🔶 Internet Piracy as a hobby: what happens when the Brazilian Jeitinho meets television downloading?

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Abstract

This article explores the Brazilian cultural practices of illegal downloading of American television programs. Through research on television show forums, fandom websites, fan communities in the social networking website Orkut, the networks' homepages and literature review, piracy is shown to be related to cultural practices and an inadequate television broadcasting system. It seems Brazilian fans persist in breaking the law when downloading television shows from unauthorised sources, regardless of the severe legal penalties for transgressors. They use a popular "problem-solving strategy" (Duarte 2006) called *jeitinho brasileiro* to respond to the delay or unavailability of U.S. programming on Brazilian cable and free to air television. The *jeitinho brasileiro* is exemplified by the fans having organised systems of file sharing of the episodes in Orkut fan communities. The study looks at a group of fans named 'legenders' who produce subtitles for the downloaded shows as a hobby, despite the Brazilian legislation on intellectual property protection. Furthermore, the article explains why Brazilians do not respect the law as a result of cultural, economic and political contexts. It concludes with the idea that the broadcasting industry must update and adapt its television programming distribution system taking into account the particular cultural situation of each country, in particular Brazil.

Introduction

Internet piracy involves unauthorised sharing, copying, downloading, broadcasting and distribution of copyright protected content, whether or not profits are pursued and earned (Mason 2008; "Pirataria na Internet", n.d.). Although only 34% of the Brazilian population have access to the Internet (Instituto Brasileiro de Opini*ã*o Publica e Pesquisa 2009), piracy is rapidly spreading through new and constantly evolving file sharing technologies (Mizukami, Castro, Moncau, & Lemos 2011). In Brazil, there are state and federal laws that prohibit illegal file sharing of media content and unauthorised translations of intellectual property, however, the country's copyright infringement tracking system is still limited (Salatiel 2009). In addition, the production of contraband pirated DVDs of films and TV shows represents a major issue for copyright protection (Delfino 2009). For the purpose of this research, this issue is not explored further as it covers a different type of piracy. The piracy related to this research is web based, excluding websites which sell pirated DVDs, and in most cases it is carried out by television show fans reflecting the notion of participatory culture (Jenkins 2006b) and collective intelligence (Levy 1995,1997).

Many Brazilian fans who want to have immediate access to American television shows, search for content in the social networking website Orkut and fandom[1] websites specialising in downloads and subtitles[2]. The major delays in releasing programs in Brazil in comparison to the U.S. appears to be related to television downloading practices, which reflect the *jeitinho brasileiro* strategy. The *jeitinho brasileiro*, term translated as "a clever dodge" (DaMatta 1979,1991) defines a famous characteristic of Brazilian culture. It is a way of solving problems or dealing with situations. Brazil's infamous bureaucracy slows down individuals' daily activities and business. The *jeitinho* is the way to overcome it (DaMatta 1986; Duarte 2006; Gaglietti 2006; Rosenn 1971). In simple words, it is when Brazilians find a way to circumvent the system, superior power or law, usually for their own benefit (Motta & Alcadipani 1999: 9), but it can also be to help others (Barbosa 1992). Although it sounds like an illicit activity, it feels natural to Brazilians, who see it as a way to "get things done" (Duarte 2006:509).

As a result, it is possible to find on the Internet, a great range of downloading options created by Brazilian television show fans. In the cultural environment of the *jeitinho brasileiro*, downloading practices include any production of subtitles for the downloaded television programs by a particular group of fans named legenders[3] ("Amea*ças*de processos" 2006) or legendadores (Olhar digital 2010). In this context, piracy may be seen as part of a cultural practice. In addition, the high degree of perceived corruption and impunity (Abram 2000; Carvalho Filho 2004; Machado 2008; Percepção da corrupção piorou durante o governo Lula, 2010; Lang 2010; Victor 2010; Zmoginski 2010b), in Brazil along with its impractical Internet

copyright protection legislation, due to its severity (Lemos 2005), has contributed to people's disrespect for the law.

This article investigates how online subcultures have emerged in Brazil within a constellation of social, cultural, commercial, political, and technological forces. Downloading content is generally inexpensive or free of charge that is a considerable incentive for file sharing. However, this article focuses on the social practices of downloading television shows by Brazilians who are applying the *jeitinho Brasileiro*. The article explores television downloading in the social networking website Orkut and the legenders activities. It also argues that the Brazilian political context and an inadequate copyright law contribute to people's disrespect for the legislation. It is time for the television industry to start developing more competitive business models and understand better local contexts instead of only focusing on fighting against what is considered piracy.

Broadband: accelerating beyond the Internet connection speed

The advent of high speed Internet broadband and its increasing accessibility world wide has contributed to enhancing people's social relations online. In recent years, the Internet has an important role in social networking, especially in the fandom world. In Brazil, fans of television shows have been using the social networking website Orkut to discuss and download the episodes and exchange spoilers[4]. Orkut is the most popular social networking website in Brazil (Mizukami, Castro, Moncau, & Lemos 2011: 264) and one where the majority of users claim their nationality to be Brazilian (Orkut Demographics 2010). For instance, fans of the television drama/fantasy/horror Supernatural can be found participating in the community Supernatural/Sobrenatural[5] which has over 640,000 members as shown in Table 1. The links for downloading the episodes are available within hours after being aired in the U.S. and organised in topics according to season and episode order presenting the file properties such as size and type.

Table 1

Current Season Status in Brazil and the U.S. of the Most Popular American Television Shows and their Popularity in Orkut Communities

	Current Season			
	Brazil		U.S.	
TV Show	Free to Air	Cable TV	Free To Air	Nº of Members Orkut
Supernatural	3	5	6 (Ep.4)	646,429
House	5	6	7 (Ep.4)	357,348
Gossip Girl	1	3	4 (Ep.5)	270,538
Smallville	1	9	10 (Ep.4)	228,761
Glee	none	1	2 (Ep. 3)	164,990
Dexter	none	4	4 (Ep.4)[a]	141,975
Modern Family	none	1	2 (Ep.3)	51,441

Note. Number of members on selected Orkut communities as for October 12, 2010; Ep. = Episode.

[a] Dexter is an exception on this Table since it is available on cable television in the U.S., not on free to air.

People's relationships in the online communities develop because of common interests after they start interacting more proactively, creating what is called participatory culture (Jenkins 2006b). Participatory culture happens when the viewers evolve to fans going beyond just passively watching content, to interacting with other viewers and joining fan communities (Jenkins 2006a). Together they share, create and publish content utilising user generated platforms, such as YouTube. They are supported by other users, creating a new model of cultural production (Jenkins 2006b). The fan communities create "new social structures" (Jenkins 2006b: 246) where "consumption has become a collective process" (Jenkins 2006b: 4). As Jenkins (2006b) suggested, this idea is fully linked to the Levy's concept of collective intelligence (Levy 1995,1997). Collective intelligence can be related to the collaboration between members of virtual communities to combine their understanding to answer a specific question. Jenkins (2006b: 28) mentions the US version of the television show *Survivor* as an example of collective intelligence. Similar to the Supernatural Orkut community, fans create groups to discuss episodes, exchange information and learn about future developments. Every member of the group contributes with different perspectives and these communities are used for sharing ideas and to aggregate knowledge. The collective intelligence concept is also demonstrated by the legenders as it will be further explained.

The discussions in fans communities of social networking websites appear to be related to the increase in downloading of television shows. Viewers must be up-to-date with the current episodes in order to take part in the discussions and to avoid spoilers (Brown & Barkhuus 2006). Additionally, the discussions increase people awareness of new television shows' episodes

and how to access them online. The following sections explore the subcultures emerged from television downloading practices and how they cooperate in a social ground through Orkut communities and the amateur subtitle teams, also known as legenders.

When a fan says I can't wait for the next episode, he or she really means it

The gap in time between an episode being released in the US and in Brazil can be extremely challenging for television show viewers, especially those who interact with other fans in discussion forums. Table 1 lists the shows and their current season status[6] in Brazil and in the US, along with their popularity in Orkut, the most used social networking website in Brazil ("Orkut ainda é a rede" 2010). The television shows in Table 1 were chosen because of their popularity among Brazilian fan communities or groups in Orkut, and also for having their subtitles frequently requested in fandom websites specialised in producing Brazilian Portuguese subtitles for downloaded shows. In the number of Members Orkut only the fans communities, per show, with the highest number of members are considered. It must be emphasised that there are other groups for the same television shows and some of them have a similar number of members. It is difficult to accurately determine the total number of viewers who engage in these groups, as an individual can be part of more than one group. Thus, as a comparative reference, these specific groups are considered: Supernatural/Sobrenatural, House Oficial, Gossip Girl Oficial, Smallville Oficial, Glee Brasil, Dexter Oficial and Modern Family Oficial .

In television show communities, Brazilian fans discuss the most recent episodes of their favourite series and play games related to the shows with other fans. The highlight, however, is having the links for downloading all of the television show's episodes. The links direct users to server websites such as Megaupload, Hotfile, Fileserve and Rapid Share, where the newest episode can be downloaded within a couple of hours after being broadcast in the US There is always a specific topic with a purpose, such as a Season 4 episode 1 discussion for fans' comments about that episode. The discussion topics are so popular that in less than three days after the *Supernatural* season 6 episode 3[7] was available for downloading, there were almost 900 comments on the *Supernatural*/*Sobrenatural* community.

Table 1 indicates that viewers, who do not own pay television, which is about 85% of the population in Brazil (Agência Nacional de Telecomunicações 2010), must wait months or even years to watch the newest season's episodes and new television series in comparison to their release in the US It is possible to deduce that all shows listed are at least one season further advanced in the US, in comparison to their availability on Brazilian cable television and free to air. *Gossip Girl* is a popular show in Orkut, however, it stopped being aired on cable in the middle of season 3 (Warner Channel suspende exibição de *Gossip Girl* 2010) and on free to air television in season 1. Consequently, fans must rely on the DVD release in Brazil to watch the new episodes. *Supernatural* fans also have to wait to watch Season 6 on cable television, as the Warner Channel has not started airing it. Considering the high number of viewers who participate in the official community, as seen on Table 1, avoiding spoilers is an issue.

The shows *Glee, Dexter and Modern Family* are often requested in Orkut fan communities, and they have considerable popularity in the Orkut discussions, which is a surprise considering that these shows are only available on cable channels in Brazil. Therefore, the online viewership could be related to the power of word-of-mouth from the fans in discussion forums, increasing viewer curiosity in others and leading them to download programming that is not available on free to air television. Jenkins (2008) defines such examples as when "piracy becomes promotion" (para.5).

It is possible to conclude from Table 1 that the availability of the show on free to air and pay television could be associated with the number of members on Orkut discussion groups, as it increases exposure to the population. This statement can be illustrated by the shows *Supernatural* and *House*. It also seems television downloading offers the fans the possibility of watching shows that are no longer available through the networks' programming, such as the show *Gossip Girl*. Moreover, cable subscribers have more access to American series than viewers with free to air television only. An analysis of Brazilian television networks schedules, shows that free to air television channels[8] usually show American television programs after midnight and some of the networks purchase the licensing but only start showing a new program with major delays in comparison to its release in Brazilian cable television and in the US ("Globo compra direitos" 2010). Hence, Brazilian fans who cannot afford cable are left with limited options to access this specific content.

The eagerness for the newest television show episodes leads Brazilians to seek alternative ways to access them sooner than what is provided through regular broadcasting. Some of these alternative options involve copyright infringement. This applies to the Orkut communities offering downloads of television shows. It is not the first time Brazilians have utilised Orkut for file sharing. Orkut has had problems in the past, such as with the Discografía[9] community, considered by executives to be the "biggest community exchanging links to illegal music files in Latin America" (Cobo 2009). The community had one million participants who downloaded and requested songs to the moderators of the community. In 2009, APCM, the "Antipiracy Association of Films and Music"[10], affiliated with the Motion Picture Association of America, closed the Discografia community after almost four years of operation (Cobo 2009).

The Legenders have become legend

Orkut is considered by many as a convenient platform for accessing television shows as most of the links direct users to files that have Brazilian Portuguese subtitles encrypted. Nevertheless, it is not the only way of downloading. Many people prefer P2P file sharing systems such as BitTorrent[11] for different reasons not explored in this article. However, these files are usually downloaded in their original languages with no subtitles. Therefore, after downloading the video file, most Brazilian viewers require subtitles in Portuguese, which is provided by a group of fans, who identify themselves as legenders ("Ameaças de processos", 2006). According to the report *Media Piracy in Emerging Countries*: "there are at least thirty teams of legenders

actively working in Brazil and many independent translators working on their own" (Mizukami, Castro, Moncau, & Lemos 2011: 265). Some of the most popular legenders' teams in Legendas.TV, Brazilian fandom website source of subtitles, are Os Psicopatas, InSUBs theLoneGunners, United, Darkside and Hellsubs (Leal, 2010). Furthermore, some of the legenders' teams have their own websites[12] providing the subtitles they created. A popular series such as *Lost* had up to 60,000 subtitle downloads in the first few days after it aired (Olhar digital, 2010).

The Legendas.TV's organisers are responsible for distributing the television series between the teams of legenders registered in the website (Calazans 2010). According to an InSUBs' member, the popular series are allocated to the most experienced and qualified teams (Calazans 2010). Therefore, it is possible to say that a symbolic power operates within and across the culture of legenders. Many times, individual qualifications such as specific university degrees are determinant factors in the decision of allowing that team to be responsible for a television show' subtitles. For instance, the inSUBs team who produces the subtitles for *Greys' Anatomy* and *House* have a physiotherapist, a nurse and a medical student in their team, which facilitates the understanding of medical terms (Sayuri 2011). The individual contributions reaffirm the importance of the concept of collective intelligence in these activities.

The legenders usually stay awake during the night creating the subtitles for the television shows. They consider it a hobby, but act professionally, providing coherence with the subtitles and good synchronisation with the scenes (Calazans 2010, Olhar digital 2010). The process starts while the episode is still being aired in the US, with a team of legenders watching it in real time via Justin TV[13] (Olhar digital 2010). Then, it is divided into parts and distributed to members of that team for translation, which reflects the participatory culture (Jenkins 2006b) of fans. In order to keep the quality standards, the Legendas.TV website have strict rules of how the subtitles are created. All teams of legenders must follow or they may lose their rights to create the subtitles for a particular television show (Sayuri 2011). In addition, the Legendas.TV also has established deadlines for publishing subtitles in their website. As the legenders work in teams, if one of the members delays on finishing its part, or produce subtitles in discordance with the Legendas.TV standards it can jeopardise the work and reputation of all the other members. Moreover, according to the Queens of the Lab, another team affiliated to the Legendas.TV , the time pressure also come from fans who demand the legenders to finish their work as soon as possible (Series Freak Team 2011). This is considered a drawback for many legenders as they would rather if these fans appreciated their work more considering it is voluntary.

The legenders' controversial work illustrates the emergence of a subculture of fans who found a way to circumvent the system through an online community. Therefore, it reflects the jeitinho's practice. Although the *jeitinho* is generally used for an individual's advantage, it can also be used to help others (Barbosa 1992). By producing subtitles the legenders help many Brazilians fans to access a desired content. The legenders do not consider their work as piracy, and they feel rewarded by the friendships created and for becoming in a certain way part of their favorite television series (Leal 2010). Through analysis of interviews with several legenders in electronic articles[14], it is possible to affirm that the majority never met each other outside the Internet. The interactions are limited to contact via MSN. However, it seems this mostly happens due geographic constraints.

The legenders are communities of practice, consistent with Wenger, McDermott, and Snyder's (2002) definition; they are connected by a passion, American television shows, and they meet regularly with the valuable purpose of sharing information, improving their translating skills and forming a community. Some of these legenders are students and others have established careers. The person who writes under the pseudonym *Fê*, for instance, is a doctor who sees creating subtitles as an opportunity to make friends and improve her English skills (Silva, 2009). The same applies to the uploaders (Silva 2009) or seeders (Brown and Barkhuus 2006), who upload the files to the websites. They claim to not have any financial return from this voluntary task and that cooperating using the file sharing system is also about the friendships they create and positive feedback from satisfied fans that have had access to the content (Silva 2009). Therefore, in a digital economy, their work can be classified as free affective and cultural labour (Terranova 2004). The legenders are not only fans, or collaborators in the Legendas.TV website, but they are also part of a community.

Crime and punishment[15] in generation P2P

Nevertheless, uploading and creating subtitles in Brazil is considered an illegal activity. According to the Brazilian legislation, movies, television series, books or music must have the authorisation of the copyrights' owner in order to be translated (Brazilian Copyright Act of 1998, "Pirataria na Internet", n.d.). Hence, the main coordinator of intellectual property rights of the Ministry of Culture (Silva 2009) affirms the legenders could be liable for three months to a year of jail, or bail, for distributing protected material.

In 2009, Brazil's International Federation of the Phonographic Industry and APCM threatened Legendas.TV datacenter causing temporary disruption of its service (Enigmax 2009). APCM represents the interests of major American production companies, such as Universal and Disney. After a couple of days, in spite of the accusations, the Legendas.TV site was working again. It seems the Brazilians' strategy of resolving issues (Duarte 2006) jeitinho can be illustrated by this example: the solution was migrating to a different and more secure datacenter in another country. However, since it implied costs, the Legendas.TV owners requested on their blog for financial support from the website's users. Although the donations requested were not compulsory, many users happily offered to contribute ("Legendas.tv temporariamente" 2009). In July 2010, the Legendas.TV went off line again for a couple of hours, displaying the US Immigration and Customs Enforcement warning. This time, however, it was closed by the owners and the image was later replaced by an explanation that there was a protest against the website Brazil-Series being shut down the day before (Zmoginski 2010a). Once again, the relationship between fans is apparent. On July 16, 2010, the website Brazil-Series.com had its services terminated by the APCM. This was followed by its owner's arrest. As the website takes donations and displays advertising, it was considered to have infringed copyright with the

purpose of earning profits. The website had 800,000 users a month and offered links to television shows from popular series (Enigmax 2010).

Many people who download television shows say: "it is TV isn't it? … It would probably be different if it was a movie. If it is free on everybody's TV, why worry about it?" (Chmielewski & James 2006: para.3). This idea is put forward by television viewers all over the world in response to the accusation that unauthorised file sharing is stealing. This is in addition to defensive arguments such as "everybody is doing it" (Barros, Sauerbronn, Costa, Darbilly, & Ayrosa 2010; Lessig 2008: xviii). As Lessig (2008) states, this entire generation of Internet users is composed of 'criminals', if the outmoded copyright legislation is to be taken literally and file sharing in this way is considered to be piracy.

Ronaldo Lemos (Silva 2009) argues that the current intellectual property protection law in Brazil is one of the most restrictive in the world, being impractical and ineffective. He claims that the 1998 intellectual property legislation establishes everything that is forbidden, but it does not clarify what is allowed, opening space for confusion and interpretation (Carmen 2008). In addition, the current intellectual property law inefficiently addresses the changes in communication technologies and emerging Internet social practices. When taking the Brazilian legislation (Brazilian Copyright Act of 1998b) literally a person who buys a music CD and upload the songs to a MP3 player is infringing the law (Lemos 2011). That is because the law restricts private reproduction to copying parts and not full length of media content. Therefore, Lemos believes that having laws impossible to be controlled could lead to people's disrespect for its absurdity (Silva 2009).

By analysing community pages regarding television programs file sharing on the social networking website Orkut, it becomes apparent that the downloading practices are related to the idea of Brazilians disrespect for the authorities and the copyright legislation (DaMatta 1986). If Brazilians really gave overriding importance to the law, they would not join communities in *Orkut* with titles such as Films/TV downloads or *Eu não compro faço* download, which literally translates to "I don't buy, I download." In social networking websites, most of the users have their personal pictures and information available; hence, it is possible for authorities to track the members. The community *Eu não compro faço* download has existed since 2007 and has 440 members (Retrieved October 12, 2010). This is a considerable number, taking into account the legislation and the controversial title. It is possible that the severe intellectual property legislation results in the opposite of its desired effect, since it is not working in Brazil as elsewhere in the world. However, as this article is being written, there are projects and debates happening in Brazil to upgrade the law accordingly.

Brazil is not the only country in which many people believe it is not stealing to download television, movies or music (Barros et al. 2010) or that legislation relating to downloading can be ignored, otherwise peer-to-peer file sharing would not be responsible for the majority of the world's Internet traffic (Schulze & Mochalski 2009). Mun (2008) claims that piracy may happen differently from one country to another due to various "socio-economic, legal, political, technological and cultural dimensions" (33). In Brazil, people find it absurd that anti piracy organisations act to arrest civilians while more important crimes go unpunished. After the owners of Brazil-Series were arrested, television show fans went to discussion pages that mentioned the case (Lang 2010; Victor 2010; Zmoginski 2010b), to argue the fact that the corrupt government, the police, narcotic trafficking gangs and murderers are not punished for bribery, or when caught, they are often released early due to overcrowded jails. As such, Brazilians defend their illegal downloading actions based on the impunity claim: "if they can do it, why can't we?" and "if they don't get into trouble, why should we?" (Lang 2010; Victor 2010; Zmoginski 2010b). Almost everyday, it is possible to find in any Brazilian newspaper an example of criminals not being prosecuted and corruption happening in the country.

Thus, in Brazil there are two issues: (1), people disrespect the moral or ethical view that anti-piracy organisations try to put forward, and (2), the impractical and inadequate legislation (DaMatta 1986; Lemos 2005). There is a socio-cultural and political problems associated with piracy and it is not only because the content online is free. In addition, previous research indicates that piracy is related to culture as much as it is influenced by an economic context (Mun 2008) and this is the case in Brazil. In developed countries such as the US and England, the legislative system reflects their citizens' social practices and common sense (DaMatta 1986). Whereas in Brazil, DaMatta (1986) suggests that people constantly find themselves in between private and public interests that can be demonstrated by cultural practices such as the *jeitinho*. This is accentuated by a reality of uneven distribution of national income.

As this article has shown, the high levels of perceived corruption and disagreement with the law coupled with an unsatisfactory delivery of television content increases a sense of blurriness of the illegality in downloading. Although finding alternatives to circumvent the system, which reflects the *jeitinho* principles, was the primary idea, television downloading practices grew a stronger understanding of community among Brazilian Internet users. Therefore, the emergence of subcultures in Orkut and the legenders' teams demonstrate this change in audience behaviour.

Combating piracy through more competitive models

There is an audience and a high demand for content that was created mostly by the power of word-of-mouth, assembling the collective intelligence (Levy 1995,1997) in social networking website communities. As Jenkins (2008) discusses by comprehending the market and its demands better, the media industries can minimise piracy rates. As such, further research is needed. In countries like Brazil, it is fundamental to take into consideration the background, and then find a more suitable distribution business model. Networks and production companies could work on shows' licensing agreements seeking a simultaneous release in the US and in Brazil. Maybe this would attract viewers back to mainstream television. In addition, as mentioned earlier in this article, only 15% of the population in Brazil has cable (Agência Nacional de Telecomunicações 2010). Improving and popularising cable services by reducing fees for instance, could attract more subscribers. This could be interesting for all parties involved. It is business as usual during the regulatory review, thus as Vincent (2007) suggested, if the problem is revenue stream loss, an increase of product placement in the shows could relieve the issue. It is the kind of

advertising that viewers cannot fast forward. If Internet users are always one step ahead of legislation (Cunningham & Turner 2006), media companies should accept reality, create more "competitive business models" (Mason 2008: 59) and stop fighting against it. Companies must compete with unauthorised file sharing and this can be achieved by understanding what drives people to do it.

One third of the profits of popular television shows come from foreign markets, plus DVD sales as a revenue stream (Chmielewski & James, 2006). Hence, it is understood that it is an important market and it requires special attention. Maybe working on the licensing agreements and offering shows over the Internet (Noam, Groebel & Gerbarg 2004) through legitimate programs such as *iTunes*, but again with simultaneous release, would be a possible solution. Television audiences worldwide are utilising the Internet in a way that prevents major companies from totally controlling access. Restriction is not the best solution, as what is already available cannot just be taken away. It would only generate other kinds of piracy.

Media leaders cannot afford to be single minded and think that the current broadcasting system is not going to change radically in the next 20 years. The television could completely migrate to the Internet or maybe, the Internet could be the beginning of global broadcasting. Media technologies and audiences are progressively changing, and communication platforms are evolving faster than ever before. Television industry representatives must find a better way to attend to a demand for content delivery online by taking into account local contexts such as the emerging Brazilian online sub-cultures applying the *jeitinho brasileiro* practices. That way, they not only could reduce piracy; but possibly find new outlets to distribute content and explore new markets.

Conclusion

The delay in availability of shows on free to air and cable television in Brazil in comparison to the US is one of the biggest reasons for the illegal downloading of content. Fans who participate in social networking websites, such as Orkut, may find it a challenge to avoid spoilers if they are not up-to-date with their favourite series. As the file sharing of television shows is an illegal activity, these fans are considered pirates. According to Brazilian legislation, there is severe punishment for transgressors. However, Brazilian fans persist in breaking the law through a popular method to resolve issues without following guidelines called *jeitinho brasileiro*. The *jeitinho* can be explained by fans having organised systems for file sharing of television shows. In addition, there are fandom websites that provide subtitles for the downloaded episodes. These sites are maintained by a group of fans called legenders, who consider translating television shows a hobby.

This article also presented the reasons Brazilians do not comply with the law. This is due to cultural, economic and political matters. In a country with high levels of corruption and uneven distribution of national income, downloading television shows is not perceived as dishonesty by file sharing users. The broadcasting industry should acknowledge these factors especially considering that a reasonable share of profits comes from foreign markets. There is a great demand for television content in Brazil and that is not being efficiently met. Hence, a solution may be for networks and media producers to work on better licensing agreements that would make it possible for simultaneous release in both countries.

The broadcasting system as we know it is obsolete. The industry must develop strategies that are more creative and adapt to the regional markets. Until then, the *jeitinho* seems to be the only answer for many Brazilians to receive what is not otherwise being supplied.

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Footnotes

1 "Fandom refers to the social structures and cultural practices created by the most passionately engaged consumers of mass media properties" (Jenkins**,** 2010**, "Fandom, Participatory Culture",** para. 3).

2 Legendas.TV and Legendasbrasil.

3 Amateur subtitlers.

4 Spoilers are reviews of the outcomes of the television shows or movies.

5 Brazilian Portuguese title.

6 As at October 12, 2010.

7 Aired in the US in October 10, 2010.

8 Rede Globo, SBT, Record and Bandeirantes.

9 Discography.

10 *Associação Antipirataria de Cinema e Música.*

11 BitTorrent is one of the most popular peer-to-peer file sharing protocol in the world (Schulze & Mochalski 2009).

12 For example: Hellsubs Team : http://hellsubs.forumfacil.net/forum.htm and Darkside team: http://darksite.tv/

13 http://www.justin.tv/

14 There are limited publications on the legenders' work.

15 Heading based in the novel by the Russian author Fyodor Dostoyevsky.

About the Author

Vanessa Mendes Moreira de Sa is a PhD candidate at the University of Western Sydney. Her thesis is title: *Television without frontiers*.