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## **The Legal Commission**

May 9, 2013

To the Delegates to the  
2013 Annual General Meeting of the  
World DanceSport Federation (WDSF),  
Shanghai, China:

### **Report of the WDSF Legal Commission Chair**

Dear Friends:

It is a great honour to be one of your WDSF Presidium Members, and to have been Chair of the WDSF Legal Commission from 1998 to 2013.

I am reporting to you again as Chair of this Commission, to cover the period ending May 9, 2013.

This is the 15<sup>th</sup> year of the WDSF Legal Commission's service to WDSF, and the 15<sup>th</sup> year I have been its Chairman.

It is a working Commission. It works every week of the year. It advises WDSF officials and deals with legal problems and legal questions about WDSF's relations with other people and organizations *e.g.* WDSF Member Federations, WADA, television businesses, and WDSF's insurers.



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The Legal Commission promotes consistent methods of reviewing and approving WDSF's contracts and correspondence, analyzing the application of the law and our **Statutes** and **Competition Rules** to all of our activities, and helps to plan for the growth of services such as our media work and our adjudicating system.

2012-2013 was another busy and challenging year for the Commission, because of the VISION 2012 issues and because of the original work and major changes which the Presidium continues to make under the leadership of President Carlos Freitag and the WDSF Managing Committee about the way WDSF governs and reforms DanceSport, e.g. in adjudication, athlete registration, and athlete representation.

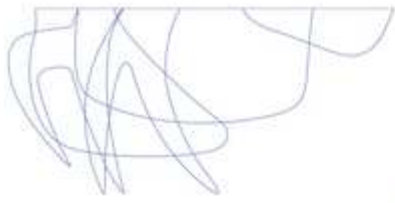
In those matters and in more familiar situations we again gave numerous opinions about the interpretation and application of the **WDSF Statutes** and the **WDSF Competition Rules**, and other legal questions, to WDSF officials who asked for advice. We also negotiated and supervised WDSF's Insurance Affairs.

### ***The WDSF Legal Commission***

WDSF is a Swiss Sport Federation which exists and operates under a Swiss law called the **Swiss Civil Code**. WDSF is a separate "legal person". Its main business office is in Barcelona, Spain, but its official legal address is in Lucerne, Switzerland.

The WDSF Legal Commission was created by the "reform Presidium" elected at the 1998 WDSF Annual General Meeting. The Commission was immediately ordered to completely write new **WDSF Statutes** and to modernize WDSF's other documents. We did that work and these documents were adopted by the 1999 WDSF AGM.

Since then we have had a modern set of statutes and rules, and a modern way of doing things. The Presidium's work has been based on the fundamental principle that WDSF and DanceSport must be governed according to Swiss law, the **WDSF Statutes**, and the Rules and Regulations which come from the **WDSF Statutes**.



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With a lot of very hard work, your Presidium has created a modern WDSF system of Presidium Commissions, Operating Policies and business management, according to the democratic decisions of the AGMs from 2000 - 2012; and not for *ad hoc* or personal reasons.

The WDSF Managing Committee, led by President Carlos Freitag, has a very clear policy that all of its work should be done according to Swiss law, the **WDSF Statutes** and WDSF's other governing documents, including the Presidium's detailed written "Operating Policies". It also tries to promote a clear understanding of WDSF's legal status, to protect and develop the legal framework of DanceSport, and to conduct all of WDSF's business thoroughly, carefully, and as safely as possible. It is our Commission's job to provide advice about these laws, rules and policies.

We often read in the newspaper, or hear on the radio or television, about "the Rule of Law". Sometimes we do not think it is a very important idea, or that it does not really exist. But I say politely that people who have lived where the Rule of Law does not exist, know how fundamentally important it is to fairness, to human dignity, to discipline, to efficiency, and to justice. It is also important in sport.

We have been working to require more Rule of Law in WDSF since 1998. Today I can assure you that as a result of our work over the past fifteen years, WDSF has much more of the Rule of Law now, and that it now operates on that principle.

The business of the Managing Committee and the Presidium is extremely varied and changes regularly, and the activities in DanceSport around the world create numerous unpredictable legal questions that must be considered and answered.

This results in new legal relationships and discussions. So the Legal Commission's work and responsibilities continue to increase.

This Commission also receives questions from officials in the WDSF system such as Presidents, Members' lawyers in countries where there are particular problems governed by local law, and other people who are inside and outside the WDSF system.

This year I worked particularly closely with:



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- President Carlos Freitag
- 1<sup>st</sup> Vice President Lukas Hinder
- Sports Director Marco Sietas
- General Secretary Shawn Tay
- Treasurer Tony Tilenni
- PD Director Aleksandr Melnikov
- PD Secretary General Michael Shelton
- Presidium Member Ken Richards
- Presidium Member Sandi Wiemers
- WDSF Anti-doping Commission Chair Ko de Mooy
- WDSF Anti-doping Commissioner Dr. Ineke Crijns
- WDSF Technical Commissioner Wolfgang Eliasch, and
- WDSF Web Master John Caprez,

regarding their areas of expertise and responsibility.

They are all exceptional colleagues and I was very proud to work with them both as a Presidium Member and as Chair of this Commission.

### ***Statutes Revision Department***

The Legal Commission includes a working WDSF Statutes Revision Department, which is responsible to advise about the **WDSF Statutes** and related rules and regulations, the WDSF Presidium's Operating Policies, and any changes that are proposed to them.

This responsibility includes providing technical legal advice about the meaning and possible effect of the various Motions that will be made at this year's AGM by the Presidium and by any Federations.

The WDSF General Secretary is officially responsible for the WDSF's documents and its World Wide Web site, but it is the Legal Commission's job to advise him and help him and the WDSF Office keep and publish accurate, current copies of all our important statutes, policies and rules.



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### ***Our Commissioners***

This year, the Slovenian lawyer Patricija Rot retired from the Commission, and the WDSF Presidium and I thanked her for her nine years of service.

The Presidium then appointed Marc-Frédéric Schäfer of Switzerland to replace her and to provide expert knowledge of Swiss law (which is the law of WDSF) because our former Commissioner Daniel Stehlin, who is a Swiss lawyer, became Chair of the WDSF Disciplinary Commission.

The Commission's other Members are the insurance expert David Corfield, from England, and me; I am a Canadian lawyer

### ***Meetings***

According to the WDSF Statutes the Presidium is required to carry on its business by e-mail and telephone as much as possible. During the past year I conferred with one or more WDSF Presidium Members by e-mail, telephone or Skype nearly every day.

I also met personally with Members of the Managing Committee and the Presidium in Stuttgart, Germany last August, and attended the Presidium's annual Winter Meeting in Barcelona in January, 2012.

I also attended the WDSF Managing Committee's special January, 2013 meeting with representatives of WDSF's Associate Members, and also met with Members of the WDSF Professional Division managing group who also met there at that time.

### ***Special Subjects***

One of our most important jobs this year was to assist the WDSF Technical Commission / Sports Department to work on amendments to various WDSF "governance" documents. We took these assignments very seriously and we did a great deal of work on it. One result was that I became the Editor of the new **WDSF Chairman's Reference Handbook**.



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I thank Marco Sietas, Michael Eichert and particularly Technical Commissioner Wolfgang Eliasch, of Austria, for doing a lot of work with me on that document.

The legal subject of trademarks is becoming more important as the increased use of the Web encourages federations and producers to create more names, logos and other images which become valuable to them. This year we answered several questions about trademarks. I politely advise that if you have a trademark that is important to you, please take the necessary time and spend the necessary money to register that trademark with your country's official trademark registry, immediately. Legally, it can be too late to do it when someone else "infringes", which means that they use your name or logo without your permission. Official legal registration takes work and costs money, but it gives you much faster and stronger power to protect your name or logo.

After personally writing the legal documents and Rules by which the 2010 WDSF AGM created the WDSF Professional Division ("WDSF PD"), I have always followed its progress with great interest. I report to you that in my opinion, since 2010 the PD has worked very independently, without interference from the WDSF Presidium.

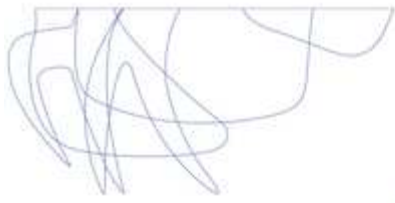
In 2012-2013, the new PD Director Aleksandr Melnikov and the PD Secretary General Michael Shelton began a series of meetings and consultations about how to improve the PD, and they invited me to review various documents and provide advice to them about:

- the **WDSF Statutes**
- other WDSF governance documents
- the 2010 **Professional Division Administrative Rules** and
- the 2010 **Professional Division Competition Rules**.

I had personal meetings, Skype meetings and telephone conversations with Mr. Melnikov and Mr. Shelton and gave them a lot of legal advice about how their own PD rules worked and how the PD can work legally inside WDSF.

I wish to thank them and the PD Managing group for their courtesy and for working very seriously for the development of the WDSF PD in a clear and correct way.





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### ***Anti-doping***

The WDSF Anti-Doping Commission (ADC) continues to be an important part of the Legal Commission's work, because much of its work has legal aspects. Consequently, I have been a Member of the ADC since it was first created in 2001. I was also its first Chair.

The return of Ko de Mooy's cancer and his long, painful illness in 2012-13 was terrible for us and for everyone who knew him. But you may not know that even when he was sick in bed all day, and feeding only through a tube, he continued to try to give the same level of exceptional work and assistance to WDSF and to the WDSF Legal Commission. But despite his powerful spirit, he was too sick to continue, and so his trusted colleague and friend in the ADC, Dr. Ineke Crijns, of The Netherlands, very quietly began to work very hard to help him with his responsibilities, and then later she began very quietly to do his work for him.

We mourn Ko de Mooy's tragic death last month. He faced death with great courage and unselfishness. We will always remember him as a deeply trusted colleague. He was my dear friend.

I want to publicly thank Dr. Ineke Crijns for helping Ko and us with so much of his work in the ADC, while at the same time she worked full-time in a high-level government medical job in The Netherlands.

### ***Insurance***

At the end of 2012 we moved all of WDSF's insurance business from AON to the "Sport & Entertainment Financial Risks Division" of JLT Specialty Limited, which is another sport insurance specialty firm in London, England. After ten years of working with AON, we were not unhappy with them, but many members of AON's insurance team moved to JLT and after careful study, we decided to move with them.

We did so without any increase in costs, and we believe this new insurance coverage is significantly better than our former policy. The new policy covers many more kinds of potential loss, and extends coverage from Office Holders by adding coverage for our WDSF federation too.



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Insurance coverage for Event Cancellation is complicated, but this new insurance coverage provides more assistance than our previous policy.

The process of making an insurance claim is also easier now.

JLT's team has responded very quickly and thoroughly to all of our questions, and we are satisfied that we have made the right decision for WDSF.

As I emphasized in previous Reports, our Commission is available to consult with you about sport insurance coverage, which becomes more important for each of you every year. We encourage you to do the hard (but very important) work of reviewing all of your insurance coverage, to protect your federations, your athletes and all other people.

Our Legal Commissioner David Corfield is a very experienced retired insurance industry executive who worked extensively with Lloyd's of London during his 39-year career. He has been a Member of this Commission since 2005 and knows a lot about this subject. I know he would be very pleased to consult with you to try to make your federation and your activities more secure in your own countries.

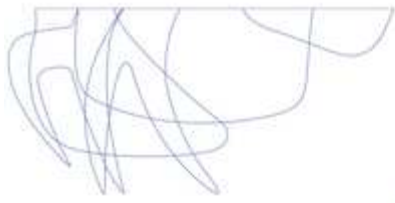
### ***WDSF Disciplinary Council***

Whenever an Appeal is filed with the WDSF DC, I am notified and we give careful attention to the progress of the Appeal, although of course we do not interfere in the Disciplinary Council's work or decisions.

I wish to thank the new DC Chair Daniel Stehlin for his strong, thorough work for WDSF and for his helpful answers to me on various subjects. He is an exceptional lawyer and a very good colleague, as well as a good friend. His great dedication and his very careful approach to each case has ensured that the DC continued to perform very effectively when we took responsibility last year from our former DC Chair Erich Stäldi.

WDSF is very lucky to have Daniel Stehlin as Chair in this sensitive position.





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### ***Other Work***

New Members and old Members frequently consult the Legal Commission about legal and jurisdictional problems regarding competitions, contracts, controversies and disciplinary questions, conflicts of interest, international law and even criminal law. We have answered questions about all of these things.

This service is available to all WDSF Members. You are welcome to write to me if you would like to discuss such questions. We can provide Federations with an unbiased and experienced answer, free. If you have an emergency, please telephone me, and my secretary, Marion Wong, who understands all about DanceSport, will find me and ask me to help you.

Legal developments in one country are often important for all countries. If something important happens in your country in a Court case, or regarding a new law made by your government or your national sport organization, please inform me so that we may review it for the benefit of all of DanceSport.

### ***Generally***

The Legal Commission is regularly asked for advice and assistance. As Chair, I regularly review certain correspondence and WDSF Press Releases, before they are sent or published.

I have also worked a great deal with representatives of our new DanceSport disciplines as they brought their organizations into the VISION 2012 system, particularly Sandi Wiemers of the World Baton Twirling Federation (WBTF) and Jeff Bartholomew of United Country Western Dance Council (UCDWC). We are very glad to help them adjust to WDSF and to assist with their ambitions to work more closely with all of us.

At the 2013 WDSF AGM you will hear about many ideas and projects. All of WDSF's new work results in more legal issues and legal work. But we enjoy doing this work for you.



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### **Conclusion**

Thank you for taking the time to read this Report. I hope that it will receive your approval.

I will be attending my 20<sup>th</sup> WDSF Annual General Meeting in June. I came to WDSF in the same way as all of you; I was working for DanceSport in my own country.

The WDSF Annual General Meeting was very helpful to me, because I was able to meet and talk with many people from other countries who were doing the same thing.

I have learned that the most important thing in WDSF is not how we are different, but rather how many common values and ambitions we share, and how working together builds strength in our sport.

And I have learned that the most important and powerful thing in sport is truly the friendships and relationships that we develop and enjoy as part of our service to our athletes and friends.

I sincerely hope that we will continue to do that at our 2013 Annual General Meeting

It has been an honour to serve you in the 2012-2013 year, and I thank you for your support.

I look forward to meeting all of you in Shanghai.

Yours truly,

**Jim Fraser**  
**Chair, WDSF Legal Commission**  
**Member, WDSF Presidium**