

Two decrees of 2018 enrich the embryonic legal framework of esports

Adopted via a fast-track legislative procedure, Law N°. 2016-1321 of 7 October 2016 for a Digital Republic (the "Law") aims to create a new framework for the development of digital technology in France, to promote the circulation of data and knowledge, to protect the rights of individuals in the digital society and to guarantee digital access for all.

Article 101 of the Law relates to video games competitions ("esports") and sets out the conditions of exercise relating to the organization of such competitions, the conditions of financial equilibrium to be respected by their organizers as well as a declarative obligation to the administrative authority.

In implementation of article 101, Decree N° 2017-871 of 9 May 2017 determines the thresholds and ratios of financial equilibrium that a video games competition must respect, the procedures for declaring video games competitions to the central authority for racing and gaming and the conditions for participation of minors in video games competitions.

Article 102 of the Law creates a new status for paid professional video games players by establishing a definition of a competitive paid professional video games player (any person whose paid activity is participation in video games competitions in a legally subordinate relationship with an association or company approved by the Minister for Digital Technology) and by creating a specific employment contract for professional players; moreover, this article requires companies or associations wishing to employ such players to obtain a ministerial approval from the Minister for Digital Technology.

In implementation of article 102, Decree N° 2017-872 dated 9 May 2017 on the status of salaried professional players of competitive video games, specifies the conditions for obtaining, renewing and withdrawing this approval.

It also sets the conditions under which a fixed-term contract of less than one year is used and the dates of the video game competition seasons, in accordance with article 102 of the Law.

As regards the dates of the video games competition seasons, the above-mentioned decree was not sufficient to consider this measure applicable, since it refers to an order of the Minister in charge of digital technology.

This order was issued one year later, on 17 April 2018, which sets out the start and end dates of the season for video game competitions. Accordingly, the current list is as follows:

Concerning Riot Games :

Video game in question	competition circuit	Beginning of the season	End of the season
All	Circuit 1	April 30 th	April 29 th (N+1)
All	Circuit 2	November 22 th	November 22 st

Concerning other independent video game publishers and developers:

Competition circuit	Beginning of the season	End of the season
Circuit 1	January 1 st	December 31 st (N+1)
Circuit 2	April 1 st	March 31 st (N+1)
Circuit 3	July 1 st	June 30 th (N+1)
Circuit 4	October 1 st	September 30 th (N+1)

In addition, another order of 17 April 2018 aims to determine the proportion of rewards received by minors under 16 years of age in video game competitions that may be left at the disposal of their legal guardians; this decree specifies that the proportion of monetary rewards received by a child under 16 years of age, subject to compulsory education, in connection with his participation in video games competitions mentioned in article L. 321-8 of the Internal Security Code left at the disposal of his legal guardians is fixed at 0%.

To date, only six structures (Gamers Origin, LDLC Event, Olympique Lyonnais, LOSC, Team Vitality, Esport Aero Association) have received approval from the Minister for Digital Technology for the employment of salaried professional video games players.

In 2017, the turnover of the esports market was estimated at around €800 million worldwide and €230 million at European level.

With a little over 21 million euros in turnover in 2017 and growth of more than 10% in 2018, France is one of the world leaders in the sector.

Our team provides its legal expertise to all actors in the esports

industry, such as professional players, sports structures, managers, streamers, event organizers, sponsors, and the various companies facing legal issues relating to esports. We are also available to assist you in all legal matters relating to the esports (application for approval from the Minister for Digital Technology, drafting of professional players' employment contracts, esports managers, contracts for the use of the image of the esports players, esports agent contracts, legal assistance in the organization of video games competitions and in obtaining the necessary approvals, assistance for employment by a professional team of under-16s and monitoring of legal developments in the field of esports, etc.).

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