



## Q1: January – March 2018

**Northern Ireland Court Sentences Circumvention Devices Seller.** On February 15, an infringer was fined £150 and sentenced to 200 hours of community service by a Magistrates Court in Belfast, Northern Ireland after pleading guilty to selling circumvention devices on social media platforms. The case was prosecuted by the Crown Prosecutor following investigations undertaken by the Police Service of Northern Ireland and supported by Nintendo.

**Supplier of Circumvention Devices Sentenced in Oviedo, Spain.** A Penal Court in the Spanish city of Oviedo sentenced a seller of circumvention devices to a suspended prison term of six months and ordered him to pay 5,072 EUR in damages. The case was the result of a tip received from a Nintendo Iberica sales agent who operates in this region.

**AGCOM Publishes More ISP Blocking Orders.** On January 25, 2018, based on a referral by Nintendo, the Italian telecommunications authority (AGCOM) published its order to Italian ISPs to block access to the ziperto.com website which makes available pirated copies of *Nintendo* games to Italian consumers.

**Nintendo 3DS – Another Uniform Dispute Resolution Policy (UDRP) Case Win!** As part of ongoing enforcement efforts against the online distribution of game copiers, Nintendo received another positive UDRP decision against a game copier website operator using the term “3DS” in the domain name of multiple websites. This is the third UDRP win against these game copier sites. The UDRP panel issued a favorable decision and confirmed Nintendo’s ownership rights in the term “3DS” and found that the disputed domains are confusingly similar to *Nintendo’s* 3DS trademark. In addition, the panel concluded that the owner of the domains registered them in bad faith and described in clear terms that the sale of circumvention devices that facilitate piracy is not a legitimate use of the disputed domains. The offending domain names (3dsflash.net, oz-3ds.net, 3dsvilla.com, topsky3ds.net, 3ds-cart.net, and 3ds-town.com) have been transferred to Nintendo.

**Global Seizures of Fake *Nintendo NES Classic Edition* & *Nintendo SNES Classic Edition* Continue to Rise.** In Q1, Nintendo



supported approximately 475 global seizures resulting in the confiscation of over 35,000 infringing *NES* and *SNES Classic* consoles. The majority of products were stopped in Mexico and the United States. Efforts against fake consoles took place around the globe in countries such as Germany, the Netherlands, Taiwan, Puerto Rico and Canada. Over 15,000 enforcements were submitted to online marketplaces around the world with many enforcements taking place on eBay and its affiliated sites. These products directly compete with *Nintendo NES Classic Edition* and *Nintendo SNES Classic Edition*, including the same “look and feel” which causes consumer confusion. The seized hardware units often include hundreds of infringing *Nintendo* games. The products are distributed in large quantities and are exported from Hong Kong and China. One particular product, “COOLBABY,” is proliferating markets and confusing consumers with pre-loaded infringing *Nintendo* software and similar design. Investigations in China are ongoing to identify and pursue major manufacturing of the illicit consoles.

**Hong Kong Customs Seized Raspberry Pi Micro PC Machines with Thousands of Infringing Games Preinstalled.** In December 2017, Hong Kong Customs raided a shop and seized 12 “GamerGo2,” emulator machines using Raspberry Pi micro PC. The device is also called “日光寶盒” and contains emulators and thousands of preloaded games for multiple gaming systems including *NES*, *SNES*, and *Game Boy*. Two suspects were arrested and the case was forwarded for prosecution.

