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Ready to Play?

A Children's Rights Analysis
of Gambling-like Elements in Videogames



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Preface

This book was written based on my doctoral dissertation, completed in September 2024 at the Faculty of Law and Criminology, Department of Law & Technology at Ghent University, and the Centre for IP & IT Law at KU Leuven. In the four years of academic research, I was able to dive deep into the regulatory aspects related to gambling-like elements in videogames and children's rights. More importantly however, the main aim of the research was to adopt an interdisciplinary approach, wherein the legal assessment was performed taking into account the insights from other fields of research, including psychology, behavioural economics and media studies. This interdisciplinary perspective was equally present within the 'Gam(e)(a)ble' research project, of which I was a member and which allowed me to engage with different stakeholders in the area of videogames and gambling, including policymakers at different levels, videogame industry representatives and workers, prevention workers, and of course parents and children. Ultimately, this allowed me to enrich the legal assessment with these insights from different fields of study, thereby hoping to convince regulators to adopt a similar approach in the future.

Due to the book being based on my doctoral dissertation, it has a more 'academic' structure. The structure follows the main research question the underlying research aimed to address: to what extent does the current regulatory framework on gambling-like elements realise children's rights? In the changing videogame landscape where children are increasingly present, not much attention has been given specifically to the situation of children and how the different rights of children materialise in the videogame context. Over the four years of research, it was satisfying to see a steady increase in academic and wider regulatory attention for this issue, which further illustrates the relevance of the text. The narrative related to the main question is further divided into three separate arcs, which form the three parts of the book. Because the videogame environment is dynamic in nature and ever-changing, it is important to highlight that the text takes into account developments up until September 2024.

The book is written to be accessible for interested readers with varying levels of prior experience with the topic. Readers who are new to the world of videogames, gambling and their convergence will find a step-by-step introduction and explanation

of relevant terms and concepts (both legal and technical) in the narrative. Readers who are more experienced will find a thorough legal analysis which identifies strengths and weaknesses of the current legal framework applied to gambling-like elements in videogames. Further, predominantly in the final chapters, the text includes several recommendations and other suggestions regarding the regulation of gambling-like elements from a children's rights perspective for different actors.

To end, I want to express my sincere gratitude to my two supervisors prof. Eva Lievens and prof. Peggy Valcke for their guidance throughout the research period. Additionally, I want to thank the members of my examination committee for their valuable insights and feedback which allowed me to elevate the quality of the dissertation which forms the basis of this book: prof. Simone van der Hof, prof. Bieke Zaman, prof. Bert Keirsbilck, prof. Reinhard Steennot, dr. Valerie Verdoodt and prof. Wolfgang Schulz. A final word of thanks goes to my colleagues and to the several academic researchers and professionals I had the privilege and opportunity to work with over the years.

Brugge, Belgium
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Pieterjan Declerck

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Abbreviations

ACB	Australian Classification Board
AI	Artificial Intelligence
B2C	Business-To-Consumer
BEUC	European Consumer Organisation
CEN	European Committee for Standardisation
CFREU	Charter of Fundamental Rights of the European Union
CJEU	Court of Justice of the European Union
CPC-network	Consumer Protection Cooperation Network
CRC Committee	Committee on the Rights of the Child
CRD	Consumer Rights Directive
CRIA	Child Rights Impact Assessment
DCSD	Digital Content and Services Directive
DLC	Downloadable Content
DSA	Digital Services Act
DSM-5	Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition
ECD	E-Commerce Directive
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EDPB	European Data Protection Board
ESRB	Entertainment Software Rating Board
EU	European Union
EULA	End-User Licence Agreement
FPS	First-Person Shooter
GaaP	Games-as-a-Product
GaaS	Games-as-a-Service
GC	General Comment
GDPR	General Data Protection Regulation
IARC	International Age Rating Coalition
IGD	Internet Gaming Disorder
ISGA	International Social Games Association

MOBA	Multiplayer Online Battle Arena
(MMO)RPG	(Massive Multiplayer Online) Role-Playing Game
OECD	Organisation for Economic Cooperation and Development
PEGI	Pan-European Game Information
PGSI	Problem Gambling Severity Index
PU-LB	Problematic Use of Lootboxes Questionnaire
RLI	Risky Lootbox Index
RRM	Random Reward Mechanism
RTS	Real-Time Strategy
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UCPD	Unfair Commercial Practices Directive
UCTD	Unfair Contract Terms Directive
UK	United Kingdom
Ukie	United Kingdom Interactive Entertainment
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
URL	Uniform Resource Locator
US	United States
USK	Unterhaltungssoftware Selbstkontrolle
VLOP	Very Large Online Platform
VPN	Virtual Private Network
WHO	World Health Organisation

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