

**FILM DISTRIBUTION IN KENYA:
A CASE STUDY OF NAIROBI'S RIVER ROAD PIRACY MODEL.**

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7 NOVEMBER 2023

DECLARATION

This research project is my original work and it has not been presented for the award of any degree award in any other university.



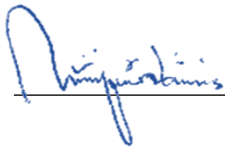
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This research project has been submitted for examination with my approval as the candidate's University Supervisor.



7 November 2023

DR. ADDAMMS MUTUTA

DATE

DEDICATION

I dedicate this research project to myself, my dearly treasured daughter Khloe Karl Phenike, and my beloved son Khorey Kahi Litali, my always remembered late dad (Mwalimu,) Mr. John Lundu Kahi, my beloved mother Mrs. Doris Kubwa Phenike, my affectionate sisters Bevaline, Petrova, Brigid, Gentreen and Nancy. My elder brothers Simon, Nicholas and Oscar. My nephews and nieces Kaylah, Liam, Orton, Braelyn, Briella, Harvey, Hansel, Gianna and Gianni. Your consistent prayers, patience, moral and material support since my diploma, undergraduate and this Post- Graduate Master degree will forever be in my heart. This is our success together. God bless you profusely.

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ABSTRACT

This study investigated film distribution in Kenya focusing on Nairobi's River Road film industry, also termed as Riverwood. Its objectives were: 1) To document the film piracy model in Nairobi's River Road, 2) To investigate the process of film piracy distribution in River Road, and finally 3) To examine the factors that influence film distribution in River Road. The study was conducted in Nairobi county; River Road. The research employed mixed research method whereby qualitative and quantitative research methods were applied as it interviewed key informants and administered questionnaires to respondents (informal films distributors and film regulatory agencies) respectively for primary data. Concurrently, secondary data was derived from desk and library research. The study adopted disruptive innovations theory to examine the evolution and trends in film consumption, exhibition, and distribution networks in Kenya. The findings of the study suggest prevalence of informal films distribution in the study area, and well-established distribution infrastructure. The recommendations and suggestions offered at the end of the study are beneficial to state regulatory bodies and stakeholders in the film industry.

ACRONYMS AND ABBREVIATIONS

BBC	British Broadcasting Corporation
CA	Communication Authority
GE	General Exhibition
GoK	Government of Kenya
ICDC	Industrial and Commercial Development Corporation
KFC	Kenya Film Commission
KFCB	Kenya Film Classification Board
KICA	Kenya Information and Communications Act
KMFAs	Kisima Music and Film Awards
MoICT	Ministry of Information Communication and Technology
MoSCA	Ministry of Sports, Culture and Arts
PG	Parental Guidance
SPSS	Statistical Package for the Social Sciences
TV	Television
VoK	Voice of Kenya

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CHAPTER ONE: INTRODUCTION

1.0 Overview

The study's context, problem statement, aims, research questions, justification, scope, and limits are discussed in this section.

1.1 Background of the Study

The colonial era is intricately intertwined with film exhibition and distribution evolution across Africa. Film "has often served as a vehicle for propaganda, a signifier of Western modernity, and a status symbol for whites in Africa, but rarely as a means of communication between black Africans" (Lobato, 2009, p.43). In 1942, colonial authorities in Kenya produced the first film, titled *War Came to Kenya*, which originated in the social, political, and economic processes of British colonialism from the mid-19th century. The colonial government screened "Mau Mau" (1954), a propaganda film, in the villages via mobile cinemas in the 1950s. This mobile film distribution and exhibition method caught on, and it has since been used to educate the public on issues like sanitation, health, and agriculture. A feasibility study on how to set up a film industry in Kenya carried out by Nyoike (1967) became the basis of establishing Kenya Film Corporation under the Industrial and Commercial Development Corporation (ICDC) shortly after independence. This government agency was supposed to help the Kenyan film industry run smoothly, but it could not take the reins from Kenya Film Stakeholders (2001). The Kenya Film Commission (KFC) is a government agency under the Ministry of Information, Communication, and Technology (MoICT) that was given the responsibility of promoting the Kenyan film industry on both a national and international scale through Legal Notice No. 10 of 2005.

At the moment, the commission's primary function is to serve as a repository and archive of Kenya's cinema records as well as to produce, manage, and disseminate film industry

research. The Kenya Film Commission (KFC) and the Kenya Film Classification Board (KFCB) have been given a constitutional mandate to oversee, regulate, and develop the film industry in Kenya by Legal Order No. 147 of 2015. The Kenyan film industry relies on several bodies for rules and regulations. This study set out to investigate the dissemination of movies in Kenya under these conditions. It focused on the pirate business in Nairobi's River Road as a feasible and scalable model of film distribution. The realization that the legitimate film distribution system in Kenya is still underdeveloped compared to the informal film distribution operations (mainly driven by piracy) in Nairobi's River Road prompted the initiative. Video recording devices, digital video discs, and the worldwide web have all contributed significantly to the explosion of unofficial film distribution and viewing in recent years.

Piracy of motion pictures predates copyright law, which developed in the 17th century. Cam ripping, the practice of recording movies shown in theaters using camcorders, was the first step. Typically released after a film's theatrical debut, cam rips feature subpar audio captured by the camera's built-in microphone. Film pirates, in search of higher audio quality, started synching cam rips with a second recording. These cam/tele syncs record sound from the theater's sound system or FM radio transmissions using professional microphones while the crowd is absent.

Another common practice was duplicating advance promotional film copies, usually reserved for critics and industry people professionals. In the digital age, audio-visual piracy targets, among others, subscription television and digital streaming. The quality of pirated products has also improved. Recent developments in film piracy have also been impacted by emergence of digital platforms such as Twitter, YouTube, Facebook, and Instagram.

Here, multimedia consumers receive recommendations through monitoring of behavioural metrics such as friends, likes, followers, retweets, and comments. These real-time recommendations in influence patterns of content consumption - including media products.

Further, new trends in media economy such as enabled by Netflix, Amazon, Hulu, ShowMax, and iTunes (among others) provide users with interactive consumption preferences, using algorithms to configure the production-distribution-consumption process Baye, (2015). Incidentally, these new digital audio-visual streaming options have facilitated further film piracy activities – particularly in acquisition and dissemination cycle.

According to Ndemo and Weiss (2016, p. 45), the advancements and developments in local telecommunications infrastructure are causing significant disruptions to traditional business practices. This transformative process is being led by innovative and enterprising young entrepreneurs in the startup sector. The authors moreover assert that there has been a proliferation of proficient developers and programmers at various innovation hubs, incubators, and accelerators throughout the nation. These individuals are focused on constructing information and telecommunications solutions that effectively use the diverse range of issues and chances present in the country. According to the Communication Authority of Kenya, the total count of active mobile phone internet users in Kenya stands at 42.2 million. The importance of this situation becomes apparent in the expansion of Safaricom, Telecom, Faiba, and Airtel mobile businesses into providing support for streaming audio-visual material on portable electronic devices.

Adopting advanced mobile telecommunication technologies such as 4G and 5G networks is also noteworthy, alongside the advancement of mobile phone device technologies. The proliferation of film consumption through mobile phone technologies creates a personalized distribution in Kenya, where the middle class and millennial populations are generally technologically competent, constantly using their phones for the ubiquitous consumption of diverse media.

Platforms targeting this viewer segment are already available, such as ViuSasa, which disseminates audio-visual content while allowing consumers to access the motion pictures of

their choice anytime and anywhere. Further, almost all television broadcasting houses are developing a mobile application to distribute their media through smartphone devices. It is within this media consumption ecosystem and digital and technological infrastructure that new trends in piracy emerge. In this context, we can contemplate the role of informal media distribution infrastructure as an alternative to legally registered cinema and theatre halls in film distribution and exhibition nationally.

In Kenya, Film piracy has been prevalent along River Road, one of the most entrepreneurial streets for diverse informal businesses, products, and services. With products from across the globe responsive to local demand for cheap and readily available films, pirates make copies from original releases or internet downloads for circulation at lower costs and discounts to their well-established audiences. This is a paradoxical coincidence at a time when the Government of Kenya, through the Ministry of Tourism and Information, initiated the process of developing a National Film Policy Draft to brainstorm on the challenges and opportunities facing Kenya's film industry. Some of the difficulties identified included poor coordination, facilitation, promotion, and development of the film industry and the country's activities.

Key appraisal of the situation revealed the lack of a clear policy for film production, marketing, exhibition and distribution as a major impediment to the growth of the industry National Film Policy, (2020). This finding, particularly in the areas of film exhibition and distribution, has motivated this research. Researching the piracy film processes as a workable model for mainstream film industry is the specific goal of this study.

1.2 Problem Statement

Film and television are vital audio-visual mediums for education, entertainment, social mobilization and economic empowerment. Accordingly, transmission of appropriate and relevant content becomes an important goal W. Maloba, (2002). However, the formal film distribution market, films experience grievance on dissemination and consumption. This is evident by low numbers of formally registered operational film cinemas and distributors not only in Kenya, but also across the African continent. This situation is paradoxical as informal film distribution market, in the form of film piracy, is thriving in provision of alternative film distribution infrastructure. Formal market refers to those individuals and enterprises which are legally legislated, tax compliant, and meet all requirements and government laws. Conversely, informal markets are those businesses operating outside legal standards for operation, are not tax compliant, and often infringe copyright and intellectual property legislation.

With increased difficulties in regulating piracy due to technological advancement in the media sector and prevalence of non-conventional audio and visual content distribution globally, the solution of protecting copyright and intellectual property rights of audio-visual content is both urgent and overdue. This study investigated the possibility for co-opting piracy audio visual distribution model to the benefit of mainstream film industry; aiming to offer film piracy distribution model as a possible solution to film industry infrastructure in Kenya.

1.3 Research Objectives

1. To document the film piracy model of Nairobi's River Road.
2. To investigate the process of pirated film distribution in River Road.
3. To examine factors that influence distribution of pirated films in River Road.

1.4 Research Questions

1. How does film piracy work in Nairobi's River Road?
2. How are pirated films distributed in Nairobi's River Road?
3. What factors influence pirated film distribution in Nairobi's River Road?

1.5 Justification of the Study

By discussing pirated film distribution model and proposing it as an intervention that may benefit film professionals, this study joins existing conversations on the subject of piracy; and also proffers it as a scalable solution for Kenya's film industry.

1.6 Scope of the Study

This is a research on informal models of film distribution in Kenya, sampling local producers and entrepreneurs in the film industry. Data was collected from participants working in local film regulatory bodies, film distributors, and film consumers.

1.7 Limitations of the Study

The following factors may have had an effect on the study:

1. Availability of respondents.
2. Confidentiality issues may have impacted access to certain data.
3. This study was conducted during the COVID-19 pandemic which hindered extensive industry sampling due to restrictions of movement.

CHAPTER TWO: LITERATURE REVIEW

2.0 Introduction

This chapter covers the relevant literature on the conventional film distribution models, a global overview of film piracy with an in-depth focus on Nairobi's River Road and lastly River Road pirated film enterprise as a distribution model in Kenya.

2.1 Piracy as a Film Distribution Model

Concerns about competing with illicit versions of their work that are made available through unofficial information technologies have been raised by members of the creative industry community for a considerable amount of time. Their contention is that customers would rather have free or inexpensive copies of the information they provide, which is supported by the following quote from Smith and Telang (2009): "We can't compete with free; that's an economic paradigm that doesn't work." This is a clear sign that the majority of consumers prefer "free" or cheaper solutions, and this is something that is true not only in regard to the film business but also in regard to other products and services. According to Lamb and McDaniel (2009), the average consumer in today's culture, which is driven by marketing, is subjected to as many as 150 advertising messages on a daily basis yet only notices between 11 and 20 of them. Because of this, the marketing efforts of organizations need to be able to cut through the noise in order to increase client awareness of the product and service offers. Ironically, huge advertising expenditures make it essential for corporations to make even larger advertising expenditures in order to break through the "clutter" that the companies themselves have contributed to produce.

This conclusion applies to the film business as well because studios in the highly competitive motion picture industry spend enormous amounts of money on advertising in an effort to attract the attention of the general public as well as their specific audience (Sherman,

2014). Film advertising, campaigns, and film premiere events provide consumers with the ability to learn that a new film has been released, and they also provide audiences with the opportunity to meet with their favorite actors and cast members from films, which increases the audience's likelihood of watching films.

Trailers (advertisements that normally range between two and three minutes and typically incorporate movie footage) and teasers (short trailers that last no more than ninety seconds) are typically displayed in theaters as early as one year prior to the release date of a movie (Rentfrow, Goldberg, and Zilca, 2011). The typical advertising campaign for a film begins with trailers. Filmgoers and other audiences are targeted via trailers and teasers with the goals of piqueing their interest in upcoming movies, gaining information about such movies, and forming positive first impressions of the films. According to Sherman (2014), the majority of promotional efforts for movies start to get traction approximately two to six weeks before the opening date, and the majority of a movie's advertising expenditure is spent in the five days previous to its release. Even though DVD duplication, the former channel of film piracy, is still operational and implemented in remote and rural places of the globe, piracy has become the primary medium of film distribution network globally due to the availability and accessibility of internet services. This is the case even though DVD duplication, the former channel of film piracy.

In Kenya, Nairobi's River Road serves as the one of the main thoroughfares into the Kenyan capital used by commuters on a daily basis. Footpaths on both sides are crowded with stalls in a confusion of doorways and alleyways, marketing latest film titles together with nearly all vague products and services that can be purchased. River Road is the nerve centre of DVD mass circulation to other parts of the country. Christopher Vourlias (2011) states:

The Simba Centre in Nairobi, Kenya, may look like any other shopping mall in Kenya's capital city, with its signs for Internet cafés, hair salons, and payday

loan businesses. However, inside is where the action happens for the local film industry, which cranks out over a hundred movies annually. Kenyans' attempt to give filmmaking a local face is known as "Riverwood," named after the hectic section of Nairobi's River Road where it all began.

This can be comprehended through the lenses of Silvester Kisila (2020, p. 97), who postulates that "Since the nineteen-fifties, River Road has earned the bland of a sizzling, underworld of crime, prostitution, dingy bars and bustling nightlife."

Here, River Road's reputation as a major hub of Kenya's bootleg economy and an integral cog in the distribution of illegal activities in Nairobi city is promoted. The term "River Road" refers to and identifies the epicenter of all things nebulous, both in terms of goods and services, and as the cheapest solution to a wide range of commercial problems and services, regardless of their authenticity or legality. Most business owners and employees flocked to River Road due to the area's lack of available jobs and the area's attractiveness as a reliable solution. Producers and exhibitors were no exception to this rule. For example, according to Edwin Nyutho (2015, p. 177), "most of the early operatives in River Road started the business after failing to secure formal employment and started hawking music audio CDs dubbed for mass distribution on River Road." This demonstrates a preference for dishonest means of generating income in normal circumstances.

The cheaply rigged infrastructure supporting these enterprises is also noteworthy. In the bustling corridors and passages, one finds cheap digital editing facilities that double up as the pirating hub. These began with the duplication of audio cassettes, followed by VHS tapes, CDs, and finally DVDs and Blu-ray discs. Here, you can find cheap copies of movies from all over the world; with Asian pirates and distributors joining in the fray. Currently, distribution of pirated films is conducted through the duplication and transfer of films to smart phones,

external hard drives, and flash disks. These include all forms of audio and visual content from international blockbusters to local films.

Some of the informal film distributors even go ahead and impose titles and translate the audio content for the illiterate audience or films produced in different languages. In Kenya, this version of film distribution is commonly known as “*DJ Afro movies*” which target illiterate audiences and urban cultures, using local dialect or popular street lingua to enable the audience to comprehend the film in different vernaculars.

The rising popularity of worldwide films is a significant factor in these shifts. According to the author Rachel Diang'a (2017, p. 56), "the rise of Riverwood in the early 2000s was partly necessitated by the fissure that had been created between the professional filmmakers and the audience, who were now left with no option but to consume the pirated foreign productions mainly from Hollywood, India, Nigeria, and sometimes Ghana." The local film industry made matters worse by using subpar methods of distribution and showing. "The routes through which videos travel to meet their audiences are labyrinthine and informal, but they are also organized and efficient," argues Ramon Lobato (2009, p. 144). This is partly due to the fact that these networks grew out of circuits previously used to distribute pirated versions of Hollywood and Bollywood films."

This discovery is consistent with the River Road model, in which the vast majority of legitimate film distributors avoid using conventional channels (such as movie theaters and movie tickets) and modern digital distribution methods (such as Netflix, Showmax, Hulu, YouTube, HBO, ViuSasa, and so on). They also scarcely promote their items on social media channels such as Twitter, Instagram, Facebook, and blogs. In addition, "in the present streaming digital world, Marketing and advertising can also help overcome poor product

positioning and other companies' first mover advantages," as stated by Urban Glen, Theresa Carter, Steven Gaskin, and Zofia Mucha (2012, p. 657).”

This is also realised by public figures or social media influencers who promote and market films to their audiences. Despite these shifts, film piracy continues to proliferate. This can be understood historically, where film distribution especially in Africa was deemed an undemocratic industry with several entry barriers, and also unstructured hence vulnerable to informal distribution channels and networks.

Thus, as digital platforms continue to revolutionise the dissemination and consumption of films across the globe, a popular example being the 2005 digital sharing of Chris Parnell and Andy Samberg’s “*Lazy Sunday*” (2005) which attracted massive viewership (Winograd and Hais 2008, p. 153), the risk of piracy remains unmitigated.

The company Viusasa "has turned the distribution process of movie screenings with a capacity to send regional capture in all regions of the country alongside creating a unique opportunity for audiences to experience indigenous materials by native languages via their mobile device's application" (Diang'a (2018), p. 57). Even though the more accessible digital infrastructure brought forth by these technological advancements is intended to discourage piracy, the widespread distribution of pirated movies—often on disks—has not stopped. The majority of moviegoers are aiding the film pirate industry rather than being among the privileged few who support conventional theaters and cinemas. The pirate paradigm can no longer be ignored when discussing feasible platforms for Kenyan and international film distribution.

2.2 Conventional film distribution models

Modern society relies heavily on audiovisual communication methods like movies. Films give viewers a visual, experimental viewpoint on life's events, which is missing from more popular and traditional media like TV and radio. The distribution of films is the backbone of the cinema industry; it is the middleman between filmmakers and moviegoers, controlling what we see and when we see it. According to Lobato (2009, p. 171), the history of cinema in Africa is inseparable with the history of colonialism, and the history of film exhibition and distribution in Kenya stretches back to this time. There have been few instances of black Africans using film as a form of communication; instead, it has served as a vehicle for propaganda, a symbol of Western modernity, and a status symbol for whites in Africa.

This is evidence, among other things, that the dissemination of films is a byproduct of colonialism. Since then, Africans have shifted its use from propaganda to edutainment, a term encompassing both entertainment and education. While Africans watched the propaganda films on massive village projector screens, British colonizers built movie theaters in city centers so that white audiences could see pictures made in Britain. As a result, after independence was achieved, aristocratic locals living in metropolitan areas began frequenting movie theaters, leading to a boom in cinematic attendance. During this time, "urban families would go out and watch the latest release foreign movies," according to a research by the Kenya Film Commission (2013). However, during this time, "few or no local productions" were exhibited in theaters.

Because of racism, Africans were used as slave labor to improve the experience, safety, and convenience of white male colonizers watching movies in theaters. Since there were no movies made in Kenya showing at the theaters, Hollywood productions began flooding the Kenyan market through underground routes. Since foreign films were easily accessible and in high demand, especially among the aristocrats who resided in lavish estates

and could afford to see them, this benefited cinema exhibitors and distributors. According to Emmanuel Sama (1993, p. 54), this is a symptom of the conundrum of "African films being foreigners in their own countries." This resulted in a weak showing of Kenyan films in cinemas after the country gained independence. This resulted in the proliferation of low-budget films and DIY production teams whose members lacked the necessary training and experience.

This eventually grew as educational institutions began cinema courses largely financed by the white men before touching base to function and completely operate autonomously. Kenya Broadcasting Corporation (KBC), originally known as Voice of Kenya (VOK), displayed Mlevi and Tausi programs, two examples of locally produced goods that benefited greatly from television broadcast's increased prominence in Kenya's post-independence era. In a later time period, Samantha Mea Simon (2017, p. 36) made the following observation: "The invention of Video Home System (VHS) by Victor Company of Japan in 1976 utterly revolutionized the film industry by giving the audience control they had never before had, whether in a movie theater or during a live broadcast on television, including the ability to rewind, pause, and fast-forward."

Indeed, this is an experience that the spectators did not have previously. This caused a sea change in the global film distribution and viewing culture by shifting the business towards video home distribution. Because it allowed viewers to pause, stop, rewind, and fast-forward, VHS had a major impact on the dissemination of films around the world. Since then, video rental stores have proliferated, providing an additional channel for movie distribution. As a result of the price drop, fewer people went to the movies.

Technology improvements to VHS tapes eventually gave rise to Digital Video Disc (DVD), which has revolutionized the way movies are seen and distributed. Its appearance changed the film distribution industry forever. DVDs are a digital alternative to analog storage

media like VHS and VCR tapes, providing a more permanent, compact, lightweight, and compressed medium for information storage. This feature facilitates its rapid dissemination, threatening the market share of VCR tapes.

Ian Huffer, (2017 p. 162) affirms that "unlike other innovations that struggle to diffuse in the market, the rapid adoption and diffusion of DVD earned its reputation as the fastest-growing media for distributing motion pictures around the world."

DVD, which was first debuted in 1997 but has already become the most influential and inventive platform for moving images, was another topic he covered (p. 161). Because it allowed people to watch movies on their own time and in the privacy of their own homes on their own devices like laptops and desktops, DVD technology quickly became a standard in Kenya and around the world. The introduction of the DVD technology dramatically boosted film piracy globally since one would easily purchase and duplicate to multiple other DVDs for commercial film distribution and consumption purposes.

DVD sparked the development of Kenya's Home Video distribution sector by providing a platform for direct-to-video release distribution. The local film distribution system was convoluted and ad hoc, but highly effective. Blu-ray DVDs were the dominant distribution technique in the rental home video industry since consumers just needed to buy one disc and make copies for distribution. Riverwood, the hub of DVD mass manufacturing and distribution in Kenya via rental stores, was born as a result of the widespread adoption of DVDs, which revolutionized the film-viewing culture in Kenya. The methods of distributing movies also grew more sophisticated as technology did. Digital models for streaming and distributing films have been adopted by the film industry alongside the rise of internet services. This method of film distribution has increasingly surpassed the older ones, such as video rental stores, movie theaters, television broadcasts, and commercially produced DVDs. In recent years, new digital distribution platforms have evolved in the film industry, including

YouTube, Hulu, Netflix, showmax, Hulu, and (ViuSasa in Kenya). Similarly, Sarah Whitten (2019) notes a shift in the DVD film distribution medium in the early 2000s:

DVD sales have dropped by more than 86% worldwide since 2008, and the advent of streaming services like Netflix's, YouTube's, and Hulu's, combined with a sea change in how people watch movies and TV, may spell the end for the format.

Consumers are less likely to buy movies from traditional distributors like video rental stores because digital technologies provide a vast library of films that cater to their individual tastes and inclinations.

The significant reduction of DVD sales internationally is an indication of the ramifications of digital breakthroughs in the delivery of motion films. Simultaneously, as fewer people utilized DVDs as a means of film distribution, film piracy fell. The growth of file-sharing websites and streaming services has been a major threat to the movie rental industry in recent years. That the "movie shop business in Kenya is in terminal decline; the once healthy market has spiraled steeply south," as stated by Everline Musambi (2019), is accurate. He explains that the proliferation of streaming video services over the past few years has led to the dramatic decline of movie theaters in many areas of Nairobi. The movie rental store relied on customers downloading the newest releases. Thus, what the movie shop proprietors required was the fast internet.

Thanks to the installation of fiber cable by telecom companies like Safaricom, Jamii Telecom, and Zuku, the majority of urban estates in the nation now have access to fast, dependable, and widely available internet. Netflix has also made its way to the nation. Moviegoers may enjoy the newest films without ever stepping foot in a video store as long as they have an internet connection. The emergence of new services enabled by the growth of online video distribution has completely changed the landscape of film distribution in Kenya. Zhu Kevin (2001, p. 273) contends "Digital film delivery may displace physical

films, video, and DVDs, thus threatening the long-term survival of video rental stores and other middle layers in the value chain." These customers represent a danger to the distributors of video stores and may eventually force them out of business because they may now purchase films straight from the studios. The majority of customers now prefer to watch movies online without a license because they can readily utilize the bandwidth that comes with their internet connection. Since thousands of unlicensed video websites and numerous peer-to-peer file-sharing networks make copyrighted works freely available to internet users, the digital distribution of films has also increased and intensified online piracy of audio-visual content (Roberts and Priest, 2006). In a 2009 EntGroup5 survey, more than 98% of internet users reported having watched a movie online. The majority of these resources are hosted on pirate websites, which provide links to download or stream movies as soon as they obtain unauthorized access to them.

2.3 Factors influencing Film Piracy and Distribution

Over the past ten years, "quality first" has become a credo in many areas, although scholars have questioned the term's applicability to popular culture in general and film in particular. In order to predict the effectiveness of film qualities in relation to audience demographics, Michael Chambers (2013) used multiple linear regression to evaluate the spatial relationship between film attributes and demographic factors related to gender and age. In the

context of copyright infringement, however, the terms "piracy" and "theft" might not be interchangeable because the producer, author, or publisher does not lose the original hard copy.

Some have argued that piracy cannot be regarded as theft because stolen copies are exact replicas of the original. The United States Supreme Court interpreted the United States National Stolen Property Act, 18 USC 2314 (1993), to hold that copies protected by copyright are not stolen property for purposes of law.

One of the most pervasive reasons of copyright infringement, and certainly the most difficult one to overcome, is widespread misunderstandings about the nature of film piracy. While it is possible to decrease prices, expand availability, and police laws more strictly, educating the public about the negative effects of piracy will take a long time. Furthermore, today's youth have always known a world where the internet and downloading are fundamental to daily life. Convincing generations that came of age before computers that piracy is immoral would be more successful than trying to persuade those born in the late 20th century. The files you download from the Internet are just pieces of data sitting on your hard drive. Since online anonymity is common, there is no remorse for stealing someone else's work.

Most people who see movies in theaters only do it once or a handful of times. Similarly, a film customer may not want to subscribe to a different distribution network only to see a single film or TV show that is unique to a different distribution network plan. Since most people only watch a movie once, this thinking greatly benefits film piracy. Finnish weekly movie attendance was studied by Seppo Suominen in 2011. The primary goal of this study was to examine the correlation between critical reception and subsequent moviegoing behavior. The reviews, buzz, cost, screens, and length of time since release were studied as potential explanations. The study indicated word of mouth, ticket price, number of screens and the time factor were all significant variables in explaining movie admissions.

The fact that most services only accept credit card payments also makes the distribution mechanism inconvenient for the target demographic. Majority of the population are distrustful as most of the individuals dread getting swindled.

One of the main causes of film piracy is the delay or lack of access to the content in a certain location or language. Onuzulike Uchenna (2008) claims that the topic of culture was discussed more frequently by Nigerians living in countries other than Nigeria. "they teach us about the event of our communities," "natural setting," "colorful," "educational and show Nigerian culture," and "learn about our tradition" are only some of the comments made by the attendees. Humor (including the words "hilarious" and "comedy") was the second common thread in the South African data set (p.166). Lessons and ethics came in at number three, with suggestions like "help correct mistakes," "how to be a nice father," and "teach morals and exposing bad events." The fourth common thread was high standards (such as the presence of "great movies") in the source material.

According to the results, the participants' second biggest complaint about Nigerian films is that they are so boring and predictable. When denied access, these audiences suffer culturally, leading them to resort to illegitimate means such as downloading movies from torrent sites. Copyright law and its infringement may be foreign concepts to an audience or individual in a region lacking in technology and education. When they access the piracy sites, they do so on the false assumption that the content is in the public domain. Several of the myths and prejudices that have been propagated by the media, especially the news, are addressed by Amy Harth (2012) in her study of the portrayal of Africa. Some of them include a myth of lack of progress. This misconception encourages the view that Africans are cut off from global processes, leading to the widespread belief that they are "a backward people (p. 15)" There is a very prevalent idea promoted by mainly cinema of Africa being "primitive/exotic. However, the flow attitude is used by some people and groups. They are aware that film piracy is harmful

and unlawful, but they rationalize their behavior by saying that the downloadable content is in the public domain and, therefore, necessary.

Kenyan film Industry has always been grounded on the Home Video dissemination strategy. This is based on the popularity of home video distribution (DVD), home viewing (TV), and limited theatrical release (cinemas). However, in recent years there is a major movement towards the distribution of films on the internet (Video on Demand). This has had a tremendous impact on the structure of the national home video market. DVDs are being phased out as a distribution format in favor of VOD services. It has also cut out the middlemen in the movie distribution industry by letting people watch films without the use of video rental stores, theaters, or television stations. "With Video on Demand," (Zhu, 2001, p. 275) says, "the selection is almost infinite and geographic proximity is inconsequential." Customers may buy the newest blockbuster without making a special trip to the theater or video store.

In addition, there are substantial structural changes occurring in the Kenyan cinema distribution environment as new forms of distribution function otherwise than their more conventional predecessors. As a result of the seismic shift in consumer behavior and expectations, the film distribution business model is being revised as a result of digitization of distribution, which is changing release schedules. While the internet has allowed for more people to watch more feature films than ever before, it has also led to the fragmentation of these audiences over different platforms, as Screen Australia pointed out in a recent piece. Not only are Hollywood studios feeling the effects of these shifts, but so are distributors, sales agents, exhibitors, home video shops, and even small independent creators. The new, more disjointed distribution structure affects everyone in the industry, but it is especially difficult for independent films and the people involved in making and selling them around the world.

The Kenyan film industry frequently considers the aforementioned adage, particularly when it comes to movie distribution. An increasing number of Americans are using streaming services like Netflix, which are tailored to their individual watching preferences, instead of their neighborhood video rental shops. Simultaneously with the shift in the nation's cultural standards around film viewing, digital platforms have become more popular due to the personalized services offered by online video distribution platforms through algorithms. Instead of having to go to movie theaters or rental outlets to see new releases, customers would rather have movies delivered to their homes. The nation's channels and procedures for distributing films have been significantly impacted by this. The spread of digital advancements and technology has led to a rise in informal film transmission worldwide. The extensive and popular use of online video distribution platforms like YouTube, Netflix, Showmax, ViuSasa, and Vimeo to access movies is a defining feature of the shift from video stores to online platforms.

2.4 Theoretical Framework

This study is grounded on the Theory of Disruptive Innovations.

2.4.1 Theory of Disruptive Innovations

Clayton Christensen (1997 p.11) proposed the concept of disruptive innovations to describe how new technologies with lower cost and performance by traditional standards but

with higher auxiliary performance enter the market and challenge established norms. Disruptive innovations challenge established markets by providing new features and improved performance at lower costs than competing products (Adner., Ron 2002). Furthermore, as confirmed by Govindarajan, Vijay, and Praveen K. Kopalle (2006), these features initially make disruptive advances unappealing to mainstream clients.

In contrast, customers in the periphery see the value and benefit of the innovations and rush to adopt them (Christensen & Raynor, 2003). Therefore, at the outset, disruptive technologies only appeal to niche markets that can't purchase conventional technologies. However, as time passes, disruptive technologies improve to the point where they can compete with established ones, and their developing market niches grow. Over time, these innovations threaten to displace well-established items from their current markets (Charitou and Markides, 2003).

According to Christensen (2015), disruptive innovations are most effective when they expand existing markets and include novel features rather than when they attempt to displace established industries and methods. Audiovisual content streaming services like Netflix, Showmax, Hulu, Youtube, TV set decoders like DSTV, Go-TV, Star Times, and Audio-Visual applications like ViuSasa have proliferated in recent years, illustrating the theory of disruptive innovations at work in this research. The technological miracle that sparked the Riverwood film business is described by Christensen's (2015) construct. Only a select group of Western film studios shooting in the nation used celluloid's analogue format. This format was far too costly for the average indigenous filmmaker, let alone the government. To sum up, the Western world dominated every step of the filmmaking process.

All production necessities—including processing apparatus, chemicals, cameras, and film—had to be imported at exorbitant costs from the United States or Europe. According to

Munyi (2017), the Kenya Institute of Mass Communication (KIMC), the government film processor, and the former Voice of Kenya (VOK), were capable of processing semi-professional film stocks in both 16mm and super 16mm formats.

Only Egypt, South Africa, and the Western world provided film processing laboratory services for the 35mm film format. As a result of the prohibitively expensive film stock, cameras, and postproduction costs overseas, not even the government dared to consider utilizing this format for production purposes.

The identical situation persisted in the realm of television and video formats, where professional video and television production formats such as the analogue U-matic (originally invented by Sony in 1969) and the Betacam (again invented by Sony in 1982) were prohibitively expensive for African broadcasters, not to mention impoverished amateur video producers on the periphery. Riverwood is the product of the entrepreneurial spirit of the indigenous music industry, the availability of inexpensive production technologies, and the aspiration of content creators to broaden their viewership. Critics acclaimed Kibaara Kaugi's *Enough is Enough*, which was released in 2005, introduced Riverwood to an international audience. Following this, Mburu Kimani published *Dawa ya Deni* (2005), *The Race* (2007), and *Pieces for Peace* (2008). The Kenya Film Classification Board estimates that Riverwood considerably contributed to the local film industry's anticipated seven billion Kenyan shillings in revenue in 2016.

CHAPTER THREE: METHODOLOGY

3.0 Introduction

This section discusses the procedures that were used to conduct the research. The research design, the study site, the study design, the population, and the sampling procedures are all analyzed in this section. This chapter also covered the topics of data gathering methods, data processing techniques, and data presentation formats.

3.1 Research Design

Yin Robert, K. (2003 p. 33) describes research design as a generic layout utilized to answer research questions. Descriptive research was used as the framework for this study's data collection, measurement, and analysis. Descriptive research design is an approach that seeks to identify and define variables that exist in a given situation and to describe the relationship between these variables in order to provide a true view of a particular phenomenon (Blumberg, Boris, Donald Cooper, and Pamela Schindler, 2014). Characteristics of the study population are described in descriptive studies. Accuracy measurement is the primary motivation for using descriptive design strategies. Examining the "what," "where," and "how" of a phenomenon is the focus of a descriptive research. This study benefited from the research strategy used since it allowed for the collection of more complete, relevant, accurate, and detailed information. Additionally, it ensured the efficient collecting and analysis of qualitative data via interviews with industry insiders. Mixed research methods were also used in this investigation. In each stage, we collected data, analyzed it, integrated it quantitatively (by a survey directed at film distributors and exhibitors in the country) and qualitatively (via key informant interviews with film regulatory officials). Quantitative data, such as the actual number of cinemas existing in the country, were gleaned from the survey questionnaires, while qualitative data, such as the needs and process for film distribution and exhibition in the country, were gleaned via key

informant interviews. This method enables the researcher to see the big picture and learn what forces are at play in Kenya's film distribution systems.

3.2 Study Site and Time Frame

Nairobi County was chosen for the research because it is home to the nation's capital and serves as Kenya's primary hub for film distribution (KFC, 2013). In addition, almost all movie theaters and distributors are clustered in Nairobi County, with only a handful of locations in other large cities. The County is home to a wide range of people from all walks of life and all corners of the globe, making it a true microcosm of the world.

3.3 Study Population

3.3.1 Target Population

According to Cooper and Schindler (2011), the term "population" refers to the entire collection of pieces with comparable properties used to draw conclusions. The term "population" refers to the sum total of all the people or things that share a researcher's criteria for study.

A study's population consists of all of the subjects, events, or objects that the study aims to examine. According to KFCB, (2022), Directory of Accredited Local Film Agents in Kenya, the population of registered film agents nationally was 214. The sampling approach used here aided in obtaining adequate data for analysis. Ideally, a research sample would reflect the diversity present in the entire population. In fact, sampling helps keep expenses down and ensures reliable results (Harper, 2001).

3.3.2 Sampling Procedure

Recruitment is a method of selecting individuals to act as a proxy for a larger group or target population (Yin, 2003). This is a manageable way to minimize study duration, save money, and accurately represent the population being studied. The process of sampling entails

selecting members of a population to study. Sampling methodology is the procedure used to choose a study sample from a larger population. It's a strategy for conducting studies in which a sample of people is chosen to be representative of a larger population. To ensure that the study sample is representative of the broader population and to reduce the possibility of bias, a stratified sampling method was used.

The method is simple, very effective, and well suited to this study because it divides the total number of respondents into strata, which are groups drawn from the general population. According to Mugenda Olive and Mugenda (2003) when the study population is fewer than 10,000 a sample size between 10% and 30% is acceptable representation of the target population and consequently 10% is effective for analysis. This indicates that out of a total of 214 film agents who registered, 64.2 agents (30%) actually took part.

3.3.3 Sampling Frame

A sampling frame is a collection of characteristics of the population being studied that are used to select a representative sample. Authors, Sharp and Howard, (2006). It's a miniature version of the whole population from which the sample was taken. Of the 214 film agents registered in Nairobi County, 64 were randomly selected to participate in the study's sample.

Kenya Film Classification Board (KFCB) directory records from the year 2022 were mined for their sample frame of film distributors and exhibitors. This assured that the sampling frame used in the study is up-to-date, comprehensive, and relevant to the goals of the research. Concurrently, a list of KFCB, KFC, and CA designations served as a framework for the selection of key informants based on their expertise in specific domains.

3.4 Data Collection

A survey research approach was used to gather quantitative data, and questionnaires were distributed to 64 film agents, including exhibitors (in conventional theaters) and distributors (in video stores). These theaters and distribution companies were picked for their convenience and accessibility to the public. The surveys were conducted using a platform application called Survey CTO. To verify that all responses were accounted for, we hired two research assistants. The second major contribution of this research is the use of structured interview data collection techniques to gather qualitative information from important regulatory departments of the government in Kenya regarding censorship issues in cinema distribution and exhibition.

Concurrently, the researcher used a desk research approach to collect data, focusing particularly on a study of relevant literature. The study collected data from primary and secondary sources. The Kenyan film industry, including distributors and exhibitors, provided the bulk of the data. It was decided to use questionnaires specifically designed to answer the study's questions. It was proposed to conduct structured interviews with industry insiders at government film offices to get qualitative data. Primary data is preferable since it is trustworthy because it is gathered especially for the research (Harper, 2001).

Information was gathered from secondary sources such as KFCB files, KFC resource manuscripts, the National Film Draft, the Kenya Association of Film and Content Producers, and the work of other researchers in the subject.

3.4.1 Instrument for Data Collection

Instruments are typically written and may be handed to the subject to collect data directly or may provide an exact description of the collection of specific categories of data; either way, they serve to specify and objectify the gathering process. A researcher needs to create data collection tools. Primary data was used to answer research questions and

accomplish the project's research aims. Multiple methods and tools were used to collect information for this investigation. Questionnaires and in-person interviews are two such methods. A questionnaire was used to collect primary data since it was practical and time-saving given the available resources and deadline.

In order to obtain information from the busy film distributors in Nairobi County, a questionnaire was used. The composition of the instrument was determined by the study's research aims. For the purposes of collecting data from respondents, a questionnaire is a set of questions and other inquiries, as defined by Mugenda & Mugenda (2003). The instrument included open-ended and closed-ended questions for data collection purposes. The researcher also conducted in-depth interviews with key informants in the private and public sectors of the country's film industry using an interview guide to collect qualitative data. The interview questions were divided into two parts: the first was asked in a standard format, while the second provided context and explanation. This timetable for interviews worked well for the study since it allowed for open communication between the researcher and the respondent.

3.4.2 Data Collection Procedure

Prior to the primary data collection phase, a pilot test was done. After a representative sample of the population was selected, they were each given one of the data gathering instruments. The study's survey forms were transferred to tablet computers. A data collection tool using a questionnaire with both structured and unstructured questions. After the completed surveys were submitted, they were promptly archived for later study.

3.4.3 Validity

According to Borg and Gall (1989), validity refers to the degree to which an instrument genuinely measures the traits it asserts it can measure. According to Mugenda and Mugenda (2003), the standard strategy in assessing the content validity of a measure is to engage a

professional or expert in a field. This helps in discovering question content, correction in the language, and the sequencing of the questions. Mugenda and Mugenda (2003) also state that this is the standard approach in examining the content validity of a measure. During the procedure for validating the study, the supervisor was provided with copies of the questionnaire, the key informant interview guide, and copies of the research questions in order to receive guidance, have them proofread, and get their approval as appropriate. Throughout the process of developing the study questions and the tools for data gathering, consultations with industry professionals were conducted in order to ensure the validity of both. Modifications and comments made by the supervisor as well as subject-matter experts were incorporated into the study instruments.

3.4.4 Reliability

According to the definition provided by Borg and Gall (1989), dependability is "the degree to which the research tool yields results following repeated testing." The researcher is given the ability to recognize the vagueness and inadequate items contained in the study instrument thanks to reliability. A pilot study was conducted as part of the research project in order to do a pre-test on the data collecting tools. The purpose of this pre-test was to determine whether or not the tools are sufficiently clear and can be easily understood by the respondents who were targeted for the research. Because of this, the researcher invested a lot of time and effort on thoroughly clarifying the vocabulary, words, and substance of the study instrument.

3.5 Data Analysis and Presentation

The aforementioned process involved the examination of the collected material and its organization in a methodical manner inside a coherent framework to facilitate a lucid elucidation. The process of examining the gathered data and inferring its importance constitutes

an integral component of data analysis and presentation (Mugenda and Mugenda, 2003). A quantitative study was conducted on the revised data obtained from movie theaters and distributors. Following the data collection process, the acquired data was subsequently inputted into SPSS (Statistical Package for the Social Sciences) software for the purpose of analysis. The results were then presented in the form of tables and pie charts. The first stage in the processing of the qualitative interviews conducted with industry insiders and government officials was the transcription of the interviews into written textual formats. The acquired data was subsequently structured in a descriptive manner in accordance with the research objectives. Ultimately, a deductive analysis of the data was conducted in accordance with the guiding questions of the research.

3.6 Ethical Considerations

Ethical considerations in research encompass a set of guidelines that delineate the responsibilities of both the researcher and the responder, aiming to mitigate potential biases and minimize any adverse effects that may arise from the study process. Moreover, ethical norms serve to delineate the parameters of permissible and impermissible actions within the context of a research environment. Prior to commencing data collection, the researcher acquired a Certificate of Fieldwork from The School of Journalism and Mass Communication, which was duly signed and stamped. This was accomplished by submitting and presenting the research plan to the board of examiners. Simultaneously, the researcher received a Certificate of Corrections subsequent to the successful implementation of all the specified revisions and recommendations put forth by the Board of Examiners. Upon receiving confirmation of the study's validity, the researcher was provided with a Declaration of Originality. The researcher formally presented herself through an introductory letter provided by the University of Nairobi, which outlined the objective of the study, before

proceeding to gather data from the participants. The report includes proper citations for all sources of information utilized in the research in order to prevent instances of plagiarism. The study employed conventional methodologies and maintained compliance with ethical protocols. The study ensured that the rights of the respondents were upheld and that their participation was voluntary. The participants were provided with the assurance that they had the right to maintain anonymity, and their comments were treated with utmost confidentiality. The assignment and responsibility for data collection were entrusted to a research assistant based on their extensive knowledge and understanding of the operations within the film business.

CHAPTER FOUR: DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.0 Overview

The results and interpretation of the study's primary data are discussed in this section. The information was gathered by sending out surveys to a sample of the Kenyan population and conducting in-depth interviews with industry insiders. The analysis was based on the following set of research questions: The goals of this study are threefold: 1) to record River Road, Nairobi's film piracy model; 2) to look into how pirated movies get distributed there; and 3) to analyze the factors that affect film piracy in River Road. First, the chapter provides an overview of the demographics and features of the respondents, and then it moves on to the detailed results for each study purpose. This data analysis part included descriptive analysis, tables, bar graphs, and pie charts to coordinate the qualitative data gleaned from interviews and questionnaires with the quantitative data derived from questionnaire data using Statistical Package for the Social Sciences (SPSS). The response rate was 84%, with fifty four out of sixty-four respondents answering the research questionnaires (Table 4.1). This is within the acceptable margin of 70% response rate generally deemed acceptable as representative of the population (Kothari, 2007).

Table 4.1: Response Rate

Respondent Category	Target Response	Actual Responses	Rejected
Film Agents	58	50	8
Key Informants	06	4	2
TOTAL	64	54	10

4.1 Demographics Characteristics

Participants' ages, sexes, educational backgrounds, income levels, and lengths of service to the film industry were all taken into account.

4.1.1 Age of the Respondents

Both the qualitative and quantitative surveys asked respondents to provide their age. Table 4.1.2 below shows that the film industry is dominated by people between the ages of 31 and 40, with those between the ages of 41 and 50 coming in second. This hypothetical situation illustrates a transition into the film industry.

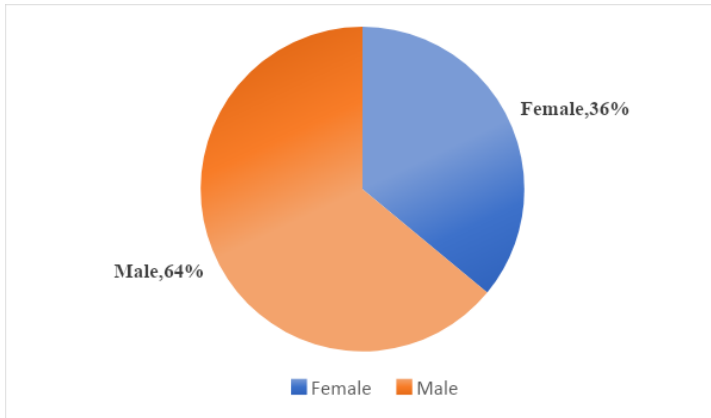
Table 4.2: Age of Respondents

Age Bracket	Percentage
21-30	9.9%
31-40	52.6%
41-50	34.8%
51-60	2.7%

4.1.2 Gender of the Respondents

Both quantitative and qualitative research participants were asked their gender by the researcher. Figure 4.1.1 shows that women made up 36% of respondents, while men constituted 64%.

Figure 4.1: Gender of Respondents

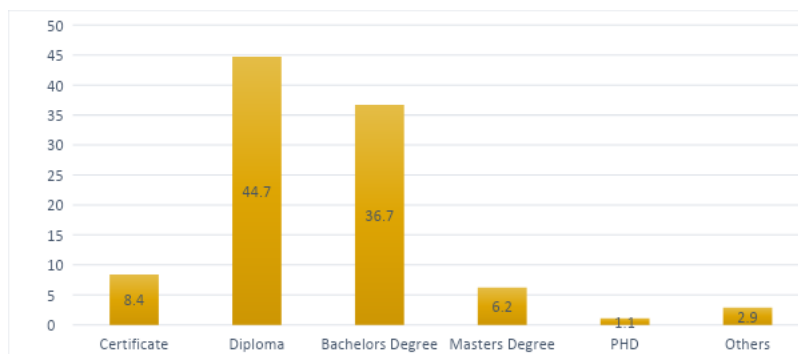


4.1.3 Level of Education

The results of the study showed the average educational attainment of the respondents. The respondents' educational background was a crucial variable because it allowed the researcher to learn more about the population and record their acquired skills and knowledge visually. Figure below shows the results obtained.

4.1.2 below.

Figure 4.2: Level of Education

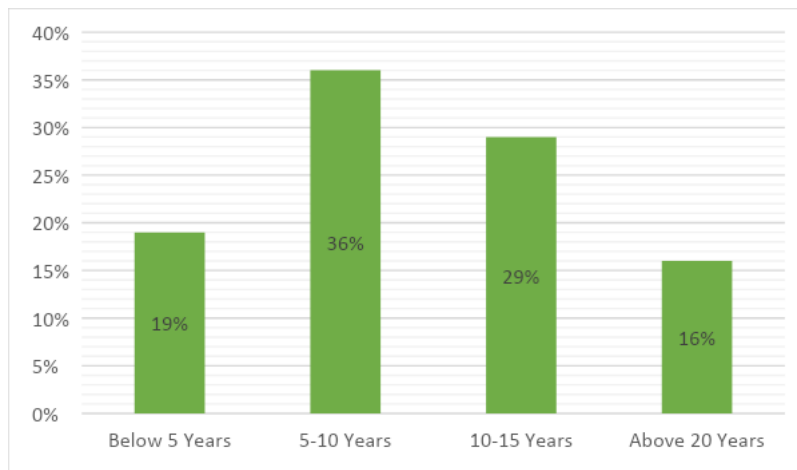


4.1.4 Respondents' Duration in the Film Industry

The purpose of this research was to determine how long the participants had been working in the film industry.

Figure 4.1.3 below shows the outcomes.

Figure 4.3: Duration in film Industry



4.2 Findings as per the Objectives of the Study

This section discusses the findings of the study with regards to the research objectives alongside the research questions.

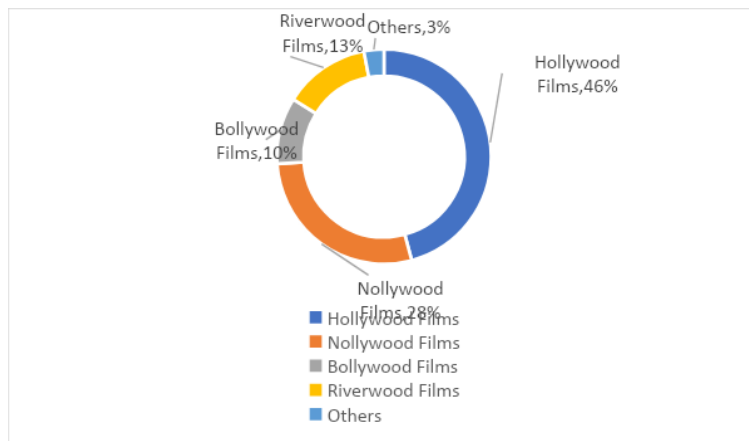
4.2.1 Informal film distribution model in Nairobi's River Road.

(a) Nature of films distributed along River Road

The study sought to find out which films were frequently disseminated and consumed between locally produced films and internationally produced films. Internationally produced films specifically Hollywood was the most distributed and consumed films citing high quality production films, diverse audio-visual content, use of advanced technology, and also experienced and well-known cast and crew members of the production. This was subsequently trailed by Bollywood, (India film industry) and (Nollywood Nigeria Film Industry).

Kenyan films on the other hand had minimal distribution and consumption in the country as indicated below. From this data, it is arguable that the audience prefer to consume western films 46% as opposed to local films 13% hence increased peer-peer file sharing of the films that results to spiralled informal distribution networks.

Figure 4.4: Nature of film distribution



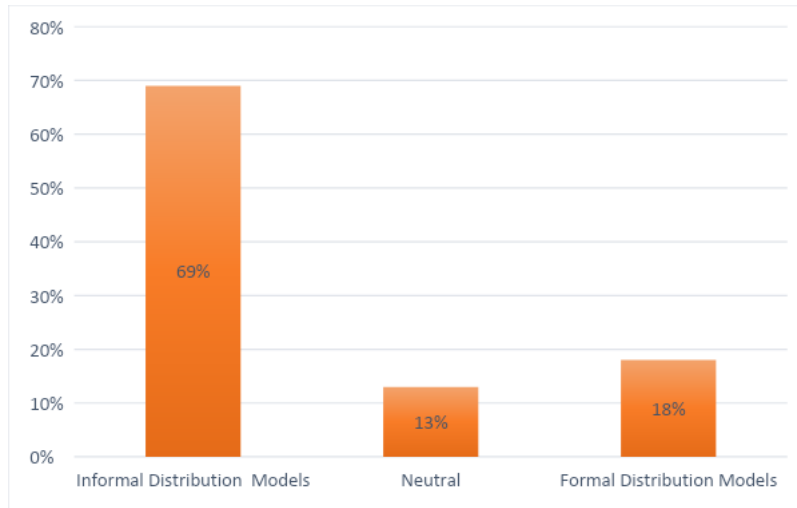
(b) Preferred and popular models for film distribution platform

The researcher attempted to find out the most popular and preferred film distribution network across the informal and formal distribution channels. The findings are revealed below.

From the findings in the chart below, informal distribution channels have the highest rank of 69% as the popular model for cinema consumption. This is a strong sign that majority of the

audience rely on the informal channels for film consumption whereas formal channels such as cinema has the least viewership of 18%.

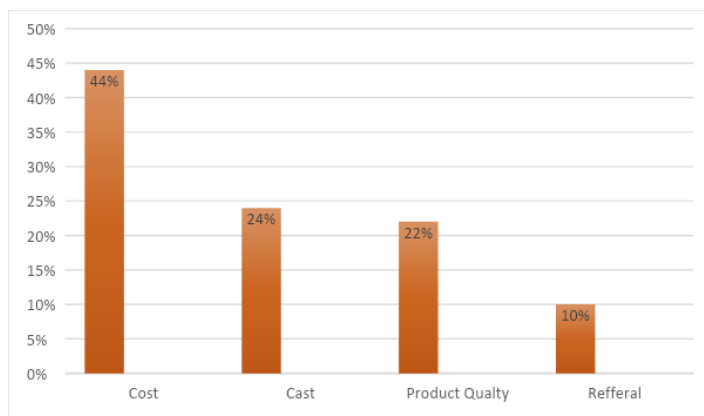
Figure 4.5: Popular Film Distribution Models



(c) Considerations for selecting mode of film distribution

The purpose of this study was to investigate the criteria that respondents used to decide on film distribution platforms. The findings are depicted in the following figure. Cost (44%), the film's principal cast or actors (24%), product quality (22%), and word-of-mouth recommendations (10%) were the most important considerations when deciding on a means of distribution. This suggests that low prices played a significant role in encouraging the spread of unofficial film distribution.

Figure 4.6: Factors Determining Selection of Film Distribution Models



4.2.2 The process of informal film distribution in River Road.

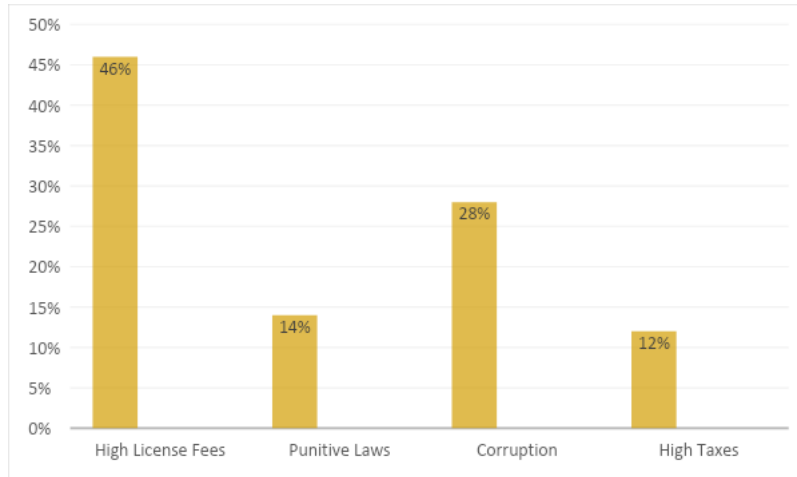
The film distribution process in River Road can be explored through several dimensions. The following are some of the most important factors the researcher evaluated when analyzing River Road's unofficial film distribution system.

(a) Legal issues affecting film distribution

Distribution of pirated films is affected by several laws due to the nature of the activity itself. The outcomes are depicted in the following diagram. High license fees (46% of the total) appear to be the single most important contributor to the growth of the black market in film

distribution. Corruption comes in at 28%, followed by harsh legislation at 14% and then high tax rates at 12%.

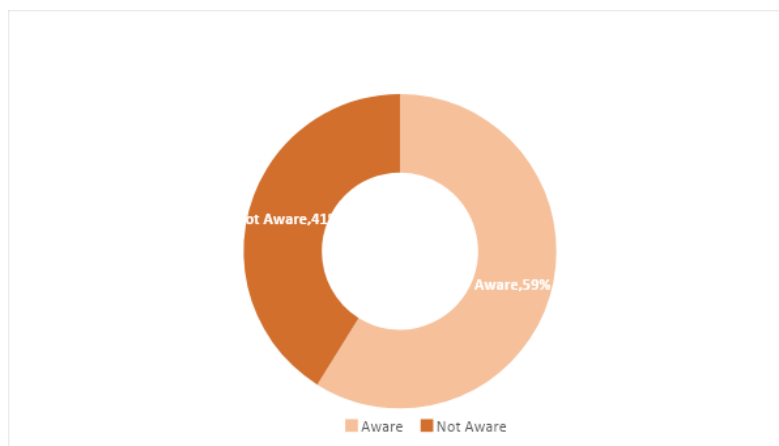
Figure 4.7: Legal factors affecting Film Distribution



(b) Awareness of policies governing to film distribution

The purpose of this research was to determine whether or not film distributors are familiar with the policies and laws that regulate the distribution of motion pictures. If respondents are familiar with the policies and laws controlling the film business, the researcher can use this to their advantage. Figure following shows that 59% of respondents are conversant with film distribution regulations and policies.

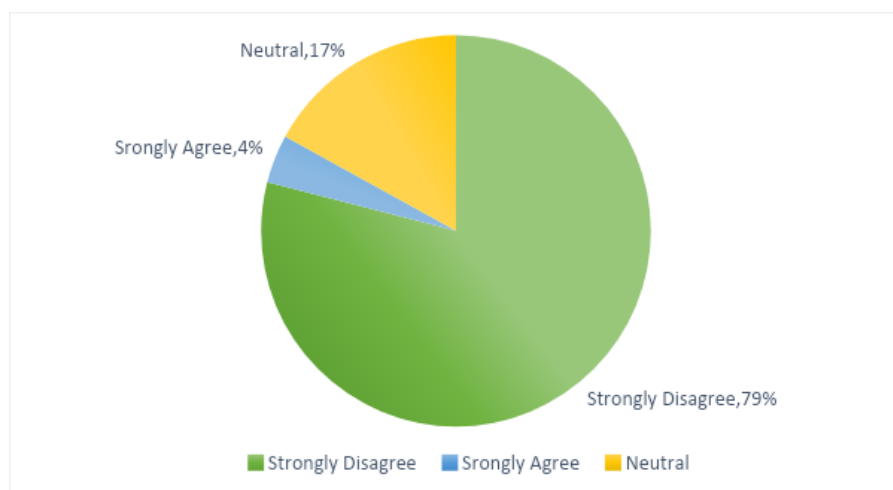
Figure 4.8: Film distributors awareness on policies on Film Distribution



(c) Distribution of films on digital platforms

The survey participants needed to be asked whether or not they use any kind of standardized digital application for film distribution. Most film distributors rely on online downloads, while 79% of those surveyed reported not distributing films on digital channels. Only 17% of people have an opinion, while 4% sell or give away movies online.

Figure 4.9: Distribution of films on Digital Platforms

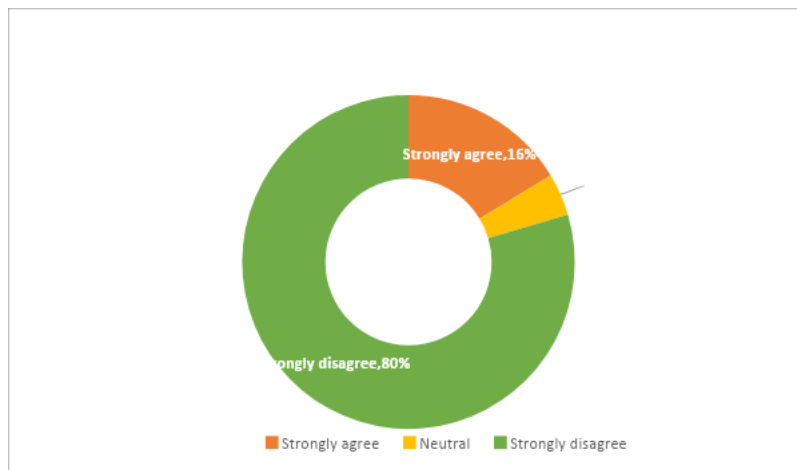


(d) Distribution of Films on Local TV Stations.

Research was required to determine whether or not film sales agents, exhibitors, and distributors routinely air films on community television. Eighty percent of respondents said they don't release their films on television, while sixteen percent said they do it periodically. Just 4% were ambivalent about the statement.

This strongly suggests that film distributors are not warming up to legitimate film distribution channels, leading to an increase in the use of underground film distribution networks.

Figure 4.10: Distribution of Films on Local TV Stations

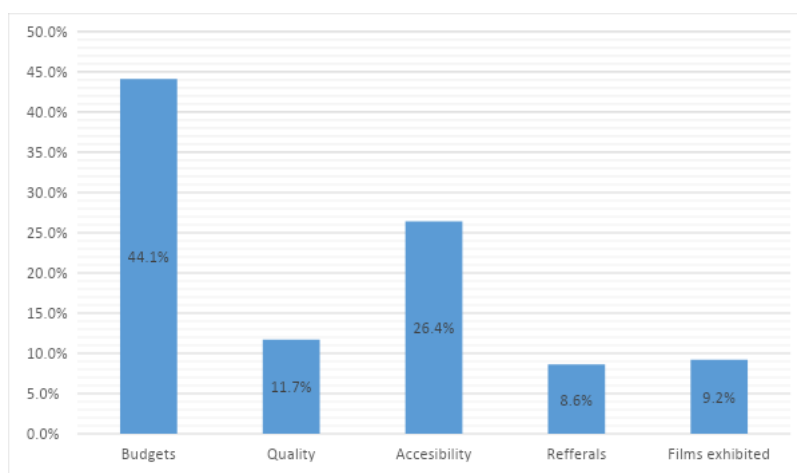


4.2.3 Factors that influence informal film distribution in River Road.

(a) Factors influencing informal film distribution in River Road.

The purpose of this study was to investigate the elements that affect River Road's unofficial film distribution. According to the findings below, rising production costs were the primary driver of this trend. Easy piracy access came in at 26.4%, followed by the quality of distributed films at 11.7%, displayed films at 8.6%, and referrals at 8.6%.

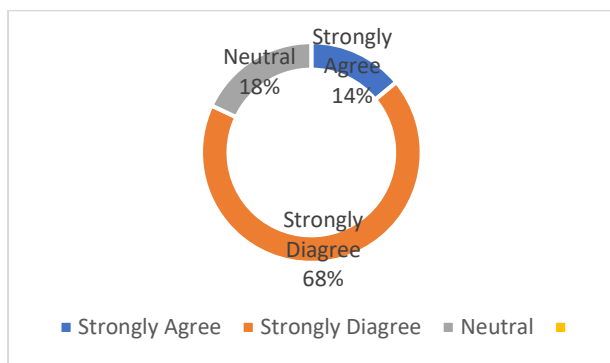
Figure 4.11: Factors that influence informal Film distribution in River Road



(b) Government’s support and empowerment in the informal film distribution sector

Research was necessary to determine if the government had played a role in improving conditions for the film industry. While 14% of respondents said they have government backing to operate in a favorable climate, the data showed that 68% did not. Eighteen percent were ambivalent.

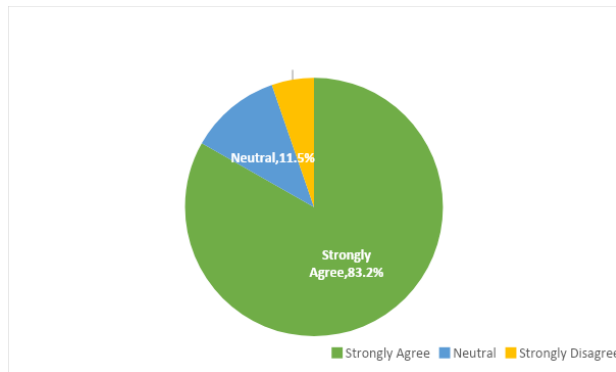
Figure 4.12: Government’s support and empowerment in Informal Film Distribution



(c) Contribution of informal film distribution in Kenya’s creative economy

The purpose of this study was to investigate the role of unofficial film distribution in the country's creative economy. The findings show that although illegal, film piracy contributes a significant amount (83.2%) to the creative economy via taxation, licensing, and the creation of new jobs. Only 5.3% of respondents were against making a financial contribution, while 11.5% were ambivalent.

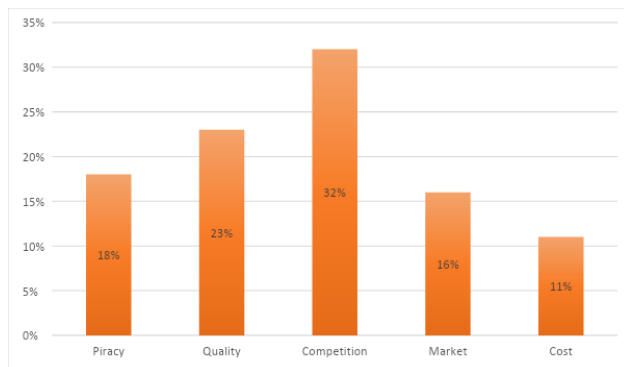
Figure 4.13: Contribution of informal film Distribution in Kenya’s Creative Economy



(d) Factors hindering the informal film distribution model

The study's primary goal was to identify obstacles encountered by the informal film distribution approach. When asked about the difficulties faced by informal film distribution networks, respondents ranked rivalry among distributors (32%), film quality (23%), piracy activities (18%), the market (16%), and expenses (11%).

Figure 4.14: Factors hindering the informal film distribution model



(e) Effects of piracy on film distribution

This research aimed to learn how illegal copying of movies affects the dissemination of legitimate ones. The accompanying figure elucidates low income 43.8% as the biggest effect of film piracy as film pirates overpopulated. Low-grade movies Due to their focus on volume rather than quality, 24.7% of respondents said they would do the same.

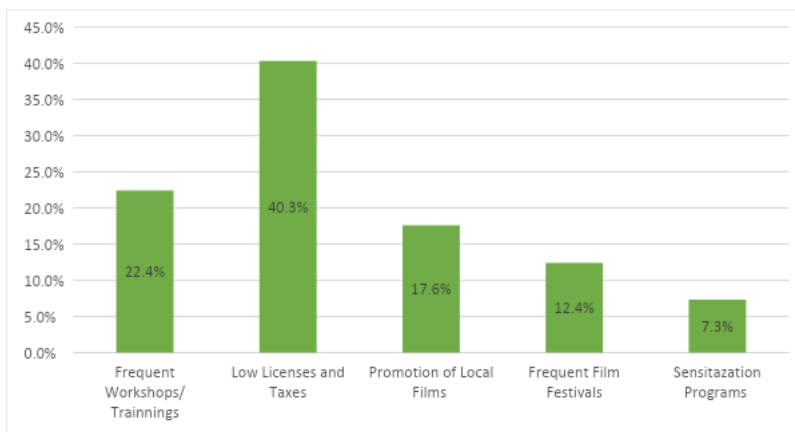
Figure 4.15: Effects of piracy in film distribution



(f) Film Distribution Improvement Areas

The study required to find out appropriate areas for improvement in film distribution for effective operation. The discoveries below illustrate film distributors desired decreased tax and licenses fees 40.3%, they subsequently require frequent workshops and trainings facilities 22.4% to effectively deliver, increased platforms for promoting local films 17.6%, frequent film festivals 12.4 % and sensitization programs for film distribution 7.3% respectively.

Figure 4.16: Film Distribution Improvement Areas

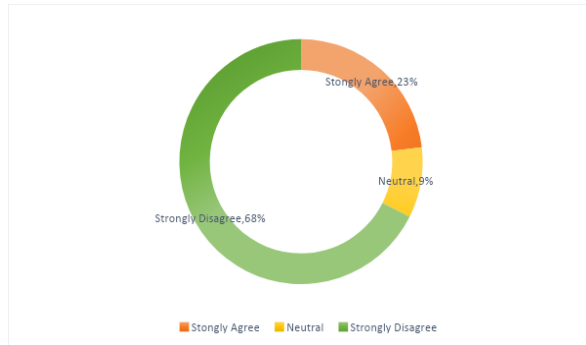


(g) Support for film distributors

Finding out if film distributors have access to technical skills support for efficient film dissemination procedures requires an in-depth analysis. The data below suggests that only 23% of distributors have access to technical and consultancy benefits that allow for seamless

operation, while 68% of distributors do not receive help, leading to expanded informal distribution networks.

Figure 4.17: Support for film distributors



CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.0 Overview

The researchers wanted to learn more about film distribution in the country by looking at the issue of piracy. This chapter provides a concise overview of the study's findings in light of the research objectives, as well as suggestions for the film industry's policymakers, stakeholders, and consumers. Recommendations for improving film distribution and viewing in Kenya are included as well. At last, it proposes avenues for future study into improving national film distribution.

5.1 Summary of the Findings as per Research Objectives

The study found out that as far as film piracy is concerned, the development of DVD and Blu-ray disks circulation and consumption as a model of film distribution intensified film piracy with an overwhelming influence in Kenya Film business. Specifically, the rise of Riverwood as a center for the distribution of movies gave rise to the tradition of video stores across the country. The decline in DVD sales and viewership over the years has been linked to the rise of digital technologies in the movie distribution market, as the study confirmed. KFC conducted a study in 2016 which found that 26.4% of Kenyans have never watched a movie at a theater, watched a movie on DVD, or listened to a movie on CD. This is an evidence that the majority of Kenyans consume motion pictures on digital platforms and validates prospering of file sharing and streaming platforms in Kenya occasioning democratization of piracy on the online video exhibition platform by customers. Additionally, the study found that the relative importance of DVD distribution and film subscription-based streaming services like Netflix, Showmax flipped positions between the years 2000 and 2019.

As a result of this shift, DVD distribution has become increasingly irrelevant in recent years, as evidenced by the demise of a number of retail outlets that had flourished during the video boom of DVD distribution and have since been supplanted by the present crop of digital technologies for film distribution and consumption models.

5.1.1 Film piracy model, Nairobi's River Road

Based on the findings of KFC (2021), the prevalence of film piracy in the nation has witnessed a surge subsequent to the emergence of DVD film distribution as a consumption model subsequent to the revival of cinema theaters in the latter part of the 1980s. This practice was implemented to provide individuals who lacked the financial means to see movies in theaters typically patronized by the affluent with the opportunity to partake in the cinematic experience. With the increasing distribution of DVDs, numerous retail establishments specializing in the sale of movies and video games emerged along Nairobi River Road. The influence was also observed inside the music industry, where it was utilized to enhance sales. The advent of digital technologies has led to the internet emerging as a prominent medium for the distribution and consumption of films. According to Lobato (2009, p. 198), the informal sector is consistently observed. The convergence of emerging technologies and the historically unregulated framework of film distribution in Kenya has resulted in an unparalleled surge in piracy. Although the influence of this alteration on distribution methods has been minimal, its repercussions for the film industry as a collective entity have been extensive.

According to Gaustad (2019, pp. 67–74), there has been a rapid growth of online streaming services, which have emerged as prominent market channels. In contrast, traditional dominant channels like physical DVD and Blu-ray formats have experienced a decline in relevance. One illustration of how innovation can lead to cannibalization is evident in the

emergence of digital video streaming platforms such as Netflix and Amazon Prime Video, which have adversely impacted the market share of conventional media formats like DVDs.

The increasing adoption of technologies has made the distribution, circulation, and replication of movies using Distributed File Systems more convenient and efficient across multiple platforms. Diang'a (2017) asserts that piracy poses a significant threat to the entertainment business, encompassing Hollywood, Nollywood, Bollywood, and Kenya's film industry. The impact of this phenomenon has had adverse consequences on both the dissemination and reception of domestically produced films. There are others who argue that piracy facilitates the diffusion of content; but, from my standpoint, it detrimentally impacts distribution. Despite the proliferation of film studios and directors within the nation, there exists a paucity of viewership for the films produced therein. Numerous content creators and production companies exhibit a justifiable sense of caution due to the pervasive menace of piracy, in my viewpoint. A significant number of films are produced on a monthly, if not weekly, basis. However, a considerable portion of these films either remain confined to digital storage devices or are exclusively accessed by a limited viewership due to apprehensions about copyright infringement.

The preceding discussion indicates that indigenous filmmakers exhibit reluctance in showcasing their films on digital platforms due to the increased vulnerability to piracy that accompanies such a decision. Consequently, there has been a decline in the viewership and dissemination of both domestic and international films.

5.1.2 The process of pirated film distribution in River Road

The distribution of movies has undergone a revolution in recent years, allowing users to stream movies and TV shows to any internet-connected device at any time and from any location. More and more people are signing up for movie streaming websites, indicating a rise in online video consumption. Digital streaming is in high demand, as evidenced by the

opening of a Netflix office in Nairobi in 2017. This was made possible by the telecom companies, which vastly improved home-based internet connection speeds in the urban environs.

The global presence of over 500 authorized online video platforms and the greater number of subscription streaming services compared to low subscriber customers for traditional pay-TV decoders indicate a discernible shift towards digital streaming as the predominant means of film distribution. Simultaneously, the landscape of online piracy has undergone a transformation, facilitated by the emergence of piracy devices and programs that enable the streaming of illicitly obtained live broadcast content and video-on-demand (VOD) directly to television sets in the comfort of one's living room, utilizing internet connectivity. The advent of computers, smartphones, high-speed internet connections, and technological advancements in peer-to-peer file sharing have significantly transformed the consumption of motion pictures on digital platforms. These innovations have enabled efficient data file sharing between computers and smartphones, leading to a revolution in the way movies are consumed.

Furthermore, the rapid dissemination and circulation of films through file-sharing platforms have effectively transcended the geographical restrictions that previously impeded the mobility of films. Consequently, this newfound accessibility has empowered audiences to freely broadcast and widely distribute films. According to Zhang (2015, p. 32), individuals engaged in film piracy engage in the unauthorized distribution of movies, while consumers acquire these illicit copies through a process commonly referred to as "torrenting." Within the context of file-sharing platforms, it is important to acknowledge that both the act of uploading and downloading files include two-way communication. File-sharing services facilitate the unauthorized dissemination and uploading of digital content, thereby functioning as the primary entities within this industry. The prevalence of digital piracy has been significantly

influenced by the widespread use of the Internet among pirates globally. This has been particularly evident in the country's surge in online film consumption, which has inadvertently contributed to the proliferation of unauthorized content. Criminals exploit digital advancements and exploit the behaviors of film consumers to disseminate illicit films online, including those of a pornographic nature. The file-sharing and streaming platforms have been modified to enable users to conveniently access, download, and derive pleasure and relaxation from the available content.

Individuals acquire movies, view them, and subsequently distribute them offline to acquaintances through the process of duplicating the movies onto computers, flash drives, and/or mobile devices, owing to the convenience associated with sharing downloaded movies. The accessibility of film piracy to a broader audience, facilitated by file-sharing technology, has positioned it as a prominent illustration of technological disruption within the film value chain.

5.1.3 Factors that influence distribution of pirated films in River Road

The proliferation of illegal streaming sites and file-sharing platforms has given moviegoers the ability to access movie content whenever they like, wherever they happen to be, and without worrying about the cost. As a result, moviegoers have flocked to free, unofficial channels like streaming sites and file-sharing platforms rather than pay the high prices asked by traditional distributors. This is eating into the profits of local exhibitors, which is bad news for traditional film distribution channels like movie theaters. In the face of rising movie piracy, which has wiped out their revenue and threatens to put them out of business, movie rental businesses are struggling to stay afloat.

The distributors and exhibitors in the home video market are in danger of going out of business as a result of the rise in piracy activity brought about by the development of file-

sharing platforms. This phenomenon is what Christensen (1997, p. 11) calls "new market disruption," which attracts customers who otherwise wouldn't have the means to purchase the product. Similar arguments are made by Michael Frohman (2015, p. 20): New-Market disruptions aim for "non-consumers" who are now able to use these innovations because they are more accessible and less expensive. Both of these forms of disruption gain in effectiveness over time, eventually satisfying even the most discerning consumers.

As new and more affordable means of duplication have become available as a result of technological advancement, piracy has expanded at an alarming rate. Film distribution, production, exhibition, and reception have all been significantly altered by the advent of digitalization; no longer are movies restricted to highly regulated venues like movie theaters. Free and fast Wi-Fi is available in most public spaces, workplaces, and educational institutions, making it possible to stream and download movies for no cost.

5.2 Recommendation

Film distribution being the economical pillar for revenue collection in the entity of the film production process, an intensive training and workshop facility on matters film distribution should be established on a long-term basis to enable filmmakers to be updated on emerging issues. Film producers and distributors also need access to up-to-date databases to make informed business and policy decisions.

5.3 Suggestions for further studies

As Crisp Virginia (2015) illustrates: "Piracy is not a modern phenomenon and that its networks of distribution have always coexisted and often been interconnected with the official circulation of goods and services." The study suggests further research on mitigation

measures to accommodate both the formal and informal film distribution channels that would be beneficial to all parties for a symbiotic coexistence.

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APPENDICES

Appendix I: Interview Guide for Key Informants

INTERVIEW GUIDE FOR KEY INFORMANTS (KFCB/ KFC/ CA).

*I am a Master of Arts in Communication student at The University of Nairobi researching Informal– **Film Distribution in Nairobi’s River Road**. The responses from this study was treated with utmost **Confidentiality** and will only be used for academic purposes towards this study.*

PART A: GENERAL INFORMATION:

1. Job title.....
2. Gender -Male Female
3. Age Below 20 years 21-30 years 31-40 years 41-50 years 51-60 years
Over 60 years
4. Highest level of education? PhD Masters First degree Diploma College certificate “A” level “O” level

PART B

1: The informal film distribution model in Nairobi's River Road

- i. To what extent has informal film distribution models affected the growth of the film industry in the country?
- ii. What are some of the deliberations to curb/ empower informal film operations in Kenya?
- iii. What is your assessment of both the formal and informal film distribution networks’ competitiveness in Kenya?
- iv. In what ways do you empower stakeholders in formal and informal film distribution and consumption markets?

- v. What are some of the policies put in place on matters pertaining film distribution and exhibition in the country?
- vi. Do you have an official policy for the informal film distribution industry?
- vii. How do you intervene on issues like piracy, black market films, and other illegalities?
- viii. What are your professional views regarding informal film distribution in Nairobi's River Road?

2: The process of informal film distribution in River Road

- i. What is the effect of the advanced audio-visual technology and legislation on informal film distribution in Kenya?
- ii. How would you quantify the level of your organization's involvement in sensitization and training of informal film distributors in Kenya?
- iii. What are the basic/ mandatory requirements procedures for film distribution process in Kenya?
- iv. As policy implementers of the film industry, what are the impediments facing film distribution in Kenya?
- v. What are the rough estimates for the economic value of the informal film distribution in Kenya?
- vi. What other information would you consider useful in regularizing informal film distribution in Kenya?

3. Factors that influence informal film distribution in River Road.

- i. What factors promote the distribution and consumption of films in Kenya?
- ii. How do the following factors promote informal film distribution in Kenya?
 - a. Government policy

.....

b. Language

.....

c. Cost

.....

d. Easy accessibility of content

.....

e. Punitive Tax Laws and Licenses

.....

f. Technological advancement

.....

g. Piracy

.....

Thank you.

Appendix II: Questionnaire for Film Distributors, Producers And Film Consumers
QUESTIONNAIRE FOR INDEPENDENT FILM DISTRIBUTORS, PRODUCERS
AND FILM CONSUMERS.

*I am a Master of Arts in Communication student at The University of Nairobi researching on Informal **Film Distribution in Nairobi's River Road**. The responses from this study was treated with utmost **Confidentiality** and will only be used for academic purposes.*

PART A: GENERAL INFORMATION SECTION A:

1. Job title.....
2. Gender -Male Female Other
3. Age - Below 20 years 21-30 years 31-40 years 41-50 years 51-60 years Over 60 years
4. Highest level of education- PhD Masters First degree Diploma College certificate "A" level "O" level
5. How many years have you been involved in the Kenyan Film/TV industry? 0-2 years 2-4 years 4-6 years 6-8 years 8-10 years Over 10 years

1. Informal film distribution model in Nairobi's River Road.

- i. Which films are you distributing mostly?
 - Local films
 - International films
 - Mix of both (please give approximate percentages)
- ii. In your own view, which is the most popular model/ platform for film distribution?
 - Formal
 - Informal
 - Other

iii. Why is the above model a popular model for film distribution?

.....
.....

iv. What are your considerations for selecting your mode of film distribution?

.....
.....

v. Please describe the process of informal film distribution of films, and any notable challenges or benefits.....

vi. Please describe areas that can be improved, or problems that should be solved to empower this sector.....

.....
.....

vii. Please describe how informal film distribution connects with its markets

.....
.....
.....

2. The process of informal film distribution in River Road.

i. Are there legal considerations that affect your film distribution? YES [] NO []

Please explain below.

.....
.....

ii. Has the government shared any policies relevant to informal film distribution with you?

YES [] NO []

Please explain briefly below.

.....
.....

iii. Do you ever distribute your films through formal digital channels such as Netflix, Hulu, Showmax, or YouTube?

YES [] NO []

Please explain briefly.

.....
.....

iv. Do you also distribute your films through local TV stations?

YES [] NO []

Please explain.

.....
.....

v. What are your experiences with distributing films through formal channels such as TV; or online streaming platforms such as ViuSasa, Netflix, Hulu; or Subscription Digital platforms such as Startimes, GoTV, Mnet, or DSTV?

.....
.....

3. Factors that influence informal film distribution in River Road.

i. Why did you get involved in informal production and distribution of film content?

Please give your comments here

.....

.....
.....

ii. What major factors determine your choice of film distribution model?

- (a) cost/ budgets (b) accessibility / availability (c) Quality (d) Referrals
(e) film shown

Please comment here:
.....

iv. How would you describe the government’s empowerment of informal film distribution sector? Very good Good Average Poor Very poor

Please give reasons for the rating above, giving possible solutions or interventions that may favor informal film distribution:
.....

v. Is there sufficient support for informal film distributors; for instance, through training workshops, networking events with broadcasters and exhibitor’s etc?

YES NO

Please explain briefly here:
.....

vi. Is informal film distribution significant in Kenya’s creative economy?

YES NO

Please explain briefly here:
.....
.....

vii. What exactly makes informal film distribution more preferred than formal film distribution?

Customer Base [] Product Quality [] Cost [] Other []

Please explain briefly here:
.....
.....

viii. What factors hinder the potential of an informal film distribution model? Tick as many as possible.

piracy [] market [] Quality [] Cost [] Competition [] Others []

Please give details here:
.....
.....

ix. How does piracy affect your business and how do you combat it?

Please give details here:
.....
.....

ix. What other information would you like to share about the informal film distribution sector?

Please give details here:
.....
.....

Thank you.

Appendix III: Certificate of Field Work



UNIVERSITY OF NAIROBI
FACULTY OF ARTS AND SOCIAL SCIENCES
DEPARTMENT OF JOURNALISM & MASS COMMUNICATION

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Email: soj@uonbi.ac.ke

P.O. Box 30197
Nairobi,
Kenya

OUR REF:
YOUR REF:

DATE: October 26, 2022

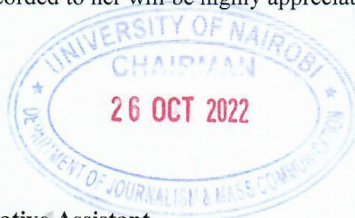
TO WHOM IT MAY CONCERN

RE: FAITH LUVAI LUNDU - K50/86909/2016

This is to confirm that the above named is a bonafide student at the University of Nairobi, Department of Journalism and Mass Communication pursuing Master of Arts degree in Communication Studies.

Ms. Lundu completed her course work and is currently working on her research project leading to a Master of Arts Degree in Communication Studies.

Any assistance accorded to her will be highly appreciated.



Wendy Cherono
Senior Administrative Assistant
Department of Journalism & Mass Communication

Appendix III: Certificate of Correction



UNIVERSITY OF NAIROBI
FACULTY OF ARTS AND SOCIAL SCIENCES
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REF: CERTIFICATE OF CORRECTIONS

This is to certify that all corrections proposed at the Committee of Examiners meeting held on 03 November 2023 in respect of M.A/PhD. Project/Thesis Proposal defence have been effected to my/our satisfaction and the project can be allowed to proceed for binding.

Reg. No: K50/86909/2016

Name: FAITH LUVAI LUNDU

Title: FILM DISTRIBUTION IN KENYA: A CASE STUDY OF NAIROBI'S RIVER ROAD PIRACY MODEL

Addamms S. Mututa

SUPERVISOR

SIGNATURE

06 November 2023

DATE

CHAIRMAN

SIGNATURE/STAMP

DATE