



Frankfurt, 08. November 2010

German Courts Support Actions Against Importers and Sellers of Game Copiers for Nintendo DS

*Battle against Video Game Piracy in Germany
Intensifies*

The distribution of game copiers like the R4, N5, M3i, Acekard, DSTT, iEdge (and many other versions) all infringe German Copyright law. Those who distribute them are acting unlawfully and are liable to pay compensation. This is, in short, the tenor of over 20 court decisions which Nintendo has obtained in Germany since 2008.

As the German law is clear, a business owner who sold game copiers, in the course of the legal proceedings before the District Court of Munich, accepted the illegal nature of his activities and the liability for compensation. Nintendo takes the decision that was affirmed by the District Court Munich on 22 September 2010 and served upon Nintendo last week as an opportunity to raise the awareness of the impact of piracy and the illegal nature of the importation and distribution of these devices. And to warn distributors that importing or selling these devices may result in substantial compensation claims.

"All of the German court decisions strengthen our position in our battle versus product piracy," says Dr. Bernd Fakesch, General Manager of Nintendo Germany. "What is also important to us is to make people aware of the fact that piracy

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is not a trivial offence, and that the fight against it is also in the interest of video gamers. Developing formidable games and consoles requires large investments. We have to effectively protect the intellectual work behind it, so video game fans can enjoy new, original game ideas in the future as well."

All Nintendo DS hardware is embedded with anti-piracy technology that prevents the play of illegal games. The illegal game copiers are devices designed primarily for circumventing that technology and enable the play of unlawful Nintendo games downloaded via the Internet. The legal situation in Germany is clear: the German Copyright Act prohibits the manufacturing, import and distribution of devices that circumvent technical protection measures, which have been implemented for the protection of copyright. German courts have repeatedly confirmed that game copiers are such devices.

Video game piracy continues to be a problem that Nintendo battles on a global scale. Other favourable court decisions against distributors of game copiers have been issued in other EU territories such as Netherlands, UK, Italy, Spain and Belgium, as well as the United States, Australia, Hong Kong, Japan, Korea and Taiwan. Nintendo also supports all criminal enforcement and legal actions against the distribution of illegal devices that facilitate Internet piracy. Since 2009, there have been over 500,000 game copiers seized globally. Nintendo initiates these actions not only on its own behalf, but also on behalf of over 1,400 video

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game-development companies that depend on legitimate sales of games for their survival.

More information about Nintendo's anti-piracy program is available at: <http://ap.nintendo.com>.

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