

Latin America

Online Update

Legislators in a number of jurisdictions in Latin America are making significant headway in regulating the online market. In a surprise development major changes are on the way in Brazil while in Argentina the government of Buenos Aires province has given online gambling the green light in order to generate much needed additional tax revenue. Meanwhile the regulated online market in Colombia has proven to be one of the industry's bright spots in the region. But while progress has been made in some countries others lag significantly behind and Latin America continues to present an extremely varied picture when it comes to online regulation. In addition currency devaluation, rising inflation and growing economic as well as rising political uncertainty often makes it hard to predict how governments will regulate the market.

However, the potential of the market is undeniable and governments are starting to

Argentina, Bolivia, Brazil, Chile, Colombia, Mexico, Paraguay, Peru, and Uruguay. G3 explores the progress made in online gaming sectors in 2019 across multiple markets in South and Central America

regulate the space more closely. While customers are increasingly better served by a more closely regulated land based casino industry there is still plenty of room for government sanctioned online gambling. Gambling as an entertainment option has gained considerable ground over recent years and attitudes to the industry are far more open than they used to be. Demand is particularly high due to the huge local passion for sports while awareness is being driven forward by increasing presence of online gambling companies via sponsorship deals with football clubs as well as in local media.

So what inroads are legislators making? Where is progress being made? Which jurisdictions look likely to continue to lag behind? What are the most important developments of late and what can we expect to see from the Latin American online gambling market going forward?

Insight

LATAM ONLINE

Uruguay



Uruguay

According to the most recent studies around 91,000 Uruguayans gamble online. It is believed that offshore operators generate millions a year in Uruguay although the exact amount is unknown. However, according to the Luis Gama the head of The Uruguayan Board of Lotteries and Pools Betting (DNLQ), Uruguayans gamble between at least US\$10m and US\$20m a year online

The government has taken a number of measures of late in order to protect the state-run monopoly over online gambling and bolster revenues. In February 2018 the DNLQ announced that the government agency was working together with a number of different organisations to detect online gambling sites. Regulations in force in the country prohibit any type of betting not specifically authorised by law.

The working group is made up of members of the Communications Services Regulatory Unit (URSEC), telephone companies, credit card companies and the Central Bank of Uruguay (BCU).

The DNLQ has compiled a list of sites that will be blocked. Although the prohibition of bets not authorised by the state derives from previous legislation this was reinforced in 2017 via both an executive decree as well two articles included in the new Accountability Law, which was put forward by the Executive branch. The law is designed to balance the federal budget and support the country's projected growth, and impacts both individuals and companies. According to the law

In July 2018 it was revealed that The World Cup along with the blocking of offshore betting sites had led to a significant increase in sports betting via the only authorised sports betting site in Uruguay. According to Gama there was an increase in sports betting of over 50 per cent in June compared to May via Supermatch in 2018. In May sports betting stood at \$200 million pesos and in June the figure reached \$290 million (around US\$9.1m).

"the provision of services through the Internet, technological platforms and computer applications, referred to online gambling or betting" is illegal.

The only online gaming platform currently allowed is via Supermatch. Supermatch, which went live in October 2005, is the first and only officially sanctioned sports betting site in Uruguay.

The site, which is locally run and was developed locally, allows Uruguayans to bet on a number of sporting events, including football, from a number of leagues around the world. The Supermatch game achieved the most growth for games run by the DNLQ in 2017: a total of \$1,700m (US\$59.3m) was bet on the game, tripling the record for previous years.

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In February 2018, 17 offshore gaming sites found to be operating illegally in Uruguay were blocked after they had been identified by the DNLQ. 178 sites have been blocked so far and the DNLQ is moving to block 40 more in the near future. The blocking of sites is

Most of Uruguay's landmass is too far away from cities to have wired Internet access. For customers in these rural and low density suburban areas, fixed wireless ISPs provide a service. Wireless Internet service has also provided city Internet users with some degree of choice in a country where private companies have not been allowed to offer wired alternatives (e.g. cable TV Internet, fiber to the home) to the state-operated ADSL service. Internet access via cell phone networks is probably the most vibrant and competitive Internet marketplace in Uruguay. All the Uruguayan cell phone companies (Antel, Claro, Movistar) offer data plans for their smartphone users as well as USB modems for personal computers.

carried out once the DNLQ publishes a notice in the Official Government Gazette. When no one comes forward and provides credentials when it comes to the company offering its services in Uruguay then the government notifies URSEC, which then blocks access to the site via the three cellular telephone service providers in Uruguay (Antel, Claro and Movistar).

However, the market could open up slightly long term. Mr. Gama said recently that after blocking illegal websites and "cleaning up the offer" of online betting, the government might look into the possibility of a tender process for more online gaming licences.

2019 will see a number of improvements with games being fine tuned and the board is hoping for steady growth for this year. In December 2018, Supermatch and the National Basketball Association (NBA) announced a new multiyear partnership that will make Supermatch the first official gaming partner of the NBA in the country and the league's first in this category in Latin America.

The partnership will be promoted in more than 6,000 retail locations in Uruguay, on Supermatch's and NBA's online platforms, including NBA.com, the NBA App and NBA Latin American social media platforms. As part of the partnership, Supermatch will use official NBA data and branding across its land-based and digital sports betting offerings throughout Uruguay.



Colombia

Colombia was the first country to pass a comprehensive online gambling law. Since passing the law in 2016, the Colombian gaming regulator, Coljuegos, has now granted 17 online gaming licences. Both local and foreign companies currently offer their services online to Colombians, while the land-based sector will also see an expansion in this growing gaming space

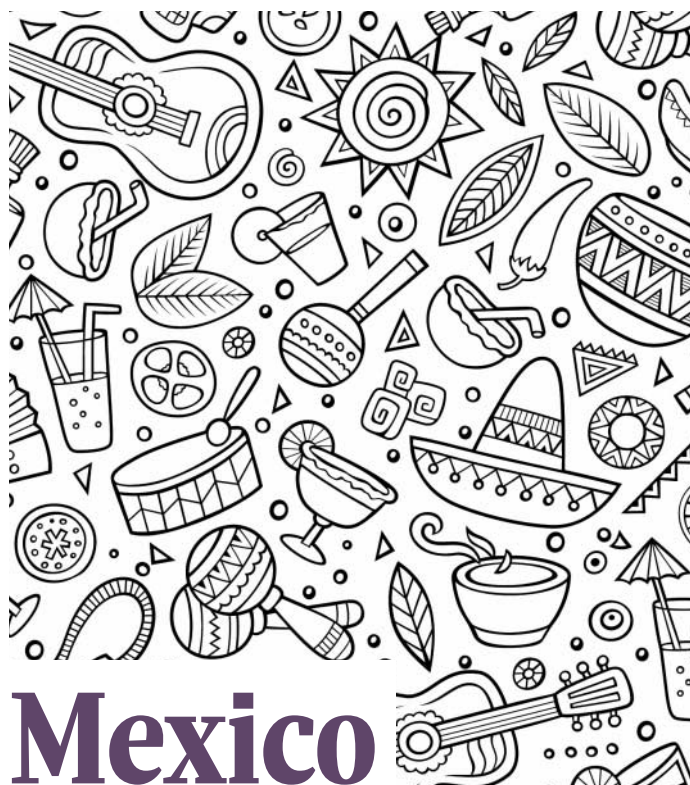
The market has shown rapid growth reflecting the potential of a well regulated market in other jurisdictions and there are now over 1.9 million online registered players nationwide. In February 2019, Coljuegos reported a record collection of revenue from online gaming licensing and exploitation rights during 2018.

Operator rights for online gambling reached over \$37bn (US\$11.8m), as reported by the President of the organisation, Juan B. Pérez Hidalgo. Going hand-in-hand with licensing, the government has also cracked down on illegal online and land-based gambling leading to a much more strictly regulated market and a more even playing field for licensed operators.

In 2018, the board seized 2,813 illegal slot machines as well as a large haul of other illegal gambling equipment. It also blocked, with the help of other government bodies, as many as 2,616 unauthorised online betting sites and signed a number of pacts with regional governments in order to clampdown further and coordinate efforts on a national level.

According to new regulations, operators granted a licence must adhere to a number of strict obligations and meet the technical requirements as per the terms granted to it by the state. Meanwhile, Coljuegos, with the help of the National Police, has continued to manage the blocking of unauthorised web pages strengthening the sector even further.

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Mexico

Online gaming has been permitted via special license in Mexico since 2000, but only land-based operators have been allowed to offer their services locally. As land-based operators may offer online services via a licence granted to them by the Interior Ministry (SEGOB), a number of foreign operators have signed agreements with local operators

Online gambling via licensed sites in Mexico currently accounts for a small proportion of casino revenue. Currently, the online operations generate minimal income for the land-based gaming and betting companies.

Overall, the gaming market is dominated by casinos, where slots account for 80 per cent of revenue, 15 per cent is generated by games such as bingo and table games, while online gaming is estimated to contribute just five per cent.

Offshore operators continue to target the market operating in a grey area as there are no specific rules in place on a federal level when it comes to online gambling.

According to the Mexican Gaming Association (AIEJA) the online gaming sector is up to three or five times bigger than the land-based sector, but the vast majority of the online market comes from offshore operators.

According to some reports the online sports betting market could be growing by as much as 50 per cent per year. According to a report

commissioned by local operator, Caliente, the value of the online betting business in Mexico could be worth as much as US\$2bn. Of this, however, 90 per cent of the US\$1,800m is generated via illegal sites.

A new gaming law which would replace Mexico's Raffles and Gambling Act, and which covered online gambling, was passed in the Chamber of Deputies in December 2014. However, it looks increasingly less likely that the law will be enacted as it has been stalled in the Senate for years.

Online gambling regulation could well come under the scope of new rules and regulations now being considered by senators belonging to the left wing party the National Regeneration Movement (MORENA).

Lawmakers have put forward an initiative to increase taxes on gambling and change online gambling rules. The new law also seeks to give the central government more say when it comes to establishing tax rates over the industry.



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Paraguay

The opening up of the online market has been slow and very little progress has been made when it comes to regulating the market. The National Gaming Commission (CONAJAR), has also been beset by a number of scandals over the last few years

The CONAJAR scandals include a failed tender for a large scale casino and hotel in Ciudad del Este and subsequent allegations of corruption involving city officials over accusations that they had unlawfully paved the way for the use of government land valued at around US\$185m for the construction of the hotel and casino.

In February, the newly appointed President of CONAJAR, José Ortiz, said that the regulator was aiming to update gaming laws. Law 1.016 / 97, which covers the gambling industry in the country, does not

include any new games, so new laws will be put forward in order to cover online gaming.

Ortiz said that the bill should be put forward in the first half of this year. A similar project was put forward two years ago in Congress, but did not gather enough momentum to receive approval.

Ortiz has been looking at the previous bill and at other gaming laws in other jurisdictions as a basis for the new law. The new law also includes new ways to strengthen online control and monitoring and the strengthening

With only 5.6 per cent of the population having access to a land-line connection, the meager telephone network has resulted in rapid growth in mobile phone use. Paraguay has the lowest fixed-line telephone density in South America, with 5.6 lines per 100 residents, compared with 8.7 per 100 in Bolivia, 21.9 in Brazil, and 24.9 in Argentina.

Peru enjoys a remarkably high dial-up Internet penetration rate, but broadband Internet penetration is more than two-thirds below the average for Latin America and Caribbean countries. Barriers include widespread poverty, limited literacy, limited computer ownership and access, rugged topography and, perhaps most significant, a lack of meaningful competition which has made broadband Internet access in Peru one of the slowest and most expensive in the region.

Insight

LATAM ONLINE
Paraguay & Peru

of ties with municipalities for more control over the industry, as well as more oversight when it comes to the fees that local governments should receive from gaming.

For now the online gambling offer is extremely limited. CasinoAmambay.com, which has been in operation since December 17, 2017, was the first licensed operator to offer online casino games.

The site is operated by Maxxi Media, a company with headquarters in the Netherlands Antilles.



Peru

The government has issued a small number of licences to operators, with those licensed operators reporting high returns. As a result, a number of operators are already present while a number of other sites are positioning themselves more strongly in the market

Unlicensed offshore operators still target the market meaning that the government continues to lose significant amounts of tax revenue. The regulatory body, the Foreign Trade and Tourism Ministry (MINCETUR), has been looking at regulating the industry for some time in order to generate additional gaming revenue and ensure that online gaming sites meet with money laundering requirements, as

well as player protection measures, especially when it comes to the protection of minors.

While Peru was one of the first jurisdictions to officially allow for online gaming in the region and allows a number of online sites to offer their services locally, the government wants stricter rules in place to prevent offshore operators from offering their services in Peru.

New regulations are needed as sports betting via offshore sites stands at around US\$450m per year.

There are currently around 24 sports betting companies that operate in the country in accordance with local gaming laws including Intralot, Betsson, Bwin, Inkabet and Total Bet. Of the 24, 17 offer both online and retail sports betting.

Most of the bookmakers are foreign operators, with some only offering online sports betting as part of their product portfolio.

New rules covering online gaming have been in development for two years and will 'probably' be addressed by Congress this year. In October 2018, the General Directorate of Casino Games and Slot Machines (which in turn comes under the supervision of MINCETUR) explained that the legal team had completed the final draft of a new online gambling law. According to Manuel San Román,

the head of the directorate, there are a number of international operators that are interested in operating in Peru once the market is regulated further.

Manuel San Román said that there will be no ceiling on the number of companies wishing to take part, while the board will initiate a crackdown on unlicensed operators.

The bill puts in place criminal penalties for those found to be operating online games illegally. In addition Internet service providers that allow unauthorised platforms to operate will be fined.

The initiative includes a series of other measures to combat illegal gambling such as the prohibition of any type of sponsorship and an advertisement ban on unlicensed betting companies. Although the exact details of the new act remain vague for now it is believed that online sports operators will have to pay a monthly tax of 12 per cent on net income.

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In Argentina online gaming has been permitted since 2006, but only on a province-to-province basis and there is no national law in place that regulates online gaming. Nor is it likely that a nationwide policy will be enacted anytime soon. Instead, provinces will continue to decide on the future of online gambling in each jurisdiction. At present, seven Argentine provinces are looking at new regulations, while Chaco, Misiones, San Luis, Tucumán, Neuquén, Río Negro, Entre Ríos and the province of Buenos Aires currently allow online gaming

Generally speaking, private operators trying to offer their services have not met with much success. For example, in Formosa, Formoapuesta went online in March 2006. Initially a joint venture between Argentine investors and UK-listed company BetonSports, Formoapuestas obtained the licence in the province of Formosa through a government agency called the Institute for Social Assistance in

The government has historically been opposed to opening up the online gaming industry but needs to raise additional income in the face of another economic crisis. Argentina's currency crisis is getting worse despite action by policymakers and a \$50bn financial package from the International Monetary Fund (IMF). The peso has devaluated over 100 per cent over the last year and in November Argentina's Senate approved an austerity budget that slashed social spending and raised



In December the legislature of the Autonomous City of Buenos Aires authorised online gambling. The local government expects to raise \$500m through the new initiative. The law was passed by 34 votes in favour and 22 against. The new bill allows for online sports betting and online casino. In the same month the Legislature of the province of Buenos Aires approved laws that permit online gaming throughout the province.

debt payments to meet the demands of the IMF bailout.

In order to raise money the governor of the Province of Buenos Aires María Eugenia Vidal and Horacio Rodríguez Larreta the mayor of City have both pushed through online gaming laws in their respective jurisdictions.

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The province of Buenos Aires was the first to officially put new rules in place. According to the Official Gazette of the province of Buenos Aires the province will grant up to seven licenses in all. Only one licence will be granted per operator. The operator may be either based in the province of Buenos Aires or be a foreign legal entity (legally registered to operate in the province) and will be permitted to advertise its offer (with certain restrictions in place). The government will set up a commission that will be responsible for granting the licences and will take into account 20 minimum requirements, including the financial background, technical know how as well as data security measures, and the number of events and sports the potential licensee plans to offer. The player must be located in the province while making a bet online according to the new law.

The companies that operate online gaming in the province must pay 15 percent of gross income, eight per cent in the form of a specific tax on online gaming as well as a two per cent fee. The newly regulated industry will be run by the

provincial Executive Power, through the Provincial Institute of Lottery and Casinos (IPLyC).

International interest in the new licences has been high. In June the government announced that seven operators had put forward bids in order to offer online gambling in the province with more likely to follow before the deadline lapses on June 25.

Crucially a number of international companies have teamed up with local partners in order to take part. Atlantica de Juegos has put forward a proposal with Stars Interactive. ArgenBingo are working with William Hill. Bingo Pilar with PPB Counter Party Services (Flutter Entertainment, the operator formerly known as Paddy Power Betfair). While local operator BinBaires is teaming up with Intralot. Meanwhile, Hotel Casino Tandil-Dynamo Tyche is making a move into the market with Playtech Software Limited. However two local operators: Biyemas and Slots Machines have opted to take part without a foreign partner.

A similar licensing model has been put into place in the city of Buenos Aires. At the end of May the Legislature of the City of Buenos Aires approved the final regulation of online gambling, which specifies that the Lottery of the City of Buenos Aires (LOTBA) will be the supervisory body over the industry.

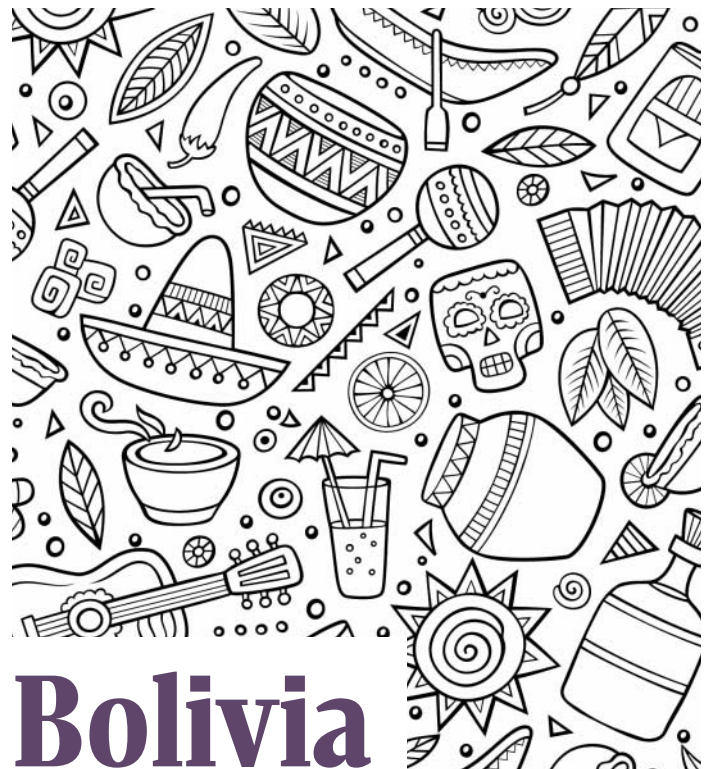
Resolution No. 80/19, put forward by LOTBA, was endorsed with the votes of the ruling bloc and the rejection of other parties, winning 34 votes in favour from the ruling party and 26 negative votes from other parties. The regulation covers "all online games of chance and / or skill, sports betting, virtual games and non-sporting events, made through the use of machines, instruments or supports, or any type or technology." This includes online casino and sports betting.

However, the tender for the new licences in the city of Buenos Aires has not yet been launched.

Insight

LATAM ONLINE

Bolivia



Bolivia

Bolivia still continues to lag behind both in the land-based gaming space as well as online. The gaming industry in Bolivia is still largely unregulated with illegal gaming widespread. There are currently no laws in place when it comes to online gambling

In October 2016, Bolivia's Authority of Taxation and Social Control over Gaming (AJ), announced that new rules to control online gaming were needed, but no action was taken.

In July 2018, an investigation carried out by the AJ revealed that players in Bolivia use at least seven online casinos operated by web pages hosted outside the country. According to the study, between 2013 and 2017, \$b2.6m was gambled via offshore betting sites. The report advises "establishing a responsible legal framework" to regulate online activity in Bolivia, so that it more closely reflected the current gambling landscape.

According to the study the most visited online casino websites are Casino Estrella, Slots Magic, Bet 365, Exbet, BWIN, and Fortuna Juegos. All of these are illegal, since there is no legislation for online gaming in place. By analysing the transactions of the credit cards used, the regulator

concluded that online gambling has been steadily increasing between 2013 and 2017.

From 2011 to August 2017, 1,413 government interventions were carried out on illegal gambling websites in Bolivia. In addition, the report found it important to note the high number of Internet searches "related to online gambling, which shows that the Bolivian population is interested in pages that allow them to bet and play virtually, whether via online casinos or through sports betting."

The study recommended the "establishment of a responsible legal framework" to regulate online gambling in order to more accurately reflect the gambling landscape in Bolivia "especially after the development the sector has experienced since 2011 with the growth of unlicensed companies which offer (casino) games and also online bets." However it is unlikely that any real change to the online gambling market will happen anytime soon.

The Internet in Brazil was launched in 1988. In 2011 Brazil ranked fifth in the world with nearly 89 million Internet users, 45 per cent of the population. In 2010, Brazil had 13,266,310 fixed broadband subscriptions, 6.8 per 100 residents; broadband Internet access was available in 88 per cent of Brazilian cities, surpassing all expectations for its expansion. By 2017 this value had risen to 64.7 per cent. In 2016 and 2017, major internet providers announced their interest in introducing data caps, a decision that was met with major backlash. Many technologies are used to bring broadband Internet to consumers, with DSL and cable being the most common (respectively, about 13 million and nine million connections), and 3G technologies. 4G technologies were introduced in April 2013 and presently are available in over 90 per cent of the country.



Brazil



Under Brazilian law any game involving a bet is a crime according to the Criminal Contravention Act of 1941. As this law still stands, any type of gaming activity that does not have its own regulations is considered to fall under the Act. Consequently, sports betting and online gambling remains banned for now. In fact, sports betting is still only allowed via horse races at official racetracks and via a number off-track betting shops. Major changes, however, are on the way with the impetus coming from the newly elected government

With no bricks and mortar betting solution on offer the online market in Brazil has grown considerably and it is now estimated that Brazilians gamble as much as US\$600m a year via offshore sports betting sites.

Two major gaming bills – one in the Senate and the other in the Chamber of Deputies – both cover online gambling to a limited degree, but the Brazilian government now looks set to allow online gaming and sports betting via another legislative route.

PROVISIONAL MEASURE 846/18

Rising crime and security played an important role in shaping the outcome of the recent Presidential election. One of the newly elected Jair Bolsonaro's flagship campaign issues had been to increase security for Brazilian citizens. Increased lottery income is expected to foot part of the bill. In a move that took many by surprise the National Congress of Brazil approved new gaming legislation that will allow for both online and land-based sports betting.

The bill, Provisional Measure 846/18, deals mainly with how lottery funds are distributed giving priority to National Security. A much larger proportion of resources operated by Brazil's largest state-owned bank and lottery operator – the Caixa Econômica Federal (CAIXA) will be earmarked for public security, while the bill seeks to raise additional income for the government by green lighting sports betting and gives the Ministry of Finance initially, just two years to get sports betting up and running. However, this can be extended for another two years.

As far back as 2012, CAIXA, along with the Ministry of Finance, has been looking at ways to offer sports betting in a limited way online and via sports betting shops, while lawmakers, as well as a number of other government departments, including the Sports Ministry, had unsuccessfully pushed for changes to Brazil's gambling laws. Not only did the bill find overwhelming support, but it also passed through both chambers in record time.

The bill was originally published in

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August 2018 as a new version of MP 841/2018. The new text comes from proposed changes put forward by the Ministries of Culture and Sports so that they receive a higher percentage of revenue. The bill is mainly focused around how lottery resources are to be distributed in the future. The federal government anticipates that the newly approved lotteries legislation will guarantee annual revenue of about R\$1bn for public security, R\$63m for sports and R\$443m for culture.

Sports betting and online gaming is covered in only the most generalised terms in Chapter V of the new bill – Betting on Fixed Odds. According to article 5: "The fixed-rate betting lottery shall be authorised by the Ministry of Finance and shall be operated exclusively in a competitive environment and may be marketed in any commercial, physical and electronic distribution channels."

In land-based sports betting establishments, a minimum of 80 per cent will need to be awarded back to the player, while this will stand at 89 per cent for online



Alexandre Manoel emphasised that the main objectives of the federal government, when it comes to sports betting regulation, will be to expand the participation of private initiatives in the Brazilian market, facilitating the generation of jobs, and ensuring the integrity of sports. He also said that the government hopes to count on the support of international associations that already act in foreign leagues when it comes to regulation and protecting sports integrity. The

CHANGES TO THE LOTTERY

The opening up of the market comes in the wider context of changes to Brazilian lotteries. In September 2016 CAIXA announced that its instant lottery ticket arm would be auctioned off as part of a 25-point plan designed to kick-start the economy. In addition, the new government now plans to sell

In a highly significant development in January, Brazilian football club Fortaleza Esporte Clube (Fortaleza) signed a shirt sponsorship deal with leading European operator NetBet. The new deal is the first of its kind since the government sanctioned sports betting on the Internet and for land-based sports betting as well. In April, Betmotion also inked a sponsorship deal with two Brazilian volleyball players: Carol Solberg and Maria Elisa. The deal is a further sign that online operators are increasing their presence in local media now that online sports betting looks set to get the green light.

Sports betting shops are not permitted under Chilean law and this means that sports betting games, such as Xperto, face fierce competition from offshore operators present in the market and popular with Chileans, although illegal. Xperto is specifically aimed at offering locals an alternative to the online market and seeks to capture the local audience. While there are an increased number of sporting events and sports now available to bet upon via the game, including swimming, rugby and volleyball, the site is underwhelming when compared to the offer available via offshore betting sites.