



## Reputation Management in sports: round-up 2016

We look at reputation management issues coming from the Rio Summer Olympics, European Football Championships and Tennis.

2016 has been heralded as the year of sport, with an action packed summer of the recent European football championships, Wimbledon Tennis Championships, and highly anticipated Rio Summer Olympics still yet to come. But with such high profile international sporting events comes media coverage and limelight. Media speculation comes hand in hand with being a high profile sportsperson, and brings with it the risk of defamatory allegations that can harm your reputation. As such, reputation management and protection is essential for sports professionals, due to their high net worth, public profile and extensive media coverage.

Reputation management can often get dismissed to the back of our thoughts, but in practice, it has a profound impact on protecting the reputation that you have worked hard to build. Reputation represents the perceived integrity of an individual or an organisation and arguably, it's the most valuable thing that you possess. As the American business magnate, Warren Buffett, famously said: "it takes 20 years to build a reputation and five minutes to ruin it." From this quote alone, we can begin to see how devastating the effects that defamatory statements may have.

So what's going on?

### 1 Tennis 2016: Nadal's Doping allegations

In April 2016, it was revealed that Rafael Nadal filed court proceedings in France against the former French sports minister over doping allegations after she had alleged that his absence from the 2012 tennis tournament was "probably due to a positive doping test". The minister, Roselyne Bachelot, made these offensive allegations on national French television in the wake of Maria Sharapova's failed drug test during the 2016 Australian Open.

Nadal made a public statement, stating:

"Through this case, I intend not only to defend my integrity and my image as an athlete but also the values I have defended all my career. I also wish to avoid any public figure from making insulting or false allegations against an athlete using the media, without any evidence or foundation and to go unpunished."

It is crucial to emphasise the impact that false allegations may have on his image as an athlete, and how the allegations may undermine his professional ability as an international tennis champion. It could also have serious financial consequences if the allegations affect his sponsorships or the image of any company he is affiliated with, as lucrative contracts and sponsorships with global brands may be terminated. Of course, Nadal is taking robust and swift action to protect his brand.

## 2 European football allegations of racism on the French team

In the recent 2016 European Championships, allegations of racial discrimination were made by French footballer, Karim Benzema, contending that he was excluded from the French National team by the manager Didier Deschamps due to his race. Eric Cantona, a former striker for France, caused controversy with his accusations that Deschamps excluded Benzema from the French national team due to Benzema's North African heritage. Deschamps' lawyer, Carlos Brusa, announced that his client intended to sue Cantona for defamation to penalise "the unacceptable slanderous and defamatory statements that harm Mr Deschamps' integrity". Benzema's claims were dismissed as "unjustified and unacceptable" by the French Sports Minister, Thierry Braillard.

It is clear from this that the magnitude of reputational damage that comes from defamatory claims can be substantial. Not only does it damage the reputation of an individual on a personal level, but the defamatory claims could undermine an individual's professional ability and reputation on an international scale. Indeed, defamatory allegations may impact on future earning capacity and future job prospects. Like Deschamps, it is important to act quickly to address attacks to your reputation to mitigate the potential damage it could cause.

## 3 Rio Summer Olympics: Russian Doping Allegations leading to outright bans?

Perhaps the most controversial story of all in the 2016 sports industry is the allegations of systemic doping of Russian athletes, in the aftermath of the 2014 Sochi Winter Olympics, where at least 15 medallists were found to be using performance-enhancing substances as part of a state-run programme.

Russian track and field athletes were already banned by the IAAF from Rio 2016 after failing to meet the re-admission criteria when the Russian team were suspended over widespread state-sponsored doping in November 2015. The Russian Olympic Committee and 68 track and field athletes then appealed this ban to the Court of Arbitration for Sport (CAS), but the CAS rejected the appeal and upheld the ban.

However, faced with the new claims in the *Independent McLaren Investigations Report*, published in July 2016, of secretive, after-hours operations of switching urine samples in Russia's anti-doping laboratory, the IOC contemplated whether to ban all Russian athletes competing at the Rio Olympics. The IOC ultimately chose not to decide on this, and instead left it to each sport's international federation to decide whether the Russian athletes taking part in their sport could compete. The IOC has also established a three-person panel to make the final decision on the eligibility of athletes set to compete in Rio.

As of 5 August 2016, the IOC panel have cleared 271 Russian athletes of the original team of 389 to take part in the Olympics. However, on 4 August 2016, [the Court of Arbitration for Sport issued a decision](#) holding that the IOC's ban on athletes simply because of historic doping offences was unenforceable. The president of the CAS panel in that decision was the head of the sports team at Mills & Reeve, [Mark Howell](#).

In March 2016, the chief of the Russian anti-doping agency, RUSADA, was reportedly considering filing a defamation lawsuit against the German journalist, Hajo Seppelt for his accusations in a documentary about doping in Russian sport. With the developments and decisions arising from allegations of Russian doping still ongoing, the outcome could affect whether this claim is formally pursued.

### Who is most at risk?

Any individual can suffer irreparable damage to their reputation through defamatory allegations. However, those most at risk to such defamatory claims are individuals of high net worth, high profile individuals, organisations and

companies as well as sports professionals. Companies and organisations can be particularly susceptible, as reputational damage can have a detrimental financial effect, eroding value and competitiveness.

It is important to keep in mind that sports professionals and all professionals alike, may not only face court proceedings for defamatory statements made on social media platforms such as Twitter, but they may also find themselves in hot water facing disciplinary consequences from their professional or sporting regulatory body .

## What steps can you start to take now?

Firstly, consider what qualities you want your reputation to conjure. Focus on maintaining a sustainable reputation. Ensure that you have a strategy to manage your reputation and where appropriate liaise with agents, PR teams and the press office of your club or organisation for guidance. Act consistently with your sponsors' brand and any regulatory requirements. Teams should also regularly check and monitor online content and act quickly in respect of any defamatory material by reporting offending posts and where necessary, set out your potential claim(s) and remedy sought, such as an apology, correction or damages.

Ensure that you control privacy settings on social media. It would also be advisable to talk to those close to you about how they act online, to ensure they don't accidentally bring your reputation into dispute.

## Social Media Strategies

With the rise of social media in the 21st century, it is easier than ever to inadvertently make a defamatory statement, and it will be interesting to follow Twitter and other social media platforms during the Rio Olympics. While social media has an amazing ability to rejuvenate a stale brand image and engage with potential fans, sponsors and clients, it is important to treat social media as a tool to be used in a carefully controlled and regulated manner. Material online is treated in the same way as more traditional forms of publication, so it is easy to communicate information that could be regarded as defamatory. This risk is magnified even further in considering that online posts can be "published" instantaneously. Indeed, sometimes it may not be clear cut as to what may be defamatory; even retweets on Twitter could be actionable as a "publisher" of the defamatory statement. Even once material is deleted and removed, if defamatory, it would still be actionable.

It may be wise to have an outlined social media policy, and to keep any websites or profiles under regular review for defamatory content. Information published online can have a long life span and spread both widely and quickly, so it is essential to respond with speed to any defamatory claims.

Ensure you have a long term social media strategy as a response mechanism to high profile crisis. It is essential that you are pro-active in managing your reputation. As prevention is better than cure, we would advocate taking a pre-emptive approach when it comes to safeguarding your privacy and reputation. If you have any concerns about the content of a publication, seek legal advice and take swift action.

At Mills & Reeve, we can provide advice on how to act quickly and tactically to minimise exposure and reputational damage if adverse material has been published about you or your business.

And finally, for those Great British sports professionals heading to Rio, best of luck!



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