RETHINKING
“PIRATE AUDIENCES”

An Investigation of TV Audiences’ Informal Online Viewing and Distribution Practices in Brazil

Vanessa Mendes Moreira De Sa
2013

A thesis submitted for the degree of PhD
School of Humanities and Communication Arts
University of Western Sydney
I dedicate this thesis to my beloved parents Angelo and Valeria, my sister Mariane and my husband Ryan.
Acknowledgements

An old African proverb says “It takes a whole village to raise a child”\(^1\). I adapted the meaning of such a rich statement and used the idea of communal effort instead, which enables me to say that “it takes a village to write a PhD thesis”. Through the past three years I grew as a student, a researcher and a person thanks to many wonderful people who supported me through this journey. Firstly, I would like to thank my supervisors Dr. Juan Salazar and Associate professor Hart Cohen for their valuable feedback, support and especially for encouraging me to change from a Masters degree to a PhD candidature. Secondly, I would like to express my profound gratitude for the financial support of the University of Western Sydney and the School of Humanities and Communication Arts. Through their support I was able to conclude this thesis in three years and to present at international conferences where I was introduced to some of the most brilliant and inspiring people I have ever had the pleasure of meeting. I would also like to thank all the participants in this research who took the time to answer my numerous questions. As English is my second language, I counted on the encouragement of many people who proof read my work and were there with me during difficulties and achievements. I thank Geoff Bishop who patiently read my work and corrected those grammar issues that I just could not see myself. I would like to thank my colleagues in the two writing circles I participated in the past three years: one in Parramatta, organised by Dr Claire Atchison and the other in Penrith, led by Dr Marie Korpi. I learnt a lot in these circles and met some incredible people who reminded me that I was not alone doing a PhD. I would also like to thank Christine Lynn and Ray Brenton for reading early versions of this thesis and allowing me to use their living room to write. I dedicate this thesis to the loving memory of Lyndal Wood, who guided and supported me in the initial stages of writing this thesis and truly believed that I could do it. Finally, I would like to thank the most special people in my life who are always there for me and who put up with me during this journey: my parents Angelo and Valéria, my sister Mariane, and my dear husband, Ryan.

Extracts of this thesis have been published, in modified form as a:


The work presented in this thesis is, to the best of my knowledge and belief, original except as acknowledged in the text. I hereby declare that I have not submitted this material, either in full or in part, for a degree at this or any other institution.

--------------------------------------------------------------------------
Vanessa Mendes Moreira De Sa
March 2013
# Table of Contents

List of Figures ................................................................................................................................................... viii  
List of Tables .................................................................................................................................................. x  
Abstract ............................................................................................................................................................ xi  
Abbreviations and Glossary ............................................................................................................................. xiii  
Preface ............................................................................................................................................................... xv  
Introduction ...................................................................................................................................................... 1  

Chapter One: The Internet and Changing Conceptions of Audiences ............ 12  
1.1. Introduction ............................................................................................................................................. 12  
1.2. Let’s Keep it Clear: Neither Unauthorised Sharing of Media nor the Need to Access Media Content in their own Terms are New Trends for Audiences .............................................................................. 13  
1.3 The Impact of the Internet on Formal and Informal Television Viewing and Distribution ................................................................................................................................................................................. 19  
 ICTs and the changing TV audiences .............................................................................................................. 19  
 ICTs and the changes on formal viewing and distribution of television shows ........................................... 23  
 Copyright law and the fine line between being a pirate or being an audience ............................................. 29  
1.4. Research on Digital File Sharing ........................................................................................................... 35  
 Moral disengagement ..................................................................................................................................... 35  
 Audience’s motivations for file sharing ........................................................................................................ 39  
1.5. Rethinking Pirate Audiences .................................................................................................................. 50  
1.6. Chapter Summary .................................................................................................................................... 54  

Chapter Two: Piratical Practices .................................................................. 57  
2.1. Introduction ............................................................................................................................................. 57  
2.2. Everyday Practices and Participation in the Digital Environment ....................................................... 59  
2.3. Pirate Audiences and the Practices of Participation through their Levels of Engagement .................. 64  
 Pirate audiences searching in the network: Active-passive and active-incidental .................................... 66  
 Pirate audiences and social networking: Active-social engagement ......................................................... 73  
 Pirate audiences and collaborative work: Active-labour ............................................................................. 83
Limitations of the case studies.................................................................149
Data collection and analysis of the case studies.................................149
Case study 1: Orkut communities and websites for downloading TV shows (organised networks of distribution). ..................................................150
Case study 2: Legenders (amateur subtitlers)...........................................152
4.6. Chapter Summary.............................................................................157

Chapter 5: Informal Viewing and Distribution Practices of Pirate Audiences in Brazil........................................................................159
5.1. Introduction.....................................................................................159
5.2. General Findings Informal Viewing and Distribution Practices of Television Downloading in Brazil (Why They do it and Why is not Wrong)....160
  Moral disengagement........................................................................161
  Motivations for downloading............................................................171
5.3. Informal Viewing Practices of Pirate Audiences in Brazil...............182
  The Brazilian pirate audiences’ profile - Sample demographics..........182
  Downloading and viewing practices..................................................183
  The challenges for TV downloading practices....................................187
  Social practices, online communities and fandom............................188
  Suggestions for the media industry...................................................191
5.4. Informal Distribution Practices........................................................194
  Case Study One: The pirate audiences informal digital distribution channels – organised networks.........................................................196
  Case Study Two: Legenders, the amateur subtitlers..........................211
5.5 Pirate Audiences and the Informal Viewing and Distribution of Television Shows – Practices in Brazil.........................................................241
  The Brazilian case study in an international context.........................241
  Is television downloading theft?.........................................................242
  Motivation for downloading, uploading and creating subtitles...........247
  The complexity of a parallel system of informal viewing and distribution of television shows - the levels of engagement..........................248
  The parallel system of informal distribution of television shows resembles formal distribution..........................................................250
  The usefulness of rethinking pirate audiences in Brazil.....................254
5.6. Chapter Summary.............................................................................256
Conclusions ........................................................................................................... 258
Contributions to knowledge ............................................................................. 261
Limitations of this study ................................................................................. 264
Recommendations for future research ............................................................. 265

References ........................................................................................................... 268

Appendix A ........................................................................................................ 299
Appendix B ........................................................................................................ 300
Appendix C ........................................................................................................ 302
Appendix D ........................................................................................................ 303
Appendix E ........................................................................................................ 310
List of Figures

Figure 1.  Dawson’s Creek website screenshot (1990s version).................................xvi
Figure 1.1: Screenshot of the Hulu website.................................................................25
Figure 1.2: Screenshot of the Netflix website..............................................................26
Figure 1.3: Screenshot of the telenovela Fina Estampa..............................................27
Figure 1.4: Four gifting metaphors.............................................................................48
Figure 2.1: The levels of engagement of pirate audiences.........................................65
Figure 2.2: Two Broke Girls download in Freak Share.............................................67
Figure 2.3: Mad Men download in First Load.............................................................68
Figure 2.4: Top 100 most downloaded TV shows on The Pirate Bay website.............69
Figure 2.5: Utorrent screenshot..................................................................................70
Figure 2.6: Screenshot of the Official Facebook Group of the TV show Revenge
(ABC-US)..................................................................................................................81
Figure 2.7: A model of fan identification.....................................................................85
Figure 3.1: Access to a computer with internet from home in Brazil..........................105
Figure 3.2: Map of home access to the internet in 2010 (%)......................................107
Figure 3.3: Visitors to The Pirate Bay website by country.........................................108
Figure 3.4: Penalties for copyright infringement under Brazilian law.....................110
Figure 4.1: Research design.......................................................................................126
Figure 5.1: Brazil-Series website at the time of shutdown in 2010.............................163
Figure 5.2: Motivations for downloading TV shows in Brazil....................................172
Figure 5.3: Justifications of participants in regards to whether or not they would pay for a service that offered authorised downloading of television shows (Question 20)......173
Figure 5.4: The distribution of respondents per age group……………………………………183

Figure 5.5: Results of age group (in years) X Frequency of downloading………………185

Figure 5.6: Peak tour internet traffic…………………………………………………………186

Figure 5.7: The participants’ practices in association with TV shows they download………………………………………………………………………………………………………..190

Figure 5.8: Types of suggestions made by respondents about how the television industry might modify the distribution and release of TV shows………………………………..192

Figure 5.9: Viewers’ complaints about late releases of US TV shows on the Warner Channel Brasil Facebook Page……………………………………………………………………193

Figure 5.10: Informal and formal distribution in Brazil of the TV series Supernatural Season 8 Episode 2 (S8E02) and its amateur subtitles……………………………………195

Figure 5.11: Supernatural/Sobrenatural Orkut community showing 738,173 members and the file sharing linking format…………………………………………………………………198

Figure 5.12: A and B: Comparison of how the administrators of two downloading websites promote the availability of new links for downloading on their Facebook pages………………………………………………………………………………………………………201

Figure 5.13: Homepage of SeriesFD showing the downloading links available for the new episode of Supernatural……………………………………………………………………202

Figure 5.14: Downloading website announcing link for informal live streaming of TV show on the Facebook group page of Baixar Seriados……………………………………204

Figure 5.15: Customised folder where downloaded TV shows, in this case, episodes of Arrow, may be archived…………………………………………………………………………………………205

Figure 5.16: A downloading website asking pirate audiences for patience after the shutdown of Megaupload and other cyberlockers……………………………………………..209

Figure 5.17: Legendas.TV initial page……………………………………………………………216

Figure 5.18: Legendas.TV’s page for downloading the amateur subtitles of Supernatural S8E01…………………………………………………………………………………………221

Figure 5.19: Queens of The Lab Facebook group page………………………………………222

Figure 5.20: InSUBs YouTube page with trailers of the TV shows the team members create subtitles of……………………………………………………………………………………223
Figure 5.21: Website of the Legenders team called Darkside

Figure 5.22: The Legenders showed support to the breast cancer awareness month.

Figure 5.23: Formal versus informal (online) distribution of US TV shows in Brazil.
# List of Tables

Table 4.1: Ten downloading websites in Brazil………………………………………152

Table 4.2: The profile of the participants…………………………………………154

Table 5.1: Details of US of American television shows screened in Brazil and the US and their popularity with Orkut communities (October 2010)……………………………………175

Table 5.2: Details of US American television shows screened in Brazil and the US and their popularity on Orkut communities (May 2011)……………………………………178

Table 5.3: The greatest difficulties identified by respondents with regard to their downloading of TV shows…………………………………………………………………………188

Table 5.4: The most identified forms by respondents with regard to how they heard about the TV show they download ……………………………………………………………198

Table 5.5: Ten downloading websites in Brazil which were selected for analysis……200

Table 5.6: The profile of the interviewees…………………………………………212

Table 5.7: Team of Legenders X Total number of members as of May-October 2012……………………………………………………………………………………………………213
Abstract

Grounded on a series of cases studies in Brazil, this thesis is an investigation of online audiences’ informal practices of viewing and distribution over the internet. As part of the steadily growing phenomena of peer to peer file sharing, television audiences across the globe are increasingly utilising the internet to informally access, distribute and/or facilitate access of television shows to others. For the purposes of this research, I use the term pirate audiences drawing from Ramon Lobato’s (2011) first use of the term, as well as similar uses such as “piracy audience” (Gustavo Cardoso, Lima, & Vieira, 2010), which are based on the notion of audiences involved in unauthorised practices of media sharing. I extend this conceptualisation of pirate audiences through an original empirical study.

I examine how the concept of pirate audiences can offer a new way to understand piracy and audiences. I argue that this can be re-thought by exploring their informal practices of viewing and distribution of television content on the internet. Regardless of the source, generally, the content watched by a person who downloads is the same as a person who watches it on their television set. I draw from Nick Couldry’s (2011, 2012) work on everyday practices on digital media and analyse research on media file sharing and audiences’ digital practices. This analysis is developed through an investigation into how pirate audiences in Brazil create and maintain a parallel system of informal viewing and distribution of US television programmes through their informal practices on the internet. There is little research on television file sharing in Brazil as reports on internet use in the country only consider music, film and/or software downloading. Brazil is a BRIC country, one of the world’s largest economies and where over 20 million people are involved in unauthorised downloading of media.

The investigation on Brazilian pirate audiences was undertaken using a mixed methods approach, which included qualitative and quantitative data collection. The main methods of data collection included online nonparticipant observation and analysis of downloading practices through websites and online communities in Orkut, online
interviews and a focus group, and an online survey of 106 participants (n=106) who were regular downloaders of TV shows in Brazil. All data was coded and analysed by themes.

The results demonstrate that informal practices are transnational because of the global reach of the internet. However, I argue that socio-political and economic aspects in Brazil have an influence on how people perceive and organise themselves in informal practices on the internet.

This thesis supplements the literature on informal media economies and audiences research in online environments. By grounding the research in case studies in Brazil, the contribution to knowledge relies on making visible an activity that is considered criminal, but at the same time, it represents how audiences are evolving in the digital environment.
Abbreviations and Glossary

Author: Throughout the thesis I use the word “author” to indicate my translations from Portuguese to the English language. Also, I used to indicate that I have created a determined table or figure.

ABTA: Brazilian Association of Subscription Television.

ADEPI: Intellectual Properties Protection Association (Brazil).

APCM: Anti-piracy Association of Films and Music (Brazil).

Cyberlocker: File hosting service, cloud storage service or online file storage provider. Also known as Internet hosting service specifically designed to host user files.2

Fansub: It is short for fan-subtitle.

Fansubber: Amateur subtitlers.

Geo-blocked: It means that the video content may be only available for viewing in a determined country.

IBGE: Brazilian Institute of Geography and Statistics.

IBOPE: The largest private research company in Latin America and the 12th in the world Brazilian Institute of Public Opinion and Statistics.

IPEA: The Institute for Applied Economic Research (Brazil).

LTV: Legendas.TV

Non traditional: Informal, unregulated untaxed, unauthorised.

PVRs: Personal Video Recorders (PVRs).

Traditional: For the purpose of this thesis it means formal, regulated, taxed and authorised.

SMS: Short Message Service.

TV downloaders: People who download television shows through the internet.

2 http://en.wikipedia.org/wiki/File_hosting_service
TV Shows: I alternate between TV shows and TV programmes, both meaning commercial television content.

VHS: Video Home System.

VCR: Video Cassette Recorder.

Western TV shows: I mostly consider television shows produced in the US, Canada and Europe.
Preface

In April 1998, I was a fifteen-year old teenager living with my parents in my hometown of Belo Horizonte, Brazil. For the previous three years my family had a subscription to paid cable TV at home. In 1997 we stepped up to our first computer with dial-up internet connection. Every time I connected to the internet it would count as a phone call. Because of my parents’ rules, I was only meant to connect after midnight (on school breaks). Only on weekends I was allowed to be online for unlimited time - as long as the connection didn’t drop down too much.

During my teenage years, my favourite TV show - Dawson’s Creek - was broadcast only on Warner Channel, a cable TV station. My English proficiency wasn’t very good at the time but I enjoyed navigating the show’s official website, talking to other fans in English on the online forums, checking the characters’ photos and diaries, or reading fan fictions (fan-made-up stories) about the series.

This was my first experience using the internet to search for a television show I liked and engage socially with others, who like me, were fans of this show. I was probably lucky that I couldn’t understand every discussion held in those online forums. There were viewers in the US, who would have had just watched the new episodes; hence, there were a significant amount of spoilers.

As the Brazilian cable TV networks were always a season behind, if I read something that would stir my curiosity, I would have to wait - like everyone else in my country - for the new season to be broadcast the following year. At the time, this was fine. I had a dial up connection, I could read Joey Porter’s blog and download Dawson’s Creek wallpapers. I had access to the world!
By the early 2000s, an increasing number of friends and family members had access to high speed broadband internet at home, while in mine we still had dial up. I remember how music and software downloading and then its subsequent burning into a CD seemed just a natural shift from VHS and music tapes copying and then gifting to another person. I also remember messages from anti-piracy organisations on physical piracy, but not so much on digital piracy, but even the latter were not as frequent as at present.

After graduating from university in late 2005, I moved to the US where I lived until 2008. There, I lived with an American family who had a high-speed broadband connection and had numerous channels in their cable television plan. I was exposed to new series of television programmes I had not heard about and also, the possibility of watching it all for free on the TV networks websites.

I started questioning global television distribution not only from my personal experience of living in that house, but also while doing my postgraduate course on entertainment media management at NYU. There, I met people from the industry who were often discussing the challenges of television and internet convergence. In early 2008, I went back to Brazil only to find that my favourite TV series were being broadcast weeks and sometimes months behind the US. My frustration was apparent, not to mention, the fact that now I could understand the online discussion forums.
In early 2009 I moved to Australia where there is also some lag in the release of new episodes or new television shows from the United States. I learned that just like in Brazil, unauthorised file sharing is also an issue down under. For this reason, when I started this research my intention was to undertake a comparative study between Australia and Brazil. After conducting pilot studies and preliminary observations, I found that although unauthorised downloading of media is a global issue, there are local aspects that may influence how this happens, in what circumstances and under specific pretences.

So, I chose to focus my study on Brazil, one of the world’s largest economies and a country where over 20 million people are involved in illegal downloading of media everyday (the population of Australia). That plays an increasingly significant role in the political economy of emerging digital media environments. From my personal and academic experience, I suspected that Brazilian case studies could give me great insights into file sharing practices beyond limiting to “it is a price issue” or “piracy is illegal”.

This thesis is written by a television-show-viewer, a new-media-user and a curious person who enjoys participating in discussion forums and who is constantly searching for and interacting with other peers in ‘the network’. It is also written by an early career researcher with a notorious interest in popular culture.

Though I acknowledge the impact that widespread media piracy might cause on the economy, I place myself as part of a global audience that is unsatisfied with the current global distribution system and think it’s time for change. Change to the system and/or change as to how we understand piracy and audiences involved in so-called “piracy”. I see a lot of myself in the audiences presented throughout this thesis, especially in regard to conflicts between what are defined as piratical practices and what are defined as everyday practices. My research explores sub-cultures of peeracy, to paraphrase Gilberto Gill in his former role as Brazilian Minister of Culture. So now, I would like to share with you my findings.
Introduction

This thesis investigates how television audiences in Brazil are creating an alternative system of informal viewing, as well as an alternative means of distributing television shows over the internet. Brazil is one of the world’s largest economies and where over 20 million people are involved in unauthorised downloading of media everyday. There is little research on television file sharing in Brazil as reports on internet use in the country only consider music, film and/or software downloading. Though this thesis explores case studies in Brazil in detail, they are part of the emerging phenomena of peer-to-peer file sharing.

Television audiences across the globe have increasingly utilised the internet to informally access, distribute and/or facilitate access of television shows to others. Regardless of its occurrence happening in non-commercial settings, these practices are considered as piracy, since they are legally translated to theft of intellectual property and copyright infringement (APCM, 2012b; Mason, 2008; Yar, 2008). The negative aspect of piracy has been exhaustively highlighted by authorities and copyright holders (UK Ipsos MediaCT & Oxford Economics 2010). However, despite law enforcement, censorship and strike rules, media piracy has been shown to be strongly connected to pricing (Karaganis, 2011b). The approach of scholarship on piracy has been to contextualise it around resistance, informality, innovation, opening markets capability and peer-to-peer collaboration (Gustavo Cardoso, Espanha, Jacobetty, & Lima, 2010; Jenkins, 2006a; Lessig, 2008; Lobato, 2009b; Lobato & Thomas, 2012a).

The growing popularity of the internet and the accessibility to digital tools to produce and distribute content, contribute to the current complex and evolving digital environment and has generated other topics of inquiry. For instance, sharing, participating and interacting with other peers are activities of great interest in the field of communication and media (Bauwens, 2005a; Carpentier, 2011a; Giesler & Pohlmann, 2003; Goggin, 2011b; Livingstone, 2008). In the light of these discussions, studies of new media audiences address digital practices from the perspective of digital cultures (de Luca Pretto & Bailey, 2011; Jenkins, 2006a), fan studies (Baym, 2011; Itō, 2012; Jenkins, 2008a),
active audiences’ practices (Bolin, 2012; Nightingale, 2011a), audience participation and user generated content production (Bruns, 2008a; Carpentier, 2011b). Moreover, other scholars demonstrate how users are engaging with internet tools to create content from copyright protected media files (Lessig, 2008). Lastly, there are scholars studying television as a medium in transition (Bennett & Strange, 2011) and analysing how people assume more active positions online and in working in collaboration with other peers (Baym, 2011; Benkler, 2006; Itō, 2010; Jenkins, 2006a).

In terms of informal practices, contemporary research examines the motivations that drive internet users to practice file sharing (Beekhuyzen, 2009; B. Brown & Barkhuus, 2006; Cenite, Wanzheng Wang, Chong, & Shimin Chan, 2009; Lacayo, L. McClung, Kinnally, & Sapolsky, 2008; Rutter & Bryce, 2008; X. Wang & McClung, 2011) and the moral disengagement towards unauthorised media file sharing practices (Bonner & O'Higgins, 2010; LaRose, Lai, Lange, Love, & Wu, 2005). Additionally, there is a range of research on the informal distribution of TV shows and fansubbing practices (Barra, 2009; Bernardo, 2011; Bold, 2012; Itō, 2012; Jenkins, 2008a; Lee, 2011; Leonard, 2005; Perez Gonzalez, 2007; Prado Alves Silva, 2009; Tian, 2011), though they are limited and mostly focused on Japanese animation content.

Taking into account these discussions, the notion of audiences as viewers of television shows is changing from the moment they access content through the internet. That is because on the internet audiences are involved in many other activities that go beyond passively sitting watching television. Thus, terms such as users, internet users, internet audiences have emerged to classify them (Lievrouw & Livingstone, 2006). I argue that much of the understanding of the complexity of online television audiences and their informal practices is lost by aligning and generalising their practices to other internet activities.

The fact that seems to be overlooked is that regardless of the source, generally, the content watched by a person who downloads is the same as a person who watches it on their television set. The primary difference relies on infringing broadcasting rights, which
defines who qualifies as audience and who qualifies as pirate. For the benefit of this research, I consider people who download TV shows as *pirate audiences*. I am not the first to introduce the term (Lobato, 2011), or a similar term, “piracy audience” (Gustavo Cardoso, et al., 2010) based on the notion of audiences involved in unauthorised practices of media sharing. I extend the concept of pirate audiences introduced by these scholars by applying it empirically in this study.

**Problem statement and aims**

Despite the comprehensiveness of the studies mentioned above, to date there has not been sufficient research that connects the unauthorised sharing of television content, which is considered piracy, to the concept of downloading as an alternative way of watching and distributing commercial television shows.

The notions of audiences and piracy are changing along with what audiences are doing when utilising internet tools. There is emerging scholarship discussing everyday usage of digital media with a focus on practice, aiming to understand from a broader perspective “what people are doing with, or in relation to, media” (Couldry, 2011, p. 217). As Couldry (2011) argues, practice theory “can help us deal with this complexity, not least by looking out for the emergent classifications of this complexity in everyday practice itself” (p. 221). As he exemplifies, practices of watching television, can change from one audience to the other. Therefore, even though content has an important role in triggering activities, such as informal viewing and distribution of content, the idea of practice is more important than the content itself. This is a topic that needs further research given the constantly changing environment of digital media and contemporary audiences.

Also, there has been growing interest into informal media economies and digital technologies (Gustavo Cardoso, et al., 2010; Dent, 2012; Karaganis, 2011b; Lessig, 2008; Lobato & Thomas, 2012b; Mason, 2008). The literature does not address from a holistic point of view, how audiences create and maintain a parallel system of informal viewing and distribution from the perspectives of both, viewers and distributors of television shows. Further, there is a gap in the literature in terms of explorations of case
studies in Brazil. In this country, audiences of television shows, mostly produced in the US, appear to create an effective parallel system to traditional broadcasting through their collaborative work and organised networks.

Television downloading practices is an exciting field of research which is rapidly changing and its developments need close attention. By addressing the gaps mentioned above, this research identifies the following key issues of concern:

- There are changes on television viewing practices with the growing popularity of internet access. These may have an impact on our understanding of television audiences and piracy.
- Grounded in case studies in Brazil, this understanding can be developed by looking closely at how pirate audiences create an effective parallel system of informal viewing and distribution practices of television shows.

Therefore, this research aims to:

a) Examine the usefulness of the use of the concept of pirate audiences to offer a new way to understand piracy and audiences. This can be re-thought by analysing their informal practices of viewing and distribution of television content on the internet.

b) Investigate how the pirate audiences in Brazil create and maintain a parallel system of informal viewing and distribution of US television shows through their informal practices on the internet.

By accomplishing the aims, this study extends the notion of pirate audiences, relating it to television audiences involved with informal practices.

**Scope**

This study does not have as its purpose to defend the illegal distribution of television shows, but seeks to call attention to a scenario that occurs in parallel to formal viewing
and distribution of television. It is immersed in informal media economies which are “zones of unmeasured and unevenly regulated media production and exchange, which articulate with conventional media systems in unpredictable ways” (Lobato & Thomas, 2012b, p. 379). However, it focuses on digital and non commercial viewing and distribution of television shows by the pirate audiences in this research.

A significant amount of research has examined the production of user generated content and it is a complex topic itself. It considers audiences utilising copyright protected content and remixing it and mashing it up, among other creative activities (Lessig, 2008; van Dijck, 2009). These practices may also qualify particular individuals as pirate audiences, but these lay outside the scope of this thesis. This thesis explores the informal distribution and consumption of full length TV shows. I do, however, acknowledge that by producing fan-made videos of television shows, memes, among other products, means that these audiences are promoting content.

Although piracy is a critical component of all media economies, I do not focus on legal aspects, but rather establish a framework around media practices and put forward the perhaps overlooked idea, that many pirates are audiences. When positioning myself within the assumption that unauthorised sharing of television content, on a non-commercial basis, can be seen as an alternative way of watching TV, I am able to examine how and on what grounds these practices happen and extend the ongoing discussion on the nature of new media audiences.

Further, the notion of piracy can be related to the commercial and non-commercial, physical and digital practices. The focus of this study is on non-commercial and digital or internet piracy, acknowledging its illegal aspect, but emphasising the informality of the practice rather than its criminal connotation. Commercial piracy is an issue that is not explored because it involves a different type of piracy. This piracy relates to the commercial exploitation of intellectual property from people who do not retain the rights. The piracy related to this research thesis is web-based, although it excludes websites which sell DVDs, and it is socially developed because it is carried out by television show
fans or non-traditional audiences. It is a piracy that depends on the voluntary work of viewers and the content is generally claimed to be used for private entertainment.

In the literature review and background I consider studies on music, films and software piracy, which have been focus of much research in contrast to studies on television downloading (Newman, 2012). The empirical research is narrowed down to emphasise pirate audiences in Brazil and their practices of informal viewing and distribution of US television shows. The reason for the distinction is so I may focus on specific, and yet limitedly explored, niche audiences in Brazil.

The case studies in Brazil are utilised to examine how transnational the online piratical practices are made, considering the global reach of the internet, but at the same time to indicate its particularities. That is, to understand to what extent geographical borders and cultural, political and economic aspects may influence informal practices. Though, this thesis is not a thorough study of these aspects, the Brazilian context is utilised to ground the research.

Brazil is an important area for research for a range of reasons. Firstly, it presents high levels of internet piracy (Mizukami, Castro, Moncau, & Lemos, 2011). Although less than 50% of the total population have access to the internet, which is greater than 82 million people (Nielsen Online in Federowski, 2012), recent research indicates that approximately 41% of this portion download media content from unauthorised sources (IPEA, 2012). In other words, over 20 million people in Brazil are involved in what is defined as digital piracy. This information can also be confirmed on internet traffic statistics websites, such as Alexa³, which shows that Brazilian visitors are in the top five of media downloading websites Pirate Bay, Megaupload and Rapid Share.

Secondly, Brazil holds an important position in the global economic and political environment, along with Russia, India, China and South Africa. Recently, it has attracted attention for its proposed bill titled *Marco Civil* [Civil Rights Framework for the Internet] which “[e]stablishes principles, guarantees, rights and obligations related to the use of the Internet in Brazil” (2011, p. 1). The bill has been viewed as a significant development for protecting freedom and civil rights online and is thus considered a role model for other BRICS countries who, as a response to the piracy problem, have alternatively designed heavy restrictions in their internet laws (Lemos, 2012). Brazil, therefore, warrants the attention being given to its developments.

Thirdly, the Brazilian social practices indicate a separation between formal law and everyday practices (DaMatta, 1986; Duarte, 2006; Gaglietti, 2006). Media file sharing could be related to the Brazilian way of getting things done.

**Significance of the study**

This thesis supplements the literature on informal media economies and audiences research in online environments. By grounding the research in case studies in Brazil, the contribution to knowledge relies on making visible an activity that is considered criminal, but at the same time, it represents how audiences create and maintain a pirate network of informal viewing and distribution of television shows.

Another intended outcome is though the focus is on case studies in Brazil, many aspects of pirate audiences’ informal practices may be generalisable and applicable to other contexts. That is because the informal distribution and consumption of television shows is a global practice for the accessing of content. On the other hand, national differences may also present themselves, thus a necessity of an in depth investigation in Brazil.

---

4 Economist, Jim O’Neill, has created the acronym BRICS, or Brazil, Russia, India, China and South Africa.
**Methods**

Since limited empirical work has been done on the case studies analysed in this thesis I chose to utilise mixed methods, qualitative and quantitative, in order to obtain more comprehensive information (Creswell, 2009, 2013; Creswell & Plano Clark, 2011). As Teddlie and Tashakkori (2003) affirm, mixed methods study provides for a broader, stronger and deeper investigation than single methods could provide (pp. 14-16). The methods of this study draws from focused examination of the local manifestations of television downloading and distribution practices, and it is guided by my aim to explore these informal practices. I divided the data collection into three components. The results of each phase comprised all the other steps of data collection.

- **Component One – Observation and Document Analysis of Informal Viewing and Distribution** (August 2010 to November 2012). This data collection consisted of accessing websites related to file sharing in Brazil and taking field notes. It included nonparticipant observation of Brazilian pirate audiences’ practices and their interactions with each other in online communities in Orkut and Facebook related to television shows downloading and fansubbing. Also, data was collected through nonparticipant observation of television networks websites, in addition to websites and online communities that provides links for downloading, for fansubtitles and analysis of discussion threads after online news media related to file sharing in Brazil. Finally, I analysed public policy documents, anti-piracy and government organisations’ reports and online news sites.

This component of data collection was also used as part of a triangulation process. In order to increase reliability and validity of results, most data was coded and analysed by revisiting it when new questions arose from the other two components;

- **Component Two - Online Survey on Informal Viewing** (July and December 2011): The data was collected through an online survey (n= 106) conducted with participants that are regular downloaders of TV shows in Brazil. The survey was
designed to generate qualitative and quantitative data with the purpose of providing a general understanding of informal viewing practices in Brazil and to better inform component three of data collection which relates to informal distribution. The results were used to illustrate Brazilian common and transnational informal online viewing practices of TV shows. The responses were unidentified during the qualitative and quantitative analysis of data;

• **Component Three – Case Studies on Informal Distribution and Amateur Subtitles Production** (September 2011 to October 2012): I developed two case studies in order to examine informal self-organised distribution of pirate audiences in Brazil. All data was coded and analysed by themes:

1. Informal distribution through downloading websites and Orkut communities. The methods utilised were the analysis of downloading communities and websites combined with an interview with the owner of a downloading website: *Download Séries*.

2. Production and distribution of amateur subtitles which are compiled with the video files available for downloading. The methods utilised were analysis of Facebook group pages of amateur subtitlers and websites that are used to distribute subtitles. Next, I interviewed seven *Legenders*, who are amateur subtitlers of US TV shows, via email, Facebook and Windows Live Messenger; I also interviewed the owner of a website that distributes amateur subtitles via Skype; finally, I conducted an online focus group with three other *Legenders*.

The participants of this research are involved in the unauthorised viewing and distribution of television shows. Since this practice is considered copyright infringement, and thus against the law, I had to adapt the methods above in order to accommodate ethical considerations and in order to protect both the participants and myself from harassment.
or even prosecution. This explanation along with complete details of such approach, are developed further in Chapter Four.

**Outline of the thesis**

This thesis is structured into six chapters. Throughout this thesis I establish a framework around media practices and put forward the little explored idea that many pirates are audiences. When positioning myself with the assumption that informal sharing of television content, on a non-commercial basis, can be seen as an alternative way of watching TV, I am able to examine how and on what grounds these practices happen and extend the ongoing discussion on the nature of new media audiences. The purpose of each chapter is listed below.

Chapter One, “The Internet and Changing Conceptions of Audiences”, sets the background for this research thesis by demonstrating through a review of relevant literature how the internet has changed television viewing, and impacted on the understandings of audiences and piracy. It reveals that these changes relate to an increase in audience participation that utilises the internet to cater for their demand for specific media content. Literature on digital piracy has shown that there is great moral disengagement towards the activity, or in other words, people do not see file sharing as theft. Instead, they rationalise their involvement in what is considered an illegal activity by authorities, but at the same time, it is a socially accepted practice among their peers. The chapter also considers literature that focuses on the motivations for downloading.

Chapter Two, “Piratical Practices” identifies through a review of the literature the practices of pirate audiences related to informal viewing and distribution of television shows. It explores the overarching theoretical approach in this thesis which is conducting practice oriented research on contemporary audiences (Couldry, 2011). The primary purpose of this chapter is to explore the practices of pirate audiences through their different levels of engagement in the network. A classification which both assumes the active nature of pirate audiences and considers the different roles they play in the pirate community. Accordingly, I classify them into three levels: (1) active-passive and active-
incidental, which intentionally correspond to the same level, (2) active-social and (3) active labour. This typology is a result of organising the literature in order to make sense of pirate audiences’ practices which also allows me to hypothesis about the applicability of the model when applied to the Brazilian pirate audiences and discussing how they fit in this model.

Chapter Three, “The Background to Media Research on Digital Piracy in Brazil” contextualises the empirical work of this thesis. It overviews media research on digital piracy and new media audiences in Brazil indicating that there is a gap in the literature that addresses how audiences in this country informally maintain a parallel system of viewing and distribution of US television shows. It is followed by Chapter Four, “Research Design”, which introduces the research methods utilised during the data collection in Brazil. It also presents the ethics consideration and challenges for conducting data collection online.

Next, Chapter Five, “Informal Viewing and Distribution Practices of Pirate Audiences in Brazil”, presents the results and discussion of the practices of downloading, distributing and creating subtitles for television shows on the internet from the perspective of pirate audiences in Brazil. It addresses themes that were also raised in the literature on file sharing, such as in terms of moral disengagement and the motivations for downloading. Next, it examines the particularities of informal audiences in Brazil. The chapter also presents the results and discussion of two case studies in Brazil: downloading websites and fansubbing practices conducted by the Legenders.

Finally, Chapter Six, “Conclusion”, proposes to connect the findings with the aims of the study. It also makes suggestions for future research.
Chapter One:
The Internet and Changing Conceptions of Audiences

1.1. Introduction

This thesis is an enquiry into how television audiences are engaging with internet tools and creating a parallel system of informal online distribution and consumption of content to traditional television broadcasting. It is common knowledge that emerging and evolving digital technologies impact audiences’ everyday lives and how they consume media content (Nightingale, 2011a). In the past decade watching television shows has evolved from the tradition of sitting on the couch and scanning multiple, but limited channels, to searching, selecting and collecting the desired television shows over the internet. B. Brown and Barkhuus (2006) describe this relatively new phenomenon as the “television lifecycle”, which also includes “sharing and discussing those shows with others” (p. 4). Thus, it is possible to argue that people with adept computer skills, with access to the internet, and a desire to watch television content in a non-traditional way, have been engaged in the distribution and consumption of television content practices. Some of the “television lifecycle” activities, however, align with current concepts of internet piracy. It involves the unauthorised sharing, copying, viewing, downloading, archiving, broadcasting and distribution of copyright protected content, whether or not the copier is seeking profits (Lessig, 2004; Mason, 2008; Yar, 2008). This research does not disregard the fact that piratical practices are currently considered illegal (APCM, 2012b), but focuses on the aspect of piracy which reflects both changes and a need for change in the way informal audiences are approached and the way media is distributed. It is important to note that the pirates considered are audiences who share content for social purposes as well as private use, that is, they do not seek profits for their actions.

The aim of this chapter is to examine the effectiveness of the use of the concept of pirate audiences to offer a new way to understanding piracy and audiences. In this research, I include audiences who distribute and access television shows through unauthorised platforms as pirates. I borrow the term “pirate audiences” from Lobato (2011), also using the “piracy audiences” framework of Cardoso, Lima and Vieira (2010) to address these
audiences. In this thesis, pirate audiences are empowered groups of audiences who engage with each other within networked social media environments and in this way create a parallel system of distribution and consumption of TV content. The notion of empowerment is based on the idea that “[t]he declining price of computation, communication, and storage have, as a practical matter, placed the material means of information and cultural production in the hands of a significant fraction of the world’s population” (Benkler, 2006, p. 3). Also, as Carpentier (2012) describes “[t]he key defining element of participation is power” (p. 170). Thus, audiences utilise the internet to participate, to interact with other audiences and to provoke change in terms decision making and gate keeping of content. However, in exchange, their viewing practices have been impacted by technological changes.

The chapter starts by describing how audiences building alternative networks to access content is neither a novel practice nor limited to the digital environment. Next, it explores how developments in Information and Communication Technologies (ICTs) and the changes in the relationship between internet and television impact the understanding of media audiences and piracy. It reveals that these changes relate to an increase of audience participation that utilises the internet to cater for their demand for specific media content. This is followed by an exploration of literature on digital piracy which has shown that there is great moral disengagement towards the activity, or in other words, people do not see file sharing as theft. Instead, they rationalise their involvement in what is considered an illegal activity by authorities, but at the same time, it is a socially accepted practice among their peers. The chapter also considers literature that focuses on the motivations for downloading as to explore why audiences involve in piratical activities which opens discussion for Chapter Two, where the informal practices are examined further.

1.2. Let’s Keep it Clear: Neither Unauthorised Sharing of Media nor the Need to Access Media Content in their own Terms are New Trends for Audiences

Although it has been enhanced by internet technologies, unauthorised sharing is not a novel practice. The notion of piracy as copyright infringement originates in an analogue and offline context. In the seventeenth century, the term was first used to refer to
unauthorised copies of books (Johns, 2010). Subsequently, according to Johns (2011), throughout the Industrial Revolution “there were pirates of music, of spectacles, and of medicines” (p. 16) which also involved unauthorised reproduction of intellectual goods for commercial purposes. In the 1920s, however, radio pirates changed the concept of piracy as commercial exploitation, because they “did not physically produce or replicate anything. They were pirate listeners” (Johns, 2011, p. 16). That is, they did not pay for licenses to access radio broadcasting.

About 60 years later, film and television copyright holders found themselves in a similar situation where audiences were accessing their content for free, but for private use only. That happened through audiences sharing and making copies of video content with the use of Video Recorder Cassette (VCR). According to Smith and Telang (2009), at first the film industry accused the manufacturers of home video equipment of copyright infringement given that viewers were making unauthorised copies. The film industry feared it would cannibalise the movies’ audience market (Winslow, 2012). Similarly, television content producers also feared the consequences of new technologies. For instance, in the early 1980s, Universal Studios went to court against Sony, arguing that audiences were tape-recording television shows and therefore skipping advertisements (Home recording of copyrighted works, 1982). The court decision exempted “all private, non-commercial video taping from liability for copyright infringement” (p. n/a). From this case it is interesting to note how the arguments raised can actually be related to contemporary discussions against media downloading:

Our guild is most concerned at present that widespread use of video cassette recorders will seriously harm the American film and television industry and erode its financial viability because of the impact of this new technology on after-theater markets. Others will present testimony on this subject who are better informed than I to discuss the precise economic impact of the video cassette recorder on our industry. However, one does not have to be a renowned economist or a statistician to understand that when millions of copies of one of our programs are made for free use on home video cassette recorders, the incentive to pay to view our creation again has totally disappeared. This fact cannot be disputed (p. n/a).

Despite the media industry fears, though, home video viewing grew exponentially in the US in less than twenty years. In 1987, almost 50% of US homes had a VCR increasing to almost 99% in 2003 (Lotz, 2007, p. 52). This introduced a new revenue stream for the
media industry which started to commercialise movies and television shows in the Video Home System (VHS) format for home use. VHS tapes turned into a business model for expanding the movie market (Quirk, 2007) and thus, a solid asset for film industry practices (Winslow, 2012, p. 30). In the 2000s the DVD started to gain popularity over VHS tapes sales (Hernandez, 2005; News, 2002). Basically, that is because “[t]here are superior benefits to DVDs, for example greater picture clarity and the inclusion of additional scenes and outtakes, along with it being a no-rewind format” (News, 2002, para. 10). Although the technologies were evolving, the success of the home video business continued.

In late 1990s alternative models to traditional and linear TV broadcasting, became available. For instance, Personal Video Recorders (PVRs), which succeed and improve VCR technology, allow viewers to record live television broadcasts and to pre-program television shows so they can be watched in their own time. Once again, the television industry feared new technologies, such as PVRs because viewers were able fast forward advertisements (Curry, 2003; Kohanik, 2006).

From a viewers standpoint, the possibility of video recording of television content provided them, for the first time, the ability to time shift, archive and to watch shows outside scheduled television hours (Campbell, Martin, & Fabos, 2010; Lotz, 2007). It represented a great change in audiences’ viewership patterns, and as Castells (2000) states, it “reinforced their selective viewing” (p. 366). Moreover, as Jenkins (2006a) demonstrates in his work, the VCR allowed people to “review favorite series” (p. 117) and also, to rewind and therefore to watch the content carefully as though reading it as a manuscript (p. 33).

The emergence and popularity of VHS tapes across the globe also facilitated the global flow of television content regardless of the licensing agreements of media representatives and distributors. For instance, fans of Japanese TV shows found in the new technology a solution for accessing shows that were not aired or difficult to access in their countries,
by making copies of VHS tapes and posting them to each other (Jenkins, 2006c). In reference to Japanese Anime, Leonard (2005) explains:

Fans used the introduction of the video cassette recorder (VCR) to share raw untranslated anime with others, as a slew of fantastic imagery and incomprehensible language bombarded audiences at the back of science fiction conventions. The birth of fan distribution followed, releasing anime shows upon a vast underground network of fans throughout the country (Leonard, 2005, p. 282).

Also, Jenkins (2006c) describes that VHS tapes of shows such as Star Trek, would be sent by American fans to Japanese fans in exchange for Japanese shows. Since, in both cases the programmes did not come with translation, Jenkins (2006b) explains that the tapes would be aired in science fiction circuits where someone would explain the story to an audience. Subsequently, in the early 1990s, fans started to translate and synchronise the subtitles onto the VHS tapes in a practice named Fansub, which is short for fan-subtitled (Jenkins, 2006c; Leonard, 2005). Fansubbing is a practice that is developed further in the next chapter.

As a result of these practices, many industry representatives found that VHS tape trading was a good way to verify the popularity of television shows in different markets (Jenkins, 2006c). The example of how Japanese programming grew in the US market through fans’ piratical practices reaffirms this argument. As Jenkins (2006b) describes:

Beginning in the early 1990s, large-scale anime conventions brought artists and distributors from Japan, who were astonished to see a thriving culture surrounding content they had never succeeded in marketing in the United States. They went back home eager to try to tap this interest commercially (Jenkins, 2006b, para. 5).

It is possible to argue that piratical practices of audiences of promoting content overseas helped to shape the business of video distribution. Also, new technologies, such as VCR which empower audiences in terms of how they view content, changed from a perceived threat to a business model for the TV and film industries. As Mason (2008) explains “[b]y refusing to conform to regulations they deemed unfair, pirates have created industries from nothing…and as a result new industries blossomed” (Mason, 2008, p. 37).

---

5 Japanese animation
In the same way that private video recording and sharing became allowable, or at least tolerable, audiences seem to have extended this practice to the digital environment. On the internet media files can be easily and inexpensively shared since they can be reproduced digitally and in a greater volume than VHS tape trading. As a result, peer-to-peer file sharing is now responsible for the majority of internet traffic in the world (Schulze & Mochalski, 2009). As Hirst and Harrison’s (2007) research confirms:

Illegal file-sharing began with MP3 music files, but it has spread quickly to newly released movies and even television programs. According to one industry study, by 2004 illegal downloading of television programs had increased by 150 per cent over previous years (Idato 2005). Consumers, it seems, are prepared to break the law in order to customize their music-listening and television-viewing habits (Hirst & Harrison, 2007, p. 288).

Peer-to-peer file sharing is commonly utilised by internet users across the globe in order to access media content such as films, music and television programmes. It allows for the informal search and download of almost any content a viewer might desire, and with constant availability. As Cunningham and Turner (2006) explain “[p]eer-to-peer networks use direct connections between computer clients (peers) rather than relying on server-client relationships” (p. 250). Therefore, the exchange of content happens between the file sharing audiences.

Since the late 1990s, different file sharing services, such as Napster and Grokster, were utilised as platforms where audiences could access media content (Vincent, 2007). All of these platforms faced some sort of disruption due to copyright infringement. Currently, BitTorrent is the most popular peer-to-peer file sharing protocol (Schulze & Mochalski, 2009). Designed in 2001 by Bram Cohen, BitTorrent is a platform for downloads where all file sharers are liable for the unauthorised distribution of unlicensed content. The BitTorrent owners learned from the mistakes of Napster and Grokster6 and have modified its file sharing system to be more acceptable to the authorities. They removed direct links to copyright infringing files (Vincent, 2007, pp. 8-9). Therefore, despite many attempts from copyright organisations to shut down these file sharing tools, they still remain strong.

---

6 Peer-to-peer file sharing programmes which had their services respectively discontinued in 2001 and 2005.
Besides the torrent technologies, internet users may also download television shows from file host websites, also known as cyberlockers (Karaganis, 2011b). The websites work with server-user dynamics. In contrast to the torrent technologies, as the user is downloading from one source it may take longer to receive a file. Despite the time involved, these cyberlockers are frequently used on fans’ websites and this will be demonstrated in the case studies presented in Chapter Five.

When comparing peer-to-peer file sharing on the internet to VHS tape trading, the latter presents many limitations, such as a loss of quality from one copy to the next. Also, exchanging tapes through the mailing system could take a considerable amount of time depending of the peers’ geographic location. Therefore, it is possible to argue that VHS trading did not reach the same volume of people that digital file sharing does, and therefore the industry did not feel as threatened as it currently does with contemporary informal digital sharing practices. As Karaganis (2011b) describes:

The scale of piracy has, rather, been determined primarily by shifts in technology and associated cultural practices, from the rise of CDs and VCDs (video compact discs) in the 1990s, to the explosive growth of DVDs in the early 2000s, to the more recent growth of broadband Internet connections (p. 10).

The scale in which file sharing practices occur amongst internet users has enhanced discussions about piratical activities. With the advance of digital technologies, audiences are able through file sharing tools, to continue informal distribution and consumption practices more efficiently in terms of time, reach, quality and cost.

Therefore, the evolving Information and Communication Technologies (ICTs) have impacted on the understanding of informal practices of sharing which have accentuated discussions on piracy given the scale in which these practices have occurred. Informal sharing of media is not a novel practice and not limited to the digital landscape. The same way audiences utilised analogue technologies to access content that was not efficiently supplied, digital technologies are also being used with the same purpose. The next section explores the impact of the ICTs on television viewing further.
1.3 The Impact of the Internet on Formal and Informal Television Viewing and Distribution

This section explores how developments in Information and Communication Technologies (ICTs) and the changes in the relationship between internet and television impact on the understanding of media audiences and piracy. Since the early 2000s, the convergence of media platforms, such as television and the internet, is presenting a challenge to entertainment industry leaders and generating discussion among scholars. Convergence is “an old concept taking on new meanings” (Jenkins, 2006a, p. 6). Convergence is where old and new media interact in the most different and intricate ways, where industry leaders search for answers in a time when new technologies are constantly emerging and audiences’ demand is evolving along with their increasing ability to shape back technologies.

Nightingale, (2007) identifies three challenges for media convergence. The first is how old media and cultural industries are challenged by the effects of new media as they operate in their business, such as the freedom given to audiences in terms of them being able to receive content at their own pace. Also, people can easily “create, borrow, share and even steal content that has been created by others” (Nightingale and Dwyer, 2007, p. 2). The second challenge for the media industry is protecting content and accessing income “they believe they have lost through illegal file-sharing” (Nightingale & Dwyer, 2007, p. 2). The third challenge for convergence is the sharing of content, which is both the essence of social networking and the purpose of media in terms of commercial exchange. Therefore, the convergence of television with the internet creates a situation of tension between social networks, internet audiences and industry and regulatory agencies all over the world (Nightingale, 2007). This section explores the impact of the internet on formal and informal viewing and distribution of television shows.

ICTs and the changing TV audiences

The increase of internet popularity across the globe, and the advance of new media technologies has empowered viewers and affected their viewing patterns because of the new way that audiences access television shows. On the internet, viewers are able to search for content from a broader range than what it is offered by television broadcasters.
Different scholars have described other digital practices that audiences may be involved relating it to a sense of empowerment gained through technologies. Kilker (2003) explains that media convergence is fundamental in the development of user control over media content, such as through archiving and producing content, and also for user resistance to “limitations such as those imposed by digital rights management systems and aggressive advertising” (p. 20). Baym (2010) also adds that audiences have more power over media through the internet because it enables them to “transcend distance and reach large audiences themselves, providing infrastructures for group communication, supporting archiving, enabling new forms of creative engagement, and lessening the social distance between them and media producers” (p. 178). Similarly, Punie (2011) suggests that empowerment is “a multi-dimension social process that helps people gain control over their lives” (p. 9). Punie (2011) refers to users having a different role and taking some control from others by using new media technologies. She argues, that although “full empowerment has not been reached through Information Communication Technologies (ICTs), the underlying processes and activities involving millions of people who are now connected online, cannot and should not be ignored” (p. 10). For instance, Spurgeon and Goggin (2007) understand the combination of Short Message Service (SMS) into broadcast television formats “as responsible for the shift of audiences being couch potatoes to ‘voters’ and ‘citizens’” (p. 318).

Consequently, the passive behaviour of television audiences that mass communication research has implied has been changing with the advance of the new technologies. As Jensen and Rosegren (2005) explain “the notion of the individual presumably affected by the mass media has varied, from that of a passive recipient of powerful messages to that of a much more active and selective user of media content” (p. 55). Sonia Livingstone agrees that audiences are moving away from being passive observers to active participants in a virtual world (in Napoli, 2011a, p. 12). In addition, Loosen and Schmidt (2012) describe contemporary audiences as “not a disperse mass of people engaging in the appropriation of media content or being appropriated by the media industry, but rather actively and collaboratively producing and disseminating information with the help of
networked digital media” (p. 871). That is because, on the internet audiences are able to create, remix and redistribute media content regardless of copyright implications. Moreover, audiences sometimes use the internet to participate by collaborating and providing feedback and input. Therefore, television viewing has shifted from being a passive practice, to “using, interacting and searching” (Shimpach, 2011, p. 77).

Lievrouw and Livingstone (2006) describe that the internet impacts on user participation, immediacy, access to information and interpersonal communication. Participation may vary from authorised activities, such as “voting online or via mobile phones in ways the affect the outcomes of programming” (Napoli, 2011a, p. 86) to informal and unauthorised practices. For instance, in social network websites, such as Facebook, Orkut and Twitter, and file sharing platforms, such as The Pirate Bay, are the tools and platforms where audiences view, produce, and share television content besides interacting with other peers. These audiences are not necessarily new audiences, but potentially a segment of traditional television audiences who are shifting their viewership patterns from standard television viewing to watching television content over the internet. Of course these audiences may also move in the other direction which is a change from accessing certain television shows through informal file sharing platforms, and other sources, and reverting back to watching shows through authorised television broadcasting, that is, live TV. Napoli (2011) refers to such changes in media consumption control as audience autonomy.

It must be taken into account, as acknowledged by Lievrouw and Livingstone (2006), on a practical level the participatory practices online do not apply to all users because not everyone presents the same degree of computer literacy and/or accessibility to digital technologies. Moreover, as Castells (2000) explains there are differences in internet usage within countries and between people of different social status, race, gender, age and spatial location (p. 377). For instance in Brazil, according to the Brazilian Institute of Public Opinion and Statistics 79.9 million people have access to the internet (IBOPE, 2012), which is less than 50% of the total population. These disparities are known as the digital divide. However, as Cardoso, et al. (2010) argue, based on European audiences,
“when a number above 20% of the population is building its mediation through alternative channels of obtaining content such a movement should be studied and deepen our knowledge of audiences” (p. 7). Thus, there is need to investigate this portion of audiences who are involved in informal practices.

Through a sense of “anyhow, anyplace, anytime”, in terms of the media content access that digital technologies allow (Livingstone, 2004, p. 76), the audiences considered in this thesis have alternative options to access content rather than through appointment television. If the content is not available, the audiences may even break the law by downloading it from unlicensed sources. When audiences utilise informal sources, however, they are considered pirates and thus, in the discourse of industry, are considered thieves of intellectual property (APCM, 2012b).

Audiences utilise digital technologies to break the sender-receiver dynamic by utilising technologies and thus becoming gatekeepers of television content in parallel to television broadcasters. As the focus of this research is on digital practices, it is important to note how audiences use the internet to decentralise “the capital structure of production and distribution of information, culture, and knowledge” (Benkler, 2006, p. 30). Therefore, audiences provoke social change through their practices of informal viewing and distribution7. As Bowrey (2007) argues consumers have “become participants in defining their relation with the media ‘provider’” (2007, p. 152) by playing a more active role in media distribution. At the macro level, they affect the creation of new markets, new policy and the broadcasting industry in general. In exchange, at the micro level, the internet influences people’s consumption practices, how they interact with each other and how they perceive digital media content.

In regards to new media technologies, Napoli (2011a) identifies two prominent ideas that are affecting the institutionalised media audience: first, media and audiences are becoming increasingly fragmented and second, audiences are becoming more autonomous by taking “control over their interactions with media” (Napoli, 2012, p. 84). For many television audiences, watching TV has grown beyond sitting on the couch and

7 Audiences’ practices are further discussed in Chapter Two.
changing channels using the remote control, to involve more active online practices. For instance, in Spurgeon and Goggin’s (2007) analysis of Big Brother shows they found that “interactivity is a resource that is being carefully managed in the process of retrofitting television to remain relevant and commercially competitive in the digital networked era” (p. 325).

Yet, Napoli (2011a) suggests that some of the digital practices have “damaging effects” (p. 84) such as audiences being able to skip advertisements. As a result of audiences’ autonomy it is possible to say that another damaging effect that concerns the media industry is the ability of the audiences to copy and share unlicensed media content in a digital landscape to a far greater degree than through analogue technologies. In industry discourse, this practice is considered digital piracy (AFACT, 2011).

As this reality is slowly being absorbed by the television broadcasting industry, finding the right compensation strategies has been the ultimate challenge. In the meantime, unauthorised downloading of copyright protected content reflects the new ways audiences are engaging with new media. When television audiences’ informal practices contend with media providers’ interests these audiences may be considered pirates.

**ICTS and the changes on formal viewing and distribution of television shows**

In the light of evolving new media technologies and viewing patterns, television is a medium in transition. Viewers may select, record, time shift and distribute television content in different ways. Some argue (Campbell, et al., 2010) that “not only is TV being reinvented but its audience – although fragmented- is also growing given all the new ways there are to watch television” (p. 169). Television viewing has increased in countries such as the US (Nielsenwire, 2009) and Australia (Meade, 2012), where linear television and live streaming are no longer the only ways of watching television. Other options of watching non-linear television may include Personal Video Recorders (PVRs) and watching shows on the internet through licensed websites. Hence, television is not dead, it is only changing.
The popularity of television is growing along with its ability to shape and influence old and new platforms (Miller, 2009; Norman, 1998), and simultaneously its ability to be shaped by the advance of the new technologies and the “cultural dynamics of each society” (IBOPE, 2012, p. 28). As Bennett and Strange (2011) contend:

The more challenging aspects of this hybridity in the digital age ask us to understand television as dispersed across a range of screens, sites, and devices that mix it with the properties from digital media—such as software, code, interfaces, social networking, broadband, peer-to-peer file sharing, intellectual property, and technological design—and, at the same time, recognise that the experience is still somehow television (p. 7).

The convergence of television with the internet brings uncertainty to many television network representatives because it “drives viewers away from their broadcasts” (Kompare, 2010, p. 81). Accordingly, there is a perceived loss of revenue due to file sharing and the availability of content online (Kompare, 2010). This scenario invites different perspectives such as major media companies having their revenues and stock prices fall and thus the questioning of whether internet television is a profitable model (Stone & Stelter, 2009). However, it has also been found that “traditional home television ratings are minimally, if at all, affected by broadband video viewing over the internet, because broadband viewing was found largely to be incremental new viewing rather than a substitute for traditional television viewing” (Nielsen, 2007, para. 2). Kompare (2010) states that many networks are finding the internet a useful platform to promote content in a legitimate fashion.

With the changes happening in a convergent environment, television networks are proactively working to find solutions to control distribution and to monetise content online in terms of advertisement (Castells, 2009), rather than waiting for new developments and then being left behind. It is plausible that “[i]f web users are shifting some of their media consumption to the web, therefore existing media suppliers might be able to capture the loyalty of viewers by providing video programming in this new medium” (Noam, Groebel & Gerbarg 2004, p. 188).
For instance, television audiences in the US are able to watch content on many broadcasters’ websites and through online channels, such as Hulu.com. Created in 2007, Hulu allows video content streaming from two hundred media companies. Hulu is operated by NBC Universal, News Corp., The Walt Disney Company, Providence Equity Partners and the Hulu team. The website’s library contains full episodes of television shows, movies, original web content and clips, all of which are supported by advertisement. Each video has its own business or legal agreements that determine when a video is to expire. Figure 1.1 shows a screenshot of the main page of Hulu.com.

![Hulu Website Screenshot](https://signup.netflix.com/MediaCenter)

*Figure 1.1. Screenshot of the Hulu website. Retrieved November 28, 2011, from Hulu.com.*

Moreover, television audiences may find Video-On-Demand (VOD) and content subscription services available in their countries. For example, also in the US, there is Netflix, where viewers can access films and TV shows from different devices, (see Figure 1.2), as long as they are connected to the internet and have paid the monthly fee of US 7.99. Although viewers mainly use Netflix to watch movies, from 2011 to 2012 there was an increase in the viewing of television shows (Nielsenwire, 2012), which demonstrates the growing popularity of digital distribution of content.

---

Furthermore, US audiences can watch television online through *TV everywhere* services, such as *HBO*\(^9\) *Go*. It allows HBO subscribers to watch HBO shows on communication devices which have access to the internet. Finally, there are other alternatives to access television shows through paid downloading, such as iTunes.

![Press play and watch in seconds via the Internet.](image)

*Figure 1.2. Screenshot of the Netflix website. Retrieved November 28, 2011, from www.netflix.com.*

Further, a range of television networks have their TV shows available on their websites. For example Brazil’s *Rede Globo*, “the predominant network amongst the Portuguese-speaking nations” (John Sinclair, Jacka, & Cunningham, 1996, p. 24) has many TV shows available in podcast format on their websites. The viewers, though, can only watch parts of their favourite TV shows and soap operas with advertisement interventions. In order to watch full length shows a subscription must be paid. Figure 1.3 shows a scene of an episode of the soap opera *Fina Estampa* on the Rede Globo’s website. On the top of the picture there is a description of the number of the episode and the title of the scene.

---

\(^9\) US subscribed TV channel.
Television online streaming presents many benefits for viewers, such as the possibility of ‘catch up’ TV, an industry term for viewing shows outside scheduled hours. However, some restrictions may apply for online viewers that reside across borders. For instance, the streaming of US television shows in the network websites and Hulu.com are geo-blocked, which means, only viewers that access the websites from the US\(^{10}\), and Japan in the case of Hulu, are able to watch episodes of television shows on these sites.

Limitations in video streaming services may also happen inside the country where the show was originally produced. Taking the Hulu website as an example, their policy of having TV shows available immediately after they were aired was revoked in 2011 (Graham, 2011). Currently, users must wait a few days before watching the streaming or pay a subscription fee\(^{11}\) in order to have access sooner.

After the Hulu’s policy change, the website Torrent Freak, which focuses on news about informal downloading and uploading, reported an increase in the unauthorised downloading of television shows from file sharing platforms. The following Torrent

\(^{10}\) With the exception of overseas military bases.

\(^{11}\) $7.99 per month (retrieved April 20\(^{th}\), 2012).
Freak post refers to the US channel Fox when it first started to delay the availability of new episodes on Hulu.com by eight days:

During the first 5 days, the number of downloads from the U.S. for the latest episode of Hell’s Kitchen increased by 114% compared to the previous 3 episodes. For Master Chef the upturn was even higher with 189% more downloads from the U.S. For Master Chef; the extra high demand may in part have been facilitated by the fact that it was the season finale.

Aside from Bit Torrent, there are of course many other options for people to catch up with a missed episode. YouTube for example, from where tens of thousands of people streamed the latest Hell’s Kitchen episode (Ernesto, 2011b, para 6-7).

In response to the Torrent Freak’s post, Scott Grogin, senior vice president for communications at Fox Network, which distributes Hell’s Kitchen, presented the TV channel’s perspective on this issue during an interview for the website named Hollywood Reporter:

Authenticating viewers is not about making sure they only watch live...in fact, quite the opposite—we support a ‘TV Everywhere’ proposition and are working with our distribution partners to benefit our businesses. It’s about receiving fair value so we can continue to produce this expensive and high quality programming. We are pursuing a strategy where the 90+ million households who pay to watch our programming via cable/satellite/telco will ultimately receive maximum benefit. They can watch live, via DVR, on VOD, online, or through one of the various tablet apps that allow in-home viewing (in Gardner, 2011, para. 6).

Scott Grogin’s response reaffirms how television broadcasting is a business that seeks financial return in exchange for entertainment. Hence, it is essential to have control over additional content in order to maximise profits. Television shows - the focus of this research thesis - are intellectual properties that involve several stakeholders, such as producers, writers, actors and distributors. Intellectual property can be costly depending of a range of variables, such as having celebrities in the crew, having special effects and the location of production. For instance, the US Commercial Broadcasting System (CBS) paid an average of $US 4,000,000 dollars per episode to air Two and a Half Men when Charlie Sheen was performing one of the main characters (Carter, 2011). The way investors recover their money, and accrue financial gain, mostly through advertisements, syndicated repeats of a show, exportation, and DVD sales. Taking the Two and Half Men show as an example:

CBS took in about $155 million in advertisement on the program last year, while Warner Brothers added $268 million in what are known as barter sales in the syndicated repeats of the show. Local
television stations acquire the repeats for a small fee, and also hand over a portion of their advertisement time to Warner Brothers to sell (Carter, 2011, p. 14).

By watching television shows, audiences play the role of the consumers of media content (Fiske & Hartley, 2001, p. 77). The quantity of people is emphasised over the meaning and quality of the message (McQuail, 1987). Audiences equate as ratings, which are the commodities or currency for exchange, which are sold by television networks to publishers and advertisers (Turnbull, 2006). In addition, for Cable networks such as HBO, their profit is also generated by paid subscriptions. The statistical aggregate, therefore, is considered the most important factor at the expense of a qualitative analysis of these audiences’ behaviour and experiences, such as understanding their cultures and their viewing practices.

Copyright law and the fine line between being a pirate or being an audience

When people download television shows they do not generate revenue through the business models just mentioned. The television industry, therefore, translates the unauthorised downloads as a loss of profits and a loss of jobs (MPAA, 2011). By perceiving audiences as ratings, it results in audiences and pirates as opposing concepts, even though in both cases they are watching the same content. Taking US audiences as an example, those who did not want to wait eight days for the free of charge release of *Hells Kitchen* or *Masterchef* on Hulu, became pirates from the moment they utilised unlicensed sources to access content. In the light of this discussion, it is important to take into account situations, such as the ones below which make the line between a pirate and an audience becomes blurry:

- If an audience had recorded the episode through their PVRs he or she would be able to watch it in their own time slot and skip advertisement. Thus, this person would not see the sponsors of those television shows regardless. However, since PVRs recordings are considered in the Nielsen’s ratings count (Nielsen, 2013), he or she would still be an audience.

- Also, the fact that downloading audiences had access to content which they would have to pay subscription otherwise to watch, could be used as an argument by the networks against unauthorised sharing. However, that would not prevent the fact
that an individual had watched the show in a friend’s house who pays for cable television. Thus, this person would still have access to the content without paying for subscription, but he or she would not be a pirate because his/her friend is sharing the television set.

It is possible to argue that the main difference between television audiences and television pirates is their potential to generate ratings or not. Also, the scale or the amount of people involved in sharing practices. Sharing full length content is viewed by the industry as a cannibalisation of the ratings. The current audience measurement system mostly focuses on statistical analysis and is still lacking effective way of measuring the online practices of media audiences (Napoli, 2011b). As Napoli (2011b) explains “the greater the number content options (i.e. channels) available, the more challenging it is to accurately and reliably determine the ratings for these channels when relying on traditional panel-based measurement systems” (p. 296). In the same way the internet has brought the opportunity for television networks to utilise a different platform to broadcast content. It has also made it possible for viewers to access and share content when this is not available through traditional television. Thus, it is essential to have control over additional content in order to maximise profits. This, though, conflicts with audiences’ particular demands in terms of accessibility and the sense of freedom that the internet provides.

The development and increasing popularity of Information and Communication Technologies (ICTs) have impacted on audiences’ unauthorised sharing of media content. Sharing practices all commenced with fans wanting to share content that might interest others and thus, reaffirming their interconnections in networks. Despite this, though, as Green and Jenkins (2011) explain, the digital trade of media content took sharing to a different and more challenging level for industry and copyright law makers (pp. 119-120). Consequently, sharing practices are thus, put in a broader context of unauthorised copying and are considered as theft of intellectual property by the copyright holders and authorities. As McQuail (2010) explains, the rise of the popularity of high speed internet facilitates communication among people across the globe, who use file sharing programmes to access desired media content regardless of copyright limitations.
The definition of internet piracy lies in the unauthorised copying, streaming, manufacturing, sharing, distribution or broadcasting of protected intellectual property regardless of whether users are seeking profits or not (AFACT, 2011; APCM, 2012b; Lobato, 2009a; Mason, 2008; UK Ipsos MediaCT & Oxford Economics, 2010; Mun, 2008). Moreover, other practices may be considered piracy, such as when users fail to obtain the copyright holder’s permission to produce subtitles (APCM, 2012b), make available parts of a media file (APCM, 2012b), and remix. Consequently, in industry discourse, internet piracy is theft of intellectual property because it exploits copyright-protected content in an unauthorised fashion.

Previous literature has examined piracy and user-generated content (Burguess, 2011; Caldwell., 2011; Lessig, 2008), and the age of prosumers (Baym, 1993; Bruns, 2007), and to what extent these practices are considered fair use (Lessig, 2008). Accordingly, internet users are increasingly utilising the internet and computer technologies to modify media files and to produce new content. This content can be a remix of television shows’ scenes combined with background music. In addition, users may use video streaming platforms, such as YouTube, to publish their work. Often users do not seek permission for the media content they utilise. As a consequence this practice is referred to as piracy. Also, viewers who watch these videos are considered as pirates.

The main issue for discussions on piracy seems to be how the copyright law, that was been created more than a generation ago (Lessig, 2008, p. xviii), can still function with the new, and constantly innovating, communication technologies and digital audiences viewership practices. On the other hand, the industry is also seeking a solution, arguing that illegal downloads can affect profits (Frissen & Slot, 2011) and the creative process as “copyright law, after all, is a regulation of speech, and justified if it produces incentives to create speech that otherwise wouldn’t be created” (Lessig, 2008, p. 96).

Advocates for Intellectual Property protection claim that without copyright legislation free-riders, such as file sharers, can take advantage of content by exploring what does not
belong to them. Thus, it may result in market failure along with a decrease in production and innovation (Pouwelse, Garbacki, Epema, & Sips, 2008). Also, it has been argued that having content available for free through unauthorised sharing reduces jobs and profits (UK Ipsos MediaCT & Oxford Economics, 2010). For instance, in 2010 the ‘Economic Consequences of Movie Piracy in Australia’ report calculated AUS240 million of direct losses to the movie industry because of digital piracy (UK Ipsos MediaCT & Oxford Economics, 2010). As a result, it is claimed that piracy might diminish opportunities for the creative industry (Lessig, 2008).

Smith and Telang (2009) suggest that most empirical work regarding the impact of piracy, in particular on the music and software industry, study how consumers turn away from seeking content from authorised sources due the availability of pirated material. Since 1999, when peer-to-peer file sharing reached the apex of popularity, heated debates on how piracy has led to a decline in media sales and how harmful piracy is for the media industry have become popular among the media, as well as scholars, authorities, copyright holders and audiences. Smith and Telang (2009) add that “pirate content for music and software is a much stronger substitute for paid content than pirated copies of movies” (p. 325). This assumption is based on a loss of quality when compressing a movie into a smaller file, and how pirate copies cannot work on home theatre sets for example (Smith & Telang, 2009). Although they are valuable points, consumers may not consider them as hindrances to downloading (Smith & Telang, 2009).

It has been also argued that industry statistics on piracy may be misleading and biased. For instance, Hirst and Harrison (2007) state that “[t]he recording industry in particular has argued for many years that internet piracy costs it billions of dollars in lost profits, but in 2005 the world’s leading music labels posted profits of $US1.1 billion from legitimate websites” (p. 287). Further, Seiter’s (1998) research shows that file sharing through Torrent technologies may be related to a loss of income for film box offices outside the US given the delays in releasing movies onto foreign markets. Their research, however, indicates that this loss is only 7%, which they do not consider a significant difference. There is also an opinion that the media industry considers every download as
a lost sale, which is not always the case because studies show that many people, especially in developing countries such as India and Brazil, would not buy the content in first place (Karaganis, 2011b).

The mentality of Copyright holders, in approaching intellectual property and online content in the same way as material property, can be questioned (Rodman & Vanderdonckt, 2006). Rodman and Vanderdonckt (2006) observe that what makes the file sharing debates more complex is the fact that through the internet intellectual property can be duplicated and reduplicated with the same quality as the original. They explain the difference between online content and physical property by using a car, which is material property, as an example. A car can be lent to a friend but it will reduce its availability to the owner and its quality because it gets used every time it’s driven (Rodman & Vanderdonckt, 2006). Therefore, the friend might consider buying a car in the future for his/her own convenience and the owner will eventually have to replace their car and buy a new one.

This is not to say that intellectual property is irrelevant. As Lobato (2009) explains, intellectual property is important for business health:

> IP regimes understand creativity to be a form of capital. Copyright is the regulatory mechanism that oversees this property system, ensuring that markets remain healthy and that levels of protection for IP rights -holders are on a par with those extended to other property owners, such as land owners or car owners. From this perspective, it is suggested, copyright is something that should be not only defended but also legislatively boosted and pedagogically entrenched (Lobato, 2009a, p. 20).

The internet is one of the platforms involved in the transition of broadcasting to narrowcasting, and since technologies are evolving faster than law and regulation, it causes great problems for policy makers, ethicists, experts and media companies (Hirst & Harrison, 2007, p. 282). As Henry Jenkins remarks in an interview, “intellectual property is the battleground that will determine how participatory our culture becomes” (in Navarro, 2010, p. 9). Therefore, the limitations that exist in the exchange of material goods challenge the mentality of the immateriality of the content sharing on the internet.
It must be taken into account that despite enforcement efforts enacted by the authorities, media downloading is still strong. For instance, a single episode of HBO TV Drama *Game of Thrones* was downloaded 4.28 million times in 2012 (Ernesto, 2012), while according to HBO\(^\text{12}\) the number of viewers of Season 2 averaged in 10.4 million viewers per episode across all their distribution platforms. When media downloading websites are shut down, users easily open new ones (Karaganis, 2011b). Lessig (2008) explains that “[p]eer to peer file-sharing is the enemy in the ‘copyright wars’” (p. 18). However, one can wonder, and I am not alone in this (Lessig, 2008; Mason, 2008), of the real effects, given that the introduction of new technologies has always produced tension in terms of how it would affect the business of the media industry. Considering that new business models are often created and adapted to the new realities. Therefore, to what extent is it worth prosecuting viewers instead of just more quickly adapting to their demands? Also, what can be learned from these informal practices? Finally, can the definitions of audiences and pirates still apply in such a complex digital environment?

Copyright enforcement may also provoke frustration in those audiences that would be willing to pay for content if it was available according to their demands. Therefore, they may utilise internet technologies, and their collaborative platforms, in order to access content that is not being supplied. The information technologies are constantly evolving and internet users always manage to be “one step ahead of regulators” (Hirst & Harrison, 2007, p. 287) who through the law continue “to be out of step with delivering the potential of new technologies and confound consumer expectations of easy access to content on demand well in the future” (Bowrey, 2007, p. 136). As a result, the copyright wars are an endless fight.

The copyright wars remain unresolved with, on the one hand, piracy discourse associated with criminality and industry claiming a loss of jobs and revenue, and, on the other hand, the exploration of the potentialities of file sharing and the opportunity to analyse changes in media consumption. Scholars, such as Pouwelse, et al. (2008), agree that current media models are declining and put forward the idea that “[t]he choice for the future is between

protection of failing business models with stronger laws & (sic) enforcement efforts versus legalising existing practices and de-criminalisation of millions” (p. 19). Copyright holders must have some control over media property because it is how businesses operate. There is, however, a need for research on the unauthorised practices as they seem to indicate what is to come. From a media studies perspective, it is important to analyse these practices to gain an understanding of how new audiences are interacting with emerging technologies instead of limiting to defining audiences involved in informal practices as pirates grounded in the notion of thieves of intellectual property.

1.4. Research on Digital File Sharing

After reviewing literature and background into how audiences are considered pirates based on the evolving technologies, this section addresses research that relates piracy to the moral disengagement of users. Also, it explores users’ motivations for file sharing. Both topics were selected for being predominant in empirical work on piracy, thus they assist in the understanding of the complexity of pirates and audiences. The question of moral disengagement and the findings outlining in users’ motivations are tested in the empirical work of this research thesis and this is further explored in Chapter Five.

Moral disengagement

Regardless of antipiracy advertisements and random lawsuits of users, many file sharers declare the “fair use” of their practices because the files downloaded are for private use only and are not shared with the aim of financial gain. According to Burguess (2011) “[t]he fair-use argument is often based on either an assessment of originality and transformation in the work itself or of explicitly civic and educational purposes for its use” (p. 322). Thus, private use is not yet an accepted excuse for unauthorised downloading. As it corresponds to a socially accepted norm to download, this perspective shows the moral disengagement from what is considered an illegal activity, and raises the question of to what extent can all these users across the globe be considered criminals.
What differentiates the television industry from the film and software industry for many viewers is that television content is already free on regular television, so in their logic, it should be free everywhere else (Chmielewski & James, 2006). This can similarly be the case in the music industry because of the playing of music on radio. However, people are used to pay for music and films, such as through purchasing CDS and iTunes, DVD rentals and going to the movies, whereas paying to watch television content is relatively new for many audiences (Newman, 2012). Therefore, television downloading seems to be a socially acceptable practice, regardless of its unlawful nature because it is a theft of intellectual property.

The anti-ethical aspect of sharing is directly related to the advance of new technologies. Copyright law dictates the norms but leave people to adapt. One of the main issues of criminalising sharing instead of trying to understand it, is the pressure that it puts on the society’s values. In a society where legal and legitimate do not necessarily come together, Canclini (2008) questions “how much illegality, or the conflict of non-legitimate things, can this society tolerate without destroying itself?” (trans. author, p. 63). As Canclini says, for many young people what makes a practice legitimate is when you have to obtain something the organisations have made inaccessible. Moreover, Lessig (2008) suggests the decriminalisation of file sharing when he questions, “[w]hat does it mean to a society when a whole generation is raised as criminals?” (Lessig, 2008, p. Xvii). He elaborates that many other crimes might seem natural to people when considering the social acceptability that file sharing involves and its criminal definition.

Although unauthorised file sharing of intellectual property is considered an illegal activity, previous research indicates that it is a practice believed to be morally acceptable by its users (LaRose, et al., 2005). It is important to understand to what extent an activity, that seems to be socially acceptable by so many people across the globe, or perhaps considered more tolerable than others crimes, can be justified as immoral.

Bonner and O'Higgins (2010) have expressed a similar view based on their quantitative analysis focusing on music file sharers. In their work they assert that “individuals who
illegally download will justify their illegal downloading habits thus eliminating any guilt they may feel regarding such activity” (p. 1348). Bonner and O'Higgins (2010) question if the anonymity of the internet is partly responsible for the moral disengagement of file sharing users. Additionally, they argue that users find reasons to make their sharing activity acceptable by society in order to avoid a negative conscience associated with responsibility. Bonner and O'Higgins (2010) asked in their study “[d]oes the internet cloud people’s perception of what is wrong and what is right, where cyberspace alienates one’s true existence in reality?” (p. 1342). Accordingly, they argue that constant internet access increases the willingness of people to download unauthorised content which demonstrates a technological and deterministic perspective for users’ misconduct. Thus, individuals might justify their actions without feeling guilty by reaffirming the idea that it is a correct practice (Bonner & O'Higgins, 2010) and this is an indication of moral disengagement.

Similarly, in Castro’s (2008) study she investigated novel ways of consuming music, such as through file sharing among undergraduate students in Brazil. Out of her sample of 145 respondents, she found that over 50% of respondents consider downloading a normal practice and only 14.5% find digital piracy a criminal activity. Therefore, what is considered an illegal activity for authorities is perceived as an everyday practices for these audiences.

Perhaps this is related to the social aspect associated with file sharing which makes the informal activity natural amongst the peers involved. As Couldry (2006) explains “[t]hinking on the global scale in relation to media audiences means acknowledging those who may share, on the face of it, few ethical principles with the producers of those messages” (p. 117). In fact, other studies have shown that file sharers have their own “ethics of the unethical” (Cenite, et al., 2009, p. 207), which means, they have a different perceptive of what is morally correct or not. Despite other immoral activities such as killing, cheating, and even stealing material goods, downloading seems to be more socially acceptable because it does not involve any perceived physical harm.
Compared to illicit drugs, media content is not illegal in its original shape, so its distribution is not perceived as a negative in the same way as, say drug trafficking. As Lobato (2009a) explains “the illegality of pirate products is usually a function of their reproduction and sale” (p. 16). However, for users there are perceived differences in the illegality and immorality of file sharing practices. For instance, in the empirical findings of Coyle, et al. (2009), respondents classified pirate practices into different categories depending on how ethical, or at the other end of the spectrum, how immoral, they perceived them to be.

Finally, it has been argued that the poor understanding of copyright law may be related to music piracy (Atkinson, 2004; Coyle, et al., 2009). Therefore, audiences not being aware that unauthorised file sharing is in fact, an illegal activity may be the reason some people participate in these activities.

Sharing practices occupy an indeterminable space when considering that people search content in order to satisfy an immediate demand and desire for being informed and entertained by utilising formal and informal, legal or illegal sources. Canclini (2008) explains that for many audiences, legitimate and legal can become distinct concepts when content is not available in their markets. Thus, the informal copying of material becomes legitimate (Canclini, 2008). Moreover, informal distribution and consumption is perceived by users as a socially accepted activity (X. Wang & McClung, 2011), which differs from material theft.

While the illegality of these practices are still being debated, it is important to examine how the networks of sharing are created, maintained and how they might signal the future of consumption in which “large-scale collaboration among strangers or loosely affiliated users can provide effective communication platforms” (Benkler, 2006, p. 84). Therefore, the particularities of sharing practices must be addressed because they represent a form of media consumption.
As this section has demonstrated, previous empirical studies have explored moral disengagement and piracy. The next section overviews other empirical works where researchers have examined the motivations of file-sharers. Accordingly, it is shown that viewers download television programmes for many different reasons after they are empowered by new technologies.

**Audiences’ motivations for file sharing**

Previous empirical work explores the main reasons for file sharing. Although not all of them focus on television content file sharing, or only on television, the results reveal valuable information that can be applied to this research. Through a discussion on motivations for file sharing it is possible to understand the notion of piracy from a different perspective other than as a criminal activity because it suggests new ways of consuming media. Moreover, for the purpose of this research, it is important to understand the motivations that drive media audiences to download because these motivations are associated with their practices.

The following motivations for file sharing were identified as being predominant in general discussions on piracy: Price, sampling, convenience and time shifting, difficult access, unavailability and general delay of release, Diaspora, archiving, internet discussion forums, fandom, gift exchange, and the exploitation of copyrighted content. I utilised these motivations in order to design the online survey for this research thesis and to determine how the selected sample – file sharers in Brazil – compare to other empirical works in media file sharing. It is important to note, though, that most of the samples considered belonged to particular groups where local aspects would have affected the results, such as social status, economic status, political orientation and cultural specificities.

**Price**

The cost of media products, such as CDs, DVDs, cable subscription and even digital media products such as iTunes, are one of the main reasons why people download television shows. As Benkler (2006) confirms “there is nothing mysterious about why
users participate in peer-to-peer networks. They want music; they can get it from these networks for free; so they participate” (p. 85). For instance, Jambon and Smetana (2012) found, in their empirical study, that music prices were considered unfair and thus people chose to download. Basically, when not taking into account the internet connection price, downloading is perceived as free of charge.

For many, downloading media content is an alternative way to save money. The results from X. Wang and McClung’s (2011) survey of 552 college students from two universities in the US confirm this argument. In their research, “students agreed that digital content is generally overpriced and that it is acceptable for college students to download through a P2P application” (p. 673). Similarly, university students in Taiwan in Shun-Po and Huey-Wen’s (2011) study also claimed that downloading software helps them to keep expenses at a lower level.

Further, there are audiences who claim they cannot afford media entertainment (Castro, 2008). Therefore, downloading is the only way to access it. Mun (2008) identifies in the literature that there are socioeconomic factors, such as household income, which affect piracy levels from across nations (p. 33). Similar results were found in a study on media piracy in emerging countries (Karaganis, 2011b).

This statement, however, may change according to the participants studied as in Cenite, et al.’s (2009) research the majority of respondents would purchase the media content if they liked it. Their research also indicates that many people would rather download music when they are only interested in a couple of tracks and not the full CD. The perceived value of intellectual property seems to be low among these users when the same study indicates that file sharers do not agree to buying CDs when they want to sample tracks.

Finally, there seems to be a perceived disengagement between paying for physical goods and paying for digital files. The great availability of media files on the internet, associated with the fact that when an individual consumes these media files they will not run out, could be associated with a decrease in its value in the mind of file sharers. Baym
(2010) agrees by stating that “[a]udiences that can distribute content themselves are less convinced it is worth money, although many still buy” (p. 177).

**Sampling**

Sampling is not a new practice in media consumption. For instance, music stores have earphones for people to listen to a CD before buying, or bookstore owners do not mind buyers flipping through books or even sitting down and reading them in their stores. Sampling is a commercial and marketing strategy used throughout the years. Examples range from food samples in a supermarket to music streaming on iTunes. In a file sharing context, sampling may occur through the sharing of content among peers without the permission of copyright holders.

Following traditional marketing strategies, it seems that for many internet users, having access to samples of a media content through downloading is the best way to decide whether or not they will purchase an item. Peitz and Waelbroeck (2006) explain that “[d]ownloading may make the product more attractive (because consumers find out that they like the product)” (p. 465). The work of Cenite, et al. (2009) suggests that many users download to test content they would not normally buy. Considering that sampling through file sharing networks may happen after reading about a television show in a discussion forum, or receiving the link to access that show after a friend has recommended it, it is possible to see that a parallel system is being created to traditional television distribution, even in term of the promotion of content. These aspects of audience practices are further developed in Chapter Two.

**Time shifting and general convenience**

There are audiences who would rather watching television shows at their own pace. It is generally agreed that some people work or live on a different time schedule than the standard television viewing hours (B. Brown & Barkhuus, 2006). Since the release of VHS, time shifting has been available to television audiences. In the past decade the digital recording technologies, or PVRs such as TiVo, have been gaining popularity (Case, 2004; Zizzo, 2002) empowering users with a variety of options. For instance, users may be able to fast forward advertisements and rewind missed parts. They may also be
able to record two television shows while watching a third one at the same time. However, not only may these technologies be expensive for some people, but also audiences are able to record only of what is available on television.

As a consequence, users may choose to download as a convenient way to access content and thus be able to time shift, but in an inexpensive way and with a broader range of options. For instance, according to Beekhuyzen (2009) as a result of high cost, convenience and a greater range of choices than what is formally available, unauthorised file sharing is the preferred option for accessing music content which could apply to motivations for downloading television shows.

Convenience is also associated with the fact that by downloading content there is no need for physical dislocation, that is no need to go to the store to rent or buy the media content (Castro, 2008; Cenite, et al., 2009). Thus, for many audiences is a motivation for downloading. Despite this, though, there are legitimate platforms available for those who do not wish to purchase a PVR or are not content with what is available on scheduled television. For example, iTunes and Amazon.com are available worldwide. In this way other motivations may enhance the need for downloading.

**Difficult access, unavailability and general delay of release**

While television audiences in countries like the US do have the option of watching content online, their capacity to do so can be restricted by many factors, such as delays in the release of new episodes online unless audiences pay for a subscription, which occurs with Hulu. As Newman (2012) describes:

> Shows are not released in all countries simultaneously, and in many countries some desirable content is not available at all. Legal downloads are encrusted in DRM, copy protection which inhibits the portability and archival value of the content. Media companies release their content in “windows”; for instance, DVD content is offered at a later window than transmission on broadcast, cable, or satellite channels. For reasons of protecting intellectual property, web content such as webisodes and streaming video of previously aired content is routinely geo-blocked: some sites will work only in some territories (p. 471).
Consequently, as I demonstrate elsewhere (Mendes Moreira De Sa, 2011), audiences in Brazil, for example, who wish to watch American TV shows may have to wait months, or even years, after they are first released before they can watch them on TV. A study has found that Australian audiences of the television show *Battlestar Galactica* also download television shows as a result of the delay between release dates (Leaver, 2008). The audiences in the US also face issues related to accessibility of television shows. As De Kosnik (2010) confirms:

> While most legal services for downloading or streaming TV currently make available some British television programs, and iTunes also offers some Japanese television content (through agreements with distribution companies like Anime Network), the vast majority of non-U.S. television shows cannot be accessed legally by television viewers in the U.S. (p. 10).

Therefore, many audiences choose to download and/or to collaborate with a parallel system of unauthorised sharing of TV content because they do not want to wait days, week, months or even years for the desired content to be aired on regular broadcasting.

According to Cenite, et al. (2009), who conducted a qualitative content analysis using 40 in-depth interviews with file sharers in Singapore, people acknowledge that their downloading practices reflect the difficulty or unavailability of certain music content on radios or in stores. At the time that their empirical work was conducted paid downloading systems, such as iTunes, were unavailable on the Singapore market.

Moreover, audiences may wish to access content that is no longer available through legitimate sources either to buy or to rent. Therefore, people search online and download it. Lessig (2004) explains that products that are not available in the markets often experience a “second life” through file sharing. There are other specific motivations that enhance the need for unavailable content. These include Diaspora, internet discussion forums and fandom.
**Diaspora**

Diaspora is a more particular motivation for downloading and it involves audiences attempting to be connected to their home country’s media production. Viewers who live outside their original countries may not be prepared to accept the delay or unavailability of determined television shows, therefore they download them (B. Brown & Barkhuus, 2006, p. 665).

**Archiving**

In De Kosnik’s (2012) study which consisted of analysing the informal practices of a person involved in file sharing of films and television shows, she argues that the act of collecting is a motivation for downloading. The participant of her study is a woman who had collected:

- 2.5TB (terabytes) of digitally pirated video, of which 1.1TB is non-documentary serial (television programs), 982GB (gigabytes) is non-documentary film, and 275GB is documentary film and television. Given that a file size of 550MB (megabytes) usually translates into one hour of playing time, her collection would take approximately 4,500 hours to view in its entirety (De Kosnik, 2012, p. 525).

She has found that the participant preferred collecting and archiving the content rather than viewing through online streaming, as it gave her a sense of ownership and control to play the content in different devices. De Kosnik (2012) concludes that though “pirate-collecting” practices happened prior to digital technologies, they are now more risky in terms of receiving lawsuits.

**Internet discussion forums**

Internet discussion forums about television increase the willingness of audiences to obtain current shows as soon as they are released. In order to participate in the online discussions, viewers must be up-to-date with the latest episodes (B. Brown & Barkhuus, 2006). In regards to delays in the release of content, especially video content, respondents from Cenite, et al.’s (2009) study argued that they would rather watch content when it is still popular among viewers across the globe. Then, “they enjoy being part of a global fan community” (p. 212).
For instance, Leaver (2008) describes that it has been challenging for Australian audiences of the television show *Battlestar Galactica* to avoid spoilers because of interactions established between audiences of the show over the internet:

> Given that Australian news media often recycle US material, and that many Australian internet users rely on services like Google News which cobble together popular material from the web globally, it might be possible to purposefully avoid reading about a particular show for a week or two, but it is increasingly difficult, if possible at all, to avoid media reports, fan commentaries and blog posts about popular television series for the six months or longer it takes Australian broadcasters to screen shows like *Battlestar Galactica* (p. 147).

Therefore, in order to avoid spoilers, audience utilise peer-to-peer file sharing networks to access content. In addition, Hills (2002) describes the practices of fans of going online to discuss an episode as soon as they finish watching it on TV or even during commercial breaks as “just in time fandom” (p. 140). It is important to note that it is not only fans who participate in this kind of activity. For instance in Brazil, a study conducted by Nielsen Online NetRatings (Online, 2012) indicates that 43% of Brazilian internet users utilise the internet while watching television. Although it is not a novel practice for audiences to multitask while watching television, it indicates a more specific way of utilising different media platforms at the same time. Moreover, the study also suggests that out of this share, 70% search for information about the show while they are watching on TV, and 80% change the TV channel or tune into a channel as a consequence of information found or received through the internet. As participating is becoming a more pervasive part of the experience of watching TV, audiences must be updated with their favourite television shows in order to interact with others and at the same time, to avoid spoilers.

**Fandom**

Being a fan of a TV show or being part of a fandom community of a TV show may also be related to informal downloading. Because of their practices, fans are “the most visible and identifiable of audiences” (Bruns, 2008b, p. 1). Jenkins (in Tian, 2011) suggests that fans are “more active than other common media audiences” (p. 9). Moreover, “fans are those people who become particularly attached to certain programmes or stars within the
context of a relatively heavy use” (Abercrombie & Longhurst, 1998, p. 138). On the other hand, Busse and Gray (2011) explain that fans are passive beings who reflect mass media and the celebrity world created by it.

Fans’ participation and activities have been enhanced by internet tools. Through the internet they are able to communicate to a greater number and range of people and are able to develop their fandom world through different digital platforms such as blogs, social media and discussion forums (Baym, 2000). As Burnett and Baym (2009) confirm “[f]ans’ participation is real and has never been more significant or valued. They are gatekeepers, filters, and influencers on a scale they never were before the Internet. Both industry and other fans need them” (pp. 445-446).

The importance of fandom, therefore, has increased with the advance of internet technologies and an increasing transition of audiences into segmented viewers (Livingstone, 2004). As MacKenzie and Wajcman (1999) discuss fandom “selects from the repertoire of mass-produced and mass-distributed entertainment certain performers, narratives or genres and takes them into the culture of a self-selected fraction of people” (p. 30). Moreover, when differentiating audiences from fans, Mackenzie and Wajcman (1999) explain:

All popular audiences engage in varying degrees of semiotic, productivity, producing meanings and pleasures that pertain to their social situation out of the products of the culture industries. But fans often turn this semiotic productivity into some form of textual production that can circulate among- and thus help to define-the fan community. Fans create a fan culture with its own systems of production and distribution that forms what I call a ‘shadow cultural economy’ that lies outside that of culture industries yet shares features with them which more normal popular culture lacks (MacKenzie & Wajcman, 1999, p. 30).

Fans, thus, are enthusiastic audiences who utilise the internet to reach other peers who share common interests. Some of these practices can be considered as an informal and unauthorised activity, and thus as piracy.

Based on music downloading, Rodman and Vanderdonckt (2006) affirm that piracy studies are focusing on the economic aspects of file sharing instead of recognising that the audience also download for affective reasons. Pouwelse, Garbacki, Epema, and Sips
agree with this statement in saying that it is partly due to a “sense of community” and a “sense of belonging” (p. 6) that users are drawn to participate and contribute in prosumer\textsuperscript{13} activities. These claims can be illustrated by Cenite, et al.’s (2009) qualitative work analysis in which respondents said they enjoyed value-added content such as fansubs. Fansubs are subtitles created by fans for the downloaded content and this topic is further developed in following chapters.

Thus, some audiences download television shows because they are fans of the content. However, audiences who are not necessarily fans may also be involved in these practices. For instance, file sharing may be a result of collaborative practices of internet users who share a common goal. The goal may be accessing media content or just to be a part of a community. As Benkler (2006) explains:

\begin{quote}
That growing literature, consistent with its own goals, has focused on software and the von Hippel’s notion of “user-driven innovation” has begun to expand that focus to thinking about how individual need and creativity drive innovation at the individual level, and its diffusion through networks of like-minded individuals.

Human beings are, and always have been, diversely motivated beings. We act instrumentally, but also noninstrumentally(sic). We act for material gain, but also for psychological well-being and gratification, and for social connectedness (Benkler, 2006, pp. 5-6).
\end{quote}

The desire for quick and unlimited access to television programmes is so great that television networks cannot fulfil this demand. Some television shows, that are not even broadcast or on free to air television, become available online after users upload them on the internet. This leads to the question of what drives people to upload content.

**Gift exchange: Uploading motivations**

Besides motivations for downloading there are also motivations for uploading content on the internet which is part of file sharing practices. Cenite, et al.’s (2009) study indicates that the sense of community among file sharers is linked to their willingness to upload content. Accordingly, there is a sense of reciprocity in exchange for downloading even if that means sharing, forwarding, writing recommendations, leaving thank you messages

\textsuperscript{13} Combination of producer and consumer.
(Cenite, et al., 2009), or by organising links and creating subtitles as is further explored in following chapters.

Giesler and Pohlmann (2003) explain that a motivation for uploading is the need for giving back the received gift. In their research, they analyse the file sharing platform called Napster and divide the gifting motivations into four categories (see Figure 1.4): gifting as realisation, gifting as participation, gifting as purification and gifting as renovation.

![Four Gifting Metaphors](image)

*Figure 1.4. Four gifting metaphors. Source: (Giesler & Pohlmann, 2003, p. 276)*

Each one of the four gifting metaphors determines the level of engagement and commitment a user has with a particular community of file sharers and the content being gifted. Gifting, as realisation, refers to downloading for individualistic reasons and to satisfy a user’s needs (Giesler & Pohlmann, 2003, p. 275). In gifting as purification, users seek to resist the restrictions of the imposed entertainment system and show resistance through their practice of sharing (Giesler & Pohlmann, 2003, p. 276). In gifting as participation, users take part in the sharing community because of the social ties they maintain with other users (Giesler & Pohlmann, 2003, p. 276). Finally, gifting as renovation refers to social change. As Giesler and Pohlmann (2003) explain “[g]ifting is
attached to a political matter of concern, as a means of liberation from the former limitations set by the older order of music business in capitalist society” (p. 277).

The concept of a gift economy is behind audiences’ motivations for uploading or facilitating informal distribution of content. This is further explored in Chapter Two. Gifting relates to the practices of pirate audiences and their level of engagement in the network.

**Exploitation of copyrighted content**

Finally, although it is not the focus of this research it must be briefly acknowledged that for some people financial return is what drives them to take part in the informal distribution of content. This happens in a physical form, such as with pirate DVDs and digital markets. As Jenkins (2008b) describes, there are people who exploit intellectual properties (para. 6) and then they sell media content to users who believe the market does not correspond to the perceived value of the product price.

This section explored different motivations as to why users become part of informal file sharing. It seems that basic motivations that drive users to participate in file sharing activities are reduced to cause and effect paradigms, such as if audiences who cannot afford going to the movies end up downloading them. Also, some empirical studies indicate that there are also social aspects involved. Despite the reasons for audiences’ involvement with the informal distribution and consumption of content, it is possible to argue that all these motivations contribute to the creation of a parallel system for accessing content, a system with is resistant to what is offered through formal media distributors. On one hand, this parallel system may compete with traditional TV broadcasting, but on the other, it may indicate innovation and signal the future of TV distribution.

The next section introduces the idea of audiences as pirates. This is made clear through the empirical work of this research thesis which shows that pirates can also be TV audiences.
1.5. Rethinking Pirate Audiences

Since the 1920s audiences have been referred to as mass, public, consumers and market (McQuail, 1987). The “audience-as-public” expression used by McQuail (1987) implies the role of media in informing and entertaining citizens (Ang, 1991), while in McQuail’s “audience-as-market” term the quantity of people is emphasised as more important than the quality of content provided to audiences. Therefore, the more people the media communications reach the better, regardless of the quality of the content. This perspective is applied to commercial broadcasting, whereas, “audience-as-public” is a paradigm linked to public service broadcasting (Ang, 1991). These concepts define audiences as a mass, a term used by scholars in the Frankfurt School (Barlow & Mills, 2009) which consists in a body in which the mass media content sufficiently supplies all demands. However, these conceptualisations of audiences no longer accord with contemporary audiences.

Advances in new media technologies have highlighted the need to reconceptualise audiences because they are becoming increasingly fragmented, autonomous and focused on a common endeavour (Napoli, 2011a; Nightingale, 2011a). In addition, it has been challenging to understand the definitions of television and piracy which have been also constructed in an analogue age. In the current digital environment, television content flows through different platforms that are not necessarily a TV set (Goggin, 2011a); thus being less centralised and more easily redistributed regardless of copyright implications. It is possible to argue that the novel viewing practices of audiences are both the result and the cause of these changes.

The audiences, as an object of this study, are active and search for content in a non-traditional broadcasting media, the internet. The notion of audiences put forward by this thesis equates with the concepts of previous scholars in a sense that, “[a]udiences and users of new media are increasingly active – selective, self-directed, producers as well as receivers of texts. And they are increasingly plural, whether this is conceptualized as multiple, diverse, fragmented or individualized” (Livingstone, 2004, p. 79). Also, as
Nightingale (2011) describes “[w]hen compared to audiences of the broadcast era, these new audiences groups are ephemeral, engage in fragments, and are more goal oriented” (p. 8). As a result, audiences’ practices and the media distribution flows that result from their actions may affect audience research. As Livingstone (2004) explains:

Today, given the growing range of information and communication technologies which come under the heading of ‘media studies’, audience research must ask itself whether its theories and methods are tied to a historically specific medium – mass broadcast television – or whether instead there are lessons from the study of mass television and its audience which can guide the analysis of the new media environment (p. 76).

When taking into account that viewing is no longer just a passive practice, it is evident that for many scholars, it has been challenging to determine an appropriate way to conceptualise audiences (Lievrouw & Livingstone, 2006). Barlow and Mills (2009) argue that the definition of audiences has been taken for granted, since the concept assumes different meanings and terminologies depending on context. Furthermore, Lievrouw and Livingstone (2006) affirm that terms such as “audiences”, “Internet audiences” and “users” are not suitable (p. 8) because they do not adequately convey the complexity of new audiences. They suggest that “Internet users” could work because of its vague definition and non-exclusiveness but they seem to agree that the word “people” is more acceptable as it implies agency (p. 8). Nieborg and Van Dijck (2009) express a different view in saying that the word “user” might be misleading for audiences because it merges passive practices, such as clicking, with active ones such as uploading videos (p. 861). Nightingale (2011a) adds that “new media users” is too broad a term and suggests that the word “audiences” should be maintained and applauded for its capacity to change in terms of expanding relevance and value (p. 7).

My personal view is that even though terms such as “Internet user” and “people” are broader definitions for online TV viewers, the term “audiences“ is appropriate for this study. I am suggesting that from the moment viewers start watching television content, regardless of the platform and the degree and nature of the activity, they should be regarded as audiences. In this study the audiences considered challenge copyright law given their alternative and changing ways of using media. Their practices are considered
informal, given intellectual property restrictions, such as licensing agreements related to use and distribution of content.

As previously stated, the audiences’ informal viewing practices align with the concept of piracy. The current notion of piracy is outdated because it generalises audiences’ evolving viewing practices as being a crime in terms of the violation of the current, and often outmoded, copyright laws. Moreover, it classifies “pirates” as the opposite of audiences. In this study, I argue that by focusing on the concept of piracy as theft, scholars, regulators and the industry may overlook the fact that some of these audiences’ practices can be considered as alternative ways of watching television. Further they perhaps may be an indicator of what the future of television broadcasting/narrowcasting holds.

This study is not a celebration of piracy, but an invitation to rethink piracy as an alternative way of viewing, producing and distributing media content. For many, informal media downloading is an everyday practice. Paradoxically this practice is simultaneously considered a crime and socially acceptable. Therefore, as suggested by Lessig (2008), criminalising an entire generation does not seem the preferable approach. By understanding the evolving viewing practices as an alternative form of audience participation, interaction and innovation in terms of consumption and distribution, I expect to contribute to knowledge in the areas of audience research and new media studies.

On the other hand, these practices may demonstrate changes in audiences’ television viewership patterns and in the relationship between new technologies and society. For the purpose of this research, the notion of piracy is coupled with the emerging media consumption practices within networked media technologies, and not with the criminalisation perspectives put forward by industry and authorities. Thus, the focus is on how the practices of television viewing and distribution can inform us in regard to the changing and contemporary audiences.
For instance, Choi and Perez (2007) suggest that internet pirates may create new business models and markets. They explain how pirates are early adopters of new technologies by taking the example of the migration of Napster’s users to iTunes. Choi and Perez (2007) also argue that piracy indicates the flaws in the market and influences, directly or indirectly, the creation of novel business models (p. 169).

Further, file sharing optimises distribution in an efficient and arguably cheaper way. As Benkler (2006) explains, if a few years ago someone came and requested:

‘We would like to develop a new music and movie distribution system. We would like it to store all the music and movies ever digitised. We would like it to be available from anywhere in the world. We would like it to be able to serve tens of millions of users at any given moment’, Any person would have predicted that building such a system would cost tens, if not hundreds, of millions of dollars (p. 84).

File sharing distribution achieves this goal at a much lower cost. Similarly, Lessig (2004) highlights how advanced the peer-to-peer technologies are in efficiently distributing content, although he admits it does not differentiate the content into that which is authorised to be shared and that which is not (p. 17-18). Its acceptability by industry, therefore, is still more of a battle than a process.

For the purpose of this research and in order to understand the practices of audiences, I focus on studying audiences that are involved in informal downloading and distribution practices and that do not seek to obtain profits from somebody else’s intellectual property. Although it is still considered piracy, I am concerned with understanding it as an everyday practice which has extended from analogue to digital through developments by new media audiences. Previous scholars have made this distinction:

[S]ome acts of piracy are quite simply theft. Every year industry loses billions to piracy. Companies suffer, artists and creators lose earnings, and people lose their jobs. But although intellectual property rights seem right and piracy clearly wrong, the opposite also can be true. One man’s copyright terrorist is another’s creative freedom fighter: many forms of piracy transform society for the better (Mason, 2008, p. 36).

The notion of piracy, therefore, utilised in this thesis reflects an innovation of media distribution and consumption, a resistance to traditional models and the development of
collaborative practices by empowered audiences through their interactions with digital technologies. The term “pirate audience” is utilised in this thesis to define the particular changing audiences’ practices of distribution and consumption. Lobato (2011) suggests that the term “pirate audience” reflects the ideology of free culture ideology as put forward by Lawrence Lessig (Lessig, 2004, 2008). Also, Cardoso, et al. (2010) introduce the notion of “piracy audience” when referring to audiences involved in unauthorised practices of media sharing. In a similar context, Evans (2011) uses the term “downloading audience” (p. 170). Since I am concentrating my attention on the informal uploading and facilitating of distribution practices of TV content, I find “pirate audiences” a more appropriate term for this research. I embrace the word pirates and enhance the word “audiences” taking into account their more active yet informal role than simply passive viewing, as it is different from traditional audiences. Thus, pirates are those who create “a new space outside of the traditional, legitimate market” (Mason, 2008, p. 234), but in this thesis it occurs for private use only. Then, from this point forward I am able to investigate the practices of pirate audiences in regards to television consumption.

1.6. Chapter Summary

This chapter has highlighted the changes in television distribution and consumption which have occurred with the advance of the internet. Although unauthorised sharing of media is not a novel practice because it dates back to the emergence of the printing press (Johns, 2010) and more specifically, the informal distribution of television shows have occurred since the 1980s through VHS tapes exchange, these practices have been enhanced by digital technologies.

In the light of the convergence of television with the internet, this chapter has outlined how the TV broadcasting industry is utilising internet-based television distribution models in order to catch up with informal activities. In spite of that, media audiences still choose to utilise file sharing tools to access content. From a media industry perspective the informal sharing of media content is translated to theft and to the cannibalisation of
traditional media broadcasting ratings. It is argued that these piratical practices are financially harming the industry, causing job loss and decreasing incentives for the production of creative work. From a media audiences perspective, informal practices have occurred in an analogue and digital context because of audiences’ particular demands in terms of accessibility, thus they utilise technologies to access television content.

For the purpose of this research, it is important to understand the complexity of piratical practices and to connect them to an everyday practice, which is media consumption. I argue that many pirates should be considered audiences and their practices viewed as alternative ways of watching television through collaborative participation, selectivity, increased control over content, and a change in the dynamics of the gatekeepers of media content. The pirates considered do not seek financial gain as their primary purpose when sharing media content.

According to the empirical studies of other researchers presented in this chapter there seems to be a connection between piracy and moral disengagement. That means, although file sharing practices are considered an illegal activity by authorities and copyright holders, audiences seem to not perceive it as crime. The main defence they present is that they are sharing for social purposes and the shared material is for private use in a non-commercial context.

Considering that unauthorised file sharing has become an everyday practice for many audiences, it is important to understand their motivations. Previous studies have indicated that people download and upload content because of a range of reasons including: price, sampling, convenience and time shifting, difficult access, unavailability and general delay of release, Diaspora, internet discussion forums, fandom, gift exchange, and exploitation of copyrighted content.

After reviewing the literature it was possible to identify that there is limited research that considers the file sharing of television shows, with some exceptions (Leaver, 2008; Newman, 2012), in contrast to a great range of studies addressing software, music and
films downloading. The audiences involved in television shows’ file sharing should be studied as a separate niche given the particularities of the television industry. Thus, the contribution to knowledge of this research thesis relies on an investigation of the audiences who are pirates and how and in what circumstances they create a pirate network of informal distribution.

By accounting for the shift from traditional forms of television viewing to contemporary digital environments, the aim of this chapter was to examine the usefulness of the use of the concept of pirate audiences to offer a new way to understand piracy and audiences. The notion of pirate audiences is examined and constructed through informal television viewing practices. Audiences are segmented, active and empowered by technological tools. Piracy is linked to informal practices of watching television. The next chapter expands the exploration of informal viewing and distribution practices of television shows.
Chapter Two: Piratical Practices

2.1. Introduction

The last chapter explored the concepts of audiences and piracy, rethinking them in the context of both the digital environment and, in alignment with the topic of this thesis, the informal watching of and distribution of television shows. By utilising Lobato’s (2011) term, *pirate audiences*, I examined the viewing practices of this group and how they differed from the traditional sitting on the couch and scanning through available TV channels. The audiences considered were shown to play active roles when searching, selecting, viewing, distributing and producing content, regardless of intellectual property protection. Consequently, some of these practices are considered piracy in industry discourse, but in this research the illegal aspect of the activity is not the main focus. Instead, I centre my discussion on the social aspects of these practices which may reflect the increasing participation of audiences through digital networked technologies.

Pirate audiences’ practices are considered as informal ways of participating in media distribution systems because they break down the media-audience paradigm and explore peer-to-peer alternatives. This thesis, therefore, emerges at the crossroads of two modes of inquiry: one, pirate audiences’ practices framed by discussions on technological and societal change, which was explored in the last chapter; and two, piracy as participation through Peer-to-Peer (P2P) being grounded in the overarching theoretical approach in this thesis which is conducting practice oriented research on contemporary audiences (Couldry, 2011). Couldry’s (2012) argument shifts the focus of media research from text analysis to examining “what people are doing, saying and thinking in relation to media” (p. 40).

From an academic perspective, understanding the practices of new media audiences along with their evolving viewership patterns and communication technologies interactions, builds on our knowledge of a key contemporary phenomenon. From a commercial perspective, it is important to understand audiences because they are the products that the
broadcasting networks sell to advertisers (Craft, Leigh, & Godfrey, 2001). They, therefore, play a significant role in commercial exchange. In this thesis, understanding the roles and practices that determine audiences is the main object of study.

The primary purpose of this chapter is to contribute to the current debate on media related practices specifically focusing on the practices of pirate audiences through their different levels of engagement in the network. As Postill (2010) defines “[p]ractices are the embodied sets of activities that humans perform with varying degrees of commitment, competence and flair” (p. 1). The argument put forward in this thesis is that online practices of participation and the offline demand for television shows, fuels change, which is then enhanced by the particularities of the existence of networks in the digital landscape.

This chapter starts with an examination of everyday practices and the changes that have been occurring with the popularity and advance of the internet. I then relate P2P and practice theory to the practices that have arisen on the internet and examine the sense of increased participation which has been gained by audiences through new technological tools. Further, after reviewing relevant literature on unauthorised downloading practices, I found that it is possible to classify the practices of pirate audiences according to the levels of engagement at which they operate within the network. By levels of engagement I mean the participation practices and how much pirate audiences may contribute, or not, to the file sharing community. Accordingly, these levels are:

1. **Active-passive and active-incidental**
2. **Active-social engagement; and**
3. **Active-labour.**

These three levels of engagement are applied to the empirical work of this thesis. I explore more fully the three levels of engagement in section 2.3 of this chapter.
2.2. Everyday Practices and Participation in the Digital Environment

This section examines how everyday practices, such as watching television, have been affected by internet technologies and the relevance of understanding these practices in order to frame the ways in which pirate audiences watch television. Watching television has evolved from the tradition of sitting on the couch and scanning multiple, but limited channels, to searching, selecting and collecting the desired television shows over the internet (B. Brown & Barkhuus, 2006). Some of these practices are considered piracy because they involve the unauthorised use of intellectual property regardless of whether or not the user is seeking profits (Mason, 2008).

As indicated in the previous chapter, the informal practices of consumption and distribution are driven by different reasons, such as price (X. Wang & McClung, 2011), the delays in releasing new episodes or the unavailability of television shows (B. Brown & Barkhuus, 2006). It is also accentuated by online social interactions between viewers from different countries, who, through these interactions awaken curiosities about media content that may not be available in the television programming schedule of their countries (Jenkins, 2006c).

Further, while sharing is a socially acceptable activity which is often immersed in a gift culture context, the peer-to-peer file sharing practices operating in the online landscape are considered more criminal than off-line sharing practices because of the scale at which they operate. Consequently, sharing is translated as a loss of profits, and it becomes synonyms with the theft of intellectual property (Lobato, 2009a). As Baym (2010) argues “[t]he view that online audience practices represent threats remains prevalent. In addition to perceived lost sales, industry people also worry about technological developments and networked audience practices rendering their own jobs obsolete” (p. 179). Thus, there are conflicting opinions about piratical practices.

Previous research indicates that piratical practices are related to the moral disengagement of users and it is often a socially acceptable practice amongst peers (Bonner & O'Higgins, 2010). The need for rethinking what audiences and piracy are, therefore, is necessary in
order to avoid the “piracy as theft” paradigm and to alternatively see these concepts through the lenses of new media practices of participation.

As suggested by Couldry (2011), “practice-based” research approaches are needed in order to understand changing audiences, and in the case of this thesis, specifically pirate audiences. Couldry (2006) explains how important it is to focus on media practices when “humans flourish more broadly in an era where we depend on the circulation of vast amounts of socially relevant information, and media are vitally involved in that exchange” (p. 125). In a later publication, he developed this argument by adding that “[a]n open-minded, practice-based approach to whatever it is that people are doing with, or around, media is likely to serve us best in these uncertain times for audience research” (Couldry, 2011, p. 226).

Further, Couldry (2012) describes the advantages of looking at media as practices. First, the idea of practice is related to the regularity of activities, thus it relates to the everyday routine. Second, “practices are not bundles of individual idiosyncrasies; they are social constructions that carry with them a whole world of capacities, constraints and power” (p. 34). Third, practices are related to human needs. Finally, fourth, practice associated to action leads to assimilate the idea that media presence is the norm and it is part of people’s lives.

Nick Couldry’s work, drawing on Bourdieu’s Theory of Practice (Bourdieu, 1977, 1990), has influenced a range of scholars who are researching media and everyday practices. For example, Bird (2010) questions “How are media incorporated into everyday communicative and cultural practices?” (p. 86). Also, Christensen and Ripke (2010) suggest that practice theory approach “provides a better basis for assessing long-term perspectives related to changing consumption patterns” (p. 252). By focusing on practices, I am able to study media in everyday life, such as the changes in watching television.
It is important to note that studies on audiences’ practices before the internet indicate different stages in which participation takes place. Levy and Windahl (1984) found that the audiences’ interactions with the media and its messages is divided into three stages and each one involves a different activity. The first is before, or preactivity, which means the audiences select the desired content that is, selectivity. Next, during the interaction with the medium, or duractivity, the individual is involved with the medium and the message. Their definition corresponds to exposure which “requires involvement in the sense of message decoding, and so forth” (Levy & Windahl, 1984, p. 60). Finally, after being exposed to the media content, there is what they call postactivity, which is discussing the messages. Although the three stages of Levy and Windahl were published in the early 1980s, it can be applied to the current practices of audiences along with some additions. While audiences use the internet, postactivity happens during preactivity and duractivity. It can also come before the preactivity, being the motivation for it to happen. In other words, social networking, as it is further discussed in this chapter, has great importance in audiences’ social interactions. The online communities are the platform where audiences promote, distribute and discuss television content.

One of the most significant features of new media audiences is their willingness and ability to search, which is enhanced by internet search platforms. As it is discussed later in this chapter, audiences find media content as well as other peers with shared interests and work collaboratively (Nightingale, 2011b). Searching is not a new and exclusive practice of pirate audiences. As previously stated, Levy and Windahl (1984) argue that selectivity is a pre-activity of viewership. Therefore, the audiences might search or browse throughout the channels. In this scenario, though, the power of choice for a viewer is limited to the availability of television programmes. This is not necessarily a problem for many people who, at a certain time, may not be in the mood for choosing, or who may have mixed television viewership patterns alternating between formal broadcasting viewing to searching content over the internet. However, viewers-searchers are one of the main attributes of pirate audiences.
A basic definition of the internet is that it is a network where individual computers are interconnected (Severin & Tankard, 2001). Online television audiences are viewers-searchers navigating the internet to find programmes. Therefore, audiences are interconnected in “communicative structures” (Castells, 2009, p. 20) known as networks. The dynamics of the practices of audiences in terms of the distribution, circulation and consumption of content, along with their internal connections in the networks, are of particular interest of this research. Manuel Castells has contributed greatly to the literature regarding networks:

networks are complex structures of communication constructed around a set of goals that simultaneously ensure unity of purpose and flexibility of execution by their adaptability to the operating environment. They are programmed and self-configurable at the same time. Their goals and operating procedures are programmed, in social and organizational networks, by social actors. Their structure evolves according to the capacity of the network to self-configure in an endless search for more efficient networking arrangements (Castells, 2009, p. 21).

Many scholars agree with Castells’ views that social network analysis relates to “a common commitment to a shared project” (Knox, Savage, & Harvey, 2006, p. 117). The research of Knox, et al. (2006), however, shows that there are methodological approaches to networks which focus on the individuals as well as others seeking to understand networks through structural properties and social ties. These network approaches reject individualistic analyses by focusing on the structures and bonds of the connections. On social structures, Radcliffe-Brown (1940) says, people are “connected by a complex network of social relations” (p. 2). When exploring networks approaches, Knox, et al. (2006) refers to the research of Barnes (1954) and Bott (1957), anthropologists who focused on offline social networks. Accordingly, they explain that these authors aimed to understand “how people’s interrelationships with one another produced particular kinds of understandings about the world in which they lived and the people with whom they interacted” (Knox, et al., 2006, p. 123). Although, these studies are related to the offline networks, they are still valid and may inform how online networks operate because they are all composed of people’s interactions.

People have off-line lives that are driven by interactions and socio-cultural relationships. These persist and connect to their online lives and the networks they inhabit. However,
there are many discrepancies that are further explored in this chapter, such as the nature of the bonds of these interactions.

Through digital network interactions, television audiences are able to change the way content is distributed, and/or to modify the content itself. In the light of the decentralisation emphasised in the media-audiences dynamic, and the peer production capability to produce in common, Bauwens (2005) puts forward the definition of P2P,

\[ \text{[it is a specific form of relational dynamic, is based on the assumed equipotency of its participants, organized through the free cooperation of equals in view of the performance of a common task, for the creation of a common good. Equipotency means that there is no prior formal filtering for participation, but rather that it is the immediate practice of cooperation which determines the expertise and level of participation. It does not deny 'authority', but only fixed forced hierarchy, and therefore accepts authority based on expertise, initiation of the project, etc (pp. 6-7).]} \]

P2P activities create tension with media copyright holders and authorities. Thus, Bauwens (2008a) indicates three types of reactions:

1. Transgress the old system through file sharing and copyright infringement;
2. Step by step constructively build innovative alternatives that are according to the law. Bauwens (2008b) illustrates this step with Creative Commons. By having this possibility he adds:
   people are going from doing whatever they want, whether its legal or not, to creating a new legal system which allows them to do what they want to do. And then you give people the choice. You can still pay but it’s an option... a choice. And you can also share your music (Bauwens, 2008b, para. 31).
3. Understand the current societal expectations and then “start building a political-social movement to defend your life choices” (Bauwens, 2008b, para. 32).

These steps may apply to this research in the sense that, through an understanding of downloading practices as becoming part of audiences’ novel viewing practices, they may represent a constructive response to a transgressing practice. As previously stated, file sharing audiences are not considered audiences by the industry because they do not represent commercial value and are often perceived as a threat to traditional models. File sharing is perceived as a threat to capitalism because it facilitates free access of content for anyone with access to the internet and who possess some computer literacy. As
Bauwens (2008a) explains, a sharing economy competes with the profit economy. He develops the argument that the industry markets scarcity and the availability of abundant digital content at no extra cost threaten this system.

Many pirate audiences, however, may purchase legal and legitimate copies of television shows and/or watch traditional television broadcasting, just like many music file sharers did not cease to purchase music (C.-c. Wang, Chen, Yang, & Farn, 2009). Therefore, television audiences may present mixed viewership patterns which include online and offline along with the authorised and unauthorised consumption of TV shows.

In this section, I argued that pirate audiences participate through informal activities on the internet which enhances their viewing and distribution practices. Although the word “participation” has been criticised for being too celebratory, in regards to an activity that also happens in traditional media (Carpentier, 2009), it is used in this research to highlight the purpose of the interactions of pirate audiences. Then, this exploration contributes to the focus of this thesis in understanding how pirate audiences construct and maintain a parallel system of informal viewing and distribution of television shows through their informal online practices.

The next section theorises the interactions of pirate audiences on the networks that also allow people to access television shows over the internet. On the network, audiences are active in their position as viewers-searchers, however, they may further their activities by working, in collaboration with other peers, to facilitate television content access to other viewers.

2.3. Pirate Audiences and the Practices of Participation through their Levels of Engagement

In order to understand pirate audiences’ practices, they have been classified into three different categories (see Figure 2.1). A classification which both assumes the active nature of pirate audiences and considers the different roles they play in the pirate community:
1. Active-passive and active-incidental;
2. Active-social engagement; and
3. Active-labour.

Each category was created for the purpose of this research and each represented a different level of engagement between viewers and the network. These terms were developed based on the literature on unauthorised file sharing practices and in accordance with the different practices pirate audiences are involved. Carpentier (2011b) identifies that “through the conflation of producer and audience, we are often led to believe that all audiences of participatory media are active participants, and that passive consumption is either absent or regrettable” (p. 200). It is important to note that pirate audiences might present characteristics from more than one category. These three categories are discussed against the backdrop of theories of practice (Couldry, 2012), participation (Carpentier, 2012) and peer-to-peer interactions (Bauwens, 2008b), as well as theories about digital labour (Terranova, 2000).

*Figure 2.1*. The levels of engagement of pirate audiences. Source: author
As it is not the focus of this chapter, Figure 2.1 oversimplifies formal and traditional television distribution. Despite this, though, it does map out the interactions between pirate audiences in the practice of the informal distribution and consumption of television shows. At this point it is important to note that TV networks and pirate audiences’ *seeders* work as the gatekeepers for distribution in their systems.

The next section presents the first level of engagement examined in this thesis. It considers audiences that are viewers-searchers with active-passive and active-incidental types of engagement in the network.

**Pirate audiences searching in the network: Active-passive and active-incidental**

This section explores what is considered in this thesis as active-passive and active-incidental levels of engagement. It examines how pirate audiences fulfil their demand for TV shows by searching, finding, selecting and downloading them through the internet. It also studies how a wide availability affects, not only the way these audiences consume television shows, but also how they perceive the content’s value.

The term “active-passive” has been used by Carpentier (2011b) when “emphasizing the active role of the individual viewer in processes of signification” (p. 192). While this is related to reception studies and is focused on the relation between user and media content and active-audience theory, in this thesis the term is used to explain the informal distribution and consumption practices of television content.

The terms “active-passive” and “active-incidental” define the categories of audiences in which practices and interactions are limited to searching and accessing content. In this research these levels of engagement are still considered active because pirate audiences hunt for content over the internet which is a level above browsing the shows available on television using a remote control. As Itō (2012) confirms “even the most casual leecher is a more sophisticated media consumer than the average television viewer” (p.197). This
category of level of engagement, however, represents a passive consumption practice because it does not fully utilise the possibilities that the internet tools and networks offers, such as the ones explored in the active-social and active-labour sections to come.

Most audiences that download television shows over the internet are satisfied in only accessing the content and not being producers or facilitators (Nieborg & Van Dijck, 2009; Frissen & Slot, 2011). A study by Pouwelse, Garbacki, Epema, and Sips’ (2008) illustrates this statement by showing that on the file sharing tool named Kazaa only a minority of users were contributing, in contrast to the majority consuming content. People who consume but do not provide content are considered free riders (Krishnan, Smith, Tang, & Telang, 2004). When applying the free riders definition to the active-passive engagement, it aligns with Frissen and Slot’s (2011) definition of consumers, which is “using the product or service without adding value” (p. 147).

An example of the active-passive level of engagement is downloading from file hosting service websites, also known as cyberlockers (Karaganis, 2011b; Lobato, 2012) as the examples in Figures 2.2 and 2.3. The websites work with server-user dynamics. These websites can be found through a search on Google, or on a range of websites and communities dedicated to the downloading of films (Lobato, 2012) and TV shows. On these websites a link for downloading can be found, along with the size of the file and a brief description containing the name of the TV show and its season and episode number.

![Figure 2.2. Two Broke Girls download in Freak Share. Retrieved May 11, 2012, from www.freakshare.com.](attachment://freakshare.png)
Links for downloading media content on file hosting services are becoming more challenging to find through Google searches. The search engine website is starting to limit the display links that direct a person to these websites due to the pressures of international copyright holders (Lobato, 2012). Further, many file hosting services have been shut down in the past year, such as Megaupload which was shut down in early 201214.

On some file sharing platforms, pirate audiences are also contributors, regardless of whether or not this was their primary intention. The active-incidental level of engagement defines these audiences’ practices. This level of engagement consists of pirate audiences seeding, which means providing their files through file sharing tools such as BitTorrent or Utorrent. File sharing tools are platforms for downloads and not file storage websites.

---

14 Megaupload was one of the fifteen most accessed file storage websites in the world and the majority of users were from Brazil (source: alexa.com). It was, however, shut down by the US Justice Department in January 2012 (Albanesius, 2012). This disruption took place during the Stop Online Piracy act (SOPA) debate in the US, in which a bill was proposed that could empower media providers to block or shut down websites that were considered as infringing copyright law (Potter, 2012). The discussion took on global proportions, mobilising anti-SOPA movements, including a 24 hour blackout of websites, such as Wikipedia and other creative commons websites pages. The act was not even supported by the US President Barack Obama (Rushe, 2012). Since so much criticism was directed at the bill, which was seen as an attack on internet freedom, given the non agreement, the decision on changing the legislation has been postponed.
Users must search for the actual content, or torrent, on external websites of BitTorrent trackers such as *The Pirate Bay*\(^{15}\), they then use BitTorrent or Utorrent to download it. Figure 2.4 is a screenshot of the top 100 television show trackers in the Pirate Bay website.

\[\text{Figure 2.4. Top 100 most downloaded TV shows on The Pirate Bay website. The image has been adapted to this thesis in order draw the focus to the list. Retrieved February 5, 2013 from http://thepiratebay.se/top/205}\]

The left side of the chart, of Figure 2.4, contains the type of file and the name of the TV show with the file’s description. On the right-hand side, there are two columns which indicate the number of seeders (SE) and *leechers* (LE), which are terms used in the file sharing community. As defined by Cox, Collins, and Drinkwater (2010) “[l]eechers are those who download digital media illegally from other parties, but who are not explicitly making content available in return. Seeders are those who allow other parties to download completed digital media files from their computers” (p. 299).

\(^{15}\) One of the world’s most popular BitTorrent trackers.
Once a user selects the file on The Pirate Bay, he or she can utilise the file sharing protocol to download the file. For instance, BitTorrent connects the user to parts of the same file, or torrent, available from different users, instead of downloading an entire file from one source. In addition, the torrent technology allows the user to download parts of the files, even when the other sharing users have not completed the download (Vincent, 2007). That means, everyone using BitTorrent will automatically be sharing their own torrent files, and this system dramatically increases the speed of file sharing (Smith, 2007). Thus, file sharing tools enable users to download parts of a file from different users and this increases the sharing efficiency (Tseng & Chen, 2011; Vincent, 2007). As Tseng and Chen (2011) explain “P2P networks can establish communication and exchange information without existing centralized servers. Each participator (peer) may operate as a resource provider and a requester simultaneously” (p. 2432). This exchange happens while users are downloading and after they have downloaded content. Figure 2.5 illustrates a user seeding files to the network.

![Utorrent screenshot](http://www.p2pon.com/p2p-reviews/utorrent/)

With torrent technology, end users are also distributors of content since there is an ongoing exchange of files. Consequently, at some point all torrent users are seeders and

---

16 There are alternative file sharing tools to BitTorrent, such as Utorrent and different Torrent trackers instead of Pirate bay, such as Isohunt.
leechers. Then, this situation creates an environment where all file sharers are liable for the unauthorised distribution of unlicensed content. The user, however, may stop seeding, and therefore contributing with its files to the network once his or her downloading is finished. Then, he or she reverts to the free-riding status of consumption.

For Tseng and Chen (2011), free riding degrades the purpose of P2P file sharing. They argue that by not giving back to the network not only do users go against the P2P networks philosophy of sharing, but they also decrease the efficiency with which exchanges happen. Nonetheless, seeding is not an ideal practice for everyone, as for instance in Australia users have limited quota per month to upload and download data (Taylor, 2011). Therefore, although searching and collecting can be seen as a selfish way of accessing content, it is still the preferable option used by the majority of file sharing users.

The motivations for downloading content have been explored in Chapter One. The delay in releasing a TV show and its unavailability are among the main reasons. For pirate audiences, internet searching tools offer a broader range of programming options than what is offered by regular television especially when taking into account the authorised and unauthorised ways to obtaining content, as well as an individual’s internet search skills (Newman, 2012).

Nightingale (2011b) discusses the differences between search and discovery on the internet. According to Nightingale (2011b), these terms are related to metaphors such as surfing, hunting, and gathering (p. 89). Initially, internet users would surf the web in order to discover its possibilities and channels of information. Then, these practices changed to hunting down the desired piece of information.

The search brings an individual satisfaction, especially once the discovery is reached and gathered. The emotional satisfaction in discovery, however, can be diminished if the hunt is easily resolved (Nightingale, 2011b). Nightingale (2011b) argues that information can be easily supplied over the internet and thus feel as if it is received as a gift by the
searcher. Therefore material may not be sufficiently challenging to find and this results in a diminishment of its perceived worth. According to Hyde (1983), a “commodity has value…and a gift has worth” (p. 60). As Fitzgerald (2000) explains “[i]n the digital world, licensing of information commodities is the essential transaction, not the sale or transfer of a tangible product. The value of the commodity is the information, and the right to control and exploit it” (p. 372). Thus, the definition of value corresponds to exchange value having a financial connotation rather than a worth or meaning.

Another main motivation for downloading is that access is free of charge. The great availability of content on file sharing platforms, connected to being a socially acceptable practice among peers, contributes to the devaluation of content and the moral disengagement from what is perceived as an illegal activity. By taking for granted the abundance of content on the internet, pirate audiences might not understand the value of media content which was the case when media solely existed in an off-line world. The consumption of information, services and even media content does not lead to the scarcity of a product the same way as occurs with material commodities (De Araujo Pinheiro, 2007, p. 51). Therefore, by considering value as financial exchange and worth as meaning, it is possible to better understand downloading practices and network interactions. This association can help shift discussions of the internet as diminishing perceptions of what is right or wrong for society, to discussions regarding abundance and the scarcity of content availability and distribution (Bauwens, 2008a; Rowe & Hutchins, 2009).

Additionally, media consumption is also associated with online searching practices and the just-in-time feeling that new media technologies provide. Jacobsen and Poder (2008) explain “[p]eople increasingly perceive the world as a collection of consumer goods and see the aim of life as getting instant gratification” (p. 106). As a result, people become more dependent on search engines to immediately find content, leading to what Halavais (2009) has called the “search engine society”. Further, Nightingale (2011b) suggests that a dependence on search engines “is changing patterns of attention, our views about censorship and privacy, and the ways the search for knowledge affects our understanding
of democracy and its operation” (p. 88). Searching for television shows over the internet, therefore, may be seen as a normal practice, just as browsing television shows with the remote control became normalised.

To sum up, on the internet viewers search, find and consume content. This can be an active-passive level of engagement, or, with a slight contribution to the network, an active-incidental level of engagement. For many audiences, search, discover and collection might represent the only form of engagement in the network, yet both categories indicate that pirate audiences are active. By utilising internet tools, pirate audiences find an alternative way, outside mainstream TV distribution, to access content. This engagement, however, is to a degree passive because of the limited level of participation it entails. Moreover, it is an empty interaction with the network because the association with the value and worth of the content can almost be lost given the abundance of content available online and the lack of interactions with other viewers.

Nonetheless, it is possible that even the pirate audiences that display a further level of engagement, that is, engage in active-social and active-labour practices, may download television shows that other viewers have made accessible. It cannot be expected that all audiences will be limited to one or two of the three categories presented in this chapter. Pirate audiences may download television shows and then cease their interactions. They may also want to connect with other peers that share a mutual taste. This connectivity indicates the second level of engagement introduced in this thesis which is the active-social level of engagement.

**Pirate audiences and social networking: Active-social engagement**

This section presents a more developed and participative level of engagement by pirate audiences which is named in this research active-social. Informed by Couldry (2012), the idea of search-enabling practices is related to this level of engagement. Accordingly, “[f]rom searching, other practices quickly develop” such as “practices of exchanging information by forwarding weblinks to family, friends or work colleagues, warehousing sites that collect recommendations from users so other users can narrow down their
search practice” (p. 45). Watching television is a social activity in which audiences enjoy interacting with each other (Ducheneaut, Moore, Oehlberg, Thornton, & Nickell, 2008, p. 152). Therefore, the idea of active-social level of engagement is grounded in some of the aspects of social television which includes practices such as recommendations, commentary, file sharing and friendship groups (Goggin, 2011b, p. 134). As Goggin (2011) explains:

There is a teeming life of digital, social media interaction around social television that exceeds the scope of the fan cultures previously supported by television magazines or, more recently, websites or even the kind of user appropriation of choice in television viewing that downloading using peer-to-peer programs such as bittorent represents (p. 134).

The practices of watching television online, reflect some of the social aspects of watching television in an analogue context. However, television audiences are utilising the internet in the most various, complex and networked ways. In this research, pirate audiences utilise social networks as a platform to interact with other peers to promote, discuss and share media content for social purposes and affective reasons. It is argued that the interactions established in communities motivate consumption and distribution via social sharing.

**Forming social networks and bonds**

Social relationships arise for many different reasons but usually it occurs because of a common factor that all the individuals share socially (Lozares, 1996; Rizo García, 2003). Similarly, McQuail (1987) refers to “taste culture”, which occurs when people are grouped based on their preferences (p. 290). Carpentier (2011b) explains that such analysis “lead to the articulation of the audience on the basis of subcultural identities, in relation to a dominant culture” (p. 196). Pirate audiences utilise the internet to access media content and to interact with other peers that share common interests, such as their video content preferences. For some pirate audiences off-line human conditions circumstances and interactions drive them to further engage in a digital landscape.

Further, social relationships develop for different reasons such as chance, common friends and family, and also by being at the same place at the same time. People can be
part of the same family and group of friends, work together, attend the same Yoga class, or watch the same football game in a stadium. Such perspectives have previously been classified as “individualistic mainstream social science perspectives” (Knox, et al., 2006, p. 118) because they focus on individual characteristics forming the networks. Similarly, Benkler (2006) identifies the social aspects of practices by stating, “[h]uman beings are, and always have been, diversely motivated beings. We act instrumentally, but also noninstrumentally [sic]. We act for material gain, but also for psychological well-being and gratification, and for social connectedness” (p. 6).

The internet facilitates interactions between people across the globe who share similar interests and allows them to form social networks which are organised systems in the information age (Castells, 2000). As Rheingold (1994) explains the Information and Communication Technologies have impacted the way people form communities as they are no longer defined by geographical borders but they can be built on the cyberspace.

The relationship bonds in the networks, however, might present differences in the online and offline worlds. Castells (2000) argues that weaker bonds are a great match in the internet world because strangers with different backgrounds and characteristics are able to connect but on the same level and thus form digital communities. As defined by Castells, these interpersonal social networks are highly specialised. Although, these bonds between users can be full of supportiveness for each other, demonstrating a strong affection between members, they can also be easily dissolved which indicates their simultaneous weakness and strength (Castells, 2000). According to Bauman (2000, 2005), weak bonds are a result of a consumerist syndrome in social relations. Based on Zygmunt Bauman’s work, Jacobsen and Poder (2008) explain that “[p]eople increasingly perceive the world as a collection of consumer goods and see the aim of life as getting instant gratification” (p. 106).

Arguments that support that the formation of social networks, therefore, often include the comment that the purpose of the networks is to allow individuals to combine their knowledge in order to answer a specific question (Lévy, 1997; Rizo García, 2003). These
arguments have been criticised as being part of a social network, as not defining a purpose, and as not demonstrating strong bonds or any meaning. Similarly, Cogo and Dutra Brignol (2011) note that:

The movement of social organization in networks may often be accompanied by the simple need to form links, without a concrete purpose of action or social intervention, or any intention for the re-dimensioning of the hierarchies or of fragmentation situations or social disarticulation (p. 81).

Some pirate audiences might interact in social networks and demonstrate weak bonds with the online community. In contrast, other pirate audiences might have strong connections with other members and the community. In both situations television shows, and the participation in the digital environment through informal distribution and consumption practices, are the fundamental pieces that connect these audiences.

**Participatory culture and active social engagement**

Early in this chapter, the notion of participation has been introduced. Participation is an important concept that determines the active social level of engagement and it relies on the interactions of peers in the network. People’s relationships have been observed to develop when they proactively interact about common interests, and this has been labelled “participatory culture” (Jenkins, 2006a). The term “participatory culture” which has been heavily used by scholars (Baym, 2011; Deuze & Banks, 2009; Green, 2008; Jenkins, 1992, 2006b; Nieborg & Van Dijck, 2009; Nightingale & Dwyer, 2005) is helpful to examine users’ participatory trends through technologies, along with the social, cultural and economic aspects associated with this. Also, participatory culture has been associated with user empowerment over media content (Deuze & Banks, 2009; Jenkins, 2006a).

Jenkins (2006b) argues that participatory culture happens when viewers develop into fans and go beyond just passively watching content to interacting with other viewers and joining fan communities. In fact, fans are notorious for engaging “in a huge variety of active, media-related practices that connect them, their chosen texts, and multiple other texts […] together in an articulation that is anything but static and linear” (Bird, 2010, p.
Together they share, create and publish content using user-generated platforms such as YouTube.

Therefore, by being supported by other users, fans create a new model of cultural production (Jenkins, 2006a) based on “new social structures” (Jenkins, 2006a, p. 246) where “consumption has become a collective process” (Jenkins, 2006a, p. 4). As Jenkins suggests, this is linked to Levy’s concept of collective intelligence (Lévy, 1997) in that collaboration between members of virtual communities occurs so they can combine their understanding in order to answer a specific question.

For Baym (2011) “[t]he concept of participation emphasizes the active nature of the audience…and undermines historical notions of clear distinctions between producers and audiences” (p. 24). From an industry perspective, one of the greatest challenges is to understand “how media producers may reconcile themselves to the participatory culture of the Internet” (Baym, 2011, p. 22). From a new media studies perspective, it is important to approach these practices in order to understand how audiences are utilising the internet as a tool for social change and how their everyday practices, such as watching television, have been impacted by the advance and popularisation of internet technologies. Similarly, Burguess (2011) says:

> Centering the discussion on how ordinary people use online media platforms and media content- whatever its original source- to connect with one another invites us to reframe the politics of participatory culture around issues of access, representation, participation, and citizenship rather than the more industry-oriented issues of authorship, intellectual property and labor (pp. 322-323).

Though the evolving ICTs have had a great impact on audiences’ participation, as previously stated, it is not a novel matter, nor limited to digital technologies. Carpentier (2009) argues that “[p]articipation became (at least partially) an object of celebration, trapped in a reductionist discourse of novelty, and detached from the reception of its audiences and decontextualized from its political - ideological, communicative-cultural and communicative-structural contexts” (p. 408). In a later publication, he highlights that old media’s relevance is often disregarded even though it is still relevant for many people because of the attributes of new media (Carpentier, 2011b, p. 206). For instance, the two
forms of participation that this thesis focuses on under active social level of engagement are: (I) providing feedback as well as the power of word of mouth, and (II) social sharing. Both practices existed amongst audiences prior to the internet. These, though, have been enhanced due to technological developments and the larger number of people engaged in these activities. Furthermore, they are practices with a significant impact on the pirate community.

**Providing feedback and the power of word of mouth**

Television downloading has been influenced by word-of-mouth interactions between audiences on discussion forums, increasing viewer curiosity in other shows and leading them to download programmes that are not available on free to air television. Viewers must be up-to-date with current episodes in order to take part in the discussions and thus to avoid spoilers (B. Brown & Barkhuus, 2006). Additionally, the discussions increase people’s awareness of new television shows and their specific episodes and how to access them online. Pirate audiences may join communities on social networking websites, (e.g. Facebook and Orkut), through internet discussion forums (e.g. Whirlpool or TVwithoutpity), by reading articles related to television shows or reading discussions on file sharing blogs (e.g. Torrentfreak). Burnett and Baym’s (2009) work explores music file sharing and the social practices associated with it:

To say that fans provide word of mouth is to oversimplify the range of practices through which they accomplish this and the effort it takes to produce it. Spreading the word about new music is enacted along a spectrum that ranges from very low to very intense investment. Together these fans create an international presence far beyond what labels or bands could attain on their own (Burnett & Baym, 2009, p. 437).

Jenkins (2006c) says that such examples demonstrate when “piracy becomes promotion”. Similarly, some members of the industry recognise the importance of fans and the power of word of mouth to make content travel across borders (Harrington & Bielby, 2005; Jenkins, 2006c). For instance:

Umair Haque, who runs the trendy London media consulting shop Bubblegeneration Strategy Lab, puts it succinctly: “MySpace’s challenge is to do for branding what Google did for ads – to create a hyperefficient form of interaction.” In plain English, audiences create hits. Make that happen more quickly, cheaply, and reliably, and you have a philosopher’s stone for media: a Net-fuelled word-of-mouth machine (in Reiss, 2006).
Jenkins (2006c) defends the proposition that in certain occasions piracy can be utilised to promote content, such as the promotion of Japanese animations in the US market. As seen in a previous section, the trading of VHS tapes opened up markets for Japanese programmes in the US. He adds that “much of the risk of entering the western markets and many of the costs of experimentation and promotion were born by dedicated consumers” (Jenkins, 2006c, para.1). The “dedicated consumers”, or digital audiences indicated in this research thesis, are considered pirates because they utilise intellectual property without the authorisation of copyright owners.

When referring to film distribution, Abrams, Bell, and Udris (2010) explain that besides advertising, publicity and promotional merchandising, “[t]he most effective marketing method is word of mouth as it not only costs nothing, but also reaches its prime target audience successfully” (p. 48). Besides being an inexpensive tool it also reaches the most significant audiences. It is not a completely novel practice because word of mouth is a practice that existed prior to ICTs. It has, however, been facilitated and enhanced by internet technologies. In addition, as Couldry (2012) states “[n]ow our commentary is automatically archived and made visible online. Yet such commentary takes place over multiple sites and across many particular practices” (p. 54-55) such as social sharing which I explain next. Other than promoting and increasing awareness of TV shows through discussions and textual messages, pirate audiences may want to share their experiences with others in the network through the social sharing of content.

**Distribution by social sharing**

Chapter One explored pre-digital practices of informal distribution, such as copying and sharing VHS tapes between fans. These practices indicate how “[a]udiences, empowered by these new technologies, occupying a space at the intersection between old and new media, are demanding the right to participate within the culture” (Jenkins, 2006a, p. 24). Audiences, therefore, utilise the technology tools to participate in distribution with a community of people with shared interests.
Some of the dynamics of the network circulation of content consists of audiences passing forward content they enjoy to their friends, who will select and decide if they also enjoy it. Then, those friends may also pass it on and redistribute it to their networks. It is clear that “[t]hey do not simply pass along static content; they transform or recontextualise the content so that it better serves their own social and expressive needs” (Green & Jenkins, 2011, p. 123). The joy of discovery, as explained in Nightingale’s (2011b) work, may lead to the redistribution of a determined content. Thus, the circulation of content in the networks may occur voluntarily from one peer to the other. This dynamic has been labeled as going “viral” which could be considered an extension of word of mouth for being a practice related to promoting content (Burguess, 2008).

Social media sites, such as YouTube and Facebook, have been used excessively for this kind of sharing. For instance, Green and Jenkins (2011) illustrate with the, then, amateur singer Susan Boyle’s audition for the television show Britain’s Got Talent. The video went viral in social networking websites. Peers shared the video even in countries where the show was not aired. Green and Jenkins (2011) propose the concept of spreadable media which aims to “understand how contemporary audience practices produce value” (p. 111), and moreover, how they control and share media.

Another example can be seen in Figure 2.6 which presents a page from the Facebook community of the US ABC TV show named Revenge. As shown, ABC, like many other US networks, provides a link directing users to their website in order to watch episodes online. Then, US residents may share the links for streaming the episodes of TV shows to their network of friends on Facebook.
When making content available online, social sharing is an expected outcome for copyright owners, and this has been the case with the TV show named *Revenge*. Social sharing may also occur through unauthorised sharing on sites such as You Tube and this was the case with the Susan Boyle example just mentioned, although in that instance the social sharing did help to promote Boyle as well as the show, *Britain’s Got Talent* (Holmwood, 2009). The practice is the same in both cases, but it can be argued that the legitimacy of the original source may be what distinguishes a pirate audience from a new media audience in the eyes of TV networks. The perspective of this research identifies the importance of understanding the roles these audiences play when informally distributing or “spreading” TV content across networks.

---

17 Something that I referred in the last chapter as: there is a fine line between being an audience and being a pirate.
When defining spreadability, Green and Jenkins (2011) identify seven basic characteristics. Spreadability “motivates and facilitates” (p. 116) the distribution of material for fans, it “disperses content” (p. 117), and therefore increases audiences’ knowledge. It also makes possible “a diversified experience” (p. 117) because the content is spread through a platform where people are already utilising and interacting. It distributes content to new “social networks” (p. 117) where content can be a friendly gift, as it transforms the “push model” (p. 117) of advertisement into a more friendly and social part of sharing. Next, it relies on “increased collaboration” (p. 118), and lastly, spreadability promotes an endless quantity of “localized and many times temporary networks” (p. 118) where content is shared.

Spreadability gives audiences agency and, to an extent, power over what content is shared. Audiences may, therefore, become “grassroot intermediaries” advocating the content that is in circulation (Green & Jenkins, 2011). Green and Jenkins (2011) compare this circulation of content that may or may not be an organised system, to the transmedia planning that media companies utilise. In other words, non-legitimate practices of media circulation operate in parallel to legitimate practices.

Although distribution by social sharing could be viewed as an active-labour practice because viewers are working for free in promoting somebody else’s content, it has been classified active-social engagement because the content being shared represents a different meaning than what was originally proposed. For instance, a person may send a link of a television show because a character reminds her of the friend they send it to. It is acceptable to say, therefore, that distribution via social sharing may represent features of both active-social and active-labour levels of engagement.

Social sharing practices can be related to what Couldry (2012) classifies as media-related practices of “showing”. Accordingly, he explains that just like searching is an everyday practice, showing and being shown which means “being put into wider circulation” (p. 48) and sharing personal preferences, such as what are the best television shows, have become common practices. By showing their opinions and sharing links, these pirate
audiences fulfill the need of “sustaining a public presence” and “to construct an objectification of oneself” (p. 50). Couldry (2012) has found that such practices are current in social networking sites.

Active-social demonstrates a further level of engagement between pirate audiences and the network when audiences participate by discussing, promoting and sharing content for social purposes. In contrast to active passive and active incidental, this level of engagement highlights that there are social and affective motivations involved in being part of the pirate community and watching television shows through informal practices. The next section presents a category of level of engagement that goes even further in terms of audience participation in the network because audiences are shown to work in order to keep the dynamics of informal distribution and consumption operating.

**Pirate audiences and collaborative work: Active-labour**

The final level of engagement presented in this thesis is active-labour. Perhaps it is the most controversial of the practices because the audiences, who serve as facilitators, seeders and produsers, are constantly targeted by authorities not only for utilising protected intellectual property in an unauthorised manner, but for facilitating access to others. Once again, it is important to state that the pirate audiences considered do not have financial return as their primary motivation for working. They focus on social and affective interactions rather than commercial exchange. Lessig (2008), Benkler (2006) and Terranova (2004) are some scholars who suggest that non market collaborations are different from traditional market dynamics because they are driven by affective motivations and are classified as immaterial or free labour. From some preliminary research for my empirical work, I found the active labour level of engagement is significant among Brazilian pirate audiences.

The notion of audiences working is not novel. Many scholars have argued that because television audiences generate ratings, and therefore revenue, to media production companies, audiences are working. This concept was first introduced by Smythe (1981/2012). Smythe (1981/2012) focuses on the idea that the media consumption of
audiences represents unpaid labour. Other scholars (Jhally & Livant, 1986) furthered this conceptualisation of audiences as working by claiming that television shows are the payment given to the audiences. On the other hand, Napoli (2010) has described how contemporary audiences utilise digital media to promote both content and brand images through means such as using social media, and in this way are still considered free labour. Such practices could be word-of-mouth or social sharing practices. However, both are related to unauthorised file sharing of television shows, thus the notion of audiences working for the networks becomes complex.

The concept of audiences working for affective reasons has been also attributed to the practices of fans. For instance, Jenkins (1992) argues that fans are consumers that are also producers. Other scholars, such as Matt Hills, presents a different perspective by saying that not all fans are producers or that fans demonstrate different levels of willingness to produce and interact (Hills, 2002). Fan labour is an activity which consists of fans working for pleasure on a not-for-profit basis. This type of “affective or immaterial labor” is described by Hardt and Negri (2006) indicating that, “is labor that produces or manipulates affects such as feeling of ease, well-being, satisfaction, excitement, or passion” (p. 108). They add that it produces “communication, social relations, and cooperation” (p. 113). As Milner (2009) relates it to fan studies, this is, in part, thanks to the “increased connectivity and community afforded by Information and Communication Technologies” (p. 495).

In this research, I argue that fans are not the only audiences who are part of the pirate community, but also everyday audiences who present more active practices when accessing television shows. The audiences mentioned in this thesis are highly participative, productive and involved in non-traditional labour. It is important to note that other scholars have made a distinction between the different levels of being a fan according to their practices. Milne and McDonald’s (1999) identify three levels of fans in regards to marketing and sports (See Figure 2.7): low, medium and high. These categories are related to the fans practices. Accordingly, low identification’, or social fans, “have a relatively passive long-term relationship with the sport – low on emotion,
low on commitment, low on involvement – but a definite relationship exists nonetheless” (p. 15). Next, medium identification, or focused fans, are “attracted to the achievement-seeking aspect of sport” (p. 15). These fans’ behaviour, though, “is directly correlated to team performance and therefore may only be short-term in nature” (p. 15). Finally, the high level, or vested fans,

have the strongest, most loyal, and longest-term relationships a fan can have with a sport or team. This relationship is indicative of a heavy financial and emotional investment. A strongly identified fan can feel an emotional ownership in the sport team. They often refer to the entity and recruit other fans. Most importantly, according to Poole (1978): ‘the intensity of these fans’ interest often leads to devoting parts of each day to their team or sport in general’ (Milne & McDonald, 1999, p. 16).

Milne and McDonald’s (1999) levels of fans, and their practices, are similar to the three levels of engagements of the pirate audiences. Therefore, active passive could be seen as low, active social as medium and active labour as high. Instead of differentiating audiences and fans, however, I consider them all pirate audiences when they are involved in informal practices of TV distribution and consumption.

The practices of pirate audiences are elevated to a different level once their participation and engagement with other peers and media content becomes work. Many audiences utilise media content to produce fan fictions, or to facilitate other peers’ access by uploading content, organising links for easier access, or by producing subtitles in their local language. As previously stated, only a minority of users produce content while the majority benefits from their work (Bird, 2010; Nieborg & Van Dijck, 2009). In fact,
pirate audiences’ practices do not indicate that there has been a complete shift from “read-only culture” to a “read/write culture” (Lessig, 2008). But it reinstates the offline reality that a small portion produces in contrast to the majority that consumes content. Though, again, the viewers involved only in active-passive practices are still more participative than couch TV audiences. In the light of such a complex issue, Couldry (2012) suggests “an approach open to the varieties of practices is useful” (p. 36).

Therefore, those pirate audiences that take the initiative to produce, have control of the content that is being distributed:

Production is organized in class relationships that define the process by which some human subjects, on the basis of their position in the production process, decide the sharing and uses of the product in relationship to consumption and investment (Castells, 2000, p. 15).

Production is considered to be the ultimate way to display audiences’ dedication and engagement with the network through the collaboration with others (Nieborg & Van Dijck, 2009). There are other forms of engagement, however, which integrate active-social and active-labour practices:

Many of the activities audiences now do for one another online, such as reviewing, rating, tagging, putting songs onto streamable playlists, remixing, and making videos, are activities that are considered professional labor when done by industry workers. In a time of 25% layoffs, professionals may see jobs as being outsourced to amateurs. From the point of view of amateurs, one must ask whether they are being justly compensated or exploited (Baym, 2010, p. 179).

This collaborative work is usually voluntary. Free labour is time consuming, unpaid and takes effort. It is a precarious work environment. Also, the definition of crowdsourcing seems to suit this type of work, “the new crowds that collectively make media content today (1) regularly “work” for free; (2) have no employee entitlements or benefits; and (3) are disorganised and so incapable of invoking labor law protections” (Caldwell., 2011, p. 286).

Many audiences, though, establish affective engagement with other peers as well as the media content, and this increases their willingness to take part in this collaborative work (Terranova, 2004). Lessig (2008) explains that “[m]oney-oriented motivations are different from socially oriented motivations” (p. 149). Benkler (2006) confirms this by saying, “sometimes […] these non-market collaborations can be better at motivating
effort and can allow creative people to work on information projects more efficiently than would traditional market mechanism and corporations” (pp. 6-7).

The circulation of immaterial goods is fundamental for associations of free cooperation in the network (De Araujo Pinheiro, 2007, p. 52). Therefore, as Lazzarato explains, immaterial labour is “the labor that produces the informational and cultural content of the commodity” (Lazzarato, 1996, p. 133). Hardt and Negri (2006) add that immaterial labour can be categorised as affective labor, which results in the establishment and expansion of social networks. Also, Hardt (1999) explains that immaterial labour is “a labor that produces an immaterial good, such as a service, knowledge, or communication” (1999, p. 94).

The idea of immaterial labour can be associated with free labour when considering pirate audiences’ practices. For Terranova (2000), through free labour “value in the digital economies” is created (p. 36). She adds that, although it is unpaid, it is also “willingly conceded in exchange for pleasures of communication and exchange” (p.48). Similarly, Burnett and Baym (2009) say:

> These fans value spreading the pleasures they have enjoyed and building relationships with others in their (often intersecting) online and offline communities more than they value cash. They also value the social status and influence these practices enable them to attain (Burnett & Baym, 2009, p. 446).

Rossiter (2003) observes that, although it is immaterial given the affective nature between peers, it still presents a material dimension which is the commodity object. It can, however, be argued that the fact the commodity is digital evokes a sense of abundance because its usage and redistribution does not affect its original shape or quantity (Rodman & Vanderdonckt, 2006).

Further, some of the concepts presented in the category of active-social engagement may be embedded in the active-labour category because affective motives may drive the willingness to participate. The togetherness-feeling is also an incentive for strengthening bonds within the networks because audiences may work as teams. Audiences, therefore,
feel motivated to induce social change when immersed in social relations where others also agree that the appointed television broadcasting system is “fascist” (Lessig, 2008, p. 44) and that together they find a way to access and facilitate access of content.

Although systems are complicated, individuals are able to reshape the organisations they live in (Williams, 1961, 2001). These changes concern the interrelation between all the activities and include “elements of persistence, adjustment, unconscious assimilation, active resistance and alternative effort” (Williams, 1961, 2001, p. 62). Scholars have approached the topic of an individual’s capacity to resist and reshape society in a range of different ways. For instance, Terranova (2004) studied how “[t]he predominance of relationships of collaboration across distance and exchange without money suggested that this was a practised relationship with a viable and alternative political and economic model (p. 76)”.

It is possible to argue that the audiences’ motivations in social network interactions and downloading practices reflect their resistance to and rejection of television broadcasting systems. This could be summarised by Lawrence Lessig’s singular idea that it is a search for freedom, but, he reflects, “not necessarily for free” (Lessig, 2008, p. 44). For now, this discussion is limited to a focus on the movement of audiences in social networks from simply downloading and socially interacting to producing, facilitating and distributing full length television content.

For the purpose of this study I divide active-labour practices into two groups: one, the user-generated content producers, also known as produsers, and two, the facilitators. Throughout my research I found that these groups are the most significant in the pirate community as well as relevant literature. Before describing these groups I acknowledge pirate audiences who are involved in informal practices which are related to participation and production. The producers of user-generated content are not the main focus of this thesis but they are briefly presented for their importance in terms of copyright, new media studies and piracy discussions.
User-generated content

The concepts of spreadability, the gift economy\(^{18}\) and free labour can be applied to user-generated content producers. User-generated content, such as remixing video and audio files, is the focus of much research in new media studies and these studies examining the informal practices of audiences licensing (Ardevol, Roig, Dan Cornelio, Pages, & Alsina, 2010; Keen, 2008; Lobato, Thomas, & Hunter, 2011; van Dijck, 2009). For instance, Bruns (2007) explains that “produsage”, a term that Nightingale (2011a) sees as an upgrade of Alvin Toffler’s “prosumer”, is content created by users which results from the collaborative or individual production of content. When referring to Bruns’ (2007) work, produsage is attributed to the hybridization of consumption and production:

it highlights that within the communities which engage in the collaborative creation and extension of information and knowledge …, the role of consumer and even that of end user have long disappeared, and the distinctions between producers and users of content have faded into comparative insignificance. In many of the spaces we encounter here, users are always already necessarily also producers of the shared knowledge base, regardless of whether they are aware of this role - they have become a new, hybrid, produser (in Nightingale, 2011a, p. 2).

Also, as Ardevol, et al. (2010) describe user generated content “reflect different ways of challenging ‘production’ and consumption practices from creative and production processes to audiences conception” (p. 260). Thus, digital technologies have impacted they way people consume media.

It is argued that such amateur audience practices have occurred for decades in more traditional media platforms (Nightingale, 2011a). As previously mentioned, however, it is outside the scope of this research. This thesis focuses on the distribution of full length television shows and how pirate audiences’ communities work in collaboration to facilitate this distribution. It must be taken into account that sharing user-generated videoclips about television shows might assist in promoting television shows in the networks, and thus increase the awareness of audiences (McCormick, 2006).

\(^{18}\) “… free economy of the internet, an economy of exchange” (Terranova, 2000, p. 47).
Also, Bruns (2008b) suggests that user led distribution is also produsage. He explains that it is a form of innovation and resistance to the oligopoly of the networks. Moreover, he describes other benefits that file sharers, which are known in this thesis as pirate audiences, make possible in the network through their informal distribution practices:

filesharers also act to overcome other intrusions into television content which had been possible at a time when network control was biased towards incumbent industries: they may remove commercial breaks, overcome national censorship regimes (relating for example to offensive language) by sharing less censored versions of the same show as broadcast in other regions, or ‘liberate’ pay-per-view content by redistributing it through alternative networks (Bruns, 2008b, p. 85).

This aspect of produsage is considered when explaining the facilitators of video distribution. The next sub-section presents the three most prominent types of facilitators of the informal distribution of TV shows.

Seeders, organised networks and subtitlers: The ultimate facilitators of the informal distribution of full length television shows

The file sharing of TV shows in the networks would not be possible without this category of active-labour practices, that is, pirate audiences facilitating the access of content through informal ways. This research focuses on three types of facilitators:

1. Seeders, the people who upload media content to the network such as the television shows;
2. Organised networks of facilitators who create websites, blogs and online communities and who organise links so that viewers can download content; and
3. Amateur subtitlers, also known as fansubbers, who are the people responsible for translating and creating subtitles for the downloaded television shows.

This section aims to theorise how their practices fit in with the immaterial and affective labour practices of the digital economy. As defined by Terranova (2004), “[t]he digital economy is an important area of experimentation with value and free cultural/affective labour” (p. 79). The definition of value, as previously explained, corresponds to exchange value, that is, the connotation of monetary value rather than one concerned with worth or
meaning. The perception of value decreases in the digital economy because of its availability, social acceptability by other peers that are also engaged in sharing practices on the network, and the fact that on the internet network commodities become gifts (Barbrook, 2003). Audiences, therefore, turn to an act of labour based on good faith and with the aim of sharing something they are passionate about.

On the networks peers are responsible for generating and distributing content. For instance, Wikipedia, Wikileaks, and even search engines such as Google, are built through the collaboration of users. As Nieborg and Van Dijck (2009) describe:

Users constitute an army of volunteers or amateurs who dedicate their time and energy to developing and sustaining a vast array of networked products and services (from Linux and Wikipedia to YouTube and MySpace); all users supposedly contribute content out of a basic human need to communicate, gather knowledge and information or express oneself creatively. In so doing, users create value for shareholders and companies provide platforms for people such as this to share and create content (p. 856).

Bauwens (2008a) explains that peer production is not a sustainable practice because most of the time expended does not involve financial gain. The major incentive is self-interest rather than a traditional capitalist concern with work being conducted in exchange for a financial return. Further, the decrease in the perceived value of commodities associated with file sharing practices does not accord with capitalist-orientated practices. This is even more the case when taking into account the definition of a gift economy as that where “information is for sharing not for selling” (Barbrook, 2003, p. 91). As Castells (2000) explains, “[c]apitalism is oriented toward power-maximizing, that is, toward increasing the amount of surplus appropriated by capital on the basis of private control over the means of production and circulation” (p. 16).

On the internet, audiences can choose not to be the “end point” of communication dynamics19, and rather function as the receivers and senders of television content. Their relationships are based on file sharing practices which may suggest that the audiences are actually the networks. By admitting that audiences are the networks, and are composed of the same individuals in the offline and online world, it must be acknowledged that they

---

19 See sender-message-receiver model of Shannon and Weaver (Shannon & Weaver, 1949).
are also immersed in a broader network called society. When considering the informal practices, “[p]articipants in the gift economy are not reluctant to use market resources and government funding to pursue a potlatch economy of free exchange” (Terranova, 2004, p. 77). It is thus possible to argue that private and public, online and off-line interests enter into a conflict.

**Seeders**

In order for television shows to become available for file sharing there must be pirate audiences who capture the media content and distribute it online. These audiences are known as seeders:

‘*Seeders*’ are those who allow other parties to download completed digital media files from their computers. Additionally, among the latter category of participant are ‘*first-seeders*’. These are individuals who make media content available to the file-sharing community in the very first instance for subsequent use by both seeders and leechers (Cox, et al., 2010, p. 299).

Although being a seeder involves work as well as further participation in the pirate community other than restricting to downloading practices, it can be argued that it entitles lower levels of collaboration when compared to organised networks and fansubbing practices. For Itō (2012), for example, people who work as distributors are somewhere in between being a leecher and being a contributor who “do not contribute with human labour and expertise” (p. 190). As seen in regards to the category of active-incidental the seeders could also be anyone utilising torrent platforms to download content, as long as they do not interrupt the seeding. Seeders are, however, still undeniably important in keeping the pirate community operating because they are the gatekeepers of the informal distribution of content (see Figure 2.1).

The following two categories of facilitators, also predominant in research on informal distribution are those who organise links for downloading television shows on their platforms, and those pirate audiences who produce subtitles for the downloaded television shows and thus facilitate access to others who cannot understand the language.
Organised networks: Informal distribution through linking websites

After the seeders make the media content available on the internet, pirate audiences, acting as facilitators, re-distribute it through their websites, blogs, YouTube channels, online communities and other platforms. Carpentier (2011b) describes such audiences articulation as “organised audiences” where they “construct the social organization of the communication processes” (p. 197). As Reyes Matta (1981) adds, organised audiences are “social groups…linked in a organizational or structural way with the society at large” (in Carpentier, 2011b, p. 197).

Basically, the pirate audiences involved in these practices provide links for downloading media content through platforms such as those mentioned above. As Lobato (2012) explains, when referring for film distribution, although it can also be applied to television shows distribution: “[I]linking sites operate as indexing and aggregation service for both legal and pirated content, but with and emphasis on the latter (p. 100). He also describes that these websites “do not store pirate content on their own servers, but direct viewers to video—hosting sites and pirate serves” where the content can be downloaded for free. These file-hosting websites, also known as Cyberlockers can also be found through a Google search. Lobato (2012) describes how it works

Visitors to a cyberlocker site access content through a central server which acts as an intermediary between sender and recipient. Users set up an account, upload a file from their hard drive to the cyberlocker, and generate a URL from which other users can download the same file (p. 104).

These pirate audiences facilitate the search to content to others presenting a culture archive of television content. Couldry (2012) relates archiving as an everyday practice related to what he calls “presencing” (p. 52). Thus, by archiving and then indexing, these audiences reaffirm their existence in the community.

Based on my preliminary observations, I found that the facilitators may work alone on their distribution platforms or in groups, becoming, what in this thesis is termed organised networks. A relevant example of what I consider as organised networks is the
website The Pirate Bay. The Pirate Bay is the platform where people seed and leech media content, as well as provide ratings and give feedback to seeders and other leechers.

**Organised networks: Fansubbing**

Fansubbing, which stands for fan subtitling practices, is a form of free labour and a work practice grounded in fan culture. The fansubbers are also facilitators of informal television distribution because their subtitles are utilised by TV downloaders who cannot understand the TV show’s original language. Fansubbing can be viewed as an organised network when the fansubbers are part of a non-traditional work organisation through their practices of creating subtitles.

Fansubbing practices commenced in the 1980s with anime fans translating and trading VHS tapes. Itō (2012) explains that these practices took place in response to the insufficient distribution of certain TV shows by the commercial industries across nations. Following this, in the late 1990s, fans started using the internet to distribute anime and to produce subtitles through digital programmes (Itō, 2012). With the advance of digital technologies the impact was significant:

> The shift to digital production and distribution dramatically expanded the scope of both fansubbing contributors and leechers. With the advent of BitTorrent in the early 2000s, the distribution of fansubbed anime exploded, and we saw the birth of the contemporary digisubbing ecology (Itō, 2012, p. 184)

Therefore, the popularity of the Internet and the growing availability of free software for translation and subtitling have enhanced fansubbing practices (Bold, 2012). Itō (2010) explains that, after “the advent of digital distribution, the digisubbing scene exploded, and fansubtitled works reach millions of fans around the world in multiple languages” (p. 28).

During the past decade, scholarship reveals a range of different patterns for Japanese Fansubbing practices. These practices are usually not for profit (Hu, 2005; Jenkins, 2006a; Milner, 2009) which can be considered a paradox. As Jenkins (2006a) illustrates,
“[t]he fansubbed videos often ran advisory urging users to ‘cease distribution when licensed’. The clubs were not trying to profit from anime distribution but rather to expand the market” (p. 159). Similarly, previous research has indicated that one of the outcomes of fansubbing practices is that they promote content (Jenkins, 2006c; Leonard, 2005; Milner, 2009; Perez Gonzalez, 2007) in places where shows have not yet arrived. One of the consequences of fansubbing practices, as Leonard (2005) describes, is that “[m]any fans started anime companies, becoming the industry leaders of today” (p. 282).

Furthermore, fansubbing practices are grounded in fan culture (Hu, 2005; Milner, 2009), and thus often associated with social media. The organisation of fansubbing communities correspond with Milner’s (2009) concept of new organisation. They thus consist of non traditional labour and the members contribute with knowledge and skills which are driven by their willingness to participate.

Finally, the practices of fansubbers are related to concepts of the gift economy (Barbrook, 2003) which is the exchange of services in a social context but with no formal agreements. For instance in Itô’s (2012) work she found that “[a]mong both fansubber and leechers, almost everyone acknowledged the importance of ‘giving back to the industry’ through the purchase of DVDs” (p. 185). The labour of fansubbers is also grounded in affective labour and Itô (2012) describes their work as: “[a] self-consciously noncommercial practice … driven by diverse motives, including the demand for high-quality localized content, a desire to contribute to the international fandom, and opportunities for learning, fame, and recognition” (p. 179-180).

It is important to note that most of the literature on fansubbing refers to the consumption of animes (e.g. Leonard, 2005; Perez Gonzalez, 2007; Prado Alves Silva, 2009). Fansubbing practices, though, may also occur within Asian fan communities who wish to have access to US TV shows. Accordingly, during an interview with a reporter from Lifeweek Magazine in Shanghai, Jenkins (2008a) explains that:

amateur media fan groups in China can translate as many as twenty shows a week, suggesting how Prison Break fits within larger patterns of cultural practices. She noted that the technical
languages used on contemporary procedurals such as *CSI* and the slang used on many American programs posed particular difficulties for Chinese translators, who had mastered textbook English but had less exposure to more specialized argots (para. 4).

Fansubbing practices may also occur outside Asian fan communities or related to access to TV shows other than Japanese and others available on Asian markets. For instance, there are specific groups of fansubbers who translate television shows from countries such as the US, the UK and Canada to their local pirate audiences. In Greece, for example, the creation of amateur subtitles is a common practice engaged in by fans. According to Petridis (2012) “P2P networks began to specialize in this area because of the chronic weaknesses of official subtitling. It is famously slow, has limited repertoire, and is sometimes of low quality. All of these problems proved to be addressable by dedicated amateurs” (para. 14). In my research, I investigate a group of fansubbers in Brazil known as *Legenders*, who predominantly translate TV shows from the US and the UK into Portuguese. These are explained further in the following chapters.

2.4. Chapter Summary

The way audiences are accessing television shows is changing. Audiences are more active as they search for content, regardless of whether or not it is aired in their country. Audiences overcome what is perceived as unfair prices, unavailability, or any other obstacle that prevents them from accessing media content by utilising internet technologies in order to organise themselves into a community (Moore & Costello, 2007) and creating alternative distribution systems. These audiences are considered as pirate audiences and their practices may define their levels of participation on the internet.

This chapter related everyday practices to the changes that have been occurring with the popularity and advance of the internet. It used media-related practices and P2P theory to approach these informal viewing and distribution activities that can be associated with a sense of increased participation which is gained by the audiences through the internet. While these practices are justified by an off-line demand for television shows, it has been
enhanced by the particularities of networks created in the current complex digital environment.

Moreover, the chapter presented the practices of pirate audiences which were classified into three levels of engagement according to their informal media distribution and consumption: active-passive and active-incidental, active-social engagement and active-labour. As Itō (2012) explains “fansubbing and distribution have taken a life of their own, deeply integrated in the community and social practices of contemporary wired fans” (p. 183). To these practices, however, I add informal consumption which can be undertaken by people who are not necessarily fans but audiences of television shows. These three levels of engagement are applied to particular case studies in Brazil which are further developed in Chapter Five. In order to situate the empirical work of this thesis, the next chapter overviews the background of media research and digital piracy in Brazil.
Chapter Three:
Digital Practices and Background to Media Research in Brazil

“It is the rise of a peer to peer culture. Peeracy!”
Gilberto Gil, Minister of Culture in Brazil, May 2008.20

3.1. Introduction

In his former role as Brazilian Minister of Culture, Gilberto Gil, spoke of digital culture, revolution and peeracy:

The revolution generated by the convergence of digital technologies obliges us to reinvent the way we do almost everything. I believe that anybody with public responsibility should look into the digital distribution of Intellectual Property as the most direct and powerful way of democratizing knowledge in the history of mankind. But instead we see almost every formal institution insisting on bluntly calling the digital distribution “Piracy” (Carvalho, 2008 para. 8).

This quote presents an overview of the Brazilian culture and the paradox of condemning piracy at the cost of “failing advancing democracy and social development” (Carvalho, 2008, para. 4). In light of this discussion, this thesis investigates how television audiences create an alternative system of informal viewing as well as an alternative means of distributing television shows over the internet. Chapters One and Two offered an overview of how Information and Communication Technologies have impacted the notions of piracy and audiences by examining TV audiences’ individual and collaborative practices on the internet. This information was organised by using a transnational approach. However, as geographical, political, social, economic and cultural constraints may affect the way people use media, the concepts developed in the first two chapters are applied to particular case studies in Brazil, a population so far unexplored in regards to television audiences’ piratical practices. Brazil is the largest South American country and it holds an important position in the global economic and political environment, along with Russia, India and China21. Also, it is a country where over 20 million people are

---

20 http://www.cultura.gov.br/site/2008/05/19/gilberto-gil-no-google-zeitgeist/
21 Economist, Jim O’Neill, has created the acronym BRICS, or Brazil, Russia, India, China and South Africa, which was added later (O’Neill, 2001).
involved in illegal downloading of media everyday (IPEA, 2012). Brazil, therefore, warrants attention being given to its development.

The purpose of this chapter is to contextualise the empirical work of this thesis which is examined in Chapters Four and Five. It is not the aim of this chapter to present an in-depth examination of the rich history of the Brazilian television industry, digital media and internet environments, nor to explore television audience research in this country. Instead it focuses on presenting relevant media research on digital piracy and new media audiences in Brazil indicating that there is a gap in the literature that addresses how television audiences, through their informal practices, maintain a parallel system of viewing and distribution of US television shows.

This chapter is divided into two main themes. First, it provides the context and background of current Brazilian pirate audiences in terms of television distribution and internet accessibility. It also describes issues of intellectual property and the liability of copyright infringement, topics that have also been explored from an international perspective in previous chapters. Second, it overviews research on new media audiences and the cultures of informal media sharing in Brazil.

3.2. Access to Television and the Internet in Brazil

In order to explore the practices of downloading television shows in Brazil, it is important to consider the context where these activities take place. As de Luca Pretto and Bailey (2011) state, “[t]he analysis of emerging digital culture in Brazil demands an understanding of certain aspects of Brazilian life” (p. 266). Therefore, it is important to investigate what content is available and to whom. As presented in Chapter One, limited accessibility is the main reason why people download media content. Accessibility can be associated with broadcasting rights, resulting in delays or the unavailability of television shows. Further, audiences may not be able to afford specific services and products, such as cable TV, internet broadband and DVD purchase. This section overviews the
distribution and consumption of television shows in Brazil from the perspective of accessibility of content.

**Television distribution in Brazil**

US programmes have been popular in Brazil since the beginning of television broadcasting in the country. When broadcasting first started in the 1950s, the lack of local productions drove the limited number of channels to import US television shows (Straubhaar, 1984). US shows were well accepted in Brazil because there was already an audience for Hollywood films, although there were some Brazilians who did not want more of the so called *enlatados americanos* (translation: “American canned goods”), a pejorative way of referring to US products including films and television shows (Alves, 1989; Mattos, 1990). In the early 1970s the government started to invest in national television programming in order to minimise the number of US television shows appearing on free to air television (Vandresen, 2012).

Soon after, Brazilian telenovelas began to be nationally and internationally recognised for the quality of their plots and production. As Reis (1999) describes:

> Rede Globo’s soap operas are lavishly produced. Like Hollywood movies, entire location sets are built to fit a particular story line. Soap operas are as popular in Brazil as the most successful American movies are in the States. The stars are national celebrities, widely recognized by the general public (Reis, 1999, p. 409).

Brazil’s Rede Globo, the most dominant network on Brazilian national television (Wentz, 1998), started exporting telenovelas to Europe in 1975, reaching approximately 100 countries across the globe (J. Sinclair, 1998; Vandresen, 2012). Thirty years later Brazil is still well known internationally for the speciality of its television shows and its idiosyncratic genres (Havens, 2003). The strongest buyers of Rede Globo Telenovelas are Portugal and Latin American countries, followed by other European and Asian countries (Mattos, 2009). Straubhaar (1989) highlights the significance of having national television productions:

> One of TV Globo's achievements has been to gradually develop the ability to produce ten to twelve hours of programming per day. In doing so, TV Globo has managed to push out most
imported American programs (at least out of prime time) and create a pattern of taste among the audience for its particular style, referred to as the padrao global de qualidade (the Globo standard of quality) (p. 141).

As Reis (1999) adds “[t]he fact that virtually the entire Brazilian population speaks Portuguese, as opposed to English or Spanish helped to forge a unique cultural identity” (p. 409). Thus, the telenovelas have become important cultural products for the country.

Although Rede Globo is the second-largest commercial TV network worldwide in terms of annual revenue, behind the American Broadcasting Company (ABC) (Tolipan, 2012), it has been losing its audience to cable television (Brittos, 1999). Hamburger (2011) adds that the decline in viewing ratings for telenovelas, in comparison to the 1970s and 1980s, is a result of the (once again) growing popularity of US television shows. As she explains, this is because they present a different type of plot, being many times less politically orientated than some Brazilian telenovelas. She has also found a similar shift in the viewing habits of other Latin American countries, such as Mexico and Colombia.

The popularity of US TV shows is widespread across the globe. In 2008 US TV shows comprised an estimated “85 percent of all children’s programming, 81 percent of television movies, and close to 75 percent of dramatic television programs” exports (Bielby & Harrington, 2008, p. 39). In Brazil, though, US television shows are popular among only a specific niche of viewers and they do not have the same representative ratings as telenovelas on free-to-air networks,

For instance, while the US TV drama Lost was aired on Rede Globo it had an average of eleven points in the IBOPE ratings22 (Vandresen, 2012), equivalent to almost seven million viewers. In contrast, a Rede Globo telenovela, Insensato Coração or Foolish Heart (transl. author), which was also aired in 2011, had an average of 35.6 IBOPE Ratings23, corresponding to 22 million viewers. The popularity of telenovelas in Brazil can be attributed to the fact that they reach different Socio-Economic Levels (SEL) and

22 One IBOPE Rating for the Brazilian population corresponds to 620,400 viewers (http://www.midiainteressante.com/2011/10/quanto-vale-1-ponto-no-indice-do-ibope.html)
genders (Messa, 2006). Nonetheless, US TV shows cater to the specific demands of a considerable portion of Brazilian viewers\footnote{In free-to-air television 1 point means 74,000 households, while on cable 1 point is equivalent to 10,300 homes. The scale is completely different, given the amplitudes of the two universes”, however, “cable subscribers have a much higher commercial importance than free-to-air audiences, as they make more purchases” http://veja.abril.com.br/110401/p_142.html}, in terms of commercial importance.

What is generally understood, in regards to Latin American television programming, is that the broadcasting strategy is to encourage the majority of the population to view free-to-air television, while keeping the elitist audiences focused on cable television (Bentes, 1997; Rodrigues da Silva, 2011). Also, Vandresen (2012) explains that:

The distribution of a North American TV series outside the United States is associated with the purchase of broadcasting rights. Upon signing a purchase agreement, it is necessary to determine whether the content will be distributed free-of-charge or not (Vandresen, 2012, p. 629).

Cable television channels with a high proportion of imported programmes are mostly foreign-owned companies\footnote{According to a study conducted by Ancine, 85 channels on cable television are foreign-owned companies, 16 with national investments and 15 channels combine foreign and national investments (SAM & ANCINE, 2010, p. 14).}. Also, according to the Brazilian Association of Subscription Television\footnote{Associação Brasileira de Televisão por Assinatura} (ABTA), cable television has gained popularity, especially among the privileged Socio-Economic Levels (SELS) in Brazil, SEL A (85% coverage) and SEL B (59% coverage)\footnote{According to IBGE, Brazilian Institute of Geography and Statistics, Brazilians are divided across Classes, socio-economic levels, A, B, C, D and E which are measured according to an individual’s economic status, such as household income and mortgage (See Appendix A).}. As a consequence of Brazilian economic growth, SEL C is also showing a steady growth with 29% of people having access to cable. In 2007, the National Agency of Telecommunications\footnote{Agencia Nacional de Telecomunicacoes} (ANATEL), reported that there were over 5.3 million subscribers in Brazil. This number has increased to over 13.6 million in April 2012 (ANATEL, 2012).

It is important to consider that access to global television content has discouraged, but not completely inhibited, Brazilian audiences from watching free-to-air television. As Vandresen (2012) explains “[e]ven in the households with cable TV, more than 70% of
the subscribers' audience goes to open channels such as Globo, Record, SBT and Band” (Vandresen, 2012, p. 634). However, the audiences that were not satisfied with free-to-air television purchased television subscription services. Gomes (2007) observes that part of these audiences were young privileged Brazilian audiences who wanted to watch US television shows.

Although there are audiences who would rather access US programming through cable channels, socio-economic factors may impose limitations. As mentioned above, there are 13.6 million subscribers to cable television in Brazil, which corresponds to just over 23% of the population29 (ANATEL, 2012). Of this share, approximately 63% of cable subscribers are located in the southeast region (ANATEL, 2012) which is composed of the states of Rio de Janeiro, Sao Paulo, Minas Gerais and Espirito Santo. The southeast region contains over 40% of the total population being the most populated and urbanised area of Brazil (IBGE, 2010).

Brazilian television, therefore, offers good quality content for free and reaches the majority of people in the country. However, the portion of audiences who are not satisfied with national and international television programming offered on free-to-air television, may have limitations, particularly financial, that prevent them from accessing television content through cable30.

Further, with the advance of the internet in the late 1990s, many services that offer television content, formal and informal, have emerged. As Borelli and Priolli (2000) explain, the internet impacted the way audiences interact with television content. As a result of the technological changes, audiences in Brazil started to assume a more...

---

29 The total population in Brazil was 193,946,886 people in 2012 (IBGE, 2012).
30 It is common for Brazilians to seek a diversity of viewing other than what is offered by television broadcasting. From the early 1990s the popularity of videocassette impacted on television ratings as audiences, unsatisfied with the available programming, watched other shows available on VCR (Tarsitano, 1992). As VCRs decreased in price their popularity grew, and between 1993 and 1996 there was a growth of 43% of VCRs sold (Borelli & Priolli, 2000). In addition, in the early 1990s the remote control also impacted on how audiences watched television, making it possible for viewers to skip advertising and ‘zap’ their way through channels (Borelli & Priolli, 2000). This is an issue also found in other parts of the world (Thomas, 2011).
individual habit of watching television, which was evident by the rise in the sales of television sets (Borelli & Priolli, 2000). In 1997, 85% of SELs A and B had two or more TV sets, compared with 72% in 1994 (Borelli & Priolli, 2000, p. 158). According to IBGE, in early 1990s, 80% of all Brazilian homes had access to a television set. In early 2000s there was a growth of 7% (Diniz Alves, 2004, p. 30).

Cable television, which caters for a more specific audience, along with digital technologies, greatly contributed to the secularisation of television watching in Brazil. In order to access digital technology services, however, it has been mandatory for audiences to have access to internet broadband services. As it is explained in the next section, digital technologies are mostly accessed by a privileged minority of people in Brazil.

**Internet in Brazil**

Similar to cable television, the social and economic inequalities in Brazil influence users’ access to the internet. Although internet access has grown in the 2000s as a result of a decrease in the price of broadband access, the federal government’s investment in school computers (de Luca Pretto & Bailey, 2011), and the free availability of internet wireless in public spaces, internet access is still restricted to a minority and wealthy portion of the population (Neri, 2012). In Brazil, 82 million people, less than 50% of the total population, have access to the internet (Nielsen Online in Federowski, 2012). Of this portion, 33% of the population have access to the internet at home (Neri, 2012). Figure 3.1 shows home internet access across Brazil.

---

31 Public spaces with free access to the internet are used by approximately 5% of the Brazilian population (Neri, 2012, p. 37).
Internet access at home is highest in urbanised and highly populated areas with high concentrations of wealthy people. For instance, Sao Paulo and Rio de Janeiro have more people with access to the internet from home than rural and less urbanised states such as Maranhao and Piaui (Neri, 2012). Also noted in Neri’s (2012) report the rural areas have a dispersed population which makes the implementation of digital technology infrastructure difficult. However, internet access in Brazil also occurs through paid public spaces known as Lan houses (Neri, 2012). Lan houses are common in less populated areas in Brazil and among less fortunate Brazilians and this helps with bridge the digital divide:

In 2007, no less than 49% of all Internet access in Brazil was done inside lan houses, and the younger and poorer the user, the more this figure increases. In the northeast of the country, the figure reaches 67% and in the north 68%. In families with an income of up to R$380 (around 100 GBP), the rate reaches 78.8 %. Another study, carried out by the Getúlio Vargas Foundation, notes that there are more than 90 thousand lan houses in the country. A certain degree of pioneering is involved in the lan house project given the poor communication in areas where the state is lacking in providing culture and education, for example, by setting up new spaces of interaction, socialization and learning for young people (de Luca Pretto & Bailey, 2011, p. 273).
Further, according to the Brazilian Network Information Centre\textsuperscript{32} (NIC, 2011), the predominant reason given by people in households with computers but no access to the internet was the “high cost” and the fact that “it was not available in their area”. The latter is a more significant issue among respondents from rural areas. The former was already indicated in the “Survey on the Use of Information and Communication Technologies in Brazil” (CGI, 2010). Accordingly, SEL A (85%) and B (72%) have more access to the internet than SEL C (42%), and SELs D and E combined (14%). However, in terms of numbers of users, SEL C represents 52% of the total internet users, while SEL A only 2% (CGI, 2010, p. 53). That is a result of the social inequalities, as SEL C represents the majority of the Brazilian population, which is approximately 54% (Brasil). Also, a study by the Getúlio Vargas Foundation (Neri, 2012, p. 32) reveals other significant reasons for why people do not use the internet in Brazil:

1. They did not think it was necessary or they did not want to use it,
2. They did not know how to use the internet and
3. They did not have access to a computer.

In addition, as observed in the “Survey on the Use of Information and Communication Technologies in Brazil” (CGI, 2010), age and education affects these results because younger participants’ main reason for not using the internet was lack of access. In contrast, more educated participants had fewer problems in accessing the internet.

When considering internet access from home in Brazil, in comparison to the rest of the world, Brazil presents similar internet access conditions to other Latin American countries such as Chile and Argentina. The discrepancy between Brazil and developed countries such as the US and Australia is stark, as Figure 3.2 illustrates.

\textsuperscript{32} Núcleo de Informação e Coordenação do Ponto.
Figure 3.2. Map of home access to the internet in 2010 (%) – Global. The participants were fifteen years old and over (Neri, 2012, p. 19).

In summary, cable television and internet broadband services are accessible by a minority of the Brazilian population. This portion mostly corresponds to the privileged socio-economic levels, A and B, who live in urbanised areas, and it is mostly concentrated in the southeast of Brazil. Yet the portion who have access to the internet is also measurable in terms of use of social media and the use of peer-to-peer file sharing platforms, and this is described in the next section.

3.3. Digital Piracy in Brazil

Although less than 50% of the total population have access to the internet (Nielsen Online in Federowski, 2012), Brazil has high levels of internet piracy (Mizukami, et al., 2011). Recent research indicates that approximately 41% of internet users in Brazil download media content from unauthorised sources (IPEA, 2012). In other words, over 20 million people in the country are involved in what is defined as digital piracy. This information can also be confirmed on websites, such as Alexa, that measure internet traffic and which show that worldwide Brazil is in the top five countries in regards to the

---

33 As explained in Chapter One and Two, digital piracy corresponds to copyright infringement, such as unauthorised sharing, downloading and distribution of content.
number of visitors using downloading websites *Megaupload*\(^{34}\) and *Rapid Share*\(^{35}\). In August 2012 Brazil was ranked fourth in terms of the use of *The Pirate Bay* website (see Figure 3.3). As de Luca Pretto and Bailey (2011) explain, in these informal practices “the appropriation of digital technologies by young people is creating new forms of production and dissemination of alternative cultural goods and forms of communication based on cultural diversity” (p. 271).

![Visitors by Country for Thepiratebay.se](image)

*Figure 3.3. Visitors to The Pirate Bay website by country. Brazil ranked in 4th Place with the highest number of users worldwide of The Pirate Bay website. Retrieved August, 2012, from www.alexa.com.*

Before presenting the background for digital piracy in Brazil, it is important to mention the existence of physical and commercial piracy, an issue which lies outside the scope of this thesis. In Brazil, like elsewhere in the world, the production of contraband pirated DVDs of films and TV shows represents a major issue for copyright protection (Delfino, 2009; Dent, 2012; Mizukami, et al., 2011). As Dent (2012) describes, “[i]n Brazil, ‘pirated’ products are almost everywhere, in urban and rural spaces alike, and people across socio-economic levels buy such products. Even more important, the hegemonic national politics of ‘mixture’ in Brazil give piracy a particular urgency” (p. 32). This

---


production or pirated material may result from the copying of original DVD content, or occur after the downloading of television shows through file sharing platforms and then the burning of this material onto a DVD.

As it was mentioned in the Introduction of this thesis, commercial piracy is not explored in detail because it involves a different type of piracy. This piracy consists in the commercial exploitation for profit of intellectual property by people who do not retain the rights. Moreover, in countries like Brazil, the contraband of pirated DVDs is often associated with the financing of organised crime, which can be linked to drug trafficking and violence (Mizukami, et al., 2011). Therefore, it is a complex social problem which lies outside the scope and parameters of this thesis. The piracy related to this research thesis is web-based, although it excludes websites which sell DVDs, and it is socially developed because it is carried out by television show fans or non-traditional audiences. Further it is a piracy that depends on the voluntary work of viewers and the content is generally claimed to be used for private entertainment.

Digital piracy is rapidly spreading through evolving file sharing technologies (Mizukami, et al., 2011). In 2012, 50 to 60% of internet traffic in Brazil was classified as peer-to-peer (IPEA, 2012). In order to reduce these percentages, the government and anti-piracy organisations use copyright law enforcement as well as anti-piracy education programmes in an attempt to control piracy.

For instance, in Brazil, the project Escola Legal36 is an initiative which consists of educating school aged students about the illegality of piracy, the value of intellectual property, the impact of piracy on the economy and the ethical questions raised as a result of the activity. The Escola Legal project was created in 2007 and focuses on explaining piracy in Brazil and worldwide. Although 22,000 Brazilian school children have joined this project, researchers, such as Karaganis (2011b), who developed the report on “Media Piracy in Emerging Economies”, remains sceptical of its applicability to consumer situations (p. 35). In countries like Brazil, where the monthly minimum salary in 2012  

36 http://www.projetoescolalegal.org.br
was R$622, or approximately USD314, entertainment can be viewed as an unaffordable luxury.

Moreover, in Brazil, state and federal laws prohibit the illegal file sharing of media content as well as the unauthorised translation of intellectual property (APCM, 2012a). Figure 3.4 illustrates the penalties for copyright infringement under Brazilian law. In spite of the penalties, the country’s copyright infringement tracking system remains limited (Salatiel, 2009).

![Figure 3.4: Penalties for copyright infringement under Brazilian law. Source: (Mizukami, et al., 2011, p. 229)](image)

Despite penalties they are rarely put into practice because of constraints in copyright law enforcement. As Mizukami, et al. (2011) observe “[t]he high demands on police and judicial resources mean that criminal copyright enforcement in Brazil is highly selective” (p. 229). As a result of overcrowded jails, copyright infringement may be treated as a minor infraction and even overlooked. The government prefers to invest in re-educating people in regard to intellectual property rather than punishing them.
Despite, or arguably, because of, the scope of criminal copyright liability, large categories of infractions fall below the enforcement threshold—especially those committed by consumers. No one has been arrested or criminally prosecuted for taping a TV show, for example, despite the fact that time-shifting is technically illegal in Brazil. Because non-commercial infringement requires private prosecution, it is almost never pursued in court, nor is the buying or receipt of pirated and counterfeited goods, even in commercial settings (despite the criminalization of *recepção*, the act of receiving goods that are illegally obtained or produced) (Mizukami, et al., 2011, p. 230).

Practice and law in Brazil, therefore, may appear ambiguous and unclear. Ronaldo Lemos\(^{37}\) argues that the current intellectual property protection law in Brazil is one of the most restrictive in the world, being impractical and ineffective (in Magalhaes Silva, 2009). He claims that the 1998 intellectual property legislation establishes everything that is forbidden but does not clarify what is allowed, opening space for confusion and interpretation (in Carmen, 2008). In addition, the current intellectual property law ineffectively addresses the changes in communication technologies and the emergence of internet social practices. When taking the Brazilian legislation literally a person who buys a music CD and uploads the songs to a MP3 player is breaking the law (Lemos, 2011). This is because the law restricts private reproduction to copying parts and not full length media content. Lemos therefore believes that having absurd laws impossible to enforce could lead to people’s disrespect for them (Magalhaes Silva, 2009).

Although the current internet law has received much criticism, Brazil has recently attracted attention for its proposed bill titled *Marco Civil* [Civil Rights Framework for the Internet] which “[e]stablishes principles, guarantees, rights and obligations related to the use of the Internet in Brazil” (Draft bill proposition, 2011, p. 1). The bill has been viewed as a significant development for protecting freedom of expression and civil rights online and is thus considered a role model for other BRICS countries who, as a response to the piracy problem, have alternatively designed heavy restrictions in their internet laws (Lemos, 2012).

The Civil Rights Framework has been drafted, based on discussions with Brazilian internet users. Since 2011, internet users have participated in forums through a Brazilian

---

\(^{37}\) Director of the Creative Commons Brazil and of the Centre of Technology and Society of the Law School at the Getúlio Vargas Foundation.
Ministry of Culture department website named *Digital Culture*[^38]. Brazil is the first of the BRICS countries to explore, in a public domain, computer-mediated participation in a regulatory process (Lemos, 2012). During a “Question and Answer” session at the *Youpix*[^39] festival held in Sao Paulo in July 2012, Jose Murilo, the coordinator of the Brazilian Digital Culture department, noted that at first the initiative of the Marco Civil was considered impossible by people from overseas. He defends the *Marco Civil*, however, as a good way of collaboratively building policy through public participation.

As De Luca Pretto and Bailey (2011) argue the “Brazilian digital culture policy facilitates collaboration for cultural production and new forms of production of a culture of ‘peeracy’ (p. 266)[^40].” Similarly, Lemos (2009) defines that “[i]n the digital environment, scarcity is no longer a problem. Hence, the ‘official’ legal system functions as a way of recreating scarcity by means of the Law” (p. 35). Despite this, though, “the absence of the ‘official’ intellectual property system creates a ‘social commons’, a situation in which any cultural business emerging out of it has the characteristics of an open business model” (Lemos, 2009, p. 35). As a result of the appropriation of new media technologies by people of low socio-economic status in Brazil, new forms of industry, based on what Lemos (2009) calls “social commons”, have emerged. Social commons share some of the principles of the Creative Commons[^41] in terms of re-appropriation and the use of content, but it also has elements that are quite informal.

For instance, there is the *tecnobrega* movement in North and Northeast Brazil. This is a combination of *brega* (translation: “tacky”) and techno music, and this movement is

[^40]: Term used by the former Minister of Culture Gilberto Gil (in de Luca Pretto & Bailey, 2011).
[^41]: The Creative Commons Foundation Brazil is a project of the Getúlio Vargas Foundation Law School, coordinated by the Centre of Technology and Society. Brazil was the third country to join, after Japan and Finland (Lemos, 2009). As Lemos (2009) describes the first licenses were granted in 2004 at the International Free Software Forum. This was followed by different artefacts appropriate for music, such as www.tramavirtual.com.br, the open platform of free distribution of music and which is uploaded by artists, as well as for films sites such as www.portacurtas.com.br which makes short films produced in Brazil available.
quickly growing. According to Lamarca, “[t]hey make a mixture of various musical styles such as carimbó, lundu, cumbia, zouk, and sometimes playing the role of choreographer, the DJ is a conductor being the crowd his orchestra” (Lamarca, 2008, p. 190). Also, as Lemos (2009) explains, tecnobrega CDs are produced and recorded for direct distribution through street vendors, the same vendors that only a few years prior sold “pirated” content” (pp. 37-38). In a recent study by the Institute for Economic Research and the Getúlio Vargas Foundation, it was found that “the average gross turnover of sales of tecnobrega CDs and DVD music was approximately R$ 1 million (USD 2.43 million)” (de Luca Pretto & Bailey, 2011, p. 276). During an interview Calypso, the most popular tecnobrega band in Brazil, stated that they attribute their success to piracy because it helped them to spread their music across the country (L. Mattos, 2005). Tecnobrega music production and distribution, therefore, can be considered a form of physical piracy originating from the use of digital technologies. Technically it is a result of the unauthorised use of copyrighted content. Even though this thesis does not focus on physical piracy, this example is important in highlighting the popularity of the production and distribution of informal media products which found a niche through the act of piracy. This example also demonstrates that many Brazilians are involved in practices which may be considered a “grey zone” in terms of media production and distribution.

The high levels of digital piracy in Brazil, therefore, appear to be a result of a lack of law enforcement, updated legislation and, as explained in the last section, the high cost of accessing cable television and internet broadband. Joaquim Falcão, director of the Law school at the Getúlio Vargas Foundation, describes how economic factors impact on piracy in developing economies like Brazil:

the defense of legality shows another side: [they] try to impose unsustainable legal business models, which are economically unfeasible [...] companies should invest to reduce costs, increase efficiency and adapt their production models to the reality of emerging countries (Falcao, 2006, p. N/A).

As Lemos’ (2009) adds, “the majority of developing countries have to face the reality of the tensions between legality versus illegality [...] the economy plays a very important
role in the emergence of these tensions” (p. 9). When considering informal practices of media distribution and consumption, therefore, it is essential to address particularities such as those presented above.

A final aspect that must be taken into account in regards to internet use in Brazil is the widespread use and popularity of social media. According to a media report (Emarketer, 2012), 74% of internet users in Brazil utilise social media with 48% registered on Facebook.

It must be noted that Brazilians have a strong participation in social networks, which can be seen in both rural and urban areas in the country, and it is spread across practically all social classes and levels of education […] 82% of younger Web surfers between 16 and 24 years old participate in some social network, a considerable difference of 12 percentage points compared to Web surfers from 25 to 34 years old (70%) (NIC, 2011, p. 345).

Throughout the 2000s Brazilians accounted for the majority of users on the social networking website Orkut42 (Mizukami, et al., 2011; Orkut, 2012) and this raised questions among Brazilian researchers about the reasons for joining these websites. Menezes Martins (2005) describes that in Brazilian communities on Orkut social capital is equated with the ability for participants to become part of the network, more than the content per se. Participants do not have to interact if they do not wish to.

Matos de Morais and Lopes Rocha (2005) in their research argue that by affiliating with social networking websites, Brazilians mirror the social practices of keeping connected and socialising with friends and family. They relate this situation to the conventional knowledge of Brazilians being naturally friendly, which is grounded in de Hollanda’s (1995) explanation of the “cordial man”. The cordial man is also known for prioritising private over public, and he or she is often driven by affective and emotional reasons rather than rationality. As de Hollanda (1995) explains, throughout history Brazilians have always been attracted to informal ways of solving problems and of using friendly agreements rather than formal contracts.

42 Until 2011, Orkut was the most relevant social networking website in Brazil (Emarketer, 2012). Orkut was created in January 2004 by Orkut Büyükkokten, a Google employee.
Although these studies are not directly related to television downloading, they provide a background for understanding Brazilian social practices and thus their use of social media. As Dent (2012) identifies, “the pirated may be conceived of as perfectly in line with that wonderfully Brazilian way of paying no mind to boundaries” (p. 32). DaMatta (1986) explains that people in Brazil constantly find themselves in between private and public interests and this can be demonstrated by cultural practices such as *Jeitinho Brasileiro*.

*Jeitinho Brasileiro*, a term translated as “a clever dodge” (DaMatta, 1979/1991) defines a famous characteristic of Brazilian culture. It is a way of solving problems or dealing with situations. Brazil’s infamous bureaucracy slows down individuals’ daily activities and business. The Jeitinho is a way of overcoming this hindrance (DaMatta, 1986; Duarte, 2006; Gaglietti, 2006; Rosenn). In simple words, Jeitinho is when Brazilians find a way to circumvent the system, a superior power or a law, and they usually do this for their own benefit (Motta & Alcadipani, 1999, p. 9); it can, though, be used to help others (Barbosa, 1992). Although it sounds like an illicit activity, this way of acting feels natural to Brazilians, who see it as a way to “get things done” (Duarte, 2006, p. 509).

On the internet, therefore, it is possible to find a great number of downloading options that have been created by Brazilian television show fans. In this context, piracy may be understood as being part of a cultural practice. Further, the high degree of perceived corruption and impunity in the Brazilian society (Abram, 2000, Carvalho Filho, 2004, Machado, 2008, “Percepção da corrupção,” 2010, Lang, 2010, Victor, 2010, Zmoginski, 2010) seems to be connected to unauthorised file sharing— a topic I explore further in Chapter Five. Finally, internet piracy has been heightened by impractical Internet copyright protection legislation which is both unclear and highly punitive (Lemos, 2005), and this legislation has contributed to people’s disrespect for the law.

In summary, this section presented the economic, political and social context that the Brazilian case study of this thesis is immersed. The next section presents an overview of research on digital practices, with a focus on informal practices.
3.4. Research on Television Audiences and Informal Digital Practices in Brazil

This section examines research on new media audiences as well as media file sharing practices in Brazil. Through an overview of relevant literature it shows that there is a need for further research on television audiences who are involved in informal viewing and distribution of content.

Television audiences research in Brazil: An overview

Since the 1980s studies on television audiences in Brazil have mostly focused on the socio-economic makeup of audiences and audiences’ reception of television content. For instance, through focus group research, Marques and Rocha (2006) investigated audiences’ reception of the television series *Cidade dos Homens* (translation: “City of Men”), to determine its influence on participants’ everyday lives. Other scholars have studied the reception of telenovelas (Bonin, 2005) and the influence of foreign television shows on Brazilian audiences (Jacks et al., 2011). Television programming analyses (e.g. Teixeira de Barros & Brum Bernardes, 2012) has also been a focus for scholars studying Brazilian television audiences.

Moreover, a review of audience research in Brazil from the 1950s to the 2000s, presented different findings on empirical and theoretical studies.

The review shows that in the last 15 years a significant number of Latin-American researchers make little or no reference to their methodologies […] About 40% of the works [considered in this study] do not explain or present in an incomplete fashion their methodologies, and about 27% of the studies do not include a formal section about methods in the body of the work (Frankenberg, Lozano, & Jacks, 2009, p. 176, trans. author).

The authors (Frankenberg, et al., 2009), though, also confirm that in Brazil there are limited studies on audiences and the internet. Frankenberg, et al. (2009) explain that despite their valuable contribution to media audience studies in the 1980s, the work of scholars such as that authors such as Martín Barbero (1987), Canclini (1988), and González (1987), are still often used in Latin American studies on television audiences in
the 21st century. This use of dated studies, though, often overshadows more contemporary authors. Finally, they noted that since late 1990s researchers of television audiences have conducted minimal empirical work and have alternatively prioritised theoretical research.

**Media file sharing research in Brazil**

This sub-section studies scholarship on media piracy and practices of informal sharing in Brazil. A significant body of research has examined music file sharing in Brazil (D. Barros, Sauerbronn, Costa, Darbilly, & Ayrosa, 2010; Castro, 2008; de Araujo Maia & Bianchi, 2011) but little research has focused on film and television downloading practices. Recent media reports on piracy in Brazil (IPEA, 2012; NIC, 2011) account for the informal sharing of a range of content, such software, music, books and films. They do not, however, focus on the downloading of television shows. Media file sharing studies and research on fansubbing practices are essential for understanding the Brazilian context of informal distribution and consumption of content.

In terms of the profile of music downloaders, the Survey on the Use of Information and Communication Technologies in Brazil’s indicates that unauthorised downloading occurs almost equally from one geographic region to another when considering internet users, and it occurs in both urban and rural areas (NIC, 2011). The majority of downloaders were between 16 and 34 years old at the time of the survey. The higher the income, and thus the higher the socio-economic level, the more willing people are to download music. Similar results were found in another recent report on digital piracy (IPEA, 2012). Also, despite the minimal difference of 4%, there were more employed participants who download music than unemployed (NIC, 2011). It should not be forgotten, though, that the participants of the survey are part of a minority of the Brazilian population who has access to the internet.

Other studies focused on music downloading practices in Brazil. Barros, et al.’s (2010) study, for example, examined how consumers of digital music, who have access to content through informal platforms, perceive virtual piracy as a form of resistance. In their empirical research, which involved data collection through focus groups, they found
that music downloading was a means of responding to market limitations and it was a matter of consumer agency. Overall, though, high prices and the desire to sample online material were the main motivations for downloading.

The participants in Barros, et al.’s (2010) study also differentiated music downloading from piracy; they perceived the latter as being related to physical piracy and as involving commercial exchange. The understanding that unauthorised file sharing is not illegal is related to the fact that it is a socially accepted practice, particularly among the participants’ peers. Similarly, in her research on music downloading practices, Castro (2008) found that consumers considered file sharing as an everyday practice of contemporary society, and therefore did not perceive it as illegal.

The results of the Survey on the Use of Information and Communication Technologies in Brazil’s (NIC, 2011) also described the profile of film downloaders in Brazil. Movie downloading was more evident in regions of the southeast and the southern regions of Brazil. These regions are those with the highest income per capita in the country. The majority of film downloaders at the time of the survey were aged between 16 and 24 (40%) followed by the age group of 25 to 34 (34%). Similar to music downloading, the higher the income and SEL the more willing people were to download. Finally, the majority of downloaders were employed, though it was only a small difference from those who were unemployed.

Although limited research has examined the file sharing of films in Brazil, there is a case study which attracted national and international media scholarship. In 2007, Tropa de Elite, or Elite Squad, was the most watched national film in Brazilian cinemas. In terms of international releases it was ranked in seventh place in Brazil that year (Vinicius, 2008). The remarkable aspect of this impressive movie attendance, which only outranked by blockbusters such as Harry Potter 5 and Spiderman 3, was that before Elite Squad was made available in cinemas in Brazil it had already been seen by millions of Brazilians through unauthorised file sharing and pirated DVD’s (Novaes, 2007). As Cajueiro (2007) explains, [t]he unprecedented level of piracy actually gave the pic (sic) more exposure in
newspapers, broadcast and the Internet. Internet communities were created to debate the feature, and youngsters posted homevideos simulating the pic's (sic) scenes on YouTube” (para. 6). Based on this case study, Cardoso, Caetano, Espanha, Jacobetty, and Lima Quintanilha (2012) argue that “it is Brazil where cinema’s new business paradigms are starting to emerge” (p. 811). This case study was perceived as an example that media file sharing does not always negatively impact on traditional industries.

The limited studies on file sharing of television shows in Brazil, focus on fan communities who have links for downloading television shows, as well as the fansubbing practices. After downloading a film or a television show, most Brazilian viewers require subtitles in Portuguese. These are provided by specific groups of pirate audiences. For example, in Brazil there are amateur subtitlers of Japanese shows, or fansubbers (Cortez Luz Urbano, 2012). The amateur subtitlers who translate Western television shows and films, mostly from the US and UK, into Brazilian Portuguese do not consider themselves as fansubbers but as Legends — a title they adopt in order to differentiate themselves from fans that translate Asian television shows (Bernardo, 2011; Bold, 2012; Marques de Mendonça, 2012).

The research published by Bernardo (2011), Bold (2012) and Marques de Mendonça (2012) is descriptive but lacks sufficient academic analysis. Some of the outcomes of these studies, however, were utilised when developing the research questions for the empirical research of this thesis. This is elaborated in Chapter Five.

When considering the informal distribution of music and television shows, a study that explored communities on Orkut focused its analysis on the dynamics of virtual communities and gift economies (Monteiro, 2007). Problems are evident in Monteiro’s (2007) work, however, because it lacks detailed and complex empirical research, and is largely comprised of discussions based on observations of downloading communities. Monteiro’s (2007) conclusion is that prestige and a sense of contributing to an environment of sharing are the main motivations for the distribution of television shows and music by uploaders.
The practice of fans collecting and archiving television shows is also described in Gomes’ (2007) study. She found that the administrators of fansites, as well as the users, search and archive content related to particularly television series. In her study she describes the importance of being a collector of content, or a great producer of fanart, which is art related to the TV shows and which is recognised by the show’s fan community.

Further, in Vandresen’s (2012) study, she investigated how Brazilian fans of the TV show Lost informally streamed and created subtitles via virtual communities. In order to investigate this particular example, the author interviewed 42 fans of the TV show through an online survey.

Using informal organization models, this Brazilian example of virtual community defies such chronology, distributing the episodes a few hours after the ABC open channel in the United States, and way ahead of the Brazilian broadcast on the AXN cable channel (Vandresen, 2012, p. 629).

After interviewing an amateur subtitler for the TV show Lost, she found that his motivation was related to belonging to a community that shared similar interests. It was also identified that amateur subtitlers take great pride in their work and enjoy it when their subtitles are better that ones produced by professional subtitlers. For them quality means faster releases of the subtitles.

Vandresen’s (2012) study introduces a similar field of research that this thesis proposes to investigate, which is the informal viewing and distribution of television shows in Brazil. Vandresen (2012) argues that cyberspace is part of a “new design of interdependence of media such as TV, the Internet and the role of groups such as the ‘Lost’ fans”. She also highlights that “audiences are consuming culture via a new model of dissemination” (p. 639). Vandresen’s (2012) study, though, only briefly considers some aspects of the interviewees’ responses. This research thesis aims for more depth and breadth in the analysis of digital communities of informal distribution and the practices of pirate audiences.
In a different study, Gomes (2007) discusses the importance of fan websites, or fansites, and Orkut communities to Brazilian fans of US television shows. By also taking the community of the TV show *Lost* as an example, Gomes (2007) describes how fans utilise these platforms to download television shows because they want to avoid the delays of Brazilian broadcasting. Further, she identifies how fans of this television show use these platforms to organise themselves into teams of amateur subtitlers.

It is not the first time Brazilians have utilised Orkut for file sharing. Orkut has experienced problems in the past, such as the *Discografia* community being considered by media anti-piracy executives to be the “biggest community exchanging links to illegal music files in Latin America” (Cobo, 2009, para. 1). The community had one million participants who downloaded and requested songs from the moderators of the community. In 2009 APCM, the “Antipiracy Association of Films and Music” affiliated with the Motion Picture Association of America, closed the Discografia community after almost four years of operation (Cobo, 2009). Although the Discografia community was shut down other informal platforms, such as Torrent technology, emerged to informally distribute music.

In 2006 the fansite named *Lost Brasil*, which at the time was the most representative in terms of members, was shut down by a Brazilian intellectual property organisations, ADEPI, and the Federal Police (Gomes, 2007). This was followed by other fansites as other administrators felt threatened by what happened to *Lost Brasil*. However, as Gomes (2007) explains, this action did not prevent other fans from organising themselves and continuing to distribute and subtitle informally. Gomes (2007) observed that these practices occurred through social networking websites such as Orkut and MySpace. She explains that with new groups of fans emerging there was an increase of organisation and professionalism of these practices. Given so many repressing measures badly elaborated, and with a poor understanding of the real situation it becomes evident to most fans and the general public how the television business model in Brazil must be re-assessed (Gomes, 2007, p. 322).

---

43 Discography.
44 *Associação Antipirataria de Cinema e Música.*
45 Intellectual Properties Protection Association
Gomes’ (2007) study, although valuable, lacked evidence and a detailed methodology; largely it was based on subjective assumptions. Further, Gomes (2007) did not elaborate on the question of unauthorised downloading, but rather chose to focus on describing fans’ practices on these websites.

It is important to acknowledge that both authors, Gomes (2007) and Vandresen (2012) refer to the informal downloaders as “new consumers”, “viewers” and/or “fans”. Gomes (2007) identifies that the fans who create, administrate and participate in fansites equate with a new category of media consumers when comparing them with traditional and passive content receivers (p. 333). Also, as Vandresen (2012) comments on these audiences’ informal practices:

I believe that experiences such as those of the Brazilian “Lost” fans can help circumscribe/limit/identify the activity of fans in a new scenario, in which the players are strengthening their role as a collective strategy, an effort to set up communities that represent, in their subcultures, a foreign body within the social body of peripheral capitalism. The actions of such fan groups ought to be interpreted in terms of the enlargement of a new moral guidance, associated with different interpretations of equality and democracy (p. 636).

Informal audiences named in this research thesis as pirate audiences, are thus perceived as a different type of audience from the traditional “sitting on the couch” viewer. From the limited research available on file sharing of television shows in Brazil, it is possible to assume that the main motivation for audiences engaging in piracy is the limited access to content through authorised channels. Limited access could also, though, be related to the content available not meeting the demands of audiences. For instance, although Prado Alves Silva’s (2009) study examines Japanese animations, it was found that one of the predominant reasons why Brazilian audiences download Anime is because the episodes available on television are shortened and dubbed. Also, in other studies, it was found that the delays in releasing new episodes or television series triggers informal downloading. Finally, being part of the community, participating in activities, contributing though participation, are topics raised in a range of studies on the informal viewing and distribution of television shows. The next chapters provide an investigation of the questions raised as a result of the limitations in this body of literature.
3.5. Chapter Summary – The Gaps in Media Research in Brazil

In summary, Brazilian television offers good quality content for free which reaches the majority of people in the country. However, audiences not satisfied with national and international television programmes offered on free-to-air television may exist and these audiences may encounter limitations, particularly financial, preventing them from accessing television content through cable or online. Cable television and internet broadband are services accessed by only a minority of the Brazilian population, mostly the privileged SELs, A and B, who live in urban areas predominantly in the southeast of Brazil. Yet the portion of the population who have access to the internet present significant levels of use of both social media (Hitwise, 2012; Orkut, 2012) and peer-to-peer file sharing platforms (IPEA, 2012).

After reviewing relevant literature on digital piracy in Brazil, it was evident there is limited research on television file sharing. Even reports on internet use in Brazil (IPEA, 2012; NIC, 2011) only consider music, film and/or software downloading. Another gap in research on digital piracy in Brazil is the link with a moral disengagement as well as its relationship to Brazilian culture. Castro’s (2008) study found that participants did not consider unauthorised music downloading as a crime. As presented in Chapter One, researches of piracy have explored how file sharers do not perceive their practices as illegal or immoral. There is a need to investigate if similar perspectives can be attributed to television show downloaders in Brazil, especially when taking into account the strict copyright law, the poor enforcement of these laws and other social factors such as the particularities of Brazilian culture, all which are discussed in this chapter.

This thesis will contribute to research on media audiences because there is little empirical work on media audiences which is detailed and systematic in methodology (Jacks, et al., 2011). A step towards filling this gap occurs in the next chapter when I explain the research design used in this thesis. This research will assist future researchers of digital piracy in Brazil.
Finally, it is important to clarify that I have a personal interest in this research. I am originally from Brazil and have lived there most of my life. Although the research is largely conducted the research from Australia, the similarities and differences between Australia and Brazil are interesting, particularly in terms of the high rates of internet piracy and the moral disengagement associated with this practice even though within the TV industry this activity is considered illegal. I believe that these associations, and the results from this thesis, can generate further research.
Chapter Four: 
Research Design

4.1 Introduction

In Chapters One to Three I reviewed literature and theories of the practices of audiences online. In order to understand pirate audiences’ practices better, I proposed to rethink the concepts of piracy and audiences in the digital environment. This did not mean that online informal practices were completely disconnected from informal offline practices. I acknowledge that offline practices, such as the need to watch a television show or to establish relationships face to face, may actually influence peer-to-peer file sharing practices of television shows. However, in order to ensure the feasibility of this study in terms of scope, time, resources, and ethics clearance, as I explain in the following section, I chose to primarily focus on online practices.

When examining television viewing and distribution practices online, there is only a very small number of research works that considers informal television audiences as pirate audiences. Also, there is limited work exploring television downloading as an informal practice of watching television. This study thus aims to fill a gap in knowledge by investigating informal viewing and distribution practices of television shows. A more specific aim is to research pirate audiences in Brazil because no study has addressed these issues in this country, which presents high levels of piracy (Mizukami, et al., 2011). As described in Chapter Three though less than 50% of Brazil’s total population have access to the internet, and this is greater than 82 million people (Nielsen Online in Federowski, 2012), out of this share, over 20 million people are involved in digital piracy.

This chapter outlines the research design, consisting of online empirical work, used in this thesis to examine the informal networks of pirate audiences in Brazil. I studied these audiences’ specific practices of informal distribution and downloading of television shows over the internet. The empirical work was a mixed methods approach, using a “combination of quantitative and qualitative approaches”, and a different set of methods
for each of the identified practices in order to provide “an expanded understanding of research problems” (Creswell, 2009, p. 203).

This chapter starts by presenting an overview of the data collection method used and how it has been divided. All data, including preliminary observations, have been collected through online research methods from August 2010 to November 2012 in Brazil. The research methods were selected to address the main key points of concern:

- Changes in television viewing practices due to increasing internet access. These changes may impact our understanding of television audiences and piracy.
- Gaining an understanding of how pirate audiences create an effective parallel system of informal viewing and distribution of television shows.

The primary reason for using mixed methods in this research was to gain a deeper and broader understanding of pirate audiences’ informal viewing and distribution practices in Brazil. To explore these practices I divided the data collection into three components (see Figure 4.1).

---

**Figure 4.1.** Research design - Exploring pirate audiences’ practices
The results of each phase comprised all the other steps of data collection.

- **Component One – Observation and Document Analysis of Informal Viewing and Distribution** (August 2010 to November 2012). This data collection consisted of accessing websites related to file sharing in Brazil and taking field notes. It included nonparticipant observation of Brazilian pirate audiences’ practices and their interactions with each other, in regards to television shows downloading and fansubbing, in online communities on Orkut and Facebook. Also, data was collected through nonparticipant observation of television networks’ websites, in addition to websites and online communities that provide links for downloading for fan-subtitles. Then an analysis of discussion threads after online news media about file sharing in Brazil. Finally, I analysed public policy documents, anti-piracy and government organisations’ reports and online news sites.

This component of data collection occurred alongside Components Two and Three. This was to increase the reliability and validity of results. Data was coded and analysed by revisiting it when new questions arose from the other two components as part of the triangulation process. As Creswell (2013) explains “in triangulation, researchers make use of multiple and different sources, methods, investigators, and theories to provide corroborating evidence” (p. 251).

- **Component Two - Online Survey on Informal Viewing** (July and December 2011): Component Two data was collected using an online survey of 106 participants (n=106) who are regular downloaders of TV shows in Brazil. The survey was designed to generate qualitative and quantitative data with the purpose of providing a generalised understanding of informal viewing practices in Brazil and to better inform component three of data collection relating to informal distribution. The responses were unidentified during the qualitative and quantitative analysis of data, and results were used to illustrate Brazilians’ informal online viewing of TV shows.
Component Three – Case Studies on Informal Distribution and Amateur Subtitles Production (September 2011 to November 2012): I developed two case studies in order to examine pirate audiences’ informal and self-organised distribution of TV shows in Brazil. All data was coded and analysed by themes:

1. Informal distribution through downloading websites and Orkut communities. The methods used were an analysis of downloading communities and websites combined with an interview with the owner of a downloading website called Download Séries.

2. The production and distribution of amateur subtitles which are compiled with the video files or available for downloading in separate from the video files. The methods utilised were an analysis of Facebook pages of amateur subtitlers and an analysis of websites that are used to distribute subtitles. Next, via email, Facebook and Windows Live Messenger, I interviewed seven Legenders, who are amateur subtitlers of US TV shows; I also interviewed via Skype the owner of a website that distributes amateur subtitles. Finally, I conducted an online focus group with three other Legenders.

By using mixed methods I was able to overcome constraints that in quantitative research, such as the participants’ voices being silenced (Creswell & Plano Clark, 2011). This issue was highlighted by Deacon and Keightley (2011) when referring to audience research:

quantitative methods lack flexibility and are not suited to intensive analysis of audiences and their worlds on their own terms. We agree that excessive concern with establishing causality can lead to inappropriate media centrisation and an artificial decontextualization of media use and consumption (p. 314).

When studying audiences as pirate audiences, therefore, a mixed methods approach is a better way to understand how users watch television. Also, is an appropriate way to examine the kinds of online practices these particular audiences are involved.
Before presenting in detail each of the data collection methods used, the next section describes the special considerations taken into account when measuring audiences’ informal viewing and distribution practices. I also provide an overview of the ethics framework used for conducting research with individuals involved in what is considered to be an illegal activity. I then describe some of the main challenges faced in conducting online fieldwork. Next, Section 4.3, describes the data collection process of using an online survey to gather information on informal viewing practices. Finally, Section 4.4, concentrates on the data collection related to informal distribution practices.

4.2 Measuring Audiences’ Informal Viewing and Distribution Practices

In order to provide an in-depth account of pirate audiences’ practices in Brazil, I have separated these informal practices into, a) viewing, and b) distribution. By analysing viewing and distribution practices separately I can relate them to other empirical studies mentioned in Chapter One of this thesis in terms of moral disengagement and motivations for file sharing, and Chapter Two, in terms of online practices. Although I have made a distinction between viewing and distribution, these practices do not exclude each other and they often overlap. This means that pirate audiences may be involved in viewing practices and/or distribution practices.

The purpose of this section is to explain the elements that defined the research design. There are two fundamental reasons why all the data has been collected through online platforms. First, is because the target population considered in this research access television shows through the internet. I conducted research online and had all research methods adapted to the digital landscape. An online data collection method was essential for understanding participants’ practices as immersed in a digital environment. I acknowledge that there will always be cases of one person downloading a TV show and sharing it with others by burning it into a DVD or external hard drive. Also, in a household, one person may download a show and just watch it together with others. Although one can argue that they are also pirate audiences, for the case of this study, I mostly considered the individuals who were directly connected to the network through
online practices. Second, online data collection was the most appropriate for keeping participants anonymous, an ethical necessity since examining participants involved in an illegal activity.

The ethics of conducting online research were taken into account before, during and after the data collection. The challenges and limitations of needing to do this are described in detail in this section.

**Ethical considerations: Conducting research with participants involved in an illegal activity**

Media file sharing is considered copyright infringement in Australia (AFACT, 2011), where I was placed during the research, and in Brazil (APCM, 2012b), where I was collecting data from. As a consequence the participants of this research were and I assume continue to be involved in an illegal activity. In 2010, I was advised by the UWS Human Ethics Committee to find an alternative means of collecting data, other than what was initially proposed, in order to guarantee the confidentiality of participants. At the time of submitting my ethics application, I raised the question of whether or not I would receive protection or could guarantee the protection of participants involved in an illegal activity. The risks were too high. I could be prosecuted for complying with an illegal activity and/or the participants could face charges as well. In this case, I would have to report their names to the authorities. Thus, I chose to keep all individuals anonymous, even from myself. As O’Leary (2004) confirms:

> In the legal system, researchers are not afforded the same rights as lawyers, doctors, and priests. A researcher’s data and files can be subpoenaed by the courts; assurances of confidentiality do not outweigh legal obligation. Anonymity goes a step beyond confidentiality and refers to protection against identification from even the researcher. Information, data, and responses that are collected anonymously cannot be identified with a particular respondent (p. 54).

The process of re-designing the research methods was challenging, and the solution was to not conduct any face-to-face interviews with participants or ask them for any contact details\(^{46}\). For the case studies, therefore, participants were invited through social networking websites, television discussion forum pages, and by correspondence through

---

\(^{46}\) Address, telephone number, city of residency and full name.
the general contact information email available on the websites. I also sent a link to the survey via an email to my personal network in order to promote it, which is explained in the next section; however, the results did not indicate which participants of my network responded to the survey or not. The only personal questions I asked were demographics, such as country of residence and gender.

The solution imposed some limitations. First, it did not allow for any follow up questions with participants of the survey or with participants that engaged in discussions on TV shows forums. Second, the majority of respondents of the online survey may have belonged to the second level of engagement, active-social, and the third level of engagement, active-labour because they were recruited through social networking websites. The sample, therefore, may have represented pirate audiences who are more participative at the expense of those who just download content. From a quantitative perspective this is a problem because it can generate an unrealistic and non-generalising idea that the sample represents a population of Brazilian pirate audiences that are mostly participative and composed of contributors. As indicated in Chapter Two, previous research shows there are more people who only download and do not participate in pirate-related activities such as distributing, creating subtitles or discussing the downloaded TV shows with others. I, however, take into account this limitation and focus mostly on the qualitative aspect of the data analysis and very carefully use the quantitative results of the survey.

By keeping the participants anonymous, even from myself, I am aware this could raise questions in regards to the reliability of the information because it cannot be audited. To manage this, though, I collected and kept data in a systematic and organised way and followed all steps as outlined in my ethics application. Moreover, I utilised ongoing data collection as part of the triangulation process of this empirical work. Later in this chapter I present in detail how I have collected the data in order to ensure accuracy of research methods.
One important thing I noticed while reviewing the literature on media content downloading and uploading, along with fansubbing practices, was that most researchers do not refer to ethics as a challenging process, or say that data has been carefully managed because of potential legal implications (e.g. Barros, et al., 2010; B. Brown & Barkhuus, 2006; Castro, 2008; Evans, 2011; Frissen and Slot, 2011). There are, however, exceptions worth noting. For instance, in an ethnographic study of an underground online community which file shares music the researcher overcame ethical and practical issues when collecting data and reporting results (Beekhuyzen, 2009). The researcher reported that ethical concerns resulted in limitations such as the inability to contact some participants. Also, in a study about the fansubbing of US TV shows in China, the researcher did not report any issues with the ethics application but explained that given participants were reluctant to discuss copyright infringement associated with their practices, and in order to protect the fansubbing community she avoided discussing the illegal aspect of the practice in her thesis (Tian, 2011, p. 128). A third example was the Media Piracy in Emerging Economies report (the legal implications were explained in Lobato & Thomas, 2012c) where the researchers expressed concern that the results of their work could be used by authorities and the media industry to fine participants.

It is difficult to tell but perhaps the ethics consideration was overlooked in other studies because it was perceived as irrelevant or non-applicable47, or not worthy of mention because it would break the flow of the study. Further research would be needed to find out if researchers have considered participants’ protection when investigating their piratical practices.

From my personal experience, in the past two years I have contacted many researchers that are also conducting empirical work on file sharers and most of them were surprised when they learnt that I needed to protect people’s identities for ethics clearance. Also, even though they did not address these issues they received ethics clearance. It is not the main focus of this study to discuss the ethical implications of data collection associated

---

47 I spoke to students from countries where there is no need for an ethics application; therefore this issue was not raised.
with piracy, but it raises the question of whether even researchers in the field perceive piracy as a non-criminal activity.

Informed by Brazilian and Australian copyright laws, I understand that unauthorised distribution and translation are considered illegal activities. Therefore, from the moment I completed my University’s ethics form, I raised questions about the protection of participants with the committee and my supervisors, and then I managed to overcome it. The participants were given a consent ensuring no harm. Although “[t]he concept of harm in social science research generally refers to emotional or psychological harm rather than physical harm” (O’Leary, 2004, p. 53), in the case of this research, the harm was the threat of facing legal prosecution, being financially harmed and even harmed in regards to freedom as people could go to jail for some of the crimes examined. As previously stated, in order to protect participants’ identities I did not collect their personal contact information.

In this study ethics played a considerable role in the data collection and the reporting of results, with the purpose being the protection of participants who are involved in what are considered illegal activities: unauthorised downloading, distribution and subtitling. First, the participants did not give a written consent to be part of this study; care was taken to prevent any harm at the same time as keeping participants informed. A blog48 was created in order to present the participant information letter. Second, and a limitation of this study in regards to data collection, was that no follow-up questions were conducted with the participants who answered the survey. Such issues were managed by changes in the research design, which included the triangulation of the information collected in all of the three components.

Before explaining other challenges that were encountered during the research design, there are two final points in relation to the ethics considerations of this thesis. One is that this research had ethics clearance in Australia, through the University of Western Sydney.

and in Brazil, through the Catholic University of Minas Gerais\textsuperscript{49}. Two, all the data was collected in Brazilian Portuguese, and all interactions with participants were in the same language. Being a Brazilian myself there were no cultural or language barriers when conducting this research.

**Challenges for conducting online research**

There are many challenges a researcher must consider when collecting online data. There are questions of reliability as participants may not be who they say they are. However, even in face to face interviews, or through more traditional surveys such as over the phone or on paper, people can give misleading answers. In addition, there are issues in regards to privacy, such as when a researcher is observing a discussion forum, as occurs in this study, the viewers might not be aware that they are taking part in research\textsuperscript{50}. Hesse-Biber (2011) describes how emerging technologies challenge ethics clearance because participants may not be entirely aware of what entitles their participation given some people’s limited understanding of technology.

Furthermore, when undertaking empirical work, researchers must address coverage errors. As O’Leary (2004) explains “[t]his error occurs when the list you draw your sample from is not complete and therefore does not fully represent the population” (p. 107). She adds that “[w]hen it comes to surveys, you often find that those who are most interested in a topic will be the ones willing to participate”, thus not being “representative of your population” (p. 107). In addition, Dal (2011) argues that by collecting data from a website, such as when “you have a site about a specific subject, [when] readers of the site are asked to take part in a survey…it is almost impossible to find a reliable response rate because the researcher only has exact information about the numbers of participants of the survey” (p. 276). Thus, the number of page views of the survey, and/or its digital recruitment letter, cannot be accurately measured and most likely they do not correspond to the actual number of participants.

\textsuperscript{49} Pontificia Universidade Catolica de Minas Gerais in Belo Horizonte, Brazil.  
\textsuperscript{50} The ethics application foresaw this issue. I managed it by posting a note indicating that the discussion was being monitored by me and I provided information about the research. However, a potential issue was that participants would not go back to the discussion forum to read the note meaning I would be unable to track them down because in most cases they are either anonymous or utilise a fake name.
The challenges listed above could be applicable to this research because I used nonparticipant observation as one of my research methods and I promoted the survey on online communities where there are people who enjoy taking part in discussions. I, thus, carefully selected a range of popular websites and online communities to investigate and promote the survey. Popularity was measured by the number of monthly visits, information provided by the website Alexa\textsuperscript{51}, a web information company, and by comparing online communities in Orkut and Facebook and selecting ones with the highest number of members. I also verified the online communities’ popularity by studying its level of activity by observing the last post made and frequency of published posts.

This section presented an overview of the research design which consisted of utilising mixed methods to collect data on the internet. It explained the challenges faced when conducting online research and the ethical implications of studying people involved in an illegal activity. In the next section, I describe the method of data collection used to study the informal online viewing and distribution of Western TV shows in Brazil.

4.3. Component One – Observation and Document Analysis of Informal Viewing and Distribution (August 2010 to November 2012)

Component One took place from August 2010 to November 2012 and consisted of ongoing data collection. It thus occurred before, during and after the other two major components. Component One consisted of an investigation of pirate audiences’ practices and the context within which they are immersed in Brazil. The information gained from component one was used to inform the two major data collection components and for triangulation purposes. In addition, the literature review informed Component One which consisted of five different qualitative methods:

- Nonparticipant observation of online communities’ file sharing of TV shows in Orkut, on Facebook, and through fan websites that distribute television shows and amateur subtitles;

\textsuperscript{51} www.alexa.com
Analysis of discussion forum threads associated with online news media that discussed file sharing in Brazil during the past six years. I mostly addressed the Brazilian newspapers *Folha de Sao Paulo* and *O Globo*, and the magazines *Trip*, *Exame* and *Super Interessante*;

Analysis of public documents and reports from: (a) the Brazilian government, such as the Institute for Applied Economic Research, IPEA, and the Brazilian Institute of Geography and Statistics, IBGE; (b) media related reports and Web statistics, such as the Brazilian Institute of Public Opinion and Statistics, IBOPE, Nielsen Netratings and alexa.com; and (c) antipiracy organisations’ reports, such as the Antipiracy Association of Films and Music, APCM;

Analysis of my email exchange with a graduate research student who developed a dissertation on amateur subtitling, along with an analysis of his study (Bernardo, 2011);

Comparative analysis of a television shows’ release on free to air TV and cable in Brazil and the US.

Internet research was a fundamental tool at this stage. Internet hyper-links, which direct users from one page to another, were also fundamental to the research process and allowed me to find new sources and constantly compare the results of the three components of the study. Hyperlinks were used to access television show forums, downloading and subtitling websites, the social networking website Orkut, and the television networks’ websites in Brazil and the US.

Initially, I wanted to understand how Brazilian pirate audiences download television shows and how they interact with each other through online communities that distribute television shows. I started by observing approximately 60 online communities in Orkut which were related to US television shows. Some of the names of these communities are: *Supernatural/Sobrenatural*, *House Oficial (sic)*, *Gossip Girl Oficial (sic)*, *Smallville Oficial (sic)*, *Glee Brasil (sic)*, *Dexter Oficial (sic)* and *Modern Family Oficial (sic)*. I selected communities which had hyperlinks which enabled pirate audiences to download

---

52 Full list available in Appendix B.
television shows. The hyperlinks directed users to *cyberlocker* websites, which are cloud storage services where people can upload files such as full-length episodes of television shows. While the data was being collected Orkut was the most popular social networking platform in Brazil (Mizukami, et al., 2011), and it was operating as a strong informal distribution channel for those who did not wish to use peer-to-peer file sharing platforms, such as BitTorrent.

Next, I contrasted my observation of informal distribution in Orkut with an analysis of television shows scheduled on free to air TV and pay television in Brazil and in the US. I wanted to compare their release in both countries and verify if availability of TV shows had any impact on the informal distribution of Orkut fan communities. As a result, I was able to compare the delays and the availability of US television shows on Brazilian channels and form hypotheses about the online communities’ unauthorised distribution and downloading practices.

From these observations and analyses I discovered other subjects of enquiry related to the pirate community in Brazil. I used my own understanding of the Brazilian culture and people’s everyday practices to develop questions to address to pirate audiences. This combination allowed me to design the methods and to select topics and participants.

When investigating how and in what circumstances pirate audiences in Brazil access and distribute TV shows through informal platforms, I considered file sharers’ motivations for downloading, as well as their moral disengagement while participating in an unauthorised activity. These topics were first introduced in Chapter One and in this thesis were used as a starting point of enquiry for nonparticipant observations of pirate audiences in online communities. I kept field notes from my observations and have codified quotes to find the most prominent topics and patterns. As Creswell and Plano Clark (2011) explain “the researcher records a description of events and processes observed, as well as reflective notes about emerging codes, themes, and concerns that arise during the observation” (p. 178).
This information fed directly into my design of questions for the two major components: informal viewing (Component Two), and informal distribution (Component Three). With the online survey answers from informal viewers my aim, through qualitative analysis of data, was to find topics for discussion in terms of habits of informal viewing and the typical profile of Brazilian pirate audiences. After identifying specific issues through the thematic coding of survey responses and becoming confident with the research method outcomes, I developed the questions, to enquire about informal distribution and the production of amateur subtitles in Brazil, for the interviews and the focus group.

Once I analysed the results from the two major components I collected more qualitative data, such as nonparticipant observations and document analyses, to verify the outcomes. The data collection process I used, therefore, involved multiple data sets in order to increase the reliability of results and this was further improved through comparison of results as the data collection processed what I call triangulation process. In short, every time I needed some further information on a topic generated by participants and/or about participants, I collected data through the methods defined in this Component.

Component One, was essential for the research’s design. I wanted to develop a design that was good at investigating the informal viewing and distribution practices of Brazilian pirate audiences. In the next sections I outline the research methods used to investigate Brazilian pirate audiences who download, distribute and produce subtitles for television shows over the internet through unauthorised platforms and practices.

4.4. Component Two - Online Survey on Informal Viewing (July to December 2011)

This section presents the second major component of data collection. It consists of a combination of qualitative and quantitative enquiry into informal viewing practices of television shows in Brazil. From July 2011 to December 2011 I collected data through an online survey with participants who were older than eighteen years, lived in Brazil and who utilised unauthorised platforms to download TV shows.
Through the survey I wanted to learn how, and in what circumstances, Brazilian pirate audiences download TV shows. I also wanted to come to understand how they perceive piracy as theft. After reviewing studies on media file sharing in Chapter One I designed a survey containing 30 questions. The questions were based on the following motivations for downloading which have been shown to be predominant in discussions about piracy and in empirical work on piracy:

- High price of original products;
- Downloading is convenient and it allows time shifting,
- The desired TV show may be difficult to access, unavailable or released with delays in comparison to its country of origin,
- Internet discussion forums increase the need to be up-to-date with TV shows,
- Sampling.

In order to guarantee a validity of responses I ensured that the participants’ profiles matched the criteria drawn up for this study; I thus ensured the participants’ country of residence was Brazil and ensured that each participant had downloaded a TV show, or shows, in the twelve months prior to answering the survey. Among the first questions I asked was the participants’ age after stating on the first page of the questionnaire that they must be older than eighteen years. This information, however, could not be completely assured given the anonymity of the data collection.

Of the 119 respondents, seven responded to the survey from countries other than Brazil: Australia, France, Portugal, Netherlands, United Kingdom and United States\(^{53}\). Moreover, five had not downloaded TV shows in the twelve months prior to answering the survey. Among the responses I also found one double entry which consisted of a participant entering the data twice. After these exclusions the dataset contained 106 responses (n=106).

\(^{53}\) Data provided by these respondents indicate that they are mostly Brazilians living abroad.
Given the unique constraints of compiling honest and detailed information about an illegal activity, the use of an online survey to collect data is appropriate. It stood in for face-to-face interviews but protected the participants’ identities. Through the survey I prioritised a qualitative analysis of the data collected. Taking into account that the sample was relatively small compared to the population of Brazilian television file sharers, which could be millions (IPEA, 2012), I focused on the qualitative aspect of data collected and analyses done. Informed by Creswell and Plano Clark (2011), mixed methods studies “may utilize a qualitative priority where a greater emphasis is placed on the qualitative methods and the quantitative methods are used in a secondary role” (p. 65). The use of a qualitative data survey was the best way to gather information which a standard quantitative survey would not have been able to collect. As Creswell and Plano Clark (2011) describe “qualitative data provide a detailed understanding of a problem while quantitative data provide a more general understanding of a problem” (p. 8). For the purpose of this research, the statistical analysis of the quantitative data was used to support and enhance the qualitative data.

When developing the survey and reflecting on what would be the most appropriate way to understand the pirate audiences’ viewing practices, I reviewed literature on audience research and related issues such as the unauthorised file sharing of TV shows. This quote from Nightingale (2011) made me reflect on my choice to use mixed methods:

> Both advertising and ratings research have relied primarily on quantitative research methods and statistical analysis, and arguably this has added to the suspicion many academic researchers have felt about the capacity of quantitative methods to represent the views and interests of audiences. When research participants cannot speak for themselves but are confined to expressing their views through surveys and questionnaires, some researchers have felt that the voice of the audience is silenced (p. 10).

Through a combination of qualitative and quantitative data collection I gained a more sophisticated understanding of pirate audiences’ habits and practices. Through the survey results I could raise questions for the other parts of the study, ongoing nonparticipant observations and analyses, and Component Three, which examined the informal distribution of TV shows. Next I outline the qualities of the target participants, describe the design of the questions, and explain the procedures used for data collection.
Participants of the online survey in Brazil
The primary target population for this research is classified as a purposeful sample (Creswell, 2013). Participants had to be older than eighteen years of age, living in Brazil and have downloaded at least one episode of a television show in the twelve months prior to the date they answered the survey. In order to keep the participants’ identities anonymous, I asked them not to provide their real names, but rather only their first name or nickname.

Recruitment of Brazilian informal viewers
Since I had to keep the identities of participants anonymous I used social media to promote the survey and to recruit respondents. I started by publishing a link to the survey on my personal Twitter, Facebook and Orkut account pages. I also asked friends and family members to pass the link on to their networks. The intention was to find participants through snowballing. Snowballing is, “building a sample through referrals” (O’Leary, 2004, p. 110). Further, in order to reach a population that was not registered on any of these social networking websites, I emailed the recruitment letter and link to the survey to approximately 20 people from my personal, academic and professional networks and asked them to forward it on. In this way I hoped to reach a more representative population and to decrease the limitations addressed in Section 4.2.

Outside of my networks, I promoted the survey with approximately 60 online communities in Orkut54 and approximately ten on Facebook55. The reason for using more fan communities in Orkut than Facebook was that, at the time I started data collection, Orkut was the most utilised social networking website in Brazil (Mizukami, et al., 2011). Facebook, though, has become more popular since mid 2011 and in July 2012 was the most accessed social networking website in Brazil (Hitwise, 2012).

54 See Appendix B for full list.
55 See Appendix C for full list.
In many Orkut fan communities, I had to request authorisation from the moderators, that is, the people responsible for running the online communities, to advertise the survey. In several communities in Orkut I could not create a new post for the survey but only promote it under a standard post such as ‘advertising’. These ‘advertising’ posts are usually used by fans to promote their websites and fan clubs. How communities that were encountered were organised is explained in Chapter Five.

The online survey design
When designing the survey I used an online platform called polldaddy.com in order to collect data. The reason for choosing this platform was that it provides all the necessary tools for recruiting participants and collecting data. It also provides different options for designing the survey and for exporting the collected data in different formats, such as PDF and Excel files. Moreover, polldaddy had a free one year trial which allowed me to include more questions than the free trials available on other survey platforms such as survey monkey.

The survey commenced with a general explanation of the project and provided information on how participants could contact me if they had any questions. I authored a blog56 where participants could write me messages but still remain anonymous. Through this blog they could also read the “participant information letter”. I also used the blog to publish findings from the research through the publication of peer-reviewed articles.

I developed the survey questions using the empirical studies described in Chapter One. The survey was divided into three main parts. The first part consisted of ten questions which addressed the demographic aspects of respondents. The second part, consisting of thirteen questions, focused on participants’ downloading habits. In the third part, I explored audiences’ online practices as they related to a particular TV show; this was done using six questions. I asked participants to answer those six questions while keeping in mind a chosen TV show, or shows, that they follow. In the final question of the survey I asked respondents to imagine they were addressing the television industry and to

suggest what changed they believed needed to be made. Overall, the responses were used to gain a better understanding of downloading practices.

In order to enhance the qualitative aspects of the survey, I included open spaces for answers rather than limiting participants to selecting from a set of multiple choice answers. The basic difference between open and closed responses is that in the former participants can write their answers in a provided space using their own words. On the other hand, in closed-ended responses participants may select one or more options from the ones available in that specific question (Berger, 2000). The survey consisted of 30 questions in total, 20 open and closed in that participants were given the option of writing a response themselves if none of the multiple choice answers were suitable. That is, the option “other, please specify” was available to improve the accuracy of the answers. Actually, in three of these open and closed ended questions it was compulsory for the participants to explain why they chose a particular option. The remaining ten questions consisted of three open-ended questions and seven closed-ended questions.

The open ended questions were used for specific topics that required more detailed answers, such as how participants perceived downloading as piracy, or not, and what suggested changes they would suggest to the television industry. As Treiman (2009) explains “[o]pen ended questions are used when possible responses are too varied or complex to be conveniently listed on a questionnaire or when the researcher doesn’t have a very good idea of what the possible answers will be” (p. 3). Treiman’s (2009) two reasons were applicable to this research. The open ended questions related to how participants perceived piracy. Based on observational data of Brazilian discussion forums, (Component One), I found a strong correlation between unauthorised file sharing and a moral disengagement of pirate audiences. The aim of some of the open-ended questions was to find out, through the survey, why these audiences do not perceive their practices as theft and to see whether there was any cultural influence on their responses.

---

57 All the survey questions are included in Appendix D.
In the seven closed-ended questions, I wanted to collect more specific information such as gender and age. Based on my observations in Component One, I included options that I considered to be common answers to pirate communities, such as what websites people prefer to download TV shows from and the motivations for downloading. I did this in order to verify how the sample fitted into the broader population.

For one closed-ended question, which referred to how participants understood piracy as theft, I used a Likert Scale. As Berger (2000) explains, a “Likert scale enables you to quantify opinions and beliefs and thus obtain more precise indications of beliefs and opinions than you can with many other methodologies” (p. 196). For this specific question I required participants to explain their answer in a space provided and this demonstrates the qualitative aspect of data collection for this question. The next subsection presents the scales used for data measurement.

**Measurement and variables of the online survey**

The main objective of the quantitative data collection was to establish relationships between variables in regards to the informal viewing practices used in Brazil. The quantitative data collected was associated with the qualitative data gathered through the open-ended responses where more in-depth answers were given. My aim was to find out whether determined variables, such as the demographics of groups, including their personal habits, affected how pirate audiences perceive piracy and their motivations for downloading. In analysing data I sought to find out what are:

- The motivations for downloading television shows,
- The Brazilian pirate audiences’ perceptions of unauthorised downloading practices as piracy,
- The challenges for downloading television shows,
- The circumstances, such as current employment status, cable TV and internet broadband ownership, and
- How participants’ informal practices equate with levels of engagement: active passive and incidental, active social, and active labour.
Reliability of the online survey responses

I first sought to verify the reliability of responses by ensuring participants matched the established criteria: older than eighteen, living in Brazil, and having downloaded TV shows in the twelve months prior to answering the survey. I easily confirmed whether participants were in Brazil while answering the survey, because the polldaddy website provides the name of the country where the survey has been answered. Further, the survey, in the first ten questions, asked demographic questions, such as age, country of current residence, and if they had downloaded TV shows in the past twelve months.

Data analysis of online survey results

As previously mentioned, before analysing the results I “cleaned up” the collected data by excluding thirteen participants that did not meet the criteria as well as those participants who had answered the questions twice, the latter being verified by comparing sequential responses with the same information. Next, the data was examined by undertaking statistical and theme-coded analyses. The statistical analysis was descriptive, consisting of a summary of findings, as well as inference, as I raised more questions as data was collected. This was in line with O’Leary’s (2004) model of data analysis. In order to make the open-ended data generate quantitative data, I counted the number of times someone mentioned a particular code or theme, my primary intent being to find out the frequency of occurrence and then to use this is as an indicator of participant interest in a determined option (Creswell, 2013, p. 185).

Furthermore, I also conducted a thematic analysis of the collected data. I examined the content, searching for similarities and contradictions among participants’ responses by coding predominant themes. As Creswell and Plano Clark (2011) explain:

The core feature of qualitative data analysis is the coding process. Coding is the process of grouping evidence and labelling ideas so that they reflect increasingly broader perspectives. Evidence from a data base is grouped into codes, and codes are grouped into broader themes. Themes then can be grouped into even larger dimensions or perspectives, related, or compared. [...] In this process, the themes, interrelated themes, or larger perspectives are the findings, or results, that provide answers to the qualitative research questions (p. 208).
This coding allowed me to compare participants’ answers with empirical studies described in Chapter One; this was particularly pertinent for questions about participants’ moral disengagement from unauthorised file sharing and their motivations for downloading. This comparison enabled me to compare Brazilians’ informal practices of watching television with this same activity in other countries. These results also fed into the component of the study on the informal distribution of content and raised further questions in regards to the nature of pirate community, which was examined in Component One. The results are analysed and discussed in Chapter Five.

In this section, I outlined the online survey used to collect data about the informal viewing practices of television shows. I described the survey design, the participant criteria and the procedure used. In the next section, I move onto examining the research methods used to collect data on the informal distribution of TV shows in Brazil.

4.5. Component Three – Case Studies on Informal Distribution and Amateur Subtitles Production (September 2011 to November 2012)

This section describes the research methods used in Component Three which focuses on informal distribution practices in Brazil. The primary qualitative approach chosen to investigate informal distribution and subtitling practices was the development of two case studies. The design of this component was informed by literature on the topic (Bernardo, 2011; Bold, 2012; Mizukami, et al., 2011; Vandresen, 2012), an analysis of secondary sources, such as online news media about the file sharing and fansubbing of television shows in Brazil, (Calazans, 2010; Olhar Digital, 2010; Leal, 2010; Pagano, 2010; Series Freak Team, 2011a, 2011b), and the outcomes of the data collection for Components One and Two. From these sources it was evident, that at the time of this study, the most prominent platforms used by Brazilian pirate audiences to download US television shows were:

a) Torrent, such as BitTorrent and uTorrent;

b) Downloading websites, such as Brazil-series and SeriesFD;

c) Online communities in Orkut and Facebook;
d) Cyberlocker websites, such as RapidShare and Megaupload, which are cloud file storage websites. The links for downloading in b and c usually direct users to these websites. Users can also find links to cloud storage through a Google search;

e) Video-hosting websites, such as YouTube;

Further, once a TV show’s episode is downloaded most Brazilians need subtitles in Portuguese. These subtitles are created by specific pirate audiences named Legenders. The Legenders are part of self-organised networks that work collaboratively to produce, promote and distribute their subtitles. Accordingly, the distribution may occur:

a) Through the Legenders’ team website,
b) Through the Legenders’ TV website, recognised as the official website for the distribution of subtitles,
c) Via other websites, such as Legendas Brasil or Opensubtitles.org which distribute amateur subtitles but not only those produced by the Legenders;
d) Or, the amateur subtitles may be compiled with the video file of a television show’s episode, and made available through one of the distribution platforms mentioned above.

I intentionally present these preliminary research results here because they enabled me to identify the case studies of this thesis.

**Generalisability**

Brazil is a good example for demonstrating global issues associated with the informal sharing of TV shows. In Brazil, it seems that pirate audiences form a sub-culture of informal distribution. As Mizukami, et al. (2011) confirm “[c]ontent-distribution networks for film and video in Brazil are strongly grounded in fan culture” (p. 265). The case studies may demonstrate the active-labour level of engagement discussed in Chapter Two. As O’Leary (2004) explains, case studies can “provide supportive evidence for a theory” (p. 116). Thus, the findings of this research may show how Brazilian case studies add to an understanding of pirate audiences’ practices.
Through the case studies, though, it is also possible to highlight the particularities of pirate audiences in Brazil as the greatest strength of a case study approach is its capacity to capture the situatedness of context (Yin, 2009). On the other hand, as Yin (2009) explains, the challenge is generalising the results so they have meaning and use beyond the case study. Since my objective was to generalise results at the same time as exploring the particularities of the country, I used multiple data sources throughout the thesis – from reviewing relevant literature, to the use of three components to the development of two case studies.

**Case study selection**

When selecting the case studies, I used a purposeful sampling approach (Creswell, 2013) to provide “different perspectives on the problem” (p. 100). In purposeful sampling the researcher decides the “participants (or sites) for the study, the specific type of sampling strategy, and the size of the sample to be studied” (Creswell, 2013, p. 155). In order to select this sample, I used two strategies: The first, one was handpicked sampling, which consists of “the selection of a sample with a particular purpose in mind”, and snowballing sampling, which is “building a sample through referrals” (O'Leary, 2004, p. 110). Part of understanding the case studies was to explore the interactions between the participants of a shared culture, which in this case was Brazilian pirate audiences. From preliminary nonparticipant observations, I found that the informal practices were consistent with the participants’ social interactions on the internet.

In order to gain a better understanding while under time and resource constraints, from August 2010 to November 2012 I have examined two specific case studies:

1. The informal distribution of US TV shows through downloading websites and Orkut downloading communities;
2. The production and distribution of amateur subtitles for US TV shows.
As two case studies were developed, the study is classified as a collective case study (Creswell, 2013). Based on Creswell’s (2013) outline of the features of case studies, the intent of this thesis was an “instrumental case” designed to “understand a problem” (p. 98). The problem was guided by the overall research aims of exploring the practices of the informal online distribution of TV shows.

**Limitations of the case studies**

In Chapter Two, I considered the informal uploading of content on to the internet, which is conducted by *seeders*, as the informal distribution of TV shows. There are, however, also pirate audiences who distribute full-length television shows via YouTube. I had to disregard these practices from the empirical work because of given the limitation of resources. I do believe, though, that there is a need for further research beyond this thesis on the practices of these seeders because their informal practices are rapidly evolving.

Given the nature of the practices that the participants of this research are involved in, there were constraints on my own participation while observing them. For instance, I could not take part in their activities such as joining a fansubbing team. This was unfortunate because my capacity to do this would have enhanced my understanding of their practices.

**Data collection and analysis of the case studies**

When considering the appropriate methods for case study research, Creswell (2013) describes the importance of variety:

> the investigator explores a real-life, contemporary bounded system (a *case*) or multiple bounded systems (cases) over time, through detailed, in-depth data collection involving multiple sources of *information* (e.g., observations, interviews, audio visual material, and documents and reports) (p. 97).

For the purpose of this research, a range of qualitative methods were used in combination with the sourcing of literature on the topic. The aim was to highlight the process of the informal distribution of television shows by pirate networks in Brazil. The data was analysed by undertaking a theme code analysis.
The following sub-sections outline the particularities of data collection, such as the recruitment of participants, the online location of the study, and methods used for each one of the two case studies.

**Case study 1: Orkut communities and websites for downloading TV shows (organised networks of distribution)**

In Chapter Two, I explained the significance of pirate audiences’ organised networks for the informal distribution of television shows. By organised networks, I mean downloading websites and online communities on social networking websites in Orkut, and I mean networks created by pirate audiences which provide links for the downloading of US television shows. Orkut has been selected because it was, until 2011, the most utilised social networking website in Brazil (Mizukami, et al., 2011), and it is where most users claim to be Brazilians (Orkut, 2012). Although the popularity of Facebook is increasing among Brazilians, Orkut is still utilised by pirate audiences to informally distribute and download TV shows. This was confirmed by the preliminary results of Components One and Two and is further described in Chapter Five.

I acknowledge that there are other platforms that pirate audiences in Brazil may utilise to download television shows, such as BitTorrent and YouTube. However, based on preliminary nonparticipant observation, it was possible to find that the case studies selected presented rich information on the practices of pirate audiences. In these communities and websites, the TV shows’ episodes and subtitles\(^{58}\) were available through organised links which had been posted by the moderators of a community or website.

The data collection was essentially nonparticipant observation, with the exception of one interview. By using Hine’s (2000) work as a reference point, I kept notes on visits to the websites in order to legitimise the data.

---

\(^{58}\) They are generally created by the amateur subtitlers, especially in the case of new series.
Orkut communities with links for downloading

Informed by Components One and Two, I examined communities in Orkut in groups determined by particular television shows which were some of the most often-cited in the survey responses. I selected the communities with the highest number of members. That said, there were other communities for the same television shows and some of them had a similar number of members. The websites I chose had active participants at the time of data collection and they were also sites which could be verified by the number of posts and how recently the discussions had happened.

Specific Orkut communities which I selected for further analysis were: Supernatural/Sobrenatural, House Oficial (sic), Gossip Girl Oficial(sic), Smallville Oficial (sic), Glee Brasil(sic), Dexter Oficial(sic) and Modern Family Oficial(sic). Predominantly I observed people’s interactions in the communities and the role that communities played in maintaining the informal distribution and consumption of television shows.

Websites with links for downloading

Similarly to Orkut communities, there are pirate audiences in Brazil that organise and maintain websites which contain links for downloading television shows. Given the limitation of research resources, it was difficult to accurately determine how many websites are available for Brazilians to download television shows. In order to identify downloading websites in Brazil, two Google searches were conducted, one in May 2012 and another in August 2012, in order to find “downloading websites of television shows in Brazil”59. Some of them are identified in Table 4.1. Either these websites were selected for their position in the alexa.com web statistics rank, according to the popularity of access in Brazil, or because they had active administrators who often engaged with informal viewers through social media. From June 2012 to November 2012 I closely watched these websites’ official Facebook group pages.

59 The search was conducted in Brazilian Portuguese.
Table 4.1 Ten Downloading Websites in Brazil

<table>
<thead>
<tr>
<th>Downloading Website Name</th>
<th>Traffic Rank in Brazil on Alexa.com on August 28, 2012</th>
<th>Domain</th>
<th>Type of Content Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>De graca e mais gostoso</td>
<td>288</td>
<td><a href="http://www.degracaemaisgostoso.org/">http://www.degracaemaisgostoso.org/</a></td>
<td>TV shows, movies, games, ebooks</td>
</tr>
<tr>
<td>Armagedom filmes</td>
<td>364</td>
<td><a href="http://www.armagedonfilmes.br/?cat=21">http://www.armagedonfilmes.br/?cat=21</a></td>
<td>TV shows, films and others</td>
</tr>
<tr>
<td>Teleza</td>
<td>742</td>
<td><a href="http://www.teleza.org/">http://www.teleza.org/</a></td>
<td>TV shows and films</td>
</tr>
<tr>
<td>Bitanz filmes e series</td>
<td>1046</td>
<td><a href="http://www.bitanzfilmesseries.com/">http://www.bitanzfilmesseries.com/</a></td>
<td>TV shows and films</td>
</tr>
<tr>
<td>Series TVix</td>
<td>1077</td>
<td><a href="http://www.seriesvix.net/">http://www.seriesvix.net/</a></td>
<td>TV shows</td>
</tr>
<tr>
<td>Bitanz TV</td>
<td>1121</td>
<td><a href="http://www.bitanztv.com/">http://www.bitanztv.com/</a></td>
<td>TV shows</td>
</tr>
<tr>
<td>Series free</td>
<td>1398</td>
<td><a href="http://www.seriesfree.br/">http://www.seriesfree.br/</a></td>
<td>TV shows</td>
</tr>
<tr>
<td>Series lider</td>
<td>6594</td>
<td><a href="http://www.serieslider.com/">http://www.serieslider.com/</a></td>
<td>TV shows</td>
</tr>
<tr>
<td>SeriesFD</td>
<td>8240</td>
<td><a href="http://www.seriesfd.com/">http://www.seriesfd.com/</a></td>
<td>TV shows</td>
</tr>
<tr>
<td>Download series</td>
<td>18223</td>
<td><a href="http://downloadseries.org">http://downloadseries.org</a></td>
<td>TV shows</td>
</tr>
</tbody>
</table>

Note. Websites are organised from the most accessed downloading website, De graca e mais gostoso, to the least, Download series. Source: author

Since I wanted to know more about the moderators, I attempted to recruit some of the owners of the websites through Orkut and Facebook messages and also through the “contact us” section on their websites. Unfortunately, though, only one owner of a less popular website titled Download Series agreed, through a Facebook message, to an interview. This website was an example of the utilisation of a Facebook page to promote content because it actually had almost 10,000 likes. I included the interview and nonparticipant observation of this owner’s website in the results of this study. The interview provided me with a general understanding of how these websites work and it complemented my nonparticipant observation of the site.

Case study 2: Legenders (amateur subtitlers)

The second case study examined pirate audiences who create subtitles for downloaded US TV shows and their communities. By creating subtitles in Portuguese, the amateur subtitlers, known as Legenders, facilitate access to unauthorised content. In Brazil, there are more than thirty teams of Legenders informally working on the internet, plus and indeterminate number of independent translators (Mizukami, Castro, Moncau & Lemos, 2011, p. 265).

The purpose of this part of investigation was to understand how Legenders establish, through their practices, a sense of community between the team members, the audiences

---

60 Less popular in terms of their position in the alexa.com ranking, and in comparison to the other five.
who download TV shows and subtitles in Portuguese, and with Legendas.TV. The latter is a Brazilian fandom website which is a source of subtitles\(^{61}\); it is a fully-functional organisation based on fan culture, affective labour and pirate networks.

**The target population of Brazilian Legenders**

The primary target population of Brazilian Legenders is pirate audiences living in Brazil who are engaged in informal distribution through fansubbing practices. In my study I specifically focused on the fansubbing of US television shows since there was already extensive research on the amateur subtitling of Japanese shows (e.g. Cortez Luz Urbano, 2012; Itō, 2012; Jenkins, 2008a; Lee, 2011; Leonard, 2005; Prado Alves Silva, 2009). For interviews and an online focus group, I required participants to be older than eighteen years and to have participated in amateur subtitling during the twelve months prior to the interview or focus group.

**Recruitment of Legenders and the profile of the participants**

First, I recruited Legenders for an online focus group. In May 2012 I emailed eight Legenders from different teams, and also contacted the following Legenders’ teams through Facebook, Twitter and the teams’ official websites: *Insanos*, *Geeks*, *Darkside*, *InSUBs*, and *UNITED*. The participants’ emails were provided by a Brazilian postgraduate student who had written his graduate dissertation on the work of Legenders. Bernardo’s (2011) work resembles a diary with step-by-step descriptions of the recruitment process and the interviews and an outline of his experience as a Legender as he joined a team in order to collect more specific answers.

In my recruitment letter I explained that the focus groups would take approximately one hour on Skype and that other Legenders would join the discussion. The topics discussed would include the everyday practices as Legenders and their internal relationship with the moderators of the Legendas.TV website. The recruitment letter also outlined the participation criteria, which was, that participants had to be older than eighteen and currently be working as a Legender, or have worked as a Legender from October 2011 to

\(^{61}\) Legendas.TV is the most popular website in Brazil containing subtitles for films and TV shows.
April 2012. This way the information collected could remain more relevant to the day-to-day activities of the focus group.

From December 2011 to November 2012, I interviewed ten Legenders (see Table 4.2.) aged eighteen to forty-three years old. The participants’ names have been coded to protect their identities. Most of them reside in Southeast Brazil.

I also interviewed the administrator of a website which is a search engine for amateur subtitles. For this research, I named this administrator SUB in order to protect his identity, and I referred to the website as LB. The interviewees were not identified for reasons of confidentiality. The interviewees of this case study had the following profiles:

Table 4.2

The Profile of the Participants

<table>
<thead>
<tr>
<th>Code</th>
<th>Age</th>
<th>Sex</th>
<th>City</th>
<th>Team/Website</th>
<th>Type</th>
<th>Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leg A</td>
<td>29</td>
<td>M</td>
<td>Rio de Janeiro, RJ</td>
<td>Legends</td>
<td>legender</td>
<td>Graduate student</td>
</tr>
<tr>
<td>Leg B</td>
<td>24</td>
<td>M</td>
<td>Rio de Janeiro, RJ</td>
<td>Mansics</td>
<td>legender</td>
<td>Government employee</td>
</tr>
<tr>
<td>Leg C</td>
<td>31</td>
<td>F</td>
<td>Campo Grande, MS</td>
<td>Queens of the Lab</td>
<td>legender</td>
<td>Psychologist</td>
</tr>
<tr>
<td>Leg D</td>
<td>21</td>
<td>M</td>
<td>Belem, PA</td>
<td>Insubs and Subsfreak</td>
<td>legender</td>
<td>University student</td>
</tr>
<tr>
<td>Leg E</td>
<td>43</td>
<td>F</td>
<td>Rio de Janeiro, RJ</td>
<td>Art subs and Legendas em series</td>
<td>legender</td>
<td>Entrepreneur</td>
</tr>
<tr>
<td>Leg F</td>
<td>20</td>
<td>M</td>
<td>Sao Paulo, SP</td>
<td>Instantos and CreepySubs</td>
<td>legender</td>
<td>University student</td>
</tr>
<tr>
<td>Leg G</td>
<td>18</td>
<td>M</td>
<td>Minotera, MG</td>
<td>Darkside</td>
<td>legender</td>
<td>High school student</td>
</tr>
<tr>
<td>Leg H</td>
<td>18</td>
<td>M</td>
<td>Santos, SP</td>
<td>The Tinaz, Fuck and Punch, Insubs, Subsfreak and Legendas em Serie</td>
<td>legender</td>
<td>High school student</td>
</tr>
<tr>
<td>Leg I</td>
<td>28</td>
<td>M</td>
<td>Sao Paulo, SP</td>
<td>Subsfreek</td>
<td>legender</td>
<td>Banking industry</td>
</tr>
<tr>
<td>Leg J</td>
<td>21</td>
<td>M</td>
<td>Santos Maria, RS</td>
<td>Did not say</td>
<td>legender</td>
<td>University student</td>
</tr>
</tbody>
</table>

Source: author

In May 2012 five Legenders from different teams agreed to participate in the Skype focus groups; some of them also invited other members of their teams to participate. A snowballing process initiated by the participants therefore occurred. Only three Legenders (Leg A, Leg B and Leg C), though, showed up for the meeting. Although the focus group had a poor attendance compared to what was expected, the participants who could not attend the meeting, or did not wish to take part in it, agreed to be interviewed via email (Leg D, Leg E, Leg F and Leg J), MSN (Leg G and Leg I), Skype chat (SUB) or Facebook message (Leg K).
The target population and recruitment of interviewees followed the same process as the focus group. The interviews occurred from December 2011 to November 2012. I utilised similar questions to the focus groups, and for some interviewees I also conducted follow up questions.

**Design of questions for the Skype focus group and email interviews**
After analysing previous research on the work of Legenders (Bernardo, 2011) and the activities of online teams (Calazans, 2010; Olhar Digital, 2010; Leal, 2010; Pagano, 2010; Sayuri, 2011; Series Freak Team, 2011a, 2011b), it was possible to determine, first, that there is little research on the work of the Brazilian Legenders, and second, of the research that has been done it is largely descriptive and non-analytical in its approach. This research thesis did not disregard previous interviews with Legenders, but used them to improve the development of questions for the online focus group, and subsequently the Skype, MSN, Facebook and email interviews.

After keeping abreast interviews with Legenders on online news reports (Calazans, 2010; Olhar Digital, 2010; Leal, 2010; Pagano, 2010; Series Team, 2011a, 2011b) and then studying Bernardo’s (2011) graduate thesis, I devised an open-ended questionnaire with similar questions to these two sources in order to confirm some of the findings of these studies. I also added complementary questions.

The aim of the interview questions was to explore the estimated value of pirate audiences’ practices and to examine the benefits and costs that pirate audiences face in participating in this illegal activity. The study also focused on the Legenders’ internal and external relationships with the Brazilian pirate community.

**Particularities of the Skype focus group**
As previously stated, although five Legenders confirmed they would join a discussion only three (Leg A, Leg B and Leg C) showed up for the 80 minute focus group. The meeting occurred through a Skype chat in June 2012. At first, I was concerned that an online focus group facilitated through Skype chat would affect participation because it
takes longer to type than to talk. It turned out, though, that the participants are used to typing fast due to their work as Legenders and it was therefore not an issue. On a few occasions there were delays in receiving answers but this was manageable. The meeting started casually, and remained casual for the majority of the time, with no need for introductions, because the participants all knew each other from amateur subtitling activities. They even said that they sometimes attend offline social activities such as going to pubs together.

Given the nature of the participants’ practices being illegal, I had to be careful not to pass judgement and I consciously tried to make them feel comfortable so they would discuss their online behaviour. Being Brazilian, I was able to communicate with participants in both a friendly but professional manner, complying with Kvale (1996) who says the interviewer must create “an atmosphere in which the subject feels safe enough to talk freely about his or her experiences and feelings” (p. 125). Questions such as, “Do you see your practice as an illegal activity?”, or “Are you afraid of getting caught?”, however, generated some tension and one respondent even turned the question back on me and asked how I felt about piracy. Other than that, the focus groups proceeded in a relaxed way.

The three participants belonged to different teams of Legenders. Because of this situation I found I had a better sample of opinions about issues I raised during the discussion. Some of the preliminary conclusions were that the Legenders are not necessarily fans of the TV shows they translate. They enjoy the activity of being a Legender. What is professional work in an offline world is a hobby for these groups. Finally, centralised power seems to be important for keeping the organisation of the team operating smoothly.

**Interview with the owner of a website that distributes subtitles**

I did three interviews (via Skype) with the owner of a website that distributes amateur subtitles, just like the Legendas.TV website. For his protection, his name cannot be disclosed, so I used the name SUB when referring to this participant. For the first
interview I used a semi structured questionnaire, and for the other two interviews SUB called me on Skype to provide further information about his perspectives on piracy and other topics he felt relevant for my research. These subsequent interviews, therefore, became unstructured.

Curiously, SUB was intrigued by my research focus to such a degree that during the third interview he asked me to help people like him, through my thesis, to change how the industry, authorities and government perceive their practices. He hopes there will be change such that their practices are no longer considered a criminal act.

This interview was important for my research and allowed me to gather information from the perspective of the owner of a website that focuses on the distribution of amateur subtitles. It was also interesting because, as I explain in Chapter Five, this website is competition for the Legendas.TV website and thus it was a source of conflict between pirate audiences responsible for the informal distribution of content.

4.6. Chapter Summary

This chapter outlined the research design used in this thesis, which was a mixed methods design. The aim of my study was to analyse the informal viewing and distribution of TV shows in Brazil. Although pirate audiences may be involved in both types of practices, I found that by separating them into different data collection stages, I was able to gain a better understanding of how and in what circumstances these practices happen. I explored how pirate audiences create a parallel system for the distribution and consumption of television shows which operates alongside traditional TV broadcasting.

The participants in this research are involved in the unauthorised viewing and distribution of television shows. Since this practice is considered copyright infringement and thus against the law, I had to adapt the methods in order to protect participants, and also myself, from prosecution. Since the participants operate online I collected all data using digital technologies.
I have collected data through three different components. In Component One, I collected qualitative data. I did this before, during and after the other two components so that the data collected could inform these other data collections, hence I utilised a triangulation approach. Next, for the informal viewing practices, I collected data using an online survey which included a mix of open-ended questions and closed-ended questions which facilitated the collection of both qualitative and quantitative data. Finally, for the informal distribution practices, I examined two case studies of Brazilian pirate audiences. One studied the audiences who maintain websites and communities in Orkut which provide links for downloading. The second focused on those audiences who create subtitles for downloaded TV shows. The next Chapter presents the results, an analysis of these results, as well as a discussion of the effectiveness of the three components of data collection.
Chapter Five:
Informal Viewing and Distribution Practices
of Pirate Audiences in Brazil

5.1. Introduction

In Chapter Four, I introduced the research methods utilised in this thesis to investigate pirate audiences’ television downloading practices in Brazil. The data collection was separated into three components. Component One, which occurred concurrently to Components Two and Three and involved qualitative data collection and analysis, explored the informal practices of Brazilian pirate audiences’ downloading and distribution of TV shows. In Component Two data was collected on the informal viewing of US TV shows; Component Three the informal distribution of these same shows. I separated these practices so I could discuss their particularities in a focused way, although I recognise that particular pirate audiences may be involved in both activities.

This chapter presents the results of the data collected and a discussion of these results. The study ran from August 2010 to November 2012. The results and discussion encompass the key concerns of this thesis:

- There are changes in television viewing practices due to an increase in access to the internet. Such changes may impact our understanding of television audiences and piracy.
- Using case studies in Brazil, this understanding is enhanced by an examination of how pirate audiences create a parallel system of informal viewing and distribution of US television shows.

This chapter first outlines the background and context of the investigation, that is, the environment in which pirate audiences in Brazil are immersed. Research on file sharing practices, and the moral disengagement of pirate audiences and their motivations for downloading, was used to analyse and present data. The purpose of this exploration was to understand transnational pirate practices in order to generalise their practices. I also
formulated conclusions from the survey results and the case studies investigated. Next in this chapter the results and an analysis of the data collected in Component Two are presented. This chapter then presents an analysis of Component Three that is two case studies, one on the informal distribution of TV shows through downloading websites and Orkut communities, and the other on the fansubbing practices conducted by Legenders. In this analysis themes are addressed that were raised in the literature review on file sharing, such as the moral disengagement of pirate audiences, the motivations for downloading, and the particularities of informal audiences and their organised networks in Brazil. The chapter concludes by examining how informal practices compare in a global context and outlines how pirate audiences in Brazil build and maintain a parallel system of informal viewing and distribution of television shows through pirate networks and the particularities of these practices.

5.2. General Findings: Informal Viewing and Distribution Practices of Television Downloading in Brazil (Why They do it and Why is Not Wrong)

This section presents the results of Component One and Two, and the purpose is to link the outcomes with previous empirical work on piracy which was presented in Chapter One. I compare the non participant observations with my own personal experience of people engaged in file sharing activities. I have lived in Brazil for most of my life and grew up in an environment where purchasing pirate goods and downloading content was a common and socially acceptable practice. Since I began engaging in this project, I raised questions about piracy among Brazilian people I know and then met. I found that most Brazilians I interacted with did not understand why piracy is considered by the industry as theft. I, therefore, had to spend a lot of time explaining why file sharing can be viewed as stealing. Since most Brazilians I interacted with were adults and university educated, I began to question whether a moral disengagement from the practice was connected to a poor understanding of copyright law, a disbelief that any effective legal

---

62 For instance, in my hometown in Brazil, Belo Horizonte, there are shopping centres, such as Oiapoque, where it is possible to find pirated media and electronic goods available for selling. Oiapoque was created by the Belo Horizonte city council in order to clean the streets of the city of illegal streets markets and to centralise them into one place. The city council is aware of the commercialisation of pirate goods but it is a “tolerated” practice because, to some extent, it is considered under control because it is in one place (de Souza Lima, 2011).
actions would be taken, or just the simple attitude that “if everybody else is doing, it shouldn’t be a problem”. Further, there is the socially accepted idea that Brazilians like to take advantage of anything (DaMatt, 1986) or overcome issues through the *Jeitinho Brasileiro*, which is the Brazilian way of getting things done - as explained in Chapter Three. I further develop this idea below, but for now it is important to state that my personal interest, combined with my understanding of Brazilian culture, influenced how I collected data and then how I analysed it.

**Moral disengagement**

The outcomes of my investigation show that Brazilian pirate audiences do not perceive downloading as an illegal activity. Moral disengagement in pirate communities has been observed in empirical work on piracy elsewhere in the world, such as in the US and China (Bonner & O’Higgins, 2010; Chen, Shang, & Lin, 2008; Gillespie, 2009; Jambon & Smetana, 2012; X. Wang & McClung, 2011; Yar, 2008). Taking these studies into account, I explored this attitude towards piracy in Brazil and connected it to an understanding of Brazilian cultural and social practices.

After analysing online communities’ discussions about US TV shows on the social networking website Orkut, I start developing the argument that downloading practices may occur because, like DaMatt (1986) suggests, Brazilians do not respect authorities and the copyright legislation. If Brazilians really respected the law, they would not join communities on Orkut with titles such as Films/TV downloads or *Eu não compro faço download*, which translates to “I don’t buy, I download”. On social networking websites, most of the users have their personal pictures and information available; it is, thus, possible for authorities to track the members. The community *Eu não compro faço download* has operated since 2007 and has 440 members (Retrieved October 12, 2010). This is a considerable number given the legislation, which considers unlicensed downloading as illegal (APCM, 2012b), in addition to the controversial title. It is possible that the intellectual property legislation with severe punishments results in the opposite of its desired effect, since it is not working in Brazil as elsewhere in the world. As this thesis...
is being written, though, there are projects and debates happening in Brazil involved with the upgrade of the laws\textsuperscript{63} (Lemos, 2012).

My nonparticipant observation of discussion forums about piracy revealed that in Brazil people find it absurd that anti-piracy organisations arrest civilians while more significant life-threatening crimes go unpunished. For instance, the shutdown of the website called \textit{Brazil-Series}, which had links for downloading TV shows, generated discussion which illustrated this finding.

On July 16, 2010, the website www.brazil-series.com had its services terminated by the Anti Piracy Association of Films and Music\textsuperscript{64} (APCM). This was followed by its owners’ arrest. Since the website had taken donations and displayed advertising, it was perceived as infringing copyright with the purpose of earning profits. The website had 800,000 users a month and provided links to television shows from popular series (Enigmax, 2010). Figure 5.1 illustrates the Brazil-Series website.

\textsuperscript{63} See Chapter Three: Marco Civil [Civil Rights Framework for the Internet].
\textsuperscript{64} Associacao Antipirataria de Cinema e Musica
After the owners of Brazil-Series were arrested, Brazilian pirate audiences went to discussion pages that mentioned the case in order to criticise what was perceived as an extreme and unfair measure (Lang, 2010; Victor, 2010; Zmoginski, 2010). These Brazilians argued that the corrupt government, the police, narcotic trafficking gangs and murderers are not punished for bribery or, when caught, are often released early due to overcrowded jails. For example, one of the respondents in the discussion thread (Victor, 2010) stated:

*Brazil is a country full of hypocritical people!!! I honestly doubt that all the police men that arrested these people have only original music CDs or have never bought a pirate DVD in a “camelo” [informal street markets]! (...) If taxes were not so absurd there wouldn’t be piracy for sure (...) we live in a corrupted country where honest politicians are like elves. THEY DON’T EXIST!!! And the police go and arrest students who have a website for file sharing?? What happens to the politicians who steal millions from
As such, Brazilians defend their illegal downloading actions on the impunity claim: “if they can do it, why can’t we?” and “if they don’t get into trouble, why should we?” (Lang, 2010; Victor, 2010; Zmoginski, 2010). Almost everyday Brazilian newspapers print an example of criminals not being prosecuted and corruption operating in the country.

Based on this preliminary analysis, I investigated, through an online survey (Component Two), how the 106 participants perceive themselves as pirates and to what extent they agree or disagree with anti-piracy organisations who consider TV downloaders as thieves of intellectual property. The results confirm that 84 percent of the participants do not consider themselves involved in digital piracy when downloading TV shows. Also, the majority disagree with anti-piracy organisations which consider people who download TV shows as thieves. The results also indicate that from the group of participants that do not consider themselves as pirates, approximately 51 percent download TV shows at least four times a week. Two of the most predominant explanations as to why they believe their practices are not digital piracy are:

- The unavailability of content, and
- The downloaded TV shows are for private use and non commercial purposes.

---

65 Brasil país de pessoas hipócritas!! Eu sinceramente duvido que todos os policiais que realizaram a prisão possuem CD de músicas originais ou até mesmo que nunca tenham comprado um DVD pirata em camelô! Quem é que compra CD de musica hoje em dia? A hipocrisia contamina essa sociedade! Se os impostos não fossem tão absurdos concerteza não haveria tanta pirataria, um exemplo é o preço de um jogo aqui no Brasil que pode chegar a custar 300,00 é impossivel combater a pirataria com impostos absurdos e o pior, impostos que geralmente não são repassados, acabam no bolso de algum político corrupto! Vivemos no país da corrupção, a onde político honesto é que igual a duende, NÃO EXISTE!! E a polícia vai la prender jovens estudantes por possuírem um site de compartilhamento de séries??!! O que acontece com esses políticos que roubam milhões e milhões dos cofres públicos?! Engraçado como não se vÊ nenhum deles presos!! País que da nojo!! BRASIL!!

66 14 percent said yes and approximately 2 percent left the space in blank.
Many also added that since there is no commercial exchange, that is they are not paid to distribute content, it should not be considered piracy. For example, a participant\textsuperscript{67} who downloaded one to three times a week explained:

\textit{I don’t receive any type of reward for downloading files online and do not even pay for any service. Also, the platform which makes content available does not receive any financial support. Usually, those responsible for making content available, especially TV shows and videos are fans who are happy to distribute and translate a TV show, which does not translate to piracy.} \textsuperscript{68}

In addition, another participant\textsuperscript{69}, who also downloaded TV shows one to three times a week, said, “piracy is when you download TV shows and commercialise them”. \textit{To download, to watch then deleting after watching it, is not piracy}.\textsuperscript{70} The concept of downloading not being considered piracy if a person does not archive the TV shows was highlighted by other participants\textsuperscript{71} in this research. There were participants\textsuperscript{72}, though, who did not even believe archiving and the sharing of content was piracy; they felt that as long as the practices remained non-commercial they should not be considered as such.

The idea that the internet is an unlimited and open source of content was raised by participants\textsuperscript{73}. The explanation was that if a person downloads what is already available online or has been aired on television, even if it was in another country, it should not be considered piracy. As a participant\textsuperscript{74} who downloaded four to six times a week contended, “if a TV channel makes a show available it is open to everyone and the fact that people upload and download is just sharing from other people who made the show available for all in the network”.\textsuperscript{75}

\textsuperscript{67} ID 17149112
\textsuperscript{68} Eu não tenho nenhum tipo de ganho com os arquivos que baixo na internet e tampouco pago pelos serviços. Desta forma, a fonte que disponibiliza o arquivo tampouco tem ganhos financeiros. Normalmente, quem disponibiliza estes vídeos, principalmente de séries e vídeos, são fãs que se satisfazem simplesmente em traduzir os episódios e divulgá-los, o que, para mim, não constitui pirataria.
\textsuperscript{69} ID 12641949
\textsuperscript{70} Pirataria é quando você baixa os programas e comercializa. Baixar, assistir e deletar não é pirataria.
\textsuperscript{71} ID 17923343
\textsuperscript{72} e.g. ID 17149112 and ID 15706641
\textsuperscript{73} ID 17923343
\textsuperscript{74} ID 20020557
\textsuperscript{75} ...se um canal aberto libera uma série estara aberto para todos e a questao de upar e baixar arquivos eh apenas um compartilhamente feito por uma rede de (sic) deixou aberto para todos.
Another point raised by some participants was that the fact they pay for services such as Cable TV, internet broadband, and occasionally buy DVDs, should amend their unauthorised downloading practices since they are not only consuming but also providing a financial return to the media industry through other ways. For instance, a participant who downloads one to three times a week explained:

I pay for cable TV and I have never downloaded any TV show that is not aired in the channels I have access to. In certain way, I already pay for what I am downloading. What happens is the subtitles made by fans are much better than the ones available on the TV channels. This is additional to being able to watch in my own time thus it drives me to download TV shows.

The notion of giving back to the media industry suggests a belief that through unauthorised file sharing unknown TV shows are promoted among pirate audiences, thus, in a certain way, piracy becomes promotion. Such participants, therefore, feel that through their informal practices they are actually helping the television industry. As a participant who downloaded everyday said:

I believe if it wasn’t for downloading, many TV shows would not have their current popularity. An example: [the TV show] Survivor. It is a reality show well known in the US. Three years ago, I created a community on Orkut with links for downloading this TV show. At that time, almost anyone knew about the show and the video files didn’t come with subtitles in Portuguese. So, we created a team of Legenders and today, three years later, the community has four times more members and many people could get to know the TV show and thanks to our subtitled episodes we popularised the show. If we couldn’t use the internet to do that, the TV show’s producers would miss an opportunity, since many people I know ended up buying the DVDs later (even though they were in English through US websites) and other merchandising from the show. And that happens with almost every show. I think there is a need to change this notion that downloading is piracy, UNLESS the person sells it, but if it is for private use I think it is OK.

---

76 ID 12645875
77 Eu pago TV a cabo e até hoje não baixei nenhum programa que não passe nos canais que tenho. De certa forma, eu pago pelo que estou baixando. O que ocorre é que as legendas feitas pelos fãs são realmente muito melhores do que as dos canais. Isso, somado à disponibilidade de assistir quando eu quiser/puder é que me fazem baixar programas de TV.
78 ID 12599367
79 Pelo contrário, acho que se não fosse pelo[s] downloads, muitos programas não teriam a popularidade que tem. Um exemplo: Survivor. É um reality show super conhecido nos Estados Unidos. 3 anos atrás, eu criei uma comunidade pra disponibilizar esse reality pra baixar no orkut. Quase ninguém conhecia o
The results of the survey indicate that most participants formulate their own conceptions of intellectual property, licensing agreements and notions of digital piracy, and these ideas are at odds with concepts of illegal downloading and theft. It can be suggested, though, that some of these arguments could be understood as a misinterpretation on the participants’ part of how the media industry and copyright work, that is, that from an industry perspective TV shows are creative goods and every download equals one less sale. Such a misunderstanding on the part of participants was observed during casual conversations with people about this research and also while analysing people’s discussions after online news media on piracy. One of the participants who downloaded four to six times a week clearly illustrated the idea of many others in forums and conversations: “It doesn’t matter for the TV shows’ creators whether or not a TV show is being downloaded, as long as it is being aired by a TV network which bought the distribution rights for it.”

One participant’s perspective on why downloading is not piracy was actually a critique of anti-piracy agents’ claim that unauthorised downloads threaten creative production. This participant said that although downloading occurs, authors still receive their share of profits. He/she explained this by pointing out that many pirate audiences do not understand the multiple intermediaries between content producers and audiences, and therefore, if downloading decreases the share of profits taken by these intermediaries and not necessarily the creators of the project, this does not taint the consciousness of pirates audiences for being part of what is considered an illegal activity.
Further, a participant who downloaded one to three times a week compared people who download TV shows to a traditional viewer who skips advertising:

In theory, the TV show only exists because advertising does, [...] a TV show only exists because people watch it, buy products shows during commercial breaks. If I decide to watch a TV show and do not buy products and do not watch commercial breaks, this does not make me a pirate.

Other justifications included participants not being able to afford to access television shows through authorised means and other participants claiming that pirates are those who make content available in first place not those who download.

The results demonstrated that the motivations for downloading are often associated with a justification for why the practice is not piracy. For many people piracy is the only way to access television content, because it is not yet available through authorised sources or, if available, it is dubbed and they would rather it be in its original language. The need for the content thus justifies why participants do not perceive their practices as piracy. Also, the concept of piracy is strongly linked with commercial exchange, not private use.

In contrast with the majority of participants who do not believe their activities are piracy, 14 percent do consider themselves involved in digital piracy. Most participants who selected this option explained that through downloading they are getting for free something they should have paid for. For instance, in the example below the participant who downloaded one to three times per week, explained that it is piracy:

Because most likely the content has been made available not by its copyright holders but by fans, but this is not a bad thing because it promotes the TV show. It is like watching on

---

82 ID 12920378
83 Teoricamente o programa de televisão existe porque a propaganda existe, se o programa só existe porque as pessoas que assistem, compram os produtos veiculados nos comerciais. Se eu resolvo assistir um programa na tv, não compro e nem mesmo assisto os comerciais, isso não faz de mim um pirata.
84 ID 12606750
85 ID 12659190
86 ID 12807121
In order to better understand how downloading is perceived as theft, the participants in the survey were asked, “to what extent do you agree or disagree with antipiracy organisations which claim that people who download TV shows are thieves of intellectual property?”. The results indicated that 73 percent disagreed with this statement. Out of this portion, 39 percent strongly disagreed and 34 percent disagreed. An expected result was that the majority of respondents, who did not consider unauthorised downloading as piracy, would disagree with the concept of downloading as theft, and this was confirmed through this sample. On the other hand, 18 percent of participants remained neutral on this topic and 8 percent agreed, the latter consisting of 4 percent ‘strongly agree’ and 4 percent ‘agree’. Also, 1 percent claimed they had never thought about this question before. The question also asked for further explanation for participants’ answers and the most predominant reasons for each selection are outlined below.

- Strongly disagreed or disagreed that downloading is theft
  
  i. Freedom to access content. According to one participant who downloaded one to three times a week and who selected ‘disagree’ said: “Nowadays information and communication are and must be free. It is not worthy to hold it back with strictness...organisations must understand and adapt to this”.
  
  ii. Downloading used solely for private use and not for commercial purposes is not theft of intellectual property. For instance, a participant who downloaded one to three times per week and selected ‘strongly disagree’ stated: [...] There is a TV show that I download that was never aired in

---

87 pq provavelmente não foi liberado pelos donos, mas sim pelos fãs mas não é algo ruim , porque divulga a série , é como se tivesse vendo televisião só que no computador , a vantagem é escolher a série que quiser e o horário que quiser.
88 ID 12603331
89 Hoje em dia a informacao e comunicacao e, e deve ser livre. Nao aditanta tentar segurar uma tendencia dessas com rigidez e austeridade. As Organizacoes deveriam entender o movimento e se adaptar a ele. Assim como a industria fonografica hoje foca muito mais nos rendimentos com shows e turnes do que na venda de discos. Elas deveriam usar a rede a seu favor ao inves de tentar impedir o "impossivel".
90 ID 12606401
Brazil, how else would I watch it if I didn’t download it? I am not stealing anybody’s intellectual property, because…I download for personal use and I don’t distribute or get paid for it.

iii Downloading is a way of contributing to the industry and is not harmful. A participant who ‘disagreed’ and who downloaded one to three times per week argued: “If the content downloaded is good, the person will most likely promote it for free to others, generating fans for the TV show who may buy official products.” From this statement it is clear that downloading was viewed as a form of promotion.

• Neutral in regards to the suggestion that unauthorised downloading is theft:
  i No explanation provided (most of these participants).
  ii The situation is challenging and there is a need for change in the media industry in regards to distribution.

• Strongly agree or agree with the idea that unauthorised downloading is theft:
  i No explanation provided (most of these participants).
  ii Downloading infringes copyright law.

---

91 haha, nem sabia disso.. é ridículo! tem um programa que eu baixo que nunca passou aqui no Brasil, como é que eu ia assistir ele se eu não baixasse? Não estou roubando propriedade intelectual de ninguém, porque, como eu disse acima, eu baixo pra uso pessoal, não distribuo e não ganho dinheiro nenhum com isso.
92 ID 14073906
93 Se o arquivo baixado for bom, a pessoa provavelmente o divulgará gratuitamente para os outros, gerando mais fãs para o programa que podem comprar os produtos oficiais.
94 ID 12750780 (participant downloads 1-3 times per week) Os preços cobrados pelas empresas de TV a cabo e satélite muitas vezes são exorbitantes, incompatíveis com a realidade econômica de muitas pessoas. Há programas interessantíssimos no exterior que não são exibidos no país onde a pessoa mora... cultura não deveria ser exclusiva de poucos.
In short, it seems clear that most of the participant pirate audiences of this research defend their actions as non-criminal, saying their downloading is for private use and not for commercial reasons. High prices and the inaccessibility of TV shows are also significant reasons why they do not perceive their practices as piracy. This result is similar to Castro’s (2008) study who of a study of 145 undergraduate students in Brazil, found that only 9.6 percent perceived downloading as a digital crime. Castro (2008) argues that since there is no commercial exchange among file sharers the practice is not viewed as illegal.

Motivations for downloading
Another prominent enquiry of studies on file sharing is the motivations for downloading. I investigated the motivations for participants to download through non participant observation, document analysis (Component One) and the online survey (Component Two). When asked what the main motivations for downloading television shows were participants selected the answers illustrated in Figure 5.2.
Overall, the results demonstrated that there is a strong association between downloading practices and delays in the release of television shows. Other significant motivations were that downloading was convenient, it saved money, and it was accessible.

The research also sought to identify whether participants would pay money for an authorised service which offered television shows at the same time they aired in their country of origin. The results indicated that opinions on this topic were divided. While 30 percent said “no, I would not pay” and 26 percent said “yes, I would pay”, another 26 percent of participants chose to select both paying and downloading. In addition, 21 percent said “maybe” about paying. Approximately 50 percent of participants explained their response in the open-ended section of the survey. Accordingly, Figure 5.3 presents these reasons. Those listed are those that were mentioned at least once.

*Figure 5.2. Motivations for downloading TV shows in Brazil.*

*Note.* None of the participants selected the option: “I am not originally from the country I reside and like to watch TV shows from my country”.
Yes, I would pay

No, I would not pay

Figure 5.3. Justifications of participants in regards to whether or not they would pay for a service that offered authorised downloading of television shows (Question 20). The most common answers were the options “yes, I would pay” or “no, I would not pay”. Those in the centre represented responses where participants would both pay and download.

Figure 5.3 presents all reasons described by participants. I found that the “maybe” answers could be translated to “yes, as long as…”. The responses were organised in the diagram to reflect this situation. Essentially those that chose combining paying and downloading practices highlighted that this was conditional on specific conditions being met, such as only paying for TV shows they liked, or only paying if the price charged was fair.

Based on the survey results, the main motivations for unauthorised television downloading are related to the benefits of downloading from an authorised and paid source. Those are listed below.
1. Convenience, fast tracking and sampling

Participants who strongly agreed that they would pay for the authorised service said that convenience and fast tracking would be good outcomes of such a service. As one participant\(^5\) described, “Illegal downloading is the only option available for me to watch soap operas from Argentina and even from the US. And I would buy them if they were available in platforms such as iTunes”\(^6\).

Another theme that emerged for participants who indicated they would prefer combined practices, downloading and paying for content, was that they would rather download first and then if they liked it they would pay for it. The most cited motivation for choosing a combination of both paying and downloading was that they would like to only pay for content they felt was of a high quality or content that suited their particular tastes. For instance, a participant\(^7\) explained:

\[\text{If it was a TV show like Fringe I would pay for it for sure – of course as long as it wasn’t an absurd price and in [US] dollars. But some other TV shows I would continue to download anyway.}\]

This result was consistent with other empirical studies where participants mentioned sampling as a motivation for taking part in unauthorised file sharing practices (Cenite, et al., 2009; Peitz & Waelbroeck, 2006). Also, based on nonparticipant observation and website analysis, I found the following motivation for downloading television shows:

2. The unavailability of content or the delay of releases and internet discussion forums

Internet discussion forums indicate that the unavailability of content or the delay of the release of television shows or episodes are motivators for informal downloading. From

---

\(^5\) Participant ID: 18,016,805
\(^6\) Porque baixar ilegalmente é a única opção que eu para ver novelas/séries argentinas e até mesmo a dos EUA. E eu compraria em programas como o iTunes se tivesse opções.
\(^7\) Participant ID 14,506,766
\(^8\) Se fosse um show como Fringe eu pagaria com certeza - claro se não fosse um preço absurdo nem cotado em dollar. Mas, alguns outros eu continuaria baixando pela internet mesmo.
my observations, I noticed that in Brazil, like everywhere else, the advent of high speed internet broadband, and its increasing accessibility, contributes to an enhancement of people’s online social relations, especially participation in peer-to-peer communities, and their informal sharing of media content. In Brazil, pirate audiences heavily utilise the social networking website named Orkut. They use this site to discuss shows, to download episodes and to exchange spoilers. At the time this data was collected, Orkut was the most popular social networking website in Brazil (Mizukami, et al., 2011, p. 264) and the one where the majority of users claimed their nationality to be Brazilian (Orkut, 2012).

In the television show communities on Orkut, Brazilian fans discuss the most recent episodes of their favourite series and, with other fans, play games related to the shows. For instance, fans of the television drama/fantasy/horror *Supernatural* participate in the community *Supernatural/Sobrenatural*, which has more than 640,000 members. This is shown in Table 5.1.

<table>
<thead>
<tr>
<th>Current Season</th>
<th>Brasil</th>
<th>US</th>
</tr>
</thead>
<tbody>
<tr>
<td>TV Show</td>
<td>Free to Air</td>
<td>Cable TV</td>
</tr>
<tr>
<td>Supernatural</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>House</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Gossip Girl</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Smallville</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>Glee</td>
<td>none</td>
<td>1</td>
</tr>
<tr>
<td>Dexter</td>
<td>none</td>
<td>4</td>
</tr>
<tr>
<td>Modern Family</td>
<td>none</td>
<td>1</td>
</tr>
</tbody>
</table>

*Note. Number of members on selected Orkut communities on October 12, 2010; Ep. = Episode.

* Dexter is an exception on this Table since it is available on cable television in the US, not on free to air.

The television shows in Table 5.1 were chosen because they are popular among Brazilian fan communities on Orkut in terms of: number of participants, how often they participate,

99 Spoilers are reviews of upcoming television shows or movies.

100 Brazilian Portuguese title.
and the high number of subtitling requests on fandom websites which specialise in the production of Brazilian Portuguese subtitles for downloaded shows.

In the column, “No. Members Orkut”, I considered the fan communities, per show, with the highest number of members. That said there are other communities for the same television shows and some of them have almost the same membership numbers. I selected these specific ones, Supernatural/Sobrenatural, House Oficial, Gossip Girl Oficial, Smallville Oficial, Glee Brasil, Dexter Oficial and Modern Family Oficial\textsuperscript{101}, because of their popularity and because of the high frequency with which people participate in them. I also checked how recent the last post was. It is difficult to accurately determine the total number of viewers who engage in communities like those selected since an individual can be part of more than one community.

The gap in time between an episode being released in the U.S. and in Brazil can be challenging for television show viewers, especially those who interact with other fans in discussion forums. For instance, the teenage drama Gossip Girl is a popular show on Orkut in terms of the number of members in communities and their frequent participation in discussions. This show stopped being aired on cable television in Brazil in the middle of Season 3 in March 2010 (Biglia, 2010) and ceased being aired on free to air television after Season 1. Fans, therefore, had to rely on the DVD release of the show in Brazil in order to watch new episodes. Similarly Supernatural fans had to wait a considerable period of time to watch Season 6 on cable television because Warner Channel did not start airing the show while in the US it was already on Episode 4\textsuperscript{102}. Considering the high number of viewers who participate in official online communities, as seen in Table 5.1, avoiding spoilers becomes a significant issue.

Discussions in fans communities on social networking websites appear to be related to an increase in the downloading of television shows. From my observations in early 2011, the shows Glee, Dexter and Modern Family were often requested by Orkut fan communities,

\textsuperscript{101} Please note that these are the actual names of the communities. The translation of “Oficial” to English is “Official”.
\textsuperscript{102} New episodes are usually aired weekly.
and these shows feature often in discussions on Orkut. At the time this data was collected, these shows were only available on cable channels in Brazil. The popularity of these shows being downloaded could be due to fans communicating in discussion forums, that is, by word-of-mouth. As B. Brown and Barkhuus (2006) explain, viewers must be up-to-date with current episodes in order to take part in the discussions and to avoid spoilers. Additionally, it can be argued that the discussions increase people’s awareness of new television shows and improve their capacity to access these online. This conception is consistent with what Jenkins (2006c) defines as “piracy becom[ing] promotion” (para. 5). These practices, therefore, correspond to the active-social level of engagement explained in Chapter Two.

The results presented in Table 5.1 indicate that the great availability of shows on free to air and pay television could be associated with the number of members on Orkut discussion groups, the latter exposing such shows to a greater proportion of the population. This statement can be illustrated by the shows Supernatural and House, which were available on free-to-air TV in Brazil for a significant amount of time.

After monitoring Orkut communities from October 2010 to May 2011 and closely watching the impact of the unavailability of TV, I found different results. I thus updated Table 5.1 in May 2011, and the new results are displayed in Table 5.2.
Table 5.2

Details of US American Television Shows screened in Brazil and the US and their Popularity on Orkut Communities (May 2011)

<table>
<thead>
<tr>
<th>TV Show</th>
<th>Current Season</th>
<th>Brasil</th>
<th>US</th>
<th>No. Members Orkut</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year</td>
<td>Free to Air</td>
<td>Cable TV</td>
<td>Free to Air</td>
</tr>
<tr>
<td>Supernatural</td>
<td>2010</td>
<td>3</td>
<td>5</td>
<td>6 (Ep. 4)</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>5</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>House</td>
<td>2010</td>
<td>5</td>
<td>6</td>
<td>7 (Ep. 4)</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>6</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Gossip Girl</td>
<td>2010</td>
<td>1</td>
<td>3</td>
<td>4 (Ep. 5)</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>1</td>
<td>none</td>
<td>4</td>
</tr>
<tr>
<td>Smallville</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Glee</td>
<td>2010</td>
<td>none</td>
<td>1</td>
<td>2 (Ep. 3)</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>none</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Dexter</td>
<td>2010</td>
<td>none</td>
<td>4</td>
<td>4 (Ep. 4)*</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>2</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Modern Family</td>
<td>2010</td>
<td>none</td>
<td>1</td>
<td>2 (Ep. 3)</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

Note. Number of members in selected Orkut communities (October 12, 2010); Ep. = Episode. *Dexter is an exception on this Table since it is available on cable television in the U.S., not on free to air. The numbers in black refer to October 2010 and in red, May 2011. Retrieved May 6, 2011 from the Orkut communities of Supernatural/Sobrenatural, House Oficial, Gossip Girl Oficial, Smallville Oficial, Glee Brasil, Dexter Oficial and Modern Family Oficial, and the television networks’ schedules on their websites. New data has not been recorded for Smallville.

The new results showed that Brazilian television cable channels were releasing television shows closer to the date of release in the US than Brazilian free to air television. Despite this, the difference between release in the US and then in Brazil was at least four weeks. The two sets of results also revealed that free-to-air networks in Brazil were starting to include more US shows in their schedules.

One thing that particularly captured my attention was the teenager drama *Gossip Girl*. Although the series stopped airing on a Brazilian cable channel in March 2010, and while on free-to-air television only Season 1 was being shown, the number of Orkut fans associated with this show increased to almost 200,000 people in approximately six
months. This was a large increase considering the limited access to the show through legal means (DVD releases and watching reruns of the first season).

This discrepancy could be explained as those fans who wished to continue watching the show and who learnt, through Orkut, the possibility of downloading the series. Only ten years ago, if the same situation occurred, Brazilian viewers would have had to wait for the network to start airing their favorite shows again – if in fact this ever did happen. Now, however, the internet provides a quick means of accessing content that, since unavailable and since only for private use, feels like a harmless activity. This example links with other research on the motivations for downloading which reveals that this motivation is often cited when content is not available through authorised sources, as described in Chapter One. This motivation was also evident through the online survey, as shown in Figure 5.2.

In regards to Gossip Girl, a different cable channel in Brazil ended up purchasing the distribution license and it started airing again from Season 3 at the end of May 2011. In September 2012, I studied whether there were any differences in release dates between US and the Brazilian television channels. I found that while the cable channel was just completing Season 5 in Brazil, Season 6 was just about to air in the US. At the same time Season 3 was being aired on a free-to-air channel in Brazil.

In terms of Gossip Girl and Orkut, in September 2012 the community had 382,764 members in size, which corresponds to approximately 70,000 less members than sixteen months earlier. I can only hypothesise why this drop occurred. It could have been a result of the availability of new episodes on cable TV, and thus those who felt they could wait for new episodes chose not to download. Another reason may have been the general decline in the use of Orkut in Brazil as members migrated to Facebook. A further reason may have been a decline in interest in the show as it lost considerable ratings when Season 6 was aired because it was the last season and it only consisted of ten

103 Glitz (released in early 2011)
episodes. This was less than half the number of episodes compared with other seasons. Despite this, though, in the US *Gossip Girl* had lower ratings when aired on television than when viewed through online streaming on the network website, or on Hulu.com. Since these services are not available in Brazil, it cannot be proven whether Brazilian audiences present similar digital viewing behaviour to US viewers who seem to prefer watching TV shows such as *Gossip Girl* online.

3. Inaccessibility to certain television shows and price
High prices and inaccessibility have been prominent motivations for downloading as indicated in previous empirical work on file sharing in Brazil (IPEA, 2012) and other parts of the world (see Chapter One). Table 5.1 indicates that viewers who do not have paid television at home, which in 2010 was approximately 85 percent of the population in Brazil (ANATEL, 2010), must wait months, sometimes even years, to watch the latest season episode or new television series, in comparison to their release in the US. It is possible to deduce that all shows listed in Tables 5.1 and 5.2 were at least one season further advanced in the US, compared to their availability on Brazilian cable television and free to air television.

From this investigation I found that cable subscribers have greater access to US programmes than viewers with only free to air television. After analysing Brazilian television networks’ schedules, I found that free to air television channels\(^{106}\) usually air US shows after midnight. In addition, some of the networks purchased the licensing for new shows, such as *Glee*, but then only commenced showing them after a considerable period of time, in comparison to their release in the US and on in Brazilian cable television (Folha, 2010). Brazilian fans who cannot afford cable are therefore left with limited options for accessing specific content.

I found that the eagerness of Brazilians to see the latest television show episodes leads them to seek alternative ways of accessing them sooner than they show on regular

---

\(^{106}\) Rede Globo, SBT, Record and Bandeirantes.
networks. This situation corresponds with when Orkut communities offer downloads of particular television shows.

Further, from the open-ended responses in the online survey, it became clear that price was a predominant variable. This was certainly the case for two participants who, when justifying whether or not they would pay for authorised downloading of television shows, indicated that price was significant. Participants were clear that “lower prices to access TV shows” was an important condition in regards to whether or not they would pay for downloading content. Nonetheless, some participants stressed that television shows are already available for free on the internet so they did not see any reason for paying for it. One participant\textsuperscript{107} described why he/she thought of challenging the implementation of a paid system of digital distribution in Brazil:

These initiatives of charging for digital content in Brazil are risky, because we are used to having everything available for free on the internet. There is [always] temptation of getting something for free online, even by infringing the law, and considering that the product or content is available in an accessible and fair price, is a big risk and [it represents] a challenge [for this kind of] business on the Brazilian internet. It is an issue that has become cultural. There is always the idea that if a person pays for the internet they can do whatever they want with it\textsuperscript{108}.

The responses of some participants gave the impression that if they paid for services, such as the internet and cable, or if they bought DVDs of their favourite TV shows, they should not have to pay for online TV shows. This concept is linked to the moral disengagement which is clearly associated with the activity of downloading.

It is possible to conclude, therefore, that Brazilians are used to searching for alternatives given constraints of obtaining content in legitimate ways. This finding is consistent with

\textsuperscript{107}Participant ID 14,589,510
\textsuperscript{108}Essas iniciativas de se cobrar por conteúdo digital online no Brasil são arriscadas, pois sempre fomos acostumados a ter tudo na internet de graça. A tentação de conseguir algo gratuitamente na internet, mesmo que infrigindo leis, ainda que o produto ou conteúdo oferecido tenha preço justo e acessível, é um grande risco e impedimento para se atuar mercadologicamente na internet no Brasil. É uma questão que acabou já se tornando cultural. Há também aquele pensamento de que a pessoa já paga o provedor de internet, e isso lhe asseguraria o direito de fazer o uso que quiser dela.
the moral disengagement of Brazilian audiences towards what is conceived by the media industry and anti-piracy organisations as theft.

4. Gift exchange and the notion of giving back

Only one participant\textsuperscript{109} said they felt it would be reasonable to support the TV show’s producers since they deserved to be compensated for their work. From the participants’ responses it suggests that pirate audiences in Brazil feel they can decide what deserves to be paid for or not.

Also, it was observed that the notion of payment, or of “giving back”, in the pirate online community can be translated as either a simple “thank you”, or as financial support given to a website so the moderators can pay Web server fees. The participants associated with informal distribution and fansubbing further developed this idea – something I explore in Section 5.4. Next, I present some further results of the online survey.

5.3. Informal Viewing Practices of Pirate Audiences in Brazil

This section presents further results of Component Two of data collection which consisted of an online survey of television downloaders in Brazil. From July 2011 to December 2011, 106 participants answered the survey. When addressing informal viewing practices, I collected both qualitative and quantitative data through the online survey. For the purpose of this research, the majority of quantitative results are expressed as percentages. I also use graphs, tables and figures in order to illustrate the variability of responses, as well as relationships and patterns identifiable within the results.

The Brazilian pirate audiences’ profile – Sample demographics

The first part of the survey consisted of ten demographic questions. I wished to understand the profile of participants and to verify whether or not they were part of the audience I wished to target. The sample was evenly distributed in terms of gender: 50 percent female and 50 percent male. In contrast, as seen in Figure 5.4, the age of participants was more variable.

\textsuperscript{109} ID 12606624
These results could be explained by the fact that 48 percent of participants were students, in contrast to 47 percent who were employed by the government, by private employers or who worked autonomously. Significantly fewer participants, about 5 percent, declared themselves as unemployed.

Further, the research sought to determine how and from where participants access the internet and whether or not they had access to cable television. As explained earlier in this chapter, many US television shows are only released on cable TV in Brazil. If not released on cable some new season releases can take years before being shown on free to air television. I found that 75 percent of respondents had access to cable TV or satellite. Also 99 percent of participants had access to the internet from home and for 92 percent of participants the internet connection was broadband. These results correspond with a Brazilian study by the Getúlio Vargas Foundation in 2010 which found that almost 50 percent of participants who use the internet have access to broadband connections from home (Neri, 2012, p. 37).

Although only the age and internet access of participants has been considered thus far, the results raised some questions and these could be understood by examining Brazilian
culture and way of life. One question was how the majority of participants, who are full-time students, could afford internet broadband and cable television in Brazil. These services are too expensive for most of the Brazilian population and only 34 percent of the population have access to the internet (IBOPE, 2009) and 15 percent access to cable (ANATEL, 2010). To explain this discrepancy, it is possible that the majority of participants I surveyed still live with their parents or guardians who are part of the Brazilian upper middle class, or Classes A and B, as explained in Chapter Three. Actually, in Brazil it is common for young adults to live at home for as long as they need to (Toledo, 2010), in contrast to other cultures, such as in the US where people move out once they start attending university.

Further this sample may differ from a survey of, say, participants who consume items of physical piracy. In this case there would be no need for an internet broadband connection in order to informally access media. Nonetheless, the focus here was to explore how informal viewing practices occur online.

**Downloading and viewing practices**

The second part of the survey consisted of an investigation of participants’ downloading and viewing habits. In order to learn if age was related to downloading Figure 5.5 shows a comparison between the frequency of downloading for each of the participant age groups.
Figure 5.5 reveals that there is a clear relationship between the age of participants and how often they download TV shows. Over 40 percent of the total number of participants were aged between eighteen to twenty five years old and downloaded TV shows up to six times per week.

In addition the data collected indicated that 82 percent of the sample downloads TV shows from home. Also, that approximately 60 percent of respondents watched the content they downloaded alone.

Another finding in terms of informal viewing habits was that approximately half of the participants only download television shows. The other half also watches full episodes
through online streaming. That is, there are websites, such as Justin.TV and Ustream, where viewers can watch live, full-length TV shows. YouTube was the predominant platform selected by the sample when they wished to watch the online streaming of TV shows.

The participants were also asked what platforms they utilised to download television shows. Unsurprisingly, BitTorrent was the most cited platform (20 percent). This result could be added to the other 11 percent of participants who use other torrent platforms. As shown in Figure 5.6 these results are consistent with internet statistics of 2011 which indicate that BitTorrent can handle up to 11.65 percent of Brazilian internet traffic in peak times.

![Figure 5.6. Peak hour internet traffic](image)

*Note.* Source Sandvine in Torrent Freak (Ernesto, 2011a). As stated in Ernesto (2011a) “[w]hile keeping in mind that Sandvine might benefit from overestimating the percentage of P2P traffic because they sell traffic shaping applications, the above shows that BitTorrent is still a major player on the internet in terms of the traffic it generates” (para. 11).

In August 2012, approximately one year after the survey data was collected, The Pirate Bay website, which contains torrents for TV shows, films and music and which is directly linked to BitTorrent, was ranked 82nd on the list110 of most accessed websites in Brazil. It was, thus, still very strong among Brazilian pirate audiences.

---

Further, the results from the survey showed that Orkut was the second most selected site for the downloading of television shows (19.6 percent). Other websites for downloading were also mentioned by participants (9 percent), which led me to investigate other platforms which are used for informal distribution. The results of this qualitative enquiry are described and analysed in Section 5.4 of this chapter.

Google Search was one of the platforms participants cited, as well as downloading from cloud storage websites, such as Megaupload, 4shared, Rapidshare, Mediafire, and Filetube. At the time the data was collected these websites were normally operating. From my observations, though, I have found that the links for downloading on websites and Orkut usually direct users to cloud storage websites, such as the ones mentioned above.

When considering the types of television shows respondents prefer to download, the participants chose shows from the US and UK. These results are not surprising given that when recruiting participants I posted the survey link on the pages of US TV show communities on both Orkut and Facebook. The three TV genres most commonly downloaded were sitcoms, drama and documentaries.

**The challenges for TV downloading practices**

In order to understand the practices of downloading and the challenges faced by participants, the survey contained the question: “What is the greatest difficulty you have, or are concerned about having, when downloading TV shows?” Participants were able to make one choice from the options provided. Table 5.3 displays the range of challenges participants had, or are concerned about having in the future, in regards to the downloading of TV shows.
Table 5.3

*The Greatest Difficulties Identified by Respondents with Regard to their Downloading of TV Shows*

<table>
<thead>
<tr>
<th>Option</th>
<th>Percentage of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slow downloading</td>
<td>33%</td>
</tr>
<tr>
<td>Low quality</td>
<td>31%</td>
</tr>
<tr>
<td>Virus and spyware</td>
<td>28%</td>
</tr>
<tr>
<td>Blacklisted or having the internet connection cancelled</td>
<td>4%</td>
</tr>
<tr>
<td>Emails from anti-piracy organisations</td>
<td>2%</td>
</tr>
<tr>
<td>Other: “Do not have any concerns”</td>
<td>2%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

N= 106

On this topic, the survey findings suggest that despite anti-piracy organisations’ efforts and despite the illegality of the activity, most participants were not worried about being punished for downloading TV shows. Although the survey did not include the option, 2 percent of the participants stated in “other, please specify” that they did not have any concerns.

**Social practices, online communities and fandom**

In the third section of the survey, questions focused on what kinds of activities the participants were involved in. The participants were given the following description of being a fan: “You must have watched 90 percent of the episodes that have been available in the 12 months prior to answering this survey”. Through the responses I wanted to explore what practices and social activities the participants were involved in that are related to the TV show(s) they followed. It was essential, therefore, that participants had downloaded these TV shows. Three participants did not meet these criteria. They selected a TV show they were a fan of, but it was clear they had not downloaded them. From questions 26 through to 29, therefore, I considered the sample number to be 103 (n=103), instead of 106.
In order to learn how participants had heard about the TV shows they downloaded and were fans of, I provided a number of standard responses for particular questions and included the option: “if other, identify”. Table 5.4 shows these results.

Table 5.4

<table>
<thead>
<tr>
<th>Option</th>
<th>Percentage of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>On TV</td>
<td>30%</td>
</tr>
<tr>
<td>Friends and/or relatives</td>
<td>27%</td>
</tr>
<tr>
<td>Social Networking Websites (Orkut, Facebook, MySpace, Twitter…)</td>
<td>23%</td>
</tr>
<tr>
<td>Discussion forums about TV</td>
<td>8%</td>
</tr>
<tr>
<td>Magazines and newspapers</td>
<td>6%</td>
</tr>
<tr>
<td>Other option (most cited: internet search)</td>
<td>6%</td>
</tr>
<tr>
<td>I don’t know</td>
<td>1%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100%</td>
</tr>
</tbody>
</table>

N= 103

This data suggests that mainstream media, word-of-mouth and social media are the most significant factors for increasing pirate audiences’ awareness of television shows.

In a different question of the survey, I also sought to examine the level of activity of participants and to estimate how their responses fitted into the levels of engagement proposed in Chapter Two. In the possible responses, I included some less active phrases such as “I am part of the community on Orkut page”, on one end, and at the other, more active phrases such as “I help to create subtitles in Portuguese for that TV show”. Figure 5.7 illustrates the participants’ levels of activity.
From these results, even the less active practices, such as “being part of the community on Orkut” or purchasing products that are related to the TV shows are more engaging than active passive and active incidental practices as there is a sense of “giving back” to the community and not only searching and collecting. Thus, I situated these activities under active-social. Because I could not conduct follow up questions with these respondents I was unable to verify if these participants that described only “being part of the community on Orkut” were also involved in activities such as social sharing and promoting content. Those who selected “I have a blog about the TV show” could also have been further enquired, as besides presenting discussions, spoilers and fan-fictions about the TV show, their blogs could have also provided links for downloading. Therefore, they would be situated in active-labour.
Based on previous research (Nieborg & Van Dijck, 2009; Frissen and Slot, 2011), it was expected that the majority of participants would limit their activities to downloading content. The discrepancy between this expectation and what was found, though, could be due to the fact that this sample was recruited through online communities on Orkut where, besides downloading, people also engage in conversations. According to the results 79 percent of the participants participate in discussion forums about the TV shows. At the time this data was collected, 45 percent of participants said they conducted these discussions on Orkut.

**Suggestions for the media industry**

The final question was open-ended and it asked what participants, in an imaginary dialogue, would say to the television industry in regards to television distribution and the release of episodes. There were 106 answers to this question and the coding process used organised the answers into seven categories. Figure 5.8 displays these seven categories and the size of the circles represents the relative popularity of each category. The larger the circle the more often the option was mentioned. Moreover, some categories were linked to other categories. For example the need for TV on demand category is closely related to the request for the fast release of episodes.
Figure 5.8. Types of suggestions made by respondents about how the television industry might modify the distribution and release of TV shows.

After coding the answers, some of being quite extensive with the average length of responses being sixteen words, I identified two predominant themes: fast tracking and more accessible prices. Through their responses many of the participants suggested that the television industry must embrace change.

In regards to asking for better quality services, many participants showed that they connected quality with both customer service and a respect for the fans of the TV shows. The biggest complaint seemed to be about changes to the time when a TV show is aired, the repeating of episodes being an example. The results also demonstrated that many Brazilians dislike dubbing and would rather watch television shows in their original language. Similarly, Brazilian audiences of anime also download in order to avoid watching dubbed episodes on free-to-air television (Prado Alves Silva, 2009).
The participants’ answers to the last question of the survey were consistent with complaints on the discussion forum on Warner Channel Brazil’s website and its official Facebook Group Page. The dissatisfaction with the delivery of content is evident and linked to television. On October 13, 2012 the second episode of the new series of *Supernatural* was being aired in the US. At that time Warner Channel Brasil, a cable television channel, had not started airing it. On their Facebook page, though, there were over 100 comments within the 24 hours of my observation (October 12 to October 13, 2012) criticising the channel’s programming and the fact that they had not yet released the new episodes of *Supernatural*, as well as other shows (See Figure 5.9). It was also clear that many viewers were already posting links for downloading some of these TV shows. This illustrated a social sharing practice originating in the frustration of an unsatisfied fan.

![Figure 5.9](https://www.facebook.com/WarnerChannelBrasil?v=box_3&filter=2)  
*Figure 5.9. Viewers’ complaints about the late releases of US TV shows on the Warner Channel Brasil Facebook Page. Retrieved October 13, 2012 from https://www.facebook.com/WarnerChannelBrasil?v=box_3&filter=2 (2:30 pm Sydney Time).*

The participants observed shared similar values in regards to: their moral disengagement from what is considered an illegal activity, their protectiveness of their activities and their relationships with distributors and fansubbers, or Legenders. Cost, delays and general convenience, three factors which relate to each other, seemed to be the predominant motivations for downloading. Torrent platforms, downloading websites, online communities on Orkut and now on Facebook are the preferable ways of informally accessing TV content in Brazil. These platforms are also used by participants to exchange information and to interact with other viewers. The next section describes, in depth, how informal distribution occurs in Brazil through the use of two case studies, one observing the activities of downloading websites and the other examining fansubbing.

5.4. Informal Distribution Practices

As mentioned in the previous section, there are various ways that informal online viewers in Brazil access TV shows, and some of them are identified in Figure 5.10.
Figure 5.10. Informal and formal distribution in Brazil of the TV series *Supernatural* Season 8 Episode 2 (S8E02) and its amateur subtitles. The figure was created to show the informal distribution of TV shows in Brazil based on nonparticipant observation of online communities, the online survey results and interviews with Legenders. The fact that the Legenders are shown above the informal distribution channels is to separate the different informal practices: subtitling and distribution of full length videos.

*Note.* The figure was created October 13, 2012.

Figure 5.10 shows the results of my investigation of what platforms are used in Brazil to informally distribute television shows on the internet. I used the TV show *Supernatural* (2005- present) as an example, because it was popular with Brazilian pirate communities during my nonparticipant observation and was also commonly mentioned in the answers of my online survey. As will be seen below I use this TV show as an example on a number of occasions.

In order to provide a detailed description and analyses of the informal online distribution of US TV shows in Brazil, I focused on two case studies:
• Case Study One consisted of a description of the informal distribution of US television downloading websites in Brazil, including their distribution through online communities on Orkut,

• Case Study Two consisted of an investigation of amateur subtitling in Brazil conducted by a particular group of pirate audiences named Legenders. I examined their organised network of distribution which is centralised in the website Legendas.TV, and I came to understand the nature of this website’s administrators.

The two case studies brought important issues to my attention. One is that they demonstrated how pirate audiences are utilising internet tools to create a parallel system of informal television distribution. Two, they showed how pirate audiences’ practices in Brazil are both simultaneously transnational and locally specific.

**Case Study One: Pirate audiences informal digital distribution channels – organised networks**

In Case Study One I sought to identify how pirate audiences in Brazil use the social networking website Orkut, as well as other downloading websites, to distribute US television shows. In an attempt to gain an in-depth understanding of how informal distribution happens through these platforms, from August 2010 to November 2012 I surveyed individual websites and Orkut communities and interviewed the administrator, named WEB\(^{112}\) in this research, of a downloading website. In this next section I present the findings of the above inquiry.

**Informal distribution through communities on Orkut**

In Brazil, pirate audiences use Orkut communities to distribute and download US TV shows. As stated in Chapter Three, media file sharing through Orkut is not a new phenomenon and is not limited to TV shows. However, US TV shows were the focus of my inquiry and such shows determined the communities I selected to study in this research.

\(^{112}\) In order to protect the interviewees’ anonymity, I made use of pseudonyms.
Brazilian Orkut users have increasingly migrated to Facebook since late 2011. In spite of this, in late 2012 the downloading communities on Orkut were still relevant. For instance, a search for “Supernatural download”\(^{113}\) among Orkut communities in October 2012 generated 24 results. This means there were 24 different communities providing links for downloading the TV series. The average number of members of these communities was over 7,400. These results did not include communities that offer downloads for films and other TV shows, such as the community *Filmes e Séries – DOWNLOAD* [Films and TV series - DOWNLOAD] which has 273,832 members\(^{114}\). The results also did not include fan communities of *Supernatural* which are used for discussing episodes and not used for distribution. This information is illustrated in Figure 5.11.

In the downloading communities, pirate audiences may interact with each other, play games, such as asking questions like “which character in the show does the person responding to the thread above you look like?”, exchange spoilers and news as well as other fan activities. The attraction to these communities is generated by administrators providing links for downloading the episodes of that particular TV show. Of the communities I investigated\(^{115}\), I found that the links for downloading were available within hours of the show being broadcast in the US. Figure 5.11 shows an example of links for downloading the TV series *Supernatural* in the community *Supernatural/Sobrenatural*.

\footnotesize
\(^{113}\) http://www.orkut.com/Main#UniversalSearch?origin=box&q=supernatural+download&searchFor=A&pno=3 (retrieved October 19, 2010).


\(^{115}\) *Supernatural/Sobrenatural, House Oficial (sic), Gossip Girl Oficial(sic), Smallville Oficial (sic), Glee Brasil(sic), Dexter Oficial(sic) and Modern Family Oficial(sic).*
Figure 5.11. *Supernatural/Sobrenatural* Orkut community showing 738,173 members and the file sharing linking format. The image’s heading can be translated into “Index for Downloads” and episodes are listed by season and episode number. Retrieved August 26, 2012.

Although this image was captured in 2012, its purpose is to show the organisation of the links for downloading in early 2011 so I searched for older posts in the community in order to present this image. Another observation is that the community has increased in numbers by almost 100,000 since the results shown in Table 5.1 on page 175.

After clicking on a downloading link users are directed to file hosting server websites, also known as *cyberlockers*. Examples of such websites are *Megaupload*, *Hotfile*, *Fileserve* and *Rapid Share*. The download time a user experiences may depend on their particular internet connection speed and whether or not they have purchased a premium account\(^{116}\) on these servers. The first versions of the video file available for downloading are usually in a larger\(^{117}\) format, such as Audio Video Interleave (AVI), and with they do not yet present subtitles in Brazilian Portuguese. Such video files are good for impatient

---

\(^{116}\) Premium account conditions may vary from one server to the other. Subscription fees apply in order to obtain an account and benefits include no waiting time in between downloading of files, unlimited downloading speed and unlimited storage.

\(^{117}\) E.g. 40 minutes episode’s average size would be 350 MB in AVI.
viewers who have a better understanding of the English language. Once amateur subtitles are made available, other pirate audiences combine the video and the subtitles in one file and make it accessible via cyberlocker websites. Then, links to smaller\textsuperscript{118} files, such as RealMedia Variable Bitrate (RMVB), where the subtitles are encrypted, are provided by the administrators of the online communities.

The administrators of particular Orkut communities associated with particular shows play a significant role in influencing the downloading activities of those people using their website. To explain this, and as an example, they often create one specific topic for viewers to discuss about a particular episode. In association with this discussion they provide a link for viewers to download the episode being discussed. In both cases the prefix used is the season number followed by the episode number. For example, “Season 4 Episode 1”. The discussion topics are so popular that in less than three days after “Season 6 Episode 3” of \textit{Supernatural}\textsuperscript{119} was available for downloading, there were almost 900 comments on the \textit{Supernatural/Sobrenatural} community.

In order to keep the community members actively engaged in their website alone, the administrators often set rules for participation. For instance, users may not be allowed to post comments on certain topics that are dedicated to the announcements of the administrators and the publication of their links. Also, a topic dedicated to discuss episode “X” cannot be utilised by community members for other purposes, such as to advertise fandom websites or to publish links for downloading subtitles. In most communities I investigated, the administrators made it clear that the penalty for infringing the set rules was the user being banished from the site.

The next example of an organised network being used for informal distribution is a study of downloading websites. These platforms have many similarities and differences with Orkut downloading communities.

\textsuperscript{118} E.g. 40 minutes episode’s average size 140 MB in RMVB.
\textsuperscript{119} Aired in the US on October 10, 2010.
Informal distribution through downloading websites

Similar to Orkut communities, there are pirate audiences in Brazil that organise and maintain websites which contain links for downloading television shows. Like Orkut, they direct pirate audiences to cyberlocker websites. Given a limitation in time and resources it was difficult to accurately identify how many websites are available for Brazilians to download television shows. This research, therefore, focused on ten downloading websites and these sites are listed in Table 5.5. These sites were chosen because they were commonly mentioned in the survey responses as a source for downloading. These sites were also well positioned on the alexa.com web stats rank in terms of them being popular for accessing content in Brazil. Also between June 2012 and November 2012 I observed that the administrators of these sites were often engaging with informal viewers on their own official Facebook group pages. That is, the groups on Facebook, at the time of my research, were managed by the downloading websites’ administrators who used Facebook group page to interact with users and to announce new episodes they had uploaded.

Table 5.5

Ten Downloading Websites in Brazil which were Selected for Analysis

<table>
<thead>
<tr>
<th>Downloading Website Name</th>
<th>Traffic Rank in Brazil on Alex.com on August 30, 2012</th>
<th>Domain</th>
<th>Type of Content Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>De graca e mais gostoso</td>
<td>288</td>
<td><a href="http://www.degracaemaisgostoso.org/">http://www.degracaemaisgostoso.org/</a></td>
<td>TV shows, movies, games, ebooks</td>
</tr>
<tr>
<td>Armagedon filmes</td>
<td>364</td>
<td><a href="http://www.armagedonfilmes.hz/?cat=21">http://www.armagedonfilmes.hz/?cat=21</a></td>
<td>TV shows, films and others</td>
</tr>
<tr>
<td>Telona</td>
<td>742</td>
<td><a href="http://www.telona.org/">http://www.telona.org/</a></td>
<td>TV shows, films</td>
</tr>
<tr>
<td>Bizar filmes e series</td>
<td>1046</td>
<td><a href="http://www.bizarfilmseseries.com/">http://www.bizarfilmseseries.com/</a></td>
<td>TV shows, films and films</td>
</tr>
<tr>
<td>Series TVix</td>
<td>1077</td>
<td><a href="http://www.seriesvix.net/">http://www.seriesvix.net/</a></td>
<td>TV shows</td>
</tr>
<tr>
<td>Bizar TV</td>
<td>1121</td>
<td><a href="http://www.bizarTv.com/">http://www.bizarTv.com/</a></td>
<td>TV shows</td>
</tr>
<tr>
<td>Series Free</td>
<td>1398</td>
<td><a href="http://www.seriesfree.hz/">http://www.seriesfree.hz/</a></td>
<td>TV shows</td>
</tr>
<tr>
<td>Series lider</td>
<td>2594</td>
<td><a href="http://www.serieslider.com/">http://www.serieslider.com/</a></td>
<td>TV shows</td>
</tr>
<tr>
<td>SeriesFD</td>
<td>6240</td>
<td><a href="http://www.seriesFD.com/">http://www.seriesFD.com/</a></td>
<td>TV shows</td>
</tr>
<tr>
<td>Download series</td>
<td>18275</td>
<td><a href="http://downloads">http://downloads</a> series</td>
<td>TV shows</td>
</tr>
</tbody>
</table>

Note. Websites are organised from the most accessed downloading website, De graca e mais gostoso, to the least, Download series.
Source: author

In studying these ten websites it became clear that social media is commonly used to advertise links for downloading and social media is commonly used by downloading websites. Besides having official Facebook group pages, many also have official Twitter, Orkut and Google Plus accounts. Once the administrators post messages that they have
uploaded an episode onto their website on Facebook, for example, many pirate audiences leave comments saying “thank you”, or questioning when the version with subtitles will become available. Also, many pirate audiences may share the post, making their personal networks aware that the link for downloading that TV show is ready for use. This dynamic of this word-of-mouth promotion is a social sharing practice which is consistent with the active-social level of engagement. Figure 5.12 shows the promotion of links for downloading on a Facebook page.

![Figure 5.12. A and B: Comparison of how the administrators of two downloading websites promote the availability of new links for downloading on their Facebook pages. The screenshots were taken from Facebook Series TVix group page on October 4, 2012 (A) and SeriesFD group page on October 11, 2012, (B). In (A) fourteen people shared the link with their networks within 34 minutes the administrators posting it. The text in (B) translates to “Supernatural 8x02 [season 8 episode 2] already available! If you like it share this post!” The image shows that four people shared it in the first 36 minutes. The post in (B) also indicates that the file was available in AVI and RMVB with subtitles. The first AVI file, with no subtitles, was made available on (B) 2.5 hours after the show was aired in the US (US Eastern time = 9pm). As shown in (B) the video file with subtitles and in a smaller format (RMVB) was going to be available the next morning in Brazil. That meant, the team of Legenders responsible for creating the subtitles would have had to work through the night.

Once pirate audiences access the link available on the social media group page, or just search for the TV show on the downloading website, they are directed to that specific TV show’s section. There, they are usually able to find all seasons and episodes of the TV show in different formats, such as AVI and RMVB, and with or without subtitles.

Like on Orkut, the administrators of these downloading websites organise links using the season number. They also provide a detailed description of the file under each of the
episode’s titles. Figure 5.13 shows a page of the website SeriesFD and its organised links for the downloading of the TV show *Supernatural*.

*Figure 5.13.* Homepage of SeriesFD showing the downloading links available for the new episode of *Supernatural*. After clicking on the link available on the Facebook group page, or the seriesfd.com website, a user is directed to this image [English paraphrase of homepage text]. On the top of the page there is information about the episode, such as the season and episode number, the language in which the audio and subtitles are available, the format and size of the file, which in this example ranges from 150 megabytes to one gigabyte, and the genre and length of the episode. At the centre, there is a synopsis of the previous season, in this case the seventh season, providing context for the current season, that is, eight season. At the bottom of the page there is a message announcing that the subtitles version will be available the next day.
and currently only files in English with no subtitles are available [Author’s translation]. Retrieved October 11, 2012 from Seriesfd.com\textsuperscript{120}.

The downloading websites may also provide services other than downloading, such as the live streaming of TV shows while they are still being aired in the US. At the time these live streamings are shown, downloads of the episodes, including subtitled ones, are not yet available. These live streams are popular because it appears there are many Brazilian pirate audiences who cannot wait even a couple of hours before they utilise this service. Figure 5.14 shows a post by the administrators of the downloading website \textit{Baixar Seriados}. This post, which I viewed on October 14, 2012, appears on their Facebook page with a link for their audiences to watch the live streaming of the first episode of the new season of the US TV drama/horror \textit{Walking Dead}.

\textsuperscript{120} http://www.seriesfd.com/2012/10/download-supernatural-8a-temporada-avi-rmvb-legendado-mp4-720p.html
Baixar Seriados

Assista o novo episódio de The Walking Dead Ao Vivo:
http://baixarseriados.net/2012/10/the-walking-dead-3a-temporada-l
egendado-rmvb-avi/

Figure 5.14. Downloading website announcing link for informal live streaming of TV show on the Facebook group page of Baixar Seriados. The screenshot shows a post from the administrators which contains a link for pirate audiences to watch the live streaming of the first episode of the new season of the US TV show Walking Dead. The image was retrieved October 15, 2012 from https://www.facebook.com/BaixarSeriados.net.

Some of the websites also offer, free-of-charge, digital products for the television downloaders. For instance, Figure 5.15 displays an example of a digital folder created by the administrators of the downloading website SeriesFD for the TV show Arrow. The website also offers the possibility of downloading a number of folders for other US TV series. In this way, after downloading a particular episode, pirate audiences may archive the file in a customised folder for that television show.
The release of this digital product aligns with De Kosnik’s (2012) statement that one of the strongest motivations for file sharing is archiving. De Kosnik (2012) compares “digital-collecting” piracy to earlier offline practices of collecting. She emphasises that the risks and liabilities are greater with online practices because of the potential to reach a larger number of people compared to former means of sharing.

Further, it was also observed that the downloading websites are platforms that allow users to quickly download television shows to mobile media for free. On November 2, 2011, the administrators of the website *Baixar Seriados*, which translates into “Downloading TV Shows”, announced on Facebook that they were working on a special version of the downloading website which could be used for smartphones and tablets. Though downloading into laptops are more commonly used among file sharers given the size of the screen, there are people who also download onto their mobiles (Goggin, 2011b, p. 134). In order to develop this version, according to audiences’ demands, the website

---

122 https://www.facebook.com/BaixarSeriados.net
administrators utilised a survey\textsuperscript{123} to seek advice from their website users. From the description provided by the website, this project resembles formal digital distribution of television shows on multiplatforms, which in Brazil are provided by existent online services such as iTunes and Netflix. The difference with these authorised platforms of course being that content is paid for and, interestingly, is not fast tracked.

In addition to providing promotional services such as advertising, social media announcements, merchandising, customised folders, and distribution through multiplatforms, the downloading websites also aim to fast track the release of new episodes. In fact, this seems to be a priority for many website administrators. For instance, I observed that the administrators of the website TVix posted links for downloading TV show episodes until 6 am, Brasilia time, on Monday October 22, 2012. Also on that day one of the administrators of the website SeriesFD posted the following message on their Facebook group page: “Guys, the Sunday TV series are being updated now. Sorry for the delay!! (sic)”\textsuperscript{124}

This post demonstrates the work of a very dedicated administrator who had probably been working through the night posting links. His apology for the delay of his voluntary work clearly indicates his/her sense of commitment to the pirate community, his site services, and also a demonstration that the website is doing its best to maintain its reputation as a reliable television downloading source. This message may also be explained by the fierce competition between downloading websites, because at the same time as this message other downloading websites, such as TVix, were also releasing links for the downloading of TV shows that had been broadcast in the US that evening.

In regards to the informal distribution of television shows, Orkut and the downloading websites I examined in this study shared many similarities. For both there were administrators that organised links for downloading, the sites organised shows according to the season and episode number, and the links provided directed pirate audiences to

\textsuperscript{123}https://docs.google.com/spreadsheet/viewform?formkey=dEhvV2ExaE9nNDBCVy0yVmxRdV12eVE6MA#gid=0
cyberlocker websites. Despite these similarities, though, there were also three main differences between these two sources.

First, pirate audiences in communities on Orkut are allowed to publish links for the downloading of television shows. They could then also publish the links for the subtitles separately in case the files available for downloading did not include subtitles in Portuguese. In contrast, on downloading websites, only the moderators are allowed to publish links, although some downloaders occasionally use the downloading websites’ Facebook page discussion threads to publish links for downloading. This latter situation, however, is not the norm and generally these links provided by the websites users are not published on the main platform used for distribution.

Second, pirate audiences may utilise the same community on Orkut to both discuss an episode and to download it. In contrast, on the downloading websites pirate audiences have to use the Facebook group page to discuss the episodes. These differences indicate that there is more flexibility for online viewers using Orkut downloading communities than those audiences using downloading websites.

The third main difference is that on downloading websites the administrators seem to have more control over the informal distribution system. They also appear to invest more time in the development of digital products, promotions and distribution services than the Orkut communities’ administrators. The features of the downloading websites, therefore, more closely resemble authorised online distribution services.

In this section I presented some of the findings of how informal distribution occurs in Brazil through Orkut communities and downloading websites. As previously stated, in Brazil cyberlocker websites are used to store video files so that downloading communities and websites can direct the pirate audiences to them. In the next section, I describe how informal distributors have shown resilience and self-preservation by being innovative and negotiating their right to distribute television shows despite external pressures aimed at stopping their activities.
The fall of Megaupload

In early 2012 many cyberlocker websites were shut down by anti-piracy organisations. Some of them, such as Megaupload, were heavily used by Brazilian pirate audiences (J. A. Barros, 2013). The shutdown had a great impact on the informal distribution of TV shows in Brazil. Both Orkut communities and downloading websites had relied on these cyberlockers to store TV shows. As a result, the shutdowns disrupted their services. WEB, a twenty year-old male, who was and still is the administrator of a downloading website in Brazil described his experience:

*It was one of the worst moments that the website went through, because all the links for TV shows were direct to the Megaupload website, when the news came that it would be closed, we felt very disheartened to continue. We didn’t update the website for 15 days thinking about alternatives, and after a lot of work we recovered the website (Personal communication, Facebook, August 24, 2012).*

The administrators of many downloading websites and Orkut communities that had links for the downloading of TV shows that used Megaupload as cloud storage had to find other websites with similar services and then upload the episodes of TV shows again. Alternatively, some administrators searched for working links from other cloud storage websites which contained the same files of the episodes. At the time the frustration was felt by both downloaders and the administrators. In Figure 5.16, the website *Series Para Baixar*, which translates as, TV Series for Downloading, presented a disclaimer on their initial page explaining how they were working on the site in order to overcome problems of non-working links after the fall of Megaupload and other cyberlocker websites.
In addition, based on allegations that indexing video content is an illegal activity, and perhaps feeling threatened by the arrest of the administrators of the website Brazil-Series and its consequent shutdown, I observed that many downloading websites presented a disclaimer re-affirming that what they do is not illegal. For instance the passage below appears as a disclaimer on the downloading websites: *Baixar Seriados*, which translates as “Downloading TV shows”, and *Baixar Filmes e Series*, which means “Downloading Films and TV shows”.

-All links and files on this website can be found on the internet, we only indicate where they can be found and we don’t store any unauthorised content.
-Any file protected by copyright law must stay 24 hours in your computer. They can be only used as a test, and the user must delete it after 24 hours.
-Acquiring files from the internet it is the complete responsibility of the user.
-The administrators, webmasters, or anyone else responsible for the website maintenance do not take responsibility over the files downloaded by the users and how they will utilise them.\textsuperscript{125}

\textsuperscript{125} -Todos os links e arquivos que se encontram no site, estão hospedados na própria Internet, somente indicamos onde se encontra, nao hospedamos nenhum conteúdo que seja de distribuição ilegal.
This disclaimer urges users to appropriately and considerately use the downloading links. Other websites, such as those that offer customised files for pirate audiences to archive the downloaded TV shows, would not have been able to ask users to delete their files after 24 hours.

When questioned whether or not he thought that maintaining a downloading website should be considered piracy, the site administrator I called WEB disagreed arguing that he and other administrators were only indexing links that are already available online and that they do not benefit financially from this activity. He describes his definition of piracy and defends why the website activity is non-piratical:

_for me piracy would be someone selling a movie and not giving back anything to the producer. In the case of my websites, the quality of the files is bad, so their purpose is for a person to see it [video] on the website and then buy the original to watch it on TV with a higher quality_

(126) (personal communication, Facebook, August 24, 2012).

At the time of my study, WEB had been working on his downloading website since early 2011 and his primary motivation for spending over an hour everyday on the website was the “thank you messages”, and the high number of visitors to the website who claimed they were not able to afford original content. He said that he started the website in order to help those who could not afford to subscribe to cable television. He said, though, that there were drawbacks, such as the copyright legislation, both global and Brazilian, that restricted his activities, the complaints of some users and the timed needed to manage the website.

---

126 pirataria, no meu ver, seria alguém vendendo um filme e não repassando nada ao produtor. No caso de meus sites, a qualidade é ruim dos seriados, ou seja, seria para a pessoa ver no site e depois comprar um original para ver na TV com alta qualidade.
Orkut and downloading websites are considered by many pirate audiences as convenient platforms for accessing television shows since most of the links direct users to files that have Brazilian Portuguese subtitles already encrypted. This way of downloading, though, is not the only alternative. Many people prefer peer-to-peer file sharing systems, such as BitTorrent\(^{127}\). As indicated in the results of the survey, most participants informally accessed TV shows through BitTorrent, which normally does not include subtitles in Brazilian Portuguese. Pirate audiences in Brazil may chose to download a file with no subtitles, which can be available within minutes of the airing time in the US (Eastern time), on BitTorrent, or within a couple of hours, (as shown in Figure 5.12), through the downloading websites. Once this has occurred pirate audiences then combine both the video file and the subtitles which have been created by teams of Legenders. The Legenders’ work practices are explored in the next case study.

**Case Study Two: Legenders, the amateur subtitlers**

After downloading a video file, most Brazilian viewers require subtitles in Portuguese. These are created by a group of pirate audiences who identify themselves as Legenders. The aim of this case study is to review the results of a series of interviews conducted between December 2011 to November 2012 with ten Legenders aged from eighteen to forty-three. At the time of the interviews these Legenders were all members of teams affiliated with the Legendas.TV (LTV) Brazilian fandom website, which is a source of subtitles. Some of these Legenders were students at the time of the interviews and others had established careers. The interviewees of this case study had the following demographic profiles.

\(^{127}\) BitTorrent is one of the most popular peer-to-peer file sharing protocols in the world (Schulze & Mochalski, 2009).
I also interviewed the administrator of a website which operated as a search engine for amateur subtitles. In this research I named this administrator SUB, and to protect his identity I referred to his website as LB.

The interviewees were not identified for reasons of confidentiality. The aim of the interview questions was to determine the value of amateur subtitlers’ practices and to determine the advantages and disadvantages of being involved in such activities. Also, to understand how they perceive their practices as not piracy. The interviews also focused on the Legenders’ internal and external relationships with other components of the Brazilian pirate community.

The interviews revealed that Legenders are most commonly organised into teams and members are responsible for translating, synchronising, and revising television shows’ episodes, and usually these services are required only a few hours after the shows are first aired in the US. In 2011, the ‘Media Piracy in Emerging Countries’ report stated that “there are at least thirty teams of Legenders actively working in Brazil and many independent translators working on their own” (Mizukami, Castro, Moncau, & Lemos, 2011, p. 265). Informed by the LTV website128, in October 2012 there were 49 teams of Legenders as well as Legenders who worked individually. This number, though, only

---

128 The full list is available in the Appendix E.
includes those Legenders affiliated with the LTV website, and it must be recognised that there are many teams of Legenders and Legenders not in teams that work independently of this site. The sizes of the teams associated with the LTV website varied from one person to more than 100. However, as Leg C observed, “most of people are part of more than one team” (personal communication, Skype, June 5, 2012). In October 2012 the Legenders associated with the LTV website were responsible for the translation of over 230 television shows, mostly from the US.

The participants I interviewed were in a range of different legender teams and the details of these teams are shown in Table 5.7. The participants told me the average number of members in their teams, and although this was interesting it cannot account for the fact that some people are members of more than one team of Legenders.

Table 5.7

*Team of Legenders X Total Number of Members as of May-October 2012*

<table>
<thead>
<tr>
<th>Team of Legender</th>
<th>Number of Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insubs</td>
<td>100</td>
</tr>
<tr>
<td>Insanos</td>
<td>50</td>
</tr>
<tr>
<td>Darkside</td>
<td>40</td>
</tr>
<tr>
<td>Maniacs</td>
<td>40</td>
</tr>
<tr>
<td>The Tuunz</td>
<td>40</td>
</tr>
<tr>
<td>Legendas em series</td>
<td>40</td>
</tr>
<tr>
<td>Subsfreak</td>
<td>40</td>
</tr>
<tr>
<td>Queens of the lab</td>
<td>38</td>
</tr>
<tr>
<td>Creepysubs</td>
<td>30</td>
</tr>
<tr>
<td>Legendis</td>
<td>22</td>
</tr>
<tr>
<td>Fuck and Punch</td>
<td>15</td>
</tr>
</tbody>
</table>

*Note.* The Legenders who were interviewed prior to May 2012 belonged to the same teams as the Legenders who participated in the research after this month. Thus, as a reference I used the number of members that participants told me between May and October 2012.

Source: author

**Legendas.TV**

This section focuses on describing the distribution and production of amateur subtitles by the Legenders that are affiliated with the Legendas.TV website (LTV). According to the
web information company Alexa, the Legendas.TV website has operated since 2006 and in November 2011, it was the 150th most visited website in Brazil and 120th most visited site in Portugal (Alexa, 2011). Vandresen (2012) states that there are more than 280,000 registered users of the website (p. 633). Legendas.TV is more than a database of Brazilian Portuguese subtitles for downloaded television shows. It is a platform where Legenders meet, interact with other members and publish their work (Mizukami et.al., 2011). Most of the Legenders’ teams have their own websites\textsuperscript{129} where they provide the subtitles they have created and where they recruit more Legenders through an online application. The main purpose of LTV is to centralise the distribution of amateur subtitles and this is illustrated in Figure 5.17. Generally the participants of my research explained the importance of being affiliated with the Legendas.TV website.

Leg H
It is necessary because it is the main platform source of subtitles in Brazil. It is where there is the highest number of access and where the subtitles are impeccable, when produced by us, the teams\textsuperscript{130} (personal communication, Facebook message, May 27, 2012).

Leg F
It is necessary to have your subtitles highlighted on the website (those who appear in the initial page). Other than that, it is the website with the highest popularity regarding subtitles in Brazil\textsuperscript{131} (personal communication, Email, June 1, 2012).

Leg A
I believe it is the website with the highest number of access. Example: Legendas-zone [website] when the same subtitle is posted there it will have 25 downloads in two days, while in Legendas.TV it will get easily to 2,000\textsuperscript{132} (personal communication, Skype, June 5, 2012).

Leg G
It is good because you know that your work is being used. If we leave the Legendas [LTV] another team will take over our series and they will have the same amount of

\textsuperscript{129} For example, there is the Hellsubs Team : http://hellsubs.forumfacil.net/forum.htm and also, Darkside team: http://darksite.tv/ besides others.

\textsuperscript{130} É necessário pois é o principal portal de legendas do Brasil. É onde há o maior número de acessos, e onde todos sabem que as legendas costumam ser impecáveis, quando produzidas por nós, equipes.

\textsuperscript{131} É necessário para ganhar o destaque das legendas no site (os que aparecem na tela inicial). Além disso, é o site com maior visibilidade no quesito legendas no Brasil.

\textsuperscript{132} acredito que o site tem maior numero de acessos. Exemplo: legendas-zone a mesma legenda postada lá, no mesmo tempo teve 25 downloads em dois dias no legendas.tv chega a dois mil fácil.
downloads that we used to…the public is loyal to the website, not to the team\textsuperscript{133} (personal communication, Windows Live Messenger, February 10, 2012).

Leg G also explained that a decline in downloads may happen if a team stops being motivated to produce subtitles. This can lead a team to permanently ending its activities. If that happens, another team(s) associated with the LTV website will receive the “rights” to create subtitles for the series that belonged to that team.

I noticed in discussion forums on Orkut, Facebook and on downloading websites that pirate audiences often ask administrators when the “official” subtitles will become available. By “official” they are usually referring to the subtitles published on the Legendas.TV website. The data collected thus indicates that television downloaders search for subtitles on the Legendas.TV website because it is perceived as being reliable and because of its quality standards and popularity. Figure 5.17 displays the initial page of the Legendas.TV website.

\textsuperscript{133} eh bom pq vc sabe q seu trabalho tá sendo usado se a gente abandona o legendas outra equipe pega nossas séries series e vão ter os msm downloads q a gente o público é fiel ao site, não à equipe… aí a equipe desanima de fazer legenda pra ninguém e para.
According to participants Leg A, B, C and G, at the time of being interviewed, there were three administrators for the Legendas.TV website and their online names were: celsojp, valfadinha and lovesick. They all affirmed that valfadinha was the main leader, but they were uncertain about his/her personal details including age. Leg G explained that the decision of who the future administrators of the website would be is made by the current administrators. Thus, the Legenders are not able to elect them.
The Legendas.TV’s administrators are responsible for distributing television series between teams of Legenders registered on the website. This involves a number of steps. The participants, Leg B, C, F and G, all explained that the Legenders must show an interest if they want to be responsible for creating subtitles for an upcoming TV show. Alternatively, they may claim that another team has not met quality standards and deadlines for specific TV shows. Their requests are made by emailing the administrators of LTV with their preferred choices. The administrators of LTV website then use their site to announce the distribution of series to particular teams. According to Leg G, the most popular series are allocated to the most experienced and qualified teams. He said:

*the administrators of the LTV decide based on the [teams’] capacity. Like a famous series will have many downloads, so they give it to a team that will produce a quick and good subtitle*\(^{134}\) (personal communication, Windows Live messenger, February 10, 2012).

According to a study by Sayuri (2011) individual qualifications, such as specific university degrees, are determinant factors in LTV’s decision of allowing a team to be responsible for a television shows’ subtitles. For instance the inSUBs team, which produces the subtitles for *Greys’ Anatomy* and *House* have a physiotherapist, a nurse and a medical student in their team and this helps with translating medical terms. When asked how he perceived university qualifications as a necessary attribute, Leg G disagreed to some extent and argued that a legender can find any term through a Google search. He agreed, though, that particular degrees would certainly help with the decision-making process of the LTV administrators when they determined whether or not to appoint a particular team to translate a particular TV show, particularly if a member had a qualification that related to the subject of the show. The backgrounds of Legenders, therefore, can have an influence on the distribution of tasks among team members in the same way it would influence their capacity to secure employment in an offline situation.

In terms of the internal organisation and hierarchy of legender teams, the administrator of a team is the person who has power over other members. This means they are responsible

---

\(^{134}\) …os moderados do legendas decidem, com base na capacidade tipo a série é famosa vai ser famosa ter mto dl aí tem q passar pra quem vai fazer uma legenda rápida e boa.
for the team, for the quality of work it produces, and for appointing particular tasks besides creating subtitles. Leg F described some of the particular tasks the administrator of a team has:

They have access to the passwords of all platforms utilised by the team, they are the ones who contact the LTV administrators, they have the power to change the subtitles that have been already published, they can exclude members of the team, among other things¹³⁵ (personal communication, email, June 1, 2012).

If something goes wrong with a translation job, such as the team not meeting a deadline, the administrators take responsibility for it. This may involve them making decisions on behalf of the team, such as excluding members who perform poorly or limiting participation for some members. For instance, Leg G, who is one of the administrators of Darkside, reported how he expelled a legender from a private chat because he was no longer part of the team. When the former legender complained, Leg G reaffirmed his position that he was able to control who participates or not in chats which are for team members only.

In regards to how administrators of a team are selected, Leg B said that influential factors were the amount of time a specific legender has been working for a team, and/or whether or not a team member founded the team. A member could also be promoted if he or she produced good quality subtitles over an extended period of time.

On the next level up, LTV administrators also exercise control over team members. Leg G said that LTV administrators may prevent a legender from posting on the website, which had occurred on occasions in the past. They may also have an influence on the work of the teams and how members perceive the activity they are engaged in. For instance, Leg F reported frustration in regards to the LTV administrators and some of their set rules. He reported that the administrators are often being impolite to Legenders and are not being open to suggestions. In addition, Leg G explained that although the

¹³⁵ Os moderadores têm muito mais poder do que os membros regulares, já que são eles que "tocam o barco". Têm acesso às senhas dos canais da equipe, relacionam-se com a moderação LTV, têm o poder de alterar as legendas já postadas e excluir membros, entre outros.
Legenders may have a say in their own teams, they have no influence in regards to the decisions of the administrators of the Legendas.TV website.

These findings suggest that the relationship between administrators of the LTV website and the community of Legenders, and even the relationships among Legenders themselves, show similarities to traditional offline organisations. Like the latter, a form of symbolic power operates within and across the culture of Legenders. In the offline world, media and popular culture exercise symbolic power and Bourdieu defines this as “the power of constructing reality” (in Couldry, 2006, p. 8). Symbolic power also operates inside digital labour networks and studies have shown that online communities are “normatively regulated” and “hierarchical” (Baym, 2006, p. 46). In contrast, Benkler (2006) believes that peer-to-peer production systems “depend on individual action that is self-selected and decentralized, rather than hierarchically assigned” (p. 62). As Bauwens (2005b) adds in peer-to-peer cultures, hierarchy is more flexible and “based on merit that are used to enable participation” (para. 22). When considering fansubbing practices, however, Itō (2010) notes, in her work on the amateur subtitling of anime videos, the relevance of hierarchy among fansubbers and within the amateur media environment more generally. She observes that in fan communities hierarchy may also be related to reputation and quality. This situation is confirmed through the Legenders’ self-organised networks which demonstrate hierarchy and symbolic power operating in their environment. The next section further describes the work process Legenders use.

The process of translation, publication and promotion of amateur subtitles

The processes of translation, the publication of subtitles and then the promotion of these translations occur in different stages. After a show is first aired in the US, the LTV website establishes a seven day deadline. Despite this time span, many Legenders stay awake overnight creating the subtitles for television shows so that they can be released earlier. This situation occurs particularly for popular television shows, or those with the highest number of downloads. According to participants in this case study, the process of producing a translation and the division of tasks may vary from one team to another. From their responses it was possible to gain a general understanding of how the process most typically occurs.
1. Step One: Capturing the video file from the internet

The first step consists of Legenders searching and finding a video file online. As Leg J explained:

*the videos are uploaded by people overseas who capture the episode and publish it online within a few hours (sometimes minutes) after it was aired...The translation is done from a basic subtitle, which in most times is in English. It is divided, or not, in the team by time (personal communication, Email, September 6, 2011)*\(^{136}\).

Leg F explained that most Legenders use torrent websites to access video files. There are, however, other Legenders like himself who are part of closed file sharing communities where only members can download.

During an interview for *Olhar Digital*, a Brazilian digital blog, some Legenders reported that instead of waiting for the video file to become available online the the process of translation can start while the episode is still being aired in the US. This is done using a team of Legenders watching the show in real time via Justin.TV\(^{137}\) (Olhar Digital, 2010).

2. Step Two: Dividing parts of the episode into sections to be translated

From the participants’ responses, I learnt that a video file, once captured, is divided into periods of five to ten minutes depending on the team of Legenders and the number of Legenders available at that time. According to Leg H, the administrator then creates a table which is shared via email, or as Leg C said, using Google doc. The table defines the time intervals, such as “0-10” and “10-20”, and an empty space where Legenders write their name indicating which part they wish to translate “until it is completed” (Leg H, personal communication, Facebook, May 27, 2012). Leg F also explained that often a permanent group of people translates the same TV series.

3. Step Three: Synchronizing and publishing the work

---

\(^{136}\) Os vídeos são upados por pessoas do exterior que capturam os episódios e postam na internet poucas horas (as vezes minutos) após sua exibição... A tradução na maioria das vezes é feita a partir de uma legenda base, na maior parte das vezes em inglês. ela é dividida, ou não, no grupo de tradução por tempo.

\(^{137}\) [http://www.justin.tv/](http://www.justin.tv/)
As Leg A, B and C explained, once the subtitles are posted by editors on Legendas.TV, the names of translators are removed and the table becomes available for the next episode and opened to new volunteers. Figure 5.18 shows an example of a page on the LTV website where users can download the subtitles for a TV show.

![Figure 5.18. Legendas.TV’s page for downloading the amateur subtitles of *Supernatural* S8E01. [English paraphrasing of homepage text]](image.png)

At the top of the image the original title and season number of the episode, both in English, is written. This is followed by its translation in Portuguese. Next, under Tradução, which means “translation”, there is a list of the Legenders who translated that episode. Also, under Revisão, which means “revision”, the names of the Legenders responsible for revising and undertaking the final editing, if necessary, are listed. The subtitles are available in different formats because the downloaded file may have been available online in a variety of different files. Also, there is a small message from the team: “*Supernatural* is back! Enjoy it guys!” Also a note that two teams of Legenders partnered for the creation of the subtitles for this show. At the very bottom is the name of who submitted the subtitles, and the date and time. Finally, on the right side of the image, there is specific information about the download, such as the number of downloads of those subtitles, which, in this case was over 20,000 in approximately six days. There is also a number of comments left by the downloaders and the number of positive votes in relation to
the quality of the subtitles [Author’s translation]. The image was retrieved October 11, 2012 from the Legendas.TV website.

4. Step Four: Promoting the work

Once the subtitles are produced, the team of Legenders ensure they receive credit for their work. After I analysed subtitles on Legendas.TV which had been created by different teams, it was possible to identify some patterns. One of these patterns was the inclusion of the name of the team (often also including the team’s slogan) and the nicknames of the members who created the subtitles. For instance, the team InSUBs’ slogan is Qualidade inSUBstituível in which the last word is an anagram of the word in Portuguese insubstituível combined with the team’s name. The slogan translates to “unreplaceable quality”. Another pattern is that, besides the Legendas.TV website’s front-page highlights, Legenders promote their amateur subtitles and the brand name of their teams through social media channels. This occurs through Legenders teams’ official communities on social networking websites such as Orkut and Facebook (Figure 5.19), through YouTube channels (Figure 5.20), through Twitter and through the Legenders’ teams’ own websites (Figure 5.21).

Figure 5.19. Queens of The Lab Facebook group page. Retrieved February 17, 2013, from https://www.facebook.com/pages/Queens-of-the-lab/238531559492836?ref=ts&fref=ts
Amateur subtitlers also use social media as a platform for promoting upcoming series and to build an audience around particular series. Social media is also used to let pirate audiences know that a particular Legenders team is in charge of the subtitling of a specific TV show which will soon be available.
A final promotional activity I discovered during the nonparticipant observation of this case study was concerned with raising social awareness. An example of this was that in October 2012 several legender teams joined the October Pink campaign which raises money for the prevention of breast cancer.

![October Pink campaign logo](image.jpg)

*Figure 5.22. The Legenders showed support for the breast cancer awareness month. [English paraphrase of homepage text].* As explained on the *Legendas em Serie* Facebook page: October Pink: other teams of Legenders are increasingly embracing the idea, such as the ManiacSubs, Queens of The Lab, Darkside, L.O.T. Subs, Subtitles in series, SubMakers, SNSubs, The Tozz and About Skins [Author’s translation]. Retrieved October 13, 2012 from https://www.facebook.com/photo.php?fbid=539254526101136&set=a.287734127919845.87961.285934401433151&type=1&relevant_count=1&ref=nf.

*Note. Translation of the top words: With the support of all it is easier to fight breast cancer.*

As part of the same campaign Legender teams posted notes through their Facebook group pages, on how women can perform breast examinations on themselves, as well as other general information about breast cancer awareness. All participant teams also changed their trademarks by adding the pink ribbon symbol of the October Pink campaign.

From the above outline of the Legenders’ work practices it is clear that, although amateur subtitlers, the work of Legenders shares similarities with professional work practices: distribution of work, advertising, public relations, just to name a few. In her research, Itō (2010) outlined the division of tasks among fansubbers of anime videos and
acknowledged the importance of their work in the community. She says that in fansub groups “a high degree of specialisation and collaboration within each production team as well as in the community overall” is maintained (Itô, 2010, para. 32).

Overall, therefore, Legenders have a unique way of promoting themselves and interacting with their audiences through Brazilian pirate networks, as explored in the examples mentioned above. An examination of Legenders, and their practices of informal production and distribution of amateur subtitles, continues in the next section where questions of quality, power relations, motivations and drawbacks associated with their unpaid work are examined.

**Quality standards**

Although the work of Legenders is a hobby, their work is very professional in being of a good quality. One way this is shown is through the production of series with good synchronisation between subtitles and the scenes they belong with. The administrators of the LTV website have established quality standards and strict rules guiding Legenders in how the subtitles should be created. Each legender team must follow the rules or they may lose the rights to create subtitles for a particular television show (Sayuri, 2011). The quality standards established by the LTV website administrators reflect professional standards in matters such as length of exposure and number of characters per page (Bold, 2012).

Legendas.TV administrators also establish deadlines for the publishing of subtitles on their website which, as previously mentioned, is one week. Since Legenders work in teams, if one of the members delays in finishing a part, or produces subtitles in discordance with the standards of Legendas.TV, this member can jeopardize the overall work as well as the reputation of the team and all the other members.

After analysing discussion forums on the work Legenders do, I noticed that many individuals – both viewers and subtitlers – argue that the amateur subtitles are of a higher standard than the professionally made ones. When also researching fansubbers, Prado
Alves Silva’s (2009) similarly found that many viewers of Japanese shows in Brazil often complain about the quality of professional translations.

**Motivations for being a Legender - payment/reward**

Many of the Legenders interviewed have other “day time” jobs that help to pay the bills (See Table 5.6). The work as Legenders, though, is classifiable as free labour, voluntary (Terranova, 2000) and definable as a practice in a gift economy (Giesler, 2006; Hyde, 1983). The Legenders claim to have no financial return from their practices. And yet, many of the activities these pirate audiences engage in, such as translating and promoting television shows, would, in a media company, be considered professional labour.

The concept of free labour is connected to that of affective labour, assuming that it occurs non-commercially. Through an investigation of secondary sources, as well as through the interviews and focus groups I conducted I found that for the Legenders cooperation in regards to file sharing is motivated by: 1) the positive feedback from satisfied pirate audiences that have had access to the content and as a result the fame that comes from being associated with a particular television shown through the subtitling work done. Also, 2) the friendships created, 3) the sense of belonging and of contributing, and 4) the benefit of improving one’s language skills, both English and Portuguese, through the practice. Each one of these categories is detailed below.

1. Receiving compliments, recognition and fame

The participants find compliments and thank you messages from downloaders a great incentive for them to continue their work as Legenders. As Leg B explained:

Yes, yes, [compliments] are our salary. If you go to LTV and check a [TV episode’s] subtitle you will see that it had 10,000 downloads and [only] 40 people saying thank you. But at least there are [compliments] and they mean a lot 138 (personal communication, Skype, June 5, 2012).

In addition, recognition for work done is perceived as a kind of fame and prestige and this too seems to be a large non-commercial incentive. This aspect of subtitling was

---

138 Sim, sim, é o nosso salário. Se você for no LTV e olhar uma legenda vai ter 10 mil downloads. E 40 pessoas agradecendo mas tem, e são significativos.
discussed by Mizukami, Castro, Moncau, & Lemos’ (2011). Leg C affirmed that
Legenders enjoy becoming what they call “anonymous online celebrities” in the fandom
world. They enjoy seeing their names associated with a show which thousands of people
will see.

Through observing the Legendas.TV website I noticed that a single episode can be
downloaded thousands of times and the names of the Legenders who produced the
subtitles are provided in the initial credits. For instance, the subtitled version of the
popular series titled Lost was downloaded approximately 60,000 times in the first few
days after it released (Olhar Digital, 2010). Interviews with Legenders in other studies by
other researchers revealed that fame and prestige are prized rewards for subtitling work
done (Bernardo, 2011; Sayuri, 2011; Series Freak Team, 2011a, 2011b). In a study by
Vandresen (2012) on the amateur subtitlers of the TV show Lost it was found that the
positive acknowledgements of fans are a significant motivation for subtitlers to continue
engaging in the activity.

Prestige for Legenders also comes from a particular team having the responsibility for
creating the subtitles of a popular series. When the Legenders consistently do their job
well, which means meeting both deadlines and quality standards, they will become the
official amateur subtitler team for a specific TV show. The most popular shows are on the
front page in the Legendas.TV website along with the names of the legender teams. This,
of course, is a highlight for the teams.

Another incentive, identified by Leg I, was being recognised by one’s immediate peers:
“I love when I know that my friends will watch an episode that I’ve translated”139
(personal communication, Windows live messenger, December 12, 2011). Leg A felt
similarly: “It is funny when you are at your friends’ house and they watch an episode that

139 ...pra mim era uma alegria quando eu sabia que meus amigos iam assistir algum episódio que eu tinha
legendado.
you created the subtitles, you know?" (personal communication, Skype, June 5, 2012).

And Leg B:

Several of my friends who download TV shows ask me “I saw a Leg B in the credits of a subtitle, was that you?”. It is anonymous because it is just a nickname, right? But you end up being recognised, people start following you on Facebook and etc. they start to think you know everything about TV series, it is funny (personal communication, Skype, June 5, 2012).

The number of downloads for a series is also considered a form of payment, and to some extent is associated with fame and recognition. The more subtitles for a particular episode are downloaded, the more the team’s work and brand are exposed to pirate audiences. The number of downloads are also important for the survival of the team, as Leg F emphasised: “It is not for the glory, because we make subtitles as a hobby, but a team survives out of the recognition of their work, as only this way it will attract new volunteers to create subtitles on its behalf” (personal communication, Email, June 1, 2012). Leg F also explained that the fact the work was digital and was volunteer may result in Legenders losing interest after a while. It is important, therefore, to maintain the fame of the team in order to keep Legenders motivated.

2. Making friends through amateur subtitling practices

Through analysing interviews with Legenders in online news media I came to conclude that the majority of Legenders never met each other outside of the internet. Interactions seem to be limited to contact using Windows Live messenger. This largely occurs due to geographic constraints. Despite this predominant trend, however, a number of the Legenders I interviewed said they often socialise in bars which shows they do actually maintain an offline relationship.
In fact the responses given in interviews and in focus groups indicate that Legenders actually feel rewarded by the friendships created and interactions with people who share similar tastes in regards to their passion for television shows. Leg A, B and F also identified “culture exchange” as a significant motivation for being part of a community of Legenders and file sharers. As Leg B describes:

*Because it starts as a hobby, and then it stops being a hobby and it becomes addiction, it is was to socially interact with others, to make friends, and there are all kinds of people from all over the place, it is a huge culture exchange*\(^{143}\) (personal communication, Skype, June 5, 2012).

The participants’ results made it clear that making friends, being part of a community and sharing culture was the second most cited motivation. This was followed by the third most popular motivation which was contributing to the community through the production of amateur subtitles.

3. Contributing to the community, sense of belonging and passion for the activity

In the interviews and focus groups Legenders also mentioned different affective rewards which motivate them to engage with amateur subtitling practices. From their responses it also became clear that these rewards influence each other.

First, participants Leg F and Leg H said one of their primary motivations for creating subtitles was to fill the very obvious gap in the distribution of television shows by the television networks. In this way they felt they contributed something valuable to the fan communities of particular television shows. For example Leg H said he was happy in being able to “satisfy the TV shows fans who struggle with the Brazilian TV, and they [the fans] kind of recognise your work”\(^{144}\) (personal communication, Facebook, May 27, 2012). With this response it is clear that Legenders are motivated by being able to help

---

\(^{143}\) pq começa como um hobby. E depois deixa de ser hobby. Vira meio que um vício. É uma forma de interação social, você faz amigos. E tem gente de todo tipo e lugar, é uma troca cultural mt grande.

\(^{144}\) satisfaz fãs de série que sofrem com a programação das tvs brasileiras, e há um certo reconhecimento por parte deles (fãs), pelo seu trabalho.
Brazilian audiences to download television shows. This gives them a sense of belonging, and Vandresen (2012) mentioned this in her research on Brazilian amateur subtitlers of the TV show *Lost*. This sense of belonging is clearly to a community with shared interests.

This sense of belonging is also enriched by the friends made, including with online viewers who recognise the work done. On this Leg I says:

*What motivated me, before anything else, was participating in something that I believe. Something that really makes difference in the world [...]. And in the Legenders I saw a true power. It is an honest motivation. It is all evident: we want to subtitle because we want other enjoying what we also enjoy. There is no practice more beautiful than this one: it is an honest donation, with no hypocrisy*\(^{145}\) (personal communication, Windows live messenger, November 12, 2011).

Another affective motivation which became obvious in transcriptions by an online news media reporter was that for some Legenders a major motivation for creating amateur subtitles is being able to become, in an indirect way, part of the their favourite television series (Leal, 2010). Leal (2010) reveals that all of the Legenders interviewed said that they love what they do. Sometimes this passion is not necessarily related to the TV shows they translate but to the translation process itself. In my studies Leg A, B and C said that they do not follow all the TV shows they translate and, in fact, they even said that they create subtitles for TV shows they dislike, and this is examined further in the next section on the drawbacks of subtitling.

Like the Legenders, a website administer previously named SUB, said that he found his work rewarding. He said he found it very satisfying to see how many people access his site and he enjoys the recognition of online viewers. He also said he loves the flexibility

\(^{145}\) *O que me motivou, antes de tudo, foi de participar de algo que acredito. Algo que realmente faz uma diferença no mundo. Sabe, eu sou um cara muito chato. Odeio passeatas e manifestações, discursos, essas coisas. E nos legenders eu vi uma força verdadeira. Uma motivação honesta. É tudo muito bem claro: a gente legenda porque quer que os outros possam curtir o que eu curto. Cara, não há atitude mais bonita do que essa: é uma doação de verdade, sem hipocrisia.*
4. Improving language skills – English and Portuguese

The capacity to improve language skills was another motivator mentioned by Leg F and Leg H. These two Legenders actually said that it was this benefit that got them involved in amateur subtitling work in the first place. Leg G explained that the practice had had a positive impact on his offline life, and he said, “I skipped 3 levels in English at CCAA [English School] and never had to worry about studying for English or Portuguese exams at school again. I had an incredible [learning] boost”\(^\text{146}\) (personal communication, Windows Live Messenger, February 10, 2012). The Legenders interviewed also mentioned some drawbacks of being an amateur subtitler. These were far outweighed by advantages but are still worth examining.

The drawbacks of being a Legender – Cost

The legender participants of Case Study Two mentioned that there were some disadvantages of being a subtitler, most significantly related to the time involved and the emotional cost of the work. More specifically, the most identified drawbacks were: impolite messages, a failure for viewers to recognise the time and effort involved doing the subtitles as voluntary work, criticism of Legenders’ status as free labour, a poor selection of TV shows for subtitling work, and the external pressures of people “stealing” their subtitles and then using them without attributing any credit. Each of these categories are explained in detail below.

1. Impolite messages and a failure to recognise voluntary work

While “thank you” messages act as a form of payment, the opposite, that is impolite messages, are an emotional cost for many Legenders. Some of these criticisms relate to the time taken to produce the subtitles, and in a secondary piece of research, a number of Legenders, when asked of what are the drawbacks of their work, said that imposed time

\(^{146}\) eu pulei uns 3 níveis do ccaa e nunca mais precisei preocupar com prova de ingles e em portugues e redação eu tive um boost incrível.
pressure from pirate audiences who demand work sooner was a primary drawback (Series Freak Team, 2011b).

This problem was also expressed in the interviews for this research. A number of the interviewed Legenders said they receive rude messages from downloaders when the subtitles take longer to release than average times. These messages, however, are not only addressed to the Legenders. The website administrator named SUB also reported receiving rude emails and Facebook messages about the services on his website. He said that his commitment to the website is often challenged by these negative messages and to such an extent that they often make him want to permanently shut down the website. This could be considered an emotional cost, rather than a financial one. Legenders are most distraught by the messages because they work for free, dedicate their time to this voluntary activity and thus do not feel they should be pressured in such a way.

Rossiter (2003) has argued that although immaterial labour is freely given it still has a material dimension which is the commodity object. Ironically the fact the commodity is digital does not imbue it with a sense of immateriality but rather the opposite, a sense of abundance because its usage and redistribution does not affect its original shape or the quantity available (Rodman & Vanderdonckt, 2006). In the case of the Legenders, their non-regulated work may actually be taken for granted by the subtitle users – this is a drawback for them because they want the fans to appreciate their work and efforts (Series Freak Team, 2011a, 2011b). The impatience of users when subtitles are not delivered quickly enough is related to what Jacobsen and Poder (2008) suggest, a symptom of people “increasingly perceive[ing] the world as a collection of consumer goods and see[ing] the aim of life as getting instant gratification” (p. 106). A digital commodity is associated with abundance and instant gratification, and thus the value of Legenders’ work is tentatively linked to this all-pervasive impulse, which makes them particularly vulnerable to criticism.

2. External pressures about the status of Legenders’ work as free labour
When Legenders talked about how their friends and family perceive their work, time and cost were commonly mentioned. Besides this a range of different opinions were described as being given by immediate peers. Leg H said:

"My family see the work as a waste of time, in which I should be studying, and many times sleeping, since many TV shows are translated through the night and others have strict deadlines and must be translated, also at night, according to [our] free time. My friends think it is cool. Especially those [friends] who watch TV shows and see my name on the credits (personal communication, Facebook, May 27, 2012)."

Leg F similarly said, “They find it interesting, but they think that my time would be better invested in my studies" (personal communication, email, June 1, 2012). Further, Leg G described his skills gained while working as an amateur subtitler and then his experience of being, for a period of time, a professional legender. This work had a significant impact on the way his family perceived the activity, “They think it is “cool” but nothing beyond that, [though] my parents were proud when I started getting paid for producing subtitles but that’s about it” (personal communication, Windows Live Messenger, February 2, 2012). In a similar situation, but from a different perspective Leg B said, “My family started to understand that I make subtitles when I started to get paid and then stopped going to visit them on the weekends” (personal communication, Skype, June 5, 2012).

Finally, in order to avoid any conflicts of opinion about how she spends her time, Leg C said she defended her position: “I avoid telling people who do not watch TV shows as they think it is weird you spending so much time doing something that does not pay. How can you explain the joy of when we get a new series, for example?” (personal communication, Skype, June 5, 2012).

---

147 Minha família vê o trabalho como uma perda de tempo, em que eu poderia estar estudando, e muitas vezes, dormindo, já que algumas das séries são traduzidas de madrugada, e outras que têm prazos apertadíssimo e têm de ser traduzidas, também, a noite, conforme o tempo livre. Meus amigos acham legal. Ainda mais aqueles que acompanham as séries, e veem meu nome nos créditos.

148 Acham interessante, mas acham que meu tempo poderia ser melhor investido nos estudos.

149 acham "que legal" mas nada além disso meus pais ficaram orgulhosos qdo eu comecei a ganhar dinheiro com legenda mas só isso.

150 Minha família começou a ter uma ideia do que é fazer legenda quando comecei a fazer legendas remuneradas e deixei de ir vez ou outra visitá-los aos finais de semana :P

151 eu evito comentar com quem não assiste series as pessoas acham estranho vc passar tanto tempo fazendo algo que não paga como explicar a nossa alegria qdo ganhamos uma série nova, por exemplo?
From these examples, it is clear that there can be many pressures applied by family members or even from the Legenders themselves when they avoid discussing their activities with people they know. In most cases, however, the participants said that acceptance was more forthright from friends as opposed to family members.

In the secondary sources consulted the external pressure exerted by family members and friends seemed even greater with many peers saying that they did not understand the investment of time and energy into a pursuit that yielded no financial gain (Series Freak Team, 2011b). As Hellekson (2009) explained the perceived value of work is different when immersed in a gift culture context. The exchange of gifts which is associated with the subtitling of TV series only makes sense when immersed in the environment of fandom. This can mean that it is difficult for Legenders to explain their activities in an offline situation.

3. Poor selection of TV series to create subtitles
From a business perspective, when considering the Legenders’ practices as work the most tangible cost is the time they invest in producing subtitles. Once their work succeeds, that is a high number of downloads of the subtitles they have created, non-commercial compensations are generated, which include fame, recognition and the motivation for members to continue on with their work. The team may also attract more volunteers and come to be considered more reliable, which are positive attributes to have when the LTV administrators are deciding whether or not they will let that team produce the subtitles for future TV shows.

When Legenders approach LTV and request to produce the subtitles for an upcoming TV show, they are, effectively, making an investment. They are making a commitment to create the subtitles and maintain the quality of the subtitle production throughout all the seasons of the show. Generally Legenders request TV shows which they perceive to suit their personal preferences so that the time spent subtitling becomes a fun event. As Leg B and C described, however, a problem they can encounter is when the TV show’s plot, which seemed appealing in trailers and promos, actually ends up being average and
boring. Or, as Leg B explained, “Sometimes you think the TV show will have 10,000 downloads and it does not make it to 500”¹⁵² (personal communication, Skype, June 5, 2012). The team, then, is trapped with that TV show either until it is finished or cancelled. Leg C described why a legender team must stay with a TV show regardless of personal preferences, “It looks bad for the team to return a TV show. It could mean that you won’t get a good TV show in the future”¹⁵³ (personal communication, Skype, June 5, 2012).

To summarise, Legenders make a commitment by asking LTV administrators to subtitle the episodes of a particular TV show. Whether or not the series will succeed is not guaranteed. A show may not actually create the predicted exchange value they expect from their investment of work. An analogy can be drawn here with the media industry. When a television network purchases the broadcasting rights of a TV show they cannot always guarantee the show’s success. The television network may therefore end up being trapped with a TV series until the end of a season; it is necessary to see a season through to completion or the network can come to be regarded by audiences as unreliable.

4. External theft – the “stealing” of subtitles with a failure to give credit
Although not directly cited by participants in this research as being a drawback of being a legender, the “stealing” of subtitles by external agents, and then the removal of the names of those who created the subtitles is perceived as being a major challenge and as emotionally affecting some Legenders. The participants defined external agents as being other teams of Legenders not affiliated with the LTV website, or the situation of subtitles being encrypted onto a video file and then the names of subtitlers being removed. Another example given was when Legenders’ subtitles are used by people engaged in physical piracy. Leg F and Leg G claimed that they had seen their subtitles used in physical copies of pirate DVDs. Another external agent is the distribution of amateur subtitles via websites other than LTV, an example being the website administrated by

¹⁵² as vezes você acha q a série vai ter 10 mil downloads e não tem 500.
¹⁵³ devolver série é mta queimação pode significar vc não pegar uma série boa futuramente.
SUB. Leg F accused SUB’s website of using the subtitles posted on the LTV website and then of removing the names of the Legenders who produced them.

The problem with this situation is if the subtitles do not have the names of the team of Legenders who produced them, that team will not be recognised in the file sharing community. Also, if people download from sources other than the teams’ websites or the LTV website this will represent a loss in the number of downloads of the subtitles. This is significant given that downloads are currency in the amateur subtitling world. They are important for motivating Legenders to keep doing their work, they improve the perception of the team as being reliable and they are a form of recognition. This robbery, therefore, is a situation which challenges Legenders. As Leg F explained, though, there are not many ways of controlling who uses their subtitles.

Leg G also said that often Legenders’ subtitles are even used by professional subtitlers. He described how when completing a translation of the TV show *Game of Thrones*, he accidentally made a mistake in a sentence, which later, after it was published online, he recognised and fixed. Then when he watched that particular episode when it was aired by a cable TV channel in Brazil, he saw the subtitle with the same mistake that he had made clearly indicating that it was his subtitles that had been used by the company.

Some of these accusations are quite severe, and the conflicts that arise in the amateur subtitling community actually take moral disengagement to a more significant level because Legenders claim the copyright for their informal, unlicensed and amateur subtitles. A similar issue was found in a previous study (Hemmungs Wirten, 2013) which examined fansubbers in Sweden who had used subtitles produced by others as their own. The fansubbers actually went on a strike as a result of this situation and the conflicts that arose. In Brazil, the use of legender subtitles by professional subtitlers did not present the same level of conflict which may reflect one of the particularities of this Brazilian case study.
The fair use of created subtitles and discussions about the stealing of subtitles and loss of downloads actually resembles the broader, offline discussion of the media industry who accuse pirates of reducing their profits. This is because number of downloads is currency in the world of informal distribution. The next section discusses the issue of copyright and amateur subtitling.

Rights holders X copyright pirates: Moral disengagement of Legenders

Interviews with Legenders in secondary sources (Calazans, 2010; Magalhaes Silva, 2009; Mendes Moreira De Sa, 2011; Sayuri, 2011) indicate that Legenders do not consider their work as piracy, but rather as a hobby. During interviews with the participants of this study I found similar results. All participants but one, Leg A, did not consider amateur subtitling as piracy. Leg A said he saw it as copyright infringement, but having said this, did not feel this situation interfered with his willingness to be involved in the activity. The main reason Legenders do not feel amateur subtitling is piracy is that it is for personal, not commercial, use. As Leg B explained, “because legally our work is not piracy. We do not make profits out of it. We are spreading culture. Not selling it. It is strictly for personal use”(personal communication, Skype, June 5, 2012).

The Legenders also indicated that they see subtitling as a form of promotion of TV shows and, in their amateur subtitles being better than professional ones, they are helping audiences. Leg I, who did not believe file sharing and amateur subtitling should be considered piracy, explained that Legenders do not see their work as something that is prejudicing the market, but changing it. He affirmed however, that it must be for private use and not to sell. He also added, “I don’t see it [amateur subtitling] as piracy but as advertising”(personal communication, Windows Life Messenger, December 12, 2011). These opinions illustrate “when piracy becomes promotion”, a phrase borrowed from Jenkins (2006c), and one which has already been used a couple of times in this thesis.

154 pq legalmente nosso trabalho não é pirataria. não temos lucro com isso. estamos disseminando cultura não vendendo é pra uso extremamente pessoal
155 Eu não vejo isso como pirataria, mas sim como propaganda.
On another issue, Leg I discussed how he perceives the media industry and their claim that artists loose profits. He said that he feels that many people in the media industry are not “playing a useful role” in regards to production and yet then are receiving credit for their minimalist role. He also does not feel it reasonable that the industry charges so much when really only a few people were actually involved in the production of the television show.

Leg I also said that television show fans must be respected, and if networks air TV shows at a significantly delayed time in comparison to the country of origin, and then the subtitles included with these airings are poor and yet, with the case of cable, come at a high price, it is understandable that people will find another way to access the television shows. Informal viewing and distribution is actually justified, therefore, given the “disrespect” showed by television networks in Brazil towards their audiences and their demands. This issue was also raised in the survey responses. Quite understandably, therefore, unauthorised sharing is not considered an illegal practice by these audiences. In regards to file sharing and amateur subtitling being a result of the disrespect of television networks Leg F defended the work of Legenders:

_When we make subtitles available online, we contribute in a way that Brazilians are able to watch films/TV shows at the same time they are released in the US or in any other country that the film/show originated from. This way, they don’t need to depend on the long gap between the overseas release and [its release] in the country. Other than that, the subtitles in Brazilian Portuguese created by established corporations, are in most cases, poor of quality. They cut off words, change expressions, amenize situations [...]. Sometimes, such as when they are aired on free to air TV, the TV show/film is dubbed, which destroys the actors’ performance, making them looking like idiots[^156] (personal communication, Email, June 1, 2012)._
From the interviews, the survey, nonparticipant observations, and my personal experience, it was clear that a great proportion of Brazilian fans of US TV shows do not tolerate dubbed television shows. Similarly, in her work Hemmungs Wirten (2013) described Sweden as “being a subtitling nation, Sweeden frowns upon dubbing” (p.127). Brazil is not a subtitling nation because audiences often view television programmes in Portuguese, and in fact national productions are more popular than imports (as described in Chapter Three). The issue, though, is that many audiences who enjoy US imports would rather view the shows in their original languages, and this situation is usually only offered through cable TV.

In spite of this, it seems that a number of the arguments put forward by the participants of this study were perhaps a misinterpretation of the law, because in Brazil uploading and creating subtitles is considered an illegal activity. Although the LTV website does not publish video files or post direct links for downloading, it can be argued that it still facilitates the unauthorised viewing of media content. It is thus a practice implicated in the infringement of intellectual property and generally is internet piracy. As explained on the Brazilian Antipiracy Association of Films and Music (APCM) website (APCM, 2012b), creating amateur subtitles is an illicit activity not only in Brazil but across the globe. According to Brazilian legislation (Brazilian Copyright Act of 1998, 9.610/98 Civil code § 3-Art.29 (IV)) and Article 8 of the Berne Convention, television series, books, movies and music must have the authorisation from the copyright owner in order for it to be translated. The APCM website clearly specifies that amateur subtitling infringes copyright law, regardless of whether or not it generates profits for the Legenders. It highlights that these practices facilitate access to the pirate versions of films and TV shows. APCM represents the interests of major American production companies, such as Universal and Disney. The main coordinator of intellectual property rights for the Ministry of Culture (as cited in Magalhaes Silva, 2009) said that Legenders could be liable for three months to a year in jail for distributing protected material.

In 2009 Brazil’s International Federation of the Phonographic Industry, along with APCM, breached the Legendas.TV datacenter and caused a temporary disruption to its
service (Enigmax, 2009). After a couple of days, in spite of accusations made, the Legendas.TV site was working again. In this situation the Brazilian strategy of resolving issues (Duarte, 2006), that is _Jeitinho_, was illustrated as the solution was found in migrating to a different and more secure datacenter in another country. Since this action was costly the Legendas.TV administrators asked, on their blog, for financial support from the website’s users. Although the donations requested were not compulsory, many users happily offered to contribute (“Legendas.tv temporariamente,” 2009).

In July 2010 Legendas.TV again went offline for a couple of hours and in this time the US Immigration and Customs Enforcement warning was displayed. This time, though, the administrators explained later that they had closed the site down themselves as a form of protest against the shutdown the previous day of the downloading website Brazil-Series, as already mentioned in Section 5.1 (Zmoginski, 2010). At this time the relationship between pirate audiences was clearly apparent. On July 16, 2010, the website Brazil-Series.com had its services terminated by the APCM. This was followed by its administrator’s arrest. The website was accused of infringing copyright by earning profits through the acceptance of donations and the use of advertising. At the time of closure the website had 800,000 users a month and provided the links to many popular television shows (Enigmax, 2010).

It is possible to conclude, therefore, that Legenders and their communities are an example of how the television audiences move from simply watching TV shows to socially interacting in networks with other fans in order to facilitate consumption by other viewers. The collaborative production of amateur subtitles may be considered piracy but it illustrates how digital commons can challenge the “permission culture” into a “free culture” (J. J. Brown, 2008; Lessig, 2004). It could be argued that by “combining altruism and self-interest” (Mason, 2008, p. 36), and by rejecting the traditional broadcasting system, Legenders attempt to initiate social change through their work practices.

The internal work relations between subtitlers and the pirate audiences that download subtitles were examined using a qualitative analysis of previous research and online news
media interviews in combination with empirical work. After investigating their practices, it was possible to conclude that the work of Legenders is similar to the outcomes of previous research on fansubbing in other part of the world. Brazilian Legenders, however, did present their own particularities.

5.5 Pirate Audiences and the Informal Viewing and Distribution of Television Shows – Practices in Brazil

Throughout this chapter, thus far, I have presented and analysed the research results. In this section I overview the most significant findings of this study, discuss how they relate to previously published literature on the topic, and consider the particularities of the Brazilian situation. Throughout this analysis I draw on the levels of engagement explained earlier to examine the results. I also consider the unexpected outcomes of this study and revisit the aims of this study, which were to gain a greater understanding of pirate audiences and their informal practices of informal viewing and distribution of television shows.

The Brazilian case study in an international context

The empirical work of this thesis was an investigation of pirate audiences’ practices in Brazil in order to understand how information and communication technologies have changed television viewing and how audiences utilise the internet to informally access television shows. Though amateur audience practices have existed for a long time, decades in regards to traditional media, these practices are currently being enhanced by the internet (Nightingale, 2011a). As Benkler (2006) explains, before the internet, “the practical individual freedom to cooperate with others in making things of value was limited by the extent of the capital requirements of production” (p. 6). With increasing access to the internet, many now have “the capital capacity necessary to” be producers, “if not alone, then at least in cooperation with other individuals acting for complementary reasons” (Benkler, 2006, p. 6). As the internet has allowed such practices to develop, collaboration among individuals acting towards a shared goal of informally viewing and distributing content has expanded and come to exist outside of but parallel, to traditional and licensed media viewing and distribution.
This research considered audiences that access, share, and/or facilitate the informal online distribution and consumption of television shows over the internet and the changing audiences who compose this amateur and parallel system. I argue that these audiences resist the standard television broadcasting system in favour of creating their own system of media distribution and consumption by utilising the internet. Frequently the interactions between online audiences go beyond simply accessing content, to forming social communities on the internet. As a consequence, there is a significant social element associated with the informal practices, just as there are social motivations for people to watch television content through authorised sources, as shown in the Brazilian case study.

Throughout this study I have shown that many piratical practices may be transnational along with the motivations for downloading, uploading and creation of subtitles for television shows. Also, the moral disengagement of people involved in the activity seems to be applicable to different cultures that is, most people do not perceive downloading as illegal or as criminal as other unlawful activities, such as physical theft. However, as this research has shown through the case study in Brazil, it is important to analyse individual cultures given their potential for local particularities.

**Is television downloading theft?**

It is common knowledge that digital technologies have changed the way audiences across the globe access media. Audiences may use digital technologies to their advantage despite the potential for copyright law implications. As Castells (2000) explains, capitalism is “oriented toward power-maximizing, that is, toward increasing the amount of surplus appropriated by capital on the basis of private control over the means of production and circulation” (p. 16). This concept, however, does not relate to perceptions of pirate audiences in regards to file sharing.

Moral disengagement towards the act of piracy has been prominently noticed to exist in a range of nations. Audiences’ evaluation of the low financial cost of cultural commodities
does not align with the practices of capitalism. This is reflected in the process of “gift exchange” where “information is for sharing not for selling” (Barbrook, 2003, p. 91), a process that usurps the purpose of a financial exchange for intellectual property. In this research I found that, although many audiences stipulated that they only engage in file sharing for purposes of private use, Brazilians do not always comply with the law for cultural, economic and political reasons.

In a country with high levels of corruption and an uneven distribution of national income, downloading television shows is not perceived as dishonest by file sharing users, and, in many situations, is encouraged by other peers. Simply put, people in Brazil find it absurd that anti-piracy organisations arrest civilians, such as the Brazil-Series website administrator, while more significant crimes go unpunished.

The issue of a “disrespect for audiences’ demands” was also mentioned in several sources. The fact that television networks do not release content sooner, do not even make some content accessible, and generally make other content inaccessible through the high cost of cable television and DVDs, was shown to be considered as motivation for people not choosing authorised sources and for not feeling guilty about their practices. Though an absence of guilt was found in other studies on music piracy (Bonner & O'Higgins, 2010), this research, with its focus on the downloading of television programmes, showed that there are many aspects that may contribute to the sense that there is no guilt associated with downloading, and I examine this next.

Brazilian pirate audiences have their own interpretation of the law, such as saying that television downloading is not piracy but actually promotion. Many participants in my study argued that through unauthorised file sharing unknown TV shows are promoted among pirate audiences. Thus, in a way, they are helping to promote the television show. Many participants also showed that they decide what qualifies as piratical practices or not. For some participants the practice of archiving was considered piracy whereas watching a program and deleting afterwards was not. For many others, archiving only for
private use was not felt to be an issue. In fact, archiving is perceived as an online
everyday practice by new media audiences as examined by Couldry (2012).

Despite the media industry and authorities claiming that unauthorised downloading is an
illegal activity I found in this research that pirate audiences in Brazil do not display any
fear of being caught. As indicated in the online survey results, slow downloading and low
quality are more prominent concerns. As previously stated in Chapter Three, practice and
law in Brazil may appear ambiguous and unclear to many audiences (Ronaldo Lemos\textsuperscript{157}
in Magalhaes Silva, 2009). According to Ronaldo Lemos the intellectual property
legislation establishes everything that is forbidden, but it does not clarify what is allowed,
and this opens up a space for confusion and thus interpretation (in Carmen, 2008). In
addition, the current intellectual property law inefficiently addresses changes in
communication technologies and the emergence of internet social practices. Therefore,
when considering moral disengagement towards what is defined as an illegal activity,
there are two issues in Brazil: first, people disrespect the moral or ethical view that anti-
piracy organisations try to put forward, and second, the legislation is impractical and
inadequate (DaMatta, 1986; Lemos, 2005) and many times unclear.

The poor understanding of copyright law, combined with contradictory messages from
anti-piracy organisations and authorities and even from the television industry itself, may
also contribute to pirate audiences in Brazil deciding whether or not they should listen to
anti-piracy organisations. For instance, in September 2012, I conducted a simple search
on Google, in Brazilian Portuguese, with the key words: “downloading, Brazil and
crime” and “illegal downloading, Brazil”. I found hundreds of online news media articles
and discussion forums debating whether or not media downloading is an illegal activity
in Brazil. In one of these articles, the lawyer of the Brazilian Association of Intellectual
Property described, during an interview, that “[P]eople do not understand that online
piracy prejudices the creation and production of new content in the future, because it
discourages investments in these activities” (in Passarinho, 2012).

\textsuperscript{157} Director of the Creative Commons Brazil and of the Centre of Technology and Society of the Law
School at the Getúlio Vargas Foundation.
In contrast, it is possible to find opinions, such as that of the Marketing director of Sony television, a Brazilian cable television channel that broadcasts a great range of US television shows, who said that, “the fans promote discussion groups on the Internet, and that helps in publicizing the TV series. On websites, they provide download links for those who want to see or review episodes. We do not consider this to be piracy because they are not selling the TV show”. This quote from her interview appeared almost 60 times in a Google search on different fan websites, blogs about media and file sharing and in other articles with titles such as “it’s not a crime to download episodes”. Whether or not this director, among others, have actually established this position, I found in the discussions that followed this quote that many pirate audiences in Brazil utilise this quote as an argument to justify their activities. Those who were in doubt as to whether their practices were criminal as the anti-piracy organisations claimed, also used this statement as way to assuage any feelings of guilt. It was a relief for them to learn that this media distributor does not consider downloading as piracy; others used the quote to condemn any prosecutions against amateur subtitlers, informal viewers and/or distributors.

Further, through my research I found that there is a socio-cultural and political influence on perceptions of piracy which means it is not wholly defined by economic scenarios associated with the content not being paid for. In some research, piracy and the nature of its operation has as much been related to culture as to economic contexts (Mun, 2008), and this is certainly the case in Brazil. In developed countries such as the US and England, the legislative system reflects their citizens’ social practices and common sense (DaMatta, 1986). In Brazil, though, DaMatta (1986) suggests that people constantly find themselves caught between the interests of private enterprise and public rights and this is demonstrated by cultural practices such as the Jeitinho Brasileiro.

---

158 Os fãs promovem grupos de discussão na Internet, e isso ajuda na divulgação da série. Nos sites, eles disponibilizam links para quem quer baixar os capítulos para ver ou rever. Não consideramos que isso seja pirataria porque eles não estão comercializando o programa.
159 Retrieved on October 5, 2012.
As introduced in Chapter Three, the Jeitinho Brasileiro, or ‘a clever dodge’ (DaMattá, 1979/1991), is a socially acceptable practice used to circumvent the system when private and public interests come into conflict. This was exemplified in the results of the qualitative and quantitative data collected on informal viewers, as well as in the outcomes of the two case studies on informal distributors of TV content, one being on fans who organise systems of informal distribution through Orkut communities and downloading websites, and the second on pirate audiences who produce amateur subtitles.

Brazil is a young republic. Thirty years ago it was still under the rule of a military government, although currently it is considered one of the most prominent economies in the world along with China. Like Brazil, China also has high levels of piracy (Palmer, 2010). The way that first-world countries minimise piracy will not work in Brazil because of socio-cultural and political problems. It takes time for a nation to develop its economy sufficiently before endeavouring to enforce policies for issues such as intellectual property protection (Mun, 2008). Further, Brazilians tend to reject censorship of any kind given the fairly recent military government which was replaced in the late 1980s. In Brazil, therefore, socio-cultural, political and economic contexts are conducive for practices of unauthorised file sharing and this prompts a discussion of how offline scenarios influence online services and vice versa.

By not taking such particularities into account, and limiting ourselves to seeing media piracy as “the global scourge,” “international plague,” or “nirvana for criminals” (Karaganis, 2011a, p. 1), it is possible that Lessig’s (2008) fears which were evident when he questioned, “[w]hat does it mean to a society when a whole generation is raised as criminals?” (Lessig, 2008, p. Xvii) may become true. Lessig (2008) says that many other crimes might seem “natural” to people when considering the social acceptability that file sharing involves and its criminal definition by authorities and copyright holders. In a society where legal and legitimate do not necessarily come together, Canclini (2008) questions “how much illegality, or the conflict of non-legitimate things, can this society tolerate without destroying itself?” (trans. author, p. 63).
In a country like Brazil, where people already circumvent the system to get things done, what will happen if their practices, which are considered harmless, informal, and socially accepted, suddenly receive the label of illegality and this illegality is strictly enforced? The parallel systems of informal distribution, which started as an audience-to-audience relationship, could come to be more insidious and be conducted more surreptitiously. And perhaps worst, television audiences would continue to be seen as criminals. Thus, there is need to understand these practices in the context they are immersed in and to focus on media file sharing as a global phenomenon and a result of “[h]igh prices for media goods, low incomes, and cheap technologies” (Karaganis, 2011a, p. 1) in addition to the “fast-changing consumer and cultural practices” (Castells & Cardoso, 2012, p. 828).

**Motivation for downloading, uploading and creating subtitles**

Besides people being morally disengaged from the ethics of media file sharing, when comparing previous empirical studies located in other nations and this research located in Brazil, it became clear that the motivations for downloading are transnational. Pirate audiences in Brazil download because of high prices, convenience, as a means to sample content and in order to participate in discussion forums. Delays in the availability of shows on free to air and cable television in Brazil, compared with the US, was the major reason for the illegal downloading of television shows. In addition, the pirate audiences involved in informal distribution and production of subtitles were shown to be primarily involved in these practices because of positive feedback, the capacity to improve language skills through the practice and because the activity results in them becoming part of a community.

In comparing my study with other research in international contexts, it became clear that Brazilian pirate audiences engage in similar practices, have similar motivations for downloading and a similar level of moral disengagement from the ethics of the practice being considered illegal. However, as most of these studies were based on other types of non-television media and since they did not address the topic using a holistic point, that is
they did not examine the piratical dynamics of both informal viewers and distributors, future research on television piracy in Brazil in comparison to other countries is needed.

The complexity of a parallel system of informal viewing and distribution of television shows - the levels of engagement

This research investigated the practices of pirate audiences in Brazil because there was a gap in the research literature on piracy with few studies being conducted in Brazil. Brazilian pirate audiences of television shows, mostly produced in the US, appear to create an effective parallel system, through collaborative work and organised networks, which operates alongside traditional broadcasting. The levels of engagement were developed as a hypothesis of how informal practices can be organised according to the pirate activities online.

The first level of engagement, active-passive and active-incidental, could not be fully explored in this research sample because of recruitment constraints. By definition, previous studies have shown that the majority of pirate audiences that take part in file sharing and media downloading practices over the internet are only consumers and not contributors (Itō, 2012) or facilitators of content access (Nieborg & Van Dijck, 2009). In other words, there are more leechers, people who download content, than seeders, people who upload content, on file sharing platforms. Therefore, most pirate audiences limit their activity to searching for media content and once it is found they cease their interactions. At the same level as active-passive, some file sharing platforms, such as BitTorrent160, may also lead audiences that are accessing content to contribute their own files to the networks. This can be considered an active-incidental level of engagement in the networks. The primary goal for these audiences is to search, find and collect television shows. Given the technology platforms, though, they may also end up sharing their files because they are part of a system or network.

As over 20 million people are involved in unauthorised sharing in Brazil it is clear that the sample of participants used for this study did not necessarily reflect an accurate

---

160 BitTorrent is one of the most popular peer-to-peer file sharing protocols in the world (Schulze & Mochalski, 2009).
estimation of the number of people who only establish weak bonds in the network by limiting their participation to downloading. Because of this limitation it was not possible to generalise on this aspect of television piracy in Brazil.

Though BitTorrent was cited as one of the most commonly used platforms for downloading, the participants in this research were also involved in active social practices, the next level of engagement explored in thesis. Active-social audiences consist of those people who download television shows and then want to discuss their experiences with online communities through discussion forums. They also share content with their personal networks. These interactions represent an active-social level of engagement by pirate audiences. Together they constitute, what Jenkins (2006a) calls, a participatory culture which results in “new models of cultural production” (p. 246) in which different peers can contribute their individual knowledge. The sample studied showed that word of mouth, mainstream media and an utilisation of social media were the most common ways that pirate audiences learnt about television shows and the release of new episodes.

These practices also operate in an offline environment, although in an altered form. With social media, however, the volume of communication is increased, and at times morphs into new forms, for example the playing of games with others, these games being related to particular TV shows. Pirate audiences may also leave comments about a newly released episode making others aware that a new season is available online.

Finally, for content to be accessible to audiences online some viewers must engage with the content beyond mere viewing and become, through voluntary work, the facilitators of access. In the active-labour level of engagement, pirate audiences operate in a collaborative, affective and immaterial fashion. This can take various forms, one way being the organisation of websites and online communities in Orkut which index TV shows for downloading. Another way is the production and distribution of subtitles that will be circulated to various networks.
This research thesis has focused on the informal distribution and consumption of full length television shows. This is a sensitive topic, to an extent, because it relates to the concept of piracy as theft. Thus, the “fair use argument\(^{161}\), defended by many scholars (eg. Lessig, 2008) when considering user-generated content, does not apply. The main difference between user-led distribution and user-generated content is that the content shared between peers is not different from its original version. There is no remixing, mashing up, or any kind of editing of the content. The shared content follows the copy and paste paradigm. I show, however, that involves an innovative means of distribution and consumption of content.

The parallel system of informal distribution of television shows resembles formal distribution

Based on my preliminary observations and on the literature on digital file sharing it became obvious that an informal, parallel system of viewing and distribution happens in countries like Brazil. Therefore, it was one of the aims of this research to investigate these practices. What I did not know was the complexity of how it occurs. The pirate audiences’ practices resemble traditional broadcasting in many aspects, such as in terms of investing in quality and the promotion of brands, in order to increase the number of downloads, the latter being the currency of file sharing communities.

After investigating the informal viewing and distribution practices in Brazil, I developed the following table which compares the informal, amateur practices which occur in association with US television shows in comparison with the formal distribution of the same US shows.

---

\(^{161}\) “Fair use defines the appropriate balance between a monopoly right given as an incentive for innovation and the public interest in the free flow of information for a variety of cultural reasons” (Fitzgerald, 2000, pp. 359-360). In the case of informal distribution and consumption, fair use relates to the amount of intellectual property used, the full length of television shows, the absence in re-purposing the content through creative resources, the fact that content shared is claimed to replace traditional broadcasting, market effects and industry claiming to loose money because of piracy. These are the main reasons why informal distribution and consumption do not fall under fair use protection.
A comparison between the informal distribution of television shows among pirate audiences and the formal distribution of films can be made. After reviewing the power of word-of-mouth, of social sharing, of subtitles that become famous, or the pervasiveness of links for downloading, particularly those which are posted before other, it is clear that pirate audiences are the gatekeepers of content and they have the capacity to significantly influence the consumption of content. As Lobato (2009) explains in his thesis:

Distribution, the most profitable sector of the film industry, is a rich site for cultural analysis. Distribution networks do more than deliver content to audiences; they shape film culture in their own image by regulating our access to cinema, creating demand for future production, and structuring our habits and tastes (thesis abstract).

Also, it is possible to argue that the first seeders, as seen in Chapter Two, are the main gatekeepers of the informal, online file sharing of television shows. They essentially control what content is available. In this way audiences limited to active-passive, active-incidental and/or active-social levels of engagement are only able to use content that is already available for downloading. Although those involved in active-social practices may assist in increasing of the number of downloads.
Even though global television distribution is controlled by media owners in a legitimate way, audiences are gaining more control through interconnections on online networks. Such audiences, therefore, are becoming more resistant to traditional models and are actually becoming innovators, to an extent, because they develop creative ways of consuming and distributing content. Research which takes into account the political economy of media, however, are “more sceptical about the transformative capacities of new media, stressing more strongly the continuities between ‘old’ and ‘new’ media” (Flew, 2008, p. 56). To some extent I agree with this statement, and this belief has been demonstrated in this thesis when I have indicated that many practices existed prior to the internet. Despite this, though, I also argue that new knowledge is evolving due to changes in social practices which have been brought about by new media technologies, such as the sharing of television shows through the internet.

The controversial work of the administrators of online communities on Orkut and downloading websites, and the controversial work of Legenders, illuminate the emergence of a sub-culture of pirate audiences who have found a way to circumvent the system through an online community. Their practices actually reflect the Jeitinho Brasileiro. Although the Jeitinho is generally used for an individual’s advantage, it can also be used to help others (Barbosa, 1992). By creating informal distribution channels these facilitators help many Brazilian pirate audiences to access a desired content. They do not consider their work piracy, and they feel rewarded for affective reasons, such as positive feedback, prestige, friendships created and feeling like they become, in an indirect way, part of their favourite television series. Further, the work of the facilitators is considered prestigious among other peers in the fandom community who are thankful for having access to television shows accompanied with Brazilian Portuguese subtitles.

The informal distribution practices are also a form of digital labour. Given the working conditions it is free and affective, and yet precarious (Terranova, 2004). Facilitators are willing to work for free so others can have access to foreign television content. The product they produce is free, although ironically not at all free for themselves given their
investment of time, effort, cost of internet connection and electricity, and other expenses. For instance, Leg G said he spends at least 150 Reais (80 USD) per year on his Legenders’ team website costs. The work of the facilitators is, therefore, precarious because it is unpaid, unregulated and voluntary.

Terranova (2000) defines free labour as an “important, and yet undervalued, force in advanced capitalist societies” (p. 33). As the case studies illustrate many pirate audiences establish an affective engagement with the TV shows and other peers, and in doing so they increase their willingness to take part in this collaborative work (Terranova, 2004). The affective rewards then seem to be the currency used in the pirate audiences’ networks.

The social status and prestige of being a distributor is linked to theories of a gift economy. According to Hyde (1983) the condition of status is related to the act of giving to others, being less emphasised then the act of owning as in a commodity economy. In the network of the internet the results found after a search is conducted become gifts when content is shared between peers (Barbrook, 2003). The links for downloading and the subtitles accompanying them are gifts shared between pirate audiences. Future research is needed to explore how the practices of Legenders’ are innovative in the global distribution of television.

After collecting and analysing the results, I found it interesting to explore other issues that arose which I had not foreseen prior to data collection. For instance, I did not foresee conflict: between teams of Legenders, within the Legendas.TV website and between other websites that distribute subtitles. I did not imagine that fandom websites could be a source of amateur subtitles, nor that the general public would complain about the time required for the production of subtitles. I also did not foresee that the Legenders who produce subtitles would feel as if they have ownership over the final product. It was surprising to find that were angered by other teams or websites distributing their subtitles, that is, “stealing” their amateur subtitles when they themselves were working with a
product that had, technically, already been “stolen”, when considering “stealing” as unauthorised use of media, as discussed earlier in this chapter.

Also interesting was that for all the facilitators considered in this study time pressure and other policies established in this online community create an environment that, although primarily grounded in a fandom culture, still requires professionalism, responsibility and hard work. The organisation of work is structured and there even exists a hierarchy of work distribution. These findings led me to believe that the relationship between the administrators of the LTV website, the community of Legenders, and even among Legenders themselves, are organisationally similar to traditional offline arrangements. This suggests that a symbolic power operates within and across the culture of Legenders.

By mixing work and pleasure, the pirate audiences involved in distribution practices are contributing to an emerging understanding of how audiences are evolving in using the internet to consume and distribute content. Such a practice is part of a broader movement that aims to promote social change and an innovation in the global distribution of television and other cultural products and artifacts. That leads me to my final finding.

**The usefulness of rethinking pirate audiences in Brazil**

Throughout this thesis, I examined the usefulness of rethinking the concept of pirate audiences in order to gain a new understanding of piracy and audiences. I argued that the concept of piracy can be re-thought by examining the informal practices of viewing and the distribution of television content on the internet. I argue that regardless of the informal ways of viewing\(^1\), pirates are, in fact, audiences. Though they are audiences involved in informal practices, they still watch the same content. These practices constitute a parallel system of informal viewing and distribution in which pirate audiences have control over the content.

I contest the fact that what classifies an audience as pirate, and what classifies an audience as viewer, is based on how they represent commercial value through television

\(^1\) Informal practices in this thesis framework happen for private use and in non-commercial ground.
ratings. When considering the complex digital environment, it becomes clear this is an outdated way of perceiving contemporaneous audiences. Pirate audiences may have mixed viewing practices. That is, for some content they may watch television shows in scheduled hours, buy DVDs and watch authorised online streaming content. For other content they may download through informal platforms.

A finding that I did not predict was that not all pirates are fans. That is, pirate audiences are not necessarily fans of the television shows. For instance, it was found that Legenders may engage in amateur subtitling practices, not because they enjoy a particular show, but because of the practice of subtitling itself.

It is important to understand that pirate audiences are innovative, selective, segmented, driven by affective motivations, collaborative, amateur producers, global, influenced by other audiences, gatekeepers, free culture adapters, fans, and adaptive in regards to social networking. All the features above may combine to form an everyday practice, or only a few features may be part of audiences’ viewing habits as they are combined with more traditional viewing habits such as sitting on the couch and watching linear television broadcasting.

Together, all these findings fill a gap in the Brazilian research literature on television downloading cultures. Brazil is important, not only because it may be one of the most dominant economies in the world by 2050 (Lawson, 2003; O'Neill, 2011), and for its significant media file sharing statistics (IPEA, 2012), but because it provides solid and complex examples of the informal viewing and distribution practices of pirate audiences. The informal practices are evolving, along with the notions of audiences, television content, television viewing and piracy. They are also incorporated to people’s everyday lives. The end result of such changes is unknown and thus analyses of pirate audiences are a continual work in progress.
5.6. Chapter Summary

Internet technologies have further empowered television show pirate audiences with the appropriate platforms and tools to organise themselves in a community (Moore & Costello, 2007) and to create alternative content delivery systems when the traditional sources do not meet viewing expectations. In order to understand how pirate audiences maintain a parallel system of informal viewing and distribution in Brazil, based on both research and my own empirical work, the goals of this chapter were to describe and analyse how informal practices occur and under what circumstances.

The results of Components One and Two indicate that Brazilian pirate audiences, who did not perceive downloading as illegal, justify their practices as being for non-commercial purposes and for private use only. I also observed that the moral disengagement from the ethical implications of unauthorised downloading of TV shows was associated with a sense of immunity from being punished and a distinction of their activity from more severe crimes such as corruption and violence. This moral disengagement was also possible because in Brazil copyright protection legislation is unclear and impractical and a difficulty in accessing content means people are inclined to overlook this legislation.

Further, I investigated the motivations for downloading television shows. Besides being used as a justification for not perceiving the practice as illegal, the unavailability of TV episodes, the delay in their release, and the high price of DVD boxes, of cable subscription or other authorised distribution channels, were the primary motivations for downloading. For these and for other reasons, I learned that the Brazilian pirate audiences are very protective of their file sharing community and of their “right” to download. These results gave voice to the perspectives of informal online viewers of US TV shows.

When addressing informal distribution, I presented the results and an analysis of an investigation of downloading websites and Brazilian communities on Orkut. Using the results of my interviews I also described how informal distribution and the production of amateur subtitles for US TV shows occur. For the latter I described in detail the practices
of amateur subtitlers, known as Legenders, their motivations for creating subtitles, the drawbacks, and the relationships common among the various stakeholders: team members, the Legendas.TV website, Brazilian fandom websites and the pirate audiences who download subtitles.

The pirate community in Brazil is strong and the interactions go beyond television downloading. After analysing Orkut communities and television show audiences’ discussions online, I found that the gap in time between an episode being released in the US and then in Brazil can be extremely frustrating for television show viewers, especially those who interact with other fans in discussion forums. As already mentioned, the unsatisfactory delivery of television content blurs people’s perception of the illegality of downloading.

Although finding alternatives to circumvent the system, in a spirit of the Jeitinho, has been the primary action of Brazilian pirate audiences, they have formed a community of people who share similar values and motivations and who seem protective of their practices and the people who make it possible for them to download TV shows (owners of websites, facilitators of online communities which include links for downloading and amateur subtitlers). Generally, pirate audiences in Brazil have created an efficient parallel system of online viewing and distribution of television shows which is based on affective labour. These informal practices mirror other digital practices, such as searching and archiving (Couldry, 2012), and in the process address the significant demand for television content. Though the practices of pirate audiences may be seen as piratical, these communities of people are still audiences of television shows.
Conclusions

This thesis sought to examine informal practices of viewing and distribution of television shows on the internet in Brazil, in order to contribute to a better understanding of television audiences and piracy more globally. Drawing on Couldry’s (2011, 2012) concept of “everyday practices online”, I explored different ways through which people access television shows and form pirate networks through their practices. In doing so I was able to expand current notions of pirate audiences, thus demonstrating the usefulness of the term for critical cultural and media research on the uses of digital media.

As discussed in the thesis, informal viewing and distribution practices introduce considerable challenges for national and transnational media industries as well as for regulators. By rethinking the concept of pirate audiences I argued that it is possible to understand that watching television no longer necessarily means watching scheduled episodes of TV shows on a television set and broadcast from television networks. Within a new landscape of digital networks, television content now circulates through different media platforms and in non-linear ways from one peer to another (Bennett & Strange, 2011; Goggin, 2011b). This flow is often facilitated by internet users across the globe that exchange television content in the same way they share personal photos or links to websites.

This is why I found that using the term “pirate audiences” was appropriate to classify informal and changing audiences. I argue that regardless of the informal ways of viewing, pirate audiences are, in fact, “audiences”. They still watch the same content as the audiences who are watching it from a television set or online, through authorised sources which comply with licensing agreements. However, they are “pirates” because they are involved in informal practices. For the purpose of this research I focus on informal practices that are for private use only and on affective and non-commercial grounds. This definition was confirmed in the results of this thesis as the majority of participants do not perceive themselves as “pirates” in the same context as “thieves” or “criminals”.

258
This thesis has made both a conceptual and empirical contribution to research on new media audiences and media piracy. Due to a change in practices the term “pirate audiences” has been reconceptualised to have a lesser focus on the illegality of practices. Alternatively, I focus on demonstrating how informal practices are becoming part of Brazilian audiences’ everyday practices of watching television. This thesis has also shown the importance of analysing specific countries, in this case the rich new media environment in Brazil, in regards to their practices of informal viewing and distribution of media content. Overall, the research of this thesis has gone some way in closing the gap in Brazilian literature on television downloading cultures.

Most cultural and media studies of internet use in Brazil focus on music, film and/or software downloading. This study therefore offers the first grounded research on television file sharing in Brazil. Emphasising the practices of exchange rather than the content of these exchanges, I have been able to demonstrate that the practices of pirate audiences are simultaneously transnational - due to the global reach of the internet and locally embedded, as socio-political and economic aspects do play a significant role in shaping how people perceive and organise themselves in informal practices.

In order to obtain an in-depth understanding of pirate audiences’ practices in Brazil, I based my research on a mixed methods approach, which included qualitative and quantitative data collection and analysis, and the triangulation of the results (the use of incoming results to influence the next step of other data collection). The data collected through nonparticipant observation, online survey, interviews and a focus group provided a multiplicitious perspective on the informal practices of audiences and yielded knowledge that was not initially foreseen. By analysing these practices of television viewing and distribution from a holistic point of view, I was able to examine different sources in order to understand the characteristics of a global phenomenon from the perspective of a sample who lived in one country, that is, Brazil, and who shared similar values, understandings of culture, politics and social practices. Online data collection was the most appropriate for keeping participants anonymous, an ethical necessity since examining participants involved in an illegal activity.
This thesis started demonstrating, through a review of relevant literature, how the internet has changed television viewing and changed formally accepted definitions of “audiences” and “piracy”. I explained that these changes have evolved due to an increase in audience participation with people using the internet to meet their demands for specific media content. I argue that the perception of audiences as pirates emerged in an offline context, but that given the surge in both digital technologies and thus the scale and global reach of its practices are occurring in a totally transformed landscape, and thus such definitions must correspondingly change. The concept of pirate audiences also continues to be in a state of flux given the continuing conflicts between industry copyright law and file sharers.

Following Couldry’s (2011) argument on examining practices as a way of understanding the contemporary use of media, I explored the practices of pirate audiences through their different levels of engagement in the network. I formulated the classification of the levels of engagement by taking into account the active nature of pirate audiences and the different roles different stakeholders play in the pirate community. Three levels were defined: (1) active-passive and active- incidental, (2) active-social and (3) active labour. This typology helped me to organise existing research on the topic in order to further understand the practices of pirate audiences. The levels also allowed me to more effectively explore Brazilian pirate audiences and to contrast different audiences into different categories. This model, and this research in general, allowed me to examine the geographical, political, social, economic and cultural factors that influence the way people use media.

Chapter Three contextualised the empirical work of this thesis. A review of research on digital piracy and new media audiences in Brazil indicated a gap in the literature with an absence of studies on how audiences in Brazil informally maintain a parallel system of viewing and distribution of US television shows. Also, this chapter presented a gap in the literature in contemporary audiences in Brazil which lacked on presenting the research design of empirical work on television audiences. Addressing the latter gap, Chapter Four
was a presentation of the research methods which were used to collect data. I also used this chapter to examine ethical questions and the challenges of conducting data collection online which I found that are often overlooked in research on media piracy.

Finally, in Chapter Five, I presented the results and subsequently a discussion of these results. This discussion gave the perspective of pirate audiences in Brazil and how they felt about the practices of downloading, distributing and creation of subtitles for television shows on the internet. I examined themes raised by these results and the preceding literature review, for example the moral disengagement of audiences and motivations for downloading. The results of the Brazilian example were similar to transnational research on the topic, that is, Brazilian audiences have the same motivations for file sharing, and moral disengagement from the practices as audiences as occurs in other parts of the world. In line with this, pirate audiences in Brazil generally do not perceive television downloading as a theft of intellectual property.

I found, however, that Brazil’s socio-cultural, political and economic contexts seem to be conducive to practices of unauthorised file sharing and this makes possible a discussion of how offline practices impact online services and vice versa. I found that piracy is commonly influenced by cultural practices, especially the absence of an adequate television broadcasting system. Brazilian pirate audiences have their own interpretation of the law. For instance, many participants of this study stated that television downloading is not piracy but actually promotion. As a consequence Brazilian viewers persist in breaking the law when downloading television shows from unauthorised sources, regardless of the severe penalties for transgressors. They use a popular “problem-solving strategy” called Jeitinho Brasileiro (Duarte, 2006) to address the delay or unavailability of US programmes on Brazilian cable and free-to-air television. I also observed that in a country with high levels of corruption and an uneven distribution of national income, downloading television shows is not perceived as dishonest by file sharing users, and, in many situations, is encouraged by other peers.
Moreover, similarly to empirical work on file sharing, the motivations for downloading television shows in Brazil are primarily because of the high prices charged for original content on DVDs or on cable television, the general unavailability of content, or the slow release of content. Also, in agreement with other studies on fansubbing and informal media distribution practices (e.g. Baym, 2011; Ito, 2012; Tian, 2011), the pirate audiences in Brazil were also shown to be primarily involved in these practices because of positive feedback, the capacity to improve language skills through the practice and because the activity results in them becoming part of a community. Pirate audiences in Brazil participate in informal, parallel systems on non-commercial and affective grounds, such as enjoying the work of voluntarily uploading media content in order to keep a pirate community operating. Consistent with Nightingale’s (2011b) argument that content can be considered the reward of an online search and Green and Jenkins’ (2011) study that online content is a gift which can be shared with others, I showed how pirate audiences in Brazil understand their different forms of engagement.

The informal distribution practices in Brazil proved how the engagement between users in a digital environment, as audiences use new technologies to participate in and develop online relationships, can be locally specific or particular. I did not foresee that the pirate audiences’ practices resemble traditional broadcasting in many aspects. For instance from the Legenders’ work practices it is clear that, although amateur subtitlers, the work of Legenders shares similarities with professional work practices: distribution of work, advertising, public relations, just to name a few. This situation demonstrates digital labour, hierarchy and symbolic power operating in the Legenders environment. Such findings contribute to the fields of research on peer-to-peer production systems and cultures (Bauwens, 2005b; Benkler, 2006) and digital labour in online communities (Baym, 2006; Terranova, 2004).

Also, I showed that the Legenders who produce subtitles would feel as if they have ownership over the final product. It was surprising to find that they were angered by other teams or websites distributing their subtitles, that is, “stealing” their amateur subtitles when they themselves were working with a product that had, technically, already been
“stolen”, when considering “stealing” as unauthorised use of media. That reaffirms the idea of Barbrook (2003) that “information is for sharing not for selling” (p. 91), though in the context of amateur subtitlers that would mean “selling” in exchange for prestige as the team who “stole” subtitles would receive recognition from television shows fans instead of the team who created them.

Also, even though content triggers activities, such as informal viewing and distribution, for many pirate audiences, the practice is more important than the content itself. This was shown through the examples of the informal distributors in Brazil who, as participants of interviews and surveys, said that some of the most significant motivations for their involvement in the informal practice of distribution were: learning English, socialising with other peers and gaining a sense of belonging in a community. This finding demonstrates how the concept of “practices”, as an activity, is important to pirate audiences because the relationship they establish with media products is not solely based on a preference for content, though it is still relevant, but also for the ability to be engaged in practices of sharing and participating. This finding shows how complex and everyday practice - watching television - has become.

**Limitations of this study**

Some of the limitations of this study have been stated throughout this thesis, but is nevertheless important to review them here.

The first limitation relates to the empirical work of this research thesis and most specifically the use of case studies. While some of the strengths of case study research are the depth and situatedness of analysis of a specific object of enquiry (Creswell, 2013; Yin, 2009), it may also prove weak in terms of the capacity for generalisation. In order to minimise this potential issue, this research started by outlining the findings of other works on media piracy examining motivations for downloading and moral disengagement from the illegal nature of the activity. In this way I was able to map out the global issues associated with this practice. Most of these studies, however, were not focused on television downloading which confirms a gap in literature. Thus, I compared the results
of television file sharing in Brazil with results of unauthorised downloading of different media in other countries, which were not limited to television.

Restricting my study to only one medium – television - allowed me to clearly define the parameters of my research and to refine my empirical work. Also by considering television broadcasting, television downloading and television audiences, I was able to address a specific gap in media piracy research. I recognise, though, that some of the findings of this research could equally apply to pirate networks involved in other media, such as the music industry.

Another limitation was the recruitment process. As explained in Chapter Four, in order to protect the participants’ identities I had to collect minimal personal contact information from those involved. This inhibited follow up questions with participants from the survey and with the participants who discussed issues on forums associated with particular television shows. Most of the respondents of the online survey belonged to the second level of engagement, active-social, and the third level of engagement, active-labour. As they were recruited through social networking websites, the sample may represent the more participative pirate audiences at the expense of individuals who just download content. From a quantitative perspective this is an issue because it can generate an unrealistic idea that the sample represents the population of Brazil in general, indicating that pirate audiences are mostly participative and formed by contributors.

**Recommendations for future research**

The Brazilian case studies contribute to an understanding of both informal viewing and the distribution of television shows. Brazil is important, not only because it may be one of the most dominant economies in the world by 2050 (Lawson, 2003; O’Neill, 2011), but because it provides solid and complex examples of informal viewing and distribution practices which are used by pirate audiences. The outcomes of this study have the potential to generate further research, particularly the development of similar case studies in other countries.
Besides my research, there is limited research on television file sharing in Brazil as reports on internet use in the country only consider music, film and/or software downloading (IPEA, 2012; NIC, 2011). In this regard my research contributes significantly to research on media piracy, but certainly a greater quantity of research could be conducted on television downloading as a limitation of time and resources prevented me from studying a large sample. Predominantly my knowledge was built through qualitative research and really more research is needed to measure these practices in a more quantitative manner to further understand who the people are who download television shows in Brazil. A statistical analysis of a wider sample of pirate audiences involved in informal distribution and fansubbing practices would be beneficial.

While this research was being written, new services of television distribution were introduced in Brazil, such as Netflix, a paid online service which allows users to watch streaming of films and television shows. The service became available in Brazil in 2011. Despite Netflix’s success in the US, it has encountered problems in the Brazilian market, such as poor internet connections making it unviable, Brazilians not being accustomed to paying for content online, or Brazilians being afraid to use their credit cards over the internet given the rising number of cases of credit card fraud (Muniz, 2012). According to statistics on alexa.com, however, in August 2012, Netflix was ranked in 98th place as the most accessed website in Brazil. Future research is yet to determine to what extent developments like this, will reduce digital piracy or even create new models in combination with informal practices.

This research also suggests the need to further examine the informal and parallel system of distribution in Brazil. As this research has indicated these systems are operating and reaching a wider audience in the country. The developments of these informal, parallel networks, though, must be monitored, particularly in terms of how the industry will react to them. The collaborative production of amateur subtitles and the informal distribution of full length TV shows through downloading websites and online communities may be considered piracy. Such practices, though, illustrate how digital commons challenge the
“permission culture” and shift it to a “free culture” (Brown, 2008; Lessig, 2004), and this transformation would be a good topic for future research.

Further, by mixing work and pleasure, Legenders and informal distributors greatly contribute to an understanding of how emerging and evolving audiences are using internet tools to consume and distribute content. Their collaborative engagement and organisation present a kind of a commons which is formed and upheld through voluntary labour and engagement. It may be illustrative to investigate how such practices are part of a broader movement that aims to promote social change and an innovation in the global distribution of television and other cultural products and artifacts.

Empirical investigation is also needed to find the similarities and differences among South American countries and how pirate audiences in the different countries there negotiate their access to television content that is not available or only available after long delays. According to the web information company alexa.com, the torrent downloading website The Pirate Bay is ranked in 63rd place among the most visited websites in Chile and in 50th place in Argentina\(^\text{163}\). It would also be interesting to determine how pirate networks operate in developed countries, not only from the perspective of amateur subtitlers, as previous studies have shown (Hemmungs Wirten, 2013; Petridis, 2012), but also from the perspective of distributors and informal viewers of full-length television shows.

Finally, as previously stated, a personal interest fuelled me to study this topic. I am originally from Brazil and have lived there most of my life. Although I largely conducted the research from Australia, I found the similarities and differences between Australia and Brazil interesting, such as the high rates of internet piracy and the moral disengagement from this practice, despite the TV industry stating that this activity is illegal. In contrast to Australian audiences (Dale, 2012), only a minority of audiences in Brazil are exposed to US television shows. Just as in Australia, many of these audiences are involved in the unauthorised sharing of television shows. I believe that these

associations and the results from this thesis can generate further comparative research between these two countries.

Overall, it is obvious that the field of piracy is changing and further research is required on the practices of new media audiences regardless of whether or not they are classified as “piratical”. I conclude that rather than classifying all forms of television downloading and distribution as piracy, we should focus on understanding the complexity behind informal practices of pirate audiences, such as those studied in this thesis, and seeing them as “revolutionary” movements of peeracy.
References


Calazans, R. (2010). Um fã conta como é a rotina de uma equipe de 'legenders' [A fan tells how are the daily activities of a tem of 'legenders']. *O Globo*. Retrieved from http://oglobo.globo.com/cultura/mat/2010/05/07/um-fa-conta-como-a-rotina-de-uma-equipe-de-legenders-916532658.asp


Carmen, A. (2008). Ronaldo Lemos fala sobre a tensão entre leis e internet [Ronaldo Lemos speaks about the tension between the law and the internet]. Retrieved from


Carpentier, N. (2012). The concept of participation. If they have access and interact, do they really participate? *Fronteiras, 14*(2), 164-177. doi: 10.4013/fem.2012.142.10


Chmielewski, D. C., & James, M. (2006). TV may be free but not that free. As downloads increase, executives have to figure out how to convince people it's stealing. Los Angeles Times. Retrieved from http://articles.latimes.com/2006/mar/01/business/fi-tvpirate1


Federowski, B. (2012). Acesso à Internet no Brasil chega a 82,4 mi de usuários--pesquisa [Internet access in Brazil gets to 82.4 million users- Nielsen online research]. *Reuters Brasil*. Retrieved from http://br.reuters.com/article/internetNews/idBRSPE85A04Z20120611


Hernandez, G. (2005, June 14th). Wal Mart, Target rewind VHS format's phase out recognizes DVD growth, *Daily News*. Retrieved from http://uws.summon.serialssolutions.com/link/0/eLvHCXMwQ7QykcsD18L1ATDhWVroQg7DQczB1xX2bqIMsm6uIc4eurBCMz4IYfewtTECJhugXmWTy1B0qd c1n_x4h0G6mXN27cCAFTZKRs


IBOPE. (2012). Número de brasileiros com acesso a internet chega a 79,9 milhões [Number of Brazilians with internet access gets to 79,9 million] *Nielsen Online*: IBOPE.


McCormick, A. (2006). Film companies use mash-ups to push 'The Fountain'. New Media Age, 5 (Journal Article). Retrieved from http://uws.summon.serialssolutions.com/link/0/eLvHCXMwQ4wAwMqDxPR0Io oDi1PQZKlxAoeqax3E2WQe3MNcfbQhZWZ8Sk5OcAWrBmo0wKs9gz5e kMuPG-rdZ827_GRBS9_uUBAfW8LBQ


Messa, M. R. (2006). A cultura desconectada: sitcoms e séries norteamericanas no contexto brasileiro [The disconnected culture: sitcoms and north american series in...
Miller, T. (2009). A televisão acabou, a televisão virou coisa do passado, a televisão já era [television is over, television is from the past, television has ended]. In F. F. Joao (Ed.), A TV em transição. Tendencias de programacao no Brasil e no mundo [television in transition: trends in programming in Brazil and in the world]. Porto Alegre, RS: Globo Universidade/Editora Sulina.


Norman, D. A. (1998). *The invisible computer: why good products can fail, the personal computer is so complex, and information appliances are the solution*. Cambridge, Mass: MIT Press.


Online, I. N. (2012). No Brasil, 43% dos internautas assistem à TV enquanto navegam [In Brazil, 43% of internet users watch TV while surfing online]. *NewsPress*


Teixeira de Barros, A., & Brum Bernardes, C. (2012). Identidade e programação das emissoras de televisão do campo público: estudo comparativo de quatro canais federais brasileiros [Identity and programming of television networks in public domain: a comparative study of four Brazilian federal channels]. ALCEU, 12, 180-203. Retrieved from http://revistaalceu.com.puc-rio.br/cgi/cgilua.exe/sys/start.htm?infoId=437&query=free-labor&authorname=all&search%5Fby%5Ffield=tax&search%5Fby%5Fkeywords=any&search%5Fby%5Fpriority=all&search%5Fby%5Fsection=all&search%5Fby%5Fstate=all&search%5Ftext%5Foptions=all&sid=36&text=Televis%E3o&x=14&y=13


Tolipan, H. (2012). Globo sobe em ranking e torna-se segunda maior emissora do mundo! [Globo climbs up ranking and becomes the second biggest network in the


Appendix A

Socio-economic levels in Brazil

A Pirâmide Populacional dividida em Classes Econômicas

Note. The figure presents the changes from 2003 to 2009 in regard to the number of people in each Classe Economica [Socio-Economic Level]. A and B correspond to the most privileged portions. Retrieved March 8, 2013 from http://www.cps.fgv.br/ibrecps/ncm2010/NCM_Pesquisa_FORMATADA.pdf.

Fonte: Centro de Políticas Sociais da FGV a partir dos microdados da PNAD/IBGE
Appendix B

Names of online communities in Orkut utilised for observation and to promote the survey. The numbers in brackets indicate the number of members of that community. Retrieved March 5, 2013 from www.orkut.com.

American Horror Story Oficial™ (20748)
BitTorrent Brasil (7156)
Bit-torrent and Free Downloads (1974)
Breaking Bad (18519)
CSI - Investigação Criminal (270047)
CSI - Investigação Criminal (358053)
DEXTER - OFICIAL (182091)
Download - Series (3677)
Dr. House download (21148)
Filmes e Séries - DOWNLOAD (87695)
Filmes e Séries - DOWNLOAD (268623)
Filmes e Series - DOWNLOAD + (7640)
FRINGE - SERIE - OFICIAL (67974)
Game Of Thrones - Brasil (75338)
Glee - Brasil (395109)
Gilmore Girls (20886)
Gilmore Girls - Download (317)
Gossip Girl - Brasil (148410)
Gossip Girl • Oficial® (373241)
Gossip Girl • Oficial® (373241)
Gossip Girl • Série (882)
Gossip Girl - Série (200117)
Hart of Dixie |Série|Oficial™ (10183)
How I Met Your Mother|Oficial® (84414)
House Oficial® (314742)
Keeping Up w/ the Kardashians (1135)
Keeping Up with Kardashians (3854)
LOST - OFICIAL® (249438)
LOST - Série (247826)
mad men (4181)
Mad Men |HBO| Série (7273)
• MegaUpload e Rapidshare • (57835)
Modern Family | ABC | DarkSide (169)
Modern Family |ABC| Série (2415)
Modern Family • Download (1176)
Modern family | Oficial® (50269)
Modern Family - ABC [Ofical™] (46238)
Pretty Little Liars - OFICIAL® (187763)
Pretty Little Liars - Série® (122697)
Revenge - Série (10886)
Séries e Filmes Downloads (120696)
Séries & Filmes Forever® (103229)
Séries TVix Downloads (21597)
Sex and the City download (6152)
Smallville Brasil (101331)
Smallville Oficial® (192107)
Smallville Série (159849)
Supernatural / Sobrenatural (698184)
Supernatural / Sobrenatural ® (697823)
Teen Wolf - Série - OFICIAL ® (21644)
The Big Bang Theory Downloads (7207)
The Big Bang Theory • Oficial® (265766)
The Vampire Diaries - Oficial® (366190)
The Walking Dead - Série (336029)
The Walking Dead - A Série (490296)
TRUE BLOOD - OFICIAL ® (168690)
Two and a half men (59489)
Weeds - Brasil |Série| (7605)
Appendix C

Names of online communities in Facebook utilised for observation and to promote the survey.

Baixar Seriados
Darkside
Download Series
InSUBs
Legendas.tv
Legendas em Serie
Legenders inSanos
ManiacSubs
Queens of the Lab
SeriesFD
Series Lider
Series TVix
United
Appendix D

Online survey questions

Welcome! Thank you for your interest in the research “Television over the Internet”.

The television industry is changing along with the way many viewers want to watch content. Globalization has knocked at our doors offering us the world, and although everything is reachable in one click of the mouse, there is an impasse between the audience demanding broader accessibility to television shows and networks seeking profits. This research is exploring new perspectives to this dilemma and its outcomes could offer a solution for both parts. If you are older than 18 years old, living in Brazil and you download television shows over the Internet at some point in the past 12 months, please join this survey.

Your answers to this questionnaire are very important and will add great value to this project. Please bear in mind that your participation is anonymous and if you require further details you can contact me through the following blog website (please don’t provide your surname and contact information!).

http://tvonlineresearch.blogspot.com/

Please answer this survey as honestly and openly as possible. In addition, your response needs to be according to your viewership patterns over the past 12 months. Note that feature-length or short films are not considered in this research. Only shows that are broadcast via television.

I hope you enjoy!

Kind regards,

Vanessa Mendes
http://tvonlineresearch.blogspot.com/
School of Humanities and Communication Arts
University of Western Sydney
Australia

This survey has 30 questions and takes about 10 minutes to complete. By submitting your answers you agree with the terms and conditions in the Participant info (please see http://tvonlineresearch.blogspot.com/2011/05/surveys-terms-and-conditions.html)
Section 1: Demographics

1) First name or nickname:
2) Age group:
   a) 18-21;
   b) 22-25;
   c) 26-29;
   d) 30-35;
   e) 36-49;
   f) 50+.

3) Gender:
   a) Female;
   b) Male.

4) Do you currently live in (for the past 12 months):
   a) Australia;
   b) Brazil.

5) In regards to the country you are living in:
   a) I am a permanent resident/citizen;
   b) I am a temporary visitor, but I plan to stay here indefinitely;
   c) I am a temporary visitor, and I plan to go back to my country;
   d) Other (specify).

6) In regards to your internet usage, where do you access the internet from (You may select more than 1 option):
   a) From home;
   b) From school, university or library;
   c) Friends or relatives’ computer;
   d) From work;
   e) Other (specify).

7) What kind of internet connection do you have access for most of the time?
   A) Broadband or high speed wireless;
   b) Dial up;
   c) I don’t know;
   d) Other (please specify).

8) What is your primary occupation?
   a) Employed private;
   b) Employed Government;
   c) Self employed;
   d) Unemployed;
   e) Student;
f) Other (specify).

9) Do you have access at home to satellite, cable or pay TV?
   a) Yes;
   b) No;
   c) Other.

10) Have you downloaded TV Shows over the Internet on the past 12 months?
    a) Yes;
    b) No.

Section 2: This section is about your TV downloading practices. Please answer thinking about the past 12 months. Also, remember that the questions only include television shows, not films.

11) How often do you download television programming over the internet?
    a) Every day;
    b) 4-6 times a week;
    c) 1-3 times a week;
    d) Once or twice a month;
    e) Rarely.

12) Where do you download it from? (You may select more than 1 option)
    a) At home;
    b) At school, university or library;
    c) Friends or relatives house;
    d) Internet cafes or gaming houses;
    e) Other.

13) Why do you download TV shows? (You may select more than 1 option)
    a) I am unable to watch television on scheduled hours;
    b) The TV shows are only shown in delay in the country I live in comparison to its release abroad;
    c) The TV show(s) is not broadcast in the country I am living in;
    d) The TV show(s) is only shown on cable, pay TV or satellite TV in my country and I don’t have those services;
    e) I heard about the TV show and decided to download it;
    f) To catch up episodes I’ve missed on regular TV;
    g) I am not originally from the country I am living and I like to watch the shows from my home country;
    h) I don’t have a TV set;
    j) Other (specify).

14) Do you watch TV shows (full episodes) online from (you may select more than 1 option):
    a) YouTube;
b) The TV networks’ websites;
c) Live streaming websites such as Justin.TV or Ustream;
c) Other websites (specify);
d) No;
e) Other (specify).

15) What type of TV shows do you download? (You may select more than 1 option)
a) Animes (Japanese, Korean…);
b) Children’s programming;
c) Drama;
d) Documentaries;
e) Lifestyle (fashion, health, shopping, travel…);
f) Reality shows;
g) Sitcoms
h) Telenovelas and soap operas;
i) Other (specify).

16) What country are the TV shows you download originally produced? (You may select more than 1 option)
a) United States;
b) Japan;
c) UK;
d) Australia;
e) Brazil;
f) I don’t know;
g) Other.

17) Would you watch TV shows in languages other than English if they had subtitles?
a) Yes;
b) Yes, but only if it is English with subtitles in Portuguese;
b) No;
c) Maybe.

18) Which sources/platforms do you use to download TV shows? (You may select more than 1 option)
a) Orkut;
b) Facebook;
c) MySpace and/or Twitter;
b) BitTorrent;
c) Download from friends, family or others on MSN, Skype…;
d) uTorrent;
e) 4shared;
f) Megaupload;
g) Rapidshare;
h) Blogs;  
i) Other (specify).

19) What difficulties concern you when downloading television shows? (You may select more than 1 option)

a) Low quality;  
b) Warning emails from anti-piracy entities;  
c) Being “black listed” or having my internet blocked by an Internet service provider;  
d) Virus and spyware;  
e) Slow downloading;  
f) Other (specify).

20) Would you pay to have instant access to a TV show if the source was 100% legal? (Please explain)

a) Yes;  
b) No;  
c) I would do both: file sharing and buying or renting “legal” TV content;  
d) Maybe.

21) Overall, do you watch the TV programming you download with other people?

a) Yes;  
b) No;  
c) Other (specify).

22) Do you consider yourself as a person who is involved with internet piracy because you download TV shows over the Internet?

a) Yes, why?  
b) No, why?  
c) Other (specify).

23) To what extent do you agree or disagree with this statement: “Anti piracy organisations consider people who download TV Shows thieves of protected intellectual property”. (Please explain)

a) Strongly agree;  
b) Agree;  
c) Neutral;  
d) Disagree;  
e) Strongly disagree;  
f) Other (specify).
Section 3: The final section is about social media and your relations with the TV show you are a fan. This research considers a fan a person who watches at least 90% of the episodes of a determined TV show. Please answer these questions thinking of a TV show you are following or followed during the past 12 months.

24) What is the name of the TV show you chose to answer the next questions?

25) Do you download this TV show?
   a) Yes;
   b) No;
   c) Sometimes.

26) How did you hear about this show? (You may select more than 1 option)
   a) Friends and/or family;
   b) On TV;
   c) Magazines and/or Newspaper;
   d) Social Networking Websites (Orkut, Facebook, Myspace, Twitter…);
   e) TV discussion forums;
   f) I don’t know;
   g) Other (specify).

27) In regards to the TV show you’re a fan of, please select activities you are involved in (you may select more than 1 option):
   a) have a blog about the TV show;
   b) I have a community in Orkut, or Facebook group page about the TV series or its characters;
   c) I am part of the show’s community in Orkut;
   d) I “like” it on Facebook;
   e) I follow it on Twitter;
   f) I often participate in online discussions about the TV show;
   g) I buy or have bought merchandising (e.g. DVDs, shirts, mugs) products from the TV show;
   h) I upload episodes or torrents in order to other be able to be able to access them;
   i) I help to create the subtitles in Portuguese for viewers who can’t understand the language of the show;
   j) I write fan fictions or read fan fictions about the TV show;
   h) Other (specify).

28) Which TV discussion forums and social networking websites communities do you use to discuss TV shows you are a fan? (You may select more than 1)

   a) “TV without pity”;
   b) The TV show’s official forum on their Network’s website;
   c) Facebook;
   d) Orkut;
   e) MySpace;
   f) I don’t participate in any discussion forums;
g) Other (specify).

28) Do you access the Network’s website that broadcasts the TV show you are fan of?

a) Yes;
b) No;
c) I don’t know the name of the Network;
c) I access the Network which broadcast the TV show in the country I am living in, although it is not the original Network who produces it;
d) Other (specify).

30) What would you suggest to the TV industry in regards to distribution and releases of the shows?
Appendix E

List of Legenders and teams of Legenders associated with the Legendas.TV website.

<table>
<thead>
<tr>
<th>Team</th>
<th>TV Shows and Mini Series</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legendas TV</td>
<td></td>
</tr>
<tr>
<td>BubbleS</td>
<td>American Dad, Rules of Engagement</td>
</tr>
<tr>
<td>ComicSuits</td>
<td>Ben and Kate, Guys Who Wear Ties, Pretty Little Liars</td>
</tr>
<tr>
<td>ColSuits</td>
<td>White Collar</td>
</tr>
<tr>
<td>DeepSuits</td>
<td>Paranormal Witness</td>
</tr>
<tr>
<td>TuckFT published</td>
<td>Not provided</td>
</tr>
<tr>
<td>Geeks</td>
<td>Avatar: Legend of Korra, Being Human US, Teen Wolf, The Vampire Diaries</td>
</tr>
<tr>
<td>Ireland</td>
<td>Once Upon a Time, Beauty and the Beast</td>
</tr>
<tr>
<td>Legends</td>
<td>Accused, Being Human UK, Bullet in the Face, Last Resort, Sherlock, The Newsroom, Tron: Uprising,</td>
</tr>
<tr>
<td>LIFE Suits</td>
<td>Easy A, Caddy, Man at Work, Nashville</td>
</tr>
<tr>
<td>I.O.T Suits</td>
<td>Cackle, Him &amp; Her, The Inbetweeners, U.S. I.A. Complex, Sinbad, The Mindy Project</td>
</tr>
<tr>
<td>ManiacSuits</td>
<td>Army Wives, Beaut and Ball-Hair, Dallas, Lifes Too Short, Magic City, Melrose &amp; Joey, Necessary Roughness, Revenge, Shameless UK, Southland, Suburgatory, The New Normal, The Voice</td>
</tr>
<tr>
<td>MythSuits</td>
<td>Generator Rex, In with the Flynns</td>
</tr>
<tr>
<td>Musicians</td>
<td>Through thextendeke</td>
</tr>
<tr>
<td>Others</td>
<td>James Wex, The Fugitive</td>
</tr>
<tr>
<td>PsychB厕所</td>
<td>Psych</td>
</tr>
<tr>
<td>Queens of the Lab</td>
<td>Animal Practice, Bob's Burgers, Bones, Boondocks Empire, Castle, Chicago Fire, Justified, Leverage, Longmire, Made in Jersey, Rookie Blue</td>
</tr>
<tr>
<td>Renbow3Team</td>
<td>Community Law, Elementary, Girls, Go On, Vegas</td>
</tr>
<tr>
<td>SecretTeam</td>
<td>Not provided</td>
</tr>
<tr>
<td>SkullMakers</td>
<td>Bad Education, Copper, Hunted, Racing at 35, The Neighborhood</td>
</tr>
<tr>
<td>Subdivision</td>
<td>Not provided</td>
</tr>
<tr>
<td>SubHeaven</td>
<td>Not provided</td>
</tr>
<tr>
<td>Suits On Fire</td>
<td>Harriet the Spy, Life</td>
</tr>
<tr>
<td>SubOff</td>
<td>Backpacks, Community, CSI, House of Lies, Law &amp; Order SVU, NCIS, Los Angeles, Partners, Perception, The Client List, Third Watch</td>
</tr>
<tr>
<td>SunJed's Team</td>
<td>SunJed</td>
</tr>
<tr>
<td>TwiSuits</td>
<td>2 Strike Girls, Charmed, Happily Divorced, Last Man Standing, Meets, Raising Hope, Shameless, Sons of Anarchy, The Glades, The Listener, Workaholics,</td>
</tr>
<tr>
<td>Victoria</td>
<td>Breaking Bad, Falling Skies, Fringe, Grimm, Mad Max, Revolution, Touch, The Walking Dead, True Blood</td>
</tr>
<tr>
<td>Watchers</td>
<td>Downton Abbey, Lark Rise to Candelford, Upstairs, Downstairs</td>
</tr>
<tr>
<td>Writers/Associate</td>
<td>The Eves</td>
</tr>
<tr>
<td>Legendas working alone or with collaborators</td>
<td></td>
</tr>
<tr>
<td>By Broadcast</td>
<td>Miss Fisher's Marler Myerries Links</td>
</tr>
<tr>
<td>Comedy</td>
<td>The Borgen</td>
</tr>
<tr>
<td>Drama</td>
<td>Luther</td>
</tr>
<tr>
<td>Drama</td>
<td>G-1 Joe Renegados, Thundercats(1945), Transformers Generation 1, Thundercats(2011), Transformers Prime, Young Justice,</td>
</tr>
<tr>
<td>Reality</td>
<td>Meets</td>
</tr>
<tr>
<td>Maroon</td>
<td>DC's Birds, Vera, Weeds, The Bachelorette, Charlie, Wanda</td>
</tr>
<tr>
<td>Midsummer</td>
<td>Robert Christen</td>
</tr>
<tr>
<td>Production</td>
<td>The adventures of Tinker</td>
</tr>
<tr>
<td>RAFAUFO</td>
<td>Eagleheart</td>
</tr>
<tr>
<td>Special</td>
<td>Supernatural</td>
</tr>
<tr>
<td>Quinn's Team</td>
<td>Duhans County, Life After People</td>
</tr>
<tr>
<td>six</td>
<td>Rizzoli &amp; Isles, The Closer</td>
</tr>
</tbody>
</table>

310