<u>**Piracy and Media Studies**</u>
Nicole Hentrich, *University of Michigan*

The position I am putting forward here is that we, as media scholars, need to reframe how we think about media piracy. Rather than conceptualizing piracy as something that happens outside of media ecologies, it is productive to think of pirate practices as a part of them. Media piracy is usually relegated to the margins, or even outside of, the media industries and the market. Yet it is part of the media industries rather than separate from them. While no doubt some sectors within the industry suffer economically from pirate activities, others stand to make large gains from non-sanctioned media use. This can include the selling of hardware to access and watch media, subscriptions to link locker sites, or the large amount of internet traffic ISPs are able to generate and the flow on effect to advertising and personal data collection as well. VPN use means that platforms like Netflix still get paid even though local VOD services might suffer.

In situating piracy *within* media industries, there is much to gain from specifically framing piracy as part of media distribution. We can think of various modes of distribution and access as existing on a spectrum ranging from that which is formalised, industry approved and sanctioned, to that which operates informally (Lobato). At the formal end exists appointment viewing of television programs watched via the cable package that you pay for, or going to a movie theatre on opening weekend and buying a ticket to see the latest blockbuster. Further along there is the sharing of subscription passwords among friends or the use of VPNs to access and subscribe to geoblocked streaming platforms. Part of the discursive mess around piracy is that is has become a catch-all phrase that is applied to a variety of activities, not all of which are strictly illegal. Rather, they are cast as illegitimate, or non-desirable forms of accessing and engaging with media products. But how can we understand media "piracy" within the context of everyday life rather than as a deviant activity?

Paying more attention to questions of distribution and access is of particular importance when thinking through how people access, experience, and engage with digitally distributed television content outside of the US. While some work has been done on international piracy "hotspots" from an infrastructure and technological standpoint (e.g. The Pirate Bay), less has been done on how people/users/audiences negotiate non-sanctioned forms of distribution as part of their daily lives. Countries like Australia have become almost notorious for the sheer volume of "pirated" TV content that is consumed, but only looking at numbers or legality misses a much richer picture of what these distribution practices look like "on the ground" and what they might mean. Part of what gets lost in discussions that focus only on copyright and IP is the fact that one of the driving motivations to "pirate" material is simply to gain access to it. That is why situating these practices within a larger framework of media distribution would prove fruitful.

Our current experience of television is one shaped by the discourse of "TV anywhere." The proliferation of screens, streaming, and many other options for accessing, consuming, and engaging content gives a sense of unfettered access and personal choice. Popular and trade press, as well as advertising taglines reinforce and reproduce this impression. For audiences in the US in particular, this impression is rarely challenged (perhaps apart from #nbcfail). Not often are they in a position of having (mainstream, English language) TV content denied to them. For would-be viewers outside of the US,

however, this is a regular occurrence. When pre-existing international licensing agreements come up against the expansion of new distribution platforms, problems arise. Netflix's expansion into the Australian market did not mean that audiences could watch Netflix originals like *Orange is the New Black* via the streaming service: they still had to have a subscription to cable provider Foxtel, and were still bound to Foxtel's once-a-week release of new episodes. Windowing issues are further exacerbated when they inhibit fan practices or "social TV" viewing. You cannot be part the season premiere of *Game of Thrones* twitter feed when you have to wait to watch the episode, nor can you watch a live sporting event if the channels you officially have access to are not showing it. What do you do when there is no other way to watch desired content other than engage in a non-sanctioned form of access?