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### **ABSTRACT:**

*“The quick rise of eSports and other new-age sports, such as fantasy leagues, virtual reality tournaments, and drone racing, has resulted in a paradigm change in the global sports ecosystem. These non-traditional formats, driven by technical innovation and widespread digital involvement, are gaining recognition as professional sports. However, their exceptional character raises difficult legal issues that require immediate scholarly and regulatory attention. This paper examines the changing legal landscape governing eSports and new-age sports, focussing on problems such as jurisdiction, intellectual property rights, player contracts, doping, betting, data privacy, and game developer control. Unlike traditional sports, which are administered by centralised bodies and recognised international federations, eSports are frequently governed by private game developers who also serve as regulators, stakeholders, and arbiters. This raises questions regarding openness, impartiality, and due process in dispute resolution processes. One of the most important legal aspects is determining whether eSports qualify as “sports” under national and international legal frameworks. This classification affects the application of sports laws, visa rules for international players, taxation, and government assistance. In places like India, a lack of legal recognition impedes policy growth and investor trust. Furthermore, the lack of universal labour norms and player unions frequently jeopardises player rights such as contract enforceability, age limits, and freedom of association. Another important issue is intellectual property (IP). The game itself is protected by copyright and generally controlled by a private corporation, which distinguishes eSports from traditional sports such as football or cricket. This creates friction between developer control and the rights of teams, players, and broadcasters. Licensing agreements, streaming rights, and content monetisation have all become divisive legal battlegrounds. Furthermore, the proliferation of user-generated content and mods complicates intellectual property law enforcement. This article concludes that a hybrid regulatory strategy, combining public monitoring and industry self-regulation, may provide a more balanced approach. Countries should explore enacting flexible legal frameworks that recognise the dynamic character of new sports while also protecting player rights, market fairness, and consumer interests. There is*

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*also an urgent need for international collaboration and standardisation, particularly in anti-doping, arbitration, and digital IP legislation. Proprietary Sovereignty and Governance: The research highlights a unique legal conflict: while traditional sports operate under public-interest federations, e-sports are governed by "proprietary sovereignty," where private developers hold absolute legislative and judicial power over the "field of play" (the game code). This necessitates a shift from traditional sports law to a specialized digital framework. Algorithmic Transparency and Due Process: A critical finding is that competitive integrity now depends on "Algorithmic Due Process". As ranking systems and anti-cheat mechanisms rely on automated tools, the paper argues for a legal right to human review and transparent evidentiary standards to prevent arbitrary exclusion from digital competition. Emergence of Lex Informatica: The study concludes that e-sports is catalyzing the birth of a Lex Informatica—a body of transnational digital norms that bypasses traditional territorial jurisdiction. This evolution requires harmonizing international IP protections with local labor laws to ensure the sustainable professionalization of digital athletes. Bio-Digital Ethics and Athlete Welfare: Beyond physical safety, the abstract proposes the inclusion of "neurological integrity" and mental health safeguards as primary regulatory pillars, addressing the specific occupational hazards of high-intensity digital training and prolonged cognitive load".*

***Keywords: eSports Law, Intellectual Property, Player Rights, Data Protection, Digital Sports Regulation.***

### **INTRODUCTION:**

Sports, both traditional and modern forms such as e-sports and fantasy leagues, are overseen by a complex web of legal frameworks that manage contract difficulties, intellectual property, doping restrictions, broadcasting rights, and player safety. The advent of digital platforms, virtual competitions, and worldwide tournaments has created new issues in cyber laws, data protection, gambling legislation, and dispute settlement. Understanding these legal issues is

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critical for assuring fairness, protecting stakeholders, and upholding integrity in the ever-changing sports ecosystem.

### **Scope:**

The legal aspects of sports and new-age sports encompass a broad range of rules and regulations that assure ethical behaviour, fairness, and the protection of rights in both traditional physical sports and burgeoning digital formats such as e-sports and fantasy sports.

The scope can be explained according to the following areas:

### **Regulatory Framework:**

Sports at the national and international levels are subject to various rules and policies. For example, organisations such as the International Olympic Committee (IOC), FIFA, and national sports federations develop binding regulations that must adhere to the legal systems of their respective nations. Gaming agencies and cyber law frameworks oversee activity in newer sports such as e-sports.

### **Contracts and Player Rights:**

Players, coaches, and teams sign legal agreements outlining employment terms, transfers, sponsorship arrangements, and endorsement agreements. Breach of these contracts can result in a legal dispute. Contracts for new-age sports frequently include stipulations relating to streaming rights, intellectual property, and online content creation.

### **Intellectual Property (IP) Rights:**

Broadcasting rights, trademarks, team logos, and merchandising are all significant revenue sources in sports. Protecting these IP rights is critical for preventing piracy and unauthorised use, particularly in online competitions and fantasy leagues.

### **Anti-Doping and Fair Play:**

To ensure fairness, laws such as the World Anti-Doping Code limit the use of illegal substances. These restrictions apply to traditional athletes and, in some situations, e-sports participants who use performance-enhancing drugs.

### **Dispute Resolution:**

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As e-sports and online fantasy leagues grow in popularity, there is a greater demand for cyber security, data protection, and virtual transaction regulation. Laws cover hacking, cheating software, and privacy issues on these sites.

### **Betting and Gambling Regulations:**

Many countries have strong rules governing sports betting and gambling. Online fantasy sports frequently operate in legal grey areas, necessitating the establishment of explicit regulations to prevent fraud and match-fixing.<sup>1</sup>

### **Cyber Laws in New-Age Sports:**

As e-sports and online fantasy leagues grow in popularity, there is a greater demand for cyber security, data protection, and virtual transaction regulation. Laws cover hacking, cheating software, and privacy issues on these sites.

### **Player Safety and Liability:**

Physical sports pose a danger of injury, hence legal frameworks address safety standards, liability, and insurance. Concerns such as mental health, gaming addiction, and harassment are receiving legal attention in the realm of digital sports.

### **Importance of Legal Frameworks:**

#### **Why Law is Crucial**

Law serves as the foundation for the sports business, assuring organisation, justice, and accountability. Its importance grows even more with the advent of new-age sports like e-sports and fantasy leagues. The reasons why law is important include:<sup>2</sup>

#### **Maintaining Fairness and Ethics.**

Without legal control, sports would be prone to corruption, doping, match-fixing, and unfair practices. Laws regulate principles of fairness and integrity, ensuring that all participants have equal opportunity.

#### **Protecting stakeholder rights**

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<sup>1</sup> <https://legalvidhiya.com>

<sup>2</sup> <https://www.mondaq.com>

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Players, teams, sponsors, and fans all have legal rights that must be protected. Laws prohibit exploitation, unjust contract terms, and financial fraud, fostering trust in the sports ecosystem.

#### **Managing Commercialization and Revenue:**

Sports earn enormous revenue through TV rights, sponsorships, and merchandising. Legal frameworks control intellectual property (logos, streaming rights, brand names) and prevent piracy or unauthorised use while preserving all parties' economic interests.

#### **Managing Disputes Effectively**

Legal structures include systems such as arbitration (e.g., CAS) to rapidly and equitably resolve disputes over player transfers, contracts, and disciplinary measures.

#### **Health and Safety Regulations:**

AWS ensures that athletes receive enough medical care, insurance, and safe playing conditions. In e-sports, legal frameworks are evolving to handle issues such as gaming addiction, cyberbullying, and mental health protection.

#### **Regulating Cyber Activities in Digital Sports:**

New-age sports rely on technology, which makes them vulnerable to hackers, cheating, and data breaches. Cyber laws and digital compliance regulations protect privacy and financial transactions in e-sports and fantasy gambling.<sup>3</sup>

#### **Controlling Betting and Gambling Risks:**

Online sports betting and fantasy leagues can result in fraud and illicit gambling. Legal frameworks govern these activities to prevent match-fixing, money laundering, and criminal influence.

#### **Promoting Global Standards:**

Sports take place across boundaries, necessitating the use of standardised legal systems to assure international fairness. Organisations such as WADA (World Anti-Doping Agency) and CAS establish global norms that are enforced through legal means.

#### **Regulatory Recognition and Governance:**

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<sup>3</sup> <https://irshedjournals.com>

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Sports, including new-age sports, require formal regulatory recognition to ensure integrity and standardised regulations. Traditional sports are administered by national federations and international organisations such as the IOC, FIFA, and WADA, which establish eligibility standards, anti-doping protocols, and dispute resolution systems. Similarly, new-age sports such as e-sports and fantasy games are rapidly being regulated by cyber laws, gaming authorities, and self-regulatory groups to address issues such as data security, betting restrictions, and fair competition. Effective governance provides openness, accountability, and legal compliance across all sports.

New Legislative Pillar: "The Right to Algorithmic Explanation", it can be strengthened by proposing a specific legislative right for athletes regarding the "black box" of e-sports.

Content: "A primary addition to the legislative framework should be the Right to Algorithmic Explanation. In e-sports, performance is often mediated by hidden algorithms—such as matchmaking ratings (MMR) or automated anti-cheat triggers. Legislation must mandate that developers provide 'Technical Due Process.' If a player is banned or their competitive standing is altered by an algorithm, they should have a statutory right to a human-readable explanation of the data inputs that led to that decision, ensuring that code does not supersede constitutional rights to a livelihood."

Additional Primary Legislative Framework: "Algorithmic Due Process:

The Point: Legislative frameworks must mandate Algorithmic Transparency for competitive integrity. In traditional sports, the "physics of the field" are public; in e-sports, the "physics" (game code) are proprietary and hidden.

Original Addition: A primary legislative requirement should be the "Right to a Human Review" for automated bans. As ranking systems and anti-cheat mechanisms rely on AI, the law should mandate that any competitive disqualification derived from an algorithm must be accompanied by a "Technical Disclosure Statement" that is reviewable by a specialized digital ombudsman.

The Doctrine of "Technological Neutrality" in Sports Law

This topic addresses the fundamental legal question of whether a sport is defined by the physical body or the objective outcome.

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\* [cite\_start]Content: Modern jurisprudence must embrace "Technological Neutrality," asserting that the legal protections afforded to traditional athletes should not diminish simply because the medium of competition is digital [cite: 149-153]. This framework suggests that "athletic merit" is a constant, whether expressed through a tennis racket or a high-precision optical sensor. [cite\_start]Legislative bodies should adopt a "functional equivalence" test to ensure that e-sports athletes receive the same social security and visa status as their Olympic counterparts [cite: 154-156].

Mandatory "Escrow of Field of Play" for Competitive Stability

[cite\_start]This addresses the risk of a private developer shutting down a game that has become a national sport.

\* Content: To mitigate the "Proprietary Risk" where a single corporation controls the entire existence of a sport, the legislative framework should mandate a Code Escrow. For games recognized as "National Priority Sports," developers would be required to deposit server-side source code with a neutral state authority. This ensures that if the developer faces insolvency, the "arena" (the game environment) remains accessible for sanctioned tournaments, preventing the unilateral "deletion" of an athlete's professional career.

Neurological Integrity and "Neuro-Doping" Regulations

While your paper covers traditional WADA standards, the future lies in cognitive regulation.

\* Content: As e-sports demand peak cognitive performance, the law must define the boundaries of Neurological Integrity. Beyond chemical substances, regulations must address "Digital Neuro-Enhancements," such as transcranial direct-current stimulation (tDCS) or haptic-neural interfaces that artificially shorten reaction times. A primary legislative suggestion is the creation of a "Bio-Digital Fair Play" code that prohibits hardware-to-brain feedback loops that grant unfair neuromuscular advantages.

The "Avatar-Identity" and Digital Personality Rights

This explores the legal link between a physical player and their in-game digital persona.

\* Content: The paper concludes that the legal definition of an athlete must extend to their Digital Personality. Current IP laws focus on the game developer, but a "Sui Generis" right

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should be established for players over their unique digital avatars and performance data [cite: 167-169]. This would allow players to retain their "competitive identity" across different teams and platforms, preventing teams from "owning" a player's digital likeness or match-history data after a contract expires.

Algorithmic Due Process and the "Right to a Human Referee"

[cite\_start]This addresses the reliance on AI for bans and match outcomes [cite: 173-175].

\* Content: In the transition to automated sports, the law must mandate Algorithmic Due Process. When a player is sanctioned by an automated "Anti-Cheat" system, they should have a statutory right to a human-led evidentiary hearing. [cite\_start]Because software logs are often proprietary, the framework should empower specialized "Technical Auditors" to inspect the code in camera, ensuring that "Digital Justice" is not a "Black Box" and adheres to the principles of natural justice.

The "Sovereignty Gap" in Metaverse-Based CompetitionsThis addresses the total lack of jurisdiction in VR/AR sports

Content: Emerging AR/VR and Metaverse sports create a "Sovereignty Gap" where physical geography is irrelevant to the competition. The research proposes the adoption of "Cloud-Based Jurisdiction," where the law of the "Tournament Seat" (the virtual server location) is harmonized with the athlete's home-state labor protections. This prevents a "race to the bottom" where organizers host servers in unregulated jurisdictions to bypass player safety and tax obligations .

Mandatory "Career-Pivot" Vocational Funds

This addresses the exceptionally short professional life of an e-sports athlete.

Content: Recognizing that the peak competitive window for e-sports is often less than five years, the legislative framework should include Mandatory Vocational Transition Funds. Similar to the "Pension Funds" in traditional sports, a percentage of tournament prize pools and streaming revenues should be diverted into a state-regulated "Athlete Transition Fund." This

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fund would be legally earmarked for the post-competitive education and reskilling of athletes, ensuring long-term social stability for the youth demographic

The Rise of "Private Transnational Justice" (WIPO & IGET 2025)

This topic explores the shift from general courts to specialized international tribunals designed specifically for the gaming industry.

Content: A significant evolution in e-sports jurisprudence is the 2025 launch of the International Games and Esports Tribunal (IGET) by WIPO. This marks a transition from ad-hoc developer-led decisions to a formalized Private Transnational Justice system. Unlike traditional courts that struggle with "in-game" technicalities, the IGET provides a framework where arbitrators possess "Dual Competency"—expertise in both international law and game mechanics. This development suggests that "Lex Sportiva" is being superseded by a specialized "Lex Digitalis," providing a neutral forum that balances the proprietary rights of developers with the labor rights of athletes.

.The "Sportsperson of Merit" (SOM) Mandate under NSGA 2026

This addresses a very specific new requirement in Indian law that forces e-sports federations to change their power structures.

\* Content: Under the National Sports Governance (National Sports Bodies) Rules, 2026, any entity seeking recognition as a National Sports Federation (NSF) must legally integrate "Sportspersons of Outstanding Merit" (SOMs) into their highest decision-making tiers. This legislative pillar mandates that at least two retired professional athletes must hold permanent seats on the Executive Committee. This is a primary tool for de-politicizing e-sports governance; it shifts the "Locus of Control" from corporate suits to the athletes themselves, ensuring that policy decisions regarding tournament formats and player welfare are informed by actual competitive experience rather than just commercial interests.

"Digital Scrutineering" and the Law of Evidence (BNS 2024)

This topic discusses how technical game data is now treated as "Primary Evidence" in Indian criminal and civil law.

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Content: With the full implementation of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the legal status of "Electronic Records" has been elevated to that of primary evidence. In e-sports, this enables a new legal doctrine of "Digital Scrutineering." Much like Formula 1 relies on telemetry for legal disputes, e-sports law now requires that "Server Logs" and "Anti-Cheat Metadata" be treated as immutable forensic evidence in cases of match-fixing or contract breaches. The paper concludes that legislative frameworks must now include "Standards of Technical Admissibility," ensuring that a developer's internal data can be subpoenaed and audited by independent experts to prove "Fair Play" in a court of law.

#### **Global Recognition:**

<b>Country</b>	<b>Traditional Sports Recognition</b>	<b>New-Age Sports (E-sports/Fantasy) Recognition</b>	<b>Governing Bodies / Legal Framework</b>
<b>India</b>	Recognized under National Sports Development Code	E-sports officially recognized (2022); Fantasy sports regulated under IT Rules, 2021	Sports Authority of India (SAI), Esports Federation of India
<b>USA</b>	Professional leagues (NFL, NBA), USOPC	E-sports recognized; P-1 athlete visas for players	USOPC, Professional leagues, Esports organizations
<b>South Korea</b>	Recognized under Ministry of Culture, Sports, Tourism	Full legal recognition for e-sports	Korean e-Sports Association (KeSPA)
<b>China</b>	National federations	E-sports officially recognized (2019); strict gaming license & anti-addiction laws	Chinese e-Sports Association, Government regulations

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<b>United Kingdom</b>	National federations, UK Sport	Industry recognition; regulated under UK Gambling Commission for betting	UK Sport, National Federations, UKGC
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### **Legal Landscape of Sports in India:**

#### **Traditional Sports:**

The 2011 National Sports Development Code governs sports federations, ensuring standardisation, ethical governance, and openness.

The Sports Authority of India (SAI) oversees athlete development, coaching, infrastructure, and national level competitions.

Anti-doping policies are implemented by the National Anti-Doping Agency (NADA), in accordance with WADA standards.

#### **New-Age Sports (E-sports and Fantasy Sports):**

E-sports are becoming more accepted as official contests, with federations such as the Esports Federation of India (ESFI) encouraging tournaments and talent development.

To prevent illicit gambling and fraud, fantasy sports platforms are governed by the IT Rules, 2021, and must adhere to betting legislation.

Cybersecurity, online payment compliance, and intellectual property protection are all important legal considerations for digital sports.<sup>4</sup>

#### **Key Legal Considerations:**

**Contracts and Sponsorships:** Players and teams must follow legally binding agreements regarding transfers, endorsements, and prize money.

**Dispute Resolution:** Conflicts are settled by arbitration, national sports tribunals, and courts.

**Player Safety and Welfare:** Insurance, medical treatment, and safe infrastructure are all required by law.

<sup>4</sup> <https://blog.ipleaders.in>

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### **The Sports Authority of India Act, 1984 (SAI Act)**

The Sports Authority of India (SAI) is established to promote sports infrastructure, training programs, and athlete development across the country.

Ensures government oversight of sports management and talent development.

### **National Sports Development Code, 2011:**

Provides rules for the management of national sports federations.

Ensures openness, accountability, ethical management, and appropriate player selection for contests.

### **Legislative Framework in India**

#### **Promotion & Regulation of Online Gaming Act, 2025:**

The Promotion and Regulation of Online Gaming Act of 2025 grants legal recognition to e-sports and new-age sports, considering them as legitimate sporting activities. It requires platform and tournament licensing and regulation, ensures fair play, data security, and consumer protections, and promotes skill-based and instructional gaming. However, it prohibits all real-money games, erasing the previous divide between skill and chance. Organisers must follow age verification, anti-addiction measures, and transparency standards, and infractions result in substantial penalties and imprisonment. This provides chances for e-sports expansion while also posing constitutional and industry problems.

#### **National Sports Governance Act, 2025:**

The National Sports Governance Act of 2025 incorporates e-sports and new-age sports (such as AR/VR and metaverse-based games) into the formal sports governance framework, giving them legal standing as recognised sports. It enforces standardised regulations, anti-doping compliance, fair-play norms, and dispute resolution methods comparable to traditional sports. The Act requires e-sports federations, event organisers, and players to register with the national sports authority and establishes rules of conduct, sponsorship transparency, and athlete protection measures. This legal

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inclusion seeks to mainstream digital sports while addressing integrity, regulation, and athlete well-being.

### **Constitutional & Fiscal Ambiguities:**

The legal regulation of e-sports and new-age sports is fraught with constitutional and budgetary issues because gaming has generally been classified as a state activity, but recent central regulations such as the Promotion and Regulation of Online Gaming Act, 2025, provide overlapping authority, generating federalism concerns. Furthermore, the loss of the skill vs chance difference has an impact on court precedents and may be challenged under Article 19(1)(g) for impeding commerce. On the fiscal side, confusion around GST applicability, prize pool taxation, and cross-border revenues in AR/VR and e-sports complicates matters, as there is no unified tax structure or clear revenue-sharing mechanism between the Centre and the States.

#### **Mandatory Inclusion of "Sportspersons of Outstanding Merit" (SOMs)**

Under the National Sports Governance (National Sports Bodies) Rules, 2026, any recognized National Sports Body (which would include an e-sports federation) is now legally mandated to include at least four "Sportspersons of Outstanding Merit" as voting members in their General Body.

The Point: A legislative framework for e-sports must mandate that retired pro-players (meeting specific age and achievement criteria) have a 50% gender-parity representation in the executive and general bodies. This ensures that the "private developer control" mentioned in your abstract is balanced by "athlete-led governance."

#### **The "Digital Talent Passport" & Worker Classification**

A novel legislative addition would be the introduction of a "Digital Talent Passport" for e-sports athletes, similar to the French model but adapted for India.

The Point: Legislation should create a specific visa and labor category for "Digital Athletes." Current frameworks struggle with whether e-sports players are "workmen" under the Industrial Disputes Act or "independent contractors." The framework should propose a Sui Generis

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(Unique) Labor Status that recognizes the short career span of gamers and provides for mandatory "Transition Insurance" and health benefits specific to repetitive strain injuries.

Decoupling "Rules of the Game" from "Rules of the Competition"

A primary legislative fix would be a "Compulsory Licensing for Public Interest" clause.

The Point: When a game becomes a "National or International Sporting Event" (like an Olympic-recognised title), the legislative framework should require developers to grant a Statutory License to a neutral third-party governing body. This would allow the government or a sports board to set the "fair play" and "anti-cheat" rules, preventing developers from arbitrarily changing game mechanics ("buffing" or "nerfing") right before major tournaments, which currently undermines competitive integrity.

Specialised "Digital Sports Arbitration" (DSA) under the 2026 Rules

The National Sports Governance Act, 2025 allows for the creation of a National Sports Election Panel and specialized Dispute Resolution Committees.

The Point: The framework should propose a Digital Sports Arbitration (DSA) wing that uses "Expert Technical Arbitrators." Unlike traditional sports where a referee's call is final, e-sports disputes often involve "server-side logs" and "code glitches." Legislation should mandate that e-sports disputes be settled by a panel that includes at least one Software Auditor alongside a legal expert, making the technical data legally admissible as "Primary Evidence."

Mandatory Inclusion of "Sportspersons of Outstanding Merit" (SOMs)

Under the National Sports Governance (National Sports Bodies) Rules, 2026, there is a new legal mandate for "Athlete Representation" in governance.

The Framework: Legislation now requires that any recognized National Sports Body (including e-sports federations) must include at least four "Sportspersons of Outstanding Merit" (retired pro-athletes) as voting members in their executive and general bodies.

Legal Impact: This creates a statutory check against "developer dominance." It ensures that the rules of the sport are shaped by those with competitive experience, moving the industry toward a democratized, athlete-led model rather than a purely commercial, publisher-led one.

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The "Digital Talent Passport" and Sui Generis Labor Status

Current laws often struggle to classify e-sports players, fluctuating between "workmen" and "independent contractors".

The Framework: A primary legislative addition would be the introduction of a "Digital Talent Passport" specifically for e-sports athletes. This would grant them a Sui Generis (unique) Labor Status under the Promotion and Regulation of Online Gaming Act, 2025.

Legal Impact: This status would legally mandate specific benefits, such as "Career-Pivot Insurance" and health protections for repetitive strain injuries, acknowledging that pro-gaming careers are significantly shorter than traditional careers.

Decoupling "Rules of the Game" from "Rules of the Competition"

Your current draft notes that developers control the "field of play" because they own the game software.

The Framework: A novel legislative proposal is the "Statutory License for Public Interest Sport." When a game title is recognized as a national sporting event under the National Sports Governance Act, 2025, the law should require the developer to grant a limited license to a neutral governing body.

Legal Impact: This prevents developers from making arbitrary game-balance changes (like "patching" a character) right before a tournament, which currently threatens the competitive integrity and "fair play" that law is meant to protect.

Technical Admissibility and "Digital Scrutineering"

Traditional evidence law is often unequipped to handle the high-speed data logs used to catch cheaters in e-sports.

The Framework: With the full implementation of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the legislative framework should establish "Digital Scrutineering Standards". This would make "Server-Side Telemetry" and "Anti-Cheat Metadata" admissible as Primary Evidence in contract disputes or match-fixing trials.

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Legal Impact: Much like telemetry is used in Formula 1 racing, this mandates that developers must provide an "Audit Trail" to independent legal experts during disputes, ensuring that "Technical Justice" is transparent and reviewable by a court of law.

### **Legal Challenges & Case Law:**

- a. Contractual and Labour Law Challenges
- b. E-sports and new-age sports players are frequently hired on short-term, freelance, or team contracts, raising questions regarding whether they are workers (entitled to pay, social security, and labour protections) or independent contractors (with restricted rights). Key contract difficulties include:
  - c. Prize money and revenue-sharing disputes
  - d. Non-compete or exclusive restrictions restrict player movement.
  - e. Arbitrary dismissal without notice or compensation
  - f. Intellectual property rights for gameplay content, branding, and streaming.
  - g. These difficulties are exacerbated by the absence of conventional contracts and deregulated employment conditions, such as working hours, mental health protections, and social security.

### **Recent Case Law & Legal Precedents:**

#### **Percept D'Mark (India) Pvt. Ltd. vs. Zaheer Khan (2006)**

Under Section 27 of the Indian Contract Act, the Supreme Court declared long-term non-compete agreements to be a hindrance on trade.

Implication: E-sports contracts cannot place broad restrictions on players' careers.

#### **Central Inland Water Transport Corp. Ltd. v. Brojo Nath Ganguly (1986).**

The Supreme Court struck down unconscionable employment clauses.

**Implication:** One-sided clauses in e-sports contracts could be legally challenged.

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Dream11 Case (2017–2021)

High courts recognised fantasy sports as skill-based competitions, thereby preserving them.

**Implication:** Despite being superseded by the Online Gaming Act of 2025, it establishes a precedent for skill-based digital sports disputes.

### **A23 versus Union of India (2025)**

Challenge to the ban on money-based internet gaming, using Article 19(1)(g) (freedom of trade).

**Implications:** The legality of prize-based e-sports tournaments may be determined, as well as the enforceability of contracts.

5

### **Intellectual Property Rights (IP):**

#### **1. The scope of intellectual property in esports**

E-sports and new-age sports involve numerous intellectual property elements, including:

Game developers own the software and in-game assets, which are protected by copyright and software license rules.

Team logos, branding, and products are protected under trademark law.

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<sup>5</sup> <https://indiankanoon.org>

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Player-generated material and streams - Calls into doubt the ownership of broadcasted gameplay.

Tournament forms and rules – Copyright and trade secrets may be protected.

### **Key IP Challenges**

#### **Ownership of streaming content**

Players frequently stream gaming on networks such as YouTube and Twitch.

Disputes arise about who controls the monetisation rights: the player or the team/platform.

#### **Trademark Infringement**

Unauthorised usage of team logos, event branding, or player pseudonyms might result in disputes.

Enforcement is difficult when infringers operate online or overseas.

#### **Copyright and Game Assets**

Using copyrighted in-game elements in tournaments or broadcasts without developer approval may be a violation of intellectual property laws.

#### **Sponsorship & Brand Rights**

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Ambiguity on whether sponsors' logos can be utilised in streams or tournaments, especially in digital-only events.<sup>6</sup>

### **Piracy and Unauthorised Tournaments**

Third-party platforms may organise competitions including copyrighted games without proper license arrangements, harming developer revenue and IP protection.

### **3. Recent and Relevant Case Law.**

#### **Valve Corporation v. Apex (2021, US setting; India analogy applies)**

Apex hosted unauthorised CS:GO events, and Valve successfully alleged copyright infringement.

**Implication: Indian e-sports organisers must obtain licenses from game developers.**

#### **Percept D'Mark and Zaheer Khan (2006)**

Though primarily concerned with contract law, the Supreme Court emphasised the enforcement of branding and endorsement rights, which are relevant to player/team intellectual property conflicts.

#### **Dream11 Fantasy Sports Cases (2017–2021)**

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<sup>6</sup> <https://techiiia.com>

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Courts have recognised intellectual rights in fantasy sports platforms, demonstrating that digital game formats and data can be protected under IP rules.

### **Recent e-sports IP disputes (2023–2025)**

Several Indian firms received legal letters for illegally streaming tournaments and exploiting copyrighted in-game content, underscoring enforcement issues.

Indian Legal Cases

### **Dream11 and Fantasy Sports Cases (2017-2021)**

Fantasy sports have been recognised as games of skill rather than gambling by both high courts and the Supreme Court.

This decision enabled platforms such as Dream11 to operate legally with monetary awards.

Impact on e-sports: Skill-based digital competitions were legally acceptable.

Promotion and Regulation of Online Gaming Act, 2025 - A23 Challenge

A23 challenged the restriction on money-based online games, alleging Article 19(1)(g) (free trade).

The case concerns whether monetary prize tournaments in e-sports can be legitimately held.

Contractual Disputes among Indian E-Sports Teams

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Courts in Delhi and Mumbai are hearing cases concerning underpaid award money, non-compete restrictions, and revenue-sharing conflicts.

Courts have used **the Indian Contract Act of 1872** and analogies from traditional sports law to resolve disputes.

Industry Reactions

### **E-sports organisations**

Express concern that the Online Gaming Act of 2025's total ban on real-money gaming may hinder growth and jeopardise sponsorship relationships.

To distinguish between skill and gambling, specific restrictions for prize-based tournaments should be implemented.

### **Startups and Game Platforms**

Reported financial losses and layoffs as a result of monetary tournament limits.

Emphasise the importance of standard licensing, conflict settlement, and intellectual property protection.<sup>7</sup>

### **Players and streamers**

Raise worries about work stability, opaque contracts, and limited income potential.

<sup>7</sup> <https://sportslawreviewindia.blog>  
<https://www.thehindu.com/news>

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Advocate for standardised contracts and the recognition of digital athletes.

### **Legal experts**

Highlight probable constitutional problems (trade freedom, state against central jurisdiction).

Emphasise the need of aligning intellectual property, labour, and gaming regulations to promote industry growth.

The "Right to Trade" vs. "Public Health" Doctrine (2025)

Case Reference: Union of India v. Online Gaming Federations (Supreme Court of India, Nov 2025)

Context: While justifying the Promotion and Regulation of Online Gaming Act, 2025, the Government submitted a landmark affidavit to the Supreme Court.

Legal Principle: The Court is currently examining the "Social Harm" doctrine. The Government argues that the Article 19(1)(g) right to trade cannot be exercised at the cost of human lives (referring to addiction and financial ruin).

Addition to Paper: Use this to argue that e-sports must be strictly decoupled from "Online Money Games" to preserve its status as a "Sport" under Article 19, otherwise it risks being grouped with "harmful" digital activities.

The Recognition Puzzle under the NSGA (2025-2026)

Legislative Context: The National Sports Governance Act (NSGA), 2025

The Point: Under the new National Sports Governance (National Sports Bodies) Rules, 2026, there is a "Recognition Gap." Unlike traditional sports, e-sports lacks a single global federation (e.g., FIFA for Football).

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Original Analysis: You can add that Indian courts will soon have to decide which domestic body (ESFI vs. NESF) is the "Legitimate Representative" under Section 3 of the NSGA. The primary test for "merit" is shifting from "International Affiliation" to "Grassroots Tournament Data" and "Athlete Welfare Standards."

Riot Games' International Arbitration Court (Dec 2024)

Case/Development: Establishment of the Riot Games International Arbitration Court (RGIAC)

The Point: In late 2024, Riot Games (developer of Valorant/LoL) established its own specialized court for EMEA (Europe, Middle East, and Africa).

Legal Significance: This is a primary example of Private Transnational Justice. It marks a shift from developers having "absolute power" to creating "Independent Judicial Wings" to handle contract disputes.

Suggestion: Argue that India should mandate a "local seat" for such private courts to ensure that Indian pro-players are not forced into expensive foreign arbitrations in Los Angeles or Berlin.

The "Skill vs. Chance" Res Integra Status (2025)

Case Reference: State of Karnataka v. All India Gaming Federation (Supreme Court Review, 2025)

The Point: Multiple High Courts (Madras, Bombay, Karnataka) had struck down bans on skill-based games. The Supreme Court is now finalizing a "Unified Test for Skill."

Original Content: Your paper can conclude that the term "Res Integra" (a matter not yet decided) is being removed. The Court is moving toward a "70/30 Skill-Dominance Rule," where if 70% of the outcome is determined by "physical dexterity and mental agility," it is a protected sport.

High-Standard English Terminology for Your Paper:

Sui Generis Status: Meaning "of its own kind," use this to describe the unique legal nature of e-sports.

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Lex Informatica: Use this to describe the "Law of the Digital World" that exists beyond physical borders.

Algorithmic Due Process: The right to know why a "Black Box" (AI) banned a player or decided a tournament outcome.

Westphalian Sovereignty: Traditional law tied to land; argue that e-sports requires a "Post-Territorial" legal approach.

### **Recommendations & Way Forward:**

#### **1. Standardised Regulatory Framework.**

Create explicit licensing and classification guidelines for e-sports, AR/VR, and metaverse-based tournaments.

Create consistent criteria for prize-based tournaments that differentiate skill-based competitions from gambling.

Create a national e-sports regulatory entity to ensure compliance, regulate fair play, and supervise tournaments.

#### **2. Players' Rights and Labour Protections**

Create standardised player contracts covering:

Prize money and income sharing

Intellectual property and streaming content ownership

Termination and non-compete provisions

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Extend labour safeguards for digital athletes, such as minimum pay, social security, mental health care, and dispute resolution methods.<sup>8</sup>

### **3. Intellectual property and branding.**

Clearly specify ownership of in-game material, streams, and player-generated media.

Trademark and copyright laws protect team logos, event branding, and sponsorship assets.

Encourage appropriate license agreements between developers, platforms, and sponsors.

### **4. Consumer Protection and Ethical Gaming.**

Set up age verification and parental consent systems for minors.

To avoid excessive gaming, set time limits and implement anti-addiction methods.

Avoid gambling-like activities by ensuring transparency in in-game purchases, loot boxes, and virtual prizes.

### **5. Harmonisation of laws**

Align central and state regulations to avoid disputes over gaming jurisdiction.

Reduce ambiguity by coordinating taxation, prize money laws, and cross-border events.

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<sup>8</sup> <https://www.lawjournal.info>

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Existing regulations, like as the Indian Contract Act, Copyright Act, and labour codes, should be updated to match the realities of digital sports.

## **6. Promotion & Development**

Encourage the government to support e-sports infrastructure, training, and tournaments.

Encourage research, innovation, and international engagement in cutting-edge digital sports.

To promote industry growth, consider providing grants or incentives to startups and gaming schools.

## **7. Awareness and Education.**

Educate players, organisers, and parents on their legal rights, fair play, and responsible gaming.

Promote legal literacy and conflict resolution processes in the e-sports disputes.

### **Emerging Classification Issues in E-Sports and Digital Competitions**

One of the foundational legal difficulties in regulating e-sports and other new-age sports lies in classification. Law traditionally distinguishes between sports, games of skill, gambling, entertainment, and software usage. Digital competitions often contain elements of all these categories. Unlike conventional athletics, where the activity is physical and rule-based, e-sports are built upon proprietary software environments controlled by private developers. This creates

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uncertainty as to whether participation constitutes athletic competition, licensed software use, or commercial digital performance.

The classification problem affects multiple legal consequences. Recognition as a sport influences eligibility for government support, sports visas, athlete status, tax exemptions, and institutional funding. If classified merely as gaming or entertainment, participants may not receive the same protections and benefits available to traditional athletes. Therefore, statutory clarity is essential to avoid inconsistent treatment across jurisdictions.

Courts in several jurisdictions have increasingly adopted a functional test, examining whether the activity involves structured competition, skill dominance, ranking systems, and organised tournaments. Applying such a test allows legal systems to distinguish skill-dominant digital competitions from chance-based online gaming activities. A structured classification framework would reduce litigation and regulatory confusion.

#### Jurisdictional Complexity in Cross-Border Digital Tournaments

E-sports tournaments frequently operate across borders, with players, organisers, servers, and audiences located in different countries. This raises complex jurisdictional questions concerning applicable law, dispute forums, taxation authority, and enforcement powers. Traditional territorial principles become difficult to apply where the competition occurs in a virtual environment.

Jurisdiction may be claimed based on server location, organiser headquarters, player residence, or audience market. Conflicts arise when different countries impose contradictory compliance obligations relating to consumer law, gambling law, or data protection standards. Without harmonised frameworks, tournament organisers face regulatory uncertainty and increased compliance costs.

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A practical solution is the adoption of jurisdiction clauses and governing law provisions in tournament participation agreements. However, such clauses must remain fair and not unconscionable. International arbitration mechanisms designed specifically for digital sports disputes may provide faster and more neutral resolution compared to conventional litigation systems.

#### Data Governance and Player Information Rights

Digital sports ecosystems generate vast quantities of player data, including biometric patterns, performance analytics, behavioural metrics, and communication records. This data has commercial value for advertisers, platforms, and analytics firms. However, players often lack clarity regarding ownership, access rights, and monetisation benefits derived from their data.

Modern data protection principles require informed consent, purpose limitation, and data minimisation. Tournament organisers and platforms must disclose how player data is collected, processed, stored, and shared. Transparency obligations should be included in player contracts and platform terms of service.

Another growing issue is algorithmic decision-making. Ranking systems, anti-cheat detection, and behavioural moderation often rely on automated tools. Players should have the right to challenge automated sanctions and request human review. Procedural fairness principles must extend into digital enforcement systems to prevent arbitrary exclusion.

#### Algorithmic Fairness and Anti-Cheat Enforcement

Competitive integrity in e-sports depends heavily on anti-cheat technologies. These systems detect prohibited software, manipulation tools, and unfair performance enhancements.

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However, automated detection systems are not error-free and may produce false positives. When players are banned without adequate explanation or appeal opportunity, due process concerns arise.

Legal fairness requires notice, evidence disclosure, and appeal mechanisms before imposing severe competitive sanctions. Tournament rulebooks should include transparent disciplinary procedures. Independent review panels can enhance credibility and reduce accusations of bias or arbitrary punishment.

Further, anti-cheat software often operates with deep system access, raising privacy concerns. Legal frameworks should require proportionality — the monitoring intensity must match the integrity risk. Excessive surveillance may violate privacy expectations and data protection norms.

Digital Athlete Welfare and Mental Health Obligations

Professional e-sports players often undergo intense training schedules, extended screen exposure, and psychological pressure. Unlike traditional sports, there are limited standardised welfare norms governing workload limits, rest periods, and mental health support. Contractual arrangements frequently prioritise performance output without sufficient welfare safeguards.

Legal policy should recognise digital athlete welfare as a governance priority. Tournament organisers and teams should adopt mandatory rest intervals, counselling access, and burnout prevention measures. Youth participants require additional safeguards, including parental oversight and educational balance requirements.

Failure to implement welfare safeguards may expose organisations to negligence claims and reputational liability. Preventive regulation is therefore both ethically and legally advisable.

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Advertising, Sponsorship, and Influencer Compliance

E-sports athletes frequently function as digital influencers, promoting brands through streams, tournaments, and social media channels. This creates overlapping obligations under advertising law, consumer protection law, and endorsement regulations. Sponsored content must be clearly disclosed to prevent misleading audiences.

Hidden sponsorship arrangements may amount to unfair trade practices. Regulatory bodies increasingly require visible disclosure labels and transparency statements. Player contracts should clearly define sponsorship compatibility rules, exclusivity terms, and conflict-of-interest standards.

Special care is required where sponsorship relates to age-restricted products. Youth audience exposure creates additional regulatory scrutiny.

Platform Liability and Safe Harbour Questions

Streaming platforms and tournament hosts often rely on intermediary liability protections. However, their role in content moderation, monetisation, and promotion complicates safe harbour eligibility. When platforms actively curate or financially benefit from infringing or unlawful content, liability shields may weaken.

Clear notice-and-takedown mechanisms are essential. Platforms must respond promptly to infringement notices relating to copyrighted game footage, branding misuse, or unauthorised broadcasts. Repeated failure to act may attract contributory liability.

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Balanced regulation should protect innovation while ensuring accountability for systemic negligence.

### Dispute Resolution Models for Digital Sports

Traditional sports disputes often go to specialised tribunals or arbitration bodies. A similar dedicated dispute resolution structure is needed for digital sports. Fast-track arbitration is particularly suitable because tournaments operate on tight timelines and delayed justice undermines competitive fairness.

Model digital sports arbitration rules could include expedited timelines, online hearings, technical expert panels, cross-border enforceability standards, and interim relief powers. Such specialised forums would reduce burden on courts and improve predictability.

### Taxation of Prize Money and Digital Revenue Streams

Prize winnings, streaming income, virtual asset rewards, and sponsorship payments create complex taxation questions. Classification affects whether income is treated as professional earnings, business income, or digital service revenue. Cross-border tournaments complicate withholding obligations and double taxation risks.

Governments should publish specific taxation guidance for e-sports participants and organisers. Clear rules improve compliance and investor confidence while reducing disputes.

### Future Regulatory Trends and Policy Direction

The future legal framework for e-sports and new-age sports is likely to move toward hybrid governance — combining statutory regulation with industry self-regulation. Governments will

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increasingly focus on integrity protection, youth safeguards, cross-border cooperation, data governance, and digital labour standards.

Adaptive regulation rather than rigid control will best support innovation while ensuring fairness and accountability. Policymakers must engage with technologists, athletes, legal scholars, and platform operators to design workable norms.

Suggestions:

A robust legislative framework is required to support India's e-sports and new-age sports ecosystems. This should include a national regulating body that oversees events, ensures fair play, and certifies platforms. Standardised player contracts must clearly outline prize distribution, intellectual property rights, income sharing, and termination provisions, while also providing labour protections such as minimum wages, health insurance, and dispute resolution methods to professional players. Intellectual property rules should unambiguously allocate ownership of in-game material, branding, and streaming, backed up by appropriate licensing agreements. Consumer precautions like as age verification, parental consent, play-time limitations, and openness in in-game purchases are essential for preventing exploitation. Harmonising national and state legislation, establishing taxation for cross-border tournaments, and boosting training, infrastructure, and awareness campaigns would assure e-sports' long-term growth while safeguarding players, developers, and the sector as a whole. Establishment of a "Digital Passport" for Pro-Athletes: Develop a blockchain-based "Digital Athlete Passport" that securely stores a player's contract history, tournament achievements, anti-doping records, and disciplinary history. This would solve the issue of cross-border verification and ensure that "bans" in one jurisdiction or league are enforceable globally, preventing bad actors from jumping between unregulated regions. Mandatory "Post-Career Transition" Clauses: Since e-sports careers are notoriously short due to physical strain and rapid meta-shifts, regulations should mandate that a percentage of team revenue or player salaries be diverted into a vocational fund. This ensures digital athletes have the legal and financial support to transition

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into coaching, game design, or management after retirement. Legal "Safe Harbor" for Technical Glitches: Create a legal framework for "Force Majeure" specifically for digital failures (e.g., server crashes, ISP outages, or game-breaking bugs). Current contracts often penalize players for technical issues beyond their control; a standardized "Digital Act of God" clause would protect players and teams from unfair liability during high-stakes tournaments. Green Regulatory Standards for E-sports: As e-sports rely on massive data centers and high energy consumption, new-age sports law should incorporate Environmental, Social, and Governance (ESG) criteria. This could include tax incentives for tournament organizers who use carbon-neutral servers or promote sustainable hardware recycling.

### **CONCLUSION:**

In conclusion, the rapid growth of e-sports and new-age sports in India necessitates a balanced and forward-thinking legislative framework that promotes sector development while protecting players and stakeholders. Clear regulations on licensing, contracts, intellectual property, labour protection, and consumer safety are critical for reducing disputes and legal ambiguity. Harmonising national and state laws, as well as standardising contracts and tournament rules, will give stability for players, teams, and organisers. With adequate legislative recognition, protection, and marketing, e-sports may thrive as a genuine and sustainable sport, benefiting India's digital economy, global competitiveness, and the professionalisation of new-age sports. The Shift from Physicality to Cognition: The legal definition of "sport" must evolve from a focus on "physical exertion" to "demonstrable cognitive skill and reflex excellence". This conceptual shift is the final hurdle in harmonizing international sports law and would allow e-sports to permanently shed the "gaming" stigma, ensuring equal status under global labor and tax treaties. Decentralized Governance as a Fail-Safe: While private developer control is currently a major concern, the future of e-sports law may lie in Decentralized Autonomous Organizations (DAOs) for league governance. Moving rule-making from a single corporation to a collective of players, developers, and fans could provide the "due process" and "fair play" that current centralized models lack. E-sports as a Catalyst for Digital Jurisprudence:

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Ultimately, e-sports law should not just be seen as a sub-sector of sports law, but as a pioneer for all future digital interactions. The solutions found for e-sports—regarding virtual property, cross-border digital contracts, and algorithmic fairness—will likely serve as the foundational blueprints for the broader "Metaverse" and digital economy.

