

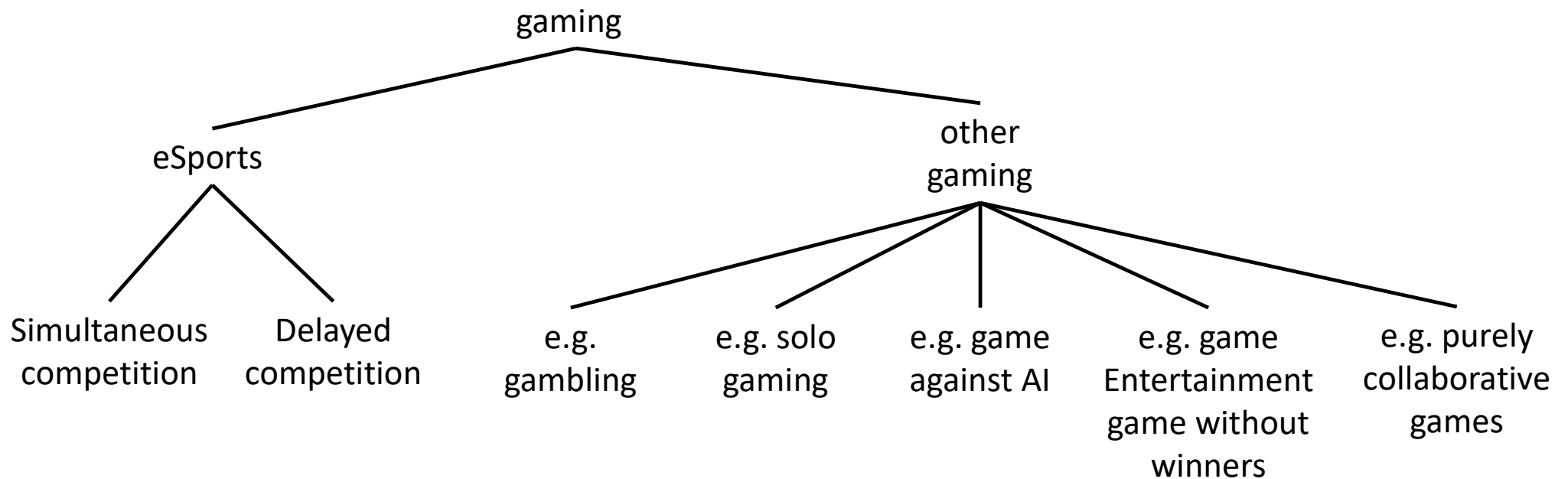


eSports = gaming?

Concept formation and distinctions

Gaming = playing on a computer

eSports = (permitted) competition between people using a computer game to compare unproductive, cognitive or physical performance



Social
significance



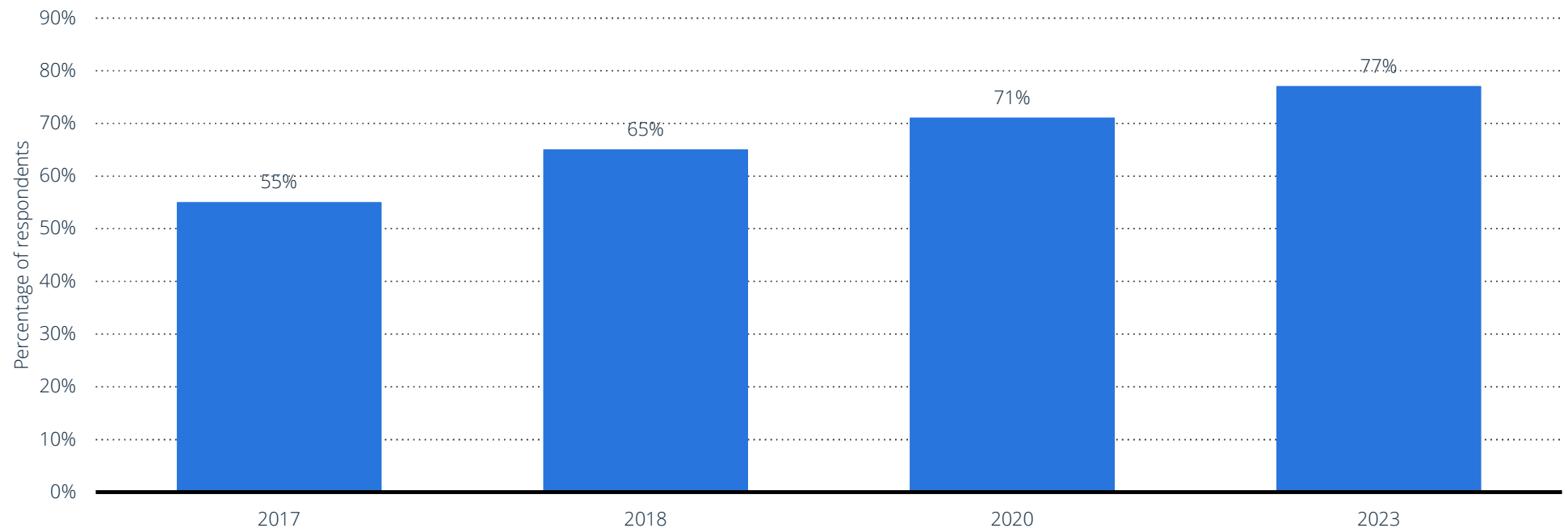


A few figures

From a leisure hobby to a professional career?

Survey on the awareness of eSports in Germany until 2023

(Source: Statista – game; ID 983959)

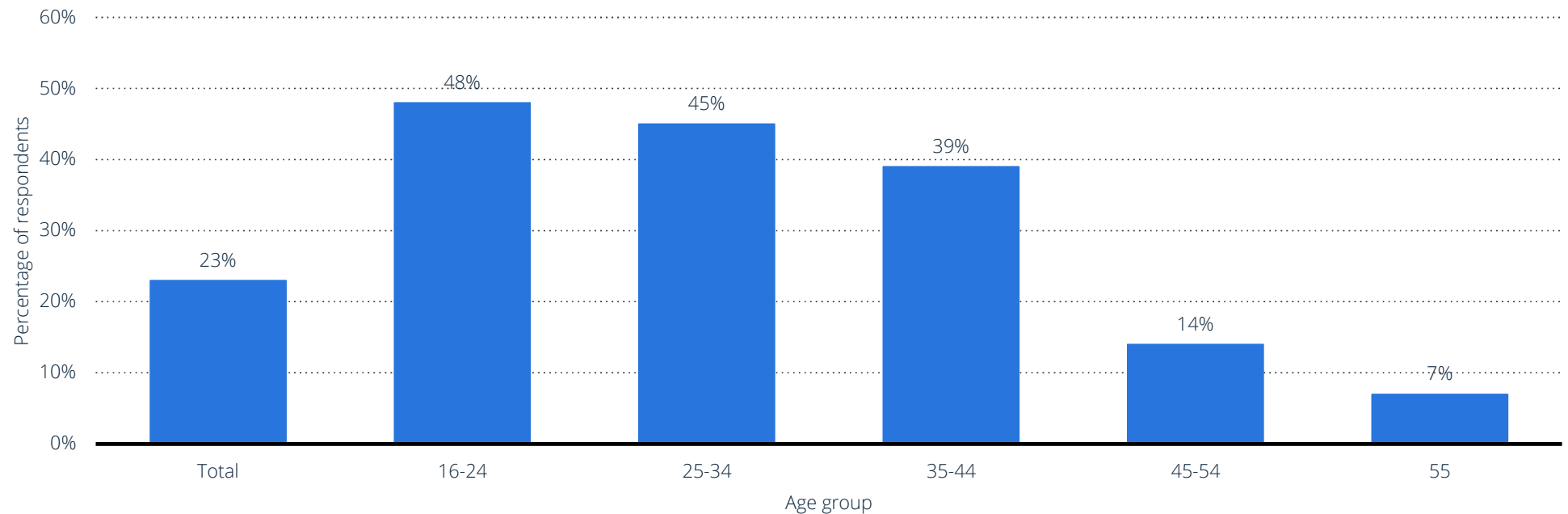




A few figures

From a hobby in your spare time to a professional career?

Percentage of people in Germany who have already watched an eSports game/tournament in 2023
(source: Statista – game; [ID 589661](#))



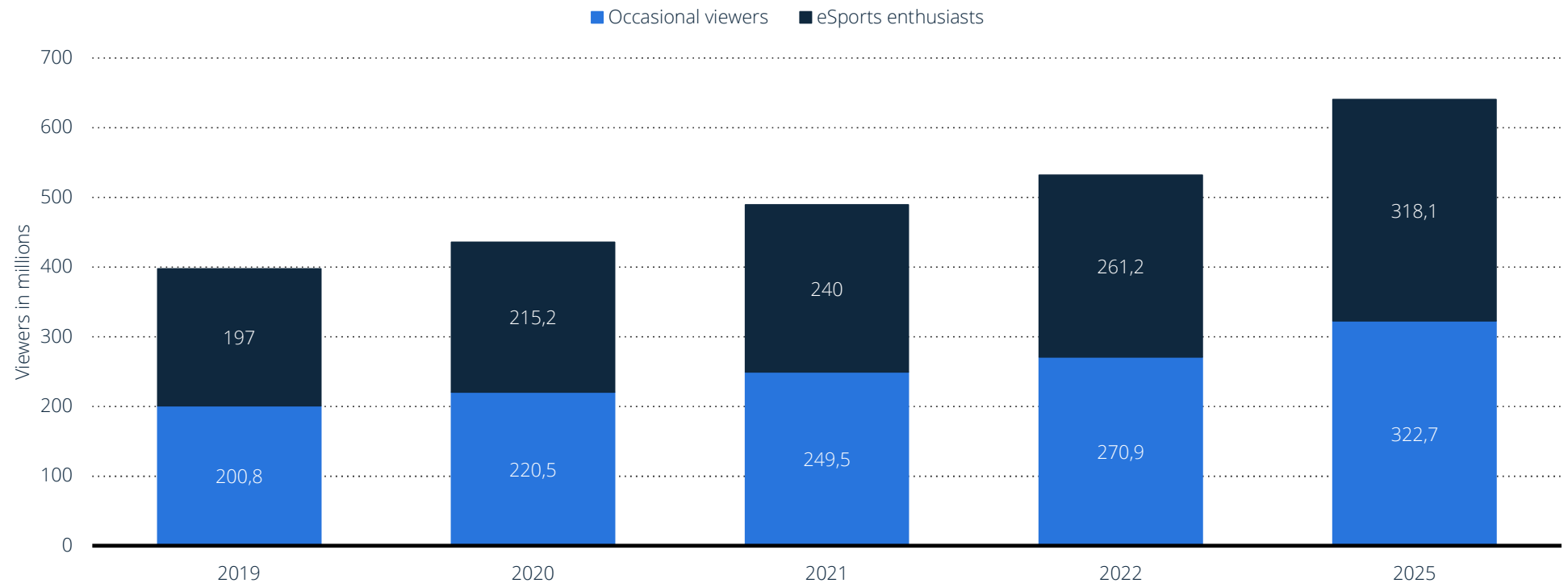


A few figures

From a hobby in your spare time to a professional career?

Number of eSports viewers worldwide from 2019 to 2021 and forecast for 2022 and 2025 (in millions)

(Source: Statista - Newzoo; [ID 586871](#))



Economic
significance





A few figures

From a hobby in your spare time to a professional career?

Total prize money for the highest-paying eSports tournaments worldwide until May 2025

(Source: Statista – eSports Earnings; ID 261931)

Tournament	Prize money in millions: US dollars
The International 2021 (Dota 2)	40
The International 2019 (Dota 2)	34.3
The International 2018 (Dota 2)	25.53
The International 2017 (Dota 2)	24.69
The International 2016 (Dota 2)	20.77
The International 2022 (Dota 2)	18.93
The International 2015 (Dota 2)	18.43
Fortnite World Cup Finals 2019 - Solo (Fortnite)	15.29
Riyadh Masters 2023 (Dota 2)	15
Fortnite World Cup Finals 2019 – Duo (Fortnite)	15
The International 2014 (Dota 2)	10.93
Honour of Kings International Championship 2022 (Arena of Valor)	10
Honour of Kings International Championship 2023 (Arena of Valor)	9.75

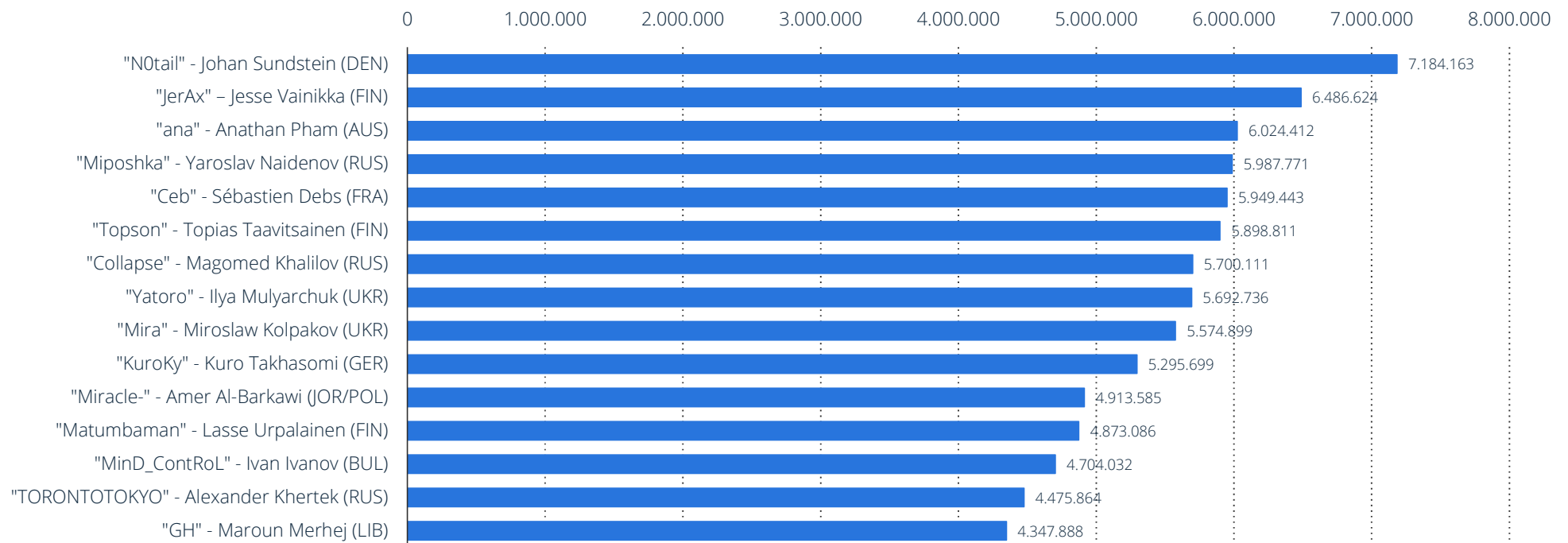


A few figures

From a hobby in your spare time to a professional career?

Total prize money earned by the world's highest-earning professional eSports players by May 2025
(in \$)

(Source: Statista – eSports Earnings; [ID 453686](#))



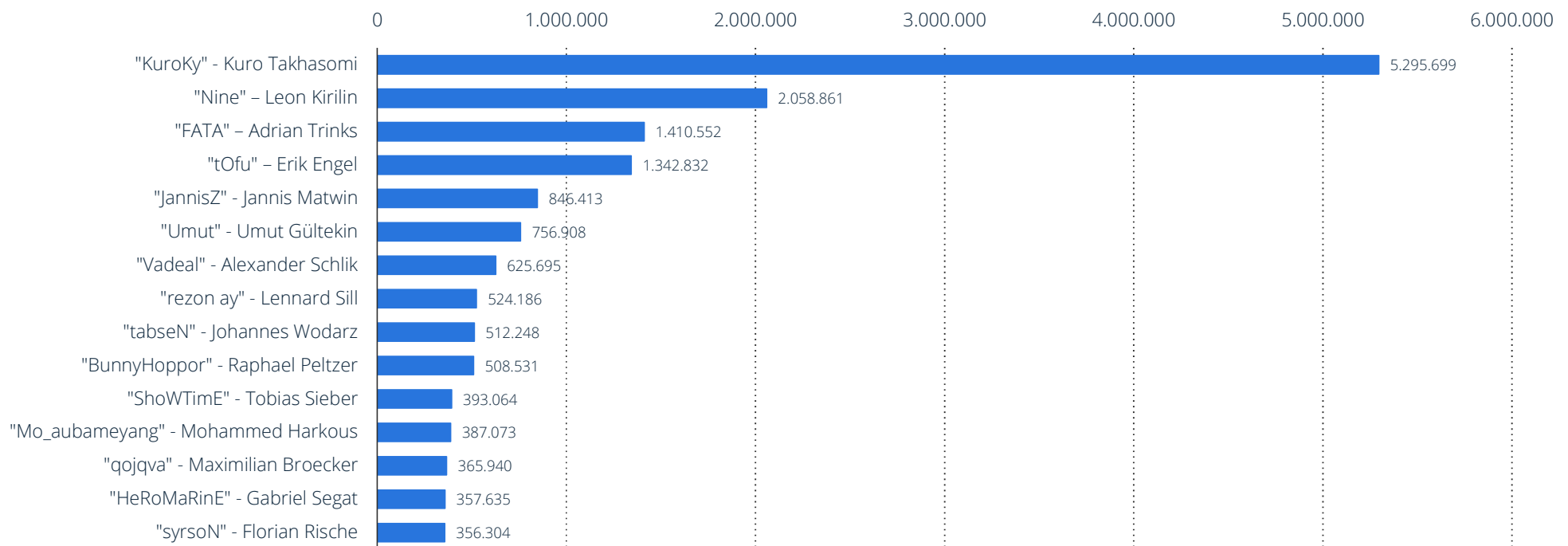


A few figures

From a hobby in your spare time to a professional career?

Total prize money earned by the highest-earning German professional eSports players up to May 2025
(in \$)

(Source: Statista – eSports Earnings; [ID 1421356](#))



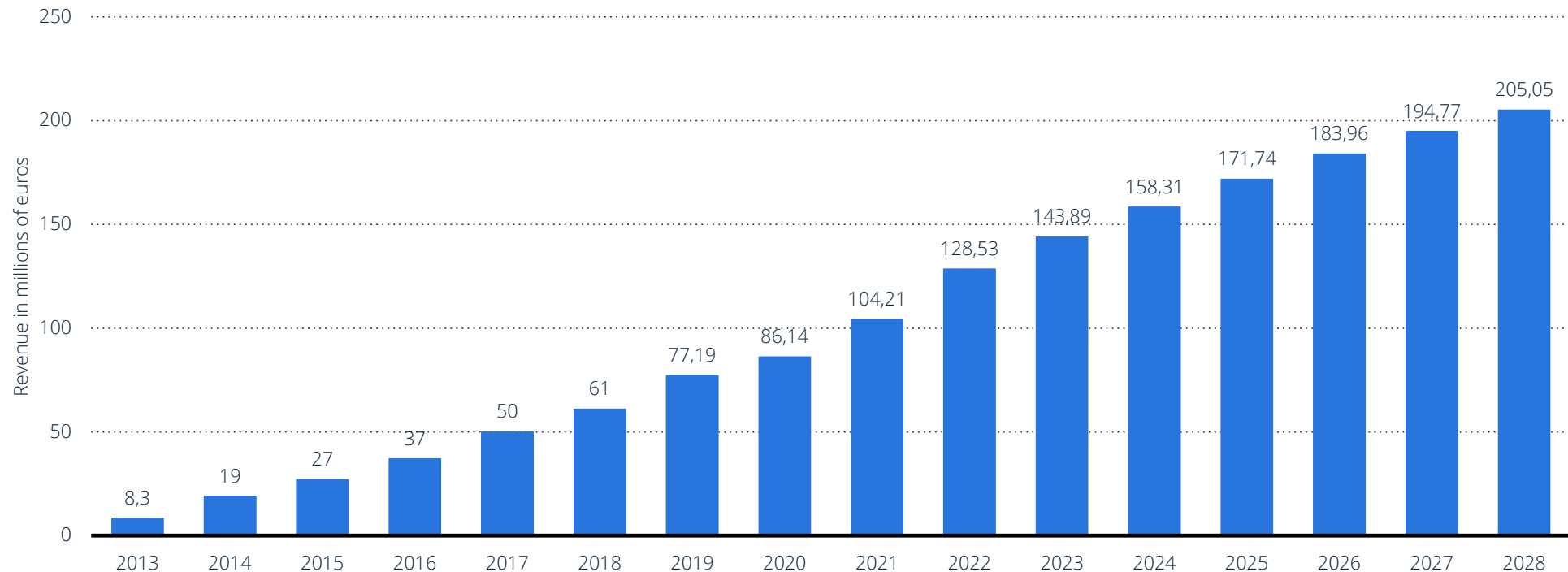


A few figures

From a leisure hobby to a professional career?

Revenue from eSports in Germany from 2013 to 2023 and forecast until 2028 (in million euros)

Source: Statista; PwC; Omdia; ID 737326





Fortnite-WM: Zwei Teenager gewinnen drei Millionen Dollar

Bei der Fortnite-Weltmeisterschaft kämpfen knapp 200 junge Menschen um Preisgelder von 30 Millionen Dollar. Den Sieg beim Duo-Wettbewerb tragen ein 17-jähriger Österreicher und ein 16-jähriger Norweger nach Hause. Ein Deutscher schafft es immerhin in die Top Ten.



New York. David „aqua“ Wang fährt nach diesem Wochenende als Millionär nach Hause. Der 17-jährige Österreicher hat am Samstag den Weltmeister-Titel im Doppel beim ersten Fortnite World Cup gewonnen. Preisgeld für das Team: 3 Millionen US-Dollar (umgerechnet 2,7




Hochwertige Hygienelösungen

Kleenex Toilettenpapier, Standard Großpa...
44,02 € (0,69 € / stück)



Fortnite – Achtjähriger bekommt Profi-Vertrag und 33.000 US-Dollar

Kontroverse Verpflichtung in der Fortnite-Szene: Der achtjährige Joseph Deen hat einen Vertrag bei einer Esport-Organisation an Land gezogen. Für die Unterschrift kassiert er offenbar 33.000 US-Dollar.

04.12.2020 | Von Ann-Marie Herrmann-Hügel



Joseph **“33 Gosu”** Deen bekommt einen Profi-Vertrag bei der US-amerikanischen Esport-Organisation Team 33. Soweit nichts Ungewöhnliches, doch der zukünftige Esportler ist gerade einmal 8 Jahre alt.

Laut dem ehemaligen ESPN-Journalisten Darren Rovell soll Joseph alleine für die Vertragsunterschrift, passend zum Orga-Namen, 33.000 US-Dollar kassiert haben. Das relativ unbekannte Team 33 soll ihm außerdem noch ein 5.000 Dollar-teures Gaming-Setup spendiert haben.

STARTSEITE/FIFA 21



FIFA 21

ab 25,99€ *

amazon.de

QUELLE: EA SPORTS

FIFA Ultimate Team: Lootboxen in den Niederlanden als Glücksspiel eingestuft und müssen nun von EA entfernt werden

Laut einem Urteil in den Niederlanden handelt es sich bei den Lootboxen in FIFA Ultimate Team um Glücksspiel. Als Konsequenz muss EA nun innerhalb einer Woche Änderungen in den letzten drei Spielen der Reihe vornehmen, sonst droht eine Strafe von bis zu 5 Millionen Euro. Der Publisher hat allerdings bereits Beschwerde gegen das Urteil eingereicht.

<https://www.pcgames.de/FIFA-21-Spiel-72823/News/Lootboxen-in-den-Niederlanden-als-Gluecksspiel-ingestuft-1360972/>



Economic significance

Key sources of revenue for eSports

- Sponsorship/advertising
- Ticketing
- Merchandising
- Premium content/paid content (displaying content only in return for payment)

Key sources of revenue for publishers of eSports titles

- Esports titles are hardly about the sales revenue of the game!
 - (e.g. Apex Legends, CS:GO, Dota 2 and many more)
- Primarily microtransactions: in-game purchases (distinction between gaming and pay-to-win)
- Sale of media rights and advertising space

Actual fundamentals





eSports titles

Well-known genres

- Sports simulation (FC 26 [formerly: FIFA] by EA Sports/Electronic Arts; Pro Evolution Soccer by Konami)
- Real-time strategy game (SC 2 & Warcraft 3 by Blizzard Entertainment; Age of Empires by Xbox Game Studios)
- First-person shooter (Counterstrike: Global Offensive by Valve; Overwatch by Blizzard Entertainment; Call of Duty by Activision)
- Multiplayer online battle arena (League of Legends by Riot Games or Defence of the Ancients by Valve)
- Online collectible card games (Hearthstone by Blizzard Entertainment)
- Simulations (Farming Simulator by Giants Software)
- Fighting games (Street Fighter by Capcom; Tekken by Namco)



Micro & Macro

Skills

In eSports, skills are usually divided into the following categories (depending on the game title):

- Micro
The ability to click (the keyboard and/or mouse) quickly and precisely
- Macro
The ability to devise a strategy for a (long) game and, if necessary, adapt it quickly

The ability to react quickly, both physically and mentally, makes eSports players popular employees for solving complex problems.



Anonymity on the Internet

Advantages and disadvantages

Anonymity on the Internet leads to:

- Freedom and unrestrained behaviour
- No preconceptions about the strength of the opponent ("barcode")
- Avoidance of prejudice, as origin is unknown
- Toxic behaviour, especially flaming
- Increased tendency to cheat
- Endangerment of minors via in-game chats



Inclusion and equal rights/equal treatment

Advantages

Discrimination characteristics of the AGG are eliminated or reduced, and physical advantages and deficits may be irrelevant or overcome:

- Gender: Strength advantages (typically considered) of men over women are irrelevant
- Sexual orientation: Irrelevant, as it is not recognisable
- Disability: Physical disadvantages (e.g. wheelchair) may be irrelevant
- Disability: Physical disadvantages can be overcome with special input equipment
- Ethnic origin & race: Language deficits may be irrelevant
- Age: Age may be irrelevant (depending on the need for good micro)
- Religion & world view: Irrelevant, as not recognisable



Actual fundamentals – I

Actors in eSports

Several players are active in eSports (according to Duden eSport):

- eSports players (athletes)
- Clans
- Clubs
- Game manufacturers (developers and publishers)
- Competition organisers
- Media providers
- Sponsors



Actual basics – II

Term: eSports player

eSports players (athletes) are the "players" of eSports titles.

Characteristics:

- Plays a computer game (similar to gamers)
- competes against other eSports players (difference from gamers)
- Outcome of the game depends mainly on skill rather than luck



Actual basics – III

Clans

Clans are groups of players.

Characteristics:

- within and, where applicable, outside of a game (usually based on the game)
- on a club basis or as a civil law partnership or purely as a gaming community without any legal binding intention
- Formation of clans required in multiplayer titles in order to play at the highest level, as these titles rely on allies



Actual principles – IV

Clubs

Clans that organise themselves legally often form corporations (associations, limited companies) or civil law partnerships (GbRs) on a contractual basis.

Associations are legally significant associations of "players" (Sections 21 ff. BGB), i.e. there are non-profit associations and commercial associations.

Largest clan in Germany: SK Gaming → Limited company & Co. KG

A distinction must be made between sports clubs and pure associations:

Pure associations consist of members who are subject to the association's objectives as set out in its statutes.

Specialised clubs have the same structure, but there are divisions dedicated to different disciplines (usually sports).

(P): Whether traditional sports clubs can set up an eSports division without losing their non-profit status.



Actual fundamentals – V

Game manufacturers (developers & publishers)

The game manufacturer (developer and publisher) is the entity that programmes an eSport title and/or offers or operates such a title online.

Characteristics:

- create or operate the eSports title
- are therefore the owners of the intellectual property rights to the eSports title
- Contractual partners of the eSports player for the licence to use the eSports title
- those who, through their terms and conditions (End User Licence Agreements = EULA), define the legal framework for "playing"



Actual fundamentals – VI

Competition organisers

Competition organisers offer the "competition" that is so characteristic of eSports.

The competition is usually already built into the eSports title. E-sports players do not usually earn any money from competing in these competitions; it is more of a hobby for all players and, at the same time, a training ground for professional e-sports players.

Characteristics:

- The competition organiser (usually one of the eSports leagues) organises (oversees) events, which often offer prize money.
- Competition organisers often have legal relationships with the publisher and the participants (eSports players or clubs), but this is not mandatory (simple tolerance by the publisher is also sufficient).
- The prize money is usually generated through sponsorship, ticket sales and cross-financing through microtransactions.



Actual fundamentals – VII

Media providers

Media providers are the ones who turn the game into a mass event. They are comparable to television broadcasts and radio coverage of football.

Until now, providers such as Twitch and YouTube have predominantly streamed the games.

Pay-TV channels (e.g. eSport1 (24/7)) are also new additions.

Streaming can also be carried out by a single player (i.e. without the consent of the opponent), depending on the eSport title.

At events, the streamer can also be the competition organiser.

The media provider is usually financed through advertising or sponsorship.



Actual fundamentals – VIII

Sponsors

Sponsors are just as active in eSports as they are in other sports.

Sponsorship is nothing more than the provision of services (usually monetary payments). In most cases, this is also linked to advertising.

Sponsorship has a major influence in terms of ethics: for example, well-known teams (e.g. SK Gaming or clubs in the German Football League) have distanced themselves from certain eSports titles (Counterstrike) (even disbanding their squads) because otherwise sponsors (e.g. Telekom, Mercedes) would have pulled out.

Sponsorship often also results in product loyalty among eSports players (e.g. SK Gaming – Razer and Sennheiser).

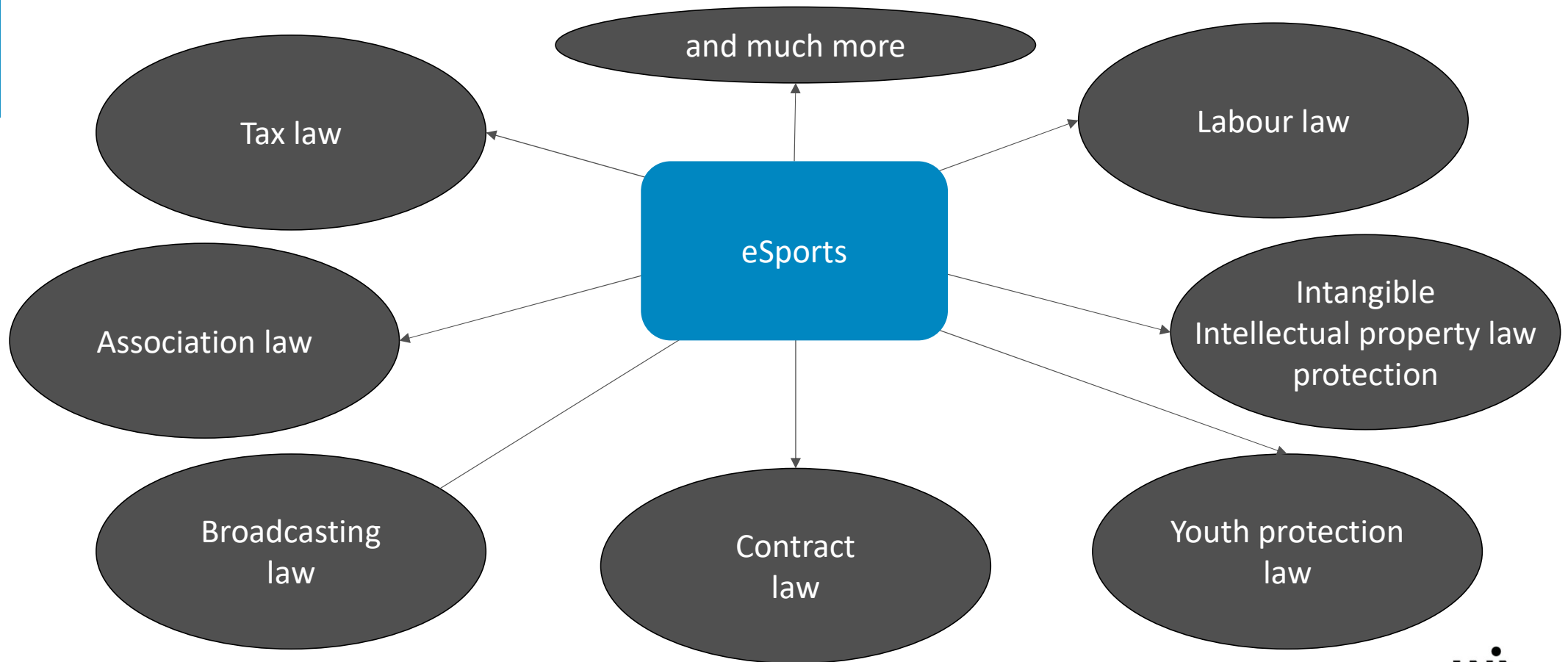
Legal basis





Legal basis

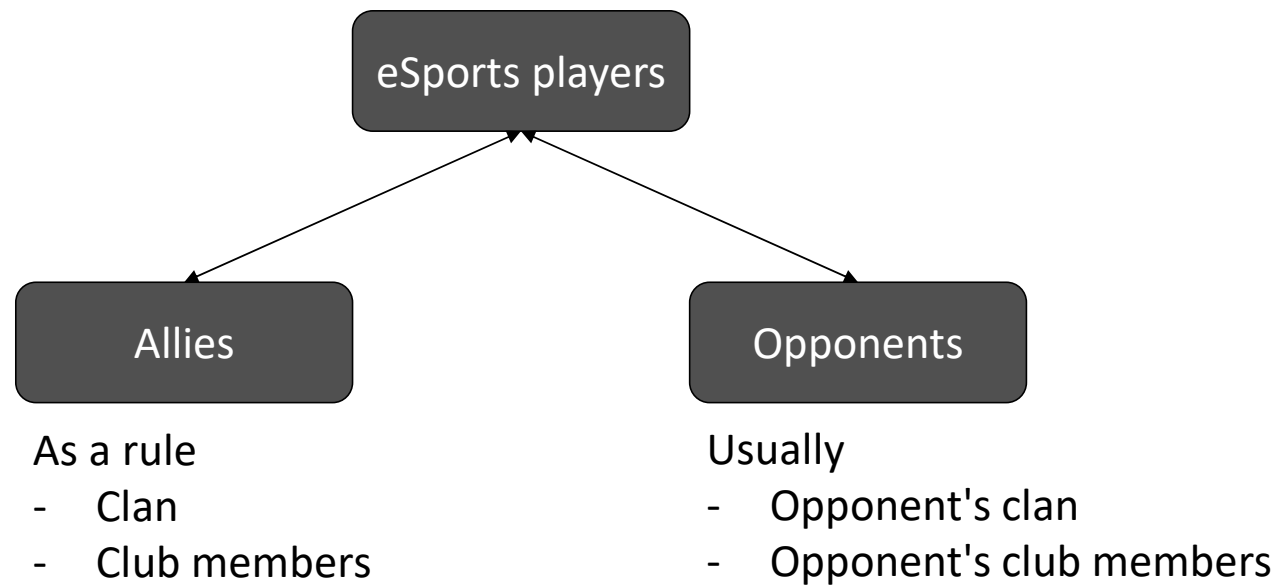
eSports law is an interdisciplinary field





Legal basis – I

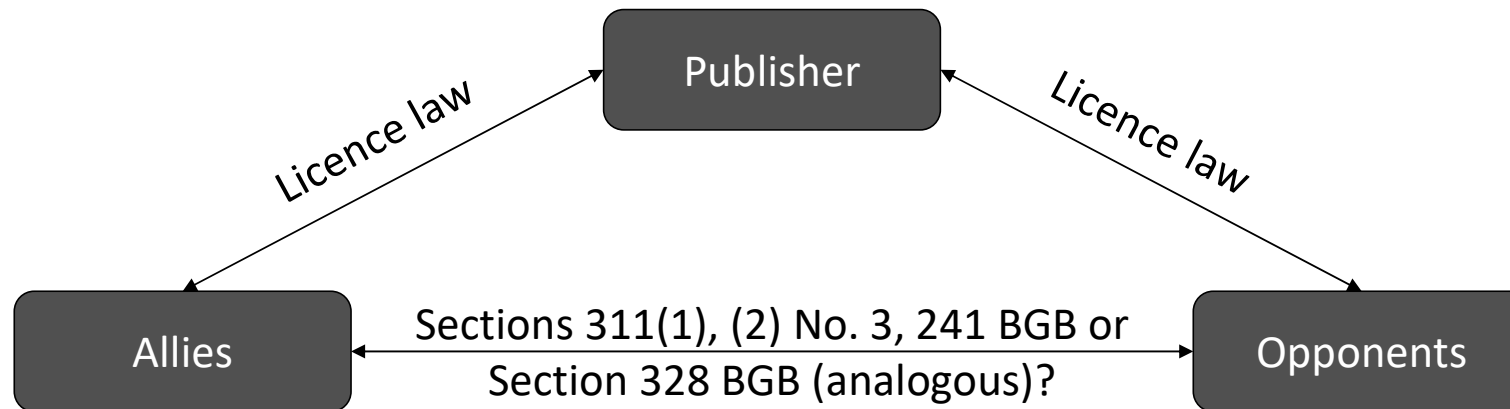
Legal relationship between eSports players





Legal basis – II

Legal relationship between eSports players



(P): Actually, there is NO contractual or quasi-contractual obligation between the opponents.

Section 328 BGB directly or analogously via the contract with the publisher (protective effect of the general terms and conditions)?

(P): Toxic behaviour, cheating, exploiting?