

Piracy déjà vu

The reemergence of the conflict between users and platforms

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ABSTRACT

In 1984, the United States Supreme Court issued a landmark ruling in *Sony Corp. of America v. Universal City Studios, Inc.*, known as the Betamax case, which marked a turning point in access rights and copyright (Greenberg 2010). Major film studios had sued Sony, claiming that the videocassette recorder infringed on copyright by allowing users to record and store television programs without authorization, thereby undermining the commercial value of the works. However, the Court ruled that the use of the new technology fell under *fair use*, thereby legitimizing home recording.

Today, in a kind of reversed cultural *déjà vu*, the evolution of OTT platform policies is expanding the notion of “piracy” to encompass practices that were until recently considered legitimate, such as account sharing among family and friends. Recent restrictions on shared accounts and the introduction of lower-cost subscription plans supported by targeted advertising aim to protect revenues and exert tighter control over user behavior (Lobato and Lotz 2021). This shift – markedly at odds with the initially more permissive approach adopted by these services – fits within a broader return to past economic models (Barra 2024), redefining content access in increasingly exclusive and conditional terms: the goal is to maximize revenue by encouraging adoption of premium options and introducing scarcity to increase perceived content value.

As early as the 2000s, informal distribution systems (P2P networks, cyberlockers) had a similar impact, offering content for free (often illegally) and monetizing through on-site advertising and premium plans. Today’s practices – such as Disney+ preventing the use of ad-blockers and Netflix introducing “extra users” – reveal platforms’ growing interest in controlling

and monetizing internal ad spaces, shifting the boundaries between acceptable consumption and perceived violations.

What will be the effects of these policies on user behavior? Will platforms' current decisions lead to the reclassification of certain social practices as illegitimate, turning once-accepted behaviors into "pirate" activities? If we are witnessing a new "age of piracy," it no longer concerns only free access to copyrighted content, but raises broader questions about everyday practices of online consumption. As streaming shifts from a new medium to a new traditional medium, perceptions of illegality and "counterfeiting" are now extending to new technological frontiers, such as those defined by artificial intelligence (Cave et al. 2018), shifting the competition from content distribution to content production. This gives rise to a confrontation between new "formal" and "informal" actors, generating a tension reminiscent of past concerns about piracy – now at the level of content creation – and redefining public perception of the cultural product, questioning what is considered legitimate or illegitimate in creative reuse and technological innovation.

KEYWORDS

Posthuman Piracy; Informal Distribution; Generative AI; Streaming Platforms; Creativity

1. The Déjà Vu of Conflict

While in Apple's well-known commercial, directed by Ridley Scott, it was proclaimed that 1984 would not be like the one depicted in George Orwell's novel of the same name, the revolution of the first personal computer coincided with another epochal event in the relationship between technology and culture: the United States Supreme Court was called to rule on the landmark case *Sony Corp. of America v. Universal City Studios*. A historic decision that ruled VCR home recording was *fair use*. With this ruling, the law implicitly recognized the legitimacy of a new relationship between the public and cultural content: the user was not a pirate, contrary to what had been emphatically claimed by then–Universal Pictures president Sidney Sheinberg upon reading the Betamax ad agency's press release published in *The New York Times*: "Now you don't have to miss Kojak because you're watching Columbo (or vice versa)!" (Greenberg 2010: 2). The new user was, if anything, an active interpreter of the possibilities offered by technology.

Forty years later, the memory of that moment resurfaces, as the conflict between users and the cultural industry once again takes center stage – altered in form but analogous in substance. And similarly, we perceive the “integrated” (Eco 1964) turmoil of a creative revolution driven by the advent and implementation of artificial intelligence in productive capacities, which in turn echoes the flourishing cultural production catalyzed by the arrival of Betamax. Its impact – and that of VHS – on audiovisual aesthetics was profound and transformative, redefining the ways images were produced, distributed, and received by the public, encouraging more fluid and deconstructed forms of production, and fueling artistic experimentation free from the rigid standards of television and cinema. The cultural legacy of Betamax is undeniable: every streaming platform, every device that allows audiovisual recording, is a direct descendant of a promise of liberation that today seems like an unfinished revolution – an anticipation of a future that would only arrive decades later with the rise of streaming platforms.

In fact, the arrival of over-the-top platforms initially promised a reconfiguration of content access comparable to the temporal liberation of the TV viewer brought by home video: a more open, flexible, customizable ecosystem. Yet, in just a few years, many of those same platforms have implemented increasingly rigid control policies, unilaterally redefining the boundaries between legitimate use and abuse. Account sharing, ad-blockers, VPN access – practices common until recently – are now assimilated into “pirate” behavior, turning the ordinary user into a suspect. Piracy, in short, has never truly disappeared – it has merely shifted levels.

The most radical transformation, however, does not concern access to content alone: it fundamentally reshapes content production itself. The widespread adoption of generative AI tools – capable of creating texts, images, sounds, and videos from existing databases – has opened a new front in the cultural conflict. And so, today, suspicion is no longer directed only at those who copy, but also at those who create: the origin of content, its “originality,” its attribution – all become ambiguous territories, grey zones where ethics, law, and public perception intersect. Thus, the figure of the pirate shifts from one who violates copyright to gain access, to one who generates content outside the established boundaries of recognized authorship.

This article explores the redefinition of the concept of piracy within the contemporary media landscape, showing how it has become a tool for measuring the frictions between technological innovation and cultural governance. From Betamax to artificial intelligence – through the platform crisis and the return of scarcity-based models – this essay investigates how the boundary is being reconfigured between what is perceived or considered (and legislated) as legitimate and what is not across the entire process: from the consumption of content back to its very generation.

The return of conflict between users and industrial systems is not so much a return of the past; it more closely resembles a disturbing *déjà vu*: we recognize its forms, but the context has changed. Today, the real issue is no longer, as previously assumed, access to a cultural product, but the very definition of what can be considered a cultural product, who can produce it, and under what conditions. And at the heart of this new conflict lies an ancient question: who has the right to create?

In *The Matrix* (1999), a *déjà vu* signals that something has changed in the system: when Neo (Keanu Reeves) sees the same black cat twice, it’s because the Matrix has altered something in the structure of the simulation. It is not, therefore, a nostalgic phenomenon or a simple cyclical recurrence (as

we might say in historical terms), but a symptom – a glitch in the cultural industry’s systemic matrix – marking a deep transformation. The conflict between users and platforms doesn’t return in the same form: it reappears in new ways, with more sophisticated mechanisms of control, extraction, and surveillance. What repeats, then, is the underlying tension between freedom and governance, between use and ownership.

2. Piracy Yesterday: Access, Control, and Market Disruptions

Before becoming the ghost that now also haunts cultural production, piracy historically emerged as a conflict tied to access: who gets to see, hear, or consume a piece of content – and under what conditions. Since the 1980s, with the advent of home video, and later with the rise of peer-to-peer networks, what Lobato (2012) described as “informal distribution” represented a structural response to the rigidities of official content supply.

Piracy did not necessarily arise as a transgressive practice (Prosperi 2024), but rather as an emergent mode of distribution and consumption in contexts where the industry failed to provide adequate solutions. Informal networks – from VHS duplication to torrents, and earlier still through practices such as bicycling (extending projection beyond the licensed period) and jackrabbiting (illegally subletting film reels to other exhibitors) – acted as cultural counter-infrastructures, filling the market gaps: lack of access, high costs, out-of-print titles, or the absence of linguistic localization.

Among the most emblematic examples of these practices in Italy was TNTVillage, a community founded in 2004 and shut down in 2019 (Fontana 2019), which promoted the idea of “ethical piracy” centered on the responsible sharing of works no longer available on the market, with the explicit aim of preserving memory and access. Similarly, the ItalianSubs forum played a crucial role in the informal localization of content, offering amateur yet carefully crafted subtitles for audiovisual products not yet officially translated. In both cases, piracy overlapped with practices of archiving, translation, curation, and knowledge circulation.

These platforms operated as counter-archives – parallel architectures of cultural distribution, driven by participatory and non-commercial logics (Jenkins 2006, Jenkins et al. 2013). Or, to echo Osthoff (2009), as *anarchives*: contemporary archives no longer conceived as repositories of content

but as artistic mediators, in contrast to the traditional archive understood as an active device that generates new connections and meanings. These experiences resonate with the deconstructive aesthetics of cinematic history seen in the works of Mark Cousins (*The Story of Film: An Odyssey*, 2011), Slavoj Žižek (*The Pervert's Guide to Cinema*, 2006, directed by Sophie Fiennes), and Jean-Luc Godard with his monumental *Histoire(s) du cinéma* (1988–1998) – all “editing labs” (Bertozzi 2012) where traditional copyright law proves manifestly inadequate.

This same principle animates spaces like UbuWeb (Guglielminetti 2019), the online archive created by Kenneth Goldsmith in 1996, dedicated to the preservation of experimental, avant-garde, and out-of-print materials. Often born in the absence of a viable legal offering, these “alternative” environments have been – and in many cases still are – true laboratories of cultural innovation, where new relational models between content, viewer, and context are tested. From this perspective, Lobato urged a shift away from the dichotomy of legal vs. illegal, proposing instead to understand informal practices as organic components of the media ecosystem. Similarly, Lessig (2008), with his concept of “read/write culture”, emphasized how the acts of creation and consumption are increasingly intertwined, rendering traditional legal categories insufficient for determining what is or isn't legitimate. Piracy is no exception: it is the manifestation of a dynamic and conflictual relationship between technological innovation and regulatory governance. As Johns (2009) has shown, copyright is an invention dating back four centuries and thus cannot be “reduced to the consequences of the ‘digital revolution’” (Barra and Scaglioni 2013: 115); for this reason, current tensions must be understood as part of a much longer genealogy, one that helps us grasp today's transition from consumption to production.

The figure of the pirate has never been reducible solely to that of an unlawful user, but often represents a cultural producer: sometimes a subtitler, other times a curator, an archivist, a cinephile collector – in the latter case, moreover, allowing us to “identify some *trait d'union* between the two paradigms” of cinephilia and piracy (Prosperi 2024: 24). Sometimes, they adopt forms of pirate cinephilia (*repackeurs*), “composed of regular buyers of ‘legal’ DVD [...] who wish to benefit from a loosening of the law in order to discover, watch, and share films that have never – or no longer – been commercially released, so they won't be forgotten” (Renouard 2014: 236). Amateur remastering, scanlation, fansubbing, and the restoration of old VHS tapes are all creative interventions that straddle the line between

use and production. These practices generate a tension that touches both on copyright law and on the redefinition of the very concept of work of art.

Unsurprisingly, by identifying informal practices not as illegal, and piracy not as an enemy, streaming platforms eventually came to see them – especially in their early boom years – as valuable indicators of structural flaws in the system. Consider, for instance, the birth of Sky Italia and the merger of Telepiù and Stream, which took place in a context where piracy was not only tolerated but, according to some hypotheses (Capasso 2012), even strategically leveraged to build loyalty among an audience already accustomed to informal content access. In other words, the industry observed and learned from these phenomena what would become the foundations of its own production and distribution dynamics. One might say that those who embraced practices initially branded as informal and criminal gradually shifted from the status of *pirate* to *privateer* – also a maritime term, but this referring to those who conduct raids with authorization from a sovereign authority against enemy fleets. Piracy, in other words, was partially institutionalized: first, by centralizing content and reducing fragmentation across platforms; then, by adopting fairer pricing models and making legal services accessible to a global audience – thus eliminating geographic barriers. In short, the pirate was turned into a *competitor*, and related consumer practices were effectively decriminalized.

In this light, it becomes clear that piracy has always questioned the cultural value and accessibility of a cultural product, more than its legal ownership; indeed, “the history of the content industry is a history of piracy. Every important sector of the ‘big media’ today [...] was born of a kind of piracy so defined” (Lessig 2004: 53). When the market fails to ensure equitable, continuous, and sustainable distribution, informal networks take its place – or rather, “act as substitutes” that “compensate for the failures of formal institutional outcomes” (Ledeneva and Efendic 2021: 831) – and aim to improve upon it: making the unavailable available, the marginal accessible, and the foreign translatable. In doing so, they often anticipate models that the industry itself eventually adopts. It happened with digital downloading, then with streaming, with binge-watching (see Jenner 2021), and now – potentially – with the generative logics of AI.

Understanding the access conflict as a conflict over the very structure of cultural experience allows us to view today’s struggles over content production in continuity with the past. The pirate metaphor (Larsson 2011) does not emerge from nothing: it is the logical extension of a historical relation-

ship in which the user, once a passive recipient, becomes a transformative agent. The question is no longer *who gets to see what*, but rather, *who gets to create, how, and with which data*.

3. The New Face of Platforms

The rise of OTT platforms was initially welcomed as a virtuous solution to the longstanding conflict between cultural consumption and copyright law. Services like Netflix and Spotify promised easy, legal, and affordable access to content that had previously circulated only through informal or physical channels. For several years, the combination of low-cost monthly subscriptions, rich catalogs, on-demand access, and user-friendly interfaces seemed to have achieved a decades-old goal: making piracy obsolete.

But that promise proved fragile. In just a few years, the very platforms that revolutionized the concept of access began reintroducing logics of scarcity, control, and selection – ultimately betraying their original mission. As Lobato (2019) notes, the user experience on streaming platforms is far from neutral: it is marked by invisible barriers, territorial exclusions, fragmented catalogs, and language limitations. The geography of digital distribution is shaped by “market borders” that manifest through geoblocking, the absence of local subtitles, and price or content variations from country to country.

Today, the user experience is increasingly constrained by practices that, while technically legal, are perceived as punitive: rising subscription costs, intrusive ads even for paying users, or the sudden removal of content from catalogs without notice. The same platforms created to simplify access have gradually adopted strategies similar to those of traditional pay-TV – except now, power is no longer exercised through scheduling, but through flexible licensing agreements and, most importantly, algorithms. As Hastings famously claimed, algorithms can “show you exactly the right film or TV show for your mood when you turn on Netflix” (Meierer 2017), raising concerns about how personalization contributes to the creation of filter bubbles (Lobato 2019: 66).

Netflix is, indeed, a paradigmatic case. After years of complicit silence regarding account sharing, the platform abruptly reversed course in 2023, introducing a domestic verification system to prevent multiple users in different *households* from using the same subscription. Italian users received messages specifying that access was “reserved for you and those who live

with you” (Patella 2023). To continue sharing an account with people outside this *domestic* unit, an additional monthly fee was introduced. Crucially, Netflix redefined the household not in relational or legal terms, but as “the set of devices connected to the internet at the primary location where you watch Netflix” (Vailati 2023). In this way, the notion of home is no longer social or emotional – it becomes algorithmic and infrastructural, determined by IP address and Wi-Fi router. The relationship with the domestic space is digitized, verified, and potentially penalized: what was once considered normal (sharing with distant family, partners, or friends) is now a contractual violation subject to payment or exclusion.

The Netflix model is not unique. Spotify began verifying the geolocation of “Family” plan members, penalizing users living in different cities. Disney+ has introduced similar restrictions and started disabling ad-blockers, forcing users to view ads. YouTube has steadily increased ad interruptions in videos, now requiring users to sit through up to three unskippable ads before content starts – and offers a Premium subscription to eliminate them.

These developments must be understood within the systemic transformation described by Shoshana Zuboff: the shift to *surveillance capitalism*, which “unilaterally claims human experience as free raw material for translation into behavioral data” (Zuboff 2019: 6). Platforms no longer monetize access to content alone, but primarily the user’s behavior, which is tracked, analyzed, and monetized through sophisticated predictive algorithms. The goal is to design an infrastructure capable of measuring, disciplining, and converting every user action into economic value. Human experience – even that which takes place in private, domestic spaces – is turned into an extractive resource, transforming the user into a *produser* (both consumer and product, in contrast with their now acknowledged role as *prosumer*). As Gillespie (2018) notes, platforms set the rules of the game and act as “custodians” of what is visible, legitimately accessible, and monetizable – and can unilaterally revoke previously acquired usage rights. As a result, even ordinary behaviors – like account sharing, browser extensions, or offline storage of already paid content – fall into grey areas, suspected of misuse, and by extension of piracy.

This creates what we might call an *algorithmic presumption of guilt*, where users are treated as potential offenders. The relationship between platform and user becomes asymmetrical and punitive: every attempt to optimize personal experience is interpreted as a violation to be prevented or punished. It’s a conceptual reversal: the “crime” is no longer an illegal act, but any action that exceeds the platform’s contractual norms.

This logic is compounded by increasing fragmentation of content offerings. Where once a single subscription provided access to a wide catalog, content is now split across dozens of competing platforms. As licensing agreements expire, films and series may migrate between platforms without warning, making multiple subscriptions necessary to ensure continuous access. This phenomenon – analyzed by Lobato as a result of the complexity of *discoverability* in the digital television environment – operates on multiple levels: “multiple, interlocking layers of content aggregation in digital media supply chains mean that discoverability can be extremely complex” (Lobato 2018). As he notes, content visibility depends on layered processes – algorithms, interfaces, devices – which are far from neutral and respond to “specific logics of inclusion/exclusion, and potential for conflict of interest”. The result is an opaque, fragmented user experience, in which even finding what you’re looking for can become an obstacle. Faced with this multiplication of barriers, “there is now a lot of confusion – and some anger – within the industry,” and in many cases among users as well, who increasingly turn to informal networks as the only remaining space offering simple, immediate, and unmediated access.

As Brembilla observes – echoing Scott Purdy’s definition of *streamflation* (Spangler 2023) – this is a systemic crisis born of an excess of inefficient, fragmented supply, managed by algorithms more focused on user retention than on enhancing the quality of cultural experience: “piracy is a reaction to the abundance of these distribution outlets, of services optimized only for internal recommendation systems, of business models that, after appearing disruptive, now seem obsolete once again.” (Brembilla 2024: 221; in line with Lotz 2021). Even Tryon (2015) warned that the promise of a new digital paradise could conceal the consolidation of new forms of control – this time algorithmic. Similarly, Frick et al. (2023) observe that it is precisely the failure of these models that drives more and more users to rediscover informal practices – not out of deviance, but out of a need for fluidity, personalization, and resistance to market logic.

From solution, platforms have become part of the problem: no longer neutral spaces of access, but normative infrastructures with unilateral contractual power and disciplinary capacity. Revisiting Hesmondhalgh’s arguments (2002), one could say that platforms now act as active agents in defining what is cultural, accessible, and worth watching. As a consequence, new forms of dissent are multiplying: users are leaving paid services, turning to informal circuits, plugins and bots that bypass paywalls, peer-to-peer ex-

change networks, and independent archives like UbuWeb, Internet Archive, or decentralized platforms based on IPFS – the InterPlanetary File System, a peer-to-peer network protocol designed to create a decentralized, more efficient and resilient file-sharing system than the traditional web.

This is a clear symptom of a conflict that no longer concerns copyright alone, but *the right to cultural experience*. The platform era has reconfigured the geography of digital power. The user, once a privileged recipient, has returned to a marginal position – forced to constantly negotiate access, privacy, and legitimacy. And when those conditions become unsustainable, the response that resurfaces – historically, predictably – is the informal alternative. Once again, piracy doesn't break the system – it reveals its cracks.

4. From Access to Production

The advent of generative artificial intelligence marks the beginning of a new era of contention, in which the central issue is no longer the availability of a product, but the legitimacy of creation: who is allowed to create, from which archives, using which tools, and under what rules. If the cultural conflicts of the 2000s revolved around access – who could consume content, at what price, and in what ways – it seems that today the field of tension has effectively shifted toward cultural production.

The proliferation of models like ChatGPT, Midjourney, Stable Diffusion, DALL-E, or Suno has made tools capable of generating text, images, music, and video from textual prompts available to millions of users. But unlike earlier technologies, these AIs operate in opaque ways: they produce content using neural networks trained on massive, largely inaccessible datasets – often including copyrighted works. This “ethical opacity” is the first symptom of an epistemological crisis: users have no way of knowing what the generated output is based on, yet they are held accountable for it. This highlights a core epistemic risk: “AI models are trained on the human past and much of what is important [...] in democratic societies [...] is the emergent phenomena that are not yet predictable through models.” (John Wihbey, interviewed in Hendrix 2024).

Crawford (2021) describes automated production as the output of an invisible industrial chain spanning data collection, algorithmic filtering, selection models, and seemingly user-friendly interfaces. The act of “creating” thus loses its subjective aura – not through “mechanical reproduction” (Benjamin 1936), but through algorithmic preemption – becoming an interaction with

a machine that has already set the parameters of what can be seen, how it should appear, and which meanings are permissible. Here a new kind of cultural suspicion takes shape: beyond originality, what is at stake is authorship itself – now increasingly automated. As Margaret Rhee writes poetically in her elegy of reciprocal consumption *Machine Testimonial 3*, “we are two stars. we orbit around one another in our common center of mass. [...] robot, each time you took from me, i grew smaller but you did too. we finally exploded into a supernova” (Rhee 2020: 51): the human and artificial voices merge in an act of co-creation that entails loss, fusion, and disintegration.

The case of the song *Heart on My Sleeve*, generated by AI using synthetic voices of Drake and The Weeknd (see Alexander 2024), brought this tension into the public spotlight. The song was removed from streaming platforms not due to plagiarism, but for infringing on vocal likeness – a kind of synthetic identity illicitly simulated. The voice wasn’t real, but it sounded real. It wasn’t stolen, but it was faithfully reproduced. In a context where technology enables the generation of content indistinguishable from the original, the representation of an artist becomes a contested territory – and reveals how automated production opens a new frontier of cultural control.

This crisis also affects everyday practices, in which a musician uses a vocal generator to compose a melody, a graphic designer entrusts the AI with creating a 1970s-style image, or more recently, a user creates a version of themselves in Studio Ghibli style. We might call this a form of *posthuman piracy*: not the copying of existing content, but the violation of an implicit regime of legitimacy – one no longer solely legal, but also symbolic. The viral phenomenon of “Ghiblification” is therefore “a concrete manifestation of OpenAI’s broader strategy to bypass copyright law” (Esposito 2025), normalizing stylistic appropriation through mass distribution and pushing the boundaries of what is considered legitimate cultural production.

As we know, the law is struggling to keep up: in the United States, for example, works entirely generated by AI cannot be copyrighted, but the situation becomes murkier for “hybrid” works – those produced by AI based on human input but without full authorial control. These hybrid zones have become the norm rather than the exception. While the legal debate continues, the platforms offering these tools – OpenAI, Adobe, Meta, Google – are already de facto establishing the boundaries of what is permissible. This is a form of private governance of creativity, where the norm is no longer defined by the state but by terms of service – mutable, unilateral, often automated.

It is the platforms that must govern: “they must establish the rules of

participation for users, but also be accountable to advertisers, partners, governments, and publics” (Gillespie 2018: 254), and therefore, “they are simultaneously governed and governing” (257), shaping content visibility and redefining the boundaries of what is culturally acceptable.

Where remix and fan-edit practices once could serve as acts of critique – disrupting the coherence of a work to reveal its inner mechanics – today, the remix gives way to risk: not the risk of uncovering hidden meaning, but the risk of losing the ability to determine what the work is, who made it, and where it comes from. The generative infrastructure is not a neutral surface; it is itself a cultural machine, complete with its own biases, exclusions, and dominant aesthetics.

As a result, the legitimacy of media experience is increasingly tied to social acceptability, and less to formal legality – much like the indexing sites for cyberlocker links (used to locate informally distributed films and TV series), of which The Pirate Bay was a forerunner. These platforms did not respond so much “to a user’s request for retrieval functionality [...] as to a request to honor the emotional drive to seek out a specific cultural content – a right recognized as legitimate” (Prosperi 2024: 98). Today, that assertion is more relevant than ever: those who create with AI can be seen as visionary artists or cultural thieves, depending on the context, the transparency of the process, and the community’s reaction, as originality itself becomes a negotiation – an unstable compromise between innovation and recognition, authorship and appropriation.

The shift from an *access-based piracy* to a *production-based piracy* forces us to reconsider what we mean by creation, legitimacy, and cultural conflict. The post-digital pirate no longer skirts the edges of the work – they rewrite its boundaries with new tools and rules yet to be defined.

5. Remix, *Détournement*, and Generative AI

Creative reuse is far from new. Throughout the twentieth century, practices such as musical remixing, *détournement* – introduced by Guy Debord as a method of subversion and reappropriation of existing cultural materials, or the “integration of present or past artistic productions into a superior construction of the environment” (Wolman and Debord 1956) – as well as fan-edits and literary cut-ups, have continually redefined the boundary between original and derivative. These forms revealed that every artistic gesture can also be an act of appropriation, distortion, or re-contextualization.

Conceptual art, experimental cinema, hip-hop sampling, and meme culture have legitimized modes of production based not on *ex nihilo* creation, but on the manipulation of pre-existing material. As Lessig (2008) reminds us, the digital “read/write culture” expanded these processes, allowing anyone to modify media content and actively participate in meaning-making. Remixing a video, altering a poster, transforming a scene into parody – all these practices show that creativity is both invention and friction.

GIFs are perhaps one of the most emblematic, widespread, and minimal forms of visual reuse: short clips from films, series, interviews, or animations reinserted into radically different textual, emotional, or satirical contexts (Prosperi 2018). GIF is an effective micro-remix: it does not create new content, but it decontextualizes it, reduces it to gesture or emotion, and reinserts it into a shared communicative circuit. Their spread has normalized an informal form of appropriation in which no one claims authorship, yet everyone recognizes communicative efficacy. In this sense, GIFs prefigure how generative AI operates: creative acts built on invisible archives, reuse without traceability, loops that perform meaning.

The emergence of AI-generated images marks a new phase of fragmentation and recombination, rooted in the longstanding practice of decomposing and reassembling pre-existing elements. The logic of cut and remix is pushed to its extreme: AI, trained on vast datasets, recombines established visual patterns and existing aesthetic techniques to produce “new” content that remains statistically derivative. This phenomenon deeply resonates with the social use of GIFs, transforming them into cultural and digital fragments capable of re-signifying existing meanings through immediate and creative reuse. Yet while GIFs redefined the relationship between image and creativity through emotional, participatory reorganization of fragments, generative AI goes further, challenging notions of uniqueness and representation by producing content through interpolation within a “latent space” (Manovich 2024) of learned cultural and visual patterns.

What was once ironic, subversive, or affective now multiplies through generative models, where creativity emerges from fragmentation – but at the risk of dissolving the uniqueness of experience. The debate around authenticity and human specificity thus becomes essential in maintaining a balance between technological innovation and cultural rootedness. The trajectory linking piracy to GIFs, and GIFs to AI-generated imagery, illustrates how creative reuse remains a contested terrain between algorithmic control, expressive freedom, and cultural fragmentation.

“Piracy is a cultural form of consumption, (re)appropriation, and production, of remix, of reading and rereading” (Brembilla 2024: 221): we are witnessing a semantic shift that repositions piracy as an active, not merely subtractive, phenomenon. It is a way to produce meaning, respond to regulated abundance, and build new imaginaries from existing materials. In this light, practices involving AI are not so much radical innovation as they are continuations and accelerations of longstanding informal practices. As Brøvig (2023) suggests, mashups and appropriative practices are not merely technical operations, but complex entanglements of cultural references and creative reworking, where parody, reuse, and remix constitute legitimate modes of artistic production and cultural critique.

Yet, while parody, remix, *détournement*, and GIFs all maintain a visible link to authorship – manipulators sign, expose themselves, and claim credit – automated generation radically complicates this relationship. AI does not explicitly rework; it statistically predicts. The output is the result of predictive models that neither cite nor subvert the original, but dissolve it entirely into a style, a probability, a median. The result is not a visible collage, but a plausible simulation. A fan-edit of *Alien* (1979) knowingly displays its derivative nature; an image generated by Midjourney in the style of Hans Ruedi Giger (who designed the xenomorph for *Alien*) does not. In historical practices, distance from the original was part of the meaning; in AI generation, it becomes opacity. Where *détournement* exposes the mechanism, AI conceals it. Where remix plays with authorship, AI neutralizes it.

And yet, continuities persist. Even within generative culture, a form of editorial creativity emerges: writing an effective prompt, selecting outputs, regenerating, refining. This is indirect creativity, based on instruction rather than execution. Some call it prompt design; others – authors (Zylinska 2020; Manovich 2020) or artists (Mario Klingemann, Refik Anadol, Sasha Stiles) – compare it to directing, curating or collaborating. Here emerges a new figure: the synthetic content producer, operating at the intersection of programming, aesthetics, and performance. In this sense, AI does not abolish the artistic gesture; it redistributes it. But unlike traditional remixing – where origin is still recognizable, even if transgressed – in the AI context, origin dissolves. What results is a paradox of invisible appropriation, in which content is not copied but absorbed.

In the past, a mashup could be accused of infringement, but rarely was it perceived as an ontological threat. Today, an AI-generated image mimicking a style may seem more authentic, more coherent, more “perfect” than

the original. Appropriation becomes a critical and affective rewriting of the world – one all the more relevant in a context where production tools are automated, but the questions remain deeply human. Generative culture pushes the logic of appropriation to its limits: where *détournement* sought to dismantle dominant meaning, we now see a multiplication of possible meanings – but this plurality, if left unchecked, risks erasing the distinction between creative act and industrial reproduction. Historical appropriation practices demanded visibility; generative practices often avoid it. And it is precisely this asymmetry that demands a renewed reflection – not on creativity itself, but on who holds the power to define its contours.

6. The Posthuman Pirate as Epistemic Agent

Piracy has often been understood as a form of opposition – a resistance against the industry, a necessary transgression, a gesture of sabotage. Today, however, we are witnessing a quieter, deeper shift: the silent exit from the system, and the autonomous construction of new spaces (Mastodon, IPFS), archive (UbuWeb, Library Genesis), technologies (ChatGPT, Hugging Face), and languages (GIF, prompt-based aesthetics). The aim is no longer (just) to break the rules, but to inhabit other regimes. The conflict with platforms – over access, production, and legitimacy – is no longer expressed in terms of rejection, but as a strategy of disconnection and reconstruction. This is evident in the proliferation of informal archives and independent networks: from long-standing hubs like UbuWeb and Internet Archive, to platforms such as Monoskop, AAAARG.ORG, Library Genesis, which offer out-of-print works, critical texts, academic material, and forgotten art. Real counter-institutions of culture: they function as alternative interfaces to cultural heritage, removing it from the logic of consumption and restoring it to the logic of knowledge.

Similarly, in the field of generative technologies, communities are emerging that promote ethical, transparent, and collective use of models: open-source repositories like Hugging Face, distributed datasets like OpenImages, initiatives for the decolonization of AI, and “safe” generators built around inclusive principles. Here, automated generation is not a shortcut to production, but a political tool of exploration – a potential laboratory of meaning, where a different conception of the cultural product, the author, memory, and use is being tested. In this space, the boundary between “piracy” and “creation” begins to lose its meaning.

And here, in this new chaos, piracy returns once again as a critical instrument – and also as a generative device. From being recognized as a disobedient gesture, it becomes (or re-emerges as) an operative model: a way to rethink the circulation of knowledge, cultural justice, and the sustainability of access. A form of piracy that reformats (rather than steals), reorganizes (rather than sabotages), and builds another way of producing and sharing culture. As platforms become more closed, opaque, and surveillant, and as generative automation risks standardizing aesthetics and languages, the construction of independent infrastructures – however precarious – becomes a form of positive dissent, a resistance that does not replicate the center, but bypasses it.

For decades, the conflict between users and the cultural industry played out on the terrain of distribution: delayed access, inaccessible prices, geographical barriers, release windows. Piracy emerged and evolved as a structural symptom of an inadequate offer – a reactive gesture of compensation. But today, that model is no longer sufficient. On the one hand, digital culture has multiplied opportunities for reappropriation and re-signification; on the other, it has transformed subversion into formula, critical action into aesthetic automatism. Practices such as remix, meme creation, GIFs, and informal distribution reflect an unprecedented proliferation of *détournement*-like gestures, yet their political effectiveness is often diluted by their integration into dominant circuits of communication and consumption. Platforms, once tools of democratization, have become new instruments of control. The cycle of friction repeats, but the terrain has radically shifted: we are thus witnessing a total recoding of the conflict, where the heart of the issue is no longer access to the product, but the legitimacy of its genesis. The opacity of generative algorithms, dispersed authorship, synthetic identities, and dissolution of origin all shift the terrain of copyright into new territory – where categories such as property, originality, and copy become inadequate. The friction around consumption becomes a struggle over productive capacity, the right to generate meaning, to act in the cultural field as an agent. What began with Betamax as a struggle over access returns today – amplified and reframed – as a struggle over generative agency. And if the system responds with restrictions, tracking, suspicion, and control, the answer is no longer (only) violation, but the creation of other environments, other regimes, and other rules.

In this new phase, piracy is no longer – if it ever was – an alternative mode of consumption. It becomes a form of practical epistemology: a way

to interrogate what counts as culture, what is considered legitimate, and what is included or excluded from the architecture of shared knowledge. It is no longer about defending viewing rights, but about affirming generation rights, and this transition unfolds as we begin to see diverging scenarios regarding the role of AI in creativity.

On one side, we find a vision of virtuous collaboration, where “augmented creativity” becomes possible through the hybridization of human and machine: “a real collaborative effort involving more or less equally the human and the generative AI, with recognition of the contributions of each party” (Vinchon et al. 2023: 476). On the other, deep concerns emerge – around identity, value, and even the survival of human creativity. The creative act now stands at the threshold between “*Co-Cre-AI-tion*” (as proposed by Vinchon et al.) and *subst-AI-tution* – between the expansion of expressive possibilities and the erasure of subjectivity.

Here re-emerges the *déjà vu* of the conflict between users and platforms. But this time it’s no longer just about the economy of vision; it’s about the possibility of meaning itself – in an ecosystem increasingly governed by algorithms and opaque infrastructures. The figure of the pirate, far from being a relic of the past, once again takes on a central role: not just to break the rules, but to redefine them, to build alternatives, and to insist – once again – that culture is not property, but participation.

In this scenario, the criminalization of user practices by streaming platforms no longer revolves around accessing protected content, as it may seem, but increasingly targets the very capacity to intervene in *cultural signification*. What is sanctioned is not merely – or not only – the act of viewing without permission, but the act of generating without authorization: of producing meaning outside recognized frameworks of authorship, visibility, and control.

As generative AI blurs the line between creation and replication, and as platforms dictate the conditions under which creative acts are considered legitimate, the pirate is recast once more – not as a thief of content, but as a trespasser on the terrain of sanctioned creativity and signification. What is at stake is not just access to culture, but the power to define its very terms. Platforms, once mediators of content, now act as arbiters of meaning, intervening in everyday life itself: when Netflix redefines a “household” as a cluster of IP-linked devices, it’s not simply enforcing a new rule – it is redrawing the social contract, transforming notions of home, kinship, and proximity into algorithmic categories.

In the *onlife* condition (Floridi 2015), where the real and the digital no longer operate in contrast but form an integrated continuum, identity and relationships emerge across both dimensions. Digital and real-world interactions intertwine in a shared framework of meaning (Boccia Artieri et al. 2017), and it is precisely this dual nature – as both governed spaces and creative fields – that makes platforms the new locus of epistemic conflict. The shift from controlling access to governing generation marks a transition from platform as distributor to platform as *definer of meaning*. Following content and authorship, the grammar of subjectivity itself becomes the new site of negotiation – encoded, filtered, and reassembled by opaque systems of rule. This corresponds to what Eugeni defines as the postmedia condition, characterized by the subjectivization of experience and, crucially, by socialization – understood as “the overcoming of the distinction between the individuality of the subject and the conventions of their social context” (Eugeni 2015: 84).

This shift – from the reclassification of access to the redefinition of generative legitimacy – marks the new frontier of *posthuman piracy*: not a crime against property, but an act of trespassing in the encoded grammar of contemporary cultural production. Piracy, in its new posthuman reconfiguration, persists as an enduring symptom of a system that fears the unpredictable – an epistemic fault line that reopens each time users refuse to be reduced to mere consumers, and instead reclaim their place as cultural agents.

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