

Sports Law

Contributing editors

 **CENTREFIELD**
SPORT - LAW - MEDIA

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2019

GETTING THE
DEAL THROUGH 

Laffer Abogados delivers a fully personalized advice to our clients, guaranteeing an excellent expertise in its legal assistance and providing Taylor-made solutions to our clients within the sports industry.

Our approach to the client's matters is all-inclusive, executed in all the required different jurisdictions and throughout the whole length of the legal process actually endured by our clients. The concrete and particular knowledge and expertise rendered by the firm within the Sports & Entertainment Industry aims to deliver a clear benefit and added value to the client.

Our services focus on a very broad spectrum of actual and relevant stakeholders of the Sports&Entertainment Industry as players, coaches, agents, clubs, associations, investment funds, etc., as well as on the most relevant sport institutions (FIFA, FIBA, IAAF, etc...) and international litigation courts, as the Court of Arbitration for Sports (CAS), providing to our firm with a countless and constant updated acquaintance of the market conditions and actual legal scenarios engendered.

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Introduction

Centrefield Law LLP and Laffer Abogados

Centrefield LLP and Laffer Abogados are proud as co-editors to introduce the first edition of *Sports Law* from *Getting the Deal Through*.

Sports law is not a typical area of law. Unlike, for example, anti-trust, contract, company or employment law, each of which is distinct and largely self-contained, sports law covers various laws and regulations, incorporating elements of contract, employment, commercial, intellectual property, criminal, dispute resolution and various other laws. This is supplemented by a continually developing regulatory framework established by the various national and international governing bodies and federations within each sport, creating a complex structure of laws, rules and regulations that constitute sports law.

This is largely unsurprising, given the development of sport as a specific industry sector. Sport ultimately began as a pastime, but has since become a highly sophisticated, professional and commercial industry worth billions globally. It is this increasing commercialisation that has primarily driven the growth of sports law, with sport meriting a more bespoke and industry-specific approach, leading to the gradual development of associated laws, rules and regulations required to manage the related issues that have arisen as the industry has matured.

In many ways, the development of sports law is unique in that much of it has been industry- rather than government-led. While national governments have taken varying approaches to sport, with certain jurisdictions developing specific sporting codes and legislative frameworks, there is broadly a 'hands-off' approach to the national and international regulation of sport. National legislators have generally avoided implementing a defined regulatory framework for sports, but have instead left governing bodies to self-regulate within the wider context of existing national laws. This has led to significant variations in the way different sports are regulated and managed, often within the same jurisdiction, whether it be disciplinary processes, transfer systems, sponsorship and advertising regulations, or even immigration rules. International federations have also actively sought to take the lead setting the regulatory framework for their respective sports, even trying to exclude political influence. Note, for example, the international football governing body, FIFA, has existing rules against political interference in football at a national level. This approach can bring sports regulations into direct conflict with national laws and creates significant complexity for those operating within the industry.

The formation of the Court of Arbitration for Sport (CAS) is a further example of the industry-led approach within sports regulation. The CAS is, for the most part, the primary forum for resolving sporting disputes globally, on account of it being the choice of many international sports federations as a final forum. Given its current importance within the industry, the operation of the CAS is addressed further in its own chapter in this publication. However, despite its pre-eminent position, the CAS is not alone in providing dispute resolution services in sport, with other organisations globally providing arbitration services in sport, such as Sports Resolutions (UK); the World Intellectual Property Office, which offers alternative dispute resolution for sports for resolving intellectual property disputes; and the Qatar Financial Centre Civil and Commercial Courts in Doha, which has been used as a forum for sports dispute resolution (for example, in the case for the International Cricket Council's anti-corruption tribunal in 2011 on spot-fixing during an international test match).

For industry participants, whether acting for a club, governing body, athlete, intermediary or commercial entity operating in the sector, it is important to recognise that the regulatory and legal issues faced by companies and individuals within the sector are often highly complex. Whole books and chapters have been written on many of the individual issues addressed within this publication. However, rather than a definitive legal guide to all aspects of sports law, this publication provides a practical and commercial approach to understanding the sector. Ultimately, working in any industry requires context and we hope that this publication can provide that context through a succinct overview of the key legal issues in sport.

Each chapter covers a broad range of areas, covering issues both on and off the field of play. The initial questions seek to provide an overview of the regulatory framework operating in each jurisdiction and the various mechanisms for dispute resolution in sport. The focus then moves to commercial issues within sport, covering sponsorship, brand management, broadcasting and event organisation. Lastly, the issues affecting the management and protection of individual athletes in sport, including immigration issues, sports unions, employment matters and (briefly) taxation, are addressed.

Finally, we would like to thank each of the authors who have contributed and provided chapters to this publication and whose insight has helped to create what we believe is an informative and practical guide to sports law globally.

Experts in sport and media law.

Focus has many advantages. In sport and media it delivers a vital competitive advantage. By choosing to focus our practice solely in these areas, we offer our clients the advantage of working with the most highly skilled and experienced lawyers in sports and media legal practice.

We count the foremost organisations, associations, clubs, players, athletes and agents – nationally and internationally – among our clients. We work with rights holders, brands and individual personalities. We advise on the most high profile and complex matters in world sport. And we are the UK's leading practice in sport and media law.

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