

Section 1900.1260 Branding

- a) For the purposes of this Section:
 - 1) “Brand” or “branding” means any identifying mark associated with any licensee, DBA, gambling operation, horseracing operation, or other entity, including but not limited to a name, DBA, logo, trademark, or color scheme.
 - 2) “Facility brand” means the brand under which a sports facility is operating, the brand a sports facility’s designee is operating under, or a combination thereof.
 - 3) “Parent brand” means a brand under which an organization or owners licensee is operating, or a brand owned by a direct or indirect holding company that owns at least an 80% interest in that organization or owners licensee on June 28, 2019.
- b) Offering sports wagering over the Internet or through a mobile application under a brand means any use or display of any brand or branding, including but not limited to:
 - 1) the name or icon of any mobile application or other client software;
 - 2) the display of any brand or branding on any page of an Internet site;
 - 3) the display of any brand or branding on any screen within a mobile application or other client software; or
 - 4) the display of any brand or branding in any marketing or advertising materials promoting the online wagering portion of a master sports wagering licensee’s sports wagering operation.
- c) When sports wagering is conducted over the Internet or through a mobile application by a master sports wagering licensee pursuant to Section 25-30 or 25-35 of the Act:

- 1) If any brand is displayed, a parent brand must be displayed.
 - 2) If multiple brands are displayed, including brands that are not a parent brand, a parent brand must be prominently displayed.
- d) When sports wagering is conducted over the Internet by a master sports wagering licensee pursuant to Section 25-40 of the Act:
- 1) If any brand is displayed, a facility brand must be displayed.
 - 2) If multiple brands are displayed, including brands that are not a facility brand, a facility brand must be prominently displayed.
- e) Factors to be considered in determining whether a brand is prominently displayed, include but are not limited to:
- 1) the absolute and relative size of any branding;
 - 2) the frequency of any branding;
 - 3) the location and spatial relationship of any displayed branding;
 - 4) any language denoting the relationship between any brands, entities, or DBAs; and
 - 5) any other factor that may identify, implicitly or explicitly, the identity of the master sports wagering licensee or contribute to patron confusion thereof.