

FROM THE 'BOOTLEGGERS' TO THE 'PIRATES':
A COMPARATIVE ANALYSIS OF THE ILLEGAL MUSIC
INDUSTRY

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¹ This Dissertation is submitted in part-fulfilment of the degree of Bachelor of Arts (Honours) Criminology, BA (Hons) Criminology, Division of Sociology, Nottingham Trent University

Abstract

This dissertation aims to analyse and compare the ever-evolving illegal music industry, both past and present. Specifically, this research will focus on the bootleg boom which occurred in the late 1960's, with online piracy of today, which was enabled by the invention of the Internet. The approach undertaken aims to supply a brief history of both bootlegging and piracy, and to determine the actual financial impact the illegal music industry has had on official record sales. The study will utilise secondary research, as well as an in-depth interview with an individual involved in the pioneering of bootleg records in the late 1960's.

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Acknowledgements

I would like to thank my family and friends for their continued support throughout my research. In particular, my Mother and Father for constantly encouraging me to reach my full potential. I would also like to thank my dissertation tutor, Dr Michael Sutton for his expertise and invaluable advice throughout the entire process, as well as the individual I interviewed, without whom, I would not have gathered as detailed information.

Chapter 1: Introduction

Whilst researching the topic of the illegal music business, which partially falls under the subject of cyber-crime, it was clear that there is a severe lack of research in comparison to other areas of criminal activity. It has been suggested by a number of criminologists that there is difficulty in assimilating the online world into the traditional theoretical models (Jewkes & Yarr, 2009). This knowledge suggests that the cyber world is an entirely separate entity to other forms of crime over the ages. In terms of criminological research ignoring the prevalent crime of music piracy, Hinduja (2006) is one of the only exceptions to the rule (Gunter, 2009). The lack of research within this area drives this dissertation to study a specific form of crime as it evolved, from the pre-Internet era, to the post-Internet era.

Firstly, it is vital to distinguish the differences in definition between the terms that will be regularly used throughout this study. The official music industry has gone to great measures to ensure that there is little known difference between the definitions of bootlegging and piracy. However, there are very distinct differences within these categories, 'A bootleg record contains music or dialogue by a performer or performers that has never been commercially available' (Schwartz, 1995: 4). The bootleg is created and sold without the consent of the artist or bands record company, who are very rarely reimbursed (ibid). The vast majority of the bootlegged records that are released are of two types: live shows, usually recorded by a member of the audience or a feed from a radio broadcast; and 'out-takes', which are recordings taken from a studio, consisting of songs that were not selected to be part of an official album, or alternate versions of a released song (Marshall, 2004). However, piracy differs greatly from bootlegging, 'Audio piracy, in a very basic sense, refers to the process of methodically encoding copyrighted music and distributing it without paying royalties' (Cooper & Harrison, 2001: 72). The music industry has been in a constant battle to protect itself against various avenues that individuals exploit to gain their released, or in the case of bootlegging, unreleased material.

Within this study, the researcher interviewed an individual who has in-depth knowledge within the illegal bootleg industry, as well as being close friends and having consistent contact with both Peter Shertser and Ian Sippen. These two characters pioneered the first bootleg trade within the United Kingdom. The interviewees' knowledge of bootlegging ranges from the late 60's to the early 70's, throughout the period in which his colleagues were involved. In the interest of ensuring anonymity, the individual will be referred to as 'John Bootlegger-Smith' throughout this research.

Chapter 2: Methodology

The principle research methods will consist of analysis of existing research on the subject, as well as an in-depth interview with one participant. This project will be conducting a qualitative approach towards the research. A major reason for this is that statistics do not always show the full extent of an issue. The social world that we exist in is often too variegated to examine purely via numbers and statistics. Secondary analysis of data helps to explore the key elements that surround the illegal bootlegging industry, it aims to, 're-analyse data for the purpose of answering the original research question with better statistical techniques or answering new questions with old data' (Glass, 1976: 4). The use of secondary analysis has a number of advantages, one in particular is the fact that it can be a great supplement to an individuals own study. Another advantage of secondary analysis, specific to this piece of research on the illegal bootlegging industry, is that it creates the opportunity to gain a further insight into hard to reach populations, without the need to further intrude into potentially dangerous or criminal groups (Irwin & Winterburn, 2011). The information that will be presented within this dissertation will exist in many forms of secondary data, which all supplement the research in different ways, 'ranging from large statistical studies published by the government and other organisations to the unpublished observations of a knowledgeable observer' (Steward & Kamins, 1993: 2). However, it is important to recognise that certain sources may be unreliable or biased. For example, the statistics on crime figures, more specifically to this study, the estimated losses of record sales due to the illegal music industry, are often exaggerated or invalid and based upon socio-economic dynamics or agendas that are relevant at that particular point in time within society, 'Exploring the dark figure of crime, the primary question is not how much of it becomes revealed, but rather what will be the selective properties of any particular innovation for its illumination' (Biderman & Reiss, 1967: 1). Strictly only credible websites and journals will be visited and used within the research project.

The participant was recruited via the researchers dissertation tutor, Dr Michael Sutton. Once the initial contact had taken place, the researcher exchanged emails with the participant to arrange a venue and date for the interview to take place. The researcher used the format of semi-structured interviews to question the participant. The advantage of using a semi-structured interview process is that it allows the opportunity for the interviewer to investigate beyond the original answer that was given (Hale et al, 2009). This approach is effective as it allows the subject to speak in detail about specific experiences and does not restrict them to particular questions in a certain order, which is something a structured interview would do. As a semi-structured approach will be used, a fairly formal interview schedule will be applied. The participant will be interviewed for approximately an hour and questioned extensively for this period of time. By interviewing participants for between 40-70 minutes it allows the perfect amount of time to gather enough information and background knowledge of their personal experiences (Newburn, 2007). The primary research can greatly supplement the secondary sources that have been analysed. By interviewing an individual that has first-hand experience of the illegal bootlegging industry, it then allows the results to be used in comparative analysis with literature that has already been collected. An in-depth interview with an individual will also allow for high response rates and increased flexibility in relation to questions, as well as more detailed explanations.

The participant was given an information sheet outlining details of the research and it stated that the participant has the right to withdraw at any point during the process. This will prevent harm to the participant both mentally and emotionally, which can occur when discussing sensitive topics about personal experiences. Informed consent is a vital issue within any piece of research; therefore, before the interview commenced, the researcher gave the participant an adequate amount of time to read both the information and consent form before they signed the documents. It gave the participant a real sense of what they are involving themselves in, whilst supplying them with the understanding of the facts, implications, benefits and possible risks that are associated in complying with the research. The interview took place in a safe environment.

The researcher will also ensure that certain names mentioned throughout the research will remain anonymous when completing the dissertation. The participant is no longer active within the bootlegging of music, therefore any disclosures made will not relate to on-going criminality. A tape recorder was operated throughout the duration of the interview to document what was said, which has been transcribed. As well as the recorder, a notepad with a topic guide was used to ensure the interview remains on track. The recording of the interview will be kept in a safe place under lock and key during the transcription process and will be given to the dissertation supervisor on completion of the dissertation.

Chapter 3: History of Bootlegging

The origins of the term bootlegging are mistakenly regarded as a term that originally referred to the sale of illicit alcohol, 'Came from the apparently common practice of carrying a bottle of whiskey or the like, in the leg of one's boot, presumably in the interests of avoiding detection' (Heylin, 2003: 5). Although, the origins of the term bootleg has been traced further back, as Sutton (2013) found that the term bootleg in 1854 was actually referring to the leather of a used boot, which was then re-used for many things after the boot was worn out. Thus the term bootleg was then associated with a poor quality replica of an item, 'e.g. leather re-used as door hinges for a cabin 1875' (ibid). This is the most up to date origin currently available in terms of the word, bootleg.

Throughout a period of roughly seven years in the post Second World War era, inventors were attempting to create the first portable and lightweight reel-to-reel magnetic recorder. In 1951, Mr Stefan Kudelsky was successful in this cause and invented the NAGRA IV-S (SoundFan, 2013). This was the piece of machinery that catalysed the boom of recording music from the radio, ultimately resulting in the continued evolution of bootlegging. There was no longer a need for large heavy recording equipment; the power was slowly shifting in the favour of the fans and out the strict control of the record companies.

The evolution of new technology correlated with the increase of bootlegging records, due to various inventions facilitating the increased demand. A small market for bootlegs continuously existed for various genres during the 50's and 60's, mainly constructed from blues, jazz and opera music, 'The first real bootleg era was the 1950s and 1960s when jazz aficionados recorded live performances by many of the jazz greats' (Marshall, 2005: 114). However, this piece of research will be focusing on the first real boom in criminal behaviour surrounding bootlegging, which occurred in the 1960's. The bootlegging business became more popular than ever before in the late 60's, when live recordings of the Sixties rock idols began to emerge. Within the US it was the period of time surrounding the Vietnam War and there was a sense of anti-establishment morality in the air. This prevented the original bootleggers, as well as collectors, from having much of a conscience in terms of breaking copyright laws.

It was the summer of 69 when the bootlegging of live performances really began. The Great White Wonder, a collection of Bob Dylan recordings from 1961 and 1967, supplied the future bootleg collectors with the taste they needed to take the market to an unseen level, 'It was the first rock bootleg, and it spawned an entire industry' (Heylin, 2003: 1). Bob Dylan had more to say in a song than would have been permitted in the standard 2-3 minute song, prompting a market for affordable LP's, which then created a market for the first bootleggers to exploit.

Due to the extent of success that 'The Great White Wonder' achieved as a bootleg, it encouraged fans to ask questions as to why the record label did not release it officially, which would have ultimately resulted in albums sales (ibid). Throughout this era, bootleggers viewed themselves as freedom fighters, who gave the public the opportunity to hear every record their favourite band/artist recorded.

As with any boom in a new form of profitable crime, often the behaviour of the pioneers within the new market will be recreated by other criminal gangs, resulting in an increasingly competitive market and violence. The early 1970's saw a number of criminals emerge within the illegal bootlegging industry due to it being an extremely lucrative venture, all trying to get a piece of the action and strike whilst the iron was hot. The competitive market drove down the prices of bootlegs, as well as increasing the popularity within the public. John Bootlegger-Smith (2013) recalled an occasion which highlighted the criminal presence within the industry during the birth of bootlegging within the United Kingdom;

“One unfortunate circumstance was where they [Peter and Ian] were getting their records pressed, was a pressing plant in Dagenham... as it turned out the people who owned and ran this pressing plant were actually gangsters, and the pressing plant was as much as anything a front for things they were getting up to... [the gangsters] then got suspicious... [because] they were asked to press the two very successful selling records in huge quantities, far outstripping any of the stuff they had done before, so they started to make a few enquiries of their own and found Peter and Ian were pressing bootlegged records. They then [the gangsters] paid a visit to their houses, both lived with parents at the time, opened the door and pushed him [Peter] inside, shotgun to his nose and said “I think you and me have got something to talk about. Only way to resolve this is coming down the bank with us and drawing out

£1000”, which was a lot of money in those days, of course he duly obliged, also that meant there was rather higher prices paid on future orders” (John Bootlegger-Smith, 2013).

This incident was the first and only violent episode that Peter and Ian suffered, but as they were the pioneers of bootlegging within the United Kingdom it was still a relatively unknown venture. However, this anecdote is a prime example of how criminals became greedy and increasingly attracted to such profitable activities.

The majority of bootlegs found in various countries throughout the early period were imported from the United States, in particular the West Coast. This was made possible by the extremely lax copyright laws within the United States at the time which laid the law heavily in the favour of the bootleggers, 'Copyright protection for unreleased recordings under the Universal Copyright Convention – the only international convention that the US then subscribed to – verged on the non-existent' (Heylin, 2003: 39).

Bob Dylan seems to have been the main target for collectors, with other large bands such as The Beatles rarely falling victim to the illegal bootlegging trade, although this may have been due to the security that surrounding and protected The Beatles, 'EMI and The Beatles had been far more astute about who had access to their recordings' (Heylin, 2003: 43). This was supported by the interviewee,

“The Beatles were rarely bootlegged because they didn't do live gigs and everything that happened at Apple studio was very very tight... getting into Apple was impossible, always needed some kind of passport to get in” (John Bootlegger-Smith, 2013).

The record industry saw bootlegging as an increasingly serious threat. Certain record labels felt the bootleg epidemic was beginning to obtain the upper-hand over them, which led to them resorting to release false public statements about the quality and longevity of the LP's,

'Bootlegging was just getting to be a damned lucrative business when KSAN-FM in San Francisco put the word out over the air that the underground albums are shucks, with a life span of, maybe, 20 playings. The top layer of vinyl is very cheap, KSAN claims, and the needle scrapes it off pretty quickly' (Morthland & Hopkins, 1970).

This example of industry endorsed outcries reiterates the degree of desperateness frequently exhibited by the record labels when fighting against the growing popularity of bootlegs throughout the early 1970's.

During this era, the sale of bootlegs often relied on independent record retailers to be the key means of distribution. In some cases, managers of large retail record outlets would sell the bootleg records from under the counter, without the knowledge of the owners of the store in order to earn themselves a bit of cash on the side. John Bootlegger-Smith (2013) spoke in great detail about this type of transaction, in particular a case where a future worldwide business owner would have possibly gone bankrupt if it was not for this kind of 'under the counter' business. This business owner in particular will be referred to as 'Mr Lee' in order to protect his identity.

“I had my own scam, with this company that was distributing records on behalf of big record labels. But [Mr Lee] would order huge amounts of records because he had a mail order business. By doing it mail order he could sell and undercut record shops, but he ran into cash flow difficulties... and all of a sudden he couldn't pay his bills, so he was put on credit stock for this company that I worked for. Which meant that he couldn't get his records, which obviously was a huge problem for him, so he got very quickly, a front man... someone who had a record shop to act as his front by which to get his records through and he happened to be one of my customers. So from ordering a couple of dozen at a time, this little shop all of a sudden was ordering from 500-1,000 at a go and I have no doubt at all that he was buying records on behalf of [Mr Lee]” (John Bootlegger-Smith, 2013).

Another problem for the record labels when this kind of activity occurs is the fact that they rely on these small record shops to sell the legitimate releases. Therefore shunning the bootleg distributors was never an option for the official record labels, because it would only result in a drop of official sales and the stores selling more bootlegs in order to remain profitable, which would have escalated the problem.

The introduction of the McClellan Bill was passed in 1972, it saw a vast reduction in the emergence of bootlegs for a short period of time. Although the Bill was passed strictly within American law, due to the majority of the bootlegs traded within the UK having been distributed from the United States, the McClellan Bill had an impact on a much wider illegitimate global community. The success of the McClellan Bill was based upon the fact that it allowed for the FBI to investigate cases, rather than just the state police, which acted as a powerful deterrent to the big-time bootleggers. The paranoia it created for the major bootleggers of the day ultimately prevented any other individuals setting up in that immediate period of time.

Chapter 4: History of the Digital Age

The sudden explosion of Internet based communications has redefined the modern world and created new forms of social interaction that was never before possible (Lyotard, 1991; Stone, 1996). Since the commercialisation of the Internet in the mid-nineties, it has opened up a number of opportunities for all businesses and individuals to profit from. The definition of 'Internet crime' differs widely within different countries due to contrasting laws, however, 'Broadly, internet crimes are those which involve the use of the Internet to commit crime, or directly affect the performance of some service on the Internet' (Marshall & Tompsett, 2002: 119). The Internet has created the most problematic and challenging form of crime the criminal justice system has ever had to deal with, 'While many believe that the advent of the Internet has been a completely positive event, others feel that there is a dark side to cyberspace' (Baker, 1999: 1). There are an unlimited number of avenues the Internet provides for offenders to exploit. The Internet offers unparalleled opportunities for criminals, which are near impossible for the criminal justice system to compete against. The ability for any member of the public to disseminate any form of information to the world at such ease and speed is a predicament the criminal justice system has never had to face. Internet crime is transnational, therefore making it uniquely difficult for local law enforcement to prevent and track.

When considering the combination of advantages the Internet provides for criminals; from the speed it operates, the anonymity it supplies and the size of the market in which it has access, it is clear to see why the Internet is the new choice for criminals to generate money. The creation of the Internet has changed the marketplace, as well as the availability of pirated music, and with increasing connection speeds, the problem is ever evolving.

These facts combined with the lack of policing in some areas of the cyber-world allows for the piracy industry to grow, 'Routine and mundane forms of cyber-crime arguably have received far less attention' (Treadwell, 2012: 176). The digital world is very complicated, and in a sense misunderstood by law enforcement agencies for a long period of time before the commercialisation, 'Until 1990, the online world was an electronic frontier that law enforcement rarely noticed' (Rosenoer, 1996: 169).

Piracy is often considered to be a modern crime which has only become possible with the invention of the Internet, 'Most of the time exchange participants will never meet in physical space' (Cooper & Harrison, 2001: 5). Contrary to popular belief, piracy was a more common practice than bootlegging in the 1920's. The showbiz journal 'Variety' published an article in 1929, referring to a large market in pirated albums, which contained illegal copies of official releases (Heylin, 2003). Albeit, the process of pirating music at the start of the 20th century was extremely long and drawn out, which the Internet has simply allowed to speed up limitlessly. In the current climate, the piracy of music would be almost impossible without the use of the online world, 'The audio piracy subculture is inscribed and embedded almost entirely within the Internet' (Cooper & Harrison, 2001: 75).

The Internet has created an unlimited marketplace for an internet user. Previous to the Internet, selling and distributing large amounts of illegal music would have required an extremely organised and large scale operation. When battling piracy, legislation manages to close down one site, but then countless others appear, 'Stopping online piracy is like playing the world's largest game of Whac-A-Mole' (Bilton, 2012). In the digital era, driven by online communication, an individual in Australia could be exchanging files with internet users from all continents simultaneously. Ostensibly, these transactions can often take place on popular online auction sites, such as eBay, 'Online auction websites such as eBay now transcend space and place, making for markedly different opportunities, including the illegal variety' (Treadwell, 2012:184). This auction site in particular is readily available and simple to use to even the biggest 'technophobe'. In addition to the fact that illicit transactions consistently take place on the online auction sites with little concern of detection, they also provide a marketplace where taxation revenues are avoided and national boundaries are regularly breached (ibid).

Ultimately the Internet undermines all of the main principles of copyright protection on which the record business has relied on throughout the last century (Walker et al, 2012).

During the 1990's-2000's the availability of home digital recording equipment began to spread throughout homes and resulted in an increase in piracy and a decrease in record sales (See Figure 1 below). The Internet facilitated the introduction of the first online peer-to-peer global powerhouse, Napster, 'P2P sharing was pioneered by Napster; a website and software application that facilitated and promoted the swapping of MP3 music files such that it became a world-wide phenomenon, with millions of participants' (Douglas, 2004). Napster was said to be among the fastest growing businesses of all time and has since been accredited with being the first online service to revolutionise the music industry (CNET, 2000). The online company was not the first network that allowed for distribution of music online, however it was the first engine to make downloads accessible to the more average, less technically savvy internet user. Originally, navigation upon the sea of piracy on the web would have required proficiency with a variety of tools and techniques in order to seek out others with similar musical interests and thereby exchange audio files, Napster changed this. It was this quality that brought it such recognition, as well as the unwanted attention of law enforcement. In 2001, after various court orders and appeals, Napster was closed down, but this was just the first battle of many that the music industry has had to face (BBC, 2002). For the first time the large record labels faced significant problems that were distinctly different from the previous forms of music fraud. There is no longer a loss of quality when a song is duplicated, a song of choice can be located in a matter of minutes at any time of the day or night.

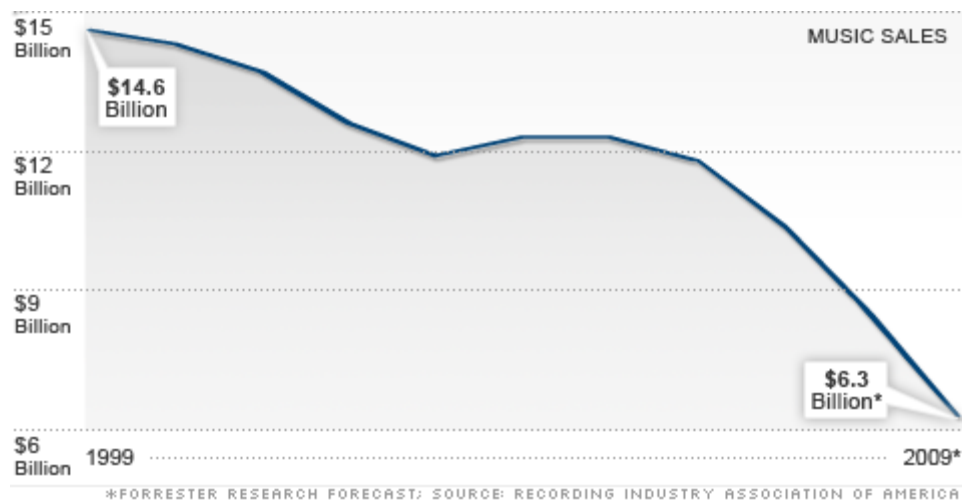


Figure 1. (Forrester Research, 2009 cited in Goldman, 2010)

Another direct cause for this decrease in record sales in more recent times is 'The Pirate Bay'. There is an increasing amount of criminal cases in court challenging copyright infringements, with websites such as 'The Pirate Bay' being amongst the most contested. However, the removal of such large scale websites is usually only temporary and they are re-created under a different URL rapidly after closure. This site was created in 2004 and although it has faced a number of legal battles it remains online to date under various proxies. The initial Police raid took place in 2006 at 10 locations across Stockholm, headquarters of 'The Pirate Bay'. The raid led the authorities to believe they had tackled the problem with the Motion Picture Association of America (MPAA) publicly stating, 'The actions today taken in Sweden serve as a reminder to pirates all over the world that there are no safe harbours for Internet copyright thieves' (Ekman, 2006). Nevertheless, within days of this statement the site was back online. In addition to this setback for authorities, the site owners took it one step further and temporarily shut down Swedish Police website, 'Polisen.se', as well as the main government site (ibid). The almost immediate restoration of The Pirate Bay, as well as the revenge attack, demonstrated the full potential and sophistication this particular group possessed. After the raids on headquarters the number of users grew from 1 million to 2.7 million and the site moved up 400 places to rank 90 in terms of online traffic (Hussain, 2008). With the increasing popularity and traffic on the site, came the larger sums of money they are liable to be sued for. Since the initial raid, the authorities have attempted to tackle 'The Pirate Bay' on a number of other occasions. More recently, the United Kingdom (UK) has endeavoured to work with Independent Service Providers (ISP's) to ban the P2P sharing site, 'The Pirate Bay is planning to defy an international crackdown on file-sharing websites after the high court in London signalled that the site should be blocked in the UK'.

(Guardian, 2012). Although the agreement was made, the site remains accessible via various web proxy servers, which allows for the site to be accessed through legal websites.

The largest attempt to rid the Internet of copyright theft to date came in the shape of the Stop Online Piracy Act (SOPA) and Protect Intellectual Property Act (PIPA). Both bills proposed legislation that is designed to tackle online piracy; aiming to give sentences up to five years in jail if an individual is found to stream copyrighted content without permission 10 times or more, within a six month period (BBC, 2012). However, under certain sections within the legislation, they aim to totally block sites that contain copyright protected material, which has the potential to disrupt the underlying architecture of the Internet (ibid). These proposed sanctions resulted in a number of high profile online companies opposing the bills, including; Facebook, Google, Twitter, eBay and AOL. Even Wikipedia, renowned for its policy of positional neutrality, opposed the bill and staged a 24 hour blackout in protest to the pending legislation (Schecter, 2012). The aforementioned powerhouses of the Internet, came together to write a letter to the American Congress, expressing their combined concerns with the proposed bills, 'We are concerned that these measures pose a serious risk to our industry's continued track record of innovation and job-creation, as well as to our Nation's cybersecurity' (AOL, 2011: 1) This letter coupled with other issues raised by critics resulted in the bills being unsuccessful.

Undoubtedly, the consistently rising prices of music and concerts are going to continue to provide a market for online piracy. Recently the cheapest ticket to watch The Rolling Stones on tour was £106 (BBC, 2012). Prices like this are unaffordable for fans of lesser means, resulting in them turning to illegal avenues to gain access to the tour music. Ostensibly, Kid Rock has recently announced that he will take a large pay cut in order for his tour tickets to be sold at \$20, showing his appreciation of the fans (Masciotra, 2013). If more music artists followed in Kid Rock's footsteps, it may give potential pirates the nudge they need to begin buying legitimately once again.

Mechanics of Piracy

As the majority of pirate music online is exchanged or given for free, it raises the question as to why these individuals spend all this time and effort without financial gains. After much analysis, it seems the key benefit that the pirate gets is a sense of belonging within a group, 'The users feel that their interactions are of real social significance, as friendships are made and destroyed, and conflicts created and resolved day in and day out' (Cooper & Harrison, 2001: 75). It is vital to understand the varying roles that are significant in the online world of piracy, as well as the duties they carry out. There are three main roles, all interchangeable depending on the individuals time spent online each day. The 'Leech' is the receiver of pirated music online, without any social obligation or anything in return to the file sharing sites. They simply login, download and contribute nothing; it is the 'Leecher' that sits bottom of the social hierarchy online. The 'Trader' strikes deals with other users in order to exchange songs/albums, purely so that they can personally acquire the desired song/album that they do not currently own (ibid). The ability to fulfil a difficult request is an opportunity to increase social status within the online pirate community. Finally, the 'Citizen', these individuals exchange files for free and asks for nothing in return, the philanthropy of the user is carried out in order to benefit the online community and expand the pirate subculture (ibid). 'They are entrepreneurs who get action by reaching up to become further embedded in the subculture. The more upward their orientation, the larger their net of audio files, and thus their social action potential' (ibid: 10). Pirates take an active stance against the notion of copyright law, truly believing that information should be free to disseminate to the public at will and justify their activities with this thought in mind (Yarr, 2008).

Chapter 5: Interview with Bootleg Insider

The opportunity to bootleg music on a large scale did not occur until LP's became available, 'It was during a period when LP's came to be the market leader, as opposed to singles, because it wouldn't have been in anyones interests or worthwhile to be bootlegging singles' (John Bootlegger-Smith). This suggests that it was the profit margins, as well as the increased public demand for LP's that supplied the market for potential bootleggers. This potential market was what lured Peter and Ian to take advantage of it. It is important to understand what encourages individuals to become actively involved within the illegal music industry. When asked why he became involved he stated,

"I was always interested in anything a bit wooky... any money making that was unconventional appealed to me. Two guys I knew already had a record company. It meant that they already had a platform, firstly in terms of making records anyway, secondly lots of contacts in the music business and people looking to get into the music business... That's how they were able to be contacted and make connections with the type of people that had source material" (John Bootlegger-Smith, 2013).

These bootleggers were clearly in an advantageous situation considering their industry know-how, in terms of the acquisition and distribution of music, which placed them in the perfect position to exploit this market. Their first taste of dealing in this newly forming industry came when material from an infamous live Bob Dylan concert fell into their hands, 'Dylan Live at the Albert Hall', it was during a transitional period in Dylans career where he was switching from an acoustic folk performer to an artist who implemented an electric band. It was this switch in genre that arguably caused the boom in bootlegs throughout the United Kingdom.

"Folk purists were up in arms; they saw it as disgraceful and selling out. One particular concert, he began acoustically in his old style, then out came the electric instruments and the band then someone in the audience shouted, "Judas", he replied, "I don't believe you, you're a liar", this became folk law, this exchange in this particular concert, this was the tape that they were lucky enough to fall into their hands, it was a huge potential seller" (ibid).

'Dylan Live at the Albert Hall' was the first bootleg that was distributed on a large scale within the UK, which gave Peter and Ian their first taste of the profits that could be earned within this industry. Shortly after their first big seller they received a master copy of an in-depth unreleased studio session of Jimi Hendrix, via contacts within his management team. The owners of Red Lightnin Records, Peter and Ian, knew that this was a coup, because as John Bootlegger-Smith states, 'The cliché has it, the greatest career move a rock star can have is dying young, which Hendrix did and with not a great deal of material left behind' (ibid). This resulted in a consecutive huge hit for the pair and considerable amounts of money were exchanged.

Bootlegs appealed to the most hard-core fans of a specific band or artist and they were often very obsessive. A slight change in lyrics of a popular song was of great significance to collectors and the frequently poor quality sound on the records was of no issue. The majority of collectors tried to acquire every possible bootleg record available to them so that their collection was not only complete, but also aesthetically pleasing.

"People get fanatical about it; buy obsessively anything to do with particular artist that they were interested in. You would walk into someones house and there would be wall to wall of records, very distinctive about that particular period of time. The Dylan nuts, they would happily listen to Dylan having a dump" (ibid).

To understand the bootleg culture in the 1960's it is important to acknowledge the place that drugs had within the era, 'Almost certainly everyone who was buying bootleg records almost for sure, would have been listening to them whilst smoking weed or whatever' (ibid). This demonstrates the distinct link between drugs and music in the bootlegging era. John Bootlegger-Smith (2013) spoke in detail about how taking drugs was equally as important as the music, and listening to bootleg records with friends was like becoming a member of a club. He states, 'You could tell those who did and those who didn't, as well as when someone had made the transition - welcome to the club'. Throughout the most popular period of bootleg records, it managed to embed itself deep into youth culture; it became a rite of passage for most.

The interviewee spoke in detail about how the music industry was battling against reel-to-reel tapes prior to the bootleg boom. A pirate radio station named 'Radio Caroline' began transmission, to give fans an alternative to BBC licensed programmes. This then gave individuals the ability to tune in and record their favourite songs from this illegitimate station via their reel-to-reel tape recorders.

"Disc jockeys would be told to always speak over the intro and always speak before the end to impair the record, because people would be at home sat with these reel-to-reel tapes, recording these things and cus' of the DJ's talking over the song, they would have to buy the official release" (ibid).

Eventually the only way to deal with the pirate radio stations was for the authorities to accommodate it. The DJ's were employed by the BBC, 'Effectively Radio Caroline became Radio One' (ibid).

Interestingly, there was not a risk avoidance strategy in place during the late 1960's for Peter and Ian. As previously discussed, these two individuals were the pioneers of the illegal bootlegging business, therefore it caught the criminal justice system off-guard and as Bootlegger-Smith (2013) puts it, "There was no bootleg squad at Scotland Yard or anything like that... there simply wasn't anything in place and certainly nothing in terms of policing in the early stages". He also suggested that the Police would have simply viewed selling bootleg records as a relatively victimless crime and would have turned a blind eye to it in the early stages. There was no real authority to seek retribution on them for their activities. However, as aforementioned in the first section of this study, the bootleg climate began to change at the beginning of the 1970's, when authorities began to understand the true extent of damage the bootleg records were causing. Around 1971 the duo suffered their first legal setback,

"an agency collecting money on behalf of musicians, took one of these people to court and ironically the prosecution was laid under a false name, the name they chose was Zimmerman, which was Bob Dylans real name" (ibid).

This ironic anecdote suggests that they did not take the prosecution very seriously, which resulted in them pleading guilty and paying a £700-£800 fine. Although they did not take this incident in a serious manner, it still gave them the nudge they were looking for to get out the bootleg industry, 'I think probably the prosecution in Leicester, although a bit of a joke I think it was a bit of a warning shot, they decided that we've made a nice little pile, lets get out' (ibid).

Chapter 6: Financial Implications

The music industry constantly implies within its research that all forms of illegally acquiring music without copyright costs the industry (Pfanner, 2010). However, after much analysis, it can be argued that the bootlegging of records does not have a financial impact upon the music industry. Even in its prime, the bootlegging of music took place on a very small-scale. Also, the music that is released on a bootleg has no official release from the record label and the collectors of bootlegs are very committed fans who use bootlegs to maintain a relationship with their favourite artist or band (Marshall, 2004). It is important not to assume that the money that a collector may spend on a bootleg takes away income from another artist, it is not rare for an individual to spend all of their money on one artist or band in particular (ibid). There were even some artists that utilised bootleggers for their own gain. Bruce Springsteen was barred from a recording studio for two years after a legal case within management. To maintain the interest of his fans, he committed his time to performing live on radio, in the hope for it to be bootlegged. Springsteen later began a show by stating, 'bootleggers roll your tapes, this is gonna be a hot one' (Thompson, 1999). In this case the bootleggers were used as free advertisement, ultimately providing a future income for Springsteen and sustaining his career. Although the music industry attempts to indoctrinate the public into thinking that the bootlegging of music has a huge impact on the official sales, to date, specifically in terms of bootlegging alone, there has not been subject to any in-depth economic analysis, 'Results from the vast economic literature on copyright protection and pirating do not necessarily carry over to the case of bootlegging' (Navaghavi & Schulze, 2001: 57). In the grand scheme of things, bootleg sales barely had an impact on the music industry. A release by a major record label has to sell around 300,000 copies to simply break even, the greatest success of a bootleg sold around 20,000 copies, which would have been seen as a huge failure in the legitimate world of selling music (Lewis, 1990).

In comparison, the same cannot be said for piracy. The public's attitude and moral position regarding piracy is very relaxed, 'Numerous opinion polls and surveys attest to the ways in which intellectual property violations fall largely outside public conceptions of crime' (Yarr, 2008: 609). It is these types of attitude that are currently driving the music industry into the deepest problems they have ever had to deal with, incomparable to the problems that bootleggers caused the industry, 'Growth in illegal downloading has been even greater, and illegal downloads are estimated to outnumber legal ones by 20 to 1' (Sandall 2007; O'Grady 2007; Zuel 2008; Shedden 2009). It is important to understand that all the figures supplied by various sources must be subject to a degree of critical scrutiny, considering they are supplied by parties invested in the prevention of piracy. However the International Federation of the Phonographic Industry (IFPI) argues that accurate losses suffered by the industry is not represented simply by generating the amount of songs illegally downloaded, 'The value of the pirate market does not indicate losses in revenue to the legitimate recording industry, which are likely to be far greater' (IFPI, 2001). There is an incredible amount of statistics published by a number of associations, which makes it difficult to predict an accurate figure amongst them, but it is known that the figure stands well over £20billion worldwide annually. The US economy alone loses approximately £12.5 billion, 71,000 jobs and \$442 million in potential tax revenue annually (IFPI, 2007). On the other hand, there has been recent research that identified situations where, via positive network externalities, pirating music may in fact lead to an increase in official sales (Navaghavi & Schulze, 2001). Although the losses created via the online piracy market is vast in comparison to the previous market for bootlegs, the Internet can also supply the music industry with profits that can be detracted from the losses. Ostensibly, the Internet has not only provided a place for pirates, it also provides free information sharing which can benefit an artist or record company limitlessly. The invention of social networking has had a large impact on consumerism, simply sharing a Youtube video of a band or artist can provide them with a fan that may spend a vast amount of money on them, which would have otherwise been non-existent. The Internet has also created opportunities for artists to become involved in paid online campaigns, adverts and sponsorship deals, which would have previously been incredibly less lucrative. Recently Beyonce, one of the most successful female musicians of the 21st century, signed a deal with Pepsi which is estimated to be worth around \$50 million (Forbes, 2012). Evidently, this proves that the money taken away from an artist in terms of record sales is not the only source of income for the individual, especially in this increasingly commercialised world of advertisement and entertainment.

Chapter 7: Analytical Comparison of Piracy & Bootlegging

Bootleggers	Online Pirates
Collectors enjoyment is enhanced via the crowd noise in the background, crackle of LP playing and interchanges with hecklers/fans	Fans prefer the purest and highest quality music possible
The bootleggers create a social event with drugs & bootleg records central	Personal experience, downloaded for use on the go via earphones
Physical collections of LP's are aesthetically pleasing. Collectors proud of vast and complete collections	Music library is digitalised, all stored online or on a small piece of hardware
Bootlegs played on fixed heavy unit players	Transportable; iPods, mp3's & mobile phones
Rock 'n' Roll era specifically targeted	Every existing genre of music is pirated
Individuals paid for concerts - Then bought bootlegged tapes	Individuals download pirated music – Pay for concert if they enjoy (Role reversal)
Majority of bootleg consumers already own all official music released	The consumer will rarely buy official albums of already pirated material
Bootlegs were unique to each recording; there was no official release, so impossible to buy elsewhere. They did not deduct from official sales	Pirates are official releases, having a direct effect on record sales
Ages of consumer tends to be between 20-30 years of old and usually people who have jobs; have to pay for the habit	Now exists and available for people of all ages as long as there is internet access. Teenagers as young as 13 can download vast amounts of pirated music online
Editing a bootleg record is extremely complex	Online pirated songs can be edited seamlessly online
It was simply a collectable item, no other motive	It is a movement, online pirates have their own political group aiming to change laws and society

Table 1.

Piracy has a much wider reach due to the Internet than bootlegging ever achieved. The information can be sent and played in digital form via wireless communications, which bootlegs could not. There are many differences between the bootlegging era and the dawn of piracy, although there are also various similarities. As previously discussed, the current generation of pirates do not face a moral dilemma when downloading songs illegally (Yarr, 2008). The same feel existed during the late 60's, when bootlegging was booming, 'It was a mark of esteem, based on the strength of the bootlegs people had, not something to be ashamed of' (Bootlegger-Smith, 2013). A need to be socially accepted within a group is reflected in both forms of music acquisition, both bootleggers and pirates have a sense of belonging when trading; it's a subculture in its own right. Although in the online world of piracy the individual is still physically alone, as trades are done in cyberspace. Various studies have researched differential association theory on the effect of peer involvement in piracy and found that exposure to high levels of peer involvement led to more frequent engagement in piracy (Limayem, Khalifa, & Chin 1999; Higgins 2005; Higgins & Makin 2004; Higgins & Wilson 2006; Hinduja 2006; Skinner & Fream 1997). Using social learning theory as an explanation for understanding individuals participation in intellectual property theft is a logical one (Hinduja & Ingram, 2008). In order to commit such a skilled act, the individual has to learn the necessary techniques, which usually requires being taught relevant skills from a peer already involved in illegally obtaining pirated music (Skinner & Fream, 1997). Similarly, the consumer/collector usually goes unpunished by the criminal justice system, whereas the distributor in both eras, carry the majority of risk and potential of being charged.

There are a vast number of differences between bootleggers and pirates. Time has passed and technology has evolved alongside the consumer market. This market has seen the consumer demand an increase in the quality of music. Throughout the bootleg period, the LP produced crackles and pops, it all added to the experience and authentic feel for the collectors, 'In the days when LP's were in their prime and people would put the LP on and

you would handle it, almost with gloves, you know, it was an event, you didn't want to touch the side and get fingerprints on the disc itself' (John Bootlegger-Smith, 2013). This strikes a resounding difference compared to the new market of crisp, clean and perfect quality mp3 rips, straight from the studio. Another distinct difference between the two generations of music is transportability. Down any high street you will find almost every individual carrying a portable music device, whether that is; an iPod, a mobile phone or an mp3 player. Arguably, this creation has made the event of listening to music a much more personal one, which strikes a vast contrast to the bootlegging era, 'People would go round to other peoples house based on the strength of the bootlegs they've got' (John Bootlegger-Smith, 2013). During the bootleg era the records were played on a fixed unit player, creating a more shared experience. There was a sense of pride exhibited by collectors when showing off their large amount of records, nowadays pirates can fit that amount of information within their back pocket on a number of digital devices. Recently there has been a 3 terabit (TB) hard-drive created, which has the ability to hold up to 750,000 songs, this would be impossible to store in physical format. When comparing the policing of both illegal industries, it is clear to see a distinct change. Around the 1970's there was never any pressure from the government to create a sense of injustice against a lack of prosecutions, however, the same cannot be said about the current tactics used against downloaders, 'Rather than seeing the losses as facts, one should view them as discursive strategies for attempting to construct a political and public consensus about the immorality of piracy' (Yarr, 2008: 611). The monetary interests have totally changed throughout the transition into the digital age. Bootleggers were pressing and distributing records purely for financial gain and it would cost the collectors to obtain these records. However, pirates release information for free, making it available to all ages, rather than just individuals with an income, which results in a change of the market as aforementioned.

Although piracy has benefited most from the introduction of the Internet, it is not to say that bootlegging has completely disappeared. The demand for bootlegging has decreased, but this may be due to the commercialisation of a number of genres within the music industry. Rock music, the dominant genre of the bootlegging era, has lost its appeal to the new generation of consumers, 'rock music has lost its pre-eminence to a multiplying of sub-cultures, taste markets, and musical traditions, the record is a technology that has mutated into virtual forms' (Walker et al, 2012: 127). Rock music was almost the sole genre of music targeted by collectors, 'Rock music was very much the desired genre for most' (John Bootlegger-Smith, 2013). However, in the current era, there is no genre of music that escapes falling victim to piracy (Stieben, 2011). The existing bootleg collectors of the 1970's rock era do facilitate the use of the Internet, to trade online, predominately as mail orders. 'Bootleg shops reside in 'safe' jurisdictions, if their websites are closed down by their internet service provider; it is extremely easy for customers to locate them again' (Navaghavi & Schulze, 2001: 58). This suggests that new technology is being utilised for old clandestine activities, such as bootlegging.

Within this digital age, it is vital to understand the demographic of the typical downloader of illegal music online. For the sake of consistent statistics these figures are based on the most popular source of pirated music, 'The Pirate Bay'. Unsurprisingly, the 18-24 year old male category is extremely over-represented within the statistics (Alexa, 2013). This may be due to the 'digital generation' that grew up with the advancing technology; grasping it at a faster rate than any other age group and ultimately exploiting it to their advantage. In addition to this, the majority of users have a college education, suggesting that it is the well-educated and technologically savvy individuals that access these types of pirate websites (ibid). Unsurprisingly, the vast majority of young pirates have no children. The browsing location of users is predominantly carried out at home, with a small percentage being carried out at school, which again reflects the age group of the consumer (ibid).

Throughout the bootlegging era, as previously mentioned, the collectors were extremely obsessive. In order to have the ability to fund this addiction to bootlegged records, the collector often had to have a stable and consistent income, 'Records used to be very expensive, they're definitely cheaper nowadays relatively speaking' (John Bootlegger-Smith, 2013). A key difference between the two ages of illegal music acquisition is the fact that even though bootlegging was not legitimate, the collectors still had to pay for their habit, unlike pirates in the modern era. Due to highly priced bootlegs, hard-core collectors were often in full time employment and the age demographic was entirely different to the online collectors of today. This may also be related to the fact that Bob Dylan was easily the most bootlegged artist during the period and he attracted a certain type of fan, 'Dylan was a much more middle class thing, he was very articulate... he sang about the kind of things that only well-educated middle class people would relate to' (ibid). Arguably, Dylans music appealed to individuals with more of a disposable income.

One of the most significant differences between bootleggers and pirates is their ultimate goal. A bootleg distributor aimed to make money and the average collectors main goal is to simply expand their selection of

records, often in an attempt to obtain every version of a records their favourite artist or band recorded, 'my friend would get a phone call from other fanatical Dylan fans, "Ohh he did a version of tangled up in blue with a lyric change" and he had literally a black bin-bag full of tapes of these different concerts, but essentially they were all the same song' (John Bootlegger-Smith, 2013). The only goal bootleggers had, was to obtain the records and enjoy the music, whether that be alone or within groups of friends. However, the current culture of piracy has a very precise aim. As well as being simply a method to obtain free music for some users, for others it is significantly more. The number of committed individuals that are becoming embedded within the pirate culture is continually growing, to an extent to which they have set up a political group, 'Pirate Party UK'. Essentially supporters of the party believe that information online should be free and one of the party pledges states, 'We want a right to file share for non-commercial purposes' (Pirate Party UK, 2013). The aims of the party all revolve around the fact that information should be more readily available to the public and they also aim to stop big corporations from restricting small business with tides of legal action (ibid). Evidently, the current pirate culture is more of an organisation for the sophisticated individuals involved and in their eyes they are doing it for the 'greater good'. Whereas, the large distributors within the illegal bootlegging business did it entirely for the profit margins, 'It was all about making some money' (John Bootlegger-Smith, 2013).

Chapter 8: Conclusion/ Future of Illegal Music Industry

The two eras are diverse, but essentially they both come down to the illegal acquisition and distribution of music. However, piracy is not going to fade the same way that bootlegging did. It can be argued that record companies should stop battling against online music piracy and create new unique ways of distributing music,

'In the arcade version of Whac-A-Mole, the game eventually ends — often when the player loses. In the piracy arms-race version, there doesn't seem to be a conclusion. Sooner or later, the people who still believe they can hit the moles with their slow mallets might realize that their time would be better spent playing an entirely different game' (Bilton, 2012).

Other possible ways of effectively reducing online piracy could be to re-educate the youth on the effect that piracy has on not just the artist, but the entire industry, such as; audio engineers, album producers and marketing professional, who all fall victim to pirates when illegal downloads take away from their pay checks (Hinduja & Ingram, 2008). Another possible solution would be to introduce solid and effective legislative measures, which may reduce the amount of pirates. Tittle (1980) has argued that levels of illegal behaviour will decrease if legislation is crafted to indefinitely prescribe penalties for violation. The extent and consistency high numbers of music that has been illegally copied, however, is currently not sizeably reduced via legislative measures (Dean, 2003). The lack of legislative measures currently in place may be a key reason for the lack of reduction in online music piracy. If a bill could be agreed upon within an international agreement involving sanctions for strict penalties, legislation may finally have a significant impact on music piracy.

Although, to counter that argument, Tyler (1996) states that often individuals will only co-operate with laws that they believe to be fair and legitimate. With the growing numbers of people becoming involved in online piracy, the chances of the lawmakers creating legislation that coheres with their conceptions of what is right is constantly reducing. If this issue was to be seriously addressed by the authorities, then an effective agreement could be put in place. If more artists were willing to cut prices and follow suit with Kid Rocks recent plans, it may encourage fans to be more willing to purchase music legally.

Online piracy is constantly threatening to evolve and develop if it is not tackled in the near future. Recently it has been suggested by a 'Pirate Bay' insider that the team hopes to, 'build drones that would float in the air and allow people to download movies and music through wireless radio transmitters' (Bilton, 2012). If this theory was put into practice, it would equate to the authorities having to fund aeroplanes in order to shut down the illegitimate servers. It has also been suggested that the key reason behind 'The Pirate Bay' managing to reboot its systems so speedily after shut down, was due to various servers being stored in bank vaults or even underwater (ibid). If pirates are willing to go to this level to avoid a complete website shut down, it really does raise questions as to why the authorities are still going head to head with pirates, rather than attempting to find a more suitable strategy. As previously mentioned, in the 1970's authorities eventually accommodated a pirate radio station, Radio Caroline, once they understood that it would be a waste of time and resources to try and shut it down. This is a prime example of the government reaching a compromise, which may be necessary when

tackling the online piracy problem. Another possible solution to the problem may have been found by Son Records. After record sales began to significantly decrease due to online piracy, a small record label, Son Records, attempted a new approach by releasing an album on vinyl and refusing to release it digitally, 'The vinyl version sold well – and when the musician searched the web he found no trace of any unauthorised copies' (BBC, 2012). However, no one should think that the fight over anti-piracy legislation is finished or that much time will pass before old opposing legislation re-emerges in a new guise (Schechter, 2012).

The future of the illegal music industry has potential to reflect both aspects of bootlegging and piracy to create an entire new entity. Research suggests that 18 to 24 year olds are driving a surge in vinyl sales in recent years (BBC, 2013). An increasing number of artists, ranging from Jake Bugg to Lady Gaga, are reverting back to vinyl due to the superior sounds quality and it is forcing the popularity of the format to rise too (Telegraph, 2012). As previously mentioned, statistics show that the 18 to 24 year old age group are the most heavily involved demographic in music piracy, combining this knowledge with the fact that the same age demographic are now purchasing vinyl, may suggest a shift in attitudes. Arguably, this could be the future of the illegal music industry. An increase in old vinyl sales suggests a rising interest in old bootlegs, which may be combined with new piracy techniques. The future of the illegal music industry may consist of old bootlegs being pirated using online software to ensure the quality remains consistent. This would create an enhanced species of bootleg by individuals using mechanisms of piracy, is this the new era, 'Pileggacy'?

There are various gaps in research in terms of comparing the differing eras of the illegal music industry. Future researchers may wish to study the re-emergence of vinyl and observe the impact it has on the record industry, both legally and illegally. There are both a number of similarities and differences between both eras of the illegal music industry. Undoubtedly, the current plight of online music piracy has potential to survive in the current climate longer than the bootleg boom. Essentially, no matter how hard the authorities fight against piracy, there will always be a 'Robin Hood' to take from the rich and provide the needy with their desires (Hussain, 2008).

Appendix 1: Interview Schedule

Semi-structured interview style:

Time scale

What dates are your knowledge of bootlegging of music, - 1960's 1970's 80's?

When did you get involved within the bootlegging industry?

Stages of involvement

What attracted you to the bootlegging industry?

How did you become involved?

Role of individual

What was your specific role within the illegal activity?

- Did you have multiple roles?

What was the process from creation to distribution?

On what scale were you involved?

- Mass distribution?
- Small scale distribution?

Where were you based?

What were your perceptions of risk?

What were the risk avoidance strategies?

Knowledge of other individuals involved? How heavily were they involved?

Knowledge of TMQ?

Describe the operation as far as possible from bottom to top?

Roles of different players in the operation?

What kind of equipment was used?

- Professional recording equipment?
- Simple tape recorder?

When did you “get out” of the business and why?

Monetary interests

What kind of money was being exchanged during your time period within the industry?

Customer market

Was there a particular type of consumer?

- Working class?
- Or an even spread across class divides?

Personal Opinion

Do you believe that the bootlegging of music is a serious problem?

Is it innocent?

- The music released on bootlegs is music which has had no official release from a legitimate record label
- The people who buy bootlegs tend to be extremely committed fans who use bootlegs as a way of maintaining an on-going, meaningful relationship with their favourite band or artist.
- Money spent on bootlegs isn't taking away from record sales of the artist, as they usually have purchased all the possible records already.

Appendix 2: Notification of Ethics Decision

College of Business Law and Social Sciences

School of Social Sciences.

School of Social Sciences Research Ethics Committee (SREC)

Notification of Decision

Student's Name	Joshua Walmsley-Lycett
Supervisor's Name	Mike Sutton
NTU ID	N0302656
Programme	BA Criminology
Date of SREC meeting	11/12/2012
Date Notification sent to student	13/11/2012

At the Social Sciences Research Ethics Committee meeting the following decision was made in respect of your application for Ethical Approval of a Research Project:

Approved - you may commence your research as outlined in your application

If you have to **re-submit your form** you must ensure that you clearly indicate on the form that it is a resubmission, for Chair's action, and **on a separate document detail what changes have been made, together with including any relevant attachments** (e.g. research instruments or participant information).

If you need to enter an ethical approval code for the research participation scheme, then use the date of this notification as that code.

If you have any queries please do not hesitate to contact your project supervisor or alternatively e-mail SOC.ethics@ntu.ac.uk.

Further information and guidance can be found on the ethics module (XXSOC10002) on NOW.



T Gillespie, Chair SREC

Appendix 3: Informed Consent Form and Participant Information

Participant Information Sheet & Informed Consent Form

The purpose of this research is to examine the past experiences of an individual that was previously involved with bootlegging of records.

You are being asked to take part in an interview lasting approximately two hours. The interviewer will ask a number of questions about your own experience in the bootlegging of records, how you got involved with the industry and what attracted you to it originally, alongside others. All of your responses will be tape recorded with your permission. Throughout the interview, it is emphasised that you should please let the interviewer know if you feel uncomfortable answering some questions.

You have the right to withdraw at any stage of the interview process without having to give reason of doing so. If you would like to withdraw you should contact the researcher or his research supervisor Dr Mike Sutton to ask for your information and data to be withdrawn from the study by 01/04/2013.

Due to the nature of the research, only extracts from the interview will be used within the final report. To protect your anonymity all names, organisations and places that are mentioned in the interview will be changed. Only the interviewer and Mike Sutton will have access to the recordings that are taken. All recordings will be held under lock and key until after the publication of research, then they will be at Mike Suttons' disposal.

Once the interview has been completed you will be able to ask any questions that you may have about the research or interview in general. Participation within this piece of research is voluntary and very much appreciated. If you feel happy to take part in this piece of research please sign and date below.

If you have any questions or queries before, during or after the interview my contact details, and those of my supervisor, are on the bottom of this form. Thank you for agreeing to consider participating in this research project.

Agreement to consent

I have read and understand the purpose of this research and my part in it;

I understand that I can ask questions if needed and understand that I can contact the investigator at any time with queries or concerns.

I have the right to withdraw my data at any point during or after the interview up until the deadline date previously mentioned and understand that all materials will be dealt with appropriately.

I voluntarily agree to take part in this study.

Signature of participant:

Date:

Investigator contact details:

Joshua Walmsley-Lycett

Criminology 3rd Year

joshua.walmsley-lycett2010@my.ntu.ac.uk

Supervisor contact details:

Mike Sutton

michael.sutton@ntu.ac.uk

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Thank you for participating in the research.

Reference List

- Alexa Company (2013) 'Audience Demographics for thepiratebay' (Internet) Available at: <http://www.alexa.com/siteinfo/thepiratebay.se> Accessed: 18/04/2013
- AOL (2011) 'Letter to Congress' (Internet) Available at: <http://www.protectinnovation.com/downloads/letter.pdf> Accessed: 20/03/2013
- Baker, R.C. (1999) 'Crime, fraud and deceit on the internet: is there hyperreality in cyberspace?', *Critical Perspectives on Accounting* 13(1): pp. 1-15
- BBC (2002) 'Napster must stay shut down' (Internet) Available at: <http://news.bbc.co.uk/1/hi/entertainment/1893904.stm> Accessed: 17/03/2013
- BBC (2012) 'Music piracy – Who's on the moral high ground?' (Internet) Available at: <http://www.bbc.co.uk/news/technology-18892655> Accessed: 18/03/2013
- BBC (2012) 'Rolling Stones: What is a fair price for a concert ticket?' (Internet) Available at: <http://www.bbc.co.uk/news/entertainment-arts-20066145> Accessed: 20/01/2013
- BBC (2012) 'Sopa and Pipa anti-piracy bills controversy explained' (Internet) Available at: <http://www.bbc.co.uk/news/technology-16596577> Accessed: 19/01/2013
- BBC (2013) 'Under 25s are behind a surge in vinyl sales' (Internet) Available at: <http://www.bbc.co.uk/newsbeat/22208446> Accessed: 21/04/2013
- Biderman, A.D. & Reiss, A.J. (1967) 'On Exploring the "Dark Figure" of Crime', *The ANNALS of the American Academy of Political and Social Science* 347: pp. 1-15
- Bilton, N. (2012) 'Internet Pirates Will Always Win' (Internet) Available at: http://www.nytimes.com/2012/08/05/sunday-review/internet-pirates-will-always-win.html?_r=0 Accessed: 20/02/2013
- CNET (2000) 'Napster among fastest-growing Net technologies' (Internet) Available at: <http://news.cnet.com/2100-1023-246648.html> Accessed: 20/01/2013
- Cooper, J. & Harrison, D. M. (2001) 'The social organization of audio piracy on the Internet', *Media Culture Society* 23(1): pp. 71-89
- Dean, K. (2003) 'RIAA Hits Students Where It Hurts' (Internet) Available at: <http://www.wired.com/news/digiwood/0,1412,58351,00.html> Accessed: 04/01/2013
- Douglas, G. (2004) 'Copyright and Peer-To-Peer Music File Sharing: The Napster Case and the Argument Against Legislative Reform', *Murdoch University Electronic Journal of Law* 11: 1
- Ekman, I. (2006) 'Police raid sparks debate in Sweden' (Internet) Available at: http://www.nytimes.com/2006/06/04/technology/04iht-pirate05.1879427.html?_r=0 Accessed: 20/02/2013

Forbes (2012) 'Beyonce's \$50 Million Pepsi Deal Takes Creative Cues From Jay Z' (Internet) Available at: <http://www.forbes.com/sites/meghancasserly/2012/12/10/beyonce-knowles-50-million-pepsi-deal-takes-creative-cues-from-jay-z/> Accessed: 20/03/2013

Glass, G.V. (1976) *Primary, Secondary, and Meta-Analysis of Research*, University of Colorado: Laboratory of Educational Research

Goldman, D. (2010) 'Music's lost decade: Sales cut in half' (Internet) Available at: http://money.cnn.com/2010/02/02/news/companies/napster_music_industry/ Accessed: 20/04/2013

Gunter, W.D. (2009) 'Internet Scallywags: A Comparative Analysis of Multiple Forms and Measurements of Digital Piracy', *Western Criminology Review* 10(1): pp.15-28

Hale, C., Hayward, K., Wahidin, A. & Wincup, E. (2009) *Criminology: Second Edition*, Oxford: Oxford University Press

Heylin, C. (2003) *Bootleg: The Rise & Fall of the Secret Recording History*, London: Omnibus Press

Higgins, G. E. & Makin, D. A. (2004) 'Self-Control, Deviant Peer Association, and Software piracy', *Psychological Reports* 95: pp.921-931.

Higgins, G.E. & Wilson, A.L (2006) 'Low Self-Control, Moral Beliefs, and Social Learning Theory', *Security Journal* 19: pp. 75-92.

Higgins, G.E. (2005) 'Can Low Self-Control Help with the Understanding of the Software Piracy Problem?', *Deviant Behaviour* 26: pp.1-24

Hinduja, S. & Ingram, J. R. (2008) 'Self-Control and Ethical Beliefs on the Social Learning of Intellectual Property Theft', *Western Criminology Review* 9(2): pp. 52-72

Hinduja, S. (2006) *Music Piracy and Crime Theory*, New York: LFB Scholarly

Hussain, I. (2008) 'Should 'The Pirate Bay' thank MPAA for its cult following?' (Internet) Available at: <http://web.archive.org/web/20080719063921/http://startupmeme.com/should-piratebay-thank-mpaa-for-its-cult-following/> Accessed: 18/03/2013

International Federation of the Phonographic Industries (IFPI) (2001) *Piracy Report 2001*. London: IFPI

IPI (2007) 'The True Cost of Sound Recording Piracy to the U.S Economy' (Internet) Available at: http://www.ipi.org/ipi_issues/detail/the-true-cost-of-sound-recording-piracy-to-the-us-economy Accessed: 20/01/2013

Irwin, S. & Winterton, M. (2011) 'Debates in Qualitative Secondary Analysis: Critical Reflections', *Economic & Social Research Council* 4: pp. 1-23

Jewkes, Y. & Yar, M. (2009) 'Introduction: The internet, cybercrime, and the challenges of the 21st century' in Y. Jewkes & M. Yar (ed.) *Handbook of Internet Crime*, Collumpton: Willan: pp. 1-8

Lewis, R. (1990) 'Record Bootleggers Tap into Niche Market', *Los Angeles Times*: 09/11/90: 25

Limayem, M., Khalifa, M. & Chin.W.W. (1999) 'Factors Motivating Software Piracy: A Longitudinal Study International' (Internet) Available at:
http://pdf.aminer.org/000/326/751/factors_motivating_software_piracy_a_longitudinal_study.pdf Accessed: 10/03/2013

Lyotard, J. F. (1991) *The Postmodern Condition: A Report Knowledge*, Minneapolis: University of Minnesota Press

Marshall, A.M & Tompsett, B.C. (2002) 'Spam 'n' chips – A discussion of internet crime', *Science & Justice* 42(2): pp.117-122

Marshall, L. (2004) 'The Effects of Piracy Upon the Music Industry; a Case Study of Bootlegging', *Media Culture Society*, 26(2): pp. 163-181

Marshall, L. (2005) 'Bootlegging: Romanticism and copyright in the music industry', *Theory Culture & Society* pp. 114-132

Masciotra, D. (2013) 'Kid Rock, Progressive Hero: Why He's Right to Charge \$20 Per Ticket' (Internet) Available at: <http://www.theatlantic.com/entertainment/archive/2013/04/kid-rock-progressive-hero-why-hes-right-to-charge-20-per-ticket/275192/> Accessed: 23/04/2013

Morthland, J. & Hopkins, J. (1970) 'Bootleg: The Rock & Roll Liberation Front?' (Internet) Available at: <http://www.rollingstone.com/music/news/bootleg-the-rock-roll-liberation-front-19700207> Accessed: 24/03/2013

Navaghavi, A. G. & Schulze, G. G. (2001) 'Bootlegging in the Music Industry: A Note' *European Journal of Law and Economics* 12(1): pp. 57-72

Newburn, T. (2007) *Criminology*, Devon: Willian Publishing

O'Grady, A. (2007) 'Pain of a music industry in transition', *Sydney Morning Herald*, 14/03/07

Pfanner, E. (2010) 'Music Industry Counts the Cost of Piracy' (Internet) Available at: http://www.nytimes.com/2010/01/22/business/global/22music.html?_r=0 Accessed: 04/03/2013

Pirate Party UK (2013) 'Fighting Digital Exclusion' (Internet) Available at: http://www.pirateparty.org.uk/Digital_Rights Accessed: 15/04/2013

Rosenoer, J. (1996) 'Criminal Liability', *CyberLaw* pp. 167-226

Sandall, R. (2007) 'Goodbye Compact Disc', *Financial Review*, 03/08/07

Schechter, J. (2012) 'Online Piracy Legislation: Is the Cure Worse than the Disease' (Internet) Available at: <http://fedbar.org/image-library/sections-and-divisions/ipc/ip-winter12.pdf#page=7> Accessed: 19/01/2013

Schwartz, D. (1995) 'Strange Fixation: Bootleg Sound Recordings Enjoy the Benefits of Improving Technology', *Federal Communications Law Journal* 47(3): pp. 612-640

Shedden, I. (2009) 'On song to digital revolution', *Weekend Australian*, 21/11/09

Skinner, W.F. & Fream, A.M. (1997) 'A Social Learning Theory Analysis of Computer Crime among College Students', *Journal of Research in Crime and Delinquency* 34: pp. 495-518

SoundFan (2013) 'Who invented the magnetic recording?' (Internet) Available at:
<http://www.soundfan.it/en/history.html> Accessed: 12/02/2013

Steward, D.W. & Kamins, M.A. (1993) *Secondary Research: Information Sources and Methods*, California: SAGE publications

Stieben, D. (2011) 'The Top 10 Most Pirated Music On BitTorrent Today' (Internet) Available at:
<http://www.makeuseof.com/tag/top-10-pirated-music-bittorrent-today/> Accessed: 28/01/2013

Stone, R. A. (1996) *The War of Desire and Technology at the Close of the Mechanical Age*, Cambridge, MA: MIT

Sutton, M. (2013) 'The Bootleg Myth is Bust: More Etymology Dysology Uncovered, Criminology: The Blog of Mike Sutton' Available at: www.BestThinking.com Accessed: 28/02/2013

The Guardian (2012) 'The Pirate Bay to defy international crackdown on filesharing websites' (Internet) Available at: <http://www.guardian.co.uk/technology/2012/feb/21/pirate-bay-defy-crackdown-filesharing?newsfeed=true> Accessed: 21/02/2012

The Telegraph (2012) 'Sales of vinyl albums rise as CDs slump' (Internet) Available at:
<http://www.telegraph.co.uk/culture/music/music-news/8988038/Sales-of-vinyl-albums-rise-as-CDs-slump.html>
Accessed: 10/03/2013

Thompson, D. (1999) 'Bootlegs: The Other Recording Industry', *Experience Hendrix* 3(4): pp. 33–40

Tittle, C. R. (1980) *Sanctions and Social Deviance: The Question of Deterrence*, New York: Praeger Publishers

Treadwell, J. (2012) 'From the car boot to booting it up? Ebay, online counterfeit crime and the transformation of the criminal marketplace', *Criminology & Criminal Justice* 12(2): pp. 175-191

Walker, C. J., Hogan, T. & Beilharz, P. (2012) 'Rock 'n' Labels: Tracking the Australian recording industry in 'The Vinyl Age': Part Two: 1970-1995, and after', *Thesis Eleven* 110(1): pp. 112-131

Yar, M. (2008) 'The rhetorics and myths of anti-piracy campaigns: criminalization, moral pedagogy and capitalist property relations in the classroom', *New Media & Society* 10(4) pp. 605-623

Zuel B (2008) 'How the record rack lost its groove', *Sydney Morning Herald*, 11/08/08