

## 數碼商品盜版與正版的消費文化

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### Methods of data collection

Our group did a questionnaire with 10 questions which are significantly related to our topic. In total, 160 respondents were successfully enumerated. We divided the respondents into 4 groups, Age 10-18, Age 19-25, Age 26-30 and Age above 30. There are 40 respondents in each group.

Besides the questionnaire, we collect the data from lots of website. Some of them are government websites; while some of them are news clippings.

Additionally, we also collect data from books about the Intellectual property.





### Introduction

According to the result of the questionnaire, we found that different age of people have different reasons for buying genuine products. For young teenagers, the main reason for buying genuine products is to support their idols, especially pop singers.

Here are basically four questions needed to introduce intellectual property and piracy. First, why do people buy pirated goods and not legitimate products? Second, how is the situation of piracy in Hong Kong? Third, what are the technical differences between licensed goods and pirated ones? Fourth, what are the laws and ordinances regarding piracy in Hong Kong and what are its characteristics?

Since the focus of this IES is consumer culture, we think that answering the four questions above will help us identify a trend in the general consumer culture. Each of the questions has their own significance: the first question is a study on the individual and the psychology of a personal decision-making process. The second question explores the current affairs and social aspect of the issue. The third question is related to the technological details of modern piracy, which must first be understood as a pretext to full understanding. The final question is related to the judiciary and its role against piracy, and how successful they are.

The relationship between this IES and consumer culture is twofold. First, the economic development of Hong Kong in retail sales is directly linked with customer purchase. However, piracy affects this pattern and disrupts this capital flow. Second, the cultural implication of piracy is also related to the influences of the Internet, postmodernism, wiki (non-profit sharing) psychology, and other models of thought of the 21<sup>st</sup> century. These two aspects show the relevance of this issue with consumer culture.

**Copyright infringement / Pirated Digital Products** 

# What is copyright infringement and pirated digital product?

Copyright infringement is the unauthorized or prohibited use of works covered by copyright law, in a way that violates one of the copyright owner's exclusive rights, such as the right to 1) reproduce, or 2) perform the copyrighted work, or 3) make derivative works.

A pirated digital product is a kind of copyright infringement. Usually, pirated digital product is made from genuine product. The digital pirated product is created by extracting materials from genuine product and publishing it to the Internet or converting it to other medium like digital audio file or physical medium like CD.



### **Copyright infringement / Pirated Digital Products**

# Why do people in Hong Kong use pirated digital products?

### Free of charge

According to the questionnaire, 90% of people use pirated products because they are free of charge. Demander doesn't need to pay any money for the product that cost far more in the genuine products form.

#### **Abandon wares**

In addition, for some older people (aged above 31), they choose to use pirated products because they are abandon wares, or products which are out of stock and obsolete. People cannot find the genuine version of the products they want. However, some other users around the world have a copy of what they need, so they use pirated products.

### Convenient

At the past, people need to go to shops to buy what they want. But now they only need to click some buttons to download music, games or movies. The process of getting them is far easier and less time consuming. Moreover, the invention of mp3 player has change the attitude of people to music product. The portability of mp3 player is much higher than CD player. Nowadays people only need to bring a little mp3 player to carry thousands of songs, compare with the past, people need to carry large amount of CD.





### **Copyright infringement / Pirated Digital Products**

### How can people get the pirated digital products?

According to our research, we found that people can get the pirated products in lots of different ways:

### **Directly buy from stores**

### **Download from the Internet**

- File sharing website

File sharing websites are websites that provide a platform for people to upload the pirated products. These websites are open to the public and the pirated products are then can be downloaded.

- Forums

People post links that provide pirated products for downloading.

### - Downloading softwares

Download softwares are some special softwares that allow people to download pirated products. These softwares seem professional. They show lots of details such as downloading speed, downloading time and downloading process.

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### **Copyright infringement / Pirated Digital Products**

### What is the situation in Hong Kong?

According to the result of the questionnaire, about 80% of people admit that they download or buy pirated digital products. We found that the people with younger age tent to use pirated products. It matches with the result of the Government's survey below.

## Survey on Public Awareness of Intellectual Property Right Protection 2008

It was also found that people aged below 30 tended to involve in the infringement of copyright, as compared to their counterparts.

### How often do they buy?

In addition, over 50% of people who aged 10-30 download or buy pirated products once a fortnight. The frequency of downloading or buying pirated products is very high. This show the problem is quite serious in Hong Kong. Many people in Hong Kong do not respect the intellectual property.

Actually, over 90% of people know that downloading or buying pirated products is illegal. However, they still break the law.



**Copyright infringement / Pirated Digital Products** 

# Is the problem of using pirated digital products in Hong Kong serious?

#### Fig.1

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#### Analysis:

According to Fig.1, it is a webpage of an internet forum. Many people post links for downloading music, videos or games for free. Also, users usually use a fake identity in order not to be traced.

#### Fig.2



Fig. 2 shows a person buying pirated products in a store inside a shopping mall. These stores are usually located in small and unpopular shopping malls. Also, these stores use genuine products to hide the fact that they are selling pirated products.

All in all, pirated products can be commonly seen on the Internet and the streets. People are very willing to purchase or download them.



**Copyright infringement / Pirated Digital Products** 

# What types of pirated digital product do people buy?

According to the result of the questionnaire, over 30% of the people will buy or download musical pirated products most. About 20% of the people will download or buy pirated movies most. Young people mainly focus on games that about 40% of them will download or buy pirated games most. For computer softwares, only very few people (below 20%) will download or buy the pirated version.

### Music

The result is not surprising at all. Lots of Hong Kong people listen to music every day. If they do not choose to download or buy pirated music, they have to spend large amount of money. We believe only very few people will do this.

### Movies

Watching movies in the cinema is very time-consuming. As Hong Kong people are always busy, many of them will choose to download or buy pirated movies and watch them at home.

### Games

Most of the people download or buy pirated games are teenagers. It is because games are for people who have leisure time to enjoy. Teenagers have more leisure time compare with adults.



### **Copyright infringement / Pirated Digital Products**

### **Examples in Hong Kong**

### **Computer softwares**

#### 太陽報

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### **Analysis:**

From the above news clipping, we found that the versions of pirated products are always up to date. The price of the pirated products is usually low or even free in order to attract people.







**Copyright infringement / Pirated Digital Products** 

### **Examples in Hong Kong**

### Games

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### Analysis

From the above news clipping, we found that the technology of the pirated digital product is improving. More and more pirated products are going to flow into the market.



Genuine Digital Products



# Why do people in Hong Kong use genuine digital products?

About 65% of people will buy genuine products because they give the best quality of the products they want. For example, music CDs give the best tone quality of the songs and DVDs give high definition of the movies.

For some older people, the reason for buying genuine products is same as some young people, it gives the best quality. In addition, they also think that genuine products will not damage easily. Actually that is true because record labels (brands or trademarks associated with the marketing of music recordings and videos) use some special technology to produce digital products. Therefore they will not damage easily.

### The result of the questionnaire of Pollster 波仕特線上市調網

受訪者認為「喜歡歌手及音樂」是為影響其購買正版音樂的主要原因,共57%,但亦有 19% 受訪者認為「只有遇到超喜歡的唱片才會買正版音樂來收藏,否則買盜版即可」。

According to the result of the questionnaire of Pollster, it tells us that about half of the people buy genuine MUSIC products because they like the singers. Actually, it matches with the result of our questionnaire that the number of people buying genuine products because of this reason is not small. Of course there are some differences because our questionnaire does not mainly focus on music, but also movies, games and softwares. Also, we have separate result of people at different ages.







**Genuine Digital Products** 

# What types of genuine digital products do people buy?

According to the questionnaire, about half of the young people and 30% of older people buy genuine music most. About 40% of some older people buy genuine movies most. About 30% of the teenagers and only about 10% of the older people buy games most. Finally, only 11% of the older people buy computer softwares most.

### Music

The result is also not surprising. 50% of the young people buy genuine music most because they would like to support their idols. For the older people, as they have more money, they may want to have a better tone quality.

### Movies

Many new technologies are invented in recent years such as 3D movies and High definition (HD). These attracted some people to buy the genuine version.

### Games

Games are running smoother and the graphics are greater in genuine version. Also, for some game platform like PlayStation 3 and XBOX, there is no pirated version.



#### **Genuine Digital Products**



### What is the situation in Hong Kong?

According to the result of the questionnaire, we found that the number of people buying genuine products is not as much as people buying pirated products. Only about 20% of people said they choose to buy genuine digital products. It is mainly because of the price. Although genuine products give a much better quality than pirated products, people in Hong Kong do not concern about is very much. Instead, people in Hong Kong care about the price of that product.

We think that the number of people buying genuine products will decrease because as the technology improves, the quality of digital products will also improve. Besides, the price will remain free.

Oppositely, we always need to pay to obtain genuine products. However, that does not mean genuine products will fall in the future because there are still some people prefer them for some reasons like supporting their idols and the products they want are abandon wares.



Impact of pirated digital products on Hong Kong economy and society

### How do they affect the economy of Hong Kong?

### **Negative Impact**

### **Reputation of Hong Kong**

As a whole, the pirated products will surely affect the reputation of Hong Kong. From our questionnaire, many people, especially for the group (age26-30, above 31) know that buying piratical products or downloading files on the Internet without the permission of the author or creator is illegal but they still insist on buying them. From this, since Hong Kong has well developed legal system, our celebrity will be affected.

### Tourist

The government cannot protect the copyright of the producers, so fewer and fewer creative products are produced. Therefore, fewer tourists would like to go to Hong Kong because of no such characterful products. This affects the tourism much.

### **Entertainment industry**

People often buy pirated products, in other words, they don't buy the genuine products. In other way, they will not go to see movie in the cinema by buying expensive tickets. Movie industry is crucial for Hong Kong. It will affect the industry. Owing to this, the development of movie industry will fall sharply. Since there are some companies in Hong Kong, especially the entertainment industry, rely on the revenue from selling CDs and software to earn money. The use of pirated products has greatly reduced their income by such means. This weakens the entertainment industry as a whole and they are less capable of supporting Hong Kong's economy in the long run.

Impact of pirated digital products on Hong Kong economy and society

### How do they affect the economy of Hong Kong?

### **Positive impact**

### Enhance economic development through law system

When more and more people always buy pirated products in daily life, it raises up the public awareness of seriousness of pirated products market. The government will start to think several solutions to solve the problems, and they will prefer to legislate for stopping pirated products selling. By doing so, the passing of legislation can really protect the copyright of those creative designers. This action can make the law system to become more faultless. As Hong Kong is famous for its stability of its law system, this can attract more and more businessmen, and they would like to invest in Hong Kong. This can promote the economic growth.



Impact of pirated digital products on Hong Kong economy and society

### How do they affect the society of Hong Kong?

### **Negative impact**

In Hong Kong, the problem (using pirated products) has become serious. Although Hong Kong Government has set up law to protect copyright of Hong Kong producers, however, the fact shows that it is not very effective to handle the situation. An outcome is that, it brings several impacts for the Society.

#### Impact on designers or authors

First, the number of creative designers must drop sharply. The main reason behind is that they don't get their return (both money and appreciation) for new products since people often buy pirated products. Provided that, nobody or just a few people is willing to design and sell their products. They think that this surely wastes their effort, and decide to leave Hong Kong to other places for their designing road.

### Impact on products

Second, Hong Kong is a diverse society. Owing to this, it provides many new opportunities for the producers. However, when people continue to buy and use pirated products, every good or product can be used or transferred commonly. Under this condition, product becomes a common property. It will be exploited by everyone until its value drops to zero. Therefore, the government cannot protect the copyright of the producers apparently and no one would like to create new things or ideas inevitably. Hong Kong will become a monotonous society. Impact of pirated digital products on Hong Kong economy and society

### How do they affect the society of Hong Kong?

### **Positive impact**

Although pirated products will result in many negative impacts for the society, there are still some positive impacts.

### **Benefits for people**

Since many money-grubbing producers impose high copyright fee on their new products, many people, especially the low-income level, cannot afford to buy them. On the contrary, they will choose to buy the pirated products. By doing so, those people can enjoy to use the products with a lower cost. This surely brings benefits for many people in the society.





Intellectual property is a term referring to a number of distinct types of legal monopolies over creations of the mind, both artistic and commercial, and the corresponding fields of law. Under intellectual property law, owners are granted certain exclusive rights to a variety of intangible assets, such as musical, literary, and artistic works; discoveries and inventions; and words, phrases, symbols, and designs. Common types of intellectual property include copyrights, trademarks

Thereby, no matter uploading, downloading, buying or selling pirated digital products, they are all against the Intellectual property. In other words, they are all illegal.



### Questionnaire



P.1

P.2

St. Paul's College	
Consumer culture study 2009-2010 盗版與正版的消費文化調查問卷	If you choose' No, I prefer genuine products' in Q2, please answer the following questions.
Put a' tick' if appropriate	
Age	Q3. How often do you buy genuine products?
10-18 19-25 26-30 >31	Once a week Once a fortnight Once a month ≦once a year
Monthly salary	
None <10000 10001-50000 >50000	Q4. Why do you buy genuine products?
Q1. Do you know the meaning of Copyright infringement (盜版)? Yes No D	Gives the best quality Will not damage easily To support a particular idol or company Other
Q2. Do you buy any piratical products or download files on the Internet without the permission of the author or creator? Yes No, I prefer genuine products (Turn to the next page to continue)	Q5. What method do you use to purchase genuine products? Buy it in an authorized store Buy it on the Internet legally Other
Q3. Do you know that buying piratical products or downloading files on the Internet without the permission of the author or creator is illegal? Yes No	Q6. What types of genuine products do you buy? Music Movies/Videos/Dramas Games Computer softwares
	Thank you for cooperation!
Q4. How often do you buy piratical product or download files on the Internet without the permission of the author or creator? Once a week Once a fortnight Once a month ≤once a year	
Q5. Why do you buy piratical products or download files on the Internet without the permission of the author or creator? Free Fast and convenient Cannot find the genuine version Other Cannot find the genuine version Canno	
Q6. Besides buying piratical products and downloading files on the Internet without the permission of the author or creator, what other methods do you get the stuff?	
Q7. What types of piratical products or files do you usually buy or download? Music Movies/Videos/Dramas Games Computer softwares	

Thank you for cooperation!



### Questionnaire P.1

### Q1. Do you know the meaning of Copyright infringement?



### Analysis

Most people, no matter how old they are, know the meaning of pirated products. This implies that their choice of buying and/or using pirated products is not due to ignorance. They know the nature of their actions and they committed the crime willingly.



### Questionnaire P.1

Q2. Do you buy any pirated digital products or download files on the Internet without the permission of the author or creator?



### Analysis

In the survey, more than 75% of the people in all age groups choose pirated products over genuine products. In other words, 3 out of 4 people will not pay the author(s) and the company for their licensed products. This shows the seriousness of piracy in Hong Kong and it shows that the people are not afraid to admit that they have done so.

### Questionnaire P.1

Q3. Do you know that buying pirated digital products or downloading files on the Internet without the permission of the author or creator is illegal?



### Analysis

Almost all people understand that downloading pirated products are illegal. They understand the most basic laws in Hong Kong concerning piracy and intellectual property. This also further illustrates the fact that they are committing a crime while being fully aware of the consequences and/or punishments.

### **Questionnaire Results**

### Questionnaire P.1

Q4. How often do you buy piratical product or download files on the Internet without the permission of the author or creator?



### Analysis

The design of this question has a greater room for error because it is probable that some people do not tell the truth even if they are not named. However, in the given data, it can be seen that the frequency of obtaining pirated products decrease with age. Older people, who are less involved in audio-visual entertainment spends less time on such matters. The rate of procuring pirated products for younger people, on the contrary, is consistent.

### **Questionnaire Results**

### Questionnaire P.1

Q5. Why do you buy piratical products or download files on the Internet without the permission of the author or creator?



### Analysis

This is a very practical proof of the economic principle regarding the price and the supply. Since the price is non-existent, and the supply is nearly infinite, the demand for pirated products is huge. This also shows that price is often the determining factor in buying entertainment products, and quality is only the second priority. People may think that because there is no monetary investment, even if the quality is bad, they do not suffer any losses.

### Questionnaire P.1

## Q7. What types of piratical products or files do you usually buy or download?



### **Analysis**

This question represents the general trend of entertainment of local people, and their preferences for entertainment. This also shows which products are in greatest demand. The younger people focus on games, the older people on music, and the oldest age group on movies and videos. It can be observed that the tastes of these people are very different, but the worrying factor is that most people can fulfill their taste by supporting piracy. The power of piracy is very widespread and popular all forms of entertainment.

### **Questionnaire Results**

### Questionnaire P.2

### Q3. How often do you buy genuine products?



### **Analysis**

Compared to Question 4 in page 1, there is a great difference in the frequency of purchasing entertainment products. Presuming that most participants of this survey follow an average purchase pattern for entertainment items, it can be shown that pirated products are obtained almost twice as often for most age groups. This can be related to the fact that genuine products must be purchased and their monthly purchase pattern may reflect a budget restraint. In comparison, since there is no budget restraint for pirated products, the timing is less rigid and is more frequent.



### Questionnaire P.2

#### Q4. Why do you buy genuine products?



### Analysis

There are two consumer trends which can be identified in this question. Firstly, we can observe that the youngest age group includes emotional influences in their consumer patterns; some people buy a product to support a celebrity they like. However, as they age, they place more value on the practical usages of the product and judge it by its quality. The second observation is that durability is also a concern for the older age groups; this implies that when a person buys a genuine product, they expect to keep it for a long time. In contrast, people almost never keep a pirated product for a long time.

### **Questionnaire Results**

### Questionnaire P.2

### Q5. What method do you use to purchase genuine products?



### Analysis

As compared to the distribution method of pirated products, genuine products are almost always sold in legitimate stores. Only a relatively small percentage of people choose to buy licensed products online, and this shows that in the world of the Internet, the pirated products are most prevalent. Although many companies wish to sell their products online legally, most of their efforts have failed and there is little impact on the consumer trend in Hong Kong. This may also indicate that most people purchase on impulse, because online purchase requires preparation and follow-up, whereas it is more convenient to buy it in a store.

### **Questionnaire Results**

### Questionnaire P.2



### Q6. What types of genuine products do you buy?

### Analysis

The result of this question, when compared to question 7 in page 1, is more extreme and it shows that when people can choose entertainment for free, they will choose as many forms as possible; however, if they have a limited budget, they will select the products according to their true preferences. While the younger age groups like to buy music, for example CDs, the older age groups like to buy movies, such as DVDs. It can also be seen that very few people buy legitimate games. When combined with the analysis of the previous questions, we can either come to the conclusion that 1) they think CDs and DVDs have long-lasting value and are more durable then games, or 2) they use pirated games and buy genuine music and videos.

### Conclusion

This project has mainly brought us two benefits: it has increased our understanding about the situation of piracy in Hong Kong, and it has made us learn more about the process of doing an IES in the subject of Liberal Studies. For the current situation on piracy, we were able to gain a large amount of first hand information by our questionnaire and the video clip. Not only did we search for information on websites, we also managed to come to our own independent conclusion which is a very successful effort and the level of analysis is adequate to fulfill our IES question.

As for the content itself, we can conclude that 1) the trend of piracy is very deeply rooted in Hong Kong consumer culture, 2) we can understand why people buy pirated products, and 3) the consumer culture of Hong Kong requires the existence of pirated products. The elaborations of these conclusions can be found in the independent sections in the main body of the work. In general, we learnt more about the consumer culture of the Hong Kong people including their psychological and their economic motivations.

There are also some conclusions to be drawn about the method of our IES. Firstly, the question demanded some background information on the legal definitions and laws on piracy, and we included a very brief introductory section for that. Most of the other analysis depended on some newspaper clippings such as "sun post" and online polls. Also, we wrote a 2-page questionnaire which covers the consumer pattern and preference of the interviewee. Each of the questions is accompanied by an in-depth analysis, and these questions are related to the content of our research so that we can compare the two results.

Besides the questionnaire, we also used a video approach to tackle the question. The idea to do this is based on a multimedia way of completing the IES. We believed that we can prove what we said by performing the actions in real life, and it will be more interesting and it will add a different layer to our work. Some of the analysis provided, such as those about the rate of download, can be proven and directly observed from the video itself, so it is beneficial to help us explain more easily.

### Conclusion

Finally, we can say that we learnt more about the rules of the IES and the methods of completing it. We have experienced a good level of teamwork and the work quality, including the presentation of the work, the brainstorming of ideas and others, is robust. We understand the aims and requirements of an IES, and we have referred to the instructions to improve our drafts. All in all, this experience is a complete success.

Last but not least, we have prepared a video clip. It is a demonstration of downloading music through software. It shows how fast and convenient of downloading pirated digital music from Internet.



### Reference

### Websites

「購買正版音樂意向」調查

http://www.digitalwall.com/scripts/displaypr.asp?UID=3795

Intellectual Property Department http://www.ipd.gov.hk/eng/home.htm

## Survey on Public Awareness of Intellectual Property Right Protection 2008

http://www.ipd.gov.hk/eng/promotion\_edu/survey/ipr\_summary\_2008.pdf

### Windows7 剛推出盜版 80 蚊賣通街 news clipping

http://the-sun.on.cc/cnt/news/20091025/00407\_015.html

### PS3 失守翻版遊戲任玩

http://orientaldaily.on.cc/cnt/china\_world/20100127/00180\_040.html?pubdate =20100127

### Books

知識產權法	(第二版)	劉春田
知識產權論	(第三版)	鄭成思