

be restarted. Third, the courts may acknowledge that the licensing procedure was incorrectly conducted, but determine that no further action is necessary as a result of the regulators' movements to re-conduct certain aspects of the licensing procedure.

The third matter concerns the fate of the Second Interstate Treaty on Gaming. In January 2013, the Federal Court of Justice of Germany heard the Digibet case. In this case, a state-owned lottery operator, Westlotto, sought to interdict Digibet from offering its gaming products online into the state of North-Rhine Westphalia. In contesting the validity of the interdiction, the gaming operator argued that the law underpinning it, the Second Interstate Treaty on Gaming, infringed European Union law. Recognising the potential validity of its argument, the Federal Court of Justice of Germany referred the case to the European Court of Justice, which serves as the judicial arm of the European Union, for a ruling on whether the Second Interstate Treaty on Gaming infringes European Union law.

This broadly mirrors what transpired some years ago in the Carmen Media case. In that case, the gaming operator made some similar arguments before the European Court of Justice regarding the First Interstate Treaty on Gaming and its lack of coherence with European law, and it was successful. It remains to be seen whether the Digibet case will produce the same outcome, but it is not expected that the outcome will be known until later in 2014 at the earliest.

There is a possibility, however, that events on the home front might overtake those in Luxembourg, where the European Court of Justice sits. It is known that the prime ministers of the German states have been discussing the regulation of online gaming in recent months. Because of the flood of litigation and the recent victories for the gaming operators, the prime ministers have become concerned – these might be the first steps on the path to raising the white flag. ♣



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MEMBERS IN THE NEWS

Robert Faiss and Ellen Whittemore named "Super Lawyers"



Robert Faiss



Ellen Whittemore

Lionel Sawyer & Collins attorneys and IMGL members Robert Faiss and Ellen Whittemore were selected for inclusion in the 2013 edition of *Super Lawyers* for the Mountain States region, a rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. Lionel Sawyer & Collins' recognition extends across nine practice areas.

Firm founder Sam Lionel and Gaming Department Chair Bob Faiss have been honored by the Nevada Board of Regents

for their significant contributions to the state's system of higher education.

Tony Cabot release new book on i-gaming



Anthony Cabot

The UNLV Gaming Press announces the forthcoming publication of "Regulating Internet Gaming: Challenges and Opportunities," a comprehensive book addressing the various regulatory considerations necessary for proper regulation of internet gambling.

Anthony Cabot, a coeditor and a partner at Lewis and Roca, noted that "Internet gaming is an emerging field, especially in the U.S., and government officials accustomed to regulating land based casinos will find regulating the Internet to be far different and more challenging." To bridge this gap, contributors to this book provide regulatory examples and lessons that will be helpful to lawyers, policy makers, gaming operators and others interested in this burgeoning industry.

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