



Online counterfeiting and piracy

Presented by

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internet piracy

- What is?
 - Sale of pirated products through:
 - Auction sites
 - B2B trade boards
 - Chat rooms
 - E-mail offers
 - Unauthorised file sharing and download of copyrighted materials

internet piracy

- Estimated losses:
 - Difficult to estimate
 - OECD estimates 5% - 7% of world trade is in pirated goods
 - Gieschen Consultancy 2006 – 14% of all internet trade valued at US\$100 billion
 - Trend towards using the internet as a medium of distribution



internet piracy

- Reason for online piracy
 - the ease at which pirates may maintain anonymity;
 - the ability to be located any where in the world;
 - the potential size of the market; and
 - the ability to reach a global audience at marginal costs.

internet piracy – auction sites

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Seller Info Seller (rating): henden8183 (1536) Send IM Yahoo! Auctions Member since February 14, 2006 Seller's Current Auctions Seller's Closed Auctions Comments About Seller Ask Seller a Question	Auction Info Current Bid: 4.90 SGD Quick Bid Buy Price: 4.90 SGD Buy It Now Starting Price: 4.90 SGD High Bidder: none # of Bids: 0 (Bid History) Bid Increment: 0.10 SGD Time Left: 1h 7m 2s (Countdown Ticker) Opened: Nov 21 10:11 AM Closes: Nov 26 10:11 AM Available Qty: 2 Location: Singapore ID #: 242437628 Notes: <ul style="list-style-type: none">• Seller can close auction early.• Auction may get automatically extended.• This auction has a buy price of 4.90 SGD.	Place a Bid Minimum Bid: 4.90 SGD Maximum Bid: \$ <input type="text"/> SGD Quantity: <input type="text"/> <input checked="" type="radio"/> Bid up to this amount on my behalf <input type="radio"/> Bid this exact amount <input type="button" value="Preview Bid"/> Need Help? View the Bidders' Guide
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Payment Types Accepted <ul style="list-style-type: none">• Accepts PayPal• Accepts Personal Checks	Shipping Info <ul style="list-style-type: none">• Seller Pays Shipping• Seller Ships on Payment• Seller will ship internationally	Want to Buy it Now? Buy Price: 4.90 SGD <input type="button" value="Buy It Now"/> Questions? View Buy Price Help
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[Item Information](#) [Bid History](#) [Question & Answer](#)

internet piracy – auction sites

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Listed in category: [Video Games](#) > [Microsoft Xbox 360](#) > [Games](#)

Xbox 360 Halo 3 Game Brand New

Item number: 170172441313

Bidder or seller of this item? [Sign in](#) for your status



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Current bid: **AU \$0.99**
(approximately S\$ 1.25)

Your maximum bid: **AU \$** [Place Bid >](#)
(Enter AU \$1.04 or more)

End time: **Nov 30, 2007 18:04:08 SGT** (4 days 7 hours)
Postage costs: **To Singapore -- AU \$16.00**
[\(discount available\)](#)
Air Mail
Service to [Singapore](#)
[\(more services\)](#)

Post to: **Worldwide**
Item location: **Singapore**
History: [1 bid](#)
Highest bidder: [4237derrick](#) ([46](#) ★)

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Description [\(revised\)](#)

Item Specifics - Video Games

Platform: **Microsoft Xbox 360**

Genre: **Shooter**

Sub-Genre: --

[Condition:](#) **New In Box**

Format: --

This translation is provided as a service. eBay cannot guarantee its accuracy.

Dysonware

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The process

- Police/criminal action
 - Reporting the sale of pirated products to police
 - Police investigates
 - Police takes action

- Civil process
 - Third party discovery proceedings
 - Civil proceedings against infringer

Police/criminal action

- Right owners complain of a Singapore website offering for sale pirated products
- Police contact web site administrator for IP address of party posting offer
- Web administrator provides IP address to police
- If IP address indicates a local ISP, police will check with ISP for details of the subscriber
- From the subscribers information, police will conduct investigations, sometimes with the assistance from the right owners.

Police/criminal action

- Advantages

- Exercise of police powers results in greater investigation efficiency
- Speed of action
- Deterrent effect

- Disadvantages

- Volume and bandwidth

Civil proceedings

- Investigations into a website and determine the internet service provider
- Request for information of infringer from service provider
 - Demand letter
 - Third party pre-action discovery
- Civil proceedings for trade mark infringement and passing-off

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Civil proceedings

- Advantages
 - Potentially possible to recover damages and cost

- Disadvantages
 - Confidentiality issues which prevents disclosure of third party information
 - High legal cost

Industry self-regulation

- Take-down provision currently exist Copyright Act
 - Useful against taking down illegal uploads of pirated digital media
 - Less useful against other types of sale of counterfeit products in the internet
- Some auction sites have implemented take-down provisions:
 - eBay – Verified Rights Owner (VeRO)
 - Yahoo – report on auction abuse

THANK YOU