

Gamesys Partners Guidance - Spain

Introduction

As a responsible operator of gambling websites in Spain, Gamesys is responsible for complying with the Royal Decree 958/2020 (the “**Ad Decree**”) which came into force on 5 November 2020. Various provisions of the Ad Decree relating to marketing and commercial communications are in force from 1 May.

The overriding aim of our requirements is to ensure that you are aware of, and act consistently at all times with, our licensing requirements. To achieve this, we ask that our partners (including our affiliates) be familiar with and comply with all relevant and applicable legislation, regulatory and industry requirements, along with the terms and conditions of the Gamesys Group Partner Programme.

You should be aware of your obligations, and this guidance sets out our key requirements since we are liable for our partners’ activities under the Ad Decree. In particular, we require that our marketing materials are not placed adjacent to any content (including any third party content) that does not comply with this guidance.

Please note that this document is not intended as legal advice and you should take your own advice if you think this will help.

If you have any questions about the contents of this document or our requirements in general, please contact the Gamesys Affiliates Team via email at contactus@gamesysgrouppartners.com.

Placement of Marketing/Commercial Communications

1. The Ad Decree prohibits **all** marketing/commercial communications about promotional activities by partners/affiliates. Please cease advertising our welcome offer or any of our other promotions using any banners or copy.
2. You may continue to advertise our brands using brand-led and product-led copy. However, such commercial communications used must comply with the strict parameters of the Ad Decree. Please update your marketing materials in line with the Ad Decree. In this regard, please take independent legal advice as necessary.
3. You must not present our marketing materials in a way that they are superimposed on the main content of your websites/applications, blocking most of that content without prior action by the user. In any case, our marketing materials must never block the user’s navigation and must be able to be closed or stopped easily.

Safe Gambling Messages

4. You must periodically broadcast messages on safe gambling on all marketing channels (including on your desktop and mobile websites).

5. You must not specifically target any player who has self-excluded, self-banned or been deemed as “at risk”.

Marketing Copy/Communications

6. **Keywords Lists**. Please implement across all of your marketing copy any instructions provided to you by us. This includes implementing the last available version made available to you of the following:

- a. our “must have” keywords list; and
- b. our “must not have” keywords list.

Please note these lists are not exhaustive and you must not use any other words and phrases that would be considered to breach the Ad Decree if used or not used.

7. **Testimonials**. Marketing materials must not include testimonials from previous beneficiaries, real or figurative.

8. **Principle of social responsibility**. Marketing materials must not be socially irresponsible. For example, these must not:

- a. encourage attitudes or behaviour of any kind that are antisocial or violent, discriminatory on grounds of birth, racial or ethnic origin, sex, religion, opinion or conviction, age, disability, sexual orientation, gender identity, illness, or any other personal or social condition or circumstance;
- b. encourage humiliating, belittling or degrading attitudes or behaviour;
- c. link, represent or relate to illegal activities or conduct;
- d. link, represent or relate to activities that result in economic, social or emotional damage;
- e. confer social superiority to those that gamble or discredit those that do;
- f. include messages that devalue the effort to participate in a game;
- g. make express appeals to the recipient of the commercial communication to share the message envisaged in the commercial communication with others;
- h. present gambling in educational or work settings;
- i. suggest gambling can improve personal skills or social recognition;
- j. include sexual content or link gambling to seduction, sexual success or increased attractiveness;
- k. portray gambling as indispensable, a priority or an important element in life; or
- l. portray family or social relationships as secondary to gambling.

9. **Principle of safe gambling**. Marketing materials must comply with the principle of safe gambling. For example, these must not:

- a. mislead about the possibility of being rewarded or suggest that repetition of the game increases the probability of winning;
- b. lead to confusion regarding the nature of the game;
- c. encourage compulsive or thoughtless gambling, or present the above patterns of gambling as stimulating or attractive practices;

- d. associate, link or relate gambling activities to ideas or behaviours that express personal, family, social, sporting or professional success;
- e. make offers of loans to participants in the game or any other form of credit or otherwise to provide links to other sites where loans and credit are offered quickly and instantly;
- f. suggest gambling is a solution or an alternative to financial, personal, professional or educational problems;
- g. present or assimilate gambling as an economic activity or financial investment, or as an alternative to employment or as a way of recovering economic losses of any kind;
- h. suggest that the user's skill or experience will eliminate or decrease the chance on which the win depends, or appeal to the gamer's knowledge, perseverance, competitiveness or instinct, or to their mastery of the operator's betting platform, as determining elements of success in the gambling activity; or
- i. refer to the National Lottery or any third party lottery, draws or game results without permission.

10. **Protection of minors**. Marketing materials must protect minors as further set out below. In particular, these must not:

- a. present gambling as a sign of maturity or an indication of moving into adulthood;
- b. exploit the special relationship of trust that minors place in their parents, teachers, or others.

Marketing Creative/Designs/Images/Communications

11. **Protection of minors**. Marketing materials must not:

- c. as a result of their content or design, rationally and objectively suitable for attracting the attention or particular interest of minors, including mascots or jingles that are specifically or primarily aimed at minors. Other examples include cartoons, princesses, dolls or childish characters;
- d. use the image, voice or other characteristics inherent to minors or people made to look like minors;
- e. associate, link or relate gambling activities to ideas or behaviours that express personal, family, social, sporting or professional success. For example, do not feature images of trophies or medals.

12. Marketing materials must not use graphic representations of money or luxury products. For example, do not feature money, coins, diamonds or other luxury items in design assets.

13. Marketing materials must not feature famous people or public characters, whether real or fictitious.

Preventing Access to Minors

14. You must ensure that all of your marketing channels (including your desktop and mobile websites) prevent access by minors.

15. Please note it is not sufficient to use only those measures available technically or to use self-certification mechanisms. You must ensure you have **prevented** access by minors.

16. Where parental control mechanisms are available for the marketing channel being used, you must include an identifier enabling our advertising to be categorised as gambling related.

Websites/Applications

17. You may only advertise our brands on websites/applications that we have authorised.

18. The content of your websites/applications must comply with all applicable laws and regulations. This means it must include any content relating to promotional activities of any gambling operator in Spain.

19. Your websites/applications must not promote the gambling activities of entities that are unlicensed in Spain.

20. The content of your websites/applications must not infringe any third-party intellectual property rights.

21. Your websites/applications must not be specifically or primarily aimed at minors, or link to any such content.

Pay-Per-Click (“PPC”) Advertising

22. Please ensure you do not advertise our brands using PPC advertising.

23. Please note that, under the Ad Decree, commercial communications promoting your own websites/applications may only be arise as results offered by search engines (e.g. Google, Bing, Yahoo, etc.) only in response to user searches that use words or phrases **directly** connected with the gambling activities defined in Act 13/2011 of 27 May.

This means the search words or phrases may only relate to licenseable gambling products such as “slots”, “bingo”, “casino”, etc. Words and phrases such as “online game”, “video game”, “fun”, etc, that are not directly connected with gambling are prohibited.

You must comply with these requirements in respect of your websites/applications even if they are not authorised to undertake PPC advertising of our brands.

Social Media Networks and Video Exchange Services

24. Please ensure you do not advertise any of our brands on any social media networks or video exchange services, including Facebook, Twitter, Instagram, YouTube, etc.

Email, SMS and Mobile App Advertising

25. Please ensure you do not advertise any of our brands using email, SMS, push notifications, or in-app advertising.

Other Advertising

26. Please ensure you do not advertise any of our brands using any other marketing channels not mentioned above, including post. You must only advertise using marketing channels authorised by us and always in accordance with our instructions.

Dissemination of Commercial Communications

27. The dissemination of all commercial communications must comply with applicable laws and regulations, including local data protection laws and GDPR as applicable.

Breaches of this Guidance

In all cases of non-compliance, we reserve the right to suspend or terminate an affiliate's account indefinitely or permanently for any reason immediately on written/email notice to the affiliate at any time.

Any non-compliance may require reporting to the relevant regulator, so please tell us as soon as possible if you are having issues, so we can help where possible.

If you have any questions about advertising Gamesys' brands, please contact the Gamesys Affiliates Team via email at contactus@gamesysgrouppartners.com.