Chapter 8 summaries

Definitions

- Many terms are used, such as copyright infringement and illegal file-sharing.
- Hill (2007) defined digital piracy as 'the purchase of counterfeit products at a discount to the price of the copyrighted product, and illegal file sharing of copyright material over peer-to-peer computer networks' (p. 9).
- This chapter mainly considers music, film and software piracy, although there are other forms, such as text and design copyright infringement.
- The extent of 'fair use' of content is often debated – a person may legitimately want several copies of a file, but all for personal use.
- While regular statistics on the extent and cost of digital piracy are released, it is very difficult to obtain truly accurate figures.
- There are some arguments that illegal music downloading may eventually have a positive impact on sales, perhaps because of sampling, concert attendance or the sale of older works.
- But most studies suggest that there is a negative relationship between digital piracy and legitimate sales.

Methods of copyright infringement

- Copyright infringement is not a new offence, and works have been illegally copied for centuries.
- Audio and video cassette tapes were illegally copied, but this often required real time copying, and the quality of the content degraded significantly if copies of copies were made.

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- The introduction of CDs and DVDs meant reduced degradation of quality and faster copying speeds, but some problems still remained for those engaged in piracy, such as storage capacity on recordable DVDs and copyright protection measures embedded in the disks.
- Software provided on CD-ROM could also be copied, and although a variety of mechanisms were introduced to attempt to reduce piracy, many of these have been overcome through the use of 'keygens' or other coding techniques.
- Online digital piracy has resulted in wider distribution methods and expanded pools of available content.
- The internet has several advantages for those involved in copyright infringement, including reducing the need for physical media, faster distribution methods, lower risk of border controls and confiscations, reduced file sizes and reduced risk of detection.

Demographic characteristics and motivations of offenders

- Older college students seem more likely to engage in copyright infringement than younger college students, but overall, younger people are more likely to perpetrate such offences.
- Greater familiarity with computers seems to be correlated with higher likelihood of offending.
- It has been suggested that motivation for digital piracy is a combination of reduced cost and immediate access. As legitimate forms of immediate access are now available, while piracy remains, it would seem that reduced cost is the dominant factor.
- Uploaders may be motivated by reciprocity (Becker and Clement, 2006), although their motivations are not as well understood, and many users never upload content.
- Other potential motives include range of choice, lack of access to credit cards, convenience, and being able to access content that was not otherwise available.
- Online anonymity has not been linked to software piracy.

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Self-control and social learning theory

- Low self-control is a relatively stable personality characteristic which has been linked to criminal behaviour. It is characterised by impulsivity, insensitivity, risk-taking and failing to consider long-term consequences of behaviour.
- Several researchers have found links between low self-control and digital piracy.
- Deviant behaviours may also be learned from peers, which may help to explain why offenders do not see it as morally wrong.
- Social learning theory, and belief about other people's perceptions of offending , seem to be important predictors of offending behaviour.

Neutralisations and ethical positions

- Neutralisations are techniques that offenders use to reduce the guilty feelings that offending creates, and are similar to cognitive distortions.
- Sykes and Matza (1957) proposed five different types of neutralisations – denial of responsibility; denial of injury; denial of victim; condemnation of condemners and appeal to higher loyalties.
- Other researchers have proposed further types of neutralisations, including Coleman's (1994) 'everyone else is doing it'.
- Neutralisations seem to be widely used by those engaged in digital piracy, although studies vary in findings related to the most commonly cited neutralisations.
- Many studies have found that those engaged in digital piracy do not see it as an ethical or legal problem.

The theory of reasoned action, the theory of planned behaviour and optimism bias

- The theory of reasoned action, the theory of planned behaviour and optimism bias have all been applied to digital piracy.

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- The theory of reasoned action (TRA) was proposed by Fishbein and Ajzen (1975), and suggests that people make systematic use of information that is available to them at the time when making decisions about actions to take.
- Optimism bias was identified by Weinstein (1980) and refers to how an individual tends to believe that they are more likely to experience desirable events and less likely to believe that they will experience negative events than an average person.
- The 'theory of planned behaviour' (Ajzen, 1988) incorporates perceived behavioural control into the TRA, considering the person's beliefs about how likely it is that they have the resources, ability and opportunity to carry out the behaviour.
- The theory of planned behaviour has been found to be particularly useful in explaining digital piracy.

Deterrence

- Deterrence theory suggests that potential criminals will not engage in offending behaviours because of penalties that they may associate with it.
- Penalties associated with offending can vary in both severity and certainty.
- Certainty of punishment seems to be more important in deterrence than severity.
- Both 'general deterrence' and 'specific deterrence' have been used to reduce digital piracy.
- General deterrence relies on social learning theory – if a potential offender sees a criminal being punished severely, then they may be less likely to commit a crime themselves.
- Specific deterrence suggests that an individual should be punished after they commit a crime, with the hope that their personal experience will prevent them from committing further offences.
- General deterrence may be less effective for digital piracy, as most offenders see their crimes as too petty to warrant major legal responses.

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- Learning theory focuses on the relative rewards and punishments of a behaviour. If an offender feels that the rewards outweigh the punishments, they are more likely to offend. For digital piracy, rewards refer to the content obtained. Punishments may refer to fines, risk of malware, or negative feelings such as guilt.

Preventative controls and other solutions

- Preventative controls make criminal activities harder or less rewarding.
- They may include the use of technological means to make digital piracy more difficult to achieve, such as encryption.
- Technological preventative controls may dissuade some offenders, but others will find ways to circumvent such techniques.
- Computer usage policies have been found to be ineffective at preventing digital piracy.
- Public information campaigns have mostly been focused at young people, although many anti-piracy arguments seem to have little effect.
- Arguments have been made that not all those engaged in digital piracy are similar, and so different intervention strategies should be considered for different groups (e.g. Cockrill and Goode, 2012).
- It is possible that raising potential perpetrators' awareness of the harm that digital piracy may cause could reduce likelihood to perpetrate such activities.

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