Regional Lockout:

Geographic Restrictions, Digital Entertainment Platforms, and Global Cultural Difference

By

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Table of Contents

Abstract ii

Acknowledgments iv

Introduction 1
Regional Lockout, Media Distribution, and Geocultural Capital

Chapter One 44
Regions, Standards, and the Shift to Digital Home Video:
A Transnational Cultural History of the DVD Region Code System

Chapter Two 108
Gaming Capital and Geocultural Capital:
Regional Lockout and Video Games

Chapter Three 172
Fragmented Flows:
Geoblocking Video on Demand

Chapter Four 230
Global Streams and Dams:
Geoblocking and Digital Music

Chapter Five 283
Diasporic Flows and Bourgeois Cosmopolitanisms:
The Ambivalent Cultural Politics of Region-Free DVD

Conclusion 341
Regional Lockout and Media Education:
Vernacular Industry Analysis and Cosmopolitan Media Literacies

Works Cited 356

Abstract

This dissertation analyzes the phenomenon of "regional lockout" in digital entertainment platforms. Resulting from the cultural industries' attempts to control the spatial distribution of intellectual properties, regional lockout refers to the use of digital rights management or other technological mechanisms that restrict or deny access to digital platforms in particular geographic locations. Focusing on regional lockout systems such as DVD, Blu-ray, and video game region codes and "geoblocked" online video and music platforms, I show how these systems come about through complex processes of industrial negotiation and standardization by many different stakeholders. I also highlight how users have hacked and circumvented these technologies and analyze the contextual and ambivalent cultural politics of these circumvention practices.

Drawing on critical discourse analysis, media historiography, and ethnographic interviews, I argue that regional lockout has shaped global media culture over the past two decades at three interrelated levels. First, as a form of technological regulation, it limits and fixes the affordances of digital media technologies. Second, it shapes the geographic distribution of entertainment media such as films, television programs, popular music, and video games. Third, it reasserts cultural differences and discrimination related to global hierarchies of media access. In making this last claim, I show that regional lockout is not just a technological or industrial phenomenon; it is also a cultural system. Therefore, this dissertation uses technological regulation and the political economy of media distribution as a back door into analyzing issues of cultural power and difference at global and transnational scales. Specifically, it investigates how regional lockout embeds global geographic and cultural differences into the technological tools

we use to experience mediated entertainment. In order to pinpoint regional lockout's cultural impact, I develop the concept "geocultural capital" as a way of mapping how regional lockout perpetuates unequal distributions of cultural capital across broadly scaled geographies (e.g., nations, regions, and continents). By shaping access to cultural resources and figuring as a discursive space where users, industries, and regulators discuss, debate, and decide issues of global media access, regional lockout reflects and produces inequalities in geocultural capital.

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Although writing a dissertation is an arduous task, I have never lost sight of how fortunate I am to be taking on that task in this particular graduate program and at this particular moment. Innumerable people deserve thanks for their support along the way.

I can't begin to calculate the debt of gratitude I owe Jonathan Gray. His knack for knowing precisely what inspiring piece of advice to give at any moment, extraordinary generosity with time and feedback, willingness to let me find my own way through difficult terrain when I needed to, ability to take a late-stage dissertation topic switch in stride, and quick responses to my lengthy emails never ceased to astonish. Beyond his enormous work in helping guide this dissertation to completion, his seemingly instinctive sense of how one should approach the intellectual challenges and ethical commitments of higher education will remain imprinted on me throughout the rest of my career. I can assure that those lengthy emails won't stop yet.

The other members of my committee have been instrumental in shaping this dissertation as well as how I approach media studies and higher education. Michele Hilmes' emphasis on the importance of taking a historical view has helped me frame this project as, in part, a cultural history of media. Derek Johnson's ability to work through the ins and outs of an argument, helping pull it apart and put it back together, has led to many productive and pleasurable conversations. Jeremy Morris offered feedback at a crucial point in time that proved enormously influential on this project. Aswin Punathambekar has pushed me to be thoughtful about the cultural and political complexities of the phenomena I analyze. He remained incredibly generous with his time and support even while advising so many of his own graduate students.

I never lost sight of the advice and support of my early mentors as a bachelor's student at Michigan State University and as a master's student in the Radio-Television-Film Department at the University of Texas at Austin. Jennifer Fay was my first academic champion and the one responsible for my cinephilia and initial interest in film studies. Justus Nieland showed me the pleasures of wrestling with experimental cinema and difficult theory. Janet Staiger deepened my political commitments and impressed her considerable knowledge of film, media, and higher education onto me. I feel very lucky to count her as a formative influence. Tom Schatz's exacting yet encouraging feedback on my M.A. thesis and seminar papers modeled the very idea of "constructive criticism."

UW-Madison proved to be an energizing and collegial home institution. This dissertation was supported through a generous Mellon-Wisconsin Dissertation Fellowship, which helped fund much of my ethnographic research. Other UW-Madison scholars within and beyond Communication Arts have been generous with time and encouragement during my time here. I have relished and drawn inspiration from conversations about my work with Eric Hoyt, Mary Beltrán, J.J. Murphy, Jeff Smith, David Bordwell, and Julie D'Acci in particular. The Communciation Arts Department's wonderful administrative staff routinely made my life easier as I wrote this dissertation: Janis Richard, Nathaniel Barber, and Linda Lucey have been especially helpful. More broadly, I have benefited from the friendship and personal and professional benefactions of Ramon Lobato, Brian Fauteux, Peter Alilunas, Ron Becker, Ethan Thompson, Courtney Brannon Donoghue, Megan Sapnar Ankerson, Elana Levine, Michael Newman, Tim Havens, Michael Kackman, Mary Kearney, and Serra Tinic, among many others who have taken an interest in me and my work.

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three-person dance party that assuredly irritated our downstairs neighbors. This only scratches the surface.

Which brings me to my immediate family. My sister, Allison, inspires me through her earnest, humanitarian commitment to helping people around the world. Of course, this belies the fact that she also has a sharp, sarcastic wit that always makes me laugh. I gain energy from my brother, Alex, and I try to be as passionate about my own interests and pursuits as he is with his. He has found a perfect partner in his wife, Vicki, and I am grateful to have her as an addition to the family. Although he's two years my junior, Alex got his doctorate before me—a fact that might have brought out residual feelings of sibling rivalry if it didn't make me so proud. My parents, Bob and Sue, have been more influential on my development than even they know. It's no wonder that with two fantastic teachers as parents I wound up where I did, and I thank them not only for never questioning my life's path through the uncertain terrain of humanities education, but also for actively encouraging and taking pride in it. I love them more than anything. Growing up in a household with these four is one of my life's great joys.

Finally, Kit Hughes has been my partner in life and work ever since we met in the CMB building at UT-Austin in the fall of 2007. Her stamp on this project is incalculable, and I can scarcely imagine completing it without her sitting in the same office, typing away at her own dissertation until I inevitably interrupt her with a question or with the suggestion that we play with our cat, Zildjian. To our great fortune, we have been able to live and work together through our careers in an occupation that often enforces distance. From Austin to Baltimore to Madison and, soon, to Oxford, Ohio, I eagerly await the continuation of our adventures. Thanks for everything.

Introduction

Regional Lockout, Media Distribution, and Geocultural Capital

Good cinema is culture, but really all kinds of knowledge is good and it's important to have access to knowledge.

- Santos Demonios, Peruvian Bootleg DVD Seller[1]

Consider the travails of Nura, a hypothetical media user in Doha, Qatar. Although Doha is a media capital containing, among other things, the headquarters of Al Jazeera, Nura regularly seeks out media from beyond her national and regional borders. In particular, she considers herself a fan of French art cinema, British television, American and Japanese video games, and Korean popular music. Attempting to watch Jean-Luc Godard's 1962 film *Vivre Sa Vie* one afternoon, Nura opens her laptop and navigates to streaming video-on-demand service Hulu.com, which holds an exclusive streaming deal with boutique DVD line The Criterion Collection…only to find a message reading "Sorry, currently our video library can only be watched from within the United States." Watching the Criterion DVD or Blu-ray version of *Vivre Sa Vie* is not an option, because Criterion DVDs and Blu-rays are coded Region One and Region A, respectively, and Nura only owns a Region Two DVD player and a Region B Blu-ray player. Undaunted, she decides to spend her afternoon catching up on backlogged episodes of the BBC's *Sherlock*. Attempting to launch the BBC's online iPlayer platform, a notification appears onscreen: "BBC iPlayer TV programmes are available to play in the UK only." Foiled again, Nura figures she may as well spend some time playing her Nintendo Wii, before realizing that the NTSC disc of *Mario Kart Wii* she ordered online won't play in her PAL console. Frustrated by these

[1] Quoted in "Peru's DVD Pirates Have Exquisite Taste," *Motherboard*, March 26, 2014. https://www.youtube.com/watch?v=NNrGA6UqXS4

experiences, she seeks solace in "Ice Cream Cake," the first album by K-Pop group Red Velvet—but the music streaming service Spotify hasn't been introduced to Qatar yet. Because of these regional restrictions, Nura's attempt to access her favorite media texts are repeatedly frustrated—and frustrating.

Though fictional and hypothetical, versions of Nura's dilemma are shared across the globe, and they characterize the fragmented disconnections that still exist in the digital entertainment landscape. Because the global distribution and licensing agreements for intellectual properties still follow geographic borders, media industries have employed digitally enforced regional restrictions on media technologies and platforms as an attempt to ensure that films, television programs, games, and music follow industry-approved flows. Furthermore, because users in various parts of the world (though, crucially, not everywhere) increasingly confront a media landscape rife with more and more channels, platforms, and formats through which they can access these texts, questions of what's available where and when become increasingly complex and difficult to discern. So, although Qatari internet is filtered some by the state,[2] the regional lockouts that Nura confronts are separate issues determined by private media industries rather than primarily state-based forms of regulation.

These experiences with locked-out platforms or technologies serve not only as reminders that digital media have not democratized media access they way some thought they would, they also act as confrontations with one's cultural position within a global hierarchy of media access. If encounters with entertainment media (film, television, radio, music, games) represent spaces where audiences and users situate and understand themselves within complex structures of asymmetrical cultural power and difference, cultural studies of media must continue to

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[2] See the OpenNet Initiative's overview of Qatar's internet filtering: "Qatar," *OpenNet Initiative*, August 6, 2009. https://opennet.net/research/profiles/qatar.

understand how media shape and are shaped by these structures. While this has long represented a broad, underlying goal of media and cultural studies, the emergence of digital media technologies and constantly shifting ways users access and engage in entertainment require scholars to accordingly shift their assumptions regarding media's articulation to cultural difference. Furthermore, while many cultural studies of media still tend to adopt an implicit national frame toward analyzing the ways media interactions articulate cultural difference, the processes of media globalization would suggest that studies of media and cultural difference could be wrought at levels attuned to the complexities of what Ien Ang refers to as our "interconnected, intermingled world."[3]

This dissertation intervenes in both of these areas by analyzing the phenomenon of "regional lockout." Regional lockout refers to any technological mechanism installed on media hardware and/or software in order to control the geographic distribution and circulation of media texts. It usually manifests as DVD or video game region codes and the practice of restricting access to an online platform based on its user's geographic location. While the recent development of digital and networked communication and entertainment technologies around the world has brought about a cluster of discourses that promote these technologies' supposed abilities to trespass barriers of space and time, a view which in turn celebrates the democratizing and equalizing potential of those technologies, they still produce and reflect asymmetrical power relations and global difference informed by geocultural and geopolitical realities. Furthermore, given that entertainment media are fundamentally delivery systems for textual experiences, and these texts come to users through certain means of circulation, dissemination, or distribution that are shaped by global cultures and economies, mapping globally differentiated media systems and

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[3] Ien Ang, *On Not Speaking Chinese: Living Between Asia and the West* (London: Routledge, 2001), 5.

platforms is important to understanding the role of media as systems of cultural power and difference on a global scale.

Specifically, this project investigates how regional lockout articulates global geocultural difference onto the technological means that people use to experience mediated entertainment. It does so by highlighting moments when the culture industries' logics of distribution demarcate lines of difference and how users' interactions with those demarcations represent encounters with the realities of global cultural systems that are only partially connected. Usually put in place through alignments among content industries, digital media manufacturers, and industrial consortia, regional lockout results from media industries' desire to control the spatial distribution of intellectual properties. As a way to make sure that the distribution of media texts remains consistent with region-based licensing agreements and release windows, regional lockout is broadly a mechanism to mitigate the possibility of access to texts and platforms outside industry-approved geographic zones. While the phenomenon is by no means limited to these examples, my dissertation analyzes the DVD region-coding system put in place by the format's developers, the prohibition of users from accessing web-based streaming platforms such as Netflix, Spotify, and the BBC iPlayer based on their IP address, and the various technological mechanisms (chips, region codes) used to restrict console video games based on location. By training my focus simultaneously on regional lockout as an industrial discourse, a technological mechanism, and a force that shapes users' encounters with global media, my dissertation offers a comprehensive view on how regional lockout as a material, technological mechanism directs cultural distribution and serves as a discursive field onto which articulations of geographic and cultural identity, community, and difference are expressed and maintained.

In its capacities to work functionally (by attempting to bar certain media texts and platforms from certain localities, nations, and regions) and discursively (in circulating the idea that the world's media systems are, and *should be*, spatially and temporally differentiated), regional lockout represents a space where users, industries, and intermediaries recognize media as *potentially* global and understand themselves as situated in a media system that extends beyond one's locality, nation, or even geocultural region. In contrast to popular discourses that see new media as erasing global misunderstanding and inequality, however, regional lockout confronts users with the fact that the shape of global flows is one of disconnection, discrimination, and difference. Here, I draw from Arjun Appadurai, whose oft-cited concept of the various "scapes" that characterize global flows occasionally overshadows his assertion that these global flows are fundamentally *disjunctive* in nature.[4] In contrast to a "fluid" or "liquid" modernity marked by the "irrelevance of space," as in the model proposed by Zygmunt Bauman, an understanding of global relations focusing on disjunctures, differences, and disconnections can emphasize that global interactions occur as consequences of a world whose connections are not always (or often) natural, easy, or smooth.[5] As Anna Tsing argues, we might be skeptical of the concept of "flow" and instead adopt "friction" as a model for understanding global interaction. Rejecting flow's implications of ease and fluidity, Tsing proposes the metaphor of "friction" to remind us that in fact, "heterogeneous and unequal encounters can lead to new arrangements of culture and power."[6] Likewise, in the discipline of media studies, where various permutations of the idea of "global flows" have tended to set the terms for analyses of media

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[4] Arjun Appadurai, *Modernity at Large: Cultural Dimensions of Globalization* (Minneapolis, MN: University of Minnesota Press 1996).
[5] Zygmunt Bauman, *Liquid Modernity* (Cambridge: Polity, 2000), 117.
[6] Anna Tsing, *Friction: An Ethnography of Global Connection* (Princeton, NJ: Princeton University Press 2004), 6.

globalization, attuning to the frictive moments of global (dis)connection may yield heretofore underexplored insights into how media systems and geocultural difference shape each other.

To understand how media industries set some of the conditions for globally disjunctive media systems, and how users' various encounters with these disjunctures influence both the intra- and intercultural media experiences of viewers and users around the world, I train my focus on a structuring element of media experience that has not yet been analyzed at length by scholars of media and cultural studies. While occasionally invoked as a particularity of formal and "informal" media economies (i.e., not acknowledged by the state and the world's formal economies—what the cultural industries call "piracy,"), a consequence of copyright regimes' digital rights management strategies, or an industrial problem to be solved, regional lockout has been important enough in shaping the global media environments of the past several decades to warrant a lengthy analysis of its own.[7] In providing that analysis, this dissertation focuses specifically on regional lockout within the broad cluster of institutions that David Hesmondhalgh calls the "cultural industries," or industrial organizations defined by their shared trade in the production, distribution, and exhibition of "symbolic creativity."[8] Because such forms of

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[7] See, for example, Shujen Wang, *Framing Piracy: Globalization and Film Distribution in Greater China* (Oxford: Rowman and Littlefield Publishers, 2003); Mia Consalvo, "Console Video Games and Global Corporations: Creating a Hybrid Culture." *New Media and Society* 8, no. 1 (2006): 117-31; Tarleton Gillespie, *Wired Shut: Copyright and the Shape of Digital Culture* (Cambridge, MA: MIT Press, 2010); Barry Ip and Gabriel Jacobs, "Territorial Lockout: An International Issue in the Videogame industry." *European Business Review* 16, no. 5 (2004): 511-521. For a thorough examination of informal media economies, see Ramon Lobato, *Shadow Economies of Cinema: Mapping Informal Film Distribution* (London: Palgrave MacMillan, 2012).

[8] David Hesmondhalgh, *The Cultural Industries*, 2nd ed. (London: Sage, 2007), 4-5. As a result, cases of global internet filtering and censorship, such as the ones analyzed in a series of books published by MIT Press and the OpenNet Initiative, are somewhat removed from the focus of this project. However, these studies diverge from my own in several ways. First, they focus primarily on state-based internet filtering, surveillance, and distributed denial of service (DDoS) attacks, where my own study investigates forms of regulation developed primarily by

symbolic creativity (i.e., works of art, culture, or media "texts") represent a particular kind of cultural resource that we use to negotiate our identities, cultural positions, and subjectivities, regional lockout in this context offers a space to evaluate digital media's relationship to transnational cultural difference.

To that end, this dissertation argues that regional lockout has shaped global media culture over the past two decades at three interrelated levels: technological, media-industrial, and cultural. First, as a form of technological regulation, it limits and fixes the affordances of digital media technologies. The development and incorporation of digital media as distribution and exhibition mechanisms within the cultural industries created a problem of control. Namely, the abilities to easily copy digital information and communicate and share that information across vast spaces through digital networked technologies made it more difficult for the cultural industries to keep tabs on who was consuming their products and whether they were paying for them. Tied into a broader push by dominant cultural industries to limit informal and illegal means of trade (i.e., what such industries would characterize as "piracy"), regional lockout is a form of digital rights management (DRM) installed in entertainment hardware and software specifically to control the geography of media distribution. Following others who have studied

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transnational entertainment industries (though certainly with the help of governmental regulation). Second, they train their attention on the internet specifically, whereas my study represents a broader historical analysis of various forms of digital control dating back to the media industries' transitions to digital delivery technologies in the 1980s and 1990s. Third, my study focuses more on negotiations of cultural identity and difference, and how these intersect with the cultural capital that comes with accessibility and inaccessibility of digital entertainment platforms. For the aforementioned OpenNet Initiative project, see Ronald Deibert et al., eds. *Access Denied: The Practice and Policy of Global Internet Filtering* (Cambridge, MA: MIT Press, 2008); Ronald Deibert, et al., eds. *Access Controlled: The Shaping of Power, Rights, and Rule in Cyberspace*. (Cambridge, MA: MIT Press, 2010); Ronald Deibert, et al., eds. *Access Contested: Security, Identity, and Resistance in Asian Cyberspace* (Cambridge, MA: MIT Press, 2012).

the impact of DRM and digital technological regulation, I show how such forms of control impact the functions of media technologies as well as the ways users think they can use them.

The use of technological regulation as a way to retain control over dynamics of space leads to the second way that regional lockout impacts global media culture: by shaping the geographic distribution of entertainment media (i.e., films, television programs, popular music, video games) around the world. Historically, media industries have segmented their markets geographically in order to exploit different territories in particular ways. Namely, by dividing the world into territories corresponding with national and regional borders and treating each territory as a market, cultural industries can alter prices, stagger release dates, and distribute different versions of a commodity to different places. The film and television industries refer to these "distinct markets separated by either geography or time" as "windows," and regional lockout was put in place to preserve these windows in an environment where digital media threatened to break down the barriers between them.[9] I am careful to note that it *shapes* rather than *determines* media distribution for a number of reasons. One is a note of causality: regional lockout is a by-product of particular media-industrial economic imperatives rather than the driver of it. Regional lockout does not precede the geographic contours of global media distribution, in other words; it grows out of them. The other is that, quite simply, regional lockout does not always work; whether through technological breakdown or, more likely, users finding ways to circumvent these lockout systems, it is impossible to argue that regional lockout completely determined media distribution.

Third, regional lockout reasserts cultural differences and discrimination related to global hierarchies of media access. More specifically, it can contribute to the Othering of users living in

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[9] Timothy Havens, *Global Television Marketplace* (London: British Film Institute, 2006), 13.

certain regions of the world, remind diasporic communities and individuals of their cultural positions, shape the cultural and geographic contours of participatory culture and networked publics, and both reflect and define transnational taste cultures. In making this claim, I show that regional lockout is not just a technological or industrial phenomenon; it is also a cultural system. As a multitudinous set of discourses circulating among various publics and communities both inside and outside media industries, regional lockout inflects everyday practices of media engagement with understandings of cultural difference that combine spatial-temporal distance and according definitions of ethnic, linguistic, and cultural identity. Thus, more than simply an apparatus of top-down technological control, regional lockout is eminently cultural in its functional *and* symbolic roles in helping to shape the contours of partially globalized, yet still disjunctive and discordant, transnational media environments. In order to pinpoint regional lockout's cultural impact, I develop the concept *geocultural capital* as a way of mapping cultural capital across broadly scaled cultural geographies (e.g., nations, regions, and continents). By shaping access to cultural resources and figuring as a discursive space where users discuss and debate issues of global media access, regional lockout reflects and produces inequalities in geocultural capital.

All in all, this project uses technological regulation and the political economy of media distribution as a back door into analyzing issues of cultural power and difference spun globally. As such, my own project is not invested primarily or necessarily in outlining the injustices of global copyright regimes or condemning the restrictive functions and ideologies of digital rights management, as is scholarship on the technological regulation of digital media by scholars like Tarleton Gillespie, Lawrence Lessig, Siva Vaidhyanathan, and Jonathan Zittrain.[10] While still

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[10] See, in particular, Gillespie, *Wired Shut*; Lawrence Lessig, *Code 2.0* (New York: Basic Books,

taking inspiration from these approaches and their critiques of forms of technological regulation meant to maximize profits at the expense of a more open media environment, I do not necessarily see regional lockout's everyday, lived iterations as unproblematically "negative." Instead, I evaluate how they function within particular conjunctures to help constitute global difference. In this sense, I am more concerned in this project with how it is *productive* of global media culture in a Foucauldian sense. In *Discipline and Punish*, Michel Foucault famously argued, "We must cease once and for all to describe the effects of power in negative terms: it 'excludes', it 'represses', it 'censors', it 'abstracts', it 'masks', it 'conceals'. In fact power produces; it produces reality; it produces domains of objects and rituals of truth. The individual and the knowledge that may be gained of him belong to this production."[11] To be clear, regional lockout is often restrictive and discriminatory. Complicating this line of argument, though, I suggest that regional lockout can produce everyday encounters with and negotiations of cultural difference in a variety of ways.

Regional Lockout as Digital Control

This dissertation is invested in outlining regional lockout as, in part, a consequence of adapting digital delivery technologies to media industries' established profit structures and ways of conceptualizing the world's media systems as on some level distinct. As a scheme put in place to ensure that new media technologies continue to allow established patterns of media distribution,

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2006); Lawrence Lessig, *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*. (New York: Penguin 2004); Siva Vaidhyanathan, *Copyrights and Copywrongs: The Rise of Intellectual Property and How it Threatens Creativity* (New York: New York University Press, 2003); Jonathan Zittrain, *The Future of the Internet and How to Stop It* (New Haven, CT: Yale University Press, 2009).

[11] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage, 1977), 194.

market segmentation, and price discrimination, regional lockout represents a rich site to analyze how media industries incorporate emergent media technologies into existing industrial practices and how these processes of incorporation shape the cultural meanings of media technologies. Regional lockout is in part a result of the incorporation and domestication of digital technologies into the hegemonic practices of media institutions. As a reflection of certain logics of global media distribution, regional lockout has come about largely as new media technologies have been incorporated into prior-held trade routes and practices of market segmentation and price discrimination. Global media conglomerates, and in particular those tied to Hollywood, have had a hand in adapting and adopting digital media technologies in ways that correspond with their preferred uses. One way they do this is by working with governments and transnational regulatory bodies to regulate their products. The process of marshaling new technologies into exploitable entertainment "media" exemplifies what Raymond Williams has called the "incorporation" of emergent cultural forms. Incorporation occurs when dominant, hegemonic culture brings emergent forms into its ideological fold and makes it part of the dominant culture. As he points out, incorporation occurs to those emergent cultural forms that seem to be the most apparently oppositional and threatening to dominant forms, since emergent culture represents "a necessary complication of the would-be dominant culture."[12]

In particular, the affordances and properties of digital technologies make it much easier for industries and regulators to incorporate these media into established distribution and exhibition practices by controlling the technologies themselves and by manipulating code and technological standards through intellectual property and copyright law. As Siva Vaidhyanathan has suggested about the Digital Millennium Copyright Act (DMCA), a piece of US copyright

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[12] Raymond Williams, *Marxism and Literature* (Oxford University Press 1977), 126.

legislation that broadly restricts the use of digital technologies to violate intellectual property laws and that includes a provision to outlaw circumventing CSS and region codes, "the media industries and United States Congress have found that it has been easier to regulate machines than people."[13] The suggestion that technologies can be regulated through code as much as (or perhaps even more than) legislation and traditional regulation has been one of the enduring contributions of legal scholar and activist Lawrence Lessig, who posits the technological architecture of an information system or technology as one of the four modes through which it can be regulated (along with law, norms, and the market).[14] Lessig's famous dictum "code is law" captures an imperative of the digital age: "[W]e we must understand…how the software and hardware (i.e., the "code" of cyberspace) that make cyberspace what it is also regulate cyberspace as it is."[15] Hardware and software bake in particular forms of control that impact how we can use them. Building on this idea, Tarleton Gillespie notes that technologies become regulated through a "regime of alignment" that includes not just the technological constraints placed on technologies through mechanisms such as digital rights management (DRM), but "legal efforts to prosecute users who share and download…contract arrangements between industries to ensure that the guidelines imposed through law and technology are followed, and political efforts to convince legislators to make such systems mandatory."[16] Over the past two decades, the fear of digital piracy, built on the ease of copying and distribution that digital technologies make available, has given Hollywood a pretext to work with regulators and convince the manufacturers of technology to build digital distribution and exhibition devices in ways that will restrict unlicensed, and thus unacceptable, forms of media use.

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[13] Vaidhyanathan, *Copyright and Copywrongs*.
[14] Lessig, *Code 2.0*; Lessig, *Free Culture*.
[15] Lessig, *Code 2.0*, 5.
[16] Gillespie, *Wired Shut*, 101-102.

One result of such forms of technological control is that they impact the affordances of digital technologies, or what the technologies allow us to do with them. As Donald Norman famously noted, the concept of affordances "refers to the perceived and actual properties of the thing."[17] In other words, in evaluating the affordances of a particular technology, we should focus not only on what it can do, but what we *think* it can do as well. Gillespie points out that affordances impact our own sense of agency and power in relation to media technologies. As he puts it, through DRM, "the user's agency, their own perception that they have the capacity and the right to operate and manipulate their own technology, must be actively frustrated."[18] So, affordances have profound cultural impacts. Indeed, Sonia Livingstone and Ranjana Das suggest that the concerns of cultural-studies-based audience research and new media research can be productively mapped onto each other, with affordances representing the "preferred reading" within Stuart Hall's encoding/decoding model.[19] The affordances that dominant industries want us to perceive have been quite literally "encoded" onto the device, and perhaps we use it accordingly. At the same time, as I show throughout this project (and especially in Chapter Five), we might "decode" the affordances differently and use them in ways unintended by their creators.

As a study of how new media technologies have been controlled, but also how these forms of control become negotiated and shaped by users and industries, this dissertation aligns itself with scholarly accounts that describe the process of emergent technologies becoming "new media" as taking place through complex, dialectical, and asymmetrical processes of

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[17] Donald A. Norman, *The Design of Everyday Things* (New York: Basic Books, 2013), 9.
[18] Gillespie, *Wired Shut*, 226.
[19] Sonia Livingstone and Ranjana Das, "The End of Audiences?" in *A Companion to New Media Dynamics*, ed. John Hartley, Jean Burgess, and Axel Bruns (Malden, MA: Blackwell, 2013), 110.

incorporation and resistance brought about by multiple interacting individuals (inventors, users, politicians), institutions (media industries, states, reformist groups), and ideologies. Such an approach abjures technologically determinist accounts in favor of understanding media technologies' complex and contradictory relationships with users, industries, and social contexts. The need to undercut discourses of technological determinism grows out of a desire to counter socially circulating discourses that would take new media as harbingers of a brave new world of global interconnection and understanding. In the context of academic scholarship on global entertainment, such accounts continue to find purchase; a recent book published on the global rise of video streaming services suggests the movement of cinema to such services is "a democratizing process. Having moved online, film becomes liberated from the 'tyranny of geography': the new distribution set-up permits unrestrained availability of distinctive products. The residents of a remote village can now have access to cultural goods just as easily as those based in vibrant metropolitan hubs."[20] While the rest of the piece is otherwise more sensitive to the global variety in online media, this take on the impacts of the internet is characteristic of a broad cultural assumption that digital media technologies not only have direct effects on culture, but that these effects are necessarily equalizing.

In the context of transnational media systems, this form of technological determinism becomes articulated to notions of globally scaled communication and transnational interconnection that manifest both as utopian hopes for democratic understanding and xenophobic fears of cross-cultural contamination. As to the former, David Morley draws on the

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[20] Dina Iordanova and Stuart Cunningham, eds., *Digital Disruption: Cinema Moves On-line* (St. Andrews: St. Andrews Film Studies, 2012). Here, Iordanova invokes Chris Anderson's famous argument that a long-tail digital economy can overcome the "tyranny of geography" in its idealized promise of being able to distribute virtually anything, anywhere, at any time. See Chris Anderson, *The Long Tail: Why the Future of Business is Selling Less of More* (New York: Hyperion, 2006).

work of James Carey to critique a recent incarnation of this form of thinking he calls "the dream of the technological sublime" and characterizes as "faith in a utopia made possible via electricity and machine innovation that will engender a better and socially enlightened future through the efficiencies it provides."[21] For Morley, this manifests currently as the excited rhetoric surrounding digital technologies and the supposed impacts that digital media will have on the development of a new age of democratized communication. Even the suggestion that a text or platform is "blocked" rests on the premise that everything should be available to everyone. A writer for *PC World* represents this assumption in his writing on regional lockout: "One of the great ironies of the Internet is that it is meant to connect everyone together and break down barriers, but at the same time media companies erect location-based barriers around their properties."[22]

This dissertation aligns itself with the continued project of questioning technological determinist analyses of the digitization of entertainment, instead focusing on the ways in which the affordances of new media technologies shape and are shaped by their sociocultural and industrial contexts in a complex, dialectical relationship. The notion that media technologies express social, cultural, and material relationships is inspired by Morley's suggestion that new technologies are "only as good as the material, social and institutional structures in which they are embedded" and Jonathan Sterne's understanding of a media technology like the MP3 as a "cultural artifact" containing a "crystallized set of social and material relations."[23] Media thus

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[21] David Morley, *Media, Modernity, Technology: The Geography of the New* (London: Routledge 2006), 257. See also James Carey, *Communication as Culture: Essays on Media and Society* (New York: Routledge, 1992).
[22] Mark O'Neill, "Tunnelbear VPN Circumvents Geoblocking," *PC World*. August 8, 2012. http://www.pcworld.com/article/260236/tunnelbear_vpn_circumvents_geoblocking.html
[23] See Morley, *Media, Modernity, Technology*, 239; Jonathan Sterne, "The Mp3 as Cultural Artifact," *New Media and Society* 8, no. 5 (2006): 826.

come to have symbolic meanings in addition to their mere technological capacities for transmission or communication, and Morley even suggests that these symbolic meanings come to dominate and supersede the practical functions of media technologies. Thus, following Morley and Sterne, I understand region-locked (as well as region-free) technologies as containing both functional capabilities as well as symbolic or cultural meanings. Their cultural meanings arise in part as a result of their functional capabilities, inasmuch as the logics of geo-specific functionality are suffused with discursively circulated understandings and interpretations of different regions of the world.

Conjuring and Exploiting Spaces: Studying Cultural Distribution

The particular meanings that regional lockout circulates come out of the technological system's purposes of controlling distribution. While new media technologies are regulated in part to control the ways we are able to use them, they are also regulated to help ensure industrially sanctioned distribution paths. Thus, issues of cultural geography and geopolitics become paramount to studying new media regulation. Despite the above-cited suggestions that digital media free us from the "tyranny of geography," the logics of global media distribution and transnational licenses and regulation still do a great deal to shape not only the flow of entertainment texts, but how media users and industries *place* those texts within certain geocultural contexts. Thus, when this dissertation turns its attention toward questions of technological control, it does so in order to analyze how media technology articulates to certain discourses and understandings of the world as a divisible terrain of markets, and how this logic spreads through the multiple forces that shape the regulation of culture.

The history of media is saturated with attempts to control spatial (and according temporal) contours of distribution. David Bordwell draws on the work of Tino Balio and Douglas Gomery to summarize classical Hollywood's "run/zone/clearance" system of distribution:

> A run was the period during which a film was screened in theatres. The first-run showing, usually at a well-appointed downtown cinema, gave city viewers the first chance to see the movie. The second-run shows, in neighborhood theatres and small towns, took place later, at lower ticket prices. Zones established the territory in which any title could play exclusively. Clearances were the intervals of time separating the runs, typically a matter of weeks or months.[24]

As Gomery suggests, this system amounted to a "temporal and spatial separation of markets."[25] Although this refers to the sub-national distribution of a film across various local territories across the United States, the general practice of segmenting markets spatially and temporally and exploiting exclusive release windows has also been key to Hollywood's global strategies. In the contexts of broadcasting, radio, and television, Michele Hilmes, Susan Douglas, and Thomas Streeter have all shown how popular and regulatory debates over radio in the United States were in part about harnessing the medium's affordances of spatial dissemination while regulating them in the interests of powerful stakeholders.[26] As Streeter points out, one of the major fears of

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[24] David Bordwell, "Women and Children First," *Observations on Film Art*, October 22, 2008, http://www.davidbordwell.net/blog/2008/10/22/women-and-children-first/.
[25] Douglas Gomery, "The Hollywood Studio System, 1930-49" in *Hollywood: Critical Concepts in Media and Cultural Studies, Vol. 1*, ed. Tom Schatz (London: Routledge, 2004), 120.
[26] See Michele Hilmes, *Radio Voices: American Broadcasting, 1922-1952* (Minneapolis, MN: University of Minnesota Press, 1997); Susan Douglas, *Inventing American Broadcasting, 1899-1922* (Baltimore: Johns Hopkins University Press, 1987); Thomas Streeter, *Selling the Air: A Critique of the Policy of Commercial Broadcasting in the United States* (Chicago: University of Chicago Press, 1996).

corporations and governments regarding radio was its "omnidirectionality," which they sought to control through technological and legal measures.[27] Jonathan Bignell and Andreas Fickers similarly suggest that the emergence of national broadcasting structures in Europe arose due to the fear that citizens would watch television from beyond their own borders.[28] So, if emergent technologies contain affordances considered threatening to established modes of production and (perhaps especially) distribution, industries will often attempt to incorporate, control, and close off this possibility while simultaneously taking advantage of those affordances for their own ends.

Scholars have long pointed to the role of distribution in shaping media's relationship to culture. Given the centrality of the distribution of resources to classical Marxism, it is perhaps unsurprising that much of this work comes from a political-economy tradition of studying the media industries. In an oft-cited passage, Nicholas Garnham argues, "It is cultural distribution, not cultural production, that is the key locus of power and profit. It is access to distribution which is the key to cultural plurality. The cultural process is as much, if not more, about creating audiences or publics as it is about producing cultural artifact and performances."[29] As he suggests, distribution is political in its significance to the maintenance of industrial power—a sentiment echoed by Charles Acland's suggestion that "[Hollywood] industry charts reflect trade routes, themselves a product of ideological agendas and political will."[30] If one measure of powerful (and increasingly transnational) media industries' power is their ability to distribute and

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[27] Streeter, *Selling the Air*, 61.
[28] Jonathan Bignell and Andreas Fickers, eds. *A European Television History* (Malden, MA: Wiley-Blackwell, 2008).
[29] Nicholas Garnham, *Capitalism and Communication: Global Culture and the Economies of Information* (London: Sage, 1990), 162.
[30] Charles Acland, *Screen Traffic: Movies, Multiplexes, and Global Culture* (Durham, NC: Duke University Press, 2003), 141.

circulate cultural productions throughout the world, understanding those distributional circulatory systems, as well as the practical, industrial, and technological mechanisms that maintain them, can tell us much about how media culture functions around the world.

Lest we presume that questions of media distribution are purely political-economic or industrial concerns, Garnham's above-cited passage also suggests that distribution is *cultural* insofar as it creates audiences and publics. If the study of media distribution must retain a sense of the continued significance of geographical division to the distributional logics of globalizing media industries, it should also train its eye toward the ways media audiences and users understand their own "situatedness" in geographic and geocultural contexts. Furthermore, the distribution of cultural products is a significant factor in the constitution and definition of hybrid identities, cultures, and publics around the world inasmuch as it helps set the conditions for our everyday engagement with media. If media represent sites where users negotiate meaning, identity, and community, distribution is an important cultural process in that it makes these experiences possible. Ramon Lobato has recently made similar claims regarding media distribution's importance to everyday life. In his overview of informal economies and global media circulation, he offers a list of fundamental premises:

> - Distribution is about the transmission of values, competencies, and ideology. It is a site of cultural politics.
>
> - Distribution is the ground upon which reception occurs. Without distribution, a text has no audience.
>
> - Distribution inscribes cultural difference. It fragments audiences along lines of gender, age, sexual orientation, ethnicity and class.

- Distribution frames the way texts are experienced and understood by audiences.[31]

Taking these premises as key to my own analysis of global media distribution, I am invested in outlining how inscriptions of cultural difference onto the practices of media distribution have inflected the cultural meanings of regionally locked media technologies. If distribution is an important component of structuring widely held understandings of geocultural identity, encounters with region-locked technologies are also encounters with cultural difference.

So, distribution is not simply about sending products and commodities out into space; it is also about power. Shujen Wang reminds us that distribution is fundamental to the expression of power at broad levels in a late-capitalist environment where power takes its form in the ability to shape spatial/temporal relations and even *overcome* the constraints of space and time.[32] Furthermore, the ability of global media industries to both create and articulate knowledge about a territory and subsequently control the flow of resources to it is part of a power/knowledge regime that *produces* imagined or discursive understandings of geography. Brett Christophers develops Harvey's idea of the "spatial fix," arguing that capital does more than simply expand across already defined markets. Rather, it conjures them: "Modern capitalism is constantly in the process of enacting territorial fixes: constituting, segmenting, differentiating and extracting value from actively territorialized markets at a range of geographical scales."[33] The notion that markets are *constituted* enables a view of distribution as that draws, in part, from a Foucauldian model of epistemic power. In Michel Foucault's view, the employment of distribution and ordering as a disciplinary strategy represents both "a technique of power and a procedure of knowledge."[34] It

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[31] Lobato, *Shadow Economies of Cinema*, 15.
[32] Wang, *Framing Piracy*.
[33] Brett Christophers, "The Territorial Fix: Price, Power, and Profit in the Geographies of Markets," *Progress in Human Geography* 38, no. 6 (2014), 755.
[34] Foucault, *Discipline and Punish*, 148.

is a way of "organizing the multiple, or providing oneself with an instrument to cover it and to master it." Ordering a group allows one to at once know that group and express power over it by creating and conveying knowledge about that group. Elsewhere, Foucault indicates how this model of power can be adapted to questions of geography: "Once knowledge can be analysed in terms of region, domain, implantation, displacement, transposition, one is able to capture the process by which knowledge functions as a form of power and disseminates the effects of power."[35] Edward Said's famous study of "Orientalism" illustrates how a Foucauldian understanding of epistemic power can be applied to questions of geography and global difference in such a manner. Said points out that one of the main ways the "West" has been able to express power over the Middle East and the Arab world is through the production of knowledge about the "Orient." He sees the categories of Orient and Occident as "man-made" (sic) geographies accompanied by invented ideas about the cultures that reside within these territories.[36] Representing and understanding "fixed" ideas of these spaces, as well as the people within them, comprises a version of what Stuart Hall described in another context as "a way of imposing an imaginary coherence on the experience of dispersal and fragmentation."[37] Making territories knowable as markets functions as more than just a necessary economic practice; it produces and controls cultural power as well. In other words, the logic of geographic division and circulation wherein corporations, states, or distributors understand a certain geographical location as a "market" or "territory" for the circulation of cultural goods helps generate certain ideas about

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[35] Michel Foucault, "Questions on Geography," in *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, ed. Colin Gordon (New York: Pantheon, 1980), 69.
[36] Edward Said, *Orientalism* (New York: Vintage, 1978), 5.
[37] Stuart Hall, "Cultural Identity and Diaspora," in *Identity: Community, Culture and Difference*, ed. Jonathan Rutherford (London: Lawrence and Wishart, 1990), 224.

what that territory represents and how it functions economically, spatially, temporally, and culturally.

Media technologies like DVDs and digitally networked media platforms do not simply reflect global spatial relations; they work to *produce* them as well. Nick Couldry writes, "The public world to which broadcasting connects us is not a pre-existing entity whose boundaries are consensually established, independently of what the media does. On the contrary, the public world's boundaries are the subject of continual definitional conflict in which the media play a central role."[38] The same can be said of any widely disseminated media form. As a result, my understanding of these spaces also draws from theories of space and media technologies developed by Jody Berland and Lisa Parks. In different ways, these theorists both recognize that media technologies help *build* and *maintain* certain territorial spaces, and do not simply exist within them. In turn, these spaces impact, and are impacted by, the experiences of media users and audiences. Writing of what she calls "cultural technologies," or the technologies through which entertainment texts are presented to various spatially dispersed publics, Berland calls for theorizing that would "situate cultural forms within the production and reproduction of capitalist spatiality."[39] This will move cultural theories of media beyond questions that only focus on texts and taste and instead emphasize the significance of media in accompanying and generating spatial relations shaped, in part, by the logics of capitalist circulation.

In thinking about how spatially limited forms of mediation are *productive* of particular social and cultural relations, however, this dissertation takes inspiration from Lisa Parks'

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[38] Nick Couldry, *The Place of Media Power: Pilgrims and Witnesses of the Media Age* (London: Routledge, 2002), 11.
[39] Jody Berland, "Angels Dancing: Cultural Technologies and the Production of Space," in *North of Empire: Essays on the Cultural Technologies of Space* (Durham, NC: Duke University Press, 2009), 132.

understanding of the satellite footprint.[40] While Berland discusses technologies' production of space at a more localized level, Parks' work on satellites develops a method that allows us to interrogate how media produce and reproduce politicized forms of spatiality on a larger scale. To do this, Parks develops a method she calls "footprint analysis" in order to show how a satellite's coverage area (or "footprint") produces a terrestrially mapped space where certain cultural and technological experiences become possible. Rather than simply the overlay of a satellite signal, the footprint thus also represents a "critical space in which the material and socio-historical conditions related to a satellite's operations can be described and analyzed."[41] Looking at the uses that occur within the footprint blends a macro-level understanding of territorially mapped space with a localized analysis of social, political, and cultural conditions. In their production and maintenance of spaces where certain textual experiences become possible, the digital technologies and platforms that I am analyzing can be said to work in somewhat similar ways – not in the sense that they function the same way as satellites, but insofar as it is possible to locate technologically produced boundaries that at least attempt to contain certain uses and experiences.

Still, while media distribution offers a way to understand the functions of global power, it would be false to imply that it represents a one-way flow from powerful territories and industries to those that have been historically less powerful. By expanding our view of media distribution to one that encompasses the entire world and the actual, concrete strategies of media industries and organizations, scholars can more precisely articulate the means by which the world is dynamically interconnected and networked as well as how some territories and cultures are privileged over others within and across these clusters of interconnection. As Divya C. McMillin

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[40] See Lisa Parks, *Cultures in Orbit: Satellites and the Televisual* (Durham, NC: Duke University Press, 2005); Lisa Parks, "Signals and Oil: Satellite Footprints and Post-Communist Territories in Central Asia," *European Journal of Cultural Studies* 12, no. 2 (2009): 137-156.
[41] Parks, "Signals and Oil," 140.

suggests, interpreting global media systems through the spatial model of center/periphery perpetuates an oversimplified, ethnocentric model that ignores more dynamic and contradictory processes of globalized connection and flow.[42] Daya Thussu (2007) reminds us that there are in fact multiple ways of conceptualizing global flows, and global media circulates not just in the form of cultural commodities produced by international media corporations but by a wide range of actors such as activists and non-profit organizations as well.[43] He proposes the concept of "contra-flow" or "subaltern flows" to represent global circulations occurring across non-Western media industries in and among media capitals throughout the Global South. Studying practices of media distribution taking place across "non-Western" or "subaltern" geocultural and cultural-linguistic regions offers scholars of global media a view beyond the static, national, and Western-centric understandings that have remained dominant in the field.

While the discussions of media distribution and flows so far have tended to focus on official industries and marketplaces, studying media distribution in fact allows us to move outside the traditional site of "the industry" instead to analyze the many different ways that media move around the world—an approach taken in this dissertation's focus on users circumventing regional lockout systems and taking some measure of control over spatial distribution. One way scholars have begun to decenter the West in analysis of media distribution is through an increasing focus on piracy, informal economies, and other forms of media trade that exist outside the purview of legally and/or industrially sanctioned trade and that represent dominant modes of circulation in the global south. As Ramon Lobato notes, informal economies in fact represent the global norm, insofar as piracy and gray markets provide the dominant ways

[42] Divya McMillin, *International Media Studies* (Malden, MA: Blackwell, 2007).
[43] Daya Kishan Thussu, "Mapping Global Media Flow and Contra-Flow" in *Media on the Move: Global Flow and Contra-Flow,* ed. Daya Kishan Thussu (London: Routledge, 2007): 10-29.

that media circulate within and across many territories around the world.[44] He argues that informal economies must therefore take an increasingly central role in analyses of media distribution and the role that distribution takes on in relation to apparatuses of global power. As to the politics of informal economies, a measure of debate exists as to the degree to which piracy represents resistance against dominant power. Wang suggests that piracy functions as a disruption of the spatio-temporal security and geographical and economic dominance transnational media corporations seek to hold on certain territories, and Brian Larkin notes that piracy in Nigeria represents moments when the attempted ordering, regulation, and rationalization of colonial society break down and fail.[45]

However, since distribution of cultural products and services to users and consumers across space and time operates as much through exclusion, prohibition, delay, and failure as it does through accessibility and availability, others indicate that such a reading of piracy is perhaps overly optimistic in suggesting that informal economies represent overt or even implicit forms of resistance against capitalist order. As Lobato suggests, in a post-colonial context, piracy is simply banal—an everyday occurrence evacuated of obvious political content.[46] In an indictment of colonial power, Tristan Mattelart further tempers the readings of piracy as resistance by suggesting that it is instead the consequence of numerous failures: of state policy, international organizations, and global communications networks.[47] Indeed, as Jonathan Gray notes of Malawi, pirated media thrives largely because transnational media conglomerates see many countries as too poor and thus not worth their time—an attitude that, as I show in Chapter

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[44] Lobato, *Shadow Economies*, 15.
[45] Brian Larkin, *Signal and Noise: Media, Infrastructure, and Urban Culture in Nigeria* (Durham, NC: Duke University Press, 2008).
[46] Ibid., 85.
[47] Tristan Mattelart, "Audio-Visual Piracy: Towards a Study of the Underground Networks of Cultural Globalization," *Global Media and Communication* 5, no. 3 (2009): 308-26.

One, comes up during the development of the DVD region code system.[48] Either way, whether understood as resistive or simply part of the practices of everyday life, economies of media distribution function in ways that are constitutive of the cultural identities and experiences of individuals and groups.

Indeed, discussions of geography, space, time, flows, and other abstract concepts threaten to elide the roles of media distribution and circulation in the constitution of cultural identity and difference. If we agree that media reception represents a site where groups and individuals negotiate their own identities, it follows that the distributive means by which individuals and territories receive certain texts do much to shape cultural experience and identification. Thus, an understanding of media distribution as a process that affects the cultural reservoirs from which people draw to help shape their identities further indicates that distribution's importance exists at a level beyond the simple observation of media-industry strategies. It can in fact be central to the ways that people and cultures understand and negotiate not only their own identities but the broader global environment as well. As Morley puts it, in their coexisting domestic and global contexts, media and communication technologies at once bring the public world into the private home and produce the coherence of broader social experience.[49] Roger Silverstone similarly notes that the media perform "boundary work," which articulates boundaries of national and linguistic cultures and inscribes global cultural difference in media texts and discourse, in a dual process Silverstone refers to as the "play of sameness and difference."[50] For Silverstone, the media represent at once a means through which our identities become articulated as well as the

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[48] Jonathan Gray, "Mobility Through Piracy, or How Steven Seagal Got to Malawi," *Popular Communication* 9 (2011): 99-113.
[49] David Morley, *Home Territories: Media, Mobility, and Identity* (London: Routledge, 2000).
[50] Roger Silverstone, *Media and Morality On the Rise of the Mediapolis* (Cambridge: Polity, 2006), 18.

primary way the rest of the world is brought to us. Learning from Silverstone and others, I regard distribution as particularly important to an analysis of the ways in which global media help structure discursive constructions of cultural sameness and difference. As Silverstone suggests, media represent sites where we negotiate our multilayered identities as well as our relationship to others—and Others—around the globe.

Geocultural Capital: Approach and Method

While one might be tempted to study regional lockout purely as an example of American or "Western" control over the rest of the world, such a view would ignore the complexity of regions, industries, technologies, and communities across which this phenomenon occurs, as well as the multiple articulations of cultural difference that arise as a result. While the underlying industrial logics of regional lockout often align with structurally dominant media industries and regulatory bodies, they also impact our everyday affective and identificatory interactions with entertainment. As a functional and discursive mechanism that inscribes culture onto technological regulation, regional lockout represents a space where one can observe how media's "objective" and "subjective" elements inform each other. Distinguishing between these categories, Nick Couldry suggests that the former refers to "the totality of media institutions, the social, economic, and regulatory frameworks that connect them together, the organizational and other constraints which affect their work, and the actual patterns of inclusion and exclusion which characterize how media institutions represent social life." Media's subjective elements are "the various cultural and social processes through which those objective aspects are adapted culturally, that is, how they are themselves 'mediated.'"[51] In other words, the "hard" elements of

[51] Couldry, *The Place of Media Power*, 16.

regulation, industry, and institution become culturally meaningful in their lived, everyday iterations.

Commodities of art and culture serve as delivery systems for the means necessary to attain cultural capital. If regional lockout is an effect of logics of unequal distribution, it maps not only unequal economic relations onto the global entertainment landscape, but unequal social and cultural relations as well. In his work on different forms of capital, Pierre Bourdieu connects the attainment of symbolic and cultural capital to the allocation of resources:

> Thus the capital, in the sense of the means of appropriating the product of accumulated labor in the objectified state which is held by a given agent, depends for its real efficacy on the form of the distribution of the means of appropriating the accumulated and objectively available resources; and the relationship of appropriation between an agent and the resources objectively available, and hence the profits they produce, is mediated by the relationship of (objective and/or subjective) competition between himself and the other possessors of capital competing for the same goods, in which scarcity – and through it social value – is generated. The structure of the field, i.e., the unequal distribution of capital, is the source of the specific effects of capital, i.e., the appropriation of profits and the power to impose the laws of functioning of the field most favorable to capital and its reproduction.[52]

In other words, part of what gives the owners of a product cultural capital is the availability of that product to certain individuals relative to others. As David Hesmondhalgh points out, within Bourdieu's broader conception of fields as they exist within certain social spaces, the sub-field of cultural production (in both its small-scale and large-scale forms) maintains high levels of

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[52] Pierre Bourdieu, "The Forms of Capital" in *Handbook of Theory and Research for the Sociology of Education*, ed. John G. Richardson (New York: Greenwood, 1986), 245.

cultural capital relative to the field of power and broader social space.[53] Even if, as Hesmondhalgh notes, Bourdieu had little to say about large-scale mass media specifically in his own writing, his work provides a theoretical basis to understand the relationship between the distribution of cultural goods and cultural capital.[54]

The best way to consider media as an emblem of cultural capital is by understanding it as a cultural resource. Indeed, this is key to Tony Bennett et al.'s definition of cultural capital as "the advantage derived from the possession of specific kinds of cultural resource."[55] On one hand, we can consider cultural resources as cultural commodities. But media texts and experiences can also represent cultural resources in the ways they open us up to particular literacies and competencies, allowing us to critically interpret, evaluate, and use the messages and meanings within them. As John Fiske writes, "[P]opular forces transform the cultural commodity into a cultural resource, pluralize the meanings and pleasures it offers, evade or resist its disciplinary efforts, fracture its homogeneity and coherence, raid or poach upon its terrain."[56] Henry Jenkins summarizes Fiske's reading of popular culture here as "a 'resource' that can be mobilized as part of the practices of everyday life."[57] If the cultural resources that allow for these processes are not available, this can both produce and reflect differences in cultural capital. If part of cultural capital is related to the ability to access certain cultural forms, transnational media distribution maps these processes globally, gesturing toward implications for cultural difference that attend such issues of access. The distribution of media texts has historically

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[53] David Hesmondhalgh, "Bourdieu, the Media and Cultural Production," *Media, Culture and Society* 28, no. 2 (2006), 213.
[54] Ibid., 217-218.
[55] Tony Bennett et al., *Culture, Class, Distinction* (New York: Routledge, 2009), 3.
[56] John Fiske, *Understanding Popular Culture* (Boston: Unwin Hyman, 1989), 28.
[57] Henry Jenkins, "Why Fiske Still Matters," preface to Fiske, *Understanding Popular Culture, Second Edition*, xxvi.

corresponded with social status and cultural capital within a variety of contexts. Jeffrey Himpele analyzes this phenomenon locally in a study of film exhibition in La Paz, Bolivia, concluding that "the location of cinemas, the genre of films they show, their price and the timing (or delay) of their debuts correspond and separate social and cultural differences among film and video audiences."[58] This extends to home viewing technologies. In the context of Communist Romania, Tessa Dwyer and Ioana Uricaru point out that "access to VCRs or VHS tapes became a status symbol that could translate directly into either economic or social power." Because regional lockout instititutionalized a system that functionally closed off certain territories from cultural resources and discursively opened up a space for popular discussion about cultural distribution and territorial discrimination, we must expand our understanding of cultural capital to more precisely account for the transnational dynamics at play.

In his extensive study of American video stores, Daniel Herbert picks up on the relationship between the concept of distribution as a way to describe the meting out of wealth and resources and home video distribution as a mode of dispensing film commodities. In the particularities of *how* they are distributed and made available to audiences, particular videos or films come to be saturated with certain kinds of value. He remarks that the video store produces particular "geographies of taste" and "articulates social divisions in relation to film and media texts" through "its organization of movie categories [and] in its very architecture."[59] Herbert draws, here, on Lucas Hilderbrand's emphasis on "access" as key to how video made certain kinds of cultural production, distribution, and consumption practices possible and available to

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[58] Jeffrey D. Himpele, "Film Distribution as Media: Mapping Difference in the Bolivian Cinemascape," *Visual Anthropology Review* 12, no. 1 (1996): 53.
[59] Daniel Herbert, *Videoland: Movie Culture at the American Video Store* (Berkeley: University of California Press, 2014), 6.

broader publics as well as how those practices carried particular cultural politics.[60] My project draws on the work of these two scholars to emphasize how we might take understand the relationships among entertainment media distribution, how media are made accessible to audiences, and cultural capital. In particular, I take inspiration from and build on Herbert's more localized concept of "geographies of taste" to offer a more broadly scaled interrogation of how geographically differentiated media distribution practices likewise shape unequal distributions of cultural capital at a transnational scale. In other words, I show how digital entertainment and media distribution can shape geographies of taste and cultural capital that exist between nations or supranational regions.

In order to understand how a system that limits access to cultural resources—i.e., regional lockout—can articulate differences in cultural capital across broad, transnational scales, I develop the term *geocultural capital*. While many empirical studies of cultural capital have looked at the phenomenon within particular local or national structures,[61] geocultural capital allows us to evaluate differences in cultural capital between broadly scaled territories such as nations or regions. Through differential access to the cultural resource of media, different territories—and the people who reside within them—become articulated in discourses about regional lockout as having less geocultural capital than others. As I show through this dissertation, much of the discourse around regional lockout involves expressions of "we don't have access to this" or "we should have access to this," with "we" often referring to a nation or supra-national region. Through regional lockout, which enables certain markets to have access to

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[60] Lucas Hilderbrand, *Inherent Vice: Bootleg Histories of Video and Copyright* (Durham, NC: Duke University Press, 2009).

[61] Canonically, see Pierre Bourdieu, *Distinction: A Social Critique of the Judgement of Taste* (Cambridge, MA: Harvard University Press, 1984) and Sarah Thornton, *Club Cultures: Music, Media, and Subcultural Capital* (Middletown, CT: Wesleyan University Press, 1996).

more texts, better technologies, and higher-quality software (not to mention access to all of these before other territories), questions of cultural capital and accessibility of cultural resources become particularly pronounced. If regional lockout sets up different conditions of access across macro-level geocultural spaces, the concept of geocultural capital opens up questions of how we can dig beneath "hard" issues of money, infrastructure, and power that have generally preoccupied studies of international trade in order to evaluate media access at the "soft" levels of taste, envy, and cultural difference—or, as Couldry puts it above, media's subjective dimensions.

I adopt the term "geocultural" to refer to particular articulations of culture and geography existing at broad, often transnational scales. This definition derives primarily from Joseph Straubhaar, who, in his work on global television systems, has suggested that geocultural and "transnational cultural-linguistic" spaces and markets (e.g., Latin America, The Middle East) constitute the organizing framework for global media cultures.[62] While regional lockout indeed often works at a national level, Straubhaar points out that media markets are defined by culture at multiple levels—local, national, regional, and cultural-linguistic. As Jean Chalaby notes, drawing on John Sinclair, the geocultural regions that comprise the international television market are scaled between the national and the global, and while they can be defined in part by geography, they are also shaped through "commonalities of language and culture."[63] However, while Straubhaar and Chalaby use "geocultural" to refer to transnational clusters of territories, I show that the nation can still be a powerful discursive force in debates over geocultural capital. This dissertation understands regional lockout as a mechanism that helps define and maintain

[62] Joseph D. Straubhaar, *World Television: From Global to Local* (Los Angeles: Sage, 2007).
[63] Jean K. Chalaby, "Towards an Understanding of Media Transnationalism," in *Transnational Television Worldwide: Towards a New Media Order*, ed. Chalaby (London: I.B. Tauris, 2005). See also John Sinclair, "International Television Channels in the Latin American Audiovisual Space," in Chalaby, *Transnational Television Worldwide*, 196-215.

media markets in geographic terms while staying attuned to how those geographically defined markets overlay and shape cultural formations. Thus, my analysis of regional lockout's articulation to cultural difference focuses on users' geocultural situations and how technological restrictions often force users and media industries alike to confront and negotiate their own positions within the global mediascape. For instance, as I show in Chapter Three, the fact that the BBC iPlayer platform is only fully available in the United Kingdom is not *merely* a geographical phenomenon; it also has implications for understanding who has access to this national public broadcasting platform, and as a corollary, who does *not* have access. All in all, attending to the geographical and the cultural in tandem enables me to assess how technological restrictions impact globally spun networks of cultural difference, inequality, and cultural capital.

Given the significance of regional lockout as a cultural discourse that circulates heterogeneously among audiences, content industries, distributors, regulatory bodies, and cultural intermediaries to shape understandings of cultural difference, I align this dissertation with the aims of cultural studies. By continuing to integrate issues of distribution and transnational access into the concerns of media and cultural studies, this project emphasizes the importance of global media distribution to one of the chief premises of classical cultural studies: that encounters with media play a significant role in our ongoing processes of cultural negotiation and identification. As a result, I take methodological inspiration from cultural studies' "circuit of culture model" and the "circuit of media study model" proposed by Julie D'Acci.[64] Such models suggest that analyses of artifacts and phenomena produced by the cultural

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[64] Paul Du Gay, Stuart Hall, Linda Janes, Hugh Mackay, and Keith Negus, *Doing Cultural Studies: The Story of the Sony Walkman* (Thousand Oaks, CA: Sage, 1997), 3; Julie D'Acci, "Cultural Studies, Television Studies, and the Crisis in the Humanities," in *Television After TV: Essays on a Medium in Transition*, ed. Lynn Spigel and Jan Olsson (Durham: Duke University Press, 2004), 431.

industries should be attuned simultaneously to moments of production, distribution, regulation, social context, and reception while looking for instances when intersections with cultural identity and identification become particularly salient. So, rather than presume that one can draw out the cultural importance of regional lockout simply by plotting geographical points where certain platforms and technologies are accessible and inaccessible or assuming that studying regulation or economic data can provide the whole picture, my dissertation adopts a multi-method approach toward gathering data about how regional lockout both impacts and reflects complex, globally connected systems of media culture. Furthermore, rather than take each element of the circuit model in turn (i.e., including one chapter on production, one on regulation, one on context, etc.), this dissertation synthesizes them in order to analyze how region-locked technologies gain cultural meaning across all of these integrated moments.

Elizabeth Ellcessor critiques these "circuit" models by noting that none of them offer spaces to theorize points of entry or access to the cultural experience under analysis. If, as she argues, "full access might be defined as the ability to use or participate in a given media's offerings on an equal footing, then the study of media access is the study of the degrees to which these standards can be met in particular circumstances."[65] While she writes of these issues primarily in the context of disability and the internet, her definition of the concept and her incorporation of it into a new model of cultural studies can be usefully ported to understanding how inequalities of access to media culture are mapped onto the processes of global media distribution and the implications for cultural identity and inequality that attend such processes. Crucial to her analysis is that access or entry to participation becomes a "kind of identity, or

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[65] Elizabeth Ellcessor, "Access Ability: Politics, Practices, and Representations of Disability Online." (PhD diss., University of Wisconsin-Madison, 2012.), 90.

positionality, modeled and understood as an intersectional identity that forms a standpoint from which the means and goals of access may (or may not) be achieved."[66] Access is not merely a regulatory or political-economic problem; it is constitutive of identity and issues of (in)equality.

In order to evaluate the relationships between access and how culture moves, I emphasize *distribution* more thoroughly than media and cultural studies has tended to. By understanding the ways media texts and technologies *arrive* to (or are barred from) certain territories and audiences at certain times, we begin to move beyond analyses of production and reception that either place texts and readings within an analytic vacuum or understand their contexts as frozen, synchronic, or undynamic. Indeed, many canonical theoretical or heuristic frameworks for understanding communication, media, and cultural production and reception evacuate or elide questions of temporal and spatial distribution and circulation. As Denise D. Bielby and C. Lee Harrington note, existing models of studying culture, and in particular cultural studies' "circuit of culture" model, retain a "production/consumption bias" that mistakenly lumps distribution in with "production"—a move that misunderstands distribution's role in shaping the conditions within which consumption takes place.[67] Through studying mechanisms and logics of cultural distribution and circulation around the world, we begin to unveil clearer understandings of the networked and mobile lives of media texts, technologies, and experiences—a view that becomes even more crucial considering the more recent proliferation of digitally networked media technologies and the development of academic theory that understands cultural identity, identification, and negotiation as shifting, contingent, hybrid, or transcultural in nature.

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[66] Ibid., 92.
[67] Denise D. Bielby and C. Lee Harrington, *Global TV: Exporting Television and Culture in the World Market* (New York: New York University Press, 2008), 145-7.

My methods follow in line with the circuit model's integrated approach to evaluating cultural phenomena as well as Ellcessor and Bielby and Harrington's calls for intensified focus on access and distribution, respectively. To that end, my primary method entails critical discourse analysis of a wide variety of secondary documents: news stories on regional lockout, books about the subject, legal documents, media technology guides and FAQs, media industries' trade routes and economic data, media criticism that invokes regionally locked out technologies or the circumvention of them (through region-free DVDs, for instance), patents, and other resources where the articulations between regional lockout, media distribution, and geocultural difference are expressed. Throughout these sources, I look for patterns among industry rhetoric about the phenomenon, focusing in particular on moments when industry players and regulators touch on issues of culture and market segmentation. As a relatively recent phenomenon, regional lockout does not leave traces in traditional archives. As a result, I have had to compile much of this material myself from disparate sources, including trade journals of the media, tech, and consumer electronics industries. Rather than take the pronouncements or the journals as empirical statements of fact, however, I interpret them as public statements by particular stakeholders, often expressed with a particular goal or agenda in mind.

I also use discourse analysis as a way of locating traces of audience activity. Regional lockout is often a structurally invisible form of media control, and as a result it is often difficult to track except during moments when it breaks down. As a result, traditional audience ethnography proves difficult, and instead I have sought out moments when users confront regional lockout in order to analyze how it functions as a space where geocultural identities are negotiated. Primarily, this manifests as discursive and archival analysis of online discussions about regional lockout as it applies to various digital media technologies. These include message

boards, comment sections, and websites and YouTube videos where users summarize regional lockout systems and offer tips on how to hack them. Although I am limited in this regard by only accessing material in English, I draw from users hailing from different parts of the world in order to gain insight into the asymmetrical power relations that come about through regional lockout. Furthermore, in tracking user discourse about the phenomenon, I emphasize moments when geocultural capital becomes particularly pronounced.

Finally, I employ ethnographic interviews with workers and owners/employees of video stores based in the United States that specialize in diasporic media. As spaces where media retailers and customers alike must negotiate regional lockout, such stores serve as rich sites of discourse about regional lockout within informal and semi-formal media trade. Furthermore, while the first four chapters emphasize issues of control and regulation, in Chapter Five my interviews with video store workers reveal insights into the on-the-ground impacts of regional lockout. My focus on these nodal points in the networks informal circulation is inspired by the idea that analyzing culture in "global" contexts also requires understanding culture, identity, and politics as they operate at "*local*" levels. This move to the local shifts cultural analysis from unproblematically adopting "globalization" as a universal explanation for broader global conditions to an understanding of how the various cultural circulations and connections that characterize globalization exist within, and are adopted and resisted by, particular contexts. This echoes Marwan Kraidy's critique of the "cultural globalization" theoretical approach (represented by scholars like Tomlinson), which he posits as an inadequate model for explaining and interpreting the world due to its generality and unwillingness to understand global connection in *concrete* settings.[68] He notes that the global and the local should be seen as

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[68] Marwan Kraidy, *Hybridity: The Cultural Logic of Globalization*. (Philadelphia: Temple

"mutually constitutive" insofar as they intersect with and help shape each other.[69] As Gayatri Spivak puts it, any project that attends only to the "macrological" projects of both global capitalism and nation-state alliances will be unable to account for the "micrological texture of power" or, in other words, the ways that such globally scaled power formations exist and persist in localized contexts.[70] The bulk of this research appears in Chapter Five, which looks at region-free DVD as a particular case study of circumventing regional lockout.

Chapter Overview

On the whole, this dissertation is structured as four medium- or format-specific case studies followed by this final chapter. Chapter One presents a transnational cultural history of the DVD region-coding scheme, arguing that it both reflected and generated the cultural logics of producing and sustaining media regions as differentiated economic markets *and* concepts of cultural organization and coherence during a period when media globalization, global capitalism, and digitization often informed each other. In doing so, it challenges dominant narratives that posit digitization and globalization working mutually and inexorably to expand the distribution of filmed entertainment around the world. By carving the world into distinct "regions," with DVDs from one region unable to play on the DVD players of another region, the DVD region code system in fact attempted to retain the disjunctive spatial relations familiar to the global flows of home entertainment. The regions' borders reflect the ordered hierarchy of international markets as defined by the distribution patterns of multinational entertainment corporations. As a

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University Press, 2005), 43-4.
[69] Ibid., 154.
[70] Gayatri Chakravorty Spivak, "Can the Subaltern Speak?" *Colonial Discourse and Post-Colonial Theory*, edited by Patrick Williams and Laura Chrisman (London: Harvester Wheatsheaf, 1993), 74.

result, the region code system is meant to delineate geographic markets around price discrimination and release schedules as much as it is some manner of geocultural coherence. In outlining the history of the region-code system, I emphasize how this development both reflected and informed debates over the relative primacy and marginalization of certain territories in the global entertainment economy.

Chapter Two tells a parallel and occasionally intersecting history: the development and often fragmented incorporation of regional lockout within console video games. This chapter argues that global game cultures illustrate how regional lockout helps sustain complexly layered distributions of (sub)cultural capital and knowledge. By looking closely at regional lockout in game cultures, we can see that the phenomenon's cultural impacts are more complicated and contextual than we might assume if we simply look at a region-code map and draw conclusions from it. Between the game industry and game users, regional lockout produces inequalities in access to international games and expressions of knowledge and expertise about games and their consoles. In this way, regional lockout helps *produce* global gaming cultures since it shapes the gaming experiences people have and functions as a site where users gain and share knowledge about consoles, discs, encryption, release dates, and different international versions of gaming hardware and software. Knowledge of regional lockout enables users to accrue that particular kind of subcultural knowledge that Mia Consalvo calls "gaming capital."[71] By outlining how these capital gains and losses correspond with borders of transnational geocultural difference, I focus on moments when differences in gaming capital align with differences in geocultural capital. Following Nick Dyer-Witheford and Greig de Peuter's analysis of how games and game consoles produce certain subjectivities, I show that regional lockout produced users constrained

[71] Mia Consalvo, *Cheating: Gaining Advantage in Videogames* (Cambridge, MA: MIT Press, 2007).

by regional lockout as well as gamers who embody what Dyer-Witheford and de Peuter call "nomadic" subjects who hacked regional lockout systems to engage in more subversive uses of gaming technologies.[72] Depending on the degree of agency these users have in relation to regional lockout—ranging from containment within to resistance against—these users are afforded or denied geocultural and gaming capital. This corresponds with lines of difference and discrimination beyond the level of national or regional identity; in ways familiar to dominant game cultures, gaming capital in regional lockout and nomadic circumvention culture is often gendered along lines of hegemonic masculinity.

Chapter Three moves from the putatively "physical" media of DVDs and games to analyze the practice of "geoblocking" in online video on demand (VOD) platforms. This chapter argues that geoblocking upsets commonly held assumptions about streaming media as a disruptive force and points to the continued salience of geocultural difference at the levels of media culture, geopolitics, and economics. In an era of globalization and digitization, VOD has been wrapped up in discourses of the free flow of information and entertainment that are well familiar to digital media. If anything, though, I show that the fragmentation of the global video exhibition landscape has only intensified as companies have pushed streaming and sell-through as viewing options. With DVD, at least, the disjunctures of region codes were the product of a single, global standard (even if that standard explicitly sought to create disconnections between different regions). But since VOD does not adhere to a single standard, and instead comes to us via a seemingly endless number of proprietary platforms which each hold different territorial licensing agreements with different content providers, the streaming and sell-through environments are far more splintered than the DVD's six regions. Rather than unfettered increase

[72] Nick Dyer-Witheford and Greig de Peuter, *Games of Empire: Global Capitalism and Video Games* (Minneapolis, University of Minnesota Press, 2009)

of access, the online film and television environment is in fact much more contingent and unpredictable.

Chapter Four looks at regional lockout within digital music over the last quarter-century, arguing that it has functioned to manage and regulate a problem familiar to radio and music industries: controlling the spatial circulation of sound. Regional lockout in music is somewhat different from other media because of the commonly held myth that sound and music are more ethereal and immaterial than more obviously "textual" visual media—a mythology that became particularly powerful when articulated to similar discourses surrounding digital media and the internet. The so-called "celestial jukebox," which as legend had it would open up access and availability to cultural texts, in fact became an attempt at greater control over music's spatial distribution. All in all, this chapter shows how regional lockout asserted a particular materiality and sense of geographic rootedness onto media popularly considered immaterial and deterritorialized. As with the video games discussed in Chapter Two, these spatial limitations also reveal particular dynamics of geocultural capital. To illustrate this, I focus on the case study of Spotify. In the United States, where consumers enjoy an abundance of domestic streaming film and television platforms that are coveted by consumers around the world, music proved to be the most visible form of regional lockout, because Spotify was initially not made available to American users (unlike other music platforms like Pandora, Rdio, or Rhapsody). This chapter engages two fundamental tensions: the first is between music's seeming freedom or fluidity and the ways that this fluidity has been historically controlled and reigned in, and the second is between music as global and local experience.

Chapter Five moves away from the technology-specific histories presented in the previous four chapters and analyzes two case studies of region-free media culture. This chapter

focuses primarily on region-free DVD, a format whose popularity and use in a variety of global media circulation and viewing contexts resulted in a broader global conversation about the economic, regulatory, and cultural impacts of regional lockout. Specifically, it looks at region-free DVD culture within two broad, occasionally overlapping perspectives that embody different sets of power relations: diasporic video cultures and cinephile DVD collectors. I begin with an analysis of region code circumvention and region-free DVD use by diasporic video retailers in the United States. Based on ethnographic interviews with video store owners and employees, this research shows how region free DVD can represent both a bottom-up challenge to dominant media industries' distribution routes as well as a more everyday practice of making cultural resources available to localized diasporic communities. While this research reveals uses of region-free DVD by the less powerful, the next section analyzes the use of region-free DVD by cinephiles who self-identify as cosmopolitan in some fashion. This case study shows how region-free DVD cultures can also reflect an uneasy blend of cosmopolitanism and reinforcement of dominant cultural power. Although a great deal of this activity involves an admirable engagement with the wealth and diversity of global cultural production, it can also manifest as cultural tourism laced with overtones of masculinized cosmopolitanism and a potentially commoditizing collector's mindset. Thus, this chapter argues that the cultural politics of region-free media are more ambivalent than many of its promoters and celebrators might suggest.

After offering some broader reflections on how regional lockout has helped to at least partially shape the last couple decades of global media flow, this dissertation ends by connecting media access to media literacy, analyzing some of the challenges that regional lockout has produced for media education—both informally and in formal academic contexts. Discussing the ways regional lockout has impacted attempts to record, collect, and teach international media, I

close with a discussion of the implications of regional lockout for media educators who are loath to build syllabi and curricula around a disjunctive media heritage shaped largely by the interests of transnational media conglomerates. Here, I draw on the work of Roger Silverstone and Kwame Appiah to consider how access to media from across borders can ideally help media users develop a cosmopolitan media literacy and how regional lockout might impact the development of this literacy.

All in all, this is a dissertation about how the unequal distribution of cultural resources can correspond with global inequalities of geocultural and political power. However, the cultural politics of regional lockout and its circumvention are more complex and ambivalent than an easy assessment of top-down power might presume. Region-locked technologies and their circumvention are taken up and experienced in a variety of local and transnational contexts and in ways that reflect the particular concerns of the various stakeholders within those contexts. The first chapter of this dissertation looks at the historical development and cultural meanings of the technology that, more than any other, spurred on broader public debates about regional lockout: the DVD region code.

Chapter One

Regions, Standards, and the Shift to Digital Home Video: A Transnational Cultural History of the DVD Region Code System

Introduction

As the story goes, in 2009, British Prime Minister Gordon Brown paid a state visit to United States President Barack Obama. As is custom, the two administrations traded gifts, with Brown gifting Obama a penholder carved from an anti-slavery ship and Obama giving Brown a collection of twenty-five "classic" American films on DVD. However, when Brown returned to 10 Downing Street, he discovered that the DVDs were unplayable in his British DVD player. Purchased in the US, they were encoded Region One. Brown's player, manufactured in the UK, was designated Region Two, and thus would not play the American DVDs gifted by Obama. The leaders of two of the most powerful states in the world (or at least their administrative workers) had been stymied by the DVD region code system installed on the technology during its emergence.[1]

This story points toward several key issues that have surrounded DVD region codes and how they have been enacted and understood around the world. For one, the story characterizes a certain style of reporting that portrays region codes as a mechanism powerful enough to frustrate and irritate non-US users—even those who hold high status.[2] Even if the story is indeed suspicious—it does seem highly unlikely that 10 Downing Street would not have access to a

[1] Erik Gruenwedel, "Obama Gives Brown DVD Swag, British Tabloids Fume," *Home Media Magazine*, March 9, 2009. http://www.homemediamagazine.com/product-news/obama-gives-brown-dvd-swag-british-tabloids-fume-14944; Tim Walker, "Brown is Frustrated by 'Psycho' in No. 10," *Daily Telegraph*, March 19, 2009.

[2] Another example: The *Montreal Gazette* newspaper reported in 2002 that someone in the Quebec Consumer Protection Office was dismayed to find that the DVDs he bought in France were unplayable in a Canadian DVD player. See Bernard Perusse, "Why DVD Releases Don't Travel Well," (Montreal) *Gazette*, March 21, 2002.

region-free DVD player, after all—its presence in the tabloids indicates that the Brown administration would not find it politically savory to admit to surreptitiously accessing intellectual properties not meant for British viewers. Additionally, it hints at the power of private, multinational corporations in controlling the global flow of entertainment culture rather than the state. The region-code scheme was put in place by a number of corporations and industrial consortia, and the state often took a back seat during this process of technological regulation. In other words, Brown's PR machine would not likely plant a story about how he was stymied by a form of national or transnational regulation; rather, Hollywood (and, by extension, the United States) can remain the culprit. This speaks to a final point: that DVD region codes have, for nearly two decades now, represented a landscape on which cultural difference, and the disagreements and inequalities that can attend that difference, have been articulated. As the British tabloids were quick to point out, Obama's dysfunctional gift paled in comparison to Brown's more thoughtful gift. More to the point of this chapter, Brown figures as an avatar for British viewers frustrated by region codes; a relatable victim of a Hollywood-driven form of cultural and economic discrimination.[3]

This chapter outlines a transnational cultural history of the DVD region-coding scheme. It argues that throughout the DVD's international emergence, the scheme both reflected and generated the cultural logics of producing and sustaining media regions as differentiated economic markets *and* concepts of cultural organization and coherence during a period when media globalization, global capitalism, and digitization often informed each other. To that end, it challenges dominant narratives of this articulation, which would have digitization and globalization working mutually and inexorably to expand the distribution of filmed

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[3] Walker, "Brown is Frustrated."

entertainment around the world. By carving up the world into six geographic "regions," with DVDs from one region unable to play on the DVD players of another region, the DVD region code scheme in fact attempted to retain the disjunctive spatial relations familiar to the global flows of home entertainment, and their according borders reflect the primary, secondary, tertiary, etc. markets as defined by the distribution patterns of multinational entertainment corporations.[4] The geographical contours of the six regions reflect logics of cultural proximity only partially, which attests to their function as mechanisms for delineating geographic markets based on price discrimination as much as some manner of geocultural coherence. Still, in outlining the history of the region code system (officially called Regional Playback Control and often abbreviated "RPC,") I emphasize the ways this development both reflected and informed debates over the relative primacy and marginalization of certain territories in the global entertainment economy. As a result, the chapter adds to existing scholarship on digital media regulation by focusing on the ways debates over technological regulation reveal and produce the discriminatory logics that often attend globally disjunctive media economies. Above all, the development and maintenance of the DVD region code provides a series of stories about the social and cultural implications of global entertainment distribution.

The DVD Today

A meta-note: writing about the DVD at a moment when media industries and scholars alike are quick to point out its creeping obsolescence offers an opportunity to reflect briefly on my reasons

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[4] My characterization of the global flows of entertainment as "disjunctive" takes inspiration from Arjun Appadurai, whose analysis of global flows or "scapes" often overshadows his assertion that those scapes are fundamentally fractal and disjunctive in nature. See Arjun Appadurai. *Modernity at Large: Cultural Dimensions of Globalization*. (Minneapolis, MN: University of Minnesota Press, 1996).

for writing about the DVD right now. Part of the motivation behind studying the DVD is to outline how the region code standard helped institutionalize within digital entertainment a certain conceptualization of the globe as a divisible series of regional markets. As discussed in the introduction, while certain forms of lockout and regionally specific technological standards have always existed, media technologies such as the DVD and early video game consoles like the Nintendo Entertainment System were among the first to include components that *intentionally* locked out users from other regions. Across the broader dissertation, I trace how this way of thinking influenced future developments in digital entertainment media. By focusing on the incubation of these developments within public discourses of digital and "new" media beginning in the early-to-mid-1990s, I take the development of DVD region codes as a key origin point of the last two decades' debates over regional lockout and digital media technology. Additionally, despite pronouncements of the death of the DVD, which is supposed to have been killed by Blu-ray discs and online streaming, the technology is still very much alive, even if sales are not currently at their peak.[5] More accurately, as Paul Benzon argues, the DVD has maintained a complicated and contradictory life, at once vital and obsolete, in different contexts. Benzon suggests that the DVD has a "complex and conflicted timeline of technological change shaped by interdependence among innovation, obsolescence, residuality, reproduction, and reuse."[6] The suggestion that DVD will be (or has already been) replaced by Blu-ray and streaming video carries classist and Western-centric assumptions. Namely, taking the habits of users who gravitate toward emergent, top-of-the-line technologies as the norm privileges the habits of users who are not only upper-to-middle-class, but are often constructed in trade discourse as young,

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[5] See Chuck Tryon, *On-Demand Culture: Digital Delivery and the Future of Movies* (Rutgers University Press, 2013), 18.
[6] Paul Benzon, "Bootleg Paratextuality and Digital Temporality: Towards an Alternate Present of the DVD." *Narrative* 21, no. 1 (2013): 89.

white men from the global north.[7] Taking for granted the erroneous assumption that the world's media habits resemble those of a privileged minority risks producing scholarly accounts that are both presentist and globally classist in their ignorance of the continued existence of putatively "residual" cultural forms.

Because this form of technological regulation is eminently transnational—both in its desire to arrange different regions of the world into territorial markets and as a product of agreements and disagreements among institutions, consortia, industries, and users from around the world—I position this recent history in line with what Jonathan Bignell and Andreas Fickers call a *histoire croisée*, or a "crossing history" of media, which abstains from media historiography that would remain entrenched within a particular national context in favor of a focus on dynamic, transnational encounters.[8] To that end, it also follows Andreas Hepp and Nick Couldry's call for transnational media research that rejects nationally bound "container thinking" and instead adopts a "transcultural" approach that nevertheless does not rule out the state as a point of reference.[9] However, this history transgresses not just geographical and cultural lines, but industrial ones as well. As a story that traces involvement by global film and television content industries, private and state regulatory bodies, media-industry consortia, the computing

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[7] For more on the cultural composition of so-called early adopters, see William Boddy, *New Media and Popular Imagination: Launching Radio, Television, and Digital Media in the United States* (Oxford University Press, 2004); Sean Cubitt, *Timeshift: On Video Culture* (London: Routledge, 1991), 9; Henry Jenkins, *Convergence Culture: Where Old and New Media Collide* (New York University Press), 23; Michael Z. Newman and Elana Levine, *Legitimating Television: Media Convergence and Cultural Status* (New York: Routledge, 2012).
[8] Jonathan Bignell and Andreas Fickers, eds. *A European Television History* (Malden, MA: Wiley-Blackwell, 2008), 10; Bignell and Fickers draw the idea of *histoire croisée* from Michael Werner and Bénédicte Zimmerman, "Beyond Comparison: Histoire Croisée and the Challenge of Reflexivity." *History and Theory* 45 (2006): 30-50; See also Michele Hilmes, *Network Nations: A Transnational History of British and American Broadcasting* (New York: Routledge, 2011).
[9] Andreas Hepp and Nick Couldry. "What Should Comparative Media Research be Comparing? Towards a Transcultural Approach to 'Media Cultures,'" in *Internationalizing Media Studies*, ed. Daya Thussu (London, Routledge, 2009).

and IT industries, consumer electronics manufacturers, trade presses, and consumer-rights groups, it also provides a history of media convergence at work in all its messiness.[10]

Let me be clear on this point: I am not arguing that the DVD region code system ultimately worked to wholly shape the flow of home video texts around the world. Indeed, methods of circumventing these forms of regulation always immediately follow their development, and a dominant narrative produced by content industries, technology manufacturers, and users throughout the history of the DVD is that region codes simply did not work. Noting the prevalence of teenagers to easily discover ways to hack DVD encryption and engage in peer-to-peer file sharing, David Bordwell indicates that such modes of circumvention are "literally child's play,"[11] and such easily surpassed forms of regulation have led to a global video and DVD environment that Tom O'Regan and, later, Paul McDonald have called fundamentally "porous."[12] In his thorough study of the global DVD and video industries, McDonald notes, "regarding [video] as porous is a good way of generally conceptualizing how cassettes and discs circulate in the global audiovisual economy, permeating boundaries, 'seeping' into and becoming 'soaked up' in the practices of everyday living."[13] Hacker teenagers are not the only ones that have managed to bypass or circumvent regional management systems in order to copy and trade DVD software. Scholars like Ramon Lobato, Shujen Wang, Jonathan Gray, Michael Curtin, and Nicole Starosielski have shown that informal or semi-formal

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[10] See Bryan Sebok, "Convergent Hollywood, DVD, and the Transformation of the Home Entertainment Industries" (Ph.D. diss., University of Texas at Austin, 2007). Central to Sebok's argument is that the DVD developed through the convergence of three industries: filmed entertainment, consumer electronics, and computing.

[11] David Bordwell, *Pandora's Digital Box: Films, Files, and the Future of Movies* (Madison, WI: Irvington Way Institute Press, 2012), 54.

[12] Tom O'Regan, "From Piracy to Sovereignty: International Video Cassette Recorder Trends. *Continuum* 4 no. 2 (1991): 112-35; Paul McDonald, *Video and DVD Industries* (London: British Film Institute, 2007), 72.

[13] McDonald, *Video and DVD Industries*, 72.

economies of media distribution, which exist outside and at times in direct affront to the state-recognized and sanctioned media economies which adopt such forms of regulation, are quite widespread (or even, as Lobato argues, the dominant norm) around the world.[14] In fact, throughout the last twenty years, many territories throughout Asia and the Global South sustained home viewing economies that circulated movies on VHS and VCD as well as DVD.[15] So, to argue that a regional control mechanism like the DVD region code completely and utterly served its function to direct global media flows would be to adopt a view that is both technologically determinist and Hollywood-centric.

Still, if the region code system did not function as ideally as the Hollywood studios had hoped, it had discursive consequences in its proliferation and popularization of a certain divisional media-industrial logic. Because the development of a technology represents a series of moments when we can locate discourses that work to embed assumptions about global culture in the functions of these technologies, then the issue is as much one of culture as it is one of technological composition. In this sense, the DVD region code is characteristic of what Roger Silverstone has called media's "boundary work," which refers to the multitude of ways media

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[14] Ramon Lobato, *Shadow Economies of Cinema: Mapping Informal Film Distribution* (London: Palgrave MacMillan, 2012); Shujen Wang, *Framing Piracy: Globalization and Film Distribution in Greater China* (Lanham, MD: Rowan and Littlefield, 2003); Jonathan Gray, "Mobility Through Piracy, or How Steven Seagal Got to Malawi." *Popular Communication* 9 (2011): 99-113; Nicole Starosielski, "Things & Movies: DVD Store Culture in Fiji," *Media Fields* 5 (2011) http://www.mediafieldsjournal.org/things-movies/. Writing in 2007, Curtin notes that pirated DVDs and VCDs comprised over 90 percent of mainland China's home video market. See Michael Curtin, *Playing to the World's Biggest Audience: The Globalization of Chinese Film and TV* (Berkeley, CA: University of California Press, 2007): 248-249.

[15] See Bordwell, *Pandora's Digital Box*, 40; Wang, *Framing Piracy*; Curtin, *Playing to the World's Biggest Audience*, 80-84; McDonald, *Video and DVD Industries*, 101-105; Brian Larkin, *Signal and Noise: Media, Infrastructure, and Urban Culture in Nigeria* (Durham: Duke University Press, 2008).

systems generate and sustain lines of geographic, political, and cultural difference.[16] At the macro-level, this boundary work "articulate[s] the borders of national and linguistic cultures through the media" by providing infrastructural and formal means through which we construct communities and include and exclude people from those communities.[17] David Morley points to the role of DVD region codes in this macro-level boundary work when he suggests that they serve to remind us that new media technologies "do not only help to transcend boundaries in any simple sense, but also continuously recreate them."[18] But region codes do not merely inscribe difference at this broader level of abstract spatial relations. At the micro-level, or the level attuned to media consumers' everyday experiences with texts, the media's boundary work inscribes difference within media text and discourse. I suggest that in its capacity to at least partially shape the actual geographic flows of media around the world *and* its operation as a discursive landscape on which the complicated articulations between home video, digital technologies, and geocultural difference take place, the DVD region code scheme shows that the media's difference-inscribing boundary work can operate at the level of technological regulation and the multi-sited discourses that attend those moments of regulation. If, as Jonathan Sterne notes, technologies serve as "cultural artifacts" that embed the political-economic and socio-cultural conditions of their creation within their technological composition,[19] the history of the DVD region code system's emergence can reveal much about the discourses, disputes, and discussions that attended media's globalization and digitization over the past two decades.

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[16] Roger Silverstone. 2006. *Media and Morality On the Rise of the Mediapolis* (Cambridge: Polity)
[17] Silverstone, *Media and Morality*, 19
[18] David Morley, *Media, Modernity, and Technology: The Geography of the New* (London: Routledge, 2006).
[19] Sterne, Jonathan. 2006. "The Mp3 as Cultural Artifact." *New Media and Society* 8 no. 5: 825-842.

The DVD, Regional Management, and Technological Control

So, what are region codes and how do they work? In order to ensure that DVDs from one region do not play on players from a different region, the DVD's technical specifications outlined by the DVD Forum, the consortium of studios and hardware and software manufacturers that developed and standardized the technology, include a flag coded on the DVD's software that hardware (i.e., the DVD player) from the same region must be able to read before it will play the DVD. While the region code is not technically a form of content encryption in that it does not scramble content nor require a decryption key to access it, the required agreement between the software's flag and the hardware's region serves as a form of content protection that to the end user functions similarly.[20] The DVD region coding system, officially referred to as Regional Playback Control (RPC), is part of the Content Scrambling System (CSS), the anti-copying technological architecture developed by the DVD Forum and now controlled and licensed by a California non-profit corporation called the DVD Copy Control Association (DVD CCA).[21] While use of region codes is technically voluntary for DVD hardware and software manufacturers (in that it is not a legally binding system but only part of the CSS license), studios will generally not license their properties to those manufacturers that do not abide by it.[22] Thus, it becomes a necessary system for distributors and manufacturers who want access to Hollywood product. Legal scholar Peter Yu explains, "Movie studios control the content that can be viewed on DVD players. By holding back content…the studios were able to obtain the needed leverage to convince technology developers to protect media content by incorporating technological measures into their

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[20] Jim Taylor, Mark R. Johnson, and Charles G. Crawford. *DVD Demystified* 3rd ed. (New York: McGraw-Hill, 2006), 5-20.
[21] Peter K. Yu, "Region Codes and the Territorial Mess." *Cardozo Arts & Entertainment Law Journal* 30 (2012): 193; DVD CCA, "About Us." http://www.dvdcca.org/about.aspx.
[22] Taylor, Johnson, and Crawford, 5-22.

devices."[23] As a Hitachi Canada executive noted in 2002, "We'd have a hard time getting studios to release product if it could be viewed anywhere in the world at any time."[24] As evidence of this, DVD companies that abjured region coding tended to offer niche and boutique titles.[25] At the same time, Hitachi's reasoning points to the fact that Hollywood used its own stubbornness with regard to international distribution as a way to gain leverage against the electronics manufacturing industry, and one wonders how a broader conversation about changing the studios' distribution practices might have led to a different outcome. After all, in light of the fact that region-free players and DVDs flooded global markets soon after the DVD's launch (see Chapter Five), it may have been in the studios' best interests to rethink their windowing strategy at the time and move more quickly to day-and-date releasing and globally open formats. Had they done so, they likely would have had to worry less about parallel imports and piracy. Nevertheless, by threatening to hold back content, the studios were able to make a significant imprint on the DVD Forum's specifications for the DVD.

These specifications require eight regions, six of which correspond to different geographic territories around the world (Region Seven is reserved for unspecified future uses and Region Eight for international uses such as airplanes and cruise ships). The division of the regional playback mechanism into eight regions also had a technological reason. Since eight bits fit on a byte, and each region flag takes up one bit, the regional playback mechanism fits on one

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[23] Yu, "Region Codes and the Territorial Mess," 196.
[24] Perusse, "Why DVD Releases Don't Travel Well," C9.
[25] For example, region-free company DVD International's first titles were *Babes on the Beach* and the home-theater calibration disc *Video Essentials*. The same company also released the interactive, "multipath film" *I'm Your Man* in 1998. See "Veteran Laserdisc Distributor Forms International DVD Label," *Video Store*, October 12, 1997; Brett Sporich, "'Multipath DVD Movies Contain Variable Plots," *Video Business*, August 10, 1998.

byte.[26] The regions, as listed in Taylor et al.'s comprehensive handbook *DVD Demystified*, are as follows:

> 1: Canada, United States, Puerto Rico, Bermuda, the Virgin Islands, and some islands in the Pacific
>
> 2: Japan, Europe, (including Poland, Romania, Bulgaria, and the Balkans), South Africa, Turkey, and the Middle East (including Iran and Egypt)
>
> 3: Southeast Asia (including Indonesia, South Korea, Hong Kong, and Macau)
>
> 4: Australia, New Zealand, South America, most of Central America, western New Guinea, and most of the South Pacific
>
> 5: Most of Africa, Russia (and former Russian states), Mongolia, Afghanistan, Pakistan, India, Bangladesh, Nepal, Bhutan, and North Korea
>
> 6: China and Tibet
>
> 7: Reserved
>
> 8: Special nontheatrical venues (airplanes, cruise ships, hotels)[27]

As Yu has pointed out, Region Six is the only territory that includes only one country, China, for a number of reasons. For one, given the country's censorship practices, functioning as its own region allows China to more easily control and regulate the content of their DVDs. Additionally, due to the informal economies that comprise part of the Chinese DVD market, what the Hollywood studios and other intellectual property industries would characterize as piracy, maintaining China as its own region allows the global DVD industries to more easily control the country as a DVD market and ensure that pirated Region Six DVDs do not compete in other

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[26] Taylor, Johnson, and Crawford, 5-20; Yu, "Region Codes and the Territorial Mess," 193.

markets. Incidentally, the latter issues also indicate why Southeast Asia, also home to numerous informal DVD economies, represents its own region.[28]

Importantly, then, the DVD region code system is a different issue than the technical standards that govern analog television technologies around the world, though they are often conflated.[29] While the United States utilizes the National Television Standards Committee (NTSC) system, The United Kingdom and many European states use the technologically superior Phase Alternating Line (PAL) system, and France, Russia, and some Eastern European, Asian, and African countries use the *Séquintiel Couleur à Mémoire* (SECAM) system. As Yu notes, the difference between television standards did not inform the region code system's ordering logic, but instead it added an extra hurdle on top of region codes. He offers a hypothetical example: "By virtue of these different television standards, a Region Two DVD pressed in PAL will not be viewable on an NTSC television set in the United States, even if the owner has acquired a Region Two player."[30] Still, the elision of these two different systems served another purpose—legitimizing the region code system by articulating it to the well-established and de rigueur analog television system. In a 2000 interview with British trade journal *One to One*, DVD Forum Chairman Koje Hase brushes off consumers' irritation with region coding by noting that it is no different from television "being regionalized with NTSC" and computers regionalized with different keyboards. However, *One to One* immediately retorts that "this is not the same as deliberately creating a system which stops consumers from buying

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[28] Yu, "Region Codes," 215.
[29] Rhonda J. Crane, 1979. *The Politics of International Standards: France and the Color TV War* (Norwood, NJ: Ablex Publishing, 1979); Yu, "Region Codes," 198. See also a report on the impending arrival of the DVD from *The Weekend Australian* in 1996, which somewhat erroneously reports that tiered home video release schedules that would be preserved by the region code system are "shored up" by PAL/NTSC distinctions, and that DVD "would have dissolved these boundaries." "Frontiers," *The Weekend Australian*, September 28, 1996, S03.
[30] Yu, "Region Codes and the Territorial Mess."

and using software from anywhere in the world."[31] Even if the confusion was not intentionally manufactured by the developers of region codes (and in fact could perhaps lead to even more confusion about which DVDs can be played on which players), region codes' articulation to an established and by that point uncontroversial analog television system served as an attempt to put consumers at ease by legitimating region codes. As Tarleton Gillespie notes, one of the ways a form of technological control or digital rights management is implemented is through the cultural legitimation of that form of control. In other words, those who would be impacted by such a system (users, manufacturers, developers) must be convinced that the form of control does not deviate from the norm or is a reasonable response to a certain threat. The conflation of region codes with PAL/SECAM/NTSC distinctions serves as the former.[32]

As these moments of uneasy historical transition indicate, although the DVD eventually transformed into an industry standard, its development was anything but predetermined. As the entertainment and computing industries rushed to develop an optical, disc-based video format, different companies were aligned with and pitted against each other. The negotiations that took place due to these alliances resulted in a years-long development of the technology before it was made widely available to the public.[33] As part of these debates, DVD region codes emerged as the result of a slow process that saw a series of debates and discussions among global entertainment content industries (and in particular those emanating from Hollywood-based multinational corporations), the computing industries, and consumer electronics manufacturers.

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[31] George Cole, "DVD Forum's Chairman Speaks Out." *One to One*. April 2000, 37.

[32] Tarleton Gillespie, *Wired Shut: Copyright and the Shape of Digital Culture* (Cambridge, MA: MIT Press, 2010).

[33] For thorough histories of these events, see Sebok, *Convergent Hollywood*; Taylor, Johnson, and Crawford, *DVD Demystified*; Frederick Wasser, "Ancillary Markets – Video and DVD: Hollywood Retools," in *The Contemporary Hollywood Film Industry*, ed. Paul McDonald and Janet Wasko (Malden, MA: Blackwell, 2008), 120-131; Xiudan Dai, *The Digital Revolution and Governance*. (Aldershot: Ashgate, 2000), 230-237.

As Bryan Sebok has pointed out, the DVD developed out of various agreements and disagreements between these three broad industries, which were based around each preserving their stake in what would become a globally popular, multi-use content delivery system.[34] All this occurred at a point in history when media corporations consolidated and globalized their operations in order to achieve greater economies of scale and control.[35] DVD regional management is thus a fundamentally global operation not only in its aims to control the distribution of entertainment content to different territories around the world, but also because it was a standard created by industrial entities *from* many parts of the world over a series of meetings that took place *in* many parts of the world. Anna Tsing calls this process "corporate globalization," explaining, "Every time finance finds a new site of engagement, we think that the world is getting more global."[36] The development of the DVD region code system was also global in scope as a system created as a result of a number of collaborations and discussions that took place in conferences and meetings bringing multinational industries and executives together in locations around the world. To that end, the development of DVD region codes emphasizes the importance of industrial consortia to the creation and implementation of media technologies.[37] In the following history of the development of DVD region codes, I show how a cluster of industries, operating at a certain historical moment, attempted to outline the

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[34] Sebok, "Convergent Hollywood."
[35] See Edward Herman and Robert W. McChesney, *The Global Media: The New Missionaries of Global Capitalism* (New York: Continuum, 1997); Dai, *The Digital Revolution and Governance*, 221.
[36] Anna Tsing, *Friction: An Ethnography of Global Connection* (Princeton, NJ: Princeton University Press 2004), 73.
[37] Incidentally, it also points to the importance of an eminently transnational, "jet-setting" business culture in shaping the distribution of media content around the world. See Timothy Havens, *Global Television Marketplace* (London: British Film Institute, 2006) for more on how this sort of transnational business culture does much to determine the global flow of entertainment content.

geographical contours of media markets through a logic of regionalization-from-above and how various industrial players and consumer-rights groups pushed back against regional playback control.

Making and Remaking the "Regional Red Tape"

The regional playback control mechanism was developed only a couple of years after Hollywood threw its weight behind the DVD format. In the fall of 1994, entertainment companies Columbia Pictures, Disney, MCA/Universal, MGM/United Artists, Paramount, Viacom, and Warner Bros. jointed together to form the Hollywood Digital Video Disc Advisory Group and to call for a new optical video format to potentially supplant videotape as a home entertainment-delivery and recording medium.[38] Two months later, in response, hardware and software manufacturers Sony and Philips announced a video disc standard, the Multimedia CD (MMCD) that would fulfill what the advisory group was looking for. Soon after, a competing camp comprising Hitachi, JVC, Matsushita, Mitsubishi, Pioneer, Thomson, and Toshiba announced their own competing standard, the Super Density Disc (SD). Both camps were primarily interested in selling Hollywood on their standard for distributing video entertainment, and neither side seemed willing to budge or compromise to find a single standard. However, the other industries involved were uninterested in choosing between competing standards, as the initial requests from the Hollywood Digital Video Disc Advisory group called explicitly for a single standard to be adopted around the world. Importantly, despite the competing patents, neither group would be able to manufacture software carrying studio content until copy protection and region code

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[38] Taylor, Johnson, and Crawford. *DVD Demystified*, 2-3.

technologies were agreed upon.[39] Eventually, several computing companies (Apple, Compaq, Hewlett-Packard, IBM, and Microsoft) intervened and attempted to persuade each company to compromise on a single standard. The process took several months, but in December 1995, the DVD Consortium, comprised primarily of consumer electronics companies—a few of which owned the rights to film libraries, was formed out of a consensus between the MMCD and SD alliances.[40] The DVD Consortium (which would later be renamed the DVD Forum) would ultimately be responsible for shepherding the technology into existence, promoting it, and developing and maintaining its technical standards. Indeed, the DVD Consortium/Forum would play a significant role in the development of the region code system.

The possibility of DVD regional management (at least in public discourse) dates back to 1995, as a March 1996 trade report indicated that by that point, the idea for region codes had been "floating around for months" and that a consortium of Hollywood studios had met the previous year to include region codes on their "wish list of DVD features." By this point, hardware and software manufacturers were meeting in Tokyo to discuss the proposal.[41] Indeed, said "wish list" indicated the extent that the Hollywood studios directed the development of the technology, as opposed to consumer electronics and computer manufacturers. As the report notes, "it is expected that regional borders would be defined primarily by Hollywood's theatrical and home video release patterns and by the TV standard in use in the respective countries [PAL AND NTSC]."[42] Forecasting arguments that would be thrown at the region code system from around the globe, the report indicates that the only skepticism on the part of the Hollywood industries was whether regional management would violate anti-trust laws. After the studios'

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[39] "Philips, Sony Go Solo With DVD Patent Licenses," *Video Store*, August 11, 1996.
[40] Ibid.; Frederick Wasser, "Ancillary Markets: Video and DVD," 126.
[41] "DVD Borders Sought: Gray Market in New Discs Feared," *Video Business*, March 1, 1996.
[42] Ibid.

lawyers gave them the green light, they began to put forward requests and ideal specifications for such a system. At the same time, manufacturers and trade press expressed their doubts, with *Video Business* magazine suggesting that while DVD was "meant to be the first truly global playback device…the studios' insistence on regional coding will make a DVD player no more universal than a conventional VCR."[43] Nevertheless, at the studios' behest, the companies began to negotiate a regional control system.

The debate over region codes lasted several years and saw various parties in different sectors of the entertainment, computing, and consumer electronics industries wavering among various positions on the matter. Crucially, however, it was the Hollywood studios that pushed manufacturers to adopt the region code system, and one trade report notes that it was a "precondition studios demanded before issuing movies on DVD."[44] Put simply, the incentive to adopt a globally divergent technical standard lay purely with the studios, so they could maintain release schedules. The only incentive for hardware and software manufacturers to adopt the system was to gain access to the Hollywood product that would make their own products desirable. Although the studios in many ways determined the broad contours of regional playback control, the process of developing the technology was an ongoing tug-of-war between studios, who wanted region codes to preserve their international business model, and hardware and software manufacturers, who wanted to be able to manufacture and distribute their product as easily and efficiently as possible. Complicating all this was that during the development of the DVD as a home-video technology, the computing industry was also involved in shepherding the DVD with the goal to include DVD-ROM drives in home computers because of the significant

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[43] Bruce Apar, "DVD Leaves Laser Dealers in Doubt," *Video Business*, May 31, 1996.
[44] "Regional Code Circumvention More Prevalent in Europe," *Audio Week*, July 20, 1998.

storage capacity of the DVD compared to earlier software technologies.[45] While region codes would ultimately not apply to PC software discs and only to DVD-Video discs played in a computer's disc drive, the need to satisfy the needs of the home computing industry along with the content industries and consumer electronics manufacturers meant that developing a regional control system that more or less pleased each party would be a compromise bound to work against the least powerful players. As one news report from 1996 noted, "The consumer electronics companies, and especially the CD-Rom manufacturers, hate regional coding."[46] Another from 2001 outlines the extra burden that region codes (along with language differences) placed on manufacturers, as one film (*Hollow Man*) would be released on nine different DVDs, each meant for different territories around the world.[47] Even after region codes were an established technology, software manufacturers expressed their belief (off the record, of course) that region coding would be short-lived, and that it was never "backed fully by hardware makers or even some studios."[48]

After most of the DVD's technical specifications had been decided on by early 1996, the debates over region coding and other intellectual-property-protection initiatives further delayed the release of the technology to late 1996 and early 1997. By July 1996, MGM/United Artists president suggested presciently that if copy protection issues and region codes were not hammered out soon, a fall launch for the format would be "dicey."[49] The September 1996 DVD Forum conference in Brussels proved to be instrumental in shaping the regional playback control

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[45] Taylor, et al. *DVD Demystified*, 11-2.
[46] Steve Homer, "Digital Video Discs are the Next Big Thing, But Don't Expect to Find One Under the Tree This Christmas," *The Independent* (London), October 28, 1996, 14.
[47] Thomas K. Arnold, "Oscar Noms Boon to Columbia TriStar International Division," *Video Store*, February 25, 2001.
[48] "Regional Code Circumvention More Prevalent in Europe."
[49] "Cohen Admits Fall Launch of DVD is 'Dicey,'" *Video Store*, July 7, 1996.

mechanism, even as reports suggested that agreements on regional coding were either "non-existent or non-committal" at the event.[50] DVD manufacturers objected to the Hollywood studios' attempts to force manufacturers to install the region code system, arguing that it would put an undue burden on manufacturers, who held no vested interest in such a system (beyond, of course, its ability to help facilitate agreements with content providers to use their technology).[51] Hardware manufacturers also indicated during that summit that consumers in territories like Russia, China, and South America tended to buy their VCRs from other countries, and wondered how they would cope in a more disjunctive digital media environment. The piece notes that on the part of the studios, region codes would be necessary to retain their release schedules, noting, "From the studios' point of view, regional coding is an essential step in maximizing returns on a release."[52]

Soon after, however, the region code system's technological specifications and geographic contours were finalized. In late September, manufacturers agreed in principle on a system that would divide the world into six geographical regions (where Hollywood had initially wanted eight).[53] By January 1997, Sony and Warner Bros. announced that DVDs would be available in the US by April.[54] A *Consumer Electronics* piece on region codes from 2001 quoted extensively from a memo from the Hollywood studios that detailed the rationale behind each region—a rationale that reflects a combination of cultural, economic, and regulatory logics. Regarding Region One (the United States and Canada), the memo indicates that Mexico was

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[50] Dana J. Parker, "DVD at the Brussels Forum: Five Months Later and Major Issues Still Unresolved," *CD-ROM Professional* 9, no. 12 (December 1996), 11.
[51] Katherine Stalter and Steve Homer, "DVD: Decision vs. Delay: Studios Tired of Waiting for Industry to Cut Regional Red Tape," *Variety*, September 30-October 6, 1996, 80.
[52] Ibid.
[53] "Another Hurdle Cleared as Agreement is Reached on DVD Regional Coding System," *Video Store*, September 29, 1996.
[54] Katherine Stalter, "Sony, WB Set DVD Date," *Variety*, January 13-19, 1997, 150.

split from the region and included in Region Four in part to "harmonize" the country as a distribution window with the rest of Latin America.[55] Thus, in the case of Regions One and Four, North America was split into different regions in order to preserve what the studios perceived as commonalities of market and culture. The implications of this are twofold: For one, the inclusion of the US and Canada in one region carries a quasi-colonial understanding whereby the United States folds Canada into one market—a process that reflects the often unacknowledged inclusion of Canadian box-office numbers in the United States' "domestic" box-office totals.[56] Additionally, the split reflected a certain logic in the media industries that builds geocultural and geolinguistic regional markets out of different territories that Hollywood's international distributors and marketers perceive as having some commonalities—whether language, culture, ethnicity, economic status, religion, or geographical location. To the industrial entities that built region codes, Canada and the United States have certain similarities, and Mexico's similarities lie more readily with the rest of Latin America (though, as discussed later in this chapter, this does not account for the inclusion of Australia and New Zealand in Region Four). Given the ways differently coded DVDs have been used to distribute DVDs with different languages to a variety of locations around the world, the inclusion of Mexico with the rest of Latin America indicates the role language has in shaping the world's home video markets.

In addition to this regional "harmonization," however, the memo indicated another reason that Mexico was included in a separate region from the US and Canada: fears of parallel imports. Since Mexican DVD prices would be lower than those in the US, the studios placed Mexico in

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[55] "Europe Probes Role of Region Codes in DVD Pricing." *Consumer Electronics*, June 18, 2001.

[56] See Charles Acland, *Screen Traffic: Movies, Multiplexes, and Global Culture* (Durham, NC: Duke University Press, 2003); Colin Hoskins, Stuart McFadyen, and Adam Finn, *Global Television and Film: An Introduction to the Economics of the Business.* (Oxford: Oxford University Press, 1997), 60.

Region Four in order to forestall the sale of DVDs meant for Mexico in the United States.[57] Often, this attempt to close off parallel imports aligned with linguistic commonalities to control the regional placement of certain nations. For instance, the memo also indicates that Japan and Korea were placed in Region Two and Australia placed in Region Four in order to help control the possibility of parallel importation of Region One DVDs in those territories, given the number of English-speaking consumers in each of those territories. In other words, since language differences could not as easily be used as a natural barrier against parallel import, the territories were placed in their own region code. As I will show in more detail later in the chapter, Australia, in particular, did not take particularly kindly to this arrangement. Similarly, due to studio fears of piracy in China, that country (though not Hong Kong, which is included in Region Three) was placed into its own region, Six. Of course, some markets did not apparently rank highly enough as markets to be considered at even this level, and a broad swath of what the memo refers to as "underdeveloped theatrical markets" such as South Asia, Africa (except for South Africa and Egypt—both Region Two), and Russia were all placed together in Region Five.[58] Even simply observing the numerical system, it is not hard to see the hierarchy at play here. Placing the United States in Region One, the region code standard makes no secret of which territory Hollywood's distributors valued the most.

Throughout the development of the region code system, a chief complaint of hardware and software manufacturers was that having to include regional control technologies in their products made their operations inefficient. Not only did it add extra steps in the design and manufacturing processes, it meant that products meant for one market could not be rerouted to

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[57] "Europe Probes Role of Region Codes."
[58] Ibid.

another in order to fulfill demand.[59] To lessen these concerns somewhat for the computing industries, while at the same time making the region code mechanism for DVD-ROMs more consistently stringent, the CSS specifications for DVD drives on computers were amended in 2000 from Regional Playback Control Phase 1 (RPC1) to Regional Playback Control Phase 2 (RPC2). Whereas RPC1 only let the user set the region code once, RPC2 systems allowed the user to change the region code up to five times.[60] Furthermore, while the regional control mechanisms in RPC1 were included only in software or the operating system, meaning the drives themselves did not have any support for regional control, RPC2 included the regional information in the drive's firmware. As a result, while in some ways the introduction of RPC2 made life easier for a consumer who would be allowed to change the region-code should she move to another part of the world, the amendment to the technology was just as useful to the manufacturing operations of the computing industry as it was to the user. Furthermore, the inclusion of Regional Playback Control in the computer's hardware made it a more robust and easily controllable content-protection system.

While the consumer electronics and computing industries expressed dissatisfaction about how region codes affected their own operations, a pressing issue for the studios was that the region codes were proving somewhat ineffective in stalling parallel imports and preserving theatrical windows overseas. Even during the technology's earliest years, the complaint that DVD region codes were not fulfilling their goals grew common. A *Variety* piece from 1999 on digital distribution windows provides a somewhat implicit indictment of non-US users: "Despite coding on DVDs that supposedly renders them unplayable outside a specific region, once a

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[59] Homer, "Digital Video Discs are the Next Big Thing," 14.
[60] Taylor, Johnson, and Crawford, 5-22; DVD CCA, "CSS Specifications, Document Version 3.3." February 2, 2011, A-23. http://www.dvdcca.org/processa.aspx.

movie appears on disc in the U.S., it quickly makes its way to other territories where it's easy to get around the encryption"[61] A *Billboard* article from November of 2000 stated even more bluntly in a headline: "DVD Regional Coding Not Working."[62]

Given this dysfunction, entertainment industries introduced various mechanisms throughout 1999 and 2000 to adapt to the ways users were interacting with regional control and at the same time attempt to make region coding more stringent. To further protect DVD players, the major studios pushed for the development of a stronger region code called Region Code Enhancement (RCE). Region One DVDs equipped with RCE would be unplayable in players designed as region-free. In a move that proved symbolic, given the DVD region code system's tendency to privilege the US as the world's powerful media market, the first DVD to roll out this new "enhanced" form of regional copy protection was Columbia Tristar Home Video's *The Patriot*.[63] In keeping with the general inefficacy of regional playback control, however, RCE was initially unable to stop Region One DVDs from playing on region-free players.[64] In 2003, video retailer Blockbuster argued that not only did region codes fail to stall international grey markets, but in fact pirates were exploiting the extra time between international release windows shored up by region codes in order to put their own product out ahead of official releases.[65] Around the same time, the U.S. Copyright Office prepared a report on possible exemptions to the DMCA that included more public complaints on the region code system than any other issue. Despite

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[61] Paul Sweeting, "Digital Boom Shatters Distrib Windows," *Variety*, August 9-15, 12.
[62] Sam Andrews, "DVD Regional Coding Not Working: Suppliers Seek Solutions to Protect Theatrical Release in Europe," *Billboard*, November 18, 2000, 99.
[63] Paul Sweeting, "New Code Set in Grey-Market War," *Variety*, October 16-22, 2000, 16.
[64] "Problems Found With *The Patriot* DVD," *Consumer Electronics*, November 6, 2000; "RCE Fails to Halt Play," *Video Business*, November 27, 2000.
[65] Paul Sweeting, "Big Blue Kicks Codes," *Video Business*, December 8, 2003.

this, the Office rejected a proposal to make the circumvention of region codes legal under the DMCA.[66]

While DVD region codes were not technically a legally binding system, the studios began to invoke copyright law in order to keep users from getting around regional management systems—part of global Hollywood's broader practice of "us[ing] IP law to lubricate international exhibition and open up new areas of information management"[67] despite Hollywood and the US Department of Commerce's exhortations that the trade of audiovisual goods should follow a free-market path.[68] In the case of attempting to enforce DVD region codes, this often manifested in threats against the distribution and use of region-free or differently coded discs or players. In 1998, Warner Home Video president Warren Lieberfarb reminded users that the distribution of Region One discs in the UK infringed on local copyright laws, which grants a film's distributor the rights to "prevent transshipments of merchandise."[69] In 1999, Pathe, the European theatrical distributor of *The Blair Witch Project*, hired a firm to monitor the sale of Region One discs of that film to consumers in Europe, as the film was still in European theaters when the Region One DVD was released in the United States. Pathe suggested that the parallel import of Region One discs into Europe violated international copyright law by impinging on their rights as distributor of that intellectual property.[70] This regional dispute came

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[66] Paul Sweeting, "Exemption Contempt," *Video Business*, November 3, 2003.
[67] Toby Miller et al., *Global Hollywood 2* (London: British Film Institute, 2005), 216. Similarly, Janet Wasko writes, "Global markets continue to evolve, and Hollywood continues to adapt—not by employing "free" market strategies, but with help from the state to clear any obstacles." Janet Wasko, *Hollywood in the Information Age*. (Austin: University of Texas Press, 1994).
[68] Allen J. Scott, "Hollywood and the World: The Geography of Motion-Picture Distribution and Marketing" in *The Contemporary Hollywood Reader*, ed. Toby Miller. (London: Routledge, 2009), 180.
[69] "Regional Code Circumvention More Prevalent in Europe."
[70] "Regional-Code Spat Brewing Over Blair Witch DVD," *Consumer Electronics*, November 8, 1999.

only months after members of Europe's media industries lamented the impact that region codes had on the continent. At the DVD Summit 2 in Dublin, a conference about the DVD organized by the editor of *Inside Multimedia*, European media executives expressed concern that DVD region codes where "hindering the full development of Europe's DVD industry."[71] Indeed, at the time Pathe attempted to close off the unauthorized import of Region One DVDs into Europe, there had not been a Region Two release for the film scheduled. At the conference, different parties disagreed on the extent that DVD represented a global medium, or a regional or national one. While one Philips executive called DVD a "truly global carrier—an international global medium," a later panel on censorship and copyright cited a combination of censorship issues and the region code mechanism as ensuring that DVD remained a "national, rather than Pan-European, product."[72]

Ultimately, despite predictions that regional playback control would be short-lived, and the fact that region codes were often discussed as ineffectual, the mechanism still operates in DVD hardware and software to this day. Furthermore, while the newer Blu-ray format has loosened the guidelines of regional playback control somewhat, the mechanism was maintained for the same reasons as DVD region codes: the preservation of international release dates.[73] Where DVD split the world into six regions, Blu-ray discs are coded for three different regions.

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[71] Madeleine Lyons, "Gateway Boosts DVD-Rom Profile." *The Irish Times*, October 9, 1998, 60; Andrews, "DVD is Taking off in Europe."

[72] "DVD Summit 2," *One to One*, May 1999, 13.

[73] In an indication of the continued importance of regional coding, the region-coded Blu-ray format won out in the format wars that pitted it against the rival HD-DVD, which did not include region codes as part of its technological specifications. During the period when both formats existed at the same time, release dates for the same film would occasionally differ for each format so the studios could exploit different markets before releasing a region-free version. For example, when New Line released *Hairspray* on Blu-ray and HD-DVD, the studio put the Blu-ray version out in November 2007 but held the HD-DVD version until early 2008. See Marcy Magiera and Samantha Clark, "New Line Goes High-Def with Hairspray." *Video Business*, September 17, 2007.

Furthermore, the Blu-ray region code system is more lenient toward distributors and manufacturers, as it is a voluntary system. In other words, it is not a prerequisite to the studios licensing their content to home video distributors. That the region code system remains in place, but with a few concessions, indicates an ongoing tension between global fluidity and intellectual property control.

Region *Code*: The RPC System and Digital Media Regulation

Key to understanding DVD region coding is that it is a mechanism consciously, intentionally, and artificially installed in the technology. In other words, there is nothing inherent in the DVD as a compression and transmission technology that requires the installation and perpetuation of the RPC system. Because of a cultural tendency to discuss media technologies as if they have arrived more-or-less fully formed, there is a danger in presuming that the technology *must* have arrived in its present form. In his work on the MP3, Sterne pinpoints this problem when he suggests that because technological protocols and specifications "are not publicly discussed or even apparent to end-users, they often take on a sheen of ontology when they are more precisely the product of contingency."[74] Rather than taking the technological characteristics of digital formats as *faits accomplis*, then, we should detail the complex histories that led to their development. For several years now, scholars have analyzed the development of communication technologies in order to unveil the political, economic, and cultural assumptions that guided their emergence.[75] Because DVD region codes (and regional management more broadly) highlight

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[74] Jonathan Sterne, *MP3: The Meaning of a Format* (Durham, NC: Duke University Press, 2012), 8.

[75] See, for instance, Brian Winston, *Media Technology and Society: A History From the Telegraph to the Internet*. (London: Routledge, 1998); Lisa Gitelman, *Always Already New: Media, History, and the Data of Culture* (Cambridge, MA: MIT Press, 2008); Susan Douglas,

several ways media technologies reflect certain political and cultural ideas, this dissertation draws inspiration from scholarship that attempts to investigate the ways technologies come to have cultural meaning, particularly in the context of the global entertainment industries. As Roger Silverstone and Robin Mansell have pointed out, communication technologies carry political meanings both due to the institutions in which they were created, as well as "within the technology itself, as software products and information networks both prescribe and proscribe, configuring suppliers and users, containing and constraining behavior, and embodying in their algorithms and their gateways both the normative and the seductive."[76]

This chapter (and the dissertation more broadly) differentiates itself from much of the literature on digital regulation by focusing on entertainment—and not simply as a cluster of industries *necessarily* bent on squashing consumer freedoms. Rather, I home in on how different elements of the entertainment industries impacted the development of *content-delivery* technologies that trade primarily in art and entertainment. Indeed, many existing studies of digital media regulation tend to focus on digital media as information rather than entertainment, and their attentions focus more on issues of free speech, personal agency, creativity, and markets. Even when entertainment industries are invoked, it is generally to the end of discussing how they have meddled with naturally open digital forms in order to constrain their potential uses and therefore the agency of their users.[77] While many studies of digital technology regulation focus

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Inventing American Broadcasting, 1899-1922. (Baltimore: Johns Hopkins University Press, 1987).

[76] Roger Silverstone and Robin Mansell, "The Politics of Information and Communication Technologies" in *Communication by Design: The Politics of Information and Communication Technologies*, ed. Robin Mansell and Roger Silverstone (Oxford: Oxford University Press, 1996), 213.

[77] Lawrence Lessig, *Code 2.0* (New York: Basic Books, 2006); Tarleton Gillespie, *Wired Shut: Copyright and the Shape of Digital Culture* (Cambridge, MA: MIT Press, 2010); Jonathan

on the ways such technologies have been regulated to prevent the unauthorized copying of copyright-protected content (i.e., what is often referred to as piracy),[78] DVD region codes were developed for related, but slightly different, reasons. As previously mentioned, region codes are a form of digital rights management put in place primarily to secure and direct the global distribution of content along paths that reflect the territorial licensing agreements of content producers and home-video distributors.[79] In his oft-cited analysis of Digital Rights Management strategies and technological control, Tarleton Gillespie is well attuned to this reasoning behind region codes. He notes that the DVD region coding system allows major media industries to "slice up the global market, engage in price discrimination, stagger releases, and even ignore markets they do not see as lucrative" even if the technology is usually, though somewhat erroneously, invoked in the context of copyright law. As he notes, "There is no bureaucratic or technical legacy underlying the region code, only a market logic that encourages inefficiencies at one level (interregional trade) to achieve greater market power at another (price discrimination by region)."[80]

While Gillespie is right to point out that the impetus for the region code system was driven primarily by market logic, this has the potential to elide the ways such market logics intersect with cultural difference and discrimination. Other pieces that analyze DVD region codes are attuned to their role in reflecting or sustaining lines of global cultural difference. In a

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Zittrain, *The Future of the Internet—and How to Stop It* (New Haven, CT: Yale University Press, 2008).

[78] See, for instance, Gillespie, *Wired Shut*; Lessig, *Code 2.0*; Siva Vaidhyanathan, *Copyrights and Copywrongs: The Rise of Intellectual Property and How it Threatens Creativity* (New York: New York University Press), 2003.

[79] See Brian Hu, "Closed Borders and Open Secrets: Regional Lockout, the Film Industry, and Code-Free DVD Players," *Mediascape* (2006): http://www.tft.ucla.edu/mediascape/Spring06_ClosedBordersAndOpenSecrets.html; Paul McDonald, *Video and DVD Industries*; Sebok, "Convergent Hollywood."

[80] Gillespie, *Wired Shut*, 264.

short piece for the online media studies journal *Mediascape*, Brian Hu notes that DVD region codes not only allow media industries to carve up global markets and discriminate against certain territories, they also enable state censorship by allowing states to release different versions of the same film in different territories.[81] Further linking this form of technological regulation to cultural forms, Rob Stone analyzes the impact of new screen technologies on European cinema through the conceptual frame of referring to Europe as "Region Two," in an invocation of Europe's designation in the DVD region-coding scheme. He writes, "if new technologies offer the potential for a pan-European arena for European films…so too do restrictions on these new technologies, such as region coding on DVDs, impose a new, even postmodern concept of collective identity that ironically reinstates the obstructions of statehood in what should be a free market economy."[82] In her study of the various processes that enable and stall transnational cinema flows and translations, Natasa Durovicová similarly suggests that while DVD region codes are on some level geopolitical arrangements, their cultural implications are far-reaching since they often determine which languages will be made available via subtitle or dubbing on certain DVDs.[83] However, she also suggests that exactly how these codes have been determined remains unclear. Her confusion about the DVD region code system echoes a general lack of clarity, consistency, or depth across many of these various pieces (despite their many other valuable contributions) about the precise ways that regional lockout has been developed as well as its centrality to the shape of global media culture over the past few decades. In the history laid

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[81] Hu, "Closed Borders and Open Secrets."
[82] Rob Stone, "Notes from Region 2," *Journal of Contemporary European Studies* 15 (2007): 8.
[83] Natasa Durovicová, "Vector, Flow, Zone: Towards a History of Cinematic *Translatio*," in *World Cinemas, Transnational Perspectives*, ed. Natasa Durovicová and Kathleen E. Newman (London: Routledge, 2009).

out above, and my proceeding analysis of the practical, cultural, and ideological functions of DVD region codes, I hope to clear this up.

An International Standard of Culture and Scale

As the above history indicates, the development of region codes is as much a story of standard setting as it is a history of the development of global entertainment culture. Thus, one way to clarify the function of the DVD region code system is to understand it as an international technological standard. From that, we can parse out not only the system's technological functions, but its industrial and cultural meanings as well. As a system developed from a complex series of debates, decisions, and agreements among representatives of the consumer electronics industry, global entertainment content producers and distributors, and international standard-setting consortia, DVD region codes represent an important instance of the setting of technological standards within the global home-video economy. To that end, they give the lie to claims of "disintermediation," or the elimination of distributors and "middlemen" that would putatively accompany the popularization of digital entertainment media.[84] Furthermore, as a mechanism crafted through the agreements among these institutions, DVD region codes represent an example of industrial self-regulation, rather than a primarily state-based intervention to set these standards and regulate entertainment distribution, particularly at a historical moment when free trade agreements and economic globalization intensified focus on standardizing international trade operations.

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[84] Hoskins, McFadyen, and Finn align disintermediation, which they define as the "elimination of those distributors and retailers who currently bridge the gap between content producers and consumers" with convergence, suggesting that digital forms of delivery eliminate the need for such intermediaries. Hoskins, McFadyen, and Finn, *Global Television and Film*, 133. For a critique of this idea, see Alisa Perren, "Rethinking Distribution for the Future of Media Industry Studies," *Cinema Journal* 52, no. 3 (2013)," 170-171.

Media scholars have occasionally pointed to the importance of standard setting as an operation of the media industries to shore up control over efficient modes of production, distribution, and exhibition. Writing of the recent tussles over digital television (DTV) standardization around the world, Trinidad García Leiva notes that for companies and states, the ability to direct global standards represents a "race to the top," wherein such organizations attempt to "conquer the world" by pressuring the rest of the world to adopt their preferred standard.[85] In his work on the digitization of cinema, Bordwell suggests that the major Hollywood studios develop new technologies and set standards for them by "cooperating with each other to mutual benefit, while they set up barriers to entry that exclude outsiders."[86] Often, as in the case of the DVD regional playback control mechanism, this "mutual benefit" manifests as an attempt to maintain as much control over the monetization of their content through distribution and exhibition as possible. Xiudian Dai similarly argues, "Competition in the consumer electronics industry has been dominated by standards battles or competition for *de facto* formats."[87] Part of the impetus for such intense competition, as David Morley and Kevin Robins have suggested, is that the culture industries set international standards in order to achieve greater economies of scale.[88] As these economies of scale expand ever outward, the role of standards in facilitating a controlled flow has become evident. To that end, Jonathan Sterne has pointed out that by facilitating a greater ease of transnational distribution (at least among the industries and bodies that nominally control that distribution), international standards that govern

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[85] Trinidad García Leiva, "International Policy Preferences, Technological Standard-Setting and Digital Television," *Observatorio Journal* 5, no. 4 (2011): 104.
[86] Bordwell, *Pandora's Digital Box*, 70.
[87] Dai, *The Digital Revolution and Governance*, 224.
[88] David Morley and Kevin Robins. *Spaces of Identity: Global Media, Electronic Landscapes, and Cultural Boundaries* (London: Routledge, 1995).

media technologies have done much to shape media globalization.[89] Because of the wide variety of means through which standards take shape, as well as the diversity of the often transnational organizations and consortia that develop them, studying international technological standards evades approaches to research into media policy that often adopt a nation-state-based frame.[90] Indeed, scholars like Sterne and Janet Abbate have noted that technological standards are not simply culturally and politically neutral, but in fact reflect a variety of contextual and conjunctural assumptions and ideologies that helped guide the development of the technology.[91]

Regarding the DVD specifically, the region code system represents a standard developed as a compromise by industries looking out for their best interests. As I have shown, the standardization of the DVD format, as well as the regional playback control mechanism included in it, was created not by a state or public standardizing body, but by the DVD Forum, the collection of studios and manufacturers responsible not only for marshaling the DVD technology into existence, but selling and profiting from DVD hardware and software. Dai points out that in the case of the DVD, "business networking involving a large number of companies, in the name of promoting global standardization, within a particular technological domain or market segment has already become a formidable force beyond the political control at the national government level."[92] As Virginia Haufler has noted, globalization and privatization during the 1990s saw increased initiative by multinational corporations across a number of industries to regulate their own operations. She calls such self-regulation a form of "global governance," or "mechanisms to reach collective decisions about transnational problems with or without government

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[89] Sterne, *MP3*, 24.
[90] ibid.
[91] Janet Abbate, *Inventing the Internet* (Cambridge, MA: MIT Press, 1999); Sterne, *MP3*.
[92] Dai, *The Digital Revolution and Governance*, 222.

participation."[93] While Haufler primarily discusses protection-related regulations involving codes of conduct, environmental rules, and privacy, DVD region codes similarly represent an instance where multiple industries aligned to adopt a nominally voluntary technological standard (i.e., one that is not legally binding or enforced by the state) guided by the interests of the most powerful players within these alignments. Importantly, as Haufler notes, since these forms of self-regulation often see institutions from multiple parts of the world coming together to craft, enforce, and ultimately abide by these standards, the multiple histories, cultures, and interests of different global players will come into play during standards' development.[94] In the context of audiovisual technologies, Sterne points out that while such standards were often presented through the rhetoric of a free market, "it might be better to say that standards were simply managed by industrial interests, since oligopolistic market conditions existed just as often as free market conditions."[95] As we have seen, the development and enforcement of the DVD region code standard was (and is still) fraught with the interests of industries and consortia informed by these institutions' standing within the global entertainment media economy.

While industries were creating these standards with little direct input from the state, they were doing so at a time when US and transnational governance bodies put forward reports on standards and trade that helped set the conditions for industries to self-regulate. Regarding audiovisual and entertainment media in particular, Sterne reminds us that in the US and Western Europe, "governments intervened quite actively in telecommunications standards but did not make as much explicit policy regarding standards in communications electronics."[96] For instance

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[93] Virginia Haufler, *A Public Role for the Private Sector: Industry Self-Regulation in a Global Economy* (Washington, D.C.: Carnegie Endowment for International Peace, 2001), 1.
[94] Ibid., 107.
[95] Sterne, *MP3*, 135.
[96] Ibid.

in 1996, around the same time that regional codes began to take shape, the Organization for Economic Cooperation and Development (OECD), a consortium on world trade and economic growth comprised of thirty-four countries across North America, Europe, East Asia, and Oceania, released a report on best practices for the global standardization of Information and Communications Technologies (ICTs).[97] The report ultimately put forward a list of recommendations regarding ICT standardization, which included:

- The standardization process should be market-driven and voluntary, based on an open process in which all stakeholders can participate…
- Formal standardization efforts should focus on aspects relevant for interoperability of products and services.
- The contributions of industry-led consortia, fora, and other "informal" bodies in providing technical input into the formal standardization process should be recognized and encouraged.
- The importance of Intellectual Property Rights as a means to protect investment in the development of new technologies should be recognized, but fair competition among market players should also be maintained
- Government intervention should be limited to areas where regulation is essential…
- Users should be encouraged to organize themselves, so that they can play their appropriate role in the process
- Governments should promote the adoption of international standards in preference to

[97] While ICTs generally have come to refer to technologies related to the internet and digital networked communication, as a technology with a wide variety of uses across entertainment, computing, art, and gaming, the DVD can be considered a technology that has, in part, functioned as an ICT.

national standards whenever possible…[98]

Two years later, the United Nations' Economic Commission for Europe held a roundtable on the "Impact of Standards on International Trade," which stressed the importance of utilizing standards to maintain free trade. The roundtable recognized "the substantial contribution that elimination of technical barriers to trade will provide to the international exchange of goods and services."[99] As we have seen, the development of the DVD region code system aligned with some of these regulations more than others. All told, however, we get a vision of standardization and regulation of those standards taking place in a sphere divorced from the input of states and national regulatory bodies (at least during the technology's development) and guided instead by a combination of the oligopolistic Hollywood studios and the pushback from hardware and software manufacturers who needed to compromise with the studios to gain access to content.

Thus, on one hand, the DVD region code standard serves as a form of attempted control of global spatial relations at the level of the distribution of entertainment content. In this way, the development and installation of region codes is akin to Anna Tsing's concept of a "scale-making project."[100] These scale-making projects represent moments when certain parties and organizations make claims on what the "world" and its divisible spatial territories mean to them and their interests. Tsing's focus on scale-making as a conjuring of space and its meanings helps move beyond the problem of attempting to locate the global, national, regional, and local as empirical and consistent categories, and instead allows us to see the way these categories are constituted and *articulated* toward different, potentially contradictory goals by various

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[98] *OECD Working Papers: ICT Standardisation in the New Global Context, Final Report*. (Paris: OECD, 1996), 7.

[99] United Nations Economic Commission for Europe, *Standards and Regulations in International Trade*, June 15, 1998.

[100] Anna Tsing, *Friction: An Ethnography of Global Connection* (Princeton, NJ: Princeton University Press 2004), 57.

individuals, cultures, and institutions. The various industrial players involved in the development and standardization of the DVD region code system worked not only to conjure the spatial and scalar dimensions of the global distribution of filmed home entertainment, but also to articulate and negotiate the cultural meanings of the different territories that comprise the divisible global media market.

***Region* Code: Global Media Markets and Regions**

DVD regional management is a form of regulation that reflects a desire to control the geographic (and accompanying temporal) contours of entertainment products. Furthermore, the particular characteristics of the region code system indicate a need for closer analysis of the specific roles of the entertainment industries in shaping such forms of control. Thus, the history of the DVD and regional management is not merely a story of regulation and control, but also of media distribution. In fact, it exists at the meeting point between these two operations of media industries. It is also not only a study of the distribution of content, but perhaps even more importantly, the distribution of hardware and software built to disseminate content differently around the world.[101] While the introduction to this dissertation provides a more comprehensive overview of the broader field of literature regarding media distribution, I want to pick up a few strands that relate specifically to this technology and its history as a mechanism driven by the logics of global Hollywood.

As I have shown, region codes were developed primarily so movie studios (and particularly the Hollywood studios) could preserve their global market power and maintain some

[101] Studying distribution in this way follows Alisa Perren's recent suggestion that "a more expansive conceptualization of distribution" could entail "a consideration of the distribution of hardware." See Perren, "Rethinking Distribution," 171.

semblance of control over the distribution of home video products around the world. This occurred particularly at a moment when global markets were becoming more important to studio operations. As Tino Balio notes, throughout the 1980s and 1990s, Hollywood "upgraded international operations to a privileged position" in part by "expanding 'horizontally' to tap emerging markets worldwide."[102] He points out that a major part of this global expansion was the development of the overseas home video market, which by 1989 had become the top source of international revenue for the Hollywood studios.[103] The mid-1990s saw a slowdown in global video sales, but the introduction of the DVD in 1996 led to a second boom in global video sales—this time in DVD hardware and software.[104]

Within this broader context of Hollywood's global market power, regional playback control was developed in order to preserve the studios' scheduled theatrical and home-video release windows. The concept of *windowing* is crucial to comprehending the industrial reasoning behind the region code system. In his study of global television distribution, Timothy Havens defines windows as "distinct markets separated by either geography or time."[105] In other words, each territory, placement on a network, or release schedule represents a window for the studios to exploit by distributing the intellectual property that they own. At the time of DVD's development, Hollywood studios and formal film distribution networks operated almost exclusively under a "tiered" or "staggered" form of windowing, where theaters in certain markets would run a film before it was released in other markets (e.g., second-run theaters, theaters in

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[102] Tino Balio, "'A Major Presence in All of the World's Important Markets': The Globalization of Hollywood in the 1990s," in *Contemporary Hollywood Cinema*, ed. Steve Neale and Murray Smith (London: Routledge, 1998), 58.
[103] Ibid., 60.
[104] McDonald, *Video and DVD Industries*, 1-2.
[105] Havens, *Global Television Marketplace*, 13.

different regions of the world, home video).[106] Since content providers exploit different territorial markets in different ways, adjusting prices, release schedules, and technologies of delivery in order to maximize profits, DVD region codes, in theory, allow those content providers to adjust home video release dates and pricing within different markets. At the time of DVD's emergence, Hollywood often put a film out on video in the US before giving it a theatrical debut overseas.[107] Furthermore, since different companies own home-video distribution rights to a filmed property in different territories, region codes help these companies keep control over the distribution to their respective markets.[108] In a study of the economics of global film and television that appeared around the same time as the public availability of the DVD, Colin Hoskins, Stuart McFadyen, and Adam Finn note that in order for market segmentation practices to engender the conditions that allow price discrimination to take place, "it must be possible for the seller to separate markets and keep them separate."[109] Furthermore, the seller must "enjoy an element of market power which permits them to be price-setters rather than being forced to adopt a uniform price" determined by supply and demand. As the authors point out, Hollywood studios have historically acted in such a dominant manner, and local producers tend to "take the US price as given and price their own product accordingly."[110]

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[106] See Frederick Wasser, *Veni, Vidi, Video: The Hollywood Empire and the VCR* (Austin, TX: University of Texas Press, 2001).
[107] "Regional Code Circumvention More Prevalent in Europe."
[108] Jim Taylor, "DVD Frequently Asked Questions (And Answers)," *DVD Demystified: Home of the DVD FAQ*, June 27, 2013. http://www.dvddemystified.com/dvdfaq.html.
[109] Hoskins, McFadyen, and Finn, *Global Television and Film*, 69.
[110] Ibid., 72. While the authors are primarily discussing the global export of television programs in this passage, such market segmentation and price discrimination practices also structure the global home video market, and are shored up by DVD region codes. It is also worth emphasizing that DVD also represents a significant window for television programs as well as films, so the economics that drive global television sales will also have implications for global DVD markets.

Region codes thus help set conditions for the industrial maximization of content value that industry executive Jeff Ulin refers to as “Ulin's Rule,” wherein “content value is optimized by exploiting the factors of time, repeat consumption (platforms), exclusivity, and differential pricing in a pattern taking into account external market conditions and the interplay of the factors among each other.”[111] In an indication of accusations that would be levied at the region code system, Shujen Wang notes that windowing is primarily a price discrimination mechanism that allows Hollywood to extend its market power and organize its international release schedules in ways that maximize profits across these different markets.[112] Connecting windowing to power, Wang notes that the practice represents another way that the studios can effectively manage time and space by controlling the spatial and temporal releases of their products, thus minimizing the threat of pirates and digital networked media to studios’ bottom lines.[113] Indeed, the price discrimination practices of US television exporters, wherein distributors sell programs for less money to cheaper markets, formed a core of Herbert Schiller’s foundational introduction of the idea of cultural imperialism.[114] Putting forward another critique, Yu suggests that the regional playback control technology could be considered an anti-competitive, “post-sale mechanism content providers deploy to control the way consumers use their work after making a lawful purchase.” This reduction in competition allows the studios to artificially set prices in certain markets, with the consumer getting the short end of the stick.[115] Either way, the price discrimination practices of the major studios reveal both how the studios attempt to extend

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[111] Jeff Ulin, *The Business of Media Distribution: Monetizing Film, TV, and Video Content*. (Burlington, MA: Focal Press, 2000).
[112] Wang, *Framing Piracy*, 9.
[113] Ibid.
[114] Herbert Schiller, *Mass Communication and American Empire* (Boston: Beacon, 1971).
[115] Yu, “Region Codes and the Territorial Mess,” 221.

market power, as well as the degree to which they value certain differentiated global regions and territories.

Emerging digital platforms have made that exploitation of content value somewhat less predictable in recent years. Writing about post-network American television primarily, Amanda Lotz has pointed out that the emergence of digital media technologies has expanded the traditional windows and required the media industries to exploit and adapt to that expansion. While Chapter Three will engage with streaming film and television more thoroughly, the development of the DVD offers a series of moments when such adaptations and exploitations were made explicit. Hoskins, McFadyen, and Finn point to price discrimination via new media windows as a condition that favors the maintenance of US dominance of global media. They write, “The new media create additional links in the chain of exhibition windows, through which the majors are able to exploit [intellectual property] rights. A longer chain of exhibition windows, coupled with price discrimination between windows…will permit the majors fully to extract the economic value of their products.”[116] Importantly, the windowing mechanisms that lead to the development of the DVD region code system were shaped in large part by a clash between the global distribution strategies of major studio films and the abilities for digital media forms to easily copy and distribute such texts. Scholars have since pointed out that as a response to the ability of unauthorized copiers to sell grey-market copies of films and violate the studio’s release windows, the studios have moved toward temporally flattened global release schedules and day-and-date releases.[117] Michael Curtin writes, “Anxieties about unauthorized circulation of

[116] Hoskins, McFadyen, and Finn, *Global Television and Film*, 141. It is worth noting that when the authors discuss “US dominance,” they are in fact referring to dominance of the major Hollywood studios abroad.
[117] Michael Curtin, “Media Capital: Towards the Study of Spatial Flows.” *International Journal of Cultural Studies* 6, no. 2 (2003): 213; Hu, “Closed Borders and Open Secrets”; Lobato,

product have motivated Hollywood to think more transnationally. International release windows for films and television programs have been tightened so that pirates have a tougher time getting product to market before the exhibition of the copyrighted version." Hollywood's movement toward a day-and-date and simultaneous release models would seem to obviate the most pressing need for regional restrictions. In other words, if a lag in release dates was part of a market segmentation strategy, and those temporal distinctions are disappearing, then one wonders why content industries should still resort to regional lockout systems in order to keep these market separate. In spite of this, and as I will show in my analysis of regional lockout in streaming platforms in Chapters Three and Four, regional lockout remains in place. In fact, as a system built into individual proprietary platforms (rather than one centralized industry standard as in the DVD), regional lockout is even more fragmented and disjunctive in the contemporary era.

Issues regarding unauthorized imports structured the home video's emergence even before the arrival of the DVD, with scholars noting that informal economies were largely responsible for the penetration of VCRs into the Global South.[118] The territories where the technology was sanctioned and unsanctioned indicated that home video technology both impacted and reflected global inequality. Noting that resources relating to the production, distribution, and consumption of home video hardware *and* software tend to be concentrated within the world's richest nations, Sean Cubitt has argued, "The key problem for technological

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Shadow Economies of Cinema, 4. Lobato distinguishes between formal distribution networks, which function through scheduled, tiered releases and windowing, and informal networks which function more often through piracy, grey markets, and handshake deals.

[118] Gladys D. Ganley and Oswald H. Ganley, *Global Political Fallout: The VCR's First Decade* (Cambridge, MA: Program on Information Resources Policy, 1987), 40; Douglas A. Boyd and Joseph D. Straubhaar, "Development Impact of the Home Video Cassette Recorder on Third World Countries." *Journal of Broadcasting and Electronic Media* 29, no. 1 (1985): 9.

analysis [of video culture] is the uneven distribution of access and control."[119] Mapping the contours of that uneven distribution as it pertains to the DVD allows us to theorize that unevenness as a form of economic and cultural differentiation shaped by market segmentation in the media industries.

The Importance of the Region

Such mapping requires an engagement with the scalar and spatial parameters of global DVD distribution. That these parameters are often segmented at a regional level raises some questions. In particular, what is the significance of the spatial-cultural category of "the region" to global media culture, and how might DVD region codes both illuminate and trouble how we might understand regions? A focus on regions arrived in the midst of a certain debate in global media scholarship: the importance of the nation-state vs. the importance of political, economic, and cultural arrangements that were more fundamentally global in scope. Many scholars analyzing globalization were quick to proclaim the declining importance of the nation and point to broader global flows that informed the contemporary shape of culture and power around the world. For instance, Michael Hardt and Antonio Negri famously analyze a new global political and cultural condition they call "Empire," writing, "The declining sovereignty of nation-states and their increasing inability to regulate economic and cultural exchanges is in fact one of the primary symptoms of Empire."[120] Such rhetoric, that would have global processes necessarily overtaking the bounds of the nation-state and thus lessening the importance of the nation, is common throughout the canon of social and cultural theories of globalization. Arjun Appadurai's earlier

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[119] Cubitt, *Timeshift*, 9.
[120] Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA: Harvard, 2001), xii.

call to "think ourselves beyond the nation"[121] is characteristic of these, as is Ien Ang's suggestion that we have shifted from a "world of nation-states" to one that is increasingly "interconnected and intermingled."[122]

For some scholars, the tension between globalizing and nationalizing processes suggested that attention should be paid to a different arrangement: the region. This emphasis on regional specificity in global media studies aligned with broader theoretical shifts across post-colonial studies, critical-cultural theory, and cultural geography (among other subfields) to both de-emphasize the centrality of the nation-state in scholarly analysis while at the same time avoid universalizing the "globe" as a homogenous category of analysis when studying the processes of globalization. For instance, in the field of international relations, Michael Niemann warns against framing globalization debates within the "state-global dichotomy," which could lead scholars to "ignore regionalism and analyze it from a state-centered perspective and thereby relegate it to a secondary position."[123] As the importance of different geocultural and geolinguistic (and thus not necessarily national) markets to the emergence of regional playback control indicates, an attempt to frame the technology's emergence and impact in either grandiose "global" or overly specific "national" terms misses the complex dynamics at play on a regional level. From a somewhat different perspective, this call to look at the importance of regions and regionalization reflects Hepp and Couldry's criticisms of nation-bound "container thinking."[124]

At the same time, DVD region codes force us to wrestle with "container thinking" to a degree, as they form the borders of different containers for global entertainment product—albeit

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[121] Arjun Appadurai, " Patriotism and Its Futures," *Public Culture* 3 (1993): 411-29.
[122] Ang, *On Not Speaking Chinese*, 5.
[123] Michael Niemann, *A Spatial Approach to Regionalisms in the Global Economy* (New York: St. Martin's Press, 2000): 4.
[124] Hepp and Couldry, "Comparative Media Research," 47.

eminently *transnational* ones. Given the prominence of the "region" in "regional playback control" (they are not, after all "country codes"), it is worth engaging a couple of questions: how are regions formed and defined, and what is their importance to global media industries? As Niemann argues, regions represent a new form of segmentation and economic spatial arrangement in the global economy. He writes:

> Regionalization must first and foremost be seen as the outcome of multiple efforts to create a regulatory regime at the regional level, a spatial scale which can potentially overcome the limitation of the state scale and, at the same time, can provide the advantages of a specific, bounded location which can capture within a larger space at least those aspects of global accumulation which continue to be concentrated in that space.[125]

Since the regional playback control system represented a form of self-regulation that shaped such regional boundaries, the importance of regionalization to the media industries is exemplified in part by the development of region codes. Within the context of work on media distribution, scholarship on global media has occasionally wrestled with the issue of "regions," attempting to define the concept as it pertains to media culture around the world and ascertain its importance to the economic and cultural logics of global media markets. The motives for this move are numerous. At the level of global media industry studies, homing in on the importance of the region emphasizes the significance to media markets of regions as geocultural formations scaled differently than both the nation-state or the abstract, all-consuming "global" market. Joseph Straubhaar's work on global television and Jean Chalaby's on media transnationalism indicate the importance of "geocultural" and "geolinguistic" regions to media industries around the

[125] Niemann, *A Spatial Approach*, 136.

world.[126] Geocultural markets are "cultural-linguistic spaces" that maintain some element of cultural and geographical proximity, such as Latin America, the Middle East, or East Asia. Regarding the global television industry, Straubhaar notes, "The trend toward geocultural and transnational cultural-linguistic regions or spaces is just as crucial as globalization."

Therefore, while the simplest definition of a region would be pitched at the level of geographic scale, with regions existing somewhere between nations and the entire world (e.g., Latin America, sub-Saharan Africa, Southeast Asia, continental Europe), this definition is too reductive in its geographic determinism and ignorance of the political-economic and cultural phenomena that shape regions. Recently, Cristina Venegas provided a definition of "region" useful to media researchers: "territorial geographies of political, economic, and cultural interactions that shape the spatial and ideological contours of media industries."[127] Still, in attempting to present an all-consuming theory of regions, Venegas' definition can be somewhat broad, pointing to the need to understand and analyze regionalism in specific instances. Part of her framework for thinking about regions is "enquiry into the way media industries construct regionality out of an assortment of sociopolitical circumstances and economic conditions."[128] Looking at the particular conditions that birthed region codes affords an opportunity to analyze media industries' regionalization practices in action.

Thus, DVD region codes are notable as a system developed predominantly by (though not exclusively) multinational corporations that works along the logic of global media industries'

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[126] Joseph Straubhaar, *World Television: From Global to Local*. (Los Angeles: Sage, 2007); Jean K. Chalaby, "Towards an Understanding of Media Transnationalism" in *Transnational Television Worldwide: Towards a New Media Order*, ed. Chalaby (I.B. Tauris, 2005).
[127] Cristina Venegas, "Thinking Regionally: Singular in Diversity and Diverse in Unity," in *Media Industries: History, Theory, and Method*, ed. Jennifer Holt and Alisa Perren (Malden, MA: Wiley-Blackwell, 2009), 120.
[128] Venegas, "Thinking Regionally," 122.

turns toward regionalism. And although these corporations are multinational and globalized, the fact that the Hollywood studios were primarily responsible for the development of region codes meant that the push for this system came from corporations who were at the time originating from and working in the interests of the "West" and in particular the United States. To be sure, the notion of the "West" is itself a discursive construct that speaks to the historical valuation of some nations and transnational clusters over others. In developing the region code system, Hollywood-based corporations perpetuated the idea that territories nominally understood as "Western" should be considered primary (as in the United States) and secondary (as in the UK and much of Europe) markets, and territories across the global south should be placed further down the hierarchy or ignored wholesale. Still, while the above scholars all indicate that regions are created through complex, multifaceted manifestations of power and agency working with and against each other, DVD regional playback control represents a sort of "regionalization-from-above" wherein markets are shaped by Hollywood studios in part to extend economies of scale and control distribution windows along their own release schedules. As Koje Hase noted in 2000, "The attitude of most Japanese animation producers and small Hollywood studios is to make product region-free and sell as many copies as you can. It is the big studios that are fixed on everything needing to be regionalized."[129] Xiudian Dai similarly claims, "The case of the DVD shows that an important consumer electronics technology has been 'regionalized' in order to serve the film producers' commercial interest."[130] While DVD region codes are, in part, shaped by geocultural and geolinguistic regions as defined by Straubhaar and Chalaby, particularly as they are constructed and understood by entertainment corporations, they do not follow them exactly. Rather, they indicate that the regional divisions along which industrial trade routes

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[129] Cole, "DVD Forum's Chairman Speaks Out."
[130] Dai, *The Digital Revolution and Governance*, 246.

operate are informed by regions' perceived similarities and differences as economic markets as much as (or perhaps more than) they are by cultural and/or linguistic similarities.

Still, simply because the media industries' segmentation practices regionalize the world does not mean that such geographic control necessarily determines a condition of pure oppression. As John Tomlinson has noted, globalization is not a "one-way" process of large global structures and organizations determining events around the world, but one that "involves…the possibility for local intervention in global processes."[131] Marwan Kraidy similarly suggests that the global and the local should not be considered opposites, but in fact they are "mutually constitutive."[132] Looking around the world, we see different localities and regions responding to and engaging with the region code system. For instance, in the next section, I show how Australia and New Zealand challenged regional playback control. Often, such responses carry a regional logic, indicating that the regionalization of media markets at times manifested as an alignment with a particular geocultural or geolinguistic region (and, often, against the US as represented by Hollywood). This is true even when such responses were not necessarily directly oppositional to regional playback control. For instance, as the technology was in its first few years of release, a European DVD executive suggested that if the region could successfully keep out Region One imports, "DVD is a remarkable and unique opportunity for Europe and…we can actually control and deliver our European heritage on DVD if we are all prepared to work together."[133] In some senses, the region code system set the conditions for

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[131] John Tomlinson, *Globalization and Culture* (Chicago: University of Chicago Press, 1999), 26.
[132] Marwan Kraidy, *Hybridity: The Cultural Logic of Globalization*. (Philadelphia: Temple University Press, 2005), 154.
[133] Sam Andrews, "DVD is Taking off in Europe, but Issues Hinder Full Growth," *Billboard*, May 1, 1999.

certain regions to respond and consider their own pan-regional identity in the face of the DVD's regionalization-from-above.

Spatially, the history of the DVD region code emphasizes that regions cannot always be understood as simply existing somewhere *between* global and local. Rather, the region is deployed as a spatial-cultural form of organization that will be understood differently by different actors, and one that contains local manifestations of global processes (and vice versa). As I have shown, the multinational industries and consortia that developed the DVD technology's regional management systems created a sort of "top-down" regionalization within home video markets. At the same time, as I will detail in Chapter Five, consumers and retailers in certain parts of world (and mostly those serving non-US-born DVD consumers) circumvented regional playback control rather easily, indicating that such forms of geographical/technological control can operate only partially to impose structuring logics on culture. Ultimately, regions should be understood as geo-political and cultural arrangements that are contingent and conjunctural, shaped by and reflecting a wide range of factors, of which regional playback control is but one. In other words, they should be understood with an eye toward the political and economic circumstances that produce a region *as* a region, as well as the social and cultural conditions in certain localities that, to certain degrees, adopt or abjure an industrially shaped regional identity. One case study, the ongoing attempts to fight region coding in Australia and New Zealand, indicates how the region code system was fraught with issues of cultural differentiation and inequality.

Region Four

Perhaps no part of the world better exemplifies issues pertaining to region codes' inclusion/exclusion dynamics than Australia and New Zealand. DVD region codes have been received to varying degrees of irritation, apathy, and ignorance in various parts of the world, due to both the specificities of media consumption practices in those regions and the cultural and economic positions of those regions relative to global hierarchies of power. The privileged position of the US as Region One (which, again, receives not only most DVDs at the earliest release date, but also titles that include the best commentaries and special features)[134] means that region codes have gone more or less unnoticed in the US, except by cinephiles who seek out international films unavailable as Region One DVDs or fans of global cult genres such as Japanese anime. In Europe, region codes proved to be a nuisance, but they tended to be easily circumvented by users or, in many cases, even retailers selling DVD players (there will be more on this in Chapter Five). Throughout much of Asia, the significant presence of the (non-region-coded) VCD format meant that DVD region codes were not as central to discourses involving home or portable video entertainment—which is not to say they were nonexistent.[135]

Within Oceania, however, region codes (for both DVDs and console games) proved quite controversial. After the DVD Forum settled on the region code system in 1997, Australian consumer electronics and software distributors expressed dismay about the nation's placement in

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[134] James C. Luh, "Breaking Down DVD Borders," *Washington Post*. June 1, 2001, E01.
[135] See Shujen Wang and Jonathan J.H. Zhu, "Mapping Film Piracy in China," *Theory, Culture, and Society* 20, no. 4 (2003): 107-108. They note, "The VCD development has proved to be one of the most serious and unexpected challenges to the major studios and those transnational makers of electronic hardware that hold, determine, and monopolize video and audio entertainment formats and standards… he unexpected rebirth of the VCD in Asia has not only re-drawn the film distribution maps, both legitimate and illegitimate, but also redefined the power relations among various global as well as local players by reversing the flow of global video technology format and standardization."

Region Four. A 1997 report on the widespread use of region-free DVD players imported from Hong Kong and Southeast Asia throughout the nation touches on this disappointment, noting that DVD distributors in Australia felt that "the industry claims the region is too small, too poor and too linguistically diverse to make it viable for studios to release any DVD movies in Region Four other than those which have already proved to be box-office hits" and that these distributors would "prefer Australia to share a DVD Region Code with either Europe or the US."[136] Consider the implications of this quotation. Australia is a nation with a complicated relationship to that geocultural construction known as "the West" (and, in particular, the Anglo-American contingent of the West). That is, its English colonial and linguistic heritage and hegemonic whiteness align it with the US/UK/Canada axis while its geographic location, Aboriginal and diasporic cultures, and weaker economic status mark it as not quite *of* the West.[137] Given this, the suggestion that Australia should be included in Region One expresses a desire to operate at a similar level of privilege in the global cultural economy as the US and the UK. For this reason, Australian protestations against region codes do not always call for the elimination of the system full stop. Occasionally, they simply want to be considered part of the same privileged market.

Throughout the late 1990s and 2000s, consumer groups, journalists, and politicians in Australia and New Zealand lambasted region codes as a measure of North American dominance that unfairly closed off their own region's consumers and broader economic well being from full integration into the global mediascape. A 2001 paper by scholars from Australia on region codes' economic consequences investigates whether "technical requirements that restrict DVD usage across regions can be justified as a means of generating potentially socially desirable price

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[136] Greg Borrowman, "ELAC Bounces Back," *Sydney Morning Herald*, October 27, 1997.
[137] Here, I take the "West" as a construction forged through centuries of discourse about the world, its regions, and its cultures rather than an empirical reality.

discrimination for content providers or are simply a means of restricting competition that may arise when DVD supply was globally unconstrained."[138] The paper concludes that the sort of price discrimination that leads to region-coding "may benefit the seller but it will often lead to a social loss."[139] Focusing on one of these social losses, a 2004 piece in the *New Zealand Herald* states bluntly, "Film studios want to control what we can and cannot watch, and have devised region-encoded DVDs to ensure this."[140] Here, rather than simply a measure of market segmentation and staggered releases, the DVD region code is discussed as a detriment to personal consumer freedoms and a symptom of the primarily US-based entertainment industry's global dominance. An Australian report from 2004 pointed out that when the country strengthens its IP laws in order to comply with the desires of American corporations, the benefit leans primarily toward US firms, at the detriment of Australian consumers: "American consumers and users bear none of the increased costs, but American innovators selling their products here reap the reward."[141] As David Rowe has pointed out, such debates over intellectual property and parallel import have long structured discourses in Australian culture across a range of media industries.[142] As we will see, DVDs are no exception.

Soon enough, Australia and New Zealand's anger at region codes led to legal challenges that eventually loosened domestic restrictions on region-free media. The economics paper cited above argued that removing the region code system would likely increase consumers' level of

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[138] Emily Dunt, Joshua S. Gans, and Stephen P. King, "The Economic Consequences of DVD Regional Restrictions," *Economic Papers* 21, no. 1 (2002): 32.
[139] Ibid., 37.
[140] Juha Saarinen, "DVDs: The Clear Picture," *New Zealand Herald*, February 20, 2004.
[141] Kimberlee Weatherall, "Locked In: Australia Gets a Bad Intellectual Property Deal," *Intellectual Property Research Institute of Australia* 4 (2004): 21.
[142] David Rowe, "Globalization, Regionalization, and Australianization in Music: Lessons from the Parallel Importing Debate," in *Culture in Australia: Policies, Publics, and Programs*, ed. Tony Bennett and David Carter (Cambridge: Cambridge University Press, 2001), 51.

"social welfare."[143] Throughout the first half of the 2000s, the Australian Competition and Consumer Commission (ACCC), Australia's chief consumer watchdog group, expressed disapproval of the region code system, arguing that it unfairly closed Australian consumers out of the global media economy. In 2000, the ACCC advised consumers to be careful when purchasing DVDs and informed consumers that the artificial region code system was a fundamentally different issue than the PAL/NTSC/SECAM differences, with which Australian consumers would have been more familiar.[144] By the end of that year, they began an investigation into whether the price discrimination practices that inform the region code system were a violation of fair trade.[145] In February 2002, the same year they began an investigation as to whether the studios illegally colluded when forming the region code system, the ACCC announced that they would intervene in a court case filed by Sony against an Australian who sold Playstation mod chips that would allow users to bypass region coded discs. In the case, the ACCC acted as a friend of the court in order to "challenge Sony's claim that anti-circumvention provisions of copyright law made region code modifications illegal."[146] Soon after, the European Union joined the battle, opening its own investigation into DVD region codes in order to make sure they did not violate international anti-trust laws and were not used to intentionally put price discrimination mechanisms in place, with a possible penalty of ten percent on all disc revenue if Hollywood studios were found guilty of price-fixing.[147] As the chairman of the ACCC suggested

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[143] Dunt, Gans, and King, 42.
[144] Australian Competition and Consumer Commission, "Consumers in Dark About DVD Imports," news release, December 21, 2000.
[145] Paul Sweeting, "A Price to be Paid," *Video Business*, July 2, 2001; Paul Sweeting, "Nations Search for a Hidden Code," *Video Business*, June 4, 2001.
[146] "Australians to Battle Playstation and DVD Regional Coding," *Consumer Electronics* February 18, 2002.
[147] "Europe Probes Role"; Seth Goldstein, "International Quarrel with Codes Could Affect US Plans," *Video Store*, June 24, 2001.

in 2003, "This is a private agreement to divide up the world market, and we believe it is probably unlawful and one we are investigating."[148] The EU's investigation went nowhere, concluding that "there has been a convergence in prices between these two regions and the Commission therefore decided not to actively pursue this case any further."[149]

In 2006, however, the High Court of Australia legalized the circumvention of DVD region codes; a report from that year explains, "The country's highest court has ruled that prohibitions against circumventing access control technologies do not apply to regional coding on DVDs."[150] Thus, while hacking the DVD's CSS copy protection remained illegal, the country essentially made it legal for consumers to get around regional restrictions. As a result, the Blu-ray Disc Association, the consortium responsible for developing the Blu-ray format, initially considered designating Australia and New Zealand region-free in their (voluntary) region-code system, though they were eventually included in Region B with Europe, Africa, and much of the Middle East. More recently, however, since 2011, New Zealand and Australia have aligned with a regional trade agreement known as the Trans-Pacific Partnership (TPP), which as of early 2015 is still under negotiation. Among the TPP's initiatives are stricter rules pertaining to sharing and copying audiovisual materials. Soon after the TPP was announced, concerns were raised throughout New Zealand and Australia regarding the legality of circumventing region codes within the region. The TPP would put strict limits on copying audiovisual material, and one of its proposals is to prohibit the technological circumvention of region-protected DVD players in order to play import DVDs. Furthermore, tech reporters pointed out that "it could be an offence to even play such a film on a region-free DVD player, as region-free players can be characterized

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[148] "Allan Fels Leads Investigation into Digital Videodisk Prices," *Video Store*, April 20, 2003.
[149] European Parliament, "Written questions by Members of the European Parliament and their answers given by a European Union institution OJ C 254E," September 4, 2013.
[150] Paul Sweeting, "French Fried.," *Video Business*, March 13, 2006, 12.

as devices for the circumvention of DVD region codes."[151] Activists and legal experts in New Zealand and Australia have reacted strongly against these proposed limits, and they led one District Court Judge in New Zealand to quip, "we have met the enemy and he is [the] US."[152]

That regional lockout can elicit such rhetoric between allied states speaks to its power to inscribe difference and discrimination on the globalized mediascape. In Australia, this became particularly pronounced at a historical moment when policymakers and cultural industries were becoming attuned to the idea that art, media, and culture were "something of national economic and social significance, a public good."[153] Here, the articulation of DVD distribution to broader forces of national identity and global belonging circulated an opposing set of arguments on the matter. On one hand, the perceived injustice of region codes points to feelings of geocultural discrimination (e.g., the "too small, too poor" quotation cited above). On the other hand, some in favor of DVD region codes take a protectionist stance, arguing that the system figures as a way to minimize American dominance by enabling a healthier local DVD market. As Tony Bennett and David Carter have pointed out, Australian popular culture in the early 2000s was marked with anxieties over the definition of the Australian national audience in the face of globalization and internationalization.[154] Recalling the positioning of Australia with regard to the Anglo-American West described above, these anxieties reflected conversations about the degree to which the Australian media and cultural landscape should be somewhat closed off from encroaching global processes or part of a cultural production and distribution environment based

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[151] Jeremy Malcolm, "How the Trans-Pacific Partnership Threatens Online Rights and Freedoms," *Digital News Asia*, March 15, 2013. http://www.digitalnewsasia.com/insights/how-the-trans-pacific-partnership-threatens-online-rights-and-freedoms
[152] "US 'the Enemy' Says Dotcom Judge," *New Zealand Herald*, July 16, 2012.
[153] Tony Bennett and David Carter, "Introduction," in *Culture in Australia: Policies, Publics, and Programs*, ed. Tony Bennett and David Carter (Cambridge: Cambridge University Press, 2001), 2.
[154] Ibid.

in free trade. So, while some saw region codes as unfairly forestalling access to global culture, these same debates also brought out a contingent that viewed region codes as helping to protect local culture from products from globally hegemonic (i.e., American) popular culture. Such suggestions recall standard arguments based around cultural imperialism, and they reflect similar parallel import debates happening within the Australian popular music industry at the time.[155] As Dunt et al. summarize this line of argument, if region codes and a ban on parallel imported DVDs enable higher prices for Australian consumers, "the profits that can be earned on film production is increased and the production of Australian films becomes more attractive."[156] On either end of this debate, we can see the invocation of national or regional identity and even pride—whether in the suggestion that Australians and New Zealanders do not deserve the shabby treatment that comes with placement in Region Four or in the argument that region codes would in fact make local cultural industries more robust.

In sum, the battles over region codes within Oceania amount in part to local disgruntlement with "the impediments to the free circulation of culture imposed by, among others, those Western economic powers that are the most vocal advocates of global free trade."[157] At the same time, they indicate struggles over which part of the world Australia and New Zealand should belong to, and on what level, as well as spaces for the articulation of Australian national identity and culture through the existence of a strong local cultural industry. The early-to-mid-2000s arguments regarding Oceania's inclusion in Region Four express a desire for the region to function at a more elevated position in global media hierarchies, emphasizing the

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[155] Rowe, "Globalization."
[156] Dunt, Gans, and King, 36 n.12.
[157] Ibid., 48.

relationship between the region code system and the global distribution of cultural capital via home video markets.

The Region Code, Cultural Capital, and Global Status

This particular case study indicates a fundamental truth about globalization: its putative elimination of geographical and temporal boundaries is largely a myth put forward by technological determinists and global capitalists. David Morley and Kevin Robins refer to this as the "mythology of global media," a McLuhanesque vision wherein the proliferation of media around the world would contribute to a freer flow of ideas and communication which would in turn help transcend differences and eliminate misunderstandings.[158] Such a mythology only became more pronounced with the arrival of digital media. Discussions surrounding DVD region codes indicated the system's putatively inappropriate existence within a new media environment, with one trade journal suggesting, "In a world where the Internet is a global phenomenon, Regional Coding looks like an anachronism," and another suggesting that the logic of region-coding was "very analog."[159] However, pronouncements that the distribution of a digital technology like the DVD around the world should necessarily result in unabated globalization are premised on flawed understandings of the world's "complex connectivity" as well as the transnational operations of media industries. Cristina Venegas points out that "once globalized, media technologies call for decisions about appropriation that consider local and regional economic conditions, labor practices, and markets."[160] More to the point of this chapter, Julian Thomas suggests that "at a geographical level, national and regional boundaries continue to be

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[158] Morley and Robins, *Spaces of Identity*, 11.
[159] Cole, "DVD Forum's Chairman Speaks Out," 37; Paul Sweeting, "A World Without Windows," *Video Business*, August 16, 1999.
[160] Venegas, "Thinking Regionally," 121.

one of the most important ways media businesses spread risk and segment their consumer markets, despite the promise of the borderless internet."[161] In a 2005 opinion piece on the difficulties of accessing films from one's homeland while in a foreign country due to the region code system, the *South China Morning Post*'s Australian-born foreign editor succinctly encapsulated the disconnect between media globalization's promises and reality for consumers. Drawing on the language of one of sociology's premier voices on globalization, Kammerer writes:

> There are many definitions of globalization…My favoured one, though, is by the former director of the London School of Economics, British sociologist Anthony Giddens, who defined it as: "A decoupling of space and time, emphasizing that with instantaneous communications, knowledge and culture can be shared around the world simultaneously." I add the words: "Assuming companies have the will."[162]

As Kammerer indicates, it is often the desires and needs of multinational corporations, rather than the inexorable development of imagined, egalitarian globalization that drive the flow of culture and communication.

Still, region codes are culturally important not merely as a literal shaper of global flows, but as a cultural discourse that perpetuates (occasionally pejorative) ideas of global difference and differentiation. Even a cursory survey of industry discourse shows that DVD region codes reflect cultural attitudes, particularly in how the many discourses surrounding them articulate cultural specificities, tropes, and even stereotypes to differently coded DVDs. From the perspective of United States trade publications, descriptions of the region codes occasionally

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[161] Julian Thomas, "When Digital Was New: The Advanced Television Technologies of the 1970s and the Control of Content," in *Television as Digital Media*, ed. James Bennett and Niki Strange (Durham, NC: Duke University Press), 67.
[162] Peter Kammerer, "Globalise Me, Please," *South China Morning Post*, November 11, 2005.

reflected stereotypical cultural tropes and assumptions associated with other regions of the world. A DVD player review in *Popular Electronics* warns, “If someone from Region Two (Europe and Japan) tries to play a DVD obtained from Region One, it's not supposed to run in his or her *indigenous player.* The same principle applies if you pick up some DVDs while on vacation in Mexico (Region Four) that seem to be a steal at the currency exchange rate. They're not supposed to play in your U.S. Region One deck.”[163] Similarly, a 1996 *Variety* report on the inter-industry disputes over the implementation of the region code system during that year’s DVD Forum meeting in Brussels includes an illustration where individuals representing (sometimes inscrutable) cultural stereotypes plant flags on a globe in order to claim their territory on the divisible global film and television landscape:

Image accompanying Variety report on disputes over inter-industrial disputes over region coding at the DVD Forum conference in Brussels, September 30, 1996. Headline: “DVD: Decision vs. Delay: Studios Tired of Waiting for Industry to Cut Regional Red Tape”

[163] Stephen A. Booth, “Product Test Report: Marantz DVD Player,” *Popular Electronics* 16, no. 9 (1999). My emphasis.

In 1999, Disney released a number of animated films on discs encoded in both Region One and Region Four, meant for "both early adopters who snapped up Zone 1 players designed for North America and mainstream Mexican consumers who have begun buying Zone 4 machines." A trade report noted that such releases would "boast dual citizenship of sorts."[164] Even when region codes are invoked briefly or toward other ends, they become a sort of shorthand for regional or national cultural difference. For example, in a rather strange essay by *Sydney Morning Herald* columnist Richard Glover about a visit to Mexico's Teotihuacan, the columnist points out that his Mexican tour guide calls himself a "zone-4 Johnny Depp." The tour guide, articulated to Region Four, stands in as a copy of a Hollywood product from a different part of the world, with the implication that the Mexican Depp is othered as a bootleg of the more authentic, highly valued Hollywood product.[165]

Furthermore, since DVDs act most often as carriers for art and entertainment, their unequal distribution proves a particularly meaningful distributor of cultural capital around the world. DVDs are not merely communication or information devices, but textual and aesthetic objects as well. Understanding how the region code system requires placing the DVD firmly in what David Hesmondhalgh has referred to as the "cultural industries," understanding how this inflects the DVD with cultural meaning, and how it maps relations of cultural capital onto global media flows.[166] Hesmondhalgh notes that what makes the cultural industries unique is that they trade in the production, distribution, and exhibition of "symbolic creativity," a term that Hesmondhalgh uses as a general stand-in for "art," but free of its pretensions of "individual

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[164] "Disney DVDs Carry Dual-Regional Coding." *Video Business*, November 29, 1999.
[165] Richard Glover, "Nudes Bring Dickie Knee Back from Depps of Despair," *Sydney Morning Herald*, June 30, 2012.
[166] David Hesmondhalgh, *The Cultural Industries*, 2nd ed. (London: Sage, 2007).

genius and higher calling."[167] DVDs are not simply functional delivery systems for messages or content, but entertainment devices that, in their promises for high-fidelity sound and image, bonus features, and collectible packaging, offer an aesthetic experience to the consumer. Given this, the DVD is far from a mere ancillary product; it can be constitutive of a film or television program's textuality in a variety of ways, as several scholars have shown.[168] Chuck Tryon reads the DVD as not only a technology, but a "cultural artifact that privileges certain modes of reading at the expense of others."[169] Jonathan Gray points out that DVD paratexts such as bonus features or audio commentaries can even *add* textual value, in contrast to Benjaminian analyses that would deprive the DVD-as-copy of the original text's "aura."[170] Through the quality of the audiovisual transfer, menus, and bonus features, the DVD becomes a valuable commodity in itself.

In the case of region-coded DVDs, the distribution and prohibition of certain titles to certain territories results in some parts of the world (usually North America) enjoying the cultural capital that comes with existing as a "premier" market and thus being able to access the most content in the best quality. In addition to the more apparent spatial/geographic disjuncture (i.e., that only certain privileged territories are able to have Region One DVDs), there is a temporal dimension to this. Because DVD releases of Hollywood films are generally hyped first

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[167] Ibid., 4-5.

[168] For example, see Robert Alan Brookey and Robert Westerfelhaus, "Hiding Homoeroticism in Plain View: The *Fight Club* DVD as Digital Closet," *Critical Studies in Media Communication* 19, no. 1 (2002): 21-43; Derek Kompare, "Publishing Flow: DVD Box Sets and the Reconceptualization of Television," *Television and New Media* 7, no. 4 (2006): 335-360; Barbara Klinger, *Beyond the Multiplex: Cinema, New Technologies, and the Home* (Berkeley: University of California Press, 2006); Jonathan Gray, *Show Sold Separately: Promos, Spoilers, and Other Media Paratexts* (New York: New York University Press, 2010); Chuck Tryon, *Reinventing Cinema: Movies in the Age of Media Convergence* (Piscataway, NJ: Rutgers University Press, 2009).

[169] Tryon, *Reinventing Cinema*.

[170] Gray, *Show Sold Separately*, 97.

and most intensely in Region One, other territories are left behind in a mediascape where value is placed on early access. Viewers aware that Americans have access to a film before they do have a sense of their own lack of privilege within the global home video environment. If there is a certain cultural cache that comes with owning a product *first*, or even at all, then the staggered release dates that region codes attempt to preserve serve as a hierarchy of global difference inscribed in the technical standards of the DVD by directing who can access entertainment products, and when and where they can access them. In a study of theatrical film distribution and exhibition in La Paz, Bolivia, Jeffrey D. Himpele points to the role of film releases and access in demarcating difference, arguing, "the location of cinemas, the genre of films they show, their price and the timing (or delay) of their debuts correspond and separate social and cultural differences among film and video audiences."[171] Although Himpele analyzes the issue on a more localized level, his study indicates the importance of media distribution as it both shapes and reflects social differences and inequalities. As he suggests, film distributors "use staggered debuts to deny coevalness and rank separate social groups."[172] Put simply, consumers around the world feel that region coding is an unfair practice that unnecessarily closes much of the world off from entertainment content and, as a result, denies consumers who live in regions lower on the region-code hierarchy the ability to access media culture in the way they choose. As Yu points out, in addition to the economic consequences and consumer frustrations potentially caused by region codes, the technology "threaten[s] to intrude on the viewer's enjoyment and exercise of his or her *cultural* rights."[173]

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[171] Jeffrey D. Himpele, "Film Distribution as Media: Mapping Difference in the Bolivia Cinemascape," *Visual Anthropology Review* 12, no. 1 (1996): 53.
[172] Ibid., 58.
[173] Yu, "Region Codes and the Territorial Mess," 226. My emphasis.

The region code system's relationship to cultural capital becomes particularly pronounced when one notes that differently coded DVDs for the same film are not identical across regions. In the context of region codes, the DVDs that are differently coded and distributed to other parts of the world differ textually and paratextually, as a DVD from one region may contain different bonus features and commentaries, available languages, and audiovisual specifications. One report refers to Region One DVDs as the most "desirable" in the world,[174] and a later *Billboard* piece quoted European DVD Lab CEO Michael Tucker explaining why:

> Region One imports are the source of all our troubles…The consumer is going to prefer them. I've never seen anything in Europe today that can stand up against the average American title. It's not just the extra features or the menus; it's also the transfer quality, the audio quality…The quality generally is of a different standard. We're getting transfers [in Europe] that would be completely unacceptable even to any independent American distributor.[175]

In the eyes of those who value audiovisual quality and bonus features, viewers outside of Region One, i.e., any territory that is not the USA or Canada, officially receive an often inferior product, which in turn communicates to those territories that they do not rank as highly on the hierarchy of global audiovisual media markets. Here, the cultural politics of this particular form of digital regulation become apparent.

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[174] "Regional Code Circumvention More Prevalent in Europe."
[175] Andrews, "DVD Is Taking off."

Conclusion

As indicated in the brief appearances of the Playstation Two in the above history, region coding was implemented in technologies beyond merely the DVD. As discussed in Chapter Three, the logic of digitally locking out certain territories from access to content would be transported in a variety of ways to online streaming services, fulfilling Tarleton Gillespie's prediction that "if and when the distribution of culture moves entirely to the internet, this strategy [of region-coding DVDs to preserve windows and engage in price discrimination] could be extended in any number of ways, not to protect copyright but to maximize profit."[176] Furthermore, in addition to the region coding of other consumer electronics like printer cartridges, video game consoles operated under a slightly different region-coding system. The next chapter provides a history of the development of regional lockout within the global console game industry that at times runs parallel to that of the DVD and at times intersects it. And just as the development and response to DVD region codes reflected the particular cultural and economic circumstances of that product's emergence and global presence, the story of console video games' regional control reflects their fundamentally transnational ontology—albeit in somewhat different geocultural arrangements than the DVD industries. Indeed, the story begins even earlier and rehearses arguments and debates that would be further mainstreamed in the history outlined in the above chapter. Furthermore, if the debate over DVD region coding broached issues of user empowerment and interactivity, these issues were even more central to the arguments over video game region coding. Console game regional management often found itself at loggerheads with various factions of a gaming community that had long since found an interest in hacking and

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[176] Gillespie, *Wired Shut*, 19.

"modding" hardware and software in order to use the technology in ways unintended and unforeseen by the industries who created them.

Chapter Two
Gaming Capital and Geocultural Capital: Regional Lockout and Video Games

Introduction

While the DVD region code represented a structuring moment in the history of digital home entertainment, regional lockout existed in console video games years before the debates over the DVD detailed in the previous chapter. Because game consoles existed well before the popularization of disc-based technologies like DVDs, the history of regional lockout in fact stretches farther back than the DVD. Although regional compatibility has been an issue since early days of home gaming on platforms like the Commodore 64 and the Atari VCS, regional lockout as a system to control distribution dates back to the Nintendo Entertainment System (known as the Famicom in Japan) in the mid-1980s. As with other forms of regional lockout, regional restrictions on game hardware and software serve to control the international distribution of games around the world. This can be to the ends of controlling the distribution of intellectual property by setting different prices and release dates, but it also allows the game industry to more easily localize their games' content for different markets.[1]

Although, as Casey O'Donnell puts it, the cultural *production* of gaming "is constantly swirling with cross-cultural border transgression," regional restrictions have sought to limit the transgressions that characterize the cultural *distribution* of gaming.[2] Because regional control systems have sought to control the spatial distribution of games around the world, they also

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[1] Minako O'Hagan and Carmet Mangiron. *Game Localization: Translating for the Global Digital Entertainment Industry* (Amsterdam: John Benjamins Publishing Company, 2013), 232-3.
[2] Casey O'Donnell, "This is Not a Software Industry" in *The Video Game Industry: Formation, Present State, and Future*, ed. Peter Zackariasson and Timothy L. Wilson. (New York: Routledge, 2012), 30.

represent spaces where industries express what groups should and should not have access to games. Regional lockout in turn generates geocultural difference and discrimination as fundamental elements of gaming culture. This chapter will focus primarily on regional lockout in the big-budget, high-profile consoles within the world's largest markets—consoles produced at various points in gaming history by companies like Atari, Nintendo, Sega, Sony, and Microsoft.[3] As a result, this chapter mostly spans North America, Japan, and Western Europe at the industry level, given that these territories produce the dominant flows of the game industry.[4] This does not suggest by any means that these are the only territories where game consoles exist. On the contrary, they are sold all over the world; Sony, for instance, began distributing PlayStation products to Latin America in 2009, and its most recent console, the PlayStation 4, is available in seventy-two countries as of April 2014.[5] In addition, Microsoft's newest console, the Xbox One, was released in twenty-six new countries throughout South America, South Asia, the Middle East, and East Asia.[6] At the level of distribution and user experience, then, the chapter reaches

[3] While an in-depth investigation of online, PC, and mobile games is beyond the scope of this chapter, it is worth mentioning that such games have not been subject to the same regional restrictions as console games—which is not to say they are not geoblocked. CD-ROMs and PC-DVDs were not region-locked, but mobile game availability is often contingent on the user's geographic location. Furthermore, although this is not an issue of regional lockout per se, the user experience of internet games and PC games that require an internet connection depend on broadband quality and accessibility, which varies greatly around the world. The availability of fast broadband speeds in South Korea, for instance, has helped sustain a particularly robust online gaming culture. This is an instance where differences in gaming capital and geocultural capital (discussed later in this chapter) come about not through the intentional lockout of certain territories by the industry, but through the presence of internet infrastructures. See Dal Yong Jin, *Korea's Online Gaming Empire* (Cambridge, MA: MIT Press, 2010).
[4] ibid.
[5] Brendan Sinclair, "PS4 Launches in 16 New Markets," *Game industry International*. December 13, 2013. http://www.gamesindustry.biz/articles/2013-12-13-ps4-launches-in-16-new-markets; Chelsea Stark, "PlayStation 4 Sales Top 7 Million Worldwide," *Mashable*, April 17, 2014. http://mashable.com/2014/04/17/playstation-4-sales-7-million/
[6] Rachel Weber, "26 Additional Territories for Xbox One in September." *Game industry International*. March 18, 2014. http://www.gamesindustry.biz/articles/2014-03-18-26-additional-

around the world. On one hand, I follow Mia Consalvo's move away from a "West-rest" frame toward a "Japan-West" one that is more appropriate to global game culture.[7] At the same time, I recognize Europe as a significant contributor to public discourse about regional lockout, coming about as the result of the region's historical status as an important-but-secondary market for games. Furthermore, due to their general left-behind status when it comes to game consoles' regional lockout systems, I focus on game cultures and consumers throughout the Global South in addition to the game industry's most favored territories.

The flourishing of game culture and discourse about games on the internet means that this chapter draws together primary evidence from sources embodying various levels of formality, including trade sources, news articles, blogs, vlogs, Twitter feeds, wikis, message board posts, and fan pages. Synthesizing existing work on video game industries and cultures with work on media distribution and cultural theories of globalization, the chapter shows how regional lockout in the game industry comes out of the industry's particular Japanese-American hybrid nature. Following this dissertation's broad interest in the cultural elements of industrial and technological decisions, I also take inspiration from work that analyzes game culture through a critical-cultural lens as well as scholarship that interrogates the dynamics of game industry and culture in the context of globalization. Here, I show that the history of regional lockout illustrates video games as a globalized cultural and industrial ecosystem that has always been characterized by shifting modes of convergence, materiality, and user practice. At the industrial and technological level, regional lockout reveals paths of media-distributional power, platform

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territories-for-xbox-one-in-september

[7] Mia Consalvo, "Console Video Games and Global Corporations: Creating a Hybrid Culture." *New Media and Society* 8.1 (2006): 117-31.

compatibility issues, and intra-industry tussles that exist along different (if occasionally overlapping) lines as the Hollywood-centric DVD region codes analyzed in the previous chapter.

At the cultural level, however, I argue that global game cultures illustrate how regional lockout helps sustain complexly layered distributions of (sub)cultural capital and knowledge. By looking closely at regional lockout in game cultures, we can see that the phenomenon's cultural impacts are more complicated and contextual than we might assume if we simply look at a region-code map and draw conclusions from it. For users, regional lockout produces not only inequalities in access to games and consoles from different parts of the world, but also expressions of knowledge and expertise about games and their consoles. In this way, regional lockout helps *produce* global gaming cultures since it shapes the gaming experiences people have and functions as a site where users gain and share knowledge about consoles, discs, encryption, release dates, and different international versions of gaming hardware and software. Knowledge of regional lockout enables users to accrue that particular kind of subcultural knowledge that Consalvo calls "gaming capital."[8] By outlining how these capital gains and losses correspond with borders of transnational geocultural difference, I focus on moments when differences in gaming capital align with differences in what I have been calling "geocultural capital," or access to cultural resources and experiences based on broadly scaled geographic location. Following Nick Dyer-Witheford and Greig de Peuter's analysis of how games and game consoles produce certain subjectivities, I show that regional lockout resulted in the production of users constrained by regional lockout as well as gamers who embody what Dyer-Witheford and de Peuter call "nomadic" subjects who hacked regional lockout systems and

[8] Mia Consalvo, *Cheating: Gaining Advantage in Videogames* (Cambridge, MA: MIT Press, 2007).

engaged in more subversive uses of gaming technologies.[9] Depending on the degree of agency these users have in relation to regional lockout—ranging from containment within to resistance against—these users are afforded or denied geocultural and gaming capital. This corresponds with lines of difference and discrimination beyond the level of national or regional identity; in ways familiar to dominant game cultures, gaming capital in regional lockout and nomadic circumvention culture is often gendered along lines of hegemonic masculinity. So, more than a mere argument of industry and technology, this chapter shows how these forces have developed regional lockout as a space where global gaming culture and its various articulations of cultural difference have been articulated and contested.

Although I train my eye on games in particular, I am wary of suggesting that games as cultural experience are essentially and ontologically different than other cultural practices. After all, as Adrienne Shaw argues, "we should look at video games in culture rather than games as culture."[10] While this chapter mostly focuses on the *gaming* aspects of game consoles, consoles have always been fundamentally convergent machines. And while consoles like the Xbox One, PlayStation 4, and Wii U increasingly embed a number of different platforms for video-on-demand, music, shopping, and other online experiences, video games have been convergent with television since their early domestication.[11] The historical links between games and television allowed the "hybrid technology" of the video game to "enter the home on a big scale."[12] The history of regional lockout in video games is one that intersects the history of television, DVDs,

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[9] Nick Dyer-Witheford and Greig de Peuter, *Games of Empire: Global Capitalism and Video Games* (Minneapolis, University of Minnesota Press, 2009)
[10] Adrienne Shaw, "What is Video Game Culture? Cultural Studies and Game Studies." *Games and Culture* 5, no. 4 (2010), 416.
[11] Sheila C. Murphy, *How Television Invented New Media* (Piscataway, NJ: Rutgers University Press, 2011), 44-45.
[12] Stephen Kline, Nick Dyer-Witheford, and Greig de Peuter, *Digital Play: The Interaction of Technology, Culture, and Marketing* (Montreal: McGill-Queen's University Press, 2003), 107.

and computing. This chapter traces these various histories while asking what lessons we can learn from them about the console game's role in shaping the disjunctures that characterize cultural globalization.

Console Video Games, Game Culture, and Global Game Industries

Even if games are one part of broader media experience, it is still worth asking what makes them distinct from other media forms. Recent years have seen a growing academic focus on video games from a variety of perspectives and disciplines. As Garry Crawford points out, one of the key vectors of debate is the degree to which familiar questions within media studies (i.e., critical-cultural studies of radio, television, and film) can be applied to games.[13] Along these lines, a hallmark of much critical scholarship on gaming (whether or not a piece endorses or refutes the idea) is that it offers a somehow unique experience to the user or is a categorically distinct media practice. Looking at the textual level, scholars have pointed to the ways video games represent a particular aesthetic form. Alexander Galloway contrasts games against photographs and films, referring to games as "actions" rather than images or moving images, respectively.[14] Contrasting his view of gaming against "active audience" theory that seeks to understand how viewers of audiovisual media like film and television bring their own experiences to bear in their interpretations of media, Galloway sees games as a "whole new medium…whose foundation is not in looking and reading but in the instigation of material change through action."[15] Ian Bogost similarly suggests that games put forth a particular form of persuasion in their "procedural rhetoric," or a certain mode of persuasion based on computational processes and "rule-based

[13] Garry Crawford, *Video Gamers* (London: Routledge, 2012), 4-5.
[14] Alexander R. Galloway, *Gaming: Essays on Algorithmic Culture* (Minneapolis: University of Minnesota Press, 2006).
[15] ibid.

representations and interactions."[16] For Bogost, this procedural rhetoric is what distinguishes games from other media, as existing forms of rhetoric that explain spoken, written, and visual forms of expression cannot adequately explain the rhetorical work that games do.[17] As textual systems, then, games offer experiences that are distinctive in their overt interactivity and their reliance on rules.

The supposed uniqueness of games extends to the idea that they reflect and refract broader cultural values in particular ways. Increasingly, in what has been called game studies' "cultural turn," scholars are studying games as cultural objects or experiences that sustain a specific cultural community of players and industry workers.[18] As Adrienne Shaw has pointed out, much of this works suggests that "game culture" is categorically different from not only other media cultures, but from a "constructed mainstream culture."[19] Indeed, a strain of thought on video game industries and cultures investigates the degree to which it is fundamentally subcultural. Mikolaj Dymek refers to video games as a "*subcultural* industry that produces *subcultural* content for a *subcultural* audience with a *subcultural* industry logic" in spite of what seems to be their inevitable incorporation into mainstream society.[20] For some, these subcultural logics point to potentially subversive cultural politics. As Saugata Bhaduri has recently pointed out, gaming culture is marked by different forms of "creative and subversive appropriation" such as cheating, modding, or otherwise generally "subverting societal norms" through participation

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[16] Ian Bogost, *Persuasive Games: The Expressive Power of Videogames*. (MIT Press, 2007), ix.
[17] ibid., 29.
[18] Simon Egenfeldt Nielsen, Jonas Heide Smith, and Susana Pajares Tosca, *Understanding Video Games: The Essential Introduction* (Routledge, 2013).
[19] Shaw, "What is Video Game Culture?" 404.
[20] Mikolaj Dymek, *Video Games: A Subcultural Industry*," in Zackariasson and Wilson, 48. Emphasis in original.

in potentially transgressive gaming culture.[21] As I will show later in this chapter, the form of subcultural gaming knowledge that Consalvo calls "gaming capital" was often expressed in knowledge about modding consoles, which pushes against the industry's desired uses of the hardware.[22]

At the same time, Shaw argues that rather than take "game culture" as an a priori category of analysis, its cultural and political contours should be investigated and deconstructed.[23] Taking this project up (even implicitly), critical-cultural approaches to media investigate the cultural politics of game experiences and communities, asking how the real-life experience of gaming for many users compares and contrasts with a discursively constructed idea of the "gamer" or "game culture." A particularly robust strain of this literature focuses on the ways gaming culture and the game industry have been historically gendered.[24] Such work emphasizes how game culture, including relations of labor within the game industry, has been constructed in various ways (either by gamers themselves or through broader discourse *about* games) as a white, masculine space that is often hostile to women, people of color, and LGBTQ groups.[25] Still others have pointed out games' relationship to forms of militaristic power around

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[21] Saugata Bhaduri, "Gaming [draft] [#digitalkeywords]," *Culture Digitally: Examining Contemporary Cultural Production*. June 5, 2014. http://culturedigitally.org/2014/06/gaming-draft-digitalkeywords/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+nsfworkshop+%28Culture+Digitally+Feed%29

[22] Consalvo, *Cheating*.

[23] Shaw, "Video Game Culture."

[24] Justine Cassel and Henry Jenkins, eds., *From Barbie to Mortal Kombat: Gender and Computer Games* (Cambridge, MA: MIT Press, 1998); Yasmin B. Kafai, Carrie Heeter, Jill Denner, and Jennifer Y. Sun, eds., *Beyond Barbie and Mortal Kombat: New Perspectives on Gender and Gaming* (Cambridge, MA: MIT Press, 2008).

[25] Aphra Kerr, *The Business and Culture of Digital Games: Game Work and Game Play* (London: Sage, 2006); Lisa Nakamura, "Don't Hate the Player, Hate the Game: The Racialization of Labor in *World of Warcraft*." *Critical Studies in Media Communication*. 26, no. 2 (2009): 128-144; Adrienne Shaw, "On Not Becoming Gamers: Moving Beyond the

the world, both in games' representations and simulations of warfare and in the ways militaries have incorporated games.[26] All in all, scholars have worked to build a substantial base of scholarship on the educational, aesthetic, cultural, militaristic, and phenomenological elements of games in order to focus on a medium that, within media studies, has often taken a backseat to film and television in spite of its decades-long history as a popular domestic medium.

If there is some truth in the idea that video games represent a categorically distinct medium, it is worth asking how regional lockout manifests and functions within this realm specifically. What makes regional lockout in video games—as a cultural, technological, and industrial system—distinct from other forms of regional lockout like DVD region codes? To answer these questions, we must look at the particular cultural, industrial, and technological characteristics of video games. To that end, this chapter takes inspiration from Stephen Kline, Nick Dyer-Witheford, and Greig de Peuter's "circuits of interactivity" model of analyzing games. Drawing on Nicholas Garnham's "circuit of capital," they explicate three interacting and dynamic circuits of video game activity: technology, marketing, and culture.[27] Able to incorporate the relationships among users, machines, programmers, designers, hardware, software, marketers, DRM, publishers, distributors, and a number of other players in the dynamics of global gaming, the circuits of interactivity model opens the door for a measure of complexity in understanding regional lockout as more than simply a technological curio. While regional lockout is, in practice, a technological issue, it also moves out of and among the other circuits. As a cultural issue, it impacts the experiences users can have with video games,

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Constructed Audience." *Ada: A Journal of Gender, New Media, and Technology* 2 (2013). http://adanewmedia.org/2013/06/issue2-shaw/

[26] Dyer-Witheford and de Peuter, *Games of Empire*; Nina B. Huntemann and Matthew Thomas Payne, eds., *Joystick Soldiers: The Politics of Play in Military Video Games* (New York: Routledge, 2010).

[27] Kline, Dyer-Witheford, and de Peuter, 53-58.

prohibiting or allowing them certain types of play, depending on where they live. It also affects the games themselves, as regional lockout enables the distribution of different versions of the same game in different regions. As an issue of marketing, regional lockout arises out of the game industry's global distribution patterns and the ways the industry constructs its audiences in certain ways. Finally, as technology, regional lockout manifests in various consoles as an agreement (or, pertaining to lockout specifically, a disagreement) between hardware and software—whether this comes about as the result of import cartridges that do not fit in domestic consoles or encryption within software that hardware must be able to read before allowing the game to play. Crucially, all of these elements of regional lockout inform and bounce off of each other, with the distribution imperatives of the industry having profound effects on the allowances for and prohibitions against certain regions (and vice versa) and these issues in turn impacting the technological composition of hardware and software. All in all, the circuits of interactivity model allows for a look at regional lockout as a technical system that comes out as the result of the game industry's particular political-economic and cultural composition.

Outlining some of the basic components and functions of the global game industry helps offer a greater understanding of the political-economic elements of this relationship. In *Understanding Video Games*, Simon Egenfeldt-Nielsen, Jonas Heide Smith, and Susana Pajares Tosca posit four perspectives through which we might understand video games: games, players, culture, and ontology.[28] Although the authors include a chapter on the game industry and explain briefly how it operates, industry is nonetheless missing from this list. To be sure, we might think about industry as part of culture. After all, the global game industry not only works to sustain global game-*playing* cultures but also embodies many often-exploitative ecosystems of labor and

[28] Egenfeldt-Nielsen, Heide Smith, and Pajares Tosca, *Understanding Video Games*, 10.

work.[29] Indeed, this tends to be a dominant strain of cultural studies of the video game industry for a number of reasons. One is that issues of precarious labor and exploitation in the game industry have come to light through high-profile exposés such as the 2004 Livejournal post by user ea_spouse that detailed the working conditions at Los Angeles's Electronic Arts (EA) studio.[30] At the level of the broader discipline of media studies, this also follows a general move toward studies of "production cultures" and issues of labor within the cultural industries.[31] As powerful industries circulating digital commodities at massive scales, the industries take advantage of multiple forms of precarious, invisible labor from workers around the world. Increasingly, there is a focus in popular and academic writing about video game labor on how the industry takes advantage of its workers' dreams of working in the industry in order to extract harsh hours for little pay.[32] Furthermore, the industry has incorporated modes of play and fan activities such as modding into the industry, asking modders and players to direct their labor toward industry goals.[33] For Dyer-Witheford and de Peuter, these labor conditions exemplify Michael Hardt and Antonio Negri's concept of Empire as part of games' broader promotion of

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[29] Toby Miller, "Gaming for Beginners," *Games and Culture* 1, no. 1 (2006): 5-12.
[30] ea_spouse, "EA: The Human Story," *Livejournal*. November 11, 2010. http://ea-spouse.livejournal.com/274.html; Casey O'Donnell, "The North American Game Industry," in *The Video Game Industry: Formation, Present State, and Future*, ed. Peter Zackariasson and Timothy L. Wilson (New York: Routledge, 2012), 99-115; Dyer-Witheford and de Peuter, 35-36.
[31] John Thornton Caldwell, *Production Culture: Industrial Reflexivity and Critical Practice in Film and Television* (Durham, NC: Duke University Press, 2009); Vicki Mayer, *Below the Line: Producers and Production Studies in the New Television Economy* (Duke University Press, 2011); Vicki Mayer, Miranda J. Banks, and John T. Caldwell, eds., *Production Studies: Cultural Studies of Media Industries*. (Routledge, 2009).
[32] Ian Williams, "You Can Sleep Here All Night: Video Games and Labor." *Jacobin*. November 8, 2013. https://www.jacobinmag.com/2013/11/video-game-industry/
[33] Olli Sotamaa, "On Modder Labor, Commodification of Play, and Mod Competitions," *First Monday* 12, no. 9 (2007). http://firstmonday.org/ojs/index.php/fm/article/view/2006/1881

"planetary, militarized hypercapitalism."[34] As recent years have seen increased focus on the video game industry's labor relations and economies of scale, tracing its political economy becomes more and more crucial to understanding the dynamics of media institutions in the context of late capital.

Given the size and ever-shifting nature of the industry, this is a daunting task. Charting the complexity of the industry inevitably unveils a host of tangential industries and offshoots. The industry is peppered with not only a huge number of game developers, publishers, and marketers, but companies that produce authorized and unauthorized ancillary material such as walkthroughs, cheat systems, magazines, and various hardware add-ons. Mia Consalvo calls the cluster of firms that produce and promote this material video games' "paratextual industries."[35] The presence of such paratextual industries indicates that the game industry is marked by a heterogeneous cluster of firms operating at various points on a spectrum of formality and informality. Later in the chapter, I will take up the paratextual industries that serve users who seek to circumvent regional lockout systems by selling mod chips and circulating instructions on such forms of circumvention.

At the center of it all is the game console. The major console manufacturers, who function as an oligopoly, drive the industry by producing the hardware for which most video games are produced.[36] As Casey O'Donnell has suggested, the console is "the most visible aspect of the video game industry" to consumers.[37] Through its visibility and centrality to the gaming experience, the console expresses certain cultural meanings. On one hand, the console is a simple piece of hardware: a collection of wires, circuits, and chips encased within a plastic shell.

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[34] Dyer-Witheford and de Peuter, xv; See also Hardt and Negri, *Empire*.
[35] Consalvo, *Cheating*.
[36] Kerr, *Business and Culture*, 55.
[37] O'Donnell, "The North American Game Industry," 101.

However, as Ben Aslinger has pointed out, the console is also an "[artifact] of modern industrial design" that becomes fetishized through both its technological characteristics and its aesthetic beauty.[38] While game development studios and publishers are undoubtedly crucial to building the games we play, players are more likely to identify (and identify with) a particular console than a particular studio.[39] However, the console is but one facet of gaming experience, and the console manufacturer but one facet of the gaming industry. Games still need to get to players, and the paths they take can reveal much about the dynamics of globalization in game culture.

Video Games and Distribution

The above-cited scholars have done much to show how the game industry impacts global culture and economics. Still, cultural studies of media can do more to chart the global game industry and explore the myriad ways its global *distributional* flows help structure not only the ways global consumers engage with game industries and cultures, but how these engagements shape power and difference at broad scales. Most studies of media distribution and exhibition have focused on filmed entertainment (i.e., film and television) at the expense of other forms of entertainment such as digital games and music. While I will discuss music and distribution in Chapter Four, here I will give an overview of how distribution works in the game industry, its importance to that industry, and how regional lockout functions to maintain certain distribution arrangements.

How do we talk about distribution in the console game industry, and how can we articulate where it happens within the traditional supply chain of the game industry? It is one thing to discuss "distribution" as a general media-industrial practice, but another to explain how

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[38] Ben Aslinger, "Make Room for the Wii: Game Consoles and the Construction of Space," in *A Companion to New Media Dynamics*, ed. John Hartley, Jean Burgess, and Axel Bruns (Malden, MA: Wiley-Blackwell, 2013), 212.
[39] O'Donnell, "The North American Game Industry," 101-103.

it functions within particular industries. In the game industry, products move through a particular supply chain wherein a game passes through a number of intermediaries on its path from development to consumption. Peter Zackariasson and Timothy Wilson describe this supply chain as the following process:

Developer=>Publisher=>Distributor=>Retailer=>Customer=>Consumer[40]

Distribution, as the intermediate process by which a game moves from the zone of production to the zone of consumption, can be located within the publisher, distributor, and retailer zones. The developer is the company that makes the game, and the customers and consumers are those that purchase and use the game, respectively. Publishers handle the release of games on consoles, and they market and promote these games to distributors and, by proxy, consumers. As Kline, Dyer-Witheford, and de Peuter put it, “publishing involves the overall management of the game commodity—manufacturing, packaging, and promotion.”[41] The top game publishers are mostly multinational companies based in North America and Japan.[42] Distributors then operate as intermediaries or wholesalers that sell these games to retailers. These developers, publishers, and distributors are not always separate entities; particularly for larger companies, development, publication, and distribution might represent arms or extensions of one corporation. So, for example, the massively popular *Grand Theft Auto V* was developed, published, and distributed within the same conglomerate. The game was developed initially for Playstation 3 and Xbox 360 by development studio Rockstar North, an Edinburgh-based subsidiary of Rockstar Games. Rockstar Games served as publisher for *GTA V*, and Rockstar’s parent company, Take-Two

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[40] Peter Zackariasson and Timothy L. Wilson, “Introduction,” in *The Video Game Industry: Formation, Present State, and Future*, ed. Peter Zackariasson and Timothy L. Wilson (New York: Routledge, 2012), 3.
[41] Kline, Dyer-Witheford, and de Peuter, *Digital Play*, 176.
[42] Ibid.

Interactive, distributed the game to retailers often using distribution subsidiaries like UK-based Exertis Gem.

The importance of software sales to the console game industry puts a premium for all parties involved on controlling distribution. Because games do not have secondary windows such as home video or syndication like the film and television industry, initial sales of a game are crucial to the bottom lines of console manufacturers, developers, and publishers alike.[43] In fact, the console manufacturers make little money off the sale of consoles themselves, which are usually loss leaders.[44] Instead, profit comes from the license fees paid to them by publishers and any money they receive off of game sales.[45] In order to release a game on a console, publishers and developers must pay this license fee to the console company and sign contractual agreements keeping them in line with console manufacturers' quality and technological standards.[46] As I will show in this chapter, console manufacturers (and Nintendo in particular) developed a number of technological lockout systems to keep games that don't abide by these standards from being released. For much of the history of video games, these standards required developers and publishers to region-lock games according to the desires of the console manufacturer—though this changed somewhat over time. Of course, regional lockout is not simply a technical standard meant to influence the quality of games; it is a technical system meant to shape their global

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[43] [43] Jeff Ulin, *The Business of Media Distribution: Monetizing Film, TV, and Video Content* (Burlington, MA: Focal Press, 2000), 30.
[44] Kerr, *Business and Culture*, 55.
[45] Egenfeldt-Nielsen, Smith, and Tosca, *Understanding Video Games*, 14.
[46] O'Donnell, "Software Industry," 24-5; Ralph Edwards, "The Economics of Game Publishing," *IGN*, May 5, 2006. http://www.ign.com/articles/2006/05/06/the-economics-of-game-publishing; These licensing agreements are different from the licensing of intellectual property from the property's owners to the game developer (as in the production of a game for a franchise like Marvel or *Star Wars*). See Derek Johnson, *Media Franchising: Creative License and Collaboration in the Culture Industries* (New York: NYU Press, 2013).

distribution flows. But what are the reasons behind this form of distributional control, and what are some of its economic and cultural implications?

Regional Lockout and the Console Game industry

Because the video game industry has always been globalized (or at least transnational) to some degree, it has always had to deal with the issues that come with controlling and guiding commodities at a rather vast scale. The game industry's three largest markets are the United States, Japan, and Europe,[47] with these three regions amounting to the "majority of the global flows of commercial game titles."[48] Given the increasing importance of global markets to the game industry, console manufacturers and game publishers and distributors have an obvious interest in controlling the distribution of their games. But the degree to which the console manufacturer or game publisher determines that process depends on when in the history of console games we look. While console manufacturers still maintain the greatest amount of control over the games that get played on their systems, including decisions about whether they are region-locked, game developers and publishers have more recently had a say in such matters.

Regardless of whoever has control in any given situation, the game industry tries to ensure that regional lockout's logics remain relatively unquestioned. As one story goes, Nintendo recently banned its head of the company's independent game development initiative from Twitter in part because he sent a tweet expressing annoyance at the region-locked nature of Nintendo's 3DS handheld console.[49] The story was met with some skepticism, but regardless of

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[47] Egenfeldt-Nielsen, Smith, and Tosca, *Understanding Video Games*.
[48] O'Donnell, "This is Not a Software Industry," 30.
[49] Brandon Sheffield, "The Brick Wall: No Close Encounters With Nintendo's Indie Exec," *Gamasutra*, April 15, 2014.
http://www.gamasutra.com/view/news/207218/The_brick_wall_No_close_encounters_with_Nint

its veracity, its appearance in the discourse indicates that within game culture, console companies are viewed as having a vested interest in maintaining the legitimacy of regional lockout as a form of control. Mia Consalvo reminds us that through regional lockout, gaming companies "attempt to ensure that flow is properly controlled" through "release dates, regional encoding, system standards and lockout chips. Culture can still flow, but only along well-marked paths, designed to ensure careful tracking and control."[50] As described in the previous chapter vis-à-vis the film and home video industries, the ability to shape the global distribution of games amounts to the ability to shape the geographic and cultural contours of global video games culture. Consalvo continues, "Controlling flow is about power, and the direction of the flow in game release dates speaks to where power lies in the digital game industry."[51] But beyond the broad, abstract levels of control and power, why does the gaming industry include region locks? As Barry Ip and Gabrielle Jacobs point out, the rationale behind regional lockout in the video game industry is "far from obvious; unlike DVD, videogames do not compete with big-screen equivalents."[52] Because games are not released in multiple, tiered formats, unlike films (theatrical, home video, VOD, and sell-through) and television (first-run, syndication, VOD, and sell-through), the game industry does not subscribe to the same "windowing" arrangements of those two industries.

Ip and Jacobs point to two broad reasons the industry uses to justify regional lockout: 1) protection against piracy and parallel imports, and 2) maintaining the quality of games and software. As I will show below, the latter justification is endemic of a broader issue in the game

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[50] Consalvo, "Console Video Games," 131

[51] Ibid., 132

[52] Barry Ip and Gabriel Jacobs, "Territorial Lockout: An International Issue in the Videogame industry," *European Business Review* 16, no. 5 (2004): 511.

industry: console companies maintaining control over the products distributed and played on their consoles. As with the DVD region code, while regional lockout in games is largely about the economics and control of distribution, there are other reasons behind it. Chief among these is that it allows the industry to control the content of games based on different ratings mechanisms. For example, when asked why its handheld DSi console was region-locked, Nintendo's UK General Manager David Yarnton pointed to different content restrictions and ratings systems around the world. He suggested that because Nintendo UK subscribed to the Pan European Game Information (PEGI) ratings system, it would make sense to lock other territories out who do not subscribe to that system and perhaps have different content restriction guidelines.[53] This way, users from other regions with stricter restrictions would be barred from importing mature-rated games from another region. The game industry also often suggests that regional lockout serves to help them localize their games for certain markets by ensuring that they can control the distribution of certain versions of games to those markets. Indeed, issues of regional lockout become pronounced in the discourses of "localization" that have accompanied the game industry throughout its investment in more and more international markets. The ability to control games' localization helps the major companies like Nintendo, Sony, and Microsoft consolidate their power over the localization processes by using it to shape content, release dates, and prices according to their desires.[54]

Ultimately, however, while regional lockout is perhaps partially related to content, its reasons for existing are primarily fiscal. As with DVDs, part of the reasoning behind regional

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[53] Leigh Alexander, "Report: Nintendo Warns of UK Xmas DSi Shortages," *Gamasutra*. March 3, 2009, http://www.gamasutra.com/view/news/113492/Report_Nintendo_Warns_Of_UK_Xmas_DSi_Shortages.php

[54] O'Hagan and Mangiron, *Game Localization*.

lockout in the game industry is price discrimination—a strategy that became even more important to the game industry as it globalized and spread to an increasing number of global territories. As in the disputes that characterized the development of the DVD's Regional Playback Control, the development of regional lockout in gaming consoles reflected the stakes that different players had in the industry. But where DVD region codes were driven by the film and television industries at the expense of the hardware and software manufacturers and computing industries, game console manufacturers developed and instituted regional lockout in order to control the process of both producing and distributing games.

Lockout Subjects: Two Kinds of Capital

Regional lockout of video game consoles is not merely an industrial issue; it impacts everyday gaming culture. Therefore, analyzing regional lockout and games is not just about tracing distribution routes; it involves understanding how such forms of lockout affect the gaming experience. The prevention of gameplay due to a regional lockout exemplifies what Alexander Galloway calls a "nondiegetic machine act" which is an "[action] performed by the machine and integral to the entire experience of the game but not contained within a narrow conception of the world of gameplay."[55] These can be internal elements of the game, but they can also be what Galloway refers to as a "disabling act," or a "type of gamic aggression or gamic deficiency that arrives from outside the world of the game and infringes negatively on the game in some way."[56] These can be crashes, freezes, or network lags. The moment when the user is barred from playing a game due to a regional lockout represents one of these nondiegetic disabling acts. To be sure, it is difficult to say beyond speculation how common this particular disabling act is in

[55] Galloway, *Gaming*, 28.
[56] Ibid., 29.

everyday gaming experience. After all, while the experience of buying a game while travelling abroad and then coming home to find that it does not play on one's console assuredly happens, most of those who play imported games likely seek them out.

For users who do encounter this, however, the disabling act passes on a lack of agency for the user in relation to the machine, suggesting some link between game consoles and the production of subjectivity. Indeed, Dyer-Witheford and de Peuter refer to game consoles as "not just hardware but techno-social assemblages that configure machinic subjectivities."[57] They draw from Gilles Deleuze and Félix Guattari's understanding of a "machine" as not merely a technical instrument, but as a way to describe how ways various social and technical elements work together in the production of global capital. Dyer-Witheford and de Peuter see contemporary game consoles as embodying several different types of machines in this sense:

> We open up the Xbox and its console rivals as state-of-the art *technical machines* made of chips and circuits; as components of giant corporate machines; as *time machine* for profitably using up software and other virtual commodities; as generators of *machinic subjects*, mobilizing the passions and practices of hard-core gamers; as contenders in the competitive *machine wars* of video game capital, but also at the same time of the transgressive, subversive *war machines* of nomadic gamer hacking and piracy; and last, through all of these preceding machine moments, as part of the *global biopolitical machine* of Empire.[58]

Game consoles are thus not mere collections of wires, circuits, and chips, but mechanical embodiments of various social, cultural, subjective, and economic forces.

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[57] Dyer-Witheford and de Peuter, *Games of Empire*, xxxi

[58] Ibid., 71.

One of the particular kinds of subjectivities produced in global game culture is what Dyer-Witheford and de Peuter call the "hardcore" gamer. Dymek describes this hardcore gamer as a "dedicated gamer" who is "technologically savvy, willing to pay for gaming hardware/software, plays many and long sessions, is part of the gaming community (online and offline) and is interested in the latest information and news from the video game industry."[59] This hardcore gamer embodies a great deal of what Consalvo calls "gaming capital," or a particular incarnation of subcultural capital that circulates among gamers through their participation in and knowledge about games, gaming technologies, and gaming culture. Users who *do* know about the region-locked status of their games likely embody a great deal of gaming capital through their knowledge of how game consoles work, the general contours of the game industry's distribution practices, and the means to circumvent regional lockout. In the context of video game cultures and the issue of regional lockout, gaming capital can align with what I have called "geocultural capital," or the differences in access to *cultural* resources among broadly scaled territories (e.g., regions, nations, continents). So, in the aggregate, Japan and the United States have greater access to the cultural resource of gaming capital than Sub-Saharan Africa, Russia, or Central America, for example.

However, geocultural and gaming capital are complex and contextual processes that do not always align exactly with traditional geopolitical and economic hierarchies, even as they correspond in some ways with the differences and inequalities of global culture. For instance, a gamer living in Latin America who has a hard time gaining access to games at the same time and in the same format as gamers in the United States because of region codes suffers from a dearth of geocultural capital relative to users who can more easily access their preferred cultural texts

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[59] Dymek, *Video Games*, 38-39.

and experiences. However, the same user may have rather extensive knowledge of how regional lockout systems work and how to surpass them, thus owning a good amount of gaming capital as Consalvo defines it. Likewise, a gamer in the United States who has access to the most AAA games at the earliest time may have a lot of geocultural capital given his/her privileged position, but perhaps he/she does not have a great deal of gaming capital. The layers of different kinds of cultural capital that circulate across global gaming cultures speak to the complexity of game distribution cultures—a complexity borne out in a fragmented console gaming environment rife with planned obsolescence, incompatibilities across platforms, and spatial-temporal disconnections and disjunctures.

The disabling act of regional lockout is an experience frustrating enough to lead many to look for workarounds. If the use of regional lockout to control access and price structures cultural and economic differences between different segments of global video game culture, the practice of circumventing it represents an intervention into this structuring. In other words, because the accessibility and inaccessibility of certain media experiences in different places around the world help produce differences and distinctions in geocultural capital, attempting to access content not meant for one's region figures as a recognition and rejection of the geocultural disjunctures that shape global mediascapes. Dyer-Witheford and de Peuter characterize users who engage in piracy, modding, and other practices that violate the preferred practices of dominant gaming industries as constituting a nomadic "war machine" in the Deleuzian sense, or a community that engages in "mobile, subversive uses of technology."[60] This is not to suggest that lockout circumvention represents taking up arms against the "planetary, militarized

[60] Dyer-Witheford and de Peuter, *Games of Empire*, 84-5.

hypercapitalism" represented by the global game industry.[61] Indeed, it is usually a more banal case of users simply trying to play the games they want to play. At the same time, if we understand region-locking as a phenomenon that has impacts on global spatial and cultural flows, the particular iterations of gaming capital that come out through challenging such systems are quite often expressed as anger at the large corporations that shape these flows. In other words, circumventing regional lockout is about more than obtaining and expressing knowledge about gaming culture; it is also about recognizing one's place within global hierarchies of media access. For users in the United States, frustration may come out of an uncharacteristic inability to access whatever, wherever, whenever; for users in the Global South, the frustrations likely lie in once again being ignored or shortchanged by those in control of global media distribution.

This is part of what makes regional lockout and lockout circumvention cultures distinct from other media. So, there are ludic elements in not only the gameplay but also the hacking of a console itself; as Dyer-Witheford and de Peuter suggest, game hacking cultures embody "an audacity that sees repurposing code as just another dimension of play."[62] In this sense, we can think of regional lockout as akin to an extra-textual "rule." Although it exists outside the game experience, the region code represents a "rule" that players must follow in order to play the game "correctly." If the rules of a game are contained within the game's code, the "rule" of regional lockout is likewise part of the code of the game or console.[63] Many of the above-cited scholars have pointed out that rules are part of what makes a game a unique and particular form of social experience. They are crucial to the procedural rhetoric that Bogost argues are central to games,

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[61] Ibid., xv.
[62] Ibid., 86.
[63] Consalvo, *Cheating*, 85.

and Galloway begins his book on games by calling them "[activities] defined by rules."[64] Drawing on the now-canonical work of Johan Huizinga, Consalvo notes that there are three positions players can take in relation to these rules: "following the rules, refusing to abide by the rules overtly, or secretly not abiding by the rules…and thus cheating."[65] User responses to regional lockout follow in line with these three positions, and many players rejected these rules and chose to "cheat" regional lockout systems.

The sharing of gaming capital and geocultural capital through circulating knowledge about regional lockout has existed within global games cultures for decades now. At the same time, because of the contingent nature of a console game industry that was always globalizing and rife with incompatibilities—different platforms, planned obsolescence, staggered release dates, awkward forays into convergence—the specific manifestations of regional lockout and lockout circumvention cultures shifted as consoles moved through different stages of development. In order to outline the particulars of how regional lockout actually functioned within game hardware and software, I turn now to the first part of a history of regional lockout in game consoles that runs through the rest of the chapter.

Lockout Pre-Histories: Regional Incompatibility and Copy Protection

Because of video games' complex, diverse histories, it is difficult to lay out a single historical narrative of regional lockout. So, the following historical overview of regional lockout in game consoles proceeds in rough chronological order, moving from console to console. Focusing primarily on the most powerful console manufacturers (at various times, Nintendo, Sega, Sony,

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[64] Bogost, *Persuasive Games*; Galloway, *Gaming*, 1. For more on the importance of rules to games, see Crawford, *Video Gamers*, 68-70.
[65] Johan Huizinga, *Homo Ludens: A Study of the Play Element in Culture* (Boston: Beacon Press, 1950); Consalvo, *Cheating*, 7.

and Microsoft), I show that regional lockout systems have moved from physical impediments on cartridges and consoles to complex arrangements of software and firmware. Latter-day consoles have maintained a somewhat more contingent relationship to regional restrictions. Some install them more often than others, and controversies surrounding the practice exist to this day.

While game consoles have long included lockout systems that prevent users from playing unofficial or unauthorized games, these systems were not always region-based. As with the DVD, discussed in the previous chapter, a distinction should be made between anti-piracy measures full stop and the more specific category of regional lockout systems, although they often overlap. Game consoles have featured a number of different mechanisms that have locked the console in various ways in order to ensure that the proprietary technology remained proprietary. Many of these systems were meant to keep independent game developers and publishers from releasing games without the consent of the console manufacturer. Furthermore, video games have always been subject to international television standards, which have led to compatibility issues throughout the history of transnational television and home video flows. While both of these systems fall outside this project's definition of regional lockout, they both practically and discursively led to regional lockout as it was taken up by the game industry.

Incompatibilities between global television standards have been an issue since the earliest days of console gaming. Because early home game consoles such as the Atari VCS 2600 connected to analog televisions, they were beholden to the technical standards of television sets from around the world. Specifically, they had to be built according to the specifications of the three major color television systems: PAL, NTSC, and SECAM. Because PAL and NTSC televisions operate using different numbers of scan lines and frames per second, the Atari could not automatically adjust to the television. So, different consoles and games had to be developed

for each system.[66] As discussed in this dissertation's introduction, because systems built for one standard were incompatible with another, this led to an early form of regional disconnect driven not by the profit motives of media companies but rather by the contingencies of divergent technical standards. The Atari VCS 2600 does not contain any intentional regional lockouts, but its divergent standards meant that games and consoles meant for one region were effectively contained to that region.[67] As I will describe below, the NTSC/PAL/SECAM distinction would become important, both functionally and discursively, to later forms of regional lockout. But disjunctive television standards were not the only forbears to the regional lockout systems that would eventually become standard issue in game consoles.

In 1983, Japanese toy company Nintendo released an eight-bit home video game console in Japan known as the Family Computer (or Famicom). Three years later, Nintendo introduced the North American version of the Famicom, called the Nintendo Entertainment System (NES). The NES (though not the Famicom) included a sixteen-pin lockout chip called the 10NES. This chip was responsible for giving Nintendo control over games released on the system. There is one chip in the console and another in the game cartridge, and the two chips must communicate with each other in order to unlock the system, thus allowing the console to play the game.[68] This form of lockout is functionally comparable to the DVD region codes described in the previous chapter for a few reasons. For one, it relies on an agreement between the hardware and the software in order to let the software play. In addition, it ensures that certain parties in the game industry maintain a measure of control over the production, distribution, and use of the

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[66] Nick Montfort and Ian Bogost, *Racing the Beam: The Atari Video Computer System* (Cambridge, MA: 2009), 153, n.3.
[67] Simon Carless, *Gaming Hacks: 100 Industrial-Strength Tips and Tools* (Sebastopol, CA: O'Reilly, 2005), 191.
[68] Casey O'Donnell. "Production Protection to Copy(right) Protection: From the 10NES to DVDs," *IEEE Annals in the History of Computing* 31, no. 3 (2009): 59.

technologies. While the CIC chip did not have a regional lockout function specifically, it nonetheless helped instill a logic of control and lockout in console game production (and consumption) that placed the console manufacturer at the seat of power. As Casey O'Donnell argues of the 10NES chip, "the lockout mechanisms, proprietary cartridges, and constant legal vigilance over these devices, created a space where the ability to create media destined for a particular videogame console was highly controlled."[69] While the chip was built nominally to prevent the production of counterfeit games, it effectively meant that any developer had to get Nintendo's approval before developing a game. This strict control over the games produced for the system was key to Nintendo's domination of the video games market in the late 1980s and early 1990s.[70]

Of course, the chip is *not* comparable to the region code for a very obvious reason: it is not a form of regional lockout. Additionally, whereas the development of DRM and region codes in DVDs was led primarily by the Hollywood studios (i.e., the "content" creators) at the expense of hardware and software manufacturers, the development of lockout mechanisms in the console game industry was led by the *hardware* manufacturers at the expense of game developers and publishers (i.e., the game industry's "content" creators). In other words, both industries' implementation of lockout systems pitted manufacturers of technology and producers of texts against each other, but the power dynamics were quite different in each industry. As O'Donnell has shown, the development of the 10NES represented a shift in the video game industry from a focus on protecting the rights of game producers to protecting copyright.[71] Of course, this has the knock-on effect of controlling the console's users by shaping what games they can play and

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[69] O'Donnell. "Production Protection," 59.
[70] Kline, Dyer-Witheford, and De Peuter, *Digital Play*, 109.
[71] O'Donnell, "Production Protection," 54.

forestalling attempts to create "homebrew" games. As a result, the 10NES chip represents a foundational example of the use of technological rights management systems to control not only software developers but users as well. As the video game industry globalized into new markets, increased transnational distribution made the possibility of playing imported games even easier. For the console manufacturers, then, it became more and more important to control not only production, but distribution as well.

De/Reterritorialization and Console Games: Regional Lockout's Origins

While Nintendo was concerned about controlling production and development for its consoles, it also recognized the need to keep its two dominant markets, Japan and the United States, distinct. The company could not rely on disagreeing television standards to keep games from flowing between these two dominant poles of the game industry. After all, Japan and the United States both use the NTSC system. As a result, the Famicom and the NES were regionally locked through more apparently physical and material means: the number of pins on the cartridge board and the shape of the cartridge. Where the board in a Famicom cartridge contains only 60 pins, the NES cartridge (known officially as the NES Game Pak) has 72. A handful of early NES cartridges were also built with Famicom 60-pin boards rather than the standard 72-pin boards, and these cartridges contained 60-to-72-pin converters. Users interested in circumventing NES regional lockout have taken to tracking down these games in order to remove the converter boards and install them in other cartridges.[72] All in all, this form of regional lockout helped the company keep a measure of control over its different international markets—a level of market control brought about by fact that Nintendo did not have to contend with a major competitor

[72] "NES Cart Converters," *Famicom World*. http://famicomworld.com/workshop/articles/nes-cart-converters.

during this era, having won the "platform wars" for the moment.[73] The company effectively controlled the video game market, in part because of its lockout systems that kept other companies from producing games for the system without Nintendo's approval.[74] With the arrival of the Sega Genesis and the move to sixteen-bit consoles, however, that would soon change.

The late 1980s and early 1990s saw the launch of Sega's Mega Drive, known as the Genesis in North America, and Nintendo's Super Famicom/Super Nintendo (SNES). This console, and its competition from Nintendo, indicated not only the beginning of the shift from eight-bit systems to sixteen-bit, but also the beginning of a more concentrated attempt by game companies to move beyond the Japan-America axis that up to that point dominated the industry. Sega's various experiments with regional lockouts were, in part, a consequence of the company's movement into, and popularity in, international markets (and, in particular, Europe).[75] Due to Sega's investment in global markets, its various consoles were produced in a number of different models and regional variations. Indeed, the region-locked status of the Genesis depended on which model one owned.[76] The first two models of the Genesis used a simple form of physical lockout; Japanese cartridges contained two plastic tabs that kept the cartridge from sliding into American consoles. The third model of the Genesis contains no regional lockouts. However, in a move that later consoles would adopt more regularly, some individual Genesis *games* contained regional lockout software even though the console itself contained none.[77]

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[73] O'Hagan and Mangiron, *Game Localization*, 51.
[74] Kline, Dyer-Witheford, and de Peuter, *Digital Play*, 111-112.
[75] Ibid., 136.
[76] Carless, *Gaming Hacks*, 194.
[77] Ibid., 194-195; Elusive, "Guide: Importing Gaming on Your Mega Drive/Genesis," *Sega 16 Forum*, April 3, 2010. http://www.sega-16.com/forum/showthread.php?10948-GUIDE-Import-gaming-on-your-Mega-Drive-Genesis.

As a result of Sega's aggressive international expansion, which helped the company overtake Nintendo for a short period, Nintendo focused more energy on markets beyond Japan and the US. Intensified international expansion meant increased potential for parallel imports, so the SNES used a physical lockout system similar to the Genesis: two plastic tabs within the console's cartridge slot that prevent Japanese imports from being inserted into the console. Of course, this functioned on top of the PAL/NTSC disagreements that already disallowed American and Japanese systems from playing European games (and vice versa).[78] In general, the renewed focus on international markets set off a period of globalization within the game industry that would push regional lockout to the forefront of gaming discourse.

This moment of transnationalization and globalization pointed toward the particular spatio-temporal dynamics that regional lockout in the game industry attempted to retain. As a method of technological-geographic control, regional lockout fits with Dyer-Witheford and de Peuter's argument that games are emblematic of Deleuze and Guattari's understanding of the deterritorializing and reterritorializing functions of global capital. Deterritorialization and reterritorialization in this sense do not necessarily refer to actual, lived, geographic territories; they are metaphorical explanations of capital *deterritorializing* in how it "conjures up fresh products and practices, breaks down old habits, and throws all bounded domains—'territories'—of life, geographic, social, ad subjective, into upheaval." It then *reterritorializes* by "enclosing innovations as property, drawing around them new legal boundaries, and policing access so that new technical machines and cultural creations appear as commodities produced and sold for profit."[79] Many have pointed to the deterritorializing and reterritorializing dynamics endemic in contemporary global capital, and Dyer-Witheford and de Peuter are right to see the game

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[78] Carless, *Gaming Hacks*, 194.
[79] Dyer-Witheford and de Peuter, *Games of Empire*, 74.

industry as representative of these dynamics. But even if the de/reterritorialization axis takes "territory" as a metaphor, regional lockout offers an opportunity to investigate it as a literal phenomenon (while still retaining its metaphorical usefulness). In other words, regional restrictions represent contemporary media's deterritorializing and reterritorializing functions at the levels of both geography and their relationship to the movements of capital.

Scholars of cultural globalization have often taken up de/reterritorialization as not only metaphorical but also as a way to think about how contemporary economic, technological, and cultural forces result in the detachment and reattachment of social/cultural experience and geographic location. John Tomlinson argues that the complex connectivity that characterizes globalization has the effect of "weakening ties of culture to place."[80] Drawing on the work of scholars like Joshua Meyrowitz, David Morley and Kevin Robins, and Néstor García Canclini, Tomlinson sees deterritorialization as partly arising out of our "routine use of domestic communication technologies" that offer possibilities of connecting us to the rest of the world.[81] Regional restrictions represent one way such connections might be foreclosed, but they also open up moments when users might "re-deterritorialize" games by violating the industry's preferred trade routes. For users, the process of confronting and circumventing regional restrictions can function as moments when games foster the kinds of routine global connections that Tomlinson writes about. While Koichi Iwabuchi suggests that video games are not particularly "culturally odorous" Japanese exports, in that they bear few obvious traces of their Japanese provenance, the cultural odor issue is contextual.[82] For users seeking out games and consoles from across borders (whether these are otaku fandoms in the US seeking out Japanese games or gamers in the Global

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[80] John Tomlinson, *Globalization and Culture*. (University of Chicago Press, 1999). 29.
[81] Ibid., 108.
[82] Koichi Iwabuchi, *Recentering Globalization: Popular Culture and Japanese Transnationalism* (Durham, NC: Duke University Press, 2002), 27.

South searching for American games) these products may in fact bring out moments when "the image of the contemporary lifestyle of the country of origin is strongly and affirmatively called to mind as the very appeal of the product."[83]

Combining Dyer-Witheford and de Peuter's understanding of de/reterritorialization with that of scholars of cultural globalization, we can see how regional restrictions characterize not only the globalizing processes of the game industry over the past few years, but also the socio-cultural and political-economic implications of those processes. On one hand, they deterritorialize and reterritorialize in the sense of Dyer-Witheford and de Peuter (and, by extension, Deleuze and Guattari) by representing part of the process by which games transform from a potentially radical form into one that serves the ends of global capital and empire. They also do so in nominally offering a space for users to symbolically traverse global space by offering textual experiences from around the world and then attempting to ensure that the distribution of these texts remains resolutely national and regional. Taking the idea of "territory" literally here, we can see how these definitions of deterritorialization and reterritorialization help explain the cultural geographies of video game distribution and lockout. Taking them metaphorically, we can also see how these cultural geographies reflect the social, economic, subjective, and technological elements of games that embed them so firmly within the machinations of global capital. Finally, by looking at the ways users attempted to circumvent regional lockout, we can see that the move from deterritorialization to reterritorialization is far from linear; it is a process that functions in different ways in different conjunctures, particularly as users take it upon themselves to "re-deterritorialize" games by hacking region-codes. Here, the nomadism of those who hack region codes becomes more literal, as users who participate are

[83] Ibid.

transgressing the geographic boundaries inscribed in the industry's preferred circulation routes. Because console games developed as a transnational enterprise during periods of intensifying media globalization, the experience of gaming was for many users an encounter with media texts and technologies that gestured toward a broader world. As I will show, however, the next stage in console game history – the move to disc-based software – enabled the game industry to install less detectable forms of regional lockout.

The Disc Era: Convergence and (In)Compatibility

The continued globalization of the video game industry, combined with the impending convergence between game consoles and other formats like the CD and, later, the notoriously region-locked DVD, meant that regional lockout systems became increasingly reliant on software systems and less dependent on hard-wired, "physical" forms of lockout like tabs and differently shaped cartridges. The mid-1990s saw the release of the next generation of 32- and 64-bit game consoles from Nintendo, Sega, and a new player on the scene: the major media conglomerate Sony. As Kline, Dyer-Witheford, and de Peuter have pointed out, the considerable power and capital that Sony already had in the global media economy afforded the company significant advantages in the potentially "deeply destructive" console market.[84] Sony's 32-bit PlayStation console was released in Japan in 1994 and the US and Europe in 1995. Using CD-ROM technology instead of the ROM cartridges of earlier consoles, PlayStation software contained 100 times the maximum capacity of a ROM cartridge but cost less money to manufacture.[85] The PlayStation is region-locked among its major markets, with the regional

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[84] Kline, Dyer-Witheford, and de Peuter, *Digital Play*, 152.
[85] O'Hagan and Mangiron, *Game Localization*, 55.

lockout system embedded within the code of the disc (similar to the DVD region codes discussed in the previous chapter).

Although the PlayStation commanded much of the limelight in the mid-1990s, Sega had, in fact, released its latest console just before Sony had. Following several disappointing Genesis add-ons (Sega CD, Sega 32X), the company shifted gears toward developing a new 32-bit system that would become the Sega Saturn. Like the PlayStation, the Saturn runs on region-locked CD-ROM technology. Amid what appeared to be this broad move to disc-based games, the Nintendo 64 (N64) console stuck with cartridges, in part to assure that it maintained control over the production of software for its proprietary hardware. Because of this, the N64's region-lock system functions similarly to the company's previous consoles in that it locks out import games through plastic tabs rather than software.[86] Nintendo's adherence to cartridges would eventually become a hindrance as disc technology became cheaper and faster to develop, offered increased storage capacity, and became central to game consoles' increasingly convergent nature.[87]

The next generation of consoles comprised Sony's PlayStation 2 (PS2), Sega's Dreamcast, Nintendo's GameCube, and Microsoft's Xbox. The Dreamcast was released in Japan in 1998 and North America and Europe in 1999, the PS2 in all three regions in 2000, The Xbox in North America in 2001 and Japan and Europe in 2002, and the GameCube in Japan and North America in 2001 and Europe in 2002. These consoles saw a move away from CD-ROM and cartridge technologies and toward the delivery of games on DVD. This did not mean, however,

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[86] Carless, *Gaming Hacks*, 193; "How to Mod the N64 to Play Imports (Region Mod)," *Racket Boy*, September 29, 2010, http://www.racketboy.com/retro/nintendo/n64/how-to-mod-the-n64-to-play-imports-region-mod.

[87] For more on how the faster development of disc technology introduced a mode of flexible production to the game industry, see Kline, Dyer-Witheford, and de Peuter, *Digital Play*, 155.

that these games abided by the eight-region DVD region code map outlined in the first chapter. As I will discuss, the increasing ability of game consoles to embed several different formats and delivery systems in fact meant that consoles had to have multiple regional lockout systems installed—in this case, the DVD's CCS/Regional Playback Control system for playback of movies *and* any regional lockout intended for the games. The Dreamcast, GameCube, and PlayStation 2 all retain the regional lockout between Japan, North America, and Europe familiar to older systems. The GameCube, however, did not use standard DVD software, again abjuring the standard format for its own region-locked proprietary system: the miniDVD.

But while these three consoles maintained now well-known, console-determined regional lockout systems, a new console signaled an incoming shift in the logics of regional lockout: Microsoft's Xbox was technically region-free. However, publishers could region-lock individual games if they desired. This publisher-determined mode of regional lockout would become the standard for Microsoft and Sony games in the future, although as I will show, Nintendo continues to control its consoles' regional lockout systems. In addition, the shift toward disc-based games and increasingly networked (i.e., internet-connected) consoles led to a more complex lockout environment. On one hand, the ease of finding out information about a particular console's locked (or unlocked) status became even easier via the internet. On the other hand, the increasingly convergent nature of consoles meant that the lockout status of consoles could become more confusing and difficult to determine. This confusion points to a characteristic of game culture that regional lockout makes evident: continued issues of compatibility and incompatibility. Although games represent a massively popular global industry, console gaming has always been rife with disconnections and disjunctures. As James Newman argues, although "the promise of the platform sees it operating at the boundary of the future and present of gaming

as it maps out the next generation from a position that renders obsolete the once-new,"[88] this emphasis on the newness of the console serves to elide platforms from previous generations. This planned obsolescence speaks not only to the temporal dimension of game consoles' incompatibilities (it is easy for a user to be "left behind," after all), it also speaks to a fetishization of the "new" that erroneously sees contemporary technologies as immune to the problems of the past. Regional lockout is one of these incompatibilities, and the circulation of knowledge and troubleshooting for compatibility issues is one way that users build gaming capital.

The compatibility problem only becomes more pronounced in an era of convergence when industry standards like the DVD were supposed to ameliorate some of these issues, and consoles adopting DVD technology as their preferred mode of delivery. However, since the DVD as a home-video delivery system came with its own industry-wide form of regional control (discussed in the previous chapter), this meant that game consoles had to build in multiple kinds of encryption—one for the film industry and another for games, depending on the console. As consoles became increasingly powerful and, through the logics of convergence, adopted more and more functions, popular narratives have suggested that these technologies should have moved well past the compatibility issues familiar to consumer electronics. However, as Ian Bogost reminds us, "a spectre of incompatibility still hangs over consoles" in spite of these desires.[89] If, following Jenkins' well-known account, media convergence refers to "a move from medium-specific content toward content that flows across multiple media channels, toward the

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[88] James Newman, *Best Before: Videogames, Supersession, and Obselescence* (New York: Routledge, 2012), 56.
[89] Ian Bogost, "Xbox One and the Endless, Hopeless Dream of Convergence," *Edge*, May 30, 2014. http://www.edge-online.com/features/xbox-one-and-the-endless-hopeless-dream-of-convergence.

increased interdependence of communications systems, [and] toward multiple ways of accessing media content," Bogost's piece refers to convergence as an "endless, hopeless dream." While the truth of the matter likely falls somewhere in the middle of Jenkins' mostly affirmative account of convergence and Bogost's largely pessimistic one, the clash between the hopes of new technologies and the frustrations of actually using them is a familiar one in the experience of regional lockout. And although Bogost refers to incompatibility issues between consoles and televisions, this also captures the (dys)functional logic of regional lockout systems. After all, Barry Ip and Gabriel Jacobs remind us that regional lockout is specifically designed to "prohibit the *compatibility* of media designed specifically for a proprietary platform."[90] These optimistic and pessimistic takes speak to two seemingly contradictory poles of thought: the tension between an established culture of concern within gaming cultures regarding compatibility and the continued promises that new platforms will eliminate those concerns.

The Move to Region-Free(ish) and New DRM Debates

As in any moment when the game industry moved into a new generation of consoles, there was a growing expectation within game cultures that the industry was on a progressive path forward—that regional restrictions and the incompatibilities that characterized the previous era should be consigned to the past. This was true to a degree, but paralleling and intersecting with the home video industry's shift to Blu-ray, regional lockout remained an issue. With Sega dropping out of the console-manufacturing business after the Dreamcast, Microsoft, Sony, and Nintendo's next-generation systems were all released between 2006 and 2007. Nintendo maintained its usual approach to region-locking; the company announced in October 2006 that its next-generation

[90] Ip and Jacobs, "Territorial Lockout," 511. Emphasis added.

system, the Wii, would be region-locked along the same pattern as the GameCube in spite of early reports that first-party games for the console would be region-free.[91] In late 2005, there were rumblings among games publications that the PlayStation 3 may not include region-coding, with one suggesting that this move would mark a "significant shift" for Sony.[92] At the 2006 Game Developer's Conference, Sony Computer Entertainment Worldwide Studios President Phil Harrison announced that the PlayStation 3 would, in fact, be region-free.[93]

This wound up being a bit misleading, however. In fact, both the PlayStation 3 and Microsoft's next console, the Xbox 360, ushered in a new era in games' regional lockout; region-locks for individual games were determined by the publisher rather than the console manufacturer. This meant that while the consoles were nominally region-free, the reality was a bit more complicated. This also meant that tracking the region-coded status of games was to become increasingly complex and contingent on a game-by-game basis. As a result, particular games could be region-locked due to particular cultural or market forces. For example, the PS3 and Xbox 360 game *Persona 4 Arena* contained region codes, which meant that Japanese versions of the game could only play on Japanese machines, and American versions could only play on consoles from the US.[94] The reason behind this region-lock was the US Dollar's weakness against the Japanese Yen, as the game's publisher, Atlus, was concerned about cheaper

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[91] Tom Bramwell, "Wii Upholds Cube Region Lock," *Eurogamer.net*, October 3, 2006. http://www.eurogamer.net/articles/news031006wiicuberegions; Ludwig Kietzmann, "Wii Not Even Remotely Region-Free," *Joystiq*, September 15, 2006. http://www.joystiq.com/2006/09/15/wii-not-even-remotely-region-free.

[92] Ellie Gibson, "No Region Locking for PS3?" *Eurogamer.net*. November 9, 2005. http://www.eurogamer.net/articles/news091105ps3locking

[93] Marc Nix, "GDC 06: Region-Free PS3," *IGN*, March 22, 2006. http://www.ign.com/articles/2006/03/22/gdc-06-region-free-ps3

[94] Luke Plunkett, "Meet the First Ever Region-Locked PS3 Game," *Kotaku*, July 6, 2012. http://kotaku.com/5923821/meet-the-first-ever-region-locked-ps3-game

American imports flooding the Japanese market.[95] While by all accounts, *Persona 4 Arena* is the first and only PS3 game to include regional lockout, Xbox 360 contains a large number of region-locked games, some of which are only region-locked in certain territories. For example, *Grand Theft Auto V* is region-free on every platform (both PS3 and Xbox 360) except for the Japanese Xbox 360 version, which is region-locked to Japan.[96] Such complexity led to resources such as wikis that list the region compatibility of hundreds of different games.[97]

While ongoing shifts away from standard-definition television to high-definition television (HDTV) have mitigated the NTSC/PAL issues somewhat, they still have an impact that keeps nominally region-free systems such as the PlayStation 3 from being universally usable. While the PlayStation 3 is technically region-free, it is also optimized for HDTV. While this format eliminated the difference in number of lines of video between PAL and NTSC, therefore standardizing the frame size of HDTV around the world, it did not eliminate the difference in frame rates. HD in countries that use the NTSC standard still operates at 30 frames per second while those that use the PAL standard operate at 25. Furthermore, as Minako O'Hagan and Carmen Mangiron point out, the HDTVs for which contemporary consoles are optimized are not common everywhere in the world.[98] As a result, any region-based hiccups that occur on the PlayStation 3 (other than attempting to play *Persona 4 Arena*) are, in a sense, similar to the earliest forms of regional incompatibilities in consoles like the Atari 2600. That is,

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[95] Owen Good, "*Persona 4 Arena* is Region-Locked Because the Dollar is Weak Against the Yen," *Kotaku*, July 7, 2012. http://kotaku.com/5924128/persona-4-arena-is-region-locked-because-the-dollar-is-weak-against-the-yen

[96] Rockstar Games, "Grand Theft Auto V: Supported Languages and Region-Lock Information," *Rockstar Games*, October 31, 2013. https://support.rockstargames.com/hc/en-us/articles/200155736-Grand-Theft-Auto-V-Supported-Languages-and-Region-Lock-Information.

[97] For example, see the "Region Free Xbox 360 Games" page on *Encyclopedia Gamia: The Gaming Wiki*. http://gaming.wikia.com/wiki/Region_Free_Xbox_360_Games

[98] O'Hagan and Mangiron, *Game Localization*, 114.

they come about as the result of divergent standards rather than intentional prohibitions against users in certain territories.

At the same time, regional lockout on the Xbox 360 and other disc-based consoles show how new technological mechanisms become culturally legible and legitimate through their association with these older forms of regional incompatibility, even if those associations are largely discursive. For example, the three regions that guide the Xbox's region-coding system as listed on the Xbox's website are GR1: NTSC for North America and South America (United States, Canada, Mexico, Chile, and Brazil), GR2: NTSC-J for Asia, and GR3: PAL (Europe, India, Australia, and New Zealand). Seemingly innocuous, this list does some important discursive work. For one, it indicates the cultural-economic hierarchy in region coding, just as the six-region DVD region code discussed in Chapter One. Further, while the names of these regions might suggest that the divergent television standards guide regional lockout, lockout is actually buttressed by a separate region-coding system distinct from the different television standards. To be sure, playing a PAL disc on an NTSC machine and vice-versa would produce some compatibility issues, but the region-coding on the discs is a different technical mechanism that is only related to the PAL/NTSC standards by name. So, when a user puts a disc into a player from the wrong region and a message appears onscreen suggesting that the disc is not compatible with the console, this is not an issue of incompatible television standards but one of the user confronting a form of DRM that games industries consciously and intentionally install on the technologies that they produce and distribute.

As discussed in the previous chapter, this articulation of one essentially unrelated technological hurdle to another functions as part of what Tarleton Gillespie has referred to as the cultural legitimation of DRM systems; if people think regional lockout is related to a seemingly

inevitable technological hurdle, consumers may be less likely to protest.[99] As Ip and Jacobs show in their survey of consumers and workers in the video game industry, this conflation seems to be working; while users suggested that the PAL/NTSC distinction was a significant factor in why the game industry employs regional lockout, industry workers indicated that it is not a factor at all. One developer even admits that the PAL/NTSC issue is a mere smokescreen put up to mask the publisher and distributors' control of market rollout; the developer delivers a master disc to the publisher that has all languages and region-codes on it, and the publisher implements the appropriate ones as it sees fit.[100] Indeed, in his book *Gaming Hacks*, Simon Carless distinguishes between "regional differences" and "regional lockouts."[101] The former are unintentional incompatibilities over which developers, publishers, and console manufacturers have little control. The latter are intentionally, consciously installed systems meant to control the distribution of games. The most recent generation of consoles has taken an even looser approach toward these regional lockout systems, though not before some controversial back-and-forth between the two largest console manufacturers.

Sony's Playstation 4 and Microsoft's Xbox One were both released in North America and Europe in 2013 and Japan in 2014. Discourses regarding regional lockout in the Xbox One and PlayStation 4 were embedded in a broader series of controversies in mid-2013 surrounding digital rights management in the two consoles. As a result, they slid in somewhat under the radar amid these controversies. In spring of that year, Microsoft announced that its forthcoming console, the Xbox One, due out later in the year, would contain a number of strict DRM measures. These included restrictions on how often you could share a disc-based game as well as

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[99] Tarleton Gillespie, *Wired Shut: Copyright and the Shape of Digital Culture* (Cambridge, MA: MIT Press, 2007).
[100] Ip and Jacobs, "Territorial Lockout," 515.
[101] Carless, *Gaming Hacks*, 191.

a requirement that the console would need to be connected to the internet once every twenty-four hours in order to play games (even offline).[102] In addition to these measures, the company announced that the console would feature region locks, pointing to "country-specific regulatory guidelines" as the reason for the move.[103] Games publications expressed and reported on a good deal of anger from consumers at this announcement. One pointed out that the excuse of local regulations did not make much sense, as different versions of games could be released in different markets regardless of whether they were region-locked or not (and, in the case of the Xbox 360, this is precisely what happened).[104] At the time, Microsoft also indicated that the console's initial launch would only include 21 countries, leaving out Japan and parts of Europe (in addition to territories across the Global South that the major console industries generally do not bother with anyway).[105] Because the console was to be region-locked, this would effectively preclude these territories from purchasing consoles and games from one of the launch regions. Sony took advantage of the backlash levied against Microsoft after the Xbox announcement and responded by quickly announcing that the PlayStation 4 would not include the same forms of DRM systems that the Xbox would. Although it was immediately unclear whether this would include region coding, Shuhei Yoshida, president of Sony Worldwide Studios, announced via

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[102] Jason Schreier, "Xbox One Needs to the Connect to the Internet Every 24 Hours for Gaming," *Kotaku*, June 6, 2013. http://kotaku.com/xbox-one-needs-to-connect-to-the-internet-every-24-hour-511751949.

[103] Keith Stuart, "Xbox One Region Lock and More Reactions and Details," *Guardian*, May 28, 2013. http://www.theguardian.com/technology/gamesblog/2013/may/28/game-links-press-start.

[104] Seb Wuepper, "Xbox One Region Locking Could Spell Doom for Gamers," *Gameranx*, May 29, 2013. http://www.gameranx.com/features/id/15002/article/xbox-one-region-locking-could-spell-doom-for-gamers/.

[105] Dan Pearson, "21 Launch Countries Listed for Xbox One," *Game industry International*, June 14, 2013. http://www.gamesindustry.biz/articles/2013-06-14-21-launch-countries-listed-for-xbox-one.

Twitter that the console would be region-free.[106] In response to Sony's announcement as well as consumer backlash, Microsoft reversed course and announced that the Xbox One would no longer include these DRM systems.[107] This back-and-forth between Sony and Microsoft generated a series of debates surrounding control (both consumer and corporate) of the contemporary gaming experience.

Amid these battles, Nintendo announced that its next-generation system, the Wii U, would be region-locked, following in line with the region-locks in its predecessor, the Wii. Nintendo president Satoru Iwata again pointed to differences in local versions of games as a reason behind region-locking the Wii U. Additionally, however, he suggested that the fact that Nintendo "historically" used region-locks was another reason its later-generation consoles would be locked.[108] Although he does not invoke the company's history of proprietary control explicitly, deploying regional lockout in order to maintain control over the production and distribution of products for its consoles is assuredly part of this history. All in all, the contemporary debates over region-locked consoles have thus shifted toward pushback against Nintendo specifically as well as the presence of regional lockout on portable consoles and digital distribution systems.

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[106] Shuhei Yoshida, Twitter post, June 11, 2013. 12:37 AM. https://twitter.com/yosp/status/344357778288152576; Daniel Krupa, "PlayStation 4 is Region-Free," *IGN*, June 11, 2013. http://www.ign.com/articles/2013/06/11/PlayStation-4-is-region-free.

[107] Keith Stuart, "Xbox One DRM Restrictions Dropped After Gamer Outcry," *The Guardian*, June 19, 2013. http://www.theguardian.com/technology/2013/jun/19/xbox-one-drm-second-hand-restrictions-abandoned.

[108] Tom Phillips, "Nintendo Blames Region-Locking on Local Cultural Differences and Legal Restrictions," *Eurogamer.net*, July 4, 2013. http://www.eurogamer.net/articles/2013-07-04-nintendo-explains-its-decision-to-region-lock-games; Richard George, "Nintendo's President Discusses Region Locking," *IGN*, July 3, 2013. http://www.ign.com/articles/2013/07/03/nintendos-president-discusses-region-locking

Because neither the Xbox One nor the PlayStation 4 include regional lockout, much of the contemporary ire about regional lockout in the game industry is directed at Nintendo's geoblocked Wii U. Throughout the promotion and release cycles of these three systems, game publications and consumers increasingly expressed opinions suggesting that regional lockout is an outdated system. As mentioned, such an assumption often rests on the idea that technological problems and prohibitions were things of the past and the affordances of new technologies should necessarily push past the disjunctures of "old media" (as I will show in the next chapter, this attitude is also common in discourse surrounding video on demand and other internet delivery services). As one writer for IGN's community blogs put it, regional lockout was an "unwanted relic from gaming's past." The author appeals to a historical argument suggesting that since digital networked media have affordances that make it easier to access global games, the industry should follow in kind. The author writes, "The world has changed rapidly… Fans grew in number and in dedication as the internet began to thrive, thus making it impossible for companies to keep secrets from us the way they once did."[109] Another writer points out that, due to the region-free nature of the PS4 and the Xbox One, the "tide is turning" toward a video game culture that cedes more control to consumers.[110] In 2009, *Kotaku* asked its readers if they believe digitally distributed games should be region-locked. Responses range mostly from mild annoyance at the practice to rather intense anger.[111] Still, asking whether digitally distributed

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[109] Link_Is_My_Homie, "Region Locked: An Unwanted Relic from Gaming's Past," *IGN*. July 7, 2011. http://www.ign.com/blogs/link_is_my_homie/2011/07/07/region-locked-an-unwanted-relic-from-gamings-past.
[110] Thomas Whitehead, "Talking Point: It's Time for Nintendo to Drop Region Locking," *Nintendo Life*, June 25, 2013. http://www.nintendolife.com/news/2013/06/talking_point_its_time_for_nintendo_to_drop_region_locking.
[111] Brian Ashcraft, "Should Digital Games Be Region Locked?" *Kotaku*, August 14, 2009. http://kotaku.com/5337070/should-digital-games-be-region-locked.

games, in particular, should be region-locked rests on an assumption that digital distribution might be free from the shackles of regional lockout. As more of the gaming experience takes place online, users articulate regional lockout to the putative inadequacies of "older," more obviously physical media like discs and cartridges.

Indeed, the console manufacturers' ability to update a console's functions quickly through online firmware updates formed the centerpiece of one of the more recent coordinated protests against regional lockout. In the wake of Nintendo's announcement that the Wii U would be region-locked, users started various campaigns on social media as well as in the Miiverse, the Wii U's own social networking and communication service, to try to get Nintendo to reverse its stance on regional lockout and release a firmware update.[112] A post on well-known gaming forum NeoGaf outlines a massive and comprehensive overview of the user-led push to get Nintendo to eliminate regional lockout. These include instructions on how to contact Nintendo, links to dozens of Miiverse posts, news articles, YouTube videos, and Reddit threads calling for an end to regional lockout, and a call to post protests using the hashtag #EndRegionLocking.[113] One user even started a petition on Change.org asking Nintendo to release firmware updates for the Wii U and the 3DS in order to make the consoles region-free.[114]

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[112] Nathan Olivarez-Giles, "Nintendo Defends Wii U Region Locking After Xbox One Reversal," *The Verge*, July 6, 2013. http://www.theverge.com/2013/7/6/4497460/nintendo-wii-u-region-lock-iwata; "Top Posts in Miiverse Community. Looks like the Region Free Campaign is Gaining Steam," *Reddit*. June 21, 2013. http://www.reddit.com/r/nintendo/comments/1gs8nq/top_posts_in_e3_miiverse_community_looks_like_the.

[113] Cheesemeister, "Let's Convince Nintendo to Go Region-Free!" *NeoGaf*, June 12, 2013. http://www.neogaf.com/forum/showthread.php?t=585936.

[114] Josh Stevens, "Stop Region Blocking – Make the 3DS and Wii U Region Free," *Change.org*. http://www.change.org/en-GB/petitions/nintendo-stop-region-blocking-make-the-3ds-and-wii-u-region-free.

Beyond Discs and Home Consoles: Portable and Digitally Distributed Games

Iwata's explanation of regional lockout in various Nintendo systems was not just about the Wii; he also used this reasoning to explain regional lockout in the 3DS portable console. Games blog *Kotaku* protested this excuse, suggesting that the company's portable consoles had in fact been region free up to that point.[115] In fact, the particular affordances of portable consoles, as well as their target markets, meant that they have not always been subject to the same type of regional restrictions as home consoles. Specifically, because frequent travelers represented one target market of handheld consoles like Nintendo's various Game Boys (including Game Boy Color and Game Boy Advance) and Sega's Game Gear were region-free so consumers could purchase games while abroad. But while regional lockout on home consoles has generally loosened, depending on which console and company one looks at, regional restrictions on portable consoles have become increasingly strict. While earlier consoles like Nintendo's Game Boy were not region-locked, downloadable games on the company's later DSi console would be region-locked. The DSi would, in fact, be the first Nintendo handheld console to include regional lockout.[116] Later, Nintendo announced before the launch of their 3DS console that it would be one of their "best pieces of equipment ever" in the realm of copy-protection.[117] As mentioned earlier, Nintendo pointed to divergent international content restrictions as the reason for these region-locks.

As with later-generation home consoles, the more portable consoles reflected the logics of convergence, the more complex their region-locked status became. One early example is the

[115] Luke Plunkett, "Nintendo's Region-Locking Excuses are Pretty Weak," *Kotaku*, July 4, 2013. http://kotaku.com/nintendos-region-locking-excuses-are-pretty-weak-664179343
[116] Daemon Hatfield, "Nintendo Explains DSi Region Locking," *IGN*. March 4, 2009. http://www.ign.com/articles/2009/03/04/nintendo-explains-dsi-region-locking.
[117] Andy Robinson, "Games Piracy 'Heyday' in the Past – Nintendo," *CVG*, January 26, 2011. www.computerandvideogames.com/285501/news/games-piracy-heyday-in-the-past-nintendo.

ironically named Sega Nomad, a portable console that played Sega Genesis games; because the Genesis was beholden to regional lockout, the Nomad was as well.[118] Similarly, while Sony's PlayStation Portable (PSP) console does not contain any region restrictions on its games, in an example of the contingencies and disjunctures of media experience that come about as the result of convergence, movies (which the user has to play from the Universal Media Disc [UMD] format) contained region codes.[119] Even late-generation portable consoles that are not region locked as strictly still maintain regional restrictions on their digital distribution services. For instance, while Sony's PlayStation Vita does not region-lock its "physical" games (which arrive on memory cards), it does region-lock its PlayStation Network digital distribution services. Functionally, this means that many territories around the world do not have access to the PlayStation Network (either because of insufficient broadband, local market factors, or local restrictions on internet connectivity and media content). The introduction of such digital distribution systems added another layer to the regional availability of certain games and services.

So far, I have mostly discussed regional lockout systems on physical software: i.e., cartridges or discs. However, a common theme of the history laid out in this chapter is that as game consoles adopt more and more functions that intersect with a variety of different media industries, the question of whether these consoles are or are not region locked becomes increasingly difficult to answer. This is especially the case in the last two generations of consoles, which include distribution of games over internet protocol in addition to disc and cartridge. The popularization of online distribution for the game industry parallels a broader move in many dominant media industries away from disc-based software and toward online

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[118] Carless, *Gaming Hacks*, 195.
[119] "J Town; PlayStation News from the East," *Official US PlayStation*, September 1, 2005.

delivery, although the game industry was a relatively late adopter of digital distribution.[120] PlayStations 3 and 4 as well as Sony's recent portable consoles use the PlayStation Store, and the Xbox 360 and the Xbox One use the Xbox Games Store. The Nintendo Wii uses the Wii Shop Channel, and the Wii U uses a different online marketplace: the Nintendo eShop.

As will also be discussed in the next two chapters, the move to online distribution has allowed platform owners to install a two-step form of regional lockout, where platforms are first geoblocked (i.e., blocked in certain areas based on the user's IP address) and then require a credit card from the accepted region. Although for the Xbox One, Microsoft suggested that users could download games from any of their regional Games Stores as long as they had a valid form of payment for that region.[121] So, the company's announcement that the consoles would be "region free" is a bit misleading, as the digital marketplace still requires the user to hold a credit card for at least one of the regions that the marketplace serves. To be sure, this is somewhat more lenient than, say, requiring a credit card from the region in which the user lives, and the move explicitly allows for a bit more flexibility for part of the console's target market. As Microsoft's Albert Penello said when discussing the regional flexibility of the Xbox One's digital downloads, "Lots of people in Europe specifically travel, move, and visit family."[122] Additionally, Xbox Live recently made the ability to switch regions much easier than before by allowing users to make the switch online. Before this switch, the process reportedly could take several weeks for a user to switch the machine's region.[123] All in all, the recent history of regional lockout in digital

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[120] Dymek, *Video Games*, 48.
[121] Rachel Weber, "Microsoft: Imported Xbox Ones Will Work," *Games Industry International*, August 16, 2013. http://www.gamesindustry.biz/articles/2013-08-16-microsoft-imported-xbox-ones-will-work.
[122] ibid.
[123] Brad Sams, "Xbox Live Account Migration May Be Getting a Lot Easier," *Neowin*, January 2, 2013. http://www.neowin.net/news/xbox-live-account-migration-may-be-getting-a-lot-easier.

distribution indicates that the console companies are still trying to figure out a balance between locking out players from prohibited regions and easing headaches for users who move or travel from one region to another.

Lockout Circumvention and Informal Paratextual Industries

Looking at this overview, it is clear that regional lockout of games has been a markedly complicated and often shadowy process requiring users to hold a great deal of knowledge about their consoles in order to track their regional compatibility and potentially work around it. Although regional lockout has assuredly frustrated many users around the world, it has also engendered a robust community of users who seek out forms of what might be called "lockout circumvention" as well as a cottage industry of ancillary products that cater to these users. As with DVDs and the streaming platforms I will discuss in the next chapters, users of game consoles found ways of circumventing regional lockout systems relatively easily. On a broad level, however, informal economies specializing in unauthorized copies of games began to develop across the Global South. Creative endeavors by users to exert some measure of control over the gaming experience (hacking, modding, homebrewing) have always been central to game culture, and finding ways of circumventing regional lockout systems comprises a significant sector of this activity. For instance, users not only used enterprising methods to hack intentionally installed forms of lockout; they also found ways of getting games from one television standard to play on consoles optimized for another—as in the example of homebrew game designers converting a number of PAL and NTSC Atari 2600 games to the other format.[124] Further, just as video game culture has always brought about frustrations from users about region

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[124] Montfort and Bogost, *Racing the Beam*, 142. "Atari 2600 TV Format Conversions," *AtariAge*. http://atariage.com/software_conversions.html.

locking, it has always sustained a robust community of users interested in playing and collecting import games. For those with access to the internet, playing imported classic console games is far easier than it used to be. Desktop or browser-based emulators, which play ROMs built from the source code of games from consoles like the NES/Famicom, Super NES/Super Famicom, Sega Mega Drive/Genesis, Atari 2600, etc., are easily found on the web. These are free of regional lockout and allow users to play simulations of international games on their computers.[125]

The methods users undertake to circumvent regional lockout reflect a great deal of ingenuity. Depending on the console, these measures range from altering code to physically modding the hardware and software. The latter generally involves soldering wires, removing tabs that keep unauthorized cartridges from fitting into consoles and literally cutting, shaving, and sanding cartridges to get them to fit into consoles for which they were not intended. One online tutorial on how to mod Famicom game cartridges to fit NES consoles shows the modder how to switch out the boards from one cartridge to another in a process that involves removing the boards by prying open the plastic cartridge and then melting plastic tabs from inside the NES cartridge case with a screwdriver warmed up with a butane torch.[126] Another instructs the user on tracking down the above-discussed 60-to-72-pin converter boards by listing which games have been known to contain converter boards. From there, the guide outlines how to determine which copies of these games will have these boards based on number and position of the screws on the

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[125] Mia Consalvo, "Unintended Travel: ROM Hackers and Fan Translations of Japanese Video Games," in *Gaming Globally: Production, Play, and Place*, ed. Nina B. Huntemann and Ben Aslinger (Palgrave MacMillan, 2013), 119-138.
[126] Benj Edwards, "Performing a Permanent Famicom to NES Game Conversion," *Vintage Computing and Gaming*, December 5, 2005. http://www.vintagecomputing.com/index.php/archives/39.

back of the cartridge and the weight of the cartridge.[127] Other tutorials for consoles like the Super NES instruct the user on various measures including pulling tabs out with pliers and melting down parts with soldering irons.[128]

As Consalvo outlines in detail in *Cheating*, various ancillary industries have built up around the circulation of gaming capital; as Matthew Payne puts it, "there are…no shortage of companies that seek to profit from selling the information that gamers value."[129] Lockout circumvention is no exception. Synthesizing Consalvo's understanding of games' "paratextual industries" with Ramon Lobato's idea of "informal" media economies, I see the circulation of tips, tricks, and how-tos for lockout circumvention as constituting an "informal paratextual industry."[130] This industry exists primarily online, via blogs, websites, and message boards that instruct users on workarounds for regional lockout systems, although it is also present in books and magazines catering to users. In its early days, it manifested as mail-order catalogs from which users could purchase modchips and/or imported games. Books such as Carless' *Gaming Hacks* and websites like Games X, Racket Boy, and Modchip Central (the latter of which serves as an online store for modchips that users can install to get around regional lockouts) instruct users on how to circumvent various forms of technological protection. This industry has long produced "passthrough converters" for cartridge-based consoles, where the cartridge is placed in one end of an adapter, and the other end is placed in the console. Additionally, it is now possible

[127] "NES Cart Converters."
[128] Carless, *Gaming Hacks*, 190-198.
[129] Matthew Thomas Payne, "Connected Viewing, Connected Capital: Fostering Gameplay Across Screens," in *Connected Viewing: Selling, Streaming, and Sharing Media in the Digital Era*, ed. Jennifer Holt and Kevin Sanson. (New York: Routledge, 2014), 188.
[130] Consalvo, *Cheating*; Ramon Lobato, *Shadow Economies of Cinema: Mapping Informal Film Distribution* (London: Palgrave MacMillan, 2012); Shujen Wang, *Framing Piracy: Globalization and Film Distribution in Greater China* (Lanham, MD: Rowan and Littlefield, 2003).

to purchase unauthorized clones of older consoles like the Famicom, which will play imported games.[131] As Consalvo suggests, invoking sellers of anti-lockout mod chips, some paratextual industries help users experience games in ways that do not always align with the desires of developers or console companies, "daring players to ask who should control what legitimately purchased games they can play on their own videogame console."[132] These industries are not merely ancillary; they represent challenges to the console gaming industry, because they "question who controls the game space."[133] As a distinct industry working outside of the dominant game industry's sanctioned modes of practice, these shadow industries of lockout circumvention are unsanctioned and generally frowned upon by the industry.

At the same time, it would be too easy to suggest that such informal paratextual economies exemplify users wresting control from dominant industries. While this may be the case on some level, the political valence of modding and circumventing regional lockout depends on context. For one, as Lobato has pointed out, piracy across the global south is banal and everyday;[134] the circulation of imported and region-free games in these territories is no exception. As one blog post about gaming in Latin America points out, officially released consoles and games are so prohibitively expensive that many users simply buy chipped consoles and pirated games from local retailers.[135] Additionally, because many users attempting to circumvent lockout are interested in buying *more* games from legitimate, "formal" businesses, the act of purchasing import games still contributes capital to the developers, publishers, distributors, and console companies (particularly from those users who seek out multiple

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[131] Carless, *Gaming Hacks*, 192.
[132] Consalvo, *Cheating*, 183.
[133] Consalvo, *Cheating*, 66.
[134] Lobato, *Shadow Economies*, 85.
[135] jorgeill, "Gaming in Latin America," *Destructoid*, October 26, 2013. http://www.destructoid.com/gaming-in-latin-america-264213.phtml.

international versions of the same game). So, while this informal paratextual industry is in some ways a nuisance to the game industry, it would be overly simplistic to see it as purely antagonistic. On the whole, the practice of circumventing lockout exists in an ambivalent relationship to the game industry's bottom line.

Still, since informal economies undermine formal industries' goals to control the circulation of their products, industries take a variety of measures to attempt to punish users who circumvent region-locks. On one hand, this can take the form of lobbying legislatures to pass anti-circumvention measures, as in the example of the Digital Millennium Copyright Act discussed in the previous chapter. At the individual level, however, console companies dissuade users from circumventing lockout systems by prohibiting these users from certain services. For instance, tampering with a console, as in modding it in order to disable a lockout system, voids its warranty. Additionally, modded consoles are often automatically barred from supplementary services. For example, modded Xbox 360 consoles are banned from the online Xbox Live service. While Microsoft implemented these measures primarily to keep users from cheating while using the service, it has the effect of barring users who mod their consoles to play games from other regions.[136] This strategy of using consoles' online marketplaces and social networks to track modded consoles engendered new fears of surveillance that previous circumventors did not need to worry about. One Xbox magazine ran a feature called "The Myths of Modding," investigating the myth that "If you play Xbox Live with a modded Xbox, the FBI will bust down your door and arrest you with a warm controller still in your hand."[137] In addition to raising

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[136] David Jenkins, "Modded Xbox 360s Blocked from Xbox Live," *Gamasutra*. May 18, 2007. http://www.gamasutra.com/view/news/104952/Modded_Xbox_360s_Blocked_From_Xbox_Live.php.
[137] "The Myths of Modding: Exploring the Dangers of Playing Online Games." *Xbox Nation*, July 1, 2004.

issues of potential legality, however, regional lockout also points to how cultural difference is structured in global game culture.

The "Hardcore," Gaming Capital, and Cultural Difference

While gaming discourse is rich with modding, hacking, and generally sharing knowledge about regional lockout, the degree to which video game consumers are likely to think or care that much about such issues will vary widely. In areas of the world that the video game industry considers its secondary markets, region codes become all the more frustrating in how they functionally bar certain users from accessing games meant for a region like Japan or the United States. The expressed frustrations embed relations of geocultural gaming capital inasmuch as they serve as laments that the industry doesn't respect the user's home region as much as it should. For instance, the British blog *RegionFreeGamer* carries the subtitle "Because Europe Shouldn't Be a 3rd Class Gaming Region." Relatively speaking, however, the UK is still a privileged market compared to parts of the Global South.

Looking at examples elsewhere, we can see frustrations borne out of long histories of neglect by dominant media industries. A blogger with the moniker The Arab Gamer articulates these frustrations in a YouTube video called "The Wrath of Region Codes," and subtitled, "How region codes ruin the fun for Arab Gamers."[138] In the video, he laments that the Middle East is "lumped in with Europe" as a video game market and discusses the irritations of regional lockout for gamers in the region (even dramatizing and acting out the "disabling act" of bringing a region-locked game home and finding out that it doesn't work). Invoking the informal economies discussed above, he also mentions that many shops in the Arab World ignored staggered release

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[138] The Arab Gamer, "The Wrath of Region Codes," *YouTube*, April 14, 2012. https://www.youtube.com/watch?v=NHMlGnZq08g.

dates and sold parallel imports of American copies of games anyway—a practice that actually became problematic for gamers in the region because of their consoles' regional lockouts. The video has a certain amateurish quality that places The Arab Gamer firmly within participatory culture—existing partway between the consumer/amateur and the producer/expert. At the same time, his expertise as a vlogger and blogger who boasts a not-insignificant number of followers and viewers and knows a great deal about games wraps his populist appeal to players in the Global South within an expression of a great deal of gaming capital. In another example, the above-cited blogger on IGN's community blogs suggests that region codes put a particular burden on users across the Global South: "I have to provide a voice for those often forgotten gamers found elsewhere. Gamers in Latin America, Australia, and every other place that isn't part of the big three regions I've mentioned have more reason to complain than any of us and would benefit most from a region free world."[139]

By articulating the frustrations of regional lockout to a globally marginalized community, The Arab Gamer and others remind us that in order to fully comprehend the cultural impact of regional lockout, we need to be clear on its directional flows. While many of these examples speak to the frustrations of regional lockout for game consumers in the Global South, regional lockout articulates different vectors of political and cultural power depending on the consumer's location. In other words, as an emblem of geocultural gaming capital, regional lockout functions differently to a user in the United States than it does to a user living in Yemen, for instance. In the trans-Atlantic gaming markets, importing games from different regions usually manifests as part of a niche fandom of Japanese media—an American rendition of the transnational "otaku" cultures that describes diverse, transnational, intense fandoms of Japanese popular culture (e.g.,

[139] Link_Is_My_Homie, "Region Locked."

anime, manga, video games).[140] These fandoms have always been marked by particularly strong forms of participatory culture, which the affordances of digital media have only exacerbated.[141] The intersections between otaku culture and the circumvention of regional lockout become clear in the significant fandom across the US and Europe for the Japanese games that regional lockout attempts to keep out of these regions. Online guides like "A Beginner's Guide to Importing Games," from *Kotaku*'s reader-run blog *TAY*, offer overviews of the region-locked (or region-free) status of various consoles and suggestions on where and how to purchase Japanese games.[142]

In spite of these differences, these users embody an ambivalent relationship to the large corporate industries that create the media texts and technologies they want to consume—an attitude that characterizes much of the frustration at regional lockout across media. On one hand, anti-regional-lockout discourse expresses irritation at massive corporations for controlling broader gaming culture in ways that do not always seem just to users; on the other hand, this frustration is premised on the disappointment that these users cannot consume as much of the corporation's products as they would like. So, it is not a form of protest positioned in direct opposition to these corporations, in spite of its expression of irritation at them. As mentioned in the dissertation's introduction, the articulation of these discourses firmly in the realms of consumer rights and access to commodities indicates that the issue is not necessarily one of internet freedom or free speech—even if it at times becomes articulated to those issues. As one

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[140] Laurie Cubbison, "Anime Fans, DVDs, and the Authentic Text," *Velvet Light Trap* 56, no. 1 (2007): 45; Mizuko Ito, "Japanese Media Mixes and Amateur Cultural Exchange," in *Digital Generations: Children, Young People, and the New Media*, ed. David Buckingham and Rebekah Villett, 49-66. Routledge, 2006; Mizuko Ito, Daisuke Okabe, Izumi Tsuji, eds., *Fandom Unbound: Otaku Culture in a Connected World* (New Haven: Yale University Press, 2012).
[141] Ito, "Japanese Media Mixes," 51-52.
[142] Steve Bowling, "A Beginner's Guide to Importing Games," *Talk Amongst Yourselves*, January 31, 2014." http://tay.kotaku.com/a-beginners-guide-to-importing-games-1511737191.

editorial opposing regional lockout in the Wii U suggests, "The anti-region locking argument is ultimately about consumer choice…Being region free leaves gamers to play whatever they want, and gives that *choice*."[143] At the same time, this does not mean that regional lockout is not a significant barometer of cultural power and discrimination among different territories around the world.

Indeed, and as I will get into in more detail in Chapter Five's discussion of region-free DVD, those who own the gaming capital necessary to hack and circumvent regional lockout systems are not always on the disempowered end of things. Often, the circumvention of regional restrictions fits into a common trope of the gamer as a male with a great deal of technological knowledge and acumen. Many of the vloggers and bloggers described above are young men, and several of the tutorials discussed above involve activities often coded as masculine (whether these are manipulating physical hardware like torches, pliers, and soldering irons or manipulating software by messing with code). Furthermore, all eighteen of the contributors of game mods and hacks in Carless's *Gaming Hacks* are men. Taken together, such discourses indicate that the formal game industry's overwhelming masculinity, which is in part rooted in the presumption that to work in the industry it helps if you are a stereotypical "gamer," extends to the informal paratextual industries that comprise lockout circumvention.[144] In cultural studies of video games, much has been written about how gamer culture generally is a predominately male space. A more specific, subcultural dimension of this construction is the demographic that, as described above, the game industry discursively constructs and characterizes as the "hardcore" gamer, adopting a term that a Microsoft executive deployed to describe the Xbox's target demo.[145]

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[143] Whitehead, "Talking Point." Emphasis in original.
[144] See O'Donnell, "The North American Game Industry," 110.
[145] Dyer-Witheford and de Peuter, *Games of Empire*, 80.

Carless's above-quoted invocation of the "hardcore" gamer as one whose needs for the latest, greatest gaming experiences include games from around the world shows that the ability to push past regional lockout is part of this definition of hardcore. For instance, Simon Carless's handbook *Gaming Hacks*, which includes a number of tips to circumvent regional lockout systems, interpellates the reader as an embodiment of the sort of hardcore gamer who enjoys a great deal of gaming capital:

> I can see it in your eyes. You're hardcore. Not only will you wait no longer than necessary for your games, you want the best versions available, without censorship or missing features. You also want to play the games that you could only dream about as a child—Japan-exclusive titles that never made it to the NES or Genesis.[146]

Those who have the knowledge to seek out and practice circumvention techniques embody an even greater degree of gaming capital through their expressed expertise over the machine. After all, using the technology in ways anathema to the goals of game consoles functions as an expression of a greater amount of knowledge about the system than even the company that made it.

As the recent campaign of coordinated harassment against feminist game players, journalists, and critics known as "gamergate" made clear, "hardcore" game culture is often closed off—aggressively so—to women, people of color, and queer gamers. Although gamergate as a movement is too varied (or incoherent) to spend a great deal of space on in this chapter, it began as a public attack on game developer Zoe Quinn from an ex-boyfriend who accused her of sleeping with a writer for video game blog *Kotaku*. This inspired a broader movement among (mostly male) gamers to harass, threaten, and expose the personal information of Quinn as well

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[146] Carless, *Gaming Hacks*, 190.

as feminist game critics and developers such as Anita Sarkeesian and Brianna Wu.[147] Although gamergaters claimed that their concerns were about ethics in gaming criticism and journalism, as Nina Huntemann and Carly Kocurek put it:

> #Gamergate is not about ethics, or about making the industry more transparent. The rhetoric of #gamergate is a co-option of the concerns that women and minorities in the industry have raised for years. The reason #gamergate has struck such a chord now is because, indeed, the industry is changing. Diverse characters in games are more common and more women and minorities are making games. As others have commented, #gamergate signals a culture war within gaming that has been slowly building for decades and, following years on the margins, has finally broken through to the mainstream.[148]

Gamergate thus represents the logical conclusion of an industry spending years building its targeted demographic along lines of inclusion and exclusion that correspond with cultural identities. By co-opting discourses of non-dominant cultural practices, the game industry uses the cultural cache of subcultural practice to construct an ideal consumer and draw in users who embody that ideal.[149]

Although the gamergate issue on its face seems removed from the cultures of lockout circumvention, it gestures toward a broader subcultural gaming community concerned with

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[147] See Nina Huntemann and Carly Kocurek, "#gamergate," *Antenna*, September 25, 2014, http://blog.commarts.wisc.edu/2014/09/25/gamergate; Jay Hathaway, "What is Gamergate, and Why? An Explainer for Non-Geeks," *Gawker*, October 10, 2014. http://gawker.com/what-is-gamergate-and-why-an-explainer-for-non-geeks-1642909080.

[148] Huntemann and Kocurek, "#gamergate."

[149] Along these lines, it functions similarly to American cable TV network Adult Swim's use of subcultural branding to court a young, white, male demographic that, at least in the United States, overlaps with the game industry's targeted audience. See Evan Elkins, "Cultural Identity and Subcultural Forums: The Post-Network Politics of Adult Swim," *Television and New Media* 15, no. 7 (2014): 595-610.

gatekeeping along lines of gender. Much of gamergate's campaign was based on drawing boundaries of who could be considered an *authentically* hardcore gamer or a "real" gamer—boundaries that have long been present in video game culture. This notion of authenticity is key to cultural capital broadly and to subcultural gaming capital more specifically. For decades now, gamers and gaming publications have circulated discourses suggesting that men are "real gamers" in contrast to women, who are often dismissed as "casual" gamers and thus not worthy of inclusion into ranks of authenticity.[150] Here, the nominal authenticity of the "real gamer" is represented through not just having and expressing knowledge about video games (as women who have such knowledge can still be closed off from participation), but through embodying the characteristics of the discursively constructed authentic gamer. Graeme Kirkpatrick has shown that the figure of the "authentic gamer" was constructed in video games discourse and publications along the lines described in this section—young, male, technologically savvy, and dismissive of those who do not embody the same traits.[151] Returning to the issue of regional lockout circumvention, the subcultural capital economy among so-called "authentic gamers" uses the sharing of hacks, tips, and tricks to get around geoblocks as part of the broader set of characteristics that constitute the "real gamer" identity.

Beyond the construction of the gamer as an industrial imaginary, the gendering of lockout circumvention cultures follows in line with deeper-seeded cultural meanings of masculinity and technological control. Within cultures of lockout circumvention, the geocultural capital that comes with access to global games and the gaming capital represented by knowledge about game

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[150] Howard D. Fisher, "Sexy, Dangerous—and Ignored: An In-Depth Review of the Representation of Women in Select Video Game Magazines," *Games and Culture*, published online first (2015): 8-9.

[151] Graeme Kirkpatrick, *Computer Games and the Social Imaginary* (Cambridge: Polity, 2013), 81-91.

culture become articulated to an expression of traveling around the world and transcending geographic space that is gendered male. As Dyer-Witheford and De Peuter put it, "Hardcore players identify with a specific subject position: *the man of action*."[152] While the "man" in this instance points overtly to the long-held idea that gaming is a predominately masculine space, "action" in this instance articulates to an idea of masculine agency and control that has long characterized hacking cultures.[153] It implies an agency over inscrutable or even restricted technologies. The nomadic subjectivity embodied in gamers engaging in piracy, hacking and modding is one that is "imbued with masculine techno-expertise."[154] Insofar as hardcore gaming culture incorporates the activity of circumventing regional lockouts, the intersections between hardcore gaming culture and masculinity point to a broader cultural articulation between technological control, mobility, and mastery over geographic space. As David Morley points out, traditional understandings of private and public spaces have privileged masculine mobility over feminine privacy and domesticity. Across a long history of discourse regarding travel and domesticity, "the traveler has, in effect, almost always been constituted as a 'he.'"[155] These traditional articulations reflect the gendered nature of common narratives of globalization, which, as Carla Freeman has pointed out, have been predominately masculinist in how they align "global" with "masculine."[156] Such narratives, characterized as stories about "the spatial reorganization of production across national borders and a vast acceleration in the global circulation of capital, goods, labor, and ideas," have elided the gendered nature of these

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[152] Dyer-Witheford and de Peuter, *Games of Empire*, 81. Emphasis in original.
[153] Tim Jordan, *Hacking: Digital Media and Technological Determinism* (Cambridge: Polity, 2008), 124-6.
[154] Dyer-Witheford and de Peuter, *Games of Empire*, 86.
[155] David Morley, *Home Territories: Media, Mobility, and Identity* (London: Routledge, 2000).
[156] Carla Freeman, "Is Local: Global as Feminine: Masculine? Rethinking the Gender of Globalization," *Signs* 26, no. 4 (2001): 1007-1037.

processes and their impacts on women. By articulating a mode of gaming practice where users can, even metaphorically, participate in this transgressing of global spaces, hardcore gaming culture continues this articulation between the global and the masculine. Carless's "man of action" has agency not only to best the technology, but to do so toward the end of traversing physical, geographical borders.

Of course, as Consalvo has written, simply because a general idea circulates that hardcore gamer culture is predominately male does not mean that women do not participate in these spaces.[157] More broadly, part of Freeman's critique is that the dominant articulations between "global" and "masculine" are overly simplistic constructions. Indeed, as Adrienne Shaw reminds us, the popular construction of "video game culture" as a space populated primarily by the young-male audience constructed through industrial and popular discourses needs to be critically evaluated and deconstructed in relation to the realities of everyday gaming cultures.[158] Assuredly, there are many individuals existing outside of the narrowly defined construction of the "hardcore gamer" interpellated by game cultures marked by gaming capital. Still, if women and queer gamers are not afforded the same space to participate, then lockout circumvention cultures will continue to promote familiar articulations among masculinity, global mobility, and technological control.

Conclusion

All in all, regional lockout in console games shows us that particular industrial and technological mechanisms within game consoles have historically structured the specific geocultural contours of gaming industry and culture. A hybrid American-Japanese industry that also has a significant

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[157] Consalvo, *Cheating*, 124-126.
[158] Shaw, "What is Video Game Culture," 408.

European presence, console games' distribution patterns are different from those of the film, television, and home video industries discussed in the previous chapter. So, the reasons behind regional lockout are different as well. Regional lockout in games consequently follows different lines of geocultural capital than other media forms. Tracing the degree to which power in the game industry shifted among various players across the United States, Europe and Japan, as well as how regional lockout reflected these shifts, offers a way into assessing which territories' game consumers enjoy more geocultural capital in particular instances and during particular historical moments. If we take geocultural capital as a way of measuring access to coveted cultural resources within and across broadly scaled geographic regions, North American and Japanese consumers who have ready and early access to a wealth of consoles and games embody a great deal of geocultural capital. Alternately, consumers in the Middle East and Latin America who have to contend with regional lockout more regularly, for instance, are likely to have less. Further, the ability to circumvent regional lockout in order to access, say, Japanese video games represents the ability to cash in gaming capital for greater geocultural capital. In other words, gaming capital, subcultural capital, and geocultural capital all cohere within the practices of illicitly crossing industry-erected borders and gaining access to a wealth of international and "culturally odorous" media.

The history of regional lockout in game consoles also reflects issues of incompatibility and fragmentation that have long attended the processes of media convergence. As mentioned, it makes less and less sense to discuss consoles as merely games machines. Given the ways its histories have incorporated DVD, Blu-ray, and streaming platforms, regional lockout in console games serves as a bridge between the first chapter and the third. The move toward internet-delivery in many territories and throughout many sectors of the global media industries raised

new questions and problems regarding the logistics and appropriateness of regional lockout. Chapter Three looks at streaming video platforms more specifically, showing how debates over regional lockout continued well after what many perceived to be a shift away from "physical" media and toward less obviously material forms of distribution and exhibition like online streaming and sell-through. More so than the console game industry, where industrial power around the world remains more or less centralized among a handful of major corporations, and the DVD, which was regulated by one regional lockout system, the global video-on-demand environment is splintered into a variety of platforms only available in certain territories. As a result, regional lockout in this era of online delivery is a far more conjunctural and contingent phenomenon.

Chapter Three
Fragmented Flows:
Geoblocking Video on Demand

Introduction

For many around the world—though by no means everyone—the distribution of film and television is transitioning from an era of "physical" media (discs, cartridges) to one of "virtual" or online delivery (cloud storage, streaming services).[1] This is not to say that DVDs, discs, and cartridges have fully disappeared from global media production, distribution, and exhibition, nor is it to suggest that we can put the development of streaming on a firm, one-way timeline. Still, viewers in some parts of the world are increasingly using digital networked means to access film and television through online streaming, rental, or electronic sell-through platforms while increasingly moving away from DVDs and Blu-ray discs. This chapter analyzes regional lockout in this context, exploring the ways it manifests in the realm of online video-on-demand (VOD). As online platforms have developed and proliferated, discussion has shifted from region codes (whether in differently coded DVDs or video game discs) to what is usually referred to as "geoblocking." Geoblocking usually operates through technologies that block a user's access to a platform based on her Internet Protocol (IP) address, the unique number assigned to each device connected to the internet. Because a user's IP address can indicate with a certain measure of accuracy where that person is connecting from, platforms use IP address detection software to

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[1] See Derek Kompare, "Cult Streaming: Warner Archive Instant," *Flow*, December 16, 2013. http://flowtv.org/2013/12/cult-streaming-warner-archive-instant; Chuck Tryon, *On-Demand Culture: Digital Delivery and the Future of Movies* (New Brunswick, NJ: Rutgers University Press, 2013); Wheeler Winston Dixon, *Streaming: Movies, Media, and Instant Access* (Lexington, KY: University Press of Kentucky, 2013); Dina Iordanova, "Digital Disruption: Technological Innovation and Global Film Circulation," in *Digital Disruption: Cinema Moves On-Line*, ed. Dina Iordanova and Stuart Cunningham (St. Andrews: St. Andrews Film Studies, 2012).

prohibit access to users in locations where the platform has not been introduced or to alter prices and libraries based on territory. In addition to detecting IP addresses, VOD platforms use other measures to detect where users live and block access to those users, such as requiring a credit card from a certain country in order to sign up for the service. Netflix, for instance, requires users trying to access the United States' version of the platform not only to connect from a US IP address, but to sign up for the service using a credit card from the US as well.

As a method to control film and television's distribution windows, geoblocking follows similar media-industrial logics as DVD region codes. However, while the various business models that support geoblocking can, in a sense, be considered extensions of technological and marketing initiatives put in place during the development of the DVD, I do not posit this is a "next step" in a linear teleology of digital delivery platforms. Rather, if the DVD has a timeline that is more complicated and contingent than most popular takes on the format would suggest (as argued in Chapter One), streaming video around the world is marked by an even greater degree of diversity and fragmentation.[2] This chapter accepts and draws on scholarly and popular arguments about the shifting nature of media experience to a certain degree, but it extends and diverges from them to argue that geoblocking upsets commonly held assumptions about streaming media as a disruptive force and points to the continued salience of global difference at the levels of culture, geo-politics, and economics. In an era of globalization and digitization, VOD has been wrapped up in discourses of the free flow of information and entertainment that are well familiar to digital media. If anything, though, I show that the fragmentation of the global video exhibition landscape has only intensified as companies have pushed streaming and sell-through as viewing options. With DVD, at least, the disjunctures of region codes were the

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[2] See Paul Benzon, "Bootleg Paratextuality and Digital Temporality: Towards an Alternate Present of the DVD," *Narrative* 21, no. 1 (2013): 88-104.

product of a single, global standard (even if that standard explicitly sought to create disconnections between different regions). Since VOD does not adhere to a single standard, and instead comes to us via a seemingly endless number of proprietary platforms which each hold different territorial licensing agreements with different content providers, the streaming and sell-through environments are far more splintered than the DVD's six regions.[3] Rather than unfettered increase of access, the online film and television environment is in fact much more contingent and unpredictable.

Discussions of geoblocking and VOD often connect the availability of streaming platforms to certain discourses of geocultural and geopolitical inclusion and exclusion. These inclusionary/exclusionary discourses (produced by the cultural industries as well as audiences, intermediaries, regulators, consumer groups, and other entities) manifest in a number of ways. One is through the question of whether a state or region adheres to or embodies a certain kind of modernity, which is usually characterized by the presence of internet infrastructure and the relative accessibility of digital media experiences that dominant media and tech industries promote as contemporary or cutting edge. So, through the industrial and popular discourses surrounding geoblocking, contemporary media markets have become defined, in part, by their relative positions on a spectrum of modernity informed by levels of technological advancement. Another related axis of inclusion/exclusion is whether those who have or lack access to a particular platform *belong* to a certain group or community—usually a nation or region. The debates surrounding the British Broadcasting Corporation's (BBC) chief VOD platform, the iPlayer, show that discourses of nationalism can come out when geoblocking is challenged.

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[3] For a comprehensive snapshot of the global streaming film landscape (as of late 2010), see the appendices in Dina Iordanova and Stuart Cunningham, eds., *Digital Disruption: Cinema Moves On-Line* (St. Andrews: St. Andrews Film Studies, 2012).

Additionally, the recent push in Australia and New Zealand to eliminate geoblocking (or at least sanction its circumvention) produces discourses that emphasize that region's ambivalent relationship to the West, and particularly the United States.

This chapter explores case studies that give a sense of what regional lockout of VOD looks like in multiple geographic and cultural conjunctures. As in previous chapters, I do not claim either that geoblocking functions to completely and utterly shape the flow of media content around the world or that the phenomenon functions the same way and has the same meaning around the globe. For one, even more so than in DVD or console game region codes or streaming music, conversations regarding geoblocking and online video tend to involve media companies and platforms within what Daya Thussu has referred to as media's "global" or "dominant" flows.[4] Such dominant flows represent multinational corporations that are usually based in the Global North or the world's richest countries. Increasingly, the platforms that exhibit these global flows to audiences in different parts of the world (Netflix, Hulu), many of which are at least partly based in the US, can be considered part of these dominant flows. Due in part to the fragmented environment of streaming video, which not only exists on a broad spectrum of formality and informality but also operates under a wide variety of different territorial licensing agreements around the world, the media "contra-flows" that emanate from the Global South tend not to be central to many of the same debates surrounding geoblocking.[5] Geoblocking also does not fully structure global flows because, much like DVDs and console game consumers, online video's consumers have sought ways to dodge geoblocking and IP-detecting mechanisms. Finally, given this dissertation's primary focus on entertainment media institutions, I will mostly

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[4] Daya Kishan Thussu, "Mapping Global Media Flow and Contra-Flow," in *Media on the Move: Global Flow and Contra-Flow*, ed. Daya Kishan Thussu (London: Routledge, 2007), 10-29.
[5] Ibid.

emphasize streaming and sell-through platforms that have been developed and marshaled within the entertainment industries and major film and broadcasting industries (e.g., Netflix, Hulu, and the BBC iPlayer).[6] Although mainstream entertainment companies increasingly use YouTube, for example, for promotion and distribution, that platform was initially built as a repository for user-generated content. So, because they came out of a somewhat different tech-industrial context than Hulu and even Netflix's streaming service, YouTube and platforms like it are beyond the scope of this chapter.

Online Entertainment Video and its Contexts

As mentioned, geoblocking arises in a viewing environment where home video industries have moved increasingly from disc and cartridge-based media to cloud storage and online delivery. While this is necessarily a fragmented, slow, and contradictory process, many scholars and industry observers have been quick to suggest that it is in fact a grand, sweeping change. For Wheeler Winston Dixon, film and media are at a "tipping point" where the "switch to digital" is in the process of transforming film production, distribution, and exhibition.[7] This idea corresponds with some of the arguments in a recent academic volume about the effects of streaming media on the international film industries, which sees the movement of cinema to

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[6] Although mainstream entertainment companies increasingly use YouTube, for example, for promotion and distribution, that platform was initially built as a repository for user-generated content. So, because they came out of a somewhat different tech-industrial context than Hulu and even Netflix's streaming service, YouTube and platforms like it are beyond the scope of this chapter. This is not to say, however, that YouTube is not geoblocked. In 2009, the platform enabled its partners to block specific videos from appearing in certain countries—a feature used by corporate partners who post material that is only licensed for distribution in certain countries. So, rather than geoblocking the platform or even a particular account, YouTube's geoblocking functions on a video-by-video basis. See Robin Wauters, "YouTube Gives Partners More Control Over Video Blocking," *TechCrunch*, November 5, 2009. http://techcrunch.com/2009/11/05/youtube-gives-partners-more-control-over-video-blocking.
[7] Dixon, *Streaming*, 1.

online, on-demand platforms as fundamentally transformative. The title of this volume, Dina Iordanova and Stuart Cunningham's *Digital Disruption*, even invokes a discourse of "disruption" that has been common to proclamations about digital media in recent years. According to such discourses, new technologies will radically undermine the old ways of doing things and bring about sweeping waves of innovation. In the minds of those who promote disruption as a necessarily positive development (i.e., often those whose bottom lines depend in some way on investors and consumers buying into it), such disruption is driven usually by the powers of the open market, deregulation, and individual entrepreneurship. Writer Paul Carr has called the industry-wide faith in these processes the "cult of disruption," which he characterizes as a Silicon Valley ideology influenced by the work of Ayn Rand and the tenets of libertarianism.[8] While Dixon and Iordanova and Cunningham's recent books on streaming video are somewhat less affirmative, they still present futurist accounts in their characterizations of online video as a radically disruptive technology changing cinema at every level.

There are two related problems with such lines of thinking. In positing that we are at a tipping point, Dixon implies a particular *moment* when such a switch takes place and we see a broad sea change that will necessarily accompany that switch. Such a viewpoint sees the history of media as not only linear but marked by a series of disruptive and transitional moments rather than a series of gradual changes. Another problem is that "digital" becomes reified or calcified as a thing in and of itself—a coherent entity rather than a term used to modify and describe a number of different technologies that all operate differently and toward different ends. Lucas Hilderbrand has criticized this use of the term "digital," and his reasoning points to why this is more than a mere debate over semantics and proper grammar:

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[8] Paul Carr, "Travis Shrugged: The Creepy, Dangerous Ideology Behind Silicon Valley's Cult of Disruption," *Pando Daily*, October 24, 2012. http://pando.com/2012/10/24/travis-shrugged.

> "Digital" is not a noun. It's an adjective that modifies a technology, an image, a culture, an "age," or the like. "The digital" is not a thing in itself; it merely points to an underlying structure of binary code that manages information without any medium specificity or essence beyond a string of 1s and 0s. "The digital" does not exist. And yet "the digital" is often spoken of and even occasionally theorized as a self-evident category—one whose vagueness hedges against rapid obsolescence or implies an entire world changed by computation and new delivery platforms. We all know more or less what is meant by "the digital": a mythical technological utopia that has so often been hailed and believed in.[9]

This point echoes Thomas J. Misa's earlier critique of postmodernist theorists, who mistakenly "[conceive] technology as a universal force."[10] For Misa, more nuanced takes on new technologies provide empirical analyses of the "details of technology, and not its macro-level abstractions."[11] By looking at the particulars of one function of VOD while avoiding sweeping claims about the "effects" of technology or "the digital" writ large, this chapter offers a series of case studies that show how geoblocking as a particular technological system holds a series of complex and contradictory relationships to global power.

So, when trying to define VOD, one question that must be asked is, should the technology be understood as part of film and television or as part of the internet? At the risk of making a point that sounds flippant or obvious, the answer is both. As discussed in the

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[9] Lucas Hilderbrand, "'Digital' Is Not a Noun," *Flow*, July 3, 2009. http://flowtv.org/2009/07/%E2%80%9Cdigital%E2%80%9D-is-not-a-noun%C2%A0%C2%A0lucas-hilderbrand%C2%A0%C2%A0university-of-california-irvine%C2%A0.

[10] Thomas J. Misa, "The Compelling Tangle of Modernity and Technology," in *Modernity and Technology*, ed. Thomas J. Misa, Philip Brey, and Andrew Feenberg (Cambridge, MA: MIT Press: 2003), 13.

[11] Ibid.

introduction, since streaming video is, in part, an outgrowth of technological and cultural formations that preceded the development of the internet, using an analytical frame that sees it as merely one of many experiences that one can have online does not make particular sense. That is, while there is much in the study of the internet as a discrete technological system that will be useful, VOD's film delivery and broadcasting functions require that we bring issues pertaining to film and television to bear on the topic. Similarly, since streaming video *is* part of the broader tapestry of experiences that make up the internet, using analytical frames that apply to analog or offline experiences of film and television is not possible without adapting them to the digital networked properties of VOD. As a cluster of industrial practices and cultural experiences, online video should be studied with an emphasis on what we can draw from current understandings of film, television, and the internet alike.

While the last two decades have seen the proliferation of a number of on-demand services via multiple technological formats, this chapter focuses in most detail on two popular internet and web-based VOD platforms: Netflix and the UK's BBC iPlayer. Within Hollywood, the development of online forms of delivery has been wrapped up in discourses of uncertainty, disruption, and change that the industry can hardly keep up with. Contrasting the contemporary entertainment environment with Hollywood's 1930s "golden age," a 2009 *New Zealand Herald* op-ed on Redbox DVD vending machines laments:

> How remote those glory days seem today, as consumers demand ever-cheaper entertainment, even as the industry that provides it grapples with hard times, technological change and union disputes. Hollywood's tectonic plates are shifting, but in

> a company town where, as the famous dictum has it, “nobody knows anything”, it is hard to predict what the landscape will look like when the tremors cease.[12]

But as I showed in the first chapter, Hollywood is anything but a passive receptor of the putative effects of new technology. Rather, it has a significant role in the development and application of these technologies toward its own ends.[13] Furthermore, as Charles Acland has noted, “The ‘nobody knows anything’ catch-phrase is smokescreen, pure and simple, for an extensive and concentrated organization of advantage in the arena of commercial cultural enterprise.”[14] To pretend that new media technologies and the major players in the entertainment industries are two separate cultural phenomena, with the former merely impacting the latter, would be to ignore the ways major media industries develop and promote the uses of new media toward certain ends around the world.

Even still, this should not indicate that the tandem globalization and digitization of media is any kind of monolithic or uniform process. Rather, the proliferation of different platforms around the world has served to make viewing experiences more individualized, customizable, and fragmented. The idea that such forms of digital delivery are leading to a more fragmented media environment is one of the chief arguments of Chuck Tryon in his recent study of on-

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[12] Peter Huck, “The Long Goodbye,” *The New Zealand Herald*, September 22, 2009. http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=10598085.
[13] See Janet Wasko, *Hollywood in the Information Age* (Austin, TX: University of Texas Press, 1994).
[14] Charles R. Acland, “Everybody Knows,” *Flow*, November 12, 2010. http://flowtv.org/2010/11/everybody-knows; In an incidental indication of the importance of this axiom to discussions of VOD, the text on the back cover of Iordanova and Cunningham’s *Digital Disruption* begins, “‘Nobody knows anything,’ said William Goldman of studio filmmaking. This statement is proving increasingly apt as we begin to survey the radical changes that digital distribution, together with the digitization of production and exhibition, is wreaking on global film circulation.”

demand media culture.[15] Tryon posits the conceptual frame of "platform mobility" as a way to talk about how VOD has altered viewing experiences, making those experiences more mobile in the senses of viewers both flitting between platforms and literally taking those experiences with them on the go. The platforms that help engender such mobility are not merely empty conduits for content, but entities that carry their own structures, rules, brands, and business models.

A predominant myth about streaming platforms is that they represent a process referred to as disintermediation, or the elimination of distributional middlemen that have traditionally been in charge of the distribution of film and content around the world. For instance, Dina Iordanova suggests that streaming leads to disintermediation, a "process whereby direct access to content makes the intermediary in a supply chain obsolete." While online exhibition and smaller-scale VOD platforms can eliminate some of the traditional intermediaries for many independent producers around the world, within mainstream or dominant cultural industries, the release of content to various VOD platforms simply involves *different* intermediaries. Film and television aggregators like Netflix and Hulu still build libraries based on territorial licensing agreements, and these territorial agreements lead to differential access around the world. In his handbook on streaming video technologies, David Austerberry summarizes the basic financial arrangement among content producers, distributors, streaming platforms, and users as follows:

> Content and payment form a cycle. The content is delivered to the consumer for use and the consumer then pays the intellectual property owner (through intermediaries) for the content. The Digital Rights Management system ensures secure delivery of the content in

[15] Tryon, *On-Demand Culture*, 2.

> accordance with business rules defined by the contracts. The monies collected then are apportioned by the contracts management payment to the relevant parties."[16]

In this formulation, the digital rights management (DRM) system is the geoblocking mechanism, and the intermediaries are the companies that sell distribution rights to VOD platforms as well as the platforms themselves. These intermediaries set the rest of the conditions that comprise "Ulin's Rule" (also discussed in the first chapter) whereby "content value is optimized by exploiting the factors of time, repeat consumption (platforms), exclusivity, and differential pricing."[17] Since the spatial/temporal distribution, exclusivity, price, and platform availability are all shaped by the licensing agreements negotiated among producers, distributors, and exhibitors, it would be wrong to suggest that intermediaries have been eliminated. In fact, licensing a film or television program for VOD is often *more* expensive than licensing it for DVD—at least for those making licensing deals with major streaming platforms like Netflix and Hulu.[18]

The Significance of the Platform

One consequence of the development of online modes of exhibition is the importance of individual, proprietary platforms, each of which operate under different, constantly changing sets of licensing agreements with content companies. Since platforms like Netflix, Hulu, LoveFilm, Amazon Instant Video, and the host of others that deliver movies and TV programs to viewers around the world operate separately from each other, both as business entities and as spaces of

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[16] David Austerberry, *The Technology of Video and Audio Streaming*, 2nd ed. (Burlington, MA: Focal Press, 2005), 264-265.
[17] Jeff Ulin, *The Business of Media Distribution: Monetizing Film, TV, and Video Content*. (Burlington, MA: Focal Press, 2000),
[18] Dan Rayburn, "Stream This! Netflix's Streaming Costs," *Streaming Media* (2009). http://www.streamingmedia.com/Articles/Editorial/Featured-Articles/Stream-This!-Netflixs-Streaming-Costs-65503.aspx.

user experience, these platforms become particularly powerful and meaningful in and of themselves. For one, they each have their own brand identity that promises a certain set of experiences to their viewers. Additionally, the contingent nature of content availability and the always promised/always delayed expansion of such platforms across the world indicate the continued centrality of territorial licensing agreements to the shape of the global streaming environment. All of this points to the importance of the "platform" as both an industrial and technological system that delivers media to us *and* a set of discourses about what those systems can offer us. As Tarleton Gillespie has pointed out, the very concept of the platform has become a structuring component of the internet. For Gillespie, the idea of the "platform" makes several promises to the various stakeholders and constituents who interact with the platform in a number of different ways: users, investors, policymakers, advertisers, and media producers, among others.[19] While Gillespie mostly discusses platforms that provide opportunities for user-generated content (e.g., YouTube), his points are instructive when considering the increasing importance of VOD platforms—both aggregators that compile material from a number of different content producers and distributors as well as platforms like the BBC iPlayer or Warner Instant Archive that represent extensions of existent networks or companies. For producers, the platform gives them an opportunity to promote and make their work visible to an audience. Since a platform is a form of distribution, its definitions become wrapped up in the ways industries and policymakers alike try to shape the contours of that distribution. As Gillespie puts it, "As society looks to regulate an emerging form of information distribution, be it the telegraph or radio or the internet, it is in many ways making decisions about what that technology is, what it is for, what sociotechnical arrangements are best suited to help it achieve that and what it must not be

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[19] Tarleton Gillespie, "The Politics of Platforms," *New Media and Society* 12, no. 3 (2010): 348.

allowed to become."[20] As the next section will show, the development of VOD platforms required the cultural industries to regulate distribution across platforms in order to preserve and control windowing agreements.

From Region Codes to Geoblocking

The earlier debates over DVD and video game region codes helped shape subsequent debates surrounding the geoblocking of VOD platforms. Because it functions to differentiate the availability of film and television content depending on the viewer's geographic location, geoblocking is occasionally compared to region coding. Moreover, its roots in the windowing patterns of global entertainment distribution indicate that this similarity is not merely discursive. Still, because it is not ruled by a single standard like the DVD region code, and it can be enforced through a number of different technological mechanisms, online geoblocking is even more difficult to pin down and explain. Where a bit of digging could lead a consumer to learn about the DVD CCA and the reasons a Region One DVD would not play in her Region Two DVD player, online geoblocking remains a contingent and often confusing process informed by the practices of individual platforms rather than a transnational body that determines the standards and shape of geoblocking around the world. In an indication of this, one news story refers to it as "digital voodoo."[21] On a basic technological level, however, geoblocking is one extension of the recent proliferation of digital geolocative technologies that use satellites or IP addresses to know a user's location. Such locative technologies exist beyond the delivery of entertainment content and permeate everyday life for those that regularly use digital networked

[20] ibid.,
[21] Mike O'Donnell, "Sky Beware, Sunset May Be Coming," *The Dominion Post* (Wellington), June 29, 2013, 10.

technologies. Cellular phones, global positioning systems (GPS), and internet-connected computers are all geolocative. Many platforms take advantage of such geolocation in order to customize the user's experience on the platform and thus platform owners and advertisers can collect identifiable information for a variety of reasons. So, some platforms utilize the geolocative properties existent in their technologies as a primary feature of the technology. Consider Foursquare, Yelp, Instagram, or any other mobile platform that allows its user to "check in" to a certain business establishment or public space in order to share tips, photos, or contact with other users.[22] But while such uses take advantage of a technology's geolocative properties to the user's nominal benefit—generally promoting the use of geolocation to in some way enhance said user's relationship to her physical surroundings—the firms that own and control VOD or other online platforms can use geolocation to prohibit certain capabilities of an application or a technology.

In addition to its role as an extension of the cultural industries' business models, geoblocking is often discussed in the broader context of internet filtering. While geoblocking entertainment platforms is in many ways distinct from the practice of filtering by, say, oppressive governments, the practices do overlap and are occasionally informed by similar goals. Ronald Deibert, John Palfrey, Rafal Rohozinski, and Jonathan Zittrain discuss the use of internet filtering by private companies around the world as part of the fourth phase in their history of filtering: the "access contested" phase, which they posit as beginning around 2010.[23] In contrast to earlier eras (which they call the "access denied" and "access controlled" phases), the access

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[22] For more on the social and cultural implications of these technologies, see Daniel M. Sutko and Adriana de Souza e Silva, "Location-Aware Mobile Media and Urban Sociability," *New Media and Society* 13, no. 5 (2011): 807-823 and Germaine Halegoua, "New Mediated Spaces and the Urban Environment" (Ph.D. diss., University of Wisconsin-Madison, 2012).
[23] Ronald Deibert et al., eds., *Access Contested: Security, Identity, and Resistance in Asian Cyberspace*. (Cambridge, MA: MIT Press, 2012),14.

contested phase is not dominated by the goals of individual states to completely block their citizens' access to the internet. Rather, "Cyberspace contestation is made up of a complex patchwork of competing interests and actors of all types. A key feature of the access-contested period will be the interplay and clash between these often-competing interests and values."[24] In other words, platform developers, content industries, and other intermediaries set the conditions for internet filtering rather than states. Such a circumstance aptly describes geoblocking; while states and international regulators grease the wheels for cultural industries and multinational corporations to perpetuate geoblocking, these industries and corporations are the ones that put such systems in place. As Deibert et al. remind us, "most of cyberspace is owned and operated by private parties, and its protocols are developed and refined through processes that straddle the public and private."[25] As I have shown throughout this dissertation, the role of private media industries in shaping how users experience entertainment via digital media around the world has much to do with global entertainment's disjunctive shape.

The creation of distinctly defined markets for these industries is central to the reasoning behind geoblocking, and media scholars have begun to articulate how cultural industries conjure and sustain geoculturally-defined markets in an era of digital networked media. As Patrick Vonderau has suggested, studies of digital media entertainment should emphasize the "ontology work" that goes into the creation of digital markets—or how they are made *real* in the minds of industrial players.[26] Vonderau suggests that rather than simply taking it on faith that markets are

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[24] Deibert et al., *Access Contested*; see also Deibert et al., eds. *Access Denied: The Practice and Policy of Global Internet Filtering*. (Cambridge, MA: MIT Press, 2008) and Deibert et al., eds. *Access Controlled: The Shaping of Power, Rights, and Rule in Cyberspace*. (Cambridge, MA: MIT Press, 2010).
[25] Diebert et al., *Access Contested*.
[26] Patrick Vonderau, "Beyond Piracy: Understanding Digital Markets," in *Connected Viewing: Selling, Sharing, and Streaming Media in the Digital Era*, ed. Jennifer Holt and Kevin Sanson

ontologically stable entities, scholars of media should "shift focus away from a substantive notion of market to an analysis of the very *practices* through which markets are constantly made and remade." The cultural industries' mapping of geographic markets, and the business decisions that arise from such forms of mapping, are "attempts of charting a *territory*—implying that it is already out there, inscribed in an enduring geography of media use." This can be considered a contemporary variation of Edward Said's notion of the "man-made" geographies that are produced and sustained through the expression of knowledge about certain territories.[27] Crucially, in Said's Foucauldian account, making knowledge claims about spaces represents a form of power over, or at least relating to, these spaces. Similarly, if market actors make claims about a certain territory as a discrete, knowable market, such claims also manifest as power—the power to treat certain spaces *as* knowable, the power to enact business decisions based on that knowledge, and so on. For Vondereau, one way cultural industries conjure digital video markets is through "representational practices," or "activities that contribute to the depiction of markets and/or how they work."[28] This transforms a market from an abstract entity into a realizable, representable thing—complete with its own geographies, cultures, and economies. In their articulation of markets to geocultural territories (and the people that live in those territories), the industrial logics that perpetuate geoblocking also inform moments where entertainment industries shape media's cultural geographies in addition to their political economics.

That representation would be so important to defining a geographic market suggests the concerns of studies of media representation will be germane to understanding the media industries' creation of markets. Consider, for example, the discussion in Chapter One of how

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(New York: Routledge, 2013), 114.

[27] Edward Said, *Orientalism*. (New York: Vintage Books, 1978), 5.

[28] Vonderau, "Beyond Piracy," 112.

media industries and journalists discussed DVD region codes through the frame of stereotypes and tropes associated with the cultures of certain regions. Of course, cultural studies of media *have* been invested in how the creation of markets aligns with cultural identity, but such concerns have historically revolved around cultural difference as it pertains to identity categories such as race, gender, and/or sexuality, rather than geography or geocultural difference. Further, they have often remained resolutely nation-bound, focusing often on narrowcasting in American television and the ways it segments markets into groups that can be delineated based on race, gender, age, sexual and/or class identities.[29] A key exception in this regard is the work of Timothy Havens, which brings together racial difference and the global travel of African American television to show how the production of racial difference within the cultural industries operates transnationally.[30] However, the cultural industries' production of markets is a fundamentally global process that aligns with all sorts of different markers and categories of identity and difference. This chapter continues my broader project's interest in understanding how issues of geography, territories, and regions attend to these processes of cultural differentiation, identification, and cultural capital and how geoblocking reflects and sustains them. In order to understand the industrial conditions that lead to global VOD availability and unavailability, and thus the production of this difference, the next section offers an overview of one particular dominant streaming platform: Netflix. Because this platform represents a significant share of the VOD marketplace, it tends to be in the best position to make licensing

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[29] See, for instance, Julie D'Acci, *Defining Women: Television and the Case of Cagney and Lacey* (Chapel Hill, NC: University of North Carolina Press, 1994); Ron Becker, *Gay TV and Straight America* (Piscataway, NJ: Rutgers University Press, 2006); Kristal Brent Zook, *Color by Fox: The Fox Network and the Revolution in Black Television*. (Oxford: Oxford University Press, 1999).
[30] Timothy Havens, *Black Television Travels: African American Media Around the Globe* (New York: New York University Press, 2013).

deals with content industries and multinational corporations. This section takes a look at the recent expansion of the platform and how such processes of expansion illuminate some of the long-held debates over geoblocking.

Netflix: Expansion, Lockout, and Dominant Business Models

Because the debates over region codes informed later disputes over streaming and geoblocking, a key premise that structures these discussions is that everyone *should* have access to the same content at the same price, regardless of geographic location—a particular manifestation of a cultural attitude that Lucas Hilderbrand calls "access entitlement."[31] Indeed, some reports on these platforms suggest that their expansion around the world, and thus the elimination of geoblocking as a necessity of the content industries, is inevitable. Vignesa Moorthy, the CEO of ViewQwest, an internet service provider that offers a package to its viewers containing access to a number of geoblocked platforms via VPN, suggests that the gradual expansion of the major streaming platforms signifies an eventual erosion of geoblocking.[32] Still, in spite of such pronouncements, geoblocking continues, abated only by the aims of certain platforms to move into other territories. So, to give some context for how and why major platforms remain unavailable in certain parts of the world, I will summarize the global expansion of popular streaming service Netflix. The inconsistent availability of Netflix and its gradual expansion can be explained by a host of factors: language differences, the existence of dominant streaming platforms within some of those countries, and the utter ignorance of others due to the fact that

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[31] Lucas Hilderbrand, *Inherent Vice: Bootleg Histories of Video and Copyright* (Durham, NC: Duke University Press, 2009), 229.
[32] Joan Ng, "Finding a New Future," *The Edge* (Singapore), June 10, 2013. Of course, it is worth pointing out that Moorthy has a stake in making that claim; the easier it is to access such platforms, the more people will presumably sign up for a service that offer access to those platforms.

major media industries see them as too poor to exploit as markets. However, they all essentially boil down to one dominant practice of the cultural industries: market segmentation. The segmentation of geographic markets as spaces for media distribution is the engine that drives regional lockout.

Netflix is a Los Gatos, California-based company founded in 1997 that began offering DVD subscription service to users in the US two years later.[33] In 2007, the company introduced its on-demand streaming service, which offered a library of films and television programs over the internet to Netflix subscribers. In September 2010, Netflix launched its international expansion by offering its streaming service to Canada.[34] This service would be streaming-only and not include DVD delivery—a condition that would be identical to subsequent international launches. In 2011, Netflix introduced its streaming service to forty-three countries throughout Latin America and the Caribbean, launching a Portuguese-language version for Brazil in early September followed by an English and Spanish-language version throughout much of the rest of the region shortly thereafter.[35] In order to offer local and culturally proximal material, the company signed streaming deals with production companies such as Brazil's Globo, Mexico's Televisa and TV Azteca, Argentina's Telefe, Colombia's Caracol, and NBC Universal's Telemundo.[36] To help underwrite the entry into Latin America, the company raised prices for its

[33] "Company Timeline," *Netflix.com*, October 2013. https://signup.netflix.com/MediaCenter/Timeline.
[34] "Company Timeline"
[35] "Netflix Announces Launch Across Latin America and the Caribbean," *Corporate IT Update* September 5, 2011; Irina Kornilova, "Netflix Launches Streaming Service in Latin America and the Caribbean," *Screen Digest*, September 7, 2011. http://www.screendigest.com/news/2011_09_netflix_launches_streaming_service_in_latin_america_and_the_caribbean/view.html.
[36] Anna Marie de la Fuente, "Netflix Streams Into Latin America," *Daily Variety*, September 6, 2011, 12.

US service to help cover the company's initial losses.[37] The Latin American launch was significant for a number of reasons. For one, it functioned to try to stave off the informal economies, i.e., what the cultural industries call "piracy," that Hollywood believed hurt its bottom line.[38] It also represented a move into territories that tech industries were beginning to view as prime locations for new media business. As Tryon points out, Latin America's growing broadband penetration and low pay TV penetration made the territory an enticing market for VOD platforms. Some reports suggested that because of these conditions, Netflix could even overtake subscription television in the region, replacing it rather than simply complementing it.[39] Still, as media research journal *Screen Digest* reported, the platform would run into several issues in the region. For instance, although broadband penetration was rising as of September 2011, it was still low (21.5% of households in Brazil, for example) compared to the United States (65.2%) and Canada (73.3%).[40] Other sources pointed out that some countries imposed data caps on broadband users that could pose issues for high-bandwidth streaming.[41] Still, the platform's move into Latin America was seen as a harbinger of the region's status as a growing media market. One report even suggested, "If Brazil and the rest of the region follows the same technology trends seen in North America, Europe and Asia, LatAm may be posed to launch its own Facebooks, Groupons, and Netflixes."[42]

The next year, Netflix announced it would be bringing its service to the United Kingdom and Ireland—an announcement that brought about ambivalent reactions. It may be easy to

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[37] "Netflix Failing to Profit in Latin America," *Business Monitor Online*, September 15, 2011.
[38] de la Fuente, "Netflix Streams Into Latin America."
[39] Ryan Lawler, "Netflix Could Beat Cable TV in Latin America," *Gigaom*, July 11, 2011. http://gigaom.com/2011/07/11/netflix-cable-latin-america.
[40] Kornilova, "Netflix Launches Streaming Service."
[41] Tryon, *On-Demand Culture*, 48.
[42] Jef Cozza, "Back to the Future," *LatinFinance*, July 2011.

assume that Netflix would be widely welcomed, particularly if we consider geoblocking a purely "bad" phenomenon and take into account Paul McDonald, Elizabeth Evans, and Chris Baumann's conclusion that many UK viewers have a desire to watch non-UK content but are often unable to do so when they want because of windowing restrictions.[43] In other words, since American platforms were geoblocked, UK users were not able to catch up on certain television shows when they might want to. At the same time, many local reports framed Netflix's entry into Great Britain as another extension of American power. Echoing arguments familiar to the debates over Americanization and cultural imperialism, these reports expressed worries about the detrimental effect that the platform would have on the country's other VOD aggregators, in particular BSkyB and LoveFilm. For instance, a *Times* news report from October 2011 suggests that Netflix was set to begin its "second assault on Britain."[44] All in all, though, the UK was widely seen as a natural choice for Netflix's expansion given its cultural proximity to the United States and its image of being a media market more "evolved" or "advanced" than the rest of Europe.[45]

As such rhetoric might suggest, the spread of Netflix around the world often articulated to familiar discourses of modernity, modernization, and development—particularly when they touched on Latin America and the Global South. Here, "modern" or "modernity" should be considered a discourse that inevitably comes about during discussions of international technological expansion. In these cases, modernity as a condition, and development and

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[43] Paul McDonald, Elizabeth Evans, and Chris Baumann, "Connected Entertainment UK: Behavior, Taste, Experience, and Value," in *Connected Viewing Initiative: Final Report* (Santa Barbara: Media Industries Project, 2012), 32.
[44] Nic Fildes and Susan Thompson, "It's Back, and This Time Its Serious: Netflix in Second Assault on Britain," *The Times* (London), October 25, 2011, 43.
[45] Adam Dawtrey, "Europeans Take Small Steps in VOD Market," *Daily Variety*, May 7, 2012, 15.

modernization as social, psychological, governmental, and economic processes that lead to that condition, usually refer to archetypically Western ideals of scientific rationality, control of advanced technologies, and open-market capitalism. A major reason why discourses of modernization and development often accompany reports on VOD is that discussions of the availability (or lack thereof) of VOD platforms are often wrapped up in discussions of internet infrastructure and broadband penetration, which are increasingly seen as bellwethers for a territory reaching modern status or otherwise joining the contemporary world economy in earnest. The nominal reasons for this are clear: because streaming video uses a significant amount of bandwidth, VOD companies want to make sure enough users will be able to use the service in order to make it worthwhile. So, as tech companies continued to expand their operations throughout the world, news reports focused on how Latin America was behind but catching up, so to speak, to wealthier regions. Business reports were skeptical of this move in particular, noting that internet speeds in the region were too slow to handle streaming video without major hiccups.[46] As a CEO of Argentinean online retailer MercadoLibre puts it, "The region is a little bit lagging [behind] what's happening in other parts of the world: Asia, Europe, and the US."[47]

As of February 2015, the service remains unavailable and geoblocked throughout the Middle East, Africa, South Asia, Southeast Asia, parts of mainland Europe, Russia, and a host of other territories around the world.[48] However, Netflix has recently been more assertive in its

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[46] "Netflix's Latin American Expansion Plans Perhaps Too Overambitious," *Business Monitor Online*, July 7, 2011.
[47] Cozza, "Back to the Future."
[48] Nic Healey, "Netflix Australia: What We Know," *CNET*, January 14, 2015. http://www.cnet.com/au/news/netflix-australia-what-we-know; Todd Spangler, "Netflix to Launch in Japan in Fall of 2015," *Variety*, February 4, 2015. http://variety.com/2015/digital/news/netflix-to-launch-in-japan-in-fall-of-2015-report-

rhetoric of global expansion, introducing its service to Scandinavia around the same time as its UK launch, and later to the Netherlands in September 2013.[49] In early 2015, the platform announced launches for later that year in Australia, New Zealand, and Japan. Alongside this, Netflix expressed a desire to expand everywhere around the world within two years.[50] At the same time, CEO Reed Hastings suggested that the platform would start negotiating for global distribution rights in order to ensure that the platform's fare would be made available more or less universally. As with Netflix's move into Latin America and the UK, some of the industrial rhetoric surrounding the platform's possibilities for a European launch expressed the potential impacts that Netflix could have on local production, distribution, and exhibition sectors—both for good and ill. One trade report points out that local distributors in Spain would welcome Netflix as a possible new site for the exhibition of local, independent content.[51] At the same time, *Variety* suggested that one of the major reasons the platform had not launched in mainland Europe was the "entrenched power of European exhibitors."[52] Such reports indicate the ambivalence of Netflix as a purveyor of global content still seen as firmly American. On one hand, the company represents a major American company whose entry into other territories occasionally results in expressions of anxiety that Netflix will overwhelm local media sectors. On the other hand, because it is an over-the-top aggregator of content that can be differentiated based on region and could even be a potential exhibition outlet for local producers, its

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[49] Scott Roxborough, "Netflix Launches Scandinavian Service with Warner Films in Earliest Window," *The Hollywood Reporter*, October 16, 2012. http://www.hollywoodreporter.com/news/netflix-scandinavia-studios-spotify-warner-bros-379211; Todd Spangler, "Netflix Launches in the Netherlands," *Variety*, September 11, 2013. http://variety.com/2013/digital/news/netflix-launches-in-the-netherlands-1200607571;

[50] Josh Taylor, "How Netflix Wants to End Geoblocking," *ZDNet*, January 20, 2015. http://www.zdnet.com/article/how-netflix-wants-to-end-geoblocking.

[51] Emiliano de Pablos, "Spain," *Daily Variety*, November 4, 2011.

[52] Dawtrey, "Europeans Take Small Steps," 15.

introduction into new territories did not necessarily represent an invasion of American ideals that would be more familiar to proponents of the cultural imperialism thesis. However Netflix has been understood and taken up in different parts of the world, its gradual globalization as well as its geoblocked status forces users, industries, and industry observers alike to confront questions about how we comprehend the relationships among digitalization, globalization, and streaming entertainment video platforms.

Beyond Utopia/Dystopia: New Media, Entertainment, and Globalization

As the above case study shows, even a powerful, putatively game-changing platform like Netflix, which is regularly invoked as a disruptor of the entertainment industries' status quo, is only making its global presence known in fits and starts. But because VOD stands at the convergence of the internet, television broadcasting, and film, talk about the technology often reflected utopian pronouncements that have accompanied all of these media. As a global media system tied to digital technologies, the discursive framing of streaming video represented an intertwining of what Thomas Streeter calls the "discourse of new technologies" and what David Morley and Kevin Robins refer to as the "mythology of global media" (see Chapter One).[53] The former, drawing on James Carey and John Quirk's concept of the "rhetoric of the electrical sublime," refers to discourses suggesting that new technologies (and in this case digital

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[53] David Morley and Kevin Robins, *Spaces of Identity: Global Media, Electronic Landscapes, and Cultural Boundaries* (London: Routledge, 1995), 11; Thomas Streeter, "Blue Skies and Strange Bedfellows: The Discourse of Cable Television," in *The Revolution Wasn't Televised: Sixties Television and Social Conflict*, ed. Lynn Spigel and Michael Curtin (New York: Routledge: 1997), 225.

networked media technologies) were positioned to bring about some kind of revolutionary social impact.[54] As Streeter puts it:

> The idea was that the growing use of communications satellites, the increasing involvement of computers in data transmission, and the expanding capacity of broadband coaxial cable were not isolated developments or mere continuations in the technological evolution of communications systems, but were all part of a revolutionary development comparable to that brought about by print or the industrial revolution.[55]

VOD encapsulates these intertwined popular and academic rhetorics surrounding new media and globalization, wherein the international development and spread of mass media around the world are seen as catalysts for, or at least representatives of, some form of global transformation.

The most canonical theory along these lines is, of course, Marshall McLuhan's mid-century suggestion that television and electronic media would turn the world into a "global village."[56] Not only would this global village unite all of the world's citizens into one community connected via electronic media, it would also make the world seem smaller and more familiar. Writing later, John Hartley echoes a version of this rhetoric when he argues that television "is among those global developments that suggest we are on the path towards the re-integration of our species."[57] For Hartley, while contemporary society is still marked by borders, boundaries, and difference, media actually work in opposition to these boundaries:

> While nations, states and government policies remain territorial, especially in point of principle, and while local communities retain strong affinities with land and location,

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[54] James W. Carey and John J. Quirk, "The Mythos of the Electronic Revolution," *The American Scholar* 39, no. 3 (1970): 395-424.
[55] Streeter, "Blue Skies," 225.
[56] Marshall McLuhan, *Understanding Media: The Extensions of Man* (Cambridge, MA: MIT Press, 1994).
[57] John Hartley, *Uses of Television* (New York: Routledge, 2002), 8.

> populations themselves have virtualized in both semiotic (sense-making) and somatic (bodily) communications. Mobility, migration, medical conditions—and media—are all causing human consciousness to converge.[58]

Although it would be overly simplistic to suggest that Hartley's account is identical to McLuhan's, it holds similar premises: that television is somehow transforming humanity's collective consciousness and that electronic media are necessarily integrative along liberal-democratic ideals where difference and boundaries are seen as counter-productive to the goals of integration. Here, we also see a similar tendency as McLuhan—the idea that media's ability to transform spatial-temporal relations somehow profoundly reshapes consciousness, often in ways that make us more amenable to difference or cosmopolitan engagement.

These pronouncements celebrating media's connective capabilities quickly came to characterize popular discourses surrounding the internet—an alignment perhaps most famously crystallized in *Wired* making McLuhan their "patron saint." However, scholars have begun to question the global village rhetoric as it has been applied to the internet at the levels of both individual user experience and larger infrastructures. Ethan Zuckerman and Susan Douglas have both suggested that just because we have the ostensive *capabilities* to connect with each other through the internet does not mean we necessarily do so. Rather, it is just as possible that we stay isolated within online communities that align more closely with our own identities and interests.[59] Offering a more structural critique of the discourses of new media, Richard Barbrook and Andy Cameron pinpoint a tendency in Silicon Valley that they call the "Californian

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[58] Hartley, *Uses of Television*, 10.

[59] Ethan Zuckerman, "Homophily, Serendipity, Xenophilia," *My Heart's in Accra*, blog, April 25, 2008. http://www.ethanzuckerman.com/blog/2008/04/25/homophily-serendipity-xenophilia; Susan Douglas, "The Turn Within: The Irony of Technology in a Globalized World," *American Quarterly*, 58, no. 3 (2006): 619-638.

Ideology."[60] The Californian Ideology "combines the free-wheeling spirit of the hippies and the entrepreneurial zeal of the yuppies. This amalgamation of opposites has been achieved through a profound faith in the emancipatory potential of the new information technologies. In the digital utopia, everybody will be both hip and rich."[61] As this indicates, it is important to remember the political economy and profit motives of those who have a stake in perpetuating discourses of new media as necessarily progressive. Along these lines, the authors of *Global Hollywood 2* discuss the ways digital media have been incorporated into the New International Division of Cultural Labor (NICL), or the contemporary division and globalization of Hollywood's markets and labor pools marked by neoliberal economics. They write, "the implication of the NICL is that rather than technology's putatively inherent freedoms generating a revolution in social relations that empowers citizens, consumers and workers…we should regard the 'information society' as one more moment of transformation to secure capital's continuing domination of labor."[62] While such viewpoints threaten to veer too far in the other direction by ignoring the potentially empowering capabilities of new media and assuming that their exploitative properties are all that matter, this work indicates that focusing on the material realities of new media might unveil less savory implications of the decentralization generally celebrated by those with somewhat more affirmative takes.[63]

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[60] Richard Barbrook and Andy Cameron, "The Californian Ideology," *Science as Culture* 6, no. 1 (1996): 44-72.
[61] Ibid, 45.
[62] Toby Miller et al., *Global Hollywood 2* (London: British Film Institute, 2005), 121.
[63] See, for instance, Yochai Benkler, *The Wealth of Networks: How Social Production Transforms Markets and Freedom*. (New Haven: Yale University Press, 2006); Henry Jenkins, *Convergence Culture: Where Old and New Media Collide* (New York: New York University press, 2006). Jenkins characterizes his own take on the transformative capabilities of new media and participatory culture as that of a "critical utopian," a position that critiques the worst tendencies of the media industries while looking for spaces of possible progressive transformation. Jenkins posits this view in contrast to "critical pessimists" such as Mark Crispin

Such critiques enable us to evaluate a long-held idea in a contemporary era marked by late-capitalism and globalization: that global space and time are experienced as increasingly compressed. In this regard, David Harvey's work has set the tone for many subsequent thoughts on this matter. For Harvey, postmodernity, which is marked by a post-Fordist model of global production, circulation, and accumulation has accompanied a "time-space compression" or more precisely, an "annihilation of space through time" wherein the world is experienced as smaller and more easily traversed.[64] Space and time are linked, here, as faster forms of global connection lead to a world that feels smaller. Taking it on its own, it would be easy to critique the idea that we are all experiencing "space-time compression" and take Harvey to task for presenting a view that seems to underestimate both the disjunctive practices of globalization and the differences in spatiotemporal relations across the globe. Looking at the Netflix example, we can see that space and time are still crucial not only to Netflix's business operations, but also its technological affordances and possible experiences that users in different parts of the world might have with the platform. Spatially, the still rather limited availability of the platform gives the lie to VOD and Netflix's discursive framing as a disruptive force in global viewing. Even beyond the level of access full stop, content libraries change from place to place due to territorial licensing agreements, and Netflix users in different parts of the world—for better or worse—have access to different slates of films and television programs. Suffice to say, then, users in one territory eager for an experience similar to US-based Netflix users likely see the platform as a reminder that space has not been annihilated and that temporal lags remain in place.

Miller, Noam Chomsky, and Herman McChesney, who offer more sweeping condemnations of the media industries.

[64] David Harvey, *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change* (Cambridge, MA: Blackwell, 1989), vii, 293.

Still, a closer analysis of Harvey presents a more nuanced view of the flow of global capital and culture (a subtlety that Couldry points out in his own analysis of media and space).[65] In fact, Harvey points to a paradox, wherein new modes of transport and communication make spatial barriers *less* important to the actual practices of circulation, but notions of place become *more* important since they identify certain territories as knowable quantities that can be "differentiated in ways attractive to capital."[66] Harvey's phrase encapsulates the way distribution as a media-industrial practice leads to the division and maintenance of geocultural borders, and the differentiation of these spaces toward the ends of capitalist industries is what shores up geoblocking. Here, we see a tension among possibilities for connection, homogenization, and global difference. Marrying Harvey's rhetoric with Deleuzian terminology, Neil Brenner suggests that globalization represents a battle between "the endemic drive towards space-time compression under capitalism (the moment of deterritorialization) and the continual production of relatively fixed, provisionally stabilized configurations of territorial organization on multiple geographical scales (the moment of reterritorialization)."[67] On one hand, the globe seems more knowable and traversable than ever before due to newer modes of transportation and communication. On the other hand, certain notions of global cultural difference intensify rather than disappear—particularly as they can be exploited to the ends of capitalist accumulation.

So, if technologies have not wholly reshaped spatial-temporal relationships, we can begin to understand the ways new media might retain or map onto long-held cultural geographies. In

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[65] Nick Couldry, *The Place of Media Power: Pilgrims and Witnesses of the Digital Age* (London: Routledge, 2004), 28.
[66] Harvey, *The Condition of Postmodernity*, 296.
[67] Neil Brenner, "Beyond State-Centrism?: Space, Territoriality, and Geographical Scale in Globalization Studies," *Theory and Society* 28, no. 1 (1999): 39-78.

his study of the relationships among home, mobility, and communications technology, David Morley reminds us:

> It must be acknowledged that new communications technologies are producing new definitions of time, space and community, these are not necessarily erasing but rather overlaying our old understandings of distance and duration. Neither is it a matter of physical geography somehow ceasing to exist, or ceasing to matter. It is rather a question of how physical and symbolic networks become entwined around each other.[68]

In his study of digital television, Julian Thomas similarly argues that we are in fact witnessing a "reassertion of the spatial dimensions of audiovisual content distribution" rather than elimination of them.[69] At a geographical level, national and regional boundaries continue to be one of the most important ways media businesses spread risk and segment their consumer markets, despite the promise of the borderless internet—a phenomenon illustrated clearly in the Netflix example. While digital technologies are often accompanied by pronouncements of the lessening importance of geography, even a quick glance at maps detailing the different DVD region codes, analog television technology protocols (i.e., NTSC, PAL, and SECAM), satellite footprints, undersea internet cables, and the availability of platforms like Netflix will indicate that global media culture continues to be guided by material means that follow traditionally held geographic contours.

Further, since these are *communications* technologies, their geographical dimensions are inseparable from their according temporal relations; controlling distribution is as much about controlling the *when* as it is the *where*. Even as Netflix is made more readily available around the

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[68] Morley, *Home Territories*, 176.
[69] Julian Thomas, "When Digital Was New: The Advanced Television Technologies of the 1970s and the Control of Content," in *Television as Digital Media*, ed. James Bennett and Niki Strange (Durham, NC: Duke University Press, 2011), 67.

world, it does not make the same material available in all these territories at the same time. And while it may be tempting to look at the rise of international day-and-date film releases and the diminished of number of video-disc region codes from six (for DVD) to three (for Blu-ray) as evidence of media culture's changing relationship to space and time, countervailing trends in geoblocking digital platforms suggest that the development of media technologies does not indicate an inexorable march toward an open, flattened, and instantaneous globalism. Recognizing the continued importance of geography therefore pours a bit of cold water on late-twentieth-century beliefs that space and time were fundamentally changing due to the development of new forms of capitalist accumulation and communications technologies. Writing of the ways DRM is often used to retain geographic boundaries, Ren Bucholz claims, "If the twentieth century was characterized by the death of distance culminating in our heady expatriation to the borderless terrain of cyberspace, it has become apparent that DRM is being used to defend a more antique cartography."[70] Such a claim emphasizes the fact that, to quote Couldry, even in new media environments, "the media profoundly affect the spatial organization of social life, but they do not efface it."[71] By looking more closely at how video on demand fits into these debates, we can see how this particular technology both inspires rhetoric surrounding borderless online delivery and forecloses it through its reliance on geoblocking as a fundamental part of its architecture.

VOD, Geoblocking, and the Mythology of Global Media

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[70] Ren Bucholz, "Laws of Air and Ether: Copyright, Technology Standards, and Competition" (Ph.D. diss, York University and Ryerson University, 2008), 50.
[71] Couldry, *The Place of Media Power*, 24.

When applied to VOD, or the movement of entertainment onto digital media platforms more broadly, more optimistic accounts tend to present their cases around the issue of availability. As they would have it, the ability of cheaper forms of production and distribution via the internet necessarily makes more material available than before–an imagined ideal of online distribution that Paul Goldstein famously referred to as the "celestial jukebox."[72] For instance, a recent law report suggests, "though physical borders—and sometimes difficult to surmount digital borders—still exist, the reality is that most things can be obtained online."[73] Occasionally, academic accounts of streaming will reflect such attitudes. Consider the argument from Dina Iordanova that the movement of film to online forms of exhibition is a "democratizing process."[74] When one looks at specific examples, this is not entirely wrong, given the fact that the last several years have seen a great deal of streaming services that specialize in cinemas from many parts of the world, including the Global South. Iordanova and Stuart Cunningham make a convincing case that the availability of streaming platforms with cinematic offerings from Africa, Latin America, and Southeast Asia has made the circulation of texts from the Global South far easier than it was when such regions were flat-out ignored by dominant entertainment distributors.[75]

Still, all of these discourses are part of a general assumption that the internet offers a necessarily easier, freer, and more equalizing user experience than nominally "physical" media like discs and cartridges. Returning to Gillespie, it is important to remember that the idea of the

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[72] Paul Goldstein, *Copyright's Highway: From Gutenberg to the Celestial Jukebox*. (New York: Hill and Wang, 1994).
[73] Jerusha Burnett, "Geographically Restricted Streaming Content and Evasion of Geolocation: The Applicability of the Copyright Anticircumvention Rules," *Michigan Telecommunications and Technology Law Review* 19 (2012): 461-488.
[74] Iordanova, "Digital Disruption," 23.
[75] Iordanova and Cunningham, *Digital Disruption*.

platform implies a "progressive and egalitarian arrangement, promising to support those who stand upon it."[76] Even video platforms that do not rely primarily on user-generated content wrap themselves in discourses of user freedoms that suggest the user of such a platform is taking her viewing experience more fully into her own hands. Consider the ways the algorithms that shape the offerings of films and television programs on platforms like Netflix hide the platform's control over what is offered behind a veneer of improved customization and the promotion of entertainment's increased convenience and ubiquity—part of the "platform mobility" that Tryon writes about.[77] In reality, and as the above exploration of Netflix's global availability indicates, the global online video environment is somewhat more contingent than accounts that celebrate its putative democratizing effects would have it. While such platforms do make it far easier to view content produced by non-dominant creative industries, the proliferation of multiple online platforms with unknowable life spans, constantly changing libraries, and, most importantly to the present study, uneven availability around the world, lends contemporary VOD a far more fragmented and contradictory ontology than can be easily summarized by one-way descriptors like "democratizing."

Of course, the obverse is also true; if online video is not wholly democratizing for its consumers, it is also not necessarily more restrictive than analog or physical media. Whether we judge its effects as engendering more or fewer consumer freedoms will necessarily depend on the context. Still, as I have discussed elsewhere, many scholars have critiqued the suggestion that new media technologies necessarily lead to a more open, democratized media environment. As Tryon points out, "despite the promises of digital utopians, on-demand culture is characterized not by universal access but by the process of limiting and restricting when and where content is

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[76] Gillespie, "Politics of Platforms," 350.
[77] Tryon, *On-Demand Culture*.

available."[78] In his recent work on online video, Tryon also posits geoblocking as a material limitation on the sort of mobility and consumer freedom that on-demand platforms promise, pointing to a disconnect between the discourses of ease and fluidity and the often disjunctive realities of accessing content from around the world. Peter Urquhart and Ira Wagman likewise suggest that confrontations with geoblocked technologies remind Canadians of the "power of place" even while the rhetoric of the borderless web surrounds VOD.[79] Here, the predominance of geoblocking in Canada shows that scholars must take into account the ways transnational intellectual property and licensing agreements shape global culture and think about how the ways Canadian access (or lack thereof) to media texts interferes with the rhetoric of borderlessness.[80]

The premise that the internet would, or at least could, lead to the unregulated availability of art and entertainment around the world informs the public frustrations surrounding geoblocking. As the logic goes, because online media platforms were supposed to have opened up borders, regional lockout should be a relic of an earlier era—an era more reliant on the supposed limitations of analog infrastructures and "physical" media—the internet should make much more content available. One Canadian newspaper report on geoblocking opens with the suggestion that "the internet was once viewed as a 'borderless' world that had little regard for the physical location of users."[81] An Australian consumer reports journal similarly argues, "The internet is a borderless world – news, shopping and social interaction with people from all over

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[78] Ibid., 41.
[79] Peter Urquhart and Ira Wagman, "'This Content is Not Available in Your Region': Geoblocking Culture in Canada," in *Dynamic Fair Dealing: Creating Canadian Culture Online*, eds. Rosemary J. Coombe, Darren Wershler, and Martin Zellinger (Toronto: University of Toronto Press, 2014), 125.
[80] Ibid.
[81] See "'Geoblocking' Sites is a Business Issue," *The Toronto Star*, July 5, 2010.

the world is at our fingertips. But some online retailers haven't yet embraced this fact."[82] As these arguments would have it, while the internet inevitably and inexorably moves society toward a condition of increased openness and less reliance on geographic boundaries, the business models of film and television production and distribution companies should follow suit and adapt to these new conditions. As one report about Singaporean streaming services argues:

> Geographical restrictions on content distribution have their roots in a business model built long before the Internet and digitization made it possible for content to be distributed around the world at a low incremental cost. And, as with all industries disrupted by technology, the movie and TV industry continues to resist change.[83]

A Sydney newspaper similarly suggests that regional lockout should have been consigned to history and compares it to DVD region codes: "Just when you thought geographical restrictions were a thing of the past, along came geoblocking, a kind of regional encoding for the era of digital downloads and streaming."[84] However, such arguments draw on a couple of fallacies. For one, they are technologically determinist in their assumption that the internet as a single, definable entity will *impact* the cultural industries in a certain way. This ignores the fact that cultural industries and new technologies exist in a dialectical relationship wherein they impact and develop each other in a multitude of ways. Cultural industries incorporate and develop new technologies toward their own ends, and new media technologies offer certain productive and distributional affordances of which these industries can take advantage. Second, they imply that new media somehow erase spatial boundaries rather than reinforce or reflect them. Given this

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[82] Elise Dalley, "Navigating Online Geoblocking," *Choice*, May 29, 2013. http://www.choice.com.au/reviews-and-tests/computers-and-online/networking-and-internet/shopping-online/navigating-online-geoblocks.aspx.
[83] Joan Ng, "Finding a New Future," *The Edge* (Singapore) June 10, 2013.
[84] Nick Galvin, "What is…Geoblocking?" *The Sun Herald* (Sydney) May 29, 2011, 7.

complexity, it is useful to think about what geoblocking can tell us outside of the utopian/dystopian discourses that have driven popular and academic talk about new media for decades now.

So, while the tech-utopian pronouncements and their rejoinders are important to understanding regional lockout insofar as they offered a discourse that the realities of the global streaming environment pushed against, they can be otherwise limiting as a conceptual frame through which to analyze new media. Once we concede the point that digital media technologies were never going to unilaterally impact the world and usher in a new age, we can ask questions about how they have functioned within societies around the world. If we look at media access and globalization beyond the pursuit of making grand claims regarding the transformative capabilities of new technologies, what can we find out about the relationships among industry, audience, technology, and difference? Reminding ourselves that digital media and entertainment are simply tools and experiences incorporated into the patterns of everyday life rather than catalysts of either a utopia of boundary-transgression or a dystopia of top-down control will allow us to understand how the geoblocked nature of these technologies can be otherwise meaningful. Nancy Baym refers to this more sober understanding of new media as a way to comprehend the "domestication" of new technology, or the process whereby "what once seemed marvelous and strange, capable of creating greatness and horror, is now so ordinary as to be invisible."[85] Even if geoblocking is not *always* invisible to viewers, thinking about it as a simple characteristic of everyday media experience around the world can help us understand it beyond the high-flying rhetorics of utopians and dystopians. This does not mean that it does not point to important crystallizations of geo-political and cultural difference at levels both structural and

[85] Nancy Baym, *Personal Connections in the Digital Age* (Cambridge: Polity, 2010), 45.

individual; it merely means that it does not necessarily represent a wrench thrown into the *a priori* open and liberating medium of the internet. However, tracing where such discourses come about in relation to VOD *in particular contexts* can be very revealing. Geoblocking is a structural, often invisible form of control (indeed, platforms do not loudly advertise their geoblocked status, as this would negate their promotion of openness and accessibility). As a result, its cultural-geographic, political, technological, and economic implications are made most visible when it breaks down. The following section looks at moments when users take measures to hack and get around geoblocks as well as the ways such moments figure as a space for the expression of transnational cultural differences.

Circumventing Lockout: The BBC's iPlayer

Given the demand for the texts that streaming platforms carry, it is inevitable that users would find a way to get around geoblocking. Such methods can be considered part of what Chuck Tryon calls a broader category of "resistant mobilities," or practices when viewers engage in streaming and other digital networked entertainment platforms in ways that resist the preferred uses of the entertainment industries.[86] One form of resistant mobility *not* discussed by Tryon is the use of virtual private networks (VPNs) and proxies to get around geoblocked websites. So, just as cinephiles, fans, and diaspora groups have hacked DVD players to get around DVD region coding (see Chapter Five), enterprising users have found ways to circumvent VOD borders. One simple method is file sharing through the use of torrents. However, this only allows for the informal trade of individual texts—it does not allow for access to geoblocked online platforms. Another method, and the one that is more germane to the present study, is connecting

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[86] Tryon, *On-Demand Culture*, 41.

through a proxy server or, more commonly these days, a VPN. By using a proxy, the user can connect to the platform using an IP address from the platform's home country. The platform will think that the user is located in the territory that has access to the platform and allow her to access the site. A VPN is similar in that it allows the user to connect to the internet via a private network that contains servers around the world. When the user connects to a server in another part of the world, the VPN provider supplies the user with an IP address from that location.[87]

The internet is rife with firms that sell access to VPNs and proxies as well as instructions for users on how to sign up for them and bypass geoblocks. Sites like *Lifehacker* and even newspapers like Sydney's *Sun Herald* have published articles or blog posts explaining to readers the steps they can take to sign up for a proxy or VPN and circumvent geoblocks.[88] In an indication of Australia's growing distaste for geoblocking (more on this in Chapter One and later in this chapter), the *Sun Herald* even offered a consumer report, of sorts, comparing two VPN and proxy services in order to report to its readership on which one would be more useful.[89] Just as the streaming video environment became ever more fragmented and unpredictable for consumers, so did the world of VPN providers. As one news report from Australia notes, "A word of warning: VPN-land is pretty much the Wild West, with lots of dodgy operators happy to take your money but provide little or no service in return."[90] For a while, major platforms like Netflix and Hulu were easily accessible via VPN or proxy, though increasingly they are cracking down on this particular kind of unauthorized use. Among other methods, Hulu bars users that it

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[87] "How to Bypass Geoblocking?" *VPN Tutorials*, January 22, 2013. http://www.vpntutorials.com/blog/how-to-bypass-geoblocking-80.
[88] Adam Pash, "How to Access the BBC iPlayer (and TV Like Doctor Who) from Outside the U.K.," *Lifehacker*, March 29, 2010. http://lifehacker.com/5504681/how-to-access-the-bbc-iplayer-and-tv-like-doctor-who-from-outside-the-uk; Adam Turner, "Toss Up; Digital Life," *The Sun Herald* (Sydney), July 22, 2012, 13.
[89] Turner, "Toss Up," 13.
[90] Nick Galvin, "What is…a VPN?" *Sun Herald* (Sydney), September 18, 2011, 7.

detects as connecting via VPN or proxy by blacklisting certain IP addresses associated with commercial VPN services.[91] Recent reports have suggested that Netflix similarly began barring VPN users from accessing the service, with VPN providers noticing at the end of 2014 that Netflix was suddenly locking out their IP addresses.[92] While users and VPN providers claimed that this was a new development, Netflix evaded the question of whether it had begun cracking down on VPN users and simply claimed that there had been "no change" in its usual anti-VPN policy.[93]

In spite of this, users still find ways to get around geoblocks. Because such resistant mobilities represent practices working against industries' and states' preferred modes of user engagement with media, they are often framed, whether positively or negatively, as instances of resistive user agency. On the other hand, Ramon Lobato has recently reminded us that while it may be vindicating and exhilarating to consider piracy and informal means of access as fundamentally disruptive and resistive against dominant power, such actions are in fact far more banal around the world.[94] For Lobato, the disputes between pro-piracy/anti-copyright and anti-piracy/pro-copyright blunt the complexities of the intermingled formal and informal economies that exist throughout the world by mapping a fundamentally western conception of media trade

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[91] Hulu Help Center, "What is an Anonymous Proxy?" http://www.hulu.com/help/articles/243651; Ernesto, "Hulu Blocks VPN Users Over Privacy Concerns," *Torrent Freak*, April 25, 2014. https://torrentfreak.com/hulu-blocks-vpn-users-over-piracy-concerns-140425.

[92] Ben Grubb, "Is Netflix Declaring War on Geo-Dodgers?" *Sydney Morning Herald*, January 4, 2015. http://www.smh.com.au/digital-life/digital-life-news/is-netflix-declaring-war-on-geododgers-20150104-12hlvq.html.

[93] "Netflix Upholds Geoblocking Rules Amid Reports of Crackdown," *CBC News*, January 5, 2015. http://www.cbc.ca/news/business/netflix-upholds-geoblocking-rules-amid-reports-of-crackdown-1.2889895.

[94] Ramon Lobato, *Shadow Economies of Cinema: Mapping Informal Film Distribution*. (London: BFI Publishing, 2012).

and intellectual property onto them.[95] Moreover, they tend to map moralistic arguments on practices that, for many around the world, are simply ordinary. Following Lobato, I see geoblocking as a set of conditions that exists within everyday life for a number of users around the world. In doing so, I observe geoblocking and its consequences contextually rather than make fundamental claims about its politics, particularly since those politics will be contradictory and contingent on context. Thus, while I acknowledge the ways circumvention has been articulated to a sense of spacelessness or radical anti-authoritarianism, I see these as discourses that are produced among various users, regulators, industries, and other entities rather than ways to accurately and precisely understand the ontology of circumvention as an act. Keeping in mind Roger Silverstone's suggestion that media's boundary work functions at macro and micro levels, how does geoblocking VOD function in regards to the latter?[96] To try to begin to answer that question, let us move on to an example of geoblocking tied to a national public broadcaster.

Looking primarily at online viewer discourse and blog comments, this section focuses on moments when the geoblocked nature of the BBC iPlayer becomes apparent for users and when they butt up against it and try to circumvent it. Among other things, such moments represent instances when the cultural and spatial logics of broadcasting and those of the internet clash. In other words, commonly held notions of broadcasting as territorially limited, due to what Thomas Streeter has shown as a long-held practice of media industries and regulators attempting to regulate and control broadcasting's fundamental "omnidirectionality"—conflict with commonly held notions of the internet as a fundamentally *global* medium.[97] This enacts debates over the state of TV in a digital age that Michael Newman has discussed in the context of file sharing,

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[95] Ibid.
[96] Silverstone, *Media and Morality*.
[97] Thomas Streeter, *Selling the Air: A Critique of the Policy of Commercial Broadcasting in the United States* (Chicago: University of Chicago Press, 1996).

where what he calls television's "traditional and emergent identities" become contested.[98] That is, from low to high, from public to private and, most relevant here, from local or national to globalized and cosmopolitan. The debates over the iPlayer's geoblocked nature point to a central tension between national public broadcasting and on-demand media culture: while national broadcasting institutions experiment with multi-platform engagement, global digital presences, and the fragmentation putatively wrought by media globalization and on-demand platforms, users, industries, and states often still imagine public broadcasting's audience in terms of a nationally-defined public. Here, I focus mainly on the iPlayer's television programming, as its radio programs are not subject to many of the same geographic restrictions as television. I also focus most generally on debates between viewers from the United States and the UK, as it unveils a particular transnational relationship among American and British viewers and broadcasting industries—a relationship that, as Michele Hilmes has shown, is based on a long-standing, complex history of both mutual influence and strategic opposition.[99]

The BBC iPlayer is an online, on-demand platform available via the web and some mobile devices that offers television and radio programs from the BBC's various networks primarily to users based in the United Kingdom. An on-demand platform available via the web and some mobile devices, the iPlayer provides television and radio programs for stream or download from the BBC's various networks primarily to users based in the United Kingdom. Those who pay the UK's television license fee (wherein households with one or more televisions pay a £145 fee, which funds the BBC), have access to both the platform's livestreamed and on-demand programming. In its full form, the iPlayer remains unavailable to users living outside the

[98] Michael Z. Newman, "Free TV: File Sharing and the Value of Television," *Television and New Media* 13, no. 6 (2012): 468.
[99] Michele Hilmes, *Network Nations: A Transnational History of British and American Broadcasting* (New York: Routledge, 2012).

UK. For its part, though, BBC Worldwide, functioning in its role as the commercial, international distribution wing of the corporation, appears actually invested in extending the iPlayer's access abroad. In 2011, the iPlayer expanded onto a subscription and ad-supported IOS app made available in several European countries, Canada, and Australia, that contains a somewhat more limited slate of programming.[100] Soon after, the BBC announced that the platform would be made available in the United States, but that was put on hold after threats from cable companies who were worried that the iPlayer would carry shows already aired by US cable network BBC America.[101] Specifically, the cable networks threatened to stop carrying BBC America if BBC Worldwide introduced the iPlayer to the states. So on this level, the tussles over the iPlayer's access in the United States remains a point of contention between the two nations' media systems.

Although an internet technology, the iPlayer needs to be analyzed as primarily a form of broadcasting, albeit one ensconced within the technologies and rhetorics of the internet. As scholars like Amanda Lotz and Graeme Turner have pointed out, television as a cultural system remains important even as the technologies of its delivery change.[102] Indeed, even in its multiplatform manifestation, the iPlayer is meant to extend the goals of public service that have informed the network's operations since its founding. As James Bennett, Niki Strange, Paul Kerr, and Andrea Medrado argue of the BBC, "Multiplatform production creates unique forms of

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[100] Richard Lawler, "BBC Brings Global iPlayer iPad App to Canada, One Step Closer to the US," *Endgadget*, December 1, 2011. http://www.engadget.com/2011/12/01/bbc-brings-global-iplayer-ipad-app-to-canada-one-step-closer-to.

[101] Alex Hern, "BBC iPlayer's US Rollout Blocked by Cable Networks," *New Statesman*, June 19, 2012. http://www.newstatesman.com/blogs/business/2012/06/bbc-iplayers-us-rollout-blocked-cable-networks.

[102] Amanda D. Lotz, *The Television Will Be Revolutionized* (New York: NYU Press, 2007); Graeme Turner, "Television and the Nation: Does This Matter Anymore?" in *Television Studies After TV: Understanding Television in the Post-Broadcast Era*, ed. Graeme Turner and Jinna Tay (New York: Routledge, 2009), 54-64.

public service value that harness the power of audience participation, provide additional depth in learning and empower audiences to 'make a difference' in their personal, social and public lives."[103] Based on research conducted via interviews and ethnographic research of workers within the British television industry, Bennett et al. found that multi-platform was considered especially valuable in its possibilities "to provide greater depth of information and opportunities for participation."[104] So, the BBC as a multi-platform project contains opportunities for different, potentially richer media experiences while at the same time extending the corporation's public service compact. Of course, this compact generally articulates to a sense of British nationality and even nationalism, both in its industrial ontology as a national public broadcaster and, as we will see, the affective relationship that viewers might have with the network.

Even if television has always been resolutely transnational, the exigencies of television windowing have generally divided the world along lines that follow national borders.[105] Broadcasting, in particular, has historically tended to discursively present its practices of dissemination to notions of national identity and the boundaries of the nation-state. In an era of media globalization, the presentation of media through a national frame still carries a great deal of purchase.[106] Furthermore, as Nitin Govil indicates, one place where the nationally scaled media industries assert certain ideological and cultural power is at the level of subjectivity and identity. By generating "affective proximity across disperse locations," media help produce an

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[103] James Bennett, Niki Strange, Paul Kerr, and Andrea Medrado, *Multiplatforming Public Service Broadcasting: The Economic and Cultural Role of UK Digital and TV Independents*. (Arts and Humanities Research Council: 2012), 6.
[104] Ibid., 18.
[105] Nitin Govil, "Thinking Nationally: Domicile, Distinction, and Dysfunction in Global Media Exchange," in *Media Industries: History, Theory, and Method*, ed. Jennifer Holt and Alisa Perren (Malden, MA: Wiley-Blackwell: 2009), 132-143.
[106] See Hilmes, *Network Nations*; Turner, "Television and the Nation."

idea of nationhood in which the audience invests.[107] In the British context, Stuart Hall points out that the BBC was "an instrument, an apparatus, a 'machine' through which the nation was constituted. It produced the nation which it addressed; it constituted its audience by the ways in which it represented them."[108] It did not just reflect or broadcast *to* its audience, it produced ideas regarding who they were. With this in mind, to investigate continued significance of imagined geographical communities in a networked age, as well as the ways they are produced through geoblocking, it makes sense to look at the BBC iPlayer. On one hand, the iPlayer's practice of locking out non-UK users is just one of many geographical constraints placed on the internet's architecture. On the other hand, it extends the BBC's role in addressing a British audience, another way of using this address to help promote and construct certain versions of British cultural citizenship.

However, as many scholars have pointed out, BBC television programming has had appeal well beyond the UK's borders, in part due to the network's history of exporting programming and developing international networks.[109] As Bennett et al. show, in the minds of many across the British television industries, the BBC's public service element "makes UK television content distinct and unique, driving its export value."[110] Given the cult popularity of British programs like *Dr. Who*, it only made sense that fans would try to view episodes before they were readily available in the US. Unauthorized attempts to access the iPlayer also became

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[107] Govil, "Thinking Nationally," 138.
[108] Stuart Hall, "Which Public, Whose Service?" in *All Our Futures: The Changing Role and Purpose of the BBC*, ed. Wilf Stevenson (London: British Film Institute, 1993).
[109] See, for instance, Jeffrey Miller, *Something Completely Different: British Television and American Culture* (Minneapolis, MN: University of Minnesota Press, 2000); Christine Becker, "From High Culture to Hip Culture: Transforming the BBC into BBC America," in *Anglo-American Media Interactions, 1850-2000*, ed. Joel H. Weiner and Mark Hampton (New York: Palgrave Macmillan, 2007), 275-294; Jeanette Steemers, *Selling Television: British Television in the Global Marketplace* (London: BFI, 2004).
[110] Bennett et al., *Multiplatforming Public Service Broadcasting*.

particularly widespread during the London Olympics in 2012.[111] Viewers discontent with the time-shifting of the games or the quality of local broadcasts looked for ways to access the BBC's coverage.

A 2010 post on the tech blog *Lifehacker* instructs users how to connect to the iPlayer via proxy or VPN, and the comments thread reveals how different global space-time relations as well as ideas of the nation become embedded within an online media platform. The impetus for the *Lifehacker* piece is the gap between *Dr. Who*'s British airdate and its broadcast on BBC America two weeks later. The article is meant to show *Dr. Who* fans in the U.S. how they might access the iPlayer in order to maintain the same temporal relationship to the program as their British counterparts. One American commenter notes, "[Some Americans] want to watch it in a legal way. We are willing to watch ads, or subscribe to something to do so. But we don't want to have to wait two weeks (For BBC America) or six months to a year (Netflix) for the show to actually become available for us to watch…And unfortunately, the only way for us to watch it in a timely fashion is to do so illegally."[112] In this instance, as always, temporal lag is inseparable from spatial distance when discussing disjunctural relations of global connection.

Some British users, however, make it clear that they are less than thrilled with the fact that audience members in the States are looking to access BBC material for free. Commenter Ross Maxwell Graham complains [all sic], "I don't like this. Why? Because I (along with everyone else in the UK) PAY £145 a year to watch TV INCLUDING iPlayer. It's not cool, you're basically stealing our great television that we pay for. *That's why British TV is the best*, WE PAY FOR IT. so this is annoying." Another commenter, montyburns56, reacts similarly:

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[111] Thorin Klosowski, "How an American Can Stream the BBC's Olympics Coverage and Overcome #NBCFail," *Lifehacker*, July 31, 2012. http://lifehacker.com/5930437/how-an-american-can-stream-the-bbcs-official-olympics-coverage-and-overcome-nbcfail.
[112] Pash, "How to Access."

"Great. So just as the BBC is being forced to cut services we now have even more of those who don't pay the licence fee ($213 a year!) watching the shows for nothing! If you want the benefits of a "socialist" system then you'll have to pay for it!" Yet another commenter uses the piece to assert support for the publicly funded BBC against transnational, private corporations: "Doing this harms the BBC and threatens future access to content, there are already very powerful media figures (Rupert Murdoch and his Sky network) working very hard to take down the BBC - this isn't helping."[113] Other commenters suggest that they plan to send the article to the BBC, with the presumed goal of encouraging some form of disciplinary or legal action against *Lifehacker*.

Given the ongoing relationship between the BBC and certain conceptions of Britishness, and the ways this relationship becomes negotiated and renegotiated when television becomes transnational, we can see a particular transcultural dynamic at play throughout these threads. On the side of Americans attempting to access British television, we see American commenters, perhaps used to functioning as one of the world's premiere markets and having access to more content more quickly, arguing for various reasons that they should have access to the platform. Occasionally, these viewers suggest that they'd happily pay the BBC license fee for access to the iPlayer—enacting a sort of consumer logic, where the license fee functions as the price of a globally distributed product. On the British side, however, we see expressions of pride, protection, and national identity attached to the iPlayer and the BBC's license fee more broadly. This also manifests as pushback against American privilege evidenced in the sort of statements suggesting that US viewers necessarily deserve access to the platform. We can see the expression of a different understanding of the role of broadcasting as a national public utility—an idea that, as Paddy Scannell and David Cardiff have pointed out, was present at the corporation's

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[113] ibid., my italics.

inception.[114] For these viewers, the license fee isn't just the pay-to-play price for the iPlayer—it is a tax that has social value as a contribution that ensures the higher quality of the BBC's programming and the obligation of a good viewing citizen who also maintains some semblance of pride and ownership over the BBC as a public utility. Even as the iPlayer's global expansion seems to be undercutting this relationship, perhaps evidenced by director general Tony Hall's comments from 2013 promoting a future vision of global expansion and individualized, customizable programming, Hall also said of British viewers, "we should be treating them like owners, not just as license fee payers. People should not be saying "the BBC," but "my BBC," "our BBC."[115] Whether blogs like *Lifehacker* and their commenters adopted a logic based in internet freedom or consumer economics, British viewers articulated that the iPlayer's geoblock was steeped in the BBC's fundamentally national, public identity and thus their own sense of ownership over the platform.

So, while the national and regional constraints placed on digitally networked technologies are, in part, regulations to keep these technologies from fulfilling what some would perceive as their proper affordances, it becomes clear that *users* also see this regional lockout as an extension of national pride as tied to a national, public-service broadcaster. The iPlayer is not just an instance of content simply delivered on another screen; it remediates the national, and nationalist, associations between the BBC and the UK. And while more extensive ethnographic research would be necessary to chart the pervasiveness of this attitude beyond the comments threads cited above, that some Britons push back against the potential openness of the platform

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[114] Paddy Scannell and David Cardiff, *A Social History of British Broadcasting, Volume One, 1922-1939: Serving the Nation* (Malden, MA: Wiley-Blackwell, 1991).

[115] Stuart Kemp, "BBC Director General Tony Hall Aims to Create a More 'Bespoke' Broadcaster," *Hollywood Reporter*, October 8, 2013. http://www.hollywoodreporter.com/news/bbc-director-general-tony-hall-644966.

suggests that taking examples of regional lockout like this one as simply the top-down practices of shadowy oligarchies elides the ways users reproduce the discourses that build the BBC up as something "special" to Britons. As Tim Jordan notes, "To hack is to produce differences," and "an understanding based on the hack as a material practice implies both the materiality of bodies and technologies in addition to the community relations that permeate and surround such bodies and technologies."[116] If this is so, the practice of circumventing the iPlayer's geoblock suggests that the potential differences produced and uncovered are *cultural* as much as they are technological. Taking the iPlayer as a remediation of not simply BBC television and radio programs, but a certain idea of British citizenship that the BBC represents as well, the regulation of the platform (both by the corporation as well as its users) amounts to a form of controlling the meanings that "Britain" or "British" will articulate for a number of users.

Digital media platforms like the iPlayer represent spaces where international cultural differences are articulated and defined against each other. For users, access can be considered a barometer of cultural power. While access to the service is slowly trickling through Europe, it remains unavailable in most of the world. The knowledge that a certain platform might be available in one area but unavailable in another can resonate feelings of inclusion, exclusion, pride, and envy. This indicates the importance of affect to geoblocking. A *Wired* article about the 2011 launch of a subscription-based iPlayer app made available in parts of Europe indicates the competitive nature of access as part of geocultural capital, noting that the expansion "fills the gap for smug Europeans left by Spotify launching in the U.S."[117] As a side point, the piece criticizes the app for its lack of a subtitle feature, making it impossible for non-English speakers to

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[116] Tim Jordan, *Hacking: Digital Media and Technological Determinism* (Polity, 2008), 9.
[117] Charlie Sorrel, "BBC Launches Subscription-Based International iPlayer for iPad," *Wired*, July 28, 2011. http://www.wired.com/2011/07/bbc-launches-subscription-based-international-iplayer-for-ipad.

understand the programs. Even when certain platforms and texts are made technically *available* in other regions, they still indicate disjunctural global relations. The next section looks at a high-profile instance in which a national government resisted such disjunctures.

The "Australia Tax": Discrimination and Circumvention

As in the debates over DVD region codes described in Chapter One, Australia and, to a somewhat lesser extent, New Zealand pushed back particularly strongly against geoblocking. We return, then, to these countries, where discourses surrounding geoblocking are perhaps more prominent than anywhere else in the world. Especially throughout 2013, Australia has been front and center in recent debates over geoblocking, regional lockout, and territorial price discrimination. The geoblocking debates in Australia have gone well past online video and into the broader arena of IT software and hardware. Additionally, they emphasize a common theme: that geoblocking is as much about price as it is about access full stop. By invoking the prices of media content relative to other territories around the world (and in particular the United States), the drive to end geoblocking in Australia reflects the country's complicated and ambivalent relationship to the American media industries. As Deb Verhoeven points out, the Australian film industry has often positioned itself against a perceived American commercial culture—read as dominant Hollywood cinema.[118] The consumer groups and Australian regulators who railed against geoblocking drew on this vision of the United States as a global bully and Hollywood as an extension of the USA's cultural power—offering services and platforms wherever it wants (or doesn't want) and charging as much as it can to the detriment of local viewers and users. At the

[118] Deb Verhoeven, "Film, Video, DVD, and Online Delivery" in *The Media and Communications in Australia*, ed. Stuart Cunningham and Graeme Turner (Crows Nest NSW: Allen and Unwin, 2010), 153-154.

same time, the introduction of major American VOD services into Australia could continue to squelch local forms of online production, distribution, and exhibition. After all, part of the Australian push against American media over the past few decades came from a production sector concerned that Hollywood was closing out local Australian producers.[119] Either way, in 2013 Australian consumers and their representatives (within both government and non-governmental arenas) began a push to eliminate geoblocking, or at least give Australia a de facto exemption from it by sanctioning Australian users to circumvent geoblocks.

Throughout these debates, the United States was invoked as both the villain (by disallowing access to its platforms and forcing versions of its own intellectual property laws on the rest of the world) and the standard by which Australia's own consumer-cultural landscape should be shaped (in that many Australians argued that they should have access to, and pay the same prices for, media content as Americans). Indeed, several news reports point out the differences in the prices of IT products between Australia and the United States, suggesting that Australians pay almost a dollar more per song on iTunes, ten to fifteen percent more for Apple hardware, and eighty percent more for Dell products.[120] Others suggest that Australians pay up to one hundred percent more for certain technologies and products.[121] Indicating that this is more than an issue of access to entertainment, the same reports note that geoblocking and price-fixing discriminate against people with disabilities due to the fact that screen-reading software costs several hundred dollars more in Australia than in the US.[122] As with Australia's arguments against DVD region codes, the cultural industries' practices of price discrimination helped

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[119] Tom O'Regan, "'Knowing the Processes But Not the Outcomes': Australian Cinema Faces the Millenium" in *Culture in Australia: Policies, Publics, and Programs*, ed. Bennett and Carter (Cambridge University Press: 2001), 29.
[120] "Committee Seeks IT Pricing Equity," AAP General News Wire (Sydney), July 29, 2013.
[121] "Moves Afoot to End IT Price Disparity," AAP General News Wire (Sydney), July 29, 2013.
[122] "Committee Seeks."

structure not only the practices of geoblocking but the protests against them as well. One report, from the *Sydney Morning Herald*, suggests that Australians have been treated as "second-class citizens."[123] Such pronouncements are common, particularly since, as I described in my first chapter, Australia has a long history of feeling as if it has been excluded from the higher ranks of the world's cultural markets. As Ramon Lobato has argued, issues of equitable audience access have been central to digital film distribution in Australia.[124] The debates over geoblocking represent another chapter in these questions of equal access.

One anecdote relating to Netflix and television reflects such issues. In April 2013, the Australian consumer reports website *Choice* prepared a report on why Netflix was not available in the country and attempted to contact the company in order to get answers. The motivation for this was that in May, the fourth season of American cult comedy hit *Arrested Development* was to be released exclusively on Netflix, and Australians would not have access to it.[125] Receiving no response from Netflix, *Choice* published a copy of their letter to Netflix on *Choice*'s Facebook page. Noting that since the first three seasons of *Arrested Development* had already aired in Australia and thus had a significant fan base in that country, *Choice*'s letter asked the following questions:

> - Will Australian consumers be able to legally access season four of *Arrested Development* at the same time it is made available to US consumers?

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[123] Adam Turner, "Content Unlimited," *Sydney Morning Herald*, July 14, 2013. http://www.smh.com.au/digital-life/digital-life-news/content-unlimited-20130713-2pr0k.html.
[124] Ramon Lobato, "The Politics of Digital Distribution: Exclusionary Structures in Online Cinema." *Studies in Australasian Cinema* 3, no. 2 (2009): 167-178.
[125] Madison Cartwright, "Arrested Development, Netflix, and Geoblocking," *Choice*, May 30, 2013. http://www.choice.com.au/blog/2013/may/arrested-development-netflix-and-geoblocking.aspx.

- Will Australian consumers be able to legally access season four of *Arrested Development* in the same format as US consumers? For example, will they be able to access all 15 episodes at once, and watch them when they choose?

- Will Australian consumers be able to access season four of *Arrested Development* from the Netflix site, from an Australian IP address with an Australian credit card?[126]

Such questions indicate that this is not a mere issue of access to a television *text* but it is also about access to a similar viewing *experience*. As the argument goes, not only should Australian viewers be able to see this season of *Arrested Development* at some point, they should be able to watch it and potentially "binge" it at the same time as North American viewers. On some level, these issues are banal. Questions of whether viewers get to watch *Arrested Development* in the same way pale in comparison to more obviously important concerns over international trade and intellectual property regulation in both the private and public spheres. However, as *Choice* pointed out in a subsequent post, the letter is about more than just *Arrested Development*: "*Choice* isn't campaigning for an Australia with Netflix; we are campaigning for an Australia where consumers can access the content they want, the way that they want, at a price that is fair and reasonable, without resorting to criminal activity."[127] Recalling Tarleton Gillespie's suggestion that DRM functions so "the user's agency, their own perception that they have the capacity and the right to operate and manipulate their own technology, must be actively frustrated," *Choice* framed the debate around whether or not Australians can make their own

[126] "Choice's Letter to Netflix," May 27, 2013.
https://www.facebook.com/photo.php?fbid=10151656495306163&set=a.10150141267371163.337981.181854426162&type=1&theater.

[127] Cartwright, "Arrested Development."

decisions about what entertainment content to watch, when, how, and for how much.[128] So, the debates over geoblocking figure as a gateway to broader questions regarding the role of both private and state organizations in shaping how we use digital technologies and how we understand our own agency in relation to our devices. Furthermore, if we take seriously the premise that media—and even popular culture—function as cultural resources that viewers use to make sense of themselves and the broader world, debates over access to film and television texts should likewise be taken seriously as debates over access to cultural resources. In the context of an Australian media and regulatory sphere constantly arguing over issues of access and intellectual property, the "binging" question points to broader concerns.

To be sure, these debates did not just exist among consumers and consumer groups. 2013 saw a wealth of pushback against geoblocking across Australia and New Zealand by both media industries and policymakers. In July, New Zealand ISP Slingshot offered users an add-on service called "Global Mode," which would make the user appear to be connecting from the UK or the US by giving her device an IP address from one of those territories.[129] This would allow users to access geoblocked VOD platforms like Netflix and the iPlayer, effectively sanctioning and offering proxy and VPN-like services. The legality of this is difficult to determine (while circumvention is not illegal, doing so defies the terms of service of many platforms), but the move represented a considerable defiance of geoblocking.[130] The most significant and potentially ongoing resistance, however, has come from the Australian government. In July 2013, an

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[128] Gillespie, Tarleton. *Wired Shut: Copyright and the Shape of Digital Culture* (Cambridge, MA: MIT Press, 2010).
[129] O'Donnell, "Sky Beware," 10.
[130] Alzbeta Fellenbaum, "Slingshot Users in New Zealand Now Able to Bypass Geoblocking," *Screen Digest*, July 2, 2013.
http://www.screendigest.com/news/2013_07_slingshot_users_in_new_zealand_are_able_to_bypass_geoblocking/view.html.

Australian House of Representatives Standing Committee on Infrastructure and Communications published a report into IT pricing, in particular tackling the price-discrimination for which geoblocking sets the technological conditions. Their final report called for the end of geoblocking, calling it "a significant constraint on consumer choice."[131] Indicating that the debate over geoblocking remained as tied to pricing and consumer discrimination as it did to access full stop, much of the committee criticized the fact that Australians often had to pay higher prices for entertainment and computing technology because of territorial markets. As committee chair Nick Champion suggested, Australian consumers were "clearly perplexed, frustrated, and angered by the experience of paying higher prices for IT products than consumers in comparable countries."[132] Further complicating matters is the fact that letting Netflix enter Australia would give competition to Sky and Australian over-the-top VOD platforms Quickflix and Foxtel Play.[133] Still, the government's condemnation of geoblocking represented a rather strong rebuke of the world's most powerful intellectual property regulators.

This inquiry did not come out of nowhere; the context for the debate has been the Trans-Pacific Partnership (TPP), an international trade agreement in existence since 2006 that currently exists among Brunei, Chile, New Zealand, and Singapore.[134] Since 2010, several other nations joined negotiations for an expanded version of the agreement that would impose new intellectual property laws across much of the Pacific Rim—specifically, the US, Japan, Australia, Peru,

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[131] Chris Duckett, "The 'Australia Tax' is Real: Geoblocking to Stop," *ZD Net*, July 29, 2013. http://www.zdnet.com/the-australia-tax-is-real-geoblocking-to-stop-7000018644.
[132] "Committee Seeks."
[133] Paul Sweeting, "The Whole World is Watching: Australia Eyes an End to Geoblocking," *Gigaom, August 9, 2013*. http://research.gigaom.com/2013/08/the-whole-world-is-watching-australia-eyes-an-end-to-geoblockgeoblocking.
[134] "Timeline of the Trans Pacific Partnership, *Public Knowledge*. http://tppinfo.org/resources/tpp-timeline.

Malaysia, Vietnam, New Zealand, Chile, Singapore, Canada, Mexico, and Brunei.[135] The TPP has been under negotiation for years and may soon be "fast-tracked" by the United States Congress for ratification.[136] One of the major initiatives of the TPP is an anti-circumvention measure similar to that which is included in the USA's Digital Millennium Copyright Act (DMCA) legislation.[137] Essentially, this would make it easier for states to take legal action against users who hack or use proxies or VPNs to bypass geoblocking, since doing so would constitute a violation of a distributor's rights to distribute a piece of media within a certain window. In effect, this would make it easier for the United States to impose on the citizens of other countries intellectual property rules and restrictions on media use that emulate those in the US. The Australian government's anti-geoblocking stance failed to influence the TPP; Wikileaks leaked a draft of the TPP deal in November 2013 that still included the anti-circumvention agreement.[138] This indicates that the agreement would ignore the recommendations of the Australian Committee and attempt to install transnational regulations that would make it easier to prosecute users who try to bypass geoblocking.

Since the tussles over geoblocking relating to consumers and consumer rights revolve around the premise that viewers from one territory desire or deserve the same level of access to a product or technology as consumers from another territory, geoblocking indicates the importance of geocultural capital to transnational distribution. Often, these debates are framed as a desire to be included in, or at least treated like, the international cultural industries' most favored markets,

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[135] "Trans Pacific Partnership Agreement," *Electronic Frontier Foundation*. https://www.eff.org/issues/tpp.
[136] Cory Doctorow, "ACT NOW! Congress Wants to Fast-Track the Trans-Pacific Partnership," *Boing Boing*, February 27, 2015. http://boingboing.net/2015/02/27/act-now-congress-wants-to-fas.html.
[137] "Secret Trans-Pacific Partnership Agreement (TPP)," available at http://wikileaks.org/tpp.
[138] Ibid.

but they also intersect with taste cultures and viewing experiences (as in the above example regarding *Arrested Development*). Since these markets are defined territorially, this often becomes a debate surrounding which countries should belong to which regions (see also my discussion of Australia's fight back against DVD region coding in Chapter One). So, when Champion evokes Australia as receiving detrimental treatment in relation to "comparable countries," he is making a claim about which countries Australia should be compared to and why. Ultimately, whether through the exigencies of big VOD business, individualized feelings of nationalism, or regional pushback against perceptions of global inequality, geoblocking shows how geocultural difference and capital continue to resonate from the cultural industries' move to online forms of delivery.

Conclusion

VOD has been marked by certain forces: the collaboration of multinational corporations, Silicon Valley startups becoming major players in the media industries, and the complex relationship all of these players have with regulators and policymakers both national and transnational. As this chapter has shown, much of the debate over geoblocking tended to posit traditionally powerful states, regions, and multinational corporations as the villains, keeping global viewers from accessing the material to which they feel they should have access. Showing that questions of access and accessibility remain central to internet-delivered entertainment media, this chapter has emphasized that, if anything, the fragmentation of proprietary platforms all serving different constituencies has made regional lockout's impacts even more contingent and contextual. Investigating how regional lockout is taken up in different conjunctures as not only a technological mechanism but also a discursive terrain for debates over the relationships among

media distribution, the accessibility of networked technologies, commodity trade, and geocultural difference enables us to assess the phenomenon in all its complexity.

These relationships are pronounced in a development taking shape during the final stages of this chapter's completion: the European Union's announcement of its Digital Single Market Strategy. An extension of the EU's broader Single Market initiatives, the DSM would, in the words of the European Commission, open up regional access to "digital services [that] too often remain confined to national borders."[139] As this suggests, one of the DSM's initiatives is to end geoblocking. The EC remarks, "Too many Europeans cannot use online services that are available in other EU countries, often without any justification; or they are re-routed to a local store with different prices. Such discrimination cannot exist in a Single Market."[140] Andrus Ansip, the EC's Vice President for the Digital Single Market recently said at a press conference, "I hate geoblocking. I think this is old-fashioned. This is not fair. We don't have to use that kind of instruments [sic] in the 21st century."[141] As the invocations of discrimination and fairness might indicate, such discourse uses the notion of a pan-European market as an in-road into questions of belonging and identity. Indeed, in a response to Ansip, EC Digital Commissioner Günther Oettinger suggested that eliminating geoblocking would threaten the cultural diversity of Europe's film industries by opening up the market to the most powerful companies.[142] On some level, such remarks amount to political posturing, particularly because any regulatory or

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[139] European Commission, "Digital Single Market Strategy: European Commission Agrees Areas for Action," news release, March 25, 2015. http://europa.eu/rapid/press-release_IP-15-4653_en.htm.
[140] Ibid.
[141] Peter Teffer, "Brussels Wants to End Geo-blocking of Online Content," *EU Observer*, March 25, 2015. https://euobserver.com/digital/128143.
[142] Loek Essers, "Abolish Geoblocking? Not So Fast, Says EU Digital Commissioner," *CIO*, March 30, 2015. http://www.cio.com/article/2903673/abolish-geoblocking-not-so-fast-says-eu-digital-commissioner.html.

legislative call to abolish geoblocking will meet the ire of intellectual property lobbies (and, on the other side of the coin, calls to keep geoblocking may be spurred on by those same lobbies). At the same time, the debate presents these questions through logics that align market and consumer practices with expressions of self-identity. The EU's expressed desires for a more even European marketplace through the abolishment of geoblocking as well as the response that this could flatten diversity articulate broader ideas regarding pan-European equality and cultural difference.

It remains to be seen whether the EU's attempt at a Digital Single Market takes hold, particularly in the face of intellectual property owners who still value segmented markets. Importantly, these debates will take place well beyond the VOD realm and will involve industries that provide other digital commodities and services. The next chapter extends its view to these other industries, analyzing regional lockout in the international music industry to show how these dynamics operated in a sphere of cultural production and distribution whose established business models where thrown into even more upheaval during the proliferation of digital networked media. Chapter Four takes as its case studies a number of online radio, streaming, and sell-through music platforms and asks what geoblocking in those contexts can tell us about how the music industry is globalized differently as well as the accompanying implications for geocultural capital. Looking at the Swedish streaming platform Spotify, Apple's iTunes store, and other global streaming and sell-through music platforms, the next chapter shows how the particulars of music as both an industrial sector and cultural experience led to a form of geoblocking oriented differently than the Hollywood-driven international standards of Chapter One, the America-Japan-Europe hybrid industry of Chapter Two, or the dominant flows-meet-Silicon Valley moments discussed in this chapter.

Chapter Four
Global Streams and Dams: Geoblocking and Digital Music

At the end of 2013, Swedish streaming music platform Spotify launched a campaign built around the refrain "Music for Everyone" as a way to promote its new free service for mobile devices. One advertisement in particular portrays Spotify as driving, or at least woven into, a lifestyle built around global travel and transnational connection. Scored to "Elevate" by indie pop musician St. Lucia, the ad begins with two establishing shots of a forest before cutting to two shots of a young, bearded, backlit man pressing play on his Spotify mobile app. The rest of the minute-long ad contains shots of several hip, attractive, young, and mostly white men and women traveling the globe, listening to Spotify, and having fun. We see them riding in the back of a taxicab, swimming in the ocean, diving into a river, riding a train, and riding a motorcycle in a tropical location. The ad cuts between these moments and beautifully composed shots of various global landscapes—mountains, city streets, palm trees, rivers, jungles, and lakes. Many of these locations are technically placeless in that we do not see familiar landmarks, but they are clearly meant to signify a general "globalness." Over many of these shots, we see a series of superimposed titles that proclaim "Music for everyone. Now free everywhere. The perfect playlist. Your next favorite song. The artists you love. Play everywhere for free." The final shot of the ad is a view of the lower Manhattan skyline from a subway platform, superimposed with the title "#freeyourmusic."[1] All in all, the ad campaign builds Spotify's brand around discourses of music's inherent mobility, the changing values of music in the internet age (i.e., "free" in multiple senses of the word), and music's ability to traverse vast geographic spaces.

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[1] SpotifyVideoChannel, "Spotify: Music for Everyone," *YouTube*, March 17, 2014. https://www.youtube.com/watch?v=nd457kHoIRQ.

Looking at the map of Spotify's availability as of March 2015, however, tells a different tale and gives the lie to Spotify's "Music for Everyone" brand. In spite of the suggestion that Spotify is now available "everywhere," much of the world cannot access the platform. Further, even as Spotify seeks to promote its brand around the idea that music will be freely available to "everyone," the advertisement discussed above tellingly indicates that the platform's targeted demographic is the hip, urbane, cosmopolitan global traveler—thus putting forward a particular representation of how the company envisions the globalized nature of its platform. This raises a few questions. What territories and cultures are and are not considered part of this "everyone," and how does this correspond with music's relationship to globalization, spatial distribution, and cultural capital and difference in the contemporary moment? This chapter tackles these questions by analyzing the phenomenon of regional lockout within digital music platforms. While previous chapters have focused on audiovisual media (film, television, video games), music platforms have also been at the center of ongoing debates about geoblocking and disjunctive international access. In his writing on streaming music platforms, Eric Harvey captures a central tension of this chapter, asking, "Are we living in a technological golden age of creative possibility, cross-cultural communication, and sheer abundance, or a surveillance state controlled by privately-held brands promising endless access at the expense of imperceptible control?"[2]

I argue that, in the context of digital music over the last quarter-century, regional lockout has functioned practically and discursively to manage and regulate a problem familiar to radio and music industries: controlling the spatial circulation of sound. What makes regional lockout in music different from other media is the commonly held myth that sound and music are more ethereal and immaterial than more obviously "textual" visual media—a mythology that became

[2] Eric Harvey, "Station to Station: The Past, Present, and Future of Streaming Music," *Pitchfork*, April 16, 2014. http://pitchfork.com/features/cover-story/reader/streaming.

particularly powerful when articulated to similar discourses surrounding digital media and the internet. The so-called "celestial jukebox," which as legend had it would open up access and availability to cultural texts, in fact became an attempt at greater control over music's spatial distribution. All in all, this chapter shows how regional lockout asserted a particular materiality and sense of geographic rootedness onto media popularly considered immaterial and deterritorialized. As with the video games discussed in Chapter Two, these spatial limitations also reveal particular dynamics of geocultural capital. While much literature about music and cultural capital focuses on individual, local, or regional "scenes," or on issues of taste, I will show in this chapter how geoblocking crystallizes commodified music's relationship to cultural capital at broader geographic scales. To illustrate this, I focus on the case study of Spotify. In the United States, where consumers enjoy an abundance of domestic streaming film and television platforms that are coveted by consumers around the world, music proved to be the most visible form of regional lockout, because Spotify was initially not made available to American users (unlike other music platforms like Pandora, Rdio, or Rhapsody). For the brief period that Spotify was unavailable in the US, many American listeners coveted access to the bounty of free (or subscription) streaming music that remained out of reach.

So, there are two fundamental tensions at play here, each of which speaks toward more specific issues of technology, economics, emotion, identity, cultural capital, and everyday media experiences. The first is about the tension between music's seeming freedom or fluidity and the ways that this fluidity has been historically controlled and reigned in. The other is between music as global and local experience. The geoblocking of streaming platforms operates under a logic of nation-based licensing that treats consumers from one geographic location as one market. This is at odds with not only the ways people understand their identities as music fans and consumers; it

is also at odds with some of the marketing practices of the music industries, which are increasingly invested in individualized tracking and targeting to cater to the particular tastes of consumers. Ultimately, regional lockout in music reflects how these tensions—between freedom and control, between targeted individuals and mass markets—correspond with the cultural geographies of the global music industries. Even during a historical moment when, as Jason Loviglio and Michele Hilmes put it, radio has eschewed national boundaries and instead is "increasingly defining its audience not through geography but through cultural affinity," the practice of geoblocking points to the continued importance of geographic borders to the distribution of sound media through the internet.[3]

The global music industries are far too complex and varied to encapsulate in this chapter, so following the general trend of this dissertation, I focus primarily on geoblocking mechanisms arising out of the business practices of global, multinational media corporations. It is crucial to point out, as Keith Negus has, that these multinational corporations by no means control all markets around the world, and the globe in fact encompasses a vast array of local scenes, industries, and markets.[4] At the same time, because these few corporations do much to shape the international licensing arrangements of the global hit-driven recording industries, they likewise shape the access and availability of certain platforms around the world. Although I touch on a number of music technologies and platforms throughout this chapter, I will focus more closely on three in particular: the compact disc, online retailers for downloadable music, and streaming platforms. In doing so, I am sensitive to the fact that, following Jonathan Sterne, when we

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[3] Jason Loviglio and Michele Hilmes, "Introduction: Making Radio Strange," in *Radio's New Wave: Global Sound in the Digital Era*, eds. Jason Loviglio and Michele Hilmes (New York: Routledge, 2013), 1-6.

[4] Keith Negus, "The Corporate Strategies of the Major Record Labels and the International Imperative," in *Global Repertoires: Popular Music Within and Beyond the Transnational Music Industry*, eds. Andreas Gebesmair and Alfred Smudits. (Aldershot: Ashgate, 2001), 21-31.

discuss the music industry, we should "assume a polymorphous set of relations among radically different industries and concerns."[5] As he reminds us, media scholars have taken the "music industry" to refer to a particular model of artists recording and monetizing musical "works" within a capitalist economy.[6] Although the industries I discuss in this chapter generally follow the music-as-commerce line, this is because issues of geoblocking come out of an industrial understanding of music as a globally distributed commodity. So, instead of considering geoblocking as an issue in the "music industry," I will refer to the sectors dealing in this sort of musical trade as the "recording industry" or "record industry." This distinguishes these sectors from other industries that are part of this story, such as the consumer electronics and tech platform industries.

As has been the case throughout many of the studies in this dissertation, geoblocking comes about through a combination of content industries controlling the spatial distribution of their properties and platforms owners' unwillingness to expand their operations too quickly. The former arrived out of a digital media environment where media companies were particularly concerned about eliminating unauthorized sharing and platform use. However, Harvey is also quick to remind us, "Streaming encompasses much more than locked-down platforms. At the most basic level, accessing digital files stored on distant servers through an online player is a form of music distribution capable of being deployed in countless ways."[7] Following the approach of the rest of this dissertation, this chapter breaks free from the simplistic narrative of geoblocking as merely an oppressive practice of copyright regimes and tech companies driven by venture capital. While it is that, it also represents a practice that reflects and produces

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[5] Jonathan Sterne, "There Is No Music Industry," *Media Industries Journal* 1, no. 1 (2014). http://www.mediaindustriesjournal.org/index.php/mij/article/view/17/75.
[6] Ibid.
[7] Harvey, "Station to Station."

articulations among everyday listening practices, cultural capital, geographic location, and cultural identity. Here, we might think about how music's ability to travel makes it a cultural resource that binds communities and presents "other" places and cultures to listeners—but one that is also bound to the political economy of major media industries:

> Local and regional "sounds" are captured, marketed and transmitted through the worldwide distribution networks of music multinationals; musicians, sub-cultures and audiences in a multitude of localities receive and interpret music from other places, while local narratives of experience and identity can be sustained by dispersed populations across national boundaries.[8]

By shaping the geographic contours of this transmission process, geoblocking likewise shapes the ways in which music cultures are shared across borders.

Geography and Global Digital Music Distribution

The digitization of popular music came at a time when the record industry broadly intensified its embrace of global commercialization.[9] In part, this comes out of the fact that music recordings have, in recent decades, followed a general media-industrial trend of representing only one particular sector within diversified, consolidating, expanding, and vertically and horizontally integrating media conglomerates. As Jim Rogers points out, in addition to the record industry, "publishing, live performance and increasingly merchandise and other music services serve to form a network of business that increasingly generates revenues via the exploitation of rights

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[8] John Connell and Chris Gibson, *Sound Tracks: Popular Music, Identity, and Place* (London: Routledge, 2003), 14.
[9] David Hesmondhalgh, *The Cultural Industries*, 3rd ed. (London: Sage, 2012), 250.

from a broad, and increasing body of sources."[10] Although the recording industry's global distribution practices are different than those of the film, television, home video, and games industries explored in the previous three chapters, it is still an industry based on the monetization of "content" (in this case, musical recordings), across various markets. According to Jody Berland, "the expansion of musical markets enables global corporate hegemony for the 'Big Six' [major record labels—now the 'Big Three'] in the music industry, transforming local cultures into markets for globally distributed music commodities and cultivating local musicians who can produce such commodities for an international marketplace."[11] As this might indicate, a market can be defined as a national, regional, or otherwise geocultural territory, and the multinational corporations that control much of the global record industry are structured in ways that reflect these geographic divisions. For instance, they divide their staff accordingly, with different divisions of a corporation in charge of monetizing recordings within those markets.[12]

The controlled forays into new markets are managed through geoblocking, which serves to keep geographic markets segmented within an industry that has long relied on both broadly scaled and fine-grained forms of segmentation. Indeed, Keith Negus points out that record corporations employ "experts" on local territories that other arms of the corporation consult in order to figure out how to better exploit these territories as markets.[13] As he suggests, the music industry's market segmentation initiatives are part of the industry's broader practices of collecting knowledge about music production and consumption and "deploying this knowledge

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[10] Jim Rogers, *Death and Life of the Music Industry in the Digital Age* (London: Bloomsbury, 2013), 70.
[11] Jody Berland, "Locating Listening: Technological Space, Popular Music, and Canadian Mediations," in *The Place of Music*, eds. Andrew Leyshon, David Matless, and George Revill (New York: Guilford Press, 1998), 133.
[12] Negus, "Corporate Strategies," 23.
[13] Ibid.

as a 'reality' that guides the activities of corporate personnel." In defining markets, this produces "apparently intuitive, obvious and common-sense categories which do not so much involve an understanding of 'reality' as a construction and intervention into reality (most notably through ideas about distinct 'markets').[14] Although Negus refers primarily to markets defined through genre, the construction of broadly scaled national or regional markets that informs geoblocking is a process that functions similarly. Thus, the practice of market segmentation comes out of the record industries' desire to gain knowledge about, and thus a form of power over, certain territories—as I have pointed out earlier in this dissertation, a corporate variation on Edward Said's idea of discursive "imaginative geographies."[15] Rather than mere rational economic decisions, then, markets represent industrial organizations built around knowledge about people and places and the power that attends that knowledge.

Still, all of this knowledge cannot change the fact that, as David Hesmondhalgh reminds us, all cultural industries are risky.[16] This is, in part, because they are engaged in the production and distribution of cultural texts that consumers will use in unforeseen ways. Focusing in particular on the global record industries, Robert Burnett similarly argues, "Uncertainty is the permanent condition of the cultural industries."[17] The music industry's profits are driven by hits, which subsidize the less successful artists signed to a given label, and these hits are difficult to predict.[18] Thus, the music industry has historically involved a great deal of speculation and risk, and the expansion of distribution operations around the world is a way of managing that risk. If a hit can become successful around the world, it will bring in even more revenue, particularly

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[14] Keith Negus, *Music Genres and Corporate Cultures* (London: Routledge, 1999), 19.
[15] Edward Said, *Orientalism* (New York: Vintage, 1978).
[16] Hesmondhalgh, *Cultural Industries*.
[17] Robert Burnett, *The Global Jukebox: The International Music Industry* (London: Routledge, 1996), 6.
[18] Hesmondhalgh, *Cultural Industries*, 27.

because the costs of distributing a record to more markets is far less than the profits that can be made from it.[19] Entering new markets represents a way to mitigate some of these risks by expanding economies of scale and attempting to increase profits. As Burkart and McCourt remind us, "Creating a hit record requires access to national and international markets, since overall demand is uncertain and the majority of releases fail to return their investments."[20] So, the production and management of hits is a high-risk/high-reward enterprise. As one might expect, managing the contours of this distribution is of utmost importance for the recording industries' bottom line.

As a distribution and monetization mechanism, geoblocking comes out of the particular political economy of the record industries. As of 2014, there are only three major record labels: Sony Music Entertainment, Universal Music Group, and Warner Music Group. The Big Three (which was the Big Four until EMI was dissolved and sold, with UMG purchasing its recorded music division and Sony purchased its music publishing business) reportedly had a collective global market share of 79.6% as of 2012.[21] In 2013, the recording industry's total global worth was estimated at $15 billion.[22] $5.9 billion of this came from "digital" outlets (which includes downloads, mobile services, subscription platforms, and ad-supported streams), up from $4.0 billion in 2008.[23] Another study, based on figures from the Recording Industry Association of

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[19] Negus, "Corporate Strategies," 25.
[20] Patrick Burkart and Tom McCourt, *Digital Music Wars: Ownership and Control of the Celestial Jukebox* (Lanham, MD: Rowman and Littlefield, 2006), 26.
[21] Alex Pham, "EMI Group sold as Two Separate Pieces to Universal Music and Sony," *Los Angeles Times*, November 12, 2011. http://articles.latimes.com/2011/nov/12/business/la-fi-ct-emi-sold-20111112-68; Matt Cole, "Major Labels See Decline in Global Market Share as Independents Grow," *Complex*, May 4, 2012. http://www.complex.com/music/2012/05/major-labels-see-decline-in-global-market-share-as-independents-grow.
[22] "An Industry of Growing Digital Revenues and Multiple Income Streams Internationally," *International Federation of the Phonographic Industry*. http://www.ifpi.org/facts-and-stats.php.
[23] International Federation of the Phonographic Industry, *IFPI Digital Music Report 2014:*

America, shows that in 2013, CDs made up only 30.4% of the recording industry's revenues, with downloaded singles and albums totaling 40%. Compare this to 2002, when CDs represented 94.8% of recording industry revenues.[24] As of 2014, the general trend seems to be moving toward streaming and away from sell-through sales.

Particularly important to this analysis, however, is a reminder that this dynamic varies from country to country. We can point to global trends, but since this project is fundamentally about the differences in such media experiences across territories, it is crucial to focus on differing levels of online listening between nations. Economist Peter Tschmuck analyzes global data on music streaming revenue from around the world, concluding that no single narrative of digitization, development or progress can adequately describe the changes taking place. Instead, he shows that the market share of digital delivery systems within a country can range from 82% (China) to 4% (Croatia).[25] Further, this focuses on territories where online music platforms are even available at all. In many markets that recording or platform industries do not view as particularly valuable or as maintaining strong broadband infrastructure, streaming platforms have not been introduced at all. Indeed, this practice is the central focus of this chapter. The move to online forms of delivery did not herald the end of geographically segmented markets. The International Federation of the Phonographic Industry's (IFPI) 2014 report on digital music carried the subtitle "Lighting up New Markets" and focused on expansion into global

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Lighting up New Markets (IFPI, 2014).
[24] Paul Resnikoff, "30 Years of Music Industry Change, in 30 Seconds or Less," *Digital Music News*, August 15, 2014. http://www.digitalmusicnews.com/permalink/2014/08/15/30-years-music-industry-change-30-seconds-less.
[25] Peter Tschmuck, "Is Streaming the Next Big Thing? – An International Market Analysis," *Music Business Research*, June 4, 2013. http://musicbusinessresearch.wordpress.com/2013/06/04/is-streaming-the-next-big-thing-an-international-market-analysis/.

territories.[26] So, at least at the level of *geography*, the record industries are still invested in some degree of fragmentation and differentiation.

The continued reliance on market segmentation as a distribution strategy is one part of a broader, common trope in discourses about the contemporary record industries: fragmentation of markets and forms of product delivery. As the story goes, technologies have contributed to a pop music landscape marked by increasingly fragmented consumer and taste cultures, technologies of delivery, modes of listening, and cultural and geographic markets. This perceived fragmentation has in turn, enabled the music industry to find new ways of serving this fragmented collection of consumers. Writing in 1996, at the cusp of the technological and economic changes that, for many, would make the internet central to the consumption of music, Hesmondhalgh acknowledged, "The use of new technology allows firms to respond quickly to changes in demand across and within the segments of what is presented as an increasingly fragmented market."[27] At the same time, he was skeptical of these claims of fragmentation. "In popular music terms, there have always been the mass markets of pop and rock and the specialized markets of genres." He continues, "It seems likely that the globalization and horizontal integration of the cultural industries has emphasized the central importance of a small number of major acts."[28] While it is likely true that mass global taste may not be as fragmented as dominant narratives might claim, the way listeners around the world access the music produced by these acts *is* still a fragmented process. Furthermore, since Hesmondhalgh wrote these words in 1996, the distribution of music on a number of proprietary platforms (rather than a standardized

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[26] International Federation of the Phonographic Industry, *IFPI Digital Music Report*.
[27] David Hesmondhalgh, "Flexibility, Post-Fordism, and the Music Industry," in *Popular Music: Critical Concepts in Media and Cultural Studies*, vol. 2, ed. Simon Frith (London: Routledge, 2004), 43.
[28] ibid., 55.

technology like the compact disc) has indeed fragmented the global distribution landscape for popular music. This is not only true on an individual level (where users in certain locations can now access an artist's work through a variety of these proprietary platforms) but also at the transnational level, where certain platforms and technologies may not even be available.

Of course, prices and availability have always differed from place to place, which, at least for "physical" media, has led to an issue discussed in Chapter One: parallel imports, or the unauthorized import of a product meant for one territory into another. In differentiating its territorial global markets, and likewise hoping to differentiate the distribution of its products among these markets doing so, the industry attempts to control parallel imports. This is an issue central to regional lockout that this project explored in the first two chapters. The combination of continued market segmentation, the relative ease of distributing products around the world, and the ways in which these conditions have brought about increasingly stringent copyright regulations, have made parallel imports a hotly debated issue in the global recording industries. During these debates, organizations representing different arms of the recording industry offered arguments for tight laws prohibiting parallel imports. For instance, in response to a proposal that would relax these prohibitions, the British Phonographic Industry (BPI), the British recording industry's trade group, argued that, among other things, legal parallel imports would make it difficult to track pirated product.[29] On the other hand, those not opposed suggest that parallel imports "[end] the exploitation of music consumers by preventing restrictive trade practices that advantage local license holders (who are mostly the subsidiaries of foreign-owned multinational corporations) by sustaining artificially high prices."[30]

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[29] Jeff Clark-Meads, "Ray of Light in Parallels Storm?" *Billboard*. May 29, 1999, 97.
[30] David Rowe, "Globalization, Regionalization, and Australianization in Music: Lessons from the Parallel Importing Debate," in *Culture in Australia: Policies, Publics, and Programs*, eds.

Ultimately, as a practice that, at its heart, is about the segmentation of audiences, geoblocking points to two music-industry logics that are seemingly at odds: geographically determined mass markets and targeted, individualized audiences. It would be easy to presume that the move to digital music technologies would make geographic limitations on distribution a thing of the past. Certainly, various parties had a vested interest in making sure that would be the case. In 1998, the Australian Consumers Association prepared a report to that country's senate supporting the legal parallel import of compact discs. In that report, the ACA predicted, "The concept of territorial or geographically exclusive rights to intellectual property will become increasingly irrelevant as more and more music consumers turn to on-line distribution. The copyright regime for on-line distribution will be fundamentally different from the current arrangements for CDs."[31] But as we have seen again and again over the past three chapters, this has been far from the case.

In part, this is because the desires of the music industry to retain control of global distribution butt up against the popularly held myth that the internet will open up geographic space (a myth perpetuated in part by the tech industries). Through geoblocking, we can see the clashes that came about during a historical moment when, as Jeremy Morris has argued, the digital music commodity came out of various instances of convergence between the music and technology industries.[32] As the recording industry has come to terms with the fact that, one way or another, listeners will seek out music via the internet, it has paired up with and utilized

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Tony Bennett and David Carter (Cambridge: Cambridge University Press, 2001), 48. In this essay, Rowe provides a detailed overview of the debates over the parallel import of music CDs in Australia throughout the 1990s.

[31] Australian Consumers' Association, "In Support of Parallel Imports of CDs," Submission to Australia's Senate Legal and Constitutional Legislation Committee, 1998. www.cptech.org/ip/pi/acasubcd.html.

[32] Jeremy Morris, "Understanding the Digital Music Commodity" (Ph.D. diss., McGill University, 2010), 16.

platforms developed within the global tech industries in order to distribute its products. Jim Rogers argues that in contrast to the dominant narrative that posits the death of the music industry at the hands of digital media, "The ongoing formation of alliances and agreements between the music industry and the technology sector indicates that music companies are creating business models and licensing systems that enable them to profit from the abundance of emerging and established digital outlets and services."[33] An effect of this convergence is that different industries, along with listeners, all continued to jostle over control of music's circulation and the listening experience more broadly. Just as a number of industrial players participated in the development of the DVD region code (see Chapter One), the control over music's geographic distribution arose out of different sectors of the media industries worrying about maximizing profits through controlling what people can do with media and how they are ultimately able to purchase and circulate it. Throughout the story of regional lockout and music, the major record labels—Sony, Universal, and Warner—represent the major wielders of power and were the forces keeping Spotify from entering the US for a number of years due to long negotiations over streaming licensing deals (one of which was reportedly not finalized until the day before the platform's US launch).[34] In an indication of this power, one outcome of these negotiations was that the labels now own between 18 and 20 percent of the platform.[35] Indeed, the question of who controls the platforms through which we listen is key to the story of online music.

As popular music migrated to digital forms of delivery throughout the 1990s, 2000s, and 2010s, the abundance that these platforms represented continued to exist at odds with the

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[33] Rogers, *Death and Life*, 97.
[34] Ben Sisario, "New Service Offers Music in Quantity, Not by Song," *New York Times*, July 14, 2011.
[35] Harvey, "Station to Station."

recording industry's need to monetize its product. In spite of these issues, regional lockout did not become a major issue in the global recording industries until the move to online streaming and electronic sell-through platforms. This is because the two dominant digital formats for music listening before the streaming era, the compact disc and the MP3, were both free of regional restrictions. When considering regional lockout specifically, the 1990s and early 2000s (i.e., the period when CDs were the chief means by which many consumers accessed music) represented a period in the history of music technologies marked by relative *geographic* openness within a regulatory environment that otherwise increasingly used copyright as a reason to clamp down on the possible uses and affordances of digital technologies. That is, while digital music technologies followed a general trend of attempted control by major media corporations, very few of these controls were aimed *specifically* at keeping technologies meant for one geographic location from entering another. The next sections offer a brief overview of regional control (or lack thereof) within digital music before moving into an analysis of their implications for how we might understand music's fluidity and spatiality.

Relatively Region-Free Music: The CD Era

While the recording industries have always been invested in keeping global markets distinct, they have only recently taken to regional lockout as a way of doing so. Pre-CD forms of music delivery were all essentially globally compatible; a vinyl record could play on any record player around the world, and a cassette tape could play on any tape player around the world. To tell histories of regional lockout within digital music technologies, we might start at the first mass-market digital delivery system used primarily for music playback: the Compact Disc (CD), an optical disc meant primarily for the storage and transmission of audio. It may seem strange to

start here, as the CD was *also* not region-locked. But like its region-locked cousin, the DVD, the CD came about as the result of a long process of standardization by private interests at a moment when major cultural industries were digitizing their operations. In particular, electronics manufacturers like Sony, Mitsubishi, Hitachi, JVC, and Philips experimented with various optical audio transmission formats throughout the mid-to-late 1970s. In 1978, Philips began a push to standardize the compact disc technology.[36] The next year, the company demonstrated a prototype of a CD and CD player to journalists and proposed collaborations with other manufacturers so they might work together to make the CD an industry standard.[37] Sony accepted this proposal, and in 1979, the two companies began work on setting international standards for the compact disc.[38] In 1980, the two companies published the technical specifications for the Compact Disc technology. These specifications are formally called IEC 60908 but are known informally as the *Red Book*, due to the color of the cover—one of the series of "rainbow books" that describe the technical specifications of different CD formats (for example, the *Yellow Book* for CD-ROM, the *Orange Book* for CD-R). Part of the *Red Book*'s specifications indicate that the CD must be globally compatible, and that a CD manufactured anywhere in the world must play on a CD player from anywhere in the world. This is not to say that the *Red Book* standard was completely unconcerned with issues of geography; it also included metadata called the International Standard Recording Code (ISRC), which contained, among other things, information about where the recording originated.[39] But this was mainly for industry uses and had little bearing on the average listener's experience with the CD.

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[36] Ken C. Pohlmann, *The Compact Disc Handbook*, 2nd ed. (Madison, WI: A-R Editions, 1992).
[37] Pohlmann, 11; Philips Research, "The History of the CD – The Beginning," *Philips*. http://www.research.philips.com/technologies/projects/cd/.
[38] Pohlmann, 11.
[39] Morris, "Digital Music Commodity," 112.

The primary reasons that the CD did not include region codes have to do with the economics of international distribution in the record industry. Contrasting the case of the CD against DVD region codes helps illustrate this. Recall that DVDs contained region codes primarily to protect the windowing operations of the film industries (and particularly Hollywood), at a time when films were released on a staggered windowing arrangement and a film might be released on video in the United States while still in theaters abroad. While records were routinely released at different times in different territorial markets, the multi-step windowing process familiar to film distribution did not exist in the recording industry. At the time of the CD's development, the issue of parallel imports was not as pressing for the recording industries as it was for the home video industries, because they did not have to abide by these same windowing agreements. One consequence of this is that parallel imports became relatively easy. Although laws against parallel imports apply to the music industry, the lack of regional encoding or other forms of regional incompatibility on CDs meant that parallel imports of compact discs were somewhat easier than DVDs, as CDs from one part of the world could play on players from another part of the world. The ease of parallel imports was only exacerbated by the fact that music technologies did not include any broad, pre-regional-lockout compatibility standards such as the PAL/NTSC/SECAM television standards that, as I have shown, predated and fed into regional lockout in home video and video games. Although, as I will discuss, radio contained its own inherent spatial limitations that influenced regional lockout in online music platforms both practically and discursively, any compatibility issues that might arise in the realm of individual music-delivery commodities (i.e., tapes, records, CDs) would not have anything to do with geographic location.

There was another reason that compact discs were not built with region codes. At the time of the CD's adoption, the major record labels thought they could safely use the CD because they did not anticipate the potential for the format to be copied: "For a time the major labels felt secure because the CD was released as a read-only medium and all methods of copying were still analog."[40] As Barry Kernfeld points out in his history of music piracy, the manufacture of compact discs was at first a specialized process (even more so than manufacturing vinyl records) and copies could generally only be made through illicit access to CD manufacturing plants.[41] So, the inability to foresee the potential for unauthorized copies to be not only made but also *distributed* meant that CDs did not have the content- and region-protection forms of encryption that later disc formats would. Eventually, however, the development of digital ripping software enabled relatively easy copying and, in turn, transgression of the geographic borders determined by those in control of global market segmentation. Much of this took place within informal and bootleg media networks, but even sectors in some ways connected to formal media economies engaged in unauthorized copying; for instance, many CD manufacturing plants were based in territories like Taiwan, far from the surveying watch of North America and Europe's major record companies, and these plants would occasionally "accept illicit orders" for pirated discs.[42]

Even if it was not region-coded, however, as a physical good, a bootleg CD still had to encounter regional hurdles including the labor necessary to ship it across borders and past customs agents that might interrupt such shipments.[43] Furthermore, CDs were not adopted as

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[40] Reebee Garafalo, "I Want My MP3: Who Owns Internet Music?" in *Popular Music: Critical Concepts in Media and Cultural Studies, Volume II*, ed. Simon Frith (London: Routledge, 2004), 88.
[41] Barry Kernfeld, *Pop Song Piracy: Disobedient Music Distribution Since 1929* (Chicago: University of Chicago Press, 2011), 180.
[42] Ibid., 181.
[43] Ibid., 182

quickly and distributed as widely in some territories in the global south, both because they were prohibitively expensive and because of worries that their availability might lead to copyright violations.[44] However, the unanticipated ripping, copying, and sharing of CDs, which came about both due to increasingly easy copying methods and national differences in copyright laws (i.e., certain copying activities illegal in the United States might be legal in other countries), meant that even these borders against trading were regularly ignored and transgressed.

Online Music Stores and DRM: The Beginnings of Geoblocking

The popularization of distributing media through computer files, rather than hard goods, would erase some of these physical hurdles while introducing additional barriers. In particular, the circulation of music across broadly scaled territories became easier through the development of the most important audio distribution format of the past twenty years: the MPEG Audio Layer III, otherwise known as the MP3. On its own, the MP3 is not particularly central to a history of regional lockout in the music industries, because, like the CD, it is *geographically* open relative to other delivery technologies. The technical standards for the MP3 do not contain any form of regional protection. This is one manifestation of Jonathan Sterne's argument in his history of the MP3 that technical standards for distribution technologies can significantly impact the globalization of media as well as the degree to which globalization can be controlled.[45] Indeed, this characteristic of the format is part of what has made it so central to peer-to-peer sharing over the past decade and a half; users could easily trade and share MP3s that would play irrespective of geographic borders. Other container formats, or file formats meant for the encoding or

[44] Connell and Gibson, *Sound Tracks*, 61.
[45] Indeed, contrast this against the case of the DVD's CSS and RPC technical standards, analyzed in Chapter One of this dissertation. Jonathan Sterne, *MP3: The Meaning of a Format* (Durham, NC: Duke University Press, 2012), 24.

distribution of a piece of audio/visual media, are also region-free. WAV, FLAC, and AAC, for example, are all similarly without any kind of regional encoding even though they are all container formats meant for media distribution.

However, this should not suggest that these formats are always open, geographically or otherwise. As digital container formats became an increasingly popular method of distributing and consuming music throughout the late 1990s and 2000s, tech companies began making distribution deals with independent and major record labels and building online stores where users could purchase digital music files. Most of these, such as the iTunes Music Store (launched 2003) and Amazon Music (launched 2007) sell albums and songs a la carte, though some, like eMusic (founded 1998), are subscription services where users pay a monthly fee in exchange for a certain number of downloads. Regardless of whether a particular platform locks down users' files through digital rights management (more on this shortly), each of these platforms is geoblocked. So, for instance, as of March 2015, eMusic is available in the US, Canada, and much of Europe and Amazon Music is available in the US, some of Europe, and Japan.[46] With the development of online forms of delivery, the record industry and platform owners took advantage of the particular affordances of the internet in order to engender greater control over online listening activities—much like the geoblocked streaming video platforms discussed in the previous chapter. Because all internet-connected devices are to a degree, geolocative, in that each has a unique IP address, platforms could be made available and unavailable to users connecting from certain parts of the world. At the risk of stating the obvious, this represents a key difference between CDs and streaming platforms; if, while in Vietnam, someone listens to a CD she bought

[46] The most comprehensive resource on where in the world certain music platforms are available can be found on *Pro Music*, a website developed by a number of music industry consortia. See http://pro-music.org/legal-music-services.php.

in the United States, there is no way to track that activity and in turn block her from listening to that CD. However, if the same listener tried to access Spotify from Vietnam, she would be unable to do so.

The iTunes Music Store is perhaps the platform that has most significantly altered the global landscape for digital music delivery, and likewise, it is a platform often invoked in discourse about music and geoblocking. The platform's unavailability in certain regions meant that users in those regions would be barred from connecting to the iTunes service. The iTunes platform was released in 2001 as a desktop program that allowed users to organize and play MP3 files, build playlists, and rip and burn CDs. The iPod's release later that year made iTunes more than just a desktop application; it became the program through which a user synced music to the iPod, and later the iPhone and iPad. In 2003, Apple launched the iTunes Music Store as a platform where users could purchase music for direct download to iTunes.[47] As the platform integrated with more and more mobile technologies, it likewise continued its gradual rollout around the world, entering territories throughout Europe and Canada in 2004, Japan in 2005, and Latin America in 2011, among others.[48] Toward the end of 2012, rumors swirled that Apple would be announcing the introduction of iTunes into Russia, and in early December, the platform launched in that country and fifty-five additional countries, with its music sell-through service

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[47] Jacqui Cheng, "iTunes Through the Ages," *Ars Technica*, November 23, 2012. http://arstechnica.com/apple/2012/11/itunes-through-the-ages/; Michael Simon, "The Complete iTunes History—Soundjam MP to iTunes 9," *Mac Life*, September 11, 2009. http://www.maclife.com/article/feature/complete_itunes_history_soundjam_mp_itunes_9.

[48] Ben Fritz, "Apple Expands Cure," *Daily Variety*, June 16, 2004, 8; Andrew Mayeda, "Canadians Will Get iTunes at Last," *Ottawa Citizen*, October 27, 2004, D1; Apple, "Apple Launches iTunes Music Store in Japan," news release, August 4, 2005. https://www.apple.com/pr/library/2005/08/04Apple-Launches-iTunes-Music-Store-in-Japan.html; Leila Cobo, "It's Official: iTunes Launches in Latin America," *Billboard*, December 13, 2011. http://www.billboard.com/biz/articles/news/1157962/its-official-itunes-launches-in-latin-america.

now available in 119 countries total.[49] So, while the iTunes Music Store is relatively widely available around the world, as of August 2014 it is not available in several territories throughout Africa, The Middle East, East and Southeast Asia, and a handful of other countries.

The iTunes Music Store being just one platform, the global landscape of region-locked music is quite complex. The aforementioned "Lighting up New Markets" report also includes an index entitled "Digital Music Services Worldwide" that inadvertently highlights the fragmented nature of contemporary geoblocking through a long list of which legal online music platforms are available in which countries. IFPI and a number of other global music industry organizations also make this information available (ostensibly for musicians who want to license their music to such a platform) on a website called *Pro Music*. Keeping track of what platforms are available where is a difficult enough process that it requires a user-friendly, interactive map. Compounding this complex fragmentation, geoblocking functions beyond the level of whether a certain platform is available; it can also control the particular library made available within a certain location as well as the prices of the products in that library. Regarding the former, because a platform like iTunes represents a single clearing-house for songs and albums licensed from individual artists and record labels, there is no need to geoblock the entire platform in a territory if the platform has not licensed a particular artist's work for that territory and *has* licensed it for others. They just simply use geolocative technology to offer users in different territories versions of the platform that have different content libraries. Further, the variation in

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[49] Ingrid Lunden, "iTunes Event Taking Place in Moscow on Dec. 4: Is Russia Finally Getting Apple's Music Service?" *Techcrunch*, December 3, 2012. http://techcrunch.com/2012/12/03/itunes-event-taking-place-in-moscow-on-dec-4-is-russia-finally-getting-apples-music-service; Joel Mathis, "iTunes Store Expands to 119 Countries, Keeping Rivals at Bay," *Mac World*, December 4, 2012. http://www.macworld.com/article/2018401/itunes-store-expands-to-119-countries-keeping-rivals-at-bay.html.

price of songs, films, and television programs on platforms like iTunes has been central to discourses and debates in Australia regarding the legality and fairness of geoblocking. The recent Australian Parliamentary report on geoblocking, discussed throughout this dissertation, focused heavily on iTunes and the "Australia tax," or the colloquialism for the higher cost of digital commodities in that nation.[50] Many consumers feel that they should be entitled to the same purchasing and listening opportunities (and prices) as users living in other locations.

Although it is a very specific form of control, regional lockout in music should be considered within the broader context of digital rights management (DRM) in music technologies. Many platforms historically encoded the digital files they sold with forms of encryption that meant they could only be played within certain platforms, on certain computers, or within certain parts of the world. For instance, iTunes found itself in the middle of a controversy surrounding DRM in files users purchased from its online store. Until 2009, Apple included a proprietary form of DRM called FairPlay on music files purchased from the iTunes store. In another indication that such agreements come out as the result of public and private battles between different sectors of the media industries, FairPlay was supposedly a condition of the major record labels, who wanted stricter control over how users could use and share their content. When Apple announced the end of DRM in music from the iTunes music store in 2009, reports suggested that this was due to Apple making an agreement with the record labels that would allow iTunes to distribute media free of DRM, on the condition that Apple raised prices for some songs and albums.[51] Although Apple eliminated FairPlay from iTunes music, it still

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[50] Australian House of Representatives Standing Committee on Infrastructure and Communications, "At What Cost? IT Pricing and the Australia Tax," July 2013. http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ic/itpricing/report.htm.

[51] Antony Bruno, "Report: Apple DRM-Free Licensing in the Works," *Hollywood Reporter*,

locks down other files such as video. These issues of control—who could determine how listeners could use, store, and access music, are central to streaming platforms, which in turn give the record industry another means to control music's geographic reach.

Uneasy Expansion: Regional Lockout and Streaming Music Services

The popularly held idea that the internet should make access to music widely available around the world only intensified with the development and popularization of geoblocked streaming music platforms like Spotify, Pandora, Rhapsody, and Rdio, each of which offered users (usually limited) free access to music. In contrast to download stores, wherein users purchase individual digital files, streaming platforms send the song's data to the user as she listens within the platform, app, or browser. These platforms are geoblocked for two primary reasons. First, similar to the streaming rights for a film or television program, streaming music licenses function on a territorial basis, and local distribution of a recording requires the platform to negotiate distribution and licensing terms with the local rightsholders and record labels, or music aggregators that make deals with numerous smaller, independent record labels to make their recordings available to streaming platforms. The second, related reason for streaming platforms' unavailability in certain territories is that they are careful not to expand too quickly. Music licensing is expensive, and expanding into new territories means balancing revenues from new subscribers and local advertisers against the new licensing deals that will come with entering that territory. A report from 2011 on Spotify's business model showed that licensing costs were the largest expense for the profoundly unprofitable company (which had lost $42 million the

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January 6, 2009.

previous year).[52] So, like many of the streaming video platforms discussed in Chapter Three, streaming music platforms are invested in balancing a desire for global expansion and greater economies of scale with the dual requirements of contending with territorial licensing agreements and not expanding too fast.

Competition between different platforms can also have implications for whether or not a service is geoblocked in a certain region. Taking Spotify as an example, the platform's promised ability to offer a competitor to iTunes (or, as the *Irish Times* puts it, "cock a snook at Apple's quasi-monopoly on MP3 sales") was enticing to record label executives.[53] Indeed, geoblocking becomes a particularly complex issue—for both users and industrial players—considering the ways platforms like Spotify are connected to other proprietary platforms and technologies. In Spotify's early days, even before its introduction in the United States, speculation grew as to whether the platform would become available on Apple's iPhone. On one hand, Spotify's availability would potentially cut into Apple's profits from iTunes. On the other hand, Spotify could drive iPhone sales, potentially overcoming any damage that the platform could do to iTunes. The implications for geoblocking are that even if a platform is technically available in a certain location, users must have access to resources and technologies that will allow them to use it—some of which may not be as readily available or, on the other hand, may be quite common and popular. For instance, Spotify sees the potential for success in Asia because of the popularity of mobile phone use throughout the region.[54] Spotify executives promote a "mobile first"

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[52] "How Spotify's Business Works." *Business Insider*, October 12, 2011. http://www.businessinsider.com/how-spotifys-business-works-2011-10.
[53] "What Now? Future Issues for the Music Industry," *The Irish Times*, May 11, 2009, 41.
[54] Keylene Hong, "As Spotify Passes One Year in Asia, Piracy is Still Its Number One Challenge," *The Next Web*, July 21, 2014. http://thenextweb.com/media/2014/07/21/spotify-passes-one-year-asia-piracy-still-number-one-challenge; Joshua Steimle, "Spotify Plans to Own the Online Music Market in Asia," *Forbes*, March 18 2014.

strategy in Asia, indicating that the company adjusts its expectations for user practices from territory to territory.[55] This is, of course, a basic business strategy, but for the purposes of this chapter, it indicates that even when a platform is made available in a certain territory, its relative ease of access is also shaped by the quality of broadband and mobile service that is also available; platforms function in part according to the networks and devices that are connected to them.

Streaming platforms can also be geoblocked because of the particularities of internet radio's licensing possibilities and royalty payment structure. Pandora Radio, which as of 2015 is only available in the US, Australia, and New Zealand, is an online streaming music platform that runs off of an algorithmic recommendation service called the Music Genome Project, which breaks down and codes songs based on criteria including genre, mood, instrumentation, and chord progression.[56] Pandora allows users to customize certain "stations" around particular artists or genres, and these stations play music selected based on the Genome Project. Pandora's payment structure is different from terrestrial radio, and its royalty disputes are, in part, what keep Pandora out of other markets and thus geoblocked within those markets. The platform has found it difficult to negotiate licensing terms outside of the three nations where it is currently available, and thus it remains geoblocked outside of those nations.[57] Harvey explains, "Whereas broadcast radio stations pay royalties via ASCAP and BMI only to composers and publishers—a

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http://www.forbes.com/sites/joshsteimle/2014/03/18/spotify-plans-to-own-the-online-music-market-in-asia/.

[55] Steimle, "Spotify Plans to Own."

[56] Harvey, "Station to Station"; Rob Walker, "The Song Decoders," *New York Times*, October 14, 2009. http://www.nytimes.com/2009/10/18/magazine/18Pandora-t.html?pagewanted=all&_r=0.

[57] Joshua Sherman, "Pandora Touts 200 Million Listeners, Continues to Curb Mobile Listening," *Billboard*, April 9, 2013. http://www.digitaltrends.com/mobile/pandora-touts-200-million-listeners-continues-to-curb-mobile-listening/#!bLQKgo.

deal that goes back decades—Pandora is required to pay performers, who collect directly via the non-profit performance rights organization SoundExchange."[58] Consequently, Pandora has to pay far more in royalty fees than terrestrial and satellite radio, with various quarterly reports showing that the company regularly pays out over half its revenue to SoundExchange.[59] So, when attempting to connect outside of the United States, a message on Pandora's website blames vague "licensing constraints." Some do not buy this line of argument, however, suggesting that the platform could still be lucrative around the world if it focused on expanding its operations. One tech reporter asks, "Instead of cashing out millions every month, shouldn't Pandora executives put some of that money back into licensing? For the US, and beyond?"[60] This is one version of a common, broader, and not entirely unreasonable argument against geoblocking—that through regional lockout, some platforms are ignoring the desires of their customers in order to make more money in fewer territories. At the same time, Pandora shows how geoblocking is not always ethically and politically cut and dried. While many view the practice of locking out users from a platform based on their geographic location as discriminatory in ways that violate the principles of an open internet, those invested in the financial well being of music artists in the twenty-first century could also desire music platforms that compensate artists fairly. If Pandora is geoblocked in part because its business model allows for somewhat fairer royalty payment (relative, at least, to a platform like Spotify), there are reasons behind its geoblocking other than ignorance or apathy toward some parts of the world.

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[58] Harvey, "Station to Station."
[59] Katherine Rushton, "Listing Values Loss-Making Site Pandora at £2.6bn," *Daily Telegraph*, June 16, 2011, 10; Glenn Peoples, "Business Matters: If Big Radio Had Pandora's Royalty Rate, It Would Owe Billions," *Billboard*, November 20, 2012. http://www.billboard.com/biz/articles/news/1082968/business-matters-if-big-radio-had-pandoras-royalty-rate-it-would-owe.
[60] Paul Resnikoff, "Europeans Have No Idea What a Pandora Is…" *Digital Music News*, December 17, 2013. http://www.digitalmusicnews.com/permalink/2013/12/17/europeanpandora.

The attitude that streaming platforms should expand their operations globally in order to better serve the world's online listeners is an unsurprising one in a historical context saturated with both excitement and fear about how the internet would affect the spatial reaches of popular music distribution. As many studies have pointed out, the promises and realities of online music should be considered in the context of the discourses of a "celestial jukebox" that circulated around this time. Popularized by a 1994 book by Paul Goldstein, the celestial jukebox describes an idealized online marketplace or service where listeners can access virtually any song or album they like—either paying per download via microtransactions or paying regularly through a subscription service.[61] Patrick Burkart and Tom McCourt point out that the metaphor invokes both "heavenly attributes, a gift from God" and "the rhetoric of 'e-commerce,' employed by corporations and technologists eager to 'monetize,' or derive revenues from, online access to 'content' or cultural products."[62] Such discourses are apparent in news reports that refer to streaming music services collectively as "one giant jukebox" that aims to "one day, allow you to choose any tracks from the history of recorded music."[63] Shortly after Swedish streaming platform's Spotify's introduction in 2009, the *Guardian* wrote, "If you have yet to join the Spotify revolution, you really ought to sign up at spotify.com and transform your computer into a free, legal jukebox packed with millions of easily accessible songs."[64] For those proselytizing on the power of the celestial jukebox, listeners would be able to access any song they wanted from this endless database of possibilities, and this wealth of music would fundamentally change the way we consume music.

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[61] Paul Goldstein, *Copyright's Highway: The Law and Lore of Copyright from Gutenberg to the Celestial Jukebox* (Stanford, CA: Stanford University press, 1994).
[62] Burkart and McCourt, *Digital Music Wars*, 4.
[63] Rhodri Marsden, "One Giant Jukebox," *Independent Extra*. November 26, 2008, 8.
[64] Chris Salmon, "Heap of Faith: Click to Download," *Guardian*, May 8, 2009, 11.

Fixity, Fluidity, and Geoblocking

The invocation of "celestial" points to a common mythology surrounding online music: that it is fundamentally deterritorialized—both in the sense that it is disruptive of traditional organizations of capital and in the more literal sense that it violates and ignores space and place. As Kate Lacey argues, the rise of internet radio brought about "familiar tropes from earlier rounds of technological innovation" including "the collapse of time and space through mediation."[65] Particularly when articulated to celebrations of the putatively borderless internet, users and industries promoted and viewed music as even more mobile and ethereal than before. Pushing past the overly simplistic discourses of the technological sublime, however, we might assess how geoblocking in this particular historical/technological/industrial/cultural context violates a characteristic of music pinpointed by John Connell and Chris Gibson:

> In contrast to attempts to concretize music in place and in social practice, popular culture reflected the fluxes and fluidity of contemporary life, unsettling binary oppositions established in earlier phases of modernity (tradition/contemporary; authentic/inauthentic; local/global) by refusing to be pinned down. Music had been, and would continue to be, mobile.[66]

If music has historically been articulated to a certain sense of fluidity, of ethereal ontology, this social understanding may help explain the attitude in listeners that music should be more freely, readily available—particularly in an era when digital delivery seems to intensify music's mobility. Connell and Gibson argue that music's relationship to place is marked by a key tension between music's "fixity" and its "fluidity." Part of music's fluidity is its "spatial mobility,"

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[65] Kate Lacey, "Listening in the Digital Age," in *Radio's New Wave: Global Sound in the Digital Era*, eds. Jason Loviglio and Michele Hilmes (New York: Routledge, 2013), 9-23.
[66] Connell and Gibson, *Sound Tracks*, 44.

which "indicates flows of music, people, capital, commodities and money across space."[67] Music's fluidity is ontological (music as sound waves), cultural (music as part of travelling people and cultures), and economic (music as fundamental to "the desire of entertainment companies to capture dispersed markets and seek new sources of music").[68] Although Connell and Gibson discuss these issues in the context of the articulation between "local" and "authentic" within certain music scenes, geoblocking allows us to map this more broadly at the scales of national and transnational cultural geography. Through geoblocking, the supposedly *ontological* fluidity of music butts up against its *economic* and *geographic* fixity—a fixity resulting in part from music's commodification and incorporation into capitalist distribution.

Mobile devices like MP3 players and iPhones have exacerbated music's mobility in the twenty-first century, but the Sony Walkman (and later, the Discman), boom-boxes, portable radios, car stereos, and a host of other portable listening devices have always made listening an essentially nomadic, mobile experience. As Berland has suggested, technologies of music reproduction have always "shaped and mobilized our listening practices, enabling us to carry music 'belonging' to one location or spatial scale into other places."[69] The Walkman in particular helped produce and popularize a particular mode of music and listening that can move from place to place—what Shuhei Hosokawa calls *musica mobilis*.[70] So, mobile music technologies are inflected with economic, technological, industrial, ontological, and experiential dynamics that traverse multiple scales: global, national, transnational, and local. For listeners that attempt to access a streaming platform only to find it geoblocked, the experience is resolutely national. For those who do have access to the platform and listen to it on their iPhone on a walk or

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[67] ibid., 9.
[68] ibid., 9-10.
[69] Berland, "Locating Listening," 133.
[70] Shuhei Hosokawa, "The Walkman Effect," *Popular Music* 4 (1984), 166.

commute, the experience can be at once local (in the space traversed while walking or commuting), national (in that access to these platforms is informed by one's national location) and transnational (in the use of platforms, devices, and perhaps even texts that come out of a variety of transnational industries).

While the utopian predictions of the celestial jukebox never came to pass, online music platforms have nevertheless affected listening practices in ways that brought forward discourses of intensified mobility and accessibility. For Annahid Kassabian, such platforms are part of a broader social condition of "ubiquitous listening," where we experience music constantly, but in many different contexts and employing a wide range of attention and focus. David Kusek and Gerd Leonhard's book *The Future of Music: Manifesto for the Digital Music Revolution*, begins with a vision of music consumption set in 2015 (at the point of the book's publication, ten years into the future) that envisions a constant stream of listening experiences throughout the day. In this future world, music "will be like water: ubiquitous and free flowing."[71] As Sterne has pointed out, through the celestial jukebox model, the recording industries treat music more as a utility rather than as a product; instead of buying discrete, "hard" commodities like CDs or albums, users tap into a delivery service. In addition to the impact on music's value (in both a qualitative sense and quantitatively, in terms of price and exchange value), the image of music as a literally flowing utility has implications for how we consider music's spatial and material dimensions. Geoblocking's practice of containing music within national or regional borders is anathema to popular discourses of it as ubiquitous, infinitely accessible, and ungraspable.

The rise of the neologism "the cloud" as a way of describing online storage of data more broadly, and storage and delivery of online music more specifically, only intensified these

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[71] David Kusek and Gerd Leonhard, *The Future of Music: Manifesto for the Digital Music Revolution* (Boston, MA: Berklee Press, 2005), 3.

discourses. The discursive articulation of the difficult-to-grasp "cloud" (which also echoes the celestial jukebox in its invocation of the sky) to the historical understanding of music as an ontologically fluid art form has contributed to a popular understanding of online music as something too immaterial to be artificially locked down by practices such as geoblocking. Concomitant with digital music's supposed lack of fixed spatiality is a discourse of immateriality well familiar to digital media, and these two discourses feed off each other. The title of a *Guardian* article from 2009 about the increasing popularity of streaming services, "Streaming Music: Even Better than the Real Thing," is telling in the contrast it lays out between cloud-based music and "real" music, which presumably has greater materiality, physicality, and value than music that flows through the internet's ether. More seemingly ethereal in nature, one could argue that streaming music does not seem to have that same "aura" as music on a more obviously physical format, such as an LP, an audiocassette, or a CD. However, even forgetting for a moment that the same questions were also raised for CDs, MP3s, as well as virtually every technology of music reproduction since the beginnings of its mediation, the notion of online music as something immaterial has been criticized as facile and wrong-headed. For one, cloud-based data is quite material: "Underneath the idea of an ethereal and distributed network of connections and traffic lies the cold hard physicality of warehouses, servers, generators and climate control devices."[72] Furthermore, as Michele Hilmes has argued, contemporary digital radio comprises a series of genres and practices (which she refers to all together as "soundwork") that contain a "transformative new materiality" through user interfaces and a new ease of archivability. Hilmes' characterization of the materiality of digital soundwork pushes against the claim that cloud-based sound media (and digital media forms more generally) are immaterial.

[72] Jeremy Morris, "Sounds in the Cloud: Cloud Computing And the Digital Music Commodity," *First Monday* 16, no. 5 (2011). http://firstmonday.org/ojs/index.php/fm/article/view/3391/2917.

The suggestion that the internet is a less material and thus less "chained down" medium feeds an idea that its putatively *global* character should make internet-delivered commodities equally accessible to everyone. Often, user arguments against geoblocking take this tack. One frustrated Spotify user argues:

> With digitally distributed, geo-IP locked content - you lose that ability to shop across markets. To me, it sends the wrong signals to charge one group of people one price, and another group of people another price for the mostly the same content when it's available on the same global network…I guess it just grinds my gears that the price for the same 1s and 0s is higher."[73]

As notions of music's economic value have changed, irritation at music platforms' geographic unavailability is rooted in the premise that everything *should* be available to everyone—a techno-cultural context I discussed in greater detail in this dissertation's introduction, but one that reflects a particular attitude toward the idea of scarcity in the internet age. Because media texts are public goods (i.e., consumption by one person does not preclude consumption by another), artificial scarcity is key to the monetization and sale of said texts. "Impos[ing] a false scarcity" on the digital music commodity, particularly in the face of technological tools and user practices that would ignore this scarcity, has been a major part of the recording industries' sales practices.[74] As Matthew David argues about the criminalization of peer-to-peer file sharing, contemporary debates over the value and availability of online music should be seen in a "context of [a] contradiction between profitability and the potential suspension of scarcity."[75]

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[73] adfhogan, "Re: Cost of Spotify Premium for Different Countries in Relation to USD," *Spotify Help*, September 30, 2012. https://community.spotify.com/t5/Help-Accounts-and-Subscriptions/Cost-of-Spotify-Premium-for-different-countries-in-relation-to/td-p/133098.
[74] Morris, "Digital Music Commodity," 199.
[75] Matthew David, *Peer to Peer and the Music Industry: The Criminalization of Sharing*

Tim Havens points out in the context of television, the public good nature of media texts encourages relatively easy global circulation.[76] Geoblocking, therefore, represents a way of maintaining control over the spatial distribution of commodities that could theoretically be consumed an infinite number of times. If, according to Chris Anderson in *The Long Tail*, online retail should have allowed global media distribution to move into an era of "unlimited supply" and "abundance rather than scarcity," geographic restrictions represent one way of reintroducing scarcity.[77]

Discourses surrounding music's particular spatial dimensions articulate broader understandings of sound media's relationship to cultural geography and space: at once promising to reach, connect, and transport listeners across vast spaces while ensuring that those spatial dimensions are controlled and regulated. Just as digital music platforms—and online radio and streaming platforms in particular—remediate broadcast sound media such as radio, familiar discourses about radio's relationship to space crop up during discussions of geoblocking and music. The history of sound media has always represented a tension between the possibilities for a broad spatial reach and the requirement that this reach be contained, and geoblocking streaming platforms is one contemporary manifestation of this. Michele Hilmes points to this tension in early American radio, which promised to connect far-flung geographic spaces while simultaneously defining its audience within national borders.[78] In the context of broadcasting, the immateriality of radio waves has long produced discourses of spatial transgressions both dangerous and liberating. Thomas Streeter has pointed out that the history of early American

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(London: Sage, 2010), 9.

[76] Timothy Havens, *Global Television Marketplace* (London: British Film Institute, 2006), 158.

[77] Chris Anderson, *The Long Tail: Why the Future of Business is Selling Less of More* (New York: Hyperion, 2006), 8, 18.

[78] Michele Hilmes, *Radio Voices: American Broadcasting, 1922-1952* (Minneapolis, MN: University of Minnesota Press, 1997), 13-14.

broadcasting is marked by states, militaries, and corporations attempting to limit and control radio's inherent "omnidirectionality" in favor of a more easily regulated point-to-point address.[79] As Hilmes suggests, radio's immateriality and possibility for connection across geographic space set conditions for forms of cross-cultural contact considered dangerous by established powers.[80] As a contemporary manifestation of the spatial control of sound's omnidirectionality and immateriality, geoblocking seeks to rein in cross-border flows of sound that might be dangerous to the record industries' carefully managed distribution routes.

Ultimately, frustrations and debates over geoblocking in streaming platforms gave the lie to the celestial jukebox model and the possibilities it promised for overcoming distributional space. As the practice of geoblocking indicates, while "ubiquitous" may accurately capture an increasingly common mode of engagement with music on a local level, it does not capture the disjunctive differences in access to these forms of engagement around the world. Of course, even on a local level, ubiquitous listening is only possible in territories where ubiquitous listening technologies are available. Furthermore, though the end user might see online music platforms as mere ways to access songs, each platform arrives with its own origin story and comes out of a particular set of geocultural and political-economic contexts. For industries invested in using a platform to distribute and monetize texts, some measure of control over a platform is key to these monetizing practices. Control of the platform, in turn, translates to control of the art and texts we experience from the platform. This has profound implications for how we understand who owns our music libraries. As Jeremy Morris writes, "Although cloud-based music services raise unique possibilities for the mobility of music and its discovery, they also act as transient and enclosed

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[79] Thomas Streeter, *Selling the Air: A Critique of the Policy of Commercial Broadcasting in the United States* (Chicago: University of Chicago Press, 1996), 61.
[80] Hilmes, *Radio Voices*, 15.

spaces where the music we 'own' is always at an ethereal distance to us."[81] Harvey puts it bluntly: "The industry's investments in today's technology is designed [sic] in large part to wrench back control via unlimited access after a decade of ceding power to mp3-downloading fans."[82] As a result, Burkart and McCourt argue, "The celestial jukebox has become a tollbooth into a web of privately owned and operated networks where traffic in intellectual property is carefully monitored and controlled, a walled garden of closed networks with restricted access and tightly circumscribed activities."[83] Through regional lockout, this circumscription is made literal, seeking to contain and control the potentially transnational flow of these intellectual properties.

Indeed, the hopes of using geoblocking to contain and regulate music's global distribution is part of what makes streaming platforms appealing to the recording industries. Through a platform like Spotify, the labels can offer consumers free music in ways that align with the industry's preferred organization of spatial distribution (as opposed to a practice like peer-to-peer file sharing, which transgresses these borders). Although label executives were initially concerned about free streaming services, labels have more recently attempted to deploy them as methods of supplanting peer-to-peer file sharing as a common user practice.[84] Record labels regularly point to streaming platforms as important anti-piracy measures, with Universal Music Group listing "supporting the development and launch of innovative services across a number of platforms, as well as the continued growth of existing services such as iTunes, Spotify, Google, and Vevo" as one of many strategies to curb piracy.[85] For some users, the

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[81] Morris, "Sounds in the Cloud."
[82] Harvey, "Station to Station."
[83] Burkart and McCourt, *Digital Music Wars*, 5.
[84] See Morris, "Digital Music Commodity," 243.
[85] *Vivendi Annual Report 2013*, 23. Available at http://www.vivendi.com/wp-

incorporation of streaming services into everyday listening activities has, in part, taken the place of peer-to-peer trading of MP3s, although platforms like Spotify also have to contend with piracy as a major competitor around the world.[86] In the aforementioned *Guardian* article from 2009 about the increasing popularity of streaming services, Christian Ward of Last.fm argued, "If music fans are getting the music they want, free, from safe, legal environments like ours, then there's reason to imagine they'll be less inclined to download from peer-to-peer in the future. And with our ad-supported model, the artists and copyright holders get paid for those listens."[87] Of course, this line of thinking was part of the appeal for record companies, who were courted to license their libraries to platforms like Spotify in part based on the promise that users would flock to these ad-supported and subscription services instead.

Music for Everyone? Spotify and Geoblocking

The tension between the discourses of globalized spatial relations and the disjunctures fostered by regional lockout are unintentionally captured in the web platform Serendipity, a 2014 digital art project underwritten and hosted by Spotify and created by "Spotify's very first media artist in residence" Kyle McDonald.[88] Built from Spotify's web API and based on real-time, in-house data, Serendipity visualizes often transnational connections between users of the platform. Whenever two people in different countries click the same track at the same second, the platform points out the locations of the two listeners on a map of the world and plays a snippet of the song. The name and general idea of the platform evoke Ethan Zuckerman's understanding of

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content/uploads/2014/04/20140415_annual_report_doc_de_ref_2013_en.pdf.
[86] Hong, "As Spotify Passes One Year."
[87] "Streaming Music: Even Better than the Real Thing?" *Guardian*, January 22, 2009.
[88] Eliot Van Buskirk, "Serendipity Visualizes Simultaneous Listening Worldwide," *Spotify News*, August 21, 2014. https://news.spotify.com/us/2014/08/21/serendipity.

“serendipity” as a driver of global connection and caring through digital media, and Spotify’s press release announcing the platform is rife with references to music’s ability to produce such a condition: “Although they might not speak the same languages, live in the same climates, or believe the same things, they’re playing the same song at the same time. We’ve always known that music brings people together — and now, we can see that togetherness in real time.”[89] As a platform meant to extend Spotify’s “Music for Everyone” brand, Serendipity seeks to visualize how users can experience cosmopolitan global engagement through Spotify. Ideally, these moments of serendipity show how music’s availability and mobility might forge transnational connection.

In practice, however, Serendipity does not always bear out its intended purpose. Sometimes, the platform visualizes a connection across vast stretches of space, such as users in Quezon City and Bogotá listening to the same song:

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[89] Ethan Zuckerman, “Homophily, Serendipity, Xenophilia,” *My Heart’s in Accra*, April 25, 2008. http://www.ethanzuckerman.com/blog/2008/04/25/homophily-serendipity-xenophilia/; Van Buskirk, “Serendipity.”

Just as often, however, the platform zooms into two users in the same country and, occasionally, the same city:

Although such moments speak to the possibility that music can connect users locally and translocally, they also indicate that the transnational connections forged by Spotify are elements of the platform's promotional rhetoric rather than accurate descriptions of the platform's possibilities. This is underscored by the fact that Spotify is geoblocked in many countries around the world—a condition that Serendipity inadvertently makes evident. Watching Serendipity, one begins to see the same handful of territories crop up, and one likewise begins to notice that Africa and much of Asia in particular are not included in Spotify's dictum, "This is what it looks like when the world listens together."[90]

[90] Van Buskirk, "Serendipity."

Often, Serendipity lands on cities in the United States—a phenomenon that highlights the popularity of the platform in the US but would have been impossible just four years ago, when the platform was geoblocked in the US. Within the US, Spotify was the music platform invoked most often and most intensely in discourse about regional lockout. A Swedish music on-demand platform that offers a sizable library of streaming music to its users, Spotify maintains both an ad-supported free service and an ad-free subscription service.[91] Spotify's business model relies primarily on subscriptions, drawing little revenue from the ads.[92] Though Spotify claims to have deals in place with most record labels around the world,[93] as of July 2014, the platform is available in its various iterations throughout many territories in Europe (and Western Europe in particular), most of South and Central America, the United States, Australia, Malaysia, and the Philippines.[94] Given what Spotify can offer—a free, massive, on-demand collection of popular music—global demand for the platform in countries where it is not available will often be quite high. Long negotiations with the major American record labels kept Spotify out of the United States until 2011, and as one report from the platform's launch noted, in hyperbolic prose that nevertheless pointed to Spotify's desirability, "For innumerable music lovers in America, the world changed on July 14."[95] Spotify's arrival was greeted with excitement from consumers and tech press alike, and some writers even suggested that the platform could help take down iTunes (and, indeed, as recent Nielsen numbers indicate that streaming music is overtaking digital

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[91] In terms of revenue, Sweden is the second largest music streaming market in the world, behind the United States. See Tschmuck, "Is Streaming the Next Big Thing?"
[92] "How Spotify's Business Works."
[93] "Get Your Music on Spotify," *Spotify Artists*. http://www.spotifyartists.com/guides.
[94] "Full List of Territories Where Spotify is Available," *Spotify Support*. https://support.spotify.com/us/learn-more/faq/#!/article/Availability-in-overseas-territories.
[95] Steve Smith, "Web Services Grow, but Classical Flaws Remain," *International Herald Tribune*, August 31, 2011, 16.

downloads, pronouncements of the death of digital downloads are common).[96] Opportunities to sign in to the service were in high demand, and the platform used corporate partners to help grease the wheels even more: "Last month, Coca-Cola and Sprite helped music service Spotify expand into the United States from Europe. The brands gave out more than 100,000 access codes through their websites so fans could jump a waiting list that grew into the hundreds of thousands."[97] The *New York Times* reported on Spotify's introduction to the US by framing it as a win for global progress in the form of an inevitable march toward technological advancement: "This month, though, the world took a great step forward toward the holy grail: free, legal, song-specific and convenient. After years of pulling out its corporate hair in tufts while negotiating with the music companies, Spotify has finally brought its service to the United States."[98]

As part of the above-discussed attempt to brand along the familiar trope of the celestial jukebox, online music platforms often promote their desires to achieve greater global accessibility by expanding their operations. Spotify's public relations express as much, suggesting that the company's goal is to bring Spotify to "everyone everywhere."[99] Likewise, Spotify Asia's director has said, simply, "We want to be everywhere," and CEO Daniel Ek has said, "We want all the African music, all the Asian music, all the South American music…Our

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[96] Ian Hamilton, "Spotify Smooths Exit from iTunes," *Orange County Register*, July 20, 2011, A; Zack O'Malley Greenburg, "Nielsen's Mid-Year Report Reveals Demise of the Digital Download," *Forbes*, July 7, 2014. http://www.forbes.com/sites/zackomalleygreenburg/2014/07/07/nielsens-mid-year-report-reveals-demise-of-the-digital-download.

[97] Jeremiah McWilliams, "Singing Coke's Praises Evolves," *Atlanta Journal-Constitution*, August 7, 2011, 1D.

[98] David Pogue, "Online Music, Unshackled," *New York Times*, July 27, 2011, 1.

[99] "Spotify Begins Rollout of Expansion to Canada," *Billboard*. August 15, 2014. http://www.billboard.com/articles/business/6221661/spotify-begins-rollout-of-expansion-to-canada.

goal really is to have all the world's music."[100] In 2015, Spotify's business model is built increasingly on global expansion, making geoblocking less of an issue for listeners in more and more territories. One news report from Spotify's early days neatly encapsulates several of the issues pertaining to streaming platforms' early expansion, touching on some of the industrial reasons behind geoblocking as well as the anti-piracy role that the platforms promote to the recording industry. This is all wrapped up discursively in the myths of the "borderless" internet:

> As the internet obviously transcends national borders, a number of online music companies - including We7 and Spotify - have had to substantially cut back plans for world domination and restrict their service to certain territories in order keep the bills down: Spotify's free service is only available in the UK, Spain and Sweden at the moment, while We7 has a different selection of tracks available depending on the territory you're in. But constructing a model that's legally watertight has been crucial, as both see themselves as heralding the end of illegal file sharing.[101]

Ultimately, it would be too easy to suggest that simply because one platform begins to expand, the global media environment is moving farther and farther away from geoblocking as standard practice. Statements like Ek's serve to hide the fact that regional restrictions and differences continue to exist even while platforms seek to offer their platforms to more users. As we have seen across this chapter and the previous three, the digital entertainment environment is too fragmented to stick to one easy narrative, and the history of regional lockout is one that processes in fits and starts.

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[100] Keylene Hong, "As Spotify Passes One Year in Asia, Piracy is Still Its Number One Challenge," *The Next Web*, July 21, 2014. http://thenextweb.com/media/2014/07/21/spotify-passes-one-year-asia-piracy-still-number-one-challenge; "Spotify Sets Sights on 'All the World's Music,'" *The Independent*, July 24, 2011. http://www.independent.co.uk/arts-entertainment/music/spotify-sets-sights-on-all-the-worlds-music-2319667.html.
[101] Marsden, "One Giant Jukebox."

In part, this is because Spotify also includes geographic differences in price—much like the online music stores discussed above. In a 2012 post that sparked a debate over the platform's geoblocked nature, one Spotify user converted the cost of Spotify Premium in different countries to US dollars, finding that the platform is, in fact, cheapest in the United States ($9.99/month) and most expensive in Norway ($17/month).[102] Although differences in price between markets are hardly a new phenomenon, as they are generally set by local market factors and dynamics of supply and demand, some users apparently see this as less necessary or more artificial when the product is a subscription to a platform, rather than a single commodity. Burkart and McCourt point to the differences between physical goods and digital goods in this regard, pointing out, "Physical distribution rests on a delicate balance between maintaining tight controls on inventory and ensuring that this inventory is adequately distributed."[103] Compounding this, the major record companies have long been dogged by accusations of cartel pricing and price fixing.[104] Furthermore, even when platforms are made available, certain songs or albums may remain unlicensed in certain territories. Content libraries can be different from place to place—though Spotify has occasionally been cagey with journalists and tech writers on the issue of divergent libraries.[105] Spotify's online message board is rife with examples of listeners lamenting their inability to access particular songs and artists, rather than simply the platform itself. These complaints exist at odds with the company's promotional rhetoric of greater global accessibility and eventual ubiquity, which smooth over the disjunctures that continue to exist and that lead to particular relations of geocultural capital between different territories.

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[102] Rand, "Cost of Spotify Premium for Different Countries in Relation to USD," *Spotify*, August 25, 2012. http://community.spotify.com/t5/Help-Accounts-and-Subscriptions/Cost-of-Spotify-Premium-for-different-countries-in-relation-to/td-p/133098.
[103] Burkart and McCourt, *Digital Music Wars*, 50.
[104] Ibid., 32-33.
[105] See, for example, Pogue, "Online Music, Unshackled," 1.

Geoblocking, Difference, and Geocultural Capital

A satirical article posted by *Techcrunch*'s European outpost pointed to the relationship among access to cultural experiences, hierarchies of power, and the power of delivery platforms in the contemporary moment. Posted on April Fools' Day 2011, three months before Spotify announced its US launch, the article suggested that Spotify would be ending its European operations in order to launch in the US. The post contained excerpts from a fake email from Spotify CEO Daniel Ek to European users that stated, "America has always been the most important and lucrative market for web services, and so the decision to close down our European operations to fund a US launch was, frankly, a no-brainer" as well as a fabricated quote from Napster co-founder and former Facebook president Sean Parker, an early investor in Spotify, stating, "Europe isn't cool. You know what's cool? America."[106] By satirizing the often unquestioned assumption that the United States should be a privileged market, the article revealed a truth about the history of digital media regulation: that on the whole, the United States has historically served as the territory *least* affected by regional lockout. Because American audiences have generally enjoyed the privilege that comes with living in a premier media market, US frustrations about geoblocked platforms reflect assumptions that Americans *should* have access to the cornucopia of streaming art and entertainment made available to those living in other parts of the world—an extension of American exceptionalism into the market logics of entertainment media. So, US-based user irritation over the lack of availability was as much about

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[106] Paul Carr, "Spotify Announces US Launch; Closing European Service To Fund It" *Techcrunch*, April 1, 2011. http://techcrunch.com/2011/04/01/spotify-announces-us-launch-closing-european-service-to-fund-it; Glenn Peoples, "Business Matters: April Fool's (Jay-Z, Beyonce Buy EMI) and Not (Live Nation's WMG Bid Impacts Stocks)," *Billboard*, April 1, 2011. http://www.billboard.com/biz/articles/news/1178495/business-matters-april-fools-jay-z-beyonce-buy-emi-and-not-live-nations.

the geocultural capital that comes with representing the supposed vanguard of global media access and power as it was a political interest in fair and open digital media.

By invoking the notion of "cool," the fake quotation from Parker also gestures toward the ways issues of belonging, cultural capital, and sociality have become wrapped up in geoblocking and transnational access to platforms. Many elements of the story of music's geoblocked nature—the ways people associate access with identity, business models that rely on tapping into users' emotional connection to music, users' desires to have easy access to streaming platforms—come out of the broad idea that music offers *something special* to its listener. Music provides an emotional experience that is also key to social connection and identity formation. Geoblocking's identificatory and cultural significance to listeners is particularly pronounced in an era when the individual devices and platforms through which we listen to music become increasingly central to our listening experiences. In other words, platforms and technologies themselves take on certain social meanings, even if they may seem only like hunks of plastic, screens, and wires. Sterne adopts Bourdieuian language to argue, "Technologies are just particularly visible sets of crystallized subsets of practices, positions and dispositions in the habitus."[107] If we keep in mind Lisa Gitelman's claim that "modern forms of mediation are in part *defined* by normative constructions of difference, whether gender, racial, or other versions of difference," we see that a platform is not just an empty vessel through which we listen; it also takes on, expresses, and reasserts social and cultural relations.[108]

The availability (and lack thereof) of certain music streaming platforms is particularly important to a consideration of the role of transnational, region-based expressions of cultural

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[107] Jonathan Sterne, "Bourdieu, Technique, and Technology, *Cultural Studies* 17, no .3 (2003): 386.

[108] Lisa Gitelman, *Always Already New: Media, History, and the Data of Culture* (Cambridge, MA: MIT Press, 2008), 84.

capital (what I have called geocultural capital throughout this project) due to the historically strong links between music as an art form, expressions of cultural taste, and the ways music taste, fandom, and enjoyment can both grow out of a certain class position. These links were central to Pierre Bourdieu's foundational work on cultural capital, which focused heavily on musical taste and included the argument, "Nothing more clearly affirms one's class, nothing classifies more infallibly than tastes in music."[109] Although taste specifically does not have a direct relationship to geoblocking, the association between access to certain kinds of musical experiences and feelings of belonging and difference do indeed. The acquisition of cultural capital rests on the accumulation of knowledge about a certain artist, scene, or genre—an accumulation that John Fiske reminds us is key to the cultural capital that comes with belonging to a particular fan community.[110] And if *fandom* specifically is outside the scope of this particular chapter, it is part of a broader form of engagement with music that values participation in, knowledge of, and access to cultural texts and resources. When these characteristics are closed off due to geographic restrictions, this will impact the degree to which a listener feels like she belongs to the wider conversation about a song, artist, etc. In spite of the ways online participatory culture has altered our understanding of fandom, participation, and cultural capital, this seemingly older-fashioned model of cultural capital as access to cultural resources is still relevant to understanding regional lockout and music.

As I have discussed throughout this project, "geocultural capital" can be defined as geographically based expressions of belonging and difference that are tied to whether or not certain media texts and experiences are made available in certain locations. Because music is of

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[109] Pierre Bourdieu, *Distinction: A Social Critique of the Judgement of Taste* (Cambridge, MA: Harvard University Press, 1984).

[110] John Fiske, "The Cultural Economy of Fandom" in *The Adoring Audience: Fan Culture and Popular Media*, edited by Lisa A. Lewis (New York: Routledge, 1992).

particular importance to the concept of cultural capital, the territorial inequalities of access that attend global online music services bring out particularly strong articulations between digital access and cultural difference and belonging. If cultural capital is, in part, about access to cultural resources, the ability or inability to access these resources can in turn impact the levels of capital people and groups feel like they have. Likewise, if cultural capital is in part about difference, and differentiated distribution of resources—both economic and cultural—then the accessibility or inaccessibility of a platform can feed into cultural capital at broad scales. In turn, as I have shown through this project, the relative accessibility of a platform can represent a site where users comprehend and shape their identities. The connections between popular music and identity formation have long been a central theme of scholarship on popular music. The way people "use pop songs to create for ourselves a particular sort of self-definition, a particular place in society" is the first of Simon Frith's well-known list of ways we use popular music.[111] It is also fundamental to the ways popular culture assists in the construction of subjectivity, according to Tia DeNora: "Music is a material that actors use to elaborate, to fill out and fill in, themselves and to others, modes of aesthetic agency and, with it, subjective stances and identities."[112] But music does not just help us understand who we are; it also helps us understand who we are not. Key to Frith's production of identity is that it is "also a production of non-identity—it is a process of inclusion and exclusion."[113]

This is the case, in part, because consumption of popular music is still crucial to identity formation. Popular music's relationship to the cultural identities of its listeners is key to the technological and economic logics of streaming platforms. A wiki article on how to access

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[111] Simon Frith, "Towards an Aesthetic of Popular Music," in *Popular Music: Critical Concepts in Media and Cultural Studies, Volume IV*, ed. Simon Frith (London: Routledge, 2004), 38.
[112] Tia DeNora, *Music and Everyday Life* (Cambridge, Cambridge University Press: 2000), 74.
[113] Frith, "Towards an Aesthetic."

Pandora via VPN reads, "Its not as if the internet radio stations had a choice. Rather, the xenophobic restrictions are the result of U.S. and international copyright laws and restrictions."[114] Another article notes, "Even in the Amazon and iTunes stores, Australians are treated as second-class citizens compared to what people enjoy in other countries."[115] Although casting the practice of geoblocking as xenophobic oversimplifies the economic factors at play, it also indicates the ways users who are closed out see themselves as being discriminated against. This invocation of xenophobia expresses the strong ties between popular music consumption and cultural identity. A *New York Times* report on the US launch of Spotify underlined how access to a platform feeds into geocultural capital, suggesting that if you don't know or care about Spotify, "then you're clearly out of touch with the Europeans."[116] Of course, the flip side of the frustrations over Spotify's geoblocked nature comes out in celebrations of what this geoblocking *can* make available, as in a news report that celebrated the fact that the platform's European library contained classical music recordings that remained unavailable in the US.[117] Before the platform's launch in the United States, American publications reporting on Spotify would regularly invoke national identity in response to the platform's unavailability. Just as it instructed users on accessing the BBC iPlayer overseas (see Chapter Two), the blog *Lifehacker* published a blog post teaching wannabe Spotify listeners how to connect to a VPN. Characteristically tongue-in-cheek, the post was accompanied by an image of a bald eagle and Spotify's logo in

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[114] "Access Pandora from Anywhere in the World," *Wired How-To Wiki*, May 13, 2010. http://howto.wired.com/wiki/Access_Pandora_From_Anywhere_in_the_World.
[115] Adam Turner, "Understanding Geo-blocking: Watch Whatever You Want, When You Want," *PC & Tech Authority*, May 28, 2013. http://www.pcauthority.com.au/Feature/344774,understanding-geo-blocking-watch-whatever-you-want-when-you-want.aspx.
[116] Pogue, "Online Music, Unshackled," 1.
[117] Smith, "Web Services Grow," 16

patriotic red, white, and blue. Similarly, the imagery shows how access articulates to national identity as a signifier of who gets to participate in certain digital entertainment experiences.[118]

But the accessibility of platforms dovetails with issues of cultural capital even *within* these national groups. Often, when a platform like Spotify is introduced to another territory, it will be introduced only to some members at a time (for example, users who sign up for the beta version or, as in the case of the platform's impending entrée into Canada, users who receive an invite email from the platform.[119] So, for a certain time period, a platform can remain geoblocked to many users in a territory while others in the same territory have access to it. This only emphasizes the fact that, while geoblocking as in industrial practice seeks to close entire territories off from access to a platform, local access is far more contingent and differentiated. This is not only because many listeners use VPNs and other services to access platforms against the wishes of platform owners, but also because this gradual rollout staggers access even within certain national markets. If some users are granted access before others, the latter will still have the disruptive, disjunctive experience of geoblocking.

These differences in access also have implications for understanding popular music as a form of cross-cultural communication or art. Because it helps bond people together in groups and taste cultures, music has a power to connect people affectively in different parts of the world. The technological capabilities available to a certain area are likely to impact how easy it is for someone in that area to access cultural texts from another location. Shin-Il Moon, George A. Barnett, and Yon Soo Lim list technological development as one of the four primary determinants of global music flows within and across different nations (the others being

[118] "How to Use Spotify Outside of Europe with a VPN Service," *Lifehacker*, May 7, 2011. http://www.lifehacker.com.au/2011/05/how-to-use-spotify-outside-of-europe-with-a-vpn-service.

[119] "Spotify Begins Rollout of Expansion to Canada."

economic development, language, and population).[120] While it would be incorrect to suggest that more platforms, faster internet, and a larger library of songs necessarily mean greater cross-cultural connection (because, of course, we often use these connections to access experiences in line with our own cultural origins and experiences), the inability to access a platform represents a block against experiencing art that may make that form of connection possible.

Conclusion: Pushing Past Regional Lockout

In order to navigate their own ways through this complex terrain of technological regulation, transnational connections, and cultural capital, users have taken it upon themselves to violate geoblocks and surreptitiously access platforms (or other local versions of platforms) officially unavailable in their home countries. Generally, methods of circumventing geoblocked music platforms are the same as they are for the online VOD platforms discussed in the previous chapter: proxy servers, VPNs, and DNS rerouting services—some of which come in the form of extensions for web browsers like Firefox and Chrome (e.g., the popular browser extension Hola Unblocker). While I will more fully analyze the cultural politics of regional lockout circumvention practices in the next chapter, it is worth emphasizing that these services advertise themselves as a method of accessing music and internet radio services just as often as they do VOD and streaming video services. A number of circumvention services offering proxies and VPNs also advertise Spotify and Pandora as sites that can be made available through such means of circumvention. Although many of these VPN services are fundamentally similar, they differentiate themselves from each other. One even calls itself GlobalPandora, offering a rather obvious end-goal for its users: "GlobalPandora offers you the easiest solution so you can again

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[120] Shin-Il Moon, George A. Barnett, and Yon Soo Lim, "The Structure of International Music Flows Using Network Analysis," *New Media and Society* 12, no. 3 (2010): 383.

listen to Pandora outside the United States of America."[121] Websites like Globalpandora.com offer users instructions on how to set up a proxy server in order to access platforms like Pandora from around the world. Just as they do for VOD platforms, VPN services such as Hotspotshield and Tunnelbear promise users the opportunity to leap digital fences and connect to internet radio and streaming music platforms. In 2009, one music critic suggested, "Though Spotify is now off limits in the United States, with a U.K. proxy server it doesn't have to be."[122] Platforms that require payment (for a subscription or individual purchases) may add extra hurdles on top of simply accessing the platform via proxy, VPN, or DNS rerouter if that form of payment must come from the same country as the platform. As one tech writer says, "The secret sauce of geo-dodging is knowing how to pay."[123] But users have found ways to get around this as well; for iTunes, as long as users pay with a gift card from the same country as the platform, those purchases will be valid.

It would also be difficult to suggest that circumventing geoblocking *necessarily* represents in the minds of users an anarchic, politically charged rejection of capitalist economies and ideologies; just as often, it is a banal way for people to get free music. Still, even if many users simply see geoblocking workarounds as a way to get free music, these practices (and the debates surrounding them) do function as public deliberation over the relationships among music, culture, and geography. Over the past fifteen years or so, music bound listeners not just through the more abstract concepts of cultural capital, taste cultures, and fan communities, but also literally through connections forged via social networks and online fan and torrenting communities. Indeed, these different kinds of connection are closely related to each other; as

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[121] "About," *GlobalPandora*. http://globalpandora.com/about.
[122] Patrick David Stearns, "A Trove of Online Music," *Philadelphia Inquirer*, May 3, 2009, H1.
[123] Turner, "Understanding Geo-blocking."

Burkart argues, listeners engaged in practices contra the aims of the corporate controllers of the celestial jukebox "are trying to save a place for music as a zone for reproduction of 'free culture,' identity formation, and broad participation in making music and music scenes."[124] Irrespective of the political implications of file sharing and geoblocking circumvention, it is an emerging, increasingly simple aspect of media consumption that enables its own cultures of users sharing tips and resources on how to get around geoblocks. Focusing in particular on various uses of region-free DVD, the final chapter of this dissertation looks at a series of practices where consumers, distributors, and retailers alike have flouted regional lockout and engaged in forms of media consumption and trade that reject the cultural industries' regional restrictions. Taking region-free DVD use in diasporic and cinephilic communities as its case studies, the next chapter explores the cultural and political-economic significance of region-free media over the past thirty years, looking at the practices, cultures, and politics of rejecting regional lockout.

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[124] Patrick Burkart, *Music and Cyberliberties* (Middletown, CT: Wesleyan University Press, 2010), 2.

Chapter Five
Diasporic Flows and Bourgeois Cosmopolitanisms: The Ambivalent Cultural Politics of Region-Free DVD

Consider the epigraph that begins this dissertation: "Good cinema is culture, but really all kinds of knowledge is good and it's important to have access to knowledge." These words are spoken by DVD salesman Santos Demonios in a short video report by Vice Media's *Motherboard* on bootleg DVD trade in Lima, Peru—a report that reflects *Vice*'s usual exoticizing mode of investigative journalism that focuses on illegal and surreptitious cultural throughout the Global South. But even if *Vice*'s lens tends to Other its subjects, the video emphasizes what happens when distributors and retailers in the Global South have to "make do" with less. Indeed, the first words of the video, spoken by Demonios, highlight the idea that film and media represent a kind of cultural resource and the means that people will undertake to access that resource: "One has to adapt to their own economic possibilities. Unfortunately, our economy only allows us to afford piracy. Yes, piracy is illegal, but in a country that's hungry for access to knowledge, which is also a form of development, we have to embrace illegality."[1] The rest of the video portrays the business practices of a DVD stand in a Lima shopping mall, where we observe Demonios and two other salesmen burning (assuredly region-free) copies of DVDs and discussing topics like their approach to packaging and their relationship with the local police. In particular, the report highlights the popularity of independent and global art films such as *Blue is the Warmest Colour* (Kechiche 2013), *The Act of Killing* (Oppenheimer, Cynn, and Anonymous 2012), and *Uncle Boonmee Who Can Recall His Past Lives* (Weerasethakul 2010) as well as films by French New Wave directors like Jean-Luc Godard, François Truffaut, and Eric Rohmer—a development

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[1] "Peru's DVD Pirates Have Exquisite Taste," *Motherboard*, March 26, 2014. https://www.youtube.com/watch?v=NNrGA6UqXS4.

presented as somewhat surprising (indeed, consider the attempt at irony in the video's title, "Peru's DVD Pirates Have Exquisite Taste"). On one hand, the video points to some of the overlaps between informal media trades and cinephilia. On the other, the implied incongruity between the informal trade practices of the Global South and global high culture indicates that many in the West see cinephilia as a predominately Western, Anglo-American, or Continental form of experience.

By showing how region-free DVD has been used to sustain these two broad forms of media engagement—informal bootleg economies and global cinephilia—this video encapsulates two sides of the region-free DVD coin explored in this chapter. If the previous four chapters emphasized the forms of regulation and control put in place on our media technologies, this chapter shows how people have responded to these forms of regulation. As such, this chapter will move away from the technology-specific histories presented in the previous four chapters and will present an analysis of region-free media culture that focuses on a handful of illustrative case studies. As I have already shown, media audiences have found ways of getting around regional lockout systems as long as such systems have been around. Following these trends, this chapter analyzes region-free media from two broad, occasionally overlapping perspectives—each of which embodies a different set of power relations relative to the global mediascape. In analyzing the meanings of region-free media, I also provide sketches of a history of region-free media culture. Although the whole history of region-free media is far too complex and variegated to squeeze into one chapter, I trace the emergence and adoption of region-free DVD players and touch briefly on the use of other circumvention practices. These histories complement my earlier analyses of region-hacking gamer cultures (in Chapter Two), the use of proxies and VPNs to get past geoblocking restrictions (Chapters Three and Four) and the region-

free nature of music distribution before its region-locking through the use of streaming platforms like Spotify (Chapter Four) by focusing primarily on region-free DVD: a format whose popularity and use in a variety of global media circulation and viewing contexts resulted in a broader global conversation about the economic, regulatory, and cultural impacts of regional lockout. These broader conversations contrast the earlier but somewhat more niche cultures of region-free gaming and the subsequent but more fragmented environment of VPNs and IP-detection circumvention.

By looking at how region-free DVD has been incorporated into patterns of everyday life from various cultural perspectives, this chapter follows in line with a tradition of cultural studies-inspired scholarship that investigates how media are experienced and taken up in particular cultural contexts. As David Morley puts it, this perspective "shares much with the anthropological concept of consumption as a form of 'domestication' (or indigenization) of technologies – by which the objects are effectively 'customized' by being fitted into local patterns of use."[2] Rather than making broad, overarching assumptions about what particular media technologies or formats "mean" in all contexts, investigating their impacts and meanings in particular instances highlights unexamined and unexpected complexities and contradictions. In taking this approach, I argue that the cultural politics of region-free media are more ambivalent than many of its promoters and celebrators—whether film critics, anti-copyright activists, or consumer-rights groups—might suggest. I have already shown in Chapter Three, for instance, that although consumer rights groups in Australia promoted the accessibility of Netflix to Australian consumers, local producers, distributors, and exhibitors worried about the impact that the service would have on their own, smaller operations. As this indicates, the idea of "region-

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[2] David Morley, "On Living in a Techno-Globalized World: Questions of History and Geography," *Telematics and Informatics* 30 (2013): 62.

free" media is one that cannot always be read within a progressive, populist politics; often, it reflects consumerist logics that take access to dominant, global media products as a benchmark for equitable participation in the global mediascape. Although this chapter takes a different path by primarily exploring the use of region-free media to access various kinds of non-dominant or niche media, it similarly shows that regional lockout and its circumvention by users exists on a more complex axis of cultural politics than one that would simply posit, "lockout=bad, circumvention=good."

Focusing primarily though not exclusively on the use of region-free media forms in the Global North, I begin with an analysis of region code circumvention and region-free DVD use by diasporic video retailers in the United States. Here, I show how the circumvention of DVD region codes can represent both a bottom-up challenge to the distribution routes and global space-time relations of dominant media industries as well as a more everyday practice of making cultural resources available to local diasporic communities. When media important to these communities are not made available in the United States through formal means, such retailers import and create region-free DVDs for their consumers. While this research reveals uses of region-free DVD by the less powerful, the next case study shows how region-free DVD cultures can also reflect an uneasy blend of cosmopolitanism and reinforcement of dominant cultural power. Specifically, this next section analyzes the use of region-free DVD by cinephiles who self-identify as cosmopolitan in some fashion. Although a great deal of this activity involves an admirable engagement with the wealth and diversity of global cultural production, it can also manifest as cultural tourism laced with overtones of masculinized cosmopolitanism and a potentially commoditizing collector's mindset. The two broad perspectives analyzed in this chapter manifest differently in particular socio-historical conjunctures, and they are not mutually

exclusive. For instance, the unauthorized trade and consumption of, say, *The Blue Angel* (Von Sternberg, 1930) or *Floating Weeds* (Ozu, 1959) from the UK's Eureka Entertainment/Masters of Cinema line can function both as an act of cinephilic, completist consumption and collection and as an action that retains some bit of control over distribution routes traditionally shaped by formal media industries. Even more so, the existence of bootleg copies of Senegalese films in a shop in Harlem, New York operates at least in part as a media "contra-flow" that exists alongside and even in opposition to formal circulation networks.[3] If the previous four chapters characterized regional lockout as a particular kind of regulation installed in a technology, this chapter highlights the ambivalent cultural politics indicating that regulation's effects are not always uniform. Even if a particular kind of technological regulation has a relatively simple and straight-forward impact on the *affordances* of a media technology, the way users take up, understand, interact with, talk about, and circumvent this form of regulation will reflect a multitude of viewpoints and user practices that carry different political valences. By ending on a note of critique levied at the ways region-free media culture can in fact reinforce dominant cultural power, I argue broadly that we should not *always and necessarily* presume a progressive tenor to media practices simply because they seem to exist in opposition to powerful industries and copyright regimes.

In this chapter, I will focus primarily on region-free DVDs for a couple reasons. For one, doing so offers a historical perspective on region-free media culture and forms of cultural regulation more broadly. Indeed, DVD was the first medium to provoke widespread public discussions of regional lockout systems, and its relationship to the DVD's CSS encryption meant

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[3] On "contra-flows," see Daya Kishan Thussu, "Mapping Global Media Flow and Contra-Flow" in *Media on the Move: Global Flow and Contra-Flow*, edited by Daya Kishan Thussu. (London: Routledge, 2007), 10-29.

that it was often incorporated into public discourses about copyright, Digital Rights Management, and the Digital Millennium Copyright Act. Second, I have analyzed circumvention practices around other media forms in the previous four chapters, and so this chapter affords an opportunity to focus more closely on the cultural politics of one particular region-free medium in a few different cultural and political-economic contexts. As a result, the chapter offers further layers to my earlier-advanced argument about the DVD's significance as an institutionalizing force for regional lockout and a forebear for the lockout systems that would come to be installed in streaming platforms even as the world putatively moved out of an era dominated by "physical" media.

What are Region-Free Media Cultures?

Region-free media have always been a constitutive part of digital media history. As I showed in Chapter Two, modes of hacking regional locks and incompatibilities existed in video game culture as far back as the launch of the Nintendo Entertainment System in 1986, and users have adapted lockout circumvention practices to virtually every media delivery technology that has come into existence since. I define region-free media as any media technology, text, or experience that consciously and intentionally rejects regional lockout systems. So, region-free media can manifest in multiple ways across a host of media technologies: multiregion DVDs and DVD players that play discs from any region; video game consoles that have been hacked to play game discs and cartridges from around the world; and VPN and proxy services that allow users to connect to streaming video and music platforms unavailable in their area. As this indicates, region-free media exist at the levels of both hardware and software (and in the interactions between the two).

With a functional definition in place, how can we define region-free media ontologically? As Lisa Gitelman famously theorized, media are both technical systems and a set of protocols. She defines protocols as “a vast clutter of normative rules and default conditions, which gather and adhere like a nebulous array around a technological nucleus. Protocols express a huge variety of social, economic, and material relationships.”[4] I argue that region-free media, while not necessarily constituting their own distinct medium, contain their own protocols, which likewise cohere around the nuclei of various technologies that allow users to circumvent regional lockout. Region-free DVD can thus be considered its own kind of format—existing in relation to but definitionally distinct from “region-coded” media, with its own set of meanings and protocols. As Jonathan Sterne has suggested, media studies would do well to interrogate the specific formats that a medium can play or operate (such as 33 1/3 LPs, cassette tapes, VHS, and MP3). He points out that the concept of format “denotes a whole range of decisions that affect the look, feel, experience, and workings of a medium. It also names a set of rules according to which a technology can operate.”[5] Although it is an offshoot of the DVD format, region-free DVD comes with its own functions and operations, and it impacts how one uses a particular medium. Furthermore, region-free DVD’s social and cultural meanings are different from region-coded DVD, as they imply another set of viewing and distributing practices. So, because certain media technologies and practices carry social and cultural meanings with them, I use the phrase “region-free media cultures” to indicate that I am analyzing cultural practices that incorporate certain media technologies, tastes, and circulation networks rather than simply analyzing these technologies, tastes, and networks in isolation. Furthermore, I use the plural

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[4] Lisa Gitelman, *Always Already New: Media, History, and the Data of Culture* (Cambridge, MA: MIT Press, 2008), 7.
[5] Jonathan Sterne, *MP3: The Meaning of a Format* (Durham, NC: Duke University Press, 2012), 7-8.

"cultures" because, as I will show (and have shown in some of the preceding chapters), a vast diversity of media consumers and consumer groups use region-free media technologies for various reasons. While I focus on two heterogeneous and overlapping networks of region-free media culture in this chapter—cinephiles and diasporic viewers—these are by no means the only groups to engage in region-free media culture.

But of course, region-free media are also particular commodities that become part of the rhythms of global commodity flow and that are likewise crucial to both formal and informal trade economies. In this way, and as mentioned in Chapter Two, lockout circumvention functions as what Chuck Tryon refers to as a "resistant mobility," or a media practice that resists industrially sanctioned modes of viewing or listening. Many who engage in or promote region-free media cultures represent them as clandestine and subversive anti-establishment practices. For instance, in his piece on DVD region codes, Brian Hu sees the use of region-free DVD players as, in part, a form of "fan agency" against Hollywood's distribution routes and technological standardizations. Drawing on Hu's understanding of hacking's agential nature, Tessa Dwyer and Ioana Uricaru point out that the practice of hacking region-coded DVD players was key to accessing uncensored and native-language fan-subtitles and pirate media in Romania.[6] Such framing recalls John Fiske's de Certeauian view of popular culture as the "art of being in between." Fiske elaborates: "using *their* products for *our* purposes is the art of being in between production and consumption."[7] The power of popular culture comes from the ways in which it can be mobilized against dominant orders. Shoplifting is thus "not a guerrilla raid just

[6] Tessa Dwyer and Iona Uricaru, "Slashings and Subtitles: Romanian Media Piracy, Censorship, and Translation." *Velvet Light Trap* 63 (2009): 50.
[7] John Fiske, *Understanding Popular Culture* (Boston: Unwin Hyman, 1989), 36.

upon the store owners themselves, but upon the power-bloc in general."[8] In this mode, piracy and lockout circumvention can be read not simply as acquiring a product through different means (and, in fact, it is rarely read this soberly) but as an affront against the systems of markets and power within which that product exists. The interactive affordances of digitally networked technologies, particularly for piracy and lockout circumvention through proxy servers, seemingly intensify these possibilities for making consumption productive, and they present another literalization of being "in between"—not just between consumptive and productive practice, but between geographically marked locations of consumption as well.

Thus, with piracy and lockout circumvention, it is not simply the theft of a product that raises ire; it is the lack of consideration for traditionally understood global space-time relations. Given global capital's reliance on controlled distribution to knowable places, the space, place, and time of consumption become important for industries' processes of international accumulation. As a result, the circumvention of regional restrictions is often rhetorically presented as placeless—as transgressions of geography and the social and consumptive norms that accompany a rooted relationship to that geography. One criticism of geoblocking notes, "the makers of music videos, TV shows and movies still think nationally…but file sharing already knows no borders…Technology will roll right over those 'Not available in your country' notices in due course.'"[9] If digital platforms and cultural technologies play a role in the constitution of controlled and regulated spaces, the use of these technologies beyond these spaces represents a threat to the established boundaries of global media industries. On a broader level, however, if cultural coherence is, at least in part, constituted by one's location within a matrix of power that relies on geographic structure, lockout circumvention on some level represents a challenge to

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[8] Ibid., 39.
[9] Stephen Foley, "Doctor Who Knows No Borders." *The Independent*. April 3, 2010, 56.

that matrix. David Morley points out that placelessness and rootedness tend to be pathologized in a world that values the placement of individuals and groups in fixed locations. In this context, "mobility itself comes to be seen as a form of geographical deviance."[10] Regarding the circumvention of regional restrictions on media, Morley reminds us, "In an era of electronic communications, conflict is conducted by the invasion not only of geographical but also of virtual territory."[11] As evidenced in the BBC iPlayer example analyzed in Chapter Three, this conflict can take place between users and forces of power, but it can also take place between users residing in different territories.

In terms both celebratory and admonishing, this placelessness becomes linked to various discourses of deviance, subterfuge, and global travel. The websites for the kinds of file sharing, proxy, and VPN services discussed in Chapter Three play off these discourses in their design and imagery. The torrent site The Pirate Bay famously presents an emblem of a pirate ship where the Jolly Roger has been replaced by the logo for the 1980s "Home Taping is Killing Music" anti-copyright-infringement campaign. The logo for xroxy.com, a site that offers access to a database of international proxies, is a globe adorned with several national flags. The image crystallizes the tensions between global multitude and national identity. Furthermore, it implies an image of a more open internet as a window to an engagement with global culture through the media. Adopting a more anti-authoritarian approach, another proxy site, publicproxyservers.com, contains the slogan, "Breaking chains since 2002." The logo for VPN service Hide My Ass puns on the service's name by presenting a donkey adorned in a Sam Spade-like trench coat, fedora, and sunglasses. The homepage for Proxify.com likewise incorporates a camouflage fatigues

[10] David Morley, *Home Territories: Media, Mobility, and Identity* (London: Routledge, 2000), 33.
[11] Morley, *Home Territories*, 103.

color scheme. Often, the practice of circumventing digital fences presents itself within various symbols of global travel: seafaring pirates, cosmopolitan globalism, freedom from the shackles of bondage, clandestine disguise, and even guerilla warfare.

While there is an element of violating Hollywood's distribution routes that functions as an affront to the major studios' economic power, as I have also mentioned throughout this dissertation, regional lockout circumvention is often a far more banal practice than such celebratory takes would have it. Indeed, the use of clandestine and subversive imagery by torrent and VPN services is as much a branding strategy as it is a pronouncement of taking up arms against oppressive corporate forces. Often, lockout circumvention simply comes out of a desire to watch some television program or film rather than an impulse to put the screws to Hollywood. Furthermore, there are entire networks of informal and semi-formal media distribution that trade in region-free media, and many who buy and sell media commodities within these networks do not do so with the goal in mind to undermine more formal networks of circulation; they simply want to get access to the media they want to watch or listen to (on the consumer end) and make a profit by meeting that demand (on the retail end). Still, I don't want to minimize the significance of region-free media's cultural politics—particularly when it comes to issues of identity, taste, and cultural globalization. As I will show in the rest of this chapter, by looking at the use of one particular region-free media technology by cinephiles and diasporic groups—region-free DVD—we can see how region-free media intersect and articulate cultural issues beyond a simplistic David-and-Goliath, consumers-vs.-studios framework.

Region-Free DVD

Region-free DVDs and DVD players have been around as long as the format itself—and in some places, they even preceded the format's launch. One trade report from 1998 notes that region-free players were beginning to show up in London even before the DVD format was introduced to the UK, noting, "Pent-up early adopter thirst for DVD in Europe caused by format's delayed introduction into 'Region 2' PAL markets is being quenched by thriving business in region-free DVD hardware capable of playing 'Region 1' movies purchased by tourists on holiday in U.S."[12] At this time, PC DVD drives could also be made region-free with downloadable software.[13] By this point, U.K. and European consumers in particular were used to the headaches that could come with living in a secondary market for global home video (due to the differing NTSC/PAL/SECAM standards for analogue television and video systems—discussed in the dissertation's introduction), and they were keen to avoid many of these same issues with the introduction of DVD.

Given the prevalence of region-free DVD players throughout Europe, and the fact that Hollywood could not use language as a natural barrier against import as easily as it could in other regions, Europe become particularly problematic for Hollywood's maintenance of its distribution windows. One estimate from 2000 suggested that 75% of DVD players in Europe were region-free.[14] A DVD trade report from the same year suggested that in Europe, region codes were "almost a non-issue" due to the widespread use of region-free players in the region.[15] Usually, because many major films at this time were coming from Hollywood, which was still engaging in staggered global release dates, many region-free DVDs or parallel imports

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[12] "Region-Free DVD Deck Sales Crop up in London," *Video Week*, April 6, 1998.
[13] Nigel Powell, "Don't Panic – Doors," *The Sunday Times*, May 7, 2000.
[14] "DVD Regionalization Strategy in Tatters," *Inside Multimedia*, April 10, 2000.
[15] "Issues Remain for Euro Market," *DVD Report*, June 5, 2000.

manifested as bootlegged Hollywood product entering overseas territories before a film's official release in that territory. As a response, and as I discussed in Chapter One, the Hollywood Studios and the DVD CCA implemented Regional Code Enhancement (RCE) on discs, a piece of added encryption would supposedly keep Region One discs from playing in region-free players.[16] While region-free discs and players were often sold and adopted in order to play imported Region One DVDs, one can find examples of region-free media flowing in the other direction. In 2001, for instance, reports surfaced of official Region Three and bootlegged region-free DVDs of Ang Lee's *Crouching Tiger Hidden Dragon* making their way to the US while the film was still in theaters, as the film had been released in Singapore theaters five months before its US release.[17] As this indicates, Europe was far from the only region to have a high demand for region-free DVD. A report from late 1998 notes that the Middle East saw a demand for imported European DVDs, and region-free players were beginning to become available to consumers.[18] As early as 1999, reports suggested that region-free players were "prevalent" in Mexico and throughout the rest of Latin America.[19] Soon enough, region-free players became easily accessible to consumers around the world. One trade report from 1998 noted, "retailers in Far East already are doctoring Pioneer players before sale to consumers, while European company Techtronics will modify variety of brands for $65 service fee."[20] These region-free DVD players are often discursively constructed in North America as Other to industrially sanctioned players, and Western press discourse about region-free DVDs and DVD players posited these technologies as bootleg products invading trade routes from far-off regions. Trade and news

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[16] "Studios Readying 'Enhanced' DVD Regional Code," *Audio Week*, October 16, 2000.
[17] Enrique Rivero, "Lee's Tiger on the Loose," *Video Business*, March 19, 2001.
[18] Tim Frost, "Middle East Sees 20% IT Growth," *One to One*, December 1, 1998.
[19] "Use of Spanish DVD Tracks on US Releases is Waning," *Audio Week*, February 8, 1999.
[20] "Regional code circumvention more prevalent in Europe," *Audio Week*, July 20, 1998.

reports contain references to "cheaper DVD players from the Far East," and in 1999 a number of studios stopped adding Spanish Language tracks to Region One DVDs because they feared these DVDs were making their way to Latin America through unauthorized distribution routes.[21] Here, region-free DVD players articulate to a potentially *dangerous*, immigrant Other, invading places they do not belong. Such characterizations indicate that media distribution represents a discursive space on which viewers, industrial players, regulators, and cultural commentators and critics could work through the possibilities and anxieties of transcultural flows.

At this time, trade reports also indicated that users were accessing instructions from the internet on how to purchase region-free players or hack their players in order to play region-free DVDs.[22] Websites like the now-defunct DVD Utilities Resource Center spread information on hacking, and like-minded message boards figured as spaces where users could circulate knowledge on the various methods of circumventing regional lockout systems.[23] For DVD, one can buy discs without region codes, purchase a region-free player, or hack a conventional player in order to make it multistandard. The latter involves a number of different technological fixes that range from physically rewiring the player to simply pressing a combination of buttons on the remote control that result in an overriding of the region coding system. Among other things, this functioned as an opening up of hacking to a broader base of consumers, even well before the concept of "lifehacking" made the relative democratization of hacking culture more banal. As I will show in more detail, many of these online communities built around pre-existing viewing cultures (such as cinephiles interested in foreign film and diaspora groups and immigrants looking for film and television from other parts of the world) helped give viewers competencies

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[21] Nigel Powell, "Remote Regions," *The Times* (London), December 4, 2005, 9; "Use of Spanish DVD Tracks."
[22] "Internet Offers Detailed 'How-To' for Region Code Crackers," *DVD Report*, July 27, 1998.
[23] Adam Creed, "Internet Update," *Newsbytes*, October 1, 1999.

in region-free media culture that they might not have had otherwise. As I have shown throughout this project, media consumers have dealt with regional lockout in media technologies well beyond the DVD. Likewise, region-free media cultures are not confined to DVD viewership and circulation. Although Blu-ray has in some ways loosened regional restrictions (as some studios simply don't bother region-coding their discs), it is in many ways more difficult to circumvent regional locks on Blu-ray players and discs. One Australian writer describes his experience of paying $1000 for a region-free player before stumbling upon a cheaper player that included a firmware disc that let him reset the player for different region codes.[24] Furthermore, as discussed in Chapter Two, gamers have long undertaken rather involved measures to ensure that cartridges or discs from one part of the world can play on consoles from another. As a result, suggesting that media distribution routes have always followed the contours of regional lockout maps would be far too simplistic.

At the same time, the question of whether region-free media made the region-coding system dysfunctional is a complex one. Brett Christophers argues that this conclusion would be too simplistic: "The studios, surely, would not be investing large quantities of time and money in lobbying for the continued application of region coding if they believed that they were not longer realizing meaningful economic benefits from doing so."[25] This constant push-and-pull between the development and installation of further forms of regulation and consumers' responses characterized the public discursive battles over DVD region codes. In the context of the DVD's emergence and popularization, cultural commentators and consumer-rights groups framed region-free media as an issue of consumer's rights. Examples abound of popular references to

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[24] Anthony Clarke, "Break Down Blu-ray Borders," *The Age* (Melbourne), September 27, 2012, 11.

[25] Brett Christophers, *Envisioning Media Power: On Capital and Geographies of Television* (Lanham, MD: Lexington, 2009), 149.

region-free DVD players giving consumers "more choice" and consumer rights groups like the Australian Competition and Consumer Commission (ACCC) have long been critical of region codes.[26] Along these lines, Dan Hunter positions region-free media as a way for consumers to fight against the wishes of dominant media industries: "Geographical segmentation tends to get people hot under the collar – and various technologies of various levels of legality have emerged over time. Region-free DVD players, VPNs, and even illegal streaming sites can be seen as consumer responses to geographical segmentation."[27] However, consumers were not just participating in these circumvention cultures on an individual basis; often, they had help from media retail establishments.

The Importance of Retailers in Region-Free Media Culture

As evident from the political-economic and regulatory sketch provided above, media formats like DVDs and video game discs and cartridges are not just systems of textual and artistic delivery; they are also commodities essential to the operations of global media economies. Given this, one might ask after the provenance of region-free media in commodity culture and investigate how users gain access to these media experiences. The answer is often more obvious than it might seem given the potentially shadowy nature of region-free media: retailers. Although the trade in region-free media has many connections to informal, bootleg media networks, locating region-free players and discs did not prove particularly difficult for consumers near

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[26] Stuart Miles, "Click Here for Easy Wish Fulfillment," *The Times* (London), December 13, 1999; "Mod Chips Now Legal," *Australian PC User*, December 1, 2005. Australian Competition and Consumer Commission, "Consumers in Dark About DVD Imports: ACCC," *ACCC.gov.au*, December 21, 2000. https://www.accc.gov.au/media-release/consumers-in-dark-about-dvd-imports-accc.

[27] Dan Hunter, "Harper's Competition Review is Good News for Netflix Consumers," *The Conversation*, September 26, 2014.

certain larger metropolitan areas or those with a working knowledge of the internet. Retailers around the world have long been—and are still—important promoters of region-free media culture. As I will show in a later section of this chapter, this is particularly evident in the bootleg production and circulation practices of video stores catering to diasporic groups. However, more formal retailers and big-box stores (particularly outside the United States) have long had a hand in helping consumers overcome regional lockout restrictions. In part, this is because it is ultimately more lucrative for local distributors and retailers to ensure that consumers receive the technologies and the discs they want rather than adhere to the distribution routes of the Hollywood studios. As the *Sydney Morning Herald* reported in the first few years of DVD's existence, "Local DVD retailers say the demand for multi-region DVD players is so high they regularly premodify players to ensure a minimum of delay for consumers. Although modified machines generally cost more, some retailers absorb the cost."[28] Reports of major chains like Tesco in the UK and Circuit City in the US selling region-free players were common in the late 90s and early 2000s.[29] Around this time, Tesco wrote a letter to Warner Home Video president Warren Lieberfarb, unsuccessfully lobbying for the elimination of region codes.[30] Indeed, retailers have helped users get around regional lockout systems for as long as DVD players have been around. The aforementioned 1998 report on region-free players in London discusses one shopkeeper who eagerly demonstrates to the writer how to hack certain players to bypass region-locks and which studio's discs are harder to hack.[31]

Furthermore, the existence of online media retailers like Amazon, Deep Discount DVD, and region-specific sites like YesAsia.com made accessing global media even easier. In the early

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[28] Greg Borrowman, "All the World's a Stage," *Sydney Morning Herald*, January 31, 2000, 9.
[29] "Microsoft Launches X-Box," *DVD Report*, March 20, 2000.
[30] George Cole, "DVD Forum's Chairman Speaks Out," *One to One*, April 1, 2000.
[31] "Region-Free DVD Deck Sales."

years of DVD, i.e., the late 1990s and very early 2000s, such online retailers were similarly nascent, and the potential riches of borderless online purchasing and the desire to gain greater access to digital media culture through region-free media seemed a perfect match. Indeed, part of the reason manufacturers and retailers began making and selling region-free DVD players was to meet the demands of non-US consumers who ordered Region One DVDs from online retailers.[32] Much of this discourse promoted a vision of digital distribution that Chris Anderson would famously theorize as "the long tail," or the idea that online distribution would focus less on big hits and instead help reach niche consumers by eliminating scarcity and making obscure and specialized products more easily available.[33] Here, those served by the long tail were those consumers who would push against Hollywood's will and seek out region-free DVD.

So, who actually uses region-free media? Anytime someone has the motive and the initiative to access media from across borders serves as a possible moment of inspiration for lockout circumvention, so the answer encompasses a variety of different users hailing from different cultures and positions of power around the world: cinephiles interested in global film; anime fans in East Asia, North America, and elsewhere; diasporic communities; gamers using physical and digital hacks to import and play discs and cartridges; ex-pats and people in the military; and so on. As *The Washington Post* summarized, "The small market for multiregion players [in the US] is mostly driven by immigrants who want to watch movies from their home countries, language students, and foreign-film enthusiasts."[34] Of course, given the popularity of region-free media abroad, calling this market "small" or niche in any way reflects a distinctly American perspective. In the following sections, I will focus on two significant modes of media

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[32] See "John Barker's Gaithersburg Address," *Inside Multimedia*, April 10, 2000.
[33] Chris Anderson, *The Long Tail: Why the Future of Business is Selling Less of More* (New York: Hyperion, 2006).
[34] James C. Luh, "Breaking Down DVD Borders," *Washington Post*, June 1, 2001, E01.

consumption that have long been known for their promotion and use of region-free media. These two modes also express different positions of power and privilege in relation to the moving image. Focusing on less powerful communities in the global mediascape, the next section turns to an analysis of the use of region-free media by diasporic retailers within the United States.

Region-Free Media in Diaspora

The reasons for region-free media use in diaspora are clear: by using region-free DVD players, viewers can more easily view films and television programs imported from other territories (such as one's home country). Likewise, burning and converting region-coded DVDs into region-free DVDs and DVD-R's make the circulation of films and television programs from one's homeland or from another part of the world much easier. The histories of diasporic home video circulation are multiple, heterogeneous, and impossible to catalogue in any cohesive and singular manner, but they often point to communities building up semi-formal and informal distribution and retail infrastructures that are responsible for the introduction of films and film culture otherwise ignored or blocked by formal, dominant media distribution routes. Many diasporic video retailers do not trade only in video; often, they are more generally focused retail establishments such as grocery stores or electronics and housewares stores that also sell videos. Dona Kolar-Panov's survey of video stores in various Australian suburbs showed that while few formal video stores contained material in languages other than English, other kinds of business establishments like newsstands, delis, and pharmacies contained non-English-language videos—usually "determined by and directly linked to the ethnic background of the shop owner."[35] Writing about the Indian-American diaspora, Aswin Punathambekar points out that a period of intensified migration in the

[35] Dona Kolar-Panov, "Video and the Macedonians in Australia," in *The Media of Diaspora*, ed. Karim H. Karim (London: Routledge, 2003), 111

1980s saw a boom in family-owned Indian grocery stores that also sold bootlegged videocassettes of Hindi films.[36] As Bart Beaty and Rebecca Sullivan show, Asian diaspora communities were in large part responsible for the proliferation of region-free DVDs and players as a way to more easily import Pacific-Rim cinema to Canada.[37] Writing earlier, Glen Lewis and Chalinee Hirano show in their study of Thai video stores in Australia that such establishments began popping up in the 1980s, with grocery store proprietors asking relatives in Thailand to record and send recordings of Thai television programs.[38] All in all, these portraits of diasporic video culture indicate a combination of formal and informal distribution networks linked to bonds of family, national identity, and transnational distribution routes.

Looking at theories of diasporic film and video culture, the kinds of cultural activities diasporic video stores make possible indicate that we can view such spaces as nodes in the circulation of diasporic culture. As Lewis and Hirano suggest, diasporic individuals use the media found in these stores in order to "fulfill their needs for cultural continuity." They do so in two primary ways: keeping up with the news and fostering "entertainment and cultural transmission between the generations" by viewing videos from local diasporic video stores.[39] Indeed, many scholars have shown how media can function as a site of identity affirmation and negotiation for individuals living in diaspora.[40] In her ethnography of Asian-British diasporic

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[36] Aswin Punathambekar, "Bollywood in the Indian-American Diaspora: Mediating a Transitive Logic of Cultural Citizenship," *International Journal of Cultural Studies* 8, no. 2 (2005): 154-5.
[37] Bart Beaty and Rebecca Sullivan, *Canadian Television Today* (Calgary: University of Calgary Press, 2006), 123.
[38] Glen Lewis and Chalinee Hirano, "Mi Arai Mai Mai Mai? Thai-Australian Video Ways," in *Floating Lives: The Media and Asian Diasporas*, eds. Stuart Cunningham and John Sinclair (Lanham, MD: Rowman and Littlefield, 2001), 199-200.
[39] Lewis and Hirano, "Mi Arai Mai Mai Mai," 186.
[40] See, for instance, Hamid Naficy, "Narrowcasting in Diaspora: Iranian Television in Los Angeles," in *Planet TV: A Global Television Reader*, edited by Lisa Parks and Shanti Kumar (New York: New York University Press, 2003), 376-401; Punathambekar, "Bollywood in the

television viewers in Southall, London, Marie Gillespie shows that television and video viewing functions as a site of identity and subjectivity construction.[41] As Hamid Naficy says of exilic television, diasporic media can often "encode and foreground collective and individual struggles for authenticity and identity, deterritorialization and reterritorialization."[42] Similarly, Punathambekar shows how "Bollywood cinema is drawn on, reworked and re-sited by first generation Indian immigrants increasingly cognizant of, and comfortable with, their position as cosmopolitan Indians who, in the words of Anupam Kher in *DDLJ*, 'move around with India in their hearts.'"[43] As spaces that make available the cultural resources that individuals and communities decode and negotiate, video stores remain important nodes in the circulation of diasporic culture and the work of identity maintenance and negotiation.

Elsewhere, scholars focus on the cultural politics of informality in these stores. In a brief piece, Lucas Hilderbrand explores Asian diasporic video stores in Orange County. In an indication of the different temporality of diasporic media culture, Hilderbrand points out that as of 2007, these stores traded mostly in dubbed VHS tapes of Korean serial television dramas.[44] While dominant tech and media industries assuredly would have pronounced the VHS dying or dead by this time,[45] the format's continued presence in diasporic video stores and other kinds of informal media distribution networks indicates not only complex spatial flows but also the temporal disjunctures of diasporic media flows. Discussing the aesthetics of these videos,

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Indian-American Diaspora"; Youna Kim, "Diasporic Nationalism and the Media: Asian Women on the Move," *International Journal of Cultural Studies* 14, no. 2 (2011): 133-51.

[41] Marie Gillespie, *Television, Ethnicity, and Cultural Change* (London: Routledge, 1995).

[42] Hamid Naficy, *The Making of Exile Cultures: Iranian Television in Los Angeles* (Minneapolis, MN: University of Minnesota Press, 1993), 63.

[43] Punathambekar, "Bollywood in the Indian-American Diaspora," 153.

[44] Lucas Hilderbrand, *Inherent Vice: Bootleg Histories of Videotape and Copyright* (Durham, NC: Duke University Press, 2009).

[45] See Geoff Boucher, "VHS Era is Winding Down," *Los Angeles Times*, December 22, 2008. http://articles.latimes.com/2008/dec/22/entertainment/et-vhs-tapes22.

Hilderbrand argues, the materiality of the video image "testifies to the distance between audiences and their homelands and to the illicit network that smuggles videos into circulation."[46] So, video decay inscribes global circulation and makes the videos special artifacts to diasporic peoples and communities. For Hilderbrand, the material markers of dubbing and copying—"recording errors, the linearity of playback, and especially signs of wear"—are part of video's "aesthetics of access," or the textual indicators of a video's bootleg life.[47] Recalling the global cinephilic and cultist bootleg viewing cultures described above, Paul Benzon writes, "For buyers of bootleg media in the first world…such distortion functions as an index of cultural (rather than corporate) authenticity, a kind of badge of honor for having ventured outside of the boundaries of the formal market."[48]

Writing about DVDs, Joan Hawkins points out that rare and homemade digital copies of art-horror and exploitation films often contain their own signifiers of bootlegged and copied status: "pixilation, flashing, and other markers of digital reproduction." She argues, "just as collector videos announce their status as 'rare' objects through markers of home recording, so too rare collector DVDs bear all the signs of being burned on a home system."[49] As her argument indicates, although the DVD as a digital format does not contain quite the same analog markers of dubbing, the bootleg aesthetics of low-quality copies and home-printed cover art present their own aesthetics of access. Furthermore, audiovisual quality of software is relative and dependent on the corresponding quality of exhibition hardware—that is, DVD players and televisions. In territories where HDTVs are hard to come by or virtually nonexistent, the quality of the DVD

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[46] Hilderbrand, *Inherent Vice*, 24.
[47] Ibid., 13.
[48] Paul Benzon, "Bootleg Paratextuality and Digital Temporality: Towards an Alternative Present of the DVD," *Narrative* 21, no. 1 (2013): 96.
[49] Joan Hawkins, "Culture Wars: Some New Trends in Art Horror," *Jump Cut* 51 (2009). http://www.ejumpcut.org/archive/jc51.2009/artHorror/text.html.

itself may thus not be particularly relevant to how the film looks or sounds. Of course, in a transnational media economy that values high-quality digital transfers and packaging, many viewers around the world do not see these aesthetics of access as particularly romantic. As the above-cited *Motherboard* report about bootleg DVD circulation in Peru shows, contrary to stereotypes of Global South bootleg culture, many DVD sellers try to meet a consumer demand of DVDs with pristine digital transfers, accurate subtitles, and well-constructed and translated packaging.[50] So, while the notion of "informality" in some of these economies might imply a lack of audiovisual quality that contrasts against the obsession with hi-fidelity in formal economies described above, many retailers distinguish themselves with an emphasis on high-quality product.

Not only do diasporic video stores represent informal or semi-formal sites of access to the cultural resources of films and television programs, they are also retail establishments integrated into diasporic business communities and literal spaces of gathering and discussion. In this way, they can be considered outposts of what Stuart Cunningham refers to as diasporic "public sphericules" sustained in part through engagement in diasporic media culture. Video stores—and diasporic media more broadly—can help fulfill the characteristics of a public sphericule, which "provide[s] a central site for public communication in globally dispersed communities, stage communal difference and discord productively, and work to articulate insider ethno-specific identities—which are by definition 'multi-national,' even global—to the wider 'host' environments." Cunningham argues that we should think of public sphericules as "constituted beyond the singular nation-state, as *global narrowcasting of polity and culture*" and that such sphericules are "not necessarily counter-hegemonic but certainly culturally plural and

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[50] "Peru's DVD Pirates"

dynamically contending with western forms for recognition."[51] This understanding of global narrowcasting, defined elsewhere by Cunningham and Tina Nguyen as "ethnically specific cultural production for widely dispersed population fragments centripetally organized around an officially excluded homeland" draws on Hamid Naficy's analysis of the "exilic television" produced by and for "exiles living in the host country as a response to and in parallel with their own transitional and provisional status."[52] In this context, diasporic video stores represent a niche media retailer meant to serve a community envisioned at a number of scales—transnational or regional on one hand (i.e., non-resident Indians, Vietnamese diasporas, Latino communities) and locals on the other.

Indeed, the cultural-geographic scale at which we should comprehend diasporic cultures (and global cultural flows more broadly) has been a source of debate. As Jean Chalaby argues, by drawing on the concept of "public sphere," Cunningham maps a nation-based theory onto fundamentally transnational social organizations (even as Cunningham acknowledges that diasporic public sphericules should not be considered subsets of broader national public spheres). Kevin Robins and Asu Aksoy write, "Much of what is new… in transnational media cultures is lost as a consequence of Cunningham's a priori commitment to the diaspora template—and the all too familiar tropes of 'imagined community'—as a key to explaining the use of transnational media by global migrants."[53] The call to think of global culture as inherently transnational forecasts Andreas Hepp and Nick Couldry's suggestion (also discussed in Chapter One) that

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[51] Stuart Cunningham, "Popular Media as Public 'Sphericules' for Diasporic Communities," *International Journal of Cultural Studies* 4 (2001): 133.

[52] Stuart Cunningham and Tina Nguyen, "Actually Existing Hybridity: Vietnamese Diasporic Music Video," in *The Media of Diaspora*, ed. Karim H. Karim (London: Routledge, 2003), 120. Naficy, "Narrowcasting in Diaspora."

[53] Kevin Robins and Asu Aksoy, "Whoever Looks Always Finds: Transnational Viewing and Knowledge-Experience," in *Transnational Television Worldwide: Towards a New Media Order*, ed. Jean K. Chalaby (London: I.B. Tauris, 2005), 20.

media studies should move beyond the "container thinking" of a national frame and adopt a "transcultural" approach that "outlines a more complex horizon for carrying out media research by comparing different media cultures understood as specific, if often blurred, cultural 'thickenings.'"[54] At the same time, some scholars have suggested that the national frame should not be entirely thrown out, and instead we can find moments when the national becomes articulated; Youna Kim has pointed to the phenomenon of "diasporic nationalism," or a kind of "reactionary ethno-nationalism" that comes about in response to racism and marginalization and manifests as a "primacy of identification with ethnically defined cultural nationalism…as a defensive strategy in terms of status positioning and affective support in an increasingly transnational, wider yet uneven world of power."[55]

Within this global circuit of media power, region-free DVDs in diaspora are media commodities that serve as part of a broader transcultural flow of goods. As Arjun Appadurai argues, "The flow of commodities in any given situation is a shifting compromise between socially regulated paths and competitively inspired diversions."[56] Often—though not always—these diversions represent and enable what Daya Thussu has called media's "contra-flows" or subaltern flows that move from the "erstwhile peripheries of global media industries."[57] Ramon Lobato, Nicole Starosielski, Shujen Wang, and Jonathan Gray, among others, have looked at the practices and spaces of informal media circulation around the world in the context of DVD and video culture.[58] Collectively, the work of these scholars has shown that, as Lobato calls them,

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[54] Andreas Hepp and Nick Couldry, "What Should Comparative Media Research be Comparing? Towards a Transcultural Approach to 'Media Cultures,'" in *Internationalizing Media Studies*, ed. Daya Thussu (London: Routledge, 2009), 32.
[55] Kim, "Diasporic Nationalism," 136.
[56] Arjun Appadurai, *The Future as Cultural Fact* (London: Verso, 2013), 22.
[57] Thussu, "Mapping Global Media, 10.
[58] See, for example, Ramon Lobato, *Shadow Economies of Cinema: Mapping Informal Film*

"shadow economies" of media distribution exist alongside (and even in place of) the more formal distribution and retail infrastructures, and these informal economies function as a crucial point of media access for many around the world (and particularly for those living in and hailing from the Global South). Trade literature and industry lore about region-free media connected the circulation of region-free DVD players to a broader network of informal commodity trade. In 1999, the US-based trade magazine *Audio Week* reported on a Hong Kong based electronics company that functioned as a "one-stop source for ceiling fans, vacuum cleaners, lighting fixtures -- and DVD players whose regional code settings can be changed or overridden."[59] *Audio Week*'s invocation of these players' "mysterious origin" contributes to a kind of discourse that characterizes the media manufacturing and circulation networks that exist across Asia and the Global South as operating outside the domain of accepted, traceable, and knowable media industries (and, of course, there is a pathologizing tenor to such comments). Indeed, given the unauthorized nature of region-free DVDs and DVD players, customs officials in the UK and the US began to seize and confiscate shipments of DVD players from Asia, though the UK officials claimed that this had more to do with the players' "lack of compliance with electrical standards" than their lack of regional encoding.[60] Whatever the reason, such seizures indicate an anxiety surrounding the unauthorized import of cultural products. In the context of the United States, the destination points for many of these region-free imports are video stores that cater to diasporic cultures.

Distribution (London: BFI Publishing: 2012); Nicole Starosielski, "Things and Movies: DVD Store Culture in Fiji." *Media Fields* 5 (2011). http://www.mediafieldsjournal.org/things-movies; Shujen Wang, *Framing Piracy: Globalization and Film Distribution in Greater China*. (Lanham, MD: Rowan and Littlefield, 2003); Jonathan Gray, "Scales of Cultural Influence: Malawian Consumption of Foreign Media," *Media, Culture and Society* 36, no. 7 (2014): 982-97.

[59] "Chinese Code-Free DVD Maker Testing Waters Here," *Audio Week*, February 22, 1999.

[60] "Hardware Notes," *Consumer Multimedia Report*, July 12, 1999.

Region-Free DVD in US Diasporic Video Stores

To get a sense of how diasporic communities access their media from within a dominant entertainment market, and the extent that regional lockout impacted this access, in the summer of 2014 I observed and interviewed employees and proprietors of diasporic video stores in New York City, Detroit, Milwaukee, and Madison, WI. Among other things, I asked these individuals how regional lockout systems impacted their businesses, if at all. To maintain confidentiality, I will not use names of these stores but instead will describe them based on their focus/specialization and their general location. I am also sensitive to two facts: one, that not all diasporas are equal and thus cannot all be fully understood through one explanatory or analytical framework, and two, that while the practices of these establishments lend insight into the circulations of diasporic media culture, they can only do so in the context of diasporic cultures within certain cities in the United States. In order to give a more balanced portrayal of informal DVD circulation around the world, I put my own research into these establishments in dialogue with other work (cited above) that focuses on informal media economies in other parts of the world.

Upon visiting dozens of diasporic video stores, one visualizes Lobato's argument that while informal media economies in a post-colonial context can be considered subversive, they are also often "everyday, banal phenomena."[61] In his analysis of diasporic video stores, Hilderbrand also highlights the simultaneous banality and illegality of bootleg cultures within these establishments, painting a picture of hidden rooms, bootlegged tapes, and hand-written labels. In an indication that regional lockout is simply an everyday reality of diasporic viewing in North America, shelves and DVDs are regularly marked with signs or stickers that either indicate

[61] Lobato, *Shadow Economies of Cinema*, 48-9.

which region the DVD comes from or note their region-free status. While Shujen Wang argues that piracy and parallel importing disrupts media conglomerates' "spatial security," the presence of parallel imported and region-free DVDs in these stores strikes one as far more ordinary.[62] A Brighton Beach, Brooklyn store specializing in Russian goods includes large "PAL" stickers to indicate DVDs that will not work on NTSC players and televisions (though, again, this issue is different—though closely related—to the region-coding technology). One Koreatown, Manhattan store includes some region-free DVDs, but it also includes many Region Three DVDs which are labeled as such.

The perceived impact of these regional lockout systems on the customer depends on the individual establishment. As indicated, many stores do what they can to instruct customers on what region codes are and how to circumvent them. In order to avoid these problems, however, many DVD stores and stands (indeed, some of these locations manifest as sidewalk stands rather than brick-and-mortar stores) eschew region-coded DVDs altogether in favor of region-free discs. Whether or not regional lockout is a headache for such stores seems to be determined by how easily they can rip and burn DVDs (or, alternately, how easily it is for their customers to do so). Often, this will depend on the provenance of the DVDs or what national or regional industry they come out of. Also speaking to an ongoing conflation of region codes with the different but related PAL/NTSC standardization issue, the manager of an Indian/South Asian DVD shop in the basement of a shopping center in Jackson Heights, Queens told me when I asked if his DVDs were region-coded:

> The DVDs that we have, you can watch it anywhere in the world…[region codes] are only for India. If you go to India then you get it in PAL, and the VCD you get it in PAL.

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[62] Shujen Wang, *Framing Piracy: Globalization and Film Distribution in Greater China* (Oxford: Rowman and Littlefield Publishers, 2003), 185.

> The English original movies that they sell down there where they have the rights in India, everything is in PAL, but Indian movies are not. Indian DVDs are not. They're region-free. Maybe a few of them.[63]

For many stores, when DVDs do arrive with region codes intact, they find measures to get around them—usually by ripping and burning new copies of the region-coded DVDs. An employee of an African DVD store I visited in Harlem's Le Petit Senegal neighborhood indicated somewhat vaguely that the store owns a "converter" that can change the region code (presumably, this would simply be a process of ripping and burning the DVDs onto different discs rather than a process of "converting" the hard-coded Regional Playback Control encryption).[64]

Indeed, many of these stores are not shy about their bootlegging methods—a woman sitting outside the above-mentioned Jackson Heights store was actively burning DVDs and printing cover art from a laptop computer. In another indication of the small, one-room store's informal nature, the shop also included an older woman tailoring clothing for sale next to the racks of DVDs.[65] One Milwaukee store—an Indian grocery store/restaurant that also sold a handful of DVDs—presented its inventory of as haphazardly organized stacks of DVD-Rs with

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[63] Manager of Indian DVD store in Jackson Heights, Queens, NY, interview by the author, June 16, 2014.
[64] Employee of Senegalese video store in Harlem, Manhattan, NY, interview by the author, June 19, 2014.
[65] Here, a gendered split was apparent in the kind of labor undertaken in these stores, wherein the more traditionally feminized domains of garment production and design contrasted with the male manager's more active role as the DVD salesperson and point of interaction for consumers (as well as an interviewer like myself). While the man running the store took phone calls and spoke to me as the official representative of the establishment, the women working at the store undertook more mundane tasks and gendered forms of work. Such labor divisions recall arguments from Youna Kim and Ien Ang that diasporic existence should not be idealized and that scholarship on such modes of existence should emphasize marginalization, alienation, and gendered discrimination. See Kim, "Diasporic Nationalism" and Ien Ang, *On Not Speaking Chinese: Living Between Asia and the West* (London: Routledge, 2001).

handwritten labels in a few small plastic baskets. When asked about region codes, the manager told me, "These are all copies, so they will play on any DVD player. Back when we opened the store, we had to buy a bunch of convertors…and we spent $500-$600. And how those are sitting in my garage."[66] On the other hand, not all region-free DVDs are bootlegs; some are legitimately produced and formally distributed discs wherein the publisher has opted to use discs without region codes (as in the Indian DVDs described by the Jackson Heights store manager cited above). Some stores were careful to point out that their region-free discs were on the up and up. When I asked an employee of another Milwaukee-based Indian grocery store about region codes, he stressed, "These are all region. I know other places have copies that are pirated, but we don't. Only legal copies."[67]

After this employee stressed the legality of the store's product, he proceeded to explain that their DVDs come from a wholesaler based in Chicago's Devon Avenue Indian neighborhood.[68] Managers and owners were generally vague about precisely where their DVDs came from, but many of them spoke to both formal and informal networks of transnational commodity distribution. Just as the distribution paths of the store's products indicated a balance between transnational and translocal flows, the stores' products, employees, and consumers spoke to a simultaneously transnational and local cultural composition. Speaking to the idea of diasporic media as elements of a "public sphericule," workers reiterated that their customers are mostly members of the diasporic communities in the immediate surrounding area. This was especially the case in a larger city like New York, where the size of the city and the development of diasporic neighborhoods has resulted in the existence of particular ethnic enclaves (e.g.,

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[66] Manager of Indian grocery store in Milwaukee, WI, interview by the author, July 22, 2014.
[67] Employee of Indian grocery store in Milwaukee, WI, interview by the author, July 24, 2014.
[68] Ibid.

Greeks in Astoria, South Asians in Jackson Heights, Latinos in East Harlem). As spaces of reterritorialization amid the deterritorializing processes of globalization and migration, these neighborhoods figure as localities that are both differentiated communities and spaces suffused with the traces of broader global processes.

Given this, how do we characterize these neighborhoods and the role that video stores play in serving and sustaining them? Here, we might consider James Clifford's call to "think comparatively about the distinct routes/roots of tribes, barrios, favellas, immigrant neighborhoods—embattled histories with crucial community 'insides' and regulated traveling 'outsides.'"[69] In addition, Arjun Appadurai's analysis of neighborhoods and localities helps clarify the cultural function of these neighborhood businesses among diasporic communities. He sees neighborhoods as particular kinds of ethnoscapes that function as a sort of "ethnic project."[70] Appadurai defines locality here as a "phenomenological property of social life, a structure of feeling that is produced by particular forms of intentional activity and that yields particular sorts of material effects."[71] In this way, they can contribute to what he refers to as "ethnic structures of feeling" which he characterizes as "complex products of the local imagination (mediating a bewildering variety of global cascades as they move through the locality)."[72] Even if, as Appadurai argues, "the production of locality…is more than ever shot through with contradictions, destabilized by human motion, and displaced by the formation of new kinds of virtual neighborhoods," diasporic video stores serve in part as outposts of local diasporic enclaves, and their proprietors and employees see themselves as serving a

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[69] James Clifford, "Traveling Cultures," in *Cultural Studies*, eds. Lawrence Grossberg, Cary Nelson, and Paula Treichler (London: Routledge, 1991), 108.
[70] Arjun Appadurai, *Modernity at Large: Cultural Dimensions of Globalization* (Minneapolis, MN: University of Minnesota Press, 1996): 182.
[71] Ibid., 182.
[72] Ibid., 156.

simultaneously local and transnational community. In this sense, they can function much like many of the establishments that Daniel Herbert analyzes in his study of American video stores. For Herbert, video stores present a particular "geography of taste" in the kinds of movies they offer and how they categorize them, and this geography of taste "comingles with the tastes and values held by the larger community in which it exists."[73] And although they are different in their urban and diasporic character, the video stores I analyze here have similarities to the small-town American video stores Herbert discusses in that they "interweave movie culture with a wide variety of local conditions and concerns."[74] By serving particular, localized, and usually ethnically specific communities, diasporic video stores are saturated with and help structure the cinematic tastes and broader cultural matters of the surrounding community.

On the other hand, and keeping in mind Hepp and Couldry's warning against nationalistic container thinking, it is important to remember that all cultures are on some level translocal, and the various hybridities that attend diasporic culture were apparent throughout my research.[75] As spaces of translocal and transnational hybridity, the communities that housed many of these diasporic video stores speak to a tension between the seemingly definable and often nationally framed identity of a particular neighborhood (i.e., the commonly held notion of a Koreatown or a Little India) and Homi Bhabha's characterization of the performance of diasporic and hybrid identities as processes of "iteration, the recreation of the self in the world of travel, the resettlement of the borderline community of migration."[76] In the context of local video stores, the presence of so many reminders of regional lockout speaks to the diasporic video store's status as

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[73] Daniel Herbert, *Videoland: Movie Culture at the American Video Store* (Berkeley: University of California Press, 2014), 6.
[74] Ibid., 123.
[75] Hepp and Couldry, "Towards a Transcultural Approach."
[76] Homi Bhabha, *The Location of Culture* (London: Routledge, 1994), 9.

a multiply hybrid space—not only in the sense that it envelops texts, employees, consumers, and products who are all in their own ways culturally hybrid, but also in the ways it speaks to the disjunctures, complex connectivity, and hybridities that characterize diasporic media culture. In an indication of this hybridity, many stores contain a blend of various regional cinemas, and some sell bootlegged mainstream American films alongside material that hails more directly from abroad. In particular, the stores I visited that cater to South Asian diasporic communities contain mostly Bollywood films but also stock relatively healthy selections of Telugu, Tamil, and Bengali cinemas as well. This speaks to the regional, ethnic, and linguistic diversities and hybridities that characterize not only Indian life, but the South Asian and Indian film industries as well. Similarly, the African DVD store in Harlem carried not only Senegalese films, but also Nollywood videos and other films from "all over Africa."[77] As but one node of the Black Atlantic's routes, stores like this reflect Paul Gilroy's argument that black identity pushes beyond national boundaries and articulates an intercultural and transnational cultural formation.[78]

Given the fact that such stores carry rare films and television programs from around the world, their customers occasionally spread beyond their relative diasporic customer base. Gesturing toward an overlap between the cinephilic cultures described in the last section and the diasporic cultures described in this one, Beaty and Sullivan point out that non-Asian consumers began to flock to Asian markets in order to pick up cheap bootlegs of, for example, Hong Kong action films.[79] Similarly, one employee of a Japanese book and video store in midtown

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[77] Employee of Senegalese video store in Harlem, Manhattan, NY, interview by the author, June 19, 2014.
[78] Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* (Cambridge, MA: Harvard University Press, 1993). This DVD store's expression of the Black Atlantic is further emphasized by the fact that, as my interviewee at this store told me, many DVDs follow a distribution route from Senegal through Paris.
[79] Beaty and Sullivan, *Canadian Television Today*, 123.

Manhattan told me that while the Japanese-American diaspora made up a large part of his customer base, he also regularly sells DVDs to American anime collectors who are not part of the diaspora.[80] In Milwaukee, the manager of an Indian grocery store told me, "Some whites come to buy spices or to eat, and they say they're interested in Bollywood," and a manager of an Indian DVD store in Jackson Heights, Queens similarly said, "I have Spanish and White customers in here as well, watching Indian movies."[81] In an indication of the importance of geocultural capital—here, manifest as knowledge about and participation in particular taste cultures and media cultures that correspond with access to transnational media—my questions in many of the stores were met with less reticence once I expressed knowledge about the directors, films, and genres for sale or rent at these establishments. For example, the employee of the store in Le Petit Senegal opened up and talked with me quite a bit more once I mentioned legendary Senegalese director Ousmane Sembène. He seemed to acknowledge my awareness of Senegalese cinema as a genuine interest in the workings of his store and the flows of African film culture rather than rote or suspicious information gathering.[82] We had a conversation that lasted quite a bit longer than some of my conversations in other stores, and he gave me two (bootlegged, region-free) Sembène DVDs as a parting gift when I left the store. Similarly, in many stores catering to the Indian-American diaspora, proprietors were more likely to talk to me once it was clear that I understood that "Bollywood" isn't synonymous with "Indian cinema." My knowledge of other regional cinemas in India and Senegalese directors like Sembène are also

[80] Employee of Japanese book/video store in midtown Manhattan, NY, interview by the author, June 17, 2014.
[81] Manager of Indian grocery store in Milwaukee, WI(b), interview by the author, July 22, 2014. Manager of Indian DVD store in Jackson Heights, Queens, NY, interview by the author, June 16, 2014.
[82] Employee of Senegalese video store in Harlem, Manhattan, NY, interview by the author, June 19, 2014.

indicative of my own privilege and cultural capital, as I have had access to a film and media education that has contributed to my interest in and awareness of these global film cultures.

Not all DVD stores that sell region-free media cater to a diasporic audience, but they still speak to the informal, bootleg nature of region-free culture. A Manhattan store (which had no name or sign on its storefront) carrying a number of region-free East Asian martial arts DVDs also stocks a healthy collection of legitimate and bootleg pornography, anime, and blaxploitation films. Many stores, such as the recently closed Kim's Video and Music in New York City or I Luv Video in Austin, TX serve the aforementioned cultist and cinephile groups with their shelves stocked with obscure cinematic texts from a variety of different region-coded and region-free contexts. However, in an indication of the importance of local geography to these media flows, these sorts of stores are often located closer to the metropolitan centers of cities rather than the ethnic enclave neighborhoods that (as in the case of many of the neighborhoods visited in New York) often develop in the cities' peripheries. In other words, such locations operate more along the lines of what Herbert calls "video capitals." Developing Michael Curtin's concept of "media capital," Herbert refers here to well-known, often independently owned video stores that carry a wide variety of videos and "exhibit a highly detailed, comparatively sophisticated understanding of movie history and aesthetics" in part through their cinephilic employees and detailed, knowledgeable methods of categorizing their videos.[83] Although diasporic video stores may serve similar functions for cosmopolitan cinephiles who seek out such locations, their targeted consumer bases tend to be members of the immediate diasporic community.

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[83] Herbert, *Videoland*, 86; See also Michael Curtin, "Media Capital: Toward the Study of Spatial Flows," *International Journal of Cultural Studies* 6, no. 2 (2003): 202-228.

All in all, in an indication of the general messiness of media flows (and particularly the often ad-hoc nature of informal media flows), the impact of regional lockout on diasporic media cultures is a mixed bag and often contradictory. For some, it is a minor annoyance—ripping and burning DVDs in order to overcome regional lockout is a regular part of the workday. For others, it hardly registers at all, particularly for those stores that receive shipments of DVDs that are already region-free. For still others, however, it impacts their consumers' ability to gain access to resources that, returning to Lewis and Hirano, can figure as an important site of "cultural continuity" or negotiation.[84] At the same time, many of my interviewees indicated that DVD sales have slumped (and in some places completely fallen off) due to the availability of video streaming platforms. One manager told me, "Nowadays nobody buys DVDs," and another employee said, "DVDs don't move the way they used to."[85] For one Milwaukee Indian grocer, DVD sales have "gone down completely" and "now it's just a side thing."[86] Such laments for lost DVD business were a common refrain across my interviews, though in an indication of the differing temporalities of diasporic media, some interviewees likewise suggested that streaming hadn't hurt their businesses too much (as in a Greek video and music store in Astoria, Queens whose manager told me that streaming affected their business "some, but not bad").[87] In addition to disarticulating diasporic media experience from a particular locality (by making the local video store less essential as a community outpost for cultural engagement), the introduction of

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[84] Lewis and Hirano, "Mi Arai Mai Mai Mai?" 185.
[85] Employee of Senegalese video store in Harlem, Manhattan, NY, interview by the author, June 19, 2014.
[86] Employee of Indian grocery store in Milwaukee, WI(b), interview by the author, July 22, 2014.
[87] Manager of Greek video/music store in Astoria, Queens, NY, interview by the author, June 18, 2014.

streaming platforms introduced a new set of problems and possibilities for regional lockout as a regulatory system and the media users who encounter and circumvent it.

The use of region-free DVD by diasporic video stores might indicate that region-free media culture serves as an explicitly counter-hegemonic practice—one that flies in the face of the dominant cultural industries' carefully managed and organized distribution maps. In some ways, it does function as such; the circumvention of DVD region codes by retailers and viewers disregards the preferred distribution and user practices of media, tech, and consumer electronics industries alike. For many people, however, region-free DVD is just part of everyday media experience, and one that does not necessarily signal an explicit form of rebellion against dominant economic powers. The need to find a region-free DVD player in order to play a differently coded DVD represents more of an annoyance or a hassle than a consciously resistive act. Furthermore, users who simply purchase region-free DVDs (which do not require a region-free DVD player) may never even realize that region codes are an issue; the matter has been taken care of before the point of purchase. So, we might deepen our assessment of region-free media practice past a superficial "circumvention-as-global-resistance" take. At more localized scales, diasporic video stores serve as important sites of gathering for people to gain access to media and cultural resources to which they have some kind of cultural proximity. At the same time, the range of practices that constitute region-free media culture extend well beyond these diasporic video cultures and occasionally represent a more privileged, self-consciously cosmopolitan mode. In particular, the next section looks at the ways cinephiles, mediaphiles, and film fans adopted region-free DVDs and players in order to gain access to global films and the work of particular directors otherwise unavailable in certain markets. While much of this cinephilia reflected a cosmopolitan pleasure in the diversity of global cultural production, it

occasionally corresponded with media practices that reasserted dominant relations of global cultural power. If this section analyzed a form of region-free media culture involving both anti-hegemonic distribution practices and the more banal necessities of retail and access, the next section looks at region-free media cultures that ambivalently balance progressive and commodifying engagements with global culture.

Global Cosmopolitanisms and Cinephilia

Throughout the late 1990s and the 2000s, much of the resistance against DVD region codes arose from the articulation of two ways of thinking about film: the first is the idea that cinema is an open, purely *global* art form that should encourage the free flow of films across borders and the appreciation of cinema from other countries. The other, discussed throughout this dissertation, is the notion that the internet and digital media technologies more broadly would open up the world and make this free flow more possible. The former is in part an outgrowth of a decades-long mode of film viewing that many have called cinephilia. Here, I take "cinephilia" as a mode of viewing films (or, as Christian Keathley notes, drawing on the work of Antoine de Baecque and Thierry Frémaux, a way of both watching and talking about cinema) put forward by a transnational cluster of somewhat like-minded film critics and appreciators.[88] The cinephilic mode corresponds with certain tastes that encompass art-house and cult films and that comes about in part through a privileged relationship to film—as Keathley points out, a similar kind of engagement as the "art critical discourse of connoisseurship," or as Barbara Klinger calls it, "a

[88] Christian Keathley, "The Twenty-First-Century Cinephile," in *Cinephilia in the Age of Digital Reproduction: Film, Pleasure, and Digital Culture*, vol. 1, eds. Scott Balcerzak and Jason Sperb (London: Wallflower Press, 2009), 3.

kind of aristocratic cine-literacy."[89] In other words, engagement in cinephilia requires not only the time and financial capital to seek out and watch as many movies as possible, but the cultural capital to appraise and appreciate particular films, directors, and national cinemas. In this vein, cinephilia involves a recognition of the "globalness" of cinema as an art form and space of cultural engagement. Thomas Elsaesser points to the transnational routes endemic of the cinephilic experience when he writes, "Cinephilia…is not simply a love of the cinema. It is always already caught in several kinds of deferral: a detour in place and space, a shift in register and a delay in time."[90] In addition to the temporal deferrals of rediscovery and nostalgia, cinephilia functions as a geocultural and spatial kind of detour—an engagement with international culture that followed various transnational distribution paths on its way to the audience.

A 1999 editorial from *The Australian* with the demonstrative headline "Studios Divide and Rule to Keep Movie Disc Titles Scarce" makes a case for circumventing regional restrictions on cinephilic grounds: "The film studios eventually will have to come to their collective senses and realize that film, the most universal of the arts, should be region-free and truly international. Until then, it gives great satisfaction to thwart them."[91] The editorial points to region-coded DVDs as an impediment to "film junkies" with "catholic" tastes, as the author describes himself. Around the world—though primarily among a cluster of cinephilic critics throughout North

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[89] Christian Keathley, *Cinephilia and History, or The Wind in the Trees* (Bloomington: Indiana University Press, 2006), 15. Barbara Klinger, "The DVD Cinephile: Viewing Heritages and Home Film Cultures," in *Film and Television After DVD*, eds. James Bennett and Tom Brown (New York: Routledge, 2008), 23.

[90] Thomas Elsaesser, "Cinephilia or the Uses of Disenchantment," in *Cinephilia: Movies, Love, and Memory*, eds. Marijke de Valck and Malte Hagener (Amsterdam: Amsterdam University Press, 2005): 30.

[91] Anthony Clarke, "Studios Divide and Rule to Keep Movie Disc Titles Scarce," *The Australian*, January 1, 1999.

America and Continental Europe—critics and cultural commentators with similarly “catholic” tastes extolled the virtues of region-free DVDs and DVD players as a way to access global film culture. *New York Times* critic Manohla Dargis wrote in 2004 that cinephiles had to take on some agency in the face of a homogeneous cultural market and “become their own cultural gatekeepers, to reach beyond the multiplex and chain video store. You have to seek – sometimes quite resourcefully – in order to find.”[92] As she explains, part of that resourceful engagement involves seeking out region-free DVD players. Throughout the 2000s, cinephilia-minded film critics in the United States like Jonathan Rosenbaum, J. Hoberman, and Dave Kehr regularly promoted region-free media, and Rosenbaum in particular has long been one of the US’s premier champions of region-free film cultures. His long-running *Cinema-Scope* column “Global Discoveries on DVD” acted as a consumer report of differently encoded DVDs for cinephiles who owned region-free players. His initial installment of the column says, “The word is still getting out about the riches that are currently available to cinéphiles owning DVD players that play discs from all the territories.”[93] With the flourishing of film criticism on blogs and the development of social media platforms that could connect viewers and critics from different parts of the world, knowledge about different global film movements as well as ways of accessing and appraising films from these movements (including through region-free DVD) circulated among this loose community.[94] Elsaesser describes this mode of cinephilia as a “post-auteur, post-theory cinephilia that has embraced the new technologies, that flourishes on the

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[92] Manohla Dargis, “The 21st Century Cinephile, *New York Times*. November 14, 2004. http://www.nytimes.com/2004/11/14/movies/14WWLN.html?_r=0.
[93] Jonathan Rosenbaum, “Global Discoveries on DVD (My 1st Column, 2003),” *JonathanRosenbaum.net*, April 10, 2003. http://www.jonathanrosenbaum.net/2003/04/global-discoveries-on-dvd-first-column.
[94] For more on this, see Chuck Tryon, *Reinventing Cinema: Movies in the Age of Media Convergence* (New Brunswick, NJ: Rutgers University Press, 2009) and Keathley, “The Twenty-First-Century Cinephile.”

internet and finds its *jouissance* in an often undisguised and unapologetic fetishism of the technical prowess of the digital video disc, its sound and its image and the tactile sensations now associated with both."[95]

"Post-auteur" notwithstanding, this mode of region-free consumption is often wrapped in an auteurist cinephilia, wherein many who hunt down region-free DVDs are completists or collectors of international art films and the works of certain directors on DVD. Region-free DVD is essential to these collectors—not only because of the wealth of films that have not been released in various markets around the world, but also because North America's premiere distributor of high-quality DVDs of classic and global art films—The Criterion Collection—encode their DVDs and Blu-rays as Region One and Region A, respectively. In fact, the Criterion Collection remains steadfast in region-coding their Blu-rays, even as other distributors have eschewed region codes. The reason for this is that Criterion sees their market as North America specifically, and they do not own the international home video distribution rights for many of the films in their collection. Because Criterion serves cinephiles first and foremost—what Barbara Klinger calls a "true upper-crust niche market," the line's region coding has become a topic of debate and discussion among fans.[96] As a response to Criterion's region codes, some users bristle at what seems to be a contradiction between Criterion's celebration of films, directors, and cinemas from all over the world and their propensity to lock down their products for the North American market. As one blogger puts it:

> [T]here's something fundamentally wrong with *The Criterion Collection* ending up as an exclusively American endeavour, because the series has always prided itself on recognising global contributions to cinema. The films are selected from around the world,

[95] Elsaesser, "Cinephilia," 36.
[96] Klinger, "The DVD Cinephile," 27.

> reflecting different eras and perspectives, and they represent *the whole world*. These films are an encapsulated example of world-wide cinema at its very best, so it's hypocritical to restrict access like this. Why can't Spanish fans have access to Guillermo del Toro's debut? Surely everybody should share in that experience, not just Americans?[97]

The author goes on to invoke the commonly held idea that digital distribution technologies should be harnessed as a way to forge easier connections across geographic borders and that technologies like region codes betray these possibilities. He argues that Criterion would do well to follow the "general trend…towards a region-free world, which is great from a conceptual point of view – the free market and the global village in action, the notion of a global film community becoming closer to a reality."[98] This kind of rhetoric, which marries the free-market tech-utopia of the Californian Ideology with the vision of cinephilia as a transnational community, takes up region-free media as essential to film culture reaching its full potential of cosmopolitan globalism in a digital age.[99]

For many who protest region codes, the promises of digital media (as reflected in the rhetoric of free-market openness) should have led to a democratization of global film culture.[100] While cosmopolitan cinephilia has generally been centered in major metropolitan areas, DVD in fact opened up the possibilities of global film viewing to viewers who did not live near repertory theaters or art-houses. The relatively easy accessibility of region-free players exacerbated this trend. This is evident in a letter from one *Film Comment* reader from Grand Rapids, MI, who

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[97] Darren, "The Criterion Criteria: Why Are Criterion Blu Rays Region Coded?" *The m0vie blog*, November 3, 2011. http://them0vieblog.com/2011/11/03/the-criterion-criteria-why-are-criterion-blu-rays-region-coded.
[98] Ibid.
[99] On the Californian Ideology, see Richard Barbrook and Andy Cameron, "The Californian Ideology," *Science as Culture* 6, no. 1 (1996): 44-72.
[100] For more on this, see Klinger, "The DVD Cinephile," 25-26.

writes, “I continue to be grateful and impressed for/by the ever-increasing accessibility of undistributed and neglected films on DVD. With a region-free player, people who live in cities without major festivals can catch up with major films a lot faster than they were able to before.”[101] In her work on art-horror, Joan Hawkins argued in the mid-2000s, “If there is a contemporary trend toward the “mainstreaming of exploitation,” it is not happening at the high end of the culture spectrum (arthouses and film festivals), where taste-cultures have always been eclectic. Rather it is happening at the level of DVD sales and stock” because it is easier for farther-flung fans to gain access to obscure media that way.[102] In this context, region-free players are often appealing to fans of particular global film and media movements or scenes, and distributors and retailers who address these fans ensure that consumers will be able to watch region-coded DVDs. Hawkins notes that various boutique DVD dealers like Facets Multimedia, Luminous Film and Video Wurks and the now-defunct Nicheflix regularly stock and distribute DVDs from all regions and point their customers toward sites where they can purchase region-free DVD players.

At the same time, though region-free players were not particularly difficult to find (or hack), one still required a certain amount of knowledge of global film culture and technological acumen to know that DVDs were region-coded in the first place, much less that region-free players existed. In addition, while some might point to the possibilities of DVD for the democratization of media culture, region-free DVD represents a space where particular media subcultures and taste cultures engage in shared knowledge that may be inaccessible to those who aren’t part of these groups. As a kind of knowledge that circulates among fandoms about the

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[101] “Readers Comments: The Best Movies of 2003 List,” *Film Comment*, n.d. http://www.filmcomment.com/article/readers-comments-the-best-movies-of-2003-list.
[102] Hawkins, “Culture Wars.”

proper ways to engage in their culture, region-free media represents a form of *subcultural* geocultural capital. That is to say, subcultural capital as insider knowledge about a particular genre or scene becomes expressed through an awareness (and—in the case of region-free media circulation—rejection of) the political economics and cultural geography of global media circulation and one's place within it.[103] For instance, as Laurie Cubbison and others have pointed out, anime fans often seek out Region Two versions of anime texts in order to access more DVDs with higher quality audiovisual transfers and subtitles.[104]

In keeping with this self-consciously subcultural mode, by eschewing dominant tastes cinephilic region-free DVD culture often positions itself as a rejection of the industrial (read: Hollywood) logics imposed by region codes. Writing in 2003 (and in an excerpt that also speaks to the cinephilic and auteurist inclinations of region-free culture), Rosenbaum says:

> It's pretty easy to buy a tristandard VCR in Europe, but to get one in Chicago I had to order it from New York – a media equipment outlet that Jim Jarmusch sent me the catalogue for. It's much easier to find DVD players in the US that can accommodate all the territories. Of course, this drives the Jack Valentis of the world nuts, because the rights to certain films are supposed to be territorialized along with their access—which is presumably why I had to buy my DVD of *Johnny Guitar* in Paris.[105]

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[103] I combine my idea of "geocultural capital" (defined in the introduction) with the concept "subcultural capital" as particular kinds of cultural capital, distinction practices, and insider knowledge employed by smaller subcultures from Sarah Thornton, *Club Cultures: Music, Media, and Subcultural Capital* (Middletown, CT: Wesleyan University Press, 1996).
[104] Laurie Cubbison, "Anime Fans, DVDs, and the Authentic Text," *Velvet Light Trap* 56 (2005): 45-57. See also Peter K. Yu, "Region Codes and the Territorial Mess." *Cardozo Arts & Entertainment Law Journal* 30 (2012): 187-264.
and discussions of DVD region codes in anime fan guides like Gilles Poitras, *Anime Essentials: Everything a Fan Needs to Know* (Berkeley: Stone Bridge Press, 2001), 15.
[105] Jonathan Rosenbaum and Adrian Martin, eds., *Movie Mutations The Changing Face of World Cinephilia* (London: BFI, 2003), 185.

This vision of critics and indie filmmakers traversing the world, pissing off the arbiters of Hollywood's intellectual property speaks to the cultural capital inherent in region-free media culture. Furthermore, this attitude, which views informal and unauthorized methods of accessing media texts as a violation of Hollywood hegemony can also be seen in the hacker and pirate cultures that occasionally overlap cinephilia communities. Kim Dotcom, the eccentric founder of file-hosting platforms Megaupload and Mega, crystallized this argument in a tweet mocking the Motion Picture Association of America (the Hollywood studios' trade group and lobbying arm, of which Jack Valenti, mentioned by Rosenbaum in the above quote) was president from 1966 to 2004):

> MPAA: Don't be a pirate
>
> You: OK I'll pay!
>
> MPAA: Not available in your country
>
> You: How can I get it?
>
> MPAA: You can't
>
> You: Idiots! *pirating[106]

Here, regional lockout is considered an injustice against consumers foolishly put in place due to the misconceived priorities of Hollywood's primary governing body. As a result, measures undertaken to circumvent regional lockout—even file sharing and piracy—are natural responses to an unjust system.

Although it carries romantic overtones, the cinephilic mode of global consumption remains in tension between cosmopolitan engagement in global cultures (and a concomitant respect of global Others—what Ethan Zuckerman calls "xenophilia") and a commodifying

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[106] Kim Dotcom, Twitter post, January 4, 2015, 9:34am, https://twitter.com/KimDotcom/status/551748513961242625.

impulse that sees the textual productions of global Others as reified collectibles.[107] Of course, suggesting that this kind of cinephilia is purely commodifying and reifying does a disservice to those who use cinema as a means to explore global culture. At some level, global cinephilia echoes Kwame Appiah's vision of cosmopolitanism that employs the "imaginative engagement you get when you read a novel or watch a movie or attend to a work of art that speaks from some place other than your own."[108] On the other hand, when global cultures become commodified as products incorporated into commodity circulation networks and collecting cultures, this kind of engagement can threaten to flatten the cultural specificities and experiences of not only the subjects of a film, but the laboring and creative forces that have gone into its production. Cinephilia that is most explicitly cosmopolitan in nature adopts a mode of viewing similar in some ways to Roger Silverstone's call for a certain kind of engagement in what he calls the "mediapolis."[109] Central to Silverstone's thesis is a strong sense of ethics and morality—that global media's ability to present images of distant cultures to us requires a moral response from the user. As he put it:

> Insofar as they provide the symbolic connection and disconnection that we have to the other, the other who is the distant other, distant geographically, historically, sociologically, then the media are becoming the crucial environments in which a morality appropriate to the increasingly interrelated but still horrendously divided and conflictual world might be found, and indeed expected.[110]

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[107] Ethan Zuckerman, "Homophily, Serendipity, Xenophilia." *My Heart's in Accra*, April 25, 2008. http://www.ethanzuckerman.com/blog/2008/04/25/homophily-serendipity-xenophilia.
[108] Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (New York: W.W. Norton, 2006), 85.
[109] Roger Silverstone, *Media and Morality: On the Rise of the Mediapolis* (Cambridge, Polity: 2007).
[110] Silverstone, *Media and Morality*, 7-8.

For cosmopolitan cinephiles that view global cinema as a window on the world, there is a profound sense that global film and television can figure as a space where we engage with the vast diversity of global cultural production—and, by proxy, the diversity of global culture. At the same time, this relationship is a privileged one that will always be suffused with unequal power relations brought about by a particular problematic: who gets to be the agential consumer/user of region-free media, and who figures as the image that this user sees?

Region-Free DVD, Taste, and Gender

The ability and desire to access global cinema through unauthorized means is one that corresponds with certain parameters of taste. Throughout this dissertation, I have theorized and deployed the idea of "geocultural capital," or a macro-scale form of cultural capital describing the degree to which media users and audiences who have access to, appreciation of, and knowledge of media culture from across borders. This can manifest as the capital that comes with living in a major media market and thus having access to more media texts in better packaging and transfers. It can also mean, as in the case of cinephiles, connoisseurship of cross-border media. Because regional lockout is at heart an issue of access to cultural resources, we might ask how geocultural capital manifests in the use of region-free players by cinephiles. If cultural capital is about access, it is of course also about taste. Appadurai summarizes a school of thought that has become dominant in cultural studies and sociology, due in large part to theorists like Pierre Bourdieu: "The establishments that control fashion and good taste in the contemporary West are no less effective in limiting social mobility, marking social rank and discrimination, and placing consumers in a game whose ever-shifting rules are determined by

'taste makers' and their affiliated experts who dwell at the top of society."[111] In the context of region-free media, these axes of rank and discrimination exist not just at the transnational scale, but at the level of gender simultaneously.

As has been apparent, the practices of circulating and using region-free media do not exist in a cultural vacuum, and the taste cultures that incubate region-free media culture as a popular discourse are often laden with dominant masculinity. Here, region-free media culture intersects with vectors of cultural identity and identification beyond the level of the transnational. As Radha S. Hegde reminds us, "Global flows of media technologies, migration, and the unfettered mobility of capital rework old logics of domination in new global forms," with gender and sexuality figuring as particularly important logics of domination in the context of globalization.[112] Hegde argues that "the flow of capital, with its complex global infrastructure of commodities, resources, and bodies" helps produce "the ways in which gendered subjects are produced and defined in transnationally networked, media-saturated environments."[113] In the transnational networks of the circulation of region-free media technologies, as well as the accompanying knowledge-sharing networks surrounding technological "how-tos" and hacks for lockout circumvention, the body of the consumer, hacker, or instructor is often gendered male. In the context of home video, part of this gendering comes out of a long-standing home video culture that, as Ann Gray has shown, has long been gendered along lines of masculine control over the viewing space and experience.[114] Years later, these same fantasies of masculine control

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[111] Appadurai, *Future as Cultural Fact*, 38.
[112] Radha S. Hegde, "Introduction," in *Circuits of Visibility: Gender and Transnational Media Cultures*, ed. Radha S. Hegde (New York: NYU Press, 2011), 1.
[113] Ibid.
[114] Ann Gray, *Video Playtime: The Gendering of a Leisure Technology* (London: Routledge, 1992).

express themselves in talk about region-free DVD players as crucial to a high-quality home theater.

Often, the ability to bypass regional lockout systems articulates to the twin masculine ideals of mastery over technology and the ability to maintain control over time and space. I have discussed in Chapter Two how this corresponds with the hegemonic masculinity of gaming cultures, but in the context of home viewing cultures, this manifests as what Barbara Klinger refers to as a mode of "contemporary high-end film collecting" that "upholds standards forwarded by a white male technocratic ethos." She continues, "This taste culture inspires a certain clublike identity, from which women, people of color, and individuals without the means to 'digitize' their homes are excluded."[115] Because region-free DVD and Blu-ray players actually go *above and beyond* the usual affordances of the media equipment found in the average home, they are the perfect adornments for the top-of-the-line home theaters that are often constitutive of contemporary western masculinity. Online discourse about region-free players often invokes the "man cave" as an appropriate space for your region-free player, indicating that such technology belongs in a male-only space. The idea of the "man cave" has become a popular way to describe a domestic space such as a garage, den, or home theater where no women are allowed. Mimi White suggests that the trope functions as a response to the idea that "houses in general, and the varied domestic activities and habits they contain, are redolent with femininity."[116] In the eyes of the men that want and build them, man caves serve as sanctuaries from this overwhelming femininity. In his own earlier analysis of discourse on online home theater discussion forums, James Kendrick discovered that for many participants, "the creation of a home theater

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[115] Barbara Klinger, *Beyond the Multiplex: Cinema, New Technologies, and the Home* (Berkeley, University of California Press: 2006), 89.
[116] Mimi White, "Gender Territories: House Hunting on American Real Estate TV," *Television and New Media* 14, no. 3 (2012): 240.

environment within the domestic space is a way of reworking the gendered nature of television and its association with everydayness into a masculine domain of control."[117] And although the man cave often articulates to sports spectatorship, its promotion of the home theater as a space of top-of-the-line viewing equipment can also figure as a space of film viewing. References to man caves pop up on websites and message boards devoted to cult film viewing that also regularly promote region-free DVD use. One poster on the message board *Geekzone* includes as his signature a list of the technology he keeps in his "man cave" (including a region-free Blu-ray player) and another post on the A/V forum VideoHelp inquires about hacking a region-coded DVD player that is also a piece of *Star Wars* merchandise: "I already have several region free DVD players - but it's not about being able to play my R4 DVDs…it's about being able to play my R4 sci-fi dvd's in my 'Man Cave' on my R2-D2 DVD projector."[118] Across a number of message boards and blogs relating to film fandom and A/V technology, similar examples abound of connections between region-free home video technologies and "man cave" home theater setups.

As the discourse across these sites indicates, man caves (and gendered viewing more broadly) in the context of region-free media often articulate to cultist tastes. As a taste formation that expresses a particular relationship to films and directors, cultism "identifies and refuses 'mass' taste by developing a resistant cult taste for more obscure and less clearly commodified

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[117] James Kendrick, "Aspect Ratios and Joe Six-Packs: Home Theater Enthusiasts' Battle to Legitimize the DVD Experience," *Velvet Light Trap* 56 (2005): 58-70.
[118] Post by Rollux, *Geekzone*, July 12, 2010. http://www.geekzone.co.nz/forums.asp?forumid=34&topicid=64235; Post by Purpleyz, *VideoHelp Forum*, February 24, 2012. http://forum.videohelp.com/threads/294315-Desperately-seeking-R2D2-region-hack!.

cultural objects."[119] Although the oppositional stance of cultism might imply an upheaval of the traditional cinephile's canon, it often overlaps with it; the auteurism of the 1950s and 1960s that helped spur on the kind of cinephilia described in the previous section was an ancestor of cultism. Peter Wollen explains their historical links:

> It is important to recognize the role played by film buffs and cultists in the construction of auteur theory. In fact, many important critics have emerged from the ranks of cultists—the *Cahiers* critics were nurtured in the cine-clubs of the Left Bank…In America, Sarris even published a book called *Confessions of a Cultist: On the Cinema 1955-1969*…Cultists play an apparently disproportionate role precisely because they care deeply (obsessively) about the films they love and constitute them spontaneously into a kind of "cult canon."[120]

In one example of how this axis of auteurism/cultism/cinephilia articulates to a kind of masculine engagement with region-free media, one YouTube user (who, incidentally, also hosts a live-streamed online video program called *The Sausage Factory*—billed as a "movie discussion show, featuring a group of opinionated guys who watch WAY too many movies")—boasts of a new addition to his "man cave" in the comments of an unboxing video for a region-free 3D Blu-ray player.[121] The video itself incorporates several signifiers of masculine cultist film fandom. The host makes a show of unboxing the player with his "trusty Joker knife," a switchblade modeled after the knife used by Heath Ledger's Joker in Christopher Nolan's 2008 film *The Dark Knight*. Additionally, he explains that he purchased the player specifically to watch region-

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[119] Greg Taylor, *Artists in the Audience: Cults, Camp, and American Film Criticism* (Princeton, NJ: Princeton University Press: 1999).
[120] Peter Wollen, "The Auteur Theory: Michael Curtiz and *Casablanca*" in *Authorship and Film*, edited by David A. Gerstner and Janet Staiger (New York: Routledge, 2003), 72.
[121] Video by user pizowell, "Unboxing OREI Region Free 3D Blu-ray Player," *YouTube*, September 10, 2013. https://www.youtube.com/watch?v=revziuw61sM.

coded discs from Arrow Video, a UK-based distributor that specializes in cult and horror films. He also connects this fandom to transnational film-sharing networks, showing off the player's playback of a Scandinavian Blu-ray of Tobe Hooper's 1974 horror film *The Texas Chainsaw Massacre* that he received from a friend in Sweden. Here, geocultural capital is expressed in not only the comprehension of region codes and how to surpass them, but also the social connections to film fans living in other parts of the world.

Region-free media is also gendered as an extension of a predominately masculine culture of cinephilic film criticism that values a cosmopolitan approach to world film viewing. As David Morley argues, "the figure of the cosmopolitan, like that of the *flaneur*, is clearly masculine, and is often a symbolic figure of the West and its sophistications marked out against a backward other."[122] Summarizing Ulf Hannerz, Anna Tsing captures some of the cultural-political implications of this kind of cosmopolitanism: "Cosmopolitans, like diasporas, promote projects of world-making, but…the projects they endorse enlarge the hegemonies of Northern centers even as they incorporate peripheries."[123] One of these hegemonies is that of dominant masculinity, and self-described cosmopolitans can incorporate peripheries in ways that flatten and minimize fine-grained cultural specificities and feminize the global other. In her work on the cyberbride industry, Felicity Schaeffer-Grabiel locates a new kind of "transnational masculinity" that does not rely on a simplistic White-Other binary but rather "builds on previous colonialist fantasies and rewrites them by drawing from the discourse of corporate multiculturalism."[124] Although the sort of cosmopolitan masculinity found in even the most overtly commodifying strains of global cinephilia is obviously far less exploitative than sexual tourism, it nevertheless

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[122] Morley, *Home Territories*, 231.
[123] Anna Tsing, "The Global Situation," *Cultural Anthropology* 15.3 (2000): 343-4.
[124] Felicity Schaeffer-Grabiel, "Planet-Love.com: Cyberbrides in the Americas and the Transnational Routes of U.S. Masculinity," *Signs* 31, no. 2 (2006): 337.

balances the seemingly contradictory ideals of colonial knowledge/control over global cultures and a mindset that views engagement with commoditized global culture as an extension of cosmopolitan multiculturalism. Region-free media's blending of global consumption and technical mastery articulates two kinds of predominately Western masculinities: the masculinity of control over digital technologies, and that of global travel and engagement.

The use of region-free media, however, is not exclusive to the kinds of cinephilia described above; it also comes out in contemporary television fandoms—and often those that focus their energies on so-called "quality" television and new-media platforms such as Hulu and Netflix. In an example that expresses a somewhat different relationship to media taste, an Australian blog called *The Real Man's Guide to Absolutely Everything* published a post entitled "How to Bypass Geoblocking in Australia." Instructing the reader on how to set up a home theater PC and use VPN services to circumvent geoblocks, the article is illustrated with an image of Netflix's archetypical male anti-hero: Kevin Spacey as *House of Cards'* Frank Underwood, complete with blood dripping from his hands. In aligning the presumed male reader (this is *The Real Man's Guide*, after all) with a male anti-hero known for illegal and surreptitious acts, the article promotes the subversive thrill of hacking technological regulation. Here, the article aligns the circumvention of geoblocking and the promotion of platforms like Netflix with what Michael Newman and Elana Levine have called the discursive "legitimation" of television as a higher art form. Key to this is not only a vaunting of "complex," masculinity-driven narratives like *House of Cards* but also an articulation of television and interactive digital technologies (such as platforms like Netflix) which promote a "masculinization of television as a newly active experience of mediated leisure" that contrasts with "the negative, feminized connotations of

watching the old way."[125] The rest of the article bears out the masculine address, invoking the man cave (if not by name) with references to setting up a home theater in the "lounge room" and the suggestion that one can also use his home theater PC to access the gaming platform Steam or watch pornography.[126] Along with the clearly masculinized invocation of porn, mentioning Steam and games as a potential component of the man cave recalls the gendered dimension of regional lockout circumvention discussed in Chapter Two. Indeed, region-free media has often been the domain of the hacker—a cultural type that has generally been gendered male in dominant discourses on computing.[127]

On one hand, region-free media's construction as often the purview of white men has pragmatically given regional lockout more purchase in global debates over media reform and consumers' rights. In global power networks that, quite simply, do not value the voices of women, people of color, and diasporic viewers as much, issues that impact those who hold global power and capital are more likely to be taken up as causes for concern. This is why public debates over regional lockout and geoblocking tend to focus on the problem of not accessing major streaming platforms in a country like Australia rather than the need to ensure that diasporic viewers are less disadvantaged in the global media marketplace. For one, in the eyes of many, the former issue is harder to criticize and dismiss than the informal economies of the latter, which are more easily pathologized and dismissed as "piracy." In addition to the traditional motivators of xenophobia and ethnocentrism, though, this is the case because those who hold more cultural power (i.e., "Western" white men) are perceived as able to affect change

[125] Michael Z. Newman and Elana Levine, *Legitimating Television: Media Convergence and Cultural Status*. (New York: Routledge, 2012), 132.
[126] "How to Bypass Go-Blocking In Australia," *The Real Man's Guide to Absolutely Everything*. http://www.realmansguide.com.au/bypass-geoblocking-in-australia.
[127] See Tim Jordan, *Hacking* (Cambridge: Polity, 2008).

through their wallets. When so much of the reform discourse surrounding regional lockout exists at the level of consumers' rights, economic and market-based incentives for reforming regional lockout suppress those based on eliminating *cultural* discrimination. So, on one level, the alignment of regional lockout circumvention with more traditional vectors of dominant power is "useful" from a realpolitik perspective. In other words, consumers' rights groups and anti-copyright activists are more likely to gain the attention of major regulators and industrial players by appealing to problems that they can relate to more easily—that is, the problem of lacking access to a major platform like Netflix rather than a particular Nollywood video. On the other hand, when criticisms of industry and regulatory practices appeal only to the most powerful, the discursive terrain of regional lockout and its circumvention becomes doubly discriminatory. It reflects the valuation of certain kinds of consumption and circumvention practices over others and ensures that even the cultures and discourses of regional lockout circumvention will align with cultural power.

At the same time, it is important to remember that the dominant gendered discourses of media and technology use do not always align with the ways people actually use media (indeed, this is part of what can make these discourses so damaging to broader participation in media culture). In other words, I want to avoid reifying the trope of the young-white-Western-male tech-head cinephile as the only figure that engages in region-free media. For one, the first half of this chapter catalogued region-free media use by communities who do not represent dominant global powers. But there are other examples that more clearly contradict the masculine tenor of much of what I've described in this section. For instance, in a study of Japanese women viewing the Korean serial drama *Winter Sonata*, Yoshitaka Mori points out that most of the women "use media technology adeptly to gather information." Such media technologies include online

streaming services, language translators, and region-free DVD players.[128] Christine Becker has also remarked that unauthorized access to the BBC iPlayer, discussed in Chapter Three, is a common practice among fans of *Sherlock*—a predominantly female fandom.[129] One could also add non-UK-based fans of British soaps like *Eastenders* to the mix, indicating that the gendered identities of actual users do not necessarily correspond with how these users have been constructed or elided in discourse. All in all, there is a distinction between the ways region-free DVD cultures can be presented in terms that would presume a Western, masculine user and the actual, everyday experiences of lockout circumvention, which circulate among more diverse groups of media users. So, if this chapter has been critical of the ways in which region-free media have at times been incorporated into masculinized forms of media practice, I want to end on a note of recuperation—one that emphasizes how regional lockout circumvention can still represent a negotiation and rejection of the wills of dominant media-industrial power. Where these negotiations can become particularly progressive is through the promotion of media practices and literacies that value engagement with media from other parts of the world.

Conclusion

The rise of online media delivery resulted in a media environment where regional lockout was less of a sure thing for media consumers. This is not because major media industries stopped locking down their content (indeed, see Chapters Three and Four for more on this). Rather it is

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[128] Yoshitaka Mori, "*Winter Sonata* and Cultural Practices of Active Fans in Japan: Considering Middle-Aged Women as Cultural Agents" in *East Asian Pop Culture: Analyzing the Korean Wave*, eds. Beng Huat Chua and Koichi Iwabuchi (Hong Kong: Hong Kong University Press, 2008), 134.

[129] Christine Becker, "Access is Elementary: Crossing Television's Distribution Borders," *FlowTV.org*, January 13, 2014. http://flowtv.org/2014/01/access-is-elementary-crossing-television%E2%80%99s-distribution-borders-christine-becker-university-of-notre-dame.

because some producers who independently distribute their productions over the internet have chosen to avoid regional lockout restrictions. This move was part of a larger move to eliminate DRM as a response to the more restrictive measures of the major tech and content industries. Indeed, much was made of Radiohead's "pay what you want" model for its album *In Rainbows*, and part of the novelty of their move was a rejection of DRM, including regional restrictions.[130] Of course, since music had not historically been region-locked up to that point (see Chapter Four), rejecting regional lockout became particularly novel in the context of web-distributed video. As more and more audiovisual artists—and stand-up comedians in particular—began to look to independent distribution, they likewise began to reject regional lockout systems. For instance, comedian Louis C.K.'s self-distributed, $5 stand-up special *Live at the Beacon Theater* was accompanied by a note that said, "no regional restrictions, no crap. You can download this file, play it as much as you like, burn it to a DVD, whatever."[131] These region-free maneuvers are not always wrapped up in the warm and fuzzy sentiments of cosmopolitanism—Rob Delaney's similarly self-distributed special *Live at the Bowery Ballroom* contained a note indicating, "No regional restrictions, anywhere in the world. Even the shitty countries."[132] Indeed, self-released productions (whether music, movies, web series, or games) represent a space where media producers and distributors can eschew the digital rights management systems that unwittingly limit the accessibility of these productions to people around the world.

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[130] John Carroll, "Radiohead's DRM Experiment," *ZD Net*, November 7, 2007. http://www.zdnet.com/article/radioheads-drm-experiment.
[131] Julianne Pepitone, "Louis C.K. Tops $1 Million in Sales of $5 Comedy Special," *CNN Money*, December 22, 2011. http://money.cnn.com/2011/12/22/technology/louis_ck_million.
[132] "Comedy – Rob Delaney – 'Live at the Bowery Ballroom,'" *Pursuit of Dopeness*, September 4, 2012. http://www.pursuitofdopeness.com/2012/09/comedy-rob-delaney-live-at-the-bowery-ballroom.

More recently, as streaming has changed cinephilic and diasporic viewing, new platforms beyond boutique DVD lines—namely, streaming and electronic sell-through platforms—have served as film delivery systems to viewers around the world. Recalling my analysis of virtual private networks (VPNs) and proxy servers in Chapter Three, we should consider such experiences contemporary extensions of region-free media practices that have existed for decades now. In response to this newer frontier of region-free media culture, Netflix has begun cracking down on those who use VPNs to access the platform, suspending users who access the service in unauthorized ways. Such forms of regulation are an indication of David Morley's argument that "The control of virtual 'invaders' is now a key dimension of international politics. In an era of electronic communications, conflict is conducted by the invasion not only of geographical but also of virtual territory."[133] At its heart, then, regional lockout is an issue of access. Because it is an issue of access, it also has profound implications for educators, archivists, and librarians. These may not just be film and media educators, but teachers and students of foreign languages as well. After all, in addition to diaspora groups and cinephiles, foreign language students are also hampered by region codes. So, regional lockout's consequences exist beyond the consumer realm. In the dissertation's conclusion, I emphasize these educational uses in order to show how regional lockout's consequences have impacted the keeping of global media heritage and the promotion of media literacy.

[133] Morley, *Home Territories*, 103.

Conclusion

Regional Lockout and Media Education: Vernacular Industry Analysis and Cosmopolitan Media Literacies

This dissertation has argued that regional restrictions on digital entertainment platforms have shaped digital media technologies' affordances and capabilities, the distribution routes that media take around the world, and the ways media reinforce cultural capital and cultural differences at broad, transnational scales. First, as a particular kind of digital rights management that controls how we can use certain technologies, regional lockout impacts the nuts and bolts of everyday media use. As with any technological affordance, this also affects how we as users understand our own agency in relation to technologies and the powerful institutions that have shaped those technologies. Second, beyond the level of personal interactions with media, regional lockout has a market function in how it controls the global distribution of media texts and technologies. Its particular manifestation of digital rights management has a very specific function—shaping the spatial (and according temporal) contours of what, where, when, and how media flow. Third, and extending off of these more practical or functional dimensions of regional lockout, the broader cultural consequence of regional lockout is the placement of different geographic territories (and the according people and cultures that live within and represent them) on a hierarchy of global media access. Key to understanding regional lockout is that it is a system of *cultural* distribution—that is, a mechanism that shapes how culture itself is distributed around the world.

As I have shown, central to this claim is the idea that media function as a kind of cultural resource that people use in many ways and for various reasons—to be entertained or comforted, to dissect and analyze, to negotiate their identities, or to learn something about the world and the people in it, among many others. One effect of this is that unequal distribution of these cultural

resources can correspond with inequalities of cultural capital between broadly scaled geographic territories such as nations or regions—a particular kind of cultural capital that I have called geocultural capital. But cultural capital is not just about the distribution of certain kinds of cultural resources; it also comes out of education about and through those resources. Although this dissertation has focused primarily on uses of digital platforms in the consumer entertainment realm, I conclude with some reflections on the implications of regional lockout for various strands of media education and literacy as well as the ethical commitments that align with such literacies within and beyond parameters of formal education.

Media Instruction and Regional Lockout

A 2001 *Washington Post* story about DVD region codes, cited through this dissertation, begins with the tale of a foreign-language student at Cornell who purchased a region-free DVD player in order to watch Russian films. Later, the article quotes an Atlanta-based electronics retailer who lists language students as one of the three major markets for region-free DVD players (the other two being "immigrants who want to watch movies from their home countries" and "foreign-film enthusiasts," two groups analyzed in detail in the previous chapter).[1] Such stories indicate that, though these two orientations to media are not mutually exclusive by any means, regional lockout has as much impact on media as a site of *education* as it does a site of *entertainment*. In particular, it both forecloses and represents opportunities for students and users to develop certain kinds of media literacies. Across academic disciplines and levels, scholars and practitioners have chimed in to write about the potential problems (whether analytical or practical) that DVD region codes have on their practice. Peter Ecke and Matthew Kayahara have

[1] James C. Luh, "Breaking Down DVD Borders." *Washington Post*. June 1, 2001, E01.

both pointed to some of the issues that DVD region codes raise for translation studies specifically, with Kayahara explaining that "regions which do not have sizable markets of a given language group will not have translations in that language released in that region." As a result, "it makes it rather difficult…for an audiovisual translation theorist in Canada to study, say, the Czech translation of *The End of the Affair*, since that subtitle track is available only on the region 2 DVD, and Canada is in region 1."[2]

However, the problem is an important one for film and media researchers and teachers—particularly those who adopt a transnational emphasis in their classrooms or in their research. As an extension of this, consider how regional lockout impacts the media libraries and archives that offer researchers, teachers, and students access to global media culture. As Jason Puckett summarizes from a librarian's perspective, DRM "creates intentional and artificial information usage barriers. In doing so, it compromises libraries' mission of providing free access to information."[3] And while DVD region codes have taken up the lion's share of discourse on the impacts of regional lockout on education, other regional controls can impact media education as well. We might envision, for instance, a professor in Mexico City teaching about the global distribution of telenovelas yet unable to access Hulu, the American video on demand platform that contains a library of programs from Univision. Importantly, regional lockout affects more than just the library of content available to educators. For educators teaching courses on new media, algorithmic culture, digital platforms, or the materiality of media, these platforms' interfaces may be off limits. While showing American students the impacts of regional lockout

[2] Matthew Kayahara, "The Digital Revolution: DVD Technology and the Possibilities for Audiovisual Translation Studies," *Journal of Specialised Translation* 3 (2005). http://www.jostrans.org/issue03/art_kayahara.php; See also Peter Ecke, "Coping With the DVD Dilemma: Region Codes and Copy Protection," *Teaching German* 38, no. 1 (2005): 89-93.

[3] Jason Puckett, "Digital Rights Management as Information Access Barrier," *Progressive Librarian* 34-35 (2010): 11.

firsthand is, in my own classroom experience, instructive in communicating the disconnections that still exist in our nominally connected world, media educators should have the choice to circumvent regional lockout systems in order to access media from across region-locked borders or illustrate the conditions and experiences of media consumption from other parts of the world.

The problem of regional lockout may require scholars to engage in legally murky and Terms of Service-violating circumvention practices in order to access media. In a piece of writing on geoblocking and the BBC iPlayer, media studies professor Christine Becker touches on the pain of geoblocking not just for fans but for educators. In doing so, she echoes a common retort of media users frustrated by regional lockout: "[A]s someone who researches and teaches British TV, I would happily pay the license fee if given the opportunity to do so."[4] If legal (or at least industrially "authorized") options are not available, we may have to make do through these alternative means; a mandate to make global culture available to students overrides the need to preserve media industries' distribution routes. As Lucas Hilderbrand argues, "The ethical imperative to preserve and provide access to media content at times runs counter to what the law permits and what technology allows."[5] Further, when confronting closed-off industrial/technical systems like region-locked platforms, we can be reflexive on these difficulties to students and get them to grapple with the private sector and state-based forces that shape media access. This would follow in line with Lee Edwards et al.'s proposal that media education curricula could do more to build a "'media policy literacy' – which would teach not simply what the policy is, but how the policymaking process functions, who has a say, and who benefits." This would move

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[4] Christine Becker, "Access is Elementary: Crossing Television's Distribution Borders." *Flow*, January 13, 2014. http://flowtv.org/2014/01/access-is-elementary-crossing-television%E2%80%99s-distribution-borders-christine-becker-university-of-notre-dame.

[5] Lucas Hilderbrand, *Inherent Vice: Bootleg Histories of Video and Copyright* (Durham, NC: Duke University Press, 2009), 5.

beyond the notion of media literacy as primarily textual and "produce active citizens able to challenge taken-for-granted aspects of media policy and policymaking."[6] Encouraging this kind of engaged citizenship in relation to media could help extend the notion of "media literacy" further into the realm of evaluating regulatory and industry practices.

Everyday Media Literacies and Vernacular Industry Analysis

Regional lockout has implications for media literacy beyond the realms of formal education institutions. As a system that shapes cultural access, it can impact the media competencies that people around the world develop through their everyday media experiences. The previous section touched on how regional lockout closed off possibilities for media education, but here I actually want to suggest ways that regional lockout can lead to user practices that advance certain media literacies. As with the "media policy literacy" described above, these exist beyond the level of how to read a text. For one, the need to circumvent or hack regional lockout offers possibilities for users to learn how a technology works. Investigating the ins and outs of particular forms of encryption or filtering, as well as drawing on creative ways to circumvent them, draws from a long tradition of hacking, tinkering, and collective intelligence. Additionally, regional lockout opens up a space for analyzing and learning about how the media industries—and their distribution practices in particular—work. If regional lockout offers a discursive arena where media users engage with the thorny terrain of media industry and regulatory practices, it therefore represents moments when media scholars can evaluate how media industry practice and discourse impact the lived experiences of everyday media life.

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[6] Lee Edwards et al., "'Isn't It Just a Way to Protect Walt Disney's Rights?': Media User Perspectives on Copyright," *New Media and Society*, published online November 15, 2013, 14.

Assessing the interactions that people have with media has long been a central concern of various strands of media studies. Much of this work has followed broadly from a perspective steeped in the concerns of cultural studies focusing on meeting points between text and audience. Drawing from Stuart Hall's well-known encoding/decoding model, this tradition suggests (through implication if not directly) that moments of text-audience interaction are when the industrial, cultural, and regulatory forces that shape a particular text become important to users.[7] Indeed, the orientation of this kind of scholarship as "audience" analysis has privileged this moment. But people use media and talk about it in a number of ways, and it's worth considering how the industries in and of themselves have cultural importance. Recent media analysis focusing on the cultural impact of the media industries directly (i.e., rather than filtered through the conduit of a text) has tended to emphasize issues of work and labor within and across industries—a subfield that, spurred by John Thornton Caldwell's book of the same title, has come to be known as a "production culture" approach. With the caveat that I am condensing an ever-broadening body of work to a sentence-long summary, much of this scholarship has shed important light on work conditions, worker identities and practices, and negotiated labor.[8] But it also tends to turn its focus in on how industry relations impact and produce certain kinds of work conditions and subjectivities within media industries and the networks of contracted, outsourced,

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7 On the encoding/decoding model, see Stuart Hall, "Encoding/Decoding" in *Culture, Media, Language: Working Papers in Cultural Studies, 1972-1979*, eds. Stuart Hall, Dorothy Hobson, Andrew Lowe, and Paul Willis (London: Hutchinson, 1980).

[8] See, for instance, John Thornton Caldwell, *Production Culture: Industrial Reflexivity and Critical Practice in Film and Television* (Durham, NC: Duke University Press, 2008); Vicki Mayer, *Below the Line: Producers and Production Studies in the New Television Economy* (Durham, NC: Duke University Press, 2011); Vicki Mayer, Miranda J. Banks and John Thornton Caldwell, eds., *Production Studies: Cultural Studies of Media Industries* (New York: Routledge, 2009).

and freelance labor that extend off of them.[9] Furthermore, it emphasizes various sectors of production at the expense of other industry practices like distribution and exhibition. In a short *Cinema Journal* piece arguing for the importance of media distribution studies, Alisa Perren implores scholars to "[attend] to the cultural." Even here, though, Perren's notion of the "cultural" in relation to media distribution studies revolves primarily around how "Caldwell's work in production studies might be translated more directly to the distribution sector of the media industries."[10] In other words, her concern still rests *within* the industries at the site of labor practices.

But we might ask how distribution, generally one of the least "visible" sectors of the media industries, is cultural in how audiences and users take it up and confront it. If we want to evaluate the cultural impacts of media distribution more broadly, we might ask after what happens when we think about how media-industry practices are taken up as topics of discussion and analysis by wider populations who have no professional connection to or obvious personal stake in the media industries. Moments when everyday media users discuss and analyze the practices of the media industries figure as a kind of *vernacular industry analysis*. User-driven discourse about regional lockout speaks not only to how the cultural industries' market segmentation practices have on-the-ground impact, but also to how users comprehend the specifics of distribution—which are processes that many might tend to think of as part of the industry and thus somewhat removed from everyday audience experience. User discussions of regional lockout amount to moments when the particulars of media distribution, and media

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[9] This is not to suggest that these are all Hollywood-centric; indeed, Vicki Mayer's important book *Below the Line* reveals how the contemporary television economy's labor networks include television set manufacturers in factories in Brazil check and soft-core adult video cameramen in New Orleans, among many others.

[10] Alisa Perren, "Rethinking Distribution for the Future of Media Industry Studies," *Cinema Journal* 52, no. 3 (2013): 169-170.

industry practices more broadly, become important to everyday users. This is one area where we might attend to "the cultural" in scholarship on media distribution—by tracing discourses about distribution as not just an industrial phenomenon, but as a topic that media users do or don't perceive, and how their perceptions of it, such as they exist, are inflected with issues of cultural difference.

For example, we can see users engaging in vernacular industry analysis through their message board and comment-section discussions about why particular media technologies are region-locked. Among other things, users talk about the relationship between dominant media industries and regulatory systems as well as the ins and outs of transnational licensing deals. Often, such moments express some form of knowledge, or at least curiosity, about why and how media are distributed in particular ways, the orientation of the tech and consumer electronics industries in relation to the cultural industries, practices of market segmentation and price-fixing, the role of certain texts, directors, genres, and studios in the global mediascape, and the placement of particular regions and nations on hierarchies of market segments and distribution. Even if such users are not always *right*, these moments indicate that the cordoned-off realm of dominant industry practice remains a source of user interest and bleeds into their everyday lives beyond the text-audience meeting point. The sharing of ideas and vernacular industry analysis is a form of collective intelligence and media discourse that everyday audiences and users circulate, and it points to an understudied dimension of everyday media experience.

Cosmopolitan Media Literacy

Still, if regional lockout helps users develop media literacies that attend to industry practices, it makes it more difficult to build a kind of cosmopolitan literacy that comes out of a sustained

engagement with the diversity of global media. In the previous chapter, I was critical of how cosmopolitan cinephilia can correspond with the commodifying impulses of a particular mode of masculine, Western collector cultures—media users who, in David Morley's words, "are celebrating not so much a politics of difference as indulging their own sense of the picturesque."[11] If we take Kwame Appiah's definition of cosmopolitanism, we can see why such a mode of engaging the world is not in and of itself cosmopolitan in all instances. As he suggests, there are "two strands" of cosmopolitanism:

> One is the idea that we have obligations that stretch beyond those to whom we are related by the ties of kith and kind, or even the more formal ties of a shared citizenship. The other is that we take seriously the value not just of human lives but of particular human lives, which means taking an interest in the practices and beliefs that lend them significance.[12]

Overall, this is a valuing of difference. As Ethan Zuckerman quips, "This two-part definition means that my taste for sushi and my fondness for Afropop are insufficient to make me a cosmopolitan."[13] In other words, practices of consumer culture that can be branded as somehow "global" but are not connected to the ethical obligations of shared citizenship and empathy do not follow in line with Appiah's and Zuckerman's characterizations of meaningful cosmopolitanism.

But if I have been critical of a more superficial, bourgeois mode of cosmopolitan consumerism, I want to end on a note of recuperation. In that vein, I follow Morley who argues

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[11] David Morley, *Home Territories: Media, Mobility, and Identity* (London: Routledge, 2000), 235.
[12] Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (New York: W.W. Norton, 2006), xv.
[13] Ethan Zuckerman, *Rewire: Digital Cosmopolitans in the Age of Connection* (New York: W.W. Norton, 2013), 24.

that along with such critiques, "it is important that we rescue what [literary scholar Rob] Wilson calls cosmopolitanism's 'aesthetic of openness towards otherness.'"[14] Region-free media can quite literally set conditions for such openness by enabling users to engage media culture from other parts of the world—hence its particular social value as a cultural resource. To be sure, one of the resources that media could ideally offer to us through its textuality or conditions of production is an encounter with cultural diversity. As Marie Gillespie puts it:

> [T]he very coexistence of culturally diverse media is a cultural resource. It engenders a developed consciousness of difference and a cosmopolitan stance. It encourages young people to compare, contrast, and criticize the cultural and social forms represented to them by their parents, by significant others present in their daily lives and by significant others onscreen.[15]

Now, it's true that, as Zuckerman has pointed out, the mere presence of media that enable meaningful cross-border connection does not necessarily result in such modes of connection.[16] But even still, they do at least *set conditions for the possibility* of what Charles Acland calls a cosmopolitan condition of "felt internationalism" within viewers.[17] Focusing in particular on theatrical film exhibition in Canada, Acland suggests, "Though constrained by economic forces, cinemagoing produces participation in cinematic cosmopolitanism, displaying degrees of immersion into international cultural life."[18] This form of immersion will vary in different contexts and through different media—in other words, internationalism will be "felt" differently

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[14] Morley, *Home Territories*, 23; See also Rob Wilson, "A New Cosmopolitanism Is in the Air: Some Dialectical Twists and Turns" in *Cosmopolitics: Thinking and Feeling Beyond the Nation*, eds. Pheng Cheah and Bruce Robbins (Minneapolis: University of Minnesota Press, 1998), 355.
[15] Marie Gillespie, *Television, Ethnicity, and Cultural Change* (London: Routledge, 1995), 206**.**
[16] Zuckerman, *Rewire*, 69.
[17] Charles Acland, *Screen Traffic: Movies, Multiplexes, and Global Culture* (Durham, NC: Duke University Press, 2003), 44.
[18] Ibid., 195.

in Canadian filmgoers, Venezuelan gamers, and Swedish Spotify listeners—but some form of cross-border experience can at least be possible.

This discussion will perhaps inspire the rejoinder that the presence of "foreign" media is not always an indicator of cosmopolitan possibilities, and instead it can represent the flattening of difference and the suppression of global voices. Indeed, users throughout the world often circumvent regional lockout for the purpose of accessing Hollywood films and American television. The history of global communication scholarship and analysis has been built on recognizing asymmetrical power and the possibilities of cultural imperialism. Without rehashing that entire body of work here, the standard argument is that the presence of American and otherwise dominant, Western media in the Global South suppresses local culture, disseminates Western, capitalist ideologies, and forecloses the development of local media.[19] While this is assuredly true on some level and in certain instances, there have been numerous responses over the years to the idea of cultural imperialism. In an extended analysis, John Tomlinson points to one problem that arises out of economics-based arguments: "Cultural 'effects' of media imperialism…are simply assumed and allowed to function in the discourse as a self-evident contaminant due to the sheer presence of alien cultural goods, or else they are inferred using fairly crude interpretative assumptions."[20] Appiah takes the argument even further, celebrating "contamination" rather than condemning it. As he puts it, "Cultural purity is an oxymoron," and

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[19] See, canonically, Herbert Schiller, *Mass Communications and American Empire* (New York: Augustus M. Kelley, 1969); Herbert Schiller, *Communication and Cultural Domination* (Armonk, NY: M.E. Sharpe, 1976); Ariel Dorfman and Armand Mattelart, *How to Read Donald Duck: Imperialist Ideology in the Disney Comic* (New York: International General, 1975); Edward Herman and Robert McChesney, *The Global Media: The Missionaries of Global Capitalism* (Washington, D.C.: Cassell, 1997).

[20] John Tomlinson, *Cultural Imperialism* (Baltimore, MD: Johns Hopkins University Press, 1991), 34.

virtually all cultures regularly come into contact with and are influenced by others.[21] As Jonathan Gray's research on media in Malawi illustrates, cultural influence is always more complex and multifaceted than the theory of cultural imperialism, with its vision of one dominant colonial power and one "victim" nation, suggests.[22] In certain instances, media from across borders can suppress local media, offer mediated entertainment and distribution infrastructures in territories with little to no substantial local media, or act as an opportunity for cosmopolitan engagement. But considering *how* media cross from and into particular places, and the cultural politics of these flows, requires analysis steeped in particular historical conjunctures. Regional lockout therefore offers a space to complicate all-encompassing arguments about cultural imperialism, showing that its impacts depend on which platform is locked out and in what context.

Ethics, Difference, and Regional Lockout in the Mediapolis

So, while keeping a critical eye on how powerful industries shape the media experiences that people have in different parts of the world, this dissertation ends by reinforcing a key premise: that media can still encourage substantial forms of cosmopolitanism marked by an appreciation of diversity, empathy with people from across borders and cultures, and shared global cultural citizenship. However, as I have argued in this conclusion and throughout the dissertation, media are often not produced or distributed in ways that enable this. That is, the possibilities for culturally diverse media are often defeated due to various industrial and regulatory impulses. Here, the conclusions of Roger Silverstone's book *Media and Morality* will help illustrate how a form of cultural regulation like regional lockout can result in this defeat. Silverstone draws on

[21] Appiah, *Cosmopolitanism*, 113.
[22] Jonathan Gray, "Scales of Cultural Influence," *Media, Culture and Society* 36, no. 7 (2014): 982-97.

the work of Hannah Arendt to develop the idea of the "mediapolis," or a public "space of media appearance" where "contemporary political life increasingly finds its place…and where the materiality of the world is constructed through (principally) electronically communicated public speech and action."[23] Crucially, he sees the mediapolis as a moral space "where judgments of inclusion and exclusion are made, a space in which speech and actions are represented, and a space which provides, however inadequately…a glimpse of the plurality of that world."[24] Ideally, the global public space of the media would present the world's inhabitants, cultures, and art forms to us in ways that enable an appreciation of this plurality. Usually, it fails at this.

If media function insufficiently as a space where the world appears to us in all its diversity, Silverstone wonders how this might be fixed. Central to his assessment of our responsibilities in relation to the mediapolis is a tension between media regulation and literacy. Put simply, Silverstone argues that if we want the media to function in ways that help produce particular orientations to the wider world, the best way of making this happen is through the development of media literacies that emphasize an ethical commitment to diversity and global citizenship rather than forms of regulation that follow commercial and market logics. While numerous institutions have turned to regulation as a way to ensure that our media operate in certain capacities, Silverstone argues that current regulatory regimes based in competitive market logics are insufficient to create the conditions under which the mediapolis can present and shape a more just, inclusive world. Instead, media regulation could become a "more ethically oriented

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[23] Roger Silverstone, *Media and Morality: On the Rise of the Mediapolis* (Cambridge: Polity, 2006), 31. Importantly, though he reflexively uses the singular noun "mediapolis" (rather than discussing multiple "mediapolises), a recognition of the fragmented, diverse, and often disconnected nature of the mediapolis is central to his definition. Therefore, the idea is useful even as this dissertation emphasizes the disjunctive nature of the global mediascape

[24] Ibid., 54.

and reflexive profession" that might develop the project of wide-scale media literacy.[25] Silverstone's understanding of media literacy, and its moral purchase, is worth quoting at length:

> [T]he core of such media literacy should be a moral agenda, always debated, never fixed, but permanently inscribed in public discourse and private practice, a moral discourse which recognizes our ultimate responsibility for the other person in a world of great conflict, tragedy, intolerance and indifference, and which critically engages with our media's incapacity (as well as its occasional capacity) to engage with the reality of that difference, responsibly and humanely.[26]

This is where the media literacies that regional lockout closes off become important. Because entrenched powers tend to see media commerce and regulation as spaces to control media flows in ways that serve corporate bottom lines or state-based regulatory systems rather than ways to encourage media diversity, regional lockout is anathema to a more ethically minded mode of media regulation.

Returning to the above-cited Hilderbrand quote, then, cosmopolitan engagement in the mediapolis might require ethical violations of industries' preferred practices or even the law. If, as Silverstone argues, we as viewers have a certain moral obligation in relation to the media's function as a space of global appearance, the conditions to fulfill these obligations may not always be possible due to existing regulatory regimes. On the topic of DVD regulation, one scholarly analysis of the ethical considerations of internet users posting the DeCSS decryption code (which circumvents the DVD's CSS encryption) argues that in assessing the ethics of this practice we should keep in mind the political motives and geographic location of such posters: "DeCSS posters from nations without anti-circumvention laws, or with laws that arguably permit

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[25] Ibid., 177.
[26] Ibid., 165.

non-commercial DeCSS posting, may consider themselves 'global citizens' resisting larger transnational institutions or legal trends rather than national-level laws and legal rulings."[27] Through an alignment between a kind of global citizenship that could in certain instances correspond with Appiah and Silverstone's ideal mode of cosmopolitanism and the practice of hacking and circumventing regional lockout systems, possibilities for technically unauthorized but ethically and politically progressive media practices become visible.

In short, this dissertation has attempted to push past popular and industry rhetoric that would take regional lockout as only an oppressive overreach of industrial power or an innocuous mechanism that simply protects media industries' distribution routes. Nuancing both of these views, I have shown how regional lockout over the last twenty years figures as a crucial space where users, industries, critics, and regulators alike are sussing out the relationships between media and global cultural difference. Evaluating how well the mediapolis lives up to its potential for spurring cosmopolitanism requires assessing how readily we have access to the vast diversity of global cultural production.

[27] Kristin R. Eschenfelder, Robert Glenn Howard, and Anuj C. Desai, "The Ethics of DeCSS Posting: Towards Assessing the Morality of the Internet Posting of DVD Copyright Circumvention Software," *Information Research* 11, no. 4 (2006). http://www.informationr.net/ir/11-4/paper273.html.

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