

GrayZone Digest

November 1996

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Legal Highlights

United Kingdom

A Berkshire businessman was handed a one year jail sentence after being found guilty by a Slough Magistrates court of six charges under the Copyright Designs and Patents Act 1988. Grant Oaten Lloyd, a computer software dealer who managed the Saturn & PlayStation Distribution Ltd. business in Bracknell, was charged with engaging in the manufacture of illegal copies of commercial computer software on CD-ROM. The action was prompted after a complaint was lodged with the Federation Against Software Theft (FAST).

Computers and equipment to write CD-ROMs, together with a total of 61 counterfeit CDs and a large number of blank 'gold' CDs were seized. Gold CD-ROMs can hold up to 150 commercial software packages, worth more than £50,000 of infringing material. FAST observes that relatively minor piracy by computer enthusiasts interested chiefly in personal and recreational use of computers characteristic of the 1980s has given way in recent years to a far larger and more sophisticated network of infringers, and a £400 million per annum black economy.

(Copyright World, Issue 64, October 1996)

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Artists Actions

As a result of blatant piracy, the widow of jazz musician Charles Mingus, has created Revenge Records, an independent label dedicated to reissuing the best of bootlegged Mingus recordings. Sue Mingus' first release will be titled 'Revenge!' and is taken from a series of live concerts Mingus recorded with saxophonist Eric Dolphy in 1964.

(New York Times Magazine, October 27, 1996)

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Worldwide Update

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China

Beijing

The Culture Ministry now requires all audio-visual products to carry state-issued identification numbers in an effort to rid its music and video markets of pirated goods. Commencing January 1, all such products, wholesale and retail, that are rented and exhibited commercially will be considered illegal if they do not bear the ID.

(Reuters/Variety, October 1, 1996)

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France

Paris

French customs agents recently seized 12 tons of counterfeit Walt Disney bed linens imported from the United States, said Budget Minister Alain Lamassoure. A separate 13-ton shipment containing over 65,000 Chinese-made teddy bears, each bearing the counterfeit trademark of another American toy manufacturer, which was not identified, was also seized.

(Reuters/Variety October 7, 1996)

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Germany

Karlsruhe

A German court has ruled against a compact disc manufacturer, ordering it to stop marketing a bootleg recording of a Bob Dylan concert that featured a photograph of his face on the cover. Lower German courts had earlier ruled in favor of the defendant, Perfect Beat Tontraeger, because Dylan was deemed a person of historic importance. A legal loophole prevented the court from banning the pirate recording itself, but the manufacturer was forbidden further use of the Dylan's image. (Reuters/Variety October 1, 1996)

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Hong Kong

The Business Software Alliance (BSA) has launched a new anti-piracy initiative aimed at small and medium-sized companies. Under what has been termed the 'No Business Is Too Small' campaign, BSA has extended its anti-piracy program to deliberately target Hong Kong organizations with 250 employees or less. The campaign's objective is to heighten awareness within smaller companies of the legal consequences of software piracy. (Copyright World October 1996 Issue 64)

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Multimedia

Sony Interactive Entertainment has filed several suits against U.S. and Canadian companies for allegedly selling counterfeit versions of its PlayStation video games. The action comes after a recent amendment expanded the U.S. Racketeering Influenced and Corrupt Organization Act to permit suits against groups dealing in pirated intellectual property. Sony said its lawsuits seek to impound infringing products in addition to the recovery of damages. A coordinated litigation effort was taken against privately held companies based in New York, Toronto, Miami and Orange County in California. Sony said counterfeits of its games, which are contained on compact discs, are easy to identify because it uses a unique coding process. To date, counterfeiters aren't able to duplicate this technique.

(Reuters/Variety, October 13, 1996)

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Internet

Washington, D.C.

The Software Publishers Association (SPA) announced recently that it has filed five civil lawsuits for copyright infringement occurring on the Internet. Three of the lawsuits were filed against Internet service providers (ISPs), and the remaining two were filed against individual end users. Additionally, SPA launched its Internet Anti-Piracy Campaign, which includes education and enforcement components, in an effort to educate and work cooperatively with ISPs regarding copyright infringement.

(Computer Underground Digest, Issue 8.76, October 27, 1996 - Jim Thomas)

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