

A slew of legal questions surrounds eSports



Daemen College in Amherst launched an eSports team in January that competes against other teams around the country as students play from a computer lab in the Wick Campus Center.

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If you caught the Super Bowl commercial that teased the National Football League's 100th anniversary celebration that begins this fall, you likely noticed a few people who didn't quite fit in.

One person – the teenage girl who caught the pigskin at the very end – is Samantha Gordon. She's a party to a lawsuit in Utah alleging that school districts aren't giving girls the same opportunities to play football as boys.

Another person out of place in the commercial was Tyler "Ninja" Blevins, who cameoed near the beginning as a waiter.

Blevins is a video game player. He gained notoriety for broadcasting himself live to the world through gaming streams on Twitch, an online platform owned by Amazon with 4.6 million monthly viewers.

Twitch also broadcasts eSports competitions – online multi-player matches between video gamers – that anyone in the world can tune into.

That's a phenomenon in and of itself and it's picking up steam on college campuses, such as Daemen College in Amherst. It's the first collegiate team officially sanctioned by an institution in the Buffalo area and even has a coaching staff.

I had a chance to sit in with cyber law attorney Anne Downey, partner at Harter Secrest & Emery LLP in Buffalo, as she met with a few players on the team and coach Jeff Hamm.

Downey, much like myself, wanted to wrap her head around the basics of eSports and the impact of legal issues.

Legally, there are a lot of questions in the growing movement, such as how licensing may work, who owns the rights to the digital video created from streams and more.

"Whenever I see something new, I try to get up to speed on it," Downey said. "It's not fully figured out yet."

What's certain in her mind, though, is that eSports will have lasting power. She's using what we both learned from the team as fodder for her cyber law column in the Erie County Bar Association's newsletter.

The Daemen team is competing in regular-season play against other teams in the East Coast Conference. The players compete in two video games, "League of Legends" and "Heathstone." To join the squad, as they would in any other sport, players had to try out.

"Last year was when they finally confirmed that (Daemen) was going to have a team," said Daemen senior Jose Mejia. "That's when my interest really skyrocketed. That's when I devoted more time to the game to get better to make sure that I was part of the team."

Another student, freshman Oscar Tanta, was recruited by Hamm and came to Daemen on an eSports scholarship.

"At the time, I was applying to another college. But once I heard about the scholarship, I dropped everything and came here," said Tanta, a native of New Rochelle.

"Oscar was a really high-ranked player and I could see that on his profile," Hamm said. "I wanted to learn more about him and saw he was actually a really good student."

Mejia and Tanta want to legitimize the sport to their friends and fellow students. They said playing requires practice and scouting and it takes the same type of mentality as any athletic competition.

"It's almost like basketball. If one person is having a bad day, everyone is going to have a bad day," Mejia said. "If that one person is bringing everyone up, everyone's going to play as a team, get a feel for each other and play well."

A bonus for participating schools is there's no transportation cost involved for away games.

"That's the nice thing about eSports: You can travel and there are events that people go to but we can play any (college team online) from around the country just like that," Hamm said.

Legal questions surround the sport, however.

Legal questions, though, surround the sport. The Daemen team occasionally enters competitions where students can win money. It also has a sponsorship from Mountain Dew that paid for uniforms which include the company's logo.

If eSports were sanctioned by the National Collegiate Athletic Association as other sports are, both would be prohibited.

"I just want to see where it goes," Downey said.

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