

FRIDAY, MAY 8, 1992

FIRM LOSES \$1m TO VIDEOTAPE PIRATES IN KL

KUALA LUMPUR, Tues. — A major video tape distributor has lost \$1 million as a result of rampant video piracy in the Kepong and Jinjang districts here.

Golden Star general manager Sunny Yap claimed that the company's revenue had gone down by at least \$1 million because of these operations.

He said Golden Star used to collect more than \$2 million a year in tape rentals and licensee fees from these areas.

Mr Yap hoped the courts would impose more deterrent punishments, adding that fines

were ineffective because the syndicates were very rich.

He said the heaviest fine so far for a copyright offence was \$50,000.

"Such amounts are negligible to people who make much more than that in one month alone," he said, adding that jail terms would be more effective.

Referring to a suit three years ago, he said although the company was awarded \$2.7 million, it was unable to collect a single sen because the culprit could not be located.

Golden Star, which is the sole distributor for

Hong Kong's TVB videos, has taken legal action against at least two video shops in Bangsar and Sri Kembangan in Selangor this month.

Golden Star's counsel Jerald Gomez said today that the Bangsar shop operator was jailed for contempt of court for defying an injunction obtained by the distributor to stop her from further duplicating and renting out tapes without the company's permission.

In the Sri Kembangan case, he said the video shop owner was charged with copyright infringement and fined \$10,000 in default six months jail.



Mr Yap... hopes courts will impose more deterrent punishments

Golden Star wants video shop boss jailed for contempt

KUALA LUMPUR: The High Court will, on March 19, hear an application for leave for an order to commit to prison a video shop operator for allegedly defying a court order restraining her from renting out pirated tapes.

The hearing of the application was scheduled for yesterday before Mr Justice Datuk Shaik Daud Haji Ismail but was adjourned.

The plaintiffs, the Television Broadcast Limited and Golden Star Video, had named Pusat Video Globe, its operators Ang Pooi Gan and Tan Teck Beng as defendants.

The ex-parte application was applied by Mr Yap Yee Choon, operations manager of Golden

Star. He had sought to commit to prison Ang, who was said to have custody and control of Video Globe.

The plaintiff, represented by counsel Jerald Allen Gomez, said that Ang had contravened a High Court order dated Sept 5, 1990.

The High Court order prohibited the defendant from handing out, destroying, recording, selling and renting, any videotapes over which the plaintiff had exclusive copyright.

In his application, Yap said Ang had changed the name of her shop several times after raids were conducted at her premises by enforcement officers of the Ministry of

Trade and Industry.

He said that on June 12 last year the officers again raided Ang's shop and found 101 copies of videotapes which had contravened the plaintiff's copyright.

The defendant had thus purposely disobeyed and hindered the court's order, said Yap.

According to counsel Jerald Allen, the court would on March 9, first hear an application to change the name of Ang Pooi Gan to Ng Sow Mooi.

In his affidavit, Wong Kok Lum, the enforcement manager of Golden Star, said that checks with the registration department revealed that Ang's real name was Ng Sow Mooi.

THE STAR

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Golden Star gets order against video centre

KUALA LUMPUR: Golden Star Video, the sole distributor of Hong Kong Television Broadcast (TVB) videos in Malaysia, yesterday obtained a permanent High Court injunction restraining a local video centre from infringing its copyright.

Mr Justice Datuk Dr Zakaria Yatim granted the order against Pusat Video & Elektronik New Times, its manager, Mr Loh Sang, and an employee, Mr Loh Yit Pun, and their agents from reproducing or distributing any films for which Golden Star is the exclusive licensee.

He also granted Golden Star damages for "conversion" (using another party's property for own benefits), damages and costs.

He ordered Pusat Video & Elektronik New Times to deliver all the copies of videos that it had pirated.

He made the order in chambers after hearing the inter-parte application by Golden Star's counsel, Mr Jerald Allen Gomez.

The counsel for Pusat Video & Elektronik New Times, and the other two defendants were not present.

Joining Golden Star as plaintiff was Television Broadcast Limited (Hong Kong TVB).

In its statement of claims, Golden Star and Hong Kong TVB said Pusat Video & Elektronik New Times, which was not registered with the Registry of Businesses, had dealt in pirated video tapes.

Pusat video dihalang edar filem

KUALA LUMPUR, Khamis — Mahkamah Tinggi hari ini mengeluarkan perintah menghalang sebuah pusat video daripada mengeluarkan semula, menyewa dan mengedar bagi maksud perdagangan mana-mana filem kepunyaan Television Broadcast Limited Hong Kong dan Golden Star Video Sdn Bhd.

Hakim Datuk Dr Zakaria Mohd Yatim, meluluskan perintah itu di kamarnya berikutan saman plaintiff terhadap Pusat Video & Elektronik New Time di Jalan Panggung, Sri Kembangan, Serdang, Selangor yang dinamakan sebagai defendan pertama.

Turut dinamakan sebagai defendan ialah pengurus pusat video itu, Loh Sang dan seorang kakitangannya Loh Yit Pun. Plaintiff diwakili peguam Jerald Allen Gomez, manakala defendan tidak diwakili peguam.

Defendan pertama didakwa melakukan kesala-

han mengeluarkan salinan pita video tanpa permit sah mengandungi filem hakcipta dipunyai plaintiff pertama dan kedua sebagai pemegang lesen yang eksklusif.

Pusat video itu juga didakwa tidak berdaftar dengan Pendaftar Perniagaan dan sejak 12 Januari hingga 13 Julai 1990 sudah membuat salinan 476 filem yang hakciptanya dipegang oleh kedua-dua plaintiff kepada pita video.

Dr Zakaria mengeluarkan perintah menghalang defendan membayar kos, ganti rugi dan perkara lain yang difikirkan perlu oleh mahkamah.

Pada 3 Mei tahun lalu, Mahkamah Tinggi mendapati Loh Sang bersalah menghina mahkamah kerana enggan mematuhi perintah halangan sementara terhadapnya yang diluluskan oleh mahkamah pada 27 September 1990.

Loh Sang didenda \$10,000 atau enam bulan penjara jika gagal membayar denda itu.

Videotape company ordered to observe copyright

KUALA LUMPUR, Thurs. — The High Court today restrained a videotape company, its manager and an employee from infringing the copyright of Television Broadcast Limited of Hong Kong and Golden Star Video Sdn Bhd.

The order against Pusat Video & Elektronik New Time, Mr Loh Sang and Mr Loh Yit Pun was granted by Mr Justice Dr Zakaria Mohamed Yatim after a hearing in his chambers.

Television Broadcast Limited and Golden Star, represented by Mr Jerald Allen Gomez, obtained an order restraining the respondents from reproducing, letting out or distributing for the purpose of trade, any film belonging to the plaintiffs.

The respondents are also restrained from converting to their own use the copyright in such films and the infringing copies.

Zakaria also granted other orders sought by the plaintiffs relating to damages and the delivery of all infringing copies of such films in the respondents' possession, power, custody or control.

An inquiry on the damages suffered by the plaintiffs will be heard before a Senior Assistant Registrar on a date to be fixed.

In their statement of claim, the plaintiffs said that Pusat Video & Elektronik New Time operated a business of letting out videotapes to the public at Jalan Panggung, Sri Kembangan, Serdang.

The business was not registered with the Registry of Business, they said.

They also said that at the premises, the company had a considerable quantity of recording equipment which it used for the reproducing of unlicensed copies in the forms of videotapes of films of which the ownership belonged to Television Broadcast and others.

They further claimed that the company distributed the copies for hire for the purposes of trade.

The plaintiffs said that a total of 476 infringing copies were seized from the premises between Jan 12 and July 13, 1990.

BERITA HARIAN

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