

## CYBERSPORT: PROBLEMS OF LEGAL REGULATION

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The article is devoted to the issue of legal regulation of cybersport competitions, relations between cyber athletes and sports organizations (clubs), as well as the conditions of existence and development of cybersport in the Russian Federation. The author studied some legal statements which regulate this sphere of public life, and the work of the Federation of Cybersport in the Russian Federation, the rights and duties of a cyber athlete and the legal status of cyber sports organizations (clubs). The author has studied the history of the appearance and development of cybersport and the first cyber sports competitions. The conclusions present the level of development of cybersport in the Russian Federation, as well as the prospects for its further existence and development.

**Keywords:** *cybersport, cybersport organization, cyber athlete, legal statement.*

**Relevance.** The twenty-first century is characterized by the rapid development of computer technologies, which are present and used in all spheres of human life. From everyday life to public affairs, computer technology is used to store and transmit information, communicate between people and states, and for other purposes. However, some information technologies were able to «separate» and create a legal basis for independent existence. Cyberspace is evolving at a tremendous pace, encompassing much of public life, and, of course, to safeguard human rights, there is a regulatory framework governing relations in cyberspace. Nevertheless, laws and regulations do not always meet the requirements of time and often do not have enough time to modify. For example, in a relatively short period of time, cybersport has evolved from a hobby peculiar to teenagers to an officially recognized sport, in which international competitions are held. However, due to the rapid development of this sport, there are some problems with its legal regulation, often associated with the lack of an up-to-date legal basis.

**Purposes.** The main purpose of this work is to study the history of the development of cybersport and its legal and regulatory framework. On the basis of these studies:

- identify the historical prerequisites for recognizing cybersport as an official sport;
- define the rights and duties of a cyber athlete;
- study the terms of the contract of a cyber athlete;
- study the activities of the Cyber Sports Federation in the Russian Federation;
- study the legal features of the creation and existence of cyber sports organizations.

**Results of the research.** Addressing the problem of legal regulation of cybersport, it is necessary first

of all to find out what this concept is. Thus: «computer sport (synonymous names: Cybersport, e-Sport, electronic sport) is one sport which is a competitive activity requiring special practice of preparation for competitions, which is based on computer games and / or video games, in which the game provides the possibility of interaction of control objects under equal conditions of human competition or team with the team.» [3] According to this definition, cybersport is a sports activity that can be both for a team and single.

The first computer sports competitions were held in the 1970s in the United States. However, «the official year for the start of the history of cyber sports is 1997, when the first official league in computer sport was founded» [1]. These competitions were held in South Korea and were popular only because cyber athletes already received a decent price for victory, becoming an easy way to earn. «Cybersport is recognized as the official sport in Russia» [1] in 2001. Thus, already at the beginning of the 21st century, cybersport actively developed and required the adoption of special regulatory and legal acts for its regulation. However, the active development of world law in this field began only in 2010 [5]. As a result, there were some problems with legal regulation of the activities of cyber athletes and cybersports organization.

One such problem is the use of doping by athletes. The World Anti-Doping Agency is engaged in this problem, however, «a special program [verification] for computer sports still has not been developed».

Another problem is the issue of distinguishing video games as intellectual property and special equipment for sports competitions [1].

So, after the final recognition of computer sport as a sport in Russia, the main regulator of the sphere

of cybersport was the Ministry of Sports of the Russian Federation. Later, the Federation of Computer Sports of Russia was also established. «FCS is a public organization created on the basis of membership, the goals of which are the development of one or several sports (cyber sports), their propaganda, organization, as well as the holding of special events and training of athletes — members of sports teams» [2].

The FCS was created as a body for regulating and developing computer sports in Russia, creating the necessary conditions for this and conducting competitions and special events for training athletes, judges, coaches, personnel, etc. There are also regional branches of the FCS, however, the author of the quoted article believes that «at the moment there is no sufficient information support for the activities of the regional branches of the FCS».

The author of another article notes the active development of the management structure of computer sports and »... the timeliness of the update of the Sports Law (Federal Law «On physical Culture and Sports in the Russian Federation» of December 4, 2007), adopted in 2016—2017, and extremely important for computer sports"[4]. That is, the legal framework is constantly changing, adapting to modern conditions.

The author of the article on the rights of a cyber athlete discusses the relationship of a cyber athlete with clubs (teams) and other players. The author believes that «the most difficult situation in this aspect can be considered a problem of labor relations» [6], since there is no separate law that would regulate these relations, accordingly there are no special documents (treaties) regulating relations between the cyber athlete and cyber sports organizations.

Three main types of agreements were identified from different sources:

- 1) contract for the fee-for-service provision;
- 2) contract of assignment [6];
- 3) registration of an athlete as an individual entrepreneur [7].

The most common type of agreement between a cyber athlete and cyber sports organizations is a contract for the fee-for-service provision.

The author distinguishes two conditions that need to be agreed for the conclusion of the agreement:

- 1) what is the subject of the contract for the payment of services;
- 2) what the performer should do and how much.

For some contracts, it is important to specify the location of the service or the site data [6].

At the moment, there are no special documents and contracts that would be used to conclude agree-

ments in the field of computer sports, and therefore the contract for the fee-for-service provision is used. The author writes that this type of agreement is the most convenient in this case. There are some reasons for its use:

- 1) the Irregularity of the cyber athlete's activities;
- 2) the Conditionally temporary nature of the cyber athlete's work, taken as the fact of the service delivery;
- 3) the Lack of compliance with the norms, requirements, guarantees and compensation provided for in labor legislation [10].

Also the advantages of concluding such a contract for an athlete:

- 1) lack of regulation of working time;
- 2) independent organization of the work process;
- 3) making independent decisions in the process of playing.

The contract of assignment, according to the author, is practiced in connection with the need of players to perform not only services or perform labor duties, but also perform a representative function (meetings with fans, participation in promotions, etc.).

However, this contract cannot fully regulate or create any legal relationship, because due to the peculiarities of the treaty, the conditions in it are rather blurred, which brings some inconvenience [6].

Registration of a cyber athlete as a legal person (individual entrepreneur) is one of the options for cooperation between a cyber athlete and a cyber sports organization. This type of cooperation has some advantages, for example, there is the possibility of charging a work experience, but in convenience inferior to the previous one [7]. The basic terms of the contract of the cyberathlete:

- 1) information about the place of work and working conditions in the workplace;
- 2) content of work tasks and duties;
- 3) date of entry to work;
- 4) procedure and amount of payment, information on the mandatory medical insurance of the employee, as well as on the provision of various allowances, compensation and benefits for work in hazardous or dangerous conditions of work;
- 5) nature of work and the mode of work and rest ratio;
- 6) employer's duty to ensure the conduct of training activities and participation of the athlete in sports competitions under the direction of the coach or coaches;
- 7) athlete's duty to observe the sports regime es-

tablished by the employer, and to comply with plans for sports competitions preparation for sports competitions, duties of the employer;

- 8) obligations of the athlete to observe all-Russian anti-doping rules and anti-doping rules, approved by international organizations, to undergo doping control;
- 9) obligations of the athlete to provide information about his whereabouts in accordance with all-Russian anti-doping rules for the purpose of doping control [6].

As for cyber sports organizations, like any sports organization, the organization of cyber sports can exist in the form of a commercial and non-commercial enterprise [8]. The status of such an enterprise is almost identical to that of ordinary organizations, but due to the relative novelty of this sport there are many legal issues that must be resolved.

Now the computer sports industry is actively developing, bringing huge revenues to owners of cyber sports organizations, cyber athletes, video game developers, and so on. Virtual reality competitions attract the attention of millions of viewers around the world, and thus cybersport is becoming not only one of the most popular sports, but also a profitable business that is actively developing and expanding. For example, the market for computer games is constantly increasing, and the number of people playing these games is growing. The gains from the sale of games in 2017 reached \$ 109 billion, and purchases in games account for more than 50% of the total profit [9]. Major e-sports markets are USA, China, South Korea. Russia is the largest market in Europe with an income of more than \$ 38 million [9].

TV channels and platforms that broadcast cybersport competitions, large video bloggers, shooting reviews on video games and putting them on these platforms, sponsors and bookmakers are also an important place. One of the largest video game companies, Tencent launches its TV channel in China for broadcasting competitions, game updates and new products [9]. The income of cyber athletes in this industry depends on the sphere they have chosen for their activities. So, the highest paid disciplines are: Dota 2, CS: Go. World of Tanks, League of Legends. It also depends on the team that the athlete stands for. The best athletes of our country receive 400—600 thousand rubles a month [9].

As for the income of e-sports organizations, this organization receives profit mainly from sponsorship organizations and advertising contracts, as well as from the owner of this organization. Thus, by making a huge profit and attracting the attention of millions of viewers, cyber sport has established itself as a

profitable business and created favorable conditions for development.

**Conclusion.** To sum up, I would like to say that the youth hobby has appeared, cybersport has considerably expanded its influence, having entered the number of Olympic sports. A relatively young but promising sport attracts attention and requires changes in legislation.

The computer space expands its borders, new sites, new resources and new directions appear every minute. The field of computer sports was officially recognized only a few years ago, but has a huge influence. Existing regulatory problems in this area are burning and complicated, but the law in this area constantly develops, adapts to its needs or finds alternatives. Cyber-sports competitions attract an increasing number of spectators and athletes. In the modern world, positive trends in the development of cybersport are emerging, and I am confident that the problems of its regulation will soon be fully resolved.

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### Киберспорт: проблемы правового регулирования

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Статья посвящена вопросу правового регулирования киберспортивных соревнований, отношений между киберспортсменами и спортивными организациями (клубами), а также условиям существования и развития киберспорта в Российской Федерации. Автором представлен анализ нормативно-правовых актов, регулирующих данную сферу общественной жизни, и деятельность федерации киберспорта РФ, права и обязанности киберспортсмена и правовой статус киберспортивных организаций (клубов). В статье представлена история появления и развития киберспорта и первых киберспортивных соревнований. Сделан вывод об уровне развития киберспорта в Российской Федерации, а также о перспективах его дальнейшего существования и развития.

**Ключевые слова:** киберспорт, киберспортивная организация, киберспортсмен, правовой акт.

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