Gaming Technology Providers: Law and Policy
[LAW 790—Section 1005]
SYLLABUS
Fall 2016
Monday and Wednesday, 1:30 p.m.–2:55 p.m., Room 106

Office Hours: I will usually be available in person immediately after class and by appointment. The first time you email or text me or leave a voice mail message, identify yourself by name and as a student in the class. The methods of communication likely to elicit quickest responses are, in order from quickest to slowest, phone and voicemail, text, and (way last) email. Check the TWEN online system first for reading assignments and other information.

Class Hours: Monday, Wednesday, 1:30 p.m. to 2:55 p.m. Room 106. Classes will begin promptly. Be in your seat and ready to go. Tardiness and absences will be noted and will affect the class participation portion of your grade. Chronic tardiness and excessive absences (more than five) may result in disenrollment at my discretion.

Required Text: There is no textbook or case book, but there will be reading assignments for most classes that I will expect you will have read before class. See TWEN for reading assignments for the first classes (e.g., the reading assignment for Class 1 should be read BEFORE Class 1 meets.) Some reading assignments may require you to look up information or answers to questions, which I will expect you to turn in at the beginning of the class. Assignments and other information will be posted on TWEN, usually well in advance, but please review TWEN at least weekly for changes and updates. I will post many of the reading materials in TWEN but may also require students to locate them through Westlaw or other common legal research methods. NOTE: The assignments in the outline below are subject to change and may not be accurate. For accurate, up-to-date assignments, always refer to TWEN.

Course Description: This course explores the intense regulatory environment in which the $13 billion gaming equipment industry operates, and its effects on relationships between manufacturers of slot machines and other casino equipment and regulators, casinos, and gamblers. Topics include comparative regulatory approaches applicable to companies operating in hundreds of state, tribal, and international jurisdictions; selected laws and regulations and their effects on technology and business; contracts between gaming manufacturers and their customers and vendors; the creation and uses of intellectual property in the gaming industry; employment law issues peculiar to gaming manufacturers; and the roles of in-house legal departments and outside law firms. The course will emphasize best practices for responding to practical problems faced by lawyers who represent, work for, and deal with gaming equipment manufacturers and other gaming industry players. Grading will primarily be based on short research assignments during the semester and a take home exam.

Course Summary: This course is about law and practice in the context of gaming technology companies. Gaming technology companies, or “manufacturers,” as they are usually called, are
increasingly crucial components of today’s gaming industry. Operating in hundreds of jurisdictions domestically and internationally, gaming manufacturers face legal issues that are much more diverse than casinos face, and they operate in a regulatory environment that is orders of magnitude more intense than that in which casinos operate. Because of the scope and volume of the legal work, lawyers for gaming manufacturers must be knowledgeable in a wide range of legal subjects and must be aware of their clients’ business realities. This course will take a critical look at legal and regulatory issues and policies encountered by gaming manufacturers and the techniques and tools their lawyers use to represent them.

Learning Outcomes: After completing this course, students should have a basic understanding of the following:

- The gaming technology business sector and its roles in the gaming industry.
- How gaming technology companies and their products are licensed and regulated in various jurisdictions and how the regulation of gaming technology providers differs from the regulation of casino operators.
- Employment, contract, intellectual property, and other business law issues faced by gaming technology companies.
- The practical application, individually and collaboratively, of skills and tools used by lawyers representing gaming technology companies.

Student Evaluation: There will be one take-home exam, covering subjects discussed in the reading assignments and in class, with the format (e.g., essay, multiple choice, short answer, or some combination) as yet undetermined. There will also be two or three short research projects to be completed and presented by individual or small groups of students. Students will be called on during class to summarize and discuss reading and research assignments. I will notify students at least one class in advance who will be primary responders at upcoming classes, but I reserve the right to call on anyone in class, and all students will be expected to participate in the discussions and will be graded accordingly. In some cases, you will be working collaboratively with other students so your presence and participation are important not just to you but also to your classmates. There may be short, in-class quizzes covering subjects covered during that class or prior classes. The grading breakdown is expected to be Final Exam, 50 percent; Research Projects, 30 percent; In-Class Participation and Quizzes, 20 percent.

Use of Laptops and Other Electronic Devices: I am not opposed to the use of laptops to take notes and look up relevant information during class. However, I can find it distracting, and I reserve the right to ban all such uses in the classroom. Until then, please, type discreetly and quietly. Also, I am likely to view the appearance of smart phones in class as a sign of inattentiveness, and the actual use of a computer or a smart phone to web surf, text, or (gasp) converse as proof of it, and, again, I reserve the right to ban all such uses in the classroom.

UNLV-required Disclosures:

Academic Misconduct—Acceptance to the William S. Boyd School of Law (the Law School) represents much more than admission to the study of an intellectual discipline. The privilege of
admission comes with a unique set of responsibilities, not only to fellow students, but to the Law School, to the legal profession, and to the public. The legal profession demands the highest degree of trustworthiness, honesty and public integrity. As future members of that profession, students of the Law School are bound to observe principles that reflect the same high standards that govern the practice of law. This Student Honor Code (the Honor Code) sets forth conduct that is prohibited, and it establishes minimum standards for student professional responsibility. The standards of conduct in the Honor Code are in addition to the standards set forth in the UNLV Student Conduct Code and the Law School Student Policy Handbook. Violations of the Honor Code will be subject to the procedures and sanctions of the Honor Code, as set forth below. https://portal.law.unlv.edu/files/portal/Student%20Handbook.12-13.Honor%20Code.pdf

Academic integrity is a legitimate concern for every member of the campus community; all share in upholding the fundamental values of honesty, trust, respect, fairness, responsibility and professionalism. By choosing to join the UNLV community, students accept the expectations of the Student Academic Misconduct Policy and are encouraged when faced with choices to always take the ethical path. Students enrolling in UNLV assume the obligation to conduct themselves in a manner compatible with UNLV’s function as an educational institution.

An example of academic misconduct is plagiarism. Plagiarism is using the words or ideas of another, from the Internet or any source, without proper citation of the sources. See the Student Academic Misconduct Policy (approved December 9, 2005) located at: https://www.unlv.edu/studentconduct/student-conduct.

Academic Success Program/CASE—The Boyd Academic Success Program assists students in removing barriers to academic success. This includes reviewing past exams, giving sample exams or hypotheticals, evaluating study habits, and assisting with time and stress management issues.

The Academic Success Program also provides a series of pre-bar exam lectures to assist in preparing to take the bar, as well as opportunities for thoughtful feedback and individualized assistance in bar preparation through the bar prep period. More information can be found here: https://law.unlv.edu/academics/asp/current-students

Copyright—The University requires all members of the University Community to familiarize themselves with and to follow copyright and fair use requirements. You are individually and solely responsible for violations of copyright and fair use laws. The University will neither protect nor defend you nor assume any responsibility for employee or student violations of fair use laws. Violations of copyright laws could subject you to federal and state civil penalties and criminal liability, as well as disciplinary action under University policies. Additional information can be found at: http://www.unlv.edu/provost/copyright.
Disability Resource Center (DRC)—The UNLV Disability Resource Center (SSC-A 143, http://drc.unlv.edu, 702-895-0866) provides resources for students with disabilities. If you feel that you have a disability, please make an appointment with a Disabilities Specialist at the DRC to discuss what options may be available to you. If you are registered with the UNLV Disability Resource Center, bring your Academic Accommodation Plan from the DRC to the law school Registrar's office to develop strategies for implementing the accommodations to meet both your needs and the requirements of the course.

Law Library—The Wiener-Rogers Law Library provides resources to support students' access to information. Reference librarians are available for consultation in person or by phone or email. For library services and resources, see https://law.unlv.edu/law-library and https://law.unlv.edu/academics/law-library/student.

Religious Holidays Policy—Any student missing class quizzes, examinations, or any other class or lab work because of observance of religious holidays shall be given an opportunity during that semester to make up missed work. The make-up will apply to the religious holiday absence only. It shall be the responsibility of the student to notify the instructor within the first 14 calendar days of the course for fall and spring courses (excepting intersession courses), or within the first 7 calendar days of the course for summer and modular courses, of his or her intention to participate in religious holidays which do not fall on state holidays or periods of class recess. For additional information, please visit: http://catalog.unlv.edu/content.php?catoid=6&navoid=531.

Rebelmail—Rebelmail is UNLV’s official email system for students. It is one of the primary ways students receive official university communication such as information about deadlines, major campus events, and announcements. All UNLV students receive a Rebelmail account after they have been admitted to the university. Students’ email prefixes are listed on class rosters. The suffix is always @unlv.nevada.edu. The law school has two general email lists for students: INFO and ADMIN-MSGS. Some faculty will use TWEN or personal gmail groups to send specific class messages.

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December 23, 2016
**Class Outline**
(subject to change; check TWEN frequently for updates)

**Class 1.  The basics**
Instructor bio; course overview; grading. Why a course on gaming technology companies? What is a gaming technology company, commonly referred to as a gaming manufacturer? Definitions. The gaming technology sector: by the numbers; dramatis personae.

*Reading assignment (10-Ks are posted in TWEN/Course Materials/Financials; SEC filings; statutes may be found on the regulatory agency websites listed under Web Links, and can also be accessed through WestLaw):*
  - Scientific Games Form 10–K (2016-02-29), Items 1, 1A (Business, Risk Factors).
  - Miss. Code Ann. § 75–76–5(c), (k), (m), (w), (ff).

**Class 2.  The basics (continued)**
*Research assignment:* Using the Form 10-Ks, company websites, or other publicly available sources published by the companies, determine the gross revenue for the most recently fully reported year for:
  - Scientific Games (total and amount attributable to non-lottery products)
  - IGT (total and amount attributable to non-lottery products)
  - Wynn (total and amount attributable to Nevada operations)
  - Sands (total and amount attributable to Nevada operations)

All students will be called on in class to present their results and sources.

**Class 3.  Manufacturers and their products**
Gaming devices, slot machines, video lottery terminals, Class II and Class III; systems; table games; associated equipment; miscellaneous products (bingo, keno, bonusing, tournaments, race and sports books); categories of regulations.

*Research assignment:* Using the Form 10-Ks, websites, or other publicly available sources published by the companies, prepare a list of as many non-lottery product lines as you can for one of the following companies (to be assigned in class): Scientific Games, IGT, Aristocrat, Konami, Everi, Rocket. All students will be called on in class to present their results and sources.
Class 4. Licensing of manufacturers
Common jurisdictional approaches; licensing of operators compared; special licensing issues for manufacturers, international companies; best practices for license applicants, licensees, and their lawyers.

Reading assignments:
- NJ 5:12-92 (Licensing of casino service industry enterprises).
- Comparable provisions from UK Gambling Act.
- Scientific Games, Form 10-K, Exh. 99.12 (gaming regulations).

Class 5. Licensing of manufacturers (cont’d)

Class 6. Licensing of manufacturers (cont’d)

Class 7. Post-licensing requirements
Product approvals; employee registration and licensing; shipping rules; the Johnson Act; game code security; reporting requirements.

Reading assignments:
- American Gaming Association white paper on regulatory reform.
- American Gaming Association white paper on shipping rules.

Class 8. Post-licensing requirements cont’d)

Class 9. Employment law issues
Definition of “gaming employee”; non-compete agreements; patent and trade secret agreements; drug testing; collection of “personally identifiable information”; competition with mainstream technology companies.

Reading assignments:
- TBD

Class 10. Employment law issues for gaming manufacturer sector (cont’d)

Class 11. Product approvals
Comparative jurisdictional approaches: Submit, test, approve; reciprocal approvals; no approvals required; revocations and upgrades; modifications; approvals of platforms v. “games.” Testing labs: state; commercial; hybrids. Best practices and opportunities for reform.
Reading assignments:

Class 12. Product approvals (cont’d).

Class 13. Product approvals (cont’d)

Class 14. Product technical standards

Reading Assignments:
• Nev. Gaming Comm’n Technical Standards for Gaming Devices and Associated Equipment
• New Jersey standards
• GLI Standards
• GSA Standards

Class 15. Product technical standards (cont’d)

Class 16. Manufacturer contracts
What’s special about manufacturer contracts? Contracts with domestic, Native American, and international customers; contracts with vendors. Contract management. Contract writing and review.

Reading assignments:
• Form contracts, boilerplate.
  Also: contract editing assignment.

Class 17. Manufacturer contracts (cont’d)

Class 18. Manufacturer Contracts (cont’d)
Class 19.  Manufacturer compliance committees and programs
Regulatory requirements; composition; committee and company personnel; compliance departments; compliance plans; common issues; casino plans compared; best practices.

Reading assignments:
• Sample casino and manufacturer compliance plans

Class 20.  Intellectual property in the gaming technology sector
Patents, trademarks, copyrights: categories; prosecution; enforcement. Best practices.

Reading assignment:

Research assignment: How many patents are held by major manufacturers v. other technology companies?

Class 21.  Intellectual property in the gaming technology sector (cont’d)

Class 22.  Player disputes
Jurisdictional procedural approaches; legal issues; how slot machines work.

Reading assignments:
• Nev. Gaming Comm’n Reg. 7A.
• Gutierrez case decision
• Sengel v. IGT, 116 Nev. 565 (Nev. 2000).
• Grand Casino Biloxi v. Hallmark, 823 So.2d 1185 (Miss. 2002).
• Pickle v. IGT, 830 So.2d 1214 (Miss. 2002).

Class 23.  In-house regulatory compliance departments
Real-world examples; best practices; relationship with outside counsel.

Reading assignments:
• TBD
Class 24. In-house legal departments and outside counsel
In-house legal departments: numbers; functions. Outside counsel: numbers; functions. The inside-outside relationship: reporting; billing; attitude.

Reading assignments:
• TBD

Class 25. Interstate and international legal issues
Wide-area progressive slot machines: technical standards; probabilities and expectations; taxation; practical issues. Internet gaming: the need for “liquidity”; which jurisdiction controls? Federal regulation: good or bad?

Reading assignment:

Class 26. Exam review

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December 23, 2016