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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



EIKENHOF

Jukebox Bust

Oelof du Plooy followed up on information that a business trading under the name Meeting Point was distributing jukeboxes with unauthorised music in MP3 format on jukeboxes' hard drives.

On 14 June 2008 a raid was conducted by the police of De Deur and the Organised Crime Unit of Vaalrand at a premises in Eikenhof.

Du Plooy and the police arrived and found the manager and his workers on the scene. The police conducted a search of the premises. Jukeboxes, hard drives containing copied music in MP-3 format and 3 000 copied CD covers with inlays were seized. Documentation relating to the operation of the business were also retrieved from the scene. The value of the seized goods is estimated at R100 000.

The manager was arrested at the scene and was later released on R10 000 bail. ■

JOHANNESBURG

Noord Street Taxi Rank Raid

On 26 June 2008 Oupa Moloi visited the Noord Street Taxi Rank for a routine inspection, and identified a number of hawkers selling infringing music products.

Moloi approached police officials patrolling the area and requested that they assist him in arresting the hawkers. The police indicated that they have information regarding the suppliers of the hawkers and suggested that Moloi meet them the following Saturday.

This action by the police and operatives from RiSA's Anti-Piracy Unit resulted in seven arrests. After the infringing music products were counted, inventorised and sealed in the presence of the suspects, the suspects were taken to the Johannesburg Central Police Station where they were charged and detained.

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

MPUMALANGA

KWAMHLANGA

'Catch me if you can!'

A suspect was identified in the Kwamhlanga area for trading in illegal jukeboxes. The suspect was informed by the Anti-Piracy Unit that his actions were illegal and he would be prosecuted by law. The suspect's words to the Anti-Piracy Unit were, 'Catch me if you can!'

On 15 July 2008 search and seizure warrants were obtained and six taverns, as well as the suspect's home were searched. Six illegal jukeboxes were confiscated. A locked bedroom in the suspect's home revealed several computer hard drives and a laptop under a mattress. The suspect was unmoved by the discovery of the incriminating evidence and informed RAPU that they could not hurt him as they did not know the location of his other juke boxes. >>

FREE STATE

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Oelof du Plooy investigated further and discovered the location of the other juke boxes. Fifty premises were identified where juke boxes were housed.

On 31 July 2008 search and seizure warrants were acquired for 39 jukeboxes at different taverns in the Nebo district. Angus Rheder assisted du Plooy in retrieving 23 jukeboxes.

The suspect will be criminally prosecuted once the investigation has been completed.

Reports submitted by Oelof du Plooy of RAPU Gauteng. ■

NORTHERN CAPE

CHRISTIANA

Crimes in Christiana

During a previous operation with the police Crime Intelligence (CIG) of Taung, Heinrich Botha was informed that there was a possibility that shops in the Christiana area were selling infringing copies of music.

On 17 June 2008, Botha and members of CIG went to the area to investigate the shops that had been pointed out by a source in the area. A number of suspects were found to be selling infringing copies.

A prosecutor was consulted regarding the cases and on 18 June a number of raids were conducted. Three suspects were taken into custody and released on bail the next day of R500 each. The total number of infringing copies of music seized was 84 DVD-Rs, 78 CD-Rs and 13 recordable cassettes valued at R13 000.

The suspects appeared in court on 19 June and were ordered to pay an admission of guilt fine of R500 each.

Report on Christiana submitted by Heinrich Botha of RAPU Kimberley. ■

EDENBURG

Piracy Crackdown

Heinrich Botha of RAPU Kimberley received six sealed exhibit bags from the Commercial Branch in Bloemfontein. The bags were seized on 27 August 2008 at a roadblock in Edenburg. The exhibits were analysed and found to be infringing copies of music.

A total of 331 products were seized. This included recordable cassettes, CD-R's and DVD-R's valued at R2 0950.

Report on Edenburg submitted by Heinrich Botha of RAPU Kimberley. ■

VREDE

The Thembelihle Tip-off

On 10 June 2008 Oelof du Plooy received a tip-off about certain individuals selling infringing music products in DVD-R format at a pension payout point in Thembelihle Township.

After verifying the information, Moloi and du Plooy reported the matter to the police as a result of which a raid was conducted, arrests were made and infringing copies of music seized. The suspects were taken to Vrede Police Station and

charged. The suspects appeared in the Vrede magistrates' court and were ordered to pay an admission of guilt fine of R500 each.

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

DEALESVILLE

Dealesville Dealings

On 17 July 2008 Heinrich Botha deployed an informer to identify shops in the Dealesville area that were involved in selling infringing copies of music.

The informer identified one shop in the area and a raid was carried out by the South African Police Service. Infringing copies of music which include 152 cassettes, 27 DVD-Rs and 57 CD-Rs valued at R 8 685 were seized by the police.

The suspect was taken into police custody for violating section 1(b) of the Copyright Act 98 of 1978.

Report on Dealesville submitted by Heinrich Botha of RAPU Kimberley. ■



BLOEMHOF

The Bloemhof Issue

On 19 June 2008 the Bloemhof area was visited by Heinrich Botha and members of CIG. A source identified shops which were selling infringing copies of music in the area. Two suspects were arrested and infringing copies of music to the value of R5 430 were seized.

The suspects were each released on R500 bail and appeared in court on 20 June 2008 when they were ordered to pay an admission of guilt fine of R500 each.

Report on Bloemhof submitted by Heinrich Botha of RAPU Kimberley. ■

EASTERN CAPE

UITENHAGE

Uitenhage Arrests

Clinton Frieslaar of RAPU Port Elizabeth apprehended two suspects with the assistance of the police, at a shop in the Uitenhage area.

This arrest happened after months of investigation. During this period test purchases were conducted and were found to be infringing copies of music. The main suspect's shop had previously been raided in 2007 and early in 2008.

On 21 July 2008 Frieslaar and members of the Port Elizabeth Commercial Crime Unit raided the suspect's shop once again after a search and seizure warrant was obtained. The main suspect was caught on camera selling infringing copies of CDs shortly before the arrest.

Infringing copies of music were found hidden all around the shop. The goods were seized, counted and inventoried the next day in the presence of the suspects. The two suspects are currently in custody and will appear in the Port Elizabeth Commercial Crime Court.

Report on Uitenhage submitted by Clinton Frieslaar of RAPU Eastern Cape. ■

KWAZULU-NATAL

Suspect operating at Blue Lagoon arrested in Durban

A flat in Good Hope Centre, Queen street, Durban was raided by RiSA, SAFACT and the Crime Combating Unit of the Police.

One suspect was arrested and charged, and one computer with two DVD writers, a printer and 300 movie and 7 music DVD-Rs were seized.

The suspect was arrested and appeared in the Commercial Crimes Court on Monday 30 June 2008. He was remanded in custody. The suspect was previously charged by RiSA and was convicted and fined R1 000 or 12 months imprisonment. ■

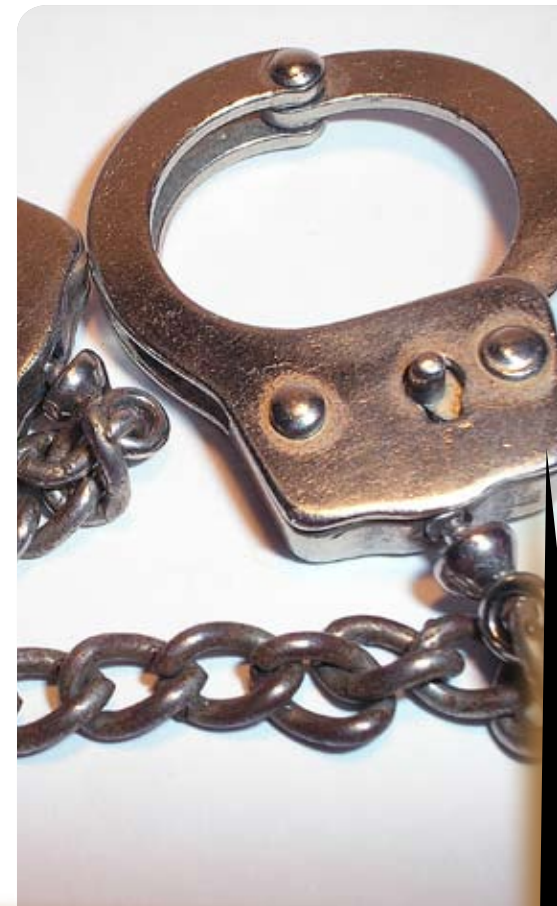
Other enforcement efforts in KwaZulu Natal

A total of 14 suspects have recently been arrested in Durban and its surrounding areas. The suspects have appeared in the Commercial Crimes Court and some of the arrested have been remanded into custody.

Hotspots such as Pinetown, Warwick Avenue and Phoenix were targeted for the raids and approximately 21 infringing CD-Rs, 684 music and 1 242 movie DVD-Rs were seized. A pastor was arrested in the Phoenix area for selling infringing music products; the police seized 45 music and 455 movie DVD-Rs from him. The pastor was released on bail of R5000.

On Wednesday 9 July 2008 members of RiSA and the management of Jet Music visited a

Jet Music branch in Pietermaritzburg that was suspected of selling copied discs to the public. The manager of the branch and a casual staff member were suspended after 19 infringing music discs were found under the counter in the shop. The offenders were discovered after the management of Jet Music lodged a complaint that they believed illegal copies of music were being sold to their customers. ■



TRAINING IN KWAZULU-NATAL

On 4 July 2008 Raj Pather of RAPU and Captain Naicker of the Commercial Crime Unit held training sessions for members of the Maydon Wharf SAPS Unit. The members of SAPS present were detectives and members of the Border Police. These members conduct roadblocks on a regular basis and stop suspicious containers at the port of entry. In the sessions they were trained in product identification and arrest statements. ■

crime crime crime crime crime

HOTSPOTS

crime crime crime crime crime

GAUTENG

Van der Walt Street

On 25 July 2008 SAPS and members of the Films and Publication Board (FPB) conducted raids in this area. The Police seized an estimated R4000 of infringing products. The products seized included infringing copies of music and movies in DVD-R format. The matter was postponed for further investigation.

Montana Flea Market

This Hotspot was visited on 16 March, 6 April, 29 April, 5 May, 21 June and again in August 2008. No stalls were found selling infringing copies of music.

This hotspot will be monitored in future but it seems that it does not qualify as a hotspot any longer.

Noord & Plein Street

In May 2008, SAFACT conducted raids in 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.

After previous surveillance was done in this area, Oupa Moloi and Oelof du Plooy conducted raids on 28 May 2008 with assistance from members of SAPS Johannesburg Central. Seven suspects were arrested and detained and more than 560 infringing copies of music in DVD-R format were seized.

On 1 August 2008 an operation was held at the Hotspot together with members of Johannesburg Metropolitan Police, SAFACT and officials from the FPB. Six suspects were arrested and charged by the Metro Police under the contravention of City Council bylaws and were allowed to pay admission of guilt fines of R300 each. 1680 infringing copies of music in DVD-R format and 900 infringing copies of movie DVD-Rs were seized. All infringing copies of music were handed to RiSA for destruction.

Bruma Flea Market

All illegal activities relating to copyright infringement in sound recordings 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 found at Bruma Flea Market is distributed from Fordsburg. Investigations are underway, and test purchases will be conducted in the future.

Lenasia

On 14 February 2008 shops 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. Further raids were conducted by SAFACT in May 2008.

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 organised. It seems that a link exists between Fordsburg and the Bruma Flea Market, especially in relation to the distribution of infringing copies of music.

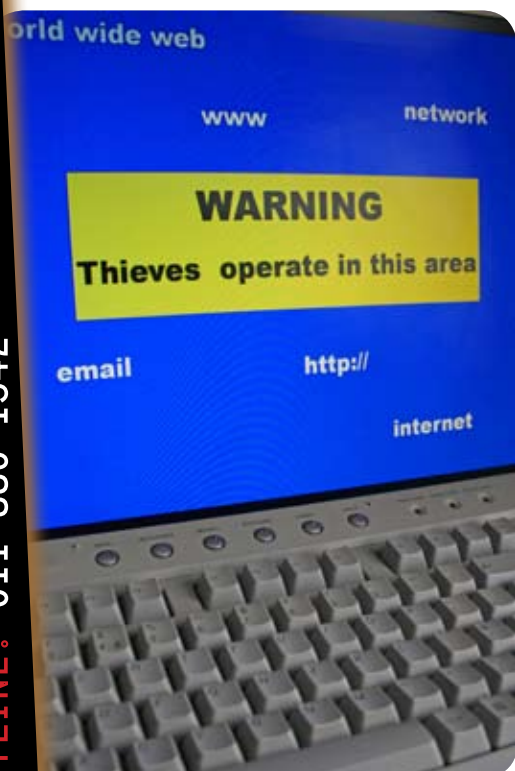
Marabastad

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.

On 25 July 2008 members of SAPS and the Films & Publication Board conducted a raid in this area. The Police seized approximately 4000 infringing goods. The products seized included infringing copies of music and movies in DVD-R format. One suspect was criminally charged and appeared before the court on 28 July 2008. The matter was postponed for further investigation.

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 and then again in August 2008, but no one was found to be selling infringing copies of music. This area is monitored on an ongoing basis. >>



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HOTSPOTS

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Randfontein Taxi Rank

This Hotspot was visited twice during April, and then again in August and no people were found selling infringing copies. This area doesn't qualify to be a hotspot anymore, but will be visited on a regular basis.

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 were released. Members of Loate SAPS and SAFACT conducted a raid in July 2008 and four suspects were arrested and charged. The police seized 278 infringing copies of music in DVD-R format. The goods are still being analysed and statements prepared for the criminal trial.

China City

China City is no longer a site for the sale of infringing copies of music. On 13 June 2008 Oelof du Plooy visited China City and found no shops selling pirated music. China City was visited again in early August and, once again, no pirated music was found.

China Mart

No stalls at China Mart were found to be selling infringing copies, and it seems that the modus operandi 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.

KWAZULU-NATAL

Blue Lagoon

During March 2008, the Police conducted four raids at Blue Lagoon and eight people were arrested.

Only one suspect was selling pirated copies of music and 66 copied music DVDs were seized; 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 3 infringing copies of music in DVD-R format were found. The criminal case is still pending. Music piracy levels are currently non-existent at this Hotspot.

Warwick Avenue Taxi Rank

A raid was conducted on 8 March 2008 and one suspect was arrested for copying music CDs from his computer. The computer was seized along with 10 copied music 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 copies of music and movie DVD-Rs; the criminal cases are still pending against the suspects.

In May, June and July 2008 many raids were conducted, resulting in arrests, and many music DVD-Rs and CD-Rs were seized. Eleven arrests were made, and a total number 383 copies of infringing music were seized.

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 and they are in

constant contact with the local enforcement officer of RiSA.

On 26 June 2008, Sergeant Isaiah of SAPS Phoenix arrested one male suspect aged 33 years for selling in the car park at Phoenix Plaza. The suspect was charged and 30 movies were seized.

On 4 July 2008 Inspector Ganesh of SAPS Phoenix arrested one male suspect at Reggies for selling music and movies from his car in Pandora street, Phoenix. Fourty five infringing copies of music and 455 infringing copies of music in DVD-R format were seized. The suspect, a pastor at a local church, was charged and released on bail of R5000.

Chatsworth and Bangladesh Market

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.

On 25 June 2008 RiSA, SAFACT and members of the Commercial Branch and Crime Combating Units of the Police at Chatsworth Centre conducted an operation in the area.

One suspect, a kingpin in Chatsworth, who is distributing around Chatsworth and Bangladesh areas was arrested while distributing from his vehicle. He was arrested together with his assistant, and 30 movies were seized. Further investigations led members to a house near Bangladesh market where two stack burners with 16 DVD writers were seized. The suspects appeared in the Commercial Crimes Court the following day and were remanded in custody till their next appearance.

These areas are visited on a regular basis and music piracy levels are currently very low.

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HOTSPOTS

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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 were seized, and the criminal trials against the suspects are still pending.

On 23 April 2008 three male suspects were found guilty in the Commercial Crimes Court of Durban and were fined R2 000 each or one year imprisonment, suspended for a period of five years.

During May 2008 members of the FPB conducted raids at this Hotspot and found no one selling infringing copies.

In June, members of SAPS Pinetown arrested five suspects and seized 364 infringing copies of music and movie DVD-Rs. On 1 August 2008, Constable Mkhize of the SAPS arrested one male suspect and seized 112 infringing copies of music and movie DVD-Rs.

EASTERN CAPE

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. The RiSA enforcement officer is busy with the analysis of the goods seized.

Umtata

Many hawkers were identified to be selling infringing copies of music in

CD and DVD format on the streets of the Umtata CBD. Disruptive raids were held in the Umtata CBD with members of the Umtata Commercial Crime unit. Only two arrests could be made as the hawkers got word of the raids when they started and disappeared. Some goods were left abandoned and other hawkers denied that the goods were theirs. Some hawkers were displaying original music but selling infringing copies. With the assistance of the Commercial Crime Unit of the Police more raids will be conducted in the months to come. ■



The Investigation Process

1. Information is established by the Enforcement Officers (EOs) from the RiSA Anti-Piracy Unit (RAPU) or it is reported to them.
2. A file is opened and booked out to an EO.
3. The information is investigated, which includes the verifying of information received, surveillance, direct contact with the suspect, etc.
4. A test purchase is set up and executed, the exhibits are 'bagged and tagged'.
5. The test purchase is analysed and a formal criminal complaint is drafted, commissioned and filed with the Organised Crime or Commercial Crime Unit of the South African Police Service (SAPS).
6. A criminal case is registered, a criminal administration system (CAS) number is obtained and a planning meeting is scheduled with the Police.
7. An application for a search and seizure warrant as well as a pro forma search and seizure warrant is prepared for the police.
8. The SAPS apply to a Magistrate for the issuing of the search and seizure warrant.
9. On the planned date the police at the premises concerned executes the search and seizure warrant. The SAPS request access to be granted to the EO of RiSA from the owner of the premises.
10. The EO assists the Police with the identification of infringing copies of music and also supplies the bags and seals to the Police. In most instances the EO also assists with the drafting of the inventory and the bagging and tagging of the seized goods.
11. In most instances the suspect is arrested and the seized goods booked into the SAPI 3 store at the nearest Police station. The goods are then directly booked out again to the EO of RiSA for purposes of analysis.
12. A short report of the case is compiled by the EO of RiSA and submitted to head office in Randburg.
13. The seized and booked out goods are then removed to the offices of RiSA where the analysis will then begin.

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14. During the analysis phase, each and every disc is analysed and the results of the analysis recorded in an analysis statement drafted by the EO of the case.
15. Once the manager of RAPU has perused the analysis statement, the analysis statement will be commissioned and furnished to the Police for purposes of the criminal trial.
16. The Police will then obtain and file any outstanding statements where after the criminal docket will be submitted to the prosecutor for a decision on prosecution.
17. If the prosecutor decides that there are reasonable grounds for a successful conviction a charge sheet will be drafted and the suspect subpoenaed for trial.
18. Several consultations are then held between the investigating officer from the SAPS, the EO of RAPU, other witnesses and the prosecutor. Exhibits will then be marked and prepared for trial purposes.
19. If the defence lawyer indicates that his client wants to enter into a plea agreement, a plea agreement would be drafted by the defence lawyer and submitted to the manager of RAPU where after the prosecutor would also comment regarding the plea agreement. Only once all the parties agree on the plea agreement would it be handed to the court for consideration and if accepted then for an order.
20. The seized goods and equipment are removed to a depot where they are stored until they are destroyed. ■

AWARENESS AND EDUCATION

Training Workshop

A training and sensitising workshop for prosecutors and members of the Crime Prevention Unit of the police was held on 15 August 2008. 21 People attended the full day workshop and new working relationships were established between the police and prosecutors.

Interview on Radio Pulpit

Radio Pulpit interviewed Braam Schoeman on 31 July 2008 about the moral issues relating to music piracy. The interview lasted approximately 10 minutes and the Christian community was reminded once again that as Christians they have to be more vigilant against music piracy.

A Special Request for Training

A Training Workshop for prosecutors of the Specialised Commercial Crime Court took place in Durban on 22 August 2008 after a special request was received from the training officer of the Specialised Commercial Crime Court in Durban.

The workshop covered the Copyright act, specifically in relation to the music industry. Braam Schoeman furnished the training and was assisted by one of the senior state advocates of the National Prosecuting Authority (NPA). ■

