



Q4: October – December 2017

Dutch Website Settles and Agrees to Stop Offering Circumvention Devices and Modification Services. Softmoddedbox.nl was a popular webshop offering circumvention devices and modification services for Dutch, German and Belgian consumers. Nintendo initiated civil proceedings against Softmoddedbox.nl and the website operator agreed to settle Nintendo’s claims and remove any offers of *Nintendo DS*, *3DS* and *Wii* circumvention devices as well as modification services from its website and 16 related websites. The operator also agreed to transfer a number of domains that featured Nintendo registered trademarks without authorization to Nintendo. The webshop eventually shut down its operations which marks a positive step forward in limiting access to circumvention devices.

Spanish Website Fined and Taken Down for Offering Circumvention Devices. A popular webshop selling 3DS game copiers was taken down following an administrative complaint lodged with the Spanish Secretary of State for the Information Society and Digital Agenda (SESIAD) alleging breaches of the local e-commerce law. SESIAD is the government body responsible for the implementation of government policies on telecommunications, information technology and e-commerce. The complaint was filed by AEVI (the Spanish video games trade association) on behalf of Nintendo. In addition to removing the access to the webshop, SESIAD issued a fine against the webshop operator (purportedly a Chinese national) and the website subsequently closed.

Game Copiers Seized and Online Operations Closed in London. In November 2017, officers from the Police Intellectual Property Crime Unit of the City of London Police conducted raids at two residential premises in the Midlands and South East of England which had been linked to sellers of game copiers and who had been using mobile market place platform Shpock and Facebook to distribute the devices. The raids resulted in game copiers being seized and the online business operations shut down.

Enforcement on *amiibo* Cards at the Source Leads to Cards with Less Nintendo IP. Persistent enforcement efforts against infringing *amiibo* listings in Q4 have forced sellers to modify their designs and language in an attempt to avoid enforcement. The change in the unauthorized *amiibo* card designs and decreased use of Nintendo IP in marketplace listings is less likely to confuse consumers about whether the infringing listings are affiliated with Nintendo. In addition, by enforcing on *amiibo* card offerings presented on China-based marketplaces such as Aliexpress and Taobao, we are able to target the product at its source, and track the design changes from China-based marketplaces to European and American marketplaces.



Mexico – Top Country of Importation for Counterfeit *NES* & *SNES Classic Edition*. Since October

2017, Mexican Customs has stopped 82 separate shipments and over 17,000 counterfeit or infringing *NES* and *SNES Classic Edition* hardware. The seized hardware units often include hundreds of infringing *Nintendo* games. The volume of products attempting importation into Mexico shows the continuing trend and demand for classic consoles and legacy *Nintendo* games. The products were stopped at multiple customs ports throughout Mexico including Toluca, Monterrey, Guadalajara, Queretaro and Manzanillo. For all shipments seized, the products were coming from China and several repeat exporters are being investigated in Asia. Investigations into Mexico importers is ongoing.

