
TRAVERSE LEGAL CHALLENGES & EVOLVING STRATEGIES IN DISPUTE RESOLUTION

BY HINDUJA. B. R¹

ABSTRACT

Sports are where dreams meet reality; it's not just about winning, it is about rewording the rules and flouting the odds. Sports has always been more than just a game, they are continual trailing of excellence. The electrifying cheers of a packed stadium to the quiet focus of an athlete in his training, the world of sports beguiled millions with its moments of triumph to poignant heart breaks. In this paper, we spotlight the legal regulation of national and international sports have become increasingly complex which creates the grounds for a broader legal jurisprudence with potential influence and application. Some of the legal issues in the sports are contract disputes, doping, intellectual property rights, gender equality, LGBTQ+ rights and governance disputes etc., constructive dispute resolution mechanism are necessary to handle these conflicts and ensure fare outcomes. The main issue with the current system is the lack of consistent regulations creating a regulatory vacuum. The various methods of dispute resolution include litigation, arbitration, mediation and negotiating. Specialized bodies like the court of arbitration for sports and national sports tribunals provide platforms for resolving disputes worthwhile. This paper illustrates the modern dispute resolution techniques used in the sports field and how legal systems address and find a solution to conflicts, offering insights into improving the efficiency, fairness and accessibility of disputes resolution in a globalized world.

KEYWORDS: Doping, litigation, arbitration, negotiating and court of arbitration

¹ Author is a student at Vel Tech School of Law.

1. INTRODUCTION

Imagine the stimulation of the last goal, the pressure of the game winning serve, or the rapture of crossing the finish line first. Now consider the entangled web of rules, contracts, and legal principles that make these moments achievable. The captivating world where sports meet law, where athletic skill comes together with legal rules and where the result of a game depends much on decisions made in court as on what happens on the field. In the domain of sports, law acts as an invisible referee, ensuring its fair play, protection of athlete's rights and resolving the arising disputes in high stakes, high reward environment. From signing the million-dollar contracts to enforcing the rules of anti-doping the law plays a crucial role in every part of the sports industry.

But this is not just about dry legal regulations or courtroom battles; it is about the stories that capture the headlines that spark the controversial debates and the decision that change the course of an athlete's career or even a sport. In this paper we spotlight the most pressing legal challenges, the innovative solutions being developed, and the critical role of law in maintaining the integrity and thrill of the games we play.

The modern sports face a variety of challenges in our global landscapes such as doping, corruption, gender inequality, commercialization, exploitation of athletes, legal disputes, globalization and cultural challenges. The disturbance occurs when the legal rights of the athletes are infringed. Even though there are many institutions for providing sports facilities still we are struggling to succeed in major events like Olympics. The main reason behind this is the lack of consistent rules and regulations for sports in India. What we need right now is effective dispute resolution mechanism and enforce new strategies to resolve dispute in a timely and fair way.

The methods for resolving disputes in sports have evolved over the years, from traditional litigation in courts to more modern approaches like arbitration and mediation. The formation of court of arbitration for sports has really been a game changer, revolutionizing how sports disputes are settled and bringing fairness and order to the playing field like never before. Descriptive methodology has been applied in researching this paper.

2. MODERN LEGAL ISSUES IN SPORTS

The modern legal issues in sports are very diverse and complex, due to the evolving nature of the industry and the range of global legal landscape. Some of the contemporary legal issues include:

2.1. Doping And Anti-Doping Regulations:

Doping refers to the usage of forbidden substances in order to increase physical and/or mental performance which gives an unjustifiable advantage for the sports person over other participants. The World Anti-Doping Agency (WADA) was established by IOC for monitoring the usage of drugs in sports. Doping remains as a major issue, with athletes continually facing penalties for violating the Anti-Doping Rules (ADR) entrenched by the National Anti-Doping Agency (NADA).²

2.2 Contract Negotiations:

Contract negotiations are very habitual in sports it arises due to the disagreements between athletes, teams, sponsors and other stakeholders over the terms and conditions of the agreements. These disputes involve issues such as salary, breach of contract, endorsement and sponsorship disputes, performance clause, transfer dispute and termination clause. For the most part legally binding debate are settled through arbitration.

2.3 Sexual Harassment:

Sexual harassment and abuse occurs in all sports, at all levels. The physical and psychological sequel of sexual harassment and abuse are consequential for the athletes, their team and for the health and integrity of sport in general. It is often linked with coaches and authority who exploit their powers over athletes. Every sport organization should adopt policies should be associated with codes of conduct/practice, educational and training programmes', complaint and support mechanisms, and monitoring and evaluation systems.³

² Pooja. (2019). Contemporary Legal Issues in the Field of Sports. *LexForti Legal J.*, 1, 32.

³ Marks, Saul, Margo Mountjoy, and Madalyn Marcus. "Sexual harassment and abuse in sport: the role of the team doctor." *British Journal of Sports Medicine* 46.13 (2012): 905-908.

2.4 Amateurism in Collegiate Sports:

Amateurism refers to engaging in sports for the passion, not for earning. To be eligible to compete in collegiate sports, student athletes are counted as an amateur. The National Collegiate Athlete Association (NCAA) prohibits college athletes from receiving any compensation beyond scholarships.⁴ The enforcement of name, image and likeness (NIL), have transformed the landscape of college sports, now college athletes are entitled to sign endorsement deals and earn income while maintaining their eligibility. In some cases, amateur athletes quarrel that they are being exploited by schools or sports organizations that profit from their performance without providing fair compensation or protections. The rules of NCAA have been questionable in recent years whether its rules constitute to antitrust violations.

2.5 Intellectual Property Rights:

A sports team comes to life with the power of its title, a symbol of unity and identity, an image of solidarity and character that revives that rallies players and fans alike. Team names, logos and branded merchandise such as jerseys, hats and other apparel can be protected by registering them under Trademarks Act 1999. The videos of sports events, commentary and graphics can be protected through the Copyrights Act 1957. Technological advances in sports equipments and unique designs of it can be protected through Patents.

3. MODERN STRATEGIES FOR DISPUTE RESOLUTION IN SPORTS

The progressing law of sports will continue to have a consequential influence and implications on the development of broader worldwide and national laws. A few key components are utilized for dispute resolutions are discussed below:

3.1. Anti-Doping Tribunals:

Numerous tribunals and panels like World Anti-Doping Agency (WADA), National Anti-Doping Organizations (NADO) are setup to guarantee that the athletes are

⁴ Muenzen, K. R. (2002). Weakening It's Own Defense-The NCAA's Version of Amateurism. *Marq. Sports L. Rev.*, 13, 257.

receiving fair and speedy dispute resolution when being accused for violation of anti-doping rules. Athletes who are being accused of violation of anti-doping rules can appeal to court of arbitration (CAS) to seek justice.⁵

3.2. Litigation:

Mostly athletes do not select this alternative of dispute resolution mechanism as it is very time consuming and expensive in nature. Litigation can be used for issues like breach of contract, personal injury claims, defamation, sexual harassment, and intellectual property disputes. Litigation may arise in cases of discrimination like race and gender. Athletes may approach courts when they're seriously injured due to the negligence of the coach or sports organizations.

3.3. Court of Arbitration for Sports (CAS):

It has been located in Lausanne, Switzerland, a leading global arbitration body for sports related issues. It layouts the guidelines for resolving the conflicts ranging from doping cases to contractual disputes. The decision of CAS is final and binding as an alternative to litigation. Mostly athletes choose this type of resolution mechanism; recently women wrestler Vinesh Phogat approached the court of arbitration for her disqualification in Paris Olympics 2024.

3.4. Mediation:

It is a voluntary and a very flexible process. This type of mechanism is mainly used for issues like contractual disputes between athletes and teams. Mediation is a process where a third party helps the disputing parties to reach a mutually agreeable settlement. Mediation is faster compared to litigation and arbitration allowing the disputes to get resolved fast. It does not provide a legally binding outcome unless both parties agree to the settlement.

4. LITIGATION IN SPORTS: KEY CASES AND PRECEDENTS

Several key cases and precedents in sports law have shaped the legal landscape, influencing issues ranging from contract disputes and antitrust law to doping and

⁵ Mitten, Matthew J., and Hayden Opie. "'Sports law': implications for the development of international, comparative, and national law and global dispute resolution." *Lex Sportiva: What is Sports Law?* (2012): 173-222.

intellectual property rights. In the case of **American Needle, Inc. V. National Football league (2010)**⁶ the U.S. Supreme Court held that national football league's collective authorizing of team logos and trademarks through a single entity violated the antitrust laws. It decided that each team from NFL is isolated substance and can be subject to competition laws. **O'Bannon V. NCAA (2014)**⁷ this case illustrates amateurism in collegiate sports, the U.S. District court held that NCAA's rules and regulations anticipating the collegiate athletes from being compensated for the use of NIL's violated anti-trust laws. The judgment permitted the college athletes to profit them through their NIL. **Murphy V. National Collegiate Athletic Association (2018)**⁸ this case is about wagering in sports, the U.S. Supreme Court stopped Professional and Amateur Sports Protection Act, held that the government unlawfully infringed on states' rights. This allowed individual states to legalize and regulate sports betting. **Zee Tele films Ltd. & Others V. Union of India & Others (2005)**⁹ this case is about contract negotiation in sports, Zee Tele films Ltd., along with other petitioners filed a case against BCCI for terminating the broadcasting rights to telecast the test cricket matches. The Supreme Court held that BCCI is not a 'State' under article 12 of the Indian constitution. The case which highlights the corruption in sports industry is, **Cricket Association of Bihar V. BCCI & Anr (2015)**¹⁰ in this case the Cricket Association of Bihar (CAB) filled a petition against BCCI in Supreme Court on the grounds of corruption, looking for an examination into this allegation. The Supreme Court held that no person who plays double part can be permitted as an president of BCCI, so Srinivasn was successfully barred from his president position. **State of Bombay V. R.M.D. Chamarbaugwala**¹¹ in this case the question arised before the law was whether certain prize competition can be classified as betting beneath the Bombay Lotteries and Prize Competition Control and

⁶ American Needle, Inc. v. Nat'l Football League*, 560 U.S. 183 (2010).

⁷ O'Bannon v. Nat'l Collegiate Athletic Ass'n*, 7 F. Supp. 3d 955 (N.D. Cal. 2014).

⁸ Murphy v. Nat'l Collegiate Athletic Ass'n*, 584 U.S. ____ (2018).

⁹ Zee Telefilms Ltd. v. Union of India*, (2005) 4 S.C.C. 649 (India).

¹⁰ Cricket Ass'n of Bihar v. Bd. of Control for Cricket in India*, (2015) 3 S.C.C. 251 (India).

¹¹ State of Bombay v. R.M.D. Chamarbaugwala*, A.I.R. 1957 S.C. 699 (India).

Tax Act, 1948. The act permitted the State of Bombay to levy taxes on lotteries and prize competitions. Supreme Court held that competitions requiring substantial skill were distinct from games of pure chance and could not be classified as gambling. **State of Andhra Pradesh V. K. Satyanarayana & Ors**¹² this case is similar to State of Bombay V. R.M.D. Chamarbaugwala, in this case the question arisen before the law that whether rummy was a game or gambling. After applying the two steps test the court held that rummy was a game of skill and not game of chance so it is not considered as gambling. **Dr. K.R. Lakshmanan V. State of Tamil Nadu & Anr**¹³ the question arose before the law whether betting on horse races is accounted as gambling. The Supreme Court held that wagering of horse is a game of skill and not game of luck, so it is not considered as gambling.

5. CONCLUSION

In conclusion, modern legal issues in sports uncover the escalating complexity and commercialization of the industry. Challenges like doping, intellectual property disputes, and athlete contracts have necessitated more specialized legal frameworks. The development of new technologies like Video Assistant Referee (VAR), and digital data analytics has presented legal and ethical dilemmas around privacy, data ownership, and fairness. According to these evolving legal landscapes, dispute resolution mechanisms have also transformed. Individuals begun favoring arbitration and mediation [alternative dispute resolution mechanism (ADR)], instead of traditional litigation system. The court of arbitration for sports disputes, offering a neutral platform that is widely respected for its decisions. As the sports industry keeps evolving, the legal framework also needs to be versatile to resolve all the modern disputes. Ultimately, the intersection of law and sports will continue to require innovative legal solutions and agile dispute resolution mechanism that uphold the principles of fair play, equality, and transparency.

¹² State of A.P. v. K. Satyanarayana*, A.I.R. 1968 S.C. 825 (India).

¹³ Dr. K.R. Lakshmanan v. State of T.N.*, (1996) 2 S.C.C. 226 (India).