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## **TAIWAN COURT RULES THAT GAME COPIERS FOR NINTENDO DS AND MODIFICATION CHIPS FOR Wii ARE ILLEGAL**

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### *Nintendo Applauds Two Unprecedented Court Decisions Against Circumvention Devices*

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Taipei, Taiwan, June 30, 2010 – Two separate District Courts ruled for the first time that circumvention devices such as the game copiers for the *Nintendo DS*<sup>TM</sup> system and the modification chips for the *Wii*<sup>TM</sup> console violate the Copyright Act in Taiwan. The first-ever decision against the game copiers for the *Nintendo DS* systems, such as R4, Acekard 2, and the like, was ruled by the Taipei District Court on April 30, 2010, along with the Banchiao District Court’s first appeal court decision on March 18, 2010 against the modification of the *Wii* consoles. The two rulings are the latest in a growing list of important decisions on a global level against circumvention devices. These devices bypass the copy-protection security system embedded in Nintendo’s hardware systems and allow users to play illegal copies of Nintendo games downloaded from the Internet for free.

The first judgment issued by the Taipei District Court confirmed that the store owner committed a criminal offense by selling game copiers for the *Nintendo DS* systems to the public. The second judgment was issued by the Banchiao District Court against a different retail store owner for distributing illegal modification chips and modified *Wii* consoles. The same owner was also found guilty of selling unauthorized copies of *Wii* games. Both courts ordered the defendants to six months in prison.

“Nintendo is very pleased with the court’s decisions as they validate that selling circumvention devices that allow users to play illegal copies of Nintendo games is a serious form of piracy with very tangible consequences,” said Tsutomu Saito, Chairman of Directors Board for Nintendo. “We hope the verdict in both cases will help reduce piracy in Taiwan and preserve the video game industry’s ability to continue to make investments into developing new and exciting games, and to give all legally-sold Nintendo games a chance to succeed.”

Nintendo does not make any of its video games available for download on the internet, except through its proprietary systems - the *WiiWare* and *Virtual Console* services for *Wii* and the *DSiWare* service for the *Nintendo DSi* and *Nintendo DSi XL* handheld systems. All other Nintendo game files offered via the Internet for download are illegal copies.

Nintendo’s piracy efforts expand beyond Taiwan. There have also been favorable court decisions

against sellers of game copiers and mod chips in a number of other countries, including Australia, Germany, Hong Kong, Italy, Japan, Korea, United Kingdom and the United States. In addition, Nintendo has anti-piracy programs in more than 40 countries and takes a multifaceted approach to combat the different forms of piracy. Since 2009, Nintendo has supported over 1,600 legal actions (including customs seizures, law-enforcement actions and civil proceeding) in more than 20 countries that have resulted in the confiscation of over a half-million video game copiers and mod chips. Beyond the legal enforcement, the key programs include education of customs and enforcement authorities, and collaboration with local trade associations and governments to seek their assistance and cooperation on improving intellectual property legislation in each country. The company has also rolled out a number of technical protection measures focused on curtailing the growth of the *Wii* and *Nintendo DS* piracy situation.

For more information about Nintendo's fight against piracy, visit <http://ap.nintendo.com>.

<新聞稿請惠予刊布>

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## 台灣法院判決宣告DS遊戲機金手指燒錄卡及Wii遊戲機改裝晶片為非法

任天堂為兩件首見抵制規避防盜拷措施器材零件的法院判決喝采

2010年6月30日

(台北訊) 兩個地方法院分別作成判決首次明白宣示規避防盜拷措施的器材零件，例如使用在任天堂DS掌上型遊戲機的金手指燒錄卡(game copier)以及用於Wii遊戲機的改裝晶片，違反台灣的著作權法。台灣台北地方法院在今年4月30日作成首例宣告使用在任天堂DS掌上型遊戲機的R4、Acekard 2及其他類似裝置等的金手指燒錄卡違法，在此之前台灣板橋地方法院刑事合議庭也在今年3月18日對一件簡易判決上訴案件明白判決Wii遊戲機的改裝晶片違法。以上兩件判決是激增中全球各國法院宣告規避防盜拷措施裝置違法的最新重要範例。這些改裝晶片及金手指裝置都是用以規避任天堂設計在遊戲機硬體系統裏頭的防盜拷措施，讓使用者自網際網路免費下載非法重製的任天堂遊戲軟體到遊戲機上執行程式。

前述台灣台北地方判決判定被告的店家必須為其銷售提供用於任天堂DS遊戲機上的金手指裝置給公眾的行為負擔刑事責任。另外，台灣板橋地方法院在另案對不同的零售店家出售改裝晶片、非法改裝的Wii遊戲主機以及盜版Wii遊戲光碟，也做成有罪判決。兩個案件的被告個別都被法院處以六個月有期徒刑。

「任天堂對於台灣法院的判決結果非常高興，因為這些判決確認了提供規避防盜拷措施讓使用者操作非法重製的任天堂遊戲，顯而易見是嚴重的盜版行為，」任天堂台灣子公司任天堂溥天股份有限公司的董事長齋藤力表示。「我們希望這兩個案子的判決有助於減少盜版在台灣發生的情形，讓電視遊樂器及遊戲產業可以繼續投入資金創作更新的以及更吸引人的遊戲軟體，使合法的任天堂遊戲軟體在市場裡有成功銷售的機會。」

任天堂除了讓使用者分別透過利用其專有的WiiWare和虛擬主機服務(Virtual Console Services)應用在Wii遊戲機系統，以及DSiWare服務應用在任天堂DSi與DSi XL掌上型遊戲機系統進行連線之外，絕無在網際網路上提供任何遊戲軟體下載。所有在網際網路上供人下載的任天堂遊戲檔案都是非法重製的版本。

任天堂打擊盜版的努力擴展到台灣以外的世界各地。包括澳洲、德國、香港、義大利、日本、南韓、英國及美國等國家與地區都分別傳來捷訊，報導法院判決抵制金手指燒錄卡以及改裝晶片提供的行為。此外，任天堂已經在40個以上國家展開打擊盜版的行動方案，多方面迎擊各式各樣的盜版行徑。自2009年迄今，任天堂已經在超過20個國家執行了1,600個以上的法律行動，包括支援及協助警方搜索、海關扣押盜版品，還有積極對涉及盜版行為人提起訴訟，前後一共沒收了五十多萬片金手指燒錄卡及改裝晶片。在依法取締盜版品之外，任天堂的防制盜版計畫還包括對海關和執法機關提供辨識盜版品的教育訓練，與當地政府及相關民間團體合作具體策劃改善各國保護智慧財產權法令。任天堂也針對減低Wii及任天堂DS遊戲機系統遭盜版的趨勢，繼續推陳出新許多防盜拷措施的技術。

更多有關任天堂打擊盜版的資訊，歡迎直接上任天堂網站瀏覽: <http://ap.nintendo.com>.