

Gambling Update
August 2008

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Turf TV litigation: judge upholds the status quo

Following a trial heard throughout May and June, judgment was handed down today in the litigation between BAGS and Turf TV. The judgment covers only the allegations in the case concerning exclusive rights agreements, and rejects both BAGS' claims against Turf TV and, as a consequence, Turf TV's counter-claims. The result is that there will be no change to current rights agreements.

The case involved proceedings brought by bookmaker group Bookmakers' Afternoon Greyhound Services (BAGS) against Amalgamated Racing (Amrac), which trades as Turf TV. BAGS was joined by William Hill, Ladbrokes and BetFred (Coral was also originally a claimant, but settled separately in December), and on Amrac's side were its shareholders (including licensed betting office (LBO) equipment supplier Alphameric) and the Racing UK racecourses. Following a counter-claim by Amrac, Satellite Information Services (SIS) was also brought into the litigation.

The case arose from the establishment by Racing UK and Alphameric of Amrac, which now operates a service broadcasting pictures of horseracing and certain other events to LBOs in competition with SIS. It concerned allegations by both BAGS and Amrac, with their respective allies, that the other side was in breach of EU and UK laws prohibiting anti-competitive agreements.

BAGS alleged that the Racing UK racecourses (some 30 out of the 60 British courses) had engaged in a price-fixing cartel by establishing Turf TV, with the aim – openly admitted by racecourse representatives – of increasing the amounts paid by LBOs for media rights to fixtures. BAGS argued that the licensing of rights on a collective, closed (because no-one else could bid) and exclusive basis infringed competition law.

Amrac challenged BAGS' own exclusive rights agreements with Arena and Northern Racing, as well as the sub-licence of those rights to SIS and a range of other exclusive rights agreements held by SIS directly with racecourses. However, by the time of the trial, Amrac had abandoned all of these claims, instead relying on a "contingent counter-claim" – this meant that it only challenged BAGS' and SIS' exclusive agreements if the court first upheld BAGS' challenge to the Amrac exclusive agreements.

Amrac brought a second distinct counter-claim against BAGS and the individual bookmakers (but not SIS). This involved certain counter-allegations of cartel behaviour amongst bookmakers. Again, Amrac abandoned a number of these claims, but continued to allege collusion by the bookmakers to withdraw sponsorship from events at Racing UK racecourses and to refuse to purchase Turf TV. In fact, by January 2008 all of the claimant bookmakers except BetFred had separately reached agreement with Amrac to take the Turf TV service.

The judgment is long (over 100 pages), but even so it deals only with BAGS' claim and Amrac's contingent counter-claim, and much of it consists of a detailed recitation of the facts and technical competition law discussion. Amrac's separate collusion allegations will be dealt with in a separate judgment later in the year – the judge did not want to hold up this part of the judgment potentially affecting exclusive rights agreements, given that the trial had been conducted on an expedited basis.

In summary, the judge decided to preserve the status quo. He rejected BAGS' claim that the various agreements by which Amrac was granted exclusive rights were illegal. This allowed him also to reject Amrac's claim that BAGS' and SIS' exclusive agreements were illegal.

In the background to the case is the much bigger issue of the ongoing dispute between bookmakers and racing as to how much money bookmakers should pay for horseracing – an issue that this judgment does nothing to resolve, but which continues to be the subject of heated debate at a number of levels.

Tote continues to meander to uncertain destination

As referred to in our last update ([click here](#)), the Government confirmed in March that it was preparing to sell the Tote on the open market and had appointed Goldman Sachs to advise it. A further statement ([click here](#)) from the Minister for Sport, Gerry Sutcliffe, whilst confirming the Government's intention to continue preparation for a sale, also contains the caveat that "*the Government will need to be satisfied that it is right to proceed with the sale in the light of current market conditions*". The statement goes on to say that the Government will be commissioning further work to be conducted during the Summer in preparation for a sale process being commenced in the Autumn. It then says, "*This work will also provide further data on the company which would enable the Government and the Tote Board to consider how best to create further value inside the Tote if, in the light of market conditions, the Government decided in the Autumn not to proceed to a sale at that time*".

So, yet again, the sale may not happen – this time because of the current economic climate meaning that the Government may not realise a sufficient price for the Tote. This is yet another embarrassment for the Government, given their previous rejection of the Racing Consortium's £400 million and £320 million bids.

A few days before Gerry Sutcliffe's latest statement, his predecessor, Richard Caborn, suggested yet another option. His proposal was that the Tote's betting shop estate is sold on the open market but that the pool business should be transferred to a racing trust which would receive the 50% of the proceeds of the sale of the betting shops and would run the pool betting service in partnership with racecourses. Not content with offering a solution to just one of racing's intractable problems, he also suggested that the trust could take over responsibility for the operation of a commercial replacement for the Levy.

Even if the sale process does commence in the Autumn, there are a number of other unresolved issues which, at the very least, could complicate the process including:

- how much of the sale proceeds will be returned to racing, who is "racing" and how can this be done in a manner compliant with state aid rules?
- will the Government separate the pool business from the betting shop estate and will they offer the betting shops in separate batches to ease the competition problems which potential bidders such as Ladbrokes and William Hill may otherwise face?
- will the Government require any commitment in relation to retention of the Tote's employees in Wigan?
- will the Government place any restriction on any part of the Tote's remote gambling operations being moved offshore?
- will the Government review the number of FOBTs allowed in betting shops?
- will the Horsemen's Group or another racing body seek to judicially review the Government's sale of the Tote?
- what arrangements will any buyer of the pool business need to have in place with racecourses?

Levy to roll on?

Perhaps bookmakers should offer odds on which will happen first – the sale of the Tote or the abolition of the Levy?

Elsewhere in this update ([click here](#)) we report on latest developments in relation to the Tote and, in relation to the Levy, there appears to have been little progress since our last update ([click here](#)) in April. As we reported then, various groups had been established with the objective of fulfilling the Government's desire to be removed from its statutory involvement in racing and, in particular, its role determining the Levy. However, progress has, at least in part, been hindered by the litigation between Turf TV, BAGS and SIS. The decision in that case is expected shortly but we are again now in the period when the industry needs to consider next year's Levy scheme.

Under the statutory regime, if next year's scheme is not agreed by 31 October, the Secretary of State would again be required to make a determination. To an outsider, not familiar with the workings of the betting and racing industries, it would seem unthinkable that they might be prepared to incur even further wrath from the Government by forcing yet another determination but most commentators assumed that the BAGS/Turf TV litigation would never get to court. As things stand, the racing groups have called for the current Levy scheme (itself a roll-over of the previous year's scheme) to be continued for a further year. However, under the statutory framework, racing has no formal role in the process and it is for the bookmakers, acting through the Bookmakers' Committee, to make a proposal to the Levy Board which the Levy Board can either accept or reject.

Steps taken to open gambling services in the EU and beyond

We have previously reported ([click here](#)) on the Commission's latest round of proceedings initiated against EU Member States which continue to restrict licensed online gambling operators from competing with State monopolies. Below we report both on Member States' responses to the Commission's action and the ways in which gambling operators have been seeking to protect their commercial rights in the national courts of EU Member States.

Mixed news in France

We reported in December's gambling update that France had been given a deadline of spring this year to find a solution to keeping its national betting laws in line with EU rules ([click here](#)). Since then, the French government has insisted that there will be a controlled opening of the French sports betting services market which is currently dominated by two state-owned monopolies Français des Jeux (FDJ) and Pari-Mutuel Urbain (PMU). The French Government presented its proposals to Charlie McCreevy of the European Commission and the French press at the beginning of June. The infringement proceedings have been suspended pursuant to the production of a draft bill (expected in the autumn) but until France adopts such proposals it continues to be at risk of being taken to court by the Commission, something that it will want to avoid as it took over presidency of the European Union last month.

Meanwhile at the end of May a Paris court ruled in two separate decisions that two Malta-based online betting companies, Unibet and Expekt, must stop accepting bets on the French Tennis Open. Both operators were ordered to pay significant damages to the Federation Française de Tennis (FFT) and an additional €25,000 for each day they continued to take bets on the French Open. The court ruled that the operators were guilty of commercial free-riding i.e. seeking to profit from the reputation and IP of the FFT without contributing to the organisation of the event. The court also ruled that both sites "*violated the operating monopoly conferred on the FFT, the organisers of the tournament*". According to a statement by the European Gaming and Betting Association, both firms intend to appeal the ruling.

This ruling came as a surprise to many as it only recently followed the FFT's failure to prevent Bwin, Ladbrokes and Betfair from taking bets on the French Open applying similar arguments in a Liege court.

In yet another case which suggests ongoing uncertainty when it comes to judgments in this area, the same Parisian court which ruled in favour of the FFT rejected similar claims by the French football team Paris Saint-Germain at the end of June. Paris Saint-Germain had accused three online betting operators from exploiting the club's trademark for commercial gain. However, the French high court rejected these claims against Bwin, Unibet and Sportingbet.

National courts refer key questions to the European Court of Justice

References made to the European Court of Justice (ECJ) by Portuguese and Dutch courts could result in landmark rulings for the European gaming industry.

The Portuguese reference has arisen from an appeal brought by Bwin, the Vienna-based gaming provider, against a fine imposed upon it by La Santa Casa da Misericórdia de Lisboa (SCML), the government-endorsed monopoly provider of betting, lottery and online gaming services in Portugal. In August 2005

Bwin entered into a €10m four-year sponsorship deal with the Portuguese Football League (LPFP), pursuant to which the parties agreed that the top two league divisions would be renamed "Bwin Liga". SCML objected to this sponsorship deal and imposed a fine on both the football league and Bwin for allegedly illegally promoting and advertising online gaming services exclusively reserved to SCML.

The Portuguese court deciding the appeal referred the following questions to the ECJ:

- Whether the monopoly rights granted to SCML and enforced against Bwin (a service provider established in another Member State in which it lawfully provides similar services) constitute an impediment to the free provision of services, contrary to the EU Treaty principles of freedom to provide services, freedom of establishment and the free movement of capital?
- Whether it is contrary to these principles of Community law for national laws to grant such a monopoly over the operation of lotteries and betting, especially one which covers the entire national territory and even the internet?

The ECJ invited comments from interested parties, and held a hearing on 29 April 2008 attended by the parties, the Portuguese government, the European Commission and various Member States. SCML and the Portuguese government argued that a monopoly is greatly preferable to other methods of regulating betting and gaming (such as licensing), as it combats criminal activity and fraud. However, no factual evidence was submitted to support these arguments.

In March, a second Portuguese court also referred further questions to the ECJ regarding the compatibility of a State-owned monopoly of betting and gaming services, from an action by SCML to annul the sponsorship deal. The ECJ has postponed its consideration of this case pending the outcome of the first reference. The judgment of the first case is expected in spring 2009.

In mid-June the Dutch Supreme Court also referred questions to the ECJ. The case in question is an appeal by Ladbrokes against an injunction taken out by the Dutch betting monopoly, De Lotto, in 2002 which prevented Ladbrokes and other gaming operators from accepting bets online from Dutch citizens.

The Dutch Supreme Court has requested that the ECJ clarifies the following issues:

- Applying European case law, should operators be permitted to introduce new games and advertise their gambling services as a means of preventing potential gamblers from placing bets with illegal (unlicensed) persons?
- Must the national court determine whether the application of the national gambling legislation is justified in each specific case?
- Can a Member State prevent an online gaming operator licensed in another Member State from offering its services due to national rules implementing a monopoly licensing system?

These judgments will clearly have important ramifications both for those Member States in which there is a monopolist betting and gaming provider, and for remote gaming operators looking to operate in those markets.

Sweden's gambling restrictions subject of continued attack

We have previously reported ([click here](#)) that the European Commission began an inquiry in January to determine whether Sweden's national gambling legislation (which restricts the supply and promotion of certain gambling services, in particular online poker games and tournaments) is compatible with Article 49 of the EC Treaty, which guarantees the free movement of services. If Sweden fails to respond to the Commission's objections adequately the Commission may refer the matter to the European Court of Justice. In May it was reported in the Swedish media that Sweden is considering options including the liberalisation of some of its state-run gambling services in order to bring its national laws in line with the European rules on the freedom to provide cross-border services.

Meanwhile, the Swedish Prosecutor General has ordered national prosecutors to postpone prosecution against illegal gaming advertisements until the European Commission's infringement proceedings against Sweden have been concluded. Prosecutors were also warned not to initiate new proceedings against media bodies carrying betting advertisements. This order followed a decision by the Swedish Supreme Court in February 2008 which questioned the validity of Swedish gaming law. The legal position is likely to remain unclear until the outcome of the Commission's proceedings.

Italy continues steps to license remote operators

We have previously reported ([click here](#)) that the Italian government is taking steps to liberalise the Italian betting and gaming market. The Italian regulatory authority the Amministrazione Autonoma dei Monopoli di Stato (AAMS) has recently published information about the process for obtaining skill gaming authorisations. Applicants must declare that the operation of the game will comply with both the gambling and copyright laws and must submit details of the game including its rules, finances and the applicable method of allocating winnings together with a demonstration of the game.

It has also been reported that Italy is close to issuing a response to the Commission's objections raised in relation to its draft remote gambling decree as described previously ([click here](#)).

Denmark gambling monopoly's days may be numbered

Comments made by the Danish Minister for Taxation to a national radio station in April 2008 clearly indicate that the government is preparing reforms with a view to opening up the gambling market to regulated competition. The Minister noted that, due to the nature of the internet, Danes are already able to gamble illegally on sites based outside of Denmark, and suggested that it would be preferable to license and regulate gambling operators within Denmark in order to prevent money laundering and loss of taxes. The Minister emphasised, however, that the State's monopoly over lottery gaming is not under consideration for liberalisation.

These statements are made in the context of the Reasoned Opinion delivered to Denmark by the European Commission in March 2007, criticising its restrictive approach in the sports betting market.

June 2008 saw the Danish state-owned broadcaster TV2 enter the gaming market claiming to have found a loophole in the monopoly currently held by Danske Spil. TV2 has set up a website offering games of skill (including card, board and mind games), stating that it is confident that the laws protecting Danske Spil's monopoly only cover games of chance. The Danish Minister for Taxation has also publicly stated that, "TV2 isn't providing gambling. It is a competition, and that is regulated by gaming laws".

Spain to regulate online gaming operators by 2009

In June 2008, gambling authority officials and government representatives in Spain met to discuss plans for the regulation of online gambling in accordance with EU law. These rules will allow operators based in EU Member States to offer their services legally in Spain. The following issues also require clarification: how the tax revenue from online gambling will be divided between the 17 Spanish regional gambling authorities; how to ensure that vulnerable consumers are protected; and how to prevent unauthorised operators from participating in the market.

It is expected that a draft Bill will be published by the end of this year. The authorities could potentially be ready to issue licences to EU licensed operators by June 2009.

Another recent development in Ireland is the announcement by the Department of Finance that it will launch a tender process in Spring 2009 inviting bids for a new National Lottery licence provider. The current operator is postal service An Post, which recently had its licence extended until the end of 2011. A full competitive-bid process is now expected to be run with a view to awarding a new exclusive 10-year licence to operate the Irish National Lottery from 1 January 2011.

Legislative reform planned in Ireland

National gambling legislation in Ireland is currently the subject of political debate. The proposals include the legalisation of casinos and the creation of a regulatory authority to be responsible for all gaming issues. A report prepared by an inter-departmental Casino Committee was published on 10 July 2008, examining the existing laws regulating gaming and lotteries in Ireland, gambling regulation in other countries (and in particular the UK regime), and possible approaches to be used in Ireland going forward (including the introduction of licenses for remote gaming). The report specifically states that betting should be reviewed separately to gaming (other than where there is potential for overlap, for example FOBTs) and therefore outside the remit of the Casino Committee.

The Irish Minister for Justice has indicated that proposals will not be adopted without cross-party agreement and a public consultation, and has set up a Cross-Party Committee for the purposes of such scrutiny.

Poland also plans legislative reforms

According to national reports, the Polish government is preparing legislative proposals to allow online gaming and betting in the country. These proposals will be sent to the European Commission for approval pursuant to EC Directives 98/34/EC and 98/48/EC, which impose an obligation upon each Member State to notify to the Eur

opean Commission (and to each other) all draft technical regulations concerning products and Information Society services before they are adopted at a national level.

Turkey to privatise national lottery

In June 2008, the Turkish press reported that the Turkish authorities have decided to privatise the operation of the country's national lottery, offering a ten-year licence to the international market. It will be a condition of the licence that 20% of total revenue generated is donated to the National Lottery Authority. Bidding for the licence begins this month. According to press reports several software and foreign lottery

companies have already expressed an interest in the privatisation including Ladbrokes, Intralot and the US/Italy's GTech-Lottomatica.

US dismisses RGA complaint

At the end of June a number of US federal authorities and gaming industry representatives responded to a formal complaint filed in December last year by the European Commission on behalf of European online gaming operators for practices in violation of the World Trade Organisation (WTO) rules. The Remote Gambling Association (RGA), the operators' trade association, filed the complaint and is aggrieved that the US trade representatives dismissed the contents of the complaint by responding that there was "*no basis for any allegation of 'discriminatory enforcement' of US gambling laws*".

The Commission's complaint addressed several issues including the alleged discriminatory treatment of European and other non-US online operators by the US Department of Justice in relation to their involvement in gambling operations which took place before December 2007 when the US withdrew from its WTO commitments. The US trade representatives have argued that the compensation deal struck by the European Commission sufficiently counters the RGA's concerns. Unsurprisingly Clive Hawkswood of the RGA disagreed: "*It's a completely different aspect. The deal was on them withdrawing their commitments, not applying the Treaty unfairly while we still had the commitments.*"

The response will inform the Commission's decision as to whether or not there are sufficient grounds for referring the complaint to the WTO. The RGA has indicated that it would be interested in a settlement being negotiated and, in particular, an undertaking being provided by the US that it will not prosecute or pursue individuals involved in the European online gaming industry while the US applied the WTO commitments.

A delegation led by EU Trade Commissioner Peter Mandelson met with Washington legislators at the end of July to discuss, amongst other trade related issues, this ongoing dispute.

Shake-up of gambling regulation in Victoria, Australia

The Australian state of Victoria has opened a public consultation on its plans for a radical overhaul of the state's gambling industry, following a review of the sector which began in 2004. The consultation closed in early July 2008 and will be followed by discussions with industry stakeholders.

The new proposals follow 2007's abrogation of the state monopoly on lotteries, with a second lottery licence having been granted to Greek-owned Intralot. Amongst the proposals are changes to the law regarding gaming machines. It is anticipated that from 2012 individual premises will have ten-year licences to operate gaming machines on their premises. The gaming machines will be fitted with 'smartcard' technology, allowing punters to set spend and time limits on their gambling. The Victoria state government plans that these proposals will be formally adopted by 2010.

ASA less impressed with gambling ads

In our last update ([click here](#)), we reported on the high level of compliance demonstrated by gambling advertisers over the first few months of the qualified deregulation of gambling advertising. However, since then, the ASA has upheld complaints against a number of operators (including William Hill, Paddy Power and InterCasino) in respect of their advertising campaigns.

The ASA gave a number of reasons for upholding those complaints, including that they would be of particular appeal to children (by depicting cartoon characters or involving slapstick humour and juvenile behaviour), that they suggested gambling could enhance personal and sexual success (by showing winners surrounded by attractive and scantily clad women), and that they condoned behaviour which could lead to financial, social or emotional harm (by depicting an individual who appeared desperate to gamble at the expense of family life). In addition, the ASA also recently upheld a complaint against an advertisement for the National Lottery on the basis that it denigrated the bingo industry.

It should be noted that by no means have all complaints in respect of gambling advertisements been upheld by the ASA, and it remains the fact that only a small proportion of gambling advertisements have been found to contravene the ASA Codes. However, it is clear that the ASA is growing into its expanded role as the regulator of gambling advertising, and is willing to take action where necessary.

As usual with ASA adjudications, the remedy sought from the offending operator (in addition to placing the adjudication in the public domain) has been a requirement to withdraw the advertising campaign. It is only in the most serious of cases that matters might be referred to Ofcom or action taken by the OFT, and it remains to be seen what might fall within this category. The ASA adjudications are worthwhile reading for operators planning advertising campaigns, as they show precedents for the kinds of advertising which has been deemed unacceptable. Those adjudications are published [here](#).

Ofcom proposal on gambling channels / teleshopping

As reported in our previous update ([click here](#)) Ofcom's consultation on its proposal to re-classify TV gambling channels as teleshopping services closed on 19 March. Ofcom has now indicated that no decision is expected until Autumn.

It is understood that Ofcom originally saw this reclassification as something of a "tidying-up" exercise, designed to make broadcasting and gambling regulations consistent. The short time frame and nature of the consultation was due to what Ofcom had seemingly believed was the limited impact of this matter. However, a number of issues were apparently raised during the consultation that required further consideration and legal input and as a consequence Ofcom does not believe that the implications of this reclassification are quite as straightforward as previously thought.

Ofcom also seems keen to maintain a distinction between gambling channels (which are transactional with free entry - via the internet or by local rate phone call - and make their money through the actual gambling) and participation TV (which make money via premium rate services). Its approach is to try to ensure that any decision in relation to one type of channel will not impact the other.

Non-commercial societies to hit the jackpot

The DCMS has recently announced a proposal to double the maximum jackpot and maximum amount raised in respect of licensed non-commercial society lotteries.

The proposal, announced by Gerry Sutcliffe MP in response to lobbying from charitable bodies, would allow licensed organisers of charitable society lotteries (which typically support national and local good causes such as hospices) to raise up to £4million from a single lottery, and offer a maximum jackpot of £400,000 – twice the current limits.

These changes would benefit only society lottery operators licensed by the Gambling Commission, of which there are currently around 630. There would be no impact on operators of smaller non-commercial society lotteries which do not require a licence from the Gambling Commission, for whom the limits on amounts raised of £20,000 in a single draw and £250,000 in a year would continue to apply.

The DCMS is currently consulting on these proposals. The consultation closes on 9 October 2008, and the relevant papers are available [here](#). The Commission is also consulting on the changes it would have to make to its Licence Conditions and Codes of Practice if the DCMS proposals are ratified. The Commission's consultation closes on the same date, 9 October 2008.

The Gambling Commission and DCMS guidance and consultations – recent highlights

Fee and Licensing Structure Changes

The Gambling Commission has published changes to its licensing structure and fees, which are relevant to anyone seeking a new or renewed licence. These changes took effect on 1 August 2008, and full details are available [here](#).

In addition to revised licence fees, a new type of licence has been created for "remote betting intermediary – trading rooms", which will be required for trading rooms which provide facilities from licensed premises by a remote link to a betting exchange. Four types of linked licence will also now be available, allowing operators (for example) to manufacture, supply, install or adapt gambling software in support of their licensed gambling activities.

Proposed Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2008

The DCMS is currently running a consultation proposing an increase in the number of category B3 gaming machines that can be made available in bingo halls.

Currently, the Gambling Act 2005 allows for up to four category B3 gambling machines to be placed in bingo halls - the proposal is to increase the number of machines from four to eight.

The consultation period began on 26 June 2008 and will close on 26 September 2008. The consultation document can be accessed [here](#) which also includes an impact assessment document and contact details for providing comments and feedback.

In-running Betting - Issues Paper

On 14 May 2008, the Gambling Commission published a consultation paper on in-running betting. The Commission intends to generate debate and provide information on issues relating to the activity of in-running (in-play) betting, with a view to gathering evidence in order to decide whether any action is required to regulate this activity.

The consultation runs until Wednesday 6 August 2008. Further information on how to respond is contained in the issues paper, which is available from the Commission's website.

Guidance to Licensing Authorities

The Gambling Commission has issued draft revisions to its Guidance to Licensing Authorities (2nd edition). This is published by the Commission and licensing authorities are required to "have regard" to it. The draft revisions deal with how licensing authorities should approach applications for premises licences for premises that are not yet fully ready for operation.

The shorter than usual consultation period ended on 30 May 2008. Click [here](#) to access it.

The Gambling Commission also has issued a consultation paper containing proposed additional revisions to its Guidance to Licensing Authorities (2nd edition). Also contained in the consultation are proposals to add operating licence conditions to Licence Conditions and Codes of Practice.

This consultation paper deals with what is meant by a "single premises" and by "primary purpose". This will help to clarify the requirement that the principal activity of premises will be the activity authorised by the premises licence in operation for that premises.

The paper addresses the differences that the Commission says have emerged in its handling of licence applications as well as its concern that statutory provisions are not necessarily being correctly interpreted in this regard.

The consultation started on 16 June 2008 and will end on 8 September 2008 - responses to this consultation are welcomed from all interested parties. Click [here](#) to access the full consultation document.

Advice to Police Services

The Gambling Commission has prepared a draft reference document for British police services regarding their role and functions in the regulation of the gambling industry.

The intention of the Commission is to inform police who are looking to identify specific information relating to gambling premises in their local areas. The document summarises police powers under the Gambling Act 2005 and explores the working relationships and exchange of intelligence between the police, licensing authorities and the Commission.

The Commission would like to get feedback on the content of the document before publishing a final version later in autumn 2008.

At the end of the document, the Commission has included six questions for interested parties to answer in order to partake in the consultation process. Responses are requested by 22 August 2008. The draft reference document can be accessed [here](#).

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In summary, the judge decided to preserve the status quo. He rejected BAGS' claim that the various agreements by which Amrac was granted exclusive rights were illegal. This allowed him also to reject Amrac's claim that BAGS' and SIS' exclusive agreements were illegal.

In the background to the case is the much bigger issue of the ongoing dispute between bookmakers and racing as to how much money bookmakers should pay for horseracing – an issue that this judgment does nothing to resolve, but which continues to be the subject of heated debate at a number of levels.

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