

Online Music Distribution and Piracy In Zimbabwe: A case of Jah Prayzah's Album Jerusarema on Jive Zimbabwe's Online Music Store

ABSTRACT

Online music distribution is a new phenomenon in Zimbabwe which artists, distributors and consumers are yet to fully adopt. The Internet has provided a platform for distribution but unfortunately, it has provided space for sharing music illegally and the distribution of counterfeits is on the increase. The Internet has also altered the traditional way in which music was distributed. Record labels are slowly becoming irrelevant and online music distribution is slowly taking course. This research looks at online music distribution and piracy in Zimbabwe. The aim of this study is to look at the prospects of online music distribution in the age of piracy. Furthermore, this research explores how Jah Prayzah as an artist has benefited from the online music store in distributing his album Jerusarema on Jive Zimbabwe's online music store and how, if in any way, the online music store has helped lower the rate of piracy. The shadow economy theory and the theory of competitive advantage were used to inform this study. The case study methodology was employed in this study, with the case being the album Jerusarema. Interviews with the proprietor of the online music store, Benjamin Nyandoro and Jah Prayzah the artist were conducted to collect data. The study found out that consumers and artists are still reluctant to use the online music store hence piracy remains rampant.

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CERTIFICATE OF SUPERVISION

I hereby certify that, I personally supervised this dissertation in accordance with departmental regulations and the university's general regulation. On that basis, I confirm that the dissertation is examinable.

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DECLARATION BY STUDENT

I, Ivy Nyasha Vimbai Chibanda (R125520G), hereby sincerely declare that this dissertation is my original work that has not been previously submitted to any other university. Equally, I also declare that proper citations and acknowledgements in accordance with copyright law and ethical requirements have been strictly adhered in writing the dissertation.

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No man is an island entire of itself. For who I am, what I have become and what I have learnt, I didn't achieve on my own. I got it all from others surrounding me, and for that I am truly grateful.

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DEDICATION

This is for my mum and dad, I owe my success to you. You would have invested in so many other things and you would have achieved a lot, but you decided to invest in my future, and for that I am truly thankful.

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CHAPTER ONE

INTRODUCTION

This study explores online music distribution and piracy in Zimbabwe. The music industry in Zimbabwe has faced major challenges due to piracy hence most artists depend on live shows for income. Jive Zimbabwe, an online music distribution company has introduced a new platform whereby the artists can sell their music online. This research examines the prospects and challenges of the online music store in the age of piracy so as to evaluate how the Internet has affected the music industry. This is explored in the context of the distribution of Jah Prayzah's musical album, *Jerusarema* (2015).

BACKGROUND TO THE STUDY

The global music market has decreased since the late 90's (Daidj and Nabyła 2014). Because of deteriorating economies worldwide, music companies face huge threats as there is a lot of free music on the internet and an increase in piracy levels. Artists have stopped relying on album sales as consumers have an access to download and stream free music on sites such as Spotify and YouTube. Because of this, live shows have become the most lucrative way of making money.

As a result of the above, the music industry's business model has shifted from deriving profit from recorded music sales to the business model where music has become free to everyone who has internet access. (Brandenburger, Adam, and Nalebuff 1997). Although there is the copyright law in Zimbabwe, the number of consumers who participate in piracy makes it nearly impossible to enforce. Copyright Law in Zimbabwe is provided for under the Copyright and Neighbouring Rights Act [Chapter 26:05] 2000 and the Copyright and Neighbouring Rights Regulations, 2006 which make musical work eligible for copyright protection. However, consumers keep uploading music on the internet where anyone can download later. The copyright law was developed in response to technological advancements in the mass production of intellectual and creative work which has taken an increase today.

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The emergence of peer to peer file sharing has destroyed the sale of entertainment media. Bockstedt, Kauffman and Riggins (2006) state that the changes in the music industry have been caused by new technologies and internet use for the distribution of music as a digital information good. Online music distribution is popular in most countries but the phenomenon is relatively new in Zimbabwe. A local music promotion and distribution company, Jive Zimbabwe recently launched its online music store and the company is still trying to lure clients to the store so as to assist artists to benefit from their album sales as well as try to eradicate piracy.

Jive Zimbabwe is a wholly local initiative that enhances local music consumption in Zimbabwe and beyond. Jive Zimbabwe Private Limited is registered legally under Zimbabwe Companies Act [Chapter 24:03] with its core business being to promote and distribute local art products and services. It is also registered with National Arts Council of Zimbabwe as a promoter of arts and culture.

The idea of Jive Zimbabwe was initially propounded by Benjamin Nyandoro, who is the Chief Executive Officer and director; because of his passion for local music hence he felt the need for assisting artists to get maximum returns from their work. Jive Zimbabwe was then officially launched on October 25, 2012 which coincides with the International Artist Day.

For its online music store, Jive Zimbabwe has signed up a number of artists from different genres including gospel, traditional, jazz and urban grooves. Jive Zimbabwe's online music store was launched on the 29th of August 2014 in a bid to eradicate piracy and make artists benefit from their music sales as it had been seen that most artists did not depend on their album sales anymore; they depended on live shows for their income. The move of the online music store was to make music available to everyone to the world over at the same time making the artists benefit from it.

One of the artists that have benefited from the services of Jive Zimbabwe is Jah Prayzah. The artist has a number of albums selling on the online music store, which include *Kumbumura mhute*, *Dura*, *Tsviriyo*, *Jerusarema* and a number of other singles. The research maps the sales and distribution patterns of Jah Prayzah's music, paying particular attention to his 2015 album *Jerusarema* on Jive Zimbabwe's online music store. It will gather qualitative and

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quantitative data about online music distribution so as to establish the prospects and challenges of online music distribution in the age of piracy.

Traditionally, musicians needed record labels to produce, promote and distribute music. Zimbabwe Music Corporation (ZMC), Gramma Records, Record and Tape Promotions (RTP), Ngaavongwe Records and Diamond studios among others are examples of record labels that were mainly used by artists for production, promotion and distribution. Artists would sign contracts with recording labels allowing the companies to be in full control of their content. However, because of piracy, record labels have not been able to sell compact discs as much as before, as the pirates, who are the major competition, sell the audio discs at a very much cheaper price.

Peer to peer networks are the other threat to the music industry. Peer to peer services mainly allow free file downloads by enabling users to search for music files online by directly linking to the hard drives of many other users (Schaunmann 2008). There are many networks disguised in the background that are used to upload music where people can download for free. These include Soundcloud, Youtube, Loudtronix, Reverbnation to mention a few. There are some peer to peer networks like MP2P that are exclusively used for music, and others restrict clients from connecting unless they offer up a library of files to share (Kidd 2006). The networks however, provide a platform where one can find anything they want. The fast developments in digital technology and the Internet resulted in a period of creativity, exchange and innovation in technologies occurring without regulation.

Zimbabwean copyright law is taking some time to catch up with the technology and it does not protect the artists from these peer to peer networks. Zimbabwean Copyright laws provide copyright owners with exclusive economic rights as well as moral rights. The copyright owners enjoy the economic rights in terms of Section 17 (a – h) of the Copyright Act. These rights include right of reproducing the work, publication, importing the work into Zimbabwe or exporting the work out of Zimbabwe. However, the law does not inhibit everyone else from distributing the music online hence anyone can upload the music without fear of being prosecuted. The law is anachronistic; it does not take the Internet into consideration, which is the major threat to the industry.

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Jah Prayzah is a multi-award winning Zimbabwean artist who fuses the traditional mbira instrument with contemporary instruments. Out of his six albums, four are being distributed on the Jive Zimbabwe music store. These are *Tsviriyo*, *Kumbumura mhute*, *Dura* and *Jerusarema*. The research focuses on the latest album, *Jerusarema* as it is the album that was distributed online after the launch of the online music store.

The research explores will look at how the internet has affected the distribution of the album particularly in Zimbabwe. Burley (2012) has shown how piracy is to blame for the decline in revenues that the music industry has faced. Some scholars such as Jamieson (2007) believe the internet is contributing to the peak of the music industry, and it is the aim of this dissertation to assess this statement.

STATEMENT OF THE PROBLEM

The research focuses on the prospects and challenges of online music distribution in the age of piracy. It explores how Jive Zimbabwe has assisted Jah Prayzah in distributing *Jerusarema* online.

RESEARCH OBJECTIVES

The objectives of the study are:

- To map sales and distribution patterns of Jah Prayzah's album *Jerusarema* on Jive Zimbabwe's online music store.
- To explain the nexus between online music distribution and piracy
- To assess consumer responses to the online music store

RESEARCH QUESTION

- What are the patterns of distribution and sales for Jah Prayzah's album *Jerusarema* on Jive Zimbabwe's online music store?

SUB-RESEARCH QUESTIONS

- What is the relationship between online music distribution and piracy?
- How have consumers responded to the online music store?

SIGNIFICANCE OF THE STUDY

The increase in the widespread use of the Internet has had a wide range of implications in nearly every industry. Within the music industry, the beginning of the twenty first

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century came with a unique, and difficult, set of challenges. Goldschmied (2008) asserts that the issue of file sharing within the Internet negatively impacts sales within the recording sector. This research aimed to assess the wider impact of the Internet on the music industry and to trace the developments in online music distribution. This assessment was made using the album *Jerusarema*, produced by Jah Prayzah.

Petko (2011) assumes that most consumers have access to the Internet hence they are able to buy music online at any time yet some consumers may not even know about the Internet and online music distribution because they do not have access to the internet hence they resort to pirated copies. The researcher also tried to establish the shortcomings of the online music distributors which might be the reason why piracy is still rampant. This study benefits music distributors on how they can best beat piracy and to explore ways in which they can make artists benefit more from music sales.

ASSUMPTIONS

It is assumed that online music distribution will flourish over time. It is also assumed that consumers are not willing to pay for music when they can get it for free on the peer to peer networks and when they can also get it at a cheaper price from pirates.

DELIMITATIONS

Although Jive Zimbabwe has signed up a number of artists for their distribution, the researcher only focused on Jah Prayzah's music, particularly the album, *Jerusarema*, which is a 2015 album.

LIMITATIONS

The researcher was not able to get statistics of the album sales from Jive Zimbabwe as they said it was privileged information and they could only give a general overview of the sales. This made it difficult for the researcher to acquire quantitative data.

STRUCTURE OF THE STUDY

Chapter 1 introduces the study. It is where the introduction, background, significance of the study is highlighted as well as the statement of the problem, research objective and questions are found. Chapter 1 is followed by Chapter 2 where Literature review and theoretical framework is discussed. Chapter 3 looks at research methods and methodology whilst

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Chapter 4 focuses on the organizational structure and analysis. Chapter 5 present the findings thematically and Chapter 6 concludes the study

CONCLUSION

This chapter has introduced the study and laid the background of why the researcher decided to partake in such a study. It gives the significance and purpose of the study, which will guide the researcher in the finding chapters. The objectives and questions raised in the chapter gives an insight of what to expect at the end of the research. Therefore it is plausible to suggest that this chapter gives direction to the whole study and it paves way to the next chapter which deals with literature and theories related to the study

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CHAPTER 2

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

INTRODUCTION

This chapter examines literature that already related to the issue of piracy and online music distribution. A literature review reviews what has already been said in a related area (Leedy 1997). Literature review is a process of gathering information from other sources and documenting it (Cooper 1998). Literature review is also defined as a survey which has a systematic and comprehensive survey of publications or articles by other scholars in a similar issue under research (Plooy 2007). It is essential to review literature so as to look at what has been said by other scholars about online music distribution and piracy. Existing literature provides a foundation on which to base this study. This section analyzes and assesses the relevant literature regarding the contribution of Internet to piracy, how Internet piracy has provided business opportunities, the Internet as a platform for distribution and what the Zimbabwean legislation says about piracy. At the end there will be an analysis of how artists and the consumers have responded to the phenomenon of online music distribution. This chapter also discusses theoretical concepts used to analyse the phenomena under study.

LITERATURE REVIEW

THE CONTRIBUTION OF INTERNET TO PIRACY

The term 'piracy' is generally used to describe the intentional infringement of copyright on a commercial scale (Burley 2012). Internet piracy, however, is when there is infringement of copyright via the Internet, whereby people distribute music through peer to peer networks. Dahlstrom, Farrington, Gobera, Roemer and Schear (2006) discuss the technological Internet piracy phenomenon from how it initially began on the Internet. Choi and Perez (2007) also note that Internet piracy has been there ever since the Internet was used for distribution of educational material to researchers at universities and government institutions. However, the copying and sharing of information was not referred to as Internet piracy as it was a way of sharing important information among academics. As a result of software being an open source, it was free and easily distributed and it was only when software companies started pricing their products that Internet piracy became a regularly used word in the Information

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Technology world. This however, has made Internet piracy a large and worldwide phenomenon which has greatly affected the artists.

Most consumers do not want to purchase the whole album, but just a number of their favourite songs, or just a collection of different songs from an artist but not necessarily on the same album. "A significant portion of consumers in the music market prefer to consume only a subset of the tracks that are bundled as part of an album, and this is where a lot of the damage is coming from," (Elberse 2010:107). Therefore, in the future, the position of the audio media sector depends on their ability to keep up with digital piracy because of easy access to digital music industry transformation.

Peer to peer networks have been the major sources of problems for the music business. Burley (2012) notes that the peer to peer networks have not only caused problems for the music industry but also film studios, book publishers as well as newspapers. Peer to peer networking is a way in which computers are networked over the Internet so they can exchange files directly. Peer to peer networks became popular because of the wide use of file sharing systems and applications such as Napster and Kazaa in the late 1990s and early 2000s (British Phonographic Industry 2010). They offer an anonymous, open kind of networks in a nearly ideal environment for the proliferation of self-replicating inauthentic files (Kamvar, Schlosser, Garcia-Molina 2003). Napster, which was an infamous site, and the first online site to be taken to court, was the site that innovated peer to peer networking in 1999 and it supported a centralized file search facility.

The Internet has also provided a public sphere for people to interact and it has been a platform for the artists to interact with the fans and promote their music. The Internet however, can be said to be a double edged sword, it can build or break the artists. Online music distribution lowers the cost of production and distribution, (Sparks 2002). He adds that "The expense of distributing hard copies of music to the artist is virtually abolished by online distribution and the cost of accessing the content is borne by the consumer." (Sparks 2002:32)

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Several scholars discuss the implications of new technologies and the widespread distribution of software, music and videos on the Internet (Warner 2002; Picard 2005; and Roth 2004). They address the BitTorrent and peer to peer technologies. BitTorrent is a communications protocol of peer to peer file sharing which is used to administer data over the Internet. BitTorrent and peer to peer technologies were of significant importance to the development of file sharing technology. BitTorrent and peer to peer technologies are discussed by Honigsberg (2002) in depth. He explains the significance that the technologies have had on the emergence of file sharing applications and the Internet. At this point in time, a few key actors within the Internet file sharing industry emerged: Rimmer (2005) for instance, discusses the implications that the Napster application had on the multimedia industry and the way these organizations handled Internet piracy. Honigsberg (2002) also discusses the law suits and implications set forth by the multimedia companies who sued and won legal battles against Napster, KaZaA and other file sharing agents.

Although Rimmer (2005) and Honigsberg (2002) discuss the implications of file sharing on the music industry, they do not discuss how the Internet affects legitimate distribution. The fact that Zimbabwean music is now available online may not necessarily mean that piracy has been eradicated. Internet piracy is still there and the existence of it might make it difficult for the online music store to prosper. This research will explore the options that the consumers have other than purchasing music online so as to establish the prospects of online music distribution. The research will also look at the advantages and disadvantages of Internet piracy so as to see the chances that online music distribution has over piracy to see whether overcoming piracy is possible.

INTERNET AS a PLATFORM FOR DISTRIBUTION

The traditional way of distributing music has been affected by the changes that the music industry has gone through. The changes have been caused by the new technologies and the use of the Internet for distributing music as a digital information good (Bockstedt, Kauffman, and Riggins 2006). The different platforms that have given consumers the chance to upload music have presented major challenges to both artists and music distributors as they have negatively impacted on music sales.

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The move from vinyl records and cassettes to compact discs has made it much easier for illegal reproduction of music due to technological advancements. Borghi (2012:38) notes that, "Digital technologies and the environment of networking have dramatically changed the way by which copyright works are reproduced, distributed and used." This is because digital information goods have become as easily reproducible and exchangeable as never before in the history of media. It is not surprising that online distribution of copyright content has attracted much litigation, legislative response and public attention as one of the major issue of the so called digital age.

Record labels and artists have over the years faced massive losses because of the file sharing platforms on the Internet. Goldschmied (2008:35) contends that, "The record labels' losses in revenue are correlated to the widespread dissemination of copyrighted sound recordings via peer to peer networks created for allowing people to unlimited access to music for free." The music industry commercial practice has been said to have been slow to catch up with technology. Freedman (2003) is of the view that the blame of the decline in global record sales should not be entirely on illegal downloads from the Internet. There are other factors that include the slowing global economy and the continuing corporate concentration of the music industry leading to the reliance on formulas and reluctance to invest in new artists. Instead of artists criminalizing Internet users, Freedman (2003) urges artists to compete with Internet piracy by looking at other options like legitimate online music distribution and making use of the marketing possibilities provided by the Internet.

The economic and financial perspectives of the music industry are analysed by Vogel and Hull(2004). They analyze three main revenue streams for the economic model: music publishing, live performances and the sale of recordings. The Internet however, has really changed the way music is produced, distributed and consumed. This research analyses the sale of recordings on the online music store, how it provides revenue to the artists at a time when piracy is at its peak. Shuker (2001) supports this point as he takes an early view onto the impact of technologies including online delivery and debates about MP3 and file sharing platforms.

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The Pfeiffer report (2007) notes that further market trends point to the problem of natural decline in sales linked to illegal downloading, as well as the results of substitution, through music available at popular sites such as MySpace and YouTube. This statement is supported by the fact that there are new licensing channels, music subscription services and social networking sites that are emerging. Although there still remains a number of unlicensed music that is distributed online, music companies are embracing new revenue models which give the consumers more choice.

In a bid to fight piracy, most artists have resorted to giving their music to consumers for free by uploading it on the Internet for them to download rather than buy from the pirates. Savitz (2011) argues that not all free music is illegal music. He states that there are a number of ways to benefit from free music especially at this point where artists give away their music for free to promote their shows and popularity.

There are a number of legitimate music services. Burley (2012:32), states that "The International Federation of the Phonographic Industry (IFPI) digital music report (2012) details the 'most comprehensive' and up to date directory of 500 legitimate music services in 78 countries, the most popular being iTunes." iTunes, which is the site dominates music sales, was introduced in 2003. Although iTunes came as a measure to curb illegal music distribution, its disadvantage was that consumers started buying singles instead of albums. More streaming service that offer more friendly services like Spotify have emerged. Spotify was launched in 2008 and offers low latency access to a library which has over 300 million music tracks and functions with a combination of client-server access and a peer to peer protocol (Kreitz, 2010).

The literature however does not look at the issue of pricing on the online music stores, which might be a reason why consumers opt for pirated copies which are sold at much cheaper prices. The album *Jerusarema*, on Jive Zimbabwe online music store is currently going for \$4.99 whereas the pirated copies are going for just a dollar. This might lead the consumers

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into purchasing counterfeits instead of legitimate copies. This research looked at how pricing has an effect on music sales.

2.1.3 LEGISLATION ON PIRACY

The phenomenon of online distribution is characterized by the adoption of 'all rights reserved' licences. (Guibault, Westkamp, Rieber-Mohn, Hugenholtz, 2007). These scholars acknowledge that there are different forces within the online distribution market which are capable of intensifying the inclusive capacity of copyright. Borghi, Maggiolino, Montagnani and Nuccio (2012) note that the reason for the different dynamics is that the open licensing schemes assist the dissemination of works and the creation of derivative works. This is because the open licensing schemes facilitate the dissemination of works and the creation of derivative works. The spread of open licences is the signal of the need to adopt rules tailored to the Internet, namely rules that can facilitate a wider dissemination of works without infringing copyright and without depriving right holders from control over all possible uses of their works.

Zimbabwe seems to be short of anti-piracy organisations. According to Mahanda (2016), following the closure of the Anti-Piracy Organisation of Zimbabwe, there has not been a dedicated anti-piracy organisation in the country. The organisation, which had been granted a license to operate as a copyright watchdog in 2008, was shutdown in 2012 for allegedly supporting the pirates. Zimbabwean copyright laws stipulate that all original music is protected by copyright from the time it is recorded or penned in some format. The copyright legislation in Zimbabwe mainly has two acts; the Copyright and Neighbouring Rights Regulations (2006) and the Copyright and Neighbouring Rights Act (2000). The Copyright and Neighbouring Rights Act stipulates that any person found guilty of infringing the provisions of the copyright law is punishable by imprisonment for a period of two years or a fine.

Copyright legislation deals with a lot of issues that have to do with art. According to Mhiripiri and Mhiripiri (2006:83), "Copyright legislation deals with many issues, including the moral rights of authors, protected works, economic rights of authors, limits to copyright protection, copyright ownership, transfer of copyright, copyright formalities, copyright

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infringement and remedies, duration of protection, and international copyright.” According to the United Nations Educational, Scientific and Cultural Organisation (UNESCO 1983), copyright is based on the belief that ‘no property is more extremely the individual’s than the product of his/her mind’. UNESCO stresses that artwork reflects the author’s personality and is also an economic asset. Zimbabwe is signatory to both the Berne Convention of the World Intellectual Property Organisation (WIPO) and the World Trade Organization (WTO) Treaty on Trade Related Aspects of Intellectual Property (TRIPs), both of which have ‘national treatment’ and ‘most favoured nation treatment’ as important principles in the application of intellectual property rights (IPRs) legislation among the signatories. Mhiripiri and Mhiripiri (2006) explain these principles as they note that the intellectual property rights of foreign nationals What these principles mean is that the IPRs of foreign nationals have the right to as much protection as is afforded the natives of a country and that the nationals of all signatory countries are also entitled to the same protection as those of the nation that was getting the best treatment.

The concept of originality is defined by Mhiripiri and Mhiripiri (2006:83) as “the product of a person’s independent thought and labour.” They note that originality is not dependent on novelty or the artistic merit of the work. The protected rights fall under two categories, reproduction and publishing, depending on how the art is used. The moral right of authors to leverage aspects of copyright, covering issues such as recognition of authorship, and considering the measures that should be opened in all privacy and safety. Economic rights enable an author to make a living from his or her work and they fall into two broad categories, the right to communicate the work to the public and the right to reproduce the work. Moral and economic rights can both be enforced. Copyright needs protection because the authors put in a lot of time, money and effort in the process of production.

According to Zimbabwe’s Copyright and Neighbouring Rights Act, “Copyright restricts the rights of others to make directly or indirectly, a record embodying the sound recording, directly or indirectly sell or let for hire by way of business a copy of the sound recording, import the sound recording, make the sound available on a computer network, cause the work to be transmitted to the subscribers of a diffusion service or make any adaptation of the sound

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recording without the authorisation of the copyright holder."Simply put, a musician should earn money whenever their work is reproduced in large quantities especially for commercial purposes. Pirates reduce artists' earnings as the consumers buy pirated copies instead of original copies hence artists are left with very little income.

Facing these problems, the Zimbabwean artists are trying to protect their intellectual property rights by involving legislators and law enforcers to make individuals liable for reproducing their work and distributing it without the authors' consent. Towse (2004), a key author in the field of economics and copyright looks at the current issues and perspectives on copyright law. Towse (2004) suggests that the music industry look to market-based incentives, rather than rely on the strength of copyright protection so as to survive the digital era. Despite the increasing strength of copyright protection, unauthorized use of music is growing.

There are a number of solutions available for breaking the law of copyright under Zimbabwean law. Where the infringement was done unknowingly, the copyright owner has a right to a share of the profits and not damages. Where the infringement was done knowingly, the copyright owner has a right to damages as determined by the court. The owner of the copyright also has a right to seize any counterfeits or master copies that are used for the reproduction of his or her works (Mhiripiri and Mhiripiri 2006).

As much as the law protects the artists from their work being reproduced, the law can be said to be anachronistic as it does not protect the artists from Internet piracy, which is the root of the problem of piracy. Anyone can download and freely share the music without fear of being persecuted because there's no law against it. The law mainly looks at the unauthorised distribution of hard copies and does not take into consideration the changes in this digital era.

This research explores how artists protect themselves from the pirates. With the law not protecting the music industry as much as it should, artists ought to find a way to survive and curb piracy on their own. Citizen arrests may not be as effective as the pirates who have been arrested before have been given sentences of up to six months or just community service which does not eradicate piracy.

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ONLINE MUSIC DISTRIBUTION AS A TECHNOLOGICAL INNOVATION

The business environment is rapidly changing and this has challenged the way in which companies do business and create new ideas. Johannessen and Olsen (2009) note that for businesses to succeed, market competition and innovation are key. Technology has become a tool that creates imitated and pirated products especially in the information technology market which has effects on the music industry. The new peer to peer network technology was suitable for file sharing (Picard 2005). Andersson, Eventorn and Nilsson (2012) note that one of the things that explains Napsters' (a peer to peer network site) success was that consumers did not grasp the negative aspects of Internet piracy and what they were doing. This might be true for consumers today, who may not know that buying pirated copies is illegal. Most people probably do not know that they are contributing to piracy by downloading and sharing music on the peer to peer networking sites. According to Chin, Khalifa and Limayem (2004), Internet piracy is a social issue, defined by human morale and the basic understanding of what right and wrong is.

The Internet provides numerous prospects for new businesses to provide music through various means, (Escher 2006). However, the use of online media also faces a number of challenges. The online services that benefit more from significant financial resources have emerged with new business models which condone the widespread distribution of unauthorised music which is free to the consumer and has no financial benefit to the artists or the recording labels. Opportunistic users have embraced the Internet so as to distribute counterfeit, physical copyrighted protection and unauthorised compilations. Zepeda (2002) notes that abundant downloads compromise legitimate music sales and the development of legitimate online music services.

When entrepreneurs want to start a new business venture, they have to scan the environment for new opportunities. Andersson et al (2012) states that when entrepreneurs scan the surrounding market in which they plan to work, it is important to see where and if there is a need for a new product of service. Internet piracy may be said to have benefited Jive Zimbabwe in creating a new venture that may have become successful. Getting involved in such a business is rather bold considering the fact that the artists have lost hope in distribution

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of albums but mainly depend on live shows. Most artists only have a few CDs to sell on their launch and after that, their music is quite scarce in the markets as they realise that the more copies they distribute, the greater the chances of incurring a loss hence the music is sold online.

As technology has improved and the Internet expanded, there has arisen a demand for the availability of music and files to be easily shared (Warner 2002; Honigsberg 2002). Consumers wanted music available anywhere at any time but according to Mitten (2002), searching music on the usual search engines at the time was very slow. Technological advancement has been moving at a very fast pace. Jive Zimbabwe has proved that technology used unlawfully can be improved and become legally used. Parker (2011), states that, "... even though the technology was used for piracy, it is today used as a legal tool for software that millions of people around the world use."

Peer to peer networks have sped up technological advancement which has created opportunities for new businesses. Andersson et al (2012) note that if these technologies had not been created, companies would not have realized that this is what consumers wanted. Jive Zimbabwe's foresight and protocol into what was lacking on a market can therefore be said to have supported the demand for accessibility and change from the major music companies.

Scholars like Burley (2012) and Picard (2005) demonise piracy but do not look at how Internet piracy can be taken as an innovating factor that produces new business opportunities for legitimate business. Chaudry and Zimmerman (2013) state that the reason why there's not much literature on Internet piracy as an innovating factor for new business opportunities may be due to a great deal of media, public relations and education being developed to reduce consumer complicity of Internet piracy in first world countries.

A positive output on Internet piracy as an innovating factor can be unproductive in the fight against piracy itself. Jurkauskas (2012) notes that when gathering relevant information on piracy, legitimate businesses rarely publicise the information they would have gathered. The main aspect that might separate Internet piracy from other innovation is digital piracy as an

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illegal activity. This therefore means that Internet piracy has unfair advantage over legitimate business and their proposed business models. Jurkauskas (2012) also notes that in most cases, Internet piracy is established by pirates who are not seeking profit but rather support the idea of free Internet and global sharing. This however does not agree with the understanding of commercial innovation where an invention or an idea is targeted towards market and aims to be profitable.

However, these aspects do not completely ignore the idea of analyzing Internet piracy as an innovation. Digital piracy emerged from new radical technologies and served the increased demand providing the enriched supply that the legitimate business could not at the time. Choi and Perez (2007) explore how digital piracy may have served as innovating factor. They state how online piracy has pioneered the use of new technologies, provided valuable market insight, creation of a new market and how online piracy has directly and indirectly spurred the creation of legitimate markets and even the creation of legitimate and innovative business modes.

Jerkaukas (2012) argues that it is important not to just take Internet piracy as a direct theft of intellectual property but also as new technology exploitation and markets' creation which can help firms develop new business models adapting and even exploiting it.

The literature however does not look at other factors of technological innovation from the consumers' side. Buying music online requires one to have internet access, mobile banking services or Master cards. This research therefore aims to fill this gap in the literature to find out if consumers would opt for going through the process of buying music online or they would rather use hard cash to get the music album of their choice.

THEORETICAL FRAMEWORK

Shadow Economy Theory

In the Internet age, distribution has taken on new meanings. Feige (2016) defines a shadow economy as a market characterized by some form of non-compliant behaviour with an institutional set of rules. If the rule specifies the amount of goods and services whose

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production and distribution is prohibited by law, non-compliance with this rule is a illegitimate trade, since the transaction itself is illegal. As formats are growing in number and converging, the distribution task is to exploit content in as many different platforms as possible. Lobato(2012) states that should not overlook the importance of pirates within the history of distribution, because piracy has been an essential driver of distribution since the early years of the twentieth century.

Distribution reflects the social, economic and cultural differences but also shows differences in new ways. According to Lobato (2012:16),“audiences are organised and separated by distribution networks on the basis of gender, age, sexual orientation, ethnicity, class and other vectors of identity and status.” Jive Zimbabwe's online music store might reflect socio-economic differences whereby those who have access to the Internet and can afford the prices on the online music store are the ones who buy the music online, whereas those who cannot afford or have limited access to the Internet buy pirated copies as they are much cheaper. This aspect of distribution has been explored by Himpele (2006) who argues that distribution is productive as it creates meaning and difference.

The way texts are distributed has an effect on the quality. There is a difference in the quality between pirated copies and music downloaded from the online music stores. Lobato (2012) notes that as the media texts move from the big cities to the low-value markets, they acquire scratches and marks which gives a low product value at the end as sometimes the sound is poorly synchronized. Low quality compact disc burning often results in freezing of the audio and at times the pirated copies do not have all the tracks that are found on the original copy. Since participating in black market activity is illegal, and to avoid paying taxes, participants try to hide their behaviour from the government or regulatory authorities. According to Feige (1990), in illegal transactions, cash usage is the most preferred as the medium of exchange since cash does not leave a paper trail. The main reasons for operating in illegal markets are to trade contrabands, evade taxes and regulations and avoid prices set by the government (Feige 2012).

The pirates have online counterparts that consist of 'dark net' market websites such as the Silk Road. Piracy specifically takes place on private or public Bit Torrent sites as well as

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various peer to peer file sharing networks. Music acquired illegally might be slightly above or slightly below the price of legal market transactions: They may be cheaper than legal market prices (Williamson 2005). The supplier only has to focus on distribution and does not incur the costs of production or tax. This is usually the case in the black market economy. Criminals steal goods and sell them below the legal market price, but there is no receipt or guarantee. When *Jerusarema* was released, the CD was going for \$10 which might have been a bit steep for some of the consumers hence the pirates took advantage of that and made their own copies which were going for a \$1. Although consumers would like to support the artist, the difference in pricing might make them resort to the pirated copies.

According to Moore (2003), holders of intellectual property rights, and other supporters of copyright laws found it difficult to stop this phenomenon through the courts, as the operations are distributed and widespread, surpassing national borders and thus legal systems. Since digital texts can be repeatedly duplicated with no loss of quality, and passed on electronically at a very minimal or no cost, the effective black market value of media is zero, differentiating it from nearly all other forms of underground economic activity. The issue is worsened by widespread indifference to enforcing copyright law, both with the states and the public at large. Stealing a car is seen as a crime in most people's eyes, but to obtain unauthorized copies of music is not much of a crime. Additionally, not all people agree with 'copyright laws', as it takes competition as illegal, allowing the copyright-holder to effectively monopolise related industries. It also legalizes holders of copyright to use region coding to discriminate against selected populations price-wise and availability-wise.

Music piracy is an illegal act of duplication, with no physical property being stolen. Verkaik (2009) states that copyright infringement law goes as far as to criminalize mix tapes and other such material copied to tape or disk. Copyright holders prove take theft to be in the profits forgone to the pirates. However, this makes the unsubstantiated assumption that the pirates would have purchased the copyrighted material had it not been available through file sharing or other means.

Most artists and film producers have accepted the role of piracy in media distribution. Doctorow (2009) states that the widespread of digital material through the file

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sharingplatforms is a major source of publicity for artists and this has been proved to build fan bases for artists. The consumers would be inclined to see the artist perform during live shows. Live performances make up the bulk of successful artists' revenues. Mhiripiri and Mhiripiri (2006:89) note: "Singers spend a great deal of time on the road, travelling from venue to venue, since the bulk of most singers' earnings come from gate-takings from live performances."

The shadow economy theory by Lobato (2012) looks at the distribution of films, how they are distributed from the producer to the consumers. He focuses on informal systems of film circulation including pirate networks as piracy exists all around the world where films are bought from roadside stalls, markets and grocery stores where they would have been illegally downloaded. This theory is employed in this study as the way in which films are distributed illegally applies to the way in which music is pirated in Zimbabwe. Music is sold in the streets by vendors who would have bought the compact discs from pirates whose role is to download and burn the discs.

The shadow economy has been described by Lobato (2012) as a space of unmeasured, untaxed and unregulated economic activity. This is true for the illegal market in Zimbabwe where there are no records of the music that would have been sold in a certain period of time. The distribution system is not clear as it is difficult to trace where the music is coming from to where the distribution chain ends. Also, on the issue of tax, the pirates are not registered with the revenue authorities hence they do not pay taxes which even leads to the loss of income from the music industry to the government. There are no regulations in the informal sphere hence the informality may be characterised by handshake deals, reciprocity, barter and other forms of exchange and redistribution which bypass institutions.

The economic theory of supply and demand is used to address how Internet piracy has created an arena where technological products are pirated and where there is both supply and demand for these products (Darity 2008, Krugman and Obstfeld 2007). Their books clearly explain supply and demand and how interest in a commodity can increase the demand for

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products. In this research, online music is the commodity but supply is only great and accessible within Internet pirate circles.

Demand and supply was and is still a great driving factor to how businesses operate and function. When piracy strikes and affects one's business, the artists and managers need to understand why this is happening. It might be due to the fact that there is a demand and a supply but still no sales. The reason for not selling may be that it is difficult to compete with something that is free such as file-sharing. Therefore, one has to understand that if they have the supply and want to make a profit they might need to shift their models so as to provide some sales of the stock they have. According to Andersson (2012), if artists decrease the prices and have a readily available quantity of goods, they may be able to compete with pirates.

By providing legal and easily accessible services, Jive Zimbabwe can compete with the pirates on behalf of the artists and in turn gain benefits of the market shares that were lost to piracy in the past. Consumers will be willing to pay for the music if the price is right. Andersson (2012) notes that it is easily seen by following the supply and demand models that if an organization ranges around the available market and understands the effects of piracy and the behaviour of pirates, one can actually benefit from file sharing.

Entrepreneurs in the online music distribution business have to look at why when piracy strikes there's an effect on their business even when there's a demand and supply but still no sales. Andersson et al (2012) note that the reason for not selling might be that it is difficult to compete with something that is free such as file-sharing. The online distributors would have to change their models so as to sell the available music. Therefore, for Jive Zimbabwe to achieve maximum profits, they would have to decrease the price and have readily available music so as to compete with file-sharing. By providing the consumers' needs and providing legal and easily accessible services, Jive Zimbabwe can compete with the file sharing networks and will in turn gain benefits of the market shares that were lost to piracy in the past. Customers would be glad to pay for the music at a price they can afford.

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Theory of Competitive Advantage

The theory of competitive advantage which was propounded by Michael Porter looks at understanding whether companies profit from value creation for customers, or whether that value is competed away. Even the companies that do not gain much profit ensure that they create value for consumers else the consumers would not buy from them. Competitive advantage therefore is when a company is able to do something that cannot be done by its competitors so as to get more than its fair share of profits.

The competitive advantage model explains that competitive strategy is a superior return on investment concerning the inclusion of the offensive or defensive actions to create a defensible position in an industry that competition forces succeed and generate. According to Porter (1980), the basis of above average yields in an industry is sustainable competitive advantage. This is applicable to Jive Zimbabwe which is a formal enterprise that has employed ways in which the organization thinks they might be able to beat piracy. The research looks at how competitive advantage works for both Jive Zimbabwe and pirates.

A firm gains competitive advantage by using operation strategies that can result in the chosen business strategy. Today's prevailing view of business strategy is the resource-based theory or the resource-based view of firms. This is based on the concept of economic rent and sees the company as a collection of unique skills and resources, which is the basis for the company's strategy and is the main source of their income (Barney, 1991; Oliver, 1997).

There are four interrelated factors and activities in between companies in Porter's (1990) framework. These include firm strategy, demand conditions, related supporting industries and key factors of production (Tomaselli 2013). Firm strategy includes direct competition that drives companies to work to achieve increases in productivity and innovation. Jive Zimbabwe's competition therefore is the pirates, who distribute music at cheaper rates. Jive Zimbabwe's strategy is then to make available music for the consumers before there are counterfeits and to make the artists benefit from the album sales.

The more demanding the consumers are in an economy, the greater the pressure of firms to continuously improve their competitiveness (Tomaselli 2013). For Jive Zimbabwe to be able

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to get maximum profits and for them to compete against the pirates, they provide better quality and they have to be more innovative. The online music store should not just be limited to the latest albums but to yesteryear albums which might not be available in the informal sector. The third factor concerns related supporting industries where there is the exchange of information and of ideas and innovations. Jive Zimbabwe associates itself with the artists and the media so as to continuously find ways to disadvantage the pirates.

The fourth factor has to do with key factors of production. Porter (1990) notes that the factors of production are not inherited. The factors of production include skilled labour, capital and infrastructure. According to Tomaselli (2013), the key factors involve heavy, continuous investment which are more difficult to replicate hence it leads to competitive advantage because if the other companies cannot reproduce these factors easily. They will become easily valuable. Jive Zimbabwe has created competitive advantage as their services are unique and they have an upper hand as compared to the pirates. The music on the pirated discs at times is not certain as there might not be all the music as indicated and it is difficult to trace back as compared to Jive Zimbabwe's online music store where if the consumer is not satisfied, they can always raise their concerns.

Economic rent or economic value added is created through special capabilities, which is what companies reap in addition to the cost of the capital employed in their business and is the measure of competitive advantage. The main objective for businesses is to grow economic value added despite their profits as such. Resources are inputs into the production process of the company and include people and their skills, knowledge and organizational processes, assets and patents. Competitive advantage does not come from any individual resource but through the combination and integration of resources. Capability is the ability of the combination of resources to perform an activity. Through continued use, skills become better and better and become more difficult for competitors to understand and emulate. It is this uniqueness that permits organizations to gain competitive advantage (Barney, 1991).

Porter's (1980, 1985) approach to competitive strategy and competitive advantage included the advancement of three general strategies that can be used individually or combined to surpass competitors. These strategies are overall cost leadership, differentiation and focus on

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a particular market niche. The first strategy is cost leadership. It includes being the lowest cost producer or provider of services for a particular level of quality. This strategy is characterized by tight control of costs and overheads, and reduction of operational costs, reduction of operational costs, reduced labour costs and reduced input costs. Competitive advantage for an organization comes from offering the cheapest service.

Differentiation includes introducing a good or service that is seen as unique in the industry and as such offers unique characteristics that are valued by consumers. This uniqueness may allow the organization to charge higher prices for its products and services. For the organization to succeed, the increased income earned from the premium prices must cover the cost of offering the unique product or service. Ways in which differentiation can be achieved include service and quality, value, brand image and warranties. Just like other services, unique characteristics cannot be patented and a differentiation strategy can always be imitated by the competitors. Other dangers include the change in consumers' tastes and the continuous change in legislation.

The third strategy is focusing on a particular business which involves concentrating on a narrow customer or product segment. The basic idea is that by focusing on a particular segment, an organization either can achieve cost savings within a limited market or differentiation based on requests from customers. This strategy is suitable for situations where clients have distinctive preferences or special needs. The key to survival in a dynamic market environment is by establishing effective strategies. Competitive advantage is connected to customer satisfaction because keeping customers satisfied is what leads to customer loyalty.

Customer satisfaction is determined by a number of factors including situational factors, price, product quality, personal factors and service quality. It is these factors that can allow a firm to gain a competitive advantage. The main aim is not just to acquire a customer but to acquire a loyal customer. The most important contributor to the profitability of a business is repeat business. High customer satisfaction companies generate more wealth.

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Differentiation means meeting the customer's needs better than any competitor and getting a higher price in return. A firm seems to be unique in its industry along some dimensions that are widely valued by buyers. A differentiator cannot ignore the position of the cost. In all areas that do not affect its differentiation it should try to decrease cost; in the differentiation area the costs should at least be lower than the price premium it receives from the buyers.

Jive Zimbabwe may be said to be using the differentiation strategy. This is so because the online music store makes available music not only to the consumers in Zimbabwe but also to the consumers all over the world. Although the prices on the online music store are slightly higher than the pirate copies, the prices are affordable and lower than the hard copies.

CONCLUSION

This chapter reviewed literature by other scholars on issues to do with piracy and online music distribution. The researcher highlighted the knowledge gaps that are to be filled by this research. The shadow economy theory and the theory of competitive advantage are the theories that were used to inform this study. The next chapter looks at the research methods and methodology employed in this study.

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CHAPTER 3

RESEARCH METHODS AND METHODOLOGY

INTRODUCTION

This chapter discusses the research approach, unit of analysis, sampling method and methods of data gathering and analysis. The study is descriptive and qualitative and uses the case study design. In this chapter, the researcher outlines and justifies the research methods. The population of the study and the sampling methods and the procedures are discussed. The chapter concludes by looking at the ethical principles informing the study.

RESEARCH APPROACH

Methodology should be chosen based on its suitability to answer the research questions (Bryman 2004). Hussey and Hussey (1997) state that a research approach helps in finding answers to the research questions as it provides a guideline and certain tools to be used in the research process. In this study, the researcher uses qualitative research methods. In this case, the researcher focused on exploring the prospects of online music distribution in the age of piracy by using interviews and analyzing the sales of *Jerusarema*.

Qualitative research is the approach commonly related with the social constructivist paradigm which emphasises the socially constructed nature of reality (Alzheimer 2009). It is about recording, analysing and attempting to uncover the deeper meaning and significance of the behaviour of humans and their experience, including contradicting beliefs, behaviours and emotions. According to Neville (2007), qualitative research is more subjective in nature than quantitative research and involves examining and reflecting on the less tangible aspects of a research which include values, attitudes and perceptions. The researcher used qualitative research methods as the study was focused on the views of the artist and the proprietors on the online music store and how they have responded to it. Qualitative research, according to Gunter (2000), embraces methodologies that are theoretically framed by critical or interpretive social sciences that emphasize interpretation over measurement. Qualitative research can use observations with no numbers included in its presentation of findings as well as getting information. Qualitative research is research that uses descriptions to investigate aspects of society (Kagee 2009).

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RESEARCH DESIGN

A research design is the plan and structure of investigation so conceived to obtain answers to the research question (Cooper and Schindler 1998). Guy (1997) is of the view that a research design is a plan for data, collection and analysis that is taken to evaluate a particular theoretical perspective. A research design deals with a logical problem not a logistical problem (Yin 1989).

De Vaus (2001) states that the function of a research design is to ensure that the evidence obtained enables you to address the research problem effectively, logically and as unambiguously as possible. This study employs the case study design as discussed below.

CASE STUDY

Anastas (1999) defines a case study as an in-depth analysis of a problem with specific research rather than a comprehensive statistical survey or comprehensive comparative study. It is often used to narrow down a very broad field of research into one or a few easily researchable examples. Vanderstoop and Johnston (2009) note that a case study has characteristics of a bounded system which are interpreted by the researcher whose unit of analysis may be an organization, group, individual or critical incident.

In case study designs, it is the unit of analysis that we seek to understand as a whole (De Vaus 2001). In this case, the unit of analysis is the album *Jerusarema* on the Jive Zimbabwe online music store. Qualitative case study methodology equips researchers with tools for them to study complex phenomena within their contexts (Baxter and Jack 2008). A case study allows the researcher to explore an individual or organization, simply through complex interventions, relationships, communities, or programs and supports the deconstruction and the subsequent reconstruction of various phenomena (Yin, 2003).

Neville (2007) notes that a case study offers an opportunity to study a particular subject which in this case is looking at the nexus between online music distribution and piracy.

The case study design will ensure that the issue of online music distribution and piracy is explored fully as the researcher will take the case of Jah Prayzah's album *Jerusarema* on Jive Zimbabwe's online music store in comparison with *Jerusarema* as a pirated album.

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The main characteristic of case study research is the use of multiple information sources, a strategy which also improves information credibility (Patton, 1990; Yin, 2003). The potential data sources in this research will include sales reports and interviews. The researcher will gather information from the sales reports and from interviewing the proprietors of the online music store, the artist, Jah Prayzah and a few of the 'pirates'.

Miles & Huberman (1994:34) and others note that there are three categories of cases have the greatest result in purposive samples: · typical cases, deviant or extreme cases and ·negative or disconfirming cases. The typical case is when one samples the most frequent case. The negative or disconfirming instance gives the researcher the limits of their conclusions and the point of greatest variation. The extreme cases allow one to qualify their findings and to specify the variations or contingencies in the main patterns observed.

Baxter (2008) states that the case study approach is unique in comparison to other qualitative approaches as investigators can collect and combine quantitative survey data which facilitates reaching a complete understanding of the phenomenon being studied.

The researcher preferred the case study method so as to provide comprehensive information on how Internet piracy has created a business opportunity for Jive Zimbabwe and so as to answer the research question: "What are the prospects of online music distribution in the age of piracy?"

RESEARCH POPULATION

The research population included the proprietor of the online music store, Benjamin Nyandoro as the researcher conducted an interview with him to get an understanding of the success and failures of the online music store to date. Jah Prayzah, as the artist was interviewed on his views of the online music store as an artist and on how the album *Jerusarema* has been received by online consumers considering the competition with peer to peer networks.

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SAMPLING PROCEDURES

PURPOSIVE SAMPLING

Given the qualitative nature of the research, the researcher used the purposive non-probability sampling procedure to select research participants. Non-probability samples are inclined to be less complicated and less time consuming than probability samples. It is impossible to study every element when carrying out a research, hence sampling gives a reasonable number that will give a possible answer to the research.

Purposive sampling is when the researcher tries to make the sample representative depending on his opinion or purpose (Barreiro and Albandoz 2001). The main aim of purposive sampling is to focus on a particular population that will provide the means for the researcher to answer the research questions.

Given the goals and purpose of qualitative research, purposive sampling was employed for the study. Purposive sampling strategies are designed to improve knowledge on selected individuals or groups' experiences or for developing theories and concepts. This research sought to accomplish this goal by selecting *Jerusarema* as the case study on Jive Zimbabwe online music store. According to William (2006), in purposive sampling, a researcher samples with a purpose in mind. The researcher would have one or more specific predefined groups that they are seeking. The researcher used the proprietors of the online music store and the artist to be able to analyse how online music distribution has assisted Jah Prayzah in distributing *Jerusarema* and how he has benefited from it. The technique helped the researcher in obtaining the information needed for the research and it was time saving since the researcher only focused on a certain population.

METHODS OF DATA COLLECTION

INTERVIEWS

Interviews are a prime data collection method. "The interview is a conversation that has a structure and a purpose determined by the one party – the interviewer. It is a professional interaction, which goes beyond the spontaneous exchange of views as in everyday conversation" (Kvale, 2007: 7).

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A qualitative research interview aims to describe the meanings of central themes within the life world of the area of interest. (Kvale 1996). The main task in interviewing is to understand the meaning of what the interviewees say. The researcher's aim was to get the artists' view of the online music store as to how it is assisting in the distribution and the extent it has helped them to benefit from their album sales. The researcher also sought to understand the challenges the proprietors have been facing since the launch of the online music store and how they have managed to continue with business considering the fact that piracy is not ending. This supports McNamara's (1999) view on interviews as he notes that interviews are particularly useful for getting the story behind a participant's experiences. The interviewer can try to get detailed information around the topic.

Interviews are a far more personal formal form of research than questionnaires (Valenzuela and Shrivastava 2008). In the personal interview, the interviewer worked directly with the respondents and had the opportunity to probe and ask follow up questions. The researcher used the general interview guide approach which was intended to ensure that the same general areas of information are collected from both interviews, which provided more focus than the conversational approach but still allowed a degree of freedom and flexibility in getting the information from the interviewee.

The researcher used the semi-structured interview. The researcher crafted the interview guide before interviewing the artist, Jah Prayzah and Jive Zimbabwe's Director, Benjamin Nyandoro. The questions were open ended which allowed the interviewees to explain more on the questions they would have been asked. The interviews were face to face interviews and this allowed the interviewer to get the interviewees to clarify their answers.

METHODS OF DATA ANALYSIS

QUALITATIVE DATA ANALYSIS

Qualitative data analysis is a formal and conditioned process that begins as data are being collected rather than after data collection has ceased (Stake 1995). Data interpretation in qualitative research seeks to avoid linear interpretations in which certain variables are mechanically related to each other. Data interpretation focuses on integrating the data to

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provide a coherent and meaningful understanding of the themes and categories developed. There are a number of ways to analyze textual data. Patton (2002:432) notes that, "Qualitative analysis transforms data into findings. No formula exists for that transformation. Guidance, yes. But no recipe. Direction can and will be offered, but the final destination remains unique for each inquirer, known only when—and if—arrived at."

THEMATIC ANALYSIS

Thematic analysis is a strategy for categorizing qualitative data. Thematic analysis is a method for identifying, analysing, and reporting of patterns in the information. It organises and describes your data set in detail minimally. However, it also often goes further than this, and interprets various aspects of the research topic (Boyatzis, 1998). The researcher reviewed the data collected from the interviews and presented it in different themes. Boyatzis (1998) notes that thematic analysis is a process of interpreting qualitative information. Thematic analysis is flexible and what researchers do with the themes once they uncover them differs based on the intentions of the research and the process of analysis. The researcher used thematic analysis as a way of getting closer to the data and developing meaning from the responses in the interviews.

METHODS OF DATA PRESENTATION

The information collected by the researcher in qualitative forms was to analyze information and clarify findings that had been gathered. The researcher used thematic approach to present the findings as well as the analysis of the results. A theme is a key meaning brought up from the research through analysis (Taylor 1984). The researcher's results came into being through extracting the themes that have to do with online music distribution and piracy. The themes were drawn from the findings.

ETHICAL CONSIDERATIONS

Conducting research and interviews usually means that the researcher is treading into someone's privacy. It is important to follow certain guidelines which regard three major points (Jacobsen 2002). The interview guide stated that the interviewee had the right to be informed of and fully understands what the research is about, the aims and the importance of the participant in the interview and what the risks are. The second paragraph highlighted how certain aspects of the participants' privacy were to be excluded and the researcher

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considered if the questions were too sensitive. The third paragraph concerned the participants' answers, that the data was correctly reproduced (Jacobsen 2002). The researcher implemented these ethical guidelines when the interviews were conducted.

The researcher also had to ask for permission from the owners of the online music store to have access to the sales report of the online music store so as to establish the sales of *Jerusarema*.

CONCLUSION

This chapter mainly focused on how the researcher obtained data in order to get results for this research as well as methods of data analysis and how the research was conducted. It shows how the researcher got the relevant information for the study.

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CHAPTER FOUR

THE POLITICAL ECONOMY OF MUSIC DISTRIBUTION

INTRODUCTION

This chapter is an organisational analysis and political economy of Jive Zimbabwe, the company responsible for the distribution of Jah Prayzah's album, *Jerusarema*. It discusses the history, vision as well as the mission statement of the organisation. The funding mechanism of the organisation is also discussed. This chapter also includes the company's organogram as well as the roles and responsibilities of the executive.

POLITICAL ECONOMY OF JIVE ZIMBABWE

Political economy is defined as "the study of political relations, particularly power relations that mutually constitute production, distribution and consumption" (Mosco, 1996: 25). Political economy of Jive Zimbabwe looks at how the power relations have an effect on how *Jerusarema* is produced, distributed and consumed. Political economy of recorded music focuses on how the various forms of recorded music are produced, distributed, consumed and reproduced (Sirois and Wasko 2011).

Historically, music was not a commodity, before musical labour was made into a tangible thing; it was consumed as representation without a distinct form (Sirois and Wasko 2011). Music was commodified with the emergence of recording technologies and the industry grew into a formidable component of the cultural industry. Companies like Jive Zimbabwe have taken advantage of music as a commodity. Wasko (2005) notes that the media products that are sold by profit seeking companies to buyers or consumers. With the realisation that artists may not be in a position to market, promote and distribute their music, Jive Zimbabwe does this for the artist so as for the artist to benefit from the album sales. Not only does the artist benefit but Jive Zimbabwe benefits as well.

The Internet initially was for public access and control, but the Internet has developed as commercialized space where it has been used as a market place. Wasko (2005) notes that the commercialization process of the Internet has been accompanied by an ever expanding consumer culture hence the term 'cultural capitalism' as a description of the current

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period. Jive Zimbabwe has taken advantage of the Internet space and commercialized it by introducing the concept of online music distribution in Zimbabwe. Being the only online distributor and with no competition, Jive Zimbabwe dictates the minimum and maximum prices of the music to be sold online and the artist has to sell within that range.

Historical Background of Jive Zimbabwe

Jive Zimbabwe is a wholly local initiative that thrives to enhance local music consumption in Zimbabwe and beyond. Jive Zimbabwe Private Limited is legally registered under Zimbabwe Companies Act [Chapter 24:03] with its core business being to promote and distribute local art products and services. Jive Zimbabwe is also registered with the National Arts Council of Zimbabwe as a promoter of arts and culture (Jive Zimbabwe 2012).

The idea of Jive Zimbabwe was initially propounded by Benjamin Nyandoro, who is the Chief Executive Officer and director; because of his passion for local music hence he felt the need for assisting them to get maximum returns from their work. Jive Zimbabwe was officially launched on October 25, 2012 which coincides with the International Artist Day. Since then, Jive Zimbabwe has signed up a number of artists which the company promotes. Every year, the company has managed to celebrate the IAD which coincides with the anniversary of the company. This way, this day has been spared for celebrating the artists' contribution to the society.

Jive Zimbabwe also has a number of artists that they promote. These artists include Gary Tight, Jah Prayzah, Victor Kunonga, Tariro neGitare among many others. Jive Zimbabwe is responsible for organizing these artists' shows and album launches and they are responsible for the marketing and distribution of the albums. For the music store, Jive Zimbabwe has also signed up a number of artists from different genres.

The online music store was launched on the 28th of August 2014 in a bid to eradicate piracy, make music available for the consumers as well as make artists benefit from their music sales as it had been seen that most artists did not depend on their album sales anymore; they depended on live shows for their income. Jive Zimbabwe has also signed up record companies including Diamond Studios and Gramma Records to distribute their music online.

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Currently, Jive Zimbabwe hosts monthly shows at the Book Café for different artists every last Friday of the month in a bid to promote artists and to market the company's services (Jive Zimbabwe 2012).

JIVE ZIMBABWE'S MISSION, VISION AND OBJECTIVES

Jive Zimbabwe's mission is to provide local art development, public relations, and event management services, through innovation based on individual tastes and preferences to achieve clients' strategic objectives and deliver services that make lasting impressions. Jive Zimbabwe's vision is to be the leading one stop shop for Local Art Development, Public Relations and Event Management (Jive Zimbabwe 2012).

Jive Zimbabwe's main objective is to ensure that local music is available to audiences' world over, through their pervasive distribution network. This has been achieved by distributing artists' music, both hard copies and through online music store. The Internet creates a global village hence when music is put on the online music store, it's not only for the consumers in Zimbabwe but for the consumers worldwide.

The other objective is making local music affordable to all and sundry by introducing low cost high quality production and distribution mechanisms. The notion of affordability can be questioned when it comes to the online music store. The *Jerusarema* CDs are sold for a dollar but on the online music store, the album is going for \$4.99. This might mean that if a consumer cannot afford the \$4.99, and does not get an original CD, they might opt for a counterfeit which might just be a dollar. Hence the affordability aspect is contested.

Developing, promoting and marketing local arts to international standards through inculcating a culture of professionalism is one of the objectives of Jive Zimbabwe. Jive Zimbabwe has managed to present Jah Prayzah to the world not only as an artist but as a brand. According to Cezar (2015), professionalism is very important for artists, being professional entails being presentable, treating the musical project as a business and always making memorable performances on stage.

Jive Zimbabwe has managed to help Jah Prayzah maintain his image as a professional artist. The company is responsible for maintaining his image as a 'soldier' as he is the brand ambassador for the Defence Forces, as well as developing the name Jah Prayzah into a brand

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which has become a business on its own with studios and musical equipment for hire. To a greater extent, one can say that Jive Zimbabwe has managed to uphold their objective of developing and promoting local arts to international standards.

The other objective is to create confidence and trust between Jive Zimbabwe and local artists so as to establish cordial collaboration toward mutual benefit. This objective can be said to have been achieved considering the issue of trust between the organization and Jive Zimbabwe. There is transparency when it comes to the distribution of music. When an album is sold, this does not only reflect to Jive Zimbabwe that an album has been bought but to the artist as well. This is transparent and the artist is well aware of what is transpiring at the music store hence he does not have to worry about being cheated on.

FUNDING MECHANISM

Music Distribution

Jive Zimbabwe being a music distributor gets its income mostly from the distribution of audio CDs, DVDs, cassettes and online music distribution. As soon as an album, single or DVD is released, the hard copies are distributed to a number of agents who then help in selling the hard copies on a commission. The money is collected on a weekly interval depending on the demand of the copy.

The artists receive 60% of the total sales, 25% goes to Jive Zimbabwe and 15% goes to tax. This means that for a copy of *Jerusarema*, Jive Zimbabwe gets \$1.25. This applies to both online music distribution and to the distribution of hard copies.

Live Shows

Jive Zimbabwe also get their income from hosting live shows. Live shows are done in accordance to the latest album and as a marketing strategy for the album that is being sold online.

When an album is released, in order to market it, there is a live show where the songs are played for the very first time. *Jerusarema* was launched at the HICC in May 2015. At the launch, the album is sold and consumers are allowed to bid for the album. The moment the

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songs are played on stage, the album is uploaded on the online music store where other consumers who are not at the launch can purchase the music as soon as it is released.

Distribution of Customized Apparel

Jive Zimbabwe distributes customized t-shirts which are sold at the company's office and during live shows. These t-shirts are branded with artists' pictures and autographs and this attracts a number of fans who will be willing to buy even at a price of as much as \$20. This is done with the consent of the artists' and they also get a percentage of the income from the sale of apparel.

For example, Jah Prayzah's latest album is *Jerusarema* and at the live shows, the fans want to be wearing something that has to do with the latest album. Hence they will buy t-shirts, berets, scarfs and hats that have anything to do with the album *Jerusarema*.

Jive Zimbabwe also brands a number of apparel from wrist bands, caps, hats and bags. This maintains income generation as the branding will be in accordance to the current albums and songs. Most fans are interested in wearing apparel that has to do with the current hit albums which they usually wear at live shows.

LINKS WITH JAH PRAYZAH AND THE THIRD GENERATION BAND

Jive Zimbabwe works with Jah Prayzah in a number of ways. Jive Zimbabwe is the company that is responsible for the distribution of Jah Prayzah's music, both online and hard copies. As soon as an album is released, Jive Zimbabwe ensures that the released album is available in all corners of Zimbabwe so as to disadvantage the pirates,

Jive Zimbabwe is also responsible for Jah Prayzah's album launches. Before the launch of the album, Jive Zimbabwe uses a number of marketing strategies so as to attract a number of consumers to the album launch. The company advertises the launch through broadcast interviews, billboards and using social media. They advertise the launch in a way that everyone is keen to come to the launch using venues as big as the Harare International Conference Centre which has a capacity of

Jive Zimbabwe also does public relations for Jah Prayzah and the Third Generation Band. Jive Zimbabwe helps maintain Jah Prayzah's image to the media and to the public. Jive

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Zimbabwe has managed to help Jah Prayzah's image as a 'soldier' thus becoming the brand ambassador for the Defence Forces of Zimbabwe.

ROLES AND RESPONSIBILITIES OF JIVE ZIMBABWE'S EXECUTIVE

Organogram in Appendix 2

CHIEF EXECUTIVE OFFICER

The Chief Executive Officer (CEO) is responsible for leading the development and execution of the Company's long term strategy which is to be the leading one stop shop for Local Art Development, Public Relations and Event Management. The CEO acts as a direct liaison between the Board and management of the Company and communicates to the Board on behalf of management.

CHIEF OPERATING OFFICER

Directs, administers, and coordinates the internal operational activities of the organization in accordance with policies, goals, and objectives established by the Chief Executive Officer and the Board of Directors. The COO is in charge of the marketing team as well as the technical team. She makes sure that marketing is not lacking in terms of selling the album to the consumers. She is responsible for meeting up with artists and signing up clients.

CHIEF FINANCE OFFICER

The Chief Financial Officer provides both operational and programmatic support to the organization. He supervises the finance unit and is the chief financial spokesperson for the organization. When music is bought on the online music store, the money goes straight to the company's CBZ account. Jah Prayzah can at any time claim the money from the company of the albums that would have been sold at any time. He comes through the head of finance who gets authorisation from the chief finance officer. The chief financial officer reports directly to the chief executive officer on all issues that relate to budget management and securing of new funding.

HEAD OF CORPORATE SERVICES

The Human resources officer develops, advises on and implements policies relating to the effective use of personnel within an organisation. Her aim is to ensure that the organisation

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employs the right balance of staff in terms of skills and experience, and that training and development opportunities are available to employees to enhance their performance and achieve the employer's business aims.

HEAD OF COMMUNICATIONS AND MARKETING

The head of communications is responsible for managing and directing Jive Zimbabwe's internal and external communications. The head of communications supervises the public relations staff, creates the communication strategies and serves as the key spokesman and media contact for Jive Zimbabwe. The department is responsible for maintaining Jah Prayzah and the Third Generations' image to the public and the media. They are responsible for press releases and marketing campaigns for the band.

HEAD BRAND DESIGN AND PRINT SERVICES

The head of brand design and print services manages the creation of the advertisements, flyers and posters. Manages the creation of adverts, flyers and posters and gives the general go ahead in creating posters, tickets and even the website design. He makes sure the design is maintained and if there be need for changes, he has the final say.

HEAD FINANCE

The financial manager is responsible for providing financial advice and support to clients and colleagues to enable them to make sound business decisions. He helps artists in the pricing of their albums on the online music store. Jah Prayzah's albums before *Jerusarema* are not priced the same with *Jerusarema* as most consumers are assumed to have the albums hence charging the yesteryear albums at the same price with the latest would risk losing buyers as the price might be regarded as too high.

CONCLUSION

This chapter highlighted issues to do with historical background, links with other organizations, funding mechanism and political economy of Jive Zimbabwe with the aim of

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providing an understanding of how control and ownership influences online music distribution. The next chapter presents and analyses data collected in the study.

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CHAPTER 5

DATA PRESENTATION AND ANALYSIS

INTRODUCTION

This chapter presents and analyses data gathered for this study thematically. The main aim is to present the patterns of distribution and sales for Jah Prayzah's album *Jerusarema* on Jive Zimbabwe's online music store as well as look at how piracy has an effect on the distribution of music and if what the law has done to protect the artists from piracy. Findings are discussed thematically in an attempt to answer the research questions in chapter one.

TRADITIONAL DISTRIBUTION vs. ONLINE DISTRIBUTION CHANNELS

The music industry is now restructuring itself to meet the consumers' demand for cheap, free, instant and intangible recorded music and has started to monetize legal digital distribution (Sirois and Wasko 2011). This study found out that the advantage of online distribution from a business viewpoint is that there is a greater chance for a song or album to become a hit when distributing online as the music is readily available and consumers are able to buy the music in the comfort of their homes or offices rather than going to look for the CD in which most of the times, there is a great chance of getting pirated copies.

"When you upload your music online, there is a greater possibility that the song uploaded becomes a hit and everyone eventually wants to listen to it." (Nyandoro 2016)

This study also found out that, in terms of accessibility online distribution has a greater advantage over traditional distribution. When distributing music the traditional way, it takes time for the hard copies to reach different markets and it is quite expensive for the artists to distribute the music to foreign countries considering packaging and shipping costs hence the exorbitant prices of the CDs in foreign markets. With online music distribution, the music can reach consumers across the world at the same price. Benjamin Nyandoro states that:

"The issue of reach is the main benefit of online music distribution. Everyone across the world gets the music. Also, there are no packaging costs so it is an advantage for both the artists and the consumers, in terms of costs. Our role at Jive Zimbabwe is not to just put physical discs on the shelf but to reach consumers wherever they are." (Nyandoro 2016)

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There are also major opportunities for artists who distribute their music online. The online music store creates a new market share. There is a greater potential of audience beyond those you physically meet as an artist. Music can now reach any country and is not only limited to Zimbabweans. Jah Prayzah (2016) notes that online music distribution has assisted in his music going global.

"Online music distribution has assisted in making my music go global. You find that in the different countries that I go to for live shows, they all sing along to my music because of buying my music online. As soon as my albums are released, everyone has access to them because of the music store." (Jah Prayzah 2016)

This tallies with Sparks (2002) who is of the view that the Internet has provided a public sphere for artists to interact with the wider world beyond their physical reach. This becomes an advantage of online music distribution as opposed to traditional distribution where there is no form of interaction for the artist and consumer except through his music. It was also noted that the sales of the album on the online music store are not as good as they are with the traditional way of distributing music. This finding answers the main research question which was to map sales and distribution patterns of JahPrayzah's album *Jerusarema* on Jive Zimbabwe's online music store.

Online music sales are not as good as they are with traditional sales because consumers have an option of buying counterfeits at a cheaper price hence the moment the online music costs more than what is offered by the pirates, the consumers opt for the counterfeits. Sirois and Wasko (2011) note that in the digital age, music is recorded produced and distributed much easily. This might be good for the art of music but not as beneficial to the business of music. Nyandoro (2016) states that:

*"I cannot reveal the statistics of the album *Jerusarema* to date but all I can tell you is that the sales of online distribution are much lower than the sales of the CDs. This may be because of the difference in pricing as the album on the online store is \$4.99 and the CD is going for \$1 hence this pushes people to opt for the CDs rather than buying music online."* (Nyandoro 2016)

This research found that the issue of pricing may be one of the reasons why consumers do not buy music online. With the current state of the Zimbabwean economy, buying a music CD for about \$5 is considered a luxury when one can get the same at the price of a dollar. Hence the issue of pricing has the most effect on the consumption of music online.

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The assumption of the shadow economy theory by Lobato (2012) that distribution reflects social, economic and cultural differences is confirmed in the findings of this research. Those with higher income do not have a problem with buying a music album at a price of \$4.99 but those with lower incomes or no source of income would prefer the CD. Nyandoro (2016) is also of the view that the issue of consumers not buying music online is not just about pricing but the culture of buying music online has not been adopted by many in Zimbabwe. For most people, buying music online is quite a process, they prefer just handing out money and getting the CD there and then. It will take time for consumers to adopt the culture of buying music online hence they will continue buying the original CDs or pirated copies. Nyandoro says that

"The sales of music online are still low. People do not have a culture of buying music online as yet, it is inevitable though." (Nyandoro 2016)

Therefore, consumers need time to gradually accept and adopt the culture of buying music online.

This research explored how technological innovation has come as an advantage to artists in Zimbabwe. The launch of the online music store gave renewed hope to the artists as the move of the online music store came as a way of countering piracy and making the artists benefit from their album sales. Facing the closure of the record companies like Gramma Records, there are a few distribution companies left where the artists can account for their sales. With the online music store, artists are able to look at how the album is selling on the online store, there is transparency.

"The advantage of using the online music store in terms of piracy is that I have access to my account from the back end, I can easily view my sales and I get what I am duly owed." (Jah Prayzah 2016)

This finding tallies with the view of other scholars who consider online music distribution as a technological innovation. This research found that online music distribution has much of an advantage when it comes to transparency compared to traditional distribution channels.

Online music distribution gives more revenue to artists as compared to the traditional distribution channels. In online music distribution there is a sales report for both the artists and the administrator of the online music store which shows how many albums have been sold to a certain date hence the artist gets the money that he rightfully deserves. Alves

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(2004), notes that online music distribution has allowed artists to earn revenue and reach more consumers in new ways. Cloonan (2001) states that traditionally, artists would receive on average, 15% of revenue generated from the traditional sales of music. Jah Prayzah receives 60% cash payments based on the number of sales of the album on the online store.

This study also found out that, selling music online was cost effective as packaging costs are cut and there are no intermediaries hence this becomes both an advantage for the artists and the consumer. In terms of economic implications of online music distribution, Premkumar (2003) notes that it allows for cost savings in every area of the operations of the music industry and with the elimination of intermediaries, there is a more efficient supply chain. This becomes a competitive advantage of Jive Zimbabwe over traditional distributors considering the fact that costs are cut and quality is maintained as compared to the traditional distribution channels whereby there might be loss of quality during shipping. Nyandoro notes that the consumer benefits more from online music distribution.

"The consumer benefits more from the online music store, since there are no packaging costs, they get the music at a cheaper price, so it's not just about the artist and Jive Zimbabwe benefiting, but the consumer as well." (Nyandoro 2016)

Jah Prayzah, however, is of the view that the artist, consumer and Jive Zimbabwe all benefit from online music distribution.

"We all benefit from the online music store. I get 60% of the sales and Jive Zimbabwe gets 25%, the other 15% goes to tax. The consumer, at the same time is assured of quality and easy access to the music at an affordable price. It's a win-win situation." (Jah Prayzah 2016)

The other advantage of online music distribution that was found by this research is that the distribution of music online adheres to the copyright laws of Zimbabwe. Jah Prayzah has full rights to the music sold online and he is well aware of the sales on the music store and if anything goes wrong Jive Zimbabwe is accountable. Jah Prayzah notes that

"I have full rights to my music online, I can easily view the sales from my side of the back end and there's no way my music can be sold without me knowing. Transparency is the main advantage. All sales are transparent thus I trust Jive Zimbabwe." (Jah Prayzah 2016)

The other advantage of online music distribution is that the online music store acts as a central repository of music which makes it easier for the consumer to find the music they

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want. Compared to the traditional formats of music, online music is much more reliable. The album *Jerusarema* can still be bought on the online music store ten years to come and in a perfect condition compared to the other formats where the CDs may not be available anymore but the online copies will still be there. Jah Prayzah says that he will continue selling his music online.

"Jive Zimbabwe online music store has all of my music; people can access my music from the very first album to the latest album. Selling music online may not be lucrative at the present moment but technology is improving so there's no reason why I should stop selling the music online because at some point, people might solely depend on digital music." (Jah Prayzah 2016)

As technology is improving, new business models are emerging. This is in support of the literature reviewed which notes that the Internet has provided a space for distribution as well as online music distribution being considered as a technological innovation. This study found that Jah Prayzah believes in the success of the online music store as he notes that people will gradually adopt the culture of buying music online and traditional formats of music may at some point be waned.

"I believe eventually, people will adopt the culture of buying music online, it might not be now but some time in future. My next album will definitely be on the online music store." (Jah Prayzah 2016)

CONSUMERS DETERMINE THE SUCCESS OF THE ONLINE MUSIC STORE

This study found out that the consumer has the most power when it comes to distribution. This answers the research question as to how consumers have responded to the online music store. The consumer determines the success of the online music store, the end of piracy and the price determination. This confirms the assumption of the theory of competitive advantage by Michael Porter as it states that those who price well have competitive advantage over others. Consumers buy pirated music because it is available everywhere, the price is low and there is convenience as compared to buying music online therefore the pirates have competitive advantage over Jive Zimbabwe. The high levels of piracy in developing countries can be supported by the reality that the relative price level of intellectual property goods is higher for consumers (Tsui and Wang 2012; Nill and Shutz 2009). On Jive Zimbabwe's online music store, the lowest price for an album is \$2.94, *Jerusarema*, is going for \$4.99.

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When consumers look at these prices they find it better to buy the counterfeits which just cost a dollar. Jah Prayzah says that at the end of the day, pricing is up for negotiation:

"Pricing is up for negotiation, if consumers are not buying it might mean that the prices are too steep for them hence we reduce the prices. At the end of the day, what we want is to push our music sales and for our music to reach as many people as possible." (Jah Prayzah 2016)

For the consumer to buy music online, they have to have internet access, any mobile banking service or Master cards. The study established that consumers do not like going through processes to acquire music, for them, buying music online has a lot of hustle compared to just taking out a dollar from your pocket and buying a counterfeit in the streets. Nyandoro (2016) also stated that the reasons why consumers might not buy music online may be because of lack of knowledge:

"The problem with some consumers is that not everyone is technologically literate, some do not know how to use the online music store platform, and some of them have limited access to the gadgets to use as well as connectivity." (Nyandoro 2016)

This finding fills the gap of looking at the consumers' side when it comes to technology. The research found that although it might be an advantage to the artist to be able to view their sales from the back end, there is risk of losing willing consumers as they have to consider having Internet access or having money in their mobile banks so as to be able to buy the music online. This becomes a disadvantage for both the artist and Jive Zimbabwe as they risk losing consumers because of the process involved.

The other reason why consumers buy counterfeits may not necessarily be because they are illiterate but because of their attitudes to certain things. Chaudhry and Zimmerman (2013) note that "...consumer complicity to purchase counterfeit goods is a function of both intrinsic and extrinsic determinants..." Intrinsic determinants include demographics, attitude towards counterfeits, cultural values and ethical perspectives and extrinsic determinants include product attributes and marketing communications.

This study also found out that consumers buy pirated music because they perceive the pirated copy as no different from the original copy hence there is no need to pay more for the original when they can get something almost similar at a much cheaper price. However, the shadow economy theory is of the assumption that there is a difference in quality when it comes to the

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originals and the counterfeits. Counterfeits are of low quality and are often scratched because of the distribution process from the distributors to the pirates. Also, other consumers do not buy music online just to be rebellious and to go against the legitimate businesses. They do not perceive piracy as a threat to the economy in any way.

The shadow economy theory assumes that there are no ethics in the informal sector, consumers just buy what is available and what they want. The illegal implications are either not know or ignored. This is confirmed by this research whereby the researcher found out that piracy has now been received as a social norm; it is now within the consumers' culture to buy pirated music hence they do not find any fault in buying pirated copies. Consumers do not have a culture of music online. Nyandoro (2016) is in support of this view:

"Piracy has been accepted in the society. Even the pirates are not worried about getting arrested because there are no stiff penalties. So long there are pirates, the music sales will always be low." (Nyandoro 2016)

In terms of pricing, the consumer also has an influence on how the album is priced. This finding fills the gap of knowledge in terms of pricing whereby this research found out that it's how the consumers respond to the online music store that influences the pricing. Music acquired illegally might be slightly above or slightly below the price of legal market transactions: They may be cheaper than legal market prices (Williamson 2005). The supplier only has to focus on distribution and does not incur the costs of production or tax. Jah Prayzah notes that the consumer has a major influence on how the album is priced on the online music store. He notes that

"The prices of my albums are different on the music store because it depends on the demand, the higher the demand, the higher the price. But then when the album does not seem to be selling well, and there are low sales, it probably means that for the consumers, the album has been overpriced hence we change the price, because it's no use pricing a good higher and there are no sales." (Jah Prayzah 2016)

This then means that the consumer has an influence in the way the albums are sold on the online music store hence the reason why nowadays CDs are sold as low as a dollar so as to disadvantage the pirates and get more sales as when the price of the original is the same with the counterfeit, one is likely to opt for the original copy.

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COPYRIGHT LAW AND ONLINE MUSIC DISTRIBUTION

Zimbabwean law has not done much to protect the artists from piracy. As much as there may be anti-piracy organisations and the police are not doing much to enforce the law, piracy will always be rampant. This is in support with the literature reviewed in this research which suggested that the law has not taken into consideration protecting artists from Internet piracy.

Jah Prayzah suggests that people who sell pirated music should face stiffer penalties.

"Selling a pirated CD should be outlawed like selling marijuana, not the current situation where you find pirated copies in every street corner in broad day light." (Jah Prayzah 2016)

Nyandoro is of the view that the consequences of illegally distributing music in Zimbabwe are inadequate, he believes that although they are there, they seem to be inexistent. Commenting on if there are ways to protect the artists from illegal distribution, since the law has not done much about piracy, he said that although there is digital rights management, he does not believe in it as it is a bit farfetched.

"The law claims to protect the artists from piracy but from the look of things, the laws seem no existent. Digital rights management can be used to protect the artists from piracy but it is a bit farfetched." (Nyandoro 2016)

"Digital rights management is a systematic approach to copyright protection for digital media" (Tech Target 2009). The main purpose of digital rights management is to prevent unauthorized reproduction of digital media and limit the ways in which consumers can reproduce content they would have purchased. Digital rights management was developed in response to the increased rate of piracy of digital media which would be for commercial use, which was increased by the increased use of peer to peer sites. Digital rights management is implemented by embedding a code which prevents reproduction and has a limit on the number of devices that the media can be installed on.

Digital rights management has not been used by Jive Zimbabwe as the director thinks that it will not apply in Zimbabwe and is limited. Nyandoro (2016) notes that digital rights management is restrictive to the consumer in usage.

"The software only allows the consumer to use the music product on a limited number of gadgets. This would only lead to low album sales and increase the rate of piracy as consumers do not want to be limited, they want to play their music freely and have real value for their money." (Nyandoro 2016)

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The Pfeiffer Report of 2012 suggests that music companies should rule out digital rights management as it is not going to last.

Nyandoro is also of the view that digital piracy is fairly ineffective in stopping software and will definitely be unpopular with the majority of the consumers.

“At the moment, online music sales are low, the other reason is that some people are technologically illiterate and they do not want to go through the process of having to buy a single album. Implementing digital rights management would limit album sales as the consumer wouldn't want to pay for something knowing that they are limited to playing it on a few gadgets only. I think digital rights management will not work.” (Nyandoro 2016)

This study found out that the Copyright law is anachronistic and it is difficult to apply it to Internet piracy. It may be difficult to control the downloading of music online but there has to be stiffer penalties to the pirates who sell music in the streets without fear of being prosecuted. Nyandoro notes that:

“Not much has been done to protect the artists. Compared to the penalties given to the people who are involved in the theft of livestock, the pirates are let go freely. Six months imprisonment or community service is not enough, there should be stiffer penalties.” (Nyandoro 2016)

The researcher found out that the pirates who would have been prosecuted for illegal distribution of music do not face stiff penalties, but face lenient punishments which they will gladly serve and continue with illegal distribution. So long there are no stiffer penalties for the music pirates, piracy will always be rampant.

EFFECTS OF PIRACY

This study found that although piracy has negative effects, for the artist it has its advantages to some extent. Pirates help push the music and although they get money from the counterfeits, the artists benefit from the live shows. Once people illegally download music, the music is pushed across the country which acts as a marketing strategy. Some scholars are in support of the idea that piracy has a positive effect on the music industry. They note that piracy has a positive effect on the music sales due to a promotional effect. This is based on the assertion that music as an ‘information good’ has to be partly consumed first in order to evaluate its quality (Blackburn 2004; Varian 2000). In this case, piracy acts as a sampling technique. Jah Prayzah notes:

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"Although people download music illegally and this has an effect on our sales, the advantage is that music reaches every corner of the world and when we have live shows in the different areas, people already know the music and they come in their numbers to the live shows." (Jah Prayzah 2016)

This study found that Jah Prayzah also uploads his music on YouTube for people to listen. Jah Prayzah notes that although this might mean that people do not buy music on the online store because they have access to free music, it pretty much has an advantage.

"Yes, I upload my music on YouTube, where consumers can download, but even if I do not upload the music myself, someone else will do so and in their name. I am able to see how many people have listened to the music as well as the likes and the dislikes. This easily notifies me of the most liked songs on my albums." (Jah Prayzah 2016)

Jah Prayzah therefore is able to collect statistics on the album as well as the demographics of the consumers. Because of this, Jah Prayzah can easily rate himself and assess his followership through the statistics.

Artists also believe that musicians should be able to use any format and means to distribute their music, this is why they upload their music on the peer to peer sites like Youtube. They have realised that even if they do not upload their music online, someone else will.

Sirois and Wasko (2011) note that the music industry has begun to embrace and capitalize on new digital distribution models where free music is supplemented by advertising sales, for example on YouTube.

This research found out that piracy can also increase the demand for goods that complement the pirated content therefore the artists is able to capture the value that consumers attach to the pirated good. This answers the research question of the relationship between online music distribution and piracy. The album *Jerusarema* may be bought in the streets by a consumer, and when that consumer loves what he hears, he might want more, and maybe want to look for the other works of the artists since the pirates might not have the yesteryear albums. The consumer ends up buying the original copies which are found on the online music store as well as apparel. The money lost to one from the pirate might not necessarily be a loss but a benefit to the artists as the consumer would have been attracted to buy more from the artist and also attend live shows.

The shadow economy theory assumes that pirates are important and their importance should not be overlooked in the history of distribution. It states that piracy has been an essential

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driver of distribution since the early years of the twentieth century. This assumption is in line with the findings of the study whereby the researcher found that piracy can increase demand for goods that are complementary to the pirated content; the producer is then able to capture indirectly the value that consumers attach to the pirated good. Therefore if *Jerusarema* sells well in the pirate market, and people love the music, the next albums would be much awaited for which gives the producer confidence to keep producing music of great quality.

"Piracy in a way helps us distribute the music and promote my music. You find that if a consumer listens to Jerusarema, and wants more of my music, they might not find it in the pirate market as the pirates sell the current hit album therefore they end up looking for my music online where they will find my previous albums, from the very first album to the latest. Thus they have helped in creating a base for online music." (Jah Prayzah 2016).

The major negative effect of piracy however is the decrease in sales of legal copies. The pirates use competitive advantage through their pricing strategy and the availability of their counterfeit CDs at every street corner which cannot be done in the legal markets as legal markets have limited distribution places. When piracy strikes, it is difficult to map and trace the number of albums that would have been sold by a certain date. Pirates usually sell the pirated copies at a price which is substantially discounted from the marked price which leads to the consumers buying the unauthorized copies. Jah Prayzah notes that

"The major negative effect of piracy is that our legitimate sales go down as people might buy the counterfeits unknowingly. Also, we are unable to trace the statistics of the actual number of the album sold as most of them are lost to piracy." (Jah Prayzah 2016).

It is therefore difficult for the artists to really note the number of albums sold as most of them are lost to piracy where there are no records of sale which becomes a challenge for even the promoters to know how much has been sold at what time.

Artists have also begun to try and find ways in which they can connect their music with advertisers and marketing campaigns. In this way, if there are losses incurred due to piracy, they are covered up through their music which is used in advertisements and marketing campaigns. Jah Prayzah's music from the album *Jerusarema* has been used in a number of advertisements which include the STEM advertisement, Pure Drop cooking oil and many other campaigns which has helped in bringing income.

The other effect of Internet piracy is that when consumers search for music online, the results that come up are from the peer to peer networks and the online music store. The moment

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consumers notice that there is an option for free music, they would rather opt for the free music and leave the online music store for music that is not found on the peer to peer networks. This becomes a threat to the online music store as consumers may be lost to the peer to peer sites where they get music for free.

Piracy may have an advantage over legitimate online music distribution as pirated copies are not limited to just one album but one CD may be a MP3 which has a number of albums or singles from different albums. The MP3 would be of low quality but what the consumer wants is quantity compared to quality. The researcher found that on the MP3, not all the music listed on the surface will be on it and usually there are scratches which affects the quality of the music.

RECORD COMPANIES ELIMINATED FROM THE DISTRIBUTION VALUE

This study also noted that record companies are slowly being eliminated due to the online music store as well as some distribution used by Jive Zimbabwe. This is in line with the shadow economy theory which states that in the Internet age, distribution has taken on yet more meanings. As formats are growing in number and converging, the distribution task is to exploit content in as many different platforms as possible. For record labels to remain relevant, they have to be innovative as most of their services are no longer being used. *Jerusarema* was recorded at JP studios and from there the album was distributed without the assistance from any record company. Jah Prayzah notes that :

"In Zimbabwe, the record companies have not been innovative enough for distribution, there only is Jive Zimbabwe, therefore, already they have been eliminated. When we record our music at the studio, Jive Zimbabwe distributes the music for us so there's no need for record companies." (Jah Prayzah 2016).

Over the years, the music industry was dominated by the record companies which included Gramma Records, Ngaavongwe records, Diamond Studios, to mention a few. These record companies basically controlled the distribution and promotion of recorded music. The record companies benefited a lot in terms of profit and the revenues were not distributed evenly which at times left the artists disadvantaged. Although the royalties from these record companies came, they came after a certain period of time and there was no transparency. The artists had to believe that what they had been given was what was owed to them. Nowadays

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artists do not necessarily need record companies, an artist can record music, upload on the Internet and the music easily becomes rampant. Jah Prayzah states that:

"Traditionally, we depended much on record companies, they had the studios, they would take our music to the radio stations and distribute the music and then charge us for it all, at the end of the day, we had no profit. But then nowadays, an artist can even record their music in their bedroom, upload it on the Internet and the next morning, it would have become viral." (Jah Prayzah 2016)

This study also found out that in this current environment, artists are able to develop and prosper in the music industry without signing a distribution contract with the traditional record labels. The music market which was once governed by the rules and control of the record labels has now been overtaken by the new distribution channels provided by the companies such as Jive Zimbabwe. With the continuous evolution of technology, Jah Prayzah is of the view that the record companies will be completely scrapped off unless they go digital.

"Technology is continuously improving and some day, there won't be need for distributing hard copies, it will all be digital. If the record companies are not innovative enough, they may be waned" (Jah Prayzah 2016).

This gave the conclusion that if record companies are not innovative, at the end of the day, they might become irrelevant in the music industry as the music business models are changing due to technology.

CONCLUSION

This chapter presented and analysed the data that was found from the interviews that were conducted by the researcher. This study found out that online music distribution is still a new phenomenon and people in Zimbabwe have not yet adopted the culture of buying music online. It also found out that piracy does not only have negative effect but positive effects as well. The next chapter looks at the recommendations and concluding remarks.

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CHAPTER SIX

CONCLUSIONS AND RECOMMENDATIONS

INTRODUCTION

This chapter concludes the study of online music distribution and piracy in Zimbabwe focusing on Jah Prayzah's album *Jerusarema*. This chapter also gives reference for further studies and how Jive Zimbabwe can improve on their album sales on the online music store.

SUMMARY OF FINDINGS

The study was meant to look at online music distribution and piracy in Zimbabwe focusing on the sales of the album *Jerusarema* on the online music store. The research employed qualitative methods to gather data by interviewing the proprietor of the online music store, Benjamin Nyandoro as well as Jah Prayzah, the artist.

The study was set to answer questions of the patterns of distribution and sales for the album *Jerusarema* on Jive Zimbabwe's online music store, the relationship between online music distribution and piracy and also to answer how the consumers have responded to the online music store.

The study found out that as stated in the shadow economy theory, piracy has had a major role in the distribution of music. However, the artists have been left at a loss because of piracy. Jive Zimbabwe online music store was propounded so as to assist artists in the distribution of their music as well as for them to benefit from it. However, the study found that online music distribution has not yet been fully accepted by the consumers and it is going to take time before it is fully adopted in Zimbabwe. Piracy remains rampant and the law has not done much to protect the artists from piracy especially Internet piracy where files are shared on the peer to peer networking sites.

The study found out that sales are relatively low on the online music store but besides that fact, Jah Prayzah believes technology keeps evolving therefore he will continue with online music distribution and at some point everyone would have adopted the culture of buying music online.

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The study also found out that Internet piracy has permitted technological advancements whereby artist have been made to benefit from Internet piracy through commercializing it as online music distribution.

RECOMMENDATIONS

The study recommends that for the theory of competitive advantage to apply fully to Jive Zimbabwe and for the company to benefit from it, the price factor should be reconsidered. If the prices are equal or lower than the counterfeits, consumers will opt to buy music online as they would be looking for quality.

The law should also give stiffer penalties to pirates as this is the way in which artists may be able to benefit from their album sales. Knowing that they will be asked to pay fines for selling pirated music, the pirates will continue to take the risk of selling pirated music because there is nothing much to lose. Therefore, if the law could give stiffer penalties, the rate of piracy would be lowered.

The researcher also urges consumers to purchase music online or buy from the legal markets. This helps the rise of local artists and for them to benefit from their album sales and not just from live shows. The tax from legal distribution also helps the economy therefore it is important to buy music from the legal markets.

AREAS FOR FURTHER RESEARCH

This study presented qualitative information of online music distribution and piracy. For further studies, there is need for quantitative research so as to get the exact figures of album sales. Quantitative data could not be analysed as the proprietors of the online music store were not comfortable in revealing the statistics of the sales to date.

Traditional record companies are slowly being eliminated in the supply chain of music. It is important to look at how record companies will adapt to digital music distribution as they might risk being irrelevant in the music industry. Unless record companies adopt online distribution, it will be difficult to completely eradicate piracy and they might close down as there will not be much of their relevance to the industry.

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6.4 CONCLUSION

This chapter highlighted the conclusions that were arrived at from this research. The chapter gave recommendations to the company Jive Zimbabwe as well as to the law enforcers. Recommendations for further research were also addressed which concluded the end of the study. The study met all objectives.

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APPENDIX 1

INTERVIEW 1

JAH PRAYZAH INTERVIEW GUIDE

1. How has Jive Zimbabwe's online music store assisted in distributing your album *Jerusarema*?
2. What are the positive and negative effects of illegal downloading of music on you as an artist?
3. Why is it that you upload music on sites like Youtube as soon as you release an album? Doesn't this have an effect on your album sales?
4. How do you think illegal downloading negatively affects the music industry?
5. From your perspective, has Internet technology influenced a change in the music industry, looking at the Jive Zimbabwe online music store?
6. Do record companies have a lot of power with regard to the distribution of music on the internet through digital music technology?
7. As an artist, do you have a say with regard to the distribution of music on the Internet through digital music technology?
8. In your opinion, does the consumer control distribution of music on the internet through digital music technology in terms of pricing and demand?
9. In your view, what has the law done to protect artists from piracy?
10. In the current environment, will new artists develop and prosper in the music industry without signing a recording contract?
11. Who do you believe is benefiting more from online music distribution, Jive Zimbabwe, you as artists, the consumers or everyone?
12. Considering how piracy continues to be rampant, do you think distributing music online will somehow reduce the rate of piracy?
13. In your opinion, will the use of digital music technology continue to grow?
14. Will you continue to sell your music online?

Online Music Distribution and Piracy In Zimbabwe: A case of Jah Prayzah's Album Jerusarema on Jive Zimbabwe's Online Music Store

INTERVIEW 2

BENJAMIN NYANDORO – JIVE ZIMBABWE DIRECTOR Interview Guide

1. How have been the sales of music from the launch of the music store to date?
2. What are the benefits of online distribution compared to the traditional way of distributing music?
3. What are the possible problems of online music distribution?
4. What are the biggest opportunities for artists who distribute their music online?
5. What are the challenges of artists who distribute their music online?
6. How do the peer to peer sites like Reverbnation, YouTube, Soundcloud affect the sales of music on the online store?
7. What kind of knowledge is required for one to purchase music online?
8. Who do you think is benefiting more from online music distribution? Is it Jive Zimbabwe, the artists, the consumers or everyone?
9. In the current environment, can emerging artists develop and prosper in the music industry without signing a distribution contract with the traditional record labels?
10. Has digital music technology reached its limit? If so why?
11. Are the consequences for illegally distributing copyrighted music in Zimbabwe are adequate?
12. In your opinion will the use of digital music technology continue to grow?
13. Are there other alternatives to control and monitor the distribution of music on the internet? If so, what do you believe they are?
14. Will online music distribution reduce the rate of piracy?
15. Why do you think consumers continue to buy pirated music?

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APPENDIX 2

JIVE ZIMBABWE'S ORGANOGRAM

