



'We are Promoters not Pirates': A Qualitative Analysis of Artistes and Pirates on Music Piracy in Nigeria

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Abstract

Audio music piracy has become a perennial problem in Nigeria. Though there are many studies on music piracy, studies have not examined piracy from the perspectives of pirates, musicians and producers. This study was conducted at Alaba International Market, Lagos, which is reputed as the hub of pirated products. Data were gathered via in-depth and focus group interviews. Findings show that piracy involves sourcing, separation, designing of packs and marketing. Owing to the cost of production, pirates provide upcoming artistes with publicity and reduce the cost of production. As a result, pirates see themselves as legitimate marketers and promoters. However, music idols perceive pirates as criminals, although they agree to have enjoyed their 'support' and assistance early in their career. Pirates and upcoming artistes enjoy symbiotic relationship. They use their network, which includes disc jockeys (DJs), and radio and television presenters to promote budding and high profile artistes. Pirates, as self-styled promoters have made themselves vital in the music industry. Despite the negative effects of theft of intellectual properties and drain on finances, both upcoming and popular artistes admitted that music pirates provide fame for a large number of artistes.

Keywords: Piracy, Alaba International Market, Artistes, Producers, Lagos.

Introduction

The Nigeria music industry is one of the fastest growing in the world. However, this phenomenal growth is being threatened by the activities of pirates. Music idols (stars) and up-and-coming artistes continue to lament the usurpation of their Intellectual Property (IP) which Piquero (2005) defines as the creative ideas or innovations that result from intellectual activity and creation. Higgins et al. (2008) note that IP piracy remains a challenge to law enforcement and the society. Piracy is greatly affecting markets of information goods, such as business and entertainment software applications, sound recordings, movies, and books. Studies (Rapp & Rozek, 1990; Ronkainen & Guerrero-

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Cusumano, 2001) have shown that the rates of Intellectual Property theft vary; its preponderance is more alarming in industrializing countries, like Nigeria.

Nigeria is ranked among countries in Africa where piracy is prevalent. It was 82% in 2007, 83% in 2008, 83% in 2009, 82% in 2010 and 82% in 2011 (Business Software Alliance, 2011). According to the report, piracy also blossoms in other African countries, including Zimbabwe (92%), Libya (90%), Algeria (84%), Cameroon (83%), Egypt (61%), Ivory Coast (81%), Kenya (78%), Mauritius (57%), Morocco (66%), Senegal (78%), Tunisia (74%), Zambia (82%); while South Africa (35%) had the least piracy rate (BSA, 2011). In terms of consumption, Nigerians have spent about #90 billion naira (\$60 million) in purchasing imitated compact disc, with #81 billion naira (\$54 million) lost to piracy and counterfeiting. Of this amount, a paltry #8 billion (\$5.3 million) got to copyright owners (Erondy, 2009). This is consistent with Villarroel's (2010) claim that piracy reduces royalties.

The Nigerian Copyrights Commission (NCC) sees illegal exploitation of copyright works as crime. On June 26, 2012, the commission took her *Piracy Zero-Tolerance Policy* awareness to the Alaba International Market. Speaking with stakeholders at the Market, the Director Public Affairs of the commission, Charles Olisa, captures the problem of piracy at the Alaba International Market this way:

If you know anyone still indulging in this illegal business (Piracy), let us know so that we can pick him up. I know some of you are very honest and we are counting on you to help us in this struggle. People that have been arrested in Kano, Sokoto, Onitsha and other parts of the country would tell us they got pirated products from Alaba and most of you don't give them receipts so that goods purchased would not be traced to where they were bought. Stop buying, producing and marketing pirated goods because everywhere around the world, Alaba has been known to be notorious. You need a good public relations man to turn the image of Alaba around if you have really changed.³

The above confirms that Alaba is reputed as the hub of piracy in Nigeria. According to the Director-General of NCC, Afam Ezekude (2012), the commission had secured 27 piracy convictions as at July, 2012. These consist of 20 convictions for sound recording /optical disc, four software piracy convictions, two book piracy convictions and one broadcast piracy conviction. Also, about 55 cases of copyright infringements instituted by the commission against pirates are still ongoing as at July, 2012.⁴ These cases reveal that piracy is a serious problem in Nigeria. Owing to their activities, piracy of copyright-protected works through both physical and electronic media harms the companies that create and sell these products (Siwek, 2007).

While many countries, including Nigeria, have criminalized music piracy, Hinduja (2007) differs on this, arguing that individuals (including actors) may not view music piracy as a crime. Against this background, this paper examines the perspectives of music 'actors' and their perception of piracy at the Alaba International Market, Lagos, Nigeria. It

³ See 'Nigerian Copyright Commission Takes Piracy Zero-Tolerance to Alaba Market' retrieved from <http://www.copyright.gov.ng/index.php/news-and-events/105-nigerian-copyright-commission-takes-piracy-zero-tolerance-policy-to-alaba-market>

⁴ See also NCC secures 27 Piracy Convictions. www.copyright.gov.ng/index.php/news-and-events/96-ncc-secures-27-piracy-co.

is important to understand the way actors in the music industry define and/or redefine their roles and understanding within the Nigeria music industry. The research questions are: How do pirates define their activities? Is there any relationship between up-and-coming artistes, music idols and pirates in the music industry? And finally, what are the implications of such relationship (if any) on the intellectual property market in Nigeria?

Review of Related Literature

The subversion of the Internet for the reproduction of the intellectual goods and products of copyright properties of legitimate holders is a worldwide phenomenon (Gopal et al., 2004; Wall, 2005; Gunter, 2008; Villarroel, 2010). Gopal et al. (2004) describe digital piracy as the act of copying digital goods, software, digital connections, digital audio (music and voice), and digital video for any reason other than backup without explicit permission from and compensation to the copyright holder. Digital piracy is the use of the computer for criminal purposes to the disadvantage of legitimate owners of patents (Gunter et al., 2010). Music piracy involves illegal uploading and downloading of digital sound without the explicit permission of the legal owner (Higgins et al., 2006). Piracy is capable of halting creativity, as well as stunting the growth of the music industry (Higgins & Makin, 2004). It may be detrimental to individuals and the pirates' habitat (Gunter et al., 2010). Indeed, this could earn pirates civil and criminal prosecution (Koen & Im, 1997).

The major problem with digital piracy is that it has been on the increase in recent years with deleterious effects (International Federation of Phonographic Industries, 2008). Its negative consequences are well documented in the literature. For instance, World sales of recorded music fell by 7% in value and by 8% in units in 2002. Graziano and Rainie (2001) assert that millions of copyrighted works were available online, and the number is growing, as music downloading became one of the fastest-growing activities on the Internet. It was also estimated that almost 40% of all CDs and cassettes sold around the globe in 2001 were pirated copies. There is still no sign when the declining trend of sale of copyrighted CD will stop. Without doubt, the emergence of digital technologies has provided the opportunity for copyright violations on a much larger scale than ever and has raised serious concerns on actual Intellectual Property Rights (IPRs) system (Andres, 2003). This is because the Internet provides unrestricted opportunity to remain unknown while committing the act of piracy (Wall, 2005). Higgins et al. (2008) aver that this may create an impression that digital piracy is a victimless crime. However, Chiou, Huang and Lee (2005) posit that music piracy remains the greatest threat facing the music industry.

Before the digital era, music piracy was typically characterized by the sale of inferior recordings through flea markets or other unconventional sale outlets. Profits were limited because large sales volume could attract the attention of law enforcement agents, leading to substantial criminal penalties. Today, duplication is near-perfect. Second and subsequent generation copies only reduce a minor portion of the sound quality, depending on the level of compression. Purchasing a pirated CD will directly substitute their possible purchases of the original copyrighted CD and promote criminal activities of the counterfeiters. Consumers clearly understand that their purchasing behaviours will have strong and negative effects on the copyright holders (Jyh-Shen Chiou et al., 2005). Marketers hope a fan's idolization behaviour toward the singers or actors can jointly promote the sale of albums and movies. In fact, purchasing and using the merchandise produced by or named after a celebrity can enhance the identity of a fan toward the

celebrity (Jenson, 1992). More importantly, to be a loyal fan, a consumer has to manifest worship behaviour, such as purchasing the copyrighted album, collecting artefacts, attending related events, and writing letters (Raviv et al., 1996).

Consumers also contribute to piracy. Jyh-Shen Chiou et al., (2005) differentiate between two types of consumer music piracy behaviour: unauthorized duplication/download and pirated music product purchasing. The Internet has become an important platform of data exchange because it facilitates nearly free distribution with little difficulty. Holders of music copyrights must, therefore, fight multiple infringers who are hard to identify and locate and who are personally engaging in relatively minor copyright infringement, creating a serious headache for the music industry (Langenderfer & Cook, 2001). Both behaviours of purchasing a pirated CD or downloading unauthorized music files are infringements of the copyright law (Jyh-Shen Chiou et al., 2005).

Illegal music downloading is a problem for the music industry. Fetscherin and Zaugg (2004) estimate that there are currently 700 million copyright-infringing music files on the Internet; while IFPI (2004) claims that illegal file-sharing accounted for the fall in world music sales in 2003. Some music industry groups blame reduced music and CD sales on illicit music downloading (Liebowitz, 2005; Plowman & Goode, 2009) and have directly responded to the music downloading phenomenon through a number of strategies, including legal action against file sharing users and services (Chiou et al., 2005), copy-protection mechanisms, Digital Rights Management, and large-scale print, and radio and television campaigns to raise public awareness (Bakker, 2005). To date, these strategies have achieved only limited success in curtailing this infringing behavior (Iser & Toma, 2003). With regard to music, according to the Digital Music Report 2010 of IFPI, despite the 94% increase in digital sales since 2004, the total music market decreased by 30% during that period because of piracy.

Many voices in the music industry have claimed that Internet piracy has reduced the sale of legitimate CDs and that illegal MP3 downloads have become a substitute for legal CD purchases (Peitz & Waelbroeck, 2004). Indeed, the current downturn in the sale of CDs may not be unconnected with the increasing and uncontrollable number of illegal copies available using peer-to-peer (P2P) technologies. End-user piracy, which is different from commercial piracy, seems to be much more difficult to control. Representatives of the music industry have claimed that the very existence of the industry is at stake (Karagiannis et al., 2004).

Waziri (2011) sees inadequate public consultations on Copyright Act and Trademark Act, corruption and weak law enforcement as responsible for flourishing piracy trade in Nigeria. Husted (2000) notes that national culture can influence the probability that someone will engage in software piracy. Some of the determining factors include level of economic development, income equity and cultural sense of individualism. While Higgins (2007) found that music piracy is a male behavior, Kini et al., (2000) claims that attitudes toward software piracy were not affected by experience with computers but were significantly affected by age and in particular performed by younger individuals (Hinduja, 2003). Chiang and Assante (2002) list three factors that make college students more likely than the general population to commit software piracy: they are more likely to need ready access to the software in which they are interested, they do not have as much disposable income, and they possess the necessary skills to access the desired software and to copy it once it is located. They also note that there are other factors that lower the probability of college students illegally copying software. These are the availability of educational

discounts on popular software, such as Microsoft office, and the availability of computers that are equipped with the software that they need to do required work on campus. There is therefore an obvious gap in knowledge about the perception of actors in the music industry particularly that of pirates and the present study will try to fill the gap.

Methods

The study was conducted at *Alaba* International Market Lagos State, Nigeria. Lagos State is the economic hub of Nigeria with a population of 17,000,000 (National Population Commission, 2006). Lagos became the first town to experience British rule in present-day Nigeria. In 1914, it was proclaimed the capital of Nigeria, and remained so until the declaration of Abuja as the Federal capital on the 12th of December 1991. However, the state is still Nigeria's industrial, commercial and financial centre. Lagos is estimated to account for over 60 per cent of Nigeria's industrial and commercial establishments, 90 percent of foreign trade, and about 80 per cent of the total volume of the imports of the country. Owing to the huge economic prospects, the state is a viable marketing centre for artistes in the Music Industry. They attract patronage and endorsement. Owing to the competition for space and resources, both legitimate and illegitimate businesses thrive. One of these is music piracy. A pilot study revealed that Lagos has established piracy network within *Alaba* International Market. Hence, the study was conducted at the market.

We employed the descriptive qualitative design for this study. The design was used to investigate piracy as a social phenomenon in *Alaba* International Market. The study population comprised up and coming artistes, music idols and pirates at the market. We investigated those who pirate CDs that contain the original intellectual properties and ideologies of others. Using the purposive and snowball sampling techniques, data were collected using both in-depth interviews (IDI) and key informant interviews (KII). The snowball technique was achieved by using a CD marketer. The CD marketer served as an informant and facilitated contacts with pirates. Only those involved in the piracy business were included in the study. In all, 10 pirates, 10 artistes and 5 music promoters (including Producers of Music Association of Nigeria) were interviewed. Two sessions of focus group discussion (FGD) were conducted. The interviews were recorded through a digital recorder. The data were transcribed to identify themes common in the narratives. They were then subjected to manual content analysis.

Results of the study

Reasons for Audio-Piracy

There are several reasons why audio music piracy thrives at *Alaba* International Market. Up-and-coming artistes see pirates as helpful to them in achieving stardom. As newcomers in the industry, budding artistes do not have the financial muscle. It is costly for them to break into the market and meet the financial demands to compete in a saturated profession like music. The get-rich-quick syndrome among young Nigerian musicians account for their reliance on pirates to enjoy 'marketing' of their single tracks. This promotional package, according to pirates, involves mixing the songs of musical stars with the 'singles' of up-and-coming artistes for greater visibility and popularity. Hence, pirates at the market see themselves as indispensable to the budding musicians struggling for a presence in the music industry.

Our existence has helped many upcoming artistes to live and be known. All the time you see them coming to run after us calling us: Boss! Boss! Please help me! I want to be known. Unfortunately for them, they do not have money to feature on a high profile music album. So the best thing to do for them is to help them via what you people refer to as piracy which is called marketing (A male pirate/FGD/Alaba/33years).

A member of the Performing Musicians Association of Nigeria (PMAN) affirmed the above position that:

Sometimes you need to run after these pirates to help you, most especially when you are trying to have a single hit track. This single hit track is what actually announces you as an artiste because the market out there is highly competitive (PMAN member/IDI/Ikeja/42years).

Youths involved in music piracy anchored it on their inability to be gainfully employed after their school. Hence, piracy becomes an innovation to cope with this economic problem. They do not also consider leaving the business owing to the income accruing to them. According to a respondent:

The groaning economic situation in the country has not favoured most Nigerian graduates. I have done clearing and forwarding before. But when I discovered myself as a computer engineer, I joined the clique of music piracy, which in Nigeria today has helped a lot of artistes including those ones you hear their names everyday even when they sing nonsense (female pirate/IDI/Alaba/29years).

Globalization also has effects on the growth of piracy as an industry. Consumption of information communication technology materials, such as digitized television, digital video display (DVD) has become a status symbol which most households compete to own. Most people also buy DVDs on the street where a copy is sold for between one hundred naira (\$ 0.67) and one hundred and fifty naira (\$1). This accounts for the production and embrace of less quality compact disc (CDs) by Nigerian households. Piracy and production of lesser quality materials for consumers nurture piracy. Realizing the destructive effect the activities of pirates could cause on their intellectual properties, producers are constrained to partner with pirates as business allies, as revealed below:

The general public cannot afford to pay either N500 (\$ 3.33) or N1, 000 (\$ 6.67) for a CD or audio CD. Even when they have such money, they still patronize pirated CDs. Thus the best thing an artiste should do is to meet up with the challenges of the pirates and cooperate with them, if an artiste knows that he/she really wants to make a profit (Male Pirate/IDI/38years/Alaba).

Ironically, a section of artistes have benefited from the activities of pirates. Pirates are seen as marketers and stabilizers. They bit down cost of production, stabilize market prices and ensure stability in the market. Artistes produce at a loss when the costs of their albums

are higher than what the consumers could afford. However, securing the services of pirates leads to increase in profit and fame through the activities of disc jockeys:

The cost of buying a single CD in the market could be about N1,000 (\$ 6.67). How many people can afford to pay N1,000 (\$6.67) for a CD. This is where pirates come in as a market stabilizer. They help in stabilizing price at an equilibrium state (Member PMAN/IDI/41years).

An artiste who benefited from piracy stated that:

My first two albums that I produced contained 14 tracks, but I could not sell any of them because a copy cost N400 (\$ 2.67) at a single production. I started making money when I allowed a DJ to feature my music in parties and night clubs. This is how I hear my music outside and became so popular (Member PMAN/IDI/41years).

The music producers asserted that lack of originality among musicians accounted for music piracy. They noted that although piracy is not new, the trends and patterns are confounded by lack of originality in the industry. After finishing the production of their intellectual materials, artistes' sell them to pirates for marketing purposes. A PMAN executive put the loss to the activities of pirates after a raid of different outlets used by the pirates in 2008 to about N29.8 million (\$ 198,666.67) (IDI respondent). The contradiction from the above submission is the reliance of musicians on pirates to remain in business. They are used as marketers, specifically to enhance and ease their stress of marketing and looking for buyers. Thus, even if strategic steps are put in place, the task of getting rid of piracy might be a mirage. A respondent explained that:

It is a common phenomenon among the artistes, most especially in Nigeria, that, while they have left the bulk of production work to the pirates, many of them now enjoy going for show and live music. There is no club house in Lagos you will go to, you will not see pirates and DJs because they work together. That is why if Saheed Osupa, Oluaye of Fuji, 2face Idibia or 9ice goes for any stage performance, after 3-5 days, you will see the production of their stage performance in the market, selling for N150 (\$ 1) -N200 (\$ 1.33) or maximum N300 (\$ 2).

As can be inferred from the above positions, piracy tends to flourish with increasing level of economic inequality, political uncertainty, and social collectivism. Thus, countries with greater economic and political stability usually record less piracy. In other words, in a country like Nigeria, where people want to make it early amidst the unstable economic situations, artistes' drive to be popular as well as individual zeal to make it in life will cause many people to engage in piracy which is largely influenced by cost and curiosity (Cheng et al, 1997). Chu and Lu (2007), claim that price is a key factor influencing illegal downloading of music in Asia. Price seems to be the biggest determinant of value to music downloaders in Taiwan; at least signifying that the price of the offering has the biggest influence on consumer's intention to purchase. Further, the Business Action to stop Counterfeiting and Piracy (BASCAP, 2009) in its study found that financial impossibility

to buy legal goods and the belief that the prices of legal goods are exorbitant account for growth of piracy. All these are, however, tied to cost-benefit analysis, prevailing social norms and ethical concerns (Wang, 2005).

The Pirating Process

The process of pirating audio music CDs at *Alaba* International Market varies from one pirate to another. This variation is dependent on some factors, such as the possession of requisite skills, years of experience and network with disc jockeys (DJ). DJs are important players in the piracy business. Most of the respondents interviewed at *Alaba* International Market maintained that the use of technology has made it easier for them to download music using certain software. The software used includes Virtual DJ, Cubase, Nero, and Lime wire.

The process of pirating an intellectual material is categorized into sourcing, separation and arrangement, codifying of music, designing of packs and, finally, marketing. *Sourcing* involves the search for hit songs as well as latest music releases, most especially those that involve world music stars. *Separation* involves alignment of music chronologies. That is, the classification of music into Hip Hop, Rhythm and Blues, Gospel, Reggae, Rap and other traditional/indigenous classical music. After sourcing and separation, pirates proceed to designing of packs, which entails getting pictures of most artistes involved in the pirated music. This will create the desired effect on buyers to patronize their stars through identification. *Marketing* is the last step of the pirating process. It is a vital stage, as it involves the distribution of pirated works and involves both wholesale and retail. A respondent explained that:

The only thing the internet will do in the process and channel of pirating audio CD is to provide a source for your materials, but not a process to which music is pirated. The process of pirating audio music (VCD and CD) involves four processes: sourcing, separation and arrangement, codifying of music, designing of packs and finally marketing (Pirate/Male/*Alaba*).

Pirating may entail buying a CD for a DJ to download music, decoration and graphic design and release of the CD. The DJ's expertise is essential to sifting from the available songs and ensuring that only hit songs are downloaded. This becomes paramount as hit songs attract better patronage. The DJ also determines how prompt the CD gets released. The release of pirated CD may take as long as three weeks, depending on the availability of funds. Besides downloading, the DJ is expected to add music 'effects'. With available funds and requisite tools, music is copied from 'notjustok.com'. This stage is capital intensive. One of the respondents commented thus:

The piracy work is usually a Herculean task, because it costs money. The first thing you have to do is to get the list of music connections (usually best music) and give to the DJ for some effect, after which the jacket or CD wrapper or case will be given to the designer, before we now release it to those people you see on the streets who sell CD. All the music that DJ uses are sourced from O.K music, because they usually have current and latest world hit, which comprises a lot of both local and foreign stars (Male pirate/IDI/28years/*Alaba*).

By implication, copying intellectual properties has been made easy with technology, which is being used for economic sabotage. With the available technology, piracy syndicates are not barred or limited as to the songs that can be downloaded and packaged for profit making, while the owners of the patent suffer economic losses. Indispensable allies in the piracy business are engineers. Their expertise is required to break into secured or protected CDs, as revealed below:

For you to be a successful pirate you need software such as reason Q base and NERO. This software makes things easier and thus, helps us to sustain livelihood. The range of software you have and the nature of production determines the number of CDs one can release in a day. Normally, the higher the copies, the lesser the price (A male pirates/IDI/30years).

Another respondent maintained thus:

The introduction of technology, especially the interconnectivity via VLC media player has reduced the stress of pirating CD and VCD. VHS which requires more than 15 processes to be pirated can now be done with a single process apart from downloading music from the Internet and designing of the VCD and CD packs, although, the process of downloading the music itself is not easy as you need to do some separation of latest music (Male pirate/IDI/43years/Alaba).

Apart from using the services of an engineer, and sourcing for pirated music online, pirates engage the services of DJs who work for high profile music stations (radio or television). It is easily dubbed here for economic reasons since DJs have access to original intellectual materials of musicians working with media houses, such as television and radio stations. A respondent said:

Most of the music we pirate is sourced online. For me, I have a DJ that works for me and I pay him off. Other means of getting music includes radio and through TV decoding. We specialize in monitoring certain radio programmes on Rhythm, Eko FM, Channels, OGBC, and Raypower to download music (Male pirate/ 25years /IDI).

Recognizing the activities of pirates, radio and television presenters have devised a method of frustrating unbridled recording or dubbing of music played on their schedules. This occurs by playing advert interlude for extended minutes. A respondent disclosed how radio presenters frustrate their dubbing:

For some of us that we are starting piracy work, the music being played on most F.M stations are what we use for piracy work and that is why when most presenters are running programmes on radios, they usually make interlude of 2-3minutes just to prevent pirates from pirating the music (Pirate/IDI/33years/Alaba).

According to Fetscherin (2009), individuals possess wealth of methods and channels to acquire digital goods, such as music, film and software. Nigeria Copyright Commission,

(2006) claims that pirates use download sites such as 1 Tunes, O.K music, as well as peer to peer file sharing systems such as Napster.

Who Benefits, who loses?

Piracy of intellectual materials obviously has created a syndicate network. This syndicate has imposed itself on the market of intellectual materials in the absence of strong social control mechanisms. The easy copying and availability of free music on the Internet make consumers less willing to pay regular retail prices for music. The detrimental effect of piracy on intellectual materials is lamentable. According to Performing Musicians Association of Nigeria (PMAN), many artistes have gone bankrupt owing to their inability to break even. This is evident in this excerpt:

In the early 1990s, one of the popular *Nollywood* stars named *Baba-Sala* was thrown into mourning and sadness and up till today the man has not recovered from it. I think he has a stroke now. Some pirates went to duplicate the master copy of his work called "Orun-mooru", while about 10 tracks of the music that accompany that film were also pirated. The film as at the time cost about N2, 000, 000 million.⁵ Unfortunately, the poor copyright act could not save the man (Babasala) so he lost all. This is exactly the true experience of some artistes who have run into several losses due to piracy (Member PMAN/IDI/41years/).

Artistes opined that piracy has become a problem and is threatening the industry in Nigeria. They see pirates as having overbearing influence on the economic returns of intellectual materials. Piracy is a plague on the music industry hampering development of intellectual property and stunting the growth of the music industry. Respondents reported that pirates could be regarded as *terrorists* on artistes, reaping where they have not made any 'meaningful' contributions. Some artistes reported that they were receiving less than 30% of their total profit. This view tallies with that of Freitas (1992) who asserts that pirates are criminals, usually operating on a large and organized scale, and engaging in the theft of the products of other peoples' talents, skills and investment. According to a young artiste:

The effect of piracy on the success of artistes is just like a sponge that soaks away potential interactions. If you spend about 1-3 million (\$6,670 - \$ 20,000) to produce music, and you cannot even get N500, 000 (\$ 3,335), due to the activities of the pirates, how would someone make it?⁶ What will be the joy of producing music? (Member PMAN/IDI/41years).

Cheap production of intellectual properties has effects on the industry and its players. One of these is the reduction in earning and quality of the CDs produced. Consumers blame producers for the poor quality of the work:

Piracy reduces superstar's earnings and the incentives to invest in their promotion. The other aspect is that, pirated CDs are not of good quality and this sends a wrong assumption that the producers are not good. The resultant

⁵ This amounts to about \$ 13, 500 using the current exchange rate of \$1 to N 150 as we do throughout the paper.

⁶ It is a normal expression by Nigerians to convey their desire to make money and be successful.

effect of this is that while many people are watching the pirated CDs, they abuse the producers and some may not even buy. (Artiste//IDI/29years/).

However, up-and-coming artistes have different perception of the activities of pirates. They reported that pirates helped in promotional purposes, bringing them to the limelight via mixing of their single tracks with those of established music stars. They were also 'helpful' in reducing the amount spent on publicity by new artistes. Hence, budding artistes viewed pirates as promoters and marketers. One of them argued thus:

In the developed countries of the world, piracy could be a major crime, but in Nigeria, the pirates are the one's that make life easier. They are the producer, marketer and the same time promoter. They usually help the upcoming artiste to find their way in the music industry (Artiste/ IDI/32years).

Another up-and-coming artiste stated thus:

A single-track piracy is very important in Nigeria, because the upcoming artistes need the grace of pirates. This is because they are limited by cash as well as adverts. I have featured on MTV, Channels and some other stations and this was done through the help of pirates (Up and coming Artiste/FDG/26years).

The results show that there is a working relationship between pirates in the production and marketing of intellectual properties. The cordiality in this relationship makes budding artistes, who find it difficult to compete with the high profile musicians, to enlist the services of pirates to promote them. This is why pirates see themselves as promoters and not pirates. It is a question of personal definition. They launder the image of up-and-coming artistes, using the identity of high profile musicians. Their singles are mixed in a CD which carries the picture of a known musician. The content of the CD, however, includes the music of budding artistes. Thus, the up-and-coming artiste gets known through this means. The pirates also have connection with popular DJs whom they give free CDs to play at parties and give a token to promote a particular song. The connections of pirates were found to extend to media houses where presenters are given copies of a CD for usage. This network endears the pirates to up-and-coming artistes while high profile musicians viewed them as pests. This symbiotic relationship has made it difficult for piracy to be rooted out of the Nigerian music industry. A pirate who denounced being so labeled said:

You don't call us pirates, because piracy is bad. We are promoters; we bring life and popularity to the music industry. We are the sole helper to the young artistes. Many artistes that have made it in the Nigerian music industry have once passed through us. These include Timaya, Banky W, 2 Face Idibia, Tony Tетуila and Ara, just to mention a few (Pirate/Alaba/33years/June 12, 2011).

Further probe into the reasons for pirating audio music shows that the main goal of pirating a CD is to make it cheap as captured below:

For an individual to buy a C.D is very expensive. This is because the number of music that is being produced everyday is too many (sic). More than 30-35music! Tell me how you want people to get money to buy all these apart from the money they will still use to buy VCD. It is we marketers that we look at the situation, cut the best track and mix it up with another artiste. This will make people to have access to the audio C.D at the cost of N100 (\$0.67) – N150 (\$1). By this, an artiste must have made name and money (Pirate/Alaba-Oke/IDI/30years/June 11, 2011).

Piracy may, therefore, have a dual identity. It can be viewed as a deviant and criminal action but scholars have argued that it could be functional in the development of new business models and enhancement of creation (Peitz and Waelbroeck, 2004; Mason, 2008). While Villarroel (2010) claims that piracy leads to economic losses and infringements of the moral rights of copyright owners, Oxford Economics (2006) asserts that it increases losses for the value creation chain. It can also lead to inadequate respect for cultural works and a threat to indigenous culture and identity. This is consistent with the view of Liebowitz (2003), that there is a very high effect of online piracy on the music industry. He argues that the current downturn in CD sales can be associated with the appearance of file-sharing technologies, although he admits that the sales of other media much less substitutable to MP 3, such as cassettes and singles, also dropped during that period. This means that many artistes will prefer to do single performances, because there is no major role of income and prices on CD purchases. Nevertheless, MP 3 downloads are causing significant harm to the record industry.

Conclusion

The study examined piracy from the perspectives of artistes and pirates. The study indicates a symbiotic relationship among players in the music industry, which has made piracy a thriving business. With this, piracy, rather than being viewed as totally negative, is seen as beneficial, particularly to the up-and-coming artistes who rely on pirates' network to survive the typically saturated and competitive market. However, as these artistes grow in the industry and become idols, they view pirates as impostors and condemn them as deviants and criminals to be prosecuted. The 'pirates' however, described their roles as 'promoting' and 'marketing'. The definition of their role is, therefore, important in devising strategic interventions aimed at restoring order in the Nigerian music industry.

Deviance is not the act, but the definition by a set of audience of definers. In essence, piracy may remain a vital component in the Nigerian music industry as long as pirates' roles are defined as more beneficial than parasitic, at least to those who rely on them for fame. This implies that piracy is demand driven. Piracy thrives on a supply-and-demand dynamics. In so far as the services of pirates are sought after, they remain a relevant component to the music industry.

On the consumer's side, the study also shows that high cost of production influences the development of piracy. The consuming public encourages this by purchasing substandard CDs on major streets owing to the exorbitant prices of original CDs. On the part of artistes, the quest of newcomers to have a place in the industry makes them seek refuge under the banner of pirates. It is, perhaps, on this basis that pirates provide

'promotional services' for artistes through remixing up-and-coming single tracks with packaged CDs of music idols. Through this, 'pirates' have imposed themselves on the industry, making a successful gain on intellectual materials impossible unless one is involved in the production chain. Because of the huge capital they have realized from the business, pirates have a large network that is sustaining their trade.

The bulk of the pirates are youths. Obviously, Nigeria has many youths taking to music as a strategy to navigate the economic crisis to eke out a living. Their youthfulness may be a major contribution to the survival of piracy in the industry. Most of them hold university degrees, with very few holding National Diploma certificates. Owing to job uncertainty and a high rate of unemployment in Nigeria, youths continue to use their acquired skills to innovate coping strategies which are antithetical to the development and image of the country. Of course, it is our view that same skills used in subverting a system may be harnessed to check deviant activities by relevant authorities. They could be engaged by the NCC to help track pirates since they are versed in the operation.

Unlawful downloading, illegal files sharing and digital audio music piracy may be difficult to halt because of the hijacking of the music market by pirates and their network. Their established network needs to be disorganized by government. The apathy of government is a propeller to piracy, while it endangers the development of innovative skills. A level playing field needs to be provided for up-and-coming artistes to survive with minimal capital injection to check their enslavement by 'pirates'. This is where deregulation of the Nigerian music industry holds the key to sanitizing theft of intellectual properties and re-invention of creativity in the industry.

Limitations

This study has sample limitation. The smallness of the sample size prevents making generalizations on the activities of pirates and other stakeholders in the Nigerian music industry. Further study may expand the scope in terms of methodology and doing a comparative study across the regions noted in the piracy business in Nigeria

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