



wiggin

**Legal Spotlight:
Campaign
Gaming Summit**

13 March 2024

Who I am



- Senior Associate, Interactive Entertainment
- Ex-Disney Interactive and King
- ‘Associate to Watch’ in Chambers & Partners UK and ‘Rising Star’ in Legal 500
- Focus on regulation of interactive entertainment sectors
- isabel.davies@wigg.in

Who Wiggin is

Largest **UK**

dedicated interactive
entertainment practice

Ranked
#1

in the key legal directories



More top ranked lawyers

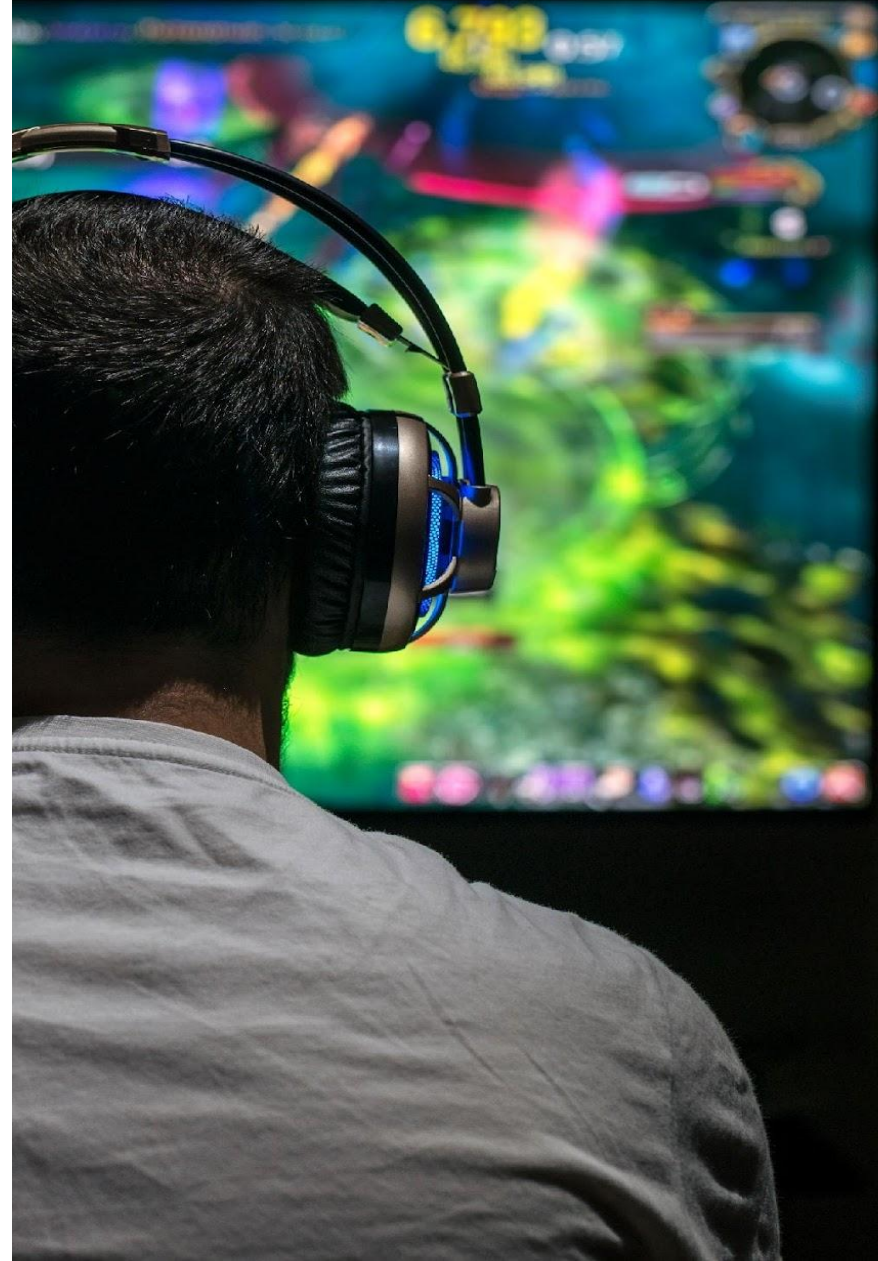
in Media & Entertainment
than any other law firm

Agenda

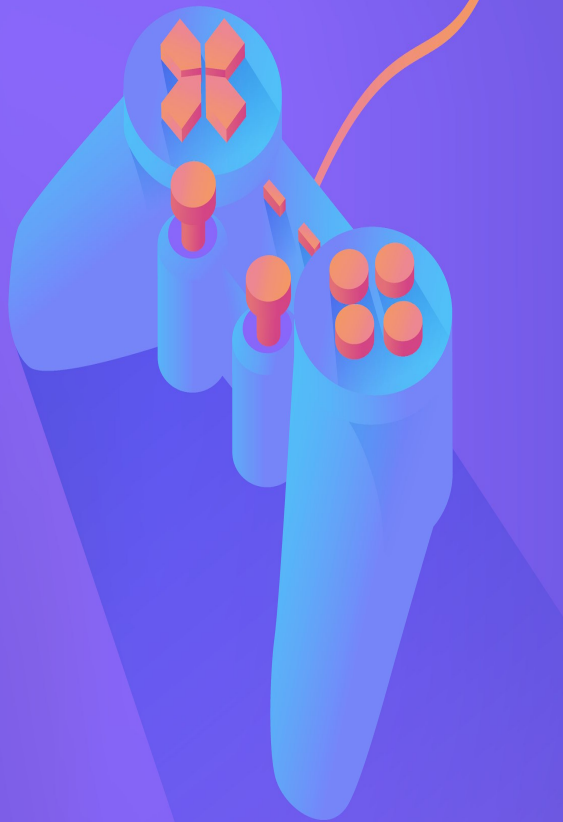
- **ASA**
- **Online Safety Act**
- **DMCC**
- **AI**
- **International Developments**



Advertising Standards Authority



ASA activity



Influencers failing to disclose links with advertisers

Sexist / objectifying women in in-game advertising

Activity around loot box advertising

Series of blogs at the start of the year for how to advertise on different platforms – e.g. Reddit and Twitch

The 100 Children Report (published in 2022) had a follow-up engagement and enforcement report last summer

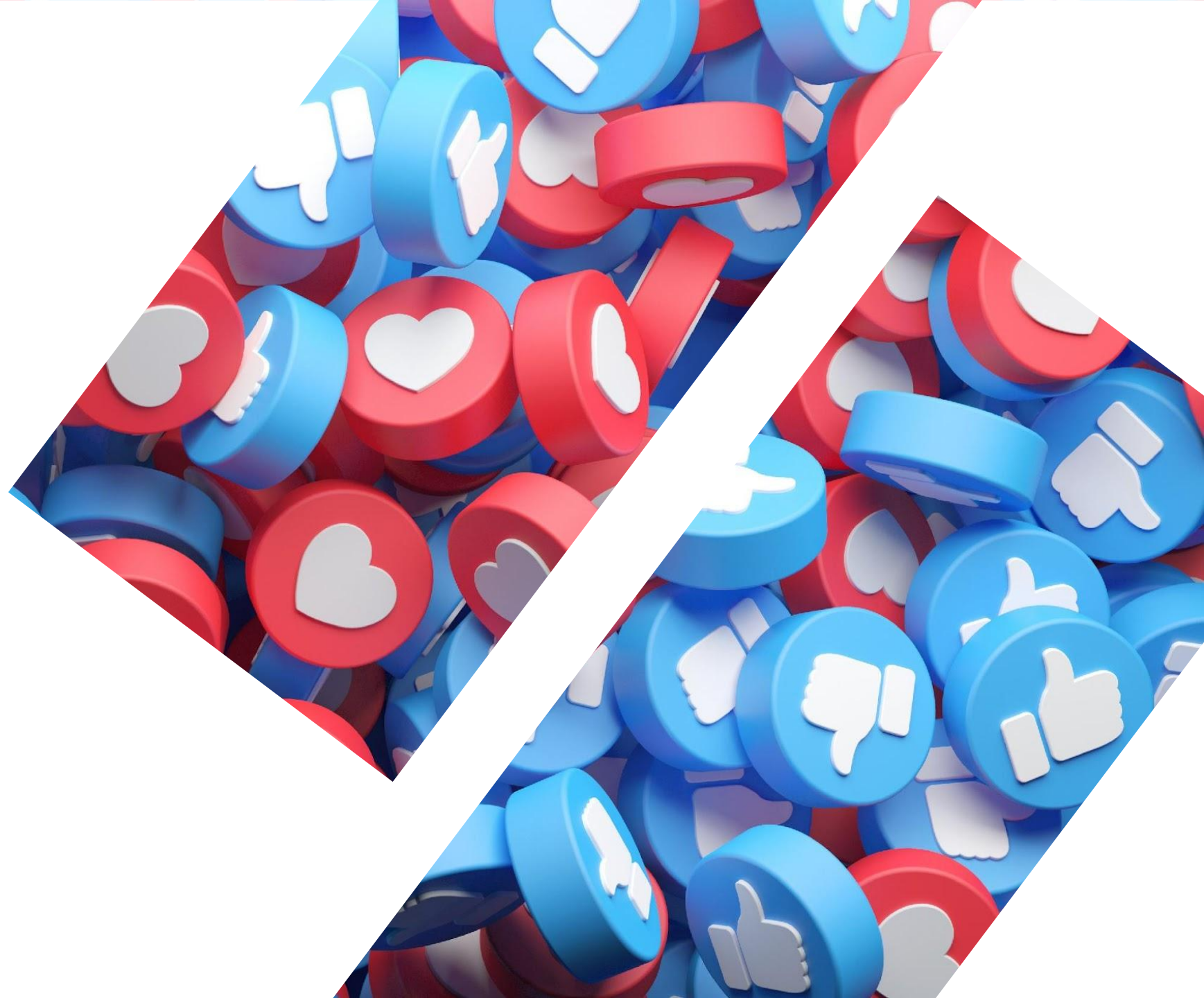
Information as to how agencies and advertisers avoid targeting children

Investigation into the supplier pathway of irresponsible ads



Online Safety Act

- Became law in October 2023
- User-to-user services with either UK as a **target market** or a “**significant number**” of UK users
- Protect all users from **illegal content** and **children from “legal but harmful”** content
- **Fines** of up to £18m or up to 10% of annual global turnover
- Unlikely to be enforced in practice until **the start of next year** as many consultations are coming this year
- Timeline for consultations and guidance . . .

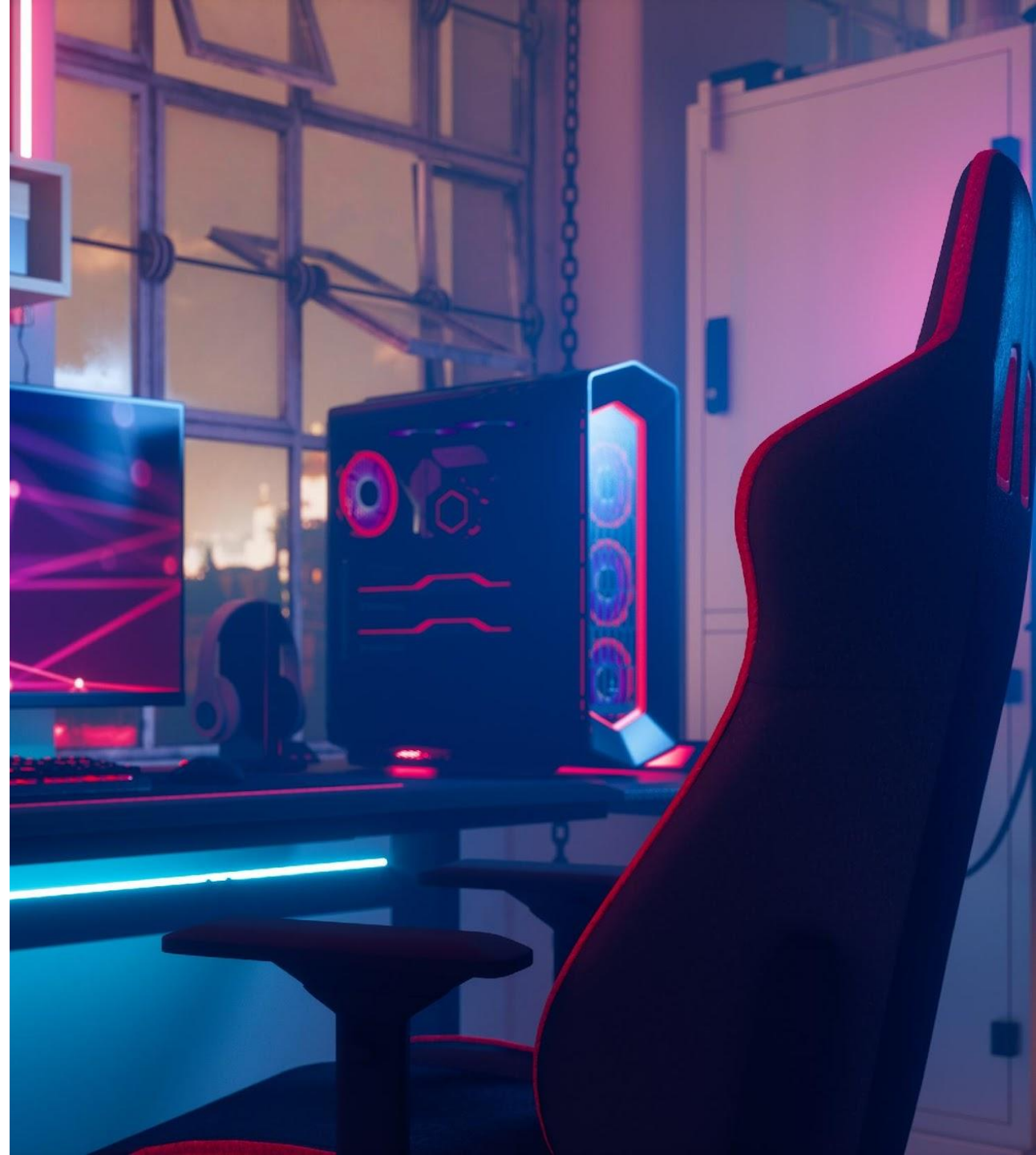


How is advertising relevant?

- There is limited evidence on whether different revenue models (e.g. advertising) affect risks of illegal harms.
- However, it is likely that advertising will be more prominent in the upcoming consultation around content that is “*legal but harmful*” to children
- Advertising could actually be a powerful tool to reduce risk – if a service is not found to be safe, then advertisers may pull funding



Digital Markets, Competition and Consumers Bill



DMCC

- Has both **competition law** and **consumer law** elements
- Main two consumer law topics covered are **subscriptions** and changes to how **'banned commercial practices'** work
- Big **fin**es again! Up to **10% of global annual turnover**. Our consumer protection regulator will be able to enforce consumer law directly for the first time
- Expected to become law **from spring 2024** (enforcement from later in the year)



Banned commercial practices

- **Not new!** These currently exist in a consumer law from 2008, but they are being brought into the DMCC and the **UK government wants to be able to add to them**
- Proposals to add to this list were so far **rejected** (e.g. greenwashing), either because they're already being consulted on or fall under the general prohibitions of the DMCC



A.I.



'Pro innovation' approach

White paper released in March 2023 – govt has now responded

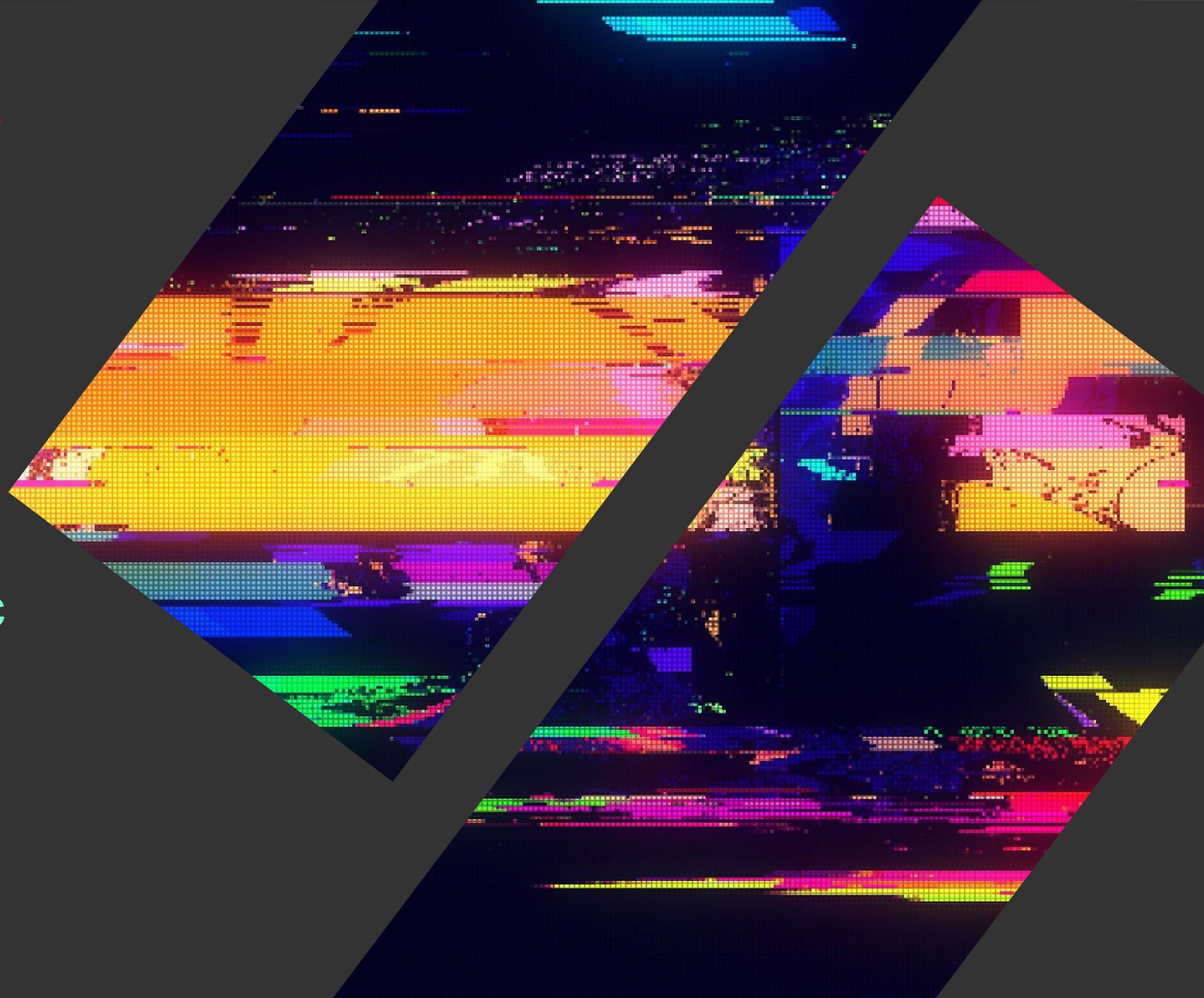
Department of Science, Innovation and Technology

New non-statutory framework that “cuts across regulatory remits”

5 key principles – safety, transparency, fairness, accountability and contestability

Key legal issues

- IP ownership / training data
- Platform issues / differences in approaches
- Lack of algorithmic auditing standards





International Developments



Australia

- Targeted guidance for influencers and businesses in 'early 2024'
- Social media influencer testimonials and endorsements report

USA

- CARU 'Building Guardrails in the Metaverse'
- Kids Online Safety Act

European Union

- Digital Services Act
- EU Code of conduct on age appropriate design

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Any questions?

