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Law . Tax

Delivering for you  
in gambling



# Delivering for you in gambling

The gambling industry is constantly in a state of change. While regulatory liberalisation is creating new opportunities in some jurisdictions, tightening legislation is closing down avenues in others. Our deep knowledge of the sector allows us to advise our clients on how to recognise, protect and optimise their opportunities within this shifting landscape.

Our gambling practice comprises lawyers drawn from across the firm, including our Commercial & Regulatory, Corporate, Tax, Dispute Resolution, Financial Services, EU & Competition and Intellectual Property practices and our expertise extends to all gambling products including betting, gaming, lotteries, prize competitions and promotions, both remote and land-based.

## Well connected

Through our work for gambling operators and other organisations involved in the gambling industry, we have built up a wide network of industry connections, including at the DCMS, the UK Gambling Commission and with regulators in other jurisdictions.

## Global offering

Clients benefit from our experts in more than 35 countries. This, along with long-standing relationships with local counsel in other jurisdictions, means that we are well placed to offer advice as new licensing regimes are introduced, legislation changes or on cross-border M&A. We can advise on the best jurisdiction for a client from both a regulatory and tax perspective. Whether a client wants to establish a new company, obtain a licence or needs market leading gambling tax advice, we provide a one-stop service.

“We are thrilled to announce this significant deal, which has the potential to transform the online gaming market and deliver real growth for the combined business. We are grateful to the entire CMS team for their invaluable support in delivering this particularly complex transaction. The team guided us seamlessly through the various challenges, providing timely and strategic advice across multiple work streams, maintaining a good sense of humour throughout.

*Noel Hayden,  
Executive Chairman and Founder of Gamesys,  
June 2019*

## Key expertise

As well as years of experience in advising on gambling products, we have market leading financial services expertise which underpins our advice on payments issues and anti-money laundering.

“The team at CMS ‘always sets a high standard’; ‘it’s very hard to find another law firm that really puts the client first in all respects’.

*Legal 500, 2018*

“Offers a full range of assistance to leading names in the gambling industry. Regularly counsels on high-value transactions, offering multi-jurisdictional reviews of regulatory and gambling law restrictions.

*Chambers and Partners, 2019*

“Communication-wise, they’re super responsive. I think that CMS has the edge on client care and getting the issue quickly. They don’t have to be brought up to speed for hours. CMS just jumps in there.

*Chambers and Partners, 2019*



**Tier 1 for Gaming  
and Betting.**  
*Legal 500, 2019*

# How we can help you



## **Commercial**

Our commercial lawyers negotiate contracts from every perspective within the industry. Our experience includes advising on 'white label' or 'skin' arrangements, affiliate deals, hosting and cloud services agreements, linking agreements, carriage deals, brand licensing arrangements, games supply and software licences and payment processing agreements. We also advise a number of clients on the terms and conditions for their consumer websites, ensuring that they comply with gambling, data protection and consumer protection regulations.

## **Gambling Duties and Tax**

We are unique in the UK legal market in that we have a gambling taxes group, made up of tax advisers who have a specific focus on the gambling industry. Our work with both traditional and online gambling operators and proprietary gambling operations covers all of the UK's seven different gambling duties, VAT in a gambling context and all other, more generic, UK taxes. We regularly assist clients in structuring their operations including advising on where and how to set up their overseas subsidiaries and have successfully represented clients in dispute with HMRC on gambling tax issues.

## **Dispute Resolution**

We have considerable experience in litigating complex commercial disputes involving companies in the gambling sector in all the major courts and tribunals. This includes advising on judicial review proceedings and other public and regulatory disputes. We also have significant experience in all forms of alternative dispute resolution, having acted in major gambling disputes in the UK, Gibraltar and the BVI.

## **Corporate**

Our full service Corporate group is able to assist clients with any corporate outcome that they might be seeking to achieve, be that fundraising, listing on a public market, public or private corporate acquisitions or disposals, joint ventures, internal re-organisations, tax planning and structuring or employee incentive arrangements.

## **Data Protection and GDPR**

We regularly advise operators as to their obligations in respect of data protection law and privacy issues. This has included successfully defending clients against joint investigations by the ICO and Gambling Commission in respect of their use of data in their marketing practices. We have also undertaken a number of GDPR audits, data breach responses and compliance projects for our gambling clients.

## **Regulatory**

We have extensive experience of advising on the full range of regulations that apply to our gambling clients (including gambling regulations, licence conditions, advertising codes of practice, data protection, consumer protection and regulatory investigations and enforcement). We have successfully represented clients in relation to investigations by the Gambling Commission, Competition and Markets Authority, Advertising Standards Authority and Information Commissioner's Office. Our gambling clients rely on us for commercial and practical advice in relation to new product and website launches, marketing clearance advice and responding to the ever-changing regulatory requirements.

## **Anti-Money Laundering**

We advise on anti-money laundering (AML) compliance on a regular basis, dealing with day-to-day reporting obligations and strategic advice as to operators' policies.

# Highlights of our recent experience

- **32 Red plc** – on its GBP 176.5m recommended takeover by Kindred Group plc.
- **888** – on its successful application for a GB gambling licence and a range of regulatory, commercial, tax, employment and litigation matters.
- **Betfred** – on a platform software licence with bwin.party for Betfred and the Totes's entire online offering, including online pool betting, numbers betting, sports book, and casino, bingo and poker services.
- **Blackstone and CVC** – on regulatory advice in the context of its successful bid for Paysafe Group plc.
- **Gamesys** – on the sale of its JackpotJoy and other brands to Intertain for an initial payment of GBP 425.8m. We also advised on its online gaming partnership with the New Jersey casino Tropicana, acquisition of Virgin Games and acquisition of Livescore, a global sports media publisher.
- **Gamesys** – on its c.GBP 490m sale to JPJ Group plc and pre-sale carve out of its sports betting and games content business.
- **Gibraltar Betting and Gaming Association** – in relation to the UK Government's reform of the taxation of remote gambling services. We also advised on its legal challenge to the introduction of place of consumption licensing and regulation in Britain.
- **GVC** – on regulatory advice in the context of GVC's bid for bwin.party Digital Entertainment Plc, as well as providing support during the due diligence process running-up to the successful bid made by GVC for bwin.party.
- **Intellectual Property & Software/Rocket 9** – on the GBP 65m sale to LeoVegas of IPS' B2C multi-brand gaming assets (including brands such as Pink Casino, 21.co.uk, Slotboss, Bet UK and UK Casino) and the assets of UK marketing services business Rocket 9.
- **Pinnacle Sports** – on the sale of a controlling interest in the operator of one of the world's largest online sportsbooks.
- **Rank** – on its GBP 115m recommended takeover of online gaming company Stride Gaming plc, and on its acquisition of YoBingo, a leading Spanish online casino and bingo business, for up to EUR 52m.
- **Sportingbet** – on its GBP 343m transfer from AIM to the Official List; GBP 119m equity and convertible bond issue and acquisition of Centrebet; GBP 125m disposal of its Turkish facing online gaming business; putative takeover approach by Ladbrokes; GBP 80m convertible bond issue and GBP 485m recommended offer by William Hill and GVC.
- **Sports Information Services** – on defending a claim brought by The Racing Partnership and others in relation to the creation and dissemination of betting odds and other data concerning horseraces, a key case as regards the legal rights arising in respect of the information flowing from sports events.
- **TabCorp** – on the drafting and negotiation of a software licence and services agreement with Playtech, under which it was licensed casino games for use under the 'Sun Bets' brand.
- **Tote Media Limited** – on its deal that enabled the Great Leighs racecourse to reopen and to enter the British Horseracing Authority's fixture application process for the 2015 season.

# Knowledge and know-how

As market leaders, we have to know what's new and what's coming – not just legal and regulatory developments, but commercial, technological, social, political and economic changes. And as well as knowing about new things, we work hard to make sure we genuinely understand them, and can make a realistic assessment of the impact they will have on our clients.

We make a point of sharing these insights with our clients. This page shows a small selection of the thought leadership and regular news and analysis that's available to you.

## Brexit Next

Analysis and commentary on the impact of Brexit on businesses operating in, and trading with, the UK.

[www.cms-lawnow.com/brexit](http://www.cms-lawnow.com/brexit)



## Gambling in Europe

An interactive guide to the regulation of online gambling.

[https://eguides.cmslegal.com/gambling\\_regulation](https://eguides.cmslegal.com/gambling_regulation)



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