eSports, Riot Games, and U.S. Law: A Literature Review

Joey Illuzzi, DHSS 2019

***Introduction***

As has been noted by recent scholars,[[1]](#footnote-1) eSports research is generally in its nascency. Despite the success of eSports in establishing itself as a competitive form of entertainment relative to traditional sports,[[2]](#footnote-2) accompanying academic literature is still lacking in general scope and interdisciplinary analysis, especially in legal contexts. This literature review seeks to examine the current legal, cultural, and historical discourse regarding classification of eSports as a sport, how its classification impacts perceptions of eSports and its regulation, and the general consensus from legal scholars as to what future litigation and policy conflicts will likely arise for eSports—specifically in relation to Riot Games and their title *League of Legends* under United States law.

***eSports*: *Sport or Nah?***

Academic eSports literature is still developing, but this is by far not the first synthesis of eSports definitions. In most literature, scholars preface their analysis by looking at what they determine to be relevant definitions and typically either agree with an existing definition and its associated methodology or develop their own. However, scholars across all prominent, relevant academic disciplines tend to define eSports according to its applicability inside their given discipline and do not use generalizable frameworks to determine whether or not eSports can be accurately defined as a sport.[[3]](#footnote-3) Due to the legal focus of the project associated with this literature review, the discourse between definitions that use methodology based in legal tests, historical precedent, and economic and sociocultural significance will be those emphasized, compared, and examined.

**Why does it matter?**

Especially in the United States, classifying an activity or competition as a sport has significant legal meaning. Sports have consistently experienced the enactment and application of exclusive statutes in terms of broadcasting,[[4]](#footnote-4) gambling,[[5]](#footnote-5)[[6]](#footnote-6)[[7]](#footnote-7) antitrust,[[8]](#footnote-8) and safety regulations.[[9]](#footnote-9) Legal scholars such as Holden, Kaburakis, and Rodenberg have even been able to highlight several specific instances in recent eSports history that—depending on eSports’ status as a sport—would have varying outcomes in an antitrust litigation context.[[10]](#footnote-10) Therefore, establishing a comprehensive synthesis of eSports definition frameworks is essential if concerns regarding potential future eSports litigation and policy conflicts are to be identified accurately.

**Fields and Definitional Factors Examined**

As stated in the introduction of this section, the legal focus of this project restricts the inclusion of definitions and definitional frameworks from fields that relate most directly and have frameworks that incorporate factors such as historical precedent, legal tests, and economic and sociocultural significance. While sociocultural significance may seem unfitting when compared to the other mentioned metrics, it has been used as a metric in legal scholarship to determine whether an activity or competition should be considered a sport.[[11]](#footnote-11) In my time-constrained research and reading—which is further limited due to my inability to read literature outside of the English-language—the fields I believe concentrate on these factors the most are sports studies, sports management, sports studies, and law. However, this is not to argue that any of these fields necessarily agree on which factors are most important or whether eSports should be considered a sport. This is also not to argue that individual scholars within each discipline necessarily agree on definitions or use the exact same composition of metrics. From my reading, sports studies, sports management, and sports science generally use more similar metrics than that of law, so definitional frameworks from sports studies, management, and science will be grouped together with law grouped on its own followed by a comparison of both groupings.

**Sports Studies/Management/Science**

Noted by previous eSports literature reviews,[[12]](#footnote-12) analysis of whether or not eSports can be incorporated within the frame of sports has been contested in these fields since Hemphill’s 2005 piece on what he referred to as “cybersport.”[[13]](#footnote-13) His analysis focused on moral and social reasoning, but also took into account how video games can, in some ways, be considered sport due to the interactivity of some games requiring skilled physicality. Later works, like Jonasson and Thiborg’s in 2010,[[14]](#footnote-14) attempt to incorporate eSports within previously established modern sport frameworks developed for determining whether a given type of “play” can be considered a sport dependent on whether it is considered organized, competitive, and intellectual.[[15]](#footnote-15)

More recent works take extremely varied perspectives. Heere tied the difficulty in classifying eSports as sport to the difficulty in even adopting a consistent definition of “sport.”[[16]](#footnote-16) He discusses from a philosophical standpoint, arguing that if sport is an “undefinable ambiguous construct,” trying to define eSports is a “somewhat redundant exercise.”[[17]](#footnote-17) However, he does note that it is crucial that the field of sports management (in addition to media companies, sponsors, and technology-oriented companies) be receptive of eSports. If sport is undefinable, he argues that we must use the framework of “sportification” to allow for contextual, varying definitions of sport that can incorporate new forms of sports or manifestations of “sportification.”[[18]](#footnote-18)

This completely fluid definition of sport and eSport is, however, uncommon among other recent literature. Karhulahti utilized a dual framework combining ideas of executive ownership and internationally recognized definition to attempt to explain eSports as sport.[[19]](#footnote-19) Although he concedes that “esport products are, without question, forms of sport as per their nature of competition, skill requirements, physical precision, and ethical aptness,” he argues that because eSports are exclusively owned, profit-generating products, they do not satisfy Sport Accord’s (an internationally reputable sport association) fifth criterion from their 2016 sports definition stating that a sport must not have to “rely on equipment that is provided by a single supplier.”[[20]](#footnote-20)

Similarly, Hallman and Giel utilize a combination of criteria from European Commission white papers and scholars Gratton and Taylor, resulting in a five-pronged test based on existence of physical activity, practice of recreational purposes, competition elements, institutional organizations, and general social and media acceptance.[[21]](#footnote-21) They concluded that “one can argue that eSports is close to but not yet equivalent to sports,” but also state that eSports—due to continued acceptance in sports business and the satisfaction of four out of their five criteria (exception is institutional organizations)—“will likely be officially accepted as a sport and eventually even included to the Olympic programme.”[[22]](#footnote-22) This approach is similar to that of Funk, Pizzo, and Baker who used almost identical criteria yet came to the conclusion that eSports “events and competitions” such as those organized by Riot Games and Valve “meet all requirements [and] should be classified as sport.”[[23]](#footnote-23)

Some scholars are more critical of defining eSports as sport, such as Jenny, Manning, Keiper, and Olrich, but do not use any unique metrics to critique eSports and follow the suit of other scholars by pointing to the lack of institutionalization and physicality in eSports.[[24]](#footnote-24) However, they do not reject eSports completely. Rather they simply state that progress must be made the lacking areas they have identified before eSports can be classified as sport. Alternatively, they argue along similar lines with Heere in that eSports *could* be classified as sport—regardless of changes in physicality or institutionalization—if there is a shift in the traditional definition of sport.[[25]](#footnote-25)

Although the criteria used to qualify eSports as a sport are contested, the general consensus in the sports management, sports studies, and sports science academia seems to be that eSports is likely to be recognized as a sport soon enough in the United States—regardless of potentially conflicting definitions or criteria of what constitutes a sport.

**Law**

Relative to that of sports studies, sports management, and sports science, legal literature is even more sparse and fragmented.[[26]](#footnote-26) Additionally, not all legal literature takes a direct stance on whether eSports should or should not be classified as a sport.[[27]](#footnote-27) Some literature acknowledges eSports from a definitional perspective but only in passing, with important works from Burk and Hollis referring to eSports as “exceptionally skilled players [at video games who] are intent on making a living at what has been dubbed ‘e-sports’”[[28]](#footnote-28) and “professional video matches where players compete against other players before an audience” respectively.[[29]](#footnote-29) This may seem to indicate that legal scholars do not consider sports classification as significant, but it appears that focus on sports classification is dependent on the scope of the publication and the specific type of law or legal dispute discussed. For example, work by Bayliss focuses on employment status and collective bargaining rights in eSports which (in most cases) do not directly change depending on eSports classification as sport.[[30]](#footnote-30) In legal scholarship that concerns areas where eSports classification as sport is significant, such as Holden, Kaburakis, and Rodenberg’s general eSports policy and litigation forecast, definitions are heavily emphasized.[[31]](#footnote-31) Their work has an extensive list of compiled tests from legal briefs used in previous court cases, literature on criteria for sports definitions, and adapted dictionary definitions and utilizes them all to establish a general conception of how well eSports fit into varying sports classification frameworks.[[32]](#footnote-32) Under their framework of aggregated tests, eSports generally passes the majority of them. They do not specifically state whether they believe eSports will be classified as a sport in the future, but they do state that eSports will likely either self-regulate and function “similar to other sports” or eventually be classified as sports due to eSports stakeholders’ option of “legislatively pursuing (e)sports-specific exemptions” for disputes such as immigration.[[33]](#footnote-33) Overall, there seems to be a general consensus that eSports will eventually reach a point where it will be classified and regulated similar to traditional sports.[[34]](#footnote-34)

**Comparison/Overview**

Although both field groupings and individual scholars within those groupings approach the topic of eSports classification from extensively varying perspectives, there does appear to be more agreement than disagreement. Both groupings generally agree that eSports will be regulated similar to traditional sports and—in order to be easily incorporated into law—will likely be defined as sport. eSports does not perfectly fit into current sports law and must adapt while helping to change current applicable laws to establish itself as a stable form of sports entertainment.[[35]](#footnote-35) This will likely be the stance taken in the project accompanying this literature review and will influence arguments and predictions included in its analysis.

***Riot Games, League of Legends, and Applicable Legal Literature***

Similar to the rationale used in other sections, this section will only be examining literature that discusses where eSports lies in federal and state law specifically where applicable in the context of Riot Games and *League of Legends*. Each eSport has a different composition of league structure, barriers to entry, terms of use, end-user license agreements, player and team contracts and protections, and broadcasting format, meaning that generalizing the impact of a given policy or law to every eSport is impossible. Therefore, as this project uses Riot Games as a case study, only literature that discusses and analyzes legal tests, labor laws, sports statutes, and intellectual property laws that could potentially relate or directly relate to Riot Games have been included.

**Legal Literature**

Current existing literature that examines legal issues within the context of *League of Legends* tend to focus on employment status, collective bargaining rights, copyright, rights of publicity, and immigration law. As there is limited existing literature, there are only a couple articles maximum that have analyzed each issue and often a single article will cover multiple issues with significant overlap between pieces. Additionally, most of the existing literature was written between the years 2012 and 2017, which does not account for any of the major changes that have occurred in the North American League Championship Series (NALCS or just LCS) in terms of franchising (which adjusts the share of league revenues), player organization establishment (there is a Riot Games-funded players association), minimum salary adjustments (from $25,000 to $75,000, in addition to potential increases depending on total player salary composition), and publicly available global player contract end dates (to help prevent any poaching).[[36]](#footnote-36) The project associated with this literature review will hopefully be able to extend the analysis from literature discussed in this section to accommodate for Riot Games’s adjustments.

When looking at labor law, there are only two major articles that discuss *League of Legends*. Both articles push for the classification of eSports athletes as employees versus independent contractors and emphasize the importance of collective bargaining and unionization. Bayliss’s article specifically highlights how California labor codes impact employee determination, as all LCS contracts are signed with Riot Games’s company affiliate, LCS LLC, which is based in California, therefore making all contracts subject to CA labor codes. This is a crucial finding, as CA labor codes allow for the application of broader indicia in employee determination. This finding leads Bayliss to argue that “because professional players and teams provide, at the very least, services in the form of marketing, they seem to satisfy the prima facie case for employment in California.”[[37]](#footnote-37) This is also dually important because, according to official LCS rules, no employee of Riot Games or an *affiliate* of Riot Games is permitted from participating in competition. As players have signed contracts with LCS LLC, an affiliate of Riot Games, this implies that Riot Games does not view the relationship between players and Riot as one of employee/employer. Although an outdated analysis, it does reveal important information regarding Riot Games’s perspective towards players and the rights they believe they are entitled to. The second article on labor policy by Hollist approaches the topics of collective bargaining and employee determination with similar desired outcomes, but also includes the opportunity for players to utilize potential governmental regulation of P-1 visas (a visa granted by the U.S. Citizenship and Immigration Services to internationally-recognized athletes) for eSports to help establish player unions.[[38]](#footnote-38)

Despite the importance of labor policy to players, legal scholars have determined intellectual property and publicity rights to be paramount in eSports litigation, referring to them as the “lynchpin” in future disputes.[[39]](#footnote-39) In one of the most recent notes on eSports law, Laura Chao emphasized the key challenges copyright poses to eSports governance, as game developers who both own their professional eSports league and all game associated copyright are granted immense control. They not only gain bargaining power through their ability to create rules for competition and standards for players, they can also use their position as a developer to restrict how players can benefit from their play (in terms of streaming and content creation), to change the in-game rules themselves, or to prevent the formation of any unofficial tournaments or leagues.[[40]](#footnote-40) It even becomes difficult to determine whether players own their gameplay, as historical precedent in regards to digital publicity rights and copyright ownership result in conflicting interpretations. eSports can be viewed as “bits of code and computer software subject to various claims of copyright ownership,”[[41]](#footnote-41) which essentially means that exercises of said code through individual gameplay could be subject to copyright ownership from the game developer. In contrast, the concept of “persona” in publicity rights may imply that if professional players can prove they have unique styles of gameplay—which T.L. Taylor has suggested to be true through her field work—gameplay may potentially belong to the players themselves.[[42]](#footnote-42)[[43]](#footnote-43) Although the legitimacy of previous court decisions regarding the applicability of the concept of persona is debated,[[44]](#footnote-44) this simply showcases the difficulty of applying current IP law to digital spaces and its impact when considering eSports law.

**Caveats**

While the previous section is fairly comprehensive, this is not a completed literature review of all relevant and recent applicable legal eSports scholarship. Due to the broader nature of the associated project’s initial research question, the literature read up until recently has been far more general rather than specifically looking at legal issues in the context of Riot Games and *League of Legends*. This led to significant amounts of literature exclusion, as most general literature is far less relevant in a narrower approach, requiring additional last-minute reading that could only incorporate a limited grouping of pieces. Additionally, there have been articles released in the last few months that have yet to get significant coverage or review by legal scholars, making them much more difficult to discover in research until recently due to lack of frequent citations and traffic. These articles will be reviewed and included in the final literature review.

***Conclusion***

Even more so than the eSports scene itself, scholarship and research on eSports is still in its early stages. Debate on whether eSports can be classified with the realm of sport is extremely important to its growth and antitrust disputes, although the debate is likely to be resolved as soon as relevant litigation takes place. Current scholarship predicts either change in definition or policy to accommodate eSports as sport, and this finding allows for predictive analysis as to the implications of new legal classification. While an update in legal eSports scholarship is needed, available literature creates an important framework that—with minimal adjustment for changes in league structure and standards—should be generalizable to the current *League of Legends* status quo. This cohesive literature review will, hopefully, be useful in analyzing the history labor inequities in the *League of Legends* and in determining the most pertinent legal concerns for current and future eSport athletes.

References

Bayliss, Hunter Amadeus. “Not Just a Game: The Employment Status and Collective Bargaining Rights of Professional ESports Players,” 2016, 52.

Burk, Dan. “Owning E-Sports: Proprietary Rights in Professional Computer Gaming.” Accessed June 6, 2019. <https://doi.org/10.31235/osf.io/brmv7>.

Chao, LauraL. “‘YOU MUST CONSTRUCT ADDITIONAL PYLONS’: BUILDING A BETTER FRAMEWORK FOR ESPORTS GOVERNANCE,” n.d., 32.

18 U.S.C. § 224 (1964).

18 U.S.C. § 1084 (1961).

15 U.S.C. §§ 6301-13 (2012).

Funk, Daniel C., Anthony D. Pizzo, and Bradley J. Baker. “ESport Management: Embracing ESport Education and Research Opportunities.” *Sport Management Review* 21, no. 1 (February 2018): 7–13. <https://doi.org/10.1016/j.smr.2017.07.008>.

GUTTMANN, ALLEN. *From Ritual to Record*. Columbia University Press, 1978. <http://www.jstor.org/stable/10.7312/gutt13340>.

Hallmann, Kirstin, and Thomas Giel. “ESports – Competitive Sports or Recreational Activity?” *Sport Management Review* 21, no. 1 (February 2018): 14–20. <https://doi.org/10.1016/j.smr.2017.07.011>.

Heere, Bob. “Embracing the Sportification of Society: Defining e-Sports through a Polymorphic View on Sport.” *Sport Management Review* 21, no. 1 (February 2018): 21–24. <https://doi.org/10.1016/j.smr.2017.07.002>.

Hemphill, Dennis. “Cybersport.” *Journal of the Philosophy of Sport* 32, no. 2 (October 1, 2005): 195–207. <https://doi.org/10.1080/00948705.2005.9714682>.

Holden, John T., Anastasios Kaburakis, and Ryan Rodenberg. “The Future Is Now: Esports Policy Considerations and Potential Litigation.” *Journal of Legal Aspects of Sport* 27, no. 1 (February 2017): 46–78. <https://doi.org/10.1123/jlas.2016-0018>.

Hollist, Katherine E. “Time To Be Grown-Ups About Video Games: The Rising ESports Industry and the Need for Regulation.” *ARIZONA LAW REVIEW* 57 (n.d.): 25.

Jenny, Seth E., R. Douglas Manning, Margaret C. Keiper, and Tracy W. Olrich. “Virtual(Ly) Athletes: Where ESports Fit Within the Definition of ‘Sport.’” *Quest* 69, no. 1 (January 2, 2017): 1–18. <https://doi.org/10.1080/00336297.2016.1144517>.

Jonasson, Kalle, and Jesper Thiborg. “Electronic Sport and Its Impact on Future Sport.” *Sport in Society* 13, no. 2 (March 2010): 287–99. <https://doi.org/10.1080/17430430903522996>.

Karhulahti, Veli-Matti. “Reconsidering Esport: Economics and Executive Ownership.” *Physical Culture and Sport. Studies and Research* 74, no. 1 (June 1, 2017): 43–53. <https://doi.org/10.1515/pcssr-2017-0010>.

Koller, Dionne L. “Putting Public Law into ‘Private’ Sport.” *PEPPERDINE LAW REVIEW* 43 (n.d.): 62.

Levin and Lipton v. NBA et al., 385 F. Supp. 149 (S.D.N.Y. 1974).

Lynch, John. “As NFL Ratings Drop, a New Internet Study Says Young Men like Watching ESports More than Traditional Sports.” Business Insider. Accessed June 6, 2019. <https://www.businessinsider.com/nfl-ratings-drop-study-young-men-watch-esports-more-than-traditional-sports-2017-9>.

Michelman, Frank I. “Adjudication As Sport: Rhetoric Astray?” *OSGOODE HALL LAW JOURNAL*, n.d., 9.

McTee, Michael. “E-Sports: More Than Just a Fad,” n.d., 28.

Reitman, Jason G., Maria J. Anderson-Coto, Minerva Wu, Je Seok Lee, and Constance Steinkuehler. “Esports Research: A Literature Review.” *Games and Culture*, April 15, 2019, 155541201984089. <https://doi.org/10.1177/1555412019840892>.

Riot Games. “Evolution of the NA LCS.” Accessed June 6, 2019. <https://nexus.leagueoflegends.com/en-us/2017/01/evolution-of-the-na-lcs-2/>.

Rothman, Jennifer E. “E-Sports As a Prism for the Role of Evolving Technology in Intellectual Property,” n.d., 13.

Sport Accord. (2016). *Organization homepage*. Retrieved from [https://web.archive.org/web/20160617124844/http://www.sportaccord.com/about/membership/definition-of-sport.php](https://web.archive.org/web/20160617124844/http:/www.sportaccord.com/about/membership/definition-of-sport.php)

Taylor, T. L. *Raising the Stakes: E-Sports and the Professionalization of Computer Gaming*. The MIT Press, 2012.

28 U.S.C. § 3701-04 (1992).

1. *See* Jason G. Reitman et al., “Esports Research: A Literature Review,” *Games and Culture*, April 15, 2019, 1. [↑](#footnote-ref-1)
2. John Lynch, “As NFL Ratings Drop, a New Internet Study Says Young Men like Watching ESports More than Traditional Sports,” Business Insider, accessed June 6, 2019, <https://www.businessinsider.com/nfl-ratings-drop-study-young-men-watch-esports-more-than-traditional-sports-2017-9>. [↑](#footnote-ref-2)
3. *See* Reitman et al., *supra* note 1, at 3. Fields that publish the most literature, according to Reitman’s categorization methodology, include “media studies,” “informatics,” “business,” “sports science,” “sociology,” “law,” and “cognitive science.” [↑](#footnote-ref-3)
4. *See* Dionne Koller, *Putting Public Law into “Private” Sport*, 43 Pepperdine L. Rev. 681, 698-699 (2016). [↑](#footnote-ref-4)
5. 18 U.S.C. § 224 (1964). [↑](#footnote-ref-5)
6. 18 U.S.C. § 1084 (1961). [↑](#footnote-ref-6)
7. 28 U.S.C. § 3701-04 (1992). [↑](#footnote-ref-7)
8. *See* Levin and Lipton v. NBA et al., 385 F. Supp. 149 (S.D.N.Y. 1974). The court upheld the NBA’s decision to refuse individuals from acquiring the Boston Celtics based on personal grounds. [↑](#footnote-ref-8)
9. 15 U.S.C. §§ 6301-13 (2012). [↑](#footnote-ref-9)
10. *See* John T. Holden, Anastasios Kaburakis, and Ryan Rodenberg, “The Future Is Now: Esports Policy Considerations and Potential Litigation,” *Journal of Legal Aspects of Sport* 27, 67. <https://doi.org/10.1123/jlas.2016-0018>. [↑](#footnote-ref-10)
11. *See* Frank I. Michelman. *Adjudication as Sport: Rhetoric Astrya?* 38 Osgoode Hall L. J. 583, 585 (2000). [↑](#footnote-ref-11)
12. *See* Reitman et al., *supra* note 1, at 4. [↑](#footnote-ref-12)
13. *See* Dennis Hemphill, “Cybersport,” *Journal of the Philosophy of Sport* 32, 195. [↑](#footnote-ref-13)
14. *See* Kalle Jonasson and Jesper Thiborg, “Electronic Sport and Its Impact on Future Sport,” *Sport in Society* 13, 289. [↑](#footnote-ref-14)
15. *See* Allen Guttmann, *From Ritual to Record* (Columbia University Press, 1978). [↑](#footnote-ref-15)
16. *See* Bob Heere, “Embracing the Sportification of Society: Defining e-Sports through a Polymorphic View on Sport,” *Sport Management Review* 21, 21. <https://doi.org/10.1016/j.smr.2017.07.002>. [↑](#footnote-ref-16)
17. *See* Heere, *supra* note 16, at 21. [↑](#footnote-ref-17)
18. *See* Heere, *supra* note 16, at 23. “Sportification” is defined in several ways, notably “(a) [a way to] view, organize or regulate a non-sport activity in such a way that it resembles a sport and allows a fair, pleasurable, and safe environment for individuals to compete and cooperate, and compare their performances to each other, and future and past performances; or (b) [to] add a sport component to an existing activity in order to make it more attractive to its audiences.” [↑](#footnote-ref-18)
19. *See* Veli-Matti Karhulahti, “Reconsidering Esport: Economics and Executive Ownership,” *Physical Culture and Sport. Studies and Research* 74, no. 1 (June 1, 2017): 50, <https://doi.org/10.1515/pcssr-2017-0010>. [↑](#footnote-ref-19)
20. Sport Accord. (2016). *Organization homepage*. Retrieved from [https://web.archive.org/web/20160617124844/http://www.sportaccord.com/about/membership/definition-of-sport.php](https://web.archive.org/web/20160617124844/http:/www.sportaccord.com/about/membership/definition-of-sport.php) [↑](#footnote-ref-20)
21. *See* Kirstin Hallmann and Thomas Giel, “ESports – Competitive Sports or Recreational Activity?,” *Sport Management Review* 21, no. 1 (February 2018): 15, <https://doi.org/10.1016/j.smr.2017.07.011>. [↑](#footnote-ref-21)
22. *See* Hallmann & Giel*, supra* note 20, at 17. [↑](#footnote-ref-22)
23. *See* Daniel C. Funk, Anthony D. Pizzo, and Bradley J. Baker, “ESport Management: Embracing ESport Education and Research Opportunities,” *Sport Management Review* 21, no. 1 (February 2018): 9. <https://doi.org/10.1016/j.smr.2017.07.008>. [↑](#footnote-ref-23)
24. *See* Seth E. Jenny et al., “Virtual(Ly) Athletes: Where ESports Fit Within the Definition of ‘Sport,’” *Quest* 69, no. 1 (January 2, 2017): 15, <https://doi.org/10.1080/00336297.2016.1144517>. [↑](#footnote-ref-24)
25. *See* Jenny et al*, supra* note 22, at 15. [↑](#footnote-ref-25)
26. *See* Reitman et al., *supra* note 1, at 2. [↑](#footnote-ref-26)
27. *See* Hunter Amadeus Bayliss, “Not Just a Game: The Employment Status and Collective Bargaining Rights of Professional ESports Players,” 2016. [↑](#footnote-ref-27)
28. *See* Dan Burk, “Owning E-Sports: Proprietary Rights in Professional Computer Gaming,” 1536. [↑](#footnote-ref-28)
29. *See* Katherine E Hollist, “Time To Be Grown-Ups About Video Games: The Rising ESports Industry and the Need for Regulation,” *ARIZONA LAW REVIEW* 57 (n.d.): 825. [↑](#footnote-ref-29)
30. *See* Bayliss, *supra* note 26. [↑](#footnote-ref-30)
31. *See* John T. Holden, Anastasios Kaburakis, and Ryan Rodenberg, “The Future Is Now: Esports Policy Considerations and Potential Litigation,” *Journal of Legal Aspects of Sport* 27, no. 1 (February 2017): 46–78, <https://doi.org/10.1123/jlas.2016-0018>. [↑](#footnote-ref-31)
32. *See* Holden et al, *supra* note 30, at 49. [↑](#footnote-ref-32)
33. *See* Holden et al, *supra* note 30, at 68. [↑](#footnote-ref-33)
34. *See* Reitman et al., *supra* note 1, at 7. [↑](#footnote-ref-34)
35. *See* Michael McTee, “E-Sports: More Than Just a Fad,” n.d., 27. [↑](#footnote-ref-35)
36. Riot Games, “Evolution of the NA LCS,” accessed June 6, 2019, <https://nexus.leagueoflegends.com/en-us/2017/01/evolution-of-the-na-lcs-2/>. [↑](#footnote-ref-36)
37. *See* Bayliss, *supra* note 26, at 371. [↑](#footnote-ref-37)
38. *See* Hollist, *supra* note 28, at 842. [↑](#footnote-ref-38)
39. *See* Burk, *supra* note 27, at 1569. [↑](#footnote-ref-39)
40. *See* Laura L. Chao, “‘YOU MUST CONSTRUCT ADDITIONAL PYLONS’: BUILDING A BETTER FRAMEWORK FOR ESPORTS GOVERNANCE,” n.d., 749. [↑](#footnote-ref-40)
41. *See* Chao, supra note 38, at 752. [↑](#footnote-ref-41)
42. *See* T. L. Taylor, *Raising the Stakes: E-Sports and the Professionalization of Computer Gaming* (The MIT Press, 2012). [↑](#footnote-ref-42)
43. Jennifer E Rothman, “E-Sports As a Prism for the Role of Evolving Technology in Intellectual Property,” n.d., 323. [↑](#footnote-ref-43)
44. *See* Rothman, *supra* note 42, at 323. [↑](#footnote-ref-44)