

IN THIS ISSUE:

Provincial Successes	1
Lesotho Requests RiSA Support to Tackle Piracy	3
Awareness and Public Relations	4
Jest Music Report	6

MUSIC PIRACY REPORTING DETAILS:

Music piracy can be reported through the following methods:

Tel: 011 886 1342

Fax: 011 886 4169

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

Crime Line: 32211

Music Piracy HOTSPOTS



SMS YOUR TIP OFF TO 32211

PROVINCIAL SUCCESSES

Over the last three years, nine of the 27 identified music piracy Hotspots are no longer considered Hotspots.

These areas are:

- Chameleon Village (**Gauteng**)
- Randburg CBD (**Gauteng**)
- Randfontein Taxi Rank (**Gauteng**)
- China City (**Gauteng**)
- Dragon City (**Gauteng**)
- China Mart (**Gauteng**)
- Blue Lagoon (**KZN**)
- Bangladesh Market (**KZN**)
- Warwick Avenue Taxi Rank (**KZN**)

These spots, however, are monitored occasionally. When more activity is discovered in the area, more action will be taken. Until serious music piracy occurs in Port Elizabeth, Matatiele and

Umtata, these areas will also no longer be regularly raided.

GAUTENG

Van der Walt Street and Marabastad

After attending a meeting with Tshwane Metro Police and the Pretoria Commercial Branch to discuss the problem of hawkers in the Pretoria and Marabastad areas, it was concluded that a joint effort on the part of the Metro Police and the Commercial Crime Unit would be required. It was decided that all goods seized will be seized by the Metro Police and suspects tried in terms of Municipal by-laws.

Mabopane Train Station

Numerous infringing copies of music

in cassette and CD±R format were seized by the South African Police Services (SAPS). These goods have been recorded on an inventory and are currently being analysed.

Germiston Taxi Rank

Raids in the area were conducted in the month of September. Infringing music in CD±R and DVD±R format amounting to 177 copies were confiscated. No suspects were arrested as the goods were found abandoned.

Johannesburg CBD

Johannesburg Metro Police with RiSA Anti-Piracy Unit (RAPU) conducted raids on 7 September at the Hotspot. A total of 178 infringing copies of music in DVD±R format were seized.

HOTSPOTS

PROVINCIAL SUCCESSES



STOP PIRACY



Strikes in the area prevented any more raids from being carried out in the area over September.

A container opened at Gold Reef Emporium in Johannesburg, revealed 36 067 infringing copies of material in cassette format (with 78 500 blank cassettes). Infringing copies in CD±R and DVD±R format amounting to 340 were also seized. The container was leased to a Chinese woman who had subsequently fled the country.

Kempton Park

Raids conducted on 8 August with the

SAPS of the area, saw the arrest of two suspects after 125 infringing copies of music in CD±R and DVD±R format were seized. After being apprehended, the suspects were issued with warning notices and civil settlements were concluded. Strikes over the months of August and September prevented any more raids from being conducted.

Rustenburg

After receiving a tip-off that hawkers were selling infringing copies of music in the area, the RAPU enforcement officer contacted the Rustenburg SAPS who arrested two suspects. The

hawkers were detained and were found in possession of 881 infringing copies of music. The suspects were criminally charged, and an investigation is being carried out.

KWAZULU-NATAL

Chatsworth

On 19 August an operation was concluded by RiSA, the Film and Publication Board (FPB), SAPS Intelligence and Metro Police. A suspect was found in possession of 922 DVD±Rs, 1 050 sleeves, 2 Hard Drives (one of 160GB and the other 80GB), 3 DVD Writers, 224 blank DVD±Rs and 80 CD±Rs. The

suspect was arrested for manufacturing and selling infringing copies. Being paraplegic, the suspect's brother took the guilt onto himself and a fine was issued to them. A civil settlement agreement with the suspect was also completed.

Phoenix

Over the last two months the SAPS, RAPU, Commercial Crime Unit of Durban and FPB conducted numerous raids that led to the total confiscation of 689 DVD±Rs, 52 CD±Rs and 22 CD±Rs in MP3 format. Many of the products were found abandoned, although some arrests were made. The goods are either currently being analysed or have been sent to RiSA for destruction.

Hill Street - Pinetown

Action that took place on 3 August at the Hill Street Hotspot with the Marian Hill Public Order Policing Unit led to the seizure of 118 infringing copies of music. The suspects have been detained.

Another raid was carried out at the Hotspot on 11 August with the Metro Police. One suspect was arrested and 250 infringing copies of music have been confiscated. A civil settlement agreement was concluded with the suspect and a warning notice was issued.

Further regular visits over the last two months with the FPB and SAPS led to another four arrests and the confiscation of 930 infringing copies of music.

Pietermaritzburg

During a test purchase on 15 October, a suspect was arrested and 891 copies of infringing music were seized. The suspect was discovered to be manufacturing infringing copies with two stack burners each containing 10 writers. The equipment was seized along with the infringing copies.

An earlier raid in Pine Street saw one stack burner with 8 writers, one DVD manufacturing plate and 650 infringing copies of music confiscated. The suspect was issued with a warning notice and a civil settlement agreement was concluded.



WESTERN CAPE Bellville Terminus

Identified as a new Hotspot, the Bellville Terminus saw two raids conducted over the last few months despite strike action impeding operations. The raids conducted on 30 July and 13 August with the Informal Traders Unit of Law Enforcement, saw 1 739 infringing copies of music confiscated and 2 784 infringing copies of movies seized. The movies were handed over to the FPB for destruction. No arrests were made as enforcement officers were identified by suspects on arrival.

Over the September-October period, 1 561 infringing copies were seized and four arrests were made. Joint operations between RiSA and the FPB have been successful and will continue to be carried out.

Lesotho Requests RiSA Support to Tackle Piracy

Undeterred by anti-piracy efforts, the Lesotho black market seems to be growing as manufacturers of infringing copies of music are on the rise. A RAPU enforcement officer received letters from the Kingdom of Lesotho Ministry of Tourism, Environment and Culture, the Lesotho Music Rights Association and the Lesotho Mounted Police Service requesting RiSA's assistance with the combating of the music piracy.

According to the requests, the local anti-piracy efforts in Lesotho are forcing pirates to export and store their infringing copies of music in neighbouring South Africa. The matter is currently being investigated before any decisions are taken.

AWARENESS AND PUBLIC RELATIONS

Juke Boxes

After receiving information from EXCO and the Anti-Piracy subcommittee that jukebox operators in Pretoria were not paying their license fees to RiSA, the enforcement officer investigated the matter. Eight criminal cases have been registered thus far, with three warrants issued. Infringing copies of music in MP3 format were seized at one of the venues, which will be monitored.

RiSA on 3Talk with Noeleen

Braam Schoeman, Manager of RAPU, appeared on 3Talk with Noeleen on 19 August to speak on the subject of music piracy. Following Mara Louw's appearance on the M-NET reality show Idols with a fake Louis Vuitton handbag, the episode's focus was fake accessories, yet gave quite a bit of attention to music piracy. Artist Mandoza appeared on the show, while Danny K and Leon Schuster were contacted for their opinions. An independent lawyer, speaking on brand counterfeits, appeared with Schoeman.

IFPI Conference Reports International Piracy Prevention Efforts

RiSA members Russell Crawford, Braam Schoeman and Pierre Rautenbach attended the International Federation of the Phonographic Industry conference in Italy, which dealt with current trends in intellectual property piracy and methods to overcome these. As at the end of 2009, 75 billion illegal downloads per month were recorded. This is a legal-to-illegal

download ratio of 1:20, which sees a 30% decrease in legitimate sales over the last year. Further, a decrease in legitimate mobile sales since 2009 has forced the IFPI to shift some of its focus to illegal WAP sites and other infringing mobile services. Over 5 million URLs were removed in 2009, and 1 000 robots (automated page-crawlers monitoring single web-pages for activity) were implemented.

Efforts in Russia and Europe

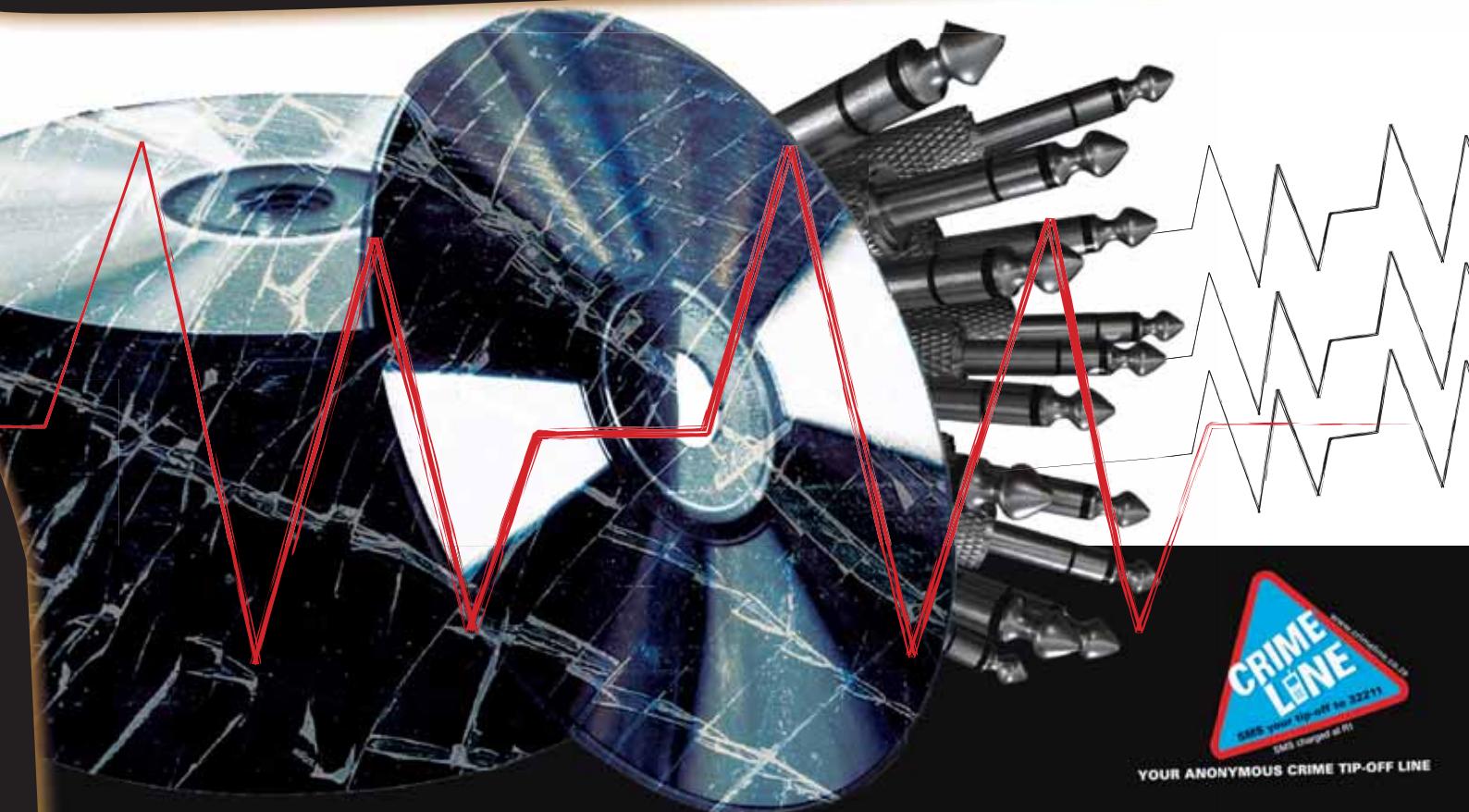
Like Google, MasterCard and VISA refused to help the IFPI by permitting revenue streams to music-trading sites based in Russia, until recently. The IFPI's Credit Card initiative resulted in the two merchants denying payment services on all ROMS sites.

Western Europe too has seen breakthroughs in piracy prevention with the Bundesverband Musikindustrie (BVMI) assisting with the eradication of album and track leaks that result from phishing attempts, and the UK blocking access to infringing sites. Unlike some other European states, the United Kingdom has legalized the blocking of access to locations on the internet from which substantial amounts of infringing materials are made available. Once a rights holder identifies infringement, he or she forwards the IP address to the Internet Service Provider (ISP) with a copyright infringement report, after which the ISP sends a notification to the subscriber in question. (This process only affects fixed-line ISPs with more than 400 000 users.)



Efforts in New Zealand

Following this, the Recording Industry Association of New Zealand (RIANZ) has enacted a three strikes policy which allows for three official warnings to a site that infringes copyright. After the third warning, a fine is issued, after which, should the offender fail to desist, further legal action is taken. Similarly, Irish Recorded Music Association (IRMA) with Eircom (the biggest ISP in Ireland) have joined efforts to report offenders and, if infringement continues, disconnect the IP address. IRMA are currently sending out about 250 notices a day to Eircom who have indicated no significant loss of customers.



RAPU Praised at Annual General Meeting

RiSA's AGM, hosted at Sony Music on 22 September this year, saw presentations by Braam Schoeman, Pierre Rautenbach and Russell Crawford (who presented the Anti-Piracy Report). Evidence of RAPU's success was felt as enforcement officers and members were praised for their efforts.

Kimberley Prosecutors and Police Training

On 15 October, RiSA hosted a workshop on the Copyright Act, criminal procedures and product identification for the Kimberley

Organised Crime Unit of the Police and prosecutors. All 26 attendees received a pack containing the Copyright Act, an assistance pack to prosecutors and notes from the workshop. It was stressed that in the absence of a RiSA enforcement officer in the region that the police and prosecutors had to be more vigilant.

Countrywide Raids in November

Following their training, all RAPU enforcement officers engaged in countrywide raids from 1 November to 7 November, in preparation for the holiday season. The copyright of the

members of RiSA was enforced in the following regions: Free State, Northern Cape, Mpumalanga, Limpopo and KwaZulu- Natal.

Jest Music Report

An extensive report combining all actions which have taken place as a result of reports and requests by Jet Music has revealed that a total number of 21 585 infringing copies of music and 5 954 infringing copies of movies (all handed to the FPPB) were seized over the months of June and July 2010. The following details the actions that have taken place.

A = No. of people arrested

P = Whether case is finalised or not

ACTION DATES	AREA OF CONCERN	NO. OF GOODS SEIZED	COMMENTS	A	P	
2010/07/06	Alberton	0	Only movies found	0	No	
2010/07/09	Johannesburg CBD Smal, Noord, Sauer, Bree & Claim streets	1 180	Goods found abandoned	0	No	
2010/07/07	Pretoria, Marabastad & CBD	670	Agreements concluded	0	No	
2010/07/08	Evaton Sebokeng	1 008	Notices issued	1	No	
2010/04/14	Evaton, Evaton Mall	1 542	Criminal cases pending R1 500 or 6 months	13	Yes	
2010/04/16						
2010/07/24	Johannesburg CBD Smal, Noord, Sauer, Bree & Claim streets	289	Goods found abandoned	0	No	
2010/08/08	Kempton Park, Wolf & Pretoria Street, Taxi rank	125	Agreements concluded	0	No	
2010/07/25	Alberton CBD	0	No music found	0	No	
	Randburg	0	Suspect not found More detail required	0	No	
2010/06/25	Pietermaritzburg	1 265	Abandoned	0	No	
2010/06/26		168	Abandoned	0	No	
2010/06/28		145	Abandoned	0	No	
2010/06/10		211	Abandoned	0	No	
2010/07/02		1 200	Abandoned	0	No	
2010/07/05		180	Abandoned	0	No	
2010/07/06		249	Abandoned	0	No	
2010/07/08		350	Abandoned	0	No	
2010/07/09		245	Abandoned	0	No	
2010/07/09		722	One arrest	1	Yes	
2010/07/10		289	Abandoned	0	No	
2010/07/13		305	Abandoned	0	No	
2010/07/15		344	Abandoned	0	No	
2010/07/21		243	Abandoned	0	No	
2010/07/12		Pinetown, Hill & Union Streets	800	Abandoned	0	No
2010/07/16		170	5 people arrested	5	Yes	
2010/06/03		Durban, Victoria, Pine & Albert streets	80	Abandoned	0	No
2010/06/08	Durban, Queen street & Berea station	193	Agreement concluded	3	No	
2010/06/17 - 18	Kokstad, Taxi Rank & shop	1 201	Admission of guilt R3 000-00	5	No	
2010/07/07	Richardsbaai, Taxi Rank	121	Admission of guilt R1 000-00	1	No	
2010/07/08	Empangeni, Taxi ranks	560	Admission of guilt	3	Yes	
2010/07/30	Kwadukuza (Stanger), CBD	790	Abandoned	0	No	
2010/05/14	Daveyton, Daveyton Mall	1 330	Criminal cases pending R1 500 or 12 months R2 500 or 12 months	5	Yes	
2010/05/18						
2010/06/01 - 03	Katlehong, Natalspruit Hospital	521	Criminal cases pending	3	Yes	
2010/07/01 - 02	Alexandra, Alexandra Mall & Alex Plaza	1 172	Criminal cases pending	6	Yes	
2010-08-05	Soweto, Maponya Mall	0	Waiting for Police assistance		Yes	
2010-06-25	Bellville (Western Cape)	2 652 3 798 movies	Abandoned Movies handed to FPB	0	No	
2010-07-09						
2010-07-16						
2010-07-30						
2010-08-13	Khayelitsha (Western Cape)	1 265 2 156 movies	Abandoned Movies handed to FPB	0	No	
2010-06-30						
2010-07-14						
2010-07-29						
	Total of goods seized and arrests	21 585 5 954 movies		46		

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 SAPI3 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, whereafter 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. ■

