

School of Law

Bachelor of Law

ETE - May 2023

Time : 3 Hours

Marks : 50

Sem X - BALB5027/BBLB5027

Sports Law

Your answer should be specific to the question asked

Draw neat labeled diagrams wherever necessary

1. Athletes can claim performance rights on their specific playing style in a game. Is this statement correct? Justify. K1 CO1 (2)
2. The World Anti- Doping Agency does not permit Therapeutic Use Exemptions (TUEs) retrospectively. Is this statement correct? Justify. K2 CO2 (2)
3. Define the term 'Hyperandrogenism' and its relevancy in Doping Test. K3 CO3 (2)
4. The National Sports Development Code was enacted by Parliament in 2011 and serves as the codified law of the land for Sports related subject matter. Is this statement correct? Justify. K3 CO4 (2)
5. Which individual IPR can be considered as the most significant source of revenue for Sports Clubs and Sporting Competitions? Justify. K4 CO5 (2)
6. Describe five most significant features of the National Sports Development Code, 2011. K3 CO1 (5)
7. In light of the judgement of Indian Olympic Association vs Union of India (2014), Explain the constitutionality of National Sports Development Code, 2011. K4 CO2 (5)
8. Why Doping and Fixing are called as the two faces of the same coin? K6 CO6 (6)
9. United States Patent Office defines 'Method of Putting' Invented by Dale D. Miller as- K4 CO3 (8)

A method of putting features the golfer's dominant hand so that the golfer can improve control over putting speed and direction. The golfer's non-dominant hand stabilizes the dominant hand and the orientation of the putter blade but does not otherwise substantially interfere with the putting stroke. In particular, a right-handed golfer grips the putter grip with their right hand in a conventional manner so that the thumb on the right hand is placed straight down the top surface of the putter grip. The golfer addresses the ball as if to stroke the putter using only the right hand. Then, the golfer takes the left hand and uses it to stabilize the right hand and the putter. To do this, the golfer places their left hand over the interior wrist portion of the right hand behind the thumb of the right hand with the middle finger of the left hand resting on the styloid process of the right hand. The golfer presses the ring finger and the little finger of their left hand against the back of the right hand. The golfer also presses the palm of the left hand against the putter grip and squeezes the right hand with the left hand. The golfer then takes a full putting stroke with the above-described grip.

In the light of the above-mentioned description, justify, whether this Method of Putting is eligible for Patent protection in India or not?

10. The Oxford dictionary defines the term 'betting' as "the action of gambling money on the outcome of a race, game, or another unpredictable event". In other words, betting is a more sophisticated 'word-substitute' coined for the activity of gambling, since gambling per se carries with it a social stigma, which is known to bring along other social and moral vices. In 2015, a committee appointed by the Hon'ble Supreme Court under the chairmanship of Justice R.M. Lodha recommended legalising betting in India. The past few years witnessed a slew of laws on online betting and gaming being passed across the Indian states. Some states have imposed outright bans, while others have made restrictive amendments to existing laws governing online gambling. It is fascinating that the state of Karnataka declared a blanket prohibition on all online games involving monetary stakes after a clarification was made by the Madras high court on this issue. While quashing an overarching ban imposed by Tamil Nadu's gaming amendment in the matter of *Jungle Games vs State of Tamil Nadu (2021)*, the high court clarified that games of skill can be played online for stakes, as they cannot be categorized as betting or gambling. K5 CO4 (8)

In light of the above passage, Explain, how is online fantasy sport different from online betting? Discuss with the help of case laws and jurisprudence.

11. Sony India is the Official Broadcaster of All India Football Federation (AIFF). In 2007, the Central Government passed the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007. Section 3 of the Act provides "Mandatory sharing of certain sports broadcasting signals". Under the said section Central Government, by notification in June 2020, declared Football matches to be sporting events of national importance, thereby forcing Sony India/ESPN to send Prasar Bharti live broadcast signals for transmission on its terrestrial and DTH networks. Prasar Bharti re-transmitted these signals on the Doordarshan channel, DD1. It so happened that DD1 was also a notified channel under S. 8, Cable Act, 1995. Accordingly, all cable operators nation-wide, by virtue of carrying DD1, were granting their viewers access to cricket matches. This was eroding Sony India (and resultantly AIFF's) revenue base in two ways: one, viewers were no longer taking out separate subscriptions to the Sony India channels; two, their advertisement revenue was hit, as the live feed shared with Prasar Bharti was advertisement or 'clean'.

Aggrieved by this legislative scheme, the AIFF and Sony India filed writ petitions before the Delhi High Court. The petition challenged the retransmission by Prasar Bharti to private cable operators by virtue of Section 3 of the Sports Act, 2007 read with Section 8 of the Cable Act, 1995. Secondly, the petition sought to strike down S. 3 of the Sports Act, 2007. It also sought to invalidate the Central Government notifications nominating the must-carry DD channels under the Cable Act, 1995, the notifications declaring specific football tournaments as sporting events of national importance, as well as the contractual clause inserted in DTH service providers' license agreement with the state, which mandatorily required them to comply with Section 8, or face penalties under the contract.

In light of the above-mentioned facts, assuming yourself as a member of division bench of Delhi High Court, decide the case.