

THE PROTECTION OF THE RIGHTS OF SPORTS EVENT ORGANIZERS UNDER THE NEWLY REVISED SPORTS LAW OF THE P.R.C

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Abstract: *The right of sport event's organizers is an important right in the booming development of the sports industry. The provisions of Article 52, subsection 2 of the newly revised Sports Law have legally determined the subject status of event organizers, but in practice, the protection of event organizers' rights is still insufficient. Based on legal theory and judicial practice, this article expounds on the content and nature of the rights of sports event organizers, analyzes the protection and realization of the rights of event organizers under the new Sports Law and related pectoral laws, and puts forward proposals with the level of the legal system, administrative protection, and local small events to improve the protection and realization of the rights of event organizers*

Keywords: *Sports Law of the P.R.C; rights of sport events organizers; protection and realization*

Introduction

The importance of event organizers to the success of sports events is self-evident and their rights should be clearly and effectively protected. Before the amendment of the Sports Law, the rights of event organizers were not explicitly legalized and relied mainly on the self-regulation of the market, as well as the management of relevant organizations and individuals such as sports associations and clubs. Article 52, subsection 2 of the new Sports Law provides a legal basis for the rights of event organizers to broadcast events, but from the practical point of view, the protection and realization of event organizers' rights are still insufficient, and the complete systematic protection is lack. This also leads the events organizers to defend the rights by the existing law, or through the contract way to bind the stability of relevant rights. However, these methods are limited and insufficient. At present, the theoretical and practical circles have not formed a unified point of view on the content, nature, and scope of the event organizer's

* **Grant:** National Social Science Found, No. 21BTY058

rights, such as the definition of different opinions. Among them, broadcasting rights and event data, as the main source of economic benefits for event organizers, have always been the focus of attention, while other aspects of the rights are seldom mentioned.

1. Element and nature of the rights of sports event organizers

1.1 Element and development of the rights of sports event organizers

With the development of China's sports industry, the content of the rights of sports event organizers is gradually enriched, and there is a lack of clear legal provisions on the content of the rights of sports event organizers. Combined with relevant legal provisions, industry practice and judicial practice, this article summarizes the content of the rights of sports event organizers: the right to organize events, the broadcasting right, the right of events data and athletes' personal data right.

(1) Right of organizing events

Article 18 of the Measures for the Administration of Sports Events (hereinafter referred to as "the Measures") makes it clear that the right to hold events is an intangible asset and an important right of sports event organizers. According to the current viewpoints of scholars, the content of the right to organize events mainly includes: firstly, the right to decide to organize events, including the right of the event organizer to decide to organize the event or not, as well as the right to decide whether to organize the event alone or jointly with others or to authorize others to organize the event; secondly, the right to formulate the rules of sports, including the rules of the competition, the criteria for selecting referees, the rules for the admission, change and withdrawal of clubs, the rules for the awarding of prizes and penalties of the event, and other related rules such as rules for business sponsorship, etc. Other related rules such as commercial sponsorship rules, and so on.¹

According to the latest Measures, except for international events and events requiring administrative licenses, sports events do not require approval by the State General Administration of Sports any longer. At the same time, the Measures also mentions that local sports administrations should reduce the number of

1. Rong Chao, Shangguan Kaiyun.(2022).The Discussion on Legalization Perfection of Sports Event Organizers' Rights[J]. Sports Research,43(05),42-50.

2 Xiang Huiying.(2019).Professional Sport Broadcasting Right of European and American countries from the Perspective of Comparative Law[J]. Journal of Chengdu Sports Institute,45(01),42-49.

3 Chu Ruiqi, Guan Yuying.(2018).Protection of Copyright in Sports Events Live Pictures under Internet Environment--Comment on the China-Super League Event Broadcasting Case[J].Law Application (Judicial Cases),(12),39-48.

approvals for sports events and optimize their services for those approvals that are retained. This simplification of the application process for sports events will greatly facilitate the rise of sports events. Many sports events are no longer confined to professional competitive arenas and are gradually making their way into the interstices of people's lives. In the future, the right to organize events may become an important asset in the sports market, and the protection of the event organizer's right to organize the event can lay a solid foundation for the realization of other rights involved in the subsequent competitions.

(2) Broadcasting rights for sport events

The term "event broadcasting rights" is an imported term and there is no such legal concept in China. Generally speaking, the object of event broadcasting right can be an intangible live broadcast or a tangible broadcast (including instant broadcast and delayed broadcast). Thus the right to broadcast events is an umbrella right to use live broadcasts and telecasts as objects to use the proceeds.² In fact, the broadcast of the event is not a separate broadcast screen, but through the pre-set position of the camera real-time shooting of the game material in progress, and through the director of the camera screen carefully designed to select and edit the formation of the program live screen, including but not limited to the real record of the whole process of the event, the creation of storytelling of the game, slow-motion replay, close-up shots and highlights of the game, and so on.³

By transferring their rights to TV, radio and online media, event organizers can achieve both publicity and considerable economic benefits, thus promoting the development of the sports industry. In the past, China's sports events were mostly held in venues, and only authoritative media such as TV stations and famous newspapers and magazines with relevant authorizations could have the opportunity to enter the venues for filming and reporting, so the event organizers only needed to control the entry and exit of the venues strictly. With the convenience of transport and the development of new media, the way of watching sports events has become diversified, and the number of people willing to pay for sports events has surged. So, selling broadcasting rights to more platforms has become one of the sources for sports event organizers to obtain huge revenues. In recent years, China has hosted large-scale international sports events one after another, and the competitiveness and spectacle of local sports events have become stronger and stronger, and the income from broadcasting events has been rising sharply. Based on this, the protection of broadcasting rights of event organizers is particularly important, and the perfect protection of broadcasting rights of sports events is also the basis for the effective promotion of international sports exchanges and cooperation.

(3) Sport events data right

According to its source, sport events data can be divided into own data and

acquired data. Self-data is the information generated and held by the event organizer based on organizational activities, the most typical data ought to be the schedule information formulated by the event organizer. Acquired data, mainly refers to the competition-related information formed and collected by the event organizer, which can be further subdivided into event data and performance data, event data generally refers to the external environment and conditions of the event, and performance data generally includes the technical, tactical and physical performance of athletes, coaches and other players on the field of play.²Based on the specificity of sports events, some event data is public, such as schedule information, scores, etc. These data are generally saved permanently for subsequent access and development by relevant personnel. However, there is also a lot of data in the event that is not easy to disclose and permanently preserve, but there are no relevant legal provisions to classify and attribute them, which is actually a dangerous zone. According to industry practice, event data should be enjoyed by event organizers, because event organizers are involved in the whole process of sports competitions, and their holding, management and development of event data can maximize the value of event data, thus promoting better and faster development of China's sports industry, but to ensure that the use and development of their activities are fair and reasonable, it is necessary to ensure that the law is clearly stipulated.

Regulation of foreign event data has not been fully agreed upon either. In the United States, various sports leagues have pressured data purchasers to pay higher fees, raising important antitrust issues for regulators and consumers, who will ultimately bear the burden of increased supply costs. Sports leagues want to control sports data despite the lack of intellectual property rights on much of the data itself.²The issue of the use of data for sporting events in India is also not well defined, with the most significant issue being the existence of quasi-property rights in sporting events over their news and facts. In many jurisdictions, data rights are often not recognized, but the efforts and investment of event organizers need to be taken into account.³

(4) Personal data of athletes

Athletes store data metrics on their physical, medical health, and technical and tactical aspects of their training in the course of their normal training, with a view to adjusting their training programs. Athletes generate large-scale personal

2. Xu Weikang.(2021).Protection of Data Rights of Sports Event Organizers in the Era of Digital Sports[J]. Sports Science,41(07),79-87.

2 Edelman, M., &Holden, J.T. (2021).Monopolising sports data.William & Mary Law Review, 63(1), 69-136.

3 Khanna, N. (2020).Sports Broadcasting Law: Evolution and the Road Ahead.Supremo Amicus, 16, 205-213.

data when participating in domestic and international sports competitions. Large events usually choose to include a consent clause for the processing of personal data in the entry form or related documents, but the disparity between the athletes and the organizers of the event makes such clauses a non-issue. Because participation in competitions, especially large-scale events like the Olympic Games and the World Cup, is a professional pursuit and a source of financial livelihood for athletes, they may choose to sign it directly for the sake of their career planning, without considering the implications behind it. According to current scholars, there are at least three layers of interest in the use of athletes' personal data: firstly, the athletes' personal data; secondly, the individual athletes' aggregate data after the data collectors have pooled the data; and lastly, the collection of a large number of athletes' data after anonymization of the athletes' data.³ But it is generally only the first tier that is within the control of the athlete, and the issues in the other parts of the process are inaccessible to the athlete.

With the booming development of China's sports industry, a large number of sports stars have been popular in sports world. One or a few well-known athletes can bring huge benefits to a club or company, but there are lots of hidden deep-seated bundles behind the benefits. Tournament organizers, clubs, agents or coaches have a very close relationship with athletes, and they often hold first-hand data on athletes, which is both economically beneficial and potentially dangerous. Nowadays, the entertainment tendency of the sports industry is obvious, famous athletes are frequently exposed to the public, and sports stars have already given up part of their personality rights to a certain extent, how to protect their data rights and interests containing elements of personality rights in the era of big data is an issue worth thinking about.

1.2 The nature of the rights of sports event organizers

As an important right in the booming development of the sports industry, the definition of the nature of the rights of sports event organizers is still subject to

3. Yang Gan.(2022).Legal Risks and Countermeasures of Athletes' Data Use from the Perspective of Balance of Interests[J]. Journal of Tianjin Sports Institute,37(01),105-112.

2 Xiang Huiying.(2019).Professional Sport Broadcasting Right of European and American countries from the Perspective of Comparative Law[J]. Journal of Chengdu Sports Institute,45(01),42-49.

3 GONG Tao, LIU Zhiyu, HE Lianhong.(2019).Multiple Interpretations of Sports Event Broadcasting Right and itsTypological Protection[J].Journal of Wuhan Institute of Physical Education,53(11),43-48.

4 Yuan Gang,Li Shan.(2022).Legal Dogmatic Analysis on the Broadcast Rights of Sports Event Organizers asData Property:Based on the Civil Code and New Sports Law[J]. Journal of Shanghai Sports Institute,46(10),23-32+75.

5 ZHAO Yi, CHU Beibei.(2023).Broadcasting rights of Sport Events Organizers as an Emerging right: Entry into Law and Interpretation[J]. Journal of Beijing Sport University, 46 (05),127-137.

much controversy. From the viewpoint of its content respectively, the right to organize events is clearly stipulated as an intangible asset by the Measures, which is a qualification ability of the subject of the right of organize events. From the viewpoint of practice, it has a certain flowable attribute and can be regarded as a kind of property right. The nature of the broadcasting right of sports events is controversial, a scholar's view is that the broadcasting right of sports events is a new type of property rights and neighboring right of the composite right²; other scholar believes that the broadcasting right of sports events is a composite right of copyright and "broadcasting license rights"³; on the provisions of the new law, some scholars believe that the broadcasting right of sports events with regard to the provisions of the new law, a scholar believes that the broadcasting right of sports events has the property of data property⁴, and other scholar proposes that the "data information of sports events" in the new Sports Law specifically includes the factual data information such as on-site images, audio and video, etc. that feeds back on the situation of the event, as well as the static statistical data information.⁵ Overseas opinions are also divided. In 1976, the U.S. Congress amended the copyright law to explicitly provide copyright protection for simulcasts of live performances such as sports events. Since then, sports broadcasting has been eligible for copyright protection because it is a creative endeavor performed on a fixed, tangible medium.⁴ Copyright protection in the UK is regulated by the Copyright, Designs and Patents Act 1988 (CDPA). Since the CDPA does not explicitly require a film to be original, it is easier to obtain copyright protection for sound recordings of sporting events.² In China's judicial practice, the general view of the courts is that broadcast programs or images of events are original and can be regarded as "works" under copyright law. Event data and athletes' personal data obviously belong to the category of data, and Article 127 of the Civil Code gives data objects and network virtual property the property right attribute. The personal data of athletes may also involve issues related to the personality rights of athletes.

To sum up, this paper agrees with the view that the rights of sports event organizers belong to a new type of property rights, and the contents of the rights of sports event organizers generally have property attributes, which can bring great benefits to the event organizers in practice, and to a certain extent can be circulated in the sports industry market. Similar to other property rights, the rights of event organizers in practice mostly rely on the contract to bind, how to exercise the rights depends on the agreement of both parties to perform. Therefore, the

4. Browning, B. (2014). The divisibility doctrine: impact on sports broadcasting for the FIFA World Cup. *Wake Forest Journal of Business and Intellectual Property Law*, 15(1), 168-201.

2 Sharma, S. (2018). Online piracy of live sports telecasts in India. *Marquette Sports Law Review*, 28(2), 433-462.

rights of sports event organizers should be regarded as a new type of property right.

2. Inadequacy and analyses of the legal protection of the rights of sport events organizers

As a whole, the protection of the rights of sports event organizers is based on the Sports Law. Due to the rich content of the rights of event organizers, there is a situation in which the provisions of the relevant sectoral laws are intertwined in reality. In judicial practice, event organizers and relevant rights holders will also follow the direction of their rights, analogous to similar rights and interests, and apply the Copyright Law, the Anti-Unfair Competition Law and other relevant sectoral laws to remedy their rights.

2.1 Provisions and analyses of the new Sports Law

The revision of the new Sports Law has been completed and on 1 January 2023 it will come into force. Article 52(2) of the chapter on "Competitive Sports" adds a provision on the protection of the rights of event organizers on the basis of the original protection of names, badges, mascots and other symbols, which reads: "Without the permission of the organizers of sports events and other relevant rights holders, the collection or dissemination of pictures, audio and video information on the site of a sports event shall not be carried out for profit. Without the permission of the organizer of the sports event or other relevant right holders, the collection or dissemination of on-site pictures, audio and video information of the sports event for profit is prohibited." This provision does not positively stipulate the rights of event organizers, but regulates them through the negative wording of "prohibiting the perpetrator from doing certain acts". At the same time, it does not directly adopt the term "broadcasting rights", but cleverly uses the words "collection or dissemination" of "on-site pictures, audio and video", which is a kind of safeguard for the order of sports events outside the venue. This is a way to maintain the order of sports events outside the venue, not only to regulate the behaviors of live or online viewers, but also to combat pirated broadcasting for the purpose of illegal profit.

As can be seen from above paragraph, the law makes it clear that sports event organizers are subjects of rights in the legal sense, which lays the foundation for further expansion of the content of the rights of event organizers. Therefore, the specific application of this paragraph needs to be further explained by the subsequent supporting laws and regulations. The phrase "for the purpose of making profit" is a provision on the subjective conditions of the perpetrator, however, due to the special nature of sports events, it may still be necessary to explain the "profit" criterion separately in the future, to differentiate it from ordinary intellectual property rights. Although there is much room for maneuver in this para-

graph, it can be regarded as a major step forward in the protection of the rights of event organizers, and a wind vane for the future legislative process, laying a solid foundation for the subsequent comprehensive protection of the rights of event organizers.

2.2 Intellectual Property Law Provisions and Analyses

According to China's Copyright Law, the object of copyright protection is "work", which refers to intellectual achievements in the fields of literature, art and science that are original and can be expressed in a certain form. Article 47(1) of the Copyright Law stipulates that radio and television stations have the right to prohibit the retransmission of their broadcasts by cable or wireless without their permission, but the law does not specifically define what is meant by "retransmission". Intellectual property rights in the discussion of the nature of the "retransmission rights" are mostly based on the theory of copyright law, but this "retransmission rights" and the field of sports law "retransmission rights" content However, the connotation of this "broadcasting right" and the "broadcasting right" in the field of sports law are not completely consistent. From the perspective of copyright, the broadcasting right of sports events generally refers to the authorized broadcaster and its related staff to arrange the footage of the event, which becomes the object protected by the Copyright Law, i.e. the work. However, the right to broadcast sports events cannot be equated with the event footage and related audiovisual information. Ownership of rights related to the broadcasting of events is not uniformly regulated in foreign countries. In the United States and the United Kingdom, the copyright of live sports telecasts belongs to the sports leagues, while in some other countries the ownership of telecasts belongs to the broadcasters themselves. The Court of Justice of the European Union (CJEU) has held that sports telecasts are subject to copyright, which can be claimed by broadcasters or the authors of the works in question, and that EU member states can also extend copyright protection to live digital sports broadcasts. The Swedish courts, however, have held that sporting events are not protected by copyright and that they are not the result of "intellectual creation" because the work of commentators, photographers and film-makers is largely driven by the events of the game.⁵ In India, where copyright and broadcast reproduction rights are separate, contracts and agreements are signed between the official broadcasters of sporting events and the Press and Broadcasting Association of India. These contracts include specific guidelines, including the limits and scope of match footage that can be broadcast and the revenue structure. The

5. Sharma,S.(2018).Online piracy of live sports telecasts in India.Marquette Sports Law Review,28(2),433-462.

2 Khanna, N. (2020).Sports Broadcasting Law: Evolution and the Road Ahead.Supremo Amicus, 16, 205-213.

role of sports governing bodies and event organizers is also to maintain a balance between the security of the broadcaster's exclusive interests and the distribution interests of the sporting event and its content, as well as wider public access.²

According to Article 56 of the Copyright Law, if a copyright owner or a copyright-related right holder has evidence that another person is committing or is about to commit an act of infringement of his/her rights, and if he/she fails to stop it in time, his/her lawful rights and interests will be irreparably damaged, he/she may apply to the People's Court for an order to stop the relevant act and for property preservation measures prior to the filing of a lawsuit. During the 2022 Beijing Winter Olympics and the Qatar World Cup, CCTV International Network Limited, the authorized party of the two events, filed an application for preservation to the Shanghai Pudong New Area People's Court in respect of the third party's infringing acts, and the Court, after examination, held that the two events were audio-visual works of an original nature, that the applicant was competent and the request had a factual basis, and that, combined with the analysis of the infringed's behavioral pattern, there was still a possibility of infringement, so the Court found that the applicant was competent and the request had a factual basis. The court ruled within 24 hours that there was still a possibility of infringement.

2.3 Protection under economic law

In practice, due to disputes over the definition of copyright attributes in the broadcasting of sports events, event organizers or relevant rights holders will choose to apply the Anti-Unfair Competition Law to defend their rights. During the 2022 Qatar World Cup, Jitterbug applied to the Tianjin Hexi District People's Court for a pre-litigation injunction under the Unfair Competition Law to protect its rights against infringement of event programs. The court considered that the broadcasting of the tournament brought huge economic benefits, and the pirated broadcasting behavior of the third party infringer would cause audience diversion, improperly capture commercial benefits, violate the principle of commercial honesty and credit, and seriously infringe upon the economic interests of the relevant right holders, and therefore made a relevant decision after reviewing the case in accordance with the relevant provisions of the law.

In the current sports event market, sport events organizers have a certain degree of autonomy as absolute subjects. The sports event market has a certain monopoly attribute, the number of event organizers of the same kind of sports within a certain area is not large, and they compete with each other and rely on each other at the same time. The event has a certain threshold, which leads to the audio-visual information and data of the sports event activities being dominated by a very small number of subjects. As a result, how to identify monopolistic behavior in the sports events market has become a difficult problem.²⁰²² The Supreme People's Court issued a typical case of anti-monopoly to provide a lead.

In the case of Abuse of Dominant Market Position Dispute Involving Chinese Super League Pictures - Antitrust Review of Exclusive Licensing of Commercial Rights of Sporting Events, the Supreme People's Court held that the Chinese Super League and Yingxin had a dominant position in the market of Chinese Super League pictures, but the Chinese Super League was dominated by the Chinese Super League through the Chinese Super League. The Supreme People's Court held that the Chinese Super League Company and Ying Vein Company had a dominant market position in the Chinese Super League's photo management market, but the Chinese Super League Company chose to authorize Ying Vein Company to exclusively manage the Chinese Super League's photo resources for the period of 2017-2019 by way of public tender, which was procedurally reflective of competition; the granting of this exclusive management right was a natural consequence of competition and was based on reasonable grounds, and did not have anti-competitive effects. At the same time, the fact that the users (demanders) of the Chinese Super League pictures can only purchase the pictures from Ying Vein is based on the operation right enjoyed by the original operator CFA in accordance with the law and the result of the authorisation, which is in line with the law and reasonable, and there are justifiable reasons for the limited transaction situation.⁶

According to the Supreme Court, the anti-monopoly law prevents and regulates the abuse of rights for the purpose of excluding or restricting competition, but the "monopoly status" formed by the inherent exclusivity of rights is not an abuse of rights.^{7[12]} For operators, enjoying a certain dominant market position does not mean violating the Antimonopoly Law, and the target of legal regulation is the abuse of dominant market position. The sports market is different from other markets in that there are certain barriers to participation in the business, and most of the rights and interests are generally concentrated in individual subjects, but this does not mean the abuse of dominant positions. In practice, if a business entity does abuse its dominant position to create a monopoly, the Antimonopoly Act can still be used to regulate it.

2.4 Protection of data-related laws

The Law on the Protection of Personal Information makes it clear that personal information processing activities should follow the principles of legality, legitimacy, necessity and good faith, and that a processing principle centered

6. Supreme People's Court: <http://www.court.gov.cn/zixun-xiangqiang-379701.html>.

7. Sharma,S.(2018).Online piracy of live sports telecasts in India.Marquette Sports Law Review,28(2),433-462.

2 LI Zhi, HUANG Linfang.(2020).The Legal Regulation of Athlete Data Collection in International Sports Events[J]. Sports Science,40(09),44-52.

on "notification and consent" should be constructed. In sports events, the popularity of intelligent sports equipment makes the collection and management of information more convenient and quicker, and the subject of collection needs to fully inform the athletes of the content and purpose of data collection and obtain consent before further action. In practice, athletes' consent is generally accomplished by signing a contract, but there is no way to verify the extent of athletes' knowledge and consent. Athletes' post-collection data generally generates new data and thus new uses, and even if the contract includes the use of the new data, the specific new data that will be obtained by the data analysis and how the collecting subject will use the new data are difficult to reflect in the contract, and these are also difficult to predict before signing the contract. In reality, data owners rely on their data to gain significant financial benefits, but the storage and use of the data are not disclosed, depriving individuals of the opportunity to claim their rights and interests in the data. Therefore, an effective way to protect athletes' data and realize their rights is to differentiate between different types of athletes' data according to the characteristics and needs of sports competitions and the sports industry, and to establish a universally recognized and effective principle of "informed consent" under sports autonomy.^[14]

Personal information in the Personal Information Protection Act does not include anonymized information, so the large amount of anonymized data in sporting events relies on the Data Security Act for protection. The Data Security Law regulates data processing activities and establishes a data classification and management system. The data on sport events is too complicated, and the specific classification and grading need to be regulated urgently. In reality, it is an industry practice for event organizers, clubs, sports agents, coaches and other organizations or individuals to hold and reasonably utilize event data and athletes' personal data, but any data processing activities should not cause monopoly and chaos in the sports market, and improper data processing behaviors are disturbing athletes' private peace of mind at the same time as they are breaking the market mechanism.

In December 2022, the International Table Tennis Federation (IPTF) released a data breach in which the personal information of hundreds of table tennis players was leaked due to a security problem with the IPTF's servers, including the data of China's famous table tennis players Ma Long and Fan Zhendong. This case illustrates that cross-border data protection is also a challenge for sports event organizers. Sports is a global activity, and professional athletes usually participate in industry competitions abroad, during which they need to authorize their information for overseas event organizers or event-related rights holders. For international sports event organizations or associations, it can be said that the whole body is at stake, and once problems arise, the rights and interests related to athletes from all over the world will inevitably be affected. Overseas protection systems and standards for personal information or sports event data may not be

the same as those in China, and disputes such as conflicts in the application of laws may arise in the process of defending rights, which is also a problem that needs to be solved in the future.

3. Suggestions to improve the protection and realization of the rights of sport events organizers

3.1 Improvement of supporting legislation on the basis of the new Sports Act

The new Sports Law does not directly set out the content, nature and scope of the rights of sports event organizers, and adopts specific behavioral regulation of actors, in which the relevant legal concepts and how to apply them need to be further explained by supporting laws and regulations.

3.1.1 Clarifying relevant concepts

From the viewpoint of current legislation, the concept of sports event organizers and its related concepts are not clearly defined, resulting in some of the legal terms conflicting with the traditional concepts of sectoral laws and confusing them. The successful holding of sports events requires the joint efforts of many parties, event organizers generally include organizers, contractors, co-organizers, etc., the legal status of the three is not mentioned, the provisions of the relevant rights of the specific inclusion of which parties are not specified, which will give the third party in practice to exploit the legal loopholes, but also the relevant people's rights to bring trouble. Secondly, the connotation and attributes of the right to organize events, the right to broadcast events, the rights and interests in event data, the right to personal data of athletes and other rights have yet to be established by law, and there are difficulties in applying the provisions of the relevant sectoral laws to the sports industry in practice, so it is necessary for the Sports Law and the accompanying laws to be clarified, which is conducive to the accurate protection of the rights of the organizers of the events in practice. Finally, the specific behaviors of "collection and dissemination" in Article 52, subsection 2 need to be defined or listed; the standard of "profit-making" needs to be further stipulated, and the specific content of "information" also needs to be further elaborated. The specific content of "such information" also needs to be further elaborated.

3.1.2 Clarifying the scope of rights

The newly revised Sports Law does not state the specific content of the rights of event organizers in an enumerated manner. Based on the intangible assets mentioned in the Measures, the content, nature and scope of the rights need to be defined. The connotation and boundaries of the right to organize events, the right to broadcast events, other intellectual property rights, and the rights and interests

in event data also need to be specified. Secondly, whether the rights owned by the event organizer can be transferred to a third party at will, and the boundaries of the exercise of the rights after the transfer to a third party need to be regulated, and the period during which the third party owns the relevant rights and enjoys the relevant benefits needs to be clarified. How the event organizer uses its rights, how it handles the relevant data after the end of the sports competition, and how the third party can obtain the relevant event data if it wants to do so. Contractual constraints alone are too thin, and legalization is desirable. In addition, it should be made clear that event organizers, although naturally entitled to certain rights, cannot take advantage of their position and resources to gain undue advantage, and penalties should be imposed on event organizers for abusing and neglecting their rights.

3.1.3 Clarification of the attribution of rights

Event organizers spend a lot of money on organizing an event, and at the same time, they also have to bear the economic risks and social responsibilities of sports events, and the large-scale intangible assets generated by their efforts. Intangible assets, unlike physical objects, need to rely on the provisions of the law to clarify the scope of the rights of the rights holders and their rights content. For the rights of sports event organizers, it is necessary to clarify the attribution of their rights under the framework of the new Sports Law and the subsequent relevant supporting documents.

At present, sports event organizers generally include organizers, contractors and co-organizers, etc. The amount and division of rights between these three parties need to be stipulated by law, and relying on contractual agreements alone may bring great risks. In addition, the question of whether all event data belongs to the event organizer and whether the disclosure of information is tantamount to a loss of protection needs to be resolved.

3.2 Strengthening administrative protection

In practice, events organizers mainly depend on the relevant administrative departments to protect their rights before and during the event. Also, they may choose entering into litigation after the event when they are unable to defend their rights through other means. In light of the actual situation, administrative protection can be strengthened through the following measures.

3.2.1 Introduction of a professional regulatory body

As the old saying goes, "No law is sufficient." The protection and realization of the rights of event organizers is not enough to rely solely on the provisions of the law, but has to be put into practice in the actual implementation. Sports events generally choose litigation to resolve disputes, but litigation is generally time-consuming, cumbersome procedures, event organizers need to invest a lot of energy,

may also bear the risk of losing, the protection effect relative to the loss suffered is unsatisfactory. Based on the specificity and timeliness of sports events, it is feasible to strengthen the protection before and during the competition.

The rapid development of the Internet industry has led to the infringement of rights and interests related to sports events mainly in the virtual cyberspace, with the emergence of short videos, live broadcast piracy, and the use of large-scale sports events as a gimmick for profiteering. In practice, the blurring of functional boundaries between different regulatory authorities, such as the Internet Information Office, public security, and market supervision, makes it easy for problems to arise, such as unclear powers and responsibilities and conflicting functions of the relevant authorities to arise. The anti-piracy working group set up during the Beijing Winter Olympics established a 7*24-hour centralized office anti-piracy task force during the games as well as a rapid response and disposal mechanism for Olympics-related infringement, so as to quickly and strictly dispose of those found to be illegally distributing Winter Olympics programs in accordance with the law. In the protection system of sports events, this working group can be used as a reference to introduce a professional regulatory body for sports events and to divide functional departments to protect the rights of sports event organizers. In practice, the agency is granted the relevant investigation rights, inspection rights, security review rights and action rights, etc., and is equipped with relevant professional staff and technicians, so that it can effectively interface with the broadcasting, intellectual property rights bureau, net information department, market supervision and management and other relevant units, in order to promote dialogue, information exchange, and collaborative cooperation among all the relevant units, to facilitate the healthy and orderly development of the sports industry market. In addition, green reporting channels can be opened in the course of sport events to ensure that infringements are collected and combated in a timely manner.

With the increasing systematization of modern sports events, it is the norm in the industry for sports event organizers to work with internet technology companies, new media operating companies and so on. Sport events organizers should be aware of the legal protection of their own rights and interests, but also strengthen the supervision of the relevant participants in the event, so as to make the overall event service team smoother and more efficient.

3.2.2 Increase enforcement and penalties

In actual management, the rights of sports event organizers are not given enough attention, and it is crucial to increase administrative law enforcement, especially to increase the punishment for infringement, and deter the infringers. Relevant units can increase law enforcement and penalties for infringement before and during the sport event. At the same time, relevant units can publicize the administrative and civil liabilities borne by the infringing at-fault party, and

contact the relevant media to publicize the event and call for attention to the event as well as report the infringement phenomenon. In addition, most of the infringing behaviors happen on the Internet, people can refer to the provisions of the relevant regulations of the Internet, infringing network users use network services to implement infringing behaviors, the infringed person has the right to notify the network service provider to take necessary measures such as deletion, blocking or broken links. Full range of requirements for network information service providers shall not produce, copy, publish, or disseminate containing laws and administrative regulations prohibit content. In addition, relevant units should be supported with more timely, responsive and proactive forms of law enforcement. Sport events are extremely time-sensitive, so the response speed of network service platforms must be improved, and event organizers have the right to ask the relevant platforms to take relevant measures to disseminate infringing links in a timely manner after providing the corresponding guarantees.

3.3 Strengthening the protection of the rights of organizers of small local sports events

Large-scale sports events have a high degree of attention, a complete system and a clear process, and the rights of event organizers are relatively well protected, but the protection of the rights of organizers of small-scale local sports events is not optimistic. Small local events are geographically strong, with low attention, relatively poor economic benefits and insufficient attention from the relevant authorities, leading to widespread infringement in the sports market. In the United Kingdom, audiovisual products that are not sufficiently creative, such as those relating to small-scale sports events, cannot be protected by copyright law.⁸ This is obviously contrary to the spirit of our legislation. The content of the rights and interests of small local events is simple, and they do not even form large-scale intangible assets. If the experience of large-scale competitions is borrowed directly, it is also impossible to have supporting organizations and personnel, and this may also be a mistake, and may even make the process of the event more complicated. Under such circumstances, it is advisable to make use of the power of local governments and relevant sports associations.

3.3.1 Protection by local governments

The organization of sports events can stimulate the growth of local economic benefits, so local governments should first pay attention to the protection of sport events. The organization of sport events involves many departments, which requires local governments to coordinate with the relevant departments to establish a protection mechanism for the rights of sports event organizers. Before the

8. Sharma,S.(2018).Online piracy of live sports telecasts in India.Marquette Sports Law Review,28(2),433-462.

organization of sports events, the local government and relevant departments can issue a list of events for early warning and pay attention to the protection of intangible assets during the event. At the same time, during the event, the local government should ensure that the rights of event organizers are protected in strict accordance with laws and regulations, on the one hand, to ensure that intangible assets are properly preserved, and on the other hand, to ensure that the relevant departments deal with the event infringement and other disputes as soon as possible, so as not to cause greater losses.

3.3.2 Protection by local sport associations

Before a sport event, the event organizer can communicate with the relevant local sports associations. Also, with the help of professionals, the organizer can analyze and prejudge the key aspects where infringement of rights is likely to occur, and focus on them in the course of the event. During the actual competition, the sports associations can appoint professionals to assist on the spot and use professional knowledge to solve the relevant disputes as soon as possible.

4. Conclusion

Sports event organizers mainly take responsibility for application, organization, presentation and subsequent dispute handling of sport events, so the rights of event organizers should be fully, reasonably and effectively protected. China's sports industry is in the ascendant, and the rights of sports event organizers are broader than those in the traditional sense. The official implementation of the new Sports Law is a big step to promote the protection and realization of the rights of sport event organizers, but it is undeniable that the protection and realization of the rights of sport event organizers in China still have a long way to go. The new Sports Law has opened a new way and has laid a new starting point for the protection and realization of the rights of sport event organizers in the future. The subsequent introduction of a series of supporting laws and regulations will improve the systematic protection of the rights of organizers of sport events, and will also build a solid fortress for the success of international and domestic sport events.

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