyse its legal relevance and validity with the traditional sports world. The chapter looks to provide the current framework of the esports field and its potential to be a sport, followed by the legal challenges it faces towards being possibly recognised as one. The second segment of this chapter would additionally look into the regulations currently in place as well as analyse the minimum changes required in order to ensure the growth of this field. Eventually the chapter would conclude with the possible future for the field and suggestions to help facilitate its development.

BRIEF INTRODUCTION INTO THE ESPORTS INDUSTRY

Esports (Darcy, 2017) is the term given to a select group of competitive videogames which are selected on the basis of their popularity and ability to incorporate multiplayer game play. Among others, the conventionally popular games have included League of Legends (LoL), StarCraft 2, Counter-Strike: Global Offensive (CS:GO) and the comparatively recent Overwatch.

Each of these games are governed by their respective developers such as Riot for LoL or Valve for CS:GO. Due to this setup, there are no universal regulations for all esports and it is usually dependent on the game publisher or particular tournament organiser to establish their preferred regulations. Therefore, it would be useful to provide a basic framework of the industry to provide clarity further into the chapter.

The monopoly of the industry resides with the game publishers and secondarily with the tournament organisers. Unlike other sports such as the International Tennis Federation for tennis, there is no overarching governing body for all esports which has lead to a lack of standardisation in governing the esports system with each esports title having its own set of rules and regulations. The game publishers such as Activision Blizzard, Riot and Valve can organise tournaments featuring their own games. In contrast, tournament organisers such as the Electronic Sports League (ESL), DreamHack and Gfinity would have to obtain licenses from the publishers to host tournaments featuring these games.

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