

[GB] Dealing in Mod Chips Illegal

IRIS 2004-9:1/22

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The English High Court recently handed down the first judgment relating to the circumvention of copyright protection. The case invoked the 2003 copyright law transposing the EC Copyright Directive (2001/29/EC) into UK law (see IRIS 2004-1: 13). The case was brought by Sony Computer Entertainment Europe against 6 defendants.

At issue was the legality of people dealing in modified Sony PlayStation2 chips. Buyers were enabled to play computer games imported from other regions (e.g., USA and/or Asia) on hardware encoded for Europe (which utilises the PAL standard). The chips (known as "Messiah 2 mod chips") also allowed buyers to play pirated software. In addition, the case dealt with the publication of information explaining how to install the chips in PlayStation 2 consoles.

The judge found that, under the Copyright and Related Rights Regulations 2003, the "sale, advertising, use, or possession" of the chips was illegal. The Court granted an injunction. It also ordered an interim costs payment.

Sony Computer Entertainment Inc & Others v Gaynor David Ball & Others, High Court - Action No HC-03-C04467, 19 July 2004

<http://www.courtservice.gov.uk/judgmentsfiles/j2680/sony-v-ball.htm>

