



**GAME COPIER PROCEEDING:
MILAN'S COURT CONFIRMS EVEN IN APPEAL THE
DEVICE R4 (OR SIMILAR) FOR THE NINTENDO CONSOLE IS
ILLEGAL**

Vimercate, 13 March 2009 – The Department of Industrial and Intellectual Property Section of the Civil Court of Milan has ordered PC Box S.r.l. of Florence to immediately stop the distribution of the illegal devices for the *Nintendo Wii* and the *Nintendo DS* console systems, including the R4 Revolution (or similar) for Nintendo DS.

The court has established that mod chips and game copiers are *per se* forbidden by law because they bypass the technological protection measures embedded with the *Nintendo* console systems protected by Italian law and by the European Community both in civil and penal courts. The court ruled the motives presented by the defense to be irrelevant: these devices are not utilized to extend the functionality of the consoles; they are created with the aim of creating illegal copies.

Last September, Nintendo filed with the Civil Court of Milan a request for urgent measures enjoining PC Box S.r.l. from selling these devices, more commonly known as game copiers and modification chips which bypass the technological protection measures of the Nintendo consoles and utilize copies of video games illegally downloaded from the Internet which could not normally be used with the consoles. In December 2008, the court banned PC Box S.r.l. of Florence from distributing the illegal devices. Despite PC Box's appeal, the court recently confirmed its decision making an important precedent against the sale of illegal game copying devices and modification chips throughout Italy.

Piracy not only significantly harms Nintendo, but it also hinders the development and growth of the video entertainment industry as a whole. In fact, according to the Entertainment Software Association data (IIPA Special 301 Report), in Italy, the percentage of piracy in the sector of video games rose from 40% in 2006 to 67% in 2007 with an illegal market generating over 556.5 million Euros.

"We are obviously pleased with this ruling that applies to devices that are not only illegal but encourage piracy and counterfeiting, causing significant losses to the entire video entertainment industry", said Andrea Persegati, General Manager of Nintendo Italia.

Nintendo has been active in its efforts to stop the illegal distribution of game copying devices. Since 2008, Nintendo has supported over 300 actions in 16 countries, confiscating over 200,000 DS game copiers. Nintendo has had assistance from law enforcement authorities in Australia, Belgium, Denmark, France, Germany, Hong Kong, Italy, Japan, Korea, the Netherlands, New Zealand, Singapore, Spain, Taiwan, United Kingdom and United States. As part of its battle against piracy, Nintendo is also working with Chinese enforcement authorities to pursue factories in China responsible for the manufacture of the infringing devices. Nintendo will continue to pursue the distribution of game copying devices on a global scale.

Nintendo

Nintendo Co.,Ltd di Kyoto, è il leader mondiale indiscusso nella creazione e nello sviluppo di intrattenimento interattivo. Ad oggi Nintendo produce e commercializza hardware e software per i suoi sistemi Wii™ e Nintendo DS™.

Dal 1983 Nintendo ha venduto più di 2,5 miliardi di videogiochi e più di 450 milioni di unità hardware in tutto il mondo, creando icone riconosciute in tutto il mondo come Mario™ e Donkey Kong® e lanciando franchise del calibro di Zelda™ e Pokémon®. La filiale europea, Nintendo of Europe, con sede in Grossostheim (Germania) è attiva dal 1990 e funge da quartier generale per le operazioni Nintendo in Europa. La filiale italiana, con sede a Vimercate (Milano), è attiva dall'inizio del 2002.

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