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Report 2018

Gibraltar



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EGR Intel is published monthly by Pageant Gaming Media
One London Wall, London,
EC2Y 5EA, United Kingdom

ISSN 1742-2450

Printed by The Manson Group
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Introduction

A period of change

This *EGR* Gibraltar report focuses on the current business environment for egaming operators and the upcoming changes in 2018.

With Brexit, the GDPR coming into force, and the appointment of a new head of gambling regulation, Gibraltar is in an important period of change.

Gibraltar's government continues to align closely with businesses, and it seems likely that Brexit will lead to greater diversification and the adoption of new licences – a pre-emptive move to facilitate new and ever more innovative operators.

Meanwhile, the sophisticated infrastructure available in Gibraltar is under discussion.

This report should leave our readers with a snapshot of where Gibraltar is headed in 2018.

By Ross Law | *Report editor*



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Phill Brear

◆ Head of gambling and regulation

◆ Government of Gibraltar

Phill Brear was appointed as head of gambling regulation for Gibraltar in 2007 and Gibraltar gambling commissioner in 2011. Phill has steered through a series of changes to Gibraltar's regulatory regime, working closely with operators and their representatives on a range of operational and organisational changes.

Featuring: *Government of Gibraltar*

Accepting change

Phill Brear of government of Gibraltar speaks to *EGR Intel* about the future of Gibraltar and the market

EGR Intel: What impact has Brexit had on the egaming industry? And, in particular, on Gibraltar?

Phill Brear (PB): On the surface, nothing, there really is a 'business as usual' attitude across the industry with decisions that were being delayed until the referendum now being rolled out as if it hadn't taken place; employment continues to rise, we are still receiving and processing new licensing enquiries and new offices are being built, as well as long leases being signed. I have no doubt that below the surface every company now has a 'Brexit options team' of some shape monitoring developments and examining 'what if' scenarios. Likewise, external consultants and advisors will be doing the same, which is good and prudent management.

EGR Intel: How is Gibraltar prepared to cope with post-Brexit fallout now that a provisional date for invoking Article 50 has been outlined?

PB: We aren't going to know what the nature of the Brexit will be for at least another 12-18 months, that is, if there is a true Brexit at all, as I don't rule out the complexities of European politics. In that I include the UK finding a way of squaring this very disruptive circle, and as we are seeing in Gibraltar now – 'business as usual' being the outcome for the main parts of the UK's relationship with Europe, while some of the sharp edges that have created this tension are smoothed off in some way. You can be sure that neither the EU nor the UK wants to extend the economic difficulties of the last decade into the next, let alone make them worse, so a 'Fixit' will be found. There are also some significant hurdles in the UK for the Brexit process to clear, both the courts and houses of parliament are likely to have a say in at what pace and direction Brexit moves.

EGR Intel: What have been the key developments in Gibraltar over the past 12 months?

PB: In Gibraltar we have seen constant, managed

growth, attracting all but a handful of the biggest and strongest brands to establish and operate from here. No short-cuts, no half measures, no 'fly by night' chancers, just steady, responsible gambling companies deepening their roots in Gibraltar.

EGR Intel: You plan to take on a new role this year, what will it encompass?

PB: I am now in my eleventh year as head of regulation and I have doubled up as gambling commissioner for seven years. We are reviewing the Gambling Act and the landscape is constantly changing, so we need some new and fresh thinking, someone with a genuine longer term view than I can offer. We want to ensure continuity and forward thinking, so I expect to be part of the team during 2018 but seeing others run with the ball. I am not walking away, I have put too much into this to do that.

EGR Intel: How will the egaming industry look in 12-24 months? What trends will be of the most significance?

PB: This depends on which side of the operation you sit. I think consumers are going to see a flattening out of the nature of what is on offer. Innovation is being eclipsed by saturation, even the best new ideas struggle to get traction because of the amount of noise in the industry. I don't believe we will see DFS as anything other than a side game because DFS prospers only where real betting isn't permitted; like social gaming, it has a place, but it won't displace the core products. On the industry side, the wave of M&A will eventually settle into a new model, there will be a smaller number of very large operators, that is self-evident, but that creates space for the bespoke and specialist providers to create niche markets until they in turn are bought by the biggest players. The process then starts again but with fewer providers in each category until very few large operators are swallowing up very few small operators. The ever-increasing duplication of regulation and taxation will also drive this consolidation, making the scale of operations ever more important, although, alternatively, more difficult for new entrants.◆

Featuring: *Continent 8 Technologies*

Globally connected



Continent 8 Technologies

provides network solutions, managed services and co-location for today's online business-critical service platforms. Continent 8 delivers its services over a private redundant highly secure global backbone in over 30 locations across three continents. Continent 8 provides a truly global service capability to its clients.

Continent 8 Technologies discuss the firm's unique selling points and advantageous Cloud Connect offering

In 1942, as Eisenhower gave orders marking the commencement of Operation Torch, the North African invasion campaign of World War II, he probably wouldn't have given a second thought to how the network of tunnels surrounding his office and MOD command centre in Gibraltar might look and how far they would reach in around 70 years' time.

This network of tunnels, which once interconnected all the operations within the Rock of Gibraltar, now virtually extends and connects Gibraltar businesses to the world.

Despite there being a number of service providers in the jurisdiction, for a number of years Continent 8 has been uniquely positioned to deliver on a guaranteed global service level that is not just confined to the borders of Gibraltar. The ability to manage internet traffic beyond the borders of Gibraltar to throughout Europe, North America and Asia enables Continent 8 to effectively mitigate denial of service attacks (DDoS attacks), provide diverse options for private network services, offer secure online cloud back-up and ensure that latency levels for our customer's customers is predictable, reliable and with high availability.

Continent 8 continues to invest in this global private network which today connects over 30 global locations (and growing), connecting its European points of presence directly to Asia, and connecting the Far East into the North American west-coast point of presence in Los Angeles. This capability, coupled with a multi-terabit network capacity, gives the industry the most comprehensive and scaled network capability available.

This is excellent news for Gibraltar, too, as it means that any business based in the jurisdiction with global connectivity requirements has a truly global player they can turn to for a range of hosting and connectivity services.

Continent 8's investment in this private network has led to the development of a number of products, but first we need to address the elephant in the room.

GDPR legislation

One of the biggest issues facing the industry this year is the introduction of the new General Data Protection Regulation (GDPR) legislation in May 2018. There is a lot of scaremongering taking place and many consultants are reaping the benefits of this, and, like with Y2K, the new legislation may well come and go with a whimper. However, it will have an impact on all companies and most of us will see the benefits. It will have a huge impact on data security and marketing technology and will change the way marketers and organisations collect, manage and use customer data.

For a number of years Continent 8 has been uniquely positioned to deliver on a guaranteed global service level that is not just confined to the borders of Gibraltar

To cover this in detail is beyond the scope of this article, but fundamentally, when the legislation goes live, the GDPR will place responsibility for honouring those rights in the hands of those who gather and process customer data. If you don't think you need to comply because you aren't in the EU, think again! The GDPR applies to any company or organisation that captures, shares or holds personally identifiable information of EU citizens in the course of business.

If you think the legislation is onerous and worth "winging it", take a look at the imposed fines. They are eye watering. In the event of a data breach, for instance, companies will have to pay the equivalent of €20m (\$23.6m) or four per cent of annual global revenues, whichever is larger.

Continent 8 is using the existing implementation of the ISO 27001 framework to ensure compliance to the GDPR as they both have in common the goal



to properly process and store personal information. Many of the GDPR requirements are covered by ISO 27001; however, there are some controls that must be adjusted to address the protection of personal information. This reduces duplication of effort, cost and time to comply with GDPR requirements.

Connect – growth through partnerships

At Continent 8 we recognise that many of our customers have a need to exchange information and data with each other, and often there is critical B2B traffic underpinning their business. For example, egaming operators regularly ‘talk’ across networks to their software providers, payment processors, lawyers, CSPs, affiliates, regulators – and more. Much of the time these communications are done with the use of virtual private networks (VPNs) over the public internet.

However, we all know the internet is not the ideal medium for this traffic, even if secured by a VPN – it’s still a potential doorway for attacks, hacks and potential data compromise. The best approach has always been to make this traffic entirely private, not accessible from the internet, and with a service level you can trust. Historically, though, this would have meant extremely costly private circuits or a high-end MPLS mesh – these being the only options available.

Earlier this year, we launched new connectivity products under the Connect grouping that enables any of our datacentre customers to use the Continent 8 private global network to communicate

with each other, securely and very cost effectively – whether they’re located in the same datacentre, or are on the other side of the world. Point-to-point private virtual circuits are available between locations and customers at varying speeds. It’s an exciting development, as it will enable ecosystems of directly connected business partners to develop in a secure and cost-effective environment.

Cloud connect

There’s no escaping the global explosion in the adoption of cloud services. In 2018, the majority of businesses are now utilising an element of cloud, and with more Gibraltar businesses adopting elements of cloud for their day-to-day operations, it’s becoming important to choose the best, and most secure, solution.

Amazon, Microsoft and Google are the big players in the cloud infrastructure market; and while Continent 8 has a range of cloud services tailored for regulated markets, we also know the benefits the larger commodity providers can provide; which is the basis for Cloud Connect.

From any of Continent 8’s 30 datacentres or point of presence you can be connected privately to global public cloud providers such as Amazon Web Services and Microsoft Azure. With guaranteed service levels and private connectivity, you can alleviate the primary concerns around public cloud adoption, such as security and availability, so it’s proving very popular for businesses throughout Gibraltar. ♦

Featuring: *Hassans*

The Rock in 2018



Peter Montegriffo

◆ Team leader,
partner
◆ Hassans

Peter Montegriffo's expertise encompasses financial services, private client, commercial and trust related matters as well as close involvement in drafting numerous changes to Gibraltar's legislation in trusts, financial services and gaming areas. He regularly deals with multiple jurisdictions and international tax and private client arrangements. Montegriffo has also been closely involved with the development of remote gambling services in Gibraltar, and has regularly acted on behalf of major groups seeking licences and establishing a presence on the Rock.

Peter Montegriffo, of Hassans, discusses the key priorities for Gibraltar in 2018

EGR Intel (EGR): The GDPR comes into force in May – what other regulatory changes and challenges will the Rock face in 2018?

Peter Montegriffo (PM): GDPR must be adopted by local operators across the board, but it's only one of 2018's main challenges. There are likely to be other important changes. These all stem from the review undertaken into our gambling legislation a few years ago. They will probably extend to new licensing and regulatory provisions. New enforcement measures will follow to strengthen the current regime. We believe all these changes are entirely manageable and indeed will be welcomed by the industry with which there has been close consultation.

EGR: Has Brexit affected what firms have been coming into Gibraltar?

PM: Brexit has had some impact on the geographical focus of new entrants into Gibraltar. Most coming to Gibraltar in the past few years have been B2B operators. They've effectively been chasing B2C operators that are based here, among other priorities.

We have a number of B2C operators applying now for licences. This is a very significant development. The focus of these businesses is in no way Brexit related. They are focusing on wider opportunities opening up.

The industry continues to consolidate and mature and also to innovate. Gibraltar continues to attract a significant slice of this new business. We believe the changes to be introduced in 2018 will cement and strengthen the attraction of Gibraltar.

EGR: Why are these B2B operators coming into Gibraltar?

PM: As noted above, some of these operators are effectively chasing a B2C clientele based in Gibraltar. It is clearly a top priority for them to be close to these corporate clients. This serves to better develop

business opportunities and be responsive to client needs.

Other B2B operators see Gibraltar as the premier jurisdiction from which to develop their services and global reach. Why they may have chosen Gibraltar will depend on many aspects, including the nature of the group itself and not only features of Gibraltar as a jurisdiction. Often such groups are looking towards establishing a bricks and mortar presence and find Gibraltar an accommodating and attractive location in which to do so.

Undoubtedly, there is also often the wish to be based in the same jurisdiction as that perceived as being the one in which other major players are already located.

Gibraltar is keen to incentivise the development of a more diversified industry. Therefore the presence and growth of B2B operators and expertise is likely to be encouraged. It is viewed as an important element in broadening Gibraltar's skills base and commitment to this industry.

EGR: What are the problems of Brexit for Gibraltar?

PM: The impact of Brexit on the gaming sector is less relevant than in other sectors. This is to a large extent because there is no harmonised European regime in gaming. It is, therefore, less impactful than in financial services, where there is a passporting regime.

In general terms, the main problem facing Gibraltar is the lack of clarity as to potential Brexit outcomes. In this we are in the same position as the UK. The next three to six months are likely to be especially critical in clarifying what arrangements emerge. The gaming industry is adopting the view that the effects of Brexit (even a hard Brexit) will not be detrimental. There will certainly be a need for some restructuring if some eventualities occur, but a lot of this planning has already been factored into future strategies.

One important aspect is the continued easy movement across the Gibraltar/Spanish frontier. In this respect, the Spanish Foreign Minister has made clear that Spain's intention is to ensure that fluidity



for workers and travellers is maintained, given it is for the benefit of individuals on both sides of the frontier. This is the position also adopted by the UK in its discussions with the European Commission.

EGR: What do you consider to be the key priorities for Gibraltar's egaming industry in 2018 and beyond?

PM: It will be vital to ensure that there is continued support and interaction with the Gibraltar Government in 2018. Close alignment between the government and industry on objectives and outcomes is critical to maintain and develop confidence and growth.

The second element is the transition from Phill Brear as current head of regulation to Andrew Lyman, who is shortly taking over. The way Andrew settles into his new post and how Phill will be retained on a consultancy basis, will be closely watched. It is important that Phill remains available to Gibraltar on such a consultancy basis to ensure a smooth transition and benefit from his expertise.

The third issue are the changes which I have highlighted. They have been in the pipeline for some time and the industry has been widely consulted. We therefore expect these changes to be introduced with a high level of support.

EGR: Do you expect any of these licence applications types to develop more than others?

PM: Gibraltar is keen to diversify its footprint in the online gaming industry and e-commerce more

broadly. Indeed, it is pushing on with Distributed Ledger Technology and ITO/ICO frameworks. Gibraltar regards these areas as naturally complementary. It is seeking to lead on DLT and ITO regimes, having recently published consultation papers and legislation.

Gibraltar is keen to diversify its footprint in the online gaming industry and e-commerce more broadly

EGR: What is your personal view on ICOs as they currently stand?

PM: There is undoubtedly an enormous opportunity and a legitimate demand for funding that can be addressed through ITO and ICO arrangements.

However, this is a generally unregulated area at a global level. This brings considerable risks. It will only be a matter of time before other jurisdictions embrace this new model in one form or another. Having decided to be an early leader, Gibraltar is keen to develop a prudent yet innovative approach. Having already established a basic framework for DLT operations, we are expecting ITO and ICO rules to be published and adopted over the next few months. There is already considerable activity and interest being generated. Gibraltar is determined to embrace these opportunities by providing a robust but pragmatic approach to regulation. ♦

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Featuring: *Rockolo*

Clouds rolling in



Danny Hook

◆ Managing director
◆ Rockolo

Danny Hook is managing director of Rockolo, part of the Gibtelecom group. Hook has over 20 years' experience within the IT sector both as an IT engineer and more recently, over the past decade, leading operational teams and managing the data centre business for Gibtelecom.

Danny Hook, managing director of Rockolo, talks about the four key benefits of cloud computing and what they mean for operators and suppliers

There is no doubt about it; cloud computing is the future for online gambling operators and suppliers. The upsides are aplenty; it is flexible, powerful, cost efficient and, most importantly, provides superior security over other data hosting services and solutions.

Many online gambling operators and suppliers have embraced cloud-based services from global providers for their front-end presence in specific locations, but few have yet to take this step within the licensed jurisdiction itself. Operators and suppliers have built their own separate silos since their beginnings, often linking with each other through slow or costly connections.

Cloud solutions come on a pay as you grow basis, so you only pay for the resources and internet connectivity you use

Licensed jurisdiction cloud computing will bring about a sea of change in current operating models, providing a platform that is private and secure, yet closely coupled and integrated when it needs to be.

Businesses will be able to come together in a kind of 'meet-me' room, where, if residing on the same cloud infrastructure, all the complex connectivity, storage and processing power is taken care of, enabling firms to focus on what they do best.

There are many upsides to this model, from higher performance to reduced costs via flexibility, security, and more effective support. As a jurisdic-

tion, Gibraltar has long been a champion of cloud computing, and here at Rockolo we have made it our business to help operators and suppliers gradually migrate their systems to the cloud.

The key benefits of shifting to cloud computing

Cost

Cloud solutions allow businesses to save money. Whereas traditional systems require operators and their suppliers to invest in expensive hardware, which needs round the clock maintenance, cloud solutions do not.

What's more, as businesses expand they require more hardware, which takes further investment and incurs additional maintenance costs. Cloud solutions come on a pay as you grow basis, so you only pay for the resources and internet connectivity you use. If one month you require more, you pay more; if you require less the following month, you pay less.

Further savings come from not having to staff a dedicated maintenance team. Servers must be monitored 24-hours a day, seven days a week to ensure no downtime. Cloud solutions are offered with their own support team, reducing staffing costs for operators and suppliers.

Security of service

Cloud solutions offer superior security compared to traditional data systems. Information is automatically stored and duplicated, eradicating the risk of data being lost. This means information is protected and safe in the event of a sudden technical outage or failure.

Clouds typically reside in purpose-built datacentres and therefore automatically inherit the physical security aspects that these premises provide. This includes CCTV monitoring of all building access points and racks. In addition, all personnel entering a facility must be authorised, approved and validated.

Power security comes from dual power supplies to the cloud infrastructure, backed by emergency generators that can run day and night should grid supply fail. The clouds themselves are built to a “no single point of failure” design; everything is duplicated to ensure security of service and redundancy, even with failed components.

Data is encrypted at rest, and encryption keys known only to the user are needed to access the service. Internet-facing firewall technologies are included as standard, enabling operators to build robust defences.

This additional layer of security is especially vital for online gambling operators and suppliers given the implementation of GDPR, with greater scope and more punishment for those mishandling consumer data.

Flexibility

Cloud solutions offer a high degree of flexibility, which makes them perfect for businesses with growing and/or fluctuating resource demands. This is certainly the case for online gambling operators and in particular bookmakers, who often see a surge in usage around major sporting events.

Cloud solutions allow businesses to scale up – and down – immediately by drawing on the service's remote servers and internet connectivity. Again, this helps operators and suppliers streamline costs when it comes to data collection, storage and management.

We've complemented the scalable service with scalable internet connectivity, which is a real first in Gibraltar. Connectivity is charged on ‘transport consumption’ rather than the traditional fixed bandwidth cost, giving operators a completely new array of options.

Support

Cloud solutions are manned by a dedicated team of customer support agents, who are on hand to help businesses maximise the power of the cloud. This includes monitoring their day-to-day resource usage, as well as ensuring the system fires on all cylinders at all times, with no outages.

Our servers are located in Gibraltar specifically for the jurisdictional needs of licensed operators, and we monitor them around the clock. They comply fully with all Gibraltar gambling regulatory requirements so operators can make use of them immediately. We react instantly to any anomalies, while also ensuring our technology and platform is fully optimised and delivering the best possible service to our partners and clients. ♦

A case study

One of our clients is an egaming start-up going through the Gibraltar licensing process in 2018. The team had no pre-existing infrastructure in Gibraltar or elsewhere and, as with all new ventures, knowing the scale of your infrastructure requirements is not always clear from the outset.

This client came on board back in the summer and they have steadily been developing their platform throughout the autumn. The highly dynamic nature of our cloud enables them to ‘spin up’ development and test servers on-demand, run them for a few hours then tear them down before reiterating the cycle. They only pay for the hours the resources are being used and for the volumes of data that move in/out of the internet rather than its bandwidth.

The Open Standards nature of the platform enables them to control and scale it through powerful API interfaces. They've integrated them into their codebase for seamless control and scaling up/down to meet their needs at any given moment.

This gives them peace of mind for when they take their product to market. The shape and size of the backend technical infrastructure is one less headache and it's there for them, ‘on-demand’ as necessary.

This is what the operator in question had to say:

CEO: “The cloud offering from Rockolo allows for rapid expansion of our new and exciting egaming products, without the need for capital expenditure from the outset. Their ‘pay by the hour model’ allows the infrastructure to scale with our business.”

CTO: “This solution allows us to build elastic scale-up and scale-out applications, while the hardware remains in Gibraltar. The OpenStack APIs allow for developer access to the infrastructure programmatically, thus allowing us to create and deploy environments, on the fly, from the codebase.”

But why Gibraltar? The Rock has long been a champion of cloud solutions, and the jurisdiction is perfectly positioned to offer such products to clients from all around the world. It also enjoys an environment which is ideal for locating technology-hungry businesses. With optimum submarine cable and overland fibre connectivity extending from London to Asia, backed up by state-of-the-art Rockolo data centre services, Gibraltar is guaranteed a bright future.

This robust infrastructure is supported by a proven regulatory and legal framework which now has the added bonus of being the first jurisdiction to have regulated Distributed Ledger Technologies for the benefit of Fintech businesses who are relocating to Gibraltar to take advantage of this exceptional environment. This includes Rockolo Cloud services, which are ideal for start-ups who wish to get off the ground quickly without excessive upfront costs.

Cloud computing is undoubtedly the future, and armed with a better understanding of what it is, how it works, and the benefits it offers, we expect more operators and suppliers to embrace the technology and slowly migrate their data systems to the cloud in the coming months and years.

The clouds may be rolling in, but the technology provides a bright future for online gambling operators and suppliers.

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ISOLAS have been at the forefront of Gibraltar's success story as a leading jurisdiction for online gambling for over a decade with particular expertise on licensing & regulation, Intellectual Property, Corporate, technology and e-commerce law.

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