

Digital Piracy in the Western Balkans with a special reference to North Macedonia

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Abstract— This paper is a brief attempt to understand the current situation with digital piracy on the territory of the Western Balkans with special reference to the situation in North Macedonia.

Digital piracy is a state of owning, using, copying, and distribution of copyrighted material without the permission of its owner. As a phenomenon, piracy has long time been a global problem, which, among other things, causes great material losses to many individuals, and private entire industries. Especially affected are the software industry, music, film, and other industries. For the purposes of this paper, a survey was conducted regarding the use, prevalence, ways, causes, and awareness of the legal consequences of the use of pirated materials in our country. The results of our work should lead to possible directions for further action in order to reduce this problem.

Keywords – Digital piracy, Intellectual property, copyright, ethics.

I. INTRODUCTION

With the fast development of information technologies, their easy availability, and the entering of Internet technology to the most remote areas around the world as one of the global and priority problems in a long period of time the widespread prevalence of piracy is imposed.

Notably, every ("producer"), in this case of computer programs but also a composer and performer of music, film directors, producers, and countless other people and professions who create copyright and intellectual products should receive appropriate material compensation for their work. Proper protection of their labor is a serious challenge for today's information society.

One of the main assumptions for their protection is the creation and adoption of appropriate legislation that should deter potential ("thieves") of people's intellectual labor. Even though in the last years this phenomenon is regulated everywhere within the legal limits, by putting lawbreakers in prison conditions, it is visible that piracy is widespread around the world and especially in our environment in the Western Balkans.

So, even though they are legally regulated there are many other reasons why piracy is generally present in the area. In order to find the reasons for the presence of this phenomenon, we conducted a survey regarding North Macedonia results of which are presented in the upcoming parts. Territorial proximity, the relative similar mentality of the citizens but also the similar capacity of the states and their institutions would probably give an answer to what are the reasons why

piracy is used and above all is widespread in the Western Balkans.

In terms of the research, several papers such as [5] and [6] which treat the topic of piracy in the countries of the Western Balkans, were found and used. However, since no reference data were found on this matter for North Macedonia, we decided to prepare small research in the form of a survey.

II. DIGITAL PIRACY IN THE WESTERN BALKANS

While researching piracy in the Western Balkans, we used analysis by the American International Intellectual Property Association (IPPA) with reference available data for specific countries that are the subject of our paper. It is notable that in the same previous reports some of the countries were on the ("priority list") for observation for a long time [10]. For the same country, there is research by Albanian and Viennese authors (paperwork) which primarily covers digital piracy where is concluded that the problems in the area in that country are noticeable [6].

At the same time, we used data from research of the Business Software Alliance (BSA), according to which the rate of software piracy (especially for unlicensed software) was kept for a long time at 75%, the same as in the Republic of Montenegro, which according to the same institution is extremely high. It should be noted that both Macedonia and Serbia have a relatively high percentage of using unlicensed software [7].

RATES OF UNLICENSED SOFTWARE INSTALLATION				
	2017	2015	2013	2011
CENTRAL AND EASTERN EUROPE				
Albania	74%	73%	75%	75%
Armenia	85%	86%	86%	88%
Azerbaijan	81%	84%	85%	87%
Belarus	82%	85%	86%	87%
Bosnia	61%	63%	65%	66%
Bulgaria	57%	60%	63%	64%
Croatia	50%	51%	52%	53%
Czech Republic	32%	33%	34%	35%
Estonia	41%	42%	47%	48%
FRROM	63%	64%	65%	66%
Georgia	81%	84%	90%	91%
Hungary	36%	38%	39%	41%
Kazakhstan	74%	73%	74%	76%
Latvia	48%	49%	53%	54%
Lithuania	50%	51%	53%	54%
Moldova	83%	86%	90%	90%
Montenegro	74%	76%	78%	79%
Poland	46%	48%	51%	53%
Romania	59%	60%	62%	63%
Russia	62%	64%	62%	63%
Serbia	66%	67%	69%	72%
Slovakia	35%	36%	37%	40%
Slovenia	41%	43%	45%	46%
Ukraine	80%	82%	83%	84%
Rest of CEE	86%	87%	89%	90%
TOTAL CEE	57%	58%	61%	62%

Figure 1 Rates of Unlicensed PC Software Installations (BSA 2018) [7]

At the same time, it is interesting to note that in addition to the widespread use of unlicensed software by citizens and private companies, in these countries there is use of illegal

software by some state and public institutions. As a result in one of the IPPA reports, North Macedonia was warned and was given recommendations to overcome the detected problems [8]. However, according to the latest available report from this institution where North Macedonia is mentioned (2014) and having in mind that certain recommendations have already been implemented in our country, it can be concluded that at least in the legislative part but also in a certain amount of practice North Macedonia has certain progress. The same can be said for Albania and Serbia too. It is interesting that the Republic of Bulgaria, despite the fact being a member of the EU, was on the so-called ("watch list") for 2016, which means that it is in a worse situation with the use of piracy [9].

III. LEGAL PROVISIONS

For the purposes of this paper, only the provisions of the Criminal Codes of several countries in the Western Balkans that regulate this problem were considered and the Republic of Bulgaria was considered as a country for comparison which is a member of the EU. Of course, in all these countries there are ("Laws for protection of copyright and related rights") which, according to the limited space for research, are not taken into detail in this paper.

It can be concluded that in all these countries ("infringement of copyright and other related rights") is generally covered and prohibited. For example in North Macedonia, it primarily means unauthorized publication, display, reproduction, performance, broadcasting, or the manner of encroachment on another's copyright work, performance, or subject of related rights, for which imprisonment from 3 to 5 years is provided. In Serbia, it is sanctioned to put copyright work under one's own name in whole or in part and their publication of copies of another author's work or interpretation and without the author's permission edit or rewrite another work or recorded interpretation, unauthorized publication, recording, duplication or otherwise public announcement copyright, interpretation, phonogram, videogram, show, computer program or database with a fine and imprisonment of between six months and three years [3], [4].

The Albanian Criminal Code provides for these actions based on ("Illegal reproduction of someone else's work"), which means: Full or partial reproduction of a literary, musical, artistic, or scientific work that belongs to another, or if their use is carried out without the consent of the author when his personal and property rights are violated, constitutes a crime and is punishable by a fine or up to two years in prison [1].

As a comparison of these three countries from the Western Balkans, Bulgaria, a country from our closest environment, was taken as representative of the EU. In Bulgaria the above-mentioned regulations are covered by the following provisions:

("A person who records, reproduces, distributes, broadcasts, transmits, or makes any other use subject to copyright or related right without the consent of the owner of such right as required by law, shall be punished by imprisonment of up to five years and a fine of up to EUR 2,553") [2].

It is also sanctioned that anyone who, without the consent of a person, translates carriers of material containing a subject

matter of copyright or related right, which is a large-scale value, or who retains a matrix for the reproduction of such material shall be punished by imprisonment of two to five years and a fine of EUR 1,022 to 2,553. [2].

There is an additional sanction which foresees that if the act from the previous paragraphs is repeated or significant harmful consequences occur, the punishment will be increased from one to six years in prison and a fine of EUR 1,532 to 5,106 and they are sanctioned for damage from larger areas, as well as for lighter cases for which is provided an administrative. [2].

The general conclusion from this brief analysis of the legal provisions that regulate piracy is that (except with a small specificity in Albania) in all these countries the illegal actions regarding piracy are covered to the same degree. They are legally regulated in any case, but the general remark of the public is that there is a lack of serious discovery activity and proper implementation of all these provisions. We will try to give some of the answers in the upcoming part by presenting the results of the conducted survey that refers to North Macedonia. Territorial proximity, the relative similar mentality of the citizens but also the similar capacity of the states and their institutions would probably give an answer to the reasons why digital piracy is widely used and above all in the Western Balkans.

IV. SURVEY ANALYSIS

Given the fact that the last exact data on the use of piracy in North Macedonia for the needs of this paper are nowhere to be found, we conducted a survey to determine the degree of use, the reasons, the familiarity of citizens with the legal consequences, the frequency of use, etc.

The survey was conducted in a range from 22.03.2022 till 27.03.2022 with 346 respondents aged 14 to over 50, covering secondary, higher education, and employees.

The survey was split into several parts and they are as follows:

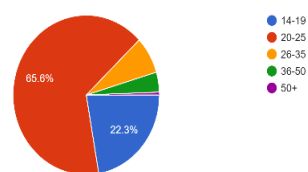


Figure 2. Age Distribution

A. Familiarity and use of illegal content

According to the results from the survey, almost 90% of respondents answered that they have heard of the term piracy. Only 10% answered NO, as shown in figure 3.

From the answer, it can be concluded that a large percentage of respondents know about the term digital piracy, and given that the survey includes people aged 14 years it is expected that some of them only formally have not heard of this term.

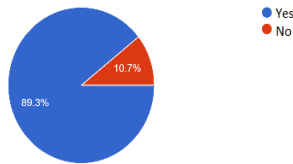


Figure 3. familiarity with the terminology

Figure 4 shows a large percentage of 80.1% of the respondents answered in the affirmative, which refers to the wide range of citizens who admit that they have used illegal content. It should be emphasized that in the framework of surveying by sending the material in groups, in the comments of the respondents, a partial fear and reservation were expressed as to whether their answers could be abused in possible proceedings against them for using illegal content. Accordingly, it is to be expected that the expressed percentage of 80%, although large, is probably not completely accurate, i.e. that the percentage is certainly even higher than shown.

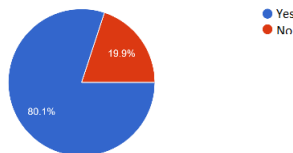


Figure 4. The use of illegal content (Digital piracy)

B. Availability and widespread of digital piracy

- What type of digital piracy have you used?

The results from the question ("What type of digital piracy have you used?") in figure 5, most of the respondents answered (79.2%) that have used movies and TV series, 62.4% answered that it is music, 58.7% answered that they have used pirated video games, 41.3% E-books, etc. which indicates the fact that R.N Macedonia covers all areas of intellectual copyright and related rights violations.

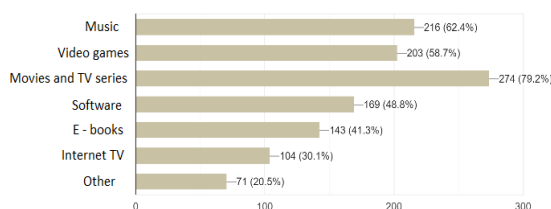


Figure 5. The use of digital piracy in categories

- The next answers obtained from the survey show an almost balanced result in the given possible answers from Everyday (26.3%) to monthly (30.1%) etc. There is a relatively confusing percentage of 21.4% who answered that they do not

use digital piracy which is contradictory with the previous general question for use of illegal content, but it is probably about the age category from the early years of high school who don't know what the term piracy is but later in the survey they saw that they are using.

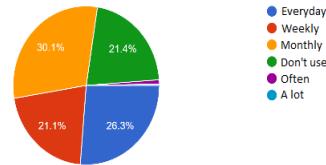


Figure 6. The frequency of use

- The question ("For what reasons did you decide to use pirated content") (figure 7) is showing the expected answer. Namely 76.3% answered that it is free, 41.6% think that the original products are very expensive, 34.4% answered that the material condition does not allow them to buy legal content and 34.1% think that they use it because our country is still not prosecuting for using pirated content.

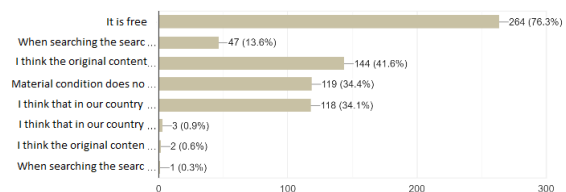


Figure 7 Reasons for using digital piracy

C. legal content

- The set of questions in the legal aspect part ("How often do you use legal content") the answers to the scaling possibility are heterogeneous and it can be concluded that it is often used. The answers to the question ("which legal services do you use") are expected and they move within all the latest modern services, applications, and social networks.

When asked which services are used, the answers are expected. There are almost all current and modern services and applications and of course, about 70% answered positively to the question of whether there is a difference in the quality of use of legal and illegal content.

D. Legal aspect

- 78% are aware that using piracy is an illegal act which indicates that a huge percentage of respondents are quite clear about their choice when using illegal content.

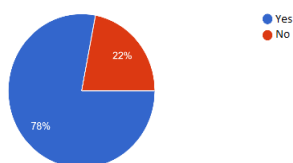


Figure 8. Awareness of illegal act

- We have a defeated percentage of almost 80% of respondents who have not heard in the media about the illegality of using illegal content. This points to the fact that probably there are not enough topics on portals, TV shows, or other magazines that point out the legal procedures and their consequences.

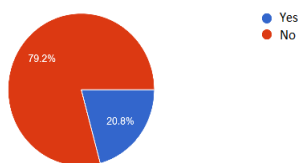


Figure 9. Media coverage

- 80.9% of the respondents have not heard of measures taken by state institutions for use of illegal content which leads to the conclusion that either such measures are almost not taken in our country or if they are taken they are not sufficiently exploited in public.

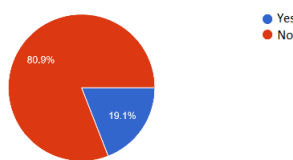


Figure 10. Awareness of taken measures

V. CONCLUSION:

In this paper, we gave an overview of the legal consequences of piracy in the Western Balkans. We also conducted a survey to get a glimpse of the situation in North Macedonia.

In a general conclusion, piracy is widespread in the Western Balkans, for which it is noted and is constantly monitored by relevant international institutions and organizations that have a positive, directing, and advisory role.

Furthermore, it can be concluded that there are relatively good legal preconditions for preventing and punishing it.

In Macedonia, specifically, piracy is also widespread and its breadth and coverage are largely due to the poor economic situation of citizens, the weak media coverage of its impunity, and the weak activity of state institutions committed to preventing and prosecuting this phenomenon.

With the improvement of the last few findings, the use of piracy will likely be reduced to a tolerable level, similar to the advanced Western European countries and the United States.

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