E-book Piracy: Can I Make It Stop?

(Kindle-ebook-pirate image)

The answer – a definite maybe.

Last week on my Facebook and Tumblr accounts, I shared an article by indie author M. Todd Gallowglas. In his post, he explained that in this past year he has lost at least $13,000, and probably a lot more, to piracy. Now, as I said in my post, I know the problems with piracy have become insanely ridiculous, and I'm aware that people from both the music industry and the movie industry are losing millions of dollars annually to illegally downloaded copies.

What I didn't realize – perhaps didn't really consider – was how e-books are the perfect target for web pirates, which creates a frightening wake-up call for those of us in the writing trade.

As a starting out indie author, the very idea that people would STEAL my books and STEAL my profits makes me furious to the point of nearly homicidal lunacy!

I put countless hours of work – hard work – into writing my fiction. And these are hours that I have to fit in between working for clients and fulfilling my other obligations in life. Hours where I could be doing any number of amusing things, but instead I spend my time writing and outlining stories, because that's what I am. I'm a writer. I produce stories that make people laugh, cry, think, and remember. I would hope that all that effort would be worth the few dollars I charge for my e-books!

Ranting and raving aside, I started wondering if I could be proactive and do something about stopping my titles from being pirated in the present and in the future. I knew right away that pirates – hackers – almost always find a way around everything, so there is no foolproof way of eliminating piracy. There are measures, of course, so I thought I would do a little bit of research, explore the current anti-piracy trends, and report it back for all of you in this blog.

If you are a fellow writer who is also enraged at the thought of losing money, I hope this information helps calm you down. If you are someone who doesn't realize that illegally downloading books for free IS stealing, I hope this educates you. If you are someone who does pirate books, I hope I can make you reconsider your choices, or at the very least encourage you to try and buy the books that you have already downloaded illegally. You don't have to buy every single one right now, but if you could AT LEAST set aside $10 a month so you could lawfully purchase around 3-5 titles a month as an effort to pay back the people who've entertained you so well.

Rationale for Thievery

First of all, there are two kinds of pirates: those who upload materials without permission, and those who download materials that are illegally available.

The uploaders argue that they are making information free, promoting free speech, sticking it to capitalism, etc. etc. Some of the downloaders may feel similarly, but many of them simply want something that they don't have to pay for.

Both the uploaders and the downloaders have various rationales to explain away their actions. A common one is that the amount of money they're taking away isn't that much, especially for big publishing companies, so it won't make a big difference for those fat-cat-1% ers.

Karen Springen reported in 2014 that data gathered by the Association of American Publishers estimated that somewhere between $80 million and $100 million were lost EVERY YEAR to piracy. I don't care what company you are – that type of money makes a major difference, especially in a struggling economy.

Springen's research indicated that on average every file found on the pirating sites she reviewed was downloaded at least 300 times. That's not just e-books put out by the big time publishers, either. That includes e-books put out by indie writers like myself who are struggling to make enough money from our day jobs just to put food on the table and still have enough time to write our books.

Let's use Springen's research to figure out how much money an indie writer like myself could be losing annually.

To do so, we will pretend that I am a writer who has at least 10 available titles, all of which are being downloaded illegally.

According to Springen's conservative average of 300 downloads per file, that's 3000 copies of my work being stolen. Depending on the site(s) selling my titles, I make anywhere from 35% to 70% profit on each sale, so for this exercise we'll say each of my titles sells for $2.99 apiece. That means that 3000 stolen copies would result in a profit loss of $3,120-$6,240 PER PIRATE SITE.

If there are at least 10 pirate sites out there stealing my titles – and there are WAY more than that currently in operation – that would mean I would be losing anywhere from $31,000-$62,000 per year. I know writers who have day jobs where they make LESS money than that annually, so believe me, pirates, the money you're taking out of the pockets of indie writers DOES MAKE A MAJOR DIFFERENCE!!!

Another popular rationale is that e-books are not real, because they are digital, and that all digital information on the Internet should be free.

Really? Anything digital that is online is up for grabs? Well, I think Melissa Marr said it best when she said the following:

"[Pirates] steal digital goods, and if we stole their digital paychecks, they'd be pissed off. So the argument that it's not 'real theft' because it's digital is absurd."

As many other writers and anti-piracy proponents have argued, the rationales behind digital piracy stem from a larger issue. Namely, there is a false perception that stealing an idea or stealing something intangible can't possibly be stealing, because there is no physical object being taken. This also relates to the lack of understanding in regards to plagiarism, especially with how students find information online, copy and paste it into their papers, and then try to pass the work off as their own original writing instead of properly citing their sources. Again, it's an antiquated mentality that does not value creativity and instead bases thievery off of the concept that some THING has to be taken. If that thing isn't touchable, can something so elusive and ethereal truly be stolen?

The answer is yes – yes it can, it has been, and it's costing victims millions of dollars.

Do you want more proof that such intangible things are real and are currently being stolen?

Right now there are numerous companies – such as Muso – who make it their goal to provide artists, authors, and other intellectual property owners with anti-piracy services. For a monthly or annual fee, these organizations monitor the Internet, send out cease-and-desist DMCA orders, and remove illegally downloaded files from pirate sites.

Trust me, in a capitalist society where supply and demand run the economy, if the demand for anti-piracy measures wasn't so high – i.e. if piracy were NOT a real problem — there wouldn't be companies out there providing the service. It proves that there is a need for anti-piracy measures, which further proves that uploading and downloading illegally obtained files, even if they are completely digital, IS STEALING.

It's the 21st century people – pretty soon the bulk of everything will become digital to some level, if not completely. The faster we get this digital REALity concept into our minds, the sooner we will understand how piracy hurts people.

Protection from Pirates

(FBI_Anti-Piracy_Warning image)

Well, as the title of this blog asks, is there a way to make piracy stop? Not really. Unless you can get all the thieves in the world to stop stealing stuff, there will always be people making bad choices.

Fortunately, you do have options for what you can do to better protect your intellectual property. As I said, it will not completely stop piracy from happening. In many ways, fighting piracy will become more of a chore as you publish more titles. Early on in your writing career, you will

most likely have to do a lot of this piracy fighting on your own, because you won't have the means to pay other people to do it. When you do have more money, which is probably when your work will be really targeted by pirates, then you can pay people to do all of this for you.

Legal Means and Low-Cost Options

In his article, "Avast Ye Matey: What to Do if Your eBook is Pirated," Robert Stanek explains how he has been studying the effects of piracy on the publishing industry, particularly the financial losses his own works have suffered. Stanek has been in the writing industry since 1995, and in that time he's become quite the prolific writer with 150 titles under his belt. Most of his projects were not even e-books originally. So how did people steal his work? Easy, they did it old-school style by scanning it into the computer page by page and making it into a giant downloadable PDF. How much money has he lost? Stanek estimates that his losses are somewhere around $100 million.

Stanek is by no means an indie author, and certainly he has the financial ability to hire people to monitor and stop the piracy of his books. That aside, in his article he discusses how individual authors can go about stopping piracy and what legal tools or leverage is currently available to them. He includes an excellent boilerplate DMCA letter that anyone can use to submit to places that are illegally offering stolen e-books. In case you're wondering, DMCA stands for Digital Millennium Copyright Act, which is a piece of legislation that protects the rights of individuals who create intellectual property. During the years of Napster, for instance, many individuals received DMCA cease and desist letters after their private IP addresses were reported to have been involved in the illegal downloading of music.

Of course, even with a generic DMCA letter, you have to find out who is stealing your stuff before you can send out letters. Stanek implies that you can search different sites known for offering pirated materials, but that is a timely process, especially if files are named with different spellings or different word orders from your originally published titles. Stanek also points out that you can set up alerts via Google, but again the alerts can only look for the words you're typing into the system. You can type in a lot of different combinations of your name and the titles of your books or other projects, and you'll probably be able to catch the bulk of the pirated work, but there will still be pirated files that slip through the cracks. Plus, after you find who is stealing your stuff, you have to look through these sites and try to find ways to contact them with the DMCA letters.

Yuwanda Black posted an article in 2012 about different techniques for avoiding piracy, especially for e-book sellers. Although some of her information is a little dated now, she still makes a lot of pertinent suggestions that fall under the category of "Don't Make Things Easier for Thieves." Black points out the following tasks that all writers should do:

- Make sure your PDF files cannot be changed
- Don't use easily recognizable filenames that hackers can quickly identify and steal
- Change-up your links and passwords regularly, if you can
- Remain vigilant in protecting your property.

Paid Services and Other Slightly More Costly Tools

Both Black and Robert Stanek advocate for the use of paid services, assuming you can afford those services and that you are in need of them. If you only have a few titles published, like me, you may not really need the services right now. You will probably need assistance from professionals eventually, though, if you are like me and plan to keep producing fiction until the day you die.

Besides organizations that provide anti-piracy services, such as Muso, there are also software programs that can encrypt your files and make them less likely to be pirated. Some of the bigger companies, like HarperCollins, have even started to use digital watermarks as a means to monitor and track the movement of illegally downloaded e-books.

The final alternative to paid services, software, and DMCA orders is to simply sue people for stealing your property. Granted, there's nothing simple about suing people, since it involves lawyers and paperwork, but it is an option. Yuwanda Black commented in her article that she has gotten to the point where she has at least one copyright lawyer on retainer, and that this individual does all the leg work in suing people on her behalf.

Education

How can education stop piracy?

As discussed earlier in this post, the biggest problem with digital piracy is that people do not see it as a crime. Even people who know that piracy is a crime are sometimes unknowingly involved, since there are pirate sites that dress themselves up as libraries or other nonprofit organizations that just happen to offer books for free. Some of these sites do charge money, though, or they try asking for donations. Talk about super evil – they're making money by first stealing these titles at no cost to them, selling them to unsuspecting people, and then leaving those people to take the fall for purchasing stolen goods!

There are many ways that we can educate people about the reality of piracy, and there are already a lot of campaigns out there. Unfortunately, too many people don't take these campaigns seriously, or for whatever reason they do not see a connection between stealing and piracy.

Even if they do understand that piracy is illegal, a lot of people argue that they don't have any money, but they still want to enjoy reading. Not having money is a problem when it comes to purchasing everything, not just e-books, but there are completely legal ways of obtaining books for free, such as the following:

- Authors give books away for free during promotional sales on a regular basis.
- A lot of e-readers have access to free books that have been acquired through legal means, such as titles that have become public domain due to age.
- Most local libraries allow people to check out e-books, and you don't even have to set foot in the library, since you can do it all from the comforts of home.

True, the majority of free books are not new releases, so you will have to wait before you can access newer books for free.

Some people say that they pirate because they live in places where they cannot access copies for purchase. In a global economy where I can buy anything on Amazon at the drop of a hat, I don't understand how this argument is even relevant! If you have money, you can buy a book online and instantly have it in your hands, so to speak. You don't even need a fancy e-reader these days, since you can download the Kindle app, Nook app, or any other free e-reader app onto your computer. If you can access the Internet, you can access sites where you can legally purchase books. To say that you're in some rural area where you can't buy physical books, yet you can get online and steal books MAKES NO FREAKIN' SENSE!