

**WHO OWNS THE ESPORTS?  
THE MULTIPLE CREATIVE FACTORS OF A DIGITAL WORK OF  
INTELLECT AND THE COMPLEX WAYS OF GLOBALLY  
APPLYING THE COPYRIGHT LAW**

by *Alessandro Coni\**

*ABSTRACT: This timely paper reviews the many problems facing the development of the eSports worldwide. The author, first, compares the eSports to the classic sports and their competitions, examining in detail the major difference, which is the absolute lack in this activity vastly practiced by the so-called millennials of the physical dimension, which otherwise defines the classic sports.*

*The writer concludes that video games can be qualified as sport, because of the agonistic dimension existing between those who challenge each other in an entertaining competition where public audiences pay to assist to these shows of high ability with digital machines, provided that a video game originally conceived for eSports competitions has to be realized yet. Nevertheless, the author underlines that the utilization of video games as eSports implies the exploitation of a copyrighted work.*

*Finally, the paper provides the reader with a sound review of the rights and obligations of all the factors/actors involved in the collective production of the videogame as well as of the eSports competitions.*

*The author is convinced that, regardless of any official qualification as sport, the next future should give to the eSports actors the institutional structures proper to organize, govern and monitor all the activities linked to the videogames and their use in the competition. The future organization must necessarily reach a fair balance among the different contributions leading up to the realization of an eSport event. One thing is sure: an eSports world, regional and national federation will not be a copy of the existing sports federations governing the classic sports.*

**Keywords:** *eSports - copyright law – videogame - game producer/publisher – right of competitions’ organizers.*

**SUMMARY:** 1. A brief introduction to videogaming competitions – 2. The chance to own a sport – 3. Conclusions

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