Published by

Pang, Laikwan.
Creativity and Its Discontents: China's Creative Industries and Intellectual Property Rights Offenses.


For additional information about this book
https://muse.jhu.edu/book/65106
Notes

Introduction


3 Li Haiqiang, “Shanghai chuangyi chanye mishi Shanghai.”

4 Taniguchi and Wu, “Shanzhai.”

5 Su Xing, “IDEO Yataiqi 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.’”


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.”

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.


19 See Ross, *No Collar*.

20 McRobbie, “Clubs to Companies.”


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.”


25 Keane, *Created in China*, 81–86.


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 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 Hu Jintao, “Nuli ba guanche luoshi kexue fazhanguan tigao dao xin shuiping.”

31 Jing Wang, “The Global Reach of a New Discourse.”

32 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).


34 Qian and Hu, “Chuangyi chanye fazhan moshi jiejian yu tansuo,” 47.

35 See Nye, *Soft Power*.

36 See Gill and Huang, “Sources and Limits of Chinese ‘Soft Power.’”


38 Buckley, “China Design Now.”

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.


Rofel, Desiring China, 133.


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.”

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).


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.”

See the epilogue to Pang, The Distorting Mirror.

See, for example, the research and reports collected in Ouyang and Ding, Guoji wenhua fazhan baogao.

Alford, To Steal a Book Is an Elegant Offense, 9–29; Keane, Created in China, 35–46.

Wang Hui, Xiandai Zhongguo sixiang de xingqi; see also Yongle Zhang, “The Future of the Past.”
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.

See, for example, Wang Hui, “Depoliticized Politics, from East to West.”

*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*.


Caracostas and Mulder, “Long Cycles.”

For a recent general introduction to the new economy, see, for example, Sennett, *The Culture of the New Capitalism*.


McLeay, “Investing Australia,” 42.

See M. Leonard, *Britain TM*.

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).


Yue, “The Regional Culture of New Asia.”

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.

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*.

Lury, *Brands*.

Thrift, “Capitalism’s Cultural Turn.”
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.


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.


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.


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 par-
ticulars and proceeds to find the concepts according to which they can be phrased with
categorical validity” (Consequences of Enlightenment, 100, emphasis mine).

“This question of the existence of truths (that ‘there be’ truths) points to a coresponsi-
bility 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.

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.”


Jameson, “Postmodernism and Consumer Culture.”


See Žižek, “The Abyss of Freedom.” For related scholarship by Heidegger and Habermas,
see Žižek’s bibliographical note, 87–88.


Deleuze and Guattari, Anti-Oedipus, 245–46.

Deleuze and Guattari, A Thousand Plateaus, 97–98.

Rancière, Dissensus, 170–81.

Hallward, Out of This World, 3, 79.


Jameson, A Singular Modernity.

Ibid., 207, 206, 126–27.

Doane, The Emergence of Cinematic Time, 140–71.

See also, for example, related works by Tom Gunning: “The Cinema of Attractions” and
“An Aesthetic of Astonishment.”

Doane, The Emergence of Cinematic Time, 165–66.

Jameson, A Singular Modernity, 199.

Jameson, Late Marxism, 16–17.

Vattimo, The End of Modernity, 166.

Yúdice, The Expediency of Culture, 1–2.

Peter Osborne, “‘Whoever Speaks of Culture Speaks of Administration as Well.’”

See, for example, Boltanski and Chiapello, The New Spirit of Capitalism, 217–72.


Luft, Vico’s Uncanny Humanism, 16–20, 8–10.

Ibid., 175, 195, 196.

Kaufman, In Face of Mystery, 264–80, 268, 275.


Bakhtin, The Dialogic Imagination.

For further illustrations of Bakhtin’s idea of “creative understanding,” see Willemen,
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.
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.
Chapter Three: Creativity as a Construct of Rights

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.


3 Patterson, Copyright in Historical Perspective, 4.


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.


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.


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.

Notes to Chapter Three

24 Fisher, Capitalist Realism, 6.
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.
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.
Notes to Chapter Four


45 Thomas, Hacker Culture, 117.

46 Kelty, Two Bits, 245.

47 Hu Yizhen, “Zhongguo zimuzu yu xinziyouzhuyi de gongzuo lunli.”


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.


55 Bick and Chiper, “Swoosh Identity.”

56 Alan Liu, The Laws of Cool, 179.

57 Gillespie, Wired Shut, 1–6.


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 McQuiggan, 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.


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.
242 Notes to Chapter Four

11 Kraus, The Party and the Arty in China, 22.
12 Andreas, Rise of the Red Engineers, 1.
13 See Li Jun, Kunmao yu zhuaji, 54–58; Gao, Wenhua yishu guanlidun, 21–26.
14 See Pan, Jiuru 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.”
20 Zhao Ming, “Jianguan bumen boyi.”
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 Shen-zhen 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.
27 See Zhou Lin and Li, Zhongguo banquan shi yanjiu wenxian, 2–10; Kong Zhengyi, “Shilun gudai tushu de banquan baohu.”
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.”
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: Jinxian dai bufen, 94–103.
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).
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 qinxing changfa yitai zu, *Woguo guomin dai daoban chubanwu de renshi*, 178–84.
47 Jerome Cohen, “China’s Reform Era Legal Odyssey.”
48 See Zhang Zhiqiang, “Zhidi biangeng yu daoban fanlan.”
49 A good reference is the film *Man yan* (pirated copy, 2004), directed by He Jianjun (何建軍).
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?”
58 See, for example, Papandrea, “Trade and Cultural Diversity.”
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.”
244 Notes to Chapter Four

68 Rees, Echoes of History, 6.


71 Dongba paper is made from two endemic stringbush plants, *Wikstroemia delavayi* and *W. Lichiangensis*, noted for their well-developed bast fiber. Zhonghua Renmin Gonghe-guo 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 lun de xinfazhan xing-gongxian.”

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.”


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 zhuanye shijing yanchu Yingxiang Lijiang yi pinpai zhilu cu fazhen.”


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 Wenhuaibu, “Guanyu jinyibu jiaqiang shaoshu minzu wenhua gongzuo de yijian.”


89 On a Shanghai Xuhui regional follow-up on these two national documents, see Feng Yu-hui 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.
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.


7. Lily Kong, Gibson, Khoo, and Semple, “Knowledges of the Creative Economy.”


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.


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 (DFFG).”


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.
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.
32 McDonald and Wasko, “Introduction,” 5.
33 Anup Tikku argues that in spite of the relentless demand by developed countries for a rigid IP framework in India, India’s IP 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.”

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.


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).


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.


57 *deCSS* allows customers to play discs on computer systems that are encrypted by *CSS*, including open-source code programs such as Linux.


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.


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.


64 Gillespie, *Wired Shut*, 256.


67 Lazzarato, “Immaterial Labor.”
Chapter Six: Branding the Creative City

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.


Ibid., 208.

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.”

For a brief summary of Beijing’s city planning from the 1920s to the 1990s, see Visser, “Spaces of Disappearance.”

Braester, Painting the City Red, 281–309.


Jing Wang, “Culture as Leisure and Culture as Capital.”

Keane, “The Capital Complex.”

See Friedmann, The World City Hypothesis; Sassen, Cities in a World Economy.

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.”


Nan Wang, “Shanghai Goes Creative over Eight Sectors.”

Guangzhou shi zhengfu, “Yuexiu dazao guonei zhiming chuangyi zhongxin.”


“1000 New Museums Are Expected to Be Built in China over the Next Ten Years,” Space Daily, 29 March 2006.
Notes to Chapter Six

19 Ibid.
20 For the concept of cluster, see Porter, “Clusters and the New Economics of Competition.”
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.
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.
34 The two reports are titled “Guangyu Beijingshi chengshi dingwei he fahui Beijing dute de wenhua canyee 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 canyee 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.”
36 Chen Baohong, “Songzhuang de yishu ‘jiaofu.’”
37 Ge, “Zhongguo yishupin gaiwai kuangbiao.”
38 See the report by Changchang, “Baiwen renminbi yishujia.”
40 Yang Yufeng, “Songzhuang huaijiacun.” Artkey helped Taipei’s National Palace Museum license the images of its famous collections to commercial enterprises, such as 7-Eleven, for mutual promotion.
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.”
49 Walker and Buck, “The Chinese Road.”
50 Liu Liang, “Sun Jianjun ‘zuoji.’”
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’ Beijingsuoqi.”
55 Liu Liang, “Sun Jianjun ‘zuoji.’”
60 See Zhao Shufeng, Chen, and Zhang, *Beijing jiaoqu 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 jiecie.”
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 jiuzhi zhidu tantao,” 23.
67 “Songzhuang huajiacun chu liao ‘taofang jingji ren.’”
Notes to Chapter Seven

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 intensi-
fied in order to stop nonresidents from obtaining hukou in major cities.
73 Interview with two Beijing artists, Wang Yan (王燕) and Zhang Tingjun (张庭钧), 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 (里飞雪), Beijing, 16 September 2006. It was re-
ported 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 “Kaikyo!”
5 China began importing revenue-sharing foreign films in 1994, when the quota for for-
eign 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,
“Riben dongman huobao weihe zhengqian nan?”

“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.

Gaoge dianchenan, “Shei hai jide dangnian de Hainan shying meishu chubanshe?”


Fei Yuxiao, Chuangzhao 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.

Chen Qijia and Song, “Zhongguo donghua fazhan wenti zhengyi.”

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 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).

Kanô Seiji, “Kaze no tani no naushika kara Mononoke no hime e.”


Yoon, “In-between the Values of the Global and the National.”

Tsukamoto, “Shanghai Surprise.”

For a historical overview of South Korea’s animation industry, see Kim, “Critique of the New Historical Landscape of South Korean Animation.”


Allison, Millennial Monsters, 13.

Quoted in Shen, “What Is ‘Computer Animation?’”

P. Wells, Understanding Animation, 190–96.


O. Johnston and Thomas, The Illusion of Life.
Notes to Chapter Seven

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.
35 Rifkin, The Age of Access, 140.
36 See Miller, Govil, McMurria, and Maxwell, Global Hollywood.
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).
46 See Mehra’s analyses in “Copyright and Comics in Japan,” and Condry’s in “Cultures of Music Piracy.”
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.”
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.
Chapter Eight: A Semiotics of the Counterfeit Product

3. Pang, Cultural Control and Globalization in Asia, 63–79.
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.
19. The database can be found at www.cnki.net (data retrieved 18 September 2009).
Notes to Chapter Eight

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.


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.


35 Editorial, “Zhongguo pinpai guojihua zhi lü.”


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.


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*.

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*.
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 *Wujì* 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.”
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.”
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.


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 copyrightable 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.


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.”
20 Napack, “Chinese Artists May Sue Venice Biennale.”
21 See Zaya, “Cai Guo-Qiang.”
22 Sheng Wen, “Diaosuo zuopin “Shouzuyuan” yinfa 1onian banquan zhengzhan.”
23 For a more elaborate discussion of the incident, see He Wanli, Yongyuan de qianwei, 183–85.
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 Dafen, on the outskirts of Shenzhen), an episode of Duihua, 對話 (Dialogue), China Central Television, 23 November 2005.
29 Ibid.
31 Guangzhou shi xinwen chuban he guangbo dianshi ju, “Shenzhen yi cujin chanye fazhan wei zhidao.”
33 For 2008 see Dafen Oil Painting Village 大芬油畫村, “Ganyu Dafen” 關於大芬 (About Dafen), cndafen.com/about.asp?Title=shouxi (accessed 30 May 2011). “Dafen 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.
46 Heidegger, “The Question Concerning Technology.”
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.
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.”