



**Mobile Broadband Group**  
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**Response from the Mobile Broadband Group to the Gambling Commission's  
consultation paper on Remote Technical Standards**

**Introduction**

1. The Mobile Broadband Group (MBG, whose members are O2, Orange, T-Mobile, Virgin Mobile, Vodafone and 3) welcomes the opportunity to respond to the Gambling Commission's consultation on Remote Technical Standards.
2. It is not expected that mobile phone companies will provide gambling facilities or themselves become licensed gambling operators. Nevertheless, the mobile platform will be a significant channel through which remote gambling services will be made available by licensed operators. This response focuses on some of the practical issues that are relevant when the customer is using a mobile device for gambling.
3. Overall the MBG welcomes the proposals made by the Gambling Commission, which set out sensible aims and requirements, while allowing for flexibility in the way that gambling operators implement the requirements, particularly where the customer is using a restricted display device (RDD), such as a mobile phone.
4. The MBG strongly supports the Gambling Commission in its aim to promote a regime in which customers can be confident that remote gambling in the UK is undertaken transparently, accurately and fairly. It is only under these circumstances that sustainable businesses will be established.
5. In framing our response we have not only considered each individual requirement and guidance but we have also assessed the cumulative effect. While some elements might seem reasonable in isolation, when taken together with other measures, they could be impractical when specified for a mobile device.
6. Our comments on each remote technical standards (RTS) and information provision appendix (IPA) are set out in the order in which they are presented in the consultation document.

**Testing**

7. The MBG seeks more information about testing. The Commission states (in paragraph x on page 6) that it will "*identify the appropriate tests that should be carried out for remote gambling operations*" and that the Commission will accredit independent test house for the purpose.
8. A few questions arise: Which tests have been identified? The independent testing of the RNG and a third party review of security are the ones to which direct

reference is made. Are others intended? Testing of the RNG is fine but we would not support the widespread mandatory use of test houses, as this causes delay and expense that can be prohibitive for many gaming products.

9. What is the timing on approving the test houses? There seems to be a very tight time scale if everything has to be in place for September. Will the approval of a test house include an assessment of whether proposed prices are reasonable? Our experience in the mobile games market indicates that if only one or two houses are approved, the market will not operate very competitively, which will have a severe knock-on effect on the remote gambling market in the UK.

### **Remote Technical Standard 1A &1B**

10. The requirement to display or, for RDDs, to link to the account balance on all pages where gambling transactions can be executed is noted.
11. For clarity the Gambling Commission should be a bit more specific about what it means by 'telephone betting.' From the context, it would appear that this refers to betting using a voice call. However, betting using SMS (text messaging) over a mobile phone could also be defined as telephone betting. Section 32 of the Communications Act 2003 defines what is generally understood to be a telephone network as follows:

*In this Act "electronic communications network" means-*

*(a) a transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description<sup>1</sup>;*

12. Where a customer is conveying information about bets via SMS rather than through an application on the handset, the position is analogous to the telephone betting with voice and the requirement should be equivalent. This comment applies to other sections of the consultation where special provisions for telephone betting are

### **Information Provision Annex – Guidance 1A**

13. The MBG agrees with the Gambling Commission that customers need to understand where they stand financially with respect to their gambling activity. However, some caution needs to be exercised to ensure that there is reasonable equivalence between the information that would be provided in a physical gambling environment and a virtual gambling environment.
14. In this context, some of the requirements would seem to be somewhat onerous and unnecessary. For example, it is not clear why an **action replay** for gaming products would benefit the customer. It would be unthinkable to ask for such a facility within a casino and would add to the cost and complexity of developing products for remote gambling on a mobile phone.
15. The MBG would not support the requirement to provide, on a monthly basis, a mini-statement of gaming activity. For one thing, it is expected that the vast majority of customers for gambling services will be occasional and that the levels of activity in any given month will be low. It is very unlikely that the profit made on

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<sup>1</sup> S.32 Communications Act 2003

mobile gambling transactions would exceed the cost of preparing and despatching account statements for the majority of active accounts.

16. It would be much more proportionate to require that account information be available on-line (through mobile or fixed access) to those customers that wish to see it. Transaction history is relevant and achievable for sports betting, to check the deposits and bets that have been made by the customer. For the typical casino type applications the information supplied should be restricted to deposits and withdrawals for the last five transactions or so or for transactions in the last four weeks or month.

### **Software compatibility**

17. In paragraph 1.34, the Commission states that it '*will require that operators inform customers of the minimum system requirements needed to properly view content on-line before they commence gambling*'. First, it is not clear how this requirement appears in the body of the IPAs. Secondly, in the case of mobile, a game would not download if there was no compatibility and so warning statements would not be of much use. Any requirement should be qualified with a 'where relevant', not mandated for all except telephone betting.

### **Remote Technical Standard – Requirement 3B**

18. We note the requirement is that information must only be displayed "where relevant". Even so, the MBG believes that the provider may need some flexibility to design a service that combines display with support screens, so as to provide the customer with a user-friendly experience on a mobile, as the ergonomics of a mobile game can be very different. This comment, though, is made with the over-arching proviso that a service must be designed in a way that enables the customer to understand the state of the game.

### **Remote Technical Standard – Guidance 3C**

19. The MBG agrees with the Gambling Commission that it would be fairest for customers to be informed of their chances of winning through a standard method of calculating a 'theoretical return to player', to be agreed between the regulator and the licensed gambling operators.
20. However, we see no particular reason why the TRP should be mandated for 'display'. This information will not generally be dynamic or personal and could be made available through the help/information link. With RDDs in mind, it is essential to keep the cumulative amount of information that has to be displayed at the same time to a practical level.

### **In running betting – IPA guidance 3A**

21. The MBG notes that 'help' screens should give information about the status of an 'in-running' betting screen. It would certainly be challenging to provide this directly onto the main screen.

#### **Remote Technical Standard – Guidance 4A**

22. The Gambling Commission comments that network and processor speeds may have an impact on customers' chances of winning in relation to time critical gambling services.
23. The primary responsibility and action that the Gambling Operator must take is to advise the customer in a very transparent manner that such factors could have an influence on a customer's gambling experience. However, there are so many factors involved that are outside the licensed operator's control – not least the processing power of the customer's device (whether PC or mobile) – that it may be counter-productive to advise or condone elaborate schemes that might compensate for the perceived shortcomings of one or other method of access.
24. The MBG would only support handicapping schemes, or similar, for games that can be played across mobile and fixed platforms and that are tried and tested to be fair to all participants.

#### **IPA Standard - Interrupted gambling etc.**

25. The MBG supports the Gambling Commission's approach to policies on interrupted play. There are too many scenarios for the Gambling Commission to determine in advance how the customer should be treated in any given situation. Nevertheless, it is right that the licensed operator should have policies and procedures, which they are capable of implementing, to deal with interrupted play.

#### **Collusion – RTS 11a**

26. The MBG agrees that gambling operators should have systems for monitoring players that attempt to collude. However, we would request that the Commission forbears from prescriptive statements such as 'as a minimum those with the same IP address', as this is not usually applicable in the mobile space.

#### **Financial limits – RTS12**

27. The MBG also supports the measures that the Gambling Commission is proposing for the setting of financial limits. We agree that spend limits should be voluntary and customer-led, other than where operators themselves choose to impose a limit.