

From: IG Taskforce
Sent: Wednesday, 27 March 2024 5:36 PM
To: info@gcb.cw
Subject: CM: Advice to Gaming Control Board Curacao regarding Formal Warning to Hollycorn N.V. and Libergos Limited [SEC=OFFICIAL]
Attachments: Advice to regulator re Formal Warning - Gaming Control Board Curacao.pdf; 2024.03.01 - Formal Warning - Hollycorn N.V. (Lucky7even, 50 Crowns, Rockwin and Bitdreams).pdf; 2024.03.01 - Formal Warning - Libergos Limited (Lucky7even, 50 Crowns, Rockwin and Bitdreams).pdf

Dear Sir/Madam,

Please see attached a letter from the Australian Communications and Media Authority advising of the Formal Warnings issued to Hollycorn N.V. and Libergos Limited for contravening the Australian *Interactive Gambling Act 2001*.

Yours sincerely,

Gambling Compliance Team

Australian Communications and Media Authority

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The ACMA acknowledges First Nations peoples as the Traditional Owners and Custodians of Australia. We respect and celebrate First Nations peoples as the original storytellers and content creators of the lands on which we work and honour the enduring strength and commitment of Aboriginal and Torres Strait Islander peoples to the land, waters and their communities. We pay our respects to Elders past, present, and emerging.



27 March 2024

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

By email: info@gcb.cw

ACMA file reference: ACMA2023/171-20

Dear Sir/Madam,

Contravention of the Australian *Interactive Gambling Act 2001* – Hollycorn N.V. and Libergos Limited

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 services made available at websites: <https://www.lucky7even.com>, <https://www.50crowns.com>, <https://www.rockwin.io>, <https://www.rockwin1.io>, <https://www.rockwin2.io>, <https://www.rockwin3.io>, <https://www.bitdreams.com> and <https://www.bitdreams1.com>.

The ACMA found that Hollycorn N.V. and Libergos Limited contravened subsections 15(2A) and 15AA(3) of the IGA by:

- > providing prohibited interactive gambling services to Australian customers
- > providing unlicensed regulated interactive gambling services to Australian customers.

On 25 January 2024 the ACMA advised Hollycorn N.V. and Libergos Limited of the ACMA's preliminary contravention findings. No response was received.

The ACMA finalised the investigation on 20 February 2024. The ACMA issued Formal Warnings to Hollycorn N.V. and Libergos Limited under section 64A of the IGA on 1 March 2024.

If Hollycorn N.V. and Libergos Limited continue to provide prohibited and/or unlicensed regulated interactive gambling services to persons physically located in Australia, the ACMA may take further action.

I have attached a copy of the Formal Warnings issued to Hollycorn N.V. and Libergos Limited, as well as the key provisions of the IGA.

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 me at [REDACTED]

Thank you for your engagement in this process.

Yours sincerely,

[REDACTED]

A/g Manager, Gambling Compliance Team

Encl: Formal Warnings, Relevant provisions of the IGA

Key provisions of the IGA

4 Definitions

designated interactive gambling service means:

- (a) a prohibited interactive gambling service; or
- (b) an unlicensed regulated interactive gambling service.

gambling service means:

- (a) a service for the placing, making, receiving or acceptance of bets; or
- (b) a service the sole or dominant purpose of which is to introduce individuals who wish to make or place bets to individuals who are willing to receive or accept those bets; or
- (c) a service for the conduct of a lottery; or
- (d) a service for the supply of lottery tickets; or
- (e) a service for the conduct of a game, where:
 - (i) the game is played for money or anything or else of value; and
 - (ii) the game is a game of chance or of mixed chance and skill; and
 - (iii) a customer of the service gives or agrees to give consideration to play or enter the game; or
- (f) a gambling service (within the ordinary meaning of that expression) that is not covered by any of the above paragraphs.

Unlicensed regulated interactive gambling service means a regulated interactive gambling service that is provided in contravention of subsection 15AA(3).

5 Prohibited interactive gambling services

(1) For the purposes of this Act, a **prohibited interactive gambling service** is a gambling service, where:

- (a) the service is provided in the course of carrying on a business; and
- (b) the service is provided to customers using any of the following:
 - (i) an internet carriage service;
 - (ii) any other listed carriage service;
 - (iii) a broadcasting service;
 - (iv) any other content service;
 - (v) a datacasting service

Note: This definition relates to the offence provisions and civil penalty provisions set out in section 15 and Part 7A.

(2) Subsection (1) has effect subject to subsection (3).

Excluded services

(3) For the purposes of this Act, none of the following services is a **prohibited interactive gambling service**:

- (a) a telephone betting service;
- (aa) an excluded wagering service (see section 8A);
- (ab) an excluded gaming service (see section 8B);
- (aba) a place-based betting service (see section 8BA);
- (ac) a service that has a designated broadcasting link (see section 8C);
- (ad) a service that has a designated datacasting link (see section 8C);
- (ae) an excluded lottery service (see section 8D);
- (b) a service to the extent to which it relates to the entering into of contracts that are financial products within the meaning of Chapter 7 of the *Corporations Act 2001*;
- (ba) a wholesale gambling service;
- (bb) a trade promotion gambling service (see section 8BB);
- (c) an exempt service (see section 10).

8 Australian-customer link

For the purposes of this Act, 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.

8E Regulated interactive gambling service

(1) For the purposes of this Act, a **regulated interactive gambling service** is:

- (a) a telephone betting service (see section 8AA); or
- (b) an excluded wagering service (see section 8A); or
- (c) an excluded gaming service (see section 8B); or
- (d) a place-based betting service (see section 8BA); or
- (e) a service that has a designated broadcasting link (see section 8C); or
- (f) a service that has a designated datacasting link (see section 8C); or
- (g) an excluded lottery service (see section 8D); or
- (h) an exempt service (see section 10);

where:

- (i) the service is provided in the course of carrying on a business; and
 - (j) the service is provided to customers using any of the following:
 - (i) an internet carriage service;
 - (ii) any other listed carriage service;
 - (iii) a broadcasting service;
 - (iv) any other content service;
 - (v) a datacasting service; and
 - (k) in the case of an exempt service—a determination under subsection (2) is in force in relation to the service.
- (2) The Minister may, by legislative instrument, determine that each exempt service included in a specified class of exempt services is covered by paragraph (1)(k).
- (3) Subsection (1) has effect subject to subsection (4).
- (4) For the purposes of this Act, neither of the following services is a **regulated interactive gambling service**:
- (a) a wholesale gambling service;
 - (b) a trade promotion gambling service (see section 8BB).

8F Prohibited internet gambling content

For the purposes of this Act, if:

- (a) an ordinary reasonable person would conclude that the sole or primary purpose of particular internet content is to enable a person to enter into dealings in the capacity of customer of either or both of the following:

- (i) one or more illegal interactive gambling services;
- (ii) one or more unlicensed regulated interactive gambling services; and

- (b) end-users in Australia can access the internet content;

the internet content is **prohibited internet gambling content**.

15 Prohibited interactive gambling services not to be provided to customers in Australia

- (2A) A person must not provide a prohibited interactive gambling service that has an Australian-customer link (see section 8).

Civil penalty: 7,500 penalty units.

- (3) Subsections (1) and (2A) do not apply if the person:

- (a) did not know; and
- (b) could not, with reasonable diligence, have ascertained;

that the service had an Australian-customer link.

Note: In the case of proceedings for an offence against subsection (1), the defendant bears an evidential burden in relation to the matters in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).

15AA Unlicensed regulated interactive gambling services not to be provided to customers in Australia

- (3) A person must not provide a particular kind of regulated interactive gambling service if:
- (a) the service has an Australian-customer link (see section 8); and
 - (b) the person does not hold a licence (however described) under a law of a State or Territory that authorises the provision of that kind of service in the State or Territory.

Civil penalty: 7,500 penalty units.

- (5) Subsections (1) and (3) do not apply if the person:
- (a) did not know; and
 - (b) could not, with reasonable diligence, have ascertained;

that the service had an Australian-customer link.

Note: In the case of proceedings for an offence against subsection (1), the defendant bears an evidential burden in relation to the matters in subsection (5) (see subsection 13.3(3) of the *Criminal Code*).

61BA Basic meaning of designated interactive gambling service advertisement

- (1) For the purposes of this Part, a designated interactive gambling service advertisement is any writing, still or moving picture, sign, symbol or other visual image, or any audible message, or any combination of 2 or more of those things, that gives publicity to, or otherwise promotes or is intended to promote:
- (a) a designated interactive gambling service; or
 - (b) designated interactive gambling services in general; or
 - (c) the whole or part of a trade mark in respect of a designated interactive gambling service; or
 - (d) a domain name or URL that relates to a designated interactive gambling service; or
 - (e) any words that are closely associated with a designated interactive gambling service (whether also closely associated with other kinds of services or products).
- (2) This section has effect subject to sections 61BB, 61BC, 61BD, 61BE, 61BF, 61BG and 61BGA.

61CA Basic meaning of publish a designated interactive gambling service advertisement

- (1) For the purposes of this Part, a person ***publishes*** a designated interactive gambling service advertisement if the person does any of the following things:
- (a) the person includes the advertisement, or something that contains the advertisement, on a website;
 - (b) the person includes the advertisement in a document (including, for example, a newspaper, magazine, program, leaflet or ticket) that is available, or distributed, to the public or a section of the public;
 - (c) the person includes the advertisement in a film, video, television program or radio program that is, or is intended to be, seen or heard by the public or a section of the public;
 - (d) the person:
 - (i) sells, hires or supplies the advertisement, or something containing the advertisement, to the public or a section of the public; or
 - (ii) offers the advertisement, or something containing the advertisement, for sale or supply to, or hire by, the public or a section of the public;
 - (e) the person displays, screens or plays the advertisement, or something that contains the advertisement, so that it can be seen or heard in or from:
 - (i) a public place; or
 - (ii) public transport; or
 - (iii) a workplace;
 - (f) the person otherwise:
 - (i) brings the advertisement, or something that contains the advertisement, to the notice of; or
 - (ii) disseminates the advertisement, or something that contains the advertisement, to;

the public, or a section of the public, by any means (including, for example, by means of a film, video, computer disk or electronic medium).

(2) This section has effect subject to sections 61CB, 61CC, 61CD, 61CE and 61CF.

61EA Designated interactive gambling service advertisements not to be published in Australia

(1A) A person must not publish a designated interactive gambling service advertisement in Australia if:

- (a) the publication is not permitted by section 61EB; and
- (b) the publication is not permitted by section 61ED; and
- (c) the publication is not permitted by section 61EE; and
- (d) the publication is not permitted by section 61EF.

Civil penalty: 180 penalty units.

(2A) A person must not authorise or cause a designated interactive gambling service advertisement to be published in Australia if:

- (a) the publication is not permitted by section 61EB; and
- (b) the publication is not permitted by section 61ED; and
- (c) the publication is not permitted by section 61EE; and
- (d) the publication is not permitted by section 61EF.

Civil penalty: 180 penalty units.

(3) For the purposes of this section, a designated interactive gambling service advertisement that is included on a website is taken to be published in Australia if, and only if:

- (a) the website is accessed, or is available for access, by end-users in Australia; and
- (b) having regard to:
 - (i) the content of the website; and
 - (ii) the way the website is advertised or promoted;

it would be concluded that it is likely that a majority of persons who access the website are physically present in Australia.

Formal Warning

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

To: Hollycorn N.V.

Of: Scharlooweg 39 U.3
Curacao



Attention: [REDACTED] and [REDACTED], Statutory Directors of Allyant Group B.V.,
Statutory Director of Hollycorn N.V.

[REDACTED], Statutory Director of Hollycorn N.V.

I, Rochelle Zurnamer, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Hollycorn N.V., has contravened subsections 15(2A) and 15AA(3) of the *Interactive Gambling Act 2001* (the IGA):

HEREBY issue Hollycorn N.V. a formal warning under section 64A of the IGA, for one or more contraventions of each of subsections 15(2A) and 15AA(3) 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.
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.
3. Subsection 5(3) of the IGA lists services that are not prohibited interactive gambling services, including an excluded wagering service (paragraph 5(3)(aa)).
4. An 'excluded wagering service' is defined in section 8A of the IGA and includes betting on a sporting event except to the extent it is an in-play betting service (subsection 8A(3) of the IGA).
5. An excluded wagering service is a kind of regulated interactive gambling service (as defined in section 8E of the IGA).
6. Subsection 15AA(3) of the IGA provides that a person must not provide a particular kind of regulated interactive gambling service if:
 - (a) the service has an Australian customer link; and
 - (b) the person does not hold a licence (however described) under a law of a State or Territory that authorises the provision of that kind of service in the State or Territory.

7. 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.

Investigation

8. Under section 21 of the IGA, on 15 September 2023, the ACMA commenced an investigation into whether the:
- > Lucky7even, 50 Crowns, Rockwin and Bitdreams services (the services) provided prohibited interactive gambling services in contravention of the IGA
 - > Bitdreams service provided an unlicensed regulated interactive gambling service in contravention of the IGA.
9. During the period of the investigation the services were available via the URLs <https://www.lucky7even.com>, <https://www.50crowns.com>, <https://www.rockwin.io>, <https://www.rockwin1.io>, <https://www.rockwin2.io>, <https://www.rockwin3.io>, <https://www.bitdreams.com> and <https://www.bitdreams1.com>.
10. Hollycorn N.V. is a provider of the services.

Contravention of subsections 15(2A) and 15AA(3) of the IGA

11. The services 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); and
 - > services for the placing, making, receiving or acceptance of bets (paragraph (a) of the definition of 'gambling service' in section 4 of the IGA), including in-play betting services.
12. 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 and paragraph 8E(1)(i)-(j) of the IGA).
13. The services had an Australian customer-link.
14. Hollycorn N.V. is not licensed by an Australian State or Territory to provide regulated interactive gambling services to Australians (paragraph 15AA(3)(b)).
15. The ACMA found that, as a provider of the services, Hollycorn N.V. has contravened subsections 15(2A) and 15AA(3) of the IGA by providing prohibited interactive gambling services and an unlicensed regulated interactive gambling service to customers physically present in Australia.

Dated this 1 March 2024



Rochelle Zurnamer
Delegate of the Australian Communications and Media Authority

Formal Warning

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

To: Libergos Limited

Of: Boumpoulinas, 1-3
Bouboulina Building
Flat/Office 42, 1060
Nicosia, Cyprus



Attention: , Director of Libergos Limited

I, Rochelle Zurnamer, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Libergos Limited, has contravened subsections 15(2A) and 15AA(3) of the *Interactive Gambling Act 2001* (the IGA):

HEREBY issue Libergos Limited a formal warning under section 64A of the IGA, for one or more contraventions of each of subsections 15(2A) and 15AA(3) 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.
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.
3. Subsection 5(3) of the IGA lists services that are not prohibited interactive gambling services, including an excluded wagering service (paragraph 5(3)(aa)).
4. An 'excluded wagering service' is defined in section 8A of the IGA and includes betting on a sporting event except to the extent it is an in-play betting service (subsection 8A(3) of the IGA).
5. An excluded wagering service is a kind of regulated interactive gambling service (as defined in section 8E of the IGA).
6. Subsection 15AA(3) of the IGA provides that a person must not provide a particular kind of regulated interactive gambling service if:
 - (a) the service has an Australian customer link; and
 - (b) the person does not hold a licence (however described) under a law of a State or Territory that authorises the provision of that kind of service in the State or Territory.
7. 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.

Investigation

8. Under section 21 of the IGA, on 15 September 2023, the ACMA commenced an investigation into whether the:
 - > Lucky7even, 50 Crowns, Rockwin and Bitdreams services (the services) provided prohibited interactive gambling services in contravention of the IGA
 - > Bitdreams service provided an unlicensed regulated interactive gambling service in contravention of the IGA.
9. During the period of the investigation the services were available via the URLs <https://www.lucky7even.com>, <https://www.50crowns.com>, <https://www.rockwin.io>, <https://www.rockwin1.io>, <https://www.rockwin2.io>, <https://www.rockwin3.io>, <https://www.bitdreams.com> and <https://www.bitdreams1.com>.
10. Libergos Limited is a provider of the services.

Contravention of subsections 15(2A) and 15AA(3) of the IGA

11. The services 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); and
 - > services for the placing, making, receiving or acceptance of bets (paragraph (a) of the definition of 'gambling service' in section 4 of the IGA), including in-play betting services.
12. 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 and paragraph 8E(1)(i)-(j) of the IGA).
13. The services had an Australian customer-link.
14. Libergos Limited is not licensed by an Australian State or Territory to provide regulated interactive gambling services to Australians (paragraph 15AA(3)(b)).
15. The ACMA found that, as a provider of the services, Libergos Limited has contravened subsections 15(2A) and 15AA(3) of the IGA by providing prohibited interactive gambling services and an unlicensed regulated interactive gambling service to customers physically present in Australia.

Dated this 1 March 2024



Rochelle Zurnamer
Delegate of the Australian Communications and Media Authority