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Can Global Release Day Reduce Piracy?

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The MEIEA Journal occasionally features outstanding student papers. This undergraduate research paper is written by Wendy Anderson of Augsburg College.

Abstract

Global release day is a concept that has been publicly accepted since July 2015. The idea has changed the norm for new music releases by grouping them together on one day for countries around the world. The International Federation of the Phonographic Industry (IFPI) is predicting that global release day will increase music sales and will reduce the risk of piracy. This paper addresses the issue of whether or not the implementation of global release day will decrease piracy by analyzing the details about global release day through consumer piracy behavior and convenience, time zones, and accessibility to new music. After exploring the possibilities for global release day to decrease piracy and to increase music sales, the paper concludes with recommendations for future research.

Keywords: global release day, IFPI, music business, music industry, music piracy, music sales, New Music Fridays, risk of piracy

Introduction

Prior to July 10, 2015, new music recordings were released on different days in different countries around the world. On February 26, 2015, the International Federation of the Phonographic Industry (IFPI) announced the official acceptance of the global release day concept meaning that new releases from acts associated with the IFPI would be released on Fridays in all countries involved with the IFPI around the world.¹ The IFPI believes that this concept will reduce the risk of piracy, which implies that the amount of pirating activity will also decrease. This paper addresses the question of whether or not global release day could decrease piracy.

Although it can be argued to the contrary, I do not believe global release day will have a significant impact on lowering piracy. Factors including consumer behavior, the convenience of piracy, time zones, and the publicly known release dates for albums are enough to encourage piracy

even with global release day. After reviewing the existing literature, I will explain what global release day is, its relevance to society, why it was enacted, and what characteristics of pirating it is trying to fight. Then I will present my argument as to why global release day will not reduce piracy, as well some possible arguments in support of a global release day, including information as to why global release day may be beneficial whether it will reduce piracy or not.

Literature Review

Little research has been conducted on the possible effectiveness of global release day because the concept was initiated less than a year before the publication of this article. Still, there is some reasonable speculation about the possible effects as well as some important articles about the motives of those who pirate music who may be affected by global release day. In February 2015, the IFPI, which according to the organization's website consists of about 1,300 members from over sixty countries, officially announced that after months of discussion global release day will happen starting July 10, 2015. Hannah Karp, a journalist at *The Wall Street Journal* who specializes in writing articles on the music industry, has written about the tension between different parties in the debate as to whether or not global release day will be effective in its purpose to increase music sales and better the music purchasing process.² Her articles have addressed both the positive and negative effects global release day could have on sales, but they do not address the effects it will have on piracy. This paper, on the other hand, will be one of the first to focus heavily on how global release day could affect piracy.

In the music industry, releasing music unexpectedly is another album-releasing trend becoming more common. Journalists have taken notice of this. For example, in an article for *Vulture.com*, Laretta Charlton, a journalist who focuses her writing on music, wrote about whether or not album release dates are even necessary. The article explores the possible strategy of not publicizing music releases in order to limit the opportunities for music to leak and for consumers to pirate it before the music is legally released.³ By contrast, my paper further explores the importance of not publicizing a release date for new music in order for global release day to be successful in reducing piracy.

Several articles have been written about various forms of piracy and the ways in which it occurs. Why consumers pirate is one of these subtop-

ics that multiple authors have written about and a topic that is used in my argument as well. For example, Daniel Castro (a policy analyst), Richard Bennett (a network engineer), and Scott Andes (also a policy analyst), all worked for the Information Technology & Innovation Foundation (ITIF). They wrote an article about ways to reduce piracy and explanations as to why it occurs, citing reasons such as minimal risk of being caught and the little effort needed to be able to pirate music that is, and is not, available in their market yet.⁴ Nicole Leeper Piquero, a criminology professor at the University of Texas at Dallas, also researched the causes of piracy and possible ways to prevent it, mentioning in her article published in the *Trends in Organized Crime* journal that consumers will stop pirating if they are certain they will face the consequences for not buying the material at the price the material is being sold for in stores or independently by the artist.⁵ These articles address the risks and possible penalties of piracy, but they do not explain how or even if the changes the IFPI made with global release day will influence consumers' piracy activity of material available in a country other than their own or the consequences of pirating the material. This paper makes that connection.

While there has been little published about global release day, over time more articles may be written as the practice becomes more established. Once the concept has been in place for a few years, researchers may be better able to make conclusions about the effects of global release day, not only for reducing piracy but also for increasing music sales. The purpose of this paper is to speculate about ways in which global release day may affect piracy and to be a precedent for any future articles written about global release day's effect on piracy.

What is Global Release Day?

Global release day, also known as “New Music Fridays,”⁶ is a strategy created by the IFPI to increase music sales and reduce the risk of piracy. After months of deliberation among different parties (from artists to retailers to record companies) affected by the change, new music released after July 10, 2015,⁷ is released Fridays at 00:01 local time.⁸

Is Global Release Day a Relevant Idea?

Because global release day is a fairly new concept at the time this article is being published, it is difficult to say how revolutionary and how important the idea is to the music industry. The effects of this concept

should be carefully observed in order to understand what impact, if any, it has on piracy activity and music sales in general. As suggested in the literature review above, very little has been written about the concept, nor is there much social media attention. More time and more research are needed to determine whether or not global release day is a topic that will continue. It will depend on what effects global release day actually has in the years to come.

Why Enforce Global Release Day?

According to the IFPI, the purpose of global release day is to make music legally available to fans on the same day all around the world, which in turn will “reduce the risk of piracy by narrowing the gap between release days in different countries.”⁹ The IFPI did not put global release day together in the blink of an eye. They worked with different organizations around the world including, but not limited to, Australian Music Retailers Association (AMRA), the Featured Artists Coalition (UK), FIM (The International Federation of Musicians), Music Business Association, iTunes, and Spotify to make sure this concept should be implemented.¹⁰ They also sponsored and referenced independent research that determined Friday to be the most desired release day among customers¹¹ and the most logical day to release music in order to increase sales.¹² Results from the consultations and the research concluded that more customers are likely to purchase new music on Fridays and that releasing music at 00:01 local time would decrease consumers’ impatience for new music because everyone around the world will have access to it on the same day.¹³

Why People Pirate and What Motives Global Release Day Could Affect

There is more than just one reason why consumers may pirate music. Some consumers may pirate music in order to profit illegally, while other consumers may pirate music for personal benefit. Whether for profit or not, the motives for piracy could be as simple as not wanting to spend the money on something that can be accessed for free (even if it is illegal)¹⁴ or wanting to own the new music right away without having to wait for it to be officially released if it has been released legally elsewhere.¹⁵ Although the IFPI has not specifically stated how it believes global release day will affect pirating behavior, people can make an inference based on the implementations of global release day. Because global release day requires new

music from participating parties to be released on the same day around the world, this limits the amount of time consumers in one country have to access music if it was released in one country on Tuesday, for example, but it is not released until the following Friday in their home country. By eliminating this time gap, it reduces the impatience consumers have that may motivate them to pirate music. This idea will be further explained in my core argument.

Why Global Release Day Will Not Reduce Piracy

As I mentioned in the introduction, I believe that global release day will not reduce piracy. I will explain why under four sections. The first section argues that consumers are too impatient to wait for a legal copy if they can find it now. Subsections will further explore how this impatience is seen in the entertainment industry via advanced ticket sales and pre-orders. The second section presents my belief that pirating new music is convenient and punishments are not threatening enough to stop pirating. The third section presents my assertion that the limited time difference that global release day implements still allows time for people to pirate music. The final section presents my argument that a publicly known release date will not stop people, who may have access to the material prior to the release date, from leaking the recording in order for consumers to pirate it. Subsections will further explore how music leaks and television leaks support this idea.

Global Release Day Will Not Reduce Piracy Due to Consumer Impatience

As mentioned above, consumers may pirate music because they are impatient; they will not wait to obtain the material legally if there is a way to find it illegally. Although this action is frowned upon, the entertainment industry encourages this impatience with a well-known concept for different media across the board: pre-orders. Pre-ordering movie tickets and upcoming albums has become a routine practice in the industry. This section will further explain how pre-orders influence consumer impatience.

Advanced Movie Ticket Sales

Consumers do not have to patiently wait to buy access to an upcoming movie showing and new album release thanks to pre-ordering before the official release date. Pre-ordering movie tickets on sites such as Fan-

dango.com, AMCtheatres.com, and Movieticket.com as well as new music from an artist's website, iTunes, or an artist's crowdfunding site is a convenient process. These pre-orders allow consumers to be some of the first to see or own the media at the time of its official release—as long as it is not leaked prior. This idea is popular in the movie industry.

Advanced movie ticket sales have allowed movies to shatter records. In 2014, the first day of advanced ticket sales for *The Hunger Games: Mockingjay – Part 1* set the record for the most sales in one day, and the movie was not released for another three weeks.¹⁶ Specifically on Movietickets.com, *Mockingjay's* first day of advanced ticket sales outsold *Guardians of the Galaxy's* impressive US\$93.4 million revenue on its first day of advanced ticket sales.¹⁷ More recently, the film *Avengers: Age of Ultron* had advanced ticket sales that were greater than all previous Marvel Studio advanced ticket sales numbers combined.¹⁸ Fandango reported that *Avengers: Age of Ultron* outsold the first *Avengers* film substantially. Movietickets.com reported that in the U.S., advanced ticket sales were “six times greater than they were for the first film at the same point.”¹⁹ The impact of consumer's desire to guarantee a ticket for the first showing can also be seen in pre-ordered music.

Music Pre-Orders

New albums that are released for pre-order weeks ahead of time have had high-charting success. Madonna's latest album, *Rebel Heart*, was released for pre-order on iTunes in December 2014—three months before the release—due to a leak. Her album reached the second spot on the iTunes top selling chart in the United Kingdom at the end of December.²⁰ Adam Young, better known as Owl City, also saw similar success in the United States with his recent pre-order release. On May 14, 2015, his newest album *Mobile Orchestra* was at the number one spot on the iTunes Pop Chart that day.²¹

Artists also use crowdfunding techniques in order to sell their music so that consumers not only can claim a copy of the work before it is finished, but attain other perks as well. Sites such as Kickstarter.com and Indiegogo.com offer consumers the opportunity to support their artist's goal (or anybody's goal since these sites support non-musical projects) of creating a new project. To reward these consumers, artists will give those who pledge a certain amount of money already-released songs as soon as they pledge and/or other different opportunities depending on how the art-

ist set up the campaign. There are instances in which artist campaigns on Kickstarter.com²² and Indiegogo.com²³ are offering fans who pay a certain amount to download the new album before its official release, although not all campaigns offer this. Not only do crowdfunding websites allow consumers the same pre-order opportunities and excitement stores such as iTunes provide, they can give consumers special perks that may induce piracy.

In conclusion, the ability for both movie tickets and album pre-orders to garner this much success and attention shows how excited and impatient consumers are when it comes to seeing new movies and purchasing new albums that they desire. When purchasing pre-order materials, consumers are more concerned with wanting the materials now than the monetary cost. This idea of having access to the media before its official release and of being the first ones to have that access can also be applied to pirating music. Consumers who take this pre-order practice to another level and want to be some of the first to own a new album will not wait until the official release to do so if the resources they have allow them access to a leaked copy, even if it means breaking the law.

Global Release Day Will Not Reduce Piracy Due to the Convenience of Piracy

Over the years, pirating music online has become a convenient option thanks to new technology, humans being creatures of habit, and this action being perceived as a victimless crime.²⁴ Advances in technology have simplified the piracy process; consumers have been given the opportunity to add music to their library collection without any direct music purchases.²⁵ Peer-to-peer filing sites and video converter sites such as Mediafire.com and Youtube-mp3.org offer free music sharing, downloading, and/or converting services that require little or no login information, respectively. The fact that music will be released at one minute after midnight in local time and that many album-release dates are still made public will not stop these types of sites from allowing consumers to pirate music. After using these sites, pirates may not want to go back to paying for music again; they may see the music as being overpriced which motivates them to find a less costly way to find music.²⁶ Global release day will not be able to fight piracy and the power of technology if consumers maintain this mindset.

While the sites mentioned above are still available, it is unlikely that this type of habitual behavior will change. According to a Pew Report

referenced in an article by Daniel Castro, Richard Bennett, and Scott Andes, seventy-five percent of twelve- to seventeen-year-olds believe that the simplicity and common behavior of file sharing makes it impractical to expect consumers to quit.²⁷ Since consumers have had the opportunity to have memberships or have had time to discover these types of websites, they have acquired skills to pirate music without punishment, and this "... past behavior is likely to influence future behavior...making illegal downloading seem routine or inconsequential."²⁸ Global release day does not modify where music will be available, it only limits the time difference between when they are available for certain people. Therefore, this concept does not hinder this behavior because it does not affect how consumers can attain music or punish them for doing so, it only affects the amount of time available to pirate the material.

Although piracy can result in negative consequences such as fines and jail time, statistics have shown that the consequences do not discourage people from pirating, whether they are trying to pirate new releases or music that has already been released. According to a study done by Rajiv K. Sinha and Naomi Mandel, marketing professors at Arizona State University, there is a five percent chance that music pirates will be caught.²⁹ This minimal chance of punishment is not as likely to stop piracy as punishments that are severe and consistently given to pirates.³⁰ Punishing pirates is very difficult especially when the pirating occurs between two countries. A common international copyright law does not exist, meaning that different countries have their own laws and punishments which are not necessarily transferable if material legally released in one country is pirated in another country.³¹ For global release day to be effective in fighting piracy, an international law and/or punishment would need to be enforced consistently and efficiently.

Global Release Day Will Not Reduce Piracy Due to Time Zones

Because new releases are available at 00:01 local time, people in some countries will have hours to find a way to pirate the music if it is released online or posted on peer-to-peer filing sites. For example, if a new album is released in Sydney and available online or on YouTube, a person in Minneapolis, Minnesota, has fifteen hours to find a link to any of the songs; if it is released in London, a person in Minneapolis has seven hours until the music is released.³² Depending on where the music is released,

consumers in Central Standard Time may have ample opportunities to find the music they are looking for online to pirate because of the earlier releases in other countries—this theory can be applied to most time zones, except for the area(s) in which the music is the first place to be legally released. It only takes a matter of minutes to post music online and a few hours for it to spread globally.³³ While this limits the amount of time in which pirating can occur, there is still a window of opportunity to do so.

Global Release Day Will Not Reduce Piracy Due to Publicized Release Dates

Typically, when new music is going to be released, the public knows about it. Whether the artist and his/her/their entourage publicizes it on social media, or if it is available as a pre-order on digital music stores such as iTunes, consumers are expecting it and waiting for it, hoping for the release day to come faster or for someone on the inside to leak it. Advance copies provided to journalists come with the opportunity for them—or others with connections to the project—to leak the unreleased album.³⁴ If the music industry—or the entertainment industry in general—refrained from publicizing release dates, the number of people who have access to the recordings and videos would be limited. This idea is more likely to reduce piracy than just releasing new music on the same day worldwide.³⁵ The IFPI itself has stated that preventing leaks is necessary for upcoming releases to be profitable.³⁶ A deeper explanation of past music and television leaks will support this part of the argument.

Music Leakages

Thanks to music lovers around the world, there are websites that provide users with leaked versions of, or information about, many albums. Sites such as Hasitleaked.com and Firstleaks.com track albums that have been leaked before their official release; the former site provides information on where to find the leak³⁷ while the latter site provides the direct link to the leaked material. There is also The Pirate Bay—a popular website which lets users know when the leak was uploaded and provides a direct link to download the material. I will be referencing these three specific sites when evaluating different examples of leaked releases.

The first leaked album to exemplify my point is Brandon Flowers' (best known as the lead singer of The Killers) new album *The Desired Effect*. The album was supposed to be released first in Ireland on May 15,

2015.³⁸ On May 12, Firstleaks.com already had a download of the leaked material available.³⁹ Hasitleaked.com reported the album was available at Getleaks.org.⁴⁰ On May 13, two links were already posted on Pirate Bay for consumers to download.⁴¹

Flowers is not the only well-known artist to be affected by these sites. Jason Derulo's newest album *Everything Is 4* was leaked on May 26, 2015⁴² when it was supposed to be released in Europe no earlier than May 29.⁴³ Hasitleaked.com reported that the leak was available at Firstleaks.com and Xclusivejams.com.⁴⁴ The Pirate Bay first recorded the album leak on May 26, but other versions were uploaded on the 28th and 29th of the month.⁴⁵

This does not apply to only popular artists, less mainstream artists can also be affected. Canadian rock band KEN Mode's new album, *Success*, was released on June 16, but it leaked June 1.⁴⁶ According to Hasitleaked.com, the album is available at Getmetal.org.⁴⁷ On June 2, the album was leaked onto Firstleaks.com.⁴⁸ At the time of this writing the album has yet to reach Pirate Bay.⁴⁹

Another less mainstream artist, Eternal Summers, released a new album, *Gold and Stone*, on June 12, 2015.⁵⁰ It leaked on June 1, according to Hasitleaked.com's homepage that day.⁵¹ The website claims that it can be found on SoulSeek, but there was also a link for it at Getleaks.org⁵² not reported on Hasitleaked.com. Firstleaks.com reported the leak on June 2.⁵³ At the time of this writing, Pirate Bay did not provide any links for the album.⁵⁴

These four albums are just a few examples of the possibilities leaked albums can provide for pirating consumers. Although global release day has the ability to limit pirating of materials that are leaked online due to earlier, legal releases in different countries, it cannot fight those who have the material and can leak it earlier than its release date. Allowing the album to be placed in multiple people's hands will increase the likelihood of a leak; limiting who has access to the material will better help global release day fight piracy. This is exemplified by a recent leak in the television industry.

Television Leaks

Although the television industry is not included in the global release day movement, there is a case in which HBO mirrored the idea. Season five of *Game of Thrones* premiered on April 12, 2015, "...with a simul-

taneous airing across the globe...⁵⁵ instead of releasing it at 00:01 local time in all 170 countries the show airs.⁵⁶ Unfortunately before its official premiere on HBO, not only was the first episode leaked, but so were the next three episodes.⁵⁷ While *Game of Thrones* has been a popular victim of piracy, no one expected this leak to happen.⁵⁸ Within the first three hours of the leak, there were 100,000 downloads of the episodes.⁵⁹ After one week, there were 32 million illegal downloads which led to an estimated loss of 44 million U.S. dollars.⁶⁰

How did the leak affect the show's ratings? Even though the first four episodes were leaked the day before the season premiere, the ratings for each show were not terrible. The season premiere had an astounding 8 million viewers that night even after the leaks.⁶¹ The second episode had fewer viewers at 6.81 million.⁶² The third episode had 6.71 million viewers,⁶³ which was the highest rating for a third episode of any season of that show.⁶⁴ The fourth episode's viewers went back up to 6.82 million.⁶⁵ Episode five, the first episode that was not leaked, had only 6.5 million viewers.⁶⁶ This episode⁶⁷ was the most watched cable show on its original air date. The same applies to each of the first four leaked episodes.⁶⁸

While HBO did everything in its power to release these episodes at the same exact time around the world, the company released the episodes to a pre-approved group for publicity reasons, and this eventually led to them being leaked. Although the leak did not dramatically affect ratings, it was a costly mistake as previously mentioned. HBO has since converted to using a streaming site for journalists to review the episodes so that no one has a physical copy to leak (the company planned on doing this before the *Game of Thrones* leak).⁶⁹ Had HBO not allowed an internal group to see the episodes for feedback or review prior to their releases, the company probably would not have had this problem. With that being said, the strategy behind global release day would be far more successful at suppressing piracy if the artists and those that own the material focused more on protecting it from leaks than publicizing it.

Why Global Release Day Could Reduce Piracy

Although there are significant reasons why global release day may not reduce piracy, there is a possibility that it could. In an article for NPR Music, editor Frannie Kelley wrote, "Pirated content is particularly appealing for people who [are] seeking sources of entertainment that are not available where they live in licensed and legal forms,"⁷⁰ and prior to

July 10, 2015, album releases in different countries were fairly spread out, giving consumers plenty of time to find music that may not be available in their homeland. To give some insight into the dilemma, France⁷¹ and the United Kingdom release new music on Mondays, the United States on Tuesdays, Japan on Wednesdays,⁷² and Australia and Germany⁷³ previously released new music on Fridays. Consumers around the world had anywhere from a few hours to a few days to pirate new music in comparison to just hours under a global release day schedule. This problem of having days to pirate music is exemplified by Daft Punk's release of *Random Access Memories* in 2013. The album was first released in Friday release day countries (Germany and Australia), and an executive from their record company noticed how "piracy spike[d]...in parts of the world where the album wasn't yet for sale."⁷⁴ The time difference between releases around the world increases the impatience consumers in different parts of the world may feel, and by limiting this time to hours and not days through global release day, the opportunities to pirate music will decrease. This concept depends on the idea that fewer opportunities to pirate will mean less pirating.

Why Global Release Day Could be Beneficial Whether or Not it Reduces Piracy

Although the IFPI hopes that global release day will lower piracy, it is likely that—no matter how this concept affects piracy activity—global release day will increase music sales. The IFPI funded a study to find solid evidence as to which day would be the best day to release music to maximize sales. The study, conducted by global management consulting firm Simon-Kucher & Partners, provides support that Friday is the best day to release new music. With data coming from eleven different countries, the study shows that Friday provides the best opportunity for increased revenue because of the increased income that artists would reap on Fridays and Saturdays. Friday revenues could increase anywhere from 2.5% to 3.4%, while Saturday revenues could increase up to 4.1%. From Sunday through Thursday, revenues increase from slightly under 1% to a maximum of 3%.⁷⁵

Hypothetically, if global release day does not decrease piracy as this paper predicts, there is still the possibility that pirating consumers will contribute to the legal purchases made on global release day. Studies have been released that correlate pirates with a willingness to buy legal content.

A 2013 study by Joe Karaganis and Lennart Renkema of the American Assembly, a group associated with Columbia University, found that pirates in Germany and the U.S. “buy as many legal DVDs, CDs, and subscription media services as their non-file-sharing, internet counterparts. In the U.S., they buy roughly 30% more digital music.”⁷⁶ The BI Norwegian School of Management conducted a study showing that consumers who download music illegally are ten times more likely to purchase music legally.⁷⁷ Robert G. Hammond, a professor from the Department of Economics at North Carolina State University, studied pre-release file sharing and its effects on the music industry. He found that an artist should not “expect his or her sales to decline given wider pre-release availability of the album in file-sharing networks.”⁷⁸ Regardless of whether or not global release day will reduce piracy, the music industry will likely benefit monetarily from this policy change.

Conclusion

Global release day is without a doubt an innovative idea. The IFPI is making a genuine, logical effort to create a better music buying experience for everyone from consumers to artists to record labels. Yet, after examining the time schedules around the world, the effects of publicly-known release days and leaks that may occur because of it, and how easy it is to pirate music, global release day may not reduce piracy even though it will likely lessen the opportunities as the IFPI has claimed.

The research that I have done is limited because global release day has existed for less than a year at the time of publication. Many of my claims are predictions influenced by common sense (time zones and technology’s ability to aid in piracy) as well as a comparison to an analogous situation in which media is leaked illegally and available to consumers prior to the official release day. Another limitation is the small number of articles that have been published about global release day and what its impact may be. While there are many articles announcing the event, there are few that delve into the effects of global release day or that discuss the data showing how consumers pirate music that is legally available in another country, but not their own. When it comes to scholarly articles, even fewer—closer to zero—of them address these issues. Once global release day is in effect for a longer period, more data will, hopefully, be available to support or disprove the thesis of this paper. Future research with regard to this limitation would include surveying consumers about their piracy

behaviors as well as how informed they are about global release day to see if they have noticed its effects.

Specific limitations also apply to different parts of my argument. In order to avoid any illegal activity, none of the leaked albums and television episodes mentioned above were downloaded, so the quality of the material provided by the links mentioned is unknown. In response to the subsection about advanced ticket sales, companies like Fandango do not release specific numbers, so my examples were broad and limited. Further research with regard to these limitations may be heavily focused on newspaper articles and non-scholarly articles providing information about the quality of illegally downloaded music and the real data on ticket sales. Academic journals typically do not provide information obtained from illegal or private activity; it is more likely that avid entertainment bloggers and journalists will be able to provide helpful information based on experiences and stories from anonymous sources.

Other future research opportunities could include a further discussion on topics mentioned in the paper such as whether or not Friday is the most ideal day for global release day, if having a global release day will increase music sales, or whether or not global release day is a necessary tactic.

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