

GLOBAL GAMBLING LAW 2025: WINNING IN A LIABILITY-HEAVY, CROSS-BORDER MINEFIELD

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Research Report

Gambling Databases Research Team

December 2025

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RESEARCH METADATA

Report Type: Policy Analysis Industry Focus: Online Gambling and iGaming Geographic Scope: Global Time Period Analyzed: 2018–2025 Publication Date: December 2025 Report ID: GDB-2025-001

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ABSTRACT

The global gambling landscape in 2025 reflects rapid regulatory evolution amid rising operator liabilities and cross-border tensions. This report examines shifts toward licensed markets, heightened civil accountability, and enforcement challenges.

Drawing on court rulings, regulatory announcements, and industry data, it analyzes key developments across jurisdictions.

- Key Findings:
  - Courts in Sweden and the UK imposed data-driven duties of care, leading to refunds like €527,395 in Sweden's T 607-24 case [1].
  - EU nations like the Netherlands and Germany ordered refunds for unlicensed pre-2021 activity [2][3].
  - Brazil launched federal licensing under Law 14,790/2023 effective January 2025 [4].

- U.S. rulings split on duties, with Michigan allowing common-law claims but New Jersey rejecting general duties [5][6].
- Advertising restrictions tightened, with UK's ASA sanctioning operators for youth appeal [7][8].

These trends demand proactive compliance strategies, offering opportunities in regulated markets while mitigating retroactive risks.

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## KEYWORDS

Gambling regulation, operator liability, cross-border enforcement, online gaming, duty of care, advertising restrictions, unlicensed operations, integrated resorts, Brazil licensing, EU infringement

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## CITATION

Recommended citation for this report: Gambling Databases Research Team. (2025). Global Gambling Law 2025: Winning in a Liability-Heavy, Cross-Border Minefield. Gambling Databases.

<https://gamblingdatabases.com/researches/global-gambling-law-2025-winning-in-a-liability-heavy-cross-border-minefield/>

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This report is intended for industry professionals, researchers, regulators, and policy makers. The information provided represents research findings based on publicly available data and industry sources current as of December 2025. Market conditions and regulatory frameworks may change. Readers should verify current information independently.

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## EXECUTIVE SUMMARY

As of late 2025, the global gambling law landscape is undergoing profound transformation, driven by trends toward regulated online markets, escalated operator liability, and complex cross-border conflicts [9]. This report provides a strategic analysis for operators navigating these changes.

Courts increasingly hold operators liable for player losses based on collected data. In Sweden, the Supreme Court's July 2025 ruling in T 607-24 ordered Betsson to refund €527,395 to a VIP with gambling issues, establishing "imputed knowledge" from analytics [1]. In the UK, the High Court's January 2025 decision in RTM v. Sky Betting & Gaming invalidated GDPR consent for vulnerable

gamblers, opening data-processing liability paths [10]. These create duties rooted in data and contract law beyond fines [11].

Grey-market profits face retroactive risks in the EU. Courts in the Netherlands (April 2024), Austria (consistent rulings), and Germany (pre-2021 refunds) void unlicensed contracts, triggering restitution [2][3][12]. Malta's Bill 55 shield faces EU infringement proceedings initiated June 2025, with Advocate General Emiliou's September 2025 opinion in C-440/23 weakening protections [13][14].

In the U.S., post-2018 *Murphy v. NCAA* patchwork allows litigation despite regulation [15]. Michigan's July 2025 *Davis v. BetMGM* affirmed common-law suits for fraud [5]; contrastingly, the Third Circuit's April 2025 *Antar v. BetMGM* rejected general duties for compulsive losses [6]. The D.C. Circuit's 2023 *West Flagler v. Haaland* upheld Florida's hub-and-spoke tribal model [16]. Federal calls, like 50 attorneys general's August 2025 UIGEA push, target offshore sites [17].

Advertising faces youth-protection clamps. The UK's ASA enforced "strong appeal" tests, sanctioning Midnite (September 2025) for AI footballer parody and Ladbrokes (December 2022) for Premier League players [7][18]. Italy's Dignity Decree ban faces EU challenge [19]. Bonuses tighten: UK's 10x wagering cap from December 2025 [20]; Sweden's VIP liability [1]; Ontario fines like BetMGM \$110,000 [21].

Cross-border wars intensify. Curaçao's December 2024 Dutch Supreme Court ruling holds master licensees liable for subs [22]. U.S. Wire Act limited to sports per 2021 First Circuit [23]. Financial blockades standard: U.S. UIGEA/Reg GG/MCC 7995 [24]; Australia ACMA ISP blocks [25]; Spain DGOJ €77m fines H2 2024 [26]; Brazil SPA/Anatel partnerships [27].

Regionally: Brazil's January 2025 regime [4]; Germany's €1,000 limit [28]; India's 2025 ban challenge [29]; Ontario's model upheld May 2024, liquidity affirmed November 2025 [30][31]; Argentina's provincial patchwork [32]; India's ban faces Supreme Court deferral to 2026 [29]; Macau/Hong Kong monopolies [33]; Japan's IRs tied to 2025 Expo [34]; South Africa's 2024 Remote Gambling Bill [35].

Operators must embed RG algorithms, fund contingencies, and target licensed expansions like Brazil/Ontario while exiting high-risk greys. This framework turns liability into moats via compliance [36].

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## 1. INTRODUCTION

The 2025 gambling sector faces unprecedented regulatory scrutiny, balancing revenue pursuits with consumer protections. Shifts from prohibition to licensing, amplified by digital growth, heighten liabilities. This report explores trends, landmark cases, and strategies, drawing on verified legal and regulatory sources to guide operators.

Key questions: How do data-driven duties reshape accountability? What risks persist in cross-border operations? How can firms capitalize on emerging markets?

**Significance:** With global markets evolving post-Murphy v. NCAA [15], understanding these dynamics is crucial for compliance and growth.

**Structure:** Regulatory resets, liability explosions, enforcement wars, marketing squeezes, financial blockades, regional dives, strategic playbook.

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## 2. THE 2025 REGULATORY RESET — MAJOR MARKETS OPT FOR LICENSING

Governments increasingly license online gambling for tax revenue and protections, creating varied models.

### 2.1 Brazil’s National Roll-Out Adds 215m Consumers

Brazil established federal licensing for sports betting and casinos under Law No. 14,790/2023, effective January 1, 2025 [4]. The SPA/MF oversees payments, advertising, and standards. The STF shaped limits, invalidating provisions [37].

### 2.2 Germany’s GGL Model vs. India’s Blanket Ban — Two Opposites, One Lesson

Germany's 2021 GlüNeuRStV created national licensing with €1,000 monthly deposit limits [28]. India's 2025 Act bans online money games, facing Supreme Court challenge deferred to 2026 [29].

### 2.3 Ontario’s “Conduct & Manage” Blueprint Outperforms Monopoly Provinces

Ontario's public-private model, upheld in Mohawk Council v. iGaming Ontario (May 2024) [30], confirms provincial control. November 2025 appeal affirmed international liquidity [31].

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## 3. CIVIL LIABILITY EXPLOSION — FROM REGULATORY FINES TO COURT-ORDERED REFUNDS

Courts empower consumers, shifting risks to balance sheets.

### 3.1 Data-Driven Duty of Care: Sweden and UK Create Imputed-Knowledge Standard

Sweden's July 2025 T 607-24 ordered €527,395 refund under Contracts Act for imputed knowledge [1]. UK's January 2025 RTM v. Sky Betting invalidated GDPR consent [10].

### 3.2 Contract Nullity for Unlicensed Play: Netherlands, Austria, and Germany

Jurisdiction	Key Development	Legal Basis & Impact
Netherlands	April 2024 courts ordered refunds for pre-2021 unlicensed activity [2].	Contracts void for public policy violation.
Austria	Supreme Court consistently orders refunds for unlicensed operators [12].	Enforcement hurdles, but principle holds.

Jurisdiction	Key Development	Legal Basis & Impact
Germany	Federal Court orders pre-2021 refunds [3].	Contracts void under prior prohibition.

### 3.3 U.S. Split: Michigan Opens Door, New Jersey Slams It Shut

Michigan's July 2025 Davis v. BetMGM allows common-law claims [5]. Third Circuit's April 2025 Antar v. BetMGM rejects general duties [6].

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## 4. CROSS-BORDER ENFORCEMENT WARS — BRUSSELS I VS. BILL 55 & CURAÇAO’S U-TURN

Internet borderlessness sparks clashes.

### 4.1 EU Showdown: Commission v. Malta Timeline & Probable Outcomes

Malta's Bill 55 faces June 2025 infringement [13]. AG Emiliou's September 2025 C-440/23 opinion favors consumers [14].

### 4.2 Curaçao Master Licence Liability After Dutch Supreme Court Ruling

December 2024 ruling holds master licensees liable [22].

### 4.3 Wire Act & UIGEA: First Circuit Limits, AGs Push Expansion

2021 First Circuit limits Wire Act to sports [23]. 50 AGs' August 2025 UIGEA call targets offshore [17].

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## 5. MARKETING & ADVERTISING SQUEEZE — YOUTH-PROTECTION RULES ERASE LEGACY PLAYBOOKS

Stricter rules protect minors.

### 5.1 “Strong Appeal” Test: ASA Case Studies (Midnite, Ladbrokes)

Case/Operator	Date	Violation & Outcome
Dribble Media Ltd (t/a Midnite)	Sept 17, 2025	AI parody of Trent Alexander-Arnold appealed to under-18s [7].
LC International Ltd (t/a Ladbrokes)	Dec 21, 2022	Featured Coutinho, Lingard, Koulibaly [18].

### 5.2 Bonus & VIP Restrictions: UK 10× Cap, Swedish VIP Liability, Ontario Fines

UK's 10x cap effective December 2025 [20]. Sweden's VIP liability [1]. Ontario fined BetMGM \$110,000, DraftKings \$100,000 [21][38].

### 5.3 Platform & Affiliate Co-Liability

UK CAP Code holds publishers jointly responsible [39].

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## 6. FINANCIAL & TECHNICAL BLOCKADES — CUTTING OFF THE ILLEGAL OXYGEN

Disrupting illegal models.

### 6.1 UIGEA, Regulation GG, and MCC 7995 in the U.S.

UIGEA prohibits restricted transactions; Reg GG requires blocking; MCC 7995 identifies gambling [24].

### 6.2 Global Blocking Scorecard: Australia, Spain, Brazil

Country	Regulator	Method	Key Actions & Impact
Australia	ACMA	ISP Blocking	Blocks offshore sites [25].
Spain	DGOJ	Fines & Blocks	€77m fines H2 2024 [26].
Brazil	SPA/MF & Anatel	Payment & ISP Blocks	unlicensed [27].

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## 7. REGION-SPECIFIC DEEP DIVES

### 7.1 United States — 38 States Live, Tribal Mobile Power Play

Post-2018 Murphy v. NCAA [15]. 2023 West Flagler validated hub-and-spoke [16].

### 7.2 European Union — Mutual-Recognition Crisis & Refund Cascade

Gambelli/Placanica set proportionality [40]. Malta crisis per 2025 proceedings [13].

### 7.3 United Kingdom — Post-White-Paper Tightening & GDPR Litigation

November 2024 Gibson v. Betfair rejects general duty [41]. January 2025 RTM opens GDPR front [10].

### 7.4 Canada — Open Liquidity Pivot Pending Court Approval

Ontario model upheld [30]; November 2025 liquidity affirmed [31].

### 7.5 Latin America — Brazil Federal vs. Argentina Provincial Patchwork

Brazil 2025 regime [4]. Argentina provincial [32].

### 7.6 Asia-Pacific — India's Constitutional Clash, Japan IR Slow-Lane

India's 2025 ban challenged [29]. Macau/Hong Kong restrictive [33]. Japan IRs for 2025 Expo [34].

### 7.7 Africa — South Africa's Remote Gambling Bill as Dark-Horse Opportunity

2024 Bill aims to regulate remote gambling [35].

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## 8. STRATEGIC PLAYBOOK — SURVIVING AND THRIVING IN 2026-2028

Integrate legal foresight.

### 8.1 Licence & Liability Matrix: Where to Expand, Where to Exit

Region/Jurisdiction	Market Status	Key Opportunity	Primary Risk	Strategic Action
Brazil	Regulated	215M market [4].	Evolving regs.	Prioritize license.
Ontario, Canada	Mature	Liquidity [31].	Ad fines [21].	Audit marketing.
EU (ex-Malta)	Fragmented	Player base.	Refunds [2][3].	Book liabilities.
Malta (EU)	Hub	Framework.	Infringement [13].	Explore insurance.
United States	State-by-State	Growth.	Litigation [5][6].	Tighten T&Cs.
India	Prohibition	Potential if overturned [29].	Uncertainty.	Monitor challenge.
South Africa	Pending	Opportunity if passes [35].	May not pass.	Monitor Bill.

### 8.2 “Responsible by Design”: Embedding Real-Time RG Algorithms

Automate monitoring for risky behaviors [11].

### 8.3 Contingency Fund & Insurance Structures for Refund Exposure

Hedge EU grey risks [3].

### 8.4 M&A Targets: Provincial Licensed Assets & Tribal Tech Partnerships

Acquire in Argentina; partner tribes per West Flagler [16].

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## 9. APPENDICES

### 9.1 Landmark Case Quick-Reference Table

Case Name	Jurisdiction	Court	Year	Key Holding & Significance
Murphy v. NCAA	US	Supreme	2018	Struck down PASPA [15].

Case Name	Jurisdiction Court		Year	Key Holding & Significance
Davis v. BetMGM	US	Michigan Supreme	2025	Allows common-law claims [5].
West Flagler v. Haaland	US	D.C. Circuit	2023	Validates hub-and-spoke [16].
T 607-24 ('Nätkasinot')	Sweden	Supreme	2025	Imputed knowledge refunds [1].
RTM v. Sky Betting & Gaming	UK	High	2025	Invalid GDPR consent [10].
Gambelli and Others	EU	CJEU	2003	Restrictions must be proportionate [40].
Mohawk Council v. iGaming Ontario	Canada	Ontario Superior	2024	Upholds model [30].
Betfair v. Western Australia	Australia	High	2008	Invalidates protectionist laws [42].

## 9.2 Advertising Rule Comparison Grid

Jurisdiction	Key Rule/Standard	Enforcement Body	Recent Example
UK	"Strong appeal" test [7].	ASA	Midnite Sept 2025 [7]; Ladbrokes Dec 2022 [18].
Italy	Ad ban ('Dignity Decree') [19].	AGCOM	EU challenge [19].
Germany	Athlete ban; watershed [28].	GGL	GlüNeuRStV framework [28].
Canada (Ontario)	Athlete ban Feb 2024 [21].	AGCO	Fines for inducements [21].
Brazil	Ban to children [4].	STF	Nov 2024 injunction [37].

## 9.3 Acronym Glossary

- ACMA: Australian Communications and Media Authority [25]
- AGCO: Alcohol and Gaming Commission of Ontario [21]
- ASA: Advertising Standards Authority (UK) [7]
- CJEU: Court of Justice of the European Union [13]



- DGOJ: Dirección General de Ordenación del Juego (Spain) [26]
- GDPR: General Data Protection Regulation [10]
- GGL: Gemeinsame Glücksspielbehörde der Länder (Germany) [28]
- iGO: iGaming Ontario [30]
- IGA: Interactive Gambling Act 2001 (Australia) [25]
- IGRA: Indian Gaming Regulatory Act (US) [16]
- IR: Integrated Resort [34]
- LCCP: Licence Conditions and Codes of Practice (UK) [20]
- MGA: Malta Gaming Authority [13]
- PASPA: Professional and Amateur Sports Protection Act (US) [15]
- SPA/MF: Secretaria de Prêmios e Apostas / Ministry of Finance (Brazil) [4]
- STF: Supremo Tribunal Federal (Brazil) [37]
- UIGEA: Unlawful Internet Gambling Enforcement Act (US) [17]

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## X. DISCUSSION

Findings highlight liability as a core risk, with data analytics now a double-edged sword [1][10]. Compared to pre-2021 greys, regulated markets like Brazil/Ontario offer stability but demand RG integration [4][31]. EU refunds cascade per Emiliou [14] underscores mutual recognition crises. Limitations: Report focuses on verified 2025 data; future shifts (e.g., India challenge [29]) may alter landscapes.

Implications: Operators face balance-sheet hits but can build moats via compliance tech.

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## Y. CONCLUSIONS

Key findings: Heightened duties, refund risks, and blocks dominate 2025. Implications: Prioritize licensed markets, embed RG. Future: Monitor India/Japan developments [29][34]; advocate balanced regs. Recommendations: Fund contingencies, partner strategically, automate monitoring.

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