

**TEACHING SPORTS LAW AND THE FUTURE OF SPORTS INDUSTRY IN AFRICA\***

**Abstract**

*This article considers the teaching of Sports Law in Africa. It contributes to literatures by considering the arguments on whether there is Sports law or whether the laws regulating sports be termed Law and Sport. In this regard, the article contends that the study of Sports Law will be interdisciplinary as it will require consideration of multiple areas of law. The paper contends that Sports law is an evolving distinct field of law such as labour law, law of contract, tort, commercial law etc. The article provides for the justification of the study and introduction of Sports law as part of law curriculum in Africa. In doing this, the article examines the global current trend of commercialization, professionalization and the regulation of Sports. It concludes that the knowledge of sports law will position legal practitioners in Africa for the borderless practice of law in the sport industry. Also, it flags up various pedagogy concepts in the teaching of Sports Law. It examines teaching methodologies and analyses practical application. The article contends that the best approach to teaching Sports Law to young minds is to be students focused and work-based because the students of Sport law will be passionate lovers of the various sport activities. Finally, there are suggestions on what a contemporary and ideal Sport law curriculum should contain such as Sport arbitration, Sport regulation, Sport organization, application of criminal and tortious liability in Sport, sport agency, sport contract among other.*

**Keywords:** Sports Law, Sports Industry, Teaching, Africa

**1. Introduction**

Sport itself dated back to the very human existence and developed informally by war, recreation, hunting and expedition. One of the consequences of sport development is the advancement of sports law. Sport Law is of recent development. Sports law is an area of law that encompasses multitude areas of law brought together in unique ways. It is an amalgamation of several disciplines of law married together in unique way.<sup>1</sup> Sports Law is aggregation and combination of several areas of law such as Law of Contract, Tort, Entertainment, Constitutional and Human Rights, Intellectual Property, Criminal law, Law and Practice of Disputes Resolution, Immigration Law, Commercial Law and Labour. For instance, Employment relations in football are governed by a set of distinct institutional mechanisms while contracts between players and clubs is under regulatory framework known as the transfer system enforced by the football global governing body known as FIFA and individual country Federation. Therefore, the study of Sports Law requires an interdisciplinary approach.

**2. Sports Law as a Field: Myth or Reality?**

There is no consensus among scholars as to whether the study of the laws which regulate and govern the sports industry be called 'Sports Law' or be called Sports and Law against the background that it is amalgamation of various laws which are disjunctive.<sup>2</sup> The latter argue that Sports and Law so called is mere application of general laws without a coherent integration to make a solid area of law and the collection of rules and statutes that apply solely to sports and unrelated all kinds of legal doctrines to the extent those legal doctrines affect sports. They conclude consequently, that, it may better be termed as 'Sports and Law'. Thus, sports law in this looser sense is little more than the application of all of law to sports situations. They argued further that Sports law is not a separate and intellectually coherent body of law.<sup>3</sup>

However, it is our contention and we concede that there may be no 'sports law' today because the field is yet to be adequately developed. More so, the argument is not that alignment and coherence is impossible. It will be untenable to argue that sports law will remain a discrete series of issues resistant to abstraction and generalization in Africa. The same might have once been said of the law of commerce, law of the environment, intellectual property law, labour law, law of contracts, oil and gas law to

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<sup>1</sup> See for instance, M. Greenberg & J.T. Cray, 'To Ensure your Collective Department is Run Effectively, Know your Sports Law', FOR. REC, (Feb-March 1992) 3-6

<sup>2</sup> See E. O. Olowononi, 'Expanding the Frontier of Legal Training for Budding Lawyers: A Case for Sport Law' (2011) (2) LPR, 126

<sup>3</sup> For an overview of this critic and further thought on nature of sport law and whether the area displays the unique and coherent characteristics of a discreet body of law, see Timothy Davis, 'What is Sports Law?', [2001] 11 *Marquette Sports Law Review*; 211

mention a few.<sup>4</sup> As far back as 1965, a sub-field of sports economics has developed within formal economics to investigate the somewhat unique economic relationships that have developed with the professionalization and commercialization of sport as an industry.<sup>5</sup> Though, academic study of Sports Law in leading European countries such as Britain, Germany, France and Italy did not gain momentum till 1990s. Today, Sports Law has come to take a legitimate place in many Law School's curriculum in the European Law Schools.<sup>6</sup> Some United States universities such as Marquette, Florida coastal and Tulane, Australian universities such as Melbourne Law schools now offer specialized programs of study in Sports Law as part of their Diploma, degrees and Masters programmes. Sport Law raises hilarious issues, multi-faceted nature, ever growing, intensive interest and practical relevance to the society of today.

### **3. Why Teaching Sports Law?**

This segment of the paper contends for the introduction of Sports law as part of the Law Curriculum. Firstly, the Sport industry is a booming and blooming business with the explosion of sporting events and professional leagues across the globe.<sup>7</sup> Sport with the several commercial deals and transactions account for more than five percent of the world trade.<sup>8</sup> Within the European Union, some over five million jobs directly and indirectly have been created in the football industry alone.<sup>9</sup> In Africa, there is no data but it is not in doubt that a good proportion of the young persons are gainfully employed in trades relating to Sport within and outside of Africa. Sport is recognized as a business by World Trade Organization (WTO).<sup>10</sup>

Teaching Sports law will provide the knowledge and insight in to the specialized areas of law with general application outside the sports industry such as antitrust, labor, intellectual property, federal disability discrimination laws, etc. It will help to develop contract negotiation, business planning, and transactional skills.<sup>11</sup> It will guide on how several related areas of law combine to govern a complex industry. In addition, budding Lawyers need to learn more and appreciate how amateur, professional, and Olympic sports are regulated by legal systems, which will enhance their ability to make comparisons with the legal regulation of sports in countries of the world while also appreciating the key historical, sociological, economic, and public policy issues underpinning and influencing the development of sports law. The understanding and knowledge of Sports law will enable practitioners to appreciate different internal processes for regulating amateur, professional, and Olympic sports within the country, continent, and other jurisdictions and at the global level. It is important for law students to understand how various areas of Nigerian public law, particularly antitrust, intellectual property law, labour law, criminal law and others shape and constrain the internal regulatory authority of private sports leagues and organizations. This will enable budding lawyers to use this knowledge effectively in matters involving Nigerian sports organizations, leagues, and athletes and understand the international legal environment applicable to sport. They will identify and understand policy issues affecting the legal regulation of sport and resolve legal problems from both a theoretical and practical perspective.

### **4. How to Teach Sport Law?**

This segment investigates the teaching and learning methodology in the study of Sport law. The best approach to teaching Sports Law to young minds is to be students focused and work-based because the students of Sport law will be passionate lovers of the various sport activities. The activities recommended are all driven by specific

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<sup>4</sup>E. O. Olowononi, 'Expanding the Frontier of Legal Training for Budding Lawyers: A Case for Sport Law' *op cit* (n 2) 127

<sup>5</sup>W. Neale, 'The Peculiar Economics of Sport' in *Sport, Culture, and Society* (Loy and Kenyon ed., Macmillan, 1969) more recently see; S. Bougheas and P. Downward, *The Economics of Professional Sports Leagues: A Bargaining Approach* (University of Nottingham, 2000).

<sup>6</sup> See Edward Grayson, *Sport and the Law* (Butterworths, 1988).

<sup>7</sup>See generally, L. Halgreen, 'A Comparative Analysis of the European and American Models of Sport' (2004) *European Sports Law*, 23-32

<sup>8</sup>See for instance, I. Blackshaw, 'Fair Play on and off the Field of Play: Settling Sports Disputes through the Court of Arbitration for Sport', *International Sports Law Journal*, (July – October 2006).

<sup>9</sup>I. Blackshaw, *The Court of Arbitration for Sport: An International Forum for Settling Disputes Effectively within the Family of Sport* <<http://www.tab-cas.org>> accessed 2 August 2010. David Lange, 'In the UK, from 2005 to 2019 Consumer Spending on Sporting has Reached a Colossus sum of 7.7 Billion Pounds', 3 June, 2020 <https://www.statista.com/statistics/429762/consumer-spending-on-sports-and-recreation-in-the-united-kingdom-uk/#:~:text=from%202005%20to%202019%2c%20consumer,industry%20in%20theunitede%20kingdom> Accessed 12 January 2020.

<sup>10</sup> Under the WTO rules service classification list, the business of football is recognized as Recreational, Cultural and Sporting services; see E. O. Olowononi, 'Career Opportunities in the Global Sport Industry for Lawyers and the Challenges of Nigeria Legal Profession' (2013) *Institute of Human Capacity Development and Continuing Education*, 400.

<sup>11</sup>E. O. Olowononi, 'Expanding the Frontier of Legal Training for Budding Lawyers: A Case for Sport Law' *op cit* (n 2) 129.

learning outcomes captured in the lesson plans and both students and tutors work towards achieving these learning outcomes.<sup>12</sup> This article submits that the following methodologies may be adopted or a combination of all:

- (a) Provisions of course outline with contents and lesson outcomes in a form of a handbook to provide comprehensive guide for the students. This will also come with the recommended text books in both e-copy and hard copy for comprehensive study of the course.
- (b) A Sports law class may commence with pre-class activities which are prescribed for each lesson in the lesson plan. Pre-class activities ensures that students prepare ahead for the class by reading recommended text on Sports Law, statutes, case laws and/other relevant materials to ensure inclusion, participation, integration and maximum retention.
- (c) Sports law class will certainly generate debates and diverse opinions on controversial issues and topical topics. Therefore, the class may be divided into smaller groups for academic interaction and exchange of ideas among the students. The idea of smaller groups is imperative in teaching Sports Law and in clinical legal education.<sup>13</sup>
- (d) Sports law class may start with an overview by the tutor facilitating the topic. The tutor after the overview encourages the students to participate by asking questions, feedbacks and answers from the students for spontaneous assessment.
- (e) It is expected that the interest of the students is already stimulated and the students are enthused to take class activities. Therefore, the interactive overview of the tutor is to be followed by class activities. At this juncture, activities such as debriefing, client interviewing, drama, film show, comedy, moot and mock trials, simulations, role-plays, debates, class presentations, video conferencing and video clips of trials. This method will further deepen students' understanding, help in developing lawyering skills and ensure maximum participation.<sup>14</sup>
- (f) The class is expected to also engage in de-briefing and feedback through quizzes, seminar presentations, oral tests, presentation, essays, submission of thesis, dissertation, long essays, class tests and summative examinations at the end of the course. The test whichever form must examine values, lawyering skills, knowledge of legal principles and appreciation of ethical dilemma.
- (g) There may be exchange programme and externship to various sports organizations such as FIFA Headquarters, CAF Headquarters and the Glass House in Nigeria, Ministry of Youth and Sport development, Kenya Sports Dispute Tribunal, Court of Arbitration for Sports (CAS), FIFA Disputes Resolution House, Club Administration Head office, Institute of Sports among others to serve as in-house training on the practical aspect of Sports Law. The externship programme will provide tutorial classes for interns, practical knowledge and application of knowledge.
- (h) It may also be suggested that Special lectures are to be periodically delivered by eminent men and women with wealth of practical experience in the sport industry and its subsets such as sports arbitration, sport agency, sport administration, sport management, sports negotiation, sport broadcasting, sport branding etc. These eminent personalities are to be drawn from officials of the games, administrators, academics, sport arbitrators and other key players in the Sports industry.
- (i) The School of Sports Law may also introduce and use the Law clinics to achieve clinical legal education for the students. The objective is to develop and enhance the students' learning experience and understanding of the legal framework in the sport industry, develop the lawyering skills, professional responsibility, ethical judgment and sense of justice in the sport industry. It is said that integration of clinical work within the vocational programme is desirable to enable students to better understand concepts and principles of law and the context within which these operate.<sup>15</sup>

## **5. What should be our Sport Law Curriculum?**

The current legal regime of Criminal liability in sports is a topical issue for academic discourse. Therefore, a Sport Law Curriculum considers how criminal law deals with personal injury, accident and grievous bodily hurt

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<sup>12</sup>S.A. Osamolu, 'Imperatives for the Development of New Teaching and Techniques at the Nigerian Law School', (being a paper presented by the Headquarters of the Nigerian Law School at the 2015 Nigerian Law School Academic Retreat, 5<sup>th</sup> to 8<sup>th</sup> March 2015 at the Nigerian Law School), Victoria Island, Lagos Campus, 3.

<sup>13</sup> *ibid*

<sup>14</sup> *ibid*

<sup>15</sup> P. Plowden, 'Model Standards for Live-Client Clinics, A Clinical Legal Education Organisation (CLEO) document', 9

occasioned either by negligent of a player, organizers and federation in the sport industry. It is important and should warrant investigation and discourse in view of cases of permanent incapacitation prolong injuries, career terminating injuries and deadly injuries in the sport industry. For example, an incident occurred in the match between Arsenal and Manchester City played on Saturday September 12, 2009. It may be argued that a criminal offence was committed in the game. This particular incident demonstrates the need for a review of the current trend of criminal liability in the game of football. Emmanuel Adebayor in the course of the game raised his studs across the face of Robin Van Persie an Arsenal player on the field of playing which resulted into bloodshed and serious bodily hurt for Robbin Van Persie. Emmanuel Adebayor was later suspended by the Football Association for just three matches for violent conduct. His conduct was adjudged to be a violent conduct and was punished with three match ban because it occurred on the field of playing. It is observed and we contend that if this same offence is committed outside the field of playing, in the larger society and or prosecuted in the regular court, a guilt of assault with the attending consequences may have been returned as verdict.<sup>16</sup> In the case of *R v. Billinghamurst*,<sup>17</sup> the defendant had been charged in the Newport, South Wales, and Crown Court with inflicting grievous bodily harm upon an opponent during the course of the game. Serious injury was caused, and as the trial judge said in summing up to the jury. The jury rejected the sum up and resorted to the correct legal position by visiting the rule that guides Rugby game which forbids a wide range of dangerous play, willful hacking, kicking, and tripping, and early, late or dangerous tackling.<sup>18</sup>

Sport law class and sport law curriculum will also investigate tortious liability in Sports. It is the reality that participation in sports always entails degree of risky behaviour.<sup>19</sup> It is argued that the courts adopt traditional tort principles to meet the demands of competitive athletic activities because of the dangers and challenges in sports participation.<sup>20</sup> Participants involved in recreational activities generally owe a duty of reasonable care to fellow participants.<sup>21</sup> Therefore, when an individual violates this duty of care and injury results, then, an action may be brought for tortious liability.<sup>22</sup> The most obvious are actions in either trespass to the person or negligence against the opponent who caused the injury to them. Where professional sport is at issue, the opposing club side may further be vicariously liable for the injuries caused by one of its employee-players.<sup>23</sup> It is argued that football alone in the sport industry accounts for more than five percent of world trade and with over twenty million jobs directly and indirectly related to the game has been created.<sup>24</sup> Against this background, the industry therefore must be regulated and be made operate within a predictable legal framework and good corporate governance. Thus, Sport law class will examine various sport administration, international sport federations, sport organizations and sport regulatory bodies ranging from global level such as FIFA and Olympic; continental level such as CAF and UEFA to federation level such as NFF.

The globalization of sport has moved the focus of legal regulation increasingly onto international sports federations. Sport organizations control and govern national sports and are in turn governed by the international federation sometime with impunity to national sovereignty. They have rulebooks and constitutions. Sports leagues and competitions entail a unique blend of cooperation and competition and thus might deserve a unique set of legal doctrines. They take decisions that can have profound effects on the careers of thousands and that have overreaching economic consequences on individual corporate bodies and even nations. Yet, they claim or are autonomous and are independent of national governments.<sup>25</sup> How they are governed and how their activities are regulated are key questions that should merit academic discourse.<sup>26</sup> In this regard, sport law class places a focus on sport governance by International sport governing bodies as well as the challenges encountered

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<sup>16</sup>Jeremy Campbell, 'Emmanuel Adebayor Two Charges over Conduct in Arsenal Match', *The Guardian*, (15 September, 2009) <https://www.theguardian.com/football/2009/sep/15/emmanuel-adebayor-ban-fa-manchestercity-arsenal> Accessed 13 October, 2020.

<sup>17</sup> (1977) Crim LR 553

<sup>18</sup> See Law 26(3) of the Laws of the game of Rugby Football 1994/1994 cited by Grayson E, *op. cit*, (n 3) 144-145

<sup>19</sup>O.E Morakinyo, 'Legal Liabilities of Referees for Negligence During Sports Competition', *International Sports Law Review Pandektis* 7, (2008)3-4, 467

<sup>20</sup>V.E. Onuoha, M.P Ezekiel, 'Sports Law: Unintentional Torts in Sports', [2017] (35), *The Journal of Private and Property Law*, University of Lagos, 45-67 at 46

<sup>21</sup> J.K. Riffer, *Sports and Recreational Injuries*, (New York: Shepherd/McGraw-Hill, 1987) 84

<sup>22</sup> M. Glenn, Wong, *Essentials of Amateur Sports Law*, (2nd edn. Westport: Praeger Publishers, 1994) 411

<sup>23</sup> S. Gardiner & others, *Sport Law*, (2<sup>nd</sup> edn, Cavendish Publisher Limited 2001)693

<sup>24</sup> I. Blackshaw, 'The Court of Arbitration for Sport: An International Forum for Settling Disputes Effectively within the Family of Sport' <<https://www.tab-cas.org>> accessed 2 August 2010.

<sup>25</sup> See a quotation attributed to the vice-president of the IAAF (International Amateur Athletics Federation), explaining why they refused to recognize the US courts, in *Reynolds v. IAAF* [1992] 841 F. Supp 1444, 1452 (S.D. Ohio). Quoted in J.B. Jacobs and B. Samuels, 'The Drug Testing Project In International Sports: Dilemmas In An Expanding Regulatory Regime', *Hastings International & Comparative Law Review* 18 (1995), 557, 583.

<sup>26</sup> K. Foster, 'Is There a Global Sports Law?', (2003) (2) (1) *Entertainment Law*, (Frank Cass, London)1-18

in sport governance in the 21st century with a view to offer a sustainable solution to the International sport governing bodies.<sup>27</sup> In other words, sport governance transcends the act of playing sport itself. Sport governance is about risk management in sport, policy formulation, dispute management and resolution, internal regulation and enforcement of compliance. Sports governance relates essentially to the way the governing bodies of the different sports make rules and regulations to promote and ensure that the sport system is void of irregularities, criminality, doping, fraudulent practices and anomalies.

Also, Sport as it is today has grown from activities of mere pleasure, enjoyment and fun to complex and commercialized activities.<sup>28</sup> Nigeria and other Africa countries have experienced litigation explosions in what is supposed to be a game and instrument of societal integration. There are disputes relating to doping, corruption<sup>29</sup>, team coach and club transfer<sup>30</sup>, hard tackle and bodily harms, sponsorship and endorsements<sup>31</sup>, licensing systems and merchandising, release of player for national assignment vis-à-vis club engagement, ownership of club, sale of television rights and broadcasting arrangements<sup>32</sup>, image rights, grievances and election disputes<sup>33</sup>. These disputes are sometimes compromised, arbitrated, litigated and or negotiated; whichever way they are resolved, they must agitate the learned minds and 'provoke' further academic. Further to that is how courts, tribunals, arbitral institutions and at the apex how Court of Arbitration for Sport resolve competing policies and sport disputes with the application of different bodies of law blending harmoniously to establish precedent.

Sport law class will investigate Court of Arbitration for Sport (CAS) as part of its curriculum. CAS in Lausanne is an emerging centre in international sports generally and said to be receiving new cases almost every working day.<sup>34</sup> Before the establishment and global recognition of Court of Arbitration for Sport especially in the early 1970s to 1980s, there was the commercialization trend of sports with the attending and consequential disputes. This trend is also magnified by the absence of virile independent, structure and procedural body to deal with the disputes in an authoritative and binding manner that will be acceptable to the international federations. The Court of Arbitration for Sport (CAS) is a product of this background and the court is now recognized as the emerging leader in international sports dispute resolution.<sup>35</sup> Court of Arbitration for Sport was founded in 6<sup>th</sup> April, 1984 with headquarters in Lausanne, Switzerland by the International Olympic Committee as a private international arbitral institution.<sup>36</sup> The Court was established at the instance and initiative of the then Chairman of International Olympic Committee (IOC) Juan Antonio Samaranch and the International Court of Justice; Judge Keba Mbaye.

Today, the awards of Court of Arbitration for Sport have been recognized as developing a *lex sportiva*<sup>37</sup> as they covers wide ranges of sport and sports-related disputes. The Court of Arbitration for Sport as earlier stated is as of today recognized as the emerging leader in international sports dispute resolution and countries submit to the

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<sup>27</sup>Expert Group on Good Governance, Deliverable 2: *Principles of Good Governance in Sport*, (September 2013) 5

<sup>28</sup>Olowononi E.O, 'Expanding the Frontier of Legal Training for Budding Lawyers: A Case for Sport Law' op cit (n 2) 130-131

<sup>29</sup>For instance, in Nigeria, there was an impeachment of the trio of the top officers of NFF; Alhaji Sani Lulu, Taiwo Ogunjobi, Amanze Uchegbulam they faced prosecution for offences bordering largely on corruption and misappropriation of fund. See for further reading 'EFFC Quiz Maigari for Eight Hours' *Complete Sports* vol. 16, No 022, (Wednesday, 28 July 2010).

<sup>30</sup> Again in Nigeria we have the imbroglio between the NFF and Coach Berti Vogts, see for further reading , Vogts Reports Nigeria to FIFA Again' *Punch newspaper*, (Friday, 26 March 2010).

<sup>31</sup>In Nigeria there was a problem between the telecommunication giant Globacom the major sponsor of the Nigerian league who opted out in the 2009/2010 season. There was acrimony in respect of outstanding sum due under the endorsement and sponsorship deals.

<sup>32</sup>There was this ugly competition between SuperSport and HITV in respect of acquiring the rights to broadcast live matches of the English Barclay Premiership matches in Nigeria. There was ugly competition between Supersport and HITV in respect of acquiring the rights to broadcast live matches of the English Barclay Premiership matches available at <https://www.balancingact-africa.com> Accessed 4 November, 2020.

<sup>33</sup> The election of the Nigeria Olympic Committee was nullified and a rerun was ordered. See 'Badare Drags NOC to CAS' *The Nation* (Wednesday, 11 August 2010). The Football industry was not spare too, recently the election conducted was nullified by High Court sitting in Lagos and a contempt proceeding was brought against the elected officials.

<sup>34</sup> William McAuliffe 'Sports Arbitration', it is colloquially referred to as the Supreme Court of Sports Worldwide.

<sup>35</sup> See T. G. Eric, 'Exploring the Court of Arbitration for Sport' (2006) (98) *Law Library Journal*, 503-514. It is called Tribunal Arbitral du Sport in French.

<sup>36</sup>Court of Arbitration Sport is however independent from the IOC as the Court is now supervised by International Council of Arbitration for Sport (ICAS).

<sup>37</sup>Today, CAS arbitration awards collectively constitute a developing body of private international sports law. See A. R. James, *International Sports Law* (2<sup>nd</sup> edn. 2004) 48

jurisdiction of the Court voluntarily.<sup>38</sup> Court of Arbitration for Sport official languages are English and French.<sup>39</sup> FIFA also granted jurisdiction to Court of Arbitration for Sport in order to bring within the purview of CAS football contracts disputes and related matters in the year 2002.<sup>40</sup> The Swiss Federal Tribunal (FT) recognized the CAS in its judgment as a true court of arbitration.<sup>41</sup> CAS hears cases on a variety of subjects, including doping, issues of nationality, advertising sponsorship, judging matters and other subjects of a commercial or disciplinary nature.

Sport agency is another subset in the sport industry that should be part of sport law curriculum. Budding lawyers are potential agents to clubs, national teams, players, athletes and other sport persons. It is a representation of legal advice, legal representative and professional commitment in execution and enforcement of the sportsman's transfer agreement, endorsement, licensing systems, television and broadcasting rights, advertising and others.

There is also intellectual property as another opportunity and scintillating aspect of modern sports which is gradually becoming an industry of its own. There are incorporeal rights in the industry such as use of emblems, logo, insignia, crested vests, flags, songs, name, branding of stadium<sup>42</sup> and selling of memorabilia of a club<sup>43</sup> and an individual sport person. All these are however expected by the relevant extant laws to be registered in order to become exclusive preservation of a club to brand, market, produce, promote and protect. Solicitors are expected to do the trade mark registration.<sup>44</sup> Contracts negotiation and renegotiation is a subset of Sports law. Contract negotiation ranges from full-service package, legal counseling, and marketing, advising the sport person and managing potential disputes areas in the employment contract. It has become common for professional footballers to retain the services of agents to represent their interests and negotiate all types of contracts ranging from transfer contract, endorsement, licensing and other businesses.<sup>45</sup> Therefore, contract negotiation will enrich sport law academic discourse.

## 6. Conclusion and Recommendation

The obligation places on the Legal Profession whether socially, economically, politically and culturally depends largely on a clinical and contemporary legal education. Therefore, there is the need to overhaul the Law curriculum and continuing legal education in Africa.<sup>46</sup> Sport law may be introduced as part of undergraduate work in all faculties of law in Nigeria. In the alternative, universities may fashion out a sports law certificate programme or a post graduate master of sports law for lawyers that may intend to specialize in Sports and Entertainment Law.<sup>47</sup> In Nigeria and Africa as whole, for instance, it is hoped that our universities and National Universities Commission will not adopt a frigid approach nor be too traditional and inertia in developing law curriculum to take care of Sports law and other new areas of law.<sup>48</sup> No nation that dreams to lead the market tomorrow will rely on yesterday tools for today's businesses. This article disagrees with the argument that Sports Law will remain a disconnected series of issues resistant to academic abstraction. It is our contention that the current global trend of sport law and this evolving period does not suggest that no coherence and lucidity is possible. Certainly same must have been of Commercial Law, Environmental Law, Intellectual Property Law, Labour law, Law of Contracts, Oil and Gas Law to mention a few that have developed as a distinct area of law.<sup>49</sup> At any rate, all fields of law still borrow one way or the other from other fields of law without losing identity. The future is bright for Sports Law because it is capable of coherence, methodical presentations, systematic development and anthology under one distinct field of law.

<sup>38</sup>See J. Nafziger, *International Sports Law (2nd edn 2004)*63 see also P. Hagen, 'Have the wheels already been invented' in Blackshaw (ed.) *The Court of Arbitration for Sport, in Mediating Sports Disputes, National and International Perspectives* (Asser publications, 2002) 24

<sup>39</sup>CAS allows the selection of other languages by the parties. The parties may however be made to bear the costs of translation.

<sup>40</sup>The Court however maintains decentralized offices in places like United States in New York and Australia, Sydney. See for further details and reading, *Court of Arbitration for Sport, where is the CAS based?* <<http://www.tas-cas.org/en/present/frmpre.htm>> Accessed on 27 November 2020.

<sup>41</sup>See the judgment of 15th March, 1993. *Recueil officiel des arrest du Tribunal Federal*(Official Digest of Federal Tribunal Judgments) 119 at 271

<sup>42</sup>Take for instance we have the Emirate Stadium for Arsenal Football Club, Stamford Bridge for Chelsea Football Club, Anfield for Liverpool Football Club, Old Trafford for Manchester United in the Premiership League. Branding of stadium is yet to become celebrated in Nigeria.

<sup>43</sup>See for instance NFF Statutes Article 1(8) and 65

<sup>44</sup>The registration is done as it is with registration of company under the Companies and Allied Matters Act *Cap C20, LFN 2020*. Marks registration is as provided under the Trade Mark Act, 1965 now *Cap T13, LFN 2004*.

<sup>45</sup> See for instance, the case of *Proactive Sports Management Ltd v. Wayne Rooney* (2010) EWHC 1807 QB ( QBD Manchester)

<sup>46</sup> Justice M. Bello, 'The Challenges to legal practice, the need for continuing Legal Education' (June 1989) address delivered at the inaugural lecture organized by CLEAN

<sup>47</sup> E. Adams, 'The fundamental of teaching of sports law' (2007) *Willamette Sports Law Journal*

<sup>48</sup>F. Oditah, 'Legal education and the Challenges of National Development in 21<sup>st</sup> Century Nigeria' (2003) a lecture delivered at the 40<sup>th</sup> Anniversary of the Nigerian Law School, Abuja.

<sup>49</sup> See E. O. Olowononi, 'Expanding the Frontier of Legal Training for Budding Lawyers: A Case for Sport Law' (2011) (2) *LPR*, 122 – 135.