Software Piracy

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INTRODUCTION

There is an underlying dichotomy in many areas of life between what people believe to be wrong and the actual behaviour that is socially acceptable. One of those areas is software piracy as demonstrated by the *Global Piracy Study 2011* published by the Business Software Alliance (BSA) (2012) which found that 79% of software users around the world agree that software does not belong to society at large and that the innovators of software should be paid for their efforts yet 57% of users admit to actually engaging in some form of software privacy;

The single biggest group likely to participate in piracy was identified as young males but another significant group were business decision makers. Particularly concerning to the software companies is the multiplier effect among this latter group; the most common form of software within business is the purchase of a single licence with the software then being illegally copied and installed on multiple machines with hundreds or even thousands of such copies not being uncommon. The BSA identify users in emerging economies as a major factor in piracy but focusing purely on such users could distract from identifying the underlying character of human society which leads to the acceptance of illegal behaviour as demonstrated by similar activity much closer to home. This article examines the widespread practice of software piracy.

BACKGROUND

Italy has traditionally suffered from a perception by the rest of Europe that it is a country of somewhat dubious business practices yet the reality is that Italy has some of the strongest controls in place for managing and controlling business ethics.

Scholtens and Dam (2007) analysed 24 countries around the world on five attributes of business ethics. Results, as summarised in Figure 1, reveal that Italy had a performance around or above the overall average in all of the attributes and on four of them, Italy outperformed both Ireland and the UK. Human rights policies was the exception

Despite this seemingly credible performance, the International Intellectual Property Alliance (IIPA) in 2010 published a special 301 report that identified Italy as one of the worst offenders in Europe in regard to copyright infringement and deliberate piracy, both physical and electronic with digital piracy quoted at 23%, well above the European average and placed Italy on their 'watch list' where it remains to the present day. In confirmation of the IIPA conclusions, the BSA 2011 survey showed Italy to have a 48% software piracy rate[1] compared to 34% in Ireland and 26% in the UK.

So why is there such a disparity in Italy against regulation and actual practice and is this peculiar to Italy or is it just a particularly extreme example of more general human behaviour? It might perhaps be useful to leave software piracy aside for a moment and look at some other less technological issues.

Figure 1. Mean Score of firms in the 24 countries on the five attributes of business ethics (Scholtens & Dam, 2007)

	Number of firms	Governance of bribery and corruption	Codes of ethics systems	Communication of codes of ethics	Implementation of codes of ethics	Human rights policies
Australia	115	2.30	0.97	2.86	1.97	−0.11
Austria	13	1.69	0.00	2.00	0.15	1.00
Belgium	15	1.87	0.53	2.27	0.93	0.00
Canada	85	2.11	0.65	2.55	1.28	0.50
Denmark	15	1.80	0.13	2.33	0.67	1.50
Finland	16	2.25	−0.06	2.44	1.44	1.88
France	79	2.09	0.22	2.39	0.91	1.54
Germany	89	1.87	−0.39	2.17	0.30	0.72
Greece	15	1.60	−0.67	2.07	−0.07	0.50
Hong Kong	106	1.26	−1.36	1.54	−0.98	−0.85
Ireland	16	1.50	−0.81	1.81	−0.25	−1.00
Italy	54	2.30	0.17	2.41	1.37	0.40
Japan	487	1.64	0.40	2.21	0.28	−0.19
Luxembourg	3	1.00	−2.00	1.00	−2.00	
Netherlands	38	2.26	0.84	2.61	1.68	1.32
New Zealand	23	2.17	0.43	2.70	1.52	−1.00
Norway	13	2.46	0.77	2.54	1.54	1.80
Portugal	8	1.50	0.38	2.63	1.25	−1.00
Singapore	49	1.10	−1.76	1.55	−1.10	−1.00
Spain	48	1.42	−0.90	2.27	−0.08	0.45
Sweden	42	1.88	−0.24	2.29	0.81	1.65
Switzerland	45	2.09	0.04	2.38	0.98	0.81
UK	656	1.82	−0.18	2.10	0.33	0.92
USA	651	2.49	1.04	2.93	2.17	0.32
All	2681	1.97	0.25	2.38	0.88	0.31

DRINKING, DRIVING, SMOKING, AND FIDDLING EXPENSES

There seems to be a fundamental social attitude that although legislation is necessary to provide order to society, it is regarded as acceptable to ignore such legislation provided that the breach is not excessive and is not perceived as likely to cause immediate harm. For example, the general speed limit on Irish roads is 100 km/h. Even though any speed in excess of that is strictly illegal, few people seem likely to regard 110 km/h as anything to get concerned about and such a speed is unlikely to result in any prosecution. A motorist travelling at 200 km/h on an Irish road, however, is likely to attract public opprobrium, will certainly attract police attention and, if caught, will almost definitely suffer prosecution and severe punishment.

There appears to be a somewhat vaguely defined line somewhere between 100 and 200 km/h where one side of the line is acceptable and the other side is not. In the UK, the equivalent line is much less vague at least as far as the police are concerned; a guidance note by the Association of Chief Police Officers of England, Wales, and Northern Ireland (2006) discloses that motorists exceeding any speed limit except the one for 20 mph will not be prosecuted for speeds up to the limit plus 10% plus 2 mph. In effect, the ACPO have stated that they will ignore a certain level of law breaking.

This line between what is and what is not socially acceptable in regard to compliance with the law is not only vague, it moves over time. Although driving whilst under the influence of excessive alcohol has long been illegal, just a generation ago it was widely regarded as acceptable for somebody to drive with "just a few" drinks in them – "just a few" being a somewhat loosely defined term – and there was often a degree of sympathy for those unfortunate enough to get caught. Nowadays, there is a radically different attitude; a

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