

EXAMINING COVID-19'S GLOBAL IMPACT ON THE SPORTS LEGAL CONTEXT: AN OVERVIEW

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1. Introduction

The emergence of COVID-19 has been spreading around the world at a vertiginous rate. The generality of the countries of the world is affected, and the great majority of them have decided to postpone and/or suspend their sporting events. The economic effects on the sports industry that COVID-19 has involved are extremely high.

With a scenario like this, there is no doubt that sports associations must try to find alternatives to their business models. In this article we analyze the growth of e-Sports during the last years and the fact that nowadays as a closer alternative to live sports it is a very plausible option.

2. The pandemic as a definitive impulse to the transformation of the digital society, projected to the sports world

2.1. The climax of the e-Sports phenomenon in times of health crisis

“The ‘eSports’, the only league that resists the epidemic,”¹ stressed the headline of one of the largest circulation newspapers in Spain.

Indeed, e-sports competitions have adapted to continue despite the pandemic and record historical peaks in displays. The crisis that has emptied halls and stadiums and paralysed sport in an unprecedented scenario has met with fierce resistance in e-Sports².

In fact, an essential component of e-Sports is their ability to be global, as they

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1. *Vid. El País*, march 18, 2020, available at: <https://elpais.com/deportes/2020-03-18/los-esports-resisten-al-coronavirus.html> [Last accessed: January 27, 2023].

2. *Vid. Kozelko, D.* (2020, April 8). COVID-19: how is esports coping compared to traditional sports?. LawInSport, Retrieved from: https://www.lawinsport.com/topics/item/covid-19-how-is-esports-coping-compared-to-traditional-sports#_ftn1 [Last accessed: January 27, 2023].

can be operated remotely. There are already large stadiums dedicated to e-Sports. Even so, the possibility of organizing events during the emergence of a coronavirus with millions of people connected through a streaming service and paying to watch the competitions is a significant advantage.

While La Liga, the NBA and the Champions League are keeping the coronavirus quarantine in place, e-sports, which are aspiring to enter the Olympic calendar, are adapting to continue the competition. In Spain, the Professional Video Game League (LVP) is still active in its main tournaments. The Superliga Orange of the League of Legends (LoL), one of the most popular games in the world, faces the playoffs this month. Tens of thousands of people from their homes, protected behind the screens, one of the few frontiers the coronavirus has not crossed, are enjoying the quarter-finals live. The flexibility of this *sui generis* sport that can be practiced despite the restrictions of the state of alarm declared by the government gives e-Sports an unparalleled added value.

Be that as it may, e-Sports is functioning as an escape route to relieve the isolation of quarantine.

Conclusion

The emergence of COVID-19 has been spreading around the world. The generality of the countries of the world is affected, and the great majority of them have decided to postpone and/or suspend their sporting events. Without a doubt, the most relevant postponement has been that of the Tokyo 2020 Olympic Games. The economic effects on the sports industry that COVID-19 has involved are extremely high. In fact, perhaps the most worrying issue is whether sports associations, teams and athletes will be able to recover (at least partially) their current losses.

With such a potentially complex scenario, there is no doubt that sports associations must try to find alternatives to their business models. The growth of e-Sports over the last few years and the fact that its appearance and feel is currently the closest alternative to live sports would be a very plausible option³.

It is not unreasonable to think that thanks to the great boom of the e-Sports and its consolidation after this pandemic of the COVID-19 three claims are achieved that are being demanded from the e-Sports industry.

A first point is that there should be a specific regulation for this growing market. For some years, e-Sports has been considered a minor market for children playing in their garage. For this reason, in most countries no regulations have

3. In fact, some associations are already adopting this option: for example, NASCAR is replacing cancelled races with professional driver sports. Formula 1 launched its sports series to replace Grand Prix races postponed or cancelled due to the coronavirus pandemic. Most soccer leagues are now suspended, but they launched their sports league, with Italy's Serie A recently launching its eSerieA.

been issued in this respect and there is a lot at stake: the employment system, commercial regulations, transfers of players between teams, image rights, contractual links with sponsors or regulation in competitions.

Secondly, reviewing the laws applicable to sports in different jurisdictions around the world results in a high level of inconsistency between jurisdictions, which limits their growth. Therefore, the current emergence of coronaviruses seems to be the perfect time for e-Sports to be recognized as “true” sports and therefore allowed without significant limitations on a global scale. Thus, it is to be expected that very soon e-Sports will be qualified as a real sport, with all that this entails and that it will be subject to a specific regulation, as it includes the era of new technologies.

Thirdly, a real turning point for the definitive consolidation of e-Sports after this health crisis concerns its inclusion and recognition as an Olympic sport, with a view to the Paris 2024 Olympic Games. This would not be totally unreasonable⁴ given the steps taken by the IOC in this direction. Thus, in December 2019, e-Sports were recognized as a “sport activity” by the IOC, although not specifically as “sport”⁵. A significant precedent can be found in the Korean Olympic Committee (as we noted, Korea is a pioneer in e-Sports), which has already granted e-Sports⁶ the status of an Olympic sport. We could venture to say that the widespread extension of its recognition is a matter of time.

However, we can conjecture that this health crisis, like other previous ones, could become an economic reservoir for the sports market, becoming the new cybernetic scenario of Sport in a substantial source of income. And this challenge could also be the basis for the future strategy of sports associations since -as many sports experts have been predicting⁷- the world could stop being the

4. At the closing ceremony of the Brazilian Olympic Games, the Japanese Prime Minister, Shinzo Abe, a representative of the government that is organizing the Tokyo 2020 Games, appeared in an outfit that was a clear tribute to the character of one of the most famous video games, Mario Bross. *Vid.* Pérez Triviño, J.L. (2017). El dopaje y las nuevas tecnologías. El nuevo paradigma del deporte, Barcelona: UOC, 283. *Vid.* Miah, A. (2016). Will Super Mario ever be an Olympic sport?. The Conversation, Retrieved from: <https://theconversation.com/will-super-mario-ever-be-an-olympicsport-64274> [Last accessed: January 27, 2023].

5. The IOC issued a statement addressing the issue of e-Sports, available at <https://www.olympic.org/news/communique-of-the-olympic-summit> [Last accessed: April 12, 2020].

6. *Vid.* OZKURT, Emin, “Esports in South Korea – a short overview of the legal ecosystem”, *LawInSport*, April 10, 2019. Available at: <https://www.lawinsport.com/topics/item/esports-in-south-korea-a-short-overview-of-the-legal-ecosystem> [Last accessed: April 12, 2020].

7. *Vid.* CORAGGIO, Giulio, “Coronavirus might turn sports into esports, but something has to change”, *GamingTechLaw*, March 24, 2020. Available at: <https://www.gamingtechlaw.com/2020/03/coronavirus-esports-law.html> [Last accessed: January 27, 2023].

same after this health emergency. The internet of things, bigdata, algorithms would probably also have come to sport to stay.

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