



COLUMNISTS

*An Arbiter's
Notebook*
Geurt Gijssen

Hello St. Petersburg, Hello Paris...

As the reader probably knows, in May the Russian city St. Petersburg celebrated its 300th anniversary. As part of the celebration, an Internet match between a team from St. Petersburg (Khalifman, Svidler, Korchnoi and Sakaev) vs. a team from Paris (Kramnik, Radjabov, Fressinet and Karjakin) was held. I was in St. Petersburg and IA Yakob Damsky from Russia was in Paris. We had many ways to communicate with each other. There was a direct TV connection. We could see each other on screens in the playing hall, we could talk to each other, there was of course an Internet connection, but the funniest thing was the following: immediately after a player had completed his move, this move was shown in the display of the opponent's clock. I do not understand too much about technology, but this was really a fantastic novelty. We saw on the TV monitor that the "French" player in Paris made his move and immediately after this we saw it in the display of the clock in St. Petersburg. There was a special button on the clock to offer a draw to the opponent and when the opponent agreed he would press the same button on his clock. This happened three times: on the boards 1, 2 and 4. On board 3 Korchnoi won his game against Fressinet. The time limit was 15 minutes for the whole game with an increment of 15 seconds per move from move 1. There were no problems at all and I congratulated Boris Yesham, who was responsible for the technology, with this wonderful performance. In my opinion a new chapter was added to the game of chess. I think this kind of match has a great future.

Question Dear Mr. Gijssen, Not really a question this - more of a follow up comment to the questions regarding copyright in game moves and annotations, and indeed books.

I work in the legal trade here in England and would have thought that the situation was roughly as follows under English law, which it would be reasonably sensible to use as a lot of the big publishing houses appear to be English. Please allow me a little license in restricting my thoughts to English law, especially as I will be using Informant in my answer, which is obviously not English!

Imagine that Kasparov plays a game against say, Adams and it contains an important theoretical novelty in the Ruy Lopez. Both players then annotate

the game and supply their annotations to Chess Informant for the next edition. These annotations are included and can now be read and analysed by the chess world. By the time of the next edition, Gelfand has studied this novelty and comes up with an improvement, which is published with his analysis. Some time later Gambit (to pick a random publisher and in no way making any comment on Gambit at all) commission an author to write a book on this variation of the Ruy Lopez as it has become theoretically important.

This book is then published some time later including reference to the analysis by Kasparov, Adams and Gelfand. The situation as I see it is as follows:

1. The moves in the game Kasparov-Adams are generic (no-one could 'own' 1.e4, in my opinion) and therefore they are not owned by anyone.
2. The notes by Kasparov and Adams respectively are their own work which they own, and they can assert their right to be known as the author of that analysis. Of course, they may have a deal with Informant that surrenders such rights, but that is beyond the remit of my point here.
3. Chess Informant owns the rights in the publication of that particular Informant – i.e. the cover, binding, ordering, printing any original editorial content, and indeed the right to put the book to market.
4. As above, Gelfand owns rights over his analysis of the improvement.

Therefore, the following opening monograph should, in my opinion, be legally required to state the following when dealing with the abovementioned novelty:

1. The relevant numbers of Informant should be included in the bibliography, along with a copyright 'strap line'.
2. Kasparov-Adams should be correctly cited with a full game reference.
3. All three of Kasparov, Adams and Gelfand should be named as the persons responsible for their original pieces of analysis of the novelty.

Anything beyond that point of the analysis which is original to the Gambit author (for the sake of argument lets pretend it is Graham Burgess) and indeed the discussion of lines that appears more as commentary than analysis, will then be owned by Mr. Burgess, whilst Gambit would own

Publishers' rights in the same way as Informant did above.

I should stress that this is the way that Gambit, in my experience deal with these matters, and they appear very conscientious in naming their sources correctly. Sadly, there appear other publishers in the market, who no doubt will lift information straight from Gambit publications in the future (as they appear to be the best as a rule) and will probably quote none of Adams,

Kasparov, Gelfand, Informant, Burgess or Gambit if one was to continue the above example. I can see no reason why any or all of those parties shouldn't take action at that point to protect their rights. **William Thomas (England)**

Answer I agree completely with you. What you are in fact saying is that there are no copyrights on the moves themselves, but on the analyses made and published by the players and other authors. Furthermore, you correctly pointed out that if one author quotes another, proper credit should be given.

But there is another point: payment. As you know, some players want to be paid for their creative. And the question is, of course, should Gambit have to pay Kasparov, Adams and Gelfand for the comments and analysis in other previous publications or is making references to these grandmasters sufficient.

Question Hi Geurt, In a local tournament (25 minutes each player for the whole game), playing with a FIDE electronic chronometer, a player found his opponent lost on time. The player who was making the claim didn't know how to stop the FIDE chess clock (well, very easy, just press the start/stop button, but he didn't know). In the meantime, he also ran out of time. The other player then claimed a draw because no one had time on the respective displays. The arbiter said that the final result was a draw because no one had time on the clock, although the FIDE Chronos had a small blinking light over the display of the player who ran out of time first. That means that independently of what happened in the game, the chronometer indicated which side had exceeded the time limit first. A player ran out of time. Just check the blinking light. Why wasn't the arbiter's decision in accordance with the clock's display **Manuel Lopez (Mexico)**

Answer The game is a Rapid game according to the definition stated in Article B1:

“A ‘Rapid game’ is one where all the moves must be made in a fixed time from 15 to 60 minutes for each player.”

B8 of the Laws of Rapidplay says: *If both flags have fallen, the game is drawn.*”

The situation is in my opinion clear in the case you described. Why is the game a draw if we use clocks that clearly indicate which side first overstepped? There are several reasons:

1. The arbiter may not call a flag fall, therefore the game continues if the opponent does not make a claim.
2. There is the problem that we still have both digital and mechanical clocks and it happens quite often that nobody knows which flag fell first. And to have different rules for digital and mechanical clocks is

no

t right. There is another problem. I quoted above Article B8: “If both flags have fallen, the game is drawn.” Does it mean that the arbiter, immediately after the second flag fall, declares the draw? I am not sure. I think that we have to change something in 2004. Probably it should be changed so that in the event both flags have fallen, the arbiter declares the game drawn.

Question Dear Mr. Gijssen, Your ruling or opinion would be appreciated in a class of positions, which highlight a possible inconsistency in the Laws. We accept that a checkmate, stalemate, or “mate is impossible” position on the board overrules a *subsequent* flag-fall. What if such a position is the only possible legal outcome of the immediately preceding situation? Consider the following: **E. Price (South Africa)**

Example 1 White is in check from a pinned piece and touches a Bishop (say) with the intention of interposing it to shield the King from check. Before White can make the move the flag falls. It so happens that the resulting position from the (by now) only legal move for White would be checkmate against Black. Black claims a win on time. White claims a win on the grounds that having touched the Bishop the only legal move results in a checkmate against Black. That is, the game effectively ended when the Bishop was touched.

Answer 1 My opinion is that White loses the game. The question is of course, whether we have to take into account what a player intends to move. I don't think so.

Example 2 White has Rook versus pawn but is very short of time and decides to ensure the draw by sacrificing Rook for pawn thereby creating a drawn King versus king position. White picks up the Rook and touches (or captures) the pawn but the flag falls before pressing his clock. Because of the speed with which the events occurred it cannot be ascertained whether the move was made before or after the flag fell. White claims a draw.

Answer 2 This case is easier. The moment the flag has fallen is unclear, but at the moment White claimed, only the two Kings were on the board. I would agree with White's claim

Example 3 This is similar to example 2 but now White's first action was to touch or pick up the pawn. Using the Rook to make the capture is now the only legal possibility but the flag falls before this can be done. White claims a draw.

Answer 3 At the moment the flag falls the arbiter should in a normal game

stop the clocks, provided both players have not written the moves or in case of a quickplay finish, it being the end of the last period. If it is absolutely clear that the move was not made before the flag fall, the game should be declared lost. In Rapid and Blitz games the players have to claim.

Question Dear Mr. Geurt Gijssen, I often find a numerous problems in the Quick Play Finish part of the game. Now, I submit hereunder my question on rule 10.2(b).

In the stage of Quick Play Finish, if a player claims a draw with less than two minutes on his clock, the Arbiter may postpone the decision or reject it, under Rule 10.2(b). Sometimes the position may be confusing for the Arbiter, whether or not to declare a draw or a loss on time. In order to make a best judgment and to make a fair decision, may the Arbiter ask for a winning plan from the non-claimant? In this regard, some senior arbiters in our part of the country, say that Arbiters should not ask the player about their winning plan before making a decision on a draw claim in Quick Play Finish. The Laws of Chess are also silent on this point.

Can we, the arbiters, ask the non-claimant, in seclusion, to give his winning plan in order to make the best judgment; after all one can not expect arbiters to think like grandmasters or international masters? Please clarify whether such consultation with player is valid under Law of Chess or if the Arbiter is prohibited from such consultation? **S.Susil Kumar, National Arbiter (India)**

Answer Let me ask you a question: Why should you ask the non-claimant to show how he intends to win the game? Your answer is probably: I am afraid to make a mistake and to grant a draw to his opponent in a winning position for the non-claimant. I understand this answer, but how can you be sure that the non-claimant has such a plan or, if he has one, that the arbiter understands it. In fact, you do not know whether they are right or not. The conclusion is very simple: Do not ask any advice about the position on the board and do not analyse the position yourself. I repeat what I have said many times before: the position is not essential, but the way the players are playing the game is. Is the non-claimant making efforts to win the game by normal means?

Question Dear Mr. Gijssen, I have a few questions and hope that you can clarify them for me. **Geert van der Wulp (Holland)**

Question 1 If we look at article 3, the moves of the pieces, it seems that pawns are considered to be pieces. However, in another part, namely appendix E about the notation, it seems that there is a clear discrimination between pieces and pawns. Shouldn't this be corrected in view of the 50-move rule, saying:

"The game may be drawn if the last 50 consecutive moves have been made by each player without the movement of any pawn and without the capture of any piece."

Answer 1 You are right that in Article 3 pawns are considered pieces. You are also right with your remark about Appendix E, Article E1 and E3. The text of these Articles is:

E1. Each piece is indicated by the first letter, a capital letter, of its name.

Example: K = king, Q = queen, R = rook, B = bishop, N = knight. (In the case of the knight, for the sake of convenience, N is used.)

E3. Pawns are not indicated by their first letter, but are recognised by the absence of such a letter. Examples: e5, d4, a5.

It is in my opinion easy to correct this. In 2004 we have to add in Article E1 after "Each piece" the words "except the pawn".

Question 2 According to you it is legal to make a move after my opponent has made his move, but before he has pressed the clock. Besides the fact that it is not a very sportsman-like behavior to do this, I think it should be forbidden. In a blitz game it can be significant on which side of the board the clock is located. If one of the players has the clock on his "good" side while the other one has it on his "bad" side (compared to the hand that is used moving the pieces) then the advantage becomes even larger if players are allowed to move before their opponent has pressed the clock.

Also it does seem in contradiction with article 1.1:

"A player is said to have the move when his opponent's move has been completed."

Answer 2 No. Article 1.1 states:

"A player is said to 'have the move', when his opponent's move has been made."

But I do not like to use this Article to justify a player making a move before the opponent has stopped the clock. Article 1 belongs to the Rules of Play, and in these rules clocks are not mentioned at all.

I agree with you it is not very fair to make a move before the opponent has pressed the clock, but I understand that it can happen in the course of a game. And in my opinion if it happens, the situation is covered in the Laws of Chess. See Article 6.8 (a), second sentence:

“During the game each player, having made his move on the chessboard, shall stop his own clock and start his opponent's clock. A player must always be allowed to stop his clock. His move is not considered to have been completed until he has done so, unless the move that was made ends the game. (See Articles 5.1, and 5.2).”

According to the second sentence a player always has the right to stop his own clock and to start the opponent's, even after the opponent has made his move.

Question 3 Article 9.1 seems to be strange. First it is said that a player, if he wishes to offer a draw, must do so before stopping his own clock. But in the next line this is contradicted by saying that a draw offer at any time during the play is also valid. Why isn't this rule formulated differently?

Answer 3 By analogy, let us have a look at the game of soccer. It happens very often that a player commits an infringement, but the referee decides not to punish the offending player instantly. The reason is obvious: it is the referee's opinion that stopping the game at that moment may create a disadvantage for the play who was fouled and for his team as well.

In my opinion you may compare this soccer example with a “wrong” draw offer. The wrong draw offer stands, the opponent has the ability to accept it and even after the acceptance the arbiter may punish the player who offered the draw. In the event the opponent does not accept the offer, the arbiter should still take some measures.

Question 4 Article 9.6: *“The game is drawn when a position is reached from which a checkmate cannot occur by any possible series of legal moves, even with the most unskilled play. This immediately ends the game.”*

a) Assume that in a Blitz game such a situation arises. White has a King and a Queen, while Black has King and a Bishop. Black to move makes an illegal move with his bishop capturing White's Queen. Now the game is immediately drawn. Or does article C3 overruling this?

b) What if White has King, Bishop and Knight and Black a bare King. Black captures one of White's pieces and therefore the game immediately ends in a draw. But if Black doesn't notice that and plays on, moves his King into check, can White still claim victory then?

Answer 4 You have found an omission in the Laws of Chess. In 2004, we must add to the last sentence of Article 9.6 the following: *provided that the move producing this position was legal*. But do we have to wait until July 1, 2005 before we have play according to this (new) rule? I do not think so.

In the Preface we read: “Where cases are not precisely regulated by an Article of the Laws, it should be possible to reach a correct decision by studying analogous situations, which are discussed in the Laws.”

Combine this with for instance Article 5.2(b):

“The game is drawn when a position has arisen in which neither player can checkmate the opponent’s king with any series of legal moves. The game is said to end in a ‘dead position’. This immediately ends the game, provided that the move producing the position was legal.”

Question 5 In a Blitz game one can claim victory after the opponent made an illegal move. Why not in normal and rapid play

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Answer 5 Generally speaking, I think to declare a game lost when a player makes an illegal move is too severe a penalty. Therefore it is quite reasonable that in normal and in Rapid games, only the third illegal move in the same game by the same player means the loss of the game. By the way, for the first and second illegal moves the opponent receives a bonus of two minutes.

To be honest I do not know exactly why there is another rule in Blitz games, but I can imagine several reasons for it. In Blitz tournaments there are always a lot of players, many rounds, short games and not too many arbiters. To keep score who made the first, second or even the third illegal move in a game is probably mission impossible for the arbiters. Secondly, to give compensation to the opponent for an illegal move would destroy the schedule of the tournament completely. Last but not least, as much as possible, everything should be handled by the players themselves.

Question Dear Geurt Gijssen, In a rapid chess tournament player A has been allotted White and player B has been allotted Black. But both players mistakenly started playing their games with their colours reversed (player A is playing Black and player B is playing White). After 10 moves the arbiter notices that the players are not playing with the proper colors. The game continues as 10 moves have already been played. Neither player is aware that they are playing with the colours reversed. Player A wins the round and informs the arbiter.

Question 1 The arbiter entered the score in the pairing sheet as 1-0 without the knowledge of the players and just by identifying player A (without taking into consideration the reversed colours played by the players). Is the arbiter correct?

Question 2 During the remaining rounds player A gets Black for the third straight time. He protests to the arbiter and says he should get Black only twice in a row. The arbiter looks at the previous pairing sheets and informs player A that he has played Black twice, not three times consecutively. Player A is shocked and realises now that in one of the earlier rounds he played with the colours reversed. Can you suggest a solution to satisfy player A?

Question 3 Is the arbiter authorised to change the colours in the pairing sheet after the players have played with reversed colours and given their results? There is a possibility here that player B may play White again in the next 2 rounds (computer pairing) having played white once by mistake. **S.K.Talwar, National Arbiter (India)**

Answer The first article we need to consult is Article 7.2 of the Laws of Chess: *“If a game has begun with colours reversed, then it shall continue, unless the arbiter rules otherwise.”*

Your remark that the game continued for 10 moves, puzzled me a little bit. I know that there is such a rule in the Rules of the United States Chess Federation, but it is not a FIDE rule. This means that the arbiter is entitled to start another game with correct colours if he decides so.

The arbiter entered a wrong result. As soon as this is discovered, he has to correct it in his files. No doubt about it. The same applies to the colours. He has to correct the colours according to the players have played. What happened in consecutive rounds he cannot change, but from the moment he has correct results and the colours the players played with in previous rounds, he should make the pairings according to the pairing rules of the used Swiss system.

Question Dear Mr. Gijssen, Article 8.4 in the FIDE Laws of Chess says “If a player has less than five minutes left on his clock and does not have additional time of 30 seconds or more added with each move, then he is not obliged to meet the requirements of article 8.1.” My question is: If in a tournament, this additional time is less than 30 seconds, for example only 25 seconds, if a player has less than five minutes left on his clock, then is he obliged to meet the requirement of article 8.1 or not? I know in FIDE events usually the additional time is 30 seconds but I am sure there are some tournaments that the additional time is less than 30 seconds. **S. Sepehr (Iran)**

Answer The answer is very simple. Do not organise a tournament with such a

time limit. If an organiser would like to organise a normal tournament with Fischer modus, let the increment be at least 30 seconds. Frankly speaking, I cannot find a good reason to play with an increment of 20 seconds. Is it to save time? I cannot believe it. Let us say that the average game has 60 moves. In that case only 20 minutes are saved. The main problem is that players have sometimes more than 5 minutes left. After some moves they have less than 5 minutes and no obligation to write the moves. After some more moves they have again more than 5 minutes with the obligation to record the moves. And then the question is: are they obliged only to write the moves then, or all the previous moves? This is not clear. My personal opinion is that they only have to write the moves if they have more than 5 minutes remaining.

Question Dear Sir, I just read your column that contained a question on the 50-move rule. It is my understanding that computers have shown that in some positions it takes more than 50 moves to win. I know the 1997 rules (which are the latest I've seen) have no exception other than the usual exceptions. Has there been a change to allow play to continue in such positions, and if so, what are the positions? **Irving Rosenfeld (USA)**

Answer Nothing has been changed. There are no exceptions. The 50-move rule applies for all positions.

Question Dear Mr. Gijssen, An interesting situation arose recently in a tournament where the player with the white pieces with a clearly winning position, offered his opponent a draw, which was immediately accepted as the player with the Black pieces realised that he was lost. This was particularly interesting as Black, when the position was fairly even, had twice earlier offered draws which were refused.

The game provoked some debate, especially as it occurred during a qualification tournament to select representatives for another prestigious event and the result of this particular game would have had some bearing on who was selected.

Question 1 Having regard for the nature of chess and the possibility of blunders, does match fixing exist in chess?

Question 2 In what circumstances, if any, can players be held guilty of match fixing, especially in tournament play?

Question 3 Could the above example, without any collusion between the players, be regarded as match fixing? **Ian G. Wilkinson, President Jamaica Chess Federation (Jamaica)**

Answer Unfortunately I have to inform you that fixing results before the start of a game exists. I can understand a situation where both teams and players

need a draw to secure, for example, qualification to the next stage, as in a world championship cycle. I think that it happens quite often even without negotiations before the game. However occasionally a player loses a game on purpose. I had this case once in a tournament. I will not mention in which tournament it happened and what I did, but I can assure you, that the players who confessed that they had made a deal, were not happy with my decision.

Have a question for Geurt Gijssen? Perhaps he will respond to it in a future column. Send it to geurtgijssen@chesscafe.com. Please include your name and country of residence.

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