

A problem of digital piracy in modern world

[Law](#), [Crime](#)



Digital piracy is a serious issue that harms both producers and consumers. Digital piracy is the act of obtaining an illegal and unapproved copy of digital content from a third party not authorized to distribute the content. Pirated material is often free, of poor quality, and robs the content maker of royalties. Piracy can raise prices and, in the case of some content creators, deprive artists of the funds needed to continue producing content. By illegally obtaining content, pirates can unwittingly ensure that content production is stopped.

Like that one kid who tells the seeker where the other children are hidden in a game of hide-and-go-seek, pirates ruin the fun for everyone. It's easy to think 'well, it's okay if just I pirate this music. After all, one person isn't going to harm the artist that much, right?' Sure, one pirated version may not hurt the artist, but it's never just one person pirating, and, like a bad rash, pirated copies tend to spread far from their original source.

I urge you, the reader, if you have ever pirated digital content to rethink your life choices. While you may believe that piracy is a victimless crime, I, and many others including several of the authorities cited in this paper, believe that piracy can have some serious repercussions. Not only is piracy a legal offense which can have some heavy penalties, but piracy makes it difficult for artists, especially independent artists, to continue to produce content, and lastly, piracy is morally repugnant, and can lead to further criminality in the future.

This paper aims to provide further and more personal reasons as to why piracy hurts both the artist and the consumer, exploring the legal

consequences, examining how piracy can negatively impact indie artists, and considering the moral implications of piracy.

If caught, pirates can be taken to both criminal and civil court. (Software Alliance) Either court has an undesirable price tag. According to the authors at The Software Alliance, copyright owners can sue pirates for up to \$150,000 in civil court, and the state can impose a penalty of up to \$250,000 in criminal court, on top of up to five years time in prison. (Software Alliance). That's a pretty hefty price for a \$100 dollar program.

Music piracy can be even more financially disastrous. In 2011 the Recording Industry of America, or RIAA, started pursuing civil action against piracy with the same zest and zeal as Anne Rice going after a fanfiction writer. There have been several suits where pirates have been forced to pay a large fine per song downloaded. (New Media Rights) A particularly horrifying case is Capitol vs. Thomas, in which the defendant pirated 24 songs, and was charged \$80,000 dollars for each song. (New Media Rights) The proper reaction to this is, as the kids might say, 'yikes'. Research has shown that piracy is extremely prevalent among university students. (Robertson et. al. 215) Imagine the impact owing even \$80,000 dollars to the RIAA (not even considering criminal and court fees) would make on a student's budget. The student would be financially eviscerated. Is pirating a song to save 99 cents worth the possibility of being caught pirating, and having to pay \$80,000 dollars for a song? Most reasonable people would say no. Piracy may seem inconsequential, but can have extremely consequential repercussions if the pirate is caught.

If fear of getting caught isn't a big enough deterrent for you (and for many it's not [Robertson et. al. 217]), illegal downloading could spell death for your favorite content. The simple explanation for how media works is this: creator makes content, creator releases content into the wild with a reasonable price tag, content is (hopefully) consumed by marauding hordes of avid fans, creator gets paid, lather, rinse, repeat. If you pull out even one part of the equation, the entire cycle collapses. This isn't as big of a deal for large corporations, although they're still not super thrilled about piracy, but it's a huge deal for indie artists, and widespread piracy can completely end an indie artist's ability to produce content, simply because, unlike corporate dragons, they're not sitting on an enormous horde of gold from previous creative endeavors.

This point was made particularly well by Lin Manuel Miranda, creator and star of the musicals *In the Heights* and *Hamilton*, at the Dramatists Anti-Piracy Committee's first Anti-Piracy Awareness Event in 2014. Miranda said "the people who have no idea they're taking money out of our pocket by going to one of the sites where you can get anything we ever wrote for free ... We make our living off of sheet music. We make our living off of digital music...and a lot of what this event is about is saying, ' There are ways to enjoy our music and download our music and purchase our music that supports the artists you love so much.'" (Playbill) It takes a lot of money to make content of any sort, but especially to make musicals, and the difference between musicals and most content is that musicals often do not have corporations standing behind them. Musicals are funded by private investors, indie artists are lucky to have even that.

Imagine for a moment that *In the Heights*, Miranda's first musical, had been mass pirated by internet users. Miranda wouldn't have been paid for his work, and he may not have had the means to go on to create *Hamilton*, which would be an absolutely criminal sin against humankind.

Piracy kills kids. It doesn't necessarily kill people (well, not digital piracy anyways), but it kills creativity. Piracy kills an artist's ability to make future work. Is that really what you want?

If these practical reasons aren't enough to make you reconsider piracy, perhaps the immoral aspect of piracy will. Piracy is, at its heart, stealing. In fact, according to research conducted by Kirsten Robertson et. al., people who illegally download content are more likely to steal a physical CD, have engaged in previous criminal conduct, and have less concern for the law. (Robertson et. al. 218)

If you're a pirate, you're in bad company, no matter how clean-cut of a person you think you are. As mentioned above, downloaders are more likely to engage in other criminal activities. According to the parameters of Robertson et. al.'s research, the pirate is in the company of people " using marijuana; shoplifting; abused prescribed drugs; taking speed, ecstasy or mushrooms, not wearing a seatbelt; taking cocaine/crack; cheating in an exam/test/essay; and driving 20 km/h + over the speed limit." (Robertson et. al. 220) What can be drawn from this is that while piracy may seem like a harmless offense, it's on the same level as taking drugs and physical stealing. Just because piracy seems more impersonal doesn't mean it isn't just as criminal as more ' serious' crimes. What is this paragraph?

No matter how you slice it, you're hurting your favorite artists. Would you punch Beyoncé in the face? Probably not. But by pirating her music, you're still hurting her. Several artists object to the piracy of their work. A particularly moving example is a tumblr post from Lin Manuel Miranda, the creator and star of the musical Hamilton. A tumblr user asked where they could find the bootleg (a pirated version of a live theatrical production) of the then off-broadway Hamilton. Miranda responded to the user saying that he was "actively rooting against" her. (Miranda et. al.) Miranda followed this up, saying "We're going to make a really good recording of the show this summer and I want you to hear that. I'm thrilled you haven't heard a shitty, half-iphone recorded version yet, because I spent 6 years writing this and when you hear it, I want you to hear what I intended. I'm sorry theater only exists in one place at a time but that is also its magic. A bootleg cannot capture it. I'm grateful and glad you want to hear it, and I want you to hear it RIGHT." (Miranda et. al.) As Miranda explained, creating quality content takes a lot of time. Content creating is hard, emotional, work, and it is my belief that the artist should have control over how people experience their content.

Artists are people too. And, like many reasonable people, they don't enjoy being stolen from. Even if piracy isn't going to hurt the artist financially, it's still an act of disrespect to their person.

Now, there are some people who disagree with me. While many people see piracy as stealing, disrespectful, and damaging to sales, not everyone shares this view. There are some companies, such as HBO, that find piracy

flattering. (Ravenscraft) HBO considers it a sign of popularity of the show, and doesn't mind too much, because they're already making enough money to keep things running. (NPR) It's a good way to spread 'the buzz' about a show. This doesn't just go for television either. In their article "The Impact of Digital Piracy on Music Sales: A Cross Country Analysis" Mark T. Bender and Yongsheng Wang state "The work of economist Stan Liebowitz, for example, emphasize the sampling (or exposure) effect, which holds that consumers use P2P programs to sample media before they buy it" (Bender et. al. 158). In this sense, piracy is like taking a car for a test drive. Pirates want to make sure that they like what they're going to pay for, and, put in that light, it doesn't seem entirely too unreasonable.

When speaking in their own words, however, Bender and Wang make a complete 180, saying "Consumers may be discouraged by the bad music they sample." (Bender et. al. 158)) And what makes piracy different from test driving a car, is that the buyer doesn't get to keep the car languishing in the dusty corners of their hard drive forever. Additionally, many downloads are poor quality, which just doesn't give the content a fighting chance.

Piracy can be especially harmful to indie artists, who, unlike HBO, are not necessarily flush with cash. As mentioned above, piracy makes a much larger dent in the earnings of an indie content creator than it does in the wallets of corporate backed creators. (Ravenscraft)

In summation, piracy is not a 'victimless crime', and it's not something to be laughed at. Piracy can have serious financial and legal repercussions that can derail your whole life. Piracy hurts the artists that you love so much by

depriving them of the capital that they need to continue to produce work. Piracy is the equivalent of stealing, and the pirate is on the same moral level as thieves and other criminals. You could consider piracy as a sort of 'gateway drug' of criminal activity. As Robertson et. al. proved, piracy can lead to further criminal activity. Additionally, piracy is disrespectful to the creators of the coveted content. Some people may try to argue that piracy is flattering, and offers free publicity, but they have a shaky argument. Legally piracy is considered a crime, and the more consumers are educated about piracy as a crime, the less desirable piracy becomes to them, and the less likely they are to pirate. (Robertson et. al. 218) While the savings from piracy may be desirable, the damage a pirate does to themselves and other simply isn't worth it.