



一般社団法人コンピュータソフトウェア著作権協会

Software Right Infringement and ACCS Countermeasures

Association of Copyright for Computer Software (ACCS)
Manager, Structure to Counter the IPR Infringement

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Game Software Infringement Status and Countermeasures





1. Sales of Pirated Retro Games

Manufacturers

- ◆ Outside Japan (China, etc.)

Infringing Content

- ◆ Retro games, such as “Famicom” (Family Computer, the Japanese brand name of the Nintendo Entertainment System) and “arcade games”

Method of Infringement

- ◆ Duplication to hardware devices etc. that emulate consumer games

Provided at

- ◆ Shopping sites, internet auction sites, flea market apps





1. Retro game pirated sales

Measures(Intensive Deletion)

◆ Overview

- For listings on major shopping sites
- Conducted two times from May to September 2021 and from March to August 2022
- The total number of two times 865 products deleted

◆ Estimated Damages of Deleted Products

- ¥2.8 billion (calculated with about 5.59 million software titles in related devices, priced at ¥500 per title)

◆ Results

- “Suspicious listings” have decreased to a certain extent
- Relisted and “difficult-to-understand listings” also increased (Considering how to handle this in the future)





2. Illegal Uploads

Uploaded to

- ◆ Cyber lockers outside Japan

Infringing Content

- ◆ Game software including “the latest games”

Provided at

- ◆ “Leech sites” installed on overseas servers
- ◆ File sharing software (BitTorrent etc.)

Countermeasures

- ◆ Implemented deletion requests, etc.





3. Modification of Save Data

Overview

- ◆ Modification by avoiding technical (use restrictions / restrictive means) applied to the save data of the game
- ◆ Rather modification, the problem is provision of services and modification tools for modification

Countermeasures

- ◆ Modification agency service providers in Japan exposed
- ◆ Modification tool sellers in Japan have been apprehended by the police
- ◆ Sales of modification tools outside Japan and SaaS provision still continue





Business Software Infringement and Countermeasures





1. Sales of Pirated Software

Manufacturers

- ◆ Outside Japan (application software)
- ◆ Inside Japan (OS)

Method of Infringement

- ◆ For application software, extremely elaborate pirated discs
- ◆ For OS, easily understood means such as USB and DVD-R

Provided at

- ◆ Internet auction sites, flea market applications

Countermeasures


- ◆ Request for deletion to business operators
(Information sharing in 「CIPP」※)


※Council for Intellectual Property Protection on Internet





1. (Reference) Cases exposed by Chiba Prefectural Police

 Case of importing pirated copies manufactured outside Japan and selling them on a large scale through a well-known shopping site

 About 14,000 copies were sold, and about 120 million yen was sold.





2. Illegal Uploads

Uploaded at

- ◆ Websites and cyber lockers installed outside Japan

Method of Provision

- ◆ URL of the storehouse and command code required to use the business software, on shopping sites

Countermeasures

- ◆ Implemented deletion requests, etc.
- ◆ Requested and implemented freezing of financial institution accounts





3. Unauthorized Distribution of Serial Code and Accounts

Overview

- ◆ Unauthorized sales of serial code, such as product keys and accounts required for using business software
- ◆ Many software themselves Encourage downloads from canonical URLs provided by software manufacturers.

Provided at

- ◆ Internet auction sites, flea market apps, websites





3. Unauthorized Distribution of Accounts

Centralized Deletion

◆ Overview

- For listings on major internet auctions
- January 2022 and April 2022
- 143 listings deleted

◆ Results and Challenges

- “Account Listings” on auction websites have decreased to a certain extent
- Migration to shopping sites is observed
- Response to sale by fraudulent accounts of used PCs





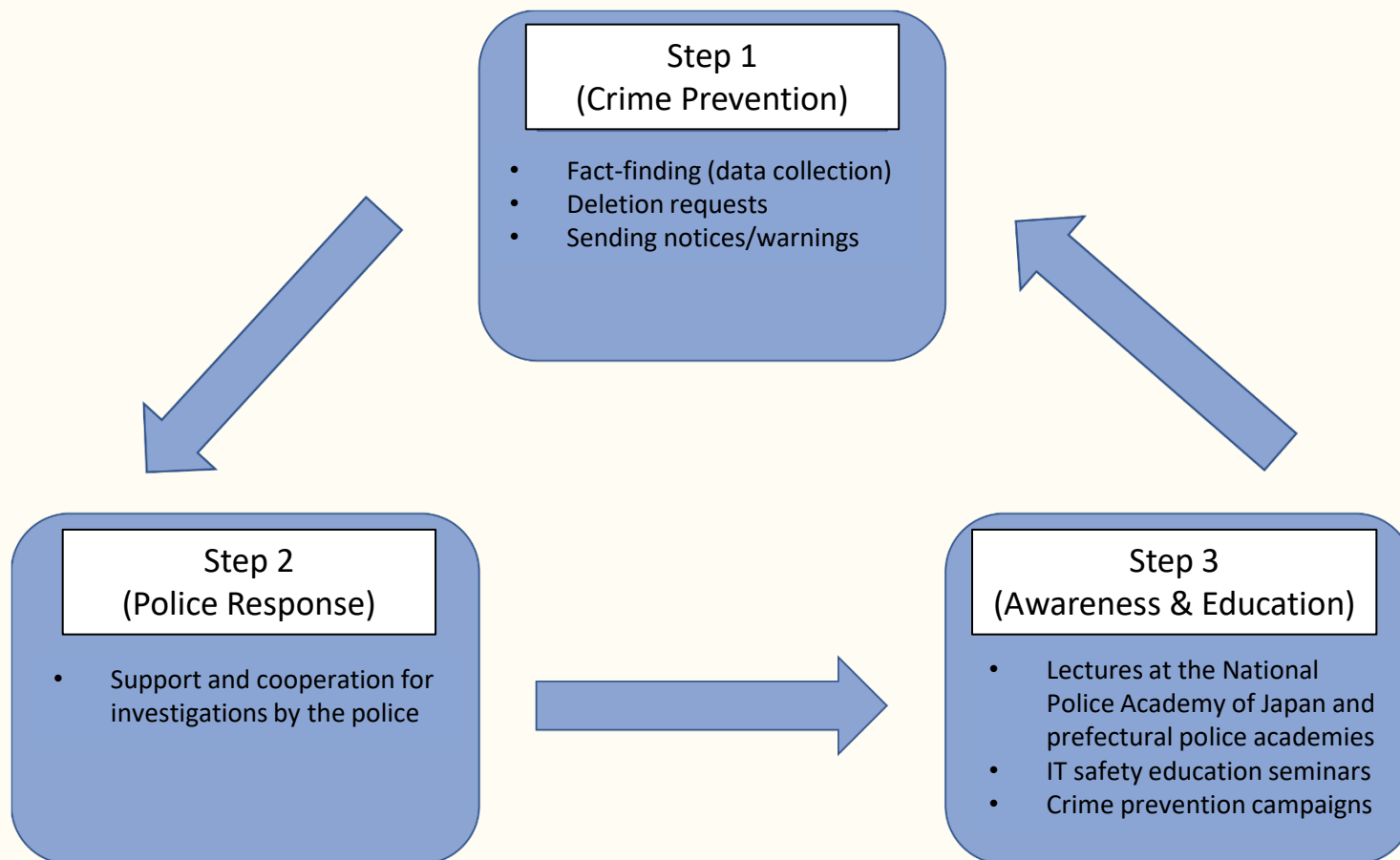
ACCS Infringement Countermeasures






Basic Policy (Countermeasure Activities) to Prevent Infringement

Three-Step Scheme Against Piracy






Issues in Countermeasures (involving foreign countries)①

 Infringing goods manufactured and issued outside of Japan are flowing into Japan, and even if measures are taken to prevent distribution in Japan or to identify and expose those who are aiding and abetting infringement in Japan, re-listing, etc. will be repeated and will not lead to a fundamental solution.


 In many cases, there is no means to directly contact the target site, etc., or it is difficult.


 If the platform is used outside the country, the scope and degree of necessary items (disclosure of rights and identity verification information) at the time of deletion requests may differ for each service, and it may be difficult to offer a response.





Issues in Countermeasures (involving foreign countries)②

 Even if the right holder tries to enforce the right directly against the infringer, in many cases the right holder cannot identify the infringer. And even when they can be identified, it takes a long time and hefty costs to exercise their rights overseas, so hurdles are high.

 Even if claims are made for damages, calculation of damages differs in each country.



It is difficult to take measures to control copyright infringement.





Expectations of the Government and Relevant Ministries and Agencies





My personal comments as a practitioner in anti-piracy measures

Establish an information sharing platform for anti -piracy techniques

→ Enabling stakeholders to share techniques and results of anti-piracy measures available under the relevant laws, such as the Trademark Act and Unfair Competition Prevention Act, in addition to the Copyright Act, would provide a strong tool for anti-piracy measures across various kinds of contents.

Establish a platform for sharing information concerning piracy sites available for international stakeholders, including platform service providers and practitioners

→ Enabling stakeholders from different countries to share information on piracy sites would be a tool to assist cross-border countermeasures and awareness-raising of foreign practitioners.

Active engagement with foreign investigation authorities for detecting infringing parties

→ Encouraging foreign investigation authorities to detect potential infringing parties in the respective countries that were found as a result of legal procedures in Japan would contribute to the deterrence of infringement.

Awareness-raising activities concerning intellectual property rights, including copyright

→ Promoting awareness-raising activities concerning copyright and applicable laws in foreign countries would contribute to the deterrence of infringement.





Thank you for listening



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