Preface

Writing a book is like a car journey – from the initial idea, to the collection of materials, to researching and writing the text. At times the road is smooth, at times bumpy, at times it deviates, but hopefully the final destination – this book – makes this journey worthwhile.

This book is about the clash of different legal systems over online gambling: the efforts of some countries to regulate online gambling are undermined by the more liberal stance taken by other countries that allow remote supply of gambling from their jurisdictions through the internet. This book is the result of our wider research into finding solutions to the challenge of regulating and applying the law to an inherently international communications medium that is the internet. Not only does this ubiquity of the internet pose new challenges to conventional legislation, but the challenge is increased tenfold as a result of the tug of war between interested parties on multiple levels: between the legislators and the industry; between legislators of different countries; between supranational legislators like the EU and national legislators like the individual EU Member States. The consequential challenge that arises from such cross-border differences arises in the form of the triumvirate of jurisdiction, applicable law and enforcement, causing uncertainties for operators and regulators alike. Extra-legal self-regulation has been mooted as one solution, but there are questions over its effectiveness. Law harmonization has been put forward as another possible solution, but given the sensitivity of the varied and intertwining political, social and economic national interests at stake this may be difficult – if not impossible – to achieve. Law cannot be dissociated from culture, and culture takes time to change. The regulatory challenge of the internet is but one of the challenges posed by globalization, and the discussion on the regulation of cross-border online gambling is interesting precisely because it brings all such challenges into sharp focus.

This book is not intended to be an exhaustive treatise on every branch of cross-border gambling law: in particular, it does not examine tax implications of online gambling – which merits a separate treatise in its own right.

The book's target audience comprises legal practitioners who work in-house or in private practice and advise online gambling companies, directors and other executive officials of online gambling companies, policymakers (whether direct, such as gambling regulators, or indirect, such as gambling lobbyists,

regional and international entities), and all academics who are interested in researching this area of law.

We have endeavoured to state the law and cite cases as known to us on 31 December 2009, although it has been possible for us to include some further references to more recent developments.

Finally, no man is an island. We would like to express our gratitude to some key persons who have enabled us to make this book happen. Our deepest gratitude goes first and foremost to our respective families, for their constant support and encouragement. We would also like to thank colleagues at the Centre for Commercial Law Studies, Queen Mary University of London (Professor Ian Walden, Professor Chris Reed, Professor Christopher Millard, Gavin Sutter, Anne Flanagan, Noam Shemtov and Laura Edgar) who have in one way or another contributed to some of the ideas expressed in this book through discussions in corridors and in seminars; as well as other colleagues and friends who have listened to and responded to our ideas on online gambling at conferences (in particular, the Society for Computers & Law seminar on online gambling with Peter Wilson as a co-speaker, the BILETA (British Irish Law, Education and Technology) conference in 2007, the Cyberspace Law conference at Masaryk University in Brno in 2009 hosted by Dr Radim Polčák and a seminar at the University of Aberystwyth on the kind invitation of Professor Diane Rowland and Dr Uta Kohl). Thanks are also owed to Wen Li, PhD candidate at Queen Mary University of London, who shared his research on virtual currencies with us. Finally, our thanks go to colleagues and friends whose support, encouragement and inspiration throughout the period of researching and writing certain parts of this book was invaluable to make this project happen (in particular, Professor Andrew Muscat, Dr Franco Vassallo and their partners at Mamo TCV Advocates (Malta), Deepak Padmanabhan, CEO of Emirates International Telecommunications LLC (Dubai) and Daniel Preiskel, Senior Partner at Preiskel & Co. LLP (UK)). Finally we would like to thank the editorial team at Edward Elgar Publishing for their sterling service throughout the production phase of this book.

We hope that you will enjoy reading this book as much as we have enjoyed researching and writing it.

*Dr Julia Hörnle and Dr Brigitte Zammit
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