



Thursday, September 11, 2008

## **Q.& A. | Selcuk Senguler**

by Rob van der Gaast

Selcuk Senguler, a partner with Senguler & Senguler in Istanbul, graduated from the University of Istanbul and also studied in Leeds at Metropolitan University.

He became a lawyer in 1993 and specializes in M&A, joint ventures, commercial law and gaming law. Mr. Senguler, 37, has obvious commercial talent, having bought in 2004 the Istanbul business of Ledingham Chalmers, the first United Kingdom company that entered into Turkish market.

Together with his current partner Jonathan W. Blythe, they have been working since then under the name of Senguler & Senguler Law Office.

*Q: How did you get in touch with the gambling industry?*

**A:** Online gaming operators first contacted us in 2006 seeking information on the changing regulatory environment in Turkey. We received a growing number of enquiries from online gaming operators in 2007 and 2008 especially when the Turkish authorities started to take enforcement action against a range of foreign online gaming operators.

Online gaming operators generally contact us via law firms in their home jurisdictions. For example, some big UK law firms have departments dealing with gaming law. Therefore, we tend to work with multi national law firms representing online gaming operators in relation to their Turkish operations. We have mainly worked with UK based multi national law firms.

*Q: Could you mention some of your clients?*

**A:** Tricky question! I had better to keep the name of the clients confidential. Sorry for the boring lawyer type of answer!

*Q: Intralot's Inteltek won the tender from Spor Toto to operate and supply technology for Iddaa, the successful and extremely popular sports betting game, for a period of 10 years.*

**A:** We have followed the press reports in connection with the tender. It seems that people were surprised that Dogan Group, which is the biggest media group and has investments in a range of sectors, failed to win the tender. Dogan submitted a bid together with Lottomatica of Italy. It seems that Cukurova Group and its Greek partner were determined to win the tender.

*Q: There were only three groups participating in this tender procedure. In the sports betting industry there was a lot of criticism on this tender procedure -- that it was difficult to get information and not transparent. Did you also hear that criticism?*

**A:** We have been involved in privatization projects before and have cooperated with a number of Turkish authorities on behalf of our foreign clients. Turkish authorities, in our experience, have always been very cooperative in order to try and create a competitive environment. Since we have not been involved in this procedure, it is difficult to make any comment, but it does seem that even in the Dogan Group's newspapers, there has not been much criticism against the tender process!

*Q: What are the latest developments regarding the privatization of the Turkish national Lottery?*

**A:** From information available about the process we understand that the legal infrastructure and the technical and administrative specifications are about to be completed. According to the press reports, the intention is to close the deal by the end of the year and the following groups are interested in the privatization: GTech-Lottomatica, Essnet-Tattersall's, Scientific Games, Opap, Intralot, Austrian Lotteries, Sisal, Dogus, Alarko, Koç Holding and Çukurova Group

*Q: Turkey is blocking sports betting Web sites, porno sites -- even YouTube. When you try to access these sites, you're given the following message:*

*Access to this web site is banned by "TELEKOMÜNİKASYON İLETİSİM BASKANLIĞI" according to the order of: Ankara 1. Sulh Ceza Mahkemesi, 05/05/2008 of 2008/402.*

*What do you make of this?*

**A:** The Internet Crimes Law came into force in November 2007 to regulate the principles and procedures of prevention of certain online crimes through content, platform and access providers. There are also strict penalties applied against companies acting in contravention of the Internet Crimes Law. The Telecommunication Communications Directorate is the regulatory body in charge of enforcing the Internet Crimes Law. In this respect, internet sites where the activities are designated as crimes according to the Turkish Criminal Code are blocked with a decision of a criminal court. Once that decision is taken the site is blocked. The wording on the site reflects the court decision and the enforcement by the Telecommunication Communications Directorate

*Q What's the strangest experience you've had concerning the gambling industry thus far?*

**A:** When the Turkish authorities first started to take enforcement action against the online gaming operators, since the service providers are also covered in some of the legislation, the banks providing services to the operators understandably got worried. One of the banks providing electronic payment services to an online gaming operator wanted to learn whether the activities of the operator constitutes

the breach of the Turkish legislation. We noted that the activities of the operator were just in the form of offering video style games and not in violation of Turkish gambling legislation. The bank were not satisfied and asked me to play with all the games and send them a confirmation that there is no risk to the bank in supporting the operator! I have followed the instructions and played all the video games! My kids are very impressed with my abilities now!

*Q: What is your biggest passion or hobby?*

**A:** I love paragliding and parasailing. I also love taking blue tours in the south of Turkey. It seems that any activity keeping me away from the land attract my interest!