

GAMBLING SPONSORSHIP GUIDELINES



Introduction

These guidelines apply to sponsorship and official supplier arrangements involving any company that provides offline or online gambling services (the “gambling operator”).

They have been developed by the European Sponsorship Association (ESA) in collaboration with the European Gaming and Betting Association (EGBA) and the Remote Gambling Association (RGA) on behalf of their members. ESA was assisted in the development of these guidelines by K&L Gates LLP.

Background

The laws and regulations relating to the provision and advertising of gambling services vary significantly in different European jurisdictions, including within individual EU countries. Those laws and regulations have also changed regularly over recent years, and continue to do so.

As a result, the sponsorship rights which can be offered to gambling operators, and the ways in which gambling operators can activate those rights, differ depending on the jurisdiction and the type of gambling. This issue is particularly acute where the sponsorship relates to more than one jurisdiction.

The purpose of these guidelines is to set out common regulatory principles and best practice, in order to assist rights holders or other sponsored parties (the “sponsored parties”) and also gambling operators who undertake sponsorship activities (such as support of an event, activity, team, individual, league or media property, whether sporting, cultural or otherwise), and to promote socially responsible practice within any gambling sponsorship, including the protection of underage individuals* in practice.

This document sets out general guidelines only, and is not a substitute for understanding and observing the laws and regulations which apply to the particular sponsorship.

As sponsorship is conceptually based on a contract of mutual benefit, the onus should be on both the gambling operators and the sponsored parties each to take an active role in ensuring the sponsorship activity and its implementation are consistent with these guidelines.

General Guidelines

1. Sponsored parties should undertake appropriate checks and only accept sponsorship from regulated gambling operators that fulfil all the relevant applicable laws and regulations in the jurisdictions in which they will be granted rights.

* The legal gambling age varies depending on country and type of gambling service

2. Gambling operators and sponsored parties should comply with all relevant applicable laws and regulations and should be aware of all relevant voluntary codes and guidelines that relate to sponsorship and to the gambling industry in the jurisdictions relevant to the sponsorship.
3. Gambling operators and sponsored parties should be socially responsible in their sponsorship and, where appropriate, gambling operators should include responsible gambling messaging within communications linked to any gambling sponsorship.
4. Gambling operators and sponsored parties should ensure that the sponsorship is transparent, and that the sponsoring gambling operator is clearly identifiable.
5. Gambling operators and sponsored parties should do their best to ensure that all external consultants and agencies engaged by them or on their behalf in activities related to the sponsorship or the supply of gambling services are made aware of, and understand they are required to comply with, all the relevant applicable laws and regulations in the jurisdictions relevant to the sponsorship, and are also made aware of all relevant voluntary codes and guidelines.

Sponsorship and sports integrity

6. Sponsored parties should be aware that all persons who can influence, or who have insider knowledge about, the sponsored event (particularly players, officials and coaches) must not bet on the event that is being sponsored, nor use or pass on any insider knowledge for betting purposes. Sponsored parties should ensure that such persons are aware of any relevant regulations and educational programmes relating to betting, insider information and integrity.
7. Gambling operators must ensure that no undue influence in relation to any sporting or other matters are imposed by them on representatives of the sponsored party or on any persons who can influence, or who have insider knowledge about, the sponsored event (particularly players, officials and coaches). Gambling operators should avoid any implication that they might, as a result of the sponsorship, have any involvement in the management of the activities being sponsored.
8. Subject to applicable laws and regulations, gambling operators and sponsored parties should immediately report to the relevant authorities any suspicious betting of which they become aware relating to the sponsored activities so that these can be investigated.

Sponsorship and underage individuals or vulnerable people

9. There should not be sponsorship by gambling operators of sponsored parties or activities where the majority of the audience is reasonably expected to be underage individuals or vulnerable people, or which have particular appeal to underage individuals or vulnerable people.

10. There should not be sponsorship by gambling operators of underage individuals. This does not prevent sponsorship of events or teams which might include the involvement of one or more individuals that are under the legal gambling age. Care should also be taken when sponsoring an individual over the legal gambling age, or when using them in any related marketing activities, that they are not portrayed as under the legal gambling age.
11. Any promotional activities should not invite underage individuals or vulnerable individuals to gamble, and should not be displayed in media that is targeted at underage individuals.

Broadcast Sponsorship and underage individuals or vulnerable people

12. There should not be broadcast sponsorship by gambling operators of any televised programmes that have particular appeal to underage individuals or vulnerable people, or where the audience is reasonably expected to contain a high proportion of underage individuals or vulnerable people.
13. Product placement for gambling operators should be limited only to programmes which are not of particular appeal to underage individuals or vulnerable people, and where the audience is not reasonably expected to contain a high proportion of underage individuals or vulnerable people.

Marketing

14. Any advertising and marketing campaigns associated with sponsorship activities by a gambling operator should be transparent and not misleading, and in line with good practice in relation to socially responsible gambling advertising.
15. Gambling operators should take care that advertising and marketing campaigns associated with sponsorship activities by a gambling operator are not targeted towards, nor have particular appeal to, underage individuals. Underage individuals should not be portrayed in gambling adverts or promotional material, except to the limited extent arising due to their participation in the event on which bets are offered.
16. To the extent that any advertising and marketing campaigns associated with the sponsorship could be said to be targeted specifically at particular jurisdictions, particular care should be taken to understand the legal framework relating to the advertising and marketing of gambling to persons located in those jurisdictions, and its applicability to, and potential impact on, the sponsorship campaign, the gambling operator and the sponsored party.
17. Marketing of gambling services linked to a sponsorship should not: (a) imply that gambling solves financial, personal or professional problems; (b) portray, condone or encourage inappropriate anti-social behaviour; (c) link gambling to enhanced social or sexual success; or (d) exploit cultural beliefs or traditions about gambling or luck.

Promotions and Merchandise

18. Gambling operators and sponsored parties are encouraged to ensure that promotional material of the gambling operator is not used in merchandising designed for or mainly aimed at underage individuals.
19. No promotional activities, competitions or games associated with sponsorship by a gambling operator should be aimed at underage individuals or vulnerable people, and only those over the legal gambling age should be allowed to participate in such activities, competitions and games.
20. Gambling operators should not allow anyone under the legal gambling age to undertake any betting or take up any offers that are associated with the sponsorship.

Onsite Gambling

21. Onsite gambling (gambling at physical locations relating to sponsored activities) may be undertaken as long as it complies with relevant applicable laws and regulations, and has the agreement of the sponsored party and/or venue owner. Any such onsite gambling should take place in accordance with local licensing legislation.
22. Onsite gambling operators should educate all staff running onsite gambling operations only to serve adults and not to allow gambling by anyone under the legal gambling age, as well as to undertake age verification in compliance with the applicable laws.
23. Where onsite gambling is provided, gambling operators must provide information of sources of help and advice on problem gambling.

Acknowledgements

ESA would like to extend its thanks to Andrew Danson of K&L Gates LLP and to Helen Day, as lead authors, and to Warren Phelops and Elizabeth Dunn, also of K&L Gates LLP. ESA would also like to thank William Fenton of ESA's policy team.