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## Introduction

*Bachelor Party* is a recent Indian movie directed by Amal Neerad.<sup>1</sup> Although the movie did not receive favourable critical reviews or success in the box office at the time of release, it later made headlines across India for another reason. For the first time in the history of India, the Police department in one of the states registered cases against more than 1000 individuals/websites for uploading/downloading the pirated copies of a movie.<sup>2</sup> Although the appropriateness and legal validity of a massive police action solely based on IP addresses is questionable, the incident is a clear illustration of the direction of copyright enforcement actions in India.<sup>3</sup>

But copyright piracy and such enforcement actions against copyright piracy are not just restricted to India. For example, a few months earlier, in an armed operation resembling Hollywood action movies, the New Zealand Police had arrested Kim Dotcom, founder of the cyberlocker

<sup>1</sup> This 2012 movie was from the Malayalam film industry, one of the regional film industries within India. See <<http://www.nowrunning.com/movie/9971/malayalam/bachelorparty/index.htm>> accessed 25 January 2013.

<sup>2</sup> See Anupam Saxena, 'Kerala Police Registers Cases Against 1010 Users & Sites for Pirating Movie "Bachelor Party"' *Media Nama* (12 September 2012) <<http://www.medianama.com/2012/09/223-torrent-bachelor-party-arres/>> accessed 25 January 2013, and Press Trust of India, 'Kerala Police Cracks Down on Film Piracy, Case Against 1000' *NDTV* (9 September 2012) <<http://movies.ndtv.com/regional/kerala-policecracks-down-on-film-piracy-case-against-1000-264960>> accessed 28 January 2012.

<sup>3</sup> Interestingly, *Bachelor Party* is alleged to be very similar to a 2006 Hong Kong movie, *Exiled (Fong Juk)*, directed by Johnnie To. Subsequent to the filing of the cases for illegal uploading/downloading, *Bachelor Party* became a subject of discussion in social media networks, and many people are reported to have approached Johnnie To, requesting to initiate legal action against the director of *Bachelor Party* for plagiarizing his work. See 'Agent Jadoo not to pursue case of Bachelor Party as it will be in trouble', <<http://www.ukmalayalee.com/keralanews/news.php?id=MjUzMg==>> accessed 25 January 2013.

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service, *Megaupload.com*.<sup>4</sup> This action was at the request of the Federal Bureau of Investigation (FBI), and the most important charge against Kim Dotcom was the extensive use of his cyberlocker service for online piracy.<sup>5</sup> The domain name and the servers were seized and Kim Dotcom is now facing extradition to the United States.<sup>6</sup> Although the justifiability of extra-territorial copyright enforcement actions is debatable, it is yet another example of the contemporary global approaches in the area of copyright enforcement.

But what makes copyright piracy an important subject of concern for nations today? While the usage of the term ‘piracy’ for intellectual property violations dates back to the seventeenth century, it is the developments in digital frontiers that have made copyright piracy a subject of extreme anxieties, intense discussions and panic reactions in the contemporary world.<sup>7</sup> Unlike earlier times, digital technologies have enabled the creation of near perfect copies of information products in easily accessible and affordable ways for most segments of the public. Although the extent of damage that piracy inflicts on creativity in different industries is not clear cut, piracy is considered by most creative industries as a serious threat challenging their existence.<sup>8</sup> Hence many countries, particularly those

<sup>4</sup> See ‘Kim Dotcom Raid Video Shows Helicopters, Police Vans Used in Arrest of Megaupload Founder’ *Huffington Post* (8 September 2012) <[http://www.huffingtonpost.com/2012/08/09/kim-dotcom-raid-video-megaupload\\_n\\_1758317.html](http://www.huffingtonpost.com/2012/08/09/kim-dotcom-raid-video-megaupload_n_1758317.html)> accessed 4 February 2013.

<sup>5</sup> See Department of Justice, ‘Justice Department Charges Leaders of Megaupload with Widespread Online Copyright Infringement’ (19 January 2012) <<http://www.justice.gov/opa/pr/2012/January/12-crm-074.html>> accessed 28 January 2012. FBI alleges that Megaupload.com has caused more than \$500 million in losses for the copyright holders.

<sup>6</sup> See, also, <<http://megaupload.com/>> accessed 28 January 2013.

<sup>7</sup> Scholars like Adrian Johns who have attempted to trace the evolution of the term ‘piracy’ are of the view that the beginning of the usage of this term for intellectual property violations can be precisely traced back to the years between 1660 and 1680. See Adrian Johns, *Piracy: The Intellectual Property Wars from Gutenberg to Gates* (Chicago, University of Chicago Press 2009) 24. For an excellent discussion on piracy from a cultural studies perspective, see Ravi Sundaram, *Pirate Modernity* (Oxon, Routledge 2010) 105–138.

<sup>8</sup> As some scholars have illustrated through detailed case studies, it is also important to recognize that piracy may not have detrimental effects on creativity in all situations. There are also industries where piracy can stimulate innovations and creativity. For an excellent discussion in this regard, in the background of different examples including the fashion industry, see generally Kal Raustiala and Christopher Sprigman, *The Knockoff Economy: How Imitation Sparks Innovation* (New York, Oxford University Press 2012).

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characterized by the presence of strong creative/information industries, can now be seen actively pursuing enforcement actions against copyright-related violations.

As seen from across the world, the most commonly suggested and used remedies against copyright piracy arising from panic reactions are infliction of severe legal punishments and criminalization of more and more activities. The jury verdict of \$2.2 million as statutory damages for sharing 24 songs, in the first file sharing case to reach the trial stage in the United States, represents one example of this contemporary approach towards copyright enforcement.<sup>9</sup> The debates in several national parliaments over laws that can authorize total disconnection of a user from internet under the so-called three strikes or graduated response policy, although access to internet connection is a basic human right in the modern world, show yet another example in the same direction.<sup>10</sup>

But have we been able to achieve higher copyright compliance levels through such intimidating efforts? Well, it is an accepted fact that copyright compliance has remained at a low level in most countries, despite all such intimidating and incriminating measures. The fact that copyright piracy remains highly prevalent even in many countries with strong enforcement systems suggests us to explore reasons beyond conventional

<sup>9</sup> See *Capitol Records Inc v Thomas-Rasset* 2011 WL 3211362, 1 (District Court of Minnesota). After over three trials, the District Court reduced the damages to \$54,000, citing the violation of due process. *Ibid.*, 14–15. However, the record labels have appealed against this verdict.

<sup>10</sup> For a critical analysis of the graduated response policy, see generally, Peter K. Yu, 'The Graduated Response' (2010) 62 Florida Law Review 1373. France was one of the countries that had adopted a three strikes policy. See LOI n° 2009-669 du 12 juin 2009 favorisant la diffusion et la protection de la création sur internet (Legislation number 2009-669 of 12 June 2009 to Promote the Dissemination and Protection of Creation on the Internet, as amended on 30 October 2009). However, the three strikes policy in France was recently replaced with a system of automatic fines. See Siraj Dato, 'France Drops Controversial "Hadopi law" After Spending Millions' *The Guardian* (9 July 2013) <<http://www.guardian.co.uk/technology/2013/jul/09/france-hadopilaw-anti-piracy>> accessed 16 July 2013. See, also, Sec. 17 (1) of Digital Economy Act 2010 in the United Kingdom, which authorizes the Secretary of State to bring regulations that allow courts to disconnect internet users or slow down the internet connection speeds in cases of copyright infringements. For a comparative analysis of the graduated response policies under the French (earlier Hadopi law), UK, and US laws, see Enrico Bonadio, 'File Sharing, Copyright and Freedom of Expression' (2011) 33 E.I.P.R. 619, 624–626.

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paths of inquiry.<sup>11</sup> The two critical questions to be asked at this point is whether there is anything fundamentally wrong in our present approach towards copyright enforcement and whether we are missing something important in the present solitary approach of increasing criminalization and infliction of severe legal punishments.

The conventional economic wisdom suggests that it is the demand that drives up supply in any market in the long run and the same must apply for pirated goods also, although this factor has not attained due attention in most of the legal research in this area.<sup>12</sup> So while discussing enforcement measures relating to piracy, it is highly important to understand why consumers buy pirated goods. In other words, we also have to engage in a demand-side approach, besides the existing supply-side approach. Copyright scholars like Goldstein are seen taking cognizance of this aspect when they acknowledge the conversion of copyright rules into a norm of public and private behaviour as the most important challenge in the direction of higher copyright compliance in today's digital world.<sup>13</sup>

<sup>11</sup> Some scholars are of the view that piracy rates will reduce with increase in national income. But as some other scholars have shown through the huge variation of software piracy rates in Western Europe, piracy cannot be explained merely in terms of the differences in GDP. See Mark Traphagan and Anne Griffith, 'Software Piracy and Global Competitiveness: Report on Global Software Piracy' (1998) 12 *International Review of Law, Computers and Technology* 431, 441. Similarly, some studies have shown that while the average national piracy rates continued to decline from 76 per cent in 1994 to 55 per cent in 2002, the decline in piracy rates were not perfectly correlated to economic growth rates in individual countries. For example, while China's national income grew by 104.5 per cent, piracy rates fell just by -5.2 per cent, whereas when the national income of Ireland rose by 108.1 per cent, piracy rates fell by -43.2 per cent. See Trevor T. Moores, 'An Analysis of the Impact of Economic Wealth and National Culture on the Rise and Fall of Software Piracy Rates' (2008) 81 *Journal of Business Ethics* 39, 40. When countries with similar economic growth rates or similarly high per capita incomes diverge radically on copyright compliance levels, one may try to attribute it to the existence (or non-existence) of strong laws. But this cannot be a major reason today, as the punishments prescribed in most national copyright legislation for piracy are highly similar, by virtue of the minimum standards adopted under the TRIPS Agreement, which is an integral part of the WTO system.

<sup>12</sup> See Gail Tom and others, 'Consumer Demand for Counterfeit Goods' (1998) 15 *Psychology and Marketing* 405, 406; Wendy W. N. Wan and others, 'Do Traditional Chinese Cultural Values Nourish a Market for Pirated CDs' (2009) 88 *Journal of Business Ethics* 185, 185; and Kenneth K. Kwong and others, 'The Effects of Attitudinal and Demographic Factors on Intention to Buy Pirated CDs: The Case of Chinese Consumers' (2003) 47 *Journal of Business Ethics* 223, 224.

<sup>13</sup> See Paul Goldstein, *Copyright's Highway: From Gutenberg to the Celestial Jukebox* (Stanford, Stanford University Press 2003) 214–215. For an interesting article that illustrates how some of the current norms are incompatible with the current copyright laws, using the fictional example of an ordinary day in the life of a law professor, see John Tehranian, 'Infringement Nation: Copyright Reform and the Law/Norm Gap' (2007) 2007 *Utah Law Review* 537.

However, this is a challenging task in view of the *public goods* characteristics of many of the information products in the digital age.<sup>14</sup> The two most important characteristics of information goods in this regard are the non-rivalrous character of consumption and the relative non-excludability of most information goods.<sup>15</sup> A product is considered as non-rivalrous in consumption, when the use of the product does not deplete the product.<sup>16</sup> For example, when we share the digital copy of a movie with a friend, it generally does not reduce our possibilities of watching that movie or even sharing it further. On the other hand, when we share tangible goods like a pen or a book with friends, we won't be able to use them concurrently. This difference gives most of the information goods in the digital era a non-rivalrous character of consumption. The second characteristic, relative non-excludability, is also equally important here. It is a fact that it is relatively very difficult for the right holders to ensure that people will not share the copyrighted product with others.<sup>17</sup> To view it differently, the transaction costs for the right holders to monitor the activities of users and enforce rights are very high when compared with the benefits from such monitoring, and this gives most information goods a relatively non-excludable character.<sup>18</sup> These *public goods* characteristics make it difficult for most information products to attain exclusivity as a social norm in any country, when compared with acceptance of exclusivity in tangible goods. This is visible from the high piracy rates even in many of the Western countries with deeper legislative roots in the area of intellectual property laws.<sup>19</sup>

<sup>14</sup> See, for example, Tarleton Gillespie, *Wired Shut: Copyright and the Shape of Digital Culture* (Cambridge, MIT Press 2007) 25–27.

<sup>15</sup> Ibid. See, also, Anne Barron, 'Copyright Infringement, "Free Riding" and Lifeworld' in Lionel Bently, Jennifer Davis and Jane C. Ginsburg (eds), *Copyright and Piracy: An Interdisciplinary Critique* (Cambridge, Cambridge University Press 2010) 94.

<sup>16</sup> See Yochai Benkler, *The Wealth of Networks* (New Haven, Yale University Press 2006) 36; Tarleton Gillespie, *Wired Shut: Copyright and the Shape of Digital Culture*, 25; and Paul Goldstein, *Copyright's Highway: From Gutenberg to the Celestial Jukebox*, 214.

<sup>17</sup> See Tarleton Gillespie, *Wired Shut: Copyright and the Shape of Digital Culture*, 25.

<sup>18</sup> Copyright scholars like Goldstein are of the view that the transaction costs might drop down with the evolution of new technologies that could monitor each and every use made by a consumer. See Paul Goldstein, *Copyright's Highway: From Gutenberg to the Celestial Jukebox*, 201–203.

<sup>19</sup> The result from one of the recent surveys conducted in the United States on perceptions of the people regarding copyright infringement and enforcement is a good example in this regard. See Joe Karaganis, 'The Copy Culture Survey: Infringement and Enforcement in the US' <<http://piracy.ssrc.org/the-copy-culture-survey-infringement-and-enforcement-in-the-us/#more-1306>> accessed 30 November 2011. See, also, Loraine Gelsthorpe, 'Copyright Infringement: A Criminological Perspective' in Lionel Bently, Jennifer Davis and Jane C. Ginsburg (eds), *Copyright and Piracy: An Interdisciplinary Critique* (Cambridge, Cambridge University Press 2010) 393–394 and 401.

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The challenges for gaining acceptance of exclusivity in information goods as a social norm are considered to be even higher in countries with higher social emphasis on sharing and where IP laws grow not out of a natural domestic legislative process but evolve through political or economic pressure from outside.<sup>20</sup>

Although the importance of the attitude of consumers and the local socio-cultural factors have not received much attention in legal research in this area, they have been undergoing discussion and exploration in other fields like management, psychology, sociology and economics. Two categories of literature can be broadly seen from those fields. While the first group of literature are seen attempting to explore the relationship between the attitude of consumers and piracy, the second group of literature can be seen exploring the relationship between local cultural factors and piracy.

The group of works that have attempted to explore the relationship between attitude and piracy suggests that attitude is one of the most significant predictors of the intention to purchase pirated or counterfeit products.<sup>21</sup> Some of the studies specifically observe that consumers who have a favourable disposition towards pirated or counterfeited products are even more likely to recommend them to their friends.<sup>22</sup> Some of the significant factors that are considered to influence the attitude of a person towards piracy include perceptions regarding the lawfulness

<sup>20</sup> For an interesting research work that analyses this issue in the context of intellectual property law evolution in China, see generally, William P. Alford, *To Steal a Book Is an Elegant Offense: Intellectual Property Law in Chinese Civilization* (Stanford, Stanford University Press 1995). See, also, Andrew Mertha, *The Politics of Piracy: Intellectual Property in Contemporary China* (Ithaca, Cornell University Press 2005) 210–217.

<sup>21</sup> See, for example, Timothy Paul Cronan and Sulaiman Al-Rafee, 'Factors that Influence the Intention to Pirate Software and Media' (2008) 78 *Journal of Business Ethics* 527, 535; Chechen Liao and others, 'Predicting the Use of Pirated Software: A Contingency Model Integrating Perceived Risk with the Theory of Planned Behavior' (2010) 91 *Journal of Business Ethics* 237, 244; Chow-Hou Wee and others, 'Non-price Determinants of Intention to Purchase Counterfeit Goods - An Exploratory Study' (1995) 12 *International Marketing Review* 19, 29; and Lori N. K. Leonard and others, 'What Influences IT Ethical Behavior Intentions-Planned Behavior, Reasoned Action, Perceived Importance, or Individual Characteristics?' (2004) 42 *Information & Management* 143, 150. It may be noted here that many works from fields other than law does not make a clear demarcation between pirated products and counterfeit products in their analyses. For example, a careful analysis of the questionnaires used in most of those empirical studies show that they include both pirated CDs that comes generally within the domain of copyright infringement and the counterfeited brands that generally comes within the domain of trademark infringement.

<sup>22</sup> See, for example, Swee Hoon Ang and others, 'Spot the Difference: Consumer Responses Towards Counterfeits' (2001) 18 *Journal of Consumer Marketing* 219, 232.

of the act in question,<sup>23</sup> perceptions of morality of the act in question,<sup>24</sup> ethical attitude of the people,<sup>25</sup> perceived risks<sup>26</sup> including legal risks (risks that people perceive regarding punishment probability and punishment severity), product performance risks (risks that people perceive regarding performance of the product in question), financial risks (risks that people perceive regarding real financial value of the product), social risks (risks that one's esteem might be lowered in the minds of others if one engages in a particular conduct) and psychological risks (risks regarding potential loss of self-image from a behaviour), cognitive beliefs<sup>27</sup> (beliefs of a person regarding the attributes or characteristics

<sup>23</sup> Some studies show that a consumer invokes his or her lawfulness attitude selectively, when she or he is confronted with a moral conflict during a purchase. See, for example, Victor V. Cordell and others, 'Counterfeit Purchase Intentions: Role of Lawfulness Attitudes and Product Traits as Determinants' (1996) 35 *Journal of Business Research* 41, 49. Some studies have also addressed the issue of perceptions of lawfulness in a cross-cultural context. See, for example, W. R. Swinyard and others, 'The Morality of Software Piracy: A Cross-Cultural Analysis' (1990) 9 *Journal of Business Ethics* 655, 659 and Xuemei Bian and Cleopatra Veloutsou, 'Consumers' Attitudes Regarding Non-deceptive Counterfeit Brands in the UK and China' (2007) 14 *Brand Management* 211, 218.

<sup>24</sup> For a study that explores the differences in perceptions of morality of software piracy in a cross cultural context, see W. R. Swinyard and others, 'The Morality of Software Piracy: A Cross-Cultural Analysis', 659.

<sup>25</sup> See, for example, Kenneth K. Kwong and others, 'The Effects of Attitudinal and Demographic Factors on Intention to Buy Pirated CDs: The Case of Chinese Consumers', 226.

<sup>26</sup> See, for example, Xuemei Bian and Luiz Moutinho, 'An Investigation of Determinants of Counterfeit Purchase Consideration', (2009) 62 *Journal of Business Research* 368, 370; Benjamin Tan, 'Understanding Consumer Ethical Decision Making with respect to Purchase of Pirated Software' (2002) 19 *Journal of Consumer Marketing* 96; Victor V. Cordell and others, 'Counterfeit Purchase Intentions: Role of Lawfulness Attitudes and Product Traits as Determinants', 48–50; Jyh-Shen Chiou and others, 'The Antecedents of Music Piracy Attitudes and Intentions' (2005) 57 *Journal of Business Ethics* 161, 168–171; and Chechen Liao and others, 'Predicting the Use of Pirated Software: A Contingency Model Integrating Perceived Risk with the Theory of Planned Behavior', 240–241. Studies differ with regard to the influence of different types of risks. For example, in one of the studies that focused on the Taiwanese society, it was found that performance risks, social risks and prosecution risks had non-significant influence on the attitude of people, while psychological risks had significant influence. See Chechen Liao and others, 'Predicting the Use of Pirated Software: A Contingency Model Integrating Perceived Risk with the Theory of Planned Behavior', 243–244.

<sup>27</sup> See Sulaiman Al-Rafee and Timothy Paul Cronan, 'Digital Piracy: Factors that Influence Attitude Toward Behaviour' (2006) 63 *Journal of Business Ethics* 237, 241 and Kimi van der Byl and Jean-Paul Van Belle, 'Factors Influencing South African Attitudes Toward Digital Piracy' (2008) 1 *Communications of the IBIMA* 202, 204. Individuals with strong cognitive beliefs were found to have a more lenient attitude towards digital piracy. See Kimi van der Byl and Jean-Paul Van Belle, 'Factors Influencing South African Attitudes Toward Digital Piracy', 207–208 and Sulaiman Al-Rafee and Timothy Paul Cronan, 'Digital Piracy: Factors that Influence Attitude Toward Behaviour', 246.



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of an object or the outcomes of a behaviour, in a situation where she or he is confronted with an ethical decision making), subjective norms<sup>28</sup> (norms of other people who are important to a person, like parents, teachers or friends, which is often comprehended as the 'social pressure' on the person), previous purchase experiences,<sup>29</sup> perceived social costs of piracy<sup>30</sup> and perceived social benefits of piracy.<sup>31</sup> Some of the previous studies suggest that demographic factors like gender and age also have a significant influence on attitude towards piracy, although a uniform opinion is lacking in many of these matters. For example, many studies show that males have a more favourable attitude towards piracy.<sup>32</sup>

<sup>28</sup> See, for example, Sulaiman Al-Rafee and Timothy Paul Cronan, 'Digital Piracy: Factors that Influence Attitude Toward Behaviour', 247. This work shows that in the context of digital piracy, it is the most significant factor determining attitude towards piracy. Ibid., 248. See, also, Jenessa Malin and Blaine J. Fowers, 'Adolescent Self-control and Music and Movie Piracy' (2009) 25 *Computers in Human Behavior* 718, 720–721 and Martha M. Eining and Anne L. Chirstensen, 'A Psycho-Social Model of Software Piracy: The Development and Test of a Model' in Roy Dejoie and others (eds), *Ethical Issues in Information Systems* (Boston, Boyd & Fraser Publishing Company 1991) 182–188, 186. In the empirical findings of Eining and Chirstensen also subjective norms have the highest significance, though one should note that they have used the term 'normative expectations' instead of 'subjective norms' for referring to internalized norms of the individual as well as the impact of the opinions of friends and associates regarding the correctness of the specified behaviour. Ibid., 184.

<sup>29</sup> See, for example, Gail Tom and others, 'Consumer Demand for Counterfeit Goods', 409 and Swee Hoon Ang and others, 'Spot the Difference: Consumer Responses Towards Counterfeits', 227.

<sup>30</sup> See, for example, Kenneth K. Kwong and others, 'The Effects of Attitudinal and Demographic Factors on Intention to Buy Pirated CDs: The Case of Chinese Consumers', 225–226 and 230–231. See, also, Gail Tom and others, 'Consumer Demand for Counterfeit Goods', 408–410.

<sup>31</sup> See, for example, Kenneth K. Kwong and others, 'The Effects of Attitudinal and Demographic Factors on Intention to Buy Pirated CDs: The Case of Chinese Consumers', 226 and 230–231; Gail Tom and others, 'Consumer Demand for Counterfeit Goods', 408–410; and Swee Hoon Ang and others, 'Spot the Difference: Consumer Responses Towards Counterfeits', 227.

<sup>32</sup> See, for example, Susan L. Solomon and James A. O'Brien, 'The Effect of Demographic Factors on Attitudes Toward Software Piracy' in Roy Dejoie and others (eds), *Ethical Issues in Information Systems* (Boston, Boyd & Fraser Publishing Company 1991) 181; Darryl A. Seale and others, 'It's Not Really Theft!: Personal and Workplace Ethics That Enable Software Piracy' (1998) 17 *Behaviour & Information Technology* 27, 36; Ranjan B. Kini and others, 'Shaping of Moral Intensity Regarding Software Piracy: A Comparison Between Thailand and U.S. Students' (2004) 49 *Journal of Business Ethics* 91, 102; Swee Hoon Ang and others, 'Spot the Difference: Consumer Responses Towards Counterfeits', 229; and Kenneth K. Kwong and others, 'The Effects of Attitudinal and Demographic Factors on Intention to Buy Pirated CDs: The Case of Chinese Consumers', 228–229.



But in some studies gender is found to have no significant effect on piracy.<sup>33</sup> Similar differences can also be seen with regard to the influence of age.<sup>34</sup> The contradictory findings on demographic factors may also lead us to think about the possibilities of cultural aspects suppressing the demographic differences.<sup>35</sup>

As mentioned earlier, the second group of literature from those disciplines has attempted to explore the relationship between local cultural factors and piracy. Most of the works in this category use the data provided by Geert Hofstede on national cultural differences and the data provided by various industry organizations on piracy to find correlations among cultural factors and piracy. For a better understanding of the major findings from such works, it is important to have an overview of Hofstede's cultural dimensions. Hofstede is one of the most cited authors in the area of cross-cultural studies, and he defines *culture* as the collective programming of mind that distinguishes the members of one group or category of people from another.<sup>36</sup> On the basis of extensive empirical analysis, he argues that the national cultures differ on five important dimensions, namely power distance, collectivism versus

<sup>33</sup> See, for example, Xuemei Bian and Luiz Moutinho, 'An Investigation of Determinants of Counterfeit Purchase Consideration', 375 and Alok Mishra and others, 'Software Piracy Among IT Professionals in Organizations' (2006) 26 International Journal of Information Management 401, 408–409. One of the studies observes that there are no statistically significant differences between genders, once age and personality are taken into consideration. See Viren Swami and others, 'Faking It: Personality and Individual Difference Predictors of Willingness to Buy Counterfeit Goods' (2009) 38 The Journal of Socio-Economics 820, 824.

<sup>34</sup> Many studies show that young people have a more favourable attitude towards piracy. See, for example, Alain d'Astous and others, 'Music Piracy on the Web – How Effective Are Anti-Piracy Arguments? Evidence From the Theory of Planned Behaviour' (2005) 28 Journal of Consumer Policy 289, 307; Gail Tom and others, 'Consumer Demand for Counterfeit Goods', 418; Susan L. Solomon and James A. O'Brien, 'The Effect of Demographic Factors on Attitudes Toward Software Piracy', 173 and 181; Viren Swami and others, 'Faking It: Personality and Individual Difference Predictors of Willingness to Buy Counterfeit Goods', 824; and Alok Mishra and others, 'Software Piracy Among IT Professionals in Organizations', 409. But some studies are of the view that age is an insignificant factor. See, for example, Swee Hoon Ang and others, 'Spot the Difference: Consumer Responses Towards Counterfeits', 229 and Xuemei Bian and Luiz Moutinho, 'An Investigation of Determinants of Counterfeit Purchase Consideration', 375.

<sup>35</sup> For example, in one of the cross-cultural studies, demographic factors of gender and age are found to have influence on the counterfeit brands purchase intention among the British consumers, while it did not have much influence among the Chinese consumers. See Xuemei Bian and Cleopatra Veloutsou, 'Consumers' Attitudes Regarding Non-deceptive Counterfeit Brands in the UK and China', 216.

<sup>36</sup> See Geert Hofstede, *Culture's Consequences* (Thousand Oaks, CA, Sage Publications 2001) 9.

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individualism, femininity versus masculinity, uncertainty avoidance and long-term orientation versus short-term orientation.<sup>37</sup>

The first dimension, power distance, refers to the extent to which the less powerful members of organizations and social institutions like family expect and accept that there is unequal distribution of power.<sup>38</sup> The second dimension, individualism versus collectivism, relates to the degree to which individuals are integrated into groups in a society.<sup>39</sup> For example, in individualistic societies, the bonds between individuals are considered to be weak, and everyone is expected to look after herself/himself and their immediate family, whereas in a collectivist society people are integrated into stronger and bigger groups.<sup>40</sup> The third dimension, masculinity versus femininity, refers to the distribution of roles between the genders.<sup>41</sup> While the masculine countries show a wider gap between values of women and values of men, feminine countries show similar values for both women and men.<sup>42</sup>

<sup>37</sup> Ibid., 29. The first four factors were identified from an empirical study based on nearly 116,000 questionnaires. This study was conducted by him for IBM Corporation, and the survey was conducted among the IBM employees in more than 50 countries between the years 1967 and 1973. Ibid., 41–77. The fifth dimension, *long-term orientation versus short-term orientation*, was intended to cover the Eastern cultural values and the findings were based on a questionnaire developed by Dr Michael Harris Bond. This study was conducted in a comparatively smaller sample of students in 23 countries. Ibid., 351. Some scholars have questioned the extent of validity of the findings of Hofstede, based on the methodological issues including reliance on data from employees within one big international corporation to draw conclusions about different national cultures. See, for example, Brendan McSweeney, 'Hofstede's Model of National Cultural Differences and Their Consequences: A Triumph of Faith - A Failure of Analysis' (2002) 55 Human Relations 89. However, Hofstede has responded to many of those criticisms. The fact that no similarly comprehensive data are still available on national cultural dimensions makes his work one of the most cited works on cross-cultural issues. For a brief overview of the responses of Hofstede towards the criticisms against his work, see Geert Hofstede, 'Dimensions Do Not Exist: A Reply to Brendan McSweeney' (2002) 55 Human Relations 1355. See, also, M. L. Jones, 'Hofstede - Culturally Questionable?' <<http://ro.uow.edu.au/commpapers/370/>> accessed 26 October 2011.

<sup>38</sup> For detailed discussions and the country scores on this dimension, see Geert Hofstede and Gert Jan Hofstede, *Cultures and Organisations - Software of the Mind* (New York, Mc Graw Hill 2005) 39–72 and Geert Hofstede, *Culture's Consequences*, 79–143.

<sup>39</sup> For detailed discussions and the country scores on this dimension, see Geert Hofstede and Gert Jan Hofstede, *Cultures and Organisations - Software of the Mind*, 73–114 and Geert Hofstede, *Culture's Consequences*, 209–278.

<sup>40</sup> Ibid.

<sup>41</sup> For detailed discussions and the country scores on this dimension, see Geert Hofstede and Gert Jan Hofstede, *Cultures and Organisations - Software of the Mind*, 115–162 and Geert Hofstede, *Culture's Consequences*, 279–350.

<sup>42</sup> Ibid.