

Promote legal alternatives to stop unlawful downloading, says study

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The promotion of legal alternatives, rather than the risk of prosecution, is more likely to change unlawful file sharing behaviour, according to new research.

The study by academics from the University of East Anglia (UEA), Lancaster University and Newcastle University found that the supposed benefit of online [file sharing](#) predicts unlawful behaviour, but not perceived risk, suggesting that either current laws are not enough of a deterrent or threatening people with prosecution is not effective.

The researchers say that in order to compete with unlawful file sharing (UFS), easy access to information about the benefits of legal purchases or services should be given in a way that meets the specific benefits UFS offers in terms of quality, flexibility of use and cost.

The team looked at the extent to which the unlawful sharing of music and eBooks is motivated by the perceived benefits as opposed to the legal risks. Involving almost 1400 consumers, the research explored people's ability to remain anonymous online, their trust in the industries and UK legal regulators such as Ofcom, and their downloading behaviour.

The findings, published in the journal *Risk Analysis*, show that people who trust regulators think file sharing is riskier. Those who think file sharing is risky do not think it is beneficial and vice versa, which indicates what the researchers' call emotional and non-rational thinking.

This non-rational thinking increases with more perceived trust and less perceived anonymity.

Lead researcher Dr Steven Watson, who conducted the study while at UEA and is now at Lancaster University's Department of Psychology, said the results call into question the legally-focused media industry strategy where the impact on consumer behaviour may be limited.

"Given that we observe a much more powerful predictor of behaviour in perceived benefit, changes to legal frameworks may not be the most effective route to change behaviour," he said. "Specifically, one strategy to combat unlawful file sharing would be to provide easy access to information about the benefits of legal purchases or services, in an environment in which the specific benefits UFS offers are met by these legal alternatives."

Co-author Dr Piers Fleming, from UEA's School of Psychology, said: "It is perhaps no surprise that legal interventions regarding UFS have a limited and possibly short-term effect, while legal services that compete with UFS have attracted significant numbers of consumers.

"Our findings suggest that it may be possible to diminish the perceived benefit of UFS by increasing risk perception, but only to the extent that UFS is considered emotionally, and users trust industry and regulators. Increasing trust in industry and regulators may be one route toward encouraging UFS to be considered in emotional rather than rational terms. However, given the limited impact of risk perception upon behaviour, a better strategy would be to provide a desirable legal alternative."

Downloading music, TV programmes, movies and other media is a widespread activity, one that has been accused of harming the creative industries. A previous study by Ofcom revealed that one in six online

users report consuming at least some unlawful content online, while other research has found that peer-to-peer file sharing networks account for up to a third of all internet traffic.

In this new study, funded by CREATE, the UK research centre for copyright, the authors point to the success of services such as Spotify and Apple's iTunes, which they say has partly been achieved by providing benefits to consumers that previously could only easily be obtained via UFS. These include rapid access to a very wide catalogue of content, and the capacity to selectively consume created content – that is, consumers no longer need to buy entire albums if they wish to only access individual songs.

In the study downloading was fairly common among the participants, with 21.9 per cent of respondents engaged in unlawful sharing of music and 14.6 per cent in sharing eBooks. There was no difference in perceived risk of unlawful downloading between media, contrary to expectations based on users' knowledge or experience of legal prosecutions.

There was a slightly larger perceived benefit to unlawful music downloading compared to eBooks, while trust in the book publishing industry was greater than trust in the music industry. Regulating authorities were also seen as more trustworthy in the context of eBook downloading than music downloading.

An increase in legal risk for UFS was not associated with any statistically significant decrease in self-reported UFS for either eBooks or music. However, the perceived benefits of UFS did significantly predict increased self-reported UFS behaviour for both eBooks and music.

'Risk, benefit and moderators of the affect heuristic in a widespread unlawful activity: Evidence from a survey of unlawful file sharing

behaviour', Steven Watson, Daniel Zizzo and Piers Fleming, is published in *Risk Analysis*.

More information: Steven J. Watson et al. Risk, Benefit, and Moderators of the Affect Heuristic in a Widespread Unlawful Activity: Evidence from a Survey of Unlawful File-Sharing Behavior, *Risk Analysis* (2016). [DOI: 10.1111/risa.12689](https://doi.org/10.1111/risa.12689)

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