Oops: MPAA admits college piracy numbers grossly inflated

The MPAA has admitted that a key 2005 report it commissioned overstated the "losses" from collegiate file-sharing—by a factor of three.

By Nate Anderson | Last updated January 22, 2008 10:27

"For clearly not in any and every body
Can mind and can intelligence exist."
-Lucretius, De Rerum Natura, book five

Unbelievable.

After commissioning a 2005 study from LEK Consulting that showed collegiate file-swappers were responsible for 44 percent of movie studio "losses" to piracy, the MPAA then used the report it bought to bludgeon Congress into considering legislation to address this massive problem. Now the MPAA admits that the report's conclusions weren't even close to being right; collegiate piracy accounts for only 15 percent of "losses." Oops. And that's assuming you believe the rest of the data.

The Associated Press broke the news today; apparently, the MPAA is busy notifying government and education officials about the blunder, which may explain why it's too busy to post a *mea culpa* to its web site. The group blames "human error" for the calculation problem.

Of course, human error can and does happen to the best of us, and at least the MPAA finally owned up to a mistake that no one else would have noticed—even if it took over two years. Of course, the reason no one else would have noticed it is because the group kept the 2005 report and its methodology under wraps. But even the summaries that it published were enough for us to express some potent skepticism of the numbers back in 2006 and to argue that "the contours and effects of piracy are quite open to debate, and as a result, the best ways to address the problem are up for debate, too."

But the MPAA didn't see it that way. It had its numbers, and it trucked them off to Congress. Howard Berman (D-CA), a powerful Congressman from Hollywood who does plenty of work with IP issues, bought the complete bill of goods. In March of 2007, we reported on Berman's veiled threats against universities and colleges in the US, comments apparently based in part on the now-discredited report.

"Indeed, the statistics demonstrate that students engage in rampant piracy," he said at the time, "and while Congress has given universities many exemptions from copyright liability it might be

time to condition some of those exemptions on action taken by universities to address the piracy problem."

This attitude led to bills like the College Opportunity and Affordability Act of 2007, still pending a vote in the House. That bill directs schools to "develop a plan for offering alternatives to illegal downloading or peer-to-peer distribution of intellectual property as well as a plan to explore technology-based deterrents to prevent such illegal activity." Or, in English: figure out some way to sell content to your kids, then figure out some way to filter their Internet connections if that fails. No one was required to implement these plans, but the very fact that the bill has already cleared its House committee suggests that Congress is getting serious about having universities bring down that 44 percent—sorry, 15 percent—number.

But university actions, no matter how draconian, are unlikely to affect collegiate downloading habits too much. The AP also quotes Mark Luke, a VP at education technology group Educause, who argues that most college students live off-campus; therefore, even if the MPAA numbers are now in the ballpark, filtering campus Internet connections will have only a minimal effect.

With most of the Ars staff having backgrounds in higher education, the MPAA lobbying drive to turn universities into copyright cops touches a raw nerve. The fact that one of the key data points in this lobbying for the last two years was overstated by a factor of three is bad, but the fact that it came from a secret report just makes it all worse. After all, this is exactly opposite the approach taken by most of the academic world (and the open-source community) when it comes to research, and there's a good reason why findings need to be open and repeatable and scrutinized by other experts before gaining acceptance. Or before guiding US law.

Yes, college students need to rein in the file-sharing. We get it. Artists need to eat. But while the MPAA has been busy lecturing universities about the way they run their IT operations, perhaps the universities have something to say to the motion picture business about how it buys and releases its research. Back to school, MPAA.