



MEDIA RELEASE

24 August 2009

Australian judge jails music and movie pirate

On 21 August, Sydney's District Court recorded criminal convictions and handed a 3 month jail term to the owner and operator of an Australian commercial piracy operation.

On 21 May 2009 a jury found Yong Hong Lin guilty of 15 indictable copyright offences following a 3 week trial and more than 12 hours of deliberation. The criminal charges were the first to proceed on indictment in the District Court since amendments to the *Copyright Act 1968* (Cth) in 2007.

54 year old Lin owned and operated an Eastwood music and movie store raided by New South Wales Police on 27 February 2007. The raid followed an extensive investigation by investigators from Music Industry Piracy Investigations (**MIPI**) and the Australian Federation Against Copyright Theft (**AFACT**).

The police raid netted more than 16,000 pirated movie and music discs being openly offered for sale to the public. The haul included discs imported into Australia from illegal manufacturing plants in China as well as illegally burnt discs produced locally. The illegal discs from China were purchased wholesale by Lin for 50 cents and sold for \$7.00.

Before handing down the sentence Judge Knox commented: "I do not think that a fine or a community service order is appropriate in terms of being a deterrent sentence... the proper penalty... is one of a period of imprisonment."

The jail term given by Judge Knox is the second custodial sentence handed out to pirates in the last 10 days. On 14 August, a South Australian court sentenced Brian Rutherford to a 7 month (suspended) jail term following an Australian Federal Police raid in March this year.

The indictable charges brought against Mr Lin by the Commonwealth Director of Public Prosecutions led to a dramatic 3 week trial, which saw music and movie industry experts give evidence about counterfeit discs manufactured in China and illegally imported into Australia to the detriment of the local movie and music industry.

"The Commonwealth Director of Public Prosecutions and the courts have sent a strong message: that criminals who steal music for commercial gain will find themselves facing serious charges and may ultimately end up in jail," said Dean Mitchell, Investigations Manager, MIPI.

"The movie and TV industries make a significant contribution to Australian jobs and our economy and need the protection of strong laws, effective enforcement and deterrent sentencing," said Neil Gane, Executive Director of AFACT, commenting on the conviction. "We are at a tipping point and jail terms are without doubt the only way the courts can provide the strong deterrence needed to stop such profitable and damaging crimes."

Lin was charged with 31 offences relating to copyright theft; the jury convicted on 15 offences and acquitted on the remainder.

Criminal penalties for copyright infringement are up to \$60,500 and 5 years imprisonment per offence for individuals, and up to \$302,500 for corporations.

Music piracy should be reported to the MIPI hotline: **1800 06 16 16**

Movie piracy should be reported to the AFACT hotline: **1800 25 19 96**

About MIPI

Music Industry Piracy Investigations Pty Ltd (www.mipi.com.au) is the anti-piracy organisation for the Australian music industry. MIPI represents close to 125 music labels through their association, ARIA and over 2,000 music publishers and songwriters through their association, AMCOS.

MIPI operates a toll-free piracy hotline on **1800 06 16 16** and a report piracy form that can be accessed at <http://www.mipi.com.au/Report-Piracy.html>.

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About AFACT

AFACT works closely with industry, government, police and educational institutions to address copyright theft and protect the interests of the film and television industry as well as the interests of Australian movie fans.

Australia's copyright industries are the 3rd largest contributors as a percentage of GDP in the world, second only to the US and UK.

In 2006/07 they contributed 10.3% GDP to Australia's economy [up 66% since 1996], represented 8% of our employment and generated 4.1% of total exports.

The film and TV industry in Australia alone contributed \$4.4 billion to GDP and supports 50,000 jobs, including small businesses under threat from copyright theft, and independent cinemas, video rental stores and film and television producers across the country.

In 2007, the film and TV sector contributed an estimated \$1.8 billion in tax to the Australian Government.

In 2008, state and federal police conducted 51 raids involving movie piracy and seized 544,697 pirated DVDs. They also seized 488 burners capable of producing 12 million pirated DVDs a year with a potential street value of over \$61million.

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