



# SPORTS & GAMING LAWS

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# SPORTS LAW (NATIONAL)

## **GAUHATI HC STAYS WFI ELECTIONS; ASSAM WRESTLING ASSOCIATION GRANTED MEMBERSHIP**

On June 25, 2023, the Gauhati HC issued an order staying the Wrestling Federation of India's (WFI) elections, in response to a petition filed by the Assam Wrestling Association seeking membership in the WFI, and a plea for staying WFI elections till it receives membership, claiming it was entitled to be an affiliated member of the WFI with voting rights but had been denied recognition by the national federation. However, a two-judge bench of the Supreme Court comprising J. Aniruddha Bose and S V Bhatti, stayed the Gauhati HC's order on 18th July. The Assam Wrestling Association later received membership of the WFI on 22nd July, and the ad hoc wrestling committee of the Indian Olympic Association (IOA) told AWA that its membership application had been approved with immediate effect.

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## **TWO MEMBERS OF ASIAN CHAMPIONSHIPS CONTINGENT FAIL DOPE TEST, RECEIVE PROVISIONAL SUSPENSIONS**

The National Anti-Doping Agency (NADA) has given India's top two female athletes provisional suspensions after they failed the drug test a day before the start of the Asian Athletics Championships to be held in Bangkok

The dope control officers (DCOs) evaluated Archana Suseendran and Anjali Devi, and their urine samples tested positive for prohibited substances. Both have subsequently been excluded from the India's delegation to the Asian Championships, which commenced on July 12.

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## **BCCI 19TH APEX COUNCIL MEETING: POLICY REVIEW FOR RETIRED PLAYERS**

The Board of Control for Cricket in India (BCCI) has decided to review its existing policy on participation of retired players in the overseas franchise leagues.

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## **DELHI HC REFUSES TO INTERFERE WITH EXEMPTIONS GRANTED TO ATHLETES FROM ASIAN GAMES TRIALS**

The Delhi High Court refused to interfere with the exemption granted to top wrestlers Vinesh Phogat and Bajrang Punia from the Asian Games 2023 trials by an ad hoc committee of the Wrestling Federation of India (WFI).

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# SPORTS LAW (INTERNATIONAL)

## CA OSASUNA REGAINS SPOT IN CONFERENCE LEAGUE AFTER MATCH-FIXING CONTROVERSY

Due to a match-fixing incident, Spanish football team Club Atlético Osasuna had been banned from competing in Europe's third-tier Conference League for the upcoming 2023/24 season. After placing seventh in LaLiga the previous season, Osasuna earned a spot in the Conference League playoff round. However, during the 2013–14 season, the club was embroiled in a match-fixing controversy. A trial in 2020 concluded with several of the club's former directors being found guilty.

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## BRAZIL PASSES LONG-AWAITED SPORTS BETTING REGULATIONS

On 25th July 2023, the Brazilian President signed the 2018 Provisional Measure, thus implementing the regulations. The new regulations envisage the creation of the National Secretariat for Games and Betting (SNJA), increase in tax on revenue from 16% to 18%, and includes a clause stating that foreign operators will now be permitted to apply for a licence.

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## CAS UPHOLDS VALIDITY OF FIFA FOOTBALL AGENT REGULATIONS (FFAR)

The Court of Arbitration for Sport (CAS) upheld the legality and validity of the FIFA Football Agent Regulations (FFAR), and dismissed in entirety the application made by Zurich-based Professional Football Agents Association. The applicants had argued that the FFAR violated several provisions of Swiss competition law, but the CAS rejected these arguments and upheld the new regulations.

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## MIKAEL YMER SUSPENDED FOR 18 MONTHS

The Court of Arbitration for Sport (CAS) issued its decision in the appeal between the International Tennis Federation (ITF) and Mikael Ymer, a Swedish tennis player, following an appeal by the ITF against the decision of the Independent Tribunal appointed pursuant to the ITF Regulations, which had exonerated the Player from any suspension despite three whereabouts failures committed in twelve months.

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## **KENYAN ATHLETE FACES 10-YEAR BAN FOR ANTI-DOPING VIOLATIONS**

Kenyan marathon runner Titus Ekiru faces a 10-year ban in a doping investigation that currently ranks him as the sixth-fastest man of all-time in the event. Monaco-based Athletics Integrity Unit stated that he faces two charges for positive doping tests and two more of tampering. Ekiru tested positive for

triamcinolone acetonide at the Milan Marathon, which is a prohibited substance, unless an athlete is given a medical exemption. When Ekiru also tested positive for a synthetic opioid while winning in Abu Dhabi in November 2021, the AIU reported that a previous inquiry into the Milan positive test was reopened. According to AIU, Ekiru is entitled to a hearing before the Disciplinary Tribunal to present his defense.

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# **GAMING LAW (NATIONAL)**

## **28% GST LEVIED ON ONLINE GAMING**

The Goods and Services Tax (GST) Council announced a recommendation that seeks to implement a uniform tax rate of 28% on full face value for online gaming, horse racing, and casinos. The government plans to introduce amendments to GST-related laws during the monsoon session of Parliament, including online gaming and horse racing as taxable actionable claims in Schedule III. Typically, in real money games (RMGs), users deposit a contest entry amount (CEA). The platform deducts its fee from this amount before creating a prize pool for the winner, which is known as the gross gaming revenue (GGR).

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## **MADRAS HIGH COURT REFUSES TO GRANT INTERIM RELIEF TO GAMING COMPANIES**

The Madras High Court refused to grant any interim relief to online gaming companies in their challenge against the Tamil Nadu Prohibition of Online Gambling and Regulation of Online Games Act, 2022. The counsel representing the petitioners argued that the online gaming companies are unable to carry on business due to the Act and have been forced to shut down in the state and requested for interim relief. However, the High Court refused, stating that since the arguments for interim relief and the final relief were identical, the matter can be heard and decided in finality.

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## **DEADLINE FOR SRO APPLICATIONS CLOSES; MINISTRY RECEIVES THREE PROPOSALS**

After notifying the amendments to the IT Intermediary Rules in relation to online gaming in April 2023, the Ministry of Electronics and Information Technology has received three proposals for the establishment of self-regulatory organisations (SROs) in the field of online gaming. Under the new regulations, the government will approve the setting up of SROs that will be responsible for overseeing and certifying online games for India.

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## **BIHAR POLICE REACH OUT TO THE IT MINISTRY SEEKING A BAN ON 100 GAMBLING, GAMING AND ILLEGAL LOAN WEBSITES**

Bihar police's Economic Offences Unit (EOU) seeks a ban on over 100 gambling and loan lending apps, allegedly involved in money laundering and threatening India's financial security. The decision follows after it is established that these apps attract Section 69 of the IT Act, as the apps contain materials threatening India's sovereignty and integrity. The ADG reports extortion and harassment complaints from small-time loan lenders.

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## **PIL IN DELHI HIGH COURT CHALLENGES NEW ONLINE GAMING RULES**

NGO in Noida files PIL in Delhi High Court, questioning the validity of Information Technology Intermediary Guidelines and Digital Media Ethics Code Amendment Rules, 2023, regarding online gaming.

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## **ONLINE GAMING CONTENT AND ONLINE ADVERTISEMENTS WOULD FALL WITHIN THE AMBIT OF MIB**

The Indian government has shifted online gaming content and advertising to the Ministry of Information and Broadcasting, led by Anurag Thakur, under an amendment to the Government of India (Allocation of Business) Rules. The Ministry of Information and Broadcasting has replaced the term 'providers' in entry 22A of the AoB rules with 'providers/publishers', encompassing online gaming content and advertising. The industry's response to the move to shift online advertising was mixed, with some arguing it could lead to the industry's disappearance. The MIB already considers offline and physical advertising.

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# GAMING LAW (INTERNATIONAL)

## FTC PAUSES MICROSOFT- ACTIVISION BLIZZARD MERGER TRIAL

The US Federal Trade Commission paused its in-house trial against Microsoft Corp's \$69 billion acquisition of Activision Blizzard, one of the largest video game publishing companies

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## UK ISSUES NEW GUIDELINES FOR LOTTERY AND GAMBLING ADVERTISEMENTS

UK's Committee on Advertising Practice (CAP) has made two amendments to two sections of

## NETHERLANDS IMPLEMENTS BAN ON GAMBLING ADVERTISEMENTS

Starting 1st July 2023, Netherlands has implemented a nation-wide ban on display of gambling advertisements which is applicable to all radio and television commercials, as well as outdoor billboards.

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its code around lottery advertising, focusing on product promotion to people under the age of 25.

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