

AIAC CERTIFICATE PROGRAMME IN



# SPORTS ARBITRATION

23rd - 26th SEPTEMBER 2019

#AIACWORLD

#SPORTSMONTH2019

The Asian International Arbitration Centre (AIAC) has identified the need for resolution of disputes in the sports industry in Malaysia. Arbitration has been known to be an effective medium to resolve disputes amicably and that conviction remains a principal catalyst for our proposed establishment of a sports tribunal. This tribunal will not only be a dedicated platform for the resolution of sporting disputes in Malaysia but also for the ASEAN region. Backed with the administrative and state-of-the-art facilities of the AIAC, the tribunal will be designed to ensure affordable access to justice for athletes, sporting associations, sports organizations and other persons of interest in the sporting industry.

Drawing from the recognition by the Court of Arbitration for Sports (CAS) of the AIAC as an official alternative hearing centre, the tribunal will offer a cost-effective appeal route to CAS, providing aggrieved parties the opportunity to have their appeals at CAS heard in Malaysia at the AIAC.

Notwithstanding the above, sporting dispute resolution in Malaysia remains at its infancy. Knowledge and experience in the theoretical and practical aspects of sports dispute resolution at both, national and international levels amongst sports stakeholders in Malaysia has also been scarce at best. The peculiarities and unique exigencies of sporting disputes and the international implications of decisions rendered in sporting disputes warrants and necessitates specific attention to procedure including but not limited to the procedures undertaken in arbitration as well as a comprehensive and thorough examination of the law of sport. The AIAC Certificate Programme in Sports Arbitration bridges this gap and offers a holistic approach to understanding sports law and the practicalities in the resolution of sporting disputes.



For more information or to register,  
Please contact **Mr Azril Rosli** at  
03 2271 1181 or email [events@aiac.world](mailto:events@aiac.world)



# COURSE OVERVIEW



## VINAYAK P. PRADHAN

Chartered Arbitrator (CIArb), FMIArb, FACICA

Director of the Asian International Arbitration Centre (AIAC)

### Day 1: Foundations of Sports Arbitration

- » Arbitration generally; What is sports arbitration?  
The sporting universe: organisational structures of international and domestic sport
- » The sporting contract
- » A Malaysian Sports Tribunal?
- » The Court of Arbitration for Sport
- » The role of Malaysian Courts and the Swiss Federal Tribunal in the resolution of sporting disputes

### Day 2: Sporting Disputes

- » Doping (Part 1): International and National Anti-Doping Schemes; The role of WADA and NADOs; Anti-Doping Rule Violations
- » Doping (Part 2): Anti-Doping Defences, Mitigation and Sanctions; Anti-doping policy generally.
- » Sports Integrity
- » Miscellaneous sporting disputes: Conduct (on and off-field); Eligibility; Selection; Game Rule; Internal management of sports organisations and events

### Day 3: Sports Arbitration

- » Commencement of sports dispute hearings: arbitration or domestic tribunal? Arbitrability and Terms of Reference; Formation of Panel; The CAS Rules; The draft AIAC MST Rules; Commencement of CAS arbitration; Procedural Orders; Interim measures (urgent applications)
- » The CAS Hearing (Part 1): Seat; Venue; Representation; Confidentiality? Mode of hearing
- » The CAS Hearing (Part 2): Evidence; Proof; Parties' Submissions; Style/manner of conduct of hearing
- » The sports arbitration award: nature and effect of award; types of awards
- » Writing sports arbitration awards
- » Judicial review of sports arbitration awards

### Day 4: Arbitration Exercises

- » Sports Tribunal Moots
- » Class discussion of hearings

Mr. Vinayak Pradhan was appointed as the Director of the AIAC on 21st November 2018. In his 45 over years of legal practice, he has been a wide-ranging litigation and arbitration lawyer with ultimate focus on commercial, construction, engineering and energy disputes. Mr. Pradhan's experience pans across domestic and international matters involving a wide variety of foreign laws and institutional rules.

In 2016, Mr. Pradhan became the first recipient of the 'Arbitrator of the Year Award' by the Chartered Institute of Arbitrators (Malaysia Branch) with a citation by the Chief Justice of Singapore, The Honourable Justice Sundaresh Menon.

Mr. Pradhan's appointments include Commissioner with the United Nations Compensation Commission dealing with construction and civil engineering claims from corporate entities (1 August 1998 to 31 August 2003); Member of the Permanent Court of Arbitration, The Hague (2003 to 2015); Vice Chair of the ICC Commission on Arbitration and ADR (January 2008 – December 2017); Panel of Conciliators and Arbitrators of the International Centre for Settlement of Investment Disputes (2008 to 2014); Council of Advisors of the Singapore International Arbitration Centre (2009 to 2012); Commissioner with the Enforcement Agency Integrity Commission, Malaysia (2011-2017); Global President, Chartered Institute of Arbitrators (2013); and ICC International Court of Arbitration (2017 – 2018).

Vinayak has, since 2006, been an arbitrator of the Court of Arbitration for Sport, Lausanne and an Arbitrator of the Olympic Council of Malaysia. In 2014, Vinayak was appointed by CAS as one of the six Ad Hoc judges empanelled to deal with disputes arising out of the 2014 - 17th Asian Games in Incheon, South Korea. In July 2019, Vinayak was appointed by the Fédération Internationale de Football Association (FIFA) as Deputy Chairperson of the FIFA Adjudicatory Chamber.

Vinayak regularly appears as a guest speaker and delivers lectures and papers at Malaysian and international conferences, seminars and workshops. He has written articles and chapters on construction law, sports law and arbitration and other dispute resolution processes which have been published in legal journals and in books on arbitration.





## PAUL J HAYES QC, FCIARB

### Course Director

Barrister & Arbitrator, 39 Essex Chambers (London, Kuala Lumpur & Singapore); Senior Fellow (Melbourne Law Masters), University of Melbourne; Member, World Rugby Anti-Doping Panel, IBU Anti-Doping Tribunal and FIA Court of Arbitration



## PROFESSOR RICHARD MCLAREN OC

Senior Fellow (Melbourne Law Masters), University of Melbourne; Western University Canada, Canada; Member, Court Of Arbitration For Sport, Canada



Paul Hayes is a Barrister & Arbitrator and holds the degrees of Bachelor of Laws (LLB) from the Queensland University of Technology and Master of Studies (MSt) from the University of Cambridge, where he was also a Visiting Fellow in 2005-2006 (Faculty of Law, Lauterpacht Centre for International Law and Wolfson College). He also holds a Diploma of International Commercial Arbitration (DiplC Arb) from the Chartered Institute of Arbitrators in London, where he is also a Fellow (FCI Arb).

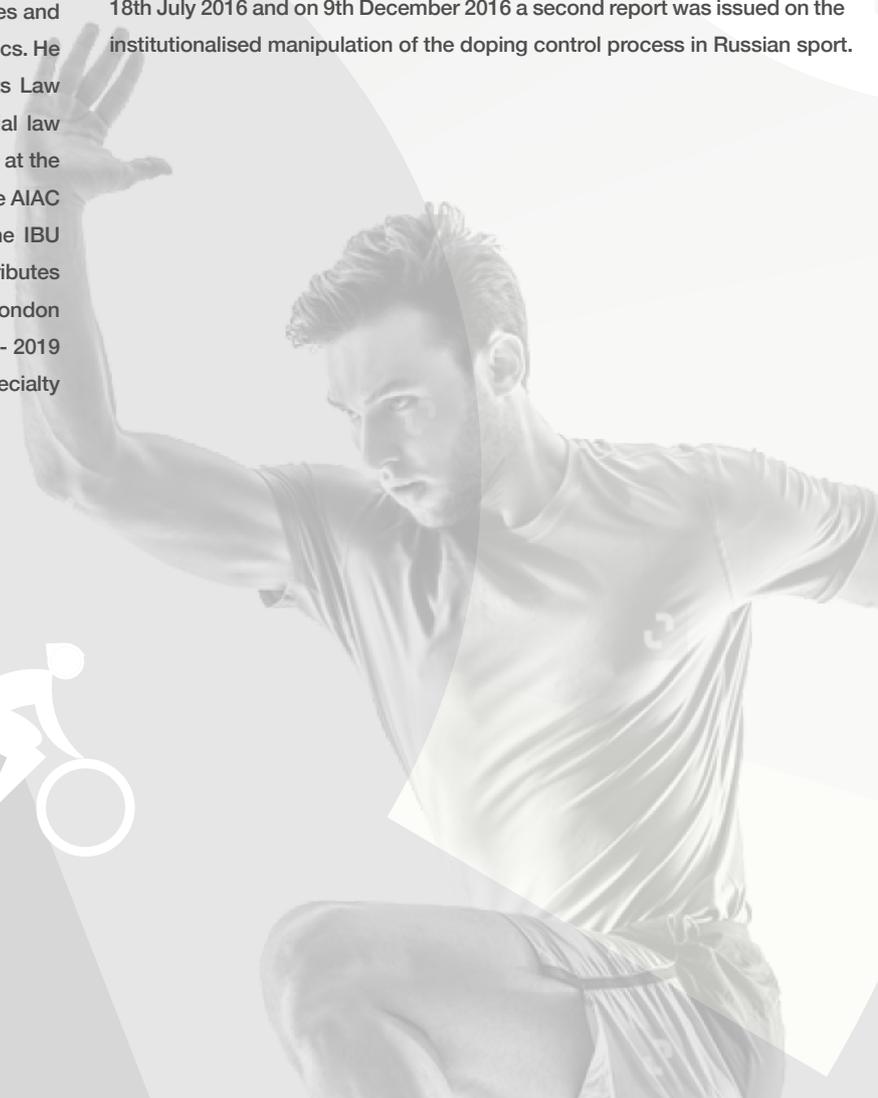
Called to the Bar in Australia (New South Wales) in 1990 and in England (Lincoln's Inn) in 2005, Paul Hayes is a member of 39 Essex Chambers (London, Kuala Lumpur and Singapore) and practises predominantly in international commercial arbitration (accepting briefs as Counsel, or appointments as Arbitrator), commercial & equity litigation, sports law, defamation, insurance and international law (public and private) and has appeared in a wide variety of cases (ranging from large-scale complex commercial matters to defamation jury trials and sporting disputes) in multiple curial and arbitral jurisdictions, including the Court of Arbitration for Sport.

Paul has been a contributing author in various authoritative arbitration and sports law textbooks and has published numerous legal journal articles and conference papers on a wide range of sports law and general legal topics. He is the Founder and Editor of the Australian and New Zealand Sports Law Journal (CCH Australia), Vice-President of CommBar (the commercial law association of the Victorian Bar), a Senior Fellow in the Faculty of Law at the University of Melbourne, Honorary Counsel for Sports Arbitration at the AIAC and a member of the World Rugby Anti-Doping Judiciary Panel, the IBU Anti-Doping Tribunal and the FIA Court of Arbitration. Paul also contributes Op-Ed articles from time to time to The Australian and The Times in London on issues concerning the law and politics and was named in the 2016 - 2019 editions of Who's Who Legal as a leading international lawyer in the specialty of sports law.

Richard McLaren is a Professor in the Faculty of Law at the Western University, Canada. He has published in a wide range of areas, including dispute resolution and bankruptcy. He has extensive practical experience as a commercial lawyer and a labour and commercial arbitrator and mediator.

He is involved in the adjudication of sports-related disputes at both the amateur and professional level. As a member and Arbitrator of the Court of Arbitration of Sport (CAS), he has arbitrated key sport cases throughout the world. As an Ad Hoc Panel Member of CAS, he has participated in five Olympic Games during which he resolved disputes pertaining to anti-doping, athlete eligibility and intellectual property rights. He is a Member of the Anti-Doping Panel for the International Cricket Council and is currently the President of the Basketball Arbitral Tribunal. He researches, writes and speaks on anti-doping cases, legislation and enforcement.

On 18th May 2016, The World Anti-Doping Agency (WADA) engaged Professor McLaren, as an Independent Person, to investigate allegations of state manipulation of the doping control process that took place during the 2014 Sochi Olympic and Paralympic Games. His report, the 103-page McLaren Investigation Report (McLaren Report) was released by WADA on 18th July 2016 and on 9th December 2016 a second report was issued on the institutionalised manipulation of the doping control process in Russian sport.





## MALCOLM HOLMES QC

BA, LLB (Sydney), BCL (Oxon), FCI Arb



Malcolm Holmes QC is a Senior Counsel and Chartered Arbitrator at Eleven Wentworth in Sydney, Australia and is an arbitrator member of 20 Essex Street Chambers in London and in Singapore. He was a member of the faculty in the KLRCA Certificate in Sports Arbitration in 2015. He has been an arbitrator member of the Court of Arbitration for Sport since 1995 and was the Advocate for the Australian Team at the Atlanta Olympics in 1996. He was the co-organiser of the NSW Bar Association Pro Bono Scheme for athletes' representation at the Sydney Olympic Games in 2000. He was a member of the CAS Ad Hoc Division at the Olympic Games in Athens in 2004 and Turin in 2006. He was appointed to the IAAF Disciplinary Tribunal in 2017. He is a member of the Appeal Committee of the Football Federation of Australia. He has published several articles on sports law including "The Ad Hoc Division of CAS at the XX Olympic Games in Torino 2006" [2006] ISLR 58, and "The CAS: A case study of an international arbitration institution" (2005) 27 Australian Bar Review 56. His presentations on sports law include "Arbitration Practice and Procedure at the Olympic Games", at Wuhan in PR China in 2006 and "Olympic Jurisprudence and the Internet" a presentation to the Law via the Internet Conference at the University of NSW on 11 November 2015. He was the arbitrator at the Rugby World Cup in 2003 in Sydney. He taught a course on "The Arbitration of Disputes in International Sport" at Gonville and Caius College, Cambridge, UK for Sydney University in 2009. He is the examiner for International Award Writing course conducted by the Centre for Commercial Law Studies at Queen Mary University, London. He is co-author of "The International Arbitration Act; A Commentary", 3rd edition, 2018, LexisNexis, and is an Adjunct Professor in International Commercial Arbitration at University of Queensland and a Visiting Professorial Fellow at University of NSW. He is a Past President of the Australian Branch, and a former member of the Board of Trustees, of the Chartered Institute of Arbitrators.



## LAU KOK KENG

Head, Sports Law Practice, Rajah & Tann Asia



Lau Kok Keng is an Advocate & Solicitor in Singapore. His main practice areas are sports law, gaming law, intellectual property and technology law. He heads up the Sports Law practice of Rajah & Tann Asia. He has worked with various domestic and international sports governing bodies and federations, football clubs, sports agencies, commercial rights holders, sponsors, television broadcasters, cable operators, sports associations, sports bookmakers, and sports and media personalities. Such work includes handling a broad spectrum of legal issues arising from the hosting of multi-sport regional events like the Beijing Olympics 2008, Asian Youth Games 2009, SEA Games 2015 and ASEAN Para Games 2015, and dealing with brand protection, ambush marketing, commercial licensing, sponsorship, broadcasting and public viewing issues arising from single-sport international tournaments like the FIFA World Cup, the UEFA Euro Championships, the Indonesian Soccer Championship, the IRB Sevens World Series and the International Champions Cup Singapore. His work also extends to advising sports bookmakers on various legal and regulatory aspects of sports betting. Uniquely, he helped establish the legal framework governing legalized sports betting in Singapore, first in 2002 for football betting, and subsequently in 2008 for betting on Formula One races.

Kok Keng is an arbitrator with the Court of Arbitration for Sports, and a Fellow of the Chartered Institute of Arbitrators. He was on the Ad Hoc Panel of Arbitrators for the 2017 South East Asian Games in Kuala Lumpur, and regularly sits on Committees of Inquiry and disciplinary panels of national sports associations and professional football clubs in Singapore. He has conducted workshops on sports law and sports arbitration for Sport Singapore, the Chartered Institute of Arbitrators Singapore Branch and the former Kuala Lumpur Regional Arbitration Centre in Malaysia. From 2012 to 2015, he served as Vice-Chairman of Geylang International Football Club – a professional football club playing in Singapore's top tier domestic league.

In 2011, Kok Keng co-founded the Legion of Lions, a voluntary movement formed to raise the level of public awareness and interest in Singapore football, and to promote football related welfare programmes and community causes. In June 2012, the Legion of Lions co-published with The New Paper the "50 Greatest Moments in Singapore Football" book – the first of its kind for any sport in Singapore - which served as a vehicle for a Government-supported nationwide School Outreach Programme for aspiring young footballers. Proceeds from the sales of the book were donated to charitable and other good causes related to football.



# REGISTRATION FORM

## AIAC CERTIFICATE PROGRAMME IN SPORTS ARBITRATION

Kindly complete the registration form as below and send it together with the required documents by **20 SEPTEMBER 2019** via

- FAX: 03 2271 1010
- EMAIL: azril@aiac.world
- COURIER: Azril Rosli, AIAC, Bangunan Sulaiman, Jalan Sultan Hishamuddin, 50000 Kuala Lumpur

Examination matters, please contact **Mr Azril Rosli** at **03 2271 1181** or email **azril@aiac.world**

Name (as per NRIC/ Passport) .....

NRIC No/ Passport No .....

Organisation/ Firm/ Company .....

Correspondence Address .....

Postcode State ..... State ..... Country .....

Telephone ..... Mobile ..... Fax .....

Email .....

(Please ensure that the telephone number and e-mail address given are valid ones for communication purposes)

### REGISTRATION FEE (please tick one)

**RM 4,700** for four days, including training materials, two exams, lunches and tea breaks

**RM 4,200** for early birds – registration and payment by **20 September 2019**

I will make my payment by: (please tick one)

Cheque/ Bank Draft made payable to **“AIAC EVENT”** – Please find my cheque/ bank draft enclosed

Bank Transfer/ Account Deposit – Please find a copy of the bank-in slip/ transaction reference

Maybank Berhad, Wisma Genting SSC  
Ground & Mezzanine Floor, Wisma Genting,  
Jalan Sultan Ismail, 50250 Kuala Lumpur

Account Number: **5143-5650-4056**  
Swift Code: **MBBEMYKL**

How did you hear about us? (Please tick one)

Email Blast     Social Media     WhatsApp     Website     Letter     Referral     Others

### DECLARATION

I hereby declare that the documents enclosed herein are true and accurate to my knowledge. I have read and understood the terms and conditions in this Registration Form.

.....  
(Signature)

### FOR OFFICE USE ONLY

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Date of submission

.....  
Candidate Number

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Session