

Identifying Pirated Materials, Investigation Skills & Evidence Gathering

PRESENTED TO: ANTI-PIRACY TRAINING WORKSHOP FOR LAW
ENFORCEMENT AGENCIES IN ZIMBABAWA.

PRESENTED BY: GRAEME GILFILLAN – SARRAL

AT: HARARE

DATE: 27 NOV 2006

CONTENTS

1. Introduction
2. Why does piracy Emerge/Exist?
3. Legal Issues
4. Parties affected
5. Market Intelligence/Research
6. Identifying pirated materials
7. Investigation skills
8. Evidence gathering
9. Challenges of the Future
10. Digitization
11. Digital Warehousing
12. Conclusion

1. Introduction

- Thanks for the opportunity to present
- Greetings to all present
- Greetings from SARRAL and all in South Africa
- Thanks Zimbabwe for having a great 'quota' policy – very powerful influence in decreasing piracy
- Technology

2. Why does piracy exist/emerge?

Principal causes/conditions:

- Pricing
 - Economic Theory ref 'pure profit' attracting new entrants who face barriers to entry – typically high value IP and low value manufacture
- Supply/Demand Factors
 - Lack of supply to service existing demand
- Technology
 - Constant change.. Tech running ahead of the law
- Lack of Education
 - Entrepreneurs/Opportunists/Survival without knowledge
- Different Moral/Philosophy
 - There are different philosophy's, legal frameworks & law enforcement approaches

3. Legal Issues

The Following areas of national law are effected:

1. Copyright Legislation
2. Trademark Legislation
3. Revenue/Tax Legislation

4. Parties Affected

1. Government.. The Fiscus
2. Original Owners (composers) and Interested Parties (publishers) – authors rights
3. Producers/Labels – owners of sound recordings and cinematographic films
4. Distributors
5. Artists/Actors
6. Hardware Manufacturer's ***

5. Market Intelligence/Research

The absolute key to success in dealing with all forms of piracy, including information from the following sources:

1. Creators & Artists
2. Manufacturer's
3. Distributors (especially informal)
4. Borders/Customs
5. Taxi/Bus/Train/Trucking Transport Operators

6. Identifying Pirated Materials

- Producers Notice
- Circle 'P' and Circle 'C'
- Catalogue Number
- Industry Association Logos/identifiers
- Jewel Box
- Manufacturer marks
- Bar Code
- Sleeving
- Back-up Documentation

7. Investigative Skills

- Good information... good decisions
- Networking
- Computer/internet research skills
- Sector contact base
- Knowledge of procedures and paperwork
- Inter-Agency co-operation (Customs – Police)
- Start at the outside/edge, and work to the centre
- Understand that distribution is 'key' to a pirate

8. Evidence Gathering

- Information collection
- Check list for identifiers
- Keeping samples.. Building library
- Linking with International Organisations – Global Customs Unions etc
- Receipts of purchase
- Affidavits

9. Challenges of the Future

- Digitization
- Borderless Technology Society
- New forms of piracy
- Ease of mobility of movable property
- Increased difficulty in protecting the incomes due to the National fiscus
- Vast amounts of data

10. Digitization

- Essentially the copying of any form of intellectual property into a digital file.
- No longer CD/DVD & cassette machines...devices... starting with cellphones
- Massive involvement of Computer & Telcom companies in the new play
- Blue Tooth, voucher systems etc

11. Digital Warehousing

- Cost of delivery of physical product vs a digital product (currently)
- Security of supply
- Rights & content & technology.. Becoming friends
- Marketers and the chase for customers
- Delivery on demand
- All parties interests (except pirates) catered for

12. Conclusion

- Immense Challenges
- Riding the “wave”, rather than be swept aside by the “wave”
- The ‘war’ against piracy is NOT a lost cause
- Information sharing
- Knowledge is power