



Q1: January – March 2017

Peru – Nintendo Achieved Landmark Ruling in Latin America against Game Copier Devices. In 2011, Peruvian Customs raided a warehouse and seized 693 game copier devices (R4 devices), which resulted in a criminal case being brought against the importer in Callao. The case was the first to test Peru’s anti-circumvention provision that criminalizes the importation of products that circumvent a technological protection measure (TPM). In 2014, the 10th Criminal Court (Callao) condemned the importer for IP crimes including importation of goods designed to circumvent TPMs, imposing a three-year prison sentence, court fees and indemnity to Nintendo. The importer appealed the decision multiple times over the course of several years, eventually filing an “exceptional appeal” that was reviewed by the Supreme Court of Peru. In March 2017, the Supreme Court rejected the appeal and the original criminal court decision stands. The Court confirmed that the importation of circumvention devices is illegal. This is the first anti-circumvention ruling for Nintendo in Latin America and the outcome will support future cases throughout the region.

Italy – Three Websites Hosting Pirated Content Blocked by Italy’s Telecommunications Authority (AGCOM). On January 19, 2017, AGCOM ordered Italian ISPs to block subscribers’ access to two popular game content piracy websites – torrentbees.com and gamesviatorrent.com. In February, AGCOM ordered the website giochitalianids.com to be blocked which brings the total number of piracy websites blocked by the video game industry under the AGCOM Regulations to 14. The AGCOM site-blocking process is working efficiently and has proven to be an effective anti-piracy tool that also raises piracy awareness with Italian internet users.

Italy – Italian Court Rules that AGCOM’s Website Blocking Regime is Lawful. In a key ruling, the Administrative Court in Lazio found that the AGCOM regulations that support website blocking of pirated content are constitutional and that AGCOM, as an administrative body, is fully mandated to enact and enforce its regulations. The Court also found that AGCOM regulations do not constitute censorship of Internet use, and website blocking is deemed a proportionate measure by the court that is consistent with adversarial principles and European law. Finally, the Court required Italian ISPs to pay for the costs of website blocking and not the rights holders who request them.

UK – City of London Police (PIPCU) Assist in Taking Down Webshops Offering Circumvention Devices. Operation Ashiko is an IP enforcement program developed and managed by PIPCU which brings together rights holders and Nominet UK (a domain name registry that administers the .co.uk country top level domain portfolio) with the aim to reduce the number of .co.uk domains involved in piracy and counterfeiting. In February, through Operation Ashiko, Nintendo referred three .co.uk websites offering circumvention devices for sale to PIPCU. PIPCU worked with Nominet to terminate the domain registration for these websites and by late March, all three domains had been removed. Nintendo will continue to refer .co.uk domains to PIPCU where they are involved in piracy.

Taiwan – Significant Seizure of Counterfeit Famicom Game Consoles Pre-loaded with Hundreds of Famicom Games. On January 19, 2017, the Taichung Division of the Taiwanese IPR Police raided the home of a suspected counterfeiter and seized approximately 1,000 counterfeit Famicom game consoles. The counterfeit consoles were each pre-loaded with 400 pirated Famicom games. The suspect sold over 500 counterfeit consoles via the Ruten Auction website since November 2016. This was the largest counterfeit Famicom game console case in Taiwan to date and it garnered significant press coverage from multiple media outlets. **Read more:**



<http://www.chinapost.com.tw/taiwan/national/national-news/2017/05/05/496796/nintendont.htm>.