

## A Semiotics of the Counterfeit Product

Copying is generally considered as destructive to profitable creativity, but the actual relationship between copying and creativity is much more intimate. In this chapter I continue to explore this bipolar structure of the creative economy, but I expand my horizon from a particular representational form to consumer society in general, as I want to investigate how such sanctification of creativity and condemnation of copying are related to the logic of the commodity.

In advanced capitalist societies, where people's basic needs are largely satisfied, the value of a commodity is increasingly determined by the level of knowledge and creativity it manifests or that is invested in it, so that the appeal of new commodities is often conjured up by the continual supplies of knowledge and creativity. The value of a Ferrari, for example, might largely come from the technology invested in it, whereas the value of a Prada bag is related to its design. But knowledge and creativity cannot be easily separated: the presentation of knowledge (the style of the car) and the engineering of product design (the nanomaterial used to make the Prada bag) also make the car and the bag worth their prices. Or, to put it directly, knowledge, creativity, and information are all marketing items to be circulated, recycled, and reorganized in new forms. Because of the ever increasing demand for the input of knowledge and creativity, the world's advanced industrial economies move to specialization: major firms in advanced countries choose to stick to a much narrower range of products, but they also have access to a wide and similar range of production technologies.<sup>1</sup> Specialized skills, fine quality, and ever renewed products of the same type of commodities become essential to the success of brands.

Precisely due to the high R&D and marketing expenses invested in the production of commodities, furious accusations and attempts at repression are

directed at the counterfeit. But the major question of this chapter is whether it is really that easy to read and understand such an object. A legal framework only helps us name the product, but it does not demonstrate what and how the product signifies. In other words, I want to ask if the pirated product has a unique semiotics. As Roland Barthes says, current consumer culture functions through its heavy manipulation of significations, which he calls “myths.”<sup>2</sup> In order to demythologize, we have to unveil the discursive framework that naturalizes culture. By studying the semiotics of the pirated product and the piracy discourse related to China, I confront two myths: the Western notion of China as a pirate nation, and the Chinese notion that creativity is the key to modernization. The two myths are unified in today’s global creative economy, which dialectically reifies creativity and condemns mimesis.

One way to tackle the dichotomy between creativity and copying is to investigate the interconnection between them, and in this chapter I show that the semiotics of the counterfeit product and brand commodity share common connections with mimesis. I hope to provide a semiological perspective from which to interrogate the creative economy and examine whether mimesis can point us beyond the mechanism of control that characterizes Western modernity. I also hope that this examination of mimesis demonstrates a new rendering of the methodology of semiotics. Thanks to Barthes’s seminal work, we have learned the skills of visual semiotics in understanding advertisements. Here I would like to supplement his analyses with the dimension of mimesis. In his analysis Barthes focuses primarily on a diachronic relationship between the commodity and the reader to understand how the commodity is understood; I want to add the synchronic dimension of mimesis to explore the relationships among commodities themselves. Let us begin with myths.

### China the Pirate, Chinese the Uncreative

At a press conference in 2003 in Beijing, U.S. Commerce Secretary Donald Evans held up a bootleg DVD of *Kill Bill* as evidence of China’s flagrant disregard for IPR.<sup>3</sup> The European Union repeated the act three years later; the “sublime object” that time was even more spectacular than Tarantino’s violent film. With photographic evidence in hand, Franco Frattini, European commissioner for justice and home affairs, solemnly announced that the Chinese have finally managed to produce a fake Ferrari model.<sup>4</sup> The sensational news immediately hit the world media. This press conference was held to announce an EU proposal to adopt criminal legislation to combat intellectual property

offenses, and the photo and accusation were calculated to attract media attention to an otherwise dry policy announcement. However, the accusation was a poor imitation of its American predecessor, as it turned out to be false: the “Ferrari” was actually produced in Thailand, another country famous for counterfeiting.<sup>5</sup>

Of the many pirated products frequently associated with China, this car stands out because of its spectacularity. First, it dissociates the stereotypical association between counterfeit production and female consumption (unlike counterfeit handbags, Ferrari is masculine through and through); second, which is more to my interest here, it effectively condenses the stereotypes and the mythos surrounding both piracy and China. There are two myths associated with this incident: that China is the chief pirate nation, and that copying is culturally inferior. Barthes argues that the signifier (in this case the pirated Ferrari) is both the final term of the linguistic system and the first term of the mythical system; the meaning arising from the first system is distorted and appropriated into the second system. In this case, the first (linguistic) system tells us that it is a pirated car, and the second (mythical) system itself is manifested as two myths: that China is the chief threat to the knowledge economy, and that China is backward because it makes copies.

From the perspective of the West, the Ferrari incident reflects China’s current international image and its ambiguous position in the global economy. China has been stigmatized as the bootlegging capital of the world, a stereotype that the international community, particularly the U.S., has effectively exploited. Coercing China to play by international rules—that is, Western interests—is a major goal of current international diplomacy.<sup>6</sup> The stereotype of China as a pirate, regardless of how (in)accurate it is, is complicated by two other economic factors: China is the biggest foreign market for many international companies and is capable of producing any kind of commodity. In other words, China is tied to today’s global capitalism in every sense.

It is clear that all major automobile companies and even governments are watching the Chinese market closely. The Congressional Budget Office of the Congress of the United States commissioned an elaborate report in 2006 to investigate how China’s growing demand for oil, partly a result of the continually expanding car market in China, would have a considerable impact on the U.S. and global oil market, and thus on world order.<sup>7</sup> In early 2006 Ferrari held a high-profile exhibition in Shanghai’s Henglong Plaza, featuring its most popular models; the intention was clearly to reach out to potential Ferrari buyers among the Chinese nouveau riche (Ferrari sold one hundred of its sedans in China in 2005).<sup>8</sup> But, to the frustration of many, China is not just a

huge market; it is also a major competitor that does not necessarily play by the rules. The illegal car parts produced in China include routine replacement items like oil, fuel, and air filters, brake pads, and sparkplugs, but factories have increasingly been found producing more technically complex parts in large numbers.<sup>9</sup> Almost any commodity can be knocked off and reproduced in this “world factory,” which makes many “genuine” products as well.

As Kelly Hu demonstrates, as a most powerful original equipment manufacturer in the global production system, China gains knowledge and skills from high-tech clients, who, however, maintain their monopoly on the most advanced technological knowledge, compulsory patent enforcement, and distribution channels. In order to realize its own technological modernization, China produces a vibrant internal economy by utilizing low-cost technology.<sup>10</sup> This explanation applies also to the car scene. On the one hand, China continues to be the world factory of auto parts. Many of the parts of a Ferrari are made in China,<sup>11</sup> making a made-in-China counterfeit Ferrari highly plausible. But in reality, Ferrari still makes the most technological advanced parts in their local plants, so China does not possess the knowledge and skills to replicate a real Ferrari. Instead China’s car manufacturers develop a robust internal market with lower-end products. In 2003 China was not only the third-largest consumer market but also the fourth-largest automobile producer globally, and most of the Chinese-made cars are for the domestic market.<sup>12</sup> China produced some 10.8 million cars in 2008, while American car makers were projected to sell well under 10 million cars in 2009.<sup>13</sup>

The presence of foreign players in China’s car scene is extremely diverse, from the direct import of real Ferraris to parts imported and reassembled in China, and from transnational collaborations—cars made specifically for the local market (e.g., Beijing Jeep, Guangzhou Toyota, Shanghai GM, and Beijing Hyundai)—to the manufacturing of car parts in China mainly for export. But a major sector of China’s automobile market remains local; there are numerous local companies of varying sizes and brands with varying market values. While Japanese automobile companies have earned a great deal of profit from the Chinese market through direct sales and different forms of collaboration, many of them—such as Toyota, Honda, and Nissan—have filed IPR lawsuits against Chinese auto companies, claiming they have pirated their models.<sup>14</sup> Recently the competition has become so intense that while overseas car manufacturers sternly oppose the aggressive Chinese car industry, which allegedly steals their ideas and even copies entire models, fierce internal competition has left not one Chinese car company profitable. It’s a lose-lose situation, concluded a Beijing car dealer.<sup>15</sup>

The EU's accusation of Chinese counterfeiting highlights how this international image of the "Chinese pirate" is inextricable from the enormous industrial production power China allegedly possesses. The powerful and demonic status of China, from both political and economic perspectives, is manifested and unified in its image as a criminal pirate, and this discourse of robbery supports and is supported by the fervent desire and fear of transnational capital. As a country keen on becoming a major player in the new economy, China seems to have internalized this pirate image. In response to the Ferrari accusation, an angry commentator wrote in *China Daily*, "The developed world is already wary of China's meteoric rise. It accuses us of undervaluing our goods and dumping them into other countries' markets. It imposes unjustifiable fines on 'made-in-China' products. It wants to save its domestic markets, but wants us to open ours fully. We are charged with wreaking havoc on the environment. In fact, we are made the scapegoat for every possible wrong that could occur in this world."<sup>16</sup> After these strong, emotional, and complex allegations, the commentator's conclusion and advice to the Chinese people is very simple: "Help China by not making and buying fakes." The rhetoric is straightforward: while China's position in international politics is too complex for ordinary Chinese to interrogate, they can at least give the international community less ammunition; in the end, the Chinese people are guilty of faking and buying fakes. But so is Celine Dion, who was caught purchasing over fifty counterfeit products, including bogus Louis Vuitton goods, before her concert in Shanghai in April 2008.<sup>17</sup>

With the reification of knowledge and creativity, a major ethical battleground of the current IPR regime is the protection of the author, as I demonstrated in chapter 3. The legitimate commodity has an author (or a team of them, or a brand), while the pirated product does not. If China is seen as a world pirate, the country then lacks an author or subject position in the eyes of the international community proper. Parallel to the international anxiety over and fascination with the stereotype of China's mimetic power is the Chinese people's own anxiety about their culture and their future in relation to creativity: In order to resurrect a legitimate Chinese agency in the global economy, we must create instead of mimic.

Unfortunately there is a certain degree of accuracy to this rather racist claim printed in the *New York Times*: "Even the Chinese will tell you that they've been good at making the next new thing, and copying the next new thing, but not imagining the next new thing."<sup>18</sup> As demonstrated in chapter 4, we are seeing a certain creativity syndrome in China. The Chinese academic database China National Knowledge Infrastructure shows a rapid rise in the

Table 3. Academic Journal Articles Published in Mainland China Containing the Word “Creativity” in Their Title

Year	Number of titles with the word “creativity”	Total number of journal articles	Rate (1/10,000)
1994	105	855,995	1.2
2000	291	1,387,282	2.1
2004	672	1,811,996	3.7
2008	2627	3,446,678	7.6

Source: China National Knowledge Infrastructure Database, 1994–2008.

number of academic journal articles that contained the word “creativity” (創意 *chuangyi*). At more than a sixfold increase in the span of fourteen years, the data indirectly witness China’s hunger for creativity (table 3).<sup>19</sup>

Here we observe two interrelated causes of anxiety: there is a general fear in the West of China’s enormous industrial production capacity, whereas the Chinese worry that they can only reproduce, and therefore are forced in directions determined by others. In other words, the West fears China’s copying power, while China is concerned that it can only copy. Copying is feared because it is both powerful and powerless, depending on where one sits and what is at stake. As I mentioned in earlier chapters, the celebration of creativity and the condemnation of copying are foreign to traditional Chinese culture. In fact this is not only an issue in China; the meanings of copying and appropriation have also changed drastically in modern Western history. As Jean Baudrillard argues, the concept of forgery is basically a product of modernity; it was around the nineteenth century that copying began to be considered illegitimate and no longer art.<sup>20</sup> Respect for property also has a history in the West. Sea piracy was central to the foundational spirit of Western modernity; not long ago Dutch and northern piracy was the origin of adventurism and expansionism, and many pirate activities in the sixteenth and seventeenth centuries were in fact supported by colonizers.<sup>21</sup> The vigorous developments in the first decades of the twentieth century that made Hollywood the international film center were also clearly achieved by diligent piracy of all sorts.<sup>22</sup>

Let us now move from myth to the counterfeit product itself.

### The Magical Power of Mimesis

Japan's Kirin Brewery Company, which owns not only its namesake beer but an enormous number of agricultural and pharmaceutical patents, has claimed that "offending IPR is China's specialty."<sup>23</sup> Underlying this criminalization is anger, a sense of insecurity, or even jealousy. But there is also an indirect recognition of a sort of magical power, in the sense that China can conjure up anything found in our present capitalist market, and this fascination and fear are driven fundamentally by the challenge of this copying capability to our modern rational world. I call this power the mimetic power, in line with a major stream in postcolonial criticism which challenges the legitimacy of an original power. As Homi Bhabha describes it, colonial mimicry mocks the founding objects of the Western world; for example, early nineteenth-century Bengalis gladly received Bibles because their pages could be used as wrapping paper.<sup>24</sup> Thus I use mimesis not according to the Platonic-Aristotelian tradition of mimesis as representation, but in the anthropological sense of mimesis as mimicry, which is prelinguistic and therefore zoologically antecedent to the Platonic sense of mimesis.<sup>25</sup> Mimetic activities, then, are social practices and interpersonal relations rather than results of rational processes of human agency—the making of models based on observations of the world. Mimesis as mimicry, as Walter Benjamin and René Girard explain, allows people to connect to other people and also invites one to locate one's own alterity.<sup>26</sup> Precisely because of its prelinguistic nature, this kind of mimesis provides a model by which to understand human relations that are not confined to the modern Western experience.

To understand a material object through the concept of mimesis, we might start with Benjamin's seminal essay "The Work of Art in the Age of Mechanical Reproduction." The concept of mimesis is not mentioned therein, but its central concern is precisely the changes in the function and mechanism of mimesis in the modern world, which can be summarized thus: "Mechanical reproduction emancipates the work of art from its parasitical dependence on ritual."<sup>27</sup> Ritual is primarily mimetic, but it produces differences. The emancipation of the work of art is based upon a drastic technological change from ritual (the past) to mechanical reproduction (the modern). The premodern form of mimesis must attach to ritual, of which every performance is unique, while mechanical reproduction autonomizes and perfects the mimetic mechanism, which produces identical products.

Benjamin's position in relation to the modern and premodern forms of mimesis is slightly ambiguous; he interlinks instead of dichotomizes the two.

But his concluding predisposition is well known: it is the mechanically reproduced art, specifically cinema, that is capable of politicizing aesthetics and releasing the more culturally productive force of technology. This thesis of mechanically reproductive mimesis can be juxtaposed to the contemporary image of China as pirate: piracy has been so painstakingly criminalized in the new creative economy because of its enormous reproductive capacities. China's pirate image seems to distantly echo Benjamin's vision. Unlike its Fordist predecessor, the post-Fordist commodity is increasingly individualized because of the creativity and originality supposedly invested in it. Piracy duplicates and proliferates such forces, giving a new reading and new application of Benjamin's theorization of modern mechanical reproduction, as it reflects a (post)modern mode of technological reproduction that is beyond control. It does not even matter if this particular phony Ferrari is mass-produced; an army of them will come, as implied by Frattini's fearful accusation. In other words, the authentic commodity is endowed with a kind of aura, and the counterfeit product destroys this aura.

However, piracy is not just a politicized art; we would overlook much of piracy's power if we understood it only as simulacrum. Benjamin dichotomizes mimesis as modern (mechanical reproduction) and premodern (ritual), and piracy effectively demonstrates the problems of such dichotomization. While it is clear that the impacts of piracy's mimetic power are destructive to the order of the creative economy, the causes of this destruction are not ideological. There is a certain magical power associated with, for example, the Chinese ability to conjure up a Ferrari. The Italians are proud of the intelligence, handicraft, technology, and even taste that have been built into the brand after many years of research and refinement. How could China produce a fake with such ease and wizardry? Using Benjamin's vocabulary, if the Italian car builder is a surgeon who cautiously and scrupulously penetrates the car's body and builds it bit by bit, the Chinese pirate is a magician who maintains the natural distance between the car and himself. Does she perform the magic by simply laying hands on some unrefined metal, or by casting a spell? There is also a mythical aura about the fake Ferrari that cannot be contained within the normalized logic of present-day capitalism.

Accordingly, piracy can also be understood as a "premodern" form of mimesis, which is not just a specter of the past. Piracy is the negative definition not only of the current IPR legal regime but also of the social and cultural structure of capitalist modernity, so that inevitably piracy is associated with both modern crime and premodern irrationality. The developed world's fear of China's piracy capabilities is real. The frightening and fascinating dimen-

sion of the counterfeit Ferrari resides not only in the damage done to the real Ferrari, but also in the difficulty of attaching any fixed meaning or value to the fake car. Piracy is associated with contradictory meanings, in that it is both postmodern, as self-reproducible simulacrum, and premodern, as magic, so that the counterfeit product is infused with meanings that can subvert the rationality and the order of modern society which safely houses the genuine brand-name commodity.

However, what I really want to demonstrate is not their absolute differences but the intricate connections between commodity and counterfeit; the two are different from yet similar to each other. It is true that there is not a fixed discursive framework to teach us how to relate to counterfeit products, in contrast to the seemingly more stable price and knowledge network grounding commodity: some people consume counterfeit products simply because of their price and function, and many want to appear to possess a particular brand, but others like these products precisely because they are not “real.” Because counterfeiting is criminalized by the dominant legal economic structure, there is no legal basis for legitimizing ownership and proper consumption of counterfeit products. But we should not assume that the counterfeit is the opposite of the commodity. Appadurai argues that the production and the consumption of commodities require very complex social forms and distributions of knowledge, and the various types of knowledge define the commodities’ “life histories.” While much technological, social, and aesthetic knowledge go into a commodity’s production, knowledge is also required to consume it appropriately.<sup>28</sup> To Appadurai, a commodity has a social life because it constantly interacts with the world through the changing knowledge invested in and extracted from it. In other words, a commodity acquires its identity through a process that is constantly transforming. Similarly a counterfeit product also has its own social life, but the kinds of knowledge apposite to a counterfeit product seem to be less controllable and predictable. As the interviews Shujen Wang conducted with many Chinese pirated VCD consumers show, consumers purchasing these items have extremely diversified interests and intentions, but they all also demonstrate a desire and a conscious decision, very similar to the consumption of authentic goods, to make sense of the fast changing world around them.<sup>29</sup> The empirical data drawn by Jason Rutter and Jo Bryce also indicate that patterns of consumption of counterfeit and piracy products echo that of consumption of legal goods.<sup>30</sup> While there could be research showing the exact opposite tendency, these findings remind us that the genuine commodity and the counterfeit product might share many common traits.

The value of a genuine commodity is allegedly governed by production costs and market demand; this is also true of a counterfeit product, with the complication that a counterfeit's costs and markets are only partly conditioned by the genuine commodity. In terms of production costs, there are two very different systems governing the value of the counterfeit, one based entirely on the original product, and one based specifically on the production of the pirated product, which might be extremely slipshod. In terms of market demand, the counterfeit has its own market, yet it also exploits both the marketing and the residual market of the genuine brand. It becomes very difficult, therefore, to assign a price to the counterfeit Ferrari. Should it be cheaper or more expensive than a counterfeit BMW? Should it be priced according to its condition and quality (use value), or its brand image (exchange value), or its secondhand market value (surplus value)? It is also more difficult to be certain of the hierarchy of brand names in the world of counterfeiting. The consensus among Chinese pirates is that the Prada nylon bag is the most profitable pirated item because it is extremely easy to make and the materials are cheap.<sup>31</sup> The production value of Prada bags might be extremely high, but the reproduction costs of the pirated bags are very low, thus allowing the brand name to pervade the pirated goods market. The unsettling and powerful counterfeit product—the mimetic object—is enchanted partly because it cannot be abstracted into stable value.

Of course, the counterfeit Prada bag is so pervasive in the piracy market also because of the power of the brand. Chinese people's common vocabulary of international brand names has increased exponentially in the past decade. International brand-name products proliferate in department stores, which are located in major shopping malls and on main shopping boulevards. But their effects are more visual than tactile, as these brand-name products are far too expensive for the average Chinese person; this echoes Benjamin's description of the shopping culture in nineteenth-century Paris, which privileged seeing over touching.<sup>32</sup> The vast Chinese commodity markets are not yet monopolized by megabrands and transnational corporations, as are Western markets. For example, "the rapidly-growing MP3 players market in China is crowded with more than four hundred brands, mostly local ones with most of them capturing less than 1% of market share."<sup>33</sup>

But this does not mean that the Chinese government does not care about branding, which is in fact one of the top items on the national agenda. China is now the second largest economy in the world, but in terms of per capita income, the country occupies ninety-second place on the World Bank list.<sup>34</sup> Missing in the formula, many would claim, is the ability of Chinese firms to

combine their cost advantage in production with higher value-added activities such as branding. According to the Development Research Center of the State Council PRC, the strongest components of China's economy are the country's labor force and production costs, and the weakest is its brandscape.<sup>35</sup> Some national brands are emerging, and a few such as Haier and Lenovo, have been major successes. Internationally the Haier Group is the world's fourth largest manufacturer of electrical home appliances, while Lenovo is the fourth largest company in the worldwide PC market. Tsingtao beer has decided to relaunch itself internationally outside the overseas Chinese community by targeting Western mainstream markets. China Mobile also makes it to the ninth of the most valuable global brands in 2011. Even traditional cultures engage in the same pursuit, as demonstrated in the recent case of Shaolin Temple's failure to apply for a Shaolin Medicine trademark for the food products it produces.<sup>36</sup> The development of Chinese brand names could be the driving force in the advancement of the country's industrial and economic portfolio, and it is also believed to be an effective way to elevate China's global image.<sup>37</sup>

The world of branding is highly hierarchal, with certain Western brands being the ultimate objects of desire and local brands trying in vain to catch up. Such fierce competition can be understood as competition of signification effectiveness, backed by marketing programs of different kinds. In a way, the brand offers an authorial signature, endowing the product with a kind of originality; thus that the brand functions as a metaphor, providing a semantic link from the commodity to a concept or a quality in a fixed and direct way. However, the actual ways the brand signifies are more ambiguous. Brand is a concept and an entity which fits very well with Raymond Williams's understanding of the unfixed and multiple forms of exchange that permeate people's "structures of feeling," which are not personal but social and collective.<sup>38</sup> As Celia Lury elaborates, brand is at heart performative, in the sense that it is the interface promoting, realizing, and also unifying the many different consumer expectations for the product(s).<sup>39</sup> The kind of creativity celebrated in recent capitalist society must not be understood as an end but as a means—not realized through a specific material product but manifested as a constant mutation that prevents the arrival at any final product.

The reification of brand, then, is not unrelated to mimesis. According to Lury, the creativity invested in branding does not rest in the product as new, but in the brand image as performative: "Brand innovation need not derive or emerge from innovation in the organization of the production process. Instead, it may be produced in the practices of simulation or behavior modeling—that is, through qualification trials in which products are experimentally

tested in relation to the goal or aim of reaching a target market.”<sup>40</sup> Because the ultimate signified—consumerist desire—is extremely volatile, the kinds of creativity invested in branding cannot be directed toward individual final products, which are destined to be displaced quickly. Each commodity is imbued with a built-in mechanism that leads the consumer to desire another commodity: I buy this camera in order to buy the next new model, although the succession of new cameras is unified by brand significations in terms of image, technology, or knowledge, “the whole point of modernity and capitalist competition being that technology and manufactured products are made obsolescent by progress’ forward march.”<sup>41</sup> The magic of mimesis ultimately also defines the magic of consumerism as performative, and it promises (but always fails) to reach the ultimate signified. If I may link the performativity of brand marketing to that of pirated objects, we might observe an odd connection between branding and piracy: the brand-name commodity and the counterfeit product each carries a metonymical movement that constantly displaces itself.

Postcolonial critics are interested in mimesis largely because of its transformative potential, which generates effects that are destructive to colonial hegemony.<sup>42</sup> However, we need to pay attention to the fact that the commodity also has this dimension of metonymical displacement, which must be stabilized by the brand: the brand “is.”<sup>43</sup> Metonymy is a teleologically controlled trope, which, on the one hand, conjures otherwise unrelated terms and images into a signification process, and on the other hand, is governed by an invisible force that eludes figuration.<sup>44</sup> This linguistic concept can also be applied to commodity: metonymy allows us to label dynamic interactions between part (the commodity) and whole (brand), in the sense that it is the brand which provides a unity for the commodities constantly displacing each other in the market. It is this kind of teleologically controlled movement that makes the brand commodity attractive to consumers: it is always new but not radically so.

Precisely due to this powerful mimetic process, consumerism, as Michael Taussig states, has replaced colonialism to become the main hegemonic force of contemporary culture.<sup>45</sup> Mediated by commodities, the old colonial system has been converted into a new form of commodity imperialism. The mimetic faculty continues to be manipulated by dominating powers, yet because of the displacement of power from colonialism’s privilege of an original source to consumerism’s ubiquitous dissemination, it has also become more difficult for the manipulated to recognize and escape their manipulation. The active consumer is lured into the belief that he or she is the originator of taste, not

ordered by some powerful party like the colonial master, and is unaware that this master position is only replaced by the brand.

In light of the dynamic metonymical movements governing branding, we might be able to come up with a new understanding of the makeup of IPR. As I demonstrated in chapter 3, copyrights, trademarks, patents, trade secrets, and other items making up IPR are rooted in different cultural and historical contexts and different international treaties, and the IPR regime is a recent WTO construct that artificially conflates all these rights. This sweeping generalization and categorization of disparate rights are painstakingly put in place to legitimize the IPR regime. In terms of the dynamics between transformation and stability, we could group patent and copyright together as constructs to promote profits generated from new works and inventions, whereas trademarks, trade secrets, and geographical indications protect and perpetuate existing monopolies. In the case of Nike, the singularity of the swoosh is protected by trademark laws to perpetuate its market domination, while the company constantly applies for new patents to substantiate the brand's pride in so-called state-of-the-art shoe technology. For example, Nike claims that there are nineteen separate patents protecting its SHOX system, yet what really matters is not these patents but the differentiation between Nike and Adidas.<sup>46</sup> Our new economy needs protection from both directions, in that the enormous amount of R&D investment in ever changing product lines is protected by patent and copyright, and trademark and trade secrets laws guarantee the continued domination of the established brand names. A wholehearted embrace and encouragement of creativity could be drastically detrimental to the status quo, and the existing hegemony needs proper protection from such destabilizing effects. It is therefore not enough to isolate any one of the constitutive rights as symptomatic of the entire functioning of the new economy, but it is through their interactions and negotiations within the new IPR confines that the contrived late capitalist logic is perpetuated.

Benjamin understands premodern mimesis mostly from the perspective of the performative act, emphasizing that each performance, and each attendance, is different from any other. "Aura" is a result of such productions of differences and authenticity.<sup>47</sup> He therefore discusses the power of ritual mainly according to its temporal dimension and the changes it makes possible. But in the discussion of commodity and counterfeit products, we can explore how a stable material object can be mimetic on its own. In fact Benjamin also briefly mentions the power of static objects, and he suggests that many statues of gods and madonnas are hidden from the general masses because of their specific ritualistic use.<sup>48</sup> According to Benjamin, the veil-

ing and seclusion of the religious artifact reflect the dichotomy between cult values and exhibition values: the less often it is seen, the higher its cult value. Underlying this dichotomy is the assumption that each exhibition is powerful and unique, and the meanings of the artifact are made anew each time it is seen or is involved in the performance of rituals. In other words, although the artifact is fixed and inert, its significations change. While Benjamin's criticism mostly concerns the clergy's exclusive ownership of works of art, we might extend his observation to an understanding of how an object might be endowed with mimetic effects, particularly if they are religiously defined.

In Christian thought, the sign (as iconic) is considered religiously more truthful than the symbol (as idolatry), because the sign points beyond itself to reach the divine being, whereas the symbol retains power and might provoke, attract, or encourage idolatry.<sup>49</sup> In Christian aesthetics, art should never stop moving, because the iconic, which is also mimetic, moves toward the divine, whereas idolatry invites the gaze to cease looking beyond the symbol.<sup>50</sup> Time and change are important elements in Christian thinking: while the ultimate signified—God—stays transcendental and permanent, all arts dedicated to it are moving, transient, and unreliable. It is precisely this motion and instability that makes the artwork powerful.

This understanding of religious art is not unique to Christian thought; many other religious traditions have similar views of their ritualistic artifacts, which are religious precisely because they cannot figuratively portray their gods.<sup>51</sup> If the artifact is aware of its "representation" of a higher "unrepresentable" being, it cannot be confident in itself because of the distance between readings and meanings dramatized in religious art. If a human being (whether producer or viewer) is aware of his or her own impotence in reaching the divine through a particular work, the signified cannot be fixed within the work. However, this does not mean that the signified of the iconic art is free-floating or empty. As Paul de Man explains, religious art is often understood on the basis of structuralist symbolism, which assumes that all cultural expressions are manifestations of a set of ultimate symbols or archetypal stories.<sup>52</sup> The iconic movement of Christian art is clearly structured.

Accordingly, our understanding of brand-name commodities might benefit from studies of religious arts. It is true that capitalism is more a way of life than a belief system, so that commodities are not religious, and it does not point to an ultimate signified as Christian art does. However, capitalism provides a cult system with its own elaborate set of beliefs and values (e.g., market as god, commodity as fetish), which promote social solidarity and stability.<sup>53</sup> So brand-name commodities are like religious symbols in their

reliance on a secure system in which god and brand name stabilize the object's metonymical movement. We can take the Mao badge,<sup>54</sup> or other similar "secular iconic" objects, as examples to demonstrate the difficulties of such balances. Collected today as both a personal protecting charm and an item for capital appreciation, the Mao badge is doubly fetishized because it is both sacred and commercialized, both magical and collectable. But due to the two signification systems functioning simultaneously, both Mao's divine figure and the Mao brand become less stable than most other religious artifacts and commodities. Market value and supernatural value define and delimit each other, so that the badge becomes not really magical, yet not completely disposable.<sup>55</sup> The significations of the Mao badge, being both a commodity and a religious sign, are very difficult to pin down. The mysterious identity of the counterfeit product is like the Mao badge, in the sense that in both cases the signification evades the capitalist system.

Kenneth S. Rogerson argues that the information age is characterized by the tension between two dynamics: "first, the tendency of information to be free flowing and not to lose its value as it moves, and second, the tendency to want to control that flow of information in order to profit from its value."<sup>56</sup> We might use the same model to understand the creativity invested in brand-name commodities, in that their significations, however fluid, must be controlled to secure and benefit the dominant discursive system. The brand is set up to relate each commodity to another in diachronic terms, such as generation, or synchronic terms, such as niche market. Like the religious transcendental, the brand name also links the diversified receptions and consumptions to generate the desire of coherent consumption, although its ultimate signified is impossible to define.

### The Politics of Mimesis

So far I have demonstrated that both the commodity and the counterfeit are signified metonymically; while the commodity's movements are governed by the brand, the counterfeit is based both on the original brand name and something more irrational and arbitrary, which is outside of capitalist control. The key question remains whether such counterfeit residue can effectively subvert the ultimate signified, that is, the capitalist order. I am not optimistic, and I do not believe that we could hold on to the actual social functions and effects of piracy as a kind of responsible subversion. The current trend of hacking activism relies heavily on a politics of liberty, in that hacking realizes a form of freedom specific to the information age.<sup>57</sup> Popular writers like Matt Mason

also describe the contemporary pirate as the “guardian of free speech who promotes efficiency, innovation, and creativity.”<sup>58</sup> I agree that hacking and piracy could both unsettle the dominant systems, but we cannot use a leftist liberal perspective to understand piracy, because most piracy is, to different extents, driven by the desire for the commodity. In fact some corporations are highly conscious of the advertising effects of piracy, and designers like Stussy, Hilfiger, Polo, DKNY, and Nike have refused to crack down on the pirating of their logos on T-shirts and baseball hats in American inner cities because, according to Naomi Klein, the big brands know that the wide presence of their logo in the right, namely black, neighborhoods could create an enormous advertising effect globally.<sup>59</sup>

We should recognize the cultural productivity of some of these IPR offenses; an entire new generation of Chinese filmmakers has been taught the art of cinema through pirated movies, and new video works made up of copyrighted materials proliferate on the Internet.<sup>60</sup> However, the actual effects of many of these forgeries cannot be romanticized. One of the most heartbreaking examples took place in 2004, when knockoff baby formula caused the deaths of twelve infants and serious malnutrition in more than 220 others in China.<sup>61</sup> And in April and May 2006 bogus Armillarisin A injections produced by Qiqihar No. 2 Pharmaceutical Company caused the deaths of at least nine people and kidney failure in many others.<sup>62</sup> That Chinese company is by no means a pirate factory, but a renowned state-owned company with more than three hundred registered workers. It just happened that a corrupt merchandizing manager purchased an important component of the injection, propylene glycol, from a pirate.

In fact counterfeit drugs are found all over the world, and people in developing countries are particularly at risk.<sup>63</sup> Those in the developed world find these fatal incidents shocking mostly because they have taken commodities for granted. Would any parent doubt the nutritional value of a beautifully packaged baby formula sold in supermarkets? Would patients question the medication they receive in hospitals? Consumer society, however diversified it has become, needs coherency, just as iconic arts need god. While it may be arguable to call medicine a commodity, we must admit the important position of the drug and the health industries in the new economy. As IPR concerns are most contested in drug-related fields, the simple romanticism of piracy would also prove the most problematic there.

In China the drug industry spends the largest amount of money on advertising. In 2001 eight of the top ten most-advertised corporations were pharmaceutical companies. In 2009 medical and health-related companies

continued to contribute 37 percent of the annual growth of newspaper advertisement.<sup>64</sup> In China health products most frequently carry brand names, and the aforementioned fatal piracy cases are detrimental to China's pharmaceutical industry. However, this subversion is provisional and weak because it only challenges China's, not the global, medical industry. Hong Kong's retail drugstores, for example, benefit from drug frauds in China; thousands of mainland tourists go to Hong Kong every day to buy medicine and baby food. Widespread piracy does not dismantle people's trust in brands; more affluent Chinese simply shift their consumption activities to other places, like Hong Kong, a more abstract brand name they now trust.<sup>65</sup> Parents might not have faith in any brand-name baby formula found in China, but they trust anything sold in Hong Kong. In this case, the capitalist system does not break down, but in some sense is reinforced. Such minor crises only reinforce people's longing for a better capitalist system.

A counterfeit product might disturb global capitalism because of its illegal position, which escapes and subverts any form of macro control. But a pirated product, although negating the brand-name commodity, is ultimately parasitical to the original commodity, so that the consumption of a counterfeit product also indirectly reinforces the value of the model. Counterfeiting is a function, however distorted, of the brand name, and the disruptions it causes are easily remedied by the commodity market itself; it is only China's fault for tolerating piracy, not the fault of "the market." Bhabha's celebration of the Bengali use of the Bible as wrapping paper might not apply to the actual use of counterfeit products, as the Christian god is probably not signified in the use of the individual pieces of paper, but many are attracted to counterfeit products precisely because of the exchange value of the original brand.

I now return to the theme of demythologization. In July 2006 three people, including one Coca-Cola employee, were charged with stealing the Coca-Cola Company's trade secrets and trying to sell them to PepsiCo Inc. The two companies are perennial enemies, but when Pepsi received a letter from someone offering to sell Coke's trade secrets, it went straight to its rival, which initiated an immediate FBI investigation.<sup>66</sup> I am not surprised by Pepsi's righteous response, as this notion of trade secrets really holds together the soft drink industry to which Pepsi, of course, belongs. However, I remain extremely doubtful about the secrets contained in those documents. Considering the extremely large number and variety of soft drinks in the market, how could this market be held together without some kind of mythical aura? In a memo concerning the case, Coca-Cola Chief Executive Officer Neville Isdell writes, "While this breach of trust is difficult for all of us to accept, it underscores

the responsibility we each have to be vigilant in protecting our trade secrets. Information is the lifeblood of the company.” To be more precise, it is the company’s ability to uphold the myth of trade secrets that allows its pseudo-individual commodities to continue to flood the market. By resorting to trade secrets laws, these soft-drink companies prevent their consumers from reading the products, and therefore from understanding the market mechanisms.

As mentioned in the beginning of the chapter, I am interested in exploring the semiotics of the counterfeit product in order to understand the logic of the negative meanings associated with copying. As I have demonstrated, both the counterfeit and its model are governed first by the semiotics of mimesis, and second by the capitalist drive. The two are connected in the sense that the metonymical movements comprising the objects’ semiotics need the grounding of an economic system. Or, to look at the situation from another perspective, it is this constantly displacing economic system that needs the myth of creativity to hold it together. Barthes demonstrates two ways to counter mythologization: through the poetic language that proliferates, and therefore transforms the sign back into meanings, and through labor, which does not mediate but links oneself to the object directly.<sup>67</sup> The latter is the language of revolution, which is equivalent to an act of penetrating the object and destroying it. This is an option unconsciously taken by many IPR critics, who choose to focus on political economy or legal polemics to understand piracy and counterfeiting, in which the actual objects, either the commodity or the counterfeit, are there to be deconstructed.

I choose the poetic approach advocated by Barthes, because I want to take the material object more seriously. Instead of destroying it in a single stroke, I choose to politicize by poeticizing the object, so that it—both the counterfeit product and the commodity—can be transformed from a sign back to a contested site embodying multiple sources of meaning. But I also try to avoid Barthes’s visual bias, as he tends to see the commodity as just a sheer surface or veil, waiting to be peeled off in order to reach the hidden meanings.<sup>68</sup> As Baudrillard writes, the magic of today’s consumption culture is the assimilation of commodity and sign into an object form, “on which use value, exchange value and sign value converge in a complex mode.”<sup>69</sup> What we need, then, is a politics of mimetic reading that refuses to be shut down by such a system of mimetic control. I believe this reading is particularly warranted in China, where too many people see commodity as the object of desire, and capital the ultimate signified.

Currently the discourse of *dajia* 打假 (combating fakes) pervades Chinese media and government policy.<sup>70</sup> There is a proliferation of media pro-

grams and news coverage to educate the masses on how to avoid falling victim to fraud. Objects of condemnation range from unsafe food to dangerous electronic apparatuses, and from academic plagiarism to reporters falsifying news. A most ironic case is a news report that aired on the highly popular television program *Transparency* (透明度 *Toumingdu*) on Beijing Television's Life Channel, which reported that some dumplings sold in Beijing are stuffed with the same materials that are used to make carton boxes.<sup>71</sup> The news shocked dumpling-loving Beijingers, but soon the complaint was found to have been masterminded by the television station's own staff, who asked a food stall to make dumplings out of the stuffing already prepared in order to fabricate another piece of scandalous news. Jing Wang argues that one major difference between advertising in the West and in China is the importance of safety to Chinese consumers: "It is 'safety' rather than 'desire' that speaks to consumers across regions and social strata in China."<sup>72</sup> I certainly agree with Wang's insight into the importance of product safety among the vast Chinese citizenry, but I insist on understanding the mechanism of "desire" with wider resonances. The dumpling event demonstrates that safety, and therefore the identification of forgery, has itself become a form of desire, to the extent that forgery must be forged in order to satisfy a mass audience obsessed with condemning their "phony" nation. The dumpling event is not just about food safety; it also reveals the Chinese people's modernization urge, that they desire to detect and identify with the backwardness of their country in order to give them a sense of control, not unlike the blockbuster-bashing phenomenon I mentioned in the introduction.

Chasing a modernization dream, the Chinese people form their identification around the commodity and are therefore mercilessly exploited by the capitalist market. As suggested earlier, China is positioned as a pirate by the developed world because there is no other position in which the country can be placed. If piracy is merely a fast track, all the evils associated with the capitalist system are manifested much more hastily and dramatically through piracy. Piracy itself definitely cannot be romanticized as a Maoist guerrilla action, as piracy largely demonstrates the disorder resulting from China's frantic adoption of capitalism.<sup>73</sup> In order to counter such dense mythological systems, we need to commit to a mythological reading, reflecting carefully on the ways contemporary China is entangled in capitalism. The fanatic capitalist society found in China and all over the world is constituted by objects encoded with a complex and glistening system of signs, which attract our attention and lure us into perpetual consumption and perpetual indifference. I find counterfeit products an interesting case for interrogation because they

are an extreme manifestation of commodity obsession, and a careful reading of the object form of the counterfeit necessarily sheds light on the sign system of the commodity itself. I believe that we need to regain our reading capacity to understand the current creative economy that actually robs us of our ability to read. Precisely because mimesis can be so easily tamed, we need to *hold on* to a politics of mimesis that prevents us from falling into the trap of abstraction.