

Notes

Introduction

- 1 Bruce Nussbaum, "IDEO Makes the Top 25 Global Innovators: Here's Why," *Business Week*, April 17, 2006, online (accessed 15 September 2010).
- 2 "The Power of Design in Global Development," *International Trade Forum*, no. 3 (2009), online (accessed 4 September 2010).
- 3 Li Haiqiang, "Shanghai chuangyi chanye mishi Shanghai."
- 4 Taniguchi and Wu, "Shanzhai."
- 5 Su Xing, "IDEO Yataiqu zhixing zongcai Li Ruizhe."
- 6 See, for example, the special double issue of *Business Week* on "The Creative Economy," no. 3696 (21 August 2000).
- 7 Strong voices have been raised to protect these innovative methods from being copied. See Lyons, Chatman, and Joyce, "Innovation in Services."
- 8 Howkins, *The Creative Economy*, xi–xiv. Howkins, an English writer, educator, and businessman, is a well-known promoter of the creative economy in Asia, serving as consultant to both corporations and governments.
- 9 See, for example, Pike, *Virtual Monopoly*.
- 10 See, for example, Tapscott, *The Digital Economy*; Kelly, *New Rules for the New Economy*; Pine and Gilmore, *The Experience Economy*; Leadbeater, *Living on Thin Air*.
- 11 Chiodo, "Evolving from a 'Knowledge Economy' to a 'Creativity Economy.'"
- 12 Howkins, *The Creative Economy*, 119.
- 13 Some scholars explain that the lack of a precise academic definition of the term "creative industries" is due to the fact the discourse arises first in economic and regional policy rather than in academic analysis. See Hartley and Montgomery, "Creative Industries Come to China," 1.
- 14 Garnham, "From Cultural to Creative Industries."
- 15 See, for example, Keane, "Brave New World."
- 16 See Sawyer, *Group Genius*; Bilton and Leary, "What Can Managers Do for Creativity?"; Bekins and Williams, "Positioning Technical Communication for the Creative Economy"; Kong, Gibson, Khoo, and Semple, "Knowledges of the Creative Economy."

- 17 Richard Florida argues problematically that instead of working solely for wages, the creative class is motivated by passion, in *The Rise of the Creative Class*, 88.
- 18 See Boltanski and Chiapello, *The New Spirit of Capitalism*; Rossiter, *Organized Networks*.
- 19 See Ross, *No Collar*.
- 20 McRobbie, "Clubs to Companies."
- 21 Wayne, *Marxism and Media Studies*, 6–37.
- 22 Christopherson, "The Divergent Worlds of New Media"; Lovink and Gerritzen, *Everyone Is a Designer*.
- 23 For example, some social science researchers hypothesize that certain problem-solving instructions (heuristic instructions) spark creativity more than other kinds of instruction (algorithmic instructions). See Ruscio and Amabile, "Effects of Instructional Style on Problem-Solving Creativity."
- 24 See Bilton, *Management and Creativity*, 167.
- 25 Kleiman, "Towards Transformation."
- 26 Negus and Pickering, *Creativity, Communication and Cultural Value*, 24.
- 27 At least three journal special issues on related topics have been published in the past few years: Hartley and Keane, "Special Issue on Creative Industries and Innovation in China"; Carriço, de Muynck, and Rossiter, "Creative China: Counter-Mapping the Creative Industries"; Hartley and Montgomery, "Special Issue on China: Internationalizing the Creative Industries."
- 28 Keane, *Created in China*, 81–86.
- 29 In China the term "cultural industries" is used much more often than "creative industries," but in this book I choose to use the term "creative industries" consistently to emphasize the same global discourse influencing China. See chapter 4 for more historical details.
- 30 Andrew Baston and Piling Chiu, "China Loses Some Allure as World's Factory," *Wall Street Journal*, Eastern ed., 8 July 2006; See "The Problem with Made in China," *Economist*, U.S. ed., 13 January 2007, 68–70.
- 31 U.S.-China Business Council, "Foreign Direct Investment (FDI) in China."
- 32 Hu Jintao, "Nuli ba guan che luoshi kexue fazhanguan tigao dao xin shuiping."
- 33 Jing Wang, "The Global Reach of a New Discourse."
- 34 As Alan Liu aptly points out, our network society is characterized by decentralization and distributed centralization, in that the horizontal democratization of information demands ever more effective systematization and uniformity to ensure efficiency and control (*The Laws of Cool*, 141–73).
- 35 "Nike Sues Chinese Companies over Logo," *China Daily*, 2 April 2009, www.procedurallaw.cn (accessed 25 September 2009).
- 36 Qian and Hu, "Chuangyi chanye fazhan moshi jiejian yu tansuo," 47.
- 37 See Nye, *Soft Power*.
- 38 See Gill and Huang, "Sources and Limits of Chinese 'Soft Power.'"
- 39 Jing Wang, *Brand New China*, 134–43, 142.
- 40 Buckley, "China Design Now."
- 41 Dirlik, *Global Modernity*, 141–143.

- 42 The lecture was given by a Chinese Academy of Social Sciences researcher, Zhang Ximing (張西明), and a Tsinghua University professor, Xiong Chengyu (熊澄宇). Both are major government advisors on issues related to culture and the press.
- 43 Hu Jintao's speech of August 2003 can be found in "Zhonggong zhongyan zhengzhiju juxin diqici jiti xuexi" 中共中央政治局舉行第七次集體學習 (The Political Bureau of the Communist Party of China holds its seventh collective study), www.bjcx.org.cn (accessed 11 June 2009). My translation.
- 44 See Item 8.4 in the official document "Zhonggong zhongyang guanyu jiaqiang dang de zhizheng nengli jianshe de jueding" 中共中央關於加強黨的執政能力建設的決定 (The decision of the Chinese Central government to strengthen the Party's governing ability), 26 September 2004, <http://cpc.people.com.cn> (accessed 16 June 2009).
- 45 Hu Huilin, *Wenhua chanye fazhan*, 34–38, 10–14, 154–55, 185–214.
- 46 Rofel, *Desiring China*, 133.
- 47 See David Barboza, "For Chinese Filmmakers, Success Can Sting," *International Herald Tribune*, 1 July 2007.
- 48 Ling Yan discovers on the Internet heated discussions on *Zhongguo dapian/guochan dapian* (Chinese blockbusters) and over 5 million links related to the topic. Ling Yan, "Huayu kuajing dapian yu Zhongguo xiangxiang."
- 49 Žižek writes that ideology works best when it reminds its subjects that they are not subject to its control, so that self-reflection and conscious rationalization with the ideology make for the most successful interpellated subject ("Class Struggle or Postmodernism?," 100–101).
- 50 See Redding, *The Spirit of Chinese Capitalism*, 210.
- 51 Vijay Vaitheeswaran and Iain Carson, "A Dark Art No More," *Economist*, 13 October 2007, 10–12.
- 52 Branstetter, Fisman, and Foley, "Do Stronger Intellectual Property Rights Increase International Technology Transfer?"
- 53 This is happening not only in the commercial world, but also in academia. Many critics also use a modernity framework to comment on the widespread trend of academic plagiarism taking place in the PRC. For example, Lin Yusheng, emeritus professor at the University of Wisconsin, Madison, remarks that very few scholars teaching in Western universities would be charged with plagiarism because they respect themselves. He cites the tolerance of plagiarism on the mainland as evidence of China's failure to progress, and says that Chinese academia's boast of merging with the international academic community is only an empty slogan. Embedded in Lin's criticism is not only a moral condemnation of plagiarism, but also a common celebration of "creativity" as a modernity indicator across social sectors. See Zhang Chuanwen, "Lin Yusheng lun Wang Hui shijian."
- 54 See the epilogue to Pang, *The Distorting Mirror*.
- 55 See, for example, the research and reports collected in Ouyang and Ding, *Guoji wenhua fazhan baogao*.
- 56 Alford, *To Steal a Book Is an Elegant Offense*, 9–29; Keane, *Created in China*, 35–46.
- 57 Wang Hui, *Xiandai Zhongguo sixiang de xingqi*; see also Yongle Zhang, "The Future of the Past."

- 58 Puett, *The Ambivalence of Creation*, 3, 141–76.
- 59 As some scholars have pointed out, the Chinese conserve by copying. In traditional wooden architecture, for example, the original wood is made to be reproducible and perishable, so that rotten parts can simply be replaced as needed. The entire building might last forever, while the parts that compose the whole can be repeatedly renewed. See Stille, *The Future of the Past*, 40–42.
- 60 See, for example, Wang Hui, “Depoliticized Politics, from East to West.”
- 61 *Chuangzao* (創造), the Chinese term used currently to refer to the concept of creation, did not originally denote creation from a void and does not connote “novelty” as such, but the original meaning of the word *chuang* (創) simply denotes the idea of production and beginning. Some of the earliest uses of the word *chuang* can be found in classic texts such as *Mencius* and the Confucian *Analects*.
- 62 Janice Hua Xu, “Brand-new Lifestyle,” 367.
- 63 Caracostas and Mulder, “Long Cycles.”
- 64 For a recent general introduction to the new economy, see, for example, Sennett, *The Culture of the New Capitalism*.
- 65 Commonwealth of Australia, *Creative Nation*, 7.
- 66 McLeay, “Investing Australia,” 42.
- 67 See M. Leonard, *Britain TM*.
- 68 Driver and Martell, “New Labour.” The U.K. Creative Economy Programme has released a number of reports on the development of the country’s creative economy and the creative sector. See www.cep.culture.gov.uk (accessed 4 June 2007).
- 69 See New England Council, *The Creative Economy Initiative*.
- 70 Yue, “The Regional Culture of New Asia.”
- 71 Klein, *No Logo*, 30–35.
- 72 This is also evidenced in our academic world. After presenting a survey of new R&D strategies in the sciences, Stuart Cunningham argues that humanities research should also take these strategies seriously: “Before we are recognized as contributing to the global knowledge economy and our national innovation systems, we must innovate through changing ourselves.” Cunningham’s criticism of the autonomous position of the humanities goes to extremes in its wholesale dismissal of the researcher’s own critical position. Unfortunately, we are seeing more and more humanities research going in this direction; the rapid increase of knowledge and creative productions, ironically, provides far less room for us to critically engage with late capitalism. Cunningham, “The Humanities, Creative Arts, and International Innovation Agendas,” 122.
- 73 Throsby, *Economics and Culture*, 3–5.
- 74 Major areas of studies include the economics of art, cultural policy, contractual behaviors and organization around the arts, and the IPR. For an array of examples, see Frey, *Arts and Economics*, 1–33; Heilbrun and Gray, *The Economics of Art and Culture*; Caves, *Creative Industries*; Landes and Posner, *The Economic Structure of Intellectual Property Law*.
- 75 Lury, *Brands*.
- 76 Thrift, “Capitalism’s Cultural Turn.”

- 77 Laclau and Mouffe, *Hegemony and Socialist Strategy*, 126–27.
 78 Jameson, *Late Marxism*, 15–34, 28, 32.
 79 *Ibid.*, 33.
 80 Žižek has used the fascist construction of the Jewish plot to remind us that ideology needs a constructed other to sustain itself (*The Sublime Object of Ideology*, 124–29).
 81 Fisher, *Capitalist Realism*, 3.
 82 Laclau and Mouffe, *Hegemony and Socialist Strategy*, 127–34.
 83 Laclau, “Structure, History and the Political,” 209–10.

Chapter One: Creativity as a Problem of Modernity

- 1 My project can be seen as connecting to Horkheimer’s and Adorno’s *Dialectic of Enlightenment*. While they focus on the dialectic manifestation of the Enlightenment, this book concerns a similar set of dialectics in our understanding and appropriation of creativity.
- 2 See Wigmans, “Contingent Governance and the Enabling City”; Castells, *The Rise of the Network Society*, 449.
- 3 My apologies for treating modernity in this chapter as if it were a singular, seamless project. We all know that modernity comes in different forms at different times and in different places, but it is strategic to assume some coherency of the project before any productive analysis can be reached. Here I choose to deconstruct Western modernity not by exposing its different manifestations, but by analyzing its internal repressions and stratifications.
- 4 R. Williams, *Keywords*, 82–83.
- 5 Williams’s account has become a standard one in understanding the development of creativity in the West. See also Negus and Pickering, *Creativity, Communication and Cultural Value*, 1–21.
- 6 See Gibson’s discussion of Weber’s *The Protestant Ethic and the Spirit of Capitalism* in *Creating Selves*, 15–16.
- 7 Plato, *Timaeus*.
- 8 Boris DeWeil argues that the original conceptual model for “liberty as creativity,” which so fundamentally informs the development of Western modernity, did not belong to classical Greek tradition but came from Judaism. See DeWeil, “Freedom as Creativity.”
- 9 The Christian tradition, although it continues to struggle with the tensions between the doctrine of *creatio ex nihilo* and Plato’s derivative model, remains peripheral to modernity. David T. Runia, among others, explains historically how the two different notions of creation, from the Platonic and the Judaic traditions, were painstakingly reconciled in early Christian thought—which at the same time also avoided the move to the Platonic derivative model of creation. See Runia, “Plato’s *Timaeus*.”
- 10 Cascardi, *The Subject of Modernity*, 128, 133–34.
- 11 Habermas, *The Theory of Communicative Action*, vol. 1.
- 12 See Habermas, “Modernity,” 45.
- 13 Anthony Cascardi describes Kant’s difficult task thus: “The ambition of the third *Critique* is to locate in aesthetic judgment a form of *knowledge* that does not subordinate

- the affects (pleasure, pain) to the governance of universal laws but that begins from particulars and proceeds to find the concepts according to which they can be phrased with categorical validity” (*Consequences of Enlightenment*, 100, emphasis mine).
- 14 “This question of the existence of truths (that ‘there be’ truths) points to a coresponsibility of art, which produces truths, and philosophy, which, under the condition that there are truths, is duty-bound to make them manifest (a very difficult task indeed).” Badiou, *Handbook of Inaesthetics*, 15.
- 15 For an elaborate analysis of Badiou’s theorization of the autonomy of art, see J. Roberts, “On the Limits of Negation in Badiou’s Theory of Art.”
- 16 Adorno, *Aesthetic Theory*, 175–225; Lukács, *The Historical Novel*, 251–350.
- 17 Benjamin, “Little History of Photography,” 527.
- 18 Jameson, “Postmodernism and Consumer Culture.”
- 19 Schelling, “Philosophical Investigations into the Essence of Human Freedom,” 142, 146.
- 20 See Žižek, “The Abyss of Freedom.” For related scholarship by Heidegger and Habermas, see Žižek’s bibliographical note, 87–88.
- 21 Žižek, “The Abyss of Freedom,” 14–16, 11, 17.
- 22 Deleuze and Guattari, *Anti-Oedipus*, 245–46.
- 23 Deleuze and Guattari, *A Thousand Plateaus*, 97–98.
- 24 Rancière, *Dissensus*, 170–81.
- 25 Hallward, *Out of This World*, 3, 79.
- 26 Žižek, “The Abyss of Freedom,” 77.
- 27 Jameson, *A Singular Modernity*.
- 28 *Ibid.*, 207, 206, 126–27.
- 29 Doane, *The Emergence of Cinematic Time*, 140–71.
- 30 See also, for example, related works by Tom Gunning: “The Cinema of Attractions” and “An Aesthetic of Astonishment.”
- 31 Doane, *The Emergence of Cinematic Time*, 165–66.
- 32 Jameson, *A Singular Modernity*, 199.
- 33 Jameson, *Late Marxism*, 16–17.
- 34 Vattimo, *The End of Modernity*, 166.
- 35 Yúdice, *The Expediency of Culture*, 1–2.
- 36 Peter Osborne, “Whoever Speaks of Culture Speaks of Administration as Well.”
- 37 See, for example, Boltanski and Chiapello, *The New Spirit of Capitalism*, 217–72.
- 38 Vico, *The New Science of Giambattista Vico*, axioms 374–84.
- 39 Luft, *Vico’s Uncanny Humanism*, 16–20, 8–10.
- 40 *Ibid.*, 175, 195, 196.
- 41 Kaufman, *In Face of Mystery*, 264–80, 268, 275.
- 42 Bakhtin, “Response to a Question,” 1–9.
- 43 Bakhtin, *The Dialogic Imagination*.
- 44 For further illustrations of Bakhtin’s idea of “creative understanding,” see Willemen, *Looks and Frictions*, 212–18; Gibson, *Creating Selves*, 129–31.

Chapter Two: Creativity as a Product of Labor

- 1 Lazzarato, “Immaterial Labor,” 146–47.
- 2 This is shown, for example, in John Howkins’s latest book, *Creative Ecology*, which privileges “ideas” as the basis of the creative economy.
- 3 Toffler, *Powershift*, 222–23.
- 4 Ibid.
- 5 Bjørn Asheim and Eric Clark argue that the “new economy” is characterized by competitions built on innovation and differentiation strategies, as opposed to previous competitions that were based on price competition. See “Creativity and Cost in Urban and Regional Development,” 806. However, I believe that this “new economy” is composed of both components, and in fact their continual intensification.
- 6 See Reich, *The Work of Nations*, 208–24.
- 7 Dyer-Witheford, *Cyber-Marx*, 231.
- 8 For a historical analysis of the complex relationship between the stationer and the author in the earliest copyright laws, see Patterson, *Copyright in Historical Perspective*, 64–77. For the different emphases on the author’s rights in European and American copyright cultures, see P. Goldstein, *Copyrights’ Highway*, 137–42. For the authorial anxiety manifested in contemporary IPR laws in general, see Coombe, *The Cultural Life of Intellectual Properties*, 169–70.
- 9 Woodmansee, “The Genius and the Copyright.”
- 10 For scholarship on the exploitative working conditions of contemporary creative workers, see related discussion in the introduction.
- 11 Marx, *Grundrisse*, 146.
- 12 The vigorous Dutch art market was originally more commodity market than art market; in the early seventeenth century people paid standard prices for pictures according to their subjects, rather than their artists. New marketing strategies were introduced toward the end of the century to respond to the saturation of the mass-produced portrait market, and there developed a new discourse of master artists. Discerning individuals also evolved a taste for finely crafted paintings. See North, *Art and Commerce in the Dutch Golden Age*, 82–105.
- 13 Marx, *Capital, Volume 1*, 284–85, 312, 289, 290.
- 14 Ibid., 579.
- 15 See, for example, Florida’s description of “experiential life,” in which the creative class gains creativity through leisure. *The Rise of the Creative Class*, 165–79.
- 16 Pratt, “Advertising and Creativity.”
- 17 Ibid., 1892.
- 18 See Banks et al., “Risk and Trust in Cultural Industries.”
- 19 Harney, “Unfinished Business.”
- 20 McRobbie, “Clubs to Companies.”
- 21 Such industrialization of creativity is elaborately discussed by Frankfurt school scholars, particularly in the culture industry model. See, for example, Adorno, *The Culture Industry*.

- 22 Marissa Ann Mayer, “Creativity Loves Constraints,” *Business Week*, 13 February 2006, 102.
- 23 Martina Morris and Western, “Inequality in Earnings at the Close of the Twentieth Century.”
- 24 Neff, Wissinger, and Zukin, “Entrepreneurial Labor among Cultural Producers,” 331.
- 25 Here lies a major quandary of the current copyright debates: Should ideas be protected? A major principle of copyright discourse is the dichotomy of ideas and expressions: although expressions should be protected, ideas should not, because ideas belong to the entire human race. However, many recent cases demonstrate that ideas are now protected, although not entirely by copyright but by many other kinds of contract and business laws.
- 26 Klinger, “The Contemporary Cinephile.”
- 27 Landes and Posner, *The Economic Structure of Intellectual Property Law*, 223–24.
- 28 Pierson, *Special Effects*, 149–58.
- 29 However, there are also strategic moments when IPR owners highlight the material conditions of the actual hierarchy of creative workers. Governmental and corporate antipiracy campaigns often exploit the notion and the interests of the creative worker to criminalize piracy. In television campaigns by the Motion Picture Association of America, movie trailers, and the Internet, the unauthorized reproduction and distribution of movies is portrayed as a threat to the livelihoods of people working in the film industry—not famous stars or directors but the actual workers. See Gates, “Will Work for Copyrights.”
- 30 Yue, “Hawking in the Creative City”; Malanga, “The Curse of the Creative Class”; McCann, “Inequality and Politics in the Creative City-Region.”
- 31 Florida, *The Rise of the Creative Class*, 67–82.
- 32 Florida, *Cities and the Creative Class*, 35, 5.
- 33 Seabrook, *Nobrow*, 72.
- 34 Gaines, *Contested Culture*, 63–64.
- 35 Fiske, “The Cultural Economy of Fandom,” 30–49.
- 36 Wirtén, “Out of Sight and out of Mind.”
- 37 Shorthose and Strange, “The New Cultural Economy,” 50.
- 38 du Gay and Pryke, “Cultural Economy.”
- 39 Benjamin, “Little History of Photography,” 527, 526.
- 40 Marx, *Capital, Volume 1*, 133.
- 41 Arendt, *The Human Condition*, 105, 105–6, 111.
- 42 Fine and Saad-Filho, *Marx’s Capital*, 10.
- 43 Rancière, *The Nights of Labor*, 15–23.

Chapter Three: Creativity as a Construct of Rights

- 1 This is made possible by the doctrine of “works made for hire.” Many IPR critics appreciate the European IPR laws more than Anglo-Saxon laws, as the former support the creator’s inalienable moral rights, so that creators retain their copyright even after the formal transfer of the title to new owners. For an elaborate discussion of the differences

- between the European and the American logics of authors' rights, see Samuelson, "Economic and Constitutional Influences on Copyright Law in the U.S.," Warwick, "Is Copyright Ethical?" 272.
- 2 May and Sell, *Intellectual Property Rights*, 50–52, 52–55.
 - 3 Patterson, *Copyright in Historical Perspective*, 4.
 - 4 Robinson, "The Evolution of Copyright," 56.
 - 5 Celia Lury provides a lucid historical account of the rise of commercial publishing in relation to the advent of mass printing technology in *Cultural Rights*, 97–120. I discuss copyrights in more details in chapter 9.
 - 6 May and Sell, *Intellectual Property Rights*, 109.
 - 7 *Ibid.*, 117–22.
 - 8 For the difficulties and concerns characterizing the transition between bilateral and multilateral copyright laws, see Sherman and Bently, *The Making of Modern Intellectual Property Law*, 111–14.
 - 9 For the fierce copyright and patent controversies that took place in the early twentieth century that shaped the development of Hollywood, see Vaidhyanathan, *Copyrights and Copywrongs*, 87–105.
 - 10 Smith, *Lectures on Jurisprudence*, 11, quoted in MacLeod, *Inventing the Industrial Revolution*, 198.
 - 11 Recent IPR discussions echo debates and understandings of traditional property rights. For an elaboration of their relationships, see Vinciguerra, "The Dialectic Relationship between Different Concepts of Property Rights."
 - 12 Locke, *Two Treatises of Government*, 111–12, 141.
 - 13 Spooner, *A Letter to Scientists and Inventors*, 10. See May and Sell, *Intellectual Property Rights*, 18.
 - 14 West, "Property Rights in the History of Economic Thought," 21.
 - 15 MacPherson, *The Political Theory of Possessive Individualism*, 263–64.
 - 16 Poulantzas, "Marxist Examination of the Contemporary State and Law," 25–46.
 - 17 For an overview of the evolution of IPR from territorial to global, see Drahos, "Thinking Strategically about Intellectual Property Rights"; Maskus, *Intellectual Property Rights in the Global Economy*, 15–26.
 - 18 In addition to the WTO, the World Intellectual Property Organization (WIPO) of the United Nations also plays a part in supervising global copyright issues, particularly in areas related to computers. For more discussions see chapter 5.
 - 19 P. Goldstein, *Copyrights' Highway*, 160.
 - 20 The WTO declares that all forms of artistic expression are services to be governed by GATS, and as such, WTO members should refrain from subsidizing the arts in any form. Allegedly, GATS has stripped national governments of their ability to protect their national markets from being totally monopolized by a narrow variety of mainstream cultural products.
 - 21 Amin, *Obsolescent Capitalism*, 96.
 - 22 Sell, *Private Power, Public Law*, 163.
 - 23 Harvey, *The New Imperialism*, 148.

- 24 Fisher, *Capitalist Realism*, 6.
- 25 Collins, *Marxism and Law*, 87–88.
- 26 On the rampant media piracy situations in Myanmar, the Philippines, and Nigeria, as well as China, see Tosa, “Public Significance of Cultural Piracy,” 39–46; Baumgärtel, “The Culture of Piracy in the Philippines”; Larkin, “Degraded Images, Distorted Sounds”; and Pang, *Cultural Control and Globalization in Asia*, 98–116.
- 27 May, “The Denial of History.”
- 28 Gillespie, *Wired Shut*, 102.
- 29 I must emphasize that copyright and patent are concepts intimately related to natural rights, whereas trademarks and trade secrets have a greater basis in contract law. My focus here is mostly on the former two, but I will continue to use the general term IPR as I proceed, because it is this regime that conjures up the romantic notion of the creative agency whose rights must be protected at all costs.
- 30 For an introduction to concepts of copyright, see, for example, Julie Cohen et al., *Copyright in a Global Information Economy*.
- 31 Rønning, Thomas, Tomaseli, and Teer-Tomaseli, “Intellectual Property Rights and the Political Economy of Culture,” 1.
- 32 See Boyle, *The Public Domain*, 24–25.
- 33 Marcuse, “Some Social Implications of Modern Technology.”
- 34 Halbert, *Resisting Intellectual Property*, 1–2.
- 35 Among the most vocal and prominent critics in this regard is probably Lawrence Lessig and the Creative Commons project he represents. See <http://creativecommons.org/> (accessed 13 August 2008).
- 36 See, for example, Boyle, *Shamans, Software and Spleens*, 25–34.
- 37 The Creative Commons license is a derivative of the copyleft license, which resulted from the earlier GNU Project, founded in 1983 by Richard Stallman with the goal of developing a complete UNIX-like operating system composed entirely of free software. Copyleft gives readers the right to copy, redistribute, and modify a work, but it requires all copies and derivatives to be available under the same license; Creative Commons does not stipulate that requirement. The largest project using the GNU license is Wikipedia.
- 38 Gibson, *Creating Selves*, 109–16.
- 39 Arendt, *The Origins of Totalitarianism*, 301. Many other recent philosophers have different perspectives, such as Singer and Dworkin, who question whether the notion of natural rights can be established at all. See Warwick, “Is Copyright Ethical?”
- 40 Having been a stateless refugee for eighteen years, Arendt realizes that the universal dimension of human rights is meaningless to a political refugee, who, without the protection of the state, has no property left other than the property of being human. Such subjects are mere “human beings” in the most abstract terms. See Arendt, *The Origins of Totalitarianism*, 290–302.
- 41 For elaborate discussions and intercultural comparisons of various pirate images and ideologies, see Pennell, *Bandits at Sea*.
- 42 Raymond, *The Cathedral and the Bazaar*.
- 43 Death, “Phrack Pro-Phile XXXIII,” quoted in Thomas, *Hacker Culture*, 26.

- 44 Wirtén, “Out of Sight and out of Mind.” Examples include *Hackers* (dir. Iain Softley, 1995), *The Net* (dir. Irwin Winkler, 1995), and *The Matrix* (dir. Andy Wachowski and Larry Wachowski, 1999).
- 45 Thomas, *Hacker Culture*, 117.
- 46 Kelty, *Two Bits*, 245.
- 47 Hu Yizhen, “Zhongguo zimu zu yu xinziyouzhuyi de gongzuo lunli.”
- 48 Vann, “The Limits of Authenticity in Vietnamese Consumer Markets”; Luvaas, “Designer Vandalism.”
- 49 Halstead, “Branding ‘Perfection’ Foreign as Self.”
- 50 Barthes, “The Death of the Author,” 146.
- 51 Lash and Urry, *Economies of Signs and Space*.
- 52 Dirlik, *Global Modernity*, 44–47.
- 53 Klein, “Reclaiming the Commons,” 84.
- 54 Coombe, *The Cultural Life of Intellectual Properties*, 73–76.
- 55 Bick and Chiper, “Swoosh Identity.”
- 56 Alan Liu, *The Laws of Cool*, 179.
- 57 Gillespie, *Wired Shut*, 1–6.
- 58 Kittler, *Literature, Media, Information Systems*, 166–67.
- 59 Philip, “What Is a Technological Author?”
- 60 Notable studies include Castells, *The Rise of the Network Society*; Sassen, *Cities in a World Economy*; Bauman, *Globalization*.
- 61 Lash, *Critique of Information*, 68.
- 62 See Aggarwal and Koo, “Beyond Network Power?”
- 63 Balibar, “(De)Constructing the Human as Human Institution,” 733.

Chapter Four: Cultural Policy, Intellectual Property Rights

- 1 On the ways early capitalist economies were embedded in the current political environment, see Polanyi, *The Great Transformation*.
- 2 Gallagher, *Contagious Capitalism*, 100–102.
- 3 Miller and Yüdice, *Cultural Policy*, 5.
- 4 Bennett, *The Birth of the Museum*.
- 5 McGuigan, *Rethinking Cultural Policy*, 33–35.
- 6 Holm, *Art and Ideology in Revolutionary China*, 17–23.
- 7 Mao, “Talks at the Yan’an Forum on Literature and the Arts.”
- 8 In the first years of the young nation, large-scale political programs condemning counterrevolutionary art and thinking include the nationwide criticism of the film *Wu Xun zhuan* (The story of Wu Xun) in 1951 and the movements against Yu Pingbo and Hu Shi in 1954 and against Hu Feng in 1955.
- 9 Jiang, “Jianguo yilai Zhonggong wenhua zhengce shuping (1949–1976).”
- 10 Model plays were the few heavily engineered propaganda theatrical pieces allowed to be performed in the country during the period. Clark elaborately discusses these plays in his book, *The Chinese Cultural Revolution: A History*.

- 11 Kraus, *The Party and the Arts in China*, 22.
- 12 Andreas, *Rise of the Red Engineers*, 1.
- 13 See Li Jun, *Kunrao yu zhuanji*, 54–58; Gao, *Wenhua yishu guanlilun*, 21–26.
- 14 See Pan, *Jiaru shijie mouyi zuzhi hou*, chapter 2.
- 15 McGrath, *Postsocialist Modernity*, 4.
- 16 Jing Wang, *Brand New China*, 352n43.
- 17 See, for example, Keane, “Bringing Culture Back In,” 92.
- 18 Montgomery, “Space to Grow.”
- 19 Potts, “Do Developing Economies Need Creative Industries?,” 98–99.
- 20 Zhao Ming, “Jianguan bumun boyi.”
- 21 Yang Jihua, “Lun Woguo wenhua chanye chanye de shishi jizhi,” 72.
- 22 The Working Group is headed by the Central Propaganda Department. Its upper-level officials come from the National Bureau of Statistics; the Ministry of Culture; the State Administration of Radio, Film, and Television; the General Administration of Press and Publication; and the State Administration of Cultural Heritage.
- 23 Zhonggong zhongyang guowuyuan, “Guanyu shenhua wenhua tizhi gaige de ruogan yijian.”
- 24 On the case of Shenzhen, see Zhu Zhe, “Zhiding wenhua zhengce fakuai, duidong Shenzhen wenhua chanye fazhen.”
- 25 According to Hui, the term “creative industries” was not in use on the Chinese mainland until 2005, and “cultural industries” has been the official term in state policy (“From Cultural to Creative Industries,” 318). In this chapter I use the term “creative industries” to describe the discourse, and “cultural industries” to refer to the term actually used in PRC policies.
- 26 Keane, “Brave New World,” 267.
- 27 See Zhou Lin and Li, *Zhongguo banquan shi yanjiu wenxian*, 2–10; Kong Zhengyi, “Shilun gudai tushu de banquan baohu.”
- 28 Wong, “An Overview of the Development of China’s Patent System,” 3.
- 29 See Alford, *To Steal a Book Is an Elegant Offense*, 13–14; Yang Yidong, “Zhongguo gudai banquan yishi.”
- 30 Guo, “Zhongguo banquan wenti tanyuan.”
- 31 Feng Nianhua, “Daoban dui Songdai banquan de yingxiang.”
- 32 Berger, “Faith and Development,” 73–74.
- 33 Liu Jianjun and Gan, “Zhuanli xingzhi de jiangli zhidu”; Yao Xiulan, “Zhidu goujian yu shehui bianqian.”
- 34 Ganea and Pattloch, *Intellectual Property Law in China*, 2, 207.
- 35 Xin, *Banquan maoyi yu huawen chuban*, 22–23.
- 36 Yao and Zhang, “Jindai Zhongguo shangbiao lifalun.” For a complete version of the Provisional Regulations, see Zuo Xuchu, *Zhongguo shangbiao falü shi: Jinxiandai bufen*, 94–103.
- 37 P. Feng, *Intellectual Property in China*, 3.
- 38 H. Zheng, “The Patent System of the People’s Republic of China,” 345.
- 39 Examples include the Interim Regulations concerning the Grant of Rights over Inventions and Patent Rights (enacted in 1950), Provisional Measures for the Registration of

- Trademarks (also enacted in 1950), and the Decision on the Improvement and Development of Publication Activities (announced in 1951).
- 40 Ganea and Pattloch, *Intellectual Property Law in China*, 3.
- 41 Xin, *Banquan maoyi yu huawen chuban*, 22–23.
- 42 Zhonggong zhongyang guowuyuan, *Zhongguo zhishi chanquan baohu zhuangkuang*, 2–5.
- 43 Xue, “What Direction Is the Wind Blowing?” More discussions about DMCA follow in the next chapter.
- 44 Zhongguo chuban kexue yanjiu suo and Quanguo guomin yuedu yu goumai qingxiang chouyang diaocha keti zu, *Woguo guomin dui daoban chubanwu de renshi*, 178–84.
- 45 World Bank, “Fight Poverty: Findings and Lessons from China’s Success,” <http://econ.worldbank.org> (accessed 26 September 2007).
- 46 See Dimitrov, *Piracy and the State*; U.S. Department of Commerce, “Protecting Your Intellectual Property Rights (IPR) in China.”
- 47 Jerome Cohen, “China’s Reform Era Legal Odyssey.”
- 48 See Zhang Zhiqiang, “Zhidu biangeng yu daoban fanlan.”
- 49 A good reference is the film *Man yan* 蔓延 (pirated copy, 2004), directed by He Jianjun (何建軍).
- 50 J. L. Qiu, *Working-Class Network Society*, 171–73, 201–2.
- 51 Hong, “The Sustainable Development of Tourism in Lijiang.”
- 52 See Mette Hansen, *Lessons in Being Chinese*.
- 53 See Blum, *Portraits of “Primitives,”* 144–54.
- 54 Although Lijiang is still believed to be associated with the novel, it is Zhongdian that is now officially called China’s Shangri-La, as the little town is now thought of as being the real inspiration for the novel. Foreign backpackers now favor Zhongdian, while Lijiang’s tourists are now mostly Han.
- 55 Hong, “The Sustainable Development of Tourism in Lijiang.”
- 56 Ayres, “Is Free Trade Selling Out the Arts?”
- 57 See Chan-Tibergien, “Cultural Diversity as Resistance to Neoliberal Globalization”; Coalition for Cultural Diversity (Ottawa), “UNESCO Stand Up,” 23.
- 58 See, for example, Papandrea, “Trade and Cultural Diversity.”
- 59 Hevia, “World Heritage,” 224.
- 60 Announced at the third China Beijing International Cultural and Creative Industry Expo, 17 December 2008.
- 61 Beijing Office: World Heritage Guide Training, <unesco.org> (accessed 3 January 2009).
- 62 World Heritage Centre, UNESCO, “About World Heritage,” <http://whc.unesco.org> (accessed 12 October 2007).
- 63 See Feltault, “Development Folklife.”
- 64 Executive Committee of the Congress of the People of Yunnan Province, “Yunnan sheng Naxi zu Dongba wenhua baohu tiaoli,” see specifically Regulations 11–17.
- 65 Lijiang Science and Technology Bureau, “Zhishi chanquan ke.”
- 66 Liang Caiheng, “Cong zhishi chanquan de jiaodu guanzhu Lijiang de shengcun yu fazhen.”
- 67 Long Yue, “Zhou Xun zhuyan dianying qinquan Naxi Yinyue Shijia yinyue.”

- 68 Rees, *Echoes of History*, 6.
- 69 Ambasada Republicii Populare Chineze în Romania, "Protecting Biodiversity for the Sake of Cultural Diversity," 2005, www.chinaembassy.org.ro (accessed 12 October 2007).
- 70 Center for Biodiversity and Indigenous Knowledge, "Indigenous Papermaking in Yunnan," 2007, www.cbik.org (accessed 12 October 2007).
- 71 Dongba paper is made from two endemic stringbush plants, *Wikstroemia delavayi* and *W. Lichiangensis*, noted for their well-developed bast fiber. Zhonghua Renmin Gongheguo Guojia Zhishichanquanju, "Anli texie."
- 72 Ibid.
- 73 Gibson, *Creating Selves*, 96–97.
- 74 Comaroff and Comaroff, *Ethnicity, Inc.*, 46.
- 75 Li Dezhu, "Dan de disandai lingdao jiti dui Makesi zhuyi minzu lilun de xinfazhan xingongxian."
- 76 See, for example, Yale, *From Tourist Attraction to Heritage Tourism*; Poria, Butler, and Airey, "The Core of Heritage Tourism."
- 77 He Liming, "Shilun Dongba wenhua de chuancheng."
- 78 He Jinguang, "Naxi zu Dongba wenhua yanjiu fazhen qushi."
- 79 Yamamura, "Authenticity, Ethnicity and Social Transformation at World Heritage Sites," 185–200.
- 80 Yamamura, "Dongba Art in Lijiang, China."
- 81 The project is primarily the work of the Beijing-based producer Lola, and it received support from the Propaganda Department of the Yunnan provincial government to increase Yunnan's tourist business. The project is made up of ten stories that take place in Yunnan and features ten young Chinese female directors from Hong Kong, Taiwan, and mainland China. See www.cinecn.net (accessed 28 May 2009).
- 82 Mu Xiaowen, "Fei zhuan ye shijing yanchu Yingxiang Lijiang yi pinpai zhilu cu fazhen."
- 83 Peralta, "A Call for Intellectual Property Rights," 287–89.
- 84 Coombe, "Protecting Traditional Environmental Knowledge."
- 85 As Chun Lin demonstrates, the PRC never completely adopted the Leninist model of the right of nations to self-determination, and separatism is prohibited in China. See *The Transformation of Chinese Socialism*, 100–101.
- 86 Fei Xiaotong et al., *Zhongguo minzu duoyuan yiti geju*.
- 87 Zhonghua Renmin Gongheguo Wenhuaabu, "Guanyu jinyibu jiaqiang shaoshu minzu wenhua gongzuo de yijian."
- 88 Zhonghua Renmin Gongheguo Guojia Tongjiju, "Wenhua ji xiangguan chanye fenlei"; Li Fang, "Woguo chutai *Wenhua ji xiangguan chanye zhibiao tixi kuangjia*."
- 89 On a Shanghai Xuhui regional follow-up on these two national documents, see Feng Yuhui et al., "Guanyu jianli Xuhui qu wenhua chanye tongji de shikao."
- 90 Fronville, "The International Creative Sector."
- 91 Ong, *Neoliberalism as Exception*, 109–13, 19.
- 92 Auerbach, "The Meanings of Neoliberalism."
- 93 Rofel, *Desiring China*, 17–21.
- 94 Wang Hui, *China's New Order*, 119.

- 95 Pierre Bourdieu, "The Essence of Neoliberalism," trans. Jeremy J. Shapiro, *Le monde diplomatique*, English ed., 8 December 1998, <http://mondediplo.com> (accessed 28 May 2009).

Chapter Five: Cinema as a Creative Industry

- 1 See, for example, Rennie, "Creative World"; Hartley, "Creative Industries."
- 2 The U.K. Department of Culture, Media and Sport defines creative industries as "those industries which have their origin in individual creativity, skill and talent and which have a potential for wealth and job creation through the generation and exploitation of intellectual property" ("Creative Industries," www.culture.gov.uk, accessed 9 September 2005).
- 3 The British government recently set up a cross-government body, the Creative Industries Forum on Intellectual Property, to prepare the creative industries to turn their creations into profitable intellectual properties. A major role of the forum is to deliver seminars and online and face-to-face advice to ensure creative workers understand how to exploit and protect their ideas under the IPR rubric. U.K. Department of Culture, Media and Sport, "Creative Industries Forum on Intellectual Property Launched," 2004, www.culture.gov.uk (accessed 9 September 2005).
- 4 Leadbeater and Oakley, *The Independents*.
- 5 Zhonghua Minguo Xingzhengyuan, *Tiaozhan 2008*, 46–63.
- 6 Iwabuchi, "Useful Culture, Useless Media and Cultural Studies."
- 7 Lily Kong, Gibson, Khoo, and Semple, "Knowledges of the Creative Economy."
- 8 Tung, *The 1998 Policy Address*, 13.
- 9 Tung, *Capitalising on Our Advantages*, 11; Tung, *Seizing Opportunities for Development*, 18; Tung, *Working Together for Economic Development and Social Harmony*, 32–34.
- 10 Donald Tsang, "Hong Kong Gears Up to Diversify Growth," *China Daily*, 17 August 2008.
- 11 Centre for Cultural Policy Research, *Baseline Study on Hong Kong's Creative Industries*, 23.
- 12 For the predicaments of cinema within the British creative industries discourse, see Hill, "UK Film Policy," 34.
- 13 See, for example, Guneratne, "Introduction," 8.
- 14 See Guback, "Government Financial Support to the Film Industry in the United States," 91.
- 15 See, for example, Rutherford, "Australian Animation Aesthetics."
- 16 Zion, "Creating a Successful Local Industry."
- 17 UK Film Council, "UK Film Council at a Glance."
- 18 Neumann, "German Federal Film Fund (DFFF)."
- 19 See Tuomi, "Organisational Shifts in the Feature Film Industry."
- 20 Centre for Cultural Policy Research, *Baseline Study on Hong Kong's Creative Industries*, 105.
- 21 Film Services Office webpage, www.fso-tela.gov.hk (accessed 16 January 2008).
- 22 Tsang, *Proactive, Pragmatic*.

- 23 See Pang, "Postcolonial Hong Kong Cinema."
- 24 *Mingpao*, 28 April 2005. The newsgroup is hosted by iAdvantage Limited and is arguably the most popular BT site in Hong Kong.
- 25 The alias is translated as "Big Crook" in some newspapers.
- 26 He was found guilty on 24 October, and sentencing was announced on 7 November. *South China Morning Post*, 25 October 2005, 8 November 2005.
- 27 Although online film piracy has not attracted much legal attention since then, a wave of lawsuits and criminal proceedings against file-sharers has been instigated by music industries across the world. In January 2006 the British court for the first time declared file-sharing unlawful and fined two sharers. However, at around the same time, a new Swedish political party was established with the aim of abolishing copyright laws. For relevant news, see "File-sharers in Europe Face a Wave of Lawsuits?," *International Herald Tribune*, 5 April 2006; Jonathan Brown, "Illegal File-Sharers Fined for First Time in Britain," *Independent*, 28 January 2006; Gwladys Fouche, "Pirates Pursue a Political Point: A New Swedish Party Aims to Abolish the Copyright Laws that Criminalise File Sharers," *Guardian* (London), 9 February 2006.
- 28 The first Hong Kong International Film and TV Market (FILMART) was held in June 2004. The second FILMART was quickly incorporated into the Entertainment Expo. FILMART, "FILMART 2004 Promotes Cross Media Collaboration," press release, 8 June 2004, www.hkfilmart.com (accessed 19 July 2005).
- 29 *South China Morning Post*, 8 November 2005.
- 30 According to the Hong Kong Motion Picture Industry Association, in 2004 the total box office receipts of foreign films in Hong Kong were HK\$460 million, while that of local films were HK\$383 million. In 2007 the annual box office of foreign languages films reached HK\$784 million, and that for local films fell to HK\$229 million.
- 31 My own observations at www.hk-pub.com/forum and bt.newsgroup.com.hk.
- 32 McDonald and Wasko, "Introduction," 5.
- 33 Anup Tikku argues that in spite of the relentless demand by developed countries for a rigid IPR framework in India, India's IPR laws have an insignificant effect on the actual flow of foreign investment into India. See Tikku, "Indian Inflow."
- 34 Crofts, "Reconceptualizing National Cinema/s."
- 35 See Teo, *Hong Kong Cinema*, 207–18; S. C. K. Chan, "Figures of Hope and the Filmic Imaginary of Jianghu"; Abbas, *Hong Kong*, 16–47.
- 36 See T. Williams, "Space, Place, and Spectacle"; Fu, *Between Shanghai and Hong Kong*, 51–92; Tan, "Chinese Diasporic Imaginations in Hong Kong Films."
- 37 See, for example, Landry, *The Creative City*.
- 38 See, for example, Dahlström and Hermelin, "Creative Industries, Spatiality and Flexibility."
- 39 See Mossig, "Global Networks of the Motion Picture Industry in Los Angeles/Hollywood."
- 40 Brenner, Marcuse, and Mayer, "Cities for People, Not for Profit"
- 41 I have discussed the relationship between Hong Kong cinema and the city's tourism in Pang, "Jackie Chan, Tourism, and the Performing Agency."

- 42 Graham Fuller, “Ziyi/Icon: Thrill of the Still: How an Image from Wong Kar-wai’s Art-house Hit Keeps You Gazing,” *Village Voice*, 16 September 2005.
- 43 See Meaghan Morris, “Transnational Imagination in Action Cinema.” Singapore has a similar situation. In 2003 the Media Development Authority of Singapore began to promote the exportation of Made-in-Singapore media and film content, which features products backed by Singaporean money, so that many of those Made-in-Singapore films have nothing to do with the culture, location, and people of the country. Singapore Film Commission, “SFC Launches Two New Film Development Initiatives: \$350,000 Boost for Local Filmmaking Talents,” news release, 3 December 2003.
- 44 Curtin, *Playing to the World’s Biggest Audience*, 39–41.
- 45 Zhong Baoxian, *Xianggang yingshiye bainian*, 398–431.
- 46 The data are not very helpful in demonstrating that reality. According to *Baseline Study*, there were 1,730 establishments in the film sector in 2002, employing about 8,620 persons (Centre for Cultural Policy Research, 105). According to the data provided by Hong Kong Census and Statistics Department, there were 20,436 people employed in motion pictures and other entertainment services as of June 2008, although exactly how the sector is defined was not explained, and clearly not all those jobs are directly related to film production (<http://bso.hktdc.com>, accessed 22 January 2009).
- 47 I conducted in-depth interviews with eight new Hong Kong directors between June 2007 and November 2008 to understand their working conditions and creative environment. Because many of the details are personal, I have kept them anonymous.
- 48 Customs and Excise Department, “Press Releases: SCIT Visits Customs and Excise Department.”
- 49 Legislative Council, Hong Kong Special Administrative Region, LC Paper No. CB(1)863/04–05, www.legco.gov.hk (accessed 12 September 2005). Some claim that there was a 95 percent drop in locally posted BT seeds, which I find highly doubtful. See also *South China Morning Post*, 25 October 2005.
- 50 Following the film industry’s practice, in September 2005 Hong Kong’s music industry also tracked down about one thousand netizens performing illegal music downloads, to whom warning letters were sent. But data show that the number of illegal music downloads has not decreased at all. See *Mingpao*, 7 October 2005.
- 51 On the political effects of cinema’s publicness, see Donald and Donald, “The Publicness of Cinema”; on its social effects, see Miriam Hansen, *Babel and Babylon*.
- 52 McCall, for example, says that he does not “see how the institution of cinema—which involves the social act of looking at moving images, and talking about them—is going to be threatened by new technology” (McCall, Turvey, Foster, Iles, Baker, and Buckingham, “Round Table,” 74).
- 53 Scott Morrison, “Intel Backs Star’s Internet Movie Plan Film Distribution,” *Financial Times*, U.S. ed., 7 July 2005.
- 54 We can take Lucasfilm, the Hollywood company arguably most committed to digital technologies, as an example. Among its seven current divisions, three of them—Industrial Light and Magic, Lucasfilm Animation, and Skywalker Sound—handle digital effects, while a completely different division, Lucas Online, is in charge of the online

- distribution of films. The division of labor and the matters of concern among the groups do not seem to overlap. Lucasfilm Ltd., “Lucasfilm: Divisions,” www.lucasfilm.com (accessed 7 January 2006). For a general description of the major tasks of Lucasfilm’s several digital effects divisions, see Rubin, *Droidmaker*, 467–87. This account, however, does not discuss the Lucas Online division.
- 55 Hozic, *Hollyworld*, 138. Sheigh Crabtree, “Lucas: Future in Asia, Video Games,” *Hollywood Reporter.com*, 2 August 2005.
- 56 Lunenfeld, “The Myths of Interactive Cinema,” 149–50. Mulvey, “Passing Time.”
- 57 decss allows customers to play discs on computer systems that are encrypted by css, including open-source code programs such as Linux.
- 58 Two representative cases are *Universal City Studios et al. v. Shawn Reimerdes et al.*, 82 F. Supp 2d 21, 111 F. Supp. 2d 346 (S.D.N.Y. 2000), and *Universal City Studios et al. v. Eric Corley*, 273 F.2d 429 (2001). See G. K. Roberts, “decSS Code on the Internet”; Declan McCullagh, “DVD Piracy Judge Tells All,” *Wired*, 17 November 2000, online (accessed 23 December 2005).
- 59 For historical background leading to the treaty, see Nimmer, *Copyright*, 141–48. It was mostly a matter of timing that caused the UN, instead of the WTO, to take up these issues. It was around the finalization of the Agreement on TRIPS, between 1992 and 1993, that the world began to feel the spectacular impact of the Internet, and it was too late to reopen negotiations on copyright and related issues in the WTO. The WIPO was considered the logical alternative forum to respond to new copyright issues related to the use of digital technology in an expanding global information network. See Ficsor, *The Law of Copyright and the Internet*, 25.
- 60 Summary of the WIPO Copyright Treaty, 1996, www.wipo.int (accessed 22 December 2005).
- 61 As an international treaty, the WCT does not enter into force until thirty instruments of ratification or accession by states have been deposited with the director general of WIPO. The United States was among the first nations to ratify the WCT through DMCA. After extremely long discussions, the European Union, which had resorted to sui generis rights to deal with copyright issues related to computer files and databases, finally passed the European Union Copyright Directive in 2001. The WCT finally took effect in March 2002, after its ratification by Gabon four months earlier. While there might be variations in different national laws and regulations governing digital copyright protection, the effect of the WCT is now clearly global.
- 62 On the historical development of the Berne Convention, see P. Goldstein, *Copyrights’ Highway*, 150–61. On the concept of “fair use” and its problems, see Pang, *Cultural Control and Globalization in Asia*, 31–34.
- 63 Ernesto, “DRM Killing BitTorrent.com Video Store,” 7 March 2007, <http://torrentfreak.com> (accessed 20 January 2011).
- 64 Gillespie, *Wired Shut*, 256.
- 65 Pang, *Cultural Control and Globalization in Asia*, 31.
- 66 Gillespie, *Wired Shut*, 7.
- 67 Lazzarato, “Immaterial Labor.”

- 68 Harney, "Unfinished Business."
 69 Data obtained from Wu Guojun, "Dianyingyuan yu Xianggang shehui, jingji mailuo xia de jingying zhuankuang," 4. For a comparison of Hong Kong's film admission rates with other countries, see Acland, *Screen Traffic*, 253.
 70 Gibson, *Creating Selves*, 115.

Chapter Six: Branding the Creative City

- 1 On the branding campaign of the University of North Texas, see "Branding at UNT," www.unt.edu (accessed 23 October 2006). Fitch, the international design and branding consultancy firm, has helped brand the British Army by delivering a new modern image of bravery, emphasizing adventurous training, fear management, personal growth, and team spirit as benefits of army training. The overall purpose is to promote recruitment. See www.fitch.com (accessed 3 June, 2011). The branding battle is heated between Dasani and Aquafina, the bottled water brands of Coca-Cola and Pepsi-Cola, respectively. The branding of soil, or geography, has become an increasingly important category of the IPR regime; a classic example is the Mexican spirit tequila, which has acquired a geographic indication which ensures that no liquor made with alternative ingredients can be marketed as tequila.
- 2 See Comaroff and Comaroff, *Ethnicity, Inc.*, 122–38.
- 3 Wigmans, "Contingent Governance and the Enabling City," 203.
- 4 *Ibid.*, 208.
- 5 For a more detailed analysis of the recent development of the tourist discourse in Hong Kong, see Pang, "Jackie Chan, Tourism, and the Performing Agency."
- 6 For a brief summary of Beijing's city planning from the 1920s to the 1990s, see Visser, "Spaces of Disappearance."
- 7 Braester, *Painting the City Red*, 281–309.
- 8 See Hui, "From Cultural to Creative Industries"; Keane, "The Capital Complex."
- 9 Jing Wang, "Culture as Leisure and Culture as Capital."
- 10 Keane, "The Capital Complex."
- 11 See Friedmann, *The World City Hypothesis*; Sassen, *Cities in a World Economy*.
- 12 Scholars have also begun to map the development of creative industries according to cities instead of nations. See, for example, Gilbert, "From Paris to Shanghai."
- 13 Wang Shaoguang, *Fenquan de dixian*, 42–62; Jing Vivian Zhang, "Decentralizing China."
- 14 M. Johnston and Hao, "China's Surge of Corruption," 84. A political storm raged in Shanghai in 2006, when the central government filed corruption charges against the most powerful local officials of the city. See Joseph Kahn, "Shanghai Party Boss Held for Corruption," *International Herald Tribune*, Asia-Pacific ed., 25 September 2006.
- 15 Nan Wang, "Shanghai Goes Creative over Eight Sectors."
- 16 Guangzhou shi zhengfu, "Yuexiu dazao guonei zhiming chuangyi zhongxin."
- 17 "Created and Made in China!," *Financial Times Information*, 30 May 2006.
- 18 "1000 New Museums Are Expected to Be Built in China over the Next Ten Years," *Space Daily*, 29 March 2006.

- 19 Ibid.
- 20 For the concept of cluster, see Porter, “Clusters and the New Economics of Competition.”
- 21 Yi, “Is 798 a Cultural Petting Zoo?,” 4.
- 22 Gaubatz, “China’s Urban Transformation,” 1497.
- 23 Luo, “Recollections on the History of 718,” 13.
- 24 See Lloyd, *Neo-Bohemia*, 89–104. The classic and most studied example is the gentrification of New York’s East Village. See Mele, *Selling the Lower East Side*.
- 25 It is reported that the first artistic use of the space can be traced back to 1995, when the Central Academy of Fine Arts rented a warehouse to produce a statue commissioned by the government to commemorate the Anti-Japanese War. Zuo Lin, “798.”
- 26 Zhu Yan, 798, 46–47.
- 27 Stenning, “Shaping the Economic Landscapes of Postsocialism?,” 763.
- 28 Luo, “Recollections on the History of 718,” 11–12.
- 29 Hui, “From Cultural to Creative Industries,” 317–31.
- 30 Wang Shucheng, “Shangye dongle jiya yishu gongchang.”
- 31 Zhou Hongyu, “Linggan, laizi ‘798.’”
- 32 I have not been able to find such a report in *Newsweek*, other than an article specifically on design culture, which cited Beijing, along with eleven other cities, as places where one could find vigorous design cultures. In spite of the wide references in China’s media, there is no mention of Beijing being one of the world’s top twelve cities, although the report does mention 798. Rana Foroohar et al., “Funky Towns: Where Would You Go to Discover the World’s Top Hot Spots for Design?,” *Newsweek International*, 27 October 2003, 48.
- 33 See the Bernard Tschumi Architects Company website, www.tschumi.com (accessed 30 December 2006).
- 34 The two reports are titled “Guangyu Beijingshi chengshi dingwei he fahui Beijing dute de wenhua canye youshi de jianyi” 關於北京市城市定位和發揮北京獨特的文化產業優勢的建議 (Suggestions for Beijing to position the city according to its best cultural industries) and “Guangyu yuan 718 lianhechang diqu jianzhu ji wenhua canye baohu de jianyi” 關於原 718 聯合廠地區建築及文化產業保護的建議 (Suggestions for the protection of the architecture and cultural industries at the original United Factory 718 Area). For a more detailed analysis of the two reports, see Cui Yongfu et al., “Dashanzhi 798 chang yishuqu diaoyan baogao.”
- 35 Gaubatz, “China’s Urban Transformation,” 1516.
- 36 Chen Baohong, “Songzhuang de yishu ‘jiaofu.’”
- 37 Ge, “Zhongguo yishupin gaiwai kuangbiao.”
- 38 See the report by Changchang, “Baiwen renminbi yishujia.”
- 39 “2010 diliujie Zhongguo—Songzhuang wenhua yishu jie” 2010 第六屆中國-宋莊文化藝術節 (2010 The sixth China—Songzhuang culture and arts festival), 23 July 2010, <http://style.sina.com.cn> (accessed 17 August 2010).
- 40 Yang Yufeng, “Songzhuang huajiacun.” Artkey helped Taipei’s National Palace Museum license the images of its famous collections to commercial enterprises, such as 7-Eleven, for mutual promotion.

- 41 Gu Weijie and Liu, "Songzhuang Xiaobaocun shuji Cui Dabo fangtan," 262.
- 42 Jansen, "Designer Nations," 122.
- 43 Donald, *Imagining the Modern City*, 1–11.
- 44 See, for example, Wu Wenguang's (吳文光) documentary film *Liulang Beijing* 流浪北京 (Bumming in Beijing: The last dreamers, 1989), and Qiu Huadong's popular novel *Chengshi zhanche*.
- 45 Sassen, *Cities in a World Economy*, 32.
- 46 See Benjamin, *Charles Baudelaire*; Simmel, "The Metropolis and Mental Life."
- 47 Appadurai, "Spectral Housing and Urban Cleansing," 649–50.
- 48 Studwell, *The China Dream*, 68–73.
- 49 Walker and Buck, "The Chinese Road."
- 50 Liu Liang, "Sun Jianjun 'zuoju.'"
- 51 Lefebvre, *The Urban Revolution*, 155–60; Harvey, *Social Justice and the City*, 313.
- 52 Ge, "Zhongguo yishupin gaiwai kuangbiao."
- 53 Xu Zhihao, "Zhongguo youhua."
- 54 Gu Lieming, "Wenzhou zijin yu 'chao' Beijing guoqi."
- 55 Liu Liang, "Sun Jianjun 'zuoju.'"
- 56 See Fang and Zhang, "Plan and Market Mismatch"; on the complexity of China's recent land reform, caught between socialism and capitalism, see Hin, *Urban Land Reform in China*, 129–50.
- 57 See Ching-Ching Ni, "Wave of Social Unrest Continues across China," *Los Angeles Times*, 10 August 2006; Minnie Chan, "A Rash of Conflicts Entangles Local Government, Firms and Residents," *South China Morning Post*, 1 May 2006.
- 58 Cary Huang and Bill Savadove, "Shanghai Scandal Spreads to Beijing," *South China Morning Post*, 20 October 2006.
- 59 Harvey, *The New Imperialism*, 137–61.
- 60 See Zhao Shufeng, Chen, and Zhang, *Beijing jiaoku chengshihua tanshuo*, 89–90.
- 61 This is most clearly observed in a roundtable discussion among district leaders held on May 2006 on Beijing's overall creative industry plan, in which each raised grand plans for cultivating his own creative industries. The proceedings can be found in the editorial "Shoudu wenha chuangyi canye chengce quan jixie."
- 62 Huang Xu, *Beijing chengxiang*, 149–50.
- 63 Interview with Li Xianting, Beijing, 15 September 2006.
- 64 Guangzhou daxuecheng Xiaoguwei yishucun bei biqian zhe, "Zhi Wen Jiabao zongli de gongkaixin."
- 65 Chen Jinfu and Liu, "Chengshi guihua xingzheng jiuji zhidu tantao," 23.
- 66 For the role of the university in the new knowledge economy, see Elizabeth George, "Positioning Higher Education for the Knowledge Based Economy," *Higher Education* 52, no. 4 (2006), 589–610.
- 67 "Songzhuang huajiacun chu liao 'taofang jingji ren.'"
- 68 Joey Liu, "Brush with the Law," *South China Morning Post*, 11 December 2007.
- 69 Antoaneta Bezlova, "Rights-China: New Property Law Ignores Farmers' Rights," IPS-Inter Press Service, 16 March 2007 (accessed through LexisNexis 31 January 2008).

- 70 “Zai Beijing Songzhuang mai xiaochanquanfang huajia.”
- 71 Joey Liu, “Brush with the Law.”
- 72 As K. W. Chan and Buckingham explain in “Is China Abolishing the *Hukou* System?,” the *hukou* system in China has been operated along two sets of classification, agricultural and nonagricultural, as well as local and nonlocal. While the PRC is moving toward the abolition of the former type of segregation, the latter type of residence has only intensified in order to stop nonresidents from obtaining *hukou* in major cities.
- 73 Interview with two Beijing artists, Wang Yan (王燕) and Zhang Tingjun (張庭鈞), Beijing, 15 September 2006.
- 74 However, reflecting on the new cultural policy, starting in 2006 people in the creative industries are allowed to bid on special residences because creative practitioners are now heavily sought after in Beijing.
- 75 Interview with Beijing artist Li Feixue (里飛雪), Beijing, 16 September 2006. It was reported that in 1995 rent at 798 was thirty cents per square meter; by 2006 it rose to four dollars per square meter, close to the rate of the best office space in Beijing. Zuo Lin “798.”
- 76 A similar situation has been observed in the Suzhou River area in Shanghai, another famous new art space in China, as rents in the neighborhood skyrocketed from less than 4,000 RMB per square meter to well over 10,000 RMB between 2000 and 2003. C. Lu, “From Underground to Public,” 86.
- 77 See H. Wu, *Exhibiting Experimental Art in China*.
- 78 For a study of the importance of the body in contemporary Chinese art, see Berghuis, “Considering *Huanjing*.” For the specific performance piece of Zhu Yu’s *Eating People*, see Cheng, “Violent Capital.”
- 79 Interview with Li Xianting, Beijing, 15 September 2006.
- 80 Osborne, “Non-places and the Spaces of Art,” 192.
- 81 Lefebvre, *The Production of Space*, 173, 171, 173, 18.

Chapter Seven: Animation and Transcultural Signification

- 1 Jenkins, *Textual Poachers*, 45–50.
- 2 Li Jianping, “Tashan zhi shi,” 69.
- 3 Ge Hong, “Beijing, Shanghai qingshaonian donghua diaocha”; Zhao Hua and Xu, “‘Sun Wukong’ weihe doubuguo ‘milaoshu?’”
- 4 *Silver-Haired Agito* (銀色の髪のアギト *Gin’iro no kami no agito*, dir. Sugiyama Keiichi 杉山慶一) was the first *anime* coproduced by Japanese and Chinese companies (Gonzo and Chinese Film Animation Ltd.). It was slated to be screened in China in March 2006, but, for unknown reasons, the theatrical release has still not happened. The DVD version was already available in Hong Kong in January 2007. See “Kaikyō!”
- 5 China began importing revenue-sharing foreign films in 1994, when the quota for foreign films was ten per year. After China joined the WTO, the quota increased gradually, and it reached twenty in 2005.
- 6 “‘Anime’ Subculture Exchange May Bridge Japan-China Gap,” Jiji Press Ticker Service, 29 October 2005 (accessed through LexisNexis 2 March 2006).

- 7 “Riben dongman huobao weihe zhengqian nan?”
- 8 “‘Made in Japan’ Trademark to Fight Anime Piracy,” *Mainichi Daily News*, 3 July 2004. Such figures are, of course, enormously misleading; Chinese consumers choose piracy partly because official products are so expensive.
- 9 Gaoe dianchenan, “Shei hai jide dangnian de Hainan shying meishu chubanshe?”
- 10 For example, one can find many examples of Japanese anime on the Chinese veryCD website (accessed 27 February 2006). Some major Chinese websites featuring Japanese anime and manga include Comic-Anime Beat, www.cabeat.com (accessed 27 February 2006), and TotoroClub.net (accessed 27 February 2006).
- 11 Vivienne Chow, “Internet Piracy Nightmare for Anime Director,” *South China Morning Post*, 9 January 2006.
- 12 Fei Yuxiao, *Chuangzhaohao mengxiang yu feixiang de laoren*. I bought the book at Idea Bookshop on 7 February 2006. It does not indicate the year of publication, but since *Howl’s Moving Castle* was not released until 2004, the book was likely published around 2004 or 2005. This author has published similar items about Japanese manga and anime materials.
- 13 Chen Qijia and Song, “Zhongguo donghua fazhan wenti zhengyi.”
- 14 For example, the Korean *Totoro* poster (p. 54) was likely copied from the Korean website Cincine.co.kr (accessed 27 February 2006); the many manga illustrations in *Nausicaa of the Valley of the Winds* (pp. 26–34) likely were copied directly from Miyazaki Hayao’s original manga *Kaze no tani no naushika*; and many of the photos of the Ghibli museum (pp. 220–33) were copied from the Chinese book *The Hot Air of Ghibli* 《吉卜力的熱風》 (Beijing: Feitian dianzhi yinxiang chubanshe 飛天電子音像出版社, n.d.), which itself is a pirated book. The quality of the different images varies greatly; and those pictures with the lowest resolution are quite clearly television screen shots (e.g., pp. 91, 172).
- 15 Kanō Seiji, “*Kaze no tani no naushika* kara *Mononoke no hime* e.”
- 16 Dan Martin, “Fakes a Real Fact of Life in China’s Heated Economy,” *The Standard*, 11 April 2007.
- 17 Kazuto Tsukamoto, “Shanghai Surprise: Animation on the Rise,” *Asahi Shinbun*, 23 April 2005.
- 18 Kenji Kawase, “Hangzhou Aspires to Crown of Animation, ‘Manga’ Capital,” *Nikkei Weekly*, 20 June 2005.
- 19 Siu-sin Chan, “Animation Industry Lacks Talent and Chinese Brands, says Official,” *South China Morning Post*, 20 January 2006.
- 20 Yoon, “‘In-between the Values of the Global and the National.’”
- 21 Tsukamoto, “Shanghai Surprise.”
- 22 For a historical overview of South Korea’s animation industry, see Kim, “Critique of the New Historical Landscape of South Korean Animation.”
- 23 “Manga Course Attracts Lecturers,” *Daily Yomiuri*, 9 June 2004.
- 24 Allison, *Millennial Monsters*, 13.
- 25 Quoted in Shen, “What Is ‘Computer Animation?’”
- 26 P. Wells, *Understanding Animation*, 190–96.
- 27 Murakami, *Little Boy*, 152, quoted in Shen, “What Is ‘Computer Animation?’”
- 28 O. Johnston and Thomas, *The Illusion of Life*.

- 29 Lamarre, "Platonic Sex."
- 30 See, for example, Napier, *Anime*, 172–77, 215–18. There are definitely scholarly efforts to understand Japanese cartoons from a culturalist perspective. Ito, for example, argues that the long history and popularity of manga in Japan is a result of the Japanese communication system, which relies more on contextual cues such as facial expressions, gestures, and eye glances, than direct expressions ("A History of Manga in the Context of Japanese Culture and Society"). I do not want to dispute such culturalist interpretations, but they do not, for example, explain the wide popularity of these Japanese cartoons in East Asia, and why the forms are imitated around the world.
- 31 P. Wells, *Understanding Animation*, 34–67.
- 32 Manovich, *The Language of New Media*, 298–307. The current game culture has benefited a lot from the logic of cartoon culture.
- 33 For example, *Steamboat Willie* (1928), the first animated feature film by Walt Disney, which made him and Mickey Mouse famous, was a spoof of a Buster Keaton film called *Steamboat Bill, Jr.*
- 34 Ito, "A History of Manga in the Context of Japanese Culture and Society."
- 35 Rifkin, *The Age of Access*, 140.
- 36 See Miller, Govil, McMurria, and Maxwell, *Global Hollywood*.
- 37 See "Going Hybrid: A Special Report on Business in Japan," *Economist*, 1 December 2007, 3–6.
- 38 Rowley, Dawson, Tashiro, and Moon, "The *Anime* Biz: Still an Adolescent," *Business Week*, 27 June 2005, 50–52.
- 39 Aoyagi, "What Does the Popularity of Japanese Trends across Asia Mean to the Japanese?"
- 40 Mehra, "Copyright and Comics in Japan."
- 41 Iwabuchi, *Recentering Globalization*, 38. See also S. Leonard, "Progress against the Law."
- 42 See A. F. K. Li, "Slash, Fandoms, and Pleasures."
- 43 For a sample of works in these projects, see www.caofei.com (accessed 26 January 2008).
- 44 Katyal, "Performance, Property, and the Slashing of Gender in Fan Fiction," 480.
- 45 Iwabuchi, *Recentering Globalization*, 23–35, 36.
- 46 See Mehra's analyses in "Copyright and Comics in Japan," and Condry's in "Cultures of Music Piracy."
- 47 Lessig, *Free Culture*, 25–28.
- 48 See, for example, the many negative responses from netizens collected by BBC Chinese, "Beijing Aoyun jixiangwu fuwa haokan ma?"
- 49 Lian Mian, "Sheji bopu yu mincui."
- 50 Ilan Greenberg, "Changing the Rules of the Games," *New York Times*, 30 March 2008.
- 51 As suggested at the forum Olympic Creative Industry and City Development, organized by the Department of Culture and Ceremonies of the Beijing Organizing Committee for the Games of the XXIX Olympiad, the Humanistic Olympic Studies Centre of Renmin University of China, and Beijing's Haidian District government, July 2006. For a summary of the forum, see "Opportunities Abound for Beijing," *Chinadaily.com.cn*, 24 July 2006 (accessed 26 January 2008).
- 52 Ibid.

- 53 Choo, “Cool Japan Nation.”
- 54 “Made in Japan’ Trademark to Fight Anime Piracy.”
- 55 Brian Bremner, “Raising Japan’s Cool Quotient,” *Business Week Online*, 8 May 2007.
- 56 Otmazgin, “Contesting Soft Power.”
- 57 Condry, “Anime Creativity.”
- 58 Japanese anime and manga are popular in many places; see Allison, *Millennial Monsters*, 234–70; Napier, *Anime*, 8; Fung, “Hong Kong as the Asian and Chinese Distributor of Pokemon.” But such popularity can by no means be compared to large domestic reception.
- 59 Butler, *Theories in Subjection*, 28–30.

Chapter Eight: A Semiotics of the Counterfeit Product

- 1 Storper and Salais, *Worlds of Production*, 5.
- 2 Barthes, “Myth Today.”
- 3 Pang, *Cultural Control and Globalization in Asia*, 63–79.
- 4 “Phony Ferrari,” 28 April 2006, *South China Morning Post*.
- 5 Michael Fitzpatrick, “Fratini Finds Fake Ferrari,” *Daily Telegraph*, 13 May 2006.
- 6 See Mertha, *The Politics of Piracy*, 1–17.
- 7 U.S. Congress, Congressional Budget Office, *China’s Growing Demand for Oil and Its Impact on U.S. Petroleum Markets*, April 2006. www.cbo.gov (accessed 7 June 2011).
- 8 “Ferrari to Enhance Presence in China This Year,” *SinoCast China Business Daily News*, 19 January 2006; “Ferrari Maserati Has Reached Sales of 100 in China,” *SinoCast China Business Daily News*, 1 November 2005.
- 9 Bowerman, “Counterfeit Supply Chains in Asia.”
- 10 K. Hu, “Made in China.”
- 11 For example, the American Delphi Corporation supplies key systems for Ferrari’s newest luxury vehicle, the 599 GTB, and most of them are produced in Delphi’s Chinese plant. See Delphi’s press release, www.delphi.com (accessed 3 June, 2010). On China’s role in the global automobile supplies industry, see Xiaohua Yang, *Globalization of the Automobile Industry*.
- 12 Xianggang maoyi fazhanju yanjiubu, *Neidi qiche shichang*, 1.
- 13 Lance Winslow, “Will China Inherit the U.S. Auto Industry Market Share? Most Likely a Good Chunk of It,” *EzineArticles.com*, 17 June 2009 (accessed 17 September 2009).
- 14 Liu Li and Yu Qiao, “IPR Disputes Fuelled by Auto Makers,” *China Daily*, 6 September 2004.
- 15 Michael Dunne, “Chinese SUV Makers Smother the Cherokee,” *Detroit News*, 15 April 2005.
- 16 Hanru Zou, “A Fake Story with Real Moral Value.” *China Daily*, Hong Kong ed., 12 May 2006.
- 17 Angela Xu, “Court Told Singer Didn’t Buy Fakes,” *ShanghaiDaily.com*, 11 April 2009.
- 18 T. L. Friedman, “China’s Creativity Bubble,” *New York Times*, 7 November 2005.
- 19 The database can be found at www.cnki.net (data retrieved 18 September 2009).
- 20 Baudrillard, *For a Critique of the Political Economy of the Sign*, 309–52.

- 21 C. Harding, “*Hostis Humani Generis*,” 34–35.
- 22 Vaidhyanathan, *Copyrights and Copywrongs*, 81–105.
- 23 The accusation was raised just before Mother’s Day, 2006. Kirin also complained that Chinese farmers are not paying proper royalties to the company for planting carnations, whose patent it owns. See “Zhongguo shu Ri kangnaiqing she qingquang shoucha.”
- 24 Bhabha, *The Location of Culture*, 92.
- 25 For an elaborate discussion of the historical development of mimesis as a Western concept, see Gebauer and Wulf, *Mimesis*.
- 26 See Benjamin, “The Work of Art in the Age of Mechanical Reproduction”; Girard, *To Double Business Bound*.
- 27 Benjamin, “The Work of Art in the Age of Mechanical Reproduction,” 224.
- 28 Appadurai, “Introduction,” 41–42.
- 29 Shujen Wang, *Framing Piracy*, 89–92.
- 30 Rutter and Bryce, “The Consumption of Counterfeit Goods.”
- 31 See Liang Tingjia, *Mingpai tiantan*, 29. This Chinese “shopping” book provides tips for Hong Kong and Taiwan tourists about how and where to buy pirated name-brand bags in various Chinese cities.
- 32 Buck-Morss, *The Dialectics of Seeing*, 81–82.
- 33 “Brand Licensing in China,” 2006, www.brandlicensing.sourcingchina.net (accessed 3 June, 2011).
- 34 Brian Milner, “More than Meets Eye in China’s Advance,” *Globe and Mail*, 16 August 2010.
- 35 Editorial, “Zhongguo pinpai guojihua zhi lü.”
- 36 The application has been denied twice by China’s National Patent Office, in 2004 and 2009, as it might create confusion among customers between food and medicine. “Shao-lin Si zhuanggao shangbiao pingweihui.” For China Mobil, see, “Top 10 Global Brands in 2011,” *Economy Watch*, 9 May, 2011, www.economywatch.com/in-the-news/ (accessed 30 May 2011).
- 37 Ramo, “Brand China.”
- 38 R. Williams, *Marxism and Literature*, 130.
- 39 Lury, *Brands*.
- 40 *Ibid.*, 56.
- 41 Taussig, *Mimesis and Alterity*, 232.
- 42 Bhabha, *The Location of Culture*, 90.
- 43 John Frow also demonstrates the dialectic aspects of the commodity form, which he calls seriality and singularity. He believes that as a result of this duality the commodity form has the potential to be enabling and productive as well as limiting and destructive (“The Signature”).
- 44 Fletcher, *Allegory*, 85–87.
- 45 Taussig, *Mimesis and Alterity*, 231.
- 46 “Nike Sues Adidas over Shoe Patent,” BBC News, 17 February 2006, <http://news.bbc.co.uk> (accessed 25 January 2007).
- 47 Benjamin, “The Work of Art,” 228–29. Judith Butler’s famous theories of gender performance are also based on the mechanism of ritual and mimesis. I think it is interesting to

- compare gender performative theories with Benjamin's notion of aura to further analyze the relation between aura and power. See Butler's *Gender Trouble* and *Bodies That Matter*.
- 48 Benjamin, "The Work of Art," 225.
- 49 Ouspensky, *Theology of the Icon*, 17.
- 50 Mondzain, *Image, Icon, Economy*, 70.
- 51 For example, in "Mapping Early Taoist Art," 87–88, Hung Wu demonstrates that Laozi, the deified man personifying Dao (the Way), cannot be represented by a figurative likeness in Daoist art, because Dao can only be formless.
- 52 De Man, "Thematic Criticism and the Theme of Faust," 87.
- 53 Yip, *Capitalism as Religion?*
- 54 The Mao badge contains an image of Mao's face or body; it was very popular during the Cultural Revolution and has now become a collectible item. According to some estimations, 2.5 billion to 5 billion Mao badges have been produced in China, with more than twenty thousand designs and made from twenty-seven different kinds of materials. Benewick, "Icons of Power," 131.
- 55 For a critical analysis of the Mao industry developed in China, see Dutton, "From Culture Industry to Mao Industry."
- 56 Rogerson, "Karl Polanyi," 136.
- 57 Both Wark and Himanen see the hacker as the exemplary challenge to recent capitalism. See Wark's *A Hacker Manifesto* and Himanen's *The Hacker Ethic and the Spirit of the Information Age*.
- 58 Mason, *The Pirate's Dilemma*, 36.
- 59 Klein, *No Logo*, 74.
- 60 Jia Zhangke, the famous independent Chinese filmmaker, self-reflexively commented on his film *Ren Xiaoyao* 任逍遥 (Unknown pleasures, 2002) on the importance of pirated movie discs to his generation of Chinese filmmakers. Another interesting example is Hu Ge's (胡戈) *Yige mantou yinfa de xuean* 個饅頭引發的血案 (A bloody crime caused by a bun), a mocking video reworking of Chen Kaige's blockbuster *Wuji* 無極 (The promise, 2005), which is very popular and widely circulated on the Internet in China. See <http://ent.qq.com> (accessed 20 April 2006). For the video works produced by fan filmmakers around the *Star Wars* saga, see Jenkins, *Convergence Culture*, 131–56.
- 61 Feng Jianhua, "Yancha 'haixin' shipin."
- 62 See "Killing Bogus Drug Maker Under Investigation," gov.cn, 15 May 2006; Kevin Huang, "Fake Drugs May Claim Two More," *South China Morning Post*, 24 May 2006.
- 63 Akunyili and Nnani, "Risk of Medicines." As the Nigerian activist Akunyili claims, "In Nigeria, there is hardly any family that does not have a history of somebody dying of fake drugs. My youngest sister died of diabetes in 1988. I'm a pharmacologist. I know it was fake insulin." Quoted in Aldhous, "Counterfeit Pharmaceuticals," 134. See also A. Harding, "Dora Akunyili."
- 64 Lu Shanbing, *Zhongguo guanggao chanye fazhan yanjiu*, 205–7; Yao Lin 姚林, "2009 Zhongguo baoye" 2009 中國報業 (China's newspaper industry in 2009), *Chuanmei* 傳媒 (Communication media), 23 December 2009, <http://media.people.com.cn/BIG5/40628/10640468.html> (accessed 30 May 2011).
- 65 In reality, Hong Kong is full of counterfeit products and is also a key site in the global

- piracy network. See Shujen Wang, *Framing Piracy*, 167–86. But when placed in the hierarchy of the global imagination, Hong Kong the global city facilitates genuine commodity and capital flows, which are filtered down to other adjacent and minor networks.
- 66 “3 Charged with Stealing Coca-Cola Secrets,” *New York Times*, 6 July 2006.
- 67 Barthes, “Myth Today,” 156.
- 68 Such visual bias characterizes only the early works of Barthes. In his later works he no longer debases but asserts the affective power of “superficial” images, and he argues that image is most powerful when it is free from a knowledge background to define its meanings. See *Camera Lucida*. For an insightful analysis of the implications of Barthes’s changing attitudes to image, see Rancière, *The Future of the Image*, 1–32.
- 69 Baudrillard, *For a Critique of the Political Economy of the Sign*, 149.
- 70 This news on forgery is also an effect of China’s distorted freedom of the press. The media industry is flourishing in China, but it is not allowed to report on governmental errors; so much of the press’s energy is directed at piracy, which supposedly does not relate to the government in any direct way, and therefore is a safe political topic.
- 71 The show was broadcast on 8 July 2007.
- 72 Jing Wang, *Brand New China*, 18.
- 73 I have demonstrated elsewhere more elaborately the sociopolitical background of movie piracy in China; see Pang, *Cultural Control and Globalization in Asia*, 98–116.

Chapter Nine: Imitation or Appropriation Arts?

- 1 Pang, *Cultural Control and Globalization in Asia*, 16–46.
- 2 See Rose, *Authors and Owners*; Woodmansee, “The Genius and Copyright.”
- 3 Theoretically speaking, both the author and the laborer are primary owners of their creations. However, as James Boyle points out, laborers are not seen as having residual property rights in the goods they create for their employers, but artists, in general, do, because their creative input is considered more precious (*Shamans, Software, and Spleens*, 57).
- 4 The tangible–intangible paradox is inherent in all IPR categories: expressions are copy-rightable only after they are embodied in concrete materials; patents are offered to novel ideas only when they are inscribed in actual utensils (hence, the controversies surrounding software patents); and trademark refers to an abstract image (or sound, pattern, or even a general “feel”) tied to a concrete set of commodities.
- 5 See, for example, Fusco, “Who’s Doin’ the Twist?”
- 6 See chapter 8; Bhabha, “The Third Space,” 216.
- 7 Drew, “Mixed Blessings.”
- 8 Welchman, *Art after Appropriation*, 18.
- 9 Crimp, *On the Museum’s Ruins*, 126.
- 10 Negativland, “Two Relationships to a Cultural Public Domain,” 240.
- 11 On the case of Levi’s, which frequently resorts to trademark infringement lawsuits to fend off competitors, see Michael Barbaro and Julie Creswell, “With Trademark in Its Pocket, Levi’s Turns to Suing Its Rivals,” *New York Times*, 29 January 2007.

- 12 Foucault, "What Is an Author?," 124–25.
- 13 Edelman, *Ownership of the Image*, 38, 51–52.
- 14 See, for example, L. Wells, "On and Beyond the White Walls."
- 15 One critic comments, "In Nam June Paik's work, the paradigmatic and multidimensional accumulation of signs and images far outweighs syntagmatic and linear integration. He piles up signs and images, takes accumulation to its most extreme point, and when it has reached a kaleidoscope climax, paradoxically, one becomes aware of a kind of void—a void full of images or the silence full of sounds." Asada, "Video," 126.
- 16 For the new creative possibilities digital sampling adds to appropriation arts, see, for example, Sæther, "Between the Hyperrepresentational and the Real."
- 17 Mulvey, "Visual Pleasure and Narrative Cinema."
- 18 Mulvey, "Passing the Time."
- 19 Benjamin, "The Author as Producer," 230, 237, 221.
- 20 Napack, "Chinese Artists May Sue Venice Biennale."
- 21 See Zaya, "Cai Guo-Qiang."
- 22 Sheng Wen, "Diaosu zuopin 'Shouzuyuan' yinfa ionian banquan zhengzhan."
- 23 For a more elaborate discussion of the incident, see He Wanli, *Yongyuan de qianwei*, 183–85.
- 24 Sichuan Fine Arts Institute, "Xueyuan gaikuang" 學院概況 (About the Institute), www.scfai.edu.cn/Survey.aspx (accessed 3 June 2011).
- 25 Erik Eckholm, "Expatriate Artist Updates Maoist Icon and Angers Old Guard." *New York Times*, 17 August 2000.
- 26 The piece was shown at the Manchester Urbis Art Center (January 2007), the Contemporary Art Museum in Shanghai (June 2007), and the Hexiangning Art Museum, Shenzhen (August 2008).
- 27 Interview with Hua'nü (華女), who worked as a painter in one of those studios in the late 1970s and early 1980s, 20 December 2007, Hong Kong.
- 28 "Zhongguo youhua diyicun, Shenzhen guanwai Dafencun de qishi" 中國油畫第一村, 深圳關外大芬村的啟示 (China's first painting village, implications for Dafencun, on the outskirts of Shenzhen), an episode of *Duihua*, 對話 (Dialogue), China Central Television, 23 November 2005.
- 29 Ibid.
- 30 UNESCO, "International Flows of Selected Cultural Goods and Services 1994–2003," 30–31, 57.
- 31 Guangzhou shi xinwen chubhan he guangbo dianshi ju, "Shenzhen yi cujin chanye fazhan wei zhidao."
- 32 For 2010 sales figure, see Wen Jianmin 溫建敏, "Shengzhen Dafencun 30 nian chuanqi" 深圳大芬村30年傳奇 (Thirty remarkable years of Shenzhen's Dafen Village), *Xinkuai bao* 新快報, 26 August 2010, online at big5.ycwb.com/news/2010-08/26/content_2627422_3.htm (accessed 30 May 2011). Dafen youhuacun guanli bangongshi, "2006 nian gongzuo zongjie."
- 33 For 2008 see Dafen Oil Painting Village 大芬油畫村, "Guanyu Dafen" 關於大芬 (About Dafen), cndafen.com/about.asp?Title=关于大芬 (accessed 30 May 2011). "Dafencun hua-

lang chaoshi guonei qiangtan.” For a complete list of creative industries recognized in the PRC, see Zhongguo touzi zixunwang, 2007–2008 nian Zhongguo wenhua chanye jidi fenxi ji touzi zixun baogao.

- 34 Dafen youhuacun guanli bangongshi, “2006 nian gongzuo zongjie.”
- 35 Huang Rongqiang, “Dafencun chengli zhishichanquan gongzuo zhan.” This, of course, is very unusual; such registrations would normally be carried out by national IPR offices.
- 36 Zhang Ke, “Guojia zhishichanquan jianchazu dao Dafen jiancha gongzuo.”
- 37 Unless stated otherwise, all the information about the artist and the piece is based on my interview with Leung Mee Ping, 25 August 2007, Hong Kong.
- 38 Shang, “Rent Collection Courtyard,” 232.
- 39 Quoted in Eckholm, “Expatriate Artist Updates Maoist Icon and Angers Old Guard.”
- 40 Shang, “Rent Collection Courtyard,” 225, 226.
- 41 See Xiao Shu, *Liu Wencai zhenxiang*.
- 42 Author’s email communication with Leung Mee Ping, 25 October 2007.
- 43 Martin Paetsch, “China’s Art Factories: Van Gogh from the Sweatshop,” *Spiegel Online*, 23 August 2006, www.spiegel.de (accessed 24 October 2007).
- 44 Boyle, *The Public Domain*, 21.
- 45 Heidegger, “The Age of the World Picture,” 132.
- 46 Heidegger, “The Question Concerning Technology.”
- 47 See Rojcewicz, *The Gods and Technology*, 15–66.
- 48 Heidegger, “The Question Concerning Technology,” 16.
- 49 *Ibid.*, 25–26.
- 50 See, for example, the dichotomy Deleuze and Guattari set up between marketing and philosophy in reference to their different production of creativity, in *What Is Philosophy?*, 10–12.
- 51 See Rofel, *Desiring China*; Hook, *The Individual and the State in China*; Gallagher, *Contagious Capitalism*; Lee, *Against the Law*.
- 52 See O’Brien and Li, *Rightful Resistance in Rural China*. For a stereotypical portrayal of this materialistic and politically indifferent new generation of Chinese citizens, see Simon Elegant, “China’s Me Generation: The New Middle Class Is Young, Rich and Happy. Just Don’t Mention Politics,” *Time*, 5 November 2007, 46–51.
- 53 Marcuse, *One Dimensional Man*, 23.
- 54 Bauman, *Liquid Modernity*, 22.
- 55 Žižek, *Welcome to the Desert of the Real*, 3.
- 56 Eckholm, “Expatriate Artist Updates Maoist Icon and Angers Old Guard.”
- 57 Heidegger, “The Question Concerning Technology,” 12.