

# Appendixes

## Appendix A

# Survey Development and Review

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Survey development was in two major stages: 1) preliminary activities, including contractor selection and focus group meetings, and 2) survey instrument development and review.

### PRELIMINARY ACTIVITIES

#### *Contractor Selection*

OTA retained the services of a professional survey research firm, Schulman, Ronca & Bucuvalas, Inc. (SRBI), to develop the survey instrument and to administer the survey. SRBI was selected as the survey contractor in May 1988 from a field of 14 firms that submitted proposals for consideration.

SRBI's responsibilities, as specified in the contract, included developing and revising a conceptual framework and conducting two focus-group meetings. Then SRBI was to develop the sampling plan and survey instrument in conjunction with OTA staff and OTA's survey working group. The survey instrument was expected to average 20 minutes in length (that is, it would be much shorter for respondents who did no taping or copying and longer for respondents who had a number of copying *activities*). After the survey instrument was completed, SRBI was to administer it to a nationally representative sample of 1,500 persons of age 10 and over.

#### *Focus Groups*

SRBI held two focus-group meetings at the beginning of the survey development process. Focus groups are small discussion groups of about 10 people randomly selected from a population similar to the expected survey population. The meetings are structured, in that the discussion leader has a specific

agenda of questions to ask and topics to cover. They are, however, designed to encourage the participants to speak freely on the topics and to give their opinions, feelings, and impressions. The focus group meetings were especially useful in getting immediate feedback on what people thought and how they talked about home copying issues. The meetings were also a preliminary test of respondents' reactions to proposed questions. Focus groups can help a surveyor identify additional topics of interest or change words and phrases that will be confusing to respondents.

According to previous studies, young people are major purchasers of prerecorded audio products and are very active in home taping. For these reasons SRBI and OTA felt it essential that the perspectives of young people be well represented in the focus-group discussions. Thus, while one focus group had all adults (persons over 18 years of age), the other had primarily young people (persons 15 through 22 years of age). In both groups, nearly all of the participants owned at least one tape player and had purchased a record, prerecorded cassette tape, or compact disc within the past 6 months. In addition, most of the participants also had at least one videocassette recorder in their household, and about half of them had access to a personal computer.

### SURVEY DEVELOPMENT AND REVIEW PROCESS

The survey instrument itself was developed by SRBI and OTA staff with considerable input from outside advisors and reviewers. The open process used to develop the survey of home copying was based on public involvement techniques that are commonly used in OTA studies.

## Roles *of Reviewers*

The *advisory panel*, as in most OTA studies, served the role of general review of the study. The panel included representatives of many of the relevant stakeholder groups, as well as technology experts and labor and consumer representatives.

Instrumental to the development of the survey was the survey *working group*. This group included a number of survey experts. Two members were familiar with earlier audiotaping studies, while the rest were unaffiliated with any earlier work related to the home-copying issue. In addition, there were members who were specifically expert in consumer behavior issues. The survey working group was designed to lend technical expertise in the development of the sampling plan, survey instrument, and analysis.

In addition, there were approximately 20 other *reviewers*. These included independent technical experts, representatives of stakeholder groups, as well as OTA contractors working on other aspects of the study. OTA staff mailed draft material to these reviewers, who returned comments in writing or by telephone. In addition, some reviewers attended meetings of the advisory panel and survey working group and contributed to the discussions.

Throughout this appendix, members of the above three groups are collectively referred to as '(reviewers)' unless there is a particular reason to specify members of the advisory panel and survey working group separately.

The reviewers gave invaluable comments and advice as the survey instrument was developed. But the actual work of creating the survey instrument was performed by the survey contractor, SRBI, in consultation with OTA staff. Of course, OTA remains responsi-

ble for the final content of the survey instrument.

## ***Major Points of Controversy Early in the Review Process***

OTA staff and the survey contractor discussed early ideas for the sampling plan and conceptual framework of the survey at the initial meetings of both the advisory panel and the survey working group. In addition, the survey working group reviewed an early draft of the survey instrument at its first meeting.

Three major points of controversy arose during the initial meetings of the advisory panel and the survey working group. These had to do with the scope of the survey and the sampling plan. OTA originally planned to ask questions about audio, video, and computer copying in the same survey. The survey population was intended to be a nationally representative sample of 1,500 persons of age 10 and over. Some members of the survey working group and advisory panel (representing primarily the stakeholder groups on both sides) argued forcefully that OTA should focus only on audiotaping. They argued that audio, video, and computer copying were fundamentally different and could not be treated in the same survey. Audiotaping, according to their reasoning, was the problem currently of interest to the Congress. They held that OTA should conduct a detailed analysis of home audiotaping that would attempt to resolve the differences seen in previous studies. To this end, these reviewers considered that OTA should attempt to give a definitive answer to such questions as:

- How much audiotaping is done each year?
- How many sales of prerecorded, copyrighted material are displaced by home taping? and

- . To what extent are sales of recordings stimulated by home taping?<sup>1</sup>

All reviewers agreed that OTA's original plan to include audio, video, and computer copying was extremely ambitious and would be difficult to accomplish in a single survey instrument. Most reviewers did, however, support OTA's goal of keeping the survey focus as broad as possible. Although audiotaping should be the primary topic of the study, most reviewers agreed that questions on videotaping and computer copying would help to form a better context for policy analysis, and would perhaps serve as a basis for future work. As it turned out, at a later stage of the survey development process, the section on computer copying had to be deleted because of questionnaire length.

In a related area of controversy, some reviewers suggested that the sample population should be 1,500 *audiotapes* rather than 1,500 members of the general public, only some of whom would be tapers. It would be possible, with a sample of all tapers, to ask more detailed questions and to make finer distinctions, for example, between heavy tapers and occasional tapers. These reviewers suggested that such an approach would make it possible for OTA to properly weight the responses and to make more accurate estimates of the amount of taping and the level of economic effects on the recording industry.

By the same token, some of the same reviewers objected to including opinion questions. They suggested that the OTA survey should focus on questions about audiotaping activity, and not include any questions about attitudes toward taping or toward intellectual

property or opinions related to policy options. They pointed out that there would not be time, in an average 20 minute interview, to do a thorough study of audiotaping activity and a thorough opinion poll as well.

Most reviewers supported OTA's original plan to interview the general public and to include opinion and attitude questions. They felt, as did OTA staff, that only a study of the general public could give a clear picture of the extent of home taping and copying. Opinion questions give the opportunity to see what relationships exist between taping activity and attitudes toward intellectual property. Previous studies have not usually considered these two topics together.

Further, it is useful to understand major similarities and differences in attitude between tapers and other members of the public. If the attitudes of tapers and nontapers toward intellectual property are essentially similar, Congress may wish to take a different approach to new policy than it would if the attitudes are very different. In determining how effective potential policy alternatives will be, it is useful to gauge how acceptable they seem to the population as a whole as compared with their acceptability to a special interest group (e.g., people who make home audiotapes).

The final area of controversy dealt with accuracy. Some reviewers suggested that OTA would not be able to get accurate information from a survey on taping and copying activity. They suggested that some tapers, believing their actions to be illegal or immoral, would simply answer untruthfully. Other respondents would intend to answer truthfully, but their answers would be inaccurate owing to faulty recall and "telescoping."<sup>2</sup>

<sup>1</sup> Excerpted from: Robert S. Schwartz, McDermott, Will&Emory and member, survey working group; Joseph Smith, Oxtoby-Smith; Steven Brenner, Cornell, Pelcovits & Brenner, Consultants for Home Recording Rights Coalition; memorandum to Office of Technology Assessment, July 8, 1988, p. 4.

Telescoping refers to inaccuracy in remembering the time elapsed between events or the number of events in a time period. Often events that occurred outside the reference period are recalled as occurring within the reference period.

Some reviewers stated that OTA would not get accurate information about the number of records or tapes a respondent owned, for example, owing to faulty recall. The only way, they said, to determine how many homemade tapes a person has would be to count them during an in-person interview. These reviewers were particularly worried that if OTA used results of the survey to calculate economic harms to industry, the calculation would be inaccurate. A number of earlier studies have estimated losses to industry by extrapolating the number of hours of taped music (or the number of taped songs) in home tape libraries and multiplying that number by the price of purchased recordings. If OTA used such an approach, the results would be lower than actual, since people are most likely to underestimate the number of tapes in their libraries.

The problems of dishonesty, faulty recall, and telescoping were recognized to be problems of all survey research. Few reviewers thought that dishonesty would be a serious problem. In the experience of SRBI and other researchers, respondents are generally honest, even about sensitive issues, so long as the questions are phrased in a nonjudgmental way. The possibility of conflict between respondents' behavior and belief could be minimized by asking behavioral and attitude questions at different times. For example, the OTA survey was designed to ask about taping behavior first; questions about beliefs and opinions, which might be considered somewhat judgmental, were clustered at the end of the survey.

Faulty recall and telescoping can be minimized but not eliminated. The way to minimize these problems is to concentrate on questions about a specific event (e.g., the last time the respondent purchased or used a certain object) or about a very recent time period (e.g., events in the past week or past month). The OTA survey focused on activities of the past week or month, or on the most recent and the next most recent experience of purchasing, listening, copying, etc. A few questions

asking for annual estimates were retained, mainly for screening purposes (e.g., a person who had not viewed a videotape in the past year was considered a nonviewer and excused from further questions in that section) and to afford a general comparison with results from some previous studies.

The problem of faulty recall remained, of course. We could only expect that the answers to such questions as "Approximately how many audiotapes do you own?" would be only the respondent's best estimate, not absolute truth. As is discussed in the chapter on economic analysis, OTA's approach differed from that of earlier estimates of industry losses. For the purposes of this analysis, each respondent's best estimate was adequate.

### ***Comments on Later Stages of Review***

Eleven more drafts of the survey instruments were created, and there were three additional rounds of review following the initial meetings of the advisory panel and survey working group. Reviewers were invited twice more to comment on any aspect of the survey instrument, including possible inclusion, deletion, or rewording of questions. In the last round, immediately before the survey went into the field, reviewers were invited to screen the final survey questions for possible biases in the wording only.

The review procedure for the survey working group was the most detailed. After reading a draft of the survey, members submitted written comments and then participated in a 1-hour (or sometimes, multi-hour) telephone conference call to discuss their comments in detail with OTA and SRBI staff. Several other reviewers, including representatives of stakeholder groups, also elected to submit detailed comments and to participate in conference calls. Other reviewers and advisory panel members presented briefer comments in writing or by telephone.

Some of the reviewers, specifically the survey research experts advising the Recording Industry Association of America, Inc. (RIAA) and the Home Recording Rights Coalition (HRRRC), submitted sample questions that they thought should be included in the survey instrument. Some of these were very helpful to OTA in developing its own survey. For example, the series of questions about the most recent purchase of records, prerecorded cassettes and CDs was greatly improved by adopting a modified version of questions developed by the HRRRC and its consultants.<sup>3</sup>

Some suggested questions from stakeholders could not be used, however, either because they went into a level of detail that was inappropriate for the OTA survey or because they would have introduced or exacerbated a bias in the survey. For example, HRRRC and its consultants also offered an extensive and well-

developed series of questions about taping of noncopyrighted material.<sup>4</sup>

These questions, designed to count every occasion of such taping, would have been useful if OTA had been attempting to calculate, for example, what percentage of audiotapes are used nationwide for purposes other than to tape copyrighted music. This had been done in some previous surveys. This was not OTA's objective, however, and the detailed information, while interesting, would have been inappropriate. The OTA survey includes a simpler section on taping of noncopyrighted material that is better balanced with the section on music taping and is more suitable for this study.

Comments of all reviewers were very helpful in removing biased and leading questions from the surveys.

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<sup>3</sup>See, for example: Robert S. Schwartz, Joseph Smith, and Steven Brenner, personal communication, July 18, 1988.

<sup>4</sup>*Ibid.*