



Sport Update

Issue 19

January 2008

More dopes

Reigning Olympic 100m champion Justin Gatlin is set to appeal to CAS in an attempt to defend his Olympic crown. He tested positive for testosterone in April 2006 and, this being his second positive test, faced a lifetime ban under the WADA Rules. However, the US Anti-Doping Agency (USADA) reduced his lifetime suspension to eight years after he agreed to help investigate doping in sport. He went undercover and wore a wire. Under the current WADA Anti-Doping Code (the Code), there is a discretion to reduce a sanction where the athlete agrees to assist in the fight against doping.

While much of the media comment around the decision of the American Arbitration Panel in the Gatlin case has related to the work he did with federal investigators, the key issue in the case was how an earlier doping violation should be considered for the purposes of the current rules. Under the Code, if the period of ineligibility is eliminated for a previous anti-doping violation for the reason that the athlete was guilty of no fault or negligence, then that earlier anti-doping rule violation will not be considered a violation for the purposes of the sanction for subsequent anti-doping rule violations.

This makes sense because if an athlete has been guilty of no fault or negligence for the first violation, effectively the second violation should not be considered as a subsequent violation – it can be considered as the first violation of the athlete. The difficulty in the Justin Gatlin case is that his first violation in 2001 pre-dated the Code coming into effect. Given that neither the Arbitration Panel nor the IAAF at the time determined the issue of whether he was at fault or not, the thorny issue before the Arbitration Panel in the current case was whether his actions at that time constituted no fault or negligence or only met the lower standard of no significant fault or negligence. If the latter, then his testing positive for testosterone in 2006 would be a second anti-doping rule violation and he would be subject to a lifetime ban.

USADA argued that his conduct in 2001 amounted to what would now be described, under the Code, as no significant fault or negligence and therefore agreed to the reduction of his lifetime ban to eight years. When the matter came before the Arbitration Panel, it felt that it should be further reduced to four years. However the Panel (by a majority) felt that Justin Gatlin did not prove, to the comfortable satisfaction of the Panel, that he was guilty of no fault or negligence in 2001. Therefore, his anti-doping rule violation in 2006 would be considered a second violation and he should get more than just the two years he would have got if it were treated as a first violation. This is a key issue because of the way the dates fall. If Justin Gatlin proves on appeal that he was guilty of no fault or negligence in 2001, then his two years for the testosterone violation in 2006 will have run out, enabling him to defend his 100m title in Beijing.

Meanwhile, drug cheat Marion Jones has been sentenced to six months in prison. It is interesting to note that page 173 of her autobiography gives her unequivocal view on drugs: "I HAVE ALWAYS BEEN UNEQUIVOCAL IN MY OPINION: I AM AGAINST PERFORMANCE-ENHANCING DRUGS. I HAVE NEVER TAKEN THEM. AND I NEVER WILL." The words are bold red capital lettering and take up the entire of page 173. Her release from prison will no doubt prompt a new book deal with tales of her prison hell and financial struggles. Presumably page 173 will be deleted.



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Break a leg

Double leg amputee Oscar Pistorius has ambitions to compete in the Beijing Olympic Games, having run his first able-bodied 400m race in Rome in July 2007. He has been subject of criticism due to claims that his artificial limbs, which are J-shaped carbon-fibre prosthetics called "Cheetahs", give him an unfair advantage. He was born without fibulas - the long, thin outer bone between the knee and ankle. When he was 11 months old his legs were amputated below the knee.

In June 2007, the IAAF amended its Competition Rules (Rule 144.2) to include a ban on the use of "any technical device that incorporates springs, wheels or any other element that provides a user with an advantage over another athlete not using such a device". They claim that this rule amendment was not aimed at Pistorius.

Tests took place in November on Pistorius at the German Sport University in Cologne. The report states that Pistorius was able to run with his prosthetic blades at the same speed as the able bodied sprinters with about 25% less energy expenditure. As soon as a given speed is reached, running with the prosthetics needs less additional energy than running with natural limbs.

The IAAF Council has reviewed the full report and has decided that the prosthetic blades should be considered as technical aids in contravention of IAAF Rule 144.2. As a result, Oscar Pistorius is not eligible to compete in the Olympics or other competitions organised under IAAF Rules. It is not yet clear whether Pistorius intends to appeal.

New studies on sponsorship

Two new studies have shed some light on sponsorship in sport and sought to evaluate the connection that fans feel with sponsors and the areas in which both the sponsors themselves and the sporting bodies or sporting teams that they sponsor can improve this connection.

In the US, Turnkey Sports & Entertainment explored whether fans knew or cared which company sponsored the sports they follow. It seems that many fans are confused as to who are the official sponsors of particular sports and events. For example, fewer than 20% of NFL fans correctly identified Coors which has been the official beer of the league since 2002. Almost 60% thought it was Anheuser-Busch which has a number of team deals and has been the only beer advertised for the past 19 super bowls. There was a similar story across a number of sports in the US. Commentators have argued however that this gives an overly pessimistic view of the sponsorship world. They assert that it becomes clear that companies across all industries and of all sizes are starting to appreciate the importance of developing, managing and strengthening their brands over time.

The European Sponsorship Association has also conducted a very wide ranging sponsorship survey which identifies sport as still being the dominant factor in terms of sponsorship, although community/cause related deals are gaining an increasing share of the sponsorship market.

The survey identifies the main challenge as the measurement of return from sponsorship and it states that sponsorship is becoming more integrated with marketing and communications, leading to more investment and linked activations. The survey, however, noted differing perspectives between rights holders and sponsors. Most rights holders continue to evaluate the effectiveness of sponsorship through traditional means – media exposure, spectator numbers and TV viewing figures, whereas sponsors tend to look at other indicators around brand awareness and brand health.

Sport accounted for 54% of sponsors' spend. Alcoholic drink brands lead the way with financial services second and telecommunications in third place. This is at odds with a global survey conducted at the end of 2006 which found alcoholic beverages in fifth place, with financial services leading the way.



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Bosman, Blatter & beyond

FIFA president Sepp Blatter has once again defiantly stated his intention to rage against the machine – the EU machine that is – by reiterating his desire for at least six home-grown players in a club's line-up. Blatter has stated that he would introduce his '6 plus 5' plan at the next FIFA congress, adding that "European law cannot rule the world as far as football is concerned". It may not rule the world but it can rule Europe!

The landmark *Bosman* decision invalidated two vital tenets of the transfer system – the payment of transfer fees at the conclusion of a contract and the so-called '3+2' quota on foreign players. While the former issue received considerable attention in the decade that followed, the abolition of the quota system required no refinement. The simple reason was that the rule was so blatantly in contravention of the EC Treaty that it was entirely abolished. In fact, the only significant moves since 1995 have been to add non-EU member states to the rule on account of Association Agreements, so that (for example) Russians and Slovaks are to be treated as equivalent to EU nationals. Indeed, the landmark *Kolpak* case, involving a Slovak handball player (prior to Slovakia joining the EU) has given rise to the term 'Kolpak player'. A recent indication that soccer, like rugby, is moving towards further migration liberalisation can be seen in Spain, where the Cotonou Agreement has been successfully invoked to remove restrictions on the number of African, Caribbean and Pacific (ACP) players that Spanish football clubs are allowed to field. The Spanish Football Federation (RFEF), following applications from three La Liga clubs, decided to list a number of players as assimilated EU citizens, despite their respective African nationalities. The rest of Europe will probably follow suit, particularly in light of the wording of the Cotonou Agreement, which is almost identical to the (Russia-EU) Corfu Agreement, which Igor Simutenkov availed of in 2005.

Peace in our time

The G14, the pressure group of top European soccer clubs, is to disband after an agreement was reached with the sport's two most powerful federations which will pave the way for compensation to be paid to clubs for players on international duty. FIFA and UEFA met with club representatives in Zurich last week in what was described as a "historic meeting" and hatched a deal under which the G14, comprising 18 clubs, will cease activity and form part of the new European Club Association (ECA). Unlike the G14, the ECA, which is replacing UEFA's European Club Forum, will be recognised by the UEFA and will have more than 100 representatives, including one from each of the 53 national associations.

UEFA and FIFA have pledged to tackle the thorny club versus country issue by making financial contributions to clubs whose players take part in European Championships and World Cups. It is likely that this money will come from revenues raised from the sale of television rights and sponsorship deals for the two tournaments.

Under the deal, clubs who provide players to countries competing in the World Cups and European Championships will receive a total of €175m in compensation over the next six years. FIFA will contribute €75.5m, including €26.5m to clubs whose players participate in the 2010 World Cup and €49m to cover the 2014 tournament. UEFA has committed to pay out €98.5m, made up of €43.5m for this year's European Championships and €55m for Euro 2012.

The funding will go towards insurance for players who are injured while on international duty and would be shared by clubs that a player belonged to during the previous two years. Among other concessions, FIFA has stated that clubs will only be obliged to release players for one friendly international a year played outside the home continent of the club, while UEFA will attempt to limit the number of teams in European Championship qualifying groups to 6 to reduce the demands on international team players.

In return, the G14 is dropping its legal action, including support for a case brought by the Belgian club Charleroi, who are seeking compensation for an injury suffered by their Moroccan player Abdelmajid Oulmers while he was away with his national team (see Beauchamps' Sport Update Issue 16). A similar case was brought by French club Lyon following an injury suffered by international player Eric Abidal during a France friendly. Although the proposal still has to be approved by the ECA and the G14, the deal should lead to improved relations between soccer's international governing bodies and the top clubs and at least go some way to dealing with the club versus country dispute.



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Stadium rights deals – the order of the day?

French Ligue 1 club Le Mans has confirmed a naming rights deal for its 25,000 seat stadium (due to open in 2009) with insurance company MMA. The contract will last ten years and will reportedly be worth €10 million. Le Mans' stadium was originally named after a company – Leon-Beolée – that allowed the club to develop the land for the stadium in 1906.

While such arrangements are common in the US, they are relatively new on this side of the Atlantic. However, stadium rights deals are now being seen as a valuable revenue stream and many more arrangements are expected in the coming years. Olympique Lyonnais' proposed new 60,000 seat stadium, which will open at the end of the decade, is set to have a title sponsor. Similarly, the City of Cape Town has announced that it will be seeking to sell the naming rights to the Green Point Stadium, which is set to stage nine matches at the 2010 FIFA World Cup, including a semi-final.

Cricket moves towards Olympic status

After over a hundred years outside the Olympic movement, cricket has returned to the fold with the IOC provisionally recognising the sport. The provisional status is given to sports not in the Olympic programme, but which conform to certain criteria of the Olympic movement in terms of youth promotion and anti-doping policies.

The decision has moved cricket a step closer to winning Olympic status, which can be applied for in two years after the initial mandatory provisional status concludes. However, the earliest the sport could feature in the Olympics would be in 2020 when the IOC reviews the programme after the 2012 Olympics in London.

No ban on touting

Members of the UK parliament have rejected calls for a ban on the resale of tickets for sporting events, disappointing various sports which wanted the same protection as soccer. A report by the Culture, Media and Sport Select Committee says that legislation to prevent the secondary sales of sports tickets is not necessary but the committee wants auction websites such as eBay to "clean up their act" to prevent consumers being exploited.

The MPs' report recommended a voluntary industry code of conduct for reselling and criticised the existing standards stating that they allowed online touts to exploit fans. The Committee noted that up to 40% of tickets were being sold on the internet and strongly supported discussions between online retailers and events promoters which could see artists and in time sports rights holders receive a levy on tickets resold.

Back in the fast lane

Michael Schumacher may have retired from the world of professional motor racing, but that doesn't stop him getting behind the wheel when needs must. The German seven-times world champion took over from a taxi driver in order to get his family to the airport on time. A trip out to the village of Gehuelz, near Coburg in southern Germany had left the family short of time to make their flight home. Schumacher, clearly appreciating the driver agreeing to his unusual request, gave a €100 tip on top of the €60 fare.

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