

# The Informal Screen Media Economy of Ukraine

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# Abstract

This research explores informal film translation (voice over and subtitling) and distribution (pirate streaming and torrenting) practices in Ukraine, which together comprise what I call the informal screen media economy of Ukraine. This study addresses wider issues of debate around the distinct reasons media piracy exists in non-Western economies. There is already a considerable body of research on piracy outside of the traditional anti-piracy discourse, one that recognises that informal media are not all unequivocally destructive nor that they are necessarily marginal, particularly in non-Western countries. Yet, there remain gaps in the range of geographies and specific types of pirate practices being studied. Furthermore, academics often insufficiently address the intricate conditions of the context within which a given pirate activity is undertaken. Finally, whereas many researchers talk *about* pirates, considerably fewer talk *to* them. This project sets out to address these gaps.

Specifically, I examine the distinct practicalities of the informal screen media practices in Ukraine through netnographic observations of pirate sites and in-depth interviews with the Ukrainian informal screen media practitioners. I explore their notably diverse motivations for engaging in these activities and how they negotiate their practices with the complex economic, cultural, and regulatory context of Ukraine. I find that, contrary to common perceptions, the Ukrainian pirates do not oppose the copyright law but operate largely within and around it. A more important factor in piracy in Ukraine instead is the economics of the Ukrainian language. This is reflected in the language exclusivity inherent to most Ukrainian pirate distribution platforms as well as in the motives of some informal translators, for whom their practice is a form of language activism. Overall, I argue for a more holistic approach to researching the informal space of the media economy, especially in non-Western contexts, one that recognises the heterogeneity of this space and explores accordingly intricate factors behind its existence. In addition, this project offers a methodological contribution by providing a detailed reflection on the use of ethnographic methods to study a pirate economy in a non-Western, non-anglophone country.

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# Glossary

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<b>AVT</b>	Audiovisual translation
<b>Bootlegging</b>	In the context of screen media, bootlegging is essentially synonymous with camcorder piracy, which is an unauthorised production of film copies obtained by using camcorders in the cinema to record a film and then distributed either online, via file-sharing sites, or in a physical format (Ponte, 2008).
<b>IP</b>	Intellectual property
<b>ISP</b>	Internet service provider
<b>IPTV service provider</b>	Internet Protocol Television. IPTV services deliver live TV broadcasts and/or on-demand screen media content over managed networks (Kim, Nam and Ryu, 2020; Lobato, 2020). These services can be both legal and pirate, with the latter being primarily used to access a wider range of TV channels, including international and foreign ones.
<b>Geo-blocking</b>	A set of rules and relevant technical limitations that restrict or allow access to certain content on the internet based on the user's IP address. Geo-blocking is usually implemented on a per-country basis.
<b>Piracy / Informal media</b>	In this thesis, I use these terms interchangeably to refer to any unauthorised use of copyrighted works. See Chapters 1 and 2 for a more detailed explanation of the origins and meaning of these terms.
<b>Pirate / illegal online cinema</b>	In Ukraine, "illegal/pirate online cinema" is a common way to refer to pirate streaming websites, which are explored in detail in Chapter 6.
<b>OTT service</b>	Similar to IPTV, OTT ('over-the-top') services can deliver a variety of on-demand or live TV content. The key difference is that OTT services use open, public internet rather than managed networks to deliver content (Evans et al., 2016).
<b>Revoicing</b>	An umbrella term for AVT techniques that involve "recording and inserting a new soundtrack and subsequent sound synchronisation" (Chaume, 2013, p. 107). In this thesis, I use this term to refer to such AVT techniques as dubbing and voice over, but in general, revoicing also includes free commentary, audio description, and simultaneous interpretation (Chaume, 2013).
<b>Voice over</b>	An umbrella term for revoicing AVT techniques that involve adding a translated audio track over the original one, often with the volume of the latter being lowered. Chapter 5 offers an overview of different styles of voice-over translation. It should be noted that voice over can also refer to off-screen

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	narration or audio description, but in this research, I only use it in the context of translation.
<b>Rip</b>	An unauthorised copy of copyrighted content (usually music or film) obtained from a legal digital copy (e.g., from a DVD or a streaming service), often using specialised ripping software.
<b>Screen media</b>	In this project, “screen media” refers to films and series. I also use the term “audiovisual content” as a synonym to “screen media”. However, it must be acknowledged that generally, both “screen media” and “audiovisual content” can be used to refer to any other media that is delivered ‘via screen’ or that involves both audio and visual elements, that is, games, television, etc.
<b>Share ratio</b>	<p><b>Torrenting</b>, or BitTorrent-based peer-to-peer file sharing, is a method of file sharing where users (or peers) download files from each other rather than from a central server. When a user wants to share a content file, for instance, a film, they first create a <b>.torrent file</b> (or simply a torrent). A torrent contains information about the content file that a user wants to share. Each torrent is then registered with a <b>torrent tracker</b>, that is, a server that, apart from storing torrents, also holds information about peers who have the content file that matches the information in a given torrent. A tracker thus serves to coordinate the file-sharing process among peers: <b>seeders</b> (peers who are sharing, or uploading, files) and <b>leechers</b> (peers who are downloading files) connect to the tracker using a <b>torrent client</b>, i.e., an application that reads all the information in the .torrent file and connects leechers to seeders. This process thus requires that at least one user needs to store the content file on their device and to have their torrent client open in order for this file to be available for download. This means that torrenting relies on users’ willingness to contribute to the tracker. Although, it is important to add that BitTorrent protocol implies that leechers are also automatically sharing a file while they are downloading it. In order to ensure sufficient contribution, online communities started building around most trackers (Harris, 2018). Torrent communities track each user’s seeding and leeching activity and establish rules that reward significant contributions or punish a lack thereof. The most common rule is related to a user’s <b>share ratio</b>, which is the ratio between the total amount of seeded to leached data.</p>
<b>Torrenting</b>	
<b>Torrent client</b>	
<b>Torrent link / .torrent file / torrent</b>	
<b>Torrent site</b>	
<b>Torrent tracker</b>	
<b>Localisation / translation</b>	

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in the case of revoicing techniques in Ukraine, is likely to involve localisation rather than simple translation.

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**VPN**

Virtual private network. Put simply, a VPN service allows sending and receiving Internet traffic whilst hiding a user's true original IP address, often either for increased privacy or to access content that may be geo-blocked.

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# Introduction

This research explores informal film translation (voice over and subtitling) and distribution (pirate streaming and torrenting) practices in Ukraine, which together comprise what I call the informal screen media economy of Ukraine. I use a range of netnographic data collection methods, including walkthrough and participant observation of pirate websites and interviews with informal screen media practitioners. I find that in Ukraine, unauthorised distribution and localisation of copyrighted content, or piracy, can be a form of language activism, a money-making activity, or a way to pursue one's passion. These diverse motives drive those involved in the Ukrainian informal screen media economy to negotiate their practices within the country's copyright regulation, resulting in them operating mostly within and around the law rather than directly against it. I argue that this variety of motivations, which ultimately help explain why piracy exists in Ukraine, demonstrates the importance of studying informal media economies in under-researched geographic contexts for gaining a more comprehensive, rather than Western-centric, knowledge about piracy.

One reason for choosing Ukraine as the context for this research is its reputation as a country with some of the highest media piracy rates in the world. From occasional mentions in international piracy rates' statistics (e.g., Moores, 2003; Van Kranenburg and Hogenbirk, 2005) to being defined as "one of Europe's largest sources of illegal media" (Klinger, 2010, p. 107), Ukraine has become infamous for copyright infringement. This reputation of a "pirate state", as McDonald (2020) puts it, has largely been built on such global piracy reports as USTR's Special 301, which identify countries that, according to the US copyright industries, have insufficient IP protection measures for US products.<sup>1</sup> Although the methodology behind them is rather questionable, it is predominantly these reports that have served as a basis for various news pieces about piracy in Ukraine (e.g., BBC, 2013) or as evidence of Ukraine's pirate status in academic works (e.g., Collisson, 2004), all ultimately contributing to building a rather simplistic image of Ukraine as a lawless 'safe haven' for piracy. Yet, with a few exceptions, there has been very little research into the actual practices that have earned Ukraine this reputation. These exceptions include insightful yet now partly outdated works of Haigh (2007; 2008; 2009), who looks at file sharing<sup>2</sup> in Ukraine, focusing mostly on music, a commonly cited<sup>3</sup> Wired article describing the street sale of pirated CDs in Kyiv (Boulware,

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<sup>1</sup> Available at: <https://ustr.gov/issue-areas/intellectual-property/special-301>

<sup>2</sup> In the existing literature, there is no consistency in the spelling of the term (with or without hyphen). Therefore, in this thesis, I use "file sharing" when it is a noun and "file-sharing" when it is a (compound) adjective.

<sup>3</sup> See Collisson (2004), Klinger (2010), Helbig (2012).

2002), and Helbig's (2012) chapter on the music industry in Ukraine, which gives some attention to music piracy. There are otherwise no substantial accounts of the current state of the informal media economy in Ukraine in anglophone academia, especially with regard to media beyond music.

This scarce research is not representative of the state of the scholarship on informal media in other geographic contexts, nor does it reflect my own experience with piracy in the country. Having lived in Ukraine, for me, much like for most Ukrainians, some form of piracy had always been necessary for accessing screen media content outside the cinema or traditional TV broadcasts. For example, informally produced voice overs would accompany most commercially available VHS tapes of foreign films in the country, and today, it is only pirate online cinemas – not legal streaming services – that can offer on-demand access to a complete range of films available with Ukrainian revoicing. Therefore, it was rather surprising that such popular, everyday pirate screen media practices in Ukraine have not yet been explored, especially considering that there is otherwise a great deal of academic interest in piracy in general. The significant body of academic work on piracy can broadly be divided into two areas. The first area includes industry-centric, often industry-funded research, which views piracy as peripheral and almost unequivocally destructive to the formal creative industries. These largely quantitative studies' ultimate aim is usually to estimate its economic impact on the industry and understand how piracy (predominantly file sharing) can be tackled. The second area consists of the more independent research (Karaganis, 2011), with studies here essentially challenging this industry-centric perspective on piracy, instead highlighting the heterogeneity and complexity of pirate economies and the far from marginal role of piracy in different, particularly non-Western countries. Some of the noteworthy works here include edited books on piracy by Castells and Cardoso (2013), Fredriksson and Arvanitakis (2014b), and Goldgel-Carballo and Poblete (2020), with their contributors approaching the topic from a variety of angles and geographic contexts, as well as the work of Floyd (2008), Mattelart (2009; 2012; 2016), Karaganis (2011), Dwyer (2009, with Uricaru; 2012a; 2019), Lobato (2010; 2012; 2015, with Thomas; 2020), and Li (2022). These studies offer rich qualitative insights into a wider set of informal media practices in countries ranging from Romania to Malawi and, importantly, consider the economic, cultural, and regulatory factors related to these practices.

Being motivated by a willingness to debunk the simplistic assumptions about the Ukrainian pirate economy and piracy in general, with this project, I aim to contribute to this second research area on piracy, expanding the range of countries where informal screen media economies are studied to Ukraine. In addition to file sharing, I offer detailed accounts of other pirate practices, namely informal voice over, informal subtitling, and pirate online

cinemas, which have received comparatively less academic attention. I identify three reasons behind piracy in Ukraine, which go beyond the commonly mentioned inadequate pricing. Specifically, I find that while for some, online piracy presents a financially attractive business opportunity, for others, it is the only feasible option to pursue their career aspiration in AVT or a way to popularise the use of the Ukrainian language to ensure its survival and resist the presence of the more commercially dominant language that is Russian in the Ukrainian cultural space. Additionally, by interrogating the complex relationship of the Ukrainian informal screen media practitioners with the copyright law and its enforcement, my findings offer further evidence to the arguments against reducing piracy to an exclusively legal issue.

This research addresses the overarching question:

*How do those involved in Ukraine's informal screen media economy negotiate their practices within the country's regulatory and cultural context?*

To answer this question, I followed an ethnographic approach to methodology, which involved a walkthrough of pirate streaming sites, observation of a torrent community and other pirate online spaces, such as their public social media pages, and interviews with informal screen media practitioners. The data obtained from applying these methods was triangulated with a wide range of supplementary sources, such as copyright policy documents. This was done to critique the interviewees' responses, rather than taking them at face value, and more generally, to be able to situate the discussion of Ukraine's pirate economy in its wider economic, cultural, and regulatory context. The overall goal was to gain a deeper understanding of the main informal screen media translation and distribution practices in Ukraine, their distinct features, and the nuances of their operation in a particular context. Importantly, by placing interviews at the centre of data collection, this project also aimed to give voice to the pirates themselves, key stakeholders of the debates on piracy, whose perspective has often been marginalised, with the priority being instead given to formal industry sources or pirate consumers. This approach to methodology is in line the theoretical framework I adopt for this study, namely the informal media economy (Lobato and Thomas, 2015), which encourages looking beyond legality and recognising piracy as an integral part of the media landscape, one that constitutes an everyday experience in many parts of the world.

The first three chapters of this thesis set out to provide a rationale for and elaborate on this framework. In Chapter 1, I demonstrate that the industry-centric view on piracy is largely reductive, especially when applied to creative economies outside the West, and highlight related methodological limitations of the research that adopts it. Therefore, in Chapter

2, I discuss an alternative, more holistic approach to piracy developed by Ramon Lobato and Julian Thomas. I take a closer look at their works that introduce the informal media economy framework and interrogate the notion of informality, which underlies the framework, to further unpack the theoretical approach it implies. Chapter 3 then illustrates why such a more holistic approach is needed for studying piracy by drawing attention to the distinct roles within the pirate economy and the wide variety of pirate distribution and translation practices in different countries. I argue that it is only by recognising this heterogeneity of the informal media space, which requires a more comprehensive view on piracy such as the one offered by the framework in question, that it becomes possible to gain a complete understanding of the pirate economy of a country.

In Chapter 4, I show how this approach can be applied in practice by elaborating on the methodology I used to study the informal screen media economy of Ukraine. This chapter starts with an overview of how various pirate practices have been studied elsewhere, pointing out specific methods that I have similarly applied to collect data for this project. I then offer a detailed discussion of the practicalities, challenges, limitations, and ethical considerations of using these methods in the Ukrainian context, concluding with a reflection on researching multilingually, which this project involved. Considering that many qualitative studies on informal media rarely offer sufficiently thorough accounts of their methodologies, this chapter also serves as a methodological contribution to the research on piracy.

In Chapters 5-8, I discuss the findings of my research. Chapters 5 and 6 identify and offer a practical insight into the main elements of the informal screen media economy of Ukraine. In Chapter 5, I look at informal translation practices, namely subtitling and voice over, considering the style of the AVT techniques, the process behind their production, and how the Ukrainian informal AVT practitioners organise their work. While informal subtitling is a globally widespread practice, I find that in Ukraine, it takes an uncommonly marginal place, with informal voice over – an AVT technique inherent to some Eastern European countries – being significantly more developed instead. Chapter 6 gives attention to the main pirate activities that help distribute content with these informal voice overs as well as official Ukrainian translations: pirate streaming sites, or so-called illegal online cinemas, and Hromada, the major Ukrainian torrent community. I explore the typical features and business models of the Ukrainian pirate cinemas as well as the structure, rules and policies, and projects undertaken by members of Hromada. While these pirate distribution practices have much in common with similar practices studied elsewhere, they are both characterised by a rather distinctive language exclusivity. I argue that the potential to discover such distinct, unique characteristics

points towards the value of studying a wider range of specific pirate practices in other under-researched geographic contexts.

Chapters 7 and 8 place the discussion of these practices in the regulatory, economic, and cultural context of Ukraine. In Chapter 7, I discuss how the translation and distribution practices in question can be viewed in relation to the Ukrainian copyright law, and how the interviewed informal screen media practitioners negotiate their activities with the various mechanisms of its enforcement. I find that, to a large extent, they use their knowledge of said regulation to navigate and ultimately avoid its enforcement, but also that this knowledge is sometimes not required as rightsholders do not enforce their rights in the first place. I suggest that this offers further evidence as to why piracy's widespread existence cannot be comprehensively explained with the state of the copyright regulation alone. Therefore, I begin Chapter 8 by considering factors beyond copyright that affect media translation and distribution in the country, emphasising the economics and cultural significance of the Ukrainian language and how it is reflected in Ukraine's language policy. The chapter ends with a discussion of the complex motivations of the informal screen media practitioners for engaging in their respective activities. I find that for most of them, complying with the country's language policy, which is no less important for the development of the Ukrainian creative industries than the copyright policy, is an essential aspect of their practices, albeit sometimes an incidental one.

I conclude the thesis by emphasising the complexity of motives and factors behind the diverse pirate practices in Ukraine, which have been overshadowed by simplistic assumptions about piracy in the country resulting from the still dominant industry-centric views on informal media. I suggest that the research on piracy should continue expanding the range of countries used as a context for qualitative accounts of pirate economies around the world, but also to give attention to other media piracy in Ukraine, namely of software and games.

# Literature review

## Chapter 1. Piracy and the Copyright Debate

As noted in the introduction to this thesis, the practices I set out to research in this project can be viewed as instances of media piracy. Therefore, broadly, the aim of the following three chapters is to offer an overview of the existing research on piracy and to indicate the specific area of this research my project fits in. In the past three decades, there has been a growing and increasingly wide-ranging body of work on the topic, with studies looking at different aspects of piracy from a variety of perspectives and disciplines. This chapter starts this overview by discussing the main root of this variety, which is the copyright debate. The latter essentially refers to disputes among different copyright stakeholders, such as creative industries, audiences, independent creators, technology developers, and, indeed, pirates, on the direction copyright regulation should take, namely whose interests the complex legal framework that is copyright should protect and how. The first part of the chapter, therefore, elaborates on the dynamics among all these often-contradictory interests involved in this debate. I then explore what many scholars deem the most prevalent types of studies on piracy, namely the ones approaching it from the formal industry perspective. I highlight some of the limitations of such research, including its lack of account of the complexities that come from the copyright debate having a geopolitical dimension as well as the domestic one, and the third and last part of the chapter discusses this dimension in more detail. I argue that due to all these complexities that underlie the notion of copyright and, subsequently, that of piracy, one should take a more holistic approach to studying the latter. In the following two chapters then, I discuss a theoretical framework that allows for such an approach and explore the existing body of work within it, pointing out how this project contributes to it.

### 1.1 The copyright debate

“Piracy” has become a widely accepted way of referring to uses of copyrighted works that are not explicitly authorised by these works’ rightsholders. A typical example of piracy is downloading films, music, games, or books via torrent sites, or file sharing. Nevertheless, as familiar and widely used as this term is, it does not have an established definition (Karaganis, 2011). Although for centuries, “piracy” had been a neutral synonym for copyright infringement (Seville, 2010; St Clair, 2010; Huthwaite, 2013), for the past several decades, the word has been largely used as an emotive metaphor (Mirghani, 2011; Mylonas, 2012; High, 2015).

Specifically, the piracy metaphor has been a part of the ‘anti-piracy’ rhetoric, serving as a tool for the major, primarily US copyright industries to emphasise their condemnation of unauthorised uses of their creative works, particularly file sharing (Spilker, 2012; Rendas, 2015). The industries’ aim has been to criminalise and ‘moralise’ such uses by invoking connotations of villainy and plunder it carries from the word’s predecessor, that is, maritime piracy, effectively instilling fear of engaging in such activity in public (Yar, 2005; Mirghani, 2011; Steinmetz and Pimentel, 2018). However, as I show further in this chapter, in response to this attempt at moralisation, file-sharers embraced the name “pirates”, employing its alternative connotations of resistance “to the exploitative and hierarchical organisation” (Mueller, 2016, p. 333) to demonstrate their opposition to the overly restrictive copyright regime that the industries have promoted (Spilker, 2012; High, 2015; Lewis, 2015). As a result, the metaphor became equally accepted by the opposing sides of the piracy discourse and is now commonly used even by academics.

Yet, while many scholars adopt this term rather uncritically (e.g., McKenzie, 2017; Urbonavicius et al., 2019), others continue to highlight its controversial nature and argue for a more neutral name for such activity (Mirghani, 2011; Mylonas, 2012). As I discuss in Chapter 2, one such neutral alternative is “informal media”, the term that comes from the informal media economy theoretical framework (Lobato and Thomas, 2015), which I adopt for this research. In this thesis, I use the two terms interchangeably, following the practice of Lobato (2014), McDonald (2020) and Krawczyk, Tyrowicz and Hardy (2020), who, whilst recognising the colloquial nature of the term piracy, continue to use it in the interest of brevity. I agree with John (2014) and Forbes and Tessler (2018), who note that it is not so much the word itself or its connotations that cause the controversies but the rhetorical contexts criminalising informal practices in which this word is used. This rhetoric, in turn, is part of the wider discussion of the overall purpose and the practicalities of the current copyright policies, the so-called copyright debate. For the purposes of this project, developing an understanding of the copyright debate is necessary because the power dynamics in this debate is directly reflected in the piracy research trends. Therefore, prior to reviewing the dominant types of studies on piracy, I outline the different sides within this debate, starting with a discussion of the concept of copyright itself.

The notion of copyright is characterised by “messiness and indeterminacy” (Meese, 2018, p. 15). Generally, copyright can be understood as a type of intellectual property, a legal framework that provides its holders with an exclusive right of control over their creative works’ use (Wang, 2003; Atkinson and Fitzgerald, 2014). This exclusivity is given for a limited time before the work becomes fully available to the public (Reid, 2019). The canonical idea behind

copyright is to encourage creativity and innovation by rewarding creators for their work while also ensuring that subsequent creators are able to access, learn from and advance previous works (Reid, 2019). Creative works are effectively information goods, which means that while they can be expensive and effortful to produce, they are non-excludable and non-rival (Barron, 2010; Rendas, 2015). Therefore, as Negus and Pickering (2004) explain, the logic behind copyright is largely based on the assumption that free copying and lack of economic reward for creative work would ultimately discourage any future creativity. This logic can be defined as the “economic argument”<sup>4</sup> of copyright, which essentially suggests that economic reward is the main motivation for engaging in creative work (Chakraborty and Chakraborty, 2012; Pager, 2017). For this reason, as Decherney (2012, p. 3) notes, “a common misconception about copyright is that its primary function is to protect authors and creators” (also see Patterson, 1968). However, this function is better understood as a by-product of the copyright system rather than its primary purpose (Decherney, 2012), not least because there is also the “social argument” of copyright, which emphasises the value of providing public with timely access to ideas and works for the development of society (Piotraut, 2006; Chakraborty and Chakraborty, 2012). Ensuring access to existing creative work is no less important for encouraging future creativity than guaranteeing an economic reward. More broadly, access to information and cultural goods specifically are formally recognised as a global human right (Smiers, 2000; Atkinson and Fitzgerald, 2014; Zahrádka and Schmücker, 2021). What can be concluded here is that even at this theoretical, conceptual level, copyright inherently implies the presence of tensions, namely between public and private interests (Fredriksson and Arvanitakis, 2014a; Reid, 2019). In practice, however, these tensions are particularly complex as these interests are not limited to that of individual authors (creators) and the society, as may be assumed from the discussion so far.

In reality, as Haupt (2014) notes, it is often a corporate entity rather than the author of the creative work that is the copyright holder for the work in question. Such corporate entities include, for example, publishers, broadcasters, major film production and distribution companies, and comprise what can be referred to as copyright industries (Bentley, Davis and Ginsburg, 2010). These companies “would not exist without copyrighted works” (Picard and Toivonen, 2004, p. 27), as their business essentially involves exploiting the value of “extensive inventories of content” (Netanel, 2007, p. 4), which they own the copyright to. It is in the copyright industries’ direct interest then to expand the scope of their rights, to maximise the return they can get from distributing content in their inventories, and they are, therefore, the least tolerant of any media practice that challenges their ways of operating. Consequently,

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<sup>4</sup> Also known as “just reward for labour”.



their interests may oppose not only that of the public, whose concern is access to copyrighted content but also the interests of creators, who are also entitled to own the copyright to their works. One of the recent illustrative examples of the latter is The Tarantino NFT Collection project<sup>5</sup> and the copyright disputes it caused between the film director Quentin Tarantino and the film production and distribution company Miramax. Although Tarantino wrote and directed the film *Pulp Fiction* (1994), he ultimately shares the copyright to this film with Miramax (Cho, 2022). Consequently, when Tarantino initially launched the project, which involved selling NFTs<sup>6</sup> of the film's screenplay excerpts, Miramax filed a lawsuit against him for copyright infringement (Maddaus, 2022; Van der Sar, 2022c). Of course, part of the issue here is the relatively new NFT technology, which did not exist when the copyright agreements for the film were created; and shortly, I discuss how technological developments are a significant factor in the copyright debate too. Nevertheless, this example demonstrates that the rhetoric of copyright being an author's right relies on the "myth of individual authorship" that rarely manifests itself in practice (Haupt, 2014, p. 187).

Furthermore, the distinction between authors, distributors, and the public (consumers of creative works) is increasingly blurred. A major factor here has been the constant development of new technologies that have been providing new ways of distributing content (Reid, 2019), which the copyright system has always been lagging to catch up with (Banerjee, 2019; Holt and Perren, 2019). The two most common examples here are the technologies enabling peer-to-peer file sharing, such as BitTorrent protocol, and cyberlockers (also known as one-click file-hosting sites), which provide internet users with secure ways to share large files, including those containing copyrighted content (Wang, 2017b). In addition to distribution, the growing accessibility of media production technology, both software (e.g., Adobe video editing applications) and hardware (e.g., professional-grade microphones), means that audiences increasingly produce their own content, distributing and often monetising it through content-sharing platforms such as YouTube (Cunningham, 2012; Lim, 2019). The accessibility of production has been further increasing due to the rising popularity of alternative funding models such as crowdfunding. Using platforms such as Patreon or Kickstarter, any individual can create an open call for funding for their creative projects, allowing anyone to make a financial contribution to the project in question (Bocconcelli et al., 2020). Consequently, crowdfunding arguably contributes to blurring the line not only between audiences and content producers but also between audiences and investors, creating what José Planells (2015) calls

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<sup>5</sup> Available at: <https://tarantinonfts.com/>

<sup>6</sup> Non-fungible tokens. It is a type of cryptoassets, which are primarily used for investments (see Clark, 2022).

prosumer-investors (see also D'Amato and Cassella, 2021; Regner, 2021; Cicchiello, Gallo and Monferrà, 2022).

The above suggests that it is becoming increasingly easier to build a creative economy, that is, a set of practices involving the production, distribution, and consumption of creative works, almost entirely outside conventional, formal copyright industries' control; and some of the studies discussed in Chapters 2 and 3, as well as my own findings, outlined in Chapters 5-8, demonstrate that this is indeed often the case. For the purposes of this chapter, however, this means that the interests involved in the copyright debate are not only increasingly intertwined but also continuously more wide-ranging, as they also include that of all the new technology developers (or corporate entities owning these technologies). It is worth adding that this is, of course, not the full list of copyright stakeholders (e.g., see Lobato and Thomas, 2012a; Gibson, 2022), but it is nevertheless sufficient to demonstrate the conflicting nature of the interests involved. In turn, with this range of different interests, it should come as little surprise that there have been similarly contradictory views on the state of existing copyright policies and the direction their further development should take; and shortly, I outline some of these views in more detail.

Copyright laws are constantly changing (Bentley et al., 2010; Decherney, 2015). Yet, copyright is essentially a relational right (Zemer, 2007), which means that changes in one part of the copyright system will likely affect the interests of others (Yu, 2004). The question here then is who drives these changes, and, therefore, in whose favour do these changes happen? There is little debate that it is the major copyright industries, especially Hollywood, that have been determining the direction of the copyright policy development. Not least with the help of copyright industry associations, such as MPAA<sup>7</sup> and RIAA,<sup>8</sup> they have been rather successfully lobbying to shift the copyright law in their favour (Wing, 2012; High, 2015; McDonald, 2016; Steinmetz and Pimentel, 2018). Emphasising the significance of their contribution for the economy, the copyright industries have been arguing for greater protection and, ultimately, an extension of their rights, effectively turning copyright law into a tool for maximising profits from creative works by gaining a near absolute monopoly power over these works (Picard and Toivonen, 2004; Klinger, 2010; Reid, 2019). As Netanel (2007, p. 4) notes, this desire for greater prioritisation of their interests over any other copyright stakeholder does not mean that the copyright industries are some "evil actors"; they simply act as any other firm, seeking to advance their market position and gain more profit from their products (Netanel,

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<sup>7</sup> Motion Picture Association of America

<sup>8</sup> Recording Industry Association of America

2007). Yet, as discussed earlier, copyrighted works are a distinct type of product; they are information and cultural goods which the public is entitled to have access to. The industries, however, have been treating these goods as any other type of physical property and, therefore, any use of these goods outside of the industries' control as theft (Rendas, 2015; Steinmetz and Pimentel, 2018). Although such framing is inherently invalid and has received much criticism (Yu, 2003; Kennedy, 2011), the industries' view has nevertheless dominated the copyright policy development due to their lobbying privileges as big corporations and their subsequent ability to influence the policy-making process (Netanel, 2007; Li, 2020). Consequently, the rights of other stakeholders, especially the public, have often been treated as incidental (Patterson, 1968; Reid, 2019; Doseva et al., 2022). This is well illustrated by the practicalities of fair use exceptions, which theoretically aim to balance the copyright regulation by allowing the public some types of creative work's use without the need for authorisation, such as for non-commercial personal use. Yet, in practice, these exceptions are limited and provide the public with a relatively weak defence rather than an actual right (Sweeney, 2017; Reid, 2019). Nevertheless, it should be noted that other copyright stakeholders have not all been fully compliant recipients of these industry-lead policy changes.

One of the direct responses to such an increasingly restrictive copyright system was the Pirate Party, which is an umbrella term for "anti-copyright/pro-piracy" political parties in many European countries whose most well-known agenda was to legalise file sharing (Beyer, 2014, p. 55; Larsson et al., 2014a; Meese, 2018; Karger and Jansová, 2021). Despite the relatively little success these parties had (Jacobs et al., 2012; Maškarinec, 2020), their very existence, along with the appropriation of the term "pirate", functioned as a tool to publicly question the industries' anti-piracy rhetoric and encourage a dialogue on the validity of the existing copyright regime (High, 2015). Some file-sharers, at least at the beginning of the file-sharing era, have similarly demonstrated some degree of activism by explicitly speaking against the 'greed' of copyright industries (Condry, 2004; Olivero et al., 2019). Yet, as Jääsaari and Hilden (2015) demonstrate, file sharing has long been a secondary point on the Pirate parties' programme, with their focus expanding to include a wider range of digital and IP rights issues, such as the right for privacy and patent systems. This has been resonating with the general nature of file-sharers' motivations, which have been increasingly more pragmatic than related to some form of utopian anti-copyright activism (Lindgren and Linde, 2012; Olivero et al., 2019; Sinnreich et al., 2020). Similarly, Creative Commons<sup>9</sup> – once seen as an example of copyleft activism, with Lessig (2004), one of its founders, arguing against legal punishment

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<sup>9</sup> It is a non-profit organisation that offers several types of copyright licenses for the rights holders to choose from, so that others can make use of their works, whilst ensuring proper attribution. Available at: <https://creativecommons.org/>

for non-commercial piracy – “is no longer a utopian concept” but an ordinary licensing tool, while Lessig and other scholars in this area have mostly changed focus to other issues<sup>10</sup> (Sinnreich et al., 2020, p. 20). Overall, it can be argued that while the monopolistic, industry-centric copyright system has been challenged, it has largely been due to various copyright stakeholders simply using new technologies in their own interests; much like the copyright industries have been lobbying simply in their interests rather than against that of the public. In turn, as I will now explain, this means that for the copyright industries to achieve the desired levels of control over their works’ uses, their efforts had to extend beyond policy lobbying.

Although the industries have long benefited from a privileged position in policymaking, the reality is that even these industry-centric copyright laws remain incapable of preventing piracy to a degree acceptable for the industries. A major factor here has been that new technologies have been making piracy increasingly easy (Wang, 2017b), meaning consumers may have been challenging the rights of the copyright industries “merely by using the native features of their devices” or software (Sinnreich et al., 2020, p. 3). As a result, as Castells and Cardoso (2012) note, there were some attempts to challenge the legality of such technologies themselves, which is illustrated by the actively debated legal status of file sharing shortly after the appearance of Napster. Yet, in practice, it is only a technology’s use for certain specific purposes that can be made illegal, not least because banning a given technology in its entirety leads to censorship concerns (Burroughs, 2017; Reid, 2019; Slabykh, 2019; Brandes, 2021). Importantly, the copyright industries themselves tend to take advantage of the new technologies, which means that instead of lobbying to outlaw a technological development completely, the industries tend to pressure these technologies to provide stronger protection for their content. One example here is YouTube, a platform equally adopted by amateur content creators and major copyright industries, and its own copyright enforcement mechanism, Content ID.<sup>11</sup> The latter was introduced in response to the copyright-related lawsuits filed by major players of the US copyright industries against YouTube, blaming the latter for facilitating unauthorised content distribution (Delaney, 2007). Today, however, the Content ID system is criticised for providing adequate protection only to major rightsholders, while individual users’ content is largely left unprotected (see Grosse Ruse-Khan, 2020; Maxwell, 2020e). Another example is the increasing tendency to hold ISPs liable for not sufficiently blocking access to pirate websites and to put pressure on ISPs to punish their

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<sup>10</sup> One of Lessig’s more recent works, for example, focuses on the role of technology in democracy (Lessig, 2018).

<sup>11</sup> Details on how this automatic system works are available at: <https://support.google.com/youtube/answer/3244015?hl=en#:~:text=Content%20ID%20is%20YouTube's%20automated,owners%20who%20meet%20specific%20criteria>. An important aspect of Content ID is that it is only available to rightsholders “approved” by YouTube, that is major rightsholders owning large quantities of content.

users for pirating (Wing, 2012; Duah, 2013). Although ISPs have increasingly been submitting to this pressure, the number of infringing websites and pirating users makes it near impossible for ISPs to control all infringing activity internet access enables (e.g., see Maxwell, 2023a; Van der Sar, 2023). Not least due to this scale of online piracy, another noteworthy area of the copyright industries' anti-piracy efforts have been and to an extent remain 'public awareness' campaigns aimed at discouraging users from unauthorised consumption of content.

“Circumventing law is expected to be harder, not easier, than abiding it” (Karger and Jansová, 2021, p. 678); and with potentially infringing activities becoming increasingly accessible, often made possible by standard features of a given technology, informal ways of using creative works can easily become a widespread social norm, as it happened with file sharing (Yar, 2005). Therefore, the overarching aim of these anti-piracy campaigns has essentially been to change this norm. As noted at the beginning of the chapter, one of the main tools in these campaigns has been the framing of file sharing as 'piracy', which tried to invoke the connotations of the word's origin, that is, maritime piracy. The industries' goal has been to 'criminalise' file sharing by equating it to theft, simplifying the idea of copyright, not least by giving little to no attention to the rights of the public, particularly fair use, as well as claiming that piracy is strongly linked to organised crime (Yar, 2008; Gillespie, 2009; Mirghani, 2011; High, 2015). In this way, Fishman (2014) argues, the copyright industries, or, more specifically, their representatives, namely MPAA and RIAA, have been acting as moral entrepreneurs, trying to change the belief about file sharing being a socially acceptable practice (see also Yar, 2005; Karaganis, 2011). As evident from the continuing popularity of file sharing, as well as many other informal media practices, which I elaborate on in the next chapters, the success of this moralisation is rather questionable. For the purposes of this discussion, a noteworthy feature of such 'educational' campaigns was the frequent use of various statistics as supporting evidence for their messages. Aiming to prove that piracy is a harmful activity, the industries have been presenting big numbers referring to their financial losses from piracy (High, 2015). These numbers would come from industry-sponsored research on piracy, which, along with the overall anti-piracy rhetoric the industry has so actively promoted, has significantly influenced the direction of academic research on the topic (Spilker, 2012), which I will now discuss.

## 1.2 The dominant research on piracy

Mattelart (2009), Johns (2010), Karaganis (2011), Fredriksson and Arvanitakis (2014a), all agree that the first and the majority of subsequent research on piracy has indeed been largely sponsored by the copyright industries. MPAA, for instance, has long had a separate section on its website dedicated to commissioned research and reports.<sup>12</sup> The most important point that should be noted here is that the industries' primary concern has never been to develop an in-depth understanding of piracy itself but to find ways how best to fight it (Mattelart, 2009). Therefore, the core purpose of the majority of the research on piracy has been to either point out its impact on the industry, which in turn could be used as evidence in anti-piracy campaigns and lobbying (Karaganis, 2011), or to understand how to convert pirating consumers into paying ones. As the next two chapters demonstrate, there has recently been an increase in more independent research on the topic. Notwithstanding, as evident from the more recent sources providing reviews of existing studies of piracy, such as Watson, Zizzo and Fleming (2015), Danaher, Smith and Telang (2020), and Krawczyk et al. (2020), a significant part of the research in question has continued to be guided by the industry's view on piracy. The following discussion takes a closer look at the types of such studies, with my focus here being not so much on the specific findings but on the general approaches to the methodology they adopt.

One such dominant study area is the research that looks at the economic impact of informal activity on the formal industry, or the so-called substitution effect of piracy. The substitution (or competition) effect suggests that if a pirated copy was not available, the consumer would have purchased this copy legally (Quiring, Von Walter and Atterer, 2008). In the context of such research, therefore, unauthorised use of creative works is seen primarily as a practice that "does not return profits to rightsholders" (Sadłowska, Karlsson and Caldwell Brown, 2019, p. 414), which the latter tend to interpret as a loss of profit (Gordah, Le Texier and Niang, 2012). Illustrative examples here are the studies of Bodó and Lakatos (2012), Ma et al. (2014), Herz and Kiljański (2018), Rajapaksha et al. (2019), and Yue (2020). These works involve juxtaposing box office figures with peer-to-peer networks' traffic data, including the number of film downloads and the date films are added to pirate sites compared with the official release date. One exception is the study of Herz and Kiljański (2018), who estimate film industry profit losses caused by piracy using the results of a survey. Herz and Kiljański (2018) asked their respondents to identify which films from the provided list they watched, how many times, and whether they accessed those films through legal or pirate means. They then

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<sup>12</sup> Available at: <https://www.motionpictures.org/research-policy/#research>

used economic modelling to calculate how unpaid (pirate) views may be related paid consumption (ibid.). It is also worth noting such studies as De Vany and Walls (2007, p. 294), who compare box office figures with “unique data” on film piracy from “a study commissioned by a major studio” provided exclusively to the researchers. Such unspecified sources further add to the controversy surrounding the research attempting to offer exact measurements of the substitution effect and the use of quantitative methods to study such illicit activity as piracy in general (Yar, 2008; Brown, 2014; Re, 2018). These controversies arise due to numerous complexities that can put the validity of substitution effect estimates into question.

Firstly, as noted by Waterman, Ji and Rochet (2007) and McKenzie (2017), it is uncertain whether an illegal download necessarily replaces a cinema ticket: it may be replacing a DVD or a purchase of the film via a legal steaming service. In addition, an individual consumer may use both pirate and legal sources. In Herz and Kiljański’s (2018) case, this manifests in the so-called sampling effect, that is, when a pirate copy serves a promotional function, providing an opportunity to try the product before spending money on the legal purchase. More generally, there is increasing evidence that those who pirate content are also the ones making the most legal content purchases (Bode, 2018; EUIPO, 2023). Furthermore, it has long been pointed out that not all pirating consumers are equally eager to consume a particular product, meaning if a free, pirate copy was not easily available, they would rather “do without” said product than buy a legal copy (Lim and Rajendra, 2006). Another factor that is often unaccounted for is the legal availability of content. As demonstrated by the studies discussed in the following two chapters and the findings of my research, in some markets, legal options may be completely absent. Therefore, to accurately calculate the substitution effect of file sharing, one needs to only consider traffic from countries where the content in question is available legally. Yet, considering the increasing use of anonymity tools, especially VPNs, that hide the actual location of a file-sharer’s IP address, the above becomes increasingly difficult. Apart from these nuances, which are often overlooked in the substitution effect studies, what further undermines the industry’s claims about piracy’s harmful impact on legal sales is the fact that the industries consistently report growing revenues, emphasising their significant contribution to the economy (Yar, 2008; MPAA, 2016).

A related area of research includes studies that explore the more long-term economic effect of piracy, that is, its impact on the future production of creative works. Telang and Waldfoegel (2018), for instance, find a connection between Bollywood’s decline in revenues, allegedly caused by an increase in illegitimate film consumption, and the subsequent fall in new film releases, thus providing evidence of the importance of the economic reward for maintaining the production of creative works. Similarly, Rodriguez Ovejero, Stamatii and

Torres Figueroa (2019) and Paul (2002) point out the negative implications of piracy on the availability of films in a market, particularly on formal distribution. Paul (2002) notes that many international and local filmmakers are often reluctant to release films in India as they fear that high levels of piracy in the country would lead to insufficient remuneration for their works. Rodriguez Ovejero et al. (2019) suggest that the negative impact of piracy goes even further, affecting the existence of formal content providers in a country altogether. Their research into pay-TV markets in a number of Latin-American countries shows that in places where piracy is more widespread, legal pay-TV operators struggle to enter and stay in the market because these prevalent informal practices of accessing or distributing TV content can offer a price that legal services could not possibly compete with (Rodriguez Ovejero et al., 2019). What such studies, along with those looking at the substitution effect, suggest is that piracy can essentially be viewed as an alternative content distribution channel, or a “pirate window” (Poujol, 2019, p. 259) within the so-called windowing strategy.

Windowing is a common business model in the copyright industries, perhaps most adhered to by the film industry. It involves releasing a film sequentially through different media and for a differing price, i.e., through different ‘windows’ (Wang and Zhu, 2003; Waterman et al., 2007). In this way, rightsholders aim to ensure an economic reward for every use of creative works, thus essentially taking control over how these works are consumed and maximising their profits (Wang, 2017b; Re, 2018). Accordingly, piracy is seen as compromising this system, offering a window that formal industry does not control and cannot profit from (Eliashberg, Elberse and Leenders, 2006). Therefore, there are also studies exploring what makes this informal window more attractive to audiences, particularly compared with its formal alternatives, aiming to understand how to adjust the latter and convert pirating audiences into legitimate consumers. According to Lahiri and Dey (2013), such studies often develop recommendations for pricing strategies that should be adopted in the presence of piracy on the market. As it is commonly posited that high price is one of the main reasons behind turning to pirating (Karaganis, 2011), some attempt to develop better pricing strategies that would make legal media an attractive option for those who would only get a cheaper (or free), illegal version (e.g., Khouja and Rajagopalan, 2009; Liu et al., 2011). Others explore the potential of benefiting from this ‘pirate window’ through the sampling effect (e.g., Gordah et al., 2012). Yet, overall, these efforts to compete with piracy are, ultimately, attempts to find a cheaper alternative to preventing or fighting piracy, including through the enforcement of copyright laws (Kim, Park and Straub, 2022).

As mentioned earlier, anti-piracy enforcement is often difficult, not least due to the scale of piracy, particularly online. As argued by Wang (2017b) and Quintais and Poort (2019),



for example, blocking or shutting down pirate websites – a common method of enforcement – often has a short-term and relatively insignificant effect: blocking can be easily circumvented, and the content from a shut-down website can be ‘restored’ by creating a new website. For website blocking to noticeably reduce piracy, at least for a limited period, multiple websites must be blocked at once (Danaher et al., 2019). Therefore, considering the scale of such enforcement operations as well as the ubiquity of piracy, enforcement is often unjustifiably costly for the industries (Waterman et al., 2007). As Picard and Toivonen (2004) explain, the copyright industries benefit from enforcement only up to a point, that is, until the cost of this enforcement is lower than their returns; hence, the industry is often interested in either alternative ways of dealing with piracy, such as adjusting its pricing strategies, or optimising its enforcement or preventative measures. This search for optimal anti-piracy measures is the basis for another noteworthy set of research on piracy.

Specifically, as Castells and Cardoso (2012) note, a considerable body of work in this area approaches piracy from a legal perspective, which is rather expected considering that the notion of piracy is directly related to the idea of copyright (Vaidhyanathan, 2001). Such studies often look at existing copyright and intellectual property policies, usually with the aim of evaluating their effectiveness in tackling pirate consumption. An illustrative example here is a cross-country study by McKenzie (2017), who compares box office data before and after graduated response policies<sup>13</sup> were introduced in a range of countries, thus exploring the benefit of such policies for increasing industry profits. Interestingly, the study finds no change in the box office (McKenzie, 2017). This suggests that even if such policies reduce pirate consumption, these former pirating consumers do not necessarily convert to legal cinema audiences, which further undermines claims about the substitution effect of piracy. Similarly, Peukert, Claussen and Kretschmer (2017) analyse the effect of Megaupload’s<sup>14</sup> shutdown on the box office, assessing economic benefits of such enforcement. Although, unlike McKenzie (2017), Peukert et al. (2017) do find a change in the box office after the shutdown, its effect is rather intricate. One of the findings, for example, is that the box office increased only for films that were released in a wider range of cinemas, while those released on fewer screens saw a decline in their box office. Other studies in this area look at piracy prevention measures, including digital copy protection technologies (e.g., Sudler, 2013; Wary and Neelima, 2019) and educational anti-piracy campaigns (e.g., Moores, Nill and Rothenberger, 2009; Jeong, Yoon and Khan, 2020). The latter, in turn, is closely related to the research that takes a

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<sup>13</sup> These policies involve rightsholders monitoring users that download their works via file-sharing sites, reporting these users to ISPs, with the latter then being expected to somehow punish the user, for example, by reducing their internet speed.

<sup>14</sup> A popular file hosting website, commonly known to have been used for informal distribution of copyrighted works.

behavioural stance on piracy, with such studies usually trying to understand what drives people to engage in the unauthorised consumption of creative works and what may deter them from it. Redondo and Charron (2013), for example, explore correlations between individual characteristics of downloaders, such as novelty-seeking or degree of internet use experience, and their varying paying habits for legal copies of content. Redondo and Charron (2013) explicitly note the potential value of their findings for improving the effectiveness of anti-piracy campaigns by tailoring messages to different types of downloaders. Studies like Moon et al. (2015) and Siponen, Vance and Willison (2012), which consider the perception of piracy as the social norm, are conducted essentially with the same rationale: they look at how pirating consumers justify their actions as being an acceptable social behaviour in order to provide specific recommendations for anti-piracy organisations on how to change this perception. For the purposes of this research, the following can be concluded about the studies mentioned in this part of the chapter.

Although the focus of such studies as discussed above is on piracy, the researchers effectively place formal industry at the centre of the debate, which reduces the need to explore any aspects of informal media activity that do not directly relate to the formal industry's performance. For example, as noted by Brown and Holt (2018), there are considerably more studies of consumers of creative works, namely those downloading content rather than uploaders, that is, suppliers of pirated content. Yet, as demonstrated by Thomson, Mahanti and Gong (2018), the latter tend to have distinctly different motivations for engaging in this informal practice. More generally, there is an evident lack of pirates' (both audiences' and content suppliers') voices in this type of research. While some of the aforementioned studies do involve pirate consumers (e.g., Siponen et al., 2012; Redondo and Charron, 2013; Moon et al., 2015), their methodologies are predominantly surveys asking a rather limited set of questions. Even in qualitative research, which is comparatively rare in the study of piracy (Brown, 2014), researchers often resort to formal sources to obtain data about informal activity (e.g., Papadimitriou, 2018). Such industry-centric research can only offer a limited, likely oversimplified understanding of the reasons why piracy exists and of the practicalities of this informal practice. Therefore, for this project, as elucidated in the next chapters, I adopt a different approach, one that moves away from attempting to measure pirate activity and instead aims to understand the everyday realities of piracy from the perspective of the 'pirates' themselves. Importantly, although there is evidently considerable research exploring piracy from a seemingly wide range of perspectives, most of these studies ultimately view formal copyright industries as the only mechanism that can ensure the production of creative works, which in turn means that piracy is unequivocally regarded as a marginal, largely harmful practice. These studies thus tend to unquestionably accept the economic argument of

copyright as universally and equally applicable. Yet, as the following discussion demonstrates this is not the case.

### **1.3 Geopolitical dimension of the copyright debate**

In the introduction to this thesis, I noted that one of the reasons for choosing Ukraine as the context for this research was the country's regular appearance in the global piracy reports that view Ukraine as a market with high levels of piracy and lax copyright protection. The reports in question are Special 301, which are produced by the USTR.<sup>15</sup> They annually assess countries on whether their regulatory frameworks allow "U.S. right holders [to] receive proper and adequate compensation for their creative works" (USTR, 2020, p. 58). If the report suggests that this is not the case in a given country, it is placed on the 'watch list' or 'priority watch list', and the US government may then impose trade-related sanctions or penalties on said country. A major data source for Special 301 are reports submitted to them by the copyright industries, where the latter outline major foreign 'notorious markets', that is, physical or online spaces that the industries consider as having high degrees of infringing activity.<sup>16</sup> Using Ukraine as a case-study, McDonald (2020) discusses how these USTR reports help create 'pirate states', a transgressive rhetorical figure that essentially ties infringement to a nation. As a result, such countries become known as hotspots for piracy, as "countries where you would expect [piracy] to be" (Stephens, 2019). Arguably, the rationale here is that the US copyright industries have been increasingly relying on foreign markets as a source of profit. For instance, over 70% of Hollywood's box office comes from outside of the US (MPA, 2019). Yet, these foreign markets, especially non-Western, developing countries, do not have the same copyright system as the US and, crucially, may have a different approach to protecting the copyright of foreign rightsholders from that of the domestic ones. Although the US copyright industries have been promoting copyright as a natural right, it is ultimately an artificial one and, importantly, an inherently Western one (Smiers, 2000; Barendt, 2007; Yung, 2008). Therefore, the 'pirate state' figure has served to coerce other countries to adopt the US approach to copyright (Yar, 2005), so that the US copyright industries could profit from their works in these countries in the same way as they do in their domestic market. As evidenced by the studies discussed in the next two chapters and the findings of this research, framing countries as pirate hotspots can lead to invalid generalisations and rather simplistic

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<sup>15</sup> United States Trade Representative. Available at: <https://ustr.gov/issue-areas/intellectual-property/special-301>

<sup>16</sup> An example of such report, submitted to the USTR by MPAA, is available at: <https://www.motionpictures.org/wp-content/uploads/2014/10/MPAA-Notorious-Markets-2013.pdf>

assumptions about piracy. Importantly, as I will now elaborate, it forces countries to adopt and actively enforce a system that might not be in the best interests of their creative economies.

In addition to trade sanctions threats, one of the arguments for adopting a stricter, US-style copyright system has been the promise of the domestic creative industries' growth that should come as a result of tighter protection of the rightsholders' rights (Pager, 2017). However, whereas the strict, industry-centric copyright policy is evidently beneficial for *maintaining* a well-developed copyright industry, such as in the US, its ability to help with *establishing* one is considerably less obvious. As explained earlier in the chapter, the overarching logic behind this system, developed under the heavy influence of the US industries, is to provide the latter with a mechanism to get the highest possible return on the large inventories of content they own and continue to expand. Yet, there is sufficient evidence that at the early stages of a creative industry's development, this mechanism is not necessary. Pager (2017), for example, discusses the film industries in Nigeria, India, and China, focusing on the state of copyright regulation throughout the different stages of these industries' development. Nollywood and Bollywood, Pager (2017) demonstrates, both started as largely informal, with copyright enforcement being rare, if not completely absent (Pager, 2017). Nollywood is a particularly good example of building a well-functioning creative industry almost entirely based on pirate networks (Lobato, 2010); and in the next two chapters, I will discuss this case in more detail.

Ultimately, what is especially noteworthy here is that the US itself used to be infamous for violating the rights of foreign rightsholders and, until 1989, resisted joining the Berne convention (Vaidhyathan, 2001; Yu, 2003; Haupt, 2014). Until the beginning of the twentieth century, the US was "the world's leading pirate nation" offering effectively no protection for the rights of foreign authors (Rothchild, 2018, p. 367). It was only when the US became a net exporter rather than a net importer of creative works that it started to see value in the idea of protecting the rights of foreign rightsholders (Yu, 2003; Rothchild, 2018). Similarly, it was only after Indian, Nigerian, and Chinese film industries achieved a certain level of development that the countries began to regard piracy as a potential problem and started reassessing their approach to copyright regulation (Pager, 2017). The key point here is that unless a country's creative industry is similar in scale and export ambitions to that of the US, it is more likely to benefit from lower levels of protection for creative works, especially with regard to foreign ones. This is not to say that copyright for such countries is completely irrelevant, but, as Pager (2017) argues, the degree of protection a country's copyright regime provides to rightsholders should be tantamount to its creative industries' level of development. Furthermore, as illustrated in the work of Smiers (2000) and Zimmer (2020), not all creative and cultural

practices are the same by nature and, consequently, cannot be regulated by a single copyright approach equally efficiently.

Smiers (2000) talks about *raï*, Algerian folk music, which is not fixed in specific texts but rather involves singers constantly reusing each others' refrains to create their own variations of a given song's theme. Therefore, the notion of individual authorship that underlies the current copyright system does not apply to the culture of *raï*. Yet, the Western concept of copyright was nevertheless applied to *raï* in order to commercialise it, which has led to 'freezing' *raï* music in fixed, copyrighted forms, thus compromising the very concept of *raï* culture (Smiers, 2000). Zimmer (2020) offers a different example, one where the global IP regime is used as an attempt to preserve such indigenous cultures. Zimmer (2020) discusses the artisan practice of Chulucanas ceramics and how it has been legally defined to be eligible for IP protection as an instance of traditional knowledge. The issue here is that IP regime requires defining such knowledge through a list of fixed, clearly defined standards of practice, which contradicts the varying and evolving nature of authentic production processes behind Chulucanas ceramics (Zimmer, 2020). As a result, only a part of authentic artisan practices, ones that strictly adhere to this legally defined process, can be marked as Authentic® and given access to financial and structural resources that help artisans to continue their practice. The examples offered by Smiers (2000) and Zimmer (2020) serve to highlight that instead of encouraging creativity and supporting the development of a given culture, copyright may, in fact, impede it. Thomas (2020) explains this by the fact that the very narrative of 'development' that the global/Western copyright and IP regime promote is rather limiting. Arguably, copyright can only serve to develop those cultures that benefit from commercialisation and export. However, for many developing countries, including Ukraine, preserving the authenticity (not Authenticity®) of their rich indigenous cultures may be more important than building these cultures' export potential (e.g., see Skavronska, 2017); and Chapter 8 of this thesis offers some examples of factors that create such different priorities.

The ultimate point of the discussion above is nevertheless not to debate the benefits or overall fairness of pushing this Western, industry-centric approach to copyright to other countries. Despite continuing academic criticism, countries are urged to adopt this copyright system, whether through USTR pressure resulting from Special 301 reports or through international copyright-related treaties, which oblige their signatories to have their copyright legislation meet certain standards and to guarantee equal protection of rights for foreign and

domestic rightsholders (Schere, 2018).<sup>17</sup> The point of addressing the presence of the geopolitical dimension of the copyright debate here is to further emphasise the diversity of interests copyright attempts to regulate and the complexity of tensions that subsequently arise. Although the efforts of developed copyright-exporting countries to steer the direction of copyright regulation worldwide have been largely successful, the policy principles they promote remain inevitably interpreted through the local lens (Johns, 2010; Ginsburg and Treppoz, 2015). As a result of this “inherently local nature of copyright” (Halpern and Johnson, 2014, p. 36), it is important to consider the role of heterogenous cultural contexts where a pirate activity takes place, as these contexts may play an equally important role in determining the legitimacy of the activity in question. For the purposes of this research then, the presence of this geopolitical dimension means that, as Poblete and Goldgel-Carballo (2020, p. 3) argue, “any intellectually serious approach to piracy must avoid the simplistic and often false dichotomy between legality and illegality”. A theoretical framework that allows to account for this complexity – and which I, therefore, adopt for this project – is the informal media economy, and the next chapter elaborates on the approach it takes to study piracy.

## **Conclusion**

In this chapter, I discussed the various copyright stakeholders and the power dynamics they create within the copyright debate. The discussion highlighted the major Western copyright industries’ leading role in setting the direction for copyright policy development and their influence on the discourse around any activity that falls outside of the industries’ control, that is, piracy. I provided an overview of the dominant types of research on piracy, which is largely based on this industry-centric view of copyright and piracy, noting related methodological limitations of such studies. These limitations include the questionable reliability of quantitative methods aimed at measuring piracy as well as the lack of pirates’ perspective on their own practices. Finally, I emphasised the need to acknowledge that the Western approach to copyright is not equally applicable to other, non-Western countries and their creative economies. This effectively means that what this approach may view as a copyright-challenging activity, in a non-Western context, could be a legitimate everyday practice. In the next chapter, therefore, I discuss an alternative approach to piracy, one that places piracy at

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<sup>17</sup> These treaties include Universal Copyright Convention, Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, Berne Convention for the Protection of Literary and Artistic Works, and Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations.

the centre of the debate, viewing it as, first and foremost, a ubiquitous way of creating, distributing and consuming content, particularly in non-Western economies.

## **Chapter 2. The Informal Media Economy**

In this chapter, I elaborate on the theoretical framework I adopt to study pirate practices in Ukraine. The framework in question – the informal media economy – involves approaching piracy, as well as amateur and any other unofficial media practices, as equally significant parts of the media landscape as their more formal counterparts. This approach thus addresses the limitations of the conventional, industry-centric research on piracy that I pointed out in the previous chapter. I begin this chapter by unpacking the informal media economy as an analytic concept and a theoretical framework, looking in particular at the key works on the subject, namely by Ramon Lobato and Julian Thomas. I discuss some recent studies that adopt the framework to demonstrate its applicability to a wide range of practices and media economies and, subsequently, indicate its use for my own project. Yet, I also acknowledge some of the criticism of the analytical concept, which, I suggest, is rooted in the ongoing debates around the notion of informality, which underlies the framework. Therefore, this chapter proceeds by taking a closer look at the notion of informality and informal economy, scrutinising the meaning of the terms, with the discussion ultimately pointing towards the contextual nature of informality. Consequently, I argue that an important implication of adopting the informal media economy framework to study pirate practices is the need to consider the wider economic, cultural, and social context where these specific practices exist. The next chapter then offers further evidence of the varying nature of informality in media economies in different countries by discussing the diverse body of work on different informal media practices worldwide.

### **2.1 The framework and its origins**

As an analytic concept and theoretical framework, the informal media economy offers an alternative way to approach piracy and media industries more generally. It suggests moving away from viewing such entities as major Hollywood studios or national broadcasters as sole and central components of the media industry and, accordingly, file sharers or amateur content producers – as “merely noise around this regular system” (Lobato and Thomas, 2015, p. 19). Instead, this alternative approach emphasises that such unofficial ways of producing, distributing, or consuming content, including those commonly termed piracy, constitute an everyday media experience in many parts of the world and, therefore, should be seen as an integral part of the media landscape, albeit a questionably legal one. Compared with the studies discussed in the previous chapter then, which view piracy as marginal and largely harmful to the formal industry, the informal media economy essentially advocates for a less



biased, more holistic approach to the matter; and this chapter serves to unpack this approach in more detail. Although the authorship of this framework is usually attributed to the work of Ramon Lobato and Julian Thomas, namely to their book *The Informal Media Economy* (Lobato and Thomas, 2015), it is worth noting that the foundations for this concept can be found in their earlier works. Specifically, in one of his earlier papers, Lobato (2007, p. 113) identifies a gap in contemporary film studies, that is, an insufficient account of film distribution practices that happen “between the multiplex and the art house”. Lobato (2007, p. 117) proposes the term “subcinema” as a way to theoretically conceptualise “forms of film culture, which are incompatible with more familiar paradigms” such as Hollywood cinema. Subcinema thus encompasses anything from straight-to-video releases and Nollywood to BitTorrent-based file sharing and any other forms of film piracy. With this concept, Lobato (2007) suggests moving away both from the copyright industry’s demonising anti-piracy discourse as well as from the celebratory accounts of piracy, instead approaching the study of these film distribution practices more pragmatically. His further work essentially elaborates on and refines this idea.

Arguably, the informal media economy as a theoretical framework was first introduced in the work of Lobato, Thomas and Hunter (2011), where they propose approaching user-generated content (UGC) not in opposition to professionally produced media but as being characterised by a different degree of formality. Lobato et al. (2011, p. 901) view UGC through the lens of the informal economy concept, originally developed to theoretically frame various types of work in developing countries that fall outside the Western idea of “formal salaried labour”. This concept is fundamental to the informal media economy framework, and further in this chapter, I unpack it in more detail. Yet, broadly, “informal” can be understood as a type of activity that is not industrially regulated, while “formal” is. Importantly, Lobato et al. (2011) – as well as many scholars studying informal economic activity in other fields (e.g., Marinescu and Valimăreanu, 2018; Routh, 2022) – emphasise that formal and informal are not two separate spaces but rather refer to degrees of the qualitative value of formality. To illustrate this, Lobato et al. (2011) position various examples of UGC – from family photography to letters to the editor – along the so-called spectrum of formality (see also Cobb, 2004; Cobb, King and Rodriguez, 2009), where “formal” and “informal” are the two extremities of the spectrum. Lobato et al. (2011, p. 904) argue that the place of a specific UGC practice on the spectrum depends on said practice’s “variables of formality”, such as measurement, labour organisation, institutionalisation, or taxation. Crucially, since such variables can vary, so can the place of a practice on the spectrum of (in)formality. For example, fansubbing, a practice where fans of a foreign show or other audiovisual content create subtitles for it in their own language and then distribute them usually via file-sharing sites (Pérez-González, 2006), can have varying degrees of labour organisation and institutionalisation. Fansubbers may work

individually, sharing their work via different file-sharing sites, or join online fansubbing communities, which tend to have clear labour division and strict quality control (Mika, 2015; Zhang and Cassany, 2017; Massidda, 2020). Furthermore, some fansubbing communities may become more formalised, with offices in multiple cities and the ability to license content for translation, as it is the case with Viki (Dwyer, 2012b). In the next chapter, I return to the research on fansubbing in more detail as part of my discussion of the existing scholarship on different pirate practices. While the work of Lobato et al. (2011) develops this framework to conceptualise UGC-related practices, their further works, Lobato (2012) and Lobato and Thomas (2015), serve to demonstrate that this spectrum and the concept of (in)formality is applicable not only to UGC but to the media industry more broadly.

In *Shadow Economies of Cinema*, Lobato (2012) explores various instances of informal film distribution, essentially taking his earlier proposal of the subcinema model (Lobato, 2007) and reframing it through the concept of informality. He discusses such cases as the US straight-to-video industry and Nollywood to argue that although the quality of the content these industries produce does not qualify them for an Academy Award, they are great in scale, delivering vast amounts of audiovisual entertainment to large audiences; and, therefore, film scholars should take these industries and their outputs seriously (Lobato, 2012). Lobato's (2012) discussion of Nollywood particularly highlights the efficiency and overall significance of informal distribution networks. Nollywood film producers successfully took advantage of the established informal markets, including street stalls and small video stores, which used to serve primarily as a low-cost and high-speed distribution channel for pirate copies of Hollywood and Bollywood films (Lobato, 2012). Despite their informal status, the capability of these markets, Lobato (2012) argues, can be seen as one of the reasons why Nollywood is now a flourishing film industry with an international audience. Finally, Lobato (2012, p. 97) demonstrates the applicability of the spectrum of formality to online film distribution by presenting "the messy world of online cinema" on the spectrum: while the formal end of the spectrum hosts Netflix and iTunes, file sharing sites sit closer to the informal end, and cyberlockers, which are used for both pirate and legal content sharing, are located somewhere in the middle. Reiterating ideas about informality and the spectrum, Lobato and Thomas (2015) illustrate how such an approach can be applied to existing debates in media studies, including those around creative labour, piracy, regulation, and globalisation, thus pointing to potential directions for the future research on the informal media economies. Ultimately, both studies argue for a more holistic approach to the media landscape, emphasising the difficulty of developing a comprehensive understanding of it without considering its more informal spaces and how they interact with the more formal ones. The

following discussion takes a look at how some scholars have adopted this framework to study such informal spaces.

For Kunze (2021), for example, the framework is useful for exploring the role of unauthorised distribution practices for Broadway. Instead of limiting his discussion to the possibility of Broadway musicals' bootlegs harming the theatre industry, Kunze (2021) argues that these bootlegs make Broadway accessible to a wider audience and, in fact, are more likely to have a promotional rather than detrimental effect on the theatre culture. Importantly, in line with the informal media economy approach, Kunze (2021) places bootlegging – not the formal theatre industry – at the centre of the discussion, which allows him to focus on the different practicalities of bootlegs' distribution, such as the use of humorous titles for bootlegged musicals as a way to hide the true contents of the videos when they distributed on YouTube. In addition, Kunze (2021) points out the role of bootlegging in effectively encouraging the formal space to innovate, namely to launch such streaming services as BroadwayHD, which offer official recordings of musicals, in an attempt to take control over the quality of the recordings and to essentially commercialise the bootlegging practice. This resonates with the work of Keogh (2019), who adopts Lobato and Thomas's (2015) informal media economy concept to unpack the history of in/formalisation of the videogame industry. Keogh (2019, p. 23) talks about modders, "the most visible informal videogame developers of the 1990s and early 2000s", who would modify the code of PC games to either improve the original game or to completely alter it. Some game publishers would embrace these modifications and formally release the most popular ones (Keogh, 2019; see also Postigo, 2007). Furthermore, the range of productive informal game development practices has recently expanded thanks to third-party game engines<sup>18</sup> and platforms such as App Store (Apple) or Xbox Live Arcade<sup>19</sup> that make games' development and subsequent distribution accessible to amateur and independent developers (Keogh, 2019). Keogh's (2019) and Kunze's (2021) work is thus a good illustration of interactions and interdependencies between formal and informal spaces of the media economy. The studies of Szczepanik (2020) and Lim (2019), on the other hand, adopt the framework in question in order to conceptualise practices that sit in the middle of the spectrum of formality.

Following Lobato and Thomas's (2015) framework, Lim (2019) conceptualises self-distribution as an example of the semi-formal film economy. By "self-distribution", Lim (2019) means a variety of DIY film distribution strategies used by independent filmmakers, including

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<sup>18</sup> A software development environment.

<sup>19</sup> Now integrated into a single platform Xbox One.

producing and selling DVDs of their own films at film festivals or small stores, arranging film screenings at unconventional venues such as local cafes, or releasing films on YouTube. Lim (2019) argues that while the films in question are sourced legally and distributed by their lawful copyright owners, the lack of intermediaries, frequent handshake deals that may be used to secure distribution venues, as well as a potentially understated declaration of taxes by indie filmmakers brings a certain degree of informality to the practice of self-distribution. Szczepanik's (2020) work uses the notion of semi-formality to conceptualise the role of Filmtoro, a Czech film recommendation platform, as a semi-formal local intermediary for Netflix. Filmtoro<sup>20</sup> aggregates information about films available on national, regional and global platforms, including details on the availability of Czech localisation, and, similar to IMDB, allows to rate and review each title. With regard to Netflix specifically, Filmtoro established connections with Czech localisation studios working for Netflix to offer realistic estimates for when a given Netflix title is expected to be translated into Czech and has been running an unofficial Facebook page for Netflix even before the latter entered the market, thus playing an important role in building the audience for the streaming giant (Szczepanik, 2020). Notwithstanding, Filmtoro has no direct connection to Netflix, with the latter having essentially ignored any attempts of Filmtoro's founder to contact them. According to Szczepanik (2020), this lack of direct, formal cooperation places Filmtoro in the middle of the spectrum of formality regarding the platform's intermediary role for Netflix. Finally, the informal media economy framework is helpful for framing discussions around national media industries more generally, as done, for example, by Zhao and Keane (2013) and Mehta and Cunningham (2023).

Zhao and Keane (2013), adopting the approach outlined in Lobato et al. (2011), highlight the interdependencies between formal and informal spaces in China's film distribution economy and the ability of informal practices to affect wider media policies in a country. Not least due to the pressure from the US to reduce online piracy, the Chinese government introduced mandatory licensing for websites wishing to distribute audiovisual content, effectively forcing pirate sites to either formalise or be shut down (Zhao and Keane, 2013). Although, as Zhao and Keane (2013) argue, this policy did lower the levels of online piracy and encouraged the development of China's formal content platforms, it has also led to a revival of physical piracy and negatively affected content diversity, which the previously unregulated sites used to provide. Similarly, Mehta and Cunningham (2023) talk about the continued centrality of informality for the development of the Indian film industry. In the previous chapter, I noted that, similar to Nollywood, the Indian film industry started as largely informal, often funded by gangsters or money launderers and frequently 'recycling' storylines,

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<sup>20</sup> Available at: <https://filmtoro.cz/>

thus disregarding copyright norms (Pager, 2017). Today, however, as Mehta and Cunningham (2023) demonstrate, the nature of informality in the industry is different. They point out complex linkages between UGC and PGC (professionally generated content) spaces within the Indian New Screen Ecology, discussing how creators currently working for Amazon Prime Video or Netflix tend to start as amateur creators on UGC platforms such as YouTube (Mehta and Cunningham, 2023). Mehta and Cunningham (2023, p. 6) also highlight the “dynamic informality” within India’s creator culture “whereby writers become directors, talent agents become producers, stand-up comedians become writers”, and so on.

The discussion above demonstrates some of the possible contexts, industries, and individual practices that the informal media economy framework can be used to study. Although the range of the topics is rather broad, what these studies have in common is that they neither condemn nor actively celebrate informality; they simply view it as an integral, constitutive part of the media economy and, therefore, give it appropriate attention. They follow the framework’s call to seek nuance, analytical realism, and complexity of what counts as media production, distribution, and, more generally, as media economy (Lobato et al., 2011; Lobato, 2012; Lobato and Thomas, 2015), by taking informal space just as seriously as the formal one. It is worth clarifying that adopting the informal media economy framework does not completely exclude considering the legal status of informal practices or their potential effects on the formal industry or culture more broadly. Yet, such considerations need to be carried out with constructive aims in mind: as Lobato (2021b, p. 145) explains, “this approach seeks to productively de-center the most common objects of media industry studies while at the same time opening a space for understanding a wider variety of organizational forms”. In this research then, I follow this approach by taking a more pragmatic stance on the pirate practices that I study: I place them at the centre of the discussion, exploring their role as first and foremost media localisation and distribution practices, while the analysis of their place in relation to the law and the formal industry is done solely to develop a deeper knowledge of their nature and how they operate.

One other point that is worth addressing about the framework is that since it encourages broadening the scope of practices that researchers need to consider as part of the media economy, it carries some noteworthy methodological implications, namely the need to reconsider what Miller (2020, p. 25) calls “the obsession with counting in media industries research”. By definition, informal activity is one that is unregistered and unregulated, meaning it is not and cannot be measured in the same way as formal one. As elaborated in Chapter 1, piracy is indeed difficult to measure accurately. Conventionally, however, an industry’s validity and importance has often been equated with its ability to be presented in and examined

through exact numbers, specifically those commensurable with the globally dominant, formal data collection techniques, such as box office (Miller, 2020). As Lobato (2012) notes, the inability to include informal outputs in these conventional industry data sets is a major reason why informal media economies have been understudied and overlooked in the first place. Yet, the value of informal industries cannot always be translated into such numbers and is instead best captured through “locally derived qualitative assessments” (Miller, 2020, p. 35). Therefore, a productive study of the informal space implies embracing the indeterminacy of what constitutes this space and looking “beyond official metrics and other sources of empirical “truth”” (Lobato, 2021b, p. 146), taking advantage of qualitative methods instead, particularly those allowing to “capture the texture of informality from the point of view of those involved” (Lobato, 2021b, p. 150). Therefore, for my project, as elaborated in Chapter 4, I similarly adopt a qualitative methodology with the interviews with those directly involved in Ukraine’s screen media economy being of central importance for data collection. Nevertheless, the framework in question does not promote any one specific method, not least because of the breadth of practices and studies it attempts to cover, which I explain below.

At its core, the approach to piracy, conceptualised by Lobato and Thomas (2015) into the informal media economy framework, is not new. As Lobato and Thomas themselves note (Lobato, 2012; Lobato and Thomas, 2012b), their framework is largely founded on the work of such scholars as Sundaram (1999; 2004; 2009), Larkin (1997; 2004), and Himpele (2007), who conducted ethnographic research of informal media practices in India, Nigeria, and Bolivia respectively. In addition, there is other work preceding the publication of Lobato and Thomas’s studies that employs the informality vocabulary when referring to piracy. Mattelart (2009, p. 309), for example, discusses the role of informal economy networks as “underground channels through which cultural globalization is operating” in the countries of the East and the South, while Floyd (2008, p. 34) talks about the “informal media market” of Ecuador, which serves as a productive space for distributing indigenous-language content. Ultimately, as I demonstrate in the next chapter, there is a rather wide range of studies on various informal media practices that adopts a similarly productive, holistic approach to study them, yet which does not necessarily refer to the framework in question. This means that the body of work that my research broadly contributes to is not limited to the studies that explicitly adopt the framework in question but includes research that generally approaches piracy from a non-industry-centric perspective.

Furthermore, it is important to point out that the framework itself, being relatively new, has not been received unanimously. For instance, Crisp (2015) suggests that while “formal/informal” is certainly a more neutral alternative to refer to pirate and official media

practices than the more common “legal/illegal”, she notes that there is a risk that “formal/informal” vocabulary reiterates the (invalid) oppositional dichotomy between the two, albeit in a different way. A similar concern is expressed by Re (2015), who points out that practices at the formal and informal ends of the spectrum of formality appear to coincide with legal and illegal. To prevent formal/informal and legal/illegal categories from overlapping completely, Re (2015, p. 258) proposes adding another dimension to the spectrum: free/paid. Arguably, in both cases, the core of the concern is the very concept of informality, which is indeed a rather controversial in itself. Since it is central to the framework that I adopt for this research, the following discussion will take a closer look at the nature of this concept.

## **2.2 Informality and the informal economy**

It is common to start a discussion about informality by noting the origins of the term, namely the two key works, Hart (1973) and ILO (1972), which were the first to introduce the notion of the informal sector and informal employment. In these studies, the term “informal” has a rather narrow meaning and is used to describe the various profit-generating but unregistered, unenumerated activities of low-skilled, poor segments of the urban population in Kenya (ILO, 1972) and Ghana (Hart, 1973). Notably, the term originally included self-employment, as well as any non-permanent employment without fixed rewards, and was considered to be largely separate from the formal sector (ILO, 1972; Hart, 1973). Since the publication of these two studies, as detailed in the work of Charmes (2012), Koufopoulou et al. (2019), and Breman (2023), informal economic activity has been studied by scholars from various disciplines and in a wide range of countries, which has led to numerous refinements of the concept. One such refinement has been the increasing recognition that formal and informal spaces are not separate but closely interact and shape each other, which is a key aspect of the informal economy concept that Lobato and Thomas (2015) take for their framework. More generally, there have many attempts to more clearly define the kind(s) of activities that can be termed informal and to determine which of them can be seen as comprising an informal economy (e.g., see Gërkhani, 2004; Kanbur, 2009; Williams and Onoshchenko, 2015; Chen, 2016; Morris, 2019; Luque, 2022). Yet, while, as I explain shortly, there are some aspects about this concept that scholars have largely reached agreement on, nearly five decades of research on the informal economy did not ultimately manage to provide it with a single, universally accepted definition (Marinescu and Valimăreanu, 2018; OECD, 2018), instead leading to an increasing complexity of debates on the matter.

There is arguably a relative consensus on the differences between the terms “informal sector”, “informal employment”, and “informal economy”, which can help with understanding the notion of informality on the whole. According to Charmes (2012) and Gaiger (2019), the informal sector refers to a set of *economic units, or enterprises*, that do not operate fully in line with corporate legislation, while informal employment is about *individual employees’ contractual relationship* with their employer, one that does not fully correspond to labour legislation. An important aspect of informal employment then is that it is not limited to the informal sector but can also exist in the formal one (Gaiger, 2019). The informal economy, in turn, can be seen as encompassing both the informal sector and informal employment, but also the activities of those who “create their own occupations and sources of income without being employed” in the first place (Gaiger, 2019, p. 104). What all three concepts suggest is that informality, as a generic term, implies a lack of compliance with legally regulated, officially established, authorised modes of work. Indeed, scholars largely agree on the key idea behind the concept: “informal” refers to activity outside of the formally, lawfully regulated space (Williams, 2006; Adom and Williams, 2012; Marinescu and Valimăreanu, 2018). However, according to Dell’Anno (2022), the specific definition of informality can nevertheless differ depending on the research goals pursued by researchers (see also ILO, 2018). Dell’Anno (2022) points out the differences between statisticians, whose goal is to measure informality, and economists, who aim to develop appropriate policy recommendations for the informal economy by understanding its causes and effects. One of the noteworthy disparities in their approaches to defining informality is that the former tend to view some of illegal activities as part of the informal economy, while the latter see all illicit, criminal practices as a separate economy (Dell’Anno, 2022).<sup>21</sup> Indeed, whether the informal economy is synonymous with that of “illegal”, “underground”, “criminal”, “shadow” is one of the ongoing debates in the field (Gërkhani, 2004; Godfrey, 2011; Schneider and Williams, 2013; Van der Molen, 2018; Luque, 2022). Arguably, for the purposes of the informal media economy framework, accurate measurement – and, thus, clear definition – of the informal economy is not that critical; it is about more generally developing a different, alternative vocabulary for discussing media industries and piracy specifically (Lobato, 2012; Lobato, 2014; Lobato and Thomas, 2015). Nevertheless, not least to address Crisp’s (2015) and Re’s (2015) concerns, it is worth taking a closer look at how informality relates to legality. Particularly helpful here is the work of Webb et al. (2009), who explain the notion of informality through the concepts of legality and legitimacy.

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<sup>21</sup> Dell’Anno (2022) uses the term “illicit” to refer to criminal activity.



Legality is a concept that describes an activity's status in relation to the law and legal institutions (Berkowitz, Pistor and Richard, 2003). Legitimacy points towards the extent to which a practice is morally justified, appropriate, and socially acceptable (Black, 2008; Roberts, 2008; Mayntz, 2016). Legality and legitimacy may overlap, meaning the views, beliefs, and principles that underlie legitimacy and legality are congruent. When an activity permitted by law is also recognised as appropriate by society, it can be understood as formal (Webb et al., 2009). Conversely, informal emerges when a practice is "illegal yet legitimate", meaning it is perceived as acceptable and normal by large groups within a society but not seen as such by the law (Webb et al., 2009, p. 492). In line with this perspective, therefore, an informal enterprise needs to be distinguished from that of criminal, which handles illegal and illegitimate goods, for instance, drug cartels (Webb et al., 2009; Williams and Nadin, 2010; 2011), and from the controversial economy, which consists of legal yet illegitimate practices, such as gambling (Cannatelli, Smith and Sydow, 2019). This is supported by other studies on the informal economy, with scholars emphasising that informal activity only *happens* in those unregulated spaces, whilst the outcomes of this activity, that is, products and services, are completely legal (Henley, Arabsheibani and Carneiro, 2009; Efendic, Pasovic and Efendic, 2018). File sharing serves as a particularly illustrative example here.

While copyrighted content in itself is usually<sup>22</sup> legitimate, sharing it without authorisation is often illegal. Numerous studies note that it is precisely the discrepancy between social and legal norms in relation to copyright that explains the widespread acceptance – that is, legitimacy – of file sharing despite its copyright-infringing nature (e.g., Feldman and Janice, 2006; Newman, 2011; Larsson et al., 2012; Svensson and Larsson, 2012). As discussed in Chapter 1, while for many consumers, 'pirating' has often been a result of simply using basic functions of new technologies, which contributed to their actions' legitimacy; in response, the copyright industries have lobbied for stricter laws, effectively hoping to change the legitimacy of file sharing by changing its legality. Yet, instead, as summarised by Kelty (in Andersson Schwarz et al., 2015, p. 90), they affected the legitimacy of the law:

The actions of the major content industry trade associations have done more to damage the legitimacy of modern IP law than anything – the massive imbalance and over-reach that is involved in the last 20 years of expansion is pretty clearly a reason why it is so utterly disrespected,

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<sup>22</sup> One exception here could be pornography, which Cannatelli, Smith and Sydow (2019) see as an example of a controversial economy.

despite the fact that it might have defensible economic and legal orthodoxy behind it.

Another noteworthy study here is by Zahrádka and Schmücker (2021), who explore the legitimacy of geo-blocking, specifically in the context of video streaming services, such as Netflix, and the EU's DSM<sup>23</sup> strategy. The latter implied removing national borders – that is, “unjustified geo-blocking” – among EU countries for e-commerce, including for online content services. Zahrádka and Schmücker's (2021) study aims to unpack what exactly the DSM strategy meant by *unjustified* geo-blocking by considering the two instances of moral rights that they suggest geo-blocking relates to: the right of access to cultural goods and the author's right to remuneration. Zahrádka and Schmücker (2021) propose a set of principles that help identify whether geo-blocking in a particular situation is morally justified or whether it is morally right to circumvent it. One of these principles, for instance, suggests that if certain content is legally available in other states yet is unavailable through any of the legal services in others, the audiences of the latter should be allowed to circumvent geo-blocking to be able to exercise their right of access to cultural products (ibid.). This principle resonates with studies on piracy that note its particular importance in places where there might not be any other, legal option to access content (e.g., Klinger, 2010; Mattelart, 2012); and in the next chapter, I return to this point in more detail. For the purposes of this discussion, two points should be made here.

Firstly, what the study of Zahrádka and Schmücker (2021) and Kelty's point (in Andersson Schwarz et al., 2015) suggest is that the law itself may have different degrees of legitimacy. Consequently, it may be more accurate to approach an informal activity not as illegal yet legitimate, but the one that is legitimate but the law that governs it as illegitimate, which is essentially proposed by Routh (2022). Attempting to better explain this complex nature of informality, Routh (2022, p. 295) suggests thinking of “the informal/formal continuum as two interrelated spaces of legitimacy, rather than legal coverage or exclusion of specific activities”. Routh (2022) argues that one should not equate formality to legality and informality, subsequently, to illegality; instead, both formal and informal economies need to be understood as consisting of legitimate activities, with the difference between the two being between the norms and conventions that underlie their legitimacy. Returning to the abovementioned concerns about Lobato's (2012) spectrum of online film distribution practices then (Crisp, 2015; Re, 2015), it is worth emphasising that informality, by definition, does imply illegality. Yet, this does not mean that “illegal” is the sole characteristic of a practice located at the informal end of the spectrum, with its legitimacy – as well as that of the laws that regulate it –

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<sup>23</sup> EU's Digital Single Market Strategy, available at: [https://ec.europa.eu/commission/presscorner/api/files/attachment/8210/DSM\\_communication.pdf](https://ec.europa.eu/commission/presscorner/api/files/attachment/8210/DSM_communication.pdf), now part of EU4Digital, available at: <https://eufordigital.eu/discover-eu/eu-digital-strategy/>

being equally important to consider. Secondly, what becomes evident is that circumventing copyright law is likely to have a distinctly different degree of morality in different countries. As demonstrated by Zahrádka and Schmücker's (2021) study, one of the factors behind this difference is the legal availability of content. In turn, as studies discussed in Chapter 3 and my own findings demonstrate, legal availability can itself depend on a variety of economic and political factors. Furthermore, earlier discussion on the geopolitical dimension of the copyright debate (Chapter 1) pointed out that for many countries, especially developing ones, the very nature of copyright is foreign, having been introduced under pressure from major Western countries. This means that the legitimacy of copyright in developing countries, such as Ukraine, can be distinctively lower, while legitimacy of circumventing it – notably higher than in the West; and, consequently, the scope and scale of informal media practices in non-Western countries can be considerably larger. As the next and final discussion in this chapter shows, this is also confirmed by the studies of informality in non-Western countries, which highlight the more complex nature of informal economies in these countries.

### **2.3 The role of context: Non-Western informality**

It is worth remembering that the concept of informality effectively originated in an attempt by Western researchers (Hart, 1973) and organisations (ILO, 1972) to comprehend an order of work that was legitimate in a non-Western culture. As Breman (2023) notes, one of the consequences here has been a frequent practice of defining the informal economy through the prism of formal, that is, through the prism of what was seen as legitimate in the Western context. From this perspective, informal activities, especially in non-Western economies, are often compared in their 'productivity' and 'effectiveness' to those of the (Western) formal sector and seen as not yet formalised due the underdeveloped nature of the countries where they exist (e.g., see La Porta and Shleifer, 2014). Consequently, it is rather common to come across arguments that in the West, informal practices are relatively easy to identify as they predominantly exist within formal enterprises, often as a part of cost reduction strategies or tax evasion (Portes, 1996; Cimoli, Primi and Pugno, 2006; Williams, 2006). Informality in developing countries, on the other hand, is considered to be far larger and more complex (Gërkhani, 2004; Henley et al., 2009; Yusuff, 2011), essentially because a far smaller range of activities has 'caught up' and moved to the formal space. The issue here, as Breman and Van Der Linden (2014) note, is that formalisation of these activities is seen as the 'traditional' next step for developing countries; as Breman and Van Der Linden (2014) put it, "the Rest" is expected to become "the West" in the degree of formalisation. Yet, the reality is that the only

truly 'traditional' aspect here is actually informality, as it is the historical norm for all countries (Böröcz, 2000; Gaiger, 2019). In fact, as Breman and Van Der Linden (2014) and Breman (2023) demonstrate, even Western economies have been experiencing increasing informalisation, with a shift 'back' towards more part-time and casualised jobs, self-employment, outsourcing and subcontracting, a flexibilisation of the working hours, as well as growing gig/sharing/platform economies (Schneider, 2018; Unni, 2018; Chalmers and Matthews, 2019). There are various factors that explain a country's current degree and nature of formalisation, but for the purposes of this discussion, the one that is worth drawing attention to – and the one that is often overlooked by academics (Luque, 2022) – is the cultural factor.

As Böröcz (2000) explains, in Western countries, formalisation can be viewed as a result of the rapid emergence of large-scale formal capitalist structures of the state and of industrial enterprises. Although developing economies have also undergone this industrial capitalist stage, the capital shortages these countries experienced led to a smaller size of industrial organisations (Böröcz, 2000). The latter not simply slowed down the process of formalisation but inherently changed the perspective on the rationale behind it (Böröcz, 2000). Furthermore, as Bandelj (2016) notes, in now-post-socialist economies, including Ukraine, the key problem was supply, which contrasts with capitalist economies, where the struggle has been to create demand for new products and services. As a result, a distinct feature of post-socialist economies is that "it is customers who had to be innovative, relying on interpersonal networks to get what they needed", and the informal economy, therefore, "was sustained by a practical logic: in order to achieve economic goals, one is best served by circumventing the official rules" (Bandelj, 2016, p. 97). This has arguably created a certain culture, which can be described as "informality as a way of doing things" (Böröcz, 2000, p. 351). There is further support for the latter in the work of Aliyev (2015), who argues that in modern post-Soviet economies, informality is best explained not as a remaining order but rather as a forced practice for survival. While in many developing economies, informality may have *persisted* as a preferred way of doing things, in the countries in question, it was an oppressive formal system that left no choice but to turn *back* to the informal networks (Ledeneva, 1999; Böröcz, 2000). Consequently, societies of post-Soviet economies have long put significantly higher trust into the informal rather than formal system, leading to the establishment of informality as a moral imperative (Aliyev, 2015; Bandelj, 2016). This contrasts with Western societies, where one can generally observe "moral predominance of formality" (Böröcz, 2000, p. 352), which implies that formality itself is viewed as a moral social norm. Informality in post-Soviet countries can, therefore, be understood as an "art of bypassing the state", which involves practices that, despite circumventing the legal, regulated realm, are deemed viable, desirable or necessary in a given context, yet which do not necessarily aim to challenge the symbolic

power of the state (Polese, 2021; 2022). As Polese (2022, p. 17) argues, today, many informal activities in these countries may not always be conducted informally on purpose “but could go unnoticed because enshrined in the everyday behaviour of the interested actors”; and studies of the informal media in post-Soviet economies offer support for this view on the nature of their informality.

Kiriya and Sherstoboeva (2015, p. 847), for example, argue that media piracy in Russia is a cultural rather than an economic or a legal phenomenon, describing it as a “social habit”, which is a consequence of the Soviet censorship and overregulation of media content. Moreover, Kiriya and Sherstoboeva (2015) note that ongoing government censorship continues to fuel the “habituality” of this informal activity. This is further unpacked in the work of Biasioli (2021), who looks at music piracy in late-Soviet Russia, noting that it was always the black market that provided the wider variety of music, often being the only source of Western music, but also that many Russian musicians themselves used piracy to promote and gain recognition for their work. As a result, Biasioli (2021) highlights the ongoing perception of piracy as intrinsic to the media industry in Russia, confirming Kiriya and Sherstoboyeva’s (2015) view that piracy is a social rather than legal practice in the country in question. Similarly, Pertierra (2009) talks about the informal practices centring around the use of VCRs in post-Soviet Cuba as morally appropriate. Pertierra (2009) echoes Aliyev’s (2015) argument that people are used to heavily relying on informal rather than formal markets; often to such an extent that even the Cuban government accepts its existence and turns a blind eye to it. The morality of copyright-infringing activities is also highlighted in the work of Haigh (2009), who explores file sharing in Ukraine through the lens of the moral economy (Thompson, 1971).

Haigh (2009, p. 254) argues that much like the bread rioters believed that their actions were in defence of their rights (Thompson, 1971), “Ukrainian Internet users justified their actions by a moral imperative of access to scarce resources in times of hardship”. While Haigh’s (2009) interviewees did not protest against the idea of copyright itself, which is also echoed in my findings outlined in Chapter 8, they questioned the degree to which it should be applied to Ukraine due to the country’s significantly poorer economic situation. In addition, similar to Pertierra (2009), Kiriya and Sherstoboeva (2015), and Biasioli (2021), Haigh (2009) notes the historical basis for the lower legitimacy of copyright law in Ukraine, that is, the near absence of copyright norms during the Soviet times (see also Shaye, 1964) and, later, the fact that some of the first Internet service providers (ISPs) in Ukraine encouraged their customers to pirate by offering “their own locally hosted sites for the exchange of films, music and software” (Haigh, 2009, p. 253). In her earlier work, Haigh (2007) talks about samvydav

(samizdat),<sup>24</sup> self-published or informally published literature that was produced, reproduced, distributed, and read ‘underground’ (Prystavka, 2021). Samvydav was popular until the first years of Ukraine’s independence (Dyczok, 2014). As Haigh (2007) argues, this long history of reliance on such illegal yet highly respectable and valued means of distribution has made it deeply embedded in the Ukrainian culture of content consumption and distribution, and, therefore, can explain the unhesitant acceptance of file sharing as a morally right practice in Ukraine.

Returning to Lobato and Thomas’s (2015) framework then, what the discussion above ultimately points towards is the importance of considering informal media practices in relation to the broader cultural, economic, and social context where they take place, particularly in settings where informality is likely to be deeply rooted in everyday practices. Accounting for this context, as the studies above demonstrate, helps gain a more nuanced understanding of the underlying factors behind the existence of piracy in a given country. For this reason, one of the research questions of this project aims to explore the regulatory and cultural frameworks of Ukraine and their role in determining the nature of its informal screen media economy. Notably, since these contextual factors are likely to differ among countries, it would be logical to assume that so are the informal practices themselves. The next chapter, therefore, takes a closer look at a rather extensive body of work on the different informal media practices, from various types of unauthorised distribution to that of informal translation, which indeed confirm the diversity and varying nature of pirate activities in different countries around the world.

## **Conclusion**

This chapter identified and elaborated on the theoretical framework that I adopt for this project on piracy in Ukraine. I noted the reason for choosing the informal media economy framework, which is the more holistic approach to piracy it advocates for, especially compared with the industry-centric research on piracy discussed in Chapter 1. I talked about the origins of the informal media economy framework, looking at the seminal works by Lobato and Thomas and detailing their idea of the spectrum of formality, which implies interactions and interdependencies between “the formal” and “the informal” within the media landscape. While

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<sup>24</sup> Samvydav is essentially a synonym of samizdat, the latter being a far more common term in anglophone literature. However, samizdat is a Russian word (*самиздат*) and therefore refers to any self-published literature on the territories of Tsarist Russia and later the Soviet Union. Samvydav, on the other hand, is a Ukrainian word (*самвидав*) and refers specifically to the Ukrainian self-publishing practices, and it is, therefore, more appropriate to use in this context.

I noted several studies, such as Keogh (2019) and Szczepanik (2020), that confirm the framework as a useful theoretical lens to approach pirate and, more broadly, less official practices of the media economy. I also identified some concerns about the framework, which effectively result from the contested relationship between the concepts of in/formality and il/legality. For that reason, I examined this relationship by discussing studies that explore informality in relation to legality as well as legitimacy, but also, more generally, the research on informality and informal economies. I concluded that whereas illegality is indeed one of the characteristics of an informal practice, what is also important to consider is its legitimacy for a given society as well as the legitimacy of the law that regulates it. These legitimacies, in turn, are determined by each country's distinct economic, cultural, and social context, which suggests that informal (media) practices and the rationale behind their existence differ between countries. Therefore, I noted the need to consider this context in order to gain a deeper, nuanced understanding of a country's pirate economy, which, consequently, is one of the objectives of this project. In the next chapter then, I set out to offer further support for this argument by highlighting the variety of informal media practices that exist in different countries around the world.

## **Chapter 3. Heterogeneity of Piracy**

This chapter illustrates the diverse range of informal media practices that may often be unproductively generalised under the umbrella term “piracy”, which in turn points towards the varying factors that explain its existence. I aim to provide further rationale for adopting a more holistic approach to studying piracy that can help account for this diversity, namely the one offered by the informal media economy framework (Lobato and Thomas, 2015), which I explained in the previous chapter. This chapter starts by highlighting the heterogeneity of piracy in relation to the different roles that exist within the informal media economy, emphasising the differences between pirate content suppliers and pirate consumers. I argue that to gain a deeper understanding of why piracy exists, it is necessary to first and foremost explore the motivations of pirate suppliers, as it is them who make piracy an option for pirate consumers in the first place. I then draw attention to the increasing variety of practices within this supply side of piracy, beginning with outlining the range of informal distribution activities beyond conventional file sharing, especially those afforded by streaming technologies, followed by a discussion of the breadth of informal translation practices. The latter are particularly important for non-anglophone countries where an official release – and, thus, official translation – of screen media may be significantly delayed, such as Ukraine. The discussions of each of these three topics conclude by noting the gaps in the research on the matter in question, indicating how my project sets out to address them. The next chapter then moves on to elaborate on the specific methods I used to generate data that can help fill in these gaps.

### **3.1 Pirate suppliers vs pirate consumers**

Conventional, industry-centric research on piracy, along with industry-sponsored anti-piracy campaigns (see Chapter 1), arguably create an impression that “piracy” describes one particular type of activity; as Re (2015, p. 58) puts it, “piratical activities appear as a homogenous ‘body’ that is able to damage or alternatively to foster the creative economy”. Especially due to anti-piracy campaigns, piracy has become particularly closely associated with file sharing, with the former even being viewed as a “counter-term” for the latter (John, 2014, p. 199). In addition, a significant part of quantitative studies on piracy equates piracy of different media, for example, music and film (Culiberg et al., 2016), which effectively reinforces the idea of piracy as a “homogeneous whole” (Mattelart, 2012, p. 739). Importantly, a common framing of pirating and, specifically, file sharing as theft (see Chapter 1) and a frequent



juxtaposition of the former with purchasing legal copies (e.g., Watson et al., 2015) may create an impression that pirating is limited to unauthorised *consumption* of creative works. However, as this chapter sets out to demonstrate, all this leads to rather unproductive generalisations of what informal media practices are and why they exist.

Firstly, in the previous two chapters, I have already noted the existence of such practices as unauthorised sharing of content via cyberlockers and fansubbing; and further in this chapter, I elaborate on these and other practices, illustrating that piracy is best understood as an umbrella term for a diverse range of activities, highlighting the “heterogeneity of the piracy economy” (Mattelart, 2012, p. 739). Secondly, there is sufficient evidence that pirating music, film, software, books, and games are all separate types of media piracy, each being undertaken due to a distinct rationale (e.g., see Smallbridge and Roberts, 2013; Cox and Collins, 2014; Krawczyk et al., 2020). This can be explained not least by the differences in business models and revenue flows within copyright industries (Karaganis, 2011) as well as variances in the overall nature of different copyrighted products and how they are consumed across different media and geographic contexts. For this reason, scholars caution against insufficiently differentiating between different media when studying piracy (Brown, 2014; Crisp, 2015); and, this is why in this project, I specifically focus on screen media.<sup>25</sup> Finally, piracy cannot be reduced exclusively to *consumption* of copyrighted products; as Karger and Jansová (2021, p. 678) note, “every download requires someone to upload the content” first, and the following discussion unpacks this in more detail.

In Chapter 1, I noted that research on (online) piracy has been disproportionately focused on pirate consumers (downloaders) rather than on pirate suppliers (uploaders). One of the reasons here is the practicalities of file sharing, particularly torrenting, which blurs the line between uploaders and downloaders. Since BitTorrent-based file sharing entails that users automatically share a file they are downloading, they are essentially making an involuntary contribution to the torrent tracker too (Dejean, Pénard and Suire, 2010). However, studies on file sharing have long demonstrated that each torrent site tends to have a small number of users who are actually responsible for supplying the majority of *new* content to the tracker, while most others ultimately only consume it (Lyle and Sullivan, 2007; Andrade et al., 2009; Dejean et al., 2010; Ukanwa and Godes, 2021). This is also evidenced by the findings of the Research Bay study, which involved a survey of over 75 000 The Pirate Bay users, with one of the questions asking how often users uploaded new content to the tracker (Larsson et

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<sup>25</sup> Another rationale here, as I noted in the introduction to this thesis, is that the limited research that has been done on piracy in Ukraine has largely focused on music, with no comprehensive accounts of film piracy.

al., 2012; Andersson Schwarz and Larsson, 2014). Only a little over 5% of respondents reported contributing to the site nearly every day, while over 61% stated they used The Pirate Bay only for downloading (Andersson Schwarz and Larsson, 2014). Of course, these responses should not be taken at face value as it is likely that some uploaders could be underreporting their contributions due to the legally contentious nature of their activity. Yet, the rather significant difference between the percentages can nevertheless serve as another indication of the disproportionate uploader/downloader behaviour on torrent sites. In addition, it is worth noting so-called passive piracy, or piracy by proxy, that is when downloaders share illicitly obtained content with their friends or family (Lim and Rajendra, 2006; Karger and Jansová, 2021). In this case, the difference between pirate content uploaders and pirate consumers is ever more evident. File sharing that involves the use of cyberlockers is characterised by a similar trend, with Thomson et al. (2018), for example, noting that a very small part of registered users upload the majority of the content to the cyberlockers they studied, with the rest of the accounts only accessing said content. Consequently, Lim (2019) cautions against this common assumption that all file-sharers are equally involved in the practice, emphasising the existence of consumer and distributor roles within torrent or other file-sharing communities. The reason it is important to highlight the existence of different roles within the file sharing practice is that these distinct roles imply differences in motivations to engage in this pirate activity.

Numerous studies into the motivations of file-sharers demonstrate that those who are looking to primarily download files are typically driven by the ability to obtain media products for free or for a considerably lower price, and by access to a wider range of content (Feldman and Janice, 2006; Filby, 2007; Cenite et al., 2009; Caraway, 2012; Eno, 2014; Watson et al., 2015; Bourreau et al., 2019; Tam, Feng and Kwan, 2019). The latter, in turn, can be caused by a number of factors, such as state censorship or release delays due to the industry's windowing strategies (Cenite et al., 2009; Watson et al., 2015; Fredriksson, 2020). Additionally, pirating users often note convenience as another major factor, referring to the speed and comfort of locating and obtaining desired content via file sharing (Feldman and Janice, 2006; Karger and Jansová, 2021). The desire for immediate access to more content than there may be officially available, as Meissner (2011) explains, comes from ubiquitous and immediately available information about all the latest releases, including from advertising, film blogs, and databases, such as IMDB. This creates a demand for similarly immediate and abundant access to these releases, but the formal film industry does not sufficiently provide such access, as it requires largely abandoning well-established business models, namely windowing strategies, which major studios are rather reluctant to do (Meissner, 2011). In order to meet this growing demand, audiences have no choice but to look for alternatives outside of

formal spaces. As Meissner (2011, p. 202) puts it, these are “forced pirates”, as it is the industry that ultimately “causes what it claims is destroying it”. Similarly, Wing (2012) attributes the popularity of file sharing to the failure of the formal industry to meet the impatient nature of modern film consumption.

It is important to reflect here that since the publication of some of the sources cited above, there has been a number of notable changes within the industry, particularly the rapid development and adoption of subscription-based, user-friendly streaming services, with increasingly more content being produced and released either straight to the services or with only a short theatrical window. Yet, dismissing the arguments made in these comparatively outdated works is arguably too early. As Crosby and McKenzie (2021) explain, initially, at least in the US, Netflix indeed seemed to address most of the needs of downloaders by aggregating a relatively large amount of content and delivering it in a convenient way for a comparatively low subscription price. It was evidenced not least by Netflix’s internet traffic exceeding that of BitTorrent in the US, with the latter also generally beginning to decrease (Smith and Telang, 2016). However, the streaming market started to disaggregate, with new global and national streaming services appearing, all competing on content exclusivity (Crosby and McKenzie, 2021; Lordache, 2021). In turn, this led to a significant increase in investments in content production and, subsequently, an overabundance of content being offered, but also in the need to subscribe to more services in order to access it (Longo and Baiyere, 2021; Lang and Steinberg, 2022). As a result, the demand for immediate and abundant access to screen media, which was noted by Meissner (2011) and Wing (2012), is now ever higher; yet the price and convenience of satisfying this demand via legal services remain considerably less attractive than via piracy (Crosby and McKenzie, 2021).

Furthermore, Hollywood studios are now forced by their investors to reverse their strategy of shortening theatrical windows in favour of streaming, as it is box office – not subscription revenue – that has ultimately proved to be central to the studios’ profits (Lang and Steinberg, 2022; Lang and Rubin, 2023). As for developing countries, global streaming services appeared there much later, often with limited, geo-blocked catalogues, and asking for a subscription price originally developed to suit Western economies (Fredriksson, 2020). Therefore, for downloaders in these countries, pirate consumption is not *re-establishing* itself as a more attractive alternative but has likely *remained* as such. Consequently, it could be argued that despite the changes in the formal industry’s approach to distribution, the findings from earlier studies of the pirate consumers’ motivations, particularly those pointing towards pricing and access issues, remain generally relevant. Yet, it is important to remember that at its core, the reason why many pirate consumers can choose informal sources of content over

formal ones – whether in developing or Western countries – is because someone creates these pirate sources in the first place.

Compared with consumption, the unauthorised supply of content, such as uploading and sharing files using BitTorrent, carries a higher risk of prosecution for copyright infringement (Lyle and Sullivan, 2007; Larsson et al., 2012; Maxwell, 2020b). Importantly, creating a pirate copy expectedly requires considerably more effort than accessing an existing one. For instance, one may first need to purchase a legal copy of a film, whether it be a physical disk or a subscription to a streaming service that provides access to the film in question, to then create a rip of said film and later create a .torrent file to share the rip with other torrent users (Bloom and Polyzois, 2004; Danaher et al., 2020). This process may potentially be even more difficult in markets where a legal copy is unavailable, for example, due to geo-blocking. In this case, an uploader may also need to use a paid VPN service to circumvent geo-blocking and access required content. What inevitably begs the question then is what motivates users to go through this likely effortful, costly, and legally risky process, especially considering that torrent sites do not generally offer any financial rewards to uploaders (Lim, 2019; Van der Sar, 2020b). However, despite its evident centrality to understanding why piracy exists, this question is relatively under-researched. As Tam et al. (2019) note, surprisingly few studies clearly distinguish between uploading/sharing and downloading, often reducing file sharing to downloading, and even fewer explore uploader motivations in their own right. Yet, the limited research that exists on the subject provides some valuable insights.

According to Lyle and Sullivan (2007, p. 365), for example, one way to view uploaders is as “altruists” who “provide a resource to a large number of non-reciprocators”, that is, non-uploaders. Indeed, Tam et al. (2019) find that one of the major motivations for file sharers is helping others. However, most scholars tend to caution against reducing uploaders’ motivations to altruism. Andrade et al. (2009), for instance, point out that users who upload the most content are also the ones who download the most, a trend confirmed by other studies (e.g., Andersson Schwarz and Larsson, 2014). Andrade et al. (2009) argue that since uploaders’ contribution is effectively proportionate to their consumption, their activity cannot be viewed as altruistic; the latter would only be valid if they uploaded more than they downloaded. The findings of the Research Bay study demonstrate that the most active uploaders have stronger, more negative opinions about the copyright regime and the entertainment industry and are more critical of ‘corporate greed’, especially compared with non-uploaders (Andersson Schwarz and Larsson, 2014). This suggests that a significantly high degree of dissatisfaction with the current copyright system can become a stimulus to a

more pro-actively resist it, namely, by engaging in the unauthorised distribution of copyrighted works. Therefore, Andersson Schwarz and Larsson (2014) emphasise the importance of studying what is a comparatively small group of more pro-active file sharers in their own right and, in turn, not to extrapolate their views on other, less contributing torrent users. Another notable and distinct uploaders' motivation, as illustrated by the works of Tam et al. (2019) and Ukanwa and Godes (2021), is uploader reputation, or status gain.

A survey conducted by Tam et al. (2019) in Hong Kong found that an important factor in determining a user's willingness to share content is the desire to enhance their social status or reputation. However, Tam et al.'s (2019) study is purely quantitative and does not offer much elaboration on the factor itself, with the authors only noting that uploaders can gain status by, for example, "receiving "likes" from online peers" for their activity (Tam et al., 2019, p. 618). Ukanwa and Godes's (2021) work is considerably more illustrative of this motivation. Ukanwa and Godes (2021) model the effect of copyright lawsuits in the US, and subsequent news and potential word of mouth about them, on Kickass Torrents users' uploading patterns. Their findings suggest that after learning about new lawsuits, uploaders with comparatively low reputation on the site<sup>26</sup> tend to be discouraged from uploading more content, whereas users with higher reputation tend to increase their uploading activity (Ukanwa and Godes, 2021). As Ukanwa and Godes (2021) explain, the reputation that uploaders gain is directly proportional to the level of risk that is posed by uploading. Uploaders who are strongly motivated by the status gain in itself are likely to see increased prosecution for copyright infringement as an opportunity to gain an ever-higher reputation for their activity in the eyes of other users (Ukanwa and Godes, 2021). However, uploaders who are primarily motivated by competition with others (on the basis of their reputation) may only be interested in defending their reputation, meaning uploading content only when most others are uploading too, that is, in the absence of lawsuits (ibid.). For the purposes of this discussion, what Ukanwa and Godes's (2021) work shows is that not only are there differences between pirate consumers and uploading file sharers, but that the latter are themselves a heterogeneous group, characterised by complex and different motivations. It is also worth noting that the motives of reputation and competition resonate with the motivations of members of what is considered to be the original source of the majority of pirated content on the internet worldwide, that is, the Scene.

According to Staple (2019, p. 199), "the Scene is a loosely affiliated network of cracking groups: teams who follow strict community guidelines to compete in an eternal tournament to

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<sup>26</sup> On Kickass Torrents, Ukanwa and Godes (2021) note, users are given "reputation points" for uploading content.

be the first to “release” new copyrighted media”. These release groups are infamously difficult to gain access to and, consequently, there has been relatively little academic research into their activity (Crisp, 2015; Maxwell, 2019c). Yet, it is commonly posited that members of the Scene are guided by strictly non-commercial motivations, with their competition to obtain and subsequently release copyrighted works faster than anyone else, including faster than the formal industry, being best understood as a game of “status and ability” (Mueller, 2019, p. 61). For the context of this chapter, what is important to emphasise is that “Sceners” represent another distinct type of pirates: they seek recognition for their ‘uploads’ not from average torrent users but *exclusively* from other members of the Scene. Specifically, the latter are known to be critical of the more mundane file sharers, such as that of The Pirate Bay, and take pride in the closed, highly selective nature of their community (Crisp, 2017; Maxwell, 2019c). This is well illustrated in the work of Staple (2019), who managed to interview one of the former members of the Scene. As the interviewee explained, what the Scene members value (and, therefore, brag about) the most is the skill and effort that goes into a release; for comparison, simply ripping material from an existing legal copy, e.g., a DVD, as done by most torrent sites’ uploaders, is not considered a ‘worthy’ skill (Staple, 2019). Importantly, although their works tend to end up in public and private file-sharing sites, “Sceners” do not generally intend for their releases to be shared outside of their community (Crisp, 2015; Maxwell, 2019c; Staple, 2019; Maxwell, 2020d). Therefore, whereas the Scene’s release groups are, technically, the original source of many pirated copies online, Crisp (2017) emphasises their ultimately gatekeeping role in determining what content is available via informal media distribution channels. Notwithstanding, although the Scene as well as many content uploaders are infamously critical of profiting from piracy, informal distribution of content has long been, in one way or another, a lucrative business opportunity.

McDonald (2020), for example, draws attention to the notion of a “pirate entrepreneur”, that is, “an individual or group represented as profiting from commercial infringement”, with his case in point being Artem Vaulin, the alleged founder and operator of Kickass Torrents. As McDonald (2020) notes, the torrent site was estimated to have potentially earned up to \$22 million from advertising on its website. Another noteworthy example here is Kim Dotcom, who is most known for being the founder of Megaupload, one of the first cyberlockers that was primarily used for storing and sharing copyrighted content (Lobato, 2015). Similar to Kickass Torrents, Megaupload profited from advertising, but also from premium subscriptions, which would provide users with a better download and upload speed and less advertising (Spangler, 2013; Thomson et al., 2018). Thomson et al. (2018, p. 1) add that such cyberlockers tend to also offer so-called “affiliate programs”, which financially reward uploaders when their files are downloaded. In this way, not only the cyberlockers’ owners, such as Kim Dotcom, profit from

piracy but so do individual uploaders. Yet, it is also important to acknowledge the existence of the more mundane, small(er)-scale pirate entrepreneurs, such as sellers of ‘scandal’<sup>27</sup> DVDs in the Philippines, described by Mangahas (2014), or marketers of Nollywood. Despite their evidently distinct activities, both kinds of entrepreneurs can be described as commercially motivated individuals engaged in informal media distribution (Haynes, 2011; Mangahas, 2014; Jedlowski, 2017). These examples serve as a reminder that, especially in developing countries, piracy can be a rather significant economic activity (Mattelart, 2009; Mueller, 2019).

The overarching point of the discussion so far was to highlight the variety of roles within the pirate economy, particularly the distinction between pirate consumers and pirate suppliers of content. Although the former certainly outnumber the latter, as evidenced by many studies mentioned above, it is arguably owing to the pirate suppliers – uploaders, “Sceners”, pirate entrepreneurs – that piracy is an option for these consumers in the first place. Therefore, while the motivations of pirate consumers are certainly a valuable indicator of some of the benefits of piracy in a given market, I argue that it is the motives of those who, in one way or another, help provide access to (pirated) content that are necessary to understand why piracy exists. Yet, compared with pirate consumers, particularly downloaders, the motivations of pirate content providers have been underexplored. Importantly, even the studies that do address their motivations do not always include their own perspectives on the matter. For example, Thomson et al. (2018) and Ukanwa and Godes (2021), while offering valuable insights into the factors affecting uploaders’ intention to share content via cyberlockers and torrenting respectively, do not actually talk to any of the uploaders, relying instead on quantitative modelling. Similarly, there is an increasing body of work on the Scene, with a major recent addition being the study by Eve (2021), the first book dedicated entirely to their activity. Yet, Eve (2021, p. 41-42) relies primarily on data from “pirate archives, garnered from the open web” and “the documents that have surfaced into the public realm, rather than examining individuals”, noting that Sceners would unlikely to have agreed to participate in the research. Even in the study by Staple (2019, p. 203), the interviewee is one of the *former* members of the Scene, that is, those who are “easier to contact and willing to be interviewed”. However, the Scene is a rather extreme case of pirate suppliers, whose activity is characterised by a high legal risk and a distinctively secretive operation. As demonstrated not least by my project, other pirate content providers may be surprisingly willing to talk about their practices. Therefore, I argue that there is a need to include more of their own voices when researching their motivations and, more broadly, their activities; and in this project, as elaborated in the

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<sup>27</sup> ‘Scandals’ is a genre of ‘reality’ films, such as amateur pornography or wiretapped recordings of politicians (Mangahas, 2014). As Mangahas (2014) notes, the subjects of these videos may not have agreed for these videos to be sold by the pirate entrepreneurs.

next chapter, I do so by conducting qualitative, semi-structured interviews with torrent uploaders (purposefully excluding users who mostly download content from the community I study here) and other pirate content providers.

Finally, another point that arises from the discussion above – and the last point that I unpack before moving on to elaborating on my own research – is the heterogeneity of pirate practices themselves. Not only can each torrent site and cyberlocker have distinct features, but, as the rest of the chapter demonstrates, there are numerous other informal media activities that, for many, are central to gaining access to screen media products and, therefore, constitute an important object of research.

### **3.2 Informal screen media distribution**

The first point that should be noted is that in most countries, physical piracy has long been increasingly substituted by online piracy (Karaganis, 2011). Ukraine is not an exception, with the USTR Special 301 reports as well as major Ukrainian rightsholders emphasising unauthorised online distribution as one of their biggest concerns in Ukraine, with no mention of physical piracy (Rakhmanina et al., 2021). Consequently, in this project, my focus is on informal media practices that take place online. Yet, it is worth acknowledging that in some markets, physical piracy remains an important mode of content distribution. For example, in the previous chapter, I discussed the work of Zhao and Keane (2013), who demonstrate that increased copyright enforcement on the internet may revive physical piracy. Furthermore, as Miller (in Brannon Donoghue et al., 2022) argues, particularly in poorer, developing countries, large segments of the population may still lack adequate internet and technology access and are, consequently, likely to continue to rely on physical rather than online piracy in the foreseeable future. An illustrative example here is the work of Li (2022), who looks at informal film distribution in modern Malawi. Although the process behind this distribution starts with obtaining a pirate copy of a film via an online content distribution platform, such as YouTube or a pirate website, it is ultimately burned onto CDs, which are then sold on Malawian markets (Li, 2022). Notwithstanding, in line with the focus of this project, the rest of the discussion in this part of the chapter focuses on *online* unauthorised distribution of copyrighted works.

Arguably the most long-standing and most researched online pirate distribution practice is file sharing, particularly torrenting. Earlier in this chapter and Chapter 1, I have already noted some existing research on this practice, namely mostly quantitative studies of



torrent users' behaviour and motivations. Yet, as Lewis (2015) argues, a distinctive characteristic of torrenting, especially compared with such file-sharing practices as cyberlockers, is its community-oriented nature, with BitTorrent-based file sharing normally taking place within online communities. Community participation is even found to be another major motivation for engaging in unauthorised file sharing (Caraway, 2012). As Harris (2018) explains, the overarching purpose of developing a community around a torrent tracker is to maintain sufficient contribution to the tracker, which is achieved by establishing various policies (for example, share ratio) that reward users for uploading or seeding content and often restrict access to those who only download. There is a considerable body of work that explores such torrent communities, looking at the nuances of their member hierarchies, varying rules and regulations governing user activities, and other distinctive features, such as the types of content shared within the community (e.g., Giesler and Pohlmann, 2003; Sano-Franchini, 2010; Kash et al., 2012; Beekhuyzen, Von Hellens and Nielsen, 2015; Crisp, 2015; Diamant-Cohen and Golan, 2017; Carter, 2018). In Chapter 6, I detail some of the findings from these and other works on the subject as I contrast them with Hromada, the Ukrainian torrent community I explore in this research. It is also worth noting that the methods these scholars use are similarly rather diverse.

Kash et al.'s (2012) study, for example, employs quantitative methods to understand the economics of a private torrent community specialising in live concert recordings. Kash et al. (2012) collect numerical data related to torrents and user activity, including user registration date, share ratio, and longitudinal data on torrents' seeders and leechers. Analysing obtained statistics, Kash et al. (2012) essentially explore how share ratio policies affect users' uploading habits, with one of the key findings being users' preference to download newer files due to the higher return they get for subsequently seeding them, while older torrents are usually more popular during freeleech periods. Yet, while quantitative studies are helpful in offering insights into specific features or behaviours, a more in-depth, comprehensive understanding of how individual torrent communities operate can be better developed using qualitative methods, as it is the case with most of the works cited above. Even Kash et al. (2012) ultimately complement their findings with interviews with the community's moderators in order to better understand the rationale and the decision-making process behind the site's policies. In the next chapter, where I explain my own approach to the methodology I adopted for this project, I return to these studies to discuss the specific qualitative methods they employed and what data these methods can help generate. What needs to be addressed at this point is why it is important to study torrent communities in the first place.

As demonstrated in the previous chapters, at its core, file sharing, as well as piracy in general, can be approached as widening access to existing creative works, especially in light of the increasingly restrictive global copyright regime. Yet, not least due to increasing copyright enforcement, torrent communities are becoming more private than public (Bodó, 2014). What this means in practice is that increasingly more torrent sites are governed by distinct sets of rules dictating the conditions of access to their trackers and, often, the range and quality of the material that can be shared on their sites; and the policies of Hromada, discussed in Chapter 6, are clearly illustrative of that. From this perspective, the nuances of such torrent communities' operation can be seen as important factors determining who gets to experience this improved access and how. This adds to Crisp's (2017, p. 77-78) discussion, which, among other things, points out the role of individual distributors, who "prepare releases for specific communities", in "*adding* to the pool of films available through filesharing networks"; and to the argument of Mueller (2019), who questions the extent to which torrenting is a truly *peer-to-peer* practice, highlighting the intermediary role of file-sharing platforms and technologies in the file-sharing process. For the purposes of this chapter, this means that taking a comprehensive approach to studying torrent communities – one that looks at their user activity and policies governing it, but also at the rationale behind these policies – is particularly important for gaining a deeper understanding of how audiences access media products in countries where piracy is the dominant source of content for many. Although Ukraine can be considered as an example of such countries, as noted in the introduction to this thesis, there are no contemporary accounts of the torrenting practice in the country; a gap that this project addresses by studying what is currently the major Ukrainian torrent community. Nevertheless, it is also important to remember that file sharing is no longer the only popular method of online informal screen media distribution.

Much like formal screen media consumption has largely been shifting away from the ownership to access model – that is, from purchasing a physical copy of a media product to paying for access to said product via a video streaming service – the same shift has been happening in the informal space: many pirate consumers have been increasingly replacing downloading content from file-sharing sites with accessing it via various streaming alternatives (Marx, 2013; Rudman et al., 2014; Dwyer and Lobato, 2016; Danaher et al., 2020). Lobato (2020, p. 482), who similarly addresses this trend towards pirate streaming, provides a helpful table which outlines many of these alternatives, from unauthorised uploading of copyrighted content on YouTube and Popcorn Time to pirate streaming websites and pirate IPTV services. Popcorn Time, an application with a Netflix-like interface allowing one to easily stream a wide selection of films (Lobato, 2020; Gottschalk, 2021), is a particularly noteworthy case.

As Idland, Øverby and Audestad (2015, p. 3) clarify, Popcorn Time is best understood as a more user-friendly version of a BitTorrent client, which offers a “streaming-like experience”; it is effectively a peer-to-peer streaming service (Ariyaratna, 2019, see also Greenberg, 2015). Although the service has recently voluntarily shut down, in the eight years that it existed, it had gained considerable popularity among pirate audiences, raising serious concerns for the formal industry, especially for Netflix (Van der Sar, 2022b). Despite this popularity, however, Popcorn Time has received very little academic attention, even less so from media scholars. The few studies that go beyond a brief mention of this service largely focus on its (il)legality (e.g., Idland et al., 2015; Landy, 2016). Gottschalk (2021), perhaps the only academic study looking at the motives of the developers behind Popcorn Time, is largely theoretical, with the main ‘primary’ data source being a news article rather than interviews with the developers themselves. A similar lack of qualitative insight can be noted about most other pirate streaming practices, although it is worth noting that there is evidently a growing interest in the topic, particularly in Kodi<sup>28</sup> and pirate IPTV services (e.g., see Sheppard, 2018; Pandey, Aliapoulios and McCoy, 2019; Warrior et al., 2020; Xiao et al., 2023). In addition, there is limited yet noteworthy research into VPN piracy (Earle, 2016; Lobato and Meese, 2016) and Netflix password sharing (Mixon, 2021) as forms of unauthorised content consumption. These rather mundane practices are not mentioned in Lobato’s (2020) overview, but they are also significant and widespread instances of informal streaming (Burroughs, 2017; Spilker and Colbjørnsen, 2020). Finally, the practice that is especially important in the context of this research is pirate streaming sites.

As the name suggests, these are websites where one can stream screen media content for free. In anglophone academic literature, the most commonly noted example of such sites is 123Movie (Tanielian and Kampan, 2019; Danaher et al., 2020; Lobato, 2020). Before its shutdown in 2018, 123Movie was one of the most popular pirate streaming sites globally, with over 90 million monthly visitors (Van der Sar, 2018). Yet, as with Popcorn Time, there is a rather surprising mismatch between the popularity of pirate streaming websites and the near absence of academic studies on the matter. The exceptions are the aforementioned work of Lobato (2020) and also Burrus and Dodge (2018), who briefly define this pirate practice and note advertising as its main source of revenue, and Choi and Kwak (2020), who provide a list of such sites’ general features. Although scholars recognise that, compared with file sharing, which requires a certain level of technical skills, pirate streaming practices have made piracy truly mainstream (Rudman et al., 2014; Burroughs, 2017), file sharing continues to dominate the research on piracy. My project addresses this gap by offering a qualitative study of

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<sup>28</sup> “A multi-purpose media centre”, which “can be customized as a powerful hub for TV piracy” with the help of various third-party add-ons (Lobato, 2020, p. 481).

Ukrainian pirate streaming websites, which, as I demonstrate in Chapters 6-8, are arguably the country's most popular film streaming services, even when compared with their legal counterparts.

Furthermore, what becomes evident with regard to existing research on both file-sharing and streaming types of piracy is an insufficient consideration of the possible differences among these practices in different, especially non-anglophone countries. As noted earlier, piracy is a particularly attractive option in those markets where a given film is otherwise (yet) unavailable. Informal media distributors can solve this, for instance, by ripping said film from a legal copy that had already been released elsewhere and then delivering it via a torrent or pirate streaming site. However, this process does not account for the fact that in many countries, audiences may not be able to consume said film without it being translated. As the next and last discussion in this chapter demonstrates, this need for translation, which is equally necessary within both formal and informal screen media spaces, has led to the emergence of another noteworthy range of pirate practices.

### **3.3 Informal audiovisual translation**

As mentioned earlier in this chapter, the amount of screen media content being produced (particularly by major Western copyright industries) has been increasingly growing, not least due to the development of global streaming services. As Massidda (2020) notes, this speed of releasing new titles has been challenging for language service providers, which have been struggling to meet the correspondingly growing demand for translation of all this content in their local markets. This means that a significant range of content, including that ripped from legal copies and circulated via various pirate sites, is left untranslated (Lindgren, 2013). In the absence of official translation, as the studies below show, pirates, amateurs, fans, and even AVT professionals worldwide take matters into their own hands and translate screen media content themselves. As elaborated in Chapter 5, both formal and informal audiovisual translation can come in many formats, or techniques, with the most common being subtitling and revoicing. As the following discussion illustrates, the most studied of the two informal AVT modes is subtitling.

A significant part of the academic knowledge on informal subtitling comes from studies on one specific type of this informal translation practice: fansubbing. Fansubbing is commonly defined as subtitling “by fans for fans” (Díaz Cintas, 2009; Lee, 2017; Pedersen, 2019), where

fans of a particular show or genre of screen media content – amateurs, non-professional subtitlers, or '(fan)subbers' – create interlingual subtitles for it using their own equipment along with free subtitling software. The overarching motivation here is usually non-commercial, with fansubbers being generally driven by a willingness to make the object of their fandom more accessible to fellow fans who do not speak its original language (Lee, 2011; Čemerin and Toth, 2017; Pérez-González, 2019). According to Leonard (2005) and Díaz Cintas and Muñoz Sánchez (2006), fansubbing first achieved prominence within anime fan clubs in 1990s, when the technology needed for creating fansubs became more affordable to the (Western) public. Since the early 2000s, there has been a growing body of work on anime and, more generally, Japanese content fansubbing, with scholars exploring it in relation to copyright and the formal industry (Kirkpatrick, 2002; Hatcher, 2005; Lambert, 2006; Condry, 2010; Lee, 2011; He, 2014a; 2014b; Hills, 2016) as well as the workflows and overall structure of fansubbing communities (Díaz Cintas and Muñoz Sánchez, 2006). Such focus of fansubbing scholarship on anime has arguably created a certain degree of association between this practice and this specific genre. Yet, it is important to emphasise that anime is not the only genre fansubbers have worked with.

For example, according to Pérez-González (2019) and Massidda (2020), in the early 2000s, a new, so-called 'post-anime' wave of fansubbing started to emerge, which largely centred around translating mainstream US TV shows. While anime fansubbing (at least initially) referred primarily to the translation of Japanese content into English (O'Hagan, 2008), this more mainstream phase of this informal AVT activity can be characterised by a "huge expansion into diverse genres, languages, countries and contexts" (Dwyer, 2019, p. 440). This has also been reflected in the variety of studies on non-anime fansubbing in different countries. For instance, Mendes Moreira de Sa (2014; 2015) looks at "Legenders", that is, fansubbers in Brazil who produce Brazilian Portuguese subtitles primarily for US and UK series. Legenders may work either individually or in teams, but all ultimately release their subtitles on Legendas.tv website, where the public can download them for free. Mendes Moreira de Sa (2014; 2015) notes that these Brazilian subbers purposefully chose the name Legenders (from *legenda*, Portuguese for subtitle), as opposed to fansubbers, to differentiate themselves from those working with Asian content (see also Bold, 2011). Another noteworthy example here is the work of Massidda (2015), who explores fansubbing in Italy, focusing on two major fansubbing groups, namely ItaSA and Subsfactory, which similarly translate American series, such as *Lost* (2004) or *Supernatural* (2005). In her book, Massidda (2015, p. 24) discusses the "underground work of these passionate fans", offering valuable insights into their groups' organisation of labour, subbers' recruitment process, and differences in their approaches to translation. Notably, Italian fansubbing appears to have emerged not only in response to

official release delays of the TV shows in question but also in opposition to official translation practices in Italy, which favour dubbing (Massidda, 2015). As Massidda (2015, p. 39) explains, ItaSA and Subsfactory fansubbers' work "is aimed at 'restoring' the foreign product, allowing fans to appreciate its original voices, soundtrack and atmosphere", which are otherwise hidden 'under' Italian dubbing. Nevertheless, what is of particular importance in the context of this project is that fandom for certain content is not the sole driver behind informal production of subtitles.

An illustrative example here is *titrări*, a Romanian informal subtitling community. As Dwyer and Uricaru (2009, p. 50) note, *titrări* "are fansubbers pure and simple in that they are actually fans of subtitling itself rather than of any particular genre or product". Similar to fansubbers of ItaSA and Subsfactory, these Romanian subtitlers favour subtitling over dubbing in general, and they are particularly focused on the quality of their work (Dwyer and Uricaru, 2009). Yet, as Dwyer and Uricaru (2009, p. 51) emphasise, *titrări* are fans of "translation as *such*"; their community is a strictly non-commercial space where one can find training materials, ask questions, compare different translations, and even receive a prize "for the best subtitles", which is awarded annually (Dwyer and Uricaru, 2009, p. 51). Lindgren's (2013) work further highlights the diversity of informal subtitling practices by differentiating between fansubbing as the informal *production* of subs and the "more mainstream and straightforward creation and distribution of subtitles", that is, formally produced subtitles ripped from official copies. Lindgren's (2013) case(s) in point are Subscene and OpenSubtitles.org, open, global file-sharing sites for distributing subtitles for any screen media content. Lindgren (2013) views these informal subtitling practices essentially as a sub-scene which, along with other sub-scenes, such as those supplying "scanned cover art for CDs or DVDs", comprises "the broader 'Scene'" (Crisp, 2017, p. 68). Finally, while the examples of (fan)subbing discussed so far are all ultimately non-commercial, it is worth noting the emergence of for-profit informal subtitling, as illustrated in the work of Ameri and Khoshsaligheh (2019). Ameri and Khoshsaligheh (2019) conducted a survey of Iranian subtitlers on Subscene, aiming to understand their motivations, and analysed the quality of subtitles themselves. One of their noteworthy findings is that some of the respondents effectively worked for Iranian pirate film streaming sites, adding advertising of these websites to their subtitles (Ameri and Khoshsaligheh, 2019). This addition of the commercial element to the traditionally strictly non-for-profit practice can be viewed in the context of Dwyer and Lobato's (2016) speculations about possible changes to subbing in the new era of piracy which is streaming. Dwyer and Lobato (2016) debate potential transformations in the technological nuances of subs' distribution, suggesting that the latter might be defined by an increasing need to have subs built into the video, which can be streamed via pirate streaming sites; this is contrasted with informal subtitles being

conventionally distributed as separate files via file-sharing sites. The case of Iranian subbers thus adds another example of such transformations, happening due to the development of pirate streaming, that is the commercialisation of the practice.

For the purposes of this chapter, the following can be concluded from the discussion above. Although informal screen media subtitling started as an activity of anglophone anime fans, aimed at providing translation to content that would otherwise be left untranslated, today, this practice has expanded to other genres, languages, countries, and, importantly, it is undertaken for a wide variety of motivations. Increasingly more studies demonstrate that “fansubbing” is not necessarily an endeavour of fans, instead being driven, for example, by a willingness to improve language skills, to provide an alternative version to the formal translation, or even simply by boredom (in addition to the studies cited above, see Chu, 2012; Luczaj and Holy-Luczaj, 2014; Luczaj, Holy-Luczaj and Cwiek-Rogalska, 2014; Čemerin and Toth, 2017; Yildiz, 2017). Yet, due to the origins of this practice, the term “fansubbing” has become a common, although ultimately reductive way to refer to any kind of unofficial subtitling, being often used interchangeably with “volunteer”, “amateur”, and “community” translation (Dwyer, 2012b; Fernández Costales, 2012; Orrego-Carmona, 2018). It could also be argued that due to such long-standing association of various informal translation practices with fandom, media (piracy) researchers have largely focused on pirate *distribution*, while the translation element of piracy has been mostly explored by AVT scholars. In this thesis, therefore, I use the term “informal subtitling” as a more neutral way to refer to this practice to avoid invoking potentially reductive assumptions about the motives behind Ukrainian informal subtitlers’ work, their skills, or labour organisation. Avoiding such assumptions is particularly important for this project since the research on informal subtitling in Ukraine is scarce, with the only scholar studying the topic being Nataliia Gach (Gach, 2021; Gach, Trykashna and Zahrebelnyi, 2021).

Gach (2021) looks at how Ukrainian subbers translate Ukrainian films into English, focusing on the visual characteristics of the produced subtitles, such as the length and number of lines on screen, and on their linguistics-related qualities, including subbers’ approaches to translating culture-bound words.<sup>29</sup> The work of Gach et al. (2021) is based on the same primary research, with the authors discussing the linguistics-related aspects of the subtitles in comparatively more detail. Gach (2021, p. 482) briefly states that the subbers in question are “driven by the desire to bring the Ukrainian culture to foreign audiences”, but it is effectively

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<sup>29</sup> According to Gach (2021), these are words that describe very culture-specific phenomena and, therefore, are unlikely to have equivalents in other languages.

the author's assumption rather than a finding, as she does not engage with the subbers themselves. In neither of the two papers does Gach consider the subbers' motivations or how they work, nor does she note where the subtitled versions of the films she analyses were taken from. In response to this lack of academic studies on this practice in Ukraine and contributing to the research on 'post-anime' informal subtitling, my project offers an introductory qualitative insight into the practicalities of this translation activity in the country as well as into Ukrainian subbers' motivations. Yet, as my findings demonstrate, one of the reasons why there is scarce research on this practice in Ukraine is the comparatively low popularity of subtitling in the country in the first place, with Ukrainian informal translators favouring revoicing AVT techniques instead.

Compared with informal subtitling, informal revoicing has received considerably less academic attention. Similar to subtitling, evidently, the most studied informal revoicing practice is the one produced by fans, that is, fandubbing. In Chapter 5, I explain in more detail the technicalities of producing dubbing in general; at this point, what needs to be noted is that fandubbing is a more laborious translation technique than subtitling, as it involves replacing the original audio track with a new one, recorded by the fandubber themselves (Chaume, 2007; 2013). However, unlike fansubbing, more often than not, the term "fandubbing" has been used to refer to parodic revoicing rather than an actual translation of the original dialogues. In this case, the original dialogue is replaced with an entirely different one – for instance, with a "satiric interpretation" of the visual part of the content in question – for humorous purposes (Baños, 2020, p. 212). This is why it is also sometimes called *fundubbing* (Chaume, 2013). One of the few scholars who places fundubbing at the centre of the study is Mertens (2023). Mertens (2023, p. 2) looks at abridged anime, where "YouTube users edit together a condensed version of an anime series and provide their own dubbed voice acting to create a parodic remix that pokes fun at a show", exploring how this practice may distort or undermine the original. Yet, of more relevance to this project are studies on "interlinguistic genuine fandubbing" (Zhang and Vazquez-Calvo, 2022, p. 197), or "serious dubs" (Baños, 2020, p. 214), that is, informally produced interlingual revoicing.

Some noteworthy examples here are the works of Shafirova and Cassany (2019), who consider a case of fandubbing within *My Little Pony: Friendship is Magic* (2010) fan community, and Nord, Khoshsaligheh and Ameri (2015), who look at fandubbing in Iran. I return to these works in the next chapter, where I discuss the methods they used to study this informal translation practice. It is, however, worth drawing attention here to one aspect of Nord et al.'s (2015) study as it serves to highlight that, much like in the case of (fan)subbing, informal revoicing is not limited to the activity of fans. Although their work focuses mostly on



conventional fandubbing and quasi-professional<sup>30</sup> dubbing, Nord et al. (2015, p. 3) also note the existence of “professional dubbings which have not received authorization for distribution in the official Iranian market”, yet which are still freely available online. As Nord et al. (2015) explain, formal dubbing studios in Iran may produce dubbing for films that did not pass state censorship or when the exclusive dubbing rights were given to another company. In such cases, pirate websites may purchase this unofficially produced professional dubbing and make it available for their audiences (ibid.). Another important study here is that of Li (2022), who provides a similar example of non-fan informal dubbing, produced for the Chichewa-speaking audience in Malawi. Since no foreign films are ever officially released in the country due to its ‘fourth world’ status, Malawians’ only choice is pirate distribution networks and unofficially produced translations (Li, 2022). One of the informal dubbers, whom Li (2022) interviewed, stated that his original motivation to dub was to enable Malawians to appreciate films beyond their action scenes, which do not require translation as much. Yet, Malawian dubbers ultimately sell their dubs, specifically along with the burnt CDs with pirated copies of the films they translate (Li, 2022), which means that there is also a commercial motive in place.

Last but not least, it is important to address a common view on serious, non-anime (fan)dubbing as a practice that has only recently started to increase in popularity and that, compared with (fan)subbing, has always been rather marginal and aimed at a niche audience (Baños, 2019a; Pérez-González, 2019; Baños, 2020; Perego and Pacinotti, 2020). This view overlooks the widespread popularity of informal revoicing in Eastern European countries in the 1980s and 1990s, namely the single-voice pirate voice over, which originated in Russia (Glushneva, 2020; Žurek, 2020). This Russian revoicing is often called Gavrilov voice over, with Gavrilov being the name of one of the simultaneous, ‘on-the-spot’ interpreters, who used to be hired for film festivals and private screenings of Western films at the time (Franco, Matamala and Orero, 2010; Glushneva, 2020; Žurek, 2020). In the 1980s, these interpreters started using their skills at home to create “single-voice, improvised, barely synchronized translations directly to videotapes” (Glushneva, 2020, p. 100). This translation would often be the only option available to the audiences in many now-post-Soviet countries, including Ukraine, well into the 1990s (Skomorokhova, 2012; Sofienko, 2014). Yet, despite this common predecessor, voice over styles used in these countries today are rather different.

In Russia, as illustrated by Glushneva (2020), informal voice over, produced by pirate voice-over groups, continues to be largely asynchronous and involves limited number of

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<sup>30</sup> Fandubbing of a higher quality, considerably closer to that of professional dubbing; hence the name “quasi-professional” (Nord et al., 2015).

voices, while Gavrilov voice overs “are still available and revered by dedicated fans who consider them to have special cultural value” (Burak, 2011, p. 7). In addition, it is worth noting so-called Goblin<sup>31</sup> translation, which is effectively a Russian version of fundubbing: these largely parodic voice overs of feature films were infamously saturated with profanity for humorous purposes (Franco et al., 2010; Chaume, 2013). In Poland, the modern voice over style, which is often used on TV, resembles Gavrilov translations in that it is also single-voice, but some nuances make it a rather distinct AVT technique, which I elaborate on in Chapter 5 (Woźniak, 2012). Similarly, in Ukraine, although Gavrilov-style voice over is now mostly considered a “sad legacy of the early 1990s” (Tereshchenko, 2017, p. 168), voice over in general has remained a widespread form AVT in both formal and informal spaces. Yet, despite its long history and popularity, particularly as the key translation practice within the country’s pirate media economy, there is effectively no academic research on the matter. This can be explained by the fact that AVT and media piracy studies are mostly dominated by scholars “most of whom have never been exposed to this kind of translation” and who, therefore, “limit themselves in their essays to brief tidbits about the bizarre audiovisual practice that exotic nations seem to be fond of” (Woźniak, 2012, p. 210). This echoes my concluding argument in the previous chapter, which highlighted the importance of considering informal media practices within a clearly identified geographic context, particularly where distinct informal activity may constitute an everyday practice. Consequently, my project seeks to address the above-mentioned gap in the research on informal revoicing by exploring in detail the activity of Ukrainian informal voice-over groups.

Overall, what the studies discussed above demonstrate is that various forms of informally-produced revoicing and subtitling can be the main AVT option for a significant part of screen media in certain countries, “just as piracy [can be] the only means of access to media for many people” around the world (Mueller, 2019, p. 109). In turn, all these informal translation practices and, in particular, the differing motives behind engaging in them “raise a host of issues relating to the broader social and political context of audiovisual translation [...] in the era of globalization” (Dwyer, 2012a, p. 196). For that reason, AVT scholars emphasise the need to study not only the technical characteristics of translation practices but also this wider context, including “cultural, commercial and political issues that continue to lie at the heart of screen translation in its various forms” (O’Connell, 2007, p. 132; see also Guillot, 2019). This resonates with the discussions in the previous chapter, where I highlighted the contextual

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<sup>31</sup> Nickname of the voice-over actor/translator, who created these voice overs.

nature of informal media practices and informality in general, and the subsequent need to study pirate activities in relation to the context where they exist.

## **Conclusion**

In this chapter, I highlighted the heterogeneous nature of piracy. Firstly, I noted the often-overlooked difference between pirates as suppliers (e.g., uploaders) and pirates as consumers (e.g., downloaders) of copyrighted content. I provided an overview of the research on the two, pointing out that whereas it is the motivations of the former that are vital for gaining a comprehensive understanding of the reasons why piracy exists in a given context, the research on piracy tends to focus more on the motivations of the consumers. Consequently, I indicated it as a rationale for focusing on the activities of pirate suppliers rather than consumers in this project. The rest of the chapter focused on the variety of distribution and translation practices that individual pirate suppliers may undertake. I discussed the continued importance of torrenting as a pirate distribution practice while also drawing attention to the comparatively under-researched, yet increasingly popular pirate streaming alternatives. For this reason, in order to offer a more holistic map of the Ukrainian pirate distribution economy, I mentioned that this project focused on both file-sharing and streaming pirate practices. Lastly, I talked about the different informal translation activities, which are becoming increasingly important for pirate distributors in light of the growing abundance of content that is being released. While there is a considerable body of work on informal AVT around the world, I argued that with regard to Ukraine, neither informal subtitling nor revoicing received sufficient academic attention, which, in turn, highlights the overall need to explore informal screen media economies in other underexplored geographic contexts. My project, therefore, sets out to address it by looking at the current state of both of these informal translation techniques in Ukraine. Having identified the specific research areas that my project contributes to – namely, the motivations of pirate content suppliers, policies regulating the activity within non-public torrent communities, nuances of pirate streaming services, and distinctions among various informal AVT practices – I will now move on to Chapter 4, where I explain the methods I used to study each of these informal media activities.

# Methodology

## Chapter 4. Researching Informal Media Practices in Ukraine

In the previous three chapters, I discussed existing research on informal media, including different approaches and methods researchers adopt to study them. As identified in Chapter 2, for this research, I adopt the informal media economy theoretical framework. This approach encourages exploring piracy more holistically: instead of focusing exclusively on its contentious legal status or trying to estimate its impact on the formal media industry, the framework broadly suggests looking at the realities of diverse pirate practices, recognising them as equally significant parts of the increasingly complex media landscape (Lobato and Thomas, 2012b; 2015). With this in mind, in this research, I adopt a qualitative approach to methodology, namely I use a range of ethnographic tools for data collection. The reason I adopt an ethnographic methodology here is because it allows the researcher to gain a first-hand insight into the practicalities of a studied phenomenon by immersing oneself in the field where it occurs, participating in the field's activities, and communicating with those involved in the field being studied (Atkinson and Hammersley, 2007). In this way, I can explore the current realities of specific pirate practices in Ukraine and include the perspectives of pirates themselves in the academic discussions of informal media. In turn, this allows me to address the lack of knowledge about the heterogenous pirate economy of Ukraine and the dominance of the copyright industry's views in the debates on piracy, which, as I identified in the previous chapters, are some of the key gaps in the existing research on the topic. Importantly, ethnographic methodology implies analysing data in relation to the specific social settings which it is obtained from (Atkinson et al., 2001). As the previous three chapters demonstrate, the reasons why and how any informal activity exists are rooted in the broader social, cultural, economic, political, or regulatory context of the countries where it takes place, making exploring this context necessary for developing a holistic understanding of this activity. Consequently, this ability to consider the broader context offers further support for ethnography as a suitable methodology for this research. In this chapter, my aim is to elaborate on how I applied this methodology to study informal screen media practices in Ukraine by reflecting in detail on the methods of data collection I used before moving on to Chapters 5-8, where I discuss the findings obtained using these methods. To clarify, this study is not a traditional ethnography but rather uses ethnography as a data collection tool.

While, as this chapter demonstrates, there is a notable body of work studying informal media economies or individual informal practices using ethnographic methods, ethnographic research on piracy is still considered relatively uncommon (Goode, 2012; Brown, 2014). As I discussed in Chapter 1, a substantial part of piracy studies comes from legal scholars and economists, with many of the studies on piracy either analysing relevant policies, predominantly copyright laws (e.g., Vasiliu and Vasiliu, 2019) or applying quantitative methodologies, for instance, comparing box office data with pirate sites' traffic (e.g., Bodó and Lakatos, 2012). As I elaborate shortly, researchers who do adopt an ethnographic or, more generally, qualitative approach to study informal media often do not sufficiently reflect on their methodology, while many of the key works on the informal media economy (e.g., Lobato and Thomas, 2015) do not specify their research method in the first place. Consequently, this chapter also offers a methodological contribution to the informal media research, providing a detailed account of the nuances and challenges of conducting a qualitative, ethnographic research on a pirate economy.

As indicated in the introduction to this thesis, the overarching research question for this project is:

*How do those involved in Ukraine's informal screen media economy negotiate their practices within the country's regulatory and cultural context?*

Sub-questions, developed to help structure the research process behind addressing the overarching question, are:

- How does one research a practice in a non-Western informal screen media economy?
- What practices comprise Ukraine's informal screen media economy?
- In what ways do the regulatory and cultural frameworks of Ukraine affect its informal screen media economy?
- What motivates Ukrainian informal screen media practitioners to engage in their activities?

While the latter three sub-questions are addressed in the Findings part of this thesis, this chapter serves to answer the first sub-question. I begin this chapter with an overview of how ethnographic methods have been applied to study informal media. I then elaborate on my own research methodology: I discuss how I identified the specific pirate practices that were of relevance to the research questions, how I accessed these practices and the people behind them, and the practicalities of the methods I used to study them, namely walkthrough,

participant observation, and interviews (see the full list of conducted interviews below). I also outline additional data sources I used, such as copyright policy documents and YouTube live streams. While most of the challenges, limitations, and ethical issues are addressed throughout this discussion, I finish the chapter with a separate section on the ethical considerations of conducting research multilingually, which this project involved.

## **List of interviews**

### **Informal voice-over groups/actors:**

- Ether Production, video call (June 2021)
- Breloque, video call (June 2021)
- Bozhena, email communication (September 2021)
- Chief Studio, two video calls (July 2021)
- AdrianZP, private messaging on Facebook (July 2021; January 2022)
- Gwean & Maslinka, email communication (September 2021)
- Dublicat (Olga and Yevhenii Titomyr), private messaging on Facebook (September-October 2021)
- SVOĬ Production, private messaging on Facebook (October 2021; January 2022)
- Vlasiy, private messaging via Telegram (January 2022)
- Melodic Voice Studio (MVS), Telegram group chat with six group members (Lomaev, Inhabi, Sovenya, Enelira, Yuta, Tasia), some of whom are also part of other groups (January 2022)

### **Informal subtitlers:**

- Juli Bettany, email communication (December 2021 – January 2022)
- Ivan Vyrvyvuh, email communication (December 2021)
- Erithion, private messaging on the torrent site (December 2021 – January 2022)
- Kviton, private messaging on the torrent site (December 2021)

### **'Pirate' online cinemas:**

- MovieBaron, email communication (November 2021)
- TarasFilm, private messaging on Facebook (October 2021)
- Yaropolk, brief private messaging on Twitter (November 2021)

### **Hromada's moderators and content uploaders:**

- Dilnix, private messaging via Telegram (January 2022)
- Askold, private messaging via Telegram (January 2022)
- Yarema, private messaging via Telegram (January-February 2022)
- Urij, private messaging on the torrent site (January 2022)
- Captain, private messaging via Telegram (January 2022)
- Marko, private messaging on the torrent site and Telegram (January 2022)
- Orest, a very brief chat on the torrent site (December 2021)

## 4.1 Ethnographic studies of informal media

Ethnography as a data collection tool can involve a varying range of methods. Broadly, it involves conducting research in the actual, everyday context, that is “in the field”, “gathering whatever data are available to throw light on the issues that are the emerging focus of inquiry” (Atkinson and Hammersley, 2007, p. 3); and researchers, therefore, “devise and use whatever tools are needed for the job” (Boellstorff et al., 2012, p. 39). Therefore, an ethnographic methodology implies using multiple different methods and data sources, such as interviews, informal conversations, participant observation, various documents, news articles, all to generate an in-depth understanding of what is being studied (Atkinson and Hammersley, 2007). Since more and more practices are happening partly or entirely virtually, on the internet, ethnography is increasingly applied to study online settings (Small, 2022), as is the case with this project. Many scholars note the rather confusing variety of terms used to describe this type of ethnography, including netnography, virtual, online, digital, cyber-, internet, web-based ethnography, and more (Caliandro, 2014; Udenze, 2019). Largely for consistency, the term I use to describe my methodology here is netnography (Kozinets, 2015). It should be noted, however, that there is an ongoing yet unresolved debate on whether all these terms are synonymous or refer to distinct types of ethnographic research on the internet (Costello, McDermott and Wallace, 2017; Addeo et al., 2020; Morais, Santos and Gonçalves, 2020; Nascimento, Suarez and Campos, 2022). There is similarly little consistency on the matter within existing studies of informal media: Lu and Lu (2021), for example, define their ethnographic research of an online fansubbing community as netnography, Crisp (2015) describes her study of file-sharing communities as online ethnography, while Beekhuyzen, von Hellens and Nielsen (2012) and Diamant-Cohen and Golan (2017) simply call their research of torrent communities ethnography.

This lack of a definite set of methods that ethnography (including its online variant) involves can be seen as both a challenge and an advantage of this methodology. Its flexibility with regard to methods and acceptable data sources is beneficial for exploring poorly researched or hidden activity, where researchers may need to be able to make the most of the often-limited and unforeseen data (Massa, 2017; Dalkavouki, 2022). This makes ethnography well-suited for studying piracy, an activity that, not least due to its questionable legal status, may be taking place covertly (Moshirnia, 2018). An ethnographic methodology effectively provides the researcher with the autonomy to choose appropriate methods and sources of data that suit the specific goals of the project and the conditions of the field being studied. At the same time, this autonomy means there is an increased need for the researcher’s reflections on the rationale behind these choices to demonstrate “the depth and

quality of the data collected, and [...] the thoroughness of evaluation and interpretation of results” (Konken and Howlett, 2022, p. 10). Beaulieu and Estalella (2012) add that in ethnographic research, methodological decisions closely depend on individual researchers’ ethical choices. These choices, in turn, are subject to a constant re-evaluation of the researcher’s ethical stance, which tends to be ever more ambiguous when conducting ethnography online (Whiteman, 2018; Hair, Akdevelioglu and Clark, 2022). Consequently, ensuring sufficient explanation of any ethical issues and how they may have affected specific methodological choices can increase the transparency of an ethnographic study (Konken and Howlett, 2022), possibly serving as a precedent for future research.

The application of an ethnographic methodology to study piracy is not that new. For example, Sundaram (1999; 2004; 2009) and Larkin (1997; 2004), whose works helped lay the foundation for the informal media economy concept (Lobato and Thomas, 2012b), applied ethnographic methods to study India’s pirate “technoculture” and film piracy in Nigeria respectively. Both Sundaram (1999; 2004) and Larkin (1997) mention fieldwork trips and a range of interviews as well as less formal encounters with pirates as parts of their research. Floyd (2008) explored the pirate media economy in Ecuador and the circulation opportunities it provides for indigenous Quichua-language videos by making ethnographic visits to pirate DVD stalls, interviewing sellers and buyers of pirated Quichua-language DVDs and reviewing these videos as a data source. Ethnographic trips and interviews are also in the centre of Pertierra’s (2009; 2012) study of informal media in Cuba. Many contributors to the widely-cited work *Media Piracy in Emerging Economies* (Karaganis, 2011) noted interviews, informal conversations, and participant observations as their key methods of gathering data about pirate activities. Of the more recent examples is the previously noted work of Li (2022), who, also through fieldwork and interviews, explored informal production and subsequent distribution of Chichewa ‘dubbing’<sup>32</sup> for foreign films in Malawi. Li (2022) offers an insight into this ‘dubbing’ process, providing photographs of informal ‘dubbers’ and their “workshops”, and outlines the operation of local “music centres” that sell pirated and dubbed copies of films. All these studies offer rich insights into the diverse everyday realities of piracy in various parts of the world, demonstrating the value of ethnography for obtaining an in-depth qualitative

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<sup>32</sup> What Li (2022) calls dubbing here is a single-voice revoicing of a film. It is not clear whether the original track is removed (like in dubbing) or remains heard (like in voice over), but it is noted that the ‘dubber’ provides only a rough translation, often skipping parts that are difficult to translate or that he considers not vital for understanding the plot.



understanding of informal media spaces. Yet, an issue with many of these works is an ultimately insufficient account of the methods they used.<sup>33</sup>

Often limited to several sentences briefly indicating the methodology, a considerable part of existing ethnographic studies of piracy does not discuss the effectiveness of the specific methods employed, ethical and other fieldwork challenges researchers may have encountered, or factors that may be important for understanding the credibility of the data. For example, contributors to the aforementioned work of Karaganis (2011), which offers ethnographic insights into piracy in South Africa, Russia, Brazil, India, and other emerging economies, first mention some of the challenges of conducting such research in a separate, later work, namely in a roundtable interview conducted by Lobato and Thomas (2012c). They offer a helpful discussion of the difficulty of getting access to pirates in some markets and the subsequent need to rely on alternative informants such as sellers of pirated products or “antipiracy activists who “knew” how pirates work” instead (Lobato and Thomas, 2012c, p. 453). The contributors also reflect on the published findings’ ability to attract local authorities’ attention to the pirate practices they study and, therefore, talk about their efforts to seek consent from their interviewees (ibid.). Such reflections, which are ultimately absent from most studies cited above, could have served as a helpful guide to conducting ethnographic studies of piracy in these culturally diverse markets. Instead, in many other works on various informal media translation and distribution practices (Leonard, 2005; Hughes and Walkerdine, 2008; Dwyer and Uricaru, 2009; Lobato, 2010; Dwyer, 2012b; Spolidorio, 2017; Wang, 2017a; Keogh, 2019; Baños, 2020; Chaume, 2020; Lobato, 2020) there is no explicit indication of the method, and it is only in some of them, based on footnotes, image captions, or bibliography, that one may deduce that some primary research has been conducted. Considering the aforementioned fluidity and sometimes contested nature of ethnography in general, this lack of discussion of the method in ethnographic piracy research arguably makes determining how best to approach the study of a pirate economy a challenging task. Nevertheless, when it comes to ethnographic piracy research conducted partly or entirely online, the discussions of the methodology tend to be comparatively more detailed, offering practical examples of possible ways to study informal media.

As for informal online distribution, perhaps the most common object of piracy research to date has been file-sharing and, in particular, torrent communities; and, as for methods of studying them, researchers usually elaborate on the conditions of gaining access to these

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<sup>33</sup> I acknowledge that authors may be discouraged from including substantial methodology sections by journal editors or book publishers, not least due to wordcount limitations, but it ultimately does not change the fact that it is rather difficult to find detailed accounts of applying ethnographic methods to study piracy.

communities, whether members of the community were informed of the fact that their activity was being researched (covert or overt research), and on the level of participation in the community's activities. Giesler and Pohlmann (2003, p. 274), for example, in their netnographic study of Napster, discuss how they approached users with an interview request by inviting them to have "a friendly talk about Napster". They provided users with a webpage outlining research questions of their project and researchers' alternative contact details to "attract potential informants' attention" (Giesler and Pohlmann, 2003, p. 274). Kozinets (2015, p. 184) calls such sites "netnographic interactive research websites", and their purpose can be to elaborate on the research aims, provide information about the researcher and their affiliation, or offer additional information that may be of interest to potential participants, for instance in the form of a blog. As discussed further in the chapter, I similarly created a website introducing myself as a researcher and describing my project, the link to which I would send to potential interviewees. In my case, the website also explained my personal motivation for conducting this study and reassured all potential participants that all responses and names of any pirate sites would be anonymised unless they requested otherwise. It allowed me to keep my interview invitation message relatively concise while also providing those I contacted with an option to find out more if they wished. Another tool for researching informal distribution online can be found in the work of Beekhuyzen, Von Hellens and Nielsen (2011).

Beekhuyzen et al. (2011; see also Beekhuyzen et al., 2012; Beekhuyzen et al., 2015) study an invite-only music file-sharing community. Not willing to risk having their membership revoked and, subsequently, being unable to regain access to the site, the researchers conducted the study covertly, which also meant they could not interview members of this community (Beekhuyzen et al., 2012). As a solution, the researchers interviewed students who actively engaged in file-sharing on other sites similar to the one under study to explore motivations for participating in such communities (ibid.). Recruiting students as research participants, or what can be called "self-report" methodology (Kariithi, 2011; Brown, 2014), is a rather common practice aimed at simplifying the process of gaining access to 'pirates'. Yet, what this particular example points towards is more broadly to an ethnographic strategy of "asking about others", that is when "members of a culture" offer "valuable insights about others" (Boellstorff et al., 2012, p. 97). Boellstorff et al. (2012, p. 97) emphasise that while the credibility of interviewees' individual statements about others may be questionable, their answers may point toward broader "cultural logics" about the field. As elaborated later in this chapter, while I had limited access to some groups of informal practitioners, namely commercial voice-over groups and pirate streaming sites, other interviewees offered interesting insights about the overall place of these groups in Ukraine's pirate economy. Finally, an essential aspect of ethnographic research is the researcher's participation in the

activities of the communities they study, as illustrated, for example, by Sano-Franchini (2010) and Diamant-Cohen and Golan (2017).

Both Sano-Franchini (2010) and Diamant-Cohen and Golan (2017) look at music torrent communities, and both were able to generate insightful data about their activities, structure, and overall culture using an ethnographic methodology. In addition to interviews with the community's members, Diamant-Cohen and Golan (2017) note their active contribution to the conversations on the torrent site's forum, which allowed them to gain higher user status, as well as interacting with the site's interface, reading existing posts and sending private messages to users. Although not stated explicitly, the researchers must also have engaged in downloading and seeding torrents since maintaining a certain level of activity, including a certain share ratio, were necessary to remain community members (Diamant-Cohen and Golan, 2017). Sano-Franchini's (2010) participant observation, on the other hand, did not include any interviews with the community members and, in general, involved a lower degree of participation. For example, Sano-Franchini (2010) described Secret Santa activity that was regularly organised within the community: one member would pair users wishing to participate, and these users would then send their 'Santees' physical mixtapes they would specifically create for them. Despite the photos Sano-Franchini (2010) provided to illustrate how such mixtapes may look, the researcher does not appear to have engaged in this activity herself. These examples demonstrate that, as noted by Boellstorff et al. (2012), an ethnographic methodology does not always require total participation in the field to obtain necessary data. This aspect of ethnography is particularly beneficial when such total participation is rather challenging: while I was able to gain access and participate in the main activities of one Ukrainian torrent site I studied for this project, my level of contribution to the community was insufficient to gain access to some of the hidden material, which was only available to the most active and dedicated users (see Chapter 6). Nevertheless, I could still gain sufficient data to provide an insight into this community's past and current projects, structure, membership particularities, and general culture. Many of the above-mentioned netnographic strategies for studying torrent and file-sharing communities can also be applied to research informal translation practices.

As noted in Chapter 3, the most widely studied type of informal translation activity is subtitling, or, as it is more commonly referred to, fansubbing. In most countries, fansubbers tend to work in communities and fansubbing groups (Massidda, 2020). Therefore, ethnographic research of their practices is generally similar to that of other online communities such as those discussed above. Illustrative examples of netnographic studies of fansubbing communities include Li (2019), Addeo et al. (2020), and Lu and Lu (2021): these researchers

similarly rely on participant observations of the communities' websites, exploring interactions among their members, and interviews with fansubbers, with Li (2019) also engaging in fansubbing activity herself. Yet, as elaborated in Chapter 5, informal subtitling is a comparatively individual practice in Ukraine, and there are no subtitling communities per se. Therefore, it is worth drawing attention to such works as Wongsee (2020), where the primary data collection method was interviews with fansubbers, while participant observation was effectively absent. Wongsee (2020), nevertheless, insists that her research should be classed as ethnographic since it is her insider knowledge of Thai fansubbing and audiovisual translation in general that helped her to approach the interviewees. Overall, interviews and surveys are a common method to study the process of informal subtitling and subtitlers' motivations (e.g., Chu, 2012; Luczaj and Holy-Luczaj, 2014; Mika, 2015; Rong, 2017). Considering that Ukrainian informal subtitlers operate largely independently, thus making the method of netnographic observation of little use, it is the in-depth interviews with individual subtitlers that allowed me to gather most of the data on this pirate practice in Ukraine. Interviews, as part of netnographic methodology, are also an essential data source in the limited yet noteworthy work on another informal translation practice, namely informal voicing, which was discussed in Chapter 3.

Shafirova and Cassany (2019), for example, in their research on 'bronies' – adult fans of *My Little Pony: Friendship is Magic* (2010) – were able to gain detailed insight into the process of producing fandubbing for one of the seasons of the animated series by interviewing the fandubber. It should be noted that for the interviewed fandubber, it was an experimental project in that it was the first time the interviewee tried translating and subsequently dubbing the material. Nord et al. (2015), on the other hand, explore informal – or, as they call it, quasi-professional – dubbing in Iran, a practice that has become rather common in the country. To develop a practical understanding of this otherwise under-researched type of informal media activity, Nord et al. (2015) interviewed one quasi-professional dubber who coordinates such unofficial dubbing projects. Zhang and Vazquez-Calvo (2022) similarly conducted only one interview, namely with an established fandubber who produces Catalan fandubs of songs; their research is effectively a netnographic case study of this particular fandubber. Although Zhang and Vazquez-Calvo's (2022) focus is on linguistic aspects of the practice and the opportunities it offers for language learning, the researchers nevertheless discuss the fandubbing workflow, noting similarities in the fandubber's aspiration for producing high-quality translation with other fan translation practices. While this reliance on a single interview could be viewed as a limitation, all three studies arguably highlight the importance of quality over quantity of the data sources in ethnographic research (Atkinson and Hammersley, 2007). Shafirova and Cassany (2019), Nord et al. (2015), and Zhang and Vazquez-Calvo (2022)

achieve this quality through semi-structured, or “ethnographic”, type of interviews, which involve prompting interviewees “to delve into the nuances and particulars of topics of interest” (Boellstorff et al., 2012, p. 96); an interview approach that I have also adopted with my informants. In addition, such approach helps mitigate the challenge of generating quantitatively significant data sets – in this case, respondents – on informal media economies.

Ultimately, in all three cases above, in line with ethnographic conventions, researchers used a variety of other data sources, including reviewing the fandubbed videos to explore the qualitative characteristics of specific fandubs they studied and what Rong (2017) calls document research. The latter involves news articles, reports and other formal documents produced by organisations or governments, information from pirate websites, and any other texts that can help verify or offer further insight into the findings from interviews or participant observations (Rong, 2017). This way of combining and comparing data obtained from different sources is called triangulation, and it is one of the key methods of data analysis in ethnography, which helps ensure that the findings do not “rely on a single voice” (Atkinson et al., 2001, p. 34; Atkinson and Hammersley, 2007). As elucidated further in this chapter, I similarly triangulated the data from the interviews with a range of other sourced.

The discussion in this chapter so far focused on some of the main ethnographic methods of data collection and how these methods have been applied in netnographic studies of informal media. The purpose of this discussion was twofold. Firstly, I aimed to show the value of applying ethnography to study piracy. As noted earlier, a considerable part of piracy research has tended towards either quantitative methods or policy analysis. Such research neglects the diverse forms piracy takes in different countries and, therefore, the practicalities of pirate practices worldwide. It is the ethnographic studies, such as Sundaram (1999; 2004), Larkin (1997; 2004), Floyd (2008), Karaganis (2011), and Li (2022), that are able to account for this diversity and allow one to develop in-depth, contextualised knowledge of piracy. Yet, these studies do not always elaborate on the specific methods that underlie their findings. Such elaboration is necessary considering the lack of established methodological conventions of ethnography. Therefore, the second aim of this discussion was to take a closer look at specific examples of how data can be collected in ethnographic research of informal media, particularly one taking place online, as this is the case with the practices that I explore in this project. I discussed a variety of research tools and methods, which I also applied in my research, including creating a research website (Giesler and Pohlmann, 2003), engaging in the activities of informal distribution and translation online communities being studied (Diamant-Cohen and Golan, 2017; Li, 2019), conducting semi-structured interviews with informal subtitlers and dubbers as a way of learning about their practices, including their

workflows and motivations (Mika, 2015; Nord et al., 2015; Rong, 2017), and exploring pirate content as a data source in itself (Shafirova and Cassany, 2019; Zhang and Vazquez-Calvo, 2022). The rest of this chapter elaborates on how I used these and other netnographic research tools to study Ukraine's informal screen media economy.

## **4.2 Netnography of Ukraine's informal screen media economy**

As noted in the introduction to this thesis, one of the bases for this research was the near absence of up-to-date accounts of the specific informal media practices that have earned Ukraine the reputation of a country with high levels of piracy. Therefore, my first task was to identify the set of pirate activities to research, or, as Hair et al. (2022) put it, to decide on and justify the sample of who or what to include in the study. For this, I selected three sampling criteria. Firstly, the practices had to be aimed at and relatively popular among the Ukrainian 'pirate' audience. In discussions around piracy, Ukraine tends to primarily come up as a 'hub' for major, global pirate sites such as The Pirate Bay, Kickass Torrents, or Demonoid (Maxwell, 2018a). Yet, in anglophone texts, except for Haigh's (2009) study and occasional reports by TorrentFreak about the shutdown of pirate streaming sites in Ukraine (e.g., Maxwell, 2019e), there are few mentions of the more local, *Ukrainian* pirate activities, such as certain Ukrainian pirate sites I myself used when I lived in Ukraine. This criterion, therefore, was chosen to address this gap. Secondly, I decided to focus on the most common, everyday piracy aimed at an average Ukrainian viewer seeking to watch mainstream, popular films and series. This criterion followed partly from my personal experience of relying on such a common pirate practice in Ukraine as illegal online cinemas. Having read many works exploring diverse, often comparatively marginal informal media practices in various parts of the world (see Chapter 3), I was initially rather surprised to find nothing in anglophone literature about what is an extremely popular everyday practice in Ukraine. Finally, in this research, I focus specifically on pirate practitioners rather than on pirate audiences. As discussed in the earlier chapters, in the existing research on informal media, these two categories are often invalidly generalised under a single term "pirates". As a result, many studies that explore the motivations of pirates only offer insights into the motivations to consume pirated content, dismissing what motivates some to provide said content in the first place (e.g., Ashvini, Lekshmi and Rajamanu, 2018; Handa, Ahuja and Jain, 2022).

Following the above criteria, I identified four informal media practices: pirate streaming sites, colloquially known in Ukraine as "illegal online cinemas", torrent sites, informal voice

over, and informal subtitling. Repeated searches for Ukrainian online cinemas – a practice that I was familiar with before starting this research – kept returning 8-10 specific websites, which I selected as an initial sample for the study. The existence of informal Ukrainian voice over production was identified through Ukrainian news articles on piracy. I came across a recent interview with Breloque, one of the informal Ukrainian voice-over groups, where its founding member discussed the group’s activity, including his views on the legality of their practice. This interview, published on the website of a major Ukrainian newspaper, pointed towards not only the existence of the informal Ukrainian voice over practice, which I had previously been unaware of, but also to the fact that these informal media practitioners may be open to sharing their experience for my research. Further searches for Ukrainian-language media publications about informal voice over helped identify six more voice-over groups. Since every publication noted the actual name of the groups or individual voice actors, I easily found each groups’ websites and social media pages. Yet, none of these spaces were used to share voiced-over content. Instead, groups provided links to sites where their works could be streamed or downloaded: these were two online cinemas, which were among those I found through my initial search for pirate cinemas, and one torrent site called Hromada. As elaborated in Chapter 6, Hromada is not the only Ukrainian torrent site, but it is undoubtedly the major and most long-standing one in Ukraine. Consequently, Hromada was chosen as the case study of the Ukrainian torrenting practice. Finally, Hromada’s forum and torrent tracker contents pointed towards other voice-over groups as well as individual users who produce informal Ukrainian subtitles. Prior to discussing how I researched each of these four practices, I should note the importance of using VPN for conducting this initial search for Ukrainian pirate practices. While connecting to a Ukrainian server was not necessary to access any of the pirate sites under study, with all of the websites being accessible from a UK IP address, it noticeably expanded the range of results when searching for Ukrainian news articles. In addition, a VPN connection was needed to stream content using the video players on the pirate streaming sites, which were otherwise geo-blocked.

As mentioned earlier in the chapter, I followed a common netnographic practice of creating a project website before accessing the field. The website’s homepage contained a summary of the kinds of practices I wanted to study and, importantly, indicated my standpoint on these practices as a researcher: I emphasised my interest in exploring pirate sites and informal translation activities as first and foremost types of media practices that allow the Ukrainian audience to access desired content, with their legality being of secondary importance to me. On the “About the project” page, I elaborated on the points mentioned on the homepage, including explaining my position as both an ‘insider’ and an ‘outsider’ (Bukamal, 2022). Being a Ukrainian and having had an experience of relying on the pirate

sites, which I set out to research, as the only way to watch films arguably gave me an insider position. At the same time, this research was conducted within a UK university, with all research outputs being aimed at an anglophone, primarily academic audience. In addition, while I could identify as a member of the pirate audience, I was never a pirate practitioner. This meant I was also an outsider in the field, and further in this chapter, I discuss specific cases illustrating how this insider-outsider position manifested itself during the fieldwork. Elaborating openly on this position was important to establish trust to me as a researcher as “success in establishing rapport and trust can shape an entire research project” (Boellstorff et al., 2012, p. 76).

On the other two pages – “About the researcher” and “Contact” – I indicated my affiliation, ensured that all responses and all practices would be anonymised, unless informants explicitly wished otherwise, and provided links to personal social media pages as a way to build trust further and to offer potential interviewees alternative ways to contact me. Adding links to personal pages can be an ethical dilemma for researchers as there is ultimately little agreement on what it means to conduct ethical ethnographic research online, including on how researchers should establish boundaries between the virtual field and their personal and/or academic online identities (Beaulieu and Estalella, 2012; Huang, Cadwell and Sasamoto, 2023). In my case, using my existing profiles rather than creating new ones seemed appropriate considering my (partly) insider position. As illustrated further, for some members of the torrent community, these links indeed served as a confirmation of my identity. Traceability, therefore, presents a major challenge for preserving the anonymity of the participants, which was essential for my research considering the legally contentious status of the practices I studied. Beaulieu and Estalella (2012) note that in their netnographic research, some of their participants would tag the researcher in their blogs, meaning one could trace said participants through the researcher’s online profile. To mitigate this traceability, I ensured that the information about the social media pages of informal voice-over groups and online cinemas, which I started following for this research, was hidden<sup>34</sup> and that there was no publicly visible connection to the specific practices I researched. Apart from sending the link to this website as part of an interview invitation, I added it to all my social media pages and to the user profile I need to create to access the torrent community Hromada. Since this was a website aimed to serve an effectively temporary purpose, and the domain name of which has

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<sup>34</sup> On Facebook, for example, it is possible to hide the pages that a user ‘likes’. I also avoided sharing or liking posts of the informal media practitioners whose activity I studied for this project.



already expired, I am not providing a link, but Appendix A contains the screenshots of all of the website's pages.

The methods I used to study Hromada were participant observation and semi-structured interviews with the site's moderators and most contributing users. Hromada is a semi-private torrent site, meaning that while registration is necessary to access its torrent tracker and many of the forum threads, the registration itself is open to anyone with a valid email address. According to Banks (2014), such comparatively open accessibility of the site is a factor that reduces the need to obtain informed consent, although deciding whether to conduct observation of an online community overtly or covertly is always controversial (Addeo et al., 2020). My observation of Hromada is perhaps best described as semi-covert in that I did not hide my researcher identity, nor did I actively promote it to what is a rather large community of over a million users (Wardhaugh, 2007; Ward, 2008). Registration on the site involved creating a user profile, where I indicated my real name, the fact that I am a PhD researcher, and added a link to the project website. In some file-sharing communities, new users may introduce themselves by posting on the fora, and this is a place where the researcher can also announce their presence on the site (Crisp, 2015). In Hromada, however, introductory posts are absent as a practice, not least due to the relatively open access to the site, which means dozens of new users may join in one day. Furthermore, creating a post to introduce myself and the research that a sufficient number of users would view would be unrealistic, especially since the function that notifies users of a new message in the part of the forum they follow was not functional. Ultimately, Hromada's key members, including the administrator and moderators, would be notified of my research regardless of such an announcement since I planned to contact them with an interview invitation. Therefore, I decided to start with covert 'lurking', a typical first step even for those opting for an overt observation (Addeo et al., 2020; Dalkavouki, 2022), aiming to explore the community's structure, rules, functions, and overall the website's interface.

Skimming through the forum threads helped me identify the administrator of the site and moderators of the relevant content categories.<sup>35</sup> I messaged the administrator asking for permission to conduct participant observation of Hromada and inviting him for an interview, but I never received a reply. This was rather expected considering the numerous discussions on the forum, where moderators noted that even they rarely managed to get the administrator to respond. In order to identify the most contributing users, a more thorough observation was

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<sup>35</sup> Hromada offers various types of content, including games, literature, software, and music. For the purposes of this research, I was only interested in the parts of the site dedicated to films and series.

needed: I had to look through the authors of the torrents uploaded to the tracker, visit each of these users' profiles, and check how long these users were registered on Hromada and how much screen content they have uploaded.<sup>36</sup> Consequently, prior to contacting moderators and said users, I continued covert participant observations to a) create a list of specific users to interview and b) gather information about the site's activity to prepare more insightful questions for the potential interviewees. Of particular value here were archived forum threads: "vital sources of archival knowledge" (Boellstorff et al., 2012, p. 120). They served as a source of data about the community's past projects and changes in the site's operation – the topics that I included in the questions for the interviewees and which I discuss in Chapter 6. Additionally, I engaged in downloading and seeding torrents, partly to increase my participation in the site's activities but also to build a more trustworthy user profile on the tracker, that is with a relatively high share ratio. Finally, I joined Hromada's 'unofficial'<sup>37</sup> public Telegram channel, where users asked questions about the site's operation, especially if they had difficulties accessing the site.

While continuing semi-covert observation of Hromada and working on the list of potential interviewees, I started conducting interviews with the voice-over groups, specifically with those who had already given interviews to the Ukrainian press. My logic here was that a) there is a higher chance that they would agree to be interviewed, and b) as became evident from the discussions on the forum, most of these groups were generally discussed in a positive light. The latter meant that these groups could become "sponsors" (Walsh, 2005, cited in Carter, 2018, p. 76), in that I could then refer to these groups as to someone whom I had already interviewed for this research, thus potentially increasing the chances that other pirate practitioners would similarly agree to participate in the project. It is difficult to say whether mentioning some of the previously interviewed groups made a difference for those who ultimately agreed to an interview. Most of my messages were either completely ignored or had a positive response, followed by an interview with no explicit indication of why they agreed. In fact, it is possible that for some, the mention of these "sponsors" was a factor in why they decided not to participate in the project. One of the last users I contacted on Hromada explicitly rejected participation in the research. It was a rather elaborate response, with the user quoting and responding to nearly every sentence of my interview invitation, including to the part regarding the previously interviewed groups:

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<sup>36</sup> All this information is indicated on a user's profile.

<sup>37</sup> In that it was voluntarily created by one of the users (not the administrator) as an additional channel for communication.

well of course... these people are engaged, they create a certain product, use Hromada to distribute it and, prior to all this, gather money from us<sup>38</sup> for their products... they will write and say whatever you want.

(2022)

In line with my research questions, I prepared three broad groups of interview questions for the voice-over groups:

- 1) Personal motivations for engaging in the informal practice;
- 2) General information about the informal practice itself;
- 3) Impact of copyright enforcement on their practice.

The first several interviews that followed this structure enabled me to get the necessary data, and I, therefore, reused it for interviews with all other informal media practitioners. The specific questions within each of the three groups were customised to the practice and to the individual interviewees. For example, from the previously published interviews of the voice-over duo Gwean & Maslinka, I found out about their competition with the Russian informal voice-over segment, and in my interview with them, I asked them to elaborate on that further. In the interviews with informal subtitlers, within the second group of questions, I asked about the software they used to create subtitles, nuances of translation practice, and which platforms they used to share their subtitles. Questions were also adjusted depending on the interviewees' responses to earlier questions. The semi-structured approach to interviewing "reflects the mix of preparation and flexibility" that is inherent to ethnographic methodology in general (Boellstorff et al., 2012, p. 96). In addition, as demonstrated in the Findings, particularly Chapters 7 and 8, asking the diverse informal media practitioners similar questions offered an opportunity to consider if there was an agreement among them on certain issues and whether they had similar experiences, for instance, with copyright enforcement. Preparing questions before establishing contact with the interviewees, especially with the informal voice-over practitioners, was a useful strategy. Breloque and Ether Production, for example, the first two groups I emailed with an interview invitation, replied within just a few hours, with Breloque saying that they were available "as soon as".

As for the interview format, I left the choice of the platform and method (video/audio call or in writing) up to the interviewees. Interviews with Breloque and Ether Production, as per the interviewees' preferences, were conducted via Telegram video chat. All other

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<sup>38</sup> This refers to the crowdfunding nature of most of the Ukrainian voice-over groups' activity, which I discuss in Chapter 5.

interviews but one, namely with Chief Studio, were conducted in a written form (see List of Interviews for details on each interview's format). Some interviewees preferred to receive the full list of questions all at once, take time to write up their responses, and send them back, yet still offered an opportunity to ask further questions for clarification. Others would respond to questions one by one, which allowed me to tailor each following question based on the interviewee's responses. As for the voice-over groups, in most cases, one member would respond on behalf of the entire group.<sup>39</sup> The exceptions were Gwean & Maslinka, a voice-over duo, who offered individual answers to some of the questions, where each wanted to share their own perspective; Duplicat, a group, where two of the members each answered separately to the set of questions I sent; and Melodic Voice Studio, where the group's lead created a Telegram group chat with me and all six members of the group. The latter was certainly an interesting experience of conducting an interview, yet a rather challenging one: the groups' members all had different roles within the group, some also had their own voice-over projects and worked with other groups, which ultimately made it difficult to ask more individual questions. Furthermore, when I asked a question explicitly addressed to everyone in the chat, attempting to take advantage of this ability to talk to every member of the group, only one or two members would respond, with others likely assuming that more answers to the same question were not needed. Nevertheless, I would argue that formats had little impact on interview data quality. For example, the depth and openness of responses in the interview with the MovieBaronUA's<sup>40</sup> administrator, which consisted of only five questions answered via email, is comparable to the responses I got from nearly an hour-long video chat with Breloque. Instead, what has likely affected the quality of the data I got from different interviews was the extent to which individual interviewees perceived me as an insider or an outsider, which I further reflect on later in this chapter.

Another noteworthy aspect of researching the Ukrainian informal media practitioners was the inability to benefit from snowball sampling, a common way to recruit more participants by asking interviewees to refer the researcher to other potential informants (Boellstorff et al., 2012; Rong, 2017). From the very first interviews, namely with Breloque and Ether Production, it became evident that there was competition between some voice-over groups, especially between commercial and crowdfunded ones (see Chapters 5 and 6). In addition, the two groups noted the absence of direct cooperation with the online cinemas, which often added the groups' voice over to their content libraries, yet never replied when these groups tried to

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<sup>39</sup> For this reason, in the interest of brevity, when citing interviewees' responses, I simply use the name of the group or an online cinema. For example, instead of "a member of Breloque (2021)", I simply write "Breloque (2021)".

<sup>40</sup> A pirate streaming site.

contact them. This suggested that the voice-over groups – the first type of practitioners I interviewed – would unlikely be able to help gain access to the people behind other practices, particularly online cinemas. In fact, it was made explicit in the interview with Chief Studio’s lead. He asked me whether I had yet spoken with LightBulb, a major commercial informal voice-over group, and when I said that they were not replying to my message, he commented:

Not responding? Well, they are right not to. Their scale of operation is much larger [than mine]. So, all these unnecessary [contacts such as this interview] are like a bullet with a displaced centre of gravity: you shoot in one direction, but it ends up in your head.

The above led to a rather open and insightful discussion on the legality of Chief Studio’s and other groups’ activity and, more broadly, on the copyright enforcement in Ukraine, which I discuss in Chapter 7. Yet, this comment also highlighted what one might reasonably assume to be an issue with researching pirate practitioners – their reluctance to share information about their legally contentious practices. Although I ultimately managed to conduct over 20 interviews, there were certain types of informal practitioners, such as commercial voice-over groups, who never replied to any of my attempts to contact them. As elaborated in Chapter 7, this is likely because their commercial nature makes them a primary target of copyright enforcement agents. Chief Studio (2021) also noted that pirate online cinemas would similarly “never talk to [me], because [their activity] is even more ‘interesting’ than the voice over”. Indeed, as discussed in Chapter 7, the Ukrainian Cyberpolice regularly reports prosecuting and shutting down such online cinemas. Yet, I nevertheless managed to interview the administrators of two such cinemas.

Prior to contacting the administrators, I conducted the walkthrough of their pirate streaming sites. Originating in software engineering as a way to demonstrate the operation of newly developed software (Dieter et al., 2019), the walkthrough “involves the step-by-step observation and documentation of an app’s screens, features and flows of activity” (Light, Burgess and Duguay, 2018, p. 882). While this method is rather new for social and cultural studies (Duguay, 2017), there is already some research applying it to study pirate distribution practices (Kjellström, 2022) and film streaming services (Wang and Lobato, 2019; Salamati, 2022). One of the key aspects of the walkthrough is not simply exploring the technical features of an app but placing the discussion of these features in the context of the app’s business model, its rules and user guidelines, and the app’s overall purpose (Light et al., 2018). The walkthrough of the Ukrainian pirate cinemas involved interacting with these websites’ interfaces, including using search tabs to find specific films or series, streaming content using

the sites' video players, and registering on the websites.<sup>41</sup> To contextualise the findings from this interaction, I explored the cinemas' "About" sections and social media pages, looking into how they positioned themselves and promoted their activity. The cinemas' business model became apparent from the interaction with their websites, all of which had advertising of online casinos and betting sites; further research, including industry reports and news articles on piracy (e.g., Group-IB, 2020), confirmed that casino advertising was the cinemas' source of profit. Apart from allowing me to offer an insight into the operation of these cinemas, which is provided in Chapter 6, the findings from this walkthrough were also used to prepare interview questions for the cinemas' administrators.

It took over a month and a follow-up message for two out of a dozen contacted cinemas to respond and agree to an interview. TarasFilm's administrator's responses were rather general, yet nevertheless useful, particularly on the subject of competition among the Ukrainian pirate sites and their views on their "illegal" status. MovieBaronUA's administrator, on the other hand, was considerably (and somewhat surprisingly) more open and detailed in his answers, including about his motivations. However, when I contacted him asking to elaborate on some points, I received no further reply. Notably, he pointed out the existence of certain forums, likely Russian-language ones, where the administrators may communicate with each other. Identifying these forums could be a helpful next step for further studies of pirate streaming sites in Ukraine and more generally in Eastern Europe as an additional space for recruiting potential interviewees. While the response rate from the current online cinemas' administrators was low, my findings on the Ukrainian pirate streaming sites also benefited from one "impromptu interview" (Boellstorff et al., 2012, p. 98). While looking through social media posts related to the activity of the voice-over groups and Hromada, I came across a recent tweet from one user, Yaropolk, where he mentioned that he used to work on the SEO<sup>42</sup> for such online cinemas. I immediately sent a message to Yaropolk with a few sentences introducing myself as a researcher and the link to my project website and asked him to tell me more about his work. It was not a full interview, as he made it clear that he was no longer engaged in this activity and was not interested in discussing his past experience in much detail. Nevertheless, he offered an informative insight into the business model of the pirate cinemas, which I discuss in Chapter 6. This chat with Yaropolk is an illustrative example that in ethnographic research, "informants can be found at any moment in the everyday life of the researcher" (Beaulieu and Estalella, 2012, p. 30). Compared with the pirate cinemas'

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<sup>41</sup> Registration is not a requirement to access the cinemas' contents, yet it allows a user to create personal playlists and leave comments.

<sup>42</sup> Search engine optimisation. At its core, it is a process aimed at optimising technical features and content of a website so that said website appears closer to the top of the search results.

administrators, the rest of the informal media practitioners, namely subtitlers and Hromada's users, were comparatively easier to interview.

As mentioned earlier, moderators, most contributing users, as well as informal subtitlers were identified – and, therefore, contacted – via Hromada's website. As explained in Chapter 5, subtitling is an uncommon method of audiovisual translation in Ukraine; hence the number of interviewed subtitlers was relatively low – four. Yet, this was arguably partly compensated by the depth of the responses of some of the interviewed subtitlers. It should also be noted that Ukraine has a notable and increasingly growing anime fan community, which I discovered during this research. This community includes multiple anime-focused informal localisation groups, many of whom produce subtitles along with informal voice over. Yet, considering the focus of this project on the more mainstream content and practices I specified earlier in the chapter, anime-related activities were excluded from the netnography. The exceptions were Gwean & Maslinka and Melodic Voice Studio, anime voice-over groups who occasionally engaged in producing voice over for mainstream series, and Vlasiy, an anime voice-over actor with ten years of experience, who contacted me himself and offered to participate in the project. Vlasiy provided valuable insights into the origins of the Ukrainian informal voice-over style (see Chapter 5). The number of prospective interviewees among Hromada's active content uploaders and moderators was undoubtedly higher than among subtitlers. However, I only conducted seven interviews with this group of informal media practitioners, with only six being used for the discussion of the findings; one of these interviewees kept directing the conversation to the subject of Ukrainian audiovisual translation in general, with his responses ultimately being of little use for the aims of this project. Two issues hindered my ability to recruit more participants here:

Firstly, when I was actively contacting the torrent community's users, Hromada started experiencing technical issues, with its website being inaccessible for over a day and some users struggling to renew their passwords. While this issue was later resolved, it has evidently alerted the community and prompted more users to join the conversations on Hromada's Telegram group chat, which I mentioned earlier. One of the users (User 1), whom I messaged with an interview invitation, forwarded my message to the chat asking the group's members' opinion on the matter, which in turn prompted the following conversation:

User 1: Any thoughts on this?

Chat admin: Yeah, I received this too. Decided just to ignore it.

User 2: Spam?

User 3: Yeah, something fishy here, I think.

User 4: Looks legitimate, all links [on the website] work, [social media] accounts are active and were created long ago. Will [this research] have positive/negative consequences? No idea. I would talk to the mentioned [voice-over] studios about her.

Chat admin: What is here to research at all?

At this point, I decided to join the conversation to address these concerns. I briefly introduced myself and confirmed the “legitimacy” of the project. It is worth noting that in these interview invitations, I mentioned that I had contacted the site administrator to ask permission to conduct research on Hromada, yet I received no reply. I ended the message saying that anyone wishing to participate or ask about the project was welcome to contact me directly. Apart from several “likes”, I received no direct replies to this message in the chat, although the conversation continued, with Askold, one of my previous interviewees, joining the chat effectively to vouch for my research:

Askold: An adequate miss, in my opinion. Asked some questions, nothing mega secret, just some questions about Hromada, what it means to me and things like that.

Chat admin: It would be interesting to know what the questions were.

*[The above interviewee then sent the list of the questions that I asked him]*

User 5: Cool questions!

Marko (another interviewee):<sup>43</sup> Shame that research on relevant topics is happening anywhere but in Ukraine.

(20<sup>th</sup> January 2022)

It should be noted that this discussion was taking place in parallel with at least two more rather active conversations on other topics related to Hromada’s website, and it is likely that many users may not have noticed this discussion. Notwithstanding, I was shortly contacted by Yarema, an active content uploader on Hromada, offering to be interviewed for the research. While there were evident concerns and overall reluctance to participate in the project, what was rather surprising is that none of the users criticised me for being an “intruder” in their community, as it is sometimes the case in other studies of online communities when researchers announce their presence and intentions (Crisp, 2015). Ultimately, many of the users, whom I messaged via Hromada’s website, had the technical ability to suspend my

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<sup>43</sup> In the chat, Marko did not disclose that he had also taken part in the research.



account or issue a warning, yet none did. All this may be explained by the relatively open nature of the site's access, which was why I deemed it ethical to adopt the semi-covert approach to participant observation in the first place. Moreover, considering certain restrictions to content access that Hromada's administration had to introduce due to increasing complaints from rightsholders (see Chapter 6), Hromada can be considered a type of online community where users already suspect their conversations are being watched (Banks, 2014).

Secondly, around this time (end of January – beginning of February 2022), there were increasing concerns about Russia's upcoming attack on Ukraine. It was also reflected in the conversations on Hromada's forum and Telegram chat, which focused less and less on the torrent site's activity. As a result, I decided to pause recruiting new interviewees. Ultimately, after the start of Russia's full-scale invasion of Ukraine, I ended the interviewing process and fieldwork completely. I deemed that it would be unethical to continue to interview people about torrenting or production of informal subtitles, especially from the safety of living abroad. Furthermore, by that time, I already had over 20 conducted interviews and rather extensive field notes, which were sufficient to address my research questions. In summary, if not for the start of the full-scale invasion, I would have tried to recruit a few more torrent users or moderators and, potentially, contacted previous interviewees with some minor follow-up questions. Yet, not least due to being repeatedly faced with questions about the impact of the war on the findings of this project (for example, at the conferences where I presented in 2022), I made sure to keep updated on the overall state of the practices that I studied, and in the Postface to this thesis, I offer some discussions addressing these questions.

Finally, the data from all interviews and observations was triangulated with data obtained from other sources, including to critique the interviewees' responses rather than taking them at face value. For instance, in Chapter 7, the interviewees' experiences with copyright enforcement and copyright disclaimers found on the pirate streaming sites are juxtaposed with the Law of Ukraine "On Copyright and Related Rights", with the types and number of takedown requests<sup>44</sup> sent by Ukrainian rightsholders, and with the insights about Ukraine's legal OTT market and its views on piracy obtained from Kyiv Media Week conference that I attended online in 2021 (Rakhmanina et al., 2021). Similar to other research on informal media translation that was discussed earlier (Nord et al., 2015; Shafirova and Cassany, 2019; Zhang and Vazquez-Calvo, 2022), I also reviewed informally subtitled and voiced-over films and series in order to explore the characteristics of the Ukrainian informal AVT techniques. Another data source I relied on here was YouTube live streams of some of

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<sup>44</sup> These can be found on the Lumen database, available at: <https://lumendatabase.org/>

the Ukrainian informal voice-over actors. As I discovered from their social media pages, some actors would stream how they were revoicing characters in a film, sharing their screen and demonstrating how they used specific software applications to edit the script and record their lines. Considering the lack of research into voice over as an AVT technique in general (Woźniak, 2012; Hołobut, 2015), these live streams were a particularly valuable source of data, offering an insight into the informal voice-over production process, which I discuss in Chapter 5. Although many ethical issues and challenges have already been noted, before moving on to the Findings section of the thesis, which essentially discusses the results of this triangulation of the aforementioned data sources, I will point out some additional ethical considerations of this research process that need addressing.

### **4.3 Ethics and researching multilingually**

Adhering to the University's ethics policy, all interviewees were sent a consent form that outlined the research aims and, importantly, how and where the data from the interviews will be used. On the form, the interviewees also noted whether they wished for their (or their groups' or cinemas') names to be anonymised, and, for the interviews that were agreed to be conducted over a call, whether the interviewees consented to the conversation to be recorded. All participants who asked to remain anonymous were given pseudonyms. Illustrative here is that 12, that is, nearly half of the participants agreed for their actual names, usernames or names of their groups to be used in the project. It can be considered a finding in itself as, contrary to widespread assumptions about researching such illicit activity as piracy, it demonstrates that pirates may agree to share their experiences openly. In addition, it suggested that these interviewees were not concerned about the risks of the legally contentious nature of their practice, which was further confirmed and elaborated on in their responses, and what I discuss in Chapters 7 and 8. At the same time, some of the voice-over groups, such as Breloque or Ether Production (pseudonyms), whom I identified through the interviews they had openly given to the Ukrainian press, wished to remain anonymous for this research. One explanation here could be that the procedure of consent forms may be unfamiliar and, as a result, alienating to participants outside of Western countries (Konken and Howlett, 2022; Nemouchi and Holmes, 2022), and one that being interviewed by the Ukrainian press may not have involved. However, this difference in the groups' anonymity preferences can also be viewed as further confirming my ambiguous position as both an insider and an outsider, which I indicated earlier in this chapter.

As Savvides et al. (2014) argue, while any qualitative researcher's insider/outsider identity is ultimately always fluid, this fluidity is particularly noticeable in such transnational research contexts as that of this project. Oksana Yakushko, for example, a Ukrainian who studied and later emigrated to the United States, yet then "came back" to conduct research in Ukraine, offers an interesting reflection on the different ways she was perceived by her Ukrainian research participants (Yakushko et al., 2011, pp. 282-284). While some saw her as an "educated Ukrainian who was seeking to do great good in her old home country", others thought of her as a foreigner or even a 'traitor' who was no longer part of their community (Yakushko et al., 2011, p. 283). Similarly, while some of my interviewees seemed to disregard the location of the university where I was a PhD researcher, others explicitly referred to me as someone "from Birmingham". On the one hand, as my findings demonstrate, the pirate practices I explore in this research operate rather openly in Ukraine; and, as discussed in Lobato and Thomas (2012c), academic research on piracy is unlikely to uncover something that local authorities do not already know. Therefore, it would appear that there is little point in anonymising the name of such a well-known informal voice-over group as Breloque is in Ukraine. Yet, as elaborated in Chapters 7 and 8, Ukrainian authorities may not be interested in prosecuting the pirate practitioners in question because the copyrights they potentially infringe belong to rightsholders not present in Ukraine. For the purposes of this discussion, this means that such groups as Breloque can only operate freely and openly within the Ukrainian context. Consequently, if they viewed me as an outsider to this context, it could explain why they changed their anonymity preference.

This outsider position further encouraged me to reflect on any other decisions I needed to make regarding ethical data management (Huang et al., 2023). One such decision was not providing citations of the Ukrainian-language news articles and academic publications where the names of these groups were revealed. It was also the case with Hromada (pseudonym), a widely known Ukrainian torrent community whose members openly gave interviews to a major Ukrainian newspaper, providing their real names and even photos. Arguably, by being written in the Ukrainian language, these sources have been created for use within the Ukrainian context, in which the practitioners considered it safe to engage in their practices overtly. Yet, considering that for this thesis, all citations of Ukrainian-language sources would need to be translated and provided in English, this translation would effectively mean taking these sources out of the 'safe' Ukrainian context. The latter, in turn, is an example of a challenge researchers may face when their project involves what Holmes et al. (2013) call "researching multilingually".

This project is multilingual because most of the data collected using the netnographic methodology was originally in Ukrainian, but the data analysis and overall research outcomes were published in English (Lisbon, 2018). While multilingual research comes with an obvious advantage of including a more comprehensive range of data sources, it also comes with some challenges that have only recently started to be attended to in academic discussions (Holmes et al., 2015). Lisbon (2018), for example, discusses the inability to fully benefit from using citation management software, such as EndNote, for sources in non-Roman languages. One issue is that there is no consensus on citing a non-English source. Whereas some, as Lisbon's (2018) study demonstrates, simply transliterate all of the elements in the citation of a non-Roman source, others are required to fully translate the titles, as is the case with the Birmingham City University's reference guide. Another limitation was the absence of software capable of assisting with transcribing a Ukrainian-language interview recording. While these issues are rather minor, they highlight the need for multilingual researchers to be "aware of the additional work required in multilingual contexts at many stages of the research process" (Holmes et al., 2013, p. 292). At the same time, multilingual research can minimise some of the ethical concerns that emerge in a monolingual one. For instance, Crisp (2015) and Huang et al. (2023) mention the need to paraphrase forum posts they wanted to quote so that the fora and the authors of said posts could not be located via standard search engines. In my case, this was less of a concern since all such posts would need to be translated from Ukrainian to English. This leads to the last point that is worth addressing here – translation.

In multilingual studies, translators play an active role in the research process being directly involved in the meaning negotiation of the interview data; and it is, therefore, necessary to clearly indicate who the translator is and reflect on their role in the research (Marschan-Piekkari and Reis, 2004; Burkhard and Park, 2023). In this project, I was the one collecting and later translating all data, which is what Burkhard and Park (2023, pp. 4-5) call a "translator-researcher". Yet, as Burkhard and Park (2023) emphasise, the main advantage of this position only comes when the translator-researcher not simply speaks the language of the interviewee but when the two share the same culture. The way this advantage was manifested in my interview process was that the interviewees did not need to explain certain cultural references or terminology that are considered common knowledge for Ukrainians yet would have required explanation if the interviews were conducted by an outsider to Ukrainian culture. Therefore, I had to be particularly attentive to the specific language interviewees used and any connotations that it was likely to carry. Ultimately, when triangulating and discussing all this primary data, I broadly adhered to the approaches argued by Cheruiyot and Ferrer-Conill (2021) and Harries (2022). They emphasise the need to ensure that data from non-Western geographical and cultural contexts, such as Ukraine, is not viewed exclusively as an exotic

exception to (and through the lens of) established, currently largely Western theories about the studied topic, but is genuinely used to enrich and expand these theories (Cheruiyot and Ferrer-Conill, 2021; Harries, 2022). One example of what this meant in practice is while I placed the discussion of the findings about the Ukrainian pirates' motivations in dialogue with that of previous anglophone research on the matter, the categories of the motivations that I discussed were derived from the interviewees' responses. In addition, following Cheruiyot and Ferrer-Conill (2021, p. 194), instead of offering "Wikipedia-like description of the country" in the form of a separate contextual chapter, I only provided necessary explanations of the Ukrainian context at the relevant points in the discussion of the findings. This effectively inductive approach to data analysis is also in line with ethnographic methodology more broadly, as ethnography discourages limiting the analysis to only testing existing theories but involves using the data to generate new ones (Atkinson and Hammersley, 2007).

## **Conclusion**

This chapter offered a detailed account of how I applied a netnographic methodology to study the four major practices within Ukraine's informal screen media economy: pirate online cinemas, a torrent community, informal voice-over groups, and informal subtitlers. I elaborated on the methods (semi-structured interviews, participant observation, and the walkthrough), specific tools (such as creating a project website), and additional sources (such as Ukrainian copyright policy documents and YouTube live streams by informal voice actors) that I used to collect and analyse data for addressing the research questions of this project. Some of these methods, data sources and specific approaches were selected following the example of the previous ethnographic studies of informal media, which I discussed in the beginning of the chapter. Yet, I also noted that some of the typical ethnographic approaches may not be appropriate when studying informal economies, as illustrated by the inability to apply snowball sampling with the interviewees. This discussion also identified a frequent lack of reflections on the fieldwork challenges and overall method in ethnographic research on piracy. By providing a detailed reflection on the challenges, nuances, and ethical considerations of conducting netnography of informal media practices in Ukraine I aimed to address this gap. Nevertheless, despite these challenges, I was able to collect rich data about various practices and practitioners of Ukraine's pirate screen media economy, and in the following four chapters, I will now discuss and interrogate this data.

# Findings

## Part I. The Informal Screen Media Economy of Ukraine

The following two chapters aim to provide an overview of the practices that comprise Ukraine's informal screen media economy, illustrating the heterogeneity of activities that are often overly generalised under the term piracy and the distinct characteristics they may have in a specific context. As I discussed in Chapter 1, although Ukraine has been widely referred to as a country with some of the world's highest piracy rates, there are effectively no up-to-date anglophone accounts of the practices that have earned Ukraine this reputation. While piracy is rightly credited with facilitating transnational cultural flows (Mattelart, 2009), it is important to remember that it ultimately tends to take place locally. Previous studies on, for example, fansubbing and file sharing – practices that are often undertaken by geographically dispersed online communities – show that each of these activities can have distinct characteristics depending on the countries where they are undertaken (Andersson, 2011; Larsson et al., 2014b; Spolidorio, 2017; Wang and Zhang, 2017; Pedersen, 2019). Therefore, in the two chapters that follow, drawing from the methods outlined in the previous chapter, I set to explore such distinct features of pirate practices in Ukraine, thus addressing the gap in the academic literature on the overall structure and practicalities of the pirate economy in this country.

While, as I demonstrate here, these practices are closely intertwined and interdependent, it is possible to divide them into two broad categories, namely localisation and distribution, which provides the rationale for organising this overview of Ukraine's informal screen media economy in two parts. The first, Chapter 5, explores informal localisation activity in Ukraine: subtitling and voice over. I discuss the peculiarities of these informal audiovisual translation (AVT) techniques in Ukraine, including who produces them and how. Chapter 6 then examines how these informally produced localisations, along with the officially translated copies of films and series, reach their audience. Specifically, in Chapter 6, I look at the two main types of unauthorised content distribution in Ukraine: pirate streaming sites, also known as 'online cinemas', and Hromada, Ukraine's main torrent site. The discussions here are purposefully largely descriptive as I primarily aim to highlight the nuances of these four pirate practices and how they differ from similar activities studied elsewhere. After developing an understanding of the key elements of Ukraine's informal screen media

economy in Part I of the Findings (Chapters 5 and 6), I move on to analyse how the people involved in this economy negotiate their practices with the broader regulatory, economic and cultural context of Ukraine in Part II (Chapters 7 and 8).

## Chapter 5. Localisation

The role of language as “a natural barrier” to content access (Zahrádka and Schmücker, 2021), and, consequently, the significance of AVT for film distribution have been noted to be relatively neglected by (formal) media and film studies as well as by the film production industry itself (Díaz Cintas, 1999; Bosseaux, 2019). Media piracy research, which itself takes a comparatively marginal place within media studies (see Chapter 1), has similarly frequently omitted translation practices from its focus. This is not to say, of course, that informal AVT has not been studied, as demonstrated not least by the rather extensive research on fansubbing, which I discussed in Chapter 3. Yet, apart from subtitling, there are other, revoicing AVT techniques, namely dubbing and voice over, which have so far attracted little attention within the existing studies of informal localisation practices. One exception is the comparatively limited research on fan/fundubbing (see Chapter 3), which primarily centres around parodic and humorous translation, with even less attention being given to “serious dubs” (Baños, 2020, p. 214). Ultimately, it is subtitling that is widely approached as the dominant translation practice in informal settings worldwide, with the use of revoicing in unofficial AVT production being regarded as rare and marginal (Pérez-González, 2019; Perego and Pacinotti, 2020).

However, my findings about the informal AVT economy in Ukraine demonstrate an opposingly different trend: subtitling is a technique viewed as “bizarre” even by the Ukrainian informal subtitlers themselves (Kviten, 2021), while the practice with absolute dominance among Ukrainian AV translators working informally is voice over. This chapter explores the two practices of translating films and series that would otherwise be unavailable in Ukrainian, aiming to highlight their distinct characteristics. The part on informal subtitling points out an uncommonly individualistic nature of this practice in Ukraine, which contrasts with the usually more community-oriented activity of informal subtitlers in most other countries. The discussion of the informal voice over elaborates on the unique style of this AVT technique in Ukraine. It offers an insight into the workflow of Ukrainian voice-over groups, highlighting their focus on the quality of the outcome. Overall, I argue that the dominance of this considerably more laborious AVT practice over the less resource- and skill-intensive subtitling can be explained by the Ukrainian audience’s strong preference for revoicing techniques, which I elaborate on shortly. This chapter, therefore, emphasises a country’s AVT preference as an important factor in determining the dominant types of translation practices within its informal media economy.



## 5.1 The “normal” translation

All AVT techniques can be divided into two groups: captioning, e.g., subtitling, and revoicing, e.g., dubbing, voice over (Chaume, 2016). Every country tends to lean towards one of the groups or toward a specific technique. It has become common to talk about dubbing countries, e.g., Italy, voice-over countries, e.g., Russia, or subtitling countries, e.g., Portugal (Danan, 1991; Díaz Cintas, 1999; Burak, 2011; Perego et al., 2016; Bosseaux, 2019; Glushneva, 2020). The reality is, of course, more complex, as the usage of different AVT modes tends to vary not only geographically but from genre to genre as well as between formal and informal spaces (Dwyer and Uricaru, 2009; Franco et al., 2010). Ultimately, these preferences for one localisation technique over another are becoming increasingly individual as they result from complex, largely subjective reasons and are thus subject to constant change (Szarkowska, 2005; Jankowska and Kuipers, 2012; Chaume, 2013; Pedersen, 2018). Notwithstanding, it is possible to define Ukraine as a country with a clear, historically formed dominance of the revoicing AVT modes. In Soviet times, Gavrillov-style, single-voice voice over, and on-the-spot interpreting, which I discussed in Chapter 3, were the main forms of translation for foreign films in Ukraine. After Ukraine regained independence, this trend has continued: cinemas have been offering dubbing, broadcasters have been mainly adhering to voice over, and subtitling has mostly been associated with accessibility, i.e., as the AVT mode for hard of hearing (Lukianova, 2011). As Stashkiv (2016, p. 28) puts it, “subtitles are more of a formality and people pay little attention to them” in Ukraine. Notably, this priority of revoicing has been set on the legislative level: the Law “On Television and Radio Broadcasting”, which obliges broadcasters to provide Ukrainian translation for the broadcasted content, only lists dubbing and voice over as acceptable forms of AVT. Chapter 8 discusses Ukraine’s language policy, which offers an additional rationale for such unacceptance of subtitling as an equally legitimate AVT mode in the country.

Such dominance of a specific AVT mode in the formal, regulated space does not always reflect the actual AVT preference of the audience, nor does it necessarily translate to the informal space (e.g., see Dwyer and Uricaru, 2009; Massidda and Casarini, 2017). Yet, Ukraine’s informal media economy appears to mirror its formal counterpart, as evident from the localisation options dominating Ukrainian pirate content sources. Films and series on torrent and pirate streaming sites, which are the focus of the next chapter, are predominantly offered with either dubbing or voice over. In contrast, subtitles tend to be provided as an occasional ‘extra’. Some pirate websites even categorise subtitled films as a separate genre, along with dramas, comedies, documentaries, and horror films. Similarly, the Ukrainian

audience appears to have become accustomed to revoicing,<sup>45</sup> with subtitling being often viewed as ‘incomplete’ localisation. For instance, if a feature film or a series is released on a torrent site exclusively with subtitles, it is common to see such comments as “Is this going to be translated?” or “Does anyone know when the normal translation will be available?”, with “(normal) translation” here referring to either voice over or dubbing. That is not to say that there is no interest in this AVT mode, as one may occasionally come across requests for subtitles and the original track to be released alongside the revoiced version. Such requests, however, mostly come from one’s desire to practise the language of the original rather than from subtitling being their preferred AVT mode in general.<sup>46</sup> Perhaps the most illustrative indication of the attitudes towards subtitling in Ukraine is that even the interviewed subtitling practitioners said that they preferred to watch content with revoicing rather than subtitles unless they specifically wanted to listen to the original track for language-learning purposes:

In my opinion, subtitling is seriously unpopular in Ukraine. [...] I don’t think there is anything unusual in this attitude towards subtitling, as nobody wants to read into text and miss what is happening on screen. And if you do not speak the language well enough, you will not be able to use subtitles only as a sort of cheat sheet that you occasionally peek at in case you didn’t catch or understand something. Watching a film or a series would then turn into a difficult, effortful process, and this is not what people want when they are simply after some rest or entertainment. I couldn’t possibly judge this attitude, as in this case, I myself always choose dubbing or voice over. Subtitles, on the other hand, are great for those who want to improve their language skills. It is them who are the target audience for subtitled products.

Juli Bettany (2022)

In Ukraine, subtitling is underdeveloped and unpopular. If you watch something with subtitles, you must constantly read, but if it’s voice over or dubbing, you can just listen and enjoy. I don’t know... subs are bizarre. Personally, if I have a choice, I always choose revoicing, obviously. The only exception is when I purposefully want to hear the original speech, for language-learning purposes.

Kviten (2021)

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<sup>45</sup> To the best of my knowledge, there have not been any surveys done on the matter, and there are no statistics available regarding the AVT technique preferences of Ukrainian audiences. The most likely reason here is that this preference for revoicing has indeed been deeply rooted for generations and is, therefore, rather obvious.

<sup>46</sup> For example, one viewer commented the following under a voiced-over film on a pirate streaming site: “Would be nice if you also added subs, as I usually try to watch everything in the original [language]. But when my friends come over, they need translation, so thanks [for the voice over]!”

The idea of subtitling as a language-learning tool, an AVT mode more suitable for those with at least some knowledge of the original language or those approaching foreign content primarily as a source of cultural diversity, is indeed well-documented (e.g., Nornes, 2007; Dwyer and Uricaru, 2009; Lukianova, 2011; Jankowska and Kuipers, 2012; Woźniak, 2012; Lakarnchua, 2017; Lee, 2017). On the other hand, the preference for revoicing techniques can be related to the centrality of the entertaining function of screen media (e.g., Baños, 2019b; Sileo, 2020). As Nornes (2007, p. 14) notes, “a subtitled film could never be a popular success”. The distribution and localisation practices studied in this research are primarily centred around popular fiction films and series. For this genre, the entertaining function is of principal importance, and it is the revoicing techniques that are best suited for preserving it, and, generally, for approximating the original viewing experience (Jankowska and Kuipers, 2012; Dwyer, 2019; Sileo, 2020). For the purposes of this discussion, this superiority of revoicing as the AVT mode for popular foreign content, along with the deeply rooted preference of Ukrainians for voice over and dubbing over subtitling, can arguably be viewed as the reason behind one major distinctive characteristic of Ukraine’s informal localisation economy that is the marginality of subtitling. Further support for this argument can be found in Baños (2020), who suggests that using techniques other than subtitling for unofficial AVT production happens only when audiences have a particularly strong preference for these other techniques. In turn, as I will now elaborate, this unpopularity of what is otherwise the most widespread informal translation technique globally is reflected in the distinct nature of this practice in Ukraine.

## **5.2 Informal subtitling in Ukraine: An individual practice**

In Chapter 3, I talked about unofficial subtitling – or, as it is often reductively referred to, ‘fansubbing’ – being indeed the most common and, consequently, the most studied informal media localisation practice. One common trait of this practice in the majority of studied countries is its collaborative, community-oriented nature. Informal production of subtitles tends to be carried out by virtual communities, often with a task-focused, hierarchical structure, which allows for labour division and quality control (Dwyer, 2012b; Massidda, 2015; Zhang and Cassany, 2017; Pérez-González, 2019). Such communities may operate within strict self-imposed deadlines, focusing on a specific genre or language (Bold, 2011; Mika, 2015). In Ukraine, however, such description of informal subtitlers’ operation would not be accurate.

In Ukraine, there are no subtitling communities as such, except for several anime-centred fansubbing groups.<sup>47</sup> The only Ukrainian platform where one can distribute informal subtitles for non-anime content is Hromada, Ukraine's major torrent site and pirate community, which I explore in detail in the next chapter. Hromada's torrent tracker has a section dedicated to subtitled audiovisual content, while the site's forum offers several subtitle-themed threads, where subtitlers can find introductory how-to guides, e.g., on how to use a particular software, or seek advice by posting specific questions. Yet, the activity on the subtitling-related part of the forum is rather infrequent,<sup>48</sup> and there appears to be very little cooperation between subtitlers otherwise. Some interviewees noted that they occasionally collaborated with other subtitlers, but, generally, Ukrainian informal subtitlers work individually,<sup>49</sup> uploading their varying works on Hromada and, occasionally, to global subtitling databases such as Subscene or OpenSubtitles.org (Ivan Vyrvyvuh, 2021; Erithion, 2021).

In the beginning, I collaborated a bit with one translation group and with some other volunteers who were ready to work on translating the episodes, but I realised that it's much easier and much more comfortable to work alone.

Juli Bettany (2022)

Thus, apart from the torrent site's moderators, who, as the next chapter elaborates, ensure general adherence to the site's rules, there is no hierarchy, labour division, or authority overseeing the informal production of subtitles. The overarching point here is that, contrary to the global trend of this practice to be executed within communities, Ukrainian informal subtitling is evidently an individual practice. According to Massidda (2020), the only other country where researchers, namely Luczaj and Holy-Luczaj (2014), have identified a similarly individualistic nature of subtitling is Poland. Much like Ukrainian subtitlers, many Polish ones do not belong to a subtitling group (Luczaj and Holy-Luczaj, 2014). Apart from organisational characteristics, another indication of subtitlers' individualistic approach to the practice,

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<sup>47</sup> As I explained in Chapter 4, anime-related informal media practices are outside of the focus of this research. Furthermore, some of these fansubbing groups appear to perform the role of translators catering primarily to informal voice-over groups (both anime ones and, occasionally, the more mainstream ones, which this research is focused on). This is evident from the way the groups promote their subtitles on their social media pages: if they share a link to where one can find a new title with their subtitles (e.g., a torrent site or a pirate streaming site), this tends to be a title that was also revoiced by one of the voice-over groups. Other (anime) fansubbing groups tend to be part of wider anime communities that also engage in informal voice over (where, again, subtitles are used).

<sup>48</sup> Some now-archived forum threads indicate that there have been attempts by Hromada's community to self-organise into subtitling groups but, ultimately, none of the initiatives have been successful nor long-lasting as there does not appear to have been sufficient interest from members.

<sup>49</sup> This is also evident from the information provided about each torrent release on Hromada: each revoicing track or subtitles that are included in the torrent of a film or series must identify the source of said localisations. It is rather rare to see more than one informal subtitler as such source.

according to Luczaj and Holy-Luczaj (2014), can be the centrality of subtitlers' "selfish" interests in their reported motivations. In many countries, the motives behind informal subtitling activities tend to be more community-oriented and fandom-related, such as willingness to share the content subtitlers are themselves fans of with the community (e.g., see Bold, 2011; Pérez-González, 2013; Baruch, 2021). Although some Polish subtitlers translate content they enjoy watching themselves, many of them view the activity as a "chance to polish language skills" (Luczaj and Holy-Luczaj, 2014, p. 164). If they did note that they translated for others, it was often for specific individuals closely attached to them (Luczaj and Holy-Luczaj, 2014). As evident from the quotes below, Ukrainian subtitlers are similarly guided by exclusively personal interests when deciding what content to work with. Yet, they are arguably best described as fans of languages and of the translation process itself rather than of the titles they work with:

I started in 2013. I like Polish films in general, so once I downloaded *Drogowka* and later recommended it to my brother. He told me that he'd watch it, but he doesn't understand Polish. [...] So, I started learning about subtitles and figured out that anyone can do it. After learning Hromada's instructions for creating subtitles, I started translating Polish subtitles for this film into Ukrainian. Translating was interesting and fun, it's like creating something, a craft, a live process where you can make changes, improvements, nurture it, put your heart into it. Ultimately, my brother watched this film with my subtitles, and I made my first release on Hromada. I really enjoyed the process, and I've been making subtitles ever since. [...] Surprisingly, the most difficult was the Ukrainian language for me. [...] I'm a native Ukrainian speaker, so I'd always thought that I knew my language perfectly. But after I started translating, I realised how wrong I was. I started improving my Ukrainian with dictionaries, all sorts of websites, linguist blogs, and I continue to this day. I think it's this desire for self-education that doesn't let me quit my hobby. [...] It's difficult to say what factors impact my choice of projects. Sometimes, I watch a film and I immediately know that I'll be translating it. There are films that take me years to decide on, there are films that I started translating, translated about 5 minutes of the film, and that's it. It took me a while to start working on Stanislaw Barei's *Miś*, it's [...] the most difficult one to translate. [...] I read a lot about this film, all kinds of reviews, all to make sure I don't miss or misinterpret anything in the text. I watched it several times to assess the difficulty level of translation. I would change some phrases or words multiple times, just to make sure it's the best translation possible. When I have the willingness to do all this for a film, this is when I take on a project.

Ivan Vyrvyvuh (2021)

In 2012, I started watching Doctor Who and became fond of it. I found an online Ukrainian community of like-minded people and soon became a co-administrator there. That's why my first subtitling project was this series

[...]. One of the administrators offered to divide the English file with subtitles, translate it into Ukrainian, and then distribute it in the community. [...] Today, I do not set myself the goal of constantly working on something. If there is a project that 'calls' me and which does not yet have Ukrainian revoicing (official or not) or subtitles, then I will take it. I don't look for projects, the projects find me. [...] Sometimes you hear a beautiful turn of phrase, monologue, or a funny joke, and your brain immediately starts wondering how it would sound in Ukrainian.

Juli Bettany (2022)

It was a while ago when I first had the idea [to try subtitling], I was just interested in how all this works. A year ago, my brother recommended one series, *The 100*. Unable to find it with Ukrainian revoicing or at least with subtitles, I decided to make [subtitles] myself. I had some free time, so why not? Besides, I wanted to improve my English. [...] I first started translating just in a notebook, without paying attention to spotting.<sup>50</sup> I realised that it wasn't very productive, so I started to Google. I read about subtitling standards, downloaded software. I chose Subtitle Edit as it's free and has at least some kind of Ukrainian localisation. I figured it out pretty quickly, so the only difficulties I ever had were with the translation itself: some idioms or expressions were very difficult. [...] [I decided to share my subtitles with others] because why not... maybe someday someone else will be looking for this series in Ukrainian. [...] This was my first project, but I'm not sure if I will continue. [...] It took me a year to translate 13 episodes in my free time. Thanks to this, I can now watch series in the original language.

Kviten (2021)

The first time I translated something was in 2010. These were martial art videos in English. [...] It happened by accident: an acquaintance from my martial arts class kept complaining that there were cool educational videos, but he had no idea what they were saying there. I watched those and then ended up translating/subtitling them. [...] After that, there was a break of almost 10 years. I returned to translating in 2020. Even before I returned though, I noticed that I started to criticise other translations, I would gladly respond to requests to explain an untranslated bit, etc. I realised that I had this internal itch to get back into translating. [...] Now I translate Norwegian content. [...] I fell in love with the Norwegian language almost immediately. I really like the way some of its dialects sound. What in most Germanic languages sounds rough, in Norwegian it sounds soft and natural. Not all of its dialects are like this, but nevertheless, it's the perfect balance of 'roughness' and 'softness' for me. Even English doesn't sound like that to me. I also hope to start learning Icelandic soon.

Erithion (2021)

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<sup>50</sup> The exact time when each subtitle appears on and disappears from the screen.

In Chapter 8, I further elaborate on the interviewees' motivations, discussing the general categories of motives behind engaging in Ukraine's informal screen media economy and how they help frame the practices within it. What is worth pointing out at this stage is the linguistic and genre diversity among subtitlers. As evident from the responses above, source languages that the Ukrainian subtitlers work with are not limited to English. The genres similarly vary from feature films to series and documentaries, which further emphasises the lack of community characteristics in the practices of informal subtitlers in Ukraine. In turn, such heterogeneity is rather expectedly reflected in the quality of subtitles. Since Hromada (nor any other Ukrainian pirate site) does not offer style- or linguistic-related standards for subtitling, the subtitlers are free to determine these aspects for themselves. In the absence of the need to comply with formal, conventional standards, fansubs can often come in various colours and fonts within a single film or episode and can be positioned anywhere on the screen (Chaume, 2020; Mansour, 2020). Yet, as evident from the examples below, the Ukrainian subtitlers largely follow the conventional style, locating the subtitles in no more than two lines, in the middle of the bottom of the screen, and using traditional, standard fonts in a consistent colour (see Figures 5.1 to 5.4). In fact, Erithion (2022) said that he recently started ensuring that his subtitles comply with Netflix standards:<sup>51</sup>

Not that I'm that fond of Netflix, it's just they are the only ones who have [these subtitling standards], which do help with readability. They define the maximum and minimum pause between two consecutive subs, the maximum length of a sub [...] etc. It does slightly increase the time it takes me to translate but it's worth it. The difference in readability is really noticeable for me.

Such lack of creativity can be explained by the subtitlers' motivations. Unofficial subtitles tend to be different in style due to their producers' dissatisfaction with the quality of official localisations and, subsequently, their subtitling practices being their manifestation of resistance towards the formal translation conventions (Wongseree, 2016). As can be seen from the quotes above, and as will be further elaborated in Chapter 8, this is not the case for Ukrainian subtitlers, hence the absence of any significant deviations from the traditional subtitling style. As for textual and linguistic characteristics, however, the quality noticeably varies. Ivan Vyrvyvuh, for example, adheres to the more traditional translation strategy for subtitling, which implies simply conveying the message in the target language as laconically as possible (Ternova and Shvetsov, 2020). Erithion's subtitles, on the other hand, appear to step away from this approach. Erithion (2021) noted that he sometimes translated different

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<sup>51</sup> Available at: <https://partnerhelp.netflixstudios.com/hc/en-us/articles/215758617-Timed-Text-Style-Guide-General-Requirements>

Norwegian dialects using different Ukrainian ones, in this way preserving the original linguistic diversity in his subtitles (e.g., Figure 5.1). In other cases, he would use standard Ukrainian but add a note specifying the dialect that the actor on the screen is speaking, which resulted in him exceeding the two-line limit (e.g., Figure 5.2). The latter echoes a common fansubbing practice of adding “explanatory notes” to explain cultural references or other aspects of the original text that may be unfamiliar to the local audience (Díaz Cintas, 2009; Wang, 2017a). Finally, since the quality control is up to the subtitlers themselves, there are differences in the quality of grammar, punctuation, spelling, etc., as these aspects depend exclusively on individual subtitlers’ language skills and the amount of effort they choose to dedicate to editing. Juli Bettany (2021), for instance, is a native Ukrainian speaker who has established a four-stage editing process, while Erithion (2022) is originally from Kazakhstan and has “never even heard Ukrainian until [his] university years”.

Arguably, one of the underlying reasons behind the worldwide popularity of subtitling in the informal space is that it is the fastest, cheapest, least resource-intensive of all AVT modes (Guillot, 2019; Baños, 2020). The ability to create acceptable-quality localisations quickly and independently, with relatively minimal skill and little to no expenses, has made subtitling a rational choice of AVT technique for informal translators in many countries; and the above overview of subtitling practices demonstrates that Ukraine is not an exception. Considering the near absence of research into Ukrainian informal subtitling, this overview can thus serve as a basis for more detailed explorations of this practice from a variety of perspectives. Erithion’s translation of Norwegian dialects, for example, could be constructively studied from the linguistics point of view, while the activity of Ukrainian anime localisation groups can add Ukraine to the map of fan studies. For the purposes of this project, however, the role of this introduction into unofficial subtitling in Ukraine is to demonstrate that a) audience’s preference for another AVT mode can outweigh any technical or economic advantages of subtitling, leading to its remarkable marginality even in the informal space, and b) such distinct unpopularity of (informal) subtitling can result in a distinct form this practice takes in a given context, which in this case refers to its individualistic nature and the otherwise uncommon absence of subtitling communities in the country. In turn, this points out the value of broadening the range of geographical contexts where unofficial/non-professional subtitling activity is studied. Yet, although as an independent AVT technique, subtitles are indeed unpopular in Ukraine, they often constitute an integral part in the production of revoicing, particularly of informal voice over, the considerably more established screen media localisation practice in Ukraine, which the rest of the chapter focuses on.



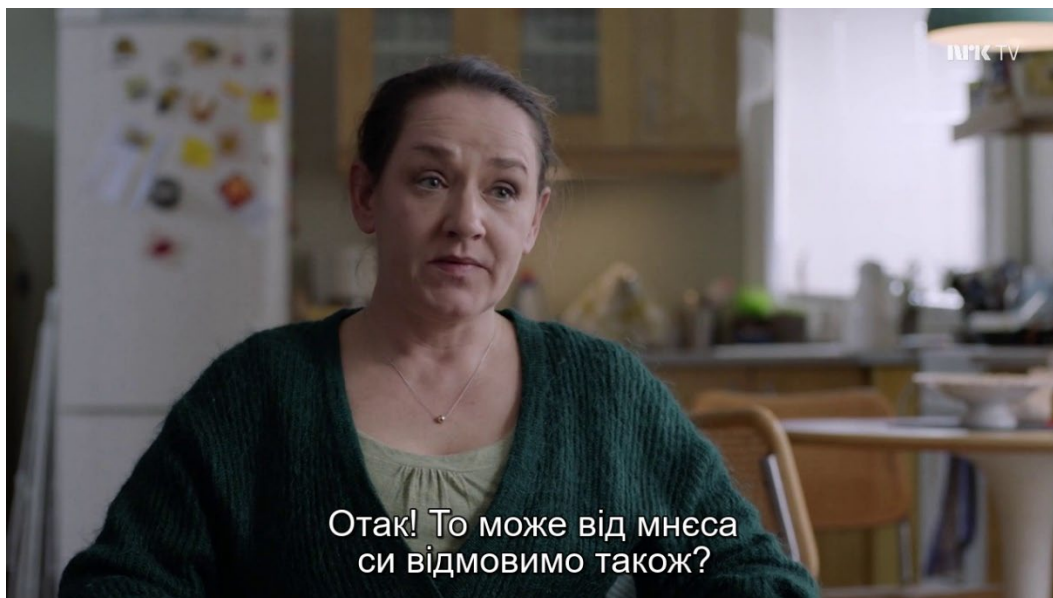


Figure 5.1: Erithion's subtitles to *ZombieLars* (2017). Written in one of the Western-Ukrainian dialects.



Figure 5.2: Erithion's subtitles to *Hjernevask* (2010). The bottom line after asterisk in italics says "[he is] speaking in West-Norwegian dialect".



Figure 5.3: Ivan Vyrvyvuh's subtitles to *Boże Ciało* (2019)

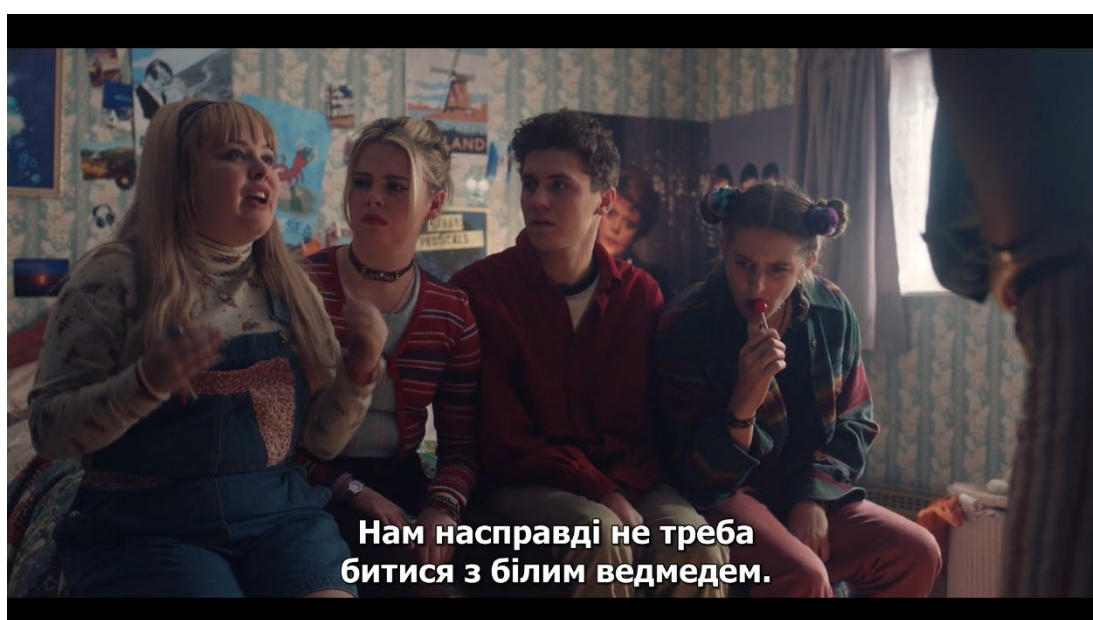


Figure 5.4: Juli Bettany's subtitles for *Derry Girls* (2018)

### 5.3 “Dubliuchka”: The Ukrainian informal voice over

The first question that needs addressing is the type of revoicing that is performed by the Ukrainian informal screen media practitioners and why. Of the two main types of revoicing AVT techniques, namely dubbing and voice over, the latter unequivocally dominates Ukraine’s informal localisation space, arguably due to voice over’s comparative technical ease of production. Both voice over and dubbing involve recording a new audio track with dialogues in the target language. Yet, in voice over, the original speech remains heard as the audio with translated dialogues is *added over* the original, whereas in dubbing, the original dialogues are

replaced with the dialogues in the target language. Therefore, unlike for voice over, a necessary additional element for dubbing is having a separate M&E track,<sup>52</sup> which can then be mixed with the new dubbed track (Ranzato, 2015; Bosseaux, 2019). However, since M&E and dialogue tracks are combined into a single track before a film is released, obtaining the M&E track in an unofficial setting “would be an unreal luxury” (AdrianZP, 2020).<sup>53</sup> Consequently, in order to produce dubbing, one may either create a new M&E track themselves or try to isolate dialogues from music and effects. Both options have been attempted by the Ukrainian informal revoicing practitioners. Bozhena, for example, took part in creating dubbing for a web-series *Hot Date* (2017), where, in addition to voice acting, she also performed the role of a foley artist,<sup>54</sup> recreating sounds from chewing to spilling a glass of wine on the table. AdrianZP experimented with various software tools and plugins, trying to separate dialogues from the rest of the audio with varying success.<sup>55</sup> Although technically achievable, neither of the options could guarantee a satisfactory level of sound quality. However, further discussions in this chapter demonstrate that quality is the main priority for Ukrainian informal revoicing practitioners. Therefore, voice over, a technique that involves simply adding another audio track to an existing one, is the most feasible alternative to dubbing; hence it has become the revoicing technique of choice for those informally producing AVT in Ukraine. Yet, unlike dubbing, voice over is an umbrella term covering a range of voice-over styles, which vary among countries, genres, and, as I discuss shortly, between formal and informal spaces. For this reason, before exploring how the Ukrainian informal voice over is produced, I will outline the specifics of the voice-over style used by the Ukrainian informal practitioners.

What primarily distinguishes one voice-over style from another is the degree of synchronisation of the translated track with the original one. Polish voice over of fiction, for instance, involves a single narrator, known as “lektor”, reading out the translated text in a way

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<sup>52</sup> “Music and effects track. As the name suggests, this audio track contains music and any other sounds you hear in the film, e.g., background noises, footsteps etc., but the dialogues. These sounds are normally recorded separately, after the scenes are shot, often with the help of foley artists, who recreate the necessary sounds using a variety of techniques, e.g., the sound of rain in a film is often actually the sound of frying bacon (Donaldson, 2014; Ranzato, 2015; Bosseaux, 2019). In post-production, M&E and dialogue tracks are combined into one audio track that is ultimately heard on screen. When a film is exported to other countries, where it needs to be dubbed, the production company provides local distributors and studios with a separate M&E track, so that they can combine it with the dialogues in their local language. For this reason, M&E track is also known as international track (Bosseaux, 2019).

<sup>53</sup> A YouTube video by one of the interviewed voice actors, AdrianZP, which explained the practicalities of producing voice over informally.

<sup>54</sup> Ibid.

<sup>55</sup> AdrianZP noted in one of his YouTube videos (*supra* note 53) that the capability to separate sounds from dialogues would vary considerably in each case, depending on the amount, volume, and quality of the background noises and how much they overlap with dialogues. He also noted that ultimately all of the tools he tried significantly lowered the quality of the audio compared with the original.

that up to 90% of the original dialogue remains heard (Woźniak, 2012). This is achieved by considerably condensing the translated version of the dialogues and by reading it largely in-between original utterances (Woźniak, 2012). In most Western countries, where voice over as an AVT technique is only used for non-fiction, e.g., documentaries or news reports, the translated track is usually condensed to a lesser extent and is set to start a few seconds later than the original speech, being similarly read by one person (Chaume, 2013; Sepielak and Matamala, 2014; Matamala, 2019). In both cases, translated text is uttered with a relatively monotone intonation, in the sense that voice-over actors/lektors do not aim to reproduce the emotions or intonations of the original voices. By contrast, techniques such as Ukrainian informal voice over, are the reason why this AVT mode is sometimes called half-dubbing, partial dubbing, or pseudo-dubbing (e.g., O'Connell, 2007; Chaume, 2013), as it effectively combines features of both dubbing and voice over.

As in dubbing, the Ukrainian voice-over track is fully synchronised in length and timing with the original, meaning voice actors aim to start and end speaking at the exact same time as the actors on screen. As for the number of voices, the minimum requirement is the preservation of the differences between male and female ones, meaning there are at least two voice actors taking part in the recording process. Yet, two-voice voice over is often considered basic, with the informal voice-over groups normally striving for multiple-voice voice over. The latter also mirrors the practice of dubbing, where each character is dubbed by a different voice.<sup>56</sup> Importantly, informal voice actors must act, imitating the original intonations and emotions, rather than monotonously reading their lines. This is because unlike in the case of Polish voice over, where a lektor's task is create an illusion that the audience understands the original language (Woźniak, 2012), the goal of Ukrainian informal voice over is the same as in dubbing, that is to create an illusion as if the actors on screen are speaking in the target language (Díaz Cintas, 1999). Consequently, the voiced-over text is a direct, first-person translation of the original, with any potential condensing happening only to match the length of the original utterances. Most voice-over groups also attempt to maximise lip synchronisation, a feature generally considered exclusive to dubbing (Franco et al., 2010; Baños, 2019b). As in dubbing, it may involve synchronising facial expressions, breathing, actions (e.g., chewing or yawning while speaking), but also translating in a way that if, for instance, the original utterance ends with a name (i.e., a word that, when translated, is likely to sound similar to the original) then the translated version should also try to end with that name (SVOŃ Production, 2021). Ultimately, the Ukrainian informal revoicing style is a synthesis

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<sup>56</sup> It is worth clarifying that “different voice” does not necessarily equal “different actor”, as a single voice actor may often use different for different characters. This is especially the case for secondary characters.

of dubbing and voice over, which aims to follow most of the dubbing standards but, as in voice over, keeps the original dialogues heard due to the inability to obtain M&E track. At the same time, since it is ultimately *not* dubbing, informal practitioners can choose how close they adhere to these standards. While some of them have relevant formal training,<sup>57</sup> with others being employed as voice actors by major localisation studios, many are self-taught voice actors, still in the process of developing their skills. Consequently, the voice-over format, where an acceptable level of voice-acting is comparatively lower than in dubbing, allows them to nevertheless produce revoicing of a sufficient quality. SVOİ Production (2021) refer to this revoicing technique as “*dubliuchka*”, which is a combination of the words *dubliuvannia* (дублювання – Ukrainian for dubbing) and *ozvuchka* (озвучка – Ukrainian colloquial for voice over).

In the academic literature on AVT, the closest voice-over type to the Ukrainian informal one is the so-called *simil sync*,<sup>58</sup> which is used for reality shows in Italy. According to Rossato (2020), it is a “dramatised voice over”, which, similar to the Ukrainian technique, involves several different voices for each character, some degree of acting for imitating original intonations, and synchronised timing (see also Sileo, 2020). A similar revoicing style, one that has elements of both dubbing and voice over, is also observed in the audiovisual translation of factual entertainment in Spain (Permanyer, 2012, cited in Baños, 2019b, p. 270). Yet, in these countries, this hybrid revoicing technique was developed by formal broadcasters effectively as a cheaper alternative to dubbing, which has become too expensive for them to produce (Barra et al., 2020). In Ukraine, however, this hybrid voice over originated in the informal space:

In [official] studios, they normally teach you to voice over in a dry, monotonous manner. [Unofficial] voice acting has changed due to competition for the consumer. If you want your voice over to be chosen, you need to do it better than others [...]. This led to the fact that [informal] voice-over acting came close to that of dubbing. Perhaps this is inherent specifically to [former] CIS countries, since we consume pirated content the most here.

Vlasiy (2022)

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<sup>57</sup> Members of Dublicat and SVOİ Productions, for instance, met at dubbing courses. LightBulb is founded by professional dubbing actor, who runs his own dubbing studio and dubbing course. Ether Production is similarly founded by dubbing actors, who are also actors in Ukraine’s major puppet theatre. Breloque’s founder has a degree in sound directing and is now also employed by major dubbing and voice-over studios.

<sup>58</sup> Also known as SRNL (Sincronismo Ritmico Non Labiale). In 2017, it was included into the general framework of AVT modes in Italy (Sileo, 2020).

Indeed, a typical voice over of fiction broadcasted on Ukrainian TV channels would be a two-voice, relatively monotonous revoicing, with Ukrainian utterances starting a few seconds after the original ones, similar to the Western documentary voice over. It is only in the last couple of years that Ukrainian broadcasters and streaming services started to adopt this more advanced voice over, adding more voices and emotions, most likely for similar reasons as in Italy and Spain, that is as a cheaper, easier alternative to dubbing. In the informal space, the practice of multiple-voice voice over has existed since early 2000s, with the phenomenon of informal voice-over groups having been established in Russia in as early as mid-1990s, as the next wave after Gavrilov and Goblin voice overs (Chief Studio, 2021; see Chapter 3 for Gavrilov and Goblin voice overs definition). These Russian voice overs have also been widespread in Ukraine and in most post-Soviet countries, where Russian has been a widely understood language. Ukrainian voice-over groups started actively emerging only in early 2010s, effectively as an alternative to the Russian ones (Chief Studio, 2021; Ether Production, 2021). In Chapter 8, I elaborate on what prompted the demand specifically for Ukrainian translations rather than for any translation that can be understood by the audience. By this time, Russian groups had already been well-developed, with established, efficient production processes, allowing them to release voice overs quicker than the newly created Ukrainian groups (Juli Bettany, 2022; Chief Studio, 2021; Ihabi, 2022). Since outperforming Russian groups in speed was initially unrealistic, Ukrainian informal voice-over practitioners decided to outperform them in quality, which, as Vlasiy (2022) noted, has led to such more advanced, dubbing-like voice over (also Ihabi, 2022). Today, the field of Ukrainian informal voice over is notably developed, with around a dozen<sup>59</sup> established voice-over groups regularly producing localisations, and with new groups continuing to emerge. The rest of the chapter offers an insight into these groups, particularly into the voice-over production process.

Ukrainian informal voice-over groups, colloquially referred to as “studios”,<sup>60</sup> vary in the number of members, skillsets, and frequency of releasing new localisation; and the following discussion of the production stages, outlined in Figure 5.1, illustrates these varieties in more detail. However, in general, the phenomenon of these groups can be summarised as follows. Each ‘studio’ is usually founded by one or two informal voice actors, that is people whose main job may not necessarily be related to AVT, yet who nevertheless dedicate their free time to

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<sup>59</sup> Excluding anime voice-over groups.

<sup>60</sup> Audiences refer to them as “studios” arguably due to high quality of their voice-overs, which rarely differs the ones produced by official localisation studios. An average viewer might not know that the content they have downloaded from a torrent site or streamed on a pirate streaming site is revoiced by an informal voice-over group rather than by a broadcaster, for example. Dilnix (2022), an interviewed member of Hromada, even uses the state of informal voice over in Ukraine as the benchmark to assess that of formal localisation studios, suggesting that the latter “have finally caught up”.



developing their voice acting skills and to producing unofficial voice overs. These informal voice-over actors would have learnt how to use audio-recording and editing software, purchased necessary equipment (e.g., microphone) and, thus, similar to informal subtitlers, are able to produce their localisations from home. Since most of the informal revoicings are multiple-voice voice overs, the founders, who normally coordinate the entire process, invite other voice actors to join them in working on a given localisation project. These can be actors without their own ‘studio’, i.e., who do not take lead (or any other part) in the production process, or founders of other groups. Yet, skills required for the complex process that is voice over production are not limited to voice acting, which means that in addition to voice actors there may be other people involved. Therefore, the number of members in a voice-over group is fluid, involving anywhere from three to approximately eight to ten people, depending on the specifics of each individual project. The following discussion offers insight into each stage of this voice-over production workflow.

### 5.3.1 Stages of voice-over production

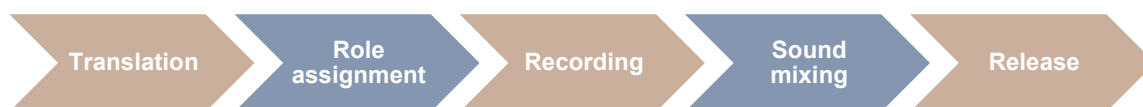


Figure 5.5. Stages of informal voice over production process.

#### 5.3.1.1 Translation

The goal of this stage is to produce Ukrainian subtitles for the film or series that is going to be revoiced. As explained further, these subtitles will then serve as a “karaoke-like” script (Spiteri Miggiani, 2021) that voice actors will be reading out during the recording stage. As discussed earlier, in AVT of fiction, it is important to preserve its function as entertainment. Therefore, the interviewed practitioners emphasised that what they do is best described as “adaptation”, that is “translation, adapted specifically to the Ukrainian viewer” (Ether Production, 2021). This translation strategy, which could be called “domestication”, is aimed at helping to establish emotional connection with the target audience (Weston, 2022). In practice, this means that if, for instance, the original text contains a joke, the priority would be not to translate it accurately but to ensure that the local audience laughs at it, which in turn may involve coming up with an entirely different joke. It is worth noting that this approach is adhered to in both informal voice over and subtitling in Ukraine:

The most difficult thing is probably translating plays on words or jokes. No two languages have unambiguously equivalent vocabularies, let alone when it comes to wordplay: jokes in one language usually cease to be jokes in another. So, when homonyms/homophones/polysemy/etc. are involved, the translation turns into hell with constant 'creative' hesitations: have I conveyed all the subtexts? Are the semantics of the words similar? Is there no better option?... Nothing is more annoying than a bad joke. Think "omnipotent/I'm impotent" or "unisex"/"u need sex"/"u 'n I sex" in *Friends*, or imagine you need to translate the title of Wilde's *The Importance of Being Earnest*, bearing in mind that the character of Ernest is also an important part of the plot. What a witty play on words is lost in translation!

Erithion (2022)

Yet, the aim is nevertheless to avoid unnecessary changes to the original text as much as possible:

Personally, I like to joke a little in translations, to make it a bit livelier and bring some humour for the local audience. Yet, it is important not to overdo it, so that I do not to become another Goblin<sup>61</sup> in its worst manifestation.

Yevhenii Titomyr from Dublicat (2021)

I try to stick to the original as much as possible. Every screenwriter has their own style, and I try to reflect it in the Ukrainian version. Naturally, it is not always possible, especially when it comes to phraseological units<sup>62</sup> or swearing. With regard to phraseological units, I try to find something neutral, not to make it 'too Ukrainian'. Swearing, on the other hand, is where you can freely play around and make the text 'tastier'. The English "fuck", for example, is everywhere, but it's so flat and boring. [Translating it into Ukrainian] is like eating the same salad every day: you can add a different, signature dressing, and it immediately gains new colours.

Olga from Dublicat (2021)

Another noteworthy nuance is that subtitles created for voice actors are consciously not aimed to follow any subtitling standards, such as a maximum number of lines (e.g., see Figure 5.6). All AVT is ultimately "constrained translation", meaning the translation process is constrained by the technical features of the specific media the translation is made for (Mayoral, Kelly and Gallardo, 1988; see also del Camino Gutiérrez Lanza, 1997; Schwarz, 2011). In conventional subtitling, for instance, subtitlers often need to rephrase a potentially more

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<sup>61</sup> See Chapter 3 for a definition of this type of AVT.

<sup>62</sup> Phrases that, if translated literally, would likely make no sense in the target language.



accurately translated sentence in a more concise way so that it does not exceed the character limit. The same is the case of the informal voice over: translated utterances must match the original ones in length when pronounced, ideally also striving to keep words such as names in the same time point as the original to maximise lip synchrony, as discussed earlier. Therefore, as Fodor (1969, p. 389) puts it, “if we want to have a good and satisfactory translation text for the synchronized version we have to get it done by gifted artist-translators not just by competent translator experts”. In formal dubbing industries there are translators specialising specifically in translating for this AVT mode, i.e., with timings and lip synchrony in mind, with Fedir Sydoruk<sup>63</sup> being one such example in Ukraine. Some informal voice-over groups, e.g., Ether Production and Breloque, are founded by professional voice actors working for major formal revoicing studios. They have industry connections and can invite specialised translators, including Sydoruk, to prepare translations for their informal revoicing projects. However, more commonly, translators producing subtitles for the groups are simply people with knowledge of the source language, meaning their subtitles are rarely suitable for recording without additional editing (Chief Studio, 2021; Gwean & Maslinka, 2021). As elaborated further, more often than not, the responsibility to adapt translation to the original timings ultimately lies with the voice actor during the recording stage. Before that, the subtitles must be distributed among the voice-over cast, which is the ultimate goal of the next stage.

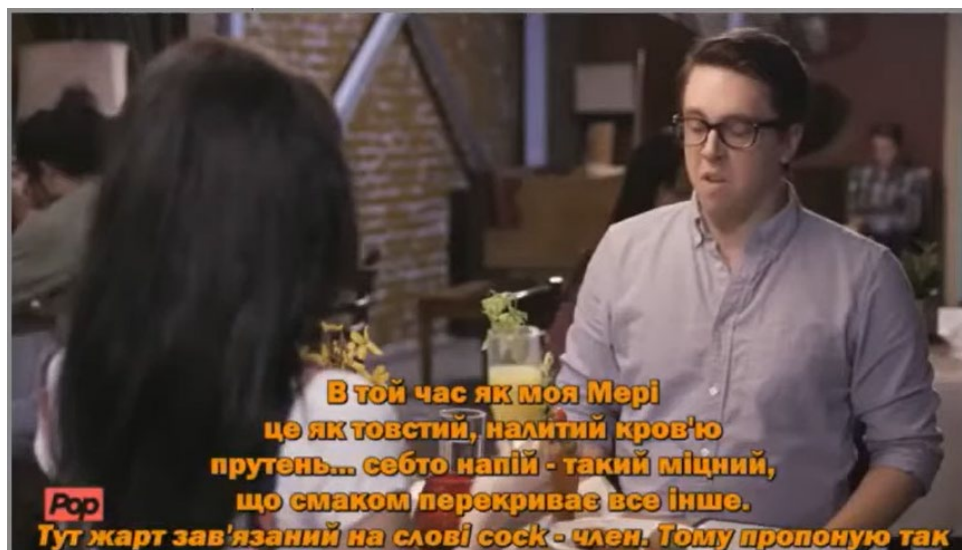


Figure 5.6: Example of subtitles an informal voice actor receives from a translator.

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<sup>63</sup> A ‘big name’ translator in Ukraine, specialising in translation for dubbing and voice over. He has been in the formal industry for nearly 30 years, working for major dubbing studios in Ukraine. He is the translator behind nearly 200 major titles, including *Skyfall* (2012), *Indiana Jones and the Kingdom of the Crystal Skull* (2008), *Johnny English Strikes Again* (2018), *Despicable Me 3* (2017).

### 5.3.1.2 Role assignment

The translator sends their subtitles to the project coordinator (usually the group's founder), who then colour-codes<sup>64</sup> subtitles, assigning a distinct colour to each character. This task aims to help voice-over actors identify the lines they would need to voice. The project coordinator also decides on the voice-over cast, that is which characters will be revoiced by which actors. This process underlies the strive for character synchrony, which is “the harmony between the image of the character and his or her voice and words” (Mayoral et al., 1988, p. 59). It implies matching not only the age and gender but also speech peculiarities and overall voice style of individual characters on screen. Breloque group, for instance, had a cast of six actors revoicing *Beavis and Butt-Head* (1993), mirroring the number of characters in the series. In *Stranger Things* (2016), one of the main characters, Dustin Henderson, is played by an actor with a rare bone condition affecting the growth of his teeth, which noticeably affects how the actor speaks (LaMotte, 2020). In the voice over by Breloque, the actor revoicing Dustin similarly imitates this speech peculiarity. Thus, the cast would vary considerably depending on the variety of voices in a given film or series. Yet, it is worth noting that the groups' founders are usually reluctant to work with actors with little experience in this practice:

Back in 2015, when I was only starting out, there have already been some groups doing Ukrainian voice over. I tried joining them, but it wasn't easy to do because I had zero skills. Now that I myself have a more or less established team, I understand why they didn't want to accept me. It took me time to get to know and to help build the skill set of the people I currently work with. I now know what quality I can expect from them, how fast they work. Occasionally, I receive voice demos from people who want to join my team. Let's say some of these demos are more or less ok and demonstrate some potential. But even in such a case, it would take me a couple of projects to understand how this person works and then help them improve, teach them, be patient; and I don't like dragging projects for too long. [...] I often get messages saying, “hey, I want to do voice over too!”. Well, ok, go do voice overs then, what do you want from me? [...] Most people just have this superficial desire to try themselves in something new, to be accepted into a group, get involved in something for a bit, and then leave. So, I'm always very sceptical about all these messages from newbies.

Chief Studio (2021)

When I was starting out, in 2014, you could easily join almost any team. You just had to have a microphone and at least a few demos. Today, though, this is not enough. Over the years, I've met many people who

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<sup>64</sup> Colour-coding is a standard tool in any subtitling software.

would say “I want to do voice overs!” but then ghosted the project coordinator, do nothing, and ultimately disappear. As a result, there is now a certain reputational stain. You have to show that you are genuinely ready to commit. So, those with a portfolio of works are generally very much welcome to join. Personally, I started out by doing single-voice voice overs to build this portfolio. You can do this too, and then feel free to knock on studios’ doors.

AdrianZP (2021)

The majority of the interviewed groups, therefore, prefer to avoid the uncertainty of accepting a new, inexperienced member to their team. Instead, each group tends to have a relatively established set of informal voice actors who they invite regularly, with these actors often working with several different groups. On an extremely rare occasion, groups may post a call for “new talent”, inviting people to send them their voice demos or providing a specific script they should revoice, with an ultimate goal of getting new voices for their team. These demos may also be posted on the groups’ social media pages, e.g., Telegram, for the public to vote for the voices they like, thus including the audience in the decision-making process. This resonates with the fandubbing practices described by Baños (2019a; 2020), who also notes the importance of audience’s feedback for fandubbers and the presence of a similar process of recruiting new voice talent. In addition, there have been cases where a group’s approach to casting was guided by the goal to match the actor’s voice not so much to the one in the original but to the one in the official Ukrainian localisation, with TVAnimation.ua’s revoicing of *The Simpsons* (1989) offering a particularly notable example here.

The voice-over group TVAnimation.ua picked up the localisation of the sitcom starting from its 33<sup>rd</sup> season, making the series accessible to the Ukrainian-speaking audience days after their premiere in the US. All previous seasons of *The Simpsons* had already been officially revoiced by Ukrainian broadcasters,<sup>65</sup> which showed the animated series. Throughout all previous seasons, the revoicing cast has remained the same. The voice of Yevhen Malukha, the actor who revoiced Homer Simpson, has become particularly recognisable to the Ukrainian audience. “The voice of Homer” has become a common way to refer to the actor. Knowing this strong association of Malukha’s voice with the character, TVAnimation.ua managed to secure him – alongside the other three actors, who dubbed the rest of the characters in the official version – for their informal localisation. In 2020, the group also created an additional Ukrainian localisation to *The Simpsons Movie* (2007), although it had already been dubbed in Ukrainian for its official cinema screening back in 2007.

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<sup>65</sup> The rights for different seasons of the sitcom had been owned by several broadcasters.

TVAnimation.ua did their own informal version because the official dubbing studio hired a different actor for Homer's character. Over the years, the group received many requests from the audience to create a localisation with "the canonical voice" of Malukha, as they ultimately did.<sup>66</sup> Ether Production has similarly worked with the actor. They invited him for a voice over of the remaining seasons of *Game of Thrones* (2011) after he had already taken part in revoicing earlier episodes with another studio. Yet, it is important to note that for the majority of the groups, the above approaches to talent recruitment are rare, and they largely work with a defined set of informal actors.



*Figure 5.7: Yevhen Malukha recording a brief promotional video for social media for Ether Production.*

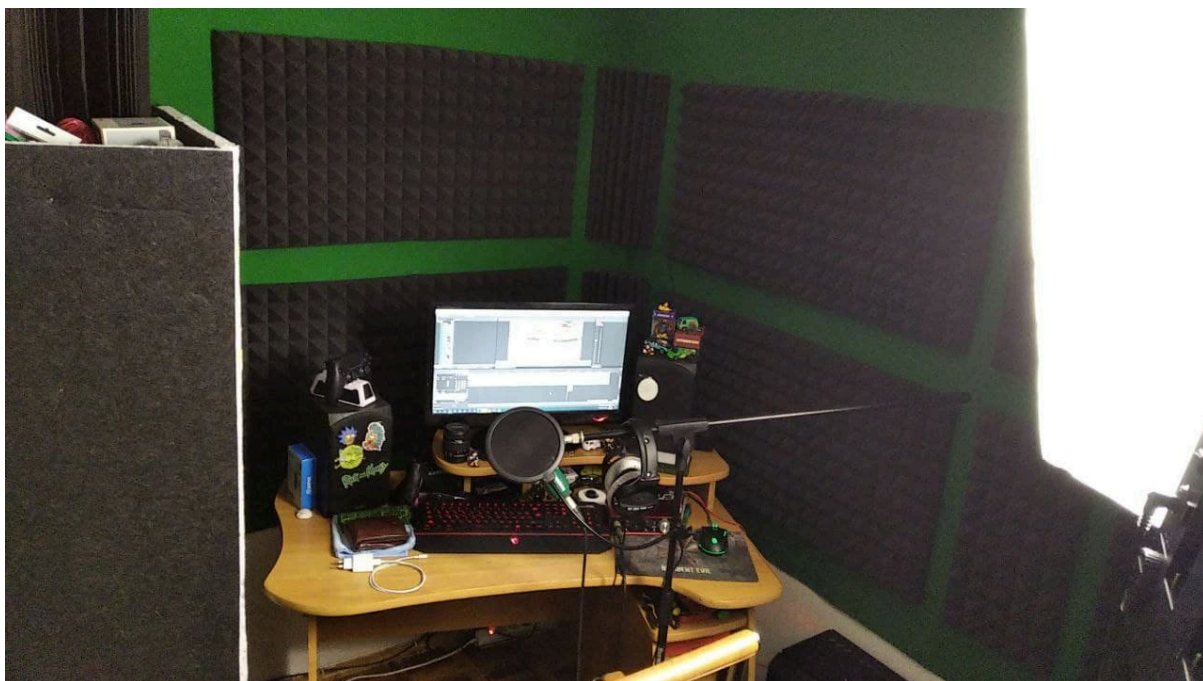
### **5.3.1.3 Recording**

When the cast is decided upon, the project coordinator distributes the video file with subtitles among the actors, and the group moves on to the recording stage. Typically, each actor records their part at home, each using their own equipment and preferred software. The quality of their home workspaces varies, as the most basic-level voice over could be created with only a microphone and a PC. Yet, in this case, even if the acting skills and the translation quality are outstanding, the result would unlikely be deemed acceptable by viewers. AdrianZP (2021) suggests the following list of the basic equipment and conditions for a home-studio recording to be of adequate quality: a condenser microphone with a pop filter; a pantograph or a floor stand for the microphone, ideally with a shock mount to reduce unnecessary vibrations; acoustic foam or covering radiators, mirrors, and glass surfaces with a blanket to eliminate echo (see Figures 5.8-5.10 for examples).

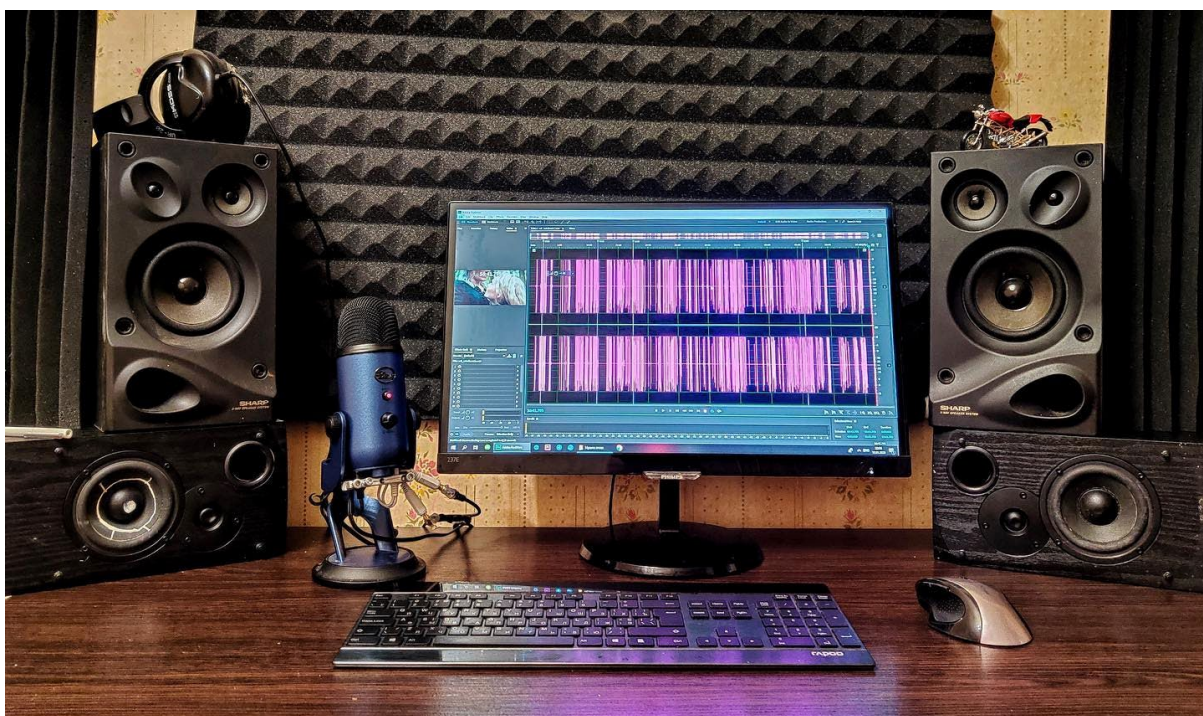
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<sup>66</sup> Since the rest of the actors in the official dubbing remained the same as in the episodes, the group has taken the official dubbing as a base, only replacing Homer's voice.





*Figure 5.8: Home workspace of AdrianZP.*



*Figure 5.9: Home workspace of one of the members of SVOÍ Production.*



*Figure 5.10: Home workspace of Bozhena.*

The most commonly used software includes Sony Vegas (Pro), Cubase, FL Studio, Adobe Audition, Adobe Premiere (Pro), and Reaper, with the software choice varying not only among different groups but also between actors within one project. Unlike subtitling software, none of these applications are free. Most voice-over groups, therefore, admitted to using pirated software, a rather common aspect of informal localisation practices (e.g., see Carter, 2018; Ameri and Khoshsaligeh, 2019).

An important nuance of this stage, which differs considerably from recording in a formal setting, is that, since actors record independently, they are responsible for supervising their own acting, sound quality, and whether the length of their utterances fits the original timings.<sup>67</sup> Actors start by listening to the original phrase, familiarising themselves with intonations, emotions, and any other peculiarities of a given utterance, and reading the translation (subtitles) to understand what they have to say and how. Subsequently, they record their utterance and immediately replay it along the original to assess the overall quality and timings. If anything is unsatisfactory, they re-record their line until they are happy with the result and can move on to the next utterance. This is where actors may need to edit the provided translation to make their line longer or shorter to match the original timings, or to rephrase it in a way that sounds more natural for a given scene (see Figure 5.11 for an example of how

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<sup>67</sup> In official AVT, there would normally be a sound director providing voice actors with directions and ensuring whether the actors follow them.



a line can be changed as a result of this process and Figure 5.12 for an example of the recording process).

Original:	Version provided by a translator to AdrianZP:	The final version recorded by AdrianZP:
<i>Nah, get – get outta here. I've got a million things I've been putting off.</i>	<i>Hi, i вимітайтеся вже. В мене купа справ, які я хочу зробити.</i>	<i>Hi, вимітайтеся вже. Маю в планах купу справ.</i>
	Back translation: <i>No, and get out already. I have lots of things that I want to do.</i>	Back translation: <i>No, get out already. Got lots of things planned.</i>

Figure 5.11: Example of translation editing for Rick and Morty (2013) by AdrianZP

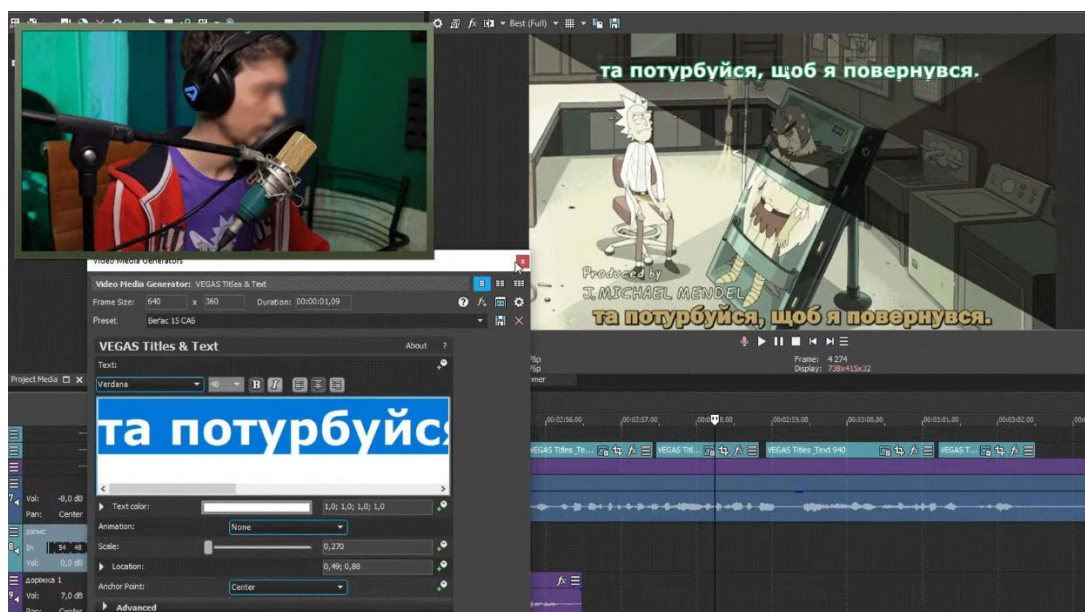


Figure 5.12: Example of a voice actor using Sony Vegas for recording and for editing the translation.

Some groups may record in an actual recording studio, which can be a rented one or their own. There are currently three groups in Ukraine that own a studio. These are LightBulb, TVAnimation.ua, and FilmCity, the groups that, as I explained in Chapter 4, I was unable to get a response from and are generally less open about their production processes due to their commercial nature, which I discuss shortly. Yet, Chief Studio (2021) and Ether Production (2021) speculated that considering the speed at which these studios release voice overs for the newly premiered episodes of TV series, they have extremely efficient teams, operating as “voice-over factories with a conveyor-like recording process”. Obtaining insight into these “factories” would be particularly valuable for further research into Ukraine’s informal media economy. Yet, it is worth reemphasising that the absolute majority of Ukrainian voice-over groups ultimately record from home, following the process described above.

In addition, there are groups like Ether Production, who built a recording booth in a flat, which the founders rented together, and Breloque, who rents a recording studio on an hourly basis. However, while groups' funding is discussed further in this part, it should be noted that groups rarely find it financially feasible to rent a studio, ultimately resorting to home recording. Furthermore, as professional-grade software and hardware has become more accessible, achieving studio-level quality at home has become more realistic. This is evident not only from the revoicing quality of the Ukrainian groups but also from the fact that even formally employed, professional voice-over actors may sometimes work from home (Matamala, 2019).



*Figure 5.13: A revoicing actress recording voice over at Ether Production's recording booth.*

#### **5.3.1.4 Sound mixing**

Notwithstanding the setting groups opt for, after actors finish recording, all audio tracks are passed on to the project coordinator to be mixed into the final voice-over track the audience hears. The main task here is to edit the volume of the tracks: at the points where voice actors speak, the volume of the original should be reduced<sup>68</sup> so that the Ukrainian voices are heard clearly, while the rest should remain at the same level as the voice-over track. Breloque emphasised that actors need to provide unprocessed sound for sound mixing, meaning they are discouraged from applying any noise reduction tools, which further highlights the importance of having good equipment and ensuring an echo-free, quiet environment during recording. Ultimately, as evident from the discussions above, informal voice-over practitioners put considerable effort into ensuring the high quality of their works. MelodicVoiceStudio (2022)

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<sup>68</sup> Depending on individual preferences, it can be reduced to a point that it is nearly inaudible, or simply noticeably lower. But in either case, when it comes to volume, the priority is given to the voice over rather than to the original.



provided me with their quality checklists, explaining what they understand by the term “good quality” in the context of sound, translation, and overall final product (see Appendix B).

### 5.3.1.5 Release

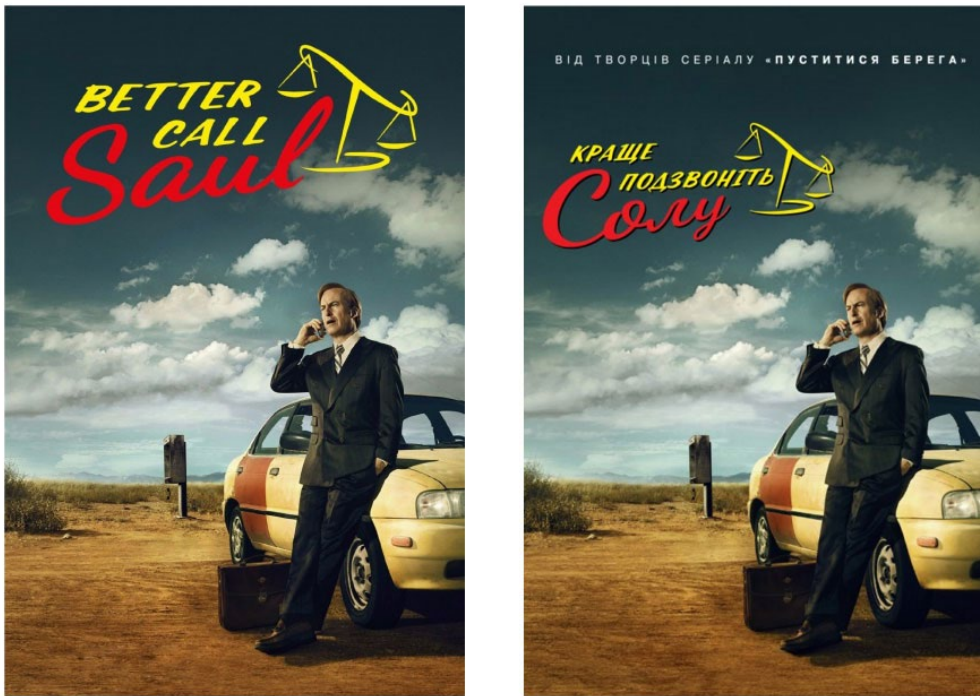


Figure 5.14: Example of a localised poster.

After the project is complete, the voiced-over film or episode is made available on Hromada and pirate streaming sites, where it can be downloaded or streamed for free. Most groups also promote their works on their social media pages<sup>69</sup> by posting links to said platforms, often along with a localised poster (see Figure 5.14 for an example). Notably, each group has branding (name of the group, logo, and, for some, a website), which can also be added to the posters to indicate authorship.<sup>70</sup> Ensuring the audience knows which group created a given voice over is useful for the group’s funding strategies, which I will now discuss.

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<sup>69</sup> Most commonly these are Facebook and Telegram, with some occasionally also using Instagram, TikTok, and Twitter.

<sup>70</sup> This task is not necessarily done by the group themselves. For instance, Ether Production informed me of not so uncommon instances when they have been contacted by, evidently, some of their audience members, who would offer to localise posters for free, as a way to thank them for their work.

### 5.3.2 Remuneration

For most groups, their ability to benefit financially from producing voice overs is not a defining factor in their involvement in this practice. As addressed in detail in Chapter 8, the reasons why these revoicing actors are engaged in informal screen media localisation range from a need to develop their voice-acting skills to language activism, which means that the financial aspect of voice over is of incidental importance for them. Yet, this does not mean that no money is involved in such non-commercial voice over production. As described earlier, producing voice over may require investing in new equipment, renting a recording studio, or inviting highly skilled, nationally famous translators and voice actors. Some of these ‘big name’ professionals tend to agree to take part in the informal projects for a significantly reduced fee, not least because they often share some of the above-mentioned non-commercial motivations with the groups. Similarly, some studios may provide access to the space and equipment for free.<sup>71</sup> However, Ether Production (2021), a voice-over group known for working almost exclusively with such actors and translators, noted they have always felt uncomfortable not being able to sufficiently remunerate these ‘big names’ in the Ukrainian localisation industry. Other interviewed voice-over actors similarly noted that although their teams did not expect to be paid, they would still prefer to be able to pay them at least something “as a sign of encouragement” (Chief Studio, 2021). Consequently, the groups’ founders can either spend their own money with the potential to get some of it back by inviting donations after the project is released, or raise necessary funds before starting a project.

In the latter case, groups create a budget for a given season, episode, or film. The budgets differ between groups and depend on the specific nature of each project. For example, for a feature film *The Trial of the Chicago 7* (2020), Ether Production asked for €7800, while for an entire season of *Ratched* (2020), which consists of eight episodes of 45-62 minutes each, the group required €18700. The fifth season of *Rick and Morty* (2021) cost Breloque €4000 per episode, whereas LighBulb asked for €3000 for one episode of *Obi-Wan Kenobi* (2022) series. As Breloque (2021) noted, these budgets do not account for the group's profit but only aim to cover the expenses of hiring translators, inviting actors, or renting a studio. This approach to funding was also confirmed by Ether Production, who informed me that after paying their team for a given project, the “net profit” left for their group was less than €100. Consequently, these groups are engaged in what can be defined as a non-profit, crowdfunded activity, which is a common way of operating in the field of informal media

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<sup>71</sup> There are some small, private recording studios, which may offer several hours per week of their studio for free, as a gesture to support beginner Ukrainian creatives, who may not be able to afford to rent the studio or to purchase necessary equipment to work from home.

localisation globally (e.g., Maxwell, 2021c). The groups inform their audience about the sum necessary for a project via social media. They openly share their payments details<sup>72</sup> so that anyone willing to help with raising the funds for a project can contribute as much as they wish. The groups regularly post an update about the progress with meeting the budget target. If the necessary sum is not yet fully raised, they may still proceed with the project and release it. In rare occasions, when the donations exceed the proposed budget, the extra funds are moved to another project, as the groups often plan in advance the titles they will be localising next. Whether people donate to a group does not affect their ability access the voiced-over content, and those who donate do not normally receive any additional rewards for their contribution but simply enjoy the availability of their long-awaited series or films in Ukrainian.

In addition, the groups increasingly use Patreon<sup>73</sup> to obtain recurring contributions from those who wish to support the group's activity in general rather than a specific project. This platform offers different membership levels, each implying a certain monthly payment. The more expensive the level, the more significant the extra benefits the group provides to those who subscribe. These benefits may include earlier access to content or inviting the 'patrons' into the decision-making process behind the groups' projects. For example, those ready to pay \$100 per month to Chief Studio can order a multiple-voice voice over to any feature film every month. The same contribution to LightBulb would allow one to observe and influence the voice-over process by providing feedback, which the group must consider. Furthermore, a Patreon page often implies setting a certain overarching goal: for instance, when Gwean & Maslinka reach \$1000 per month, they will quit their day jobs and be able to do voice over full time. For LightBulb, earning a certain monthly income from Patreon dictates how many episodes they can do each month.<sup>74</sup>

In turn, this crowdfunded nature of the Ukrainian groups' operation rather expectedly leads to a certain degree of competition between them. Among most groups, there is an "unspoken agreement" that by being the first to advertise their plans to revoice a particular project, a group effectively reserves an exclusive right to create an informal revoicing for it (Breloque, 2021; Ether Production, 2021; Chief Studio, 2021). The rationale behind this agreement is that if two (or more) groups work separately on the same film or series, gathering the necessary funds through crowdfunding would be difficult as the audience would effectively

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<sup>72</sup> E.g., debit card details or PayPal.

<sup>73</sup> A platform for crowdfunding, specifically for creators wishing to gain recurring support from their audience, i.e., subscribers. Available at: <https://www.patreon.com/>

<sup>74</sup> At the moment of writing, LightBulb has already reached a goal of 10 episodes a month and they are over half-way through with getting to guaranteed 20 episodes per month.

need to donate double the amount. The exceptions are such major series as *Game of Thrones* (2011) or *Stranger Things* (2014). Both currently have several versions of Ukrainian informal voice over, each produced by a different group. Such series have a particularly large audience, which made it possible for all groups to gather the required sum (Ether Production, 2021). In addition, with time, groups tend to develop fanbases, becoming popular enough to gain media coverage<sup>75</sup> (hence the importance of promoting their works using groups' branding). Breloque (2021), for instance, were the first to revoice the first several seasons of *Rick and Morty* (2013). However, subsequent seasons were overtaken by FilmCity, who released revoiced episodes before Breloque started working on them. The audience nevertheless asked Breloque to produce their version, as they ultimately did (Breloque, 2021). This example is illustrative not only of the groups' fanbases, but also of the fact that not all groups respect the agreement of not taking other groups' projects.

The latter is a consequence of a relatively recent development in the group's funding strategies: sponsorship by illegal online casinos and pirate streaming sites. Since this type of sponsorship requires an understanding of pirate streaming sites' operation, I will elaborate on how this funding model works in the next chapter, where I explore these pirate distribution platforms. What needs noting at this stage is that by being sponsored in this way, these groups no longer require donations from the audience. Furthermore, casinos and pirate sites pay groups enough to not only cover the minimum production costs but to allow them to hire professional actors, open their own recording studios, and generally, profit from their activity (Ether Production, 2021; Chief Studio, 2021). In return, the groups would be effectively expected to work full-time, producing an entire season within a matter of days, and advertise their sponsors within their voice overs.<sup>76</sup> The latter is similar to the practices of informal for-profit subtitlers studied by Ameri and Khoshsaligheh (2019), which I discussed in Chapter 3. As I discuss in Chapter 7, this type of funding is associated with a higher legal risk than crowdfunding, which is why only three groups currently operate within this model in Ukraine. These are LightBulb, TVAnimation.ua, and FilmCity, the groups that, as noted earlier, are the only ones with their own studio and who did not reply to interview requests. In addition, Chief Studio (2021) informed me that he was also establishing similar cooperation with the pirate sites. Nevertheless, crowdfunding was still primary for him at the time. Ultimately, the speed of voice-over production, enabled by casino sponsorship, provides such groups with a significant competitive advantage over others. For example, Ether Production (2021) had to

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<sup>75</sup> Chief Studio, Breloque, Ether Production, Dublicat, SVOĭ Production, Bozhena, AdrianZP, and Gwean & Maslinka were all interviewed by various regional and national news outlets

<sup>76</sup> This may involve advertising the name and slogan of a casino or a betting site at several points of a film or an episode as part of the voice-over recording.

pause their activity shortly before I interviewed them precisely due to their inability to gather donations for their planned projects, as FilmCity was releasing voice-overs for the same titles within days after their premiere. For other groups, e.g., Breloque (2021), this competition meant keeping the number of titles they revoice a year to as low as three, working only on the popular series the audience would be keen to donate to even in the presence of another version of revoicing. At the same time, many interviewed groups emphasised what is well summarised by Duplicat (2021):

It's only the dawn of Ukrainian revoicing. There has been so much quality content produced in the past years, content that is yet to sound in Ukrainian, that it will be enough for everyone.

## **Conclusion**

This chapter discussed the two main informal translation practices within Ukraine's informal screen media economy. I started by noting the evident dominance of revoicing AVT techniques and the respective marginality of subtitling in the country. This was further illustrated by a closer look into informal subtitling in Ukraine, where I pointed out the uncommonly individualistic way Ukrainian subtitlers operate and how it is reflected in the relative inconsistency in the translation approaches subtitlers adopt and the diversity of content they translate. In contrast, my discussion of the informal voice over demonstrated that this AVT practice is characterised by a considerably higher level of popularity and development. I explored the specific dubbing-like voice-over style that many Ukrainian voice-over groups pursue and looked at the stages and other practicalities of the voice over production process, highlighting the effort the Ukrainian voice-over practitioners invest into achieving high quality of the final product, including engaging professional voice actors in the process. I also talked about the recent diversification of the groups based on their funding strategies, namely into crowdfunded and commercial ones. Overall, this chapter revealed a flourishing informal AVT economy that has been so far overlooked due to the lack of anglophone academic attention to Ukraine as the context for qualitative, ethnographic studies of piracy. Therefore, this chapter serves as evidence of the value of adhering to a more comprehensive approach to researching the informal space of the media economy, including by expanding the range of geographical contexts to which this approach is applied. I will now move on to Chapter 6, where I explore the main means by which all these informally produced Ukrainian translations reach the audience.

## **Chapter 6. Distribution**

This chapter continues the task of identifying the integral practices of Ukraine's informal screen media economy by introducing its two main distribution practices: pirate streaming and torrenting, which distribute not only ripped copies of films and series but also those translated by the informal AVT practitioners discussed in the previous chapter. Drawing from the methods explained in Chapter 4, particularly a walkthrough of Ukrainian pirate streaming sites, participant observation of Hromada, Ukraine's major torrent community, and interviews with the people responsible for these platforms' operation, I explore the distinct characteristics of these two practices and how they compare to analogous pirate distribution methods elsewhere. One such unique characteristic, which applies to both Ukrainian streaming sites (or online cinemas) and the torrent community, is language exclusivity. Both of these informal distribution practices limit the range of content they offer to the one originally in or translated into Ukrainian. Notably, there does not appear to be much written about such language-specific pirate sites, at least not in anglophone academic research. This is the case not only with online cinemas, the practice that has itself received comparatively little scholarly attention, but also with torrent communities, one of the most studied forms of pirate activities globally (see Chapter 3). Consequently, I argue that this characteristic serves as another illustration of the heterogenous nature of piracy worldwide, which, in turn, offers further support for conducting more comprehensive, qualitative research on piracy in such understudied geographical contexts as Ukraine. I conclude the chapter by identifying the relation of these distribution practices to each other and to the localisation sector of the Ukrainian informal screen media economy. This chapter thus provides the remaining information needed to identify the current state of Ukraine's informal screen media economy so that the discussion can move on to exploring how this economy is positioned in relation to the broader regulatory, economic, and cultural context of Ukraine.

### **6.1 Pirate online cinemas**

In Ukraine, as well as some other non-Western countries, "online cinema" is a colloquial name for film streaming sites and services of varying legality, such as 123Movie, which I noted in Chapter 3 (Bondar and Matyuk, 2020; Liao, Li and Zhang, 2021; Oyedokun and Oladesu, 2022). In Ukraine, this term is equally used to refer to formal OTT services and the pirate streaming sites explored in this part. Ukrainian pirate (or illegal) online cinemas are openly accessible websites where one can stream a wide range of films and series online for free.

The home page of each cinema usually contains a categorised<sup>77</sup> list of titles that can be watched on the site, with the top category dedicated to the latest releases (see Figures 6.1 and 6.3 for examples). Once a user clicks on the title, they are taken to a webpage with information about the film, including a localised poster, reviews, a synopsis, and a video player with the film itself (see Figure 6.2 for an example). These cinemas do not require registration on the website, although many offer this function in order to be able to leave comments, create personal playlists, or get email notifications when new content is added to the site. These cinemas can be used to watch content not only on computers but also smartphones, tablets, and smart TVs.<sup>78</sup>

According to the interviewed administrator of MovieBaronUA (2021), there are currently around “a dozen, two at most” of such sites in Ukraine. My own search confirmed this estimate, although it is worth noting that only no more than seven appear to have been regularly updating their content catalogues and operating stably for a relatively prolonged time. These fluctuating numbers are explained by the fact that pirate cinemas face particular pressure from authorities for copyright infringement, often being shut down or raided by Ukrainian enforcement bodies. Nevertheless, as illustrated by the relatively stable operation of some of the sites, there are ways for their administrators to negotiate their activities with this enforcement; and in Chapter 7, I address this in more detail. In fact, this distribution channel is so prevalent and established in Ukraine that when one of the major Ukrainian OTT platforms surveyed their subscribers on which other legal online cinemas they were regularly using, around 60% of the provided names turned out to be pirate cinemas (Rakhmanina et al., 2021). Such popularity and openness of the Ukrainian audience about using these illegal platforms should not be surprising, considering the links to these cinemas appear at the top of Google search results, often even before the legal services’ websites. This is a notable aspect of Ukrainian pirate sites, as in many other geolocations, search engines increasingly block access to such websites (Mediavilla Aboulaoula and Biltereyst, 2021).

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<sup>77</sup> By genre. Normally each cinema offers the following categorisation: films, series, animated features, animated series, anime.

<sup>78</sup> One can stream the video from their phone or laptop on their smart TV, or install apps like ForkPlayer on their TV, which is effectively a browser for streaming videos from websites, including from pirate cinemas.



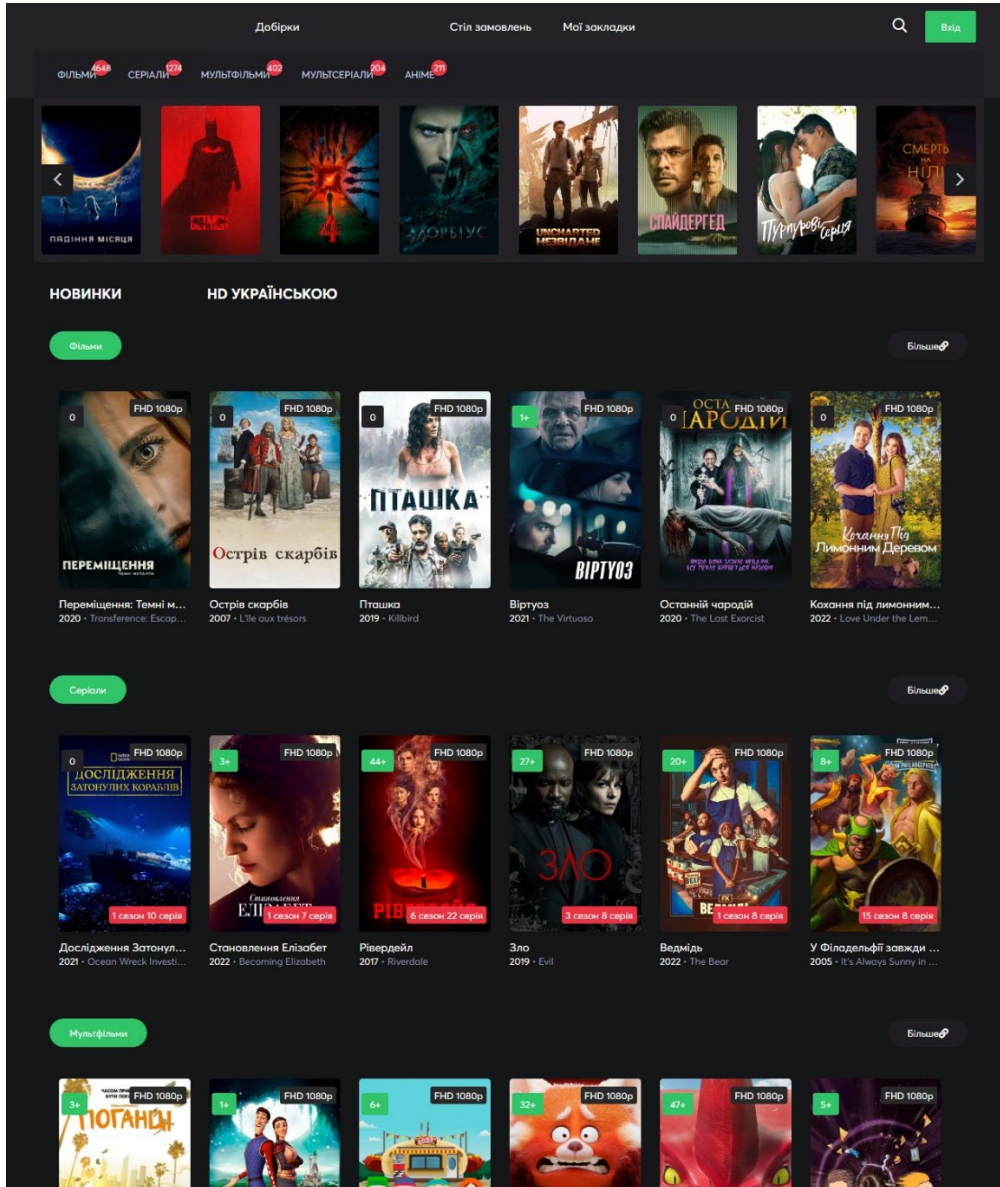


Figure 6.1: Example of an online cinema's home page.<sup>79</sup>

<sup>79</sup> Some text has been edited out from this and other screenshots in this part of the chapter as they can be used to identify the actual names and web addresses of the cinemas.



КАТАЛОГ ФІЛЬМИ СЕРІАЛИ МУЛЬТФІЛЬМИ МУЛЬТСЕРІАЛИ АНІМЕ

СПАЙДЕРГЕД  
Spiderhead

FHD 1080P IMDb 5.4

Рік: 2022  
Країна: США  
Жанр: Бойовик, Детектив, Драма, Кримінал, Трилер, Фантастика  
Режисер: Джоєф Косінскі  
В ролях: Кріс Гемсворт, Майла Теллер, Джерні Споллетт-Бела, Марк Пауїо, Тесс Гобрін, Benjamin Knight  
Тривалість: 1 год 46 хв  
Озвучення: LeDoyen # DUB

ПРО ЩО  
(Film's synopsis here)

Додати в обране

Оцінка користувачів 79%

11 3

Дивитися фільм «Спайдергед» українською мовою онлайн безкоштовно

ОНЛАЙН ТРЕЙЛЕР

ВІДГУКИ ДО ФІЛЬМУ

Ваше ім'я: Ваш e-mail (необов'язково)

Додати відгук




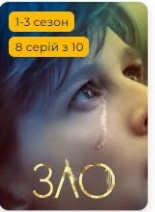

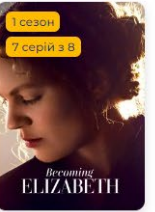
Правила

Figure 6.2: Example of a 'pirate' cinema's film page.





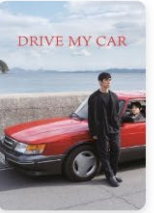

Пошук... Вхід

Серіали    Мультсеріали    Фільми    Мультфільми    Мої списки


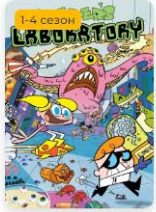




### СЕРІАЛИ

 1-9 сезон Як я зустрів вашу... How I Met Your Mother	 1-2 сезон 7 серія з 10 СТВА ОДНИ БУДВЛІ Убивства в одній... Only Murders in the Bull...	 1 сезон ДОСЛІДЖЕННЯ ЗАТОНУЛИХ КОРАБЛІВ Дослідження зато... Ocean Wreck Investigat...	 1-3 сезон 8 серія з 10 ЗЛО Evil	 1-6 сезон РІВЕРДЕЙЛ Riverdale	 1 сезон 7 серія з 8 БЕКОМІНГ ELIZABETH Становлення Єли... Becoming Elizabeth
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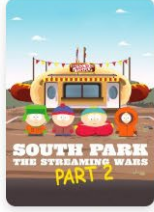


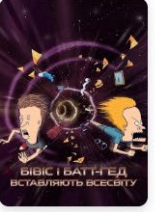


### ФІЛЬМИ

 Камон Камон C'mon C'mon	 Якша: Агент, що н... Yaksha: Ruthless Operati...	 Чоловіки Men	 ПОЧАТИ З НУЛЯ! Почати з нуля! Cambio tutto	 DRIVE MY CAR Кермуй моїм авто Doraibu mai ka	 Про нас About Us
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### МУЛЬТСЕРІАЛИ

 1 сезон 8 серія з 13 ШІ-РА She-Ra and the Princess...	 1-4 сезон ЛІВОВАТОРІ Dexter's Laboratory	 1-2 сезон АМФІБІЯ Amphibia	 1-3 сезон ЯЧНІ ПРОТИЛЕЖНОСТІ Сонячні протиле... Solar Opposites	 1 сезон ПАНДА КУНГ-ФУ: Л... Kung Fu Panda: The Dra...	 1-4 сезон Леді Баг і Супер-Кіт Miraculous: Tales of Lady...
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### МУЛЬТФІЛЬМИ

 Південний Парк: ... South Park: The Streamin...	 Я — панда Turning Red	 Морське чудовис... The Sea Beast	 Бівіс і Батт-Гед вст... Beavis and Butt-Head Do...	 КАЗКИ МАГІЧНОГО МІСТА: The Wishmas Tree	 ПРИГОДИ НА МІСЯЦІ Moonbound
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### ANIME

 1 сезон Сім'я шпигуна Spy x Family	 1 сезон НАРУТО Naruto	 1 сезон Оселя зла: Нескін... Resident Evil: Infinte Dar...	 Відьмак: Кошмар ... The Witcher: Nightmare ...	 1 сезон Той, хто біжить по ... Blade Runner: Black Lotus	 1 сезон 41 серія з 53 КОРОЛЬ ШАМАНІВ Shaman King
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© 2022, Зворотній зв'язок    Правовласникам    Умови використання сайту

Figure 6.3: Example of an online cinema's home page.

This form of pirate distribution platform is not unique to Ukraine, nor is it particularly new, with similar services having been operating in other countries for years (Ahmad Farisi, 2021; Akopyan et al., 2021; Defranco, Kshetri and Voas, 2021; Karger and Jansová, 2021). However, despite their popularity in some markets, as I noted in Chapter 3, there is scarce academic research exploring such sites' features, structure, and business models. The exceptions are the works of Burrus and Dodge (2018), Choi and Kwak (2020), and Lobato (2020), which I discussed in Chapter 3, and Bondar and Matyuk (2020), who provide a brief overview of both pirate and legal online cinemas in Ukraine. In their article, Bondar and Matyuk (2020) primarily rely on the findings of the Group-IB (2020) report. This investigative report offers perhaps the most comprehensive publicly available insight into the operation of pirate online cinemas to date. It focuses mainly on the Russian market, where the business of pirate streaming is the most developed and where many businesses that support the operation of such sites, including the Ukrainian ones, are based (Maxwell, 2019a; Group-IB, 2020). Although, as I elaborate shortly, Ukrainian pirate cinemas discussed herein have some distinct characteristics, the overall model behind how they work is analogous to the one outlined in the report (illustrated by the Figure 6.6), which I will now explain.

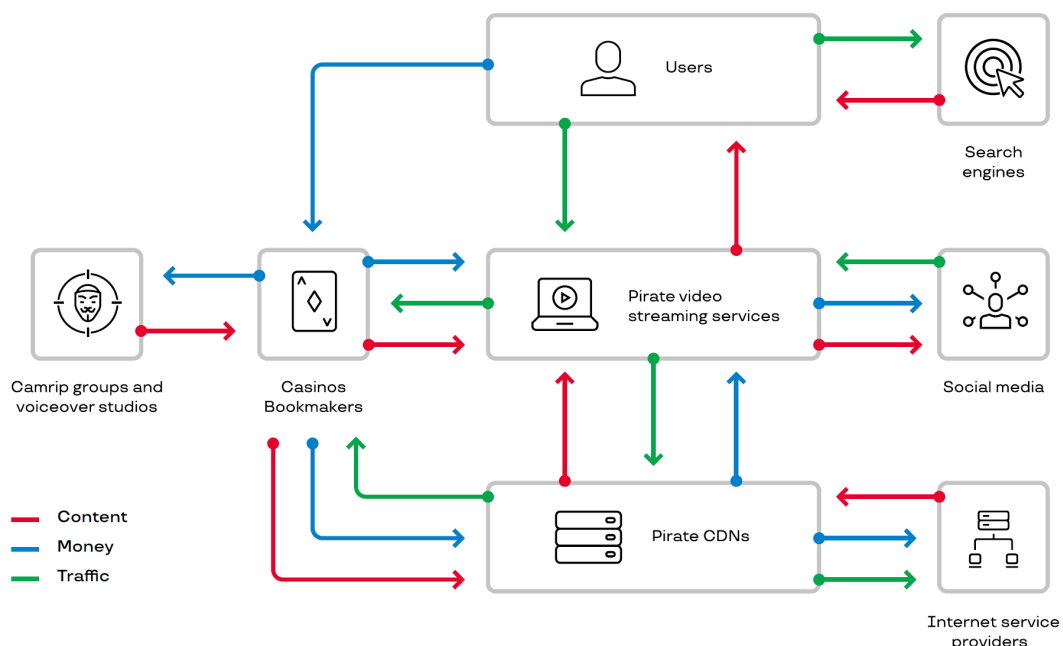


Figure 6.4: 'Pirate' streaming sites' business model (Source: Group-IB, 2020)

The films and series one can stream using pirate cinemas are not stored on their websites. Instead, the embedded video players on the cinemas' pages allow streaming content via Content Delivery Networks (CDNs), i.e., services that optimize content delivery to

customers (Group-IB, 2020). CDNs are central for most video streaming services, including Netflix (Fagerjord and Kueng, 2019). Yet, there are also so-called pirate CDNs, which cater specifically to pirate streaming sites, with a single CDN capable of providing content to several pirate cinemas (Maxwell, 2019b; Tiunkin, 2019; Group-IB, 2020). The main benefit that pirate sites' administrators gain from this activity is the money they get from advertisers, whose advertisements they place on their websites. Advertising has long been recognised as the most common funding model for piracy in the world (Banerjee, 2019; Batikas, Claussen and Peukert, 2019; Temple, 2022). For this reason, many countries worldwide started implementing various measures, collectively referred to as "follow the money", aimed at discouraging (legal) advertisers from working with pirate sites (Batikas et al., 2019). Therefore, the businesses that predominantly advertise on online cinemas are illegal online casinos and betting sites (Group-IB, 2020). As elaborated in Chapter 7, the same "follow the money" measures are in place in Ukraine, and Ukrainian pirate sites are similarly sponsored by such casinos. The logic behind this advertising funding model is attracting as many website visits as possible: the more users view the ad, the more money the website earns for displaying the ad, while the casinos, whose ads are displayed,<sup>80</sup> get their desired promotion (Bondar and Matyuk, 2020; Ruangkanjanases, Payakka and Kim, 2021). Yet, arguably, since casinos are the only type of businesses sponsoring such sites, most pirate cinemas are effectively competing for the same audience. My assumption on the matter was confirmed by the interviewed administrator of TarasFilm (2021):

Generally, the competition does exist. We stay in touch with some administrators, discuss some common issues. Naturally, there are also insidious administrators, who are trying to attract more traffic to their websites by creating technical issues for their competitors. As for us, we don't play dirty. On the whole, I think there's still some sense of community [among administrators] because we don't just compete amongst ourselves but also against the copyright laws. The latter makes us crew members of the same ship.

While some pirate cinemas under study may have occasionally experienced technical issues, for the majority of my observation they remained fully operational. The two more common strategies that the cinemas use to outcompete others are 1) improving the usability and expanding the technical features of their sites, and 2) constantly increasing the amount of content they have on offer. As for the former, some Ukrainian pirate sites allow viewers not only to stream but also download content from their libraries by providing torrent links to the

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<sup>80</sup> The ads are usually embedded in the video player, i.e., prior to the start of the film, a user would normally have to sit through two video ads of the casinos (similar to how YouTube ads work). Some sites may also have banner ads.

specific titles near their video players. Others use creative approaches to content categorisation: apart from the usual “comedies” and “horror films”, there may be such categories as “films with Hans Zimmer’s music” or “films with winter atmosphere”. TarasFilm manually creates downloadable playlists of soundtracks for the most popular titles, while administrators of others write short articles about the latest news from the global film industry. All these efforts, as TarasFilm (2021) notes, “are due to competition and due to [administrators’] personal willingness to develop [their] cinemas”. Yet, ultimately, the primary feature that is guaranteed to attract the audience is the range of content: the wider the range the wider the audience the cinema is of interest to. The majority of the Ukrainian cinemas offer an option to submit a request for a specific title to be added to their content libraries. This is in addition to the administrators ensuring to add the newest titles as soon as they are available, as it is largely the mainstream, recently premiered films and series that have the highest demand among pirate audiences worldwide (TorrentFreak, 2023). Yet, the speed has long been not the only demand of pirate audiences, with the quality of pirated products now being equally, if not more important (Maxwell, 2021b; Mediavilla Aboulaoula and Biltereyst, 2021; Van der Sar, 2021). Therefore, although some cinemas may occasionally add a temporary camrip<sup>81</sup> version of a newly premiered film, most of their titles are ultimately provided in 1080p quality, with camrip versions being substituted with better-quality videos as soon as it becomes possible.<sup>82</sup> However, not all recently premiered content is immediately available with the translation in the language of the audience the cinemas target. This is where informal voice-over groups come in.

In Russia, the voice-over groups’ involvement into the casino-funded pirate streaming business is rather well-established, having been taking place since 2015 (Group-IB, 2020). The illicit casinos and betting sites provide funding to at least 17 Russian voice-over groups, so that they make more content available in Russian, which can then be added to the pirate cinemas’ offerings (Group-IB, 2020). As I noted in the previous chapter, in Ukraine, there are several voice-over groups which similarly cooperate with casinos and pirate sites. Most of

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<sup>81</sup> A pirated format of a film, which is produced by recording the screen in the cinema using a camcorder. Expectedly, the quality of such format is extremely low and may only be of interest to those who cannot wait to see a recently premiered film, no matter the quality.

<sup>82</sup> Usually, the moment a film is released on a streaming service, pirates can easily create a VOD Rip or, preferably, WEB-DL. Both formats imply ripping a video from a streaming service but in the latter case, due to technical specificities of the ripping method, the quality of the rip is significantly higher.

these casinos that want to sponsor Ukrainian groups are ultimately Russian,<sup>83</sup> meaning these are the same casinos that fund the Russian pirate streaming economy described above:

At some point, we were contacted by some casinos. They offered to pay us money and, in exchange, we would need to create and pitch ‘playlists’ of titles to revoice. They would then check whether the playlists we proposed are suitable for their audience, notifying us of the titles that they would be happy to sponsor. We would then need to add their ad to our revoicing to these titles, for example, in the beginning or in the middle of an episode. [...] We started digging into these casinos and found that their roots were in Russia. Basically, they are interested in popularising their product in Ukraine by promoting themselves in Ukrainian. [...] There was one Ukrainian casino [...]. But back when they approached us, they did not have a [gambling] licence. [...] So, we rejected them too.

Ether Production (2021)

Group-IB's (2020, p. 51) findings about the Russian groups support Ether Production's description of the voice over sponsorship process, as do the responses of other interviewed voice-over groups, most of whom were also contacted by the casinos. The majority of the groups, however, including Ether Production, were reluctant to work with such illegal businesses. Many noted that they considered gambling immoral and that they did not want to associate their practice with illegal profits due to increased legal risks, nor did they want to “spoil” their revoicing works with adverts (e.g., Bozhena, 2021; Breloque, 2021). This reluctance can also be explained by the generally non-profit motivations that underlie their engagement in informal AVT, which I discuss in Chapter 8. For FilmCity, on the other hand, casino sponsorship has evidently been a lucrative opportunity:

[These casinos] then found this other group, FilmCity. The guys there, they have no breaks, they just want the money. So, they started working with them. As a result, we ended up with this big competitor. [...] Basically, they outcompeted us because they had this constant flow of cash [from casinos] and they revoiced all kinds of titles indiscriminately.<sup>84</sup> [...] On top of that, the Russian Hdrezka<sup>85</sup> has also recently entered [Ukraine], and they also started hiring FilmCity. These guys are now building second, if not third,

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<sup>83</sup> Although both Ether Production (2021) and the Group-IB (2020) report confirm that these casinos may be based in Ukraine, considering a relatively laxer gambling legislation in Ukraine compared with Russia.

<sup>84</sup> That is, not considering whether any other groups may be working on a particular title.

<sup>85</sup> Hdrezka is a major Russian pirate streaming site. It has long been part of the casino-sponsored pirate streaming economy, having its own Russian voice-over group called Hdrezka Studio. Around 2018, Hdrezka decided to “enter Ukraine”, as noted by Ether Production (2021), meaning they wanted to add Ukrainian revoicing to their content, along with Russian. As explained by Ether Production (2021), they have been hiring FilmCity to do voice overs for them. The revoicings that FilmCity produces for Hdrezka are now branded under “Hdrezka Studio Ukraine”.



recording studio with fancy interior design... all because they've been agreeing to work with anyone who pays.

Ether Production (2021)

It is difficult to confirm the information provided by Ether Production about FilmCity, particularly whether they indeed have several studios “with fancy design”. This is not only due to the latter having disregarded my interview requests but also because FilmCity is effectively the only Ukrainian group without a single social media page or a website, where they could have been providing an insight into their work, as done by most other Ukrainian groups. Nevertheless, FilmCity currently produces the majority of Ukrainian informal revoicing, sometimes releasing several films and episodes a week. They are able to release voiced over content within a day after its premiere, regularly hiring famous voice actors.<sup>86</sup> All this suggests that they indeed receive sufficient remuneration for their work from casinos and (Russian)<sup>87</sup> pirate cinemas. The other three groups, namely LightBulb, TVAnimation.ua and Chief Studio, which, as I noted in the previous chapter, also cooperate with such sponsors, work in a slightly different manner than the Russian ones or FilmCity.

The main difference is that the three groups rely on both sponsorship and donations from the audience to fund their activity. Notably, each has their own pirate cinema, where they provide access exclusively to the titles they revoice, and where they post their payment details and links to Patreon for those wishing to support them financially. Much like other crowdfunded-only groups discussed in Chapter 5, they tend to advertise specific budgets for specific titles (films or seasons), regularly updating on the progress of gathering the necessary sum. Other titles, however, are released without any donation prompts and without any credit to the audience, thanking them for their support.<sup>88</sup> The latter may be funded by pirate streaming sites, as it is in the case of Chief Studio, who frequently releases new voice overs explicitly stating that the project was supported by a specified (Ukrainian) pirate cinema. In addition, the cinema of TVAnimation.ua offers a paid version of their website: for €100 a month, subscribers would be able to remove all advertising from the site and unlock better video streaming quality.<sup>89</sup> This does not mean that the content they translate is available exclusively on their own cinemas, but in this way the groups manage to maintain a certain level of autonomy when choosing the content to revoice, while also taking advantage of the

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<sup>86</sup> This is evident since voices in their voice overs are notably recognisable.

<sup>87</sup> *Supra* note 85.

<sup>88</sup> As it is usually the case with crowdfunded-only groups.

<sup>89</sup> Within the free option, the video players on this website allow to stream videos in 720p at most, whereas the paid version would unlock 1080p.

sponsorship model for the titles that casinos agree to fund. According to Chief Studio (2021), their own cinemas mostly perform the role of their portfolios, since the visits to their website are times lower than to other Ukrainian pirate cinemas, where their content can also be found. Notwithstanding, this comparatively low degree of Ukrainian voice-over groups' involvement in the model in question is not the only aspect that differs Ukrainian pirate streaming economy from the Russian one.

Russian cinemas target not only Russia but also other post-Soviet countries and, thus, contain not only Russian revoicings, but also Ukrainian, Belarusian, and Qazaq ones (and of other languages of the (former) CIS countries, if those are available). In addition, Russian sites tend to have subtitled versions of the films and series. In contrast, the Ukrainian pirate online cinemas offer content exclusively with Ukrainian-language revoicing, with subtitled titles being provided extremely rarely. "The default is we publish all content that has Ukrainian revoicing", as summarised by MovieBaronUA (2021). This centrality of Ukrainian localisation in the online cinemas' offerings is often highlighted in the websites' branding, including names, slogans, and mission statements, which can be found on their home or 'About' pages. For instance, one of the cinemas is eponymous with a canonical poem of Ukrainian literature, while most others have "UA" or "Ukr" as part of their names. Slogans of many pirate cinemas similarly emphasise the availability of specifically Ukrainian translation, e.g., "the place, where films are always in Ukrainian", "this website was created for those, who like watching films, series, and animation exclusively in Ukrainian", or "on our website, you can watch the latest films of 2021-2022, as well as the best film industry's hits of all time, and all this exclusively in Ukrainian".

In the following chapters, I return to discuss a possible rationale behind this rather keen focus on promoting themselves as concretely Ukrainian. What needs to be noted at this stage is that due to this approach to building their content catalogues, the Ukrainian cinemas offer significantly less content than the Russian ones. This is due to the fact that considerably fewer titles have been translated into Ukrainian, not least because of the significantly higher number and longevity of operation of Russian voice-over groups compared to that of the Ukrainian ones. Yet, visiting a Russian cinema would mean that a user would need to manually check every single title to know which of them have Ukrainian revoicing, whereas in the case of Ukrainian cinemas, the user is guaranteed that every film or series that is listed on the website will have Ukrainian voice over or dubbing. At the same time, similar to Russian cinemas, the Ukrainian operations tend to aggregate all available (Ukrainian) revoicings for a given title, both official and informal ones. Consequently, the Ukrainian pirate streaming sites can be effectively viewed as the most complete streamable collections of Ukrainian revoicings, albeit illicit ones.



This language exclusivity is yet another illustration of how a seemingly global pirate practice can differ between countries and a reminder of the significance of the language factor in determining the nature of a country's informal media economy. From a technological standpoint, Ukrainian pirate streaming sites are no different from the ones described in the aforementioned study by Choi and Kwak (2020), nor from those explored in the report (Group-IB, 2020). Yet, they are characterised by a distinct, language-specific approach to content selection, which in turn raises questions about the rationale behind imposing such limits that effectively decrease the cinemas' ability to earn from advertising. I address these questions in Chapter 8, where I discuss the motivations of pirate cinemas' administrators and other informal media practitioners under study. In addition, this approach can serve as a prompt to explore the (potential) presence of such language-specific streaming sites in other countries. In the interview, MovieBaronUA (2021), for instance, briefly noted that he had recently been contacted by someone from Belarus, who was seeking advice on building a similar – assumably, Belarusian-language-only – pirate cinema. Furthermore, streaming websites are not the only type of pirate distribution platforms, at least in Ukraine, that are characterised by such language restrictions. Ukraine's major torrent site, Hromada, similarly allows its users to only share content that is exclusively in Ukrainian, which in turn, as I elaborate in the next and final part of this chapter, makes it another vital link in Ukraine's pirate economy.

## **6.2 Hromada: The fountainhead of Ukrainian piracy**

As noted in Chapters 1 and 3, BitTorrent-based file sharing, or torrenting, has been one of the most common online piracy methods worldwide. Yet, except for Haigh's (2007) study of one now shut-down music file-sharing site, there are effectively no comprehensive anglophone studies of Ukrainian torrent sites. This is rather surprising considering Ukraine's status as a country with some of the highest piracy rates in the world. In this part, therefore, I aim to address this lack of academic research into torrenting in Ukraine by exploring Hromada, the major, most long-standing Ukrainian torrent community. However, unlike in the case of pirate streaming sites, the phenomenon of torrent communities has received considerable scholarly attention (e.g., see Giesler and Pohlmann, 2003; Iamnitich et al., 2011; Larsson et al., 2012; Andersson Schwarz, 2014; John, 2014; Prospero, 2017), which effectively makes it one of the most well-researched pirate practices to date. For this reason, rather than delving into the general characteristics of the community that Hromada shares with other torrent sites studied elsewhere, I focus primarily on the distinct features of this Ukrainian torrent community and how they are reflected in the peculiarities of its operation. Unless stated otherwise, all

information about Hromada's features and operation outlined in this part was obtained from participant observation of the community, particularly from the many now-archived forum threads, which, as I noted in Chapter 4, were a valuable source of data about its members' past activities.

Hromada is, of course, not the only Ukrainian torrent site, nor is it the first to appear in Ukraine. Hromada was established in 2007, two years after Torrents.net.ua, Ukraine's other major torrent site, which closed down in 2016. Since early 2021, Hetman, another torrent community, has been increasingly developing, with the number of registered users and new content growing daily. However, none of these sites is comparable in both scope and duration of existence to Hromada. Being a relatively young torrent community, Hetman expectedly has significantly less content than Hromada. Furthermore, according to discussions on Hromada's forum, Hetman has been maintained largely by Hromada's users, who effectively decided to create a backup version of Hromada. As I discuss shortly, Hromada started facing increasing pressure from rightsholders and, as a result, started introducing access restrictions to its otherwise comparatively accessible torrent tracker. Consequently, some of Hromada's users started to copy Hromada's torrents to Hetman, which has not yet introduced such restrictions, remaining relatively open. On top of this, Hetman is yet to offer such types of content as software applications and games, currently containing only music, films, and books. Hromada, on the other hand, has all said categories of content. As for Torrents.net.ua, although this torrent community used to offer a similarly wide range of content, positioning itself as the "national BitTorrent tracker", much like other torrent sites that were developed in Ukraine, it contained a considerable portion of content in other languages, e.g., Russian, as well as foreign music and non-localised software. Therefore, despite originating in Ukraine, such sites have targeted an international audience. Hromada, on the other hand, is the only torrent community to cater exclusively to the Ukrainian pirates and one of the very few to have existed for nearly 17 years now. This is why, for the purposes of this research, I chose to focus on this specific torrent site.

From a purely technical perspective, as evident from Figure 6.5 below, Hromada's website is not significantly different from most other torrenting sites studied elsewhere (e.g., Sano-Franchini, 2010; Beekhuyzen et al., 2015; Crisp, 2015; Carter, 2018). Much like many other BitTorrent communities, from the well-known The Pirate Bay (TPB) to Torrents.net.ua, the fundamental elements of Hromada's website are a forum and a torrent tracker. Unlike TPB, whose forum and tracker exist separately, these two elements of Hromada are structurally interlinked: apart from serving as a platform for communication between Hromada's members, the forum is also used to share .torrent files. The way this works in

practice is that the first post of some forum threads contains a link to download a torrent of a film, a song, a software application etc., along with a detailed description of the content in question. Similar to the community studied by Carter (2018), Hromada has a template for such posts.<sup>90</sup> This type of thread is called “a (torrent) release”. All these release threads are aggregated on one of the site’s webpages, which is effectively a torrent tracker that allows searching through the releases using various search filters. Such use of forum architecture for sharing files is not uncommon. For example, the structure of the file-sharing fora studied by Crisp (2015) is highly similar to that of Hromada. The only significant difference is that whereas Hromada’s release posts contain links to download torrents, the release sections of the fora described by Crisp (2015) provide links to downloadable content. Yet, while there is no specific rationale behind choosing such rather standard torrent website structure, the rest of the community’s characteristics are best understood as resulting from Hromada’s distinct specialisation.

What fundamentally distinguishes one torrent or file-sharing community from another is the content a given community decides to share on its site. Global public torrent trackers, e.g., TPB, tend to contain all kinds of media in a variety of languages and genres. Private and semi-private sites<sup>91</sup> usually have a narrower focus, usually on a particular genre (Dejean et al., 2010; Diamant-Cohen and Golan, 2017). For example, there are communities dedicated to sharing on East-Asian cinema (Crisp, 2015), cult films (Carter, 2018), independent music (Sano-Franchini, 2010), or even Hungarian extreme-right, anti-Semitic content (Bodó, 2014). Hromada, being a semi-private community, similarly specialises in a particular type of torrents. Rather than specialising in a genre, however, Hromada’s focus is on a language.

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<sup>90</sup> There are separate templates for video, music, literature, software application, and game releases. For instance, every film (video) release should have a poster and indicate a given film’s genre, country of production, IMDb rating, name of the director and main actors, production studio, technical characteristics of the video file. It must also provide a short description of a plot, screenshots (which serve as a sample of the video quality), the source of voicing (e.g., the name of an informal voice-over group or of a broadcaster) and the original source or release group (i.e., names of individual users or groups who helped in preparing this torrent release). In addition, releasers may add links to interesting news articles, interviews, or other information related to the film.

<sup>91</sup> Both private and semi-private communities require users to register to access their sites. The difference is that the registration on private site is conditional, e.g., requires an invitation from an existing member of a community, while the registration on semi-private sites is open to anyone with a valid email address.

Figure 6.5: Hromada's home page.<sup>92</sup>

Similar to the Ukrainian pirate streaming sites discussed earlier, the varying content available on Hromada's tracker – from software applications and literature to video games, music, and films – is exclusively the one created originally in the Ukrainian language, by Ukrainians, or that has been translated into Ukrainian. This is made explicitly clear in Hromada's guides for creating releases (see Figure 6.6 for an example of such guides for video releases).

<sup>92</sup> Some text and logos have been edited out. To fit the entire list of forum categories on the page, all of them but the third one, "Films in Ukrainian", are collapsed.

The only productions allowed in the category “Video” are Ukrainian productions or other productions with the Ukrainian language.

“Ukrainian productions” refers to all films created by Ukrainian studios, films created in the Ukrainian Soviet Socialist Republic, recordings of sports broadcasts with the participation of Ukrainian athletes, recordings of concerts that took place on the territory of Ukraine, recordings of concerts abroad that involved Ukrainian artists or performances in the Ukrainian language.

“Other productions with the Ukrainian language” refers to foreign videos with Ukrainian subtitles or revoicing.

*Figure 6.6: Excerpt from the guide to video releases on Hromada.*

Analogous pro-Ukrainian guides are available for other content categories, each clarifying what songs, albums, applications, and games are considered “Ukrainian”. Some studies, e.g., Zhang et al. (2011, p. 1167), note the existence of language-specific torrent sites, with Larsson et al. (2014a, p. 187) suggesting that in Hungary, the reason for setting up their own torrent sites is to share films and series “not only in original releases, but with Hungarian translations as well”. Bodó (2014) further elaborates on Hungarian file-sharing communities, one of which, for example, was developed by Székelys, a Hungarian minority group in Romania, in order to share content in Hungarian, which is otherwise difficult to find where they live. However, apart from Larsson et al. (2014a) and Bodó (2014), there does not appear to be many more anglophone works exploring the rationale behind creating such language-focused pirate sites. For Hromada, this approach to content selection is underpinned by Hromada’s founding aim to “support everything Ukrainian”, which is one of the community’s slogans. Since Hromada was launched, the tracker has explicitly positioned itself as a Ukrainian tracker, serving as a space to share exclusively Ukrainian-language content and using Ukrainian as the only language for communication on the forum.<sup>93</sup> This notably differentiated Hromada from any other Ukrainian forum or tracker, where users would need to make an effort to find Ukrainian-language content, which the abundance of Russian-language releases would often overshadow. As I discuss in Chapter 8 in more detail, not least due to Ukraine’s Soviet past, not only has Russian been a widely understood language in the country, but it has long dominated the Ukrainian formal media space. The Ukrainian-speaking audience has often struggled to find content (translated) in Ukrainian and has been effectively forced to consume in Russian instead. Hromada thus wanted to resist this dominance by creating a protected space specifically for Ukrainian-language media products.<sup>94</sup> The ability of unofficial distribution

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<sup>93</sup> This is a notable difference from most other Ukrainian fora and torrent trackers at the time (mid-2000s), which predominantly used Russian.

<sup>94</sup> This is evident from numerous, now-archived forum posts from the site’s administrator as well as from earlier interviews with some of Hromada’s earliest members. Throughout Hromada’s existence, its activities have attracted

channels to challenge the dominant formal media trends is also observed by Mattelart (2016), who discusses piracy's role in creating "contraflows" enabling the circulation of non-Western media products otherwise marginal to the global media distribution channels. The rest of this chapter explores how this mission has been manifested in Hromada's nuances of operation, namely access to the community, its approach to membership and rewards, and its community projects.

### 6.2.1 Access

As one of Hromada's users summarised on the forum, "by nature, an invite-only tracker cannot fulfil Hromada's key mission: popularise all things Ukrainian". Considering Hromada's aim to increase the accessibility and, thus, the popularity of Ukrainian-language content, one of the community's notable features has indeed been nearly unrestricted access to its torrents. Although registration is necessary to access the tracker, the registration itself is unrestricted. As explained by Askold (2022), the main reason the site introduced mandatory registration in the first place was to "protect Hromada from the rightsholders". According to Bodó (2014), registration has been an increasingly common response of many torrent sites to intensifying copyright enforcement. Yet, open registration is not the only way how Hromada has been ensuring as wide access to its torrents as possible.

Since torrenting relies on users' willingness to contribute to the tracker (Harris, 2018), most torrent communities have share ratio policies (Meulpolder et al., 2010; Caraway, 2012). The latter involves tracking each user's seeding and leeching activity and punishing a lack thereof: the lower a user's share ratio, the more likely said user will not be able to continue using the tracker. Most non-public trackers tend to restrict downloads completely or even ban users whose ratio drops below a certain point. In line with Hromada's content popularisation aims, however, its share ratio policy is rather lax. On Hromada, a user's ratio simply determines how many torrents a user can be downloading simultaneously.<sup>95</sup> Furthermore, the ratio can be increased not only by uploading data, but also by simply remaining a seeder for a prolonged period of time. This is a so-called effort ratio (Jia et al., 2014), or, as it is called

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significant attention of the media. Thus, there are several published interviews with its members, especially in the years 2012-2015. The citations and links to these publications are not provided since they reveal the actual name of the community, and often contain actual names and photos of its most contributing members.

<sup>95</sup> With the ratio being less than 0.15, a user can only download one torrent at a time, while with a ratio of 1.0 and above the allowance rises to five.

on Hromada, “seeding bonus”. Simply by leaving their torrent client running, users can quickly achieve an adequate ratio that allows them to download multiple torrents simultaneously.

In addition, until 2020, all registered users had equal access to all torrents on the tracker. It is only in 2020 that the increase in pressure from rightsholders forced the administrator to introduce so-called “hidden releases”, or “releases-phantoms”. Hidden releases are releases of content that rightsholders have submitted a takedown request<sup>96</sup> for. However, rather than removing the content completely, Hromada makes these releases visible only to users with a significant level of activity:

Since Hromada is the only tracker with such amount of such content, we need to be cautious of the rightsholders, who became particularly protective of their content [...]. That’s why this hiding of releases is necessary, so that we don’t have to delete them altogether. [...] Take, for example, the film *The Lost Letter* (1972), which had always been openly available. In 2021, Takflix<sup>97</sup> bought the rights for this film, and shortly after that (surprise, surprise), it became hidden on Hromada.

Askold (2022)

Hromada becoming more closed is, unfortunately, a requirement of the modern internet. [...] Hromada is increasingly regularly receiving complaints from rightsholders, so not to face the same fate as RuTracker<sup>98</sup> in Russia, or, God forbid, that of EX.UA,<sup>99</sup> which was shut down altogether, [Hromada’s] admin decided to hide some releases. But those releases are hidden only from inactive users, and most hidden releases are of the latest films, 90% of which you can find elsewhere anyway.

Urij (2022)

A noteworthy point about these releases is that the administrator appears to be the only one knowing the exact conditions users need to meet to be able to view them. As noted by one of the moderators on the forum, “the admin did not say the specific numbers, but he did say that now *everything* is taken into account”, from how long a user has been registered on the site to whether they have made releases. According to an estimate one of the members

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<sup>96</sup> See Chapter 7 for an elaboration on how these takedown requests work.

<sup>97</sup> A Ukrainian legal online cinema.

<sup>98</sup> See Maxwell, A. (2022) RuTracker Found Itself Unblocked in Russia So Immediately Blocked Itself. *TorrentFreak*, 23 March. Available at: <https://torrentfreak.com/rutracker-found-itself-unblocked-in-russia-so-immediately-blocked-itself-220323/>

<sup>99</sup> See Maxwell, A. (2016) Major Cyberlocker EX.UA to Shut Down Amid Police Crackdown. *TorrentFreak*, 18 November. Available at: <https://torrentfreak.com/major-cyberlocker-ex-ua-to-shut-down-amid-police-crackdown-161118/>

provided, “there is unlikely more than a couple of thousand users on Hromada with access to these hidden releases”. Considering there are currently over 1.1 million registered accounts on Hromada, “a couple of thousand” makes a relatively small, privileged group. However, it is worth noting that accounts on Hromada are not deactivated if a user has not logged in in years, which in turn is another indication of the community’s not particularly restrictive approach to site access. Thus, out of these 1.1 million there are no more than 5000 actually active members of Hromada.<sup>100</sup> With this in mind, a couple of thousand users with this “trusted” status can hardly be considered an exclusive group, which further illustrates Hromada’s attempt to preserve content accessibility as much as possible, given the increasing copyright enforcement. This attempt is similarly echoed in Hromada’s approach to its membership system.

### 6.2.2 Membership and rewards

Most torrent sites tend to have a tiered membership system, where each position has a certain level of authority or access to a site (Harris, 2018). Typically, the more a user contributes to the community, the higher their position becomes. Promoting users to a higher position thus effectively serves as a reward for a significant, continuing contribution (Harris, 2018). Hromada similarly offers users different statuses, e.g., based on the number of posts a user made on the forum. Yet, whereas in most torrent communities, statuses tend to come with certain benefits, for Hromada, with the recent exception of access to hidden releases, those are nothing but achievement badges, which are added next to a user’s name. On Hromada, everyone has the same rights on the site: the moment a user registers, they can immediately start posting on the forum, upload content, and send private messages to other users. These functions are often restricted for newly registered members on other sites, with RARBG, for example, not allowing users to upload content altogether. The only two exceptions here are 1) Hromada’s administrator, the person who developed Hromada’s website and, expectedly, has the highest level of access to the site’s features, and 2) moderators, who ensure that users follow the community’s guidelines for creating releases and monitor spam on the forum, which means they can edit or delete posts. A user can become a moderator only by invitation from existing moderators if the latter deem the user’s activity and contribution to the community as

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<sup>100</sup> This estimate was suggested by some members on the forum. This appears to be a valid estimate considering that the record number of website visits was registered on 21 August 2022 with 5831 users visiting the website at the same time.



distinguishably significant.<sup>101</sup> Rather than viewing moderators as an imposition of strict hierarchy, they are best understood as necessary to ensure those searching for Ukrainian-language content on Hromada are guaranteed to easily find good-quality releases. Arguably in part due to rigorous moderation of spam or incorrectly released torrents, Hromada has long developed a reputation among many Ukrainians as a trustworthy site for downloading content. In addition, moderators are in charge of implementing Hromada's reward system for contributions, a so-called "metal-badge" system.

This system implies that certain torrents on the site are assigned "golden", "silver", or "bronze" badges, which in turn determine how much download traffic is counted towards a user's torrenting statistics. Downloading "golden" releases does not affect a user's amount of downloaded data, i.e., these are so-called freeleech torrents. "Silver" torrents imply that only 50% of the downloaded data will be counted, and "bronze" torrents – 75%. As for seeding these torrents, uploaded data is counted as normal. These freeleech or partial freeleech approaches are not uncommon for torrent sites (Chu et al., 2014). Trackers typically introduce temporary freeleech periods to allow users to improve their share ratios. This is particularly common for trackers with credit mechanisms,<sup>102</sup> which use freeleech to inject more credits into their systems, thus increasing the overall level of activity on their sites (Rahman et al., 2010; Vinkó and Najzer, 2015). However, in Hromada's case, these freeleech badges "recognise a considerable amount of work that went into creating certain releases," as stated in the community's rules. This means that this status can be given, for instance, to a torrent that contains a releaser's own-produced Ukrainian subtitles or to a literary work of considerable cultural or historical significance, e.g., publications of Taras Shevchenko. These badges are assigned by moderators, and each category on Hromada has its own, regularly changing requirements that determine which releases receive them. Yet, the overarching approach to assigning the badges has always aimed to support the work of anyone helping to increase the amount of Ukrainian-language, good-quality content, which yet again resonates with the overarching aim of Hromada to "support everything Ukrainian": freeleech can be given to releases of applications made by Ukrainian developers, to Ukrainian-produced music, Ukrainian films, content with informally produced Ukrainian localisations, or releases in

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<sup>101</sup> There is a separate thread that explains what a user should be doing to be considered being accepted to a moderators' group. This includes creating own releases to gain experience and understanding how this process works, helping newbie-releasers to follow templates, pointing out mistakes or issues with new releases, which moderators might not have had a chance to review yet, regularly visiting Hromada and actively taking part in the various discussions.

<sup>102</sup> Some torrent sites give users credits for making a contribution to the community, e.g., for uploading content. These credits then serve as a currency that can be spent, for instance, for downloading more content or for generating an invite for a new user.

exceptionally high quality, e.g., in BDRemux<sup>103</sup> format. To summarise this approach to membership, although contributing content to the tracker is unquestionably vital to keep it running, Hromada equally wants this content to be consumed by as large an audience as possible; the restrictions it introduces are a necessary compromise due to the informal, copyright-infringing nature of the practice that is torrenting. As numerous discussions on the forum allude to, the only membership status that matters on the site is the title of a “Hromadian”, which is the way members of the site refer to themselves. It is worth noting that this use of demonyms is not uncommon in torrent communities, with users of Kickass Torrents, for example, being known as Katians (Staple, 2019).

Apart from freeleech statuses and access to releases-phantoms, there is no remuneration for users’ work. Hromada has always emphasised its non-commercial nature, which meant that neither the administrator nor the site’s users have ever made any profit from their activities. That is not to say there has never been an option to donate to Hromada, but donations have always been voluntary. The administrator used these donations for server maintenance and for creating informal revoicing for films, as will be discussed shortly. At the moment of writing, however, there is no way to contribute financially to the community.

Those who never donated anything have always had equal access to the content on the site.

Urij (2022)

Non-commerciality also means that the administrator has been enforcing a strict no-advertisement policy, a common policy for private torrent communities (e.g., see Carter, 2018). As elaborated in the next chapter, reducing the profitability of an activity is a common approach adopted by Ukrainian informal media practitioners to lower the risk of being of interest to authorities. It is likely that the increased pressure from the latter prompted the administrator to remove the donation option from Hromada, thus eliminating any financial elements from the site’s operation. Yet, there is arguably another rationale behind the site’s non-commerciality. According to one of Hromada’s members (2013),<sup>104</sup> the inability to profit from any activities on Hromada has served as a certain “user filter” that has only attracted people who genuinely wanted to support Hromada’s overall aims and specific projects, the most prominent of which, Hromada Video, I will now discuss.

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<sup>103</sup> Uncompressed Blu-Ray rip. This format better preserves image and audio quality.

<sup>104</sup> One of Hromada’s members gave a talk at the 2013 All-Ukrainian Committee for Protection of the Ukrainian Language conference, the recording of which is publicly available online.

### 6.2.3 Project Hromada Video

Hromada has largely followed a horizontal approach to its structure, with predominantly collective decision-making. Many non-public torrent communities tend to have multi-level, clearly defined member hierarchies, where top-level members have near-complete control of the community's activities. In Hromada, however, most features and policies, from release guides to the design of the home page, have never been implemented without prior public forum discussion or voting.<sup>105</sup> Perhaps the most significant outcome of adopting such communal, rather than hierarchical, approach has been a wide variety of projects that Hromadians have carried out alongside conventional torrenting, as explained by the aforementioned member:<sup>106</sup>

Our horizontal structure constantly encourages the formation of the vertical ones. For example, someone came up with an idea to create a group of graphic designers who would localise film posters. Ten people responded to this idea. They all self-organised, built their own structure with a group leader and a deputy, and started working. The project's done, the vertical has, therefore, disintegrated, but the horizontal is still there, waiting for a new creative idea. [...] Anyone with an idea can come to Hromada, offer it to Hromadians, coordinate it, achieve whatever they wish to achieve, and then either move on to something else or continue working in that project, if there's anything left to be done.

The most prominent of such projects to date is Hromada Video. Established in 2008, it is an effort by many community members to coordinate their contributions to expanding the range of screen media available on Hromada. It involved creating specialised teams of users, where each team would focus on one stage of creating a torrent release for video content. There are currently three teams that continue to operate, namely "TV recording", "Synchronisation of audio tracks with video", and "Distribution support and seeding", which I will now outline.

#### 6.2.3.1 TV recording

The purpose of this team is to record Ukrainian audio tracks for the content broadcasted on TV:

Let's say there is a film being broadcasted on one of the TV channels in Ukrainian, something that is not yet on the tracker. We record it. If a better-

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<sup>105</sup> As evident from many earlier, now-archived forum threads, many of which can still be accessed.

<sup>106</sup> *Supra* note 104.

quality video is available for this recording, we send our recorded audio track [to users in another team] to be synchronised with it. Later, a full release of this film, or whatever we'd recorded, is made.

Yarema (2022)

There is a forum thread dedicated to user requests and suggestions, where anyone can ask for something to be recorded, specifying the name of the title, date and time of the broadcast, and the TV channel where it will be broadcasted. These requests can be fulfilled by any other user as well as by members of the team. In fact, if anyone is to join the team, they are first directed to this thread and asked to start fulfilling the recording requests. If the team's coordinators are satisfied with the applicants' work, they invite them to join the team. However, the team itself is not particularly coordinated:

There is no team per se, not anymore. Anyone can do this, as long as they can afford it, of course. For example, back in 2013, when I started recording, I spent about \$1500 to buy a tuner, a satellite dish, and on PC upgrades. [...] Currently, there are more than enough people doing these recordings. So, there isn't really a need in encouraging more recordings by organising people in a team anymore. Everyone just does what they can, someone does more, someone does less.

Yarema (2022)

### **6.2.3.2 Synchronisation of audio tracks with video**

Compared with recording, synchronising Ukrainian revoicings with video requires more skills, e.g., knowledge of specific software, and time. Therefore, as mentioned by Yarema (2022), there is an ongoing shortage of people in this particular team:

[Compared with TV recording], you need more skills for synchronisation, you need to learn to use more apps. In addition, you need to have strong nerves, perseverance... It is rather painstaking work, and not everyone can 'sit through' it. That's why there aren't that many people doing this. This synchronisation is an entirely voluntary activity, much like everything else on Hromada.

For Hromada, one of the main video sources are other torrent trackers. Since Hromada only releases content with Ukrainian translation, by the time this translation appears, a rip of the title in question is already available on other trackers. Consequently, Hromadians often take original videos from other torrent sites rather than create their own rips; as summarised

by one user, “why bother?”. In addition, there is a group of users who purchase legal copies of films or series for them to be added to Hromada’s tracker:

I’ve been taking part in gathering donations for purchasing Ukrainian-language content, meaning licensed films/series (most importantly, audio trackers for them), which would then be used to prepare releases for Hromada. There has been a separate forum thread for this. This thread is where they post reports and receipts of where the donations went. The person coordinating all this does not take any commission for himself from these donations, nothing like that. This is just an illegal method of promoting Ukrainian-language content at the expense of this coordinator and other users who decide to take part and donate. By the way, this is probably one of the activities on Hromada that I do not plan to stop taking part in.

Dilnix (2022)

After Ukrainian audio is synchronised with video, users (often different to those who did the synchronisation) prepare a release for distribution. In order to ensure that a given release can always be easily downloaded from the tracker, there is a team of users helping with seeding and distribution.

### **6.2.3.3 Distribution support and seeding**

Due to the nature of torrenting, it is vital to have at least one person seeding a torrent to be available for download. A common issue, therefore, is that releases that lose popularity often end up ‘dying’ after some time, i.e., there are no users left seeding them. This team was created as a solution for this problem, aiming to ensure that the efforts of the other two teams of the project, as well as of any user who has contributed Ukrainian-language content to the site, are not lost:

Currently, it is mostly the latest content that is being released and seeded on the tracker. There are fewer and fewer people willing to share and keep old films or series. [...] Today, the biggest issue is preserving the releases that we have. Previously, film files the size of 1.5GB or 2GB were fine. Today, however, many people want FullHD or 4K. This means that now we are sometimes talking 20GB to 40GB per film. [...] Of course, people now also have better, more capacious equipment, but it’s still difficult to store all this. As a result, we often lose content, especially the older one. There are very few people downloading it, and 90% of those who do download, they just watch it and immediately delete it. The only people storing it are either the releaser or someone from our team. On top of that, there are all sorts

of accidents happening, hard drives break, PCs break... So, sometimes, we can lose dozens of films in one go. [...]

You could store stuff in the cloud, but cloud storages are usually paid, and they can similarly disappear unexpectedly. The free ones store content for only a couple of months, and there are limitations on how much you can store. It's better to spend money on some basic made-in-China hard drive and keep everything there. Not that it's super secure either, but at least it's always at hand. At the moment, Hromada is entirely reliant on the enthusiasm of a few people storing dozens of terabytes of content. Plus, there are donations. For example, a year ago someone gifted me a brand-new PC of a latest model. And this same person did the same for a couple of other releasers, without asking for anything in return. I bet he spent quite a bit on all that. Sometimes, some releasers also ask for donations to buy more hard drives.

Urij (2022)

The function of this team can be approached as archival, a common motivation for such communities worldwide (De Kosnik, 2012). As Chapter 8 demonstrates, archiving is not a major motivation for Hromada's users. Yet, it is nevertheless worth highlighting this torrent users' ability, albeit unintentional, to preserve cultural products (see also De Kosnik, 2019). In fact, not least due to the significant reliance of Hromada on this team, one of the interviewees even suggested referring to the community as to a collection of private archives:

It's worth remembering that a torrent tracker is not a server, meaning it's the users themselves who store all the content, and they can delete it at any time. There are many 'dead' releases on Hromada, releases that no one is seeding, which, therefore, means there is a lot of lost content. On the other hand, there are many users with personal archives. I would say that technically Hromada itself is not an archive, Hromada is a collection of links to private archives of Ukrainian-language content.

Captain (2022)

Notwithstanding, it is important to note that Hromada's efforts in achieving its mission have not been limited to distributing and archiving existing Ukrainian-language content but also involved creating it. Although no longer operational, Hromada Video used to have another group, Hromada Studio, whose activity deserves particular attention.

#### 6.2.3.4 Hromada Studio and voice-over rounds

A prerequisite for Hromada Studio was a torrent release of *Slumdog Millionaire* (2008)<sup>107</sup> on the site, in 2009. The release contained a single-voice voice over created by the releaser himself. Judging from the comments to this release, it was the first informal Ukrainian voice over uploaded to Hromada and most likely the first ever publicly released informal Ukrainian voice over for a feature film:

Has the time really come for Ukrainian single-voice voice overs? Has this actually just happened?<sup>108</sup>

(2009)

In the replies to these comments, the releaser confirmed that it was he who created the voice over:

I did this voice over myself. And since I couldn't find Ukrainian subtitles, I also had to translate it myself, from English subtitles. So, apologies for any inaccuracies. I watched this film in the original, and I really liked it. I really wanted for Ukrainians to be able to watch it in our language. The entire process took 10 days. Plus 2 more days for testing the audio quality and some other technical stuff. Recorded my voice using a mic I had at home. I'm not going to do this all the time, because the process of voice over is a bit too routine for me. It's just an attempt, so to speak. So, there is no point for me to buy a professional mic. But I do hope that this release will be a certain stimulus, a way to encourage developing our own voice-over studio.

(2009)

This release did encourage more of Hromada's members to start producing voice overs and sharing them with the community, which in turn, in 2011, ultimately led to the introduction of so-called voice-over rounds. A voice-over round implied choosing several films that had never had Ukrainian revoicing and creating a voice over for them. The administrator, moderators, and members of Hromada Video team would compile a list of, on average, 25 films. It would primarily be 'classic' films, mostly from IMDb top-250 titles at the time, several of the recently premiered titles, a few animated features, and documentaries. The list would be published on the forum for Hromada's users to vote for 5, 10, or 12 titles they would want to watch in Ukrainian. The rounds' coordinators would then contact independent recording

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<sup>107</sup> This film was screened only in selected cinemas in Ukraine, with the original audio track and Ukrainian subtitles.

<sup>108</sup> Until this moment, the only informal voice overs that existed in Ukraine had been Russian.

studios and professional, often well-known voice actors to get a quote on how much it would cost to revoice all titles on a given list. The quote would then be presented to the torrent community along with payment information for donations. Much like in the case with current crowdfunded voice-over groups, this quote has never included any profits for Hromada, and professional voice actors and recording studios would agree to work for the absolute minimum of a fee. Similarly, while people were encouraged to donate, those who did not would have equal access to the voiced-over content as soon as it was uploaded to the site. In 2015, while still working with other voice-over studios, Hromada created its own Hromada Studio, with voice actors and translators, which existed until 2018.

Hromada Studio and the voice-over rounds ceased to exist because “they did their job” (Captain, 2022) by prompting the appearance of ‘independent’ informal voice over groups, that is those explored in Chapter 5, which have been able to revoice more content for less:

Hromada’s voice overs ended because now most of the content that needs voice over is being promptly done by those new voice over groups or amateurs. Take Chief Studio for example. They’ve been doing a great job, both quality- and quantity-wise. But their quotes per project have been lower than that of Hromada at the time. I think this is exactly why Hromada Studio no longer exists: all these voice over groups essentially brought a lot of cheaper and faster competition, especially when it comes to doing voice overs for series.

Dilnix (2022)

I think these voice-over rounds are no longer relevant. Most of the ‘classic’ films, which these rounds focused on, are already revoiced, and whatever is left is being done by all these voice over groups, such as Chief Studio, LightBulb, FilmCity.

Askold (2022)

Apart from playing a significant role in establishing the practice of informal Ukrainian voice over, it is solely thanks to Hromada and its members’ donations that hundreds of films, from *Ladri di biciclette* (1948) to *99 Homes* (2014), are now available with Ukrainian revoicing. Since 2012, a year after Hromada started producing these voice overs, a number of major national and regional media have talked about this then-unprecedented practice of crowdfunded translation of audiovisual content.<sup>109</sup> Nationally famous voice actors who participated in these rounds would also mention their involvement in Hromada’s activities in

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<sup>109</sup> Citations to these news articles and reports are not provided to preserve the anonymity of the community and its members, whose real names are used in these articles and reports.



their interviews with the press. What is important to note is that none of these media materials about Hromada focused on the questionably legal nature of this practice; instead, all these publications or news reports had a rather celebratory and even promotional tone. Considering such significant contributions of Hromada to not only increasing the accessibility of Ukrainian-language content but also to its creation, I want to finish this chapter by discussing the role of the torrent community in the overall informal media economy of Ukraine, particularly in the light of the increasingly questionable status of torrenting as a popular pirate practice (Mueller, 2019; Lobato, 2020).

Significant deskilling of computer use, along with a consumer shift towards more portable devices for accessing the internet, the appearance of more user-friendly pirate alternatives, such as pirate streaming sites, and intensifying anti-piracy efforts have all led to torrenting gradually losing its global status as the dominant way to access pirated content (Bodó, 2014; Mueller, 2019; Lobato, 2020). My findings of Hromada's operation demonstrate that these trends did not go past this community. Hidden releases, the increasing shortage of seeders, and the existence of openly accessible pirate online cinemas, which require minimal computer skills and no storage space to watch content, all make Hromada's current potential for popular appeal questionable. Even Hromada's administrator, who used to take a relatively active part in conversations on the forum, is no longer a frequent visitor on the site; his only focus remains the technical maintenance of the website. Notwithstanding, it seems too early to dismiss Hromada's role in Ukraine's pirate economy.

For one thing, the tracker continues receiving over a million monthly visits, with the record number of visits being registered recently, in August 2022. Some of Hromada's most popular torrents have up to 150 seeders. While this number is low compared with over 3000 seeders on some torrents on TPB, it is worth remembering that Hromada is a semi-private tracker with a limited audience consisting only of Ukrainian-speaking users. Furthermore, the practice of pirate streaming is itself often heavily reliant on torrent sites. For instance, judging from conversations on the forum, some of Hromada's users use applications like Plex, which allows storing and streaming of downloaded content within a convenient Netflix-like user interface (Castro, 2019). Although these users ultimately consume content by streaming it, they first need to download it from Hromada's tracker. Importantly, Hromada remains the only distribution platform for many informal subtitlers and voice-over groups that do not cooperate directly with pirate cinemas, arguably because this torrent site is effectively the main source of downloadable content for Ukrainian-speaking pirate audiences. Although, after time, most of this content spreads to other torrent sites, Hromada is more often than not the original source of it. Therefore, Hromada remains a valuable source of new content for pirate online

cinemas, as confirmed by the interviewed administrator of MovieBaronUA (2021). Some cinemas even have 'official' accounts on Hromada, which they use to seed torrents of the titles available to be streamed on their websites, arguably for promotional purposes, and to create their own releases. In summary, whereas Hromada may have dropped in value for an average pirate audience member seeking the convenience of a pirate streaming site, it remains a vital link in the informal media economy; "it is the fountainhead of Ukrainian piracy", as one user stated on Hromada's forum. The argument "torrenting versus streaming", in turn, is not always valid in the first place: as this part demonstrated, the practices complement rather than compete with each other.

## **Conclusion**

This chapter sought out to map the main pirate screen media distribution platforms in Ukraine, focusing specifically on illegal online cinemas and the torrent community Hromada, the two major pirate screen media distribution platforms in Ukraine. Considering the lack of academic research on the former, the part on the streaming sites primarily aimed to introduce this type of pirate practice, identifying its key features, e.g., the range of content and AVT options, which would be interesting to explore in these practices in other countries. This discussion of Hromada provided a comparatively rare example of a torrent community that centres its activities around content in a specific language rather than a specific genre, as it is common for similar communities studied elsewhere. In turn, I demonstrated that such focus on one language (and its underlying rationale, that is, Hromada's mission) ultimately affects the community's approach to its operation, as illustrated by its unusually largely unrestrictive rules. Together with informal subtitlers and voice-over groups, the two practices comprise what can be defined as Ukraine's informal screen media economy, that is a range of unauthorised activities aimed at translating and distributing films and series for the Ukrainian audience. While each of the practices, which were discussed in this and the previous chapters, bears similarities with analogous activities in other countries, each is equally characterised by unique features, forms, and approaches they adopt in Ukraine. For example, subtitlers tend to work individually, with such globally common phenomenon as subtitling groups being absent in Ukraine, while the generally marginal and relatively unpopular 'fandubbing' practice takes an entirely different form in the country, being the most well-developed informal AVT in Ukraine. Arguably, the reason behind all these distinctions is that this pirate economy exists in a particular regulatory, economic and cultural context, which plays a significant role in determining the peculiarities of each practice's operation. For example, in Chapter 5, I pointed

out a country's preference for AVT may any technical or economic advantages of the less popular AVT technique, leading to the latter's marginality in the informal space. Earlier in this chapter, I briefly noted the dominance of the Russian language in Ukraine's media space as the reason that prompted Hromada to restrict its activities to the Ukrainian-language media products. In the Part II of the Findings, which I now move on to, I elaborate on these and other conditions of the context that is Ukraine and how the Ukrainian informal media practitioners negotiate their practices within them.

## Part II. Context Matters

It is worth re-establishing here that, overall, this thesis argues for a more comprehensive approach to researching the informal space of the media economy, one that 1) recognises the complexity and heterogeneity of this space, and 2) explores accordingly intricate and diverse factors and reasons behind its existence. As elaborated in Chapters 1 and 2, this approach, underpinned by the informal media economy framework (Lobato and Thomas, 2015), was largely chosen to challenge the conventional views on informal media that tend to disregard such complexities and, therefore, can only offer a limited understanding of this informal activity. For this reason, Part I of the Findings offered an insight into the structure of the informal media space in Ukraine, illustrating the variety of unofficial localisation and distribution practices that, within the traditional discourse, would have been unproductively generalised under the umbrella term piracy. Part II continues with this more holistic approach by placing the discussion of these practices in the regulatory, economic, and cultural context of Ukraine, demonstrating that this context plays a defining role in how and why these practices exist in the first place.

As I discussed in Chapter 1, the primary reason why the practices in question are characterised as informal, or pirate, is due to their incompliance with the copyright law. Therefore, I start this Part with Chapter 7, where I look at the ways the informal screen media practitioners negotiate their activities with the copyright regulation in Ukraine. I argue that, for the most part, they use their detailed knowledge of said regulation to navigate – and ultimately avoid – its enforcement. Yet, the interviewees' responses also show that sometimes this knowledge is not required as there is no enforcement to navigate, meaning the formal media industry and the rightsholders within it appear to choose not to enforce their rights against the practitioners in the first place. For this reason, in Chapter 8, I take a closer look at Ukraine's formal media economy to find whether there are other factors beyond copyright that govern media translation and distribution in the country. I find that of no less importance here is Ukraine's language policy, a policy that the formal media do not fully adhere to themselves. For many informal practitioners, however, complying with this policy is central to the way they operate and, for some, is the very reason why they engage in their activities. Therefore, the last topic of discussion in the Findings part of the thesis centres around the personal motivations of the interviewees for undertaking the practices described in Chapters 5 and 6 and for negotiating them with copyright enforcement, as discussed in Chapter 7.

## Chapter 7. Piracy within the Law

As discussed in Chapters 1 and 3, torrent trackers, unofficial film streaming sites, and unauthorised content localisation have long been almost unequivocally recognised as examples of piracy, i.e., potential copyright infringement. Given their legally questionable status, these practices tend to be clandestine in operation. Their websites are usually located on the deep web, while the people engaged in these practices put effort into staying anonymous. Otherwise, depending on the degree of committed infringement, they risk being fined or even sentenced to several years in prison (e.g., Maxwell, 2020c; Maxwell, 2022c). However, in Ukraine, although the prosecution of these practices does sometimes take place, the practitioners seem to operate comparatively overtly. In Chapters 5 and 6, I noted that pirate streaming sites, for example, appear at the top of Google search results, while some members of voice-over groups openly give interviews to major national news outlets. This openness raises the question of how these legally contentious kinds of informal media practices manage to exist in spite of copyright enforcement. In this chapter, I address this question drawing from the methods outlined in Chapter 4, primarily interviews and policy analysis. Specifically, I explore the legal status of the practices in question by looking at the legislation governing the translation and distribution of audiovisual creative works in Ukraine and discuss how the interviewees negotiate their activities with it. My findings here suggest that the informal screen media practitioners possess knowledge of the practicalities of this legislation's enforcement and, therefore, are able to position their practices largely within and around it rather than in direct opposition to it.

### 7.1 Informal AVT as unauthorised derivative work

Both translation and distribution of screen media, as well as any other activity involving copyrighted materials in Ukraine, are primarily regulated by the Law of Ukraine “On Copyright and Related Rights”<sup>110</sup> (hereafter the Law “On Copyright”), the principal copyright policy document in Ukraine. According to this Law, both translation and distribution are legal terms referring to two distinct types of a creative work's use. Along with reproduction or any other kind of “presentation to the public”, the Law “On Copyright”, in line with the Berne convention,<sup>111</sup> recognises the two as examples of actions that the author of said work or its

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<sup>110</sup> Full text available at: <https://zakon.rada.gov.ua/laws/show/3792-12#Text>

<sup>111</sup> Berne Convention for the Protection of Literary and Artistic Works. Full text available at: <https://www.wipo.int/treaties/en/ip/berne/>

other rightsholders have an exclusive right to permit or prohibit. Consequently, both, if unauthorised, are considered copyright infringement. Yet, the two uses are inherently different. Distribution is a direct use of the work itself, involving sharing the work or its copy with the public in its entirety.<sup>112</sup> Consequently, the Ukrainian legislation rather unambiguously reiterates the infringing status of unauthorised distribution in several Laws.<sup>113</sup> Unauthorised translation, however, is not explicitly listed as an example of copyright infringement and is generally characterised by a more complex legal status than distribution. This complexity – which can help explain why the informal AVT practitioners are able to operate relatively openly in Ukraine – comes from translation being a type of a creative work’s use that effectively implies creating a new work based on the original one; or, as it is legally defined, it is a derivative work.

Derivative works are an existing work’s “creative alteration [...] or its translation into another language”.<sup>114</sup> Creating derivative works can be prohibited by authors or other rightsholders as part of their property rights for the creative work that is being altered or translated. At the same time, according to the Ukrainian copyright law, which again follows the Berne convention in this aspect, all derivative works are themselves eligible to be protected by copyright. This is because although a derivative text is heavily based on the original, it also inevitably involves creativity, in turn adding a certain level of originality to the derivative work. The presence of creativity and originality in a translated text is supported by the research on AVT, which has long argued that two different translators cannot produce identical translations for the same text (e.g., see Aleksandrowicz, 2022). The latter is also illustrated by the interviewees’ description of their approach to the translation process:

When I started working on subtitles for *Julie and the Phantoms* [(2020)] series, I decided to do a verse translation of all the songs, to make it go nicely with the music, so that it would be possible to sing along. [...] When I was working on *Derry Girls* [(2018)], I came up with an idea to convey the peculiarities of the Irish dialect with West-Ukrainian vernacularisms, so I had to ponder over choosing accurate equivalents. [...] While working on *Selfie* [(2014)], I would nearly cry over translating all the youth slang [...] It took me about two days just to come up with a translation of “followhoes”.

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<sup>112</sup> Article 1 of the Law “on Copyright and Related Rights” defines distribution as “any actions by means of which objects of copyright and (or) related rights are directly or indirectly offered to the public, which includes bringing these objects to the public’s attention in a way that its representatives can access these objects from any place and at any time of their choice”.

<sup>113</sup> For instance, (unauthorised) distribution is explicitly listed as an example of copyright infringement in Article 50 of the Law “On Copyright and Related Rights”. Similarly, the specific actions that are defined as copyright-infringing by the Criminal Code of Ukraine are “illegal distribution”, “illegal reproduction”, and “copying” of creative works.

<sup>114</sup> According to Article 1 of the Law of Ukraine “On Copyright and Related Rights”.

I decided to go with *фолярвели*,<sup>115</sup> but I still sometimes wonder if I could think of something better.

Juli Bettany (2021)

Colloquial Ukrainian, if we take away all the surzhyk and Russianisms, its slang is not that developed yet, so when we work on series, we often end up bringing some new vocabulary to the table.

Breloque (2021)

What should be acknowledged here is that the degree of creativity and originality that is brought by such translation process, specifically whether this degree is sufficient to view a translated version of the work as a creative work *entirely* in its own right, has been subject to debate (Abrams, 1992; Kirkpatrick, 2002; Hatcher, 2005; Condry, 2010; Wirtén, 2013; Čemerin, 2021; Romero Fresco and Chaume, 2022). Nevertheless, these examples of translation challenges, which the subtitlers and voice-over practitioners regularly face, show that every translated text is ultimately shaped by individual translators' knowledge, skills, preferences, and the subsequent creative decisions they make when dealing with said challenges. Consequently, Ukraine's copyright policy, as that of any country that adheres to the Berne convention, recognises this degree of creativity as sufficient for translators to be viewed as authors, specifically as "authors of derivative works". In turn, this means that translators can themselves claim copyright over their translated texts. However, there is one condition:

Translators and (or) authors of other derivative works exercise their rights for the work they created, provided they observe the rights of the author whose work has undergone translation, adaptation, arrangement, or other processing.

Article 20 of the Law "On Copyright"

Therefore, unless translators obtain permission from the authors or other rightsholders of the original work to translate it, they cannot claim any copyright protection over translations they create.

Similarly to informal AV translators elsewhere (e.g., Bold, 2011), the Ukrainian informal subtitlers and voice-over groups typically take the original video file from other torrent sites,

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<sup>115</sup> An entirely made-up word, which Juli had to create because Ukrainian does not have an equivalent neologism.

which implies they do not have this permission. Yet, this is not to say that they never attempt to obtain it:

We wrote to Netflix, we wrote to HBO, asking for permission... to buy at least some kind of rights, so that we don't have to be afraid to be punished for providing free Ukrainian translation for their content. But, of course, we received no reply.

Ether Production (2021)

Breloque first started as a YouTube channel, we used to [revoice] web series. We would take videos from other YouTube channels and would just create a Ukrainian voice over for them. But we would often end up having issues with copyright because you can't really take all that content on YouTube. So, we started negotiating with producers or directors of all these short films, which we were interested in translating. For example, we [revoiced] a short film called *Shooter* [...]. We had all the permissions, even had the official [M&E] track to work with and all. But even here we ultimately had to take it down. Apparently, some other production company bought the rights from the original producers, so we ended up receiving a strike for this film. [...] I've recently written [to some Ukrainian OTT platforms], tried to offer them some sort of an exclusive deal where we would be making localisation for them, because I wanted to organise all this somehow, to work legally on all these projects. But no one replied. Ever.

Breloque (2021)

Nevertheless, ultimately, by not having permission to translate, the informal AVT practitioners are unable to claim copyright over their works, which means that anyone can freely use these informally produced texts without even acknowledging their authorship. In turn, this sometimes leads to such controversial situations as legal distributors using the informally produced translations, which further complicates the understanding of an unauthorised translation's legal status.

For instance, Megogo, one of the major Ukrainian OTT services, allegedly took Ivan Vyrvyvuh's subtitles for *Corpus Christi* (2019) to create voice over for said film:

Megogo did use my subtitles [...]. It's not difficult to identify, you just need to watch [the film] with Megogo's voice over along with my subtitles, and you will be able to see that the two are 99.9% identical.

Ivan Vyrvyvuh (2022)



The voice over appeared approximately a year after Ivan released his subtitles on Hromada. The subtitler has since updated the release on Hromada by adding the new voice over from Megogo, noting in the comments to the release that the revoicing is based on his translation. Sweet.TV, another major OTT service, has also been repeatedly caught using informal voice overs produced by various groups in their content libraries. One of the latest examples was Sweet.TV using Chief Studio's voice over for the film *Sound of Metal* (2019). This provoked a considerable backlash on Hromada's forum and social media, resulting in several news outlets reporting on the case. Shortly after the news articles about Sweet.TV "pirating from pirates" were published, the OTT service removed the film from their library. For the purposes of this chapter, the most important point here is that neither Chief Studio, nor any other informal AVT practitioners who had their work taken by a formal content distributor, have ever joined any backlash against such 'unauthorised' use of their unauthorised translations.

Based on the interviews with the voice-over actors and subtitlers, it is evident that they are fully aware that they are not entitled to any rights when it comes to their translations:

[Sweet.TV] did pinch my revoicing, yeah... Well, they have the rights [for that film], so it's my fault really. It's as if a thief came back and said "oh, sorry, I haven't stolen all I wanted".

Chief Studio (2021)

All these voice-over groups, they do not claim any rights. When you work on a series, you understand full well that anyone can take your revoicing, add to their service, do whatever they want with it, because you don't have any rights to the series itself [...]. There's nothing you can do about it. [...] When [Sweet.TV] took [Chief Studio's] voice over, Chief Studio simply commented "oh look, they took our revoicing, cool", and this was pretty much it.<sup>116</sup> So, I didn't quite get why it blew up into some sort of scandal. As I understand, one of the news outlets decided to write about, and people who don't really have anything to do with [neither Sweet.TV nor with Chief Studio] started to argue in the comments. Other media then started taking these comments and presenting it as a conflict between the OTT service and the voice-over group. Whereas, in reality, neither of the two parties had any complaints to one other.

Breloque (2021)

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<sup>116</sup> Indeed, when Chief Studio found out about this, they simply responded with a joke on their Telegram channel: "So apparently Sweet.TV is broadcasting our voice over for *Sound of Metal* for money :D I guess it's a sign that our work was recognised as high-quality, so cheers to that!".

Breloque themselves had such experience with an OTT service, with the latter adding their voice overs to their content libraries, and the only reaction from Breloque was an attempt to offer the OTT service some form of cooperation for future projects:

We wrote Megogo, who similarly took our voice over and has been selling it. I offered for us to work for them, but no one ever replied.

Breloque (2021)

Similarly, when talking about Megogo using his subtitles, Erithion emphasised that “[the subtitles] were and are freely available” to everyone, thus recognising certain legitimacy of Megogo’s actions. The only way the informal AVT practitioners, especially voice-over groups, claim their authorship is by using their branding when promoting their works. Yet, as I discussed in Chapter 5, the primary aim of indicating their authorship is to build a reputation among the Ukrainian audience about their revoicing works and, ultimately, to encourage more support, including donations. In addition, it can be argued that this emphasis on the voice overs’ authorship has been a common characteristic of unofficial voice overs in Eastern European countries more broadly: such voice overs would be colloquially known as ‘authored/authorial/auteur’ translations precisely due to the well-known identity of the translator behind them (see Chapter 3, also Pavlov and Khanova, 2017; Glushneva, 2020), rather than due to said translator’s desire to claim copyright for their work.

This tendency of formal content distributors to occasionally use pirate translations is not unique to Ukraine. Netflix and Sky, for instance, have also been found to use unofficial subtitles (e.g., Van der Sar, 2019; Maxwell, 2020a). Furthermore, there have been cases of piracy between informal translators themselves, e.g., when one fansubbing site takes subtitles from another fansubbing community, presenting these subtitles as their own (e.g., Wirtén, 2013; Dwyer, 2018; Čemerin, 2021). Such controversies have even led some to question whether there is a need to change copyright laws to ensure a degree of protection for this type of unauthorised use of creative works, or unauthorised derivative works (Wiputhanupong, 2019; Čemerin, 2021). Further complicating matters is the absence of a clear mechanism for dealing with this type of creative work’s use in the Ukrainian copyright legislation. Adding to this legal ambiguity the fact that copyright enforcement in general is often a lengthy, costly process – an aspect which I elaborate on in the next part – it should come as little surprise that unauthorised translation does not appear to be the top enforcement priority. Neither the

Ukrainian Anti-Piracy Association (UAPA)<sup>117</sup> nor the anti-piracy initiative Clear Sky<sup>118</sup> – the two major associations aimed at tackling media piracy in Ukraine – have ever mentioned unofficial AVT among the issues on their agenda. Even the USTR reports have never included informal translation practices as a concern in Ukraine. Consequently, there has not yet been a single reported copyright enforcement case against subtitlers or voice-over groups in Ukraine. Yet, after taking a closer look at legal cases against informal translators in other countries with similarly controversial approaches to such unauthorised derivative works, it becomes apparent that this ambiguous legal status is not the only reason why the informal AVT practitioners in question are able to operate rather openly in Ukraine.

Although the research on informal AVT elsewhere similarly observes that the practice of unauthorised translation is a kind of copyright infringement that is often tolerated by enforcement bodies (Díaz Cintas and Muñoz Sánchez, 2006; Evans, 2019; Pérez-González, 2019), there is sufficient evidence of cases against fansubbing communities in Poland, Israel, Norway, Sweden, China and Netherlands (Maxwell, 2017; Massidda, 2020; Maxwell, 2021d). Compared with the number of reported cases against other pirate websites or other means of unauthorised distribution of screen media, such as IPTV providers, these legal battles against fansubbing are still rather exceptions. Yet, notably, neither of these fansubbing communities was prosecuted exclusively for their translation practice, as all of them also engaged in the distribution of the copyrighted content that they translated. Most, if not all, reported cases against informal AVT practices were against the owners of the sites that distributed unofficial translations along with the copies of the original rather than against individual translators responsible exclusively for the production of the translations. This suggests that as long as informal AVT practitioners are able to avoid being directly involved in the distribution of content they translate, the chances of copyright being enforced against them are rather low. In practice, however, this is easier said than done, since distribution is often an integral element of informal AVT practices (He, 2014a); hence why one can observe successful enforcement cases against what is otherwise a legally ambiguous practice.

From a purely technical perspective, it is, of course, possible to separate translated text from the film that is being translated. Massidda (2015), for example, notes that some fansubbers disseminate their subtitles in the soft coded format, the so-called ‘soft sub’, which

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<sup>117</sup> UAPA is the official representative of the Motion Picture Association (MPA) in Ukraine, which in turn represents the interests of foreign rightsholders, including that of the Hollywood majors. Available at: <https://apo.kiev.ua/>

<sup>118</sup> The initiative was launched in 2013 by the four largest media groups in Ukraine, namely 1+1 Media, Media Group Ukraine, StarLightMedia, and Inter Media Group. In the past several years, Ukrainian OTT services have also started to join the initiative. In the next part of the chapter, I discuss its anti-piracy activity in more detail. Available at: <https://legalcontentua.org/en/>

implies that they are not embedded in the video file. In this way, fansubbers claim, they are only distributing their translation, which does not include any copyrighted material (Massidda, 2015). Such separation, however, is rarely feasible in the case of voice over. The Ukrainian voice over technique often involves editing the volume of the original audio track, meaning that the final product of the voice-over production process is the recorded voices that are carefully synchronised in time and volume with the original track rather than simply the voices of Ukrainian voice actors.<sup>119</sup> Consequently, all Ukrainian informal voice-overs are distributed together with the original, copyrighted material; and when it comes to distributing localised audiovisual content, the Law “On Copyright” does not leave any room for ambiguity, explicitly stating that

[...] derivative works do not include audiovisual works obtained by dubbing, voicing over, subtitling other audiovisual works in Ukrainian or other languages [...]

This further confirms that the only part of a revoiced or subtitled film that can be considered derivative is the translated *text*, e.g., a .srt file (‘soft subs’), a script for dubbing, an audio file containing exclusively voice-over actors’ voices. By distributing their translations along with the audiovisual work itself, voice-over groups and subtitlers effectively extend the scope of their infringing activity from the unauthorised creation of derivative works to unauthorised distribution as well. However, as with their (in)ability to claim copyright protection of their work, the interviewed AVT practitioners are well aware that it is primarily the distribution – rather than translation – that puts them at risk of facing copyright infringement:

[...] we don’t do distribution per se. It’s the [pirate streaming] websites that distribute our revoicing works. So, it’s them who are likely to get a warning from rightsholders [...] Breloque has a website, but this website simply has descriptions and links to other websites where our revoicing is available. That’s why, for example, we have never received any complaints from the rightsholders via this website.

Breloque (2021)

This is not to suggest that Breloque, or any other groups or subtitlers for that matter, do not distribute their voice overs in any way, but rather that they do not have their *own* platform for said distribution. In Chapter 5, I noted that with the exception of four voice-over groups that have their own online cinemas, all others upload their works to Hromada or share them privately with the major pirate cinemas. Although the groups then share links to the

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<sup>119</sup> See Chapter 5 for details on the voice over production process.

tracker and to these cinemas on social media, instant messaging apps, or their own websites, it is ultimately not them who are technically responsible for the distribution. The only infringing activity that they are unambiguously responsible for is the unauthorised translation, which, due to its equivocal status between an original and a copy (Dwyer and Lobato, 2016), is rarely sufficient to attract the attention of copyright enforcement authorities, not only in Ukraine but globally. Therefore, another explanation why the Ukrainian the informal AVT practitioners may be unencumbered by copyright is their skills in avoiding directly associating their practices with distribution. Unsurprisingly, most of those involved in the informal AVT noted that they did not have any major issues with copyright enforcement, which, returning to the central question of this chapter, serves as an explanation as to why these informal screen media practices exist relatively openly. Yet, if unauthorised translation might have some degree of defence in the face of enforcement, unauthorised distribution, such as one done by Hromada, pirate online cinemas, or indeed some of the voice-over groups, is a globally unequivocal and often punishable copyright offence. For this reason, the next discussion shifts the focus to the other type of informal media practices, namely those involving the distribution of copyrighted content online, aiming to explore the peculiarities of how these practices position themselves in relation to the Ukrainian copyright regulation in this area.

## **7.2 Pirate cinemas and Hromada as unauthorised distribution**

Unlike in the case of translation, there is little debate around the infringing status of unauthorised distribution. Although neither pirate streaming sites nor torrent trackers have corresponding legal terms that explicitly define them as examples of copyright-infringing practices, legal cases against them have long been rather common across the globe (Maxwell, 2019d; 2022a; Van der Sar, 2022a). There have recently been increasing prosecutions of even individual torrent users, a category of pirates previously uncommon to experience serious copyright enforcement (Čemerin, 2021; Karger and Jansová, 2021; Maxwell, 2022d). At the legislative level, the situation with regard to these practices is similar in Ukraine. While the Ukrainian copyright legislation does not prohibit the use of torrent trackers for sharing or accessing files, nor does it have any articles regulating streaming sites or services,<sup>120</sup> it does list the following as an instance of the author's economic rights:

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<sup>120</sup> The aforementioned Bill "On Media" is set to address this legislative gap by introducing on-demand streaming services as a legal term and establishing clearer policy with regard to this form of audiovisual media distribution.

[...] presenting one's work to the public in such a way that its representatives can access the works from any place and at any time of their own choice [...]

#### Article 15.3 of the Law "On Copyright"

The above essentially describes on-demand access to a creative work, such as one offered by pirate online cinemas. Consequently, if those engaged in such practice do not have relevant rightsholders' permission to do so, they are unquestionably infringing author's rights.

With regard to Hromada, the legality of the community's distribution method is seemingly less straightforward due to their torrent tracker being semi-private. The examples of economic rights listed in the Law "On Copyright and Related Rights", specifically those detailing ways of a creative work's distribution, all effectively refer to making works available to the public either for a fee or as openly accessible. The example most relevant to Hromada is the following:

[...] the publication of a work, phonogram, videogram also includes depositing [it] to an open-access repository with a possibility of obtaining a copy of the work; [...]

#### Article 1 of the Law "On Copyright"

Although Hromada does make it possible to obtain a copy of a work for free, it is debatable if the mandatory registration, which is needed to access the site, means the content offered through the tracker is "open-access", not least because there does not appear to be a clear definition of what the Ukrainian legislation means by "open-access". The aforementioned Law nevertheless notes that the list of author's economic rights it provides is not exhaustive, ultimately stating that rightsholders are entitled to prohibit any kind of their work's use. The only exceptions here are several specific instances of personal use, uses for educational purposes, and uses by libraries and archives, which do not require rightsholders' permission. Yet, the details of each of these uses, outlined in the Law "On Copyright", leave little doubt that Hromada – much like any other torrent tracker – does not fall under any of these exceptions. Importantly, the interviewed pirate cinema administrators and torrent moderators themselves recognise the legally questionable status of their activities, not least because of the pirate sites' shutdowns being occasionally reported on mainstream media. Even the informal AVT practitioners, who have never had a single court case launched against them, as noted in the previous part, are similarly well aware of the infringing status of their actions:

[When we decided to create our group], we understood that what we would be doing wouldn't be nice towards the studios that produce all this content. We understood that we were pirates, we were aware of all this, and we were aware of all the responsibility, of the fact that we would be somehow punished for it.

Ether Production (2021)

At the same time, the fact that they knowingly engage in these illicit practices suggests that they are also aware of the gaps in its enforcement and their ability to exist within these enforcement-free spaces. A useful starting point in exploring these spaces is to consider the two main ways of copyright enforcement available within the Ukrainian regulatory system.

Firstly, there is jurisdictional protection, which implies enforcement by state-authorised bodies, most commonly by courts (Hryshko and Utkina, 2020). If rightsholders believe that their copyright is infringed, they can go to court and ask for their rights to be restored and the infringing activity to be terminated (Logvynenko, Karikh and Dykovets, 2019). However, there are numerous issues with this type of enforcement, most of which come down to Ukrainian courts' lack of expertise in the field of IP (Logvynenko and Dykovets, 2020; Zinchenko, 2020). To address this problem, the Ukrainian government set out to create a separate court<sup>121</sup> that would specialise in dealing with all IP-related cases, but it is yet to become operational (Rezvorovych, 2021; Shtefan and Gurgula, 2022). One noteworthy drawback of the existing system is that a lawsuit against a potential pirate can currently only be filed with the specific court that is located in the same district as the official address of the defendant (Logvynenko et al., 2019). Identifying the real name – and, consequently, the address – of an online cinema administrator or that of Hromada can be difficult due to the online nature of their work. The online environment provides them with enough tools for staying anonymous, from secure CDNs, hosting providers, and webmail services<sup>122</sup> to additional anonymity options introduced by the practitioners themselves, e.g., the ability to create an anonymous release as offered by Hromada's torrenting site. The Ukrainian legislation partly addresses the issue by making it obligatory for website owners to add their details to WHOIS databases, stating that failure to provide accurate details can result in a significant fine.<sup>123</sup> Yet, there does not appear to have been any actual enforcement cases towards those not complying with this article of the Law.

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<sup>121</sup> Decree of the President of Ukraine "On Establishment of the Supreme Court on Intellectual Property", available at: <https://zakon.rada.gov.ua/laws/show/299/2017#Text>

<sup>122</sup> Most cinemas use the infamous Cloudflare service, which has been known to be popular among pirate sites in other countries, and Proton Mail for their public contact email address.

<sup>123</sup> According to the Law of Ukraine "On State Support for Cinematography in Ukraine". Full text available at: <https://zakon.rada.gov.ua/laws/show/1977-19#Text>. At the moment of writing, the fine can be anywhere from £15 000 to £30 000.

Therefore, unsurprisingly, the information about the owner of Hromada's and online cinemas' websites – much like that of pirate sites elsewhere (Tanielian and Kampan, 2019) – is unavailable on WHOIS.<sup>124</sup> This is not to say that it is ultimately impossible to identify the people behind these practices:

All this pirate activity is very open [in Ukraine]. To live in Ukraine and to think you can hide your activity from the authorities... Unless it's some 80-year-old criminal who's never held a mobile phone in their hands, most use social media and all that. Point is, if they need to find you, they'll find you.

Chief Studio (2021)

Indeed, as I discuss later in this chapter, there are sufficient instances of court cases against unauthorised media distribution in Ukraine, which demonstrate that jurisdictional enforcement can be of benefit to rightsholders. Yet, since identification is crucial for the enforcement to take place, even minimal efforts to stay anonymous help increase the amount of time it takes for the authorities to process a case, time that is often already impractically long because of the issues mentioned above as well as continuing underfunding of these formal institutions (e.g., see Van der Sar, 2020a; Maxwell, 2021a). Considering that rightsholders' primary aim is to stop unauthorised distribution of their work, they are interested in the decision and appropriate actions to be taken as quickly as possible (Rezvorovych, 2021). For this purpose, they are more likely to take advantage of the second, non-jurisdictional method of copyright enforcement, i.e., self-enforcement, which is considered to be far more efficient than the jurisdictional one (Logvynenko and Dykovets, 2020).

This self-enforcement procedure, aimed at terminating copyright violations on the internet, is detailed in the Article 52-1 of the Law "On Copyright". It is essentially the Ukrainian equivalent of the DMCA notice-and-takedown procedure in the US. As Shmatkov and Cabrera Zagalaz (2022) note, on the whole, the Ukrainian procedure is not as effortless for rightsholders as DMCA or similar processes in other countries. Yet, an important distinction here is that the Ukrainian notice-and-takedown policy was originally developed within the Law "On State Support for Cinematography in Ukraine", meaning it was specifically designed to protect audiovisual works. Consequently, while Shmatkov and Cabrera Zagalaz (2022) rightly question its effectiveness for any other type of copyrighted works, as the following discussion shows, it is rather practicable for screen media. The overarching idea behind this method of enforcement is that if a rightsholder believes that a given website infringes their rights, they

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<sup>124</sup> If there was any information available about a website, it would normally be a US home address and a rather random name or word in the field of the website owner's name.



have the right to request its owner to remove the infringing content it contains. In case website owners do not comply with the request, the rightsholder can then contact the website's hosting provider with the same request. One major benefit of this self-enforcement process is that it establishes relatively short deadlines for every step. For example, the website owner must remove reported content within 48 hours after receiving a rightsholder's request, while the hosting provider is then given only 24 hours to get in touch with the website owner in case the latter did not respond to the original request.

There are, of course, numerous nuances to this procedure that could ultimately be used by the informal distributors to postpone or completely remove the need to respond to the requests in question. For instance, potential infringers, as well as hosting providers, are allowed by law to ignore rightsholders' requests if the latter do not contain all required elements as outlined in the Article: each request must include the name and address of the website owner, details about the website's hosting provider, and a statement that the rightsholder indeed owns the copyright to the content they want to be removed. Importantly, this statement needs to be verified by a lawyer, who, in turn, is a mandatory intermediary in the entire process. If, for example, the name of the website owner or that of the hosting provider – information that can be easily hidden – is inaccurate in the submitted request, pirate cinemas and torrent sites can lawfully ignore it. For comparison, DMCA and similar notice-and-takedown procedures in China and Spain have less strict requirements for such a request (Shmatkov and Cabrera Zagalaz, 2022). Ultimately, it appears that in Ukraine, it is at the discretion of the potential infringer whether to respond to the takedown requests that may not contain all the correct information such as their name or address. Yet, what my findings show is that the informal screen media distributors do not strongly resist complying with these requests:

There've been quite a few times when we were contacted by rightsholders. We've always reacted immediately, removing whatever they asked us to remove [from our website]. We've received some fancy official letters basically saying, "hi there, either you delete this [content] or we 'delete' you".

Chief Studio (2021)

Most cinemas and Hromada explicitly state their willingness to comply with takedown requests by adding copyright disclaimers to their websites, noting that they would be happy to remove any content that violates someone's rights and providing an email address for submitting a copyright complaint. Many also offer an elaborate description of what needs to be included in an email so that the takedown request is acted upon and indicate the estimated

time it would take to fulfil the request. These effectively reiterate what is stated in Article 52-1 with regard to the request requirements and response timelines. One of the online cinemas even developed an online form that fully corresponds to the requirements of Article 52-1 to make submitting such a request as straightforward as possible (see Figure 7.1).

The screenshot shows a web form titled "To the rights holders" with a subtitle "More information at the link - abuse1.html". The form has a red header bar with the text "Complaint about the material (Abuse on publication)". Below the header are several input fields: "Name of the organization", "Contact person", "E-mail", "Direct links to resource pages from which information needs to be removed", "A link to a document that proves you have rights to the material posted on the site", "The explanatory text that you would like to leave in the post removal announcement", and "Free message:". A blue "Send" button is located at the bottom left of the form.

Figure 7.1: A screenshot of the notice-and-takedown request form offered by one of the 'pirate' online cinemas.<sup>125</sup>

This practice of adding a copyright disclaimer to an informal media platform is rather common (e.g., see Denison, 2015), but it more often than not implies, as Brandes (2021) puts it, a “clumsy disclaimer” stating that the website does not store any copyrighted files or that it is not responsible for uploading them (see also Tushnet, 2007; Massidda, 2015; Freund,

<sup>125</sup> The webpage has been automatically translated to English from Ukrainian using Google Translate web tool. The name of the cinema has been edited out.

2016). While all such disclaimers and forms serve as a feeble attempt at denying the responsibility for copyright infringement, arguably, the disclaimers used by the Ukrainian pirate cinemas and Hromada are characterised by a distinctively more practical, law-focused nature compared with the more general statements made by these pirate sites elsewhere. More importantly, the Ukrainian pirate site administrators actually follow through with the pledges made in these disclaimers, at least to an extent. For example, as discussed in the previous chapter, Hromada responds to the rightsholders' takedown requests via its 'hidden releases' feature. Although the latter does not completely remove access to the infringing information from their site, it considerably limits who is able to view this information to only a carefully selected type of torrent users. With regard to online cinemas, it may appear that their administrators are more directly compliant with the takedown requests than Hromada, as it is possible to come across a film or a series page with the video player displaying a notification saying, "the video was blocked by the rightsholder's request" (e.g., see Figure 7.2). Yet, this notification means that it is likely not the cinemas themselves but the CDNs storing content they distribute<sup>126</sup> that removed access to the copyrighted works; the cinemas are unlikely to have such control over the video files and are, therefore, more likely to take down the webpage altogether. Alternatively, they may simply change its permalink as the takedown request is tied to a specific link. At the same time, it must be noted that the law effectively allows cinema administrators to reopen said page after some time.

Specifically, Article 52-1 states that if the website owner complied with the takedown request in a timely manner, i.e., within the timeframe outlined in the law, they are legally recognised as not responsible for copyright infringement. Yet, this Article continues, this does not apply in the case where the owner repeats the same violation more than twice in three months. This means that pirate site administrators only have to wait for three months to add a film or a series, which they had previously taken down, back to their website. Returning to the central aim of this chapter then, namely, to explore how the informal screen media practices are able to exist relatively openly in Ukraine, what can be asserted at this point is that one of these ways for the informal distributors is, paradoxically, the timely compliance with the self-enforcement copyright policy. Bodó (2014) views such compliance as an example of voluntary IP regimes, which are adopted by pirates to avoid more serious legal cases. It could be argued that such voluntary regimes are particularly easy to adopt in Ukraine, considering that the Ukrainian notice-and-takedown procedure is comparatively lenient. However, it is important to

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<sup>126</sup> See Chapter 6 for an explanation of how 'pirate' cinemas work, including how they rely on CDNs.

point out that it is not the only such enforcement mechanism currently at play in Ukraine, as Ukrainian websites can also be affected by DMCA complaints:

A rightholder (or a law firm they've hired) blocks a film via Google DMCA, which results in your webpages no longer being indexed by Google, meaning people cannot see your website among their search results. Yeah, happens... I used to find it a bit irritating, but it doesn't bother me anymore. Moreover, there are ways of dealing with it, to an extent.

### MovieBaronUA (2021)

**Еш проти зловісних мерців**  
Ash vs Evil Dead

Рік: 2015  
Жанр: [Серіал](#), [Комедія](#), [Жахи](#), [Фентезі](#), [Бойовик](#)  
Країна: [США](#)  
Телеканал: [Starz](#)  
Переклад: багатоголосий закадровий |  
Режисер: Сем Реймі, Майкл Герст, Рік Джейкобсон  
Актори: Брюс Кемпбелл, Джилл Марі Джонс, Рей Сантьяго, Дена Делоренцо, Люсі Лоулесс, Філ Пелетон, Мімі Роджерс, Хемкі Мадера, Демієн Гарві, Марісса Стотт

IMDB 8.4  
18+

Останні тридцять років Еш старанно уникав усього, що пов'язане зі спогадами про зловісних мерців, але коли чергова навала мертварів загрожувє знищити все населення планети, Еш стає єдиним шансом людства на порятунок.

Дивитися серіал «Еш проти зловісних мерців» українською мовою онлайн безкоштовно

ВІДЕО ЗАБЛОКОВАНО  
НА ПРОХАННЯ ПРАВОВЛАСНИКА

Підпишіться на наш Telegram канал, щоб бути в курсі останніх новин!

Відгуки (1)

Figure 7.2: Example of an online cinema's webpage with the notification (circled) saying "video blocked by rightholder's request" instead of the usual video player.

While the administrator of this cinema did not elaborate on the "ways of dealing with it", it is possible to suggest that one of these ways may be blocking access to the videos for

IP addresses outside of Ukraine. The latter is a unanimous practice of all Ukrainian pirate cinemas: while all websites and webpages can be easily accessed by anyone anywhere, the video player is only functional if one is accessing it from a Ukrainian IP address. A possible reason why this approach to content access can protect Ukrainian pirate cinemas from having their web pages blocked via Google DMCA is that the only business activity that is currently controlled by a Google office within Ukraine is advertising. All other work regarding Google's operation in Ukraine, including consideration of DMCA notices sent by Ukraine-based rightsholders, is done by Google offices of/in other countries (Fedorov, 2021). This means that those considering a takedown request may not immediately find proof of infringing content on the reported pirate cinema's page. This is not to say that DMCA is incapable of bringing any tangible results in Ukraine. An illustrative example here is Takflix,<sup>127</sup> a legal online cinema for Ukrainian short and feature films. Based on my review of Lumen,<sup>128</sup> Takflix appears to be the most active user of this anti-piracy mechanism among Ukraine-based rightsholders,<sup>129</sup> having filed dozens of requests. Such intensity on Takflix's part did not go unnoticed by the pirate cinemas, with MovieBaronUA's (2021) administrator stating that it was the very reason why he ultimately decided to permanently exclude the rightsholder's content from its offerings. The fact that most of Takflix content is almost impossible to find on any other pirate websites proves a considerable potential of such requests to reduce unauthorised content distribution, at least as long as they are submitted regularly and consistently. Indeed, it is precisely due to perpetual copyright strikes that voice-over actors have long abandoned the idea of using YouTube as a platform for distributing their revoicings:

If we're talking YouTube, then yes, copyright brings a lot of constraints. That's why I stopped doing voice overs there and started doing my own content. What you can do is [fundubbing]. This is what is allowed by YouTube and what, if needed, you can easily appeal against, if someone decides to report you.

AdrianZP (2021)

I'm always afraid that I can get some kind of punishment as a copyright infringer. For my YouTube blog, I put in a lot of effort to make unique content, sometimes I even try to compose and record an original soundtrack for it (for my voice overs, I can't really do any of that, of course). And yet despite all that, I still have managed to receive some

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<sup>127</sup> Available at: <https://takflix.com/en>

<sup>128</sup> Available at: <https://lumendatabase.org/>

<sup>129</sup> Example of a DMCA Takedown Notice filed by *Takflix*: <https://lumendatabase.org/notices/22126174#>

complaints about my blog, though mostly those were requests to remove some bits from my videos.

Bozhena (2021)

Back when we used to work with short films, Disney blocked all our voice overs on Facebook and YouTube. Not an enjoyable experience... We tried to appeal at first, but you can't really fight copyright.

SVOÏ Production (2021)

Similarly strict regulation can be observed about public social media pages, which the informal media practitioners often use simply to promote – not actually share – their work:

[...] one should always be ready for their social media pages being deleted or account being blocked. At the moment, for example, we have our Twitter profile blocked.

Gwean & Maslinka (2021)

Even the informal practitioners' Telegram channels – arguably one of the lesser-regulated social media platforms (Iyer, 2020; Lusia and Kansil, 2021; Isrok et al., 2022) – are not entirely safe from being blocked due to copyright infringement. Telegram has been used by some as an alternative platform believed to be less likely to face copyright enforcement:

There've been some issues with copyright, but we have partly addressed them by moving to other platforms: we've replaced our website with a Telegram channel.

Vlasiy (2022)

This is not unique to Ukraine, with Telegram being a common platform for the unauthorised sharing of copyrighted material in other countries too, not least due to comparatively high level of encryption offered by the platform (Maxwell, 2018b; 2022e; Van der Sar, 2022d). Nevertheless, Telegram provides rightsholders with an option to submit similar takedown requests, which the channels of Ukrainian online cinemas and voice-over groups are increasingly frequent targets of (e.g., see Figure 7.3). This does not mean, of course, that they cannot simply create another channel once an original one is blocked. Some have also been creating backup channels, encouraging their audience to subscribe to those in case the original ones get blocked. What these examples of takedowns and blocked accounts demonstrate for the purposes of this discussion is that despite Ukraine's own self-enforcement procedure can be, in part, easily circumvented, other countries' stricter enforcement

mechanisms are also applicable to the practices in question, which in turn helps to partially compensate for the gaps in the Ukrainian enforcement. The question is then why, despite this variety of available enforcement tools, most content being distributed informally in Ukraine is not treated by the pirate cinemas or the torrent site in the same way as, for instance, content owned by Takflix?

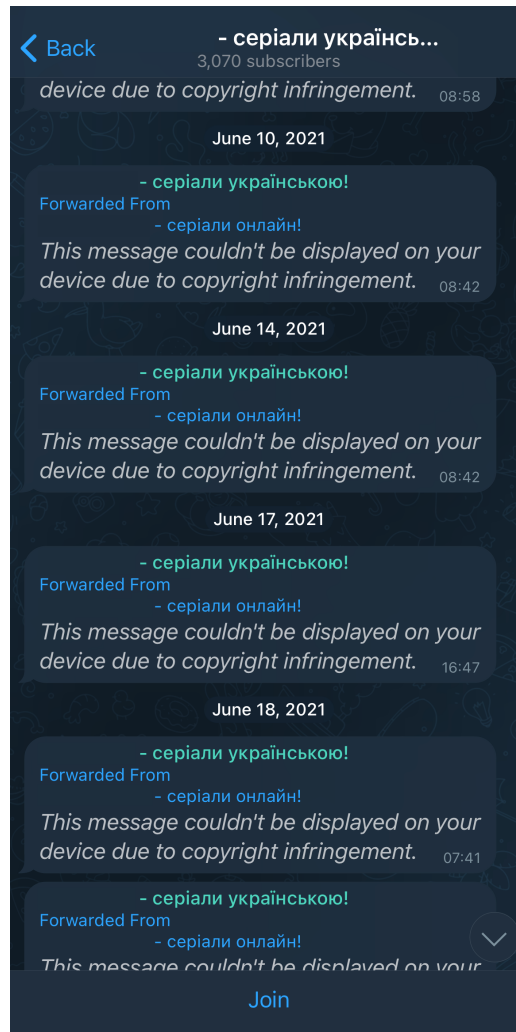


Figure 7.3: Example of a Ukrainian voice-over group's Telegram channel being blocked due to copyright infringement.

One possible reason here is that for rightsholders, such self-enforcement ultimately costs money, whether it is expenses for a legal representative authorised to send takedown requests or for having someone constantly monitoring the unauthorised availability of their content on the internet. As a result, despite the generally increasing anti-piracy efforts being noticed by the interviewees (Urij, 2022; MovieBaronUA, 2021; Chief Studio, 2021), “enforcement tends to happen in intervals” rather than consistently (Yarema, 2022). In turn, such “selective enforcement” (He, 2014b; Landers, 2021) can be viewed as another reason

behind the existence of such a saturated informal screen media economy in Ukraine: knowing that not only timely compliance with rightsholders requests will legally free them from their practices' infringing status, but also that it may be some time before one receives such requests in the first place lowers the fear of the risks associated with operating informally. Moreover, it is widely known among informal media practitioners there is one characteristic of an informal media practice that is likely to provoke more attention from rightsholders as well as lead to more serious legal consequences – its commerciality.

Whether an informal media practice involves profitability as one of its aims is the indeed main factor that determines the degree of possible enforcement measures against it, although it is worth noting that this is not necessarily an explicitly stated policy. None of the instances of what constitutes a copyright violation, outlined in the Law "On Copyright" mention the aim to profit as a required condition. Similarly, the Criminal Code of Ukraine, namely Article 176, the only one dealing with copyright infringement, does not suggest that for-profit motivation behind engaging in an infringing activity has any effect on the type of legal punishment it may lead to. It does, however, imply that one of the factors distinguishing a criminal copyright offence from a civil one is that the former involves causing material damages "of a significant amount". This is in line with the globally dominant approach to copyright regulation, the key rationale behind which is to protect rightsholders' economic rights, most importantly their exclusive right to profit from their works (Čemerin, 2021): by making money using rightsholders' works, unauthorised distributors undermine this right, which, in turn, can be seen as them taking the opportunity to profit away from rightsholders. This essentially refers to the so-called substitution effect of piracy (e.g., see Danaher et al., 2010; Krawczyk et al., 2020; Lu, Rajavi and Dinner, 2021), which implies that pirate alternatives replace official sales of a copyrighted product. Although the validity of the latter has been subject to much debate (see Chapter 1), such view on commercial unauthorised distribution remains dominant in anti-piracy enforcement in practice in Ukraine and in most other countries. For this reason, non-commerciality has long been used as one of the main defence tools by informal subtitlers and file-sharers worldwide (Kirkpatrick, 2002; Condry, 2010; Massidda, 2020; Čemerin, 2021), and the Ukrainian informal screen media practitioners are not an exception:

I do not even consider joining any of the informal voice-over groups. I value and respect their work, and I understand that in their case they need to pay many people who take part in this process but, personally, I wouldn't risk being connected with money considering that this practice is, after all, illegal.

Juli Bettany (2021)



There's been nothing serious so far [re copyright enforcement]. But I think if I were making some serious money on all this, I would become of interest to the authorities.

Bozhena (2021)

Most other crowdfunded voice-over groups and Hromada's members similarly have been emphasising the non-commercial nature of their activity, both in the interviews and on their online platforms, not least in order to prevent their copyright-violating activity being viewed as one bringing material damages to the rightsholders of the content they work with (Ether Production, 2021; Chief Studio, 2021; Yarema, 2022; Urij, 2022; AdrianZP, 2021; Dublicat, 2021; Vlasiy, 2022). Avoiding associating their practices with commerce has been a widely used strategy of the informal media practitioners aimed at reducing the risk of enforcement. Yet, what needs addressing here is the crowdfunding element of most of these voice-over groups since it does imply a certain financial aspect being present in their practices.

We do not aim to profit from our activity. Sure, for the past two years we've been getting support from Patreon, so one could theoretically blame us for revoicing for the [financial] support that comes from the audience. But the thing is, even if we didn't have this support, we would still produce our revoicings. Just maybe not as actively, because we would need to devote more time to other things. Also, our "product" is distributed freely. You can pay nothing and still consume [our revoicings] without advertising or any other form of monetization from our side.

Gwean & Maslinka (2021)

Arguably, what Gwean & Maslinka (2021) suggest here is that the lack of clear intention to profit from their activity, which is done by framing any monetary gain the group receives as donations, appears to be an effective strategy at reducing the incentive to enforce copyright against them. This is supported not least by the fact that the voice-over groups' accounts on Patreon – a platform that similarly offers to block an account via a DMCA takedown request – have been up and running for years.

In addition, as with any enforcement, there is a question of its ultimate cost-effectiveness:

We are a non-commercial organisation, an interest club that gives people an option to thank us... But again, on the one hand, it's all fine. There's nothing they can get us for. On the other, we are using someone else's

product. [...] For example, we are currently revoicing Star Wars: The Bad Batch (2021). It's Disney. I'm sorry but even if I sell my kidney, I wouldn't be able to settle up with them. [...] if there's a will, there's a way: I think that Cyberpolice is easily tracking all this activity. If they receive an order, they can easily get everyone. But who needs it? Who needs to waste resources on someone like me, with that minuscule amount of content that I [revoice] and a budget of €1000 a month?

Chief Studio (2021)

Indeed, the cost-effectiveness of putting the same amount of effort into starting a legal case against a voice-over group whose donations barely cover the production costs as, for instance, prosecuting an online cinema administrator would be rather unequal. As I discussed in Chapter 6, while Ukrainian pirate cinemas do not charge for watching copyrighted content they distribute, they earn money from online casinos that are advertised on their websites. Although it is difficult to predict the exact profits, from different sources it is known that Ukrainian pirate cinemas can be receiving around \$0.60 to \$0.10 per 1000 website visits (Chief Studio, 2021; Maxwell, 2019a; Group-IB, 2020). While in the case of Chief Studio, for example, his website receives just over a few hundred visits per month, the monthly traffic of major Ukrainian online cinemas ranges between one and four million (as per SimilarWeb). The latter can theoretically amount to up to \$400 000 per month. MovieBaronUA's (2021) administrator noted, however, that this traffic data is not what is ultimately accepted as the number of views that in turn determines how much a cinema earns from casinos; the actual traffic for an average Ukrainian cinema, according to him, is likely less than a couple of hundred thousand. Yet, even in this case, a cinema's monthly profit could reach \$10,000, which is an amount of illegal profit that is arguably worth utilising rightsholders' and state resources for. Consequently, it should come as a little surprise that it is pirate online cinemas – rather than any other informal media practice studied here – is an activity that is primarily prosecuted by the Cyberpolice.

From open sources, you probably know that Cyberpolice can come at 5 am and conduct a search, confiscate “criminal equipment”, hand in ‘reason to suspect’ notice... Naturally, that's only if they find you and if they find what for (for example, for malicious disregard of rightsholders' notices). But they can also come to an exemplary, extra-careful pirate... Sometimes, it's a pretty simple task [for Cyberpolice], while the salary bonuses and rewards are very much real.

MovieBaronUA (2021)

Cyberpolice does report several online cinema shutdowns per year, with each such report notifying of the start of criminal proceedings on the basis of Article 176 of the Criminal Code of Ukraine. According to this Article, pirate cinema administrators can face several years

of prison or community sentence, or a fine, which, in 2023, can range from £6000 to over £90 000. The shutdowns also include, as MovieBaronUA (2021) rightly noted, physical Cyberpolice raids, which involve confiscating any equipment used to run a pirate site. After taking a closer look at these reports and related court cases,<sup>130</sup> several observations can be made. Firstly, more often than not, rather than ending in a fine or a prison sentence, rightsholders agree to settle the financial matters with defendants directly, outside of the formal legal process. It is plausible that the rationale behind it is that in this way rightsholders can effectively receive the most money from prosecuted cinema administrators, avoiding parts of that money going to cover further court fees. Considering that there are ultimately only a handful of sites generating a significant amount of traffic, it is unlikely that their administrators would be able to cover rightsholders' own legal fees. Secondly, these reports do not normally disclose the names of the prosecuted cinemas, which makes it rather difficult to get a sense of the kinds of cinemas most commonly at risk of being shut down. According to MovieBaronUA (2021), more often than not there is a discrepancy between the millions of hryvnias in reported profits and “nearly hundreds of thousands of web traffic” on the one hand, and photos of a “rather modest home this alleged film-millionaire with half-torn wallpapers” lives in, on the other. The photos of the administrators' home workspaces, which are occasionally posted in the reports, do beg the question of whether the scale of their infringement is as significant as it is presented by Cyberpolice (see Figure 7.4 below).

Another reason for questioning the degree of material damage caused by the activity of the prosecuted pirates is the fact that most major Ukrainian pirate cinemas have been uninterruptedly operational at the time these reports were published. However, both MovieBaronUA's administrators and Yaropolk, who used to be in charge of one pirate cinema's SEO, offered a possible explanation for this discrepancy:

There are movie sites that are really good in terms of their rating. These are made in Ukraine to 'extract' money from Russians. These websites have little to do with Ukraine and they are not targeted at our country. [...] For a long time, such cinemas had been a fairly simple and cheap way of obtaining large volumes of traffic, which, due to the specifics of their audience, could be converted into users of online casinos and bookies. In simple terms, this is pure arbitrage of cheap traffic into expensive one. [...]

Yaropolk (2021)

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<sup>130</sup> All reports are available on the Cyberpolice website, e.g., see <https://cyberpolice.gov.ua/news/kiberpolicziya-vykryla-administratora-nelegalnyx-onlajn-kinoteatriv-suma-zbytkiv--kinokompaniyam-stanovytt-ponad--miljona-gryven-1394/>. Court cases can be found on the website of Unified state register of court decisions, available at <https://reyestr.court.gov.ua/>. For an example of a court case related to an online cinema see <https://reyestr.court.gov.ua/Review/97329826>

There are also Russian-language Ukrainian websites, though, in this case, it would be difficult to identify which one is which at first glance. The very idea of what is a Ukrainian site and what is a Russian is a bit blurred, both in the context of cinemas and more generally on the internet. Those websites were created for the Russian-speaking audience, primarily for Russia. They are now blocked there but in Ukraine, they are still operational.

#### MovieBaronUA (2021)

In Chapter 4, I noted that for this research I focus exclusively on the Ukrainian pirate cinemas that are those targeted only at the Ukrainian audience. Considering that, as Yaropolk and MovieBaronUA explained, some online cinemas outside of this scope are also based in Ukraine, it becomes clear why despite the shutdowns reported by Cyberpolice, most Ukrainian pirate streaming sites continue to be fully functional. In support of the latter, some Cyberpolice reports (e.g., Cyberpolice, 2019a) do explicitly state that the website they shut down is a cinema targeting the “Russian-speaking segment of the internet”. Yet, as MovieBaronUA (2021) rightly suggested, when it comes to website blocking the ultimate question is whether this enforcement is worthwhile.

In addition to being rather costly like any other kind of enforcement, blocking individual pirate cinemas will unlikely cause pirate cinemas to completely disappear. This view is supported by academic research (e.g., Danaher et al., 2019) as well as by Ukrainian informal distributors themselves. Urij (2022), for instance, suggested that if one wants to stop people from using torrent sites altogether, rather than simply move people to other pirate sites, what needs to happen is for all torrent traffic to be banned in Ukraine. Until this is the case, however, the viability of blocking individual Ukrainian sites for reducing the overall availability of pirated content in the country is questionable. Anti-piracy enforcement involving the closure of multiple resources, such as the infamous “Operation Pirates” (Cyberpolice, 2019b; Maxwell, 2019e) do take place in Ukraine, and, according to Danaher et al. (2019), they are more likely to move the audience away from pirate sites to official platforms. Yet, such major operations require a considerable amount of state resources, all ultimately for the protection of creative works owned by foreign companies, some of whose annual revenues amount to over a third of Ukraine’s entire annual GDP.<sup>131</sup> Even Ukrainian rightsholders, despite admitting that they need the government’s help in fighting piracy, recognise that the Ukrainian government has

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<sup>131</sup> For example, in the past several years, Disney’s annual revenue has been, on average, over USD 65 billion (Statista, available at: <https://www.statista.com/statistics/273555/global-revenue-of-the-walt-disney-company/>), whereas Ukraine’s annual GDP, in the same time span, averaged slightly over USD 150 billion (World Bank, available at: <https://datacommons.org/place/country/UKR>)

more important issues to focus on, especially since 2014, with the start of Russian aggression (Rakhmanina et al., 2021).

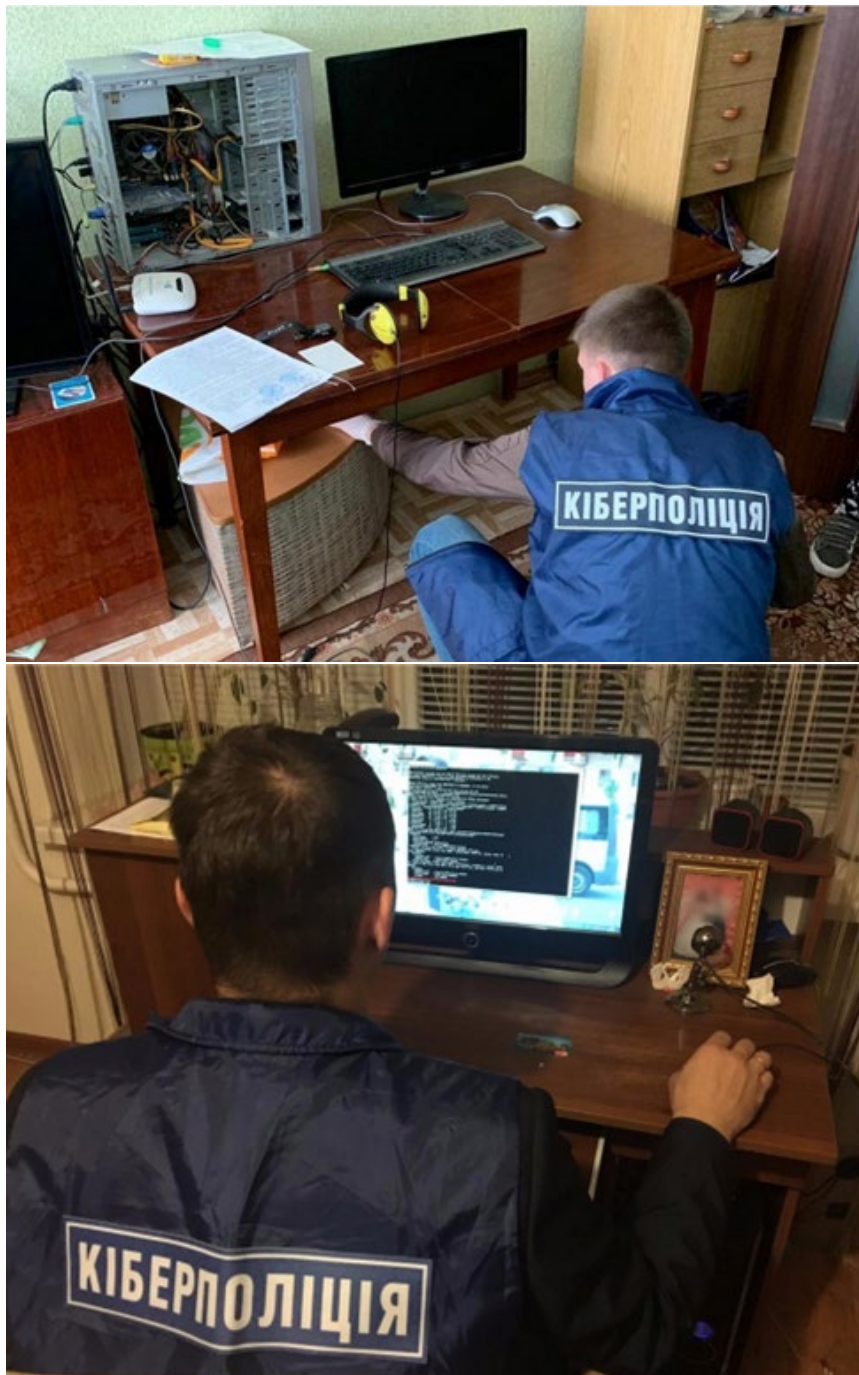


Figure 7.4: Examples of the raided workspaces of online cinemas' administrators. Source: <https://cyberpolice.gov.ua/>

With this in mind, Ukrainian rightsholders adopted another common anti-piracy measure, one that does not require many government resources, the so-called “follow the money” method of copyright enforcement. This method aims to reduce revenues of pirate sites

that rely on advertising, i.e., the reason those websites are created in the first place (Batikas et al., 2019). In Ukraine, it is manifested in the initiative called Blacklists.org.ua,<sup>132</sup> a piracy-monitoring service for advertisers and TV providers. It offers an open-access, monthly-updated list of websites<sup>133</sup> and TV providers, which, according to Ukrainian-based rightsholders, infringe their rights. The main objective of this service is to thus discourage advertisers from placing their ads on the listed infringing websites. It also provides a publicly available list of advertisers and brands, whose advertising has been noticed on one of those pirate websites, essentially serving as a ‘wall of shame’ for these brands. Indeed, while earlier it was possible to come across an ad for a more mass-market product, for years now the only advertisers both on the cinemas’ sites and on this list are illegal online casinos, whose reputation is still largely that of an unlawful entity. This is because in Ukraine, gambling was legalised only in 2020, with less than a dozen of online casinos having since been formalised (Ukrinform, 2022). It is also worth noting that these lists report infringement of both Ukrainian and foreign content as Blacklists.org.ua work closely with the Ukrainian Anti-Piracy Association (UAPA),<sup>134</sup> the official representative of the Motion Picture Association (MPA)<sup>135</sup> in Ukraine. Yet, as effective as this “follow the money” approach is in deterring legal advertisers, the illegal ones provide sufficient funds for the practice of pirate online cinemas to remain an attractive opportunity for some, whereas in cases of Hromada or most of the informal AVT – practices not motivated by profit – this tool is inapplicable entirely. Consequently, takedown requests – whether the ones outlined in the Ukrainian Law “On Copyright and Related Rights”, DMCA, or individual platforms’ copyright policies – remain the primary anti-piracy measure in Ukraine. In turn, this leads to the following conclusion.

The current system of copyright regulation in Ukraine effectively offers informal screen media distributors and AVT practitioners a number of ways to operate without being charged with copyright infringement or even without being prosecuted in the first place. The difficulty of identifying infringers on the internet, i.e., information necessary for jurisdictional enforcement, allowing pirates time to respond to takedown requests, and lacking clarity on the legal status of unauthorised translation, all ultimately delay, complicate, or completely discourage enforcement. Yet, it is important to point out that these ‘loopholes’ are not unique to Ukraine. For instance, the need to identify an infringer as part of an enforcement procedure can be attributed to “law lag”, an often-cited characteristic of copyright legislation that provides

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<sup>132</sup> Available at: <http://blacklists.org.ua/en>

<sup>133</sup> At the moment of writing, this list contains over 3000 links to such websites.

<sup>134</sup> Available at: <https://apo.kiev.ua/>

<sup>135</sup> Association representing Hollywood majors, namely Disney, Netflix, Paramount, Sony Pictures, Universal, and Warner Bros.

an explanation for piracy's persistent existence globally (Halpern and Johnson, 2014; Banerjee, 2019; Li, 2020). Similar is the case with the unclear legal treatment of unauthorised translation and alleged infringers' ability to defend themselves against (potentially wrongful) enforcement: the two serve as an illustrative reminder of the central idea behind copyright which is to be an attempt at balancing diverse interests rather than giving unambiguous priority to rightsholders. What this chapter suggests then is that the answer to how these informal practices manage to exist despite their questionable legal status is not so much in the law itself but rather the informal practitioners' skills in positioning their activities *within* it. Nearly all interviewees demonstrated rather nuanced knowledge of both policies and practicalities of their application by the enforcement bodies in Ukraine. Thus, they are effectively negotiating their activities with the Ukrainian copyright regulation, whether it be by avoiding aspects that attract authorities' attention the most, for instance, 'framing' any finances involved in their practices as donations rather than profit, or by taking the risk and blatantly violating copyright when it appears worth it, for example, by cooperating with illegal casinos to potentially earn thousands monthly, yet being ready to deal with numerous takedown requests and potential Cyberpolice raids. Consequently, I argue that the informal screen media practices in question largely appear to exist within and around the law rather than in direct opposition to it. This is a key finding of this chapter, and in the overarching conclusion to the thesis I will return to discuss it in relation to that of the other Findings' chapters.

At the same time, it is worth revisiting here the unavailability of Takflix's content on most pirate cinemas and the hidden releases on Hromada because these two cases show that despite the abovementioned loopholes, sufficient pressure from rightsholders can significantly reduce unauthorised distribution of content. Granted, apart from persistent takedown requests, what has likely contributed to MovieBaronUA's decision to permanently stop distributing Takflix's content was its relative unpopularity. The demand for Ukrainian-produced features is incomparable with that for major Hollywood productions, meaning it is questionable whether takedown requests would be sufficient for pirate cinemas to so easily refuse from distributing content that likely drives the most traffic to their websites. Yet, this cannot be said about Hromada's hidden releases, as they are largely of popular, recent Hollywood films. In fact, there are other examples where Ukrainian rightsholders demonstrate that if they want certain content taken down, they have the power to achieve that. For instance, in 2021, a major Ukrainian broadcaster pressured a YouTube blogger to remove several videos from his channel, where he reviewed and critiqued said broadcaster's programming. While the official basis for the takedown requests was copyright infringement, the videos in question have fully complied with YouTube's fair use policy. Instead, what actually concerned the rightsholder was the extremely negative light in which the blogger discussed the

broadcaster (MediaSapience, 2021; Poptsova, 2021). Despite the initial attempts of the blogger to defend his content based on fair use, he ultimately took down the videos as the pressure from the broadcaster kept increasing (Dankova, 2021b; MediaSapience, 2021; Poptsova, 2021). Consequently, while the loopholes in the copyright legislation and the pirate practitioners' skills in navigating them are indeed a major reason behind Ukraine's informal media economy's relatively unencumbered existence, there appear to be other factors at play, factors that can explain the relatively low intensity of rightsholders' enforcement efforts. The following quotes from voice-over groups highlight one such factor:

I haven't had any problems with rightsholders because they are absent from the Ukrainian market.

AdrianZP (2021)

[...] no one ever contacted us so far. If someone messages us about *Rick and Morty*, for example, telling us off and saying that we can't do [revoicing for] it, we will most likely stop. [...] Generally, if the projects that we are working on now will start to appear officially, then we won't be touching those because... well, what's the point then?

Breloque (2021)

For Breloque, AdrianZP, and many other informal practitioners, a common reality is that there is a considerable range of content they work with that the rightsholders have never complained about in the first place. Previous research on unauthorised media distribution and translation demonstrates that rightsholders may indeed overlook, sometimes intentionally, unauthorised uses of their works in certain markets, which in turn is explained by the nuances of their relations with said markets (Leonard, 2005; Li, 2022). Interviews with the Ukrainian informal screen media practitioners, especially their responses as to what motivates them to engage in their respective activities, similarly indicated certain characteristics of the Ukrainian media market that could help rationalise this lack of attention from rightsholders. The next chapter, therefore, takes a closer look at these motivations as well as at Ukraine's formal media space in order to develop an understanding of the rationale behind the informal screen media economy in Ukraine.



## **Conclusion**

This chapter examined how the Ukrainian informal screen media practitioners negotiate their practices with the Ukrainian copyright regulation, particularly with the Law “On Copyright” and the mechanisms of its enforcement. I discussed the legal complexities that arise from informal subtitling and voice over effectively being instances of unauthorised derivative works. I noted that several informal AVT practitioners had tried to approach rightsholders with an authorisation request: not only have they always been ignored by both global and Ukrainian rightsholders, but the latter have also been frequently found using pirate localisations in their formal, paid content libraries. I emphasised that such controversies are not unique to Ukraine, highlighting that this contested yet ultimately tolerant approach to this type of pirate practice is a global trend. On the other hand, unauthorised distribution can be viewed as a more straightforward and more actively prosecuted infringement of copyright. I detailed the different enforcement mechanisms, including notice-and-takedown procedures, website shutdowns by Cyberpolice, and the “follow the money” approach, as well as how the informal media practitioners in question deal with them. I found that they use a variety of largely successful strategies to avoid enforcement, from geo-blocking access to pirate cinemas’ content outside Ukraine to carefully choosing platforms for sharing their informally produced translation. Yet, I also discovered that many, especially informal AVT practitioners, have never experienced any enforcement in the first place, which suggests that there are likely other factors at play beyond law that can explain why piracy can exist in Ukraine. The next chapter, therefore, sets out to explore these factors but also the motives that drive the Ukrainian informal screen media practitioners to enforcement avoidance strategies in the first place.

## Chapter 8. Pirate Ukrainianisation

As previous research demonstrates, informal media practices often exist in parallel with – and effectively as a solution to – various gaps, inefficiencies, and limitations of their formal counterpart. These flaws, in turn, tend to find explanation in the complex market conditions and underlying historical legacies of the countries where these practices take place. For instance, in less developed economies, there is a considerable discrepancy between local incomes and content prices originally set with the incomes in developed countries in mind; and piracy thus serves as the only affordable way to access copyrighted content in these economies (Karaganis, 2011; Lobato, 2021a). State censorship, in countries like China or Soviet-time Romania, can lead to a complete absence of certain films in a given market or to the translation of said films being heavily altered for the dialogues to be in line with the state ideology (Dwyer and Uricaru, 2009; Klinger, 2010; Li, 2012). Consequently, in such cases, the primary function of informal distribution and translation is to provide access to forbidden content and to offer an alternative, accurate translation for censored texts. In countries with a historically-formed dominance of a specific AVT mode, for instance, Italy and its status as a ‘dubbing country’, informal media practices such as fansubbing can serve as a source of an alternative form of translation, satisfying the needs of audiences with non-mainstream AVT preferences (Massidda and Casarini, 2017). This chapter demonstrates that Ukraine and its informal screen media economy are no exception.

The previous chapter concluded by pointing out that, while the Ukrainian informal media practitioners are far from passive recipients of copyright enforcement, rightsholders are not always rigorous in enforcing their rights in Ukraine. With this in mind, this chapter starts with an overview of Ukraine’s formal audiovisual content providers and key factors and policies affecting their operation, among which are the poor state of the economy and the historically complex language situation in the country. As this chapter elucidates, these factors lead to gaps in the formal provision of content and Ukrainian localisation for it in Ukraine, which provides the rationale for the existence of Ukraine’s informal screen media economy. This chapter then moves on to further unpack why individual informal media practitioners choose to be the ones to fill in these gaps by looking exploring their motivations. Specifically, I discuss three categories of motivations, which I identified from the interviews with the informal practitioners: language activism, commercial piracy, and passion for the AVT craft. I conclude this chapter by arguing that, based on these motivations, the interviewees’ choice to operate informally is not associated with resistance or opposition towards the formal industry, with the majority being best understood as operating *alongside* their formal counterparts instead.

## 8.1 Ukraine's formal screen media economy

In line with the global trend of widespread adoption of streaming platforms, at the centre of Ukraine's formal economy of online screen media distribution are OTT services. In addition to some global platforms, namely Netflix, Amazon Prime Video, and Apple TV+, there are around a dozen local services, the four major ones being Megogo, Volia, Oll.tv, and Sweet.tv. Both local and global platforms are primarily subscription-based, providing on-demand access to thousands of films and series, with most offering additional pay-per-view content. Whereas other streaming giants, such as Disney+, are still unavailable to users in Ukraine, the aforementioned Ukrainian platforms partly compensate for this by purchasing streaming rights for some of their content. In addition, most national broadcasters have catch-up platforms, similarly mostly subscription-based, providing access to Ukrainian-produced films, series, and unscripted TV. Since 2019, Ukrainian OTT platforms have dominated the (legal) digital distribution of audiovisual content in the country, with the number of paying subscribers consistently growing (Rakhmanina et al., 2021). Moreover, some of these services have started to invest in producing original content, which further indicates the Ukrainian OTT market's confidence in its growth potential (Dankova, 2021a; Rakhmanina et al., 2021). With this rapidly developing state of the legal streaming market in Ukraine, it may appear that there is no reason why the pirate practices in question should not be a priority for rightsholders. Since 2020, the Ukrainian OTT services have been increasingly joining broadcasters and companies responsible for theatrical film distribution in Ukraine in their anti-piracy efforts, specifically by becoming members of Clear Sky, an anti-piracy initiative that cooperates closely with Cyberpolice and helps with protecting copyright on the internet (Clear Sky, 2021; Detector Media, 2021b). Chief executives of the OTT platforms explicitly recognise online pirate content sources as their main competitors in the Ukrainian market (Rakhmanina et al., 2021). Yet, several factors put into question the extent to which the informal media practices discussed herein stand in the way of the formal content providers.

First, largely due to the country's relatively poor economic situation, the OTT market in Ukraine started developing comparatively late. It was only after 2016 that the aforementioned global streaming services started becoming available to Ukraine-based users, while most of the Ukrainian OTT platforms were launched even later, after 2018. For comparison, one of Ukraine's major pirate streaming sites FS.TO, which offered free on-demand access to most of the globally popular films and series, was already popular among the Ukrainian audience in 2011, with various torrent sites having been widely used since 2007. The main reason behind this delay is arguably Ukraine's status as a developing country with low incomes and, subsequently, a low ability to pay for content. For global streaming services, this means that,

as Ukrainian OTTs' top-tier executives Shestakov et al. (2021) put it, the Ukrainian market is “a tiny, barely visible dot on their economic map”. For Ukraine to become an attractive market for the streaming giants, the majority of Ukrainians need to be able to have a monthly budget of £30 to £50 for these services; at the moment, however, this budget is £3 to £5 (Shestakov et al., 2021). Granted, Netflix, for example, has recently lowered subscription fees for Ukraine and some other developing countries (Ramachandran, 2021; Shkil, 2021). Yet, the price remains rather high, especially in comparison with the Ukrainian OTT services that, for a similar price, come not only with catalogues of on-demand content but also live TV. This translates into the lack of economic incentive for these global services to invest in any meaningful operation on the Ukrainian market that goes beyond simply lifting the geo-blocking for the region, such as localising interfaces, co-producing or purchasing streaming rights for local content, and indeed in monitoring piracy in the market (Kostovska, Raats and Donders, 2020; Rakhmanina et al., 2021). Considering that it is only in 2022 that Netflix, for instance, bought a package of several major Ukrainian features and released a Ukrainian-language version of its interface (Karmanska, 2022b), it should come as little surprise that Breloque, who revoiced Netflix's original *Stranger Things*, has never received any copyright notices about it. As for Ukrainian OTT platforms, they are obviously more interested in generating profits from (and, therefore, preventing piracy on) the Ukrainian market. However, they are still in their development stage, with limited budgets for purchasing new content, as evidenced by a considerable range of popular foreign titles, particularly TV series, being absent from their catalogues. All this suggests that preventing the unauthorised distribution of a considerable range of content in Ukraine has only recently become of economic interest, with a significant number of titles remaining without a Ukraine-based rightsholder.

Second, despite the differences in price and range of content, there is still a significant distinction between the content offerings of pirate online cinemas and Hromada and that of their legal counterparts. Whereas all titles on pirate cinemas and the torrent site are revoiced (or at least subtitled) in Ukrainian, the percentage of films and series on global and the majority of local streaming services available with Ukrainian translation is extremely low. As for global platforms, Netflix is leading, with over 300 titles currently having Ukrainian revoicing or subtitles.<sup>136</sup> Ukrainian localisations on Apple TV+ are currently limited to subtitles, an “extremely unpopular” AVT mode in Ukraine (Juli Bettany, 2021), while the first-ever Ukrainian

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<sup>136</sup> According to the Unofficial Netflix Online Global Search (uNoGS), available at: [https://unogs.com/search/?country\\_andorunique=or&start\\_year=1900&end\\_year=2023&end\\_rating=10&genrelist=&audio=Ukrainian&audiosubtitle\\_andor=or&countrylist=21,23,26,29,33,36,307,45,39,327,331,334,265,337,336,269,267,357,378,65,67,390,392,268,400,408,412,447,348,270,73,34,425,432,436,46,78](https://unogs.com/search/?country_andorunique=or&start_year=1900&end_year=2023&end_rating=10&genrelist=&audio=Ukrainian&audiosubtitle_andor=or&countrylist=21,23,26,29,33,36,307,45,39,327,331,334,265,337,336,269,267,357,378,65,67,390,392,268,400,408,412,447,348,270,73,34,425,432,436,46,78). Data from Netflix itself, available at: <https://www.netflix.com/browse/audio/81628765>, may not be complete considering that localisations in certain language may be geo-blocked in certain regions.

revoicing on Prime Video appeared only in December 2022 (Karmanska, 2022a). As for Ukrainian OTT platforms, a significant, often larger part of foreign titles in their libraries is only available with Russian revoicing and, at best, Ukrainian subtitles. The number of Ukrainian localisations on these platforms is slowly increasing, with Sweet.tv and Megogo, for example, having recently opened their own localisation studios (Detector Media, 2021a; NV.UA, 2021); yet this number is incomparable to that found on the pirate platforms under study. This lack of (official) audiovisual translations in Ukrainian, with Russian localisations being often provided as an alternative for the Ukrainian audience, is explained by a complex place of the Ukrainian language within the “political economy of translation” (Cronin, 2013).

One central factor determining this place is the economic viability of investing in Ukrainian localisations. As elaborated above, the Ukrainian media market is not the most profitable. On top of that, Ukrainian itself is a less widely spoken language, and since “languages attract varying priority levels depending on their target market size” (Dwyer, 2018, pp. 155-156), it is only logical that global streaming services prioritise translations into the more popular languages. The economic incentive to invest in Ukrainian translations is further lowered by what Donders et al. (2018, p. 93) call “the presence of a big language neighbour”, i.e., a language that shares linguistic features with the language in question – and thus can be understood by the speakers of the former – but that has a larger number of speakers globally. In Ukraine, this ‘big language neighbour’ is Russian, which, belonging to the same language family as Ukrainian, is also in the world’s top ten most spoken languages (Ethnologue, 2022; Szmigiera, 2022). The latter makes targeting the Russian-speaking audience a significantly more profitable investment than the Ukrainian-speaking one, while the proximity of the two languages reduces the economic advantage of catering to the smaller-language speakers. This is why, for example, even the Ukrainian media industry’s own productions are often filmed in Russian or a combination of Russian, Ukrainian, and other Slavic languages.<sup>137</sup> Such delocalisation allows for mitigating the relatively limited economic potential of the Ukrainian-language market by targeting a much wider audience in a wider range of markets. And, indeed, this is also why many Ukrainian OTT platforms are filled with Russian translations: buying rights for a ready-made localisation (Russian) is considerably cheaper than producing your own (Ukrainian) (Stashkiv, 2016). Similar issues with the availability of media in the state’s language and the dominance of foreign-language media can also be observed in other countries. For instance, Koscelníková (2020; 2021) discusses the lack of game localisation in Slovak and the corresponding dominance of Czech localisations,

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<sup>137</sup> For instance, *Love in Chains* (*Кріпосна*) (2019) or *The Silence* (*Зломовчання*) (2021). Both are successful Ukrainian productions, not least because they proved to be of interest to markets outside of Ukraine. Yet, the former is filmed entirely in Russian, while the latter – in Russian, Ukrainian and Croatian.

which is similarly caused by Czech having a larger number of speakers and by being easily understood by the Slovak audience. Yet, the economic factor is not the only one determining the availability of translations into a specific language.

As a counterweight to this economic factor is the language policy in Ukraine, which aims to ensure sufficient representation of the Ukrainian language in various areas of public life, including in the media. The need for such policy in Ukraine, recognised internationally (Council of Europe, 2019), comes from the long history of Ukrainian being the object of linguistic, or Russification, policies (Havdyda and Nazarevych, 2014). Since as early as the 17<sup>th</sup> century, Russia has been persecuting for the use of Ukrainian in Ukraine, including modifying grammar, spelling and vocabulary of Ukrainian to increase its proximity to Russian, all accompanied by the imposition of Russian as a substitute for Ukrainian (Rudnyckyj, 1976; Masenko, 2004; Pavlenko, 2006; Haigh, 2007; Remy, 2007; Danylenko and Naienko, 2019; Ministry of Education and Science of Ukraine, 2019; Pidkuimukha, 2021). This has expectedly led to a significant number of Ukrainians still being fluent in Russian and to the ongoing dominance of the Russian language in Ukraine's media space (ProstirSvobody, 2020). Therefore, the purpose of the language policies, which started to be introduced when Ukraine regained independence from Russia in 1991, has been to revive the Ukrainian language in Ukraine (Pavlenko, 2006; Zbyr, 2015). These policies, sometimes referred to as Ukrainianisation or de-Russification, include, for instance, quotas on the amount of broadcasting time that should be in the Ukrainian language and the mandatory Ukrainian voicing for theatrical releases.<sup>138</sup> In this way, even if it is more economically efficient for content providers to offer Russian translation in Ukraine, these policies can force them to invest in Ukrainian localisation. Such protectionist regulations, aimed at preserving the availability of cultural products in a local language, including by restricting the exposure to an individual language, are common for other post-Soviet countries, e.g., Latvia or Estonia, which also suffered the oppression of their national languages by Russian, as well as for other smaller-language markets (Puppis et al., 2009; Pavlenko, 2011; Iordache and Livémont, 2018; CEDEM, 2019; De Ridder and O'Connell, 2019; Ravn-Højgaard et al., 2021). Consequently, Ukrainianisation policies also offer additional rationale behind Ukraine's strong inclination towards voicing techniques, which I discussed in Chapter 5. If subtitling was legally

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<sup>138</sup> For example, as of 2017, the Law "On Television and Radio Broadcasting" requires that at least 75% of all content broadcasted by national and regional channels must be in Ukrainian, with a slightly lower quota, 60%, being imposed on the local and satellite broadcasting. This means that 75% of content on major Ukrainian channels must either be in Ukrainian originally or have Ukrainian voice-over or dubbing, while productions in other languages must have Ukrainian subtitles. According to the Law "On Cinematography", certain national broadcasters should dedicate at least 15% of their programming to "national films", i.e., films that are produced in Ukraine and that are filmed in Ukrainian or Crimean Tatar, with this quota set to increase to 30% in 2022.

recognised as an equally acceptable form of localisation, formal content providers could then still offer Russian revoicing, only investing in Ukrainian subtitles. The latter would be considerably cheaper to produce than voice over or dubbing, yet subtitles would not lower the (over)exposure to Russian. Nevertheless, even with such policies in place, not least depending on the state of their development and enforcement, they are not always sufficient to ensure localisation into a given language (Koscelníková, 2020).

Some Ukrainian media businesses have been infamous for trying to circumvent or even lobby against these policies. For example, the passing of the law that would make Ukrainian revoicing mandatory for theatrical releases<sup>139</sup> was preceded by two out of three major film distribution companies actively arguing against the new legislation. These two distributors were subsidiaries of Russian distribution companies, which meant that with this new law in place, they would no longer be able to reuse ready-made Russian translations produced by their parent companies (Detector Media, 2006; Ukraine Art News, 2017). Similarly, some Ukrainian broadcasters have often been caught for not meeting the Ukrainian language quota, choosing instead to broadcast in Russian (Petrenko, 2021). Whereas in recent years, the situation with the Ukrainian language in cinemas and, to a lesser extent, on TV has considerably improved (ProstirSvobody, 2020), the OTT sector remains largely unregulated. This means that the Ukrainian OTT platforms are not yet legally obliged to provide Ukrainian translation to any of the content they sell access to. Yet, the fact that they nevertheless do invest in some Ukrainian revoicing can be explained by their attempt to meet the growing demand for Ukrainian-language content, which has been increasingly difficult to ignore. In particular, since 2014, with the Revolution of Dignity<sup>140</sup> and the start of Russia's invasion, more Ukrainians started to become conscious about the importance of language for their national identity, approaching it as a central symbol of independence and a stabilising factor of state sovereignty (Stepanenko, 2003; Pop-Eleches and Robertson, 2018; Maksimovtsova, 2020; Smaglo, 2020; Nedashkivska, 2021). This has resulted in an increasing part of Ukrainian audiences effectively rejecting Russian localisation as an acceptable alternative to Ukrainian.

An illustrative example here is the petition<sup>141</sup> started by Ukrainians in 2017 to encourage Netflix and Amazon to add Ukrainian revoicing to their content. The petition, which

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<sup>139</sup> For the first 15 years of Ukraine's independence, cinemas had been screening films exclusively with Russian translation.

<sup>140</sup> For a brief overview, see <https://maidanmuseum.net/en/node/1094>

<sup>141</sup> Available at: <https://www.change.org/p/chief-executive-officer-and-co-founder-of-netflix-reed-hastings-add-ukrainian-dubbing-and-subtitles-for-netflix-ukraine-and-amazon-prime-video-content>

ultimately gained over 100 000 signatures, explicitly noted the preference of the Ukrainian audience for Ukrainian localisations over Russian ones. Notably, informal media practitioners have also expressed support for such petitions, including in discussions on Hromada's forum and in interviews:

Some people suggest that we should start subscribing to all these services so that maybe, one day, they decide to actually come to Ukraine. In my opinion, this is a really stupid strategy, to pay for something that may or may not be done sometime in the future. In this case, these services will think that they don't have to bother investing in Ukrainian translations since people are subscribing anyway. What does make sense to do are these petitions, to show that there is demand, to message these services' support and ask if they have Ukrainian, ask why not, and ask when it's going to be added. When you are unsubscribing, state the absence of the Ukrainian language as the reason why. If those things happen, maybe someone will start paying some attention and consider entering the Ukrainian market. Our country also needs to put some effort into encouraging all this.

Breloque (2021)

This is not to say that Ukrainian audiences unanimously refuse to consume content in Russian. If that were the case, the Ukrainian OTT sector, which is yet to offer all of its content in Ukrainian, would not be reporting increasing numbers of subscribers. An informal subtitler Juli Bettany (2021) offered the following summary of the situation:

Compared with 2012, the availability of content in Ukrainian has, obviously, improved a lot. After the Revolution of Dignity and the start of the war with Russia, more people started to abandon Russian-language products, and more [voice-over] groups started to appear who would offer Ukrainian-language content. Official services have also started slowly catching up with those groups (Netflix, Ukrainian online cinemas such as Sweet.TV, which are investing in making Ukrainian voice over or dubbing older films and series). So, the demand for Ukrainian-language content has been increasing no doubt. Although, I think that many of those who would choose Ukrainian over Russian, if they had this choice in the first place, they would not be willing to put too much effort into searching for it. For example, many of the legal Ukrainian online cinemas have content with only Russian revoicing. The Ukrainian one is also available but is unofficial and elsewhere on the internet. Not many might bother to go check if there is this Ukrainian alternative and will just end up watching in Russian. So, ideally, what we need to do is to fight for legal studios to provide Ukrainian translation for the laziest viewer so that the Ukrainian version would be right under their noses, as the Russian one currently is. But in reality, it is the illegal cinemas that can easily achieve this because they don't need to worry about all the licenses and rights, they are able to collect all Ukrainian



revoicing under one roof, whether it is an unofficial voice over of one of the groups, Netflix's dubbing, or subtitles (again, whether the official ones or not).

One important point to add to this otherwise arguably accurate description is that due to the abovementioned historical and economic reasons, Russian-language localisations dominate not only Ukraine's formal economy but also the informal space. Pirate online cinemas with *exclusively* Ukrainian-language localisations started to appear only in 2014 (Ether Production, 2021), and even then, it took time for some of them to be able to function with Ukrainian-only translations:

Initially, TarasFilm offered an option to choose the language (Ukrainian or Russian). This was precisely due to the low availability of Ukrainian-language content at the time. Many series had only part of their seasons translated [into Ukrainian] with the rest remaining untranslated [...]. But people wanted to finish watching the series they started. Same with films. Today, of course, Ukrainian-language content is popular and, thanks to the audience, it is now easier to gather donations for voice over. As a result, more series now have all their seasons translated. And just generally, I really like Ukrainian revoicing, and I enjoy reading comments from Russian-speaking viewers, who choose Ukrainian translation even despite they don't always fully understand it, because it's more interesting, it's better, it's more melodious.

TarasFilm (2021)

Even today, the pirate sites with most traffic in Ukraine are not the ones under study, that is containing content with only Ukrainian localisation, but the Russian ones, which have both Ukrainian- and Russian-language content.<sup>142</sup> In turn, this might offer an additional explanation why Ukrainian pirate sources are not actively prosecuted. Even if Ukrainian authorities were to arrest all Ukrainian pirate cinema administrators and strictly monitor the appearance of new ones, legal streaming platforms would not become the only possible way to access content in the country, as the audiences would then be able to switch to Russian pirate sites, which Ukrainian authorities cannot control. With this availability of multiple pirate alternatives, the economic incentive to enforce copyright against the comparatively smaller-scale infringers, that is, Ukrainian pirate cinemas, appears ever lower. At the same time, as Juli Bettany (2021) rightly noted, these illegal Ukrainian cinemas are the only streaming services that are able to offer easy access to the most complete collections of exclusively Ukrainian-language audiovisual media. Similarly, Hromada, the torrent site I discussed in Chapter 6, can be viewed

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<sup>142</sup> Based on the data from SimilarWeb, for comparison, while a Ukrainian online cinema has at most 17 million visits per month, a Russian one can have over 80 million.

as the most complete downloadable archive of Ukrainian-language content. This means that the pirate sites I discussed in Part I of the Findings are effectively the only content distribution platforms in Ukraine operating fully in line with Ukrainianisation policies, which are arguably no less important for developing the cultural space in Ukraine than copyright policies. Such illicit operations have their disadvantages, which pirates themselves realise:

I think that releasing [on Hromada] Ukrainian recordings produced by Ukrainian [OTT] services, Sweet.tv for example, does affect the financial situation for these services. After all, there needs to be some economic incentive for the development of the Ukrainian language. More subscribers these services have = more translations. Damage to the Ukrainian market = fewer Ukrainian translations.

Captain (2021)

Yet, due to the availability of pirate alternatives to Ukrainian pirate sources, the rationale for prosecuting pirates in Ukraine remains controversial, not least because of the dangers of thus marginalising Ukrainian-language content even further:

If Hromada and other Ukrainian sites are shut down, it will be a painful hit not for piracy but for Ukrainianism; Russian stuff won't disappear anywhere, and our youth will be effectively forced to consume the Russian language.

Yarema (2022)

It would be shooting yourself in the foot. If our websites are no longer available, people will start using Russian ones. Most can understand Russian, and if [this] does happen, they will understand it even better; and understand it the way Russia wants them to.

MovieBaronUA (2021)

If Hromada disappears, 80% will immediately move to Russian resources, and this would be a catastrophe in the current state of war. If you want to fight piracy, you need to do that at a wider scale, that is by closing access to *all* pirate resources, as they are now trying to do in Russia or how they have long been trying to do in the US and some European countries. [...] I think in the years to come, we will see a prohibition of torrent traffic. [...] I just hope this happens in 2-3 years and that by that time, we'll have more platforms offering Ukrainian-language content for a reasonable price and that it is not just Hromada that will be banned but, like in Germany, torrent traffic as a whole, so that people don't move to Russian [pirate resources].

Urij (2022)

However, blocking “torrent traffic” is not an easy task and, as it includes sharing content in the public domain, can lead to censorship issues (Brandes, 2021). Dealing with pirate streaming sites at a broader scale is similarly complicated because of the global nature of CDNs’ operation and their anonymity tools (e.g., see Maxwell, 2022b; 2023b). With Russian(-language) pirate sites continuing to operate, it can be argued that the (Ukrainian) language exclusivity, which characterises the pirate sites under study, and which legal Ukrainian, let alone foreign, content providers cannot currently offer, effectively serves as a tool for reducing the practical benefit of copyright enforcement against these sites. Further support for this argument can be found in the work of Zahrádka and Schmücker (2021). Emphasising the role of language barriers as a natural obstacle to content access, they argue that the availability of content in a language similar to the one spoken by a given audience can be an acceptable substitution for said audience’s native language (Zahrádka and Schmücker, 2021). Consequently, blocking Ukrainian-only pirate sites without also blocking access to the Russian-language ones and without providing a sufficient amount of legal Ukrainian alternatives would likely have little effect on the overall piracy rates in the country.

The discussion so far demonstrated the rationale for the existence of Ukraine’s informal screen media economy, namely the gaps in the formal media space that it fills in and the reasons behind these gaps, while also suggesting an additional explanation for the informal sources’ ability to operate in Ukraine despite their copyright-infringing nature. What remains unanswered is why the informal media practitioners choose to address these gaps in the first place. Do they all feel strongly about supporting the language policy? Do they take advantage of these gaps and view them as an (illegal) business opportunity? The rest of the chapter addresses these questions by exploring the individual motivations of the interviewed informal distributors and AVT practitioners.

## **8.2 Motivations**

### **8.2.1 Language activism**

As I demonstrated in Chapters 5 and 6, the activities the Ukrainian informal screen media practitioners engage in are diverse, and, as the following discussions show, so are their motivations for doing so. Notwithstanding, all of the reported motivations largely resonate with existing research on similar practices elsewhere. For example, for the informal subtitler Erithion, Hromada’s moderator and content uploader Urij, and the voice-over studio Ether

Production, a major rationale for their varying practices can be understood as linguistic, or language, activism:

My motivation to start [translating] was twofold. The first one is related to the Moscovia's attack, especially it's informational aspect. When in 2014, Muscovites were screaming from the top of their lungs that the Ukrainian language didn't exist, it was funny. They were saying there are no technical textbooks in Ukrainian because there isn't enough terminological vocabulary in our language. This nonsense only made me laugh. I just took it as ignorance on their part and nothing more because back when dinosaurs ruled the earth and I was in school, maths was taught to me in pure and beautiful Ukrainian. But when in 2020, the president of Ukraine says "*kakaya raznitsa*"<sup>143</sup> and uses state budget to create some Russian-language channel as if we're in Moscovia, it's no longer funny. The second factor was the Irish language. When I only just started learning it, I came across a funny but also sad film *Yu Ming is ainm dom (My name is Yu Ming)*. It's an Irish short film about a young man from China, who decides to move to Ireland, works really hard to learn Irish, but when he comes to Ireland, he is shocked that no one can understand him. As it turns out, almost no one there speaks Irish; everyone speaks English. For me, this film was a frightening illustration of what could happen to the Ukrainian language if our government doesn't adopt an adequate language policy to support Ukrainian. I don't know all the details why this has happened to Ireland; maybe it was partly because of the status of English as the second official language, maybe something else. But when I hear this "*kakaya raznitsa*", I immediately think of this film. This is why my translations are my contribution to ensuring that Ukrainian does not face the same fate as Irish and ensuring there is more Ukrainian-language content. I understand that my contribution is tiny, but at least I'm no longer a passive observer, and this gives me some peace.

Erithion (2021)

We took a very active part in the Revolution of Dignity, which was one of the factors that prompted us to start [the voice-over studio]: we thought about how we, as people with certain skills, can contribute to developing our national identity, to help people understand that they are Ukrainians, and to help lower this eternal inferiority complex. This was the basis for creating our studio. [...]

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<sup>143</sup> *Какая разница* is Russian for "what's the difference", used in the sense "who cares" or "it doesn't matter". This phrase is a colloquial name for the language issue in Ukraine, specifically for the debate around the status and place of Russian in Ukraine. Those (rhetorically) asking "*kakaya raznitsa?*" insist on Russian remaining the only language one needs to know to be able to live and work in Ukraine, as it effectively used to be before 1989, during the Russian Soviet regime. By asking "*Who cares* what language is used in schools, on TV, in the press, or by politicians?", they aim to legitimise the violations of Ukraine's language policies, ultimately questioning the constitutional status of Ukrainian as the only state language in Ukraine. In 2020, in one of his speeches, many of which used to be in Russian, President Zelenskyy infamously used this phrase, thus demonstrating his favourable position towards the Russian language in Ukraine (at the time), which expectedly received a lot of backlash in the media.

When we started, there was effectively only one studio that did something similar. [...] Russian-language content dominated the space, if you wanted to watch a TV series, it was only available in Russian. At the time, there were already around seven or eight Russian studios (now there are more), they were pirating and revoicing. [...] So, the idea was to give people an opportunity to watch major series in Ukrainian.

Many of our friends, who were only starting out in the industry, they happily agreed to work for free because all you want at that stage is practice, practice, practice. They wanted to practice the craft [of revoicing] and they were ready to do it for free, which was perfect for us. [...] Later, being in this environment, we met with big-name translators who work for major [dubbing] studios, who would also occasionally agree to do some work for us. I think we just managed to get them interested in our idea, that it's all for some sort of high purpose. But we had to thank them at least in some way, so we would use all the donations we received to pay them at least something. Such major actors as Yevhen Malukha, who revoiced Alf, Olena Ozliuk, who revoiced Macauley Culkin in *Home Alone*, and many more – we wouldn't dare ask them to work for free. They agreed to work with us for a third or a quarter of their normal rate, all because they are really cool people who understood the importance of developing Ukrainian-language content.

Ether Production (2021)

Initially, Hromada was my hobby. Now it's part of my life, my attempt to help popularise Ukrainian-language content. In the past few years, after I had a son, I'm trying to release more of the content for kids. I think this is what we need the most, because I see how my friends' children are growing up: every second word they say is Russian or some mix of Russian and Ukrainian. And the explanation is simple: 80% of the time they watch YouTube, where there's far more content in Russian than in Ukrainian. The torrent site will not entirely fix it, of course, but sometimes it is possible to upload some Ukrainian content from there to YouTube. This makes Ukrainian-language videos more popular and creates demand for more Ukrainian content.

Urij (2022)

Fernández Costales (2012, p. 16) categorises such motives as described by the interviewees above as “translating to preserve cultural heritage”, meaning engaging in non-profit translation with social, cultural, and political aims in mind, trying to increase the range of content available in low(er)-dissemination languages. Indeed, Urij's, Erition's, and Ether Production's rationale for their practices resonates particularly closely with the work of Vazquez-Calvo and Thorne (2022), who look at informal game localisation into one such low-dissemination language, Catalan. Like Ukrainian, Catalan faced bans and persecution, and, despite policies aimed at revitalising the language, Catalan remains a minoritized language in

Catalonia (Vazquez-Calvo and Thorne, 2022). Yet, with the increasing strive for autonomy and related political tensions, the use of the Catalan language started gaining symbolic value, which is reflected in the practices of proactive Catalan gamers: they take matters in their own hands in ensuring the provision of Catalan localisation for games, especially in opposition to Spanish, which dominates in the industry, aiming to promote and normalise the use of Catalan in gaming (Vazquez-Calvo and Thorne, 2022). In similar fashion, by translating more content into Ukrainian and ensuring its availability to those who are not ready to pay for it, the Ukrainian informal media practitioners in question aim to popularise the use of the Ukrainian language, aiming to ensure its survival, and resist the presence of the more commercially dominant language that is Russian in the Ukrainian cultural space. This is further supported by the fact that the above-quoted practitioners distribute their works primarily, if not exclusively, on Hromada, a strictly non-commercial site with the overarching mission to “support everything Ukrainian”.<sup>144</sup>

The importance of providing popular content in a local language for this language’s survival, maintenance and normalisation, including as a way of mitigating the risks of overexposure to another, more dominant language, is further supported by De Ridder (2022) and Saddiqa and Rafi (2022). Both works specifically emphasise the positive effects of offering quality popular children’s content in marginal(ised) languages for ensuring children’s willingness to speak these languages. This, in turn, offers support for Urij’s argument for the need to increase the availability of Ukrainian-language content for younger audiences. Apart from making children’s content accessible by uploading it to Hromada where it can be downloaded for free, Urij also ensures this content is available in a better quality than offered by legal Ukrainian content providers by ‘mixing and matching’ Ukrainian revoicing, which can be either stream-ripped from an OTT platform or recorded from live TV, with video of a better quality, which is taken from, for instance, iTunes or other torrent trackers.

While such altruistic motives, when reported by someone engaged in a questionably legal activity, should be approached with a degree of scepticism, it needs to be acknowledged that for Urij, Erithion, or any other member of Hromada for that matter, there is no financial aspect to their activity. Similarly, Ether Production did not keep any part of the donations during the period of their activity referred to in their quote above.<sup>145</sup> Therefore, considering the non-commercial nature of these practices, combined with the amount of time and effort they

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<sup>144</sup> See Chapter 6 for discussions on how this mission is manifested in the activities of the torrent community.

<sup>145</sup> See Chapter 5 for details on how voice-over groups, including Ether Production, distribute the donations they receive.

require, such rather selfless, ideological motivations, as declared by the interviewees, appear credible. Furthermore, these motivations align with the trend of increasingly prominent language activism in Ukraine (e.g., see Bilaniuk, 2010; 2017; Nedashkivska, 2021). Other interviewees also noted certain aspects of their practices that can be interpreted as language activism, specifically in relation to what Vazquez-Calvo and Thorne (2022) call “language purism”. Much like Catalan fan translators of games promote a more authentic variant of Catalan, that is without any vocabulary that was influenced by Spanish, most Ukrainian AVT practitioners emphasise their efforts in avoiding Russianisms in their localisations and using more genuine Ukrainian words and grammar instead (Breloque, 2021; Melodic Voice Studio, 2022; Vlasiy, 2022). Compared with formal Ukrainian translations, particularly those produced by broadcasters, informal translators are often one of the first ones to follow the regularly updated orthography.<sup>146</sup> Nevertheless, the primary motivations reported by the rest of the interviewees were more pragmatic.

### 8.2.2 Commercial piracy

On the opposite side of such altruistic, activist practices are pirate online cinemas and the voice-over groups that similarly work with illegal casinos or other pirate streaming sites.<sup>147</sup> These practices are largely profit-oriented, effectively taking advantage of the gaps in the formal economy, viewing them as business opportunities:

For our team, TarasFilm is a conceptual project, which we are constantly trying to improve, to make it more user-friendly. A low range of choice, lack of rich functionality and convenient use in the niche [of online cinemas] gave us the idea to try and implement all these properties in one place.

TarasFilm (2021)

This [online cinema] is one of my internet projects. I’m not a hypocrite, so I’m not going to talk about some sort of Ukrainian altruism, about contributing to the development of UaNet...<sup>148</sup> Naturally, both of these are

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<sup>146</sup> As noted earlier in this chapter, Russia’s linguicide policies included changing the authentic Ukrainian grammar and orthography to match it more to that of the Russian language. Consequently, as part of Ukraine’s language policy, the Ukrainian National Commission on Orthography introduces a ‘new’ set of spelling rules every few years, which effectively reverses the changes made to the Ukrainian language by Russia.

<sup>147</sup> See Chapter 6 for details on how such voice-over groups might operate.

<sup>148</sup> “the cognate of the Russian term RuNet” (Beger et al, 2011), currently means either a) all websites that are based (hosted) in Ukraine, b) the Ukrainian-language part of the internet (the one the interviewee is likely referring to, in this case), or c) “the Ukrainian segment of the internet.

good, right things to do, and I support all that, by all means, but at the core is money. You can't just spend your own time – quite a lot of it – to work for free. It's just not how it works.

MovieBaronUA (2021)

Because of the obvious presence of the commercial element in this type of informal media activity, the general sense within the existing piracy research appears to be that it “does not need much analysis, as the motivation is easily understood” (Belleflamme and Peitz, 2014, p. 4). Indeed, the absence of profit is often viewed as a key incentive to research motivations of those involved in informal translation or distribution (e.g., Yildiz, 2017). Adding to this the difficulty of gaining access to the people behind such commercial pirate practices,<sup>149</sup> it is rather unsurprising that the limited research on advertising-funded pirate sites does not include their administrators' own perspectives on their activity. Yet, although the quotes above leave little doubt about the centrality of financial motives to these practices, it is important to acknowledge the presence of subtleties in this motivation. MovieBaronUA (2021), for instance, despite initially denying any “Ukrainian altruism” behind his cinema's operation, was notably critical of pirate sites that compromise on Ukrainian-language exclusivity in favour of easy money:

The first thing that one needs to understand is that we are talking about the Ukrainian internet here, meaning the options here are relatively limited, especially when it comes to ready-to-use products that help automate the work. For example, in Russia, you can automatically fill out all the information about a film using existing functional solutions, by pressing one simple button – all data is automatically pulled up from Kinopoisk.<sup>150</sup> [...] However, we do not have one single database [in Ukrainian] that would have all the necessary information of acceptable quality (by my standards). [...] Some particularly 'smart' admins get the information for Ukrainian online cinemas from the Russian Kinopoisk, run it through Google Translate and voila, 'unique text'. We gather information from several sources, mostly manually. [...] We aimed to be a Ukrainian-only cinema from the very beginning, so we never had Russian translations. Reasons why an online cinema has Russian translations: 1) their admins are avaricious; 2) their admins don't give a shit, they have no sense of aesthetic taste, they look for easy solutions (automation, Kinopoisk); 3) their admins are Russian-speaking themselves; 4) not so much the case anymore, but there is still a lot of content that simply isn't available in Ukrainian.

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<sup>149</sup> See Chapter 4 for the discussion on accessing the field for research, including the difficulties with getting a response from those, whose activity clearly involves generating profit.

<sup>150</sup> Russian alternative to IMDB.



The responses of TarasFilm (2021) similarly showed a degree of advocacy for Ukrainian-language content:

It is important to recognise that our cinema is just a platform [...] It is the voice-over groups who we should thank for filling this platform with content, they chose a difficult path of gathering donations to provide the viewer with an opportunity to watch content in Ukrainian. We cooperate with some of them, try to help them where and when we can. [...] Our database has lots of material that you might not be able to find or download anywhere else. So, not only do we allow watching Ukrainian-language content, but we also perform a function of an archive for the achievements of the field of Ukrainian voice over.

The above indicates that even the allegedly “easily understood” commercial piracy does not exist in complete isolation from the particularities of a given cultural context. If profit was indeed the sole factor determining the nature of these cinemas, they could easily expand their offerings to include localisations in other languages, thus catering to a wider audience and attracting more traffic to their websites. Granted, the risk of attracting the attention of authorities would then also increase, yet the significantly higher profit potential would arguably compensate for it. Notwithstanding, the pirate cinemas in question chose to cater specifically to the Ukrainian-speaking audience, as illustrated by their pro-Ukrainian branding, which I discussed in Chapter 6, as well as by such rather activist mission statements that can be found on their ‘About’ pages:

Scientists have long proven that there are almost no ethnic nations left on Earth, and the only criterion that distinguishes one nation from another is language and cultural traditions. But if cultural traditions are gradually displaced under the pressure of globalization, the aggressive Russian expansion remains the enemy of the Ukrainian language, as it has been for the past three hundred years. The Kremlin's attacks can only be countered by respecting our language and its mass popularisation. The aim of our project is popularisation of the Ukrainian language, demonstration of its beauty and modernity. We plan on achieving this by retransmitting high-quality movies, cartoons, series and various TV shows in a high-quality Ukrainian translation.

Ultimately, the interviews with these commercial pirates demonstrate that the presence of monetary gain should not automatically discourage delving into their motivations, as, depending on the context they operate in, there can be distinct nuances to the rationale behind each such profit-oriented practice. Similarly, for casino-sponsored voice-over studios, who did not respond to my interview requests, the material compensation is likely a major motivator and crucial for operating at the speed and scale they do. However, the skill and effort this activity requires allow to speculate that there are presumably other reasons why voice over is

their informal media practice of choice. The third (and final) type of motivation, reported by the AVT practitioners who I did manage to interview, may offer one such reason.

### 8.2.3 Passion for AVT

For most interviewed AVT practitioners, voice over and subtitling are, first and foremost, a craft they wish to pursue. I partly addressed this in Chapter 5, where I noted that Ukrainian informal subtitlers are best understood as fans of languages and translation itself rather than of the titles they work with. This notably contrasts with fansubbing, which, as the name implies, is generally motivated by fandom for the content that is translated (Massidda, 2020). This is not to say that none of the informal Ukrainian translators are interested in the titles they localise. AdrianZP, Breloque, and Bozhena, for instance, tend to prefer the supernatural genre or adult animated series, while Chief Studio is guided by his wide-ranging taste, revoicing anything from *Clarkson's Farm* (2021) to *Die Frau meiner Träume* (1944). Many interviewees, however, named a title's rating as the key determinant of their choice of content to translate, with some being explicit about the irrelevance of personal content preferences to said choice:

If I'm offered to revoice something, I consider two things: will this project be at least a bit of a challenge for me that will help me develop my [revoicing] skills further, and will this project be of interest to the audience? I do not take into consideration my personal interest in the project as in a creative work.

Lomaev (2022)

The general sense appears to be that ideally, they would want to take on this craft full-time, as a formal job, but due to varying factors, informal is the only feasible way for them to practice this activity. The major such factor is limited job opportunities in the Ukrainian AVT industry, which is a rather expected consequence of the aforementioned lack of investments into Ukrainian localisations:

This profession, it's all very closed, it's very difficult to get into, even if you have a relevant university degree. You might have a chance if you are a theatre actor with many connections, but it's not guaranteed even then. Apart from skills and some sort of natural talent, the people who work there need to like you on a personal level... But on the whole, there are just very few vacancies and way too many people willing to work in this industry.

Breloque (2021)

Notably, nearly every interviewed voice-over practitioner mentioned the difficulty of getting formal employment in this field. Some have also noted the relatively low (official) pay for this type of work:

[...] what stops me is that I don't have a professional degree in translation. If people are paying for a product, they deserve the highest, most professional quality, which I could not guarantee. In addition, I heard that Netflix, for example, pays pennies to its translators, which does not particularly encourage me to leave the job that I have now. And, obviously, if I'm doing translation formally, I won't be able to choose the projects that I would want to work on. So, considering all of the above, it's best for me just to leave translation and subtitling as my hobby.

Juli Bettany (2021)

Of course I thought of doing all this professionally. But it doesn't seem to be particularly rewarding financially. It takes unjustifiably too much time, which I can use more productively. [...] So, for now, it's mostly just for fun.

Kviten (2021)

Consequently, they choose to find an alternative space to pursue their craft: whereas some, as Juli Bettany and Kviten, decide to keep it as a hobby, others are more proactive with regard to AVT as one of their career aspirations:

I was always interested in voice over itself, as a practice. [...] I now produce more of my own content as a [YouTube] blogger, which involves writing scripts, filming, video editing, etc., which takes more and more time away from voice over. [...] I took part in official voice-over/dubbing just once. It was thanks to a friend, and I was a background actor. [...] Unfortunately, I haven't yet managed to get anything else in the official dubbing sector, and no one has ever invited me either. Directors whom I tried to get in touch with ignored me. [...] I think I'll continue as a blogger and occasionally do voice overs, unless one day I'll get an official dubbing job and you'll hear me from the big screen... Who knows.

AdrianZP (2021)

Ideally, we want to become a proper studio (although in the current climate, it's almost impossible) and grow to become amazing specialists in this field.

Ihabi (2022)

The motivation was to create something of our own, in our language, to offer our own product, with our distinct jokes, a product that would have its

own certain atmosphere, its own hue. [...] Naturally, we would love to work with Netflix [...] but we are not at that level yet.

SVOİ Production (2021)

I'm constantly asking around, talking to professionals... Last month, for example, I managed to get a part as a voice actor for a broadcaster. [...] I do like this craft. I'm trying something new all the time, trying to develop my skills step by step... I think I'm doing pretty well for an amateur. I don't have a degree in this after all. What's interesting is that almost immediately after I'd only just started, I started receiving some private orders, like "could you voice this and that for this much?", I was like "sure, why not"... I even have professional voice actors occasionally getting in touch with me asking for a job [...] There were multiple occasions when I thought to give this all up. But for now, while I'm still interested, I'll continue. I'd be really interested in doing audiobooks, there are barely any in Ukraine, so it's an area with lots of opportunities. But again, it's a different kind of craft, I'd need to learn it all again from scratch, it's not that easy after all.

Chief Studio (2021)

Those who ultimately get a more permanent formal job in the industry may continue practising their craft informally. Whereas Ether Production, for example, decided to pause their operation as they were working simultaneously for two major dubbing studios, while also struggling to gather donations for their own voice-over projects, the founder of Breloque, who is similarly employed as a voice actor, still revoices informally because of the continuing support from the viewers:

Today, the main motivation for me is the feedback from people. This whole thing started as a way for me to practice, to train my voice. I'm employed now, so don't really need this practice that much. But people are asking us to continue revoicing. For example, there are two, maybe even three Ukrainian voice overs for *Rick and Morty*. But people still want us to do our version too. So, we do it... Don't know, doesn't feel right to abandon this series.

Breloque (2021)

Following Chu (2012), one way to approach this category of informal AVT motivations – one that is driven by passion for the activity itself – is as serious leisure, that is as amateurism (e.g., Duplicat, Chief Studio), hobbies (e.g., Kviton, Juli Bettany), or volunteer core activity (e.g., Breloque) (Stebbins, 2017). These three subtypes of serious leisure refer to a long-lasting pursuit of a (leisure) career, which requires considerable skill, training and knowledge, yet brings little to no monetary reward (Stebbins, 2001; 2017). As I noted in Chapter 5, for the

majority of the interviewees, informal AVT takes place outside of their main job: whereas for amateurs and hobbyists, their main job is in a different field,<sup>151</sup> for volunteers, AVT is their main profession, meaning they effectively volunteer their skills to the informal space. Yet, regardless of the nature of their formal employment, the AVT practitioners consistently dedicate a significant amount of effort to developing their voicing or translation skills, with some even having related formal training. Furthermore, as elaborated in Chapter 5, the informal voice-over space, much like any other (formal) sector, requires navigating competition with others operating in it, which further resembles the act of pursuing a career:

In the beginning, it was difficult to understand how this whole field of unofficial Ukrainian voice over works and how we can position ourselves within it. How do we show who we are and what we can do? Now, these questions are sorted but we have many new ones about how to grow and develop further (rather than about how to start up). [...] We are constantly discussing our plans: we are looking for interesting projects, paying attention to the expected ratings, and occasionally experiment with new formats (shorts, animations, interviews) to attract audience's attention and to maintain a certain frequency of releasing new material.

Dublicat (2021)

Remuneration (or lack thereof) then, rather than being a part of their motive, is a factor that determines how much time they are able to take away from their main paying job in favour of this other, leisure career. As discussed in Chapter 5, Patreon goals of some informal voice-over actors state that if they reach a certain amount of donations per month, they will be able to quit their jobs and engage in AVT full-time, effectively turning their leisure career into an actual one. These informal practitioners, therefore, namely within such groups as Chief Studio, SVOÏ Production, Dublicat, can effectively be seen as hybrid entrepreneurs, that is those engaged in entrepreneurial activity as an addition to their main employment (Folta, Delmar and Wennberg, 2010), while the groups themselves can be approached as their enterprises. The specific type of their entrepreneurship is best understood as “unconventional” (Guercini and Cova, 2018), or “passion-fulfilling venture development” (Casprini et al., 2020). Similar to serious leisure, unconventional entrepreneurship is driven by passion for a certain practice, the so-called domain passion (Milanesi, 2018). What makes this type of entrepreneurs ‘unconventional’ is that they do not necessarily have a passion for entrepreneurship itself, but rather they use “entrepreneurship as a vehicle by which they pursue their domain passion professionally” (Milanesi, 2018, p. 423). Thorgren, Nordström and Wincent (2014) find that

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<sup>151</sup> The voice-over duo Gwean & Maslinka, for example, are chemists, while the founder of Chief Studio was, until recently, employed as a soundman in a school.

passion is indeed one of the key drivers behind hybrid entrepreneurship. An illustrative example here is Dublicat:

When I started a dubbing course and met with the people I was about to spend three months studying with, we all understood that we were 100% like-minded people who wanted the same thing – to [revoice] in Ukrainian. The only issue was that we were each on our own, each with our own job, and none of us knew how to continue developing in this direction after the course, especially since everyone would repeatedly tell us that the world of voice over and dubbing was not very welcoming to new voices and that chances of getting even a 5-minute part were close to zero. So, one day, one of our groupmates came up with an idea to try and self-organise. [...] Of course, we all have our voices in the database of a [formal] studio, and occasionally they invite us to revoice some background lines. I would say that if they call us, we are always ready, but realistically, we understand that they won't be calling much.

Dublicat (2021)

As evident from the above, it was not the desire to start their own venture that prompted the establishment of Dublicat but the willingness to practice the AVT craft professionally. The only way for them to achieve the latter, considering the inability to secure employment in an existing, formal studio, was – much like for most of the interviewed voice-over groups – by self-organising to create their own, albeit unofficial, employment opportunity. At the same time, they noted that most of them still hold their main job in unrelated field.

What further makes unconventional entrepreneurship a suitable lens to approach the practices in question is that this type of entrepreneurial activity, according to Guercini and Cova (2018), tends to go in hand with high levels of uncertainty and precariousness in the economy and society. When neither traditional employment nor conventional, profit-driven entrepreneurship seem to guarantee sufficient economic and social security, people may use their passions, rather than the financial value of an activity, as their career guide. Ukraine is indeed characterised by the ongoing political instabilities and relatively poor economic situation; as Chief Studio (2021) put it, “who thinks about Netflix when you don't know if you're still going to have your job tomorrow”. On top of that, creative work itself has long been associated with a high degree of precarity globally, with cultural and creative industries increasingly relying on alternative, less formalised funding sources such as crowdfunding even in developed economies (Alacovska and Gill, 2019; Bocconcelli et al., 2020; Cicchiello et al., 2022). Consequently, such ‘unconventional’ ways of pursuing a craft as self-organised voice-over groups, which rely on alternative funding sources instead of the more traditional

sponsors, should be seen as rather expected and reasonable, especially given the economic conditions of the country they have to operate within.

The motivations discussed above demonstrate that the Ukrainian pirate economy comprises of practices that are notably diverse in nature. In Ukraine, unauthorised distribution and localisation of copyrighted content can be a form of language activism, a money-making activity, or a necessary aspect of pursuing one's passion. Yet, one aspect that arguably unites all these diverse motives is the lack of specific intent to operate outside of the formal space, with even commercial pirates noting that:

If we could move TarasFilm in the form that it currently exists to a more legal space, preserving the convenience and affordability we currently offer to our viewers, we would, of course, take this opportunity.

TarasFilm (2021)

As evident from the interviewees' responses quoted in this chapter, many are open to being part of the formal industry, being on the lookout for official job opportunities and generally expressing their support for the development of the official media in Ukraine in line with the policies that currently govern it:

I have to admit that in the last few years, it is not only the voice-over groups whose quality has increased significantly but also did that of the dubbing studios that officially work on theatrical releases [...]. Ukrainian cinemas (and studios working with them) have long turned into a high-quality conveyor, which is great. But they will never be able to cover the demand for all existing films, let alone series. That's why this burden is carried by numerous authored/amateur/professional voice-over groups, which work unofficially, for donations. I think it's a duty of every conscious consumer of Ukrainian-language content to support them at least occasionally, which is what I do myself. I also believe that our government's duty is to be reasonable about such groups; instead of trying to catch and punish them, they should help support and promote the most talented of them to get contracts with official rightsholders and distributors. I perfectly understand that it all sounds more like a dream, but let's see what the future holds. [...] The best scenario would be for Hollywood giants and platforms like Netflix to start working with our dubbing and voice-over actors sooner and directly, for them to start working with multiple studios, not just one [...]. The government should not stand in the way but instead try to support its citizens to work at an international level, however utopian all this sounds.

Dilnix (2022)

Most interviewees do not appear to have strong anti-copyright views, nor do they seem to want to change the general rules of how the formal industry operates, but rather accept those rules and, in fact, often follow them. This notably contrasts with a common perspective on piracy as a radical activity that opposes the “copyright monopolies”, which underlie most copyright-based industries, and challenges, whether intentionally or implicitly, the established ways of content distribution and its regulation (e.g., Andersson, 2011; Collins, 2018). Ultimately, it can be argued that it is precisely because the formal media in Ukraine do not fully follow certain policies, particularly those aimed at Ukrainianisation, is why these practices exist informally:

Everyone’s talking about piracy, but the bottom line is that the moment all of this becomes available officially, all these amateurs will most likely disappear.

Chief Studio (2021)

If [rightsholders] do end up in our market at some point, then they will need to provide Ukrainian-language content. If they don’t, then they shouldn’t be surprised that enthusiasts like myself will be doing it for them. [...] I would call it all “underground Ukrainianisation”.

AdrianZP (2021)

## **Conclusion**

In this chapter, I explored the main reasons behind Ukraine’s informal screen media economy’s existence beyond copyright law. Specifically, I approached the matter from two perspectives. Firstly, I considered the presence of what Donders et al. (2018, p. 93) call “a big language neighbour”, that is, Russian, as a key factor influencing the state of the formal media market in Ukraine. I discussed that since Russian has a higher number of speakers worldwide and since most Ukrainians understand it due to Russia’s centuries-long linguistic policies, there is little economic incentive to invest in Ukrainian localisations. Therefore, even despite language policies aimed at reviving and protecting the use of the Ukrainian language in the country, there is a lack of formal Ukrainian translations of foreign content. The practices within the informal screen media economy in Ukraine all ultimately help address this lack. However, the motivations for doing so vary considerably among individual practitioners. While some specifically aim to support and promote the use of Ukrainian by producing or widening access to Ukrainian-language content, others are interested in the AVT craft itself, or approach these



gaps in the formal media as a business opportunity. I argue that such heterogeneity of motives as well as intricate factors beyond copyright regulation demonstrate the importance of taking a more holistic approach to studying informal media economies in different countries, including approaching the debates on piracy from the perspective of pirates themselves rather than only from that of the formal industry or pirate consumers. I will now conclude this thesis by bringing together the discussions in this and the previous three chapters, summarising the complex nature of Ukraine's informal screen media economy and indicating some directions for future research.

## Conclusion

With a range of netnographic research tools, this project explored the informal screen media economy of Ukraine. My overarching goal here was to move away from industry-centric approaches to piracy and explore the various pirate practices in Ukraine as, first and foremost, media translation and distribution activities without limiting the discussion to their legality. I found that these practices can be a result of one's pursuit of their passion for the AVT craft, a way to make a profit, or an expression of language activism. This challenges the widespread assumptions about piracy in developing economies that reduce piracy in these countries to the lack of copyright enforcement and inability to afford legal copies of content.

In my first chapter of findings (Chapter 5), I gave attention to the main informal AVT practices in Ukraine, namely subtitling and voice over. With regard to subtitling, I discussed the largely individualistic way the Ukrainian subtitlers operate, noted typical visual characteristics of the subtitles they produce, and indicated some of their approaches to translation. This discussion offered what is best approached as an introductory overview of informal subtitling in Ukraine, with the majority of this chapter ultimately focusing on the more prevalent and developed pirate translation practice in the country, the informal voice over. I outlined the specificities of this AVT technique, offering an insight into how the groups producing voice over organise their workflow and the stages of this production process. I argued that such dominance of the considerably more laborious AVT mode in the informal space is explained by the Ukrainian audience's historical preference for revoicing rather than subtitling translation techniques. Finally, I suggested that, based on the different funding strategies the groups use, they can be categorised into crowdfunded and commercial, with the latter thus being closely tied to the business model of the Ukrainian pirate online cinemas.

These cinemas, which are a focus of Chapter 6, are a particularly popular source of screen media content in Ukraine due to their user-friendly interface, free and open access, and a large variety of titles in their content libraries. Yet, the most noteworthy feature of these streaming sites is that they offer content exclusively with Ukrainian revoicing, with only an occasional option of the original audio track accompanied by Ukrainian subtitles. Notably, this language exclusivity is not unique to this pirate distribution practice, as it is also a prominent characteristic of Hromada, the major and most long-standing Ukrainian torrent community. I elaborated on Hromada's central mission to serve as a space for preserving and promoting "everything Ukrainian" and demonstrated how this mission has been manifested in the nature of access to the community, its approach to membership and rewards, and its community

projects. I found that Hromada has long been characterised by a relatively uncommon openness, such as being tolerant of non-contributing users who only download files from its tracker. However, this openness has recently become increasingly difficult to maintain in light of increasing copyright enforcement in Ukraine, forcing Hromada to introduce some access restrictions to the site's torrent tracker. I argued that these restrictions are an illustrative example of how Ukrainian informal screen media practitioners negotiate their activities with the country's copyright regulation, which is the subject I unpacked in Chapter 7.

In Chapter 7, I interrogated the legal status of the informal translation and distribution practices by looking at how the two activities are viewed by the Law "On Copyright and Related Rights". I identified that the former can be understood as an unauthorised derivative work: while copyright infringing, there is ultimately no effective enforcement mechanism against these practices. Furthermore, many interviewees stated to have attempted to gain permission to produce translations for the copyrighted content they worked with, yet never received a reply from the respective rightsholders. This suggests that the rightsholders chose not to explicitly prohibit the translation of their works by the Ukrainian informal practitioners. Unauthorised distribution, on the other hand, can be viewed as a more serious and straightforward infringement of copyright. I outlined the nuances of the relevant copyright enforcement mechanisms against distribution in the country, with the most common and effective being takedown requests. From the interviewees' responses, I found that, often by trial and error, they figure out ways to position their practices to avoid this enforcement. This resonates with the previous studies, which highlight that informal media practitioners elsewhere are not passive victims of the copyright system but rather "educate themselves and each other on the legal language of copyright, and also engage in specific strategies in order to protect themselves from infringement suits" (Freund, 2016, p. 1360). Yet, what is equally true is that Ukrainian practitioners often do not receive any requests in the first place, which explains why most of the pirate practices under study exist relatively openly in Ukraine. Therefore, in the final chapter, I considered why rightsholders may not be enforcing their rights against those involved in the Ukrainian screen media economy.

Specifically, in Chapter 8, I identified the political economy of translation – or, in this particular case, the economics of the Ukrainian language – as a major factor in piracy in Ukraine. Due to the poor economic situation in the country and the presence of a 'big language' neighbour (Donders et al., 2018), there is a lack of investment in the production of official Ukrainian revoicing. For informal AVT practitioners, this lack of investment means they struggle to find formal employment in the underfunded localisation industry. For pirate online cinemas' administrators, it creates a gap in the market of streaming services that offer a

sufficient range of content in Ukrainian, which they see as a business opportunity. And for others, creating or facilitating the distribution of Ukrainian translations is a way to resist the presence of the more commercially dominant language that is Russian in the Ukrainian media space.

This project thus contributes to the growing scholarship that represents “the changing agenda of piracy research”, one that invites “a wide range of new thematic, disciplinary and geographical points of view that take piracy seriously as a global, social, political and cultural phenomenon” (Fredriksson and Arvanitakis, 2014a, p. 3). This changing agenda has recently been conceptualised under a relatively new theoretical framework, namely the informal media economy (Lobato and Thomas, 2015), which this project adopted. Specifically, by broadening the scope of geographic contexts where informal media economies are studied to Ukraine, this project makes a contribution in the following three areas.

Firstly, I expand the range of practices that are given academic attention to in the research on piracy. In Chapter 3, I discussed a shift in pirate distribution trends, namely, from downloading content from file-sharing sites to accessing it via pirate streaming alternatives (Marx, 2013; Lobato, 2020). Yet, despite an increasing centrality of streaming practices to piracy, I demonstrated that they remain relatively under-researched, especially when compared with file sharing. The walkthrough of the Ukrainian illegal online cinemas, along with an insight into their administrators’ motivations and, more generally, their place within the Ukrainian pirate economy added to this emerging body of work on pirate streaming. In particular, my findings showed the ultimately local nature of the cinemas in question, thus warranting the need to look beyond major global streaming sites such as the now-shut-down 123Movie. Furthermore, in Chapter 3, I pointed out a comparative marginality of translation practices in the discussions around piracy, with the latter being primarily associated with distribution. My project revealed that, in fact, pirate localisation is of central importance to informal screen media economies, particularly in non-anglophone countries. This adds to the wider range of studies, such as Floyd (2008), Lindgren (2013), and Li (2022), which highlight the importance of language as a factor in piracy.

Secondly, I contribute to the debates around the reasons why piracy exists in non-Western countries. In addition to such commonly noted motives as resistance to the copyright industries’ greed or the purely economic motivation to get content for free (Cenite et al., 2009; Andersson Schwarz and Larsson, 2014), my findings point towards a considerably more heterogeneous role piracy can play in a given context: from being a money-making activity to a way of practising one’s AVT skills and, notably, to preserving and promoting a national

culture. One might find the latter a particularly thought-provoking finding of this research considering the increased global attention to the Ukrainian nation's struggles with Russia; and in the Postface to this thesis I, therefore, offer some further reflections on the matter. Overall, these findings serve as further evidence of the far from marginal role of piracy in developing economies, which is noted by many scholars, including Mattelart (2009), Lobato (2012), and Pager (2017). In turn, discovering such rarely addressed motives for engaging in pirate activity was made possible by adopting a comparatively uncommon approach to methodology within the field of piracy research, which leads me to the third contribution of my project, that is, a methodological one.

In Chapters 1 and 4, I argued that qualitative, especially ethnographic methods remain not as prevalent as quantitative ones, although a growing body of ethnographic studies on the matter – such as Floyd (2008), Karaganis (2011), Li (2022), as well as this project – demonstrates the value of the former for gaining in-depth insights into pirate economies in different countries. There is especially a lack of pirates' own perspectives, which may be explained by an expected challenge in getting those involved in arguably illegal practice to participate in an academic project. Yet, my research adds to such studies as Staple (2019), which prove that it is ultimately possible to include their voices in the debates on piracy. Moreover, this project highlights the benefits of placing these voices at the centre of the research in order to “reveal aspects of [piracy] behaviours that might otherwise remain hidden” (Brown, 2014, p. 134), as illustrated by the notable range of discovered motivations, rather than simply testing the applicability of existing knowledge about piracy to new geographic contexts. Nevertheless, the methodology of this project is not without its limitations.

As discussed in Chapter 4, although I ultimately conducted over 20 interviews, many of the prospective interviewees I contacted, such as commercial voice-over groups and most of the pirate cinemas' administrators, did not respond to my interview requests. This means that there is potentially a wider range of motivations and factors behind screen media piracy in Ukraine that may only be applicable to these more profit-oriented pirates and, therefore, are yet to be discovered. In addition, due to my partly outsider positionality in relation to the interviewees, it is likely that they were less candid in their responses. While I did not take the data from the interviews at face value, instead triangulating it with other sources, it is worth acknowledging that there could be other important aspects of their activities that they may not have shared. Finally, due to the start of Russia's full-scale invasion of Ukraine, I ended the fieldwork earlier than originally planned, with the main consequence being the lack of follow-up interviews, which I would have otherwise conducted to clarify some minor details with some

of the participants, and comparatively low number of interviews with those engaged in Hromada and informal subtitling.

With all of the above in mind, I suggest two broad areas for further research. Firstly, even if only to address the limitations of this study, it would further the understanding of the informal screen media economy in Ukraine to get a better insight into the activity of commercial voice-over groups. However, this is likely to require more effort to establish trust with the groups or seek alternative sources of insider perspectives, such as the professional voice actors known to have worked for these groups. Furthermore, while conducting fieldwork for this project, I have incidentally identified a rather active community engaged in informal game and software localisation. These two types of media are underrepresented in the research on piracy in general (Watson et al., 2015; Krawczyk et al., 2020), let alone in Ukraine. Consequently, studying software or games piracy, including informal translation, in Ukraine can be a valuable addition to the scholarship on the matter. The second area for further research arises from the following overarching finding of this study: the reason why the pirate practices I studied here are all characterised by some rather distinct features – such as language exclusivity or the uncommonly individualistic way that the Ukrainian informal subtitlers work – is that they exist in a particular regulatory, economic, and cultural context, which plays a significant role in determining the peculiarities of each practice's operation. Therefore, I suggest that this warrants studying informal screen media economies in other countries in order to gain more comprehensive knowledge about the diversity of practices comprising these economies and the variety of complex, context-specific factors that may be central to their existence.

## Postface

Since the start of Russia's full-scale invasion of Ukraine, I have often been faced with the question of how it has affected my research, which is why I decided to add this brief note addressing this question. Specifically, since I have already pointed out the impact of the events on fieldwork in Chapter 4, this postface is aimed to provide a brief update on the relevance of the findings outlined in Chapters 5-8.

Overall, all four practices – subtitling, voice over, Hromada, and online cinemas – continue their operation as they did during my fieldwork. The only major change happened in the activity of the pirate streaming sites. Previously, the Ukrainian pirate cinemas contained adverts for both Russian and Ukrainian casinos, most of which were illegal. Today, however, based on the adverts that can be found on their websites, the only sponsors of the Ukrainian illegal online cinemas appear to be exclusively *licensed*<sup>152</sup> and exclusively Ukrainian casinos and betting sites. One way to interpret this change is as the Ukrainian pirate sites' further efforts at positioning themselves as exclusively Ukrainian distribution platforms, in line with their pro-Ukrainian branding, which I discussed in Chapter 6. In addition, the legality of the casinos that currently sponsor these pirate sites serves as another example of the connections between formal and informal spaces. On the other hand, it is worth noting that in Ukraine, gambling is an industry that has been legalised only recently (see Chapter 7). Therefore, these casinos can be understood as examples of businesses belonging to the controversial economy, that is, legal yet illegitimate practices (Cannatelli et al., 2019). Consequently, it is possible to speculate that by sponsoring pirate online cinemas – that is, illegal yet legitimate practices – casinos are thus trying to gain legitimacy in the eyes of the Ukrainian public. Either way, this relationship between the Ukrainian pirate streaming sites and newly legalised online casinos can constitute a valuable case study for the research on informal and controversial economies.

More broadly, there is a question about the informal screen media practices' role in the context of the new stage of Russia's war against Ukraine, which began while I was conducting this research. My findings demonstrated that, either intentionally or incidentally, pirate sites' administrators, informal AVT practitioners, and members of Hromada, all ultimately help preserve, promote, and broaden the range of Ukrainian-language media products available to Ukrainians. I argued that they thus perform an important role in supporting the use of the Ukrainian language in Ukraine, which is necessary due to centuries of Russia's attempts at

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<sup>152</sup> According to the information of the casinos' websites, most obtained licenses in 2021 or 2022.

eradicating “Ukrainianness” (Kulyk, 2018), not least with its Russification policies. With this in mind, one may suggest that the increased scale of Russia’s aggression effectively implies an equivalent increase in the importance of this informal screen media economy for supporting Ukrainian culture. However, personally, I would argue that in doing so, one risks downplaying the seriousness of the issue in the period before the start of the full-scale invasion. While before 2022, the scale of the physical attack on the Ukrainian territories has been smaller (yet by no means insignificant), the extent of information and cultural war has been just as disturbing as now, and as decades, centuries ago (see Chapter 8). In fact, today, considerably more Ukrainians themselves realise the importance of cultural independence for national security, as illustrated not least by a notable increase in the number of people deliberately minimising or completely rejecting using Russian in their daily life.<sup>153</sup> My point here is that the events starting 24<sup>th</sup> February 2022 have not changed the context of my research but simply took the issue to a level that started attracting more attention from the international community.

Nevertheless, it is worth highlighting that many of the pirate online spaces I studied here remain important platforms for public discussions on the matter of access to Ukrainian-language media. One recent illustrative example here is the backlash against a new bill, which is aimed at regulating the use of the English language in Ukraine.<sup>154</sup> The initial draft of this bill, introduced in June 2023, contained a provision that would essentially prohibit Ukrainian dubbing for all English-language films released in cinemas. Instead, films would be screened only with Ukrainian subtitles to effectively increase the exposure of the Ukrainian public to English, thus helping Ukrainians learn the language. Yet, considering the intolerance to subtitles as an AVT form in Ukraine (see Chapter 5), removing Ukrainian revoicing would likely mean that the Ukrainian audience would simply abandon watching films in cinemas. In addition, in Chapter 8, I noted the availability of Russian pirate streaming sites providing access to films with Russian revoicing, which may again become the only alternative for Ukrainian audiences if the provision in question is to pass. Rather expectedly, there have been active discussions on Hromada’s forum about the dangers of this particular provision, while many of the informal voice-over actors have been actively encouraging their audiences to sign a petition<sup>155</sup> urging the government to remove the provision. Within four days, the petition gained more than the required number of signatures, and it has been reported that the

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<sup>153</sup> Results of the latest survey on the matter are available at: [https://dif.org.ua/en/article/natsionalna-kultura-ta-mova-v-ukraini-zmini-v-gromadskiy-dumtsi-pislya-roku-viyeni?fbclid=IwAR0ySTI6R3IONVANQ\\_ogCYNthYxjGCBwq7M9PAT\\_etg3ZMAOP44V2uZLH38](https://dif.org.ua/en/article/natsionalna-kultura-ta-mova-v-ukraini-zmini-v-gromadskiy-dumtsi-pislya-roku-viyeni?fbclid=IwAR0ySTI6R3IONVANQ_ogCYNthYxjGCBwq7M9PAT_etg3ZMAOP44V2uZLH38)

<sup>154</sup> Available at: <https://itd.rada.gov.ua/billInfo/Bills/Card/42201>

<sup>155</sup> Available at: [https://petition.president.gov.ua/petition/198030?fbclid=IwAR1aWLiBGHW5VNWL-glURB-yoB4NFkbRwcV2tmAk\\_loxmoTJ4Oegzgc2is](https://petition.president.gov.ua/petition/198030?fbclid=IwAR1aWLiBGHW5VNWL-glURB-yoB4NFkbRwcV2tmAk_loxmoTJ4Oegzgc2is)



provision was removed from the bill (Rayon Kultura, 2023). What this example also points towards is the continued fragility of the Ukrainian language in the Ukrainian cultural space, which means that the informal screen media practices explored in this project are likely to continue playing an important cultural role in the country.

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# List of Interviews

## Informal voice-over groups/actors:

- Ether Production, video call (June 2021)
- Breloque, video call (June 2021)
- Bozhena, email communication (September 2021)
- Chief Studio, two video calls (July 2021)
- AdrianZP, private messaging on Facebook (July 2021; January 2022)
- Gwean & Maslinka, email communication (September 2021)
- Dublicat (Olga and Yevhenii Titomyr), private messaging on Facebook (September-October 2021)
- SVOĬ Production, private messaging on Facebook (October 2021; January 2022)
- Vlasiy, private messaging via Telegram (January 2022)
- Melodic Voice Studio (MVS), Telegram group chat with six group members (Lomaev, Inhabi, Sovenya, Enelira, Yuta, Tasia), some of whom are also part of other groups (January 2022)

## Informal subtitlers:

- Juli Bettany, email communication (December 2021 – January 2022)
- Ivan Vyrvyvuh, email communication (December 2021)
- Erithion, private messaging on the torrent site (December 2021 – January 2022)
- Kviten, private messaging on the torrent site (December 2021)

## 'Pirate' online cinemas:

- MovieBaron, email communication (November 2021)
- TarasFilm, private messaging on Facebook (October 2021)
- Yaropolk, brief private messaging on Twitter (November 2021)

## Hromada's moderators and content uploaders:

- Dilnix, private messaging via Telegram (January 2022)
- Askold, private messaging via Telegram (January 2022)
- Yarema, private messaging via Telegram (January-February 2022)
- Urij, private messaging on the torrent site (January 2022)
- Captain, private messaging via Telegram (January 2022)
- Marko, private messaging on the torrent site and Telegram (January 2022)
- Orest, a very brief chat on the torrent site (December 2021)



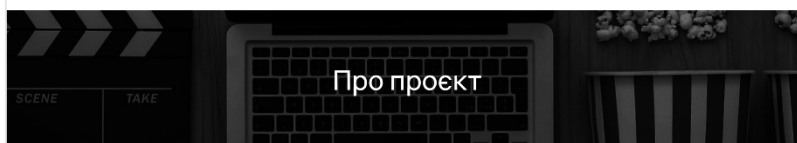
# Appendices

## Appendix A. Screenshots of the project website

Below are four screenshots of all pages of my project website, the link to which was sent to potential interviewees along with an interview request. All content on the website was exclusively in Ukrainian (an outline of the key points from each page can be found in Chapter 4).



Screenshot 1: Home page



#### Коротко про головне:

Це науковий проєкт про різноманітні практики розповсюдження та локалізації фільмів та серіалів в Україні, які знаходяться поза межами традиційного, офіційного простору. Моя основна мета – дослідити ці практики, фактори, які пояснюють їх природу та існування, що саме мотивує людей, які займаються такими видами медіа діяльності, їхній досвід, враження та думки з приводу цієї сфери діяльності.

Найголовніше та, мабуть, найцікавіше в цьому проєкті є те, що в центрі цього дослідження погляди саме цих людей, які займаються розповсюдженням та локалізацією контенту в Україні. Інакше кажучи, хоч і для контексту досліджую дані про "формальну" кіноіндустрію, закони та ініціативи, які регулюють розповсюдження фільмів в Україні, звертаюся до вторинних ресурсів (блоги, наукові та журналістські статті, новини тощо), **найважливішим джерелом інформації для мене буде саме спілкування з тими, хто безпосередньо займається такою діяльністю.**

#### Нащо все це взагалі:

**Для науки.** Останній рік я провела за оглядом наукової літератури (саївовсі та української) про неформальні/нетрадиційні/нелегальні медіа і можу впевнено сказати наступне. Ну дуже вже мало досліджень на сьогоднішній день приділяють увагу такій діяльності загалом та ще менше розглядають такі "неформалізовані" практики розповсюдження чи локалізації як щось дійсно серйозне. Замість того, щоб трошки абстрагуватися і об'єктивно оцінити роль такої діяльності, науковці часто зосереджуються лише на питанні її легальності. Та рідше за все, науковці наважуються спілкуватися напругу з людьми, які власне цю займаються. Результат – безцінний досвід та знання тих, хто безпосередньо надає доступ більшості українців до бажаного контенту залишається недослідженим. У свою чергу, це призводить загалом до того, що наукові матеріали недостатньо відображають наш реалі життя. Тож цей проєкт – це спроба заповнити цю прогалину, зробити наукові матеріали більш інклюзивними та надати можливість усім тим, хто робить медіа контент доступним для інших, бути визнаними за своєї спільноти.

**Для мене особисто.** Як і для багатьох в Україні, для мене торренти, онлайн-кінотеатри та неофіційна озвучка українською мовою донедавна були єдиною можливістю дивитися кіно чи серіали. Це настільки буденні, мейнстрімні способи розповсюдження, локалізації та власне перегляду фільмів у нашій країні, що я досі здивована відсутністю якісних наукових матеріалів про них. З іншої сторони, після того, як я вивчила існуючі дослідження, я тепер ще краще розумію, що стан медіа в Україні все ж доволі унікальний. Настільки унікальний, що зараз у науці просто недостатньо розвинуті теоретичні підходи, які б могли пояснити таку популярність і фактично домінуючу позицію цих неофіційних медіа практик. Західні науковці, які в основному є джерелом усіх цих підходів, часто роблять висновки про стан медіа в окремих країнах на основі власного досвіду. Для них можливість знайти майже будь-який контекст офіційно, за адекватну (для них) ціну та мовою, якою вони бачають, є і завжди було нормою. Тож пояснити, що в Україні такий стан речей фактично ніколи не був нормою, часто доволі складно. Проте, як в українки, яка провела достатньо багато часу за навчанням в Англії, я розумію і стан українських медіа, і західний світогляд. Тому я вірю, що можу зробити дійсно цінний, якийсь внесок у розвиток знань про українську медіа сферу, яка на сьогодні все ще залишається в тіні на міжнародному рівні.

#### Що потрібно:

Сдине, що мені потрібно для здійснення цього проєкту – це трошки Вашого часу і бажання зі мною поспілкуватися на тему Ваших практик розповсюдження чи локалізації фільмів та серіалів в Україні. Спілкування або інтерв'ю буде в будь-якому зручному для Вас форматі (відео- дзвінок, електронна пошта, Телеграм тощо).

**Усе повністю анонімно!** Кожному, із ким я спілкуюся, я пропоную заповнити невеличку форму, інформовану згоду на участь у проєкті. Там Ви можете зазначити Ваші умови щодо анонімності. Тобто без Вашої письмової згоди, ні Ваше ім'я/нік, ні назва Ваших спільнот/сайтів тощо ніде не буде опублікована.

Тож, якщо Ви є адміном онлайн-кінотеатру, аматорською студією чи спільнотою озвучення чи субтитрування (або ж окремих актором озвучення/перекладачем/саббером), приймаєте активну участь на українських торрентах, або акимаєш іншим чином допомагаєш українцям все ж мати можливість дивитися і розуміти улюблений контент – напишіть мені! Я буду дуже вдячна, якщо Ви погодитесь зі мною хоч трошки поспілкуватися на ці теми, та із задоволенням відповім на будь-які Ваші питання.

**Update:** Станом на грудень 2022, я вже завершила збір первинної інформації (інтерв'ю тощо) для дослідження і зараз займаю власне аналізом отриманої інформації та написанням докторської. Проте, я все одно із задоволенням поспілкуюсь з Вами по темі проєкту, якщо у Вас є таке бажання, а також поки ще маю змогу додати інформацію до фінальної версії дисертації.

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Привіт! Мене звали Катя Сівак



Дісклеймер: Jameson за рекламу не платив.

Я – дослідниця (щось нахшталт аспірантки за українською системою) у сфері культурології та медіа в [Birmingham Institute of Media and English](#), що знаходиться в Англії, у місті Бірмінгем. Цей науковий проєкт – це, в першу чергу, моя докторська дисертація (так, як доктор Рос Геллер з “Друзів”), проте я також використовую матеріали з цього дослідження для виступу на міжнародних конференціях, семінарах та для публікації в наукових журналах.

Усе це – частина шляху до моєї мрії бути академіком. Але не тим, хто щороку читає одні й ті самі лекції та періодично пише нудні, чисто теоретичні статті, які не містять ніякої нової, дійсно здобутої дослідником первинної інформації. Я на іншій, “добрій” стороні академії – я хочу проводити цікаві, якісні, реальні дослідження усіх сфер життя та діяльності людей, незалежно від того чи вважаються ці сфери маргінальними, нелегальними, табу чи, з якихось “політичних” причин, просто не вартими уваги. Я вважаю, що однією з найбільших цінностей гуманітарних наук та суспільствознавства (у тому числі, медіа) є надання голосу усім членам суспільства та відображення усіх, найрізноманітніших видів діяльності, якими займаються люди.

Тож, цей проєкт – це також моя певного роду спроба показати, що навідміну від стереотипу, який змушує багатьох асоціювати слова “наукове дослідження” із цитуванням важливих імен для “галочки” у надмірно цензурованій статті, **науковий проєкт насправді ж може бути дійсно неупередженим, цікавим, та відображати справжні реалії життя та діяльності людей.**

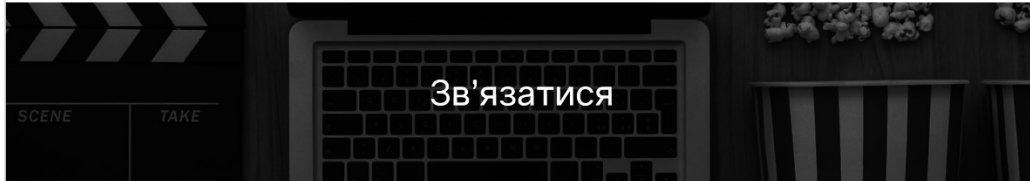
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Screenshot 3: ‘About the researcher’ page



Бажаєте поспілкуватися та допомогти зробити цей проєкт дійно цінним внеском у розвиток науки? Маєте питання? Прокрастинуете? Пишіть!



Участь у проєкті анонімна. Без Вашого дозволу ні Ваше ім'я, ні назва вашого сайту/спільноти/групи тощо не буде ніде опублікована.

Інформація, якою Ви вирішите поділитися зі мною під час інтерв'ю, буде використана **виключно із науковою метою**, себто, для докторської дисертації, наукових статей, блогів, конференцій та семінарів.

Не лежатиме душа відповідати на якісь конкретні питання? Жодного тиску відповідати, ідемо далі. До того ж, **Ви завжди можете відмовитись від участі в проєкті.**

В ідеалі, я б хотіла мати змогу поставити ще додаткові питання пізніше, після першого, основного інтерв'ю/спілкування, але буду вдячна і навіть за одну відповідь!

Як до Вас звертатися:

Ваша електронна адреса:

Про що хочете поговорити?

Не стримуйтесь, але до 1000 символів, будь-ласка

Надіслати

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Створено EP використовуючи JAMstack архітектуру

Screenshot 4: Contact page

## Appendix B. Definitions of quality in the context of voice over by MelodicVoiceStudio's members

*MelodicVoiceStudio is primarily an anime voice-over group, but they occasionally work with non-anime content, and, as they noted, most of the points below apply to non-anime voice over too.*

### Ihabi (2022):

Currently, I am responsible for sound. I focus on three aspects.

1. Audio has to be recorded correctly, using a sufficiently good-quality microphone. By “correct”, I mean correct distance from the mic, correct sound of the environment, e.g., asymmetrical positioning of furniture for avoiding echo in the room.
2. My part of the job (sound processing), the sound must be:
  - clear;
  - clean (no noises);
  - legible
  - dynamically equal;
  - voluminous;
  - positioned in an acoustic space;
  - I need to add energy to it; make it bigger, more branded, richer, more expensive;
  - give it liveliness, emotionality, curiosity;
  - emphasize uniqueness and unusualness
3. Adding SFX effects. (This is optional for voice over, but it helps make the result sound closer to the original).

When evaluating the quality of competitors' [revoicing], the violation of the first point is what catches the attention the most. Even if the actor gave it all 100%, if the first point is violated, points 2 and 3 won't help much. [...]

### Enelira (2022):

If I don't want to turn it off and my ears or eyes don't bleed, that's a good sign 😊 But this [definition] is too general.

As for the translation and subtitles. Most teams translate from English – they find English subtitles and translate them into Ukrainian. Although there were cases in ukrfandub<sup>156</sup> when a person translated from Russian (usually these are people for whom speed is the priority).

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<sup>156</sup> Ukrainian informal voice over of anime.

Some people know Japanese and translate from it. This is the perfect option. We currently have a Japanese translator and a few people who have learned a little Japanese, so we can go by the original and produce a more accurate translation.

My translation criteria:

- non-Google-translated type of sentences ("it is said" = " оно говорить" etc.);
- absence of russianisms and surzhyk;
- the context is not lost.

I can firmly say that the quality of voice acting is judged by the weakest actor. Therefore, when a newbie, who is has yet a lot to learn, revoices together with professionals, it immediately lowers the grade for the entire project.

If we talk about the technical part, then I completely agree with Ihabi. The distance of the actors from the microphone always catches my ear. It's not very good when one person sounds like it's in your ear, and the other is somewhere far away. Everything should be at least more or less the same.

Now as for the voice over itself. I am usually the one who makes a list of all the things that need fixing, the first thing I pay attention to is:

- diction (whether a word is mumbled, or a sentence is clearly pronounced);
- correctness of accents;
- orthoepy;
- logic of the sentence;
- emotion and intonation.

There is also such a thing as "dubber's syndrom". You might have heard how some YouTube bloggers or dubbers use the same intonation in every sentence or (for example) slow down at the end of each sentence, drag out the last word or syllable. Personally, I can't listen to anything with such a presentation.

In my opinion, emotions should be as natural as possible. But in anime, emotions are over the top, you might say. Yes, they are very hyperbolized – exaggerated. BUT they are still natural. Therefore, they should not be out-of-bounds or sound unnatural.

As for sound processing. The most 'ear-catching' are the following:

- room echo;
- the volume of the speaker tracks (some are barely audible, while others are firing);
- the volume of the voiceover relative to the original anime (in my opinion, it is good when a person hears both, because the voiceover is, first of all, an addition to the anime, localization, so to speak, and not the main highlight; people came to watch the anime in your voiceover, not just listen to the voiceover)<sup>157</sup>.

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<sup>157</sup> This does not necessarily apply to non-anime content, as elaborated in Chapter 5.

Has it ever happened that I can't listen to our (or my own) audio? Yes. It took us years to learn. But now I enjoy the final result. :)

**Lomaev (2022):**

It's impossible to single out one aspect. If someone can shout louder than an opera singer, it does not mean that they can compensate for the lack of performance technique. Same here. It is necessary to focus on uniform development of all aspects at the same time. Without high-quality diction, it is impossible to understand which words the emotions are put in. And vice versa: without acting skills, it will not be possible to convey emotions even with the best diction. And, of course, there is the technical component. There would be nothing without it. It is important that everything is perfect when setting up the recording equipment. Same is with the further processing of the audio track. Only a deep understanding and conscientious work with each of the listed aspects will make it possible to make something truly perfect.

# Appendix C. Alternative as Mainstream? Interrogating Informality in Non-Western Media Economies

Article published in the *Makings journal*, Volume 2, Issue 1 (2021)

## Abstract

This article interrogates the notion of informality in media through the prism of the conceptual dualities “mainstream-alternative” and “legitimacy-legality”, which are often used to define media activity that at least partly happens outside of legal, officially regulated spaces. It has become common to refer to such practices, often colloquially termed ‘piracy’, as alternative ways to distribute and access content. Yet, alternativity implies the existence of another, more hegemonic media access provider. Markets where ‘piracy’ is the only known and the only available option to acquire content, therefore, beg the question about what exactly these informal media are viewed as alternatives to. To address this question, I put mainstream, alternative, legitimacy, and legality – rather widely used and seemingly straightforward concepts – into dialogue with each other by exploring the intertwined discourse around them. I find that the main reason why informal media continue to be approached as alternative, even when there is ultimately nothing to be alternative to, is that researchers sometimes take for granted Western perceptions of the media economy and, more specifically, of what is a ‘widely accepted’ practice. I highlight the inherently contextual, even subjective nature of informality and related concepts of mainstream, alternative, and legitimate, emphasising the need to be more explicit and reflective in the research around informality. I argue that this framing of informality as alternative can be problematic, potentially leading to a downplaying of the role informal practices play in certain, especially non-Western contexts.

## Introduction

The idea for this article emerged from my ongoing research into the informal practices within the Ukrainian screen media industry. To conceptualise these practices, I have adopted a theoretical approach, proposed by Ramon Lobato and Julian Thomas in *The Informal Media Economy* (2015). Lobato and Thomas (2015), aiming to challenge the dominance of marginalising views on various media distribution practices existing beyond formally regulated spaces – e.g., peer-to-peer file sharing, sales of counterfeited DVDs, or any practices commonly termed ‘piracy.’, – and instead to highlight their integral position within the media environment, introduce the so-called “spectrum of formality”.<sup>158</sup> As detailed further, this model emphasises an inseparable, almost co-dependent

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<sup>158</sup> ‘Piracy’ is an equivocal, rather problematic term, which does not have a single, established definition. For many, it is used interchangeably with the term *informal media* (e.g., Hutchins, Li and Rowe, 2019), whereas others argue



relationship between formal media businesses and their aforementioned informal counterparts, thus bringing to light an equally important role of informality in the media environment. However, applying this de-facto relational framework to the Ukrainian context, where formal actors in this relationship are a minority or, in some instances, absent entirely, begged the question about the specifics of this formal-informal relationship in the contexts, where informality might be the only existing form of media. Further prompted by the recent calls for reconsidering existing approaches and theories in media studies to incorporate non-Western perspectives and experiences, I ask whether the spectrum, as a framework that originated in Western scholarship, sufficiently acknowledge specificities of other, non-Western contexts; and if not, what limitations may this lead to?

### **The “spectrum of formality”: A universal model?**

Although defining a formal activity, as I discuss further, is not a straightforward task, it can very broadly be understood as an activity that is regulated – most commonly by a state or by industry (Lobato, Thomas and Hunter, 2011; Lobato and Thomas, 2015; Marinescu and Valimăreanu, 2018). Accordingly, the term “informal” is generally used to refer to activities that are not regulated or controlled in a way that the formal ones are. The primary role of the spectrum of formality is to encourage us to think differently about these two kinds of activities. Being more specific, as opposed to viewing formal, legal, major media businesses as having nothing in common with informal ‘pirates’ or amateurs, the spectrum suggests considering the two in a continuous relationship with each other. As Lobato and Thomas (2015) explain, the terms “formal” and “informal”, rather than referring to the two separate, binary categories, point to a degree of formalisation, i.e., where a specific practice sits on the line between “formal” and “informal”. At the “formal” extremity of this spectrum, Lobato and Thomas (2015) place such major media corporations as *BBC* and *CBS*. The other “informal” end of the spectrum is represented by downright ‘pirates’, e.g., *The Pirate Bay* (ibid.). The territory in the middle, therefore, encompasses such actors of the media economy as, for example, *Plex* – a service, which provides legal, official access to screen content (films, TV shows, live TV), whilst also functioning as a media server that offers a convenient, “Netflix-like” way to organise personal (including ‘pirated’) files (Maxwell, 2021). To determine *how* formal (or informal) a practice is – in other words, its location on the spectrum – one needs to assess the formality of the various aspects of this practice, e.g., ease of entry, quality control, centralisation, taxation (ibid.). As Lobato and Thomas (2015) note, in reality, very few, if any, practices or businesses are actually entirely formal or informal; when a practice is placed at the formal edge of this spectrum, it is likely that the *majority* – rather than *all* – of its components are characterised by a high degree of formality. To illustrate this point, Lobato and Thomas (2015) point out that *BBC* is known to have used amateur, unlicensed footage in their broadcasts, while many torrent trackers, such as *The Pirate Bay*, have certain requirements – regulations – for the way ‘pirate’ files must be named, thus highlighting a presence of informal elements even in some of the most formal media businesses and vice versa.

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that ‘piracy’ implies biased connotations (e.g., Mirghani, 2011). However, despite the controversy behind it, its use as a colloquial name for (potential) copyright infringement has become almost unquestionable. In this article, ‘piracy’ is used to refer to those, who do not obtain a licence, or any permission for that matter, from the copyright owner of the films they acquire or distribute (Yar, 2005; Yung, 2008).

On the one hand, this complex in/formal nature of the varying practices that constitute the media environment and, consequently, a far from insignificant role of informality within the latter are increasingly recognised in the field, including in the works concentrating on the more formal media. For example, Evans et al. (2016, p. 412), despite focusing on legal video-on-demand services, do not undermine the role of the informal online viewing networks. The reason why they chose to pay attention to the more formal actors of the media markets they study is explained by their interest in the effect regulatory and industry policy has on online viewing in those markets. This means that Evans et al. (2016) make it explicit that they recognise a considerable presence of the more informal, illegal media activities along with the more formal ones in the markets they explore. Similarly, there are works highlighting the value and significance of the practices, which can be placed somewhere in the middle of the spectrum. For instance, Carter (2018) and Lim (2019) both focus on a distinct third, liminal space between formality and informality to describe fan enterprises and self-distribution, respectively. Carter (2018) puts forward the idea of an “alternative economy”, emphasising not only cultural but also an economic role of fan practices, the legality of which is difficult to define. Lim (2019, p. 208) suggests that such a semi-formal, intermediary-free route as self-distribution allows independent filmmakers to overcome the struggles of the formal, still largely “oligopolistic film distribution system”. Research focusing on the media activity situated at the “informal” extreme of the spectrum, or ‘piracy’, have also been moving away from exclusively evaluating its arguably negative effects on the formal industry to exploring its role in providing access to content (Mattelart, 2016).

However, despite this considerably less marginalising approach to informality within the media environment, there is a tendency to view informal media ultimately as an alternative to the formal ones. As I argue in this article, the framing of informality as alternative to formality can be problematic, potentially leading to a downplaying of the role informal practices play in some, specifically non-Western contexts. Consider, for example, this recent blog post of a Russian travel blogger (Travel po Planete, 2019). The post describes what is an evidently surprising find for the blogger – the availability of DVDs for sale in one of the bookshops in Austria. The blogger genuinely did not expect that people in Austria were still buying DVDs because, in Russia, the primary, most normal and usual way to watch films is by downloading them from file-sharing sites for free. This blog post is essentially dedicated to explaining to the readers in Russia why people pay to watch films; and based on the hundreds of comments to the post, many indeed appear to recognise file-sharing as one of the main film distribution channels in the country. Similarly, such studies as Mattelart (2009; 2012) and Karaganis (2011), which explore the role and reasons behind ‘piracy’ in a wide range of non-Western economies, clearly demonstrate not simply an important but the central role of ‘pirate’ media for audiences in these countries. In other words, for them, ‘piracy’ is effectively the only “alternative”. Concretising my earlier question about the spectrum, I specifically ask *what exactly these informal media practices are seen as alternatives to? Is it valid to apply the same scope of the spectrum to different media economies around the world? If, in a certain context, the “formal” end of the spectrum is effectively absent, does analysing this media economy through the lens of the ‘full’, “informal-formal” range limit our ability to fully understand the role informal practices play in it?* To address these questions, I now turn to examining the conceptual dualities *legality-legitimacy* and *mainstream-alternative*, which are commonly used to define and evaluate an activity's in/formal status and how they interrelate.

## **A note on method**

This is a theoretical, conceptual piece, focusing on interrogating the terms in question through the discourse around them within anglophone academic works. I am particularly interested in the discourse around the defining aspects of (in)formality and the marginalised perspectives within it (van Dijk, 1993). I should acknowledge that excluding non-English publications from a discussion, especially the one centred around multinational contexts, is a significant limitation (Neimann Rasmussen and Montgomery, 2018). Yet, as Albuquerque (2020) observes, it is the anglophone research that remains at the forefront of theory building and that is faced with the calls for ‘de-Westernisation’. With this in mind, I complement the discussion with examples of the relevant discourse from non-academic, non-English sources. I now move on to a logical starting point in exploring the concept of informal media, that is, the concept of informality.

## **In/formality: A subjective concept**

As noted earlier, defining informality is not as straightforward as it may seem. After all, nearly five decades of research did not manage to provide the notion of the informal economy with a single, universally accepted definition (Marinescu and Valimăreanu, 2018; OECD, 2018). As Portes and Haller (2005) put it, the idea behind the informal economy is both simple and complex. On the one hand, it is rather common for the concept to be explained as the one that refers to any economic activity happening outside of the control of the formal regulatory system (Adom and Williams, 2012). All existing ways of defining the informal economy in one way or another point out that what unites the wide range of practices that it encompasses is their inability to meet certain criteria, which would otherwise grant them the formal status (Williams, 2015). These criteria typically include firm registration and tax payment, the existence of legal contracts and licenses, or officially guaranteed remuneration for the work, e.g., minimum wage (Williams and Nadin, 2010; Lobato et al., 2011; Siqueira, Webb and Bruton, 2016; Sutter et al., 2017). In other words, as Efendic, Pasovic and Efendic (2018) explain, informal activities contribute to the official gross domestic product – as do the formal ones – but they are not being declared to the official institutions which would otherwise formally regulate such activities. What this means is that although the processes within the informal economy are not compliant with all of the relevant laws and industry regulations, the final products of these processes are legal in their nature (Henley, Arabsheibani and Carneiro, 2009; Efendic et al., 2018); or, as Webb et al. (2009) put it, “informal” refers to a practice that is “*illegal yet legitimate*”.

“Illegal yet legitimate” implies that the informal status of a practice is directly dependent on the two characteristics – its (il)legality and (il)legitimacy. The former, legality, is a concept that describes an activity’s status in relation to the law and legal institutions (Berkowitz, Pistor and Richard, 2003). Legitimacy, on the other hand, is a more complex notion, which is often contrasted with legality. If a certain practice is deemed legitimate, it means that this practice is “morally justified”, “appropriate”, “socially acceptable” (Black, 2008; Roberts, 2008; Palmås, Andersson Schwarz and Larsson, 2014; Mayntz, 2016). The juxtaposition of legality and legitimacy is essentially the juxtaposition of “formal” and “social”, “formal” and “moral”, where the former refers to a precise, clearly defined set of permitted actions. At the same time, the latter describes a much

more flexible, wider range of practices (Roberts, 2008). Put differently, the law itself can have a different degree of legitimacy. Legitimacy is an attitudinal concept (Roberts, 2008), which suggests a certain recognition and acceptance of a legal institution or a regulator as rightful (Black, 2008). Consequently, legitimacy is rather closely related to the degree of compliance with a certain law, as it effectively “serves as a ‘rationale’ or ‘motivation’ [...] to ‘comply’” (dos Reis and Kessler, 2016, p. 107). Yet, a crucial difference between legality and legitimacy for the purposes of this discussion is the ability to identify the authority behind each clearly. Whereas in the case with legality, the authority can be easily identified, who determines the legitimacy is unclear (Roberts, 2008). As the concept of legitimacy relies on effectively subjective beliefs, defining its exact scope in a universally recognised way is impossible and instead is rather easily manipulatable depending on one’s standpoint and ideological views (Guerguil, 1988; Roberts, 2008; Mayntz, 2016). The question that arises, therefore, is who decides whether a practice is legitimate? And what does this mean for the notion of in/formality?

Formality suggests that the views, beliefs, and principles that underlie legitimacy and legality are congruent, i.e., what is permitted by law is also recognised as appropriate by society (Webb et al., 2009). The informal economy then emerges when a practice perceived as acceptable and normal by large groups within a society is not seen as such by the law (Cannatelli, Smith and Sydow, 2019). This happens when the boundary between what is legal and what is not is unclear; often fuelled by a lack of legitimacy of the law or legal institutions in the first place, “what is formally illegal may become accepted everyday practice” (Mayntz, 2016, p. 5). Indeed, a commonly posited reason why informality in non-Western, less developed economies is generally more widespread and embedded in the national industries, compared to the Western ones, is a relatively weaker, less established, or less effective legislation and regulatory system in the former (Mead and Morrisson, 1996; Gërxhani, 2004; Schneider and Williams, 2013; La Porta and Shleifer, 2014; De Giorgi, Ploenzke and Rahman, 2018). For instance, in Ukraine, unlike in major Western countries that advocate the most for intellectual property (IP) rights protection (Mirghani, 2011), ‘piracy’ is a clearly defined legal term.<sup>159</sup> Yet, as in many developing countries, Ukrainian formal structures, including enforcement agencies, are less advanced (Schneider and Williams, 2013; USTR, 2020), it is rather easy not to comply with some of the IP regulations. It is worth noting, however, that defining (il)legality in practice is not easy no matter the geographical context. Even for the most developed, legitimate legal institutions, it can take time to provide unambiguous and up-to-date laws when it comes to, for example, technology. For instance, in the context of film ‘piracy’, copyright laws in major countries such as the US are yet to define unauthorised streaming – which is otherwise is currently one of the most popular ways of consuming screen content (Burroughs, 2017) – as infringement (Barrett, 2019). As Krawczyk, Tyrowicz and Hardy (2020) explain, whereas streaming implies that a potential ‘pirate’ does not actually acquire copyrighted content, existing copyright laws are still largely based around copying and acquisition rather than access as it is the case with streaming. Nevertheless, if legality – a concept based on the relatively precise and straightforward criteria – is still often difficult to assess, legitimacy is even more complex of an issue.

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<sup>159</sup> According to the Law of Ukraine *On Copyright and Related Rights*, piracy is defined as “publication, reproduction, importation into the customs territory of Ukraine, exportation from the customs territory of Ukraine, and distribution of counterfeit specimens of works (including computer software and databases), phonograms, videograms, illegal broadcasts of the programs of broadcasting organisations, camcording, card sharing, as well as Internet piracy, i.e., any actions that, according to this law, are recognised as an infringement of copyright and(or) related rights using the Internet.

As it is now evident, whether an activity is defined as in/formal depends not only on what is allowed by the legal system but also on the subjective, often ideological beliefs of large groups within a society on whether this activity is tolerable. Indeed, as the earlier example of DVD sales and file-sharing in Russia and Austria demonstrates, the very perception of and attitude towards informality is distinct in Western and non-Western countries. As Palmås et al. (2014) note, legitimacy involves, to an extent, approaching a certain activity as in line with ‘a natural order’. Resonating with this perspective, Borocz (2000) offers an explanation why for West European and North American economies formality is seen as relatively more natural than for the other ones. Borocz (2000) uses the term “moral predominance of formality” in relation to these countries, which implies that formality there is seen as a social norm. This, in turn, is seen by Borocz (2000) as a result of the rapid emergence of the large-scale formal capitalist structures of the state and the industrial enterprises. Although developing economies have also undergone this industrial capitalism stage, the capital shortages, which these countries experienced, led to a smaller size of industrial organisations (Borocz, 2000). The latter has led to the high levels of formalisation being less of a necessity than in the Western economies (ibid.). Put simply, in non-Western economies, these socio-historical conditions not only slowed down the formalisation but changed the perspective on the reasoning behind it whatsoever, resulting in “informality-as-a-way-of-doing-things” (Bandelj, 2016, p. 90), i.e., informality itself being a more justified option, a social preference (Gordon and Li, 2009).

Hillebrand and Zademach (2013, p. 9) term those informal, ‘socially preferred’ activities “alternative economic practices” – economic systems that are considered “alternatives to mainstream capitalism”. According to Hillebrand and Zademach (2013), “alternative” in this case can mean both that a practice operates in a similar to the capitalist way, still having profit as at least a small part of the motivation behind it – e.g., fan enterprises studied by Carter (2018) – as well as that a practice exists completely beyond the notion of capitalism – e.g., file sharing, which could be viewed as an example of the economy based on reciprocal arrangements, or sharing economy (Braid, 2018). What this means is that when one refers to ‘piracy’, or any other media practice for that matter, as alternative (e.g., Dent, 2012; Rauch, 2015), they are effectively highlighting a divergence of the way this practice operates from what *they* consider to be a standard, acceptable, legitimate way of operating. Put differently, ‘pirate’ media should only be considered alternative if there exist more legitimate ‘non-pirate’ media. To illustrate this point, I return the discourse around informal media practices, in particular to the cases where they are termed alternative.

### **“Unboxing” the mainstream**

As mentioned earlier, one of the most common perspectives on ‘piracy’ regards it as an alternative way to access the desired content. More specifically, such unauthorised distribution channels are often seen as a cheaper, faster, more convenient, or simply the only available option to watch films in some markets (Leonard, 2005; Mattelart, 2009; Klinger, 2010; Karaganis, 2011; Meissner, 2011; Mangahas, 2014; Mattelart, 2016). Whether disregarding copyright merely to avoid expenses and time involved in officially acquiring films for distribution purposes or as the result of an inability to officially distribute specific films in a particular market, e.g., due to government censorship, ‘piracy’ effectively performs the role of “an alternative [...] channel for cultural circulation and consumption”

(Li, 2012, p. 543). Let's consider some specific examples. Mendes Moreira de Sa (2015) discusses an "alternative" distribution system in Brazil, namely an online community on Orkut, a now-closed social networking platform, where fans of American TV shows would be able to find links to downloadable episodes almost immediately after they had been broadcasted in the US. Other informal communities would translate the dialogues and create subtitles for the new episodes (Mendes Moreira de Sa, 2015). Mendes Moreira de Sa (2015) clearly states that she juxtaposes this informal distribution system consisting of online file-sharing communities and amateur subtitling groups with what she describes as formal, standard, traditional distribution system of TV shows in Brazil, i.e., television networks. In her later work, Mendes Moreira de Sa (2016) describes the practice of using virtual private networks (VPNs) to access content from Netflix catalogues that are only available in a limited range of countries, i.e., to circumvent geo-blocking. She refers to it as "an alternative system of TV viewing" (Mendes Moreira de Sa, 2016, p.159). Jacobs et al. (2012, p. 958) focus on digital piracy in the Netherlands, referring to this practice as an "alternative film-distribution method", juxtaposing it essentially with the formal film and music industry distributors. Similarly, Meissner (2016, p. 69) views informal media economies as spaces for alternative, independent cultural voices; spaces "outside of mainstream media's established processes". One thing that is evidently common for each of these examples is that they all position – some more explicitly than others – various informal practices of accessing content as alternatives to the legal industry practices. The latter, in turn, are more often than not referred to as *mainstream*, a concept commonly applied as an antipode of *alternativity* (Przylipiak, 2018). Therefore, what needs to be addressed here is, considering that informality is seen as an alternative, is whether informal can be mainstream. To put it differently, are all mainstream practices necessarily formal?

To answer this question, it is logical first to address the definition of "mainstream". Yet, the latter is a rather tricky task. Whereas the aforementioned works use the term in question effectively to explain what an informal activity is not, none of them identifies the defining characteristics of "mainstream" in the first place. The reason for that is, as Hájek and Carpentier (2015, p. 365) observe, that "mainstream media are usually understood as a monolithic category with a set of given characteristics that are never questioned". Hájek and Carpentier (2015) argue that the concept of mainstream media has become "*black boxed*", i.e., turned into a no longer challenged notion, the practical *raison d'être* of which has been largely reduced to help develop the theory of alternative media. Indeed, as Kenix (2011) notes, distinction from the mainstream has been central to the definition of alternative media. This means that one has a better chance to understand what mainstream *is* by taking a closer look at what it *is not*, i.e., at the notion of alternative media.

Alternative, first and foremost, is a relational term, meaning that its use for one activity necessarily implies the existence of another, more dominant one (Just, De Cock and Schaefer, 2021). According to Spracklen (2018), those practices described as alternative are practices that exist on the margins. One of the earliest and most radical connotations of *alternativity* is related to deviance and activism. Spracklen (2018) explains that this is the result of the research on *alternativity* being funded mainly by governmental organisations attempting to control or prevent any 'unorderly behaviour'. Some of the (earlier) research on 'piracy' sits well with this perspective, pointing out an activist nature of this practice. For instance, Lindgren and Linde (2012) provide an example of file sharing as a form of subpolitics, which implies that downloading films from torrents is a way some people express their resistance to large, profit-driven companies that attempt to force unnecessary consumption on society. However, today, as Sinnreich et al. (2020) argue, very few 'pirates' have such idealistic, ideological, 'anti-copyright' aims underlying their activities.

Instead, Sinnreich et al. (2020) suggest that currently, a far more practical approach to copyright and, accordingly, to 'piracy' dominates in the world, the underlying interest of which is situated simply in being able to share and access creative and cultural works. Echoing this more neutral view on some of the fundamental aspects of informal media (i.e., copyright), Spracklen (2018) notes that a different, more recent approach to alternative cultures is similarly more pragmatic, viewing them ultimately as a diverse range of neo-tribes, some of which all of us belong to. In other words, alterity does not necessarily refer to something radical and diametrically oppositional to whatever is identified as mainstream in a given context; instead, the term "alternative" primarily emphasises a certain *difference* from the more widespread, widely accepted phenomenon – from the mainstream.

In line with this approach to alterity, "mainstream" can be seen essentially as synonymous with "*widely accepted*", "*conventional*", "*standardised*", "*popular*", "*recognised*", "*established*", "*normal*" (Przylipek, 2018; Draganova, 2020). Przylipek (2018, p. 28), attempting to identify at least some more specific characteristics of the notion of the mainstream in cinema, suggests that the concept can be narrowed down to the two core properties – "wide acceptance by people and normality/conventionality". "Wide acceptance", according to Przylipek (2018), relates to society. The higher the number of people who accept, recognise a certain practice as 'valid', the more mainstream it is. What Przylipek (2018) effectively talks about here is *legitimacy*. Therefore, it can be concluded that what unites both mainstream and formal (and informal) is that the activities these terms refer to are perceived by a society as justifiable, effective, rational in a given context. The second property, "normality/conventionality", suggests that a specific practice is typical, meaning the most frequently appearing, the most similar to the majority of other practices in a range (Romney, Brewer and Batchelder, 1996; Przylipek, 2018). As Przylipek (2018) notes, typicality is a rather complex notion that could vary significantly depending on what a practice is assessed as similar. To illustrate this point, he uses blockbusters as an example of a type of films commonly – almost unquestionably – considered mainstream. However, as Przylipek (2018) argues, it is exactly the *dissimilarity* of these films from others that makes them blockbusters in the first place. Therefore, he suggests that it might, in fact, be more appropriate to evaluate the typicality of a practice not in relation to other, similar practices but in relation to the society's perception, i.e., what people see as typical, as the most frequently 'practised' one. In other words, mainstream refers to the most usual, most frequently practised, normal activity. So, what can be concluded from this in relation to the mainstream-(in)formality-alterity-(il)legitimacy system?

### **Shifting the focus to the context**

One major conclusion is that legality is not one of the fundamental characteristics of the mainstream. Legality is only a necessary attribution for formality. This means that formal media businesses are not mainstream by default, while it is also not theoretically impossible for informal media to have the status of the mainstream. Indeed, on the one hand, how the majority of researchers use the term "mainstream" does create an impression that it unequivocally refers to a formal practice. For instance, in their study of an Australian file-sharing community, Beekhuyzen, Von Hellens and Nielsen (2015) contrast this unauthorised form of distribution with the music recording industry, which is what they refer to when they use the word mainstream. For Dent (2012), "mainstream" implies economic activities that are, first and foremost, permitted and

recognised as legal (and legitimate) by the powerful institutions on the market, e.g., the International Chamber of Commerce. In fact, even Lobato (2012), despite recognising the ubiquity and popularity of many informal, potentially copyright-infringing practices around the world, still occasionally uses the notion of mainstream as a counterterm for informal distribution. The dominance of such discourse can easily mislead one to assuming that it is both legitimacy *and* legality that are fundamental to the concept of the mainstream. Yet, for example, the Hollywood studio system, which is widely perceived as mainstream, is rather commonly juxtaposed with independent – though still very much formal – film producers and distributors (e.g., Crisp, 2015). It is important to add here that in practice, the notions of (il)legality, as well as mainstream and alternative/independent, are perhaps even more intertwined than in theory. For one thing, Hollywood has had weighty influence not only on the content of the copyright laws in the US but also on the place of copyright protection in the US international relations (Mattelart, 2012), which means that at the very least legality, if not all the other notions, are also defined by existing power relations and negotiations in the industry and more broadly politics. In fact, Lobato and Thomas (2015) note that such negotiations are often the ones that determine the aspects distinguishing formality from informality in the first place.

Nevertheless, Lobato and Thomas (2015, p. 17) also note that “sometimes this informal economy dwarfs its legal counterpart, effectively becoming the norm”. In other words, informal can be mainstream, especially in contexts where legal options are non-existent. For example, in my currently ongoing research, I find that in Ukraine, official representatives of specific rightsholders, e.g., HBO, are either absent entirely or, more commonly, simply do not wish to sell the rights to the Ukrainian broadcasters (Interviewee B, 2021). As the result, the most common and, in fact, the only possible way for the Ukrainian audiences to watch many foreign TV shows is via illegal – though very much legitimate and typical – means. Furthermore, many major Ukrainian news sources, providing an overview of the country's latest streaming services, tend to explicitly stress whether they are talking about legal services specifically or about all – including informal – services (e.g., volynnews.com, 2020). Another interesting example of the discourse around in/formal media is from an article informing about the premiere of the new season of a major TV show – “The streaming service [Netflix] has released all episodes of season 3, so it is there where you can watch new episodes legally. [...] You can also watch the third season of “Stranger Things” on various pirate sources...” (2019<sup>160</sup>). The narrative in these news articles appears to be effectively based on the idea that unofficial, illegal sources of content are equally accepted by people with the legal ones. In fact, I would argue that it is the unofficial platforms that are seen as the norm, the benchmark, the traditional way of accessing films and TV shows since it is often only when the material focuses exclusively on legal media that the legality aspect is specified.

Therefore, the most important point that this discussion makes is the inherently contextual nature of the concepts in question. If we approach the question of what is considered the normal way of distributing or watching films from the perspective of, for instance, traditional film studies, then ‘the norm’ would refer to the Hollywood studio system and the distribution channels it officially recognises, e.g., cinemas (Lobato, 2012; Crisp, 2015; Przyłipiak, 2018; Lim, 2019). Accordingly, file sharing, although it would be recognised as a widely used means of distribution, would not be deemed conventional or normal. However, if we look at the issue from the point of view of the

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<sup>160</sup> For the purposes of preserving the anonymity of these ‘pirate’ sources, I do not include the precise details of the article where this quote, translated from Ukrainian, is taken from.



audiences, for the majority of whom accessing films via file-sharing sites is the only affordable or available way, then such 'pirate' practices become both socially acceptable and typical i.e., mainstream. The conceptual difference here lies in the varying perception of what is widely acceptable and the most typical, most normal. Since these beliefs are different among countries, regions, and cultures, one needs to be cautious of unthinkingly reducing the notion of mainstream exclusively to legal, formal activities. It is important to identify the context in question and be explicit about what is used as a reference point for alterity. Indeed, as Guha-Khasnobis, Kanbur and Ostrom (2006) note, "formal" and "informal" can be thought of as metaphors that need to be adapted to a specific case, thus highlighting a predominantly functional, inconstant meaning behind the terms.

Consequently, it can be argued that the tendency to associate mainstream with formality essentially comes from the fact that a considerable majority of studies on informal media in both Western and non-Western settings are insufficiently explicit about this reference point, which a practice is termed alternative against. Often using Western perspectives on the typicality within the media economies, and more broadly, Western social norms and beliefs as a benchmark, such works risk limiting our understanding of a distinct role, nature, and scope of informality in non-Western contexts. This limitation has been spotlighted by the calls for de-Westernisation of media and cultural studies, which, as I noted earlier, served as an additional premise for this piece. Therefore, prior to concluding this discussion, I briefly highlight what appears to be a twofold rationale behind such calls and its relation to the complexities considered here.

Firstly, as Alacovska and Gill (2019) note, the value in studying contexts beyond the dominating Western one lies in their ability to present a different, "ex-centric" perspective, e.g., the one that could indeed allow to re-think the established, effectively Western perspective on the mainstream within the media studies, as argued in this article. Put differently, taking a closer look at the non-Western informality prompts to test the "universal validity of West-based empirical findings" (Alacovska and Gill, 2019, p. 198). As this discussion demonstrates, even when the ubiquity and centrality of the role 'piracy' plays in many less developed countries are recognised, informal media practices often continue to be approached as marginal, as an alternative to an effectively non-existent within a given context 'dominant'. Hence it is crucial to be more open and reflexive when framing a phenomenon as alternative by being explicit about what it is seen as alternative to.

Yet, it is worth emphasising that the calls for de-Westernisation of the media studies, particularly the views on informality within them (Alacovska and Gill, 2019), are not grounded simply in the desire to increase the size of the sample of informal practices by widening the scope of countries chosen as the geographical context for the research. As Cheruiyot and Ferrer-Conill (2021) observe, the issue today is indeed not so much with the number of works exploring non-Western economies but with the extent to which the findings from these Majority countries are incorporated in theory development. As Hillebrand and Zademach (2013) put it, exploring such non-Western perspectives on informality and, more generally, on alternative economic activity has become increasingly common, in fact to the extent that it effectively made studying such alternatives the new mainstream in academia. Consequently, as Cheruiyot and Ferrer-Conill (2021) clarify, the proper way to de-Westernise the media studies is actually to *de-contextualise* them. Simply put, whilst there is an increasing number of works looking beyond the developed countries' context, the perspectives they discover generally retain the status of alternative,

whereas Western approaches not only remain central but, as Cheruiyot and Ferrer-Conill (2021) put it, are “pigeonholed to the core”. The latter is reflected in the desire to prove the ‘exoticism’ of a specific non-Western context that is being studied (ibid.). For example, if the focus of a publication is on a non-Western region, it is common to observe an overly thorough description of the general facts about a country under study (ibid.). In addition, it is a commonplace practice to use contextual data, e.g., the name of the (non-Western) country in the title, whereas research focusing on the Minority-country context mainly uses “generalised titles” (Albuquerque, 2020). This, in turn, suggests that there is a certain pressure to justify the value of considering this particular context in the first place. What all this means for the purposes of this discussion is that the assumptions, which are deeply, often unconsciously rooted into the terms in question, may effectively lead to a biased view of the media economies beyond the West.

## **Conclusion**

In this discussion, I aimed to bring into dialogue the two conceptual dualities that are fundamental for defining informal media, namely *mainstream-alternative* and *legality-legitimacy*. The main goal here was to explore the intricacies and distinct nature of the notion of informality in the context of informal media economies outside the dominant Western settings, thus also responding to the recent calls for de-Westernisation and de-contextualisation of the media studies. Unpacking the meanings and discourse behind each of the terms highlighted a certain degree of assumptions that appear to have become embedded in them. More specifically, as my interrogation of these concepts demonstrated, “mainstream” tends to incorporate a Western understanding of the ‘socially acceptable’ and the ‘typical’ – the two fundamental properties of the mainstream. This, in turn, leads to an almost universal (within the anglophone research) association of the term with formality. Yet, getting to the core of the discussions around the concepts in question as well as using some examples from a non-anglophone and non-Western context, I demonstrate that equation of the notions of mainstream and formality – and accordingly, alternative and informality – is not always valid, as these concepts are inherently contextual. In other words, one should be cautious when framing informal media as alternative – an ultimately marginalising category, as it implies the existence of another, more hegemonic order in the context that is being studied. If an informal way of accessing a certain type of content is the only one available and is considered perfectly acceptable by and typical for the majority in a given society, then it may easily be termed mainstream.

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