

Nintendo Takes Action To Combat Video Game Piracy

Australia, 9 February, 2010 –

Nintendo confirms the settlement of a Federal Court action against an individual in Australia for illegally copying and uploading to the Internet the first game file of Nintendo's highly-anticipated video game, *New Super Mario Bros. Wii* for the Wii™ console. The game file was first made available for illegal download worldwide on 6 November, 2009, a week prior to its official release in Australia.

This legal proceeding was commenced to protect the creative rights and innovation of game developers, and to combat the growing international problem of Internet piracy. Under Australian law, copying and distributing games without the permission of the copyright holder is a breach of the Copyright Act.

The legal proceeding resulted in a settlement in which the individual will pay to Nintendo the sum of \$1.5 Million dollars by way of damages to compensate Nintendo for the loss of sales revenue caused by the individual's actions.

Upon the game being uploaded to the Internet, Nintendo was able to employ the use of sophisticated technological forensics to identify the individual responsible for illegally copying the file and making it available for further distribution. On 23 November, 2009, Nintendo obtained a Federal Court search order in respect of the individual's residential premises. This led to the seizure of property from those premises in order to gain further evidence against the individual.

Nintendo guards its intellectual property rights in order to protect the interests of its valued consumers, its own interests, as well as the interests of game development companies. Nintendo will pursue those who attempt to jeopardise our industry by using all means available to it under the law.

Nintendo has been working to combat piracy for approximately 20 years. Piracy is a significant threat to Nintendo's business, as well as over 1,400 game development companies working to provide unique and innovative games for the Nintendo platform. Fewer sales of Nintendo's hardware and software systems means fewer resources that Nintendo, its licensees, developers and publishers have to create and market new video game products which is ultimately to the detriment of video game enthusiasts. When there is a decrease in game development, there is also a decrease in the number of jobs in the industry. The existence of piracy jeopardises the strength of the video game industry overall.

For more information about Nintendo's global anti-piracy activities, please visit: <http://ap.nintendo.com>



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