



### Chief Editor

**Dr. A. Singaraj**, M.A., M.Phil., Ph.D.

### Editor

**Mrs.M.Josephin Immaculate Ruba**

### Editorial Advisors

1. **Dr.Yi-Lin Yu**, Ph. D  
Associate Professor,  
Department of Advertising & Public Relations,  
Fu Jen Catholic University,  
Taipei, Taiwan.
2. **Dr.G. Badri Narayanan**, PhD,  
Research Economist,  
Center for Global Trade Analysis,  
Purdue University,  
West Lafayette,  
Indiana, USA.
3. **Dr. Gajendra Naidu.J.**, M.Com, LL.M., M.B.A., PhD. MHRM  
Professor & Head,  
Faculty of Finance, Botho University,  
Gaborone Campus, Botho Education Park,  
Kgale, Gaborone, Botswana.
4. **Dr. Ahmed Sebihi**  
Associate Professor  
Islamic Culture and Social Sciences (ICSS),  
Department of General Education (DGE),  
Gulf Medical University (GMU), UAE.
5. **Dr. Pradeep Kumar Choudhury**,  
Assistant Professor,  
Institute for Studies in Industrial Development,  
An ICSSR Research Institute,  
New Delhi- 110070.India.
6. **Dr. Sumita Bharat Goyal**  
Assistant Professor,  
Department of Commerce,  
Central University of Rajasthan,  
Bandar Sindri, Dist-Ajmer,  
Rajasthan, India
7. **Dr. C. Muniyandi**, M.Sc., M. Phil., Ph. D,  
Assistant Professor,  
Department of Econometrics,  
School of Economics,  
Madurai Kamaraj University,  
Madurai-625021, Tamil Nadu, India.
8. **Dr. B. Ravi Kumar**,  
Assistant Professor  
Department of GBEH,  
Sree Vidyanikethan Engineering College,  
A.Rangampet, Tirupati,  
Andhra Pradesh, India
9. **Dr. Gyanendra Awasthi**, M.Sc., Ph.D., NET  
Associate Professor & HOD  
Department of Biochemistry,  
Dolphin (PG) Institute of Biomedical & Natural Sciences,  
Dehradun, Uttarakhand, India.
10. **Dr. D.K. Awasthi**, M.SC., Ph.D.  
Associate Professor  
Department of Chemistry, Sri J.N.P.G. College,  
Charbagh, Lucknow,  
Uttar Pradesh. India

ISSN (Online) : 2455 - 3662  
SJIF Impact Factor :4.924

## EPRA International Journal of Multidisciplinary Research

Monthly Peer Reviewed & Indexed  
International Online Journal

Volume: 4 Issue:7 July 2018



**Published By :**  
**EPRA Journals**

**CC License**



**EPRA International Journal of  
Multidisciplinary Research (IJMR)**

**MUSIC PIRACY: A STUDY OVER PIRACY IN  
AMERICAN MUSIC INDUSTRY**

**Vinamra Nahta**

Student,  
Indore Institute of Law,  
Indore, Madhya Pradesh,  
India

**ABSTRACT**

*Music piracy is the duplicating and conveying of duplicates of a bit of music for which the arranger, recording craftsman, or copyright-holding record organization did not give assent. It has a long history, as Beethoven was harassed with pilfered duplicates of his music, which diminished the pay he could make from publishing<sup>1</sup>. In the contemporary legal condition, it is a type of copyright infringement, which is a civil wrong and, in specific situations, even a wrongdoing in numerous nations. The late twentieth and mid21st centuries saw much discussion about copyright piracy, with respect to the morals of redistributing media content, how much generation and circulation organizations in the media were losing, and the plain extent of what should be considered "piracy"— and cases including the piracy of music were among the most as often as possible talked about in the level headed discussion.*

**KEYWORDS:** *Music piracy, Clients, copyright law, digital media*

---

<sup>1</sup> Neuwirth, Robert. *Stealth of Nations*. Google Books. Knopf. Retrieved 30 July 2014.

## HISTORY

The innovation of the web and digital media made music piracy in its cutting edge frame. With the creation of more current innovation that took into account the piracy procedure to end up less entangled, it turned out to be considerably more typical. Clients of the web started adding media documents to the web, and earlier potential dangers and challenges to pilfering music, for example, the physicality of the procedure, were disposed of. It was significantly less demanding for individuals with next to zero information of innovation and old piracy strategies to assemble media files<sup>2</sup>.

The principal application that exhibited the ramifications of music piracy was Napster. Napster empowered clients to trade music documents over a typical free server with no respect for copyright laws<sup>3</sup>. Napster was rapidly closed down after lawsuits recorded by Metallica and Dr. Dre and a different lawsuit with respect to the Digital Millennium Copyright Act<sup>4</sup>. Other music sharing administrations, for example, Limewire kept on being an asset to those hunting down free music documents. These stages were additionally evacuated following a couple of long periods of administration because of copyright laws and the Digital Millennium Copyright Act. In the wake of discovering a few provisos, piracy started to exist in more legal structures, an illustration being Pirate Bay. This specialized legality was because of the configuration of the sites and their nation of starting point and organization. The sites were set up with the goal that the site itself did not have any of the illegal documents, but rather gave the client a guide as to where they could get to the records. Moreover, in Pirate Bay's case, the site was facilitated under Swedish law, where this "guide" was not illegal<sup>5</sup>.

## ARGUMENTS OVER LEGALITY

In face of the developing infringement on potential deals from web piracy, industry associations like the Recording Industry Association of America (RIAA) have campaigned for stricter laws and stricter discipline of those violating copyright law. Record organizations have likewise swung to mechanical hindrances to replicating, for example, DRM, to some contention. These associations have attempted to add more controls to the digital duplicate of the music to keep buyers from replicating the music. Generally, the industry has gone to an agreement that, if not DRM, at that point some comparative measures are essential for them to keep on making a profit.

Pundits of the record organizations' technique have suggested that the endeavour to keep up deals rates are obstructing the rights of genuine

audience members to utilize and tune in to the music as they wish. At the point when the US Congress passed the Copyright Act of 1909, it intentionally gave less copyright control to music authors than that of writers: "Its dread was the restraining infrastructure intensity of rights holders, and that that power would smother take after on creativity"<sup>6</sup>. According to the universally settled Organization for Economic Co-activity and Development<sup>7</sup>, "Existing laws and directions might be excessively expansive and general, making it impossible to bargain enough with the fast mechanical advancements that encourage digital piracy, and strategy creators may need to consider enacting some particular arrangements to manage these infringements. Such arrangements ought not unduly hinder honest to goodness digital correspondences, nor nonsensically impact on the Internet as a successful interchanges stage, business channel and instructive tool..."<sup>8</sup>

There have been a few methods with the expectation of complimentary access to copyrighted music for the overall population including Napster, Limewire, and Spotify. Napster was a free document sharing software made by understudy Shawn Fanning to empower individuals to share and exchange music records in mp3 design. Napster turned out to be colossally famous in light of the fact that it made it so natural to share and download music documents. In any case, the substantial metal band Metallica sued the organization for copyright infringement<sup>9</sup>. This prompted different craftsmen sticking to this same pattern and closing down Napster's administration. In like manner, Limewire was a free distributed document sharing software like that of Napster. The software empowered boundless document sharing amongst PCs and finished being a standout amongst the most well known sharing systems around. Like Napster, Limewire battled through numerous legal fights and unavoidably ended up being closed down<sup>10</sup>. Spotify and other on-request spilling administrations are offering a path for shoppers to at present get their music for nothing while additionally adding to the musician smallly rather than basically illegally downloading the music, however it likewise moves clients from purchasing printed copies of

<sup>2</sup> "Online Piracy-History". *Online Piracy*. UNC Digital Commons. Retrieved 30 April 2015

<sup>3</sup> "Internet Piracy". Retrieved 30 April 2015

<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> Lawrence Lessig (2004). *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*. New York: The Penguin Press. ISBN 1-59420-006-8. OCLC 53324884.

<sup>7</sup> Strykowski, Piotr; Scorpecci, Danny, eds. (2009). *Piracy of Digital Content*. OECD Publishing. ISBN 978-92-64-06543-7. OCLC 663833839.

<sup>8</sup> Ibid

<sup>9</sup> Doan, Amy. "Metallica Sues Napster". *Forbes*.

<sup>10</sup> Josh Halliday. "LimeWire shut down by federal court". *the Guardian*.

music or even legally downloading tunes which is seriously decreasing craftsmen's pay<sup>11</sup>.

As indicated by the Recording Industry Association of America (RIAA) since Shawn Fanning began the program document sharing project Napster in 1999 music income has gone down 53% from \$14.6 billion to \$7.0 billion out of 2013<sup>12</sup>. An examination done in 2007 by the Institute of Policy Innovation expresses that music piracy brought about lost 71,060 U.S. occupations, out of which 23,860 would have been in the recording business and 44,200 employments in other inconsequential industries<sup>13</sup>.

## LAW ENFORCEMENT

The RIAA, a ground-breaking anteroom for the recording business, is in charge of completing a large portion of the lawsuits against music piracy in the United States. Some claim that the implementation against music piracy, which may cost copyright violators up to \$150,000 per infringement<sup>14</sup>, is nonsensical, and that it might even damage United States sacred insurances against unfeeling and unordinary discipline. Some have blamed the RIAA for outright harassing, as when one of their attorneys, Matt Oppenheimer, told the respondent in one lawsuit, "You would prefer not to pay another visit to a dental practitioner like me"<sup>15</sup>. In that same case, as per Lawrence Lessig, "the RIAA demanded it would not settle the situation until the point that it took each penny [the defendant] had saved"<sup>16</sup>.

Additionally, endeavour at advance towards controlling the security of open media content by focusing on the end of piracy were made when the profoundly foreseen yet often wrangled about bill known as the Stop Online Piracy Act (SOPA) was passed lately. The bill was first presented in October 2011 by the United States House delegate Lamar S. Smith<sup>17</sup>. The general extent of the law was to satisfy the objective of putting a stop to online piracy by developing existing criminal laws in regards to copyright infringement. The fundamental objective of the bill was to ensure licensed innovation of

substance makers by bringing issues to light of the seriousness of disciplines for copyright infringement. Normally, the bill was met with significant resistance from different gatherings. One occasion of this was an article remark by Edward J. Dark, president and CEO of the Computer and Communications Industry Association, who scrutinized the potential viability of the bill by thinking that the real privateer sites that SOPA endeavour to wipe out could simply respawn under an alternate name if brought down as right on time as a couple of hours later<sup>18</sup>. Additionally, solid dissent endeavour were made over the web when various prominent online associations including Tumblr, Facebook, Twitter, and taking part in American Censorship Day on January 18, with a few destinations including Reddit and Wikipedia going the extent that totally passing out the greater part of their pages, diverting the client to SOPA challenge messages<sup>19</sup>. Ultimately, because of forceful challenges and absence of consenting assessments inside the congress, SOPA was tabled on January 20 by its designer, House delegate Lamar Smith<sup>20</sup>.

## ECONOMIC CONSEQUENCES

Piracy's genuine impact on music deals is hard to precisely evaluate. In neoclassical financial aspects costs are dictated by the mix of the powers of free market activity, however the participators in the digital market don't generally take after the standard thought processes and practices of the free market activity framework. To begin with, the cost of digital dissemination has diminished altogether from the expenses of dispersion by previous strategies. Moreover, most of the filesharing network will disseminate duplicates of music at a zero cost in financial terms, and there are a few purchasers who will pay a specific cost for honest to goodness duplicates notwithstanding when they could simply acquire pilfered copies<sup>21</sup>, for example, with pay what you need merchants.

Another issue is that in light of the fact that numerous individuals on the planet illegally download music since they can't bear to buy honest to goodness duplicates, only one out of every odd illegal download fundamentally compares to a lost deal. This has some impact on music deals, yet as Lawrence Lessig brings up, there is wide asymmetry between the evaluated volume of illegal downloading and the anticipated loss of offers:

"In 2002, the RIAA revealed that CD deals had fallen by 8.9 percent, from 882 million to 803 million units; incomes fell 6.7 percent. This affirms a pattern in the course of recent years. The RIAA

<sup>11</sup> Wlömert, Nils; Papies, Dominik (2016-06-01). "On-demand streaming services and music industry revenues — Insights from Spotify's market entry". *International Journal of Research in Marketing*. The Entertainment Industry. 33 (2): 314–327. doi:10.1016/j.ijresmar.2015.11.002.

<sup>12</sup> "RIAA - Scope Of The Problem - June 14, 2015". *riaa.com*. Retrieved 2015-06-14.

<sup>13</sup> [http://www.ipi.org/ipi\\_issues/detail/the-true-cost-of-sound-recording-piracy-to-the-us-economy](http://www.ipi.org/ipi_issues/detail/the-true-cost-of-sound-recording-piracy-to-the-us-economy)

<sup>14</sup> Ibid

<sup>15</sup> Id

<sup>16</sup> Id

<sup>17</sup> Kang, Cecilia (26 October 2011). "House introduces Internet piracy bill". *The Washington Post*.

<sup>18</sup> "Internet Users, Free Speech Experts, Petition Against SOPA". *Huffington Post*. 13 December 2011.

<sup>19</sup> "'American Censorship Day' Makes an Online Statement: The Ticker". *BloombergView.com*. 16 November 2011.

<sup>20</sup> Alex Fitzpatrick (20 January 2012). "The Week That Killed SOPA: A Timeline". *Mashable*.

<sup>21</sup> Ibid

points the finger at Internet piracy for the pattern, however there are numerous different causes that could represent this drop. SoundScan, for instance, reports an in excess of 20 percent drop in the quantity of CDs discharged since 1999. That no uncertainty represents a portion of the decline in deals... However, we should accept the RIAA is right, and the majority of the decrease in CD deals is a direct result of Internet sharing. Here's the rub: In a similar period that the RIAA gauges that 803 million CDs were sold, the RIAA gauges that 2.1 billion CDs were downloaded for nothing. Along these lines, albeit 2.6 times the aggregate number of CDs sold were downloaded for nothing, deals income fell by only 6.7 percent... So there is a tremendous distinction between downloading a tune and taking a CD<sup>22</sup>.

As per Woolley's presentation every year It is assessed that 12.5 billion dollars are lost because of record sharing and music piracy, and 5 billion of that is profits lost from the music business specifically. Because of this emotional misfortune in profits the music business has been compelled to chop down their staffing. Music piracy has turned out to be such an issue, to the point that the business is urged to adjust to this new time and change<sup>23</sup>.

### DIGITAL COPIES

The article, "The Music Industry On (The) Line? Surviving Music Piracy In A Digital Era" By Jelle Janssens, Stijn Vandaele, and Tom Vander Beken presents an examination of the pervasiveness of piracy in music exchange, which has influenced the worldwide offers of CDs. This article brings up that mechanical advancement, for example, document sharing, MP3 players, and CDRs have expanded music piracy. The most widely recognized types of music piracy are Internet Piracy and compact circle piracy. It likewise examines the association between music piracy and composed wrongdoing, which is characterized as profit-driven illegal activities. The fact that digital items are virtual rather than physical influences the monetary instruments behind the creation and dispersion of substance, and how piracy works for digital instead of physical items: "the fundamental result of the non-physical type of digital items is their basically immaterial minimal cost of generation and their capacity to be digitally delivered<sup>24</sup>." The cost of copying a CD radically brought down the overhead for record organizations, and for music privateers, and with the growing propensity toward online dissemination

<sup>22</sup> Ibid

<sup>23</sup> Woolley, D. J. (2010). The cynical pirate: how cynicism effects music piracy. Academy of Information and Management Sciences Journal, 13(1), 31+. Retrieved from [http://bi.galegroup.com.prxy4.ursus.maine.edu/essentials/article/GALE%7CA241861851/b8772514a705be025bdcd7edee6d5cdc?u=maine\\_orono](http://bi.galegroup.com.prxy4.ursus.maine.edu/essentials/article/GALE%7CA241861851/b8772514a705be025bdcd7edee6d5cdc?u=maine_orono)

<sup>24</sup> Ibid

among authentic and unlawful merchants alike, the cost of appropriating contracted further from the expenses of printing and transporting CDs to just the expenses of keeping up a website<sup>25</sup>. By sheer volume of document exchanges, however, conveying music through customary web servers and FTP servers were not as mainstream as shared now, on the grounds that the conventional direct download strategy is slower.

The 2008 British Music Rights survey<sup>26</sup> demonstrated that 80% of individuals in Britain needed a legal P2P benefit. This was reliable with the consequences of prior research led in the United States, whereupon the Open Music Model was based<sup>27</sup>. furthermore, the larger part of file sharers in the overview liked to get their music from "neighbourhood sources, for example, LAN associations, email, streak drives, imparting to other individuals they know personally<sup>28</sup>. The other most basic strategy for filesharing was with P2P advances. By 2007, P2P systems' prevalence had developed so much that they utilized as much as 39% of the aggregate volume of data traded over the internet<sup>29</sup>.

### RIGHT HOLDERS SOLUTION

Nearby the RIAA and BPI's industry hostile to piracy benefit sit various other free organizations offering against piracy arrangements. These organizations have a tendency to have a superior reach and achievement rate than the slower business bodies and give an elective arrangement. Outstanding business sector pioneers incorporate AudioLock, Web Sheriff, Topple Track, Detecnet, Muso and Attributor.

### PROCEED WITH THE BATTLE AGAINST PIRACY

#### □ Strong IP rights and more grounded enactment

The business needs to work intimately with law implementation organizations to distinguish and follow online privateer administrations, bring more grounded prosecutions against culprits, and draw in governments and legal frameworks to make a situation that rebuffs theft. In 2012, such a lawful activity shut down megaupload.com, a Hong Kong based organization that ran online record stockpiling administrations.

#### □ Technologies to recognize and follow unlawful dispersion

Music piracy happens as a result of a conspiracy between two gatherings – suppliers of illicit substance and suppliers of record sharing innovations. The business can handle them two by

<sup>25</sup> Id

<sup>26</sup> Andrew Orlowski. *80% want legal P2P - survey*. The Register, 2008.

<sup>27</sup> Shuman Ghosemajumder. *Advanced Peer-Based Technology Business Models*. MIT Sloan School of Management, 2002.

<sup>28</sup> Ibid

<sup>29</sup> Id

growing new watermarking techniques that can follow the wellspring of unlawful appropriation, and by working with online stores to evacuate encroaching applications and confining their entrance to illicit sites. Also, ISPs also could monitor the downloading action of records on their transmission capacity.

□ **Prune the web for pilfered content**

The business ought to effectively seek after purging activities to take out incidental robbery – where music is conveyed by people without an expectation to enjoy theft. With the development of online stages for music coordinated effort, for example, SoundCloud, which empowers its clients to share and advance their music, the onus of guaranteeing that no copyright-secured content leaks out has fallen on the marks.

□ **Public mindfulness battles**

The National Geographic runs a program to teach youthful understudies about theft. The features of the program incorporate presenting the ideas of theft and sharpening people about the effect that these wrongdoings have on the world economy. This structure can be connected to people in general on the loose<sup>30</sup>.

## CONCLUSION

There are approaches to limit music piracy on utilizing the most recent Google court choices on the right to be overlooked and also utilizing some demonstrated procedures identifying with adding a watermark to the tracks and transferring the documents yourself with special intent<sup>31</sup>.

A paper called the Music Anti-Piracy Best Practice Guidelines has been distributed by music hostile to piracy authorities AudioLock and supported by the Association of Independent Music, the Association For Electronic Music (AFEM), music wholesalers Believe Digital and Judge Jules (DJ and Lawyer). These rules give counsel on the most proficient method to limit presentation to music-piracy and how best to use the arrangements that are accessible.

Insights have demonstrated that since the last a large portion of the 2000s, there has been a decrease in music piracy. As per a NPD overview, in 2012, roughly one of every ten Internet clients in the United States downloaded music through a record sharing administration like BitTorrent or LimeWire. This number is altogether under 2005, the pinnacle of the piracy marvel, when one out of five clients utilized shared systems to accumulate music records.

30

<https://www.wns.com/insights/articles/articledetail/308/three-strategies-for-the-music-industry-to-fight-piracy>

<sup>31</sup> "Music Piracy And How To Avoid It". *Mixing Mastering Resources for Music, Media and Business*.

The rise of free gushing administrations has diminished the quantity of clients who privateer music on the web. Administrations, for example, Spotify and Pandora have simple to-utilize interfaces and abatement the hazard for PC infections and spyware<sup>32</sup>. In contrast with the illegal software utilized by more established music piracy systems, for example, Napster or Limewire, current music spilling administrations, for example, Spotify and Rdio offer modest yet legal access to copyrighted music by paying the rights holders through cash made off of installments made by premium clients and through advertisements<sup>33</sup>.

<sup>32</sup> Luckerson, Victor (18 February 2013). "Revenue Up, Piracy Down: Has the Music Industry Finally Turned a Corner?". *Time Magazine*. Retrieved 23 April 2015.

<sup>33</sup> Peckham, Matt (19 March 2014). "13 Streaming Music Services Compared by Price, Quality, Catalog Size and More". *Time*.