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**Legal regulation of eSports and online gambling in the Republic
of Estonia.**

Master's thesis

HAJM

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I declare that the I have compiled the paper independently and all works, important standpoints and data by other authors have been properly referenced and the same paper has not been previously been presented for grading.

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Abstract

The aim of this work is to find the answer to the question of whether it is necessary to improve the legal regulation of eSports in the context of the gambling law, because eSports is currently subject to the criteria of gambling in accordance with the established law and whether separate regulation of eSports is necessary in Estonia and confirm that such an approach will greatly contribute to the development of this industry in the Republic of Estonia.

The author of the research is studying developments in different locations with the aim of offering eSports and online gambling at the moment the most reasonable regulation. Also, the author puts eSports and online gambling in today's legal environment in Estonia and analyzes what are their main differences. The author mainly used research writing qualitative-systematic and comparative methods.

According to the results of this study, the author confirmed his hypothesis and demonstrated on the basis of his analysis that eSports and online gambling are different concepts, on the basis of which the author concluded that eSports should no longer be classified as online gambling in accordance with the Gambling Law Republic of Estonia and requires a separate legal regulation as a separate sports discipline that will help the qualitative development of this area in the future.

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Introduction

This paper deals with the legal status of eSports and its relationship to online gambling in the context of the Gambling Law of the Republic of Estonia.

The 21st century is marked by the rapid development of information technologies, the application of which does not know and does not recognize borders. At the same time, it is not only about the standard means of communication, such as a computer, smartphone, tablet, etc., or automated control systems of organizations and institutions.

We are talking about the power of penetration of informatization, or the digitalization of those areas that have existed for many centuries and successfully developed without any technological innovations.

The age of rapid development of information technologies, the formation of an information society, as well as a new type of so-called "information" person¹, that is, a person focused on constant interaction with the outside world through the inclusion of virtual reality, predetermined the formation of a new type of sports disciplines, namely computer sports.

The gradual recognition of this sport seems to be absolutely logical, since at the moment computer technologies have reached an extremely high level of development, and most importantly, they have tightly penetrated into every sphere of human life.

Along with this, many classic gambling disciplines, such as card games, slot machines, lotteries and other events, were subject to computerization, allowing people to "test their luck", spend their free time and maybe even try to get rich.

However, any convenience, such as remote access to slot machines or the opportunity to play sports like online chess remotely with different people, may have its so-called "pitfalls" under it and require a different, completely non-classical approach to legal regulation.

¹ Kravchenko Vladimir Iosifovich Features of the transformation of the "Information" person // Bulletin of Leningrad State University. A. S. Pushkin. 2012. №1. P.114.

The main task of the welfare state is to achieve absolute social protection of all citizens of the country, by which it is customary to mean their protection, both in the case of their loss of ability to independently provide such protection (for example, in the case of loss of efficiency) and in everyday life, in the form of providing them with equal guarantees of access to education, medical services, etc. Of these two major areas of activity, the first is of greater importance, because an able-bodied person himself can achieve what society guarantees.

Extreme concern in this regard is the presence in the Estonian Republic of such groups of the population that are deprived of any kind of social protection, although the activity in which they are engaged is unique and extremely useful for society. This article focuses on cybersports and gambling and the legal regulation of eSports and online gambling in the context of the law on gambling of the Republic of Estonia.

The relevance of choosing eSports and online gambling as an objects of legal research is due to the fact that today it represents not only the whole sports and gambling industry, but also a dynamically developing business located at the interface of sports, shows and technologies, transforming into a powerful ecosystem from many participants.

Based on this, as in any field of activity, in the eSports and online gambling industry there should be binding regulations. The legislative base of eSports and online gambling is almost absent, and the legal field needs careful elaboration.

The author of the research is studying developments in different locations with the aim of offering eSports and online gambling at the moment the most reasonable regulation. Also, the author puts eSports and online gambling in today's legal environment in Estonia and analyzes what are their main differences. The author mainly used research writing qualitative-systematic and comparative methods.

The author of the research is specifically chose other countries in order to be able, using the example of different countries, to show possible ways of legal regulation. In addition, the choice of countries is based on the ability to search for information and the fact that in the selected countries, e-sports is developing at a tremendous pace. For comparison, the author chose various European countries, since their legal system is very similar to the system in the Republic of Estonia. The author placed the main emphasis on the example of the Russian

Federation, in which the solution of this issue is already an old problem and many different ways of solving it were proposed.

Problem of work is that it is not possible to design a skill slot machine in the eyes of the law from a computer or game console. However, the computer could be categorized as "other electronic device". Such an option is provided for by the end of clause 3 (4) of the HasMS.

Subsequently, the numerus clausus principle puts a bit of a hold on. By analyzing the Gambling Law and the explanatory memorandum to its draft, the legislator has sought to set two options: skill games can be played on gaming machines, and remote gambling can also be played through the "other electronic device". Therefore, the legislator did not consider it necessary to provide for the play of skill games using another electronic device. However, based on this approach, one form of e-Sports is still not possible to come out of the gray area. In the case of games that are not considered on an online network (offline or LAN-style tournaments), there is also ambiguity in the context of the current law. On the Internet (online, perhaps by means of communication), games played on the other hand can be classified as remote gambling games.

Although our current gambling law is not very old, it must be admitted that developments in technology (and thus in the gaming world) are moving at high speed. This is not unusual in itself, but rather anticipated. But the more should be prepared to respond quickly to the ongoing developments in the economy and society. For organizers of the e-Sports tournament, it is particularly important to arrange tournaments (by choosing, for example, the country where the tournament is organized) whether to apply for a tournament from a local tax office license or not. If the organizer chooses not to apply for a license, there is a risk that it violates the Gambling Act. Such legal vacuum would need to be addressed in the light of developments in the sector.

The hypothesis of this master's thesis is that the concept of eSports, based on the teleological interpretation of the concept of gambling, does not fall under the concept of gambling. Article 4 of the gambling law defines types and features of gambling and it does not distinguish online gambling from eSports, which both hinders the development of eSports by compulsion to obtaining a licenses to conduct gambling and taxing eSports tournaments with excessive gambling taxes.

The purpose of this work is to find the answer to the question of whether it is necessary to improve the legal regulation of eSports in the context of the gambling law, because eSports is currently subject to the criteria of gambling in accordance with the established law and whether separate regulation of eSports is necessary in Estonia and confirm that such an approach will greatly contribute to the development of this industry in the Republic of Estonia.

1. Definition and classification of eSports and online-gambling.

The author considers the definition of the concepts of eSports and online gambling to be his top priority in this work. As mentioned earlier, this topic, in view of the extremely rapid development of technology, is completely new and not fully understood. Therefore, before starting to analyze in what way the legal regulation of the sphere of eSports and online gambling should pass, it is worth exploring in detail what cybersport and online gambling is all about, as well as how these concepts should be classified.

In this chapter, the author will try to find out what are the main differences between e-sports and online gambling, as well as whether it is possible to classify e-sports as a sport in its traditional sense. This is required in order to get an answer to the question of whether e-sports and online gambling differ from each other strongly enough to raise the question of separate regulation of e-sports outside the context of online gambling, which is currently set out in the Estonian Gambling Law Republic.

1.1 Definition of the online gambling

Gambling, which used to be considered primarily entertainment for adults, has become a very popular pastime among teenagers all over the world, and in Russia is no exception. The worldwide distribution of gambling (gambling for money), its availability, diversity and change in the attitude of society makes it extremely popular. International research clearly indicates the prevalence of gambling. It is accepted by society as one of the generally accepted forms of entertainment. The Internet delivered gambling directly to everyone home, to school or to the office at the workplace. The possibility of gambling exists in abundance and is readily available for both adults and children, young people. Due to the rapid growth of gambling technologies and the expansion of the gambling industry, gambling is now becoming more affordable than before.

In the gambling industry, new technological advances are constantly appearing, such inclusions as network gambling, the most modern terminals, electronic gaming machines, video lotteries, interactive thematic games, telephone betting.²

While other sources of gambling are strictly regulated by law and prohibited or subject to additional frames, the Internet provides wide access to illegal activities.³

As gambling spreads on the Internet, a wide range of gambling on smartphones, in social networks and video games emerges. Now you can make bets without spending real money, both on commercial sites and in social networks. These free games - gambling simulators enable young people to gain practical skills, to become more knowledgeable in gambling games without spending real money.⁴ Despite the proliferation of non-monetary simulators of gambling, very little research exists and insufficient attention is paid to them by politicians.⁵

Modern simulation video games have the characteristic signs of gambling activity and can be classified into three categories.

The first category is the standard gambling simulation game. Digital simulation interactive gambling activity is a structure identical to the standard gambling activity format, such as Black Jack or roulette. For example, Texas Hold'em (TikGames) - the 2002 video game is a standard gambling simulation of poker. Such a poker is played with a computer (virtual) player online using virtual credits. The Red Dead Redemption video game, on the contrary, is a casino in the virtual world, which allows players to make bets using game credits.

The second category is a non-standard gambling simulation. Interactive gambling activity includes deliberate betting on an unspecified result containing intra-currency currency. For example, the Fable II Pub Games video game consists of three games in the style of a casino,

² Griffiths M.D. & Parke J. Adolescent gambling on the Internet: A review. *International Journal of Adolescent Medicine and Health*. 2010; 22: 59 – 75.

³ Volberg R., Gupta R., Griffiths M.D., et.al. An international perspective on youth gambling prevalence studies. *International Journal of Adolescent Medicine and Health*. 2010; 22: 3 – 38.

⁴ King D.L., Delfabbro P.H., & Griffiths M.D. The convergence of gambling and digital media: Implications for gambling in young people. *Journal of Gambling Studies*. 2010; 26: 175 – 187.

⁵ Volberg R., Gupta R., Griffiths M.D., et.al. An international perspective on youth gambling prevalence studies. *International Journal of Adolescent Medicine and Health*. 2010; 22: 3 – 38.

roulette and slot machines knowingly with low stakes. Players earn points and experience. Players are provided with tournaments, given the opportunity to win "gold coins", competing with an opponent controlled by a computer. Players can bet virtual gold coins on a random result, i.e., select drawings on cards, roll out dice (bones), spin the wheel, etc., in order to win the greatest amount of virtual gold, as well as other things and prizes. Externally, such games are not gambling, but within the context such video games have material that is fully gambling related.

The third category is network video games with indirect gambling elements. Network video games can also demonstrate gambling capabilities. For example, online games such as EVE Online and World of Warcraft contain player-controlled gambling activities using in-game currency. Such games are usually supported by web sites that accompany such games. For example, bets are placed on the sidelines, but wins and losses take place in the game space. Gambling activity includes sports betting, i.e., bets on the result of a duel or battle on the network of players, sale of lottery tickets as a chance to get a win in the form of game currency and prizes, which makes them valuable to the gaming community. Players are given the opportunity to exchange real money for in-game currency for quick advancement in the game. The ability to exchange currency inside the game or other components (virtual things, property) with other players for real money makes this activity indirectly related to gambling.⁶

If everything is very clear with the first category and it represents a pure embodiment of the classic gambling games converted into digital format, then with the remaining two categories, the situation is completely different. The fact is that in the second, and especially the third category, the gambling component of the game is only a small and insignificant part of it, not being the essence of the game itself. Despite the alleged influence of the factor on the so-called "pumping" of the game character, the game is still more dependent on the player's gaming skills, and not on the random outcome of the roulette. Here there is a big misunderstanding about the boundaries - in which place of the game it ceases to be gambling, depending only on the theory of probability and becomes dependent on the "skill" of the player.

⁶ King D.L., Delfabbro P.H. & Griffiths M.D. The convergence of gambling and digital media: Implications for gambling in young people. *Journal of gambling Studies*. 2010; 26: 175 – 187.

1.2 ESport as an intellectual skill game

Today, there are more and more users of the global Internet, which directly affects the increase in the number of gamers taking part in various championships in the disciplines of eSports (esports). Consequently, the question arises of the need to regulate eSports in order to improve legal relations and prevent offenses in this area.

Today, eSports is not only a whole sports industry, but also a dynamically developing business located at the interface of sports, shows and technologies, transforming into a powerful ecosystem of many participants.⁷

If we talk about the origins of eSports, you can start counting its history with the appearance of the first slot machine - in 1905, the famous Liberty Bell was created in the USA, the appearance of which begins a new era in the development of the gaming industry.⁸

The development of eSports in the world community, as a rule, is divided into four stages:

1. Stage "Arcade" (the beginning of the Sega slot machines in 1966);
2. "Unix" stage (originated in 1988 from the Netrek game competition, which was a mixture of team strategy and real-time shooter. In 1993, she was awarded the title of the first sports online game according to Wired Magazine);
3. The stage of early PCs (the release of the DOOM game in 1993, the main feature of which is competitive. In the Russian Federation, the first Orcs computer club appeared in 1996, which marked the birth of eSports in Russia);
4. The global tournaments stage (in 2001, the World Cyber Games tournament was founded, which was attended by over 400 people from more than 25 cities).⁹

Computer sports, or as it is briefly called E-Sport, in the form in which we can see it now, appeared relatively recently. "On October 19, 1972, the first online Spacewar digital game competition was held in Stanford (USA). The winner then became the participant who collected the best result for a certain period of time ... However, the official year of the beginning of the

⁷ Kiseleva N. The eSports market: trends. New sport // RBC. Thematic supplement to the business newspaper RBC Friday, December 2, 2016 | No. 224 (2480). - 4 s.

⁸ Gambling business. Tr. from Fr. / NBC "Bibromarket"; Edited by A.V. Purnik. - M. 1994. - 208 p.

⁹ Who is cooler, or the history of eSports [Electronic resource]. - 2011. - Part I. - Mode of access: <http://www.gamer.ru/cybersport/kto-kruche-ili-istoriya-kibersporta-chast-pervaya>. - Date of access: 26.02.2019.

history of eSports was 1997, when the first official league in computer sports CPL was founded.

» 10

The number of tournaments is growing significantly, the number of participants is increasing every year, which allows to conclude that the popularization of this sport in the near future will lead to the inevitability of its official recognition.

Born as entertainment for teens, eSports has become a profitable industry and in the new era of information and communication technologies attracts millions of viewers in different countries of the world, and competitions are broadcast online. Currently, revenues from eSports reach billions of dollars, an infrastructure designed specifically for eSports is being created and improved, investors are attracted in the form of large IT corporations. In 2015, according to SuperData Research, the eSports market volume amounted to \$ 612 million, the cumulative size of its prize funds was \$ 42 million. The audience of e-sports competitions exceeded 130 million people.¹¹

In eSports cannot use any games. For example, for competitions, games that contain an element of randomness, prevailing over the skill factor of the game, i.e. games of MOBA or RTS genres fall into the eSports games category. These include the following¹²:

1. Counter-Strike (Counter-Strike: 1.6; Counter-Strike: Source; Counter-Strike: Global Offensive);
2. Quake (Quake World; Quake II; Quake III: Arena; Quake 4; Quake Live);
3. Dota (DotA; Dota 2);
4. StarCraft (StarCraft: Brood War; StarCraft: Retribution; StarCraft II: Wings of Liberty; StarCraft II: Heart of the Swarm);
5. Warcraft (Warcraft 3: The Frozen Throne);
6. Unreal Tournament;
7. FIFA;
8. World of Tanks;
9. Point Blank;

¹⁰ Sutyryna E.V. Legal regulation of the e-sports organization (club) // Universum: Economics and jurisprudence: electronic. Scientific Log 2018 №1 (46)

¹¹ <https://www.rbc.ru/rbcfreebews> Date of access: 13.02.2019

¹² Cybersport [Electronic resource]. - 2019. - Access mode: <https://ru.wikipedia.org/wiki/Kybersport>. - Access date: 26.02.2019

10. League of Legends;
11. Smite;
12. Heroes of Newerth.

From the above data it follows that such a large number of disciplines allows us to confirm our conclusion that cybersport is taking place, and also there is a need to develop a system of its legal regulation.

Many ordinary people today firmly believe that video games and gambling are absolutely identical. And this is not surprising: if you are familiar with video games superficially, at first glance they are really no different from slot machines in a casino. But it is worth digging deeper, as we easily discover a fundamental, essential difference.

First, gambling, unlike video games, is purely probabilistic games. They are designed in such a way that in the long run you will always lose, but in the short run you will sometimes win. The random nature of the remuneration, in turn, causes in man what in psychology is called operant conditioning. In short, since the player does not know exactly when he wins, he has a vicious circle of thoughts: “The next time I press the lever, I’ll definitely win the jackpot” - the gamer believes and presses the lever “one more time”, then “one more, and one more time, and so on. As we wrote earlier, here we are dealing with the most genuine cognitive distortion, which consists in the fundamental misunderstanding of the human mind of the fact that with each game the probability of winning is still negligible, and does not increase.¹³

Unlike gambling, video games, which are commonly considered to be cybersports, are skill games. By this they resemble chess, in which success also depends solely on the player’s perseverance, his intellectual abilities and practice. Simple probability here does not solve anything: the victory must be earned. Great efforts should be made to move on to the next level.

In some countries, eSports is already recognized as an official sport, and its participants are real athletes. In the United States in 2013, the League of Legends eSports discipline was thus recognized.

¹³ P. Gray (2011). *Psychology, 6th edition*. pp 194-195.

The International Dota 2 Championship 2014, the fourth annual Dota 2 discipline tournament, held in July 2014 with a prize fund of \$ 11 million deserves special attention. According to the official website ru.dota2.com, more than 20 million people watched the tournament, which indicates that at the end of 2014 about 3.6% of the world's population participated in the Dota 2 discipline.

However, despite the arguments cited above, eSports does not have a legislative framework. In particular, this concerns the international regulation of e-sports. The creation in 2008 of the International e-Sports Federation (The International e-Sports Federation (IeSF))¹⁴ did not entail its consolidation at the international level, as well as the development of a set of rules governing the e-sports system.

Thus, it can be noted that eSports is a completely new and extremely interesting industry. And like everything new, in eSports many legal issues arise that require their resolution. Some issues of eSports are similar to issues in other sports. Other issues are completely new, as cybersport and the Internet are new to society. It can be said that eSports is a huge field for legal activity, where every lawyer who finds himself in it can become a pioneer.

1.3 Intellectual games as a traditional sport

The reasons why the author of this work analyzes the prospects of eSports as a sports game is that equating cybersport to sport at the legislative level would entail a number of legal consequences that could facilitate both the regulation of the cybersport environment and the life of the cybersports themselves, who, in fact, at the moment they simply do not understand who they are in a legal sense and cannot conduct their professional activities on the territory of the Republic of Estonia as official portraits.

There are important differences in sports tax legislation. For example, on the basis of clause 3 of part 5 of article 2 of the law on gambling for sports, the provisions of the law on gambling are not applied. Also, important differences can be found in tax law. Based on clause 3 of part

¹⁴ The International e-Sports Federation (IeSF) [Electronic resource]. - 2011. - Mode of access: <https://www.iesf.org/iesf/>. Date of access: 26.02.2019.

1 of article 16 of the law on value added tax, the use of sports equipment and premises that non-profit organizations provide to individuals is not taxable. Also, in the law on income tax for athletes there are exceptions, for example, with regard to the payment of scholarships. For example, part 3 of article 19 of the income tax law provides for some tax breaks for sports clubs.

Thus, our law provides for certain benefits in terms of sports regulation, therefore, before analyzing possible separate legal statuses of eSports, it is worth answering the question whether eSports games can be considered as a sport in its traditional meaning.

The simplest example of a game with which you can and should be compared to e-sports games is chess. Because these two types of activity have a lot of common components. Chess, like cyber sports, is a game in which the main focus is not on the physical development of players, but on intellectual. As mentioned earlier, eSports games, as well as chess, are skill games, in which the basic condition of victory is not the player's luck, but his ability to quickly and clearly perform the actions necessary to win, calculate the opponent's behavior and achieve his goals with data conditions of the game in ways. Therefore, the first step is to answer the question of whether chess can be attributed to the classical definition of what we call sports in the traditional sense.

Researchers of the general theory of sport and the system of training athletes interpret the concept of "sport" in many ways. V.I. Stolyarov noted that in the theory and practice of scientific research it was not possible to introduce a single scientifically based concept of sport.¹⁵ According to some scholars, sport is a type of educational activity aimed at the maximum improvement of human abilities, realized in the chosen type of competitive activity.¹⁶

F.P. Suslov, J.K. Kholodov, V.S. Kuznetsov emphasizes that sport is a multifaceted social phenomenon, being an important means of ethical and aesthetic education, meeting the spiritual

¹⁵ Stolyarov, V.I. Modern problems of the sciences of physical culture and sports. Philosophy of sport: textbook / V.I. Stolyarov, A.A. Peredelsky. - M.: Soviet Sport, 2015. - 461 p.

¹⁶ Bogen, M.M. Sport in the post-socialist society / MM. Bogen // Theory and practice of physical culture. - 1996. - № 12. - p. 48-49.

needs of society.¹⁷ L.P. Matveyev, N.G. Ozolin, V.N. Platonov, Yu.I. Smirnov view sport in the narrow sense as a competitive activity itself, as a way of identifying, regulated comparison and evaluation of human capabilities in this activity, and a means of maximizing the strength and ability to achieve goals. In a broad sense, the concept of "sport", in their opinion, consists of special preparation for competitive activities, participation in the system of competitions, emerging behavioral norms and achievements, as well as interpersonal relationships with.¹⁸

In the reference dictionary "Sports Metrology," the concept of sport is interpreted in three ways: as an integral part of physical culture; as a process of doing mental or physical exercises in order to achieve the best results in a competition; as a social phenomenon, the purpose of which is to regularly engage in training and the manifestation of the population to the competitions of athletes.¹⁹

In the "Explanatory dictionary of sports terms" emphasizes that sport is an integral part of physical culture, as well as a means and method of physical education.²⁰ The most capacious concept of "sport" is formulated as follows: "Sport is the activity of people organized according to certain rules, which consists in comparing their physical or intellectual abilities, as well as preparation for this activity and interpersonal relations arising in its process."

L.P. Matveyev structured all sports in six typological groups, one of which included abstract-game sports, the result of which is determined not by the athlete's motor activity, but by abstract and logical play on the opponent. Chess also belongs to this group.²¹ The above definitions and formulations of the founders of the general theory of sports reflect the general laws of the organization of the training system for all sports. They are fair (of course, given certain specifics) and in relation to eSports.

¹⁷ Kholodov, J.K. Theory and methods of physical education and sport / Zh.K. Kholodov, V.S. Kuznetsov. - M.: Publishing Center "Academy", 2001. - 480 p.

¹⁸ Matveyev, L.P. Fundamentals of the general theory of sports and the system of training athletes / L.P. Matveyev. - Kiev: Olympic literature, 1999. - 317 p.

¹⁹ Korenberg, V.B. Sports metrology / VB Korenberg. - M.: Soviet Sport, 2004. - 339 p.

²⁰ Explanatory dictionary of sports terms: about 7400 words / comp. F.P. Suslov, S.M. Wojciechowski. - M.: Physical Culture and Sport, 1993. - 352 p.

²¹ Matveyev, L.P. Fundamentals of the general theory of sports and the system of training athletes / L.P. Matveyev. - Kiev: Olympic literature, 1999. - 317 p.

So, M.A. Vershinin and Ch.A. Bovaev consider chess as a type of mental activity, in which the technology of formation and development of logical thinking manifests itself in dynamics and emphasizes that in chess, active mental activity is their main content as a sport.²²

M.Yu. Gutenev interprets chess as a sports game with prevailing active mental activity, which operates with mental images and schemes.²³ P.V. Skachkov notes that chess is an inaccurate, difficult task of a selectable type with a multitude of solutions, a special kind of intellectual human activity with a pronounced emotional component.²⁴ N.H. Bien sees the main content of chess as a sport in the ability to operate with mental images, schemes, models of reality.²⁵ V.A. Potkin considers chess as one of the types of human creativity.²⁶ A.V. Ryazantsev considers chess to be an integration of science, art, sports.²⁷ A.I. Gabbazov defines chess as a universal game discipline aimed at fostering a common culture, logical and creative thinking²⁸. The researches presented in scientific works show that chess is a multifaceted social phenomenon with a high heuristic potential, manifested in various spheres of human activity.

Thus, it can be concluded that intellectual games as a whole can be seen as a sport in its traditional sense by the example of chess, and therefore, the author can then proceed to an analysis of whether eSports as an intellectual game in particular can be a sport in its traditional meaning.

²² Vershinin, M.A. Features of the formation of the strategic skill of chess players / MA. Vershinin, CH.A. Bovaev // Theory and practice of physical culture. - 2009. - № 5. - p. 72-77.

²³ Gutenev, M.Yu. Chess as a cultural phenomenon / M. Yu. Gutenev // Man and Society: at the Turn of the Millennium: Materials of the International Scientific Conference / under general ed. prof. O. I. Kirikova. - Issue 52. - Voronezh: Voronezh Publishing House. state ped. University, 2012. - p. 60-71.

²⁴ Skachkov, P.V. Pedagogical innovations in modern chess education / P.V. Jumps // Primary school plus before and after. - 2010. - № 5. - p. 92-95.

²⁵ H.B. Improving the analytical skills of highly qualified chess players during the preparatory period of the training process: author. dis. ... Cand. ped. Sciences: 13.00.04 / Ngo Hiu Bien; Grew up state un-t nat. culture, sports, youth and tourism (SCOLIPhK). - M., 2014. - 24 p.

²⁶ Potkin, V.A. The structure and content of the training process of highly qualified chess players on the basis of innovative computer programs: author. dis. ... Cand. ped. Sciences: 13.00.04 / Potkin Vladimir Alekseevich; Grew up state un-t nat. culture, sports, youth and tourism. - M., 2011. - 24 p.

²⁷ Ryazantsev, A.V. Neurovegetative and neurodynamic criteria for assessing the adaptation of young chess players to mental stress / A.V. Ryazantsev, E.V. Bykov, A.V. Chipyshev // Theory and practice of physical culture. - 2011. - № 4. - p. 7-10.

²⁸ Gabbazova, A.Ya. Intellectual development of younger schoolchildren in the process of learning a chess game / A.Ya. Gabbazov // International Scientific Conference of Psychologists of Physical Culture and Sport "Rudikovskie readings", (June 11-14, 2006): materials / State. com Grew up Federation on physical. culture and sport, Ros. state un-t nat. culture, sport and tourism, Ros. Assoc. psychologists nat. culture and sport. - M., 2006. - pp. 77-79.

1.4 ESport as a traditional sport

It is the general interest in the development of intellectual games throughout the twentieth century. allowed four sports intellectual games to obtain the status of a sport within the framework of the international sports movement. These are chess, checkers, go and a sports bridge. Intellectual sports are those sports where the result of a sports activity is determined by the solution of a given task (the rules of this sport) with predominant use of intelligence and is carried out through “mental action” (or in the “internal plan of action”) with the conscious dominating over the unconscious. Another distinctive feature of intellectual sports is the possibility of holding competitions remotely.²⁹

For a number of signs, eSports can be ranked as an intellectual sport, because it meets its main criteria: it has common rules and a specific end goal; has a competitive component and involves the opposition of individual opponents or teams; contributes to the intellectual development of human abilities; publicly available.

The fact that distinguishes e-sports among intellectual sports is its physical component: a component of physical activity and improvement of physical abilities. Computer sport, like the same checkers or chess, does not require physical strength, but requires resistance to stress and physical endurance. In addition - and this distinguishes e-sports from all other intellectual games - this view develops the human reaction. The development of the cybersportsman's reaction is really impressive: 130 milliseconds compared to 200 milliseconds of the average person. This gives the athlete the opportunity to make 300 conscious keystrokes on the keyboard within one minute! In fact, a trained cyber sportsman can respond to a professional boxer's strike or to Serena Williams' serve.

Just like other sports, eSports can be professional and non-professional (amateur). Professional eSports is an activity aimed at organizing and conducting sports competitions, for which athletes receive remuneration for participation in and preparation for which as their main activity. Another indicator that eSports is a full-fledged sports discipline is that, since 2015, cyber sportsmen have been tested for doping. The check is performed by WADA (World Anti-

²⁹ Kylasov A.V .; Garal Ya.A. Sorting intellectual games: concepts and technologies. - M .: Soviet Sport, 2013.

Doping Agency). Moreover, the check is carried out on the standard list of prohibited drugs, and on technical doping - cheat - codes and macros.³⁰

On November 2, 2016, the World Cybersports Association (WESA) announced the creation of an arbitration court to resolve disputes between professional players and organizations. Arbitration under the auspices of the World Esports Association can be a tool for a civilized approach to regulating relationships on the professional scene and an indicator of the convergence of computer sports with traditional sports, which is proclaimed the main mission of WESA. Currently, eSports is not an Olympic sport. However, he is already recognized as a second-level Olympic discipline, i.e. is a type that is pending for inclusion in the Olympic program, in contrast to unrecognized sports. The decision to assign cybersport in this category was made by the Korean Olympic Committee.³¹

In this context, it is important to note that intellectual sports are currently not in principle included in the program of the Olympic Games. Comprehensive competitions in these types are held at the World Mind Sports Games (WMSG).

The tournament organizer is the International Intellectual Sport Association (IMSA). Similarly, to the Olympics, Intellyas are held every 4 years. The first World Mind Games were held in Beijing (China), from October 3 to October 18, 2008. The second games took place in Lille (France) from August 9 to 23, 2012. Third games - from 8 to 15 December 2017 in Huaian (China). In the future, it is planned to hold Intellectuals in the capitals of the Olympic Games (summer or winter) soon after the end of the Olympics.³²

Thus, the author comes to the general conclusion that eSports can be considered as a separate sports discipline in the traditional sense, as many countries have already been striving for, as was shown earlier. The next issue that this work requires consideration is now the legal regulation of eSports and online gambling in Estonia, which the author will consider further.

³⁰ Pashchiyev, Sh. B. Cybersport as a means of personal development / Sh. B. Pashchiyev // Proceedings of the international scientific and practical conferences of the Society of Science and Creativity in May 2016. Science Time. - № 5 (29). - 2016. - p. 512 - 515.

³¹ Fomin, Vitaly. Cybersport recognized the Olympic discipline of the second level. Access mode - <https://www.sovsport.ru/cybersport/news/774734-kibersport-priznali-olimpijskoj-disciplinoj-v-torogo-urovnja>. (Date of access: 28.04.2019)

³² Raschupkin, A. You may not be an athlete, but you must be a citizen [Electronic resource]. Information portal championat.com. - Access mode: <https://www.championat.com/cybersport/article-3296707-kontrakty-v-kibersporte-mezhdu-igrokami-i-organizacijami.html>. (Date of access: 29.04.2019)

2. ESport and online gambling as an objects with independent from each other legal regulation

Before starting the analysis of why eSports, based on the classification discussed in the previous chapter, deserves a separate legal regulation from gambling, it is necessary to consider how the eSports and online gambling in the Republic of Estonia are currently regulated.

In this chapter, the author will first consider the current Estonian legislation, which currently affects eSports, namely the Estonian Republic Gambling Law, and then analyzes the importance of regulating eSports separately from the context of gambling.

2.1 ESports and online gambling in the law of the Estonian Republic

Organizing gambling in Estonia is a legal activity. The field of gambling entertainment is regulated by law and is under the supervision of the Tax and Customs Board (Estonian Tax and Customs Board). The state act regulating the work of any organizations related to the supply of gambling entertainment is the Gambling Act.

The Estonian Tax and Customs Board is responsible for regulating the gambling market in Estonia.³³ This body is engaged in issuing licenses in accordance with the main document regulating gambling activities - the Law on Gambling. The clauses of the law describe in detail what kind of entertainment is considered gambling and what permissions an entrepreneur must receive to organize a gambling business. The state itself owns the exclusive right to organize gambling entertainment. Licenses and permits issued to private companies delegate this right to individuals and legal entities.

The first law in the field of gambling was issued in 1994³⁴. He touched on the nuances of organizing lotteries. At the same time, a law was passed on the taxation of companies supplying gambling services. A year later, the Gambling Law appeared, which established the legal basis for other gambling games (case games, sweepstakes, skill games). Since 1995, the Gambling

³³ Gambling Act - RT I 2008, 47, 261, § 8.

³⁴ Lottery Act – RT I 1994, 50, 845.

Law has become the main document regulating the activities of gambling companies. Since its inception, it has undergone a number of changes and amendments tightening control over the operators.

The gaming industry is developing equally offline and online. To organize a ground point with gambling entertainment, you must obtain a license. Similarly, a license is required to create online gambling sites.³⁵ Since the gambling industry is partly nationalized, foreign operators also need permission to provide services.

Gambling in Estonia is entertainment, which correspond to the following parameters:

1. the participant of the game makes bets;
2. as a result of the game, one or several players may receive a prize, the amount of which depends on the assigned stakes;
3. the outcome of the game depends on the case.³⁶

In accordance with the Gambling Law, casino table entertainment, slot machines, lotteries and sports bets are defined as such. All these types of gambling services are provided only if the operator has received a license. Organization of gambling is subject to a large tax.

Estonian legislation identifies the following types of legal gambling:

1. a game of chance (entertainment, the outcome of which is determined randomly or by a random number generator);
2. lottery;
3. sweepstakes (sports betting);
4. games of skill (entertainment, the result of which depends on the skills of the participants and knowledge of the rules).³⁷

Chance games include board games and slots. For lotteries - private and public draws. Also available are various sports bets and bets on all sorts of events. The games of skill, as is customary, include: roulette, poker and other card games.

³⁵ Gambling Act - RT I 2008, 47, 261, part 1 of § 16.

³⁶ Gambling Act - RT I 2008, 47, 261, part 1 of § 2.

³⁷ Gambling Act - RT I 2008, 47, 261, § 3.

Online casinos in Estonia are allowed. This is indicated by a huge selection of offers, which can be found, for example, on the web portal <https://kasiino.com>. All online gambling licenses are available on the online sites. Operators of gambling sites are required to provide information on how to protect personal data and user transactions. You also need to prove the safety of methods of depositing and withdrawing funds from the casino account.

In 2011, an article on distance gambling (online gambling) was included in the Gambling Law. According to this article, remote gambling is considered to be the organization of gambling in such a way that the outcome of the game is determined by an electronic device, and the player can participate in the game using electronic means of communication, including telephone, Internet and media services.³⁸

The author considers it noteworthy that despite the fact that the Gambling Law does not say a word about eSports, in accordance with the aforementioned part 4 of article 3 of the Gambling Law, one of the types of gambling are skill games, the result of which depends not just by chance. However, the law absolutely does not set the framework and the ratios of the proportions in which the player's luck and skills should influence his victory. Thus, in fact, according to the letter of the law, under this article can be attributed almost any competitive video games, with awards for winning in which you can get any material prizes, including cash.

Based on the above, one of the main tasks facing the author at the moment, before proceeding to the analysis of the aforementioned legislation, to answer the question whether eSports is fair, in accordance with the Gambling Law, is one of the types of gambling or is it a completely different environment, which requires a separate legislative regulation, because in fact it does not fall under the classical understanding of gambling in general.

³⁸ Gambling Act - RT I 2008, 47, 261, part 1 of § 5.

2.2 Necessity for a separate from the online gambling legal regulation of eSport

As mentioned above, there is no separate regulation of e-sports in the Republic of Estonia. Neither the Estonian Sports Act, nor any other law directly mentions eSports as a true individual sports discipline.

Such an attitude is not a phenomenon, since this area has appeared relatively recently and, with all the growing rates of popularity growth, is still not perceived by people, and especially by the older generation, seriously.

Earlier, the author has already paid attention to the impressive capitalization of eSports in the world. However, in order to show the importance of such a decisive step as a separate legal regulation of eSports, you should not only show the significant differences between eSports and online gambling, but also better reveal the scale of the eSports market and show how huge this industry has become lately.

To date, eSports has become not only one of the most popular sports destinations and major entertainment industries, but also a powerful, gaining momentum in the business sector. Thus, the total revenue of companies operating in the field of e-sports worldwide increased in 2017 by 33% to \$ 655 million, in 2018 it will grow even faster, and by the end of the year it will increase by 38.2% , to \$ 906 million, and in 2021 it will exceed \$ 1.6 billion. The world's largest cybersport markets in North America (forecast in 2018 are \$ 345 million), China (\$ 164 million), South Korea³⁹. In the Russian Federation, in 2017, it became the leader in terms of revenue (about \$ 38 million) on the eSports market among the European countries studied. At the end of 2018, growth is expected to be 18%, to \$ 45 million, in 2019 - to almost 53 million⁴⁰

One of the key players in the eSports market are companies that produce computer games, some of which are today recognized as official disciplines (currently the main ones that are

³⁹ Money eSports. Why do major investors invest in the virtual entertainment industry? 05.23.2018 // Business Petersburg. [Electronic resource]. Access mode: https://www.dp.ru/a/2018/05/23/Denezhnij_kibersport/ (access date: 05.04.2019).

⁴⁰ Russia returned the European leadership in terms of the eSports market. March 14, 2018 // RBC. [Electronic resource]. Access mode: https://www.rbc.ru/technology_and_media/14/03/2018/5aa7add19a79472d8a538579/ (access date: 05.04.2019).

officially recognized are such disciplines as Dota 2, Counter-Strike: Global Offensive, FIFA 17, World of Tanks, etc.) in eSports tournaments. According to the analytical agency Newzoo (Newzoo's 2017 Global Games Market Report), over the past five years, revenues from sales of games in the world increased by 56%, or 70 billion dollars, reaching a record high of 109 billion dollars in 2017. According to forecasts, by 2020 the capitalization of the global video game market will be \$ 128.5 billion (+ 15.2% compared to this year's level).⁴¹ In terms of monetization, the most successful projects are League of Legends, Dungeon Fighter Online, Crossfire, FIFA and GTA franchises. Now in-game purchases bring publishers less than half of the revenue, but in 2019 their share will reach 52%, analysts predict.⁴² It should be noted that so far pending, there are such types of disciplines as shooters and fighting games - their introduction to the status of official disciplines will also contribute to the growth of income of game producers, as well as other subjects of the ecosystem of eSports.⁴³

Video game developers benefit directly from the fact that they own cyberspace leagues - this brings them income from ticketing, merchandising, media publishing, advertising and sponsorship. And also indirectly - eSports is becoming more and more fans, which helps to increase sales. For example, Tencent Holdings owns Riot Games, whose League of Legends is one of the most popular computer games in the world, and also the League of Legends Championship Series, a professional e-sports league. Tencent is considered the main holding in this area, since it is very popular in China, where the company was founded. China has the largest base of gamers in the world - about \$ 442 million as of 2017, while the level of involvement of Internet users is estimated at 57% (according to CNNIC). China accounts for one third of the total revenue of the global gaming industry; Tencent has entered into an agreement with Disney, under which the entertainment portal gets the right to create a

⁴¹ The revenues of companies specializing in the development and sale of video games amount to billions of dollars. 23.02.2018 // Forbes. [Electronic resource]. Access mode: <http://www.forbes.ru/tehnologii/357631-sereznye-zabavy-pochemu-videoigry-stanovyatsya-populyarnoe-kino/> (access date: 05.04.2019).

⁴² The path from the "wild west" to the mainstream: trends and assessments of the e-sports market from Goldman Sachs. 10/23/2018 // Sostav. [Electronic resource]. Access mode: <https://www.sostav.ru/publication/bolshoj-kibersport-put-ot-dikogo-zapada-do-mejnstrima-34024.html/> (access date: 05.04.2019).

⁴³ The Public Chamber of the Russian Federation recommended that the Ministry of Sports consider shooters and fighting games as new cyber disciplines. 11/29/2017 // "Komsomolskaya Pravda". [Electronic resource]. Access mode: <https://www.spb.kp.ru/daily/26763/3794912/> (access date: 05.04.2019).

specialized streaming service for broadcasting the League of Legends until 2023. In addition, Tencent plans to launch a television channel in China that will cover e-sports events.⁴⁴

Television channels and platform companies occupy a special place in the eSports ecosystem. For example, according to PayPal and SuperData, in 2017 the number of spectators of cybersport events in Russia was 3.7 million people, in 2018 this figure will increase to 4.1 ml. people, and in 2019 it will reach 4.9 million. In the Russian Federation, eSports competitions were shown by the 2x2 channel several times. Another example: Twitch is the most popular platform for watching e-sports competitions. The daily audience of the service in January was 962 thousand people. According to Mintel, this figure is much higher than that of the two largest television channels: in 2017, 885 thousand people connected to MSNBC per day, and 783 thousand people connected to CNN. In general, according to forecasts, the global revenue from the sale of media rights to eSports competitions in 2018 will amount to \$ 160.7 million and will show a huge increase of 72%. At the same time, the audience of e-sports events around the world will grow by 13.5% and up to 380 million people.⁴⁵

In general, as noted by experts at SuperData, who estimated the structure of the global eSports market, - advertising and sponsorship constitute 74% of competition revenues (\$ 661 million in 2016), competition prize money - \$ 78 million, bookmakers - 59 million dollars, amateur tournaments - \$ 40 million, tickets - \$ 34 million, souvenirs - \$ 19 million.⁴⁶ In addition, it is advisable to talk about such an item of income as the sale of rights, which is about 15% of all revenues of the eSports market.

It should be noted that investments in the sphere of brands have become the key driver of growth in the eSports industry. This includes the right to broadcast contests, advertising and sponsorship. For example, in 2017, out of \$ 655 million of total revenues, 468 ml. dollars (60%)

⁴⁴ Top 9 stocks to generate revenue from eSports. 08/01/2018 // Financial One Financial One. [Electronic resource]. Access mode: <https://fomag.ru/news/top-9-aktsiy-dlya-polucheniya-dokhoda-ot-kibersporta/> (access date: 05.04.2019).

⁴⁵ Global eSports revenue will grow to \$ 1 billion in 2018. 02.22.2018 // "Imgame" portal. [Electronic resource]. Access mode: <https://imgame.kz/oldnews/globalmya-vymchka-ot-kibersporta-sostavit-pochti-1-mlrd-dollarov-v-2018-godu/> (access date: 05.04.2019).

⁴⁶ Kucher Egor: Games in a new way: Cybersport in Russia is rapidly gaining popularity. 10/20/2018 // New Frontier. [Electronic resource]. Access mode: <https://rubezh.org/tribuna/igry-na-novyj-lad-kibersport-v-rossii-rezko-nabiraet-populjarnost/> (access date: 05.04.2019).

accounted for brand investments⁴⁷. According to Newzoo, in 2018, 40% of the total revenue of the cybersport industry in the world will come from sponsor investments — \$ 359.4 million, and advertising revenues will be \$ 173.8 million. Previously, sponsors in this area were mainly equipment manufacturers: Acer, Asus, Intel, HP and others. Subsequently, representatives of remote industries began to catch up. This, for example, Mercedes-Benz, MediaMarkt, Visa, Qiwi, PepsiCo. Including e-sports competitions supports fast food chain KFC.

Of course, the above list of subjects of the eSports ecosystem is by no means exhaustive - bookmakers, streaming platforms, etc. also play a special role - however, from the point of view of the author, this is the basis for forming the financial infrastructure of eSports as a business sector.

Certainly, recognition of eSports as an official sport entails legal consequences. A pressing question is, for example, preventing the use of doping and imposing responsibility for the use of stimulants. It is known that almost all major cybersport tournaments have had doping control for a long time, and this fact is certainly a positive aspect, since in any competition disciplines, surfactants, stimulants, etc., improving athletes' performance, reduce the value of the results of hard training, and eSports is no exception. Based on this, it is advisable to update the regulatory framework, especially in this direction.

In addition, some aspects of copyright and intellectual property remain in question. As the associate professor of St. Petersburg State University and the adviser of the law firm V. Arkhipov noted, the results of intellectual activity, incl. Audio and video games of computer games are protected by intellectual property rights. Accordingly, their use is possible only with the consent of the copyright holder. At the same time, the current rules of e-sports, video games are equal to sports equipment, but their use implies signing licensing agreements⁴⁸. This problem can certainly serve as a source of new precedents in judicial practice.

Earnings in eSports depends on the discipline chosen by the athlete. Currently, the most highly paid are: Dota 2, CS GO, World of Tanks, League of Legends. In addition, earnings in eSports

⁴⁷ Novikov A. The global eSports market has grown by 33% over the year. 02.22.2018 // “App to Top” portal. [Electronic resource]. Access mode: <https://app2top.ru/industry/mirovoj-ry-nok-kibersporta-za-god-vy-ros-na-33-115711.html/> (access date: 05.04.2019).

⁴⁸ How does e-sports comply with Russian legislation? 05/22/2018 // The Regnum Portal. ULR: <https://regnum.ru/news/2418790.html/> (appeal date: 05/04/2019).

also depend on the team, which stands for the athlete. There is a direct relationship here. For example, the players of the Astralis team, which takes part in the CS GO competitions, said that they receive \$ 9,000 per month, and this amount does not include the prize money and money received from advertising contracts. However, in this case, we are talking about one of the most powerful teams in the top 3 highly paid disciplines.⁴⁹ In Russia, beginners and average cybersportsmen earn about 1 thousand euros per month. Lucky players for a three-month game season can get 6-7 thousand euros. The best CIS cyber sportsmen can reach the bar of 6-7 thousand euros per month.⁵⁰

As for the owners of cyber sports teams, about 70% of their income comes from sponsorship contracts. The remaining 30% are equally divided between the share of the prize and the share of sales of game items. About 80-90% of prize money remains with players. In 2017, for example, Virtus.pro earned more than \$ 2 million in prize money, of which the organization received little. There is also merchandising. The most popular product is a replica of the team's jerseys. They are sold about 10 thousand units per year, the rest of the articles - several thousand. And according to RBC, only about 10% of the money won in the tournament goes to the team from the prize money.⁵¹ This item of income in eSports does not currently have any legal basis and is described in internal contracts as a bonus. Thus, the income of a cyber sportsman is the salary established by the employment contract with the founder of the cyber sports organization, the share of the prize fund and the fee for sponsorship contracts.

If we are talking about e-sports organizations, the funds that form the prize fund and the company's profits consist mainly of income received from advertising contacts, which is 90%. The rest is the investment of the founder. Since a cyber-sports organization is a commercial enterprise interested in making a profit, then, accordingly, not the entire amount of the prize fund received by the organization is the income of the team. In different disciplines, companies distribute funds in different ways: for example, in Lol, an organization takes up to 70% of the

⁴⁹ How much do cybersportsmen earn per month, 2018. [Electronic resource]. Access mode: <http://zarplatyinfo.ru/v-internete/skolko-zarabatyvayut-kibersportsmeny-v-mesyac.html> (access date: 10.22.2018).

⁵⁰ Money eSports. Why do major investors invest in the virtual entertainment industry? 05.23.2018 // Business Petersburg. [Electronic resource]. Access mode: https://www.dp.ru/a/2018/05/23/Denezhniy_kibersport/ (access date: 07.02.2019).

⁵¹ Cybersport in Russia has officially recognized the sport. 06.06.2016 // RBC. [Electronic resource]. Access mode: <http://www.rbc.ru/rbcfreenews/57580f149a7947bf3ee4c328/> (access date: 07.02.2019).

prize pool, and in Dota 2 - at least 80% goes to players.⁵² This situation exacerbates one of the most pressing problems of modern law - prize money, the system of their distribution to members of the cyber team and the specifics of their regulation in terms of labor and tax law. In general, an athlete's salary consists of payments under a contract, a bonus in case of winning a tournament, revenues from advertising contracts, and payments generated by communication with an audience of fans.⁵³ A popular player can earn up to \$ 50,000 a year on YouTube or Twitch, or even more. CS: GO is the discipline with the largest donations from viewers and fans to players. There were cases when a man was sent live 10 thousand dollars.⁵⁴

Also, with the expectation of the rapid development of technology, lawyers can not ignore the issues of intersection of reality and virtual space. Using the example of the popular game Pokemon Go, experts show what rights can be violated during a game in an area that has an owner. "Violation of the right of the owner does not consist in illegal entry into its territory, but in uncoordinated placement of a virtual object on its virtual representation with a geolocation tag that links such a virtual object with a specific property," V. Arkhipov emphasized. In the context of the problem of virtuality as a legal category, the expert touched upon the topic of checking that the account belongs to a specific person. It was noted that the definition of account authenticity is complicated by the phenomenon of "boosting", i.e. Improving your ranking in the game to bypass the rules. For many e-sports organizations, it is a qualifying condition for participating in competitions⁵⁵. Thus, if a player dishonestly raises the rating to take part in a tournament, he violates not only the rules of ethics, but also a number of legal norms.

As mentioned earlier, In 2015, the Korean Olympic Committee (Ke S PA) recognized cybersport as a second-level discipline, from which it can be concluded that cybersport is reaching a new level and more and more facts indicate the need for its regulation.

⁵² Romanov S. Kibersport as a business: is it possible to earn money on video games? 09/10/2015 // Portal "Rusbase". [Electronic resource]. Access mode: <https://rb.ru/opinion/cybersport-business/> (access date: 07.02.2019).

⁵³ How to earn on eSports. 11/12/2016 // Gameclub portal. [Electronic resource]: Access mode: <https://gamegab.me/artides/cybersport-news/zarabotok-na-cybersporte/> (access date: 07.02.2019).

⁵⁴ E-sports as a business: is it possible to make money on video games? 09/10/2015 // Portal "Rusbase". [Electronic resource]. Access mode: <https://rb.ru/opinion/cybersport-business/> (access date: 07.02.2019).

⁵⁵ How does e-sports comply with Russian legislation? 05/22/2018 // The Regnum Portal. ULR: <https://regnum.ru/news/2418790.html/> (appeal date: 02/07/2019).

However, despite such an important step in the development of eSports, to be included in the program of the Olympic Games, recognition of a full-value Olympic sport, it is necessary to receive the category of first-level discipline and its recognition by the International Olympic Committee.

The second level disciplines include disciplines that fall under the charter of the International Olympic Committee, but for various reasons are not included in the program of the Olympic Games or were previously excluded from it. These sports are being considered for inclusion in the Olympic Games.⁵⁶

In order for eSports to be recognized as an Olympic sports venue, it is necessary to include it in the program of the Olympic Games. To initiate the inclusion of discipline in the program of the Olympic Games can: international sports federations; national sports federations through international sports federations; International Olympic Committee.

According to the official website of the Olympic Encyclopedia, in order to acquire an Olympic status, a sport must meet several requirements, namely: the presence of an international sports federation for a sport recognized by the International Olympic Committee; recognition and implementation of the relevant sports federations of the Olympic Charter; wide distribution, holding of world, regional and national championships, cup competitions: in at least 75 countries of 4 continents - for summer men's sports; no less than 40 countries of 3 continents - for women's summer sports; no less than 25 countries of 3 continents - for winter sports.⁵⁷

However, compliance with these requirements is not enough to recognize the sport Olympic due to the interest of international sports federations in promoting their sports. Also, the International Olympic Committee in order to prevent the expansion of the program of the Olympic Games each year introduces all greater restrictions for applicants for the title of the discipline of the Olympic Games.

⁵⁶ Cybersport recognized the Olympic discipline of the second level [Electronic resource]. - 2019. - Access mode: <http://www.sovsport.ru/news/text-item/774734>. - Access date: 01/04/2019.

⁵⁷ Olympic sports [Electronic resource]. - 2019. - Access mode: <http://olympdeka.ru/olymp/sport.html>. - Access date: 03/01/2015.

In accordance with the Charter of the International Olympic Committee⁵⁸, the selection of sports for the program of the Olympic Games, as well as the definition of criteria and conditions for the inclusion of sports in the program of the Olympic Games is the prerogative of the session of the International Olympic Committee. The program of the Olympic Games may include or retain in it only those sports that accept and execute the World Anti-Doping Code [7, 45]. From this rule, it follows that in order to fulfill it, it is necessary to create an organization or make significant changes to the International e-Sports Federation (IeSF) e-Sports Federation to make it easier to follow the procedural order and monitor its observance. An official explanation to rule 45 of the Charter of the International Olympic Committee states: “After each Olympic Games, the International Olympic Committee reviews the program of the Olympic Games. In each such case, the standards for the inclusion of sports, disciplines and types of competitions can be revised, and the competent authorities of the International Olympic Committee can decide whether to include or exclude a sport, discipline or type of competition ”,⁵⁹ i.e. eSports has a real chance to qualify for recognition by the International Olympic Committee and inclusion in the program of the Olympic Games.

However, in order to promote this sport to the ranks of the Olympic disciplines, it is necessary to develop the International Cyber Sport Federation (or create a new organization), develop legal mechanisms for regulating the activities of both individual athletes and teams, as well as national federations of cybersport.

Due to the fact that it is still necessary to establish the difference between playing for luck and depending on skill, the author of the study believes that the criteria should also be specified.

The Maltese Gambling Committee (MGC) has made a number of suggestions on how to determine what type of game each has in each case. For example, the following criteria:

- 1) were considered random (random draws) and dependence on the result of the game;
- 2) the duration of the game (time);
- 3) the object of the game: entertainment or competition;
- 4) skillful ("trained") player - opportunities for victory in comparison with unqualified ("beginners") capabilities;

⁵⁸ Charter of the International Olympic Committee [Electronic resource]. - 2019. - Access mode: <https://www.olympic.org/documents/olympic-charter>. - Access date: 01/04/2019.

⁵⁹ Ibid.

- 5) The chances of a player winning are increased depending on the game practice and experience gained during the exercise;
- 7) acquisition of skills: can you develop skills by reading literature or other study materials?
- 8) Rules of the game: format of the game and games applicable policy rules reset the effect of possible randomness?
- 9) Is the game played by others against people or "houses (such as playing blackjack in a casino)"?
- 10) common sense and community of players.

Particular attention should be paid precisely to the international consolidation of legislation on e-sports. The norms of national legislation will be able to regulate the issues of holding champions and tournaments only within the country, not to mention the rights of players. Considering the fact that eSports largely unites eSportspersons of many states and mostly championships and tournaments in eSports disciplines are held online, it can be concluded that it is more profitable for everyone to work out a single system of norms, and not Subsequently, there may be significant differences that will lead to new disputes.

It is also necessary to make for this regulatory legal act a special order of implementation into the national legislation of each country in order to facilitate the procedure for its adoption.

The absence of legislative regulation is especially manifested in the complete lack of control over the activities of clubs, teams, organizations of cybersportsmen and their other associations.

For example, all activities of teams of cybersportsmen belonging to any organization are governed by this organization. The only exception is the discipline of League of Legends, where all activities are regulated by the company - the developer of the game Riot, but it is still not developed norms that are fixed at the international level. Agreements between players, teams, and organizations are infrequently inflicted, which may violate the rights of players (cybersportsmen) or teams or organizations.

These violations include non-payment of remuneration or partial payment by the organization. Also noteworthy is the lack of rights of the players as such. The undeveloped institution of the treaty in the system of eSports also leads to all sorts of violations of the rights of players or

teams or organizations. In addition, it is necessary to develop norms that regulate in detail the procedure for holding tournaments and various championships.

Thus, eSports is a platform for lawmaking. The author adheres to the point of view of the majority of cybersportsmen⁶⁰: eSports requires a federation officially recognized internationally, as well as legislative regulation of all relevant issues, which we hope will be developed in the near future.

⁶⁰ Kuznetsov, J. Virtus.pro [Electronic resource] / Ya.Kuznetsov. - 2019. - Access mode: <http://virtus.pro/base/gamers/ns/virtus.pro>. - Access date: 26/02/2019.

3. Legal features of online gambling and eSport

In this final chapter, the author will show on the example of other countries how to solve problems related to the regulation of eSports and online gambling, as well as consider how these countries seek to implement a separate regulation of eSports as a sport in its traditional meaning.

These countries were chosen on the basis of the fact that their legislative bases are very similar to the legislative base of the Republic of Estonia, as well as the issues of regulating e-sports and online gambling have been quite acute for some time now.

In this chapter, the author's goal is to show the relevance of these problems by the example of other countries that are trying to cope with them. The general interest in a clear and competent legal regulation of online gambling and eSports shows the importance of the problem raised by the author, and the measures that other countries are taking in relation to eSports and online gambling can be useful for the legal regulation of these areas in the Republic of Estonia.

3.1 Legal basis of state regulation of activities for the organization and conduct of online gambling

Gambling is a social phenomenon. The goal of the game organizer is to involve as many people as possible, since "attracting money to the gambling business is directly proportional to involving more people in gambling".⁶¹ Therefore, gaming establishments and gaming machines in the early 2000s. in Estonia it was possible to see everywhere. This fact gave rise to many economic and social problems that required resolution. In order to protect the morality, rights and legitimate interests of citizens, the need has arisen for the legal regulation of the organization and conduct of gambling.

Earlier, the author has already considered the legal regulation of online gambling in the Republic of Estonia and concluded that the law does not fully disclose all the features of this

⁶¹ Ivanova O. A. Gambling as a threat to public morality // Young Scientist. 2013. No. 9. P. 299-302. URL: <https://moluch.ru/archive/56/7758/> (appeal date: 15.04.2019).

type of activity due to a very incomplete explanation of the concept of online gambling, the result of which is affecting a completely different sphere of entertainment - eSports.

Other countries, including the Russian Federation, also became involved in the problem of legal regulation of gambling. In this regard, Russia adopted the Federal Law of December 29, 2006 No. 244-ФЗ⁶², which defines the legal basis for state regulation of the organization and conduct of gambling on the territory of the Russian Federation and sets restrictions on the implementation of this activity in order to protect the morality, rights and legitimate interests of citizens. The law contains definitions of the basic concepts associated with gambling and their organization, as well as legal norms governing the relations arising in this area.

Due to the fact that Law No. 244 limited the spread of gambling in the Russian Federation, many organizers and participants of gambling drew attention to the possibilities of the global Internet. With its emergence and development, gambling became available online. There were quite a lot of special game servers that allow you to make bets, participate in one or another game of chance and get a win, while behind the monitor screen. Such servers have become popular among those who want to take part in gambling. They are posted today, as a rule, not in Russia, but are available on the Internet. The proposed range of gambling entertainment on such servers is quite diverse: from the usual roulette and slot machines to the ordinary lotto. To engage in gambling on some such online resources, it is proposed to participate in trial games without cash bets.

In different countries of the world, the attitude to online gambling is different. Online casinos are the most accessible in Venezuela, Andorra and Chile. In the US, they are legal in the three states, the rest are prohibited. Also, online casinos are banned in France and Iran. In Germany, until 2008, there was a ban, but then online gambling obtained the legal right to operate if the organizer had a license. In Australia, on the contrary, 2017 banned online gambling⁶³.

Russian legislation does not explicitly prohibit Internet users from participating in gambling. The technology of gambling on a game server is quite simple: you need to register to get access

⁶² Federal Law of December 29, 2006 No. 244-ФЗ "On State Regulation of the Organization and Conduct of Gambling and Amendments to Certain Legislative Acts of the Russian Federation" (hereinafter - Law No. 244) [Electronic resource]. URL: <http://www.rten.ru>.

⁶³ Australia approved a ban on online gambling [Electronic resource]. URL: <https://www.sports.ru/tribuna/blogs/blogwbpro/1409864.html> (appeal date: 15.05.2018).

to the functions of such a service for financial management and selection of games. The next step after completing the registration procedure is opening a deposit, that is, placing funds on a personal account. The won funds will be credited to it or a loss will be written off from it. After crediting funds to the deposit, you can start playing. Both deposit funds and withdraw funds can be in various ways. The software of the game resource allows you to make bets, and then the game processor comes into play based on a random number generator. The choice of resources from an online casino on the Internet is now huge. Online casinos provide an opportunity to participate in the game without restrictions on a territorial basis or citizenship. According to the information agency "Rosbusinessconsulting", the shadow market of online gambling games in Russia has a solid turnover, estimated at \$ 3 billion.

Clause 3 of Article 5 of Law No. 244, art. 15.1 of the Federal Law of July 27, 2006 No. 149-Φ3⁶⁴ prohibits only the organization and conduct of gambling using information and telecommunications networks, including the Internet, as well as communications, including mobile communications. In some cases, the use of information and communication networks for gaming purposes is possible. So, Art. 3 of Law No. 244 contains the norm according to which a bookmaker (or organizer of the sweepstakes), having the necessary state license and consisting in a self-regulating organization, a website can be created for receiving interactive rates. That is, it is not the organization of gambling on the Internet that is allowed, but the creation of aids using the Internet by licensed institutions in certain gaming areas, an exhaustive list of which is also provided in the law. Such institutions should consist in the self-regulatory organization of gambling organizers. The activities of self-regulatory organizations are designed to streamline their activities, as well as to ensure respect for the rights of their owners.

The Russian online sports betting market gained legal character in 2016. Initially, licenses were obtained by the Betting League bookmakers, Sh1n1pe, 1xStavka and 888.ru, later Fonbet and a number of other companies. Legitimate bookmakers in Russia conduct financial transactions through the Center for the Acceptance of Internet Rates (Internet address <http://tsupis.com>), which allows you to keep track of transactions (including with a view to collecting tax on winnings).

⁶⁴ Federal Law of July 27, 2006 No. 149-Φ3 "On Information, Information Technologies and Protection of Information" (hereinafter - the Law on Information) [Electronic resource]. URL: <http://www.consutant.ru>.

For violation of prohibitive laws, criminal and administrative liability. Article 171.2 of the Criminal Code of the Russian Federation provides for punishment for organizing or conducting gambling using gaming equipment outside the gambling zone or using information and telecommunications networks, including the Internet. Administrative responsibility for the illegal organization and conducts of gambling using gaming equipment outside the gaming zone or using information and telecommunications networks is enshrined in Art. 14.1.1 of the Administrative Code. In addition, the distribution of advertising online casino also entails responsibility for the site owner, who posted such information due to Part 2 of Art. 27 of the Federal Law of March 13, 2006 No. 38-ФЗ “On Advertising»⁶⁵, prohibiting the publication of advertising based on the risk of games and betting on the Internet. Thus, only the game organizer can be held liable, but the player is not.

To combat the placement of prohibited information on the Internet, a blocking mechanism has been developed, which is set forth in the Decree of the Government of the Russian Federation No. 1101 of October 26, 2012 “On a Unified Automated Information System“ The Unified Registry of Domain Names, Website Indexes on the Information and Telecommunications Network Internet "and network addresses that allow you to identify sites on the information and telecommunications network" Internet "containing information whose distribution in the Russian Federation is prohibited"»⁶⁶.

The grounds for inclusion in the unified register of domain names and (or) page indexes of sites on the Internet, as well as network addresses that allow identifying sites on the Internet that contain prohibited information, are: decisions of authorized federal executive bodies or entered into validity of a court decision on the recognition of information disseminated through the Internet, is prohibited. The Federal Tax Service is an authorized federal executive body regarding information disseminated through the Internet that violates the requirements of Law No. 244 and Federal Law No. 138-FZ of November 11, 2003 “On Lotteries»⁶⁷ on the

⁶⁵ Federal Law of March 13, 2006 No. 38-ФЗ “On Advertising” [Electronic resource]. URL: <http://www.consultant.ru>.

⁶⁶ Decree of the Government of the Russian Federation of October 26, 2012 No. 1101 “On the Unified Automated Information System“ The Unified Registry of Domain Names, Website Pages Indexes on the Internet Information and Telecommunications Network and Network Addresses to Identify Websites in the Internet Information and Telecommunications Network ” containing information whose distribution in the Russian Federation is prohibited”

⁶⁷ Federal Law of 11 November 2003 No. 138-ФЗ “On Lotteries” [Electronic resource]. URL: <http://www.consult.ru>.

prohibition of the organization and conduct of gambling and lottery using the Internet and other means of communication. The executive body is Roskomnadzor.

Characteristics of illegal content related to online gambling games are given in a joint order of the Federal Service for the Supervision of Communications, Information Technology and Mass Communications, the Ministry of Internal Affairs of Russia, the Federal Service for Supervision of Consumer Rights Protection and Human Welfare, the Federal Tax Service of 18 May 2017 № 84/292/351 / MMB-7-2 / 461⁶⁸. The order establishes the criteria for determining such content: the presence of photo, video, audio and (or) textual, graphic information about the offer to take part in a game of chance, in a lottery game that gives an idea of the game of chance, a lottery game, and the conditions for participation; the presence of a demonstration of participation in a game of chance, in the lottery; availability on the site page to take part in a game of chance, in the lottery; availability on the website page to transfer money to participate in gambling, in the lottery, as well as the opportunity to get a win; the presence on the website page of an announcement, an indication of the possibility of taking part in a game of chance, in a lottery using other domain names and (or) site pages; availability of information and (or) programs for electronic computers on the website page, which allow access to the website, the website page on which the prohibited information is placed; availability on the website or the website page of the possibility of downloading programs for electronic computers that allow you to take part in a game of chance or a lottery.

Roskomnadzor actively blocks sites related to gambling. More than 20 thousand sites, or indexes of pages on which such resources are placed, were entered into the Unified Register of Banned Sites. Some of the owners of these resources have fulfilled the requirement to remove prohibited information and the blocking was terminated.

⁶⁸ Order of the Federal Service for Supervision in the Sphere of Communications, Information Technologies and Mass Communications, Ministry of Internal Affairs of Russia, Federal Service for Supervision in the Field of Consumer Rights Protection and Human Welfare, Federal Tax Service of May 18, 2017 No. 84/292/351 / MMB-7 -2 / 461 @ "On approval of the Criteria for the evaluation of materials and (or) information necessary for decision-making by the Federal Service for Supervision in the Field of Communications, Information Technologies and Mass Communications, the Ministry of Internal Affairs of the Russian Federation, the Federal Service for Supervision protection of consumer rights and human well-being, the Federal Tax Service on the inclusion of domain names and (or) web site indexes on the Internet's information and telecommunications network, as well as network addresses to identify Internet sites containing prohibited information, in a unified automated information system "Unified Register of Domain Names, Website Pages Indexes on the Internet Information and Telecommunications Network and Network Addresses to Identify Sites in Info Internet and telecommunications network "Internet" containing information the distribution of which is prohibited in the Russian Federation "" [Electronic resource]. URL: <http://www.consult.ru>.

However, the activity of blocking is associated with a number of difficulties. One of them is due to the allocation of resources with prohibited information and game servers outside the jurisdiction of Russia. The server for online casinos can be installed anywhere and be out of reach of Roskomnadzor. As a result, there are many such servers. In addition, in Russia, online casinos are often associated with bookmakers and online sports betting resources where they can be offered, often in disguised form, to try playing games of chance. Such sites are actively advertised on file-sharing resources, as well as through sites for online viewing of films. Often, the owner of an online casino has an offshore license from other states and territories (Curaçao, Malta, Costa Rica)⁶⁹. The following difficulty is due to the presence of blocking bypassing methods, which are caused by the Internet device and are widely known to its users. Direct blocking of gambling sites and their mirrors Russian players bypass using Internet plug-ins, turbo modes, setting DNS-addresses, VPN and the Tor browser. Roskomnadzor is often powerless in the fight against these means. Despite the fact that Roskomnadzor blocks tens of thousands of domains, IP addresses and individual pages, online casino operators bypass bans and Russian users continue to play. For example, one of the well-known brands on the Russian gambling market is the network of gaming clubs Vulkan, dozens of gambling sites of which operate on the Internet.

Another step in the fight against illegal online gambling was made in the previous 2018 with the entry into force of the Federal Law of November 27, 2017 No. 358-ФЗ⁷⁰ and resolutions of the Government of the Russian Federation of May 31, 2018 No. 634⁷¹. The law prohibits money transfers in favor of illegal operators of gambling. Russian banks and payment agents are prohibited from performing transactions in favor of those included in the special list. This list is maintained by the Federal Tax Service.

⁶⁹ License for online casino [Electronic resource]. URL: <http://www.heritage-offshore.com/content/c89-page1.html> (appeal date: September 13, 2018).

⁷⁰ Federal Law of November 27, 2017 No. 358-ФЗ “On Amendments to the Federal Law “ On Lotteries ” and Federal Law “ On State Regulation of the Organization for the Organization and Conducting of Gambling and on Amendments to Certain Legislative Acts of the Russian Federation ” [Electronic resource]. URL: <http://www.consult.ru>.

⁷¹ Government Decree No. 634 of May 31, 2018 “On the maintenance of the lists of persons in respect of whom there is information about their performance in organizing and conducting lotteries in violation of the legislation of the Russian Federation, in organizing and conducting gambling in violation of the legislation of the Russian Federation, and adopting The Federal Tax Service of the reasoned decision on the inclusion of Russian legal entities, individual entrepreneurs, as well as foreign entities in such lists ” [Electronic resource]. URL: <http://www.consult.ru>.

It can also be noted that in addition to the obvious goal of stopping the illegal activities of organizing online gambling games, another is pursued to limit the laundering of illegally obtained funds. Such funds of dubious origin can be entered into circulation and legalized in the form of imaginary winnings or casino proceeds using online gambling establishments.

The practical implementation of such a ban is associated with some difficulties. For example, transactions using international payment systems Visa and MasterCard are carried out automatically, and the majority of bookmakers and online casinos banned in Russia have official licenses of foreign jurisdictions, therefore for these payment systems they operate within the legal field. Another difficulty associated with the use of cryptocurrency, which are not amenable to any regulation. At the same time, in recent years, mutual settlements with their use have been actively used in Russia in the field of online gambling. There are also purely organizational payment schemes in online casinos, which allow to avoid the ban on money transfers. For example, a company is registered that is not formally related to the field of gambling, and bets are disguised as payment for purchases in the online store of such a company.

Despite this, the facts of using software and hardware for organizing and conducting gambling, which are often illegal, have become ubiquitous.⁷² The problem is the establishment of the legal status of such funds.⁷³, especially in light of the fact that there are almost no methods of analyzing them today.⁷⁴, and the experience gained by courts and state bodies does not yet allow for the research and examination of software and hardware with an adequate level of objectivity⁷⁵.

Thus, the actual situation in the field of online gambling is quite complicated. On the one hand, the state declares a ban on the organization of such games using information and telecommunications networks, including the Internet. Restrictive and security rules are set out in federal laws, decrees of the Government of the Russian Federation, departmental orders.

⁷² Astakhova L.V., Volkov A.V., Grigoriev V.V. Methods of analysis of software and hardware for illegal organization and conduct of gambling in the Russian Federation / L.V. Astakhova, A.V. Volkov, V.V. Grigoriev // Science, Technology and Education, 2016. № 5 (23). Pp. 25-39.

⁷³ Sevostyanov R.A., Prosvirin E.V. Problems of criminal law regulation of the organization and conduct of illegal gambling. M.: Yurlitinform, 2013. 208 p.

⁷⁴ Romanova I.N. Problems and prospects of development of gambling in Russia in specialized gambling zones // Lawyer, 2008. No. 10. P. 21-25.

⁷⁵ Statistical information about the crimes under Art. 171.2 of the Criminal Code of the Russian Federation by region of the Russian Federation for January-December 2013 / PKU GIATS Ministry of Internal Affairs of Russia. F.491. KN.5.

Provides criminal and administrative liability for violation of prohibitions. However, the features of the functioning of the Internet do not allow to completely block resources that provide an opportunity to participate in online gambling games, transfer funds to the organizer and withdraw them advertising online casinos. Regulatory framework and technical implementation of prohibitive measures in this area require further improvement.⁷⁶

Thus, based on the practice of the Russian Federation, which for a long time already corrects and complements the definition of online gambling in the law, the author concludes that its regulation is necessary to properly classify any activity on the Internet and not allow fraudsters to use holes in existing legislation.

Despite the fact that, based on the above, and in contrast to the Republic of Estonia, in the Russian Federation most types of online gambling are prohibited, its classification is equally important in the legal environment of the Republic of Estonia. This, in particular, concerns the issue of eSports. The previously described problem of classification of eSports in the context of the gambling law creates problems for organizers of eSports tournaments in Estonia. One of the possible problems that the organizer may encounter is the lack of understanding whether this requires a separate license. Indeed, if the organizer does not receive a license from the tax department, there is a risk that he will violate the law on gambling.⁷⁷

3.2 Features of the regulation of labor relations in the field of eSport.

One of the problems presented by the author of this work in the context of the law on gambling is the lack of a definition of the border between eSports and online gambling in the context of the law on gambling of the Republic of Estonia.

The reason for this is the insufficiently precise definition of how a person can play a game of skill games. As already described earlier, the law on gambling states that skill games can be played on slot machines, and remote gambling can be played through "another electronic device."

⁷⁶ Astakhova L.V. et al. Modern software and hardware for organizing and conducting gambling and their legal status // Science, Technology and Education. 2017. № 6 (36). URL:

<https://cyberleninka.ru/article/n/sovremennye-programmno-apparatnye-sredstva-organizatsii-i-provedeniya-azartnyh-igr-i-ih-pravovoy-status>

⁷⁷ O. Ämarik. Legal regulation of Esport // University of Tartu, Tallinn, 2017.

Thus, the legislator did not give the opportunity to play the games of skill through the "other electronic device", thereby cutting off the possibility to call eSports games of skill.

In this context, an important task for the author is to show that entering eSports under the definition of online gambling in the context of the gambling law is a problem that also needs to be addressed. To do this, the author will turn to the legal practice of other countries that have been trying for quite some time to create a separate legal regulation for cybersportmen and eSports in general.

Russia became the first state in which eSports acquired official status (2001). However, due to the insufficient spread of this sport in the Russian regions, in 2006, the head of RosSport, Vyacheslav Fetisov, canceled the decision to include him in the official list⁷⁸. Despite this, eSports continued to develop, gradually turning into a whole entertainment industry, and only ten years later, the Ministry of Sport of the Russian Federation publishes an order that includes eSports (computer and video games competitions) to the list of officially recognized sports.⁷⁹ At the end of 2016, cybersport revenues amounted to only \$ 3.8 million, but referring to the PwC forecasts, we can speak about the high growth dynamics of the Russian cybersport market as a whole - by 2021, revenue may be about \$ 16 million.⁸⁰ It is important to add that in 2017, eSports was recognized as an Olympic sport (the second category), which will certainly affect its development both in Russia and around the world.

In accordance with the Order of the Ministry of Sports of Russia dated 02.09.2013 No. 702 "On approval of the procedure for recognizing sports, sports disciplines and their inclusion in the All-Russian Register of Sports and the Procedure for Running It", a sport to be recognized must comply with the following characteristics⁸¹:

⁷⁸ Gavrilova, AD, Zheltov, OB, Labor and Employment Status of an Athlete in Computer Sports (eSports) in Russia // Human Rights in a Changing World. - 2017. - p. 325-329.

⁷⁹ Order of the Ministry of Sports of the Russian Federation of April 29, 2016 No. 470 "On recognition and inclusion of sport disciplines, sports in the All-Russian Register of Sports, and amending the All-Russian Register of Sports, as well as the order of the Ministry of Sports, Tourism and Youth Policy of the Russian Federation 06/17/2010 No. 606 "On recognition and inclusion of sports and sports disciplines in the All-Russian Register of Sports" // Access from the "Consultant Plus"

⁸⁰ World overview of the entertainment industry and the media: a forecast for 2017–2021. Key trends in the global and Russian markets // PwC Company Overview. - 2017. - 72 p.

⁸¹ Order of the State Sports Committee of the Russian Federation of July 25, 2001 No. 449 "On the Introduction of Sports in the State Programs of Physical Education"

- sport, sports discipline must comply with the goals of physical culture and sports (including the highest achievements of sport), in particular, contribute to the physical and intellectual development of a person's abilities, improve his physical activity and promote a healthy lifestyle
- have their own distinctive features, which include the rules of sports (basic principles), the environment of employment, used sports equipment (excluding protective equipment) and equipment, regular sports competitions;
- have a unique name, rules (basic principles), training environment, used sports equipment (excluding protective equipment) and equipment that is different from other recognized sports.

It is important to note that these characteristics have been and are still subjected to strong criticism, and sometimes even condemnation from society. However, e-sports is still consistent with these parameters. So, from the late 90s. the last century began to take place competitions, which are now held regularly in various disciplines of eSports. Today in many countries of the world, and, in particular, in Russia, there are already teams that are actively participating in competitions. One of the Russian teams - Virtus.pro, is a team of international level. Cybersport has its own unique equipment, inventory and rules, its principles and special terminology.

Such an active and quite successful development of eSports in the Russian Federation led to the development of its legislative base. Thus, one of the latest regulatory acts issued in 2017 was the Order of the Ministry of Sports of Russia dated 09.10.2017 No. 881 approved the "Rules of sport "computer sports ""⁸² According to the registry, eSports includes 4 main disciplines.:

1. Fighting arena. In the world of computer sports, this genre is called multiplayer online battle arena (or MOBA) - a multiplayer online battle arena. According to clause 3.1 of Section IV of the General Rules of the Battle Arena of the eSports Rules, the goal of the game is to destroy / seize the opponent's main building and / or destroy the opponent's game units. These are team online fights, where each team member controls one character from the general list of heroes available in the game with individual characteristics. The ultimate goal of each team is to break through and destroy the main building of the opposing team. Dota 2 and League of Legends are the most popular and popular representatives of this category of games. Dota 2 also hosts one of the most significant international competitions - The International.

⁸² The definition of the St. Petersburg City Court of 22.08.2013 No. 33-11167 / 2013.

2. Competitive puzzles. According to clause 3.1 of section IV “General rules of competitive puzzles” of the eSports Rules, the goal of the game is to outperform an opponent in fulfilling the conditions of the puzzle in a limited time. The Rules also contain a separate term, according to which a competitive puzzle is “sports discipline of computer sports, a genre of video games in which players are faced with difficult tasks, which require mental functions to be performed, smartness, and the result depends on the speed of thinking and quality knowledge of strategy and tactics of the game. ”

3. Real time strategy. According to clause 3.1 of section IV of the General Rules of Real-Time Strategy of the eSports Rules, the goal of the game is to destroy the opponent’s units. The most prominent representatives of this category of games are Star Craft 2, Warcraft III. Players develop (build bases, extract resources, develop their army) and eliminate the opponent.

4. Technical simulator. Simulators - "simulators", mechanical or computer, "simulating" the management of any process, apparatus or vehicle. According to clause 3.1 of section IV of the General Rules of Technical Simulators, the goal of the game is to achieve victory in accordance with the terms of the technical specification and gaining the skill of managing technical objects. The essence of this category of games comes down to the management of peaceful and combat virtual equipment ("technical simulators"). The Russian legislator introduces their definition: “a technical simulator - a simulator for controlling transport, combat and special equipment (including: a tank simulator, an aviation simulator, a car simulator)”.

Cybersport competitions in these disciplines also have legal status. The legislation of the Russian Federation provides for three forms of computer competitions: LAN competitions, UCaRS, online competitions.⁸³

LAN (eng. Local Area Network). "LAN is a prefix used to denote competitions and other events taking place in computer leisure establishments, or on specially equipped venues in the same or adjacent premises." In other words, LAN is a computer network that covers, as a rule, a relatively small territory, space, unlike online format competitions. All athletes are put in equal conditions: uniform rules of the game, software and absolutely identical computers. The only thing that participants can use from their personal equipment is a mouse and keyboard. LAN-competitions are held in computer leisure establishments or on specially equipped

⁸³ Ivanov V.D. Cybersport: Economic and Legal Aspects of Development // Pedagogical Experience: Theory, Methods, Practice: Materials VII International. scientific-practical conf. Cheboksary: CNS "Interactive plus", 2016. № 2 (7).

grounds, in one room (or in several adjacent ones). So, the above-mentioned The International by Dota 2 are related to this format of competition.

UCaRS - unified competitions at remote sites are held simultaneously in two or more geographically remote locations on LAN sites that are connected to the Internet. Registration for competitions, draw and standings are the same for all venues of such competitions, the course and results of the competition are recorded in the automated SWP competition online system - a specialized website with a program.

During online competitions, the interaction of athletes, judges and other technical and maintenance personnel takes place via the Internet, and the registration of participants, the draw, the course of the competition, their final and intermediate results are recorded in AOC. "Online is a prefix used to denote competitions, other events, actions, games and interaction carried out remotely using the Internet without visual contact of participants."

Carrying out online competitions as official is allowed only in the following cases:

- the competition is a qualifying stage, and the next stage is held by the LAN or the UCaRS;
- on computers of all participants, at least 1/8 finals, hardware and / or software is installed, allowing to control the accuracy of their participation;
- in special cases established by the The International e-Sports Federation for international competitions.

Such a restriction for holding online competitions is logical, since in this case it is difficult to provide all participants with truly equal conditions for participation.

In 2016, cybersport was also legalized in France, and it became the first European country to introduce legal norms for computer sports. French PPA in this area also follow in the PRC and South Korea⁸⁴, which indicates the development of the institute of international regulation of computer sports in the world. A year earlier, the legal base of eSports was formed in Malaysia - a new body of the sports committee Esports Malaysia (eSM) was also organized here, which was the first e-sports association in Asia⁸⁵. In America, despite the fact that the country is actually the ancestor of eSports, this area does not have a legislative base, however, in 2013, Canadian League of Legends player Danny Le got a visa as "an internationally recognized

⁸⁴ Auxent A. Esports are now officially in France. - 09/30/2016 // The eSport observer. – URL: <https://esportsobserver.com/esports-are-now-officially-legal-in-france/> (access date 18.04.2019)

⁸⁵ Baeshko. V.V. Problems of international legal regulation of eSports // Sports law in the Republic of Belarus: Sat. Art. / comp. : Ed. journals "Industrial and Commercial Law". - Minsk. - 2015. - p. 147-154.

athlete»⁸⁶. Moreover, by the end of 2016, the USA became the leader in the field of e-sports, their total revenues amounted to 108 million dollars. They are followed by South Korea, whose revenues are 102 million dollars and China with an indicator of 56 million dollars, - this represents more than 80% of the global total.⁸⁷.

Due to the fact that at the moment there is no legal system for regulating eSports in the world, and there is no national legislation in this area in Russia, all domestic eSports organizations must follow the provisions of the Federal Law No. 329-ФЗ dated 04.12.2007 Sport in the Russian Federation»⁸⁸, because eSports is an officially registered sport in the Russian Federation. On this basis, the regulation of wage issues must also comply with the norms of the Labor Code of the Russian Federation ⁸⁹, which any sports organization is oriented to. The Charter of the All-Russian Public Organization “Federation of Computer Sports of Russia” should also be added to the list of documents named. These regulations are the main guarantors of rights, performance of duties and bringing to responsibility of the athlete and the employer.

With cybersportmen, as well as with any other employees, an employment contract must be concluded. In accordance with Art. 348.2 of the Labor Code of the Russian Federation, by agreement of the parties, either a fixed-term employment contract or an indefinite term contract can be concluded. Considering the specifics of eSports, a specific timeframe can also be prescribed in the document, and with cybersportmen the term of the employment contract is much less than that of ordinary athletes.⁹⁰ If to compare with foreign practice, then, for example, in France the contract is strictly limited to terms - maximum - 5 years, minimum - 1 year, however, there are a number of certain conditions under which the period may be less.

⁸⁶ In Russia, eSports recognized the official sport. - 06/08/2016 // Meduza Portal. - [Electronic resource]: access mode <https://meduza.io/news/2016/06/08/v-rossii-kibersport-priznali-ofitsialnym-vidom-sporta> (access date 10/20/2017)

⁸⁷ World overview of the entertainment industry and the media: a forecast for 2017–2021. Key trends in the global and Russian markets // PwC Company Overview. - 2017. - 72 p.

⁸⁸ Federal Law of 04.12.2007 N 329-ФЗ (as amended on 07.27.2017) “On Physical Culture and Sports in the Russian Federation” // Collection of Legislation of the Russian Federation “, 10.12.2007, N 50, Art. 6242

⁸⁹ Labor Code of the Russian Federation of 12/30/2001 N 197-FZ (as amended on 07/29/2017) (as amended and added, entered into force on 10/01/2017) // Meeting of the Legislation of the Russian Federation, 07.01.2002, N 1 (Part 1), Art.

⁹⁰ Sutyrina E.V. Legal regulation of professional cybersportsman activity // Universum: Economics and Law. 2017. №12 (45). URL: <https://cyberleninka.ru/article/n/pravoe-regulirovanie-deyatelnosti-professionalnogo-kibersportsmena>

The norm prescribed in Part 3 of Art. 348.2 of the Labor Code of the Russian Federation regulates the obligation of the employer to provide the athlete with training, as well as his participation in competitions that are held in various disciplines around the world (from shooters to classics, for example, football). Both individual players and entire teams can participate in competitions. The format of tournaments is sometimes similar to traditional sports: for example, in China, the coach observes the player's actions during the competition, giving advice and instructions to a team member. In the aspect of competitive activity, there are also classical requirements for medical examination and doping control. We can agree with the first aspect, since players with chronic diseases, visual impairments, etc., can not only aggravate their physical condition, but also create an additional risk of loss for the whole team. As for doping, drugs to stimulate brain activity, such as adderol, are becoming an increasingly frequent problem. For example, in July 2015, a former player of the Cloud9 CS: GO team, K. Friesen, stated that the whole team was under the influence of Adderol during the ESL One Cologne 2015. From August 2015, the ESL participants undergo selective doping control⁹¹.

In accordance with Russian legislation, the conclusion of an employment contract with an athlete is not limited to the framework of majority (Article 348.8 of the Labor Code of the Russian Federation). In the context of eSports, of course, this rule introduces some contradictions: for example, most games that are included in the official disciplines of eSports tournaments have an age limit of “18+”, since contains information that permits violence and cruelty, which, respectively, contradicts the Federal Law of 29.12.2010 No. 436-ФЗ “On the protection of children from information that is detrimental to their health and development”⁹². In addition to the legal aspects, we should not forget about the socio-psychological: computer games can be very addictive, which can lead to a violation of the child’s socialization, psyche, etc. We agree that the practice of eSports can somehow take place in the modern education system (as a tool for organizing leisure, learning a foreign language, shaping the culture of an educational institution, etc.), but can by no means become a means of developing the personality of children, their physical, intellectual development, etc. Returning to legislation, for example, in France and other countries where French provisions on eSports are applied, the

⁹¹ Matusovsky D. ppd: “It’s sad to see young cybersportsmen abuse Adderol.” - 03/05/2017 // Cybersport portal. - [Electronic resource]: access mode <https://www.cybersport.ru/news/ppd-grustno-smotret-kak-molodye-kibersportsmeny-zloupotrebyayut-adderolom> (access date 17.04.2019)

⁹² Federal Law of 29.12.2010 N 436-FZ (as amended on 05/01/2017) “On the protection of children from information harmful to their health and development” // Collection of Legislation of the Russian Federation “, 03.01.2011, N 1, Art. 48

age aspects of participation in tournaments have a clearer framework: eSports players under the age of 12 cannot participate in tournaments where a cash reward⁹³.

Termination of an employment contract with a cyber sportsman is carried out in accordance with Art. 348 of the Labor Code of the Russian Federation: the contract can be terminated at the request of the parties, or only at the request of the employer. In part 3 of this article it is noted that the athlete is obliged to make payment in favor of the employer in the event that the employment contract is terminated at the initiative of the employer, on the grounds that apply to disciplinary action. Based on the existing judicial practice, a similar rule exists in eSports. So, in 2015, a trial took place between player I. Kartankov and Arcade eSports. Cybersportsman violated the terms of the contract, not fulfilling the obligations of the "presence" in the team training. He also refused to use the command tag and negotiated with other cyber organizations. The court ordered Kartankova to pay compensation to the company in the amount of 115 thousand rubles.⁹⁴ In Russian practice, this is the only precedent, but not the first in the world.

Thus, we can conclude that, despite the simplicity of parallelizing the labor legislation of Russia with regard to athletes in the sphere of eSports, there are still many different legal issues that need clarification, in particular, in local regulatory legal acts.

As for the activities of e-sports organizations, as indicated by the author earlier, there is no federal law in the Russian legal framework that regulates the activities of e-sports. Based on this, as well as for cybersportsmen, for cybersport organizations the main legal act, in accordance with which the activity in the field of cybersport should be conducted - is the Federal Law of 04.12.2007 No. 329-F3 "On physical culture and sports in the Russian Federation".⁹⁵ Thus, in accordance with this law, activities in the field of eSports can be carried out.

⁹³ Borisov A. France established the legal foundations of e-sports in the country. - 12.05.2017 // Cibersport Port. - [Electronic resource]: access mode <https://www.cybersport.ru/news/frantsiya-ustanovila-pravovye-osnovy-kibersporta-v-strane> (access date 18.04.2019)

⁹⁴ Gavrilova A.D., Zheltov O.B. Labor status of an athlete in computer sports (eSports) in Russia // Human rights in a changing world: materials of an international scientific-practical conference / responsible. ed. T. A. Soshnikova, E. A. Karpov, N. V. Kolotov — Moscow: Publishing House of Moscow University for the Humanities, 2017. p. 325-329.

⁹⁵ Sutyrina E.V. Legal regulation of the e-sports organization (club) // Universum: Economics and Law. 2018. №1 (46). URL: <https://cyberleninka.ru/article/n/pravovoe-regulirovanie-deyatelnosti-kibersportivnoy-organizatsii-kluba>

Like any other sports organization, the organization of e-sports can be organized both in the form of a commercial and non-commercial enterprise (Article 10 of the Federal Law of 04.12.2007 No. 329-Ф3.) FKS). FKS was formed on March 24, 2000. It is organized in the form of an all-Russian public organization whose main goal is to “develop computer sports in Russia as part of the international sports movement and prepare citizens for life in an information society»⁹⁶. Both adult citizens of the Russian Federation and legal entities - also public organizations that assist in the development of computer sports in Russia, undertaking to pay membership, entrance and other fees can become members of the FCC. The key competitions of the FKS of Russia are the Russian Cybersport Cup and the All-Russian Cybersport Student League. In 2016-2017 More than 11 thousand people took part in the Russian Cybersport Cup; more than 3,000 players from 91 Universities of higher education participated in the All-Russian e-sports student league⁹⁷.

In accordance with Art. 19 of the Federal Law of 04.12.2007 No. 329-Ф3, sports organizations can also be created in the format of clubs, which are legal entities and are created at their own expense and other sources not prohibited by the legislation of the Russian Federation. On this basis, a cyber sport club can be a commercial enterprise. At the same time, in the Russian legislation there are also regulatory legal acts (hereinafter referred to as NLA) that consider clubs and as non-profit enterprises, for example, the Decision of the Collegium of the Ministry of Culture of the Russian Federation No. 10 of 29.05.2002 “On some measures to stimulate the activities of municipal cultural institutions»⁹⁸. Thus, the cyber sports club can exist as a commercial and non-profit organization.

As for commercial organizations in the traditional understanding of this term, at the moment the format of the Limited Liability Company (for example, Cybersport Business League, LLC,

⁹⁶ Charter of the All-Russian Public Organization “Federation of Computer Sports of Russia” (FKS of Russia) (adopted by the founding congress of the Federation on March 24, 2000 (as amended on March 11, 2017) // Electronic resource. - [Access mode] http://resf.ru/upload/58f4c9f92235c_ustav.fks_2017.pdf (date of access: 19.04.2019)

⁹⁷ Official site of the Federation of Computer Sports of Russia. - 2017. - [Electronic resource]: access mode <http://www.resf.ru> (access date: 19.04.2019)

⁹⁸ Decision of the Board of the Ministry of Culture of the Russian Federation of 29.05.2002 N 10 "On some measures to stimulate the activities of municipal cultural institutions" (along with "Approximate provision on state and municipal cultural institutions of club type", "Approximate provision on club formation of cultural and leisure establishment") // The document has not been published. - Access from SIS "Consultant Plus" (access date: 19.04.2019)

with the main activity under OKVED-2 93.12 - Activities of sports clubs. The companies receive profits for advertising bill, ticket sales for both online and offline views, as well as paraphernalia and souvenirs⁹⁹. Thus, firstly, in the activities of the company there should be other relevant records that allow management to sell goods and services by remote means. And info NPA, in accordance with which the activities of cyber-sports organizations should be carried out, for example, the Civil Code of the Russian Federation, the Federal Law "On Protection of Consumer Rights, the Federal Law "On Personal Data", etc.

Thus, the legal status of eSports organizations is almost identical to the status of any other company or institution. However, due to the novelty of this sport, there are still quite a few legal issues that need to be considered both at the local and at the federal level.

Problems of implementation of cyber-sports organizations (clubs). Due to the fact that eSports acquired official status quite recently, the legal, as well as the organizational base, the activities of organizations operating in this direction are poorly developed. On this basis, companies may face a number of problems, the solution of which is complicated by the lack of a legal framework, including local (the FCC does not regulate the activities of cybersport enterprises), as well as experience and actual practice in Russia.

As can be seen from the legal practice of the Russian Federation and other countries considered, the problem of legal regulation of the status of cybersportmen and eSports in general is an acute problem of our time, which they are trying to solve in many countries. There are many ways that could make cybersport a separately regulated and self-managed field of activity, thereby unloading the gambling law, which, as it was proved earlier, this type of activity is currently affected.

If we consider the legislative base, it is important to note that there is still no international regulation of eSports, which is why it is impossible as such to track offenses in this area and bring offenders to justice. In this case, it is necessary to consolidate the legal status of eSports at the international level through the development and further signing of an agreement, the

⁹⁹ Ivanov V. D. Cybersport: Economic and Legal Aspects of Development [Text] / V. D. Ivanov, D. A. Nikiforov, A. A. Korshunov // Pedagogical Experience: Theory, Methods, Practice: Materials of the VII Intern. scientific-practical conf. (Cheboksary, May 15, 2016) / Editorial: O. N. Shirokov [et al.]. - Cheboksary: CNS "Interactive plus", 2016. - № 2 (7). - p. 188-193.

Convention on the Status of Computer Sports. Signing this document will allow you to begin the history of the legal institution of eSports and eSports law. It is important to add that the international consolidation of this sport is important, due to the fact that eSports unites players from many states, and if each country creates its own legislation, this can lead to even greater differences in this field of international activity. In addition to the main legal issues, the proposed document can present key performance indicators of cybersportsmen in particular, and teams in general, the methodology for determining the success of participation in various competitions, the classification of tournaments (at the moment is a system of "major" and "mayor") etc. In this direction, it is also worth noting the problem of the lack of legislative consolidation of official terminology. To solve this problem, we can recommend the development of the International Code on eSports, in which such concepts as "cyber-athlete", "e-sports organization", "e-sports team", "e-sports club", etc. can be disclosed.¹⁰⁰

If to understand more specific issues of legal regulation, it is important to note the system of disciplines. Without the legal status of cyber discipline, as well as regulating the procedure for acquiring and terminating status, its legal protection and regulation is a legal problem. This issue can also be resolved by means of the International Cybersport Code, where the essence, characteristics, recognition procedure and other norms regarding cybersport disciplines can be included in a separate chapter or section. It is also advisable to include in the Code the Register of eSports disciplines, the purpose of which will be to systematize them, as well as to optimize statistical reporting in the field of eSports.¹⁰¹

The e-sports contract system is currently one of the most serious problems. For example, an analysis of the contract between Speed Gaming and Pitter Armand (2013) made it possible to note that this document is almost identical under the terms of the employment contract. Based on this, in the absence of rules that enshrine the institution of the contract in the field of eSports, as well as regulatory conditions, the procedure for the conclusion and termination of the contract, etc., in practice a number of controversial issues may arise, and accordingly the ground is created for offenses. Information on the regulation of contracts can be included in

¹⁰⁰ Yu.V. Baikovsky, D.V. Smith. DEVELOPMENT OF CYBERSPORT IN RUSSIA AND ABROAD // SCIENCE AND INNOVATIONS IN THE XXI CENTURY: ACTUAL QUESTIONS, OPENING AND ACHIEVEMENTS. - 2018. - pp. 92-94.

¹⁰¹ Sutyryna Ye. V., Kapinerova K. E. Legal regulation of computer sports in the Russian Federation. // SCIENCE OF THE XXI CENTURY. February 2018. The monthly scientific publication <https://nauka21veka.ru/upload/uf/574/574191da32083a6dba9f43ac6c31a3f2.pdf#page=13>

the Code with the release of issues of labor rights of cybersports. In order to avoid legal conflicts, this information should be included in the Convention.¹⁰²

The inclusion of information about the activities of human rights organizations in the field of eSports (goals, objectives, rights and obligations) is equally important in these international documents. At the moment there is only an international organization in charge of human rights issues - this is the International Cybersport Federation, however, it does not protect the rights and legitimate interests of cybersporters. The author believes that it is possible to organize and national societies or federations that could carry out assistance in this direction to their teams, to conduct examinations, where independent commissions will operate.

Thus, in conclusion of this chapter, the author wants to summarize that this problem is really relevant not only in the Republic of Estonia, but also abroad. The practice of other countries shown in this chapter indicates that the issues of separate regulation of eSports and online gambling are an acute and urgent contemporary problem that many countries are addressing.

The author believes that many measures indicated in this chapter for determining the legal status of online gambling and eSports can also be useful for the practice of the Republic of Estonia, since the problems of separate regulation of eSports are also relevant in our country. Based on the above steps to resolve the issues raised, it can be concluded that a distancing interpretation of eSports from the status of online gambling adopted in the Republic of Estonia will lead to a significant improvement in the development conditions of this rapidly growing and growing industry.

¹⁰² Ibid.

Conclusion

The purpose of this work was to find the answer to the question of whether it is necessary to improve the legal regulation of eSports in the context of the gambling law, since the e-port is currently subject to the criteria of gambling in accordance with the established law and whether a separate regulation of eSports is necessary, and to confirm that such an approach will greatly contribute to the development of this industry in the Republic of Estonia.

The hypothesis of this master's work, which was that the concept of eSports, based on the teleological interpretation of the concept of gambling, does not fall under the concept of gambling, in view of the fact that article 4 of the gambling law defines the types and characteristics of gambling, and they do not distinguish gambling on the Internet from e-sports, which impedes the development of e-sports by forcing to obtain licenses for gambling and taxing e-sports tournaments with excessive taxes on gambling We, found, in the opinion of the author, its full confirmation.

The analysis given in the first chapter by the author of this work of what online gambling and cybersport are, in essence, showed that these types of human activity have more differences than common features. In his work, the author proved that if the result of playing online gambling mostly depends on luck, then the result of playing in cyber sports disciplines depends almost entirely on the player's skills, which makes cyber sports much more like chess than online casino.

The author of the work proved that eSports is a very popular and popular type of activity in the modern world. Cybersport tournaments gather huge audiences that are almost as good as traditional sports audiences. Cybersport organizations and organizers of cybersport tournaments conduct their activities on a professional level, combining and creating cybersports leagues, creating a new professional field of activity in which the cybersportsman finds itself. These organizations satisfy all the conditions of traditional sports organizations, creating conditions for training cybersportsmen, having their own coaches, psychologists, managers and other professional workers serving this industry. The prize funds of eSports tournaments, their relevance and a huge audience guarantee the enormous pace of development of this industry

and the provision of jobs for people who are interested in choosing this activity as their profession.

Thus, the author has shown that the development of eSports has a great pace, eSports has become professional for a long time and is a serious sphere of work that has become part of our life, which is able to provide people with a profession.

The author has demonstrated that eSports, similarly to other types of intellectual games such as chess, has every right to be classified as a sport in its traditional meaning, which opens up the possibility of its legal regulation, by analogy with traditional sports, which much more efficient way of its legal regulation.

In the second chapter, the author analyzed that currently there is no separate legal regulation of e-sports in the Republic of Estonia. His references are currently available only in the context of the Gambling Laws Act of the Republic of Estonia, which, as was found out during the analysis, mistakenly interprets it as a type of online gambling.

Further, the author found out that this approach greatly complicates the activities of both cyber sportsmen and cyber sports organizations and organizers of cyber sports tournaments in the territory of the Republic of Estonia. The author has proved that, apart from the context of gambling, the regulation of eSports will greatly influence the development of this industry in our country in a positive way.

In the final chapter, the author reviewed the practice of legal regulation of online gambling and eSports on the example of other countries that were chosen specifically, based on their similar legal system and similar sharply raised issues. In this chapter, the author considered different countries, but special attention was paid to the practice of the Russian Federation. The Russian Federation was chosen for the reason that the issue of legal regulation of eSports and online gambling in this country has been standing for a long time and has been actively resolved so far. The Russian Federation, as described by the author, is one of the first countries that tried to give eSports official sporting status and has since achieved considerable success in matters of its legal regulation.

The author highlighted the most important stages in the development of legal regulation of online gambling and e-sports in the Russian Federation, as well as steps towards obtaining e-sports the official status of traditional sports. The author believes that the practice and success of the Russian Federation in the legal regulation of eSports can also be useful for the practice of the Republic of Estonia.

Nevertheless, according to the author, despite the significant success of many countries in the issue of legal regulation of eSports, the author notes that this problem is still at a very early stage of solving it. Despite all the efforts of lawyers, at the moment there are still no optimal regulatory mechanisms that would allow to fully integrate e-sports into our lives. The author finds several reasons for this: firstly, this is undoubtedly a novelty of the problem, in view of the rapid development of technologies and their widespread introduction into our lives, there are too many new kinds of activities, the regulation of each of which is very difficult to keep up with; secondly, it is a certain skepticism of people to cyber-sports games, psychologically everyone is accustomed to perceive computer games only as leisure and simple entertainment, it is very difficult psychologically to accept the fact that computer games, which yesterday were common entertainment, can today be a professional field of human activity; and thirdly, according to the author, the most important thing, despite the similarity of eSports disciplines with many classic intellectual games like chess, eSports has a number of new distinctive features (for example, a variety of genres and types of eSports disciplines that prevent them from being combined into a single classification and other), which require a new approach, not typical for classic intellectual games.

Summing up, the author notes that the fact that eSports has the right to separate legal regulation and to exclude it from the list of online gambling in the context of the Law on Gambling Games of the Republic of Estonia is undeniable. Gambling and eSports have much more differences than the general and eSports in general has the full right to development and legal regulation as a separate sports discipline, which will positively affect its development in our country.

The author of the work believes that eSports is a relevant field of activity, its development is proceeding at an enormous pace and for each country it is very important to ensure comfortable and qualitatively regulated by the law professional activities of all people who work in this area.

In today's world, it is simply unacceptable to leave such a huge industry without high-quality legal regulation, especially when it comes to such a computerized country as the Republic of Estonia.

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