

Good morning all,

Today we are going to talk about some basic terminology we will be using in the upcoming lessons. If you don't understand something I am talking about don't be shy to ask. I will also be offering some fun, and not so fun facts about piracy in all the lessons. The goal is for you to leave this class with a working knowledge of piracy, and what it does or does not mean for you. Before I started researching piracy, I thought it was a much bigger topic for me than it is. First off, piracy will become more of an issue based on your sales and which platforms you offer your books. For me, I am still small time on the author side so it isn't much of an issue for me. On the website building side, I see concerns more often as authors move more sales to their private sites (open stores), which cuts down on piracy considerably, though it is much less profitable.

As an author, a few years ago, I kept hearing about the hideous specter of piracy and was indeed very concerned. I had images of people targeting my freshly published books and swiping large chunks of my profit before I could even get my writing career off the ground. I was looking at various publishing houses trying to decide if I wanted to go traditional publishing or indie, and how a house handled piracy was one of my items to check. As a web developer, my clients always have the same question, "How can I prevent piracy?" Well, you can't. Let's get that out there right now. What you can do, is figure out what strategy is best for you and your business to limit the effects of piracy, and you can put it in perspective so it doesn't drive you crazy.

This class is a product of two years of industry research that consisted of me talking to dozens of successful authors who deal with this on a large scale on a regular basis, me talking to pirates who steal things on a regular basis, and me dredging through various international and US government websites that provide advice and forms to help combat piracy. I have also researched various services that help with copyright problems and issues, we will talk about those in lesson five.

In the welcome, I mentioned this, but I want to say it again here to be perfectly clear. There will be no legal advice given during this class. Please do not construe anything I present as that. Part of what makes piracy a complex issue is the varying perspectives on the issue. For the most part, none of them are completely wrong or completely right, and

any legal perspective is, as always, a matter of interpretation. I will give you links and forms, but whether or not you use them or the services I discuss is wholly up to you. As a business owner, because as an author, you are a business owner, it is up to you to decide what approach is best for your business. My goal is to break down the terms, major issues, and take the mystery out of how people pirate and counterfeit authors work so you can make that decision.

Trivia time!

According to most sources, erotica and erotic romance are the most pirated genre of fiction. (No surprises there.)

Game of Thrones is the most pirated television show in history. HBO considers this a badge of honor.

Avatar is the most pirated movie in history. (Its production studio does not consider this a badge of honor)

To deal with piracy you have to know what it is.

Piracy is the use of someone's intellectual property without legal permission to do so. It could be movies, television, drawings, books, ebooks, anything really. It means someone has taken someone else's work, used it to make money, and didn't get permission.

Sometimes pirating is to make a profit, sometimes it is to spread computer viruses and malware, sometimes it is to promote a copyright infringer's work (derivative works), and sometimes it seems like it is just for spite.

The first things you most likely need to do is change your thought process on piracy. As Americans in particular, we get really pissed when our work is pirated. We have tons of laws that protect copyrights and intellectual property. In the US, according to various sources, the average rate of ebook piracy market wide is about 12-15%. In Russia, 92% of the ebook market is pirated and in China it is ranges between 87-91%. There are similar high numbers in many countries in Africa, the Middle East, Europe, and the Netherlands. We don't often realize most of the world does not consider anything on the

internet something of monetary value. If it is there and they can access it then whoever posted it is at fault for making it freely accessible (willingly and knowingly or not). It is not that these other places are full of dishonest thieves, it is a cultural difference in how digital content is considered.

Something else to be aware of is that in some parts of the world piracy is the only way people can get ebooks. Amazon, Barnes and Noble, Sony and iTunes do not sell books in many places in Africa, the Middle East, or China because of those high piracy rates I mentioned earlier. Which means there may not be a legal means for users to obtain books.

In general, most people have a pretty good idea what piracy is so we won't dwell ;)

Next, let's look at copyright infringement and the difference between that and piracy. One article I read gave the following analogy, "Grapefruits are fruit, but not all fruit are grapefruits". That is basically it. Piracy is one form of copyright infringement but not all copyright infringement is piracy. Piracy is the intentional duplication of material for sale or distribution in various forms, small and large scale alike. Copyright infringement can cover things like stealing a riff from a song to write your own up to direct duplication for profit.

Here is an excellent article delineating the two:

<https://themindsabattoir.wordpress.com/2012/01/22/the-difference-between-piracy-and-copyright-infringement/>

Next, is the difference between piracy and removing digital rights coding. It is not illegal anywhere besides each specific retailer's terms and conditions to remove digital rights management coding. We will talk more about the specifics of that later, to include why it can even be a good idea for authors and readers. Removing that coding does not mean someone is going to steal your book. Having that additional coding will not protect your book from piracy in any real way. We will address DRM in detail in lesson four. Bottom line, removing DRM is not illegal.

However, before we move on, since this is our terms and definitions post, let's talk about DRM for just a moment. On the most basic level when you upload your book to a retailer

it is not sold as a single document like you type up in Word or whatever you use. When you format and upload your book you break each page into it's own individual webpage-like format. Those webpages are held on the retailers server and when someone buys the book they are normally buying access to that "website and those pages". The idea of "owning" digital content you purchase outright is pleasant but in most cases, it is not actually what is happening. Formatters convert your book from a single file to multiple coded files that look like a book. Imagine flipping through web pages and each one only has the content of a single page of your book and when you swipe the page you see the next page which also only holds the content of the next page and looks just like a book page.

When you download the book you download the actual file that includes all the code that was on that "website" that is your book. DRM is a few lines of code inserted on each of those webpages that tells the pages which reader to open and function on. Removing DRM is only a matter of stripping those few lines of code out. With proper software it takes less than a minute to remove. This is a very basic description of what happens but it is not some grand accomplishment of coding technology. With the right software it isn't much different than a find and replace search in Word.

DRM also has some limitations based on if it has access to the company's servers that created it. As in, it may or may not work and it may or may not corrupt the files if the parent company that wrote the DRM software (each company has it's own, there is no single DRM software that everyone uses) is no longer in business. More on that in lesson four.

As we move on to discuss exactly how piracy works we will be talking about how the internet works in a few of the lessons. I will be using the term "ISP", an ISP is an internet service provider. It means the company that provides a person or company internet access, that's it. Common ISP's are Comcast, Infinity, and various other communications companies. When people try to find pirates they can normally figure out what is called an ISP address. When you buy cable and internet service from a company you are given a number for each device you hook up to your internet service,

that number is called an ISP address or more commonly shortened to an "IP address". Remember, each machine you use gets one.

Just for fun, most IP addresses come in four parts and are just that, a digital address right to your computer. The first part is your region, the second part is your vendor, the third part is your "network" which most of the time is your house, and the fourth part is your individual computers. So when you look at (for example) 76.240.249.145 as an IP address, the 76 would be a worldwide region from a prebuilt list used internationally.

The second number is the company in that region (240), also a prebuilt list registered with the Federal Communication Commission (in the US anyway). The third part is your home address (249) and the final two or three numbers are the individual machine. So while most people think the internet is anonymous, the truth is quite different. Every internet site you visit can track you down to the computer you are sitting at and if you name them specifically (Jane's Office) they can tell which room you are in. Lots of companies harvest this and sell it to marketing companies to show traffic and use patterns within households. Comforting, no?

Later on we will talk about ISPs and how companies can and can't track down pirates so you will need a vague idea of what an ISP is but what I listed above (minus the IP address part) is all you will need to know.

We will talk about digital stripping software in the coming lessons. There are several perfectly legal software out there (many of which are free) that strip all DRM and most other formatting off files so they can be manipulated as a user sees fit. Many of these are meant for individuals who are trying to combine all their home videos, music, audio files, photos, etc. into a single library or filing software. They are excellent at that and are common and heavily used worldwide. However, if you take these wonderful, convenient software and use them for evil they are perfectly suited for pirating. So the software to pirate is not illegal and has lots of legitimate and positive uses. We will talk more about them later, but when I reference them, all you need to know for now is that the software is NOT illegal and normally isn't specifically for piracy. I will show you some videos of exactly how it is done in lesson three.

Digital stripping software is any software that removes digital markers or coding put in place by the creator of a product or the retailer selling it. In lesson two we will talk about the digital rights debate and you will see why these kinds of software do indeed have their place in legal reader's personal libraries.

As we move through the class we will talk a lot about DCMA Notices. DCMA is the Digital Copyright Millennium Act. By the way, dcma.com, is a takedown notice service and not where to go to actually find out about DCMA. Try here instead:

https://en.wikipedia.org/wiki/Digital_Millennium_Copyright_Act DCMA and WIPO are your two heavy hitters for copyright. WIPO is the World Intellectual Property Organization. We will talk about both of these at length in lesson five, along with the take down notices and the cease and desist notices that can be sent when you find a pirated copy of your work.

There will be more, but these are the big ones for today.

The final thing I want to cover before I close lesson one is why no one is building a pirate site database for authors to use. You may have already noticed that once in a while someone will post a site, usually on a chapter loop, but overall you don't see people standing up tracking sites or lists.

First, if you as an author go on social media and post asking your readers to not go to a certain site to download your books chances are a great many readers will go to that site and download your book and countless others. Yes, they will likely download a virus as well, but you won't get those sales and neither will your fellow authors so in general it does not serve a positive purpose. Also, as I will repeat over and over through this class the best way to hurt a pirate site is to drop its search rating and visibility by NOT going there. Telling all your pals to go check a site for their books drives that pirate site higher in search ratings giving it more visibility and compounding the problem, not solving it.

Second, the US is slow on the international literary landscape to catch on to using subscription services/sites. There are many, many legal subscription sites where pirated books show up. Just like when you upload a book to Amazon or iTunes and you click to verify you own it, pirates do the same thing for these sites. You will see soon that it is quite easy to do. The subscription sites may have no idea someone has uploaded a

pirated copy of someone else's book and most have no way to verify content. So if you go online and claim a legal subscription site has pirated your book you may have committed slander, libel, possibly defamation, and can be sued for it.

When it comes to piracy, there are two types of uploads, vendor uploads and personal uploads. Vendor uploads is where a single person has uploaded to a legal vendor and is profiting off another's work. Personal uploads are when a single person uploads another's work to a website that is not a legitimate retailer or a peer to peer site (stick with me, I will explain those in another lesson).

When a vendor uploads a pirate copy of something they likely don't know it until you tell them. When a person uploads a pirate copy of something it is a different story. We will revisit this difference when we talk about take down notices and cease and desist notices and what goes where in lesson five.

Bottom line, you can get yourself in a world of legal trouble by claiming a site or person is indeed a pirate site. It is really hard to prove intentional piracy, more on that later. Unfortunately, the more successful and visible you are as an author the more careful you have to be of this.

Third, as most folks already know, many pirate sites are malware sites. The "books" they have are often your cover and the amazon quick peek and a virus or malware. The only way you know for sure is to download it and check. **SO DON'T DO IT.** If they still allowed you to put scrolling confetti around text in Word I would do it here. I don't care how tempting it is, don't do it. Just send the notice, or don't, and move along. Let karma do its work. If you go on a loop and call out a pirate site you have also now exposed your fellow authors and possibly loyal readers to any malware the site may have as well.

Fourth, if you call out a pirate and can't legally prove they pirated your book (website or individual, if they are not a retailer) they can sue you. Them suing you for slander, libel, or defamation will likely be far easier than you getting them charged with piracy. More on why that is later.

Finally, according to numbers from various sites as recent as last week, there are nearly 42,000 pirate sites worldwide and many of them change daily, only being active until

they start getting take down or cease and desist notices (24-48 hours). It takes less than ten minutes to set up a pirate site and less than one minute to take it down and redirect people to a new one. I will explain how they work in lesson three. So not only are pirate sites mostly a moving target, the sheer number of them, the work and time involved with verifying they are intentionally pirating, the fact that most of them are not in the US (meaning they are under different copyright law, if any, and therefore may not even be illegal) all make a formal list a slippery and essentially useless concept at this time.

I think that will do it for today. Friday we will talk about the digital freedom movement and why most of the world (and a good portion of the US) does not think they are doing anything bad by reading pirated books.

Thank you again for joining us.

Warm Regards, Merien