

**The High Court of Namibia**

**753/06**

**The State v Onias Marume,**

**Court** : Commercial Court  
**Case** : Criminal  
**Date of Judgement** : December 19, 2006  
**Plaintiff** : The State  
**Defendant** : Onias Marume  
**Concept** : Copyright Infringement  
**Statue** : Sections 1, 29 and 33 of the Copyright, and Neighbouring Rights Protection Act, 6 of 1994

**Panel of Justices**

J. Hoff

J. Van Niekerk

**Case Background**

In this matter the accused on 2 accounts wrongfully and intentionally sold, let or by way of trade offers or exposes for sale or hire in Namibia an article/s, to wit: Selling three (3) DVD discs without a licence of the owner of the copyright whilst knowing that such sale, letting, trade or exposure for sale or hire in Namibia would constitute an infringement of the copyright of that article/s. The accused pleaded guilty to both accounts.

**Procedural History**

The Magistrate's Court at Gobabis reviewed the case.

The High Court of Kenya at Nairobi passed judgement on the case

**Issue**

Whether the reproduction, selling and hiring of articles without the licence of the copyright owner considered as a copyright infringement.

**Rational**

The appeal court held that ignorance of the law does not constitute a valid defence to a proven case of piracy. The court upheld the Accused's conviction and sentenced him to six months' imprisonment for each of two convictions, with the option of payment of a fine.

**Keywords** Piracy, copyright infringement, criminal conviction, fine, imprisonment