Essay Proposal - Digital Game Piracy: Criminals or Archivers?

COMP 230 - Ethics & Professionalism Essay

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October 1, 2017

Topic

Digital game piracy is condemned by law as well as anyone in the industry as a very evil and serious crime, there have been a very few studies actually looking into the figures of how many people take part in piracy by location, the possible reasons why they decide to do it, and also the loss of profit for the companies who make and sell legal copies of the game. Abandonware also referred to as Orphan works are digital games or software that is no longer sold by the companies that made them, as of yet there is no sure way to archive these products properly, but piracy has been shown to have saved many games from disappearing completely, the fact still remains that the legal system would see these people as criminals and punish them for keeping these forgotten games alive for future generations. This paper will explore whether the piracy is really as damaging as everyone is told by examining real evidence that other papers have collected and also look into the positive effects of piracy such allowing games to be played by the poorer populations as well as abandonware.

Paper 1

Title: Balancing video-game piracy issues

Citation: [1]

Abstract: The Business Software Alliance (BSA), an international software publishers' association, placed the global software piracy rate at 39 percent in 2002, down from 40 percent the year before, and from a high of 49 percent in 1994. This paper discusses how to balance the video-game piracy issues.

Web link: http://ieeexplore.ieee.org/abstract/document/1264845/

Full text link: Downloadable from web link

Comments: This paper shows how game publishers in the 90s tries to prevent or reduce the ammount of people pirating their games, it also shows there was dispute behind the actual numbers pirating.

Paper 2

Title: Content protection for games

Citation: [2]

Abstract: In this paper we review the state of the art in content protection for video games by describing the capabilities and shortcomings of currently deployed solutions. In an attempt to address some of the open issues, we present two novel approaches. The first approach uses branch-based software watermarking to discourage and detect piracy through a registration-based system. In the second approach, based on the parallels between games and premium audio and video content, we propose the use of current physical-media copy-protection technologies for gaming content. In particular, we focus on broadcast encryption technology. The use of an open, standard-based architecture enables the development of a more restrictive protection system for games. Finally, we demonstrate how the proposed protection mechanisms can be applied to video-game copy protection through five scenarios.

Web link: http://ieeexplore.ieee.org/abstract/document/5386655/

Full text link: https://pdfs.semanticscholar.org/2a9a/ca3a8e206cfc4f6cc83bd22caad564 b592db.pdf

Comments: This paper just consentrates on the methods to prevent piracy in 2006

Paper 3

Title: Understanding the behavioral intention to digital piracy in virtual communities - a propose model

Citation: [3]

Abstract: With the rapid growth of the Internet in terms of the widespread acceptance and the increased bandwidth of connection, the situation of digital piracy has become increasingly serious. Due to increased prosecution by the authorities, we rarely find Web sites that provide copyrighted digital materials (music, movies, software, games, etc.) to download. Instead, end users share those copyrighted materials among themselves. This kind of peer-to-peer sharing is facilitated by the growth of virtual communities. Piracy in virtual communities has become a major trend. Our objective is to examine the behavioral intention of members in virtual communities to digital piracy under group settings by proposing a theoretical model.

Web link: http://ieeexplore.ieee.org/abstract/document/1287313/

Full text link: http://ieeexplore.ieee.org.ezproxy.falmouth.ac.uk/stamp/stamp.jsp?t p=&arnumber=1287313

Comments: This paper discusses the reasons why people would pirate a game and how

Paper 4

Title: Distribution of digital games via BitTorrent

Citation: [4]

Abstract: The practice of illegally copying and distributing digital games is at the heart of one of the most heated and divisive debates in the international games environment. Despite the substantial interest in game piracy, there is very little objective information available about its magnitude or its distribution across game titles and game genres. This paper presents the first large-scale, open-method analysis of the distribution of digital game titles, which was conducted by monitoring the BitTorrent peer-to-peer (P2P) file-sharing protocol. The sample includes 173 games and a collection period of three months from late 2010 to early 2011. With a total of 12.6 million unique peers identified, it is the largest examination of game piracy via P2P networks to date. The study provides findings that reveal the magnitude of game piracy, the time-frequency of game torrents, which genres that get pirated the most, and the relationship with review scores and ESRB-ratings.

Web link: https://dl.acm.org/citation.cfm?id=2181077

Full text link: https://dl.acm.org/citation.cfm?id=2181077

Comments: This paper investigates the actual numbers of people pirating games through BitTorrent over 3 months, also examining the most popular type of game to torrent

Paper 5

Title: What happened to video game piracy?

Citation: [5]

Abstract: How video games thrive in a world of piracy.

Web link: https://dl-acm-org.ezproxy.falmouth.ac.uk/citation.cfm?id=2594289&CFID =990710651&CFTOKEN=97388600

Full text link: https://cacm-acm-org.ezproxy.falmouth.ac.uk/magazines/2014/5/17434 5-what-happened-to-video-game-piracy/fulltext

Comments: This explores why piracy has never stopped, no matter what companies do to try and halt it

Paper 6

Title: Supply, demand, and piracy

Citation: [6]

Abstract: Software piracy has robbed the computer industry of billions of dollars according to PC World. Piracy, one of the most common forms of computer crime, is the reproduction of "protected" programs (e.g. copyrighted programs). A nonviolent crime, software piracy is unique in that the "stolen" object is left behind; the thief only walks off with a copy of the program. Futhermore, piracy is generally committed in the privacy of one's home, away from the firm being robbed.

Web link: https://dl.acm.org/citation.cfm?id=122404

Full text link: https://dl.acm.org/citation.cfm?id=122404

Comments: This looks into the correlation between supply, demand and piracy

Paper 7

Title: Forum: Software piracy is not just economics anymore

Citation: [7]

Abstract: An abstract is not available.

Web link: https://dl-acm-org.ezproxy.falmouth.ac.uk/citation.cfm?id=355115& CFID=990710651&CFTOKEN=97388600

Full text link: https://cacm-acm-org.ezproxy.falmouth.ac.uk/magazines/2000/12/74 91-forum/fulltext

Comments: This explores reasons given for why piracy shouldn't be illegal which the writer then denies calling the reasons ridiculous and the people uneducated

Paper 8

Title: Orphan Works, Abandonware and the Missing Market for Copyrighted Goods

Citation: [8]

Abstract: The subject of orphan works and abandonware is gaining legal attention. It concerns the status of copyrighted works which are still within the term of protection but are no longer commercially available to the public. This paper examines the question of orphan works and abandonware from a law and economics perspective. Orphan works and abandonware are classified into five types depending on their causes, characteristics and assumptions: commercial abandonment, strategic abandonment, temporary abandonment, unknown ownership, and unlocatable ownership. Economic analysis of these five types of orphanhood and abandonment suggests that the efficient solution to the problem of unavailability and unlocatability is different for each type of abandonment and orphanhood. Finally, existing legal solutions together with a proposal for reforming copyright to a renewable system are examined, and further analysis on this proposal concludes that this coupled with a threat of compulsory licensing might be an effective way of solving the orphan works and abandonware problem.

Web link: https://academic.oup.com/ijlit/article-abstract/15/1/54/652152

Full text link: http://aslea.org/paper/khong.pdf

Comments: This article explains the different types of abandonware, why this happens and the law behind it.

Paper 9

Title: The barriers to the preservation of digital games: questions on cultural significance

Citation: [9]

Abstract: Digital games have become an increasingly visible and popular leisure activity in the 21st century. Despite this proliferation in our society, it seems that they are not valued as part of our culture in the same way as products such as film and music. Furthermore, digital games are a largely ignored part of our cultural heritage. Dismissed as at best recreational, and at worst desensitizing and degenerate (Neiburger, 2007, p. 28), they have not specifically been addressed in most of the academic literature on digital preservation and represent a serious omission in past research. This essay discusses this gap in the research in relation to evidence of the cultural significance of digital games, the potential barriers to their acceptance as part of our cultural heritage, and how this relates to the preservation of digital games as cultural artifacts. First, the current status of digital games in our society and the size and strength of the digital games industry is considered. Second, the current interest from academia in digital games is explored. Third, the current preservation activities and the limitations of these initiatives are reviewed. Finally, the barriers to the preservation of digital games in relation to their status as a new cultural phenomenon, their relationship to traditional institutions, and perceptions of their value in terms of selection policies for preservation are examined.

Comments: This explains how we can preserve digital games and also reasons why pirating is not a long term solution

Paper 10

Title: Games in captivity

Citation: [10]

Abstract: No abstract available

Comments: This article is about trying to find the companies that made the old games and preserve them, discussing abandonware and the struggle to find working copies of old games

Paper 11

Title: Grand Theft Archive: A Quantitative Analysis of the State of Computer Game Preservation

Citation: [11]

Abstract: Computer games, like other digital media, are extremely vulnerable to long-term loss, yet little work has been done to preserve them. As a result we are experiencing large-scale loss of the early years of gaming history. Computer games are an important part of modern popular culture, and yet are afforded little of the respect bestowed upon established media such as books, film, television and music. We must understand the reasons for the current lack of computer game preservation in order to devise strategies for the future. Computer game history is a difficult area to work in, because it is impossible to know what has been lost already, and early records are often incomplete. This paper uses the information that is available to analyse the current status of computer game preservation, specifically in the UK. It makes a quantitative analysis of the preservation status of computer games, and finds that games are already in a vulnerable state. It proposes that work should be done to compile accurate metadata on computer games and to analyse more closely the exact scale of data loss, while suggesting strategies to overcome the barriers that currently exist.

Web link: http://www.ijdc.net/index.php/ijdc/article/view/85/56

Full text link: http://www.ijdc.net/index.php/ijdc/article/view/85/56

Comments: This discusses ways we can preserve video games

Paper 12

Title: File Sharers: Criminals, Civil Wrongdoers or the Saviours of the Entertainment Industry? A Research Study into Behaviour, Motivational Rationale and Legal Perception Relating to Cyber Piracy

Citation: [12]

Abstract: The ongoing battle between file sharers and the entertainment industries is one which has been largely approached from the point of view of the latter parties with the reasoning that the law should be invoked to clamp down on the distribution of unauthorised copies of works through peer to peer networks. This paper argues that the industries, with the assistance of the legislature in certain circumstances, should be focussing their attentions not on limiting the natural evolution being brought about in the digital age, but by recognising that many of the parties labelled as scurrilous pirates are actually a rich market which can be tapped into through alternative means.

An analysis of various theories relating to the routes, impacts and effects of file sharing is applied to a digital distribution model. The model is then expanded to encompass the Efficient Distribution Theory which argues that, through the application of measures which can be cheaply and easily implemented by the entertainment industries, a number of factors can mitigate any negative effects file sharing may cause to the extent that widely distributing digital copies can be directly beneficial to the industries.

The analysis and theory is supported by the results of a research study carried out by the author in February 2007, which are presented in this paper. The findings of the research indicate that those who engage in cyber piracy not only financially spend more on authorised products proliferated by the entertainment industries compared to those who do not engage in piracy, but are also willing to move away from committing tortious acts of copyright infringement if the industries can provide a viable alternative means of digital delivery, inter alia.

Web link: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2089566

Full text link: http://uhra.herts.ac.uk/bitstream/handle/2299/2502/902821.pdf?sequence=1

Comments: This paper discusses wether the people that pirate are actually malicious criminals or preservers in the games industry, is piracy all bad? and the legal views behind it.

References

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[3] T. C. Kwong and M. K. Lee, "Understanding the behavioral intention to digital piracy in virtual communities-a propose model," in *Proceedings of the 2004 IEEE International Conference on e-Technology, e-Commerce and e-Service (EEE'04)*. IEEE Computer Society, 2004, pp. 223–226.

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