

## Dutch games industry vs Loot boxes

**Utrecht, The Netherlands – February 14 2019 – The Dutch games industry publishes a manifesto in response to the concerns of the Netherlands Gambling Authority (KSA) and the ongoing national discussion regarding the desirability and admissibility of gambling elements in games, and in particular *loot boxes*.**

The Dutch games industry, the board of Dutch Games Association (DGA) and René Otto, lawyer at Van Iersel Luchtman N.V. (VIL) and legal partner of the DGA have drawn up a joint vision which has been sent to the Netherlands Gambling Authority ('Kansspelautoriteit' - KSA) as a reaction to their research and the national debate over gambling elements in games.

You can read the entire manifesto in Dutch here: [DGA - Manifesto](#)

### **The Dutch games industry and *loot boxes***

The Dutch games industry feels it's important that their opinion is heard on the use of *loot boxes*. They believe that local game creators and publishers cannot be compared with the large international companies that have been the primary subject of the [KSA research](#) thus far.

On the 15th of October 2018 the KSA organized a meeting to discuss the 'gaming-gambling amalgamation' and from January 21st 2019 the KSA has invited others to react on their plans for actions within their 2019 agenda. In response, Dutch Games Association, Van Iersel Luchtman and the Dutch games industry have released their manifesto as their contribution to the ongoing debate.

The Dutch games industry understands the concerns expressed by KSA around the games that are crossing the line between games for entertainment and gambling and the potential risk of gambling addiction with gambling games. The industry therefore strongly advocates for thorough investigation of the dangers of using *loot boxes* and other similar mechanics in gambling. A discussion ensued within the Dutch games industry, leading to a clear and unambiguous conclusion:

*"Dutch developers and publishers are committed to preventing their games from becoming gambling and thus being a gateway to gambling addiction or allowing gambling games to misrepresent themselves as pure entertainment games. As a rule, they have a passion for making and playing games and see entertainment games as an important form of cultural expression. Games can have a real impact (just like movies and other media) which makes it essential to explore the topic fully."*

### **Loot Boxes**

The Netherlands Gambling Authority assumes that the content of a *loot box* is 'tradable' and seen to have economic value, therefore *loot boxes* count as gambling in terms of the law. The Dutch games industry supports this view in principle, yet also asks for more clarity on the scope of the term 'tradable' and the impact of *loot boxes* in society overall.

The Dutch games industry would like to see more research into the possibilities for self-regulation to ensure that *loot box* based business models which are not considered gambling in terms of the law will be used ethically and responsibly as well.



For example, the Dutch games industry believe that no *loot boxes* should be offered in games intended for minors. With regards to games aimed at adults, the presence of *loot box* based business can only be accepted if they are implemented in a fair and transparent way. Part of a fair and transparent implementation should be that the *odds* of a certain result are published and that misleading mechanics like the “near miss effect” should be absent.

A practical problem for developers which needs to be taken in account is that distribution (particularly physical distribution) is not entirely under their control, especially in cases where grown-ups provide minors with access to games. Self-regulation by legal guardians is essential in these situations to protect minors.

### **Conclusion**

The manifesto explicitly invites the KSA and other involved companies to collaborate with the Dutch games industry to discuss how to avoid using gambling elements in games, in particular tradable *loot boxes*. Their proposal would be the creation of a special interest group to work together efficiently and decisively on the issue.

The entire manifesto (Dutch version) can be read here: [DGA - Manifesto](#)

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### **About Dutch Games Association**

Dutch Games Association (DGA) was founded in order to create a healthy climate for the Dutch games industry to grow, flourish and expand. Their mission is to Connect, Serve and Inspire the industry in the Netherlands and abroad.

DGA organizes and attends relevant events and connects interested parties in order to stimulate business opportunities and general growth of the industry. Furthermore, they communicate with the government and international organizations on relevant subjects that are of concern to the Dutch games industry. - [www.DutchGamesAssociation.nl](http://www.DutchGamesAssociation.nl)

### **About Van Iersel Luchtman Advocaten**

Van Iersel Luchtman Advocaten (VIL) is one of the largest independent law firms in the Southern part of the Netherlands with a team of more than 40 attorneys, expertise in ten legal disciplines and knowledge across six different branches.

VIL is currently the only legal firm with a full-service team of attorneys specialized in giving advice and assistance to parties from the games industry. - [www.vil.nl](http://www.vil.nl)

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