



Gambling Laws of the World

Contents

INTRODUCTION	3	THE NETHERLANDS.....	45
AUSTRALIA.....	4	NEW ZEALAND.....	48
AUSTRIA	7	NORWAY.....	51
BELGIUM.....	10	PHILIPPINES	53
CANADA.....	13	PORTUGAL	56
CHINA.....	16	SINGAPORE.....	59
CYPRUS.....	18	SLOVAKIA	66
CZECH REPUBLIC.....	21	SLOVENIA.....	68
FRANCE.....	23	SOUTH KOREA	70
GERMANY.....	27	SPAIN.....	73
HONG KONG.....	30	TAIWAN	76
HUNGARY.....	32	TURKEY.....	78
INDIA	35	UNITED ARAB EMIRATES.....	81
ITALY	38	UNITED KINGDOM.....	84
JAPAN.....	40	UNITED STATES	87
MACAU SAR.....	42		

Introduction

We're no longer in the .com era, when an online gambling and betting operator could offer its services globally through a single license and a single platform. Over the last ten or so years, the online gambling market has evolved. Jurisdictions have introduced local licensing regimes and restrictions relating, for instance, to gambling advertising.

DLA Piper's Gambling Laws of the World guide gives initial insights to businesses and in-house lawyers on the options and potential restrictions when entering a new market. The guide is not meant to be exhaustive, but it provides a high-level overview of the applicable regime as a starting point for deeper analysis.

DLA Piper's Gambling Laws of the World combines input from DLA Piper gambling law experts and best-friend law firms that we have a consolidated relationship with. Our global reach and sector knowledge make our firm the perfect one-stop-shop for any online gambling and betting business that wants to expand its footprint in multiple jurisdictions.

We hope you find the guide useful and enjoy reading it. Please reach out to your DLA Piper contact for more information.



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Australia



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

- The Interactive Gambling Act 2001 (Cth) (IGA) is the federal legislation that regulates certain interactive gambling services and the advertising of gambling services in Australia. The IGA prohibits certain forms of interactive gambling services.
- Australian state and territory governments also have legislation to regulate other aspects of gambling in each state and territory, including, in some cases, online gambling and betting as well as the advertising of these services.
- The Internet Industry Interactive Gambling Industry Code (2001) sets out ISP Obligations in relation to online gambling content hosted outside Australia.

With regard to the advertisement of gambling

- The IGA also prohibits the advertising of certain designated interactive gambling services, including the publication of any writing, pictures, signs, symbols, domain names or words associated with a designated interactive gambling service in Australia.
- Some Australian states and territories have implemented legislation that places additional limitations on the advertising of online gambling and betting services in the respective Australian state or territory.

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

This depends on the state and territory and the type of online gambling and betting activities proposed to be offered.

In a number of states and territories, licenses must be obtained from the relevant local regulatory authorities to operate online gambling and betting services, such as lotteries, keno, bingo and sports betting.

Licenses cannot be obtained for online gambling and betting services that are prohibited by federal, state or territory legislation, such as:

online casinos and casino-style games (including roulette, black jack, poker/slot machines and poker)

- in-play sports betting
- betting on the outcome of a lottery

Services offering credit for online betting are also prohibited.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Yes, an entity can apply for a license in Australia to offer certain online gambling and betting activities.

An entity must apply for a license to the regulatory authority in the Australian state or territory in which it wishes to operate. The application process will require the applicant to provide information in relation to its operations, the ultimate beneficial owners of the entity and satisfy the regulator that it is able to comply with all applicable requirements.

The state or territory regulator will then consider the application and make a determination on whether to issue the applicant with a license.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

Sports betting (before the start of the event), including betting on horse racing, through online platforms is permitted in an Australian state or territory if that betting service provider has a valid betting license from the regulatory authority in that Australian state or territory.

Online sales of lottery tickets and bingo and Keno are allowed subject to licenses from state and territory regulators.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes – there are penalties and fines that can be severe.

The fines and penalties vary between states and territories and can include imprisonment.

These penalties can be issued for operating a betting operation without a valid license, operating a prohibited online gambling or betting activity or publishing prohibited gambling advertising. For example, in New South Wales, a maximum penalty of AUD110,000 applies to any corporation and AUD11,000 for individuals who publish prohibited gambling advertising.

Are there any restrictions on online gambling and betting advertising?

Yes – federal, state and territory legislation heavily regulate the advertising of online gambling or betting operations, and prohibit certain forms of gambling advertising.

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Austria



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

There is a difference between gambling licensing requirements and betting licensing requirements.

Gambling is regulated by the Austrian Gambling Act (*Glücksspielgesetz* – GSpG), a federal act that applies across all federal states in Austria. As per Section 12a of GSpG, so-called electronic lotteries (*elektronische Lotterien*) covering broad range of games of chance, bingo and keno are subject to a licensing requirement.

(Online) betting is in general not regulated at federal level but at the level of federal states. This means it is subject to legal regimes and competent authorities of individual federal states in Austria.

In addition to GSpG and relevant legal acts of individual federal states, the following legal acts may also affect provision of online gambling and betting:

- Austrian E-Commerce Act (*E-Commerce Gesetz* – ECG),
- General Austrian Civil Code of Law (*Allgemeines Bürgerliches Gesetzbuch* – ABGB),
- Austrian Unfair Competition Act (*Bundesgesetz gegen den unlauteren Wettbewerb 1984* – UWG),
- Austrian Financial Market Money Laundering Act (*Finanzmarkt-Geldwäschegesetz* – FM-GwG), and
- Austrian Criminal Code (*Strafgesetzbuch* – StGB).

With regard to the advertisement of gambling

Apart from UWG, advertisement of gambling is also subject to the Austrian Consumer Protection Act (*Konsumentenschutzgesetz* – KSchG) and the Austrian Audiovisual Media Services Act (*Audiovisuelle Mediendienste-Gesetz* – AMD-G).

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

In Austria, offering online gambling and betting activities requires a license from the Austrian authorities.

Online gambling activities are subject to legal requirements set out in Section 12a of GSpG.

The operation of “electronic lotteries” (as defined above) is subject to the single lottery license. This constitutes a monopoly for “electronic lotteries.”

Online betting activities are subject to legal regulations of individual federal states.

Is it currently possible to apply for a license to offer online gambling and betting activities?

As mentioned above, offering online gambling is subject to the single lottery license regime. As the relevant single lottery license has already been granted, it is for the time being not possible to apply for such a license.

Betting activities are subject to legal regimes of individual Austrian federal states, meaning the possibility to offer online betting activities will be assessed on this basis.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

Section 12a of GSpG relates to the following types of gambling: electronic lotteries (ie all games of chance offered online, including online casino games), bingo and keno.

As far as betting is concerned, the most common types include sports and horse betting and social betting. However, a case-to-case assessment on the basis of the legislation of individual federal states would be required.

Are there penalties and fines for offering online gambling and betting activities without a local license?

An entity that hosts, organizes or makes available illegal gambling may, under certain conditions, be subject to an administrative fine of up to EUR60,000.

Moreover, organizing and promoting illegal gambling (ie gambling without a license) also constitutes a criminal offence, according to Section of 168 of StGB.

In addition, legal acts of individual federal states might involve other penalties and fines.

Are there any restrictions on online gambling and betting advertising?

Yes, advertising of online gambling and betting is regulated by GSpG and UWG (ie the act that transposes the Unfair Commercial Practices Directive, an act of the EU). Furthermore, AMD-G provides for several requirements pertaining to advertising, in particular regarding the protection of minors.

In addition, legal acts of individual federal states might involve other restrictions on betting-related advertising.

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Belgium



What are the main applicable governing laws with regard to online gambling and betting?¹

Act of May 7, 1999, on games of chance, betting, gaming establishments and the protection of players (the Gambling Act).

Royal Decree of October 25, 2018, on the conditions for operating games of chance and gambling via means of the information society.

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

The offering of online gambling and betting activities is prohibited without a license obtained from the Belgian Gaming Commission.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Currently the maximum numbers of operators per category, as set out by law, has been reached and it is not possible to apply for a new A, B or F1 licence. This means that it is also not possible to apply for a licence for online games of chance (A+, B+ and F1+) for applicants who do not already have an A, B or F1 licence, as the additional licences for online games of chance are granted only to the existing holders of an A, B or F1 licence for games of chance in the real world.

When a licence becomes available, this will be published by the Gaming Commission and an application can be submitted in accordance with the foreseen procedures.

The current lists of licensed operators per category are published on the website of the Gaming Commission.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

- Casino games (subject to an A+ licence)
- Arcade games (subject to a B+ licence)
- Bets (subject to an F1+ licence)

Offering online games of chance is allowed only by operators who also offer the same games of chance in the real world under an A, B or F1 licence.

For each of those categories, the list of games which are allowed are set out by Royal Decree:

- A: the list of games of chance which are permitted in casinos is set out in the Royal Decree of 19 July 2001. These games are:
 - Table top games: baccara, big wheel, black jack, poker, chemin de fer, craps, mini punto banco, midi punto banco, maxi punto banco, French roulette, American roulette, English roulette, sic bo and bingo
 - Automatic games: roller machines of the reel slot type, video slot games, wheel of fortune games, horse bets with terminals for at least 12 players, keno games, interactive poker games
- B: the list of games of chance which are permitted in arcade games is set out in the Royal Decree of 26 April 2004. These games are:
 - Automatic games with a player card: interactive poker games
 - Automatic games without a player card: black-jack games, horse bets, dice games, poker games, roulette games
- F1:
 - bets
 - automatic games of chance: betting machines of the monoplayer type (Royal Decree of 22 December 2010)
 - horseracing (subject to an F1P licence)

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes, offering online games of chance without a licence obtained from the Gaming Commission is a violation of the Gambling Act which can lead to administrative and criminal sanctions.

The Gaming Commission can impose an administrative fine proportionate to the breach. The Gaming Commission can also issue a warning, suspend operations, or even withdraw a licence.

¹ Note that the Federal Public Service of Justice has installed a specific Gaming Commission (*Kansspelcommissie/Commission des jeux de hazard/Kommission für Glücksspiele*) competent for supervising the gaming and gambling sector in Belgium. The Gaming Commission also maintains its own website, available in Dutch, French, German and English on <https://www.gamingcommission.be/en>. This website is regularly updated and includes information on relevant legislation, as well as information for users and operators of games of chance. The current lists of licensed operators are also available on this website.

The criminal sanctions include monetary fines, but also six months' up to five years' imprisonment are possible. Furthermore, all monetary amounts, value papers, furniture and other materials used in the violation of the Gambling Act are confiscated.

It is also worth noting that, besides the operator, the participant to illegal games of chance could also be penalized as such participant is considered to cooperate maintaining illegal games of chance.

Are there any restrictions on online gambling and betting advertising?

Yes, such restrictions are set forth in the Royal Decree of October 25, 2018, on the conditions for operating games of chance and gambling via means of the information society. This Royal Decree imposes specific conditions relating to the content and lay-out of advertising (articles 2, 4 and 5) and the broadcasting, such as duration and place (article 3) of the advertisement. As not all those restrictions apply to all categories of online games of chance, it should always be verified whether a certain restriction applies to the category at hand.

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Canada



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

- *Criminal Code of Canada* (R.S.C., 1985, c. C-46), Sections 197–207
- Individual provincial laws and regulations for each provincial gaming authority relating to most of the provinces and territories of Canada, most notably (in the province of Ontario) the *Alcohol and Gaming Commission of Ontario Act*, 2019, S.O. 2019, c. 15 and O. Reg. 722/21: *Lottery Subsidiary – iGaming Ontario*

With regard to the advertisement of gambling

- *Criminal Code of Canada* (R.S.C., 1985, c. C-46), Paragraphs 202(1)(h), 206(1)(a), 206(7), 207(1)(h), 207(4)(c)
- *Competition Act* (Canada) (R.S.C., 1985, c. C-34), Sections 74.01, 74.06
- Individual provincial laws and regulations for each provincial gaming authority relating to most of the provinces and territories of Canada

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Generally, only provinces and territories are authorized to offer online gambling and betting, and their ability to issue licenses is questionable under the current Criminal Code. The provincial governments operate online gambling and betting businesses in their respective provinces. Online gambling and betting activities by private third parties is unlawful and no licensing is available, except perhaps, under recent changes in the province of Ontario.

In Ontario, the Ontario government conducts and manages its online gambling (referred to as “iGaming”) through private gaming operators and gaming-related suppliers using its iGaming Ontario subsidiary (iGO). The operator/supplier must:

- be registered with the Alcohol and Gaming Commission of Ontario (AGCO), which is the provincial agency responsible for regulating gambling in Ontario; and

- enter into a commercial operating agreement with the AGCO's subsidiary, iGO, which is the entity responsible for conducting and managing online gaming when provided through private operators.

Licensing and registration fees are paid to the AGCO and all gross gaming revenues are paid to iGO. Private operators operate as an agent for iGO's conduct and management of the iGaming operations, and receive a percentage of such revenues.

This Ontario iGaming regime is entirely based on the province of Ontario's novel interpretation of Canadian federal law that it may “conduct and manage” iGaming using private operators, and has not been tested or confirmed by the courts. There is a risk that the new regime may be found unlawful in the event of a challenge. While the risk of that challenge seems low based on a lack of enforcement, the consequences of that risk are significant: a breach of a criminal offence, as further explained below. Furthermore, while direct suppliers to the Ontario iGaming industry will also be subject to the same registration and licensure regime, there are other indirect suppliers (such as advertisers, affiliates, marketers, payment providers, and backend technology providers) who may or may not be part of the regime, and thus would remain subject to the Criminal Code prohibitions against procuring, aiding or abetting online gaming or betting.

To the extent the Ontario iGaming regime does work, it would only work with respect to Ontario residents located physically in Ontario.

Is it currently possible to apply for a license to offer online gambling and betting activities?

As mentioned above, only in Ontario. In Ontario, operators and gaming-related suppliers to participate in Ontario's new iGaming market, they would first have to apply for a registration with the AGCO. Once registered, they need to enter into a commercial operating agreement with iGO.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

In Ontario, the online games allowed as part of the iGaming regime will include: slot machines, table games, lottery products, and sports betting (since August 2021, this includes single-event sports betting; before that, only multi-event or parlay betting was allowed).

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. Up to two years imprisonment and disgorgement of profits for offering unlicensed or otherwise unlawful gambling and betting operations in Canada. This is a Criminal Code prohibition.

For licensed gaming operators and suppliers in various provinces, provincial regimes may apply with respect to additional penalties and fines for non-compliance with provincial laws.

Are there any restrictions on online gambling and betting advertising?

Yes. It is a criminal offence to advertise unlicensed or otherwise unlawful gambling and betting operations to Canadians. As such, businesses and advertisers must ensure they are only advertising licensed operators. At time of writing, the only lawful operators of online gambling and betting in Canada are the various provincial Crown corporations.

In Ontario's new iGaming regime, those businesses that are licensed through iGO will be able to market their services to Ontarians; however, they will be required to geoblock the advertising to Ontario and ensure that they abide by advertising standards to be set by the AGCO and iGO.

Outside of Ontario, the typical "gray market" approach to offshore gaming operators advertising in Canada is to instead advertising a free-to-play offer (such as a free to play version of a casino, without any direct or indirect linkages whatsoever to paid gaming). This advertised offering is similarly named but very clearly to a stand-alone, free-to-play website (e.g., "[BRAND].net"). In this way, the brand gains traction in Canada (as online or app store searches for the BRAND would likely locate the paid offering and not the free-to-play offering) while the advertisers and platforms are only advertising non-gaming offerings. This type of gray market advertising must be carefully approached in Canada. As a condition to being licensed under the iGaming regime in Ontario, operators must cease gray market operations in Ontario.

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China



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

- Criminal Law (Revised in 2020), effective from March 1, 2021
- Lottery Management Regulations, effective from July 1, 2009
- Online Lottery Sales Interim Measures, effective from September 26, 2010

With regard to the advertisement of gambling

- Advertising Law, effective from April 29, 2021
- Lottery Management Regulations, effective from July 1, 2009
- Opinions on Issues concerning the Application of Law in Handling Online Gambling Criminal Cases, effective from August 31, 2010

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Criminal Law provides that gambling and betting in China is illegal and such prohibition extends to online gambling.

However, there are two government-authorized legal lotteries:

- welfare lottery
- sports lottery

A license is required for offering such permitted lotteries.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Yes, an application can be submitted to the Ministry of Finance for a license to conduct online lottery sales activities.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

As above, only online welfare lotteries and sports lotteries are allowed.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. Fines and criminal sanctions (including imprisonment, detention and public surveillance) may apply depending on the type of breach.

Are there any restrictions on online gambling and betting advertising?

Yes. Generally speaking, any advertisement containing gambling content is prohibited. For approved legal lotteries providers, any advertisement containing false or misleading information is prohibited.

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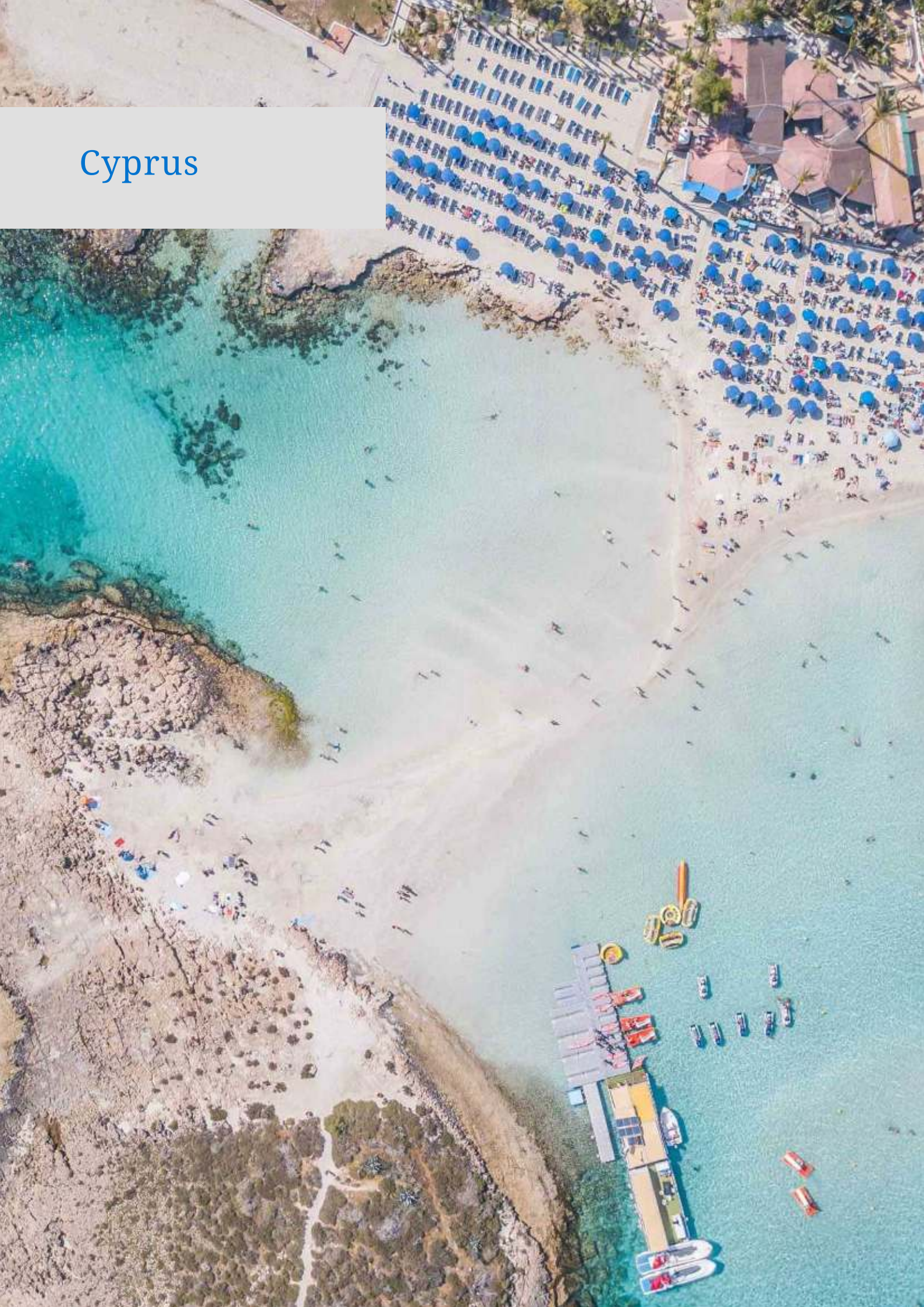
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Cyprus



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

The overview set out in this document is limited only to the territory of Cyprus where the Cyprus government exercises control. It does not cover any gambling or betting activities in the occupied territory of Cyprus by the Turkish armed forces.

Gambling activities in Cyprus include betting, gaming and lotteries, regulated by various pieces of legislation and supervised by different supervising authorities.

The only form of online gambling currently permitted in Cyprus is betting. Betting is regulated mainly by the Betting Law 37(I) 2019 (the Betting Law) together with relevant binding regulations, directives and guidelines, and covers both online and land-based betting activities.

With regard to the advertisement of gambling

As regards online betting activities:

- Section 89 (1) of the Betting Law, prohibiting specific forms of betting advertising
- Code of Advertising, setting out procedures, obligations and restrictions on the advertising of betting (2021)
- Code of Advertising Practical Application Guide, setting out provisions for the effective and comprehensive implementation of the procedures and obligations provided in the Code of Advertising (2021)
- Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Online betting activities can be offered only with an operating license from the National Betting Authority (NBA).

Is it currently possible to apply for a license to offer online gambling and betting activities?

Yes. It is currently possible to apply for a license to offer online betting activities (Class B license), which must be obtained by the NBA.

Online betting is not subject to monopoly and any eligible person may apply for obtaining an online betting license (Class B license). The government does not operate or in any other way participate in entities offering online betting activities.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

The only online gambling activities currently allowed under an online betting license (Class B license) are:

- sports betting
- betting on any other type of event in which natural persons participate
- esports betting

With regard to esports, based on NBA's Directive 04.2020, the prior examination and approval of the terms and conditions of each esports tournament betting by the NBA is required. Online horse racing betting, slot machines (such as poker, card games, horse racing or other racing eg dog racing, car racing, fruit machines, bingo and lottery games with numbers) and online casino games (such as online roulette, online poker and slot machines) are explicitly excluded from the online betting license (Class B license).

When it comes to casino gaming in particular, such gaming is regulated by the casino licensing regime and is only allowed in land-based casino and "satellite casino" facilities, which require securing a valid casino license from the National Gaming and Casino Supervision Commission, and includes, inter alia, table games, electronic/online table games and games played on gaming machines. Casino gaming is monopoly in Cyprus. The first casino license, which was recently granted for a privately owned casino resort, is valid for 15 years and during such period the issue of additional casino license is prohibited. Cyprus also operates four "satellite casinos" in different districts of the island in support of the main casino resort.

Lotteries, scratch cards, numerical games, games of chance and horse racing betting are allowed only as land-based gambling and are subject to different regimes and supervising authorities. In some circumstances other operators can act as authorized agents.

Holding or operating or providing of services for the operation of slot machines, online casinos, conducting bets on dog racing, conducting bets via betting exchange and conducting spread bets are strictly prohibited in Cyprus.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. The provision of online betting activities without local license constitutes a criminal offense imposing, in case of conviction, the criminal sanctions of imprisonment up to five years or a fine not exceeding EUR300,000, or both sanctions.

Breach of any other provisions of the Betting Law, may entail criminal sanctions, administrative fines, ban, termination or suspension of the betting activities, depending on the breach.

Are there any restrictions on online gambling and betting advertising?

Yes. Section 89 (1) of the Betting Law prohibits the advertisement of bets which, inter alia, imply promotion or relevance to social acceptance, success, problem-solving or which influence minors. The Code of Advertising lists a number of advertising acts that are prohibited, including direct advertising to persons who are not registered as players, encouragement of excessive and/or unrestrained betting activities, untrue, misleading and surreptitious advertising, and imposes various restrictions on the protection of minors in particular. It also imposes various limitations as to audio-visual and audio advertising and to promotional activities and encourages safer gambling.

Guidelines, details and clarifications on betting advertising can be found in the Code of Advertising Practical Application Guide. The NBA has established the Safer Gambling Website (www.safergambling.gov.cy), which promotes responsible gambling and is dedicated to raising awareness and educating the public on self-protection and safer gambling in general.

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What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

Act No. 186/2016 Coll., Gambling Act

With regard to the advertisement of gambling

Act No. 40/1995 Coll., Advertising Regulation Act

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Online gambling and betting activities can be offered only with a license from the Czech gambling authority, the Ministry of Finance.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Yes, it is possible to apply for a license at any time. However, a number of requirements need to be fulfilled to do so.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

In the Czech Republic only lottery, odds betting, totalizator games, bingo, technical games, live games, raffles and small-scale tournaments are allowed.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. For offering online gambling and betting activities without a local license, an administrative penalty of up to CZK50 million may be imposed (approx. EUR2 million).

Are there any restrictions on online gambling and betting advertising?

Gambling advertising must not be directed at persons under 18 years of age and must contain a prohibition message for persons under 18 years of age.

An advertisement for a game of chance must not contain a message that gives the impression that participation in a game of chance may be a source of funds similar to the receipt of income from an employment relationship, entrepreneurship or other similar activity.

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France



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

Article 1965 of the French Civil Code

Act No. 2010-476 of 12 May 2010 related to the opening to competition and to regulation of online gambling and games of chance

Article 137 of Act No. 2019-486 of May 22, 2019 on the growth and transformation of businesses

Order No. 2019-1015 of 2 October 2019 reforming the regulation of gambling and betting

Articles L. 320-1 *et seq.* of the French Internal Security Code

Decree No. 2020-199 of 4 March 2020 on the organization of the National Gambling Authority ("*Autorité Nationale des Jeux*"), specified by Decree No. 2020-1349 of 4 November 2020 on the regulatory procedures of the National Gaming Authority

Decree No. 2010-482 of 12 May 2010 setting the conditions for issuing online gambling operator licenses

Decree No. 2010-494 of 14 May 2010 relating to the fixed fee due by licensed online gaming or betting operators pursuant to Article 1012 of the General Tax Code

Decree No. 2016-1326 of 6 October 6 2016 on the categories of casino games mentioned in II of Article 14 of Law No. 2010-476 of 12 May 2010, as amended, on the opening to competition and regulation of the online gambling and betting sector

Decree No. 2010-498 of 17 May 2010 on the definition of horseraces for online betting and the general principles of mutual betting

Decree No. 2017-677 of 28 April 2017 on various provisions relating to the regulation of online games

Decree No. 2010-518 of 19 May 2010 on the supply of games and bets by gaming operators and the provision of gaming data to the National Gaming Authority

With regard to the advertisement of gambling

Articles L. 320-12 and L. 320-13 of the French Internal Security Code

Article D. 320-9 and D. 320-10 of the French Internal Security Code

Decree No. 2010-624 of 8 June 2010 on the regulation of commercial communications in favor of gambling operators and on informing players of the risks involved in gambling

Order of 8 June 2010 setting the content and display methods of the warning messages provided for in Articles 26, 28, 29 and 33 of Law No. 2010-476 of 12 May 2010

Order of 29 April 2021 on the content and display of the information message relating to the voluntary gambling ban procedure

Guidelines from the French Gambling Authority ("*Autorité Nationale des Jeux*") ("**ANJ**"):

- https://anj.fr/sites/default/files/2022-02/Communication%202022-C-001_Lignes%20directrices%20PUB.pdf
- https://anj.fr/sites/default/files/2022-02/Communication%202022-C-001_Lignes%20directrices%20PUB.pdf

Guidelines from the Professional Advertising Regulatory Authority ("*Autorité de Régulation Professionnelle de la Publicité*") ("**ARPP**"): [link](#)

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Yes. Online gambling and betting activities may exclusively be offered with a license granted by the ANJ, in accordance with the conditions specified by Decree No. 2010-482 of 12 May 2010 and Decree No. 2010-494 of May 14, 2010, and in compliance with the specifications published by Order of 27 March 2015 as amended. The license is non-transferable and granted for a renewable 5-year period.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Operators may only apply for a license covering online gambling and betting activities that are subject to the authorization procedure, namely, online horserace betting, online sports betting and online poker.

However, operators may not apply for a license covering gambling and betting activities that are subject to exclusive rights such as online lotteries (subject to a 25-year period of legal monopoly operated by *La Française des Jeux until 2044*) and on-location (not online) sports and horserace betting (subject to legal monopoly operated by respectively *La Française des Jeux* for on-location sports betting, and, the economic interest grouping *Pari mutuel urbain* for on-location horserace betting).

Applicants must fill in a licensing form for each category of online gambling and betting activities (horserace betting, sports betting; and poker). The application is subject to strict conditions requiring the applicant to submit numerous financial, technical and legal documents/data (see further details on <https://anj.fr/operateurs/documentation-destination-des-operateurs>).

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

Only the following online games are authorized by law:

- **Online horserace betting (available on mutual betting only):** operated by 8 licensed operators
- **Online sports betting (available on mutual and fixed-odds betting):** operated by 15 licensed operators
- **Online poker (cash-game and buy-in)** (the other online casino games are forbidden): operated by 6 licensed operators
- **Online lottery games** (excluding sweepstakes): operated exclusively under the legal monopoly of *La Française des Jeux*

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. Offering online gambling and betting activities is punishable by criminal sanctions by up to three years' imprisonment and a fine of up to EUR90,000 for individuals (e.g., statutory representative of the company) and up to EUR450,000 for the legal entity. These penalties are increased to seven years' imprisonment and a fine of up to EUR200,000 for individuals and up to EUR1,000,000 for the legal entity, when the offense is committed by an organized group. Furthermore, additional sanctions may apply to the individuals and the legal entities such as *inter alia*:

- As to the individuals:
 - Prohibition of civic, civil and family rights;
 - Asset forfeiture;
 - Publication of the decision;
 - Permanent closure or for a period of up to five years of the premises that were used to commit the incriminated acts;
 - Prohibition from exercising a public function or a business activity and/or controlling or managing a business activity in the exercise or during the exercise of which the offense was committed;
- As to the legal entities:
 - Dissolution of the entity;
 - Permanent closure or for a period of up to five years of the premises that were used to commit the incriminated acts;
 - Asset forfeiture;
 - Posting of the decision either in the written press or by any means of electronic communication to the public;
 - Prohibition for a period of up to five years from applying for a gambling licence issued according to Article 21 of Act No. 2010-476 dated 12 May 2010, and, if applicable, the withdrawal of such licence when the legal entity already holds a licence.

Are there any restrictions on online gambling and betting advertising?

Yes. The public health objective of the regulation of gambling and betting advertising is twofold: protecting minors and combating addiction. Therefore, any advertisement/communication intended to minors or that may be attractive for minors is prohibited. Furthermore, any advertising/communication encouraging or promoting excessive gambling (including presenting benefits/advantages of gambling) is prohibited. Moreover, any commercial communication in favor of an authorized gambling operator must be accompanied by a warning message against excessive or pathological gambling as well as a message referring

to the information and assistance system provided for in Article 29 of Act No. 2010-476 of 12 May 2010. Consequently, any advertisement/communication on online gambling and betting must be subject to scrutiny on a case-by-case basis and follow ANJ and ARPP's guidelines (see above).

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Germany



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

- State Treaty on Gambling 2021 (*Glücksspielstaatsvertrag 2021 – GlüStV 2021*) as well as corresponding (implementing) laws on gambling in each of the 16 German states regulating gambling that needs a license.
- Sec. 284 to 287 of the German Criminal Code (*Strafgesetzbuch – StGB*) providing criminal sanctions for unlicensed gambling activities.
- The German Anti-Money Laundering Act (*Geldwäschegesetz – GwG*) regulating the AML measures obliged gambling operators have to comply with.
- The German Race Betting and Lotteries Act (*Rennwett- und Lotteriegengesetz – RennwLottG*) regulating the taxation of gambling in Germany.
- Sec. 762 to 763 of the German Civil Code (*Bürgerliches Gesetzbuch – BGB*) providing that gambling and bets regularly do not establish a legal obligation.

With regard to the advertisement of gambling

- State Treaty on Gambling 2021 (*Glücksspielstaatsvertrag 2021 – GlüStV 2021*) as well as corresponding (implementing) laws on gambling in each of the 16 German states regulating gambling that needs a license.
- State Treaty on Media (*Medienstaatsvertrag – MStV*) regulating inter alia advertising on TV and on the internet.
- German Law against Unfair Competition (*Gesetz gegen den unlauteren Wettbewerb – UWG*) prohibiting unfair including misleading commercial acts (which includes advertising).
- State Treaty on the Protection of Minors in the Media (*Jugendmedienschutz-Staatsvertrag – JMStV*) regulating additional youth protection requirements.

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Offering online gambling and betting in Germany requires a German gambling license (Sec. 4 (1) GlüStV 2021).

There are gambling authorities in each of the 16 German states and the licensing responsibilities are currently divided between the states.

From January 1, 2023 a new central authority (*Gemeinsame Glücksspielbehörde der Länder – GGL*) will be responsible for issuing licenses for (inter alia) nationwide online sports betting, virtual slots, online poker, online lottery brokerage and social lotteries.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Yes, it is possible to apply for a license for the gambling services that are allowed (see answer to next question).

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

The following online gambling and betting activities can be licensed in Germany:

- Sports betting
- Horse betting
- Virtual slots
- Online poker
- Lotteries incl. scratch lotteries (state monopoly)
- Social lotteries
- Lottery brokerage

In addition, some of the federal states (eg Schleswig-Holstein and North Rhine Westphalia) have adopted laws to allow for licensing of online casino (table) games.

Other online gambling activities cannot be licensed in Germany at the moment (eg secondary lotteries or bets on skill games).

Are there penalties and fines for offering online gambling and betting activities without a local license?

Offering unlicensed online gambling in Germany is a criminal offence which may be punished with a criminal fine or imprisonment of up to five years (Sec. 284 StGB). In addition, offering unlicensed gambling in Germany is also an administrative offence with administrative fines of up to EUR500,000 (Sec. 28a (1) no. 1 GlüStV 2021). Any proceeds of a criminal or administrative offence may also be confiscated as part of the proceeding to impose a fine.

The German gambling authorities may issue prohibition orders against unlicensed gambling as well as payment blocking orders against payments for unlicensed gambling.

Are there any restrictions on online gambling and betting advertising?

The GlüStV 2021 contains detailed specifications for the type and scope of advertising, which are in addition to the regulations of other laws (such as media, unfair competition and youth protection laws). These requirements include, (for example) the following general and game form-specific regulations:

- Advertising is allowed for licensed gambling only.
- Advertising must not be directed at minors and those at comparable risk (eg gambling addicts).
- The type and scope of advertising must not run counter to the objectives of Sec. 1 GlüStV 2021 (not be "excessive").
- Misleading advertising is prohibited, in particular about the chance of winning or the type/amount of the prize.
- The mixing of advertising and editorial content is prohibited (so-called native advertising).
- Virtual slots, online poker and online casino games: no advertising between 6am and 9pm on TV, radio and on the internet.
- Sports betting: no advertising immediately before or during the live broadcast of sports events on the broadcast channel "for sports betting on this sports event"; no advertising for sports betting with active athletes/functionaries.

- Remuneration of online advertising: No variable, in particular revenue-, deposit- or stake-dependent remuneration (exception: advertising for lotteries with low event frequency); permissible affiliate links with fixed remuneration (eg per click or per new customer).
- There is also a general prohibition of gambling advertising via telecommunications (eg SMS, WhatsApp messages and telephone calls).

In addition, further detailed regulations on advertising are part of the licenses in so-called ancillary provisions (eg regarding requirements for bonuses).

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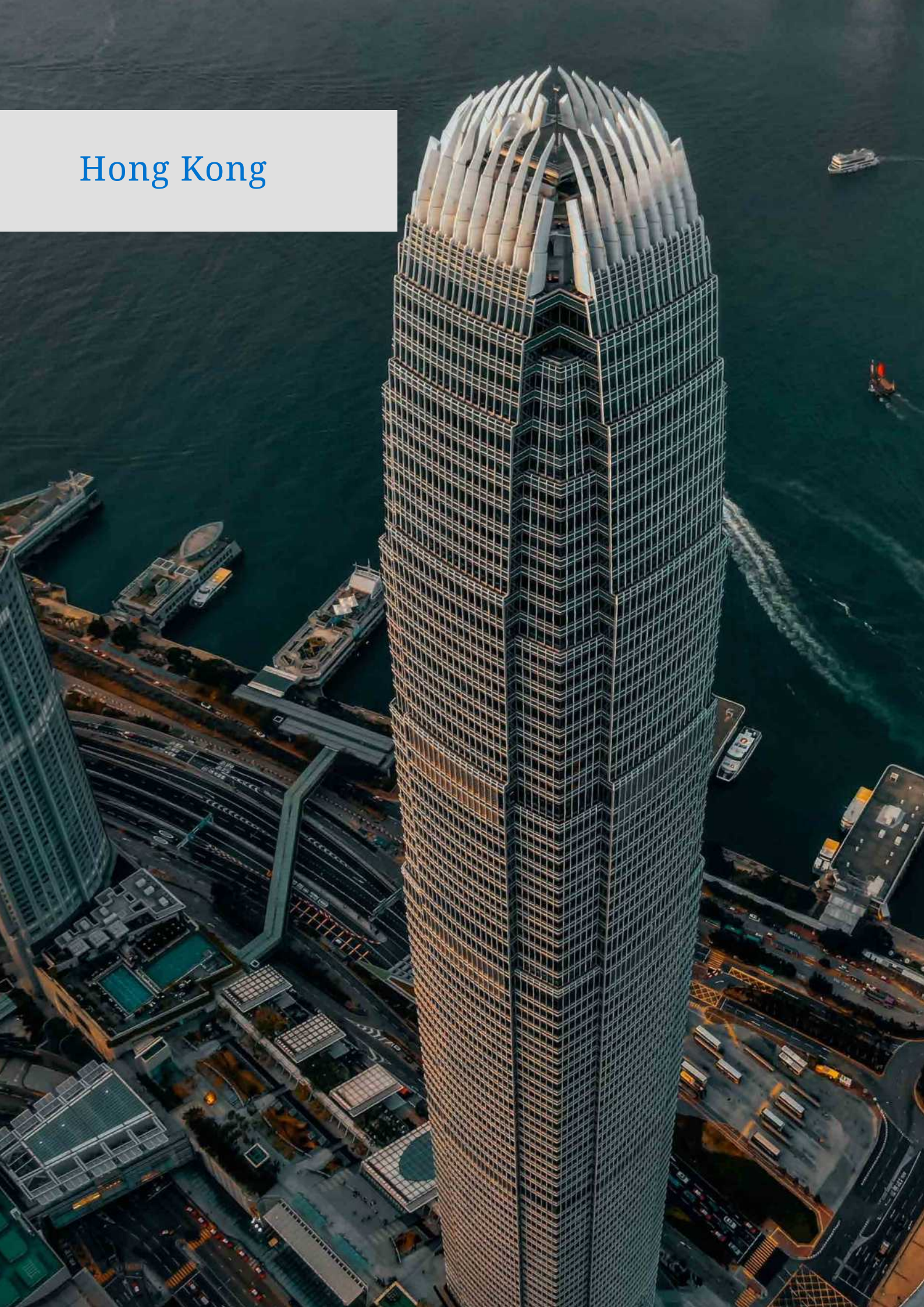


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Hong Kong



What are the main applicable governing laws with regard to online gambling and betting?

Gambling Ordinance (Cap. 148) and Betting Duty Ordinance (Cap. 108) govern gambling and betting in Hong Kong. These two pieces of legislation impose restrictions on land-based gambling, as well as online gambling and betting.

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

The Gambling Ordinance provides that bets handled over the internet or any online medium are considered illegal, except for online sports betting operated by the Hong Kong Jockey Club.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Under the Gambling Ordinance, all gambling activities in Hong Kong are illegal except:

- those authorized by the government under the Betting Duty Ordinance;
- those licensed by public officers; and
- those exempted by the Gambling Ordinance.

Currently, only the Hong Kong Jockey Club is a legal online sports betting operator in Hong Kong.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

As above, online gambling and lotteries are illegal in Hong Kong. Gambling includes gaming, betting and bookmaking.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. Fines and imprisonment may apply depending on the type of breach.

Are there any restrictions on online gambling and betting advertising?

Yes. It is an offence to advertise and promote online bookmaking or betting in Hong Kong.

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Hungary



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

- Act XXXIV of 1991 on Gambling Operations (Gambling Act)
- Supervisory Authority of Regulatory Affairs Decree No. 5/2021. (X. 21.) on detailed provisions on the responsible operation of gambling
- Supervisory Authority of Regulatory Affairs Decree No. 20/2021. (X. 29.) on the Implementation of Regulations Concerning the Authorization, Organization and Control of Gambling Activities
- Act XVI of 1991 on Concessions (Concessions Act)
- Act CXCVI of 2011 on National Assets
- Act LIII of 2017 on the Prevention and Combating of Money Laundering and Terrorist Financing

With regard to the advertisement of gambling

- Gambling Act
- Act XLVIII of 2008 on the Basic Requirements and Certain Restrictions of Commercial Advertising Activities (Advertising Act)

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

As an important introduction, in 2013 and 2014, a completely new gambling system was introduced in Hungary with the amendment of Gambling Act. The relevant provisions of the Gambling Act are still in force despite operators contesting the regime before national courts and the Court of Justice of the European Union (CJEU), and based on the CJEU's C-49/16 Unibet and C-3/17 Sporting Odds decisions, some key elements of the Hungarian system are contrary to EU laws and are thus inapplicable. Consequently, it is important to note that some key elements of the licensing system described below are non-enforceable and soon to be re-regulated.

The scope of possible licensing of online gambling services is rather limited in the current Hungarian regime.

According to the Gambling Act, online casino games (including poker) can be provided by the concession-holders of land-based casinos only. For these, concessions can be obtained either as a result of tendering only open for reliable operators (defined under Section 37 (30) of the Gambling Act), or as a result of public tendering (only if the tendering for reliable operators was unsuccessful), by a concession contract to be concluded directly with the competent Minister of the Government. (Sections 5 (1) and 10/C of the Concessions Act).

In terms of online sports betting (including betting for fantasy sports, esports and v-sports betting), online lottery and bingo, state-owned Szerencsejáték Zrt. has a monopoly. Online horse race betting can also exclusively operated by a state-owned company (Magyar Lóversenyfogatást-szervező Kft.). (Section 3 (1a) of the Gambling Act).

According to its recent TRIS notifications (no. 2022/66/HU and 2022/67/HU) addressed to the European Commission, the Hungarian legislator has decided to open the Hungarian online sports betting market to private operators in the near future. This liberalization also means that the respective monopoly of Szerencsejáték Zrt. will cease to exist from January 1, 2023. Read our [blogpost](#) for further details.

Is it currently possible to apply for a license to offer online gambling and betting activities?

The concessions of the currently operating 1 land-based casinos were all obtained by reliable operators through a concession contract concluded directly with the competent Minister, meaning that no public tendering was conducted. Currently it's not possible to apply for a land-based casino concession. Currently three entities hold a license to provide online casino games to Hungarian players.

As online sports betting is under state monopoly, it is not possible to apply for a license to provide such services.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

As mentioned above, online casino games cannot be provided without a license and in the area of online sports betting, a state monopoly is in place.

Are there penalties and fines for offering online gambling and betting activities without a local license?

The Gambling Authority (GA (*Szabályozott Tevékenységek Felügyeleti Hatósága*)) can apply multiple sanctions against unlicensed operators.

The maximum amount of the fine the GA can impose is HUF100 million (EUR262,000) and it might also confiscate materials/devices used for illegal gambling. Connected to unlawful operations of online games, ISP blocking and blacklisting of websites are also available to the GA. (Sections 12, 36/F, 36/G, 36/J of the Gambling Act)

As the Hungarian Criminal Code considers the operation of unlicensed gambling as a crime, criminal sanctions may also apply. (Section 360 of the Criminal Code)

After the CJEU's C-49/16 Unibet and C-3/17 Sporting Odds judgments concerning the EU law compatibility of the Hungarian system (the latter dates from February 2018), the GA stopped chasing EU-based international operators, currently there is a standstill in enforcement. However, in case of any significant changes (new court judgment in the pending litigations, new regime adopted by the legislator, see above), the GA might re-launch its previous active enforcement approach.

After recent institutional changes (new authority the previous GA has merged into), the GA has started to initiate proceedings against some international operators; however, to our knowledge, no sanctions have been imposed so far.

Are there any restrictions on online gambling and betting advertising?

In terms of marketing, only operators that hold a Hungarian license can advertise gambling services, and advertising may only be published if the advertiser has the GA's authorization for the operation of gambling. (Section 5 (1) of the Advertising Act)

In addition:

- no gambling advertisement may be published that is addressed to children and young people;
- no gambling advertisement may be published in any printed media primarily for children and/or young people;
- no gambling advertisement may be published related to gambling without the GA's authorization; and
- it is prohibited to play a role in any advertisement that is connected to unauthorized gambling operated in Hungary (Section 21 of the Advertising Act).

In terms of potential sanctions, in the event of the publication of gambling advertisements in violation of the above provisions, the GA may impose an administrative fine on the advertiser, the advertising service provider, the publisher of advertising and the person who participates in the advertisement collectively, for up to ten times the financial advantage acquired by the unlawful advertising, but at least HUF10 million (EUR26,200). If the advertiser, the advertising service provider or the person who participates in the advertisement cannot be identified, the GA will impose the administrative fine on the publisher of the advertising (Section 2 (7a) of the Gambling Act).

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India



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

Gambling in India is governed at the central (or federal) level by the Public Gambling Act, 1867 (PG Act). However, several states have individual legislations regulating gambling and even enforce additional restrictions.

In Goa and Daman and Diu, gambling is permitted in casinos under the Goa, Daman and Diu Public Gambling Act, 1976 (Goa Act). However, the Goa Act does not regulate online gambling, and this may be considered a grey area. In Sikkim and Meghalaya, a license may be obtained to conduct online gambling under the Sikkim Online Gaming (Regulation) Act, 2008, and Meghalaya Regulation of Gaming Act, 2021.

Separately, prize competitions are regulated under the Prize Competition Act, 1955 (PC Act).

With regard to the advertisement of gambling

ASCI Code

The Code for self-regulation of advertising content in India (ASCI Code), was released by the advertising standards council of India (ASCI). Under the ASCI Code, advertisements/marketing material should not mislead consumers by implications or omissions. In that, claims that are likely to mislead consumers or which consumers would have difficulty in understanding need to be adequately disclaimed to ensure consumers are not misled or deceived.

Under the ASCI Guidelines for Online Gaming for Real Money Winnings (ASCI Guidelines), online gaming refers to games where consumers are required to put up money for a possibility of cash or equivalent winnings.

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

States (namely, Andhra Pradesh, Assam, Meghalaya, Nagaland, Odisha, Sikkim and Telanaga) prohibit all forms of gambling played for money (subject to the licensing requirements for some states provided below) – irrespective of whether they are games of skill or games of chance. However, Meghalaya, Nagaland and Sikkim provide licenses to undertake wagering or betting on games of skill.

As an aside, Tamil Nadu and Karnataka, in 2020 and 2021, respectively, had prohibited games of skill for monetary stakes. These amendments were later struck down by the Madras High Court and Karnataka High Court, respectively. However, these decisions have been appealed and are currently pending before the Supreme Court of India.

In India, Goa, Daman and Diu, Sikkim and Meghalaya have permitted gambling, subject to obtaining a license.

Is it currently possible to apply for a license to offer online gambling and betting activities?

As provided above, a license may be obtained to conduct gambling in Goa, Daman and Diu, Sikkim and Meghalaya. Please note that Goa only regulates offline gambling in casinos and online gambling may be considered a grey area.

For the remaining states, games of skill may be conducted subject to certain states which prohibit betting of money on games of skill. At the moment, Sikkim, Meghalaya and Nagaland provide for a license to conduct games of skill involving betting of money.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

While the PG Act, a federal piece of legislation, regulates gambling, gambling is also listed as a state subject. As a result, individual states in India hold power to legislate on the subject and several states have distinct legislations regulating gambling.

The provisions of the PG Act are not applicable to games of skill, which include games containing elements of pure skill, as well as games which are predominantly games of skill with ancillary elements of chance. Similarly, most states in India restrict the applicability of its individual gambling acts to games of skill. The online games that may be conducted would depend on whether the games would classify as games of skill or games of chance.

For completeness, certain states in India, as provided in our responses above, prohibit all forms of gambling, irrespective of whether they are games of skill or games of chance carried on online or offline.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. Offering online gambling and betting activities without a license will likely attract penalties. However, the penalties and fines for offering online gambling and betting activities will vary from state to state, depending on whether the same would classify as a game of skill or a game of chance.

Are there any restrictions on online gambling and betting advertising?

Likely, yes. It may be noted that there is no central statutory agency or uniform legislation that regulates advertising in India at present. However, advertisers tend to rely on the ASCI Code and guidelines provided by ASCI.

Under the guidelines issued by the ASCI, any advertisement that promotes illegal, immoral and indecent activity would be prohibited. Further, under Chapter III of the ASCI Code, advertisements for any product, the use of which is banned under law, or advertisements that present criminality as desirable or encourages people to emulate it, are prohibited. If online gambling and betting is a prohibited activity, advertisements promoting such illegal gambling may also be considered as a prohibited activity.

Separately, by way of a notification dated June 13, 2022, the Ministry of Information and Broadcasting, Government of India, issued an advisory to print and electronic media to refrain from publishing advertisements of online betting platforms. Internet and social media companies, as well as online advertisement intermediaries and publishers, are also encouraged not to promote advertisements of online betting platforms.

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Italy



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

Royal Decree of June 18, 1931, No. 773 providing laws on public safety.

Legislative Decree of April 14, 1948, No. 496 providing the monopoly of the State for the organization and exercise of games of skill and betting competitions, for which a reward of any kind is paid and whose participation requires the payment of a monetary stake.

Law of December 13, 1989, No. 401 providing criminal sanctions for the illegal offering of gambling and betting activities.

Article 24 par. 11 of Law of July 7, 2009, No. 88

Article 1, paragraph 935, of Law No. 208/2015

Decree of the Ministry of Finance of March 1, 2006 No. 111

Decree of the Ministry of Finance of January 10, 2011

ADM Guidelines on the certification of gaming platforms

With regard to the advertisement of gambling

Article 9 of Law Decree of July 12, 2018, No. 87 setting out the Italian gambling advertising ban.

Decision No 132/19/CONS of April 18, 2019 of the Italian Communications Authority setting guidelines on the interpretation of Article 9 of Law Decree July 12, 2018, No. 87 setting out the Italian gambling advertising ban.

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Online gambling and betting activities can only be offered with a license from the Italian gambling authority, Agenzia delle Accise, Dogane e Monopoli (ADM).

Is it currently possible to apply for a license to offer online gambling and betting activities?

To become an authorized "remote" gambling and betting operator, a license must be obtained from ADM.

It is only possible to obtain a license following participation in a tender procedure and the fulfillment of a number of requirements set forth by the relevant procedure.

Tenders are launched with inconsistent timings .

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

The offering of sports and horse betting, casino, bingo, betting exchange, skill games and bets on virtual events are allowed, insofar as offered by a licensed operator, with different regimes depending on whether the offering is online or land-based.

Lotteries, scratch cards and numerical games are also allowed but are subject to exclusive licenses. However, in some circumstances, other operators can act as resellers of these games.

There are also licenses for land-based slots (so-called video lotteries and newslots).

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. For a breach of gambling laws, criminal sanctions can apply that vary depending on the type of breach.

Are there any restrictions on online gambling and betting advertising?

Yes. Article 9 of the Law Decree July 12, 2018, No. 87 forbids any form of direct and indirect advertising related to betting activities, gambling and other types of games with cash winnings. Besides, the AGCOM guidelines provide interpretative clarifications regarding the subjective, objective, and temporal application on the Italian gambling advertising ban. As a general principle, merely informative communications are still allowed, but the scope of this exception needs to be reviewed on a case-by-case basis.

Key contact



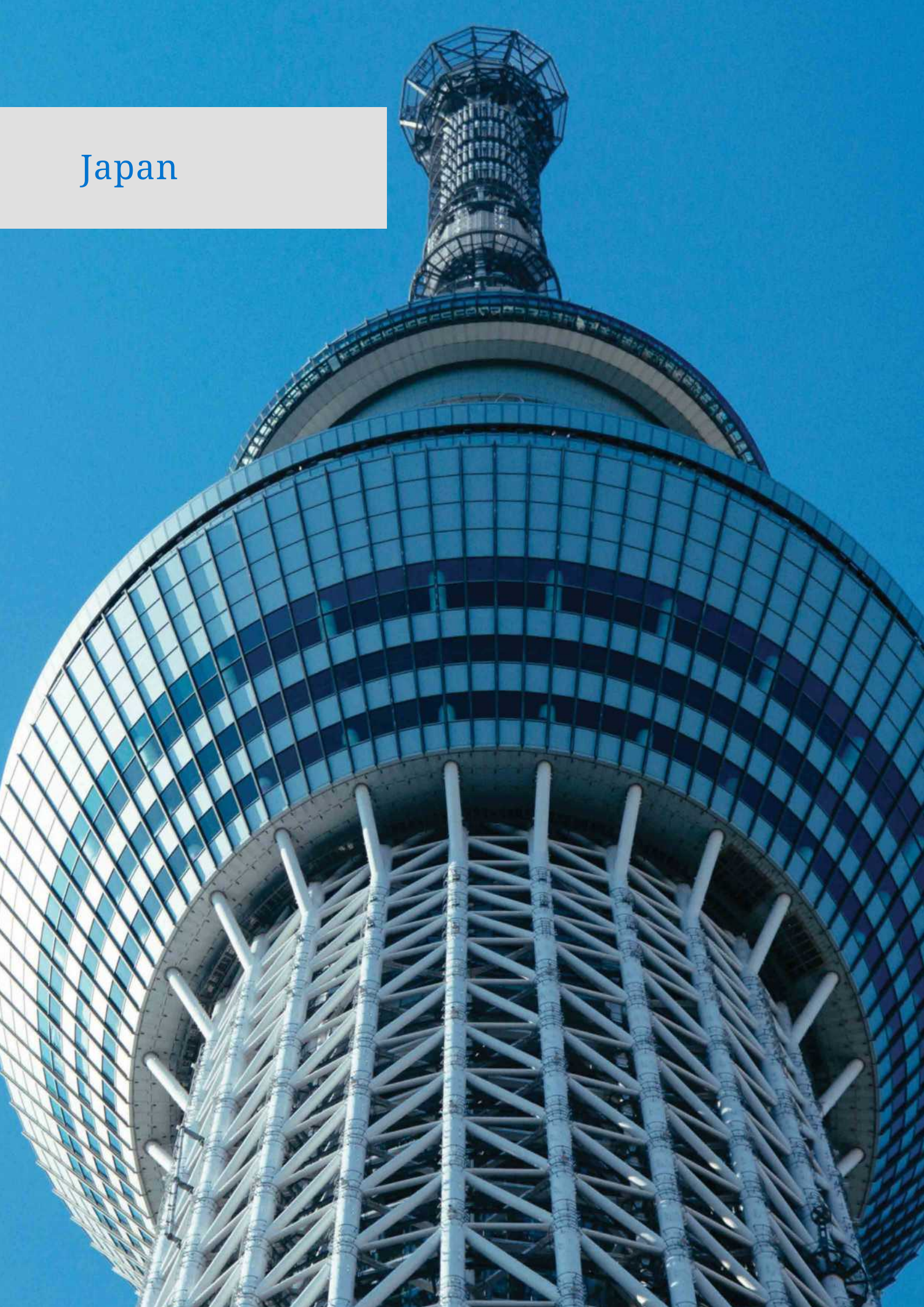
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Japan



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

- Article 185 of the Penal Code (Gambling)
- Article 186 of the Penal Code (Habitual Gambling; Running a Gambling Place for the Purpose of Interest)
- Article 187 of the Penal Code (Lotteries)

With regard to the advertisement of gambling

- Act against Unjustifiable Premiums and Misleading Representations
- Notification on Premium Offers by Sweepstakes or Prize Competition

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Gambling is generally prohibited under the Japanese Penal Code, with some exceptions such as:

- betting on public/national horse racing, bicycle racing, powerboat racing and motorcycle racing;
- the public/national lottery; and
- Japanese soccer pools, regardless of whether it is undertaken through online or based on land.

Given the general prohibition on gambling in Japan, there is no licensing regime for online gambling.

Is it currently possible to apply for a license to offer online gambling and betting activities?

No

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

Playing or offering online games that fall under gambling under the Article 185 or 186 of the Penal Code is prohibited. "Gambling" is generally interpreted as "a contest for wins or losses with the results determined by chance regardless of whether it is skill based or not and where money or items are at stake." In accordance with this interpretation, sports betting, casino, poker, bingo and other related games could fall under the definition of gambling. Any type of online gambling games are prohibited in Japan.

However, Japanese law does not expressly address or prohibit offshore online gambling. Since offshore online gambling is not expressly prohibited, it falls into a legal grey zone. Even if online gambling were to violate the general prohibition on gambling in Japan, enforcement of the law against operators operating entirely offshore and without any domestic presence in Japan would be unlikely.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Given the general prohibition of gambling in Japan, there is no licensing regime for online gambling. Article 185 of the Japanese Penal Code provides that gambling may be punished by a fine of up to JPY500,000. Article 186, Paragraph 1 of the Japanese Penal Code provides that habitual gambling may be punished by imprisonment of not more than three years. Article 186, Paragraph 2 of the Japanese Penal Code provides that running a place for gambling or organizing a group of habitual gamblers for the purpose of profit (ie a private bookmaker or casino operator) may be punished by imprisonment of not less than three months but not more than five years. Article 187, Paragraph 1 of the Japanese Penal Code provides that operating a lottery may be punished by imprisonment of not more than two years or a fine of up to JPY1.5 million.

Are there any restrictions on online gambling and betting advertising?

The value of premiums awarded through sweepstakes or prize competitions is regulated under the Act against Unjustifiable Premiums and Misleading Representations and Notification on Premium Offers by Sweepstakes or Prize Competition. For example, the value of the maximum of the single premium must not exceed 20 times the sales price of goods or services in connection with the sweepstakes or prize competitions (or must not exceed JPY100,000) and the maximum total value of all prizes must be within 2% of the estimated total sales for the campaign period. If online games are used to promote sales of the goods or services and sweepstakes or prize competitions are offered in connection with it, the value of premiums may be regulated.

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Macau SAR



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gaming and betting licensing regime

- The Macau Gaming Law (Law no.16/2001)
- The Illegal Gaming Law (Law no. 8/96/M), which covers the unlicensed supply of games
- The DICJ By-laws (Regulation no. 34/2003), subsequently amended by Regulation no. 19/2021
- Macau Economic Services Bureau Dispatch no. 63/2003, which sets out the regulations on online betting on horse racing granted to the *Macau Jockey Club*
- Macau Economic Services Bureau Dispatch no. 51/2006, which sets out the regulations on online betting on basketball games granted to *Macau SLOT*
- Macau Economic Services Bureau Dispatch no. 38/ 2019, which cover the Rules on the Wagering Execution in Sports Lotteries

With regard to the advertisement of gambling

- The Macau Advertisement Law (Law no. 7/86/M)

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Online gaming (referred to as Interactive Gaming) is defined as the playing of games of chance that meet the following requirements:

- They are offered in Macau casinos in the form of table games or gaming machines.
- They offer a prize, in cash or in kind, that can be won in accordance with their respective rules.
- Players participate by means of telecommunications (including telephone, fax, the internet, data networks and video or digital data transmission).
- Players make, or agree to make, payments in cash or in kind to play the game.

The concession of online gaming is subject to the granting of concession contracts by the Macau government.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Regulations regarding online gaming have never been approved by the Macau government. Tenders to grant online gaming concessions have also never been launched by the Macau government. Further to this, Macau Gaming Law is currently under review and no relevant changes regarding online gaming are expected.

Therefore, there are no licenses currently available for operators to offer online gaming services in Macau.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

The online games allowed are games of chance which are also offered in Macau casinos in the form of table games and gaming machines. Those include the ones listed in the Macau Gaming Law or that have been approved by the Macau government.

The list of pre-approved games that may be offered in Macau casinos are:

- three-card baccarat
- baccarat
- blackjack
- boule
- craps
- cussec
- casino war
- dozen numbers
- fantan
- sap i chi or 12-card game
- 13-card game
- mahjong
- mahjong baccarat
- mahjong paikao
- mini paikao
- pachinko
- paikao
- fish-prawn-crab

- three-card poker
- five-card poker
- football poker
- Q poker
- lucky wheel
- roulette
- stud poker
- super pan 9
- Taiwan paikao
- makccarat
- Texas hold 'em poker
- fortune three-card poker
- fortune 8
- dragon/phoenix
- Omaha poker

The operators of horse racing (the *Macau Jockey Club*), and sports betting (the *Macau SLOT*) have been authorized to operate online betting with the land-based competitions they already offer.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. Providing unlicensed online gaming constitutes a breach of the Macau gambling laws and may be punishable with imprisonment up to three years or equivalent criminal fine.

Are there any restrictions on online gambling and betting advertising?

Yes. The Macau Advertisement Law prohibits any type of advertisement that uses games of chance as the essential element of the advertisement, including online gaming. The prohibition, however, does not appear to cover all types of gaming that do not qualify as games of chance under the Macau Gaming Law, such as sports betting and lotteries.

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The Netherlands



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

- Dutch Gambling Act (Wet op de kansspelen);
- Governmental decree remote gambling (Besluit kansspelen op afstand);
- Policy on the grant of remote gambling licenses. (Beleidsregels vergunningverlening kansspelen op afstand);
- Policy on the use of the wordmark for remote gambling (Beleidsregels woordmerk kansspelen op afstand);
- Policy on the temporary exemption of inspection bodies (Beleidsregels tijdelijke ontheffing keuringsinstellingen);
- Policy on responsible play (Beleidsregels verantwoord spelen);
- Policy on involuntary registration Cruks (Beleidsregels onvrijwillige inschrijving Cruks);
- Policy on information requirement (Beleidsregels informatieplicht);
- Ministerial regulation remote gambling (Regeling kansspelen op afstand);
- Guidance on Dutch Money Laundering and Terrorism Financing Act (Leidraad Wwft).

With regard to the advertisement of gambling

- Governmental decree marketing, advertising and addiction prevention for gambling (Besluit werving, reclame en verslavingspreventie kansspelent);
- Policy on responsible play (Beleidsregels verantwoord spelen);
- Ministerial regulation marketing, advertising and addiction prevention for gambling (Regeling werving, reclame en verslavingspreventie kansspelen).

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Online gambling and betting activities can only be offered by an operator that has obtained a license from the Dutch Gambling Authority (Kansspelautoriteit) as outlined in article 1(1) Dutch Gambling Act.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Yes, since the 1st of October 2021 it is possible to apply for a license to offer online gambling and betting activities. It is an 'open system', i.e. there are no limitation with respect to the amount of licenses to be granted.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

The Dutch Gambling Authority maintains 4 categories for which licenses for online gambling can be awarded. Operators can apply for a license for all four or make a selection:

- Casino games where the players play against the operator;
- Casino games in which the players play against each other;
- Betting on events during a sporting event or on the outcome of a sporting event; and/or
- Betting on horse races and trotting events.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes, the Dutch Gambling Authority (Kansspelautoriteit) has published a new Policy on fines for the offering of online gambling without a license. To summarize, the policy applies to commercial and/or professional operators offering online gambling and betting activities without a license from the Dutch Gambling Authority. How the fine is calculated depends on the turnover of the operator:

- if the turnover of the operator is less than 15 million euros, the fine is calculated on the basis of fixed amounts. The basic fine is EUR600,000. This amount may be increased in certain circumstances;
- if the turnover of the operator is equal to or more than 15 million euros, the fine shall be calculated on the basis of turnover. The basic fine is equal to 4% of the turnover. This amount may be increased in certain circumstances; or
- if the Dutch Gambling Authority is unable to determine the relevant turnover on the basis of information or other sources provided by the operator, the Dutch Gambling Authority may make an estimate thereof. An estimate can be made of both the turnover made in the Netherlands, and the worldwide turnover. If an estimate is made, the Dutch Gambling Authority will first

use the gross game result and then converts it to what the Dutch Gambling Authority understands by turnover. The gross game result is the difference between the stakes wagers received from players and the prizes made available to players.

Circumstances that may increase the basic amount of the fine (list is non-exhaustive):

- Targeting minors or other vulnerable groups (increase of EUR150,000);
- Offering prohibited games/bets (increase of EUR150,000);
- Inactivity charges (increase of EUR75,000);
- Incorrect or irrelevant communications about licenses (increase of EUR75,000);
- Imposing unreasonable conditions on the award or disbursement of prizes (increase of EUR75,000);
- An unreasonable (minimum) amount or manner of depositing funds (increase of EUR75,000);
- Autoplay and/or turboplay (increase of EUR75,000);
- Lack of information on addiction prevention (increase of EUR75,000);
- Missing playing limits or pre-filled playing limits (increase of EUR75,000);
- Lack of age verification (increase of EUR75,000);
- Offering via a mobile application (increase of EUR75,000);
- Also offering games that are not games of chance on the website (increase of EUR75,000);

In the event of recidivism, the Dutch Gambling Authority will increase the administrative fine (including increasing circumstances) by 100%, unless this percentage is manifestly unreasonable given the circumstances of the case.

Are there any restrictions on online gambling and betting advertising?

Yes, there are many restrictions outlined in Dutch law (mentioned above) and in the [Dutch Advertising Code on Online Games of Chance \(Gambling\)](#) (available in English). To summarize key rules:

- Ads can't incite to excessive participation in games of chance. This means the following is prohibited:
 - Persuading people to make impulsive decisions to participate in gambling by means of offers/discounts/bonuses creating a sense of urgency;
 - Presenting gambling as a solution to financial or personal problems;
 - Promoting gambling as a lifestyle; and
 - Minimizing consequences of excessive participation.
- Watershed: prohibition to serve ads between 6:00 and 21:00;
- Ads cannot be not aimed at vulnerable groups;
- Ads cannot not be aimed at persons under 24 years of age;
- Logos/names of gambling companies cannot be placed on products significantly used by minors;
- Physical advertising in view of or at locations aimed at minors is prohibited;
- Websites/social media sites aimed at vulnerable groups of persons cannot advertise gambling;
- Ads cannot feature active professional athletes (although gambling providers can still sponsor them);
- Models in ads cannot be/look younger than 25 years old;
- Models in ads must not have a 'substantial reach' among minors or young adults;
- All ads must include a safe-gambling message: "Wat kost gokken jou? Stop op tijd. 18+" (translation: "What does gambling cost you? Stop in time. 18+").

Key contacts



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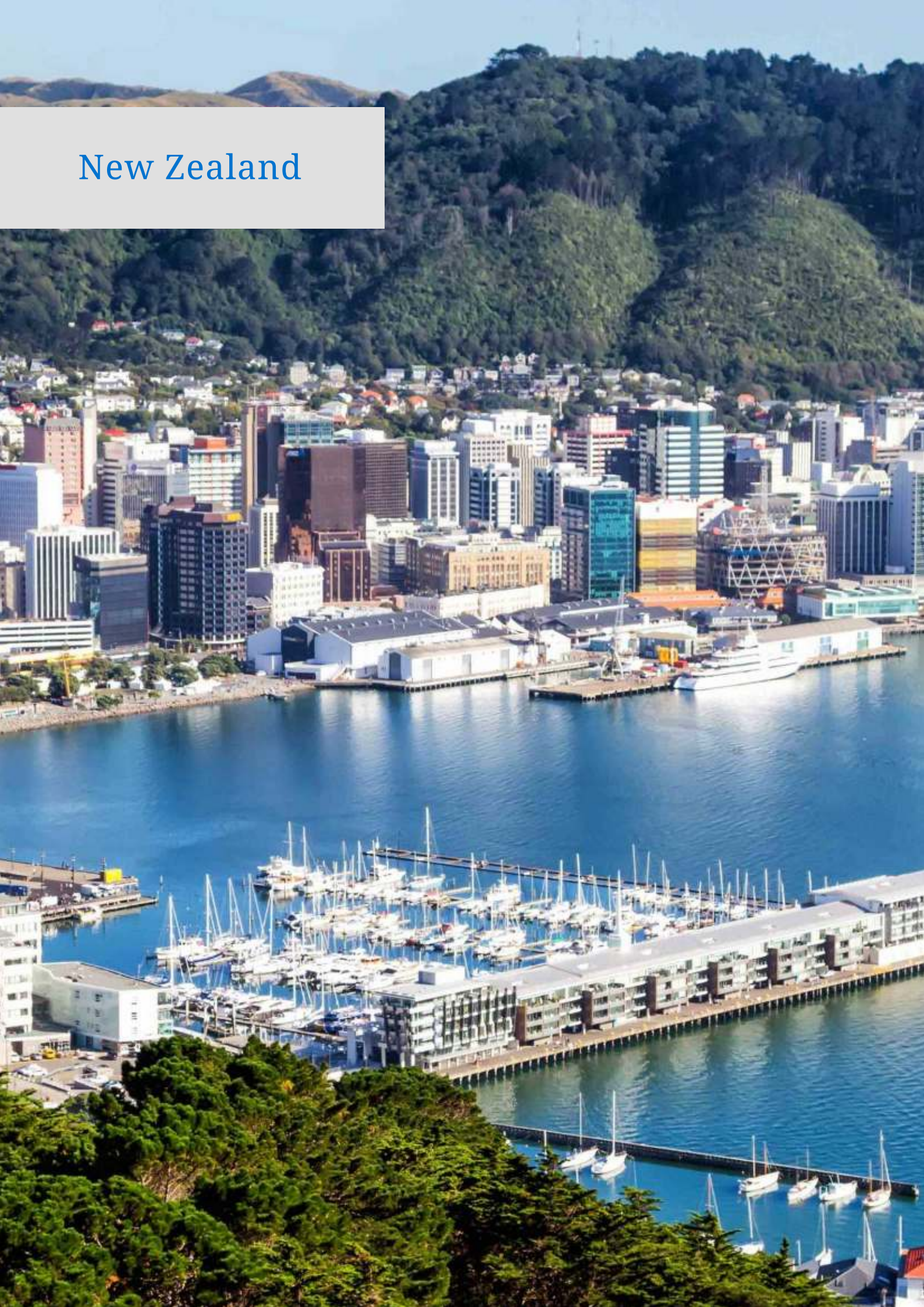
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New Zealand



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

- Gambling Act 2003 (Gambling Act)
- Gambling (Prohibited Property) Regulations 2005
- Racing Industry Act 2020 (Racing Industry Act)

With regard to the advertisement of gambling

- Gambling Act
- Advertising Standards Authority's "Gambling Advertising Code"

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Gambling in New Zealand is prohibited unless it is authorized by the Gambling Act or the Racing Industry Act.

The Gambling Act expressly prohibits "remote interactive gambling" to be conducted in New Zealand. This is defined as "gambling by a person at a distance by interaction through a communication device or the conduct of gambling by a person at a distance by interaction through a communication device." Therefore, licenses cannot be obtained for conducting online gambling.

However, online gambling offered by the Lotteries Commission or TAB NZ is expressly allowed for under the Gambling Act. Sales promotion schemes in the form of a lottery conducted in New Zealand are also permitted.

Gambling by a person in New Zealand conducted by an overseas-based gambling operator is also expressly allowed for under the Gambling Act and does not require a license to be held by the overseas-based operator. However, it must not be advertised in New Zealand.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Online gambling conducted in New Zealand is prohibited under the Gambling Act. Certain exceptions apply for the Lotteries Commission, TAB NZ and sales promotions schemes in the form of a lottery conducted in New Zealand.

Overseas-based operators do not require a license for online gambling and betting activities to be used by people in New Zealand but must not advertise their online gambling and betting activities in New Zealand.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

The Racing Industry Act allows TAB NZ to offer online gambling for horse racing, greyhound racing and sports events.

The Gambling Act allows the Lotteries Commission to conduct online lotteries in New Zealand. Sales promotion schemes in the form of a lottery are also permitted.

Online gambling can be offered in New Zealand by overseas-based operators but must not be advertised in New Zealand.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. Breaches of the Gambling Act can result in fines of up to NZD50,000. A person who publishes or arranges to publish, in New Zealand, an overseas gambling advertisement commits an offence and is liable on conviction to a fine not exceeding NZD10,000. Advertising overseas gambling in breach of the Gambling Act is also an infringement offence with an infringement fee payable of NZD5,000

Are there any restrictions on online gambling and betting advertising?

Yes. The restrictions depend on the type of gambling, detailed below.

Advertising overseas gambling is expressly prohibited by the Gambling Act. An overseas gambling advertisement is a form of communication that:

- publicizes or promotes gambling that is outside New Zealand or a gambling operator who is outside New Zealand; or
- is reasonably likely to induce people to gamble outside New Zealand.

Advertising illegal local gambling is prohibited by the Gambling Act.

Advertising legal local gambling (ie permitted online gambling by the Lotteries Commission and TAB NZ or sales promotion schemes in the form of a lottery) must comply with the Advertising Standards Code. The Advertising Standards Code is based on two principles:

- Gambling advertisements must be prepared and placed with a high standard of social responsibility to consumers and to society.
- Gambling advertisements must be truthful, balanced and not misleading.

Key contact



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Norway



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the legal regime governing online gambling and betting:

- The Lottery Act (*Lotteriloven*)

With regard to the advertisement of gambling and betting:

- The Norwegian Gambling Act (*Pengespilloven*)
- The Norwegian Broadcasting Act (*Kringkastingsloven*)

These laws will be harmonized and replaced with the Norwegian Gambling Act of 2022, which enters into force in January 2023.

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

The offering of online gambling and betting activities in Norway must be prescribed by law. Pursuant to the Norwegian gambling regulation, the company Norsk Tipping AS is assigned by the government to have a monopoly on offering betting games/gambling in Norway. It's therefore illegal for other gaming/betting companies to offer gambling in Norway.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Norway has no betting licensing regime.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

No online games are allowed.

However, a company outside Norway may, pursuant to the EEA Agreement, lawfully offer gambling and betting activities online to Norwegian players, if the offering of the service is not targeted to and aimed at Norwegian players. The lawfulness of cross-border offering of gambling games online to Norwegian players must be determined on a case-by-case assessment. Pursuant to case-law of The Norwegian Gambling Authority, it's not sufficient that the website is not Norwegian (domain ".no") and the server on which the domain is located is outside Norway. Other relevant factors, such as the language and currency on the website, as well as advertisements, must be considered.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Unlawful online offering of betting/gambling games in the Norwegian jurisdiction, either directly in Norway or by targeting Norwegian players from a company outside of Norway, may be punished by fines or imprisonment for up to three months, under the Gambling Act section 16.

Are there any restrictions on online gambling and betting advertising?

Online gambling and betting advertising requires a license issued by The Norwegian Gambling Authority. It is prohibited to advertise for online gambling and betting, or transmit/distribute such advertising, without a license, under the Gambling Act section 2 and the Lottery Act section 11.

The Norwegian Media Authority has the authority to impose on the owner or operator of a network that transmits unlawful online gambling and betting advertising, an order to prevent or stop the marketing, under the Broadcasting Act section 4-7.

Key contact



Petter Bjerke

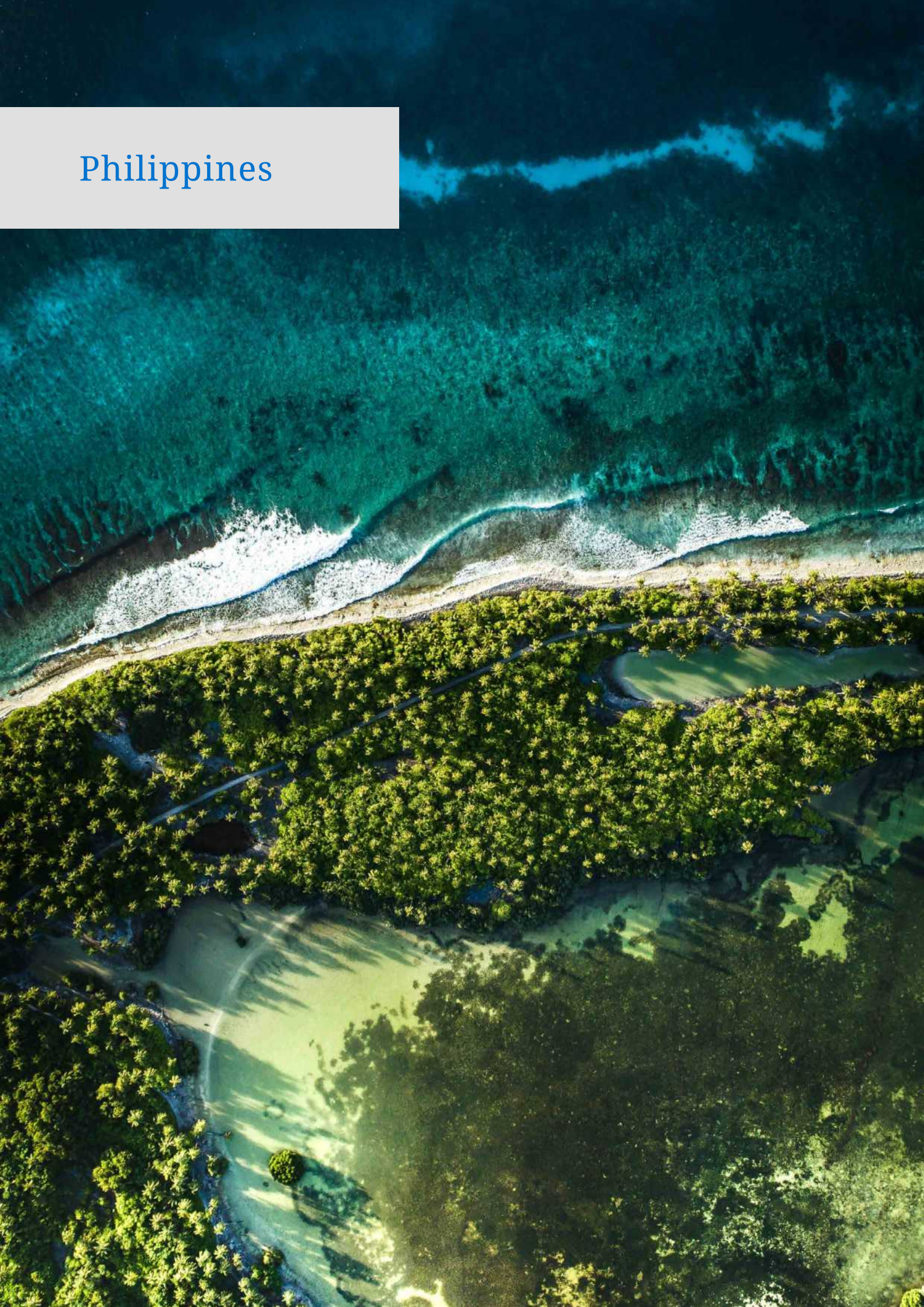
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Philippines



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

P.D. 1869, as amended by Republic Act No. 9487, also known as “Consolidating and amending Presidential Decrees Nos. 1067-A, 1067-B, 1067-C, 1399 and 1632, relative to the franchise and powers of the Philippine Amusement and Gaming Corporation” (PAGCOR).

Executive Order No. 13, s. 2017 – Strengthening the fight against illegal gambling and clarifying the jurisdiction and authority of concerned agencies in the regulation and licensing of gambling and online gaming facilities, and for other purposes.

Rules and Regulations for Philippine Offshore Gaming Operations, Philippine Amusement and Gaming Corporation, 2016.

Republic Act No. 7922, also known as “Cagayan Special Economic Zone Act of 1995.”

Republic Act No. 9490, as amended by Republic Act No. 10083, also known as “Aurora Pacific Economic Zone and Freeport Act of 2010.”

Republic Act No. 9728, also known as “Freeport Area of Bataan (FAB) Act of 2009.”

Responsible Gaming, Code of Practice, Philippine Amusement and Gaming Corporation, Version 6.0, 2021.

P.D. 1602, as amended by Republic Act No. 9287, also known as “An act increasing the penalties for illegal numbers games, amending certain provisions of Presidential Decree No. 1602, and for other purposes.”

Republic Act No. 10175, also known as “Cybercrime Prevention Act of 2012.”

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Online gambling and betting activities can be offered only with a license from the Philippine Amusement and Gaming Corporation (PAGCOR) if the entity wants to operate in most of the Philippines.

For entities looking to operate in the Cagayan Special Economic Zone and Free Port, Aurora Pacific Economic Zone and Freeport, and Freeport Area of Bataan, the authorities of each respective area have the power to grant licenses for online gambling and betting activities. For the Freeport Area of Bataan, its authority's power to grant online gambling licenses is subject to PAGCOR's approval and supervision.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Yes. However, there are different licenses required for services that cater exclusively to foreigners outside the Philippines and services that cater exclusively to Philippine nationals inside the Philippines. For the former, a Philippine Offshore Gaming Operator (POGO) license is required, while for the latter, a Philippine Inland Gaming Operator (PIGO) license is required.

For now, PAGCOR, and the authorities of the respective economic zones, have the authority to issue POGO licenses. However, at the moment, it's only PAGCOR that issues PIGO licenses.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

The following are allowed:

- RNG-based (random number generator) or “live” dealer gaming, including table games, slots, other card, wheel and dice games, skill games, arcade-type games Sports betting
- Online bingo
- E-sabong/e-cockfighting
 - As of 17 June 2022, operations of all e-sabong/e-cockfighting are suspended pursuant to the directive of the President, as contained in a Memorandum from the Executive Secretary to PAGCOR dated 03 May 2022.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. According to section 2 of Executive Order No. 13, s. 2017, illegal gambling is defined as being “committed by any person who, in any manner, shall directly or indirectly take part in any game scheme ... when such game scheme is not authorized or licensed by the government agency duly empowered by law or its charter to license or authorize the conduct of such games, or is conducted in a manner that violates the terms and conditions duly prescribed by the said government agency.”

However, there was a 2012 Court of Appeals Decision, involving British Grand Vision International Co., which ruled that internet gambling is not among those illegal acts penalized solely by P.D. 1602, as amended by Republic Act No. 9287.

Notwithstanding said 2012 Court of Appeals case, the trend at the moment is for law enforcement authorities to charge perpetrators of illegal online gambling with a violation of P.D. 1602, as amended, in relation to Republic Act No. 10175 (Cybercrime Prevention Act of 2012). A prosecution under Republic Act No. 10175 is authorized if a perpetrator commits a crime with the use of information and communications technologies. However, no authoritative court decision has yet been given on these cases.

The penalties under P.D. 1602 ranges from 2 years’ to 12 years’ imprisonment or a fine ranging from PHP5,000 to PHP10,000.

The penalties under R.A. 9287 ranges from 30 days’ to 20 years’ imprisonment. If the offender is a government employee and/or public official, the penalties under R.A. 9287 ranges from 12 years’ to 20 years’ imprisonment and a fine ranging from PHP3 million to PHP5 million.

Are there any restrictions on online gambling and betting advertising?

Yes. Section 14 of Republic Act No. 7610, as amended by Republic Act No. 9231 forbids the employment of a child as a model in any advertisement directly or indirectly promoting gambling.

Section VII of Responsible Gaming, Code of Practice, Philippine Amusement and Gaming Corporation, Version 6.0, 2021 requires that gambling advertising materials must be socially responsible and must not portray, encourage, or condone gambling behavior that could lead to financial harm, or suggest that gambling can be a solution to financial problems. Gambling advertisements should not be directed to people under the age of 21 and should not imply that a player’s skill can influence the outcome of a gambling activity. Lastly, billboards that promote gambling activities must not be located within a 200 m radius from schools and places of worship/churches, horse racing outlets, public markets, informal settler and resettlement areas.

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Portugal



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

P.D. 1869, as amended by Republic Act No. 9487, also known as "Consolidating and amending Presidential Decrees Nos. 1067-A, 1067-B, 1067-C, 1399 and 1632, relative to the franchise and powers of the Philippine Amusement and Gaming Corporation" (PAGCOR).

Executive Order No. 13, s. 2017 – Strengthening the fight against illegal gambling and clarifying the jurisdiction and authority of concerned agencies in the regulation and licensing of gambling and online gaming facilities, and for other purposes.

Rules and Regulations for Philippine Offshore Gaming Operations, Philippine Amusement and Gaming Corporation, 2016.

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Republic Act No. 9728, also known as "Freeport Area of Bataan (FAB) Act of 2009."

Responsible Gaming, Code of Practice, Philippine Amusement and Gaming Corporation, Version 6.0, 2021.

P.D. 1602, as amended by Republic Act No. 9287, also known as "An act increasing the penalties for illegal numbers games, amending certain provisions of Presidential Decree No. 1602, and for other purposes."

Republic Act No. 10175, also known as "Cybercrime Prevention Act of 2012."

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Online gambling and betting activities can be offered only with a license from the Philippine Amusement and Gaming Corporation (PAGCOR) if the entity wants to operate in most of the Philippines.

For entities looking to operate in the Cagayan Special Economic Zone and Free Port, Aurora Pacific Economic Zone and Freeport, and Freeport Area of Bataan, the authorities of each respective area have the power to grant licenses for online gambling and betting activities. For the Freeport Area of Bataan, its authority's power to grant online gambling licenses is subject to PAGCOR's approval and supervision.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Yes. However, there are different licenses required for services that cater exclusively to foreigners outside the Philippines and services that cater exclusively to Philippine nationals inside the Philippines. For the former, a Philippine Offshore Gaming Operator (POGO) license is required, while for the latter, a Philippine Inland Gaming Operator (PIGO) license is required.

For now, PAGCOR, and the authorities of the respective economic zones, have the authority to issue POGO licenses. However, at the moment, it's only PAGCOR that issues PIGO licenses.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

The following are allowed:

- RNG-based (random number generator) or "live" dealer gaming, including table games, slots, other card, wheel and dice games, skill games, arcade-type games Sports betting
- Online bingo
- E-sabong/e-cockfighting
 - As of 17 June 2022, operations of all e-sabong/e-cockfighting are suspended pursuant to the directive of the President, as contained in a Memorandum from the Executive Secretary to PAGCOR dated 03 May 2022.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Illegal operating, promotion, organization, consent or availability of online gambling and betting activities constitutes a crime punished with a maximum imprisonment of five years or a fine up to 500 days.

RJO also imposes fines for misdemeanors resulting from noncompliance with the applicable rules. Misdemeanor fines range between EUR2,500 and EUR1 million or 10% of the operator's yearly turnover.

Are there any restrictions on online gambling and betting advertising?

The framework regarding online gambling and betting advertising is stated on the Advertisement Code (Decree-Law no. 330/90, dated October 23, as last amended by Law no. 30/2019, dated April 23). The rules concerning online gambling are, generally, the same that apply to land-based activities. In general terms, the advertising of gambling and betting must be conducted in a socially responsible manner, respecting the protection of minors, and other vulnerable risk groups and must not:

- demean non-players;
- appeal to aspects relating to obtaining easy winnings
- suggest success, social achievement or special skills as a result of gambling; or
- encourage excessive gambling practices.

As regards specific obligations:

- The following are expressly prohibited:
 - any advertising of gambling and betting which is aimed at or uses minors in the message;
 - any advertising of gambling and betting in schools or other infrastructures intended to be frequented by minors;
 - advertising gambling and betting within 250 meters in a straight line from schools or other infrastructures intended to be frequented by minors.
 - In locations where events intended for minors are being held or in which they are taking part as the main participants, as well as in commercial communications and advertising of such events, there must be no reference, whether explicit or implicit, to gambling and betting.
- Online gambling operators cannot be associated, by any reference or marketing mention, to loans.

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Singapore



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

Gambling is strictly regulated in Singapore so as to maintain law and order as well as minimize potential harm to society.

In Singapore, gambling activities are mainly governed by the following statutes and their respective subsidiary legislations:

- Remote Gambling Act 2014 (the RGA) which regulates remote gambling and remote gambling services affecting Singapore.
- Betting Act 1960 (the BA) which regulates common betting houses, betting in public places and bookmaking.
- Common Gaming Houses Act 1961 (the CGHA) which regulates common gaming houses, public gaming and public lotteries.
- Private Lotteries Act 2011 (the PLA) which regulates private lotteries.
- Casino Control Act 2006 (the CCA) which regulates, among other things, the operations of casinos and gaming in casinos.

With regard to the advertisement of gambling

Advertising and the promoting of gambling activities are regulated under various laws, regulations and advisories in Singapore, including:

- **Remote Gambling Act 2014** – it is an offence under the RGA for a person to publish, or authorize the publication of, a remote gambling service advertisement in Singapore, and promote in Singapore, or by any conduct (inside or outside Singapore) authorize, the promotion in Singapore of, any remote gambling, unless exempted.
- **Betting Act 1960** – it is an offence under the BA for any person to advertise that a place is opened, kept or used as a common betting house or betting information center in Singapore or outside of Singapore, or in any other manner invite or solicit any person to commit a breach of any of the provisions of the BA.

The above prohibition on advertising does not apply to the Singapore Totalisator Board (the STB), any totalisator agency appointed by the STB and any agent appointed by the STB to operate or conduct any totalisator, lottery, betting or gaming activity. The STB is a statutory board under the purview of the Ministry of Finance of Singapore and holds the legal rights to operate horse racing and totalisators, lotteries (4D, TOTO and Singapore Sweep) as well as sports betting and horse betting in Singapore. The restrictions on advertisements in relation to totalisator, lottery, betting or gaming activity of the STB and its appointed agents are set out in the Singapore Totalisator Board (Advertisements) Regulations 2010, which include restrictions on the contents, timing, frequency, duration as well as manner of publication or distribution of gaming advertisements.

- **Common Gaming Houses Act 1961** – prohibits the announcement or publication, by oral or written means, that a place is a common gaming house, or in any other manner, that invites or solicits any person to commit a breach under the CGHA.
- **Private Lotteries Act 2011** – prohibits any person or society to promote any private lottery without a valid permit.
- **Casino Control Act 2006** – prohibits advertising or promotions relating to a casino except with the approval of the Authority and in accordance with the subsidiary regulations under the CCA.

The Casino Control (Advertising) Regulations 2010 sets out the regulations on casino advertising and promotions including, among other things, the prohibition against the publication or distribution of casino advertisements or carrying out of casino promotions (unless prior approval of the Authority has been obtained), permitted advertising and promotion, prohibited advertising as well as interviews and media releases.

- **Advertising Standards Authority of Singapore's Advisory on Gambling Advertisements and Promotions** – this advisory sets out the principles and guidelines on marketing communications that promote gambling, and in particular, it reiterates that marketing communications that promote gambling are not allowed unless approved by the relevant authority under the relevant gambling laws and regulations in Singapore.

Proposed changes to gambling laws in Singapore

It should be noted that the current gambling laws in Singapore will soon be amended to ensure that Singapore's laws and regulatory approach towards gambling keep pace with the evolving gambling landscape and remain effective.

On February 14, 2022, two draft laws, the Gambling Control Bill (the GC Bill) and the Gambling Regulatory Authority of Singapore Bill (the GRA Bill), were introduced for their first reading in the Singapore parliament. The draft laws seek to address the increased accessibility of gambling products and the blurred lines between gambling and gaming. If passed, the GC Bill and the GRA Bill will result in an overhaul and consolidation of the current regulatory regime for gambling in Singapore. Key changes will include:

- Under the GRA Bill, the Gambling Regulatory Authority of Singapore (the GRA) will be established as the sole regulator of the entire gambling landscape in Singapore. The Ministry of Home Affairs of Singapore (the MHA) aims to establish the GRA around mid-2022.
- The GC Bill will consolidate and replace the existing non-casino gambling laws, namely the BA, CGHA, PLA and RGA. The GC Bill will cover unlawful gambling offences and regulation of non-casino gambling. Some of the key changes introduced by the GC Bill include amending the definition of "gambling" to make it technology-neutral to cover existing and emerging gambling products, defining and exempting social gambling and introducing licensing for key gambling products and class licensing regimes for lower-risk gambling products (for example, mystery boxes sold by retailers).

In the MHA's press release on the "First Reading of Gambling Regulatory Authority of Singapore Bill and Gambling Control Bill" published on February 14, 2022, it was mentioned that the Casino Control (Amendment) Bill will be tabled at a later date to enhance GRA's effectiveness in regulating casinos and ensure the continued relevance of Singapore's casino regulations. It was also mentioned in the press release that details of the Casino Control (Amendment) Bill will be presented in due course.

On March 11, 2022, the GC Bill and the GRA Bill were read for a second time and passed by the Singapore Parliament. In this regard, certain provisions in the Gambling Control Act 2022 (the GCA) in relation to certain amendments of the PLA came into effect on June 1, 2022 and the rest of the provisions in the GCA are expected to come into effect on August 1, 2022.

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

In general, Singapore adopts a prohibitive stance towards gambling. Gambling activities are generally prohibited unless exempted or licensed. Accordingly, persons who wish to offer online gambling and betting activities are advised to carefully consider the regulatory and licensing regimes applicable to their activities.

We outline below certain exemptions and licenses available for online gambling and land-based gambling activities:

Online Gambling

REMOTE GAMBLING ACT 2014

It is an offence under the RGA for a person to provide a Singapore-based remote gambling service, whether or not the remote gambling service has a foreign-customer link or a Singapore-customer link. A person guilty of such offence could be fined between SGD20,000 to SGD500,000 and/or be imprisoned for up to seven years.

A Singapore-based remote gambling service is defined under the RGA as one where:

- the service is provided in the course of carrying on a business in Singapore;
- the central management and control of the service is in Singapore; or
- where the service is provided to customers using an internet carriage service, all or any of the relevant internet content is hosted in Singapore.

Under the RGA, a remote gambling service has a foreign customer link if none of the customers is physically present in Singapore, whether or not an individual who is physically present in Singapore is capable of becoming a customer of that service; and a remote gambling service has a Singapore customer link if any of the customers is physically present in Singapore.

Certificate of Exemption

Under the RGA, a person who provides a Singapore-based remote gambling service with a Singapore customer link may apply for a certificate of exemption, unless the gambling service falls within the exemptions in the Remote Gambling (Exempt Persons) Order 2015 (the RGEPO). The RGEPO exempts ad hoc lotteries (ie incidental lotteries, customer lotteries and non-commercial organization lotteries) conducted by the use of remote communication.

The certificate of exemption may be issued only if the Minister is satisfied that it is in the public interest to do so. In determining whether it is in the public interest to issue a certificate of exemption, the Minister may have regard to, and give such weight as the Minister considers appropriate to, all of the following matters:

- Whether the applicant is established, incorporated, registered or otherwise based in Singapore so as to aid the enforcement of any condition of the certificate of exemption, if issued.
- Whether any director or key officer of the applicant has been convicted of one or more offences in Singapore which, in the Minister's opinion, renders the director or key officer unsuitable to be a director or key officer of an exempt operator.
- Whether the applicant is a nonprofit entity that distributes the moneys forming part of its funds to public, social or charitable purposes in Singapore.
- Whether the applicant has a consistent track record of compliance with legal and regulatory requirements applicable to it, whether in relation to remote gambling or otherwise and whether in Singapore or elsewhere.

The Minister may take into account such other matters and evidence as may be relevant in determining whether it is in the public interest to issue a certificate of exemption. The Minister may impose such conditions as the Minister considers appropriate.

Each certificate of exemption is valid for such period as may be specified in the certificate and may be extended thereafter, with or without additional conditions, for such further periods as may be specified.

Ad hoc exemption

The Minister may, by order in the Gazette, exempt any person or class of persons from all or any provisions of the RGA, either generally or in a particular case and subject to such conditions as the Minister may impose.

Land-based gambling

BETTING ACT 1960

Broadly speaking, it is an offence under the BA to be involved or interested in common betting houses or betting information centers, and publishing information relating to any horse race or sporting event for illegal betting or wagering, subject to exemptions. Depending on the offence, criminal sanctions such as fines and/or imprisonment can apply.

Exemptions from the provisions of the BA may be obtained from the Minister. Such exemptions, if granted, may be subject to conditions. An exemption may be granted generally or in respect of a particular case.

Exemptions have been granted to the main gambling operators (ie the STB and Singapore Pools (a wholly-owned subsidiary of STB)) in Singapore in respect of public lotteries, horse racing and sports betting.

COMMON GAMING HOUSES ACT 1961

Broadly speaking, it is an offence under the CGHA for a person to be involved in or interested in a common gaming house or a public lottery, subject to exemptions. Depending on the offence, criminal sanctions such as fines and/or imprisonment can apply.

There are certain prescribed exemptions in respect of certain circumstances and organizations including:

- public lottery conducted by a business organization for the purposes of promoting the sale of any product or service
- public lottery promoted by certain organizations such as a charity or an institution of public character
- public lottery promoted as an incident of any fair, dance, dinner, sporting or athletic event or other entertainment of a similar character
- gaming conducted in any premises owned or used by a private body

Such prescribed exemptions are subject to certain conditions.

Separately, a person or organization may apply for an exemption from all or any of the provisions of the CGHA in respect of any public lottery or gaming conducted under the control or supervision of such person or organization. The Minister may grant an exemption subject to conditions. An exemption may be granted generally or in respect of a particular case.

PRIVATE LOTTERIES ACT 2011

• Private lottery permit

The PLA prohibits the promotion or conduct of any private lottery unless a permit has been obtained.

“Lottery” under the PLA means any game, method, scheme or device where money or money’s worth is distributed or allotted in any manner depending upon or to be determined by chance or lot. This applies whether the lottery is held, drawn, exercised or managed either in whole or in part in or outside Singapore.

“Private lottery” is defined under the PLA as a lottery in which tickets or chances are offered for sale only to members of a society which is established for purposes not connected with gaming, wagering or lotteries and such number of guests of each member as the Minister for Home Affairs may prescribe by regulations.

The permit may be granted either in respect of a particular private lottery or in respect of a series or a number of private lotteries to be promoted within such period of time as may be specified in the permit. The validity period of the permit will be for a period as specified in the permit.

In respect of a permit, the permit officer may impose any conditions relating to the promotion and conduct of a private lottery that they may think fit but must in all cases impose the following conditions:

- No profit is to accrue to any individual person from the conduct of the lottery.
- No commission either in money or money’s worth, including by way of free tickets or chances, is to be payable in respect of the sales of tickets or chances.

It is an offence under the PLA for a person to promote or conduct any private lottery without a valid permit. Depending on the offence, criminal sanctions such as fines and/or imprisonment can apply.

• Ad hoc exemption

The Minister may, by order and either generally or for any period specified in the order and subject to such conditions as may be stated in the order, exempt from all or any of the provisions of the PLA any social welfare society promoting a private lottery for purposes conducive to the welfare of the public or any class thereof.

CASINO CONTROL ACT 2006

• Casino License

Under the CCA, a person must not operate a casino without a valid casino license in force. A person who contravenes such prohibition is guilty of an offence and will be liable on conviction to a fine of up to SGD200,000, and in the case of a continuing offence, to a further fine of up to SGD20,000 for every day or part of a day during which the offence continues after conviction.

In addition to imposing on that person any other punishment for the offence of operating a casino without a casino license, the Singapore court is to order the payment by that person of a sum which is equal to that person’s gross gaming revenue for the period that the offence was committed, and any such payment ordered is recoverable as a fine.

At any particular time during the period ending on (and including) December 31, 2030, the CCA limits the number of casino licenses in force to two. As at the date of this guide, there are already two casino operators in Singapore which have been issued casino licenses, namely Marina Bay Sands Pte. Ltd. and Resorts World at Sentosa Pte. Ltd.

A casino license may be granted subject to such conditions as the Authority thinks fit. If an application is granted, the casino license is granted for a term, subject to the conditions and for the location specified in the license. The period for which the casino license is granted will be specified in the particular license.

• Ad hoc exemption

The Authority may, with the approval of the Minister, by order, exempt any person or premises or any class of persons or premises from all or any of the provisions of the CCA, subject to such terms or conditions as may be specified in the order.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Yes, people who wish to engage in remote gambling and land-based gambling activities may apply for the relevant licenses and exemptions, as outlined above.

However, there is a limit of two casino licenses that can be in force at any time during the period ending on (and including) December 31, 2030, as noted above. As at the date of this guide, there are already two casino licenses being granted to each of Marina Bay Sands Pte. Ltd. (MBS) and Resorts World at Sentosa Pte. Ltd. (RWS). MBS's casino license was renewed for three years with effect from April 26, 2022, and RWS's casino license was renewed for three years with effect from February 6, 2022.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

Depending on the nature and format of the online games, games which constitute "gambling" under the RGA will not be allowed, unless exempted. The RGA regulates gambling activities conducted via remote communications (for example, the internet). A person providing a Singapore-based remote gambling service with a Singapore-customer link may apply for a certificate of exemption as discussed above.

"Gambling" is defined under the RGA as betting, gaming and/or participating in a lottery, and "gaming" means playing a game of chance (this refers to games that involve both an element of chance and an element of skill or games that only involve an element of chance) for money or money's worth. In this regard, "money's worth" means anything recognized as equivalent to money and includes virtual credits, virtual coins, virtual tokens, virtual objects or any similar thing that is purchased within, or as part of, or in relation to, a game of chance.

In respect of the scope of the RGA, the Infocomm Media Development Authority of Singapore (the IMDA) had in its news release entitled "Remote Gambling Act: Clarifications on the Scope of Social Games" which was last updated on June 10, 2019, clarified that the RGA does not target games that do not allow players to convert in-game credits to money or real merchandise. However, the RGA will prohibit casino-style games which give players a chance to win money or real-world merchandise.

In addition, the IMDA also clarified that the RGA does not cover games that do not, as part of the game design, enable players to receive money or money's worth consequent to the outcome of that game. Therefore, the following types of games will not be covered by the RGA:

- Games which do not allow players to win, through an in-game facility, money or real-world merchandise which can be exchanged for money.
- Games which allow players to purchase or exchange game credits or tokens, but do not provide in-game facility to convert these game credits or tokens to money or real-world merchandise which can be exchanged for money.
- Games which allow players to purchase, gain or exchange game enhancement features, for example, weapons, skills, but do not provide in-game facility to convert these game enhancement features to money or real-world merchandise which can be exchanged for money.
- Games which rank players but do not provide in-game facility to convert these ranking positions to money or real-world merchandise which can be exchanged for money.

The IMDA also clarified that, as a general rule, the RGA does not prohibit mechanisms to reward players for their skill, provided that these are not within casino-style games or are not used as a means of facilitating syndicated criminal activity.

The guidelines above should be carefully considered as there is a fine line between what constitutes "gambling" under the RGA and what does not. Under the RGA, it is unlawful to provide remote gambling services. This prohibition applies to various persons involved in the remote gambling operations including persons providing Singapore-based remote gambling service; and persons outside of Singapore providing remote gambling services to customers physically present in Singapore. The consequences of getting the analysis wrong can result in criminal sanctions (for example, fines and imprisonment).

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. For a breach of gambling laws, criminal sanctions can apply that will vary depending on the type of offence committed.

See also “Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?” and “What online games are allowed (eg sports betting, casino, poker, bingo)?” above for more information on the penalties.

Are there any restrictions on online gambling and betting advertising?

Yes. See “What are the main applicable governing laws with regard to online gambling and betting?” for more information on the restrictions on advertising and promotion of gambling.

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Slovakia



What are the main applicable governing laws with regard to online gambling and betting?

With regard to online gambling and betting, the following legal regulations apply:

- Act No. 30/2019 Coll. on Gambling Games and on the Amendment to Certain Acts, as amended
- Decree of the Ministry of Finance of the Slovak Republic No. 142/2019 Coll.
- Decree of the Ministry of Finance of the Slovak Republic No. 60/2019 Coll.
- Decree of the Ministry of Finance of the Slovak Republic No. 134/2019 Coll.
- Decree of the Ministry of Finance of the Slovak Republic No. 437/2019 Coll.
- Decree of the Ministry of Finance of the Slovak Republic No. 445/2020 Coll.
- Decree of the Ministry of Finance of the Slovak Republic No. 446/2020 Coll.

With regard to advertising of online gambling and betting, the following legal regulations apply:

- Act No. 30/2019 Coll. on Gambling Games and on the Amendment to Certain Acts, as amended
- Act No. 147/2001 Coll. on Advertising and on the Amendments to Certain Acts, as amended

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Yes, offering online gambling and betting activities requires a local individual license from the Office for Regulation of Gambling (*Úrad pre reguláciu hazardných hier*).

Is it currently possible to apply for a license to offer online gambling and betting activities?

Yes, it is currently possible to apply for an individual license to offer online gambling and betting activities in accordance with the conditions set out mainly in Act No. 30/2019 Coll. on Gambling Games.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

Different types of online games are allowed, for instance sports betting, casino, bingo, online poker, roulette, card games or dice games.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes, offering online gambling and betting activities without a local license is prohibited. Fines up to EUR 500,000 and blocking of websites and payments can be imposed.

Are there any restrictions on online gambling and betting advertising?

Yes. It is mainly prohibited to promote a gambling game operated without a local license. A gambling game for which a local license has been granted can only be promoted in compliance with the terms and conditions for gambling game operation specified in the individual license, the approved game plan and the requirements set out in Act No. 30/2019 Coll. on Gambling Games.

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Slovenia



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

- Gambling Act (*Zakon o igrach na srečo*)
- Penal Code (contains provision regarding the organization of gambling without license or a concession) (*Kazenski zakonik*)
- Liability of Legal Persons for Criminal Offences Act (*Zakon o odgovornosti pravnih oseb za kazniva dejanja*)
- Rules on games of chance via the internet or other telecommunication means (*Pravilnik o prirejanju iger na srečo preko interneta oziroma drugih telekomunikacijskih sredstev*)

With regard to the advertisement of gambling

- Gambling Act (*Zakon o igrach na srečo*)
- The Consumer Protection Act (*Zakon o varstvu potrošnikov*)
- The Consumer Protection against Unfair Commercial Practices Act (*Zakon o varstvu potrošnikov pred nepoštenimi poslovnimi praksami*)

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Online gambling and betting activities can be offered only with a concession from the Slovenian government. According to the Gambling Act, the Republic of Slovenia has the exclusive right to organize games of chance on its territory (which also extends to online games of chance). Furthermore, pursuant to Article 3.a of the Gambling Act, games of chance on the internet or by other means of telecommunication can only be organized by legal entities that obtain a concession for the organization of classic gambling on a permanent basis or a concession to organize special gambling in casinos. The Gambling Act stipulates that for the organization of online games of chance, a concession for ongoing operation of classic games of chance is necessary.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Yes.

Licenses are available for card games and casinos. Licenses are not available for lotteries, sports and betting (monopoly).

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

Online lottery, online bingo, online sports betting, online casinos.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes.

Fines for providing unlicensed games can range from EUR30,000 to EUR250,000 for legal entities and from EUR1,500 to EUR10,000 for their representatives, ie directors. Fines for accepting or distributing gambling payments and/or advertising or performing other services related to the organization of games of chance for entities who do not hold the necessary permit or government license, can range from EUR7,500 to EUR52,500 for legal entities and from EUR5,000 to EUR10,000 for their representatives, ie directors. Further sub-categories for specific circumstances are defined in the applicable legislation. There are no sanctions for a customer participating in unlicensed games.

Are there any restrictions on online gambling and betting advertising?

In Slovenia, advertising of gambling providers who do not have a concession is prohibited. Furthermore, gambling providers that do have a concession must comply with all relevant legislation.

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South Korea



What are the main applicable governing laws with regard to online gambling and betting?

Anyone seeking to engage in the online gambling and betting business in Korea should be mindful that online gambling is subject to strict gambling laws. The following are some key governing laws with regard to online gambling and betting.

- Criminal Code
Articles 246 and 247
- Game Industry Promotion Act (GIPA)

GIPA regulates online gambling games as “speculative games.” The definition of a game being “speculative” in nature is somewhat broader than that of gambling. Essentially, “speculative games” are games from which players obtain economic benefit or suffer losses that are determined by chance. As a practical matter, the critical concept in this definition is whether winnings can be cashed out.

Major regulations under GIPA include: limitation of speculative activities within games; and refusal of rating, required for game service, for speculative games.

Servicing a game without receiving a rating or servicing a speculative game in violation of GIPA could result in takedown (Article 38) and punishment by imprisonment for up to five years or by a criminal fine of up to KRW50 million (Article 44).

- Act on Special Cases Concerning Regulation and Punishment of Speculative Acts (Speculative Acts Regulation Act)

Online gambling and betting that fall beyond the reach of GIPA may also be regulated by the Speculative Act Regulation Act. If a business services a certain game involving online gambling or betting, it would be deemed to be engaged in a “speculative business” under the Speculative Acts Regulation Act. Such business needs to obtain a speculative business license from the local police department under the Speculative Acts Regulation Act. Because gambling is essentially a crime under the Criminal Code, as noted above, speculative business licenses are very difficult to obtain.

- National Sports Promotion Act and Lottery and Lottery Fund Act

Sports betting and issuance of lottery tickets are separately regulated under different set of laws and regulations. Sports betting is regulated by the National Sports Promotion Act and is allowed only under a license to issue sports promotion lottery (Article 25). Lottery business is regulated by the Lottery and Lottery Fund Act and is allowed only under a license to issue lottery tickets (Article 4).

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Yes, it requires a license.

Under Articles 25 and 26 of GIPA, anyone wishing to operate a game-related business must obtain a license for game development business, game distribution business or game provision business, depending on the specific type of business. In addition, other general licenses could be required for online services, such as registration for e-commerce business and telecommunication business license.

Also, under Article 21 of GIPA, all PC, online, mobile, console, and arcade games to be distributed or serviced in Korea must receive a rating from the Game Rating and Administration Committee (GRAC). However, Article 22, Paragraph 2 of GIPA provides that GRAC may refuse to rate a game if it's deemed to be a speculative game.

In addition, if operating a game is deemed to be a speculative business under the Speculative Acts Regulation Act, a speculative business license needs to be obtained from the local police department.

Is it currently possible to apply for a license to offer online gambling and betting activities?

It's possible to apply, but the chance of obtaining a license is low to none.

If a game involving online gambling and betting activities includes a cash-out function, GRAC would refuse to rate the game as a speculative game, and it would not be possible to service the game in Korea. Even without the cash-out function, GRAC can still refuse to rate the game for its speculative nature. Therefore, whether it would be possible to receive GRAC's rating for an online gambling and betting game would need to be determined on a case-by-case basis by examining the actual content of the game.

The speculative business license, sports betting license, and lottery license are granted only under very strict conditions, including having certain facilities. The likelihood of obtaining them is very low, especially for foreign businesses.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

The type of gambling games that are eligible for rating, according to past rating practices of GRAC, is limited to poker, go-stop (a Korean card game), and sports betting games. Other gambling games, such as blackjack, roulette, and slots, are typically not rated and cannot be serviced, unless they can be played fully free of charge.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes.

Article 246 of the Criminal Code states that any person who engages in gambling activity will be punishable by a criminal fine of up to KRW10 million, and habitual gambling will be punishable by imprisonment for up to three years or a criminal fine of up to KRW20 million.

Article 247 provides that any person who establishes a gambling facility for profit (eg casino) is subject to imprisonment for up to five years or a criminal fine of up to KRW30 million.

To be clear, Article 246 applies to the individual gamblers, while Article 247 applies to the gambling facility operator.

Notwithstanding the general prohibition of gambling in the Criminal Code, offering online gambling and betting activities with a special business license such as a speculative business license, a sports betting license, or a lottery license, as explained above, will not be subject to the above provisions of the Criminal Code to the extent of the relevant business operation.

In the case of offering online gambling and betting activities without any of the aforementioned special business licenses such as a speculative business license, a sports betting license, or a lottery license, however, the general ban on gambling under the Criminal Code would still apply as GIPA requires GRAC to refuse rating of games punishable under the Criminal Code and other laws, and games that would constitute “gambling” under the Criminal Code are explicitly prohibited as “speculative games.” Therefore, unless a business has obtained any of the above special business licenses, servicing games that would constitute “gambling” under the Criminal Code would lead to criminal liability even with the requisite license under GIPA.

Are there any restrictions on online gambling and betting advertising?

There's no specific statutory provision targeting advertisements for online gambling or betting. However, as a general limitation on advertising, if a game or a specific expression in an advertisement were to be determined by the Commission on Youth Protection or any other competent authority as “media product harmful to youth,” the Youth Protection Act restricts broadcasting hours and online and offline placement of such advertisements.

Also, because gambling is subject to strict regulations in Korea, advertising, marketing and customer solicitation activities conducted in Korea with regard to online gambling and betting that are found to be illegal are highly likely to constitute “aiding and abetting of illegal gambling by individuals,” a criminal offense under the Criminal Code.

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Spain



What are the main applicable governing laws with regard to online gambling and betting?

With regard to online gambling and betting licensing regime

- Act no. 13/2011, dated May 26, on gaming activities
- Royal Decree no. 1613/2011 dated November 14, establishing technical requirements for gaming activities (Royal Decree 1613/2011)
- Royal Decree no. 1614/2011, dated November 14, developing the regulatory regime set forth by the Gaming Act (Royal Decree 1614/2011)
- Ministerial Order no. HAP/1995/2014, dated October 29, approving the terms and conditions governing the call for general licenses for the operation of gaming activities under the Gaming Act
- Ministerial Order no. EHAB/3080/2011 of 8 November, approving the basic regulations of fixed odds sports betting
- Ministerial Order no. EHA/3081/2011 of 8 November, approving the basic regulations of mutual sports betting
- Ministerial Order no. EHA/3079/2011 of 8 November, approving the basic regulations of other fixed odds betting
- Ministerial Order no. EHA/3082/2011 of 8 November, approving the basic regulations of fixed odds horse race betting
- Ministerial Order no. EHA/3083/2011 of 8 November, approving the basic regulations of mutual horse race betting
- Ministerial Order no. EHA/3085/2011 of 8 November, approving the basic regulations of the game of roulette
- Ministerial Order no. EHA/3086/2011 of 8 November, approving the basic regulations of the game of baccarat
- Ministerial Order no. EHA/3088/2011 of 8 November, approving the basic regulations of the game of blackjack
- Ministerial Order no. EHA/3089/2011 of 8 November, approving the basic regulations of the game of poker
- Ministerial Order no. EHA/3087/2011 of 8 November, approving the basic regulations of the game of bingo

- Ministerial Order no. EHA/3090/2011, dated November 8, approving the basic regulations of the game of supplementary games
- Ministerial Order no. EHA/308/2011, dated November 8, approving the basic regulations of contests
- Ministerial Order no. HAP/584/2013, dated April 2, creating the electronic sites of the Spanish Tax Ministry for processing administrative procedures and formalities (by means of this Ministerial Order the electronic site of the DGOJ was created)
- Ministerial Order no. HAP/1369/2014 of July 25, approving the basic regulations of export betting
- Ministerial Order no. HAP/1370/2014 of July 25, approving the basic regulations of the game of slots
- Decision, dated November 16, 2011, defining the technical specifications to be met by the technical gaming systems of the licensed operators
- Decision, dated July 12, 2012, approving the regulation developing Articles 26 and 27 of Royal Decree no. 1613/2011 regarding the identification of players and the supervision of subjective prohibitions on participation in gaming activities.
- Decision, dated July 12, 2012, approving the regulation establishing the format and content of the final certification report on the technical systems of gambling operators and developing the procedure for change management
- Decision, dated November 16, 2011, approving the requirements to be fulfilled by the operational plan to be filed in connection with any general license application.

With regard to the advertisement of gambling

- Royal Decree 958/2020 dated November 3, on commercial communications of gambling activities

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Online gambling and betting activities can be offered only with a license from the Spanish gambling authority, the General Directorate for Gambling Affairs (DGOJ).

Is it currently possible to apply for a license to offer online gambling and betting activities?

To become an authorized “remote” gambling and betting operator, a license must be obtained from DGOJ.

It is only possible to obtain a license following participation in a tender procedure and the fulfillment of a number of requirements set forth by the relevant procedure.

Tenders are launched with timings that are not consistent, to date tenders have been launched in 2011, 2014 and 2017.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

The offering of the following online games and betting products is allowed insofar as offered by a licensed operator:

- fixed-odds sports betting
- mutual sports betting
- other fixed-odds betting (social bets)
- exchange betting
- fixed-odds horse racing betting
- mutual horse race betting
- contests
- roulette
- baccarat
- blackjack
- complementary games
- slots
- poker
- bingo

The offering of lotteries has been expressly reserved for certain operators named in the Gaming Act, which are *Organización Nacional de Ciegos Españoles* (ONCE) and *Sociedad Estatal Loterías y Apuestas del Estado* (SELAE).

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. For a breach of gambling laws, administrative sanctions can apply that vary depending on the type of breach (including a written warning, a fine of up to EUR50 million, as well as the revocation of the corresponding licenses and the impossibility to obtain licenses in the future).

Are there any restrictions on online gambling and betting advertising?

Yes, Royal Decree 958/2020 dated November 3, on commercial communications of gambling activities imposes severe restrictions to the advertising of online gambling and betting activities.

In particular, according to the abovementioned regulation only those operators (i) with a prior and express authorization from the DGOJ to make commercial communications (included in the corresponding gambling licenses), and (ii) that are effectively operating gambling activities in Spain, will be entitled to advertise gambling activities. Further to this, strict restrictions are imposed regarding advertising to minors and vulnerable players, the use of persons with public relevance, the times when those advertisings can be published/broadcasted as well as on the content of said communications.

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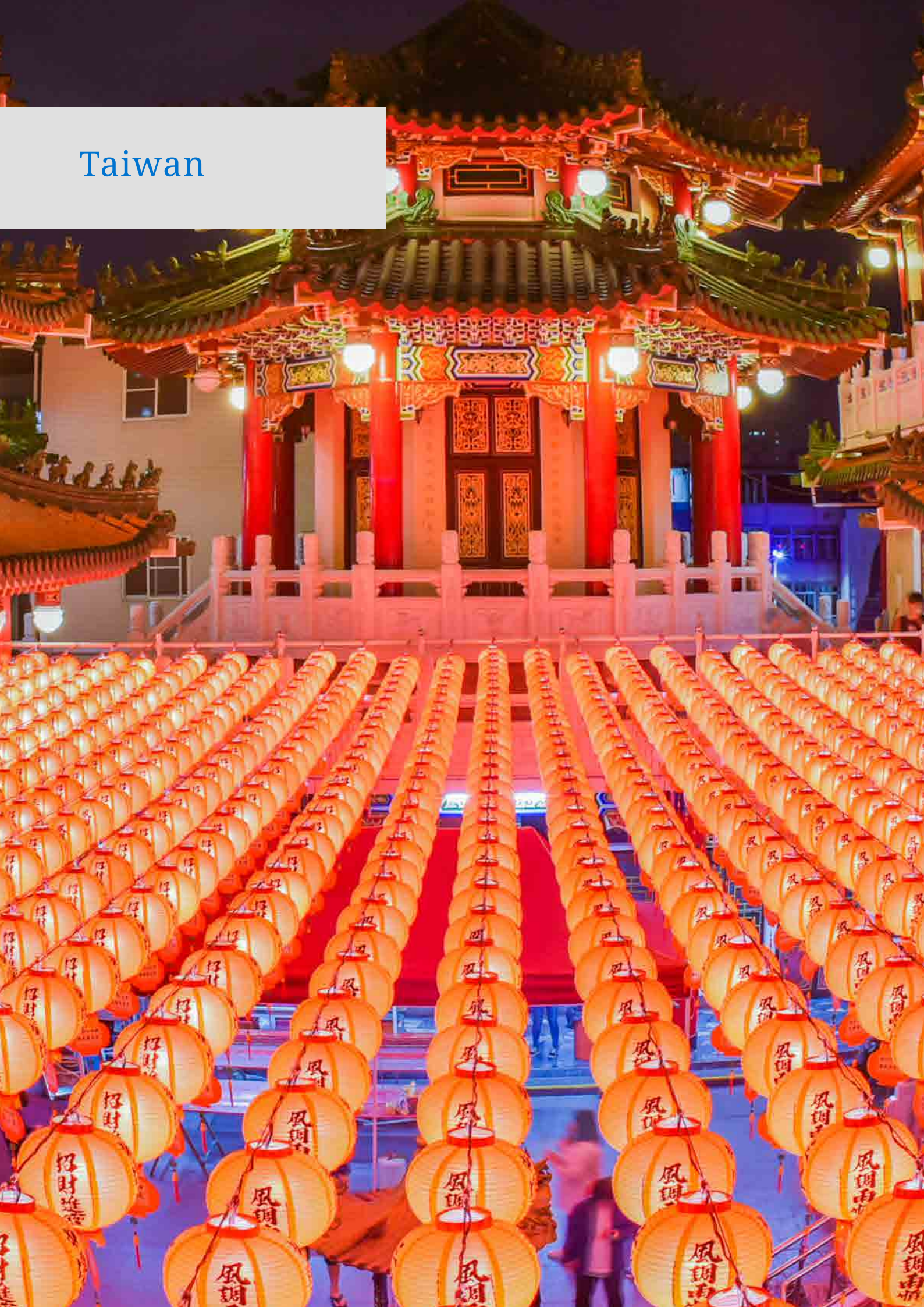


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Taiwan



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

- Article 84 of the Social Order Maintenance Act
- Article 266 of the Taiwan Criminal Code Article 268 of the Taiwan Criminal Code.

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Online gambling is prohibited in Taiwan. Therefore, there is no regulated license system available.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Online gambling is prohibited in Taiwan. Therefore, there is no regulated license system available.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

If online games are involved with gambling, such as sports betting, casino, poker, bingo, they are also prohibited by Article 266 Paragraph 2 of the Taiwan Criminal Code. However, if the chip or tokens used for the games/betting cannot be converted into or exchanged for cash or any object with monetary value, such online game will not be defined as prohibited gambling.

Are there penalties and fines for offering online gambling and betting activities without a local license?

According to Article 268 Paragraph 2 of the Taiwan Criminal Code, offering online gambling will result in imprisonment for not more than three years; in addition, a fine of not more than TWD90,000 may be imposed.

Are there any restrictions on online gambling and betting advertising?

The online advertisement of gambling and betting is not expressly prohibited by statutes in Taiwan. However, since the purpose of the advertisement is to solicit, promote or abet another person to commit gambling, it is likely deemed as accomplice and subject to the same penalty as a person who violates Article 266 or 268 of the Taiwan Criminal Code.

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Turkey



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

- Article 228, The Turkish Penal Code Law No. 5237
- Article 34, The Misdemeanor Law No. 5236
- Regulation on Granting Games of Chance License, Regulating and Supervising Activities Subject to License
- Law on Regulating Betting and Games of Chance in Football and Other Sports Competitions No. 7258
- Law on Horse Racing No. 6132
- Regulation on Games of Chance Played in the Virtual Environment
- Article 8, Law on Regulation of Broadcasts via Internet and Prevention of Crimes Committed through Such Broadcasts with No. 5651

With regard to the advertisement of gambling

- Article 27, Regulation on Commercial Advertisement and Unfair Commercial Practices

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Gambling is defined as “a game played with the aim of earning money, where the profit and loss depends on chance” under the Turkish Penal Code and it is regulated as a catalog crime under crimes against public morality. Any act that falls within the definition of gambling and providing an environment and opportunity for gambling, whether online or not, is strictly forbidden in Turkey.

Other than the above, there are two types of activities that are separately regulated under Turkish legislation:

- Games of Chance (games played for a cash prize such as lottery, numeric games and instant-win games)
- Sports Betting and Horse Race Betting

To obtain a license to operate said activities, participation in a tender procedure is required and the public operator must fulfill a number of conditions and requirements set forth by the relevant procedure.

In addition, all dealers, to offer games of chance, sports betting and horse race betting on land-based, online, interactive or electronic platforms must be issued with a permit. Real persons and legal entities can apply for a dealership permit if they meet the eligibility criteria.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Currently, the operation of games of chance and horse race betting in Turkey is licensed to the Türkiye Varlık Fonu (Turkey Wealth Fund) for 49 years.

Starting from 2020, for 10 years, Sisal Şans is exclusively authorized to operate games of chance and issue permits to dealers.

Starting from 2018, for 49 years, Türkiye Jokey Kulübü (Turkish Jockey Club) is exclusively authorized to operate horse race betting and issue permits to dealers.

Spor Toto Teşkilat Başkanlığı (Spor Toto Association) is exclusively authorized to operate sports betting and issue permits to dealers.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

Social games (defined as games based on skill and luck, played with game tools and equipment, against a cashier or on gaming machines) are not allowed to be operated, advertised or promoted online via computer, internet, interactive TV and mobile phones.

Games that do not fall under the legal definition of social games and gambling are allowed.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. Providing an environment or opportunity for gambling and offering betting without a license will result in criminal sanctions. Using information systems increases the penalties.

Additionally, if content on the internet involves “providing an environment and opportunity for gambling,” either the content will be removed or access to the website will be blocked.

Are there any restrictions on online gambling and betting advertising?

Yes. Illegal betting and gambling activities cannot be the subject of an advertisement.

Nevertheless, if an entity obtains a license to offer online betting activities, the entity is allowed to advertise their activities with restrictions such as the promotion of addictive behavior or advertising to children or at-risk groups.

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United Arab Emirates



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

From a business licensing standpoint, under current regulations, it's not possible to obtain a license in the UAE (either onshore or in any of the free-zones) for gambling related activities.

Broadly speaking, gambling is prohibited in the UAE. The core prohibition is set out under Articles 460-463 of Federal Decree-Law No. 31/2021 On the Issuance of the Crimes and Penalties Law (Penal Code).

Partaking in a gambling game (defined as “those in which each party, if losing a game, agrees to pay to the winning party, a sum of money or another thing agreed upon” and interpreted broadly to cover all forms of gambling) carries a potential jail sentence of two years or a fine of up to AED50,000 (USD14,000).

The Penal Code also imposes a prohibition on opening or managing a “gambling place” or “gambling game in a public place or open to the public or in any place or house.” This offence carries a potential jail sentence of ten years, or a fine of up to AED100,000 (USD27,000).

In each case, the local authorities have the power to seize all “money” (presumably money connected with the gambling activities) and associated “tools,” as well as having the power to order the closure of the infringing establishment.

With respect to online gambling, Article 38 of Federal Decree-Law No. 34/2021 Concerning the Fight Against Rumors and Cybercrime (Cybercrime Law) imposes penalties on: “Everyone who creates, manages or supervises a website or transmits, sends, publishes, re-publishes or propagates through the information network the practice of gambling activities, in other than the permitted cases.” An official Emirates Lotto was launched in recent years (see <https://www.mahzooz.ae/en>) and the inclusion of the words “other than the permitted cases” suggests some flexibility and potential change in the future, though as of today the fairly broad and strict prohibition remains.

The offence under Article 38 of the Cybercrime Law carries a potential fine of AED250,000 (USD70,000) to AED500,000 (USD140,000).

There have been rumors in recent years that the authorities in the UAE may be about to issue licenses for gambling related activities, though these have been rejected regularly by the official Dubai Media Office, most recently in April 2021. Given both the updated Penal Code and Cybercrime Law prohibitions, and the fact that both laws came into force on January 2, 2022, the strict prohibition of gambling in the UAE appears to remain.

With regard to the advertisement of gambling

Content regulations are stringent in the UAE and there are specific restrictions that apply to the content of advertisements, both online and offline (ie print, billboards, vehicles).

There are a number of express prohibitions on publication and promotion of gambling activities, including by virtue of the Telecommunications and Digital and Governmental Regulatory Authority's (TDRA) Internet Access Management Policy.

The Internet Access Management Policy sets out [19 prohibited content categories](#), including gambling, and the TDRA (with the support of local ISPs) is extremely active in blocking websites which are in breach of the Internet Access Management Policy.

In addition to express restrictions, there are a number of laws and regulations that include a number of broad, catch-all prohibitions on publishing content (including advertisements), which would be “contrary to public morals” (a broad concept that would cover gambling activities) in the UAE, or which “encourage illegal activity” (or similar – again, broad enough to capture gambling).

The primary media content regulator in the UAE is the Media Regulatory Office at the Ministry of Culture, Youth and Sport (which recently replaced the National Media Council (NMC)).

At a federal level, the key laws, regulations and guidance documents which contain the restrictions set out above are:

- NMC Advertising Guide
- Administrative Decision No. 35/2012 On the Standards of Advertisements Content in the Media
- Federal Law 15 of 1980 on Printed Matter and Publications (Press and Publications Law)

- Cabinet Decision No. 23/2017 On Media Content (Media Content Decision)
- NMC Board's Resolution No. (26) of 2017 on Media Content (NMC Media Content Decision)

While UAE-based entities may face direct consequences (primarily fines, an order to remove the infringing advertisement, suspension/closure of the business or, in the case of the Press and Publications Law, potential imprisonment) as a result of advertising gambling activities, for non-UAE entities publishing online advertisements relating to gambling activities, the most likely consequence is that such platforms would be blocked by the TDRA (with the support of the local ISPs), as set out above.

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

As explained above, online gambling and betting activities are contrary to UAE law and would not be licensable.

Many websites (including those operated by non-UAE entities) that are in breach of the gambling prohibition are blocked from being accessed in the UAE by the TDRA (with the support of the local ISPs), pursuant to the TDRA's Internet Access Management Policy.

Is it currently possible to apply for a license to offer online gambling and betting activities?

No.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

None if they could be considered gambling. As explained above, any form of online gambling would be prohibited. Social gaming is broadly available in the UAE via both Google Play and Apple App Stores, provided the games in question cannot be considered gambling, noting the broad definition afforded to this phrase.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Offering online gambling activities in the UAE is prohibited, as explained above. The applicable penalties are for breaching the prohibitions, as opposed to not obtaining a license (which is not possible for gambling activities).

Practically speaking, for non-UAE entities the most likely consequence of making online gambling activities available to individuals in the UAE is that the site or platform would be blocked by the TDRA.

The most conservative approach international providers could take would be to geoblock access to their platforms from the UAE; however, at a minimum it is recommended not to directly target the UAE market with online gambling services. Targeting could include providing UAE-specific content on the platform or clearly directing marketing materials at the UAE market (by, for example, having an .ae domain name, having text in Arabic, and listing any prices in AED).

Are there any restrictions on online gambling and betting advertising?

Such activities are prohibited under UAE law, as explained above.

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United Kingdom



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the gambling and betting licensing regime

The current legislation, the Gambling Act 2005, distinguishes between three main types of “gambling”: gaming, betting and participating in a lottery. For example:

- Gambling Act 2005 s6 – Gaming
- Gambling Act 2005 s9 – Betting
- Gambling Act 2005 s10 – Spread Betting
- Gambling Act 2005 s11– Betting: Prize Competitions
- Gambling Act 2005 s12 – Pool Betting
- Gambling Act 2005 s13 – Betting Intermediary
- Gambling Act 2005 s14 – Lottery
- Gambling Act 2005 s16 –18 – Cross–category activities.

There are also provisions in respect of gambling software used in remote gambling.

The Gambling Act largely applies to Great Britain (England, Wales and Scotland) only, separate more restrictive rules apply in Northern Ireland (where rules in relation to sales promotions have recently been relaxed).

The Gambling Act provides that a “Prize Competition” (ie participating in an arrangement under which a person may win a prize) is not gambling if it doesn’t fall within the legal definition of Gaming (s6), a lottery (s14) and betting (s9-11).

The Gambling Act also provides that the UK government has the power to provide that a particular activity is to be treated as a sport and outside the definition of Gaming under the Gambling Act. No such designation has been made in respect of esports offered online.

The Gambling Act sets out the statutory basis for the national regulator and licensing authority for gambling: the Gambling Commission. It also has detailed provisions for the licensing regime implemented by the

Gambling Commission and the offences committed in respect of unlicensed or other unlawful gambling activity (see below).

The Gambling Commission applies its Licence Conditions and Codes of Practice to the operating licenses it issues to gambling businesses and certain key personnel who operate them.

Additional standards are established by the industry body The Betting and Gaming Council.

Additional secondary legislation implements elements of the overall regime established by the Gambling Act. Provisions in respect of gambling duty and the taxation of gambling are set out in separate legislation. The National Lottery is also regulated under separate law.

With regard to the advertisement of gambling (in addition to the Gambling Act):

- The Licence Conditions and Codes of Practice (LCCP)
- Betting and Gaming Council Codes of Conduct
- UK Code of Non–broadcast Advertising and Direct and Promotional Marketing (CAP Code)
- UK Code of Broadcast Advertising (BCAP Code)
- Consumer Protection from Unfair Trading Regulations 2008

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

In 2014 the Gambling Act was amended such that operators of online gambling facilities who operate in the UK or who target/advertise to consumers in Great Britain require a local operating license (and must pay local gambling duty).

Is it currently possible to apply for a license to offer online gambling and betting activities?

Remote operating licenses in respect of different forms of remote gambling activity (outside of the National Lottery), including the provision of gambling software, may be applied for from the Gambling Commission.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

Remote gambling is generally permitted provided the operator has been issued with an appropriate operating license from the Gambling Commission.

There are remote operating licenses available for each type of gambling activity, including:

- Remote Betting License (real or virtual): Allows operators to provide online facilities for, and to host, real or virtual events (ie races, competitions or other events or processes) and pool betting.
- A Remote Casino Operating License: Allows operators to offer casino games to customers online (ie poker, roulette, blackjack, slot games).
- Remote Bingo operating License: Allows online bingo games.
- Remote Society Lottery License: Allows operators to run society lotteries (ie lotteries run for good causes and not for private or commercial gain).

No license or permission is required to run a "Prize Competition" (ie a free draw or competition) online as long as they are being run in a way that meets the requirements of the Gambling Act 2005 s 339/Schedule 1.

Are there penalties and fines for offering online gambling and betting activities without a local license?

The sanctions regime is set out in the Gambling Act 2005 s33-36. A person commits a criminal offence if they provide facilities for gambling without a license authorizing the activity (unless there is a specific exception).

A person found guilty of this offence is liable on summary conviction with a maximum penalty on conviction to imprisonment for a term not exceeding 51 weeks for England and Wales (or 6 months in Scotland), a fine not exceeding level 5 on the standard scale (currently GBP5,000), or both.

Are there any restrictions on online gambling and betting advertising?

In addition to the Gambling Act regime above, the UK consumer regulators, the CMA, at a national/market level, and Trading Standards, often enforcing at a local level, could take action under the Consumer Protection from Unfair Trading Regulations 2008 and the advertising regulator, the ASA, could take action under its codes.

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The UK government is currently conducting a review of the Gambling Act to "ensure gambling regulation is fit for the digital age." Recommendations for reform are expected in 2022.

United States



What are the main applicable governing laws with regard to online gambling and betting?

With regard to the online gambling and betting licensing regime (different from retail or bricks-and-mortar gambling):

The activity known as “internet or online gambling” is subject to federal, state, and in some cases, local laws. The following federal laws are among the more directly applicable to online gambling: the “Travel Act,” 18 U.S.C. § 1952; the “Wire Act,” 18 U.S.C. § 1084; the Interstate Transportation of Wagering Paraphernalia Act (the “Paraphernalia Act”), 18 U.S.C. § 1953; the Illegal Gambling Business Act (“IGBA”), 18 U.S.C. § 1955; the Professional and Amateur Sports Protection Act (“PASPA”), 28 U.S.C. § 3701; the Racketeer Influenced and Corrupt Organizations (“RICO”) Act, 18 U.S.C. §§ 1961-68; 6); the Gambling Devices Act (the “Johnson Act”), 15 U.S.C. § 1171 *et. seq.*; and, of course, the Unlawful Internet Gambling Enforcement Act of 2006 (“UIGEA”). A little more about three of the applicable federal statutes is as follows:

- UIGEA is a federal criminal statute that prohibits unlawful Internet gambling of all types on an interstate basis.
- The Wire Act is another federal criminal statute that prohibits the interstate and foreign transmission of sports wagers, as well as information assisting in the placing of sports wagers, using wire communication facilities.
- The Travel Act makes it a crime to travel or use any facility in interstate or foreign commerce to carry on unlawful gambling enterprises in violation of the laws of the US, or in violation of the laws of the state(s) in which they are committed.

Of note, federal law “preempts” state law in only a limited number of circumstances, especially those where the subject matter involves interstate commerce (e.g., the Wire Act, Anti-Lottery Law,¹ and the Travel Act, to name three). However, in most other instances and especially concerning intra-state activities, federal law complements existing state gambling laws or demands a predicate offense under state law, as gambling and lottery polices are matters typically reserved for the states in accordance with elemental notions of federalism and the inherent police powers afforded to states under the Tenth Amendment to the U.S. Constitution (*i.e.*, if the activity proscribed by UIGEA is illegal in a particular state, this statute may add a layer of criminal liability at the federal level).

Various state laws (with several states having passed laws within the last decade specifically permitting and regulating online gambling on an intrastate basis as well as a few states specifically prohibiting online gambling). Apart from the federal laws to consider, each of the 50 states has legislated its own independent definition of “gambling” and has selectively legalized and regulated its many forms, thereby creating a patch-work quilt of gambling policies, enforcement, and oversight. Specific attention must be had to each state’s specific gambling laws in detail before launching any online gambling product in the United States.

With regard to the advertisement of gambling:

The Federal Trade Commission Act (5 U.S.C. §§ 41-58) prohibits “unfair” and “deceptive” acts and practices.

The Federal Trade Commission Guides Concerning the Use of Endorsements and Testimonials in Advertising, 16 CFR Part 255.

Does offering online gambling and betting activities require a license from the local authorities, or can they be offered freely?

Online gambling and betting activities can be offered only on an intrastate basis with a license from each specific state gaming authority, and only in states that legally permit online wagering within that state’s geographical boundaries.

It is important to note that, to obtain gaming licenses in each state, highly intrusive disclosures and compliance measures are required from all persons and entities associated with the applicant for the license, including the applicant’s ultimate beneficial owners, officers, directors and upper-level management/ supervisory employees.

State gaming regulatory authorities are empowered to impose greater, additional, or specific disclosure and compliance obligations as they deem appropriate consistent with their respective statutory authority.

Is it currently possible to apply for a license to offer online gambling and betting activities?

Yes, but only on an intrastate basis and only in those states that legally permit online sports wagering and/or online casino games within that state's geographical boundaries.

Generally speaking, legalized forms of gambling vary from state to state. Depending on the jurisdiction, gambling offerings may include: state-conducted lotteries (retail and i-lottery), brick-and-mortar casinos, retail and online sports wagering, daily fantasy sports, horse racing tracks, off-track betting parlors, video-lottery parlors, card rooms, instant racing machines, and intra-state online gaming, to name a few. Some states permit all forms of gambling and lottery; while others permit only limited forms of gambling.

What online games are allowed (e.g. sports betting, casino, poker, bingo)?

The scope and types of online wagering permitted varies on a state-by-state basis. For example, in New Jersey, Pennsylvania, Michigan and West Virginia, online sports wagering, casino games and poker are all permitted. However, in states such as Tennessee, Indiana, Arizona and Wyoming, online sports wagering only is permitted.

Are there penalties and fines for offering online gambling and betting activities without a local license?

Yes. For a breach of gambling laws, substantial civil and/or criminal fines and penalties can apply that vary depending on the type, duration and severity of the breach.

Further, failure to apply for or obtain licensure may result in the placement of an entity on a prohibited list, the consequence being casino licensees, related facilities, and each of their affiliates or subsidiaries, may be prohibited from conducting direct or indirect business with such entity. Automatic divestiture of a disqualified license applicant is also a possibility.

Are there any restrictions on online gambling and betting advertising?

Yes. Each state imposes its own specific requirements and restrictions on online gambling and betting advertising within each state's borders, whether such advertising is transmitted via print, television, radio, or internet media.

On a federal level, Federal Communications Commission rules limit the type and amount of commercial advertising that can be aired in children's television programming. Also, the Children's Online Privacy Protection Act of 1998 (15 U.S.C. §§ 6501-6505) and the Children's Online Privacy Protection Rule (15 CFR Part 312) impose certain requirements on operators of websites or online services directed to children under 13 years of age, including the collection of personal information online from a child under 13 years of age.

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