

Digital Piracy in the Field of Multimedia and the Need for Regulation and Enforcement

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Abstract—This paper presents an overview of digital piracy in the field of multimedia and the need for regulation and enforcement

Index Terms—digital piracy, multimedia

I. INTRODUCTION

With the onset of the internet and digital media taking the world by storm, every form of media has found a way of ending up online. Every last thing, from movies, to TV shows to Comic books to research papers published by various journals, everything can be found online. And while this makes things a lot more accessible and easier to use, and helps more people reach said media worldwide, the problem arises, when this media is distributed without the permission of the creator, and without said creator receiving any compensation for it. Now it may not affect the creators/artists who are already doing really well in their respective fields. If a Christian Bale movie directed by Christopher Nolan, gets its digital copies leaked online for everyone to download just prior to the release of the Blu-ray disk, thereby costing them maybe a million or two in losses, it won't matter much to them because such movies earn as much on opening night. But say if a relatively new artist stars in a low budget film, and while it doesn't earn much in theatres, it's a really good movie and this movie leaks online, thereby making losses for the actors and everyone else involved, it could potentially end their career. Not to mention the millions of dollars of loss digital piracy causes to the state every year.

Now one might ask whether such a problem has any laws safeguarding it or not. The answer is yes, it does, but due to the ever increasing scope of the internet, and the lack of proper regulation the laws don't really do much good. This paper will therefore see if any such regulations can be brought out in order to make these laws more effective.

II. RESEARCH OBJECTIVES

1. What forms of media face the problem of rampant digital piracy and which of those media forms will this paper be focusing on?
2. What are the laws safeguarding the intellectual property of people from digital pirates and, with the help of cases, how many of them are effective?
3. What further regulations, if any, can be brought in to help

out against digital piracy?

III. FORMS OF MEDIA FACING DIGITAL PIRACY

Newly designed tech and advancements in the existing ones has given people an unprecedented level of freedom with which to copy, use and share pirated media.

The hardware advancements like personal computers MP3 players and storage devices such as CD's, USB's and hard drives, coupled with software advancements like fast, efficient transfer protocols, user friendly file sharing applications, online advertisement system, software communications boom, have all allowed users to be able to download and distribute various pirated media.

All forms of media can be pirated. The common pirated media are movies, TV shows, music, Comic books and graphic novels, manga, anime, books, pictures etc. However this paper will be focusing on media such as movies, music, video games, comics and manga.

IV. LAWS IN PLACE TO HELP PREVENT DIGITAL PIRACY

A. *The Net Act*

A US Law called The No Electronic Theft, or NET Act is a law meant to combat online piracy and the illegal distribution of copyrighted material. The aim of this Act is to act as a deterrent to people from uploading or downloading material by threatening them with punishments such as large fines, and prison time.

Introduced in the U.S. Congress in the mid-1990s, its purpose was to combat the copyrights issues that were sure to arise with the rising popularity of the internet around the world. This Act was eventually passed into law in 1997 and made the distribution of multimedia such as songs, video games, software and movies a federal and punishable crime. An individual does not necessarily have to receive any monetary benefit from the distributed material to be punished under the laws of NET Act.

The laws of the NET Act distinguisher between the federal crimes of online copyright infringement by splitting them into two levels. Firstly, it sets the minimum commercial value of the downloaded or uploaded content at atleast \$1,000; this level of copyright infringement is punishable with a severe fine reaching as high as up to \$100,000 and also an additional one year in prison. A second, more severe level of federal crime is

committed when a person makes at least ten copies of copyrighted material within a 180 day period and said person must make a profit of at least \$2,500. At this level the individual can be punished with a fine of \$250,000 and also an additional five years in jail.

B. DMCA, the Digital Millennium Copyright Act

Digital Millennium Copyright Act (DMCA) is an amendment to Title 17 of the United States Code, established in 1997. The DMCA was the federal legal response to changes in technology which made the copying of media far easier than it had been in the past.

The DMCA's main effect has been to criminalize the production and distribution of any method of circumventing the copyright protection measures commonly known as digital rights management, or DRM. It has also criminalized the act of circumventing DRM, whether or not any copyright infringement occurred afterwards. The Act brought in regulations to safeguard against piracy by establishing certain regulations. They specified that analog video recorders must use a certain specific type of copy protection to prevent those DVDs from being copied through a VCR. In effect, this awarded a copy protection monopoly to the Rovi Corporation (known as Macrovision at the time).

The DMCA also limits the legal liability for any internet service provider whose bandwidth is used for illegal download and distribution of copyrighted material or circumvention methods, provided that the ISP will remove and block access to illegal material when notified of its presence by the copyright holder or the holder's agent.

There are certain exemptions set up by the DMCA, including some for research, fair use of copyrighted material for review and criticism or educational purposes, and temporary copies needed during computer repair. Exemptions which are not specifically stated in the Act are revised, reviewed, and approved by the Librarian of Congress every three years.

Critics of the DMCA claim that it obstructs innovations in software development and that it impedes cryptography research.

C. The Computer Fraud and Abuse Act

Originally enacted in 1986, this version of the Computer Fraud and Abuse Act was passed by the Congress and President Ronald Reagan in response to growing problem of computer network hacking that became prevalent in the 1980s. Since that time, the Abuse Act has been amended at least six times, very significantly, by subsequent legislation, with the latest changes incorporated by the Identify Theft Enforcement and Restitution Act.

The current body of the Computer Fraud and Abuse Act is codified in the U.S. Code Title 18, Section 1030. This law allows the federal government to interfere in and take action where risks are apparent to the federal government or assets that the government has an interest in, including financial companies and banks. The Act also reaches into issues or

problems where computer activity affects business and commerce across state lines as well. Because this law is written so broad, the federal government has a wide range of jurisdiction over computer activity.

Criminal activity covered by the Act not only provides the government with jurisdiction on direct actors of crimes, but also allows federal law enforcement to go after parties who cooperate or are involved in the consideration of computer-related crimes as in a conspiracy.

D. Stop Online Piracy Act

The Stop Online Piracy Act (SOPA) was a controversial United States bill introduced by U.S. Representative Lamar S. Smith to expand the ability of U.S. Law enforcement in order to fight against online copyright infringement and online trafficking in counterfeit goods. Provisions of this bill include; the requesting of court orders to bar advertising networks and payment facilities from conducting business with infringing websites, and web search engines from linking to the websites, and court orders requiring Internet service providers to block access to the websites. The proposed law would have expanded existing criminal laws to include unauthorized streaming of copyrighted content, imposing a maximum penalty of five years in prison.

This legislation promised to protect the intellectual-property market and corresponding industry, jobs and revenue, and was necessary to bolster enforcement of copyright laws, especially against foreign-owned and operated websites. Claiming existing laws do not cover foreign-owned and operated websites, and citing examples of active promotion of rogue websites by U.S. search engines, proponents asserted that stronger enforcement tools were absolutely necessary. The bill received strong, bipartisan support in the House of Representatives and the Senate. It also received support from the Fraternal Order of Police, the National Governors Association, The National Conference of Legislatures, the U.S. Conference of Mayors, the National Association of Attorneys General, the Chamber of Commerce, the Better Business Bureau, the AFL-CIO and 22 trade unions, the National Consumers League, and over a hundred associations representing industries throughout the economy which claim that they are being harmed by online piracy.

Opponents argued that the proposed legislation threatened free speech and innovation, and enabled law enforcement to block access to entire Internet domains due to infringing content posted on a single blog or webpage. They also stated that SOPA would bypass the "safe harbor" protections from liability presently afforded to websites by the Digital Millennium Copyright Act. Some library associations also claimed that the legislation's emphasis on stronger copyright enforcement would expose libraries to prosecution. Other opponents claimed that requiring search engines to delete domain names violated the First Amendment and could begin a worldwide arms race of unprecedented Internet censorship.

E. Cases

1) Pirate bay case

The Pirate Bay trial is a joint criminal and civil prosecution in Sweden of four individuals charged for promoting the copyright infringement of others with the torrent tracking website The Pirate Bay. The criminal charges were supported by a consortium of intellectual rights holders led by the International Federation of the Phonographic Industry (IFPI), who filed individual civil compensation claims against the owners of The Pirate Bay.

Swedish prosecutors filed charges on 31 January 2008 against Fredrik Neij, Gottfrid Svartholm, and Peter Sunde, who ran the site; and Carl Lundström, a Swedish businessman who through his businesses sold services to the site. The prosecutor claimed the four worked together to administer, host, and develop the site and thereby facilitated other people's breach of copyright law. Some 34 cases of copyright infringements were originally listed, of which 21 were related to music files, 9 to movies, and 4 to games. One case involving music files was later dropped by the copyright holder who made the file available again on the website of The Pirate Bay. In addition, claims for damages of 117 million kronor (US\$13 million) were filed. The case was decided jointly by a professional judge and three appointed lay judges.

2) TV links case

TV links was a website launched in 2006 that provided hyperlinks to videos on sharing websites. It was later upgraded to a direct streaming website and external links were no longer held available.

Although the admin of the website was arrested under section 92 of the Trade Marks Act 1994, in 2007, he, a David Rock, has been released, with no charges filed against him.

V. CONCLUSION

Piracy is a huge problem for the revenue of any country. But let's take a look at America where piracy is rampant, to put in perspective the revenue lost due to piracy.. Every year, America loses 12.5 Billion dollars due to piracy of music alone. They lose 18.7 Billion Dollars loss in sales in video and a lot more through games and comics and softwares. All that money wasted. Not to mention any new artist just starting out in the industry, if turned into a victim of digital piracy of intellectual property, then they have chances of facing heavy loses and

going bankrupt, thereby effectively ending their career.

As seen in the cases, which are just two of many, the people committing digital piracy are seldom punished for it and are usually let free to continue their work after their very minimal punishment is done. Now changing this and making their punishment, or rather the consequence of committing digital piracy, a little more severe will help, serving as a deterrent to those who wish to commit online piracy.

The laws that have been put in place, are pretty much outdated. They cannot keep up with the advancements in the technology, and immediate regulation is necessary. Hence the government needs to employ more man power dedicated to the regulation and development of cyber security. The amount of money invested in said human resource and in companies dedicated to cyber security will be lesser than the revenue lost due to piracy and will definitely help curb the issue.

Another important step is to increase the severity of the punishments. In the two cases seen above, the punishment was not severe and in the case off piratebay, the website is bank and up and running, and this has to stop. For this purpose, the punishment for cybercrime must be increased to act as a deterrent.

First of all, the world government needs to separate online copyrights from what digital copyrights are. This is very important. Regular copyright laws will not suffice for online works.

And as for enforcement, a simple mix of machine and human effort can be used to identify, regulate and stop digital piracy.

Now even though these solutions are very basic and simple in nature, they are absolutely required in order to safeguard the intellectual property of the people and prevent piracy.

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