



RIARA LAW SCHOOL
UNIVERSITY OF EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE
AND
PRE-KENYA SCHOOL OF LAW CORE COURSES COMPLIANCE PROGRAM
3rd MAY 2024

RLB 416: SPORTS & ENTERTAINMENT LAW

INSTRUCTOR: CHARLOTTE NYANGERI, LL.M, FIFA MASTER

INSTRUCTIONS

1. This is the final examination in Sports & Entertainment Law. You will earn **70%** of your final grade from this final examination and **30%** from Continuous Assessment Assignments.
2. This examination has **SEVEN** questions. Please answer **ALL THE FOUR QUESTIONS** in Section A and **ANY TWO** in Section B.
3. The examination has 3 pages, including this one.
4. Time allocated for this examination is **TWO HRS** (2) hours. You must stop writing when time is called.
5. Please sign the roll sheet when you turn in your answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
6. This is a **CLOSED BOOK** examination. This means you are not permitted to bring **ANY** hard or soft materials to the examination room. You are also not allowed to access materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. Neither should you bring to the examination room books or materials unrelated to this course. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
7. This examination is governed by **Riara University Academic Honesty Regulations**. Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

SECTION A

QUESTION 1

Benzema is a Kenyan athlete who participates in Olympic competitions. On 4th July 2023, he was participating in a marathon in Berlin, Germany when doping control officials (DCOs) summoned him for sample collection testing. Benzema sauntered over confidently, gave them a urine sample, went back to competing and won the coveted gold medal.

On 21st July 2023, Benzema's lab results showed that his urine had tested positive for Testosterone, a prohibited substance. The results were thereafter sent to ADAK who then notified Benzema of the same. Benzema was utterly surprised and sought for the sample B analysis, whose results confirmed sample A. He was subsequently provisionally suspended pending the hearing and determination of his case.

- a) Citing the provisions of the Anti-doping Rules 2016, what anti-doping rule(s) did Benzema violate?
- b) As Benzema's advocate, how would you best defend his case against ADAK before the Sports Disputes Tribunal?
- c) What consequences is Benzema likely to face following his anti-doping rule violation?
- d) In the event Benzema's case is determined against him, what is the next step?

(15 marks)

QUESTION 2

Popular Rhumba band Les Wanyika have come to you to seek legal advice. They claim that Kevin 'Wyre' Waire, one half of hip hop group Necessary Noize, sampled their song 'Sina Makosa' without their permission.

Advise them on:

- a) Their cause of action, available relief(s) and which body will determine this dispute.
- b) The legal instrument Wyre's Advocate was supposed to draw and its respective clauses.

(15 marks)

QUESTION 3

Willy Ambaka has been selected to participate in the Hong Kong 7s, to be held on 26th May 2024. The Vodacom Bulls have also offered him a new contract. Using your Sports Law prowess, on behalf of Willy, draft a comprehensive:

- a) Arbitration clause that will be invoked in his new contract with the Vodacom Bulls.
- b) Arbitration clause applicable for the Hong Kong 7s.

(10 marks)

QUESTION 4

Taxes levied on sportspersons and performing artistes relate to gains derived from their sources of income.

Based on this information and within an international context:

- a) What are their different sources of income?
- b) What are the types of tax liabilities?
- c) How are these two groups of people taxed under Article 17 of the 2017 OECD Model?
- d) In what two ways is double taxation eliminated?

(10 marks)

SECTION B

QUESTION 5

Supporting your arguments with case studies in Entertainment Law, briefly outline:

- a) The importance of Talent management and representation
- b) Data Protection and Privacy
- c) Balancing the Freedom of Expression and Personal rights
- d) How to maximize profits

(10 marks)

QUESTION 6

The Ironman Triathlon African Championship is to be held in South Africa later this year. The “playing field” consists of an 8km swim in the open waters, a 190 km bike ride and a 56km run.

As the event manager, you have previously experienced problems with Ambush Marketers interfering with the Championship for their own selfish purposes. You therefore need to place protective measures around this “playing field” as well as the interests of your official sponsors.

Discuss Ambush Marketing, indicating the measures, both practical and legal, that you will put in place to protect your event.

(10 marks)

QUESTION 7

Explain the consequences of Copyright infringement and the applicable defences portrayed through 4 case studies.

(10 marks)