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## Professional Tennis Player Unions

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### 1 Introduction

At critical junctures in the history of the game, the world's best tennis players have attempted to unionize. When they have, the impacts have been profound, even revolutionary. Professional tennis player unions are therefore a critical element of the global governance and law of the game and are the focus of this chapter. The discussion starts with an overview of the dual and shifting roles that tennis player unions have played: first, as a demonstration of collective action and trade union rights; and second, as central actors in the governance of the game. The initial attempts of the players to unionize are then examined, especially the pivotal years between 1967 and 1975, which resulted in professional tennis's first "labor settlement," the legacy of which continues to this day. Next, the position, rights, pay and conditions of today's players are explored. The players' current unionization effort – the Professional Tennis Players Association (PTPA) – is also considered, which is developing at a time when sport globally is experiencing a new wave of athlete organizing and the industry of professional tennis is once again contemplating seismic change.

### 2 The Dual and Shifting Roles of Tennis Player Unions

#### 2.1 *From Collective Action to Shared Governance*

Some fifty years ago, the world's greatest professional tennis players – both women and men – successfully unionized when the game was tumultuously shifting from a sport to a business. They acted militantly, collectively, innovatively, with principle, and, in so doing, led and accelerated the game's economic and cultural transformation. The players – unlike their counterparts in major professional team sports – didn't convert their activism into collective bargaining. Instead, they chose to be business

partners in the tours. The legacy of that monumental decision is still being felt and understood today.

For the greatest part of the professional era of “Open Tennis” since 1968, the players have sought to influence the governance and business of the game through the transformation of their two main player associations – the Association of Tennis Professionals (ATP) and the Women’s Tennis Association (WTA) – into the governing bodies of the respective professional tours and significant transnational businesses in their own right.<sup>1</sup> The reasons driving these transformations and whether they have been in the best interests of the generations of players who have followed raise necessary questions that are likely to inform the future development of both the governance of the professional game and the collective representation of the players, including the potential role and impact of the PTPA.

## 2.2 *What Is a Professional Tennis Players’ Union?*

A fundamental question in this discussion is what is a professional tennis players’ union? Given that tennis players – like all professional athletes – are workers, the most appropriate way to approach this question is through the principles and standards of the International Labour Organization (ILO), including its fundamental conventions: Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);<sup>2</sup> and Right to Organise and Collective Bargaining Convention, 1949 (No. 98).<sup>3</sup> In essence, a tennis players’ union is one in which: players “have the right to establish and . . . join . . . of their own choosing without previous authorisation”; exists for the purposes of “furthering and defending the interests” of the players;<sup>4</sup> and, *inter alia*, “is protected against acts of interference,” including acts designed to support the organization “by financial or other means, with the object of placing [it]

<sup>1</sup> Elizabeth Priest, “Working toward Break Point: Professional Tennis and the Growing Problem with Employee and Independent Contractor Misclassifications” (2022) 75 SMU L Rev 943, at 947–9.

<sup>2</sup> ILO, Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), available at: [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312232](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312232).

<sup>3</sup> ILO, Right to Organise and Collective Bargaining Convention, 1949 (No. 98), available at: [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_Ilo\\_Code:C098](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_Ilo_Code:C098).

<sup>4</sup> ILO, Convention No. 87, Arts 2 and 10.

under the control of employers or employers' organisations."<sup>5</sup> The ILO sees "recognition of the principle of freedom of association" as "a means of improving conditions of labour" and "essential to sustained progress," so much so that the enunciated "principles should form the basis for international regulation."<sup>6</sup>

The ATP and the WTA can only be considered as having been professional tennis player unions when they were functioning as player associations and prior to their transformations into governing bodies, a fact unaltered by both having player representatives within their governance structures. Under international human rights principles and standards, the ATP and the WTA shifted from being *holders* of the human rights of players (including their trade union rights) to having the *responsibility to respect* those rights. The recent evolution of global sports law to encompass internationally recognized human rights is therefore highly relevant.<sup>7</sup> That legal evolution has occurred due to the myriad of egregious and adverse human rights impacts with which global sport has been associated and the recognition by international sports governing bodies – especially the International Olympic Committee (IOC) and the Fédération Internationale de Football Association (FIFA) – that the business of global sport and global sports law must be conducted in accordance with the United Nations Guiding Principles (UNGPs) on Business and Human Rights.<sup>8</sup> Meeting the corporate responsibility to respect human rights is therefore a minimum standard

<sup>5</sup> ILO, Convention No. 98, Art. 2.

<sup>6</sup> ILO, Convention No. 87, Preamble.

<sup>7</sup> For a working definition of "global sports law," see Brendan Schwab, "Celebrating Humanity: Reconciling Sport and Human Rights through Athlete Activism" (2018) J Leg Aspect Sport 170, at 172–4.

<sup>8</sup> See UN Office of High Commissioner for Human Rights (OHCHR), UN Guiding Principles on Business and Human Rights (2011), available at: [www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinessshr\\_en.pdf](http://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinessshr_en.pdf); IOC, Olympic Charter (October 15, 2023), Fundamental Principles of Olympism (FPO) 1 and 4, available at: <https://olympics.com/ioc/olympic-charter>; IOC, "Respecting Human Rights," available at: <https://olympics.com/ioc/human-rights>; IOC, IOC Strategic Framework on Human Rights (2022), available at: <https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Human-Rights/IOC-Strategic-Framework-on-Human-Rights.pdf>; IOC, "Recommendations for an IOC Human Rights Strategy" (2020), available at: [https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/News/2020/12/Independent\\_Expert\\_Report\\_IOC\\_HumanRights.pdf](https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/News/2020/12/Independent_Expert_Report_IOC_HumanRights.pdf); FIFA, FIFA Statutes (2022), Art. 3, available at: [https://digitalhub.fifa.com/m/3815fa68bd9f4ad8/original/FIFA\\_Statutes\\_2022-EN.pdf](https://digitalhub.fifa.com/m/3815fa68bd9f4ad8/original/FIFA_Statutes_2022-EN.pdf); FIFA, "FIFA's Human Rights Policy" (May 2017), available at: <https://digitalhub.fifa.com/m/1a876c66a3f0498d/original/kr05dqyhwr1uhqy2lh6r-pdf.pdf>.

of expected conduct of the ATP and the WTA, as it is of the International Tennis Federation (ITF), tennis's world governing body.<sup>9</sup>

### 2.3 *The Trade Union Rights of Professional Tennis Players*

Trade union rights comprise the rights to freedom of association (including to form or join trade unions), to organize and to effective recognition of collective bargaining. Being one of five fundamental principles of work declared by the ILO in the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 (ILO Declaration),<sup>10</sup> they are among the internationally recognized human rights expressly referred to in the UNGPs.<sup>11</sup> Trade union rights are also expressed in the International Bill of Human Rights.<sup>12</sup> The Universal Declaration of Human Rights provides that “[e]veryone has the right to form and join trade unions for the protection of his [sic] interests,”<sup>13</sup> as does the International Covenant on Civil and Political Rights (ICCPR) in the context of the broader enabling right of freedom of association.<sup>14</sup> The International Covenant on Economic, Social and Cultural Rights (ICESCR) expands on the rights by making it clear that they encompass the right to join a union of one’s “choice,” the right of unions themselves to form “national federations or confederations” as well as “international trade-union organizations,” the right of those unions to “function freely” and “the right to strike.”<sup>15</sup>

In practical terms, the ATP, ITF, WTA and other enterprises involved in the governance and business of professional tennis are expected by the UNGPs to “undertake human rights due diligence in order to assess and address adverse human rights impacts across their value chains, including impacts on [the] trade union rights [of professional tennis players].” The tennis bodies, for example, should not interfere with any decision of the players to associate, appreciate that the players are free to

<sup>9</sup> Brendan Schwab, “Protect, Respect and Remedy: Global Sport and Human Rights” (2019) 3 Int Sport L Rev 52–3.

<sup>10</sup> ILO, ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, para. 2(a), available at: [www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62\\_LIST\\_ENTRIE\\_ID:2453911:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453911:NO).

<sup>11</sup> OHCHR, UN Guiding Principles on Business and Human Rights, 13–14.

<sup>12</sup> OHCHR, International Bill of Human Rights, available at: [www.ohchr.org/en/what-are-human-rights/international-bill-human-rights](http://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights).

<sup>13</sup> OHCHR, Universal Declaration of Human Rights (1948), Art. 23(4), available at: [www.ohchr.org/en/human-rights/universal-declaration/translations/english](http://www.ohchr.org/en/human-rights/universal-declaration/translations/english).

<sup>14</sup> ICCPR (1966), Art. 22.

<sup>15</sup> ICESCR (1966), Art. 6(1).

unionize and recognize representative organizations for the purpose of collective bargaining.<sup>16</sup> Moreover, according to Shift:

In addition to being important rights in and of themselves, trade union rights are enabling rights, meaning that respecting these rights can, in many cases, lead to the fulfillment of a number of other rights (e.g. adequate wages, reasonable working hours, and a healthy and safe workplace that is free from discrimination and harassment). Addressing risks to trade union rights is therefore important on its own, but is also critical in addressing the root causes of many other workplace-related human rights impacts.<sup>17</sup>

The ILO Declaration states that “the guarantee of fundamental principles and rights at work . . . enables the persons concerned to claim freely and on the basis of equality of opportunity their *fair share of the wealth* which they have helped to generate, and to *achieve fully their human potential*.”<sup>18</sup>

In 2017, the World Players Association (WPA) launched the Universal Declaration of Player Rights (UDPR), which – “anchored in international human rights law and core [ILO] standards” – includes “labor rights” (including the trade union rights of players) as one of four pillars of player rights, alongside “access to sport,” “personal rights” and “legal rights.”<sup>19</sup> WPA research reveals that in the world of sport, professional players and athletes face many threats against and risks to the realization of their trade union rights, including the denial of the status of athletes as workers, widespread cultures of anti-union behavior, anti-union conduct including direct discrimination and harassment of union members, and union avoidance strategies, where management-controlled forms of athlete representation are imposed.<sup>20</sup>

In 2020, the ILO began to comprehensively address the labor rights of professional athletes by convening for the first time in its 100-year history representatives of employers, athletes, player associations, sports bodies and governments to discuss the challenges facing working athletes and

<sup>16</sup> Shift Project, “Respecting Trade Union Rights in Global Value Chains: Practical Approaches for Business” (2019), 15, available at: <https://shiftproject.org/resource/respecting-trade-union-rights-in-global-value-chains-practical-approaches-for-business/>.

<sup>17</sup> Ibid., 14.

<sup>18</sup> ILO Declaration on Fundamental Principles and Rights at Work, Preamble (emphasis added).

<sup>19</sup> WPA, Universal Declaration of Player Rights (2017), available at: [https://uniglobalunion.dev-zone.ch/sites/default/files/files/news/official\\_udpr.pdf](https://uniglobalunion.dev-zone.ch/sites/default/files/files/news/official_udpr.pdf) and [https://uniglobalunion.dev-zone.ch/sites/default/files/files/news/wpa\\_udpr\\_portico\\_v3.pdf](https://uniglobalunion.dev-zone.ch/sites/default/files/files/news/wpa_udpr_portico_v3.pdf).

<sup>20</sup> UNI Global Union, “Landmark New Report Finds Trade Union Rights a Top Concern for Players Worldwide” (June 22, 2023), available at: <https://uniglobalunion.org/news/right-to-organize-in-sport/>.

the application of international labor standards.<sup>21</sup> The consensus points reached include that “[a]ll workers, including athletes, regardless of the type of employment relationship, require, as a minimum, to be protected by the fundamental principles and rights at work.”<sup>22</sup> This consensus accords with the well-established jurisprudence of the ILO’s Committee on Freedom of Association that the right to organize exists “without distinction whatsoever,” including “of any kind based on occupation.”<sup>23</sup> The “criterion for determining the persons covered by the right to organize is not based on the existence of an employment relationship. Workers who do not have employment contracts should have the right to form the organizations of their choosing if they so wish.”<sup>24</sup> Consequently, the trade union rights of professional tennis players are unaffected by their individualistic pursuit of sport as a career and their legal status as independent contractors.<sup>25</sup> Measures should also be taken to ensure that the presence of elected worker representatives, such as player representatives within the governance of the ATP and the WTA, “is not used to undermine the position of the trade unions concerned.” In particular, the enterprise should “encourage co-operation on all relevant matters between the elected representatives and the trade unions concerned.”<sup>26</sup>

### 3 Initial Attempts at Tennis Player Unionization

#### 3.1 *The Pivotal Role of Player Unionization and the Development of Professional Tennis 1967–75*

Despite the emergence of professional tennis as early as the 1920s,<sup>27</sup> it was not until the late 1960s that the world’s best tennis players effectively

<sup>21</sup> ILO, “Global Dialogue Forum on Decent Work in the World of Sport” (January 20–22, 2020), available at: [www.ilo.org/meetings-and-events/global-dialogue-forum-decent-work-world-sport](http://www.ilo.org/meetings-and-events/global-dialogue-forum-decent-work-world-sport).

<sup>22</sup> ILO, “Global Dialogue Forum on Decent Work in the World of Sport – Points of Consensus,” 1, available at: [www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed\\_dialogue/%40sector/documents/meetingdocument/wcms\\_735388.pdf](http://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_dialogue/%40sector/documents/meetingdocument/wcms_735388.pdf).

<sup>23</sup> ILO, “Compilation of Decisions of the Committee on Freedom of Association Sixth Edition” (2018), 59, para. 315, available at: [www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed\\_norm/%40normes/documents/publication/wcms\\_632659.pdf](http://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40normes/documents/publication/wcms_632659.pdf).

<sup>24</sup> *Ibid.*, 62, para. 330.

<sup>25</sup> Priest, “Working toward Break Point,” 961–71, argues that professional tennis players are misclassified as independent contractors.

<sup>26</sup> ILO, Workers’ Representatives Convention, 1971 (No. 135), Art. 5, available at: [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312280](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312280).

<sup>27</sup> John Arlott (ed.), *The Oxford Companion to Sports & Games* (Oxford University Press, 1975), 608.

exercised the right to organize and form player unions as a solution to the many challenges confronting them, their careers and the industry of professional tennis. The matters requiring resolution were fundamental and wide-ranging in nature. Professionalism itself was being resisted by the game's governors, principally the "old guard" at the world governing body,<sup>28</sup> the International Lawn Tennis Federation (ILTF).<sup>29</sup>

The players had a bold vision of "Open Tennis," where the elite could all play as professionals in the world's most prestigious tournaments and venues, including Wimbledon, Roland Garros and Forest Hills. Only Open Tennis could maximize fan interest in the sport and provide a legitimate livelihood for players who were taking to "small-venue barnstorming" and "shamateurism" to survive.<sup>30</sup> Contracts, playing fees, prize money, expenses and tournament conditions, as well as the schedule and eligibility, all needed to be negotiated.<sup>31</sup> Tennis, the players asserted, also had to boldly lead society on acute issues of the day, including matters of human rights, especially the battle for gender equality. Addressing these matters required the players – as a collective – to overcome many internal and naturally occurring divisions. But it was, in the end, one issue that prompted unprecedented and historic displays of player solidarity and militancy – the obsession of the old guard to remain in control and put commercialism and upstart players well and truly back in their place.<sup>32</sup> The players resisted, and the resulting labor unrest would finally propel tennis into the modern era.

In less than a decade – eight years in fact from 1967 to 1975 – the players would collectively drive a professional, business, and player and human rights revolution of the sport. The pace and extent of player-driven change was – and remains even with the benefit of hindsight – simply breathtaking.

## 1967

The establishment of World Championship Tennis (WCT) offering "an unprecedented level of prize money" had "a major influence on the evolution of Open Tennis." Initially signing a cluster of players who

<sup>28</sup> Raymond Arsenault, *Arthur Ashe: A Life* (Simon & Schuster, 2018), 96.

<sup>29</sup> The ILTF became the ITF in 1977. See ITF, "Frequently Asked Questions: Governance," available at: [www.itftennis.com/en/about-us/organisation/faqs/?type=governance](http://www.itftennis.com/en/about-us/organisation/faqs/?type=governance).

<sup>30</sup> Arsenault, *Arthur Ashe*, 97; Billie Jean King with Johnette Howard and Maryanne Vollers, *All in: An Autobiography* (Viking, 2021), 135.

<sup>31</sup> Arsenault, *Arthur Ashe*, 96–7.

<sup>32</sup> Matthew Futterman, *Players: The Story of Sports and Money, and the Visionaries Who Fought to Create a Revolution* (Simon & Schuster, 2016), 86.

became known as the “Handsome Eight,” including 1967 Wimbledon men’s singles champion John Newcombe and his fellow semi-finalists, WCT conducted a raft of major tournaments from 1968.<sup>33</sup>

#### 1968

Wimbledon, under the influence of younger and reform-minded administrators and supported by the players, was declared “open” to professionals by Britain’s Lawn Tennis Association (LTA), with the distinction between professionals and amateurs dropped and competitors simply designated as “players.” The “open era” had started.<sup>34</sup>

#### 1969

The International Tennis Players Association (ITPA) was established in London before Wimbledon “despite signs that several parts of the tennis establishment felt threatened by the players’ assertive stance.” Under Newcombe’s interim chairmanship, the ITPA aimed to “force the issue of player rights” and address the “world tennis situation [which was] in turmoil.”<sup>35</sup>

#### 1970

The “Original Nine” – under the astute and courageous leadership of Billie Jean King – signed \$1 contracts with *World Tennis* magazine to trigger the creation of the professional women’s tour, address gross disparity in prize money between men and women professionals, and defy threats of suspension from the tennis authorities, including the US Lawn Tennis Association (USLTA).<sup>36</sup>

#### 1970

Arthur Ashe, the treasurer of the ITPA, led the creation of the “Association of *Independent* Tennis Professionals” because of rising tension and conflict between the so-called “independent” and “contract” professionals, which was causing the ITPA to falter. The future of Open Tennis was already looking uncertain after the WCT announced plans to hold fourteen invitational tournaments with no scope to include independent professionals like Ashe who depended on prize money from the

<sup>33</sup> Arsenault, *Arthur Ashe*, 205.

<sup>34</sup> Arlott, *The Oxford Companion to Sports and Games*, 609.

<sup>35</sup> Arsenault, *Arthur Ashe*, 248–9.

<sup>36</sup> King, *All in: An Autobiography*, 174. All references to dollars or \$ in this chapter are to US dollars.



Davis Cup and the major tournaments to eke a living and, failing that, turned to the increasingly lucrative world of celebrity product endorsements. The ILTF had also taken a stand against the “contract pros,” with a ban slated to take effect on January 1, 1972.<sup>37</sup>

#### 1972

The ATP was established at the US Open with Jack Kramer, a former Wimbledon and US Open champion who had promoted professional tennis for men since the late 1940s,<sup>38</sup> installed as its inaugural Executive Director.<sup>39</sup> The new players’ union replaced the ITPA and brought together fifty male players from sixteen different nations all willing to pay \$400 a year in dues for the services of Kramer and lawyer and player manager Donald Dell, whose clientele included Ashe, the ATP’s first vice-president. Kramer and Dell had, only months earlier, negotiated a peace deal on behalf of the USLTA which saw all WCT tournaments become ILTF-sanctioned events, the coordination of non-WCT events to avoid conflict or competition, the elimination of the distinction between contract and independent pros, with all pros (after the expiry of all extant WCT contracts) to compete for prize money on the same terms, and all players (including WCT players) strongly encouraged to participate in the four Grand Slam tournaments. The ATP was necessary, Ashe said, because he and his peers were “tired of being stepped upon by two elephants,” the WCT and ILTF, and would “unite, promote and protect” the common interests of the players.<sup>40</sup> The ATP – like the ITPA before it – rejected requests from King that women also be members.<sup>41</sup> The ATP also made a constitutional commitment that players would compete solely for prize money and not individual salaries.<sup>42</sup>

#### 1973

King led the establishment of the WTA in player meetings before Wimbledon. Determined not to be dictated to by either the tennis authorities or the ATP, the players committed 10 percent of their prize

<sup>37</sup> Arsenault, *Arthur Ashe*, 257, 269 and 296 (emphasis added to the name of the association).

<sup>38</sup> Arlott, *The Oxford Companion to Sports and Games*, 609.

<sup>39</sup> Richard Evans, *Open Tennis: The First Twenty Years* (Bloomsbury, 1988), 6.

<sup>40</sup> Arsenault, *Arthur Ashe*, 297 and 300.

<sup>41</sup> King, *All in: An Autobiography*, 164.

<sup>42</sup> Arsenault, *Arthur Ashe*, 314.

money to funding the new organization. King had long felt that “officials were behaving like feudal overlords.” Among the issues to be addressed were unequal prize money. In 1970, Kramer’s Pepsi Pacific Southwest Championship offered \$65,000 to the men and \$7,500 to the women, a ratio of 8:1, evidence of a cultural approach that under Kramer’s leadership had infected the entire ATP. But the problem extended beyond the ATP. The 1973 Wimbledon men’s champion was slated to receive £5,000 to the women’s £3,000.<sup>43</sup>

### 1973

The ATP led a historic and unprecedented boycott of Wimbledon in response to the All England Club’s ruling to uphold a decision of Yugoslavia’s tennis federation and the ILTF to deem that Nikola Pilic was no longer of “good standing” and suspend him for nine months. History now suggests that Pilic “may be the most important tennis player almost no one outside of tennis has heard of.”<sup>44</sup> The arbitrary and capricious use of disciplinary powers by tennis authorities lay at the heart of the power imbalance between the players and the game’s rulers, with the ITPA’s initial objectives having been stated to include, “[i]f necessary . . . act[ing] as one to discipline players who misbehave[d], and . . . fight[ing] to protect players who [were] unjustly treated.”<sup>45</sup> Pilic, a twelve-year Yugoslav Davis Cup veteran, had missed a Davis Cup tie against New Zealand due to a competing professional commitment with the WCT. If Pilic couldn’t play due to a ban incurred simply because he was trying to make a living, then neither would the world’s best, and more than seventy professionals boycotted the world championship of tennis, an unprecedented act.<sup>46</sup> Moreover, “[t]he players had brought tennis’s powers to their knees and they would do it again if they needed to. They didn’t need Grand Slams or the Davis Cup as much as those events needed them.”<sup>47</sup> Fourteen years later, ILTF President Philippe Chatrier admitted the players’ action inflicted “a blow from which the ILTF never fully recovered.”<sup>48</sup>

<sup>43</sup> King, *All in: An Autobiography*, 136, 166, 227 and 228.

<sup>44</sup> Futterman, *Players*, 83 and 84.

<sup>45</sup> Arsenault, *Arthur Ashe*, 248.

<sup>46</sup> Futterman, *Players*, 103; Arlott, *The Oxford Companion to Sports and Games*, 610.

<sup>47</sup> Futterman, *Players*, 104.

<sup>48</sup> Evans, *Open Tennis*, 94.

## 1973

Only a year after King as US Open champion took home 40 percent of Ille Nastase's US\$25,000 winner's cheque, the US Open became the first major tournament to award equal prize money to its men's and women's champions. King had informed tournament organizers that she would "show up in 1972, but [she] wouldn't play in the 1973 U.S. Open if they didn't level the prize money, and most of the top women would walk out with [her]." King backed her militancy with intelligence and entrepreneurial flare. She commissioned market research which attested to the power of the top women players as drawcards, players such as Chrissie Evert, Rosie Casals, Evonne Goolagong and Margaret Court, and secured a sponsor to fund the prize money differential of \$55,000.<sup>49</sup>

## 1973

The new women's tour, by then incorporated into the Women's International Tennis Federation (WITF), settled a law suit it had launched against the ongoing threats from the USLTA to ban players from the majors. The settlement resulted in the WITF being disbanded and the new tour – then sponsored by Phillip Morris's *Virginia Slims* brand – operating with the sanctioning of the USLTA.<sup>50</sup>

## 1974

The fight to control men's professional tennis between the ATP and the ILTF was settled with the establishment of the Men's International Professional Tennis Council (MIPTC), which gave the players "a say in everything from scheduling to work conditions."<sup>51</sup> With the ATP and ILTF having worked through necessary rule changes in response to the Wimbledon boycott of 1973 (including lifting Pilic's suspension in time for the US Open), the new MIPTC consisted of four nominees of the ILTF and three from the ATP. The ATP were reluctant signatories, concerned about always finding themselves in the minority, especially given the demonstrated determination of the ILTF to retain control. The players were, according to Dell, "willing to place [themselves] under the total control of the council," and proposed that it be made up of three representatives of the ILTF, three of the ATP and three tournament directors. If the players were to find themselves in a minority, Dell

<sup>49</sup> King, *All in: An Autobiography*, 208.

<sup>50</sup> *Ibid.*, 222.

<sup>51</sup> Futterman, *Players*, 104.

asserted, they wanted “the swing votes to be in the hands of knowledgeable people who have a real stake in the game.”<sup>52</sup> The MIPTC was soon to be reconstituted to accord with the ATP’s proposal.<sup>53</sup>

1975

The ILTF and the WTA similarly settled their governance dispute, with the establishment of the Women’s International Professional Tennis Council (WIPTC), a joint venture of sorts between the ILTF and the WTA and including representatives from the tournaments and sponsors. The “purpose of the Council was to promote, control and govern the organisation and development of the women’s professional circuit throughout the world.”<sup>54</sup>

### 3.2 *Pro Tennis’s Labor Settlement – Business in Lieu of Bargaining*

And so, by 1975, the framework for labor relations in professional tennis had largely been set. The settlements achieved by both the ATP and the WTA were historic and were to deliver real outcomes that would place the world’s very best tennis players at the top of global athlete earnings and prestige.<sup>55</sup> The players had unquestionably won the rights to compete as professionals and to have a meaningful say in all decisions that affected them (especially on the questions of prize money, scheduling, governance and discipline). They had a seat at the table determined to drive the expansion of the professional men’s and women’s tennis and, in turn, the players’ prize money pools.<sup>56</sup>

It is noteworthy that both labor settlements took the form of the two player associations – the ATP and the WTA – taking seats in the global governance of the professional tours, and not the form of collective bargaining. In the same period, professional team athletes especially in the United States and European football were unionizing, legally challenging the long-standing restraints imposed by leagues and owners on their freedoms and earning capacities, and securing collective bargaining agreements which addressed essential player needs such as a minimum wage, guaranteed contracts, pensions and, through free agency, the right

<sup>52</sup> Evans, *Open Tennis*, 95–6.

<sup>53</sup> ITF, “Frequently Asked Questions: Governance.”

<sup>54</sup> *Ibid.*

<sup>55</sup> See Sportico, “100 Highest-Paid Athletes in the World” (7 February 2024), available at: [www.sportico.com/feature/highest-paid-athletes-in-the-world-1234765608/](https://www.sportico.com/feature/highest-paid-athletes-in-the-world-1234765608/).

<sup>56</sup> Futterman, *Players*, 80–1.

to offer one's services to an employer of choice in a competitive labor market.<sup>57</sup> The latter proved to be critical in ensuring that players would be paid, individually, their market rate and, collectively, a fair share of the game's overall revenues.<sup>58</sup> Upon the establishment of the WTA, Marvin Miller, the Executive Director of the Major League Baseball Players Association (MLBPA), had sent King and the players his congratulations in an interview with United Press International.<sup>59</sup> Between 1968 and 1975, Miller had secured US pro-sports' first ever collective bargaining agreement, led a successful strike over pension fund payments and secured free agency for his members.<sup>60</sup> King regarded the "groundbreaking" Miller as "one of [her] heroes," and said that his endorsement "meant the world" to her.<sup>61</sup>

Yet, the world's best tennis players took a very different path from that of their Major League Baseball (MLB) counterparts, which would fundamentally shift the purpose, structure and culture of both the ATP and the WTA away from trade unionism.

The world's leading professional golfers had won a similar battle in 1968 against their governing body, the Professional Golfers' Association of America (PGA), which had formed in 1916 as an organization of golf pros – the people who ran pro shops and gave golf lessons. Occasional events initially organized by the PGA to promote "golf tourism" had developed by the 1950s into an expanded schedule of events capable of supporting tour pros on a full-time basis. Add stars Arnold Palmer, Jack Nicklaus, Gary Player and television to the mix, and by 1968 tour prize money sat at \$5.6 million, but was under the control of the PGA, with the old golf pros holding sway over the world-class professional golfers who played the tour. The tour's best players – some 205 of them – established Professional Golfers America, Inc. (APG), and following a dispute fought over two years that threatened the PGA championships of 1967 and 1968, a settlement was finally reached. The settlement saw the PGA form a separate Tournament Players' Division, a standalone entity governed by a ten-member policy board consisting of four APG-nominated players, three PGA executives

<sup>57</sup> See Brendan Schwab, "'When We Know Better, We Do Better.' Embedding the Human Rights of Players as a Prerequisite to the Legitimacy of Lex Sportiva and Sport's Justice System" (2017) 32 Md J Int L 4, at 18–25.

<sup>58</sup> Schwab, "Celebrating Humanity," 192–3.

<sup>59</sup> King, *All in: An Autobiography*, 229.

<sup>60</sup> MLB, "History," available at: [www.mlbplayers.com/history](http://www.mlbplayers.com/history).

<sup>61</sup> King, *All in: An Autobiography*, 229.

and three consulting businessmen. A commissioner would run the tour, answerable only to the board.<sup>62</sup>

It is perhaps not surprising that the tennis players – like their golfing counterparts – would choose a model based on governance, entrepreneurialism and business, instead of the trade union rights and commitment to collective bargaining that were then transforming professional team sports and continue to this day to do so.<sup>63</sup> Unlike the well-established professional team sports such as baseball and football, the business of tennis was rapidly evolving and constantly changing, with new organizers and tour concepts quickly emerging. There possibly was not yet a stable managerial counterpart with whom the players could reliably bargain. That had to be found and, if it couldn't be, it would have to be created. But, more than that, tennis was a “rich man's sport”:<sup>64</sup> the men's revolution had been shaped by Kramer – himself arguably the most established tennis promoter in the world – together with the game's *very best* players who *all* could be sure to win a lion's share of the increasing prize money that was bound to follow. King's immense struggle for the women's game is as remarkable for her success as a player and businessperson as it is her courage and principle. Working initially in partnership with Gladys Heldman,<sup>65</sup> she relentlessly promoted and developed the tour and readily accepted the sponsorship of Phillip Morris as a business necessity despite her moral and health concerns with the tobacco company.<sup>66</sup>

In contrast, the unionization of professional footballers began at the turn of the twentieth century in industrial Manchester. It was, from the earliest of days, an industrial dispute between “Masters and Servants,”<sup>67</sup> with professionalism “legalized” by the game's authorities as early as 1885 (albeit reluctantly). The Players' Union – now the Professional Footballers' Association (PFA) – was established in 1907 after a struggle that started in the 1890s.<sup>68</sup> A footballer's status as a worker was legally recognized in

<sup>62</sup> Jim Gorant, “War for the Tour: The Day the PGA Championship Nearly Died,” *Golf* (August 8, 2018), available at: <https://golf.com/news/tournaments/pga-championship-nearly-died/>.

<sup>63</sup> Schwab, “Celebrating Humanity,” 186–8.

<sup>64</sup> Harry Gordon, “Arthur Ashe Has to Be Aware That He Is a Pioneer in Short White Pants,” *New York Times* (January 2, 1966).

<sup>65</sup> Evans, *Open Tennis*, 97–106.

<sup>66</sup> King, *All in: An Autobiography*, 179.

<sup>67</sup> John Harding, *For the Good of the Game: The Official History of the Professional Footballers' Association* (Robson Books, 1991), 84.

<sup>68</sup> *Ibid.*, 1, 25, 40.

1910,<sup>69</sup> and the early 1960s finally saw England's best soccer players start to enjoy their rights and greater income-earning opportunities through a combination of a successful threatened strike which resulted in the abolition of the long-standing maximum weekly wage and litigation which ended the retain and transfer system.<sup>70</sup> Similarly, a key part of Miller's success at the MLBPA was instilling a "union consciousness" among the players.<sup>71</sup>

Just as freedom of contract and free agency had transformed the earnings of English football and MLB players (and would, over time, transform the earnings of almost all professional team athletes), the competition between the main factions in the tennis wars had driven up player payments enormously, such as that between the WCT and the ILTF's Grand Prix Masters tournament in the early 1970s. Even Ashe – dedicated to his status as an independent professional – found the opportunities irrefusable, signing a five-year WCT contract in 1971 worth \$750,000, putting him on a par with the best-paid stars in the MLB, PGA and other major leagues.<sup>72</sup> Yet – as we have seen – the players became a driving force in the settlement of the tennis wars on terms which even saw the end of such rewarding and secure contracts and the embedding of an individualistic albeit potentially lucrative performance-based pay structure exclusively dependent on prize money. The players were – perhaps inadvertently – agreeing to stifle the very competition that had helped put them in such a strong position, a position powerfully reinforced by the solidarity demonstrated at Wimbledon in 1973. According to Evans, "[a]lthough the ATP was to squander the position it had earned for itself in later years," the creation of the MIPTC meant that "the battle was not in vain."<sup>73</sup> This raises a question of cause and effect. The players had agreed to a seat at the industry's top table while allowing the same industry to evolve into a monopsony, a buyers' cartel for player services.

Ashe would reflect on the impact of the reforms years later: "For many of us, the deluge of money led to confusion and an unholy scrambling after dollars. Certain values and standards that had bonded players in my

<sup>69</sup> *Walker v. Crystal Palace Football Club Ltd* (1910) 1 KB 87, at 93.

<sup>70</sup> See Harding, *For the Good of the Game*, 276–88; *Eastham v. Newcastle United Football Club* [1964] Ch 413.

<sup>71</sup> Marvin Miller, *A Whole Different Ballgame: The Sport and Business of Baseball* (Birch Lane Press Books, 1991), 75.

<sup>72</sup> Arsenault, *Arthur Ashe*, 271–2.

<sup>73</sup> Evans, *Open Tennis*, 95.

earlier years – certain codes of honor and a spirit of cooperation and camaraderie – disappeared.” He wondered, “how much we, the leaders of the players during the transition, contributed to the fall.”<sup>74</sup> Perhaps one factor was the ATP’s inability to ensure that the game’s wealth was shared more equitably among all players on the tour. As early as 1972, Ashe had said that “the present prize-money breakdown gives too much money to a man at the top.”<sup>75</sup>

Within a decade, King was also questioning the state of things. “The trouble is, as ever, the players fight too much against each other and not enough against the real enemy.”<sup>76</sup> She even grew concerned about the long-term impact of her early victory for equal prize money:

Part of the problem is that, a decade ago, I was too successful in helping obtain parity in prize money for the women. This was important at the time but, looking back, I can see that it was a Pyrrhic victory. It helped the federation to turn the men more against us – divide and conquer – and made it easier for the major tournaments and the tennis-federation establishment to keep us down. What difference does it really make if the women can earn as much as the men, if both sexes are underpaid? The major tournaments, like the US Open, like Wimbledon, rip the players off terribly.<sup>77</sup>

The ATP was to grow frustrated with the constraints of the MIPTC. In 1988, players including Mats Wilander and Stefan Edberg led the decision of the ATP to leave the MIPTC, by then renamed the Men’s Tennis Council.<sup>78</sup> “We should be in control of our own destiny,” Edberg said, recalling that the “ATP was founded for the players by the players, but it [now] has no control. We’ve been continually told where to go . . . now we want our say.” Hamilton Jordan, the ATP’s CEO, announced in a carpark outside the US Open that the ATP would run its own tour.<sup>79</sup> In 1995, the WTA merged with the WIPTC (by then the Women’s Tennis Council) to establish the WTA Tour.<sup>80</sup> In so doing, both the ATP and the

<sup>74</sup> Arsenault, *Arthur Ashe*, 313.

<sup>75</sup> *Ibid.*, 302–3.

<sup>76</sup> Billie Jean King and Frank Deford, *Billie Jean King: The Autobiography* (Granada, 1982), 169.

<sup>77</sup> *Ibid.*

<sup>78</sup> Lisa Dillman, “Tennis Federation Rejects Players’ Demands: Wilander, Edberg Outspoken in Requesting Shift of Power in Men’s Council,” *LA Times* (August 30, 1988).

<sup>79</sup> ATP, “The Tour Born in a Parking Lot” (August 30, 2013), available at: [www.atptour.com/en/news/heritage-1988-parking-lot-press-conference-part-i](http://www.atptour.com/en/news/heritage-1988-parking-lot-press-conference-part-i).

<sup>80</sup> WTA, “About the WTA,” available at: [www.wtatennis.com/about](http://www.wtatennis.com/about).



WTA effectively completed their transformations from player unions to tennis governing bodies and businesses.

Business autonomy did not resolve the tension and division among the players. In 2003, the players again tried to unionize, with the establishment of the International Men's Tennis Association (IMTA) with leading players such as Roger Federer, Marit Safin and Lleyton Hewitt signing up. The players' concerns included the declining financial position of the ATP, the diminishing popularity of men's tennis, and the inherent conflict of interest that existed in a body such as the ATP being responsible for advancing player rights while administering player discipline.<sup>81</sup> Federer, however, "consistently preferred to work within the system, lobbying and cajoling behind the scenes." The IMTA would not succeed, and Federer would later serve as President of the ATP Player Advisory Council (PAC) – an advisory body within the ATP's structure – from 2008 to 2014.<sup>82</sup> In the midst of his presidency and despite a substantial increase in ATP prize money between 2006 and 2011, players met to consider a boycott of the first tournament of 2012 – the Australian Open – over the prize money allocation of around \$26 million from tournament revenues of \$250 million, demonstrating that player complaints were focused on the Grand Slam tournaments as well as the ATP. Players indicated that prize money should at least be 30 percent of tournament revenues, arguably a "paltry" share in comparison with the major professional team sports in the United States.<sup>83</sup>

Ashe and King may have reflected harshly on themselves and their legacy, but they also did so presciently. Forty years after equal prize money was achieved at the US Open, the four highest paid women athletes in the world were all tennis players: Maria Sharapova, Li Na, Serena Williams and Caroline Wozniacki, each of whom made between \$13 million and \$27 million.<sup>84</sup> When Ashe won the US Open in 1968, his prize money was \$14,000, a reward he could not accept because of his army service.<sup>85</sup> In 2021, both men and women US Open champions received \$4 million.<sup>86</sup>

<sup>81</sup> Tom Fordyce, "Tennis: Where the Power Lies," BBC Sport (January 14, 2004).

<sup>82</sup> Christopher Clarey, *The Master: The Brilliant Career of Roger Federer* (John Murray Press, 2021), 351–2.

<sup>83</sup> Bradley Raboin, "Accepting a Double-Fault: How ADR Might Save Men's Professional Tennis" (2014) 3 Mississippi Sports L Rev 211, at 224–5.

<sup>84</sup> Futterman, *Players*, 107.

<sup>85</sup> Michael Steinberger, "A Few Tennis Pros Make a Fortune. Most Barely Scrape by," *New York Times Magazine* (June 29, 2021), available at: [www.nytimes.com/2021/06/29/magazine/tennis-players-association.html](https://www.nytimes.com/2021/06/29/magazine/tennis-players-association.html).

<sup>86</sup> *Ibid.*

These amounts are relative and do not give the complete picture, however. Whether the world's best tennis players are receiving a fair share of the revenue and wealth they create as well as keeping pace with the world's best athletes in the 2020s are more salient questions, as is the position and well-being of *all* members of the profession. In 2023, only two tennis players were in the top 100 earning athletes – Novak Djokovic (46) and Carlos Alcaraz (56) – with prize money earnings of \$15.9 million and \$15.2 million and sponsorships of \$29 million and \$27 million, respectively. No woman was in the top 100, although women tennis players remained the world's highest paid female athletes, with Coco Gauff being the top-earning female athlete, receiving \$22.7 million in total combined earnings for her work and business activities on and off the court.<sup>87</sup> Yet, tennis no longer monopolized the top 10 female income-earners, as it last did in 2019. Seven of the top 10 earners in 2022 and 2023 were tennis players, but only three were in 2021, highlighting the precarity of the tennis pay system in the context of the Covid-19 pandemic.<sup>88</sup> In addition to the dramatic reductions in available prize money in 2020 and 2021,<sup>89</sup> the players' off-court earnings were also hit. According to Sportico, "almost every tennis sneaker and apparel contract is designed with minimum play requirements."<sup>90</sup>

Unionized athletes in the intensely competitive sports of football, American football, baseball and basketball occupied eighty places in the top 100 in 2023.<sup>91</sup> The National Basketball Association (NBA) will pay its 450 players an average wage of \$10.8 million in 2023/24,<sup>92</sup> an amount exceeded in 2023 prize money earnings by only three tennis players (all men) – Djokovic (\$15.9 million), Alcaraz (\$15.2 million) and Daniil Medvedev (\$11.5 million). The 450th-ranked male tennis player in

<sup>87</sup> Sportico, "100 Highest-Paid Athletes"; and Lev Akabas, "Djokovic Tops 2023 Tennis Earnings with \$16m. His ATP Bonus? \$0," Sportico (December 18, 2023), available at: [www.sportico.com/personalities/athletes/2023/tennis-prize-money-2023-djokovic-1234758778/](https://www.sportico.com/personalities/athletes/2023/tennis-prize-money-2023-djokovic-1234758778/).

<sup>88</sup> Kurt Badenhausen, "Highest Paid Female Athletes 2023: Coco Scores Top Slot at \$23m," Sportico (December 6, 2023), available at: [www.sportico.com/personalities/athletes/2023/highest-paid-female-athletes-2023-coco-gauff-1234751998/](https://www.sportico.com/personalities/athletes/2023/highest-paid-female-athletes-2023-coco-gauff-1234751998/).

<sup>89</sup> For WTA end of year prize money lists, see WTA, "Match Notes & Historical Records," available at: [www.wtatennis.com/match-notes](https://www.wtatennis.com/match-notes).

<sup>90</sup> Badenhausen, "Highest Paid Female Athletes 2023."

<sup>91</sup> Sportico, "100 Highest-Paid Athletes"; and Akabas, "Djokovic Tops 2023 Tennis Earnings."

<sup>92</sup> Eric Fisher, "NBA Sees \$100M Annual Player Salaries in Its Future," Front Office Sports (October 23, 2023), available at: <https://frontofficesports.com/nba-sees-100m-annual-player-salaries-in-its-future/>.

terms of annual prize money – Czechia’s Petr Nouza – earned a mere \$48,428,<sup>93</sup> while a rookie NBA player will be paid a guaranteed minimum wage of \$1.1 million.<sup>94</sup> And unlike NBA players, players like Nouza are “independent,” which means they are self-employed and responsible for overheads such as travel, coaching and other expenses, resulting in players commonly losing money on the tour.<sup>95</sup> Many players don’t see this or the tour’s gross income inequality as unjust. When Covid-19 shut down the world of professional tennis in 2020 – even resulting in the cancellation of Wimbledon – the players were unable to reach a consensus on how to help the players most in need. Austria’s Dominic Thiem was one who refused to contribute to a relief fund: “There are many, many players who don’t put the sport above everything else and don’t live in a professional manner . . . I don’t really see why I should give such players money. None of us top players got anything handed to us, we all had to fight our way up.”<sup>96</sup> The four majors, the ITF, the ATP and the WTA combined to fill a fraction of the need by establishing a \$6 million Covid-19 relief package.<sup>97</sup>

In 2020, when Canadian Vasek Pospisil joined forces with Djokovic to establish the PTPA, he had already formed the view that “[t]here’s no way that tennis shouldn’t have 300 players making decent livings,” yet Chris O’Connell, the 139th best men’s tennis player, was “barely solvent.” As a Canadian, Pospisil had looked into the National Hockey League (NHL). There, the guaranteed minimum was \$700,000 a season, and more than half were earning more than a million dollars. The answer, Pospisil was convinced, wasn’t because the NHL owners were benevolent. The players had a union.<sup>98</sup> Djokovic had worked within the ATP PAC for years, alongside Federer and Rafael Nadal, then the undisputed “Big Three” of men’s tennis. Federer’s biographer Christopher Clarey writes, Djokovic was to “ultimately become the most radical of the Big Three” and led the launch of the PTPA that

<sup>93</sup> ATP, “ATP Prize Money Leaders (US\$)” (December 25, 2023).

<sup>94</sup> Kevin McCormick, “NBA Minimum Salary: How Much Is an NBA Player Paid?” Sportskeeda (August 2, 2023), available at: [www.sportskeeda.com/basketball/news-nba-minimum-salary-how-much-nba-player-paid](https://www.sportskeeda.com/basketball/news-nba-minimum-salary-how-much-nba-player-paid).

<sup>95</sup> Steinberger, “A Few Tennis Pros Make a Fortune.”

<sup>96</sup> Cody Atkinson, “Dominic Thiem May Not Care, But Most Tennis Professionals Lose Money Playing the Game,” ABC (April 29, 2020), available at: [www.abc.net.au/news/2020-04-30/coronavirus-tennis-most-players-lose-money-playing-the-game/12198950](https://www.abc.net.au/news/2020-04-30/coronavirus-tennis-most-players-lose-money-playing-the-game/12198950).

<sup>97</sup> Steinberger, “A Few Tennis Pros Make a Fortune.”

<sup>98</sup> Ibid.

“sought to be an independent voice from the *traditional* men’s tour.”<sup>99</sup> Some fifty years on, the players had come full circle.

## 4 The “Seven Kingdoms”: Player Voice, Rights, Pay and Conditions in Professional Tennis Today

### 4.1 *The Voice of the Players in the Governance of Professional Tennis*

According to Rothenberg, professional tennis is governed by “Seven Kingdoms”: the ITF, the ATP, the WTA and the four Grand Slam tournaments: the Australian Open, the French Open, the US Open and Wimbledon.<sup>100</sup> Furthermore, given that tennis is an Olympic sport, the IOC – as the “supreme authority” of the Olympic Movement – exercises significant regulatory authority and control through international federations such as the ITF.<sup>101</sup> The IOC, for example, requires the “statutes, practice and activities” of the ITF to “be in conformity with the Olympic Charter,” including through “the adoption and implementation of the World Anti-Doping Code” (WADC). Moreover, the Court of Arbitration for Sport (CAS) has jurisdiction over all disputes involving a participant in the Olympic Games, challengeable decisions of the IOC, any dispute “arising on the occasion of, or in connection with, the Olympic Games”<sup>102</sup> and any appeal under the WADC.<sup>103</sup> The ITF also recognizes the jurisdiction of the CAS in addition to its own adjudicating bodies.<sup>104</sup> In 2021, the “Seven Kingdoms” established the International Tennis Integrity Agency (ITIA) “to promote, encourage, enhance and safeguard the integrity of their tennis events worldwide,”<sup>105</sup> including by having carriage of the Tennis Anti-Doping Program (TADP) (which must accord with the WADC) and the Tennis Anti-Corruption Program (TACP), the focus of which includes the fight against match-fixing.<sup>106</sup> This brings the total number of international bodies exercising legal and regulatory control

<sup>99</sup> Clarey, *The Master*, 352 (emphasis added).

<sup>100</sup> Ben Rothenberg, *Naomi Osaka: Her Journey to Finding Her Power and Her Voice* (Text Publishing, 2024), 388.

<sup>101</sup> IOC, Olympic Charter, FPO 3.

<sup>102</sup> *Ibid.*, FPO 3, Rules 25, 44, 44.6, 61.1 and 61.2.

<sup>103</sup> WADA, World Anti-Doping Code (January 1, 2021), Art. 13, available at: [www.wada-ama.org/sites/default/files/resources/files/2021\\_wada\\_code.pdf](http://www.wada-ama.org/sites/default/files/resources/files/2021_wada_code.pdf).

<sup>104</sup> Despina Mavromati, “The Justice System of the International Tennis Federation” in Massimo Coccia and Michele Colucci (eds), *International Sports Justice* (Sports Law and Policy Centre, 2024), 736.

<sup>105</sup> ITIA, “About,” available at: [www.itia.tennis/about/](http://www.itia.tennis/about/).

<sup>106</sup> Mavromati, “The Justice System of the ITF,” 746 and 748.

over the rights, pay and conditions (including discipline) of professional tennis players to at least eleven. All eleven adopt modes of player and athlete engagement, representation and input into their decision-making bodies and processes, which: “regulate and control who can represent athletes”; are internal, subordinate and avoid player unions; and, in the case of the CAS, even involve – according to investigative journalist Grit Hartmann and sports governance think-tank, “Play the Game” – “[f]aking athletes’ representatives.”<sup>107</sup>

Moreover, the structures established to give players a voice exist within the tennis bodies and stand apart from one another. They are not designed and do not incorporate a player voice to *holistically advance the rights and interests of the players* in a way which is capable of addressing all eleven bodies at the same time in a united manner. In particular – absent the PTPA – there isn’t a directly organized player counterpart to the “Seven Kingdoms.” This also means – again absent the PTPA – that there isn’t a player body designed and structured to *holistic-ally support the players (both as athletes and people)* as they navigate the various tours and confront the many professional and personal challenges involved in individually pursuing an elite playing career which, by its very nature, is transnational, short term and precarious, and will, for too many on the tour, define their sense of identity and self-worth.<sup>108</sup>

#### 4.1.1 The ITF

The ITF is, pursuant to The Constitution of ITF Limited (trading as International Tennis Federation), governed by a Board of Directors (ITF Board) consisting of an elected President, fourteen other elected Directors and two “Athlete Representative Board members,” one female

<sup>107</sup> See WADA, “Athlete Engagement,” available at: [www.wada-ama.org/en/athletes-support-personnel/athlete-engagement](http://www.wada-ama.org/en/athletes-support-personnel/athlete-engagement); WADA, “Athlete Council: A WADA Permanent Special Committee,” available at: [www.wada-ama.org/en/athletes-support-personnel/athlete-engagement/athlete-council](http://www.wada-ama.org/en/athletes-support-personnel/athlete-engagement/athlete-council); IOC, “Athletes’ Commission,” available at: <https://olympics.com/ioc/athletes-commission>; WPA, “#Right2Organise Survey & Report: Effective Athlete Representation in Global Sport” (2023), 32, available at: [https://uniglobalunion.org/wp-content/uploads/WPA-R2O-Report\\_Digital-2.pdf](https://uniglobalunion.org/wp-content/uploads/WPA-R2O-Report_Digital-2.pdf); WPA, “WADA Governance Review: A Missed Opportunity for Urgently Needed Reform” (November 24, 2021), available at: <https://uniglobalunion.org/news/wada-governance-review-a-missed-opportunity-for-urgently-needed-reform/>; Grit Hartmann, “Tipping the Scales of Justice: The Sport and Its ‘Supreme Court’” (November 2021), 47–8, available at: [www.playthegame.org/media/fmxi0jgx/tipping-the-scales-of-justice-the-sport-and-its-supreme-court.pdf](http://www.playthegame.org/media/fmxi0jgx/tipping-the-scales-of-justice-the-sport-and-its-supreme-court.pdf).

<sup>108</sup> See e.g. Jelena Dokic and Jessica Halloran, *Unbreakable* (Penguin Random House Australia, 2017).

and one male, who are appointed by the fifteen elected members of the ITF Board.<sup>109</sup> These positions are currently held by former Grand Slam winning professionals Mary Pierce (France) and Mark Woodforde (Australia).<sup>110</sup> Both are more accurately considered former players who can provide their own perspectives from their playing and career experiences. Their legal and political accountability is not to the players, but to the fifteen elected members of the Board. Together, they hold less than 12 percent of the voting rights in the ITF Board.

#### 4.1.2 The ATP

The ATP describes itself as: “[t]he global governing body of men’s professional tennis. We entertain a billion fans and showcase the game’s greatest players on its greatest stages.”<sup>111</sup> The ATP is governed by a nine-member Board of Directors, which consists of a Chairman, four “Player Representatives” (international, Americas, Europe and “at-large”) and four “Tournament Representatives.”<sup>112</sup> In this way, the current ATP governance model is not unlike the ATP’s proposal as a player union to settle the tennis wars in 1973 and which resulted in the creation of the MIPTC, the ATP’s predecessor.<sup>113</sup>

The player representatives on the ATP Board are elected by the ATP PAC, which is, in turn, elected by, from and among the players’ peers on the ATP Tour to reflect three key cohorts in the player ranks: (1) rankings; (2) geography; and (3) singles and doubles players. Players elected to a specific ranking category are elected by players in that ranking group, while “at-large” representatives are “elected by Division 1 and 2 ATP player members (up to 500 singles and 250 doubles players).”<sup>114</sup> Coaches and alumni players are also represented and are respectively elected by ATP members in those categories. Players are elected for two-year terms, with terms being staggered from 2024, with the aim of enhancing continuity in the membership of the ATP PAC. The 2024 ATP PAC is shown in Table 6.1.<sup>115</sup>

<sup>109</sup> ITF Constitution (2025), Art. 11.1, available at: [www.itftennis.com/media/2431/the-constitution-of-the-itf-2024-web.pdf](http://www.itftennis.com/media/2431/the-constitution-of-the-itf-2024-web.pdf).

<sup>110</sup> ITF, “Who’s on the Board?” available at: [www.itftennis.com/en/about-us/organisation/company-structure/](http://www.itftennis.com/en/about-us/organisation/company-structure/).

<sup>111</sup> ATP, “About,” available at: [www.atptour.com/en/corporate/about](http://www.atptour.com/en/corporate/about).

<sup>112</sup> ATP, “Board of Directors,” available at: [www.atptour.com/en/corporate/about](http://www.atptour.com/en/corporate/about).

<sup>113</sup> Evans, *Open Tennis*, 95.

<sup>114</sup> ATP, “New Player Advisory Council Meets in Melbourne” (January 26, 2023), available at: [www.atptour.com/en/news/player-advisory-council-meets-in-melbourne](http://www.atptour.com/en/news/player-advisory-council-meets-in-melbourne).

<sup>115</sup> ATP, “ATP Announces Player Advisory Council for 2024” (January 8, 2024), available at: [www.atptour.com/en/news/2024-player-advisory-council](http://www.atptour.com/en/news/2024-player-advisory-council).

Table 6.1 2024 ATP Player Advisory Council

Member	Player Rankings	Region
Gregor Dimitrov	1–50 singles	Europe
Alexander Zverev	1–50 singles	Europe
Mackenzie McDonald	1–50 singles	North America
Pedro Martinez	51–100 singles	Europe
Dusan Lajovic	51–100 singles	Europe
Wesley Koolhof	1–25 doubles	Europe
Miguel Angel Reyes-Varela	26–75 doubles	North America
Pedro Cachin	At-large	South America
Matthew Ebden	At-large	International
Federico Ricci	Coaches	–
Nicolas Pereira	Alumni	–

The ATP PAC meets several times a year to make recommendations to ATP management and the ATP Board of Directors (especially through the player representatives).<sup>116</sup> Importantly, the ATP PAC's powers are only advisory in nature, the four player representatives on the ATP Board are in the minority and “consistently get out-voted.”<sup>117</sup>

The four tournament representatives on the ATP Board of Directors all have significant business interests in the ATP and the business of tennis, including, for example, Herwig Straka and Gavin Forbes.<sup>118</sup> Both Straka, the tournament director of the Vienna Open,<sup>119</sup> and Forbes have simultaneously represented the interests of players, tournaments and the ATP itself. Straka, the CEO and founder of sports business company the e|motion group,<sup>120</sup> has managed his fellow Austrian Thiem.<sup>121</sup> IMG pioneered the multiple representation of clients in the same sporting ecosystem as a business model, with founder Mark McCormack simultaneously contracting tournaments and players to earn healthy commissions from: first, the media and sponsorship agreements negotiated for host tournaments;

<sup>116</sup> ATP, “New Player Advisory Council.”

<sup>117</sup> Priest, “Working toward Break Point,” 954.

<sup>118</sup> ATP, “Board of Directors.”

<sup>119</sup> Namit Kumar, “‘I Immediately Said It Was the Best Decision’ – Dominic Thiem’s Former Manager Herwig Straka on Appointment of Galo Blanco,” Sportskeeda (October 1, 2021), available at: [www.sportskeeda.com/tennis/news-i-immediately-said-best-decision-for-mer-manager-herwig-straka-dominic-thiem-s-appointment-galo-blanco](https://www.sportskeeda.com/tennis/news-i-immediately-said-best-decision-for-mer-manager-herwig-straka-dominic-thiem-s-appointment-galo-blanco).

<sup>120</sup> e|motion group, “Inspiring since 1991,” available at: [www.emotiongroup.com/en/](https://www.emotiongroup.com/en/).

<sup>121</sup> Kumar, “I Immediately Said It Was the Best Decision.”



and second, the players' prize money and marketing deals generated from playing in them.<sup>122</sup> Today, IMG's portfolio of tennis properties includes the three ATP Series (250, 500 and 1000), the ATP Next Generation Finals, the four Grand Slam tournaments, a series of ATP tournaments (such as the Miami Open, which it owns) and content properties such as "ATP Uncovered," which provides behind-the-scenes access to players and events.<sup>123</sup> The long-standing IMG Academy recently expanded its "decades-long partnership to nurture emerging tennis talent" with IMG's tennis division, which has managed talents such as Agassi, Djokovic, Osaka, and both Serena and Venus Williams (among many others).<sup>124</sup>

Unsurprisingly, there has been considerable debate and conjecture within professional men's tennis regarding conflicts of interest in the governance of the ATP. In 2021, player John Isner said the "ATP is a broken system" after ATP executive salaries were maintained while prize money was slashed due to the Covid-19 pandemic. "Tennis is run like an intramural sport," Isner said, and "is plagued by conflict and [a] lack of transparency." While "[p]layers and tournaments 'as partners' need to work together," Isner noted the low share of revenue received by tennis players in comparison to players in professional team sports, as well as their inability to share in the asset wealth they help create: "Promoters own assets that appreciate and have infinite time to monetize that asset, whereas the players have a short amount of time to maximize our talents. That's a broken system."<sup>125</sup> The governance debate has pitted player against player.<sup>126</sup> In early 2019, Djokovic and Pospisil, as members of the ATP PAC, were part of a successful effort to remove then ATP chairman, Chris Kermode, who was regarded as too deferential to the

<sup>122</sup> Futterman, *Players*, 62–3.

<sup>123</sup> IMG, "Sports Portfolio: Tennis," available at: [www.img.com/portfolio/sports/tennis](http://www.img.com/portfolio/sports/tennis).

<sup>124</sup> IMG Academy, "IMG Academy Expands Decades-Long Partnership with IMG Tennis Division in New Strategic Partnership" (March 28, 2024), available at: [www.imgacademy.com/news/img-academy-expands-decades-long-relationship-imgs-tennis-division-new-strategic-partnership](http://www.imgacademy.com/news/img-academy-expands-decades-long-relationship-imgs-tennis-division-new-strategic-partnership); Futterman, *Players*, 143–71; Kurt Badenhausen, "IMG Tennis Business Scores with Osaka, Djokovic and Nishikori," *Forbes* (March 12, 2019), available at: [www.forbes.com/sites/kurtbadenhausen/2019/03/12/img-tennis-business-scores-with-osaka-djokovic-and-nishikori/?sh=231a2cc33785](http://www.forbes.com/sites/kurtbadenhausen/2019/03/12/img-tennis-business-scores-with-osaka-djokovic-and-nishikori/?sh=231a2cc33785); *Forbes*, "Profile: WME Sports," available at: [www.forbes.com/companies/wme-sports/?sh=4fe202227b9](http://www.forbes.com/companies/wme-sports/?sh=4fe202227b9).

<sup>125</sup> Tennisbuzz, "'The ATP Is a Broken System Plagued by Conflict and Lack of Transparency,' Says John Isner" (February 24, 2021), available at: <https://tennisbuzz.net/atp-broken-system-plagued-conflict-transparency-john-isner>.

<sup>126</sup> Christopher Clarey, "It Is Time for the ATP to Get Its Act Together," *New York Times* (May 12, 2019), available at: [www.nytimes.com/2019/05/12/sports/atp-board-gimelstob.html](http://www.nytimes.com/2019/05/12/sports/atp-board-gimelstob.html).



tournaments despite a key vote in 2014 to increase player prize money in a decision split along representative lines. At Wimbledon that year, a meeting of the ATP PAC dissolved, with four members resigning over Kermode's removal and a disputed board seat.<sup>127</sup>

In contrast, the ATP was clear on the question of apparent conflicts of interest in the context of the PTPA. In August 2020, after co-founding the PTPA, Djokovic stepped down as President of the ATP PAC together with PAC members Pospisil, Isner and Sam Querrey,<sup>128</sup> only for Djokovic and Pospisil to be renominated for the ATP PAC elections due in January 2021. In response to the nominations – which Djokovic said were unsolicited and reflective of the “trust and credibility” he and Pospisil enjoyed with the players – the ATP Board cast a vote prohibiting any active player from being a part of the ATP PAC and “any other organisation in the tennis ecosystem.”<sup>129</sup> In the end, Djokovic withdrew his nomination. In a statement released on X (formerly Twitter), he said his “first reaction to this nomination was to accept it with the intention that, if elected, [he] would do [his] best to protect player interests *within* the ATP.” However, the ATP’s “new rule specifies that all members of the newly formed [PTPA] or any association that is deemed as having a ‘conflict of interest’ cannot be elected as a member of the [ATP PAC].” Accordingly, Djokovic “reluctantly and with a heavy heart” withdrew his name from the list of candidates, noting that “it is extremely important that we do not have conflicts of interest in our sport” and expressing his “hope” that, “going forward, this is not only applied to the formation of new associations at the player level but further applied to *all* levels within the ATP structure.”<sup>130</sup> Paul McNamee, a former Grand Slam and Davis Cup winning professional who served also as tournament director of the Australian Open and the Hopman Cup, tweeted that it was with “deep sadness that [he] read that the #1 player in the world is barred from representing his peers . . . this was never, is not and will never be what

<sup>127</sup> Steinberger, “A Few Tennis Pros Make a Fortune.”

<sup>128</sup> Matt Fitzgerald, “The ATP in 2021: The ATP Player Council vs. the PTPA,” Tennis (December 27, 2020), available at: [www.tennis.com/news/articles/the-atp-in-2021-the-atp-player-council-vs-the-ptpa](http://www.tennis.com/news/articles/the-atp-in-2021-the-atp-player-council-vs-the-ptpa).

<sup>129</sup> “Novak Djokovic Nominated for ATP Players Council But Says Governing Body Are Blocking Him,” Eurosport (November 19, 2020), available at: [www.eurosport.com/tennis/atp-world-tour-finals/2020/novak-djokovic-nominated-for-atp-players-council-return-but-says-governing-body-are-blocking-him\\_sto7998797/story.shtml](http://www.eurosport.com/tennis/atp-world-tour-finals/2020/novak-djokovic-nominated-for-atp-players-council-return-but-says-governing-body-are-blocking-him_sto7998797/story.shtml).

<sup>130</sup> Novak Djokovic, X (formerly Twitter) (December 22, 2020) (emphases added), available at: <https://x.com/DjokerNole/status/1341094745498632192?s=20>.

the organisation ought stand for . . . imo [sic] the founders of the ATP, including the late great Arthur Ashe, would be ashamed.”<sup>131</sup>

#### 4.1.3 The WTA

The WTA continues to proudly acknowledge its origins in Billie Jean King’s struggle to create a players’ association for women players, build a professional tour for them and achieve equal opportunity. The WTA is positioned as “the global leader in women’s professional sports” and “one of the world’s most recognizable and high-profile sports organizations.” The WTA Tour today comprises over fifty events, four Grand Slam tournaments, nearly thirty countries and regions, and an estimated global audience of 700 million.<sup>132</sup>

Like the ATP, the WTA’s governance structure reflects the labor settlement achieved by women’s professional tennis in 1975 with the establishment of the WIPTC.<sup>133</sup> As shown in Table 6.2, the WTA Board of Directors consists of three player representatives, three tournament representatives, one representative of the ITA and the WTA CEO.<sup>134</sup>

Elections are conducted annually by the WTA for members of the WTA Players’ Council (PC) which is structured to reflect the WTA player rankings system and include representatives of singles and doubles players. The WTA PC as constituted following elections in 2023 and announced by the WTA on October 3, 2023 is shown in Table 6.3.<sup>135</sup>

Within days of the election, over twenty of the top players on the WTA Tour wrote to the WTA with a series of demands, including higher pay, a more flexible schedule that better considers players’ physical and mental health, expanded childcare and official representation on the WTA PC by the PTPA. In response, a WTA spokesperson said that “players have always been equal decision-makers to ensure a strong direction for women’s tennis.”<sup>136</sup> The WTA refused the players’ request for meetings over its demands to be attended by the PTPA

<sup>131</sup> Paul McNamee, X (formerly Twitter) (December 22, 2020), available at: <https://x.com/PaulMcNamee/status/1341259069584265218?s=20>.

<sup>132</sup> WTA, “About the WTA,” available at: [www.wtatennis.com/about](http://www.wtatennis.com/about).

<sup>133</sup> ITF, “Frequently Asked Questions: Governance.”

<sup>134</sup> WTA, “WTA Tour Board of Directors,” available at: [www.wtatennis.com/board-of-directors](http://www.wtatennis.com/board-of-directors).

<sup>135</sup> WTA, “WTA Announces 2023 Election Results” (October 3, 2023), available at: [www.wtatennis.com/news/3718872/wta-announces-2023-election-results](http://www.wtatennis.com/news/3718872/wta-announces-2023-election-results).

<sup>136</sup> Matthew Futterman, ‘WTA Facing Rebellion from Numerous Top Players Over Pay and Conditions on Women’s Tour’, *The Athletic* (October 31, 2023), available at: <https://theathletic.com/5014481/2023/10/30/wta-female-players-letter-push/>.

Table 6.2 2024 WTA Board of Directors

Member	Representative	Player Rankings/Region
Vanessa Webb	Players	Council Chair, 1–100+ singles and doubles-only representative
Anja Vreg	Players	Top 20 singles
Kurt Zumwalt	Players	21–100+ singles and doubles-only representative
Brandon Burke	Players	Player alternate representative
Adam Barrett	Tournaments	Americas
Peter-Michael Reichel	Tournaments	Europe
Cameron Pearson	Tournaments	Asia-Pacific
Bob Moran	Tournaments	Tournament alternate representative
Steve Simon	WTA CEO	–
David Haggerty	ITF	–
Kris Dent	ITF alternate	–

Table 6.3 2024 WTA Players' Council

Member	Player Rankings
Victoria Azarenka	Top 20 member
Caroline Garcia	Top 20 member
Madison Keys	Top 20 member
Jessica Pegula	Top 20 member
Donna Vekic	21–50 member
Daria Saville	51–100 member
Gabriela Dabrowski	21+ and doubles-only representative
Alex Krunic	101+ and doubles-only representative

Executive Director Ahmad Nassar. It was a significant development for both the players and the PTPA, however, which had rightly faced criticism for its initial announcement by Djokovic and Pospisil which included only men on the ATP Tour. Pospisil conceded the “mistake,” with Tara Moore, a player reaching out for the PTPA to her fellow professionals on the WTA Tour, having said in 2021 that the male-only launch of the PTPA was a “sore point” with women players and that the

PTPA was a “tougher sell” given that women’s tennis was still more lucrative than other female sports.<sup>137</sup>

## 4.2 *Player Rights, Pay and Conditions in Professional Tennis*

The rights, pay and conditions of professional tennis players are extensively regulated. In addition to the TADP and the TADC, the principal means of regulation are the respective Rulebooks of the ATP and the WTA which, together, include some 956 published pages.<sup>138</sup> As both are extremely complex – legally and commercially – a thorough analysis is beyond the scope of this chapter. Instead, this section will selectively focus on those aspects of the Rulebooks most pertinent to the pay and working conditions of professional tennis players and, connectedly, their historic, current and future union organizing efforts.

In several key respects, the Rulebooks continue to enshrine pro tennis’s first labor settlement of the first half of the 1970s, especially by embedding an independent model of professionalism, limiting player payments to prize money, monopolizing the respective tours and, in turn, creating a monopsonist labor market. The Rulebooks achieve this by providing for a system of work for players that has (at least) five main features: (1) player entry and mandatory terms (which incorporate the Rulebooks into a contract between the ATP or the WTA, on the one hand, and the player, on the other);<sup>139</sup> (2) imposing strict minimum playing commitments (coupled with non-compete restraints);<sup>140</sup> (3) limiting player payments to the forms of prize money, bonuses and other prizes;<sup>141</sup> (4) banning or restricting other forms of player payments

<sup>137</sup> Steinberger, “A Few Tennis Pros Make a Fortune.”

<sup>138</sup> ATP, 2024 ATP Official Rulebook, available at: [www.atptour.com/en/corporate/rulebook](http://www.atptour.com/en/corporate/rulebook); WTA, 2024 WTA Official Rulebook, available at: <https://photoresources.wtatennis.com/wta/document/2024/02/12/1a78ea3b-3a70-4847-9951-d59307c2655d/2024-WTA-Rulebook-2-11-2024-.pdf>.

<sup>139</sup> 2024 ATP Official Rulebook, s. 1.07(A); 2024 WTA Official Rulebook, II – Player Commitment.

<sup>140</sup> 2024 ATP Official Rulebook, s. 1.07(C) and (D) – a commitment player is one ranked in the “Top 30” as at the previous November and must compete in all ATP World Tour Masters 1000 events, the ATP Finals and four ATP Tour 500 events; s. 1.14(B) imposes restrictions on participating in special events and exhibitions; 2024 WTA Official Rulebook, XVII(E) – Exhibition/Non-WTA Event Rule.

<sup>141</sup> 2024 ATP Official Rulebook. ATP prize money takes the form of: (1) “on-site prize money” payable by tournaments in accordance with the amounts established by the ATP – ss. 3.08(B)(1)(a), 3.09, 3.18(A), 3.20, 3.21, 3.22 and 3.23, and Exhibit J; (2) variable prize money based on tournament profits – ss. 3.17(B), 3.18(B), 3.18(C), 3.20; and (3)

and benefits, including appearance and promotional fees,<sup>142</sup> travel expenses<sup>143</sup> and accommodation expenses;<sup>144</sup> and (5) regulating player publicity, name, image and likeness, including mandating a player license to be granted in perpetuity for the purpose of advertising and promoting tennis events.<sup>145</sup> The established system provides a potentially lucrative form of work for the top-performing and top-ranked players through the combination of prize money and the endorsements players can separately generate through the profile achieved from on-court success. However, the five features – when taken together – leave many players dependent on performance-based prize money for merely basic earnings, needing to generate sponsorship to meet the considerable costs involved in competing on tour, and unprotected in the event of injury or a lack of on-court success. In recognition of this, in late 2023, the ATP announced the three-year pilot of a new and potentially sixth feature of the system of work – ATP Baseline – which aims to provide minimum guaranteed income for the top 250-ranked players, a form of income protection for those players injured on tour and a financial investment in emerging talents in the form of an advance payment to eligible players ranked in the top 125. The ATP expects that about fifty players will receive financial support through the program. Eligibility is “based on a range of criteria,” including “a player’s ranking, career prize money earnings, and number of events players. Aligned with the purpose of the program, players with more than \$15 [million] in career earnings are not eligible.”<sup>146</sup>

If a player is to lose his or her ranking, this can have a profound impact on the player’s earning potential and position on the tour. Many factors outside a player’s control can cause this. The WTA Rulebook includes a “special ranking rule” for players who are unable to compete for a minimum period of twenty-six weeks for reasons such as injury or pregnancy.<sup>147</sup> The case of Simona Halep, however, reveals the fallout that

ATP Tour bonus pools, fixed by the ATP – s. 1.07(G) and (H). All other prizes require ATP approval – s. 3.15(A) and (B); 2024 WTA Official Rulebook, IX – Prize Money and XIV – Prize Money Formula.

<sup>142</sup> 2024 ATP Official Rulebook, s. 1.15(A) and (B); 2024 WTA Official Rulebook, XVII(13) (a)(i)(b) – Payment of Personal Expenses.

<sup>143</sup> See 2024 ATP Official Rulebook, s. 3.15(D).

<sup>144</sup> See *ibid.*, ss. 1.20 and 3.09.

<sup>145</sup> See *ibid.*, ss. 1.12(A) and (C), 1.13(A)–(F); 2024 WTA Official Rulebook, VII(A) and (B).

<sup>146</sup> ATP, “‘Baseline,’ ATP’s Pioneering Financial Security Programme for Players” (January 16, 2024), available at: [www.atptour.com/en/news/baseline-programme-providing-player-security](https://www.atptour.com/en/news/baseline-programme-providing-player-security).

<sup>147</sup> 2024 WTA Official Rulebook, VIII(C).

can occur because of the combined effect of two complex sets of regulations which can run into conflict: the TADP and the rankings system. Halep successfully appealed her four-year doping ban to the CAS, with the suspension reduced to nine months. However, she had already been provisionally suspended and unable to play from August 2022 to March 2024.<sup>148</sup> As a result, the WTA is contemplating another special ranking rule for players impacted by the TADP.<sup>149</sup> This approach reveals that the WTA approaches these issues principally through the norms that have evolved on the tour – of which the rankings system is one – so that the basic rights of players can only be assured in exceptional circumstances and through “special” carve-outs to those norms.

Naomi Osaka’s experiences also reveal that the challenges involved affect even the most successful and higher-earning players.<sup>150</sup> Her career has involved a struggle to reconcile her pursuit of a career as a professional tennis player with her advocacy for social justice following the killing of George Floyd, against racism and for her own mental health.<sup>151</sup> These are all internationally recognized human rights. Her experiences as a child athlete also bring to the fore the essential need for the industry to respect child rights, which encompass the right to be protected from “economic exploitation,” or from “performing any work that is likely to . . . interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”<sup>152</sup> Naomi’s sister, Mari, retired at 21 after *seven years* on the tour with career earnings of \$92,927, an average of little more than \$13,000 per year, placing her 1,676th on the career earning list.<sup>153</sup> Mari’s career best ranking was 280, but on the day Naomi became number one – January 28, 2019 – it had fallen to 332. A 2013 ITF study estimated that a female player would need to be ranked 253rd or higher to break even

<sup>148</sup> CAS, “CAS Upholds the Appeal Filed by Simona Halep and Reduces Her Period of Ineligibility from 4 Years to 9 Months” (March 5, 2024), available at: [www.tas-cas.org/en/general-information/news-detail/article/cas-upholds-the-appeal-filed-by-simona-halep-and-reduces-her-period-of-ineligibility-from-4-years-to/](http://www.tas-cas.org/en/general-information/news-detail/article/cas-upholds-the-appeal-filed-by-simona-halep-and-reduces-her-period-of-ineligibility-from-4-years-to/). *Halep v. ITIA*, CAS Case 2023/A/10227, Award (March 5, 2024).

<sup>149</sup> Srivathsa Sridhar, “WTA Considering ‘Special Rankings’ for Players Cleared of Doping,” Reuters (March 20, 2024), available at: [www.reuters.com/sports/tennis/wta-considering-special-rankings-players-cleared-doping-2024-03-20/](http://www.reuters.com/sports/tennis/wta-considering-special-rankings-players-cleared-doping-2024-03-20/).

<sup>150</sup> Osaka ranks 22nd with WTA career prize money earnings of \$21,474,174: WTA, “Career Prize Money Leaders” (April 15, 2024), available at: [https://wtfiles.wtatennis.com/pdf/rankings/All\\_Career\\_Prize\\_Money.pdf](https://wtfiles.wtatennis.com/pdf/rankings/All_Career_Prize_Money.pdf).

<sup>151</sup> Rothenberg, *Naomi Osaka*, 299–304, 314–15, 341, 379, 402.

<sup>152</sup> UN Convention on the Rights of the Child (1989), Art. 32(1).

<sup>153</sup> WTA, “Career Prize Money Leaders.”

with minimal travel, lodging, equipment and coaching expenses, although, according to Rothenberg, “most in tennis thought the threshold was actually closer to 120th.” In 2018, Mari earned \$15,002 in prize money, about 1/400th of Naomi’s \$6,394,289.<sup>154</sup>

Jelena Dokic writes that “the tour can be a very difficult and lonely place for women,” for a number of reasons, especially that most begin at 15 or 16 years of age when still children and “very vulnerable”; most travel “without their parents, especially when they are starting out, because of a lack of finances,” and so “just take a coach for their tennis.” Dokic – who has revealed that she was physically and emotionally abused by her father Damir in the pursuit of her tennis career – argues that, while she agrees and supports with “[w]omen’s rights, gay rights, [and the] call for equal prize money . . . we need more people to stick up for the men, women, boys and girls who are being physically and emotionally abused.”<sup>155</sup>

Tables 6.4 and 6.5 respectively provide a comparative overview of 2023 prize money earnings on the ATP and the WTA Tours, taking into account the depth of player rankings. For the purpose of the overview, after including all in the top ten and players ranked fifty, rankings have been chosen based on ATP Baseline (the impact of which is also suggested in Table 6.4) and, for the WTA, the ITF’s “breakeven research” which highlights rankings 253 and, given Rothenberg’s suggestion, 120.<sup>156</sup> Player 300 is included in each table to reflect the stated views of Pospisil on the establishment of the PTPA.<sup>157</sup> The tables highlight the vast discrepancies in prize money between men and women.

## 5 The PTPA

### 5.1 *Establishment of the PTPA in 2020 and the Reaction of the “Seven Kingdoms”*

According to Steinberger, writing in 2021: “Tennis is brutally individualistic, and its lopsided economy, in which almost all the rewards go to a select few, inevitably makes collective action difficult if not impossible. It is a sport in which the superstars get most of the money and

<sup>154</sup> Rothenberg, *Naomi Osaka*, 266.

<sup>155</sup> Dokic and Halloran, *Unbreakable*, 304.

<sup>156</sup> Rothenberg, *Naomi Osaka*, 266.

<sup>157</sup> Steinberger, “A Few Tennis Pros Make a Fortune.”

Table 6.4 *ATP Prize Money 2023 and ATP Baseline*<sup>158</sup>

Money Rank	Player	YTD (US\$)	ATP Baseline Amount	ATP Baseline Payment
1	Djokovic, Novak	15,952,044	–	–
2	Alcaraz, Carlos	15,196,504	–	–
3	Medvedev, Daniil	11,548,023	–	–
4	Sinner, Jannik	10,456,264	–	–
5	Rublev, Andrey	6,571,890	–	–
6	Zverev, Alexander	5,643,764	–	–
7	Tsitsipas, Stefanos	5,489,110	–	–
8	Rune, Holger	4,946,875	–	–
9	Hurkacz, Hubert	4,803,644	–	–
10	Fritz, Taylor	4,019,217	–	–
50	Ebden, Matthew	1,199,856	–	–
100	Munar, Jaume	735,698	300,000/ 200,000	Min. Guarantee/ Income Protection
101	Molcan, Alex	729,256	150,000/ 100,000	"
125	Roger, Jean-Julien	556,209	200,000	Newcomer Investment
175	Melo, Marcelo	323,482	150,000/ 100,000	Min. Guarantee/ Income Protection
176	Zeppieri, Giulio	323,192	75,000/ 50,000	"
250	Cabral, Francisco	176,922	"	"
300	Bellier, Antoine	126,433	n/a	n/a

attention.”<sup>159</sup> Ashe and King said pretty much the same, years ago. The world of professional tennis has evolved over a fifty-year period to aggressively reflect the ethos of the player movement, businesspeople and tennis authorities that brought about professional tennis’s first labor settlement – an ethos of business, entrepreneurialism, performance,

<sup>158</sup> Adapted from ATP, “ATP Prize Money Leaders (US\$)”; and ATP, “Baseline.”

<sup>159</sup> Steinberger, “A Few Tennis Pros Make a Fortune.”



Table 6.5 WTA Prize Money 2023<sup>160</sup>

Money Rank	Player	YTD (US\$)
1	Sabalenka, Aryna	7,554,653
2	Swiatek, Iga	6,779,686
3	Gauff, Coco	5,976,622
4	Rybakina, Elena	5,097,437
5	Pegula, Jessica	4,320,890
6	Vondrousova, Marketa	4,275,278
7	Muchova, Karolina	2,804,438
8	Jabeur, Ons	2,798,564
9	Kvitova, Petra	2,488,381
10	Sakkari, Maria	2,407,413
50	Begu, Irina-Camelia	835,407
100	Juvan, Kaja	482,339
120	Burrage, Jodie	396,452
253	Riera, Julia	112,929
300	Kessler, McCartney	74,327

vision, risk and growth in a system which pits player against player.<sup>161</sup> But Kramer, Heldman and the commercial pioneers of “Open Tennis” were impresarios, not monarchs. They did not *intend* to create the divisive culture which the game’s governors, whether deliberately or otherwise, have subsequently embedded. It was therefore ironic but unsurprising that the “Seven Kingdoms” responded to the establishment of the PTPA with a call for “collaboration, not division,” and for the players “to consider and act in the best interests of the sport, now and for the future.” Moreover, the tennis authorities reiterated that they “fully support the ATP in its role in representing the best interests of players.”<sup>162</sup> Key players concerned that the PTPA would be a divisive influence included Federer and Nadal.<sup>163</sup> Along with four other members

<sup>160</sup> Adapted from WTA, “Prize Money Leaders” (November 6, 2023), available at: [https://wtfiles.wtatennis.com/pdf/rankings/PrizeMoney/prize\\_money\\_2023.pdf](https://wtfiles.wtatennis.com/pdf/rankings/PrizeMoney/prize_money_2023.pdf).

<sup>161</sup> Arsenault, *Arthur Ashe*, 302–3; King, *Billie Jean King*, 169.

<sup>162</sup> Wimbledon, “Media Statement Regarding Player Representation” (August 29, 2020), available at: [www.wimbledon.com/en\\_GB/news/articles/2020-08-29/media\\_statement\\_regarding\\_player\\_representation.html](http://www.wimbledon.com/en_GB/news/articles/2020-08-29/media_statement_regarding_player_representation.html).

<sup>163</sup> Roger Federer, X (formerly Twitter) (August 30, 2020), available at: <https://x.com/rogerfederer/status/1299774755319422976?s=20>.

of the ATP PAC, both wrote to the players on the ATP Tour, expressing concerns over the possible implications of the PTPA, such as the tournaments “going against” the players and possible “fallout both with our careers, income and negativity.” In short, Federer and Nadal maintained, “[a] new Player Association cannot co-exist with the ATP.”<sup>164</sup> ATP Chairman Andrea Gaudenzi also saw the PTPA as a competing organization and an existential threat to the ATP. “You have,” Gaudenzi said, “what other athletes in other sports would strive for – a seat at the boardroom table. That is what players fought for in the creation of the ATP Tour . . . It makes no sense why you would be better served by shifting your role from the inside to the outside of the governance structure.”<sup>165</sup> Gaudenzi’s perspective is important, and raises for discussion whether the players would *in fact* be better and measurably served through external union representation, whether that representation *necessitates* a diminution of the position of the players within the governance of the ATP, and whether the ATP is willing to openly concede *to the players* its historical transformation from a player association to a governing body.

Djokovic and Pospisil – as the founding co-Presidents of the new PTPA – were clear that the “the goal of the PTPA is not to replace the ATP, but to provide players with a self-governance structure that is independent from the ATP and directly responsive to player-members’ needs and concerns.” Pospisil informed the players that the creation of the PTPA was “the first and most pivotal step” and that “[t]here will be a lot of work in building and perfecting the operations of this association” which will “essentially [have] the same function as a union.” Its stated goals include “revenue sharing, disciplinary actions, player pensions, travel, insurance and amenities at tournaments.”<sup>166</sup>

Importantly, the reaction of the “Seven Kingdoms” did not in any way acknowledge the trade union rights of the professional tennis players, nor the respective responsibilities of the tennis bodies to respect those rights. At the heart of this is the tension between the position of the players within the existing governance structures of the tennis bodies and the existence of an external and independent player union. While this tension – described immediately by management and some influential players as representing an existential threat – is novel to the world of professional tennis, it is not

<sup>164</sup> Ben Rothenberg, “Djokovic and Other Top Men Are Creating a Players’ Association,” *New York Times* (August 28, 2020), available at: [www.nytimes.com/2020/08/28/sports/tennis/tennis-union-men-djokovic.html](https://www.nytimes.com/2020/08/28/sports/tennis/tennis-union-men-djokovic.html).

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

uncommon within international labor relations. In that broader context, by way of contrast, the presence of workers' representatives within management structures are more commonly viewed as threats to the trade union, rather than to management. International labor standards "encourage cooperation on all relevant matters"<sup>167</sup> and "contain explicit provisions guaranteeing that, where there exist in the same undertaking both trade union representatives and elected representatives, appropriate measures are to be taken to ensure that the existence of elected representatives in an enterprise is not used to undermine the position of the trade unions concerned."<sup>168</sup> All parties will certainly need to strategically assess the interaction of both forms of player representation. It is quite wrong, however, for the tennis authorities or leading players to view the emergence of the PTPA in existential terms and jump to the conclusion that all can't coexist.

## 5.2 *The Developing Culture, Governance, Structure and Objectives of the PTPA*

The PTPA, established as a not-for-profit corporation in Canada,<sup>169</sup> is "committed to safeguarding and supporting men's and women's professional tennis players worldwide" and has adopted a series of principles "designed as a roadmap for the Association's advocacy work on behalf of all professional tennis players."<sup>170</sup> The "five core tenets" of the principles, which were established in accordance with the WPA's UDPR, are:

1. Take collective action and advocate on behalf of tennis players globally
2. Obtain players' fair share of the business of tennis and terms of participation
3. Optimize and rigorously protect tennis players' rights
4. Safeguard tennis players' welfare and protect players from abuse
5. Advocate for, and contribute to, the best vision and structure of tennis globally<sup>171</sup>

<sup>167</sup> ILO Convention No. 135, Art. 5.

<sup>168</sup> ILO, "Compilation of Decisions," 295, para. 1582.

<sup>169</sup> Priest, "Working toward Break Point," 951.

<sup>170</sup> PTPA, available at: [www.ptpaplayers.com/](http://www.ptpaplayers.com/); PTPA, "The Professional Tennis Players Association Appoints Eight Players to First-Ever Executive Committee; Unveils Principles to Respect, Protect & Guarantee Fundamental Rights" (January 10, 2023), available at: [www.ptpaplayers.com/the-professional-tennis-players-association-appoint-eight-players-to-first-ever-executive-committee-unveils-principles-to-protect-respect-guarantee-fundamental-rights/](http://www.ptpaplayers.com/the-professional-tennis-players-association-appoint-eight-players-to-first-ever-executive-committee-unveils-principles-to-protect-respect-guarantee-fundamental-rights/).

<sup>171</sup> WPA, Universal Declaration of Player Rights; *ibid*.

The principles are also designed to squarely address the player versus player dynamic that can be so at odds with the imperative of trade union solidarity. The first principle aims to build a consciousness of trade union rights among the PTPA membership, and incorporates the “collective,” “freedom of association” and “the right to organize.” It acknowledges that “[t]ennis is predominantly an individual sport, but that should not mean individual players are isolated and divided.”<sup>172</sup> The release of the PTPA’s principles in January 2023 coincided with the announcement of its inaugural Board, which, as shown in Table 6.6, includes co-founders Djokovic and Pospisil and is comprised with an eye to gender equality and cultural diversity.

The PTPA’s articulation of its purpose and principles shows that the developing culture of the PTPA is *not* one that seeks to be embedded in the existing norms of professional tennis, but instead in trade and player unionism, so that new industry norms can be created. The PTPA is well aware that the existing model of player representation in professional tennis has seen many players fall outside the protections of the system, and many fundamental issues of player rights such as abuse have been inadequately addressed, if at all. The PTPA also points to the achievements of player unions in major professional team sports and asks whether the ATP and WTA are offering the world’s best tennis players a deal which stands up in comparison. Organizing starts with education, and one of the key themes of the PTPA’s communications has been

Table 6.6 *Inaugural PTPA Executive Committee*<sup>173</sup>

Name	Country
Paula Badosa	Spain
Novak Djokovic	Serbia
Hubert Hurkacz	Poland
John Isner	United States
Ons Jabeur	Tunisia
Bethanie Mattek-Sands	United States
Vasek Pospisil	Canada
Saisai Zheng	China

<sup>172</sup> PTPA, available at: [www.ptpaplayers.com/](http://www.ptpaplayers.com/).

<sup>173</sup> Ibid.

around the second tenet of its principles – the players’ share of the revenue and wealth of the sport. PTPA research indicates that the players’ estimated share of revenue at 17.5 percent is very low by comparison to the players in major professional team sports, which are much closer to a 50/50 split. The players’ share in tennis is even lower by comparison as in team sports major costs such as coaching, travel, accommodation, medical care and equipment are all borne by management, not by the players from their share.<sup>174</sup> And, as Isner had already pointed out in describing a “broken system,” this only takes into account revenue, not the value of assets such as prestigious tournaments that appreciate over the long term.<sup>175</sup>

The creation of the PTPA comes at a historic time for the player union movement, which is undergoing a third wave of organizing.<sup>176</sup> The first wave began in the 1960s, when the PFA – some fifty years after its establishment – won its first major labor disputes over the transfer system and the abolition of the maximum weekly wage.<sup>177</sup> It was towards the end of this wave – which saw the creation of player associations in the major professional sports in the United States and European football – that the ITPA, ATP and WTA were created. The second wave began with the widespread growth of full-time professionalism in many sports with the advent of subscription television in the 1990s, which also saw earlier established player associations reformed, resourced, modernized and globalized. Australian rules football, basketball, cricket, football, Gaelic sports, rugby league and rugby union were among those that reached new levels of organization, which also saw the creation of international player union federations especially in sports such as cricket, football, rugby and on a multi-sport basis at the European and global levels to deal with the increasingly transnational nature of professional sport’s labor relations.<sup>178</sup> It was in the midst of this wave that the IMTA was attempted.

The third and current wave is the most sophisticated. Dabscheck estimates over 200 player associations now exist,<sup>179</sup> with 138 based in more than sixty countries representing some 85,000 professional athletes

<sup>174</sup> PTPA, “Why Most Tennis Players Struggle to Make a Living,” available at: [www.youtube.com/watch?v=STff\\_wQHN4](https://www.youtube.com/watch?v=STff_wQHN4).

<sup>175</sup> Tennisbuzz, “The ATP Is a Broken System.”

<sup>176</sup> Braham Dabscheck, “The Slow and Steady Development of an Industrial Relations of World Sport, 1885–2019” (November 2022) 39 *Sport Trad* 77, at 80.

<sup>177</sup> Harding, *For the Good of the Game*.

<sup>178</sup> Dabscheck, “Slow and Steady Development,” 84–8.

<sup>179</sup> Ibid.

combining under the multi-sport international labor federation, the WPA.<sup>180</sup> In addition to its scale, three key features of the third wave are the organized commitment of the player unions to embed human rights in sport,<sup>181</sup> including athlete trade union rights,<sup>182</sup> the sharing of expertise and knowledge among the unions on key issues such as the holistic personal development and well-being of players,<sup>183</sup> and the embrace of commercialization in the conduct of the business of the players' association so that the players have the resources, financial clout and leverage to match management at the bargaining table. This is being described as "the entrepreneurial era of player unions."<sup>184</sup> Nassar, appointed as the inaugural PTPA Executive Director in August 2022, is one of the era's driving forces, having served as the founding CEO of One Team Partners and President of NFL Players Inc., which he helped grow into one of the largest for-profit marketing and licensing businesses in the world.<sup>185</sup> In 2023, the NFL Players Association (NFLPA) was ranked by License Global as the 24th biggest licensor in the world (The Walt Disney Company was number one), with retail sales of \$2.7 billion. A year earlier, NFLPA commercial revenue exceeded \$300 million for the first time.<sup>186</sup> One Team Partners aims to maximize the value of athlete name, image and likeness rights, and brings together the group licensing, marketing, media and investing activities of six major player associations, including the NFLPA, the MLBPA and two

<sup>180</sup> WPA, "World Players," available at: <https://uniglobalunion.org/about/sectors/world-players/>; FIFPRO, "Player Associations Benefit from Fruitful WPA #Right2Organize Conference" (May 24, 2023), available at: <https://fifpro.org/en/who-we-are/what-we-do/foundations-of-work/player-associations-benefit-from-fruitful-wpa-right2organize-conference/>.

<sup>181</sup> WPA, "IOC Must Engage Stakeholders and Add Human Rights to Olympic Charter" (June 7, 2022), available at: <https://uniglobalunion.org/news/ioc-must-engage-stakeholders-and-add-human-rights-to-olympic-charter/>.

<sup>182</sup> WPA, "#Right2Organise Survey & Report"; WPA, "WADA Governance Review."

<sup>183</sup> WPA, "#PDC22: Developing the Players of Tomorrow" (June 20, 2022), available at: <https://uniglobalunion.org/news/pdc22-developing-the-players-of-tomorrow/>.

<sup>184</sup> James Emmett and David Cushnan, "The End of Break Point; the Next Big Thing in Track and Field; the Entrepreneurial Era of Player Unions," Leaders Sport Business Podcast (2024), available at: [https://podcasts.apple.com/gb/podcast/the-end-of-break-point-the-next-big-thing-in/id1126762453?i=1000649064303&utm\\_medium=email&\\_hsenc=p2ANqtz-8\\_1LLysuBVGFBeAa\\$5PXYNGbadAt5dzjNZibDlh5bcYzow9avHjrbqSzKojGwL7YL8Djqm2Z\\_ftwoVtShi3h5wBCMZWw&\\_hsmi=298434704&utm\\_content=298434704&utm\\_source=hs\\_email](https://podcasts.apple.com/gb/podcast/the-end-of-break-point-the-next-big-thing-in/id1126762453?i=1000649064303&utm_medium=email&_hsenc=p2ANqtz-8_1LLysuBVGFBeAa$5PXYNGbadAt5dzjNZibDlh5bcYzow9avHjrbqSzKojGwL7YL8Djqm2Z_ftwoVtShi3h5wBCMZWw&_hsmi=298434704&utm_content=298434704&utm_source=hs_email).

<sup>185</sup> PTPA, "Our Team," available at: [www.ptpaplayers.com/leadership/](http://www.ptpaplayers.com/leadership/).

<sup>186</sup> License Global, "The Top Global Licensors 2023," 8–9, available at: [https://superbrainheroes.com/wp-content/uploads/2023/10/Global-Licensing-Report-2023-LIC\\_230727\\_DE\\_Copyright\\_2.pdf](https://superbrainheroes.com/wp-content/uploads/2023/10/Global-Licensing-Report-2023-LIC_230727_DE_Copyright_2.pdf).

major groups of women athletes, the Women's National Basketball Players' Association and the US Women's National [Soccer] Team Players Association.<sup>187</sup> To this end, one of Nassar's first initiatives was the raising of \$26 million in equity to create the Winners Alliance, which will also serve as the PTPA's for-profit arm.<sup>188</sup> In addition to seeking to maximize through group licensing of the name, image and likeness rights of PTPA members, the Winners Alliance has partnered with the Federation of International Cricketers' Associations (FICA) to "protect and optimize [the] global commercial rights of cricketers."<sup>189</sup>

The creation of the PTPA also comes at a time when professional tennis itself is considering "seismic" change. A "Premier Tour" is under contemplation especially by the four majors, with research by the Boston Consulting Group revealing that 70 percent of tennis fans watched only the four majors, and 80 percent of the sport's revenue comes from the top 10 tournaments, including the majors. A new tour could provide opportunities for the top 300 men and women players and result in equal prize money. The key, according to Tennis Australia CEO Craig Tiley, is for a "transformational way forward" to "become a player-centric and fan-centric proposal."<sup>190</sup> This will necessarily involve professional tennis forging a new labor settlement with its players.

Two key questions arise and will only be answered in the medium term. First, will the PTPA be required to organize and unify the players to attain a level of collective action such as that seen in 1973 when, as player unions, the ATP boycotted Wimbledon and the WTA won equal prize money at Forest Hills? And second, if the PTPA is, will that activism be converted – for the first time in the history of professional tennis – into collective bargaining? Perhaps then, one of the world's greatest sports can successfully replace its Darwinian system with a culture that truly appreciates that players are people first, athletes a distant second, and that they deserve to be genuine partners in the business of the game.

<sup>187</sup> One Team Partners, "Who," available at: [www.joinoneteam.com/](http://www.joinoneteam.com/).

<sup>188</sup> Winners Alliance, "Winners Alliance Launched to Serve the Interests of Professional Athletes" (April 4, 2023), available at: <https://winnersalliance.com/winners-alliance-launched-to-serve-the-interests-of-professional-athletes/>.

<sup>189</sup> Winners Alliance, "FICA and Winners Alliance Forge Historic Partnership to Protect and Optimize Global Commercial Rights of Cricketers" (January 10, 2024), available at: <https://winnersalliance.com/fica-and-winners-alliance-forge-historic-partnership-to-protect-and-optimize-global-commercial-rights-of-cricketers/>.

<sup>190</sup> Marc McGowan, "It's Not a War: The Seismic Shift about to Hit World Tennis," *The Age* (March 30, 2024), available at: [www.theage.com.au/sport/tennis/it-s-not-a-war-the-seismic-shift-about-to-hit-world-tennis-20240326-p5ffh8.html](http://www.theage.com.au/sport/tennis/it-s-not-a-war-the-seismic-shift-about-to-hit-world-tennis-20240326-p5ffh8.html).

