

## ATHLETES AT MAJOR GAMES AND SPORTS COMPETITIONS

### Marketing, Advertising Restrictions, Anti-Doping Rules and Safe Sport Principles

Athletes participating in major games and elite sports competitions are often subject to commercial constraints, regulatory requirements and integrity safeguards. This article examines sports events-related advertising and ambush-marketing restrictions, explains the principles governing the protection of event and athlete intellectual property against the backdrop of the evolution of Olympic Charter Rule 40, and deep dives into participation controls over athletes and officials. It also examines the manipulation of competition results, betting prohibitions, and anti-doping under the World Anti-Doping Agency Code, and their overlaps with national criminal laws. Safe sport frameworks and policies are also analysed, covering harassment and abuse prevention, reporting and investigation processes, protective measures, case management and sanctions.

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#### **I. Introduction**

1 In the previous article, the issues of eligibility, selection and qualification, conditions of participation and competition rules were

examined. This article will assess the complex and often contentious interplay between the interests of athletes and the legal frameworks designed to protect the commercial viability of major games and sports competitions, ambush marketing, advertising restrictions, the prohibition against results manipulation, the enforcement of anti-doping rules, and safe sport principles.

## II. Ambush marketing and advertising restrictions

2 Ambush marketing refers to the use of a variety of strategies to gain significant advertising and marketing benefits through unauthorised or unlicensed association, *ie*, without having to procure an official sponsorship. It involves the unauthorised exploitation by a non-sponsor of the goodwill of an event at the expense of the event's official sponsors and partners.<sup>1</sup> Often, the non-sponsor engages in strategic marketing at a major sports or other entertainment event (which is often televised to worldwide audiences) in order to attract consumer and media attention and create the false impression that the non-sponsor's brand is officially affiliated with the event when that is not the case. Ambush marketing activities are therefore financially damaging to those who pay huge sums of money to the event owners or organisers for the commercial rights to be the official sponsors and partners of the event, only to find that rival brand owners who do not pay for such commercial rights are nonetheless able to share in or even hog the event publicity and exposure through creative ways to associate themselves with the event.

3 High-profile sporting events, such as the Olympic Games, the *Fédération Internationale de Football Association* ("FIFA") World Cup (both the men's and women's editions), and the National Football League's ("NFL") Super Bowl, serve as prime targets for ambush marketing tactics due to their extensive global viewership and cultural significance. These events attract significant media attention and consumer engagement, creating lucrative opportunities for brands seeking to capitalise on the associated visibility without incurring the costs of official sponsorship. As a result, event owners and organisers have increasingly recognised the need to protect their sponsorship investments from the detrimental effects of ambush marketing.

4 In response to this challenge, some event owners have mandated that host countries enact specific legislation aimed at curbing ambush

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1 See, generally, Tony Meenaghan, "Ambush Marketing: Corporate Strategy and Consumer Reaction", (1998) 15 *Psychology and Marketing* 305; Denise Doust, "The Ethics of Ambush Marketing", *The Cyber-Journal of Sport Marketing*.

marketing practices. Such legislative measures are designed to safeguard the exclusivity of official sponsors and to maintain the integrity of the event's commercial framework. By establishing clear legal parameters, host countries can help ensure that brands engaging in ambush marketing do not undermine the financial contributions of legitimate sponsors, which are often critical to the successful execution and long-term viability of these major sports events.

5 According to the February 2024 report of World Advertising Research Centre's ("WARC") Global Advertising Trends, sports sponsorship and advertising spending will likely reach US\$61bn in 2024.<sup>2</sup> In its fourth-quarter report, WARC updated that the advertising spend is expected to rise by 10.7% in 2024, topping US\$1trn for the first time, and that this upward trend is set to continue in the following years.<sup>3</sup> Sponsorships provide a mutually beneficial arrangement for corporate businesses and sports events owners. In exchange for financial contribution to major sports events, brand owners are able to activate and commercially exploit their brands at the events, boosting the brands' market presence and driving revenue upwards. However, businesses that engage in ambush marketing undermine these arrangements by circumventing the need to pursue sponsorship or pay a marketing fee.<sup>4</sup> Owners and organisers of sporting events, particularly those that offer sponsors exclusivity in associating their brands with the events, must therefore proactively implement measures to address and mitigate the impact of ambush marketing activities in relation to their events. Given the limited duration of these events, the urgency of a swift response to any infringing marketing activities in order to uphold the exclusivity of sponsorship rights becomes even more critical, as delays or failure to take timely and effective enforcement action can significantly undermine the effectiveness of official sponsorships, and over time, diminish the overall value of the event and such sponsorships.

6 Increasingly, non-sponsors have turned to athletes competing in the sports events themselves to engage in ambush marketing to promote the brands of these non-sponsors. Well-known incidents of ambush marketing by athletes competing at sports events include Danish soccer player Nicklas Bendtner dropping his shorts at the 2012 Euro

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2 "Global Ad Trends: Sport Spending to Reach \$61bn This Year", WARC (7 February 2024) <<https://www.warc.com/content/feed/global-ad-trends-sport-spending-to-reach-61bn-this-year/en-GB/9126>> (accessed 2 November 2025).

3 "Global Ad Spend Outlook 2024/25 – Q4 2024 update", WARC <<https://page.warc.com/global-ad-spend-outlook-2024-25.html>> (accessed 2 November 2025).

4 "Game On: It's Time to Mind Intellectual Property Rights in Sport", *The Business Times* (25 April 2019) <<https://www.businesstimes.com.sg/opinion-features/columns/game-its-time-mind-intellectual-property-rights-sport>> (accessed 2 November 2025).

Championships to reveal the name of Paddy Power on his underpants,<sup>5</sup> British sprinter Linford Christie wearing contact lenses with the Puma logo during a press conference at the 1996 Atlanta Olympics,<sup>6</sup> and top athletes such as Michael Phelps and Tom Daley wearing complimentary Beats headphones during the 2012 London Olympics.<sup>7</sup>

7 In the case of Michael Jordan, who was a member of the US men's basketball "Dream Team" that won the gold medal at the 1992 Barcelona Olympics, the athlete had taken upon himself out of loyalty to his personal sponsor to avoid associating himself in his finest moment of sporting glory with another brand. That brand was Reebok, which had outfitted the USA teams at the Barcelona Games. In compliance with its contractual obligations to Reebok, the United States Olympic Committee had directed all members of the team to wear the official Reebok tracksuit when going up to the podium to receive their gold medals. Jordan reluctantly did so, but once on the podium, he proceeded to drape an American flag over his shoulder to hide the Reebok logo on his jacket.<sup>8</sup> Twenty-eight years later in his ESPN documentary "Last Dance", he revealed that he had deliberately placed the USA flag over his right shoulder to cover up the Reebok logo and had taken off and given away his Reebok jacket as soon as he came off the podium because he was a Nike athlete, and Reebok was at the time Nike's arch competitor in the athletic shoes market.<sup>9</sup>

8 Voluntarily giving publicity and media exposure to her personal sponsor at a major sporting event was also done by American steeplechaser Emma Coburn at the 2016 Rio Olympics. After Coburn had won a historic bronze medal in the women's 3,000m steeplechase race (the first ever for an American woman), she took off her sponsored New Balance spikes and draped them over her right shoulder as cameras

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5 Marcus Christenson, "Euro 2012: Nicklas Bendtner Told to Change Underwear for Germany Game", *The Guardian* (14 June 2012) <<https://www.theguardian.com/football/2012/jun/14/euro-2012-nicklas-bendtner-underwear>> (accessed 2 November 2025).

6 Patrick Barrett, "Advertising & Promotion: One in the Eye for Sponsors", *Campaign* (1 August 1996) <<https://www.campaignlive.co.uk/article/advertising-promotion-one-eye-sponsors/51259>> (accessed 2 November 2025).

7 Lorraine Carter, "Olympics Ambush Marketing Winner Goes to ... Dr Dre. Beats", *Persona Design* (13 September 2012) <<https://www.personadesign.ie/olympics-ambush-marketing-winner-goes-to-dr-dre-beats/>> (accessed 2 November 2025).

8 Colby Faria, "The U.S. Flag Michael Jordan Used to Cover Reebok Logo During Olympics Ceremony Sells for Over \$1 Million", *247Sports* (9 November 2024) <<https://247sports.com/Article/the-us-flag-michael-jordan-used-to-cover-reebok-logo-during-olympics-ceremony-sells-for-over-1-million-239372315/>> (accessed 2 November 2025).

9 "The Ultimate Symbol of Michael Jordan's Loyalty to Nike? A Reebok Jacket", *Sotheby's* (20 June 2023) <<https://www.sothebys.com/en/articles/the-ultimate-symbol-of-michael-jordans-loyalty-to-nike-a-reebok-jacket>> (accessed 2 November 2025).

zoomed in on her right side, allowing her sponsor's logo underneath and on the side of her spikes to be captured by hundreds of photographers and be visible on television broadcasts.<sup>10</sup> As she did not remove or cover up Team USA's sponsor logos on her track apparel, and was free to wear non-uniform items like competition shoes, she did not violate any International Olympic Committee ("IOC") prohibitions against ambush marketing, but yet still managed to get worldwide media attention to her personal sponsor's branding.

9 Alternatively, non-sponsors may also strategically feature athletes about to or who are participating in major sporting events in their advertising campaigns or social media promotions, highlighting their performances or achievements, or sending them best wishes or congratulatory messages. Some well-publicised examples of such campaigns include Nike's brilliant "Airport 98" commercial,<sup>11</sup> featuring the Brazilian World Cup team juggling a football from the time the players checked in at the airport to the time they boarded the plane – presumably bound for the 1998 World Cup in France, and the founder of the eponymous Chinese sportswear brand Li Ning circling the Beijing Bird's Nest stadium whilst suspended in mid-air with the Olympic torch in hand and lighting the Olympic cauldron at the opening ceremony of the 2008 Beijing Olympics,<sup>12</sup> in the process of which the Li Ning brand received a good ten minutes of free worldwide television publicity. In both cases, the hapless Adidas was the official sponsor that was ambushed.

10 Dealing with ambush marketing activities therefore requires a combination of the enactment of specific anti-ambush marketing legislation, the application of intellectual property laws such as trade mark, passing off and copyright laws, and the imposition of contractual obligations such as in the terms of participation in sports events and the regulations of sports governing bodies and event organisers.

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10 Taylor Dutch, "During Rule 40 Blackout, Emma Coburn Showcases New Balance on Olympic Stage", *Flotrack* (16 August 2016) <<https://www.flotrack.org/articles/5054575-during-rule-40-blackout-emma-coburn-showcases-new-balance-on-olympic-stage>> (accessed 2 November 2025).

11 FourFourTwo Staff, "Inside the Greatest Ad EVER: Nike's Brilliant 1998 Brazil Airport Commercial – By Those Who Made It", *FourFourTwo* (7 June 2018) <<https://www.fourfourtwo.com/features/inside-greatest-ad-ever-nikes-brilliant-1998-brazil-airport-commercial-those-who-made-it>> (accessed 2 November 2025).

12 Chi-Chu Tschang, "Olympic Ambush Heats Up Li Ning-Adidas Rivalry", *Bloomberg* (12 August 2008) <<https://www.bloomberg.com/news/articles/2008-08-11/olympic-ambush-heats-up-li-ning-adidas-rivalrybusinessweek-business-news-stock-market-and-financial-advice>> (accessed 2 November 2025).

### A. *Specific anti-ambush marketing legislation*

11 The enactment of specific anti-ambush marketing legislation by host countries and cities for major sporting events is largely driven by event owners desiring to protect the value of their official sponsorships. Sports property owners such as the IOC and FIFA have thus required cities or countries bidding to host their respective sports events – the Olympic Games and the Football World Cup – to pass laws and implement tailored legal frameworks designed to protect the rights of official sponsors and maintain the integrity of the event. Some examples of specific anti-ambush marketing legislation which have been enacted in response to these requirements include the Major Sporting Events (Indicia and Images) Protection Act 2014<sup>13</sup> in Australia, the London Olympic Games and Paralympic Games Act 2006<sup>14</sup> and the Birmingham Commonwealth Games Act 2020<sup>15</sup> in the UK, the Olympic and Paralympic Marks Act<sup>16</sup> in Canada, and the General Law of the World Cup in Brazil.<sup>17</sup>

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13 (Cth). This Act is a federal legislation which seeks to prevent ambush marketing by prohibiting unauthorised commercial use of indicia (symbols, logos, and images) associated with major sporting events set out in the Schedule to the Act. The Schedule can be amended to include each new major sporting event that is hosted in Australia, including the 2015 Asian Football Confederation Asian Cup, the 2022 ICC T20 World Cup and the 2023 FIFA Women's World Cup <[https://classic.austlii.edu.au/au/legis/cth/consol\\_act/mseaipa2014493/](https://classic.austlii.edu.au/au/legis/cth/consol_act/mseaipa2014493/)> (accessed 2 November 2025).

14 (c 12) (UK). This Act created the London Olympics Association Right which prevents unauthorised association between the 2012 London Olympic Games and people, goods, or services <<https://www.legislation.gov.uk/ukpga/2006/12/contents/enacted>> (accessed 2 November 2025).

15 (c 10) (UK). This Act prohibited unauthorised association with the 2020 Commonwealth Games in Birmingham, restricted advertising and trading near the Games venues, and made Games ticket touting an offence <<https://www.legislation.gov.uk/ukpga/2020/10/contents/enacted>> (accessed 3 November 2025).

16 SC 2007, c 25. This Act was introduced in Canada in time for the 2010 Winter Olympic Games, and prohibits any person during the prescribed period from using in connection with a business, any Olympic or Paralympic mark or a mark that so nearly resembles an Olympic or Paralympic mark as to be likely to be mistaken for it. Schedule 3 of the Act sets out a list of expressions that, if used, will amount to engaging in ambush marketing. Significantly, s 6 of the Act lowers the threshold for obtaining injunctive relief against ambush marketers, removing the requirement for an ambushed party to prove that it will suffer irreparable harm.

17 No 12.663/2012. This law criminalised ambush marketing in connection with the 2013 FIFA Confederations Cup and the 2014 FIFA World Cup, gave FIFA the right to seek legal action against companies that engaged in ambush marketing, and protected the official partners and sponsors of these events <[https://www.planalto.gov.br/ccivil\\_03/\\_ato2011-2014/2012/Lei/L12663.htm](https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2012/Lei/L12663.htm)> (accessed 3 November 2025).

## **B. Intellectual property laws**

12 The use of intellectual property laws to protect the commercial rights of sports event owners and organisers as well as their official sponsors and partners is often the alternative option to rely upon when no event-specific anti-ambush marketing laws are passed for one reason or other. This is invariably the case with regional major games such as the Southeast Asian (“SEA”) Games and the Asian Games, and even in some editions of the Commonwealth Games. Effective legal protection against unauthorised use and exploitation of intellectual property and commercial rights is pivotal to safeguarding the commercial value and viability of such events. Event trade marks serve as identifiers of brand origin and quality assurance, while passing off laws are often used in common law jurisdictions with no specific anti-ambush marketing legislation to address ambush marketing by association at major sports events. Copyright in broadcasts and audio-visual recordings of sports events and event-related non-sporting performances such as the opening and closing ceremonies and musical acts at fan festivals may be commercially exploited to obtain lucrative secondary revenue streams for the event owner and organiser. Unauthorised use of such intellectual property not only undermines such revenue streams, but also poses significant financial risks to the commercial viability of the staging of the event. This can in turn lead to diminished brand equity, loss of sponsorship and broadcast revenue, and potential legal battles that distract from the primary focus of the event owners and organisers.

13 Under the Singapore National Olympic Council (“SNOC”) Team Membership Agreement for major games, athletes are required not to do anything to cause the SNOC’s rights to its intellectual property to be affected, compromised, diminished or lost. Additionally, athletes do not own the intellectual property rights to photographs and videos featuring them that are made, filmed or otherwise produced by the SNOC’s sponsors in the course of their corporate functions, events publicity and advertising activities, photo-shoots, video-sessions and shooting of media commercials involving athletes who represent Team Singapore at major games. Such an arrangement is necessary in order that the SNOC may be in a position to fulfil its contractual obligations to sponsors, which often include the right of sponsors to use images of athletes with the sponsor’s products in commercial advertising. Athletes and officials would therefore benefit from being properly briefed on the importance of the protection of intellectual property rights and the potential risks associated with unauthorised usage, including by their own personal sponsors who may seek to leverage their own branding in association with the athletes they support, often through ambush marketing. For example, if an athlete promotes his personal sponsor’s brand during a major games event, and this personal sponsor is a competitor of one

of the sponsors of the SNOC or one of the official partners or sponsors of the owner or organiser of the major games, it could likely diminish the value of the SNOC's sponsorship agreements and/or put the SNOC in breach of its legal obligations owed to the games owner or organiser. Navigating these conflicting rights therefore requires careful negotiation and clear rules to ensure that both the SNOC's interests and those of the athlete's personal sponsors are respected and protected.

### **C. *Imposition of contractual obligations***

14 In the absence of adequate laws or other effective legal measures to deal with ambush marketing activities involving athletes, the imposition of contractual obligations takes on added importance in maintaining the commercial value of sports events. These obligations can be in the form of the terms of participation for athletes which are imposed by their respective National Olympic Committees ("NOCs") or national sports federations as a condition for their selection for participation in the sports event, or in the form of obligations imposed by the event owner or organiser as part of the rules of participation. These contractual provisions or rules seek to restrict athletes from engaging in or endorsing unauthorised marketing activities, in order to ensure that the financial interests of official sponsors and partners are protected.

15 The SNOC Team Membership Agreement stipulates that an athlete may only permit the use of his or her image rights by personal sponsors for advertising purposes during the period of the relevant major games if the prior written approval of SNOC has been obtained. Such approval may be given at the sole discretion of SNOC, and shall be, if given, subject to strict compliance with various requirements, including respecting the values of the SNOC and the Olympic movement, non-promotion of sponsors who deal with tobacco, prohibited drugs, alcohol, gambling, pornography or immoral businesses, and ensuring that the advertisement does not contain any messages encouraging, commiserating or otherwise supporting the athlete or team in connection with the major games, or congratulatory messages praising his/her/their achievement at the games. In addition, the personal sponsor's advertisement must have been in the market for at least 90 days before the commencement of the major games, and its advertising must not materially escalate during the period of the major games. Athletes are permitted to issue or post messages of thanks on their personal websites and/or personal social media accounts to their personal sponsors during the period of the major games, provided that these messages do not include any statement or imply that a product or service from the personal sponsors had enhanced the athlete's performance, and must not include a personal endorsement of the relevant product or service, as distinct from thanking the personal

sponsors for their support. Messages of thanks are limited to one for each personal sponsor, and must not suggest a commercial connection between the IOC, the major games, Team Singapore or the SNOC, and the personal sponsor.

16 Further, athletes are required to seek the SNOC's prior written approval before appearing in or allowing their image rights to be used in any media productions during the period of the major games, other than in productions produced for news coverage. Athletes shall not cover up or attempt to conceal any trade marks of official sponsors on the athletes' official games team attire, and shall use official sponsor-issued products during the period of the major games unless such use can be shown to specifically interfere with their sporting performance.

17 In 2021, national runner Soh Rui Yong, then the defending SEA Games men's marathon champion, was served a formal warning by SEA Games Chef de Mission Milan Kwee and athletics team manager Yip Ren Kai, after he failed to comply with the SNOC Team Membership Agreement on the designated blackout period for promotion of personal sponsors. Soh had, during the blackout period, shared on his Facebook page posts that promoted two of his personal sponsors, and had also posted on his Instagram account, a photo of himself in nothing but his underwear and his 2015 SEA Games gold medal with the hashtag #NoSponsorZone. He was given a time frame to remove these posts from social media, failing which the SNOC disciplinary committee could exclude him from competition and/or fine him. Eventually, Soh complied and removed the said posts.<sup>18</sup> He then went on to successfully defend his men's marathon title at the 2017 SEA Games in Kuala Lumpur.

18 The aforesaid requirements of the SNOC are grounded in the current Bye-law 3 to Rule 40 of the Olympic Charter,<sup>19</sup> which was first introduced in 1991 by the IOC as Bye-law 4 to Rule 45 to set the ground rules on how athletes participating in the Olympic Games can engage in commercial activities around the games, and to restrict athletes' involvement in non-official sponsors' advertisements and the commercialisation of their name, image and sporting performance during the games period. These restrictions on the athletes were designed to protect the exclusivity of the IOC's official sponsors during a specified blackout period around the Olympic Games, and were seen to be

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18 Lester Wong, "SEA Games 2017: Runner Soh Removes Social Media Posts Promoting Personal Sponsors", *The Straits Times* (15 August 2017) <<https://www.straitstimes.com/sport/sea-games-2017-runner-soh-removes-social-media-posts-promoting-personal-sponsors>> (accessed 3 November 2025).

19 International Olympic Charter, Olympic Charter (IOC, 2025) Rule 40, Bye-law 3 <<https://www.olympics.com/ioc/olympic-charter>> (accessed 3 November 2025).

necessary and crucial for securing the financial contributions of official sponsors, which in turn were essential in order to fund the Olympic Games and the IOC.

19 Bye-law 4 to Rule 45 provided that, “No competitor who participates in the Olympic Games may allow his person, name, picture or sports performances to be used for advertising purposes during the Olympic Games”, while Rule 45 itself provided that, “To be eligible for participation in the Olympic Games a competitor must comply with the Olympic Charter as well as with the rules of the International Federation (“IF”) concerned as approved by the IOC, and must be entered by his NOC.”<sup>20</sup> As such, in order to be able to participate in the Olympic Games then, athletes had to decline advertising opportunities from non-Olympic sponsors and to refrain from doing anything which could be deemed to be promoting their own personal sponsors during the games period.<sup>21</sup>

20 Given that many athletes rely on personal sponsors to fund their careers and livelihoods, Bye-law 4 to Rule 45 was understandably hugely unpopular amongst athletes and their personal sponsors, who argued that the prohibitions were overly restrictive and unfair. The protests by athletes, advocacy groups and other stakeholders, as well as legal challenges launched against the IOC for potentially violating competition laws (*ie*, by unfairly limiting athletes’ ability to earn income from personal sponsorships) forced the IOC to reconsider and eventually relax the rule in June 2019 (ahead of the 2020 Tokyo Olympics) in the form of what is now Bye-law 3 to Rule 40, which provided that: “Competitors, team officials and other team personnel who participate in the Olympic Games may allow their person, name, picture or sports performances to be used for advertising purposes during the Olympic Games in accordance with the principles determined by the IOC Executive Board.”<sup>22</sup>

21 In the face of continued pressure from athletes seeking more freedom to promote their personal sponsors, Rule 40 was again amended in 2023, to provide that: “All competitors, team officials or other team

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20 International Olympic Charter, Olympic Charter (IOC, 1991) Rule 45, Bye-law 4 <[https://library.olympics.com/Default/doc/SYRACUSE/172359/olympic-charter-1991-international-olympic-committee?\\_lg=en-GB](https://library.olympics.com/Default/doc/SYRACUSE/172359/olympic-charter-1991-international-olympic-committee?_lg=en-GB)> (accessed 3 November 2025).

21 Ling-ying Hsu & Helen Chen (trans George Bobyk), “Beyond the Legal Frameworks That Regulate Ambush Marketing During the Olympics”, *Winkler Partners* (27 September 2024) <<https://winklerpartners.com/beyond-the-legal-frameworks-that-regulate-ambush-marketing-during-the-olympics/>> (accessed 3 November 2025).

22 International Olympic Charter, Olympic Charter (IOC, 2019) Rule 40, Bye-law 3 <[https://library.olympics.com/Default/doc/SYRACUSE/208117/olympic-charter-in-force-as-from-26-june-2019-international-olympic-committee?\\_lg=en-GB](https://library.olympics.com/Default/doc/SYRACUSE/208117/olympic-charter-in-force-as-from-26-june-2019-international-olympic-committee?_lg=en-GB)> (accessed 3 November 2025).

personnel in the Olympic Games shall enjoy freedom of expression in keeping with the Olympic values and the Fundamental Principles of Olympism, and in accordance with the Guidelines determined by the IOC Executive Board.” Ahead of the 2024 Paris Olympic Games, a set of key principles was established by the IOC to implement Bye-law 3 to Rule 40 (“Key Principles”) and to set out how athletes participating in the Olympic Games can engage in and benefit from commercial activities around the games. In addition, the IOC also released its official *Social and Digital Media Guidelines* in January 2024, giving athletes more opportunities to share their Olympic journey with fans and peers across their personal digital platforms.<sup>23</sup>

22 The Key Principles for use of the participants’ images for advertising that were applicable to the 2024 Paris Olympics are set out in IOC’s document, *Commercial Opportunities for Participants During the Olympic Games Paris 2024*.<sup>24</sup> This document is supplemented by the IOC’s *Illustrative Guidance for Non-Olympic Partners*, which provides further guidance relating to advertising campaigns by non-Olympic partners.<sup>25</sup> While the responsibility is on the athletes to comply with these Key Principles, their personal sponsors, managers, legal advisers and agents should also familiarise themselves with the Key Principles in order to ensure that they are acting and advising their athletes to act in accordance with these Key Principles.

23 Each NOC (*ie*, the SNOC in the case of Singapore) is responsible for the implementation of these Key Principles in connection with advertising activities targeted at its territory<sup>26</sup> – hence the incorporation of the provisions mentioned earlier in the SNOC Team Membership Agreement. At the same time, NOCs are authorised to make necessary

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23 “New IOC Social Media Guidelines to Increase Opportunities for Athletes at Paris 2024 and Gangwon 2024”, *Olympics.com* <<https://olympics.com/ioc/news/new-ioc-social-media-guidelines-to-increase-opportunities-for-athletes-at-paris-2024-and-gangwon-2024>> (accessed 3 November 2025). Athletes will be able to post on their personal social media accounts, audio and video recordings of up to two minutes per post from the Opening and Closing Ceremonies, the Olympic Village, competition venues up to one hour before the start of their competition, and after they have left the mixed zone/doping control station, and their training venues and practice areas.

24 International Olympic Committee, *Commercial Opportunities for Participants during the Olympic Games Paris 2024*.

25 International Olympic Committee, *Illustrative Guidance for Non-Olympic Partners – Commercial Opportunities for Participants* (March 2024 Version 1.0).

26 International Olympic Committee, “Rule 40”, *Athlete365* <<https://olympics.com/athlete365/topics/rule-40>> (accessed 4 November 2025). See also the International Olympic Committee’s, *Commercial Opportunities for Participants During the Olympic Games Paris 2024* and *Illustrative Guidance for Non-Olympic Partners – Commercial Opportunities for Participants* (March 2024 Version 1.0).

adjustments to the Key Principles based on local conditions.<sup>27</sup> Advertising is regarded as targeted at a territory if: (a) it uses an athlete who represents the NOC of that particular territory; and (b) it is either, (i) in the local language of that territory/country; and/or (ii) in the case of paid media, published in media outlets targeted at that territory or country. For advertising that is not targeted at a particular territory or that is targeted at more than one country, the IOC must be notified of such advertising.<sup>28</sup>

24 Under the Key Principles, participants are permitted to promote their sponsors, and all sponsors are permitted to use participants' images, in accordance with the following principles, depending on whether they are Olympic Partners,<sup>29</sup> Non-Olympic Partners,<sup>30</sup> athletes, or selected sporting brands included in a pilot project to allow for these brands to be able to promote their athletes before and during the 2024 Paris Olympics ("Pilot Project"):<sup>31</sup>

(a) *Advertising by Olympic Partners*: This refers to brands or companies that have sponsorship or official merchandise licensing contracts with the IOC, the 2024 Paris organising committee for the Olympic Games ("OCOG") or the relevant NOCs, and the official Olympic broadcasters that have been granted rights to broadcast the 2024 Paris Olympics by the IOC.

(i) Athletes' images are permitted to be used for advertising, subject to obtaining any necessary consents from the athletes featured, the terms of the relevant Olympic Partner's contract with the IOC, the 2024 Paris OCOG or the NOC (as applicable), and the supplementary guidelines for Olympic Partners issued by the IOC and/or NOC before the selection of the athlete by their NOC; and

(ii) "Congratulatory Advertising"<sup>32</sup> during the period of the 2024 Paris Olympic Games is permitted.

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27 For example, the United States Olympic & Paralympic Committee has increased the number of "thank you" messages that athletes can post from one per personal Non-Olympic Partner under the Key Principles, to seven: *Rule 40 Guidelines for Brands (Non-Olympic and Paralympic) and Agents* (February 2024).

28 International Olympic Committee, *Commercial Opportunities for Participants During the Olympic Games Paris 2024* at p 2.

29 See definition of this term at para 24(a).

30 See definition of this term at para 24(b).

31 International Olympic Committee, *Commercial Opportunities for Participants During the Olympic Games Paris 2024* at pp 6–9.

32 "Congratulatory Advertising" means both: (a) supporting messages encouraging, sympathising with or otherwise supporting an athlete or a national Olympic team in connection with their participation at the 2024 Paris Olympics; and  
(cont'd on the next page)

(b) *Advertising by Non-Olympic Partners*: This refers to brands or companies which are not Olympic Partners.

(i) Use of athletes' images for advertising is permitted during the period of the 2024 Paris Olympics Games, subject to: (A) obtaining any necessary consents from the athletes featured; (B) respecting the policies of the IOC, and the relevant NOC in respect of activities which are incompatible with the values of the Olympic Movement or the relevant NOC (including in relation to prohibitions on sponsorships in connection with tobacco, prohibited drugs, gambling, pornography or immoral businesses); (C) non-use of any Olympic Properties;<sup>33</sup> and (D) if the advertising constitutes "Generic Advertising",<sup>34</sup> it must be compliant with the Generic Advertising rules of the relevant NOC (*ie*, the advertisement must have been in market for at least 90 days before the commencement of the 2024 Paris Olympic Games, it must have been run consistently and not be materially escalated during the games period, and the Non-Olympic Partner must notify the IOC or NOC of the targeted country of their Generic Advertising plans by a specified date). Under no circumstances will Congratulatory Advertising be regarded as Generic Advertising because of its intrinsic connection with the Olympic Games; and

(ii) Congratulatory Advertising may be undertaken before and after the 2024 Paris Olympic Games period, provided that the advertisement does not use any Olympic Properties.

(c) *Online messages by athletes*: Athletes may post simple messages of thanks on their personal websites and/or personal social media accounts to Olympic Partners and/or their

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(b) congratulatory messages praising the athlete or a national Olympic team for their achievement at the 2024 Paris Olympics.

33 This includes, amongst others, the Olympic symbol, the 2024 Paris emblem, mascots and pictograms, and 2024 Paris Olympics graphics.

34 "Generic Advertising" refers to any advertising of a company or brand: (a) where the only connection between, on the one hand, the 2024 Paris Olympics, the International Olympic Committee, the 2024 Paris Olympic Games Organising Committee and/or a National Olympic Committee and/or the National Olympic Committee's national Olympic team and, on the other hand, the relevant marketing activity, is the fact that the advertising uses a participant's image; (b) which has been in market for at least 90 days before the games period; and (c) which is run consistently and not materially escalated during the games period.

personal Non-Olympic Partners, including during the period of the 2024 Paris Olympic Games. However, their posts must: (i) not include any statement or imply that a product or service enhanced the athlete's performance; (ii) not include a personal endorsement of the relevant product or service (as distinct from thanking the sponsor for their support); and (iii) respect the policies of the IOC and the relevant NOC relating to activities incompatible with the values of the Olympic Movement or the relevant NOC. Moreover, thank-you messages to Non-Olympic Partners are limited to one thank-you message per personal Non-Olympic Partner, posted *via* the participant's social media accounts; subject to different rules applied by the relevant NOC.

(d) Promotion by certain sporting brands of a Pilot Project: To recognise and ensure the continuity of their long-standing support to athletes, the Olympic Games and the relevant NOC(s), the IOC and the World Federation of the Sporting Goods Industry have agreed that certain sporting brands would be able to promote their athletes before and during the 2024 Paris Olympics, in the manner as set out in the framework of the Pilot Project.

25 There are consequences for failing to comply with these Key Principles. Specifically, the IOC, the relevant OCOG and/or the relevant NOC can revoke the permissions granted under the Key Principles, or require advertising to be withdrawn or amended. Crucially, athletes who do not comply with the Key Principles may be sanctioned by the IOC, the relevant OCOG and/or the relevant NOC. A notable example of Rule 40's application occurred at the 2022 Beijing Olympic Winter Games, where US snowboarder Julia Marino competed with a Prada-branded snowboard during the slopestyle competition. After winning the silver medal, she was informed that her snowboard violated Rule 40 and that she could not use the board in subsequent events because Prada was not an official Olympic sponsor. The IOC instructed her to either use a different board or cover up the Prada logo on the base of her board. Marino attempted to obscure the logo with a marker, but this affected the performance of the board, ultimately leading her to withdraw from subsequent events.<sup>35</sup> This incident demonstrates how Rule 40 can have an

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35 Gabrielle Lucivero & Staff, "Marino Says IOC Told Her She Couldn't Use Board with Prada Logo at Winter Olympics", *NBC Connecticut* (15 February 2022) <<https://www.nbcconnecticut.com/news/sports/beijing-winter-olympics/marino-says-ioc-told-her-she-couldnt-use-board-with-prada-logo-at-winter-olympics/2719896/>> (accessed 4 November 2025); Lauren Edmonds, "Team USA's Julia Marino Says She was Forced to Cover the Prada Logo on Her Snowboard Before Suffering Injuries That Led Her to Withdraw from the Olympics", *Business Insider* (17 February 2022) (cont'd on the next page)

immediate and tangible impact on athletes' equipment choices and their ability to compete.

26 While enforcing compliance of the Key Principles by athletes may be harsh under certain circumstances, especially if the athlete is a young person or if he or she is not responsible for the advertisement, it is likely that the IOC and the relevant NOCs will take a practical approach and issue warnings and require athletes to remove non-compliant content rather than impose more severe sanctions like fines, disqualification from competition and loss of Olympic accreditation. This is since the activities which are prohibited by the Key Principles and which breach Bye-law 3 to Rule 40 may not be the athlete's own doing, even if they feature the image of the athlete. For example, during the 2012 London Olympic Games, two photographs of swimmer Michael Phelps, in a Louis Vuitton bathtub, were leaked online during the Rule 40 blackout period in which athletes are prohibited from appearing in advertisements.<sup>36</sup> The IOC reportedly considered "wide-ranging" sanctions, including fines or the stripping of some of Phelps's 22 Olympic medals.<sup>37</sup> Ultimately, the IOC decided not to punish Phelps after determining that he had not authorised the use of his photographs, which were leaked by an unknown source.<sup>38</sup> This case illustrates that while Rule 40 could theoretically impose strict liability on athletes for unauthorised marketing, in practice, the IOC is unlikely to sanction athletes unless there is clear evidence that they had themselves authorised the prohibited marketing activity.

27 While Bye-law 3 to Rule 40 only applies to athletes, coaches, trainers and officials participating in the Olympics, the provisions of the SNOC Team Membership Agreement only apply to athletes and officials selected to represent Team Singapore at major games under the SNOC's jurisdiction.

28 After Joseph Schooling won Singapore's first ever Olympic gold medal at the 2016 Rio Olympics, many organisations engaged in advertising campaigns and promotional activities which the IOC and

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<<https://www.businessinsider.com/julia-marino-says-forced-to-cover-prada-logo-snowboard-2022-2>> (accessed 4 November 2025).

36 Michelle Caruso-Cabrera, "Racy Photo May Get Michael Phelps in Hot Water", *CNBC* (16 August 2012) <<https://www.cnn.com/2012/08/16/racy-photo-may-get-michael-phelps-in-hot-water.html>> (accessed 4 November 2025).

37 "Michael Phelps in Hot Water Over Louis Vuitton Ad Campaign", *CBS News* (20 August 2012) <<https://www.cbsnews.com/news/michael-phelps-in-hot-water-over-louis-vuitton-ad-campaign/>> (accessed 4 November 2025).

38 "Phelps' Agent: Leaked Pics Not an IOC Violation", *CBS News* (17 August 2012) <<https://www.cbsnews.com/news/phelps-agent-leaked-pics-not-an-ioc-violation/>> (accessed 4 November 2025).

SNOOC considered to amount to ambush marketing. The activities ranged from offers of discounted meals by restaurants and promotional taxi rides to congratulatory advertisements and victory parades,<sup>39</sup> with many quick to jump on the celebratory bandwagon, including:

- (a) train operator SMRT, which produced an advertisement featuring cartoon characters waiting at the platform of an MRT station where a screen displayed “Arriving in 50.39 secs Joseph Schooling”,<sup>40</sup>
- (b) fine jewellery retailer Lee Hwa Jewellery, which posted a congratulatory Facebook message that featured *The Sunday Times*’ photograph of Schooling in the pool with the big headline “GOLD”,<sup>41</sup>
- (c) Canopy Garden Dining, which offered a 50.39% discount off its brunch and dinner menu;<sup>42</sup>
- (d) health and wellness company Brand’s, which took out a newspaper advertisement congratulating Schooling for winning Singapore’s first ever Olympic Gold and featuring its essence of chicken product accompanied by the words “YEARS TO PREPARE FOR GREATNESS. 50.39 SECONDS TO UNLOCK IT”,<sup>43</sup>
- (e) Changi Airport Group, which posted a mock “Arrivals” display screen showing Joseph Schooling arriving on flight SG2016 at the time of 50.39 and at the Gold Terminal;<sup>44</sup> and
- (f) GrabCar, which offered \$3 discounts for rides to and from swimming complexes using the Promo Code “SCHOOLING”.<sup>45</sup>

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39 Lau Kok Keng, “Line Between Celebratory Events and Ambush Marketing Far From Clear”, *The Business Times* (26 August 2016).

40 SMRT Facebook post (13 August 2016) <<https://www.facebook.com/photo.php?fbid=1197685560252671&id=566549713366262&set=a.567671666587400>> (accessed 4 November 2025).

41 Nyi Nyi Thet, “The Number of Companies Congratulating World Record Breaker Yip Pin Xiu is Absolutely Incredible”, *Mothership* (11 September 2016) <<https://mothership.sg/2016/09/the-number-of-companies-congratulating-world-record-breaker-yip-pin-xiu-is-absolutely-incredible/>> (accessed 4 December 2025).

42 Canopy Garden Dining Facebook post (16 August 2016) <<https://www.facebook.com/photo?fbid=1224081014279069&set=a.464328593587652>> (accessed 4 November 2025).

43 Advertisement Column 1 p 13, *The Straits Times* (14 August 2016) <<https://eresources.nlb.gov.sg/newspapers/digitised/issue/straitstimes20160814-1>> (accessed 4 December 2025).

44 Changi Airport Facebook post (13 August 2016) <<https://www.facebook.com/photo/?fbid=10154131488243598&set=a.119476558597>> (accessed 4 November 2025).

45 Grab Facebook post (14 August 2016) <<https://www.facebook.com/photo?fbid=662364657248855&set=a.243552129130112>> (accessed 4 November 2025).

29 Having become aware of the flurry of Congratulatory Advertising going on in Singapore, the IOC reached out to the SNOc, given that the implementation of Bye-law 3 to Rule 40 was primarily the responsibility of each country's NOc.<sup>46</sup>

30 After receiving the IOC's correspondence, the SNOc wrote to the companies requesting each of them to refrain from using Olympic-related images to market their own products. A SNOc spokesperson issued a media release stating that: "... we must ... stand guided by the rules and guidelines protecting the assets and marks of the Games ... we would like to advise commercial entities to comply with these rules and not infringe or exploit the assets for commercial purposes".<sup>47</sup>

31 While Schooling was the subject of the celebrations in Singapore, it cannot be said that he had "allowed his person, name, picture or sports performances to be used for advertising purposes during the Olympic Games" in breach of Bye-law 3 to Rule 40. His consent or approval was, in all likelihood, not sought, nor did he expect his name or image to be featured in advertising, even if he may have appreciated the gestures of these supportive and enthusiastic, if not opportunistic businesses.

32 Eight years later to the month, on 9 August 2024, Maximilian Maeder did Singapore proud on the country's 59th birthday by snagging a bronze medal in kitefoiling at the 2024 Paris Olympics. Once again, the celebratory bandwagon was rolled out. Various brands celebrated his win with social posts bearing his name or puns on his name,<sup>48</sup> some examples being as follows:

(a) Grab published on its Instagram account an image of the usual map indicating the arrival of the car towards the user, but with the words, "Delivery is on the way to Singapore from Europe" and "SGP2024 10,722km away", accompanied by images of a kitefoil and a car with a bronze medal in tow.<sup>49</sup> The connection with Maximilian Maeder's success at the 2024 Paris Olympics as intended in this advertisement was clear, as evidenced by comments from Instagram users who joined in

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46 Lau Kok Keng, "Line Between Celebratory Events and Ambush Marketing Far From Clear", *The Business Times* (26 August 2016).

47 Shamir Osman, "Singapore Flagged by IOC for Ambush Marketing", *The New Paper* (18 August 2016) <<https://tnp.straitstimes.com/sports/team-singapore/divided-over-schoolings-viability>> (accessed 4 November 2025).

48 Staff Writer, "Local Brands Jump on Max Maeder Olympic Win with Creative Social Posts", *Marketing-Interactive* (12 August 2024) <<https://www.marketing-interactive.com/max-maeder-brand-trendjacked-social-post/>> (accessed 4 November 2025).

49 Grab Instagram post <[https://www.instagram.com/p/C-c4\\_0FyGYo/](https://www.instagram.com/p/C-c4_0FyGYo/)> (accessed 4 November 2025).

the congratulations to Maeder for winning a bronze medal in kitefoiling in Paris.

(b) DBS Bank published on its Instagram account an image of a kitefoiler accompanied by the description “WINDS PULL, WAVES PUSH, JUST RIDE ‘EM TO THE MAX!”<sup>50</sup> Once again, the association with Maximilian Maeder as intended in this advertisement was evident, especially with the image of a kitefoiler and the play on the word “MAX”.

(c) Yeo’s congratulatory advertisement featured an image of Maeder with a kite board that had Yeo’s logo, the word “MAX” and the Singapore flag printed on it.<sup>51</sup> Yeo’s had appointed Maeder as a brand ambassador in 2022, and was one of his personal sponsors. The IOC and SNOC took issue with the publication of the advertisement within the blackout period of the 2024 Paris Olympics, as it amounted to Congratulatory Advertising as opposed to Generic Advertising. Yeo’s then deferred its publication of the advertisement on its Instagram account to after the blackout period was over.

33 As mentioned above, Rule 40 applies only to competitors, officials, and other team personnel, imposing restrictions on their ability to participate in or endorse marketing activities during the designated blackout period. Additionally, athletes also face the risk of breaching Rule 40 if they are perceived to have authorised these marketing activities by third parties. Taken together, these examples highlight both the direct and indirect ways in which Rule 40 can affect athletes, underscoring the importance of vigilance and being aware of the potential consequences of associating with non-official sponsors during the Olympic Games.

34 Moreover, while event organisers can request that external organisations refrain from engaging in unauthorised marketing activities, enforcement is particularly challenging because these organisations are not directly subject to Rule 40’s restrictions. Additionally, relying on trade mark laws to pursue anti-ambush marketing enforcement against non-athletes/non-officials or other third parties presents its own set of obstacles, as these organisations often craft their advertisements in a manner which avoids the direct use of protected logos or names. For instance, the advertisements by Grab, DBS Bank, and Yeo’s did not

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50 DBS Bank Instagram post <[https://www.instagram.com/p/C-c5RnaNEnd/?utm\\_source=ig\\_embed&ig\\_rid=4b820c62-c37a-45a0-ba90-fd2e2719b76e](https://www.instagram.com/p/C-c5RnaNEnd/?utm_source=ig_embed&ig_rid=4b820c62-c37a-45a0-ba90-fd2e2719b76e)> (accessed 4 November 2025).

51 Yeo’s Instagram post <<https://www.instagram.com/yeossg/p/C-pJIYSyQIW/?locale=id&ref=mrcipage>> (accessed 4 November 2025).

feature the “OLYMPIC” logo. Even when a protected mark or logo is used, these advertisements are frequently presented as congratulatory messages or expressions of goodwill, rather than as outright commercial endorsements. This framing may have the effect of avoiding use of the protected mark or logo “in the course of trade”,<sup>52</sup> which is a requirement for establishing trade mark infringement.

35 An issue closely related to but distinct from Rule 40 and ambush marketing is that of advertising restrictions imposed by event owners or organisers on athletes. These relate to the permitted exposure for brands of competition apparel and equipment worn or used by athletes. Such permitted exposure is often prescribed by rules or regulations issued by the event owner (such as the international or regional federation) or the organiser of the event, in order to protect the commercial interests of the event sponsors. Athletes and participating teams are therefore required to comply with rules and regulations concerning publicity given to and the promotion of the brands of the competition equipment and apparel used by them, particularly when these brands are competitors of the official sponsors.

36 In July 2014, the swim caps belonging to ten of the 11 swimmers representing Team Singapore at the Glasgow Commonwealth Games were found to be non-compliant with the branding regulations issued by the organisers of the 2014 Glasgow Commonwealth Games. Specifically, the size of the brand logo of the caps exceeded the 6cm<sup>2</sup> limit imposed by the Commonwealth Games Federation (“CGF”) on competition head gear.<sup>53</sup> As such, the swimmers were not allowed to compete in their events using their original TYR competition swim caps.<sup>54</sup> The non-compliance arose from an administrative lapse – while the size of the brand logo (20cm<sup>2</sup>) on their caps met *Fédération Internationale de Natation*’s (“FINA”) branding rules, these rules did not apply to the Commonwealth Games swimming competition, since the event owner was not FINA, but the CGF. The Singapore Swimming Association had mistakenly applied FINA’s branding rules rather than the CGF’s, and this error was only realised during the Team Managers’ meeting in Glasgow, shortly before the start of the swimming competition programme. The mistake extended to the female swimsuits as well – these were only allowed to have one manufacturer’s name/logo on the front instead of two.

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52 Trade Marks Act 1998 (2020 Rev Ed) s 27.

53 Low Lin Fhoong, “Repeat of Swim Gear Fiasco Averted”, *Today* (24 July 2014) <<https://www.todayonline.com/sports/repeat-swim-gear-fiasco-averted>> (accessed 4 November 2025).

54 “SSA Announces COI for Swim Cap Flap at Commonwealth Games”, *Today* (12 August 2014) <<https://www.todayonline.com/sports/ssa-announces-coi-swim-cap-flap-commonwealth-games>> (accessed 4 December 2025).

37 The official sponsor of the Glasgow Commonwealth Games, Speedo, then stepped in to offer to provide the Singapore swimmers with approved Speedo caps for the competition, albeit that the caps would not come with the Singapore flag printed on them. As for the female swimsuits, the additional manufacturer's logo was blotted out with permanent black marker ink.

38 This was not the first time such an issue arose in the context of Singapore swimmers at major games. At the 2007 FINA World Championships in Melbourne, swimmer Tao Li was unable to use her usual swim cap because the size of the Singapore national flag printed on it was deemed too large. According to the brand regulations set by FINA, there are specific requirements regarding the size and placement of national flags and other symbols on swimwear and equipment. These regulations are put in place to ensure uniformity and to avoid any potential distractions or unfair advantages that might arise from overly large or conspicuous symbols on swim caps. As Tao Li's swim cap featured a national flag that exceeded the permissible size as stipulated by FINA's rules, her cap was deemed non-compliant, and she had to wear a replacement cap provided by FINA in order to be allowed to compete.

39 After she failed to make the final of the 100m women's butterfly event, Tao Li expressed her complaints about the replacement cap being ill-fitting.<sup>55</sup> Such last minute changes to personal competition equipment can be highly disruptive and psychologically destabilising for elite athletes, as they are accustomed to performing wearing their own gear and using their own equipment, and any changes to the status quo can affect their performance at a level where the slightest differences and smallest details do matter to the athlete. On the athlete's and official's part, a proper understanding of competition branding rules is essential to ensure compliance and to avoid disruptions to the athlete's performance.

### III. Sporting integrity

40 Fair play and the integrity of sporting competition are essential for maintaining the trust and confidence of athletes, fans, sponsors and other stakeholders alike. In an era where the stakes are higher than ever, particularly in prestigious events such as the Olympics and the world championships of each sport, the importance of preserving the sanctity of sport cannot be overstated. Sporting integrity encompasses

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55 Source originally available at <<https://tnp.straitstimes.com/sports/team-singapore/swim-coach-turner-says-singapore-set-big-splash-commonwealth-games>> (no longer accessible as of 1 December 2025).

a broad spectrum of ethical considerations, including the prevention of and enforcement against results manipulation, illegal sports betting, doping, and the misuse of technology to gain an unfair advantage over competitors, among others. These activities not only undermine the spirit of competition, but also erode the foundational principles of fairness and equality that sport is built upon. Ensuring that all participants compete on a level playing field is crucial for the legitimacy of the outcomes and the continued engagement of the global audience.

41 To safeguard the integrity of sports, rigorous measures must be implemented and continuously updated to address emerging threats. Regulatory bodies, sport governing organisations and state law enforcement authorities play a pivotal role in establishing and enforcing rules that deter unethical practices. This includes stringent anti-doping regulations, robust monitoring systems to detect and prevent the fixing of sporting outcomes, and clear guidelines on the permissible use of technology in sports. Additionally, fostering a culture of integrity among athletes, coaches, and officials through education and awareness programmes is vital. By promoting ethical behaviour and accountability, the sports community can collectively work towards a future where the integrity of competition is upheld, ensuring that the spirit of fair play remains at the heart of all sporting endeavours.

#### ***A. Results manipulation and fixing of sporting outcomes***

42 Results manipulation or match fixing is the deliberate attempt to influence the outcome of a sporting event in a manner that deviates from the principles of fair competition. According to the Council of Europe Convention on the Manipulation of Sports Competitions,<sup>56</sup> results manipulation encompasses any intentional arrangement, act or omission aimed at an improper alteration of the result or course of a sports competition to remove all or part of the unpredictable nature of the competition.<sup>57</sup> This manipulation can occur at various levels of sporting competition, and can be carried out by individual athletes, entire teams and referees, and involve a range of stakeholders, including coaches, technical or support officials, and external parties such as gamblers, gambling operators and criminal syndicates. For example, players may be bribed to deliberately miss opportunities in a game, to make mistakes resulting in goals or points being conceded, or to otherwise engage in specific acts or omissions at specific points in time in the course of a game.

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56 CETS No 215 (entered into force 1 September 2019).

57 International Olympic Committee, "Prevention of Competition Manipulation" <<https://olympics.com/ioc/integrity/prevention-competition-manipulation>> (accessed 4 November 2025).

This was the case with three Pakistani cricketers, who had accepted bribes to deliberately bowl no-balls at specific times during the fourth test match between Pakistan and England in 2010, in order to influence outcomes that were the subject of spot betting. The scandal was exposed by a sting operation conducted by a British newspaper, and the players were subsequently found guilty by the International Cricket Council (“ICC”) of various offences under the ICC Anti-Corruption Code<sup>58</sup> and issued with lengthy bans. In addition, the players were found guilty by a London Magistrates’ Court of conspiracy to cheat and conspire to obtain and accept corrupt payments.<sup>59</sup>

43 Football players who have been convicted of match fixing by the courts in Singapore include former national players like Abdul Malek, Manap Hamat,<sup>60</sup> Abbas Saad<sup>61</sup> and Kannan Kunjuraman.<sup>62</sup> In addition, they each were given lengthy bans by the Football Association of Singapore’s Disciplinary Committee. In addition, seven Chinese players playing for the Liaoning Guangyuan team in the professional S-League in 2007 were, together with their team manager, convicted by the criminal courts of match fixing in 2008. The team manager had arranged for a friend in China to place online bets on some of the team’s S-League matches through a China-based betting website, and had then bribed some of his players to ensure that the team would lose certain matches by a particular number of goals.<sup>63</sup>

44 Referees may also be bribed to make biased or wrong decisions which favour one team or athlete over the other, or to otherwise engineer a desired result in a game. A notable case of such corrupt refereeing is the infamous 2002 Salt Lake City Winter Olympics figure skating scandal, where a French judge was found to have voted for the Russian pair

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58 International Cricket Council, ICC Anti-Corruption Code <<https://www.icc-cricket.com/about/integrity/anti-corruption/the-code-pmoa>> (accessed 8 December 2025).

59 Alexis Akwagyiram, “How Pakistan Cricket Betting Scam Unfolded”, *BBC News* (1 November 2011) <<https://www.bbc.com/news/uk-15160226>> (accessed 4 November 2025).

60 Melvin Singh, “Footballers Accused of Match-Fixing Say: ‘We’re Guilty but Mercy Please’”, *The New Paper* (14 October 1997) <<https://eresources.nlb.gov.sg/newspapers/digitised/page/newpaper19971014-1.1.10>> (accessed 4 November 2025).

61 “Singapore: Footballer Abbas Saad Found Guilty of Match Fixing”, *AP Newsroom* (Broadcast Video) <<https://newsroom.ap.org/editorial-photos-videos/detail?itemid=163339bb55c72522d474ab742538be17&mediatype=video&source=youtube>> (accessed 4 November 2025).

62 “Banned for Life from Football Since 1995, Former National Striker K. Kannan Cannot Even Play Social Football”, *The Monitor* (15 May 2021) <<https://themonitor.sg/2021/05/15/banned-for-life-from-football-since-1995-former-national-striker-k-kannan-cannot-even-play-social-football/>> (accessed 4 November 2025).

63 *Zhao Zhipeng v Public Prosecutor* [2008] 4 SLR(R) 879.

instead of the Canadian skaters who had otherwise delivered a flawless performance, as part of a deal to secure votes for French skaters in another skating event.<sup>64</sup> Corrupt refereeing can have profound effects on athletes, both psychologically and professionally. When referees engage in biased or dishonest practices, it undermines the integrity of the sport, leading to a loss of trust and respect for the governing bodies, those officiating the game, and the sport itself. Athletes who are victims of corrupt refereeing may experience heightened levels of frustration, demotivation and a sense of injustice, as their hard work and dedication are overshadowed and negated by unfair decisions beyond their control. Fans and spectators on their part may even lose interest in the sport if they feel that sporting outcomes are not decided by performances of the athletes, but by corrupt match officials.

45 Competition venue technicians may also be part of results manipulation schemes. In 1997, English football experienced a series of suspicious flood-light failures during matches, including the mysterious flood-light failure which occurred during a Premier League match between West Ham United and Crystal Palace. The flood-lights at Upton Park failed twice, leading to the abandonment of the match. Subsequent investigations revealed that the failures were part of a betting scam orchestrated by a Malaysian betting syndicate, which had placed large bets on the match being abandoned. A month later, the syndicate successfully repeated the scam during a Wimbledon *versus* Arsenal game, but its luck ran out when its subsequent attempt to have the flood-lights switched off at a Charlton *versus* Liverpool match was foiled when the groundsman who had been bribed to trip the switches unwittingly told a colleague of the plan, and the colleague then alerted the police.<sup>65</sup>

46 Although competition manipulation is widely connected with sports betting, manipulating the results of a competition in order to gain a sporting advantage has also been known to occur. In such cases, athletes or coaches seek to manipulate the results of a competition for strategic purposes, such as the deliberate loss of a match to secure a more favourable position or opposition in the next rounds of a tournament. This is commonly referred to as “tanking” or “throwing” a match, where

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64 Lanford Beard, “Winter Olympics Rewind: Looking Back on 2002 ‘Skategate’ Scandal that Transformed Figure Skating”, *People* (17 February 2022) <<https://people.com/sports/olympics-figure-skating-pairs-scandal-salt-lake-city-2002/>> (accessed 4 November 2025).

65 Mark Hughes, “The Floodlights Went Out and an Asian Betting Syndicate Raked in a Fortune”, *Independent* (31 August 2010) <<https://www.independent.co.uk/news/uk/crime/the-floodlights-went-out-ndash-and-an-asian-betting-syndicate-raked-in-a-fortune-2066133.html>> (accessed 4 November 2025).

individuals or teams may seek to manipulate a match to obtain a more favourable match-up in the play-offs/next round.<sup>66</sup>

47 The women badminton players' scandal at the 2012 London Olympics is one of the most notorious incidents of match fixing in the history of the Olympic Games. This scandal involved eight players from four different teams who were accused of deliberately trying to lose their matches in the group stage to secure easier paths through the knock-out stages. These players were all doubles players, and involved the Chinese world champions, two South Korean pairs, and an Indonesian pair. The players repeatedly hit shots wide or served into the net, and made minimal effort to win points. This led to the Badminton World Federation ("BWF") stepping in and launching an investigation into the matches. The BWF concluded that the players had breached the players' code of conduct by not using their best efforts to win a match, and by conducting themselves in a manner that was clearly abusive or detrimental to the sport. All eight players were then disqualified from the tournament.<sup>67</sup> The incident prompted the BWF to review and revise the tournament format to prevent similar occurrences in the future. Changes were introduced to the tournament format to ensure that teams could not benefit from losing matches intentionally, while BWF increased its scrutiny of player behaviour and match integrity in subsequent badminton tournaments.<sup>68</sup>

48 The motivations for engaging in results manipulation are varied and complex. Financial gain is a primary driver, with athletes, officials and other stakeholders often receiving substantial sums of money from gambling syndicates in exchange for ensuring certain desired sporting outcomes. In some cases, athletes may be coerced or threatened into participating in match fixing schemes as a result of political interference. In this regard, the suspicions surrounding the result of the Argentina *versus* Peru match in the 1978 World Cup remain mired in controversy to this day. Host country Argentina then needed to beat Peru by at least four goals to advance to the World Cup Final ahead of arch-rival Brazil on goal difference,<sup>69</sup> and they achieved this with a 6-0 victory over

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66 International Olympic Committee, "Prevention of Competition Manipulation" <<https://olympics.com/ioc/integrity/prevention-competition-manipulation>> (accessed 4 November 2025).

67 Peter Walker & Haroon Siddique, "Eight Olympic Badminton Players Disqualified for 'Throwing Games'", *The Guardian* (1 August 2012) <<https://www.theguardian.com/sport/2012/aug/01/london-2012-badminton-disqualified-olympics>> (accessed 4 November 2025).

68 AP, "Badminton Scandal Prompts Rule Change", *Aljazeera* (30 November 2012) <<https://www.aljazeera.com/sports/2012/11/30/badminton-scandal-prompts-rule-change>> (accessed 4 November 2025).

69 FIFA had scheduled the Brazil-Poland match to be played before the Argentina-Peru match due to ticket and television sales concerns. See Wikipedia, "Argentina v Peru" (*cont'd on the next page*)

Peru, with Peru's performance in the match being uncharacteristically poor.<sup>70</sup> Although rumours that Peru were bribed or threatened by Argentina's military junta into allowing Argentina to win the match by such a large margin were never formally proven, former Peruvian senator Genaro Ledesma has claimed that the Peruvian government was pressured to lose by a large margin by Argentina's military regime, which was keen on winning the most important trophy in world sport in order to bolster national pride and use it to distract from the dictatorship's political and human rights issues at the time.<sup>71</sup> It was also reported that just minutes before kick-off, Argentinian President and dictator Jorge Rafael Videla entered the Peruvian dressing room accompanied by US Secretary of State Henry Kissinger, and read out a message from fellow fascist dictator and Peruvian President Francisco Morales Bermudez reiterating the supposed importance of the bond between the Argentine and Peruvian people.<sup>72</sup> Jose Velasquez, then widely recognised as the best defensive midfielder in South America, was surprisingly substituted just six minutes into the second half, and he not only alleged that this was because the Peruvian government had ordered the team to lose,<sup>73</sup> but that six Peru players – including Argentina-born goalkeeper Ramón Quiroga – were bribed to throw the game.<sup>74</sup>

49 The pressure to win at all costs, the desire for strategic advantages, national pride, diplomatic leverage, the business interests of sponsors, peer pressure to fix matches and the availability of opportunities to game the system are all possible motivations behind the manipulation of sporting outcomes.

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(1978 FIFA World Cup)" <[https://en.wikipedia.org/wiki/Argentina\\_v\\_Peru\\_\(1978\\_FIFA\\_World\\_Cup\)](https://en.wikipedia.org/wiki/Argentina_v_Peru_(1978_FIFA_World_Cup))> (accessed 4 November 2025). As such, Argentina knew exactly the margin of victory it needed to secure over Peru in order to pip Brazil to top spot in their 2nd stage group B and to advance to the Final as group winners.

- 70 Before the match against Argentina, Peru's defensive record at the 1978 World Cup tournament had been sturdy, conceding only six goals in their previous five matches.
- 71 "Argentina's 1978 World Cup Win Against Peru was Fixed in a Brutal Political Deal, Former Senator Says", *Yahoo* (11 February 2012) <[https://sports.yahoo.com/ro-rogers\\_argentina\\_peru\\_fixing\\_scandal\\_world\\_cup\\_021012.html](https://sports.yahoo.com/ro-rogers_argentina_peru_fixing_scandal_world_cup_021012.html)> (accessed 5 November 2025).
- 72 "Argentina 6-0 Peru 1978: Match Fixing or Miracle? The Story of the Most Controversial Match in World Cup History", *Yahoo* (14 May 2024) <<https://sports.yahoo.com/argentina-6-0-peru-1978-152300414.html>> (accessed 5 November 2025).
- 73 Keme Nzerem, "Henry Kissinger and Football's Longest Unsolved Riddle", *Channel 4 News* (4 April 2012) <<https://www.channel4.com/news/dr-henry-kissinger-and-football-longest-unsolved-riddle>> (accessed 5 November 2025).
- 74 90 Min "World Cup Countdown: 10 Weeks to Go – The World Cries Foul as Peru Crumble Against Argentina in 1978", *Sports Illustrated* (13 April 2018) <<https://www.si.com/soccer/2018/04/13/world-cup-countdown-10-weeks-go-world-cries-foul-peru-crumble-against-argentina-1978>> (accessed 5 November 2025).

50 The SNOC's Team Membership Agreement contains a clause on the "Manipulation of Sport Competitions", which provides that the athlete shall agree to comply with the Olympic Movement Code on the Prevention of Manipulation of Competitions,<sup>75</sup> and in particular, agree not to bet on his/her own sport or any event in the games for which he/she is selected to represent Singapore, to always perform to the best of his/her ability, and not to share any inside or non-public information about his/her sport.

51 Addressing the issue of results manipulation by athletes and officials requires a multifaceted approach. Regulatory bodies and sports organisations must implement stringent rules and monitoring systems to detect and prevent unethical practices. This includes the use of advanced technologies, such as data analytics and artificial intelligence, to identify suspicious patterns and behaviours. Additionally, fostering a culture of integrity through education and awareness programmes is crucial. Athletes and officials must be made aware of the consequences of engaging in match fixing, as well as the importance of upholding the principles of fair play.

## **B. Sports betting**

52 Sports betting, if properly regulated, can serve as a means to engage sports fans, and to channel interest and enthusiasm towards the sport. State-operated sports betting can also help fund sports development, as is the case with legalised betting through Singapore Pools on Singapore Premier League matches. Funding from revenue earned from Singapore Pools' SCORE and STRIKE! football betting products accounts for a significant portion of the operating budgets of the vast majority of Singapore Premier League ("SPL")<sup>76</sup> professional football clubs. Singapore Pools, a state-owned licensed lottery operator and bookmaker, has been a crucial financial supporter of the SPL, ensuring the league's sustainability and growth. The funds provided by Singapore Pools help cover various operational costs, including player salaries, stadium maintenance, and youth development programmes. Without this financial backing, many SPL clubs (the privately owned Lion City Sailors FC being an exception) would struggle to meet their financial obligations, potentially leading to the league's further decline and even

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75 International Olympic Committee, Olympic Movement Code on the Prevention of Manipulation of Competitions (2022) <<https://www.olympics.com/ioc/prevention-competition-manipulation/regulations-legislation>> (accessed 8 December 2025).

76 The Singapore Premier League was established in 1996 as the "S.League" after Singapore withdrew from participating in the Malaysian League and Malaysia Cup tournaments in 1995.

collapse.<sup>77</sup> The proceeds of Singapore Pools' lottery offerings have also funded the construction of major sports infrastructure such as the former National Stadium and the current Singapore Indoor Stadium.<sup>78</sup>

53 However, if not properly regulated, sports betting can pose a risk of competition manipulation. When an athlete or official bets on his/her own sport, a conflict of interest could arise as the athlete or official could take advantage of his/her inside knowledge of the competition, while the athlete could also be tempted to tailor his/her performances to ensure winning bets for himself/herself.<sup>79</sup> It does not matter that the athlete bets on an outcome that is consistent with him/her winning or performing well, if the intent behind such performances is to win bets.<sup>80</sup>

54 Apart from the SNOC's prohibition against manipulation of sport competitions, the SPL's Players' Code of Conduct also prohibits players and officials from taking part in any form of betting-related activities on local football matches,<sup>81</sup> while Singapore Pools' Game Rules for Football Betting also prohibit players, officials and volunteers of the SPL from placing bets on the competitions involving their teams.<sup>82</sup>

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77 Noah Tan, "FAS, S.League Clubs Stunned by Potential Drastic Cut in Tote Board Funding", *Today* (8 September 2017) <<https://www.todayonline.com/sports/football/fas-sleague-clubs-stunned-potential-drastic-cut-tote-board-funding>> (accessed 8 December 2025).

78 Lee U-Wen, "The Business of Giving: Koh Choon Hui, Ex-Chairman, Singapore Pools", *The Business Times* (3 September 2021) <<https://www.businesstimes.com.sg/opinion-features/features/the-business-of-giving-koh-choon-hui-ex-chairman-singapore-pools>> (accessed 5 November 2025).

79 International Olympic Committee, "Prevention of Competition Manipulation" <<https://olympics.com/ioc/integrity/prevention-competition-manipulation>> (accessed 5 November 2025).

80 In 1995, former professional football player Abbas Saad was convicted of corruption in a case that rocked the Singapore football community. Abbas Saad, an Australian-Lebanese footballer who had played for Singapore in the Malaysian League and Malaysia Cup competitions, was accused of helping his teammate, Michal Vana, win bets by scoring more goals to ensure that the Singapore team won by large margins in matches on which Vana had placed bets. The Singapore District Court convicted Saad of match fixing and fined him \$50,000. Saad also received a lifetime ban from the FAS, which was lifted in 2009. See Bhagman Singh, "FAS Lifts Ban Imposed on Aussie Footballer Abbas Saad in 1995", *Channel News Asia* (12 March 2009) <<https://web.archive.org/web/20090315084541/http://www.channelnewsasia.com/stories/singaporelocalnews/view/414886/1/.html>> (accessed 5 November 2025).

81 SPL Player Contract (Non-Amateur); Björn Hessert & Chui Ling Goh, "A Comparative Case Study of Match-Fixing Laws in Singapore, Australia, Germany, and Switzerland" (2022) 17(2) *Asian Journal of Comparative Law* 286 <<https://doi.org/10.1017/asjcl.2022.22>> (accessed 11 December 2025).

82 Singapore Pools (Private) Limited, "Game Rules for Football Betting" <<https://www.singaporepools.com.sg/en/rules/pages/pdf/football-betting-game-rules.pdf>> (accessed 9 December 2025).

55 There have been various instances of professional footballers being sanctioned for placing bets on football matches.

(a) In 2003, Noor Ali, then a player with Geylang United FC (now known as Geylang International FC), was found to have placed bets on S-League matches in breach of the S-League Players' Code of Conduct, and was handed a one-year ban from all football-related activities as a result.

(b) In 2017, Joey Barton, an English professional footballer who was then playing for Burnley FC, was found guilty of placing 1,260 bets on football matches over a ten-year period, including bets on matches in which he played. The English Football Association handed Barton an 18-month ban from all football-related activities and fined him £30,000. The ban effectively ended his playing career. Somewhat alarmingly, Barton also admitted that between 2004 and 2011, he had placed bets on his own team to lose matches.<sup>83</sup>

(c) In January 2018, then Liverpool player Daniel Sturridge moved from Liverpool to West Bromwich Albion on loan during the January transfer window. Various other clubs in Italy, Spain and England had also expressed an interest in taking the player on loan. During that month, various bets were placed on the club which Sturridge would move to on loan by members of his family and others known to them. This came to the attention of the Football Association, which found Sturridge guilty of breaching the Football Association's rules prohibiting players from betting or enabling others to bet, and from providing to any other person any information relating to football which the player has obtained by virtue of his or her position within the game and which is not publicly available at that time. These breaches were committed when Sturridge provided inside information to his brother about his potential transfer move, and when he instructed his brother to bet on his possible transfer. The English Football Association initially handed Sturridge a six-week ban and a £75,000 fine. However, upon appeal, the ban was extended to four months, and the fine was increased to £150,000.<sup>84</sup>

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83 Joe Prince-Wright, "Joey Barton Banned for 18 Months Amid Betting Scandal", *NBC Sports* (26 April 2017) <<https://www.nbcsports.com/soccer/news/joey-barton-banned-for-18-months-amid-betting-scandal>> (accessed 7 November 2025).

84 Andy Hunter, "Daniel Sturridge Cannot Play Football until June as Betting Ban is Extended", *The Guardian* (2 March 2020) <<https://www.theguardian.com/football/2020/mar/02/daniel-sturridge-trabzonspor-contract-terminated-after-six-months>> (accessed 7 November 2025).

56 A rather bizarre betting incident occurred at the 2016 Rio Olympics, when Irish boxer Steven Donnelly bet on himself to lose his last 16 bout against Mongolian boxer Byamba, but he ultimately won the welterweight contest and did not win the bet. Such betting was a clear violation of Art 9 of the IOC's Code of Ethics as well as the International Boxing Association's regulations, which strictly prohibit athletes from betting on Olympic events, especially those in which they are participating.<sup>85</sup> However, Donnelly claimed that he did not bet with the intention of cheating by losing his match to win the bets, but rather, he felt that winning the bets would be some compensation in the event he lost his match. The IOC was unmoved and handed him a severe reprimand for breaching the Code of Conduct.<sup>86</sup>

57 In 2017, on the recommendation of the International Forum for Sports Integrity, the IOC established the Olympic Movement Unit on the Prevention of the Manipulation of Competitions ("OMPMC Unit"). This initiative was part of a broader effort to safeguard the integrity of sports and ensure fair play across all levels of competition. The main purpose of the OMPMC Unit is to combat the manipulation of sports competitions, which includes activities such as match fixing, illegal betting, and other forms of corruption that can undermine the integrity of sports. The unit aims to protect athletes, officials, and the broader sports community from the detrimental effects of such activities. It has established model rules, implemented educational programmes to raise awareness among athletes, coaches, officials and other stakeholders about the risks and consequences of competition manipulation, and an intelligence system to monitor, detect and analyse betting patterns and other indicators of potential manipulation. The unit collaborates with betting operators, law enforcement agencies, and other relevant organisations to gather and share intelligence. It also supports International Sports Federations, NOCs, multi-sports event organisers and other sports organisations, with the aim of providing sports organisations with harmonised regulations to protect competitions from manipulation. All sports organisations (including NOCs, International Sports Federations and their respective members at the continental, regional and national levels, as well as IOC-recognised organisations bound by the Olympic Charter) must implement this Code.<sup>87</sup>

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85 International Olympic Committee, "Code of Ethics" <<https://www.olympics.com/ioc/code-of-ethics>> (accessed 9 December 2025).

86 "Irish Boxer Steven Donnelly Reprimanded for Failed Bet on Himself at Rio Olympics", *Fox Sports* (30 September 2016) <<https://www.foxsports.com.au/what-the-fox/irish-boxer-steven-donnelly-reprimanded-for-failed-bet-on-himself-at-rio-olympics/news-story/9ddcb0fe4c85e48f672f742f2ba8e57>> (accessed 7 November 2025).

87 International Olympic Committee, "Prevention of Competition Manipulation" <<https://olympics.com/ioc/integrity/prevention-competition-manipulation>> (cont'd on the next page)

### C. *Doping*

58 Doping is the use of prohibited substances or methods to enhance athletic performance. It has a profound and detrimental impact on the integrity of sports, which is founded on principles of fair play, equality and respect for the rules. When athletes engage in doping, these principles are compromised, leading to several negative consequences such as obtaining an unfair advantage over their competitors, significant health risks including cardiovascular issues, hormonal imbalances and psychological effects, damage to personal reputation, erosion of trust in the athletes as role models, and legal and regulatory battles.

59 The World Anti-Doping Agency (“WADA”) was established on 10 November 1999 in response to a major doping scandal in the world of cycling the year before, and the growing concerns about doping in sports.<sup>88</sup> The creation of WADA was a collaborative effort between the IOC and various stakeholders, including governments, sports organisations, and athletes. The agency’s primary mission is to promote the values of clean sport, to co-ordinate with intergovernmental organisations, governments, public authorities and private bodies in the fight against doping in sports, to protect athletes and to preserve the spirit of sport internationally. The World Anti-Doping Code (“WADA Code”)<sup>89</sup> serves as the foundation for anti-doping policies, rules and regulations within sports organisations and among public authorities around the world. It works in conjunction with eight International Standards which aim to foster consistency among anti-doping organisations in various areas,<sup>90</sup> and provides a harmonised framework for the prevention, detection and enforcement of doping violations.<sup>91</sup> Since its inception, the Code has undergone several revisions to address emerging challenges and to take into account advancements in anti-doping science and practice. The current iteration of the Code is the 2021 version, with the next version already currently being drafted and scheduled to come into effect on 1 January 2027.

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(accessed 4 November 2025).

88 World Anti-Doping Agency, “Who We Are” <<https://www.wada-ama.org/en/who-we-are>> (accessed 7 November 2025).

89 World Anti-Doping Agency, World Anti-Doping Code (2021) <<https://www.wada-ama.org/en/resources/world-anti-doping-code-and-international-standards/world-anti-doping-code>> (accessed 8 December 2025).

90 World Anti-Doping Agency, “The World Anti-Doping Code” <<https://www.wada-ama.org/en/what-we-do/world-anti-doping-code>> (accessed 7 November 2025).

91 US Anti-Doping Agency, “About USADA: The Gold-Standard in Anti-Doping” <<https://www.usada.org/about/world-anti-doping-code/>> (accessed 7 November 2025).

60 The WADA Code identifies several types of anti-doping rule violations, including the presence of a prohibited substance, its metabolites or markers in an athlete's sample urine or blood, a refusal or failure to submit to sample collection, tampering with any part of doping control, possession of or trafficking in a prohibited substance, and administration of a prohibited substance or method.<sup>92</sup> *Mens rea* is a relevant factor in determining the appropriate sanction – for example, the standard period of ineligibility for the presence, use or possession of a prohibited substance is four years if the violation is intentional, and two years if the violation is not intentional. If there are aggravating circumstances, such as involvement in a doping scheme or multiple anti-doping rule violations, the period of ineligibility can be increased by up to two additional years. On the other hand, if the athlete can establish that he/she bears no significant fault or negligence, the period of ineligibility can be reduced – for example, if the athlete can prove that the prohibited substance entered his/her body through no fault of his/her own, the sanction may be reduced to a mere reprimand, or a period of ineligibility of up to two years only.

61 The period of ineligibility for a second anti-doping rule violation is generally the greater of the standard sanction for the second violation or twice the period of ineligibility for the first violation, while a third violation typically results in a lifetime ban. Athletes who test positive for a prohibited substance are subject to a mandatory provisional suspension pending the resolution of their case, and if the athlete accepts a voluntary provisional suspension, the period of that provisional suspension can be credited against the final period of ineligibility if they are ultimately found to have committed a rule violation.<sup>93</sup>

62 WADA maintains an International Standard Prohibited List, which includes a distinction between substances that are prohibited at all times, while in competition, and in particular sports. For example, substances like beta-2 agonists and gene and cell doping are prohibited at all times. On the other hand, stimulants, narcotics, cannabinoids, and glucocorticoids are prohibited in competition. The use of beta-blockers, which are a class of medications that reduce blood pressure and heart rate by blocking the effects of adrenaline, is highly regulated due to their potential performance-enhancing effects, particularly in sports that require steady hands and calm nerves – *eg*, in archery and shooting (where use of beta-blockers is banned both in and out of competition), and in billiards, golf and darts (where use is permitted outside of

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92 World Anti-Doping Code (2021) Art 2.

93 World Anti-Doping Code (2021) Art 10.

competition).<sup>94</sup>As a signatory to the WADA Code,<sup>95</sup> Singapore takes a strong stance against sports doping. In 2010, it established Anti-Doping Singapore (“ADS”) as a national anti-doping organisation to ensure that Singapore complies with international standards and regulations regarding doping in sports, and as part of Singapore’s commitment to the WADA Code. ADS may impose sanctions (ranging from a reprimand to a lifetime ban) on athletes who violate anti-doping rules, with the severity depending on factors such as the degree of fault and type of substance used. ADS is required to publish information on anti-doping rule violations by athletes once a decision has been made by the relevant tribunal. For instance, in 2012, seven bodybuilders were banned from participating in all sports for two years for doping at the 50th Singapore National Bodybuilding and Physique Sports Championship 2012. Their results, medals, points and prizes attained at the event were also forfeited.<sup>96</sup>

63 When athletes breach anti-doping laws and regulations, they may face consequences on multiple fronts. Specifically, such conduct can trigger both anti-doping sanctions imposed by WADA as well as criminal liability under Singapore’s Misuse of Drugs Act (“MDA”). WADA maintains the International Standard Prohibited List, which specifies substances and methods banned both during and outside of competition. There is a significant overlap between substances prohibited by WADA in its International Standard Prohibited List and those classified as controlled drugs under the MDA. For instance, cocaine is listed as a stimulant prohibited in-competition by WADA and is also designated as a Class A controlled drug under the MDA.<sup>97</sup> The legal consequences for involvement with a Class A drug in Singapore are severe – a conviction can result in imprisonment for a term ranging from 10 to 30 years, in addition to a mandatory minimum of 10 strokes and up to 15 strokes of the cane.<sup>98</sup> This means that an athlete’s use or possession of such substances can lead to both sporting sanctions – such as disqualification, suspension, or bans from current and future competitions – as well as criminal prosecution with harsh penalties under Singapore law. Under the MDA, if an individual is found in possession of drugs exceeding certain stipulated amounts, the law presumes that the drugs are intended for

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94 World Anti-Doping Code (2021) Art 4.

95 World Anti-Doping Agency, “Code Signatories” <<https://www.wada-ama.org/en/what-we-do/world-anti-doping-code/code-signatories>> (accessed 7 November 2025).

96 Sport Singapore, “Two Year Ban for Seven Bodybuilding Athletes Who Tested Positive for Prohibited Substances”, media release (7 August 2012) <<https://www.sportsingapore.gov.sg/media-centre/media-release/two-year-ban-for-7-bodybuilding-athletes-who-tested-positive/>> (accessed 7 November 2025).

97 Misuse of Drugs Act 1973 (2020 Rev Ed) First Schedule.

98 Misuse of Drugs Act 1973 (2020 Rev Ed) s 33(4A)(c).

trafficking. The penalties for drug trafficking in Singapore are extremely severe and depend on both the class and quantity of the drugs involved. These penalties range from imprisonment and strokes of the cane to the mandatory death penalty. The aforesaid legal presumption applies to drugs such as diamorphine (heroin), morphine, cocaine and cannabis.<sup>99</sup> Notably, these same substances are also included in WADA's International Standard Prohibited List as drugs prohibited in competition. Therefore, possession of such drugs in quantities above the statutory thresholds can result in both sporting sanctions and, under the MDA, potentially the death penalty. For instance, unauthorised trafficking of more than 30g of cocaine, more than 500g of cannabis, more than 15g of diamorphine, or more than 30g of morphine carries the death penalty under Singapore law.<sup>100</sup>

64 Doping control (also known as anti-doping testing) is a critical component in the effort to protect the integrity of sports. It involves a series of procedures and regulations designed to detect and deter the use of performance-enhancing drugs and other banned substances by athletes. Doping control testing can be conducted in-competition (*ie*, during or immediately after a competition to ensure athletes are not using banned substances to enhance their performance), or out-of-competition (*ie* at any time, often without prior notice, to catch athletes who might use banned substances during training periods in between competitions). Generally, athletes competing at international level are subject to doping control and can be tested anytime or anywhere by the relevant national anti-doping organisations, IFs and major games or event organisers.<sup>101</sup> When an athlete is notified that he/she has been selected for doping control, he/she must report to the doping control station immediately, although if he/she has won any medals, then he/she may attend the medal ceremony first before proceeding to the doping control station.<sup>102</sup> Urine and/or blood samples collected are sent to accredited laboratories where they are analysed for the presence of banned substances or methods.

65 Upon an athlete's selection by the SNOC to represent Team Singapore at a major game, the athlete will be subject to various obligations under the SNOC's Team Membership Agreement, including the provisions on anti-doping. The athlete must agree to comply with the WADA Code, the International Standards referred to therein, the ADS

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99 Misuse of Drugs Act 1973 (2020 Rev Ed) s 17.

100 Misuse of Drugs Act 1973 (2020 Rev Ed) Second Schedule.

101 World Anti-Doping Agency, "Anti-Doping Process" <<https://www.wada-ama.org/en/athletes-support-personnel/anti-doping-process>> (accessed 7 November 2025).

102 World Anti-Doping Agency, "Anti-Doping Process" <<https://www.wada-ama.org/en/athletes-support-personnel/anti-doping-process>> (accessed 7 November 2025).

Anti-Doping Rules,<sup>103</sup> and all anti-doping requirements of the relevant International Sports Federation, ADS and the SNOC. These include but are not limited to requirements relating to:

- (a) anti-doping education;
- (b) test distribution planning;
- (c) maintenance of a registered testing pool;
- (d) managing athlete biological passports;
- (e) conducting testing;
- (f) organising analysis of samples;
- (g) gathering of intelligence and conduct of investigations;
- (h) submission and/or processing of therapeutic use exemption applications;
- (i) results management;
- (j) monitoring and enforcing compliance; and
- (k) all other requirements related to anti-doping to be carried out by or on behalf of an anti-doping organisation as provided in the WADA Code and the International Standards referred to therein.

66 Doping rules make it compulsory for athletes to provide blood/urine samples. In some cases, the athlete need not even be the subject of a positive drug test to attract a doping sanction. In 2003, the Football Association of England banned footballer Rio Ferdinand for eight months and fined him £50,000 for leaving his football club's training ground without submitting himself to a doping control test which he had been informed about. The sanctions applied even after he had provided a negative urine sample two days later, and despite that he had never been previously tested positive for doping in his entire career.<sup>104</sup> The ban caused him to miss half a Premier League season for his club, and prevented him from playing in the 2004 European Championships.

67 Refusing to submit urine/blood samples amounts to a serious violation of anti-doping regulations. The consequences of such a refusal can be severe, as demonstrated by the high-profile case of Sun Yang. The Chinese swimmer is the first male swimmer in history to earn Olympic

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103 Anti-Doping Singapore, "ADS Anti-Doping Rules" <<https://www.antidopingsingapore.gov.sg/about-ads/>> (accessed 9 December 2025).

104 *Arbitration in Singapore: A Practical Guide* (Sundares Menon *et al* eds) (Sweet & Maxwell/Thomson Reuters, 2nd Ed, 2018) ch 21 at [21.069].

and World Championship gold medals at every freestyle distance from 200m to 1500m. A three-time Olympic gold medallist and an 11-time world champion, Sun was involved in an incident in September 2018 when he was visited by a testing team from the International Doping Tests & Management, a company contracted by FINA to conduct out-of-competition doping tests. The testing team arrived at his residence without prior notice, as is standard practice for out-of-competition testing – this element of surprise is important to prevent athletes from taking measures to avoid detection of banned substances. Sun initially complied with the testing procedure and provided blood samples, but after providing the blood samples, Sun and his mother began to question the credentials and authorisation of the testing team, and the legitimacy of the documents they presented. Thereafter, Sun’s security guard, acting on instructions from Sun and his mother, used a hammer to destroy the blood sample vials. This effectively prevented the samples from being analysed.

68 While the FINA Doping Panel merely issued a warning to Sun, WADA appealed that decision to the Court of Arbitration for Sport (“CAS”), which upheld the appeal in February 2020 and imposed an eight-year ban on Sun for his breach of Art 2.5 of the FINA Doping Control Rules<sup>105</sup> (“Tampering or Alleged Tampering with any Part of Doping Control by an Athlete”).<sup>106</sup> Sun appealed against the CAS decision to the Swiss Federal Tribunal, which set aside the ban in December 2020 due to concerns about the impartiality of the President of the CAS hearing panel. A new hearing panel was thereafter appointed by CAS, which found to its comfortable satisfaction that Sun had violated Art 2.3 of FINA’s Doping Code (“Evading, Refusing or Failing to Submit to Sample Collection by an Athlete”) as well as Art 2.5 of the said Doping Code. However, the new hearing panel reduced his ban to four years and three months.<sup>107</sup>

69 Athletes found guilty of doping face sanctions, including suspensions, fines, and disqualification from competitions. In addition, they may also suffer damage to reputation and loss of income, sponsorships and endorsements. Sun Yang’s lengthy suspension prevented him from competing at the 2021 Tokyo Olympics, as well as from taking part in

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105 Fédération Internationale de Natation, FINA Doping Control Rules <<https://resources.fina.org/fina/document/2023/02/08/6c191e57-c657-4960-b9e2-9ef9b224f818/World-Aquatics-Doping-Control-Rules.pdf>> (accessed 11 December 2025).

106 Victor Mather, Karen Crouse & Tariq Panja, “Sun Yang, Chinese Olympic Swimmer, Gets 8-Year Doping Ban” (28 February 2020) <<https://www.nytimes.com/2020/02/28/sports/olympics/sun-yang-doping-ban.html>> (accessed 8 November 2025).

107 *World Anti-Doping Agency v Mr Sun Yang & Fédération Internationale de Natation (FINA)* CAS 2019/A/6148.

China's national Olympic qualifiers for the 2024 Paris Olympics as China's Olympic selection criteria disqualifies athletes who have been banned more than one year for doping violations.<sup>108</sup> Sun only returned to competitive swimming in August 2024, when at the age of 32, he won the gold medal in the men's 400m freestyle at the 2024 National Summer Swimming Championships in Hefei,<sup>109</sup> and more recently, a silver medal in the same event at the National Spring Swimming Championships in March 2025.<sup>110</sup>

70 Over the years, several prominent Olympians have tested positive for doping at the Olympic Games, leading to disqualifications, stripped medals, and significant controversies. Canadian sprinter Ben Johnson was one of them. Johnson had won the gold medal in the 100m at the 1988 Seoul Olympics, pipping arch-rival Carl Lewis of the US and setting a sensational new world record in the process. However, shortly after the race, he tested positive for the anabolic steroid stanozolol. Johnson was disqualified, and his gold medal and world record was stripped. The International Association of Athletics Federations ("IAAF") imposed a two-year ban on Johnson, and when he returned to competition in 1991, he struggled to regain his previous form. At the 1992 Barcelona Olympics, he did not even reach the 100m final. In 1993, he competed in an IAAF Grand Prix race in Montreal, and tested positive for testosterone, leading to a lifetime ban from the sport and ending his athletics career.<sup>111</sup>

71 Likewise, American sprinter Marion Jones had gained international fame by winning an incredible five medals (three gold and two bronze) at the 2000 Sydney Olympics, and was once the fastest woman in the world. In 2007, Jones admitted to using performance-enhancing drugs before and during the Sydney Olympics, and to having received steroids from her coach Trevor Graham, who in turn obtained it from the Bay Area Laboratory Co-operative. Following her admission, Jones was stripped of all her Olympic medals, and her results were nullified. She also served a six-month prison sentence for lying to federal investigators

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108 "Sun Yang's Chances of Olympic Return Dashed by China Qualifying Criteria", *NBC Sports* (22 December 2023) <<https://www.nbcsports.com/olympics/news/sun-yang-suspension-swimming-olympics-china>> (accessed 8 November 2025).

109 "Chinese Swimmer Sun Yang Makes Triumphant Return After Serving Out 51-Month Suspension", *China Daily* (28 August 2024) <<https://www.chinadailyhk.com/hk/article/591717>> (accessed 8 November 2025).

110 "Sun Yang Makes a Splash with Silver at National Spring Swimming Championships", *People's Daily Online* (20 March 2025) <<https://en.people.cn/n3/2025/0320/c90000-20291745.html>> (accessed 8 November 2025).

111 William Drozdiak, "Sprinter Johnson Banned for Life", *The Washington Post* (6 March 1993) <<https://www.washingtonpost.com/archive/sports/1993/03/06/sprinter-johnson-banned-for-life/aa981f10-9581-4200-9e59-9b01002f84b4/>> (accessed 8 November 2025).

about her use of performance enhancing drugs. The doping admission and sanctions imposed on her effectively ended Jones's athletics career.<sup>112</sup>

72 WADA's authority to impose sanctions on athletes who test positive for banned substances has not been without controversy or challenge. A notable example of such controversy is the dispute between WADA and the United States Anti-Doping Agency ("USADA") concerning the clearance of 23 Chinese swimmers. In April 2024, it came to light that 23 Chinese athletes had tested positive for the prohibited substance trimetazidine at a training camp several months prior to the 2020 Tokyo Olympics. Chinese anti-doping authorities had attributed the positive tests to accidental contamination from food consumed at the athletes' hotel, and concluded that there was no intentional wrongdoing. As a result, no sanctions or suspensions were imposed on the athletes.

73 WADA reviewed the findings and ultimately concurred with the Chinese authorities' assessment, accepting the contaminated food defence and allowing the athletes to compete in the Tokyo Olympics.<sup>113</sup> This decision sparked a furious reaction from the USADA, with its CEO Travis Tygart ("Tygart") accusing WADA of a cover-up.<sup>114</sup> In response, WADA instituted a defamation lawsuit against USADA and Tygart.<sup>115</sup> However, WADA later withdrew the lawsuit, stating that while it remained convinced its case would have been successful, it was choosing to move on in the interest of collaboration with stakeholders and for the good of athletes worldwide. WADA explained that it was futile to argue with parties unwilling to accept clear evidence or seek resolution, and that it wished to put the dispute behind it. Tygart characterised the withdrawal as a complete vindication for himself and USADA.<sup>116</sup>

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112 Shafiq Najib, "Former Olympic Champion Marion Jones Reflects on Her Conviction and Looks to the Future", *ABC News* (30 July 2024) <<https://abcnews.go.com/GMA/News/former-olympic-champion-marion-jones-reflects-conviction-future/story?id=112385124>> (accessed 8 November 2025).

113 Sophie Kaufman, "Herald Sun: 23 Chinese Swimmers Tested Positive Before Tokyo Olympics", *SwimSwam* (20 April 2024) <<https://swimswam.com/herald-sun-23-chinese-swimmers-tested-positive-before-tokyo-olympics/>> (accessed 8 November 2025).

114 "Usada Criticises Wada Over Handling of 23 Chinese Swimmers' Positive Tests Before Tokyo Olympics", *The Straits Times* (20 April 2024) <<https://www.straitstimes.com/asia/wada-confirms-23-chinese-swimmers-tested-positive-before-tokyo-games-accepted-contamination-finding>> (accessed 8 November 2025).

115 Jack Skelton, "Wada Drops Lawsuit Against Usada and Tygart", *BBC Sport* (21 February 2025) <<https://www.bbc.com/sport/swimming/articles/c78e95403920>> (accessed 8 November 2025).

116 Jack Skelton, "Wada Drops Lawsuit Against Usada and Tygart", *BBC Sport* (21 February 2025) <<https://www.bbc.com/sport/swimming/articles/c78e95403920>> (accessed 8 November 2025).

74 Perhaps unsurprisingly, the White House Office of National Drug Control Policy withheld the US's annual US\$3.6m payment to WADA, citing concerns over WADA's lack of transparency and accountability, particularly in light of its handling of the Chinese swimmers' positive tests.<sup>117</sup> This move was fully supported by USADA, which argued that withholding payment was necessary to protect athletes' rights and ensure fair competition.<sup>118</sup>

75 Most recently, Tygart has continued to challenge the official explanation that the Chinese swimmers' positive tests for trimetazidine were the result of food contamination.<sup>119</sup> In June 2025, Tygart reiterated his concerns and called for greater transparency and reform during testimony before a US Senate subcommittee, notwithstanding that Independent Prosecutor Eric Cottier of Switzerland had conducted a review of WADA's handling of the case and had found that WADA had not shown any bias towards China.<sup>120</sup> The dispute between WADA and USADA has shone the spotlight on the integrity and consistency of the global anti-doping system, including due process, transparency and consistency in doping penalties across sports and nations, the tension between WADA's global framework and member's national authorities' jurisdiction to enforce doping rules within their territories, and the influence which WADA's biggest funding members may have over its perceived independence.

76 Singapore athletes too have been sanctioned for anti-doping rule violations. Para-wheelchair sprinter Muhammad Firdaus Nordin, who won multiple gold medals at the 2005 Asean Para Games in Manila and a silver medal at the 2006 International Paralympic Committee Athletics World Championships in the Netherlands, tested positive for methamphetamine in February 2015. He admitted that he had taken methamphetamine to get in shape for the Asean Para Games at the

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117 Margaret Fleming, "U.S. Government Didn't Pay 2024 Dues to World Anti-Doping Agency", *Front Office Sports* (8 January 2025) <<https://frontofficesports.com/us-withheld-2024-wada-funding/>> (accessed 8 November 2025).

118 US Anti-Doping Agency, "Statement From USADA CEO Travis T. Tygart on the U.S. Government Withholding Payment to WADA", *Blog* (8 January 2025) <<https://www.usada.org/statement/u-s-withholding-payment-wada/>> (accessed 8 November 2025).

119 US Anti-Doping Agency, "Statement From USADA CEO Travis T. Tygart on Contamination Cases and the Requirement of Transparency", *Blog* (30 July 2024) <<https://www.usada.org/statement/tygart-contamination-cases-transparency/>> (accessed 8 November 2025).

120 World Anti-Doping Agency, "WADA Statement on U.S. Senate Commerce Committee Bill", press release (26 June 2025) <<https://www.wada-ama.org/en/news/wada-statement-us-senate-commerce-committee-bill>> (accessed 8 November 2025).

end of that year. He was charged and found guilty under the MDA, and sentenced to five years' jail and five strokes of the cane for trafficking and taking the drug.<sup>121</sup> Another para-sprinter, Mohammad Khairi Ishak, tested positive for methandienone, an anabolic steroid, during an out-of-competition test by ADS in March 2018, and received a provisional suspension and was withdrawn from participation in the 2018 Gold Coast Commonwealth Games. ADS's Disciplinary Committee subsequently imposed a four-year ban on Khairi.<sup>122</sup>

77 Not all use of prohibited substances will amount to an anti-doping rule violation. Athletes may have an illness or pre-existing medical condition that requires a particular medication. If this medication contains a substance or requires an administration method that is on the List of Prohibited Substances and Methods, the athlete may apply for a therapeutic use exemption ("TUE") to use the prohibited substance or method for legitimate medical reasons. A TUE thus allows athletes to compete in a proper state of health while avoiding the risk of being sanctioned for non-compliance with anti-doping regulations.

78 The International Standard for Therapeutic Use Exemptions issued by WADA provides detailed guidelines and criteria that must be met for a TUE to be granted. Athletes should apply for a TUE as soon as possible after being prescribed the medical substance or route of administration. If the substance is prohibited in competition only, the athlete should apply at least 30 days before the competition.<sup>123</sup> National-level athletes must apply to their National Anti-Doping Organisation ("NADO"),<sup>124</sup> while international-level athletes must apply to their IF. TUE applications are reviewed by an Anti-Doping Organisation's ("ADO") Therapeutic Use Exemption Committee. Decisions on TUE

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121 Amir Hussain, "Para Games Gold Medalist Firdaus Nordin Jailed 5 Years for Drug Trafficking and Consumption", *The Straits Times* (20 May 2016) <<https://www.straitstimes.com/singapore/courts-crime/para-games-gold-medalist-firdaus-nordin-jailed-5-years-for-drug-trafficking>> (accessed 8 November 2025).

122 Low Lin Phoong, "Spore Para Athlete Khairi Ishak Gets 4-year Ban After Failing Drug Test", *Today* (14 April 2018) <<https://www.todayonline.com/singapore/spore-para-athlete-khairi-ishak-gets-4-year-ban-after-failing-drug-test>> (accessed 8 November 2025); Desmond Wee, "Commonwealth Games: Singapore Para Athlete Khairi Ishak Banned After Failing Dope Test", *The Straits Times* (12 April 2018) <<https://www.straitstimes.com/sport/commonwealth-games-singapore-para-athlete-khairi-ishak-banned-after-failing-dope-test>> (accessed 8 November 2025).

123 International Standard for Therapeutic Use Exemptions (2023) Art 6.

124 The Anti-Doping Singapore ("ADS") Therapeutic Use Exemption Policy 2021 draws a distinction between athletes in the ADS Registered and Domestic Testing Pool, and athletes in the International Federation's Registered Testing Pool, with the former having to obtain a TUE from ADS, while the latter would have to obtain a TUE from their respective International Federation.

applications must be issued within 21 days of receiving a complete application. If a TUE is not granted, the ADO will explain why, and the athlete can request to have the decision appealed.<sup>125</sup> Appeals can be made in the first instance to the appeal body of the NADO or IF, while a further appeal can be made to the CAS.<sup>126</sup>

79 TUEs are generally only granted where: (a) the athlete would experience significant health impairment without the use of the prohibited substance or method; (b) the use of the substance or method is not expected to produce a significant enhancement of performance beyond what would be achieved by returning the athlete to a normal state of health; (c) there is no reasonable therapeutic alternative to the use of the prohibited substance or method; and (d) the necessity for the use of the prohibited substance or method is not a consequence of prior use without a TUE.<sup>127</sup> TUEs are granted for a specific duration, depending on the medical condition and treatment plan, and athletes will have to comply with any conditions specified in the TUE and may be subject to monitoring and follow-up assessments.<sup>128</sup>

80 Where an athlete has already used a prohibited substance or method in competition, a Retroactive Therapeutic Use Exemption (“RTUE”) may be applied for, and if granted, allow the athlete to justify the use of the prohibited substance or method for legitimate medical reasons that existed at the time of use. The primary purpose of an RTUE is to accommodate situations where it was not feasible or practical for the athlete to obtain a TUE prospectively. For example, the athlete may have experienced an emergency medical situation such as severe allergic reactions or asthma attacks which required immediate medical treatment using the prohibited substance or method, or if the athlete did not have sufficient time or opportunity to apply for a TUE before using the prohibited substance or method. In the case of one Singaporean athlete who medalled at the 2018 Asian Games and was tested positive for a prohibited substance immediately after the medal-winning event was completed, an RTUE was applied for and granted by ADS on medical grounds and exceptional circumstances, and the RTUE was in turn recognised by the Olympic Council of Asia’s Therapeutic Use Exemption Committee, thus averting potential anti-doping disciplinary sanctions. The RTUE application process thus ensures that athletes with legitimate medical needs are not unfairly penalised for using necessary treatments. The criteria for granting an RTUE are broadly similar to those for granting

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125 World Anti-Doping Code (2021) Art 4.4.

126 International Standard for Therapeutic Use Exemptions (2023) Art 8.

127 International Standard for Therapeutic Use Exemptions (2023) Art 4.2.

128 International Standard for Therapeutic Use Exemptions (2023) Art 5.5.

a standard prospective TUE.<sup>129</sup> However, RTUEs have additional criteria and considerations to account for the unique circumstances under which they are requested. These include emergency medical conditions, lack of opportunity to apply in advance, existence of exceptional circumstances, and provision of detailed medical documentation that demonstrates the necessity of the prohibited substance or method at the time of use.<sup>130</sup> The review process for retroactive TUEs is rigorous, with independent medical experts evaluating the application to ensure that the criteria are met. This helps to ensure that RTUEs are not abused, and are granted only when necessary and justified.

#### IV. Safe sport

81 Safe sport is a critical initiative aimed at ensuring the safety, well-being and protection of athletes across all levels of competition. It encompasses a range of policies, practices and programmes designed to prevent abuse, harassment and misconduct in sports environments. The key aspects of safe sport include: (a) prevention of harassment and abuse – be it sexual, physical, emotional or psychological; (b) supporting the athletes’ mental well-being; (c) raising awareness about safe sport principles; (d) training, certifying and accrediting safeguarding officers to provide a supportive environment for athletes; and (e) providing an avenue for reporting and seeking redress. The concept of safe sport is rooted in the belief that every athlete has the right to participate in a safe and supportive environment, free from any form of harm or exploitation, and that a culture of respect, integrity and accountability within the sporting community should be cultivated. If left unaddressed, such abuse, harassment and other inappropriate interpersonal behaviours in the community will affect enjoyment and participation in sport at all levels, and will compromise the safety and well-being of affected persons which can have lifelong impact on them. This is especially grave when those concerned are minors, the vulnerable or persons with disabilities. Once a culture of permissibility (whether real or perceived) is allowed to set in, negative habits and norms within the sport will manifest over time which may culminate in endemic disciplinary issues and even criminal behaviour. This will in turn lead to fractures within the community, disillusionment by affected parties, and their departure from the sport altogether.<sup>131</sup>

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129 International Standard for Therapeutic Use Exemptions (2023) Art 4.1.

130 International Standard for Therapeutic Use Exemptions (2023) Art 4.1.

131 Sport Singapore, “Safe Sport” (7 April 2025) <<https://www.sportsingapore.gov.sg/safe-sport/>> (accessed 8 November 2025).

82 The Larry Nassar scandal exposed significant failures in safeguarding practices in sport, and prompted a widespread call for reform. Although allegations against Nassar, a former USA Gymnastics team doctor, date back to the late 1990s and early 2000s, these early complaints were either dismissed or not thoroughly investigated. This was in part because Nassar was highly regarded for his medical expertise, and had a long-standing relationship with the gymnastics community. Through the silence and disregard of numerous professionals in USA Gymnastics, Michigan State University (where Nassar was a faculty member at its College of Osteopathic Medicine), and the United States Olympic Committee, Nassar's sexual assault occurred and continued for decades without consequence.<sup>132</sup> In 2015, USA Gymnastics finally acted on the multiple and persistent complaints from athletes about Nassar's inappropriate and abusive behaviour during medical treatments, when the volume and consistency of these complaints made it difficult for them to continue to be ignored. USA Gymnastics then conducted an internal investigation into the allegations, and following this, quietly fired Nassar.<sup>133</sup> The decision to terminate his employment was not publicly disclosed at the time. Notwithstanding his termination as team doctor, Nassar continued to have access to athletes through his work at Michigan State University and his private practice. This allowed him to continue his abusive behaviour.<sup>134</sup>

83 It was only when media outlets started to investigate and report on the allegations against Nassar that USA Gymnastics was forced to take action. In August 2016, *The Indianapolis Star* published an investigative report detailing allegations of sexual abuse by Nassar and how USA Gymnastics simply filed away those complaints. The scandal quickly gained significant public attention, and prompted even more victims to come forward publicly.<sup>135</sup> In November 2016, Nassar was arrested and

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132 Heather Udowitch, "The Larry Nassar Nightmare: Athletic Organizational Failures to Address Sexual Assault Allegations and a Call for Corrective Action" (2020) 16(1) *DePaul Journal of Sports Law* 6.

133 Tracy Connor, "Dr. Larry Nassar, Accused of Abuse by Olympic Gymnast, is Fired", *NBC News* (21 September 2016) <<https://www.nbcnews.com/news/us-news/dr-larry-nassar-accused-abuse-olympic-gymnast-fired-n651461>> (accessed 8 November 2025).

134 Report of Employee Review Michigan State University 2019 Resolution Agreement, Section III (1 September 2020).

135 "A Legacy of Inaction", *The Washington Post* (15 February 2017) <<https://web.archive.org/web/20180205001018/https://www.highbeam.com/doc/1P2-40467147.html>> (accessed 8 November 2025); Dakota Crawford & Amy Haneline, "Follow IndyStar's investigation of USA Gymnastics and Larry Nassar from Start to Finish", *IndyStar* (24 January 2018) <<https://www.indystar.com/story/sports/2018/01/24/indystar-larry-nassar-usa-gymnastics-investigation/1062120001/>> (accessed 8 November 2025).

charged with first-degree criminal sexual conduct. A month later, he was indicted on federal pornography charges after being found in possession of 37,000 images and videos of child pornography within hard drives at his home. This was quickly followed by a federal lawsuit filed by 18 victims against Nassar, USA Gymnastics, Michigan State University and Geddert's Twistars Gymnastics Club (a gymnastics training facility in Michigan at which Nassar had provided medical treatment to athletes) for alleged sexual assault, molestation, harassment and battery for the years between 1996 and 2016.<sup>136</sup>

84 More than 50 women and girls have publicly accused Nassar of sexually abusing them, and many of them were minors at the time of the crimes.<sup>137</sup> During Nassar's week-long sentencing hearing, more than 150 women provided victim-impact statements detailing their experiences and the impact of Nassar's abuse on their lives. Nassar pleaded guilty to seven counts of criminal sexual conduct and admitted to using his trusted medical position to assault and molest girls under the guise of medical treatment. On 24 January 2018, Nassar was sentenced to state prison for 40 to 175 years.<sup>138</sup>

85 While the concept of safe sport had existed before the Nassar scandal, the widespread exposure and severity of the abuse by Nassar acted as a significant catalyst for change. The scandal highlighted systemic failures in safeguarding practices and the urgent need for comprehensive reforms.

86 In 2017, the US Center for SafeSport ("USCSS"), was established under the Protecting Young Victims from Sexual Abuse and Safe Sport Authorisation Act<sup>139</sup> as the safe sport organisation in the US. The USCSS is vested with exclusive jurisdiction to review allegations of sexual abuse and misconduct within US Olympic or Paralympic organisations, as well as to review and act upon other allegations, including emotional abuse,

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136 Marilia Brocchetto, "18 Women Sue Ex-USA Gymnastics Doctor in Sex-Assault Case", *CNN* (20 February 2017) <<https://edition.cnn.com/2017/01/10/health/gymnastics-doctor-sexual-assault-lawsuit>> (accessed 8 December 2025).

137 "Larry Nassar Case: USA Gymnastics Doctor 'Abused 265 Girls'", *BBC* (1 February 2018) <<https://www.bbc.co.uk/news/world-us-canada-42894833>> (accessed 8 November 2025).

138 Eric Levenson, "Larry Nassar Sentenced to up to 175 Years in Prison for Decades of Sexual Abuse", *CNN* (24 January 2018) <<https://edition.cnn.com/2018/01/24/us/larry-nassar-sentencing/index.html>> (accessed 8 November 2025).

139 Pub L No 115-126, § 202, 132 Stat 318 (14 February 2018) (codified as amended at 18 USC, 34 USC and 36 USC) <<https://www.govinfo.gov/app/details/PLAW-115publ126>> (accessed 28 November 2025).

bullying, and harassment.<sup>140</sup> This exclusive jurisdiction is conferred by the Protecting Young Victims from Sexual Abuse and Safe Sport Authorisation Act, while the SafeSport Code<sup>141</sup> sets out the rules and procedures for the investigation and resolution of reported incidents, and defines the various forms of prohibited conduct for participants, including the various forms of sexual, emotional, and physical abuse. The SafeSport Code, which was first introduced in March 2017 and is revised periodically, applies to all participants in the United States Olympic and Paralympic Movement. The USCSS conducts independent investigations into allegations of sexual abuse and misconduct, and has the authority to gather evidence, interview witnesses, make determinations based on its findings, and impose sanctions, including suspensions, lifetime bans and other disciplinary penalties against individuals found to have committed abuse or misconduct.

87 In 2022, the IOC established its Safe Sport Unit as part of its ongoing efforts to ensure the safety and well-being of athletes, and to protect athletes from all forms of abuse, harassment, and misconduct. The IOC Safe Sport Unit offers education and training programmes to raise awareness about abuse and misconduct in sports, and has established mechanisms for reporting abuse and misconduct to ensure that athletes and other stakeholders can report concerns confidentially and safely. It is also involved in the investigation and adjudication of abuse allegations, and works in collaboration with the relevant authorities and organisations to ensure that cases are handled appropriately and that perpetrators are held accountable.<sup>142</sup> One of the IOC Safe Sport Unit's programmes is the development of the *IOC Safeguarding Toolkit for IFs and NOCs*,<sup>143</sup> which is meant to help NOCs and IFs develop and implement policies and procedures in safe sport, and the *IOC Mental Health in Elite Athletes Toolkit*, which was developed by the IOC Medical and Scientific Commission, the IOC Athletes' Entourage Commission and the IOC Athletes' Commission.<sup>144</sup> The IOC has also recognised the importance of mental health in the overall well-being and performance of athletes, and has developed a comprehensive *Mental Health Action*

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140 US Center for SafeSport, "Our Story: Fostering Respect, Ending Abuse in Sport" <<https://uscenterforsafesport.org/about/our-story/>> (accessed 8 November 2025).

141 US Center for SafeSport, "SafeSport Code" <<https://uscenterforsafesport.org/response-and-resolution/safesport-code/>> (accessed 9 December 2025).

142 International Olympic Committee, "Safe Sport" <<https://olympics.com/ioc/safe-sport>> (accessed 8 November 2025).

143 International Olympic Committee, *Safeguarding Athletes From Harassment and Abuse in Sport: IOC Toolkit for IFs and NOCs* (2017).

144 International Olympic Committee, *IOC Mental Health in Elite Athletes Toolkit* (Spring 2021).

*Plan*<sup>145</sup> aimed at addressing the mental health needs of athletes and promoting a supportive environment within the Olympic Movement.<sup>146</sup>

88 In Singapore, the Safe Sport Taskforce was formed in 2018 under CoachSG, a division under the Singapore Sport Institute, to promote the values and best practices of Safe Sport, safeguard athletes, participants, and officials, and protect the integrity of sport and sports organisations.<sup>147</sup> In 2019, Sport Singapore established the Safe Sport Commission as an advisory panel to drive the effective implementation of Safe Sport principles and policies. Its advisory role evolved in 2021 to the administration of the Safe Sport Programme, performing the key functions of policy and advocacy, training and education, and case management.<sup>148</sup> The Safe Sport Commission has also developed and launched in November 2021 the Safe Sport Unified Code,<sup>149</sup> which like the Safe Sport Programme, was guided by international frameworks on safeguarding in sport such as the *IOC Safeguarding Toolkit for IFs and NOCs*, the “IOC Consensus Statement: Harassment and Abuse (Non-Accidental Violence) in Sport”<sup>150</sup> and the *IOC Athlete Safeguarding Guidelines*.<sup>151</sup>

89 Contraventions of the Safe Sport Unified Code are referred to and dealt with by the Safe Sport Disciplinary Panel.<sup>152</sup> Categories of misconduct under the Safe Sport Unified Code include, amongst others:

- (a) offences under domestic laws (eg, the Penal Code 1871<sup>153</sup> and the Children and Young Persons Act 1993<sup>154</sup>);

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145 International Olympic Committee, *Mental Health Action Plan* (July 2023).

146 International Olympic Committee, “New IOC Mental Health Action Plan to Further Focus on Well-Being of Athletes and Promoting Psychologically Safe Environments” (3 July 2023) <<https://olympics.com/ioc/news/new-ioc-mental-health-action-plan-to-further-focus-on-well-being-of-athletes-and-promoting-psychologically-safe-environments>> (accessed 9 November 2025).

147 Safe Sport Commission Singapore, “History” <<https://www.safesport.sg/about/history/>> (accessed 9 November 2025).

148 Safe Sport Commission Singapore, “History” <<https://www.safesport.sg/about/history/>> (accessed 9 November 2025).

149 Safe Sport Unified Code (2021) (Version 4.0.1) <<https://www.safesport.sg/safe-sport-programme/unified-code/>> (accessed 8 November 2025).

150 International Olympic Committee, “Consensus Statements” <<https://olympics.com/ioc/documents/athletes/medical-and-scientific-consensus-statements>> (accessed 9 November 2025).

151 International Olympic Committee, *IOC Guidelines for International Federations (IFs) and National Olympic Committees (NOCs) Related to Creating and Implementing a Policy to Safeguard Athletes from Harassment and Abuse in Sport* (10 June 2024).

152 Safe Sport Commission Singapore, “Safe Sport Disciplinary Panel” <<https://www.safesport.sg/safe-sport-disciplinary-panel-members/>> (accessed 9 November 2025).

153 2020 Rev Ed.

154 2020 Rev Ed.

- (b) sexual misconduct (*eg*, sexual harassment, sexualised communications, sexual contact, indecent exposure, exploitation and assault);
- (c) physical and psychological misconduct (*eg*, threats, neglect, humiliation, grooming, stalking, throwing objects, body shaming, bullying, taunting and social exclusion);
- (d) other inappropriate conduct (*eg*, having intimate relationship, physical contact and wilful ignorance or tolerance of the same); and
- (e) misconduct related to process (*eg*, false reporting, destroying evidence, harassing or influencing witnesses, non-compliance with temporary measures and retaliation).<sup>155</sup>

90 The relationship between criminal offences under Singapore law and violations of the Safe Sport Unified Code is both significant and nuanced. Conduct that constitutes a criminal offence – such as those found in the Penal Code 1871 or the Women’s Charter 1961<sup>156</sup> – will almost always be considered a breach of the Safe Sport Unified Code. This is because criminal acts like sexual assault, physical harm, or harassment are fundamentally at odds with the principles of safety, respect and well-being that the Code seeks to uphold within the sporting community.

91 However, the Safe Sport Unified Code is intentionally broader in its scope than criminal law. Not every breach of the Code amounts to a criminal offence. The Code encompasses a wide range of misconduct that, while not criminalised under Singapore law, can still undermine the safety and dignity of athletes and participants. For example, behaviours such as psychological misconduct, body shaming, taunting, exclusion and neglect may not amount to criminal wrongdoing, yet they are expressly prohibited under the Code due to their potential to cause significant harm within the sporting environment.

92 There is, nonetheless, considerable overlap between certain criminal offences and the types of misconduct addressed by the Safe Sport Unified Code. Offences such as outrage of modesty, sexual assault, and voluntarily causing hurt in the Penal Code 1871<sup>157</sup> correspond directly to sexual and physical misconduct as defined by the Code. Similarly, acts

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155 Safe Sport Commission Singapore, “What is Safe Sport?” <<https://www.safesport.sg/files/Types%20of%20Safe%20Sport%20Misconduct.pdf>> (accessed 8 December 2025).

156 2020 Rev Ed.

157 Penal Code 1871 (2020 Rev Ed) s 354A (outrage of modesty), s 376 (sexual assault), and s 323 (voluntarily causing hurt).

of harassment and stalking, which are criminalised under the Protection from Harassment Act 2014,<sup>158</sup> align with the Code's prohibitions against psychological and online misconduct.

93 By including both criminal and non-criminal forms of misconduct, the Safe Sport Unified Code ensures a comprehensive approach to athlete protection. This layered framework allows for the imposition of sanctions and remedial measures even in cases where the misconduct does not amount to a criminal offence. As a result, the Code serves as an essential tool for fostering a safe, respectful and inclusive sporting environment, addressing a broad range of harmful or undesirable behaviours and ensuring that all participants are protected – not just from criminal acts, but from any conduct that threatens their well-being.

94 The Safe Sport Disciplinary Panel hears, resolves and adjudicates on moderate to severe cases of misconduct for member organisations under the Safe Sport Programme, while criminal cases will be referred to the police. The Disciplinary Panel comprises of independent individuals appointed by the Ministry of Culture, Community and Youth, including lawyers, former athletes and laypersons.<sup>159</sup>

95 The SNOC is a key signatory and member organisation under the Safe Sport Programme, and has adopted the Safe Sport Unified Code as well as the rules, policies and procedures of the Safe Sport Programme as set out in the *Safe Sport Programme Handbook*<sup>160</sup> in dealing with allegations of misconduct involving athletes selected for major games.<sup>161</sup> The SNOC Safe Sport Policy, which applies to all athletes and officials involved in major games and other events and activities organised by or hosted by the SNOC, provides for the delegation of jurisdiction and authority over these athletes and officials to the Safe Sport Commission to assess and investigate allegations of misconduct, to issue interim measures pending conclusion of investigations, and to make recommendations for sanctions or disciplinary action as a result of such investigations. The SNOC requires all such athletes and officials to have a basic understanding of what constitutes a violation of the Safe Sport Policy, and may, as part of the conditions for participation in major games, require the athlete

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158 2020 Rev Ed. Protection from Harassment Act 2014 (2020 Rev Ed) ss 3 and 4.

159 See n 152 above.

160 Safe Sport Commission Singapore, *Safe Sport Programme Handbook* <<https://heyzine.com/flip-book/027d7884bd.html>> (accessed 9 November 2025).

161 Singapore National Olympic Council, “SNOC Safe Sport Policy” <<https://www.singaporeolympics.com/snoc-safe-sport-policy/>> (accessed 9 November 2025).

and/or official to complete or undertake a refresher of the relevant Safe Sport modules on the SportSG-ED e-learning platform.<sup>162</sup>

96 The SNOC's Safe Sport Policy has been instrumental in creating a safer and more supportive environment for athletes participating in major games. Safeguarding officers from the SNOC and Sport Singapore are present at every major game to ensure compliance with the Safe Sport Policy and the Safe Sport Unified Code. The last thing an athlete competing in major games would want is to experience abuse and harassment from a coach, official or a fellow athlete, and the safeguarding measures implemented by the SNOC and Sport Singapore for athlete protection at these major games have created a safer and more supportive environment for athletes to thrive and succeed.

## V. Conclusion

97 Safeguarding intellectual property rights and managing commercial interests are crucial aspects of major games and sports competitions. Contractual and competition obligations and requirements are imposed by event owners/organisers and NOCs to ensure that athletes and their personal sponsors do not engage in ambush marketing or unauthorised use of event-related intellectual property. These measures protect the commercial interests of official sponsors and maintain the financial viability of major games. By preventing unauthorised associations and ensuring compliance with advertising restrictions, the integrity and value of sponsorship agreements are preserved, benefiting both the event owners/organisers and the athletes.

98 In addition, the prohibitions against results manipulation and betting by athletes and officials, and the enforcement of anti-doping rules are all critical to maintaining the integrity of sports. Ensuring that athletes compete on a level playing field, free from the influence of performance-enhancing drugs, is essential for the legitimacy of sporting outcomes. The intersection of anti-doping regulations with national criminal laws, as seen in Singapore's MDA, further highlights the serious consequences athletes may face, ranging from sporting sanctions to criminal prosecution and even the death penalty for certain offences.

99 The implementation of athlete safeguarding policies and programmes have significantly enhanced the safety and well-being of athletes. These safe sport initiatives provide the necessary measures,

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162 SportSG-ED Education & Development platform <<https://www.sportsingapore.gov.sg/support-resources/sportsg-ed/>> (accessed 9 November 2025).

support services and education to prevent abuse, harassment and misconduct, creating a safer and more supportive environment for athletes. The Safe Sport Unified Code in Singapore addresses a broad spectrum of misconduct, including behaviours that may not reach the levels of criminality, but are nonetheless harmful to athletes and the sporting community. This layered approach ensures that both criminal and non-criminal forms of misconduct are addressed, fostering a culture of respect, accountability and inclusion. The positive impact of these policies is best assessed through an increased willingness by affected athletes to make reports of safe sport violation incidents, and will hopefully lead to a cultural shift towards greater respect and integrity within the sports community.

100 In the final analysis, the legal and regulatory frameworks governing participation in major sports competitions are not static; they must continually adapt to new commercial realities, technological advancements and evolving societal norms and expectations. The effectiveness of these frameworks depends not only on the clarity and rigour of the rules themselves, but also on the commitment of all participants – athletes, officials, sponsors, and organisers – to uphold the fundamental values of sport such as fairness, integrity and respect. By adhering to the applicable rules and staying informed of their rights and responsibilities, athletes and officials can minimise legal risks and focus on achieving the best sporting performances. In doing so, they contribute to a sporting environment that is not only commercially sustainable and globally respected, but also safe, inclusive and true to the spirit of fair competition.

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