

IG Taskforce

From: IG Taskforce </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=819d8a3ad9d14e29a347972878475074-IG Taskforc>
Sent: Monday, 7 March 2022 2:05 PM
To: info@gcb.cw
Subject: Correspondence from the ACMA to Gaming Control Board Curacao [SEC=OFFICIAL]
Attachments: Correspondence from ACMA to Gaming Control Board Curacao.pdf; Copy of Formal Warning to Speqta Media NV.pdf

Good afternoon,

Please see attached a letter from the Australian Communications and Media Authority (ACMA) regarding the issuing of a Formal Warning to Speqta Media N.V. for contravening the Australian *Interactive Gambling Act 2001*.

Yours sincerely,

Interactive Gambling Team

Australian Communications and Media Authority

E igtaskforce@acma.gov.au

www.acma.gov.au



7 March 2022

Gaming Control Board Curaçao
Emancipatie Boulevard Dominico F. "Don" Martina 23
Willemstad
Curaçao

By email: info@gcb.cw

ACMA file reference: ACMA2020/333-118

Dear Sir/Madam

Contravention of the Australian *Interactive Gambling Act 2001* – Speqta Media N.V.

The Australian Communications and Media Authority (the ACMA) is responsible for investigating and taking enforcement action for contraventions of the Australian *Interactive Gambling Act 2001* (the IGA).

The ACMA has recently completed an investigation into the Ninja Spins service made available at www.ninjaspins.com. The ACMA found that Speqta Media N.V. contravened each of:

- > subsection 15(2A) of the IGA by providing prohibited interactive gambling services to Australian customers
- > subsections 61EA(1A) or 61EA(2A) of the IGA by publishing, or authorising or causing the publication of, designated interactive gambling service advertisements in Australia, that publicise or otherwise promote the gambling services.

On 18 January 2022, the ACMA advised Speqta Media N.V. of the ACMA's preliminary contravention findings. No response was received.

The ACMA finalised the investigation on 2 February 2022. The ACMA issued a formal warning to Speqta Media N.V. under section 64A of the IGA on 7 March 2022.

If Speqta Media N.V. continues to provide prohibited interactive gambling services to persons physically located in Australia or to publish, or to authorise or cause the publication of, designated interactive gambling service advertisements in Australia for such services, the ACMA may take further action.

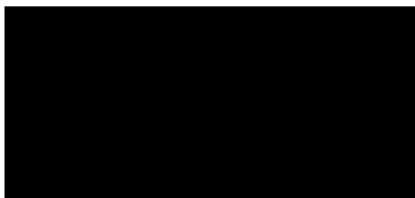
I have attached a copy of the formal warning issued to Speqta Media N.V..

We have brought this matter to your attention as we understand that there is an intention to expand the role of the Gaming Control Board Curaçao to the regulation of online gaming in Curaçao. We understand that findings of illegal activity may be relevant to your future consideration of the suitability of a licensee.

If you have any questions on the above, please contact [REDACTED], Manager of the Interactive Gambling Team at [REDACTED]

Thank you for your engagement in this process.

Yours sincerely,



Executive Manager
Content Safeguards Branch

Attached: Formal Warning

Formal Warning

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

To: Speqta Media N.V.

Of: Heelsumtraat 51 E-Commerce Park B-03
Curacao

Attention: [REDACTED]

I, Rochelle Zurnamer, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Speqta Media N.V., has contravened subsection 15(2A) and subsections 61EA(1A) or 61EA(2A) of the *Interactive Gambling Act 2001* (the IGA):

HEREBY issue Speqta Media N.V. a formal warning under section 64A of the IGA, for one or more contraventions of each of subsection 15(2A) and subsections 61EA(1A) or 61EA(2A) of the IGA, being civil penalty provisions.

Details of the contravention/s

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 (see section 8).
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. Subsection 61EA(1A) of the IGA provides that a person must not publish a designated interactive gambling service advertisement in Australia if the publication is not permitted by another specified section of the IGA (including sections 61EB, 61ED, 61EE or 61EF of the IGA).
4. Subsection 61EA(2A) of the IGA provides that person must not authorise or cause a designated interactive gambling service advertisement to be published in Australia if the publication is not permitted by another specified section of the IGA (including sections 61EB, 61ED, 61EE or 61EF of the IGA).
5. A 'designated interactive gambling service advertisement' is defined in section 61BA of the IGA. A person 'publishes' a designated interactive gambling service advertisement if they do any of the things set out in section 61CA of the IGA (subject to certain exceptions), such as disseminates the advertisement to the public, or a section of the public, by any means.

Investigation

6. Under section 21 of the IGA, on 14 May 2021, the ACMA commenced an investigation into whether the Ninja Spins service provided prohibited interactive gambling services in contravention of the IGA and whether specific emails assessed

by the ACMA contained designated interactive gambling service advertisements published in Australia, that publicise or otherwise promote the Ninja Spins service.

7. During the period of the investigation the Ninja Spins service was available via the URL www.ninjaspins.com.
8. Speqta Media N.V. is the provider of the Ninja Spins service.

Contravention of subsection 15(2A) of the IGA

9. The Ninja Spins service offered 'gambling services', including casino-style games of chance or mixed chance and skill, played for money where the customer gave consideration to play the game (paragraph (e) of the definition of 'gambling service' in section 4 of the IGA).
10. The gambling services were provided in the course of carrying on a business and were provided to customers using an internet carriage service (section 5 of the IGA).
11. The Ninja Spins service had an Australian customer-link.
12. The ACMA found that, as the provider of the Ninja Spins service, Speqta Media N.V. has contravened subsection 15(2A) of the IGA by providing prohibited interactive gambling services to customers physically present in Australia

Contravention of subsections 61EA(1A) or 61EA(2) of the IGA

13. Specific emails assessed by the ACMA contained content that constitutes advertising in the form of writing and visual images and includes:
 - > repetitive use of the name of the Ninja Spins service as well as its logo and branding
 - > use of the Ninja Spins domain name in the emails which is identical to the website
 - > text that describes casino-style games in general and offers bonuses and free games (or 'spins').
14. The ACMA has found the Ninja Spins service is a prohibited interactive gambling service that has an Australian-customer link, which is provided in breach of subsection 15(2A) of the IGA.
15. The ACMA is satisfied that these advertisements were published in Australia because there were instances of multiple emails with similar content being received by different Australian email addresses and sent from the Ninja Spins service as part of a mailing list.
16. The ACMA is satisfied that Speqta Media N.V. published, or authorised or caused the publication of, these advertisements because:
 - > the email addresses from which these emails were sent have the same domain name as the website used by the Ninja Spins service being advertised
 - > the email content is framed as being from the service, such as referring to 'us'
 - > the emails are signed from 'The Ninja Spins Team'.

17. The publication of these advertisements in Australia was not permitted by another specified section of the IGA, including sections 61EB, 61ED, 61EE or 61EF of the IGA.
18. Therefore, the ACMA is satisfied that Speqta Media N.V., as the provider of the Ninja Spins service, contravened the IGA by publishing, or authorising or causing the publication of, designated interactive gambling service advertisements in Australia, that publicise or otherwise promote the Ninja Spins service, in contravention of subsection 61EA(1A) or 61EA(2A) of the IGA.

Dated this 7 March 2022



Rochelle Zurnamer
Delegate of the Australian Communications and Media Authority