



Preliminary Investigation Report – Interactive gambling – 8Xbet

GINV-2022-00051

Summary	
Entities/individuals involved in the service	TGP Europe Limited 978 Tech N.V.
Name of service	8Xbet
Date service was accessed	4,17,18 and 19 August 2022
URLs	https://8xbet.com https://8xbet11.cc https://8xbet5.com
Relevant legislation	<i>Interactive Gambling Act 2001</i>
Date reviewed	25/08/2022
Preliminary Findings	<ul style="list-style-type: none"> > Contravention of subsection 15(2A) of the <i>Interactive Gambling Act 2001</i> – the service is a prohibited interactive gambling service with an Australian-customer link > Contravention of subsection 15AA(3) of the <i>Interactive Gambling Act 2001</i> – the service is an unlicensed regulated interactive gambling service with an Australian-customer link > Service internet content is 'prohibited internet gambling content' under section 8F of the <i>Interactive Gambling Act 2001</i>

Background

1. The Australian Communications and Media Authority (the ACMA) conducted an investigation under section 21 of the *Interactive Gambling Act 2001* (the IGA) into the service, 8Xbet, available at the websites <https://8xbet.com>, <https://8xbet11.cc> and <https://8xbet5.com>.
2. The investigation was commenced in response to a complaint received by the ACMA in July 2022, made under section 16 of the IGA alleging a contravention of a provision of Part 2 of the IGA.
3. The complainant referred to the 8xbet.com website which redirects to the 8xbet11.cc website registered in Australia's Cocos Islands. The complainant noted that 8XBet has been advertising to Australians recently through their sponsorship with the Manchester City Football Club.
4. The ACMA investigated whether:
 - > 8Xbet is a prohibited interactive gambling service with an Australian-customer link provided in contravention of subsection 15(2A) of the IGA
 - > 8Xbet is an unlicensed regulated interactive gambling service with an Australian-customer link provided in contravention of subsection 15AA(3) of the IGA.
 - > the 8Xbet service content is 'prohibited internet content' under section 8F of the IGA
 - > the promotion of the 8xbet service in the joint media release with Manchester City FC at <https://www.mancity.com/club/partners/8xbet> accessed in this report is a designated interactive gambling service advertisement published in Australia, in contravention of subsections 61EA(1A) and 61EA(2A) of the IGA.

The service and entities involved

Service

5. The service, 8Xbet, was accessed via the URL <https://8xbet.com> which redirected to <https://8xbet11.cc>
6. When the user clicks on the 'Register' button on the home page, they are redirected to <https://8xbet5.com> (8Xbet)
7. The home page of the 8Xbet website indicates that various types of gambling services are available including:
 - > casino-style games such as slots and table games that allow play for real money
 - > wagering on sporting events, including in-play betting.

Licenses issued to 8Xbet

Curacao Licence

8. The 'About us' section on the 8Xbet website states,
8Xbet is a trustworthy online gambling site in Asia, launched in 2018.
9. The homepage includes the following licensing information:
Antillephone License
Authorised and supervised by the government of Curacao
10. When the user clicks on the Antillephone icon the following information is provided:
Company name: 978 Tech N.V.
Trade name: 978 Tech N.V.

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Address: Curacao Heelsumstraat 51

Email: contact@8xbet.com

11. The information also includes 37 registered websites including www.8xbet.com and a number of other variations of 8xbet such as www.8xbet99.com, www.8xbet22.com and www.8xbet.vip.
12. A search of the Curacao company register at <http://www.curacao-chamber.cw/services/registry/search-company> identifies 978 Tech N.V. as a Limited Liability Company with a purpose to 'organize, market, promote, manage, support and operate all types of remote gambling activities, comprising all types of games, betting and other operation of a betting exchange, interactive casinos, bingos, lotteries and other interactive games, for clients established or residing outside of Curacao'.
13. The Statutory director of 978 Tech N.V. is listed as eMoore N.V.
14. The Curacao company register provides the following information on eMoore N.V.:
Address: Landhuis Groot Kwartier Groot Kwartierweg 12, Curacao
Managing Director: George F.J.M. Van Zinnicq Bergmann

United Kingdom Licence

15. A joint media release issued by Manchester City FC and 8Xbet on 5 July 2022 announced a new regional partnership that would see 8Xbet become the official betting partner for Manchester City FC in Asia. The release identified 8Xbet as being 'licensed and regulated in Great Britain by the Gambling Commission' and provided quotes from its 'Founder' Ryan Li.
16. A search for 8xbet on the UK Gambling Commission website at <https://www.gamblingcommission.gov.uk> brings up TGP Europe Limited (TGP) and the domain 8xbet.co.uk. The address of TGP is listed as 22A Castle Street, Douglas, IM1 2EZ, Isle of Man.
17. The active licences issued to TGP by the UK Gambling Commission are listed as Casino, Gambling Software, General Betting Standard – Real Event and General Betting Standard – Virtual Event.
18. The TGP website at <https://tgpeurope.com> refers to the service 'the gaming platform', which provides tailored white label gaming solutions. The contact details are enquiries@tgpeurope.com.

Providers of 8Xbet

19. The ACMA is of the view for the reasons set out in this report that 8Xbet is provided by TGP Europe Limited because:
 - > The information provided in the joint media release of Manchester City FC and 8xbet refers to the 8Xbet service being the official betting partner for Manchester City in Asia.
 - > The 8Xbet service at <https://8xbet5.com> contains significant references to the partnership with Manchester City, including a banner stating it is the official betting partner of Manchester City, and photos of Manchester City players.
 - > The media release also referred to 8Xbet being licensed by the UK Gambling Commission. Information on the Gambling Commission's website shows that the 8Xbet service is a domain name of TGP Europe Limited.
20. The ACMA is also of the of the view for the reasons set out in this report that 8Xbet is also provided by 978 Tech N.V. because:

- > The information on the 8Xbet homepage states that 978 Tech N.V. holds an Antillephone licence.
- > Information on the Curacao Company register identifies 978 Tech N.V. as having 37 registered websites, including www.8xbet.com and a number of other variations of 8xbet.

Key provision/s of the IGA

21. Extracts of the key provisions of the IGA are provided at **Attachment A**.

Preliminary Findings

22. The 8Xbet service is provided in contravention of subsection 15(2A) of the IGA as it is a prohibited interactive gambling service with an Australian-customer link.
23. The 8Xbet service is provided in contravention of subsection 15AA(3) of the IGA as it is an unlicensed regulated interactive gambling service with an Australian-customer link.
24. The 8Xbet internet content is 'prohibited internet gambling content' under section 8F of the IGA.

Reasons for decision

25. To assess whether the service is provided in contravention of subsections 15(2A) and/or 15AA(3) of the IGA, the ACMA considered the following questions:
 - > Is the service a prohibited interactive gambling service as defined in section 5 of the IGA and/or a regulated interactive gambling service as defined in section 8E of the IGA?
 - > Does the service have an Australian-customer link?
 - > If the service is a regulated interactive gambling service, does the operator hold a licence under a law of a State or Territory that authorises the provision of the kind of service?
26. To answer these questions, staff accessed the service via <https://8xbet5.com> and attempted registration and gameplay using the service. This process was recorded, with the recording being kept on file. Relevant screenshots and detail from the registration is provided in **Schedule A**.

Is the service a prohibited interactive gambling service?

27. 8Xbet appears to provide services that meet the definition of a prohibited interactive gambling service (at section 5 of the IGA).
28. The key elements of a prohibited interactive gambling service are that:
 - > it is a gambling service as defined in section 4 of the IGA
 - > it is provided in the course of carrying on a business (see paragraph 5(1)(a) of the IGA)
 - > it is provided to customers using certain services, including an internet carriage service (see paragraph 5(1)(b)(i) of the IGA).
29. The service made available at <https://8xbet5.com> satisfies the above key elements as it:
 - > offers casino-style games such as slots and table games played for money and in-play betting on sporting events
 - > is provided in the course of carrying on a business, as evidenced by the provision of the service to the public, with an apparent view to making a profit (evidenced by the requirement to deposit funds as a condition of registration)

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- > is provided to customers using an internet carriage service as evidenced by the fact that the service was accessed using an internet connection.
30. Services that satisfy the key elements noted above are prohibited interactive gambling services unless they are excluded under subsection 5(3) of the IGA.
 31. Considering the relevant definitions in the IGA, the ACMA is of the view that casino-style games are not excluded by subsection 5(3) of the IGA.
 32. Excluded wagering services, as defined by section 8A of the IGA, are a type of service that is not a prohibited interactive gambling service (see paragraph 5(3)(aa) of the IGA). Excluded wagering services include betting on racing and sporting events, other than in-play betting on racing and sporting events.
 33. 8Xbet offers in-play wagering on sporting events, which is not an excluded wagering service (see paragraph 8A(3)(b) of the IGA) and is therefore a prohibited interactive gambling service to that extent.
 34. Therefore, the service offers, via the website, prohibited interactive gambling services in the form of casino-style games and in-play betting on sporting events.

Is the service a regulated interactive gambling service?

35. 8Xbet appears to provide services that meet the definition of a regulated interactive gambling service (at section 8E of the IGA).
36. The key elements of a regulated interactive gambling service are that:
 - > it is a gambling service as defined in section 4 of the IGA
 - > it is provided in the course of carrying on a business (see paragraph 8E(1)(i) of the IGA)
 - > it is provided to customers using certain services, including an internet carriage service (see paragraph 8E(1)(j)(i) of the IGA).
37. The service made available at <https://8xbet5.com> satisfies the above key elements, which are common to both prohibited and regulated interactive gambling services, as set out above.
38. In addition to meeting the key elements set out above, regulated interactive gambling services must be a certain type of service as listed in section 8E of the IGA.
39. Relevantly, an excluded wagering service under section 8A of the IGA is a regulated interactive gambling service. As discussed above, an excluded wagering service is a service that offers wagering on racing and sporting events, other than in-play betting on racing and sporting events. 8Xbet offers betting on sporting events, other than in-play betting on sporting events.
40. Therefore, to the extent that the service offers, via the website, excluded wagering services under section 8A of the IGA in the form of wagering on sporting events, it is offering regulated interactive gambling services.

Does the service have an Australian-customer link?

41. To be provided in contravention of subsections 15(2A) and/or 15AA(3) of the IGA, the prohibited or regulated interactive gambling service must have an Australian-customer link. 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.
42. A contravention does not occur if the person providing the service did not know and could not, with reasonable diligence, have ascertained, that the service had an Australian-customer link (see subsections 15(3) and 15AA(5) of the IGA).

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43. To determine whether 8Xbet had an Australian-customer link, ACMA staff physically present in Australia attempted to become a customer of the service via the website. During this process staff physically present in Australia:
- > were able to enter an email address with an Australian domain 'com.au', and an Australian phone number '+61'
 - > received a registration code via the Australian email address. The code was used to verify registration.
 - > identified that the registration page on the 8Xbet service included Australia in the drop-down box of country code phone numbers
 - > were able to deposit money using Bitcoin and these funds were credited to the registered account
 - > were able to undertake gameplay using the funds credited to the account.
44. In addition, the website included a number of elements that indicate that the service was provided to customers in Australia:
- > there was no indication during registration or in the terms and conditions of use on the website, that Australian law prohibits the provision of the service to customers who are physically present in Australia
 - > there was no reference in the terms and conditions on the website to the effect that the customer was not to use the service if the customer was physically present in Australia
 - > while registering with the service, ACMA staff did not conceal their network data, which may have indicated that staff were physically present in Australia.
45. ACMA staff physically present in Australia could become a customer of the service by providing details indicating the customer was physically present in Australia and gamble using the service. Therefore, the service appears to have an Australian-customer link.

Does the person that provides the regulated interactive gambling service hold a relevant licence under a law of a state or territory?

46. A person will not be in contravention of subsection 15AA(3) of the IGA if that person holds a licence under a law of an Australian state or territory that authorises the provision of the kind of service investigated.
47. The ACMA maintains a register of relevant licences for the purposes of the IGA, available at www.acma.gov.au. According to the ACMA register of licensed interactive wagering services as of 22 August 2022, the service is not provided by any of the persons who hold a licence under a law of a state or territory that authorises the provision of the kind of service offered.

Prohibited internet gambling content

48. Based on the previous findings set out in this report, the ACMA is satisfied that the internet content of the 8Xbet service available at the URL <https://8xbet.com>
- > would be considered by an 'ordinary reasonable person' to have the sole or primary purpose of enabling a person to enter into dealings in the capacity of a customer of a prohibited and an unlicensed regulated interactive gambling service with an Australian-customer link provided in contravention of subsections 15(2A) and 15AA(3) of the IGA
 - > can be accessed by end-users located in Australia.

Is the service being advertised in contravention of the IGA?

49. The complainant stated that the 8Xbet service has been advertising to Australians recently through their sponsorship with the Manchester City Football Club and that the sponsorship is specifically targeted at users in our region.
50. At present it appears that the only advertising of the 8Xbet service has been through the media release issued by the Manchester City FC about 8Xbet being its official betting partner in Asia at [8Xbet \(mancity.com\)](https://www.mancity.com).
51. Staff note that at this time:
 - > The Manchester City FC home and away 'kits' as listed at <https://shop.mancity.com> do not display any advertising for the 8Xbet service.
 - > The Manchester City FC URL at <https://www.mancity.com> does not provide any advertising for the 8Xbet service, other than the publication of the media release
 - > The 8Xbet URL at <https://8xbet5.com> displays a banner that 8Xbet is the official betting partner of Manchester City FC. While this information is available to users once they access the 8Xbet URL, there is no indication, other than the media release, that the arrangement is being otherwise promoted to at Australians
 - > Similarweb data shows the traffic to the service at <https://8xbet5.com> was less than 5,000 in May 2022, and close to nil in June and July 2022, which supports the view that there has not been promotion of the service to Australians, other than the media release on 5 July 2022.

Was the advertisement published in Australia?

52. Subsection 61CA(1) of the IGA provides that a person must not publish a designated interactive gambling service advertisement in Australia, unless the publication is permitted by another specified section of the IGA.
53. Paragraph 61CA(1)(a) of the IGA relevantly provides that a person publishes a designated interactive gambling service advertisement if the person includes the advertisement or something that contains the advertisement on a website.
54. Further, subsection 61EA(3) provides a designated interactive gambling service advertisement that is included on a website is taken to be published in Australia if and only if the website is accessed, or is available for access, by end users in Australia; and having regard to the content of the website and the way the website is advertised or promoted, it would be concluded that it is likely that the majority of persons who access the website are physically present in Australia.
55. The Manchester City FC URL at <https://www.mancity.com> is a global website, with Similarweb data showing that for the period May to July 2022 there were 10.43 million worldwide visits to the site. The majority of visits came from the United Kingdom (37.96%) and the United States (9.46%).
56. Similarweb data shows that in this period there were 404,503 visits to the website from Australia, representing around 3.88% of total visits,
57. In terms of subsection 61EA(3), this demonstrates that the majority of persons who access the website are not physically present in Australia and that any advertising of the service on the Manchester City FC website is not taken to be published in Australia

Other factors which may be considered

58. The media release referred to other ways the relationship between Manchester City and 8Xbet may be promoted:

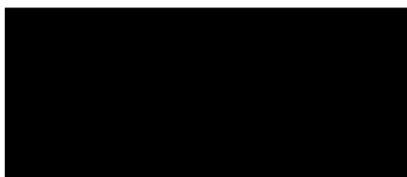
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- > The 8Xbet brand will have exposure through LED in the Etihad Stadium (Manchester City's home ground).
- > The 8Xbet brand will have a presence in Asia across digital assets and the club's Cityzens platform. Cityzens is available at <https://cityzens.mancity.com> and is Manchester City's free membership for fans.

59. These forms of promotion do not appear to be currently in use. As a result, their compliance with the IGA has not been considered at this time.

Preliminary Decision

I, [REDACTED], Manager, Interactive Gambling Team, have reviewed this report and agree with the preliminary findings and views set out in this report.



Signed: [REDACTED]

Dated this: 25 August 2022

List of Attachments

Attachment A Key provisions of the IGA

List of Schedules

Schedule A I. Review of 8Xbet website and registration
 II. Registration email verification code
 III Further review of 8Xbet website

Schedule B I. Bitcoin deposit
 II. Bitcoin wallet – confirmation of deposit

Schedule C I. 8Xbet gameplay

Schedule D I. Manchester City kits and review of website
 II. Media release – Manchester City and 8Xbet

Schedule E I. UK Gambling Commission – 8Xbet

Schedule E I. Similarweb 8Xbet.com
 II. Similarweb 8Xbet5.com
 III. Similarweb Manchester City FC

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

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(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*).