

Software pirate ordered to pay \$3.2m to plaintiffs

Appeal court increases first court's amount by 10 times

by Brendan Pereira

AN ACCOUNTANT was ordered by the High Court to pay Lotus Development \$2.3 million (\$3.2 million) in damages and interest for distributing pirated computer software and manuals.

The amount, believed to be the highest in a software piracy case here, was awarded by Justice Judith Prakash on Feb 2 after the plaintiffs appealed against a much lower award by a registrar of the High Court.

He had ordered Ong Seow Beng to pay Lotus US\$230,000 in damages and interest.

But Mr Prithipal Singh, lawyer for Lotus, argued successfully before Justice Prakash that the registrar had not taken into account a number of factors in deciding the

copyright laws.

At a press conference yesterday, Mr Bryan Ghows, regional counsel for Lotus Development, said: "This case is significant because it demonstrates the court's recognition of the value of the intellectual property in software."

The judgment of the High Court, he said, was the culmination of five years of investigation and court action against Ong.

During this time, the computer company spent more than \$300,000 in legal fees to hit the accountant with civil and criminal penalties.

Mr Ghows said that Lotus received information in 1991 that a man with the surname of Ong was a major supplier of pirated software and manuals here. After extensive investigations, private investigators managed to identify



tigator at Commercial Private Investigation and Services, said: "We thought maybe we got the wrong man because this Ong was an accountant."

However, a 24-hour surveillance of the defendant showed they were correct.

Road and seized unlicensed copies of Lotus software and computer manuals. But the most damning evidence recovered were sales records and several faxes sent by him to the printers of the pirated manuals in Indonesia.

Mr Ghows said: "He was a creature of habit. He maintained meticulous accounts."

The documents helped Lotus reconstruct the defendant's history as a copyright infringer — which it believes started in 1988.

In 1993, he was sentenced to seven months' jail after criminal proceedings were brought by Lotus. At the same time, the company began civil action, which culminated in the High Court award.

It is understood that the plaintiffs are waiting to see if Ong will appeal. If he does not, they will proceed to re-