



## **Audiovisual Piracy, Informal Economy, and Cultural Globalization**

TRISTAN MATTELART

University of Paris 8

This article puts into perspective the results of a collective research project carried out in Tunisia, Algeria, Morocco, Ivory Coast, South Korea, Colombia, Bulgaria, and Russia. It analyzes the nature of the more or less informal networks through which pirated audiovisual products circulate, the modes through which they are appropriated, and the changes occurring with the rise of Internet. Placing piracy in the context of international power relations, this article studies the transnational pressures exerted, in the field of copyright, on national authorities, as well as the way the latter try to respond to the former. It shows that audiovisual piracy needs to be seen as a complex phenomenon, intimately interwoven into the social, economic, cultural, and political structures of the countries surveyed.

With the development in the 1990s of increasingly important means of digital reproduction and distribution, an extensive literature has developed on the pirating of television programs, films, or music. This literature primarily discusses issues related to the free downloading of audio or video files in North America or Western Europe.

The physical piracy of audiovisual products—i.e., audio or videocassettes, CDs, VCDs, DVDs, etc.—for its part, has received far less attention from scholars. Moreover, the subject seems to be tainted with illegitimacy. Even Lawrence Lessig, though a strong proponent of reduced legal restrictions on copyright, condemns unreservedly this kind of piracy—“This piracy is wrong”—for its uncontested illegal character, before praising the creative potential of peer-to-peer sharing (Lessig, 2004, p. 63).

Yet, the phenomenon is worthy of interest. As Lawrence Liang argues, “let us take for granted the illegal status of [physical] piracy, but let us not stop there” (2009, p. 15). Indeed, the physical piracy of audiovisual products is a major social, political, economic, and cultural phenomenon. It has long

---

Tristan Mattelart: [tristan.mattelart@univ-paris8.fr](mailto:tristan.mattelart@univ-paris8.fr)

Date submitted: 2011-03-23

Copyright © 2012 (Tristan Mattelart). Licensed under the Creative Commons Attribution Non-commercial No Derivatives (by-nc-nd). Available at <http://ijoc.org>.

constituted—for millions of people, outside Western countries, but also within them—an important “informal infrastructure” through which cultural goods can be accessed (ibid., p. 4).

This article proposes, then, to move away from the context within which piracy has usually been considered since the end of the 1990s—that of downloading in Western countries—to focus on the issues raised by physical piracy in the countries of the South and the East, without ignoring the changes brought by Internet.

### **Understanding Audiovisual Piracy**

To study the field of piracy, and more particularly that of physical piracy, is to be straightaway confronted with a significant obstacle: the fact that this field is saturated with the expertise produced by the main global, above all American, copyright-based industries, or by the organizations defending their interests. These periodically publish reports aimed at criminalizing piracy—and at reducing the phenomenon to this criminal dimension—in national, as well as in international, fora (Mattelart, 2009; Yar, 2005). In order to better convince public opinion, governments, or multilateral institutions of both the threat piracy represents and the need to struggle against it, these organizations go as far as emphasizing, in their reports, the links existing between piracy and organized crime, or worse, transnational terrorism, elevating piracy to the rank of an “international security” problem.<sup>1</sup>

One cannot overlook the fact that the commerce of pirated audiovisual products may be, or may have been, in some of its segments, linked to organized crime (see OECD, 2007, pp. 87–89). However, the accusations formulated by the main global copyright-based industries in their reports aim less at describing a tangible reality than at constructing piracy as a unified whole, both to better condemn it and to better legitimize the implementation of an arsenal of punitive measures against it. Yet, rather than as a unified entity, piracy should be seen as a heterogeneous whole, where diverse agents with different objectives intervene, on a variety of fields, and where amateur practices coexist with small or medium-sized businesses, be they local or national, and transnational counterfeiting industries.

While these reports help to understand the magnitude of the threat piracy constitutes for these industries, they are not of great help when one wants to grasp the complexity of the social phenomenon piracy represents. In order to understand this phenomenon, we need to break with perspectives criminalizing piracy, and to consider, on the contrary, “the various possible social, economic and political reasons for its rise” (Mattelart, 2009, p. 311).

---

<sup>1</sup> One of the most illustrative documents in this regard is a report authored by the Rand Corporation and sponsored by the Motion Picture Association (MPA), issued in 2009. After having underlined, through 14 case studies, the involvement of “organized crime” in “film piracy,” it emphasizes, through another three case studies, the role the latter plays in the financing of “terrorist groups.” More specifically, the report points to the way in which some well-known “DVD pirate[s]” contribute to the financing of “Islamic terrorist organizations, such as Hezbollah.” Far from being a mere economic problem, piracy is then presented as being a major geopolitical issue, or to quote the report, a threat to “national security” (Treverton et al., 2009, pp. xi–xii, 6, 75–82).

The objective of this article, then, is to move away from the discourses criminalizing piracy forwarded by organizations defending the interests of the main global copyright-based industries, and instead, to analyze the issue from the perspective of the experience of the societies of Latin America, Asia, Africa, the Middle East, and Eastern Europe.<sup>2</sup> This involves taking into consideration, as Pang invites us to do, “the cultural and social,” but also the political “density of piracy” in these realities (2006, p. 80).

To do this, we will draw here on the main results of a collective research project<sup>3</sup> coordinated by the author, on “The underground economy of communications,” which gathered, for three years, an international team of researchers—Aghi Bahi, Abdelfettah Benchenna, Vincent Bullich, Annie Chéneau-Loquay, Mariya Dimitrova, Riadh Ferjani, Ilya Kiriya, Linda Labandji, Gustavo Gomez-Mejia, and Stéphane Thévenet—who carried out their investigations in Tunisia, Algeria, Morocco, Ivory Coast, as well as in other sub-Saharan African countries, but also in South Korea, Colombia, Bulgaria, and Russia.

In rupture with the literature produced by the main copyright-based industries—which is, in many respects, more interested in the losses due to audiovisual piracy and the means to struggle against them than in piracy’s causes—our project aimed first at understanding the social, economical, and political factors explaining the development of this phenomenon.

Figuring prominently among the many factors explicating the success of pirated products, naturally, are their cheap prices. They are more affordable for the consumers of the countries considered by this article than the cultural goods available in the official market. As Benchenna notes, based on the Moroccan experience, “the clientele of [cultural] counterfeited goods is recruited from the vast majority” of those who, in this country, cannot afford buying legal products, the prices of which “are modeled from those charged in Northern countries, despite the differences existing in living standards” (2011, p. 111). However, by focusing only on this economical factor to explain piracy, we would reduce the scope of the phenomenon.

In order to understand the cultural, social, and political dimensions of audiovisual piracy, we need, more particularly, to take into account its historical roots. In all the countries surveyed, the tactics of sound or image piracy that developed as recently as the 1970s or the 1980s with the advent of the audio and videocassette recorders are described as having paved the way to contemporary practices in this field. The development of digital optical discs (CDs, VCDs, DVDs, etc.) and the Internet, with the hugely increased reproduction and distribution capacities they offer, must then be seen in this continuity. Far from being the mere result of digital developments, piracy practices are thus, in these countries, largely inscribed in the history of consumer habits.

Likewise, the building of unofficial routes for pirated sounds and images in most of these countries is inseparable from the context of the authoritarian policies they have experienced, or that they

---

<sup>2</sup> Our article shares, in this respect, the ambitions of some of the rare works dealing with “media piracy in emergent countries” to offer an “alternative” to “industry-sponsored research” (Karaganis, 2011, p. 1).

<sup>3</sup> The project was funded 2007–2009, by the Institute of Communication Sciences of the French National Centre for Scientific Research (CNRS), and by the University of Paris 2. The results of this research project were published in a book (in French) in September 2011 (Mattelart, 2011a). The present article is a slightly amended, translated version of this book’s introduction (Mattelart, 2011b).

are still experiencing. As Thévenet asks, how could the decades of military dictatorship in South Korea not have contributed to the rise of “underground consumption practices” of cultural products? (2011, p. 224).

In his investigation in Tunisia, Ferjani shows that, for years, each new generation of technology has fed the tactics implemented by the population to circumvent the social and political control exerted by the state. From the parallel commerce of videocassettes to the black market of DVDs, from the do-it-yourself antennas for watching terrestrial Italian channels to the sophisticated pirated decoders for receiving digital satellite television, all possible means were used to try to escape “the cultural and political hegemony of state television” (Ferjani, 2011, p. 79).

Similarly, in Algeria, be it through the videocassette, copied and copied again, the counterfeited DVDs, or the smuggled decoders, “the pirate access to the images of foreign lands is not only sought for the entertainment it provides”; it is a means of “getting away” from a daily life made of economic difficulties and democratic insufficiencies (Labandji, 2011, p. 127).

It would be difficult to understand the scope of audiovisual piracy today in Russia and Bulgaria without taking into account the historical dimensions of the phenomenon. In their investigations carried out in these two countries, Kiriya and Dimitrova emphasize the decades of “clandestine cultural practices” developed during the Soviet era by populations to access, particularly through audio and videocassettes, forbidden Western products (Dimitrova, 2011; Kiriya, 2011, p. 243).

After the fall of communist regimes in these two countries, the black market networks satisfied consumers’ cravings for Western cultural products, stirred by decades of banning. And in this continuity, piracy has emerged, from the early 1990s onwards, as a “widespread practice to fill the gaps of the new merchant system,” and to circumvent its logics of exclusion in the market of cultural products (Kiriya, 2011, p. 243).

What these studies illustrate, then, is the “strong social demand” (Benchenna, 2011, p. 102) existing in these countries for pirate products—a social demand which tends to be disregarded by the reports written by the organizations defending the interests of copyright-based industries. In this respect, piracy of symbolic goods cannot be seen solely through the lens of a “criminal activity.” It is also intimately interwoven into the social, cultural, and political structures of the countries surveyed.

Operating through the structures of informal economy, that interweaving extends into the economic fabric of these countries. Indeed, the investigations carried out in the framework of our project shed light on the existence of an informal economy of communications that, despite playing a central role in the circulation of cultural products at a world scale, has remained largely under-researched.

### **The Informal Economy of Communication: An Underground Economy?**

The premise on which our research project was based was that the networks of this informal economy gave substance to an “underground economy,” which was organizing, in large part, the supply of technologies, sounds, and images in the countries of the South and the East. However, it quickly became clear that the reality was far more complex: Informal economic activities, although often going through

unofficial channels, also develop out in the open, with the networks of this economy being, for their part, closely intertwined with those of the official economy. In this context, the use of the metaphor of the underground to describe the realities of the parallel circulation of cultural goods should not lead one to think that what is at stake is only a marginal part of the communication economy of these countries.

Studying the phenomenon in sub-Saharan Africa, Chéneau-Loquay explains that the "informal economy of communication," which has "a strong presence in the urban environment," far from being "a declining marginal or underground economy," constitutes "a growing powerful sector with which the state and formal industries have to deal" (2011, p. 160).

Studying another, though diametrically different, context in Russia, Kiriya makes more or less the same point. He strongly criticizes research devoted to "transition" countries tending to present the informal sector, including piracy, "as an abnormal phenomenon bound to disappear with the development of the market economy." Against these "linear visions postulating the disappearance of piracy at the end of the process of 'transition,'" the author suggests that the informal economy of communication in Russia, far from being a "peripheral sector," is "a central component of formal economy," firmly inscribed in the communications landscape (Kiriya, 2011, pp. 240–241).

In the countries considered, formal and informal economies thus must be seen as intermingled. In his investigation in Tunisia, Ferjani shows well how much the boundaries between the two are blurred. Are not pirated audiovisual products sold in small shops to the creation of which the state itself contributed? Are not these products also available on the shelves of the Tunisian subsidiaries of some of the main French supermarkets—Carrefour, Géant, or Monoprix? (Ferjani, 2011).

In Russia, some of the same companies that manufacture legal CDs or DVDs also produce high-quality pirated discs (Kiriya, 2011, p. 248; Sezneva & Karaganis, 2011, p. 170).

Given this, there is no reason to think that the informal economy of communication is less diverse than the formal one. Breaking with perspectives that consider piracy an homogeneous whole, the investigations carried out within the framework of our project emphasize the heterogeneity of the piracy economy, as much for the variety of its configurations as for the diversity of its players.

Gomez-Mejia notes in his research on the pirate DVD market of Bogotá, Colombia, that this cannot be apprehended as a "unified phenomenon," as demonstrated by the variety of points of sale: some of these DVDs are sold in the *San Andresitos*—discount malls born out of the gradual formalization of informal commerce; others are sold in clandestine retail stores located in the backyards of the city center, where street sellers bring the potential consumer; and still others are sold on public transportation (Gomez-Mejia, 2011, pp. 201–207).

Likewise, the economic status of piracy is very different from one reality to another. In the investigation he carried out in the Ivory Coast, Bahi emphasizes the artisanal character of this activity. Through ethnographic fieldwork, he studies, on the campus of Cocody, in Abidjan, those who produce, distribute, and sell pirated products. The economic environment he describes is made of small businesses, small workshops, and unlikely shops. Sometimes, a tree, "an askew table, a patched up parasol, some benches," and a handful of second-hand computers are sufficient to establish a retail store reproducing and selling pirated products (Bahi, 2011, p. 172).

On the contrary, in other contexts, the industrial character of piracy is underlined. Dimitrova shows that the "biggest production site in Europe for pirated CDs in the 1990s," located in Bulgaria, was owned by none other than "Multigroup, the most powerful industrial group of the country" (2011, p. 260).

The commerce of pirated images, though differing from one country to another, on the whole, is largely dominated by U.S. televisual and cinematic programs, with the flagship product of informal commerce being the Hollywood blockbusters which have just been released in U.S. theatres, and which become available through the more or less black markets in the days that follow. Pirated products are then, for many consumers of the countries of the South or the East, a privileged means to access, despite their limited resources, these shows promoted by global marketing campaigns in synchrony with their Western counterparts, or even before them.

Although dominated by U.S. output, the catalogs of pirated programs in the surveyed countries also include other products, with other origins. Indeed, on the shelves of informal retail stores, Hollywood television and movie shows coexist with domestic productions, but also with the pirated output of some of the main Southern audiovisual producers—India, Hong-Kong, Egypt, Nigeria, just to name a few—depending on the cultural tastes of the consumers. In Ivory Coast, for example, Nigerian movies compete successfully, on the Cocody campus, with the adventures of Jack Bauer in 24 (Bahi, 2011, p. 174).

The Moroccan counterfeited DVD market is, according to Benchenna, organized around four main categories of programs. It includes, in addition to the predominant American productions, Arab films (mostly Egyptian), Asian films (mainly from India or Hong Kong), and "religious programs imported from Persian Gulf countries, Lebanon or Egypt" (Benchenna, 2011, pp. 114–116).

The main Southern audiovisual producers are, in this manner, also victims of piracy. The example of South Korea is illustrative. Counterfeiting and pirating networks were quick to exploit the growing popularity, since the second half of the 1990s, of the products of South Korean cultural industries in Asia—the Korean Wave—depriving these industries of a non-negligible part of their revenues, but also contributing, in turn, to the expansion of this wave (Thévenet, 2011).

One of the main characteristics of the pirated markets studied in our collective research project is their ability to be responsive to the transformations of the economic or technological context. Ferjani emphasizes the "reactivity of the parallel market" in Tunisia, as illustrated by the fact that, each time that new encryption methods have been introduced to guard against the pirating of satellite pay channels, "the informal market has responded by putting on sale new decoders in the following weeks" (2011, p. 80).

Likewise, the investigations carried out within the framework of our project show that one of the major factors explaining the success of the informal communication economy in the surveyed countries resides in this economy's "proximity" to its "consumers" (Chéneau-Loquay, 2011, p. 142).

Thanks to this proximity, the merchants of the informal sector are able to adapt themselves more efficiently to the specific needs of their customers. Benchenna describes how the sellers of counterfeited DVDs in Marrakech or Casablanca adjust their offerings to meet their buyers' expectations: The most recent Hollywood blockbusters abound in touristic places, and auteur films or documentaries can be found near the main universities, while in the poorer districts, informal markets are filled with "American B movies, Egyptian or Indian films," and religious TV programs (Benchenna, 2011, p. 114).

Gomez-Mejia explains that, in Bogota, from one pirate market to another, the catalog and quality of pirated DVDs change. In the *San Andresitos*, products on offer concentrate on recent Hollywood blockbusters. The packaging is reworked and includes new Spanish text to better convince Colombian customers. In the clandestine retail stores located in the backyards of the city center, the supply is much greater—"the great classics coexist with foreign and domestic commercial hits, and with other pornographic movies" (Gomez-Mejia, 2011, pp. 201–203)—but less attention is given to the packaging of the products; they come in simple plastic sleeves.

Kiriya (2011) shows how Russian sellers of pirated DVDs segment their products by offering different qualities of the same movies, at different prices, for attracting different customer categories.

Various investigations carried out in the framework of our project also focus on the final link of the informal communication economy chain: the sellers of pirated products. Their profile is quite similar from one country to another: unemployed, qualified young men, for whom selling these products "is not an end in itself but a way to make ends meet," as Benchenna notes about the Moroccan case. The barriers to entry in this informal business are low. One bag, "a small table, or a shelf" can be sufficient in Morocco, as in other countries, to sell pirated products (2011, p. 108).

Bahi has devoted his research to the young people selling pirated products on the campus of Cocody, in Abidjan. Their activity expresses first, he explains, "their resourcefulness," which gives shape to a form of small "entrepreneurship" resulting from "a survival strategy." For them, the selling of pirated audiovisual products is also a means of recovering their "dignity," for they "do not depend from the resources of their family anymore." More, according to these young people, this activity is useful for Ivorian society as a whole: they feel that, in a period of crisis, they, in some way, "help their country fellows" (Bahi, 2011, pp. 177–178).

Prospering in empty social spaces where public institutions, due to their lack of resources, are hardly present, their commerce can also be seen as "an act of bravado" against the state, and as a way of "contesting power and authority" (ibid., p. 171).

In his investigation on the markets of pirated DVDs in Bogota, Gomez-Mejia focuses on the kind of "social interactions" that take place between the buyers and the sellers. Far from been described as "thieves"—as they tend to be in the reports commissioned by the major copyright-based industries—some of these sellers are identified as cultural brokers: They are portrayed as being "*cinéphile* dealers," smugglers of a heteroclit cinematic culture, varying according to the potential customers (Gomez-Mejia, 2011, p. 206).

Breaking with univocal discourses criminalizing piracy, the investigations carried out within the framework of this collective research project thus emphasize the importance of the social, cultural, political, and economic role it plays in the countries surveyed. From one society to another, piracy constitutes a means of improving ordinary life. Or, better said, it forms part of the "survival" tactics deployed by populations—"spiritual survival for some, and material survival for others" (Labandji, 2011, p. 126).

### **Global and Local Strategies Against Piracy**

Placing the study of piracy within the larger context of international power relations, our collective research has also sought to analyze the local impact of global strategies implemented either by Western governments, copyright-based industries, or multilateral organizations in order to struggle against this phenomenon.

Since the early 1980s, the U.S. government—the most committed in this field—has put the international defense of intellectual property rights at the heart of its diplomacy. Following Sell (2003), Bullich (2011) shows that the main U.S. copyright-based industries have played an instrumental role in persuading the White House of the importance of this issue. Putting forward the contribution of their activities to job creation in the U.S., to the economic growth of this country, and to its international competitiveness, these copyright-based industries first succeeded in the early 1980s in convincing Washington to include in its trade regulations different provisions giving it the right to implement economic sanctions against any countries endangering intellectual property rights of U.S. companies. Then, with the support of their government, these industries were successful in getting the defense of intellectual property included in the negotiations of the General Agreement on Tariffs and Trade (GATT), the World Trade Organization's (WTO) predecessor, an organization whose powers of sanction are greater than those of the World Intellectual Property Organization (WIPO), which was traditionally in charge of this issue. After having adhered, late (1989), to the Berne Convention for the Protection of Literary and Artistic Works, the U.S. government managed to get an agreement signed in 1994 within the WTO on the Trade-Related Aspects of Intellectual Property Rights (TRIPS), which standardizes, at an international scale, regulations on intellectual property rights (see Bullich, 2011; Sell, 2003). Since then, international regulations in the field of intellectual property rights have been made still more stringent, with the adoption of the 1996 WIPO Copyright Treaty and the 1996 WIPO Performances and Phonograms Treaty.<sup>4</sup>

Despite the existence of this binding international legal framework, the government of the United States, in order to better defend American enterprises' intellectual property rights, resorts also, as some of the investigations carried out for our project illustrate, to bilateral agreements. These are accompanied with the menace of unilateral trade sanctions in the case that they are not respected—a practice that is criticized by the WTO.

- In Morocco, as Benchenna (2011, p. 118) explains, as a result of the free trade agreement signed with the United States in 2004, the bill on copyright and neighboring rights implemented in 2000 was amended in 2006 with the effect of increasing the punitive arsenal against piracy.
- Similarly, in South Korea, notes Thévenet (2011), the negotiations around the establishment of a free trade agreement with the United States resulted, from 2007

---

<sup>4</sup> Moreover, considering that the TRIPS agreement and the subsequent WIPO treaties were not sufficient to fight piracy, the United States, with the European Union, Japan, and other countries, have been negotiating since 2007–2008 a project of Anti-Counterfeiting Trade Agreement (ACTA). Originally negotiated in secret, and outside the framework of the specialized international organizations, ACTA aims at establishing a stricter international legal framework on intellectual property rights.



onward, in a series of reforms that led to a more constrictive copyright law.

- Dimitrova (2011) shows how the signature of various bilateral agreements on intellectual property rights between the United States and Bulgaria since the early 1990s, as well as the repeated pressures of the United States Trade Representative (USTR), have led to the implementation of tougher measures against piracy in Bulgaria.

The struggle against piracy figures high on the U.S. government's agenda, but it can be set aside when other priorities arise. As Kiriya demonstrates, during the first half of the 1990s, the USTR avoided placing Russia on the "priority watch list" it establishes each year—which identifies the countries with the highest level of intellectual property rights infringement—to preserve Russo-American relations and the stability of the young post-Soviet state, which was then confronted with a difficult political and economic context (2011, p. 245).

The investigations carried out within the framework of our project also bear witness to the intense activity conducted by global companies, and especially U.S.-based ones, in some of the surveyed countries, in order to defend against the piracy of their products. From one country to another, the organizations defending the interests of copyright-based industries—the Recording Industry Association of America (RIAA) and the International Federation of the Phonographic Industry (IFPI), representing respectively the U.S. and worldwide recording industries; the Motion Picture Association of America (MPAA) and its international branch, the Motion Picture Association (MPA); the Business Software Alliance (BSA); or the International Intellectual Property Alliance (IIPA)—open offices, advise governments on copyright policies, exert pressures on these, contribute to the creation of local organizations defending copyrights, etc.

This constellation of key players—the U.S. government, global communications companies, multilateral organizations—constitutes, to use Gomez-Mejia's expression, a constellation of "transnational power spaces" with which, in a context of "economic, political, and cultural globalization," domestic institutions have to cope to avoid commercial sanctions (2011, p. 212). The case of Colombia is illustrative of the consequences this unequal relationship between "transnational power spaces" and domestic authorities may have for local policies in the field of intellectual property rights.

Studying local repercussions of global strategies against piracy, Gomez-Mejia explains how the placing of Colombia on the priority watch list of the IIPA in 2006, at a moment when this country was negotiating a free trade agreement with the United States, functioned as a "political injunction" that guided national policies against piracy. As a result, the domestic measures taken to fight audiovisual piracy have been motivated less by the need to take into account the local "socioeconomic dimensions of this phenomenon" than by the need to conform to "international expectations" (*ibid.*, p. 211).

In doing so, the Colombian government endorses the priorities of both public and private American agencies "and excludes the possibility of discussing other priorities (in particular in the cultural field) that could emerge from local debates on piracy" (*ibid.*, p. 214). How could a constructive discussion on the issue of piracy as a means to have access to cultural products take place under the sword of Damocles of the priority watch lists of the IIPA or the USTR? After all, in how many small Colombian

towns, in the absence of legal distribution networks, are pirated circuits the only means to access cultural goods?

Most of the other investigations carried out within the framework of our collective project also consider the domestic policies implemented by the countries of the South or the East to combat or deal with piracy. From one country to another, the same heavily publicized police operations are conducted, aimed at convincing both global agencies and local publics of domestic authorities' ability to solve the problem.

Nevertheless, the ambiguities of these domestic policies must be underlined. Indeed, "the intimate involvement of the networks of the informal economy with the social, political and economic fabric" of the surveyed countries "obliges many governments to be extremely cautious" in applying their policies against piracy (Mattelart, 2009, p. 322). They are all the more cautious in their dealings with the informal economy of communication, as it constitutes for them, as explains Chéneau-Loquay, a non-negligible "means of ensuring social peace: It gives employment to young people, produces value, and satisfies popular demands" (2011, p. 158).

In this perspective, Kiriya describes what he characterizes as the "dual policy" pursued since the second half of the 1990s by the Russian state against the commerce of pirated audiovisual products: On the one hand, it implements "spectacular punitive actions to satisfy its 'foreign partners,'" but on the other, "being conscious of the important role piracy plays in giving its population access to cultural goods," it tolerates some pirate markets, provided they remain relatively invisible (2011, p. 247).

Similarly, the Moroccan government faces, according to Benchenna, a "dual problem." It needs to struggle efficiently against piracy in order to cope with the demands of both the U.S. government and multilateral organizations, but it needs, at the same time, to "find solutions to the unemployment of young people and to find a way to facilitate the access of its population to cultural goods." In this context, the state seeks to make "the most visible symptoms" of piracy disappear from public places, without being able to tackle the problem head on (Benchenna, 2011, pp. 116-117).

Of course, it should not be assumed that domestic policies against piracy are only the outcome of transnational pressures. In Morocco, the key players of the domestic movie industry have repeatedly denounced the phenomenon, emphasizing the "loss of income" it represents, and criticizing government's "inertia" (ibid., p. 120).

Ferjani goes further in analyzing the ambiguities of domestic policies against piracy: He shows that the Tunisian government has struggled against a phenomenon to which it has, itself, contributed. He highlights the way in which, following the TRIPS agreement, national legislation has aligned itself with "the dominant international model." However, much of the "actions of [Tunisian] public bodies" appear contradictory with these regulations (Ferjani, 2011, pp. 93-95).

Indeed, despite the adoption of more repressive laws against piracy, the role played by some public administrations in the organization of the informal economy of communication has increased since the 1990s. "Today, the commercial hub for [smuggled] hardware is located at Moncef Bey, the former wholesale market for fruits and vegetables, converted by the Tunis municipality into a parallel market for electrical or electronic goods" (ibid., p. 81).

The policy pursued by the Tunisian state is, according to Ferjani, indicative of the changing nature of the informal economy in this country. Constituting “initially an alternative to the failures of state policy, it has gradually become a means of exerting state power and control not only over the have-nots, but also over Tunisian society as a whole.” First, this informal economy offers jobs to “thousands of sellers, or fitters.” But, it also gives easy and cheap access to Western or Middle-Eastern entertainment and images of wealth. As such, it converged with Ben Ali’s project of “promotion of consumption as a way of entering modernity” (ibid., p. 80).

Through their public policies, states from the South or from Eastern Europe seek thus to respond to their international obligations in the field of intellectual property rights, while trying also, at the same time, to preserve their national priorities.

The task is easier for some of these countries: Indeed, among them, some major exporters of audiovisual programs take an active part in the fight against piracy. The case of South Korea is illustrative. Considered for a long time as one of the world champions of audiovisual piracy, subjected to the surveillance of both public and private U.S.-based agencies, Seoul has worked since the early 2000s to convert itself into “one of the most repressive countries in the field of intellectual property laws,” in response not only to the repeated pressures from the United States, but also to the need of pursuing its own interests: the necessity of struggling against the piracy of Korean Wave products in Asian markets (Thévenet, 2011, pp. 232–235).

### **From Material Piracy to Immaterial Piracy**

If physical piracy remains a very important phenomenon in a great number of the countries of the South or the East because of the small number of high-speed Internet connections, as these become more widespread, new ways of accessing cultural goods without paying for copyright are becoming increasingly common.

The investigations carried out in the framework of our collective project bear witness to the development, in some countries and for some of their populations, alongside the still important material piracy, of another increasingly important form of piracy: immaterial piracy. Nobody expresses better the changes going on in that field than one of the record dealers interviewed by Labandji in Algiers, who complains about the danger the *cybercafés* represent for physical record commerce: These give to their young customers the opportunity of downloading around 500 songs for the equivalent of €0.3, a price with which no pirated CD will ever be able to contend! (Labandji, 2011, p. 134).

The example of South Korea is illuminating here. Designated for years “as one of the main world centers of physical piracy of cultural and audiovisual goods,” the country has experienced, since the early 2000s, a rapid rise of “unofficial flows” of sounds and images on the Internet—furthered by the high level of broadband penetration—on a scale “that has rarely been equaled” (Thévenet, 2011, p. 224). It is with great enthusiasm, explains Thévenet, that South Koreans “have taken advantage of the Web to cheerfully exchange recent cultural contents,” and, to begin with, domestic cultural contents, “under the form of audio or video files.” Beyond, in Asia, the products of the Korean Wave circulate widely through peer-to-peer networks and unofficial downloading sites, much to the dismay of Seoul (ibid., pp. 230–232).

The Bulgarian context offers another symptomatic example of this evolution of piracy. Considered in the 1990s as the "main producer of pirated CDs in Europe, and as one of the world leaders of this activity," the country has seen the emergence of "another kind of piracy, through downloading," due to the "rapid rise of high-speed Internet connections" (Dimitrova, 2011, p. 258).

After having underlined the great heterogeneity of the economy of physical piracy, we can only stress what differentiates this disparate whole from the other economy of piracy that has developed with the Internet.

In the main, the agents that govern these economies are not the same. This is at least what Kiriya suggests in his investigation carried out in Russia: Indeed, he shows that the key players of the production and distribution of counterfeited cultural goods in this country have not diversified into the Internet economy. And yet, the Web could offer them a safer haven against police operations than the shelves they use to sell their products! "Internet is rarely used by the main producers of pirated CDs or DVDs. Online piracy, in Russia as in other countries, mainly takes the form of peer-to-peer file sharing systems" (Kiriya, 2011, p. 251).

There are, however, certain continuities between these two different economies of piracy. Kiriya explains that many of Moscow's Internet providers—whose coverage is generally limited to a restrained number of neighborhoods, or even to some buildings—"offer thousands of pirated songs or movies to their customers, in order to better sell their services" (ibid.).

It is difficult not to make an analogy with the "video channels" proposed by Bulgarian cable systems in the early 1990s, whose coverage was also limited to a restrained number of neighborhoods or to some buildings, and which offered to their consumers movie channels . . . broadcasting films coming exclusively from video stores renting pirated content (Dimitrova, 2011, p. 260)!

One thing is certain: The Internet has become, in the majority of the surveyed countries, a non-negligible, or even a major source of pirated cultural content. However, there are still very huge disparities in the access to this content through the Web, both between countries and within them.

The investigation Labandji carried out in Algeria helps to understand it. She demonstrates that, in this country, there are strong social inequalities in the access to pirated cultural products, and that these inequalities echo those existing in the access to legal goods. Among her respondents in Algiers, the privileged consumers who, thanks to their socioeconomic condition, already had easy and diversified access to legal cultural goods were also those who could readily have access to the greatest variety of pirated products, either through the purchase of good quality counterfeit DVDs, or through downloading the latest popular hits (Labandji, 2011, pp. 132–136).

### **Conclusion**

This study of the informal economy of communication sheds light on the more or less underground routes through which cultural globalization operates. To a certain extent, these routes along which pirate goods circulate are those of the "globalization from below"—a form of globalization which takes shape in the cracks of the "globalization from above" that is structured by states, international institutions, and global companies (Baumgärtel, 2006; Mattelart, 2009, p. 321).

If piracy constitutes a major way of gaining access to cultural goods in the countries of the South or the East, it nevertheless raises serious challenges for their domestic cultural industries. Indeed, in countries whose cultural industries are often fragile, piracy poses a particularly acute problem. Revealingly, several studies analyzing the development of “cultural industries in the South” emphasize the “dangers [that] high piracy levels” represent for these industries (D’Almeida et al., 2004, p. 38; see also Sauvé, 2006).

That problem is exacerbated by the fact that piracy results in an increased presence of the products of U.S. image industries in these territories. As a matter of fact, if piracy has caused the loss of potential revenues for Hollywood companies, it has also, to a large extent, enhanced the circulation of their contents in these markets—preparing, in a sense, the ground for future legal exports.

On this point, too, the investigations carried out within the framework of our collective research project break with the agenda set by the reports sponsored by the main copyright-based industries. These reports present these industries as being piracy’s main victims. Yet, to say so is to forget that piracy is also, for these industries, an invaluable source of dissemination of their products at a world scale. As such, piracy could paradoxically become, in the medium or long term, an increased source of power for Hollywood companies.

In this context, the networks of the globalization from below through which pirated goods circulate cannot be seen as spaces of resistance that would be opposed to the networks of the globalization from above: They are, like the latter, and not independently from them, inserted in a complex interplay of hegemonic relations at local, as well as at national and global levels.

### References

- Bahi, A. (2011). Piratages audiovisuels en Côte d'Ivoire, entre rhétorique du blâme et logiques des commerçants [Audiovisual piracy in Ivory Coast, between condemnation rhetoric and merchants' logic]. In T. Mattelart (Ed.), *Piratages audiovisuels: Les voies souterraines de la mondialisation culturelle* [Audiovisual piracy: The underground networks of cultural globalization] (pp. 165–182). Paris–Brussels: Ina-De Boeck.
- Baumgärtel, T. (2006). The culture of piracy in the Philippines. In *Proceedings of the conference on media piracy and intellectual property in South East Asia* (pp. 373–397). Available at <http://www.thing.de/tilman/piracy.pdf>
- Benchenna, A. (2011). Les produits culturels issus de la contrefaçon au Maroc: outils de renforcement de la dépendance culturelle? [Do counterfeit cultural products in Morocco increase cultural dependency?]. In T. Mattelart (Ed.), *Piratages audiovisuels: Les voies souterraines de la mondialisation culturelle* [Audiovisual piracy: The underground networks of cultural globalization] (pp. 101–122). Paris–Brussels: Ina-De Boeck.
- Bullich, V. (2011). Le dispositif diplomatique des États-Unis contre le piratage de biens culturels [The U.S. diplomatic apparatus against cultural piracy]. In T. Mattelart (Ed.), *Piratages audiovisuels: Les voies souterraines de la mondialisation culturelle* [Audiovisual piracy: The underground networks of cultural globalization] (pp. 53–73). Paris–Brussels: Ina-De Boeck.
- Chéneau-Loquay, A. (2011). L'économie "informelle" de la communication en Afrique est-elle une "économie souterraine"? [Is the "informal" economy of communication in Africa an "underground economy"?]. In T. Mattelart (Ed.), *Piratages audiovisuels: Les voies souterraines de la mondialisation culturelle* [Audiovisual piracy: The underground networks of cultural globalization] (pp. 139–162). Paris–Brussels: Ina-De Boeck.
- D'Almeida, F. et al. (2004). *Les industries culturelles des pays du Sud* [Cultural Industries in the countries of the south]. Paris: Agence intergouvernementale de la francophonie [Intergovernmental agency of the Francophonie].
- Dimitrova, M. (2011). Le piratage audiovisuel en Bulgarie à l'ère du numérique [Audiovisual piracy in Bulgaria in the digital era]. In T. Mattelart (Ed.), *Piratages audiovisuels: Les voies souterraines de la mondialisation culturelle* [Audiovisual Piracy: The underground networks of cultural globalization]. (pp. 257–272). Paris–Brussels: Ina-De Boeck.
- Ferjani, R. (2011). L'économie informelle de la communication en Tunisie: de la résistance à la marchandisation [The informal economy of communication in Tunisia: From resistance to commodification]. In T. Mattelart (Ed.), *Piratages audiovisuels: Les voies souterraines de la mondialisation culturelle* [Audiovisual piracy: The underground networks of cultural globalization] (pp. 75–99). Paris–Brussels: Ina-De Boeck.
- Gomez-Mejia, G. (2011). Le marché du DVD pirate à Bogota: une approche communicationnelle [The pirate DVD market in Bogota: A communicational approach]. In T. Mattelart (Ed.), *Piratages*

- audiovisuels: Les voies souterraines de la mondialisation culturelle* [Audiovisual piracy: The underground networks of cultural globalization] (pp. 199–221). Paris–Brussels: Ina-De Boeck.
- Karaganis, J. (Ed.). (2011). *Media piracy in emerging economies*. New York: Social Sciences Research Council.
- Kiriya, I. (2011). Le piratage audiovisuel en Russie post-soviétique, entre logiques économiques et culturelles [Audiovisual piracy in post-Soviet Russia, between economic and cultural logics]. In T. Mattelart (Ed.), *Piratages audiovisuels: Les voies souterraines de la mondialisation culturelle* [Audiovisual piracy: The underground networks of cultural globalization] (pp. 239–255). Paris–Brussels: Ina-De Boeck.
- Labandji, L. (2011). Les biens culturels piratés en Algérie: une fenêtre sur l'“ailleurs” [Pirated cultural goods in Algeria: a window on the outside world]. In T. Mattelart (Ed.), *Piratages audiovisuels: Les voies souterraines de la mondialisation culturelle* [Audiovisual piracy: The underground networks of cultural globalization] (pp. 123–137). Paris–Brussels: Ina-De Boeck.
- Lessig, L. (2004). *Free culture: The nature and future of creativity*. London: Penguin Books.
- Liang, L. (2009). Piracy, creativity and infrastructure: Rethinking access to culture. Available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1436229](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1436229)
- Mattelart, T. (Ed.) (2011a). *Piratages audiovisuels. Les voies souterraines de la mondialisation culturelle* [Audiovisual piracy: The underground networks of cultural globalization]. Paris-Brussels: Ina-De Boeck.
- Mattelart, T. (2011b). Introduction: Piratages et économie informelle de la communication [Introduction: Piracy and the informal economy of communication]. In T. Mattelart (Ed.), *Piratages audiovisuels: Les voies souterraines de la mondialisation culturelle* [Audiovisual piracy: The underground networks of cultural globalization] (pp. 5–25). Paris–Brussels: Ina-De Boeck.
- Mattelart, T. (2009). Audio-visual piracy: Towards a study of the underground networks of cultural globalization. *Global Media and Communication*, 5(3), 308–326.
- OECD. (2007). *The economic impact of counterfeiting and piracy*. Paris: Organization for Economic Cooperation and Development.
- Pang, L. (2006). *Cultural control and globalization in Asia: Copyright, piracy and cinema*. London: Routledge.
- Sauvé, P. (Ed.). (2006). *Trends in audiovisual markets: Regional perspectives from the South*. Paris: UNESCO. Available at <http://unesdoc.unesco.org/images/0014/001461/146192e.pdf>
- Sell, S. K. (2003). *Private power, public law: The globalization of intellectual property rights*. Cambridge, UK: Cambridge University Press.
- Sezneva, O., & Karaganis, J. (2011). Russia. In J. Karaganis (Ed.), *Media piracy in emerging economies* (pp. 149–217). New York: Social Sciences Research Council.

- Thévenet, S. (2011). Piratage audiovisuel en Corée du Sud: Le virage répressif d'une nouvelle puissance culturelle [Audiovisual piracy in South Korea: The repressive turn of a new cultural power]. In T. Mattelart (Ed.), *Piratages audiovisuels: Les voies souterraines de la mondialisation culturelle* [Audiovisual piracy: The underground networks of cultural globalization] (pp. 223–238). Paris–Brussels: Ina-De Boeck.
- Treverton, G. F. et al. (2009). *Film piracy, organized crime, and terrorism*. Santa Monica, CA: Rand Corporation.
- Yar, M. (2005). The global "epidemic" of movie "piracy": Crime-wave or social construction? *Media, Culture and Society*, 27(5), 677–696.