

Formal Warning

under section 64A of the *Interactive Gambling Act 2001*

To: Yellow Birch Informatics S.R.L.

Of: 4 Vasile Alecsandri St
6th Floor, Zip code 010639
Bucharest, Romania

Attention: [REDACTED] Chief Executive Officer

I, Rochelle Zurnamer, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Yellow Birch Informatics S.R.L. has contravened subsection 15(2A) of the *Interactive Gambling Act 2001* (the IGA):

HEREBY issue Yellow Birch Informatics S.R.L. a formal warning under section 64A of the IGA, for one or more contraventions of subsection 15(2A) being a civil penalty provision.

Details of the contravention

Obligations under the IGA

1. Subsection 15(2A) of the IGA provides that a person must not provide a prohibited interactive gambling service that has an Australian-customer link.
2. A 'prohibited interactive gambling service' is defined in section 5 of the IGA and 'gambling service' is defined in section 4 of the IGA. Under section 8 of the IGA, a gambling service has an Australian-customer link if, and only if, any or all of the customers of the service are physically present in Australia.
3. By operation of subsection 92(2) of the *Regulatory Powers (Standard Provisions) Act 2014* (RPA) and subsection 64B(1) of the IGA, it is also prohibited under the IGA to be an ancillary to a contravention of subsection 15(2A), by 'being in any way, directly or indirectly, knowingly concerned in, or party to, a contravention' of subsection 15(2A) by another person.
4. Under subsection 92(2), an ancillary is taken to have contravened the relevant civil penalty provision.

Investigation

5. Under section 21 of the IGA, on 11 February 2022, the ACMA commenced an investigation into whether the Chipy service provided prohibited interactive gambling services in contravention of the IGA by operation of subsection 92(2) of the RPA.
6. During the period of the investigation the Chipy service was available via the URL <https://chipy.com/>.
7. Yellow Birch Informatics S.R.L. is a provider of the Chipy service.

Contravention of subsection 15(2A) of the IGA

8. The ACMA has previously found that a number of the casino-style services advertised on the Chipy service are prohibited interactive gambling services that have an Australian-customer link (prohibited services), which are provided in breach of subsection 15(2A) of the IGA.
9. The Chipy service publishes information that is intentionally aimed at enabling customers to access and play on the prohibited services, including customers from Australia. By providing links on its website to the prohibited services, the Chipy service assists the prohibited services to sign up Australian consumers to their gambling services.
10. The ACMA is satisfied that Yellow Birch Informatics S.R.L., as the provider of the Chipy service, had actual knowledge of the essential matters constituting the contravention of subsection 15(2A) of the IGA by the prohibited services. Consequently, Yellow Birch Informatics S.R.L. is knowingly concerned in and is an intentional participant in, the contravention of subsection 15(2A) of the IGA.

Dated this 1 August 2022



Rochelle Zurnamer
Delegate of the Australian Communications and Media Authority