



HOTSPOTS



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MUSIC PIRACY REPORTING DETAILS:

Music piracy can be reported through 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

Van der Walt Street

On 25 July 2008 the SAPS and the Film and Publications Board conducted a raid at Van der Walt Street. An estimated 4 000 infringing products were seized by the Police. The products seized included infringing copies of music and movies in DVD-R format. One of the suspects was criminally charged, the suspect appeared in court on 28 July and the matter has been postponed for further investigation.

Chameleon Village

Three hours of surveillance was carried out in the area and three suspects were identified selling music titles. The Police are due to conduct a raid in the area.

Noord & Plein Street

On 11 September 2008 operations were conducted at this well-known piracy hotspot. Five suspects were arrested, charged and detained at Hillbrow Police station as well as at Johannesburg Central Police station. The case concerns a manufacturing plant that was identified in Hillbrow as well as a storeroom identified in Fordsburg. Criminal charges have been laid and the matter is still under investigation.

This hotspot was visited again and with the help of an informant several offenders were identified. On 2 October two more suspects were arrested, charged and detained for possession of 3 500 infringing copies of music and movies.

Germiston Taxi Rank

On 13 August 2008 a raid was conducted at the Germiston Taxi Rank. During the raid, three suspects were arrested and taken to Germiston SAPS where they were charged and detained. A total of 200 infringing copies of music and movies were seized.

Fordsburg

It appears that a link exists between Fordsburg and Bruma Flea Market, particularly in relation to the distribution of infringing copies of music. The information is being investigated.

NORTH WEST

Rustenburg Taxi Rank

A manufacturing plant at a residential premise has been identified. According to reports the plant is supplying the area with infringing copies. The Crime Intelligence Unit of the Police is currently investigating the matter.

EASTERN CAPE

Matatiele

It has been found that shops are once again selling infringing copies in the area. The Umtata Commercial Crime Unit will assist in raids.

Umtata CBD

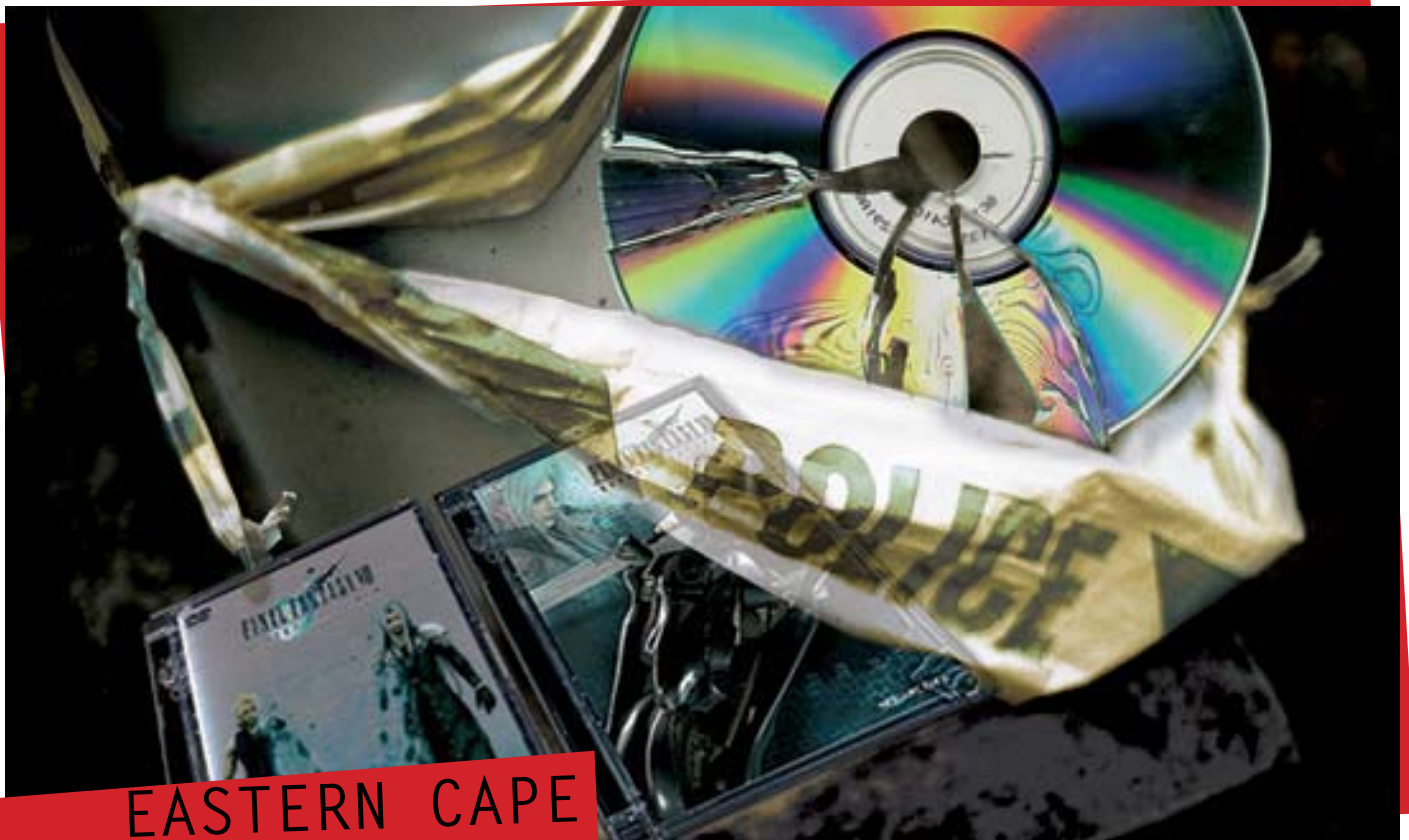
Raids are being planned with the Umtata Commercial Crime Unit.

Bruma Flea Market 5000 DVDs Seized in Raid

The following article appeared in the Sowetan written by Rathabile Mateka.

Police yesterday confiscated more than 5 000 pirated DVDs after they raided a shop at the Bruma Lake Flea Market in Johannesburg. The shop allegedly owned by a Rojaah Mohammed, contained the latest music videos of gospel singers such as Lundi, Rebecca Malope, Hlengiwe Mhlaba, Joyous Celebration and the Soweto Gospel Choir.

The DVDs, sold for between R120 and R180, included American movies, comedies and porn videos. The police were accompanied by members of the Recording Industry of South Africa (RiSA) when they raided the shop. Oupa Moloi of RiSA, said they had received a tip-off from a buyer. According to Moloi, a pirated DVD is blue on the inside while most originals are silver. He said his association would open a case against the owner of the shop. ■



EASTERN CAPE

Eastern Cape Clean up

Twelve raids were conducted by the Police as a result of criminal complaints that were filed by the RiSA Anti-Piracy Unit and SAFACT (Southern African Federation against Copyright Theft) with the Police, for the selling of infringing copies of Copyright works. The limited resources of the Police and the fact that infringing copies of sound recordings and films are often found in the same place, necessitate joint operations of this nature. The exhibits from the raids are currently being analysed with a view to criminal charges being instituted.

The following successes were achieved in the Eastern Cape:

In Bethelsdorp 19 infringing copies of music were seized.

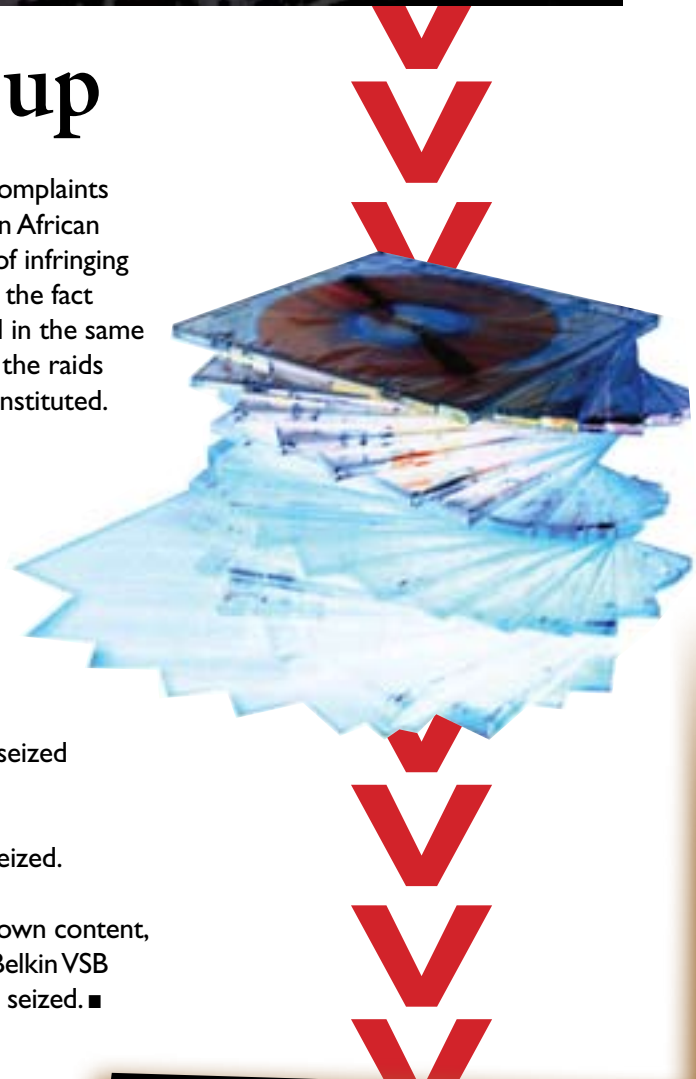
In Kareedouw 231 infringing copies of music were seized.

In Despatch 21 infringing copies of music were seized.

In Mount Road over 400 copies of infringing music products were seized including movie and CD covers.

In Bathurst 13 infringing copies of movies and one of music were seized.

In Humewood 158 music covers, 40 music discs, 88 discs with unknown content, 63 empty DVD's, a 320 gig external hard drive, 3 DVDE writers, a Belkin VSB storage device, a laptop and a PC tower with 12 DVD writers were seized. ■



KWAZULU-NATAL

Suspects dealt with through the courts

Like in the Eastern Cape, the Police, on behalf of RAPU and SAFACT in Kwa-Zulu Natal also conducted joint raids. In all the instances reported on, the suspects have been criminally charged in terms of the Copyright Act for selling infringing copies. In the month of August, several raids were carried out in the Durban and surrounding areas.

- Warwick Avenue, a piracy hotspot, was raided on three occasions and three suspects were arrested. The suspects appeared in the Commercial Crimes Court and were released on bail. A computer and approximately 275 infringing copies of music and movies were seized.
- On 21 August 2008 a suspect was arrested for selling infringing copies of music to motorists in Chatsworth Centre. 41 infringing copies of music and movies were seized. The suspect was charged and appeared in the Commercial Crimes Court the following day. He was released on R500 bail.
- On the same day members of the Metro Police discovered a room in a dilapidated building in Durban that contained 315 discs and two computer towers. RiSA was called onto the scene and the suspect surrendered his goods for destruction.
- On 28 August 2008 a member of the Commercial Branch of the Police was executing a search and seizure warrant at a residence in Moorton, Chatsworth for fake bus tickets when he discovered

a small manufacturing plant. Two suspects were arrested and three computer towers with six DVD writers, four printers, one scanner and about 600 discs were seized. The suspects were charged and appeared in the Commercial Crimes Court, they were released on R1 000 bail each.

- On 12 September 2008 in a joint venture between different Units of the Police and members of RAPU and SAFACT, a flea market situated next to Rencken Spar, Mandini was raided. Eight people were arrested and approximately 1 600 infringing copies of music and movies were seized. During the raid on of the suspects fled and abandoned his stall. The Police found ten cell phones at the stall that are suspected to be stolen. Two suspects paid admission of guilt fines of R 1 000 each. The other six accused appeared in the Nyoni Court.
- Search and seizures warrants for the selling of infringing copies of music and movies were also executed on various days in Durban's CBD. Six suspects were arrested and brought before the court where they were released on bail.
- On 5 September 2008 a woman was arrested in Alice Street, Durban for selling infringing copies of music and movies. Nine

CD-R's and 739 music DVD-R's were seized from the suspect. The accused appeared in the Commercial Crimes Court and was released on R 1 000 bail. The accused was re-arrested on 11 September for selling infringing copies of music and movies. A total of 108 music DVD-R's, 33 CD-R's and 93 movies were seized. The accused was arrested again and remanded in custody by the court.

- On 13 September the Metro Police conducted raids in the Durban CBD and 14 people were arrested, several hundred discs were seized and all the suspects were released on bail after appearing in court.
- In Harding, a Chinese shop was raided and a Chinese female was arrested. Nine infringing copies of music DVD-R's and 48 cassettes and music DVD's were seized. The accused appeared in the Harding Court and was released on bail of R1 000. >>



- >> • On 27 September three people were arrested in Durban's CBD for selling infringing copies. The suspects appeared in Durban Court and were charged separately. 45 infringing copies of music and 97 movies were seized. ■



CONVICTIONS

The following convictions have been obtained in the courts by RAPU, or both RAPU and SAFACT, during the period August and September 2008. All the suspects were criminally charged in terms of the Copyright Act for selling infringing copies.

- On 19 August 2008 Rafiq Adams of Kwa Dukuza pleaded guilty and was fined R 20 000 or five years imprisonment of which half was suspended. A search and seizure warrant was executed by the Police at his shop in December 2005 with the assistance of RAPU. Computers, other equipment and 3 000 infringing copies of music were forfeited to the State.
- On the same date Sbonele Mbhele who was selling infringing copies in Pinetown, was sentenced to a fine of R2 000 or 12 months imprisonment.
- On 11 August 2008 Mohamed Boarida Morelina was sentenced to a fine of R 1 500 or three years imprisonment for selling infringing copies in Prince Edward Street, Durban.
- On 14 August 2008 Alex Mngomezulu was sentenced to a fine of R 5 000 or 24 months imprisonment for selling infringing copies in Queen Street.
- On 27 August 2008 Jali Sayibu was sentenced to 12 months imprisonment for selling infringing copies. His full sentence was suspended. The accused was an illegal immigrant and he has been deported.
- On 18 August 2008 Riaad Shaik was sentenced to a fine of R1 000 or 60 days imprisonment for selling infringing copies in Phoenix.
- On 27 August 2008 Pastor Reggie Govender was sentenced to a fine of R 5 000 or 24 months imprisonment for selling infringing copies in Phoenix.
- In Pinetown court, Freddie Tsjika was sentenced to a fine of R8 000 or 8 months imprisonment for selling infringing copies in Hill Street, a piracy hotspot.
- Junaid Samuels who was arrested in June 2008 eventually pleaded guilty and was sentenced to a fine of R6 000 or 6 years imprisonment for selling infringing copies. Half the sentence was suspended. The accused was previously convicted for music piracy and received a R1 000 fine.
- Ilidlo Osorioa Bata was sentenced to a fine of R1 000 or 12 months imprisonment with an additional R2000 or 2 years imprisonment for selling infringing copies. The sentence was suspended for 5 years.
- Trevor Moodley who was arrested in Chatsworth for selling infringing copies, he was sentenced to a fine of R1 000 or 12 months imprisonment.
- Mapenzi Elisee Kasailaka was sentenced to a fine of R2 500 or 24 months imprisonment for selling infringing copies.
- Mohamed Boavida Morelina who was selling infringing copies was sentenced to a fine of R1 500 or 12 months imprisonment plus R3 000 or three years imprisonment suspended for five years.
- Alex Mngomezulu, who was also selling infringing copies was sentenced to a fine of R5 000 or 24 months imprisonment. >>

SUCCESS IN

CONVICTIONS - SUCCESS IN KZN

- >> • Adelino Paula Gumbe was sentenced to 12 months imprisonment suspended for five years for selling infringing copies.
- Vasco Armando Ngoye was sentenced to 18 months imprisonment suspended for five years for selling infringing copies.
- Ben Mangwane who was caught selling infringing copies was sentenced to 12 months imprisonment suspended for five years.
- Emmanuel Murrungela was sentenced to 18 months imprisonment suspended for five years for selling infringing copies of music and DVD's.
- Murondo Bonheur was sentenced to a fine of R2 000 or 12 months imprisonment for selling infringing copies.
- Ernest Carlos Nhampa who was caught selling infringing copies was sentenced to a fine of R2 000 or 12 months imprisonment.
- Edward Jose Gome was sentenced to a fine of R1 000 or three months imprisonment for selling infringing copies.
- On 8 September 2008 Umar Posho who was caught selling infringing copies was sentenced to a fine of R3 000 or 24 months imprisonment and a further fine of R2 500 suspended for 3 years.
- Georgie Deval and Louis Armando were fined R1 000 or 12 months imprisonment each for selling infringing copies.
- In Verulam Court Shiraz Rana was sentenced to a fine of R8 000 or eight months imprisonment suspended for four years. He was selling infringing copies to the public. ■

INTERNET TRAINING IN LONDON

On 8 September the RAPU took the fight against piracy to the internet when training for the RAPU internet investigator, Pierre Rautenbach commenced at the IFPI in London. Rautenbach, and the manager of RAPU were taken through all of the IFPI's Internet anti-piracy unit's operational phases.

The IFPI Internet Anti-piracy Unit (IAPU) operates by receiving a number of high-priority album releases and entering the information into a local repository/database. Weblogs and known infringing websites are "crawled" using this data as well as the IFPI's customized

web crawler. Infringing links are reported and are sent cease and desist notices.

Rautenbach spent a day with each IAPU investigator gaining firsthand experience by being taken through the investigator's responsibilities. He was then challenged to identify infringing links using the processes he had learnt. Following the success of the exercise he worked with the IFPI department responsible for the generation and dispatch of cease and desist notices. The process involves identification of an infringing site's country of origin and

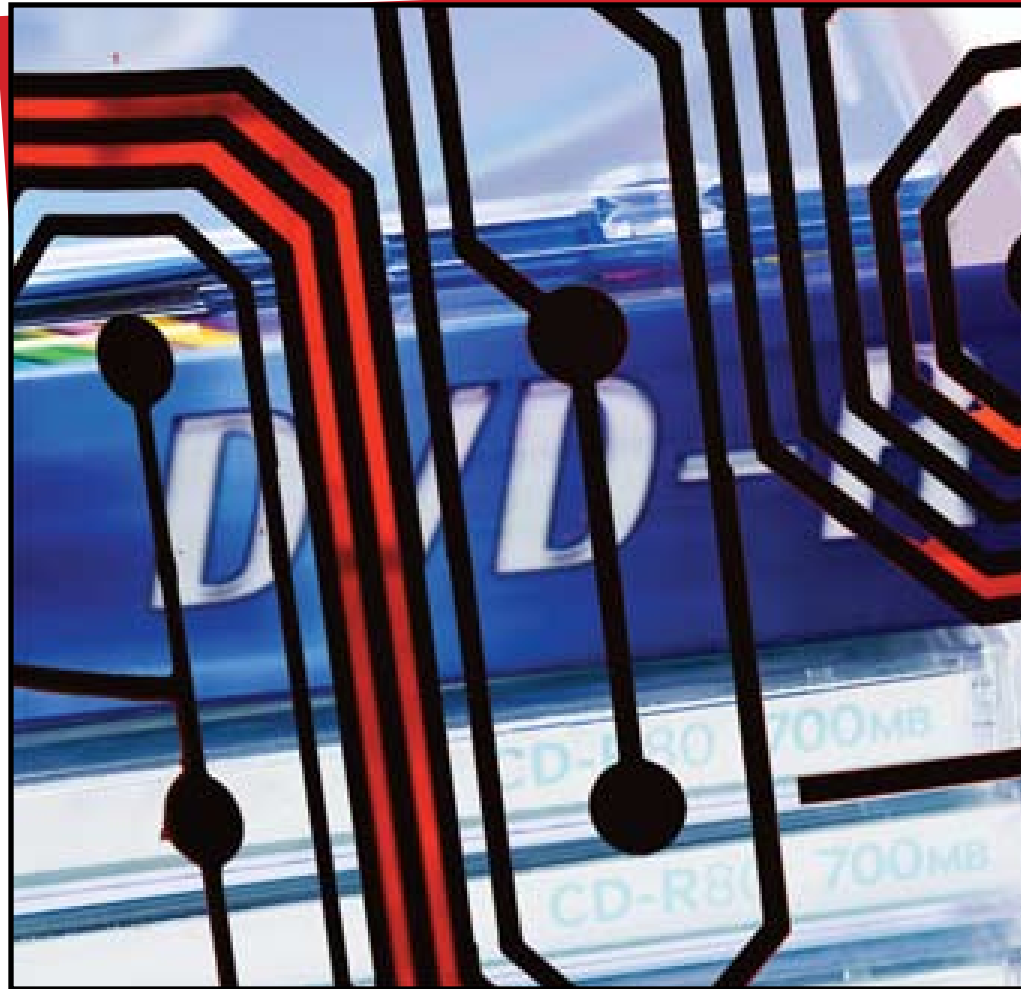
selecting an appropriate take-down notice. Rautenbach then had the opportunity to work with the IFPI's web crawler specialist and gained more knowledge on customising systems for crawling password protected forums. After the intensive one-on-one training >>



>> he spent the remainder of the week sharpening and honing his new skills.

Another positive result from the training has been that RiSA has been granted access to the IFPI's online tracking/member database. Access to this database (including IFPI's IAPU online resources) will allow RiSA to submit local album release information in real time – an ability that will expand current online scanning capabilities.

Rautenbach has returned with a wealth of knowledge and is currently in the process of developing a suite of tools that will not only ease the detection and monitoring of local infringing websites, but also assist in establishing the RiSA internet anti-piracy unit as a best-of-breed unit that can hold its own in this challenging field of copyright infringement. The monitoring suite will also expand web crawling capabilities to index technologies such as direct connect hubs and torrent portals in addition to the IAPU detection facility. ■

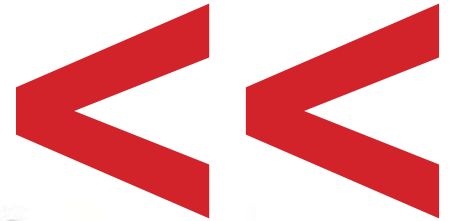


Meeting with ISPA

A RiSA delegation met with the Internet Service Providers' Association (ISPA) on 15 October 2008. As is apparent from its name, ISPA is a representative body for Internet Service Providers (ISP's). A number of matters were discussed at this first, exploratory meeting, with the focus falling primarily on the mechanisms of dealing with copyright infringement in the digital domain. The initiatives that are currently being undertaken in various territories

around the world in conjunction with the IFPI, in order to try and find an effective solution to the question of illegal internet activities vis-à-vis music sound recordings were also outlined to the ISPA representative. As a result of the meeting, takedown and blocking notices have already been sent to ISPA in respect of specific infringing sites. Formal feedback is currently awaited from ISPA in respect of the matters raised by RiSA at the meeting. ■





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.
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

DTI workshop

Rights holders, lawyers, flea market owners, prosecutors, the Asset Forfeiture Unit, the DTI and the American embassy attended the workshop where Braam Schoeman of the Anti-Piracy gave a presentation concerning the impact infringing copies of music sold at flea markets had on the music industry and the involvement of organised crime. Flea market owners were informed by prosecutors that they too would be prosecuted for aiding and abetting individuals in their markets, more so if there is evidence or suspicion that they had knowledge of such activities taking place at the flea market. ■



**STOP
PIRACY**