



Sport

Your winning team

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Our leading sports practice is supported by our wider full-service offering, and brings together specialists in rights exploitation, sponsorship, merchandising, dispute resolution and competition law, regulation, real estate and reputation management to tackle some of the industry's most complex issues.



Thanks to an in-depth understanding of your sector and its dynamics, some of the most prominent names in international sport have chosen to work with CMS over the years. Our enthusiastic sports law experts have acted on a variety of landmark deals and support our clients on complex and diverse issues.



Many sporting contracts involve international aspects. Combining valuable local knowledge with global coverage, we can offer cross-border legal advice on international transactions. As sensitivity to the different legal systems and approach to negotiations is key, we tailor our advice and negotiation strategies accordingly.



Not only do the team have an excellent grasp of the legal position, they inherently understand the practical and commercial impact on clients and are therefore able to provide their advice in as helpful a way as possible.

Legal 500, 2021

How we can help you



Media Rights

As regulations change, media channels diversify and rights values shift and grow, the global sports business becomes ever more sophisticated. The industry continues to attract innovative broadcasting, sponsorship and merchandising deals as new technologies provide the basis for increasing levels of engagement and interaction between rightsholders and fans.

We have market leading expertise in every aspect of media rights, including content production, distribution and in particular, broadcast rights deals which has seen us act for some of the world's biggest sports media rights holders. We have helped clients to seal record breaking deals and have significant expertise in digital media. This means we are also at the forefront of the digital sports broadcasting revolution as the latest technologies redefine the way that rights holders and media companies engage and interact with their customers through the use of augmented reality, virtual reality and artificial intelligence.



Rules and Regulations

Our work in the sector ranges from the drafting, implementation, interpretation and enforcement of a wide variety of sports governing bodies' rules and regulations, including advising on internal disciplinary procedures through to arbitration and judicial review cases. Our lawyers have advised on a number of high-profile disciplinary issues over the last few years. We also advise regularly on the construction and interpretation of the rules and regulations of sporting competitions and other associated regulatory matters.



Commercial Contracts

Our commercial lawyers negotiate contracts from every perspective within the industry. We advise on negotiating sponsorship agreements, brand licensing agreements, advertising agreements and player transfers.



Event Organisation and Staging

Our experience in event organisation and staging means we can be with you every step of the way. We have experience in all aspects of event organisation, from the initial bidding process, stadium development and finance to catering contracts for the event itself.



Intellectual Property and Brand Protection

Our intellectual property team offers market leading advice to sports stars, sports teams and rights holders. Our experience ranges from helping individuals negotiate image rights transfers to helping multinational associations compile their virtual advertising policy. The team also has particular expertise in antipiracy strategy, advising rights holders on how to protect their valuable rights, including rights in sports data.



Corporate

Our full-service corporate group is able to assist clients with any corporate goal they are seeking to achieve. The firm has an established pedigree in advising on M&A transactions within sport, including extensive experience in acting for both Premier League clubs and investors in negotiating the legal, commercial and regulatory environment that football clubs operate in. Our team also advises on constitutional and governance issues affecting unincorporated associations, and on debt financing, where we have extensive expertise in debenture issues and receivables and player transfer financing deals.



Merchandising, Licensing and Sponsorship

We are able to draw on our experience in the technology and intellectual property fields to help rights holders create sophisticated cross media sponsorship campaigns for both the sponsor and the rights holder. Our domestic and international reach means we are a true one-stop service for all your brands' needs.



Real Estate

Our real estate team has acted on major stadium developments as well as developments of national sporting arenas. We have also acted for some of the most prestigious golf clubs in the UK on their developments.



Employment

Our team has advised on the contracts of some of the country's leading sports stars as well as for football clubs on key matters related to player and manager contracts. We have acted for both employer and employee, ensuring we know the commercial realities of the whole employment relationship.



Dispute Resolution

Our sports litigation team has experience resolving disputes not only through the courts and major arbitration fora but also specific sports tribunals including the Court of Arbitration for Sport and FA Commissions of Inquiry. We have expertise in acting for clients and sporting associations in a variety of disputes, ranging from anti-doping to compensation disputes following cross border player transfers.



Tax/Image Rights

Our tax and intellectual property specialists have significant expertise in designing and establishing robust and tax-efficient image rights structures for sporting personalities around the world.



Reputation Management

Sports litigation tends to be extremely high profile, generating substantial media coverage. Our reputation management team is widely recognised as a leader in its field, particularly in relation to privacy issues, with expertise in all areas of law likely to affect the reputation of individuals and organisations in the sports sector.



Data Protection

We regularly advise clients as to their obligations in respect of data protection law and privacy issues. We have defended clients against investigations by the ICO and have particular expertise in advising clients on their use of data in marketing practices. Questions around the ownership of sports professionals' data and image rights are becoming more prevalent, and it's a topic that we're confident exploring with clients whenever the lines get blurred. We can advise you on all of your GDPR compliance requirements.



Esports

We are at the forefront of the esports revolution. Esports sits at the intersection of many of our core areas of expertise, including sports, media, advertising, technology, video games and gambling. We can advise on the full range of issues, including player rights, media distribution, contractual matters and disputes, investment, IP and advertising.

Highlights of our sports experience

Media

- **A broadcaster** – on various Asia-wide broadcasting/licence agreements with various major sports leagues including NFL, MLB, NHL, NASCAR and various others.
- **All England Lawn Tennis Club** – on drafting the Venue Use Agreement for Wimbledon for the 2012 Olympic Games as well as several supplier contracts. We also drafted the agreement with IMG for the agency sale of the broadcasting rights to the Wimbledon tennis championships.
- **BT Sport** – on the launch of its sports channels and advised BT on its landmark channel sharing deal with Sky, which includes BT Sport and Sky Sports.
- **Deutsche Fußball Liga GmbH (DFL)** – on advice in the field of media regulation as well as comprehensive advice to the DFL regarding esports (especially with regard to a new tournament mode of the virtual Bundesliga).
- **England and Wales Cricket Board** – on the GBP 1.1bn sale of its broadcasting and media rights. Sky Sports and BBC were awarded new five-year media rights agreements for all of ECB's domestic and international matches played at home from 2020 to 2024.
- **FIFA** – on the global sale of media rights to the 2010 and 2014 FIFA World Cups.
- **International Cricket Council** – on its global media rights tender for 2017–2023 in respect of the major international cricket tournaments organised by the ICC. This process resulted in the ICC concluding cricket's biggest ever broadcast deal.
- **TEAM** – on bidding for the broadcasting rights to the UEFA Champions League and the UEFA Europa League.

Intellectual Property and Brand Protection

- **British Olympic Association (Team GB)** – on legal support relating to the 2018 PyeongChang Winter Olympics, including in relation to the enforcement of Team GB and the International Olympic Committee's IP rights, which primarily involved dealing with multiple infringements from non-sponsor brands. CMS also advised Team GB on its sponsorship and licensing arrangements, athlete image rights issues and ad-hoc data protection queries.
- **Queensberry Promotions and BT** – on their application for a live blocking injunction under s.97A of the Copyright Designs and Patents Act. The injunction required the UK's six largest ISPs to block access to illegal streams of the high-profile 'Wilder v Fury' boxing match in December 2018 as well as future QPL-organised boxing events to be broadcast on BT.
- **UEFA** – on a review of virtual advertising regulations in each of their member jurisdictions; in relation to alcohol restrictions at football matches, including on the consumption, sale and promotion of alcoholic beverages in Belgium, Serbia, Montenegro, North Macedonia and Slovenia; and on several regulatory matters in relation to the hosting of Euro 2020 football matches in the Basque Country (San Mamés stadium).
- **UEFA** – on obtaining a High Court blocking order against several Internet Service Providers to prevent access by their customers to streaming servers which deliver live streams of UEFA matches; and on various trade mark issues and conflicts against third parties that misappropriate the UEFA proprietary IP, symbols and signs in the Netherlands.

Highlights of our sports experience

Corporate

- **Alex Knaster** – New York-based corporate financier on the acquisition of a 75% stake in A.C. Calcio Pisa 1909 S.r.l, the owner of Tuscan-based football club AC Pisa 1909.
- **All England Lawn Tennis Club** – on its acquisition of The Wimbledon Park Golf Club for a total consideration of approximately GBP 65m.
- **Bydand Sports** – on its acquisition of a majority stake and investment in Hibernian Football Club, one of Scotland's leading top flight football clubs.
- **Queen's Park Football Club** – on its sale of Scotland's national football stadium Hampden Park, and the entire issued share capital of The National Stadium plc, the company that formerly managed Hampden, to the Scottish Football Association.
- **Reedtz Limited** – on the corporate, tax and regulatory aspects of the acquisition of Notts County Football Club, a founding member of the Football League and the oldest professional football club in the world.
- **Eurostadium, City of Brussels** – on a procurement procedure, as the potential host city of the European Championships 2020, for the construction and exploitation of a new gigantic football stadium with a capacity of 60,000 people which would be used for the opening match of the tournament.
- **The Dutch Hockey Association** – on the construction of a new hockey stadium in Amsterdam, to be opened before the start of the European Championships in August 2017. Advised on all legal and tax related matters.
- **Various golf clubs** – Acted for some of the most prestigious clubs in world golf including Muirfield in real estate matters, including in relation to the 2013 Open Championship.

Regulatory / Dispute Resolution

- **FC Twente** – Representing the club before the Dutch FA arbitration committee against players agents in disputes relating to commission on the transfer of a number of players to FC Twente.
- **FIFA** – on the Doyen Sports/Seraing cases on the legality of the FIFA prohibition on third party ownership in the context of the sporting sanctions that have been imposed on football club Seraing (transfer prohibition for several transfer windows). The FIFA rules were challenged under EU competition and free movement rules, and under the European Human Rights Convention. In 2019, the Brussels Court of Appeal rejected all claims brought against FIFA.
- **All England Lawn Tennis Club** – on securing planning permission for the glass roof on Court 1 and worked on various other developments on the Wimbledon estate. We also advised on its GBP 175m debt facilities with HSBC Bank Plc.
- **First Division Clubs De Graafschap and Cambuur vs Dutch Football Federation (KNVB)** – As a result of COVID-19 the Dutch Professional Football competitions were prematurely terminated. A decision by KNVB not to apply promotion and relegation was brought before Court in summary proceedings. The clubs argued that the decision was against principles of reasonableness and fairness since both clubs were clearly on their way to promotion with a view to the ranking at the time of termination of the competition.
- **Carnoustie Golf Course Hotel & Resort** – on various agreements with the owners of the adjacent Carnoustie Golf Links course involving golf course access, branding and shared facilities.

Real Estate

- **Kira Toussaint** – Supported the top swimmer in challenging the decision of FINA (Fédération Internationale de Natation) to suspend her after what turned out to be a so-called false positive test caused by fully permitted medication that was being used.
 - **Kjeld Nuis** – Supported the Dutch speed skater and two-time Olympic champion who was unable to participate in the Dutch Distances Speed Skating Championships in 2019 due to illness. Despite this, the Dutch National Skating Association (KNSB) let Nuis participate in the ISU World Single Distances Speed Skating Championships. Skating competitors disagreed with the decision and went to the arbitration committee of the KNSB to enforce a “skate-off” between athletes.
 - **Scottish FA** – Providing lead advice on the drafting, implementation and operation of a detailed set of rules and procedures for Scotland’s largest SGB to create a bespoke set of rules which deal with the suitable levels of fairness and natural justice, good governance, separation of powers and appropriate guidelines on sanctions. We recently provided cover as interim compliance officer for the client and were involved in the investigating and prosecuting a number of high-profile on-field and off-field matters.
 - **SIS, Betfred and The Tote** – on a claim by The Racing Partnership in a complex case relating to the creation and provision of horseracing betting odds and other data relating to horseraces and a number of racecourses in the UK. The judgment involved an unusual application of the law of copyright and database rights to horseracing and, more generally, to the collection and distribution of data, and is of significant relevance to industries which produce and disseminate data to third parties.
 - **Yara van Kerkhof** – Supported the six times short track gold medallist in an ongoing battle first against the ISU and then also against WADA.
- ### Esports
- **Ajax** – on various issues regarding their esports team.
 - **Electronic Sport League (ESL)** – on the foundation of a new global esports League for CS:GO
 - **Esports Mogul** – on the legality of the launch of an esports platform known as ‘Esports Hero’ across various markets in Asia-Pacific.
 - **Fnatic** – on IP advice and contract negotiation in relation to the League of Legends European Championship.
 - **German Bundesliga** – on the first bidding process for FIFA esports
 - **Hiro Capital** – on the set up of this specialist EUR 100m VC fund focussed on the games, esports and digital sports industries and on its Series A investments into Nurvv and Flavourwork.
 - **Warner Bros** – on its acquisition of mobile gaming developer Playdemic, the mobile gaming developer whose titles include the hugely successful “Golf Clash”.
 - **World Esports Association** – on the establishment of an esports association and a professional esports league, involving the best known esports teams worldwide and the ESL, including drafting detailed sets of rules and establishing a separate court of arbitration.

Get in touch

Global sector leaders



Sebastian Cording

Partner

T +49 40 37630 325

E sebastian.cording@cms-hs.com



Pietro Fringuelli

Partner

T ++49 221 7716 245

E pietro.fringuelli@cms-hs.com



Victoria Gaskell

Partner

T +44 20 7067 3230

E victoria.gaskell@cms-cmno.com



David Zeffman

Partner

T +44 20 7067 3198

E david.zeffman@cms-cmno.com

Austria



Johannes Juranek

Attorney-at-law

T +43 1 40443 2450

E Johannes.Juranek@cms-rrh.com

Belgium



Dirk van Liedekerke

Partner

T +32 2674 8570

E dirk.vanLiedekerke@cms-db.com

Brazil



Ted Rhodes

Partner

T 55 2137 2298 31

E Ted.Rhodes@cms-cmno.com

Bulgaria



Atanas Bangachev

Partner

T +359 2 921 9913

E atanas.bangachev@cmslegal.bg

Chile



Diego Rodriguez

Partner

T +56 22 4852 073

E diego.rodriguez@cms-ca.com

China



Nick Beckett

Partner

T +86 10 8527 0287 (China)

T +852 2533 7818 (Hong Kong)

E Nick.Beckett@cms-cmno.com

Colombia



Lorenzo Villegas

Partner

T +57 1 321 8910

E lorenzo.villegas@cms-ra.com

Croatia



Marija Zrno Prošić

Partner

T +385 1 4825 606

E marija.zrno-prosic@bmslegal.hr

Czech Republic



Tomas Matějovský

Partner

T +420 296 798 852

E Tomas.Matejovsky@cms-cmno.com

France



Anne-Laure Villedieu

Partner

T +33 1 47 38 55 00

E anne-laure.villedieu@cms-fl.com

Germany



Sebastian Cording

Partner

T +49 40 37630 325

E sebastian.cording@cms-hs.com

Hong Kong



Jonathan Chu

Partner

T +852 2533 7832

E Jonathan.Chu@cms-cmno.com

Hungary



Dóra Petrányi

Partner

T +36 1 483 4820

E Dora.Petranyi@cms-cmno.com

Kenya



Ashwini Bhandari

Partner

T +254 20 429 7000

E Ashwini.Bhandari@CMS-DI.com

Italy



Italo de Feo

Partner

T +39 06 478151

E italo.defeo@cms-aacs.com

Mexico



César Lechuga Perezanta

Partner

E cesar.lechuga@cms-wll.com

The Netherlands



Dolf Segaar

Partner

T +31 20 3016 307

E dolf.segaar@cms-dsb.com

Peru



Cecilia Kahn

Associate

T +51 1 513 9430

E cecilia.kahn@cms-grau.com

Poland



Tomasz Koryzma

Partner

T +48 22 520 8479

E Tomasz.Koryzma@cms-cmno.com

Portugal



José Luís Arnaut
Partner
T +351 210 958 100
E joseluis.arnaut@cms-rpa.com

Romania



Horea Popescu
Partner
T +40 21 407 3824
E horea.popescu@cms-cmno.com

Russia



Maxim Boulba
Partner
T +7 495 786 40 23
E maxim.boulba@cmslegal.ru

Saudi Arabia



Karim Fawaz
Partner
T +971 4 374 2836
E Karim.Fawaz@cms-cmno.com

Singapore



Sheena Jacob
Partner
T +65 6422 2851
E sheena.jacob@cms-holbornasia.com

Slovakia



Petra Corba Stark
Partner
T +421 2221 115 01
E petra.corbastark@cms-cmno.com

Slovenia



Aleš Lunder
Partner
T +386 1 620 5210
E ales.lunder@cms-rrh.com

South Africa



Riza Moosa
Partner
T +27 872 1007 11
E riza.moosa@cms-rm.com

Spain



Javier Torre de Silva
Partner
T +34 91 451 93 21
E javier.torredesilva@cms-asl.com

Switzerland



Dirk Spacek
Partner
T +41 44 285 11 11
E dirk.spacek@cms-vep.com

Turkey



Alican Babalioglu
Partner
T +90 212 401 42 70
E alican.babalioglu@ybb-av.com

Ukraine



Olga Belyakova
Partner
T +380 44 391 7727
E olga.belyakova@cms-cmno.com

United Arab Emirates



Ben Gibson
Partner
T + 971 4 374 2832
E ben.gibson@cms-cmno.com

United Kingdom



David Zeffman
Partner
T +44 20 7067 3198
E david.zeffman@cms-cmno.com



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