

## Gamer to pay Nintendo \$1.3 mln for illegal upload

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A screen displays an image from Japanese video game giant Nintendo showing its Super Mario character. An Australian man has agreed to pay Nintendo \$1.3 mln for illegally uploading a game to the Internet six days before its global release.

An Australian man has agreed to pay Nintendo 1.3 million US dollars for illegally uploading a game to the Internet six days before its global release, the firm said Tuesday.

Nintendo said it had settled the Federal Court action against the man who hacked into New [Super Mario Bros.](#) for the [Wii](#) gaming console and put it on the world wide web on November 6, 2009.

"The legal proceeding resulted in a settlement in which the individual will pay to Nintendo the sum of 1.5 million (Australian) dollars by way

of damages to compensate Nintendo for the loss of sales revenue caused by the individual's actions," it said in a statement.

Nintendo said the Australian man, named by local media as 24-year-old James Burt, bought the popular game ahead of its global release when a shop accidentally put it on its shelves before the official sale date.

He breached [copyright](#) law by hacking into it and illegally making it available on the Internet, causing the company to lose thousands of sales, Nintendo said.

Games are generally made available in Australia around six months after their release in the major markets of Japan and the United States, but in this instance Australia was ahead of the rest of the world.

"It wasn't just an Australian issue, it was a global issue. There was thousands and thousands of downloads, at a major cost to us and the industry really," Nintendo Australia managing director Rose Lappin said.

"Once it's on the Internet it's anyone's really."

Nintendo said when it discovered the game was online, it used computer forensics experts to identify the individual responsible.

"Nintendo will pursue those who attempt to jeopardise our industry by using all means available to it under the law," the company said in the statement.

In the settlement on January 27, Burt was also ordered by the Federal Court to pay Nintendo's legal fees of 100,000 dollars.

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