

Integrity issues in tennis: Ace or double fault?

On 25 April 2018 the Independent Review of Integrity in Tennis published its interim report ('Report'). Carl Rohsler, Member of the *Online Gambling Lawyer* Editorial Board, and Elisabeth Wagner both of Memery Crystal LLP consider the Report's findings and the implications for the gambling industry.

Integrity issues always garner media attention, and over the last two years, tennis has been particularly in the spotlight. Media scrutiny peaked just before the 2016 Australian Open. Both the BBC and BuzzFeed News reported that they had obtained secret files exposing widespread match-fixing at the highest levels of world tennis in January 2016. They asserted that tennis authorities were taking inadequate steps to combat match-fixing, turning a blind eye to the problem and even suppressing information about its extent. The stories were followed by further allegations questioning whether players were paid to lose and how much of a role betting was playing in the problem (whether as the incentivising factor or the mechanism for detection). Less than two weeks after the first stories came out, the international governing bodies of tennis, namely the Association of Tennis Professionals ('ATP'), the Women's Tennis Association ('WTA'), the International Tennis Federation ('ITF') and the Grand Slam Board, announced that they would commission an independent review into integrity in tennis.

The Interim Report has just been published¹. It covers the nature and extent of the problem of match fixing and potential changes to tackle the problem in the future. A final version will be published after public consultation (which ends on 25 June 2018²). It looks to be a thorough and detailed piece of work, having involved interviews with more than 100 interested parties, statements from more than 200 individuals and analysis of survey results from over 3,000 tennis professionals.

What constitutes match fixing?

Simply put match fixing involves a player deliberately losing a match, usually in order to create an opportunity for betting at odds which do not reflect the true chances between the players. Other

reasons for match fixing include 'tanking' - i.e. losing in order to alter rankings or obtain a particular position in a draw. Of course, it is possible to engage in dishonest behaviour without having to lose the overall match. A player can decide to lose a particular set, a break of serve or a tie breaker. There can also be fixes on specific contingencies, such as the number of deuce games or double faults. However, the betting liquidity available for such specific incidents is small and therefore any significant betting on such events is more likely to be treated as suspicious (or not offered as a market by bookmakers at all).

Factors identified by the Report

The Report identifies three factors which make tennis vulnerable:

First, the nature of tennis lends itself to match fixing for betting purposes: it only requires the corruption of one player rather than a whole team; the sport has a lot of potential contingencies on which betting can take place; and detection is inherently difficult.

Second, players may be easily incentivised to fix. Unlike professional football, the majority of professional players do not make a living through competitions and incur high costs in playing. Only the top 300 tennis players out of 15,000 break even financially and only the top 100 or so are able to earn a good living from prize money and sponsorship. In particular at the lower level, prize money does not cover the costs of attending and performing. In such a financial climate, the temptation to have an 'off day' in return for a reward can be significant.

Third, the rapid growth of online betting and the sale of official live scoring data have made tens of thousands of lower level matches available for

betting. This in turn has created greater opportunities for players and officials to fix. In the past betting was limited to the outcome of matches played at the most important tournaments. Today gambling websites offer bets on a wider range of contingencies at tens of thousands of matches played at all levels of the sport. The ATP, WTA and ITF all sell access to their live scoring data to betting operators, which has allowed the operators to broaden their range of bets to the lower levels of the sport. As a result, tennis has become the fourth largest betting market in terms of the total sums wagered.

The Report concludes that there is little evidence of widespread match fixing at the highest level of the sport. By contrast, it concludes that there are considerable concerns about integrity issues at the lower levels (considered to be the ITF men's \$15k and \$25k Pro Circuit events and women's \$15k and \$25k Pro Circuit events), as well as at the middle level, particularly on the men's circuits. The Report places blame squarely on the spread of remote betting and the sale of official live scoring data. As data and live feeds of lower level matches have become more and more widely available, the opportunities for corruption have increased.

Was tennis doing enough?

The Report considers the work of the Tennis Integrity Unit ('TIU') and identifies certain failings in the approach adopted by the TIU - particularly that it was underfunded and had an "overly conservative and insufficiently proactive approach."

Recommendations

The Report makes a number of recommendations, but it is probably pertinent to focus on the two that directly concern gambling.

1. <https://tennisirp.com/>
2. Comments on the Report can be sent to tennisirp@northridgelaw.com
3. For a commentary by the same author on the FA's decision see *Online Gambling Lawyer*, Volume 16, Issue 7.

Restriction on the sale of data

The Report recommends that governing bodies restrict the sale of live match data to the higher levels of the sport, and that all governing bodies seek to prohibit betting operators from offering betting on any matches for which official data is not sold. It concludes that maintaining the current position would be “disastrous for tennis.” The Report however recognises that if this recommendation is implemented, it will reduce interest in, and money flowing to, the lower echelons of the sport, and reduce the revenues made by the governing bodies, but the authors of the Report believe that a reduction in the opportunity for betting is the only way to reduce the integrity issue. Whether it is actually possible to limit match data in this way is a more difficult issue. Whilst in theory it is of course possible at least to reduce the amount of official live data, history tends to demonstrate that attempts at reducing the amount of data available to potential customers is not usually very easy, and that sources of data (official or unofficial) tend to proliferate in response to public demand. It is also quite a radical suggestion: effectively blindfolding the public to what is going on at the lower levels of tennis.

Second, the Report recommends preventing sponsorship by gambling operators both of tournaments and players. Unlike some of the other measures, the reasoning behind this recommendation is somewhat scant, and more questionable. There are a number of points. First, preventing sponsorship by betting organisations may remove some sort of perceived “environmental link” or “visual association” between bookmakers and professional tennis, but it is hardly going to impact on those who wish to fix matches (or the players who might be tempted). Second, depriving the sport of a valuable source of income actually tends to exacerbate

the issue which the Report cites as being one of the primary drivers of corruption - namely the fact that tennis professionals at everything except the highest level of the sport are unable to make ends meet with prize money and sponsorship. Furthermore, it is hard to see how blocking the sponsorship of tennis by the gambling industry does much to encourage closer cooperation between the two. Finally, it seems an unjust tarnishing of the gambling industry as not being appropriate to be a sponsor of professional sport - something which ignores that the gambling industry is the direct victim of match fixing and not a perpetrator. In short, the Report seems to have taken the same position as the FA in relation to betting sponsorship (discussed in this publication in a previous article³).

Thirdly, the Report also recommends imposing integrity related contractual obligations on betting operators as a condition of sale of official live scoring data. These obligations include provisions that betting operators:

- be prohibited from offering betting markets based on unofficial data;
- be required to alert the TIU regarding any suspicious betting patterns;
- be required to make available betting related information to the TIU; and
- report information to the TIU regarding persons of interest.

These are all sensible suggestions - and no doubt build on existing cooperation between betting organisations and tennis organisations, but they do not address the fact that betting organisations do not need to have a licence for tennis results data in order to be able to take bets on them - so although it might limit some of the markets on in-game contingencies, it does not seem to be a cure for match result betting. Also, whilst it is of course possible to use contractual techniques

to block contractual parties from using unauthorised data, contractual terms cannot bind those who decide not to take official feeds. But that brings us to an area of conflict between sports data and gambling which merits a wider article.

Recommendation 9

The Report recommends that the TIU in cooperation with the governing bodies develop a standard protocol governing what information betting operators are expected to provide upon request by the TIU. This proposal ties in with the recommendations proposed regarding official live score data contracts under recommendation 1.

Concluding comments

It is clear that the Report is a thoughtful and well researched piece of work, seeking to tackle a difficult problem. But perhaps the lesson which emerges is that there are some problems which really lack a solution. It is clear that tennis is inherently susceptible to match fixing, and that the lower levels of the sport are more vulnerable to corruption, because, away from the limelight of centre court, the remuneration is not high. The Report highlights the rise of live data and the growth of internet gambling as being reasons why the problem has grown - but seeking to put the genie of online gambling back into the bottle by restricting live data or indeed internet betting is easier said than done. The Report does mention the role of integrity education, essentially addressing the fact that match fixing can only take place if a player is willing to be corrupted - but, apart from an online education programme for professionals, there seems to be little being done. In-person training is only applied to the top 200 professionals (who, as we have seen, are actually at least risk of being corrupted). It will be interesting to see what the public consultation brings to the picture.