(DIGITAL) SHARING IS (ANALOG) CARING: AN ETHNOGRAPHIC STUDY OF
IDEOLOGICAL MOTIVATIONS OF DIGITAL PIRATES

by

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(UNDER THE DIRECTION OF CASEY O'DONNELL)

ABSTRACT

In an effort to ascertain the ideological underpinnings of digital piracy, this study intends
to display the development of a viable information gift economy within online piracy
communities. Conducting a virtual ethnography of members of a private "warez" community, the
author proposes identifying anti-capitalist motivations contained in the ideologies of community
members. Central to these tendencies is the cooperation and interaction between these individual
members of the community, which signifies the emergence of a unique culture that is quickly
becoming normalized within the digital sphere. Discussions of repercussions of distributing
American content lead to the potential of a form of cultural imperialism, this one mediated
through digital technologies.

INDEX WORDS: digital piracy, warez, pirate culture, collaboration theory, gift economy,
MegaUpload, mass communications, cultural imperialism, media imperialism
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DEDICATION

To all of the professors that have taught me what it is to be a scholar; to my friends and family that have supported me every step along my journey; to all of those, whose names I'll never know and faces I'll never see, that have struggled and persevered for the right to public education; to Tiffany – thank you all.
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CHAPTER 1
INTRODUCTION

Digital piracy constitutes one of the greatest perceived threats of the Information Age. With the increase of broadband penetration in the first decade of the 21st century, and the proliferation of technology simplifying the process of downloading, digital piracy has continued to grow at an exponential rate.

Digital piracy represents a strong challenge to the current operating procedure of a variety of media sectors, including the publishing, recording, film and television production, and software industries. As education campaigns, punitive efforts, and attempts to competitively price products continue to fail at producing a drop in piracy levels, alternative methods of analysis are necessary to determine exactly the culture of digital pirates and why the strategies employed are unable to create results.

As the technology allowing for mass communication was developed, subsequent technologies allowing for public production within those mediums also arose. Dating back to the 8-track and cassette tape, which could be used to record and reproduce radio broadcasts; to the VCR and Betamax which allowed consumers to record and reproduce television broadcasts and copy home video releases, methods of piracy have been advancing at nearly the same rate as the technologies being reproduced.

The personal computer represented a quantum leap for illegal reproduction of copyrighted material; the PC granted users the ability to copy, or 'burn', compact discs and DVDs for a low price and a relatively simple process. By 2000, sales of recordable compact discs (CD-Rs) reached more than three million per month (Boehlert, 2000).
But it was the Internet, more than anything that has fomented such an atmosphere of fear and instability among media producers. With zero duplication costs, digital downloading completely removed distributors from the process. This has caused considerable friction between traditional content distributors (recording companies, theatrical studios, etc.) and emerging, 'independent' distributors (piracy networks).

The music downloading giant Napster, a program where users could share songs with other users, quickly became one of the most popular software applications in existence, boasting 50 million users by 2003 (LaRose, Lai, Lange, Love, & Wu, 2005). A highly controversial legal battle ensued, with the major recording labels successfully filing suit and shutting Napster down.

This was only the beginning, though. Adaptations of the technology Napster used, Peer-to-Peer (P2P) sharing, emerged all over the Internet. Grokster, Soulseek, Kazaa, and Limewire are just a few of the many file-sharing applications that rose from Napster's proverbial ashes. Newer, more efficient forms of sharing, such as the BitTorrent Protocol were developed, and with the bandwidth that broadband penetration provided, suddenly it wasn't just music that digital pirates were sharing, it was theatrical releases, video games, software, books; if it is possible to convert an information good to digital format, chances are that it is available somewhere on-line for download.

**Purpose of Study**

This study seeks to examine the ideological motivations of digital pirates, viewing their actions through a combination of social psychological theory and anti-capitalist resistance. In the following section, relevant literature will be summarized to provide a theoretical framework from which to view digital piracy, or as it will later be referred to, digital collaboration. This mixed-methodology study proposes to allow the digital pirates to speak for themselves, through
ethnographic interviews as well as through the activity that they engage in, to relate an understanding of the particular culture that has flouted traditional norms on a variety of legal ideas.

As the title of the study indicates, it was expected that altruism would be a motivating factor in the motivations of high frequency users. Membership within warez forums, where thousands of members post more content than could possibly be consumed in a lifetime, held the potential of fulfilling the long-awaited promise of digital technology acting as an equalizer within a globalized world.

While it was expected that warez forums would exemplify ideals of collaboration and cooperation, this was far from the case. Rather than seeing other members as compatriots, high-frequency users of warez forums instead treat them as competitors. These sites don't espouse any ideology counter to dominant interests; they in fact reproduce global capitalism on a minute scale.
CHAPTER 2
REVIEW OF LITERATURE

There are generally two avenues of research on digital piracy: first, examining the motivations of digital pirates – including qualitative work seeking to identify the reasons for piracy (regardless of whether the purpose of such an examination is to condemn or celebrate the activity), and whether the measures of deterrence used by the industry have had significant effect; and second, an economic analysis of both digital pirates' willingness to pay (WTP), and the effects of digital piracy on the conglomerated copyright holders. In a report on international digital piracy released in March of 2011, Karaganis laments the fact that,

“What we know about media piracy usually begins, and often ends, with industry-sponsored research. There is good reason for this. US software, film, and music industry associations have funded extensive research efforts on global piracy over the past two decades and have, for the most part, had the topic to themselves … [and] empirical work has been infrequent and narrow in scope. Industry research consequently casts a long shadow on the piracy conversation – as it was intended to do (Karaganis, 2011).“

The statistics assembled on the scale of digital piracy are staggering. Roughly one quarter of all Internet traffic is made up of 'infringing material', an industry term for illegally downloaded copyrighted goods (Envisional, 2011). As early as 2003, 27% of Americans admitted to participating in illegal file-sharing, while a year earlier the Business Software Alliance reported more than 15 billion dollars in losses due to piracy (Strangelove, 2005). In a report commissioned by the Motion Picture Association of America (MPAA), more than 2.3 billion
dollars was found to have been lost in 2005 due to Internet pirates (L.E.K., 2005).

Reports containing numbers as grand as those above, though, are intentionally written to push the casual observer towards a certain opinion on this subject. Yar's 2005 study on the research on piracy in non-U.S. markets raised the issue of industry motivations for portraying such a powerless stance against pirates, noting “...the methodologically questionable processes by which 'piracy' is quantified, processes that depend crucially upon those very actors who have the greatest interest in maximizing measure of the problem(Yar, 2005).” In other words, content producers are eager to appear in mortal danger from digital piracy so as to more easily enlist state power in subjugating this emergent gift economy. This tactic has been successful, as can be seen from the variety of national and supra-national legislation that has been enacted to curb file-sharing; however, none of these legislative acts have managed to even decrease the amount of sharing occurring.

Following the legal battle to shut down Napster, mass communication scholars began studying the digital piracy phenomenon in-depth. Much of the research seemed to focus on how to stop pirates, the demographic makeup of those participating in piracy, and the economic damage done to major industries by digital piracy.

A survey of college students, applied under the theoretical framework of Social Cognitive Theory, attempted to determine the risk perceptions of digital pirates. The researchers attributed habitual downloading to “deficient self-regulation”, meaning those who choose to continue their piracy in the face of potential punitive actions by universities or corporations (LaRose et al., 2005). The authors assumed that risk perceptions of digital piracy would prevent all but the most ardent pirates to cease their activities. Yet this has not come to pass; indeed, it was not the pirates
but the recording industry that withdrew their punitive efforts after having little success in stemming the tide of piracy.

Several economic articles have examined digital pirates' willingness to pay (WTP) for lower-priced, legal downloads (Sinha & Mandel, 2008). There has been considerable research focusing on the efficacy of techniques combating piracy, including Digital Rights Management (DRM) technology, which places a code in every purchased file only allowing it to be used on licensed platforms. DRM was widely used throughout most of the last decade (Sinha, Machado, & Sellman, 2010), and is thought to have actually accelerated the illegal downloading of copyrighted content through wide-scale consumer rejection of this technology.

Education campaigns have been waged by media industries, preparing classroom content for public school K-12 students. The material is presented as a moral binary – those who violate copyright laws are morally wrong and engaging in illegal activity, and those who do not are law-abiding and morally proper. These normative arguments attempt to frame the next generation’s perception of emerging conflicts over the availability of information (Gillespie, 2009).

A 2011 study evaluating the moral scale of college students testing their judgment on a variety of moral issues found results in contradiction to the findings of much of the previous research on pirates. This analysis aimed to test the common popular and academic explanations that college students illegally download media because they lack proper self control or respect for authority; that “... a common underlying assumption is that individuals who illegally download music have less developed moral or ethical standards (Jambon, 2011).”

What Jambon and Smetana found was quite the opposite. Rather than confirming any link between downloading illegally and a lack of moral concerns, the students did not misclassify moral and non-moral acts. The conclusion drawn was that younger generations have, as a cohort,
removed illegally downloading copyrighted material from their classification of immoral actions. Of the sampled students, 52% purchased music legally and still an overwhelming majority of the sample viewed piracy as morally acceptable in the face of unfairly high prices. Indeed, Jambon's results

“... help explain why downloading has continued unabated in the face of recent campaigns aimed at convincing the public that file-sharing is equivalent to more traditional forms of theft. For many college students, illegal downloading may be viewed as combating what they see as an unjust system (Jambon, 2011)...”

There exists research with findings alternative to the economic argument that digital piracy is detrimental to profitable creative media production. Jain's model shows that, in smaller, less developed international markets, piracy can to some extent actually benefit media producers (Jain, 2008). This occurs due to the effects of network economics and positive externalities of having brand loyalty from customers who would otherwise be unable to afford these products.

A research study, this one based around a sample of Thai graduate students, proposed a model of socialization to determine the propensity to buy, use, or share pirated software, accounting for age, gender, and work experience. The findings were far from what would be expected, based on previous research on this issue. In their results, Moores and Esichaikul found that, “Younger people are more likely to share than older, males are more likely to buy while females are more likely to share, and people with more work experience are more likely to use pirated software (Moores & Esichaikul, 2010).” The authors attribute this to sharing and empathy being more ‘feminine’ virtues.

There is a multitude of research grounded in the study of sales of pirated goods, loss of revenue to media industries, and legislation against the sale of pirated goods (Ji, 2007; Malyshev
& Hamilton, 2003; Miyazaki, Rodriguez, & Langenderfer, 2009). These studies assume that the only piracy taking place is in the form of profit-driven reproduction of copyrighted material, free of any ideological current beyond that of a capitalist, consumer based economic mindset.

It is only recently that there has been any challenge to the overarching myth that has been constructed of the pirate as a thief, a bootlegger of sorts, profiting handsomely off the misfortune of honest, hard working corporations. Yung offers a different take on piracy; her research examines the dominant, or 'utilitarian' discourse on the morality of infringing on intellectual property. In presenting an alternative to this, Yung argues,

“...Such utilitarian argument on piracy as de-motivation [for artists and other creative professions] may not be necessarily justified. In fact, intellectual property arrangement is one among different institutions concerning how the society may handle new ideas and creative works. In reality, private ownership over one’s intellectual product is merely a modern western concept that is being ‘advertised’ as being normative, which, by itself, is highly debatable (Yung, 2009).”

If one is to accept these alternative discourses on the ethics and economics of digital piracy, then a gap in the research dealing with the questions of the motivation of pirates exists. The purpose of this study is to provide a theoretical framework tying Group Collaboration Theory to the motivations behind digital piracy. Group Collaboration Theory stems from the General Theory of Collaboration, which assumes that information builds upon itself (Whitfield, 2008). Collaboration theory grants an ideological undertone to the reproduction of intellectual property, and places the actions of digital pirates in a theoretical context.
Digital piracy is carried out through systemic collaboration of small groups, cooperating together to exchange download links, seeding files, and tracking files for other members. This action is the basis of what will be subsequently be referred to as ‘digital collaboration’.

A great deal of foundational research on collaborative groups has been conducted in the field of social psychology. Moreland’s (Levine & Moreland, 2004) research into group formation brought forth four central foundations of every group – environmental, cognitive, behavioral, and affective integrations. According to Farrell, these tenets can be defined in the following manner:

“Environmental integration occurs when the physical, social, or cultural environment provides the resources necessary for a group to form … Behavioral integration occurs when people become dependent on one another for the satisfaction of important needs, such as an accurate view of themselves and the world around them … Affective integration occurs when people develop shared feelings… attraction between [group] members and shared antipathy toward outsiders, particularly authorities … Cognitive integration occurs when people… share characteristics that distinguish their group from other groups (Farrell, 2003).”

All of these are satisfied in digital collaboration networks in a much grander scale than either Farrell or Moreland anticipated; indeed, most research on collaboration focuses on small, interpersonal groups. Digital collaboration responds to the societal changes brought about by advances in technology allowing for instantaneous communication regardless of geographic location.

Digital collaborators meet nearly all of the above qualifications that Farrell sets forth – they are dependent for satisfaction of cultural entertainment needs (behavioral); a defiant attitude towards the enforcement of copyright law, and a respect for fellow collaborators on forums and
blogs (affective); and research shows that collaborators tend to be white, male, young, and from middle-class income households (cognitive) (LaRose et al., 2005). The environmental integration is one which could be debated, but the Internet has already been shown to have dissolved the necessity of a common physical environment for many communities. Digital collaborators do require a certain amount of resources in order to attain membership within these groups – they must have an Internet connection, and a platform capable of accessing and downloading files. The acceleration of miniaturized processors, and the proliferation of mobile platforms connected to the Internet has made this requirement much more attainable in recent years.

So digital pirates meet the qualifications of a collaborative group – but what is it that they are collaborating to achieve? Using LaRose's research on the demographics of digital collaborators (limited as it was, being carried out on university campuses) it would seem, from the above integral aspects of group collaboration, that digital collaborators seek to reestablish a gift economy around the free exchange of information goods, based entirely on the zero cost of digital reproduction. After all, it is unlikely that educated and privileged youth, from moderately wealthy backgrounds would download on such a grand scale merely for economic benefits.

In his seminal work, The Gift Economy, Cheal points out that, “It is generally assumed that the emergence of capitalist society meant that morals were replaced by markets, and that gift transactions therefore became of lesser importance (Cheal, 1988).” The two systems are antagonistic at face value – an exchange of commodities without a financial transaction runs counter to the most basic premises of a capitalist economy, while a gift exchange freely transfers ownership with no monetary component involved.

A three-year ethnographic study carried out on peer-to-peer piracy networks, beginning with Napster but continuing on within its various successors, found an extremely effective gift
system with established sharing ethics and boundaries of use. The most striking conclusion of this study, that immediately stands out is the lack of economic motivation for the piracy.

“Napster seems to reflect an ideological transition from music ownership (property) to music access (gift). At Napster, it is not important to own the copyright but to have unlimited access to a Web of shared music (Giesler, 2006).”

Giesler points out that in the long history of research on gift systems, dating back more than 80 years in some cases, most scholars focus on pre-industrial gift giving, with the underlying presumption being that capitalist economic systems remove the cultural value placed on (free) gifts. Other research focused on familial gift-giving, during occasions such as religious holidays and events like weddings. His study on attitudes of Napster users found a consumer gift system much broader; in fact, Giesler maintains that digital piracy (via Napster and its successors in his work) constitute a gift system that is global in scope (Giesler, 2006).

As a system of small collaborative groups, digital collaborators are able to maintain networks of transmitting files outside of traditional commercial networks. Just one collaboration platform, BitTorrent, has over 100 million regular users worldwide. 'Cyber-locking' sites, also known as file-hosting services, boast nearly as impressive traffic counts. 4Shared.com, and MegaUpload.com, the two most popular file-hosting services (the 66th and 67th most visited sites in the world, respectively) each rally roughly 80 million unique visitors every month (Envisional, 2011). That digital collaborators' methods are flexible and often mirror legal uses of bandwidth simply widen their reach and reduce the threat of punitive response.

Digital collaboration is often attributed to deviant behavior. This proposition assumes that Internet downloading should be viewed as an aberration within a properly functioning capitalist economy where the majority of actors maintain respect for property rights. However, piracy is
not limited to the fringes of economic activity. 25% of all business software is pirated in the United States (a figure that is much higher in other countries), making it clear that such activity is not limited to college students collecting copyrighted music (Strangelove, 2005).

The Information Age and the rise of the World Wide Web has caused a liberation of information of all sorts, acting as “a rejuvenated public sphere” where normative meanings can change and become subversive (Wershier-Henry, 2008). It is not improbable that digital piracy is just another of many examples of public resistance to the dominant economic structures of the 20th century. As the divide between the wealthy and poor widens more and more, the reproduction of and collaborations with copyrighted intellectual property may act as a leveler, allowing those on the wrong side of the digital divide to reclaim their culture, gain information, and build upon the work of others in a collaborative way. As The Handbook of Social Psychology puts it, “A common outcome of that collaboration is the development of a transactive memory system, which allows group members to recall more information together than they could alone (Gilbert, Fiske, & Lindzey, 1998).”

This exists in many forms around the World Wide Web, utilizing nearly every traditional medium in existence. Mash-ups, where artists take famous musical pieces and mix them together to form new songs built on dozens of classic hits, have become highly popular on-line; ‘open-source’ software, such as Open Office, the Mozilla Firefox web browser, and the Android and Linux operating systems are collaborative creations by programmers who volunteer their time and labor to create products available to all; or user-generated fan content, such as videos edited and produced using copyrighted materials are all examples of the immense explosion of creativity and re-appropriation of cultural production by the public. All of this is just the beginning of a revival of a collaborative spirit that had been chained down by restrictive
proprietary licenses for the last century.

It was anticipated that through the completion of this study, links would be drawn between this idealism of cooperation and the reality of file-hosting. Developing a theoretical frame utilizing group collaboration theory, this thesis hypothesized that economic interests play a secondary role in the primary motivations of piracy communities; that the communities themselves constituted a living example of a true information gift economy. This did not prove to be the case, however. Instead, profit-driven motives were found to be nearly universally contained in the activities of high-frequency users.

While it was expected that warez forums would exemplify ideals of collaboration and cooperation, as Giesler's study would have us presume, this was far from the case. Rather than seeing other members as compatriots, high-frequency users instead treat them as competitors. Warez forums don't espouse any ideology counter to dominant interests; they in fact reproduce global capitalism on a minute scale. In doing so, high-frequency users are not only infringing on copyright for monetary gain, but the selection of content that they choose to distribute raises questions about the cultural implications of their labor. Since the overwhelming majority of content posted on warez forums is of American origin, despite the nationality of the those posting content being largely non-American, the possibility that distributive platforms such as warez communities may act as cultural imperialists arises.

**Cultural Imperialism**

Concern over the domination of American media in the global marketplace is nothing new. Dating back nearly half a century, cultural imperialism has been one of the most widely
debated topics in the mass communication discipline, as well as in the popular press of nations besieged by American entertainment content.

There are two basic schools of thought within the issue – the critical cultural imperialism argument, and the media globalization model. Both will be explored here, as what is taking place within deviantWarez, driven primarily by citizens of non-Western nations, fits into neither comfortably.

The critical position is that the power and influence of American media enables a one-way flow of trade; a cultural imbalance, as media flows from the West (primarily the United States) to the rest of the world. This unidirectional transmission undermines Third World cultures – promoting and furthering domination by post-industrial nations and subordination of Third World ones. This leads to weakening and eventual suppression of indigenous cultures throughout the world.

Three key points summarize the critical stance, as addressed by Tomlinson: the first, that American cultural goods are omnipresent throughout the world, and have led to a noticeable transference of the values and interests of Western culture in foreign markets; second, the long, continuing history of Western imperialism in Third World regions creates a power imbalance on the side of the imperialists; and third, the commodification of culture within the global capitalist economy (Banerjee, 2002).

Opponents of the critical position argue that the 'one-dimensional flow' is too simplistic, and instead propose a regional model, which could account for the ascendency of burgeoning Mexican, Brazilian, Chinese, and Egyptian exports. This emphasis on the popularity of content local to audiences makes up the media globalization model. Coincidentally, this position gained widespread approval and support as media worldwide began to deregulate in the late 1980s. The
globalization position takes power away from multinational media conglomerates and places it in the remotes and wallets of the audience (Chalaby, 2006).

In response to the success of American media, Third World nations have raised barriers to entry for foreign competitors, as well as publicly funding local and regional culture industries. Because many of these nations' borders were drawn arbitrarily following decolonization, rather than following ethnic and cultural boundaries, media represents a powerful unifying force. Post-colonial nations were forced to produce a collective identity from oftentimes disparate and diverse ethnic populations. As a result of this, Third World television production is on the rise, aided by cultural discount and government funding. An example of this is South Asian television, which emphasizes state discourses, developmental policies, and a national cultural identity (Banerjee, 2002).

Chalaby's work on American penetration of European media markets in the 1990s is indicative of the extremes of the two sides, and how the reality likely lies somewhere in between. He cites the optimism of American media corporations in entering the European market, and the near-total failure of that venture. Despite the popularity of American popular culture, there exists what is termed a 'cultural discount,' a preference for cultural products relative to one's own locale. This initial blunder was quickly corrected, though, and through what Chalaby termed 'hybridity' (mixing local and international culture) American media increased the media trade deficit between the United States and Europe by more than 70%, from $4.8 billion to $8.2 billion in the five years between 1995 and 2000 (Chalaby, 2006).

Herbert Schiller, “...the scholar most responsible for popularizing the cultural imperialism thesis … in the entire English-speaking world (Burrowes, 1992),” likewise straddles the fence between the two camps, describing cultural imperialism as,
“The sum of the processes by which a society brought into the modern world system and how its dominating stratum is attracted, pressured, forced, and sometimes bribed into shaping social institutions to correspond to, or even promote, the values and structures of the dominating center of the system (Burrowes, 1992).”

Nevertheless, understanding media imperialism as a dialectic between Western and Third World, conglomerate and audience, essentializes the problem. Culture itself is an extremely nebulous term, especially as a unit of analysis. Burrowes notes that the term is often used interchangeably with “...nation on the one hand and civilization on the other,” and that most research on cultural imperialism pays no attention to the variety and diversity of cultures within Third World nations, nor the complexity of blanket terms like 'The West' (Burrowes, 1992).

While the entry into many foreign markets is normally an intentional strategy on the part of media conglomerates, at times it seems entirely coincidental. Banarjee, citing Hukill, notes how smaller markets such as Singapore are seen as unattractive to Western media, despite the national government deregulating and opening their private sectors to foreign media. Local broadcasters welcome foreign content, as Singapore's indigenous media production is dependent on American programming to fill gaps in airtime (Banerjee, 2002).
CHAPTER 3

METHODOLOGY

In order to gauge levels of collaboration, a mixed-methodology study was created using both quantitative and qualitative methods, examining a small, private warez forum (warez is the popular term for pirated media). deviantWarez.com was selected for this project, as it met the majority of the requirements sought: it is a small community, with less than 6,000 active members; there are multiple avenues for interaction with other members, including a General Chat discussion area, sub-forums to post web links, a 'Fun Zone' for amusing graphics and web content, and even a Recipes section for cooking meals; the Introductions sub-forum contains regular posts from new members, as well as responses from others welcoming them to the community; finally, no adult/pornographic content is allowed on the site.

Warez forums are the least studied site of piracy, as they represent not one monolithic network of either bitTorrent or P2P client software, but rather a collective of individual forums, utilizing dozens of file-hosting services. Piracy is not a homogeneous activity. There are multiple forms and layers of what blanket terms like 'piracy' and 'illegal downloading' refer to, as well as several types of individuals engaged in piracy. Each of these must be given attention to understand digital piracy from a macro-perspective.

Collaboration was measured through the administration of a questionnaire to a compiled sample of high-frequency users, providing ethnographic data that offered qualitative data on the interaction and opinions of sampled users with other members of the forum, as well as their own ideas about engaging in digital piracy. These responses were then matched with a daily log of the
activity carried out by sampled members, to evaluate how their habits compare to their responses.

The methods for collecting and analyzing data were threefold: first, posts by high-frequency users were cataloged; noting the type of post, and, if the post shared content, what kind of content was provided, the date and time of the post, the size of the content, and how many links the content was broken up into. The posts were collected manually, using Evernote as a reference manager. Evernote is a program that can be used to quickly take notes on a web page one is viewing, and organizing them through a system of tags. The Post Log contains tags for the user identification number, the file-hosting service used, and the type of content (application, music, game, television show, movie, mobile app).

Second, a textual analysis of posts made in the 'Community' section of the forums was carried out, looking for indications of the theoretical frame employed in this study utilizing Stuart Hall's encoding/decoding model of textual analysis. This model emphasizes the variance between the producer's intention in creating a mediated message, and the audience's construction of the meaning of that message (Gill, 2007). The 'Community' section of the site yielded a number of posts relating to the members' opinions on the legal and popular discourse on piracy. It is here that the majority of interaction takes place within the site, and a wide variety of topics are discussed, including what kinds of tools are best for 'cracking' software, to recipes for making a meal in the 'analog' world.

Third, ethnographic interviews were initiated with participants from the sample of high-frequency users, to gauge the self-awareness of the ideological implications of their actions, as well as providing a more detailed profile of the types of digital collaboration which these participants are engaged in. The questionnaire used to carry out these interviews that was
designed for this study consisted of 31 questions; the topics covered in the questions are biographical (how users entered the 'warez scene'/how long users had participated in file-sharing, etc.), practical (how long users spend up-/down-loading per week, what file-hosting sites they use), and ideological (whether users see piracy as being normalized activity, how important community is to the site, how they respond to popular arguments against piracy).

This triangulation of methodology was intended to offer a multilayer analysis of digital piracy via file-hosting sites. Each of the three methods of collection describes the different ways that users represent themselves – through interacting with the community (Discussion/General Chat analysis), the labor of distributing content (Post Log), and identity construction and ideological foundation (ethnographic interviews). Combined, this study presents a unique examination of the way that warez forums operate, and the work that users invest in said forums and their motivations for doing so.

The sample was assembled by identifying active users that have posted content in one or more forums more than 50 times per week. The site has a tool which allows users to see all the forum posts made by another user in the last 24 hours; this tool was employed to track the number and types of posts to ensure that the high-frequency users have consistently provided content over a period of several months. Because the forum tool only displays posts from the previous day, a log of activity, as well as occasional screen shots of notable posts for reference use was maintained for a period of 14 days.

These methods do not match those carried out in published literature on piracy; generally, researchers have preferred using surveys made up of college students engaged in downloading content (usually music); little work has been done on those who actually provide large quantities of advanced media. Additionally, the activity log compiled from sampled users offers advantages
over simply asking users what and how they distribute content; as will be shown in the results section, there are several strategies used by members that directly affect the type and quantity of media they offer on piracy forums such as deviantWarez. When crafting this study, it was judged important to have methods of analysis that would dig deeper into the actual process that digital pirates engage in when laboring on, or engaged in sharing via file-hosting cyberlocker sites. Because this type of piracy is so much more personal than biTorrent or peer-to-peer file-sharing, obtaining data on the way that users conduct themselves within the community was essential. Additionally, due to the higher level of labor required for file-hosting (creating accounts on multiple cyberlockers, breaking up data-intensive files into manageable sizes, the individual nature of distribution), the activity log was judged to be a valuable way to collect data on this least studied form of piracy.

With the advent of 'cloud'-based storage, file-hosting cyberlocker sites have risen to great popularity worldwide. Free service is offered to users who upload files on to the cyberlockers' servers, and are provided with a download link to access the file from any other computer. File-hosting sites earn revenue from two sources: paid memberships that allow users to upload data intensive files and bypass the download timer (free users have to wait for a countdown to finish to download a file, with the time proportional to the size of the file; normally between 10 and 90 seconds), and by selling advertising on the download pages. File-hosting sites receive an enormous amount of traffic; four cyberlockers – MediaFire.com, HotFile.com, FileServe.com, and 4Shared.com – rank in the top 100 most visited web sites in the world, according to an Alexa Global Traffic rank (eBiz, 2012).

During observation of the user sample, it became apparent that several of the 38 users were utilizing a 'bot' to post on the forum. Bots are software tools that upload a file to multiple
file-hosting services automatically, often are capable of seeking out content independently. Because of the sheer volume of posts that bots allow (350+ posts per day in some cases, or approximately one every four minutes), these users were removed from the log of posts.

Interviews were to be conducted among the participants of the sample, with the questions focused primarily on the motivations of users to up-/download content on the forum, as well as their attitudes towards piracy forums such as deviantWarez and broader issues such as copyright and willingness to pay for intellectual property. This qualitative analysis was selected to allow digital pirates to speak for themselves on their reasoning and decisions to distribute copyrighted goods, rather than simply assuming it is being done for personal gain. Unfortunately, none of the users in the sample responded to any of requests for participation in the sample, effectively leading to a 100% refusal rate. There are a number of possible reasons for this, discussed below in the results section.

In order to replace the missing qualitative analysis, the project author created posts in the General Chat sub-forum, raising the issue of the users' investment of time, labor, and resources that active contributors consistently spend. Posts within the General Chat area, and its two sub-forums (Web Links and Web News), were analyzed. Instead of high-frequency users, responses from the owner and moderators of the site were obtained.

Once the sample was compiled, content posted, as well as the posts themselves, by high-frequency users was analyzed for signs of collaboration and any ideological cues that might be present. Ideological cues were termed as responses engendering a specific idea about the distribution of copyrighted material, including responses to questions such as, “Do you believe downloading copyrighted content is a subversive act?”, “How do you view the current situation between content producers and file-sharers?”, and “Which do you believe to be more important
Questions such as these clearly explicate a user's sense of identity within the broader social field in which digital pirates operate. The log of user posts totaled 1,391 posts over a period of 14 days.

Table 1

![Daily Posts Created](image)

**DAILY POSTS CREATED**

Much of the analytical focus provided by these methods is on the interaction between users. In this way, collaboration can be measured in a direct, concrete way, looking at how assistance is sought and received. On this forum, 'assistance' can take many forms, ranging from providing sought after content to offering information that enables other users to seek and provide content on their own. A great deal of the communication in the 'Community' section is instructional in nature, with topics such as which file-hosting service is the best, tips on using
PHP (a type of web script), using IP proxies (to disguise an IP address), and other technical issues.

deviantWarez

deviantWarez is a web site that is built on the VBulletin Hispano design template software (the Spanish-language version of the popular VBulletin web hosting service), in addition to utilizing styles from U.S. Military Life. VBulletin is a PHP-based forum software that allows users to easily create a web forum, and customize it to personal preference. VBulletin is commercial software, offering a new license for $195 (with additional costs for each upgrade purchased), and deviantWarez operates a legitimately purchased package of this software. The Military Life styles assign ranks and titles to users, depending on their level of activity on the forum and their “Rep Power.” The vast majority of users are 'Privates,' the lowest rank possible on the site; to rise in rank, users must actively contribute content to the forum, or be 'thanked' by other users. Moderators hold ranks of 'General,' with high-frequency users occupying the various ranks between. Ranks are denoted by the username's font color; for example, privates are the standard orange that is used for all hyper-links on the site, 'officers' are purple, donators are blue, and moderators red, allowing for easy recognition of the type of member one is engaging with.

deviantWarez is a private online forum where users can upload or download various types of content, ranging from movies to software programs. In order to see posts containing content, users must register as members of the site (there is, however, a Guest section with samples of posts, with the actual download links removed). Registration is free with a valid email address. There are 11 categories of content, excluding an additional forum devoted to mobile content,
such as applications for iPhone or Android devices. Many of the 11 categories have sub-forums for specific media (the 'Television' forum is contained within the 'Movies' category, for example).

The site, in comparison to other warez forums, lacks a large membership. With only 5,610 active members, deviantWarez still has more than one million posts in its archives and downloads sections. Generally, there are less than 100 members online at any given time. That deviantWarez is able to boast such a large amount of content is significant – for comparison, Warez-BB, the most visible and well-known warez forum, has only 36 million posts from nearly three million members. Because of its limited membership, deviantWarez was an ideal pick for a study of this type – the high-frequency users are much more visible in a smaller community, members are known to one another (even if only through the quality of their posts), and social capital is more quickly accumulated and of greater value than on a larger forum.

Social capital is essential to effective use of deviantWarez. The amount of access and the privileges that a user receives are directly proportional to how much labor the user invest in the community. Basic functions such as sending a private message, being able to create a post without human verification questions (similar to CAPTCHA), only come after a member creates a certain number of posts. Those users who effectively post sought-after content, who post according to forum rules, who update links when they are taken down, are the most respected and reputable. It is this kind of social standing that draws many downloaders to warez forums, as these high-frequency users are seen as trustworthy and reliable sources for content.

The forum sells banner advertising, but primarily subsists on donations to pay the costs of maintaining the site's servers. Most of the banner ads on the site are merely flash animations notifying potential advertisers of the ability to purchase ad space for 90 dollars per month. Donations are made through PayPal to the private account of the founder of the web site, and
users who donate five dollars or more are granted “Donator” status for the month following their donation – a privilege that removes all banner ads and prerequisites to posting or sending private messages.

New users are encouraged to read up on the forum rules, which are extremely detailed and cover a wide range of topics. Many of the rules exist to streamline the process of browsing and/or searching for content, including which file-hosting services are not allowed on the site; posting guidelines, such as the use of signatures, colored text, tags, etc.; additional rules govern the posting of material that contains nudity or pornography (it is not allowed), 'bumping' posts (commenting to move the post to the top of the page), and how to request content. The forums run on a system of disciplinary 'points' for user infractions; for example, using a disallowed file-hosting site would merit one point. When a user accumulates five (5) disciplinary points, they are banned and have their IP address logged by the moderators. Posting pornographic or racist content, creating multiple accounts, or posting 'spam' or malware result in immediate banning.

In order to provide a visual reference to the concepts introduced in this chapter, screen-shots taken from deviantWarez, as well as from several file-hosting sites can be found in Appendix 1. First, in Figure 1, a typical post on deviantWarez.com – it includes the DVD cover of the film, the title of the file, and additional technical specifications – the screen resolution, file-size, genre, etc. To the left of the screen is a snapshot of the post's creator – it displays the user's join date, post count, and 'rank'. In this case, the user's join date was two months prior to data collection, and this user has already accumulated nearly 3,000 posts.

Figures 2 and 3 are screen-shots of the home page of deviantWarez, listing all of the sub-forums within the site. Above is the Downloads section, including the Applications, Movies, and
Games sub-forums; below, the Community section with the General Chat, Recipes, and FunZone sub-forums.

Figures 4 and 5 are examples of file hosting, or cyberlocker sites. Notice the amount of advertisements present on the pages, relative to the size of the actual download link. Figure 5 is an example of a download timer. These are used to ensure that visitors to the page are a captive audience to the advertisements that sold by the file-hosting site; the timer in this image was 60 seconds for a small, 2 MB file. Larger files bring longer wait times; should the visitor leave the page, or ignore the timer, the download link will expire and the timer restarted.

Finally, Figure 6 is a list of the country groups used by FileBand.com and the corresponding payout for each. Despite some variation between individual sites, this arrangement is typical of cyberlockers. Visitors from Country Group A – the U.S., U.K., Germany, and Canada are worth double what those from Group B (Japan, Australia, Western Europe) are, and three times that of Group C.

The following research questions will be examined through this study:

- **RQ1** – How are the principles of digital collaboration represented in individuals that engage in on-line piracy?
- **RQ2** – Are there any non-economic benefits to digital piracy?
- **RQ3** – How do individuals engaged in digital piracy respond to normative discourse on the subject?
CHAPTER 4

RESULTS

The data collected in this study presented conclusions that were far from the predicted results. It was expected that there would exist a strong sense of community among active members of the forum. The theoretical frame established for this study led to an anticipation of a sense of caring and solidarity among warez pirates; since sharing through file-hosting requires significantly more labor than other forms of file-sharing, forum members were expected to engage in social relations with other members, maintain an ideology of free access to cultural goods, one created and nurtured outside of the structure of global capitalism. Studying the activity of high-frequency users of a warez forum provided insight into their method of distributing data. Using the activity log, supplemented by observations of other web sites, and the qualitative responses gathered from the staff of deviantWarez, quantitative and qualitative data paint a picture of the motivations and capabilities of the sampled users.

Ethnographic Responses

While it was expected that high-frequency users would have a sense of community with other members of the forum, this was not found to be the case. Questionnaire respondents confirmed this observation. When asked about communication with other forum members, none saw it as essential to their membership in the community, and generally only something done when absolutely necessary. Describing his relationship with other forum members, one user described it as, “Formal, there are only a few that I would [have] a bit of a chat with (Respondent 3).” Reporting problems with the web site, giving updates about whether links were still
working, or saying 'thanks' for something unique or sought-after were given as exceptions to not contacting other members. Respondents instead described sharing warez with real-life friends and family, although one member does so “...Only to those who are in the same financial state as our selves (Respondent 1).”

In fact, were it not for the fact that warez forums require registration in order to view download links, few would take the time to join the community in the first place. There are two likely reasons for this: first, as piracy is illegal and those engaging in it branded criminals, members have a vested interest in remaining anonymous to as large an extent as possible; second, as high-frequency users try to amass as many downloads as possible for their uploaded warez, it is common knowledge that the best way to do so is to post to a large number of forums, for which registration and membership can be a barrier. Respondents found warez forums, such as deviantWarez, to be the best way to acquire and distribute information goods. “Once you learn where to go, you know you can get pretty much anything you want (Respondent 2),” as one said. Another cited the safety of the content as the most important reason for joining a community, as browsing bitTorrent sites leaves him “...suspicious whether there's a virus in the file, etc. but if I register [on a forum] and download from somebody with 10,000 posts I [know] they are slightly safer (Respondent 3).”

Most users have been involved in digital piracy for over five years, and have extensive backgrounds, amateur and professional, in information technology fields. Respondent 1 described his background in the following way: “Been in the warez scene for 6 years. Been coding programs for about 7 years in VB6 and C++, also been doing web design for over 4 years. Being able to code programs has helped me in the warez scene to upload and distribute content.” This technical knowledge provides high-frequency users with a significant advantage in creating
and operating 'bots', which are able to upload and distribute content at a far higher rate than possible by a human being. These bots are often custom-made, and capable of uploading content to multiple file-hosting sites at the same time, and in some cases are even able to search for specific content on its own. This allows pirates to significantly reduce the amount of time they spend uploading and distributing warez; respondents with bots generally do not invest a great deal of time or energy in carrying out their activities on deviantWarez. Still, from the responses received, as well as the sheer amount of posts, high-activity users likely treat warez distribution as a kind of part-time job.

Indeed, the potential for earnings is what drives high-frequency users, as “...the ultimate ending/goal is to make money … Most people [get involved in piracy] for the money they get from downloads, others cause [sic] most things aren't worth the money to download them (Respondent 2).” A successful warez pirate can make as much as $1,000 in a month – a considerable amount of money no matter what country the pirate is from (Khumusi, 2011).

Responses to the questionnaire displayed a lack of consensus on the virtue of sharing content freely with others. One member specifically named software as a product with an inherent value, and that digital goods were not inferior to physical ones. Respondent 3 dismissed digital goods as “… Just ones and zeros on a hard drive.” Another respondent agreed with this notion, saying that,

“There is a major different between digital goods and material goods. Digital goods reproduction costs are a lot lower than material goods. There are a lot less steps to take when reproducing digital goods, most of it is done by computers, there isn't much in the way of materials needed, this is a significant difference compared to say making furniture [sic] (Respondent 2).”
When asked whether the act of illegally downloading copyrighted material had become normalized among digital culture, again there was a difference of opinions. Some felt that since there have been few prosecutions of individuals downloading illegally, especially recently, piracy has become an accepted part of digital culture. In the opinion of the respondents, that piracy is so widely engaged in is not a sign of a cultural shift but rather the desire for instant gratification, with little thought given to the economic repercussions of such activity. Another disagreed with the universality of piracy, remarking that, “Not all people go on the Internet to download [copyrighted] material (Respondent 1).”

Arguments against piracy were easily countered by respondents, indicating that members had previously considered the morality of their actions. Responses indicated that piracy is justified for a number of reasons, including that the pirated content was of a sub-par quality and not worthy of purchase; questions about the veracity of claims of lost revenue by content industries; also, that many who illegally download are unable to afford to be a legal consumer of the copyrighted content, and therefore do not constitute a lost sale. Respondent 3 demonstrated an able understanding of network economics, stating that “I think secretly they like a little bit of it cause [sic] it gets there product out there. Like Microsoft, they don’t want people using a pirated OS [operating system] but they are happy cause people are using there OS over Mac or Linux (Respondent 3).” Examples such as open-source creative projects SourceForge and DeviantArt, as well as successful commercial applications were offered as rebuttals to industry claims of lost incentive for creative producers. One respondent justified his downloading as harmless because, “…I’m only watching it sooner than I normally would. The TV stations are still going to buy it to show on TV and there is a 90% chance I am going to buy it on DVD/Blu-Ray (Respondent 3).”
Textual Analysis of General Chat

Using Stuart Hall's method of encoding/decoding media texts, posts from the General Chat sub-forum dealing with topics related to the broader field of piracy were sampled for this study. Qualifications for these included topics such as: state action, such as laws and international agreements concerning piracy; punitive actions, against cyberlocker sites (such as the closure of MegaUpload.com) and against individual users of cyberlockers; and conceptual posts regarding individual members' preferences and habits of file-sharing on the forum. Threads that contained no replies were disregarded, as there existed no interaction or reception to be examined.

Because the majority of information shared in the General Chat area involved sharing invitations to other file-sharing sites and basic notifications of changes in piracy laws within a variety of nations which forum members reside, there was a limited pool of posts available for analysis. Posts involving personal information, tutorials on how to utilize certain forms of programming script, new cyberlockers and their payment plans, information about malware or viruses, or security online were disregarded.

The posts involving invitations to communities such as Demonoid (a private torrent tracking site) were the most popular posts in terms of responses, indicating that obtaining access to membership in these communities was highly desired. These invitation-only groups may contain examples of different forms of interaction than found in forums like deviantWarez, and thus provide ideal sites for future research on this topic.

Five posts were selected, based on the above criteria – two dealing with anti-piracy legislation, one with a conflict with a cyberlocker, and two on preferential methods of file-sharing. The posts involving state action displayed the oppositional leaning of forum members,
and, contrary to the questionnaire responses received, a subversive ideology at work. The two threads, one involving the shutdown of MegaUpload.com and the subsequent arrest of its owner, and the other on the decision by a consortium of Japanese Internet-service-providers to ban 'persistent file-sharers' from the Internet altogether.

- “Japanese ISPs Agree to Ban Pirates from the Internet”: were completely negative, although one user was skeptical over the willingness of for-profit companies to voluntarily refuse service to paying customers. Four of the six replies expressed assurances that sharing through file-hosting sites would remain unaffected, due to the difficulty in telling legal and illegal content apart.

- “MegaUpload file sharing site shut down for piracy”: again, responses were entirely oppositional, although unlike the threat to permanently cut off Internet access, this topic aroused a great deal of anxiety among forum members. The original poster concluded his summary of the situation by saying, “We should be starting to worry … a lot.” As deviantWarez is also from New Zealand (MegaUpload executives were arrested and are facing charges in New Zealand), there was considerable consternation that deviantWarez may face punitive action as well, although a reply to the thread succinctly dismissed this, because, “They [were] hosting files, we aren't.”

- “Fileserve disabled my account”: this thread, about the cyberlocker site Fileserve.com disabling the account (disallowing access to all of the user's uploaded content), showed a negotiated reading by other forum members; while the responses were generally sympathetic (“I don't think that's cool at all”), others were more reasoned. One reply cited MegaUpload's prosecution, offering only that, “In the wake of the MegaUpload fiasco, many file hosts are banning people for uploading copyrighted
content.” While it may seem surprising that a user would side with a cyberlocker over a fellow forum member, other posts in the General Chat area attest to the community's utilization and preference of that particular file-hosting service.

- “Torrents VS. File-hosting”: unsurprisingly, this thread collected dominant responses, as it endorsed the type of file-sharing utilized by deviantWarez. The post author proposed that file-sharing through cyberlocker sites was preferable to the use of bitTorrents, and received unanimous support through replies (“File hosting is the best way to go”; “File hosting for me”, etc.), affirming the community's choice in distributing content. Responders frequently cited increased risk in downloading through torrents, citing concerns over surveillance (“It's to [sic] easy for the powers that be to catch you and fine you.”, “Film and music companies tend to put fake torrents up to track you.”)

- “What's Your Opinion?”: on a topic dealing with motivations for participating in a file-sharing community, the responses were varied and diverse – ranging from ideological (“Maybe it's the thrill of being part of an illegal site?”) to utilitarian (“...When trialling programs I can get the full version and trial it properly other than on the company's restricted/ad infested copy”). That the responses are not uniform in any fashion shows that the community is divided on this issue, and members join and engage with the forum for multiple individual reasons.

**Activity and Post Log**

The activity log, consisting of 1,322 posts over 14 days, affords a glimpse of the productive capabilities and habits of high-frequency users. The type of content posted, as well as the file-hosting 'cyberlocker' that the user chose to upload their content is shown below, in
Table 2 and 3. The data shows clearly that nearly two-thirds of all posts were related to entertainment media (music, movies, books, television shows, games). This is likely because of the ease of uploading and distributing entertainment media over that of software programs, as well as the technical expertise of the high-frequency users over that of part-time, or infrequent users. For comparison, there are more than a quarter of a million threads in the movies and television sub-forums, while the applications section has roughly 175,000.

Table 2

CONTENT AMOUNTS BY MEDIUM

<table>
<thead>
<tr>
<th>Medium</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application</td>
<td>399</td>
</tr>
<tr>
<td>eBook</td>
<td>81</td>
</tr>
<tr>
<td>Game</td>
<td>191</td>
</tr>
<tr>
<td>Mobile App</td>
<td>80</td>
</tr>
<tr>
<td>Movie</td>
<td>336</td>
</tr>
<tr>
<td>Music</td>
<td>191</td>
</tr>
<tr>
<td>TV Show</td>
<td>44</td>
</tr>
</tbody>
</table>

While applications (software, programs, operating systems, mobile apps and the like) are in the minority of total posts created on the forum, they are the largest single category among high-frequency users, and the amount this group provides is far in excess of the normal rate of posts on the forum. That applications should constitute more than a third of the posts (36%) is a sign of the technical skill and competency of the high-frequency users. As mentioned above, providing pirated software is much more challenging due to the higher level of copyright protections placed on commercial programs. In order to post content like Adobe Photoshop on deviantWarez, the user must first 'crack' the encryption on the program; essentially, modify the software to work without a valid license or 'key.' Keys are a series of numbers or letters that are
provided with legal purchase of the product, and serve to prevent theft and unlicensed use of the software. The most common method of evading this protection is through the use of 'keygens,' or Key Generators, home-made programs that try set after set of combinations until the program is unlocked. This is no easy task, and certainly not something that a casual user could accomplish. Because of the skill required, it is completely expected that a sample of high-frequency users would steadily post more advanced (and more importantly, less common) content.

The availability of digital versions of cultural and entertainment goods is at an all-time high. Advances in mobile technology have accelerated widespread access to these files. E-books are abundant as Amazon and Barnes & Noble digitize their selections; Blu-Ray DVDs now come with download instructions for digital formats; popular musicians frequently release new albums 'online-only'; software companies sell programs directly from their web sites, with a license key unlocking the downloaded program; the list goes on and on. And all of this is only media available from major content industries – it doesn't take into account the voluminous amount of media that is user-generated and self-produced.

The type of cyberlockers utilized by the sampled users was also documented. A few sites overwhelmingly dominated the file-hosting services used, with Turbobit.net (13%), Bitshare.com (11%), Letitbit.net (9%), Extabit.com (15%), and Uploading.to (17%) being the most popular cyberlockers employed. That there should be more than twice as many file-hosting services used than posts created is significant. Having premium memberships at multiple cyberlocker sites allows users to back up their data, upload larger files (requiring less work than splitting a large file into many smaller pieces) and gives downloaders several options depending on their country of origin, individual preference, etc. While deviantWarez does not require multiple file-hosts per post created, many warez forums do force users to provide more than one set of download links.
Table 3

DISTRIBUTION OF FILE-HOSTING SITES UTILIZED

The volume of cyberlocker sites used by the sampled deviantWarez members is quite large – 26 different web sites in total. Some of them, including one of the most popular (Uploading.to) are unavailable to access from North American service providers. Being blocked by American ISPs, though, is hardly an impediment to Internet users of deviantWarez members' caliber. Proxies, essentially a filter through which one connects to the Internet, can be used to mask or modify one's IP address; this enables a Internet user to access sites that are restricted in his/her nation. All sites operate in English, however, and the premium memberships are paid for in either euros or American dollars.

The ratio of foreign goods to those originating in the U.S.A./U.K. is staggering – only five percent of the sampled posts from deviantWarez were intended for foreign audiences (for the purposes of this study, 'foreign' posts are those that provide either content directly from nations other than the U.S.A./U.K.; or content that offers consumption options for non-English speakers,
such as subtitles in Russian for a movie made in the United States). The majority of non-English posts were for Russian- or Hindi-speaking audiences.

Because the majority of content provided on deviantWarez comes from a tiny minority of the total membership, this group was expected to identify more with the community, and be active in the non-piracy areas of the site, such as the General Chat sub-forum. This was not the case. The vast majority of high-frequency users engage in little to no interaction with other members of the community. The General Chat area is populated almost exclusively by moderators and the owner of the site. No posts logged in this study contained any replies, except to inform the author that the posted download links had been taken down.

Profit-driven Piracy

How does one earn money from hosting files? As mentioned above, deviantWarez struggles to meet its server costs, and has few if any advertisers, instead relying on donations. Yet for high-frequency users on warez forums, there is a fairly large incentive to posting content. All of the file-hosting sites commonly used on deviantWarez maintain a micro-payment system, most commonly on a pay-per-download basis. Users are encouraged to host large files (750 MB and above) and receive larger payments for those downloads. The amount paid is small and varies from site to site; Extabit and Uploaded (the most commonly used cyberlockers on deviantWarez) offer $0.02 and $0.04 per download, respectively.

Each site has a minimum payout – the amount of money a user must accumulate from downloads before receiving payment from the file-hosting site – ranging from $10 (Turbobit) to $26 (Uploaded). The payments are sent to a PayPal account.
Finally, file-hosting sites divide downloaders' location into 'country groups,' classifying the pay scale used to pay for downloads: Group A is the United States and United Kingdom; Group B consists of Western Europe, the Scandinavian nations, Australia and New Zealand, Singapore, and select Middle Eastern countries; Group C is Eastern Europe, Russia, the Middle East, Brazil, and South Africa; all other nations fall into Group D (all pay-per-download amounts cited in this study are from countries in Group A). Downloads from Group A are worth the most monetarily, generally nearly twice as valuable as Group B, and sometimes as much as 5-7x as valuable as Group D (fhscout, 2011).

Considering the monthly cost of premium accounts on cyberlocker sites, which vary between $9 and $15, and that most high-frequency users maintain premium memberships on at least three sites, it is safe to assume that these users are accumulating significant numbers of downloads on a large number of files. High-frequency users exhibit a considerable cognizance in maximizing the earning potential of their files. There are a number of blog entries available on the Internet detailing the best ways to go about earning money from warez. All emphasize the importance of posting on multiple, high-traffic forums to increase the visibility of your content; posting content that is popular and sought-after; targeting downloaders from affluent country groups; and uploading data-intensive files to reach the upper-tier payout rates. There is also something that's referred to as the “80/20” principle, which essentially states that if a user uploads 10 files, and only two of them are popular, redistributing those two successful files should be the priority, to maximize the potential visibility of the most popular files (Khumusi, 2011).

Because deviantWarez is only one forum of dozens (potentially hundreds – no accurate count of warez forums exists), the general observations made on deviantWarez were applied to
three other warez forums – Warez.ag, Warez-Home.net, and TheWarezScene.org – to gauge the level of similarity across all four forums.

Two of the three forums, Warez.ag and Warez-Home, use the same Vbulletin software package that deviantWarez does; TheWarezScene utilizes an unknown software package. While Warez.ag and Warez-Home are both smaller communities with less than 10,000 registered members apiece, TheWarezScene is significantly larger, boasting a membership greater than 60,000.

Warez.ag provided little corroboration, as the forum offers no way to see who the author of content posts were, and so no high-frequency users could be identified. However, of the most recent 120 threads in the Movies sub-forum, only three were not American films – one from Japan, another from India, and the last a Spanish film. The discussion section contained only 'spam' messages.

Warez-Home is an interesting example of a warez forum, in that the movies section was divided into four different sub-categories – Hollywood movies, Bollywood movies, Dubbed movies (“Dubbed movies in Hindi and other languages”), and Regional & Foreign. This allowed for an easy tally of the ratio of American media to foreign; combined, the three non-American movie categories totaled less than 25% of the Hollywood film category. The discussion area was, like deviantWarez, populated almost exclusively by the operators of the web site, and topics were generally light-hearted, focusing on issues such as India's play in the Cricket World Cup, reviews of Bollywood movies, and the like.

The final site observed was TheWarezScene.org, the most dissimilar to deviantWarez. It is far larger in member population, and users are much more active outside of posting copyrighted content. The General Chat sub-forum had a high number of posts from a variety of
different members, but few responses to any. Unlike Warez-Home, TheWarezScene's discussion board was all about business, with topics ranging from converting high-definition video for access by mobile devices, trading premium cyberlocker accounts, and reviews of a variety of programs to burn digital video files to DVD. Observing the most recent 120 posts in the Movies sub-forum, though, discovered similar results to all of the others – that only five of the 120 were non-English media: four Chinese films, and one Brazilian.

TheWarezScene had one other valuable finding associated with it – at least 7 of the high-frequency users on the site have identical 'handles', or user names, as sampled high-frequency users on deviantWarez. This finding demonstrates that the same uploaders are members of multiple warez communities.

The data collected indicates little in the way of community among high-frequency users of deviantWarez, or other observed warez forums. However, by analyzing their activity on deviantWarez over a period of two weeks, conclusions can be drawn as to the type of content distribution taking place on warez forums, and some of the cultural ramifications of file-sharing of this type taking place on a mass scale. Doing so requires a conceptual shift away from gift economies and collaboration theory, and towards a topic widely debated for decades within mass communications research – media imperialism.
CHAPTER 5

DISCUSSION

It was expected that high-frequency users of piracy forums such as deviantWarez would maintain a strong sense of community with each other, and indeed even see it as a necessary function of their participation on piracy forums. File-sharing is, by definition, a collaborative act consisting of transferring ideas and goods between one another without payment. That the popular discourse remains firmly entrenched in condemnation of such acts furthers the potential for a cementing of feelings of solidarity.

Instead, little to no interaction took place among those that provide the vast majority of content to piracy communities. Motivations stemmed primarily from economic gain; what's more, the micro-payment systems enabled by file-hosting 'cyberlocker' web sites actually incentivize competition among high-frequency users, forcing them to see each other as rivals that may reduce the number of possible downloads. Based on the large amount of duplicated content being re-posted over and over by multiple users, as well as respondents' testimony regarding infrequent contact with other members, there is no coordination amongst high-frequency users. Rather, it seems that piracy forums such as deviantWarez stand conceptually as free-for-all underground networks where a small minority scramble for the maximum number of downloads by providing mass amounts of content to the majority of users seeking copyrighted goods free of charge.

The contest for downloads has another facet, described in the Results chapter: that of accumulating downloads from affluent geographic regions. Again, cyberlocker sites offer many times the amount of money per download for the right kind of viewer. This makes perfect
financial sense for the file-hosting company, as they are an attractive medium for advertisers – potential downloaders make for a literal captive audience, forced to a page full of advertisements waiting for a timer to run down in order to click the link for a free download. Those users that choose not to wait are in turn forced to purchase a premium account, which is still a revenue stream for the web site. And as all advertisers seek audiences that have the buying power to purchase their products, cyberlockers (financially) encourage those that upload files to attract downloads from the wealthiest areas of the world.

The obvious method for doing so is exactly the one which this study's data clearly display: provide mass-market, up-to-date (much of the content posted is trendy, present-day) American entertainment media. In doing so, these high-frequency users effectively inundate piracy forums with an overwhelming amount of American pop culture – culture that is, in almost all cases, foreign to the culture of origin the site was created in (deviantWarez is a New Zealander site; others reviewed by the author of this study came from South/South-East Asia – India, Hong Kong, etc.). Some sites, specifically a warez forum which maintains both a 'Bollywood' and 'Regional' movies sub-forum, for users to post non-English media specific to their location and culture. It is telling, however, that on a site with an active membership, made up primarily of South Asians, those sub-forums have a mere 1,800 and 375 threads, respectively, in comparison to the more than 16,000 threads in the American television sub-forum alone. It seems that the content providers to these forums have no interest in providing local or national culture outside of that of Western origin.

This study stands apart from much of the literature previously done on piracy, in that it did not deal with college student downloaders. It has been reliably shown that students download content more frequently than other age cohorts, no study has yet demonstrated that they are
active in providing content to piracy networks (beyond the unavoidable functioning of bitTorrent client software, and some peer-to-peer programs). It should come as no surprise that the motivating interests of the uploaders and downloaders are not corresponding. While the downloaders' primary motivation was usually found to be either price-related or for sampling use, rather than for any kind of idealism or resistance, this does not disqualify uploaders from maintaining such notions. Not much work has been done on warez forums, with most of what there is either dated before the existence of cyberlockers, or data on the sites' traffic and use. These sites receive significant amounts of traffic and post staggering amounts of content, but are too often passed over in academic work.

Because of this, many of the evaluations drawn from previous work are open to new interpretations when studying those users that provide content. For example, LaRose's work that found college downloaders having deficient levels of self-control (LaRose et al., 2005), doesn't seem relevant when the population studied already has advanced skills that are highly marketable in the private sector. Additionally, self-control and Social Cognitive Theory likely play little to no role when the reason that high-frequency users engage in piracy is a rational, profit-driven goal. Additionally, the sampled high-frequency users did not fit LaRose's mold of typical pirates – of the 23 users that listed their age, 16 of them (70%) were between the age of 25 and 40, above the age expected of individuals engaged in high-risk behavior.

While Yar's work raises questions about the methodology employed in determining financial losses of content industries (Yar, 2005), the results of this study beg the question of how much domestic industry in the Third World is really affected by piracy; this is a difficult subject to approach, as judging the losses from piracy there are even more nebulous than weighing them in First World corporations. An accurate summation must include not only lost sales from
downloading domestic content, but also a discussion of the potential losses through the audience's preference for American media, a brand loyalty established through piracy networks.

That content producers count each illegal download as a lost sale is contradicted throughout this study. Many high-frequency users espouse a 'try-it-and-buy-it' mentality, encouraging those that download their warez to legally purchase the product if satisfied. This finding strongly supports Jain's competitive model of digital piracy, wherein “...markets for entertainment products … in developing countries with large income disparities (such as China and India), firms may find it beneficial not to impose strict copyright protections (Jain, 2008).” In other words, piracy may in fact be having an advantageous effect, through positive externalities, on the ability of American media to efficiently penetrate foreign markets.

Karaganis' 2011 work on piracy's consequences in emerging economic markets was an early exploration into an under-studied area. His research, though, did not focus specifically on digital piracy, and instead referred to the whole of piracy, including bootlegged physical copies. Likewise, Miyazaki's research on consumer willingness to pay in the face of pirated goods dealt with the digital aspect only in passing. Much of research on economic effects looked at all copyright infringement as a whole, rather than specifying in what ways the violation occurred.

Cultural Imperialism and Media Piracy

Framing piracy through the lens of either of the schools of thought regarding cultural imperialism leads to an outlook that is murky, at best. How can a group of individuals, operating outside of international copyright laws, possibly effect the cultural processes of entire populations?
The answer lies in the evolving nature of media distribution. Sites such as deviantWarez, numerous and easily accessed online have altered the way that the world consumes media. Research on digital piracy has already shown such activity to be taking place on a mass scale, to the tune of losses of nearly $60 billion in annual losses to content industries (Basamanowicz & Bouchard, ). Additionally, recent polls on the topic (Shields, 2009) have shown that those who illegally download media are also the largest legal consumers of that media. This leads to the conclusion that more than a decade of widespread piracy has created a 'try it, then buy it' culture among Internet users. Following this logic, if the overwhelming majority of content provided via these underground distribution networks is mass-market American cultural products, then these will be the most sought after consumer goods in legitimate distribution as well.

At a time when several Third World media industries are gaining economic ground and recapturing local audiences from American conglomerates (Banerjee, 2002), citizens within those same nations are disseminating American cultural products around the world as a source of personal income. Understanding that the principle of network economics affects brand loyalty (Jain, 2008), by urging pirates to upload content appealing to American audiences file-hosting sites are furthering the reach of American media conglomerates, while at the same time limiting the ability of Third World media producers to compete at a regional level. It is, essentially, a form of 'user-generated globalization.'

Karaganis' observations of Indian media piracy lend credence to this hypothesis. Despite boasting the largest amount of film production in the world and impressive domestic broadcasting (Banerjee, 2002), Hollywood films are gaining popularity inside India. This, according to Karaganis, is due to the speed of distribution of pirated goods. Because Bollywood films are slow to arrive in low-population areas, often come in incomplete segments, and receive
greater protection from the national government, while American films are distributed primarily through the black market and the Internet, Indian audiences can watch films for free as they are released, rather than wait for domestic productions (Karaganis, 2011). Thus, with the ability of piracy communities to provide limitless amounts of American media, ease of access must be considered in a media imperialism and piracy hybrid.

De Sa’s work exploring the how Brazilian cultural practices influence the piracy of American television, speaks to the ability of media piracy to provide content to wide swaths of the population. Her work found that, “The delay in availability of shows on free to air and cable television in Brazil in comparison to the US is one of the biggest reasons for illegal downloading of content (De Sa, Vanessa Mendes Moreira, 2011).” De Sa makes no reference to whether the huge influx of illegal American media has any affect on Brazilian domestic media production. Rather than viewing foreign media penetration as a potentially negative occurrence, she states the existence of a “… great demand for television content in Brazil that is not being efficiently met … networks and media producers [need] to work on better licensing agreements that would make it possible for simultaneous release [in the U.S. and Brazil] (De Sa, Vanessa Mendes Moreira, 2011).”

With so many millions of individuals fundamentally altering the way that they consume media, substantial ramifications are guaranteed. As digital technology increases in availability within Third World markets, more and more of these populations will gain access to the existing piracy networks. It follows that if the overwhelming majority of content found within these networks is of American origin, than a substantial threat exists to the ability of domestic media producers within the Third World to compete for audiences.
CHAPTER 6
CONCLUSION

A deeper understanding of digital piracy is essential to solving the problems that unlimited, free distribution of copyrighted material creates. This study was an attempt to allow digital pirates the opportunity to speak to the reasons behind their activity; to ascertain any ideology contained in their reasoning for carrying out illegal activity for the benefit of complete strangers.

Because of the unwillingness of sampled users to engage in a discussion about piracy, most of the generalizable data came from an analysis of actions performed on deviantWarez, as well as responses from the owner and moderators of the forum. This information provided insight into the motivations that draw this type of individual to file-sharing. Unlike previous research on digital pirates, a majority of the high-frequency users on deviantWarez are not college aged, but instead grown adults with experience in the field of computers (aged 25-35). Respondents indicated a high degree of experience with computer software and equipment; skills that are highly valuable in the labor market.

While Moores and Esichaikul's study of use of pirated software indicated females are more likely to share than males, women are virtually invisible on deviantWarez. Their findings do correlate with the profiles of ethnographic respondents, indicating that there is a far higher acceptance of piracy among experienced workers than previously thought, as well as showing the complexity and lack of homogeneity within the demographics of up- and down-loaders (Moores & Esichaikul, 2010). These results (of both studies) also imply the possibility of a gendered difference, with females predominantly downloading software, and males predominantly
providing the source material for the 'consumers' of piracy, by cracking the copyright safeguards and supplying warez to popular distribution points.

There must be something that draws these skilled individuals to digital piracy; that link was discovered to be the micro-payment systems utilized by file-hosting cyberlocker sites. These initiatives provide an incentive to users in Third World markets, providing an income often times in excess of $1,000 per month. The micro-payment systems privilege certain types of downloads over others, allowing for a surprisingly sophisticated strategy to be employed by pirates to maximize the income they receive. The closure of MegaUpload.com and subsequent prosecution of its founder and owner has brought the connection of cyberlockers and warez communities to light. This research provides direct observations and a multitude of data to exactly how this relationship functions, and the broader cultural ramifications it entails. Because of the level of action MegaUpload provoked, several of the larger file hosting sites, such as RapidShare.com and FileServe.com have distanced themselves from the standard uploader/cyberlocker relationship as a result.

Those same strategies are the root cause for the complete domination of underground networks by American media. These networks are extremely effective at distributing information goods; with the rapid progress in media convergence in the last decade, nearly all media are available in digital format, and thus piracy networks are capable of acting as single-source providers for entertainment, software, and cultural products.

Nevertheless, research shows that heavy consumers of pirated material are also heavy consumers of legal content, as well. This establishes the likelihood that the effectiveness of illegal distribution has brought about a paradigm change in consumer habits – media and information goods need no longer be 'experiential,' but now can fall into a 'try it, then buy it'
model. Since piracy is a worldwide distribution system, overriding regional market setups, such a change in media consumption habits threatens to completely upset the current economic systems in place.

The most startling implication of the observed data is the likelihood that warez forums such as deviantWarez, along with the cyberlocker sites, are perpetuating a form of 'pirated-imperialism' by artificially altering the structure of underground networks in a way that introduces capitalism into what was a gift economy. With competition and profit motives added to the mix, warez users looking to file-sharing as a source of income are forced to provide content that is entirely mass-market American media. Again, because of the barriers to entry in cracking software packages, the majority of content provided by high-frequency users is that of cultural entertainment products. And as more and more peruse and download from warez forums, their interest and (legal) consumption habits are likely to shift as well, towards the content that they are most familiar with and have the easiest access to. The cultural discount that has been so essential in constructing indigenous media industries, may be offset by the power of convenience and availability.

Limitations

This study aimed to provide first hand accounts of ideology contained within the act of digital piracy. There were a number of limiting factors standing in the way of this goal, however. The most glaring shortcoming came from the sample used in this study; none of the original pool of high-frequency users elected to participate in the study. There were a variety of likely reasons for this: the majority of the sample resided outside of the United States, therefore language was a barrier; digital piracy is still regarded as an illegal and criminal act, which had recently been
targeted in the high-profile termination of MegaUpload.com and the prosecution of its founder; finally, the possibility exists, remote though it may be, that the sampled users simply do not see any ideology in their actions. However, this seems the least likely of reasons for lack of participation, as ideology surrounds and is contained in all actions, regardless of any consciousness of this fact.

That only deviantWarez.com was analyzed in this study is another weakness. There are at present dozens of warez forums on-line that would provide further validation to this work. While deviantWarez was selected for its limited membership (5,080 active members), discussion board, and other signs of communal activity (Recipes section, Internet Relay Chat, 'Funzone' – to post amusing web content), it still is only one site among many, many others. Accumulating a sample of high-frequency users from a variety of warez forums would provide a much more solid foundation for the hypotheses proposed here, and would perhaps allow for the identification of the same users across multiple forums.

Sharing through file-hosting is but one method of digital piracy, and certainly not the most widely used. Torrents, being much more easily accessible and boasting faster download speeds, are used far more frequently among illegal downloaders. There are numerous communities built around tracking, adding, and searching torrents. Despite the user concerns over maintaining anonymity, research on torrent-based piracy would likely provide the most generalizable information about the types of individuals that download copyrighted content.

Finally, the inability to locate the source of the content leaves many of the original questions posed in this study open-ended. Where are the high-frequency users acquiring this massive amount of content? It is reductionist to assume that the high-frequency users that are posting this content are the same ones 'creating' and modifying the content for illegal
distribution. There may be instances where the distributor is also the source for pirated content, but judging from the repetition and similarity of the content provided by high-frequency users, they are likely drawing it from somewhere else and distributing it on the warez scene. Several posts point to the existence of a deeper 'layer' of the distribution network, much more closely guarded and exclusive, from which high-frequency users compile their warez and disseminate them around the various warez forums. A helpful analogy would be to compare it to your local grocer – deviantWarez is the shop itself, the high-frequency users are the freight drivers that deliver the goods, but as of yet no study has been conducted on the origin of those goods. These communities may contain the type of collaboration expected to find in this study, as they are far more exclusive and require certain qualifications in order to join. What kind of reach do these source areas have? How are they able to accumulate this content? What kinds of ideology is at play within them?

**Future Research**

There are a number of avenues opened up for future research to carry on regarding this topic. One of the most important was mentioned directly above – locating and studying the source for high-frequency users' warez. To carry this out would likely require a significant amount of social capital within warez communities; to date, no research has succeeded in gaining access.

Another issue that has been problematized extensively within this thesis is the question of piracy's role in cultural imperialism in the 21st century. How do massive underground piracy networks, dealing exclusively in American and British media, affect the reach and success of Third World media? Are consumers in the Third World actively participating in file-sharing
(digital or otherwise), and is this affecting the way that they legally consume media? Is there any evidence to show that digital piracy has negative impacts on Third World media along the lines of the losses self-reported by private industry in the West?

This study provides an adequate starting point, one that will hopefully begin the process of complete examination of both the interests and motivations of those carrying out digital piracy, and the effects of those actions upon the youthful media industries of the post-colonial world. To deny the importance of piracy in an age of Internet access worldwide is unrealistic; this issue has not only survived all of the challenges from copyright holders, content industries, governments and international bodies, but managed to increase its global reach at the same time.
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APPENDIX 1

Image 1

Typical Post on deviantWarez.com
The Downloads section of deviantWarez.com
The Community section of deviantWarez.com
Image 4

Cyberlocker download page
Cyberlocker download timer
**Cyberlocker Country Groups**

I would like to introduce you to Fileband.com

**Fileband**

This is an alternative solution for webmasters and uploaders because many filehosting doesn't pay for small size file downloads but Fileband.com pays. We give you better rates than other major filehosting now.

Pay Table:

<table>
<thead>
<tr>
<th>File Size/Country</th>
<th>0 - 10 MB</th>
</tr>
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<tbody>
<tr>
<td>Group A</td>
<td>$6</td>
</tr>
<tr>
<td>Group B</td>
<td>$3</td>
</tr>
<tr>
<td>Group C</td>
<td>$2</td>
</tr>
<tr>
<td>Group D</td>
<td>$1</td>
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**Note:** Above payments rates are per 1000 downloads.

- **Country Groups:**

  **Group A:** United States, United Kingdom, Germany, Canada
  **Group B:** Australia, Austria, Belgium, Denmark, Finland, France, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Saudi Arabia, Singapore, Sweden, Switzerland, U.A.E.
  **Group C:** Brazil, Bulgaria, Cyprus, Czech Republic, Greece, Hungary, Iran, Kuwait, Libya, Lithuania, Luxembourg, Poland, Portugal, Qatar, Romania, Russia, South Africa, Spain, Turkey
  **Group D:** All Others

We pay for every download and all countries. 15% on every premium sale and 5% on referral earnings.

Payment within 7-14 Business Days (we only accept payout through PayPal)

Minimum Payment $10