

[P2P@softwar\(e\).com](mailto:P2P@softwar(e).com): Or the *Art of Cyberspace 3.0*

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Abstract

The principal aim of the paper is to answer the following research question: under what conditions can the music industry maximise the opportunities of distributing cultural goods to a mass audience in the digital environment? I examine the current legal and litigation strategies for dealing with online digital piracy. Using insights offered by the military strategist, Sun Tzu, in *The Art of War*, I aim to highlight some of the reasons the RIAA has struggled to overcome the culture of deviancy, the alternative strategies that may provide a nuanced response to the governance challenges in the digital environment and the trade-offs the implementation of the strategies proposed by Sun Tzu may require. By highlighting the analytical distinction between the deployment of force and the utility of force, I suggest that a fair and workable strategy for reducing governance conflicts must embrace three factors. First, access and free flow of information prescribes the regulability of production and distribution channels. Second, the characterisation of business problems into legal problems may overstate the ordering role of copyright. Finally, managing environments of complexity and uncertainty demand strategies to be grounded in its appropriate empirical context. The paper concludes that business models, which embrace the design architectures and culture of the Internet, are better equipped to deal with the creative forces of destruction.