



**WBO WORLD CHAMPIONSHIP COMMITTEE  
RESOLUTION**

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**In the Matter of the WBO Jr. Middleweight Division**

**Parties:**

Mr. Jermell Charlo  
WBO Jr. Middleweight Champion

Mr. Tom Brown  
Promoter  
TGB Promotions  
On behalf of Jermell Charlo

Mr. Tim Tszyu  
WBO Interim Jr. Middleweight Champion

Mr. Matt Rose  
Promoter  
No Limit Promotions  
On behalf of Tim Tszyu

**ISSUE PRESENTED**

Whether Jermell Charlo's failure to comply with his mandatory title defense obligation against Tim Tszyu warrants our intervention to withdraw his status as WBO Jr. Middleweight Champion based on his decision to vie for the Undisputed Super Middleweight Championships against Canelo Alvarez on September 30, 2023. We respond in the affirmative, however under specific conditions explained below.

**STATEMENT OF FACTS**

On July 17, 2021, Jermell Charlo vied for the WBO Jr. Middleweight Champion against Brian Castaño; This bout was held at the AT&T Center in San Antonio, Texas, U.S.A. After twelve highly competitive rounds, the fight resulted in a controversial split draw (SD). This bout was sanctioned subject to the winner facing within 180-days after the bout the Mandatory Challenger selected and determined by this Committee.

On August 27, 2021, this Committee issued "Resolution" designating Tim Tszyu as the Mandatory Challenger in the Jr. Middleweight Division pursuant to the terms and conditions stated therein, including but not limited to (i) such designation was not an automatic enforcement of the mandatory; (ii) the mandatory was subject to modifications or extensions for good cause, including granting sanction approval for unification bouts, and (iii) that in the event the Charlo/Castaño rematch was agreed, this Committee would reserve its right to sanction the unification bout as such trumps mandatory title defense obligations unless otherwise determined by the Committee.

However, days after the first controversial Charlo/Castaño bout, TGB Promotions informed the WBO that discussions were ongoing between Team Charlo and Team Castaño to schedule a rematch before the end of 2021.



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Consequently, the WBO was led to believe that the rematch would take place no later than the above-mentioned year. Notwithstanding these assurances by the promoter, the WBO received no information or confirmation pertaining to the official bout date and venue. Therefore, in the month of November 2021, at the WBO's request, the WBO President Paco Valcárcel, Esq., and the WBO In House Counsel Gustavo Olivieri, Esq., met with the promoter to discuss the terms and conditions whereby the WBO would consider granting sanction approval for the Charlo/Castaño rematch.

After a thorough discussion between the TGB Promotions and the WBO representatives, an agreement was reached, most notably, establishing the date of February 26, 2022, as the official bout date and deadline in which the rematch must be conducted, or the WBO would immediately call the enforcement of the mandatory. Accordingly, the promoter in writing assured the foregoing terms and conditions and the WBO granted sanction approval. However, despite the agreement outlined by the parties, the promoter did not comply<sup>1</sup> therewith. As a result, thereof, in January 2022, TGB Promotions advised the WBO that the Charlo/Castaño rematch would be subject to another delay and would be conducted either on March 12 or March 19, 2022. Again, the WBO was misled by the promoter pertaining to the official bout date.

Due to these circumstances, on February 16, 2022, this Committee received email correspondence by Mr. Matt Rose, on behalf of Tim Tszyu indicating that their team had agreed with TGB Promotions to fight in the undercard of the Charlo/Castaño rematch on February 26, 2022, with the condition of fighting the winner, but thereafter were told by the promoter that the agreed deadline was changed for March 19, 2022. According to the promoter, the change in the bout date was because Castaño had suffered a hand injury during sparring, and therefore, the rematch would again be rescheduled for May or June 2022. Considering the foregoing, Team Tszyu requested the enforcement of the mandatory title defense obligation.

Having received Team Tszyu's request, this Committee issued an interim medical certification to Brian Castaño requesting supporting evidence from a duly licensed physician with a full and detailed explanation of (i) the nature of his injury; (ii) current condition; (iii) prognosis, and (iv) proximate date to return to active competition. Further, on February 17, 2022, this Committee issued a "Show Cause" notice to Brian Castaño as to why the mandatory should not be enforced based on his failure to comply with the terms, conditions and known agreements set forth by the WBO/TGB Promotions.

On February 17, 2022, Team Castaño through his manager Sebastian Contursi complied with this Committee's order indicating that the medical documentation would be lodged to the WBO within the following hours and argued that (i) that Castaño suffered an injury during his training camp; (ii) their objection to Team Tszyu's assertion that the Charlo/Castaño bout was postponed for a second occasion; (iii) referring to this Committee's "**Resolution**" dated Friday, August 27, 2021, whereby Tim Tszyu was designated Mandatory Challenger in the Jr. Middleweight Division, but the enforcement of his status would be discharged after the Charlo/Castaño unification; (iv) the postponement of the unification bout would warrant a few weeks and that such circumstances would not undermine the rights of Tim Tszyu; (v) made reference to this Committee's discretion as to the extension of mandatory title defenses based on having a good cause such as a verified injury;

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<sup>1</sup> Sources informed the WBO that Brian Castaño had reservations to fight in February 2022, although TGB Promotions had confirmed to the WBO that he was ready, willing, and able to compete, and a fight date and venue were set for February 26, 2022.



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(vi) Castaño’s medical report shall suffice the Committee’s quantum of proof for purposes of granting the extension to fulfill his mandatory; (vii) that Castaño’s recovery period is well under the 180-day regulation; and lastly, (vii) confirmed the month of April 2022 for the Charlo/Castaño bout per discussions with TGB Promotions and the availability of the T.V. network; and,

On February 18, 2022, the WBO acknowledged receipt of correspondence and evidence confirming Castaño’s visit to Dr. Steve Yoon at the Cedars Sinai Kerlan Jobe Institute in Los Angeles, California. According to Castaño’s manager, Dr. Yoon recommended that the fighter refrained from sparring and training to allow proper healing based on the performed MRI exam. Moreover, per doctor’s orders, Castaño would need a month between rehab and to return to active training. Lastly, Team Castaño informed the WBO that Dr. Yoon’s complete medical report would be lodged within the following hours. On the following day, we received Castaño’s medical report in compliance with this Committee’s order, and consequently, on February 21, 2022, this Committee issued a notice letter to TGB Promotions requesting within 72 hours to confirm in writing the new bout date for the Charlo/Castaño rematch.

On February 22, 2022, the WBO confirmed email correspondence by Mr. Rose indicating that Team Tszyu had no objection to the new Charlo/Castaño bout date of May 14, 2022. Thereafter, on February 23, 2022, TGB Promotions complied with this Committee’s order stating in essence, that although they would be able to conduct the Charlo/Castaño rematch on April 30, 2022, it would be highly challenging due to the multiple boxing events scheduled on the same date. Moreover, TGB Promotions informed the Committee that the first week of May 2022 would be impractical due to Canelo Alvarez’s potential fight, and therefore, the viable date for the unification bout would be May 14, 2022.

Having the Committee considered the arguments by all the interested parties, on May 9, 2022, this Committee granted sanction approval for the Castaño/Charlo rematch subject to specific provisions, namely that the bout must take place no later than May 14, 2022, subject to the title becoming vacant, and the agreement between TGB/WBO, respectively. Accordingly, the bout was conducted as agreed, having Jermell Charlo won the WBO Jr. Middleweight Championship via KO in round 10. This bout was conducted at the Dignity Health Sports Park in Carson, California.

Approximately two weeks later, on May 27, 2022, TGB Promotions confirmed in writing via email Jermell Charlo’s intention to fight Tim Tszyu pursuant to the terms and agreements between TGB/WBO. Therefore, on May 31, 2022, this Committee ordered the commencement of the mandatory title defense between Charlo/Tszyu granting the parties 20 days to reach an agreement or purse bid proceedings would be called. On June 3, 2022, this Committee confirmed via email correspondence from TGB Promotions, that Charlo/Tszyu was agreed and therefore, TGB requested the termination of the negotiations. Finally, the Charlo/Tszyu bout would be staged for January 28, 2023.

Notwithstanding an agreed date for the mandatory, on December 24, 2022, boxing press outlets reported that Jermell Charlo suffered a broken hand during training and would be unable to fulfill his mandatory as scheduled. Three days later, this Committee issued a medical certification requesting the submittal of Charlo’s medical record with all the relevant and supported evidence to determine the next course of action. As ordered, Charlo complied with the submittal of a certified medical report by Orthopedist Specialist Dr. Vincent Chau Phan indicating that he would be ready, willing, and able to fight in August 2023 without no further delays.



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Conversely, having Tszyu pursued to keep active during Charlo's recovery, on March 12, 2023, he won the Interim Jr. Middleweight Championship<sup>2</sup> against former world champion Tony Harrison winning via TKO in round 9; this bout was held at the Qudos Bank Arena, Sydney, Australia. Thereafter, on March 29, 2023, Team Tszyu filed an informative correspondence to the WBO advising that TGB/No Limit Promotions had agreed for the mandatory to take place either on August 19 or August 26, 2023. Nonetheless, Team Tszyu stressed their concern that no further delays be permitted by this Committee considering the multiple postponements.

On June 18, 2023, Tszyu continued his activity in the ring and fighting contender Carlos Ocampo. Tszyu won devastating KO in round 1; bout held at the Gold Coast Convention Center in Queensland, Australia. This interim title defense was subject to specific provisions, namely (i) that Tszyu/Charlo must be held no later than September 30, 2023, or Charlo's title would be declared vacant and Tszyu be elevated to full champion status, and (ii) if the bout was not conducted for whatever circumstances, Charlo's title would be declared vacant and Tszyu being elevated to full champion status.

Surprisingly, on June 30, 2023, official press reports confirmed that Jermell Charlo was moving up to the Super Middleweight Division to challenge Undisputed Champion Canelo Alvarez. The bout was billed as Undisputed vs. Undisputed. Such contest would take place on September 30, 2023, in Las Vegas, Nevada. Immediately thereafter, Team Tszyu communicated their position to the WBO and rightfully so, argued that (i) there was an agreement to discharge the mandatory between Charlo/Tszyu no later than September 30, 2023; (ii) that Tszyu has been waiting and subject to multiple postponements to earn his shot at the full title, and (iii) requesting affirmative action by the WBO regarding Charlo's status as WBO Jr. Middleweight Champion.

Therefore, after carefully reviewing the facts stated herein; having reviewed the provisions, terms, conditions, and agreements between all the interested parties; having examined the evidence in file; having considered the arguments by the parties, and having reviewed the WBO Regulations of World Championship Contests their applicability, and enforcement in this matter, and having the authority conferred by our rules, it is hereby determined as follows:

### APPLICABLE PROVISIONS

All parties agree that they are bound by the WBO Regulations of World Championship Contests. Section 35(f)<sup>i</sup> provides in relevant: "**These Regulations apply to all WBO Participants. The term WBO Participant includes, but not limited to, WBO World Champions and WBO World Championship Contenders. All WBO Participants who participate in any WBO sanctioned activity do so on the express condition that such WBO Participant is bound by and subject to these WBO World Championship Rules and all WBO Rules and Regulations**". [Emphasis Added]. As such, this Committee has jurisdiction and the authority conferred by its rules to resolve the matter at issue accordingly.

The WBO World Championship Committee's authority to consider the issue at hand is governed under Section

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<sup>2</sup> An Interim Championship was warranted due to Charlo's injury and unavailability to discharge his mandatory obligation.



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1(b)(8) and (23), respectively of the WBO Rules and Regulations of World Championship Contests, which provide, in relevant as follows:

### **SECTION 1. WORLD CHAMPIONSHIP COMMITTEE**

(b) The World Championship Committee shall have the following powers and discretion:

(8) To recommend to the President and the Executive Committee that a title should be vacated if a Champion fails to comply with the WBO World Championship Rules; and,

(23) To vacate a Championship title regardless of cause or fault if the Champion has not defended within a nine (9) month period

Furthermore, Section 19 (a) of the WBO Regulations is pertinent to this matter, which in relevant, states as follows:

### **SECTION 19. FAILURE OF THE CHAMPION TO COMPLY WITH THE TERMS OF A WORLD CHAMPIONSHIP CONTRACT OR THE WORLD CHAMPIONSHIP RULES**

(a) If any WBO Participant, including WBO World and Regional Champion fails to comply with his contractual obligation to fight in any WBO Championship Contest without justifiable cause, or is determined by a host commission, a licensing commission or otherwise has tested positive for an illegal or any performance enhancing drug, or fails to inform the WBO of any medical condition, impairment or any other circumstance which jeopardizes his participation in a WBO Championship Contest, or if a WBO Participant or any of his team members misleads, attempts to mislead, or petitions a local boxing commission to illegally or incorrectly license said participant, the Committee may recommend to the WBO President and to the Executive Committee that the fighter be stripped of the title and that the title be declared "Vacant," or take any action deem proper, equitable and just against the WBO Participant in accordance with these regulations.

### **ANALYSIS**

We begin our *ratio decidendi* referencing an excerpt of the WBO preamble<sup>3</sup>, which states in relevant "...*The World Boxing Organization's Regulations of World Championship Contests are intended to reconcile the interests of all necessary elements of World Championship Boxing in a manner that is in the best interests of the sport. The most important interests are those of the Championship contestants themselves and their worldwide fans...*"

It is not the first instance that Charlo has triggered this Committee's intervention. The record reflects the following undisputed facts, most notably (i) Tsyu's Mandatory Challenger status; (ii) Tsyu's significant delay in the enforcement of his rights as Mandatory Challenger due to numerous circumstances (Charlo/Castaño Rematch, Charlo injury, T.V. network conflicts, and other agreements between TGB/No Limit/WBO), and (iii) Charlo's

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<sup>3</sup> See, Preamble of the WBO Regulations of World Championship Contests



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failure to comply as ordered and agreed with his mandatory title defense obligation no later than September 30, 2023, to challenge Undisputed Super Middleweight Champion Canelo Alvarez on the aforementioned date.

On the other hand, this Committee has the power and authority conferred by its governing rules to reserve its right to issue all rulings and determinations necessary, helpful, and convenient to accomplish the purposes, policies, and intent of the WBO Rules and Regulations, including but not limited to serving the best interests of boxing, and the World Boxing Organization. In this case, such a right is of significant importance due to the extraordinary circumstances involved. Therefore, we must carefully weigh the balance of Tszyu's interests versus the best interests of professional boxing. In other words, today's ruling must be proper and just for all the parties involved.

Certainly, the Undisputed vs. Undisputed clash has ignited remarkable intrigue among the boxing community considering that it is the first-ever bout of such magnitude in the four-belt era. Furthermore, Charlo is moving two weight classes seeking to cement his status as one of boxing's greatest feat in the modern era by challenging the face of boxing Canelo Alvarez. Nevertheless, it is not less true, that by virtue of Charlo disregarding his obligation to Tszyu, has failed to comply with our rules and regulations. However, we must stress that the current scenario is an extraordinary one, and as such, it warrants a reasonable outcome for all participants.

Therefore, in the balance of all the interests involved, we are of the position that a ruling that best serves boxing's interests outweighs Tszyu based on the extraordinary scenario involving the historic Canelo/Charlo Undisputed versus Undisputed Championship Contest. Hence, the following decision is considered proper and just as it achieves our purposes, policies, and intent of our rules as well as remedy Tszyu's rights and interests.

**DECISION - WBO WORLD CHAMPIONSHIP COMMITTEE**

Having carefully reviewed and appraised the facts stated herein, having considered the arguments of the parties, and having examined our governing rules and regulations, this Committee determines the following:

1. The WBO Championship Committee hereby rules:
  - a) The WBO will sanction Canelo/Charlo scheduled for September 30, 2023, in Las Vegas, Nevada.
  - b) Charlo will be allowed to enter the ring as WBO Champion and be announced as such (WBO Jr. Middleweight Champion).
  - c) After Charlo enters the ring on September 30, 2023, and is officially introduced as WBO Jr. Middleweight Champion, his status and recognition as WBO Champion is terminated "Ipso Facto".
  - d) After Charlo's WBO Champion status and recognition is terminated pursuant to above mentioned section (c) this Resolution, Tim Tszyu will be automatically elevated from Interim Champion to Full Champion status.



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- e) If the Canelo/Charlo bout does not take place on September 30, 2023, for whatever reasons, the WBO Jr. Middleweight Championship shall be declared “Vacant” “Ipso Facto” and Tim Tszyu shall be automatically elevated from Interim Champion to Full Champion status.
- f) This Committee reserves the right to render all future rulings necessary, helpful, and convenient to accomplish the purposes, policies, and intent of the WBO Regulations of World Championship Contests, including serving the interests that best serve professional boxing and the WBO.

This is a final decision of the WBO Championship Committee. The affected WBO participant may appeal such determination to the Complaint and Grievance Committee as per Rule 34, which as per Article 3(e) of the WBO Appeals Regulation must be submitted in writing to the WBO President within fourteen (14) days of this decision as its sole and exclusive remedy.

Dated: August 3, 2023  
San Juan, Puerto Rico

**WBO CHAMPIONSHIP COMMITTEE**

By: Luis Batista Salas, Esq.

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Chairman/Championship Committee  
1056 Muñoz Rivera Avenue, Suite 711  
San Juan, Puerto Rico 00927  
Ph: (787) 765-4628 Fax: (787) 758-9053  
Email: [www.wboboxing.com](http://www.wboboxing.com)

Cc: Francisco Valcárcel, Esq./President  
Tom Brown/TGB Promotions  
Jermell Charlo/WBO Champion  
Matt Rose/No Limit Boxing Team Tszyu

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<sup>i</sup> See, WBO Regulation §35(f).