Looking for a Team: A Call for a United States Esport Player's Association

Henry Evans, Washington State University
Melissa Farrell, Washington State University

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In the last 15 years, esports have gone from a niche played by many around the world as a hobby, to one of the fastest growing and most viewed sporting events on the planet where players gather to compete for millions of dollars (Holden, 2017; Hamari and Sjöblom, 2017). In 2017, teams from all over the world gathered at the League of Legends World Championship to compete for a prize pool of more than $4.5 million dollars with the champion team taking home $1.6 million dollars (Lolesports.com, 2017). This year, DOTA 2 teams will be competing at The International for a prize pool of over 25 million dollars where the winning team will bring home more than 11 million dollars (dota2.prizetrac.kr, 2018). Most projections forecast esport revenue to surpass the one billion dollar mark by 2019 (Lee &Stewart, 2016; Seitz, 2018). This growth has led to a plethora of industry regulation challenges upon which the growth and acceptance of professional esports in the United States will most likely depend upon.

The uncertainty over the regulation of professional esports in the United States fuels the need for research that can help interested parties govern professional gaming and create a unified international platform for the best in the world to compete. Clearly, legal issues surrounding esports are present and include labor and employment conditions (Hollist, 2016), competition and anti-trust (Chao, 2017), immigration and travel (Whan Tong, 2017), and employment status and collective bargaining rights of players (Bayliss, 2016). Further, professional esport league organization and structure add to these difficulties due to copyright law and intellectual property rights of the game developers (Hewitt, 2014).

Initial review of relevant literature involving esport organization shows reveals a scarcity of legal research. This presentation attempts to fill the gaps in literature in three ways. This presentation will first expand the current literature on esport organization and detail the current issues players face through their participation in a developer owned leagues. Second, it will examine the impact of designating esport players as employees of game developers rather than independent contractors and expanding the rights of the players to collectively bargain. Third, it will outline the potential benefits of creating a United States eSport Player’s Association and explain how this action will alleviate many of the potential litigation issues that have and will arise as the esport industry continues its growth in the United States.

Currently, there are 51 esport player associations that are members of the International eSport Federation (ie-sf.org, 2018). These player associations act as a middle person, operating separately from players and developers, to ensure uniformity and provide arbitration and assistance in resolving many of the legal issues presented. This presentation will be the first to call for the development of a United States eSport Player’s Association and will provide a comprehensive examination of existing esport player associations from around the world. It will then outline how and why the United States government would enter into the world of professional gaming.