

EVALUATION OF ANTI - PIRACY STRATEGIES IN ARTISTIC WORKS “PAST, PRESENT & FUTURE” A CASE STUDY OF LUSAKA PROVINCE

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ABSTRACT: *It is no doubt that a country's development depends to a greater extent on the creativity of its people. It's in this light that the convention establishing the world intellectual property organisation (WIPO) concluded in Stockholm on July 14, 1967 (Article 2(Viii) provides that “intellectual property shall include rights relating to Literary, artistic and scientific works among others.*

These rights that have been conferred to copyright holders are however, not enjoyed in full owing to piracy. To this effect the Zambian government through the Ministries of Information and Broadcasting services and the Ministry of Commerce Trade and Industry have from time to time crafted strategies aimed at combating piracy. This has been undertaken in collaboration with stakeholders such as the Zambia police through the Intellectual property unit and arts bodies like the Zambia Music Copyrights

This research therefore, seeks to evaluate these anti-piracy strategies in artistic works. The strategies that has been evaluated encompass those used in the past, present and those being crafted for the future. The researcher brings to the fore reasons why these strategies have been ineffective resulting in loss of income to artists and tax revenue to the government.

Through this research, the researchers help develop more suitable approaches for anti-piracy strategies as well as tactics.

To carry out this research the researcher used both primary and secondary data. To gather primary data a questionnaire and interviews were used. The respondents to the research was drawn using a systematic sampling method were those directly involved in crafting these anti-piracy strategies were engaged. The sample size for the research was 50 respondents.

Data analysis used included both quantitative and qualitative methods.

The research was carried out in Lusaka at the following institutions and places: National Arts council, Arcade's shopping center, Zambia Police (Intellectual property unit) and Industry and the Ministry of Information and Broadcasting.

This research was for a period of six months from research question formulation to the handing in of the final report.

1.0 INTRODUCTION AND OVERVIEW

It is undisputed fact that a country's development depends to a great extent on the creativity of its people. It is for this reason that various governments and other bodies have always come up with strategies aimed at protecting the artistic power of its citizenry.

These efforts however, have constantly been hampered by the works of piracy. Piracy is defined by World Intellectual Property Organisation (WIPO) as "the unauthorized copying of copyright materials for commercial purposes and the unauthorized commercial dealing in copied materials".

This research paper strive to find what strategies were employed before, now and in future to contain this problem. It will also endeavor to see the short comings in those strategies before and areas which they were lacking and how new strategies are strengthening on the lapses exposed by piracy. Anti-piracy strategies are essential as they provide a platform through which owners can have income generation as well as contribute to poverty eradication in an economy.

Higgins et al (2008) note that IP piracy remains a challenge to law enforcement and the society. Piracy is affecting market of information, goods such as business and entertainment software application, sound recordings, movies, and books.

Studies by (Rapp and Rozek, 1990; Ronkainen and Guerrero – Cusumano, 2001) have shown that the rates of intellectual property vary; its preponderance is more alarming in industrializing countries like Zambia.

Zambia is ranked among countries in Africa where piracy is rampant. Art in the Zambian context is defined by the Permanent secretary, Ministry of Sport, Youth and child development as part of a people's culture. This includes elements such as Music and dance, sculpture, crafts, design, theatre, tradition and language.

The Inter-Governmental Conference on culture policies for development (Stockholm 1998) defined art in relation to culture as "the whole complex of distinctive spiritual, material, intellectual and emotional features that characterize society or group."

The committee on sport, youth and child affairs recommended that Zamcorps should be strengthened to do away with piracy as the country was losing a large amount of income (K75 billion old currency) through piracy.

There are so many definitions of strategy. Kay (1993) described strategy of an organisation as the match between its internal capabilities and external relations. Steiner (1979) saw it as 'designing a desired future and identifying ways to bring it about.'

Alfred D. Chandler (1962) provided the following that '(strategy) is the determination of the basic long term goals and objectives of an enterprise, and the adoption of courses of action and allocation of resources necessary for carrying out those goals.'

1.1 BACKGROUND

Zambia, which has in the recent past experienced problems in pirated products in its channels of commerce, having acceded to the Agreement on Trade Related Aspects of Intellectual Property (TRIPS) is required to provide mechanisms for intellectual property enforcement. The Government of the Republic of Zambia (GRZ) saw the importance of intellectual property and the potential benefits it

has to the economy hence created agencies to oversee the registration and enforcement of Intellectual Property. Though the Berne convention for the protection of Copyright and the Rome convention for the protection of Related rights existed way before independence, it was until 1994 that Zambian legislators passed a law to enshrine in the national law the Copyright and Performance Act number 44 Chapters 406 of the laws of Zambia. This was in a bid to protect the rights of copyright holders and performers against infringers of such rights through piracy. The mandate to enforce the fore-going law was initially rested upon the Ministry of Information and Broadcasting of Zambia (MIBS). However, after a latter period in the early 2000s, the Zambia Police Service was brought on board through its Intellectual Property wing to enforce this section of the national law.

1.2 Problem statement

It has emerged that Intellectual property is at the center of Knowledge driven economies. To this effect Intellectual property has become a tool for National development.

Arising from this, the government of Zambia has enshrined this in the 2010 National Intellectual Property policy hence duly recognizing the importance of intellectual property as a tool for national development.

Further, the government has introduced many facets of dealing with Intellectual property such as Intellectual property wing of the Zambia Police, Zamcorps and establishing units in line ministries such as Ministry of Commerce trade and Industry and Ministry of Information and Broadcasting services to specifically deal with Intellectual property.

However, given the amount of pirated products traded on the Zambian market, it is clear that the anti-piracy strategies being developed and executed have some flaws. This is evidenced by Violations of intellectual property rights in pirated goods freely traded in commerce and lack of enforcement which further negatively affects Protection of consumer trust and safety. To this effect, creators of Intellectual Property are left with little or no gain at all for their creativity in copyright works. Further, the government loses out on revenue which would have been derived from Intellectual Property thereby negatively affecting the economy as a whole.

There is generally no coordinated approach in the fight against anti-piracy hence its importance to the national economy has not been fully appreciated. Little efforts have been made towards awareness particularly the need to fight piracy in artistic works. In addition to this, the Zambian populace, organizations championing Intellectual property and individuals concerned, together with the government being the major stakeholder have not taken keen interest to create massive awareness, advocate for consented efforts in enforcements and putting of stringent anti-piracy strategies control and also stressing the economic benefits that accrue to the rights holders and the economy when counterfeits and pirated products are controlled.

The presence of many pirated products in the channels of commerce in Zambia largely indicates the absence of a strong and effective anti-piracy system in the country.

It is a common occurrence to find pirated artistic works for sale openly in Lusaka's town center, in the streets or by hawkers.

1.3 JUSTIFICATION

With the cry for government to create more job opportunities, there is need to put strategies in anti-piracy to protect the creative works of citizenry who are providing incomes for themselves and their families. This will not only reduce on the number of those needing jobs from the government but can be one of the sustainable sources of the much needed revenue for the government.

In the National Policy of Intellectual Property, it is acknowledged that there is need to involve all concerned stakeholders in Intellectual Property for Zambia to derive benefits from this field. Furthermore, there is also a strong and positive correlation between Intellectual Property creation and protection with national development. However, given the number of pirated artistic products on the Zambian market, there is an urgent need to devise effective anti-piracy strategies that focus on enforcement of Intellectual Property law. In order to achieve economic gain from Intellectual Property, challenges of enforcement and control of pirated and counterfeit products need to be brought to the fore. Therefore, this research brings to the attention of stakeholders an evaluation of anti-piracy strategies used before, now and in the future. It is hoped that this report will be an indicator of where we are coming from, lessons learned and what kind of strategies we should be aspiring to put in place in order to eradicate piracy in our economy. In addition, it will serve as a reference manual for law enforcement officials and Intellectual Property Right holders with regards to counterfeit and pirated products, challenges of enforcement and control and also the effect to the Zambian economy. Finally, it will serve as a background study for future strategists in the various bodies charged with the responsibility of formulating policies.

1.1 .1 Main Research Objectives

To evaluate the anti-piracy strategies that has been utilized in the past, present and in the future.

1.2.2 Specific Research Objectives

The study also seeks to investigate the following:

- To find out the strategies that were used in the past, present and in future
- To find out the effectiveness of these strategies in combating piracy in artistic works
- To find out the profile of pirates in artistic works
- To find out the main challenges in tackling piracy

1.2 Research Questions

- What are the major challenges affecting implementation of anti-piracy strategies in artistic works
- What are the positives learnt in implementation of anti-piracy strategies
- What was affecting the success of strategies in the past
- How effective has been the strategies compared to other countries in Southern Africa

1.3 Significance of the Study

This research help in analyzing where we are coming from and how much has been learnt from previous strategies. It also lays a foundation for crafting future strategies and tactics.

1.4 Scope of study

This study was anchored on institutions and persons involved in crafting of anti-piracy strategies and enforcement of these strategies. These included Ministry of Information and Broadcasting services, Zambia Police, Zambia Music copyright (Zamcorps), Ministry of Commerce Trade and Industry, Arcades shopping mall and Kabwata Cultural Village.

LITERATURE REVIEW

2.0 INTRODUCTION

This chapter reviews what other authors and researchers have written pertaining to the research at hand and on related subjects. It will review literature (secondary data) that addresses matters of piracy in Intellectual Property such as its impact on the economy, investment, employment and social order. Secondary data being used is sourced from various authors and publications in area of Intellectual property generally and piracy specifically.

2.1 What is Piracy?

Piracy is defined by WIPO as “the unauthorized copying of copyright materials for commercial purposes and the unauthorized commercial dealing in copied materials”.

Anti-piracy for the purposes of the research shall mean all efforts directed to curb the unlawful exploitation of registered artistic works.

2.2 What are Artistic Works?

The definition “artistic work” covers a broad range of type of work. The following types of works fall within the definition of “artistic work”.

Graphic works: which includes paintings, design maps, architects drawings, engineering circuit, garmets, drawings of patterns for bedspreads and cushion covers, cartoons);

Sculptures that includes casts and models for the purposes of sculpt, wall plaques, medals and cans.

Collages: these should be within the meaning interpreted by the courts through reference to the Oxford English dictionary which has held that a mere collection of random, unrelated and unfixed objects does not amount to a collage.

Works of Architecture: this includes buildings, parts of buildings and models of buildings

2.3 What is Intellectual Property?

Piquero (2005) defines Intellectual property as the creative ideas or innovations that result from intellectual activity and creations.

According to Bentley and Sherman (2009), they rather list examples of what intellectual property is. They assert that intellectual property refers to the general area of law that encompasses copyright, patents, designs, and trademarks as well as a host of related rights.

The World Intellectual Property Organization hand book (WIPO) further defines intellectual property as the legal rights which result from intellectual activity in the industrial, scientific, literally and artistic fields. Like any other property, creators of intellectual property therefore need to be accorded the legal right to own and exploit their work as a reward for their labor, skill, judgment and time through stringent anti-piracy measures and strategies to guarantee their enjoyment.

2.4 Mechanism of combating piracy in Zambia

The Penal Code, Chapter 87, of the Zambian laws provides for the enforcement of intellectual property, among others, through prosecution of all forms of counterfeiting and piracy. Furthermore, Chapter 405, the Merchantable Marks Act also provides for the prosecution of those counterfeiting trademarks. Chapter 107 of the laws of Zambia is the chapter that establishes the Zambia Police as an enforcement body to enforce all the laws of Zambia.

In addition, the Copyright and Performance Amendment Act of 2010 also empowers the Zambia Police Service, alone or in conjunction with the Ministry of Information and Broadcasting Services (MIBS), to enforce matters of copyright and related rights and present pirates and counterfeiters to the courts of law for possible prosecution. In all the matters that are afore-mentioned, the judiciary is the final disposal body mandated by the law to carryout and order destruction of counterfeit and pirated products, confiscation, and seizure as well as fining and/or imprisonment of the offenders.

Furthermore it is evident from the fore-going that Zambia has adequate laws that cover matters of intellectual property and establishes the enforcement channels that can help right holders exercise their rights in the quest for control of pirated products and counterfeit products in the channels of commerce. The Draft National Policy on intellectual property provides for the protection of right holders through prosecution of counterfeiters and pirates. However, this document has been a draft document since formulation in the year 2010. Among the major enforcement agencies, the Zambia Police and the Zambia Customs in co-ordination with the Ministry of Commerce Trade and Industry (MCTI) and the Ministry of Information and Broadcasting services (MIBS) are the major players in the control of counterfeit and pirated products. Despite the presence of the enforcement regime that is supposed to provide for protection to the right holders, it can also be noticed that there are many counterfeit and pirated goods on the Zambian market and in the channels of commerce that cause infringement and that are a danger to the public as a whole. This can be attributed to the lack of enforcement and/or control by the fore going mandated enforcement agencies.

2.5 How Piracy affects Economy

Higgins et al (2008) note that IP piracy remains a challenge to law enforcement and the society.

Piracy is capable of hallowing creativity, as well as stunting the growth of the Music industry (Higgins and Mankin, 2004). It may be detrimental to individuals and the pirates' habitat (Gunter et al.,2010). Indeed this could earn pirates civil and criminal prosecution (Koen and Im, 1997)

Without doubt, the emergence of Digital technologies has provided the opportunity for copyright violations on a much larger scale than ever and has raised serious concerns on actual Intellectual property rights(IPR) system(Andreas,2003). This is because the internet provides the unrestricted opportunity to remain unknown while committing the act of piracy (Wall, 2003)

Unfortunately consumers clearly understand that their purchasing behaviours will have strong and negative effects on the copyright holders (Jyh- Shen Chiou et al., 2005)

In some countries, piracy such as Malawi, Music is steadily dropping due to tighter controls and the rise of legal alternatives.

In Zambia fighting of piracy in artistic works is carried out by bodies who craft policies and associations. These include, National arts council, Zambia Association of Musicians, Zambia Police through the intellectual property unit and line ministries such as tourism and arts.

2.6 Impact of Piracy

According to Idris (2003), he asserts that intellectual property is a powerful tool for national and economic development. In echoing the fore-going assertion, Mwiya (2007) asserts that there is a strong and positive correlation between intellectual property creation and economic growth. This therefore stresses the fact that economic growth and real wealth creation through Intellectual Property can only be achieved if and when the rights contained in Intellectual Property are properly enforced.

In Zambia, the presence of many counterfeit and pirated products poses serious and negative externalities to the economy. Chiang (2004) asserts that enforcement of intellectual property is increasingly becoming important as it provides the right holders with a platform to exercise their rights. He further goes on to mention that intellectual property facilitates technology transfer and increases productivity. It is therefore evident that intellectual property has a profound effect on economic growth.

2.7 Anti-piracy Strategies

Studies on piracy are crucial because they can help us develop more suitable approaches for anti-piracy strategies and tactics. This has been the aim of most research done in this area (Kani et al., 2003)

Various ways of tackling piracy have been proposed. These include legislation, educational strategy which focuses on educating people on the laws around piracy

These strategies unfortunately prove to be temporary as soon people find the means of overcoming them (Liang and Yan,2005)

Numerous studies have focused specifically on moral education since they adopt the perspective that piracy is unethical behavior and therefore strategies aimed to target this behavior should do so within an ethical framework. Based on their research findings Kini et al (2003) believe that it is necessary to raise the moral levels of People in the fight against piracy rather than having a reward – punishment policy.

Siponen and Vartianinene (2007) suggest constructing exercises based on an ethical dilemmas using findings from the moral literature to allow students in ethics classes to reflect on their decision making process and the impact their actions would have on other people. They believe that students should scrutinize their decisions using various moral theories.

However, Litsky and Oz (2008) examined the effect of moral education on students' attitude. They found that the students started and finished the course with a high likelihood of committing software piracy because they still held positive attitude at the end of the course. Based on their findings Litsky and Oz (2008) suggest that moral education will not work. However, this should be interpreted cautiously since they did not examine the effectiveness of multiple moral education programs and their measure indicating a participant's likelihood is directly related to actual behavior. Based on these findings it shows that another research on the effectiveness of the anti-piracy strategies in artistic works in relation to Zambia should be conducted.

CHALLENGES BY ENFORCEMENT OFFICIALS

Given the presence of many counterfeit and pirated goods on the Zambian market, it is clear that enforcement agencies are facing challenges in carrying out their enforcement mandate. According to Brigs and Brown (2012), countries with professionally trained enforcement officials are expected to find it both quicker and easier to enforce adopted and implemented Intellectual Property protections. He further goes on, however, to assert that in nations with poorly compensated and/or inadequately trained enforcement officials such as Zambia, the potential for corruption and bribery is likely to persist hence makes the enforcement effort difficult.

According to the Zambia Police Force Order (2012), it is stated that the Zambia has a police force with a human resource of about 12 000 officers to enforce the Laws of Zambia. The Zambia Police Service has also an Intellectual Property wing which has only 10 officers to enforce matters of Intellectual Property, including piracy and counterfeit control, to the whole country of a population of about 13 million. This shows an inadequacy on part of human resource in the police to enforce and conduct control.

3.0 METHODOLOGY

This chapter of the research study will focus on the methodology that was employed to collect data that ensured that the researcher achieved the aforementioned objectives. This was mainly qualitative research that enabled the researcher to evaluate the anti-piracy strategies in artistic works.

3.1 Research Design

The researcher proposes to use both qualitative and quantitative designs. Further, the researcher will collect data using Primary and Secondary Data respectively. The researcher employed a systematic sampling where those directly in charge of crafting strategies were engaged.

3.2 Study Area

The study will be conducted in Lusaka at National Arts council of Zambia, Ministry of Commerce Trade and Industry, Zambia Police (Intellectual Property Unit), Zamcorps and Ministry of Information and Broadcasting services.

3.3 Target population.

The research intends to cover technocrats in line Ministries and Managers in organisations involved in artistic works as well as the general members of the public get views on how they think about the strategies being employed to fight piracy in artistic works.

3.4 Sampling Techniques

The researcher will employ random sampling technique for the general public and a systematic sampling for institutions. The random sampling for members of the general public is aimed at gathering a true reflection of the views on the ground free from bias whilst the systematic sampling for institutions is aimed at targeting only policy makers/ personal tasked with crafting of anti-piracy strategies.

3.5 Ethical Considerations

The researcher will abide to the ethical standards by observing observation of strict confidentiality to the respondents and making available a copy of the final research report to one of the institutions.

3.6 Sample size

The researcher intends to use a sample of 60 respondents. These will be members of the public and institutions involved in matters of intellectual property.

3.7 Research Instruments

The researcher proposes to gather data using a self-administered questionnaire and random interviews.

3.8 Data Analysis

Data collected will be analyzed quantitatively and qualitatively. Quantitative data will be analyzed through the use of excel in form of graphs, bar charts and pie charts to show responses from participants. On the other hand qualitative response will be a summary in words of what the researcher has deduced from the responses of the respondents.

DATA PRESENTATION AND ANALYSIS

4.0 INTRODUCTION

This chapter will bring out and analyze data collected in view of the effectiveness of piracy strategies in artistic works. This data that was collected from respondents that formed up the sample, both male and female, from institutions and the public under consideration.

4.1 THE ZAMBIAN LEGISLATION

Fundamentally, the research study endeavored to establish whether the laws in Zambia provide for Intellectual Property enforcement before carrying out an evaluation of anti-piracy strategies. The Zambian legislation provides for the protection of intellectual property rights. This is contained in, Chapters 400 the Patents Act, 401 the Trademark Act, 402 the Registered Designs Act, 406 the Performance and Copyright Act and 417 the Competition and Fair Trading Act, are all aimed at protecting intellectual property rights in Zambia.

The laws with regards to counterfeits and piracy control are further reinforced by the Penal Code chapter 87 of the laws of Zambia to further provide for criminal offences against counterfeiters and pirates.

Therefore, this research study revealed that statutory laws are there to combat infringement and protect the right holders against counterfeits and pirated products. However, the laws do not provide clear cut indications as to who has the mandate to enforce the laws and under what circumstances and the available remedial measures.

This is amplified by a research done by Lungu (2013) which that Zambia Customs Authority who were not aware that they are supposed to enforce intellectual property laws and also carry out border control measures that are aimed at controlling infringing goods from entering the channels of commerce.

4.2 AWARENESS

For strategies to be effective they must first of all be fully understood, awareness among concerned enforcement stakeholders is of vital importance. Awareness enables identification of pirated artistic goods and therefore officers can institute effective enforcement mechanisms that will combat these vices. Without awareness, it becomes difficult for enforcement agencies to effectively conduct their mandate of enforcing intellectual property laws generally and implement anti-piracy strategies particularly. In view of the fore-going, the research study also endeavoured to assess the number of people, with regards to intellectual property, who were aware about the fore-going matter both in the enforcement organizations i.e. the Zambia Police Service, Ministry of Information and Broadcasting services and Zamcorps. The break down with regards to the levels of awareness in the fore-going institutions is as illustrated on the following bar chart;

	Zambia Police	Ministry of Information and Broadcasting Services	Zamcorps
No. of respondents aware	17	18	5
No. of respondents not aware	3	2	0
Total number	20	20	5
Percentage of awareness	85	90	100
Percentage of unawareness	15	10	0
Total percentage	100	100	100

Table 4.1 Levels of awareness

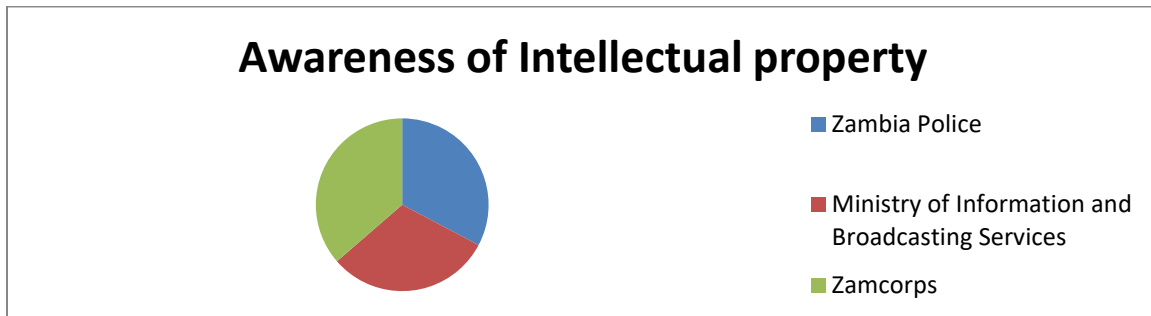


Fig 4.1 Awareness levels among the Zambia Police, Ministry of Information and Broadcasting Services and Zambia Music Copyright Protection Society

It has established above that majority of the respondents in the institutions above are aware of intellectual property rights. The three institutions were picked as they were a fair representation of the research topic at hand. As illustrated above awareness levels stand at above 85% of the total respondents.

4.3 MAIN STRATEGIES USED IN ANTI PIRACY 10 YEARS AGO

4.3.1 Main strategies used by the Zambia Police

The Zambia Police formed the Intellectual property unit in 2009 aimed at giving the fight prominence.

4.3.2 Main strategies used by the Ministry of Information and Broadcasting services

- Raiding of places where piracy takes place, Seizing of pirated products, Sensitizing artists on their own rights, Sensitizing law enforcement officers, Public display of pirated products

4.4 Main challenges with the above strategies

4.4.1 The Zambia Police.

The unit is only based at Police headquarters, Not adequately funded

4.4.2 Ministry of Information and Broadcasting services

- Pirates always had a backup plan, Difficulty in identifying pirated products, Lack of funds

4.5 CURRENT STRATEGIES USED NOW

4.5.1 Zambia Police

- Increased sensitization programmes, Engaging artists, Decentralization the unit to other divisions

4.5.2 Ministry of Information and Broadcasting Services, Implementation of the Hologram, Taking offenders to court, Sensitization of various stakeholders

4.6 SHORTCOMINGS IN THE CURRENT STRATEGIES

4.6.1 Zambia Police

- Artists are not willing to buy the hologram, Difficulty in making the Public appreciate the importance of Intellectual property

4.6.2 Ministry of Information and Broadcasting services, Lack of proper enforcement mechanism, Lack of funds

4.7 FUTURE STRATEGIES

4.7.1 Zambia Police ,Devise digital mechanism in combating IP,4.7.2 Ministry of Information and Broadcasting Services

- Anti – circumvention measures, Digital protection measures

Below is the bar chart illustration for the pirated artistic works.

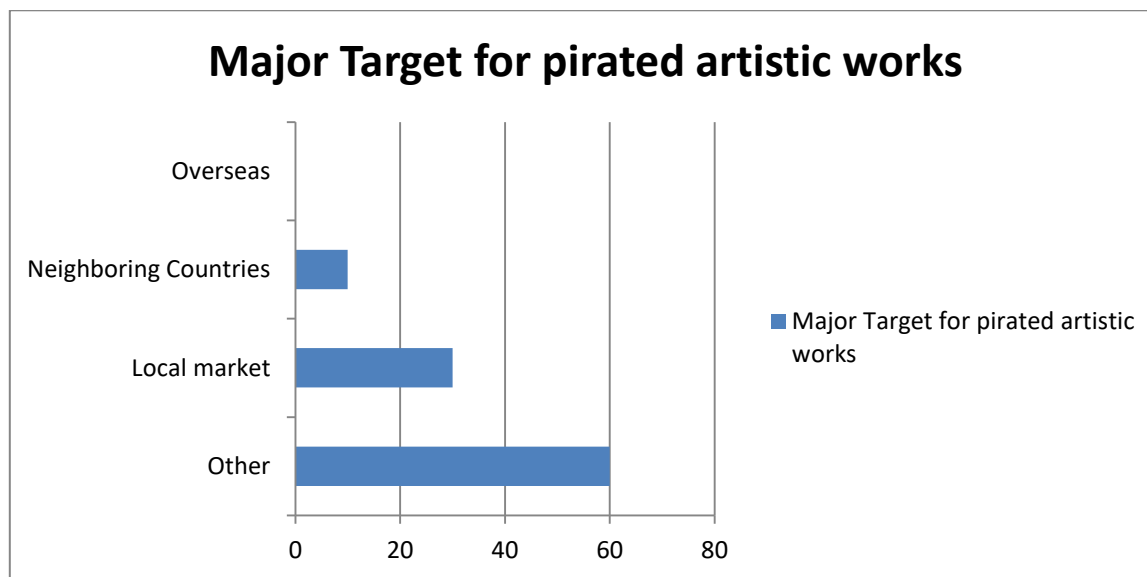


Fig 4.2 Major target for pirated works

This result clearly shows that the destiny of this pirated artistic works is not in the domain of a single market destiny but rather is multi faced.

4.10 MAJOR CAUSE OF PIRACY

Response	No. of respondents	Percentage
Demand	28	56
Inaccessibility of Original artistic works	09	18
Lack of Copyright awareness	10	20
Other	03	6
Total	50	100

Table 4.4 Major causes of piracy

The following information is tabulated in the following

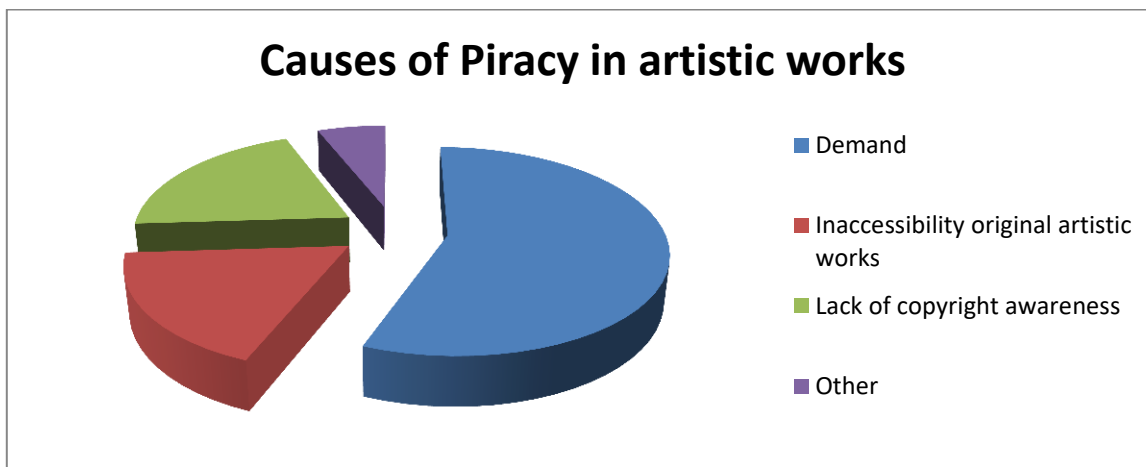


Fig 4.3 causes of piracy in artistic works

The causes of piracy are varied; the research however has established that the major cause is availability of demand with a 56% of the respondents.

4.11 EFFECTIVENESS OF PIRACY STRATEGIES IN THE SOUTHERN AFRICA REGION

Since no country operates in and the fact that piracy itself is a global phenomenon. It is important that the strategies that are devoted to the fight against piracy are compared to those of other countries within the Southern African region.

Response	No. of respondents	Percentage
Very effective	20	40
Effective	22	44
Average	6	12
Poor	2	4
Total	50	100

Table 4.5 Effectiveness of piracy strategies compared to other southern African region

From the field research 44 % of respondents believe that Zambia has effective strategies in combating piracy. Zambia has recently conducted a training session for its Namibian counterparts on ways piracy is being fought. Further, countries such as Tanzania have been overwhelmed with the fight especially in the Music sector.

4.12 FORECASTED PIRACY LEVELS I N THE NEXT 5 YEARS

Responses	Zambia Police	Ministry of Information and Broadcasting Services	Zamcorps
Below 5 %	6	3	5
Less than 15%	1	1	0
Other	3	16	0
Total Respondents	10	20	5
Total percentage	100	100	100

Table 4.6 Reduction in levels of piracy in the next 5 years

FORECASTED PIRACY LEVELS IN THE NEXT FIVE YEARS

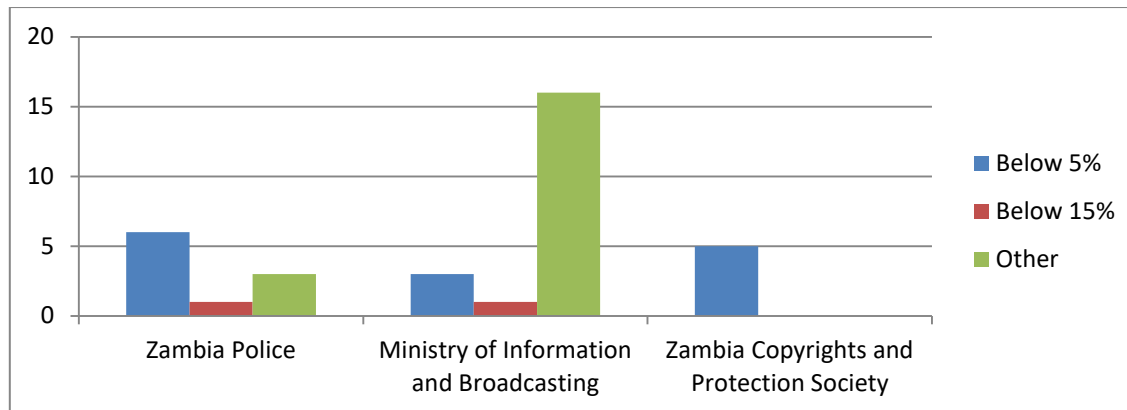


Fig 4.4 Graphical presentation of forecasted piracy levels in the next 5 years.

This question saw different responses from across the institutions. Zamcorps was unanimous in projecting that they forecasted a 5% reduction levels in piracy. However, it was a different scenario amongst respondents from both the Zambia police and the Ministry of Information and Broadcasting services.

4.14 MAJOR CHALLENGES IN THE FIGHT AGAINST PIRACY

In order to put in place effective strategies, it is crucially important that they be measured up against the context of the challenges that are prevailing or anticipated.

The table below therefore, tabulates the major challenges faced in the fight against piracy.

Response	No. of respondents	Percentage
Lack of technology	20	40
Human resource	0	0
Public Support	6	12
Lack of funds and awareness	24	48
Total	50	100

Table 4.8 major challenges in the fight against piracy

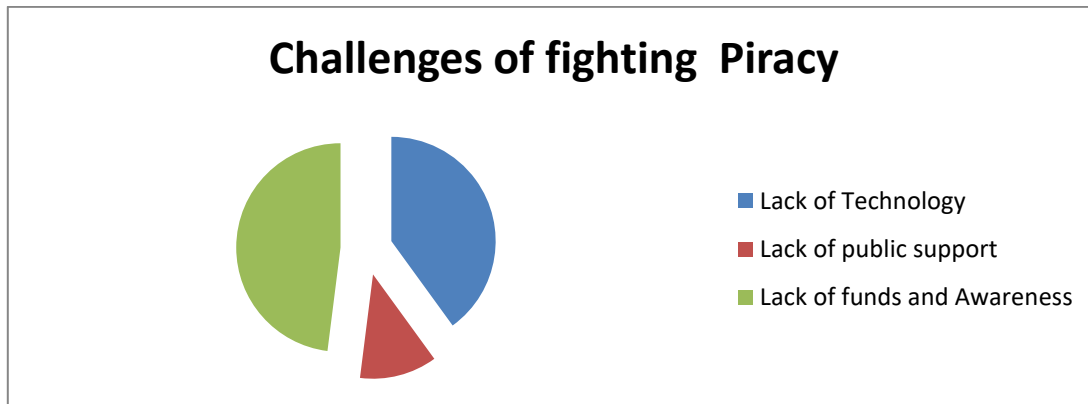


Fig 4.5 illustration of the major challenges affecting the fight against piracy in artistic works

It has been established that lack of technology, funds and awareness are the major impediments in the fight against piracy.

Chi Square Test

We now test whether there is an association between awareness and the institution from which the respondent belongs to:

Hypothesis:

Ho: There is no association between awareness and the institution from which the respondent belong to:

Ha: There is an association between awareness and the Institution from which the respondent belong to:

Test Statistic

Decision Role:

Reject Ho if at 5% level of significance.

Conclusion:

$$\chi^2 = \sum (O_i - E_i)^2$$

$$\chi^2$$

$$\chi^2 = \sum (f_o - f_e)^2$$

5.0 CONCLUSION AND RECOMENDATIONS

Effective anti-piracy strategies in artistic works are cardinal if intellectual property is to be of practical value to the economy in Zambia. The numbers of pirated artistic products in Zambia is on the increase affecting both the government through missed opportunity for revenue and artists also missing out on a fair reward for economic returns on their works.

The hologram strategy that was seen as the anti dot for piracy in the music piracy has proved to be inadequate for other forms of artistic works such as engineering circuits and sculptures. Further, it has also been rendered powerless against digital piracy of music and the artists themselves find the cost of hologram to increase the cost of their Music.

The presence of counterfeit and pirated products in the channels of commerce in Zambia to a large extent reveal that there are challenges that enforcement officials encounter in order to control and rid the economy of these products. This research has established that there are various challenges that are faced in the task of controlling piracy in artistic works. The most and maybe the greatest challenge that has been established are to the fact that there is lack of technology, funding and large scale awareness programs to the general public. There is also understaffing in key institutions that should be executing these strategies such as the Zambia Police. The research study established that the intellectual property unit in the Zambia Police consists of only less than 20 officers who are not all adequately trained in matters of intellectual property against the human resource of 13 000 officers in the entire Zambia Police Service. This number becomes far less sufficient to police the whole country when pirated products in the country are widespread with the current population standing at 13 000 000. This further explains why pirated products are freely traded in Zambia without effective control being exercised as the enforcement manpower is insufficient. There is lack of a shared strategy in combating piracy amongst major stakeholders which is also cemented by the indifference in the amount of forecasted reduction in piracy in the next 5 years. The lack of a shared strategy shows that major stakeholders are operating at arm's length in this fight. Further, the research also has seen a gap in evaluating strategies based on a reduction of pirated artistic works on the open market as the trade can continue in the background and also does not take care of piracy that goes on digitally.

It is vividly clear that the fight against piracy is complex as its perpetrators are of a diverse background (cuts across the society involving the young and the old, the illiterates and literates), unfortunately the strategies in place do not take strong recognizance of this fact.

With stakeholders rating their strategies as effective in the southern region, it points to more work that must be taken together with these neighboring countries as they can be a source of entry and exit for pirated artistic works. In view of the foregoing challenges and observations the following are the recommendations;

5.1 Provision of Technical and financial support

The research study revealed that there is lack of technical and financial support that is rendered to enforcement officers. A human resource that has knowledge is not enough if it is not supported with the necessary financial and technical support. In order to have effective strategies, it is paramount that institutions involved with the fight against piracy are kept abreast with the latest changes in technology. In view of this, technical support as well as financial support is of great importance if the country is to gain from intellectual property through effective piracy control.

5.2 Build Synergy among stakeholders

This research has revealed that all major stakeholders agree that going forward digital protection is the way forward. But conflicting results about future reduction in the next 5 years indicate that there is lack of synergy. To this effect having a strategic plan that encompasses all stakeholders can go a long way in having a coordinated approach in the fight against anti-piracy.

5.3 Enhancing Bilateral and Multilateral relations

The problem of piracy is not only unique to Zambia but a global phenomenon. The absence and presence of tighter anti-piracy control measures among Zambia's neighbors presents an opportunity for the country to forge working agreements with these countries. Zambia being a member of the southern African Development Community (SADC) and the Common Market for East and Southern Africa (COMESA) needs to utilize its membership in these regional can utilize these platforms to ensure that it enters into further bilateral relationships with its trading partners in terms of putting in place effective anti-piracy strategies.

5.4 Build capacity in Human resource

It is no doubt that all these suggestions being put across can only be useful if there is a cadre of competent human resource in the fight against piracy. It was clear from the research findings that human resource is one of the challenges that emerged. The Zambia police through its intellectual property unit is grossly understaffed. This points to difficulties of conducting patrols, sensitization campaigns, prosecution of pirates all this against a workforce of less than 20 officers. Human resource capacity building in terms of dealing, detection and effective policing of piracy in artistic works is important in this regard.

5.5 Step up awareness campaigns

Awareness campaigns should be stepped up. This is particularly so as the awareness levels of Intellectual property among key stakeholders did not yield 100% awareness. Therefore, it means the wider public needs more campaigns as subject of Intellectual property generally and artistic works rights particularly are a new phenomenon.

5.6 GOVERNMENT SUPPORT AND POLITICAL WILL

Government is the major stakeholder in all activities that transpire in the country. The government among other duties aims at protecting public policy and the interest of its citizenry. The matter with regards to counterfeit products and pirated products affects the general citizenry and various sectors of the economy and hence needs political support. As earlier established, counterfeits affect public health with the abundance of counterfeit medicines that are traded in the channels of commerce in Zambia. Furthermore, Zambia's mainstay especially in the rural community is agriculture which sector also counterfeit farming inputs have also permeated. In addition to this, the manufacturing sector is frustrated and foreign direct investment (FDI) scared away from the local Zambian market which is flooded with counterfeit and pirated products.

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