

Does Software Piracy Always Represent Consumer Misbehaviour?

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Abstract

This study aims to explore whether or not software piracy is perceived as consumer misbehaviour in Libya. Both qualitative and quantitative methods have been used; data were collected by interviewing 10 marketers and through a questionnaire surveying 219 Libyan consumers. The study found that almost all of the software in the Libyan market is copied in ways that would be considered illegal in Western societies but the marketers interviewed did not consider this as misbehaviour. Instead, some of them were actively encouraging consumers to adopt this pattern of behaviour. Also, nearly half (49.4 %) of the sample had positive attitudes toward software piracy and 43% had an intention to conduct this behaviour. Furthermore, only 34% of consumers thought that software piracy is illegal, despite laws existing that protect intellectual property rights.

Introduction

Even though software piracy is considered as a relatively new form of consumer misbehaviour (Fakokawa 2002), some studies have argued that it has already become a major problem for the software industry and for business (Givon, *et al.* 1995; Glass and Wood 1996). Further, software piracy costs manufacturers billions of dollars annually (Shoham, *et al.* 2008) and this behaviour appears to be on the increase (BSA 2008).

Hamad (2006: 1) defined software piracy as an “unauthorised copying of computer software that constitutes copyright infringement for either commercial or personal use”. However, Prasad and Vijay (2003) argued that software piracy not only includes unauthorised copying of software, but could include the purchasing of unauthorised software copies and the practice of loading several machines with software licensed for use on one machine only (Prasad and Vijay 2003).

Even though most of the literature on software piracy has only discussed the negative effects of this behaviour, some studies such as, Givon, Mahajan and Muller (1995), Wooley and Eining (2006) and Kovačić, (2008), argue that this behaviour could also have positive effects. For example, the pirated software can act as an initial distribution which then encourages future software purchases. Also, pirated software could be the only available alternative in the countries where there are limitations on the availability of original copies of software.

Literature Review

The widespread nature of software piracy and its global effect on the technology industry has led to growth in the body of research that focuses on this behaviour. This behaviour has been studied from a variety of perspectives including information systems, international business, business administration, consumer behaviour and psychology. In general, Kovačić (2008) has divided software piracy studies into two groups based on the level of focus of these studies.

The first type of software piracy studies is country-national level studies. This approach to software piracy research is conducted by using cross-national data. In general this group of studies investigates the relationship between software piracy rates and certain factors at the macro level such as economic wealth and national culture using across-national data. Husted (2000) in his study used data from 39 countries in order to examine the impact of national culture on software piracy. This study concluded that software piracy is significantly correlated to GNP per capita, income inequality and individualism. Implications for anti-piracy programs and suggestions for future research were developed.

Kovačić (2008) found similar results in his study that investigated relationships between software piracy rates and economic, cultural and legal factors using data from 69 countries. In this study Kovačić argued that economic and legal factors make the most important contribution to the variability of worldwide software piracy rates. However, economic factors seemed to be more important than legal factors. The impact of national culture needed to be interpreted according to culture constructs. A culture which is described as more masculine would tend to have a higher software piracy rate. Enforcement of an efficient legal system among different countries is made less possible due to economic and cultural factors. People tend to follow their cultural norms rather than decide to adapt to legal norms imposed from outside their groups.

In another study Moores (2008) used data from 57 countries from the period 1994 to 2003 to investigate the impact of economic wealth and national culture on software piracy rates. This study concluded that there is a negative relationship between economic wealth, culture (individualism and masculinity) and levels of software piracy. The rate of decline in software piracy, however, is found to be a cultural phenomenon, with two factors (power distance (PDI) and uncertainty avoidance (UAI)) working in opposition.

The second type of software piracy studies is focused at the individual level. These types of studies have attempted to identify individuals' intentions, attitudes and moral propensity toward piracy. In addition, these studies have focused on the factors that might impact on the consumer's decision to engage in such illegal behaviour.

Many studies have been conducted at this level (e.g. Glass and Wool 1996; Cheng *et al.* 1997; Wang *et al.* 2005; Gan and Koh 2006; Goles *et al.* 2008). In general, previous studies at this level were focused on a limited number of factors (e.g. Wang *et al.* 2005; Lau 2006; Goles *et al.* 2008). Another limitation related to these studies is related to the sample, as many of them used samples of students (e.g. Glass and Wool 1996; Cheng *et al.* 1997; Wang *et al.* 2005; Al-Rafee and Cronan 2006; Goles *et al.* 2008). The use of student samples would be a general issue for any consumer research study, but arguably is particularly important in the area of software piracy since students are likely to have more specific software demands and be more computer literate than the wider population. Also, the methods used by the previous studies were limited as almost all of them used only one methodology for data collection and analysis, namely a quantitative methodology (e.g. Glass and Wool 1996; Sims *et al.*, 1996; Al-Jabri and Abdul-Gader 1997; Cheng *et al.* 1997; Husted 2000; Rahim *et al.* 2000; Wang *et al.* 2005; Al-Rafee and Cronan 2006; Gan and Koh 2006; Goles *et al.* 2008).

In general, studies on software piracy are still in the nascent stage. As argued above, studies have tended to be focused on a small number of factors. Furthermore, there are opposing results from previous studies. For example, although Rahim *et al.* (2000) found that males used the pirated software more than their female counterparts, another study (Goles *et al.* 2008) found that gender was not a significant factor. Therefore, further research has been recommended on this topic.

Research Problem

Consumer predispositions for consumer misbehaviour differ from one environment to another. These differences reflect cultural, economic, legal and social variables (Rawwas *et al.* 1995; Al-Khatib *et al.* 1997; Rawwas 2001; Fisher *et al.* 2003). However, these differences not only arise in extremely different environments but they can also emerge where there are minor differences at the micro level.

Consumer misbehaviour can be defined as “behaviour in exchange settings which violates the generally accepted norms of conduct in such situations and which is therefore held in disrepute by marketers and by most consumers” (Fullerton and Punj 1993:570). This definition implies that the ethical norms of the marketers, consumers or of the society in general can be used as benchmarks against which to evaluate if a certain pattern of consumer behaviour represents misbehaviour or not. In addition, (un)awareness of the law is significant in shaping attitudes toward software piracy (Goles *et al.* 2008).

The research problem of this study was built based on three points. First, piracy has increased to 88% in Libya, which cost US\$22 Million in 2007 (BSA 2008). Second, there is a severe shortage of the original editions of software programs in the Libyan market, as none of the software companies have any type of presence there (General People's Committee for Economy 2008). Finally, although, Libya has established copyright laws since 1968 (The General People's Committee for Justice 2007) which is applicable to software piracy, this law is not applied there. In an interview with the Attorney-General of the North Benghazi court (October 2007), he emphasised that this law is not used in Libyan courts. He attributed that to the fact that no one has as yet taken legal action on this issue. So, the current situation in the Libyan market related to software piracy contains clear factors that might appear likely to facilitate an increase of this behaviour in Libya: the absence of any source of the original software and a regulatory environment to deter this behaviour. The study reported in this paper aims to explore whether this current situation can lead Libyan consumers and marketers to consider software piracy as normal behaviour.

Research Question

The research problem is summarised in the following research questions:

- 1- To what extent do retailers/ marketers in Libya consider software piracy as misbehaviour?
- 2- How do Libyan consumers view software piracy?
- 3- What are the similarities or differences between retailers’/ marketers’ and consumers’ views toward software piracy?

Methodology

In this study Libya, as an Arabic county, has been selected as the fieldwork area for several reasons. Firstly, the Libyan market can be considered as a new and unknown market for

international firms, a market which did not have engagement with global markets during the long period of sanctions against Libya (Jodie and Gorrill 2007). Furthermore, it is an under-researched market. Additionally, whilst the Libyan market has been open to international companies since the spring of 2004 (CIA 2009), it is still suffering from an intense shortage of the original editions of software programs (General People's Committee for Economy 2008). This might be one of the reasons why piracy has increased to 88% in Libya in 2007 (Business Software Alliance 2008).

Fieldwork requires long-term planning and it is a costly activity when conducting research (Blumberg, Cooper, and Schindler 2008), especially if the research, like the current project, requires two phases of fieldwork one after the other, making it difficult to conduct the research in more than one Libyan city. Benghazi city was selected for the study as it is the principal city of Eastern Libya, the second largest city in Libya and one of Libya's major economic centres being both an industrial and a commercial city. Many of the larger national and some international companies are located in this city, and the employment available attracts many people from different Libyan cities. Also, two of the biggest public Libyan universities are located in Benghazi as well as some private and foreign universities (CQGAEI 2010). These universities attract students from the whole country. Thus, the first reason for selecting this city is that it represents a mix of Libyans who move for work or study. This suggests that the results of this study can be, theoretically, generalised to Libyan consumers across Libya. The second reason for choosing Benghazi is that this city is the home town of one of the researchers, who collected the data, which meant that this researcher was familiar with the city and had access to potential participants (Bailey 2007).

Scenarios have been suggested as a suitable approach for research in marketing ethics (Hunt and Vitell 1986), and many studies in marketing ethics have used such an approach (Fukukawa 2002; Callen and Ownbey 2003; Lau 2006). Therefore, the data collection methods made use of software piracy scenarios. However, as the existing copyright law is not enforced in Libya and many software stores sell copied software in Libya, the scenario did not describe the use of unauthorised copying of computer software in general, but instead included the use of software after its installation on a consumer's PC. The scenario used in this study was:

A customer bought a computer. But he/she did not buy any extra software such as games, photo manipulation or translation software, which would cost 20 LYD. Instead he/she copied these items of software from a friend.

Although using quantitative methods provides many advantages, this approach has limitations, therefore, qualitative research is frequently recommended in marketing (Malhotra and Peterson 2001; Gummesson 2005; Hanson and Grimmer 2007). Therefore a multi-method approach using both qualitative and quantitative approaches was employed in this study, in order to avoid the narrower analysis that may be provided by using one method (McEnery and Wilson 1996; Easterby-Smith *et al.* 2002). This approach was conducted through two phases. The first phase investigated the current situation of software piracy in Libya from the Libyan retailers'/marketers' view. A sample of 10 retailers was interviewed face-to-face in a semi-structured format in Arabic. The marketers in this study are identified as the person in each computer store who is the most qualified to provide the required information.

The qualitative findings of this phase were used to design the questionnaire for the second phase. The second phase aimed to discover how Libyan consumers view software piracy and to compare retailers' and consumers' view towards such behaviour. Although the data collection and analysis methods in this second phase were mainly quantitative the participants added some qualitative comments. These comments were qualitatively analysed in order to augment the qualitative and quantitative analysis.

Results and Discussion

As the data were collected in two different phases, the results of these two phases are presented separately. This is followed by a subsequent section which provides a general discussion of these results.

First Phase of the Fieldwork

The computer stores in Benghazi city are very similar in their size and the products they sell. These stores are mostly concentrated in one street in the centre of the city. Ten interviews were conducted with marketers/ retailers in these stores. Table 1 describes the personal characteristic of the interviewees.

The mean of the sample's length of experience in this business is approximately 5.40 years, which implies that they should have a good level of knowledge and experience about software piracy.

According to the interviewees and the stores visited almost all of the software in the Libyan market is copied. Therefore, Libyan consumers can easily return software after installing it. A typical scenario provided by the interviewees for this method of consumer theft was:

A consumer bought software. After a day or two they came to return it and said that it did not work on their PC. When I checked it I did not find any problem with it.

Interestingly the interviewees did not consider software piracy as consumer theft. Therefore, some of them showed surprise at the interview questions. One of the interviewees asked:

Why do you ask about this behaviour? Do you think it is forbidden?

Another interviewee was not sure if software piracy was an example of misbehaviour. Furthermore, this interviewee provided an interesting justification for his adoption and support for such behaviour. He said:

Do you think this is wrong behaviour? Anyway, the software companies are responsible for the widespread nature of this behaviour in Libya. They do not have any branch here, they should know that we need software in Libya, they do not think about us. So, what can we do? Even if our business can cause loss for these companies this is not our fault, they force us to do it. They ignore us!

The complete absence of any presence of software companies in Libya is seen as providing an important justification for this behaviour in Libya. Therefore, this behaviour is not considered as misbehaviour by the interviewees. Furthermore, they did not know that there is an existing law in Libya which can be used against software piracy. Almost all of the interviewees believed that once the consumer has purchased the software, they have a right to do anything with it. One interviewee said:

This behaviour could cause a loss for this store. But when the consumer buys software that means it has become his or hers, so he/she has a right to copy it.

One of the more striking results is that marketers even encouraged their consumers to engage in software piracy. One of the interviewees gave this story as an example:

Two consumers came together, they looked like friends and they ordered two copies of the same software. I advised them to buy two different items of software instead and then they can exchange them after installing them on their PCs.

Despite these practices being technically illegal, the interviewees were happy with the current situation as it had led to a reduction in both computer and software prices and therefore, increased the number of computer users, as one participant explained:

Computers are imported without software and we download copied software onto them before selling them. We do this as this can reduce the price by 480 LYD (equivalent to £240). If we do not do this only a few consumers can buy the computers as the total price will be 1000- 2500LYD (equivalent to £500-1250).

Second Phase of the Fieldwork

Given the exploratory nature of this study, sample statistics were employed to shed light on general consumer attitudes to software piracy issues in Libya and also to provide result that can be compared with the qualitative results of the first phase and therefore help answer the second and third research questions.

As the population of Benghazi city is 622 847 (General Information Association of Libya, 2006), the sample size for Benghazi city with a confidence interval of 95% and probability of 50% should be 381 according to Krejcie and Morgan (1970). However while 381 questionnaires were issued, just 72% of the sample was received back; additionally some of the returned questionnaires were found to have missing data. After these questionnaires had been excluded approximately 58% from the distributed questionnaires were available for analysis. In total 219 questionnaires were usable from the collected sample. Table 2 shows the personal characteristics of the consumer sample. As shown in this table, the sample comprises a mixture of age, gender, marital status, education and job characteristics. Thus it differs from samples used in previous studies which were limited to samples of students. While almost all of the previous studies were limited to students, in this study students constituted only 26.5% of the sample.

A general issue regarding consumers' answers is that between a fifth to about a third of the sample were neutral in responding to several of the survey questions. As displayed in tables 4, 5 and 6, 19.6% to 31.5 % of the sample selected 'Neither' as their answer. This tendency to avoid a clear answer can perhaps be ascribed to consumers not considering software piracy to constitute misbehaviour as only 36.6% of them consider it as bad (Table 4). This result can be also supported by some of the participants' comments in response to an open question. One of the participants wrote:

I do not know if this behaviour is not allowed

Another participant added that:

If there is a law against this behaviour, people do not know about it.

Even the above comments reflect that these two consumers were not quite sure about this behaviour. Other comments were more supportive of a view that such behaviour was acceptable:

The consumer is free, and can use the software as he or she wants. There are not conditions of software use when someone has bought it.

This comment shows that the consumers' view is similar to marketers', as mentioned previously; many of them think that once the consumer has purchased the software, they have a right to do anything they like with it.

Consumer Attitudes toward Software Piracy

As shown in table 3, consumers' attitudes towards software piracy are in line with the marketers' attitudes as 49.4% of the sample have positive attitudes. These attitudes were measured by six questions which were divided into two groups: piracy evaluation and piracy consequence.

The consumers' evaluation of software piracy was measured using the three items displayed in table 4 (after Chang (1998) and Fukukawa *et al.* (2006)). In general, the sample had a positive evaluation of software piracy. Only 36.6 % of the sample considered software piracy as bad behaviour. Further, more than half of them (52.5%) believed that doing this would not be causing any risk. Table 5 summarises consumer opinion toward the consequences of piracy to others, (i.e. suppliers and actors (Fukukawa *at el* 2006)). The interesting point in this table

is that only 30.4% of the sample believes that adopting this behaviour could cause problems for them.

From these results it was clear that both the consumers and marketers attitudes toward software piracy tend to be positive, seeing this as acceptable, even justified behaviour.

Consumer Intention to Engage in Software Piracy

Only 31.1% of the sample did not have an intention to engage in this behaviour. However, 25.6 % of the sample cannot determine if they adopt this behaviour or not, raising the possibility that they might be reticent to say so. This possibly reflects the sensitivity of the topic, since they may have inferred from the questionnaire that this is not permissible behaviour so they preferred not to reveal their intention.

More than the half of the sample (50.7%) considers copying software from a friend as too good an opportunity to save some money. Further, only 34.2% of the sample believe that software piracy is illegal behaviour, and this surely is important in explaining the high level of intention to adopt it. Also, from the received comments the consumers agree with the marketers' view that this is justified because suppliers do not make software available in the Libyan market, as one participant commented:

The consumer did this because there are no official agents to sell software in Libya.

Summary and Conclusion

The complete absence of any presence of software companies in Libya has apparently led to the increased software piracy rate there. Software piracy is not only adopted by the consumers but, it is also adopted, and even advocated, by marketers and retailers as well. This behaviour, therefore, could not be considered as misbehaviour in the Libyan market as it would be in other Western societies.

Also, both of the marketers and consumers in Libya are pleased with the current situation of widespread software piracy in Libya. The marketers favour this situation as it has led to a reduction in computer prices and increased the number of computer users, whilst consumers prefer it because it has led to money saving.

The marketers in Libya believe that the Libyan consumer should be treated as consumers in other countries and software should be offered for them, so they describe the software companies as forcing them to adopt this behaviour in order to redress the shortage of original software. Also, some consumers justify engaging in software piracy for the same reason.

The consumers' views are in line with marketers' as most of them do not consider this behaviour as bad nor think that it will cause problems to anyone. Therefore, some of the marketers in Libya support consumers who conduct this behaviour as they consider it to be a good way of saving money and helping friends. In several respects there seems to be a more community-oriented, socially responsible motivation here than might be expected in other societies, although it might also have elements of enlightened self-interest if, as sometimes was suggested, it also helps grow the overall market for Libyan computer stores.

Limitation and Further Researches

Given the sensitive nature of this study, informed consent and confidentiality underpinned the fieldwork. Furthermore, participants were briefed on the nature of the research and had the opportunity to refuse involvement or stop at any time they wanted. However, participants were open and keen to talk and write comments about their experiences and opinions, suggesting concerns to appear ethical were not a major distorting factor on the results presented.

As with nearly all studies of consumer behaviour, the current study is limited by the sample and techniques used in the research. These limitations curb the extent to which the findings of the research can be generalised but also, more helpfully, provide a useful framework for the suggestion of future studies. Future research should use larger samples covering other Arabic

countries which have activated copyright laws against software piracy, such as Egypt and UAE, hence exploring the effect of applying such laws upon Arabic consumers' attitudes and intentions toward this behaviour. These results, however, represent one part of a much wider study of marketer and consumer attitudes to what is usually seen as unethical behaviour in Libya, and are to be compared with responses to similar research into shoplifting and pilfering from hotel rooms to provide a wider context.

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No	Gender	Line of business	Job title	experience
1	male	small computer stores	technician and seller	5 years
2	male	small computer stores	seller	3 years
3	male	small computer stores	technician and seller	3 years
4	male	small computer stores	store owner	1½year
5	male	small computer stores	technician and seller	7 years
6	male	small computer stores	store owner	4 years
7	male	medium computer stores	sales manager	4 years
8	male	medium computer stores	store owner	6 years
9	male	medium computer stores	technician and seller	10 years
10	male	medium computer stores	accountant	10 years

Table 1: Personal characteristic of the marketers' sample

Character- istic	The Sample n= 219											
Gender	Male 53%				Female 46.6%				Missing data 0.4%			
Marital status	Single 56%			Married 32%			Divorced 0.5 %			Missing data 11. 5%		
The Age	18-27 years 41.1%		28-37 years 34.2%		38-47 years 20.5%		48-57years 3.7%		58-67 years 0.5%			
Level of education	Preparatory School or equivalent 3.7%			High School or equivalent 28.8 %			Graduated from university or equivalent 61.6 %			Postgraduate degree 5%		Missing data 0.9%
Job	Don't work 5.9 %	Retired 1.4 %	Student 26.5 %	Education and Academic 12.3 %	Business 37.4 %	Legal Services 0.9 %	Professional 7.8 %	Health care sector 2.3 %	Social service 1.8 %	Services 0.9 %	Missing 2.7 %	

Table 2: Personal characteristic of the consumers' sample

	Highly Negative	Negative	Neutral	Positive	Highly Positive
Consumer attitudes	10.0 %	34.7%	5.9%	41.6 %	7.8 %

Table 3: Consumer attitudes towards software piracy

Piracy Evaluation,	Items	Strongly disagree %	Disagree %	Neither %	Agree %	Strongly agree %
good/bad	Doing this would be bad	13.7	28.3	21.5	21.5	15.1
low risk/high risk	Doing this would be not causing any risk.	5.9	19.6	21.9	36.5	16.0
foolish/wise	Doing this would be foolish.	16.0	31.5	22.4	21.0	9.1

Table 4: Piracy Evaluation

Piracy Consequence	Items	Strongly disagree %	Disagree %	Neither %	Agree %	Strongly agree %
To others	If I did this other users of this software would be harmed.	5.0	24.7	24.7	26.5	19.2
To suppliers	If I did this the shop owner would be harmed.	9.1	21.9	19.2	34.2	15.5
To an actor	If I did this I would be in trouble.	6.8	30.6	32.0	22.4	8.2

Table 5: Piracy Consequence

	Strongly disagree %	Disagree %	Neither %	Agree %	Strongly agree %
In this situation, I would do the same.	11.0	20.1	25.6	26.0	17.4
This behaviour is illegal.	13.2	21.0	15.1	27.4	23.3
This situation would be too good an opportunity to save some money to miss.	8.2	28.3	12.8	36.5	14.2

Table 6: Consumers' views and intentions to engage in software piracy