Copyright infringement: normal, natural trouble?: a view from a criminologist

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Copyright infringement

- The limitations of a non-lawyer
- Cybercrime:
  - Traditional/ordinary crime
  - Hybrid cybercrimes
  - True cybercrimes
- Music piracy

  - free and easy

  - limitations of traditional criminological perspectives

  - moral ambiguity

  - educative approaches

Normal, natural trouble?

- Free and easy: MP3 technology, virtual communities and other cyber-venues
- Illegal MP3s - uploaded and downloaded with impunity; costs
- Who are the offenders?
- IFPI (2009):

    16% of general internet pop. file share

    34% of 15-24 year olds

- In the UK:

    37% of file sharers = 16-24 years old

    more than 70% under 35

Copyright infringement

- ## UK Crime & Justice Survey (2003)

  - 9% over 18 years old had admitted 'technology offences'

- ## British Crime Survey & 2004 Offending, Crime % justice Survey:
  - 26% of 10-25 year old internet users - illegally downloaded in previous 12 months

  - 36% had done so on more than 3 occasions

- ## Growth in the internet

Normal, natural trouble?: a criminological perspective

- Motivation?
- Individual (psychological/biological) theories…
- Strain theory (sociological analysis)
- Social learning theory (social-psychology)
- Critical criminology (challenges to the powerful)…
- A general theory of crime (self-control)

Normal, natural trouble?: a criminological perspective

- Music piracy and challenges to criminologists:
  - Hidden offenders
  - Crime both spatially and socially located
  - Where? (ecological assumptions)
- Music piracy as a grey area 'crime'
  - Moral ambiguity
  - **Normative**, instrumental and constraint-based compliance:
    - Acceptance or belief in a social norm
    - Social bond
    - Legitimacy
- The importance of culture

Normal, natural trouble?: a criminological perspective

- Late modernity:
  - Social transformation (economic, technological, social)
  - The 'risk society'
  - The culture of risk and a culture of blame
  - The 'project of the self' (A. Giddens *Modernity and Self-Identity*, 1991)
  - Abstract systems of trust v tradition
  - Personalised v commodified experience

Normal, natural trouble?: a criminological perspective

- Late modernity is arguably 'a distinctive pattern of social, economic and cultural relations' which has 'brought with it a cluster of risks, insecurities and control problems that have

  played a crucial role in shaping our changing response to crime'

(D. Garland, *The Culture of Control. Crime and Social Order in Contemporary Society, 2001,* p.viii*)*

- The victim and contemporary morality (Hans Boutellier *Crime and Morality*, 2000)
- 'Liquid life' (Bauman) and the flow of crime and transgression across traditional boundaries
- Implications re music piracy?