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Recognition of the juridical challenges of technological progression in the sport industry (through presenting a solution)

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ABSTRACT

Background: The sports industry faces a multitude of challenges due to technological advancements, and without appropriate solutions, many issues may arise. This study aims to identify optimal policies to safeguard the rights and interests of all stakeholders in the sports industry and to achieve a balance between technological advancements and athletes' rights.

Methods: This research is practical in nature and was conducted using a qualitative method through a descriptive phenomenological approach. Participants included university faculty members from the Sport Management Department, legislators, sports law experts, senior managers from the Ministry of Sports and Youth, coaches, and athletes in 2023. Purposeful sampling was employed to select participants. Data were collected via semi-structured interviews with open-ended questions, and validity and reliability criteria were applied to ensure the study's rigor.

Results: According to the data obtained from expert interviews, the challenges and legal solutions associated with technological advancements in the sports industry can be categorized into 54 sub-contents within six main areas: athletes' privacy, athletes' injuries, ethical conflicts, referee issues, intellectual property, and live broadcasting.

Conclusions: Addressing the challenges arising from technological advancements in the sports industry is crucial for maximizing the potential of athletes and coaches. Additionally, maintaining justice and moral values in sports is essential as new technologies develop, ensuring that technology is used fairly and equitably in sports. To uphold these values, relevant managers should utilize the findings of this study.

KEY WORDS

Juridical challenges, Privacy, Sport, Solution, Technology.

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Introduction

In today's innovative world, all sciences have experienced significant advancements, and the sports industry, driven by competitiveness and the inherent need for technology and innovative management during competitions, is increasingly embracing new technologies and applied developments in sports [1]. Over time, there have been substantial changes in the global sports industry, with various sports evolving beyond their traditional forms over the past two decades, adopting technological tools to mechanize and enhance the performance and overall efficiency of sports activities [2].

The use of technology in sports effectively improves the performance of athletes and competitors, fostering the development of sports and creating new business opportunities for the growth and advancement of the sports sector [3]. In the current era, humans interact with computers to introduce new methods and forms for applying technology in sports environments, enhancing quality [4].

Over time, there have been extensive promotions in the global sports industry, and in the last two decades, various sports have transitioned from their traditional forms to novel configurations through technological tools, mechanizing and improving the overall performance and efficiency of sports activities [5]. Sport and exercise science, like many other fields, has been significantly influenced by technological advancements [6]. The use of technology in sports is instrumental in enhancing the performance of athletes and competitors, expanding sports, and creating new business opportunities for the advancement and development of sports [7].

In the last decade, the emerging and increasing development of technology in the sports industry, particularly in the event industry, has grown significantly. Despite human factors' nonconformity, technology has penetrated various areas of this lucrative industry, consequently influencing all sectors related to event management [8]. Sport and exercise science, like most aspects of life, has been profoundly affected by technological advancements. Technology plays a crucial role in the education sector as a supporter of the learning process, as the use of technology is essential for information sharing and communication [9].

For instance, some factors that pose challenges in applying sports industry technologies include managerial factors, economic factors, infrastructural factors, organizational factors, media factors, and social factors [10]. Physical education and sports are no exception. In modern conditions, innovative technologies help improve physical results, create comfort in sports, and enhance the effectiveness of physical exercises [11]. It is recommended that those managing, handling, and using sports must be equipped to make wise choices regarding the type and use of sports technologies that would assist in optimal performance. Therefore, innovative technologies are an integral part of any human activity [12].

Surveying the increasing use of technology in the sports industry demonstrates that establishing various sports technologies as multilateral tools has been effective in minimizing the challenges in organizing sports competitions by enhancing cognitive skills and reducing incorrect and impractical decisions [13]. Consequently, due to the rapid advancement of technologies and their widespread use in the sports industry, more complex interactions have arisen regarding the rights and laws associated with sports [14]. As technology continues to transform various aspects of sports, it brings forth a range of legal implications that must be addressed to ensure fairness, safeguard athletes' rights, and maintain the integrity of the games [15].

One of the primary legal challenges presented by technological advancements in the sports industry pertains to the use of data analytics and player performance tracking. Advanced technologies, such as artificial intelligence, machine learning, and big data analytics, are increasingly employed to analyze player performance, optimize training strategies, and make strategic decisions [16]. However, concerns arise regarding privacy, data protection, and ownership rights when it comes to collecting and utilizing personal data. It is crucial to establish clear guidelines and regulations that strike a balance between the benefits of data-driven insights and the protection of athletes' privacy and rights. Additionally, the emergence of e-sports and virtual sports presents novel legal challenges. Intellectual property rights, including copyrights and trademarks, must be carefully safeguarded in the virtual realm. Regulations should be established to govern ownership, licensing, and broadcasting rights in the rapidly expanding e-sports industry [17]. Moreover, robust legal frameworks are essential to combat cybercrime, cheating, and match-fixing in e-sports, preserving the integrity of competitions and protecting the interests of athletes, sponsors, and fans [18].

In conclusion, the legal challenges associated with technological advancements in the sports industry require proactive measures to ensure fairness, protect athletes' rights, and preserve the integrity of the games. By establishing clear regulations, promoting education, and fostering collaboration, we can overcome these challenges and harness the benefits of technology while upholding the fundamental principles of the sports industry. Furthermore, research allows us to anticipate and proactively address potential legal challenges that may emerge as technology continues to evolve. By staying ahead of the curve, researchers can identify emerging technologies and their potential implications on the sports industry. This forward-thinking approach enables the development of proactive legal frameworks, guidelines, and policies that can effectively govern the use of new technologies and prevent legal complications before they arise. Research on the juridical challenges of technological progression in the sports industry is generally considered significant, as it helps to identify the best solutions and policies to protect the rights and interests of all stakeholders in the sports industry and to provide a proportionate balance between technology and the rights of athletes. Surveying the juridical challenges of technological enhancement in the sports industry allows us to recognize the latest legal challenges in this field as well, playing a crucial role in adjusting new laws and regulations or amending existing ones. In this regard, the current research aims to identify the juridical challenges of technological progression in the sports industry and seeks to answer the question: 'What are the juridical challenges of technological progression in the sports industry and what solutions should be implemented to address them?'

Material and Methods

The current research is practical in terms of its purpose and was conducted using a qualitative method through a descriptive phenomenological approach. The aim was to identify the legal challenges of technological advancement in the sports industry by providing practical solutions. For this reason, the phenomenological method was utilized, and for the purpose of analyzing the interview data, the Collaizi method (1978) was employed.

Participants in this study included university faculty members from the sports management department, law, sports law, senior managers from the Ministry of Sports and Youth, coaches, and athletes, formed in 2023. The sampling method was purposeful. The data collection tool was a semi-structured interview with open questions. The duration of the interviews ranged from 30 to 45 minutes. Interviews continued until completely non-repetitive concepts could be extracted (21 interviews).

Finally, all interviews were listened to several times, the resulting content was transcribed verbatim, and the coding process was conducted using MAXQDA version 20 software. To finalize the research,

validity and reliability criteria were applied. After analyzing the interviews, they were shared with the interviewees, and their feedback was incorporated, with necessary corrections made.

Reliability refers to the stability of data over time and under different conditions. To check reliability, the intra-subject agreement method of two coders was used. Two expert coders, familiar with the coding method and the topic related to the present study, coded the interviews, and the percentage of agreement between the two coders was 85%.

Results

Based on the information gained through interviewing with research experts, the challenges and juridical solutions of technological progression in the sport industry include 54 sub-contents in the form of 6 main contents: athletes' privacy, athletes' injuries, ethical conflicts, referee problems, intellectual property and live-broadcasting. The findings obtained from the information of the participants in the study are presented in Table 1.

Table 1. Juridical challenges of technology progression in the sport industry via providing a solution

Main content	Sub-content
Challenges pertaining to athletes' privacy	1. Gathering athletes' physiological information athletes
	2. Gathering athletes' motor skills data
	3. Gathering athletes' personal information
	4. Analysis of the athletes' behavior
	5. Conflicts relating to privacy protection regulations
	6. Misuse of the athletes' information and data
Solutions pertaining to the privacy of the athletes	7. Establishing privacy rules and regulations by sport organizations
	8. Specifying the type and manner of gathering athletes' information
	9. Specifying how to use the athletes' obtained information
	10. Specifying how to preserve the athletes' obtained information
	11. Athletes' consent in connection with collecting personal information
	12. Notifying and training athletes regarding the protection of personal information
	13. Continuous examination and security assessments of the athletes' information
Challenges pertaining to the athletes' injuries	14. Increasing pressure and stress on athletes by using wearable devices, sensors and tracking equipment
	15. Possible misdiagnosis of biometric data and performance analysis
Solutions pertaining to the athletes' injuries	16. Proper training and accurate use of novel equipment and technologies
	17. Checking the health and safety of new devices
	18. Matching the settings and standards of technologies with the technical regulations of sports
	19. Assigning the limits of using new technologies such as: time of use, body pressure
	20. Using algorithms and correct data interpretation methods
	21. Using athletes' feedback about the experience of injury with new equipment
Challenges pertaining to ethical conflicts	22. Lack of competitive balance and fairness in accessing new sport equipment among athletes
	23. Increasing inequality in sport competitions with the use of prohibited items
	24. Creating a feeling of insecurity in the athlete
	25. Impact on the athletes' health
Solutions pertaining to ethical conflicts	26. Enhancing rules and regulations upon the use of technology in sports
	27. Observing ethical principals in improving athletes' performance with the use of technology in sports
	28. Appropriate monitoring of athletes' ethical abuse of new technologies in sports
Challenges pertaining to referee problems	29. Frequent stops during the game
	30. The possibility of human error in referee decisions with new technologies
	31. Reducing the role of referees during the competition

	32.High cost of setting up the equipment 33.Complexity and time-consuming provision of appropriate infrastructure 34.Lack of compatibility with the rules of some sport fields 35.The possibility of technical defects and failure of new technologies
Solutions pertaining to referee problems	36.Training courses on how to use referee technologies 37.Developing and improving technologies used in judging 38.Increasing interaction between referees and sport teams 39.Training and familiarizing the audience with the technologies used in judging 40.Using high-quality equipment and technologies 41.Managing stops, reducing delay and determining the suitable time to use 42.technology in referee decisions Providing financial resources 43.Observing and maintaining the balance between man and technology
Challenges pertaining to intellectual property	44.Intellectual property rights for content owners and inventors of technologies in sports 45.Commercial use and misuse of the brand
Solutions pertaining to intellectual property	46.Determining rules and regulations related to maintaining intellectual property 47.Publishing content and exploiting the work with legal licenses
Challenges pertaining to live broadcasting	48.Juridical conflicts between online platforms and TV channels 49.The possibility of concluding exclusive contracts 50.Alteration in the consumption pattern of watching sport competitions 51.Using interactive technologies such as virtual reality
Solutions pertaining to live broadcasting	52.Negotiations and fair distribution of media broadcasting rights 53.Determining market developing strategies such as: creating exclusive contents 54.Use of encrypting technologies and digital rights management

Discussion

The progression of technology in sports considerably enhances the sporting experience and significantly impacts performance and results. However, these advancements also bring about juridical challenges. Protecting intellectual property rights, maintaining privacy and data security, and addressing juridical conflicts in the application of technology in competitions are among the main legal challenges. To confront these challenges, it is essential to develop laws and regulations that protect intellectual property rights, ensure privacy, and establish practical guidelines for the use of technology in sports. These actions can effectively protect interests in the sports industry and promote justice and authenticity in sports competitions. In this regard, the current study aims to identify the juridical challenges of technological progression in the sports industry and provide essential solutions to address these problems. The first content identified in the section on juridical challenges is the privacy of athletes. With technological advancements in sports, athletes' privacy can be endangered by various factors. Gathering and using personal data is one of the principal concerns in this field. In the era of wearable devices, smart equipment, and tracking systems, athletes' personal information, such as biometric data, training routines, and performance statistics, can be recorded and stored. Improper use or unauthorized access to this data can lead to privacy risks and potential exploitation. To address concerns related to privacy violations, it is crucial to create policies, develop acceptable regulations, and establish guidelines regarding the collection, storage, and use of athletes' personal information. The mechanisms for obtaining athletes' consent in applying new sports technologies should be transparent to ensure that athletes have control over the sharing and dissemination of their personal information.

Education and awareness mechanisms also play an indispensable role in informing athletes about potential risks and best practices to protect their privacy in the digital age. Furthermore, sports organizations and related entities should collaborate with technology providers and cybersecurity

experts to implement secure data management systems and platforms. Secure privacy technologies and encryption techniques can be employed to safeguard athletes' personal information and prevent unauthorized access.

The second content found in the juridical challenges section of technological progression in the sport industry is the athletes' injuries. Normally, the technology progression in the sport industry can lead to physical and mental injuries of the athletes. The injuries happen due to the extensive use of advanced equipment and technologies in sport training and competitions. As an example, the use of electronic equipment such as sensors and tracking devices place much pressure on the athletes' bodies during training and competitions. This issue may lead to the muscle and joint injuries, or can decrease the performance of the athletes. The widespread use of cameras in recording and analyzing athletes' performance may also increase mental pressure and stress, and accordingly affects the athletes' performance and self-esteem. Some of the solutions identified in this part include: proper training and well-advised use of new equipment and technologies, determining the limits of new technologies use, and taking use of athletes' feedback about experiencing injuries with new equipment.

Ethical conflicts are the third content recognized in the realm of juridical challenges of technology progression in the sport industry. Fundamentally, the progression of technology in the sport industry, competitive balance and augmenting inequality can results in a consequential challenge. Athletes who do not have the ability to access advanced sport technologies, enjoy less progression in enhancing their performance and personal development as compared to their competitors who have access to the mentioned technologies. This object will eventually increase inequality in sport fields. Therewith, clubs with more financial resources have more accessibility to the advanced technologies and buy better training programs and equipment as well. Hence, actions should be taken to create a balance in accessing to technology in a way that all the athletes can benefit. The solutions noticed in this section entail: developing the rules and regulations regarding the use of technology in sports, compliance with ethics in improving athletes' performance via applying technology in sports, and suitable monitoring of athletes' ethical abuse of new technologies in sports.

The fourth content recognized in the area of juridical challenges of technological progression in the sport industry is the subject connected to the sport competitions refereeing. Despite the fact that applying novel technologies in the refereeing of sport competitions contributes largely in the accuracy and precision of referees' decisions, human errors are inevitable. Interpreting information and images is upon human referees, which may cause mistakes and errors that cannot be thoroughly covered even with the use of modern technologies. The use of sport technologies in judging competitions may also bring about frequent stops in the course of the match. The reason relates to the extended investigations and detailed decisions by the referees, which decreases the excitement of the competitions, and ultimately will result in dissatisfaction of the players, coaches and spectators. Implementing advanced sport systems and technologies is costly. Some technologies and devices are very pricey and require remarkable investment. This issue creates many challenges for sport leagues and organizations that are confronting limited financial resources.

Sports refereeing technologies occasionally face technical problems. Delays in device performance and errors in interpreting data may bring problems for referees of sport events and ultimately cause lack of trust in technology-based refereeing. Working with these devices also has its own complexities, which requires continuous research and development, cooperation between sport organizations and technology suppliers, regular training and preparing referees and evaluators in

order to reach the essential certainty and clarity to comprehend the importance of applying technologies in judging sport competitions.

Intellectual property issue is the next identified content relating to the juridical challenges of technological progression in the sport industry. With the technology advancement in sport areas, issues related to the intellectual property of inventors and the commercial use of brands have become more prominent. Inventors in sport domains can present new inventions and innovations that results in progression and innovation of the sport industry. Thence, protecting intellectual property rights is critically important for inventors. With the growth of technology, brands have also become more considerable in the sport domains. Accurate commercial use of the brand and being recognized in the market can help companies and clubs gain a competitive advantage. However, with technology progression, the risk of infringement of intellectual property rights has increased. For instance, unauthorized imitation of inventions, illegitimate use of brand names and logos and exact imitation of technologies lead to the violation of the intellectual property rights of the inventors and brand owners. Under these circumstances, legal actions can be taken such as complaining, publishing warnings and concluding contracts necessary to protect intellectual property rights.

Live-broadcasting and the issues thereof are the last content in relation to the juridical challenges of technological progression in the sport industry. Basically, the advancement of technology in the field of sports, especially in the field of live-broadcasting, has had a significant impact. In essence, the progression of technology in sport domains, especially in the field of live broadcasting, has had a significant impact. Nowadays, people can watch live sport matches and enjoy diversified sport contents through the Internet and online sport platforms. However, the existence of a series of legal conflicts between online platforms and television channels, the possibility of concluding exclusive contracts, and alterations in consuming patterns of watching sport competitions have brought forth challenges. The solutions that were noticed in this section include: negotiations and fair distribution of media broadcasting rights, ascertaining market development strategies such as: creating exclusive contents, using encrypting technologies and digital rights management.

Conclusion

To sum up the contents, taking into account the challenges that have emerged with the progression of technology in the sport industry is extremely crucial; as it causes full and optimal use of the capacity both of the athletes and the coaches. Additionally, with the growth of new technologies, it seems necessary to pay attention to maintaining justice and moral values governing sports; since it leads to the optimal and equal use of technology in sports by athletes. Therefore, the contents of this research should be used by the relevant managers to maintain the stated values.

Ethical Considerations:

Compliance with ethical guidelines

All ethical issues have been observed in the research.

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Conflict of Interest

The authors declare that there are no conflicts of interest regarding the publication of this manuscript.

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شناسایی چالش‌های حقوقی پیشرفت فناوری در صنعت ورزش (با ارائه راهکار)

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چکیده

هدف: چالش‌های پیشرفت فناوری در صنعت ورزش به شکل‌های مختلفی وجود دارد که اگر راهکارهای مناسبی برای آن اندیشیده نشود؛ مشکلات بسیاری را در این زمینه ایجاد خواهد کرد. در همین راستا پژوهش حاضر با این رویکرد انجام شد تا بهترین سیاست‌ها را برای حفاظت از حقوق و منافع تمامی عوامل مرتبط با صنعت ورزش انتخاب و تعادلی مناسب در بین فناوری و حقوق ورزشکاران فراهم گردد.

روش شناسی: پژوهش حاضر از نظر هدف کاربردی می‌باشد و به روش کیفی با استفاده از رویکرد پدیدارشناسی توصیفی انجام شد. افراد مشارکت‌کننده در پژوهش حاضر شامل: اعضای هیئت علمی دانشگاه در گروه مدیریت ورزشی، حقوق، حقوق ورزش، مدیران ارشد وزارت ورزش و جوانان، مربیان و ورزشکاران، در سال ۱۴۰۲ تشکیل می‌دادند. روش نمونه‌گیری به صورت هدفمند بود. ابزار گردآوری داده‌ها، مصاحبه نیمه‌ساختاریافته با پرسش‌های باز بود. به‌منظور معتبرسازی نهایی پژوهش از ملاک‌های اعتبار و قابلیت اعتماد استفاده شد.

نتایج: طبق اطلاعات حاصل از مصاحبه با خبرگان پژوهش، چالش‌ها و راهکارهای حقوقی پیشرفت فناوری در صنعت ورزش، شامل ۵۴ مضمون فرعی در قالب ۶ مضمون اصلی: حریم خصوصی ورزشکاران، آسیب‌دیدگی ورزشکاران، تعارضات اخلاقی، مشکلات داور، مالکیت فکری و پخش زنده، می‌باشد.

نتیجه‌گیری: توجه به چالش‌های پدیدار شده با پیشرفت فناوری در صنعت ورزش، موضوعی بسیار مهم است؛ چراکه سبب استفاده کامل و بهینه از ظرفیت ورزشکاران و مربیان می‌گردد. همچنین توجه به حفظ عدالت و ارزش‌های اخلاقی حاکم بر ورزش با پیشرفت فناوری‌های جدید نیز ضروری به‌نظر می‌رسد؛ زیرا منجر به استفاده مطلوب و برابر ورزشکاران از کاربرد فناوری در ورزش می‌شود. بنابراین مدیران ذیربط می‌بایست در راستای حفظ ارزش‌های بیان شده، از مطالب پژوهش حاضر استفاده کنند.

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چالش‌های حقوقی، حریم خصوصی، فناوری، ورزش

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