

A Cultural Analysis of Movie Piracy:
Taiwan and the United States

Movie piracy is a problem for the United States. Digitization, especially of cultural units like movies, has presented new issues in the debates over intellectual property. As participants in this debate, technical communicators need an understanding of the issues.

As an economic problem, American movies are the second largest pirated good from the United States affecting a significant portion of the economy. The Motion Picture Association estimates losses of \$3 billion annually from movie piracy, with \$718 million in potential revenue lost in the Asia/Pacific region in 2003 alone.

As a legal problem, international copyright laws define movie piracy for producers and consumers alike, often without inviting all participants to the definition-making process. Developing countries are subjected to heavy pressure to adopt intellectual property laws written from an American viewpoint on copyright.

As a technological problem, digital equipment makers continue to push out cheap optical disk recorders, along with increasingly higher quality media, capable of holding significantly more data than is required for a feature-length film from Hollywood. In 2003, 84% of all pirated optical disks were seized in the Asia/Pacific region. The movie industry is scrambling to create various security mechanisms for their media and distribution methods in order to discourage the use of legal, low-cost media recorders for illegitimate purposes.

As an ethical problem, researchers have found that although an individual may have a well-defined concept of “ownership” for physical property, that concept does not translate

directly to digital property. Even industry insiders like Information Technology and movie professionals, those who should be the most familiar with the problem and more inclined to abide by the law regarding piracy, have been found to pirate software and movies more often than outsiders in both industries.

As a cultural problem, movies in themselves are cultural units. They are national and cultural expressions encompassing the mores, dreams, and common behavior of the culture in which they are set. Most countries consider their movie industries to be cultural industries and worthy of legal protection. It has also been argued by many researchers that digital piracy is directly tied to culture. Some researchers have said that the present conception of property is a Western concept, indicating that in order for Eastern cultures to participate in the global intellectual property market, they would need to become Westernized.

The cultural aspect of movie piracy, therefore, encompasses its economic, legal, technological, and ethical aspects. This bibliography represents one approach to the exploration of the issues of movie piracy through the lens of culture by considering two cultures, Taiwan and the United States. Through surveys in both countries, with scenarios aimed to identify the tendency to pirate movies, and analyzed against other, intervening factors (such as gender, age, years of computer use, etc.), and the history of intellectual property, this bibliography may be used to research the question of culture's effect on movie piracy.

Intellectual property is a key issue for multimedia designers, writers, and professional technical communicators. An exploration of the issue, through data driven case studies as well as academic analysis, will enhance the field of technical communication while working towards a solution to the current problems.

ANNOTATED BIBLIOGRAPHY

Bowrey, Kathy. *Law & Internet Cultures*. Cambridge University Press, 2005.

A discussion of the Internet, culture, and regulation. Traces various formative points and bodies of the Internet and how that is influenced by and influences culture.

Brown, Milissa J. *Is Taiwan Chinese?: The Impact of Culture, Power, and Migration on Changing Identities*. University of California Press, 2004.

Discusses the formation of Taiwan and examines its culture in comparison to China. Argues for a new Taiwanese culture/identity begun in the 1990s.

Byers, Simon; Cranor, Lorrie Faith; Cronin, Eric, Korman, Dave; McDaniel, Patrick. "An analysis of security vulnerabilities in the movie production and distribution process". *Telecommunications Policy*: Vol. 28, 2004.

Important information on the culpability of the movie industry for movie piracy through lack of security, and that a majority of movie piracy occurs from within the industry.

Castells, Manuel. *The Rise of the Network Society*, 2nd Edition. Blackwell Publishers, 2000.

A sweeping historical trace of how digital networks formed and how that is reflected in world cultures. Part one of a trilogy. First comprehensive examination of these themes.

***The Power of Identity*. Blackwell Publishing, 1997.**

Examines the decline of the nation-state and the rise of individual identities/cultures, brought about by the spread of networks. Part two of a trilogy. First comprehensive examination of these themes.

Cooper, Jon; Harrison, Daniel M. "The social organization of audio piracy on the Internet". *Media, Culture, & Society*: Vol. 23, 2001.

An anthropological look at audio piracy. Includes transcripts of communications demonstrating the society of audio pirates.

Chellappa, Ramnath K.; Shivendu, Shivendu. "Economic Implications of Variable Technology Standards for Movie Piracy in a Global Context". *Journal of Management Information Systems*: Vol. 20, No. 2, 2003.

Examination of how an increase in the number of standards for distributing movies in digital form will hamper piracy.

Dillman, Don A. *Mail and Internet Surveys: The Tailored Design Method*, 2nd Edition. John Wiley & Sons, Inc., 2000.

Fundamental textbook on designing and conducting surveys remotely.

Fallenbock, Markus. “On the Technical Protection of Copyright: The Digital Millennium Copyright Act, the European Community Copyright Directive and Their Anticircumvention Provisions”. *International Journal of Communications Law and Policy*: 2002.

A summary of these laws.

Friedman, Batya. “Social Judgments and Technological Innovation: Adolescents’ Understanding of Property, Privacy, and Electronic Information”. *Computers in Human Behavior*: Vol. 13, No. 3, 1997.

Key research on piracy behaviors and how complex concepts of property (between digital and non-digital) can be translated to movies.

Gantz, John; Rochester, Jack B. *Pirates of the Digital Millennium: How the Intellectual Property Wars Damage Our Personal Freedoms, Our Jobs, and the World Economy*. Financial Times Prentic Hall, 2004.

A general treatment of IP issues. Gives valuable statistics from a 57 country study.

Goldsmith, Jack; Wu, Tim. *Who Controls the Internet?: Illusions of a Borderless World*. Oxford University Press, 2006.

Argues against the view that digital networks reduce the power of the nation-state. Examination of world government’s engagement with the digital age.

Golstein, Paul. *Copyright’s Highway: From Gutenberg to the Celestial Jukebox*. Hill and Wang, 1994.

Accessible history and description of copyright.

Hofstede, George. *Culture’s Consequences: Comparing Values, Behaviors, Institutions, and Organizations Across Nations*, 2nd Edition. Sage Publications, 2001.

A classic cross-cultural examination of values. Uses mental/cultural programming analogies to categorize and then compare cultures.

Hoskins, Colin; McFadyen, Stuart; Finn, Adam. *Global Television and Film: An Introduction to the Economics of the Business*. Clarendon Press, 1997.

An introduction to the business of film and television. Useful for the data on how films are made and then released worldwide.

Hsing, You-tien. *Making Capitalism in China: The Taiwan Connection*. Oxford University Press, 1998.

Discusses the Taiwanese investment in China between 1978 and 1994 and how that influenced China to move to a capitalist market economy. Examines cultural ties between China and Taiwan.

Husted, Bryan W. "The Impact of National Culture on Software Piracy". *Journal of Business Ethics*: Vol. 26, No. 3, August 2000.

Important look at culture's influence on piracy and vice versa.

Inglehart, Ronald; Basanez, Miguel; Diez-Medrano, Jaime; Halman, Loek; Luijkx, Ruud. *Human Beliefs and Values: a cross-cultural sourcebook based on the 1999-2002 values surveys*. Siglio XXI Editores, 2004.

Vital data from the World Values Survey and European Values Study. The survey included many subjects, from political attitudes to sexual behaviors.

Inglehart, Ronald; Welzel, Christian. *Modernization, Cultural Change, and Democracy: The Human Development Sequence*. Cambridge University Press, 2005.

Examines trends found in the World Values Surveys. Argues that all world cultures are shifting towards democracy, democracy equals modernization, and modernization is a process of human development triggered by economic change.

Lessig, Lawrence. *Code and Other Laws of Cyberspace*. Basic Books, 1999.

An examination of Internet regulation. An argument against the increasing regulation of the Internet through code and how code becomes law.

***The Future of Ideas: The Fate of the Commons in a Connected World*. Vintage Books, 2002.**

An argument on how code stifles innovation and how IP is deteriorating the open nature of the Internet.

***Free Culture: How Big media Uses Technology and the Law to Lock Down Culture and Control Creativity.* Penguin Press, 2004.**

An examination of the trends of law and code in relation to digital content. An argument for a different set of laws regarding digital content.

Litman, Jessica. *Digital Copyright: Protecting Intellectual Property on the Internet.* Prometheus Books, 2001.

A review of laws pertaining to the Internet and IP. An argument against the DMCA.

Mertha, Andrew. *The Politics of Piracy: Intellectual Property in Contemporary China.* Cornell University Press, 2005.

An examination of US-China relations in regards to IP. Attempts to answer why China has IP laws but not diligent enforcement of them.

Nimmer, David. *Copyright: Sacred Text, Technology, and the DMCA.* Kluwer Law International, 2003.

Collection of articles on copyright. Looks at copyright of sacred texts before and after the Internet.

Nyaw, Mee-Kau; Ng, Ignace. "A Comparative Analysis of Ethical Beliefs: A Four Country Study". *Journal of Business Ethics*: Vol. 13, No. 7, July 2004.

Generally useful data on cross-cultural ethics.

Peace, A. Graham. "Software Piracy and Computer-Using Professionals: A Survey". *The Journal of Computer Information Systems*: Vol. 38, No. 1, Fall 1997.

Key research showing males and computer professionals pirate more often than others.

Ramakrishna, H.V.; Kini, Ranjan B., Vijayaraman, B.S. "Shaping of Moral Intensity Regarding Software Piracy in University Students: Immediate Community Effects". *Journal of Computer Information Systems*: Vol. 41, No. 4, Summer 2001.

Interesting look at how surrounding cultural values affect tendencies to pirate.

Ryan, Michael P. *Knowledge Diplomacy: Global Competition and the Politics of Intellectual Property.* Brookings Institution Press, 1998.

Looks at the competing desires of IP producers to protect their works and IP consumers to have access to these works. Survey of international policies and laws.

Simpson, Penny M.; Banerjee, Devasish; Simpson, Jr., Claude L. “Softlifting: A model of Motivating Factors”. Journal of Business Ethics: Vol. 13, No. 6, June 1994.

Key definition of softlifting and reasons for tendencies to pirate digital content.

Sims, Ronald R; Cheng, Hsing K; Teegen, Hildy. “Toward a Profile of Student Software Pirates”. Journal of Business Ethics: August 1996.

Important research on markers to identify digital pirates. Correlates with other research.

Shore, Barry; Venkatachalam, A.R.; Solorzano, Eleanne; Burn, Janice M.; Hassan, Syed Zahoor; Janczewski, Lech J. “Softlifting and piracy: behavior across cultures”. Technology in Society: Vol. 23, 2001.

Key research on digital piracy and culture. Arguments and statistical analysis in this paper are central for my thesis.

Smith, Eric H. “Written Statement of Eric H. Smith, President, International Intellectual Property Alliance (IIPA), before the Congressional-Executive Commission on China’s Issue Roundtable ‘Intellectual Property Protection as Economic Policy: Will China Ever Enforce its IP Laws?’”. International Intellectual Property Alliance: 2005.

Represents the viewpoint of Western IP holders towards Chinese non-enforcement of IP laws that China has been pressured to enact.

Steidlmeier, Paul. “The Moral Legitimacy of Intellectual Property Claims: American Business and Developing Country Perspectives”. Journal of Business Ethics: Vol. 12, No. 2, February 1993.

Argument for IP and how developing countries may conform with international IP standards.

Strangelove, Michael. *The Empire of Mind: Digital Piracy and the Anti-Capitalist Movement*. University of Toronto Press, 2005.

Discussion of consumer as product of market and the role digital piracy is playing to reverse that trend.

Swinyard, W.R.; Rinne, H.; Kau, A. Keng. “The Morality of Software Piracy: A Cross-Cultural Analysis”. Journal of Business Ethics: Vol. 9, No. 8, August 1990.

Useful cross-cultural data.

Wang, Sujen; Zhu, Jonathan J.H.; "Mapping Film Piracy in China". Theory, Culture & Society: Vol. 20, No. 4, 2003.

Key overview of film piracy in China, either in dvd or vcd format. Traces piracy networks over time, as IP laws have been developed in China. Asks fundamental questions which drive my research.

Waterman, David. "The Political Economy of Audio-Visual Copyright Enforcement". Online Paper. 2004.

Argument for the political nature of IP laws, why some are championed and others are not. Disparities in enforcement between cable piracy and movie piracy, for example.

Whitman, Michael E.; Hendrickson, Anthony R.; Townsend, Anthony M.; Rensvold, Roger B. "Computer Aversion and Computer-Use Ethics in U.S. and Asian Cultures". The Journal of Computer Information Systems: Vol. 38, No. 4, Summer 1998.

Important examination of Asian attitudes towards computers and digital content.

Wines, William A.; Napier, Nancy K.; "Toward an Understand of Cross-Cultural Ethics: A Tentative Model". Journal of Business Ethics: Vol. 11, No. 11, November 1992.

Interesting proposal for a model of cross-cultural ethical inquiry.