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Sports Law 2026

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Portugal: Law and Practice & Trends and Developments

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PORTUGAL



Law and Practice

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1. Athlete Conduct, Integrity and Enforcement

1.1 Anti-Doping Regimes

The use and trafficking of prohibited substances or methods are forbidden and sanctioned under Portuguese law. All events are subject to Law No 81/2021 of November 30th, which approved the new Anti-Doping Law in Sports in Portugal and incorporates into the Portuguese jurisdiction the rules and procedures of the World Anti-Doping Agency (WADA).

One of the most significant changes introduced by Law No 81/2021 is the establishment of a regime of strict liability for athletes, according to which the violation of anti-doping rules by an athlete no longer depends on proof of the athlete's personal fault, whether intentional or negligent, with respect to the use of prohibited substances or methods.

The Portuguese Anti-Doping Authority (ADoP) is the entity with authority to control and implement relevant measures and procedures in the context of the fight against doping in Portugal. Notably, the list of forbidden substances and methods is subject to annual review by ADoP, with subsequent approval and publication by the government.

Pursuant to the Anti-Doping Law in Sports, the infringement of anti-doping rules may be sanctioned as a criminal offence (with penalties of up to five years of imprisonment), an administrative offence (subject to a fine of up to EUR9,996) and a disciplinary offence (subject to suspension of up to 25 years). There is the possibility of entering into a settlement agreement, which may be requested by the athlete or another

person before ADoP, with ADoP agreeing to reduce the period of suspension based on an assessment conducted jointly by ADoP and WADA.

There are no significant doping cases in Portugal.

1.2 Misconduct and Match-Fixing

Law No 14/2024 of January 19th establishes the legal framework for the integrity of sports and the fight against anti-sporting conduct, which has been a growing concern worldwide, especially as the turnover of territorially based and online sports betting grows.

Regarding match fixing and the manipulation of sports results, Law No 14/2024 establishes that the use of means aiming to artificially alter the results of sports events is considered a criminal offence punishable by imprisonment for up to eight years.

Match fixing may also lead to the application of ancillary penalties, such as suspension from sports competitions for up to three years, privation of the right to receive public subventions and a prohibition on performing sporting duties for up to five years.

Mandatory reporting is also imposed whenever sports agents become aware of or suspect anti-sporting conduct contrary to the values of truth, fairness and correctness and likely to fraudulently alter a sports competition or its result. They must immediately report it to the Public Prosecutor's Office.

Law No 14/2024 also stipulates the creation of a platform to monitor the manipulation of evidence, with experts appointed by the Attorney General's Office, the Judiciary Police, the Portuguese Olympic Commit-

tee and the Portuguese Football Federation, among others, and handing co-ordination over to the Anti-Corruption Unit of the Judiciary Police.

1.3 Betting-Related Offences

Betting on sports is not a prohibited practice and is subject to regulation in Portugal. Decree-Law No 422/89 of December 2nd, which establishes the legal framework for gaming in Portugal, is applicable, as are the Online Gambling and Betting Act, Decree-Law No 67/2015 of April 29th (approving the legal framework for land-based fixed-odds sports betting) and Decree-Law No 68/2015 of April 29th (approving the legal framework for land-based horse race betting).

Santa Casa da Misericórdia, a lottery-funded company that operates under the oversight of the Ministry of Social Affairs, has the exclusive right of exploitation and operation in relation to betting on sports events on a territorial basis.

The right to exploit online gambling and betting on sports events is reserved for the State; however, under certain conditions, it can be the subject of a licensing agreement with the government.

Sports governing bodies share information with sports betting operators and criminal investigation authorities. The disciplinary regulations of some sports also contain details of betting-related offences for relevant individuals.

1.4 Disciplinary Framework

In Portugal, disciplinary proceedings against athletes for doping, integrity or betting offences are conducted by the relevant sports governing body in accordance with national federation rules, the Portuguese Institute for Sport and Youth (IPDJ), and applicable international standards such as the World Anti-Doping Code. The process typically involves:

- detection and notification of the alleged offence;
- a formal investigation including evidence collection;
- issuance of a statement of allegations; and
- a hearing where the athlete can respond.

Following adjudication, sanctions may include:

- suspension;
- fines;
- disqualification of results; or
- remedial measures.

Athletes may appeal internally within the federation or externally to the Court of Arbitration for Sport (CAS). Notable examples include doping suspensions under Anti-Doping Portugal rules and match-fixing or betting-related penalties in Portuguese professional football, often resulting in fines or point deductions.

2. Commercial Rights

2.1 Sports-Related Rights

As with other countries that are members of the European Union (EU) and the World Trade Organization (WTO), the Portuguese jurisdiction allows for exploitation of patents, trade marks, merchandising, copyrights, broadcasting rights, sponsorship, image, hospitality and ticketing rights.

Pursuant to Decree-Law No 28/84 of January 20th, tickets for an event cannot be resold at a higher price than the price fixed by the event promoter or organiser. As such, grey market sales may be deemed a criminal offence subject to a penalty of imprisonment for up to three years. In addition, some organisers may contractually impose on purchasers a general prohibition from reselling tickets on the grey market.

A rights-owner may license or sell its rights through a written contract, in which it is mandatory to identify the parties and the scope of the agreement, including a list of the rights licensed or sold, as well as the price. In the case of a licence agreement, the agreement must state whether the licence is exclusive or not.

2.2 Sponsorship Terms

In Portugal, sponsors use sport to enhance brand visibility and engage audiences through stadium signage, naming rights, digital content, broadcast integration, social media campaigns and experiential marketing. Sponsors may also access aggregated or anonymised fan and ticketing data, subject to General Data Protection Regulation (GDPR) compliance.

Sports rights-holders attract sponsor investment by offering event, entity and digital/multimedia rights, including hospitality and VIP packages, emphasising the reach, media exposure and fan engagement of their competitions or teams.

Standard sponsorship contracts typically cover the scope of rights (logo, naming, content, data), duration and exclusivity, financial terms (fees, payment schedules, performance bonuses), deliverables and obligations (branding, digital content, hospitality), data use compliance, termination clauses (breach, insolvency, force majeure), liability and indemnity, and intellectual property and publicity rights.

2.3 Broadcasting Rights

The owner of the broadcasting rights varies depending on the type of sport in question. For example, in futsal and hockey, the respective sports federations are the exclusive owners of the broadcasting rights of all matches played in the various competitions. Therefore, the commercialisation of these rights is undertaken by the sports federations, which can transfer or license the rights through written agreements.

Conversely, in football, the ownership of television and multimedia broadcasting rights for matches in the first and second national leagues for men's football belongs to the sports clubs or sports companies who participate in these competitions. Although currently Portuguese sports clubs in professional competitions sell these rights individually, as of the 2028/2029 sports season, such rights will have to be jointly sold in terms to be defined by the Portuguese Football Federation by the end of the 2025/2026 sports season, subject to approval by the Portuguese Competition Authority, as set out in Decree-Law No 22-B/2021 of March 22nd.

3. Sports Events

3.1 Proprietary Rights and Event Management

Pursuant to the Basic Law of Physical Activity and Sports and Decree-Law No 248-B/2008, apart from organising and regulating professional sports competitions, sports federations and professional club leagues may also act as promoters of sports events,

as can sports companies and sports clubs, according to Law No 39/2009 of July 30th, which provides the Legal Framework Against Racism, Xenophobia and Intolerance at Sports Events.

For spectators to attend live sports events, a contract must be concluded between them and the sports promoter. This contract is not required to be in written form, but the promoter is required to provide the spectator with a physical or electronic ticket containing the most relevant clauses of the contract, such as:

- identification of the sporting venue and of the sports event;
- identification of the organiser and promoter of the event; and
- identification of the entrance door to the venue, sector, row and seat, as well as a plan of the venue and the point of access.

For the purposes of the contract concluded with the sports event's promoters, the spectator is generally qualified as a consumer and is therefore protected by Portugal's consumer protection law, Law No 24/96 of July 31st. However, there may be cases where the spectator does not qualify as a consumer (eg, if the "spectator" is in fact a company that buys the tickets to provide them to its employees, as in that case the services are acquired for professional purposes).

3.2 Duty of Care and Liability

Under Law No 39/2009, sports events organisers are obliged to adopt regulations regarding the prevention and punishment of manifestations of violence, racism, xenophobia and intolerance. If organisers fail to comply with this obligation, they will be prevented from benefiting from public support and may have their sporting public utility status suspended until compliant; furthermore, they may be liable for an administrative offence.

The above-mentioned legislation imposes on promoters of sports events the obligation to:

- approve internal regulations regarding security and the use of publicly accessible spaces;

- take the measures necessary to ensure the safety of the sports venue and the adjacent space (safety rings);
- apply sanctioning measures to associates involved in public order disturbances, preventing their access or requiring their expulsion from the sports venue;
- designate a security manager and a supporter liaison officer; and
- ensure the presence of a security manager and private security personnel at qualified high-risk sports events.

It is an administrative offence if the promoter fails to comply with its obligations; the promoter may incur a fine of up to EUR200,000, with an ancillary penalty requiring sporting events to be held behind closed doors or a ban imposed with special conditions of access and restrictions on supporters of the relevant sports venue for up to 12 fixtures.

In addition, the administrative procedure may be initiated ex officio by the competent authority, the Authority for the Prevention and Combating of Violence in Sport.

Liability cannot be excluded.

Athletes may be liable to spectators for any negligent or intentional conduct.

Law No 39/2009 imposes obligations of co-operation on the spectator with regard to the safety conditions of the sports venue and sports event – namely obligations to:

- not enter the stadium if they are under the influence of drugs or have a blood alcohol level higher than 1.2g/l;
- not carry objects that may generate acts of violence;
- not display racist or xenophobic messages nor to chant content of this kind;
- not throw objects; and
- comply with the regulations adopted by the organiser and the promoter.

If the spectators fail to comply with their obligations, this is an administrative offence punishable with a fine of up to EUR10,000, with an ancillary penalty of restricted access to sports venues.

Law No 39/2009 also provides for a criminal regime applicable to spectators, penalising:

- damage to facilities, equipment or any other assets;
- participation in riots during travel to or from sports events;
- throwing of liquid products;
- invasion of sports event areas; and
- rioting.

4. Corporate Structures

4.1 Legal Forms of Sporting Bodies

According to Law No 5/2007 of January 16th (the Basic Law of Physical Activity and Sports), Portuguese sports clubs are constituted as non-profit private associations with the purpose of directly promoting and practising sports.

Sports clubs that intend to participate in professional sports competitions must incorporate sports companies, which are currently governed by Law No 39/2023 of August 4th.

Sports companies may adopt the legal form of public limited sports companies (SAD), single-member private limited liability companies (SDUQ) and sports private limited company (SDQ). They are subject to the general rules applicable to these types of companies established by the Portuguese Companies Code and to the specific rules set out in Law No 39/2023.

Sports companies choose a specific corporate structure based on their objectives, regulatory obligations, financial strategy and level of professionalisation. SADs are typically chosen by clubs seeking access to capital markets, external investment and broader financing options, given their share capital structure and enhanced governance requirements. SDUQs allow clubs to retain full control over the professional activity while benefiting from the limited liability and

organisational flexibility of a private company. SDQs offer a balanced model, enabling shared ownership, private investment and operational efficiency, while maintaining a close link to the founding sports club.

As to the method of incorporation, sports companies can be founded either from scratch, by transformation of an existing sports club or by the legal personalisation of a team that participates, or intends to participate, in sports competitions.

Non-professional sports clubs can also be incorporated as a sports company, but it is not mandatory as they do not participate in professional sports competitions.

Sports federations assume the legal form of non-profit private associations with a sports public utility status. This status grants sports federations competence for the exclusive exercise of regulatory, disciplinary and other powers of a public nature to the extent that they are a manifestation of the constitutional duty of the State to promote, stimulate, guide and support the practice and dissemination of physical culture and sports.

4.2 Corporate Governance Codes Corporate Governance

In accordance with Law No 14/2024 of January 19th, sports federations, sports companies and sports clubs are obliged annually to promote training with the purpose of making all sports agents aware of the values of truth, fairness and correctness, and to prevent actions that may fraudulently alter the results of the competition.

Sports federations, sports companies and sports clubs must have organised accounting according to the rules of the official Accounting Standards System.

Sports companies are subject to specific rules set out in Law No 39/2023, such as:

- minimum share capital limits depending on the sports modality and league division in which the company participates and the legal form used;

- prohibition against sports companies participating in the capital stock of a company of identical nature;
- mandatory full-time commitment of executive directors;
- a special regime concerning incompatibilities and independence of directors and managers of sports companies;
- prohibition against members of the governing bodies of sports federations or associations of clubs of the same sport, professional players, coaches and referees in the sport being directors or managers of sports companies; and
- limitations on the exercise of rights of shareholders who hold shares in more than one public limited sports company working within the same sport modality.

As for sports federations, there are specific rules concerning the exercise of the mandate of the members of the governing bodies, such as prohibitions on holding another position in the federation or holding such positions as club or association manager, referee, judge or coach. The term of office is for a maximum of four years.

Non-compliance with governance requirements may result in disciplinary sanctions, including fines of up to EUR500,000 and sporting sanctions.

While Portuguese insolvency law applies equally to sports organisations, professional sport introduces additional consequences. In particular, entry into insolvency proceedings may affect licensing eligibility, and failure to meet financial obligations (eg, towards players, staff or tax authorities) can result in points deductions, transfer embargoes or exclusion from competitions.

Corporate Liability

According to the specific provisions of Decree-Law No 248-B/2008, the liability of sports federations, the members of their bodies, employees, legal representatives or agents for actions or omissions carried out in the exercise, and with the prerogatives, of public power is governed by Law No 67/2007 of December 31st, which establishes the regime of non-contractual liability of the State and other public entities. Pursuant

to this legislation, sports federations are exclusively liable for acts carried out with slight fault by the members of their bodies, employees, legal representatives or agents. As for acts committed by those persons with intent or serious fault, the sports federations and the members of their bodies, employees, legal representatives or agents are jointly and severally liable.

Conversely, the liability of sports federations, the members of their bodies, employees, legal representatives or agents for actions or omissions carried out outside the exercise of public power is governed by the general civil liability rules of the Portuguese Civil Code. The members of the sports federations' bodies, employees and legal or auxiliary representatives are also civilly liable before the sports federations for damage caused by breaches of their legal or statutory duties.

The liability of managers and officers for the actions and omissions of a sports club is also governed by the general civil liability rules of the Portuguese Civil Code.

As for the liability of managers and officers of sports companies, general rules on directors' liability set out in the Portuguese Companies Code apply. The Portuguese Companies Code establishes three types of managers' and officers' liability:

- liability towards the company;
- liability towards the company's creditors; and
- liability towards the shareholders and third parties.

Such statutory liability is assumed in the following circumstances:

- a breach of legal duties intended to protect the company, the company's creditors or the shareholders and third parties;
- where the breach is with fault (fault is presumed in the case of liability towards the company);
- where the breach causes damage to the company, the company's creditor or the shareholders and third parties; and
- where there is a causal link between the breach of duties and the damage caused.

Sports organisations as well as their managers and officers may be held criminally liable for committing the crimes set out in Law No 14/2024. The criminal liability of managers and officers of a sports organisation implies that they are the authors of the criminal offence imputed to the sports organisation.

Under certain circumstances, managers and officers of a sports organisation are subsidiarily liable for the payment of fines and compensation to which the sports organisation is sentenced. This will be the case, for example, if the crime was committed without their express opposition while they were in office.

4.3 Sport Funding

Sport in Portugal is mainly funded from central government resources by agreements negotiated and signed with each sports federation. It is possible for sports organisations to have other revenue streams, such as sponsors.

5. Intellectual Property, Data and Data Protection

5.1 Trade Marks

In Portugal, trade marks are registered through a formal application submitted to the National Institute of Industrial Property (INPI). The application must identify the applicant, include a clear representation of the mark, and specify the goods and services covered using the Nice Classification. Once filed, the INPI examines the application to ensure that the mark is distinctive, lawful and does not conflict with earlier rights. Approved applications are published, after which third parties have two months, extendable by one month, to oppose the registration.

Certain signs cannot be registered, including those that lack distinctiveness, are purely functional, descriptive, generic, deceptive or offensive, or are contrary to public order or morality. Registration is also refused for unauthorised use of official or protected symbols, conflicts with earlier or well-known marks, infringements of personal rights, or violations of protected geographical indications.

The advantage of registration is that it grants the owner exclusive rights to use the mark for the registered goods and services, the ability to prevent unauthorised third-party use, and access to civil and criminal enforcement measures.

In Portugal, prior use of a trade mark is not required for obtaining registration, as rights arise from registration rather than use. However, a registered mark must be genuinely used within five consecutive years or may be revoked for non-use.

Portugal's major sports clubs customarily maintain extensive and continuously managed trade mark portfolios covering (inter alia) club names, logos, merchandising trade marks, and the denominations of sporting events (such as the Eusébio Cup). Portuguese football clubs such as Benfica and Sporting were ranked among the most valuable football brands worldwide in 2025.

5.2 Copyright/Database Rights

Portugal recognises copyright law through statute, primarily under the Copyright and Related Rights Code (Decree-Law No 63/85).

Copyright protection applies automatically to works that are original intellectual creations reflecting the personal imprint of a human author, and that are expressed in a concrete form capable of being perceived or reproduced, as copyright does not protect mere ideas or concepts. The protected subject matter must fall within the literary, scientific or artistic fields, which are interpreted broadly and include works such as books, music, films, software, speeches, and certain industrial designs with artistic value.

Registration is not required for copyright protection to arise, as rights exist from the moment the work is created, regardless of publication or disclosure. However, voluntary registration can provide practical benefits, particularly as evidence of ownership, a legal presumption of authorship and increased legal certainty in licensing, assignment or dispute situations.

Moreover, Portuguese law recognises several defences to copyright infringement, including statutory

exceptions that allow limited use for purposes such as:

- private non-commercial use;
- criticism or review;
- education or scientific activities; and
- temporary technical reproductions, provided the use is proportionate and properly attributed.

Portuguese law also recognises protection for databases, granting automatic copyright protection to those that are original and creative, without any requirement for registration. As an example, the Portuguese zerozero database is worth mentioning, as it is the biggest football database that provides detailed statistics, schedules, live results, player profiles, and news covering national and international competitions. Built around contributions from a user community, it focuses primarily on football, with particular emphasis on Portuguese football, while also covering several other sports.

5.3 Recognising Personality/Image Rights

Portugal does legally recognise personality rights. This recognition exists primarily by statute.

Portuguese law treats image and name as protected personality rights grounded in the Constitution and developed in the Civil Code, which together establish that a person has control over the use of their image and name, particularly against unauthorised commercial exploitation.

Portugal is a civil law jurisdiction, so there is no free-standing common law right of publicity; instead, courts apply and interpret these statutory personality rights through case law.

5.4 Protecting Personality/Image Rights

Although Portugal, as a civil law jurisdiction, does not recognise common law as such, it incorporates concepts similar to passing off and unfair competition into its statutory legal framework to protect unregistered signs and personal attributes, including an individual's name or image.

Even without trade mark registration, Portuguese law allows actions based on unfair competition or mis-

leading commercial practices where the unauthorised use of a sign creates consumer confusion or exploits another person's reputation, enabling individuals such as athletes to act against false endorsements or implied associations.

The trade mark registration system itself includes safeguards against the misuse of personal identities. Registration of a sign containing a person's name or image generally requires that person's authorisation, and applications may be refused if the sign harms the individual's reputation or infringes their moral rights.

These protections are particularly relevant for well-known individuals, as the law also prevents the registration or use of signs that take unfair advantage of, or damage, the distinctive character or reputation of a prestigious identity or mark. Registrations obtained in bad faith or through the unauthorised exploitation of another's fame may be invalidated, and additional claims may arise in cases of dilution or tarnishment of a well-known name or image.

Moreover, where unauthorised exploitation occurs, rights-holders have access to both civil and criminal enforcement mechanisms.

5.5 Licensing

In Portugal, professional sports governing bodies can control competition-related IP, including trade marks, broadcast copyrights, databases and event rights.

Clubs own their own trade marks and content and license them for merchandising, sponsorship and digital uses, but cannot exploit competition IP independently. Professional athletes retain their personality and image rights and license their personal brands individually to sponsors or clubs on a contractual basis; these rights cannot be licensed by governing bodies without consent, except for limited collective team uses.

For non-professional or college sports bodies and athletes, IP exploitation is more limited and less commercialised. Educational institutions or amateur federations may control institutional trade marks, team names and event-related IP, but competitions are generally not monetised at the same level as professional

sports. In the same sense, non-professional athletes retain their personality and image rights as individuals, but their ability to license those rights is often constrained in practice by the absence of a developed sponsorship market.

5.6 Assignment of IP Rights

In Portugal, IP rights may generally be assigned or licensed to third parties, though both trade mark and copyright transfers are subject to formal requirements and specific limitations. Trade mark assignments must be made in writing and, to be enforceable against third parties, must be recorded with the National Institute of Industrial Property, as unrecorded transfers are only effective between the contracting parties.

Moreover, assignments may be total or partial, covering all or only some of the goods or services; where a trade mark includes a personal name, company name or trade name, the agreement must contain a specific clause addressing that transfer to be legally valid.

Copyright assignments are subject to stricter rules, reflecting the distinction between economic and moral rights. Moral rights remain with the author and cannot be transferred or waived, even where economic rights are assigned. All copyright transfers must be in writing, and a total and permanent transfer of economic rights is only valid if executed by public deed.

Partial transfers must precisely define the rights granted and their duration, territorial scope and price, and the signatures must be notarised. If a temporary transfer does not specify a duration, the law presumes a maximum term of 25 years, or ten years for photographic works or works of applied art.

5.7 Data in Sport

In Portugal, sports data is now a core part of how sports are managed and commercialised. Teams and sports bodies use GPS wearables, inertial sensors and heart-rate data to monitor training load, manage fatigue, reduce injury risk and guide return-to-play decisions, with this approach firmly embedded at an elite level.

The Portuguese Football Federation and leading clubs such as Benfica, Sporting and FC Porto combine this

physical data with video data to drive tactical analysis, opposition scouting and player recruitment, often through long-term partnerships with specialist analytics providers.

At a competition level, data is also used to protect integrity through monitoring betting patterns and match incidents, while spectator data from apps, ticketing and memberships underpins personalised fan engagement, customer relationship management (CRM) and improved matchday experiences, with clubs and other sports bodies investing heavily in digital platforms.

Emerging uses include instrumented equipment such as sensor-enabled match balls that create new real-time data feeds for broadcast and fan products, alongside the extensive use of statistics for media storytelling and sponsor valuation. Commercially, these developments create opportunities to:

- sell integrated performance and analytics solutions to clubs and academies;
- license tracking and event data to media, sponsors and betting markets;
- grow fan lifetime value through personalised digital services;
- provide integrity and compliance products;
- deploy smart-venue analytics; and
- offer consulting and training as Portuguese sports organisations continue to build internal data expertise.

5.8 Data Protection

In Portugal, sports data is governed primarily by the GDPR, supplemented by Law No 58/2019 and enforced by the Portuguese Data Protection Authority.

Much of the data used in sport – especially health, biometric and performance data collected through wearables and medical systems – qualifies as special category personal data, requiring a clear lawful basis, strict minimisation and security measures, and respect for individual rights such as access and deletion.

In practice, the GDPR has reshaped how sports organisations operate. One notable example is the

approach taken by the Portuguese football club Benfica, which redesigned its digital platforms and fan databases to make consent management explicit, allowing supporters to separately opt in or out of marketing, profiling and sponsor communications. This resulted in smaller but higher-quality datasets, with clearer proof of consent and increased trust, while limiting aggressive data monetisation.

Moreover, there has also been an effort from sports bodies in defining whether they act as data controllers or processors in their digital services, clarifying responsibilities between the league, clubs and technology providers when sharing data with broadcasters and sponsors.

6. Dispute Resolution

6.1 Role of National Court Systems

Athletes and clubs may challenge a disciplinary sanction rendered by the disciplinary council of a sports federation before the Portuguese Court of Arbitration for Sport (TAD), which was created by Law No 74/2013 of September 6th.

The final decisions of professional league bodies or other sports entities, as well as the deliberations of the disciplinary council or the decisions of the justice council of the sports federations, when issued in appeals against the deliberations of a federative body other than the disciplinary council, can also be challenged before the TAD.

However, whenever the resolution of issues arising from the application of technical and disciplinary rules directly concerning the practice of the sports competition itself is at stake, the disciplinary council's decisions may only be appealed to the justice council. Access to judicial or arbitration courts for the resolution of such issues is forbidden.

As regards the definition of issues arising from the application of technical and disciplinary rules directly concerning the practice of the sports competition itself, a teleological criterion of the function of the rules should prevail. Decisions regarding the application of rules concerning the actual practice of the sport

can only be challenged before the sports federation bodies; those rules governing aspects of the sport beyond its practice and that have a framing function in relation to public interests that are to be maintained and assured cannot be considered technical or disciplinary.

The decisions rendered by sports governing bodies within the scope of their private law competence can be challenged before the civil state courts.

6.2 ADR Mechanisms

As mentioned previously, the TAD was created by Law No 74/2013 and became effective from 1 October 2015. Its jurisdiction extends only to disputes arising after 1 October 2015, unless the parties specifically agree otherwise, and it operates in two spheres: compulsory arbitration and voluntary arbitration.

Within the scope of compulsory arbitration, the TAD has exclusive jurisdiction to resolve disputes arising from acts and omissions of sports federations, professional leagues and other sports entities, within the scope of the exercise of its corresponding powers of regulation, organisation, direction and discipline.

In the context of voluntary arbitration, all disputes directly or indirectly related to the practice of sports, which according to the general Law on Voluntary Arbitration are arbitrable, may also be submitted to arbitration before the TAD. The arbitrability criteria set out in the Law on Voluntary Arbitration consider the economic nature of the dispute.

Disputes arising from sports employment contracts concluded between athletes or coaches and agents or sports bodies may be subject to voluntary arbitration. Conversely, issues arising from the application of technical and disciplinary rules directly concerning the conduct of a sports competition itself may not be submitted to arbitration before the TAD.

The voluntary arbitration agreement must be made in writing. It can be concluded in the form of an arbitration clause, an arbitral compromise or by means of a statutory clause of the relevant sports governing body.

Decisions of the TAD rendered in compulsory arbitration proceedings may be appealed to the relevant central administrative court. On the other hand, the decisions rendered by the TAD in voluntary arbitration proceedings are not appealable, except before the Constitutional Court. Under certain circumstances (eg, where the content of the decision offends the principles of the Portuguese State regarding international public order), parties may request the annulment of an arbitral decision before the common courts.

According to Law No 74/2013, state courts are not competent to render interim measures in sports arbitration cases. However, as interim measures must be rendered within five days, the law provides that, if the arbitral panel has not yet been constituted and thus a timely decision is not possible, the President of the Southern Central Administrative Court or the President of the Lisbon Court of Appeal is competent to render the interim measures requested before the TAD.

Within the scope of voluntary arbitration, the parties are also given the option of requesting that interim measures be rendered by an emergency arbitrator in cases of special urgency. The emergency arbitrator will be appointed from among the TAD's arbitrators by the President of the TAD within two days of the submission of the request.

6.3 Sanctions, Remedies and Challenges

An arbitration award rendered by the TAD has the same enforceability as a decision rendered by the state courts. Therefore, the arbitration award may be enforced before state courts. The party seeking enforcement must provide the original award or a certified copy thereof and, if it is not in Portuguese, a certified translation into that language.

The enforcement of an arbitral award may be challenged on any of the grounds for annulment of a decision, such as that:

- the proceedings violated the principle of adversarial proceedings or the principle of equality of the parties, with a decisive influence on the outcome of the dispute;

- the award was made for a dispute not covered by the arbitration agreement or contained decisions that went beyond the scope of the agreement;
- the arbitral court awarded a higher amount than the amount claimed or made an award on a matter other than the matter claimed, or considered matters that it should not have considered; and
- the content of the award violated the principles of international public policy of the Portuguese State.

7. Employment Contracts and Rights

7.1 Sports-Related Employment Contracts

In Portugal, the relationship between sports organisations and professional players is generally structured as an employment relationship, with athletes classified as employees under Law No 54/2017, supplemented by the Labour Code.

Contrary to the general rule set out in the Labour Code, athletes' employment contracts must be made in writing and are subject to mandatory registration with the relevant sports federation. The law requires these contracts to identify the parties, specify remuneration, define the sporting activity, and indicate the start date and duration. Contract terms are usually limited to a minimum of one sports season and a maximum of five seasons, reduced to three seasons for minor athletes.

An athlete's employment contract may be terminated in the following situations:

- expiry of the contract;
- termination by mutual agreement;
- termination for cause (by the club or by the athlete);
- termination without cause (at the athlete's initiative);
- termination during a trial period; and
- collective dismissal.

In the event of termination for cause, the party that causes the termination or that has unduly promoted it must indemnify the counterparty for the value of the remuneration that the athlete would have been due if the employment contract had been terminated at its

term. A higher level of compensation is possible, however, where the injured party proves that the damage suffered is of a higher amount.

Athletes are free to terminate the contract without cause, subject to payment to the employer of compensation fixed for that purpose (termination clause). In this context, salary caps are not common.

On another note, there is no sport-specific competition law regime in Portugal, so general national and EU competition rules apply, including the Portuguese Competition Act and Articles 101 and 102 of the Treaty on the Functioning of the European Union. Issues such as restraints of trade and anti-competitive conduct are assessed under these frameworks, with particular scrutiny on no-poach agreements between clubs by the Portuguese Competition Authority.

7.2 Employer/Employee Rights

In Portugal, employer–employee rules apply to sports governing bodies and sports organisations through a layered legal framework that combines specialised sports legislation, general labour law and sector-specific dispute mechanisms. Rules and regulations issued by international or national sports governing bodies may be incorporated into athletes' contracts, but only in so far as they comply with mandatory provisions of Portuguese law; any contractual or regulatory clause that conflicts with statutory labour protections will be invalid.

Portuguese law also allows employment conditions in sport to be shaped through collective bargaining agreements, provided that these agreements grant athletes more favourable conditions than those established by statute.

In this context, sports governing bodies may incur liability when acting as employers or when exercising public or regulatory powers, such as disciplinary or supervisory functions. In such cases, federations are solely liable for damage caused by acts involving slight fault committed by their employees or agents, and are jointly and severally liable with the individual concerned where the act involves intent or serious fault. This framework ensures that sports governing bodies remain subject to core employer obliga-

tions and accountability standards under Portuguese employment law.

An example of the latter is the Portugal League “no-poach” dispute (footballers’ employment contracts). In April 2020, the Portuguese Professional Football League and the First and Second League football clubs adopted a rule/understanding that no club would hire a player who unilaterally terminated their employment contract citing COVID-19 impacts, effectively restricting players’ ability to obtain new employment. The Portuguese Competition Authority intervened, ordering the league to immediately suspend the measure (precautionary measure, 25 May 2020); it later issued a sanctioning decision finding an unlawful restriction of the labour market, and fined the league and 31 clubs.

7.3 Free Movement of Athletes

In Portugal, governing bodies are largely prevented from imposing caps on the number of foreign athletes competing in sports tournaments due to a combination of constitutional, labour, EU and competition law principles. As a member state of the EU, Portugal is bound by the EU principle of free movement of workers, which prohibits restrictions based on nationality for EU and European Economic Area (EEA) athletes.

Consistent with the foregoing, Portuguese labour law forbids limiting access to employment or professional activity on the grounds of nationality, meaning that rules restricting participation by foreign athletes would generally be unlawful. Thus, any attempt by a sports governing body to introduce nationality-based quotas could be challenged under Portuguese and EU competition law, particularly where such measures restrict competition or the free movement of workers.

For athletes from outside the EU, participation is not limited by sporting quotas as such, but by immigration and visa requirements. Non-EU athletes must hold an appropriate residence visa or residence permit for professional activity, typically linked to an employment contract with a Portuguese club or organisation.

Sports organisations usually act as sponsors in the immigration process, and compliance with immigration law is required before the athlete can work

and compete in Portugal. Once lawful residence and work authorisation are granted, non-EU athletes are not subject to nationality-based participation caps under Portuguese law, although practical limitations may arise from immigration procedures and timelines rather than from sporting regulations themselves.

8. Women’s Sport

8.1 Development and Growth of Women’s Sport

Women’s sport has developed and grown over recent years in Portugal. Specifically in football, the Portuguese sports federations and the Portuguese sports companies have been increasingly investing in this modality.

In June 2024, recognising the physical, psychological and social differences between male and female players, the Portuguese Football Federation internally adopted with immediate effects the several amendments to the Regulations on the Status and Transfer of Players made by FIFA in May 2024, which aim to extend the rights of female players in terms of maternity and well-being.

Among the measures adopted by FIFA and transposed into the Portuguese context is the clarification of the rights of players in the event of maternity, reiterating that players who become pregnant during the term of their employment contract have the right to:

- continue to provide their professional activity and receive their full remuneration;
- request the provision of alternative services to sporting activity; and
- take paid sick leave in the event of medical complications associated with pregnancy (which includes early termination of pregnancy).

As for statistics, women’s football has successively broken attendance records, most notably the match between SL Benfica and Sporting CP on 26 March 2023, which attracted more than 27,000 spectators at the Estádio da Luz, as well as the Super Cup Final on 13 September 2023, which achieved an average television audience of 1.045 million viewers and was

the most-watched television programme in Portugal on that day.

The growing attractiveness of women's football is also evidenced by the increasing interest of major Portuguese free-to-air and sports broadcasters in acquiring broadcasting rights to women's football competitions, as well as by high-profile international transfers, such as Kika Nazareth's move from SL Benfica to FC Barcelona, which significantly increased media exposure and commercial interest in Portuguese women's football.

8.2 Organisations and Initiatives to Promote Women's Sport

In Portugal, the development of women's sport is mainly promoted through public policy and federation-led initiatives.

The Portuguese Institute for Sport and Youth (IPDJ) supports women's sport through funding programmes and equality measures aimed at increasing participation at grassroots and youth levels. National sports federations – particularly the Portuguese Football Federation – have implemented specific strategies to develop women's competitions, youth pathways and club structures, including licensing requirements and financial incentives for clubs with women's teams. These initiatives are complemented by broader gender equality programmes and public funding schemes, which seek to accelerate the sustainable growth of women's sport at a local level.

9. Esports

9.1 Development and Growth of Esports

Esports in Portugal have undergone an exponential evolution in recent years, with the emergence of numerous athletes, clubs, coaches, event organisers, specialised media, several enthusiast communities, and several national and international competitions and events. In fact, Portuguese players are in 22nd place in the earnings ranking.

Despite the exponential development of the economy of esports in Portugal, it is still a severely underregulated sector of the sports industry. In fact, esports is

not formally recognised as a sport in Portugal, which means that sports legislation and specific regulations do not apply to esports.

9.2 Key Trends and Notable Deals in Esports

Portugal was one of the first countries to have a football federation embrace an esports section, in 2017. The esports section of the Portuguese Football Federation counts alongside football teams licensed for online competitions but also includes the presence of clubs specifically created for online competitions.

In 2025, the Portuguese Football Federation inaugurated the Diogo Jota Arena, which is dedicated to virtual football.

Traditional sports clubs are also deepening their presence in esports. Recently, Sporting CP partnered with Spanish esports organisation DUX Gaming, forming competitive teams in titles such as EA Sports FC, and expanding into women's esports and racing esports through a partnership with Williams Sim Racing.

10. NFTs, AI and the Metaverse

10.1 Non-Fungible Tokens (NFTs)

The current NFT market in Portugal reflects a broader global transition. Early phases were driven largely by scarcity and speculative demand, but the market has since shifted as minting tools became cheaper, faster and widely accessible across major blockchains. Supply has increased significantly while demand has softened, leading to a decline in total sales value and making it more difficult for buyers to distinguish between genuinely valuable digital assets and mass-produced NFTs. As a result, NFTs' value increasingly depends on brand strength rather than novelty alone.

Within the sports industry, Portuguese organisations and sponsors continue to use NFTs primarily as tools for digital exploitation and fan engagement. Clubs and leagues license assets to platforms such as Sorare and socios.com. As an example, RealFevr has developed NFTs based on moments from the Portuguese football league for use in its game ecosystem.

Sports organisations also issue NFTs linked to specific match events, such as goals or rare plays, and brands deploy NFT-based campaigns aimed at strengthening fan loyalty and engagement around teams and competitions.

The main opportunities associated with NFTs lie in:

- the creation of new revenue streams from pre-existing audiovisual and branding assets;
- the ability to embed automatic royalty mechanisms through smart contracts for secondary market transactions;
- enhanced security and authenticity through blockchain technology; and
- the global exploitation of sports content beyond traditional broadcast windows.

However, several risks persist. There remains legal uncertainty regarding the precise legal nature of NFTs, alongside potential conflicts over player image rights and the allocation of remuneration between collective and individual uses.

10.2 AI

In Portugal, there is no sport-specific AI legislation; instead, the key regulatory framework is the EU Artificial Intelligence Act (the “AI Act”), which applies directly and is complemented by existing Portuguese laws on data protection, labour, consumer protection and IP.

In practice, sports organisations in Portugal are adopting AI primarily in functional and operational contexts. A clear example is the use of automated and AI-assisted video capture and performance analysis across competitions and national teams, notably through the partnership between the Portuguese Football Federation and Pixellot, which has been deployed across multiple venues and competitions.

At club level, AI is also being used for fan engagement and commercial purposes; for example, Benfica football club has introduced an immersive online store incorporating an AI assistant to support users within a three-dimensional retail environment.

More broadly, and particularly from a sponsorship perspective, AI tools are increasingly used for audience segmentation, campaign performance measurement, content optimisation, sentiment analysis and sponsor-alignment analytics, enabling clubs and leagues to convert match and digital engagement data into more precisely targeted and monetisable commercial offerings.

These developments create clear opportunities, including enhanced performance analysis workflows, scalable content generation, more sophisticated ticketing and customer-relationship management systems, and sponsorship packages that can be priced and evaluated with greater evidential certainty through improved measurement of reach, engagement and conversion.

The main challenges arise at the legal and governance level. Data protection is a central concern, as the use of wearables, extensive video capture, biometric-type data and fan profiling can quickly become intrusive if not grounded in a valid legal basis and supported by robust minimisation, retention and transparency measures.

Other risks relate to regulatory classification under the EU AI Act, as certain sports-related uses – such as biometric identification for stadium security or AI systems influencing recruitment or scouting decisions – may fall within regulated or high-risk categories, triggering additional compliance, documentation and oversight obligations.

Further issues arise in relation to IP and brand protection, particularly where generative AI is used to create content or simulate player likenesses, potentially giving rise to ownership disputes, personality rights claims or conflicts with existing sponsorship arrangements.

10.3 The Metaverse

In Portugal, the metaverse established itself primarily through practical applications in sectors such as banking and finance. Notable initiatives include *A Caixa no Metaverso*, which was recognised for its user-experience-focused approach, and the integration of immersive environments at major technology events such as

the Portugal Digital Summit and Evolve; furthermore, BPI's project – the first Portuguese bank branch in virtual reality – added a floor entirely dedicated to a virtual football stadium in partnership with the Portuguese Football Federation, offering immersive experiences, interactive content and remote contact with account managers.

At the same time, virtual football gained significant momentum in the 2025/2026 season, with the Portuguese Football Federation developing a broad competitive ecosystem encompassing individual circuits, club competitions, district, university and women's championships, community tournaments and expansion into multiple esports titles, reinforcing the role of the metaverse and immersive technologies as drivers of innovation.

The metaverse offers opportunities for deeper user engagement, global reach and new revenue streams through immersive experiences, virtual goods and innovative sponsorship models. However, it also presents risks, including legal uncertainty around data protection and IP rights, high investment costs with uncertain adoption, and reputational concerns if users perceive experiences as intrusive, unsafe or driven by hype rather than value.

Trends and Developments

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Sérvulo & Associados is a leading Portuguese full-service law firm with 25 years' experience and a multidisciplinary team of over 120 lawyers. The firm's legal expertise, rooted in academic research and practical know-how, enables it to provide innovative, tailor-made solutions to major private and public entities across Portuguese-speaking markets. Based in Lisbon, Sérvulo ensures comprehensive international coverage through strategic global partnerships, the Sérvulo Latitude network, membership of international law firm alliances and dedicated foreign

desks. Sérvulo plays a key role in sports law, offering a cross-disciplinary legal approach across contract, labour, commercial, administrative and tax law. The firm has extensive experience in advising athletes, administrators, clubs and federations, as well as event promoters, equipment manufacturers, investors, sponsors and media outlets. Sérvulo's team remains attuned to sector developments, providing comprehensive legal support tailored to the unique dynamics of the sports industry.

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In 2025, the most visible trends and developments involving the sports market in Portugal concern sports integrity, women sports, esports and commercialisation of sports events. Alongside developments on a national level, 2025 was marked by the creation of the Dutch foundation “Justice for Players” following the polemic decision of the European Court of Justice (ECJ) in the *Diarra* case, which could potentially cause an earthquake in European football.

Comprehensive Evaluation of the Portuguese Sports Legal Framework

2025 started with the announcement from the Portuguese government that it would initiate a review of the entire sports legal regime, with particular attention being paid to conformity with European Union (EU) law. This exercise reflects concerns about constitutional compatibility and alignment with EU standards. The evaluation is expected to result in substantial revisions to the legal framework governing sports federations, public oversight and the balance between national regulation and EU law.

Sports Federations Framework

The announcement referred to above was preceded by a decision rendered by the Tribunal Arbitral do Desporto (TAD) that declared the unconstitutionality of one provision of the sports federation statutory framework (Article 62 (2) of the Legal Framework of Sports Federations (RJFD)).

Specifically, the TAD was called to review the validity of the decision of the Portuguese Automobile and Karting Federation (FPAK) to not award the title of national champion to the driver Kris Meeke, of Irish nationality. Despite having obtained the highest num-

ber of points throughout the Portuguese Rally Championship, the title was not awarded to Kris Meeke on the grounds that the conditions for the recognition of titles set out in the aforementioned provision were not fulfilled. This is because, under national legislation, two cumulative conditions must be established for the awarding of national or regional titles in individual sports disciplines organised by, or under the authority of, sports federations:

- that the competitions are contested by clubs or sports companies headquartered in national territory; and
- that the athlete is a national citizen.

The TAD decided to order the awarding of the national champion title to the athlete Kris Meeke, stating that the decision adopted by the FPAK was discriminatory and unconstitutional, as it violated the principle of equality between Portuguese citizens and foreign citizens enshrined in the Portuguese Constitution.

The Public Prosecutor’s Office lodged an appeal against this decision before the Constitutional Court, which, in November 2025, dismissed the appeal on the grounds that it would be devoid of purpose, since the TAD’s decision was already grounded in EU law – thereby confirming Kris Meeke as the 2024 Portuguese Rally Champion. Although the case has now been concluded, this is not the first instance in which the aforementioned provision has been declared unconstitutional, leading to the annulment of federation decisions adopted in accordance with that provision.

Expansion of Collective Sport Modalities List

A new administrative order (Despacho 14366/2025, 3 Dec 2025) updated the official list of recognised collective sports disciplines for purposes of public policy and federation recognition. Notably, ultimate frisbee was added to the list of recognised collective sports alongside traditional activities such as football, basketball and volleyball, reflecting legal recognition of emerging sports. This administrative change has implications for funding eligibility, federation status and official sport development programmes.

Sports Integrity

Although enacted in January 2024, the law establishing the legal regime for sporting integrity and combating unsporting conduct continued to underpin legal responses to corruption, match fixing and fraudulent betting in 2025. It harmonises criminal and disciplinary rules and introduces frameworks for national oversight of competition integrity. This regime remains critical in 2026 as enforcement actions increasingly intersect with criminal investigations and regulatory sanctions.

Financing and Public Security at Sporting Events

In March 2025, Decree-Law No 25/2025 introduced amendments to the legal framework governing the distribution of revenues from social betting and the policing of sports events. It revised the financial distribution of net results from social gaming (operated by Santa Casa da Misericórdia de Lisboa) and updated responsibilities for policing costs at sports events. These changes affect how policing costs are funded and how revenues linked to gaming are allocated, with direct impact on public budgets and event organisers.

Esports

Esports was a trending topic in Portugal during 2025, with several politic parties discussing the need to regulate esports and to recognise it as a sport. Esports in Portugal has undergone an exponential evolution in recent years, with the emergence of numerous athletes, clubs, coaches, event organisers, specialised media, several enthusiast communities, and several national and international competitions and events. In fact, Portuguese players are at 22nd place in the earnings ranking.

Portugal was one of the first countries to have a football federation embrace an esports section in 2017. The esports section of the Portuguese Football Federation counts alongside football teams licensed for online competitions but also includes the presence of clubs specifically created for online competitions.

In 2018, one of the first esports associations in Portugal was created – the Portuguese Federation of Electronic Sports.

Despite the exponential development of the economy of esports in Portugal, it is still a severely underregulated sector of the sports industry.

Commercialisation of Sports Events

As with other country members of the EU and the World Trade Organization (WTO), the Portuguese jurisdiction allows for exploitation of patents, trade marks, merchandising, copyrights, broadcasting rights, sponsorship and image rights.

The owner of the above-mentioned rights varies depending on the type of sport in question. For example, in futsal and hockey, the respective sports federations are the exclusive owners of the merchandising, copyrights, broadcasting rights, sponsorship and image rights of all matches played in the various competitions. Therefore, the commercialisation of these rights is undertaken by the sports federations, which can transfer or license the rights through written agreements.

Conversely, in football, the ownership of television and multimedia broadcasting rights for matches in the first and second national leagues for men's football belongs to the sports clubs or sports companies who participate in these competitions. Although currently Portuguese sports clubs in professional competitions sell these rights individually, as of the 2028/2029 sports season, such rights will have to be jointly sold in terms to be defined by the Portuguese Football Federation by the end of the 2025/2026 sports season, subject to approval by the Portuguese Competition Authority, as set out in Decree-Law No 22-B/2021 of March 22nd.

Following the entry into force of Decree-Law No 22-B/2021, the Portuguese League created Liga Cen-

tralização, an entity dedicated to studying, defining, proposing and supporting before any public or private entity the model for centralised marketing of the referred rights.

The option for a centralised marketing model for television and multimedia rights is justified by the fact that the individualised marketing model currently adopted in Portugal allegedly promotes greater discrepancy between the various clubs in the League, in so far as it channels the main revenues to larger clubs – which, due to their larger fanbase, receive larger bids for the marketing of their rights – to the disadvantage of smaller clubs.

Although this model may be claimed to be less attractive to larger clubs, based on the example of the main European leagues, the expectation is that it will tend to generate economic advantages for all clubs in the first and second leagues, regardless of their size. With a better and more equitable distribution of the total value of television revenues, smaller clubs will have more capacity to invest in strengthening their teams, generating greater internal competitiveness, which is expected to make the competition more attractive and create an increase in other sources of revenue.

The comparative experience of other countries also suggests that the transition to a centralised marketing model will generate advantages for sports channels and fans, in so far as it will make it possible to make a wider range of sports content available more regularly, in line with consumer preferences.

Diarra Effect and Justice for Players

It would be impossible to discuss recent sports developments without referencing the creation of the Dutch foundation “Justice for Players”.

On 4 October 2024, the ECJ ruled that some of FIFA’s players’ transfer rules were incompatible with EU law, in the famous *Diarra* case. The background of the case is as follows.

- Lassana Diarra, a French football player, entered a sports employment agreement with club FC Lokomotiv Moscow.

- After one year, the club terminated the contract due to alleged contractual breaches and filed a claim for compensation before FIFA’s Dispute Resolution Chamber, claiming breach of the contract and termination without cause, as stated in Article 17 of FIFA’s Regulations on the Status and Transfer of Players (RSTP). The claim was upheld.
- Following the termination, the player received an offer by club Royal Charleroi, under the conditions that:
 - (a) Diarra could be registered and play in the club’s first team in all FIFA, UEFA and Belgian Football Association organised competitions; and
 - (b) no compensation was due by Royal Charleroi to Lokomotiv Moscow.
- Given that the player could not fulfil those conditions, he missed this opportunity.
- Consequently, the player brought the matter before the Belgian courts in 2015 and argued that Article 17 of the RSTP did not comply with EU law, specifically with the principle of free movement of workers.
- The Belgian courts upheld the claim, and FIFA appealed that decision to the ECJ.

On October 2024, the ECJ deemed that Article 17 (1) of the RSTP did not comply with the EU principle of free movement of workers, as foreseen in Article 45 of the Treaty on the Functioning of the European Union (TFEU), in so far as, by foreseeing the joint and several liability of the new club for the payment of compensation for breach of contract owed by the professional player to his former club in the event of early termination of the contract without just cause, such provision was likely to discourage or dissuade clubs from signing the player for fear of exposure to a financial risk.

The ECJ also concluded that this rule unjustifiably restricted the free competition imposed by EU law (Article 101.º of the TFEU), as it restricts the employment of players in this situation and puts them in an unfavourable position vis-à-vis the other players.

Following the ECJ’s decision, FIFA opened a global dialogue on Article 17 of the RSTP and suspended all disciplinary proceedings related to the application of that provision.

In December 2024, FIFA adapted its transfer regulations on an interim basis, with immediate effects in the January 2025 transfer window. The key temporary changes were as follows.

- Compensation payable by a player to their former club in the event of termination without just cause is to be calculated taking into account the damage suffered, having regard to the individual circumstances of each case, and with due consideration for the law of the country concerned (the previous rule was that compensation was to be calculated with due consideration for the law of the country concerned, the specificity of sport and any other objective criteria).
- The new club of the player in the event of termination without just cause will only assume such liability if it is proven that it induced the unlawful termination (the original rule provided that the new club was automatically liable).
- The application of sporting sanctions to the new club depends on the former club proving that the new club induced the breach of contract (before the new club was presumed to have induced the breach of contract).
- The former club's national association cannot reject the issuance of the International Transfer Certificate (ITC) (the original rule provided that the national association of the former club was able to withhold the ITC if there was a dispute over the termination of the playing contract).

Motivated by this decision, in August 2025 the Dutch foundation “Justice for Players” initiated a class action lawsuit against FIFA and several national football associations (Netherlands, France, Germany, Belgium and Denmark) on behalf of former and current professional male and female football players who have played for clubs in EU member states and the United Kingdom since 2002. The claim is based on the alleged incompatibility of international transfer rules with EU law, which is claimed to have led, on average, to losses of approximately 8% of career earnings for professional male and female football players since 2002.

The action will be adjudicated by the District Court of Midden-Nederland, and the potential class includes up to 100,000 athletes across the EU and the United

Kingdom, with total compensation claims amounting to several billion euros.

Under Dutch law, all players who have suffered losses and reside in the Netherlands are automatically included in this legal action, unless they submit an opt-out declaration indicating that they do not wish to participate. Players who do not reside in the Netherlands but have played for or been transferred to or between European clubs between 2002 and the present date may join the class action under an opt-in system.

The filing of this class action represents a landmark development in the legal evolution of professional football, placing FIFA under direct scrutiny and exerting pressure to implement structural reform of the international transfer system, which will naturally have consequences in the Portuguese sports market as well.

The Seraing Case

In August 2025, another relevant development in the sports market came from the ECJ: a decision was issued on the *Seraing* case, which may revolutionise sports arbitration.

The *Seraing* case originated in a contract entered into by a Belgian football club, Royal Football Club Seraing, with Doyen Sports, for the transfer of the economic rights of several football players. FIFA's disciplinary committee found that this arrangement breached the FIFA rules on third-party ownership (TPO) prohibition, and imposed certain disciplinary measures on the club, which were confirmed by the Court of Arbitration for Sport (CAS) and by the Swiss Federal Supreme Court.

Following the CAS's decision, Doyen Sports filed a complaint presented before the Belgian courts claiming that FIFA's TPO prohibition implemented by UEFA and *La Union Royale Belge des Sociétés de Football Association* was not valid. The Belgian courts declined jurisdiction on the basis that Belgian law attributes the force of *res judicata* to certain types of commercial arbitration awards, including CAS awards.

The claimant appealed the decision to the Belgium *Cour de Cassation*, which referred the matter for a

preliminary ruling of the ECJ on whether EU law precludes the application of such national provisions to an arbitral award that has been reviewed solely by a court of a state that is not a member state of the EU (ie, Switzerland).

The ECJ decided that direct access to a full judicial review by a national court against any and all rules of EU law must be available to EU sport actors that are subject to FIFA's system of dispute settlement, and therefore concluded that a final CAS award issued by a state that is not an EU member state shall be subject to review by a court of a member state on compliance with EU law.

The decision reached by the ECJ was sustained on two grounds:

- FIFA's sports arbitration clauses are mandatory, which means that the parties did not freely accept to being subject to an arbitral award that cannot be reviewed; and
- unlike in civil and commercial arbitration, FIFA can enforce the arbitral award on its own without resorting to an enforcement proceeding, which means that it is highly unlikely that compliance of the decision with EU law would ever be analysed by a judicial court.

This ruling introduces a new paradigm in balancing sports autonomy, private arbitration and respect for the EU legal framework.

First, clubs, athletes and other sports stakeholders are now recognised as having an internal judicial avenue to challenge arbitral decisions rendered within bodies such as the CAS whenever rights or principles protected under EU law are at stake.

Second, sports federations, including FIFA, will need to review any regulations that mandate exclusive arbitration at the CAS, with the risk that such decisions could be annulled or rendered unenforceable by national courts. The CAS itself may also be required to reconsider its procedural rules to ensure compliance with EU law.

Finally, the ruling has broader implications for sports arbitration in general. The fact that the CAS is based in Switzerland and that its decisions are traditionally regarded as final is no longer sufficient to confer "immunity" from the EU legal order. A practical effect may be an increase in litigation in member state courts, especially in sensitive areas such as transfer bans, disciplinary sanctions or, as in the present case, the prohibition of TPO.

The decision has thus revived the debate on the legality of FIFA's TPO ban, putting the issue back on the sports law agenda, while reaffirming that any restriction on an economic freedom must be subject to adequate scrutiny by EU courts under the Treaties. The ruling did not declare the TPO ban illegal, but it opened the door – and created legal tools – for its compatibility with EU law to be reassessed.

The *Seraing* case represents an earthquake in the worldwide sports ecosystem, with further consequences for the Portuguese case.

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