may arouse in them a sense of embarrassment that they are now associated with such high status. Counterfeit goods are mass produced to supply lower class consumers. But, the knowledge of luxury goods increases the referential value of both the counterfeit good and the brand name. The story of Junda Yao illustrates the intricate relationship between fake and luxury goods. Yao spent six years selling fake products to cultivate his knowledge of luxury goods. He went on to spend eight years working as a salesman in a brand name boutique shop in order to make connections with celebrities, rich housewives and the daughters of rich businessmen. He eventually opened his own chain of 13 second-hand boutique stores in Hong Kong, Taipei, Beijing, and Macao. The functionality of consumer goods is almost always emphasized by consumers, due in part to the fact that these consumers are from lower income groups. Both counterfeit goods and brand name goods have aroused new trends in consumerism.

Class Exercise

1. Horace Chang was contracted by New Balance to make and distribute sneakers until New Balance canceled his contract. Horace Chang continued making shoes that bore the New Balance trademark without permission (Schmidle 2010). If you were the lawyer representing New Balance, what measures and steps would you take to stop the production of sneakers by Horace Chang?

5

COUNTERFEIT CULTURE AS PROTEST AND REBELLION

On November 12, 2008, some 100,000 copies of a fake July 4, 2009 edition of *The New York Times* were distributed around the corner of New York's Time Square and a couple of other locations. The front page featured the headlines of *Iraq War Ends* and *Nationalized Oil to Fund Climate Change Efforts* complemented by a fake Monsanto advertisement which said: "Ladybugs for pest control: A ladybug can eat up to 50 pests every day, without harming plants—making this little insect as effective as any pesticide. Now shipping to all farmers." The front page contained a spoofed motto: "All the news we hope to print," and it was revealed later that Bertha Suttners and the Yes Men group claimed partial responsibility for this prank. Two university professors, Jacque Servin and Igor Vamos, wearing aprons which said *New York Times*, actually led a group of cameramen to the front door of the real *New York Times* and confronted the security guards about their fake identities. In the movie *Yes Men Fix the World* (2009), Jacque Servin and Igor Vamos, who wrote, produced, and directed the movie, further explained the reason to organize this action: "We need a really ambitious plan to show how real change will look . . . (we need to be) back on track of how it was before things fell apart and set our imagination free." Later, they accepted interviews by the real journalists of CNBC, stating "We are trying to show how the world can be different." Several European television stations reported on this event in the news. The readers of the fake newspapers were not angry at the producers; instead, some said: "It's a dream newspaper, you wake up and all you want has come true."

The faux *New York Times* was only the latest of a series of activist plots hatched by the Yes Men. These included the "Barbie Liberation Organization," in which they purchased talking Barbie Dolls and GI Joes, altered the voice mechanisms to have Barbie exclaim "Vengeance is mine!" and GI Joes "Let's plan our dream wedding!" The altered dolls were surreptitiously placed back on store shelves with stickers saying "Call your local TV Station," to ensure media coverage and expose the hypocrisy of gender stereotyping. They went on to create fake websites such as dowethics.com to focus attention on the failure of Dow Chemical to fairly compensate victims of the explosion of the Union Carbide (which merged with Dow in 2001) chemical plant in Bhopal, India in 1984.

The Yes Men were following in the tradition of using counterfeit goods, websites, and identities (the Yes Men refer to themselves as "identity correctors") to protest corporate and government wrongdoing. Adbusters, one of the pioneers of what has become known as "culture jamming," produces spoof advertisements (see Figure 5.1) to protest the misleading claims of advertisers.

These actions illustrate how counterfeiting has been used, not only as an economic tool, but as a political device to protest and resist the abuse of corporate and government power. In China, also, we also see how culture jamming has been used as a "weapon of the weak" (Scott 1985).

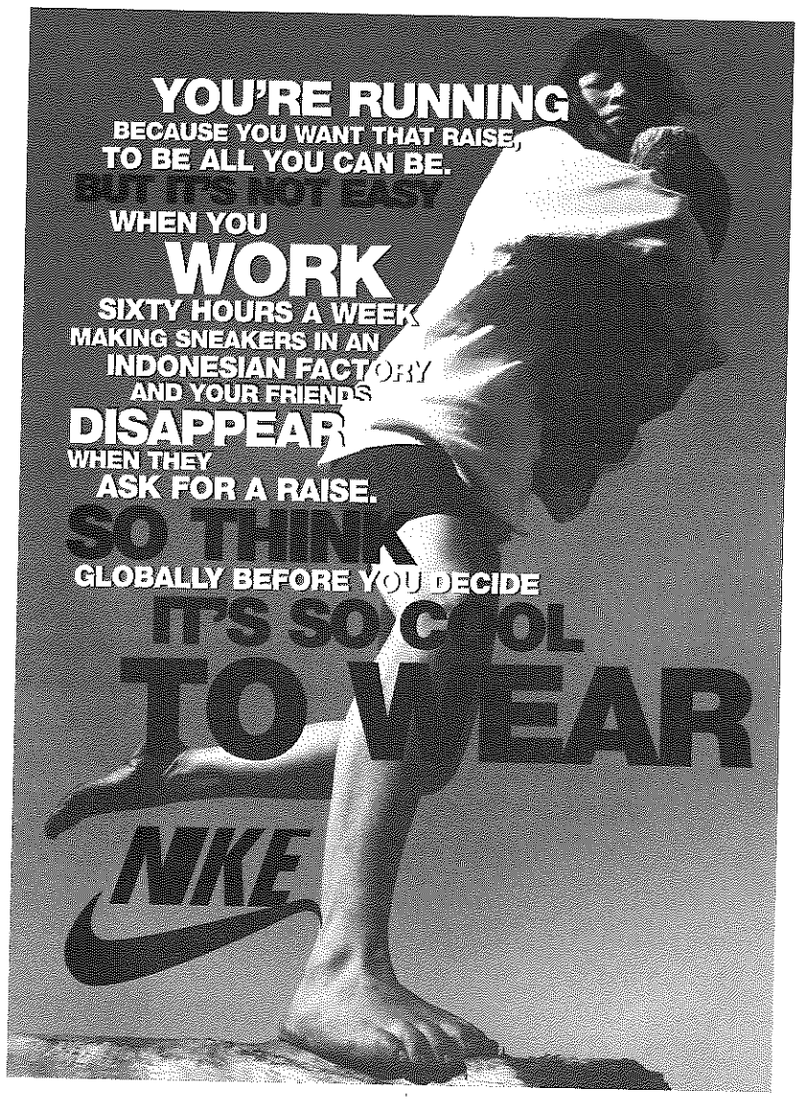

Figure 5.1 **Adbuster's Spoof Advertisement: Nike (Courtesy of adbuster.org).**

Only 44 days after the Yes Men distributed their fake *New York Times*, at the other end of the world in downtown Shenzhen, four *faux amis* of television journalists interviewed pedestrians on how they planned to spend their Christmas' Eve. Holding a plunger, a cooler fan base, and a bamboo clothes hanger for a camera tripod and a home video camera, the four young recent immigrant girls, who occupied white-collar or blue-collar day-jobs, called themselves the improvised "Fake Chinese Central Television journalists." Various Chinese newspapers released the photographs of this event and although the coverage focused on the appearances of these young "journalists" (including comments such as "they are no less pretty than the 'real television journalists' "), no media revealed the identities of them.

It appears that these events, from the fake distribution of the *New York Times* to fake interviews on Chinese Central Television News are similar yet different: the mockery's targets are both the elite journalism institutions of the two nations; as we "peel away the layers of onions" of the two events, they represent different types of culture jamming and resistance that are both local and global.

The glow of fireworks up in the sky, the parade of the lion and dragon, the red envelopes given by the elders and the televised Chinese Gala program form the collective experience of Chinese New Year at home or abroad. To be sure, these traditions are not so "traditional." They have undergone profound change as China's economy has expanded and changed. As such, they are more likely to be the experiences of China's younger generations; even for this generation, the ritual of watching the Spring Festival Gala on the lunar New Year's Eve on the state-run Chinese Central Television Company (CCTV) has itself been reinvented by a burgeoning copycat culture in China. Against the backdrop of a media-savvy counter-cultural movement, the Gala has been parodied and copied by artists and freethinkers and offered up to mass audiences as a cultural critique and alternative. These copycat galas give us a glimpse of what counterfeiting means in contemporary China and the culture that supports counterfeiting.

Mengqi Shi and Zehong He directed the first *Shanzhai* (copycat) Gala in late 2008, claiming that the program represented the grassroots spirit of the Chinese people. Shi grew up the son of peasants in Sichuan province and became a migrant worker and, later, a wedding planner in Beijing. He was well-versed in creative copycatting. "When I was a little boy," he explained, "I wanted so badly to drive a car, but then it was rare even to see a car on the road, let alone drive one. So I would make a car from blankets and drive in bed." Shi joined forces with Zehong He to set up a company and crew team to organize a *Shanzhai* gala. The copycat gala was scheduled to broadcast live on the Guizhou television station, a government-owned regional channel, but the station backed off at the last minute. Shi and He received a warning from the government that they lacked "performance approval" from the state to host the gala. In the end, the

copycat gala was broadcast on the internet and on television by the Macao Satellite television station.

The first *Shanzhai* Gala was similar to the official CCTV Gala, except that all the performers were amateur and were voted on by internet users. The internet broadcast was criticized for its slow speed, but this was only because the viewership was so large it exceeded the capacity of the website. Though the program was also criticized for being unprofessional, foreign media like the *Wall Street Journal* were compelled to report on the story:

> The ebullient Mr. Shi sports close-cropped hair and collared-shirt-and-sweater combinations more suited to an office worker than a guerrilla filmmaker . . . in addition to the singing, dancing and comedy routines that populate the official CCTV gala, Mr. Shi's show will feature elements that even he finds difficult to categorize . . . performers include a pair of wheelchair acrobats and a singing five-year-old boy in an Elvis-style jumpsuit and pink wig. "I guess you could call these 'folk performances,' " he says.
>
> (Canaves and Ye 2009)

At the conclusion of the 2009 gala, Shi was broke. But the *Shanzhai* Gala had become a cultural icon. Exam questions on the gala appeared in a middle high school in Beijing and the entrance exam for Zhongnan University of Economics and Law. In 2010, Shi hosted another copycat gala and his efforts have sparked an entire genre of internet-based copycat galas, including the Northern Migrant Workers' Gala, the Civic Gala, the Farmers' Gala, the Gala of Chinese Studies, the Old Men's Gala, and the Southerner's Gala.[1]

Gala participants and viewers are diverse, ranging from college students to migrant workers. Taken as a whole, the galas have drawn viewers away from the state-sanctioned CCTV Gala, though this varies by region. As communications scholar Cheng-Liang Lee has indicated, the highest viewing rate for the CCTV Gala of 2009 was 89 percent in the Liaoning Province of Northeast China; the lowest viewing rate was 5 percent in the Guangdong Province of the Pearl River Delta (Lee 2009: 49). According to some estimates, there are one to three viewers of copycat galas for every six viewers of the CCTV Gala.

The director of the 2010 Northern Migrant Workers' Gala, Wenjun Shi, has said that "the first copycat gala helped the public realize that there's the way to make an active cultural choice. It is a festival for the people." Shi's Northern Migrant Workers' Gala emphasizes the bittersweet life of migrant workers in Beijing. The program editors visit several communities in Zhongguancun, Xidan, and 798 Art Zone to talk with migrant workers and to distribute free tickets to the gala (Wu 2010). This gala and others have attracted a large cross-section of China's workers and youth. "I used to spend New Year's Eve sitting around the dinner table with family members and watching the [CCTV] Gala," explained a migrant worker in Shanghai. "I couldn't go home this year, so I figured that I would watch the copycat gala with other internet users. It feels more in fashion to me. Internet copycat galas give us new 'taste' for television galas" (Li 2010). The majority of viewers of copycat galas were born after the 1980s.

This copycat culture has extended far beyond the Chinese New Year Gala. A *Shanzhai* version of a popular television education program called "Lecture Room" was broadcast on YouTube by a college graduate, Jianxue Han. Han's application to be on the actual program was rejected, so he developed his own version, using the internet as his broadcast medium. Later, college freshman Fangzhou Jiang imitated Han and broadcast her own commentaries on literature through the internet. In these cases, a kind of popular grassroots scholarship has arisen. Though these scholars are not recognized by formal academic institutions, they have cultivated a viewership and build a popular program using an existing show's program as their framework. Other cases of copycat practices include fake popular idols, with mainland-born persons acting in advertisements or television shows as stand-ins for celebrities like Jay Chou and "F4."

The Sincerest Form of Rebellion

Some argue that *shanzhai* culture represents popular innovations and a new wave of democracy. Xueran Xia, a sociologist at Beijing University, explains that "[*Shanzhai*] shows that the people need more channels to express themselves when they are not recognized by the mainstream culture. It will be more and more common." Xia points out that the internet supports the rise of this *shanzhai* culture. In contrast, another scholar at Beijing University, Yiwu Zhang, criticizes *shanzhai* galas, arguing that there is a threshold for professional artistic expression. Simply put, no other gala could outperform the CCTV Gala.

Chinese Youth Daily conducted a poll of 2,169 Chinese citizens on their views of *shanzhai* culture. The results showed that 57 percent of the people interviewed believed that *shanzhai* should not be regulated and free to air. Nineteen percent believed that *shanzhai* should be regulated and managed by the state. The rest had no comment. The poll also showed that the most-voted core values of the "*shanzhai* culture included: innovation (41 percent) and ambition (29 percent). Forty percent contended that *shanzhai* was a Do It Yourself (DIY) culture; 34 percent a copycat culture; and 34 percent a counterfeit culture. A full 30 percent of those interviewed believed that *shanzhai* culture was a form of stealing.

Literature critic, Xizhang Xie, suggests that when the traditional CCTV Gala became less popular, the *shanzhai* version sprang up naturally to attract people for its variety and newness. "Despite its coarse techniques and operation,

shanzhai culture meets the psychological demands of common people and could be a comfort to their minds," said he explained (China Daily 2008). The Director-General of the Beijing Municipal Cultural Bureau, Gongming Jiang said that as long as *shanzhai* culture is enjoyed by the common people and as long as it is "healthy," it will be supported by the municipal authority (Minyingjingjibao 2010). Binjie Liu from the National Copyright Administration of PRC claimed that "*shanzhai* shows the cultural creativity of the common people. It fits a market need, and people like it. We have to guide *shanzhai* culture and regulate it" (Schmidle 2010).

Although *shanzhai* culture is a copycat culture, it may also be read as a grassroots subculture. In this case, imitation has become the sincerest form of rebellion. Indeed, *shanzhai* culture has inherited the spirit of the culture jamming. In the 2001 movie *Culture Jam: Hijacking Commercial Culture,* culture jamming is defined as "the right to reconfigure the logo, to steal other people's ideas, remaking them into your own, and go out and do something new."

However popular, commodification and censorship are major issues for the *shanzhai* galas as they are for *shanzhai* culture as a whole. Some cultural critics worry that the copycat galas have been turned into a commercial show, rather than a movement that represents grassroots culture (Wu 2010). Once popular culture is commoditized, however, its potential to be a liberating form of expression is lost. Censorship by the state department of culture is another concern. The CCTV Gala was seen as an important ritual to display the state authority over its people, with recurring themes of national prosperity and patriotism (Jinwanbao 2010). *Shanzhai* galas threaten the state's control over cultural content and distract viewers from this core expression of state control in China. As for the CCTV Gala, it has reacted to the copycat gala movement by changing its 2010 Gala to be an interactive, online program. Through the internet, it has allowed the audience to vote from a wish-list of performers during the year before the performance. In doing so, it successfully offset the criticism that it was a top-down model of production.

State control of cultural content hinges on its control over television. Likewise, the culturally rebellious thread in China's copycat culture rests on innovative use of new technology, such as the internet. Of the two media, television is the more popular. There are more television stations in China than any other country in the world: approximately 2,646 stations in 2009, up from 12 stations in 1965. The Chinese television viewing audience reached 1.2 billion in 2007 and television remains the most popular medium in China. Just under 100 percent of Chinese households have television sets, and 94 percent of Chinese people regard watching television as the most important entertainment during their leisure time. On average, a Chinese person watches more than three hours of television per day (Liu, Liu, Xu and Zhang 2008).

Television programming is organized at four administrative levels—national (CCTV), provincial, city, and county. Australian researcher Michael Keane has observed that China's massive television infrastructure is:

> a legacy of decades of state control over media industries by which cultural bureaucrats exercised surveillance over form and content. It is also a legacy of a system that has tied production units to their respective parent broadcaster, obliging the unit to produce for that stations' viewers. The effect has been a stagnant and carnivorous production environment, devoid of any real innovation . . . everyone rushes in and produces the same kinds of products and targets the same markets within a particular locality.
>
> (Keane 2002)

In contrast, access to the internet is more limited and currently Chinese citizens are struggling against the state's active controlling, monitoring and censoring of the internet. The Chinese state has tightened its control not only over the internet, but over text messages on cell phones. This has the convenient effect of stifling political demonstrations. In January of 2010, a sophisticated hacking attack targeted Google email users, most of them human rights activists. In response, Google Inc. threatened to shut down its operation in China. Many internet users left bouquets outside the entrance of Google Inc.'s office. In the end, the sustainability of China's copycat culture depends on the government's willingness to foster multiculturalism.

Class Exercise

1. Do you know any case of copy culture which rebels against the mainstream culture from your own culture or your own town? Please illustrate the origin of the case and its consequences.

6

CONCLUSION

Over a 20-year period, China has become the world's third-largest economy and has formed a culture of self-interest, rank materialism, and growing cynicism. The study of counterfeiting captures China's unique "post-development state," in the words of the *shanzhai* Godfather, Ming-Kai Tsai. As opposed to the modern paradigm, the copy culture in China has come to reflect a post-modern parody of present-day capitalist societies. Consumerism and culture do not sit opposite one another at two ends of a spectrum, as Igor Kopytoff suggested. Rather, gray zones of new meanings circulate among fake producers and counterfeit consumers, which counter traditional binary oppositions between high and low, material and cultural, fake and real, and legal and extralegal.

My examination of the counterfeiting trade contributes to a deeper understanding of not simply China, but the cultural politics of intellectual property rights and consumption in the globalization era. Walter Benjamin and Rosemary Coombe remind us that during an age of simulated reality, the technical evolution from mechanical to electronic reproductions of images made the world a place that values copies and simulations over the originals. As Coombe suggests:

> What is quintessentially human is the capacity to make meanings, challenge meanings, and transform meanings . . . Humanity is stripped through overzealous application and continuous expansion of intellectual property rights protections. With no reductionist intention to see the power of intellectual property rights in purely prohibitory terms, legal enforcement of copyright, publicity, and trademark rights, however, may create danger for democratic dialogue, which includes ongoing negotiation and struggle over meaning as an essential part.
>
> Coombe (2005: 122)

If we examine closely the mechanisms surrounding the world of brand names, we find that it is the trademark, the image rather than the actual quality of material or precision of work that generates a product's added value. This

explains why corporations spend huge amounts of money on the prevention of trademark piracy and litigation over trademark and copyright violations.

Rosemary Coombe (2005) has called attention to the power relationship that exists between the owners of intellectual property and everyone else, in particular the unorthodox use of manufactured signs in popular culture. The invention of intellectual property rights law in the West makes many once non-material "things" into property-objects. By objectifying and reifying cultural forms, intellectual property rights laws freeze the meanings of cultural symbols and fence off fields of cultural meanings. The right to control a trademark and thus to fix the signifier symbol's meaning is potentially perpetual, as are the rights to patent, publicity and copy.[1] The result is that in North American society "owners" of trademarks became the most powerful and wealthy actors. "The more valuable the mark becomes, the more legal protection it receives, which of course means that it accrues even more value because it is granted further immunity from scrutiny, competition, or denigration" (Coombe 2005: 119).

One case from Taiwan is telling in this regard. A company from Taiwan, Foxconn China, hired more than 1,000 lawyers to ensure the protection of its connector products.[2] Employees of Foxconn referred to this strategy as a "patent mine", since any competitor in the connector sector could easily "trigger" a violation and lawsuit. The strategy successfully intimidated Foxconn's competitors and maintained Foxconn's status as the world's top company in connector manufacture. Moreover, the enactment of trademark law has endorsed and sanctioned brand name fetishism in modern society. In response, the *shanzhai* economy and culture in China has emerged as a transnational subculture that supplies rebellious resistance to brand name fetishism by less powerful social actors.

Farmers of a village in Jiangsu Province, now known as "the wealthiest village in China," built a fake U.S. Capitol next to an "Arc de Triomphe," a Gate of Heavenly Peace, and a mini Great Wall. That version of the U.S. Capitol even has the Statue of Liberty transplanted on top of it—two famous sights rolled into one. A district in Beijing City and Chongqing City in Sichuan Province have created similar replications to attract tourists and to house government offices. There are hundreds of other copycat structures sprinkled throughout China. In Chongqing Municipality in Southwest China, a salon owner built a *shanzhai* version of the famous "Water Cube" Olympic venue in Beijing. In Nanjing, a new shopping mall has a McDonald's look-alike burger bar called "OMC McDnoald's," a Starbucks-style coffee shop called "Bucksstar Coffee," and an imitation Pizza Hut called "Pizza Huh." City bosses are under pressure to ban the shops after pictures of the fake stores were leaked. Finally, a section of Erhuan North Road of Chengdu, Sichuan has 43 fake brand name shops ranging from the shoe store "Odidos" to a Chinese-style pork and rice

restaurant advertising McDonald's trademark. "These trademarks catch people's eye balls," stated one shop owner (Huang and Guo 2009).

There is another trend of copying in Chinese architectural design. As Chinese scholar Danqing Chen writes:

> The urban landscapes that we live in today in China are the remediated, faked, simulated, fantasized, hurriedly built and inappropriately luxurious and exaggerative versions of "Hong Kong," "Europe," or "Manhattan." It is like a migrant worker who wears a Western suit and a tie, who is a mimicry of the first person who wears a Western suit and a tie instead of a real Hong Kongese or Westerner.[3]
>
> (Chen 2008)

Indeed, during urban development of China's post–Economic Transformation Period, Chinese real estate developers not only built up a mall of fake brands but also promoted residential buildings ornamented with Greek pillars and statues of the goddess Venus. More recently, lifestyles and architectural styles merging Chinese and Western culture are being promoted by developers. The buildings appear European on the outside, but inside they contain traditional Chinese style gardens, which resemble the mystified Royal Yuanming Garden (burnt down by the Western troops during the war of 1899). In this instance, collective social memory and cultural identities linked to public space are transformed by global capitalism.

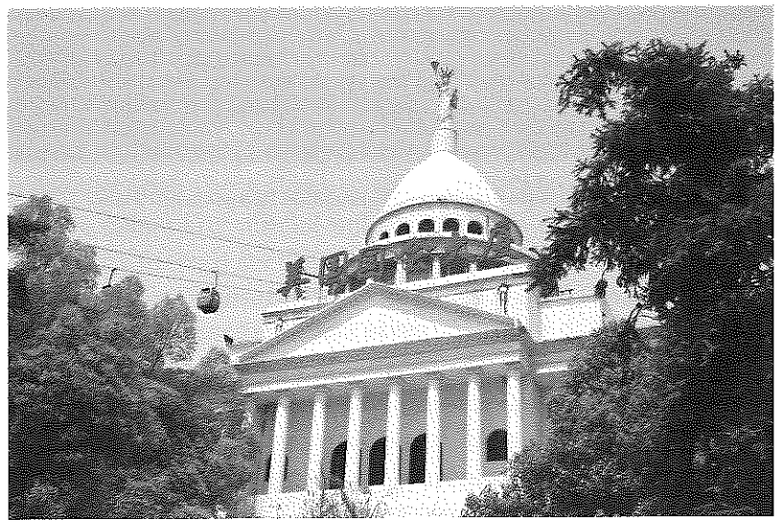

Figure 6.1 **The "American Capitol Hill" in China.**

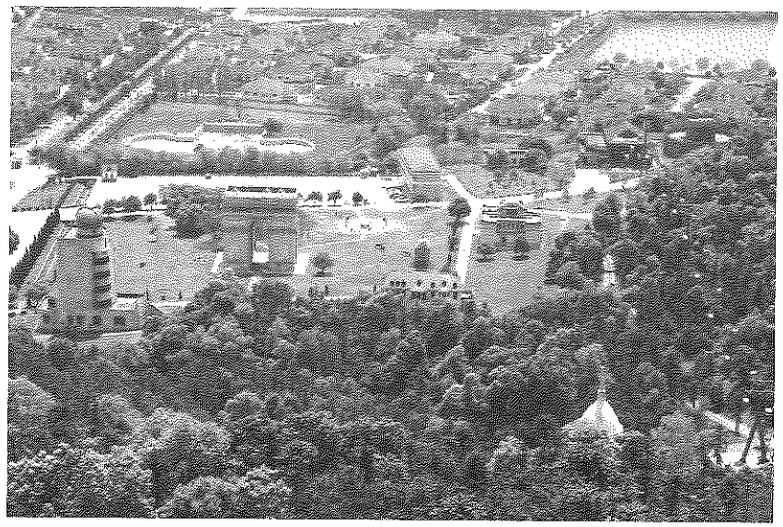

Figure 6.2 **Bird's-Eye View of the village in Figure 6.1.**

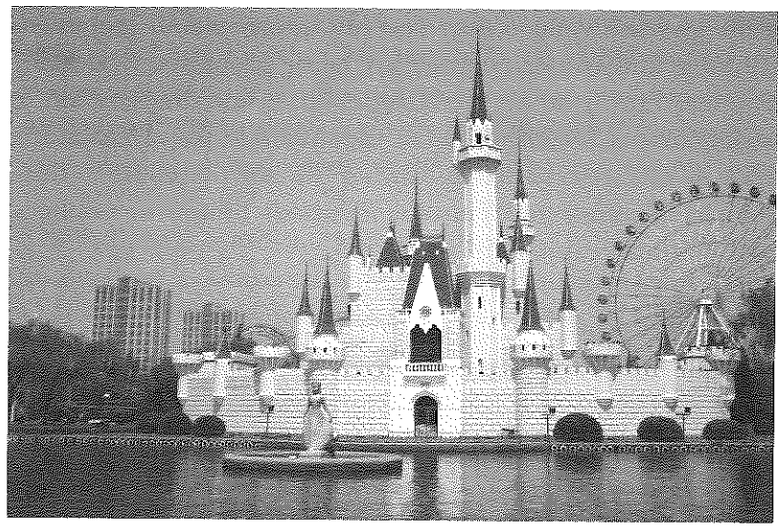

Figure 6.3 **The Shanzhai Cinderella Castle of Shijingshan Amusement Park.**

Besides Huaxi Village, there is the state-run *Shijingshan* Amusement Park in Beijing, which provides the most extreme case of *shanzhai* culture. At the park, Disney characters like Mickey Mouse and Donald Duck walked around with Doraemon and Hello Kitty, two famous Japanese animation characters, charging RMB 5 for a photo. The rides and attractions in the Park include rides identical to those found at Disneyland, such as the Pirate Ship and Cinderella Castle. But the park had neither required nor acquired permission to use the characters, logos and images from Disney Time Warner Company. Each year,

Figure 6.4 **The "Fantastically European Street Shop" of Shijingshan Amusement Park.**

1.5 million visitors go to the park, resulting in an annual revenue of RMB 15 million. The Chinese president of *Shijingshan* defended the park's use of Disney characters with the following statement: "[Mickey Mouse] is actually a cat with two big ears." The official website of the park was once shut down after being reported by foreign media. As of May 2010, however, the unauthorized characters were gone. Pirate ship and Cinderella castle remained popular spots.

Is copycatting an integral part of Chinese culture? In an article entitled "The Cultural Origin of Chinese Counterfeit Products" published by the Voice of Germany (Deutsche Welle), the Secretary-General of the Germany–China Economic Association provides a cultural explanation Chinese counterfeiting. He claims that because traditional Chinese Confucian education requires reciting and copying, students essentially learn to copy. A similar argument was made about Japanese culture, though Japan has now matched the success of the United

States, Germany and Italy by adding Tokyo to the elite cluster of world-class industrial design and fashion cities. Antonia Finnane (2008) argues that drive for mass production and the contested and suppressed politics in China have inhibited an independent and innovative fashion industry in China. And yet, when we look at the *shanzhai* phenomena, we find that counterfeiters have developed their own brands, catered to local tastes, and innovated designs in spite of the fact that they are essentially copying others. They have also honed "fast-fashion" and "open system" concepts by catering to markets that are underserved by brand name manufacturers. For these reasons, Ming-Kai Tsai has argued that *shanzhai* should be defined as a legal, "disruptive innovation" business model.[4]

Arjun Appadurai argues that exclusivity, followed by authenticity, plays an important role in determining a commodity's value. These concerns for exclusivity and authenticity revolve around discourses of good taste, expert knowledge, design innovation, and social distinction, which are all particularly acute in the world of art and fashion. But who says that art and fashion must begin with originality? Likewise, who says that art and fashion has ever begun with originality? As Walter Benjamin reminds us:

> Until the nineteenth century, the copy of an original work had its own value, it was a legitimate practice. In our own time the copy is illegitimate, inauthentic: it is no longer "art." Similarly, the concept of forgery has changed—or rather, it suddenly appears with the advent of modernity.[5]
>
> (Benjamin (1968[1936]: 103)

Returning to Takashi Murakami's exhibition, in which Louis Vuitton bags were displayed as if on display in a Chinatown market, the boundary between commodity and art is often blurred. Here, the *shanzhai* culture of China is reproduced in the "original, art world" based in New York or Beijing, both powerful urban repositories of culture. High society is first celebrated and copied by *shanzhai* culture, then examined and mocked by *shanzhai* culture. Likewise, *shanzhai* culture is first denigrated by high society, then embraced as real, even fashionable cultural expression. Counterfeiters are not simply aping high society; they have become producers of meaning and cultural innovators. Perhaps human culture has always been characterized by an endless series of imitations.

Class Exercise

1. Please create your own artwork or project of copy culture, which is culturally rebellious and demonstrate to your classmates the idea and messages behind your presentation. The format could be a drawing, PowerPoint slides, a song, a movie; you could employ other multimedia tools for your project.

NOTES

1 INTRODUCTION

1 In the spring of 2010, I attended a gallery reception for a flowery and vibrant Chinese Ink and Wash Painting exhibition. The artist was Hsiao-Jung Ni, an established Chinese artist and my university colleague. At the exhibition, both the real Chinese brush paintings in color and mechanical prints were on display, and I overheard guests' conversations about how surprising it was that the reproductions are conforming to reality. Ni taught me and other guests to look closely at the details of the brushes and inks of the painting; one could still see the layer of ink of the real to tell from the reproduction. However, Ni also noted that even connoisseurs' eyes could be fooled when the ink layer is very thin, and one has to rely on the creditability of the artist and facilitation of modern technology for ultimate authentication. Depending on the choice of artistic presentation and proportion of water in the ink, the ink layer can be so thin on the paper and one cannot tell by eye. Hence, it is very hard to tell the real from the fakes.

2 For more exhibition information, see http://www.brooklynmuseum.org/exhibitions/murakami/

3 *Bangmingpai* is another popular term in Shanghai referring to counterfeit goods. *Bang* literally means "next to," and *mingpai* means "brand names." The term implies an intention on the part of the counterfeiter to "get close to the brand name" by using similar or exact logos of brand names in order to misguide consumers into believing that these goods have connections with the real brand name owners.

4 Consumerism refers to a condition against the backdrop of economic boom in the 1950s United States when people had gained increasing purchasing power to produce and purchase a range of products beyond the bare necessities. Aided by an advertising industry skilled in developing a range of ways to convince people to purchase more and more, Americans purchased televisions, automobiles, homes, and clothes in record numbers. As Eisend and Schucher-Güler (2006) note, the willingness of consumers to purchase a counterfeit product seems to increase if they can rate the quality of a product before purchase and to decrease if they cannot. The new Marxist school sees branding, advertising, personal selling, packaging display, and design as actions that create symbolic meanings for commodities and tempt consumers by promising them an enhanced identity.

5 See the website of WTO: http://www.wto.org/english/tratop_e/trips_e/intel1_e.htm

6 However, under some circumstances, a compulsory license will be granted to restrict this exclusive power.

7 Some of the forgo studies on China in relation to intellectual property rights emphasized on the explanation of cultural tradition, such as the emphasis on memorizing literature word by word in traditional education. Others traced back the emphasis of good forgery as a criterion for good calligraphy to the Six Dynasties to explain why modern Chinese infringes intellectual property rights. The debate about ensuring intellectual property rights dates back to the middle of the 19th century, when the Taiping Rebellion came up with one initiative to draft a patent law to encourage Chinese innovation (Schmidle 2010).