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MUSIC PIRACY REPORTING DETAILS:

Music piracy can be reported by way of the following methods:

Tel: 011 886 1342

Fax: 011 886 8553

Email: piracy@risa.org.za /

piracy@stoppiracy.org.za

www.stoppiracy.org.za

Write to: P O Box 367,
Randburg, 2125

Hotline: 011-886 1342

GAUTENG



VOSLOORUS

Jail sentence for music pirates

During a routine visit to Vosloorus on 25 March 2008, three hawkers selling music DVD-Rs were arrested, and subsequently found guilty of piracy.

When Oupa Moloi of the RiSA Anti-Piracy Unit (RAPU) noticed that the DVDs being sold by the hawkers were infringing copies, he obtained copies and conducted tests on the items. Moloi found that the goods were in fact infringing copies and set about on further action.

On 26 March 2008, Moloi reported the matter to the South African Police Service (SAPS) Vosloorus and

lodged a formal criminal complaint against the suspects.

Following the complaint, the police conducted a raid that resulted in the arrest of the suspects. The suspects were detained at Vosloorus Police Station where they were criminally charged in terms of the Copyright Act.

On 27 March 2008 the suspects appeared in the Magistrates' Court of Vosloorus. Bail was denied to the suspects and they were placed in police custody pending further investigation of the case.

On 1 April 2008, the suspects again appeared before court and were found guilty. Each of the suspects were sentenced to 24 months imprisonment, with 12 months of the sentence suspended for a five-year period, on condition that the suspects were not found guilty of the same offence during the period of suspension.

The three suspects were immediately removed from court to be imprisoned.

Report on Vosloorus submitted by Oupa Moloi, Enforcement Officer of the Anti-Piracy Unit of RiSA.

EASTERN CAPE

ALEXANDRIA

The Lusanda matter

The highly publicised Lusanda matter was laid to rest on 17 March 2008. The accused appeared in court and were found guilty on all the charges in terms of the Copyright Act.

Accused One was convicted on two counts of contravening Section 27(1)(b) of the Copyright Act 98/1978 and Accused Two was convicted on one count of contravening Section 27(1)(b) of the Copyright Act 98/1978 in the Port Elizabeth Specialised Commercial Crime Court.

Accused One and Accused Two were each sentenced to a fine of R1000 or ten days imprisonment in relation to count one. In relation to count two, Accused One was sentenced to a fine of R38 500 or 30 months imprisonment, which was conditionally suspended for five years. ■

The Warren Geswindt matter

Three suspects were arrested for the manufacturing of infringing copies of music.

Accused One decided to plead guilty and was found guilty of all counts – 30 counts of c/s 27(1)(a) of Copyright Act 98/1978 and four counts of c/s 27(1)(b) of Act 98/1978. For the purpose of the sentence all counts were tallied together and the accused was >>

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sentenced to a fine of R30 000 or 30 months imprisonment, which was conditionally suspended for 5 years.

It was unnecessary to call a witness to prove aggravating circumstances, as the Magistrate accepted the facts which were argued as sufficient evidence of aggravating circumstances.

Report submitted by Clinton Frieslaar, Enforcement Officer of RAPU for the Eastern Cape.

AWARENESS AND EDUCATION

■ Presentation to Sony BMG sales representatives

The manager of RAPU, as well as the newly appointed Internet Investigator, recently informed the sales representatives of Sony BMG about the progress made regarding the combating of music piracy. The presentation emphasised the way forward, especially with regards to digital piracy.

■ World Intellectual Property Day

RAPU once again exhibited at the World Intellectual Property Day hosted by the Department of Trade & Industry (DTI) on the 25 April 2008.

■ Awareness to be created by prosecutors in KZN

Prosecutors of the National Prosecuting Authority intend to visit schools in the KwaZulu-Natal area to make learners aware of pirated/counterfeit goods. RAPU will teach learners how to identify such goods, and emphasise the legal implications involved in the selling and purchasing of the goods. ■

KWAZULU-NATAL

TONGAAT

Suspect's burner lab found

In March 2008, a man suspected of being involved in music piracy was arrested in his car and taken to his home where a small burner lab was found.

The police seized 1498 music and movie DVD-Rs, 1460 covers and inlays, three-stack DVD burners with eight burners each, two Canon



printers and one Canon scanner.

On 26 March 2008 the accused pleaded guilty in the Specialised Commercial Crime court and was sentenced to pay a fine of R60 000 or to be imprisoned for three years, half of which was suspended for five years.

Joint operation by RAPU, SAFACT and SAPS

RAPU, SAFACT as well as members of various SAPS Units have conducted several raids in **KwaZulu-Natal**.

IMPENDLE

The Area Crime Combating Unit of SAPS raided a Chinese shop in Impendle. 1042 copied cassettes, CD-Rs and DVD-Rs were seized by the police, as well as approximately 200 movies, which included pornographic material. The owner of the shop was arrested and released on bail of R5000. The matter was remanded to 9 May 2008.

PORT SHEPSTONE

Members of the Organised Crime Unit in Port Shepstone arrested two street vendors who were selling pirated goods on Nelson Mandela Drive. Copied music CD-Rs and DVD-Rs were seized.

VERULAM

Members of the Crime Prevention Unit in Verulam raided a house in Everest Heights and seized seven stack burners with 51 DVD writers.

The owner of the premises was arrested and appeared in the Commercial Crimes court. He was released on a bail of R2000 and the matter was remanded to 14 April 2008 for further investigation.

Also in Verulam, a street vendor selling copied discs on the pavement of Moss Street was arrested on Saturday 12 April 2008. 287 music DVD-Rs and 94 movies were seized. The suspect appeared in the Commercial Crimes Court on Monday 14 April 2008.

CHATSWORTH

Members of the Commercial Branch raided the Bangladesh market in Chatsworth, an area known to be a piracy hotspot.

Two juveniles selling infringing material at stalls were arrested and later released into their parents' custody. Music DVD-Rs and movies were seized. Both juveniles appeared in the Commercial Crimes court on 14 April 2008. *Report submitted by Raj Pather, Enforcement Officer of RAPU for KZN.*

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HOTSPOTS

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GAUTENG

Van der Walt Street

After several requests for action to be taken in this area, operations were conducted by the police on 23 May 2008. No hawkers or street vendors were identified in the area, however this could have been due to a tip-off, or because of the recent xenophobic attacks. This Hotspot will be visited in the near future.

Noord & Plein Street In mid-May 2008, SAFACT conducted raids on this area in conjunction with the police and the Metro Police. No suspects were arrested, as the suspects managed to run away. The infringing copies of music and movies that were found on site were dealt with as abandoned goods and handed over to RiSA and SAFACT. On 22 May 2008 surveillance was done to establish who was still selling infringing copies in the area. Test purchases will be done in due course.

Montana Flea Market

This Hotspot was visited on 16 March 2008, 6 April 2008, 29 April 2008 and 5 May 2008. No stalls were found selling infringing copies of music.

Bruma Flea Market

All illegal activities at the flea market have come to a halt after a number of raids were conducted at the end of 2007 and the beginning of 2008. On 4 April 2008 one stall was found selling infringing copies of music. The suspect was subsequently arrested and received bail of R5 000; the criminal case is still pending. No other illegal activities have been found to be taking place in the area. An informer indicated that the music at the Bruma Flea Market is distributed from Fordsburg. Investigations are underway.

Camaleon Village

Three stalls have been identified to be selling infringing copies of music in DVD-R format. Each stall has approximately 10 to 15 titles on sale. There is an informant at the market who is trying to establish where the stock is kept. A meeting will be set up with the informant in the near future to discuss the information.

Fordsburg

A suspicious shop was raided over a weekend in March and one suspect was arrested. Other shops and stalls are now being identified and action plans are being compiled. It seems that a link exists between Fordsburg and the Bruma Flea Market, especially in relation to the distribution of infringing copies of music. The information is being investigated.

Lenasia

On 14 February 2008 shops and hawkers selling infringing copies of music were raided and three suspects

were arrested. All three suspects paid admission of guilt fines and approximately 1 500 infringing copies of music was seized by the police. Raids were again conducted by SAFACT in May, however it is unclear what the raid established.

Randburg CBD

Certain suspects that were previously arrested in this area still have to appear before court. This Hotspot was visited three times during April but no one was found to be selling infringing copies of music. This area is monitored on an ongoing basis.

Randfontein Taxi Rank

This Hotspot was visited twice during April and no people were found selling infringing copies. This area is constantly being monitored for illegal activity.

Marabastad

After several requests for action to be taken, operations were conducted by the police on 23 May 2008. No hawkers or street vendors were identified, however this could have been due to a tip-off, or because of the recent xenophobic attacks. This Hotspot will be visited in the near future again.

Mabopane Train Station

Action was taken during July and September 2007 when seven and then six suspects were arrested. All suspects paid admission of guilt fines to the police, and no further action has been taken. A visit to the area is planned for the near future.

China City

China City is no longer a site for the sale of infringing copies of music. Information relating to the storage of infringing copies on the premises is currently being investigated, >>



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HOTSPOTS

(continued)

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however progress has slowed down as the informer who furnished the information no longer answers his cell phone.

China Mart

The modus operandi of the people selling infringing copies of music at this Hotspot has changed. Buyers now choose their DVDs or CDs from a list, place their order, pay, and the infringing copies are then delivered to the buyer from a different location. It seems that the warehouse supplying the stock is no longer situated at China Mart, and there is a possibility that it is kept at China City. No visible sales of infringing copies are taking place and this Hotspot has quietened down completely.

Dragon City

This Hotspot was visited on 1 April 2008, 18 April 2008 and 9 May 2008 and no shops were found selling infringing copies of music. One shop that sells original music is apparently negotiating with the Chinese nationals to supply Dragon City with more original music.

KWAZULU NATAL

Blue Lagoon

During March 2008, the police at Blue Lagoon conducted four raids and eight people were arrested. At one of the four raids 66 copied music DVDs were found. The criminal case is still pending. On 6 April 2008 Blue Lagoon was visited again, and only movies were being sold. On 1 May 2008 two raids were conducted and only three infringing copies of music in DVD-R format was found. The criminal case is still pending. Music piracy levels are currently non-existent at this Hotspot. This Hotspot has not been visited again, as the Enforcement Officer was involved with awareness at the Royal Show and was preparing

for a pre-trial conference in one of the major cases of the Anti-Piracy Unit. This Hotspot will be visited in the near future.

Warwick Avenue Taxi Rank

A raid was conducted on the 8 March 2008 and one suspect was arrested for copying CDs through his computer. A computer was seized along with 10 CD-Rs with handwritten titles. The criminal case against the suspect is still pending. During 16 and 17 April 2008 two raids were conducted and two people were arrested. The Police seized 120 infringing music and movie copies. The criminal cases are still pending against the suspects. This Hotspot has not been visited again as the Enforcement Officer was involved with awareness at the Royal Show and was preparing for a pre-trial conference in one of the major cases of the Anti-Piracy Unit. This Hotspot will be visited in the near future.

Phoenix

On 28 March 2008 disruptive action was taken against the hawkers selling at the Plaza. On 4 April 2008 the security team at the Plaza confiscated 20 infringing copies of music from the hawkers and handed it over to RiSA. On 9 May 2008 and 6 June 2008, the area was visited again and no persons were found to be selling infringing copies of music. The security team at the Plaza has taken it upon themselves to get rid of the people selling infringing copies there, and they are in constant contact with the local enforcement officer of RiSA.

Chatsworth

On 2 April 2008 a person was arrested for selling 32 infringing copies of music and movies. He appeared before the Commercial Crimes

court and received bail of R1 000.

The criminal trial is still pending. The area is visited on a regular basis and music piracy levels are currently very low in this area. Most recently, this area was visited on 2 June 2008. This Hotspot has not been visited again as the Enforcement Officer was involved with awareness at the Royal Show and was preparing for a pre-trial conference in one of the major cases of the Anti-Piracy Unit. This Hotspot will be visited in the near future.

Bangladesh Market

On 25 April 2008 SAPS, RiSA and SAFACT conducted two raids. Two juveniles were arrested and 87 infringing copies of music and movies were seized by the Police. The suspects were released into the custody of their parents. The criminal trials are still pending. This Hotspot has not been visited again as the Enforcement Officer was involved with awareness at the Royal Show and was preparing for a pre-trial conference in one of the major cases of the Anti-Piracy Unit. This Hotspot will be visited in the near future.

Pinetown

Numerous raids have been conducted at this Hotspot since March 2008. On 5 April 2008, two raids were conducted and two suspects were arrested. A total of 97 infringing copies of music and movies were seized, and the criminal trials against the suspects are pending. On 19 April 2008 and 18 May 2008 four raids were conducted and four suspects were arrested. A total of 209 infringing copies of music was seized, and the criminal trials against the suspects are still pending. On 23 April 2008, Dennis Bathule Ngcobo Ptn CAS 30/02/2008, Msawenkosi Doctor Msimango Ptn Cas 31/02/2008 and Nkosinathi >>

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Sontube Ptn CAS 32/02/2008 pleaded guilty in the Commercial Court, Durban and were fined R2 000 each or one year imprisonment, suspended for a period of five years. During May 2008 members of the Films and Publications Board conducted raids at this Hotspot and found no one selling infringing copies. This Hotspot has not been visited again as the Enforcement Officer was involved with awareness at the Royal Show and was preparing for a pre-trial conference in one of the major cases of the Anti-Piracy Unit. This Hotspot will be visited in the near future.

Rustenburg Taxi Rank

Many people are willing to supply information about the hawkers in this area, however none of the supplied information can be used. On 14 April 2008 raids were planned to target the people selling infringing copies on the street, but the raids had to be postponed as the enforcement officers who were supposed to assist with the raids were dealing with other urgent matters at the time.

EASTERN CAPE

Umtata CBD

Many hawkers were identified to be selling infringing copies of music in CD and DVD format on the streets of the Umtata CBD. Action against the hawkers was scheduled, however the police postponed the plans. The police have scheduled disruptive operations against the hawkers in the near future.

Matatiele

During December 2007 various shops in Matatiele were raided. On 24 May 2008, seven shops were raided again and the police seized 28 bags of infringing copies of music. Seven people were arrested and charged, and the cases against the suspects are still pending.



Training

The Anti-Piracy Unit embarked on its annual training workshop in Durban from the 24 February to 9 March 2008.

The enforcement officers of the Unit were given theoretical, practical and legal training during the two-week period. During this time (which included the weekends) enforcement officers attended lectures during the day and studied for their examinations during the evenings.

Two hour examinations were conducted each morning, and officers were required to achieve a minimum of 70 percent in every examination before they were allowed to complete the practical training.

During these intense two weeks, team building exercises were completed to motivate and strengthen the team and to encourage achievement.

Key Police officials from the Organised Crime Units of Durban and surrounding areas were invited to attend the training for two days.

They received in-depth theoretical and practical training focusing on the identification of pirated and counterfeit music. ■

STAKEHOLDERS meeting with NPA

On invitation from the National Prosecuting Authority (NPA), RAPU attended a stakeholders meeting on 19 February 2008.

The meeting was held to establish a better relationship with stakeholders through fully understanding their needs and identifying issues that may cause delays in dealing with the cases of stakeholders.

One of the major issues raised was that the Specialised Commercial Crime Unit (SCCU) does not understand how the stakeholders work and what they do.

Subsequently, an invitation was extended to stakeholders to assist in the training efforts of the National Prosecuting Authority and their prosecutors.

The Commercial Crime Units of the South African Police will also form part of this training initiative. ■

