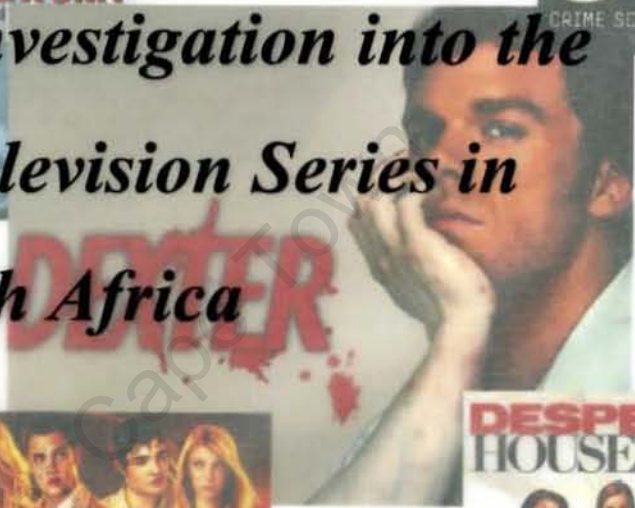
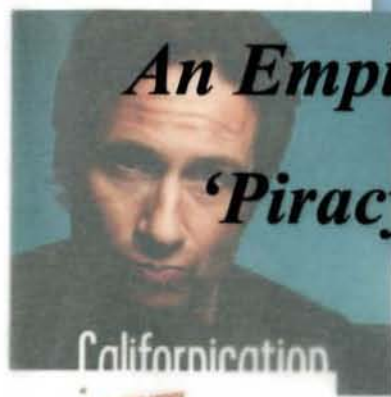
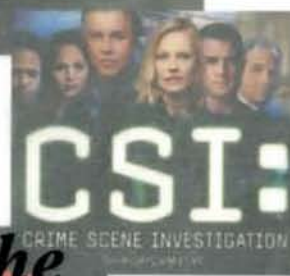
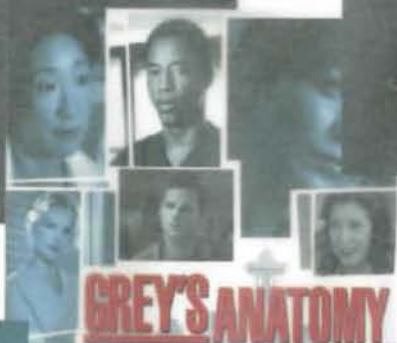
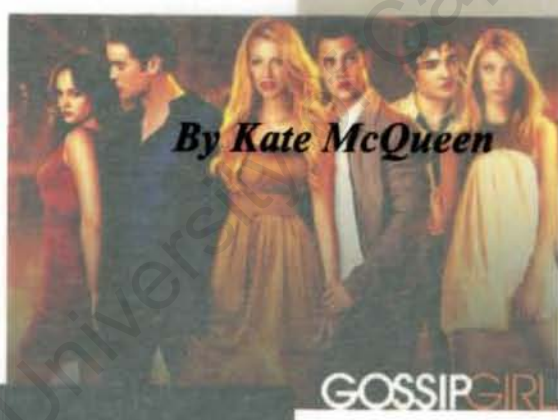
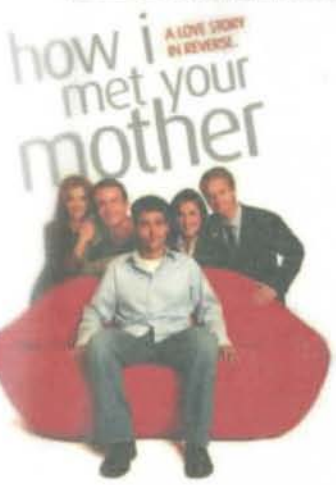


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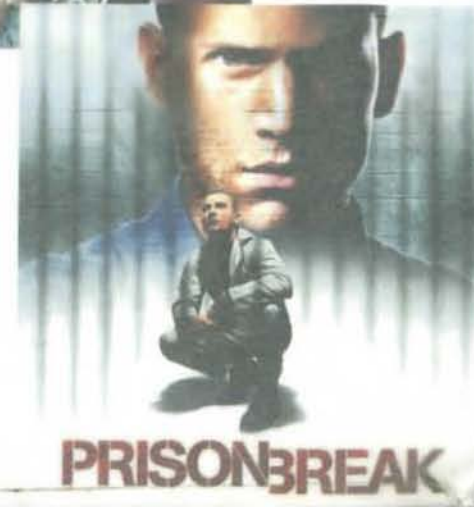
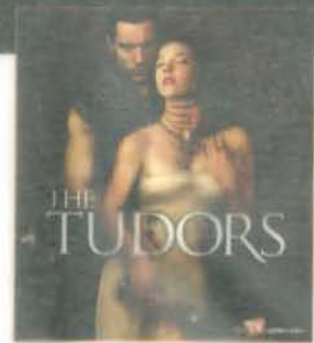
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*An Empirical Investigation into the
'Piracy' of Television Series in
South Africa*



By Kate McQueen



MA Thesis: Media Theory and Practice

*An Empirical Investigation into the
'Piracy' of Television Series in
South Africa*

Prepared By:

Kate McQueen
MCQKAT003

Supervisor:

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Prepared For:

The School of Film and Media Studies
University of Cape Town

5 February 2010

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4. I have not allowed and will not allow anyone to copy my work with the intention of passing it off as his or her own work.

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MCQKAT003

5 February 2010

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This thesis is a partial requirement for the University of Cape Town's Masters in Media Theory and Practice.

The specific instructions were to:

1. Identify an area of particular interest within the media discipline.
2. Provide a rationale behind the topic chosen.
3. Conduct a literature review to be included in the final thesis.
4. Conduct extensive qualitative and/or quantitative research for the purpose of interpretation and analysis.
5. Draw conclusions based on the analysis of this information.
6. Highlight the areas for possible future research.
7. Submit the final thesis on 5 February 2010.

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Jaclyn Allardice

Thank you for your help in distributing questionnaires. Your assistance was much appreciated.

The interviewees

Thank you for being so willing to answer my myriad of questions, and for really taking the time to really think about your answers and answering them so honestly. The information you provided was vital to the very core of this research paper.

The respondents who answered my questionnaire

Thank you for being so giving with your time in completing my questionnaire. Without your answers my research would not have been as conclusive as it was. Your contribution formed a vital part of this thesis.

Abstract

The end-user 'piracy' of television series, particularly of those produced by USA television networks such as HBO, NBC, ABC and FOX, is a growing trend in South Africa. This paper aims to identify why South Africans want to view television series this way and contribute to the research recognising it as a significant trend in media consumption. The key questions that are examined in this paper include: Who are these individuals, what is their viewing behaviour and why? This paper thus examines the literature available surrounding the profile, the motivations, and the viewing patterns of these revolutionary series viewers. Due to the lack of literature on this trend, particularly in South Africa, in-depth personal interviews, focus groups and quantitative surveys provided further information in order to adequately and accurately represent the local situation. The empirical research reveals the key roles that both sharing and 'serialised windowing' play in this trend, as well as the unique gratifications derived from obtaining and viewing television series in this way.

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An Empirical Investigation into the 'Piracy' of Television Series in South Africa

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1 Introduction and Background

1.1 An Introduction to 'Piracy'

Introduction

The 'piracy' or unauthorised viewing of television series like those produced by USA television networks such as HBO, NBC, ABC and FOX is a growing trend worldwide (Goliath, 2005; TorrentFreak, 2008). This trend is particularly evident in countries outside of the USA, with one of the biggest peer-to-peer (P2P) networks, BitTorrent, reporting that over 90% of unauthorised downloading on their network occurs outside of the USA (TorrentFreak, 2008).

The word 'piracy' is part of a rhetoric that is increasingly being adopted by the television and, particularly, the movie industry (Motion Picture Association of America, 2008) to describe the unauthorised viewing of intellectual property in order to stigmatise the activities of these unauthorised viewers (Loughlan, 2007). Throughout this paper, the words 'piracy' and 'unauthorised viewing' are used interchangeably, but the use of the word 'piracy' is not intended to make any legal declaration as to whether or not the unauthorised viewing of intellectual property is strictly and technically illegal, as this "probably depends on the technicalities of criminal law and [terminology] in any particular jurisdiction" (Loughlan, 2007: 402). The question of whether the unauthorised

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downloading, viewing and sharing of television series is illegal has split scholars, with industry sources defining it as 'piracy' and 'theft' (Motion Picture Association of America, 2008; Recording Industry Association of America, 2009; Hill, 2007) while others have defended the practice (Lessig, 2004; Miceli & Adelstein, 2006; Loughlan, 2007; Kretschmer, 2000).

'Piracy' in the context of this study refers to the unauthorised viewing of intellectual property by the end-user rather than to commercial 'piracy' such as the large-scale copying and sale of unauthorised content. Instead, it includes the unauthorised sharing of digital copyrighted material (television series) over P2P networks as well as physically between individuals (hand-to-hand). The use of the word 'piracy' in the context of this thesis is a recognition of a widely-used term, often accepted even by unauthorised viewers themselves rather than a legal or moral judgment, and for that reason the term will appear in inverted commas throughout.

1.2 Background to the Study

Before the advent of the Internet and the rise of P2P networks, viewers in South Africa waited patiently for the release of television series from the USA or the UK, tuning in week after week. The week-long interval between episodes built suspense, created excitement and was arguably a vital element in the appeal of the television series. The week would be scheduled around each episode and the world would stop for the hour or so that it runs, interrupted only by a few advertisement breaks. Today, however, many viewers in South Africa will have already finished watching whole seasons of series before they have even aired on channels like M-Net and SABC without having to sit through a single advertisement.

There are many reasons why this is possible, the first being that most series are broadcast in the USA and UK between nine and 14 months (on average) before their release in South Africa. This delay means that shows can be recorded and made available to anyone with the desire and means to obtain them. This has been made even easier by the advent

of digitised media which enables users to obtain, copy, and modify virtually any kind of media content (Fetscherin, 2004), as well as the advent of broadband Internet, and more specifically P2P networks, that allow anonymous file sharing among users across the globe (Prasad, 2006).

Viewers are increasingly taking control over the media they consume – a trend that was first signalled by the development of VCRs and then by the introduction of TiVO in the USA and PVR in South Africa – meaning they can now watch exactly what, when, and how they want to. But one of the major controversies surrounding this new viewing trend dubbed ‘piracy’ is that many of these series are obtained via unauthorised downloading and alleged copyright infringements and that this is reportedly costing the industry billions every year in dollar losses (Prasad, 2006). It is a trend that the industry has labelled ‘piracy’ and equated with ‘theft’, but the possibility is that this is a significant trend in television series viewing patterns resulting from a dissatisfaction with the traditional distribution channels for this kind of media content, and that the best strategy for the producers and distributors may in fact be to work with the trend and not against it (Cook & Wang, 2004).

This paper thus aims to identify why South Africans want to view television series this way, thereby contributing to the research recognising ‘piracy’ as a significant trend in media consumption. The key questions that will be examined in this paper are: Who are these individuals, what is their viewing behaviour and why? This paper thus examines the literature available surrounding the profile, the motivations and the viewing patterns of these unauthorised series viewers, in order to identify the best way to overcome the possible detrimental effects of this trend on the industry. Due to the lack of literature on this trend, particularly in South Africa, further information was gathered through in-depth personal interviews, focus groups and quantitative surveys in order to adequately and accurately represent the local situation. As a result, many of the key findings are not revealed by the literature, but will emerge later in the empirical research.

1.3 Research Problem

This paper investigates 'piracy' as a growing trend in the consumption of television series in South Africa. Few researchers, particularly in South Africa, have investigated the consumption of television series via unauthorised downloading and P2P sharing, as well as physical sharing between individuals, perhaps partly due to a reluctance to recognise something that has been stigmatised as illegal as a significant trend in media consumption, and partly due to the fact that it is a relatively new phenomenon compared to the 'piracy' of other content such as music, movies and software. But this trend is becoming particularly prevalent in countries like South Africa, where viewers often have to wait months for the release of series after they have been aired in countries like the USA. This paper thus aims to contribute to the limited research on the 'piracy' or unauthorised viewing of television series as a growing trend, recognising it as a significant trend in the consumption of television media and identifying a way forward for the relevant players in the industry.

1.4 Research Question

This paper aims to identify who the unauthorised viewers of television series are, what their viewing patterns and 'purchase' behaviour are and what it is that motivates this type of behaviour.

1.5 Significance of the Study

The consumption of television series via unauthorised downloading, P2P sharing, and physical sharing between individuals is a significant trend in countries like South Africa where viewers experience a substantial delay in the release of television series behind their release in countries like the USA. This trend may have significant financial implications for private subscription services like M-Net and DStv (a private satellite subscription package, which includes M-Net as part of the package); free channels like

those broadcast by the SABC and e.TV that rely on advertising and ratings to fund their programming; as well as new digital television services that are likely to rely on television series as a significant part of their drawing power. The aim of this paper is therefore to identify who these unauthorised viewers are, why they turn to 'piracy' and how they want to consume television series in order for industry players to identify the best way to overcome the detrimental effects of this trend on their revenue.

University of Cape Town

2 Literature Review

2.1 Introduction

This is an overview of television media consumption and 'piracy' in a global context with particular reference to how it might relate to the 'piracy' or the unauthorised consumption of television series particularly in South Africa. This literature review examines the trends in traditional television viewing patterns, as well as the way in which these trends are evolving as technology evolves and advances. It investigates the motivations behind television media consumption and explores the possible motivations for viewing television content in this unusual way.

It examines 'piracy' as a significant trend in television series viewing patterns today, as well as its relationship to the unauthorised consumption of copyrighted material. It looks at P2P networks – said to be the biggest controversial driver behind 'piracy' – and the behaviour of users in terms of obtaining unauthorised copies of content.

Lastly, the current efforts to compete with 'piracy' in the market place are examined, as well as the proposed solutions to 'piracy' – a trend that the industry claims is costing them billions.

2.2 Trends in Television Viewing

"Watching television is the most important leisure activity worldwide" (Bruni & Stanca, 2008: 509) and with the rise in 'piracy' the number of hours spent watching television content could be on the rise. In the USA, the time spent viewing filmed material, both television and cinema, by the average American totalled nearly 2000 hours in 2007 (Glenn, 2008). In South Africa, 89% of the South African population had watched television in the past four weeks, 85% in the past seven days, and 75% had watched the

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previous day according to the All Media and Products Survey (AMPS, 2009A) conducted in 2009.

Bruni and Stanca (2008) suggest that television can be seen as an alternative to relational activities for three reasons. Firstly, it is mentally undemanding and physically passive in nature, secondly, it is inexpensive and available at any time of the day, and thirdly it can produce a viewing habit and become addictive. Bruni and Stanca (2008: 511) go further to say that:

Television provides, at virtually no cost and without any effort, not only a relaxing and convenient entertainment, but also a virtual network of relationships and interactions that, despite being completely artificial and illusory, tend to become a substitute for actual social relationships.

Greenwood's (2008) study, however, showed that while many people watch alone, the majority of people viewed their favourite programmes with friends as a more social activity, and that a television programme can function as something that individuals have in common.

Ruggiero (2000) suggests that the television era that presently exists is characterised by interactivity, demassification and asynchronicity. All three concern the increasing degree of control that the user has over the medium (Ruggiero, 2000). Interactivity is defined as the degree to which a user has control over and can exchange roles in the communication process (Williams, Rice & Rogers, 1988, as cited by Ruggiero, 2000); demassification refers to the control an individual has over a medium, more specifically the ability of the user to choose from a wide menu of channels and programmes; and asynchronicity refers to the ability to capture and store a programme for later viewing (Ruggiero, 2000). Of course, once messages are digitised, the manipulation of media becomes infinite, allowing the users much more control (Ruggiero, 2000), and thus more interactivity, demassification and asynchronicity, than they have ever been allowed in the past.

Perse and Dunn (1994) suggest that personal computers may inevitably and increasingly displace media like television as they are increasingly becoming better at filling similar

needs (cited by Ruggiero, 2000), a trend that may be as a result of the fact that personal computers may afford the viewer more interactivity, demassification and asynchronicity. The role of television is thus changing, and consumers are increasingly finding their own way to satisfy the needs that are not being met by traditional television. The truth is that consumers, as a result of technology, may be becoming quicker in satisfying their needs than the industry is able to keep up with profitably.

2.3 Motivations Behind Television Media Consumption

The most frequently cited motivations behind television viewing include: pass time, companionship, relaxation, information and stimulation (Weaver, 2002). In addition, uses and gratifications theorists typologise motivations for media use in terms of diversion (as an escape from routine and the burden of problems and emotional release), social utility or personal relationships (to acquire information for conversations or as a substitute for companionship), personal identity (including personal reference, reality exploration and the reinforcement of attitudes, beliefs and values) and surveillance (to learn about one's community, events and affairs) (Katz, Blumler, & Gurevitch, 1974; Ruggiero, 2000). Other motivations may include convenience (Ruggiero 2000) and habit (Rubin, 1983).

Greenwood (2008) notes that individuals often turn to media in times of stress and anxiety, negative moods and after threats to self-esteem. The idea is that some people will use media to 'tune out' aversive emotions or feelings about the self (Greenwood, 2008), and as such, television is classified as a comfort good (Bruni & Stanca, 2008). Greenwood (2008) proposes that this may be for two reasons, the first to seek parasocial interaction with media personas, and the second to transport themselves into media programmes (Greenwood, 2008). "Parasocial interaction refers to the development of an imagined friendship with a media persona such that the viewer comes to feel they 'know' a media character or personality", and transportation is the "experience of emotional, perceptual and cognitive absorption into a narrative" (Greenwood, 2008: 415). Both occur to a greater extent as the number of hours spent watching television increases

(Greenwood, 2008). Additionally Bruni and Stanca (2008) find that many viewers tend to talk about characters as if they have an actual relationship with them.

On the other hand, a study by Rubin (1983) shows that habitual and entertainment users of television will “view a considerable amount of a perceived realistic medium with which they feel a particular affinity, regardless of the content” (Rubin, 1983: 48). He therefore suggests that it is not the content, but in fact the medium that the audience becomes attached to.

2.4 ‘Piracy’: A Significant Trend in Media Consumption

2.4.1 ‘Piracy’: A Definition

The term ‘piracy’, according to most literature on the subject, is defined as the unauthorised publication, reproduction, and use of copyrighted material (Peitz & Waelbroeck, 2003; Fetscherin, 2004; Cook & Wang, 2004). The following definition is the second entry under ‘piracy’ in the Oxford English Dictionary (2009): “the unauthorised reproduction or use of an invention or work of another, as a book, recording, computer software, intellectual property, etc., esp. as constituting an infringement of patent or copyright; plagiarism”. This is listed after the definition as “the action of committing robbery, kidnap, or violence at sea or from the sea without lawful authority, esp. by one vessel against another” which is closer to the original definition of the word.

It is clear that as technology has advanced, the newer definition of ‘piracy’ relating to copyright infringement has had to adapt to try to prohibit and encompass the new ways in which consumers are able to acquire copyrighted content without the permission of copyright holders. The most prevalent type of ‘piracy’ reported today is Internet ‘piracy’: “the downloading or distribution of unauthorised copies of intellectual property such as movies, television, music, games and software programmes via the Internet” (Motion Picture Association of America, 2008).

The word 'piracy' has become part of a rhetoric that is increasingly being adopted to describe the unauthorised downloading, distribution and viewing of intellectual property in order to attach new negative social meanings to just such acts (Loughlan, 2007). Other language used in this rhetoric includes 'theft', 'thief', 'stealing', and even 'robbery' (Loughlan, 2007). Many cinema goers and DVD viewers (note that these individuals have actually paid to sit in a cinema or have legitimately purchased or hired a DVD) are familiar with the jarring anti-'piracy' advert produced by the Motion Picture Association of America (2008) that runs as a trailer (that cannot be fast-forwarded) at the start of each movie:

YOU WOULDN'T STEAL A CAR
YOU WOULDN'T STEAL A HANDBAG
YOU WOULDN'T STEAL A TELEVISION
YOU WOULDN'T STEAL A DVD
DOWNLOADING PIRATED FILMS IS STEALING
STEALING IS AGAINST THE LAW

This advert essentially equates the unauthorised downloading of intellectual property (and it is probably safe to assume it includes the viewing and sharing thereof) with the theft of a physical good, which is a stance currently taken by the majority of those in the industry (Loughlan, 2007; Kretschmer, 2000). The argument in the advert reads as follows: 'piracy' is theft, theft is against the law, therefore the underlying message is that 'piracy' is against the law. Of course, the first question is, is 'piracy' really theft?

In South Africa:

A person commits theft if he unlawfully and intentionally appropriates moveable, corporeal [tangible] property... provided that the intention to appropriate the property includes an intention permanently to deprive the person entitled to the possession of the property, of such property (Snyman, 1995: 445).

Milton (1996: 617) further points out that:

In South African law it is not sufficient that the accused intentionally effected a *contrectatio* [wrongful handling] of the property. In order for there to be the *mens rea* [criminal intent] of theft the *contrectatio* must be accompanied by an intention permanently to deprive the owner of the benefits of his ownership.

In the case of 'piracy', particularly of the kind examined in this thesis, namely the unauthorised viewing and sharing of intellectual property by the end-user, intellectual property is arguably neither moveable nor tangible, nor does there exist an intention to permanently deprive the owner of their property (though it may be argued that these acts of 'piracy' do deprive the owner of the benefits attached to the ownership of the intellectual property whether this is the intention or not). However, it cannot be concluded, in South Africa at least, that this kind of 'piracy' technically constitutes theft.

Of course, the next obvious question is, if 'piracy' is not theft is it against the law? This would be determined by South African Copyright Law, which states that copyright bestows the exclusive rights to the owner to reproduce a work in any manner or form, as well as to distribute and broadcast such work (Copyright Act No. 98, 1978: Section 8.1.a). Firstly, the violation of this right in terms of the unauthorised reproduction of a work (and perhaps viewing and sharing thereof), unlike an act such as selling unauthorised copies, often gives rise to civil, not necessarily criminal liability. Secondly, the exclusive rights as set out by South African Copyright Law also have a few important exceptions, one of which states that "copyright shall not be infringed by any fair dealing... for the purposes of research or private study by, or the personal or private use of, the person using the work" (No. 98, 1978: Section 12.1a). Due to this technicality it may be arguable that this type of 'piracy' could in fact fall under fair dealing in some cases. This vital caveat, as well as the intricacies of South African Copyright Law and whether an infringement gives rise to civil or criminal liability means that not every case of 'piracy' is necessarily illegal. The above statement by the Motion Picture Association in America, whether true or not in the USA, therefore cannot necessarily be extended to other countries like South Africa: "after all, if a country has no copyright laws, there is nothing illegal in disseminating ideas wherever they originate from" (Kretschmer, 2000).

Regardless of whether the claims by industry members like the Motion Picture Association of America are legally accurate, the above advert and campaigns like it are designed to stigmatise the activities of alleged infringers both as illegal and as theft. It speaks to the morals of individuals in the hopes of providing them with a moral dilemma, and of course it is important to realise that these campaigns can only really claim to be a moral statement in most cases and not always a legal one (Halbert, 1997).

It is for the reasons outlined above that the use of the word 'piracy' in the context of this thesis appears in inverted commas. While scholars remain split over the legalities of what is now termed 'piracy', the words 'piracy' and 'unauthorised viewing' are often used interchangeably throughout the paper, and the use of the word 'piracy' is therefore not intended to make any legal declaration as to whether or not the unauthorised viewing of intellectual property is strictly and technically illegal. In fact, Loughlan (2007: 402) points out that this argument over the legality of these acts of so-called 'piracy' "probably depends on the technicalities of criminal law and nomenclature in any particular jurisdiction".

2.4.2 The External Drivers Behind 'Piracy': Internet growth, Adoption of Broadband, Peer-to-peer networks and Digital convergence

'Piracy' is reportedly the biggest trend in digital media consumption to date (Bakker, 2005), particularly among university students (Siegfried, 2004). Technological advances in both hardware and software in recent years have enabled users to capture, copy, and modify virtually any kind of media content (Fetscherin, 2004). Rapid Internet growth, the digitisation of audio/visual content and the "availability of broadband connections capable of delivering high quality continuous media" (Sigurdsson, Halldorsson & Hasslinger, 2007: 349) have fuelled the consumption and demand for digital content. As a result, "users have built up communities of their own based on peer-to-peer technology" (Sigurdsson, Halldorsson & Hasslinger, 2007: 349) to exchange digital content, with "multimedia content currently [accounting] for over three quarters of all Internet traffic" (Sigurdsson, Halldorsson & Hasslinger, 2007: 348).

The digitisation of audio/visual content has meant that digital products can now be compressed without the loss of information or quality, therefore digital copies have a technical quality similar to the original (Peitz & Waelbroeck, 2006). These technological improvements have meant that copies have become cheaper than the original (in the same way that photocopies of a book are cheaper to produce than are handwritten copies, and downloading music from the Internet is easier than recording it off the radio), often costing almost nothing because viewers are simply sharing copies with one another (Miceli & Adelstein, 2006). Halbert (1997: 57) suggests that in this way “technology challenges intellectual property by making it infinitely easier to duplicate and ‘pirate’ creations with the end result exactly the same as the original product”. Therefore, if a copy with the same quality and content can be produced for less than it costs to purchase the original, the worry for the industry is that improvements in copying technology will reduce or eliminate the consumer’s incentive to buy the original, as well as the creator’s incentive to create it (Miceli & Adelstein, 2006).

In addition to this, the rapid adoption of Internet and broadband worldwide means that “technology has reached a critical mass that is capable of supporting significant piracy based on peer-to-peer file swapping” (Hill, 2007: 10). Cook and Wang (2004) further hypothesise that once bandwidth becomes abundant and convenient, and reasonable legal digital distributors are available, the rental and sales of physical DVDs may become obsolete in most parts of the world. Cook and Wang (2004) suggest that in the same way the iTunes store holds a digital library for music, other media industries need to establish an accessible digital resource bank for their content in order to compete with the unauthorised content available. The increasing convergence of Internet content (the convergence of TV and web information), distribution (the convergence of broadband and satellite), and exhibition (the convergence of TV and PC) for home users may also be an important factor to consider in the future (Cook & Wang, 2004).

More than the adoption of broadband, P2P networks are said to be the biggest driver behind digital ‘piracy’ today (Sigurdsson, Halldorsson & Hasslinger, 2007). This is due to the fact that P2P networks facilitate anonymous and usually unauthorised file-sharing

among users (Prasad, 2006) and enable 'piracy' throughout the globe, purportedly threatening a loss of billions of dollars in revenue to the entertainment industry (Prasad, 2006) and undermining the future viability of traditional business models (Peitz & Waelbroeck, 2006).

These P2P networks allow users to search the media content of every connected user in the world for free (Chiang & Assane, 2002). The only requirement is that one uploads as much as one downloads in a 'fair trade' (TorrentFreak, 2008). Unlike the original P2P network Napster that was shut down by a copyright infringement lawsuit, the current generation of P2P networks does not have a central server from which files are shared (Bakker, 2005: 44) meaning that at least for now they cannot be shut down by legal action. P2P networks like Limewire and BitTorrent now run on a network protocol allowing individual computers to talk directly to each other (Bakker, 2005).

P2P networks operate by chopping a file that a person wants to share (*initial seed*) into small pieces, and sends the small pieces (the rarest piece first if you are a regular *seeder*) to connected *peers* (*the swarm*) (TorrentFreak, 2006). The BitTorrent protocol makes sure that the *initial seed* sends a unique piece to everyone, so they can immediately exchange these pieces with each other (TorrentFreak, 2006). Once a person is trading pieces with someone, BitTorrent keeps a close eye on this *peer*, and as soon as the other side stops sending data it will stop sending data from the user to that peer (a *choke*), and in the meantime BitTorrent keeps searching for other peers to trade with (TorrentFreak, 2006). These networks are designed according to a principle of fair trade: the more you upload to others, the more you receive (TorrentFreak, 2006), meaning that these networks benefit from altruism and the principle of sharing (Chorianopoulos & Spinellis, 2007). Sharing increases the users' satisfaction by diversifying the bundle of goods that they consume (Chiang & Assane, 2002), and it is P2P networks that have facilitated this art of sharing to evolve from local to global exchanges (Chiang & Assane, 2002).

The rise of these networks has made it increasingly easier to download large files like motion pictures (Hill, 2007) and television series that either take a long time to be

released or are never released in some countries (Chorianopoulos & Spinellis, 2007). This trend means that new business models may in fact benefit from effectively facilitating, replicating and replacing 'piracy' as a means for acquiring and sharing digital content. It is predicted that P2P networks will continue to evolve, becoming more than just a marketplace for unauthorised content, but a platform for a wide spectrum of mainstream applications (Sigurdsson, Halldorsson & Hasslinger, 2007).

These trends outlined above show that consumers are becoming increasingly better at bending the media (television included) to suit their own needs as technologies improve. As a result, 'piracy', and trends like it, will continue to increase in the future, with the increasing adoption of broadband Internet, improvements in video compression technology and advances in P2P networking (Cook & Wang, 2004) enabling more individuals to exchange different forms of digital media (Hill, 2007). Chiang and Assane (2002) predict that a reduction in 'piracy' will only occur when the incentive not to engage in such activities is sufficient (Bakker, 2005). So far the low risk of punishment, the appeals to the morality of individuals, as well as the perceived value-for-money attached to the original have not been sufficient to reduce it.

2.4.3 The Causes of 'Piracy'

Despite efforts to convince the public that all 'piracy' is illegal and as wrong as physical theft, many individuals are reluctant either to believe this rhetoric or to be deterred by it (Marshall, 2002). There are a number of factors that may explain why this is so, including: the user's level of moral development and moral intensity (Hill, 2007; Al-Rafee & Cronan, 2006); the low risk of being caught (Hill, 2007; Al-Rafee & Cronan, 2006; Fetscherin, 2005); the perceived value-for-money of the authorised copy in comparison to its price (Chiang & Assane, 2002; Fetscherin, 2005; Hill 2007); the availability and accessibility of unauthorised copies especially those of high quality (Hill, 2007; Al-Rafee & Cronan, 2006); the social consensus surrounding the acceptability of 'piracy' (Siegfried, 2004; Al-Rafee & Cronan, 2006); the presence of P2P networks (Hill, 2007; Al-Rafee & Cronan, 2006); and serialised windowing (Cook & Wang, 2004;

TorrentFreak, 2008) all of which are explored below.

Hill (2007) defines digital 'piracy' as "nothing more than the theft of intellectual property" and thus examines why consumers knowingly then consume 'pirated' goods (Hill, 2007: 10). He states that in comparison, those same consumers that 'pirate' digital media would never walk into a store and shoplift an item of a similar value (Hill, 2007). In his study, he investigates the role of moral development, moral intensity and equity theory in the adoption of digital 'piracy'. These are outlined below.

Moral development is explained using Kohlberg's (1969) three levels of moral development, namely the pre-conventional level (avoiding punishment or getting caught), the conventional level (which is influenced by peer pressure and is characteristic of most adults), and the post-conventional level (which is concerned with the ramification of one's actions towards society in general) (Hill, 2007; Al-Rafee & Cronan, 2006).

Hill (2007) suggests that the low risk of punishment that exists for copyright infringements of this kind may predispose pre-conventional individuals towards 'piracy' (Hill, 2007; Al-Rafee & Cronan, 2006; Fetscherin, 2005). And that in contrast "the higher perceived risk of detection and punishment for the theft of physical goods implies that the same pre-conventional individuals would be less likely to steal physical goods of a similar value" (Hill, 2007: 11). Further, "[p]eer pressure sanctioning the theft of physical goods is well developed in most societies... the same apparently is not true of digital piracy" (Hill, 2007: 12; Al-Rafee & Cronan, 2006). Additionally, 'pirates' do not perceive their acts of copyright infringements to be harmful towards society in general, leaving little to deter both the conventional and post-conventional individuals in much the same way (Al-Rafee & Cronan, 2006). In fact, studies show that individuals do not see 'piracy' as an important issue, a crime or as unethical, nor do they perceive it as inappropriate or frowned upon by their peers, superiors or significant others (Al-Rafee & Cronan, 2006) despite the efforts of copyright holders (Loughlan, 2007). According to Marshall (2002: 13) many individuals seem to "feel that their downloading of [content] is non-commercial and not for profit, and thus acceptable". These individuals thus view

'piracy' as socially and ethically acceptable, and in fact are generally "happy and excited" when viewing unauthorised copies of digital media (Al-Rafee & Cronan, 2006: 248).

In a similar vein, Hill (2007) cites Jones (1991) to argue that moral intensity is determined by six characteristics: the magnitude of consequences (the harm done), social consensus (social agreement that the act is unethical), probability of effect (the probability it will cause harm), temporal immediacy (length of time between the act and the onset of harmful consequences), proximity (the nearness of the individual to those harmed by the act), and the concentration of the effect (the number of people impacted) (Hill, 2007).

Using this theory, the moral intensity of digital goods is arguably low, predicting a high level of 'piracy' (Hill, 2007). The argument goes as follows: although 'piracy' [allegedly] costs the industry billions each year, the amount 'pirated' by one individual person is almost negligible resulting in a tragedy of the commons, whereby each person who recognises that his or her individual impact on the industry is negligible, and decides to 'pirate', does not take into account that if every other person decides the very same thing the effect of the whole on the industry is no longer negligible, but may be quite damaging. Further, the social consensus that 'piracy' is unethical is generally low; the probability that the act of copying the digital good will do harm (from the perspective of the copier) is low; temporal immediacy is irrelevant given the low perception that the act will do harm; the 'victims' of 'piracy' are perceived as impersonal and not of close proximity to the 'pirate' especially given the buffer the Internet provides. Lastly, the concentration of the harmful effect of the act is low as the 'piracy' is seen to harm only one institutional entity, the industry (Hill, 2007; Al-Rafee & Cronan, 2006), and according to findings by Marshall (2002: 14) "individuals do not feel particularly concerned about the interests of giant corporations" especially when they make claims of billions of dollar losses, yet continue make "exorbitant profits" thereby reducing the moral dilemma these individuals face when downloading and sharing copyrighted content (Marshall, 2002: 14).

Equity theory, on the other hand, states that individuals will become distressed when they find themselves in a relationship they perceive to be inequitable and will try to eliminate that distress by taking actions to restore equity (Hill, 2007). Regarding digital media, digital 'pirates' often perceive the prices of digital goods to be high, and therefore inequitable, thereby justifying their allegedly unethical behaviour (Chiang & Assane, 2002; Fetscherin, 2005; Hill, 2007). Hill (2007) goes further to suggest that this feeling of inequity might also justify the unauthorised distribution (sharing) of digital goods as these goods are exchanged "in the belief that the recipient will reciprocate in kind" (Hill, 2007: 12). This theory is further compounded by the fact that most 'pirates' are students, who often view digital media as overpriced, and are therefore more likely to look for an inexpensive means to acquire digital content thereby making the relationship more equitable or beneficial to themselves (Al-Rafee & Cronan, 2006; Chiang & Assane, 2002).

At the very base of it, Siegfried (2004) suggests it might also be a matter of exclusivity – whereby one person being in possession of the content does not prevent others from possessing it too. While this may indicate that 'piracy' is very different from physical theft, this of course is part of the problem, as traditionally, allowing another to use or take something that one owns would have meant that one is no longer in possession of it. But the new technology allows these products to spread without ever removing them from each person's possession (nor indeed the possession of the original owner) along the way meaning that there is no perceived social cost, making it very difficult for these file-sharers, and particularly students according to Siegfried (2004), to discern that what they are doing might in fact be wrong.

These theories help to explain why P2P networks might have contributed to 'piracy' – their mere existence appears to "legitimise the act of file sharing [enabling 'pirates'] to transfer responsibility of the act onto the creator of the network" (Hill, 2007: 14). They have also aided the ease and immediacy of 'piracy', acting as the facilitator and reducing the perceived probability of detection (Hill, 2007; Al-Rafee & Cronan, 2006). The impersonality of the system also creates a psychological distance between the 'pirate' and

the copyright holder, reducing the crime to a mere transaction (Hill, 2007). Siegfried (2004) goes further to suggest that there might be a consensus that these users have a right to download what they find on the Internet as this content is in the public domain.

In addition, Siegfried (2004) suggests that many individuals, students in particular, have a hard time perceiving the ethical distinctions between the time-shifting of programmes, saving a favourite episode of a programme and sharing this same type of content with friends and strangers. The time-shifting of programmes, whether it be the recording of television onto VHS or more recently through the use of TiVO and PVR, unlike downloading and file-swapping, has long been deemed acceptable (Sony Corp. v. Universal City Studios, as cited by Miceli & Adelstein, 2006) as “it [provides] a clear benefit to consumers (the ability to ‘time-shift’ programmes), [is] non-commercial in nature, and [imposes] little if any harm on copyright holders” (Miceli & Adelstein, 2006: 370). It is ‘circumvention rights’ that legally permit one to make a copy for the purpose of space-shifting or time-shifting, i.e. recording on VCRs, or transferring CDs one owns to a portable MP3 player (Kierkegaard, 2005). It therefore becomes difficult for anyone, not only students, to understand why then downloading and sharing this content that appears on television and radio anyway should be any different.

Lastly, serialised windowing (Cook & Wang, 2004) may be one of the key causes of ‘piracy’ in countries like South Africa. Serialised windowing is the time-frame that allows first the release of television series in the USA for example, then international licensing, then the release on paid channels in South Africa, then the rental or sale of DVDs, and then only the release on free channels (Cook & Wang, 2004). While serialised windowing “aims to maximise investment through price discrimination over time, it makes viewing inflexible” and delays or diminishes the benefits to viewers (Cook & Wang, 2004: 570), providing them with a strong motive to ‘pirate’.

Serialised windowing may thus be a large contributor to the adoption of ‘piracy’ in South Africa. The delay between the release of television series in the USA and the release in South Africa can be between nine and 14 months, leaving fans frustrated at having to get

the series almost second-hand. Not only do South Africans have to endure the long wait after the USA premier, but they also run the risk of being exposed to spoilers (revealing plot elements or twists that can spoil the series if they are known in advance) during this time period. This may account for the fact that 90% of unauthorised downloaders, as reported by the P2P network, BitTorrent (TorrentFreak, 2008), are outside of the USA. The trend to download and share content in order for viewers to circumvent serialised windowing may have huge implications for the revenues of both the television and advertising industries in South Africa if people are increasingly not waiting for these series to be released on the authorised television channels. A simultaneous international release of content, thereby removing serialised windowing, may encourage viewers to view authorised content when it is broadcast as this will be the fastest way to obtain it.

2.5 In Defence of ‘Piracy’

2.5.1 The Argument

The Motion Picture Association of America (2008), is quite vehement in its conviction that all ‘piracy’ in every shape and form is theft:

Piracy is theft, and pirates are thieves, plain and simple. Downloading a movie off of the Internet is the same as taking a DVD off a store shelf without paying for it. In 2005, MPAA studios lost \$2.3 billion worldwide to Internet piracy alone. Posting movies on a Peer-to-Peer (P2P) service or an unauthorized website is akin to giving illegal copies to millions of people.

The losses to the industry are thus estimated on the assumption that everyone who ‘pirates’ would otherwise have bought an authorised version of the media (Siegfried, 2004). Not everyone, however, is of that opinion. Lessig (2004: 71), in his book *Free Culture*, for example argues:

If I steal a CD, then there is one less CD to sell. Every taking is a lost sale. But on the basis of the numbers the RIAA [Recording Industry Association of America] provides, it is absolutely clear that the same is not true of downloads. If every download were a lost sale – if every use of Kazaa “rob[bed] the author of [his] profit” – then the industry would have suffered a 100 percent drop in sales last year, not a 7 percent drop. If 2.6 times the number

of CDs sold were downloaded for free, and yet sales revenue dropped by just 6.7 percent, then there is a huge difference between downloading a song and stealing a CD.

The main point that Lessig is making here is that a free download does not necessarily imply a lost sale, although that is what the industry would have one believe (Gayer & Shy, 2006), as the majority of those who download content would not in fact have bought the content were it not available on P2P networks (as the empirical research will show). Further, studies have shown that some consumers are even likely to purchase a digital product that they have already downloaded (the 'pirated' copy acting as a sample) while others download digital media that they would never have otherwise bought (Siegfried, 2003 cited in Siegfried, 2004). 'Piracy' therefore cannot simply be classified as theft in terms of equating it to a lost sale, and in fact, copying by consumers who would not have purchased the original anyway is arguably non-harmful to the author and may benefit social society as a whole by making content available to those without the means to purchase it (Miceli & Adelstein, 2006). However, it must be conceded that it is unrealistic not to acknowledge that some would have bought the authorised version.

Lessig (2004) argues that the type of 'piracy' that involves file-sharing hardly deserves the name. There is little argument against the fact that the kind of 'piracy' that businesses engage in to obtain other people's copyrighted content for the sole purpose of copying it, and selling it – without the permission of a copyright owner – is wrong (Lessig, 2004): "This is piracy plain and simple, [and there is no doubt that] this piracy is wrong" (Lessig, 2004: 63). However, these new 'pirates' are not selling copies to make a profit, they are not selling them at all – they are sharing them. Lessig (2004: 66) points out that "like the original Hollywood, P2P sharing escapes an overly controlling industry; and like the original recording industry, it exploits a new way to distribute content; but unlike [the original] cable TV, no one is selling the content that is shared on P2P services" but sharing it. And it is this difference that distinguishes P2P sharing from 'true piracy'.

In his argument, Lessig (2004) identifies four types of P2P sharers: those who download from sharing networks instead of purchasing (substitution); those who use sharing networks to sample content before purchasing; those who use sharing networks to access

copyrighted content that is no longer sold or not available; and those who use sharing networks to access content that is not copyrighted or that the owner wants to give away. He points out that in terms of the law, only the last type of sharing is obviously “legal”; in terms of economics, only the first is obviously harmful; the second may be “illegal” but evidently beneficial; and that the third type of sharing may be “illegal”, but is undoubtedly good for society (higher exposure to music is good) and harmless to the artist (as the content is not otherwise available) (Lessig, 2004)¹. If one assumes that the first type of sharers would purchase the content were it not available for free (although this is not always the case), it is no longer necessary to establish whether this type of sharing is harmful, but how harmful it is in comparison to how beneficial the other types of sharing may be to the industry (the net harm caused by sharing) (Lessig, 2004). If the benefits of sampling outweigh the losses caused by substitution then in fact the industry may have little reason or grounds to fight P2P file-sharing at all (Lessig, 2004).

It is a fight of the rhetorics, according to Marshall (2002), with ‘piracy’, ‘robbery’ and ‘theft’ on one side and ‘sharing’ and ‘community’ on the other. And one tends to feel as though one should be celebrating the fact that this sharing culture is so abundant, and not condemning it and naming its participants ‘pirates’. But while ‘real pirates’ may be back on the rise, file-sharers today are given way more credit (or rather less of it, as the case may be) than they deserve. When the term ‘piracy’ was originally coined to describe those who appropriated or reproduced the work of another for profit, it must be conceded that these technological ‘pirates’ and their seafaring counterparts may have had a lot in common: stealing from others to make a profit for themselves; and this was undoubtedly, undeniably and unavoidably wrong (Lessig, 2004). However, in the above literature (Lessig, 2004; Miceli & Adelstein, 2006) it is clear that the trend is not to ‘steal’ but to share, and while it is (whether deservedly so or not) still considered ‘wrong’ by many, it is not malicious, and more importantly, is not at all commercial in nature.

¹ Note: the words “legal” and “illegal” were adopted by Lessig (2004) and are not intended to represent the views and opinions of the author of this paper regarding the legality of ‘piracy’

2.5.2 P2P Networks as a Marketing Tool and Distribution Network

The literature in defence of 'piracy' suggests that P2P networks and 'piracy' may increase the demand for a digital good, as it can be seen as a form of product sampling, whereby consumers can view content before they make the decision to purchase, aiding in the diffusion of a good (Balestrino, 2007; Peitz & Waelbroeck, 2006; Hill, 2007). P2P networks can thus be considered as an information-pull technology whereby consumers spend their own resources (time and bandwidth) to acquire information on or sample products they might be interested in (Balestrino, 2007). P2P technologies therefore make it possible for firms to enter the market at a lower distribution cost, as consumers bear the cost of acquiring information instead of the producers of the content (Balestrino, 2007).

Content like television series, by their very nature, requires some degree of experimentation and sampling – it is arguable that viewers need to have watched a series (or, at the very least, a part of it) first before one can decide whether or not they enjoy it enough to purchase it (Peitz & Waelbroeck, 2006). And if the authorised copy provides additional value compared to the unauthorised copy, a firm can benefit from the informational role of digital copies that leads to a higher willingness to pay for the authorised copy (Peitz & Waelbroeck, 2006). Therefore copying may in fact be both profit and welfare increasing (Peitz & Waelbroeck, 2006), having benefits for both the industry and the consumer.

In addition, Peitz and Waelbroeck (2006) suggest that by exposing Internet users to a larger variety of products via P2P networks, file-sharing technologies may increase the number of products that end-users may have a potential interest in through the exposure effect which means that a free download may actually be an instrument to increase sales. The theory behind the exposure effect is that the more people who are exposed to certain content, the more people who will become aware of it, and the more people who may subscribe to it in the future. In this way the existence of copies (and therefore the lack of enforcement of copyright) can also be seen as a signal for high quality (Peitz & Waelbroeck, 2006), whereby the more people that 'pirate' specific content, the more

popular that content becomes, and the more likely a potential buyer is to buy the authorised copies (Balestrino, 2007). These network externalities mean that a firm's earnings might not be reduced as a result of 'piracy', as long as the demand for authorised copies is enhanced by the distribution of the unauthorised copies (Gayer & Shy, 2006). This of course may not solve the problem faced by traditional broadcasters, as some viewers continue to shun the delayed series, having been able to view the unauthorised copies before it is broadcast on television. Some may still argue though, that the hype and popularity created by the unauthorised copies may encourage the more quality conscious viewers to watch the same content via traditional channels (especially as more and more series are broadcast in HD or high-definition via DStv and PVR thereby increasing the value of the offering).

But fighting 'piracy' does not appear to be necessarily good for the society as a whole and not even for the industry itself to an extent (Balestrino, 2007). In fact, the quality-conscious legitimate users who would usually purchase authorised copies of the content will not benefit from a reduction of 'piracy' either, because, as long as it does not threaten the survival of the industry, it should help to keep the prices of the authorised copies down (Balestrino, 2007) due to the competition created by the unauthorised copies (attractive to the non quality-conscious portion of the market). The reality is that while the elimination of 'piracy' may inevitably increase the number of authorised viewers, it will also eliminate all unauthorised viewers (Gayer & Shy, 2006), potentially decreasing the popularity of the content (Balestrino, 2007) and shrinking the size of the market (Gayer & Shy, 2006).

Lessig (2004: 73) further concludes that "much of this [new] 'piracy' is motivated by a new way of spreading content caused by changes in the technology of distribution":

Thus, consistent with the tradition that gave us Hollywood, radio, the recording industry, and cable TV, the question we should be asking about file sharing is how best to preserve its benefits while minimizing (to the extent possible) the wrongful harm it causes artists. The question is one of balance. The law should seek that balance, and that balance will be found only with time.

This is especially true when the new technology enables the kind of superior mode of distribution that P2P offers (Lessig, 2004). P2P technologies are vastly more efficient in moving content across a widely diverse network, and left to develop, could become even more so (Lessig, 2004). These potential public benefits may, however, be lost in the battle against P2P and 'piracy'.

2.5.3 Advantages and Disadvantages of P2P Networks to Users

There are two major benefits to obtaining 'pirated' digital content via P2P networks: it is free and can be saved in a secondary storage format (DVDs, hard drives, flash drives and iPods), which can be paused, rewound, fast forwarded and watched when, where and how the consumer wishes (Cook & Wang, 2004). Another important feature of P2P networks is that each category is very well represented – one really can get everything and anything over this kind of network (Bakker 2005). P2P networks "have [also] allowed viewers to share television content that has not yet been aired in a geographic area efficiently" (Chorianopoulos & Spinellis, 2007). In the case of South Africa, it allows users to download media content that has been released in countries like the USA, but not yet been released in South Africa. Therefore, the content that cannot be viewed through traditional television channels, either because it is not available in that geographic area, or just not on the 'unpaid channels', can be downloaded via bandwidth-efficient P2P networks and shared with people who do not have the means to obtain the content themselves (Chorianopoulos & Spinellis, 2007).

A major disadvantage of using P2P networks is that they are riddled with duplicates, file names that make no sense, files that cannot be downloaded, corrupt files, and incomplete files (Bakker, 2005). These networks are furthermore not secure and are notorious for installing spyware, worms and viruses on users' computers (Bakker, 2005). A study by Fetscherin (2005) further reiterates that often files that can be downloaded on P2P networks are not what they claim to be, are blank, or of poor quality (poor or no audio, or in the case of movies recorded on a digital camera in a movie cinema), and it is difficult for users, when faced with between 650 and 900 million files depending on the time of

day, to download correct files of a high quality (Fetscherin, 2005). His study showed that on average when searching for a specific file, 40% of the hits cannot be successfully downloaded, 17% of them do not play, 16% are not what they say they are, and 20% are poor quality (Fetscherin, 2005). That leaves only 7% that are of high quality, and if each search reveals more than a hundred hits (which they often do) finding the correct high quality files can become virtually impossible (Fetscherin, 2005). These disadvantages of using existing P2P networks thus open the door to those in the industry to utilise the technology to provide a safer, more reliable means for authorised distribution and sharing.

2.5.4 'Piracy': Fight, Ignore, Join, or Compete?

The industry, so far, has done its very best to fight 'piracy' "by reinforcing copyright laws, by implementing technological protection and by actively enforcing legal protection through lawsuits targeted at developers and users of P2P networks" (Peitz & Waelbroeck, 2006: 71). In addition, the industry has gone a long way to try to win a moral argument by stigmatising 'piracy' in the media, as well as in all their marketing efforts (Marshall, 2002; Kretschmer, 2000).

But there are clearly two sides to fighting 'piracy'. On the one hand fighting 'piracy' increases industry profits and incentives to create new products by offsetting the profit loss due to the availability of unauthorised digital copies on P2P networks (Duchene & Waelbroeck, 2006). On the other hand, it hurts those consumers (and producers) of content who benefit most from the information-pull technologies of P2P networks (Duchene & Waelbroeck, 2006), often shifting the balance between consumers and producers too much in favour of the producers (Duchene & Waelbroeck, 2006).

Additionally there is also sometimes a conflict of interest between artists and their publishers regarding the unauthorised distribution of their copyrighted content (Gayer & Shy, 2006). Kretschmer (2000: 197) argues "that the rhetoric of author rights has been largely carried by third parties: publishers and record companies, i.e. the investors in

creativity (rather than the creators)". In fact, Gayer and Shy (2006) report that 43% of paid artists agree that file-sharing helps to promote and distribute an artist's work to a broader audience. They also found that 37% of all artists and 35% of paid artists agreed that file-sharing of both music and movies (not unlike television series) should be made legal (Gayer & Shy, 2006).

Of course, copying and file-sharing have traditionally been assumed to be harmful in that they potentially crowd out demand for the original, but as the literature suggests, copying may actually be stimulating demand. File-sharing of a copyrighted song may induce listeners to buy an album for example, in the same way that excerpts from a book may induce readers to buy the book (Miceli & Adelstein, 2006). 'Piracy' may thus be the prosumer's, or pro-active consumer's, solution to a business model that no longer works for them. In line with this, Kretschmer (2000) suggests that the scale of 'piracy' may indeed just be a sign of market failure: the inability to serve consumers adequately at affordable prices and therefore, as a result of technology, consumers are becoming quicker in satisfying their needs than the industry is able to keep up with profitably.

Lessig (2004: 78), however, does not dispute that P2P "network[s] should not become a tool for 'stealing' from artists, [but] neither should the law become a tool to entrench one particular way in which artists (or more accurately, distributors) get paid". He suggests that what the industry should be doing is "securing income to artists while we allow the market to secure the most efficient way to promote and distribute content" (Lessig 2004: 78), and that "[t]his will require changes in the law, at least for now, to balance the protection of the law against the strong public interest" (Lessig, 2004: 78).

It thus becomes necessary to examine, from a public policy perspective, to what extent social interests are aligned with the interests of copyright owners (Peitz & Waelbroeck, 2006). There is no doubt that as 'piracy' increases firms suffer and consumers gain, but it is also true that as copyright protection increases, consumers suffer while firms gain. It is therefore necessary to find the socially optimal level of copyright protection (Peitz &

Waelbroeck, 2006), and as ridiculous as it may sound, an optimal level of what one now (whether rightly so or not) refers to as 'piracy'.

2.6 Strategic Solutions to 'Piracy'

2.6.1 Proposed Solutions

Many efforts to curb 'piracy' in the past have included lawsuits against downloading services and the users of these services, technical solutions to prevent the duplication of digital media (digital watermarking and encryption), information campaigns, and moves for stricter copyright laws (Bakker, 2004; Cook & Wang, 2004). Solutions proposed by the existing literature are outlined below.

Hill (2007) proposes raising the risks of detection and punishment for 'piracy', as does Fetscherin (2005), who especially suggests the focus should be on the legal framework for prosecuting 'pirates'. But "with the ever-increasing number of virtually anonymous Internet users, and the large and ever-increasing volume of traffic, monitoring and controlling the use of copyrighted content is a huge task" (Cook & Wang, 2004, 571). Cook and Wang (2004: 582) add that "because the Internet is a distributed environment and users can be largely anonymous, enforcement of [anti-'piracy'] legislation is exceedingly difficult".

In addition, Hill (2007) suggests that in conjunction with raising legal detection and punishment, one should be raising the social consensus that 'piracy' is wrong by stigmatising it as theft – an approach already largely adopted by the industry to date. Similarly, Marshall (2002: 1) argues "that the only way the recording industry can prevent substantial online 'piracy' is by creating and winning a moral argument", a feat which he concludes they have failed in despite their efforts to label these unauthorised consumers of intellectual property 'pirates' and 'thieves'.

Fetscherin (2005), on the other hand, suggests that the key lies in increasing the perceived value of the authorised good in conjunction with stigmatising 'piracy'. In line with this, Peitz and Waelbroeck (2006) propose that authorised copies should provide some additional value compared to the unauthorised copies. This is reiterated by Duchene and Waelbroeck (2006) who suggest that, in order to maximize the incentive to create, producers could improve the quality of the authorised copies (by offering features that do not appear on the unauthorised copy), thus making the authorised copy more attractive to the consumer.

The final approach offered by the literature is to embrace the technology and this distribution medium, and offer or support an authorised alternative to 'pirated' digital distribution, as consumers clearly value the transactional efficiency of online access to copyrighted digital material (Hill, 2007). Cook and Wang (2004) conclude that neither the legislative nor the technical solution effectively defends against 'piracy'. People will always find a way to 'pirate' (Cook & Wang, 2004) and what the industry is doing by fighting it so ardently is creating an even smarter consumer who is continually rising to the challenge of combating the technical prevention of 'piracy' and successfully avoiding the law. Cook and Wang (2004) suggest that an effective approach to neutralising 'piracy' "is to reengineer the industry's supply chain in such a way that it can offer legal, cheaper, more convenient and more enjoyable entertainment than anything illicit copies can provide" (Cook & Wang, 2004: 569). As Steve Jobs states (as cited by Bakker, 2005), unauthorised downloading is characterised by unreliable downloads, unreliable encoding, and "bad karma", leaving a gap for an authorised alternative to compete. In contrast, paid services are able to offer more reliable content, fewer security problems, and are faster and easier to use (Bakker, 2005).

In line with the findings above, Bakker (2004) points out that an authorised service such as the Apple iTunes store can only compete with 'piracy' if it offers advantages over the unauthorised ones and differs on a number of aspects by offering something extra to consumers who purchase the authorised content, thereby raising its value-for-money and

reducing the feeling of inequity (Hill, 2007). Cook and Wang (2004) further propose that authorised downloads can compete with unauthorised downloads on speed (search, upload and download times), convenience and quality. As it is impossible to compete with P2P networks on price, the consensus is to lower the price of the authorised good as much as possible, while ensuring the extra benefits of purchasing the authorised good are worth the price, closing the perceived equity gap (Hill, 2007).

2.6.2 Current Efforts to Compete

TiVO in the USA and DStv's PVR (DStv, 2010) in South Africa are small steps in the right direction in competing with the unauthorised digital media content available online by affording their viewers more interactivity, demassification and asynchronicity (Ruggiero, 2000). With the ability to time-shift television programmes and fast-forward through an advertising break, both systems allow consumers to watch media content more on their own terms, giving them more control (Chorianopoulos & Spinellis, 2007). Like the digital content available on P2P networks "[PVR] breaks down the notion of the television channel and the notion of appointment [viewing] by allowing the storage of content on a hard drive... providing a personalised schedule and assortment of content" (Chorianopoulos & Spinellis, 2007: 50).

The biggest benefit of the PVR system to consumers is the ability to skip adverts, which is traditionally a downside for the service providers, although agreements can be reached regarding the option to block certain advertisements (direct sponsors) from being fast-forwarded, or to insert shorter advertisements when an ad-break is fast-forwarded (dynamic advertisement insertion) (Chorianopoulos & Spinellis, 2007). In addition, DStv is now offering their PVR service in HD (or high-definition) increasing the value of the offering even further and ensuring that viewers are able to view more and more content (and television series) in a higher quality than ever before – something that most unauthorised copies are unable to offer (Fetscherin, 2005).

DStv on Demand is another service that DStv (2010) is in the process of launching and making available to premium PVR subscribers (only standard PVR decoders, not HD PVR decoders). DStv on Demand offers 20 additional hours of premium content each month that can be accessed and viewed at a time that is convenient to the viewer at no additional cost (DStv, 2010). This content is available for a limited time only, and each programme that is automatically downloaded to your PVR hard-drive comes with an expiry date. This service is designed to provide a 'catch-up' service (mainly for series) allowing viewers access content that they missed being broadcast in its normal timeslot. However, while both PVR and DStv on Demand afford viewers more interaction and asynchronicity particularly, neither solves the problem of delays in the release of USA and UK content in South Africa, and neither are accessible and affordable to all users who want access to this content.

In addition to the paid-for channels, some of the "free" channels in South Africa are also tailoring their products to suit their audience's viewing needs. While these free channels cannot afford their viewers the same interactivity, demassification and asynchronicity as the paid-for channels which do not rely as heavily on funding from advertising, channels like SABC 3 (2009) have ensured that viewers no longer have to wait a full week in between the episodes of the most popular series, but can watch up to three episodes a week on consecutive evenings, affording their viewers more immediacy and instant gratification than before.

More legal or authorised alternatives to downloading television series have also received attention with the increasing availability of television series box-sets in DVD rental stores, as well as with the recent success of iTunes, (Peitz & Waelbroeck, 2006). In fact, Apple was one of the first companies to compete actively with P2P networks and unauthorised downloads, which soon resulted in a 70% market share of all authorised music downloads (Bakker, 2004), more recently extending to include some television series. This service, however, is still not available in South Africa. Additionally, all major television networks in the USA make the series they broadcast available online as

streaming video two days after their release on traditional channels (nbc.com, abc.com, cwvtv.com, fox.com, hulu.com, 2008). These networks provide these services for free via advertising sponsors, whereby companies will sponsor episodes or whole seasons at a time so that each episode is only briefly interrupted by advertisements pertaining to the company that is paying to sponsor the release of an episode online. Viewers can then fast-forward and rewind the episodes as they please, but there is a lock on the advertising ensuring that each viewer is forced to watch the short adverts – a relatively small price to pay for free content that can be viewed legally and almost entirely at the consumer's convenience (nbc.com, abc.com, cwvtv.com, fox.com, hulu.com, 2008).

Services such as those offered by iTunes and the big television networks (nbc.com, abc.com, cwvtv.com, fox.com, hulu.com), which have so far been relatively successful in alleviating the effects of 'piracy' where they are available, are commonplace in countries like the USA due to the cheaper and faster download capacity and bandwidth available. The irony is that these services are not yet available in the countries (like South Africa) where 90% of unauthorised downloading is supposed to be occurring (TorrentFreak, 2008), and hence not available where they are needed most. The Motion Picture Association of America (2008) alone lists 43 online movie and television sites that provide legal/authorised alternatives for downloading series and movies, but not a single one of these services is available in South Africa.

Viewers in countries like South Africa are thus forced to endure the wait for the release of content after the release in the USA and the UK, and unless one can afford PVR (and the majority of the population cannot) one cannot watch this content on one's own terms even when it is finally released. South Africa does not yet have the infrastructure in place to support these services, nor would these services necessarily solve the problem of delays in the release of content in South Africa. And in the meantime the industry and local television networks continue to lose money, as some of their consumers are no longer watching television series as they are released (funded by advertising) but feel they have little option but to download unauthorised copies of the same content in order to watch exactly what, when and how they want to.

3 Theoretical Framework: Uses and Gratifications Theory

The uses and gratifications theory – most notably documented by Katz and Blumler (1974) in their book, *The uses of mass communications: Current perspectives on gratifications research*, as well as in their articles in association with various other authors – attempts to explain the way in which individuals use communications (media), among other resources, to satisfy their needs and achieve their goals (Katz, Blumler & Gurevitch, 1974). It is largely regarded as one of the most influential theories in communication research (Lin, 1998 as cited by Ruggiero, 2000) and “has always provided a cutting-edge theoretical approach in the initial stages of each new mass communications medium” (Ruggiero, 2000: 27). As a result, the uses and gratifications theory continues to be applied not only to traditional media like newspapers, radio and television (Rubin, 1983; Ruggiero, 2000; Katz, Blumler & Gurevitch, 1974), but also to the Internet, social-networking sites and user-generated media much more recently (Shao, 2008; Raacke & Bonds-Raacke; 2008). It therefore follows that the uses and gratifications theory may also provide useful insight into a trend such as television series ‘piracy’, even if the theory does date back over 30 years.

The five main elements of the uses and gratifications model include: the idea that the audience is active both in choosing and using their media; the initiative in linking the need gratification and the media choice lies with the user (“it is they that use the television not the television that uses them”); the media compete with other sources of need satisfaction; information regarding media use can be supplied by the individual audience members themselves; and value judgements about the cultural significance of mass communication should be suspended while audience choices are explored on their own terms (Katz, Blumler, & Gurevitch, 1974: 511).

The uses and gratifications theory is said to offer “a convincing theoretical explanation for changes in media use patterns following the adoption of new communication technologies such as personal computers” (Ruggiero, 2000: 17). And it is “exceedingly useful in explaining the audience activity when individuals are most active in consciously

making use of media for intended purposes” (Ruggiero, 2000: 19). It is therefore arguable that the uses and gratifications theory will only become more pertinent going forward, with new technologies allowing audiences to become increasingly more active in choosing and consuming their preferred media and content (Ruggiero, 2000).

The uses and gratifications theory typologises motivations for media use in terms of diversion (as an escape from routine and the burden of problems and emotional release), social utility or personal relationships (to acquire information for conversations or as a substitute for companionship), personal identity (including personal reference, reality exploration and the reinforcement of attitudes, beliefs and values) and surveillance (to learn about one’s community, events and affairs) (Katz, Blumler, & Gurevitch, 1974; Ruggiero, 2000).

Previous studies have shown that gratifications are derived from three sources: media content, exposure to the media itself and the social context that typifies the situation of exposure to different media (Katz, Blumler, & Gurevitch, 1974). Each medium typically offers a unique combination of characteristic contents, typical attributes and typical exposure situations (Katz, Blumler, & Gurevitch, 1974). It is the combinations of these attributes that may render different media more or less adequate for the satisfaction of different needs (Katz, Blumler, & Gurevitch, 1974).

In South Africa – as the empirical research will show – it appears that the unauthorised downloading and sharing of episodes (often in bulk) possesses a unique combination of attributes that renders this way of consuming television media more adequate than traditional broadcast television in meeting the viewer’s needs. The uses and gratifications theory thus provides a useful guideline for the investigation into the motivations behind the way in which people want to consume television series and why people have become so involved in this particular type of media consumption as well as what gratifications they ultimately derive from it.

In the literature, the most frequently cited motivations behind television viewing (in a number of different variations) include: pass-time, diversion, relaxation and habit; a substitute for companionship (parasocial interaction), information and social utility (conversation-making) and lastly stimulation and entertainment (Katz, Blumler, & Gurevitch, 1974; Rubin, 1983; Ruggiero, 2000; Weaver, 2002; Greenwood, 2008; Bruni & Stanca, 2008). These are at least some of the gratifications that viewers derive from watching television content in general, many of which will often occur to a greater extent as the number of hours spent watching television increases (Greenwood, 2008).

As will be revealed in the empirical research, many viewers of 'pirated' television series are spending vast amounts of time watching this type of content due to the increased usability of this content and thus a growing affinity for it. The improved usability of this content can largely be attributed to the unique interactivity (the degree to which a user has control over and can exchange roles in the communication process), demassification (the ability of the user to choose from a wide menu of channels and programmes) and asynchronicity (the ability to capture and store a programme for later viewing) that is characteristic of this new way of consuming television series (Ruggiero, 2000). Because this content is now digitised, the manipulation of media becomes infinite, allowing the users far more control over this particular medium and thus a higher degree of interactivity, demassification, and asynchronicity (Ruggiero, 2000). This enhanced usability of television content, and television series in particular, as well as further gratifications due to the increased affordability and availability of this content – all arguably as a result of 'piracy' – has meant increased gratification to the viewer and better fulfilment of their needs.

It will be shown that, in line with the uses and gratifications theory, these 'pirates' are deriving this gratification both from the media content (the television series themselves) and exposure to the media itself (due to an increase affinity for this way of viewing and consuming content), as well as the social context that typifies the situation of exposure to the media (which may be the situation similar to reading a book or a more social situation in which friends and family gather to watch the content together).

4 Methodology

The 'piracy' of television series is a relatively new trend, and as such, there is very little literature on the topic. While there is much information available on software 'piracy', movie 'piracy' and music 'piracy', the trend toward 'piracy' for the purpose of acquiring television series is, arguably, quite different and a very real trend on its own, and is therefore not very well represented in existing literature. It was thus necessary for the research on this topic to be very rich in qualitative information. As a result, in addition to a literature review, the research included in-depth personal interviews with 12 viewers and/or downloaders of television series, and two focus groups of six respondents each. In addition, quantitative surveys were conducted on a sample of 98 respondents in order to quantify the qualitative results.

Respondents were predominantly from LSMs eight to 10, as the trend towards watching USA television series is more prevalent in the higher LSM groups (Glenn, 2008; SAARF, 2008). The qualitative component of the study included students at university, young adults at work, and older adults. Ages ranged from 17 to 59, though students comprised the main target population for the quantitative surveys, as the literature and the results from the qualitative study indicated that the majority of unauthorised television series-viewers are students at university (Siegfried, 2004; Al-Rafice & Cronan, 2006; Chiang & Assane, 2002).

Personal interviews were used as part of the qualitative study as they allow respondents to qualify their responses, and as such, may contribute a great deal to the literature on a trend that is not very well understood or recognised by the industry. Personal interviews, unlike a survey, offer the lowest chance for misinterpretation by either the interviewer or the interviewee as both have the opportunity to clarify or expand on points or questions that are not understood (Zikmund, 2003). Where possible, interviews were conducted face-to-face, but for the purposes of geographical flexibility as well as interviewee convenience, four of the 12 interviews were conducted via instant messenger. The same questions were posed to all interviewees regarding their behaviour, motivations, and

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attitudes towards 'piracy', while allowing the opportunity to raise new ideas and topics in each case.

Focus group interviews, on the other hand, allow for unstructured, free-flowing interviews with small groups of people (Zikmund, 2003). This type of interview is especially suited to this study as it is flexible and encourages discussion at the group's initiative (Zikmund, 2003). "Focus groups allow people to discuss their true feelings... as well as the depth of their convictions, in their own words" (Zikmund, 2003:127). The flexibility of the focus group allows for "numerous topics [to] be discussed and many insights [to] be gained, particularly with regard to the variations in consumer behaviour" and "responses that would be unlikely to emerge in a survey [or a one-on-one interview] often come out in group interviews" (Zikmund, 2003: 127). The focus group benefits from synergy (the group dynamic can produce a wider range of information, insight and ideas); snowballing (the triggering of a chain of responses); stimulation (by other members of the group); and security (in numbers) (Zikmund, 2003). Small informal gatherings were thus arranged, in which interviewees would feel most comfortable sharing information about their television series viewing, sharing and/or downloading habits, as well as their attitudes towards 'piracy', with one another and with the moderator.

In addition, surveys were necessary to provide a "quick, efficient and accurate" means of assessing information about the target population (Zikmund, 2003: 187) and are often a good way to quantify qualitative data that is accumulated via personal interviews and focus groups. Used in conjunction with the two above-mentioned interview types (one-on-one and focus groups), surveys assist in providing conclusive answers to research questions. The survey designed for this study was self-administered, and the majority were distributed on campus at the University of Cape Town in order to capture a predominantly student target sample. The survey was four pages in length, which first established which television series individuals watched, how and when they watched them, and then went on to identify their attitudes and legal perceptions surrounding

'piracy', as well as exploring alternatives to 'piracy' as a means of obtaining and viewing television series.

The research for this study is largely exploratory in nature, aiming to explore and identify the 'purchase' behaviour, viewing patterns, motivations and profile of 'pirates' of television-series in South Africa.

University of Cape Town

5 Qualitative and Quantitative Findings

5.1 Introduction

A study was conducted on a sample of 24 respondents who were qualitatively interviewed one-on-one or in groups, and 98 respondents who were surveyed quantitatively. Respondents were predominantly from LSM groups eight to 10, as the unauthorised viewing of television series generally requires the ownership or use of a personal computer (desktop or laptop) which is characteristic of the higher LSMs (SAARF, 2007). Further, a study on South African viewership in 2007, showed that foreign material (like that from the USA and UK) is seen as more desirable to the higher LSM groups than South African material, suggesting that watching these television series may be more characteristic of the higher LSM groups (Glenn, 2008).

The qualitative sample of 24 comprised teenagers still at school, students at university, young adults at work, and older adults in retirement, with ages of 16 to 59. This initial qualitative sample of 24 was used to establish the benchmark sample for the quantitative study. The results of the qualitative study and the literature (Stegried, 2004; Al-Rafee & Cronan, 2006; Chiang & Assane, 2002) showed that television series 'piracy' is most prevalent amongst students at university – the university 'community' environment being the perfect environment to facilitate this rather controversial culture of sharing. However, the trend does seem to be starting younger and younger, often amongst groups of friends at school and especially boarding schools, and is beginning to extend to people in the workplace, as well as to an older generation (especially those with children at school and university, who are often the source of the 'pirated' content). But in order to gain insight into a trend that at least for now seems to have thrived predominantly amongst student communities, the majority of respondents surveyed comprised students, predominantly from the University of Cape Town (with the remaining from local colleges, Stellenbosch University and Rhodes University in Grahamstown).

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5.2 Profile of Respondents

Of the 98 respondents surveyed 46% were male and 54% were female (Appendix A, Figure A1: 84). And while the trend of consuming unauthorised content is not gender specific, the results from both the interviews and surveys show that the act of downloading and acquiring the content from P2P networks appears to be a predominantly male activity. Eighty-eight per cent of the sample were between the ages of 18 and 23, 6% were between the ages of 24 and 30, 4% were between the ages of 31 and 40, and 2% were between the ages of 41 and 50 (Appendix A, Figure A2: 84). Of the 98 respondents sampled 92 were students, two were academics, two were self-employed, one was a researcher and one was a web-designer (Appendix A, Figure A3: 85). Thirty-nine per cent of the sample live with their families, 22% live together with other students, 21% live in university residence, 9% live alone and 9% live with a partner (Appendix A, Figure A4: 85). Of the 98 respondents sampled only 17% did not watch unauthorised copies of television series, but watched on traditional broadcast television (Appendix A, Figure A5: 86).

5.3 The Motivations for Watching Television Series

Respondents in the interviews and focus groups were asked why they prefer to watch television series, particularly foreign series from the USA, and not other content such as local content or other similar forms of content like soaps. Regarding her preference for series, one respondent indicated that she likes the fact that each episode of a series is self-contained, with a running thread or theme between episodes: "Each individual story adds interest, drama and action while the longer story-line gets you hooked". Another respondent agreed, saying that: "Every episode of a series is a conclusive story, unlike soaps". Respondents liked the fact that series are broken up into different seasons, as it "[gives them] something to look forward to". The seasons "change the whole dynamic of the series" and give the story a new focus allowing time to pass and characters to change before you get the next look into the lives of the characters.

Respondents agreed that they find soaps too long, complex and never-ending, with some respondents adding that the story lines are too far-fetched and badly acted. Soaps also dictate a kind of 'appointment viewing' to a higher degree than television series do, by requiring viewers to dedicate not just the time, but a specific 'appointment' at a particular time of day (often five days a week), and many respondents indicated that they could not be "bothered to watch something for half an hour every single day". Such 'appointment viewing' does not allow viewers very much flexibility in terms of their viewing, and while 'appointment viewing' is also characteristic of television series, these 'appointments' are less frequent, and as will be discussed in the sections to follow, 'piracy' allows for these 'appointments' to be 'rescheduled'.

Regarding their preference for foreign content versus local content, some respondents indicated that they do watch some South African content, such as the soaps *Isidingo* and *Sewende Laan*, while others indicated that they felt that the local content does not generate as much excitement and that there is not as much publicity surrounding them, as series from the USA. It can be concluded from this that USA series and other content are often far more sensationalised in the media and therefore attractive to watch. Some even suggested they often feel embarrassed to admit that they enjoy South African content, especially the soaps: "I like them because they are local, but they can be a bit silly sometimes and the acting's not always that good".

Another respondent indicated that American series, and even ones from the UK, are the most popular and as a result unauthorised copies are more abundantly available for free (the more popular a series, the easier it is to get hold of it) – "everyone watches them all around the world and that makes me want to watch them". Another said: "you can't switch on the TV or open a magazine without coming across an ad, or article about [USA] series, or the actors that star in them". One respondent said that "[she] suppose[s] that image is what you are supposed to aspire to, I don't know if I could aspire to being like a character from *Isidingo* like I would someone from *Grey's Anatomy* or *Gossip Girl* whether it be for their personality, social status or fashion". These characters have

therefore become icons and people that viewers and fans look up to more than the characters in the local content.

The perception in the interviews and focus groups was that the series produced in the USA (although UK series seem to be growing increasingly in popularity) are of a superior quality, offer the best plots and sub-plots, currently have the most popular characters – whether loved or hated (Meredith, Derek, and Izzy from *Grey's Anatomy*; Serena or Blair from *Gossip Girl*; Gregory House from *House*; Peter, Claire or Hiro from *Heroes*; Michael Scofield from *Prison Break* etc.) and offer the biggest variety of series across all genres (Drama, Medical-Drama, Comedy, Crime, Suspense, Thriller, Mystery).

5.4 The Motivations for Watching 'Pirated' Television Series

According to the respondents in both the qualitative and quantitative study (as indicated in a multiple response question), the motivations for watching unauthorised copies of series are: to enable time-shifting (62%) enabling them to watch the content when, where and how they like; to avoid the delay between the release of the series in South Africa and the USA (60%) (Cook and Wang's (2004) serialised windowing); to avoid the interruption of advertisements (46%); to avoid the costs of subscribing to channels like M-Net and DStv or purchasing the DVDs, especially when they cannot afford them (22%); because they do not own a television (7%); or the series they want to watch is not available on television (4%) (Figure 5.4).

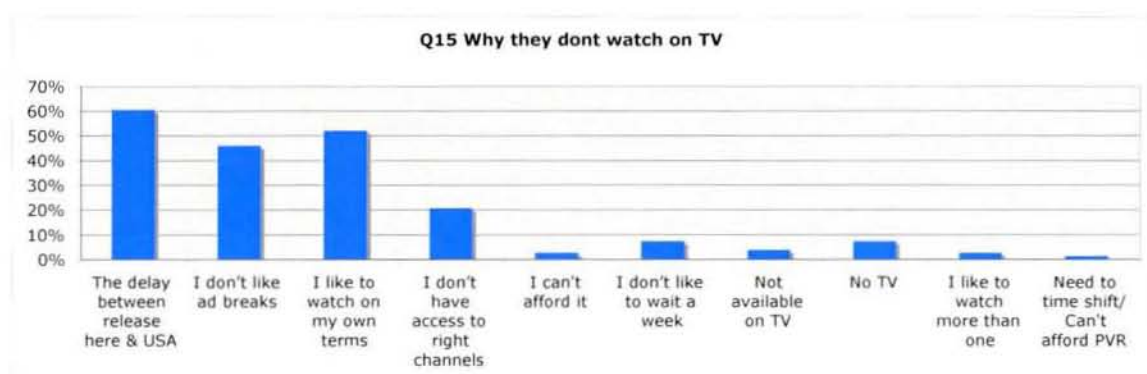


Figure 5.4 (B1: 87) Motivations

The first three motives, all of which happen to be the biggest motives behind the 'piracy' of television series according to respondents, are all related to control and are indicative of the new television era described by Ruggiero (2000) that is characterised by interactivity, demassification and asynchronicity. This additional control afforded to the viewer has removed the 'appointment' aspect of viewing television series, allowing them to schedule and reschedule their viewing to a time that suits them as often as they wish. The last two motives relate largely to the affordability and availability of 'pirated' television series compared to authorised copies or traditional broadcasts of them, which further adds to the increasing popularity of 'piracy' as a means of getting hold of this type of content.

All five of these characteristics, namely interactivity, demassification, asynchronicity, affordability and availability, have improved the usability of this type of media content, and therefore resulted in bigger and better gratifications to the user. In accordance with the uses and gratifications theory, the users of 'pirated' content have consciously chosen this means of obtaining and viewing this type of content because they have identified it as the best way to meet their needs and provide them with the gratification they desire.

5.5 The Viewing Patterns of 'Pirates'

The vast majority of respondents in both the focus groups and personal interviews watched only unauthorised copies of various television series, refusing to watch them any other way. One respondent in an interview exclaimed:

Why watch on TV with annoying ads when you can get it as it's released in the States, and watch it when you want? Plus, why pay for M-Net when you can watch your favourite shows for free, at your convenience, and when you wouldn't watch much else on that channel anyway?

Some say they might occasionally watch some episodes for a second time on television with the rest of the family when they are finally released in South Africa, and others said they would only watch on broadcast television if it were not possible to get the 'pirated' copies in advance. In the quantitative study results showed that 43% of the respondents

who prefer to watch unauthorised copies still watch traditional television, 27% indicated that they sometimes watch traditional television, with 16% and 12% indicating that they almost never or never watch regular television (Figure 5.5a). These results were mirrored in both the focus groups and interviews, as a number of respondents indicated that they very rarely, if ever, watch what they call 'normal' television – they either rent DVDs or more often watch unauthorised copies of movies and television series.

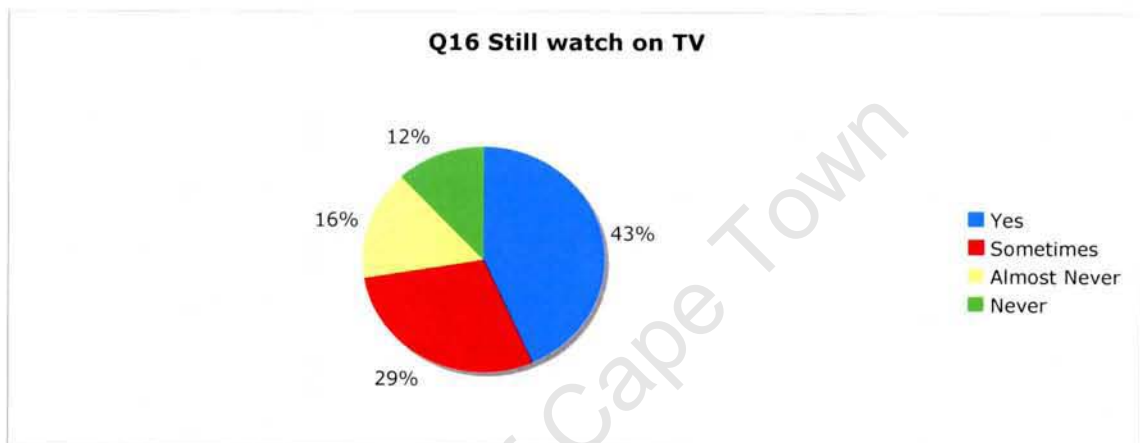


Figure 5.5a (B2: 87) Traditional television viewing

Quantitative results showed that these unauthorised copies are watched by the majority of viewers via their laptops (63%), while others connect their laptops to their television via video output (20%), use their desktops (11%) or write DVDs to use in a DVD player (6%) (Figure 5.5b).

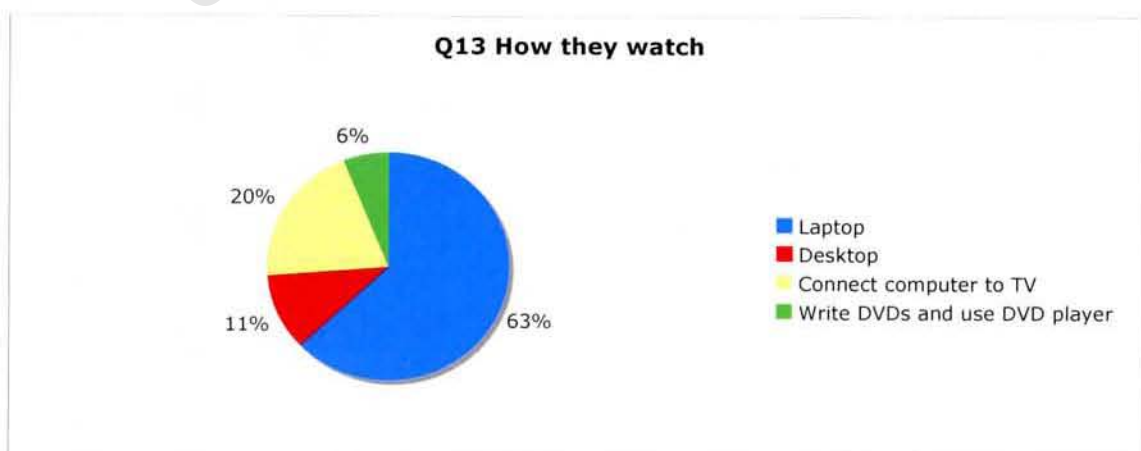


Figure 5.5b (B5: 89) How they watch

The portability of a laptop is definitely an advantage, with some confessing to even using their iPod (11%) to view episodes when they are feeling particularly desperate (Appendix B, Figure B6: 89). However, respondents pointed out that they still tend to watch sport and news on television, as well as 'reality' channels (e.g. E! Entertainment Channel, Discovery, BBC Entertainment, BBC Lifestyle, BBC Knowledge in particular), with many indicating that they watched these channels every now and then for the half hour or hour long 'stand alone' programmes. One respondent said she would only watch normal television if she has access to DStv (which she does not have at home), "but even then [she] hardly watches anything – maybe the odd movie".

The above findings may be indicative of a gradual move away from traditional media like television, towards newer media such as personal computers and the Internet, which are becoming increasingly better at filling similar needs (Ruggiero, 2000). The role of television may thus indeed be changing, with consumers increasingly finding their own way to satisfy the needs that are not being met by media like traditional television. The reason for this may be that 'pirated' copies of series, unlike the authorised broadcasts of the series on traditional channels, become available almost immediately after they are broadcast in countries like the USA, with respondents indicating that they will do almost anything to get hold of copy. There are often midnight drop-offs, meetings at convenient halfway points, the swapping USB flash drives (storage devices) on campus and in lectures under desks, at work or at social gatherings. Some of these respondents are still effectively waiting that week for each episode to be released, but they are watching them on their own terms. Respondents in the focus groups indicated that this sort of addictive behaviour occurs only with series that are particular favourites, other series they may watch in bulk when entire seasons are available. But the addicted viewers will only watch episodes in bulk if they fall behind – "If I'm up to date then I watch each episode as soon as it is released, as soon as I possibly can". Many do, however, admit that if all the episodes came out at once, or if it were not possible to get hold of them as they come out one by one, they would probably prefer watching them in bulk without having to endure the gap in between.

Some respondents in the interviews admitted that they will watch almost anything if they can get hold of whole seasons at a time – some even confessing to having watched all three seasons of shows like *Entourage* in two days. The quantitative study showed that 43% of respondents usually watch two episodes (often 40 minutes each) in one sitting, with only 10% watching only one, and a startling 47% watching between three and 10 episodes in one sitting on a regular basis (Figure 5.5c).

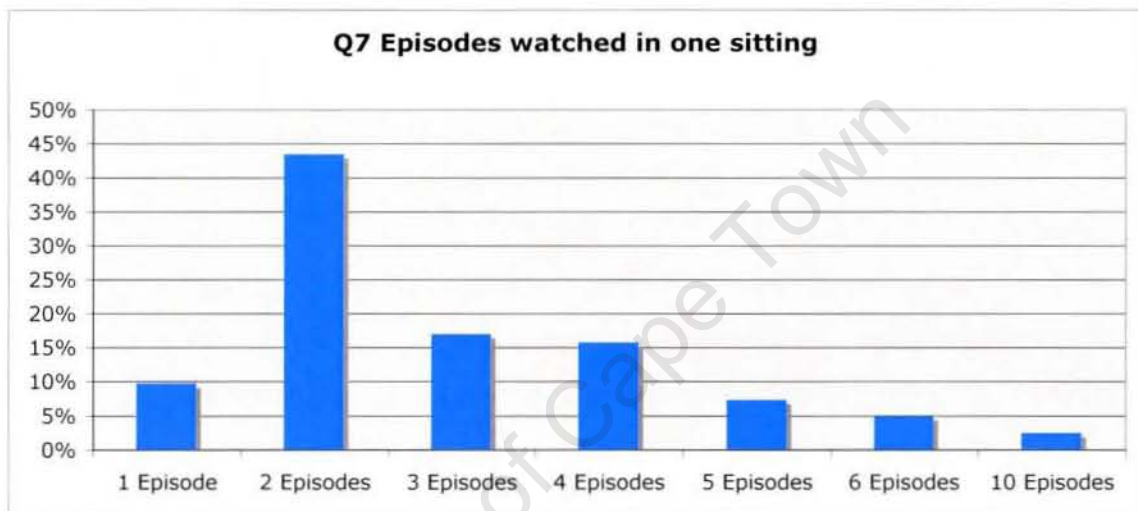


Figure 5.5c (B3: 88) Number of episodes

The average number of episodes watched in one sitting is 2.99 (Appendix B, Table B3: 88). But in fact, respondents who were surveyed indicated that 46% of all respondents who watch 'pirated' television series have watched over 10 episodes in one sitting at one stage or another, some watching whole seasons at a time (between 10 and 24 episodes each) and one admitting to having watched 30 episodes one after another (Appendix B, Figure B4: 88). Many viewers added that they sometimes watch an episode or a series more than once (58%), and interviews showed that many keep episodes in a 'collection' or 'digital library' for later viewing (Appendix B, Figure B8: 90).

This is in line with Rubin's (1983) study whereby habitual and entertainment users of television will view a considerable amount of a medium with which they feel a particular affinity, regardless of the content. The consensus in the focus groups was that even shows that were not particularly good or popular were tolerable and even enjoyable if entire

seasons could be watched in one or two sittings – “they’re not something I would watch if I had to wait a week for the next instalment, but if I can watch them uninterrupted it makes up for a weaker storyline”. These viewers are thus deriving gratification from the second of the three sources identified by the uses and gratifications theory (Katz, Blumler, & Gurevitch, 1974), the medium itself, regardless of the content they are consuming. And in cases like these, especially where respondents often do this alone, this trend has become much like reading a book – with each episode representing a chapter – meaning that they may also be deriving gratification from the context in which the exposure to the medium occurs (Katz, Blumler, & Gurevitch, 1974). When asked if this was the case, some respondents who were interviewed said they had never really thought of it as similar to reading a book, but that they thought this was probably an accurate description, and for others this idea came up spontaneously.

It might also be that viewing television series this way promotes and enables Greenwood’s (2008) parasocial interaction (development of ‘relationships’ with characters) and better absorption in the media programmes – as both occur to a greater extent as the number of hours spent watching television increases (Greenwood, 2008). Respondents interviewed said that they were amazed at how much of the underlying storyline they were missing when they used to wait a week between episodes. This may indicate that it may also be a matter of attention that viewers just cannot give to television series that demand their attention in order to follow plots and storylines week after week. One respondent (who was not in fact a student, but a 30 to 40 year-old mother) complained that watching television series on channels like M-Net:

Forces you to watch more than one series at a time over weeks and weeks and weeks. It’s bad enough trying to remember one episode to the next when you are watching one series, but try watching Grey’s Anatomy, Desperate Housewives, House, and Prison Break at the same time – it’s more than I can get my head around.

Other respondents also indicated that they feel overwhelmed when all the various new series start on the traditional channels and they are faced with the challenge of not only fitting their schedule around a rigid timetable, but they then have to remember and follow various different plots concurrently. “You just miss so much!” one respondent exclaimed;

“There are always those underlying plots that you don’t even realise are there when you have to wait a week between each episode”. Obtaining entire seasons at a time means that viewers can watch one season at a time and get more involved in each storyline.

Many viewers who were interviewed are adamant that they cannot watch their favourite series with other people and prefer to watch alone. This is true even if other people in their household also watch the series. Some say that this is because not everyone is always on the same episode, while others say they are concerned people will talk during the episode – one insisting: “I *have* to hear every word”. The results of the quantitative surveys were much the same, showing that 41% prefer to watch alone (Figure 5.5d).

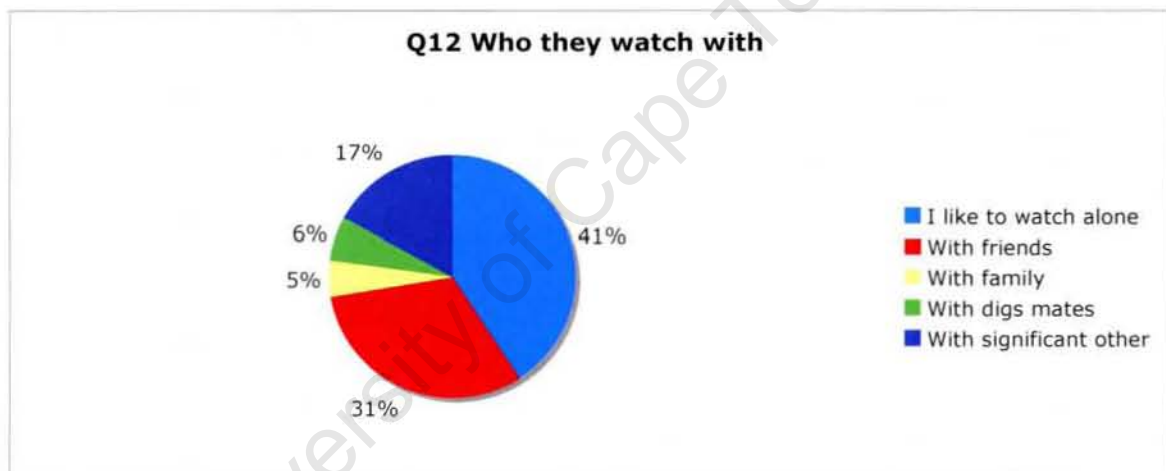


Figure 5.5d (B7: 89) Who they watch with

The remaining respondents indicated that there are some series they enjoy to watch more socially – particularly those that more people have in common – so in some cases families, students living together, and students in residences will get together to watch the latest episode as it is released. The quantitative results reflected these results, with almost 60% preferring to watch with other people: 31% preferring to watch with friends, 17% with a significant other, 6% with the other students they live with and 5% with family (Figure 5.5d). This is supported by Greenwood’s (2008) study stating television viewing can be a social activity and that a television programme can function as something that individuals have in common. This may also again be indicative of the fact that viewers

may be deriving some form of gratification from the social context in which the exposure takes place as suggested by the uses and gratifications theory (Katz, Blumler, & Gurevitch, 1974).

The most popular television series watched by the respondents who were quantitatively surveyed (in order of popularity) were *Grey's Anatomy* (60%), *How I Met Your Mother* (58%), *Prison Break* (56%), *Gossip Girl* (52%), *Heroes* (51%), and *The OC* (50%), all with over 50% of respondents indicating that they watch these series (Figure 5.5e).

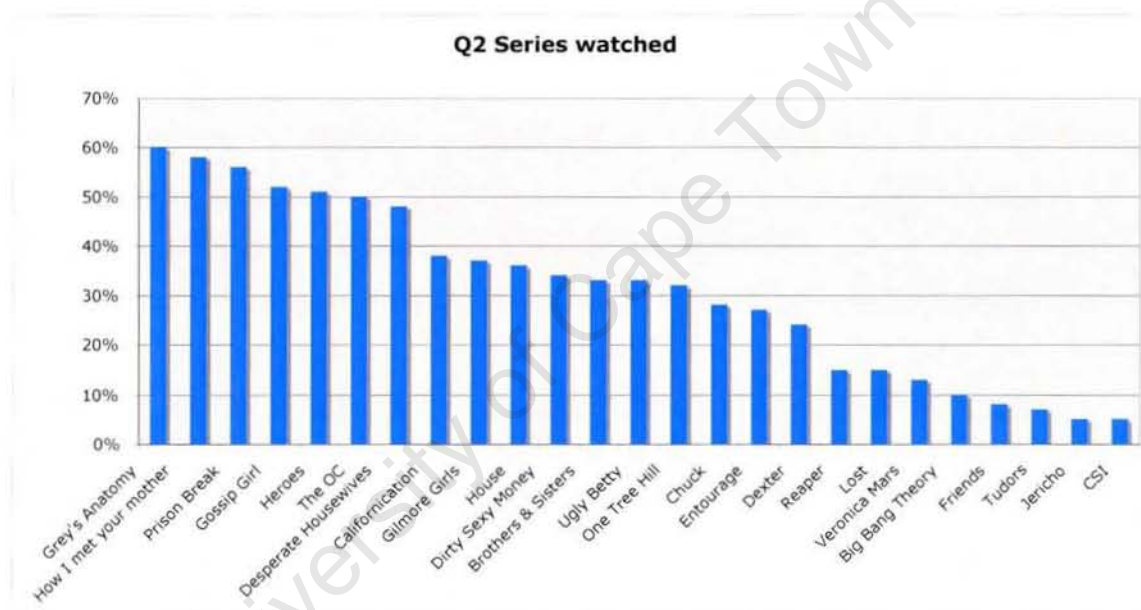


Figure 5.5e (B11a: 91) Series popularity

The top 25 series are shown in Figure 5.5e above, but over 60 series in total were identified as being watched currently in total (Appendix B, Tables B11a and B11b: 91; 92), with 87% of respondents watching four or more of these series, and 37% often watching 10 or more, concurrently (Appendix B, Table B11c: 92).

In contrast the 10 most downloaded series on the BitTorrent P2P network (in decreasing order) are: *Lost*, *Heroes*, *Prison Break*, *Terminator: The Sarah Conner Chronicles*, *Desperate Housewives*, *Stargate Atlantis*, *Dexter*, *House*, *Grey's Anatomy* and *Smallville* (see Appendix E, BitTorrent, 2008: 101). Additionally, the most popular series, as well as

the highest rated series on TV.com can be viewed in Appendix E (TV.com, 2008: 100). These figures, however, unlike the quantitative survey results, are not specific to South Africa, and more importantly, do not take into account the extent that sharing takes place amongst users after content has been downloaded.

5.6 The Viewing Patterns of Traditional Viewers

Very few respondents who were interviewed were adamant that they would only watch the series on M-Net or other channels. One respondent in particular, however, said that watching each week was perfect for her because she has something to look forward to each week: “it would make [her] sad to have already watched an episode that was showing on a particular night”. She says if she got the episodes downloaded in bulk before their release she would not be disciplined enough to watch one a week and would “probably watch them all in a day and have nothing to look forward to”. The fact that she has to wait a week in between episodes is all part of the appeal to her, although she does admit “it’s frustrating especially when there’s a cliff hanger”.

Many worry that if they were to try to keep up with the release of episodes in the USA they might incur more than a week’s wait if for some reason they could not get hold of the current episode. With channels like M-Net they never have to worry – every week like clockwork a new episode is broadcast straight to their home. In addition, another respondent explains that she has “never really [enjoyed] watching things on a computer screen” and does not see the point of going through the effort to connect her laptop to a video input on her television when she is quite happy tuning in once a week to watch. She adds that she hates the advertisement breaks, and would much prefer to have PVR if she could afford it, which would allow her to fast-forward through the adverts. The adverts are however, not enough of a deterrent to make her want to acquire the ‘pirated’ episodes.

The other respondents from the interviews and focus groups who watched series on M-Net agreed that watching once a week gave them something to look forward to and that the quality of the content was often much better when watching on a television than

watching a lesser quality version on a computer screen. One respondent did, however, admit that the security of knowing he could acquire a 'pirated' copy of an episode, should he miss one, was very comforting. It must also be noted here that the majority of respondents who watched the series on M-Net were still students living at home and therefore enjoyed the benefits of their family subscription to M-Net or DStv without having to pay for it – a luxury many respondents could not afford living alone or with other students – or were from a slightly older generation and reluctant to experiment with new technology. Many respondents who watched 'pirated' series said that they could not afford M-Net, and felt they had no other option than to obtain 'pirated' series if they did not want to wait for the series to be released on DVD or to be released on 'free' channels in South Africa (SABC 1, 2, 3 or e.TV).

5.7 The Sharing of 'Pirated' Television Series

Although the literature suggests that P2P networks are the biggest driver behind 'piracy' (Sigurdsson, Halldorsson & Hasslinger, 2007; Prasad, 2006), this particular study revealed that very few of the respondents downloaded the series from P2P networks themselves (Appendix C, Figure C1: 93). One respondent even admitted that "[she] wouldn't have a clue where to download [the episodes] from!" And very few of the networks that were used were the international networks mentioned in the literature (Limewire, BitTorrent, etc), but rather were the local university networks like DC++ (Appendix C, Figure C3: 94).

DC++, according to respondents and Internet sources, is a form of open-source software used at universities like Rhodes, Stellenbosch and Cape Town that allows one to share files over a network (usually a LAN or local area network) without the same restrictions or limits that the Internet imposes due to bandwidth and capacity constraints (DC++, 2010). This software creates what is essentially a localised P2P network that permits students to exchange content with one another and was originally intended for study purposes. Of course the purpose of this network was not intended to facilitate the sharing of 'pirated' content, but in reality this type of network lends itself to this particular use.

And because it does not require the use of the Internet, content can be uploaded and downloaded within minutes without expending Internet bandwidth or capacity. Systems like DC++ have made it even easier for students at universities in particular to exchange content with one another even if they have never met (particularly amongst those living in residences). This content does not originate at the universities, but is uploaded by students who get it from other sources and make it available via the network for others to download. Again, individuals share the content they do have via the network in good faith that their sharing of content will result in others sharing the content they do not have. This again, like DC++'s international counterparts, would not be as much of a problem if this content was not then shared with friends outside of the university who perhaps would not have had access to it otherwise. DC++ was only quoted by just under 16% of respondents as the source of their television content – and this was often not their only source – but it is rumoured to be the source of not only countless students, but is becoming the 'go-to' for 'pirated' content for other individuals in the know as well. As such, networks like this one are certainly aiding in facilitating the distribution of this type of unauthorised content. DC++ alone requires further research as a source of pirated content, but a deeper investigation for the purpose of this thesis would be beyond the scope of this study.

While the above findings confirms that the literature may be right that P2P networks are a big driver behind the 'piracy' of content, it underestimates the complexity of what happens after it has been downloaded from these networks and the extent to which post-P2P network sharing takes place. Most of the sharing between the respondents locally, according to the quantitative study seems to occur post-P2P between friends and acquaintances (Appendix C, Figure C1: 93) using USB flash drives (50%), external hard drives (34%), DVDs and CDs (12%), and to a lesser extent iPods (4%) (Figure 5.7: 53).

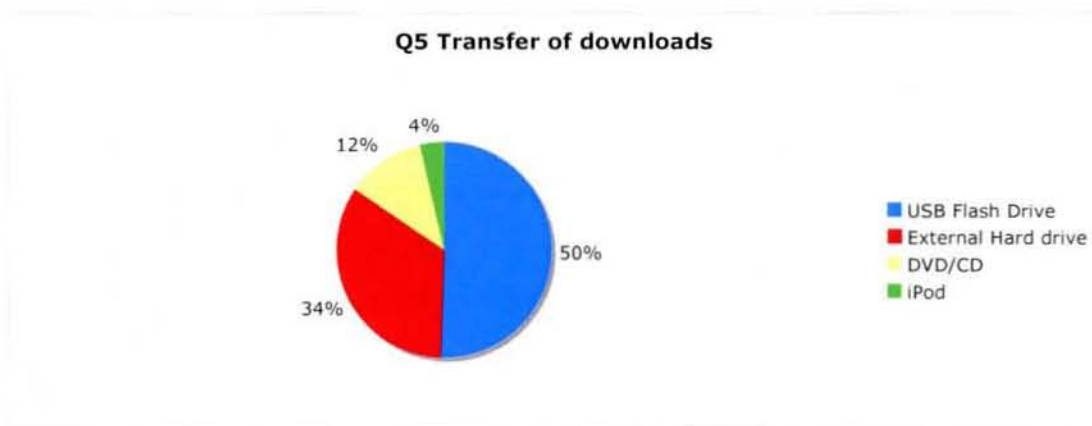


Figure 5.7 (C2: 93) Means of sharing/obtaining downloads

The reality is that once the first user downloads the content from a P2P network (whether it be from university campus or Limewire or BitTorrent) the content is then spread virally from friend to friend, acquaintance to acquaintance, with the majority of respondents indicating in both the surveys (83%) and interviews that they shared the 'pirated' content with others (Appendix C, Figure C4: 94). Many respondents indicated that they are not concerned where the content comes from as long as they get it, and the majority do not know where the content originates. Respondents added that they rarely ask their source where it came from or how that person got it, and even when they do it is usually just from another friend who obtained it from another friend. The original source is often virtually untraceable making this kind of 'piracy' very difficult to monitor and prevent.

Interviews did reveal, however, that there are some people who download content for the sole purpose of sharing it with others, watching very little of it themselves. The content thus becomes a kind of social currency – whereby people are perhaps using content as a means to meet up with other people, meet new people and to gain a kind of status as the 'go-to' person for specific content. Examples of this includes an IT student in Grahamstown who downloads and collects virtually every television series and movie one can imagine which he stores on a computer on seven different hard drives (excluding his many external hard drives). Students bring along their USB flash drives, external hard drives and iPods, and he uploads movies, music and television series for them. Many students on campus directly or indirectly get their favourite shows from him if they are

not patient enough to download episodes themselves off the campus network (a lot of which are ultimately uploaded by the same student anyway). In exchange, this relatively quiet IT student has a constant flow of visitors to his residence and seems to derive pleasure from being their primary source of movies and television series (again a gratification gained from the social context that this type of sharing may create for individuals like this). Because they use the university network, students like this can have access to a myriad of content without it costing them a cent.

There is also a similar situation in the university suburbs of Cape Town, where again, one person appears to supply a significant number of individuals in the Newlands, Rondebosch and Claremont area, and he, like his Rhodes counterpart has every movie and television series one can imagine, which he either downloads or swaps with others, thereby using the digital content as a kind of currency. He, however, stores his digital content on DVDs in hundreds of different folders which one can borrow and bring back much like a DVD rental store. It is a system that is used, trusted and respected and it seems to work very well. But the important thing to note here, is that no money changes hands during these transactions – the providers are not selling unauthorised copies, but sharing them. In fact, there is nothing glaringly commercial about these exchanges at all. Instead, file-swapping has become accepted and almost expected. It is a social phenomenon that is now as acceptable as lending a book to a friend.

A third respondent in Cape Town obtains all the latest content from an elite group of downloaders (approximately two days after it is aired) and then chooses from his vast library what he wants to watch and shares content at least once a week with other people. These three ‘suppliers’ are motivated by the same fair trade/altruism principle described by Chorianopoulos and Spinellis (2007) that is present in P2P networks, and download content purely to satisfy the needs of others without accepting any monetary compensation in return. Despite his extensive database of digital content this third respondent, like many other respondents (as will be discussed later), likes to buy the original box-sets of the series he particularly enjoys, which he prefers to buy directly from *America Online* at a cheaper price than he can find them locally.

The individuals mentioned above, as well as university networks like DC++, may make it look like the main sources of unauthorised content are easy to find and penalise, but not only will other individuals like this materialise to take their place, but there were still those respondents who were interviewed that did not necessarily have or need access to these sources, but could afford to download content from their personal broadband connection themselves. One respondent in an interview indicated that “downloading an episode once a week does not require that much bandwidth and takes three hours to download at the most”. He added that his computer system at home is set up to search for the episodes automatically as soon as they have been broadcast in the USA: “I don’t even have to be at home”. While this highlights the ease with which episodes can be downloaded, it is also a further indication that the ‘piracy’ of this kind of content is likely to be most prevalent amongst the higher LSM groups who can afford personal computers, an Internet connection and bandwidth. However, these respondents who download some of the content themselves will also often have arrangements with friends, whereby each friend will download certain series and not others, and then swap what they have for what they do not have, so that no one has to incur the costs of downloading everything themselves. These respondents will often also share the content they download with friends who do not have or cannot afford access to the Internet at all. This means that even if the more obvious sources of mass content like those mentioned above are curbed, there is virtually no way to stop those individuals who can afford it from downloading smaller amounts of content themselves and swapping and sharing content with others, and inevitably making it available virally to the wider public.

Interviews indicate that it is in these ways that ‘pirates’ have been able to escape the huge costs of downloading content in South Africa, especially in the case of television series that can require vast amounts of bandwidth in order to download entire seasons. By accumulating the content that they acquire from other sources (friends or other downloaders), the majority are in some way or another using the content they do have not only as a kind of social currency, but as an actual currency for trading for content they do not have. This is done without individuals ever needing to part with any content themselves often resulting in huge libraries of content like the ones mentioned above.

Interviews also revealed that there are some instances where people escape the costs of downloading by using the bandwidth at their places of work, schools, and universities to download content they cannot afford to download themselves – although to what degree this occurs cannot be determined from this study.

Of course, this system of trading is in no way formal so one does not need to necessarily have content in order to obtain content from someone else – it is not a one-for-one episode swap, whereby one gets only as much as one gives – respondents just indicated that they prefer to reciprocate where they can. Respondents also indicated that there is a degree of excitement as to whom has the latest episode of what, which again is indicative of how this content performs a vital function as a social currency, with some prestige attached to having the latest content, as well as the “good feeling” derived from being the one to share that content with someone else who is just as excited about it. Therefore, while the trend of downloading content from the Internet is ultimately elitist to a degree, as only those who can afford to download do so, in a country where access to bandwidth is limited for a substantial amount of the population due either to infrastructure or expense (as well as indeed access to certain series), this system of trading and sharing has meant that virtually anyone is able to acquire whatever content they desire purely by sharing with others without (in most cases) having to download a single bit of content themselves.

5.8 The Legal Aspect of ‘Piracy’

While the majority of respondents surveyed (98%) said that it would not surprise them if they were told that downloading, viewing and sharing copies of the series they watch was illegal (Appendix D, Figure D2: 95), they also said that they generally do not think of it as the same as the theft of physical goods (Appendix D, Figure D3: 96). Only 14% of the sample (Appendix D, Figure D3: 96) indicated that they thought that downloading and file-swapping was the same as physical theft, and yet they continue to engage in it, so (unless of course they usually exhibit the tendency to shoplift) on some level they must consider it to be more acceptable. The majority of respondents surveyed who explicitly

stated that they did not see 'piracy' as the same as physical theft indicated that the main reasons for this were: that the content is so accessible and available (31%); anything on the Internet is in the public domain (28%); everyone does it (25%); the owner(s) is still in possession of it (22%); they are not conditioned to believe it is wrong (19%) nor can they imagine it being any other way (18%); and that the content is not tangible (16%) (Figure 5.8). These results are in line with the work by Hill (2007) that suggests that the mere accessibility and availability of the content may appear to users as legitimising the act of 'piracy'.

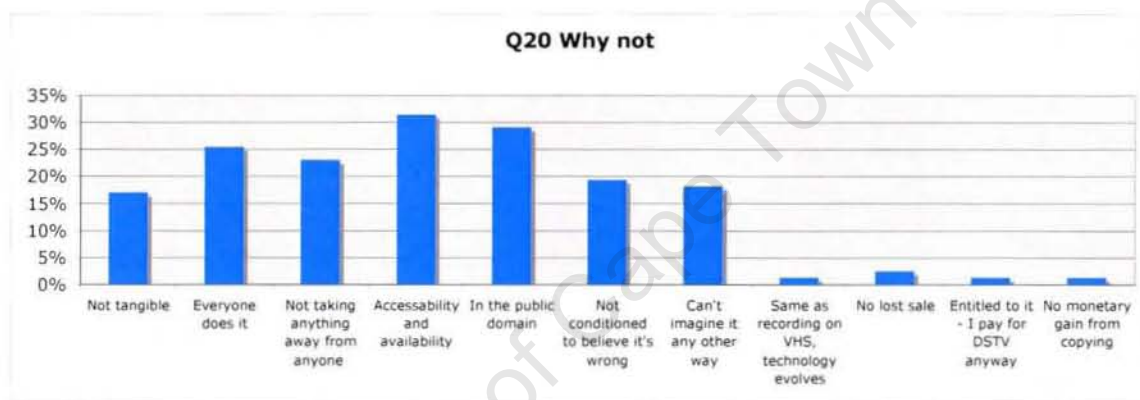


Figure 5.8 (D4: 96) Why digital 'piracy' is not seen as theft

In addition, 55% of the sample stated that they did not consider downloading and file-sharing to be illegal at all (Appendix D, Figure D5: 97) despite the industry claims. It is perhaps as a result of this finding that very few (16%) were concerned that what they are doing could be illegal, nor did many feel that they are doing anything wrong (19%) (Appendix D, Figures D6 & D7: 97; 98). Additionally, as suggested by Siegfried (2004), it is evident that with the advent of the Internet it has become the norm to download whatever it is that one wants and this was reflected in the survey responses and interviews (Figure 5.8). This confirms that there may be a misconception that users have a right to download what they find on the Internet as it is all in the public domain (Siegfried, 2004). It was suggested in the interviews that with the Internet and the downloading of music, movies and series being so common now, it has become the norm to download what ever it is that one wants. One respondent said:

It's not like your parents ever said to you 'honey, its wrong to download stuff' when you were little like they would say to you that it is wrong to steal. Somehow the association between downloading something onto your computer is not the same as physically taking something that is not yours.

This might explain why then, in comparison, those same consumers that are 'pirating' digital media would never walk into a store and shoplift an item of a similar value (Hill, 2007). The same respondent goes on to say that it might also be a matter of exclusivity – "my having it doesn't prevent others from having it too", which is also suggested by Siegfried (2004). In addition their 'taking' it does not rob the owner of their possession of it either. There is therefore little social stigma regarding 'piracy' because it has no perceived social cost, and as a result there is no pressure to build a norm that condemns it (Balestrino, 2007). It is thus becoming more and more apparent from the interviews and surveys that the industry is failing in its efforts to convince the generation responsible for the majority of the 'piracy' occurring today that 'piracy' is the same as theft (Figure 5.8: 57).

It is also clear that the low risk of punishment for what is considered copyright infringement does not discourage 'piracy', with very few respondents (under 5%) being concerned about being caught for it (Appendix D, Figure D8: 98). If 'pirates' are not worried about getting caught for copyright infringements of this kind, these individuals may be predisposed towards committing 'piracy' (Hill, 2007).

5.9 Financial Implications

In the quantitative study just under 40% of respondents, when asked about their 'piracy' habits, indicated that they would probably just consume less of the freely available series were it to become unavailable for free, with only 1% explicitly indicating that they would purchase the content were unauthorised copies no longer available (Figure 5.9a: 59). This is probably (at least partly) as a result of the fact that virtually the only means for purchasing this kind of content in South Africa is to buy the DVD box-sets at quite an expense months after its release. In addition, television series may be particularly vulnerable to 'piracy' because they never were in the 'pay for' category in the same way

that films or music often are – advertisers paid for them. This has, unfortunately for the industry, created a general reluctance to pay for this kind of content.

Admittedly, the remaining respondents (just over 60%) did indicate that they might consider an authorised alternative like renting (27%), or waiting for traditional channels like television to broadcast the desired content (34%) (Figure 5.9a). However, the focus groups revealed that if a series is not one that respondents are particularly fond of, they were unlikely to be willing to wait for the television broadcast of them either, whether or not they are broadcast on the ‘free’ or ‘pay for’ channels, nor would they bother to rent them. This means that these legal alternatives would only apply to series that respondents really could not do without, and as discussed earlier (Pp. 46), many of the series that these ‘pirates’ are watching are being watched only because they are available for free and in bulk. The point here, is that while the ‘piracy’ of this content could, in potentially as much as 60% of cases, mean a loss of income, not all acts of ‘piracy’ necessarily reflect a lost sale if a significant number of these individuals would not have bought, rented or waited for the traditional broadcast of the content in the first place.

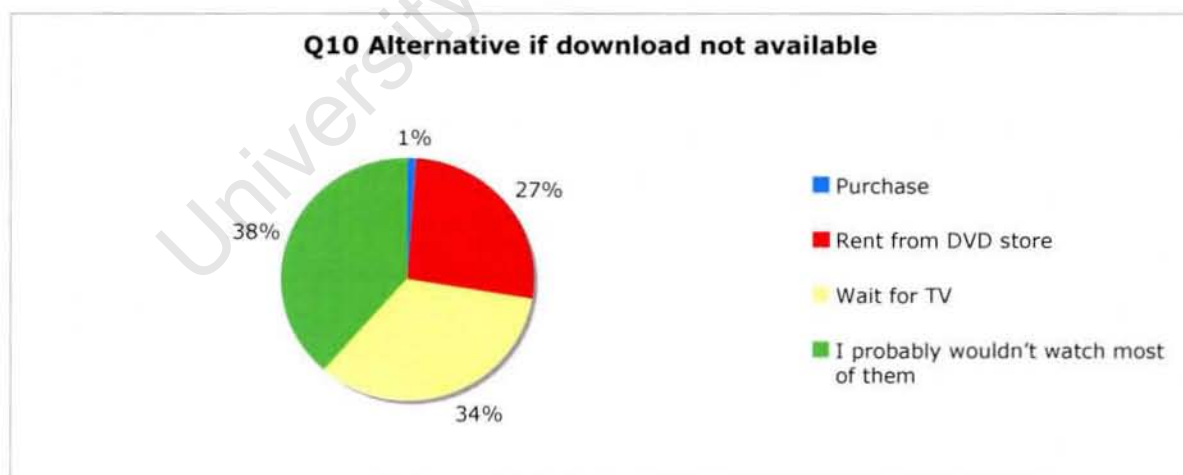


Figure 5.9a (D1: 95) Alternative to ‘piracy’

In addition to a reluctance to pay for this content, the respondents who were interviewed found it hard to distinguish between obtaining an unauthorised copy for free and watching something for ‘free’ on television, especially if they obtained the copy to watch

only once like they would on television. The fact that the advertising pays for the episodes to be broadcast on television has little directly to do with the viewer, and while the viewer may find watching adverts irritating, these adverts do not translate to the average viewer as a means of payment for what they are able to watch. Some respondents in the sample even suggested that they feel entitled to the content, especially if they are paying for channels like M-Net or DStv, as the content will eventually be shown on the channels they are paying for anyway – they just want it sooner or all at once (for example, a complete season of a series) – in other words they want the ability to time-shift' or 'reschedule' their viewing 'appointments' that previously have been dictated by broadcasters.

In the minds of the respondents who were interviewed, what they do is thus no different to time-shifting – they are consuming content that in most cases would have eventually been broadcast via a channel they have 'free' access to anyway – confirming the argument put forward by Lessig (2003). Ultimately, it seems to be difficult for anyone, not just students, to determine the difference between recording an episode (and watching it later on your own terms while fast-forwarding through the adverts) and obtaining and watching an unauthorised copy, except perhaps that the latter is now far easier to do and can be done with far less of a delay after the release overseas. Of course, in some cases this time-shifting means consuming content that has already been broadcast and in other cases it means consuming content that has not yet been – both, however, regardless of perhaps their arguably varying degrees of legality or morality, are clearly welfare enhancing, providing clear benefits to the consumer in the form of the ability to time-shift programmes and watch content on their own terms.

The worry here for television networks like M-Net and DStv is that, in cases where these viewers would have previously watched this content via their 'pay for' channels, this behaviour may eventually eliminate the need for their television subscription packages and cause advertisers to pay less for advertising space as audiences begin to shrink if unauthorised copies of the majority of material are made available for free. The latter also

becomes a concern for the 'free' channels, like SABC and e.TV, because they rely even more heavily on advertising to pay for the broadcast of this type of content.

When asked if there was anything that could be done to change their behaviour, the respondents interviewed agreed that if the risk of being caught for copyright infringement were higher, or if it were socially unacceptable to download or share unauthorised copies, that might change their behaviour. When it was suggested that perhaps authorised versions could be made available cheaply online, one respondent said:

To be honest, the chance of being caught is so minimal that I would really only be prepared to pay a small amount for 'legal' copies and only as long as it was enforced, and everyone had to pay. Or perhaps if you could pay less to download the entire series than it would cost to buy the DVDs I might consider it.

This is in line with a study by Chiang and Assane (2002) that states that a reduction in 'piracy' will only occur when the incentive not to engage in such activities is sufficient. It also confirms Al-Rafee and Cronan's (2006) work that indicates that 'piracy' is just not a very big issue for people (especially in the case of students). Another respondent agreed that she does not feel as though she is doing something wrong at all. She said that "maybe it's because so many people do it, but it doesn't concern me, although I really feel as though it should!" These findings are consistent with the fact that the social consensus pertaining to 'piracy' is that it is acceptable (Hill, 2007). The same respondent added that she is not worried about getting caught, but would prefer to go to an authorised website which is up to date with everything from the USA and download content that way – but it would have to be affordable, satisfying Hill's (2007) equity theory that says that one will pay a price only as high as is equitable to the perceived value they receive in return. Another respondent, aged 23, points out that "the only problem is, you often need a credit card which most people our age and younger don't have – and they're the ones who watch series the most". She ended by saying that even if it were possible to get authorised content from authorised websites she is not sure it would change her behaviour – "I would definitely just watch less if I had to pay for it".

Another respondent who was interviewed sounded particularly concerned that “like all things... it must be affecting someone somewhere”. He explained that:

Somebody has to get paid, so I have no problem with buying it if it [were] easy and cheap. I would rather pay for content I want to watch than pay a stupid TV licence for the rubbish on SABC. I like the content and really wish there was [an authorised] way of getting to it.

When asked about how he felt about sharing content with others he responded that:

It's ridiculous how accepted it has become. Before I used to be selective about who I would give downloads to, now I don't mind so much – if they don't get it from me they'll get it from someone else.

The consensus was that although respondents are not concerned that file-swapping and downloading may be wrong and even illegal, the majority of the respondents interviewed one-on-one and in groups did admit that they would prefer to consume authorised content. Some (although very few) even said they would be willing to pay a small fee if it were easy – easy was defined by respondents as being available via fast, if not streaming, downloads and cheaper broadband Internet, with a means other than a credit card.

The results of the interviews were reflected in the quantitative study which showed that 40% of respondents would prefer to view authorised content if it were free, 33% would pay a small fee if it were easy and affordable, 22% indicated that whether they view authorised or unauthorised copies did not make a difference to them, and only 5% indicated that they are happy with viewing the unauthorised content in the same way they do now (Figure 5.9b: 63).

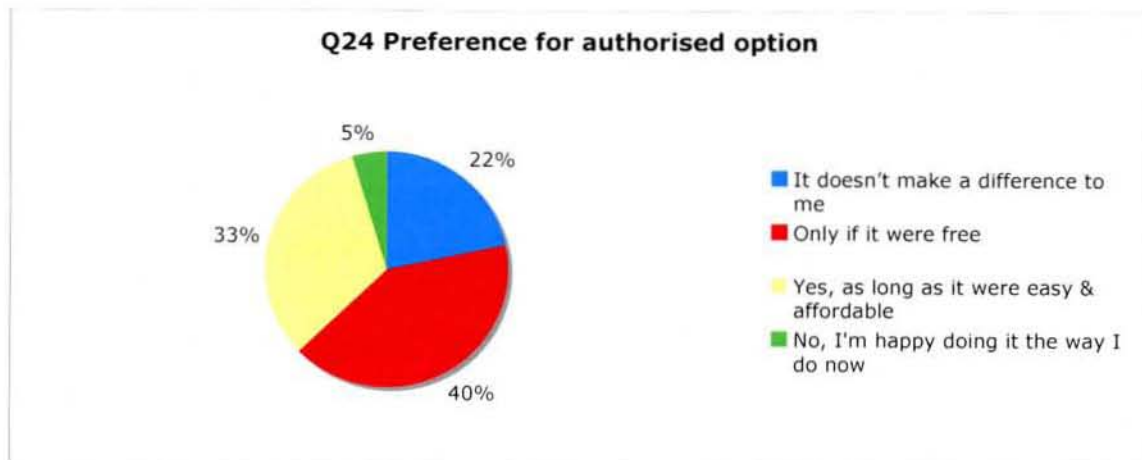


Figure 5.9b (D9: 99) Preference for an authorised option

In addition, a number of respondents stated that they would still like to buy and own the authorised DVD box-sets of series even though they have already watched the 'pirated' copies and may even still be in possession of these copies. In fact a sizeable 33% of respondents indicated that they would buy the authorised copy if they enjoyed the unauthorised copy, and while 40% did indicate that they would never consider buying the authorised copy even if they enjoyed it, a further 27% said that they might consider buying the authorised copy if they enjoyed it (Figure 5.9c).

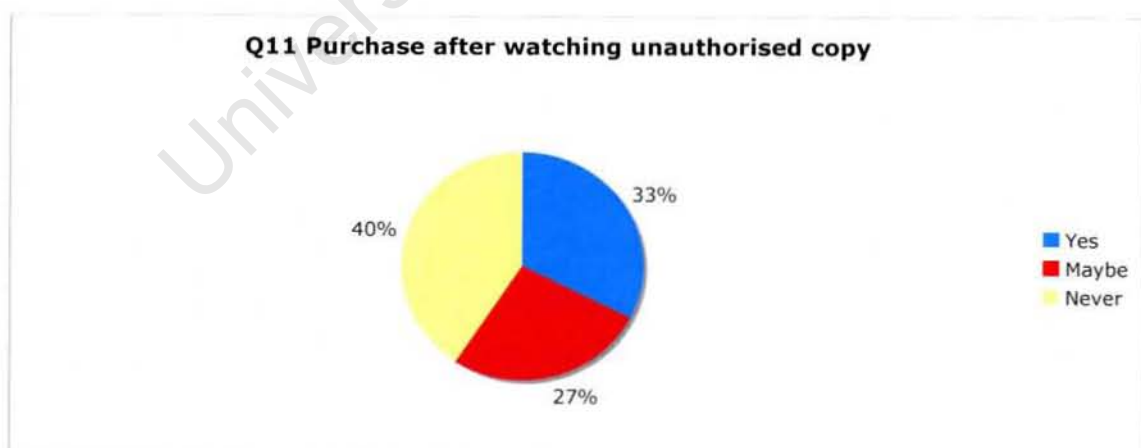


Figure 5.9c (B9: 90) Likelihood of purchase

This demonstrates that the unauthorised copies could potentially lead to 60% of these 'samplers' becoming purchasers despite (and arguably as a result of) having already 'consumed' the content. This is in line with Siegfried's (2004) study that shows that some

consumers are likely to buy a digital product that they have already downloaded (the 'pirated' copy acting as a sample) i.e. the act of downloading 'pirated' content does not exclude them from buying the authorised content but may in fact encourage it.

Respondents interviewed revealed that owning an authorised copy does give them some degree of satisfaction, but found it difficult to explain why. None of the respondents conceded that the reason they might still buy the authorised copy was due to guilt – with many insisting that it was not. Some suggested that perhaps they needed to have something tangible to really feel that they owned it: "There is definitely some value attached to having the 'real' thing". This may also be why users are reluctant to pay for online downloads, as unlike physical DVDs they may not feel as though they are truly getting something back for their money because they receive nothing tangible in return. Other respondents indicated they were more inclined to pay for something if they knew exactly what they were getting, having 'sampled' it beforehand. The perceived higher quality of the authorised copies was also a factor for some respondents. These findings are in line with literature, which suggests that should an authorised copy provide additional value over the unauthorised copy, whether that value be tangibility, quality or otherwise, the authorised copy will become more appealing to the consumer than the unauthorised copy (Peitz and Waelbroeck, 2006; Hill, 2007).

Regardless of their reasoning, Hill (2007) points out that 'piracy' may in fact be increasing demand to some degree, as respondents do seem more likely to purchase something if they know exactly what they are getting. Admittedly, these respondents will probably not purchase everything they sample (or rather consume), but in every likelihood they would not have anyway. However, it cannot be denied that it is very likely that they would never have been driven to buy any of the content at all had they not had the opportunity to 'sample' it for free via file-sharing and P2P networks (Appendix B, Figure B10: 90).

It can thus be concluded from the above findings that while individuals continue to engage in 'piracy' by downloading, viewing and sharing unauthorised content even

though many believe that what they are doing is wrong and some even that it is illegal, there is still at least some value attached to owning an authorised copy and perhaps some degree of guilt present about owning an unauthorised copy even if it is not entirely conscious. This may provide an opportunity for the consumer to meet the copyright holders halfway in a business model that works for both the consumer and the copyright holder. Such a model, encompassing a distribution channel that has essentially been chosen by the consumer, already exists in the USA where the infrastructure is available to support it.

5.10 The USA Scenario

The fact that major television networks in the USA make the series they broadcast available online as streaming video two days after their release on traditional channels (nbc.com, abc.com, cwtv.com, fox.com, hulu.com, 2008) was explained to respondents who were interviewed, and a written description was given to respondents who were surveyed in a short paragraph. It was explained that, assuming South Africa had the infrastructure to support it (which is not the case) they would be allowed free access to series online two days after an episode was broadcast on traditional channels as streaming video, but while they could fast-forward through episodes they would not be able to fast-forward through the advertisements. These respondents were then asked whether this scenario might stop them from engaging in 'piracy' if it were introduced to South Africa. The general perception amongst the respondents who were interviewed was that it "could be forever before South Africa has the infrastructure to support it" and that downloading would probably still be too expensive. The results of the surveys were only marginally more positive, with over 50% indicating that it would stop them 'pirating' material, however, 30% of these respondents indicated it would only stop them if this meant no delay between the release in South Africa and the USA (Figure 5.10: 66).

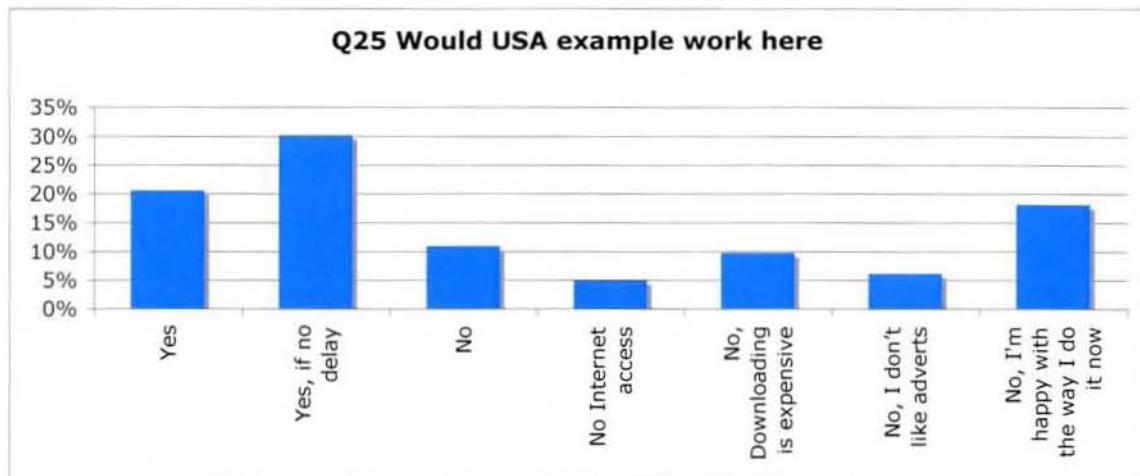


Figure 5.10 (D10: 99) The viability of the USA scenario in South Africa

While the remaining 50% of those surveyed said the USA scenario would not stop them, with reasons including: being happy with the way they do it now (18%); the fact that downloading is still too expensive (10%), not wanting to watch adverts (6%); and not having access to the Internet (5%) (Figure 5.10), these results show that the USA scenario could potentially lead to a significant reduction in 'piracy' if something similar were to be adopted in South Africa.

6 Conclusions

Profile

'Piracy' is most prevalent among viewers located in countries like South Africa, outside of the countries that the content originated from (e.g. the USA). These viewers are subjected to 'serialised windowing' (Cook & Wang, 2004) and thus turn to 'piracy' in order to avoid the delay after the release of series in the country of origin. The majority of 'pirates' appear to be students at university – the university 'community' environment being the perfect environment to facilitate it. However, the trend does seem to be starting younger and younger, extending to school-goers especially at boarding schools where there is a similar 'community' to that at university. The digital content is also being shared amongst people in the workplace and with parents of younger 'pirates' (either still at school or university), so it is clear that the trend is increasingly being adopted across all age groups. The trend of consuming unauthorised content is not gender specific, but the act of downloading and acquiring the content from P2P networks appears to be a predominantly male activity.

Conclusions

For the moment the 'piracy' of television series appears to be predominantly amongst the higher LSMs (LSM nine and 10), an arguably 'elite' group. The fact that this trend may be limited to the higher LSMs, however, remains a big concern, as these LSM groups are often the exact audience that the majority of these television series are targeted at. The fact that these higher LSM groups are choosing to 'pirate' content has a major impact on things like digital television and other television subscription services because of the buying power they possess, and it is very likely that their behaviour may be copied by those slightly lower LSM groups (LSM seven and eight) who may have access to a computer as a means to spread content.

Motivations for Watching Television Series

The motivations for watching television series, particularly from the USA (and to a lesser extent the UK) as opposed to other forms of television content include the fact that each

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Motivations for Watching Television Series

The motivations for watching television series, particularly from the USA (and to a lesser extent the UK) as opposed to other forms of television content include the fact that each

episode of a series is self-contained, with a running thread or theme between episodes (providing the hook that draws viewers in episode after episode, season after season). In addition, the fact that series are broken up into seasons gives viewers something to look forward to and shifts the focus of the series, allowing time to pass and characters to change before the next season starts. This is very different to how these viewers feel about soaps, finding them too long, complex, never-ending, and at times, far-fetched and badly acted. Soaps also dictate a kind of 'appointment viewing' to a higher degree than television series do, by requiring viewers to dedicate not just the time, but a specific 'appointment' at a particular time of day. Such 'appointment viewing' does not allow viewers very much flexibility in terms of their viewing, and while 'appointment viewing' is also characteristic of television series, these 'appointments' are less frequent, and with the help of 'piracy' can be 'rescheduled'.

Regarding their preference for foreign content versus local content, while some viewers do watch South African content such as the soaps *Isidingo* and *Sewende Laan*, the local content does not seem to generate the same excitement, publicity, and sensationalism as USA and UK series. In addition, the more popular a series, the more available unauthorised copies are likely to be, and in turn, the more available a series, the more popular it is likely to become, meaning the already popular foreign series are only increasing in popularity and demand. The characters of these series are also perceived as characters that more people would like to aspire to, whether it be for personality, social status, or fashion motives. The perception is that these foreign series are of a superior quality, offer the best plots and sub-plots, currently have the most popular characters and offer the biggest variety of series across all genres.

Motivations for Watching Unauthorised Copies

The motivations for watching unauthorised copies of series are: to enable time-shifting allowing viewers to watch the content when, where and how they like; to avoid the delay between the release of the series in South Africa and the USA (Cook and Wang's (2004) serialised windowing); to avoid the interruption of advertisements; to avoid the costs of subscribing to channels like M-Net especially when they cannot afford it; as a result of

not owning a television; and because the series they want to watch is not available on television. The first three motives, all of which are the biggest motives behind the 'piracy' of television series according to respondents, are all related to control, and are indicative of the television era described by Ruggiero (2000) that is characterised by interactivity, demassification and asynchronicity, all of which afford the viewer more control over the medium. This additional control afforded to the viewer has removed the 'appointment' aspect of viewing television series, allowing them to schedule and reschedule their viewing to a time that suits them. The last two motives relate largely to the affordability and availability of 'pirated' television series compared to authorised copies or traditional broadcasts of them, which further adds to the increasing popularity of 'piracy' as a means of getting hold of this type of content.

All five of these characteristics, namely interactivity, demassification, asynchronicity, affordability and availability, have improved the usability of this type of media content, and therefore resulted in bigger and better gratifications to the user. In accordance with the uses and gratifications theory, the users of 'pirated' content have actively (Katz, Blumler, & Gurevitch, 1974) and consciously chosen this means of obtaining and viewing this type of content because they have identified it as the best way to meet their needs and provide them with the gratification they desire. The uses and gratifications theory was thus useful in providing insight into the changes in media use patterns following the adoption of new communication technologies such as personal computers and new behaviour such as 'piracy'.

Viewing Patterns

The most popular television series watched by the respondents in order of popularity are *Grey's Anatomy*, *How I Met Your Mother*, *Prison Break*, *Gossip Girl*, *Heroes* and *The OC*. Over 60 series in total were identified as being watched currently, with the majority of respondents watching four or more of these series at least, concurrently.

The average number of episodes watched in one sitting is 2.99, but many will watch up to 10 episodes or whole seasons at a time. These viewers will also often watch an episode

more than once. Shows that were not particularly good or popular are found to be tolerable and even enjoyable if entire seasons can be watched in one or two sittings possibly indicating that viewers are deriving gratification from exposure to this type of media itself, regardless of the actual content. This way of viewing television series may also be promoting and enabling parasocial interaction (development of 'relationships' with characters) and better involvement in the media programmes to a greater extent (Greenwood, 2008) – as both occur to a greater extent as the number of hours spent watching television increases.

The majority of respondents tend to watch their unauthorised copies of series on their laptops, while others connect their laptops to their television via video output, use their desktops, or write DVDs to use in a DVD player. This may indicate that the personal computer may inevitably be displacing media like television as they are increasingly becoming better at filling similar needs (as cited by Ruggiero, 2000). Many viewers watch alone, but the majority still indicated that they watch more socially, particularly if it is a series that many people have in common, at the same time, with the same urgency. These 'pirates' prefer to watch with friends, with a significant other, with other students they live with or with family. It can thus almost certainly be concluded that the gratifications viewers derive from watching this type of content in this way may be derived not only from media content and exposure to the media itself as discussed above, but also the social context in which the exposure takes place. The unique combination of these three factors cited by Katz, Blumler and Gurevitch (1974) may thus render 'piracy' more able to satisfy the needs of viewers than the more conventional media channels like traditional television.

The majority of viewers of unauthorised content still watch regular television, but very seldom for television series, and more often for sport, news, and other forms of television content such as 'reality' channels including (but not limited to) *E! Entertainment Channel*, *Discovery*, *BBC Entertainment*, *BBC Lifestyle*, and *BBC Knowledge*. Many watch these channels every now and then for the half hour or hour long 'stand alone' programmes.

The Sharing of 'Pirated' Series

Almost all of the sharing of unauthorised content between the respondents locally appears to occur between friends and acquaintances using USB flash drives, external hard drives, DVDs, and to a lesser extent iPods, with the majority of 'pirates' sharing their content with other people at least once; some acquiring series for the sole purpose of sharing with others. Very few of the respondents in either the focus groups or interviews download content from P2P networks themselves and the few that did used mostly local university networks like DC++ rather than the international networks mentioned in the literature. Although 'pirated' content does not necessarily originate at the universities, networks like DC++ certainly aid in facilitating the distribution of it and are becoming the 'go-to' for 'pirated' content for both students and other individuals in the know. This may confirm that the literature might be right about P2P networks being a big driver behind 'piracy', however, the literature underestimates the complexity of what happens after the content has been downloaded from these networks and the extent to which post-P2P network sharing takes place.

While the existence of individuals who acquire series for the sole purpose of sharing with others, as well as the existence of university networks like DC++, may indicate that the sources of 'pirated' content can be easily quashed, by accumulating small amounts of content that they download themselves or that they acquire from various other individuals, almost every 'pirate' is a potential distributor. These 'pirates' are using the content they do have as both a social and functional kind of currency for trading for content they do not have, and in a country like South Africa where access to bandwidth is limited for a substantial amount of the population due either to infrastructure or expense, this system of trading and sharing has meant that virtually anyone is able to acquire whatever content they desire purely by sharing with others.

Legality

While the majority of 'pirates' said they would not be surprised if someone told them that obtaining digital content by downloading and file-swapping was illegal, they generally do not think of it as the same as the theft of physical goods. The main reasons for this are:

that the content is so accessible and available; the perception is that anything on the Internet is in the public domain; everyone does it; the owner(s) is still in possession of it; they are not conditioned to believe it is wrong nor can they imagine obtaining content any other way; and lastly, the content is not tangible. This confirms that there may be a misconception that users have a right to download whatever they find on the Internet as everything on the Internet is in the public domain (Siegfried, 2004).

More than half of the respondents do not consider downloading and file-sharing to be illegal, and very few are concerned that it may be nor were they concerned that what they are doing might be wrong, which might explain their behaviour. It can be concluded that the generation responsible for the majority of the Internet 'piracy' occurring today, despite the efforts of the industry, has not been conditioned to believe that 'piracy' is the same as theft. It is also clear that the low risk of punishment for any copyright infringement that may occur as a result of this viewing trend encourages 'piracy', with very few respondents being concerned about being caught for it.

Financial Implications

The majority of 'pirates' claim they would merely consume less of the freely available series were it to become unavailable for free and very few said they would purchase the content as an alternative should this occur (taking into account that the only real means of purchasing this kind of content in South Africa is to buy the DVDs at quite an expense many months after its release). The reality is that television series may be particularly vulnerable to 'piracy' because they never were in the 'pay for' category in the same way that films or music often are – advertisers paid for them. This has, unfortunately for the industry, created a general reluctance to pay for this kind of content.

Admittedly, there are still many who would consider an authorised alternative like renting, or waiting for traditional channels like television to broadcast the desired content, although this may only be true of series that are an individual's absolute favourite, which only makes up a small percentage of the series they view in total. But while 'piracy' of this content does, in potentially as much as 60% of cases, mean a loss of income, not all

acts of 'piracy' necessarily reflect a lost sale as the industry would have one believe if a significant number of these individuals would not have bought, rented or waited for the traditional broadcast of the content in the first place (Lessig, 2003).

The problem comes in where many 'pirates' feel that they are entitled to the content, especially if they are paying for channels like M-Net or DStv, as the content will eventually be shown on the channels they are paying for anyway – they just want it sooner or all at once (e.g. a complete season of a series). The worry is that, in cases where these viewers would have previously watched this content via traditional authorised channels, this behaviour may eventually eliminate the need for their television subscription packages in the case of 'pay for' channels and cause advertisers to pay less for advertising space as audiences begin to shrink if unauthorised copies of the majority of material are made available for free.

There is, however, evidence to suggest that these individuals are more likely to purchase the authorised copies of series if they have already watched the unauthorised copies and enjoyed them. And although these 'pirates' are generally not concerned that file-swapping and downloading could be illegal, neither do they feel that what they are doing is wrong, many 'pirates' of television series would prefer to consume authorised content, some even accepting to pay a small fee if it were made easy. Users would ideally like the content to be free and downloading cheap. These findings are a good indication for the industry in terms of finding a new business model, as these viewers are willing to adapt their behaviour to ensure they are viewing authorised content.

Possible Solutions and Recommendations for the Industry

Most 'pirates' agree that if the risk of being caught were higher, or if it was socially unacceptable to download unauthorised content, it might change their behaviour. But for now it is clear that this trend is here to stay. People will continue to find a way to 'pirate', and what the industry is doing by fighting it is creating an even smarter consumer who is rising to the challenge of combating the technical prevention of 'piracy' and successfully avoiding the law. It is a trend that needs to be recognised for what it is, and the industry

needs to identify how 'piracy' is meeting consumers' needs better than they have been able to in the past in order to capitalise on it.

In conclusion, the strategy of embracing technology and competing directly with P2P networks on quality, accessibility, availability, security and legality has worked well in the USA. The answer is not simply to raise the risk of punishment as Hill (2007) suggests, which would be near to impossible in South Africa anyway; not simply to stigmatise 'piracy' as theft, as the industry has tried to do so far (Hill, 2007); but to embrace the technology and offer or support an authorised alternative to 'pirated' digital distribution (Hill, 2007). This service, as indicated in both the focus groups and interviews would have to be very cheap or, like the American example, free in order for the incentive not to 'pirate' the same material to be sufficient.

The business model used by the big American television networks is not yet possible in South Africa to the degree that it is in the USA, but a step in the right direction is what South Africa needs. Television traditionally was the least specialised of all media (Katz, Haas & Gurevitch, 1973), but with the increasing digitisation of television content it has the potential to become more specialised and more attractive in a way that television has never been before. The strategy to embrace the technology and compete is thus by far the superior one in combating 'piracy'. It is therefore imperative that those in the industry recognise this trend in viewing patterns as a significant one and attempt to lead the way instead of falling behind the consumer.

It is also possible that the 'piracy' of television series appeals to a different market, a market that perhaps was not purchasing, renting or watching much of the content on television to start off with anyway. The findings in this study suggest that a significant amount of the 'pirated' content that is watched by these individuals is watched this way not always because individuals are actively going out searching for content that they would usually have purchased, rented or waited for on television, but is watched merely because it has become available this way. The danger of course comes in when the viewers who would have purchased, rented or waited for television for a particular series,

begin to find 'piracy' appealing because it is free and the content easy to obtain. Therefore not only is it imperative to adapt the business model to try to curb the 'piracy' that is already occurring, but also to ensure they can hold on to the market that still prefers to watch on television.

Further, the issue of serialised windowing – whereby series are released in South Africa after some delay after the release in the USA – was cited as one of the biggest causes of 'piracy' amongst respondents. It may thus be possible for television networks in countries like South Africa to significantly reduce and prevent 'piracy' if this delay were removed and series were broadcast simultaneously (or at least as near as possible given different time zones) in all countries.

University of Cape Town

7 Recommendations for Further Study

This study was predominantly exploratory in nature, as the true extent of the 'piracy' of television series in South Africa is difficult to measure quantitatively in a study of this size. The fact that these series are shared amongst users using USB flash drives, external hard drives, DVDs and iPods means that such a phenomenon is very difficult to track. This is also not a trend that has been or can easily be accurately tracked and measured by a service such as AMPS, and as a result statistics on this kind of unauthorised viewership are not available. For the moment the trend seems to be predominantly amongst the higher LSMs, particularly amongst students. And while this may appear to be a relatively small group in the bigger picture, this becomes a major concern when one considers that if up to 83% of this elite group is 'pirating' television content, this will have a major impact on things like digital television and television subscription services because of the buying power these LSM groups possess.

Also a problem is that one gets the feeling that this trend is growing with increasing momentum, especially as more people are able to download and share content, and viewing television series via unauthorised channels, meaning that it is likely that this behaviour may extend to a much larger group than originally estimated. As a result, a study like this one, based on a predominantly student sample, is very limiting and is likely to underestimate the extent to which this trend extends beyond only students, especially considering the extent to which the sharing of unauthorised content occurs amongst these students alone. Further research should thus examine this same study on a larger scale in order to further quantify a study that was predominantly exploratory in nature. A further study should aim to quantify the true extent of the 'piracy' of television series in South Africa.

Further, it appears that the unauthorised downloading and sharing of episodes (often in bulk) possess the unique combination of attributes that appeals to a vast number of users, namely interactivity, demassification and asynchronicity (Ruggiero, 2000). The uses and gratifications theory could therefore be used to investigate further the motivations behind

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Also a concern, is that one gets the feeling that this trend is growing with increasing momentum, especially as students leave university and are still intent on obtaining and viewing television series via unauthorised channels, meaning that it is likely that this behaviour may extend to a much larger group than originally estimated. As a result, a study like this one, based on a predominantly student sample, is very limiting and is likely to underestimate the extent to which this trend extends beyond only students, especially considering the extent to which the sharing of unauthorised content occurs amongst these students alone. Further research should thus examine this same study on a larger scale in order to further quantify a study that was predominantly exploratory in nature. A further study should aim to quantify the true extent of the 'piracy' of television series in South Africa.

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the way in which the South African public consume television series i.e. why people have become so involved in this particular type of media consumption over others and what gratifications they ultimately receive from it. Further research should thus be afforded to the unique uses and gratifications associated with this trend in order to fully understand its importance.

Any further research should also focus on what it is that consumers are still viewing on television and whether it is possible that what is 'pirated' is different to what viewers still enjoy watching on television, thus appealing to a different market. Furthermore, it is possible that the portion of the market that is viewing television series via 'piracy' is different to the portion of the market that still prefers to watch this same content on television. Perhaps both of these markets should be approached separately and differently in terms of reducing the 'piracy' within the one market and preventing defectors towards 'piracy' in the other. As a result, further research is required to identify to what extent these markets may be different, and if they are in fact different at all. It is also possible that there exists a difference in attitude towards the different categories of 'pirated' material such as: music, film, television series, computer games and computer software. If this is the case it might be that each category of 'piracy' may require more research and different solutions, as the same solutions previously applied to categories like music, movies and software may not be relevant to the 'piracy' of something like television series.

In addition, it must be considered that it is possible that this system of sharing merely escapes an overly controlling industry by utilising a new way to distribute content. The solution to 'piracy' might not be to fight it, but to look at how and why it works. In fact, P2P technologies and file-sharing are vastly more efficient in moving content across a widely diverse network than any of the authorised channels available in South Africa to date, and left to develop, could become even more so. These potential public benefits may, however, be lost in the battle against P2P. Further research should thus investigate a way to continue to secure income to artists, while continuing to allow the market to secure the most efficient way to promote and distribute the content.

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Research:

Interviews & surveys conducted in Cape Town, 1 August to 31 October 2008 (see Appendix F & G for discussion guide and survey).

Appendix A

Figure A1:

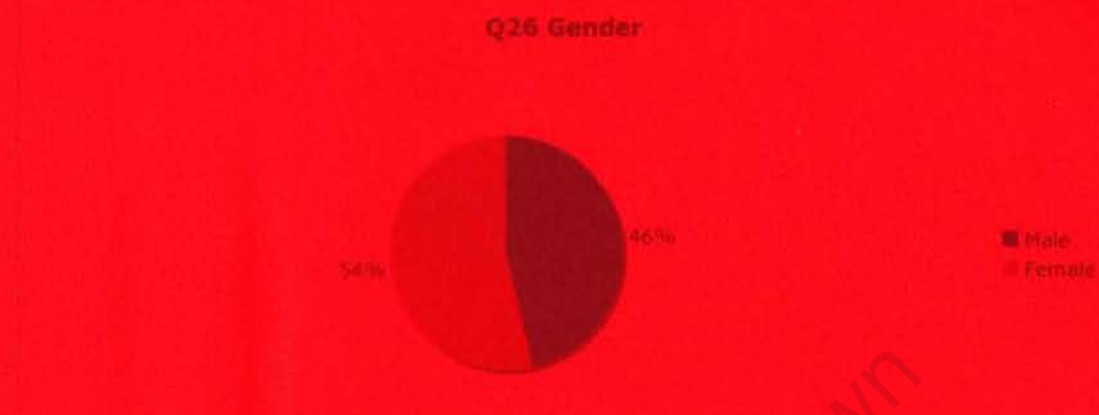


Table A1:

Q26 Gender	Total	Percentage
Male	45	45.92%
Female	53	54.08%
Total	98	100.00%

Figure A2:



Table A2:

Q27 Age	Total	Percentage
18-23	86	87.76%
24-30	6	6.12%
31-40	4	4.08%
41-50	2	2.04%
Total	98	100.00%

Appendix A

Figure A1:

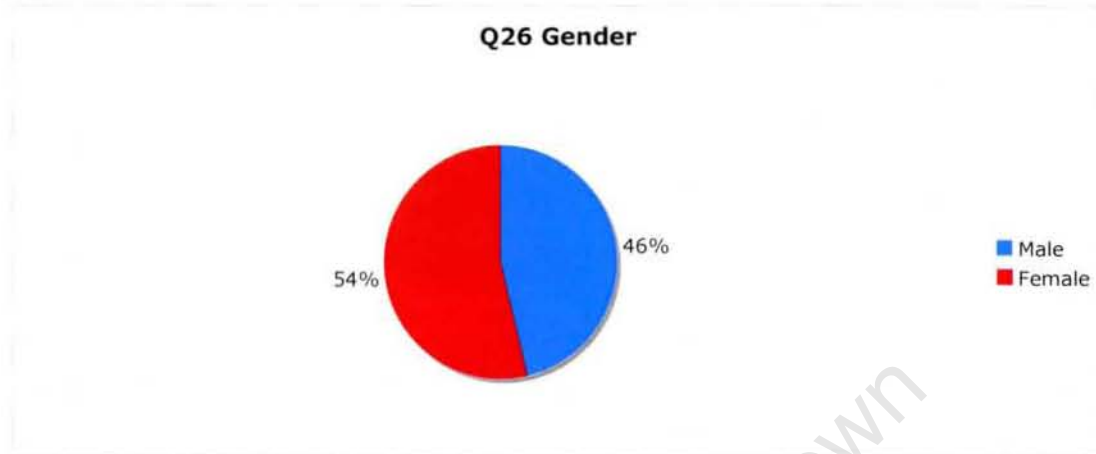


Table A1:

Q26 Gender		
Male	45	45.92%
Female	53	54.08%
Total	98	100.00%

Figure A2:

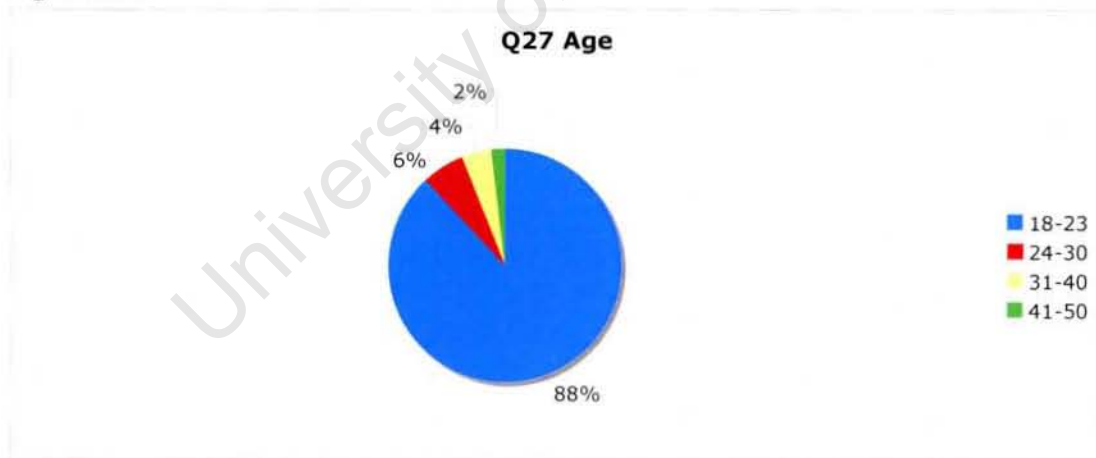


Table A2:

Q27 Age	Total	Percentage
18-23	86	87.76%
24-30	6	6.12%
31-40	4	4.08%
41-50	2	2.04%
Total	98	100.00%

Figure A3:

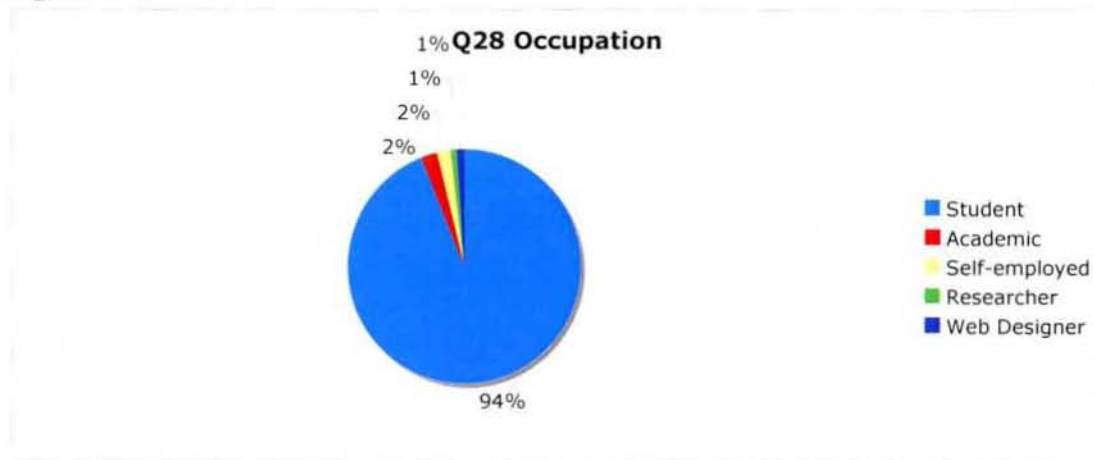


Table A3:

Q28 Occupation	Total	Percentage
Student	92	93.88%
Academic	2	2.04%
Self-employed	2	2.04%
Researcher	1	1.02%
Web Designer	1	1.02%
Total	98	100.00%

Figure A4:

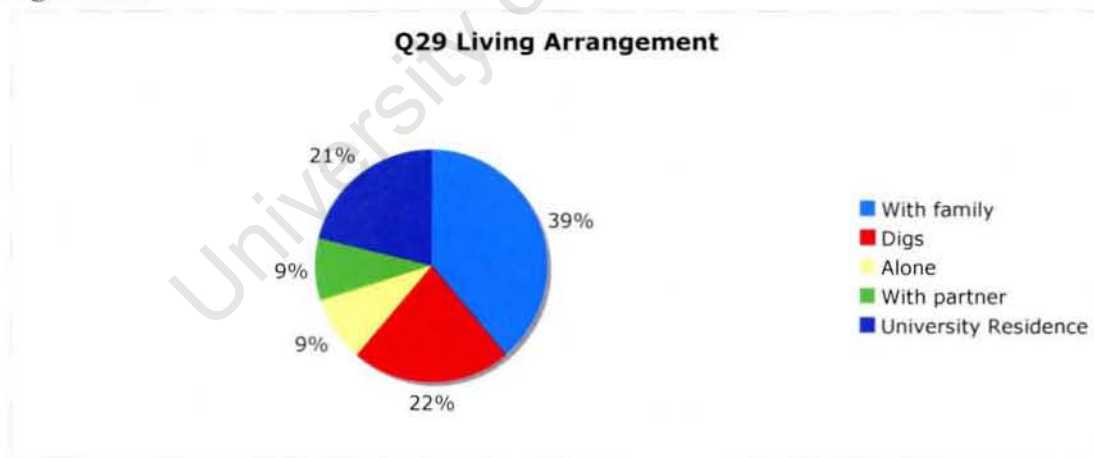


Table A4:

Q29 Living Arrangement	Total	Percentage
With family	38	38.78%
Digs	21	21.43%
Alone	9	9.18%
With partner	9	9.18%
University Residence	21	21.43%
Total	98	100.00%

Figure A5:

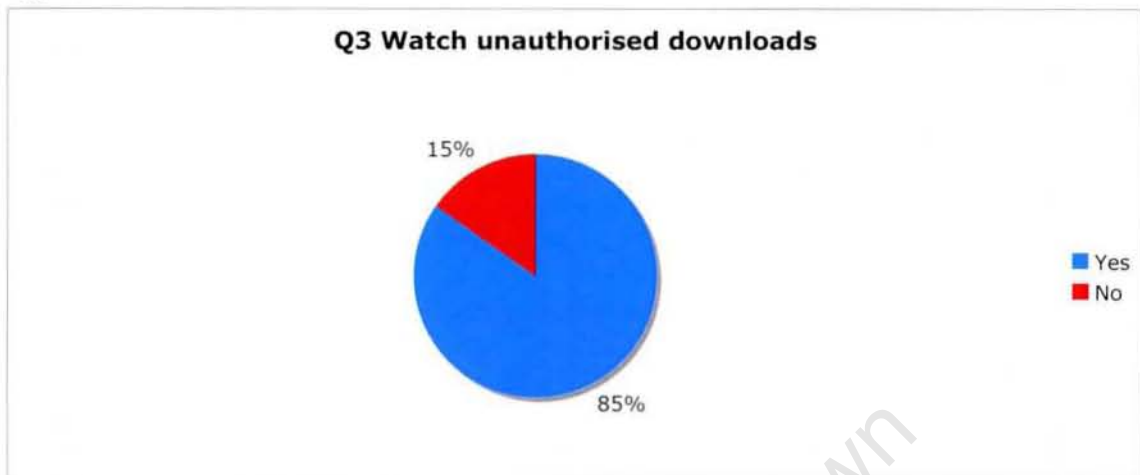


Table A5:

Q3 Unauthorised downloads	Total	Percentage	Mean no. of Series
Yes	83	84.69%	9.07
No	15	15.31%	6.13
Total	98	100.00%	

Appendix B

Figure B1 (5.4: 42)

Table B1a:

Q15 Why they don't watch on TV	Total	Percentage
The delay between release here & USA	50	60.24%
I don't like ad breaks	38	45.78%
I like to watch on my own terms	43	51.81%
I don't have access to right channels	17	20.48%
I cant afford it	2	2.41%
I don't like to wait a week	6	7.23%
Not available on TV	3	3.61%
No TV	6	7.23%
I like to watch more than one	2	2.41%
Need to time shift, cant Afford PVR	1	1.20%

Table B1b:

Q15 Consolidated	Percentage
Delay (1)	60.24%
Adbreaks (2)	45.78%
Timeshifting (3,6, 9, 10)	61.45%
Avoid costs (4,5)	22.89%
No TV (8)	7.23%
Not available on TV (7)	3.61%

Figure B2 (5.5a: 44)

Table B2:

Q16 Whether they still watch TV	Total	Percentage
Yes	36	43.37%
Sometimes	24	28.92%
Almost Never	13	15.66%
Never	10	12.05%
Total	83	100.00%

Figure B3 (5.5c: 46)

Table B3:

Q7 Episodes watched in one sitting	Total	Percentage
1 Episode	8	9.64%
2 Episodes	36	43.37%
3 Episodes	14	16.87%
4 Episodes	13	15.66%
5 Episodes	6	7.23%
6 Episodes	4	4.82%
10 Episodes	2	2.41%
Total	83	100.00%
Mean	2.987951807	

Figure B4:

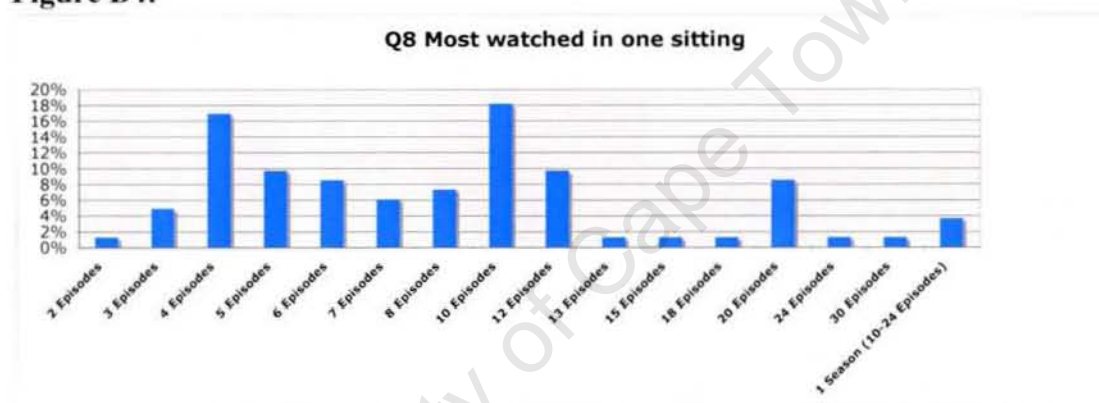


Table B4:

Q8 Most watched in one sitting	Total	Percentage
2 Episodes	1	1.20%
3 Episodes	4	4.82%
4 Episodes	14	16.87%
5 Episodes	8	9.64%
6 Episodes	7	8.43%
7 Episodes	5	6.02%
8 Episodes	6	7.23%
10 Episodes	15	18.07%
12 Episodes	8	9.64%
13 Episodes	1	1.20%
15 Episodes	1	1.20%
18 Episodes	1	1.20%
20 Episodes	7	8.43%
24 Episodes	1	1.20%
30 Episodes	1	1.20%
1 Season (10-24 Episodes)	3	3.61%
Total	83	100.00%
Mean	9.0125	

Figure B5 (5.5b: 44)

Table B5:

Q13 How they watch	Total	Percentage
Laptop	52	62.65%
Desktop	9	10.84%
Connect computer to TV	17	20.48%
Write DVDs and use DVD player	5	6.02%
Total	83	100.00%

Figure B6:

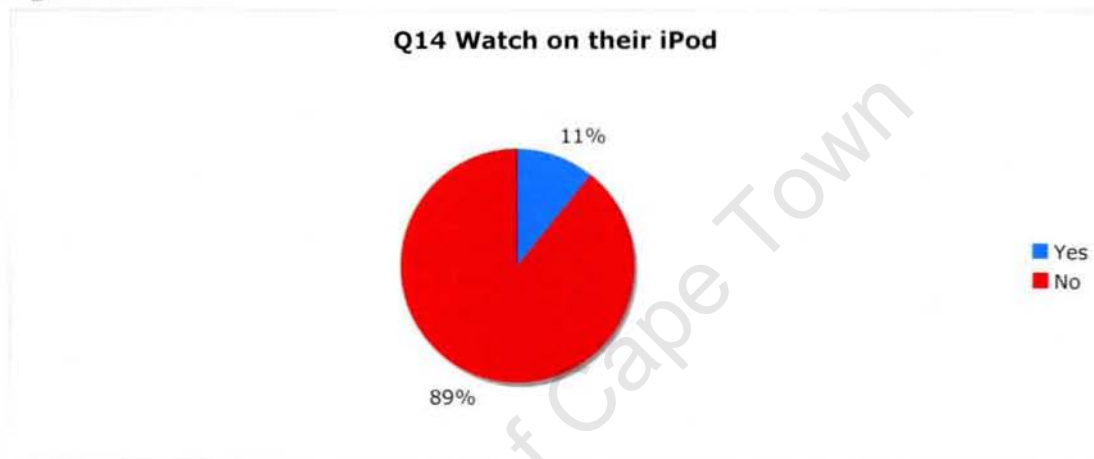


Table B6:

Q14 Watch on their iPod	Total	Percentage
Yes	9	10.84%
No	74	89.16%
Total	83	100.00%

Figure B7 (5.5d: 48)

Table B7:

Q12 Who they watch with	Total	Percentage
I like to watch alone	34	40.96%
With friends	26	31.33%
With family	4	4.82%
With digs mates	5	6.02%
With significant other	14	16.87%
Total	83	100.00%

Figure B8:

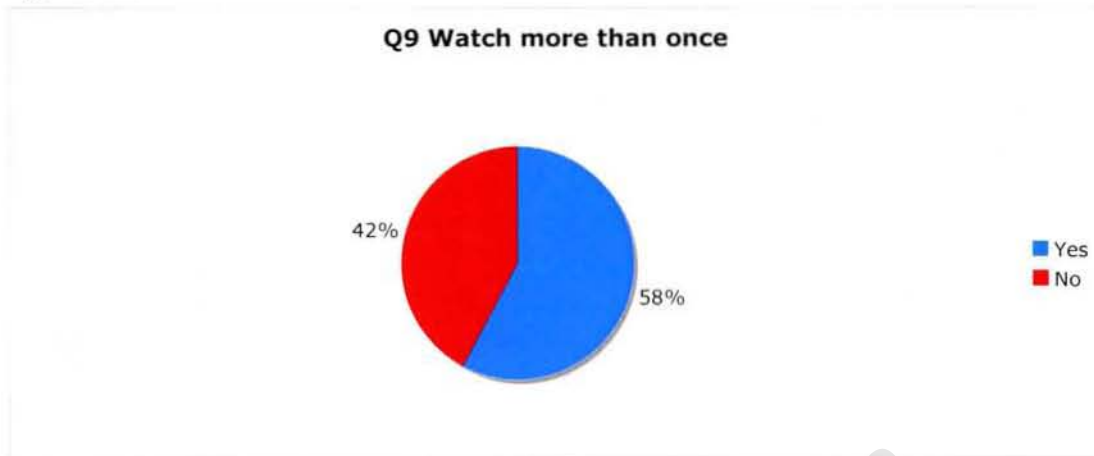


Table B8:

Q9 Watch more than once	Total	Percentage
Yes	48	57.83%
No	35	42.17%
Total	83	100.00%

Figure B9 (5.9c: 63)

Table B9:

Q11 Purchase after watching unauthorised copyuld	Total	Percentage
Yes	27	32.53%
Maybe	22	26.51%
Never	34	40.96%
Total	83	100.00%

Figure B10:

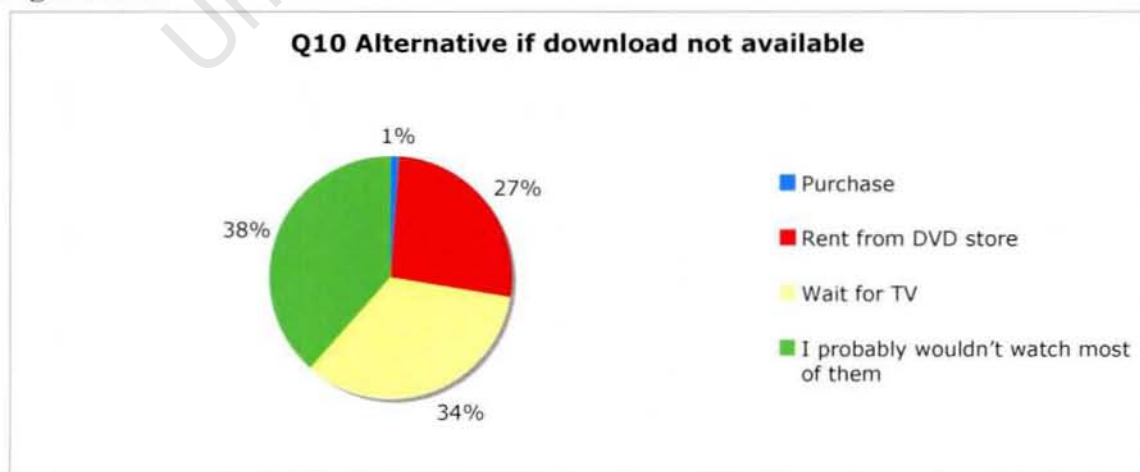


Table B10:

Q10 Alternative if download not available	Total	Percentage
Purchase	1	1.20%
Rent from DVD store	22	26.51%
Wait for TV	28	33.73%
I probably wouldn't watch most of them	32	38.55%
Total	83	100.00%

Figure B11 (5.5e: 49)

Table B11a:

Q2 Series watched	Percentage
Grey's Anatomy	60%
How I met your mother	58%
Prison Break	56%
Gossip Girl	52%
Heroes	51%
The OC	50%
Desperate Housewives	48%
Californication	38%
Gilmore Girls	37%
House	36%
Dirty Sexy Money	34%
Brothers & Sisters	33%
Ugly Betty	33%
One Tree Hill	32%
Chuck	28%
Entourage	27%
Dexter	24%
Reaper	15%
Lost	15%
Veronica Mars	13%
Big Bang Theory	10%
Friends	8%
Tudors	7%
Jericho	5%
CSI	5%

Table B11b:

Less than 5% viewership	
Dirt, Scrubs, Greek, Boston Legal, The Simpsons	4%
Top Gear, Priveleged, Supernatural, Weeds Women's Murder Club, Sex and The City, 24	3%
Everybody Hates Chris, Naruto, Sarah Conner Chronicles, Bleach, The new 90210, Fringe	2%
Samantha Who, Lipstick Jungle, Arrested Development, Secret Diary of a Call Girl, Valentine, Flight of the Concords, Secret Life of the American Teen, The Mentalist, Little Britain, Pushing Daisies, Damages, My Name is Earl, The Office, The Unit, Criminal Minds, Battlestar Galactica, The New Adventures of Old Christine	1%

Table B11c:

Number of Series Watched	Percentage
24	1%
21	1%
19	1%
18	3%
17	1%
16	1%
15	2%
14	3%
13	5%
12	6%
11	7%
10	6%
9	9%
8	5%
7	10%
6	9%
5	7%
4	10%
3	6%
2	5%
0	2%
Total	100%

Appendix C

Figure C1:

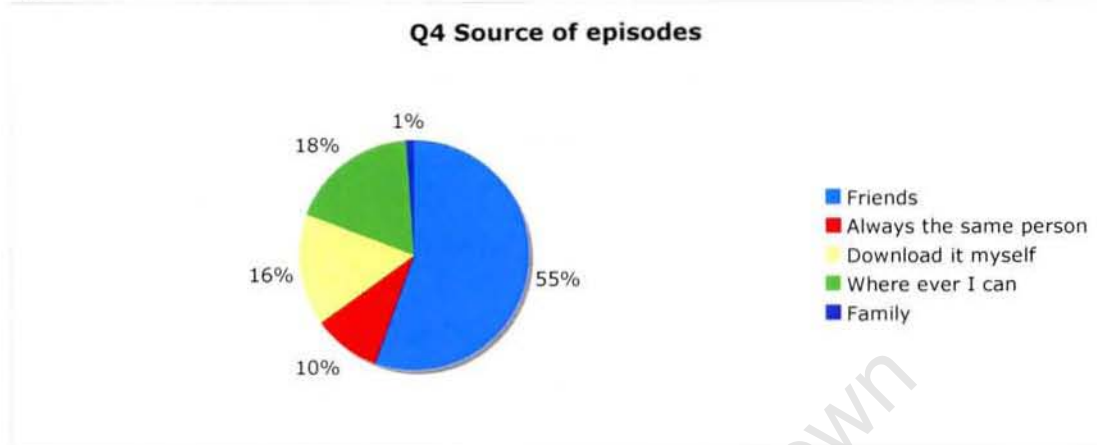


Table C1:

Q5 Transfer of Downloads	Total	Percentage
USB Flash Drive	42	50.60%
External Hard drive	28	33.73%
DVD/CD	10	12.05%
iPod	3	3.61%
Totals	83	100.00%

Figure C2 (5.7: 53)

Table C2:

Q4 Source of episodes	Total	Percentage
Friends	46	55.42%
Always the same person	8	9.64%
Download it myself	13	15.66%
Where ever I can	15	18.07%
Family	1	1.20%
Total	83	100.00%

Figure C3:

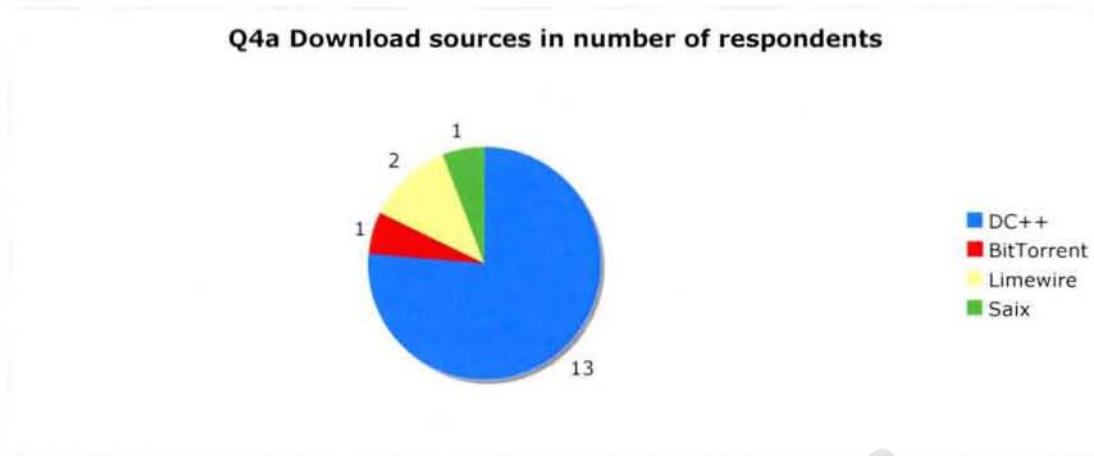


Table C3:

Q4a Download sources	Total	Percentage
DC++	13	76.47%
BitTorrent	1	5.88%
Limewire	2	11.76%
Saix	1	5.88%
Total	17	100.00%

Figure C4:

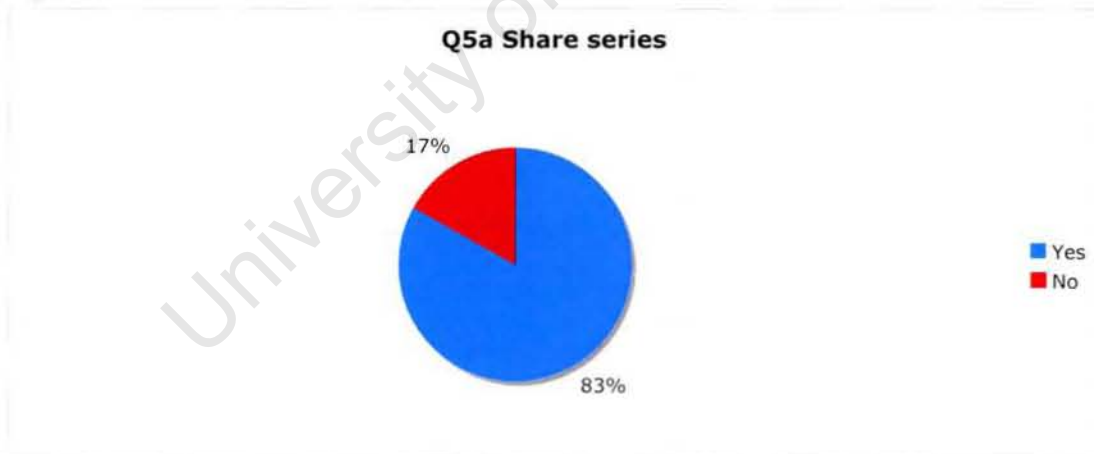


Table C4:

Q5a Share Series	Total	Total
Yes	69	83%
No	14	17%
Total	83	100%

Appendix D

Figure D1 (5.9a: 59)

Table D1:

Q10 Alternative if download not available	Total	Percentage
Purchase	1	1.20%
Rent from DVD store	22	26.51%
Wait for TV	28	33.73%
I probably wouldn't watch most of them	32	38.55%
Total	83	100.00%

Figure D2:

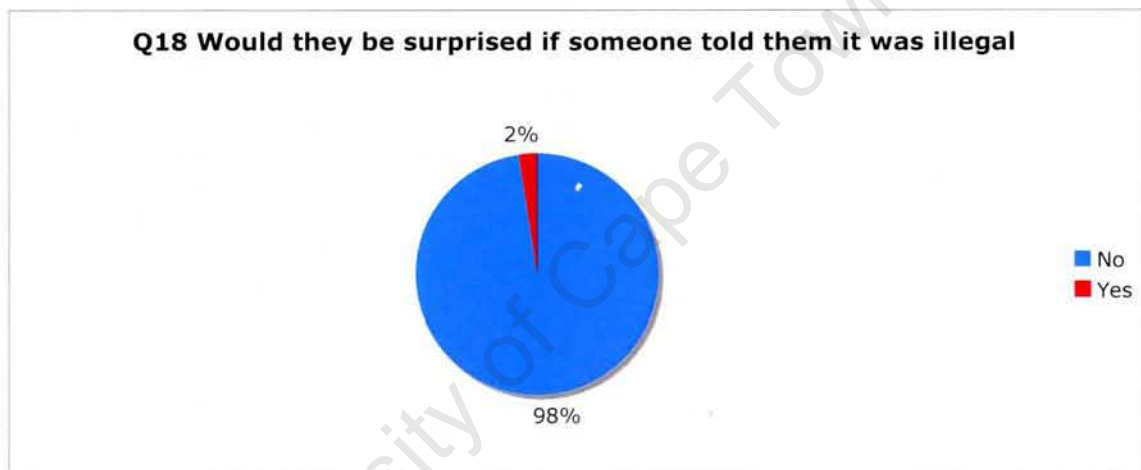


Table D2:

Q18 Surprised if told it was illegal	Total	Percentage
No	81	97.59%
Yes	2	2.41%
Total	83	100.00%

Figure D3:

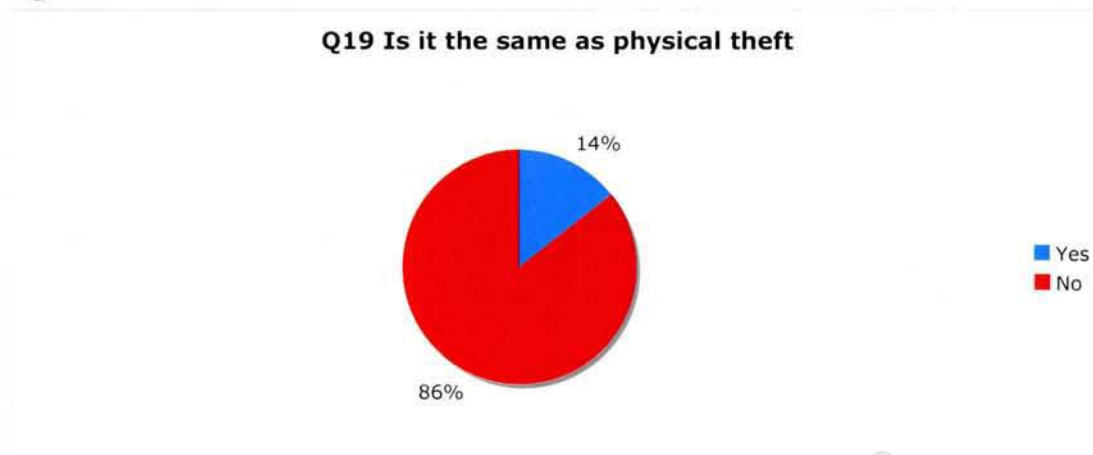


Table D3:

Q19 The same as physical theft	Total	Percentage
Yes	12	14.46%
No	71	85.54%
Total	83	100.00%

Figure D4 (5.8: 57)

Table D4:

Q20 Why (MR)	Total	Percentage
Not tangible	14	16.87%
Everyone does it	21	25.30%
Not taking anything away from anyone	19	22.89%
Accessibility and availability	26	31.33%
In the public domain	24	28.92%
Not conditioned to believe it's wrong	16	19.28%
Can't imagine it any other way	15	18.07%
Same as recording on VHS, technology evolves	1	1.20%
No lost sale	2	2.41%
Entitled to it - I pay for DStv anyway	1	1.20%
No monetary gain from copying	1	1.20%

Figure D5:

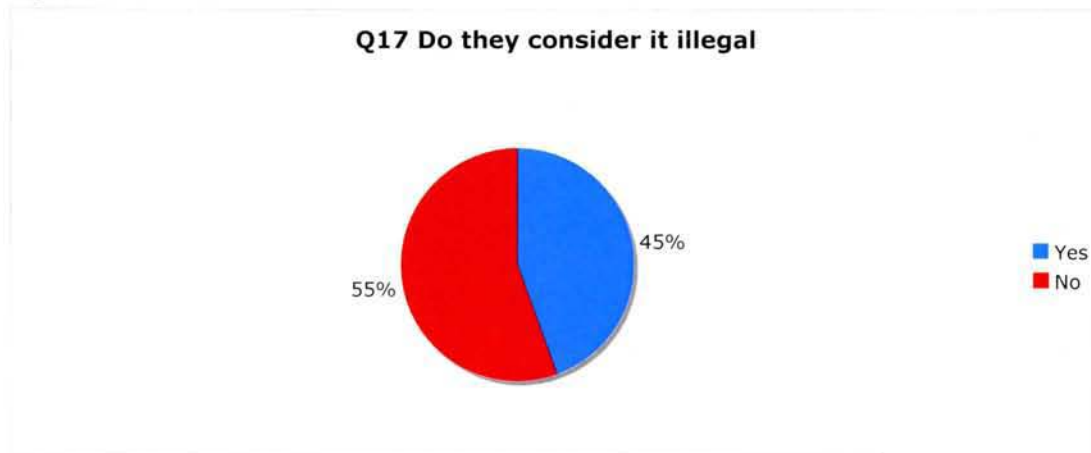


Table D5:

Q17 Do they consider it illegal	Total	Percentage
Yes	37	44.58%
No	46	55.42%
Total	83	100.00%

Figure D6:

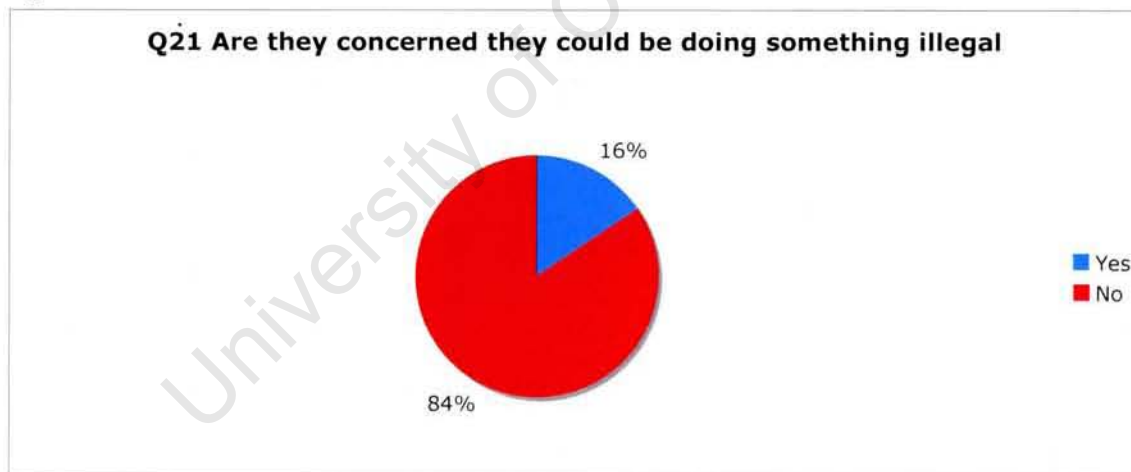


Table D6:

Q21 Concerned it could be illegal	Total	Percentage
Yes	13	15.66%
No	70	84.34%
Total	83	100.00%

Figure D7:

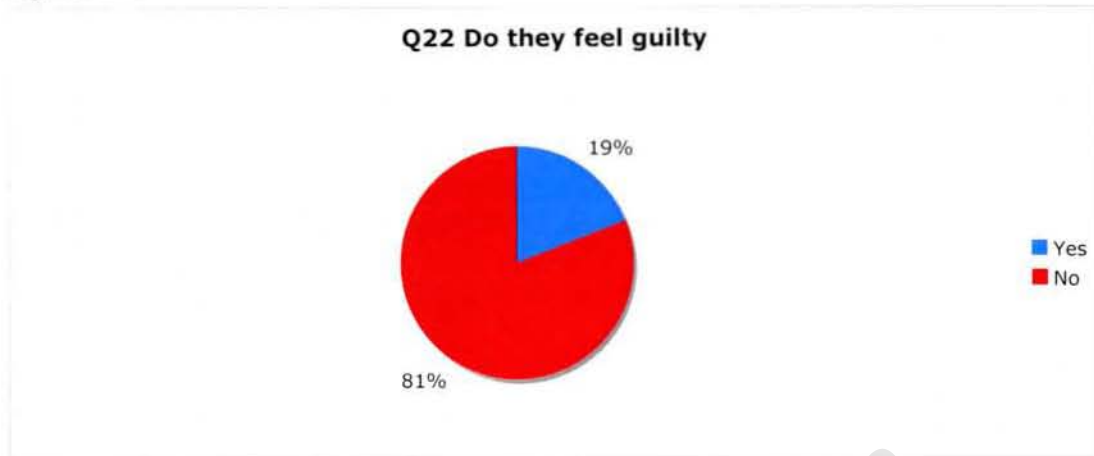


Table D7:

Q22 Do they feel guilty	Total	Percentage
Yes	16	19.28%
No	67	80.72%
Total	83	100.00%

Figure D8:

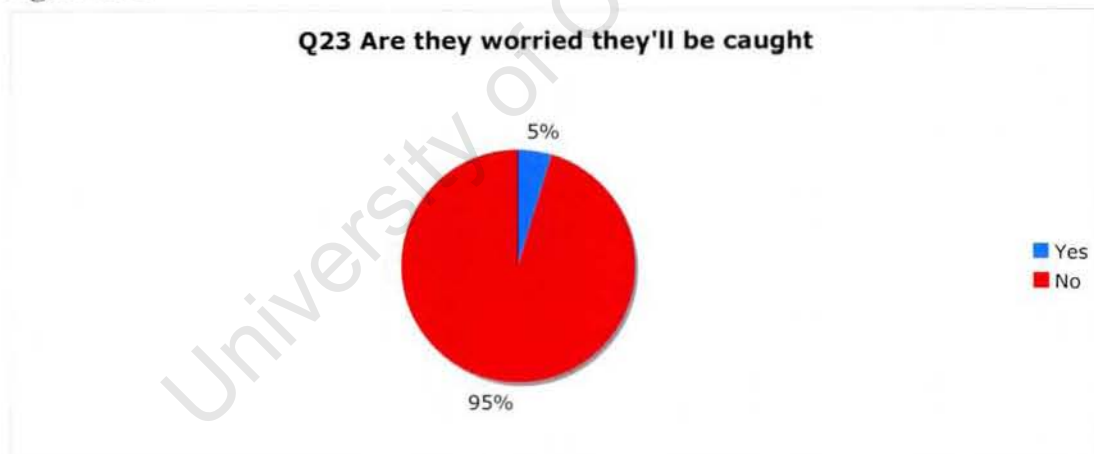


Table D8:

Q23 Worried they'll be caught	Total	Percentage
Yes	4	4.82%
No	79	95.18%
Total	83	100.00%

Figure D9 (5.9b: 63)

Table D9:

Q24 Preference for legal option	Total	Percentage
It doesn't make a difference to me	18	21.69%
Only if it were free	34	40.96%
Yes, as long as it were easy & affordable	27	32.53%
No, I'm happy doing it the way I do now	4	4.82%
Total	83	100.00%

Figure D10 (5.10: 66)

Table D10:

Q25 Introduce USA solution	Total	Percentage
Yes	17	20.48%
Yes, if no delay	25	30.12%
No	9	10.84%
No Internet access	4	4.82%
No, Downloading is expensive	8	9.64%
No, I don't like adverts	5	6.02%
No, I'm happy with the way I do it now	15	18.07%
Total	83	100.00%

Appendix E

Most Popular Shows: All Genres (TV.com, 2008)

Rank	Show	Start - end	Score
1	House	2004 - present	9.2
2	Lost	2004 - present	9.2
3	24	2001 - present	9.1
4	Gossip Girl	2007 - present	8.7
5	Heroes	2006 - present	9.2
6	Smallville	2001 - present	9
7	Prison Break	2005 - present	9.1
8	Desperate Housewives	2004 - present	8.8
9	One Tree Hill	2003 - present	9
10	Family Guy	1999 - present	9.1
11	NCIS	2003 - present	9.1
12	Grey's Anatomy	2005 - present	9
13	The Mentalist	2008 - present	8.4
14	How I Met Your Mother	2005 - present	9.1
15	Battlestar Galactica (2003)	2003 - present	9.1
16	Bones	2005 - present	9
17	Supernatural	2005 - present	9.2
18	Scrubs	2001 - present	9.2
19	The Big Bang Theory	2007 - present	8.9
20	CSI	2000 - present	9.1

Highest Rated Shows: All Genres (TV.com, 2008)

Rank	Show	Start - end	Score
1	House	2004 - present	9.2
2	Supernatural	2005 - present	9.2
3	The Simpsons	1989 - present	9.2
4	Seinfeld	1989 - 1998	9.2
5	Scrubs	2001 - present	9.2
6	Lost	2004 - present	9.2
7	Friends	1994 - 2004	9.2
8	Heroes	2006 - present	9.2
9	Avatar: The Last Airbender	2005 - 2008	9.2
10	Monk	2002 - present	9.1
11	Dexter	2006 - present	9.1
12	The Twilight Zone	1959 - 1964	9.1
13	Prison Break	2005 - present	9.1
14	24	2001 - present	9.1
15	Firefly	2002 - 2002	9.1
16	Battlestar Galactica (2003)	2003 - present	9.1
17	That '70s Show	1998 - 2006	9.1
18	Stargate SG-1	1997 - 2008	9.1
19	Boy Meets World	1993 - 2000	9.1
20	The Office	2005 - present	9.1

Most Downloaded Shows on BitTorrent (TorrentFreak, 2008)

Rank	Show	Downloads	Est. US TV viewers
1	Lost	5,730,000	13,400,000
2	Heroes	4,400,000	8,200,000
3	Prison Break	3,840,000	6,100,000
4	Terminator:...	2,240,000	5,500,000
5	Desperate Housewives	1,990,000	16,200,000
6	Stargate Atlantis	1,810,000	1,700,000
7	Dexter	1,660,000	7,200,000
8	House	1,520,000	15,700,000
9	Grey's Anatomy	1,380,000	16,000,000
10	Smallville	1,150,000	4,100,000

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Appendix F

Rough Discussion Guide/Interview Questions

Why television series and not soaps or other types of shows?

How do you feel about local content?

Why television series and not soaps or other types of shows?

How do you feel about local content?

Do you download the episodes of the television series yourself or do you get them from other people? i.e. friends, acquaintances.

And is it one particular 'connection' or just anyone who has them?

Why television series and not soaps or other types of shows?

How do you feel about local content?

Do you usually use usb, ipod or dvd to get the episodes from other people?

And do you often share it? i.e. pass it on to other friends?

How often do/did you get episodes? i.e. as they came out, or in bulk every now and then?

How many episodes do you watch at a time?

How many is the most amount of episodes you've watched in one go?

Do you ever watch them more than once?

Would you consider buying the series on dvd after you've watched the downloaded version?

Or renting/buying if you couldn't get hold of an episode?

Do you watch them on your laptop/desktop or connect the laptop to a tv?
Or some other way?

Have you ever watched an episode on an ipod?

Do you watch alone or with friends, family?

Why do you not watch on M-Net or other channels? Or buy the dvds? i.e. delay between America and here? To skip adverts? Think it's too expensive to subscribe, or too

expensive to buy (overpriced)? (It can be more than one option or something else)

Do you still watch much other television besides what you get downloaded?

I know you know it's illegal, but do consider it illegal, or at least as illegal as theft of physical goods?

Why or why not?

Does it concern you that you are doing something illegal?

Does it cross your mind at all when your getting it, or watching it? and are you ever worried about getting caught?

Would you prefer to do it another way? i.e. buy it cheaply? Or get it for free legally?

Would it change your behaviour?

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Appendix G

Q.			
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I am a Masters student at the University of Cape Town and am conducting research into the consumption of television series in South Africa. This questionnaire is for use in a thesis and any information you provide will remain confidential and will be used for no other purposes than this thesis. Please take five minutes of your time to fill out this questionnaire.

Screening:

1. Do you watch television series?

1	Yes	
2	No	

→ Discontinue questionnaire

Section A:

2. Which television series do you enjoy watching? (Please tick as many as are relevant)

1	Grey's Anatomy		13	Women's Murder Club	
2	Prison Break		14	Dexter	
3	Heroes		15	Dirt	
4	House		16	Californication	
5	Jericho		17	Tudors	
6	Gossip Girl		18	Lost	
7	Desperate Housewives		19	Ugly Betty	
8	How I Met Your Mother		20	The OC	
9	Brothers & Sisters		21	One Tree Hill	
10	Chuck		22	Entourage	
11	Reaper		23	Veronica Mars	
12	Dirty Sexy Money		24	Gilmore Girls	

*If there are any television series you watch that do not appear here please add them below:

3. Do you watch any of these series via free downloads? (i.e. on or via your computer)

1	Yes	
2	No	

→ Go to section D

Section B:

4. Where do you usually get the episodes from? (Please tick one)

1	Friends	
2	Acquaintances	
3	My regular "connection"	
4	Download off the Internet myself*	
5	Where ever I can	
6	Family	

If you download the episodes yourself, where do you download them from? _____

5. How do you usually obtain or 'share'* the episodes? (Please tick one)

1	USB flash drive	
2	External hard drive	
3	DVD/CD	
4	iPod	

*If you share series with others pls indicate:

1	Yes		2	No	
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6. How often do you get new episodes? (Please tick one)

1	As soon as I can	
2	As soon as a new episode is released	
3	Whenever the opportunity arises, not too concerned	
4	Once the whole series is available	

7. How many episodes (on average) do you watch in one sitting? _____

8. How many is the most amount of episodes you have watched in one sitting? _____

9. Do you ever watch a season or episode more than once?

1	Yes		2	No	
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10. What would you do if you could not get hold of these series for free this way? (Please tick one)

1	Purchase	
2	Rent from DVD store	
3	Wait for television	
4	I probably just wouldn't watch most of them	

11. If you have already watched a series that has been downloaded for free off the Internet, would you ever consider purchasing the box set if you really enjoyed it?

1	Yes	
2	Maybe	
3	Never	

12. Who do you usually prefer to watch series with? (Please tick one)

1	I like to watch alone	
2	With friends	
3	With family	
4	With digs mates	
5	With significant other	
1	On my laptop	
2	On my desktop	
3	I connect my computer to my television	
4	I write DVDS and use a DVD player	

13. How do you usually watch these episodes? (Please tick one)

an episode on your iPod?

14. Have you ever watched

1	Yes		2	No	
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15. Why do you not watch these series on television? (You may tick more than one if relevant)

1	The delay between release overseas and here is too long	
2	I don't like the ad breaks	
3	I like to watch on my own terms (how, when i.e not just once a week)	
4	I don't have access to the right channels	
5	I can't afford it	

If there is any other reason please indicate below

16. Do you still watch regular television? (Please tick one)

1	Yes		3	Almost never	
2	Sometimes		4	Never	

Section C:

17. Do you consider it illegal to watch or obtain these downloads without paying for them?

1	Yes		2	No	
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18. If I were to tell you that it is illegal, does this surprise you?

1	Yes		2	No	
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19. Do you consider the free downloading of these series the same as physical theft? (i.e. the same as stealing the physical DVD from a store)

1	Yes		→
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2	No	<input type="checkbox"/>
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Skip question 20

20. Why do you think it's not as 'bad' as physical theft?

(You may tick more than one)

1	It's not a physical item	<input type="checkbox"/>
2	Everyone does it	<input type="checkbox"/>
3	I'm not taking anything away from anyone	<input type="checkbox"/>
4	It's so accessible and available	<input type="checkbox"/>
5	Everything on the Internet is fair game (in the public domain)	<input type="checkbox"/>
6	I have just not been conditioned to believe that it is wrong	<input type="checkbox"/>
7	I can't imagine it being any other way – it's just how I get my series episodes	<input type="checkbox"/>

21. Does it concern you that you are doing something illegal?

1	Yes	<input type="checkbox"/>	2	No	<input type="checkbox"/>
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22. Do you feel that what you are doing is wrong?

1	Yes	<input type="checkbox"/>	2	No	<input type="checkbox"/>
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23. Are you worried about getting caught?

1	Yes	<input type="checkbox"/>	2	No	<input type="checkbox"/>
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24. Would you prefer to be able to do it legally? (Please tick one)

1	It doesn't make a difference to me	<input type="checkbox"/>
2	Only if it were free	<input type="checkbox"/>
3	Yes, as long as it is easy I wouldn't mind paying a small fee to do it legally	<input type="checkbox"/>
4	No, I'm totally ok with doing what I've been doing in the past	<input type="checkbox"/>

25. In America the big TV networks make all series available on the Internet for free two days after it is broadcast on regular TV, the only snag is that while you can rewind and fast-forward through the episodes you are forced to watch short adverts during ad-breaks. Do you think this might stop you illegally downloading or sharing series? (Please tick one)

1	Yes*	<input type="checkbox"/>
2	Yes, as long as there is no delay between release in SA and overseas	<input type="checkbox"/>
3	Maybe	<input type="checkbox"/>
4	No*	<input type="checkbox"/>
5	No, I don't have easy access to internet	<input type="checkbox"/>
6	No, downloading is still too expensive	<input type="checkbox"/>
7	No, I really don't want to have to watch adverts	<input type="checkbox"/>
8	No, I'm happy with the way I watch series now	<input type="checkbox"/>

*If your reason differs from above please provide your reason below if applicable:

Section D:

26. Gender:

1	Male	
2	Female	

28. Occupation: _____

27. Age:

1	18-23	
4	24-30	
3	31-40	
4	41-50	
5	51+	

29. Living arrangement

1	With family	
4	Digs	
3	Alone	
4	With partner	
5	University Residence	

Thank you for your time!

University of Cape Town