
To be published in

*Television and New Media.*

Available from: [http://tvn.sagepub.com/content/by/year](http://tvn.sagepub.com/content/by/year).

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Transnational Piracy Research in Practice:
A Roundtable Interview with Joe Karaganis,
John Cross, Olga Sezneva and Ravi Sundaram

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Forthcoming in Television and New Media,
Informal Media Economies special issue, 2012

The past year has seen the release of a number of new studies on informal media circulation. Of these, the most far-reaching is the Social Science Research Council report Media Piracy in Emerging Economies, a 426-page analysis of pirate circuits in South Africa, Russia, Brazil, Mexico, Bolivia and India. The product of a transnational team of researchers led by Joe Karaganis, this richly detailed study sheds new light on how movies, music and software circulate both inside and outside legal media markets. Its most compelling conclusion is that global piracy is, above all, a price problem: ‘High prices for media goods, low incomes, and cheap digital technologies are the main ingredients of global media piracy. If piracy is ubiquitous in most parts of the world, it is because these conditions are ubiquitous’ (2011: i).

The report is significant for a number of reasons. Via a detailed critique of the existing body of industry-funded piracy research, it shifts the debate away from a ‘revenue leakage’ argument and toward a different set of questions concerning pricing, access and equity [see Figure 1]. Its account of the interactions between formal and informal media systems reveals how pirate and legal media circuits are intertwined in some of the world’s most populous nations. And while generating many valuable insights for media scholars, the report speaks also to the policy field, providing information and data that can be used
by policymakers, regulators and media companies as they confront a rapidly changing
distribution landscape.

We chatted with Karaganis and three key members of his team – Ravi Sundaram,
Olga Sezneva, and John Cross – about this remarkable project, and about piracy research
more broadly. As scholars with a longstanding interest in this area, Karaganis, Sundaram,
Cross, and Sezneva are uniquely positioned to discuss some of the challenges of
investigating pirate media circuits – problems of data, ethics, and logistics in multi-sited
media research – as well as the analytical opportunities that arise from studying informal
media economies. The interview below will hopefully be of interest to scholars involved in
comparative analyses of media systems, as well as to anyone concerned with the global
politics of intellectual property.

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*Figure 1:* The SSRC report shows how pirate circuits service consumers priced out of legal media markets in developing nations. Taking a recent Hollywood DVD as an example, the table above compares average prices in both legal and pirate markets with the equivalent prices adjusted for per capita GDP – i.e., how expensive the item would be for first-world consumers when priced at a corresponding proportion of average income. (Source: Karaganis et al 2011: 56; Creative Commons license)

Tell us a little about the origins of the project. What did you initially set out to
achieve, and why?

Joe Karaganis: I’m sure there will be different stories here. Mine goes back to 2002
when I was developing Social Science Research Council [SSRC] projects on—broadly—
emerging research issues in digital culture. It was already obvious that intellectual property
rights were a fundamental, cross-cutting issue in this area and only going to become more so. It was equally clear that the conversation about IP at both the research and policy levels was built around a few specialist communities of lawyers and economists, and that this made for a very narrow debate in some respects—especially on issues where the law provided a weak account of what was happening. It was this divide between law and practice, from my perspective, that offered a wide-open door to more traditional social scientific approaches (and by extension, to the SSRC). At the time, piracy was one of those rich and under-examined terrains, but we also identified and later worked on others: social practices around open source, traditional knowledge issues, changing practices of media and information governance, a failed early network on games research. The piracy project was sketched out by 2005, but it took over two years to find funders who were interested (the Ford Foundation and Canada’s International Development Research Centre).

So in the early days, I was reading and—on a couple occasions—had the opportunity to convene some of the people who were making interesting contributions on IP regulation and practices of media consumption and appropriation outside the high-income countries that got most of the attention. This list included Brian Larkin on Nigeria, Shujen Wang on China, Ravi Sundaram and Peter Manuel on India, Peter Drahos and Susan Sell on governance issues, Toby Miller on movie industry globalization, among many others. Later, this loose group included Lawrence Liang, Ronaldo Lemos, and the wider political economy of culture work coming from the Center for Technology and Society at FGV (Getulio Vargas Foundation) in Brazil. Ravi Sundaram took part in several of these planning workshops at SSRC, and the project really began in conversation between us, and then later with Ronaldo Lemos, Oona Castro and the group of researchers based at FGV. In 2005-2006, India and Brazil had literally the only clusters of multidisciplinary research on these issues, and the project was initially conceived as a sort of extension and synthesis of the (very different) work they were doing. We were later able to build Russia and South Africa components, and were lucky to pull in John Cross and Henry Stobart when we encountered their very compatible work on Mexico and Bolivia, respectively.

Ravi Sundaram: My own trajectory in this area began in the late 1990s when pirate media culture came to interest me and others in India. It soon became a larger conversation with scholars, media practitioners, lawyers and even artists. Media piracy was a focus of a project at Sarai, an organisation in Delhi with which I am associated, and we
soon began collaborating with the Alternative Law Forum in Bangalore and Lawrence Liang. In 2005 we jointly organised a conference in Delhi called Trespassing Publics/Contested Commons that brought various conversations in this debate together, including some of the main voices in North America and Asia. However this was just the beginning, as simultaneously we were initiating a dialogue with the SSRC initiative that blossomed in a full-scale research project.

India presents a curious vantage point as media piracy has been strong since cassette culture in the 1980s, leading to a complex cultural infrastructural constellation that cuts across many languages and regions. The domestic media industry has also been historically strong in India; the anti-piracy discourse, while shrill and overwhelming, by no means reproduced the MPAA version. The challenge for us, albeit an interesting one, was to set this up in a larger global comparative prism.

John Cross: The Mexican project came late to this project but it was based on work I was doing in Mexico over the previous decade. I had been studying the political strategies of street vendors in Mexico City since my doctoral dissertation work in 1990. This led me into ethnographic fieldwork in a number of Mexico City’s shadier neighbourhoods such as Tepito, which used to specialize in smuggled goods such as TVs and so on. I followed up on my initial research from time to time, partly out of academic curiosity and partly due to the friendships I had made, and after NAFTA passed I started to notice a shift in the neighborhood from the sale of electronic goods to the sale of copied CDs. I started to document this process in interviews on a preliminary scale and I even applied to the Ford Foundation for a grant to do a multi-national study, but I guess Joe beat me to the punch.

The copyright wars are to some degree are also wars of discourse and metaphor. You decided in the report to interrogate the discourse of ‘piracy’ from within, engaging explicitly with that vocabulary, rather than attempting to redeem extra-legal circulation as ‘sharing’, or via some other rubric. What are the pros and cons of describing the everyday consumption practices of the majority world as ‘pirate’? To what degree is the term ‘piracy’ understood or recognised by consumers themselves in emerging economies?

Joe Karaganis: We talked a lot about this at the outset of the project and decided that what we were doing represented enough of a challenge to the existing framework of the debate without also trying to introduce various neologisms for the same behavior—
whether ‘sharing’ or more technical terms like ‘copyright infringement’ or ‘unauthorized use’ or ‘extra-legal circulation.’ All had drawbacks. None really encompassed the whole phenomenon. None would have helped us broaden the audience beyond the academic community. And of course these terms are constructed through their use, which isn’t easily controlled. Some industry groups (e.g., the RIAA) are already complaining that piracy isn’t a sufficiently stigmatizing term.

**Olga Sezneva:** There were two other advantages to using the term ‘piracy’: it allowed us to link the unauthorized copying of music and film to that of its historical predecessor—the unauthorized copying of books, thus drawing helpful parallels; and it also better captured the ambiguous relationship of media piracy to the state as a form of power. Actual pirates, as we know from historical studies, were simultaneously a threat to the emerging state—sovereignty in the 17th and 18th centuries, and its useful instrument. They presented a challenge to the state monopoly of violence, in classical definition of Weber, but also were employed by European sovereigns in wars and conflicts. They were useful in situations in which sovereigns could not publicly meddle. Media ‘piracy’ is implicated in a complex way in state politics today, playing simultaneously negative and positive, productive roles. For me, this is a crucial reason for keeping the word ‘piracy’ in the research vocabulary.

**Ravi Sundaram:** Good question. Lawrence Liang and I began to feel uncomfortable with the excessive representationalism of ‘sharing’ or even the ‘commons’ and the word pirate was deployed as a pragmatic conceptual category, along with non-legal. In India, pirate is part of popular vocabulary along with ‘local’ commodities—an allusion to goods outside the brand economy. A new term in the last few years is ‘Chinese’, used for all low-cost commodities.

**John Cross:** Metaphors are fun. A report on ‘piracy’ sounds a lot more interesting than a report on ‘extra-legal sharers’. Indeed, such metaphors, originally used by the industry to ostracise this type of activity, actually get turned around by the practitioners, as witnessed by the t-shirts sold by one organization in Tepito (and rapidly ‘extra-legally shared’ by others) saying proudly ‘Soy Pirata y Qué?’ (‘I’m a Pirate, so what?’). The discourse of ‘piracy’ paradoxically created a romanticism of the activity that the practitioners themselves appropriated and used as a source of pride and a basis for common identification and organization. As Joe mentions, the reaction to this has been to
attempt to find even worse metaphors for these people, by associating them with organized crime, terrorism, and so on. To what extent should we as scholars use these metaphors without scepticism? Of course we should not, and I don’t think we did. The metaphor is a part of the framing of the issue, and the ways in which they are used by one group to stigmatize others and then turned around to be used as an organizational tool is in itself a fascinating area of research.

Can you speak a little about the disciplinary frameworks which structure research on piracy, and your relation to them?

Olga Sezneva: ‘Piracy’ is interdisciplinary and calls for different approaches. As a challenge for economies, it inspires economists; as a problem of regulation, it appeals to legal scholars. But as an everyday reality, it is a natural object for sociologists and anthropologists. Like in many other interdisciplinary fields (take for example immigration), there is not a lot of traffic between the disciplines that compose it. Intellectual connections among sociology, economics and legal studies, especially, had to be worked out. This did not happen without resistance. In the Russia study, the sociological perspective clashed with legal interpretations of copyright laws. Questions central for economists – how large are the network effects associated with piracy? – mattered less to sociologists. From legal perspective, for instance, the absence of license resulted in unequivocally ‘illegal’ goods and a ‘criminal’ market. It was black and white; legal and criminal. Reports from the field by sociologists, however, showed a much more nuanced gradation of goods and practices that guided distributors and consumers in their decision-making. There were several shades of ‘grey’ in between the legal ‘white’ and illegal ‘black’. This is a specific example, and there were many others.

Ravi Sundaram: In India we drew from anthropology, law, cultural theory, and media practice. We almost never reflected on this cross disciplinary strategy as such; it was almost constitutive for our work. Our researchers also reflected this mix – they came from law, sociology, anthropology, cinema studies, media practice.

John Cross: As a sociologist I like to think that my discipline is inherently interdisciplinary, since I apply ethnographic research, surveys, some economic analysis, and in this study quite a bit of legal research. Piracy is an issue that intersects the legal, economic and social spheres. My main interest in researching the phenomena from the
beginning was the fact that it allows us to study in some sense the transformation of these spheres, since in effect what we are looking at in the world of CD and DVD piracy is a way in which new technologies are creating social practices that ‘escape’ old formal/legal regulatory systems. Regulation then slips back into the informal/social sphere. But, of course, what the copyright industry is attempting to do is to recapture their ‘legal’ rights. (Actually, in my work I argue that they are actually attempting to substantially expand their legal rights.) This tension between the ‘informal’ and ‘formal’ spheres has been a part of my research for some time, and it is really here where my interest in piracy lies. In effect, we see the system in the moment of recreating itself. Like astrophysicists studying the stars, it is in the moment of creation and recreation that we can, theoretically, best understand the essence of the system.

You worked closely with content industry representatives and analysts during this project, even though the findings—and indeed the basic premise of the project—run counter to the standard industry line. How receptive were your contacts to the research?

Joe Karaganis: I think overall our experiences were pretty mixed. In my case, I spent quite a bit of time talking to industry researchers, who were generally quite eager to talk about what they were doing and, in many cases, acknowledge its limitations. We talk in the report about a professionalization of industry research over the past 20 years that has led most groups to formalize their methods (compared to the early ‘best guess’ days) and, in some cases, show some responsiveness to criticism. Nearly all the researchers I spoke to also supported the idea of more transparency. On the other hand, these projects feed into an advocacy machine that has less concern for these niceties and has adopted a somewhat schizophrenic approach to criticism—sometimes relatively open but more often besieged. I’ve thought about whether we benefited from a more or less unspoiled terrain in this regard. We’ve cast doubt on a lot of the industry research record. I would like to think this leads toward more openness—in my view that’s clearly in the industries’ long-term interests—but it may just lead more suspicion of academics and a lock down of sources.

Olga Sezneva: One goal for the project was to examine the production of knowledge – how do we know what we know about ‘piracy’? This was where social science offered its distinctive insight. It is one thing to contest numbers collected through questionable techniques, and another to question the assumptions from which these numbers are
generated. One way in which we did this was by changing the focus and looking at ‘piracy’ as a productive economic sphere, not simply as an unequivocal loss for industries. Another was by involving local experts working with law enforcement or representing the industry. They often had different knowledge of piracy—what sociologists would call ‘practical knowledge’. Joe talked with international research offices, while I focused on the practices of collecting and reporting the data that took place in St. Petersburg and Moscow. We found a few published studies on the Russian-language Internet, some of them directly contesting the IIPA data. My overall impression was that these people had enormous curiosity about the wider practices and impact of piracy. Reliable information was so scarce that even those who knew that our perspective was going to be critical were willing to talk and even collaborate with us.

Ravi Sundaram: We had reasonably unhindered access to mid and lower level industry representatives. This was partly due to the fact that India has no unified ‘industry’, nor any official researchers. Mid and lower level access provided us with a wealth of detail, allowing us to track cross linkages between pirate/legal spheres.

What do you see as the purpose of scholarly research on piracy in the context of the wider industry research agenda? What can scholars contribute that others cannot?

Joe Karaganis: I’d argue that there’s a loose disciplinary story to map onto the last decade of work in this area. The late 1990s and early 2000s were a period of rapid discovery and exploration of the wider significance of IP issues within the legal field, epitomized by the work of Lawrence Lessig, Yochai Benkler, Pamela Samuelson, James Boyle, Peter Jaszi and many others. The lawyers were the first to appreciate the regulatory challenges of digitization and the Internet. But this engagement was primarily US-centered, synthetic or case-study driven with regard to methods, and— I would argue—grounded in a positivist legal project that prioritized the task of refining law and legal categories. Creative Commons is the best example of this perspective or disciplinary project. The practices that made up ‘piracy,’ when they were explored at all, tended to be treated as a negative byproduct of bad copyright law rather than as something productive or deserving of treatment in its own right. There was no discussion of piracy as, say, the dominant form of access to recorded media and software in most parts of the world. No discussion of pirate networks as arguably the most massive and successful examples of user-centered culture.
Appropriation for making something new, in this context, was good and valorized. Appropriation for just watching a movie was bad. This was understandable, but it relied on a (legal) reification of the difference between creation and consumption, didn’t map well to conditions of economic (and technological) inequality, and meant that there was no clear engagement with the other big shift of the past decade: the rise of enforcement.

At roughly the same time, though, anthropologists and sociologists were beginning to observe what people were actually doing with the new technologies, and what they were doing involved a lot of informal appropriation of copyrighted media—some of it filtered back into artistic production, some of it just about participating in wider national or global cultural phenonema. So a lot of the early engagement with piracy comes out of anthropology, sociology, ethnomusicology, and related fields where scholars were engaged in local fieldwork. What those fields have difficulty doing, in turn, is scaling up, aggregating, and exporting their findings into wider conversations. I think part of the motivation for our project was to do exactly that: to leverage this accumulating body of evidence and insight about informal media networks and practices. Tying those types of research back into accounts of regulation and policymaking and changing accounts of industry structure seemed like the right way to approach this. And in some respects, this is what the industry was already doing, year after year, in documents like the IIPA Special 301 recommendations: aggregating local stories into a larger story about the need for stronger global enforcement.

Olga Sezneva: In addition to what Joe already said and with which I fully agree, I would return to the point I made earlier. A distinct contribution of academic research, and of sociology and anthropology in particular, is the critical take on the production of knowledge itself: how do we know? And we are not talking here about simply re-checking the numbers. What we initially wanted to do is to reflect on the assumptions that shape research questions and research methods of the industry experts (there is an entire section ‘How good is industry research?’ in the report). This, together with the shift in focus on piracy which Joe noted, in my view, is the difference that academic research made.

Ravi Sundaram: It seems to me that scholarship in this area has been often part of campaign formats (Creative Commons, WIPO, etc), sometimes in helping national legislation, and some indifferent to policy and campaign models. The merit of this report is
that it allows for a new type of public transaction by scholars. Here scholarship and a kind of policy address come together very fruitfully.

John Cross: Industry research into this issue is, as others have already pointed out in different ways, applied research from the basis of their interests. True scholarship uses our knowledge of the world to understand basic principles. One of the best ways of doing this is to take the counterintuitive approach, or at least to approach things in a different direction from the bulk of existing research. This is what this research does in various different ways. First, by approaching the research from the standpoint of the pirates as opposed to the standpoint of the industry. This is not done, at least as I see it, merely to be obstreperous or to rail against the evils of greedy industry executives—Hollywood does a pretty good job of that itself (and makes good money at it)—but rather because this approach had been understudied and because this allows us to look at the process of policy formation as a social process in which neither the state nor ‘industry’ are seen as omnipotent. On the contrary, we show among other things that there is a substantial social capacity for resistance to formal norms that does not need to show itself in organized social movements, but shows itself in the everyday behavior of people struggling to survive. This is one reason why it was particularly important to me to challenge the ‘bogeyman’ image of ‘organized crime’ as being yet another omnipotent actor (except on the ‘evil’ side) that the industry has attempted to promote. It is not that I am saying that organized crime is never involved, but that it is not the root cause of the issue and not the most interesting aspect of it. Thus, rather than seeing piracy in terms of ‘good’ vs. ‘evil’ (the way the industry obviously tries to promote the debate, with themselves obviously claiming, somewhat unsuccessfully, the ‘good’ role), I see it as an expression of contentious politics that takes place not primarily in street protests but in household economies and informal social dynamics.

The Media Piracy in Emerging Economies project took years to complete and spanned several continents. Along the way you must have learned a great deal about effective practices and methodologies in this rather difficult area of inquiry. What advice would you offer other researchers who are interested in researching piracy?

Joe Karaganis: We struggled throughout with how to address—and study—the growing role of online filesharing at the country level. Broadband adoption was so
compressed a phenomenon in most of the countries we were looking at that a significant online pirate economy emerged within the period of our primary research. There was a considerable difference between 2008 and 2010 in Brazil, India, and Russia, for example, and both computer and broadband adoption are still growing rapidly. We didn’t really build this in to the research design in 2006-2007. Datamining and other techniques for analyzing online networks weren’t part of the established research practices of any of the country teams. But we did make some efforts to adjust. With the help of Bodó Balazs, we datamined second-tier ‘national’ bittorrent sites in India and Russia in an effort to test some hypotheses about non-English language fileshearing practices and diasporic communities, and we tried to include a chapter on the organizational history of file sharing networks. The datamining work didn’t contribute very much to the analysis, in the end, and the fileshearing chapter didn’t work out—both reflecting the difficulty of bolting on new work half-way through the study. Going forward, I think this shift presents a real challenge for sociological and anthropological approaches. The optical disk economy was pretty amenable to traditional ethnographic methods. The fileshearing economy requires a different set of methods and competencies.

Olga Sezneva: The rapidly changing landscape of piracy was undoubtedly our major challenge. Another was getting access to the ‘pirates’ themselves. This was distinct for Russia, as compared to, say, Mexico, where ‘piracy’ operated in a relatively decentralized fashion, organized at the level of individuals or small businesses. In Russia, we encountered a much more centralized system which could not be so easily pinned down to a geographic location. Plus, since we started our research during the heyday of street-level anti-piracy enforcement, people were particularly wary about talking to us. The era of ordinary people burning CDs on home computers was largely past. Additionally, we faced time and resource limitations, so the option of staying longer in the field and building trust in the hope of getting an opening into a ‘pirate’ network, was crossed out. Short of such immersion, we used proxies—interviews with music and video retailers who often retailed pirated goods; anti-piracy activists who ‘knew’ how pirates work; and online forums where occasional ‘diaries’ of pirates (along with hackers) appeared. Without relying on a single type of source, we triangulated the information from these different fields in an attempt to reconstruct how distribution works, or what changes occurred in the production of unlicensed digital contents since the crack-down in 2006. That’s said, ‘piracy’ and ‘pirates’
turned out to be much less dangerous and much more normal than we first imagined. Pirated disks and channels of delivery were ubiquitous in media markets, to the point of being mundane. Often it was difficult to distinguish licit and illicit, much less separate them into distinct objects of study. So, this fuzziness of illegal commodity production and distribution needed to be taken into consideration.

**John Cross:** From a practical standpoint I would say the most obvious example that our research gives is that policy research cannot limit itself to what happens in the ‘policy’ sphere. Policies may be written in government offices (largely assisted by powerful corporate lobbies) but the real test of any policy is ‘can it be enforced?’ and this is where it is essential to look at the social and economic sphere. This means that real policy analysis has to engage people where they live.

The problem the copyright industry is facing is that people are living in a much more complex world with many more options, given to them by technology itself. Not only can they make copies of music and movies they like (which they have been doing for years based on tape cassette and VCR technology) but they can buy such copies at a discount made possible by the speed and quality of the new CD and DVD copying technologies. Add to this the issue of ‘globalization’ and the copyright industry has a real problem. Let me give a simple example. For years movie ticket prices have been based on location. The prime markets (where people have more money) saw the movies first and paid a premium for the privilege. A movie would open in New York and Los Angeles for $10 a ticket, work its way to the small towns for $6-$7 and finally make its way to Mexico, say, where tickets were $1-$2. This worked well for the industry because it allowed them to price their product according to the market. They could make money everywhere. Now take a CD. They cannot sell it for a substantially lower price in Mexico because some clever guy is going to take those licensed CDs and resell them in the U.S. It is too easy to transport them. Thus, the industry is largely compelled to maintain a single price regardless of the market, which means they simply cannot compete with piracy in markets such as Mexico.

Is there a solution? I sincerely hope there is, because I am not opposed per se to copyright law. There should be a way of benefiting from the act of creation. But one thing I think our research shows, and which I hope the copyright industry takes seriously, is that the old policy model of seeing the social world as simply a set of problems to be overcome has to be set aside. The copyright industry should not use the failed model of the so-called
‘war on drugs’ of simply more and more draconian (and less and less effective) enforcement. Instead the social/informal sphere should be seen as an arena of potential solutions. The question should be not ‘how do we destroy this energy?’ but perhaps ‘how do we harness it?’

A transnational research project such as yours inevitably faces the problem of how to document and analyse very diverse media consumption/distribution practices, with their own micro-histories, while working within an international horizon of comparison and making a case for a global politics of intellectual property. Can you speak a bit about the politics of comparison in multi-sited research?

Olga Sezneva: This question deserves a journal article to answer! And it is a tough one. There is burgeoning literature on how to do multisited ethnography (see, for instance George E. Marcus, Michael Burawoy, Anna Tsing and others). We tried to pursue something along these lines by approaching every geographic site we studied – a city market, a video shop or a country region – as something simultaneously global and local, individual and connected; and as something constituted, at least in part, by the same legal, institutional and discursive gravitational field known as the intellectual property regime. There were surprises. Having read earlier works on piracy, we were prepared to discover transnational networks of production and distribution. These turned out to be, in most cases, national or even local. Although some media flows that we discovered were indeed global in the sense that they were happening everywhere and often moved the same digital content across the globe (same movies, same international hits), their infrastructures proved to be much more geographically delineated. Many media markets appeared to be ‘local’. This was especially the case with music: in the countries we studied, CDs by local artists or artists from the same nation typically made up most of the material on sale. Still, to answer your question, I do not conceive of our work as a conventional comparison but rather as the work of connecting various sites through which we passed during the research, and only in a few instances did we turn to horizontal analogies.

Ravi Sundaram: My advice would be intellectual patience and an ability to deal with new surprises and sudden shifts. We faced this in India particularly in the last decade given the topsy-turvy world of media piracy, in the quick move from cassette culture, to DVD piracy to neighbourhood and online peer-to-peer networks. We had to think with our feet
often, and at the same time place the events in long historical time. After reading Jane Gaines’ work on early cinema or Adrian Johns on seventeenth century print piracy, we were drawn to historical comparisons. From Brian Larkin’s work on Nigeria we drew the links between media infrastructures and pirate media.

**Detailed primary research on piracy runs the risk of rendering pirate networks—and the individuals who keep them running—more vulnerable to enforcement efforts, and more visible as a policy problem generally. How did you negotiate this balance?**

**Olga Sezneva:** Generally, yes. In the case of Russia segment, however, this danger was minimal. We ended up relying heavily on expert knowledge for the parts of the inquiry that went beyond street and retail level organization. In a way, policy advisors and law enforcement in Russia already knew a lot about how piracy ‘works’ at these other levels and so we did not end up with new information, strictly speaking, that risked exposing pirate networks.

**Ravi Sundaram:** We thought about this a lot in the beginning, and took all the necessary steps to get consent from our interviewees. Very soon we realised that enforcers did not have the remotest idea of our academic work. In almost all cases where pirate networks were shut down it was due to enforcement or economic mobility. Some former pirates became enforcers, some enforcers became disillusioned and provided us with a wealth of materials and insights.

**John Cross:** This is a classic moral dilemma in any research dealing with human subjects, especially those involved in activities seen by society as a whole, or simply by elites, as inappropriate or against their interests. The old standard of protecting confidentiality is fine to an extent in terms of protecting individuals, but how do we deal with the issue of exposing secret parts of a world that may then be used to dismantle or otherwise attack that world?

In part I would agree with Ravi: In fact we don’t really make that much difference in the environment we are researching in any immediate sense, since it is unlikely we are going to discover any broad patterns that are not already known by the enforcement community. However, in a broader sense is it possible that our research will be use by the copyright industry, to promote their interests in an unfair way? In my research on street vendors I was very concerned with this issue, since it is much more likely that city
authorities would read and be able to use the results of my research than, for example, the street vendors themselves. Even my attempts to publicize my research in the local language is unlikely to change this since academic norms require a language of its own that is quite difficult for the lay public to understand. In the case of the piracy debate I am maybe a bit less concerned, since there are plenty of people on both sides of the issue with the academic background to understand and use a report such as this one. Are they fully representative? Does this include the itinerant vendors of CDs on the side of the road in downtown Mexico City or Delhi? Unfortunately, no. However, if there are two things I have learned from my research it is that such people are not entirely as defenseless as they may seem, and my research is not nearly as powerful as I might have once believed.

It is worth noting that Google—a major US software industry player, a leading provider of free-to-use software globally, and a larger company than any Hollywood transnational—publicly argues for greater balance in US IP policy. Has the SSRC report made any impact on policy debate in the United States? There seems little sign of an evolution in the US position on IP enforcement in new trade negotiations such as the Trans Pacific Partnership, but is there a more sophisticated debate occurring now within government or policy circles?

Joe Karaganis: I’d say the short term impact of the report in the US has been zero, but that’s not unexpected. The US just doesn’t have a political culture these days in which evidence—based critique is going to carry much weight against lobbying interests, which have very successfully locked up both parties on most IP and enforcement issues. But I’d add several caveats:

You mention Google. Google, like most of the web service companies, supports a variety of policy positions that have come to be identified with consumer and user rights, and the ‘open’ Internet more generally. In regard to the IP enforcement debates, this commitment is first and foremost about secondary liability. None of the web service companies want to be liable for infringement (or other illegal behavior) carried out by their users or, relatedly, compelled to extensively monitor their users’ behavior to prevent infringement. I will wager that Google’s politics will stay pretty firm on that issue, since it directly impacts them. On other issues, I think their politics (and that of the sector) may
prove much more negotiable. We’ve already seen this in the US with regard to Google’s formerly strong positions on net neutrality and in China with regard to search filtering.

Second, I wouldn’t totally discount the importance of the delegitimation of industry research in the last year or two, in which our work plays a part. Between our study, the UK Hargreaves report, the Government Accountability Office report in the US, WIPO statements, and tireless work by online technology bloggers/websites—Ars Tecnica, Mike Masnick (Techdirt) and others—the evidentiary basis for existing policy has been pretty comprehensively undermined. The various calls for more research by official bodies are really just a symptom of this hollowing out of the existing evidentiary discourse, which no one in authority thought was overly problematic five or six years ago. Industry, for its part, has become more circumspect in its claims and does much less quantitative reporting. It may take years for this process to change the top—level policy discourse in the US, but I think that it will, eventually. The discourse is already running on fumes.

Third, I think we all assumed that our main target was IP policymaking in developing countries, where there has been a complete dearth of evidence to ground alternative perspectives on IP and development. This is where we’ve been focusing our efforts. Results are pretty scarce so far, but the report is new and still finding its audiences.

Lastly, the major protagonists in the enforcement fight are all being forced to reorganize in ways that prioritize other, non—enforcement—dependent revenue channels, or facing growing legal competition that has moved away from such models. Google’s office tools, video and music streaming services, the end of the CD as the reference point for music prices... All of this seems likely to let some of the air out of the piracy/enforcement debate over the next few years. Relatedly, I think this is why the current paralysis on these issues in the major policy venues like WIPO and the WTO is OK—and in fact, a viable strategy for pro—consumer and development advocates.

What remains to be done in piracy-related research, and in critical scholarship on IP more broadly?

Joe Karaganis: Well, we began by looking at piracy but ended up with a broader framing question about how access to media goods is regulated and structured—variously by law, technology, markets, and evolving social and cultural practices. Piracy plays a huge role in many contexts, as does the wider effort to define and enforce the boundaries
between licit and illicit access. Large parts of that ecology remain very underexamined. Picking up where the last question left off, I’d propose enforcement, which is a huge and growing public-private enterprise now; the organization of software markets; evolving practices of collecting and archiving audiovisual materials; more robust approaches to the economic ‘impact’ questions that are so dear to policymakers... The list could go on. Our next collaborative project will be looking at the ecology of access to educational materials in the university, in which piracy clearly plays a large part. This is in anticipation of what we’re calling the great publishers’ panic of 2013, as digital reading takes off and digital piracy of texts explodes. More generally, I’d put a premium on the things that academic research almost never does well: i.e. collaborative or coordinated work on a scale sufficient to encompass both the richness of local contexts and the need for robust generalization. For me, the opportunity to do that was a tremendous privilege, and maybe the most important underlying methodological choice.

**Olga Sezneva:** To the list of excellent topics Joe outlines I would add my interest in the relationship between creativity and the copy – and by extension, copyright. There is a growing interest in the copy and what the copy stands for in the history of arts, and even for humanity. There is also a focus on creativity as an engine of economic growth – think about Richard Florida’s ‘rise of the creative class.’ But there is very little understanding of how copyright intervenes in the relationship between the two. As we are moving from productivity to creativity, how is it best to use intellectual property? What also came up in our research is that neither authors nor publics are clear on the exact relationship between the enforcement of copyright and the well-being of authors, the point on which much of legitimacy of the copyright depends. Opinions vary, even among the creative professionals themselves, and with them varies the support or resistance to copyright and its enforcement. More robust analysis of the author-industry complex could augment critical scholarship on IP.

**References**