



## **55 WEBSITES PROVIDING ILLEGAL GAMBLING BLOCKED BY THE DANISH COURTS**

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### **Introduction**

In March 2021, a Danish court accepted the Danish Gambling Authority's request to block 55 gambling websites via the internet service providers. The websites were used to offer gambling services in Denmark; however, the gambling providers did not hold a mandatory Danish gambling license as required under the Danish Gambling Act and accordingly, providing such services was illegal.

The court concluded that the Danish Gambling Authority did not have to prove that persons located in Denmark had actually made transactions with the gambling providers. The mere fact that it was possible for persons located in Denmark to make transactions was sufficient to block the websites.

This constitutes a possibly new development in Danish case law. The decision has, however, been appealed by the internet service providers.

## **Facts**

Provision of online casino and betting in Denmark requires a license from the Danish Gambling Authority (the “DGA”). This is a mandatory requirement, and any provision of gambling in Denmark without having first obtained a gambling license is illegal.

It is the responsibility of the DGA to monitor the Danish gambling market and to supervise gambling providers and their compliance with gambling regulation. The DGA continuously monitors the online provision of gambling for the purpose of ensuring compliance with Danish regulation. This includes ongoing review of the services provided by the online gambling providers.

The DGA monitors both in-game offerings via gaming platforms to assess whether the offerings are considered gambling and thus covered by Danish gambling regulation as well as the more traditional online casinos and betting sites in order to ensure that the relevant license have been obtained.

In this specific case, the DGA had reviewed numerous websites and had concluded that gambling was offered without the providers having obtained the relevant gambling licenses from the DGA.

Consequentially, the DGA requested the gambling providers to remove their offerings so as not to violate Danish gambling regulation. As regards those gambling providers that did not comply with this request, the DGA petitioned the Danish courts to ban the 55 websites via the relevant internet services providers.

## **New Developments in Case Law**

Under Danish law, gambling offered via the internet is considered to be provided in Denmark when the gambling provider accepts payments from persons located in Denmark.

Consequentially, companies established in other countries than Denmark must be aware of Danish gambling regulation.

In this specific case, the internet service providers argued that the DGA was obligated to document that the gambling providers had actually accepted payments from persons in Denmark before the court could impose an obligation to block the websites. The internet service providers argued that the DGA had only documented that the gambling providers were able to accept payments from persons in Denmark, but that no documentation had been provided of any actual transactions. This appears to be a new argument which we have not previously seen in these cases.

The court concluded that the DGA had sufficiently documented that the gambling providers had directed its services against the Danish market without having obtained the mandatory licenses. Consequentially, the court decided that it was not necessary for the DGA to further document that actual transactions had been completed with persons located in Denmark. The court accepted the DGA's petition to impose an obligation on the internet service providers to ban the 55 websites. This is the largest number of websites blocked since the current gambling regulation was introduced in Denmark in 2012.

The judgement has been appealed by the internet service providers.

### **Our Comments**

We recommend that gambling providers be aware that the outcome of this case may affect the understanding of the scope of Danish gambling regulation. Following the very broad assessment of when gambling is "offered in Denmark", more foreign gambling providers might need to obtain a Danish gambling license.

We recommend that companies providing any of the types of online gambling that are subject to the mandatory Danish licensing requirements (e.g. online betting and online casino) investigate whether the gambling activities could potentially be available to persons located in Denmark. If gambling is made available to persons in Denmark, we recommend that an individual assessment is made as to whether a mandatory gambling license will be required.

Moalem Weitemeyer has vast experience in assisting in matters related to the Danish gambling regulation. We continuously advise clients in relation to obtaining Danish gambling licenses; during ongoing compliance; and in cases of violations of the Danish gambling regulation. For further information please do not hesitate to reach out to us.

**If you have any questions or require further information regarding any of the above, please do not hesitate to contact us:**



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