



# Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2023 – ISSN 2582-7820  
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

---

## Exploring and Analysing the Legal Purview of E-Sports in India

Shaashwat Sharma<sup>a</sup>

<sup>a</sup>Indian Institute of Management, Rohtak, India

Received 06 April 2023; Accepted 23 April 2023; Published 27 April 2023

---

*In the modern day, a brand-new subgenre of sport is arising and taking root. E-sports. This brand-new area of sports has startled the entire planet. The purpose of this research paper is to explore and analyze the legal framework of esports in India. Esports, also known as electronic sports, is a form of competitive video gaming that has gained immense popularity globally in recent years. With the rise of esports in India, it has become necessary to examine the existing legal provisions that govern this emerging industry. This paper delves into the various legal aspects of esports in India, including intellectual property, contract law, labor law, and taxation. The study analyses the current legal framework and identifies the gaps and challenges that exist in the legal regime. Furthermore, the paper explores the international best practices and policies in regulating esports and draws comparisons with the Indian context. The paper uses a qualitative approach, analyzing relevant legal provisions, case laws, and secondary sources to understand the legal challenges and opportunities in e-sports in India. The research findings reveal that while India has taken some steps to regulate e-sports, there is a lack of clarity and consistency in the legal framework governing e-sports. Secondary data was collected through a review of academic literature, policy documents, and legal provisions related to esports in India. The findings of this research highlight the need for a comprehensive legal framework for the regulation of esports in India. The paper concludes with recommendations for policymakers and stakeholders in the industry to promote a sustainable and inclusive esports ecosystem in India.*

**Keywords:** *e-sports, legal framework, intellectual property, taxation, gambling, match-fixing, regulation.*

---

## INTRODUCTION

Online gaming has been a massive part of our lives even before the author was even born. The "Internet Café" period was when the 90s youth first started playing Counter-Strike. Teenagers of today are seeing e-sports grow into a possible career and perhaps even a way for India to earn a coveted medal as recently an e-sports team representing India won a bronze medal at the 2018 Asian games in the game 'DOTA 2'.<sup>1</sup> Online gaming and e-sports are not the same things. E-sports are competitive multiplayer video games played by professional gamers in titles like Counter-Strike, Fortnite, Call of Duty, etc. Spectators may watch these matches in large gaming venues or from the comfort of their own homes via a variety of online streaming platforms like YouTube, Twitch, etc.

'It is reasonable to assume that e-sports have seen turbulent evolution from being restricted to a leisure pastime to a worldwide spectacle with a large audience. E-sports have just been included in the 2022 Asian Games in Hangzhou, China, and are being considered for the 2024 Olympics in Paris.' Even though the Indian e-sports industry is still in its gestation period, Its revenue is anticipated to treble from INR 2.5 billion to INR 11 billion by FY 2025.<sup>2</sup>

Recently on December 26th, amid the ongoing discussions on online gaming regulations in the country, the Government appointed the Ministry of Electronics & Information Technology (MEITY) and the Ministry of Youth Affairs and Sports (MYAS) has also been appointed as the nodal ministry for e-sports in multi-sports events<sup>3</sup>. There are now no strong laws governing the same, thus this is only the beginning. E-sports will undoubtedly be governed by laws in the

---

<sup>1</sup> Girish Menon et al., 'Online gaming in India' (KPMG, May 2021) <<https://kpmg.com/in/en/home/insights/2021/05/indian-online-gaming-market-mantra.html>> accessed 30 April 2023

<sup>2</sup> Mithun V Thanks et al., 'A regulatory perspective of esports future in India' (Shardul Amarchand Mangaldas & Co, 21 August 2021) <[www.amsshardul.com/insight/a-regulatory-perspective-of-esports-future-in-india/](http://www.amsshardul.com/insight/a-regulatory-perspective-of-esports-future-in-india/)> accessed 17 February 2023

<sup>3</sup> Lalatendu Mishra, 'eSports awaits governing framework to unleash full potential' (*The Hindu*, 10 April 2021) <[www.thehindu.com/sport/other-sports/esports-awaits-governing-framework-to-unleash-full-potential/article34291722.ece](http://www.thehindu.com/sport/other-sports/esports-awaits-governing-framework-to-unleash-full-potential/article34291722.ece)> accessed 13 February 2023

future, both for the efficient implementation and administration of the same and, more crucially, for the rules controlling doping to encourage fair competition.<sup>4</sup>

## MEANING AND SCOPE OF E-SPORTS

Electronic sports, commonly referred to as 'esports', are a type of competitive gaming that involves multiplayer video games played in a professional setting. Esports has grown tremendously over the past few years and has become a global phenomenon, attracting millions of players, fans, and sponsors. 'The scope of esports is vast and encompasses a wide range of games, including first-person shooters, multiplayer online battle arena (MOBA) games, real-time strategy (RTS) games, sports games, and fighting games. Some of the most popular esports games include League of Legends, Dota 2, Counter-Strike: Global Offensive, Overwatch, Fortnite, and Call of Duty.'<sup>5</sup>

Esports has become a lucrative industry, with professional players earning millions of dollars in prize money and endorsements. Esports tournaments and events draw huge crowds, with millions of viewers tuning in to watch their favorite players and teams compete. The popularity of esports has led to the creation of dedicated esports leagues and teams, as well as the inclusion of esports in major sporting events such as the Asian Games and the Olympics.

The growth of esports has also led to the development of related industries such as esports broadcasting, content creation, and esports betting. Esports broadcasting has become a major industry, with dedicated streaming platforms such as Twitch and YouTube attracting millions of viewers every day. Esports content creators, such as streamers and YouTubers, have also become popular, with many players building huge followings and generating substantial revenue through sponsorships and advertising. Esports betting is another growing industry, with fans placing bets on their favorite players and teams. Esports betting has become more

---

<sup>4</sup> *Ibid*

<sup>5</sup> Amandeep Singh, 'All the Genres of Games Available in Esports!' (*Tournafest*, 19 April 2022) <<https://tournafest.com/blog/types-of-games-in-esports/>> accessed 11 February 2023

popular with the rise of online betting platforms, and many traditional sports betting companies have also entered the esports market.

## **THE NEED FOR SUPERVISION AND REGULATION**

The rise of e-sports has been one of the most significant developments in the world of gaming and entertainment in recent years. E-sports, which involves competitive video gaming, has grown exponentially in popularity, with millions of people tuning in to watch tournaments and matches across the globe. While e-sports has brought many benefits to the gaming community, there is a need for regulation to ensure that the industry remains fair, safe, and transparent.

**Cheating and unfair practices:** One of the main reasons for the need for regulation is the potential for cheating and unfair practices. E-sports is a highly competitive field, with large sums of money at stake. As a result, there have been instances of cheating, hacking, and other unethical behavior among players and teams. This not only undermines the integrity of the sport but also creates an unfair playing field for those who adhere to the rules. Regulations can help to prevent cheating and ensure that all players compete on a level playing field.

**Health and Safety of e-sports Players:** Another reason for regulation is to protect the health and safety of e-sports players. E-sports involves long hours of practice and competition, often sitting in front of a computer for hours on end. This can lead to physical and mental health problems, including eye strain, back pain, and carpal tunnel syndrome. Regulations can ensure that players are given adequate breaks and are not forced to practice or compete for excessive amounts of time. Additionally, regulations can ensure that e-sports equipment is safe and of high quality, reducing the risk of injury.

**Transparency and fairness:** Regulations can also help to promote transparency and fairness in e-sports. The industry is still relatively new, and there are many questions about how it should be run and governed. Regulations can help to establish clear rules and guidelines for how tournaments and competitions should be organized, how players should be treated, and how disputes should be resolved. This can help to build trust among players and fans, and ensure that the industry is seen as legitimate and credible.

**Growth and d=Development:** Finally, regulations can help to promote the growth and development of e-sports. While the industry has already grown significantly, there is still much potential for further growth and expansion. Regulations can help to create a stable and predictable environment for investors, sponsors, and other stakeholders, encouraging them to invest in the industry and support its development. Additionally, regulations can help to establish e-sports as a recognized and respected field, with clear career paths and opportunities for advancement.

## REGULATORY FRAMEWORK IN THE WEST

As esports continues to gain popularity, there has been an increased interest in the legal framework surrounding the industry. In this article, we will discuss the legal framework of esports in the West.

**Intellectual Property Rights:** One of the key areas of concern in the legal framework of esports is intellectual property rights. Video games are protected by copyright law, which gives the creators of the game exclusive rights to distribute, reproduce, and display the game. However, in esports, players often use copyrighted material, such as game characters and music, in their streams and videos. This can lead to issues related to copyright infringement and fair use. To address these issues, many game developers have created specific guidelines for content creators. For example, Riot Games, the creator of the popular game League of Legends, has a policy that allows content creators to use their intellectual property as long as they follow certain guidelines.<sup>6</sup> These guidelines include giving credit to Riot Games, not using the content to promote third-party products, and not modifying the content in a way that could harm Riot Games' brand.

**Player Contracts:** Another important aspect of the legal framework of esports is player contracts. Professional esports players are often signed to contracts with teams, similar to traditional sports. These contracts outline the terms of the player's employment, including compensation, sponsorship obligations, and the length of the contract. However, because esports is a relatively

---

<sup>6</sup> 'Legal Jibber Jabber' (*Riot Games*, August 2018) <[www.riotgames.com/en/legal](http://www.riotgames.com/en/legal)> accessed 13 February 2023

new industry, there are still many uncertainties surrounding player contracts. For example, it is unclear whether esports players should be considered independent contractors or employees of their teams. This can have significant implications for the players' legal rights and benefits, such as workers' compensation and overtime pay.<sup>7</sup>

**Gambling and Match-Fixing:** Gambling and match-fixing are also important legal issues in esports. In traditional sports, there are strict regulations surrounding gambling and match-fixing to ensure the integrity of the game. However, because esports is a new and rapidly evolving industry, these regulations are not yet fully developed. To address these issues, many esports organizations have implemented their regulations, such as the Esports Integrity Commission (ESIC). The ESIC is an independent organization that works to prevent and investigate match-fixing and other forms of cheating in esports.

## BETTING AND MATCH-FIXING IN E-SPORTS

Match-fixing is the act of manipulating a competitive match's outcome by influencing the players or the officials involved. The primary motivation for match-fixing is financial gain, where participants or outside parties may place bets on the result of the game, guaranteeing a profit. In esports, match-fixing can occur in various ways, such as a player intentionally losing the game, making an agreement with the opponent team to lose a particular round or game, or using hacks or cheats to gain an unfair advantage.

Betting in esports is the act of placing bets on the outcome of a match or tournament. Esports betting has grown significantly in recent years, and it is estimated that the global esports betting market will reach billions of dollars by 2025.<sup>8</sup> Betting on esports can occur on various platforms, including online betting sites, social media platforms, and dedicated esports betting platforms. Match-fixing and betting in esports pose significant challenges to the integrity of the sport. It

---

<sup>7</sup> Jonathan Stoler, '10 Labor and Employment Considerations in Esports' (*Lexology*, 08 June 2019) <<https://www.lexology.com/library/detail.aspx?g=f67f9e68-d555-4095-9359-14f5a71b49ae>> accessed 14 February 2023

<sup>8</sup> 'The eSports Betting Industry Is Growing Exponentially Becoming the Market's Hottest Trend' (*PR Newswire*, 20 May 2021) <[www.prnewswire.com/news-releases/the-esports-betting-industry-is-growing-exponentially-becoming-the-markets-hottest-trend-301295642.html](http://www.prnewswire.com/news-releases/the-esports-betting-industry-is-growing-exponentially-becoming-the-markets-hottest-trend-301295642.html)> accessed 14 February 2023

not only affects the players and their careers but also undermines the trust of the fans and sponsors. It can lead to significant financial losses, damage the reputation of the sport, and result in legal consequences for those involved.

To address the issue of match-fixing and betting in esports, various measures have been put in place. Esports organizations have introduced codes of conduct and regulations that prohibit players and officials from engaging in such activities. In addition, governing bodies and regulatory authorities have increased their monitoring and investigations to detect and punish those involved in match-fixing and gambling in esports.

### **SOME POTENTIAL SOLUTIONS TO ADDRESS THE ISSUE OF MATCH-FIXING AND BETTING IN E-SPORTS**

**Education and Awareness:** One way to prevent match-fixing and gambling in esports is through education and awareness. Players, coaches, and other staff involved in esports should be educated on the dangers and consequences of match-fixing and gambling. Additionally, fans and bettors should also be made aware of the potential risks of engaging in these activities.<sup>9</sup>

**Strict Regulations and Punishments:** Esports organizations and governing bodies should implement strict regulations and punishments for match-fixing and gambling. This can include lifetime bans for players involved in match-fixing and hefty fines or legal consequences for those caught gambling on esports matches.<sup>10</sup>

**Increased Monitoring:** Esports organizations and regulatory authorities should increase their monitoring and investigation efforts to detect and prevent match-fixing and gambling. This can

---

<sup>9</sup> Bruzda N, 'Quick Take: Match-Fixing in Esports' (*University of Nevada*, 05 January 2022) <<https://www.unlv.edu/news/release/quick-take-match-fixing-esports>> accessed 15 March 2023

<sup>10</sup> Gregory Lu, 'Esports Enforcement: How Criminal Sentencing Philosophy Can Stop Esports Match-Fixing' (2022) 59(4) *Houston Law Review* <<https://houstonlawreview.org/article/35613-esports-enforcement-how-criminal-sentencing-philosophy-can-stop-esports-match-fixing>> accessed 14 February 2023

involve the use of technology, such as anti-cheat software, to detect cheating or suspicious behavior.<sup>11</sup>

**Collaboration with Betting Companies:** Esports organizations should collaborate with reputable betting companies to create a transparent and secure betting environment. This can include creating a set of rules and regulations for betting on esports matches and ensuring that bettors are verified and their transactions are secure.

**Encourage Reporting:** Finally, it is crucial to encourage individuals to report any suspected match-fixing or gambling in esports. This can involve creating a hotline or anonymous reporting system to ensure that potential cases are addressed quickly and efficiently.

## LEGAL FRAMEWORK OF E-SPORTS IN INDIA

Esports, or competitive video gaming, is a rapidly growing industry in India. While the industry is largely unregulated, there have been some recent developments in the legal framework surrounding esports. One of the main legal issues in esports is the recognition of esports as a sport or game. In India, sports are regulated by the Ministry of Youth Affairs and Sports, which has not yet recognized esports as a sport. However, in 2020, the Sports Ministry formed a committee to study the potential inclusion of esports in the upcoming National Games, which is a positive development.<sup>12</sup>

Another issue is the regulation of esports tournaments and events. In India, the Gaming Act of 1930 is the primary law governing gaming and gambling. The Act criminalizes certain types of gambling activities but does not specifically address esports or online gaming. However, some states, such as Nagaland and Sikkim, have passed legislation regulating online gaming and

---

<sup>11</sup> Manali Kulkarni, 'The Continued Rise Of ESport – Efforts To Combat Match Fixing And Improve Integrity' (*LawInSport*, 02 September 2016) <<https://www.lawinsport.com/topics/features/item/the-continued-rise-of-esport-efforts-to-combat-match-fixing-and-improve-integrity>> accessed 24 March 2023

<sup>12</sup> Gaurang Mangsinghka et al., 'Shortcomings of Online Gaming (Regulation) Bill' (*The Hindu Businessline*, 17 April 2022) <[www.thehindubusinessline.com/business-laws/gavelshortcomings-of-online-gaming-regulation-bill/article65321561.ece](http://www.thehindubusinessline.com/business-laws/gavelshortcomings-of-online-gaming-regulation-bill/article65321561.ece)> accessed 14 February 2023



issuing licenses for online gaming operators.<sup>13</sup> In addition, the Federation of Indian Fantasy Sports (FIFS)<sup>14</sup> has been formed as a self-regulatory body for fantasy sports and esports. The FIFS has established a code of conduct for member companies and has proposed guidelines for player protection, fair play, and anti-doping measures.

Furthermore, in 2020, the Esports Federation of India (ESFI) was recognized by the Ministry of Corporate Affairs as a national sports federation.<sup>15</sup> This recognition is expected to bring more legitimacy to esports in India and help with the development of the industry. Overall, the legal framework surrounding esports in India is still evolving, and there is a need for more clarity and regulation. However, recent developments such as the recognition of the ESFI and the formation of the FIFS are positive steps towards a more regulated and structured esports industry in India.

## **ROLE OF COURTS AND TRIBUNALS IN SPORTS AS WELL AS E-SPORTS**

Governance involves managing an organization through the exercise of power. The judicial system plays a crucial role in ensuring effective public governance by resolving disputes that arise from the numerous legislations, rules, and regulations that need to be managed. In both traditional sports and esports, courts also play a significant role in managing the organizations and the many individuals and groups involved, including players, clubs, media, spectators, fans, commercial entities, and educational institutions. It was inevitable that the conflict resolution system of the judiciary, courts, and alternative dispute resolution (ADR) would develop to provide efficient administration of these organizations given the significant number of individuals impacted by the organization of sports.

---

<sup>13</sup> Sidhharth Batra and Chinmay Dubey, 'Regulation of Esports in India' (*SCC Blog*, 17 August 2022) <[www.scconline.com/blog/post/2022/08/17/regulation-of-esports-in-india](http://www.scconline.com/blog/post/2022/08/17/regulation-of-esports-in-india)> accessed 14 February 2023

<sup>14</sup> Subhrajit Chanda, *Handbook: Developing Sports Law in India: A Challenge Ahead* (1st edn, Iterative International Publisher IIP 2021)

<sup>15</sup> 'Government gives official recognition to Esports' (*The Hindu*, 28 December 2022) <<https://www.thehindu.com/sport/government-gives-official-recognition-to-esports/article66311622.ece>> accessed 15 February 2023

## THE DUTEE CHAND CASE OF 2014

In 2014, Dutee Chand, an Indian sprinter<sup>16</sup>, was barred from participating in the Commonwealth Games due to her naturally high levels of testosterone, which was deemed to provide her with an unfair advantage. This incident highlights the need for a specialized panel to resolve disputes in esports. Athletes' lives are closely monitored, and their careers are short, with numerous risks such as injury and loss of form. When disputes arise, it is crucial to provide effective and expedient resolution.

### Esports disputes can be resolved in three ways:

- Through internal complaint mechanisms within the sports organization;
- Through a writ petition in court;
- Through alternative dispute resolution (ADR).

In cases where sports law intersects with other Indian laws, a writ petition to the High Court or Supreme Court is typically the best option. However, when Valve, the game developer, rejected a request by the iBuypower team<sup>17</sup> to lift their match-fixing bans, the ban remained in place as Valve is the sole regulator of the game Counter-Strike Global Offensive. When disputes cannot be resolved through the court system, ADR offers a newer and more effective method. This includes arbitration, mediation, conciliation, sports ombudsman, negotiations, and other means depending on the nature of the dispute.

## COURT OF ARBITRATION FOR SPORTS

There is international sports dispute arbitration, which is administered by “the Court of Arbitration for Sport”. Any issues involving international sports are forwarded to CAS. With its headquarters in Lausanne, Switzerland, it is the most well-known and suitable venue for resolving disputes on sports-related matters. In 1983, the International Olympic Committee

---

<sup>16</sup> Juliet Macur, 'Fighting for the Body She Was Born With' (The New York Times, 06 October 2014) <<https://www.nytimes.com/2014/10/07/sports/sprinter-dutee-chand-fights-ban-over-her-testosterone-level.html>> accessed 17 February 2023

<sup>17</sup> 'North American Match Fixing Scandal' (Liquipedia, 12 June 2015) <[https://liquipedia.net/counterstrike/North\\_American\\_match\\_fixing\\_scandal](https://liquipedia.net/counterstrike/North_American_match_fixing_scandal)> accessed 17 February 2023

founded it. The knowledge and specialization of the 150+ arbitrators from different parts of the world who make up CAS are what makes it unique. Most International Sports Federations and organizations connected to the Olympic Games are obligated to notify CAS of any issues that develop between them. Where a particular tribunal for international dispute settlement already exists, such as the FIA's conflict tribunal for Formula I, it is not always required to file a case to CAS. There are additional organizations that are also connected to the Olympic Games but have their systems for resolving disputes, like football, whose governing body, FIFA, has a separate tribunal for the same.

Only if the parties have an arbitration provision or agreement in place, specifically referencing the CAS, may a dispute be brought before the CAS. French and English are the two official languages that are accepted at CAS. The two categories of disputes that can be presented to the CAS are, in general, those that are following:

1. Commercial Nature;
2. Disciplinary Nature.

### **BENEFITS OF TAKING CASES TO THE COURT OF ARBITRATION FOR SPORTS**

- Compared to regular civil courts, which lack the in-depth expertise necessary to comprehend sports regulations and arbitration, the arbitrators chosen by CAS have more experience.
- The CAS technique is less formal and more open-ended than a regular court session.
- One of the key benefits is the speedy case processes, which call for a case to be considered and decided within a few months of the issue being presented to CAS. Olympic activities must not interfere with the Games, thus CAS benches are set up in the Olympic villages and have a 24-hour dispute resolution deadline.
- Compared to other conflict resolution methods, participants' fees are cheaper.
- The public, media, and press have no impact on CAS because it is a private process. Under the contract, all information relating to any dispute must be kept secret by the members, arbitrators, and CAS staff.

## ADR'S BENEFITS IN SPORTS-RELATED DISPUTES, SPECIFICALLY E-SPORTS

Since many centuries ago, bringing a lawsuit before the court system has been the sole option to resolve a conflict that has occurred. But, it is now becoming more and more clear that there is an alternative to litigation for civil disputes: ADR. Even attorneys have come to see the advantages of ADR in terms of the efficiency of the conflict settlement process. ADR has evolved and has been able to get over many of the issues and challenges that the court system had.

It is obvious to anybody that more and more sports organizations are using ADR as their main method of resolving disputes related to both on-field activities and commercial business problems. The fact that courts are becoming insufficient and ineffectual at giving remedies has made it clear that ADR is a preferable platform. Some examples of why ADR is superior include:

**A unified approach to resolving disputes:** Using CAS as an idea., it can be claimed that this unitary approach to ADR helps to preserve consistency and uniformity across various organizations and jurisdictions. CAS has set the norms and regulations that must be followed.

**Speed:** Because a person's career is so brief, a sportsperson or team must receive a solution in the shortest amount of time possible. It is well known that Indian courts take their sweet time to decide cases, and if the same approach were applied to sports, even a single argument might end a sportsperson's career. ADR offers a swift and effective remedy, which is important given that courts frequently fall short of expectations.

**CAS Ad Hoc division<sup>18</sup>:** When major tournaments, such as the Olympic Games, FIFA World Cup, etc., occurs, this division acts as a body that oversees the ADR process. The International Council of Arbitration for Sports (ICAS) appoints a panel of arbitrators, who meet often throughout the competition to hear potential conflicts and offer solutions. Within 24 hours of receiving an application, the CAS AD Hoc Division must react. This division constitutes one of

---

<sup>18</sup> 'Arbitration Rules applicable to the CAS ad hoc division for the Olympic Games' (*Tribunal Arbitral DU Sport Curt of Arbitration for Sport*) <[www.tas-cas.org/en/arbitration/ad-hoc-division.html](http://www.tas-cas.org/en/arbitration/ad-hoc-division.html)> accessed 17 February 2023

the most successful ADR approaches because of the time range it operates in. Such massive gatherings and organizations must function well and continuously.

**Cost:** ADR techniques like mediation and conciliation are much less expensive than courtroom proceedings. Even arbitration is less expensive than engaging in litigation when compared to the fees involved. The other party is typically a sports person who may not be able to afford the costs associated with courts and litigation, whereas the majority of the time, one party is typically a large organization with significant finances. One obvious benefit of ADR is the affordability of expenditures.

**Expertise:** When it comes to resolving legal problems involving sports, the position becomes quite specialized. It is highly challenging for any organization to pursue a lawsuit in India because there aren't any courts specifically designated to handle sports-related disputes. The laws of the sport, on the other hand, are far more equipped to efficiently resolve the disagreement when the arbitrator has experience with the sport and its rules and regulations. The time spent resolving fundamental issues that occur in any dispute is also reduced when an expert is on the bench since they may go right to the heart of the matter. Such a problem might come up, particularly in complex issues like anti-doping rules.

**Finality:** Arbitration rulings have some finality, much like court judgments do, but they can still be contested by an appeal to a higher authority.

**Enforcement:** Organizations in the sports industry are much more inclined to uphold awards won through ADR procedures. Modern times have seen domestic legislation built on UNCITRAL law<sup>19</sup>, which creates a single body of law.

**Confidentiality:** A crucial component of any conflict settlement is confidentiality. Contrary to ADR, which is a private procedure with secrecy as one of its primary components, courts are not private in nature, making the conflicts they settle public information. Confidentiality

---

<sup>19</sup> 'United Nations Commission On International Trade Law' (*United Nations*)  
<<https://uncitral.un.org/#:~:text=The%20United%20Nations%20Commission%20on,the%20law%20of%20international%20trade>> accessed 17 February 2023

becomes crucial, particularly if the remarks made throughout the process have the potential to damage an organization's or an athlete's reputation and brand value.

The awards granted by CAS are not permitted to be made public unless all parties consent or unless the Division President so determines, according to R43 of the 2013 version of the CAS rule. Although the parties to a conflict might need to continue taking part in an ongoing relationship for mutual benefit, it is crucial to instill the value of "preserving goodwill." The lawsuit may harm both parties and hurt their relationship. Consistency and Transparency - The CAS's development as an ADR mechanism has brought about uniformity in the decisions made in cases of identical disputes that have sprung up all across the world.

## CONCLUSION AND SUGGESTIONS

Esports has been rapidly gaining popularity in India, with a growing number of gamers, teams, and tournaments emerging across the country. However, the legal aspects of esports in India are still in their early stages and are not as developed as those in the West. As a result, there are several shortcomings in the legal framework for esports in India that need to be addressed to ensure the growth and sustainability of the industry.

One of the primary shortcomings of the legal aspects of esports in India is the lack of formal recognition of esports as a sport. Unlike the West, where esports is recognized as a legitimate sport and is often governed by the same regulations as traditional sports, esports in India is not recognized as a sport. This lack of recognition limits the industry's growth and prevents players from accessing the same benefits and protections that traditional athletes receive.

Another significant shortcoming is the absence of a regulatory body for esports in India. In the West, organizations such as the Electronic Sports League (ESL) and the International Esports Federation (IEF) provide guidance and support for players and teams, while also ensuring fair play and enforcing rules and regulations. However, in India, there is no such body that governs esports, leaving players and teams vulnerable to exploitation and unfair treatment.

Intellectual property (IP) rights are also a significant concern in the legal aspects of esports in India. The lack of clear regulations on IP rights for esports players and teams makes it difficult to protect their creative works, such as team logos, player names, and gameplay footage. This can lead to disputes over ownership and infringement, which can be detrimental to the growth and reputation of the industry.

Besides this, the absence of particular rules on internet gambling in India also provides a hurdle for esports. A danger of illicit gambling and match-fixing exists since esports events frequently feature real-money bets, which may be detrimental to the industry's credibility. Comprehensive laws on internet gambling would help assure fair play and safeguard the business from criminal actions.

To conclude, even if the esports business in India is expanding quickly, there are serious legal issues that need to be fixed. The lack of formal recognition, regulatory bodies, IP rights protection, and clear regulations on online gambling are some of the key challenges that need to be overcome to ensure the growth and sustainability of the industry. Policymakers and stakeholders need to work together to build a complete legal framework for esports in India that offers players and teams the same advantages and protections as conventional athletes, while also ensuring fair play and integrity in the sector.