

The World of the illegal Game of Hazard – Online Poker (Part 3 – End) ✖

After you have been reading about the basics of the Online Poker-Gambling, you might get curious yet about how it is now just looking in reality. You are sitting in front of your computer and think about to start the Download for the game-program, but something in you lets you stay reluctant... . “Is it really allowed, what I am doing here? Can I get problems with the law, when I risk my money in the internet? Or how does it just look like, if I am in an open portal, where obviously partner sitting at a table, who try to take my money, by pushing the Pot high?”

How could it be guaranteed, that you will not get any problems with that, what you are doing? Many questions and open answers. We will try today, to furnish you some background information on this.

Forged Play or Team-Play seems at first glance to be online a much bigger problem, as you might know of your stem party in the Casino. You cannot see who is behind the pseudonyms at your virtual table. Could it be that it is the same player is clicking in with 2 or 3 further internet-connections and that they are in true not playing against 9 different players, but maybe only against 3 or 4 others, who are trying to get the advantage out of it, because they are seeing more covered cards, as you and who are only those who are playing on with the best combination and have more detailed information about cards that are already dead?

Well, basically such a scenario would be imaginable, but is rather unlikely. The Poker-sites alone are very interested in fighting against such unfair gaming-behaviour. That is why un-logical betting-patterns are monitored and when the suspicion

arises that anything is wrong, such players are going to be proved. That can go as far that player-accounts are frozen temporarily until the definitive order. According to those who offer the services, suspicious persons don't have access to the gaming-money and must give to the servers a plausible explanation.

As well as it is technically possible that the partners at the table via other communication-services (Telephone, MSN Messenger, ICQ, etc.) show their Cards to one another and are getting hence an advantage towards their partners.

How would you like being at the table in a Casino, when you imagine yourself, you were sitting there and your neighbour-player shows permanently his cards and discusses, and only always the one player with the best Hand-combination plays further and the others get off?

Also here there have Poker-Server already been taking pace, in order to avoid this Foul-Play. With the help of extra developed software can partly already by communication-paths been monitored. If there are 2 players at the same table, who are connected at the same time for example via communication-platforms and they are communicating, then the game-patterns are precisely examined. If it is found that here again unusual gaming-behaviour happening, such players will be locked out from the game, too.

What very easy can cause the appearance that the fact, the fluctuation on the internet poker is essentially larger as in the Live Poker is to be assumed. With the same limit, so assume an example of 15/30, so the player of the Online environment experiences a fluctuation in the range of up to 1.000 Dollars per Hour. This is in a Live Game rather the exception. As long as this fluctuation is going to rise up, it is not to be said anything against it. But if a player loses online within short time bigger money amounts and when one sees in the Showdown that the counter-part, who wins the Pot,

has been playing with unusually weak Starting-Hands and has fished the lucky final card, hence easily scepticism occurs. And who has basically to little knowledge about this game, will also get problems, to win against experts.

However here are some remarks about legal issues. Is it really allowed, to Poker on the internet?

Basically and without to go to deep into the paragraphs, it has to be said that it is not allowed in the most countries, to bet on the Internet on money or to gamble.

There are restrictions in age that are given by the proprietor, in order to make sure that the gamblers are at least be of age and hence know that they are risking their own money and that they have to cover the full responsibility.

While today there is still the majority of the players worldwide who are coming from the USA, who meet up in the internet to poker or for any other Betting- and Game of Chance, so there are permanently efforts in the USA going on, to bolt a door in front of. The only possibility, that is to be avoided, is accordingly to authorities that the financing paths are interrupted. If Credit-cards- and financing-companies must not carry out any game-of-chance-transactions anymore, hence this means that for the end-user that the ways of leading his game-account are clinched off. The proprietor himself could not be bothered by law, as they have placed their Servers in Countries, in which they are having even a licence for the company. The most of the Server stand either in the Caribbean or in Central-America, and from this countries it is not illegal, to play online or to bet.

Nevertheless it is not known to ISA CASINOS until today about any single case, where a Internet Gambler has been put into prison for what he has been doing – neither in the USA nor elsewhere in the world. The Internet is somehow comparable with a law-free room, where it seems there is not any existing

internationally competent police or supervising bodies for it, regarding Game of Chance.

In the USA there has been a few years ago a financing company in the internet, that had contracts with Online Casinos. After a legal estimate in a federal state, there has been a settlement objected and the Bank, about which the Online-Financing-Portal has been debiting the transaction, declared their self to be prepared to have not being leading any business relations in future anymore with Online Casinos. That meant nothing else, than that the online company Paypal, which basically carried out their own mirror-transactions in the internet on the effective transactions on the bank account for the End-User, did of itself at the Citibank New York out of the business. At the same time it is so, that nowadays many credit-card-companies don't accept anymore any transactions with casino-proprietors who offer this services. But not all do follow this recommendation. And not all credit-cards of the same company are locked for game-of-chance transactions. Furthermore PayPal's declaration to abandon any further business-connections with Online-Casino, is basically nothing else as the "Go" for new companies, who are operating from other countries and are offering exactly the same service.

Until today there are uncountable financing-service-companies, who exploit the legal Paths, in order to get the connection between the Online Casinos and the End-Users. For the Poker-player in the Internet that means that hence is going to open every few years maybe a new account and the netting between his House-Bank and this Internet-financing-company must be routed newly.

Conclusion: If one company goes out of the business, there are 3 new coming to them, who have found other ways, to guarantee the money-flow. It is the same as the conflict about the Internet-Searching-machine Napster, who enabled the free download for Music-fans of Music-files over the internet. After a lawsuit Napster had to hoist up the white flag and

went out of the business, while other searching-machines have been gone into work since that and the music industry has to watching it happening with chattering of teeth, how there is not been bolt the door to all. Napster is by the way active again and offers now a legal, to be purchased service, but why should the fans pay, if they could download at other searching-machines the same piece of music for free?

The same phenomenon is considered for the internet casino sites, and of course the poker proprietors. A bonus promotion busts the next. Tournaments with additional Add-ons lure the players and with T-shirts, Jackpots without taxes up to efficient gratis tournaments with money-awards, all of it are marketing activities that have to be applied in order to guarantee the survival to a proprietor. For the internet-poker player this competitions' pressure has only advantages.

Absolutely the same phenomenon is valid for the Las Vegas Visitor: keenest competition at the Strip between the casinos means that the tourist gets maximum value. The same happens also in the internet. The legal aspect has always to be considered. Who has moral or any other doubts, that that what he is doing would have probably damaging influences for them self or to others, should think about it twice, whether one likes to get active on the internet. In the case of doubt, a legal advice should be appropriated.

For you as Reader, who is just beating her/his hands in the air and is asking her-/him-self: "An me? What is with me? Is Internet Poker illegal, from where I am logging on?"

The Concessions are usually drawn from Antigua, Curacao, Dominica, Venezuela, Costa Rica, Kahnawake or also the Netherlands Antilles. This has besides the more simplified licence possibilities first of all the taxation background. It has to be pointed out clearly and distinctly that the concessions are so far legally not recognised in many other countries.

Certainly it is not illegal, if you play without money-stakes. The Casino-business is not to prohibit today anymore. The market is already become much to big and it is a extreme behind it. So is the process of time. In every case, and that is a unavoidable matter of fact, that is the Internet-Poker-game today the fastest growing branch within the Casinos segment worldwide, what speaks for the unbelievable popularity.

It is important, that the Casinos that are stately owned, whether in Germany or in Europe, gather for co-operation and would be opening a legalised Online-Casino, in order to offer the utmost security.

Here the Countries and Governments are reluctant, to realise this. To many internal battles about power over finances and resources are here at first to be bridged. The word Addiction to Gambling is at once thrown into the weigh-plate, in order to have alibis for any kind of procedures. What a pity really, because the trend is not to be stopped any more, except the internet will be locked completely tomorrow worldwide.

More precise basics in law, judgments and publications are to be found on our sides of the [key:IC] under the column – Judgements, Publications, as well as the Casino Law.

How are the legal regulations in the Online Gaming? Basically it has to be said unfortunately, that the online gaming in the internet is mostly unregulated. That is first of all therefore a pity, because unregulated Online-Gaming leads to it, what no one wants: everyone can run a Online Casino, without caring about standards and rules or has to be having a licence.

Why isn't there any clear Online-legislation?

It may never be forgotten that it has almost in every country of the world laws for Game-of-Chance. This laws are mostly valid however only for the so called Continental Gaming-localities. Often the laws are then (more bad than righteous)

to be transferred over on the online-gaming-world. Mostly it is so, that stately concession-owned proprietors may organise games-of-chance, while this is not forbidden to Casinos with a licence. But the internet is due to the worldwide distribution hardly to grasp concretely – the borders are floating and hardly realisable. There are some 1.600 Online Casinos in the Web at work, of these are some with a licence in a state, but many others unfortunately are not. The legal grey-zone starts exactly here. Even if such a Casino is not having a licence in the land, from where a player comes, the player can theoretically play there. That is purely theoretical so, as if he having his holidays in this Country and then goes there in a Casino that is not forbidden. For players itself (online too), there is not much to worry about, because the IP-Addresses of all Surfer is impossible to prove. But: Law is law. If an international law denies the allowance to play, then it is in the case of lawsuit so, and not else! Let us have a look at other countries how it is there. Please note the dates remarked in brackets. They state the date of origin/ the last alteration.

The German Laws

In Germany it is generally allowed only to those to gamble, to organise game-of-chance, who possesses a state's licence. This is literally also valid for the Online-Law.

The situation about the players is a bit more like unclear. Though there is also a clear legal regulation. It says that one as a German may only gamble there, where a concession in Germany is available for the place of gaming-locality. In Germany there has been just one Online place for some time, the Casino of Hamburg. There may even only play people, who are residents, who live or are staying in Hamburg. But it is unclear also, what it means, when one as a German plays abroad in a casino with a concession from somewhere else. Here the question comes up, whether that is comparable with a game whilst a holiday in a casino that is registered there. In

spite of that: Who is contributing to a public game-of-chance (defined in § 284), will be sentenced up to 6 Month imprisonment or to a fine up to 180 daily rates (from the StGB §285). And: Who runs in public a game-of-chance or organises it or holds property available for this, will be sentenced up to 2 years or with fines (StGB§284 (1)). The so called Gambelli-Case, which has been recently for a trial at the European Supreme Court, has not had any effect on the German legislation so far. This judgement has though being prohibiting that a EU-Country forbids the casino-proprietor from another EU-Country to offer his game of chance. However there are exceptions – e.g. if a country sees his internal interest endangered. And some of the German courts make use of the exception. The Courts do regard the paragraphs 284/285 not as void just compulsorily. This is likely to be considered also for to apply for such Games. The decision depends at last on the each referred court. A legal security does not exist in Germany – as often. (20.03.04)

The American Laws

Mostly it is thought, that in the USA would everything be easier. That is not true at all. Indeed there are though also relatively clear basic rules. The registrations of the Continental Casinos are regulated by the Federal State. Basically the so called Federal Wire Act of 1961 is valid. This prohibits it to one who offers these services, to receive bets over the telegraphic way. A resident of New York had to, in order to bet in Las Vegas, drive to there and to place his bet there. The telephonically and telegraphically receipt of bets would be forbidden to the bookmaker. Basically the Online-Gaming in the USA would be hence forbidden – but one struggles about the comparison of telephones and the internet. Law-scientists represent the attitude that by that the Online Gaming for Americans is forbidden. But one court came to the conclusion for example, that the online gambling (different from sports-betting) lies outside the domain of the Wire Act.

Based on this unclear matter of course, the fact, that Americans spend much more money online and the extreme negative appearance of the Online Gambling, Ones are anxious to avoid the online gambling or at least to hinder it. Senator Kyl wanted with his Kyl Bill (failed to succeed) to forbid the Online Gaming completely. Senator Leach wanted with his Leach Bill (H. R. 21 – also known as Unlawful Internal Gambling Funding Prohibition Act) to forbid all U.S. financing companies to make transactions in coherence with online casinos (but however not Sports-betting, Horse- and Dog-Race-Betting). Actually there have the been the large banks relatively quickly resigning any transactions with Online Casinos, such as the Citibank America, Bank of America, Chase Manhattan but also Pay Pal. It is interesting so that the Leach Bill did fail by the End of May 2003 again, although it has been vehemently supported by the White House and some family organisations. Instead of it now the so called Bacchus Bill (H. R. 2143) made the grade in the Financial Services Committee. This wants nothing else really as the Leach Bill does, it wants however not to punish contraventions against this law. The Bill has good chances, to get to the target, under the Bush-Government until the final laws' mature. But experts are not calculating in the election year 2004 anymore with a decision. The theme is probably of delicacy that one has the fear, to give their electors the creeps with it. (20.02.04)

At the WTO the Caribbean state Antigua and Barbuda has been suing for a trial, because Americans don't give any stakes in the Internet-casinos, that are outside the USA. Antigua and Barbuda regard in that a trades' barrier. The USA wants to call for appeal at the WTO (Worlds' Trade Organisation).

How does it look like in other countries?

Austria – For Austrians is the attendance at foreign games of chance forbidden. The legislation is comparable to the German one: Allowed are only stately registered casinos. There may a

Austrian Citizen gamble, too. It is something different with the (Sport-) Bets. These are allowed. Hence there are also some registered proprietors in the domain of sport-bets. (12/2003)

Switzerland – Also in Switzerland a casino has to be registered by the state (Art. 4 SBG). Game of chance via internet are generally prohibited (Art. 5 SBG) 12/2003). But gambling is allowed in the Switzerland.

Denmark – in Denmark are the foreign proprietors forbidden to offer games. The Danish may however gamble there. But it is also forbidden, for foreign proprietors to make advertisings. It is being worked on a obliging solution here, in order to raise the security of the gamblers. The financing minister brought about a suggestion at the beginning of 2003, to allow Danish casinos, to be offering regulated online gambling. Furthermore the monopole on the stately owned Tipstjeneste is wanted to be assured towards foreign proprietors. (12/2003)

Belgium – Online Gambling is in Belgium regulated. Until the end of 2002 the monopole laid with all forms on the national lottery. The law has been changed to that, that the national lottery has only the monopole for lotteries left. She has only the right still to `organise' all other online games. Generally persons under 21 years must not gamble according to law. Proprietors and Gamblers are subdivided after I-Casinos, II-Slot-machine-localities and III-Bar-localities. In I and II may only be offered those games that are allowed by the King. In III there may only be offered two games of chance at maximum. (02.01.04)

England – There it is kept on working on regulating measurements. The White Paper "A Safe Bet For Success" was announcing already once its appearance in Great Britain's registered casinos. It should be fond a central surveying place (Gambling Commission) that would control the casinos. The whole was delayed for about one year. Then the

registration of the Online Gambling was announced for the autumn in 2003. Experts were so far assuming it, that it would not count on the law before March 2004. This is reasoned most of all with that the Novelty is a real radical change of the former laws. All nations look partly (often envy) on the process of the things, which also should be causing on the Continent also some excitement. Sports-betting is already regulated and very popular. There are online casinos allowed on some English islands (Alderney, Gibraltar, Isle of Man) yet today. (20.03.04)

The Netherlands – As so often the Netherlands play some role of a pioneers. The online-gambling has been regulated 13.11.2000. The Netherlands wanted to protect the gamblers hence of illegal proprietors. One as a gambler has to announce a limit at those casinos with a licence, with what it could be played, without getting in any financial problems. Tools for Measurements should keep away minors from gambling, the paying-out-rates should be secured. 60 Percent of the profits should be given to charity institutions. As the first legally registered online casino the Holland Casino went online. However there is also some kind of monopole on the Holland Casino. Just recently it has been forbidden to two casinos from the Antilles, to allow Dutch players to let them gamble with them (20.12.03)

Sweden – the Swedish Parliament decided in June 2002 to regulate the Online Gambling in form of online lotteries, Bingo and Casino Games by law. The Parliament did this in the interest of Swedish citizen, as they have been always anxious to minimise possible negative effects of gambling. (20.12.03)

Australia – Australia was the first country, that has been registering Online Casinos. 1998 the Interactive Gambling Act has been passed by the Parliament. After a Moratorium (one wanted to prove its effect) the not un-argued Interactive Gambling Bill has been passed. This was most of all, because the Australians did play unbelievably high – in foreign

Casinos. This was also not been forbidden to Australians. The most of the casinos that were having the licence in Australia are registered in Northern Territory or the Tasmanian. (20.12.03)

The origin of law-experts stems from Casino Webweiser, Laws for the Online Game