
CHALLENGES TO THE ANTI-DOPING REGULATIONS IN ESPORTS

Pranav Bafna

Jindal Global Law School, O.P. Jindal Global University

16jgls-pbafna@jgu.edu.in

ABSTRACT

The paper shall explore the various challenges posed to the effective implementation of the Esports Integrity Commission's Anti-Doping Regulations (Regulations). The Esports Integrity Commission (ESIC) acquires a special position in the domain of esports regulation due to its reach and impact across various tournaments and leagues held across the world. Thus, the Regulation has a considerable impact on the regulation of doping in esports. A critique of the Regulations can serve as grounds not just for the better implementation of the said Regulations but also as essential factors to be considered for future regulations. The paper shall first establish the groundwork by defining esports and its structure, post which it shall consider the need for regulation and why the ESIC is central to the discussion when it comes to integrity concerns in esports. After this, the article shall critically analyse the Regulation by pointing out two substantive problems in the Regulations itself namely, the status of adjudicatory authority and the concerns over privacy and reputational harm. The third criticism shall focus on the position of players in the esports industry to emphasise that the Regulations and the esports industry in general needs serious institutional change to not alienate the athletes by drowning out their voice.

KEYWORDS

Anti-Doping, Esports, Regulations, ESIC.

1. INTRODUCTION

The esports industry has grown by leaps and bounds over the years. Though it had humble beginnings with small prize pools and player base, it has now become a huge industry with teams from all over the world participating for large amounts of prize money. It has also

witnessed a consistent rise in viewership. From 335 million viewers in 2016, the numbers grew up to 380 million in 2018¹ and by 2021 the total viewership is predicted to be around 557 million.²

Esports can be defined as “*the application of competition [rules and] tournament structures to participation in computer games*”.³ While it shares certain characteristics similar to traditional off-line sports,⁴ its structural organisation places it in a unique position.

Generally, traditional off-line sports tournaments see various stakeholders banded together to form a league.⁵ Teams are formed with their respective owners who follow the norms and rules set and enforced by the governing body/league which oversees the operation of the league. Furthermore, the league is also responsible for dealing with various stakeholders such as players, media companies, etc.⁶ Examples of such leagues are the National Basketball Association (NBA), National Hockey League (NHL). The stakeholders generally consist of the league itself, the players, the team owners, broadcasting and media companies, and sponsors.

But in esports, there is an introduction of another important stakeholder i.e., the game developer. As the game developers have the Intellectual Property Rights (IPR) to the video game, their presence is fundamental for the organisation of leagues and tournaments. No off-line sport shares this characteristic as no person or entity can claim ownership over a sport.⁷ Game developers have not gone for the joint venture-based organisation but rather have preferred privately sponsored leagues.⁸ This allows the game developer to decide how much control they will exercise over the league. For example, Blizzard Game and Riot Games are two huge game developers who express divergent views on league development. While

¹ *People are Spending More Time Watching eSports, the Incredible Growth of Esports*, INFLUENCER MARKETING HUB (Jan. 6, 2019), <https://influencermarketinghub.com/growth-of-Esports-in-2019-stats/>.

² *2018 Global eSports Market Report*, NEWZOO (2018), https://resources.newzoo.com/hubfs/Reports/Newzoo_2018_Global_Esports_Market_Report_Excerpt.pdf.

³ Stephen Ketteley, *Esports: When a Bandwagon Collides with a Regulator*, IGAMING BUSINESS (July/Aug. 2015), at 56–57.

⁴ The use of the term ‘traditional offline sports’ is meant to refer to the sports which have existed for a significant duration of time and where the predominant activity is physical. E.g. Football, Soccer, Cricket, Basketball, Baseball, to name a few.

⁵ Stephen F. Ross & Stefan Szymanski, *Antitrust and Inefficient Joint Ventures: Why Sports Leagues Should Look More Like McDonald's and Less Like the United Nations*, 16 MARQ. SPORTS L. REV. 2 (2006).

⁶ *Id.*

⁷ Atish Ghoshal, *Ethics in eSports*, 23 GLR 5 (2019).

⁸ Laura L. Chao, “*You Must Construct Additional Pylons*”: *Building a Better Framework for eSports Governance*, 86 FORDHAM L. REV. 737 (2017).

Blizzard Games has a hands-off approach, Riot Games exercises a great degree of control over the competition structure and governance.⁹

The rules and norms of the game are set by the game developers. Over and above these rules, the tournament or league organisers can impose a separate set of rules and guidelines, which often embody the notion of sportsmanship and fair play.¹⁰ These rules and guidelines are places where integrity issues can be combated. One such integrity issue, which forms the basis of discussion of this paper is doping.

2. DOPING IN ESPORTS

At this point, it is important to distinguish between the term e-doping and doping. E-doping means using hacks and cheats to gain an unfair advantage in the game over other players.¹¹ On the other hand, doping refers to taking prohibited substances to improve the attention span and physical reaction of the players while competing. Either of the two is not desirable but the focus of this article is on the latter. To ensure the continued confidence of the audience and to provide a fair base for the players to compete, it is essential to manage these concerns effectively and efficiently. In this background, the Regulations shall be analysed.

The ESIC is one of the leading regulatory bodies whose object is to work with various stakeholders to protect the integrity of the esports competitions. As such, they assist organisers, game developers and esports leagues in “*prevention, investigation and prosecution of all forms of cheating in esports, including, but not limited to, match manipulation and doping*”.¹² ESIC’s guidelines only apply to those leagues or tournaments which subscribe to its regulatory service. Currently, two of the biggest league and tournament organisers- Electronic Sports League (ESL) and Dreamhack, act as its partners. ESL is the world’s largest esports company, with 8.4 million registered players and 109,000 tournaments conducted.¹³ ESL is an organiser that hosts some of the most coveted leagues and tournaments for major video games such as CS: GO,

⁹ *Id.*

¹⁰ Dan L. Burk, *Owning eSports: Proprietary Rights in Professional Computer Gaming*, 161 U. PA. L. REV. 1535 (2013).

¹¹ Ian Smith, *Match-fixing and e-Doping in ESport, The Continued Rise of Esport – Efforts to Combat Match Fixing and Improve Integrity*, LAWINSPO (Sept. 2, 2016), <https://www.lawinsport.com/content/features/item/the-continued-rise-of-Esport-efforts-to-combat-match-fixing-and-improve-integrity>.

¹² *Who We Are*, ESPORTS INTEGRITY COALITION, <https://esic.gg/about/>.

¹³ *About Us*, ESL GAMING, <https://about.eslgaming.com/about-us/>.

Dota 2 and Starcraft II. ESIC also assists Dreamhack which hosts leagues and tournaments on various games such as Rocket League, League of Legends, Halo and Fortnite. This places ESIC in a position where it has not only enforced its guidelines across some of the biggest tournaments but also various video games. Furthermore, ESIC is currently the primary regulator on esports as it is the only body with an esports-specific ethics code, tournament regulations, anti-doping policy, and list of prohibited substances, as well as a disciplinary panel.¹⁴ Thus, ESIC acquires a unique position in the regulatory world of esports.

Though there exist other esports regulators as well, such as International Esports Federation (IeSF) or World Esports Association (WESA), neither of them serves as an ideal example of integrity regulation in esports. Unlike ESIC, whose only goal is to ensure integrity in esports, IeSF is an organisation with multiple goals ranging from establishing national esports associations to training and education of referees and managers. WESA on the other hand is a body that seeks to regulate the conduct between various stakeholders. As such, it does not emphasize integrity considerations. Esports regulators also exist at the national levels in various countries across the world, however, none of them have reached a level close to that of ESIC. Thus, ESIC being the only regulator that (a) has a global reach and (b) deals expressly with integrity concerns forms the basis of analysis for this paper.

The Regulations were introduced immediately after professional CS: GO player Kory Friesen, in April 2015 admitted that his team used psychostimulant Adderall during ESL One Katowice, 2015.¹⁵ This, expectedly, sparked controversy and debate. Some of the players admitted that while drugs were used by players, they were mostly recreational (such as marijuana) and at the top tier, most players did not use such performance-enhancing drugs (PED).¹⁶ However, as is the case with traditional sport, the use of PEDs, even if by a handful of players, severely impacts the integrity of the game. To develop and implement such regulation, ESL partnered with Germany's anti-doping agency i.e. Nationale Anti-Doping Agentur¹⁷ (NADA) and

¹⁴ GHOSHAL, *supra* note 7.

¹⁵ Matt Kamen, *Pro-Gamer Admits to Doping in eSports*, WIRED (July 16, 2017), <https://www.wired.co.uk/article/Esports-doping-admission>.

¹⁶ Richard Lewis, *Why you should Take eSports' New Drug Tests with a Pinch of Bath Salts*, DOT ESPORTS (July 28, 2015), <https://dotEsports.com/general/news/Esports-drug-testing-perspective-2095>.

¹⁷ Bryan A. Graham, *Anti-doping in eSports: World's Largest Gaming Organization Will Test for PEDs*, THE GUARDIAN (July 23, 2015), <https://www.theguardian.com/technology/2015/jul/23/anti-doping-in-e-sports-worlds-largest-gaming-organization-will-test-for-peds>.

ESIC.¹⁸ Thus, the Regulation was created. However, due to the reactionary nature of the implementation of the Regulation, the policy had and continues to have various shortcomings.

Three shortcomings that significantly hamper the implementation of the Regulations are:

- i. The lack of a proper adjudicatory authority (and therefore the enforceability of the Regulations);
- ii. Privacy concerns and reputational harm; and
- iii. The subservient position of athletes caused in part by the lack of an athlete's committee/union.

While the first two issues deal with the substantive problem in the Regulations itself, the third issue puts into context the problems faced by athletes who are in a vulnerable position.

3. PROBLEMS WITH ESIC REGULATIONS

3.1.LACK OF PROPER ADJUDICATORY AUTHORITY

Doping in esports involves drugs which boost concentration and reduce reaction time. Due to the novelty of the drugs and the shortfalls of the testing mechanism, which shall briefly be discussed below, it is imperative to have a robust adjudicatory authority that can deal with the nuances of doping in esports.

One essential requirement for an adjudicatory body is to be comprised of experts who are not associated with the organisation establishing the same. This requirement is essential as it ensures one of the fundamental principles of natural justice i.e., freedom from bias. However, that is not the case with ESIC.

As per the ESIC Guidelines, the Disciplinary Panel which hears and determines the charges brought in an anti-doping dispute consists of three members, all three of which are appointed by the Chairman of ESIC.¹⁹ While the definition clause also provides for an ESIC Panel which

¹⁸ Aaron Swerdlow, *4 eSports Regulations to Watch for in 2018*, VENTURE BEAT (May 8, 2018) <https://venturebeat.com/2018/05/08/4-esports-regulations-to-watch-for-in-2018/>.

¹⁹ *Definitions Clause*, ESPORTS INTEGRITY COALITION GUIDELINES, <https://esic.gg/codes/definitions/>.

is comprised of experts independent of ESIC, the appointment of members is done by the ESIC Executive Board and the jurisdiction of the matters which the ESIC Panel can hear are also determined by ESIC.²⁰ Thus, the bodies which undertake adjudication are comprised by and their jurisdiction is determined by ESIC which forms the rules and brings forward the cases against professional players. This institutional structure, therefore, operates against the players from the very beginning of disciplinary hearing against them.

Further problems exist with the adjudicatory mechanism. Under Article 13 of the Regulations, ESIC and all its employees are ‘released’ from any/all liabilities which may arise in law or equity for any decisions, actions or omissions which may arise under the Regulations. This provision exonerates the adjudicatory body from any liability which it may potentially face as a result of wrongly harming an athlete’s reputation and career. While it may be argued that this provision is essential for fair and proper adjudication, it has to be borne in mind that ESIC continues to be a private adjudicatory body and not a state adjudicatory body that can enjoy such exception due to the exercise of sovereign function. The question of judicial review of the actions of Sports Governing Bodies (SGBs) (whose contracts with players exist in private law domain) is a subject of great contention, with various jurisdictions having different takes on it. In French law, sports disciplinary actions are classified as administrative actions that can be reviewed by administrative courts.²¹ While in the UK the SGBs’ actions are not subject to judicial review.²² In common law jurisdictions such as Australia,²³ the regulation of sport is considered to be a public activity, as is the case with New Zealand,²⁴ Canada²⁵ and the USA.²⁶

It is argued that disciplinary decisions taken by ESIC serve a public function or can be classified as an administrative action. As such it should be amenable to review and any clause which seeks to waive, limit or release it from liability ought to be considered bad in law.

Furthermore, Article 12 of the Regulations provides that ESIC shall use reasonable efforts to maintain the confidentiality of the players in all anti-doping related aspects. If Article 13 is read conjointly with Article 12, it can raise serious concerns. If the confidential personal

²⁰ *Id.*

²¹ Rosmarijn van Kleef, *Reviewing Disciplinary Sanctions in Sports*, 4 C.A.M.B. J. INT. COMP. LAW 1 (2015).

²² Ben Cisneros, *Challenging the Call: Should Sports Governing Bodies be Subject to Judicial Review?*, INT. SPORTS LAW J. 20 (2020).

²³ *Forbes v NSW Trotting Club*, HCA 27 (1979).

²⁴ *Finnigan v New Zealand Rugby Football Union*; 2 NZLR 159 (1985); *Le Roux v NZRFU*, unreported (1995); *Loe v NZRFU*, unreported (1993).

²⁵ *Vancouver Hockey Club Ltd v Hockey Ventures Inc.*, 18 BCLR 2d 372 (1987).

²⁶ *Finley v Kuhn*, 439 US 876 (1978).

information of an athlete is leaked, it would result in harassment and bullying for the athlete and the athlete would have no recourse against ESIC which was meant to do its due diligence in safeguarding his/her personal information.

Lastly, there also does not exist an appeal process against an adverse finding of the Disciplinary Panel.²⁷ Article 10 provides for appeal as per the Disciplinary Procedure and the Disciplinary Procedure detailed in Article 7 does not contain any provision for an appeal. Theoretically, a final appeal can lie to the Court of Arbitration for Sport (CAS), which has over time developed an expertise in handling doping cases. However, this final appeal also faces two major challenges. Firstly, the nature of anti-doping in esports is fundamentally different from doping in traditional off-line sports. While in traditional sports doping involves drugs which enhance physical attributes such as strength or endurance, doping in esports enhances mental focus and reaction time.²⁸ E.g. the most common focus enhancing drug consumed is Adderall, which is a combination of salts of amphetamines. None of these salts is listed in the Prohibited List of WADA (as of January 2020). Thus, even an experienced body such as CAS could face new challenges in dealing with such cases. Secondly, the purpose of CAS is to hear cases involving ‘sports’ law violations, as is evident from its name. Considering how contentious the topic of whether esports can be considered a sport is, the question of whether CAS would entertain such cases remains to be tested in practice. Thirdly, even if CAS were to consider esports as a sport, many athletes might not be able to afford the litigation.

Hence, there is a need to delineate a proper and adept appeal mechanism wherein the adjudicatory body is comprised of experts who should be selected by ESIC and a potential union of players. This would ensure fairness and transparency. And considering how ESIC considers doping to be the third greatest threat, after software cheats and match-fixing,²⁹ the need for a specialised body to deal with it specifically is vital.

3.2.PRIVACY CONCERNS AND REPUTATIONAL HARM

While the regulation of doping is essential to ensure fair competition, it is also equally essential to ensure that the privacy of the players is not compromised. The right to privacy stems from

²⁷ G League, *Darshan on Getting Randomly Drug Tested at Iem San Jose And CLG's Second Place Finish*, YOUTUBE (Nov. 28, 2015), <https://www.youtube.com/watch?v=znqSHrZF1AY>.

²⁸ James Gatto and Mark Patrick, *Overview of Select Legal Issues with Esports*, 6 Ariz. St. U. Sports & Ent. L. J. 427 (2017).

²⁹ JT Holden, et al., *Virtue (Al) Games- Real Drugs*, 13 SPORTS, ETHICS AND PHILOSOPHY 1 (2019).

the concept of dignity i.e., right to one's image, name and reputation.³⁰ Considering how fundamental dignity is to an individual, the maintenance of the right to privacy (as an extension of human dignity) does not only imply a negative duty but also a positive duty to maintain the privacy of the professional players subjected to such drug tests.

A drug test is not a simple checkbox to be ticked or crossed, there is an exchange of a significant amount of medical history and personal data of the professional player. The question arises if the various regulators can keep this data protected. For instance, ESL had a briefing for its players, informing them about drug testing. The players were also randomly tested and were asked not to post about it on social media. But unfortunately, information got leaked about who was tested and what prescriptions and medical conditions they had.³¹

The tests that are employed for drug testing are skin-patch tests where false positives are found to occur in 7-40% of the cases.³² Apart from skin patch tests, oral fluid tests are also employed.³³ However, the efficacy of the oral fluid test is also highly contested with some studies pointing out that the scope of this type of test is highly limited and can lead to a large number of false negatives.³⁴ Thus, in such situations, it is imperative to have a proper appeal process as well. Until the final decision is taken, the athlete's personal information has to be protected.

Considering that most of these players also derive a significant portion of their revenue from online streaming on various platforms such as Twitch, they are also under the continuous watch of their viewers most of whom remain anonymous. This allows their audience to remain completely unaccountable allowing them to say and do as they please. If the personal information of a player gets leaked, the player could face severe harassment and online bullying.³⁵

³⁰ James Q. Whitman, *The Two Western Cultures of Privacy: Dignity versus Liberty*, 113 YALE L.J., 1161 (2004).

³¹ Thiemo Bräutigam, *Players' Rights are in Question, Sports can't Handle Drug Tests, How can Esports?*, THE ESPORTS OBSERVER (Sept. 18, 2015), <https://Esportsobserver.com/sports-cant-handle-drug-tests-how-can-Esports/>.

³² Colby Stivers, *The First Competitive Video Gaming Anti-Doping Policy and its Deficiencies Under European Union Law*, 18 SAN DIEGO INTL. L.J. 263 (2017).

³³ G LEAGUE, *supra* note 27.

³⁴ See L Lo Muzio, et al., *Saliva as a Diagnostic Matrix for Drug Abuse*, 18(3) INT. J. IMMUNOPATHOL PHARMACOL 567-573 (2005).

³⁵ LEWIS, *supra* note 16.

Considering the same, it is imperative to devise proper procedure and testing mechanisms which are better suited for the esports industry. Benefits should be given to the players in the adjudication of their cases and a greater burden should be placed on the leagues.

3.3.PLAYER’S POSITION AND LACK OF UNIONISATION

The esports competitive platform has various stakeholders whose interests have to be borne in mind while enforcing the Regulations. These stakeholders are professional players, team organizations, leagues and regulatory bodies, and game developers. But amongst all of these stakeholders, the professional players are the ones who are most affected by the Regulations.

While teams are comprised of players, the players do not have any decision-making powers. The team owners take decisions as per what is good for business and not according to what might be in the best interest of the players. The existence of the Regulations allows the team owners to avoid public relations blow-up by citing that the players are disciplined by the league’s Regulations.³⁶ The Regulations do not serve to protect the interest of the players but rather focuses on assisting game developers and league organisers. While regulatory bodies in other sports try to secure some benefits for the athletes, such as FIFA which takes active steps to protect the interests of not only minor players³⁷ but also major players,³⁸ no Regulations of ESIC serves the same intent.

Unlike traditional off-line sports where the athletes are subservient to league organisers and team owners, in esports, the athletes are also subservient to the game developers. This position gets aggravated as esports players do not have the power to unionize, due to various legal obstructions which shall be discussed below. As there exists no esports player union which can advocate and negotiate on their behalf, the organisers have free reign in drafting and enforcing regulations in whatever manner they deem fit. In traditional off-line sports, player unions exist to protect players and help them in securing better working conditions through collective bargaining. Various player unions and associations such as Fédération Internationale des Associations de Footballeurs Professionnels (FIFPro), the Professional Footballers’

³⁶ Hugh Langley, *Sex, Drugs and Counter-Strike: eSports is Fighting its Demons*, TECH RADAR (Apr. 1, 2016), <https://www.techradar.com/in/news/gaming/sex-drugs-and-counter-strike-Esports-is-fighting-its-demons-1318109>.

³⁷ See, *Protection of Minors FAQ*, FIFA (Sept. 2016), <https://img.fifa.com/image/upload/xbnooh14lcaxzadstknx.pdf>.

³⁸ See Li Xiang, *FIFA has New Policies to Protect Unpaid Players*, CGTN (Apr. 5, 2018), https://news.cgtn.com/news/3d3d774d7a636a4d77457a6333566d54/share_p.html.

Association (PFA), Major League Baseball Players Association (MLBPA), National Football League Players Association (NFLPA), to name a few, have served to further the overall interests of the athletes in their respective sports and it has given the athletes a platform to raise their voice. For example, FIFPro raised various concerns over the ban imposed on Peru's football captain Paolo Guerrero due to doping,³⁹ the MLBPA players, on the other hand, made demands for the imposition of more stringent anti-doping rules.⁴⁰ These associations/unions have enabled the athletes to have greater representation in the sport's regulation and have subsequently empowered them to have a meaningful impact on the sport itself. But this inclusiveness is missing in esports.

Unionisation also faces certain legal issues. For example, in the USA, Riot Games (the developers and the league organiser of League of Legends competitions) treats the players as independent contractors and not as its employees since under the National Labour Relations Act⁴¹ only employees have the legal right to unionize.⁴² Thus, the players are also legally ineligible to unionize. To make matters worse, it is only considered an "unfair labour practice" under the Act when the organisation refuses to engage in collective bargaining with employees. So even if a large number of players come together and go on strike, Riot and the league teams would not be under an obligation to negotiate with them.⁴³ While the laws with regards to unionisation may differ from country to country, what can be inferred from the Riot Games example above, is that considering the hegemony which game developers and league organisers hold over the players, these organisations can easily draft contracts in such a manner that it bypasses the unionisation law of the country. Furthermore, as there is no overseer or a central regulator, as there exists in traditional off-line sports, the game developers and league organisers are free to impose whatever conditions they deem fit upon the players. To add to the disparity, the contract of the players with the leagues are also not disclosed to the public.⁴⁴

While athletes have not been able to form Unions, players and some game developers have sought to establish associations that give some voice to the players. In 2018, a small number

³⁹ Brian Homewood, *Soccer: Players' Union says Guerrero Doping Ban Defies Common Sense*, REUTERS (May 15, 2018), <https://in.reuters.com/article/soccer-worldcup-per-fifpro/soccer-players-union-says-guerrero-doping-ban-defies-common-sense-idINKCN1IG20C>.

⁴⁰ AFP, *Major League Baseball, Players Union Toughen up Doping Rules*, BANGKOK POST (March 29, 2014) <https://www.bangkokpost.com/sports/402371/major-league-baseball-players-union-toughen-up-doping-rules>.

⁴¹ National Labour Relations Act 29 U.S.C. § 151–169 (1935).

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Katherine E. Hollist, *Time to be Grown-Ups about Video Gaming: The Rising esports Industry and the Need for Regulation*, 57 ARIZ. L. REV., 834 (2015).

of CS:GO players established Counter-Strike Professional Players Association to provide collective representation and contract negotiation services for professional CS:GO players.⁴⁵ In May 2016, ESL established WESA which served to mediate a conversation between various stakeholders in esports league. WESA provides players with a seat at the table by providing for a Player Council.⁴⁶ Riot Games took similar steps in 2017 in North America.⁴⁷ However, these player representative bodies have not accomplished anything to date as they remain in their nascent stages of development.

To correct this requires the implementation of various institutional changes that give power to the players. Considering that the career of most of the professional players starts dipping after 24 years due to cognitive decline,⁴⁸ active players might not serve as the best representatives for the union due to their young age and inexperience. Thus, if organisations such as ESIC could themselves establish a union comprised of ex-pro players and lawyers who would be elected by the players themselves to represent their interests, it could allow for collective bargaining and better protection for the players in the various disciplinary cases against them.

4. CONCLUSION

Even though the esports industry is still relatively nascent, it has come a long way. The responsiveness of regulatory bodies in managing integrity concerns quickly is a healthy sign in any sports industry. Such a response bolsters the trust of the audience and provides a level playing field to the professionals. However, effective regulations are not introduced overnight and take time to acquire legitimacy. But to acquire the same, the officials need to have not just a top-down approach wherein the participation and the voice of its most important stakeholders i.e., the players are drowned out by the commercial interests of other stakeholders, but there needs to be a horizontal approach where the players are at the same pedestal as everyone else. The interests of the players should be given greater weightage than what is given now.

⁴⁵ Adam Fitch, *Counter-Strike Professional Players' Association Announced*, ESPORTS INSIDER (June 29, 2018), <https://esportsinsider.com/2018/06/counter-strike-professional-players-association-announced/>.

⁴⁶ *World Esports Association Introduces Player Council*, WESA (Sept. 14, 2016), <http://www.wesa.gg/2016/09/14/world-esports-association-introduces-player-council/>.

⁴⁷ Kieran Darcy, *Riot's Players' Association Lays Groundwork for Unionization*, ESPN (June 13, 2017) https://www.espn.in/esports/story/_/id/19617991/riot-players-association-lays-groundwork-unionization.

⁴⁸ See, Joseph J. Thompson, et al., *Over the Hill at 24: Persistent Age-Related Cognitive-Motor Decline in Reaction Times in an Ecologically Valid Video Game Task Begins in Early Adulthood*, PLOS ONE 9(4):e94215 (2014).

There needs to be an active engagement with and empowerment of the player base. Most of the audience is attracted to esports leagues because of their favourite player's participation. The viewership is primarily determined by the teams and the players playing. Recently, EPIC Games, the developers of Fortnite, had organised a tournament in which one of the biggest Twitch Fortnite streamer 'Tfue' was playing. His presence in the tournament itself created a buzz and drew thousands to watch the tournament. One of the commentators for ESPN noted: *"although Tfue doesn't necessarily need competitive Fortnite, competitive Fortnite might need him"*.⁴⁹

While the future of esports is bright, the only thing holding it back is its myopic view towards its players.

⁴⁹ Tyler Erzberger, *After the \$30 Million Fortnite World Cup, Esports Celebs, Influencers Could Push Prize Pools Higher*, ESPN (July 29, 2019), https://www.espn.in/Esports/story/_/page/FortWC_0428c/after-30-million-fortnite-world-cup-Esports-celebs-influencers-push-prize-pools-higher.