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**LEGAL REGULATION OF E-SPORTS:
INTERNATIONAL EXPERIENCE**

The dynamic development of information technology has marked the emergence of new areas of legal regulation. One of the newest areas that emerged at the intersection of information technology and sports has become e-sports.

In France, e-sports was officially recognized under the 2016 Digital Republic package. Before that, e-sports was almost equated to lotteries, which had ambiguous regulations in France (according to Article L 322-2 of the Internal Security Code, lotteries are prohibited). Nevertheless, the Tax Code in Art. 223 contains a definition of video games, according to which, they are like any leisure software that has the following characteristics: available physically or on the Internet; has elements of artistic or technological creativity; offers one or more users interaction within the script or mechanics of the game; has the form of animated (moving) images with or without sound [1].

The European Court of Justice, in turn, has recognized the video game as an independent work of art, which cannot be reduced exclusively to a binary code [2].

With the adoption of the law, e-sports in France have problems. They concerned the organization of competitions, because if the events had to be reported to the administrative authorities, it complicated the process, moreover, it was pointless if the tournament was held online [1]. It is clear that a big sporting event with a thousand people would be informed regardless of whether e-sports is a festival or not. Also, according to the law, it was not possible to bet on e-sports.

According to Art. 1710 of the Civil Code, players were service providers for competition organizers. Following the terms of the contract received a reward. Such regulation was dominant until the legalization of e-sports in France. However, the players did not receive any social guarantees under such agreements. Accordingly, after the legalization of e-sports, the contracts of participants with the organizers began to be treated as fixed-term, as participants and organizers were in a relationship of subordination ("performer – leader") [1].

Under French law, the work of minors (under 16) is prohibited. However, in the entertainment sector, there may be exceptions to this rule, in

agreement with the administrative authorities. The application for such permission is submitted by the child's legal representative. Children under 12 are not allowed to participate in commercial competitions [1]. Remuneration for underage e-sportsmen is guaranteed by sending part of the income to the deposit fund to the child's account, which serves as a guarantee against abuse by guardians.

In the United States and European countries, such as Germany, eSports is considered a business. Given this, a private-law model of regulating relations in e-sports was chosen [3].

E-sports is actively developing in China. In 2020, China boasted 720 million players and a revenue of \$ 44 billion. It was planned to build a cyber arena fully adapted for video game competitions in Chongqing with 7,000 seats. However, in 2021 the government issued a decree restricting participation in games because, according to the party, it harmed the interests of children [4]. E-sports in China is a mass discipline and a large market, so professional teams and gamers will have to restructure and look for new ways to play.

At the end of 2021, it became known that Chinese regulators are delaying the approval of online games, especially foreign-made. When Beijing last suspended video game approval, more than 28,000 companies closed in 2018 and 2019 [5; 4].

It is logical to assume that such actions by Beijing indicate a desire to isolate young people from the influence of online games. The purpose of such measures may be to prevent the desire of young Chinese to seek to socialize with players from other countries. That is, between the prestige of competitions and the risk that young players will be influenced by the Western world, the country's leadership has chosen not to take risks and leave the prestige for classic athletes. Not the last factor is the state ideology, for which the cult of labor is very important [6, p. 240], with which there is no doubt about spending time playing video games. In general, it seems correct to assume that such restrictions are ideological in nature in order to curb the westernization of the younger generation. It is possible that the country's leadership sees video games as a product of the Western world, which offers young players a fantasy with unlimited possibilities. According to the party leadership, this could lead to riots and acts of public disobedience in the future, as future rebels would be brought up on Western video games. Therefore, such restrictions, in our opinion, are primarily ideological in nature. From an economic point of view, it is not profitable for China to suppress the video game market. Chinese players are capable, many of them, the demand for games generates supply among developers. The distribution of Chinese players by age for 2021 was: 10–15 years – 12 %; 16–18 years – 6 %; 19–35 years old – 55 %; 36–50 years – 27 %. Players from 16 to 21 recommend themselves best. According to professional player and League of Legends coach Maurice Stukenschneider, Chinese and Korean players could train six hours a week for 8 hours: twice for three hours and once for two hours in the evening [5; 4]. Thus, it can be concluded that the decision to limit the playing time for minors in China had ideological preconditions. Therefore, China has

chosen to control culture over competition in e-sports and the free development of new forms of social relations [5; 4].

Among the problems in e-sports are contractual and labor relations within organizations. Disputes arise over compliance with the terms of sponsorship contracts, agreements on participation in the payment of remuneration, agreements on sports activities. The relationship between e-sports team management and players needs to be settled. In classic sports, too, there are often questions about the payment of salaries to players: they may be paid unevenly, with a delay, or not paid at all, which is the subject of dispute [7].

Thus, e-sports needs to be regulated from the point of view of private law, as economic relations related to the benefits and rewards of athletes for participating in competitions are of great importance in this activity. Property relations play an important role in e-sports. Without a holistic approach to the legal regulation of e-sports, the industry is developing autonomously, chaotically, based on the experience of classical sports concerning sponsorship contracts, intellectual property rights, contracts for sports activities, and more. In some cases, this leads to abuse and violation of the rights of athletes due to the lack of a rule of law that could regulate relations in e-sports, which is why participants must resort to the application of such legal norms.

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Ключові слова: кіберспорт, сфера правового регулювання, спортивне право, правове регулювання.

Key words: e-sports, the field of legal regulation, sports law, legal regulation.