Gordon C.K. Cheung’s *Intellectual Property Rights in China* has ambitions not easily contained in its slim 99-page binding. Although Cheung professes to focus on the consumer demand side of the IPR equation, he strays from the topic and never develops a convincing argument.

The book begins with a conceptual overview and continues with an update on the Sino–US IPR disputes through 2006. His analysis picks up in chapter 4, which examines “‘hot spots’ of counterfeiting and Chinese consumer culture” (39). Chapter 5 begins promisingly with a discussion of how little China’s IPR challenges have changed in 15 years before veering off into a jumble of statistics and ending with a somewhat jarring technical discussion of social cost. The “case study” chapter includes a summary of China’s trademark regime, an interesting but incomplete discussion of the “Andy Lau/Huazai” case, and concludes with excerpts of a verbatim interview transcript with Michael Pendleton, an intellectual property legal expert.

By trying to engage so many aspects of IPR in China, Cheung neglects his goal of examining patterns of IPR protection through the lens of Chinese consumer culture. This is a pity because it is a fascinating topic and it has largely been ignored by the literature. He offers a particularly interesting insight that piracy and counterfeiting are “a manifestation of one’s choice and, to a certain extent, a liberation from one’s spatial humdrum plight in China with the possibility of extending oneself to another spatial area” (60-61).

But such observations are quickly overwhelmed by a kaleidoscope of loose corollary relationships passed off as causal arguments. For example, Cheung summarizes three pages of descriptive statistics on rising consumption levels and worker wages in Guangdong from 2000 to 2006 and concludes that because US foreign direct investment (FDI) in Guangdong decreased from $669 million to $325 million in 2006 “the rampant IPR infringement in China as a whole and in Guangdong in particular has contributed to the decrease” (43). But there is nothing to suggest that IPR has anything to do with this decline. A more logical explanation is rising labour costs in Guangdong (and in Zhejiang, for which Cheung makes the same argument, with similar data) and better accessibility to inland labour and infrastructure.
Elsewhere, Cheung cites rises in wages and savings rates of Beijing workers and concludes that “the problem is that if the savings rate remains that high, further consumption will not result... rampart IPR infringement has therefore become an unavoidable phenomenon that works along with the current savings pattern” (47). This is an unsubstantiated (and logic-chuing) declaration, not an argument. And he conflates the Yauhwa corruption case with IPR violations: “The corruption case appeared to be a factor which affected investment... the low level of investment from 2003 onwards demonstrated the hesitation which IPR infringements cause as well as how it [sic] contributes to other barriers” (52).

Intellectual Property Rights in China is perhaps best seen as a primer of China’s IPR situation for people new to the subject.

In Piracy and the State, Martin Dimitrov argues that an unaccountable bureaucracy, exacerbated by decentralization and jurisdictional overlap, results in quantitatively high but qualitatively low enforcement. Previous work, he argues, misses an important positive dimension, what Dimitrov calls “rationalized” enforcement. He defines this as encompassing a requisite degree of consistency, transparency and fairness, as demonstrated by the State Intellectual Property Office (SIPO).

Dimitrov provides a useful palette for anticipating future improvements in IPR enforcement. His assertion that state capacity is an important framework through which to understand patterns of enforcement in IPR is well taken. His description of the Chinese IPR policy community is expansive and very useful, and his case study on tobacco is fascinating. Dimitrov’s comparison of China to other countries is admirable. I may disagree with Dimitrov on SIPO’s strength and effectiveness. I see it as fairly weak, but I would be happy to be proven wrong.

But there are more serious problems. Dimitrov argues that Customs is centralized and enjoys sharp jurisdictional boundaries (necessary conditions for rational enforcement) and while it scores low on rationality, it “has a good potential to increase the quality of the enforcement it provides.” But then Dimitrov adds a caveat that “more personnel, a greater will to enforce, and, above all, clearer rules and institutionalized norms for appeals and case transfers” are also necessary (94). This is a substantial stipulation which encompasses an arguably sufficient set of conditions quite independent from his framework and argument. Moreover, Dimitrov doesn’t explain how these conditions can be met in the rough-and-tumble world of Chinese politics (or, say, how the SIPO model would fare against cigarette counterfeiters). And since these higher-quality venues also happen to manage much smaller and more specialized “constituencies” (such as patent holders) size and specialization present an alternative explanation that Dimitrov ignores.

Another problem is data. Dimitrov claims the literature “makes no use of the extensive national and regional enforcement statistics that have become available” (18). There are good reasons for this; available statistics are often
unreliable beyond suggesting general trends whereas reliable statistics are very difficult to obtain. Not surprisingly, Dimitrov's quantitative indicators do not serve him terribly well. For example, gaps in the data make it difficult to make any claims about rationalization in Customs, except that it scores low on "transparency." Similarly, when Dimitrov argues that "court cases follow a logical pattern: rich localities with higher levels of inventive activity have higher rates of litigation" (105), it is impossible to identify causality between gross domestic product, innovation, litigation, and piracy.

He courts bias by focusing on developed coastal areas, as he puts it, because "Beijing, Shanghai, and Guangdong...account for a large portion of IPR enforcement in China" (30). But these locales are hardly representative of China. And this undermines conclusions, like IPR tribunals representing greater rationalization in enforcement: since two-thirds of the tribunals exist outside Beijing, Shanghai, and Guangdong (and where by his own account only a small portion of IPR enforcement takes place), the tribunals outside his sample fail to exhibit the very characteristics he ascribes to them. Dimitrov asserts somewhat unselfconsciously that "with limited time for research in China, these three provinces can provide extraordinarily high returns" (30), but seems unaware of or unconcerned about the effects of such selection bias on his results.

There are also factual errors. Dimitrov misunderstands the relationship between the Ministry of Culture and the National Copyright Administration when he—inaccurately—claims that existing work sought to identify interbureaucratic competition between them (22). He asserts that "in China, agencies with a higher bureaucratic rank can issue binding orders to agencies with a lower bureaucratic rank" (51) They can't; superior units can ignore subordinate units, but the only actor that can issue binding orders is the superior unit with which it has leadership relations. Dimitrov wrongly contends that the Customs bureaucracy was centralized in 1998 (83), citing Dali Yang's, Remaking the Chinese Leviathan. But Yang makes no such inaccurate claim. These and other instances are not simply technical quibbles: they point to basic misunderstandings of the Chinese bureaucracy.

They also suggest intellectual carelessness. Good as his tobacco case study is, it cannot, as Dimitrov claims, supplant data limitations—on how often agencies shirk responsibilities, accept bribes, enforce on their own and undertake "rational" enforcement—as these are all indices of frequencies of observed phenomena, which case studies are poorly suited to explain, let alone "overcome" (193). Dimitrov also confuses "centralization" with "concentration": he states that "enforcement of patent examination, reexamination, and invalidation is centralized in Beijing" (260) while elsewhere he uses it to mean "centralized leadership relations" (tiaoshang lengdao) spanning two or more administrative levels (as with Customs). These are two extremely different, distinct meanings which he appears to use interchangeably. And in several instances (127, 146-147, and 275) Dimitrov
fails to cite previous work with the same conclusions that he seems to present here as exclusively his own.

These flaws aside, Dimitrov has identified a set of institutional characteristics representing a possible way forward to more effective—rational—regulation, management and resolution of policy conflicts. The next step is to determine how (and even if) such a positive development can survive, let alone thrive, within China’s institutional state of nature.

Cornell University, Ithaca, USA

Andrew Mertha


Overall, this book is a useful series of case studies of tourism, economic growth related to tourism and cultural representations in tourism in parts of China well known on tourist itineraries. Ryan and Gu seek to bring together a creative mix of foreign and mainland China scholars with the explicit goal of highlighting mainland China destination tourism research. In this they are largely successful—only five of the twenty-one articles in the volume were predominantly carried out by “Western” scholars. This volume on Chinese mainland tourism is also heavily contextualized in broader state economic and social policies with particular attention to state and official goals to address China’s poverty problems. This tourism discourse and practice is reflected in nearly all of the articles; however, rather than detracting from the efficacy of discussion or flattering state policy and official practice, through the diversity of examples of tourism destinations, cultural representation, and community participation, the authors offer up a tremendous amount of interesting and relatively new information on Chinese tourism.

The tourism policies in China in this text fall into three areas: tourism as poverty alleviation, recognition of the role that ethnic minorities in China play in tourism and tourism as an engine of economic growth (regardless of poverty alleviation, location or official representation) in contemporary China. With these three contextual issues in mind, the volume separates the 21 articles into three sections to better analyze policy and tourism practices, cultural representations, and community participation and perspectives. The book’s real contribution comes in the presentation of empirical data that closely examines Chinese tourism management practices in action, with reference to destinations and tourism planning. Another important contribution is in the sheer diversity of points of analysis: from new and compelling studies of national parks; changing tourism retail patterns and property developments; to the challenges of cultural representation.