

III. Abstracts of 20th International Association of Sports Law, 11-13 December 2014, Athens



1st Session

SPORTS LAW THEORY: LEX SPORTIVA - OLYMPICA

MOTIVATION FUNCTION OF SPORTS LAW

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Abstract: When good governance has become the fundamental goal of sport administration, it is necessary to explore the motivation function of sports law as an important way to achieve good governance. As a function, law can be divided into administration, discipline and motivation. Sports law as a reflection of society's laws and values, its motivation function is bound to exist. Human nature theory, sport management theory, sport psychology theories, as well as sporting spirit are the cornerstone of sports law motivation. In fact, few people have studied the motivation function of sports law. Exploring and developing motivation of sports law is very important to improve the function of sports law and achieve good governance in sports.

Key words: Sport law; motivation function; good governance

ON THE INTERACTION OF SPORTS FEDERATIONS RULES AND NATIONAL LAW

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Abstract: Nowadays the question of Sports federations' rules and national law's interaction is absolutely controversial and furthermore, there exists a lack of explanations of these relations in Russian science of Labour law. What is the exact impact of sports federations' rules of national law? The answer is where these elements are disclosed: Are sports federations' rules without concrete specifying in national law obligatory for athletes, sports clubs and coaches? Where is the limit of Sports Federations' rules and national law interaction and impact to the rights and responsibilities of Sports subjects in Labour relations? Whether this interaction leads to erasure of the boundaries between labour, civil and administrative law or not? Up to what extent Sports Federations Rules can be implemented into national law?

Key words: sports organizations, self-regulation, athletes, sports federations rules, national law

THE DISCUSSION ON THE CONSTRUCTION OF THE CONTRACTUAL RELATIONSHIP

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Abstract: The relationship between coaches and athletes forms in the long term of daily training, competition and the life, which is related to achievements of coaches and athletes. It has much to do with the success of sports undertaking. With Chinese political and economic reform, the sports operation system has to be changed from government-oriented sports system to market-oriented sports system. The relationship between coaches and athletes also changes in the reform from status to contract.

Keyword: coaches; athletes; the relationship of status; the relationship of contract between Coaches and Athletes

EMPLOYMENT RELATIONS IN SPORTS ACTIVITIES AND PROTECTION OF INDIVIDUAL AND ECONOMICS FREEDOMS A CORPUS JURIS ATHLETIKI

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Abstract: The study of bibliography and also of jurisprudence so much of the civil courts as of the jurisdictional organs of the lex Sportiva circle reveal that in the broader field of Sports Law on a national and international level it is distinguished in: the regulations of lex Sportiva that concern sports law on a national level and also international sports law concerning special regulations originating from international legal entities and international instruments or agreements of governmental entities.

Besides the above what may be focused on is, matters about the protection of athletes and especially contractual relations (see ILO GB.322/INS/2, 2014, Letter of President of IASL Athens, 23rd September, 2013 to Mr. Guy Ryder Director General of ILO) and in general all of those involved by profession with sports concerning personal and financial freedoms even though the general principles of law have been applied. Nevertheless these principles and regulations originate from private institutions such as the international sports Federations (*A numerous of voices are calling on FIFA to publish the report on the allegations of bribery in the award process for the World Cup 2018 in Russia and 2022 in Qatar: International Transparency against FIFA, Sport Kathimerini 2-11-2014*) and the ILO where a framework of legality is sought out concerning as to how effectively they arrive there and by these regulations commit sui generis those involved, and forcing the resolution of their disputes in an arbitrary and often questionable manner.

The problem that arises is that the area of Lex Sportiva as an area of law, must be precisely defined in order to be valid and able to effectively consolidate the inner-competitive and inner-sports relations on the basis of sports law regulations and also on the basis of the general principles of law for the healthy holding of sports games and the valid participation in them. Furthermore it is required that an international framework of law regulations is established, as a Corpus Juris Athletiki on the basis of which the

relations of those involved in sports and games will be regulated concerning issues of sports and coaching services as well as to issues related to personal and financial liberties, regulations that can only be established by State or supra-national and not private international sports institutions. This code of sports law could predict the manner and ways of resolving these differences and at the same time the differences of Lex Sportiva.

The multiannual scientific struggle for the distinction and systematization of Sports Law, with safety leads us to the conclusion that an International Corpus Juris Athletiki, an International Founding Chart of Sports that will include all the general principles of law, principles that are applied in Sports Law is a necessity, but also a framework of regulations which will enforce international legality in sports and can justify the distinction of: Sports Law- Lex Sportiva , International Sports Law and other respective validated forms of jurisdiction.

Key words: Sports Law, general principles of law, lex Sportiva, regulations, protection ,jurisdiction, personal and financial freedoms

SPORTS & LEX UNDER THE AUSPICES OF AN ARBITRARY REX

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Abstract: The multidimensional field of Lex Sportiva has set the foundations for the emergence of an Arbitrary Rex via the creation of an inward solid legal framework regarding the intercompetitive and intersports relations. It is imperative to distinguish Lex Sportiva and its corpus from the rest pre-existing legal entities by unhanding the primary part to the arbitration and its interpretation.

Consistency in sports legal principles should be ensured because the aim is to create a set of harmonized best practice standards that could be applied uniformly. Therefore, a new sport legal panel should be delimited that could arbitrate over a wide range of sports areas, from doping disputes to the regulation of the intersports relations. The suggestion for creating domestic sports tribunals under the auspices of the CAS could ensure at some level sports ambit but the lack of dominion sports legal principles lead to innumerable misinterpretations and to an inefficient process of finding solutions.

A synthesis in legal substance under a hierarchical jurisdictional scale is required for sports legal theory acquires the necessary legal power and specialized mechanism for to be applied homogeneously throughout the world. Guiding principles under the aspect of values should establish an internationally recognized arbitrary panel which will define the ethical and corrupt side respectively, the competencies required and the professional standards under the auspices of fairness, equity and equal opportunity.

Key words: Sports & Law, Dominion of principles of Law, Conflicts, Harmonization of sports legislatures, convergence of hierarchical legal scales & Arbitration, intersports and intercompetitive relations

INVESTIGATING CIVIL RESPONSIBILITY OF ARBITRATORS IN SPORTS CONTRACTS

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Abstract: Arbitration to resolve disputes between legal and natural entities has a long historical precedence. Selecting an arbiter(s) in sports contracts between disputed parties and relative extensive powers of disputed parties notwithstanding international arbitration centered in Lausanne, Switzerland has prompted other countries to allocate facilities and perquisites to establish such arbitration centers within their borders due to them being important and a great source of revenue. Due to being able to determine governing rules of arbitration in nature and form, arbitration is much more favorable to judicial proceedings in that it is much more flexible. Ease and speed of arbitration relieves the parties such as delays in court proceedings and associated high costs and therefore provides further incentive to use them. Additionally in arbitration, aside from settlements, the issued verdicts are better received by the parties compared to judicial courts and contrary to judicial verdict in which one side is often the loser and other the winner, due to arbiter having more freedom and no enforced governing law, even the party with more solid documentations may waive parts of their rights and therefore provide more opportunity for voluntary settlement by the parties in dispute. Another advantage of arbitration is ease of enforcement of verdicts and very strong enforcement guarantee due to creditability of arbiter's verdict in judicial court according to relevant laws.

Arbitration is resolving disputes between two claiming parties when the said parties agree to settle their dispute outside court by a natural or legal entity or mutually/previ-ously agreed upon arbitrator. Iran's law has no clear definition of arbitrator and as Civil Trial Law is one the most documented laws, in chapter seven articles nos. 454 to 501 Code of Civil Procedure there is no clear definition of arbitrator as other legal establishments (con-structs) and instead of a comprehensive definition of arbitrations, Article 454 Code of Civil Procedure stipulates the conditions and specifications of the parties of dispute and there is no definition of arbitrator. This has led to various personal interpretations of this law. The word used in Persian for arbitrator is "رواد" (Daavar) which means observer, witness, judge, expert in one's opinion and is synonymous with arbitration, mediation.

In law and sports law, arbitration is a replacement of trial procedure with legal com-petence that according to law individuals attempt arbitration instead of judicial authori-ties when disputes arise.

Arbitration is a legal establishment (construct) according to which if there is a dispute among individuals, they can mutually agree before or after such occurrence to implement arbitration to guarantee and enforce the results and regulations of a contract as a judicial court would have. In sports, arbitration is a method to settle a dispute. The parties have decided to present their dispute to a tribunal of arbitration consisting of one or several ar-bitrators, so they would employ their professional experience and expertise to decide about the issue. The verdict of the arbitrator or tribunal replaces that of a judge in a judicial court. This is a method of dispute settlement without government or criminal enforcement factors and is performed with voluntary presentation of both parties to a specialized non-public authority that replaces non-specialized legal and inflexible judicial proceedings.

In economics, arbitration is a decision making process known as the best dispute settlement authority between the parties to avoid issuing conflicting verdicts.

Therefore, in consideration of the aforesaid it can be concluded that arbitration is when parties, of their own accord, present their dispute to a person outside judiciary body so that they may decide by relying upon legal support provided by relevant laws and the judiciary system would be obliged to enforce such decision. Considering within the past decades in sports law most disputes have been settled through international arbitration and the numerous advantages of this method specially when the parties are of different nationality or entity (natural or legal), the parties are more inclined to this procedure and decisions made as arbitration verdict in some cases may have been unfair that incurred financial and intellectual damages to a party. Therefore, we'll try to determine a clear definition of arbitration and differentiate between amateur and non-specialized arbitrator and expert and specialized ones, so that the degree of responsibility for an arbitrator can be assessed and notwithstanding arbitrator's undeniable responsibility when issuing a verdict knowingly in the interest of one party, whether the damages incurred by one party due to unfair/wrong verdict that is issued unknowingly can be reimbursed from the arbitrator or the establishment that introduced such arbitrator. And also whether this responsibility is same for all arbitrators or it shall be applied as the case may be and according to one's discretion?

Key words: Arbitrators, responsibility, Sports Law, Sports Contracts, damages

A STRANGE CASE OF CONFLICT: LABOUR LAW VS. FEDERAL NORMS ABOUT SPORT

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Abstract: Our paper aims to analyse the particular case of no-professional athlete and the rules and norms in Italian sport organization, in which coexist European, national and federal norms. Federal norms, *ex L. 91/81*, create a separation between professional athletes and amateurs. The obvious consequence is that similar activities receive different treatments and it depends on the fact that Sports National Federations decide to be or not to be professional and also the level of professionalism. In fact, Federal Statutes forbid any form of job for no-professional athletes, who can only subscribe private acts and receive sums of money that cannot be considered job remuneration.

The amateur – and the entire feminine section is considered amateur – joins the Federation and voluntarily accepts this federal rule, but it's a fact that he/she practices sport like an employee, often a full time employee, with duties (and rights), especially when he/she plays in a sport national category.

So, there are many difficulties and it arises a wide discrimination between professional and no-professional (and women) athletes. European and national jurisprudence consider activities of no-professional athletes as an employment, a real job. At the same time, federal statutes namely forbid the employment for these categories of athletes.

There's a law gap in this situation and a protection vacancy. In reason of the fact that in the Italian law system special laws cannot be analogically applied, it's impossible to resolve the question with the *L. 91/81*. Otherwise, if we try to resolve the question applying European rules a conflict could arise because the sport organization is free and independent inside and the athletes must strictly respect its rules and pay a penalty for their violation: in particular, they lose the status of athlete and cannot participate to competitions.

Key words: Conflict of norms, Labour law and sport law, Job and no-professional sport, Discrimination, Gender discrimination, Protection vacancy



2nd Session

STATE AID IN SPORT IN THE EUROPEAN UNION LAW

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Abstract: The professional sport has recently become the subject of interest from the perspective of the EU Competition policy guards. The sign of such tendencies are common actions undertaken by European Commission and UEFA in 2013, newest Commission's decisions as for the financing of sport clubs or recent legislative measures introduced in 2014 in this area.

One of them is the Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union, which entered into force on July 17th 2014. This regulation extends the block exemptions from the general ban of state aid to new categories such as the sports infrastructure or the multifunctional recreational infrastructure.

The purpose of this paper is therefore to analyze the relevant legal act and to deliver the answer to the question of the scope and form of the admissible state aid in sport in the EU law. Special attention will be paid to the conditions that must be fulfilled if the EU law in the realm of forbidden state aid shall be applied and to the exceptions from the general ban of state aid in sport.

Key words: European Union Law, State Aid, Sport Infrastructure

BASKETBALL ARBITRAL TRIBUNAL (BAT): A QUICK, EFFICIENT, INNOVATIVE WAY TO SETTLE FINANCIAL DISPUTES

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Abstract: In 2007, the Basketball Arbitral Tribunal ("BAT") started to resolve financial disputes in international basketball. In its first year, two cases were filed with the BAT. Last year, the BAT celebrated the filing of its 500th case and a total of 142 cases received during 2013.

Quick

According to the BAT Rules, the award will be rendered within six weeks after the

completion of the arbitral proceedings. The average length of BAT proceedings is in general between four and six months from the time of filing of a Request of Arbitration to the time that the award is rendered.

Technology-based

The BAT proceedings are all conducted via modern technology. Submissions via email are the norm for the BAT. Most of the cases are decided on the basis of written submissions without an oral hearing.

Ex Aequo et Bono

Generally, BAT arbitrators decide a dispute *ex aequo et bono*. Thus, the arbitrators look at general considerations of justice and fairness without reference to any particular national or international law.

Lex Sportiva

BAT publishes all of its awards online, together with a summary. Thus, parties have the ability to review BAT awards and ascertain consistent legal principles therefrom. Parties not only have started citing BAT jurisprudence in their submissions but also have – admittedly – amended their contractual practices in professional basketball in line with BAT jurisprudence.

Enforcement of Awards

While BAT awards are enforceable under the New York Convention, more often, parties seek FIBA intervention if an award is not respected. FIBA can sanction a party for its non-compliance with a BAT award from banning a club from registering new players or participating in an international competition to banning a player from an international transfer.

OLYMPIC TAX LAW

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Abstract: Olympic tax law is part of the emerging supranational *Lex Olympica* (mega-events law) and increasingly influences legal systems of host countries. To protect the interests of the Olympic Movement and its official sponsors, the International Olympic Committee (IOC) requires host countries to introduce special Olympic legislation as a condition for hosting the Games, and to partly suspend the general domestic laws during the Olympics. Full tax immunity for the Olympics is an example of a legal carve-out, whereby the existing general laws do not apply to the Games. Instead, special tax regulations drafted under the dictation of the IOC within the framework imposed by the host city contracts implement the organizations' own fiscal policy, imposed uniformly worldwide, despite differences in legal systems of the hosts. While it is understandable that the existing legal systems of host countries may often be insufficient to provide the necessary regulations for the Olympics, the evolving strategy of creating a favorable legal environment for the Games raises legitimacy concerns. Such event-specific legislation becomes part of a uniform Olympic legal regime designed by the IOC and implemented by hosts worldwide. On the one hand, such practice disintegrates the domestic legal systems of the host countries, which are partly suspended and supplemented for the

period of the event. On the other hand, it develops a stable fiscal and legal framework for the games and harmonizes administrative practices of mega-event hosts.

Key words: *Lex sportiva tributaria*, taxation, tax law, sports mega-events

GLOBAL SPORTS LAW AND ITS CHALLENGE TO JURISPRUDENCE

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Abstract: This article reviews the conceptions of Global Sports Law and describes the outline of the rules of global sports law. Global sports law is set up by non-governmental organizations to regulate international sports, including the rules made by the International Olympic Committee, the Court of Arbitration for Sport and the international sports federations. This new legal phenomenon challenges traditional jurisprudence in three ways, including legislation by private entities, fuzziness between public law and private law, interaction between domestic regulation and global order.

Key words: Global Sports Law, Jurisprudence, *Lex Sportiva*, *Lex Olympica*

THE SPECTRUM OF QUESTIONABLE BEHAVIOR IN SPORT

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Abstract: While the Olympic Charter requires members of the Olympic Movement to act in the spirit of fair play, this requirement is enforced in an inconsistent manner. There are some cases for which intentionally breaking the rules of a sport or not putting forth one's best effort is accepted while there are other cases for which this type of action is considered a serious offence.

This paper classifies strategic behavior which violates the spirit of fair play into a spectrum. At the start of the spectrum are practices that are always considered acceptable. One of these practices is intentionally fouling in basketball. The use of domestiques, which are cyclists who work to help their teammate win instead of putting forth their best effort toward winning a race also falls into this end of the spectrum. Following this are practices which are considered questionable. This includes not putting one's complete effort into a track and field race. There are many cases, such as in qualifying heats, where it is considered acceptable for track athletes to avoid putting forth their best effort. However, the IAAF has a rule requiring athletes to put forth their best effort and on a rare occasion has attempted to invoke disciplinary proceedings for the violation of this rule. Other questionable practices in the spectrum include soccer players who play to tie instead of playing to win, since this can be a safer option in some instances, and badminton players who purposely lose their game because of the

way that that the draw is set up for their tournament. At the end of the spectrum are practices that are deemed never acceptable, such as match fixing and doping.

This paper will enhance the understanding of inconsistencies relating to the concept of Fair Play within the Olympic Movement.

Key words: Fair play, doping, match fixing, intentional fouls, losing

LEGISLATIVE ANALYSIS OF THE SPORTS STATUTORY LAW

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Abstract: There are more than 70 countries have launched their sports law in the world-wide, we have obtained 45 countries full text of the sports law by the Preliminary studies, at least 25 texts are required under the relevant clues to collect, collate. According to the basic situation has been collected in the national sports law texts, this study attempts to develop methods by comparing structure, content and technical issues of the national sports laws to provide advice and reference for the legislative authority and the research areas.

From a structural point of views, some have sub-sections, and some direct written, but on the whole, or can be divided into the following sections: Name, Title, Preamble, General, text, Annex. The content of each part, tend to have a certain similarity. Name section includes the full name of the statute or law, enacted or approved agencies, draft or promulgation of time, the law number and so on. Preamble describes the origin of major sports legislation, heads of state concern, the relation between sports law and other bills. General Part involves sports management system, sports development principles, civil sports rights and sports responsibilities of public agencies, the legal status of the IOC and national sports federations and so on. The main part of the law generally involve physical education, sports events, sports economy, other relationships, including sports venues and facilities and to ensure funding is necessary. Supplementary part of the statute describes the effective time of the provisions of the bill, convergence with other laws, foreigners and other sports activities.

The technical questions about sports legislation, first of all, on terms to definition of key words, a large number of countries sports laws defining the concept of the bill, such as the concept of sports, athletes, sports events, sports organizations. Secondly, with regard to the provisions of detail circumstances, can be seen from the provisions of the provisions of law on a particular issue, some sports law are extremely detailed, as set out in detail the rights of athletes, sports specific provisions of abandoned conditions, procedures and reconstruction, some sports law only provides for the principle. On legal convergence issues, and some sports law expressly provided in the Supplementary section fails the old law, the new law to take effect, some clear sports law relationship with other laws, some provisions take effect in different times and in different regions of different provisions take effect, some provisions of the quasi with the terms. As to the division of authority, including central and local sports legislative scope, administration authority of the central and local governments, autonomy areas such as sports organizations. On the form of legislation, some in the form of a comprehensive law, sports law covers a variety of sports relations; single law adopted some form of regulations only amateur sports,

high-level sports teams, sporting events, sports governing bodies, sports Association, and France is specially , it launched codification of the “Sports Code” in 2006.

In summary, for comparative analysis of national sports law in favor of a comprehensive understanding of the world of Sports legislation, a clear legal status of sports, provide a reference to China’s sports legislation; favor of the right to clear sports participants, government and public institutions to determine the development of sports responsibility; conducive to promoting China’s sports foreign exchanges, participation in international sports competition.

Key words: legislative; sports law; statutory law; comparative analysis; worldwide;

THE FIFA REGULATIONS ON WORKING WITH INTERMEDIARIES: IMPLEMENTATION, DIFFERENCES WITH THE CURRENT SYSTEM AND CHALLENGES

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Abstract: Fédération Internationale de Football Association (FIFA) has been trying to regulate the activity of football players’ agents since 1991. In 2009, FIFA announced that only 25-30% of the international transfers are concluded through the implementation of its regulation for licensed players’ agents and took the decision of an in-depth reform of the agents system through a new approach based on the concept of intermediaries.

Following an extensive and continuous consultation process involving member associations, confederations, clubs, FIFpro and professional football leagues, on 21st of March 2014 FIFA Executive Committee approved the new Regulations on Working with Intermediaries, which will come into force on the 1st of April 2015.

The scope of the new Regulations concerns services of intermediaries provided to players and clubs to conclude transfer contract or transfer agreement. Players and clubs must act with due diligence when selecting an intermediary. A registration system shall be put in place at member association level, whereby intermediaries shall be registered for every individual transaction that are involved in. The relevant representation agreement shall be deposited with the association when the intermediary is being registered. In an attempt for an overall rationalizations of fees paid to intermediaries, the new Regulations set a limit of 3% of the agreed player’s basic gross income or of the transfer compensation and prohibit any payments to intermediaries when the player is a minor.

The implementation of the new regulation, along with the abandonment of the current system lead to the need of a further analysis of the new provisions and the challenges that the shareholders of football will have to face.

Key words: Agent, Intermediary, Football, FIFA

THE TRAINING COMPENSATION FOOTBALL IN THE FOOTBALL WORLD

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Abstract: The Fédération Internationale de Football Association (FIFA) has created a detailed system for the payment of “training compensation” that encourages the training of young players by awarding financial compensation to clubs that have invested in training young players.

FIFA Regulations on the Status and Transfer of Players provide that between the ages of 12 and 23, a player is in his sporting training and education. Training compensation is payable in international transfers, when a player is registered for the first time as a professional or when a professional player is transferred between clubs of two different Associations, before the end of the season of his 23rd birthday.

The amount is payable within 30 days of the registration of the player and is calculated on a pro rata basis according to the period of training that the player spent with the training club/s. In order to calculate the compensation due for training and education costs, Football Associations divided their clubs into a maximum of four categories in accordance with the clubs’ financial investment in training players.

Special provisions apply to transfers within the EU/EEA, as a result of the understanding reached between FIFA and UEFA on the one hand and the EY on the other in March 2001.

The Dispute Resolution Chamber (DRC) of FIFA may review disputes concerning the amount of Training Compensation and have discretion to adjust this amount if it is clearly disproportionate to the case under review.

An analysis of the training compensation system and of the relevant jurisprudence of the FIFA DRC and of the Court Arbitration for Sports will enable the participants of the Congress to better understand the importance and the impact of this regulation to the sports’ world.

Key words: Training, Training compensation, Football, Transfer, FIFA

RESOLUTION OF SPORT DISPUTES ARISING OUT OF SPORT COMPETITIONS

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Abstract: Sport is a complex system, basically comprised of trains and competitions. Sport competitions are conducted by special subjects – sport federations (national or international) or legal entities (in some cases). Sportsmen train in order to do their best in sport competitions, to show their athletic performance. In its turn, a sport competition is a system of interrelated proceedings. Thus, a sport competition consists of the following procedures: filing an application for a certain competition; conducting of a mandate committee; competition; compiling of a summary of the results. It is to be noted that a sport dispute may emerge at every stage of the sport competition. Therefore, it is very important to address

sport disputes arising out of sport competitions. Each sport federation should enact a statutory act introducing a mechanism of sport dispute resolution. Such sport disputes should be considered professionally and in a short run because sport is a dynamic system governed by a special timeframe (for example, an Olympic Cycle). This article deals with the sport dispute resolution procedure relating to the sport competitions, considers legal problems relating to the sport disputes arising out of sport competitions. The author bases on theoretical provisions, statutory acts and court practice. This article will be useful for sport lawyers, sportsmen, coaches and other sport subjects and may be used in advising procedure.

Key words: Sport; sport dispute; sport competition; court practice; procedure; statutory act

DISCIPLINARY PENALTIES TO PERSONS INVOLVED WITH ACTIVITIES IN THE FIELD OF PROFESSIONAL TEAM SPORTS

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(Present: Angelos Patronis)

Abstract: Disciplinary nature cases are always significant to the field of sports jurisdiction. In order to approach those cases, provisions of sports federations disciplinary law and the general principles of sportsmanship are applied.

At this specific legal framework, is common to face rules which prohibit recourse to national courts and impose “compulsory arbitration”, which *prima facie* is doubtful according to the Greek Constitution, as those rules might infringe the freedom of choice between the parties.

In particular, disciplinary bodies of Greek professional sports federations are private-law entities, and can’t be reproached as “Courts”, despite the fact that are composed of national judges. On the other hand, Ethics Commission is structured as an administrative collegiate body of the Greek National Olympic Committee (NOC), governed by public law. Therefore, Ethics Commission’s “decisions” might cause enforceable administrative acts according to the articles of Administrative Proceedings Code, but can’t set -at any case- a precedent as judicial decisions do. It’s also open to question if the same treatment of professional and non-professional sports cases by the Ethics Commission contributes to the principle of legal certainty.

On the basis of the above mentioned, the issue before us is the possible conceptual distinction of sportsmanship and disciplinary nature cases in the specific field of professional team sports, in which business leaders are involved. It’s also notable that sports public limited companies are “special-purpose legal entities”, in which the meaning of “sports fan” for those persons who develop financial activity in sports is based on “legal fiction” where the implementation of sports law and sportsmanship has to be set under different parameters as the enforceability of decisions-acts made by professional sports bodies is of dubious legitimacy.

Key words: Disciplinary nature cases, sports jurisdiction, sports federations, sports-manship, compulsory arbitration, Ethics Commission, professional team sports, business leaders, sports public limited companies.

**THE NECESSITY FOR REGULATION OR/AND
RE-REGULATION OF SPORTS LABOR RELATIONSHIPS,
ESPECIALLY OF “AMATEUR ATHLETES”**

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Abstract: The term of dependent employment and its distinguishing characteristics. – The unique nature of athletes’ services offer and the need for protection of the weakest party as a general legal principle at the field of Sports Law. – The challenge of the more and more compelling demand for flexibility of employment relationships, the danger for their deregulation and the proposition for their re-regulation. – The recognition and protection of sports labor rights as a necessary mean of promoting and fulfilling the athletic – cultural goals and needs of the State.

Key words: Dependent labor – offer of athletes’ services – flexibility, or deregulation of employment relationships.



3rd Session SPORT DEONTOLOGY AND SPORTS ETHICS

PREVENTION OF SPORT MANIPULATION IN SPORTS LAW

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Abstract: *Prevention of sport manipulation in sports law.* The manipulation of sports competitions has become a second big problem in top sport beside doping. When money is today the central motive power in top sport and sports betting has reach incomprehensible dimensions (about 450 billion euro per year), the manipulation of sports competitions has spread to an alarming extent in those sports which are subjects of sports betting.

The sport movement has started its counter action like early warning systems, points for anonymous reporters, cooperation with the Interpol etc. So far the most important achievement has been the International Convention against the Manipulation of Sports Competitions of the Council of Europe, undersigned September 18, 2014, and coming into force during 2015.

The central reason, why the manipulation of sports competitions has not arisen to the publicity as doping, is that it is difficult and sometimes impossible to provide sufficient evidence on manipulation. To provide evidence begins usually from the inside of the sport movement, sometimes from a betting company.

The manipulation of sports competitions is under official prosecution in nearly all countries. It is included in the crimes of corruption and is investigated by police. Sport organizations have not the powers of police needed in the investigations, especially not to open accounts, to follow emails, to listen to telephone discussions etc. In addition, it is possible that the convictions of a sport organization and a court are dissimilar, because the threshold of the substantiation is higher in the court. Compensation claims might arise, if the sport organization convicts but the court exonerates. However, the conviction of the sport organization is needed for sport like the ineligibility, the loss of prize money etc.

Juridical research in the questions in connection with the manipulation of sports competitions has been only little for the time being. Many problems should to be solved within sports law as for example

- according to which country's law the manipulation cases should be assessed when the athletes or referees, the organizers of manipulation in many levels, betting companies and bettors are perhaps all from different countries
- how to define the manipulation compared with tactics in sport

- what is inside information and how to define it in sports betting
- how to take into account persons outside sport but guilty of manipulation.

Along with the Convention against the Manipulation of Sports Competitions the regulation of manipulation shall be transferred to be a part of sports law in the same way as the World Antidoping Code expanded the area of sports law, in fact established the own area of doping law.

The regulation of sport manipulation, however, relates so nearly with criminal code and criminal process law that a respective own area as the doping law might not be created, although the sport convictions relating to manipulation remain to be decided in accordance with the own provisions and practice of sport.

Key words: Manipulation of sports, competitions, Convention against the manipulation of sports competitions, Evidence on manipulation, Manipulation and doping, Sports law

DISCUSSION OF REFEREE'S SUBJECT STATUS AND RESPONSIBILITY O

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Abstract: For years domestic scholars have not conducted much study on referee's subject status and responsibility of behavior. Due to the special rule the referee plays in the match, the identification that if the referee need to undertake the responsibility is always vague. The competition rules and sport industry organizations give more to technical regulations, coupled with that China's relevant laws of this field is imperfect, thereby it's difficult to restrict the behavior of referee. Thence, the author attempts to analyze and research in terms of the referee's concept, status, behavior and responsibility to get a clear definition of the referee's behavior.

Key words: The Referee, Status, Responsibility of behavior

THE NEW SPORTS REGULATIONS IN COLOMBIA

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Abstract: Colombia is a country located in South America with 48.000.000 people which is really involved in the world of Sports. People love sports there; they really feel a passion when the Colombian Football Team plays against other country, or when any athlete from the country competes representing them.

It is not a secret that Colombia is famous around the world not precisely for sports. The violence lived in Colombia a few years ago due to the drugs war, is the image that most of people have about this country. During that period, Colombians suffered a lot; problems like terrorism, kidnapping, extortion, tort among others were growing across the country affecting the population feelings.

For this reason, during the last 10 years, the main aim of the Colombian Government was to attack the Drug Cartels and the Guerrilla. It was hard work but they really did a very good job. The Colombian Army reduced the violence in a considerable way and now, Colombia is a safer place to live and to visit.

During this process, sports took an important role in Colombian society. As I mentioned before, Colombian people is very passionate, that's why they live sports with a special manner, in particular because it is an "escape" for millions of people around the country who want to forget the social problems they suffered in the past.

Sports events such as the "Copa América 2001" which was organized and won by the Colombian Football Team, the "Copa Libertadores" achieved by Once Caldas in 2004, the participation of Juan Pablo Montoya and Camilo Villegas in the Formula 1 and the PGA tour respectively, gives to Colombians some reasons to forget for a moment the social problems they had.

Nowadays, when the economy and the hope of the people are growing, Sports are having an important role in society. An example of this is the organization of the "Under 20 FIFA World Cup" which was a great opportunity to show people around the world how things in Colombia are getting better.

For the reasons mentioned above, the Colombian Government observed the importance of sports in its society and how some important issues related with them were never been regulated in a serious way. In this order of ideas, this year the Congress decided to amend sports law regulations, which exist since 1.9951.

One of the main considerations that the national government takes into account to modify this rule was: (i) the economic situation of the athletes; (ii) the corporate structure of the football teams; and (iii) the violence in the stadiums.

The main aim of this document is to show the main amendments regarding the in Colombia, its effects, how this new rules will help the economical conditions of the athletes and how they can improve their skills in order to be more competent in front of other athletes around the world.

Key words: Colombia, sports law, Sports Regulations, violence, Sports, football

SPORTS LEGAL REGIME OF IRAN

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Abstract: As one the most attractive and crucial activities in providing various job opportunities, absorbing capitals, promoting social participation, preparing sources of income together with involving a large group of human resources, today sport is one the

very elements of a developed country which has led to the creation of rapport among different organizations both nationally and internationally. In some countries sport has allotted a part of the public budget to itself, however in some others it has become a prosperous and profitable industry. And, subsequently the conflicts of countries and individuals' interests in this context have increased the number of delinquencies and crimes in this field. Doping; financial disputes among the players, coaches, supervisors, authorities, clubs; adverts;

Products; contracts with runaway prices have all arisen international attention toward managing and organizing this part of human activities.

Sports law as a major of law deals with studying legal events and activities together with studying related events in sports including contracts and upcoming responsibilities, crimes and semi-crimes whose issues are lives, properties, dignity, honor and other legal rights of individuals who are involved with sports. Sports law seeks the expansion of relations among countries internationally following political, economical and social purposes, and thus has been of main interests of different communities in different forms.

Although traditional Iranian sports such as wrestling and Zoor-Khaneh sports have got deep cultural and historical ties in Iranian society, systematic and professional sports have been professionally experienced in Iran since over a hundred years ago. Relatedly various rules and regulations have been enacted directly or implied to protect the sports activities, as well.

In this article according to the international aspects of sports in Iran, which have been mainly created by joining the global federations and signing the contracts with players, coaches and in general all the external contributors, besides studying the sports law in Iran and related issues on the history of sport in Iran other subjects such as policies enforced by the state, process of managing and organizing fields of sport, legal procedures and attitudes to sports contracts, commission of parties, approaches of the state to the following contracts, process of managing sports cases, sanction of the rights of sports individuals, approaches of universities and ministry of science towards, legal aspects of responsibilities and of coaches, trainers, athletes, managers, authorities, audiences, sports organizations, regional sports management, sports doctors, producers and sellers of sports devices, copyright law and etc. will have been analyzed.

Keywords: Sport, Sport Regime, sports in Iran. sports contracts.

THE IMPACT OF THE THIRD PARTY'S BENEFITS ON THE CHINESE FOOTBALL PLAYER'S CONTRACTUAL STABILITY

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Abstract: Article 41 under The Provisional Regulations on the Status and Transfer of Players by China Football Association provides that where malicious collusion is found to be involved which damages the interests of the Chinese football association or a third party, the transfer contract in question shall be null and void. This clause has its' certain particularity, and is not contained in the FIFA Regulations on the Status and transfer of

Players. It effectively protects the stability of the player's transfer contract. However the Chinese football association did not make any further clarification on the point. Although there is no case law so far in practice invoking such clause, the Chinese football association should further define the specific scope of the third party's interests, and so are the related issues. In the author's opinion, this clause originates from the Contract Law of People's Republic of China, so the Chinese football association should shed more light on qualification of a third party and delineate the range of interests in accordance with the related provisions of the Contract Law of People's Republic of China to explain the clause which may provide practical guidance for legal practitioners.

Key words: Chinese Football Association; the Third party's interests; Impact; Player's transfer contract; Contractual stability;

CORRUPTION IN CRICKET: LEGAL, COMMERCIAL AND ETHICAL ISSUES

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Abstract: In recent years, cases of betting, match fixing and spot-fixing have sharply increased in both international and domestic Cricket. Over 18 international and 10 first-class cricket players have so far been found guilty of match fixing and spot-fixing. The International Cricket Council (ICC), an international regulating body of Cricket, is responsible to conduct the Cricket World Cup, World T20, Champions Trophy, Women's World Cup and other major international Cricket events. Pakistan is a member of the ICC and legally bound to adopt the rules and regulations framed by the ICC. However, Pakistan still did not incorporate its international legal obligations into municipal law. In absence of a legal framework at national level; cases of betting, match fixing and spot-fixing would continue to resurface. In order to curtail corruption from Cricket, it is imperative to devise and implement an effective, transparent and comprehensive regulatory framework. This paper provides an overview of legal, commercial and ethical issues involved in betting, match fixing and spot-fixing.

Keywords: betting, match fixing, spot-fixing, sport law and policy, judicial developments, national legislation.

SETTLEMENT OF SPORTS RELATED DISPUTES IN PAKISTAN: IN SEARCH OF EFFECTIVE SOLUTION

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Abstract: In recent years, disputes in the sports sector in Pakistan have significantly increased. The Pakistan Sports Board (PSB) is regulating and controlling the sports activities. However, it lacks legal mandate to resolve the sports related disputes effectively.

In the absence of legal forum to deal with sports disputes at the national level, cases linger on before the ordinary courts for years which directly affected the sports activities. In order to promote the sports activities and competition in Pakistan, it is imperative to establish the courts of arbitration in conformity with standards and rules developed by the International Court of Arbitration for Sports (CAS) for settling the disputes through arbitration and mediation. This paper analyzes the settlement of sports related disputes in the context of sports law and judicial developments in Pakistan.

Keywords: Sports Law, Dispute Settlement, Legal Framework, Judicial Developments, National Legislation.

RECENT CHANGES ON THE APPLICABLE REGULATIONS LEGALLY BINDING UPON PLAYERS' AGENTS AND JURISPRUDENCE RELATED THERETO

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Abstract: Following to the announcement by FIFA of the upcoming implementation of the Regulations on working with intermediaries by 1st of April 2015 and the repeal of the 2008 edition of the FIFA Players' Agents Regulations, a certain uncertainty has taken root in this area. What will happen with the ongoing procedures and the disputes that will arise up until that date? These are major concerns that our clients have had recently and will have in the coming months.

Players' agents have been under the auspices of FIFA and recognized by the latter as from 1995. The governing body in the world of football did indeed provide them at a later stage with a certain status as FIFA licensees and a judicial body where their disputes could be heard, i.e. the FIFA Players' Status Committee. However, on the 21st of March 2014 the FIFA Executive Committee approved the so-called Regulations on working with intermediaries which are meant to enter into force as from 1st of April 2015. Said regulations will drastically modify the legal regimen under which the players' agents operated. In the present paper, their new status and possibilities will be analyzed, together with certain suggestions regarding the mediation contracts that said agents may have already concluded and which are not in line with the new Regulations on working with intermediaries.

Notably, in case of any dispute arising out of said contracts, their chances to successfully resort to the CAS will be herein analyzed in the light of the most recent jurisprudence of the Court of Arbitration for Sport and the Swiss Federal Tribunal, so that the rights of said agents may be protected in order to avoid that they end up in an undesirable legal vacuum.

Key words: Players' agents, jurisdiction, Court of Arbitration for Sport, forum shopping, standing to appeal, company.

**PUBLIC POWER SOURCES OF CHINA'S SPORTS
ASSOCIATIONS AND ANALYSIS OF RELEVANT PROBLEMS**

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Abstract: Since single sports associations represented by the China Football Association implemented professionalism, a series of problems have appeared and many experts and scholars stated their own points from different angles. In this article, the author tries to start with public power sources of sports associations, analyze the reasons of problems related to sports associations and put forward paths and ways to solve the above problems.

Keywords: sports associations, public power, power sources



4th Session SPORTS JURISDICTION

FREE WILL AND JUSTICE IN PLATO'S REPUBLIC

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Abstract: The topic of the dialogue in Plato's Republic (Greek: Politeia) concerns the nature of justice and injustice -the just man and the unjust man- and to what extent the just or the unjust are happier their lives. In Plato's Republik two opposite and conflicting theories are formulated on the essence of Justice, leading to different perceptions on the culture and education of youth. One theory, which is supported by Plato's brother Glaucon, argues that no human being is just at will or free will, but only when forced to be, since individual interests and greed dominate. The other view, which is that of Socrates, through which Plato is expressing himself, stresses the role and importance of knowledge and the education of humanity. What is the significance of each theory or viewpoint for the education of youth? What mythological and logical arguments are used to support the two theories? In what way should the ideal Republic operate, so that Justice is effectively promoted? Does impunity undermine the meaning of justice, strengthening individual interests? Given that competitive sports are a reflection of a society's value system, which of the above deductions or processes of reasoning apply to modern sport today? According to Socrates, no man consciously turns to injustice, unless he ignores justice, the latter approached through knowledge as are all virtues in general. Finally, those who can control their conscious through self-control and temptations through ethos are wise, rational and frugal. Each individual should look for Justice throughout their entire lives, and not just a specific time or point in their lives.

Key words: Plato's Republic, injustice

THE DECISIONS OF SPORTS PHYSICIANS FROM A LEGAL PERSPECTIVE

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Abstract: Sports physicians operate within a network of relationships that includes *inter alia* associations and federations, clubs and insurance providers, as well as athletes and their advisors. These networks can vary depending on the professional or voluntary

function performed by the physicians. Due to the existence of conflicting objectives (e.g. between the short- or long-term use of a medical measure), and the necessity of providing a prognosis in particular, sports physicians may often encounter problems in arriving at a decision. The legal requirements placed on the conduct of sports physicians and the decisions they make can be distinguished from one another depending on the type of contractual relationship in question and whether the physician is acting in a voluntary capacity. In addition, depending on the type of sport concerned, there will be special, specific factors and conditions involved. These can, for their part, play a considerable role with regard to the type and extent of any possible liability to be imposed on the sports physician.

Key words: sports physicians, liability, contractual relationship.

UNION CYCLISTE INTERNATIONALE (UCI) INDEPENDENT COMMISSION

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Abstract: On 8 January 2014, the Union Cycliste Internationale (UCI) announced the creation of the Cycling Independent Reform Commission (CIRC). The members of the CIRC are Dick Marty (Chairman), Ulrich Hass and Peter Nicholson. The CIRC is funded by, but independent from, the UCI and has been given complete access to the UCI's files and electronic data. The scope of the CIRC's work is governed by written Terms of Reference which explicitly state that the CIRC will act autonomously and will not receive instructions from the UCI. The CIRC's mission is to investigate the problems that the sport of cycling has faced in recent years, including allegations that the UCI was involved in wrongdoing in the past. Following its investigation, the CIRC will present a report of its findings and make recommendations for change so that the problems can be addressed. On 1 February 2014, the UCI Management Committee approved ad-hoc UCI regulations that formalise the CIRC's mission and allow it to propose reduced sanctions (or even exemption from sanction) to people who admit to having breached the anti-doping regulations but collaborate with the CIRC to achieve its mission. The CIRC is expected to provide its report to the UCI in January 2015.

Key words: Union Cycliste Internationale; UCI; Cycling Independent Reform Commission; CIRC; Dick Marty; Ulrich Haas; Peter Nicholson; reduced sanctions; investigation; cycling; reform.

HOW A DISPUTE RESOLUTION BODY CAN MAKE A CONTRIBUTION TO THE ENHANCEMENT OF SPORT

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Abstract: The Japan Sports Arbitration Agency (JSAA) was established in 2003 by the Japanese Olympic Committee (JOC), the Japan Sports Association and the Japanese Para-Sports Association. Raising the transparency of sport laws and rules by means of

resolving disputes between athletes and sport federations leads to the sound and smooth administration of sport organization.

Furthermore, the Basic Act on Sports has been enforced from 2011 in Japan. The Act prescribes the necessary articles to provide the prompt and appropriate resolution of sports disputes.

The number of cases JSAA has undertaken during the period from 2003 to 2013 amounts to 275, while the number of awards are 51 including 4 doping cases. Among others, there are 11 cases, for which federations had not agree with arbitration procedure despite the athletes' appeal for arbitration.

JSAA takes three measures to cope with this problem. First is JSAA has been working to federation to introduce an automatic acceptance clause. The clause is a provision to the effect that if an athlete who objects to a decision made by a federation file the petition, the federation has to always agree to the requested arbitration. Second is JSAA has been promoting the movement for understanding about JSAA's arbitration. The last is JSAA has been announcing the name of the federations, if the federations refused to enter to an arbitration procedure. At present, the clause has been adopted by 67% of sport federations which affiliating with JOC. However this figure needs to be increased.

Such circumstances suggest that JSAA would find general acceptance of the due arbitration gradually spread out among sport federations in Japan. Tokyo was chosen to host the 2020 Summer Olympic and Paralympic Games. Japan will become one of the leading countries how the dispute resolution body can make contribution to the enhancement of sports.

Key words: Arbitration, Sport dispute resolution, sport federation, Automatic Acceptance Clause , Tokyo 2020 Olympic and Parolympic Games

A STUDY ON THE APPLICATION OF GENERAL PRINCIPLES OF LAW IN COURT OF ARBITRATION FOR SPORT

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Abstract: General principles of law are basic rules whose content is very general and abstract, broadly applying with their features of fairness and universality. Court of Arbitration for Sport(CAS) is the pinnacle of the worldwide dispute settlement system for sport matters. Like others international courts, general principles of law have always maintained a place of special prominence in deciding cases. But likewise, we have to figure out how to properly apply general principles of law dealing with some particular or technical issues in sports disputes, and how to avoid excessively to apply those legal principles or autonomous rules during arbitration. In the view of these, the article at first analyzes various ways of applying those principles from six typical awards, including the supplement for rules of International Federations or the interpretation of vague words in rules and so on. Then, overemphasis of general principles of law in arbitration, it also reveals distinct obstacles which put off the fair

play of competitions, even violates some fundamental rights of athletes. Therefore, authors propose that CAS should keep its significant autonomy from federations or states, be prior to apply autonomous rules, explore other meanings of general principles of law combining with ‘specificity of sport disputes, and promote the rule of law in the process of self-regulating in the sport field to realize that duel justice in both sport and legal realm.

Key words: General principles of law, Court of Arbitration for Sport, fundamental rights of athletes, autonomous rules, self-regulating

CAS AND LEX SPORTIVA: AN EMPIRICAL STUDY

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Abstract: The existence of a *lex sportiva*, “a set of unwritten legal principles ... to which national and international sports federations must conform, regardless of the presence of such principles within their own statutes and regulations or within any applicable national law”, is one of the most discussed and contested concepts in sports law. The question whether CAS through its case law has created a coherent system of norms remains to be answered. Many scholars have argued that CAS through its case law has clearly begun to form and establish a *lex sportiva*, but that reaching that goal requires time, consistency, and transparency.

The paper will contribute to the understanding of *lex sportiva* by empirically describing the structure and content of CAS’s case law. By analyzing a dataset consisting of circa 500 CAS decisions, the nature of the issues discussed in those decisions, and references between them, the paper seeks to identify (i) areas where there is a strong and consistent body of case law, (ii) individual decisions that are strong precedents, and (iii) the individual unwritten legal principles that make up *lex sportiva*.

Key words: *Lex sportiva*, principles, CAS, case law, precedents

THE VALIDITY OF RESTRICTIONS ON TRAINEE ATHLETES SIGNING THEIR FIRST PROFESSIONAL CONTRACT UNDER GREEK CASE-LAW

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Abstract: Athletic talent and economic revenues are invaluable assets for clubs in nowadays sports. But the question holds: Should young athletes be obligated to sign their first contract as professionals with the club that trained them? In other words, would a compulsory first-option clause be a proportional mean to achieve the goals of talent enhancement and financial prosperity in modern sports industry? These questions, among others, were only recently answered by Greek Supreme Courts. The paper examines the Greek case-law under the light of the Greek Constitution, European Union Law and the European Convention of Human Rights. It also compares the main findings of the Greek rulings with those of the rel-

evant European jurisprudence. In that perspective, it finally tries to draw a conclusion about a legally acceptable transfer system for Greek (and European) trainee athletes.

Key words: trainee athletes; transfer restrictions; transfer regulations; Greek case-law

**THE PRINCIPLE OF EXCLUSION IN THE FRAMEWORK
OF THE NATIONAL SPORTS LAW
PROCEDURAL ISSUES IN THE ADMINISTRATION
OF JUSTICE**

(The Case of the Art. 131 2725/1999 Greek Law)

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Abstract: The exclusion of the appeal to the civil courts, for the judicial disputes concerning sports, as much as the provisions of the art. 131 of the Greek law 2725/1999, have many procedural issues during their application and it gets difficult for the administration of justice to be conducted properly, which has as a result significant and various consequences to come up.

The International Olympic Federation (IOF), the International Sports Community, the International Sports Federations (ISF) to ensure the validity of their regulations, and the obedience to their Bylaws (Lex Olympica- Lex Sportiva), they impose in their statutes the Principle of the Exclusion, for people involved in Sports, from appealing to the civil courts. Mostly, the acceptance of this Principle is a condition so as for the National Sports Federations (NSF) to participate in the International Championships. Proportionally to this practice, the Greek national legislator adopted the same Principle (Principle of exclusion), which is applied as a condition to participate in the National Championships. The legislator renders this principle as a mandatory rule of law, *ius cogens*, as, even if there is not a written indication of the aforementioned exclusion clause in the Statutes of the associations, SA etc, it is considered that it is contained in them automatically.

The application of the art. 131 brings to surface numerous, various and undissolved procedural issues and many justifiable questions. How could this legal provision be combined with the art. 8 of the Constitution of Greece, which concerns the non- unintended deprivation of the person from the natural judge? In which way is the application of the art. 131 interlinked with the art. 263 Code of Civil Procedure (CCP), which prohibits the compulsory arbitration? Finally, is the art. 131 in direct opposition to the art 20 p.1 of the Constitution of Greece, which is about the judicial protection, and the art. 6 of the European Convention on Human Rights (ECHR) which concerns the demand for the conduction of a proper, < fair> trial?

All the above and much more, we are called upon to consider, based on the jurisprudence

and the bibliography, so as to reach a conclusion by evaluating the issues that come into view by the application of the Principle of Exclusion, while aiming to ensure the conduction of a “fair trial”, with guarantees of objectivity, which characterize the role of the natural judge.

Key words: Sports judicial disputes, Sports Federations, ius cogens, jurisprudence, judicial protection

EXPEDITED ARBITRATION IN CAS

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Abstract: *Main question:* Article 44.4 of the code of CAS provides a kind of an arbitration as an expedited one which is in contracts to ordinary and appeal and even ad hoc arbitration no specified provisions of subject of this paper has provided yet. Silence of code about provision and procedure of expedited arbitration in CAS as supreme court for sports-related dispute motivates me that what kinds of rules shall be applied.

Problem that will be addressed:

For whom expedited arbitration shall be applied? what are procedure of expedited arbitration? appointment and challenge of arbitrator?

Evidence that will be used: WIPO regulation in expedited arbitration.

Significance of paper in sports law: As a matter of the fact if we describe sport to pyramid we understand that national and international sport authority place at the top of pyramid and athletes who spend his or her life on sport at the bottom of that, so sports law should protect athletes rights as an vital aim, and although appeal division of CAS due to its nature may fulfill this expectation but take into account that a young runner after strain corporal and mental training and shortly before commencement of world sprint competition sanctioned by IAAF decision .it seems only expedited arbitration like sprint runner can resolve this dispute that like achieving a gold medal.

Key words: Arbitration, expedited, emergency, irreparable harm, partial award, Expedited arbitration in CAS Sprinting for gold medal

THE CAS MASSIVE, EXCLUSIVE AND COMPULSORY JURISDICTION UNDER THE SCRUTINY OF THE EU COMPETITION LAW OR THE IMAGINARY CASE COMP/00000 ICC VS CAS

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Abstract: What if a renowned arbitral institution such as the ICC International Court of Arbitration planned to launch a special department totally devoted to the adjudication of sports related disputes? Would be it possible, vis profitable, given that the vast majority of such disputes are reserved by the CAS due to clauses integrated (not so voluntarily) in the

statutes of the most international and national sport federation? Through a moot case before the EU Commission COMP/00000 “ICC vs CAS”, the present paper intends to examine whether the massive and exclusive referral of sports related disputes to the CAS deprives other potential arbitral institutions of their share in the sports market and, specially, in the provision of arbitral legal services, in a way that violates european competition law. To this end, and before attempting to reach a final “ruling” on behalf of the Commission, we will first depict the current situation in the area the adjudication of sports related disputes and, after having a brief overview of the european competition law, we will attempt to give answers to some essential questions such as: a) Are sports federations possessing a(n abusive) dominant position in the european sports market? b) Could the massive, compulsory insertion of CAS arbitral clauses be considered as “concerted practice”? c) Do arbitration legal services by institutions constitute a market and, after all, d) is EU really interested in sports?

Key words: CAS, arbitral institutions, sports market, legal services, arbitration, european union, european competition law.

RESPONSIBILITY OF SUBJECTS IN SPORTS AREA FOR DISTRIBUTION AND USE OF PROHIBITED PREPARATIONS, METHODS AND SUBSTANCES AS DOPING IN ACCORDANCE WITH LEGISLATION OF RUSSIAN FEDERATION

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Abstract: Problem of doping in sports is actual nowadays. Society is concerned about sportsmen’s health and life safety. Anti-doping sports rules and laws are in process of improvement at international and national levels. They improve both scientific methods of doping control procedures and legal basis with mechanisms of its implementation.

The problem gains actuality also in connection with appearance of powerful business industry of sports pharmaceutical preparations distribution and formation of negative public opinion regarding doping in sports. This is why actions against doping at legislative level are affected by strong influence and pressure from the side of economically interested persons. In this context it is interesting to clarify particularly personal responsibility of subjects of legal interrelations in this selected area of social relations.

In the present work on the basis of analysis of Russian actual legislation and opinion of prominent Russian scientists in this area there is given classification of responsibility types provided in Russia for distribution and use of prohibited preparations, methods and substances as doping. Among them there are:

sports and disciplinary, disciplinary, civil, administrative; criminal responsibility.

For each type of responsibility there are considered sources, possible sanctions, given estimation of degree of their correspondence to modern realias in this area of social relations.

Conclusion is that at the moment in doping control in Russia sports and disciplinary sanctions are dominating other types of legal responsibility. There is an opinion about probability to legalize and introduce some substances and methods now considered to be doping into legal area of scientifically proven use by sportsmen. Such a position is

expressed by little amount of specialists and is not supported officially. Mostly there are spread ideas of anti-doping legislation criminalization and establishment of integral system of doping circulation penal prohibition. It is connected with the fact that to affect activity of subjects implicated in doping violations in a fair and effective way by measures, for example, of administrative, civil or sports laws is either impossible, or ineffective.

Key words: Doping, anti-doping legislation, types of responsibility, legalization, criminalization

DEALING WITH SPORTS DISPUTES IN THE OLYMPICS: FROM PREVIOUS CASES TO THE FUTURE PROSPECT

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Abstract: Despite the efforts of the International Olympic Committee (IOC) and each International Federation (IF) to curb, sports disputes which violate the regulations occasionally arise during the Olympics. Such cases include wrong or biased judgments, match fixing conflicts, anti-doping issues, acts of political propaganda or violations of the marketing-related regulations of international sports organization.

Particularly, recent controversies over referee judging that made waves on a global scale in and outside of Korea were the case of Shin A Lam in Women's épée of fencing in the 2012 London Olympics and that of Kim Yuna in Women's Figure Skating of the 2014 Sochi Olympics

In this respect, this paper seeks to examine the issue of sports disputes that took place in the Olympics in which Korean athletes are involved, as well as the methods that were used to deal with the problem at the time when such cases happened. Of those cases, several disputes have been submitted to the Ad Hoc Division or to the Appeals Arbitration Division of the Court of Arbitration for Sport (CAS). Therefore, it is meaningful to analyze such previous cases so that each NF and NOC can take appropriate action to prevent similar issues from occurring and to deal with any future sports disputes that may arise during the Olympics.

Key words: Olympics, Referee Decisions, CAS, Disputes, Anti-doping, IOC

RESEARCH ON THE SPORTING JUST CAUSE OF TERMINATION OF A PROFESSIONAL EMPLOYMENT CONTRACT

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Abstract: International professional football players have right to terminate the employment contract with their clubs unilaterally according to sporting just cause. Although it is beneficial to protect the legitimate rights and interests of football players to a certain

extent, but in practice, the international players did not take good use of this justification to protect their legitimate rights and interests. On one hand, FIFA acknowledged sporting just cause in order to protect the rights of players. On the other hand, FIFA made a very strict interpretation of this provision, making players hard to fulfil unilateral termination of the contract in order to protect their interests. Therefore, this paper holds the viewpoint that FIFA has to justify for a broader interpretation of the rules to let the sports players more widely use sporting just cause to gain their right and interest.

Key words: FIFA; Professional players; Termination of contract; Sporting just cause

PREVENTING EFFORTS AGAINST CONSUMING DOPING OF PSYCHOTROPIC DRUGS WITHIN FOOTBALL PLAYERS AT FOOTBALL ORGANIZATION AND NATIONAL NARCOTIC BUREAU OF BALI PROVINCE

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Abstract: Man is known as a social living being due to their living within the community. In their living within the community, man distribution take place in their interaction with others. The interaction are then coming into some social problems that need law approach to solve the problems. Law is as a social norm may not be separated from the communities value and even it may be stated as a reflection and realization of the values within the community.

Sport is a place where men are interacting and having ethical values which may be seen, evaluated and learned from one each other. The structural values of sport is not only taken place for body or intellectual aspect but the whole aspects of mankind as well.

There are some values may be seen in sport field such as; fair play, team work, sportive attitude, and elsewhere. One who has a strong need for strong performance is tend to have a success and strong willing to solve challenge instead of gaining high social status but merely for doing good deed. A competitive sport teach us about hard working value, sacrifice, and well preparation to achieve goal. But being a winner as an athlete may give him responsibility that may cause a fatal effect. The athletes are then start using any ilegal ways to survive and achieve their goal in a competition, one of them is now using illegal doping. Last time there was any restriction for athlete to consume any illegal drugs, but now consuming doping is absolutely illegal either for IOC, NCAA, professional league, and other formal organization from every nation. In Indonesia this illegal action has been stated in national law or regulation no. 3 in 2005 article 85 about regulation of sport system.

There are many kinds of doping may be taken for instance, some of them are strictly illegal used for athletes. For instance is sabu-sabu which is used for medical purpose, but then in sport field for athletes it is used for giving a strong impact to increase their adrenalin, so that they may feel having strong performance during the competition. In distribution, sabu-sabu is seriously controlled by one of the government institution in this case National Narcotic Bureau (BNN).

Football is one of popular sport activities in the community. In Indonesia there is one of organization to manage the football activities called PSSI, in which this organization plays important rules in supervising, directing and even giving some sanctions for players and other components taking place in the event of competition. Doping is strictly forbidden either by sport regulation or PSSI by stating in Discipline Code PSSI article 6 number 1 about sanction for illegal doping for players.

Based on the background above, therefore can be found out scope of problems as the following:

5. What factors that cause the football players consuming psychotropic for doping?
6. What effort has been made by BNN and PSSI in solving the psychotropic drugs for doping within the football players?

This writing is as an empirical research. Empiric means this research is analyzed from the aspect of law. In this case is the correlation between roles and the facts . the approach used is juridic sociology. That is approach of analysis the prevention by PSSI and BNN regarding to the illegal consumption of psycotropical within the football players in Bali Province and try to analysis the aspects of law within the community. This approach is applied to see the regulation number 5 1997 regarding psycotropical, regulation number 35 concerning narcotic, regulation number 3 2005 about national system rule, president regulation number 23 in 2010 about BNN and PSSI.

Key words: Doping, Foot Ball Players, Regulation, Bali Province



5th Session

SPORTS LAW MANAGEMENT AND SPORTS TOURISM

THE NFL CONCUSSION SETTLEMENT: A LOOK WHAT IT MAY MEAN FOR OTHER SPORTS LEAGUES

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Professor at the Syracuse University, USA

Abstract: On July 7, 2014, Judge Anita B. Brody of the United States District Court for the Eastern District of Pennsylvania approved a preliminary settlement between the National Football League (NFL) and the more than 4,500 retired players who sued the league for hiding the dangers of concussions and repeated hits to the head. The highlights of the agreement, which covers the more than 20,000 retired players and their beneficiaries, includes a promise from the NFL to pay an unlimited amount of money in damages to players with certain severe neurological conditions; \$765 million for cash awards, medical testing and concussion education. The settlement also allows the NFL, if it believes that the player's claim is fraudulent, to contest an unlimited number of requests for awards by retired players.

The issue, however, is not just an American football issue. For example, during this year's World Cup Final, Christoph Kramer, a German midfielder, suffered an obvious head injury during the FIFA tournament and was allowed to return to play. Kramer, who was at least the third player during the tournament to return to the field shortly after sustaining an obvious head injury, was still clearly dazed when he was replaced about 10 minutes after the collision. The purpose of this presentation, therefore, is to look at the potential impact of the NFL's settlement on other sports leagues.

COACHES AND MANAGERS CONTRACTS in FOOTBALL: PECULIARITIES AND TERMINATION

Int'l and comparative study

Lucio Colantuoni,

Attorney-at-law, Professor in "Sports Law and Sport Contracts" and Director of the postgraduate course in "Sports Law and Sports Justice" at the University of Milan, Italy

Abstract: Sports managers and coaches are the core element of an environment focused on the win or lose ideology, characterised as it is by insecurity and volatility. They are one of the central figures in the world of sport, but there is not enough attention in relation to their

status, their role and responsibility. Similarly, the relationship that binds them to their club has to be object of legal studies, in light of the peculiarities of the industry and of their function.

This paper aims at providing an analysis of the theme of Coach and Manager Contracts, to highlights which are the main features of the relationship that exists between the coach and his club, and understand what might differentiate this from other type of relationship in the world of sport.

The most important element to be addressed in this context is related to the termination of the contract of employment between the manager and the team. In considering the duties and responsibilities of the parties, as expressed in the contract or regulated in other forms, the paper will give account of the trends developed in this context and the main reasons for concern.

The study will look at the regulations and the practices that are in place in several European and International Legal System, as well as the relevant case law which has been drawn from national Courts and Arbitration Tribunals, and International Tribunals such as the CAS.

The objective is to offer an analysis of the topic in the context of a broad international framework, that will possibly highlight common tendencies, reasons for concern and future developments in this area.

Keywords: Sports Managers - Disputes - Termination - FIFA - CAS

SPORTS LAW IN TURKEY (AS A SPORTS LAW AND GOVERNANCE MODEL)

Özgerhan TOLUNAY

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Abstract: Sports law in Turkey made certain progress after the foundation of the Republic. We can consider the Sports Congress, which met in 1935, as the first step taken towards sport-related legislation. The last and foremost step regarding the sports law existing in Turkey was taken with the special regulation made in the Turkish Constitution on 17 March 2011 (Article 59 : Development of Sport and Arbitration).

In my presentation, I will list these developments and then briefly mention the sports organizations in Turkey and their responsibilities.

This will be followed with the review of the legal structure of the sports clubs and the organization of the sports federations in Turkey.

Following the explanation of the organization of the sports, the legal status of the athletes in Turkey and the working conditions thereof shall be explained.

The issue of the protection and awarding of successful athletes shall be examined as well. Next, I will address the legal and criminal liability in sports.

The Sports and Environmental Law will be reviewed under a separate topic.

I will conclude by examining the present system in Turkey for the resolution of disputes arising in the field of sports (ordinary courts, sports arbitration and conciliation, etc.).

This will allow us to see what is the proper model of governance has been specially designed by Turkey and in which extent the turkish model could be inspired by other countries.

Key words: Constitution, regulation, criminal liability, Arbitration

A GLOBAL CODE OF ETHICS FOR SPORT MANAGEMENT EXECUTIVES

Paul JOHNSON

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Sydney, Australia*

Abstract: Ethics is about: relationships; developing a well-informed conscience; being true to the idea of who we are and what we stand for; having the courage to explore difficult questions; accepting the cost of abiding by the answer to the fundamental question “What ought one to do?”

One of the fundamental foundations of exemplary sport management is a strong moral code – a code of ethics - as it will, if properly developed - ensure that sport managers act for the benefit of the sport rather than for themselves or other vested selfish interests. Whilst a Code of Ethics is not a set of laws, employees and professionals are expected to adhere to the codes or suffer penalties such as reprimands or dismissal. They codify unacceptable behaviour under certain conditions and situations. They also reduce ambiguity by specifying appropriate behaviour.

Having a Code of Ethics

a) Defines acceptable behaviour; it informs people how they should act according to the principles that are important within your sport organisation.

b) Promotes exemplary standards of practice; everyone is encouraged to follow a higher standard of behaviour as it is spelt out what one should and should not do

c) Establishes the framework that people should follow; it forms the basis of what decisions people will make

d) Becomes a mark of corporate identity; people will want to be involved with your organisation as it is known for its exemplary behaviour

e) Makes an organisation sustainable; as a trusted and admirable organisation people will want to deal with you at all levels.

In developing a Code of Ethics, Socrates (see Frankena, 1975 p2) lays down some points about the approach to be taken:

1. We must not let our decision be determined by our emotions but must examine the question and follow the best reasoning. We must try to get our facts straight and to keep our minds clear

2. We cannot answer such questions by appealing to what people generally think. We must try to find an answer we ourselves can regard as correct.

3. We ought never to do what is morally wrong. The only question we need to answer is whether what is proposed is right or wrong, not what will happen to us, what people will think of us, or how we feel about what has happened.

4. We ought also determine which rules take precedence over which others.

The sources of an organisation’s Code of Ethics can be

i) Societal – the values and standards embodied in a society’s laws, customs, practices and values

ii) Professional – the values and standards that groups of managers and workers use to decide how to behave appropriately

iii) Individual – personal values and standards that result from the influence of family, peers, upbringing and involvement in significant social institutions.

Codes typically contain provisions about the following:

- A general statement of the values of an organisation and its guiding principles
- Definitions of what constitutes both ethical and corrupt conduct
- Competence requirements and professional standards
- Directives on personal and professional behaviour
- Affirmations of fairness, equity, equal opportunity and affirmative action
- Stipulations on gifts and conflicts of interest
- Restrictions on use of the organisation's facilities for private purposes
- Guidelines on confidentiality, public comment, whistleblowing and post-separation use of confidential information
- Identification of different stakeholders and other interested parties and their rights
- Commitment to occupational health and safety
- Commitment to the environment and social responsibility
- Mechanism for enforcing the Code and sanctions for violations
- Advice on interpreting and implementing the code

This WORKSHOP will aim to draft a Code of Ethics for sport managers - from a sport management perspective - anywhere in the world on the premise that a properly developed code should have global applicability. The workshop will be replicated at the International Association for Sports Law (IASL) Conference in Athens in December – from a sports law perspective.

It is intended to develop in due course a Code that will be acceptable from both perspectives and which is endorsed by both WASM and the IASL.

APPLICATION OF COMMUNICATION PRINCIPLES ON SPORTS TOURISM. A RESEARCH ON THE SEMI-MARATHON OF THE CITY OF LEIVADIA

**Dimitrios STAVROULAKIS , Amalia KARABEKOU,
Stephanos KARAGIANNIS**

*Assoc. Professor at the Department of Economic Regional Development,
Panteion University, Greece*

(Present: Stephanos Karagiannis)

Abstract: Authors attempt to map sectors of tourism and athletics in Greece, as well as to trace the impact of tourism on hospitality services. At first they assess the tourism process through accessed sources (studies, monographs, sectoral bibliography). Both Greek and international bibliography underline the positive impact of tourism on employment, balance of payments, currency inflow, and local development. Studies conducted by the World Tourism Organization (UNWTO) forecast a steady increase of arrivals in the forthcoming years.

Authors deal also with the issue of athletic tourism improvement. Through the introduction of a competent communications strategy, areas that lack adequate tourism development, like the city of Leivadia, could be upgraded significantly by hosting variform athletic activities. In this respect, a field study through a questionnaire has been conducted in the city of on the occasion of the conduct of the semi-marathon race in 2014. The sample of the survey

consisted of 114 persons, of which 56 were men and 58 women of various ages, who had visited the city of Leivadia in order to participate in the 2nd semi-marathon. Statistical analysis has been conducted by using SPSS. Trends, needs, and desires of Greek sport tourists have been explored. During the ongoing harsh economic situation, critical sectors such as athletic tourism are expected to promote sustainable local development due to its contribution to the GDP, to the increase of employment, as well as to the expansion of the taxable base.

Key words: Tourism, athletic tourism, city of Leivadia, semi-marathon, communication, field study

GLOBAL SPORTS TOURISM AND THE NECESSITY OF AN INSTITUTIONAL FRAMEWORK IN GREECE

Panagiotis PANAGIOTOPOULOS

*Economy Candidate Dr., Sports Management Department,
Charokopeio University and MBA Economic University of Athens, Greece*

Abstract: In our days, sports tourism has been an activity that numerous people are involved with. The main question arising from this activity is, if there is a specific institutional framework concerning sport tourism. In several European countries as well as in the American continent there is a specific institutional framework that governs the activity of sports tourism, concerning both the nature of the activity and the framework that it evolves and develops within the country. Such thing does not happen in the case of Greece for several reasons, from which we may highlight the absence of a domestic institutional framework concerning sports tourism as well as the extreme difficulty in organizing sports tourism activities due to bureaucracy reasons that may had been resolved with a complete institutional framework for sports tourism that does not conflict with any of national of international laws. In this paper, there is an effort to compare the procedures in order to promote sports tourism in Greece to those happen in other countries such as Germany and Great Britain. In addition to this there is a presentation of the state of sport tourism in these countries and its percentage of the total tourism in these countries.

Key words: Sports tourism, international law, conflicts, development

CRIMINAL RESPONSIBILITY DUE PRESCRIPTION OF USING BANNED DRUGS(DOPING) IN SPORTS ACCORDING TO CODES OF ISLAMIC REPUBLIC OF IRAN AND IMAMIA JURISPRUDENCE

Morteza ZANGENEH

Judge, MA of criminal law and member of scientific Institute of Iran Sport Law Iran

Abstract: Nowadays, the use of banned performance- enhancing drugs(doping) in sport has been increased by athletes. As for drastic physical and spiritual damages, coaches and are obliged to aware the athletes from side effects and the other bad consequences. According to

anti-doping rules, if they evade from their duty by an illegal prescription and cause physical damage to athletes, as for mental elements (Knowledge and Ignorance) and the common rules of criminal law (perpetration and causation), they'll be considered criminally responsible; in that case, there's no defect in the criminal law (in Iran), but if these illegal prescriptions by coaches or sports physician results prestige threat or destruction of reputation, there will be no rule for that. However from the perspective of Imamia jurisprudence this act is forbidden because of destructive effects on one's reputation and it's awarded by the judge. As for the Islamic laws and basic of criminology in these case such illegal prescription of using banned drugs (doping), it seems that it's up to lawmakers of criminology.

Key words: criminal responsibility, Doping, Imamia jurisprudence, Coach, sports physician

THE RIGHT TO USE ONE'S NAME FOR BETTING SERVICES

Marios PAPALOUKAS

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Abstract: Greek law treats the right to one's name as a special manifestation of the personality right and a breach thereof as an infringement of the personality right as a whole. The right of every natural or legal person to its name includes the right-holder's power to decide if and when to allow the use of its name by a third party. This right has personal as well as financial aspects. The financial aspects of the right contain also the right-holder's power for commercial exploitation. Therefore the use of the name of a sports club or an athlete by a sports betting services provider should always follow the permission of the right-holder. An explicit legislative recognition of the commercial aspects of this right in our country would help solve many contemporary problems faced by the sport sector.

Key words: Greek law, sports club, athlete, commercial exploitation, sport sector.

CONTRADICTION BETWEEN NATIONAL AND SPORTS REGULATIONS AND THEIR IMPACT ON SPORT INVESTMENT

Majed M. GAROUB

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Abstract: A brief about football federations. The role of football federations in promoting youth programs and the development of their structure.

The management of football federations, their regulations and partnerships.

Generating football federations' income. Government intervention, monitoring and observation. Objection to any government intervention in management and highlighting its negative effect on the independence of football federations.

Key words : sport federation, football, Players, financial, management



6st Session
**DEVELOPMENTS IN SPORTS LAW:
LEARNING FROM RECENT EXPERIENCE AND
PLANNING FOR THE FUTURE**

**DEVELOPMENT OF THE SPORTS INDUSTRY AND
PRODUCT LIABILITY**

Kee-Young YEUN

Professor at the Dongguk University of Seoul, South Korea

Abstract: In this essay, I would like to examine the dangerousness, the range and defect types in sports products, and the problems to apply PL (Product Liability). Due to the explosive increase in the number of sports participation, sport supplies became the product not only for the professional players but have become generalized like necessities. The numbers of supplies that related to sports has increased in homes. Further, the as vicarious satisfaction overflows by watching sports games, the professional sports has become more active and establishments in sports facilities are growing.

As the sports business become revitalized, the business in manufacturing sports product and sports facilities have developed as well. The sports manufacturing industry works by producing and circulating sports supplies, sports food and sports electronics. Also sports products are used in the sports facilities business. These sports products goes through the process of lay out and manufacturer- circulation, they may bring defects and injuries follow.

If a sports player, sports audience or a third party has been injured due to the defects in sports products or facilities, obviously the Product Liability (PL) will be applied. This field is about liability without fault, therefore it does not require manufacturer's fault. Even if the sports products are second good hands or scrapped material, the responsibility of compensation for damages follows. If those users or the third party gets damages in live, health, property by using sports supplies such as for golf or ski, sportswear, movables in sports stadium the PL will be applied. Of course if the sports facility correspond as a real estate, legal principles of structure liability will be applied. The precedents are not found in this area. I hope as the lawsuits increase in this area the precedent theory will establish its view.

Key words: Sports Industry, Sports Products, Products Liability, defective sports supplies, liability without fault, sports facility liability, Gefährdungshaftung

ASPECTS OF MORAL AND LEGAL LEGITIMACY OF THE IDEOLOGY OF SPORT IN CONTEMPORARY SOCIETY

Alexandru-Virgil VOICU (PhD)

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of the Legal Commission of the Romanian Olympic and Sports Committee,
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Abstract: The purpose of this paper is to provide those interested in the legalisation of physical education and sport activities with information regarding the purpose and functions of sport activities in the context of including them in the historical evolution of societal legal order. This information may contribute to the formation of an expert opinion on the role and functions of sport in contemporary society. It is increasingly evident that familiarity with a set of rights and freedoms, obligations provided/imposed on participants in sport activities and other related activities is the first step towards the normality of social life reflected in a new ideology of sport.

Keywords: physical education and sport activities, ethics, law, sports law, legal liability, social responsibility, realization of law, ideology

THE NATIONAL SPORTS POLICIES AND THE SUSTAINABLE DEVELOPMENT ISSUE IN A GLOBALIZED WORLD: 2007 - 2013, THE EXPERIENCE OF AN INTERGOVERNMENTAL ORGANIZATION (IGO-WSA)

Gilles KLEIN

Secretary-General of World Sports Alliance, France

Abstract: In 2007, the Intergovernmental Organization, the World Sports Alliance (IGO-WSA), was founded with the support of international civil society and the United Nations. It is entrusted with the mission of educating youth and training the executives of the national sports system to deal with human development issues (education, equity, health, gender, environment) while also contributing to the economic development of its Member States (partnerships, poverty reduction).

In partnership with its 33 Member States, WSA creates synergies between central and local governments, major companies and the business world in order to negotiate and conclude meaningful and productive partnerships. In developing countries, these initiatives are the engines which can provide a population with access to the practice of sports.

A number of lessons can be drawn from this experience about support to national sports policies in a globalized world, more generally about the contribution to national development by and through sport.

We identify seven engines of an integrated approach to a sustainable development of sport in the developing countries.

Key words: Sport, national policy, human development, economic development, developing countries

THE DEVELOPMENT AND EVOLUTION OF TORTS LAW IN NEGLIGENCE OF SPORTS INJURY - FOCUSING ON CHINESE LEGISLATION, PRACTICE AND JURISPRUDENCE

Qian LI

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Abstract: The tort law always echoes the social development. Especially in the context of the categorization trend of modern tort law, many countries, inter alia, the common law countries, develops special imputation systems for negligence of sports injury in their legislation and judicial practice, e.g., the standard of Recklessness. On the other hand, the peculiar development of the tort law has brought significant influence in the sports industry, such as the continuing increase and specification of sports technical rules or safety-guarantee clauses in competition rules, and the establishment of sports responsibilities insurance.

Based on the common law practice in the countries such as the US, England and Australia, this article initially investigates the agreements and divergence among the various countries' legislature and judiciary regarding the peculiarities concerning the imputation in negligence of sports injury. Then, the article turns to the Chinese legislation, practice and jurisprudence, and analyzes the application and development trend of the tort law in the field of negligence of sports injury. As a whole, the Chinese tort law develops relatively slowly in terms of negligence of sports injury, which is in relation to the development of Chinese tort law per se, and is also determined by the special approach adopted by Chinese sports industry. But wholly speaking, the special imputation in negligence of sports injury is becoming an issue calling for special attention.

There is hardly any special regulation regarding negligence of sports injury in the relevant Chinese legislation. The China's 2007 Tort law, the relevant judicial interpretations and State Department Regulation such as *2013 Management Measures for the Management of High Risk Sports Licensing*, merely indirectly touches upon this issue. In Chinese judicial practice, for lack of special insurance system for the negligence of sports injury, recourse to courts for remedies in negligence of sports injury is not rare. Due to the non-existence of explicit legal support, the judiciary of Mainland China holds different views towards the imputation in negligence of sports injury. In Tai Wan Island's judicial practice, large divergence also exists in this issue. So far as theoretical research is concerned, both civil and sports law scholars from Mainland China and Tai Wan Island have made contributions in the research of negligence of sports injury.

Key words: Torts Law; Negligence; Sports injury; Chinese Torts Law

CHINA SPORTS REFORM TO A NEW STAGE: PROMOTING THE RULE OF LAW AS THE CORE OF MODERN GOVERNANCE

Shanxu Yu

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Abstract: The present China is conducting comprehensively deepen reform, and promoting the modernization of national governance and the rule of law China construc-

tion, which creates a good environment and motivation for China sports reform and development in the orbit of the rule of law. Under the modern management dominated by the rule of law, Chinese sports will more clearly construct the rule of law, and exert governmental function in accordance with the law. Besides, the social organization would become the main force to promote the development of sports in order to make sports market more active. Nevertheless, international sports cooperation and exchanges would also be encouraged in the future.

Key Words: China Sports, Sports Reformation, Sports Governance, the Rule of Sports Law, the Modernization of Sports

RESPONSIBILITY OF ATHLETE FOR USE OF A PROHIBITED SUBSTANCE OR METHOD

Mariia TIKHONOVA

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Abstract: In recent years the problem of sport cleanness became very important because the win at major international competitions not only brings the popularity for the sportsman, his club, federation, country, but as a rule encourages significant financial benefits. Under such conditions the sportsmen and their colleagues often run for win at all costs and knowingly violate the established rules. IOC is making significant efforts to prevent fraud. Since 2009 in Russia there was actively discussed the necessity of introduction of not a criminal, but administrative responsibility for taking banned products not only by sportsmen but coaches and doctors in sports medicine. In 2011 the Article 6.18 “Violation of requirements for prevention of doping taking in sport and protection from it” was added to the Code of Administrative Violation of the Russian Federation. In my article I consider the responsibility of the athlete for use doping by the Ukrainian legislation, the Olympic Charter, Anti-Doping Rules and how these legislation acts relate to each other.

Key words: Sport law, athlete, responsibility, doping, a Prohibited substance or Method, Ukraine, WADA, IOC, legislation.

THE CONVENTION ON MANIPULATION OF SPORTS COMPETITION: A FIRST COMMENT

Anna Di GIANDOMENICO (PhD)

Assistant Professor at the University of Teramo - IASL member, Italy

Abstract: The long way of COE legislative policies countering sports fraud has been finished on July 9th 2014 with the adoption of the Convention on Manipulation of Sports Competitions.

This is a long way that has been developed more intensively in the last twenty years: a way, originated from the acknowledgement of the educational role of sport, that “plays a fundamental role in the realization of the aim of the Council of Europe by reinforcing

the bonds between peoples and developing awareness of a European cultural identity” (pt. 6, Rec. n. R (92) 13 REV on the Revised European Sports Charter)

A way along which it has been strengthened the awareness that it was necessary to keep unchanged the values of sport, so that it could fulfill its educational function: from here several political and legislative actions, aimed at preserving the integrity of sport.

A way that followed a consolidate process, which has seen, therefore, previously the adoption of a Recommendation on the matter, finally followed by a Convention, that is the first international legal text, having vis cogens for those states that will sign it.

In this contribution I want to examine the text of the Convention, highlighting its strong points as well as its weak points, especially in the perspective of its enforcement in the legal systems of those states that will sign it.

Key words: Manipulation of Sports Competition, Council of Europe, Legal Theory

POLITICS, SPORTS MEDICINE AND THE SPREAD OF NEW DOPING TECHNOLOGIES IN PROFESSIONAL SPORTS

Anatoly PESKOV

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Russian International Olympic University, Russia*

Abstract: The article examines the influence of politics, pharmaceutical companies on the distribution of doping in professional sports. The author assesses the role of totalitarian regimes, as well as countries with different political systems during the Cold War in distributing of doping in the context of historical events. In Nazi Germany, for example, doping called «pervitin» was the part of the official “battle ration» of saboteurs, pilots and tankers, as well as to some reports used by German athletes in the Olympic Games in 1936. The author notes that some politicians are not far removed from Nazi ideologies on the Olympic victory as a “military victory in time of peace,” “a tool of political prestige”, and often contributed to the spread doping in professional sports. Currently, the advanced economies are actively using modern technologies of sports medicine for the victory of their athletes. These technologies are often similar to the concept of “doping” in accordance with the criteria of the World Anti-Doping Code. However, such opportunities are deprived athletes “poor” countries, and this undermines the principles of the “spirit of sport”, “equal opportunity” and “fair play”. The article also conceptualized the prospects of combating doping in the context of continuous improvement of doping and anti-doping technology, and possible legalization of using some types of prohibited substances and methods in the future. The author invites all professionals to join their forces to determine the order, where the real border between modern technologies of sports medicine and prohibited substances and methods, as well as to ban clinical trials of new drugs to professional athletes. Besides the international sports organizations should define the system of measures for equalizing rights and opportunities for athletes “rich” and “poor” countries, in particular, the availability of advanced sports medicine technology for all athletes.

Keywords: biomedical research, clinical drug trials, gene doping, new doping techniques, RUSADA - Russian Anti-Doping Agency, pressure chamber, prohibited method and substance, sports medicine, WADA- World Anti-Doping Agency

6th (b) Session

THE ALTERED STATUS OF THE HUNGARIAN OLYMPIC COMMITTEE

Andras NEMES

Lex Sportiva Hungarian Society of Sports law

Abstract: The Hungarian Olympic Committee(HOC) is the public body with the exclusive legal status of Olympic committee in Hungary which is managed and operated autonomously and which was founded on 19 December 1895 as the sixth Olympic committee out of the current 204 member countries.

According to the Act CLXXII of 2011 there was a wide change in the Hungarian sport administration. The main goal was to reduce the number of the public bodies in the Sport: (earlier it was five, now there is only one.)

It was probably the increased prestige of sports politics that led to the definition of the principles of “universal Hungarian sport” by the consolidated statutes (constitution) of the Hungarian Olympic Committee (HOC) which was adopted on 26 February 2012. (The newly adopted statutes have been submitted to the Metropolitan Court for registration and to the International Olympic Committee for approval.)

In this presentation I would like to make some suggestions about refining these charter. First of all about the “Preamble.” There is a new phenomenon in the new chart of HOC: beginning with the Principles of Sport.

Key words: Altered status in the sport administration, HOC, principles of Hungarian sport, mission, positive critics

CAN SPORTS LAW CONTRIBUTE TO REGULATING GENDER INEQUALITIES IN SPORT?

Nikolaos PATSANTARAS

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School of Phys. Ed. & Sport Science, Greece*

Abstract: Today’s sport literature examines questions concerning gender equity issues in sports, mainly, through ethical theoretical perspectives. Gender inequalities in sport are initially perceived as ethical issues, even though such approaches in competitive sport are ineffective and insufficient. The continuous rationalization and commodification of sport action and sport communication has been leading to transformations in sport along with the marginalization or exclusion of ethical interpretations in competitive sports. Today’s postmodernist sport reality has been witnessing a relentless disappearance of ethics as a regulatory factor in sport relations: relations formed within sports as well as those between sport and other social environments (economy and politics, etc.). Sports Law comes in here, as a regulatory agent, to take the place of ethics. Gender inequalities in sport require that legislations be respected and enforced, and this is where Sports Law could play a vital role, without however undermining the interventionist role

of Law or the legal system. Accordingly, this presentation explores the following questions: What is (or could be) the role or contribution of Sports Law in Greece with regard to gender equality in sports? How could Sports Law intervene and on what sport level? Could Sports Law intercede or play a role in eliminating the under-representation of women in sport governing bodies, decision-making positions: sport federations, IOC etc.

Key words: Gender equity, gender equality, women, sports law

APPROACHING SPORT SPACE AND TIME THROUGH A SPORT SOCIOLOGICAL PERSPECTIVE: MEANINGS AND USAGE IN THE IMPLEMENTATION OF LEGISLATION IN SPORT

Nikolaos PATSANTARAS

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School of Phys. Ed. & Sport Science, Greece*

Abstract: Questions on *time and space* in sports are of crucial significance to understand current sport reality on all levels: competitive sport, sports for all, school sports, etc. Sport, in general, appears as a differential and relatively autonomous system of social actions and communication practices because it succeeds in liberating itself from the complex social environment in relation to *time and space*. This autonomy is achieved through particular sport regulation structures on the basis of which sport processes are developed. Sport events cannot exist beyond these regulatory structures. In this perspective, sport *time and space* are the pillars on which the particular meaning and character of sport reality exists. They play a decisive role in the dissemination of any social meaning through athletic action and sport communication practices. They also play an influential role on determining the social usage and functions (political, cultural, economic, etc.) of these sport actions and communication practices. What this means in practice is that when our viewpoints or perspectives change with regard to sport *space and time*, then sport semantics are transformed as well. Specifically, what is being transformed here is the social usage of the sport meaning. Consequently, in formulating a coherent image on *space and time* with regard to sport, we are provided with the tools to explain how sport social reality is constituted, transformed and reconstructed. This sport sociological perspective goes beyond its descriptive dimension so as to decisively contribute to the understanding of issues related to different sport events (eg. sport violence, doping). Sport space is a social space where power structures and identities are formulated or transformed. It is also an arena for social events, cultural conflicts, the promotion of a consumer culture, among other things. Additionally, sport space provides the *topos* for the apotheosis of the human body, the cultivation of ethical perspectives, empowerment and simultaneously the dissolution of social cohesion. In approaching sport activity and sport communication practices with such a methodological perspective, we can contribute decisively to the clarification of today's confusing and conflicting views with regard to sport institutional competence, jurisdiction, responsibilities and duties. This presentation will discuss the following questions: Do Sports Law theorists or scientists take into consideration the *space and time* specificities and the different meanings of sport action-communication that could

help them find the limits or boundaries between the juridical and ethical responsibility in sport? Something which is necessary due to the plethora of sports modes that appear in social space today. Could an act, a fact or an action, which takes place beyond or outside of sport *space and time*, be characterized as a sport action or fact?

Key words: sport *space and time*, sport reality, differentiation of sport, sport sociology, sport law.

THE BUNG IN SPORTS

Dr. Nader SHOKRI

President of legal commission of NOC Of IR.IRAN & President of Iranian scientific Sports LAW Association (IR.SASL), IRAN

Abstract: The “bung” became part of public parlance in 1990s. these payments not declare for tax purposes and made to facilitate or sweeten particular transactions, have been common in sport. They have been very much the tradition of doing business in sport. It is football, the most commercialized of British sports that has the most infamous history as far as questionable financial payments are concerned.

There are historical examples that date back to the early days of the professional game. Call them what you will, bungs. Sweeteners or plainly illegal payments, they have been made to ensure deals are concluded. The illegality derives from the fact that they are secretive and not disclosed for tax purposes.

A major question is whether they are illegal just as far as the internal rules of football or whether they are also illegal as far as the law.

Key words: bung, illegal, tax, sports.

DOPING IN CHESS: A CALL FOR MORE STUDIES AND ADAPTED ANTI-DOPING SYSTEM

Salomeja ZAKSAITE

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Abstract: The presentation aims to cover certain questions arising from the factual inconsistency between the anti-doping system and mind sports, namely chess.

The first question is related to the Prohibited List. Actually, chess players are subject to the same general Prohibited List as other sportsmen. Such “equality” sounds rather weird, since mind sports require different skills comparing to those of physical sports. Studies show that chess players might try to enhance their performance by taking drugs that improve their alertness. According to the Dutch report carried out in 2000, such substances might cover inter alia beta-blockers, EPO and some stimulants. The other study carried out in Germany in 2013 has shown that the difference between the real doping and placebo was small. Thus, it is an ongoing need to conduct more researches on the certain substances that are prone to improve performance in chess and subsequently the specific (naturally, much narrower) Prohibited List is to be drawn up.

The second question relates to the practical testing and whereabouts of the chess players. Up to now, few chess players were tested and a very few were punished. Such a situation hardly can be associated with the clean sport – it is more probable that the inherent incompatibility of the whole anti-doping system is witnessed. In other words, the system was created not for mind sports and as a result it is not fully applied. For instance, top players are theoretically subjected to showing their whereabouts, yet practically they just have to be available for testing (by providing their emails) and they do not fill out the ADAMS. Therefore, chess players can be considered somewhat “privileged” comparing to physical athletes and such a privilege hardly could be attributed to positive discrimination – again it is more likely to be another indicator of potential inconsistency between anti-doping system and chess.

Key words: chess, doping, performance enhancement

FINANCIAL FAIR PLAY REGULATIONS AND THE FUTURE OF EUROPEAN FOOTBALL

Hande ÖZTÜRK

Referee, Turkish Basketball Federation, Turkey

Abstract: Fair play is undoubtedly what everybody hopes for in sports. Being an important part of current sports world, finance is also to be kept clean in order to secure fair-play in all aspects. However, when a lot of money comes in a field such as soccer, it becomes hard to monitor where money comes from and goes, and speculations begin.

Being the chief body of European soccer, UEFA, accepted Financial Fair-Play Regulations to establish a more transparent and fair competition between the clubs and to bring a balance into European soccer. Regulations set forth gradual applications and sanctions for those who fail at complying therewith. At this point it is important to understand the purpose of the Regulations as well as the terms introduced such as overdue payables, going-concern and break-even. Thus, we shall first explain the requirements of the Regulations, and then study the sanctions with case-examples.

UEFA already imposed sanctions on certain clubs, but the sword of Damocles is still hanging over some other. We will see how many clubs will drown while others manage to keep their heads above water.

Key words: Overdue payables, compliance, UEFA, financial fair play, break-even, going-concern

LIFTING THE BAN ON HIJAB: IS IT REALLY A PROGRESSIVE MOVEMENT?

Hande ÖZTÜRK

Referee, Turkish Basketball Federation, Turkey

Abstract: There is a debate which has been long around on whether athletes that wish to be attired in a way said to be requisite of their faith should be allowed to do so.

The focus point of this debate is Muslim sportswomen, as headscarf/hijab is mainly a request coming therefrom; however Sikh and Jewish men or others from different religious backgrounds we are not yet aware of may also be the subject matter.

Athletes requiring to be allowed to wear hijabs argued that the ban was discriminatory and therefore in conflict with sporting spirit and human rights. Sporting organizations that favored the ban justified their stance mostly by safety and neutrality reasons. Therefore, in this study, considering the various policies such as FIFA's and FIBA's, we shall examine arguments of both parties to see whether no-ban on religious wear really means non-discrimination or the religious wear itself constitutes politization of the sporting world and results in separation rather than unity. Analyzing human rights infringement claims, we shall also refer various court decisions, as ECHR's, ruling the ban on hijab was not a violation of human rights.

Although, the discussion and the decision -whatever it may be- concerns mostly female athletes, few seem to have an approach from the women's rights perspective. While women rights' activists claim respect for personal choices, they ignore the sad fact this is not always a personal choice, but rather an imposition by the governments and by "respecting" Muslim female athletes, international sporting organizations may really be leaving them at their governments' or social surroundings' mercy now that they do not have any excuse not to wear hijab.

As seen above, the debate is a very sensitive and multi-layered one. Thus its bringing to a peaceful a closure is beneficial for protection of the sporting spirit.

Key words: religious wear, safety, discrimination, polarization, neutrality, women's rights, sporting spirit



7th Session INTERNATIONAL SPORTS LAW

THE EVOLUTION OF INTERNATIONAL SPORTS LAW

James NAFZIGER

Professor at the Willamette University, USA

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

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

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

During the second era the geopolitical issues largely disappeared, but several other threats to the integrity of international competition emerged full-blown. These include doping, rampant commercialization of sports activity, corruption and related betting transactions, as well as violence in the sports arena. On the positive side were the advent of open competition, the surprising strength and respected status of the new Court

of Arbitration for Sport (CAS) as the principal international mechanism for resolving sports-related disputes, the related growth of the *lex sportiva*, and the robust financing of both international competition and athletic training, particularly of youth in developing countries. The globalization of sports law had become a reality.

It is still too early to identify precisely the characteristics of the third era, but recent developments suggest the growing need for reform of the institutional framework of decision-making that affects athletes and competition around the world, the salience of public-private partnerships of management and regulation, and the decentralization otherwise of the international sports regime as championship tours and world cups proliferate. Perhaps most importantly, however, is a sharper focus on the rights of individual athletes. For example, issues of nationality, including so-called “country swapping;” gender equality; the accommodation of disabled athletes; and the improvement of the sports environment in developing countries to equalize opportunities for everyone regardless of their economic circumstances have all become prominent.

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

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

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

John NAURIGHT

Professor at the University of Brighton, at the School of Sport and Service Management, Director of the Centre for Sport, Tourism and Leisure Studies Assistant Head (Research, United Kingdom)

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

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

DOPING AND DATA PROTECTION

Ricardo MORTE FERRER

Lawyer, Master of Sports Law, University of Leida, Spain

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

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

In this paper I will show that Doping is social problem, not only a sport’s problem, showing some examples. I will also review some Doping cases(e.g. Claudia Pechstein) and the Data Protection problems in the fight against Doping (inter alia whereabouts, international data transfer to ADAMS Database, data retention period, athletes’ consent).

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

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

A WORLD AGAINST CORRUPTION; MATCH FIXING

Anna KYPRIANOU

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

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

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

The final part of the presentation will be specified on ways to prevent future match fixing incidents. Specifically, the current precautions and cooperation between the sports and the government bodies will be stated and suggestions and propositions for extra collaborations will be suggested. Also, there will be an analysis of what we have to change regarding the legislation in each country (here I will take as example Cyprus) and in

continuance some new legislation will be proposed on European and International level. Despite the legislation one more step is needed in order to prevent match fixing and corruption in sports; education of the athletes. The athletes need to be reminded of why they chose to become athletes. They need to learn the Corinthian values and implement them in their lives and their way of thinking.

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

Eduardo CARLEZZO

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

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

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

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

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

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

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

Lingling WEI

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Abstract: Generic words/symbols have been enclosed through the event specific legislation to address the need of the owners of mega sporting games such as Olympics to protect their brand value. The enclosed words/symbols are however only part of the indi-

cators of the brand value of the Games that has no subject matter to demarcate its scope. Based on trade mark theories and a small empirical study this article explores whether the legislation has correctly balanced the need of protecting the interest of event owners and their sponsors and that of legitimate business to benefit from the buzz of the Games.

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

CODIFICATION OF PROVED SPORT PATTERNS: A STUDY OF ITS NECESSITY

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

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

Ethics in sport is one of the subjects of applied ethics which is used for used for measuring the ethical, practical decisions and for facing the ethical issues, behaviors and policies in professions, technologies, governments, etc. "correct Functions in sport" written by Warren Farley (1984) was the leading work which explored the duties of Coaches , sport men and sport woman. In 1990 S, more comprehensive textbooks emerged. Influenced by McIntire, many Philosophers viewed sport as a social performance and went away from analytical, social and historical descriptions of the games and sports. Mostly, they got far away from epistemological interpretation of ethics in sport, especially within the framework for structures of the theories for fair play. Instead, they tended more toward theoretical inter predations of sport. Simultaneously, ethics was gotten a widely global application and "Ethics and Sport" edited by Mike Nammie and Jim Perry (1998) was an appropriate event.

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

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

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

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

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

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

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21th IASL Congress, Next year 2015, in Marocco,

Presentation of:

Majed M. Garoub, Lawyer, Director of Saudi Law Training Center (S.L.T.C.),
Kingdom of Saudi Arabia

Saturday, 13th of December, Hour: 17:30

Board of Directors and hour 18:00 General Assembly of IASL