

# The Legality of Skill Gaming

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Skill-based gaming has a well-established legal, social, and commercial history. From classic board games to major sports tournaments, games of skill have long offered participants a chance to compete based on one's ability. High profile examples of real cash prizes include the PGA tour, where individual tournaments takes place in a variety of U.S. states, and the electronic sports (eSports) industry, which lets professional gamers compete in popular video games with real money at stake.

Games built by Supersize have the clear distinction of being games of skill - and not games of chance - a difference which makes Supersize's tournaments legal in the majority of the United States, as well as most countries.

## Are Skill-based Tournaments Gambling?

The most widely accepted legal definition of gambling requires three specific things: (1) the award of a prize, (2) paid-in consideration (entrants pay to compete), and (3) an outcome determined by chance. A competition that awards real-cash prizes is not gambling unless all three of the elements are present. Without all three of these elements, a competition that rewards real prizes is not gambling. In the case of Supersize's tournaments, outcomes are not determined by chance, but are rather achieved through a player's skill or ability.

There are two major legal tests used in the U.S. regarding whether something is considered "chance" that would make a game be considered to be gambling. Each test considers the level of chance in a game. These tests are called the "dominant factor test" and the "material element test".

## The Predominance Test

The predominance test is the most commonly used indicator of whether a game is skill- or chance-based. Essentially, if chance has more than the majority of the effect of determining a winner or score in a game then a game will fail the dominant factor test. If skill makes up more than the majority, then it will pass the test. As an example, a game such as chess would be almost at the pure skill. On the other hand, traditional slot machines would be pure chance. Between these ends of the spectrum lie many activities containing both elements of skill and chance. A game is classified as a game of skill if the game falls predominantly closer to the skill end of the continuum.

## The Material Element Test

The material element test is the second most commonly used test to evaluate whether a game is skill or chance based. The test asks the question of whether chance plays a material role in determining a game's outcome. As an example, in games like Minesweeper, a great deal of skill is generally exercised by players, but there are moments when players are forced to guess at random, with the results of that guess determining the winner and loser of the game. Skill predominates but chance plays a material role in determining the game's outcome.

## How does Supersize ensure games are skill-based?

All Supersize games are designed such that a skilled player will have a consistent advantage over a non-skilled competitor. Supersize has developed a sophisticated shared-seed randomness engine which guarantees that matched players always compete under identical game conditions.