Social, Professional and Ethical Issues in Information Systems: Music Piracy

Introduction

The act of sharing files between two or more computers using a network connection without going through a server is called a peer to peer network (P2P) (Zentner, 2006). P2P networks make it easier and faster for sharing files. The study aims at investigating and researching the use of p2p networks with regards to intellectual properties that relates to music piracy. The first p2p network was launched in the year 1999 known as Napstar, this has led to the increase of illegal download of files over the years (McKenzie, 2009)

Various individuals now download or share files without paying for them. However, Napstar was shut down and this led to the development of other p2p networks such as Kazaa, Tixati, Kickass and Gnutella (Feng, 2008)Through these aforementioned networks, individuals now have free access to download files such as video games, songs and watch movies online without burning to a disk for free or paid to be transferred to a device (Shang, et al., 2007). The unlimited digital masses of sharing files over the internet has been labelled as online piracy since the advancement of p2p technology over the years (Wang & Vassileva, 2003). The development of this has steered to the distribution of a massive valuable stuff. However, with the development of p2p networks and its favourable circumstances to those who illegally obtain music content, this has led to several issues and disagreement between p2p users and the music industry (producers, artist) as well as the entertainment industry in general (Alpert, 1982). After several investigations carried out, this essay is going to analyse the privacy and security issues with p2p networks. In addition, it will discuss the various ethical, social, legal and professional issues that affects the wellbeing of the music industry with the use of p2p networks.

Privacy and Security Issues

Although p2p serves as a way for sharing files easily, nevertheless, there are some potential dark side to these services, not just the legal or ethical concern but some security risks involved (Alexander, 2002). Every user who chooses to use p2p software faces several security risks (Aberer & Despotovic, 2001) Each p2p user acts as a server for each other because there is no central server that stores, downloads and uploads contents. This has an effect since the software provider has no way of controlling the content of the file, it’s properties during transfer and if it contains viruses such as malware, trojans or worms (Alpert, 1982). All files that are accessible from one p2p network is originated from another p2p network and this makes them prone to threats from unauthorised individuals (McKenzie, 2009) It makes it easier for authors of viruses to distribute worms, trojan horse and malware during file sharing (Searby & Ewers, 1997). Additionally, many users download files and make them available for other users without checking the content of the file. This may be harmful to the files and devices of other p2p users ((Wallach, 2003). P2p users can also distribute viruses or malicious content in form of impersonating a p2p software download site. Displaying such website over the internet might make some users believe the site is a legitimate form of p2p software, not knowing that it is a malicious program (Parameswaran, et al., 2001).

Ethical Issues

Before stating the ethical issues associated with music piracy through the use of p2p networks, first is to understand the term ethics. Ethics decide on what is right and wrong, that is, it refers to how human behaviours or actions are being interpreted and way to understand them (Levin, et al., 2004). There are several issues which relates to music piracy when debating about it. An action may be legal but might seem unethical or vice versa. In ethics two major theories are used for debating what is ethically right or wrong which are the Kantianism and consequentialism theories (O'Neill, 2000). Consequentialism focuses on individual's action: that is the outcome of the action carried out while Kantianism focuses on the act of an individual in spite of the aim (what is right is right so as what is wrong is wrong). In the music industry, file sharing through p2p networks over the internet has grew high to a stage where it has ethical and financial implications (Ferrell, et al., 1985). An ethical issue associated with the use of p2p networks in the music industry is fetched by a certain group (ALCS, SOPA, and IPRL) that protects the right of music industries as well as the internet service providers (ISP) in their pursuit for the end of p2p networks ((O'Neill, 2000)

Scenario

A state where a song is copied by an individual from the internet, then uploads the song online giving other people free access to download without paying for it. Every user need an internet connection before they can use the internet, which is provided by the ISP. Providing internet for the users gives them the access to monitor the users with applications like spider and web robots whenever they are online, and also put them on permanent surveillance. ISP work with the bodies that protects the media industry (SOPA stop online piracy act, IPRL intellectual property right legislation) (Zentner, 2006)

Following this scenario, according to consequentialism theory which states that "if a maximum number of people derives happiness from an act, then its justified: the end justifies the means". Ethically, it is correct because users of p2p believe the public will benefit from it which they are. On the other hand, from the Kantianism perspective in this scenario which states that "some actions are wrong or right regardless of the aim", it is unethical for the ISP to monitor and invade the users privacy and also subjecting them to permanent surveillance.

In this scenario, the users' actions go against the ethical principle of non-maleficence which states that "you shall do no harm". Since downloading of songs from the internet illegally affects the musicians and the producers. While the ISP goes against the principle of autonomy which states that "opportunity and respect must be given to people to make their decision".

Social Issues

One major threat in the music industry is copyright infringement and illegal download of songs through p2p networks. The issue of music piracy has led to a huge loss in the music industry (reference). Illegal download and file sharing through p2p networks can result to loss of revenue for the artist as well as the producers. Musicians and producers find it difficult to make sales in their business since Napstar was launched and other file sharing networks. Since the advancement of Napstar and other file sharing networks, most individuals rather download a file (song) online for free than going to a store to buy the CDs (SANS Institute InfoSec Reading

Room, 2002) This action of the users result to financial loss for the artist and may affect some if they are not financially stable. They might be not capable to finance other projects (SANS Institute InfoSec Reading Room, 2002)

However, some of these artists may enjoy some intangible benefits such as secondary promotion from these illegal downloads. Like encouraging the promotion of some artists. Also, most people in remote areas argue that file sharing is good for them since they are unable to buy CDs from stores and they do not have the financial capability to purchase the products.

File sharing through p2p can also lead o lost opportunities for the artist and producers. All over the world, pirated music has overtaken the rightful sales as well as creating opposing impact in the industry (Gopal, et al., 2006). Legit businesses have no choice but to reduce the price of their products since it is almost free all over the internet. In order to acquire logical customers, some potential entrants are forced to give up their opportunities (Brown, et al., 2001). Additionally, the pricing power held by the artist can be reduced due to file sharing that is: file sharing encourages the artist and producers to generate revenue for their songs in form of a compensation (Bhattacharjee, et al., 2003). However, most people in remotes areas believes file sharing is good for them since they are unable to buy CDs from stores and it is easier and fasters (Brown, et al., 2001)

Legal Issues

Intellectual property right law stands as the foremost concentration within the scope of law when several arguments are made as a result of music piracy (Rayna & Striukova, 2008). The legal right to intellectual properties (people's creative work) is protected by this law. Other regulatory bodies that protects the ISP and music industry include RIPA (Regulatory investigatory power act 2000), and SOPA (Rosen, 2005). In section 28 of the RIPA act 2000 which states that "A person shall not grant an authorisation for the carrying out directed surveillance unless he believes that the authorised surveillance is proportionate to what is sought to be achieved to be sorted out". ISP is protected by these laws, thus thinking that to subject their users to permanent surveillance is legal since they are protecting the right of people's intellectual properties. On the other hand, monitoring the users goes against the Data protection Act of 1998 "Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes" it also goes against the Human Right Act of section 6 which says that "Everyone have the right to privacy in what they do on their computer systems". That is, it is the right of the ISP to inform the users concerning any action that involves their personal data.

According to the above scenario, although the users believe they are assisting the public without considering the effect of their actions. The Data protection Acts of 1998 also goes against the act of the users which states that "the rights of individuals' personal data shall be processed in accordance with the rights of data subjects (individuals)".

Professional Issues

Professional ethics indicates how professionals are compelled to act in their field of specialization as well as their behaviours and actions (Davis, 2002). Professional ethics benefits in making various decision appropriate to the organisation. Subjecting Users to permanent

surveillance and misuse of personal data by the ISP that works with the regulatory bodies that protects the music industry due to copyright infringement and intellectual property theft is ethically wrong (Padgett, 2008). Although they believe their action is right since they are protecting the right of other people's intellectual property. Still the action of the ISP is unprofessional which goes against the ACM code of ethics and professional conducts which says that "Personal information electronically gathered for a specific purpose should not be used for other purposes without the consent of the users"). That is, monitoring and tracking the users, then giving their personal data to the copyright agencies without their users' knowledge is unprofessional and ethically wrong. All personal data acquired by the ISP must be kept private and every user must be informed before undergoing any form of action (Padgett, 2008). On the other hand, according to the BCS code of ethics which say that that "you shall have due regard for the legitimate rights of the third parties". This code of conducts support the ISP: That is subjecting the users to permanent surveillance is ethically right. Since the ISP believes intellectual property theft is wrong morally.

Conclusion

P2p networks have been a major concern in the music industry over the years as well as causing a great impact in the industry. The effect of copyright infringement has been controversial and difficult to determine the economic effect on it. Although arguments have been made by both parties and both are right in their own ways. P2p users believes their action benefits the public while the ISP believe they are protecting the right of the media industry (people's intellectual property). With the favourable circumstances p2p has its own issues that affect the services such as the security risk to it due to its essential distributed nature. Thus, the security attacks can be addressed in a way of securing the network using encryption or anonymous system.

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