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Running head: INTELLECTUAL PROPERTY LAW

**Intellectual Property Law and Digital Technology: Exploring Third-Person
Perceptions and Copyright Infringement on the Internet**

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*Paper Presented in Partial Fulfillment of the
Master of Science Degree in Communication & Media Technologies*

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Submission date: July 26, 2004

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Abstract

The current study addresses theft of copyrighted music files on the Internet and the perceived effects of media reports surrounding lawsuits brought against individual music file sharers in September, 2003. Professors in several undergraduate communication classes at the Rochester Institute of Technology collected survey responses from 157 participants. Participants were asked to respond to questions related to perceived effect of these news reports on themselves and on others about lawsuits filed by the RIAA against music file sharers. The results of this study were inconsistent with the many previous studies on third-person effect, in that respondents did not perceive others to be more influenced by news reports about lawsuits brought against individual music file sharers than they themselves were.

Introduction

Perhaps the most publicized incidence of Internet copyright infringement involved the on-line music file-sharing service, Napster. During Napster's peak in spring 2001, users copied more than 165 million music files each day on its servers. More than 85 percent of these files were copyrighted – hence not legally the users' to copy (Parloff, 2003). As Lawrence Lessig (1999), author of *Code and Other Laws of Cyberspace*, contends, "For the holder of copyright, cyberspace appears to be the worst of both worlds – a place where the ability to copy could not be better, and where the protection of law could not be worse" (p. 125).

Taylor, Demont-Heinrich, Broadfoot, Dodge, & Jian (2002) stated, "As the first company to exploit the fundamental P2P [peer-to-peer] architecture of the Internet on a truly massive scale, Napster transformed traditional systems of music distribution" (p. 618). However, Napster's "transformation" had legal consequences. Napster and the sound recording company, Bertelsmann – who announced a partnership with Napster in 2000 to eventually convert the free music file-sharing site into a paid service – each faced lawsuits for secondary infringement and tertiary infringement, respectively (Parloff, 2003).

Despite a "fair use" argument (*i.e.*, because Napster made music available for personal use, it was not a copyright violation), the Napster site came to a halt in 2001 when the company was unable to comply with U.S. District Judge Marilyn Patel's order to shut down its file-sharing services (Parloff, 2003). Consequently, in June 2002 Napster filed for Chapter 11 bankruptcy protection and the ultimate legal status of the file-swapping service was never fully resolved.

The lawsuits did not end there, however. In September 2003 the Recording Industry Association of America (RIAA) filed more than 250 law suits against individual music file sharers. According to Cary Sherman, president of the RIAA, these civil suits were filed against those who made an average of 1,000 copyrighted music files available, termed “major offenders” (Legon, 2003). Further, the recording industry announced an amnesty program for those who would come forward and confess to illegally sharing copyrighted music (facilitated by Napster) across the Internet. The tactics used by the RIAA were bold because they ran the risk of alienating customers for recording music by suing them.

The media coverage surrounding this issue comprises an interesting account of perceived attitudes regarding copyright law in cyberspace. The purpose of the present study is to apply the third-person effect hypothesis to perceived attitudes and behavior surrounding copyright theft on the Internet, following media coverage of lawsuits filed against more than 250 individual music file sharers in September, 2003.

Third-Person Effect

Introduced in 1983 by W. Phillips Davison, the third-person effect states broadly that “people will tend to overestimate the influence that mass communications have on the attitudes and behavior of others” (p. 3).

According to Davison (1983),

The phenomenon under consideration has been called the ‘third-person effect’ because third persons are involved from two different observational standpoints. In the view of those trying to

evaluate the effects of a communication, its greatest impact will not be on 'me' or 'you,' but on 'them' – the third persons (p. 3).

Hence, “Any effect that the communication achieves may thus be due not to the reaction of the ostensible audience but rather to the behavior of those who anticipate, or think they perceive, some reaction on the part of others” (Davison, 1983, p. 3).

The third-person effect is composed of two major hypotheses – perceptual and behavioral. The perceptual hypothesis posits that “people will perceive that a mass media message will have greater effects on others than themselves,” while the behavioral hypothesis posits that “because of that perception, people might take various actions” (Severin & Tankard, 2001, p. 275).

Since its inception more than two decades ago, the third-person effect has been supported in many studies examining the perceived effects of various types of media content such as product advertising, political advertising, news, rap lyrics, pornography, dramatic television programs (Hoffner, et al., 2001) and cigarette smoking.

Applying the third-person effect to media messages surrounding RIAA suits against individuals who shared copyrighted music files on-line addresses the connection – or disconnection – between the ever-advancing technology of the Internet and traditional communication law. The Internet is a primary focus in copyright debates “because this new medium allows individuals to make perfect copies of copyrighted works and distribute them effortlessly at almost no cost” (Jackson, 2000, Introductory section, ¶ 2). Yet, it is doubtful that all users fully understand the implications of copyright theft and the effect on performers, musicians, authors, and other holders of

copyrights. Thus, copyright management on the Internet remains a problem for copyright owners.

Copyright Law

In essence, “Copyright is based on the economic premise that without some form of enforceable protection, authors will not be able to recoup their investment and thus will have no incentive to create” (Jackson, 2000, Copyright and the Internet section, ¶ 1).

In the most general terms, the purpose of copyright is to protect the works of authors and creators. It is “a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of ‘original works of authorship,’ including literary, dramatic, musical, artistic, and certain other intellectual works” (www.copyright.gov/circs/circ1.html#wci, ¶ 1). It protects “original works of authorship” fixed in a *tangible form* of expression – for example musical works including any accompanying words, dramatic works including any accompanying music and sound recordings.

Copyright laws grant the creator the *exclusive* right to reproduce, prepare derivative works, distribute, perform and display the work publicly (www.whatiscopyright.org/, ¶ 2). Anyone outside of the creator of the work who distributes the work in any manner is infringing on copyright, unless use of the original work is for such things as criticism, comment, news reporting, teaching, scholarship or research, each of which fall under the “fair use” doctrine.

It is abundantly clear that the Internet continues to change the ways individuals communicate with one another, how they obtain information and how they consume entertainment and other forms of communication content (Jackson, 2000). The Internet is used for many purposes, including entertainment, selling, purchasing, communicating/

interacting with others, accessing information, and passing time. “Audience members have their own varied reasons for selecting messages to pay attention to, and they often select content to match their own tastes, ideas, and informational needs” (Barnes, 2003, p. 82).

Hypotheses

The third-person effect hypothesis posits that people tend to overestimate the influence a mass communication message has on the attitudes and behaviors of others (Davison, 1983) – “as if the messages cannot have an effect on them [self] but as if they might have an effect on other people” (Severin & Tankard, 2001, p. 274).

The present study applies the fundamentals of the third-person effect with the expectation that people will *overestimate* the influence of media coverage on the attitudes of others when lawsuits were filed in September, 2003 against more than 250 individual music file sharers. Thus, the current study predicts the following:

H1: Respondents will judge themselves less likely than other people to be influenced by news reports about lawsuits brought against individual music file sharers in the fall of 2003.

Driscoll and Salwen (1997) studied third-person perception and self-perceived knowledge regarding the O.J. Simpson trial. They hypothesized that “The greater respondents’ beliefs that they possess more knowledge about a specific news event than perceived others, the greater the third-person perception” (Driscoll & Salwen, 1997, p. 544). The results of Driscoll and Salwen’s (1997) study demonstrated that participants’ self-reported knowledge about the legal issues surrounding that trial

correlated with third-person perception of what participants viewed as a neutral media message (conveying neither guilt nor innocence).

Expanding on this concept of self-perceived knowledge and third-person effect, the current study predicts the following:

H2: The difference between perceived media influence on self and on others will be related to the respondents' self-reported exposure to media and familiarity with news reports about lawsuits brought against individual music file sharers in the fall of 2003.

One feature of the third-person effect is “the idea that the greater the social distance between the individual and the comparison group, the greater the third-person effect” (Severin & Tankard, 2001, p. 276). According to Davison (1983), “In the view of those trying to evaluate the effects of a communication, its greatest impact will not be on ‘me’ or ‘you,’ but on ‘them’ – the third persons” (p. 3). Thus, the current study predicts:

H3: Respondents' judgments of the perceived effect on others will be increasingly greater as the definition of “others” becomes broader (as opposed to effects on self and peers).

In their study evaluating the psychological origins of third-person effect, Brosius and Engel (1996) stated that “If a hostile media phenomenon causes the third-person effect, the discrepancy between the estimated effect on oneself and on others should correlate with generalized negative attitude towards media effects” (p. 149). Brosius and Engel (1996) found only weak support for their hypothesis that third-person effect would be greater for those who perceive media effects (in general) as strong and negative. In

their study, third-person effects were found to be larger for older respondents with less education (Brosius & Engel, 1996).

In revisiting this hypothesized correlation between the causes of third-person effect and a generalized negative attitude towards media influence, the present study predicts that:

H4: The third-person effect is greater for people who generally perceive media effects as strong and negative.

A final question to be addressed in the current study is:

RQ1: To what extent is the third-person effect related to the respondents' knowledge of copyright law?

Copyright Protection in Cyberspace

The World Wide Web is a medium that transcends national boundaries. “With the current open architecture of the Internet, it is difficult for governments to regulate online behavior. Although governments can enact laws, regulation of the Internet involves other factors, including software code, social norms, and economic markets” (Barnes, 2003, p. 287). Hence, investigations concerning theft of copyrighted materials on the Internet is a relevant and timely topic for research.

As Ewing (2003) states, “Copyright is a complex system of laws and traditions, created to balance the rights and interests of three groups involved in publishing – authors, publishers and the public” (§ 6). The challenge is to find an acceptable solution for all in the age of digital technology, where near-perfect copies can be made with minimum cost (Jackson, 2000).

United States law deals with legal issues surrounding new technology, including the Internet, in three ways: (1) issues are reduced to their basic components, (2) existing statutes and case law are applied, and (3) new statutes are passed as needed “to overrule case law or enact new regulations” (Gale Group, Inc., 2003, ¶ 3).

The U.S. Copyright Act of 1976 is Federal legislation enacted by Congress under its Constitutional grant of authority to protect creations of the original creators. The Federal agency that administers the act is the Copyright Office of the Library of Congress. Its regulations are found in parts 201-204 of title 37 of the *Code of Federal Regulations*.

Copyright laws, however, vary from country to country. There is no doubt that copyright protection has become more challenging with the advent of new technology such as the Internet. As Fallenbock (2002) states, “At the beginning of the new millennium digital technology and the global economy create a new environment for copyright law” (Introduction section, ¶ 1).

How “Public” is Public Domain?

The Internet is sometimes referred to as a “public domain.” However, this does not necessarily mean that the information available in that domain is free. In fact, “Copyright infringement occurs whenever copyrighted material is copied from or posted to a web site without authorization from the copyright owner” (Transferring Information to and From a Web Site section, http://fairuse.stanford.edu/Copyright_and_Fair_Use_Overview/chapter6/6-b.html).

Given the reproduction capabilities of Internet technology, society’s perceptions of copyright law as it applies in cyberspace and consequential actions of infringement are

of great significance in today's struggle to balance the property rights of creators and the needs and interests of consumers.

Applying Third-Person Effect to Copyright Perceptions in the Age of Digital Technology

Although many studies have been conducted over the past 21 years testing Davison's third-person effect hypothesis, the current study extends the research by applying the third-person effect in the context of perceived attitudes surrounding copyright law and the application of third-person perceptions to people's behavior on the Internet. This study proposes that respondents will overestimate the influence on the attitudes of others of media coverage surrounding lawsuits filed against more than 250 individual music file sharers in September, 2003 regarding copyright policy on the Internet.

The copyright dilemma and its application in cyberspace continue. However, new laws have been enacted in an attempt to specifically address copyright law and digital technology. For example, Congress passed the Digital Millennium Copyright Act (DMCA) in October 1998 to "create new protections for copyright management systems, digital recordings and certain original designs" (Jackson, 2000, Introductory section, ¶ 2). But is this new Act capable of thwarting copyright theft in cyberspace? Where the Internet is concerned, it doesn't appear to have stopped or prevented copyright infringement.

Individuals with a copyright maximalist view want to eliminate even "fair use" and make on-line service providers responsible for monitoring copyright infringement (Barnes, 2003). On the other hand, there are libertarians who see the Internet as "an open

environment and copyright is antidemocratic because it interferes with the free sharing of ideas” – or those who favor a copyright minimalist view (Barnes, 2003, p. 284). And there are those who fall somewhere in between these two viewpoints.

As noted previously, the Napster case was no doubt complex, involving questions of economics, free speech, technology and the battle over intellectual property. In the view of Taylor and associates (2002), “Napster is a symbolic site of struggle where different discourses alternately make contact, affiliate, and clash with each other” (p. 614). “A most basic example involves the passionate conflict conducted in regulatory and journalistic venues between populist speakers associating Napster-usage with ‘freedom of speech,’ and music industry speakers demanding the enforcement of copyright protections” (Taylor, et al., 2002, p. 614).

Yet copyright protection goes *beyond* illegally downloading copyrighted music. Today, scholars and lawmakers alike continue to struggle with the dilemma that “...the same law which prevents such potentially harmful copying may also prevent fair use and other legitimate activities that are profoundly important to the values of free speech and individual and cultural autonomy” (Jackson, 2000, Copyright and the Internet section, ¶ 9).

The Internet, Copyright Law and Third-Person Effect

The birth, or perhaps more accurately, the widespread growth of the Internet has challenged the law in many ways. Legal battles have erupted in such areas as trademark, patent, and copyright laws and their applications in cyberspace. As a network that encourages two-way communication, the Internet makes it easy for users to copy and distribute copyrighted works to others (Jackson, 2000).

The issue of copyright law is not a new one. Rather, “the first copyright law was designed to reduce the monopoly power that publishers had enjoyed with the rise of the stationers guilds and printing privileges,” while maximizing the monopoly power of the original creator or inventor of the work (Jackson, 2002, p. 418). The Napster case provides a prime example of copyright minimalist view (those swapping music) versus the copyright maximalist view (music industry speakers and artists). This case is indicative of the historic dilemma and ongoing debate over balancing the rights of copyright owners with the needs of users.

In turn, society’s perceptions of copyright law and digital technology are significant because we continue to see public policy adapt in an attempt to balance the property rights of creators and the needs and interests of consumers. However, creation of new laws and policies is not always the best answer.

Litman (2001) sums up the current copyright debate in terms of intellectual property protection on the Internet well, stating:

Having failed to deploy secure digital music, record companies have relied on courts to revise the bargain to insert a provision imposing liability on consumers for noncommercial copying, private performance, and private distribution. That’s a hard sell, especially if the consumers don’t go along” (p. 167).

Napster wasn’t the only target of the recording industry’s lawsuits. The RIAA imposed liability on consumers by filing civil suits against individual music file sharers who made an average of 1,000 copyrighted music files available – termed “major offenders” (Legon, 2003).

As has been discussed, many past studies applying third-person effect have demonstrated that individuals overestimate the influence of mass communication messages on others. Davison (1983) posed the following questions at the end of his article on third-person effect: “Why are exaggerated expectations about the effects of communication on others so common? Do they occur in response to all categories of persuasive communications, or only certain categories?” (p. 14). The present study seeks to add to existing literature on third-person effect by exploring an area of communication where intellectual property law and digital technology intersect.

Review of Literature

Third-Person Effect Research

According to Davison (1983) the third-person effect proposed that individuals exposed to a persuasive communication message – even if the message is not intended to be persuasive – believe the message will have a greater effect on other people than on themselves. Furthermore, Davison (1983) asserted that the perceived impact of the communication on others “may lead them [the first person] to take some action” (p. 3). If this holds true, for the present study we expect that respondents will overestimate the effects on other people of news coverage surrounding the law suits brought against individual music file sharers.

To test third-person effect, Davison conducted six separate studies in 1983. In the first study, respondents answered questions about the New York State election that year and a strike that ceased operation of three major newspapers in New York City. Results demonstrated approximately half of the respondents “perceived the effect on others to be

greater than on the self, and that very few evaluated the effect as being greater on self than on others” (Davison, 1983, p. 5).

In Davison’s (1983) second study, respondents answered questions about exposure to television and the likelihood children will ask parents to buy them things they otherwise would not want. In the third study, respondents answered questions regarding an upcoming election and the media’s role in that election. Davison’s (1983) second and third studies showed partial support for the third-person effect.

In Davison’s (1983) fourth study, participants answered questions about the effect of the respondents’ own votes and votes of others of charges that “...Ronald Reagan would pursue a ‘hawkish’ foreign policy” (p. 7). In this study, Davison found that approximately twice as many respondents reported that others would be more influenced by the news reports on Reagan’s foreign policy than themselves. In two further trial studies Davison (1983) conducted in 1981, results were “very similar to the ones already described” (p. 7). It is important to note that each of Davison’s (1983) sample groups were small, with fewer than 35 respondents in at least three of the studies.

Since that time, numerous studies using third-person effect have covered a vast array of topics – from pornography, television violence and misogynistic rap lyrics (Gunther, 1995; Lo & Wei, 2002; McLeod, Evelland, & Nathanson, 1997; Hoffner, et al., 2001; Wei & Koo, 2001) to various studies surrounding public service announcement and advertising messages (Banning, 2001; Borzekowski, Flora, Feighery & Schooler, 1999; Chapin, 1999; Cohen & Davis, 1991; David, Morrison, Johnson & Ross, 2002; Duck, Terry & Hogg, 1995; Gunther & Thorson, 1992; Henriksen & Flora, 1999; White &

Dillon, 2000). In general, research studies using third-person effect have supported “overestimations on perceived others” (Salwen, 1998, p. 261).

Related more closely to the present study have been third-person effect studies surrounding mass communication messages on politics (Salwen, 1998; Willnat, 1996); war coverage in the media (Perloff, 1989); defamatory newspaper articles (Cohen, Mutz, Price & Gunther, 1988; Gunther, 1991) and general media influence and immorality effects on television violence, negative political advertising, televised trials (including the O. J. Simpson murder trial) and pornography (Driscoll & Salwen, 1997; Hoffner, et. al., 1999; Rojas, Shah & Faber, 1996; Salwen & Dupagne, 1999).

So why apply third-person effect research to copyright law on the Internet and problems with copyright theft? As Cohen, Mutz, Price & Gunther (1988) noted, “The consequences are costly when actions, based on inaccurate perceptions of the opinion of others, take on the force of the law” (p. 173). Cohen and associates (1988) conducted their third-person effect study on defamatory communication to “...explore an area where [libel] law and communication intersect” (p. 171).

Cohen and associates (1988) conducted an experiment in which participants (132 Stanford undergraduate students) were exposed to one of four versions of various defamatory newspaper articles (an article from a negatively biased source, one from a positively biased source, one from an unnamed source and a neutral article from an unnamed source). Their experiment addressed three basic questions (Cohen et al., 1988). The first addressed participants’ judgments about the effects of a libelous article on other people compared to judged effects on themselves. The second question examined differences in perceived effects of the articles depending on the classification

of “others” under consideration (Cohen et al., 1988, p. 166). The third question examined participants’ perceptions of the intention of the libelous article, and sought, specifically, “to determine how readers’ assumptions about the intention behind a libelous article might mediate their perceptions of its effect on themselves and on other people” (Cohen, et al., 1988, p. 166).

The results of their study confirmed that respondents believed others would be more affected by defamatory communication than the respondents themselves would be, thus supporting third-person effect (Cohen et al., 1988). Furthermore, there was a trend indicating a “progressively greater estimated change as groups become more broadly defined” (Cohen et al., 1988, 170). Cohen and associates (1988) defined these various groups as self, others within their immediate community, and the public (state- or nationwide) at large and measured the degree of effect that the respondent believed reading a defamatory article would have on each of these groups.

It is interesting that Cohen and associates (1988) stated three implications for libel law as follows:

1. Defamatory communications are perceived to affect others more than such communications affect oneself.
2. As the border defining the readership group becomes increasingly distant (the designation ‘Californians’ defining a broader group than ‘other Stanford students’) the perceived effect of a defamatory communication on that group increases.
3. The more the source of the defamatory communication is perceived as negatively biased, the greater the discrepancy between perceived media

influence on self and on others. Relative to the other conditions, there is less actual and perceived personal opinion change in the negatively biased condition, but a greater estimation of communication effect on others (p. 171-172).

However, given that the study was confined to a group of college students, the researchers should be cautious in implicating broad generalizations to the population at large. Further to this (and as noted by Cohen et al.) the response rate and formal comparison with the total Stanford population were unavailable.

The results of a study conducted by Rojas, Shah and Faber (1996) also supported the third-person effect and its relationship to pro-censorship attitudes surrounding media in general, and to television violence and pornography specifically. Rojas, Shah and Faber (1996) concluded that “A significant part of the apprehension caused by media effects results from overestimation of its effect on others” (p. 182). Specifically, Rojas, Shah and Faber (1996) asserted “If part of the public drive to curtail certain types of messages results from the third-person effect, policy debates have to recognize this and concentrate on measuring actual media effects and not perceived media effects” (p. 182). To that point, the current study may help guide future steps in both protecting intellectual property on the Internet *and* meeting the needs and interests of members of society.

Perloff's (1989) research explored the interface between ego-involvement and third-person effect and “demonstrated that ego-involvement powerfully influences perceptions of communication effects” (p. 255). Past and contemporary communication research and social cognition studies “suggest two mechanisms underlie the tendency of ego-involved individuals to perceive that mass media reports will sway public opinion

against their side: involved individuals' proclivity to harbor biased perceptions of media content" and the expectation that others will be more affected by a media message than oneself (Perloff, 1989, p. 238). "Thus, under high involvement, individuals should be loathe to change their minds, no matter how cogent or compelling the information" (Perloff, 1989, p. 238).

Media Use

The current study addresses the issue of media use, stating that: The difference between perceived media influence on self and on others will be related to the respondents' self-reported exposure to media and familiarity with news reports about lawsuits brought against individual music file sharers in the fall of 2003 (H2).

Driscoll and Salwen's (1997) study on third-person perception and perceptions of guilt in the O.J. Simpson trial "...did not report evidence for news media use to increase third-person perception" but stated that "news media use and attention are important and largely unexplored realms in third-person effect research" (p. 551).

Driscoll and Salwen's (1997) study included a nationwide sample (representative – excluding Hawaii and Alaska) of 605 adults 18 years of age and older who were contacted via telephone and interviewed by trained undergraduate and graduate students approximately six weeks after the Simpson jury was sequestered. Following three attempts to reach each of the respondents, the completion rate was 71 percent (Driscoll & Salwen, 1997). Driscoll and Salwen (1997) noted the general types of questions asked in the interview, but these questions are not stated specifically, which would make it difficult for another researcher to replicate the study in its entirety.

Driscoll and Salwen's (1997) study found third-person perceptual biases with two out of the three messages about the trial, with the third-person effect most strong with a neutral message that implied neither guilt nor innocence with respect to Simpson. Furthermore, Driscoll and Salwen (1997) "...argued that self-perceived knowledge provides individuals with confidence in their superior knowledge over others, and hence heightened third-person perception" (p. 551).

Moreover, Driscoll and Salwen's (1997) study measured a technical knowledge hypothesis, whereby they predicted that "The greater respondents' beliefs they possess more technical knowledge about a specific news event than perceived others the greater the third-person perception" (p. 544). Overall, these findings were supported, with technical knowledge emerging as the best predictor (Driscoll & Salwen, 1997).

Driscoll & Salwen's (1997) study did not measure evidence for "...news media use to increase third-person perception" (p. 551) but recommended this as an area warranting further study in relation to third-person effect.

In Salwen's (1998) study on perceptions of media influence and support for censorship in the 1996 presidential election, "...campaign news interest was a significant negative predictor of third-person perception....and newspaper reading was a significant positive predictor of third-person perception" (p. 270).

Salwen (1998) expanded upon his research with Driscoll in 1997 and examined news media use and third-person perception in his study of censorship in the 1996 presidential campaign. Salwen's (1998) study included a representative sample of 549 adults 18 years of age and older in the continental United States, thus providing external validity for the study's results. The completion rate was 70 percent and the telephone

interviews were conducted by trained undergraduate and graduate students (Salwen, 1998). The description of the questions asked and how the interviews were conducted were discussed in such a way that the study could be replicated.

With Salwen's (1998) media use hypothesis (which predicted that news media use would be a positive predictor of third-person perception) increased frequency of "...newspaper reading was a significant positive predictor of third-person perception" (p. 270). Salwen (1998) also discussed the need for investigation into "perceived issue legitimacy" and stated that "researchers also need to investigate whether third-person perception predicts the presumed antithesis of support for message restrictions – support for message freedom" (p. 275).

Salwen and Dupagne (1999) measured the impact of third-person effect on respondents' perceptions of media's influence and immorality effects by conducting a telephone survey of a representative sample of 721 adults in the continental United States (response rate was 58 percent). Respondents were assigned (randomly) to one of three issues – television violence, televised trials and negative political advertising (Salwen & Dupagne, 1999).

As has been found in many past studies on third-person effect, this study found convincing support for the perceptual hypothesis for all three issues (television violence, televised trials and negative political advertising) measured in the study (Salwen & Dupagne, 1999). Effect perceptions depended on the specific issue with regards to the behavioral hypothesis and "...the hypothesis predicting that perceived immoral effects would result in greater third-person perception than those perceived in terms of media's general influence was not supported" (Salwen & Dupagne, 1999, p. 538).

Salwen and Dupagne's (1999) study was described in a manner that would allow for replication as they explained their scales for media influence and immoral effects.

Third-Person Effect and the Spiral of Silence Theory

Willnat (1996) studied mass media and political outspokenness in Hong Kong and analyzed the link between the third-person effect and the spiral of silence theory. Willnat (1996) tested for a link between these two theories by measuring the impact of perceptions of others with regards to opinions surrounding the Sino-British dispute over the political future of Hong Kong.

In Willnat's (1996) study, 15-minute representative telephone surveys were conducted with 660 Hong Kong residents in November 1993 (completion rate was 56 percent). The research method is described in such a way that the study could be replicated.

Respondents' perceptions of influence on others with respect to news coverage about the Sino-British dispute were found to be greater than perceptions of influence on oneself, supporting third-person effect (Willnat, 1996). Further to this, those respondents with a higher education were more likely to demonstrate third-person perceptions (Willnat, 1996).

Empirical support was also found for Noelle Neumann's spiral of silence theory which posits that "those people who perceive that their opinion is popular or gaining support express it with confidence, while those who perceive that their opinion is in the minority or losing ground remain silent" (Willnat, 1996, p. 192). Moreover, Willnat (1996) reported that the spiral of silence process is indirectly influenced by third-person effect through its impact on perceptions of others' opinions.

Censorship of Television Violence

Hoffner and associates (1999) examined support for censorship of television violence and the role of third-person perceptions and exposure to news. Specifically, the study analyzed predictors of censorship support including third-person effects and respondents' exposure to news coverage about television censorship (Hoffner et al., 1999).

For Hoffner and associates' study (1999), respondents included 253 residents who were randomly selected, located in a small, Midwestern metropolitan. Respondents participated in telephone interviews and the completion rate was 62.2 percent. Hoffner and associates' (1999) description of the measures and scale construction for this study lends itself to replication.

Hoffner and associates' (1999) findings replicated those of previous studies whereby a link between third-person effect for aggression and support for censorship was found. However, "third-person effect for mean-world perceptions did not predict support for censorship" (Hoffner et al., 1999, p. 736). Hoffner and associates (1999) state that their "...findings add to the growing body of evidence that third-person effect influences people's willingness to support restrictions on free speech" (p. 739).

Perceived Estimations and Actions in Terms of Attribution Theory

Gunther (1991) conducted an experiment to examine the causes and consequences in the third-person effect by using a defamatory news article, whereby respondents (128 undergraduate students) were split into two different groups and asked to read a news story about a prominent person, then assess its effects on themselves and on others. One group was told the article appeared in the *New York Times* and the other group was told

that the article appeared in the *National Enquirer*. The study used a 19-point scale to assess how much they thought the article affected (or would affect) others' opinions. This is a very broad scale compared to the majority of those used in similar studies.

In Gunther's (1991) study, approximately two-thirds of the respondents perceived others as being more influenced by the defamatory news article, while approximately 10 percent reported being more influenced themselves (first-person effect). Furthermore, the *National Enquirer* was found significantly more likely to carry harmful intent than was the *New York Times*. Thus, "When asked how much the newspaper should pay as punishment for its mistakes, subjects penalized the untrustworthy source [*National Enquirer*] a significantly higher amount..." (Gunther, 1991, p. 370).

The respondents in Gunther's (1991) study thought more about the publication's motives than about the consequences when determining the amount for a monetary reward. Hence, Gunther (1991) asserted that "It is perceived cause, not consequence, that makes the difference" (p. 371).

Protecting Intellectual Property and Information Exchange on the Internet

Sometimes it seems there is a "knee-jerk" reaction to creating – or even recreating – laws and policies that specifically address advances in technology. This type of reaction, however, is not the best answer. In his discussion surrounding technological determinism and public policy, Jackson (2002) states, "Technological determinism such as that associated with copyright law obscures the social and structural factors that influence history" (p. 417).

There remains areas of third-person effect research that merit further study. By applying the theoretical framework of the third-person effect and expanding upon past

research in this area to the issue of copyright theft on the Internet, we gain insight into social perceptions of copyright law's application to the Internet. Furthermore, the results may help determine policies on upholding copyright law on the Internet, while protecting the Internet's critical function as a communications medium and society's use of this ever-advancing technology.

Method

Participants

Participants in the current study were a convenience sample of 157 undergraduate students enrolled in undergraduate communication classes at the Rochester Institute of Technology. There were 83 males and 74 females ranging in age from 18 to 52 ($SD = 3.76$).

Design and Procedure

Professors in several classes distributed the survey (Appendix A) and a cover letter addressed to participants (Appendix B).

Survey Instrument

Participants were asked to respond to questions related to perceived effect of news reports about lawsuits filed by the RIAA against music file sharers on self and others, media use, estimates of news impact on self and others, media schemas, and general copyright knowledge. (See Appendix A.)

Measurement of Variables

Perceived Effect on Self and Others

To measure the perceived attitudinal and behavioral effect of news reports about lawsuits brought against individual music file sharers on the respondent and the

respondents' perceived effect on others, or third-person effect, (H1) participants were asked to respond to a series of four questions. A four-point scale ranging from "not at all" to "a great deal" was used for the first two questions measuring the respondent's perceived attitude and the respondent's perceived attitude effect on others. A three point scale – never downloaded copyrighted music; downloaded copyrighted music but would not do so now; downloaded copyrighted music and continue to do so – was used to measure the respondent's behavior as a result of the news reports. Finally, a four-point scale ranging from "a great deal" to "not at all" was used to measure the respondents' perceived effect on others' behavior.

Media Use

To measure media use, respondents were asked to report the number of days a week they read a daily newspaper, listened to news reports on the radio, watched the news or a news program on television and visited the World Wide Web to obtain news.

To measure media exposure, respondents were asked how often (never, sometimes, often) they have seen stories on lawsuits brought against music file sharers by the RIAA. Their responses permit a measure of the difference between perceived media influence on self and others and a relationship to self-reported media exposure and familiarity with news reports about lawsuits brought against individual music file sharers (H2). Participants were asked to rate their degree of knowledge about the lawsuits brought against music file sharers and also their degree of knowledge about the reasons these lawsuits were filed against music file sharers.

The measure of media use and news/issue knowledge in this study is similar to Salwen and Dupagne's (1999) study which measured media use and self knowledge

regarding issues being measured in their research on perceptions of the media's influence and immoral consequences and to Willnat's (1996) study which tested for a link between the third-person effect and the spiral of silence theory by measuring the impact of perceptions of others with regards to opinions surrounding the Sino-British dispute over the political future of Hong Kong.

Estimates of News Impact on Self and Others

In their study on third-person effect and perceived impact on defamation, Cohen and associates (1988) measured for a trend indicating a "...progressively greater estimated change as groups become more broadly defined" (p. 170). Cohen and associates (1988) defined these various groups as self, others within their immediate community, and the public (state- or nationwide) at large and measured the degree of effect that the respondent believed reading a defamatory article would have on each of these groups.

The current study replicates Cohen and associates' (1988) study by measuring whether respondents' judgments of the perceived effect on others differed significantly as the definition of others became broader (H3). Participants were asked to indicate how much news reports about lawsuits brought against individual music file sharers affected their own opinions and "others" opinions (using a four-point scale that ranged from "a lot" to "not at all") about downloading copyrighted music at no cost. Others were operationalized as being other RIT students, New York State residents' and finally the public at large, with each group becoming increasingly distant (socially) from the respondent.

Media Schemas

Hypothesis 4 predicted that the third-person effect would be greater for people who generally perceive media effects as *strong* and *negative*. To measure this variable, respondents were asked to rate on a scale from 1 to 4 (1 = strongly agree; 4 = strongly disagree) their agreement with two statements relating to the perceived effect of the media on the general public.

General Copyright Knowledge

The research question posed in this study asked to what extent the third-person effect is related to respondents' knowledge of copyright law. Respondents were presented with three statements about copyright law and were asked to indicate whether each of these three statements was true or false. Responses were scored by tallying the number of respondents who got zero correct, one correct, two correct and all (three) correct.

Results

Perceived Effect on Self and Others

The first hypothesis stated that respondents would judge themselves less likely than others to be influenced (with respect to both attitude and behavior) by news reports about lawsuits brought against individual music file sharers. The respondent's perceived attitude effect on others (third-person perception) was subtracted from the perceived attitude effect on the respondent (first-person perception) and respondents' perceived effect on others' behavior (third-person perception) was subtracted from the respondent's reported behavior (first-person perception). These two variables (attitude and behavior)

were added together to create a measurement of overall third-person effect. The overall mean was 1.07 indicating a first-person – rather than a third-person – effect.

Respondents reported their attitudes to be moderately influenced ($M = 2.84$; $SD = .859$), while they perceived other peoples' attitudes to be influenced very little ($M = 2.34$; $SD = .805$). With respect to behavior, respondents reported they have downloaded and continue to download copyrighted music files from the Internet ($M = 3.01$; $SD = .93$), while they believed other peoples' behavior is influenced some ($M = 2.44$; $SD = .69$).

The overall third-person effect ($M = 1.08$; $SD = 1.47$) scores ranged from -3.0 (third-person effect) through zero (no effect) to $+5.0$ (first-person effect). The results for the first hypothesis showed that 13.4 percent of the respondents ($N = 21$) perceived the news coverage to have greater impact on others (third-person effect), while 69.5 percent ($N = 109$) believed they were more affected (first-person effect). Twenty-seven respondents (17.2 percent) showed no effect. Thus, this hypothesis was not supported.

Media Use

Hypothesis 2 predicted that the difference between perceived media influence on self and others would be related to the respondent's self-reported exposure to media and their familiarity with news reports about lawsuits brought against individual music file sharers.

To test this hypothesis, Spearman's Rho was computed on overall third-person effect against self-reported exposure to newspaper reading, radio news listening, watching news on television and accessing news on the World Wide Web. None of the results for the broad category of media exposure was statistically significant ($p > .05$). In addition to testing each of these variables separately, media exposure was collapsed into

one broad category of overall self-reported media exposure and Spearman's Rho was computed against overall third-person effect. Again, the results were not statistically significant ($p > .05$). (See Table 1.)

Table 1

Spearman's Correlations Between Overall Third-Person Effect and
Media Exposure and News Knowledge

Variable	Rho	p (2-tailed)	N
News knowledge	.25	.002	157
Suits	.18	.027	157
Reasons	.26	.001	157
RIAA	.07	.415	157
Total Exposure	.13	.119	157

However, when computing Spearman's Rho using overall third-person effect against the respondent's self-reported knowledge about the lawsuits, reasons for the lawsuits and exposure to news stories about the lawsuits (RIAA), results were found to be statistically significant for the first two of these three variables ($p < .05$). Again, these three variables were collapsed into one broad category entitled "news knowledge" and Spearman's Rho was computed against overall third-person effect. The results of the broader category of news knowledge were statistically significant ($p < .05$). (See Table 1.)

A computation of media exposure and self-reported knowledge about the lawsuits (combining all seven of the aforementioned variables) yielded results that were not

statistically significant ($p = .119$). (See Table 1.) The results indicate partial support for this hypothesis.

Estimates of News Impact on Self and Others

Hypothesis 3 predicted respondents' judgments of the perceived effect on others will be increasingly greater as the definition of "others" becomes broader. This hypothesis was supported. As the definition of "others" became broader, a greater degree of third-person effect was found to occur as measured by mean scores comparing self-perception ($M = 2.89$) to other RIT students perceptions; New York State residents' perceptions; and perceptions of the public at large (see Table 2; 1 = "a lot" and 4 = "not at all").

Table 2

Judgments of Perceived Effect on Others

"Others"	df	Mean	χ^2	N
RIT students	3	2.79	32.29	157
New York State residents	3	2.45	10.72	156
Public at large	3	2.23	8.27	157

Media Schemas

In hypothesis 4 it was postulated that third-person effect would be greater for people who generally perceive media effects as strong and negative. Data from two

survey items were collapsed into one variable of all respondents who agreed or strongly agreed that media effects were generally strong and negative. The Spearman's Rho correlation between third-person effect and perceptions of media effects as strong and negative was not significant ($p > .05$) and this hypothesis was not supported.

General Copyright Knowledge

The research question in this study measured the extent to which third-person effect may or may not be related to a respondent's knowledge about copyright law. Responses were scored by tallying the number of respondents who got zero correct, one correct, two correct and all (three) correct. Nearly three-quarters of the survey's respondents ($N=110$) answered all three statements correctly. Three-quarters of those who answered all three statements correctly ($N=74$) showed a first-person effect with regards to perceived attitude and behavior of self and others after seeing news reports about lawsuits filed by the RIAA against music file sharers. Thus, no relationship was found to exist between third-person effect and knowledge of copyright law.

Discussion

While the issue of copyright law itself is not new, the application of third-person effect to the illegal sharing and swapping of copyrighted music files provides us with a new area in which to test this theory. The Napster case provides us with a prime example of copyright infringement. Napster's role was that of a facilitator in the illegal sharing and swapping of copyrighted material. Although the music files were not physically stored on the Napster site, the site gave computer users a means by which to locate, then copy, copyrighted music files. As noted by Taylor and associates (2002) "Napster's

peer-to-peer exchange format violated the music industry's traditional model of centralized distribution" (p. 613).

The main objective of the current study was to add to the existing research on third-person effect by exploring an area of communication where intellectual property law – specifically, copyright law – and digital technology intersect. With Napster, all involved parties faced legal consequences except those who did the copying – until early September 2003, when the recording industry filed more than 250 lawsuits against individual music file sharers.

This study examined both attitude and behavior with regards to downloading copyrighted music from the Internet following news reports about the lawsuits brought against individuals. Overall, respondents reported their attitudes to be moderately influenced, while they perceived others peoples' attitudes to be little influenced.

It was apparent that respondents were already engaging in downloading behavior. In general, respondents reported that they themselves have downloaded copyrighted music files from the Internet and continue to do so – this being the average response as compared to either "I've never downloaded copyrighted music files from the Internet" or "I've downloaded copyrighted music files from the Internet but would not do so now in light of individuals being arrested for doing so." Respondents reported they believe other peoples' behavior to be influenced "some."

Social psychological research has consistently showed that people tend to protect their self esteem, even if it means maintaining positive, yet unrealistic, images about themselves as compared to others (Perloff, 1999). Oftentimes, third-person effect has categorized the media messages used for studies as either desirable or undesirable. With

respect to the current study, we could categorize the news reports about lawsuits brought against individual music file sharers as undesirable. After all, who wants to get sued for copying music?

As was noted previously, many past studies applying third-person effect have demonstrated that individuals do overestimate the influence of mass communication messages on others – especially with respect to the perceptual (as opposed to behavioral) hypothesis. However, this study was inconsistent with the many previous studies on third-person effect in that respondents did not perceive others to be more influenced by news reports about lawsuits brought against individual music file sharers than they themselves were. So why might this be?

Perhaps respondents – at least the college-age students in this particular study – are rebelling against the high prices of CDs by downloading “free” music. They may view downloading copyrighted music as a positive behavior, rather than a negative behavior, because they see themselves as “outsmarting” the record companies who in their eyes are charging exorbitant prices for a CD that may have only one or two songs on it that they want to listen to. In their minds, it is possible that they see this ability to download free – although copyrighted – music from the Internet as a “right” and are assuming that if the technology is available then it is their right to take full advantage of it. Or perhaps respondents feel *they* are being taken advantage of by the record companies who are getting \$15 – \$20 for a CD that might have only one song on it that they are interested in.

Another possible explanation as to why third-person effect was not supported in this study and, in fact, the reason why respondents may feel it is acceptable to download

copyrighted music files is the power of customization – and at approximately one-fifteenth to one-twentieth the cost of a music CD at the local music store. Individuals today want to buy products and services that are tailored specifically to their own needs and tastes. By downloading free music from the Internet, users can create a CD with almost perfect copies of their favorite songs – various genres, various artists – on one CD. After all, with the capabilities of the Internet the music was there for the taking – and provided “instant gratification” by allowing users to copy their favorite music in just minutes at no cost – so why wouldn’t individuals take advantage of that?

Thus, it is quite possible that the media message used for this study lends itself to first-person effect results, rather than third-person effect results. Respondents reported that they were slightly more affected by these media reports about the lawsuits than others, but in a way that prompted them to continue their downloading behavior. Perhaps the message was such that respondents felt it was acceptable to think of themselves as influenced by these message, but rather than stopping their downloading behavior they still do so because of the perceived potential benefits of continuing to do so. They also may perceive this as a social norm – using the Internet (technology) to create their own, custom music library.

Hence, we might assume that the outcome (a CD tailored to an individual’s specific taste in music) is seen as highly desirable and socially acceptable to the extent that respondents admitted self-influence in the opposite direction: it prompts them to continue, rather than stop, downloading copyrighted music files from the Internet, regardless of the law. The music was easily accessible, at no cost, and allowed for

virtually perfect copies of the music they liked – so respondents took advantage of that.

Media Use and News Knowledge

Driscoll and Salwen's (1997) study on third-person perception and perceptions of guilt in the O.J. Simpson trial "did not report evidence for news media use to increase third-person perception" but stated that "news media use and attention are important and largely unexplored realms in third-person effect research" (p. 551). Further, they recommended this as an area warranting further study in relation to third-person effect. The current study attempted to address this issue. However, the results regarding a connection between media use and issue knowledge and third-person effect were not entirely clear.

Results indicated no relationship between media use and third-person effect. It could be that the data were imprecisely operationalized with self-reports of the number of days each week the respondent read, listened to or watched the news using four different media. Perhaps the question should have been more specifically defined by asking how often each medium (radio, newspaper, television, Internet) was used on a daily basis.

Another explanation for these findings could be that media use is simply an irrelevant factor when measuring third-person effect. Perhaps respondents heard about these lawsuits through other channels, *e.g.* via other students, peers, or professors during classroom lectures, which were not options contained within the study's survey.

In Atwood's (1994) study and Driscoll and Salwen's (1997) study, issue knowledge was found to be positively associated with third-person effect. Driscoll & Salwen (1997) argued that "self-perceived knowledge provides individuals with confidence in their superior knowledge over others, and hence heightened third-person

perception” (p. 551). Overall, these findings were supported, with technical savvy emerging as the best predictor (Driscoll & Salwen, 1997).

With regards to knowledge about the RIAA lawsuits in the current study, results were significant for two out of the three variables, such that respondents reported themselves to be “moderately knowledgeable” about the lawsuits and “moderately knowledgeable” to “quite knowledgeable” about the reasons for these lawsuits. When we created an overall variable of “perceived news knowledge” results proved to be significant in that there was a relationship between third-person effect and self-reported familiarity with news reports about the RIAA lawsuits against individual music file sharers.

If one perceives him or herself to have greater knowledge over others on a particular topic, it is possible that these individuals perceive themselves as being immune to the effects of a message, while others are perceived as being vulnerable to the same message (Perloff, 1999). Although the current study did not specifically measure whether respondents believed themselves to have greater knowledge over others on the issue of these RIAA lawsuits, the mixed results of the findings in this study regarding media use and issue knowledge and third-person perceptions warrant further research in these areas.

Estimates of News Impact on Self and Others

Another factor that has shown to influence the magnitude of third-person effect is social distance between the respondent and specified “others” (Brosius & Engel, 1996; Cohen, Mutz, Price & Gunther, 1988; Gunther, 1991). As in previous studies, as the definition of “others” became broader in the current study – self versus other RIT

students; self versus New York State residents; self versus public at large – a greater degree of third-person effect was found to occur.

While it appears that social distance is a moderator of third-person effect, we must be cautious in our interpretation of the results. Replication of this question using a larger sample size may be in order to determine if such a measurement is socially meaningful and significant with regards to behavior based on media messages. Further to this, as Perloff (1999) notes, “Like message desirability, social distance is a fuzzy concept that carries many meanings, including psychological dissimilarity, lack of familiarity, vagueness of the comparison of other, and perceived likelihood of media exposure” (p. 370). The question remains whether individuals even consciously compare themselves to others when thinking about media effects.

Media Schemas

Brosius and Engel (1996) found only weak support for their hypothesis that third-person effect would be greater for those who generally perceive media effects as strong and negative. The current study replicated this hypothesis, but again signs of a correlation were nonexistent and the assertion that third-person effect was greater for those who perceived media effects as strong and negative was not supported. Perhaps general media perceptions have no influence on perceived effects on oneself or on others; however, further research in this area would be needed before making such an assumption.

General Copyright Knowledge

While the current study attempted to determine a relationship between third-person effect and respondents’ knowledge about copyright law, none was found. While

70 percent of the respondents got all three of the questions correct, the majority of them showed first-person, rather than third-person, effect regarding news coverage on the RIAA lawsuits brought against individuals and perceived influence on attitudes and behaviors for self and others.

Conclusion

The present study sought to add to existing literature on third-person effect by exploring an area of communication where intellectual property law and digital technology intersect. More specifically, the study investigated responses to perceived effects of news reports about these lawsuits on self and others; media use and knowledge about the news reports surrounding these lawsuits; degree of impact on self compared to others; and media schemas. Finally, the study examined to what extent, if any, third-person effect is related to respondents' knowledge about copyright law. Unlike the majority of previous studies on third-person effect, overall the current study did not demonstrate support for the third-person effect.

Limitations of the current study must be acknowledged. For example, the responses for the survey question inquiring about other peoples' behaviors regarding downloading copyrighted music from the Internet after seeing news coverage about the RIAA lawsuits against individuals should have been scaled identical to the question which inquired about the respondent's own behavior regarding downloading. The median response for measuring perceived behavior of others was "some." We cannot state with certainty in what direction respondents perceived other peoples' behavior to be influenced "some" in that they perceived others to download more, less, the same amount, or not at all.

In addition, the study relied on self-reports for responding to many of the survey questions (Appendix A), thus this measurement procedure may not have accurately assessed for example, respondents' media use and issue knowledge regarding the RIAA lawsuits. The sample was limited to college students, was a rather small sample and was not drawn randomly. Thus, we cannot generalize to other populations or groups.

Another potential limitation of this study may be the length of time that elapsed between the RIAA lawsuits against individual music file sharers (Fall 2003) and the administration of the study's survey (May 2004). Respondents may or may not have recalled news reports about the lawsuits. They were not provided with news clippings or reports at the time the survey was administered, so respondents had to rely on memory alone of the RIAA lawsuits against individual music file sharers.

As noted by Perloff (1999), "The behavioral component of the TPE [third-person effect] hypothesis has stimulated considerable research in recent years, most of it probing the possibility that third-person perceptions push individuals toward censoring content that is deemed undesirable" (p. 367). It seems logical that third-person perceptions would vary depending upon the nature and content of the media message in question, *e.g.* advertisements, political news, etc. and whether the message is positive, negative or neutral. With regard to mass media messages, it is important to explore implications for the third-person effect and social consequences.

For example, the Internet provides individuals with a "place" to both access and send messages, news, and information, including copyrighted materials. The relevance lies within individuals' behavior and attitudes with regard to continuing an activity that involves breaking the law, and whether or not individuals deem the illegal activity as

socially acceptable despite the potential consequences. Moreover, that people may sometimes act based upon their beliefs about effects on others rather than the effects upon themselves is significant, because actions based on incorrect assumptions about what others think may have negative consequences (Gunther & Thorson, 1992).

While the third-person effect has stimulated an abundant amount of research over the years, the current study addresses current concerns regarding protecting intellectual property on the Internet *and* meeting the needs and interests of members of society. The copyright dilemma and its application in cyberspace continue, despite attempts to specifically address this clash between copyright law and the capabilities of ever-advancing digital technologies. Further research is needed in this area to determine what underlying factors dissuade individuals' fears of prosecution despite enforcement of intellectual property law and why illegal copying activity may be deemed socially acceptable.

Specifically, it would be interesting to replicate Willnat's (1996) study that examined links between third-person effect and Noelle Neumann's spiral of silence theory in the context of copyright infringement on the Internet. As was noted previously, Willnat (1996) found that the spiral of silence process was indirectly influenced by third-person effect through its impact on perceptions of others' opinions. It would be interesting to assess whether a link exists between perceived attitudes and behaviors regarding downloading copyrighted material from the Internet and whether people who perceive their opinion (about the ability to download copyrighted material from the Internet at no cost) to be popular express this opinion with confidence, or whether they

believe their opinion to be in the minority and thus remain silent.

The Future of the Legitimate Music Download Market

It is estimated that the legitimate music download market will rise from \$36 million in 2003, to \$201 million this year (Trakin, 2004). The new Napster (launched in fall 2003 to sell downloaded music to Windows users), like other legitimate music download services, has attached its logo to brands and promotions, hooking up with companies such as Miller Brewing Co., Molson USA, Citigroup credit and Energizer batteries (Trakin, 2004). Apple Computer's iTunes site is an example of a successful partnership. Apple Computer announced this past spring that five million songs had been redeemed through PepsiCo's Pepsi-Cola and iTunes promotion, which brought the total number of downloads iTunes had sold to date to 70 million (Trakin, 2004).

The new Napster 2.0, and others such as Apple iTunes and Sony Connect, will present an interesting test as to whether music fans will continue to seek out free, music file-swapping sites in cyberspace. Or perhaps a "win-win" solution has been achieved between the recording industry and music loving consumers. It remains to be seen, however, whether ardent music file-downloading consumers will balk at paying for music they were once getting – and may still have access to getting – for free.

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Appendix A

The first series of statements and questions are designed to help us learn about your attitude and behavior – as well as your perceptions about other people's attitudes and behaviors – regarding downloading copyrighted music from the Internet.

(1) News coverage about the lawsuits brought against individual music file sharers in fall 2003 influenced my attitude toward downloading copyrighted music from the Internet at no cost (please circle one answer):

- a) – A lot**
- b) – Some**
- c) – Very little**
- d) – Not at all**

(2) How much do you think news coverage about the lawsuits brought against individual music file sharers in fall 2003 influenced other people's attitudes toward downloading copyrighted music from the Internet at no cost? (Please circle one answer.)

- a) – A lot**
- b) – Some**
- c) – Very little**
- d) – Not at all**

(3) News coverage about lawsuits brought against individuals downloading copyrighted music files influenced my behavior as far as downloading copyrighted music from the Internet in the following manner (please circle one answer):

- a) – I've never downloaded copyrighted music files from the Internet.**
- b) – I've downloaded copyrighted music files from the Internet but would not do so now in light of individuals being arrested for doing so.**
- c) – I have downloaded copyrighted music files from the Internet and continue to do so.**
- d) – I continue to download copyrighted music files but do so less frequently to decrease my chances of being prosecuted.**

(4) Following news coverage about the lawsuits brought against individual music file sharers in fall 2003 I believe other peoples' behavior as far as downloading copyrighted music from the Internet at no cost has been affected (please circle one answer):

- a) – A lot**
- b) – Some**
- c) – Very little**
- d) – Not at all**

The following series of questions is designed to find out how much exposure you have to news media and, in particular, your familiarity with the lawsuits brought against individuals who downloaded copyrighted music from the Internet.

- (5) How many days a week do you read a daily newspaper? _____
- (6) How many days a week do you listen to news reports on the radio? _____
- (7) How many days a week do you watch the news or a news program on television?

- (8) How many days a week do you visit the World Wide Web to obtain news? _____
- (9) How knowledgeable would you say you are about lawsuits brought against individual music file sharers who downloaded copyrighted music from the Internet for free? **(Please circle one answer.)**
- a) – Not at all knowledgeable
 - b) – Moderately knowledgeable
 - c) – Quite knowledgeable
 - d) – Very knowledgeable
- (10) How knowledgeable would you say you are about the **reasons** these lawsuits were filed against individual music file sharers for downloading copyrighted music from the Internet for free? **(Please circle one answer.)**
- a) – Not at all knowledgeable
 - b) – Moderately knowledgeable
 - c) – Quite knowledgeable
 - d) – Very knowledgeable
- (11) How often have you seen stories on lawsuits brought against individual music file sharers by the Recording Industry Association of America (RIAA) for violating copyright law? **(Please circle one answer.)**
- a) – Never
 - b) – Sometimes
 - c) – Often

The following questions seek your judgment about the effects on others from news reports about lawsuits brought against individuals who downloaded copyrighted music.

- (12) How much did news reports about lawsuits brought against individual music file sharers affect **your opinion** about downloading copyrighted music from the Internet at no cost? **(Please circle one answer.)**
- a) – A lot
 - b) – Some
 - c) – Very little
 - d) – Not at all

(13) In your judgment, how did news reports about lawsuits brought against individual music file sharers affect **other RIT students' opinions about downloading copyrighted music from the Internet at no cost? (Please circle one answer.)**

- a) – A lot**
- b) – Some**
- c) – Very little**
- d) – Not at all**

(14) In your judgment, how much did news reports about lawsuits brought against individual music file sharers affect **other New York State residents' opinions about downloading copyrighted music from the Internet at no cost? (Please circle one answer.)**

- a) – A lot**
- b) – Some**
- c) – Very little**
- d) – Not at all**

(15) In your judgment, how much did news reports about lawsuits brought against individual music file sharers affect **public opinion at large regarding downloading copyrighted music from the Internet at no cost? (Please circle one answer.)**

- a) – A lot**
- b) – Some**
- c) – Very little**
- d) – Not at all**

Please read the following two statements about the effect of news media on the public, and respond to each using the four-point scale below (1 being “strongly agree” and 4 being “strongly disagree”).

(16) The effect that news media have on the public tends to be generally negative.
(Please circle one number.)

1 2 3 4

(17) The news presented to us by the mass media has a strong effect on the public.
(Please circle one number.)

1 2 3 4

Below are three statements about copyright law. Please indicate what you believe is the best answer. We are simply seeking your opinion on this topic – you are not being graded on your responses.

(18) Copyright laws grant the creator the exclusive right to reproduce, prepare derivative works, distribute, perform and display the work in public. **(Please circle one answer.)**

- a) True
- b) False

(19) Copyrighted material can be used for criticism, comment, news reporting, teaching, scholarship or research. **(Please circle one answer.)**

- a) True
- b) False

(20) The U.S. Copyright Act of 1976 is Federal legislation enacted by Congress under its Constitutional grant of authority to protect creations of original creators. **(Please circle one answer.)**

- a) True
- b) False

Finally, we'd like to know a little more about you to include in the report on the study's design.

(21) Please indicate your age. ____

(22) Sex:

- a) Male
- b) Female

Appendix B

If you have already completed this survey in another class, please return the unmarked form to your instructor.

As you well know, the Internet is used for many purposes – to entertain, buy and sell, communicate with others, access information, pass the time and more. And in this age of digital technology we've found that near-perfect copies (of music, for example) can be created at minimal (or no) cost. This has made copyright protection more challenging.

Downloading copyrighted music is a complex issue involving questions of economics, free speech, technology and the battle over ownership of intellectual property. The Napster case is indicative of the historic dilemma and ongoing debate over balancing the rights of copyright owners with the needs of users such as you and I. We would like your thoughts, as a college student, on the matter of copyright infringement on the Internet – particularly regarding lawsuits brought against individuals who download copyrighted music.

You've been carefully selected to participate in this study. Your perceptions of copyright law and digital technology are important. We continue to see public policy adapt in an attempt to balance the property rights of creators and the needs and interests of consumers such as you. However, creating new laws and policies may not be the best answers.

So that the results of our study will accurately reflect the thinking of college students such as you, it is important that this survey be completed. Pretests show that it takes approximately five minutes to complete the survey (all answers require either circling a response or simply providing a one-word answer). You're assured of complete confidentiality; your name will never appear on the survey form or in the results.

Should you have any questions, I will be glad to answer them. Please write (jstraub97@yahoo.com) or call (716) 373-6018. I will send you a summary of the results of this study at a later date via your RIT student email account.

Thank you for your assistance in this important matter.