THIS IS NOT FAKE

Authenticity and Counterfeit In Late Qing And Post Reform China

by

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A thesis submitted to the

Department of History

in partial fulfillment of

the requirement for the

Degree of Bachelor of Arts

with Honors

Harvard University

Cambridge,

Massachusetts

12 March 2025

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INTRODUCTION

"Faked in China"

From April to June 2024, new subReddits appeared with comments that mourned the raid and takedown of PandaBuy. PandaBuy is a Chinese e-commerce website that acts as a middleman between international consumers and the counterfeit clothing industry only available for domestic sales. It allows consumers to copy and paste an image or a link of the genuine product, and connects them to counterfeiters who retail similar products. The platform gained notoriety after TikTok influencers known as "reps" created content and promoted it as an affordable and convenient way for Western consumers to access Chinese counterfeit.[1] Although its target audience and platform were much younger, PandaBuy is only the latest iteration of the tenacious and vexing "Made in China" counterfeit industry. In April 2024, PandaBuy was sued for Intellectual Property Rights (IPR) violations, had their warehouses raided, and their website taken down.[2] The successful take down of yet another belligerent Chinese counterfeiter should have been a celebration of authenticity and condemned China to disrepute. However, many European and American youths instead seemed unexpectedly distraught:[3]

> "real asf i need some more £16 airforces"
> "not been following recently. what happened?"
> "The feds busted them and all sellers are laying low lol"
> "Is the best alternative superbuy rn i really dont trust a private seller i really miss my clothes man"
> "Is there any alternatives that's similar to Pandabuy ?"
> "You guys have to stop promoting on huge platforms to save your company. Tik Tok caused this."

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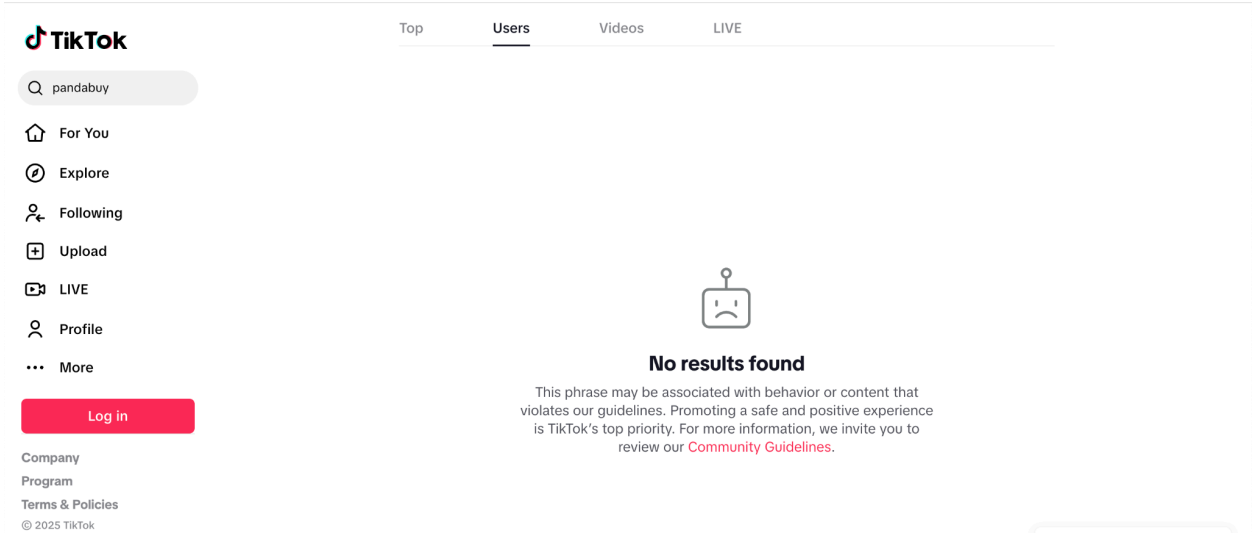
[1] Louise Matsakis, "The Influencers Getting Paid to Promote Designer Knockoffs From China," *Wired*, 10 March 2024, https://www.wired.com/story/influencers-paid-promote-designer-knockoffs-from-china/.
[2] Conrad Quilty-Harper, "'hina's Fake-Fashion Retailers Jolted by Pandabuy Raid," *Bloomberg*, 23 April 2024, https://www.bloomberg.com/news/articles/2024-04-23/china-s-fake-fashion-retailers-thrive-on-tiktok-reddit-discord.
[3] Wonderful-Trade171, "Man I'm missing PandaBuy" r/Pandabuy Reddit, 8 June, 2024, https://www.reddit.com/r/Pandabuy/comments/1d5w3rb/man_im_missing_pandabuy/.
Anniebbabe(MOD), "Pandabuy Announcement" r/Pandabuy Reddit, 14 April, 2024, https://www.reddit.com/r/Pandabuy/comments/1d5w3rb/man_im_missing_pandabuy/.

The predominant sentiment is that TikTok had somehow created a perversion in the counterfeit industry by thrusting a shadow economy into the limelight.[4] Of the nine hundred ninety one Reddit comments from these threads, "TikTok" and "social media" appeared in sixty of them, usually in tandem with accusations that the attention that these "reps" have garnered ended up sabotaging the user's access to cheap branded goods. The TikTok account for PandaBuy was also taken down, and it is no longer a searchable keyword as of February 4, 2025 (see Fig. 1). Many of the consumers even suggested "gatekeeping" the next Chinese counterfeit website to limit public awareness and maintain their supply of cheap products. The discourse amongst Western consumers suggests that they might find counterfeit desirable, and therefore are complicit in supporting the Chinese counterfeit industry.

Fig. 1: TikTok search results for search term "pandabuy"



Chinese counterfeit goods are something extremely familiar to the consumers of today because of the volume and diversity of Chinese fake goods. It is also a familiar subject of discourse because the label "Made in China" has become a phrase associated with economic

[4] Kaasplanksel, "buying reps doesn't feel the same anymore because of tiktok" r/FashionReps Reddit, 23 January, 2024, https://www.reddit.com/r/Pandabuy/comments/1d5w3rb/man_im_missing_pandabuy/.

downturn, poor quality products, and rampant counterfeiting.[5] In 2015, the counterfeit industry accounted for $1.77 trillion, or nearly ten percent of the global trade in merchandise, and China was identified as the country of origin for seventy three percent of counterfeit products detained at EU borders by value and sixty six percent by volume.[6] China was the provenance economy for over eighty percent of all the seizures made globally.[7] The counterfeit economy is so synonymous with China that it is difficult to imagine a disentanglement between product and provenance. However, a critical part of the counterfeiting discourse that is often ignored is the fact that it is part of a globalised economy that is much more complicated than apportioning blame to a single country. Oftentimes, there are "numerous convergence points" and even a "symbiotic relationship between the legal and counterfeit products' supply chains."[8] The PandaBuy case hints at the complicity of global consumers in Chinese counterfeit. In fact, this has always been the case in China's long history with counterfeit.

In writing a longue duree history of counterfeit, I am interested in the change of China's relationship with counterfeit over time – from late-Qing to post-1978 reforms – and how that affected China's standing in the world. The late Qing belonged to an epoch where China was the standard to be imitated from. Chinese silk, porcelain, and tea, were highly sought after by Western merchants. The loss of the most important product traded between China and the world – trust – caused the fundamental shift in the perception of China as the "Pearl of the Orient" to what a 2007 CNN special described as "Made in China… a consumer warning".[9] Imperial China

[5] Fan Yang, "Faking China, Faked in China: Nation Branding, Counterfeit Culture, and the Postsocialist State in Globalization" (Ph.D., George Mason University), accessed 7 September 2024, 32 .
[6] Georgios A. Antonopoulos et al., "Counterfeit Goods Fraud: An Account of Its Financial Management," *European Journal on Criminal Policy and Research* 26, no. 3 (September 2020): 357–378, https://doi.org/10.1007/s10610-019-09414-6.
[7] OECD/EUIPO, "Mapping the Real Routes of Trade in Fake Goods," *Illicit Trade* OECD/EUIPO (23 June 2017): 17, https://doi.org/10.1787/9789264278349-en.
[8] Antonopoulos et al., "Counterfeit Goods Fraud", 364.
[9] Fan Yang, *Faking China, faked in China,* 32-33.

and contemporary China intersect to show how China is capable of being both the copy and the standard. However, the deceptive binary of the periodisation might seem to suggest a unidirectional change in China's relationship with authenticity. This often leaves assumptions and explanatory mechanisms unchallenged, especially the conventional wisdom that the growth of the Chinese counterfeit industry is a byproduct of China's industrialisation. There are many historical fluctuations in China's reputation that deviates from a neat narrative about China's industrialisation. In 1971, Veronica Yhap was one of the first Americans to import Chinese textiles because "Chinese cashmere [was] said to be the finest in the world.[10] In 1973, surplus porcelain brought into Neiman-Marcus department stores in Dallas nearly sold out within five hours of opening.[11] These two cases were highlighted by Ingleson when writing about American perception of China in the early 1970s, when Americans were "hungry for anything that was Chinese.[12] This was a familiar echo of how the world viewed trade with Qing dynasty China. American silk merchants declared in 1899 that "the Chinese will claim the lion's share in the commercial and industrial future of their country".[13] Eighteenth century Europe was "China-mad and sought eagerly and bought for prodigious prices the wares of the Orient".[14] China's reputation for authenticity does not neatly align with its industrialisation, and this demands for a more flexible account of the changes in China's relationship with authenticity.

I intend to scrutinise the predominant scholarly and policy explanations for China's changing relationship with authenticity, and propose an alternative mechanism and philosophy to

[10] Elizabeth O'Brien Ingleson, *Made in China: When US-China Interests Converged to Transform Global Trade* (Harvard University Press, 2024), 155, https://doi.org/10.4159/9780674296800.
[11] Ibid., 74.
[12] Ibid.
[13] E de Bavier, "The Export Trade Of China," ProQuest Historical Newspapers: Chinese Newspapers Collection, 21 August 1899, https://www.proquest.com/hnpchinesecollection/docview/1369464381/3C33F1581B4B46BCPQ/20?accountid=11311&sourcetype=Historical%20Newspapers.
[14] Lillian Goodman, "Chinese and Japanese Porcelain," *The Jewelers' Circular* 95, no.3 (August 17, 1927): https://archive.org/details/sim_jck_1927-08-17_95_3/page/105/mode/2up?q=china.

better capture the nuances in China's longue duree history of counterfeit. My thesis is centered around two key questions about China's relationship with authenticity and counterfeit. Firstly, how did China's reputation change from being the counterfeited to the counterfeiter? Secondly, what distinguishes counterfeit from the authentic in the Chinese conception? Mechanism and philosophy work in tandem to create the nuanced transformation of China's relationship with authenticity. Each chapter will test the changes across three different axes: the relationship between the symbolic and the material, the tension between opportunistic counterfeiters and anti-counterfeiters, and the paradox of innovativeness and derivativeness.

Understanding Counterfeit

But what exactly is counterfeit? The contemporary IPR regime understands counterfeit as "illegal, low priced and often lower quality replicas of products that typically possess high brand value."[15] However, the focus on merely physical products obscures the real stakes of counterfeit. Borrowing from the study of material culture, which assumes that every commodity reflects a vital insight about the society that interacts with it, I will define counterfeiting as a mechanism that undermines the currency of trust. It captures what I think lies at the heart of the triadic relationship between counterfeit, authenticity, and trade – trust. Trust serves as the basis for longer term relationships because it "[reduces] future social complexity…to form complex social relationships".[16] This definition enriches the understanding of counterfeit by introducing a civic dimension that transcends an individual consumer's purchase decisions. Trust implicates everyone, including the consumers who actively seek and consciously purchase counterfeit goods, who might otherwise not be invested in the discourse because of the short term gains from their transaction. By looking at the symbolic content of trust imbued in the physical trade of

[15] Keith Wilcox, Hyeong Min Kim, and Sankar Sen, "Why Do Consumers Buy Counterfeit Luxury Brands?" *Journal of Marketing Research* 46, no. 2 (1 April 2009): 247, https://doi.org/10.1509/jmkr.46.2.247.
[16] Niklas Luhmann, *Trust and Power: Two Works* (Wiley, 1979).

fake goods, no one can afford to remain apathetic when the entire trade of trust is undermined; everyone could be an unsuspecting victim in the future when they inevitably want authentic commodities. Trust makes counterfeit an inescapable collective problem.

Trust also helps to overcome imperfect and asymmetric information to prevent opportunistic dishonesty.[17] This introduces an additional layer of transaction beyond the tangible product being traded; every export in a product is simultaneously a trade in the currency of trust. This meta-transaction of trust is a linchpin in the integrity of international trade. British trademark law, one of the earliest regulations for businesses to maintain trust, regulates the use of the name or symbol of a business owner, thus linking the tangible trademarks to the intangible "moral and monetary credit".[18] This informs the basis for the legal definitions of IPR infringement – the intangible commodity of trust is bound to a physical trademark to symbolise intellectual property. This secondary level of a trade transaction is especially important in China's overseas trade because it overcomes the physical and cultural distance between producers and customers.[19] Counterfeit is more than a fake product; it exploits the value of an existing brand's trademark, attacks the information asymmetry between producer and consumer, and undermines the integrity of trade.

Beyond the economic cost and the injury to the systems of trust, counterfeit also highlights a deeply politicised contemporary discourse about the trade relations between the US and China. "Made in China" has become a brand that is in opposition to the economic nationalism of "Buy American" movements.[20] Oftentimes, counterfeiting is seen as a type of

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[17] Furuta Kazuko and Ushijima Toshiaki, "Asymmetry of Information, Trust-Building and Market Quality: Governing the Quality of Goods in Modern Asia," in *Imitation, Counterfeiting and the Quality of Goods in Modern Asian History* (Springer, 2017), 10, 16.
[18] Andreas P. Zangger, "Chops and Trademarks: Asian Trading Ports and Textile Branding, 1840–1920," *Enterprise & Society* 15, no. 4 (December 2014): 759–790, 767, 774, https://doi.org/10.1093/es/khu050.
[19] Ibid., 783.
[20] Yang, "Faking China, Faked in China," 33.

dysfunctional competition that is "opportunistic, unfair, or even illegal".[21] President Trump had declared in 2020 that "protecting the innovations, creations, and inventions that power our country are vital to our economic prosperity and national security", especially against an increasingly adversarial China.[22] This is usually opposed to American firms, which are portrayed as knowledge generating and low on dysfunctional competition.[23] Counterfeiting inspires the desire to protect domestic industry and often translates to hostile and protectionist power dynamics between nations. Under the scrutiny of states and the IPR regime, Chinese counterfeit appears to be unambiguously a negative force.

However, the PandaBuy case suggests that there might be a completely different discourse and normative judgement on China's relationship with counterfeit amongst younger consumers on platforms like TikTok. It is characterised by a different lingo that is more irreverent and selfish. Consumers play a vital role in this narrative of Chinese counterfeit. Both domestic Chinese consumers and Western consumers of Chinese export are concerned less with investing in innovation or protecting profits of the original company, and more concerned with the quality, affordability, and diversity of their options. The economic toll of counterfeit borne by nations can be economic opportunities for individual consumers.

The potential profit of counterfeit is not just limited to the consumers on TikTok – it is also in dialogue with what innovation entails. Schumpeter popularised the term "creative destruction", which characterised innovation as an internal, relentless destruction of "the old

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[21] Feng Zhang et al., "Moving from Reverse Engineering to Disruptive Innovation in Emerging Markets: The Importance of Knowledge Creation," *Technovation* 125 (July 2023): 9, https://doi.org/10.1016/j.technovation.2023.102791.
[22] The White House, "President Donald J. Trump Is Protecting America From China's Efforts To Steal Technology And Intellectual Property," 29 May 2020, https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trump-protecting-america-chinas-efforts-steal-technology-intellectual-property/.
[23] Zhang et al., "Moving from Reverse Engineering to Disruptive Innovation in Emerging Markets," 9.

[economic structure], while continually creating a new one."[24] In developed economies, "knowledge has become one of the key input and output factors of economic activity".[25] This begs the question of how China might become a knowledge producer in spite of, or even because of, its counterfeit industry. A Schumpeterian understanding of China's economic transformation relies upon breaking down old structures, which includes IPR and how we view knowledge and innovation. Counterfeit has the potential to provide that breakthrough, if we were to understand its nuances and mechanisms. This hints at the necessity of rethinking how Chinese fakes are discussed and studied.

It is difficult to extricate ourselves from the contemporary milieu of economic nationalism and IPR condemnation since much of the literature has characterised counterfeit as a criminal enterprise and often as "parasites that siphon knowledge and intellect from healthy companies that invest in innovation".[26] However, such a characterisation is challenged by scholars like Eugenia Lean who reframe counterfeit as a value-producing mechanism of innovation. Lean frames counterfeit as "tinkering" through open sources, where imitation and collaboration are integral to the knowledge production and not "demonized by modern intellectual property rights or corporate manufacturing regimes".[27] Counterfeit should not be dismissed as "unimaginative, lazy theft".[28] They have the potential to produce social meaning and become cultural innovators.[29] In fact, counterfeit is especially important for innovation in

[24] Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy*, 3rd edition (Harper Perennial, 1962), 83.
[25] Elias Carayannis, *Rediscovering Schumpeter: Creative Destruction Evolving into 'Mode 3'* (Palgrave Macmillan, 2007), 32, http://archive.org/details/rediscoveringsch0000unse.
[26] Cees van Beers, *Determinants of Innovative Behaviour: A Firm's Internal Practices and Its External Environment*, 1st ed., (Palgrave Macmillan, 2008), 140.
[27] Eugenia Lean, *Vernacular Industrialism in China: Local Innovation and Translated Technologies in the Making of a Cosmetics Empire, 1900–1940*, 1st ed., (Columbia University Press, 2020), 27–28, https://doi.org/10.7312/lean19348.
[28] Laikwan Pang, "'China Who Makes and Fakes': A Semiotics of the Counterfeit," *Theory, Culture & Society* 25, no. 6 (November 2008): 118, https://doi.org/10.1177/0263276408095547.https://doi.org/10.1177/0263276408095547.
[29] Yi-Chieh Jessica Lin, *Fake Stuff: China and the Rise of Counterfeit Goods* (Routledge, 2011), 70.

China as a latecomer. Reverse engineering is the "primary engine for latecomer firms in emerging markets to catch up".[30] This was a necessary step for economic transformation that other developed economies had already benefited from – the Japanese adopted reverse engineering in the 1950s and 1960s and now are viewed as the standard for excellence; South Korea adopted the copy-and-develop technological style; and the United States also learnt from British technology via reverse engineering.[31] China has the potential to make this transition from copy to innovation as well. Lindtner argues that Shenzhen could only transform into the "Silicon Valley of Hardware" because of its tolerance for counterfeit, making it "an ideal laboratory for prototyping… unencumbered by the kind of laws, restrictions, and liberal institutions that governed the West".[32] This generative potential for counterfeit has entrenched itself in the Chinese economy and created a uniquely Chinese brand of innovation that transcended the framing of economic crime.

Methodology and Sources

The persistence and evolution of China's counterfeit industry highlight how there are fundamental mechanisms to be articulated about China's relationship with counterfeit. Therefore, I rely on a more generous periodisation that spans a long duration from late Qing to post-reform China to capture the changes. This will firstly provide the contrast to examine the transformation of China's relationship with authenticity, and secondly, it will overcome the constraints of nationalistic sentiments that often obscure discussions about China and counterfeit today. In comparing late-Qing China, from the nineteenth century to its collapse, to post-1978 China after Deng Xiaoping's reform and opening up, I will exclude most of twentieth century China. This is

[30] Zhang et al., "Moving from Reverse Engineering to Disruptive Innovation in Emerging Markets," 1.
[31] Beers, *Determinants of Innovative Behaviour*, 142.
Karl Gerth, *As China Goes, so Goes the World: How Chinese Consumers Are Transforming Everything*, 1st ed. (Hill and Wang, 2010), 117.
[32] Silvia M. Lindtner, *Prototype Nation: China and the Contested Promise of Innovation* (Princeton University Press, 2020), 76–77, https://doi.org/10.2307/j.ctvz938ps.

not because of a lack of interesting nuances in the Nationalist era or Mao's China. In fact, it is invaluable to the discussion on China's relationship with authenticity because it provides historical contingency that explains contemporary trends. The difficult decision to limit my scope is informed by two motivations. Firstly, the political turmoil of Nationalist China and Mao's China turns counterfeit into a domestic issue, which distracts from my interest in how perceptions of authenticity affect China's trade with the world. Secondly, new innovations in China's technological industry draw heavily from these specific periods of history and bear contemporary implications. As such, the thesis roadmap reluctantly bypasses the eras between Qing China and post-reform China.

To facilitate clarity of discussion during the long periodisation, I will also further divide post-reform China into two periods. An important pivot in the discourse of Chinese counterfeit occurred in the period between 2008 and 2015 as China reinvented its international reputation. In preparation for the 2008 Beijing Olympics, the slogan "From 'Made in China' to 'Created in China'" marked the start of the "biggest global-national branding event of the decade" as China reasserted its competitiveness in the global economy.[33] In 2015, the State Council proposed the "Made in China 2025" plan (中国制造 2025) to move Chinese manufacturing up the value chain and into higher-quality, more sustainable, and technologically innovative industries.[34] I will generally refer to this second era of post-reform China as the *Shanzhai* era, named after *Shanzhai* products that emerged and redefined Chinese imitation as innovation. Therefore, post-reform China will refer to the period from 1978 to the early 2010s, when China's reputation for counterfeit was almost entirely negative and has yet to generate innovative potential. Although

[33] Yang, "Faking China, Faked in China," 55.
[34] State Council 国务院, "Guo Wu Yuan Guan Yu Yin Fa 'Zhong Guo Zhi Zao 2025' de Tong Zhi" 国务院关于印发《中国制造2025》的通知' [State Council notice regarding the dissemination of 'Made in China 2025'], 机械制造与重工业, 8 May 2015, https://www.gov.cn/zhengce/content/2015-05/19/content_9784.htm.

both periods are chronologically post-reform, differentiating them provides granularity and clarity to discuss the nuances of contemporary China's changing relationship with counterfeit.

The long time period covered will also require great flexibility and diversity in research methodology.[35] Sources from imperial China will focus on critical export commodities during the Qing. Silk and porcelain trade were vital commodities that were also targets of counterfeit, and a combination of museum collections and Harvard Baker Library Special Collections provide rich resources for analysis. Records of American trading firms preserved in the microfilm archives of Harvard Baker Library present key insights into the structures of foreign trade in the Qing empire, although regrettably they are constrained by poor preservation and unclear images.

As we get closer to our own time, counterfeit becomes much more diverse and widespread. Therefore, to provide a commensurate comparison to Qing China, I use sources from post-reform China that focus on primary accounts of key representatives, as well as trend analysis of reports and discourse on counterfeiting. The colossal volume and diversity of counterfeit in this era makes specific commodities difficult to isolate, and the nature of counterfeit has fundamentally changed to prioritise quantity over quality. Hence, analysis of personnel can consolidate critical insights across sectors, and the quantitative analysis of discourse is a mechanism to balance potential biases of these personal accounts.

[35] I acknowledge that there are limitations of the wide variety of sources in my research, both in form, and in language. I have translated many sources that were written in Chinese. The very nature of counterfeit and authenticity relies upon linguistic and etymological distinctions between words used to assert originality. Research about counterfeit is especially entangled with problems of language and translation.

Chapter Roadmap

This thesis is divided into three chapters. Chapter one will set the context for the market-state institutions in the two epochs of Chinese counterfeit, and I will refute the intuitive paradigm that explains China's changing reputation of counterfeit. Deng's reforms changed the manufacturing capacity and profile of consumers, which scholars and policy makers presume to be the key explanatory mechanism for the loss of the "authentic" Chinese standard and the rise of the counterfeit industry. However, this conventional wisdom oversimplifies the role of the Chinese state, and overlooks China's strategic tolerance for counterfeit. The shortcomings of this argument is most evident in the *Shanzhai* era, as China pivots away from the deterministic trajectory and subverts the understanding of innovation. Thus, there is a need for an alternative explanatory mechanism and understanding of authenticity.

Chapter two will begin by proposing a better explanation for how China's relationship with authenticity changed. The discourse mechanism between counterfeiting and anti-counterfeiting competing for cultural superiority better captures the dynamic shifts in China's relationship with authenticity from the Qing to post-reform China to the *Shanzhai* era. Anti-counterfeiting narratives led by Craig Crosby and Wang Hai in post-reform China failed to gain cultural dominance and cannot justify the opportunity cost of protecting the culture of authenticity. Therefore, China's reputation for counterfeit prevails. In comparison, the silk trade in Qing China did not outsource the defence of authenticity to consumers, and the silk traders themselves were best equipped to defend their artefacts of trust and maintain a culture of authenticity. *Shanzhai* reinvigorated the discourse, and thus aptly captures the rehabilitation of China's reputation from the copy to the standard.

Chapter three will then explore how China's philosophy of authenticity deviates from the conventional first-come-first-serve understanding of the current IPR regime. A chronological claim to originality is foreign to China's history and culture. Instead, the porcelain trade will demonstrate how authenticity is conceived as value created through innovation. Both the Qing potters and the Western counterfeiters benefited from the appropriation of aesthetics as it facilitated innovation. The innovation of aesthetics during the *Shanzhai* era is also the reason for China's rehabilitated reputation, and *Shanzhai* uses Chinese counterfeiting to subvert the IPR regime's stagnant understanding of authenticity. China's philosophical approach to authenticity is different from the IPR regime, and proved to be more enduring and productive for innovation.

The mechanism and philosophy of authenticity in China work in tandem to plot the trajectory of China's reputation with counterfeit. By the end of the thesis, these arguments will become clear by tracing the commodities of Qing China and its relationships to Western merchants, and how it has changed in post-reform China and the *Shanzhai* industry in China today. The threads that have been picked up by contemporary discourse in the unlikely spheres of Reddit and TikTok have long been woven into China's history with counterfeit.

CHAPTER 1:

A CENTURY OF CHINESE COUNTERFEIT

Introduction

Fig. 2: Photograph of Dafen Oil Painting village[1]

Sixty percent of the world's oil paintings are produced in Dafen village in Shenzhen, also known as the "World's Art Factory".[2] Dafen's canvas-lined streets showcase local Chinese artists' mastery in imitating great artworks from Western painters like van Gogh (see Fig. 2). Fake Mona Lisas certainly are not what I think of when I think of China's long list of counterfeit products. The more familiar and lucrative Intellectual Property Rights (IPR) violations in modern China are items like handbags, leather goods, clothing, footwear, and watches.[3] These products are ideal for economies of scale.

[1] Frances Arnold, "The World's Art Factory Is in Jeopardy," Artsy, 22 June 2017, https://www.artsy.net/article/artsy-editorial-village-60-worlds-paintings-future-jeopardy.
[2] Ibid.
[3] OECD/EUIPO, "Trade in Counterfeit and Pirated Goods: Mapping the Economic Impact," *Trends in Organized Crime* 20, no. 3–4 (December 2017): 67, https://doi.org/10.1007/s12117-017-9308-5.

However, the Dafen art village is an apt case study to characterise contemporary China's relationship with counterfeiting. First, it exemplifies the normative importance of authenticity. Oil painting and other forms of art seems antonymous to the idea of a factory. How can art be reproduced without losing its creative value? It is uncomfortable to grapple with the fact that even art could be counterfeited since art safeguards the sacrosanct bottom line of creativity. The fact that the creative industry did not escape China's capabilities to manufacture imitation seems to be the proverbial nail in the coffin that sealed China's reputation for counterfeit. Second, the Dafen example is illustrative of the hypocritical nature of China's trade relations with the West. The demand for imitation paintings that generated Dafen village's USD$43 million annual revenue originated from the United States and Western Europe.[4] The initial large scale order for Dafen's painting came from Walmart, and their order of four hundred thousand paintings led to the inevitable "McDonaldization of art".[5] This refers to a process of maximising efficiency and standardisation, which democratises access to artworks in exchange for quality and uniqueness. It did not matter that every other Walmart customer had access to it, as long as every consumer could obtain a slice of the cultural capital associated with it.

While contemporary Chinese counterfeiting is fuelled by Western demand, it is simultaneously criticised by these same Western consumers. In the early periods of media attention, Dafen was scorned as a hub of "artistic deskilling and consumer deception".[6] Dafen is "received by anglophone audiences with expectable strains of fascination, disdain, and outrage".[7] There is a moral price to pay for consuming counterfeit as it requires a reduced ethical standard

[4] Winnie Won, *Van Gogh on Demand: China and the Readymade* (University of Chicago Press, 2014), 5, https://press.uchicago.edu/ucp/books/book/chicago/V/bo15260849.html.
[5] Ibid., 58.
[6] Ibid., 71.
[7] Ibid., 39.

and sense of complicity in intellectual theft.[8] From 2011 to 2013, the top provenance-destination economies for counterfeit footwear and electronics is China - USA, and the top two provenance-destination economies for counterfeit jewellery is Hong Kong - USA and China - USA.[9] The finger wagging and criticisms of IPR infringements did not stop the consumers from sweeping Chinese counterfeit off the shelves. This is the zeitgeist of China as the greatest copycat, while the West is the benchmark for authenticity, the moral police against fakes, and also the greatest consumer of counterfeit.

This is characteristic of the difficult trade relation between China and the US that becomes even more nuanced when we look further into history. The counterfeit industry was completely inverted as the West had once been the counterfeiters of Qing exports like porcelain and silk. The familiar role of China as a copycat and the West as a benchmark today is neither entrenched nor ubiquitous in history. Qing China had been prized for their time- and labour-intensive handicrafts that were decidedly anti-mass manufacturing. In the century since the collapse of the Qing empire, there was a great transformation of China, notably after Deng's reform and opening up policies. The careful craftsmanship in the porcelain capital of Jingdezhen village was substituted for the factory-line of painting in Dafen village.

This chapter will begin the exploration of China's evolving relationship with counterfeit by examining the changes in market-state relationship from Qing China to post-reform China. Scholars and policymakers might intuit that the rapid industrialisation of China's manufacturing sector and unprecedented capacity for production is the main factor that explains China's deteriorating relationship with authenticity. However, I will argue that mechanical reproduction

[8] Victor V. Cordell, Nittaya Wongtada, and Robert L. Kieschnick, "Counterfeit Purchase Intentions: Role of Lawfulness Attitudes and Product Traits as Determinants," *Journal of Business Research* 35, no. 1 (1 January 1996): 41–53, https://doi.org/10.1016/0148-2963(95)00009-7.
[9] OECD/EUIPO, "Mapping the Real Routes of Trade in Fake Goods," 67, 75, 82.

did not condemn China to the inevitable path of unregulated counterfeiting. The increase in both the state's will and capacity to regulate economic activities shows that it would be an oversimplification of market-state relations to pose the Chinese state as impotent bystanders to their own economic transformation. I will conclude by examining the relationship between authenticity, counterfeit, and the state in the *Shanzhai* era. China's *Shanzhai* industry could be strategically harnessed by the state to inspire innovation out of mass manufacturing. The intuitive explanatory mechanism and philosophy of authenticity are limited in its ability to explain China's changing relationship with counterfeit, hence I will propose new mechanisms that will be further detailed in the next two chapters.

The Qing State and Counterfeit

Qing China was a period when Chinese products were predominantly perceived to be counterfeit-worthy and set the standard for Western merchants to emulate. It is important to first understand the historical context during the last imperial rule in China, and how vastly different the relationship between the state and the commercial actors were from what we are familiar with today. The Qing dynasty spanned from 1644 to 1912, during which the territorial extent of the empire had expanded dramatically. As a result, economic life in Qing was caught in a period of transition. The Qing had largely relied upon agricultural tax for "the survival of the state", which was grouped into land, labour, and product tax.[10] In 1841, Qing's land and labour tax as a proportion of the total revenue was estimated to be sixty nine percent, and the absolute amount of tax levied was steadily increased across time.[11] Before the Qing empire was coerced into opening up to foreign trade, the reliance on agricultural tax highlights how it was initially an agrarian one. Commerce had existed and thrived in the empire, though it was initially domestic,

[10] Yongqin Guo, *Land and Labor Tax in Imperial Qing China (1644-1912)* Vol. 5 (Brill, 2022), 7, https://brill.com/display/title/34875.
[11] Ibid., 5.

and its development was geographically uneven.[12] Most commercialisation in Qing China occurred in response to the empire's expansion – increased agricultural tax to fund imperial conquest made landlords feel that they could make a greater profit from commerce rather than agriculture.[13] Provincial land owners moved into urban centers to do business and the effect cascaded as the absentee landlords freed the peasants. No longer bound to the land they toiled, they also turned to commerce to improve their quality of life.[14] Commercialisation was, however, not matched by regulation.

The state prioritised control over political and financial interests rather than an inherent interest to regulate and develop the economy. The imperial state's relationship with merchants was extractive through taxation, whilst paradoxically being neglectful of commercial infrastructure and standardisation.[15] With the opening up to foreign trade, this was especially evident in how the Qing managed illicit economic activities like smuggling. The Qing were more concerned about the threat to their tax income and implications of foreign imperialism than in protecting the rights of the consumers and merchants. The proportion of agricultural tax in total state revenue dropped to twenty eight percent in 1881, and fifteen percent in 1911, because of the new source of revenue via custom duties.[16] Post-Opium War, custom duties became the empire's second-largest source of revenue and a source of great challenge to imperial sovereignty.[17] Commercial regulation was co-opted into the Qing's conception of resistance against foreign imperialism, and became a front in the "war of commerce".[18] The Qing were strict about

[12] Loren Brandt, "Reflections on China's Late 19th and Early 20th-Century Economy," *The China Quarterly*, no. 150 (1997): 296.
[13] Lloyd E. Eastman, *Family, Fields, and Ancestors: Constancy and Change in China's Social and Economic History, 1550-1949* (Oxford University Press, 1988), http://archive.org/details/familyfieldsance0000east.
[14] Ibid.
[15] Ibid.
[16] Guo, *Land and Labor Tax in Imperial Qing China*, 5.
[17] Philip Thai, *China's War on Smuggling: Law, Economic Life, and the Making of the Modern State, 1842–1965* (Columbia University Press, 2018), 37, https://doi.org/10.7312/thai18584.
[18] Ibid., 64.

extracting custom duties from the smuggling industry, but laissez-faire about regulating social and commercial problems that arose from the illicit activity. Despite the existence of a relatively large bureaucracy, it often was not motivated to take action when its bottom lines were unthreatened. As a result, commercial actors often had to self-regulate when managing counterfeit that the Qing bureaucracy was uninterested in.

The opening up to foreign trade and the Opium War, which were foreshadowed previously, are important pivots in China's relationship with the world. Foreign merchants had limited interface with the relatively isolationist imperial Qing in the contained region of Canton until the First Opium War in 1842. This led to the Treaty of Nanking, which marked a radical shift as five treaty ports opened up and Western companies made the first meaningful intrusion into the Chinese economy.[19] The treaty port system was viewed as partial colonisation because the Western companies were given unfair trading rights and extraterritoriality "at the expense of Chinese sovereignty".[20] The unequal treaties were imposed to compensate for the history of trade imbalances – Chinese exports were greatly desired whereas foreign imports had little purchase in China. In addition, the incursion of Western merchants and treaty ports created the phenomenon of economic dualism in the late-Qing – the coexistence of China's labour-intensive traditional economy with the Western capital-intensive industrialised economy. The Qing state adopted Western technology to increase efficiency, but its traditional economy was not outcompeted or destroyed by foreign presence.[21] This meant that some industries in the traditional sectors preserved the sense of being "authentically" Qing while the influence of Western merchants were still limited. Ironically, the Opium Wars that were meant to assert the superiority of the

[19] Stephen C. Lockwood, *Augustine Heard and Company, 1858–1862* (Brill, 2020), 4, https://brill.com/display/title/57718.
[20] Debin Ma, "The Rise of Modern Shanghai, 1900-1936: An Institutional Perspective," *China Research Monograph* 65 (2011): 35, https://doi.org/10.2307/jj.7762626.
[21] Chi-Ming Hou, "Economic Dualism: The Case of China 1840-1937," *The Journal of Economic History* 23, no. 3 (1963): 277–97.

industrialised West failed to translate into the economic sphere – Qing handicrafts were still seen as more valuable because they could not be replicated *en masse*. This highlights how Qing China was the standard that Western merchants desired and strong-armed their way to obtain.

Foreign merchants in the Qing's business landscape had two distinct phases. Initially in the nineteenth century, foreign merchant interests in imperial China were concentrated in a few British and American commercial houses. Russell & Co. was the largest American merchant firm in China. Its predecessor was founded in 1818, and it took over most of its business portfolios from Perkins & Co. of Canton and Messrs. J. &T. H. Perkins & Sons of Boston in 1830.[22] Russell & Co. collapsed and was sold off as Shewan, Tomes & Co. in 1895.[23] Russell & Co. had a monopoly over the steamship enterprise, and in 1878 even established a silk filature in Shanghai, the *Keechong* Silk Filature Association.[24] Another monopolising commercial house was the Augustine Heard & Co. company which began under Augustine Heard Sr. who left Russell & Co. in 1840 (see Fig. 3). The nephews, John, Augustine Jr., and Albert F. Heard managed the firm until its bankruptcy in 1875 (see Fig. 4).[25]

[22] Howard Corning, *Augustine Heard China Trade*, vol. 80 (Essex Institute historical collections, 1944), 271.
[23] Sibeng He, "Russell and Company in Shanghai, 1843-1891: U.S. Trade and Diplomacy in Treaty Port China," Scribd, 9 September 2017, 3, 27, https://www.scribd.com/document/358455499/Russell-and-Company-in-Shanghai-1843-1891-U-S-Trade-and-Diplomacy-in-Treaty-Port-China.
[24] Ibid., 25.
[25] Lockwood, *Augustine Heard and Company, 1858–1862*, l.

Fig. 3: Photograph portrait of Augustine Heard Sr[26]

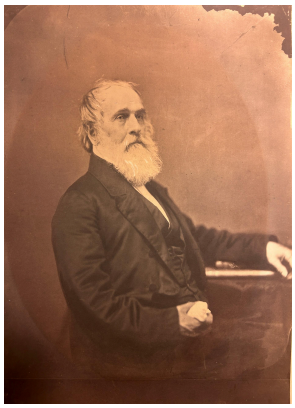
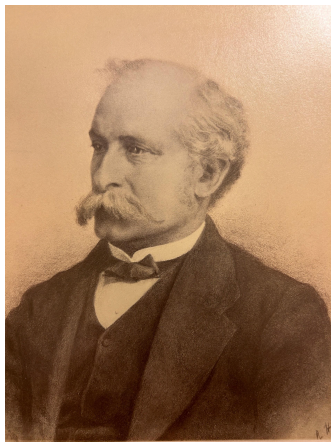


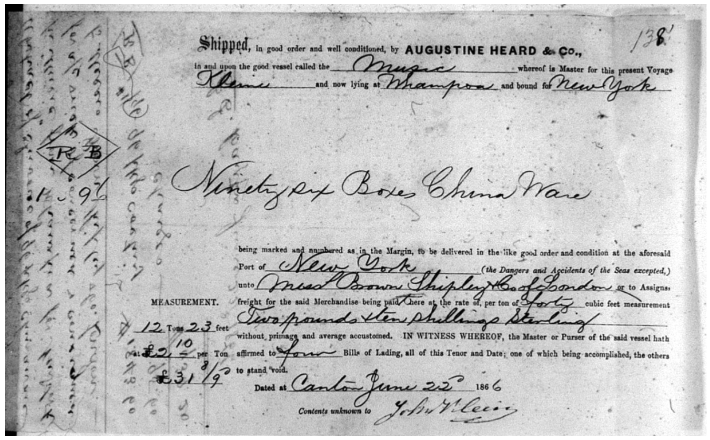
Fig. 4: Photograph portrait of John Heard[27]



These companies operated as commission houses, which were a distinct feature of this first phase of merchants before the turn of the century. They were a product of the treaty ports that helped extract "China teas and silks for luxury consumption at home" and they profited off transaction fees.[28] They purchased insurance policies for their cargos, and carefully tracked the transportation routes for their goods (see Fig. 5). Heard Co. managed the entire export process, from contracts, to shipping records, and freight management (see Fig. 6).

[26] Portrait Photograph Collection, *Heard, Augustine, Sr.,1785-1868*, Box 9, HBL.
[27] Portrait Photograph Collection, *Heard, John,1824-1894*, Box 7, HBL.
[28] Lockwood, *Augustine Heard and Company, 1858–1862*, 6–7.

Fig. 5: Insurance policy for Heard Co. to ship chinaware from Whampoa to New York[29]


Shipped, in good order and well conditioned, by AUGUSTINE HEARD & Co., in and upon the good vessel called the Music whereof is Master for this present Voyage Klein and now lying at Whampoa and bound for New York

Ninety six Boxes China Ware

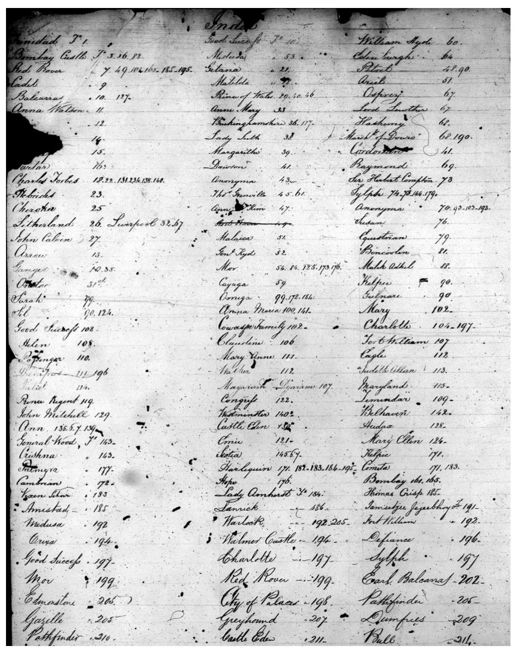
being marked and numbered as in the Margin, to be delivered in the like good order and condition at the aforesaid Port of New York (the Dangers and Accidents of the Seas excepted,) unto Messrs Brown Shipley & Co of London or to Assigns, freight for the said Merchandise being paid here at the rate of, per ton of Forty cubic feet measurement Two pounds ten shillings Sterling without, primage and average accustomed. IN WITNESS WHEREOF, the Master or Purser of the said vessel hath affirmed to four Bills of Lading, all of this Tenor and Date; one of which being accomplished, the others to stand void.

MEASUREMENT. 12 Tons 23 feet

Dated at Canton June 22 1866

Contents unknown to

Fig. 6: Shipping Index of Ships used to transport goods for Heard Co[30]



The lack of Qing regulations meant that these companies were fully responsible for their reputation for authentic and quality imports. The second from the left column in Fig. 7 shows Russell and Co.'s own system used to track the companies they were purchasing from. The initials represented the abbreviated name of the company they purchased from, and the number

[29] Heard Family Business Record, *Feb. 1865 -Dec. 1868 Arrivals and Cargoes from China and Japan*, Reel 86-4581 R-140, HBL.
[30] Heard Family Business Record, *Heard Family Business Record, Dec. 1867 - Dec. 1868 Hong Kong Inward and other ports Outward*, Reel 86-4079 R-108, HBL.

that follows potentially documented the purchase batch. The third column from the right documents the companies that have commissioned the purchases. Row ninety two for example would link silk purchased from R/O 21 to the client John D. Culles Co. With this information, Russell and Co. have extensive information on the quality of that shipment and could keep track of complaints in their long-term commercial relationships. When cross-referenced to the records on product quality in Fig. 8, this helps merchants keep track of their commissions and corresponding quality of products. For example, in the second row on PP/R 1/5 silk from *Choon Gwo Cheong Tsatlee* No. 4, the quality was recorded in French – *couleur passable* (passable colour) or *mauraise apparence* (bad appearance). This meticulous record keeping highlights just how much onus is placed upon these merchant houses to manage trust in their reputation.

Fig. 7: Russell and Co. shipping records from 1879[31]

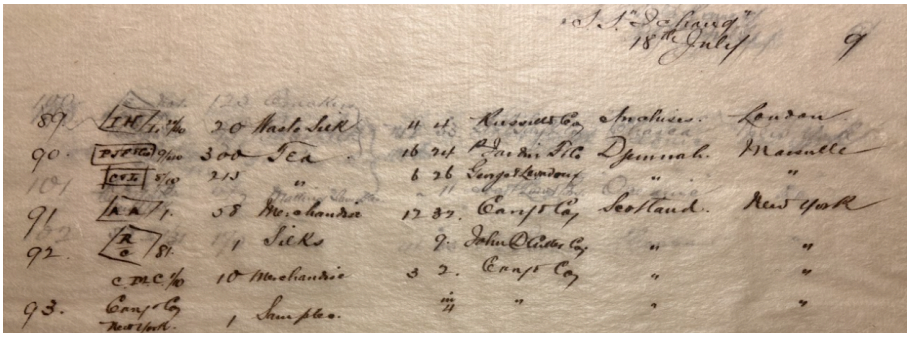
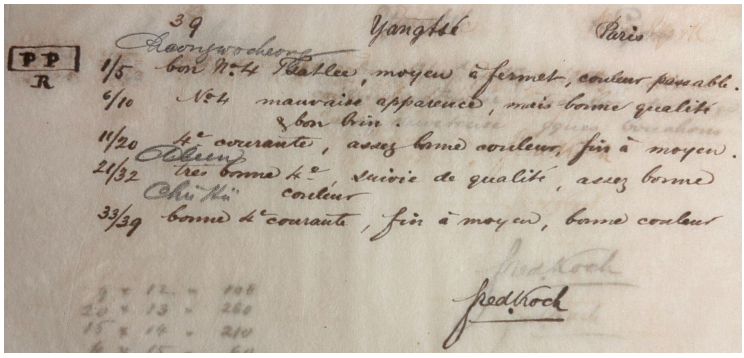


Fig. 8: Russell and Co. record of silk quality from 1879[32]

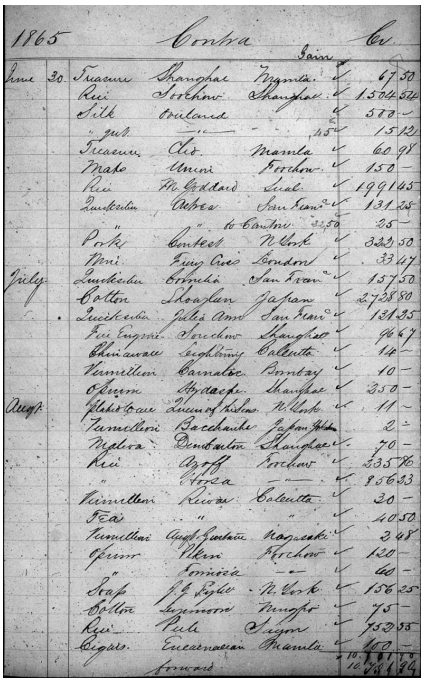


[31] Russell & Co. records, *Cargoes to Hong Kong, 1878-1880*, Vol. 8, HBL
[32] Russell & Co. records, *Silk classifications, 1874-1881*, Vol. 18, HBL

The exposure to foreign merchants and international trade caused the Qing to move away from being an agrarian state, and its commercial networks were strengthened. Business interests across treaty ports were connected, and changes in productivity in one part usually affected every other port.[33] The interconnectivity can be seen in Fig. 9 as Heard and Co. moved commodities like silk, pork, and cotton from the region specified in the second column to the region in the third column. There were signs of internal movements from Soochow to places like Shanghai, highlighting firstly, that these merchant houses had made inlands into the domestic Chinese market beyond the treaty ports they were limited to. This was accomplished through networks like silk *hongs*, which will be discussed in chapter two. Secondly, these merchants had leveraged the treaty port system to affect the gravity of China's economic interests. The contract shows how Shanghai mediated export to places like San Francisco, Japan, London, and New York. Shanghai became the nexus, and "the shift from Suzhou to Shanghai was the moment a China-centered 'East Asian world economy' was displaced by the Shanghai-mediated integration of China into a global system not of China's making".[34] This signalled an irreversible opening up of Qing China via treaty ports. Although the treaty port system was exploitative, the consolidation of trade in Shanghai strengthened the autonomy of Qing merchants. What mediated between these American merchants and the Chinese markets was not the Qing state, but a private commercial apparatus – the comprador.

[33] Wolfgang Keller, Javier Andres Santiago, and Carol H. Shiue, "China's Domestic Trade during the Treaty-Port Era," *Explorations in Economic History* (1 January 2017): 27, 40, https://doi.org/10.1016/j.eeh.2016.12.002.
[34] Michael Marmé, "From Suzhou To Shanghai: A Tale Of Two Systems," *Journal of Chinese History* 中國歷史學刊 2, no. 1 (January 2018): 79–107, https://doi.org/10.1017/jch.2017.16.

Fig. 9: Contract from Heard Co. in 1865[35]



The comprador was a Chinese mediator who brought market contacts, local knowledge and communication, and was ubiquitous to the treaty port era.[36] They helped maintain the commercial house's reputation and were indispensable to understanding the climate of trust in the Qing economy.[37] A magazine published by the American Chamber of Commerce acknowledged that "the usefulness of a comprador and his value as an intermediary between the foreign firm and the naive dealer far outweigh any disadvantages inherent in the system".[38] Since IPR protection was still foreign to the Qing, American companies relied on the nebulous concept of "Made in China" to ascertain the authenticity and luxury of Chinese exports. Compradors helped to safeguard the idea of "authentically Chinese", firstly by being the local navigator of

[35] Heard Family Business Record, *Heard Family Business Record, Dec. 1867 - Dec. 1868 Hong Kong Inward and other ports Outward*, Reel 86-4079 R-108, HBL.
[36] Yen-p'ing Hao, "A 'New Class' in China's Treaty Ports: The Rise of the Comprador-Merchants," *The Business History Review* 44, no. 4 (1970): 446–59, https://doi.org/10.2307/3112668.https://doi.org/10.2307/3112668Ibid. Lockwood, *Augustine Heard and Company, 1858–1862*, 39.
[37] Lockwood, *Augustine Heard and Company, 1858–1862*, 115.
[38] FS Tisdale, "The Ubiquitous Comprador: A Far-Eastern Institution That the American Exporter Who Has an Eye on China Must Reckon With - Abi/Inform Collection - ProQuest," *Nation's Business*, December 1916.

Chinese society in the foreigner's stead, and secondly by being the administrative guardian of the commercial house's chop.[39] Despite the unequal relationship of foreign merchants with the Qing state, foreign commercial houses were still dependent on Qing's traditional economy and had to negotiate with Qing merchants on equal footing through the mediation by compradors.

This mediation is itself a marketplace for trust to be bargained with. The commercial houses negotiated with the compradors to secure common economic interests, but cases of comprador corruption were common. Lee Youtong, a comprador hired by Russell and Co., pocketed half of the profit of six thousand taels, emboldened by his leverage in the system since "the custom of commercial houses in China at the end of each year [was] to fake accounts of the money actually in possession of their comprador."[40] The lack of trust was not limited to the Chinese compradors – there were problems of trust even with the foreign business representatives. A scathing letter from the treasurer of Tremont and Suffolk about C. H. Lavers, the manager of the foreign department in China, made clear his dissatisfaction with the lack of supervision over their foreign representative – "you were sent to China to sell goods. You have not sold a bale. Your replies to our demand that you sell goods have been counter-demands for money – money for yourself, money for your wife, money for offices, compradore, interpreter and paraphernalia".[41] Later on we learn that "Mr Adam succeeded C. H. Lavers…[and] should Adam succeed in getting orders, they are to be accepted or declined by me".[42] Regardless of the identity of middle-men, trust was a precious resource. Foreign businesses were frustrated by their dependence on the autonomy of Qing merchants to safeguard the coveted idea of authenticity, and the trade-off between local expertise and increased corruption and erosion of trust.

[39] Ibid.
[40] Mr Forbes Jr. to US Consul Canton, Sep 5 1856, Letters received at Canton and Hong Kong, Box 28, HBL.
[41] Chas. F. Young to C. H. Lavers, Feb 1908, C.H. Lavers and China and India trade, 1905-1910, Volume FN-2, HBL.
[42] Chas. F. Young to Mr Cutter, 16 November 1908, C.H. Lavers and China and India trade, 1905-1910, Volume FN-2, HBL.

While compradors remained a mainstay in Qing China's trade with foreign businesses, these initial commercial houses faded away as the fluctuations in global demand for Chinese commodities forced many into bankruptcy. By the twentieth century, a new type of American enterprise emerged. American Tobacco Co., Standard Oil, and Carlowitz & Co., focused on exporting American products to China.[43] This type of mercantile behaviour that focuses on China's potential as a consumer is less unique to the Qing dynasty and can be observed in post-reform China, therefore their behaviour and interaction with counterfeit goods will be discussed later with post-reform China. The stage is set for the interaction between the state, merchants, and foreign businesses in imperial Qing China. Market-state relationships, as well as China's standing with authenticity, would change drastically a century later.

The State of Fakes in Post-Reform China

China, after the economic reforms of 1978, looked very different from imperial Qing. This is a conventional turning point often attributed to Deng Xiaoping's reform that opened China to foreign investors and grew China's manufacturing capabilities. Deng set up Special Economic Zones (SEZ) that were geared towards export-oriented industrialisation and attracting Foreign Direct Investment (FDI), and transitioned China into a market economy. Importantly, Deng's economic reforms followed the disasters of Mao's Great Leap Forward, which left China "extremely poor, with a weak industrial base".[44] China needed to stand up and prosper again. The decades of extreme social and political domestic turmoil had provided political legitimacy for Deng's reforms.[45] Deng's reform to integrate China into the global order was also facilitated by a permissive international landscape willing to reconcile with a communist China. Beginning in

[43] He, "Russell and Company in Shanghai, 1843-1891," 28.
[44] Elizabeth O'Brien Ingleson, *Made in China: When US-China Interests Converged to Transform Global Trade* (Harvard University Press, 2024), 3, https://doi.org/10.4159/9780674296800.
[45] Ibid., 4.

the late 1890s, the US began its Open Door policy that saw China as a market to absorb American surplus, and in 1937 this tremendous potential of the Chinese market was captured with the phrase "four hundred million customers".[46] However, the political upheaval of Mao's China had almost obliterated China's unrealised potential for mass consumption. If China could not spend, then there must be something else the US could benefit from. The "fantasy of four hundred million customers" was transformed "to become one of eight hundred million workers instead."[47] American multinationals wanted to outsource production to low-wage economies and there was a growing sentiment that the Chinese were cheap labour, especially because Chinese workers were excluded from American labour unions.[48] In 1980, months after the US-PRC Trade Agreement came into effect, Nike set up four shoe factories in China, manufactured USD$75,000 worth of shoes, and imported them back to the US for cheap. The permissive United States and the eager China were "a match made in heaven".[49] Therefore, China's capacity as a pirate was enabled by two enormous potentials – China as the largest target market for international companies, and China's growing manufacturing capability.[50]

Deng's policy also rehabilitated the consumption potential of post-reform China. The effects of his economic reform on Chinese consumers were less immediate, but it was an important part of the equation to understand how changes in the profile of domestic consumers in post-reform China had increased the demand for Chinese counterfeit. The poorer Chinese consumer of the early post-reform period preferred counterfeited products because that was all they could afford. Three decades of socialist economy from 1949 to 1978 had deprived Chinese consumers of the ability to purchase consumer goods and eroded the desirability of domestic

[46] Ibid., 7.
[47] Ibid., 7–8.
[48] Ibid., 14.
[49] Ibid., 262.
[50] Pang, "China Who Makes and Fakes," 120.

brands. In 1980, China only accounted for two per cent of world's consumption spending using Purchasing Power Parity (PPP) based Gross Domestic Product (GDP).[51] In the same year, the Chinese government received twenty thousand trademark applications, but most consumers struggled to name a famous Chinese brand because they were not willing to buy them.[52] There was deeply rooted distrust towards Chinese brands because of the poor quality of goods under Mao. This means that in the initial years of post-reform China, Chinese consumers desired foreign consumer products, but did not have the purchasing power to afford the authentic brand.

The effects of Deng's reforms on Chinese consumers began to manifest in the 2000s, and it only exacerbated the demand for counterfeit. China's consumption potential grew, and from 2001 to 2003, China accounted for twenty four percent of world consumption growth using PPP based GDP.[53] This was matched by increased affordability of consumer products – from 1998 to 2002, the average prices of clothing and housing appliances declined eight percent and the average tariff rate on foreign imported goods declined from twenty three percent to eleven percent from 1996 to 2003.[54] As Gerth describes, "consumerism is self-expanding and compulsory", which means that consumption is both the product of and the fuel for mass-manufacturing.[55] The rehabilitated spending potential of "four hundred million customers" was often accused of patronising the counterfeit industry because China's domestic brand development was laggard and offered little alternatives.[56] A 2005 survey in Shanghai and Beijing

[51] "GDP Based on PPP, Share of World," World Economic Outlook, October 2024, https://www.imf.org/external/datamapper/PPPSH@WEO.
"China's Consumer Decade", Deutsche Bank, accessed 2 March 2025, https://www.db.com/news/detail/20191201-china-s-consumer-decade?language_id=1.
[52] Karl Gerth, *As China Goes, so Goes the World: How Chinese Consumers Are Transforming Everything*, 1st ed. Hill and Wang, 2010), 115–16.
[53] Eswar Prasad, *China's Growth and Integration into the World Economy: Prospects and Challenges*, Occasional Papers (International Monetary Fund, 2004), 1, https://doi.org/10.5089/9781589062580.084.
[54] Ibid., 14, 16.
[55] Karl Gerth, *Unending Capitalism: How Consumerism Negated China's Communist Revolution* (Cambridge University Press, 2020), 10.
[56] Ingleson, *Made in China*, 7.

found that most of young people's favourite brands were foreign, and less than twenty percent of Chinese enterprises have their own brands.[57] In this stage of post-reform China, Chinese consumers had greater spending capacity, but the reputation of genuine domestic brands had not yet been rehabilitated.

The "let some get wealthy" first strategy of Deng's economic reforms had also created a more unequal and stratified consumer base. Chinese consumers who supported counterfeit generally fell into three categories. The first, were the unaware consumers who unconsciously purchased counterfeit goods due to brand illiteracy – they were still "learning the new logos and brand meanings" and "knew little about other pertinent issues… or even the correct pronunciation of the brand's name".[58] Lower social status and education levels created Chinese consumers who were unwittingly complicit with the counterfeit industry. The second, were the middle-class Chinese consumers, who knowingly purchased counterfeit brands to borrow from the brand's reputation and its related values "such as success and achievement… and social recognition by others".[59] These consumers desire to emulate the higher social class without paying the premium for the authentic brand names.[60] As such, the brand matters more than the merchandise itself, and a fake Gucci bag is more desirable than a bag from a small genuine brand. Finally, wealthy Chinese consumers stood at the apex of the consumption ecosystem and signalled what was desirable for an average Chinese citizen. They participated in the international luxury trade and made foreign brands seem greatly coveted and unattainable. Shanghai Tang's flagship store in Hong Kong suffered the dual problem of the Chinese masses

[57] Gerth, *As China Goes, so Goes the World*, 115–16.
[58] Eric Ping Hung Li, Magnum Lam, and Wing‐Sun Liu, "Consuming Counterfeit: A Study of Consumer Moralism in China," *International Journal of Consumer Studies* 42, no. 3 (May 2018): 371, https://doi.org/10.1111/ijcs.12428.
[59] Michel Chevalier, *Luxury China: Market Opportunities and Potential* (2010), 63.
[60] Peter H. Bloch, Ronald F. Bush, and Leland Campbell, "Consumer 'Accomplices' in Product Counterfeiting: A Demand Side Investigation," *Journal of Consumer Marketing* 10, no. 4 (1 January 1993): 27–36, https://doi.org/10.1108/07363769310047374.

feeling alienated that it is a luxury brand targeting foreigners, and the rich preferring western luxury fashion houses.[61] The wealthy Chinese consumers set the standards that trickled into the aspirations of the less wealthy, whilst maintaining an air of respectability since they could afford to purchase authenticity and abstain from counterfeit. Across all stratums of Chinese consumers, they were guilty – either of buying or inspiring the desire for fakes – and this complicity became ammunition for allegations against China as a counterfeit factory.[62] The widespread proliferation of the counterfeit industry was not merely sustained by the foreign tourists, but had gained momentum from domestic consumption.

The state of fakes in post-reform China was inverted from Qing China – the texture of merchants and consumers in the economy and China's trade relations with foreign countries had changed drastically. Conventional wisdom focuses on how Deng's reform-driven changes fueled the reversal of China's reputation from the standard to the copy. I will discuss the intuition that China's industrial infrastructure might have manufactured the momentum for counterfeit and the cycle of consumer demand for counterfeit. Then, I will challenge that intuition by looking at the case of *Shanzhai* to show that counterfeiting is not an inevitable result of mass production.

Mechanical Reproduction of Counterfeit

Counterfeit had always existed in China, but the predominant causal mechanism identified for the industry's exponential growth in contemporary China is industrialisation. The implicit premise that authenticity is about being the chronological "original" is baked into this conventional argument, and frames China's late integration into the industrialised world as the reason for post-reform China's reputation as the counterfeiter. Many arguments in China's IPR scholarship contain these undertones. First, Chinese counterfeit is framed as a consequence of

[61] Chevalier, *Luxury China*, 47.
[62] Pang, "China Who Makes and Fakes'," 121.

discounted factors of production. Profit margins are better for counterfeiters because they free-load off the genuine company's investment into research and development, marketing, and brand protection.[63] This assumes that an environment with foreign capital and established industries – both of which are conditions enabled by Deng's reform – can bring down the cost of factors of production and offer a suitable host to nurture the parasitic counterfeit industry. Second, "Made in China" counterfeit is perceived as a byproduct of the competitive advantage of cheap labour and economies of scale.[64] This assumes that China needs to be an industrial society – a transformation facilitated by Deng's industrialisation policies – and that counterfeit grows in tandem with increased efficiency of Chinese manufacturing. Third, contemporary Chinese counterfeit often exploits its economy of scale to gain access to higher-end technology. The Original Equipment Manufacturer (OEM) is a feature of a globalised economy that allows a "company that makes parts and products for other companies [to] sell them under their own name or use them in their own manufacturing".[65] Chinese counterfeiters benefit from OEM contracts and the negligent enforcement of IPR, especially if the technology has a high initial fixed capital investment. Cheap mass manufacturing and China's integration into the global economy are necessary conditions in this argument. The explanatory power of China's industrialisation for their reputation as a counterfeiter is instinctive, reasonable, and taken for granted within the scholarship.

I want to articulate the conventional wisdom that I will be refuting even more explicitly. The scholarship on IPR is nuanced, but American policymakers are often more upfront in their accusations against Chinese counterfeit. The claims of anti-China policymakers that define the

[63] Gerth, *As China Goes, so Goes the World*, 137.
[64] Ingleson, *Made in China*, 2.
[65] Georgios A. Antonopoulos et al., 'Counterfeit Goods Fraud: An Account of Its Financial Management', *European Journal on Criminal Policy and Research* 26, no. 3 (September 2020): 367, https://doi.org/10.1007/s10610-019-09414-6.

current epoch of US-Sino trade relations are not necessarily more representative or meritorious, but it lays bare the logic of the argument I am engaging with. Peter Navarro is a staunchly anti-China economic professor and advisor for trade and manufacturing in Trump's administration.[66] He believes that the "factory floor" of Chinese counterfeit was driven by the "China Price" stemming from "economies of scale and economies of scope".[67] Chinese counterfeit thrives from the "highly synergistic networks" of manufacturing, embodying "Adam Smith's famous pin factory, where an extreme division of labour and hyper economic efficiency" helps to manufacture its own momentum.[68] He makes a related argument about the underlying philosophy that China counterfeit transgresses: it erodes authenticity by "stifling the rates of global innovation" and disrespects the earlier trademarks established by foreign brands.[69] The credit of originality is thus presumed to be awarded to brands that were first to trademark, and late-comer Chinese manufacturers will always be perceived as a parasite of authenticity. China's industrial dominance and manufacturing integration are identified as the engines of Navarro's Chinese counterfeit dystopia:

> Your father almost dies from a massive heart attack, because the "Lipitor" prescription he filled on the Internet was laced with Chinese fakes. Your mother breaks her hip because the phony "Evista" medication she took for osteoporosis was nothing more than molded Chinese chalk. Your house gets robbed by a drug addict high on meth made from the ephedra grass, grown on Chinese state-run farms.[70]

Stripped of the Sino-phobia, the underlying assumptions about the ubiquitous dangers of Chinese counterfeit are premised upon the industrialisation of China's manufacturing sector. It has given Chinese merchants the means to scale their counterfeiting operations and the Chinese

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[66] "Trump Appoints China Critic Peter Navarro to Trade Post," *BBC News*, 22 December 2016, sec. US & Canada, https://www.bbc.com/news/world-us-canada-38399712.
[67] Peter Navarro, *The Coming China Wars: Where They Will Be Fought and How They Can Be Won* (Financial Times Press, 2007), 35.
[68] Ibid., 14.
[69] Ibid., 36, 41.
[70] Ibid., Introduction xii.

state the incentive to tolerate the industry to protect its economic interests and citizen's livelihoods. It also suggests that China is contemptuous of the value of authenticity.

This paradigm of understanding China's changing relationship with counterfeit shaped how foreign companies built their relationship with China. Paul Midler was a business consultant for international importers looking to move their manufacturing into China in the late 2000s. His account mediating between increasingly belligerent Chinese manufacturers and his naive foreign clients echoes this predominant sentiment that rampant counterfeit had developed out of China's increased industrial capacity. Midler claims that "there were no snobs in export manufacturing" and Chinese factory owners could produce any product immediately with a sample.[71] The indiscriminate eagerness for factory owners to produce for foreign companies was driven by the fierce competition amongst Chinese factories. The competitiveness that boosted the speed of product delivery excited foreign importers, but it had also enabled counterfeiting and the sale of surplus to unauthorised agents:[72]

> The speed with which China manufacturing moved was a double edged sword. Importers could count on a manufacturer to take an initial sample and put it into production with extreme speed, but then the counterfeiters moved just as quickly – and with great skills …What manufacturers left in originality, they made up for in their ability to copy. They were masters of mimicry.[73]

The manufacturing conditions in China incentivised speed, and unsurprisingly, the merits of IPR protection became forgotten. On one hand, speedy imitation is incentivised by the lack of Western megabrands that monopolise Chinese manufacturing capacity, which provided space for Chinese manufacturers to compete for diverse demands.[74] On the other hand, mass-production in factories prioritises quantity, and the huge inventory meant private interests could siphon away

[71] Paul Midler, *Poorly Made in China: An Insider's Account of the Tactics behind China's Production Game* (Wiley, 2009), 20.
[72] Ibid., 230.
[73] Ibid., 117, 232.
[74] Pang, "China Who Makes and Fakes," 126.

"excess orders" without significant repercussions to the foreign companies.[75] Knockoffs can simply be a few batches of products set aside after a manufacturer fulfilled its initial licensed orders.[76] Counterfeit is portrayed as an inevitable byproduct of China's swift rise to power. As the philosopher Benjamin Walter articulates, "man-made artifacts could always be imitated by men… and, finally, by third parties in the pursuit of gain." [77] Although Walter discusses imitation and mechanical reproduction in the context of art, this was applicable in describing the Chinese counterfeit industry.

For Chinese manufacturers, mass participation created competition for the gain of foreign importer's capital. As "quantity has been transmuted into quality" and the availability for mass participation changed the quality of the art, the increased competition amongst Chinese manufacturers caused a quality fade.[78] Midler noted that the manufacturing process' quality and capacity for innovation were corrupted by Chinese factory workers who were uneducated and uncultured. These workers did not know how to use an elevator and would "push the down button because they saw that a car was on an upper floor and they wanted a car to come down to them".[79] They put their fingers in bottles of soap they were packaging and selling, and when Midler confronted the boss lady about it she placed sanitisers around the factory as a prop for hygiene.[80] They spent money creating the casing for deodorant first rather than researching the chemical components of the product so the process "was entirely backwards, but this was how many manufacturers in China built their products – from the outside in".[81] The list of experiences

[75] Yang, "Faking China, Faked in China, 134.
[76] Gerth, *As China Goes, so Goes the World*, 138.
[77] Walter Benjamin, *The Work of Art in the Age of Mechanical Reproduction* (United States: Prism Key Press, 2010), 2.
[78] Ibid., 17.
[79] Midler, *Poorly Made in China*, 39–40.
[80] Ibid., 42.
[81] Ibid., 121.

that outraged Midler and his clients were endless, and suggests a deterministic future where trade with an industrialised China will always be frustrated by counterfeit.

However, I argue that this paradigm of inevitable growth of the counterfeit industry in tandem with industrialisation is problematic because it simplifies the state's regulatory relationship with the market. The post-reform state undoubtedly was impacted by the consequences of an increased manufacturing capacity, but they had also strengthened their bureaucratic capacity and will to manage counterfeit. The post-reform Chinese state had grown in bureaucratic will to regulate counterfeiting because trust was vital to maintaining China's global interconnectivity after its initial reform, and because trust was indispensable for the Communist Party's political legitimacy. Counterfeit had existed as early as the Southern Song empire of China as a result of a weak state and weak merchant organisations.[82] The counterfeit market will always exist regardless of the means of reproduction, but in post-reform China, the government is aware of, and willing to, manage the negative impacts of counterfeiting because they were concerned with maintaining their open relationship to the global economy that had become a critical engine of China's growth. When "Made in China" took on a distinctively derogatory connotation, it hurt China beyond the economic value of its exports.[83] Consumer confidence is eroded by the lack of integrity of brands, and the genuine product loses competitiveness.[84] The foreign companies hurt from this, and in turn China risks losing their trust and the basis for their open-door policy and connectivity to the world.

The Chinese state was also incentivised to regulate counterfeit since authenticity affected regime legitimacy, and they are not, as conventional wisdom suggests, contemptuous of the value of authenticity. The post-reform Chinese state was increasingly interested in stepping into

[82] Yang, "Faking China, Faked in China," 298.
[83] Ibid., 33.
[84] Gerth, *As China Goes, so Goes the World*, 133–34.

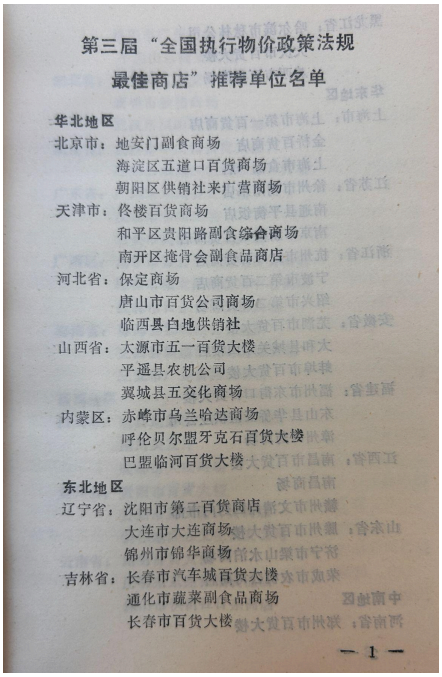
economic governance in a way the Qing courts had not because counterfeiting was hurting the foundations of their political legitimacy. Gerth described the contemporary Chinese Communist Party as dependent on Capitalist Realism, a uniquely Chinese contradiction that gestures towards socialism for ideological legitimacy, but relies on economic performance in a capitalist system for regime survival. The state is "betting its continued existence and legitimacy on raising standards of living, on delivering more goods to more consumers".[85] Counterfeiting hurts the trust of China's domestic consumers and is a problem that requires regulatory attention. In 1992, the Jilin provincial government issued guidebooks on how to spot fake goods, highlighting government recognition of the problems and a desire to curb them. The guidebook meticulously documented the types of counterfeit goods, the counterfeiter's modus operandi, and importantly, prescriptions for the Chinese readers to avoid falling victim to counterfeit. For example, the book clarifies that quality of porcelain can be determined by a mark on the bottom: [Translated] "Round means first-rate product, Quadrilateral means second-rate product, Triangle means third-rate product, and products that fail qualifications are marked with Defective."[86] It also referenced the regulatory work of the Hebei provincial government, which had listed twenty most common counterfeit products that interfered with citizen's daily lives: bicycles, cigarettes, canned food, sweets, and washing powder, worth around 800 000 yuan.[87] The guidebook also included a directory of reputable retailers from every region in China to encourage consumers to shop responsibly, highlighting that this commitment was not merely rhetorical (see Fig. 10). The state implemented formal measures to assess the counterfeit problem, audit retailers, and keep

[85] Ibid., 203.
[86] Xiao Ke 肖克, *Jia Mao Wei Lie Shang Pin Yu Shi Chang Bian Shu Jian Bie* 假冒伪劣商品与市场骗术鉴别 [A guide to differentiate poor quality fakes and common deception tactics] (吉林省白城市: 延边人民出版社, 1992), 15.
[87] Ibid., 339.

consumers informed. The book's opening foreword declares the intention for the Chinese state to manage the problems of counterfeit:

> [Translated] In recent years, the domestic market experienced a surge of counterfeit products all over the nation… Thus, the State Council suggested that this year would therefore be a product quality assessment year. Consumers are the most direct, prevalent, and empowered auditors of product quality. This book aims to increase reader's understanding of products to avoid falling victim to the counterfeit industry.[88]

Fig. 10: Directory of most recognised retailers from the North and Northeastern regions[89]



第三届"全国执行物价政策法规
最佳商店"推荐单位名单

华北地区
北京市：地安门副食商场
海淀区五道口百货商场
朝阳区供销社来广营商场
天津市：佟楼百货商场
和平区贵阳路副食综合商场
南开区挑骨会副食品商店
河北省：保定商场
唐山市百货公司商场
临西县白地供销社
山西省：太源市五一百货大楼
平遥县农机公司
翼城县五交化商场
内蒙区：赤峰市乌兰哈达商场
呼伦贝尔盟牙克石百货大楼
巴盟临河百货大楼
东北地区
辽宁省：沈阳市第二百货商店
大连市大连商场
锦州市锦华商场
吉林省：长春市汽车城百货大楼
通化市蔬菜副食品商场
长春市百货大楼

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The guidebook also proved that the government had grown its enforcement capacity. It reported the take down procedures of counterfeit "Kasala" clothing. "Kasala" was a Sino-foreign equity joint venture company based in Guangdong and had gained popularity for its quality suits. The Guangdong people nicknamed the brand "Young Airplane" after the brand logo of an airplane. However, the book cautioned consumers against fakes, and reminded readers that the real Kasala suits would have fourteen airplane brand logos in various locations. The authorities managed to crack down and apprehend counterfeiters who were illegally manufacturing one

[88] Ibid.
[89] Ibid., 1.

thousand two hundred and fifty pieces of clothing and illegally reproducing twenty thousand nine hundred and seventy sets of brand logos.[90] There were clear regulations and enforcements in post-reform China and it would be unfair to dismiss the state as irrelevant or recalcitrant.

Not only have I proven an increased bureaucratic will to regulate counterfeit, the post-reform state also grew in regulatory capacity. The Silk Street Market is another great example of how state regulation of counterfeit goods increased in the post-reform period because of a desire to remain trustworthy and integrated in global trade. The market first emerged in the 1980s, and was a tourist destination in Beijing renowned for the sale of counterfeit of foreign brands. Counterfeit goods were the highlight for the foreign tourists, who were the "major source of demand for fakes" despite coming from the "advanced nations that are propagating IPR law enforcement in China".[91] As China internationalised, foreign companies that sought cheaper labour costs had offshored their manufacturing to China, and the same licensed manufacturer could keep excess products and sell the legitimate products as knockoffs.[92] The real and fake "often came from the same factory", which appealed to foreign tourists who wanted to buy the knockoffs for less.[93] The hypocrisy was present: in order to succeed in its WTO application, China had to manage its international image in the eyes of the same countries whose citizens were the greatest patrons of the Silk Street Market.

Beijing officials were worried that the blatant sale of counterfeit would affect their international reputation with foreign governments and businesses, and thus began a renovation of Silk Street into a shopping plaza.[94] It was a highly publicised renovation, highlighting the state's intent to take control of their reputation for counterfeit.[95] However, the resistance to the

[90] Ibid., 309–11.
[91] Yang, "Faking China, Faked in China," 159.
[92] Gerth, *As China Goes, so Goes the World*, 138.
[93] Ibid., 143.
[94] Ibid., 131.
[95] Ibid., 137.

renovation was also highly publicised. There was a lawsuit against the developer of the new plaza to contend whether "Silk Street" was a geographic name for a tourist destination or a business trademark; the bulldozers were met with protesters on January 6, 2005, advocating for protecting the "Chineseness" of the market. The resistance was unsuccessful, and the state had seemingly cleaned the slate – the new Silk Street became an "incubator for China's nation brands" where Chinese brands were encouraged to innovate rather than plagiarise from existing foreign brands.[96] In 2007, Paul Ranjard, the chair of the IPR working group of the European Union's Chamber of Commerce, even awarded the traders and applauded Silk Street as a "model" to emulate.[97]

This image is hardly that of a weak imperial state left with no choice but to leave business associations to fend for themselves against counterfeiters. This is a Chinese government that has both the will and the capacity to demolish and rebuild China's reputation for counterfeit. The question is whether the post-reform Chinese state's success in regulating counterfeit can be sustained. Despite the demolition of the old Silk Street Alley, China's reputation for IPR infringements did not improve. In fact, in 2020 the Silk Street Market remained a market of concern for intellectual property infringement, alongside eight other Chinese markets.[98] Had China's industrial capacity created a hydra-headed counterfeit industry that outpaced the state's regulations? Was this a result of the state's inability to enforce anti-counterfeiting measures despite their best efforts, or was this a deliberate lapse for the Chinese state to strategically condone counterfeiting? It is telling that the Silk Street Market oscillates between intense state crackdown and blatant disregard for its flagrant IPR violations. In 2012, Silk Street Market had a

[96] Yang, "Faking China, Faked in China," 64.
[97] Ibid., 140–143.
[98] "2020 Review of Notorious Markets for Counterfeiting and Piracy," The Office of the United States Trade Representative, accessed 27 October 2024, https://ustr.gov/sites/default/files/files/Press/Releases/2020%20Review%20of%20Notorious%20Markets%20for%20Counterfeiting%20and%20Piracy%20(final).pdf.

sudden clean up, but the complete erasure of counterfeit goods from the vendor's stalls was followed up two weeks later by the return of counterfeit goods flooding the markets. This period of sanitisation coincided with the World Intellectual Property Organization meeting in Beijing. For the duration of the high-visibility anti-counterfeit conference, police patrolled Silk Street stalls every day, and the vendors were tipped off to hide their fake goods. The routine IPR violation was therefore accused to be "a symbol of China's lack of political will to clamp down on counterfeiting".[99] The intermittent and unsustained crackdown suggests that the Silk Street market was intentionally condoned in spite of its overt violations so that it could be strategically regulated as a publicity campaign for China's international reputation. Instead of fighting against counterfeit, the Chinese state had strategically tolerated it to reap the benefits of counterfeiting. Lose the battle, win the war.

The conventional wisdom of the mechanical reproduction of counterfeit represented in Midler's account no doubt captured a version of reality about Chinese counterfeit. However, that paradigm is challenged by the complex interaction between different stratums of consumers and varying degrees of government regulation in the petri dish of the counterfeit market. The "momentum of industrialisation" explanation cannot capture the dynamism between consumers and producers of counterfeit, and importantly, is an oversimplification of the post-reform Chinese state's relationship with authenticity. Deng's reform did not create an impotent and belligerent Chinese state; the increased bureaucratic will and capacity of the post-reform state enabled them to be more strategic about counterfeit regulations. If we reframed the state's role, not as guarding against counterfeit, but as safeguarding the currency of authenticity, counterfeit

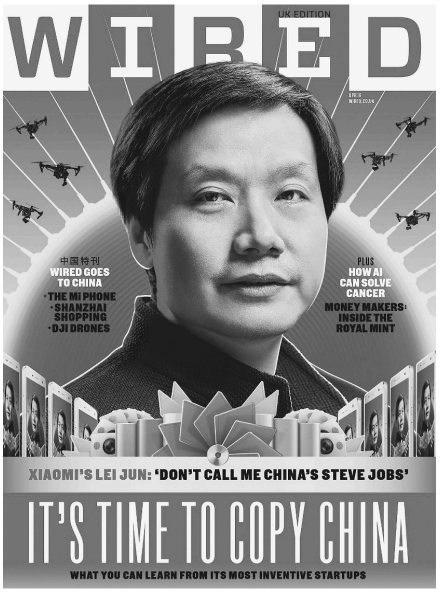
[99] Peter Ford, "Made in China: Why Knockoffs Disappeared from Beijing Markets," *Christian Science Monitor*, 03 2012, https://www.csmonitor.com/World/Asia-Pacific/2012/0703/Made-in-China-Why-knockoffs-disappeared-from-Beijing-markets.

could be instrumentalised to serve China's reputation. I suggest that the post-reform state had tolerated counterfeit for gains that have begun to reap dividends in the *Shanzhai* phenomenon.

The Divergence in China's *Shanzhai*

In 2016, the cover story for Wired magazine ran a provocative headline: "It's Time to Copy China" (see Fig. 11). China's relationship with counterfeit had reversed again, this time with China re-taking the position as the global standard. China's industrialisation did not condemn it to the inevitable fate of mechanical reproduction of counterfeit. China had a great divergence, and became counterfeit-worthy. The case of *Shanzhai* illuminates why China tolerated counterfeit in order to generate innovation from imitation, therefore, I will refer to this period of post-reform China as the *Shanzhai* era of counterfeiting.

Fig. 11: Wired Magazine from 2016 featuring Lei Jun, the CEO of phone company Xiaomi[100]



The word *Shanzhai* (山寨) literally translates to mean mountain villages. This builds upon the literary trope of "outlaws who have gone away to the mountains" with a Robin Hood

[100] Clive Thompson, "China Is No Longer a Nation of Tech Copycats," *Wired*, April 2016, https://www.wired.com/story/china-tech-copycat-yy-meituan-xinchejian-zepp-labs/.

like element of criminality. It is speculated that the term first referred to "small-scale family-run factories in Hong Kong that produced cheap, low quality household items".[101] It became popularised as a contemporary slang for mobile phones in Shenzhen's electronic markets that imitated more expensive phones for a fraction of the price.[102] This eventually came to encompass more than just the phone industry – the *Shanzhai* car, for example, is an imitation of the Chevrolet.[103] It even came to represent a lifestyle. China Daily ran a story that goes:

> It's a cold Sunday morning. Mr. Phony turned off his hiPhone alarm, put on Kabba suits and Adidos shoes, grabbed a coffee from the KFG downstairs and came back in a hurry for the latest episode of the popular sit-com Ugly Wudi.[104]

As this sketch shows, *Shanzhai* initially was looked upon with contempt. There was something unsavory about the ubiquitousness of fake goods in everyday lives. This was because the main consumers of *Shanzhai* were initially the "the information have-less … migrants, laid-off workers, retirees and students from low-income families".[105] The luxuries of mobile phones and foreign brands became democratised, and it triggered a defensive reflex of scorn towards the lower social class. However, in 2008, *Shanzhai* became a part of Chinese society that people were unashamed to claim. *Shanzhai* products were flexible and enabled innovation that was not feasible in larger companies with long production cycles. Some of these imitation phones began to innovate to provide localised features that benefited its target consumers: a *Shanzhai* cell phone was given the function to identify counterfeit money, some of these phones had incorporated seven speakers for Chinese farmers to be able to hear while out in the fields,

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[101] Silvia Lindtner, Anna Greenspan, and David Li, "Designed in Shenzhen: Shanzhai Manufacturing and Maker Entrepreneurs," *Aarhus Series on Human Centered Computing* 1, no. 1 (5 October 2015): 4, https://doi.org/10.7146/aahcc.v1i1.21265.
[102] Andrew Chubb, "China's Shanzhai Culture: "Grabism" and the Politics of Hybridity," *Journal of Contemporary China* 24, no. 92 (4 March 2015): 264, https://doi.org/10.1080/10670564.2014.932159.
[103] Yi-Chieh Jessica Lin, *Fake Stuff: China and the Rise of Counterfeit Goods* (Routledge, 2011), 61.
[104] Yang, "Faking China, Faked in China," 62.
[105] Ibid., 32.

and others had four LED lights built in for rural users who used cell phones as flashlights.[106] The entire concept of *Shanzhai* rose to prominence with a "knock-off" Chinese Lunar New Year Gala that was broadcasted alongside the annual CCTV's main Spring Festival as the "people's own" *Shanzhai* Spring Festival Gala. The televised gala did not settle for B-listers, but instead featured China's famous celebrities, took up a four-hour-long television slot, and was even aired by CCTV, China's main television channel.[107] *Shanzhai* had transformed from an embarrassing knock off to a pinnacle of Chinese innovativeness. Scholars like David Li described this version of *Shanzhai* as dissassociating Chineseness from tropes of backwardness and being merely a copy, and reframes it instead as "long lost twin of open source".[108] The idea of counterfeiting for innovation was motivated by *Shanzhai's* core philosophy – grabism. Through grabbing foreign things, *Shanzhai* no longer copies "for [one's] own use" but "for [other] people's desires".[109] This spirit of collaboration manifests itself in *Shanzhai's* main funding mechanism: social networks that host "informal face-to-face gatherings and networking via mobile social media platforms", such as casual settings with alcohol, KTV bars, and massage parlors.[110] *Shanzhai's* source of innovation is informal and crowd-sourced.

In addition, *Shanzhai* challenges the regimes of IPR and authenticity by being "open about its mimicry and fakeness, … celebrates the value of the inauthentic", and "[does] not deliberately set out to deceive".[111] This is important because it proves that China's tolerance of

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[106] Byung-Chul Han, *Shanzhai: Deconstruction in Chinese* (The MIT Press, 2017), 73, https://doi.org/10.7551/mitpress/11270.001.0001.
Yang, "Faking China, Faked in China," 18.
[107] Yang, "Faking China, Faked in China," 80.
[108] Silvia M. Lindtner, *Prototype Nation: China and the Contested Promise of Innovation* (Princeton University Press, 2020), 88, https://doi.org/10.2307/j.ctvz938ps.
[109] Andrew Chubb, "China's Shanzhai Culture: 'Grabism' and the Politics of Hybridity," *Journal of Contemporary China* 24, no. 92 (4 March 2015): 263, https://doi.org/10.1080/10670564.2014.932159.
[110] Lindtner, Greenspan, and Li, "Designed in Shenzhen," 7.
[111] Lindtner, *Prototype Nation*, 88.
Han, *Shanzhai*, 76.

counterfeit was not stifling innovation but diversifying it with collective contributions.[112] *Shanzhai* fell beyond the bounds of the limited and prejudiced definitions of the IPR legal regime, where authenticity is a "win-lose" competition for who could be the first to patent an idea. Scholars like Eric Raymond have likened the innovation process to the cathedral and the bazaar, contrasting the silent and reverent ideal of innovation with the reality of a "great babbling bazaar" where disorder is constructive.[113] *Shanzhai* was not the first to introduce a diverse interpretation of innovation. The Internet was built upon principles of an information bazaar – the Free Software movement, for example, appeared in 1998 and introduced open source as a foundation of the Internet.[114] Another example is the Creative Commons license made to reinterpret copyright in the digital space since it encourages collaborative creation instead of monopolising information.[115] The IPR regime struggled to regulate the Internet because the fundamental conception of authenticity is not the same as copyright's legal definitions, and policing the Internet often had the adverse effect of framing corporations as "evil, immoral, perhaps even criminal monopolists".[116] The Internet created a space of exception from the moral order of the IPR regime and this had brought indisputable benefits, therefore the potential of imitation as innovation in the *Shanzhai* era should not be dismissed. The culture of authenticity in China might be different from the legal frameworks of IPR, but the provocative case of *Shanzhai* dismantles the conventional wisdom of inevitable industrialisation-driven counterfeit, and provides a strong defence for why the Chinese state would tolerate counterfeit.

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[112] Elias Carayannis, *Rediscovering Schumpeter: Creative Destruction Evolving into 'Mode 3'* (Palgrave Macmillan, 2007), 173, http://archive.org/details/rediscoveringsch0000unse.
[113] Ibid., 182.
Christopher M. Kelty, *Two Bits: The Cultural Significance of Free Software* (Duke University Press, 2008), 109.
[114] Ibid., 99.
[115] Ibid., 259–60.
[116] Ibid., 150, 298.

The consumers of this *Shanzhai* era of post-reform China have also changed drastically. Brand illiteracy is improving as more consumers move into the middle-class, and gain the brand consciousness to recognise the social status associated with purchases.[117] Upper- and middle-income consumers will increase their contribution to urban consumption from thirty five percent in 2020, to sixty percent of urban consumption by 2030.[118] Unlike earlier groups that took alignment to the aspirational consumption of the wealthy and used counterfeit as a means to attain the social validation of foreign brands, the middle-class *Shanzhai* consumers do not value fake foreign branded goods since they have access to stronger and more innovative Chinese brands. Chinese millennials born between 1980 and 2000 have a "more positive association with local brands".[119] In 2011, over sixty four percent of Chinese companies and fifty eight percent of non-Chinese companies agreed that Chinese brands have an advantage over global brands in the Chinese market, suggesting a dominance of the homegrown brand.[120] On the Chinese search engine Baidu, the frequency of searches for Chinese brands increased from thirty eight percent in 2009 to seventy percent in 2019, and a survey of five thousand Chinese consumers found that in 2020, eighty five percent of respondents would prefer a Chinese brand to a foreign brand.[121] Chinese consumer's brand preferences have shifted away from the perceived premium quality on foreign brands, fundamentally changing China's relationship with authenticity. Therefore, the

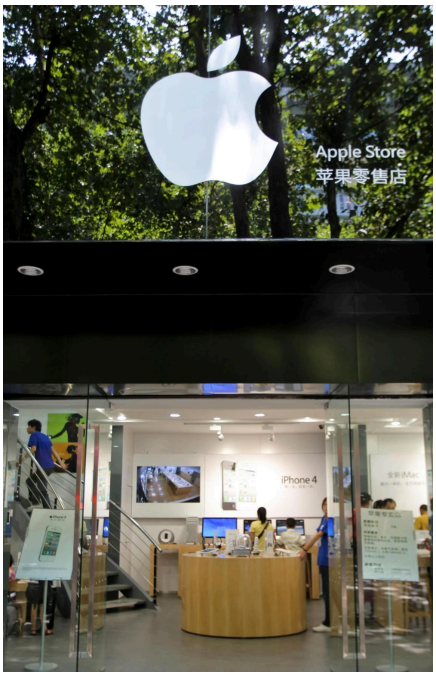
[117] Kearney Consulting, "The Rise of China's Middle-Class Consumer," Global Business Policy Council, 21 August 2017, https://www.kearney.com/service/global-business-policy-council/article/the-rise-of-china-s-middle-class-consumer.
[118] Zipser, Daniel, Jeongmin Seong, and Lola Woetzel, "Five Consumer Trends Shaping the Next Decade of Growth in China," McKinsey, 11 November 2021. https://www.mckinsey.com/cn/our-insights/our-insights/five-consumer-trends-shaping-the-next-decade-of-growth-in-china.
[119] Kearney Consulting, "The Rise of China's Middle-Class Consumer".
[120] Hannah Eligson, "Marketing to the New Chinese Consumer," *Forbes Insights*, (2011): 7, https://images.forbes.com/forbesinsights/StudyPDFs/Marketing_to_the_Chinese_Consumer.pdf
[121] Zipser, Seong, and Woetzel, "Five Consumer Trends Shaping the next Decade of Growth in China".

conventional explanation of the mechanical reproduction of counterfeit is also inadequate in capturing changes in consumer aspirations.

Examining *Shanzhai* apple phones specifically would be an illustrative example of how manufacturing excess in Shenzhen transcended counterfeit and produced innovation. Technological innovation often discriminates between manufacturing and design; technology can only be "conceived and designed in the West, and then manufactured in low-wage regions with loose regulatory environments", thus embodying the iPhone slogan "Designed by Apple in California. Assembled in China."[122] However, Shenzhen's electronic market became a pseudo start-up incubator for phones to be reinvented and redesigned. *Shanzhai* relied on the public boards (公版) which were "production-ready boards designed for end-consumer electronics" that design houses give to assembly factories to produce. The design houses give these boards out for free to budding entrepreneurs, and build their profit model around selling the components for the boards instead of gatekeeping the core technology, which incentivises manufacturing companies to come up with "creative 'skins' and 'shells' that are compatible with their boards".[123] This is an example of modular production, which prioritised reproducibility over originality or uniqueness.[124] As such, this reduced the financial and technological barriers to entry, and increased participation in the innovation process.

[122] Lindtner, Greenspan, and Li, "Designed in Shenzhen," 2.
[123] Ibid., 5.
[124] Han, *Shanzhai*, 68.

Fig. 12: Fake Apple Store in Kunming[125]



Shanzhai phones can also provide innovation in the accessory services of the genuine product, as was the case for the fake Apple stores discovered in Kunming, Yunnan. An American blogger "BirdAbroad", highlighted how these stores were unabashed Apple ripoffs with the same logos and interior design, staffed by members who genuinely believed that they worked for the legitimate iPhone company (see Fig. 12). However, Apple has only thirteen authorised resellers and none of them were given the rights to set up an Apple store.[126] Later in the year, twenty two more stores were found as copycats of the original plagiariser.[127] A factory was later also found to be making forty one thousand fake Apple iPhones worth 120 million yuan.[128] The Apple *Shanzhai* was innovative because it plugged a gap that arose from the exclusivity of Apple stores. The *Shanzhai* stores made it much easier to secure an appointment compared to a real

[125] Lee, Melanie. "Fake Apple Store in China Even Fools Staff," *Reuters*, 21 July 2011, https://www.reuters.com/article/lifestyle/fake-apple-store-in-china-even-fools-staff-idUSTRE76K1SU/.
[126] Ibid.
[127] "Chinese Authorities Find 22 Fake Apple Stores," *BBC News*, 12 August 2011, https://www.bbc.com/news/technology-14503724.
[128] "Apple 'Fake Factory' Raided in China," *BBC News*, 27 July 2015, https://www.bbc.com/news/business-33681929.

sales specialist, and because the phones were produced by a counterfeit factory, they also provided more responsive and broader-range repair services.[129] Instead of providing innovative technology, *Shanzhai* Apple stores innovated upon the sales and customer support accessories to the actual product itself.

Shanzhai subverted the trajectory laid out by the paradigm of counterfeit as a product of industrialisation. It proved that the same mass manufacturing process could create innovation, and even challenged IPR's limited notion of authenticity as a quality earned by the first to patent. Therefore, we should look beyond China's mass manufacturing capacity for other reasons that might explain China's changing relationship with counterfeit and authenticity.

Conclusion

"China is for many a sort of Rorschach test… your interpretation of that inkblot probably says more about you than about China."[130] Gerth's description of contemporary China is especially fitting for a discourse about Chinese counterfeit. Demonising Chinese counterfeit only reflects the assumptions of our modern IPR regime. The changes in commercial interests, consumer profile, and state capacity from Qing to post-reform China provided some conditions that affected China's relationship with authenticity, but China's reputation as today's counterfeit factory was not a historical inevitability as a result of its economic reforms. The conventional paradigm that overestimates the momentum of industrialisation overlooks the strategic tolerance and the regulatory role of the Chinese state. *Shanzhai* represents a great divergence that further emphasised the inadequacies of the conventional wisdom in capturing China's relationship with authenticity. Contemporary *Shanzhai* might be on an oscillating trajectory back to when Chinese goods were seen as desirable and sought after, and highlights how counterfeit could be

[129] Lee, "Fake Apple Store in China Even Fools Staff".
[130] Gerth, *As China Goes, so Goes the World*, 203.

instrumentalised to promote innovation. It is only one example of the incompatibility of an oversimplified explanation for the rise of Chinese counterfeiting.

What new interpretations did this chapter bring to light when compared to the conventional explanation for China's changing relationship with authenticity? Revisiting the Dafen village example would reveal an alternative narrative to the century of Chinese counterfeit. Firstly, despite being neither the lowest-priced nor the easiest paintings to imitate, Dafen's Van Gogh painters are regarded as the lowest within the professional hierarchy.[131] The hierarchies within Dafen imitation paintings suggest the presence of other mechanisms that erode the cultural capital of a painting. This is because Van Gogh's paintings – Cafe Terrace (1888), Sunflowers (1889), Starry Night (1889), and Self-Portrait with Easel (1888) – were used as a test for whether an apprentice was ready to complete their training and become a full-fledged counterfeiter.[132] Van Gogh is a rite of passage, which paradoxically holds him to the highest esteem whilst making him incredibly common. This hints at a mechanism where counterfeit and the authentic engage in discourse to determine a cultural value. Chapter two will delve into alternative mechanisms to explain China's changing relationship with counterfeit.

Secondly, the very premise that Dafen's copied paintings are bad should be challenged. Imitation is the highest form of flattery even amongst European artists: Gauguin copied Manet, Cezanne visited the Louvre to copy from the old masters, and even Van Gogh was known to imitate Hiroshige.[133] In contrast, most Dafen painters denied that "they have ever seen the original painting from which they are copying", which makes them less direct imitators than the likes of European painters.[134] This necessitates a reconsideration of how we understand the

[131] Won, *Van Gogh on Demand*, 161.
[132] Ibid., 156.
[133] Han, *Shanzhai*, 15–16.
[134] Won, *Van Gogh on Demand*, 169.

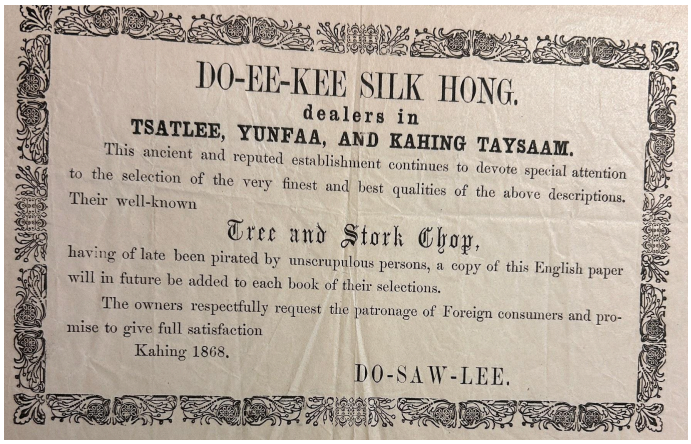
philosophy of authenticity, which will be a discussion taken up in chapter three. The changes in China's relationship with counterfeit are sketched in broad brushstrokes by the Dafen example, and these themes will be taken up by the following chapters to examine the alternative forces that shaped the century of Chinese counterfeit.

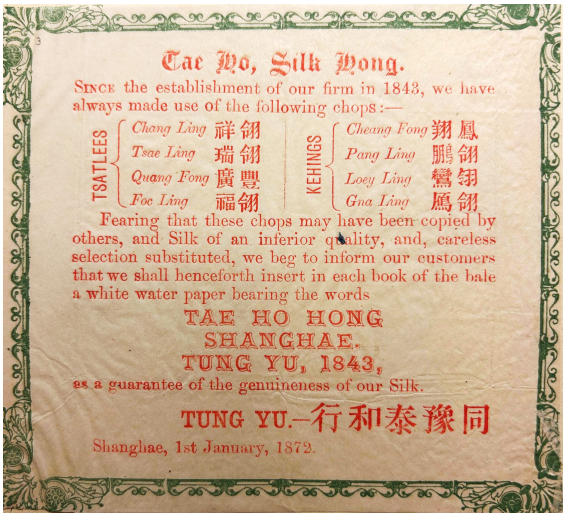
CHAPTER 2:

STAMP OF AUTHENTICITY

Introduction

Fig. 13: Authenticity stamps for silk traders[1]





"Having of late been pirated by unscrupulous persons, a copy of this English paper will in future be added to each book of their selections. The owners respectfully request the patronage of Foreign consumers", the *Do Eee Kee Hong* merchants declared. More than a century later, I sat in the reading room of Harvard Baker Library and wondered – on what basis should I trust that this chop itself was not pirated by an unscrupulous counterfeiter? Should I be reassured that it

[1] Chinese chops, Box 1 and 2, HBL.

was written very politely in English – which indicates a level of professionalism specific to the target audience of Western merchants – or that they were printed on paper with various typographical fonts – which indicates access to reputable printing resources? These stamps of authenticity have themselves become domains where the value of authenticity is contested.

This contest first begins in the packaging of these stamps. Stamps like those in Fig. 13 were included by Chinese silk merchants to authenticate each bale of silk they sold, and silk *hongs* went to great lengths to protect the reputation of their brand. Many of them denounced the poorer quality of counterfeited products, and produced their own symbols to validate their products. Interestingly, the *Tae Do Hong* stamp announced that "these chops may have been copied" and informed importers of the update in their stamps. Not only does this indicate a counterfeit industry for the silk products themselves, it also highlights counterfeiters who targeted these very stamps of authenticity and undermined their trustworthiness. These stamps are a type of artefact of authenticity, a term I will use to describe symbols such as brand names and trademarks that evidence the quality of a product and guarantee a degree of trustworthiness. This double commodification of trust and the product signalled great desirability for the silk, and the counterfeiting and anti-counterfeiting paradoxically benefited Chinese silk traders by serving as its own advertising. The bona fide merchants and the counterfeiters take turns hijacking the claims to its own originality. The stamps assert its trustworthiness by the mere presence of these validifications, yet it is unable to assert its own authenticity when it is a target of counterfeit. They represent a circular paradox of trust – the proof of authenticity requires their own proof of authenticity. Regardless of the ultimate victor in this contest, the tension from this cat-and-mouse game is meaningful because it creates a mechanism that demonstrates China's commitment to authenticity, and therefore diminishes their reputation for counterfeit.

This chapter will look at what alternative mechanism best explains China's changing relationship with the culture of authenticity. I will use the term "culture of authenticity" to describe the outcome where China is trusted as a good-faith actor and a steadfast guardian of authenticity. I argue that instead of manufacturing, it is the discourse mechanism between counterfeiting and anti-counterfeiting that demonstrates China's commitment to authenticity and shapes China's reputation, and that the producers and merchants are best equipped to spearhead the discourse. Assuming the inevitable presence of counterfeit, anti-counterfeiting discourse needs to fight for "cultural superiority", which refers to authenticity being prioritised over other socially acceptable profits from counterfeit, such as convenience and affordability. In other words, anti-counterfeiting discourse needs to prove that authenticity is worth the opportunity cost of pursuing it. At its most successful, anti-counterfeiting discourse that emerges as superior establishes a norm for producers, consumers, and the Chinese state, so that even if counterfeit continues to plague Chinese markets, the mere presence of discourse communicates that authenticity is a defensible and worthwhile ideal. Thus, authenticity is not discarded in exchange for the unbridled profits from counterfeit. When anti-counterfeiting discourse fails to prevail and its tension against counterfeit slackens, counterfeit appears unchallenged, thus the trust in China declines and China becomes alienated from the culture of authenticity.

I will begin with two anti-counterfeiting figures, Craig Crosby, an American consumer advocate who runs an online database of counterfeit goods, and Wang Hai, a famous consumer-rights hero in the post-reform era. Both attempted to invigorate the discourse with counterfeit but ultimately failed to gain cultural superiority. They pursued a strategy of mobilising contemporary consumers to be their own advocates, but Crosby and Wang highlight how consumers – both American and Chinese – hurt by Chinese counterfeit encounter difficulty

in providing evidence, which sabotages the effectiveness of their anti-counterfeiting discourse. Consumers should not be made to bear the burden of defending authenticity because they are also victims of the opportunity cost of anti-counterfeit. They are ill-resourced to lead meaningful resistance in the discourse for China to gain the culture of authenticity.

The failure of contemporary anti-counterfeiting discourse sets up the comparison to the Qing dynasty. The history of counterfeiting is geographical, and often overlaps with a history of treaty ports in imperial China. Therefore, the coastal regions of Qing China are fertile ground to contest for the culture of authenticity. I will work backwards in time to explore how silk merchants in Qing China tried to fight against counterfeit through developing artefacts of authenticity. Although the artefacts themselves were also vulnerable to imitation, it was produced and defended by the merchants themselves. The gravity of anti-counterfeiting discourse was centered upon the direct producers of authenticity who had the greatest incentive to defend it and were better resourced to advocate for authenticity's cultural superiority. In spite of bad actors and the presence of counterfeit, Qing's silk industry was still perceived as lucrative and authentic. This chapter will conclude by demonstrating how the competition between anti-counterfeiting and counterfeiting discourse is a mechanism that most satisfactorily explains changes in China's relationship with authenticity. China's reputation for counterfeit changes because competition is dynamic, neither unidirectional nor deterministic. Therefore, this discourse mechanism allows for a more accurate and flexible explanation of the ebbs and flows in China's relationship with the culture of authenticity.

Dissecting American Anti-counterfeiting Discourse

If China is the world's greatest counterfeit factory, there must be a huge population of consumers who were victimised, so it might seem natural that the consumers who stand to suffer

the greatest injury should be the main anti-counterfeiters. The American discourse on counterfeit is important to consider because firstly, the US is the largest Chinese counterfeit destination and naturally would have more consumer victims who want to participate in anti-counterfeiting discourse, and secondly, it provides an international assessment of China's reputation for counterfeit. Most American resistance to Chinese counterfeit is consumer-led, and this is most obvious in the case of Craig Crosby. Crosby is a "consumer advocate and industry watchdog [who] tracks, reports, and does everything in [his] power to get counterfeits off the market in the U.S.", recognised for, only rhetorically of course, out-doing Trump in fighting against Chinese counterfeit.[2] A decade ago, Crosby received packages of counterfeit Duracell batteries, and upon finding them to be of lower quality and unsafe to use, he was inspired to launch a vocal crusade against counterfeit.[3] Crosby is especially hostile towards online marketplaces like Amazon since he found their commitment to protect authenticity "pure lip service".[4] He is currently engaged in a class action lawsuit against Amazon over the sale of counterfeit lithium-ion battery cells and the violation of safety characteristics.[5] Crosby is a consumer who took anti-counterfeiting into his own hands after suffering the injuries from Chinese counterfeit.

Crosby channeled his frustration with counterfeit into The Counterfeit Report, which is an online database for consumers to report and verify products they purchased. It relies on crowdsourcing to provide public knowledge about counterfeit goods. Importantly, Crosby claims that "if it's manufactured, it's probably counterfeited, and will likely fool you", and reported that

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[2] Wade Shepard, "Meet The Man Fighting America's Trade War Against Chinese Counterfeits (It's Not Trump)," *Forbes*, 29 March 2018, https://www.forbes.com/sites/wadeshepard/2018/03/29/meet-the-man-fighting-americas-trade-war-against-chinese-counterfeits/.

[3] Garett Seivold, "The 'Real' Problem: Knockoffs Are Cheap but Exact a Heavy Price," *Loss Prevention Media* (blog), 12 May 2022, https://losspreventionmedia.com/the-real-problem-knockoffs-are-cheap-but-exact-a-heavy-price/.

[4] Ibid.

[5] Crosby v. Amazon.Com, Inc., 2:20-cv-8003. (C.D. Cal. 2020). https://thecounterfeitreport.com/uploads/media/pr_2020-09-02_crosby_v_amazon_complaint.pdf

over ninety percent of the counterfeited goods come from China.[6] While the claim is unsubstantiated, it helps to scope the target of his anti-counterfeiting to China. It also communicates his fundamental assumption that consumers are always at an information asymmetry with deceitful producers, which explains his choice of anti-counterfeiting strategy – an online database provides information to bridge that asymmetry. The Counterfeit Report also began in 2012, by which time ecommerce had already become a huge part of people's lifestyles, which is why Crosby's anti-counterfeiting modus operandi is also mostly online.

Crosby makes three value propositions for why authenticity should emerge culturally superior. Firstly, he implies that counterfeit erodes consumer trust and impinges upon consumer rights. Counterfeiting brand names is most harmful because it hurts consumers who rely on the artefacts of authenticity as quality assurance. Crosby is not interested in people who voluntarily consume counterfeit because it is their consumer privilege to participate in it. He is instead concerned with consumer rights that are violated by hijacking the symbols of trust. This is most clear from the Counterfeit Report's Frequently Asked Questions:[7]

> Most people know that a $50 Rolex or Coach handbag is a fake and will buy it anyway, regardless of quality, hoping it will impress someone. We can't help them. But many counterfeit products are designed to deceive consumers into buying what they believe is the actual authentic product at a discount or "good deal." The product is often of poor quality, unsafe or will not perform like the authentic product.

However, embedded within this bid for cultural superiority is the exclusion of the some American consumers who willingly purchase Chinese counterfeit, which will prove to be a fatal error for the strength of the anti-counterfeiting resistance. Instead of discriminating against the types of consumer products that were counterfeited – a fake Rolex and fake Duracell batteries

[6] The Counterfeit Report, "About Us," The Counterfeit Report, accessed 10 October 2024, https://thecounterfeitreport.com/about_us.php.
[7] The Counterfeit Report, "Frequently Asked Questions," The Counterfeit Report, accessed 20 January 2025, https://thecounterfeitreport.com/faq.php.

are purchased for very different reasons – Crosby excludes consumers who support one type of counterfeit from all anti-counterfeiting discourse. Claiming "we can't help them" creates an us against them narrative of anti-counterfeiting that is divisive and weakens the discourse.

Secondly, Crosby makes an interesting bid for public outrage by emphasising the criminality of counterfeit. He suggests that "terrorists and organized crime profit from the illegal activity" and pose a security threat.[8] This narrative is fueled by stories from the likes of Cherif Kouachi, one of the shooters in the Charlie Hebdo shooting in 2015. According to the U.S. Homeland Security's National Intellectual Property Rights Coordination Center, his arsenal was funded by the "sale of counterfeit luxury goods on the streets of Paris".[9] Counterfeiting is portrayed as "a crime that pays", with reduced risks and less punitive penalties.[10] Crosby suggests that anti-counterfeiting is not merely a matter of consumption, but also an act of civic responsibility for consumers to play a part in resisting crime.

Lastly, Crosby's anticounterfeiting rhetoric is heavily steeped in economic nationalism. He argues that most counterfeit is inherently Chinese, and makes the unsubstantiated claim that "a 2007 MIT study reports that 15 and 20 percent of all products produced in China are counterfeit".[11] No sources were cited for this statement, but it borrows from the endorsement of academic authority to rouse hostility towards the ubiquity of Chinese counterfeit. There are also normative judgements baked into The Counterfeit Report; compare "Alibaba's absurd Anti-counterfeiting Policy" to "Amazon's Anti-counterfeiting Policy" and "eBay's Anti-counterfeiting Policy", where the language indicates an exceptionalism to Chinese sources

[8] The Counterfeit Report, "About Us".
[9] Steve Dool, "Drugs, Guns, and Fake Kicks: Inside the Counterfeit Economy," *Complex* (blog), 16 December 2021, https://www.complex.com/style/a/steve-dool/counterfeit-fashion-industry.
[10] Nathalie Goulet, "Counterfeiting: An ABC of Terrorist Funding," Global Terrorism Index 2023 (Institute for Economics and Peace, 19 September 2023), 78, https://www.visionofhumanity.org/counterfeiting-an-abc-of-terrorist-financing/.
[11] The Counterfeit Report, "About Us".

of counterfeit. Crosby's brand of anti-counterfeiting draws upon the American consumers' fear of the China threat; boycotting Chinese goods is seen as "targeting China itself" because the country-of-origin of counterfeit goods is conflated with the nation.[12]

Theoretically, these arguments should make for a powerful anti-counterfeiting force that pressures China towards authenticity. However, Crosby's anti-counterfeiting fails to gain cultural superiority on two levels: China's culture of authenticity is not improved by his policing, and China's reputation for counterfeit does not deter American consumers from the affordable prices. The discourse does not challenge counterfeit because its final bid for consumers to shoulder the opportunity cost of authenticity is misplaced, rendering it impotent. "The ultimate responsibility lies with the consumer" is a predominant sentiment shared by anti-counterfeiters like Crosby.[13] This is exemplified in his modus operandi – The Counterfeit Report is free for anyone to search and check against their potential purchases, but the reports were not made by the companies or law enforcement, and instead were filed by registered volunteers with the Counterfeit Product Alert of The Counterfeit Report. However, the ideal of information empowering consumers falls short in the face of the reality of consumer's powers. I have scraped and cleaned one hundred and twelve reports from all the reports of counterfeit available on the website, and there are three trends and key characteristics of Crosby's anti-counterfeiting campaign that explains the lack of success in the discourse on authenticity's cultural superiority.

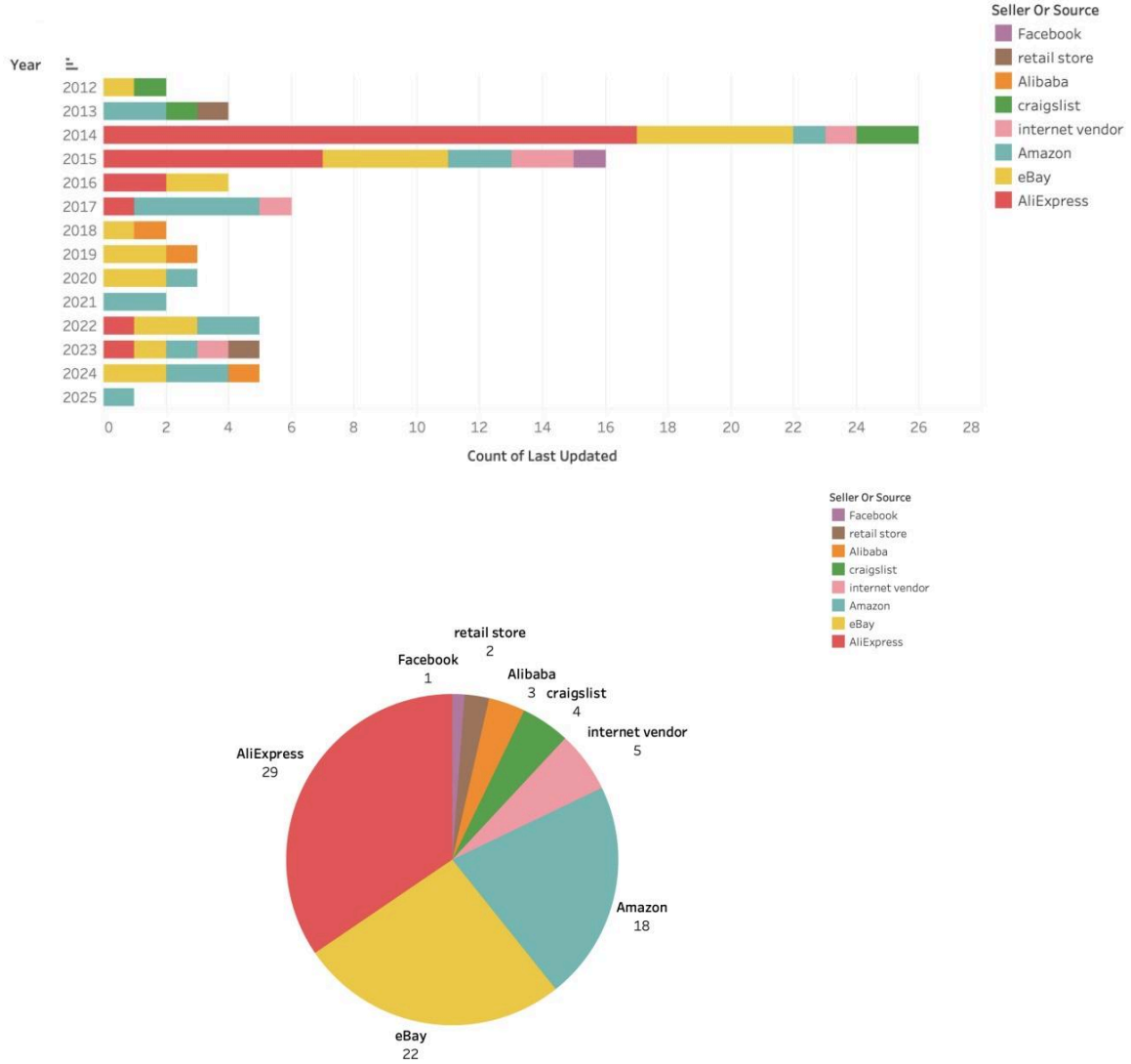
Fig. 14 shows the number of counterfeit reports on ecommerce platforms every year. These were reported by The Counterfeit Report's members, and of the one hundred and twelve reports, eighty four reported that counterfeit was found online. Chinese drop-shipping sites like AliExpress contributed to the greatest number of reports, although the most consistent

[12] Elizabeth O'Brien Ingleson, *Made in China: When US-China Interests Converged to Transform Global Trade* (Harvard University Press, 2024), 266, https://doi.org/10.4159/9780674296800.
[13] Dool, "Drugs, Guns, and Fake Kicks".

ecommerce sites for counterfeit are Amazon and eBay across all years. In fact, Amazon so consistently platforms Chinese counterfeit that it has its own euphemistic lingo to obscure its Chinese origins: Amazonglish, an awkward barely intelligible language that is optimised for high searchability. Brand names like Zonkim, Biacolum, and NYZNIA, are but a fraction of the Chinese-owned counterfeit retailers that make up nearly half of Amazon's top sellers.[14]

Fig. 14: (Top) Counterfeit reports by year, 2012 - 2025

(Bottom) Counterfeit reports by ecommerce platforms, 2012 - 2025



[14] Peter Hessler, "Manufacturing Diplomacy," *The New Yorker*, 15 March 2021, https://www.proquest.com/docview/2503433621/fulltext/7D6D0BED24BC43BCPQ/5?accountid=11311&sourcetype=Magazines.

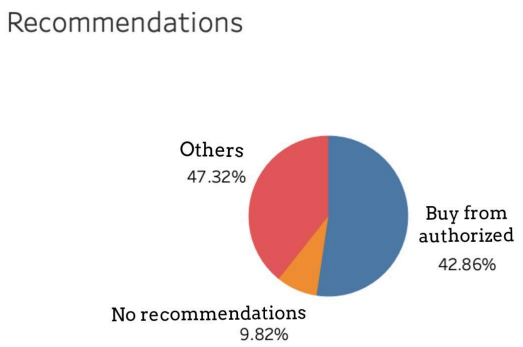
The counterfeit reports from ecommerce platforms suggests that Crosby's anti-counterfeiting narrative cannot gain cultural dominance because there are people actively seeking counterfeit out. Chinese counterfeit goods are concentrated on certain ecommerce platforms, with the sole intention of catering to consumers who prioritise affordability over authenticity. The Counterfeit Report data might appear to suggest that these Chinese dropshipping sites have faded from popularity after 2020, but this is a false conclusion that results from overlooking newer and more popular platforms. In 2024, sixty percent of survey respondents admitted to shopping from Chinese online retailers like Temu and Shein – both platforms that do not appear on The Counterfeit Report – despite the fact that many consumers do not trust these platforms and are aware that they might sell counterfeit.[15] This means that consumer rights is not a convincing cultural narrative for consumers because the benefits of counterfeit are difficult to ignore. After the CARES Act stimulus payment from the Trump Administration, Li Dewei the owner of Kimzon, a fake shoes retailer based in Chengdu that retailed on Amazon, noticed that "after the American government started issuing the money, the next day we saw an increase in sales…my thinking is that Americans don't save much…whenever they have money, they'll spend it."[16] Consumer trust, criminal complicity, and economic nationalism, all require conscientious consumption, which is a burden for consumers in the face of the immediate benefits of affordability.

Fig. 15 shows the recommendations that the genuine companies gave to these consumers who reported counterfeit. Most companies advise consumers to simply buy from authorised retailers, while a small minority of ten percent of companies did not respond with solutions. The

[15] "Temu, Shein And Aliexpress Are Attracting Us Customers In Their Millions, Poll Shows — And That's Despite The Fact The Vast Majority Do Not Trust These Online Chinese Retailers In The First Place," TechRadar. Accessed 23 January 2025, https://www.techradar.com/pro/temu-shein-and-aliexpress-are-attracting-us-customers-in-their-millions-poll-shows-and-thats-despite-the-fact-that-the-vast-majority-do-not-trust-these-online-chinese-retailers-in-the-first-place.
[16] Hessler, "Manufacturing Diplomacy".

others adopted a range of warnings like informing consumers of the hazards of using fake goods, or a call-to-action for consumers to proactively report counterfeit. These recommendations place the responsibility for distinguishing counterfeit on the consumers, not the companies themselves. This focus on preventing consumers from being tricked by counterfeit not only is ineffectual, it also makes it difficult for consumers to seek any redress for damages done by the purchase. As such, anti-counterfeiting is even less likely to become a successful social force.

Fig. 15: Recommended actions from the company that has their product counterfeited



Finally, Fig. 16 shows the location of the headquarters of all the companies whose products had counterfeit reports, with three exclusions I made for companies based in the UK. The map highlights hotspots for businesses targeted by counterfeit. When comparing this map to an assessment of legal sanctions against counterfeiting for brand-owners in Fig. 17, it seems clear that businesses have fairly good legal protection over their products and trademarks, especially where the companies most frequently targeted by counterfeit are based in.

Fig. 16: Location of companies whose products were counterfeited

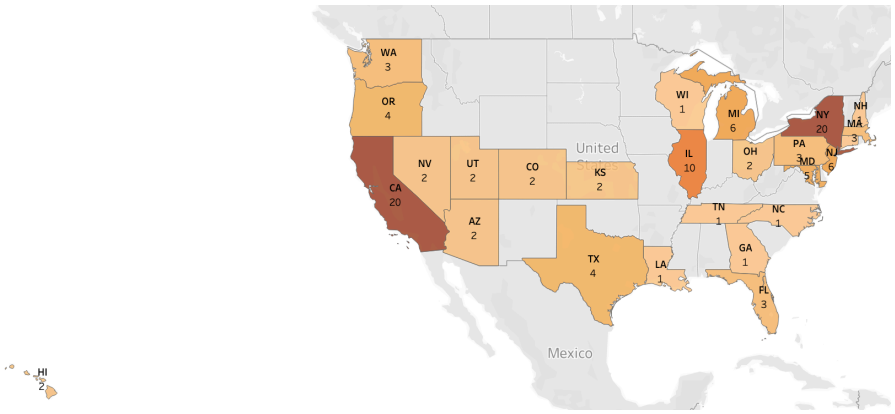
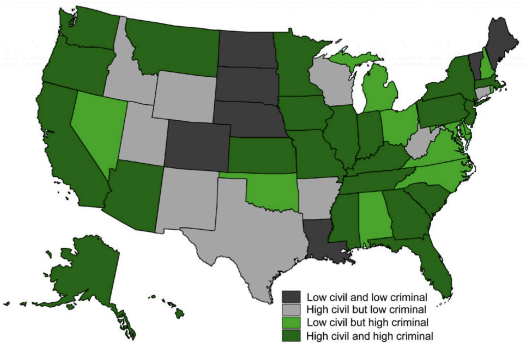


Fig. 17: Civil Remedies and Criminal Sanctions Against Counterfeiting of Product and Trademarks (for businesses)[17]



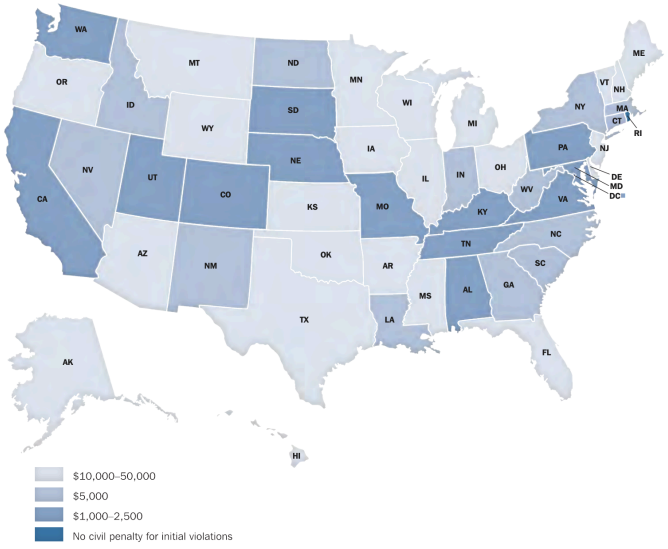
However, when comparing the business' legal protection against consumer protection, it is clear that consumers are less empowered to enforce their rights. The Federal Trade Commission is the main organisation in the US to protect consumer rights, and the Bureau of Consumer Protection specifically investigates consumer complaints.[18] However, the federal level protection is often insufficient because no state agency has a mandate to enforce these rules, and

[17] Jeremy M. Wilson et al., "U.S. Product Counterfeiting Legislation: A Look At The Variation In State Laws Governing Trademark Counterfeiting – The Brand Protection Professional," accessed 23 January 2025, https://bpp.msu.edu/magazine/us-product-counterfeiting-legislation-a-look-at-the-variation-in-state-laws-march2017/.

[18] "Consumer Protection Laws: 50-State Survey," Justia, 4 October 2023, https://www.justia.com/consumer/consumer-protection-laws-50-state-survey/.

the exorbitant attorney fees were borne by consumers.[19] The Unfair, Deceptive and Abusive Practices (UDAP) Laws is a state level mechanism intended to rectify these insufficiencies that enables a consumer to sue for compensation.[20] However, even with the UDAP, state to state deviation is significant. Fig. 18 highlights how the strength of civil penalties seem to be much lower, with many of the states that were highlighted in Fig. 16 having the weakest civil penalties that are enforceable by consumers. The following Fig. 19 also shows how there are major gaps in enforcement, and a lack of enhanced damages granted in many states. Enhanced damages allows consumers "to seek two or three times their actual damages… an incentive [for consumers] to enforce the law and for businesses to comply with it".[21] This means that either the consumer's ability to be their own anti-counterfeiting advocate is obstructed by the onerous legal structures, or the incentives for pursuing the anti-counterfeit case does not justify the inconvenience of seeking legal redress.

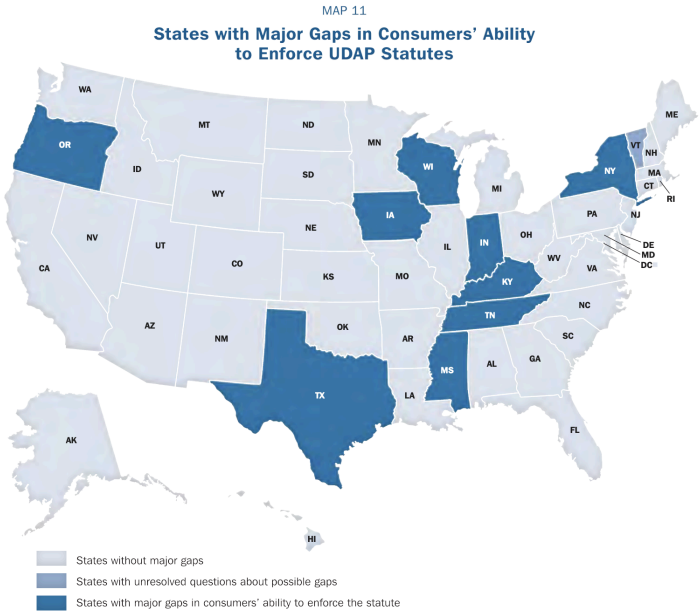
Fig. 18: Strength of States' Civil Penalties (for consumers)[22]

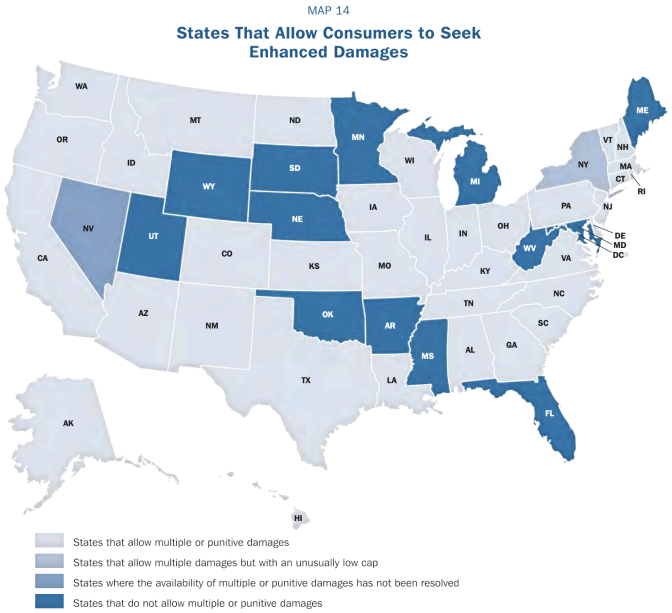


[19] Carolyn Carter, "Consumer Protection in the States: A 50-State Evaluation of Unfair and Deceptive Practices Laws" (NCLC, 1 March 2018), 10, https://www.nclc.org/resources/how-well-do-states-protect-consumers/.
[20] Ibid.
[21] Ibid., 42.
[22] Carolyn Carter, "Maps: How Well Do States Protect Consumers?" NCLC, 10, accessed 22 January 2025, https://www.nclc.org/resources/maps-how-well-do-states-protect-consumers/.

Fig. 19: (Top) States with Major Gaps in Consumer's Ability to Enforce UDAP Statutes

(Bottom) States That Allow Consumers to Seek Enhanced Damages[23]





The comparison of The Counterfeit Report with UDAP data highlights how the fundamental stakeholder that Crosby identifies – the consumers – are ill-equipped to pursue a

[23] Ibid., 11, 14.

difficult and legally disadvantaged battle for anti-counterfeiting. Simply having access to information does not make anti-counterfeiting narratives more socially appealing. Opportunistic counterfeiters and consumers who deliberately purchase counterfeit have no incentive to increase the tension of the anti-counterfeiting discourse.

The US consumers think of China as the world's counterfeit factory, but this stigma is unproductive for constructing China's culture of authenticity. Crosby provides the perspective of American anti-counterfeiting narratives and it is a familiar echo of international remonstration against Chinese counterfeit. However, discourse must credibly challenge counterfeit and not simply increase its vitriol, because authenticity's cultural superiority is not self-evident and should not be taken for granted. Ultimately, a consumer-driven anti-counterfeiting discourse is insufficient to change China's relationship with authenticity.

Wang Hai The Anti-counterfeiting Hero

Chinese consumers are also the victims of Chinese counterfeit, and it would be natural for a domestic anti-counterfeiting movement to challenge the counterfeit industry. Wang Hai was twenty two when he became a professional Chinese anti-counterfeiter. In 1995, Wang Hai accompanied his cousin, who had wanted to enroll in music school, to Beijing. In his free time, he browsed bookstores, and stumbled upon a legal book that introduced the new legislation to protect consumer rights. The 49th Provision of the New Consumer Rights Protection Law passed in 1993 had increased the punitive cost for dishonest merchants, and compensation to consumers increased from one hundred percent to two hundred percent of the sale price.[24] This entitled consumers to seek enhanced damage compensation and punish dishonest merchants. He initially dismissed the law as unenforceable, until he watched a television show "Economics and Society

[24] Shen Zhimin 申志民, "'Da Jia Di Yi Ren' Wang Hai de Er Shi Nian "打假第一人"王海的20年' [The two decades of 'number one anti-counterfeiter' Wang Hai], *INSIGHT CHINA*, 2015, 50.

in Eighteen Minutes" and saw a successful settlement case of two fake crocodile wallets.[25] To test the law himself, in March 1995 Wang bought two pairs of Sony earphones in Beijing, which were "too rough" and the packaging "too ugly". He went to the Technology Inspection Bureau to confirm his suspicions that it was counterfeit.[26] He bought ten more pairs, before pressing charges against the merchants for twice the compensation. His first income from anti-counterfeiting work came in a year after arduous legal battles.[27]

Fig. 20: Photograph of Wang Hai's meeting with President Clinton in 1998[28]

Wang's reputation as an anti-counterfeiting hero only grew after his initial lawsuit for the Sony headphones He grew to folk hero status because he was the first to enforce the new consumer law and turned a profit. His innovative business model even won the first Anti-Counterfeiting Prize in China worth 5000 yuan.[29] In 1996, he became a prominent hero in

[25] Wang Hai 王海, *Wang hai zi xu -- wo shi 'diao min'* 王海自述 -- 我是"刁民" [Wang Hai confessions: I am a scoundrel] (作家出版社, 1997), 10.
[26] Elisabeth Rosenthal, "Finding Fakes in China, and Fame and Fortune Too," *The New York Times*, 7 June 1998, https://www.nytimes.com/1998/06/07/world/finding-fakes-in-china-and-fame-and-fortune-too.html.
[27] Sun Weili 孙伟丽, *"'Wei Quan Shi Mei Ge Gong Min De Ze Ren He Yi Wu' – 'da Jia Ren' Wang Hai"*《维权是每个公民的责任和义务——"打假人"王海》['Protecting your rights is every citizen's responsibility and duty' – 'anti-counterfeiting hero' Wang Hai], 新华社, June 9, 2012.
[28] Zhang Ao 张奥, and Zhu Hongjun朱宏钧, *"Wang Hai: Da Jia Shi Qi Nian Jian Chi Shi Yi Zhong Xin Shou"*《王海:打假17年坚持是一种信守》[Wang Hai: The core belief that enabled persistent anti-counterfeiting for 17 years], 中国广播网, August 15, 2012.
[29] Wang, *Wang hai zi xu -- wo shi 'diao min'*, 55.

China's newspapers, and was a celebrity guest that starred in CCTV's television series "Real Talk" (《实话实说》).[30] He was named the model consumer for Consumer Rights Day on March 15, and in 1998 named one of CCTV's twenty most important persons in China's reform era.[31] In the decades since, he had pressed charges against counterfeiters in over two thousand cases.[32] Perhaps most memorably, when President Clinton visited Shanghai in 1998 for a conference, he shook hands with Wang and called him "Chinese consumer's advocate" and applauded his work (see Fig. 20).[33] Wang became a professional anti-counterfeiter who monetised the process of suing business for legal compensation.

Wang Hai did more than simply profit off of his actions – he started an important social discourse within China about the value of authenticity. In addition, he challenged legislators trying to regulate the new Chinese economy by highlighting legal loopholes.[34] His professional reputation even inspired performance artists like Zhao Bandi to create an alter ego, the Panda Man, who championed consumer rights by kidnapping the "brand of the Chinese nation" as "crime and a marketing strategy" to help convey his point (see Fig. 21).[35] The Panda Man hijacks the panda as a symbol of China to re-enact social commentaries. His act of "open appropriation of an authorised trademark for an artist's self-promotion" is akin to counterfeit, highlighting how deeply he was inspired by the conversation around Wang as an anti-counterfeiting force. Wang had become an anti-counterfeiting hero amongst the Chinese public because he was opportunistic

[30] Wang Ze 王泽, and Chen Qian 陈谦, '*Hou Xin Wen Ye Shi Dai de Da Jia Shi Pin Yu Xin Wen Jia Zhi de Xin Wei Du -- Cong Wang Hai Dao "superBtai"* "后新闻业时代"的打假视频与新闻价值的新维度 —— 从王海到"superB太"' [The value of anti-counterfeiting videos and news in an era post-journalism – from Wang Hai to "superBtai"], 传媒论坛, no. 24 (2023): 29.
[31] Winnie Won Yin Wong, "The Panda Man and the Anti-Counterfeiting Hero: Art, Activism and Appropriation in Contemporary China," *Journal of Visual Culture* 11, no. 1 (1 April 2012): 20–37, https://doi.org/10.1177/1470412911430463.
[32] Zhang Jinghua 张景华, *"Wang hai: "wei quan" lu shang de zhi yuan zhe"*《王海:"维权"路上的志愿者》[Wang Hai: a voluntary advocate on the path of consumer rights protection], 光明日报 August 26, 2012.
[33] Zhang and Zhu, *"Wang Hai: Da Jia Shi Qi Nian Jian Chi Shi Yi Zhong Xin Shou"*.
[34] Wang and Chen, "*Hou Xin Wen Ye Shi Dai de Da Jia Shi Pin Yu Xin Wen Jia Zhi de Xin Wei Du*," 30.
[35] Wong, "The Panda Man and the Anti-Counterfeiting Hero".

about how to address the social problems of the growing counterfeit problem. However, despite achieving folk hero status, why did Wang Hai not succeed in meaningfully changing China's relationship with counterfeit, decades after he first started the crusade against it? The perception of China cannot simply rely upon individual consumers to make a difference. Structural mechanisms diminish the potential for anti-counterfeiting to gain cultural dominance.

Fig. 21: Zhao Bandi as Panda Man[36]

Individual consumers in China cannot effectively challenge counterfeit because a conflict of personal profit diminishes the strength of their anti-counterfeiting actions. Wang Hai's media legacy is vastly varied, and Tables 1 and 2 (see Appendix A) highlight examples of some positive and negative newspaper headlines and their key assessments of Wang. The negative headlines questioned his motives, suggesting that he was not a consumer rights activist but an opportunist who viewed anti-counterfeiting as a money-making scheme. Some also criticised the ineffectualness of his individual actions, and even suggested that he had incentives to preserve counterfeiting within Chinese markets since his business model thrives on more counterfeit.

[36] Ibid.

Wang seemed to never fade from the view of the Chinese public discourse, but he never really emerged culturally successful either, because of the mixed reviews of his intentions and efficacy.

The conflict of personal interests of individual anti-counterfeiting is most evident amongst the group of copycat anti-counterfeiters inspired by Wang Hai. There were many "imitation Wang Hai's" who saw the popularity and money-making potential of following in his footsteps.[37] Some of these imitators were well-intentioned, but others were a detriment to the culture of authenticity by being entirely motivated by profits, or by accusing fellow anti-counterfeiters of unfair competition and of using anti-counterfeiting to legitimise smear campaigns. Wang himself was a target of such accusations – in 2000, the Jincheng Electronic Wire and Cable Manufacturing Company accused Wang of using his anti-counterfeiting to attack them in service of their competitors.[38] These allegations were false, but it highlighted the complexity of a consumer-centric anti-counterfeiting legacy.

It is valuable to examine how Wang crafts his own anti-counterfeit narrative as a bid for cultural superiority, independent of these external debates. Compared to Crosby, Wang's fame from anti-counterfeiting had turned his actions into a business with a reputation that he had to curate. At the height of his popularity in the late 1990s, he wrote open letters to consumers on "China's Youth Newspaper" (《中国青年报》).[39] He published a manifesto titled "Wang Hai Theory" to discuss his reflections on the principles of anti-counterfeiting.[40] He even published his own memoir titled "I Am A Scoundrel" (我是刁民), documenting his experiences in the first five years of his success. In the memoir, he quotes transcripts from his interviews with "Real Talk", hoping to clear up a misunderstanding. He suggests that his behaviour is not

[37] Rosenthal, "Finding Fakes in China, and Fame and Fortune Too".
[38] Wong, "The Panda Man and the Anti-Counterfeiting Hero".
[39] Wang, *Wang hai zi xu -- wo shi 'diao min'*, 125.
[40] Ibid., 282.

profit-seeking but for the greater good of society, because if he were truly profit-minded, he would have earned a lot more money by being a counterfeiter.[41] His memoir also toggles between his own account and inputs from his editors, Liu Yuan and Yu Jin, whose excerpts help contextualise Wang's autobiography in relation to accounts of people he had inspired. In one of these examples, Wang Hai inspired He Shan, a fifty year old man who fought fake Xu Beihong chinese paintings in 1996.[42] This device of social parallels in his memoir suggests that Wang's behaviour transcended financial motivations and had created meaningful social discourse. For a moment in time, it seems that Wang might have normalised the value of defending authenticity against counterfeit. Wang's attempts to formalise his own narrative – through the writing of manifestos and the impression of objectivity that comes from cross-referencing his interview transcripts and others' testimonies – tries to elevate his legacy of anti-counterfeiting into something aspirational. China had the potential to move past its reputation for counterfeit if his celebrity status could take root in the social consciousness and promote the importance of fighting counterfeit.

However, in spite of Wang and his editor's best efforts, the narrative of anti-counterfeiting as culturally superior did not gain dominance because it alienated Chinese merchants. Wang's brand of anti-counterfeiting struggled to show China's commitment to the culture of authenticity because his fundamental strategy profits off of punishing businesses, and this opposition counterproductively portrays merchants as antagonists to authenticity. It no longer is a discourse between counterfeiting and anti-counterfeiting, but consumers against producers. An interesting imagery that arose out of his memoir is the characterisation of Wang as a wolf. In Chapter twelve, the editors described the Chinese consumers before Wang Hai's

[41] Ibid., 119.
[42] Ibid., 162.

prominence as "silent and meek lamb".[43] In fact, Guangzhou, one of the major export cities in Southern China known for producing counterfeit, is also known as the City of Lamb because of their founding myth. When Wang Hai visited Guangzhou to expand his business model from Beijing, he discovered that a month prior to his arrival, the business world had already sounded the alarm, crying "here comes the wolf!"[44] Clearly, despite the deliberate efforts to create a good image in the spaces for discourse, Wang Hai's anti-counterfeiting fell short of gaining social success because his defence of consumer rights hurts business owners. For example, the Beijing representative for Baleno, one of the brands Wang busted counterfeiters for, had originally supported Wang, highlighting the alignment of incentives between businesses and consumers against counterfeit. However, Wang's sting operations backfired and pushed the genuine Baleno out of China – the company thought that since Chinese consumers were not educated enough to differentiate between genuine and fake Baleno, there was no need to do business in China.[45] This wolf imagery suggests that Wang Hai is the Big Bad Wolf, or as the memoir title suggests, the scoundrel of society. His anti-counterfeiting hurt the merchants, legislators, businessmen, and manufacturers.

Another reason for the failure of Wang Hai-style anti-counterfeiting to gain cultural dominance is because it was difficult for consumers to prove counterfeit without a proof of authenticity. In Wang Hai's very first case with the Sony headphones, he recounts how government offices dismissed him and told him he would have to wait for half a year, and the Sony representative who spoke to him, Ms Lee, denied him written proof that the company recognised that his purchases were counterfeit, on the account that it was too much trouble to

[43] Ibid., 133.
[44] Ibid., 71.
[45] Ibid., 38.

provide proof to every individual consumer.[46] In his complaint to the "Chinese Consumer Newspaper" (《中国消费者报》), he requested an additional five hundred eighty yuan to cover the cost of obtaining the hard earned proof of counterfeit.[47] Anti-counterfeiting is much more difficult when the onus of proof is on the consumer. Wang needed an artefact of authenticity that could prove that the consumer's trust was being betrayed, and the mere knowledge of a fake is insufficient to create change. In Wang's own magazine column, he shared information to his readers on how to differentiate counterfeit from genuine products. His reply to the reader Mr Lee's concerns about buying flat screen coloured TV noted that according to Chinese commodity inspection laws, all genuine products require the instruction manual, packaging containing the product name, specifications, model, and production location, to be stated in Chinese.[48] In another, he advises consumers to look out for product labels where cosmetic retailers are legally obligated to declare the name, producer, address, ingredient list, date of manufacture, license number, safety disclaimer, and storage conditions, written in Chinese.[49] All this relies heavily on the consumer to be brand savvy, but it does not help them produce proof that their trust has been betrayed. In addition, this knowledge becomes obsolete quickly as counterfeiters try to out-trick the consumers. The consumers will inevitably always be reactive and be outpaced in the competition to stay up-to-date on the details of authenticity.

Both Crosby and Wang highlight how the discourse mechanism fails and China's reputation for counterfeit becomes more prominent. Consumers are ill-equipped to advocate for anti-counterfeiting because the opportunity cost for defending authenticity is compounded by the

[46] Ibid., 13.
[47] Ibid., 16.
[48] Wang Hai 王海 , *"Wang Hai Zhong Gao: Zen Yang Xuan Gou Da Ping Mu Cai Se Dian"* 王海忠告:怎样选购大屏幕彩电' [Wang Hai advice: how to pick genuine flat-screen colour television], 购物箴言, no. 8 (2000): 16.
[49] Wang Hai 王海 , *"Wang Hai Zhong Gao: Gen Zong Lian Zai 23 -- Ru He Jian Bie Jia Mao Wei Lie Hua Zhuang Pin"* 王海忠告: 跟踪连载(23)— 如何鉴别假冒伪劣化妆品 [Wang Hai advice: part 23 of the tracking series – how to differentiate fake cosmetics], 购物箴言, no. 8 (2000): 16.

heavy onus to provide evidence. In addition, Crosby and Wang's anti-counterfeiting strategy weakened the power of discourse because it alienated stakeholders by assuming a moral high ground of some consumers over those who purchase counterfeit. By pitting consumers against "predatory" producers, the potential anti-counterfeiting coalition is weakened. Counterproductively, they have empowered the counterfeiters who seek gains from counterfeit and shown the disincentives of advocating for anti-counterfeiting. However, anti-counterfeiting is not doomed to failure. History needs to be revisited to see how artefacts of authenticity succeeded in the coastal regions of Qing China where contemporary anti-counterfeiting efforts have failed. In his memoir, Wang Hai notes that only factories in Guangdong, Fujian, and other Southern coastal economic zones had the ability to create convincing counterfeit; cities that historically have never been connected to foreign trade, like his hometown in Qingdao, do not have the capacity to counterfeit.[50] One of Wang's popular anti-counterfeiting targets in 1997 is the *Shuihuo* (水货), meaning water stock, that flooded the counterfeit market. *Shuihuo*, are goods that have not been manufactured by a licensed authority and escaped taxation, thus they sell for much cheaper and for less quality. This emphasis on water is testament to the origins of these products that entered the domestic market via coastal cities. The history of counterfeiting is geographical, and overlaps with the regions most affected by foreign trade in imperial China. This chapter will move back in time to examine how anti-counterfeiting that was centered upon Qing silk merchants succeeded in gaining cultural superiority.

The Linchpin of Trust

The silk industry in Qing China is one of the key industries that attracted foreign exporters. The British remained the dominant trading partner with the Qing, up until 1849, when the British representative in Shanghai warned in his report that America rivalled British trade and

[50] Wang, *Wang hai zi xu -- wo shi 'diao min'*, 377.

should be a competitor to watch out for. American interest in Chinese silk only increased with the American textile industry's growth after the civil war. From 1850 to 1854, America imported an average of USD$358,000 worth of silk every year, and this increased to USD$1,021,496 in 1860.[51] In 1860, US trade with China was sixty eight percent tea trade and three percent silk. In 1880, this became forty four percent and thirty one percent respectively. By the end of the Qing dynasty in 1911, it was eight percent and forty percent. Evidently, the silk trade was vital, and there needed to be trust to foster this long term relationship.[52]

Fig. 22: A Song needle manufacturer's white rabbit symbol[53]

Trade stamps have emerged as a means to authenticate the quality of products, and these artefacts of authenticity in the silk industry took the form of sheets of paper enclosed with the bales of sold silk, as seen at the start of this chapter. Trademarks first became prevalent as artefacts of authenticity in the Song dynasty, when counterfeit first proliferated in China. Fig. 22 is a chop used by a Song dynasty needle merchant that combined the rabbit symbol, the

[51] Wang Xiang 王翔 , *Wan Qing Si Chou Ye Shi* 晚清丝绸业史 [History of the silk trade in late-Qing] (上海人民出版社, 2017), 236.
[52] Ibid., 237.
[53] Andreas P. Zangger, "Chops and Trademarks: Asian Trading Ports and Textile Branding, 1840–1920," *Enterprise & Society* 15, no. 4 (December 2014): 759–790, 767, 774, https://doi.org/10.1093/es/khu050.
Copper printing plate for Ji'nan Liu Fine Needle Shop (Ji'nan Liu jia gongfu zhenpu 濟南劉家功夫針鋪), Song dynasty. 13.2 × 12.4 cm. From Zhongguo guojia bowuguan 中國國家博物館, Gudai Zhongguo chenlie 古代中國陳列 (Beijing: Zhongguo guojiabowuguan, 2010), 684–85.

manufacturer's name, and four character phrases that praised the quality of metal, thinness of needles and other strengths. It served as a visual representation of the merchant's reputation, as well as an easy advertisement for customers. Chops connected the producer's liability to the product in case of damages.[54] The merchant's name and reputation translates moral credit into monetary value.[55] European and American retailers practiced this in their trade cards, which acted like business cards for the illiterate masses.[56] However, in their trade with many colonies, these stamps were much more popular means of guaranteeing product quality.

The word "chop" itself highlights this international connectivity of trade. Its etymological origins are disputed. In Malay, seals were known as "cap" or "tjap", which then became translated as "chop." It may also have come from Hindi – "chhap" meaning stamp – or Chinese – "tsah" pronounced as "tsap" in Cantonese – which refers to a contract.[57] American traders noted that "designs and trademarks in the East have a value annually of many thousands of dollars from the repute in which they stand".[58] German merchants in Hong Kong also noted that the Chinese did business with certain chops, "which is viewed as a guarantee for consistent quality."[59] Instead of simply insuring against damages, these stamps have created credit.

These stamps also have a long history that predates its commercial use. Firstly, it was an important artefact of imperial power. The Qing state often struggled to keep pace and govern the Manchu empire's expansion. The spatial distance between the Qing court and the far reaches of the empire necessitated a development of symbols imbued with political legitimacy – the imperial seal. Historians such as Elizabeth Lawrence have argued that imperial seals became extensions of the emperor and the investiture of local officials through conferral of a seal helped

[54] Zangger, "Chops and Trademarks," 762.
[55] Ibid., 767.
[56] Ibid., 771–72.
[57] Ibid., 774.
[58] Ibid., 776.
[59] Ibid.

extend the imperial omnipresence. Seals became a symbol that authenticated institutional authority.[60] In a commercial context, the chop is a seal or stamp with the firm's Chinese name that validates all business transactions on the president's behalf, almost as a corollary to the imperial seals given to local Qing administrators to govern on behalf of the emperor.[61] This created a context where authenticity is inherently linked to state legitimacy. Therefore, counterfeiting affronted the emperor's political power, and that potential to hijack control lent some desirability to copy imperial products.

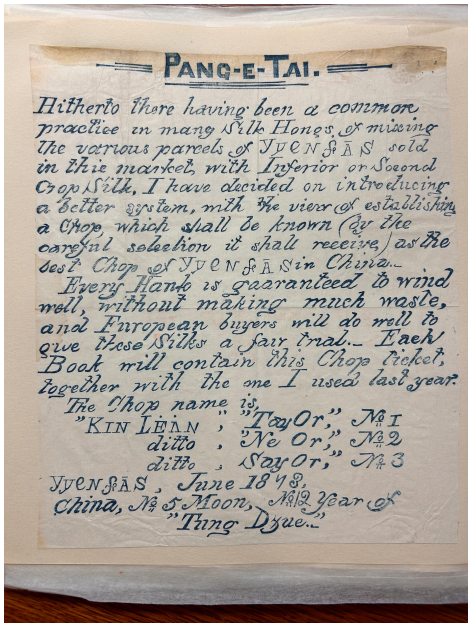
Secondly, seals were also used by the Chinese literati to communicate their cultural capital. "Seal carving simply had no counterpart" in Western art, which accounts for it being understudied.[62] Seals were not just proof of reputable businesses; when used amongst the literati, seals were often used to communicate possession on old chinese paintings. The seals not only serve as artist signatures the way western paintings use them to authenticate the art; they were used by collectors who leave their trace and commentaries on the artworks in their possession. In other words, the literati used seal stamps as "part of the picture's composition… not a paratext but [belonging] to the text itself".[63] For famous Chinese Painting masters like Dong Yuan, his oeuvre is flexible and can be expanded by the inclusion of forgeries that were stamped into legitimacy. This is only possible because the stamps provide legitimacy and acknowledgement that a well done imitation is as good as genuine work in a "construction site that is always filling up with new contents and new pictures".[64] The constructive space of seals created conditions where it was possible that the "counterfeit [did] not usurp the position of the real", and instead

[60] Elizabeth Han Clow Lawrence, "The Chinese Seal in the Making, 1904-1937" (Columbia University, 2014), 19, 24–25, https://doi.org/10.7916/D8GF0RQC.
[61] FS Tisdale, "The Ubiquitous: Comprador: A Far-Eastern Institution That the American Exporter Who Has an Eye on China Must Reckon With," *Nation's Business*, December 1916.
[62] Lawrence, "The Chinese Seal in the Making, 1904-1937," 4.
[63] Byung-Chul Han, *Shanzhai: Deconstruction in Chinese* (The MIT Press, 2017), 34, https://doi.org/10.7551/mitpress/11270.001.0001.
[64] Ibid., 13.

complemented its value.[65] Therefore, stamps are powerful proofs of authenticity, capable of contending with the potential gains of counterfeit.

Qing silk *hong* merchants used stamps as early as 1843, presumably after foreign merchants established contact in the treaty ports, in order to prevent the counterfeiting of their products and to signify their product desirability. Fig. 23 shows one of these chops, where the silk merchant claimed "I have decided on introducing a better system, with the view of establishing a chop, which shall be known (by the careful selection it shall receive) as the best chop". It is important to note that the majority of these stamps were written in English, highlighting that they were intended for foreign customers.

Fig. 23: Chop of *Pang E Tai Hong*[66]



However, there are some chops that used Chinese to stake a claim to quality, which means that silk merchants were cognisant of the Chinese speaking comprador's role in the silk industry. The chop in Fig. 24 from the Three Goats Silk *Hong* is obviously communicating to a

[65] Wai-yee Li, *The Promise and Peril of Things : Literature and Material Culture in Late Imperial China* (Columbia University Press, 2022), 209.
[66] Chinese chops, Box 1 and 2, HBL.

Chinese reader. Even though it makes similar claims as in Fig. 23 – [Translated] "the silk have been personally checked and selected" – language proficiency is required to appreciate the symbols. The imagery of three goats, together with the name of the silk *hong*, is a homophone Chinese pun that references a common phrase for well-wishes and prosperity and puns on the word for goat and sun. This requires a cultural background and language competency to appreciate.

Fig. 24: Three Goats Silk *Hong* Chop[67]

This linguistic acknowledgement of a comprador is vital to understanding the environment of trust in the silk industry. The silk export industry was structured in a way that required intermediaries because of the greater cultural and physical distance between the Qing merchants and the Western companies. This potentially explains why such a systemic body of artefacts of authenticity exist in the silk trade of all industries. The actual silk came from the steam filature silk merchants from inland cocoon harvesters, and the completed skeins went to silk *hongs*, which were distributive merchants that increasingly became concentrated in Shanghai

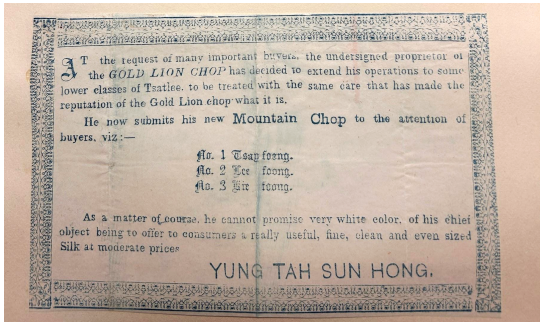
[67] Chinese chops, Box 1 and 2, HBL.

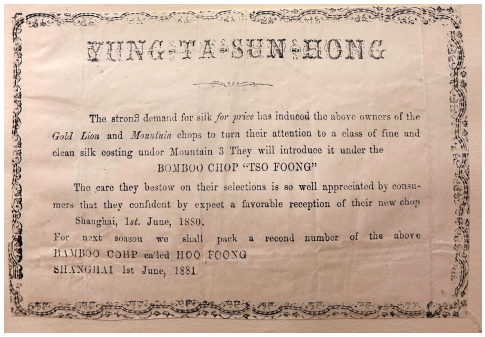
after the Opium War, responsible for the consolidation of silk for export.[68] There were a few dozen of these *hongs*, each with three to five administrators, and twenty to thirty workers. These Shanghai *hongs* were characterised by their vertical integration: their workers had their accommodations and food completely taken care of at these *hongs*, the *hongs* had their own storage units, and they were also fully responsible for handling expenses and transactions with both inland producers and foreign exporters.[69] They had a relatively stable relationship with all their producers, thus creating the basis for long-term trust and partnership with foreign exporters too.[70] The foreign merchant was twice removed from the silk farmers, once through the local silk *hongs* and a second through their compradors. Therefore, it was especially important that artefacts of authenticity bridged the gap in trust each time there was a transaction.

These stamps were authentication mechanisms which enabled long term partnerships. Fig. 25 shows how the *Yung Tah Sun Hong* created different brands of their silk to leverage off their most popular Gold Lion Chop silk. The Mountain Chop silk professed to offer "a really useful, fine, clean and even sized silk at moderate price", but the affordability did not diminish the perceived quality of the silk due to the trust built up by the reputable Gold Lion chops. The Bamboo Chop was introduced later as a more affordable option to meet the popular demands for the products from *Yung Tah Sun Hong*. The Gold Lion Chop silk had therefore created a business branding of trust that allowed them to sell its lesser quality silk by bandwagoning upon the assumptions of quality that these artefacts of authenticity had created.

[68] Shanghai International Testing House, *A Survey of the Silk Industry of Central China* (Shanghai times, 1925), 67–68.
[69] Wang, *Wan Qing Si Chou Ye Shi*, 210.
[70] Ibid., 211.

Fig. 25: *Yung Tah Sun Hong* brand of Mountain Chop (left) and Bamboo Chop (right)[71]



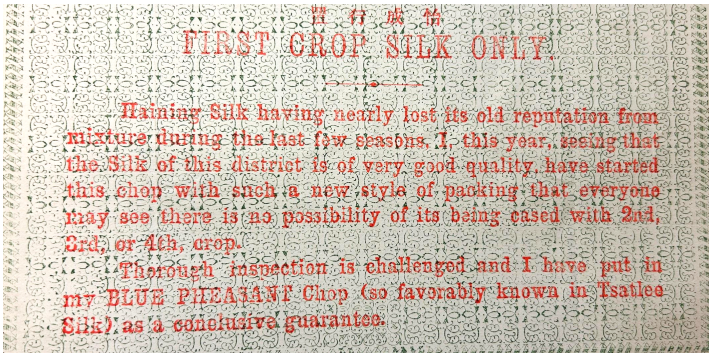


These authenticity stamps were a linchpin in the trade of trust of the silk industry. They created a culture of authenticity and demonstrated China's commitment to the quality of genuine products. The contest for trust that occurs in these silk stamps created a discourse that defends authenticity. Firstly, stamps and other artefacts of authenticity convey the moral credit of the merchant effectively. Secondly, it was necessary in an international trade with multiple layers of mediation. Lastly, it enabled long term partnership and desirability for the brand, which served as its own best advertisement. The benefits of the discourse not only highlight Chinese silk merchant's commitment to the culture of authenticity, but it also appears to diminish the opportunity cost of defending authenticity.

[71] Chinese chops, Box 1 and 2, HBL.

The Race to Cultural Success

Fig. 26: *Haining* Silk chop[72]



Despite serving as a guarantor of quality, these chops were imperfect systems of trust because they could be easily counterfeited. They were challenged by counterfeiters and were reactive and laggard in response. They did not specify an effective period with an established expiry date, which caused a proliferation of outdated chops to circulate and afforded opportunities for counterfeiters to exploit. Fig. 26. shows the chop of *Haining* silk, which claimed that the silk *hong* had "nearly lost its old reputation from mixture during the last few seasons", yet it was unclear what the last few seasons of misappropriated silk and chop looked like, and readers of *Haining*'s declaration would be none the wiser.

[72] Chinese chops, Box 1 and 2, HBL.

Fig. 27: Variations of *Kilin* Chop from *Tang Kwang Foong Hong*[73]

The chops were also confusing for the Western merchant because of similar imagery and names. Fig. 27 shows different variations of the *Kilin* Chop silk from *Tang Kwang Foong Hong*. Each chop is slightly different, and it is difficult to understand whether they were meant to replace one another, whether they were different categories of silk, or whether they were just convincing counterfeits of an original *Kilin* chop. There was also common imagery and animals used in the chops. For example, the *So Yuet Kee Hong* has a Blue Lion chop known for premium silk, but *May Hun Yee* also has common silk under the Black Lion chop and Yellow Lion chop (see Fig. 30).[74] These common animals were used because they represent good luck in Chinese culture, but with every silk *hong* coveting these auspicious signs, none of them became particularly helpful in distinguishing each *hong*.

One strategy for the silk traders to protect their artefacts of authenticity from confusion and counterfeiting was to use unique symbols. Exceptions to the rule were even more memorable

[73] Chinese chops, Box 1 and 2, HBL.
[74] Leo Duran, *Raw Silk; a Practical Hand-Book for the Buyer,* 2nd rev. ed. (Silk Publishing Company, 1921), 175.

– where tigers and lions were traditional figures of good fortune, Fig. 28 shows some examples of unconventional imagery, such as the use of cats, which was a deviation from the traditional feline images and was more recognisable in a sea of feline chops. The use of cupid as an imagery was also unconventional and clearly a symbol legible to foreign firms. By deviating from existing symbols, the silk *hongs* stood out more to the foreign exporters. It was a race to find a symbol that was not yet oversaturated and to attach it to new meaning. The first merchant to occupy a niche brand image would almost be the first to stand out and gain trust in their brand.

Fig. 28: Cat chop and Cupid chop[75]

The American silk industry had created handbooks as a guide for foreign buyers to navigate the saturated market for artefacts of authenticity. For example, it helped classify chops into premium, crack and common chops, and identified reputable brands like Blue Dragon and Flying Horse (see Fig. 29).[76] These made it easier for American firms to recognise what were quality proxies in an oversaturated market for the artefacts of authenticity.

[75] Chinese chops, Box 1 and 2, HBL.
[76] Shanghai International Testing House, *A Survey of the Silk Industry of Central China*, 69.

Fig. 29: Silk Industry Publication on Premium Silk Chops[77]

	Per Cent.
Extra like Gold and Silver Swan Chops	15
No. 1 like Blue Dragon and Flying Horse Chops	60
No. 2 like Black Lion Chop	20
Inferiors	5
	100

However, this system is also flawed because of its inflexibility in capturing the updates that these chops needed to undergo. Fig. 30 shows for example some misspelling in the merchant name and given that there was no tiger chop included in the list of *So Yuet Kee*'s chops, was this a misnomer in the name of the silk merchant – *So Yuet Kee* or *Sow Yuet Kee* – was the chop outdated, or was this a counterfeit? The trade of trust was in constant competition with the counterfeit trade to innovate for a new way to prove their value of authenticity.

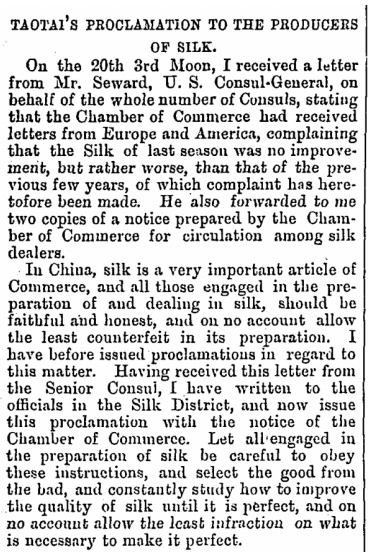
Fig. 30: (Top) *So Yuet Kee*'s available chops in the market

(Bottom) *Sow Yuet Kee*'s Tiger chop[78]

So Yuet Kee	Cloud & Stork	"	620/610/590
"	Blue Lion	1.2.3	590/580/570

[77] Ibid., 71.
[78] Duran, *Raw Silk; a Practical Hand-Book for the Buyer,* 176.

Fig. 31: Letter from the *Taotai* addressing the inferior quality of silk[79]



TAOTAI'S PROCLAMATION TO THE PRODUCERS OF SILK.

On the 20th 3rd Moon, I received a letter from Mr. Seward, U. S. Consul-General, on behalf of the whole number of Consuls, stating that the Chamber of Commerce had received letters from Europe and America, complaining that the Silk of last season was no improvement, but rather worse, than that of the previous few years, of which complaint has heretofore been made. He also forwarded to me two copies of a notice prepared by the Chamber of Commerce for circulation among silk dealers.

In China, silk is a very important article of Commerce, and all those engaged in the preparation of and dealing in silk, should be faithful and honest, and on no account allow the least counterfeit in its preparation. I have before issued proclamations in regard to this matter. Having received this letter from the Senior Consul, I have written to the officials in the Silk District, and now issue this proclamation with the notice of the Chamber of Commerce. Let all engaged in the preparation of silk be careful to obey these instructions, and select the good from the bad, and constantly study how to improve the quality of silk until it is perfect, and on no account allow the least infraction on what is necessary to make it perfect.

What happens when counterfeiting outpaces the innovation of these artefacts? Importantly, how did the challenge posed by counterfeiters not reduce anti-counterfeiting discourse's cultural superiority? In the 1860s the relaxation of export rules within the silk industry caused counterfeit to proliferate and silk quality to drop. Merchants would mix in water to increase the weight of the shipment, or swap out the trademarks in packages and upsell the silk at the price of premium silk.[80] Combined with a domestic financial crisis in Qing and usual fluctuations of commodity, most silk from South China was seen as bad in quality and unmarketable, with the exception of the few chops like Tsatlee No. 1, No. 2, and No. 3.[81] These chops in turn became the target of intense counterfeiting. In 1870, the *Taotai* (imperial circuit intendent) of Shanghai had to issue a circular order to all districts under his jurisdiction to preserve the legitimacy of trademarks. The pervasiveness of copying "the general appearance of the genuine trade marks" and how "designs [were] appropriately imitated" eroded the purposes

[79] "Miscellaneous: Deterioration Of Silk Taotai's Proclamation To The Producers Of Silk," *The North - China Herald and Supreme Court & Consular Gazette*, 23 May 1974, https://www.proquest.com/hnpchinesecollection/docview/1320135930/3C33F1581B4B46BCPQ/2?accountid=11311&sourcetype=Historical%20Newspapers.
[80] Wang, *Wan Qing Si Chou Ye*, 673.
[81] Ibid., 659.

of "maintaining the reputation of merchants, and preventing the practice of fraud".[82] In 1874, the situation seemed unaltered as the American Consul-General Seward pressured the *Taotai* to make another effort to curb the counterfeiting and deterioration of silk quality (see Fig. 31).

Did the intense competition from the counterfeit industry hurt Chinese silk's culture of authenticity and reduce the Qing to the disrepute of counterfeit? Not particularly. While counterfeit challenged the silk traders, the mere existence of the discourse between counterfeiters and the merchants cemented the silk chops as a vital part of Qing's commitment to the culture of authenticity. The American Silk Association report in 1875 reported that "the quality of the Shanghae silk has been good…the general excellence of the crop has been attested by the largely increased call for Shanghae raws in all markets of consumption."[83] This demonstrates the durability of a credible anti-counterfeiting force that had succeeded in asserting its cultural superiority. Unlike Crosby and Wang Hai, who struggled to produce artefacts of authenticity, these silk merchants were best positioned to create, renew, and defend the chops. This was because the anti-counterfeiting force came not from the consumers, but from the merchants themselves, who were the best advocates for the value of authenticity in their industry.

The counterfeit issue in the silk industry fell upon the shoulders of the merchants. The proliferation and safeguarding of chops was an entirely commercial initiative without Qing imperial oversight because the Qing were only really interested in the customs extracted from the silk exports, and only cared for the counterfeit issue in as much as it diminished their custom income. Many of the custom house officials were detached from the reality of silk exports despite the counterfeiting problem and had maintained taxes that were unresponsive to the

[82] "From The Chinese Press: Protection of Trade Marks," *The North - China Herald and Supreme Court & Consular Gazette*, 31 July 1915, https://www.proquest.com/hnpchinesecollection/docview/1371054279/3C33F1581B4B46BCPQ/19?accountid=11311&sourcetype=Historical%20Newspapers.

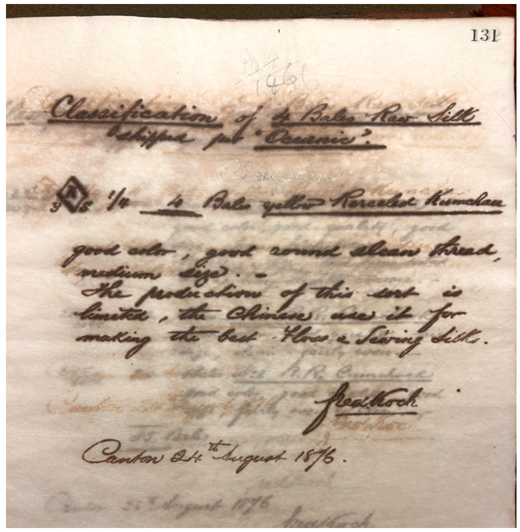
[83] Silk Association of America, *Third Annual Report of the Silk Association of America: Wednesday, May Twelfth, 1875* (George F. Nesbitt & Co., printers, 1875), 59, http://link.springer.com/10.1007/s12117-017-9308-5.

fluctuating reputation and prices of silk. As a result, it was "very evident that the Government, and not the importer, [was] bound to be the loser by their ignorance".[84] Since the extraction system was unable to benefit the Qing state, most of the responsibility to police counterfeiting was left to the merchants. Fig. 32 highlights some pages from Russell and Co.'s record of goods from 1876 to 1880. The rigorous documentation and qualification of silk showed that it was the foreign importers themselves who safeguarded the quality of silk. It seems that Russell and Co. had hired the same assessor, Freakoch, to verify the authenticity and quality of their silk, and maintain the reputation of their imported goods. In 1876, writing about four bales of yellow silk, he noted that the "production of this silk is limited, the Chinese use it for making the best flows and sewing silk". In 1880, the classification was greatly expanded with a greater level of detail, noting that, for example, Poojee No. 1 silk had "generally good colour, clean, not very even, very good quality". They were also tagged to an item code and had pencil marked names of the silk *hongs* like Suntai, Chungying, and Poojee, to ensure that the assessment was to the relevant brands. The American merchants became reliant on the classification of the silk according to their *hong* and chops, highlighting how the Qing merchants were vital in producing the artefacts of trust that bolstered Chinese silk's reputation.

[84] Ibid., 156.

Fig. 32: (Top) Classification of four bales of silk for Oceania, August 4, 1876

(Bottom) Classification of silk bound for New York Mar 19, 1880[85]



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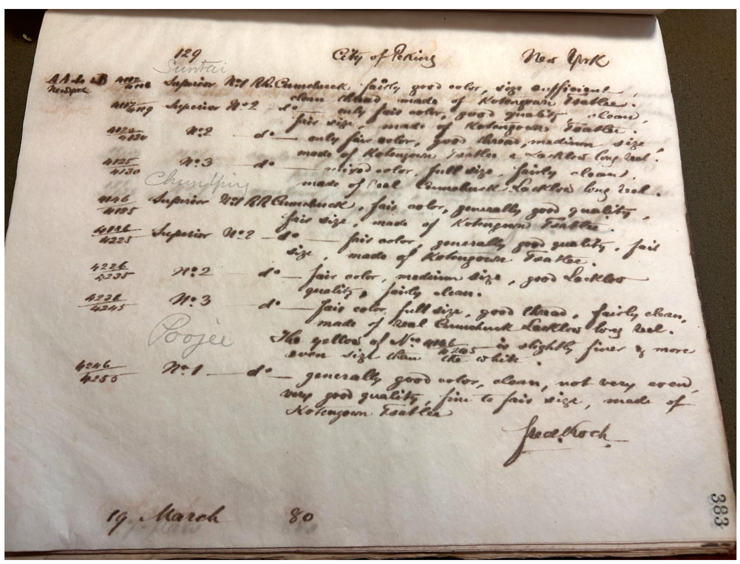
Classification of 4 Bales Raw Silk shipped per "Oceanic".

1/4 — 4 Bales yellow Rereeled Kumchun

good color, good round clean thread, medium size. —
The production of this sort is limited, the Chinese use it for making the best Floss & Sewing Silks.

Fred. Koch.

Canton 24th August 1876.



129 City of Peking New York

Fred. Koch

19 March 80

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These commercial actors were successful in asserting the cultural dominance of anti-counterfeiting because they owned the entire discourse and reduced the opportunity cost of pursuing authenticity. There was no need to generate additional evidence to prove their authenticity, no bureaucracy that they had to rely upon to enforce and adjudicate their rights, and no impediment to their motivations to protect trust in order to protect their profits. The

[85] Russell & Co. records, *Silk classifications, 1874-1881*, Vol. 18, HBL

competition between counterfeiters and anti-counterfeiting had a clear outcome: in 1892, "the American silk men were unwilling to lose so rich a source of silk" despite how "there has been no improvement in Chinese silk: the complaints of adulteration and other defects are more pronounced than ever".[86] In 1892, silk and silk products were worth 38,300,000 hundred taels of the total 78,700,000 taels worth of Chinese export to America.[87] The paradox is that there is no improvement in the quality of silk yet there is still a sizable demand for it. This is because the Chinese merchants had not fundamentally lost the trust of American traders. The 1898 Customs Trade Report, highlights how the continued innovation in the chops and authentication mechanisms kept the industry lucrative.

> The Chinese silk merchant is generally honest, and keeps up the quality of his chops… forty percent of the crop of a white silk [have been] sold by forward contracts on simple denomination of chops before a single bale had been spun. We know of no other country where this could be done to such an extent with so much security. The Chinese merchant, whose commercial instinct teaches him that he must keep up the reputation of his trademarks, if he desires to do a safe and large business.[88]

In fact, China was so successful with the quality and the safeguarding of chop authenticity that foreign companies were now counterfeiting off of China. Artificial silk and silk from industrialised factories began to enter Chinese ports. From 1894 to 1901, these imported silk increased by four times by volume and and seven and half times by value.[89] In order to break into China's silk market, western merchants imitated Chinese products to emulate their quality and gain consumer confidence. This meant imitating the silk's appearance, even its weaknesses, and its trademarks. For example, Western *Yang Ning* Silk (洋宁绸) was an obvious rebranding of the Nanjing Silk (南京绸), and Western *Yang Lei Duan* (洋累缎) was an imitation of Suzhou

[86] D.E. Douty, "Yankee Movies and Chinese Silk," *Nation's Business*, July 1926.
[87] E de Bavier, "The Export Trade Of China," 21 August 1899, https://www.proquest.com/hnpchinesecollection/docview/1369464381/3C33F1581B4B46BCPQ/20?accountid=11311&sourcetype=Historical%20Newspapers.
[88] Ibid.
[89] Wang, *Wan Qing Si Chou Ye Shi*, 716.

Simple *Lei Duan* (苏州素累缎).[90] Herein lies the greatest strength of this discourse mechanism – when anti-counterfeiting gains cultural superiority, it creates a self-perpetuating cycle of discourse that strengthens the value of authenticity. The silk merchant's improvement of trademarks caused authentic Chinese silk to appear even more coveted and counterfeit-worthy to foreign silk importers, and foreign counterfeit inspires a new cycle of Qing anti-counterfeiting and the renewal of artefacts of authenticity. This cyclical reinforcement can only be sustained by the producers directly in control of the artefacts of authenticity.

The Qing silk industry is fundamentally different from contemporary anti-counterfeiting narratives because the onus of defending authenticity is on the merchants who were victims of counterfeit. Merchants often produced artefacts of authenticity to authenticate their product and safeguard their reputation, and within the silk trade between Qing China and the American firms, these artefacts of authenticity were sometimes more valuable than the products themselves in preserving the trade in trust. The cat-and-mouse game between the silk merchant's chops and the counterfeiters created a race to achieve cultural relevance, and the counterfeiters were unable to outcompete the regulatory forces and mercantile incentives that made merchants themselves the best defenders of authenticity.

Conclusion

What differentiated the Qing silk trade and the anti-counterfeiting efforts of Crosby and Wang Hai in the post-reform era was the degree that merchants themselves were able to oversee and enforce anti-counterfeiting. The Qing state was more removed from the regulations, and so it was up to the silk *hongs* and foreign trading houses to ensure that authenticity preserved their business reputation and profits. The consumer-driven anti-counterfeiting in post-reform China cannot win against consumer's desire for affordability, and it is counterproductive to frame the

[90] Ibid., 717–18.

consumer-producer relationship as antagonistic. It is also severely hampered by the difficulty for customers to create and validate artefacts of authenticity. In the competition for cultural superiority, authenticity loses out, and China gains its reputation for counterfeit.

This chapter argues that this discourse mechanism is the critical mechanism that explains China's changing relationship with authenticity. The discourse between counterfeiting and anti-counterfeiting creates desire to protect authenticity, in spite of the opportunity cost of losing counterfeit profits. Even if the Chinese counterfeit industry itself remains unchanged, the mere presence of discourse asserts authenticity as an ideal that is worth defending, and ultimately demonstrates China's commitment to the defence of authenticity. This is a more satisfactory explanatory mechanism because it is flexible and captures the non-linear development of China's culture of authenticity that is not contingent on the deterministic trajectory of China's industrialisation. For example, it could be applied even with regards to the contemporary *Shanzhai* discussion. The discourse around *Shanzhai* is about entrepreneurs who unabashedly embrace and revel in being blatantly a copy, and it does not try to make itself indistinguishable from the real objects. It became its own brand – "bad piracy is Asian piracy."[91] Having triumphed in the cultural contest, *Shanzhai* is once again shifting China back to the standard. The mechanisms for change rests upon the dynamic tension between counterfeiting and anti-counterfeiting, and the emergence of a cultural victor sways China's culture of authenticity. I have proposed how China changed its relationship with authenticity, but to prove that *Shanzhai* is indeed a novel type of anti-counterfeiting discourse – it is not the resistance of counterfeit, but the cooptation of counterfeit into the process of innovation – I will engage with the questions about China's philosophy of authenticity in the next chapter.

[91] Lawrence Lessig, *Free Culture: The Nature and Future of Creativity* (Penguin Books, 2005).

CHAPTER 3:

FAKE IT TILL YOU MAKE IT

Introduction

Fig. 33: Petrus Regout porcelain bowls from Brimfield Antique Market

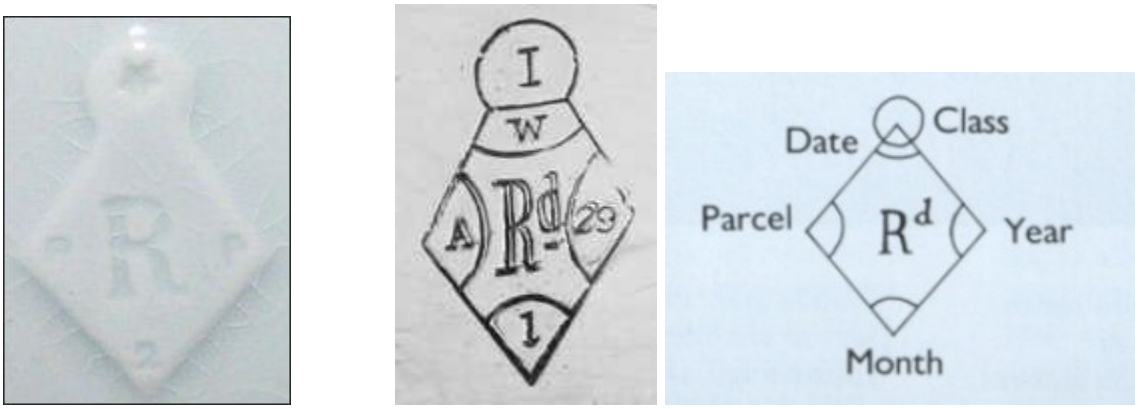
Amidst table-loads of sparkling trinkets at Brimfield Antique Market in the fall of 2024, I found a porcelain bowl from Petrus Regout, a Dutch porcelain factory based in Maastricht (see Fig. 33). Why had this piece of china, resembling Chinese porcelain in aesthetics and all manners of outward appearance, been produced by a Dutch company? Importantly, why did it have CANTON emblazoned on the bottom together with the factory seal? This porcelain bowl reminded me of a time, hard to imagine now, when it was the West that had coveted and imitated Chinese products; in fact, porcelain was so coveted by Europeans and Americans that it was inseparable from its provenance and china became its colloquial name. Although the literature actively avoids calling imitation china counterfeit, I would argue that borrowing from the aesthetic of authentic porcelain and linking it to an inherent idea of quality is an act of counterfeiting.

The Petrus Regout bowl aptly captures the West's desire for authentically Chinese products. Petrus Regout was one of the most important Dutch tableware producers from 1836 till 1899 when it was renamed Sphinx. They were especially known for the Peterselie, or Parsley, design in imitation of Chinese porcelain under the reign of Kangxi emperor.[1] In 1879, Regout adopted the sphinx as their company logo, signifying a commitment to end their heritage of counterfeiting.[2] Prior to the sphinx logo, Regout initially branded itself as English pottery, with its logo resembling the Stafford knot used by potters from North Staffordshire, and later adopting a diamond shape similar to the British design registration diamond (see Fig. 34 and Fig. 35). Ironically, the diamond mark meant to supply "reassurance of knowing an item was of British design" and offer "a degree of protection from copying", was copied by a Dutch factory copying Chinese porcelain.[3] Nothing is exempt from counterfeiting, even artefacts of trust.

Fig. 34: (Left) Petrus Regout knot, (Right) Stafford Knot[4]

[1] Jan-Erik Nilsson, "Glossary: Regout Porcelain, Maastricht," accessed 20 September 2024, https://gotheborg.com/glossary/regout.shtml.
[2] Jervis, W. P., "Encyclopedia: No. 47," *Crockery & Glass Journal (1897-1953)*, Nov 24, 1898, accessed 20 September 2024 https://www.proquest.com/docview/760158310?parentSessionId=hTRRvO5VN%2BxDFyLimy4Ixh7t5s99XcZl%2BR3bUETLOvI%3D&pq-origsite=primo&accountid=11311&sourcetype=Historical%20Newspaper.
[3] Steve Birks, "Petrus Regout," accessed 20 September 2024, https://www.thepotteries.org/allpotters/850b.htm.
[4] "Petrus Regout," accessed 20 September 2024, https://www.thepotteries.org/allpotters/850b.htm
Goodwin Jenna, "Unraveling the Stafford Knot: Tracing the Origins of Staffordshire's Emblem," The Red Haired Stokie, 6 December 2023, https://www.theredhairedstokie.co.uk/unraveling-the-stafford-knot/.

Fig. 35: (Left) Petrus Regout diamond, (Centre and Right) British Patent Office registration mark[5]



While it is unclear why Regout decided on the sphinx as its logo, it was an attempt to articulate an original brand over a decidedly non-Dutch product. The sphinx logo had so successfully established itself as a brand that it was well-known for being Dutch. Regout, the eponymous founder of the factory, was named "pottery king" of the Netherlands, credited with leading the industrialisation of Maastricht.[6] Regout had set up seventy factories and hired more than two thousand five hundred employees, and his contribution to the industrialisation of the city earned him a spot on Maastricht's municipal council.[7] The Sphinx Quarter in Maastricht, and the Sphinx Passage – a one hundred twenty metre long passage with thirty thousand ceramic tiles – honours the role that the sphinx company had played in shaping the city's history with ceramics.[8] The legacy of the sphinx had successfully unfettered itself from its heritage of imitation. The evolution of the Regout brand's logo highlights a departure from plagiarising

[5] "Petrus Regout," accessed 20 September 2024, https://www.thepotteries.org/allpotters/850b.htm. "English Registry Mark - Patent Mark (British," accessed 16 October 2024, https://www.silvercollection.it/dictionarylozengemark.html.
[6] European Route of Industrial Heritage, "Petrus Regout (1801–79)," accessed 17 January 2025, https://www.erih.net/how-it-started/stories-about-people-biographies/biography/regout.
[7] Limburg, "Gezichten van Limburg: Petrus Regout," 11 January 2018, https://www.l1.nl/nieuws/2515470/gezichten-van-limburg-petrus-regout.
[8] Visit Maastricht, "The Sphinx Passage," accessed 17 January 2025, https://www.visitmaastricht.com/locations/524999150/the-sphinx-passage.

symbols of authenticity to the growing confidence in their brand's own reputation. Despite Regout's imitation of the Chinese product itself, it had gained confidence to vouch for its own authenticity. The Dutch innovated upon borrowed formulas and aesthetics, highlighting that in the porcelain trade, precedence does not safeguard originality.

This chapter will examine the philosophy towards authenticity that explains China's oscillating reputation from being the standard to the copy. Instead of authenticity being pegged to chronological primacy, which is immutable and leaves little room for contestation, I will argue that China's understanding is more flexible – the presence of innovation distinguishes counterfeit from the genuine. An imitation can become authentic when it innovates upon itself and becomes a new product with its own meaning instead of settling for stasis. Borrowing from the principles of material culture, I will examine an object's relationship with the society that produces and consumes it, and show how porcelain in Qing China moved through aesthetic innovation to avoid becoming counterfeit. Qing porcelain had shed its blue-and-white aesthetic to respond to new desires of the Western world, whilst Europe and America had domesticated the look of china. This chapter will then return to the topic of *Shanzhai*, and how the strategy of hijacking aesthetics and the "look" of authenticity is key to its success. Aesthetics is not frivolous and is a more achievable form of innovation that generates authenticity. Copying enabled *Shanzhai*'s subversion of social value, and this flexible philosophy enabled *Shanzhai* to co-opt fake goods into the mechanisms of anti-counterfeiting discourse as discussed in the previous chapter. I will conclude with a challenge to the modern Intellectual Property Rights (IPR) paradigm – being established earlier does not entitle something to authenticity, the incessant process of innovating and out-innovating is a better way to understand China's relationship with authenticity.

The Value of Imitation

The value of imitation is not universal or immediately apparent. In 2007, when the Hamburg Museum für Völkerkunde in Germany discovered that the terracotta warriors they received from China were copies, they closed the exhibition and reimbursed the entrance fees to all visitors, determined to protect their reputation and commitment to originality.[9] This was an offence against the "real" experience for museum-goers, according to the norms in architectural conservation. The significance of authenticity was first articulated in the Venice Charter in 1964, and required "authenticity" in conservation to be exact, and not a mere imitation, because that is how future generations should learn to appreciate the past.[10] The sanctity of authenticity in historical preservation is further codified in the Operational Guidelines for the Implementation of the World Heritage Convention in 1977, and the Authenticity Charter in Nara in 1994.[11] However, the Chinese felt that it was appropriate to loan these replica terracotta warriors because they did not see them as forgeries, but as a continuation of the production of these terracotta warriors. The replicas were made alongside the "original" ones that were excavated, simultaneously created at an on-site workshop. For all intents and purposes they were original representations of the excavated ones.[12] It is not surprising that China was absent from all three of those conventions, and at present is not a member of the World Heritage Committee body that governs these norms either. Perhaps we should consider how China has been excluded from the international norm-setting process, and whether there are important perspectives left out.

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[9] Byung-Chul Han, *Shanzhai: Deconstruction in Chinese* (The MIT Press, 2017), 60, https://doi.org/10.7551/mitpress/11270.001.0001.
[10] "The International Charter for the Conservation and Restoration of Monuments and Sites (Venice Charter)," *APT Bulletin: The Journal of Preservation Technology* 37, no. 4 (2006): 51–51.
[11] M. Ulukan and H. Arslan, "Developing A New Authenticity Rating System On Architectural Conservation," *WIT Transactions on Ecology and the Environment* 155 (2012): 1237, https://doi.org/10.2495/SC121032.
[12] Han, *Shanzhai*, 60.

What exactly is the perspective that was omitted? China's laggard protection of trademarks is often attributed to the vastly different Chinese understanding of authenticity and the cultural tolerance for counterfeit and forgeries. Hamburg Museum's replica terracotta warriors were not viewed negatively within China because artwork has always required imitation and the literati's traditional education included memorising literature and forging calligraphy to achieve scholarly excellence.[13] Zhang Daqian, a famous Chinese artist, is also known for his impeccable imitation of Tang and Song dynasty Chinese painting. Both his artistic and imitative skills were said to be unrivaled in five hundred years.[14] Forgery was seen as a skill to be perfected. In 2018, a Taipei museum exhibited forgeries of Ming dynasty paintings praising the counterfeits, showing that "forgeries often reflect the same societal interests as authentic work".[15] Counterfeit is not culturally demonised, and the chronological "original" is not venerated.

The Chinese etymological landscape also reflects this difference in understanding. There were no words used to define and conceptualise IPR. Only in Late Qing did the word *banquan* (版权) come to describe copyright protection in China. This word itself is borrowed from a word coined by Fukuzawa Yukichi to describe Japanese woodblocks used to print literature, a concept which Fukuzawa himself had borrowed from an American legal dictionary.[16] Even in this lexicon for intellectual property, ownership is assumed to be over the physical woodblocks and not the text itself because intangible property feels harder to protect. The tangible property was valued because it could be passed down as inheritance, or used as a security for a loan.[17] This

[13] Yi-Chieh Jessica Lin, *Fake Stuff: China and the Rise of Counterfeit Goods* (Routledge, 2011), 3.
[14] Zhong guo shu hua shou cang pin dao 中国书画收藏频道, Ming qing gu hua fang zhi jie mi '明清古画仿制揭密' [Demystifying Ming and Qing dynasty painting forgeries], November 20, 2013, http://www.meixun.org/pindao/tieshi/138491288339697.html.
[15] Fan Lin, "The Shadow of Prosperity: Fake Goods and Anxiety in Song Urban Space," *Journal of Song-Yuan Studies* 48, no. 1 (2019): 269, https://doi.org/10.1353/sys.2019.0008.
[16] Fei-Hsien Wang, *Pirates and Publishers: A Social History of Copyright in Modern China* (Princeton University Press, 2019), 12, 43, https://doi.org/10.2307/j.ctvfjd04p.
[17] Ibid., 22.

assumption underpinned the Copyright Law of the Qing empire introduced in 1910 as a derivative of Japan's 1899 *Chosakukenhō*.[18] IPR had few predecessors and was imported into China, thus the belated articulation and enforcement of ownership shows that China had not even conceived of authenticity in the same way that the modern IPR regime had.

Shenbao, a leading Shanghai-based newspaper in late Qing China highlights how this attitude affects everyday lives and hinders China's compliance with protecting trademarks. A survey of *Shenbao* articles published from 1873 to 1911 consolidated all instances of reported counterfeit, and illustrated the everyday realities of late Qing's relationship with authenticity.[19] Prevailing counterfeiting tactics included the use of external packaging from the legitimate retailer, or co-opting symbols and trademarks.[20] Some merchants even privately carved imitation seals, forged signatures, and used these artefacts of trust to authenticate transactions.[21] From the survey, Table 3 (see Appendix A) highlights the diverse types of shops that were being counterfeited from, ranging from the unsurprisingly common target of banks, to the unexpectedly niche gourd shop. This is evidence that a culture of unscrupulous counterfeiting has permeated all aspects of consumer life. Table 4 (see Appendix A) shows how the counterfeiters targeted all types of media and artefacts. Notably, the picture stamps had 35 instances of reported counterfeit, by far being the most popular counterfeited artefact. Images and trademarks play a critical role in communicating authenticity, perhaps because it is widely understandable across literacy and language backgrounds. This was especially important in Shanghai, the nexus of domestic labour migration and foreign trade.

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[18] Ibid., 197.
[19] Geng Ping Ping 耿萍萍, *'Yi "Shen Bao" Wei Shi Jiao Tan Jiu 1935 - 1936 Nian de Zhong Shi Guan Xi* 以《申报》为视角探究1935—1936年的中土关系' [Using "Shenbao" to explore China-Turkey relations from 1935-1946], 前沿 14 (2013): 72.
[20] Ibid., 75.
[21] Ibid., 58.

In Tables 3 and 4, foreign shops were also differentiated from local Chinese shops and counted independently. While the foreign importers were victims of counterfeit in Qing China, they were not the main targets in the majority of the reported counterfeit. More often, it was the Qing merchants who were victims of the foreign importers' counterfeiting. This is an important reminder that China valued authenticity, and their trading partners were equally capable of counterfeiting from them. I have shown how chronological primacy is an imposed standard of authenticity. However, it would be a mistake to assume that China's tolerance and admiration for counterfeit means an absence of a philosophy on authenticity. The value of imitation is embedded into China's conception of authenticity as a process of innovation. This chapter will proceed to explore how the Qing had used innovation to defend authenticity, and how the West had counterfeited off of Qing China and turned that imitation into an authentic brand.

Innovation Out of The Oriental Box

Counterfeit did not just victimise foreign merchants – it had its implications for the Qing state too. The Qing porcelain trade had to compete with European imitation porcelain to assert its own authenticity. Unlike the silk industry, the empire was more vested in the porcelain trade's regulations. The regulation of blue-and-white aesthetics functioned as the empire's mechanism for control over porcelain quality. The Qing Emperor Kangxi saw Chinese crafts exported in the international arts market as cultural faces of the dynasty.[22] As such, throughout his reign in the early eighteenth century, aesthetics were the brand itself. The Qing court controlled porcelain through regulating private kilns in Jingdezhen, an area known for producing the finest porcelain, and this state control guaranteed that all export china were authentic imperial porcelain. There were dedicated bannermen, who were bureaucratic linchpins administrating on behalf of the

[22] Caroline Frank, *Objectifying China, Imagining America: Chinese Commodities in Early America* (University of Chicago Press, 2011), 50.

emperor.[23] Evidently, the development of an authentic Chinese brand was a matter of imperial interest, and imperial control of kilns eliminated domestic counterfeiters and concentrated the Qing porcelain industry towards its export competitors.

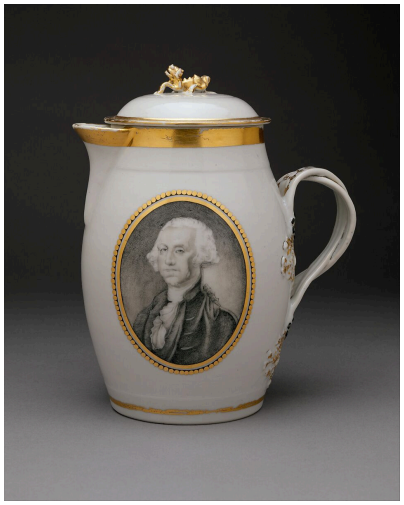
Tang Ying, the superintendent of Jingdezhen from 1728 to 1756, was especially important in controlling the brand of Qing porcelain. As the superintendent, he oversaw the enforcement of the *yang*, which was a collection of wooden models, samples, or drawings of approved designs.[24] There were strict rules regarding permissible porcelain patterns, and porcelain makers were reprimanded for deviating from the "honorable style of the inner court".[25] The *yang* therefore was the court's way to control the brand of Chinese porcelain. However, around the year 1735, during a period of transition when Emperor Qianlong succeeded Yongzheng, the reputation of imperial porcelain was threatened by a steep drop in the quality of export porcelain. Tang Ying had to pay a fine of 2164 taels of silver for the batch of exported china with poor glazing that often broke. In order to recuperate the losses, he had to sell them off-the-records to international merchants, without the knowledge of the Grand Storage Office.[26] This unofficial sale of bad porcelain caused a dilution of Chinese porcelain quality and eroded the already deflating value of the blue-and-white porcelain in the competitive market of European counterfeit. Something had to be done to restore the reputation of Chinese porcelain.

Tang Ying had to work within the confines of the heavy imperial regulations on Jingdezhen's porcelain factories. The material and clay formula itself were safeguarded by the Qing empire. However, he realised that the *yang*'s standardisation of aesthetics imbued value in

[23] During the Qing dynasty, the Manchus governed Chinese territories with the Banner system, where military and administrative functions were consolidated into basic geographic units. The Bannermen were a caste of military governors of Manchu ethnicity who helped control the Han subjects in these units.
[24] Kai Jun Chen, *Porcelain for the Emperor: Manufacture and Technocracy in Qing China* (University of Washington Press, 2023), 21, https://www.jstor.org/stable/jj.1791926..
[25] Ibid., 27..
[26] Ibid., 106.

the appearance of porcelain. Aesthetics was a feature that was less resource-intensive for Tang Ying to change, compared to implementing regulations and quality control over the clay formula. In addition, there was more room for aesthetic deviation because it coincided with a permissive imperial context. The Qing empire had begun undertaking a self-fashioning project to present themselves as "an empire they considered to be universal" and embraced diverse cultural identity.[27] Part of this was to appear cosmopolitan, especially in the visual elements of the Qing aesthetics, in order to reinvent the Qing image. By innovating the *yang*, Tang Ying could curb the declining quality of porcelain to maintain the prestige of the Qing empire, and contribute to the new imperial strategy to change the narrative of China's role in the world. Aesthetic innovation could kill two birds with one stone.

Fig. 36: Porcelain with aesthetic innovation based on copying Western motifs[28]



Chinese export porcelain no longer looked like the familiar blue-and-white. The imperial courts began to encourage aesthetic innovation, but the source of inspiration was rooted in imitation – porcelain used polychrome enamels or co-opted Western coats of arms and other

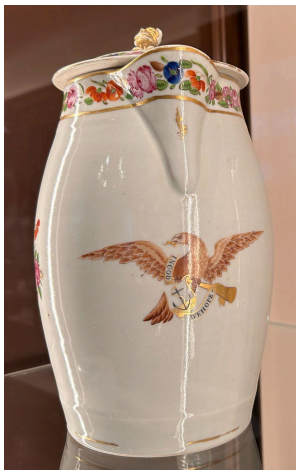
[27] Ibid., 102.
[28] *Table Service*, 90 1785, Porcelain, 90 1785, https://www.metmuseum.org/art/collection/search/17778.https://www.metmuseum.org/art/collection/search/17778. *Toddy Jug*, 1820 1800, Porcelain, H. 10 in. (25.4 cm), 1820 1800, https://www.metmuseum.org/art/collection/search/8681.

foreign imagery to cater to the Western consumers. Fig. 36 showcases some of these porcelain made for American consumers, even co-opting patriotic American themes and motifs like George Washington. Despite the imperial limits on porcelain production, the fact that there was innovation at Jingdezhen "challenges us to reexamine historicised concepts of innovation" that presumes freedom and liberty are necessary for creativity.[29] Beyond encouraging creativity, the expansion of approved designs in the *yang* had practical implications – it allowed potters to improve their craft. When comparing Fig. 37 with Fig. 38, the plate from the sixteenth century looks especially awkward with the motif of the Spanish Catholic Order of St. Augustine because of the unfamiliar design, whereas the flagon with the Rhode Island Coat of Arms is a lot more refined. Imperial restrictions inspired innovation instead of stifling it, and had given new value to authentic Jingdezhen pottery.

Fig. 37: Plate from Jingdezhen with emblem of the order of St. Augustine[30]

[29] Chen, *Porcelain for the Emperor*, 101.
[30] *Charger with the Emblem of the Order of St. Augustine,* 1590, Asian Export Art, Peabody Essex Museum.

Fig. 38: Flagon with the Arms of Rhode Island[31]



The Qing understood that these aesthetic changes were an expression of local tastes, and therefore adopted motifs to cater to that. The plate in Fig. 39 was one of three orders commissioned by a wealthy Dutch tobacco merchant Scholten to celebrate his marriage to the Hogenberg family – one for their copper anniversary of twelve years, one for their silver twenty five year anniversary, and one for their fiftieth gold anniversary. This plate is an example of how the Qing's adaptation to European tastes helped elevate the value of authentic Chinese porcelain. Firstly, China exported porcelain with Dutch symbols under the patronage of a Dutch merchant without looking down upon or shunning the the Dutch for counterfeiting. The willingness to draw innovation from their counterfeiters instead of made Qing porcelain more relevant to their patrons. Secondly, Scholten and Hogenberg, despite having access to Delftware, still preferred Chinese export porcelain to celebrate their important milestones. This shows that the Qing's willingness to customise their porcelain's aesthetics is rewarded because of an underlying preference for the non-visible qualities of their product. The aesthetic innovation had made China's brand of porcelain more relevant because it emphasised durability and prestige instead of simply looking a certain way.

[31] *Flagon with the Arms of Rhode Island*, 1800, China for export, RISD Museum.

Fig. 39: Chinese export porcelain plate made for the Netherlands[32]

Fig. 40: Tea set made in China, based on Germany's Meissen Porcelain, 1735- 1745[33]

Fig. 40 is also important because it encapsulates a full circle of imitation as innovation – the Qing potters were now imitating the Meissen porcelain that had begun as imitation china. This was significant because firstly, it demonstrates the Qing's self assurance to depart from the aesthetic brand that had become recognisably Chinese. Secondly, the Qing empire was able to recognise learning value from their competitors instead of denigrating Western imitation. Tang Ying was superintendent around the time when the Western impression of "Chinese-looking" aesthetic relied on the blue-and-white, yet he was not bound to the Western stereotypes that were in vogue. The new designs were deliberately departing from a visual tradition that had become oversaturated with fake china. This way, the value of "authentic" porcelain was not in the visible artefacts of trust, but in the quiet confidence in the porcelain's quality and provenance. In other

[32] *Plate with Scholten Impaling Hogenberg Coat of Arms,* 1730 - 1740, China for export, RISD Museum.
[33] *Tea service based on Meissen porcelain,* 1734 - 1745, Asian Export Art, Peabody Essex Museum.

words, the aesthetic innovation allowed Qing porcelain to elevate their worth beyond the visual and towards the understated luxury of being authentically made in China.

The porcelain trade during the Qing dynasty highlighted just how critical aesthetics were to the value of authentic Chinese craftsmanship, and how it was a valuable space for innovation to flourish. In the porcelain industry, originality came from innovation rather than being a static entitlement granted to the first product to be made. The Qing certainly did not feel protective of their blue-and-white aesthetic despite the emergence of European counterfeit. Copying became an essential process for the Qing to subvert and reinvent how the world understood what it meant to be "authentically Chinese", and the Qing copied from the symbols of Western patrons to cater to new tastes. Staking claims to chronological originality did not protect Qing porcelain from European imitation. It was the willingness to copy from the West and innovate upon porcelain's appearance that protected Chinese authenticity. I will now examine how the West successfully created its own authentic brand despite its beginnings as imitations by innovating upon the Chinese symbols they borrowed.

Chinoiserie As Rebranded Counterfeit

The Regout bowl in the introduction was just one example of Western plagiarism of Chinese porcelain. Porcelain, too, is just a part of the bigger picture of Western yearning for Chinese fashions and products in the Chinoiserie style. Chinoiserie – quite literally translating to "in the style of the Chinese" – came from French aristocrats who desired Oriental aesthetics in their homes and purchased interior decoration, wallpaper, and textiles that looked stereotypically Chinese. This style reached its apex during the mid-eighteenth century. Amongst all the Chinoiserie novelties, porcelain became a "symbol of prestige, power, and good taste" in Europe because it was exorbitantly priced, and so sought after that it was also called "the bleeding bowl

of Saxony".[34] Augustus the Strong, the Elector of Saxony, was fanatical about porcelain to the point of reckless governance – he spent 100,000 thalers on porcelain in the first year of his reign, and the taxes levied to fund his obsession was growing "at an even more alarming rate than his tribe of bastards".[35] The lust for all things Chinese even made its way into the language – "china" was used as a euphemism for the act of sex.[36] Chinese porcelain was especially known for its quality and trendiness of Chinoiserie, thus eighteenth century Europe was "China-mad and sought eagerly and bought for prodigious prices the wares of the Orient".[37]

Johann Fredrick Bottger, a German alchemist, was the first European to discover the formula for porcelain and created Europe's first porcelain factory in Meissen in 1710.[38] He was an alchemist whose research into making gold made him a captive of Augustus the Strong, and was coerced into a life of indentured research.[39] In his research on making gold, Bottger discovered the clay formula by accident, and from then on created pottery based upon the *Unvorgreifliche Gedanken* (Not Unmistakable Idea) of East Asian standards and designs.[40] This sparked a race amongst other European countries to create the best imitation china. In 1818, Claudius Innocentius du Paquier commissioned a porcelain factory in Vienna, the Augarten Porcelain Manufactory, and granted imperial privilege to those who could provide porcelain at a lower price tag.[41] King Louis XIV created a manifesto to supersede Dutch trade after seeing the

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[34] Janet Gleeson, *The Arcanum: The Extraordinary True Story* (Warner Books, 1998), 48.
[35] Wang Jiafong, "From Alchemist to Potter," *Taiwan Panorama Magazine*, 1995, http://www.taiwan-panorama.com/en/Articles/Details?Guid=3b8a1016-4bdb-423f-abff-0993d6c8a092&CatId=7&postname=From%20Alchemist%20to%20Potter&srsltid=AfmBOop63TygqXOuUdU0FsP_yBRRTrhUpDQk3XIjcbwov3svyzSOhgbr.
[36] Ibid., 46.
Wycherley, William, *The Country Wife* (Methuen, 1975).
[37] Lillian Goodman, "Chinese and Japanese Porcelain," *The Jewelers' Circular* 95, no.3 (August 17, 1927): https://archive.org/details/sim_jck_1927-08-17_95_3/page/105/mode/2up?q=china.
[38] Gleeson, *The Arcanum*.
[39] Ibid., Introduction xi.
[40] Ibid.
[41] Ekaterina Lyakhovich, "Chinese Porcelain Interpretation in Europe: History of Chinese and European Porcelain Cultures Relationships," *Atlantis Press* (November, 2019), https://doi.org/10.2991/icassee-19.2019.10. https://doi.org/10.2991/icassee-19.2019.10.https://doi.org/10.2991/icassee-19.2019.10.

Dutch Delftware flood the French market, enrich the Dutch, and fan the chinoiserie fanaticism in France. The French porcelain factory, Saint Cloud, prioritised the look of Chinese porcelain to the point of *contre-facon*, a very strong French word for exact imitation.[42] The competition amongst European markets formalised the aesthetic for chinaware. Johann Gregor Heroldt, the chief artist of the Meissen manufactory, consolidated appropriate oriental motifs in the "Schulz Codex", an European equivalent to the Qing's *yang*.[43] These symbols were borrowed from real chinese porcelain, because looking Chinese was very much part of a visual brand association to the quality of authentic china. Aesthetics mattered, especially when the clay formula for the porcelain fell short.

Fig. 41: Jingdezhen porcelain vase 1710 - 1715[44]

I argue that European china transcends basic copying and explicitly becomes Europe's counterfeit of Qing porcelain. Bottger's mere imitation does not make it counterfeit; what

[42] Ina Baghdiantz McCabe, *A History of Global Consumption: 1500-1800* (Routledge, 2015), 146.
[43] Ibid. 51-52
[44] *Augustus the Strong's covered vase*, 1710 - 1715, Asian Export Art, Peabody Essex Museum.

transformed Meissen pottery into counterfeit was the entanglement between the product and the brand. The claim that something was "Made in China" provided an additional premium for authentic porcelain from places like Jingdezhen. Therefore, looking like authentic china is not simply the imitation of appearance, but the borrowing of the value imbued within the aesthetic. A Jingdezhen vase (Fig. 41) was incredibly sought after, and became the prized possession of Augustus the Strong. The less wealthy who wish to emulate the luxury of having authentic Jingdezhen porcelain gain access to that through the blue-and-white aesthetic of Dutch Delftware (Fig. 42).

Fig. 42: (Left) Dutch saltcellar based on a silver model

(Right) Plate from De Grieksche A factory in Delft[45]

Even earthenware from outside of the Europe-China trade adopted the aesthetic as a way to make the vessel appear more luxurious. Fig. 43 contrasts traditional turquoise glazed Persian earthenware with the Persian imitations that found its way as an "Asian export" into America. This is a clear indication that other economies were detecting and responding to the value attached to the aesthetic of china. Fig. 44 are examples of *Talavera*, otherwise known as

[45] *Salt cellar based on Dutch silver,* 1635 - 1640, Asian Export Art, Peabody Essex Museum.
De Grieksche A factory charger, 1680, Asian Export Art, Peabody Essex Museum.

maiolica, which are colourful Mexican pottery that adopts the Chinoiserie aesthetic and were supplied to Europe. It was made by potters who became conscious of the Chinoiserie trends in seventeenth century Europe because of the trade that flowed from Manila to Mexico, and eventually to Spain.[46] The Manila Galleon trade that connected China and colonial Mexico was an example of how European colonisation helped spread the brand of Chinese porcelain – silver from Latin American mines were transported across the Pacific Ocean, and during the stopover in the Philippines, the trade with Asian commodities connected Chinese porcelain with a wider consumer base.[47] Qing China's porcelain had curated the way luxury looked, and there is a palpable sense that bandwagoning upon the brand enabled non-Chinese merchants to profit off of the perceived value. The vast volume of blue-and-white china not produced in China plagiarised the appearance and connotations of luxury from Qing porcelain, thus making it counterfeit.

Fig. 43: (Left) Persian tin-glazed earthenware compared to (Right) a typical Persian turquoise glazed ware[48]

[46] Johanna Hecht, "Talavera de Puebla," The Met's Heilbrunn Timeline of Art History, accessed 14 November 2024, https://www.metmuseum.org/toah/hd/tala/hd_tala.htm.
[47] Meha Priyadarshini, *Chinese Porcelain in Colonial Mexico: The Material Worlds of an Early Modern Trade*, 1st ed. (Palgrave Macmillan, 2018), 2, https://doi.org/10.1007/978-3-319-66547-4.
[48] *Luster Bowl*, mid-12th century, Stonepaste; luster-painted, H. 2 in. (5.1 cm)Diam. 5 3/4 in. (14.6 cm), mid-12th century, https://www.metmuseum.org/art/collection/search/451772.

Fig. 44: Mexican Basin tin-glazed earthenware and Mexican Talavera[49]

Despite how this initial porcelain counterfeiting mania was primarily between Europe and China, America was an important node that made china even more counterfeit-worthy. Europe's emulation of Chinese taste trickled into the American colonies through colonial elites. In Spanish America, potters in Puebla hijacked the symbols used in the *Talavera* designs and imbued new meaning into the blue-and-white aesthetic. The Mexican *chocolatero*, used for cocoa beans storage, resembles the Chinese *guan* (灌) in shape and colour, but that was as far as the similarities went. A common motif of a bird from Aztec mythology, the quetzal, replaced the phoenix (see Fig. 44 right most), and the lid's functionality was reinvented to lock and "prevent the theft of valuable coca beans" stored in the *chocolatero*, which created a "wholly new style of ceramics".[50] Mexican potter guilds also issued ordinances that sanctioned the use of Chinese motifs.[51] These ordinances transformed the potteries from mere counterfeit into innovation by introducing new stakes to the regulation of aesthetics. The Puebla potters controlled the surfaces of the porcelain to distinguish Mexican pottery from Spanish or Chinese porcelain, thus enabling the colony to "distinguish itself from the metropole".[52] Not only is this a statement about a

[49] Hecht, "Talavera de Puebla".
[50] Priyadarshini, *Chinese Porcelain in Colonial Mexico*, 12.
[51] Ibid., 149.
[52] Ibid., 172.

Mexican visual identity, it also suggests autonomy in the control of aesthetics, similar to how the Qing had regulated the *yang*.

Despite the history of imitation and borrowing from China's associated values of luxury, it feels controversial to say that European porcelain is counterfeit, and it is because the West's counterfeiting has successfully transformed itself into an authentic brand through innovation. This follows the same philosophy laid out by the Chinese understanding of authenticity – originality is earned by innovation, not by chronological primacy. Western counterfeit avoided the reputation for counterfeit by innovating upon the artefacts of trust. Delftware is not a shorthand for bootleg china, because it domesticated the blue-and-white ceramics as a Dutch national product.[53] The aesthetic was no longer associated with China, and it was hijacked by Dutch countryside scenes that made the content of the porcelain more legible for European consumers. Chinese imagery was also bastardised – peaches were depicted as oranges because the Chinese symbol of longevity was misunderstood in a Dutch cultural context.[54] The hijacking of the blue-and-white aesthetic coincided with the fall of the Ming Dynasty in 1644, which reduced the volume of Chinese export porcelain. As such, the Netherlands expanded into the primary producer and exporter, producing over eight hundred million tiles between the sixteenth to eighteenth century, that European consumers came to associate the Dutch with the aesthetic of Delftware.[55] In Europe, the taste for Chinese-looking commodities and the import of Asian luxury commodities were associated with the Dutch.[56]

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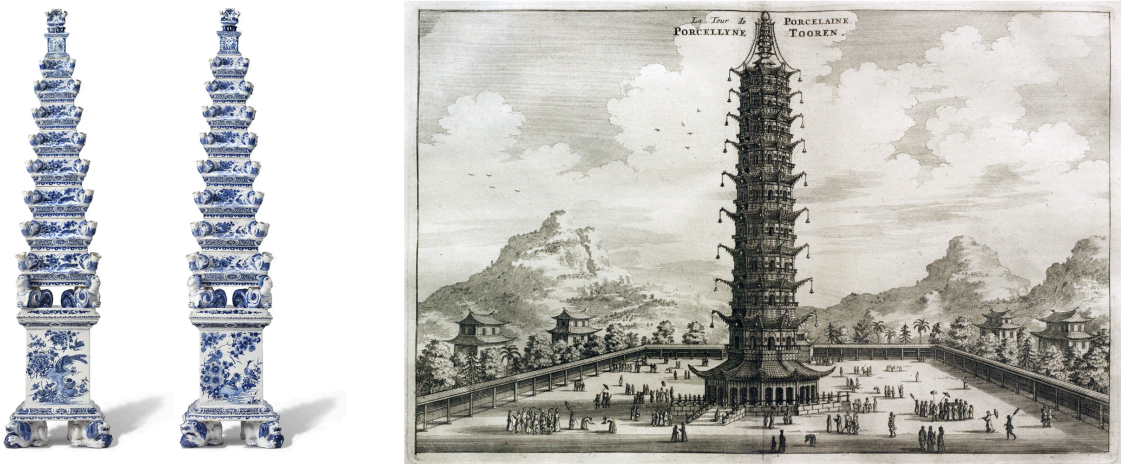
[53] Dawn Odell, "Delftware and the Domestication of Chinese Porcelain." In *Eurasian Matters: China, Europe, And The Transcultural Object, 1600-1800*. (Springer International Publishing, 2018), 177, https://doi.org/10.1007/978-3-319-75641-7_7.
[54] Cath Pound, "Delftware Porcelain – the Global Story of a Dutch Icon," 24 June 2020, https://www.bbc.com/culture/article/20200623-delftware-porcelain-the-global-story-of-a-dutch-icon.
[55] Gestor deco, "The Fascinating History Of Delftware And Its Over 400 Years Of Antiquity," *Deco for Curious: Antigüedades y Muebles Vintage* (blog), 20 September 2023, https://www.decoforcurious.com/en/2023/09/20/delft-ceramics-its-more-than-400-years-of-history/.
[56] Baghdiantz McCabe, *A History of Global Consumption*, 156.

Fig. 45: (Left) Delftware commissioned by Mary Stuart

(Right) Porcelain Pagoda in Nanjing[57]



So successful was Delftware's imitation, that Chinese porcelain were not the only victim of counterfeit – delftware itself has become widely imitated across Europe.[58] As early as 1688, even before Bottger discovered the porcelain formula and founded the Meissen factory, Delftware had created its independent brand using its blue-and-white aesthetics alone. When Mary Stuart married the Dutch Prince William of Orange and became monarchs of England, Mary Stuart commissioned china, not from China, but from Delft. Delftware had struck her as archetypally Dutch, despite the blatant plagiarism of the aesthetic of the porcelain pagodas in Nanjing, China (see Fig. 45).[59]

Counterfeit was an essential process for producers in Europe to generate authenticity, but American consumption of these counterfeit porcelain played a pivotal role in transforming imitation to innovation. The European obsession with all things China became fashionable as it

[57] Christopher James Botham, "The Porcelain Tower of Nankin," *On Verticality*, 8 February 2020, https://www.onverticality.com/blog/porcelain-tower-of-nankin.
[58] John Carswell, *Blue and White: Chinese Porcelain and Its Impact on the Western World : Catalogue of an Exhibition at the David and Alfred Smart Gallery* (The Gallery, 1985), 41.
[59] Pound, "Delftware Porcelain – the Global Story of a Dutch Icon".

signalled "the status of sophisticated, cosmopolitan consumers".[60] At the end of the seventeenth century, over thirty percent of the surveyed estates in New York and ten percent of households in Newport, Salem, possessed Chinese porcelain.[61] By the 1740s, imported china was frequently advertised in American gazettes. Charleston, South Carolina, was a huge consumer for China's export ceramics, and constituted twenty four percent of the region's overall ceramic assemblage.[62] However, in all records of American pottery, from inventories to ship manifest, delftware and china are distinguished, highlighting how American consumers could still recognise European imitation.[63] Counterfeit could be distinguished, perhaps because of the producer marks at the bottom of the porcelain, or because of an inherent quality to authentic china, but it did not diminish its value to American consumers. China, both the aesthetic and the product, were counterfeit-worthy, and this brand endured even through America's independence and the fall of the Qing empire. Even in the 1920s, many American companies relied on its proximity to authentic china to advertise its quality, either through claims of authentic imports or by imitation of Chinese goods (see Fig. 46). Authenticity has a particular quality whose aura reflects on counterfeiters across nations and across time.

[60] Robert A. Leath, "After the Chinese Taste: Chinese Export Porcelain and Chinoiserie Design in Eighteenth-Century Charleston', *Historical Archaeology* 33, no. 3 (1999): 48, 59.
[61] McCabe, *A History of Global Consumption*, 108.
[62] Leath, "After the Chinese Taste," 50.
[63] Frank, *Objectifying China, Imagining America: Chinese Commodities in Early America*, 99.

Fig. 46: Advertisements from American companies[64]

Dutch re-innovation of chinaware had been so successful that it trickled into the consciousness of the American colony. The combined aesthetic and material of Delftware created an "idealized view of Dutch material culture" that was so quintessentially Dutch that it enabled "American tourism of the Old World".[65] Delftware became an important way for colonies like America to understand the tastes of their European masters. For example, Fig. 47 below shows a ceramic tiled replica of a painting by Frans Hals, a prominent Dutch portraiture artist, whose subjects were often individuals who represented a particular social class.

[64] I.Shainin & Co, "Direct Importers of Chinese Artware," *The Jewelers' Circular* 95, no. 3 (August 17, 1927). Irish Belleek, "Handmade Parian China." *The Jewelers' Circular* 88, no. 6 (March 12, 1924).
[65] Odell, 'Delftware and the Domestication of Chinese Porcelain', 198.

Fig. 47: (Left) Frans Hals imitation ceramic painting in New York[66]

(Right) Hypothesised Frans Hals portrait that was replicated: The Laughing Cavalier[67]

The original painting is a famous baroque painting of an unknown Dutch nobleman, while the ceramic painting belonged to art collections in Hudson Valley. The region in New York was, afterall, historically part of the Dutch colony called New Netherlands.[68] The hijacking of the aesthetic in America is complete when the value of authenticity – the signal that the porcelain was made in China – is severed from the product to make space for the new identities of the Dutch colony. The aesthetics were such an important domain of contestation because unlike the Europeans who longed to perfect the formula that made Chinese porcelain so durable, the Americans had little care for the material of porcelain and cared only for its appearances. In addition, porcelain was often transported in the bottom hold of the merchant ships and travelled

[66] Joost Thooft and Labouchere, Tile Picture of a Painting by Frans Hals, c. 1900. Dutch glazed tiles in a wood frame. Yonkers, Hudson River Museum, gift of Mrs. Arthur W. Little. Photo: John Maggiotto
[67] Frans Hals, The Laughing Cavalier, 1624, Oil on Canvas, The Wallace Collection, https://www.wallacecollection.org/explore/collection/search-the-collection/laughing-cavalier/
[68] Hudson River Valley Institute, "Hudson River Valley History," accessed 8 February 2025, https://www.hudsonrivervalley.org/colonialera.

unrecorded as gifts rather than merchandise.[69] In comparison to the company records for tea and silk, porcelain is much less systematically documented. Therefore, its recognisable aesthetic is the key to identifying its movement across geography and time. In the process of imitating the blue-and-white aesthetic, the Dutch had located a major artery of Chinese trade and created its own values in the normative spaces of the American colony. Therefore, it seems appropriate that the subject of the ceramic painting is of a Dutch nobleman, introduced with a medium that represented the popularity of Delftware in America, and most importantly, is an imitation of a Dutch Golden Age painter. The blue-and-white aesthetic, Dutch identity, and idea of copying had all come together in the American consumer.

Delftware prepared its canvas for innovation by emptying the symbolic content from China, hijacking the blue-and-white aesthetic with Dutch values, and creating its own unique visual aesthetic. The average American consumer was uninterested in Chinese iconography, only in the exoticism of the designs.[70] Even the function of chinaware had become hollowed out; most Chinese porcelain in America were never found in the kitchen but in bedrooms, and were treated as decorative glassware, with the exception of some Dutch families in New York.[71] In the place of authentic symbolism, the aesthetic became domesticated by foreign values. In America, the value imposed upon porcelain represented the competition between men as producers of wealth and women as frivolous consumers of china.[72] Chinaware was inherently feminine coded, considering how women only had rights to movable or personal property, while men could inherit tangible property, highlighting the fragility of a woman's financial security.[73] Porcelain's location in a household and its decorative function shaped how society interpreted it, and the

[69] Frank, *Objectifying China, Imagining America : Chinese Commodities in Early America*, 103.
[70] Ibid., 13, 19.
[71] Ibid., 134.
[72] Ibid., 169.
[73] Ibid., 171.

domesticity and insecurity of women's role was projected upon china. The symbol of chinaware was reappropriated twice: once when the blue-and-white aesthetic symbolised luxury, and once more when the luxury was associated with the financial dimensions of gender dynamics.

Fig. 48: The Lacemaker, a photograph by Wiggins to capture Dutch domestic values[74]

Importantly, by the late nineteenth century, the blue-and-white aesthetic had departed from being exact replicas of Chinese porcelain, because it became a vessel to communicate Dutch values that were in vogue. Consider Myra Wiggins, a Portland based artist known for her Dutch Photograph Series in 1898. She featured domestic scenes set in a Dutch-style cottage she built, and photographed women in jobs like lacemakers (see Fig. 48). Art historians argue that these photos were a representation of "feminine domestic virtues" and an "idealised vision of Dutch femininity and domesticity".[75] This also coincided with the Arts and Craft Movement in the nineteenth century that pushed back against factory-made, and embraced the handcrafted rustic.[76] The Dutch way of living became elevated as an ideal. Qing porcelain were prized precisely because they were handcrafted, yet their influence had been overshadowed by the

[74] Myra Albert Wiggins, *The Lacemaker*, 1899, gelatin silver print, Gift of Robert and Shirley Benz, public domain, 89.51.31
[75] Allison Healey, *As Much Worker As Woman,* Art History for All, podcast audio, August 26, 2019, https://open.spotify.com/episode/3uuSKuBztFWFo0haOkd8GW?si=OqvwoXrxQD-6JCnIL6Vu1g.
[76] Monica Obniski, "The Arts and Crafts Movement in America," The Met's Heilbrunn Timeline of Art History, August 2008, https://www.metmuseum.org/toah/hd/acam/hd_acam.htm.

influence of these Dutch values on the surfaces of imitation porcelain. The blue-and-white vessels were now filled with completely foreign content that made Delftware valuable. It was no longer plagiarism since Delftware and Dutchness could stand by itself, independent of China.

Meissen and Delft porcelain created a culture of authentic representation out of imitation, highlighting two important things about China's understanding of European counterfeit. Firstly, China's commitment to its conception of authenticity is genuine and not self-serving. The Qing did not villainise European counterfeiting, and even saw learning opportunities in the imitation. China upheld the principle that imitation as innovation was fair game, even when China was the victim of counterfeiting. Secondly, China's philosophy towards authenticity should not be problematised given the historical precedence for Western merchants and consumers to consider authenticity using standards other than being the first-mover. The Qing, European producers, and American consumers were all enriched by the innovation that counterfeiting had inspired. Therefore, the philosophy exemplified in the porcelain industry can be generalised for understanding Chinese trade – authenticity is maintained by the principle of innovation and faking it till you make it.

Innovating Towards Authenticity

How does China's porcelain trade history affect our understanding of counterfeit in post-reform China? The previous sections demonstrated how the philosophy of imitation is a generative force for both the West and the Qing, yet in contemporary China, counterfeiting appears less acceptable as a model of innovation. The modern IPR regime often erases alternative understanding of innovation and frames counterfeit as antagonistic to innovation. In the 1980s, the United States extended patenting to new technologies that were previously unprotected by legal intellectual protection. The implementation of the patent system correlated

with high rates of innovation, because innovators could protect themselves against counterfeiters and were thus incentivised to invest in research.[77] IPR is often regarded as a key value generator to promote innovation and sustainable growth.[78] An OECD report suggests that the IPR regimes could potentially help developing countries like China tap into their "large innovation reservoir".[79] This positions counterfeit in opposition to innovation, and asserts that the first to patent is the "original" and therefore deserves protection. The history of porcelain reminds us that this is not the full picture.

As the economist Kalyan Sanyal argues, "capital's strength lies in its ability not to annihilate its others, but to negotiate the world of difference."[80] The modern IPR regime might be losing a crucial perspective on economic innovation by erasing China's different conception of authenticity. Some worry that the *Shanzhai* culture will increasingly be replaced or regulated by the IPR legal regime. The Shenzhen electronic stores in Huaqiangbei that birthed *Shanzhai* phones, with "hidden floors and crowded alleys of stalls that had hinted at a thriving grey market economy", are now renovated with wider hallways, better lighting, and an impression of "legitimate innovation".[81] Some makers worry that this cultural erosion is "a slow process of replacing the old with something new", substituting copying for patenting.[82] As regulatory pressures increase, so does the pressure for China to abandon *Shanzhai* and go mainstream. I argue that the aesthetic of Chinese counterfeit must endure these pressures in order to challenge

[77] "OECD Conference on Intellectual Property Rights (IPR), Innovation and Economic Performance." *Patents, Innovation and Economic Performance: OECD Conference Proceedings*. Organisation for Economic Co-operation and Development, 2004, 112.
[78] OECD/EUIPO, "Mapping the Real Routes of Trade in Fake Goods," *Illicit Trade* OECD/EUIPO (23 June 2017): 15, https://doi.org/10.1787/9789264278349-en.
[79] "OECD Conference on Intellectual Property Rights (IPR), Innovation and Economic Performance," 316.
[80] Silvia M. Lindtner, *Prototype Nation: China and the Contested Promise of Innovation* (Princeton University Press, 2020), 214, https://doi.org/10.2307/j.ctvz938ps.
[81] Ibid., 179.
[82] Ibid., 191.

the modern innovation landscape, and provide ways to understand vastly different worlds in a capitalist system.

Fig. 49: Examples of *Shanzhai* shirts with Chinglish[83]

These moments of pressure are opportunities for *Shanzhai* to renew China's relationship with authenticity. Despite the pressures exerted by the IPR regime, *Shanzhai* will endure by constantly innovating itself into relevance. Shanzhai Lyric is an archive curated by the duo Alexandra Tatarsky and Ming Lin based in New York which celebrates *Shanzhai* and its cultural significance. Shanzhai Lyrics' main project is to document *Shanzhai* shirts with bad counterfeiting jobs and poor grammar in "Chinglish", or Chinese English (see Fig. 49). Their goal is to preserve the aesthetic of bad Chinese copies as they disappear in the face of China's

[83] Shanzhai Lyric. "Dare to try tries." Instagram, Jul 15, 2021. Accessed Jan 26, 2025.
Shanzhai Lyric. "China procrastination." Instagram, Feb 26, 2022. Accessed Jan 26, 2025.
Shanzhai Lyric. "When virtuehas slept." Instagram, Jun 27, 2023. Accessed Jan 26, 2025.
Shanzhai Lyric. "You aer a boy woh." Instagram, Nov 9, 2024. Accessed Jan 26, 2025.

homegrown "genuine" brands.[84] The duo originally wanted to document nonsense poetry from counterfeit markets in Beijing, but with COVID, they turned to Canal Street in New York that was also famous for knockoffs.

Fig. 50 highlights some of these knockoff brands with blatant misspellings to thinly veil the brands they are referencing. It captures the very essence of *Shanzhai* and how its irreverence for the original brand can be comical. Shanzhai Lyric highlights the important social commentary that counterfeit contributes. Firstly, "Chinglish" and the poor counterfeiting jobs were often looked upon with mockery or judgment, but Shanzhai Lyric reframed bootleg as its own unabashed brand by celebrating the poetry and humour found in the four hundred or so shirts they have documented.[85] Secondly, Shanzhai Lyric uses the bootlegged fashion as a critique against the luxury fashion brands, who themselves participate in many acts of plagiarism by being "inspired" by and appropriating from other cultures. In addition, research has proven an inverse correlation between innovativeness and brand loyalty for luxury brands.[86] This means that luxury brands are the least likely to innovate, and a paradigm of authenticity based on being the first-to-patent can be surprisingly conservative. Lastly, luxury and value can be reinforced by counterfeit as the highest form of flattery. "Counterfeits may be a thorn in luxury's side but perhaps their decline would be a worse fate" as it signalled the brand's decline in social value.[87] Fake Chinese clothing can hollow out the symbols of an established brand with nonsensical words, and hijack it with many of these social commentaries. This is the same tactic used by Delftware when domesticating the blue-and-white porcelain aesthetic.

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[84]Sophie Benson, "This New Exhibition Finds Meaning in Meaningless Fashion Knock-Offs," *Dazed*, 4 August 2023, https://www.dazeddigital.com/fashion/article/60529/1/leeds-exhibition-bootleg-counterfeit-knock-off-designer-shanzhai-lyric-instagram.
[85] Juliette Jeffers, "Meet Shanzhai Lyric, the Art Collective Celebrating New York City's Digestive Tract," *Interview Magazine*, 11 December 2024, https://www.interviewmagazine.com/art/meet-the-art-collective-shanzhai-lyric.
[86] Michel Chevalier, *Luxury China: Market Opportunities and Potential* (John Wiley & Sons Asia, 2010), 71.
[87] Benson, "This New Exhibition Finds Meaning in Meaningless Fashion Knock-Offs".

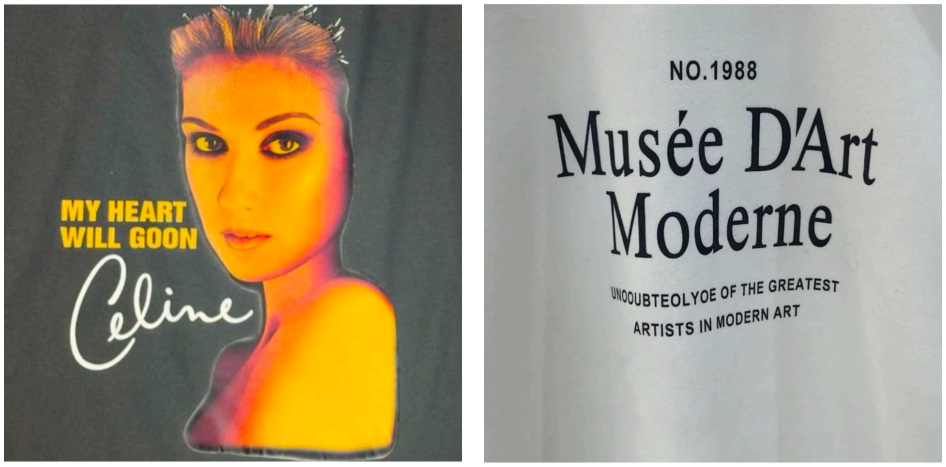
Fig. 50: Examples of brand knockoffs[88]

Importantly, Shanzhai Lyric's documentary artwork is itself an important process in the act of turning counterfeit into innovation because it provides the didactic text to understand Chinese counterfeit. China's negative reputation as a counterfeit factory stemmed from these poorly executed imitations. However, Shanzhai Lyric captured these moments of real people wearing the counterfeited goods in public, if not proudly, then at least unabashedly. The lack of shame around the bad translations and Chinglish phrases turned counterfeit into an irreverently comic brand. The image in Fig. 50 based its appearance upon Disney's Mickey Mouse, but it becomes kitsch with the self-effacing didactic text that accompanied it – "Sewer Rat". The only non-Chinese thing about "my heart will goon" and "unooubteolyoe of the greatest artists in

[88] Shanzhai Lyric. "The North Feng." Instagram, Jan 11, 2021. Accessed Jan 26, 2025.
Shanzhai Lyric. "Sewer rat." Instagram, Nov 1, 2023. Accessed Jan 26, 2025.
Shanzhai Lyric. "Aeortcyx." Instagram, May 29, 2024. Accessed Jan 26, 2025.
Shanzhai Lyric. "Cnhefl." Instagram, Dec 27, 2024. Accessed Jan 26, 2025.
Shanzhai Lyric. "Dsieng." Instagram, Aug 13, 2024. Accessed Jan 26, 2025.

modern art" in Fig. 51 is its language medium, but the bad English strips the words of meaning, and the resulting poetry is a Chinese innovation. No international brands have proven themselves capable of producing the same randomness and absurdity only a counterfeiter who does not understand the language can. Unlike the more socially desirable blue-and-white aesthetic of porcelain, *Shanzhai* shirts possess an equally recognisable aesthetic – the look of the Western public's contempt and ridicule. Some Chinese consumers have begun to wear *Shanzhai* clothes proudly because they saw it as counterculture, a way to "voice their disapproval of over-priced poorly designed products and problematic marketing strategies".[89] The commentary highlighted by Shanzhai Lyric made *Shanzhai* referential, and like the American Pop Culture and High Art in a Parisian museum, the inherent cultural value of its content elevates the imitation into a product that is authentically Chinese.

Fig. 51: Examples of counterfeit and referential artwork[90]



The *Shanzhai* aesthetic is different from and arguably more interesting than the porcelain aesthetic's contribution to China's philosophy of authenticity. There can be no regulations over this contemporary phenomenon, unlike the *yang* or the Schultz Code, because *Shanzhai*'s

[89] Eric Ping Hung Li, Magnum Lam, and Wing‐Sun Liu, "Consuming Counterfeit: A Study of Consumer Moralism in China," *International Journal of Consumer Studies* 42, no. 3 (May 2018): 372, https://doi.org/10.1111/ijcs.12428.
[90] Shanzhai Lyric. "My heart will goon." Instagram, Mar 29, 2024. Accessed Jan 26, 2025.
Shanzhai Lyric. "Musee D'Art." Instagram, Dec 30, 2024. Accessed Jan 26, 2025.

innovation does not stem from a documented canon, but from its ability to provide a blank slate for innovation to occur. It is important to note that the *Shanzhai* discourse decisively excludes the types of counterfeit goods that Western consumers purchase in China – the ones that are flawless imitations of the genuine products made by the same authorised manufacturer. Those products do not leave room for aesthetic innovation, and will remain just counterfeit. It is the worst execution of counterfeiting that ironically enabled their reinvention into *Shanzhai*, because the aesthetic became so absurd it was meaningless. Especially in a market where Western brands had monopolised desirability and authenticity, this blank slate prepares China for originality.

This blank-state approach of innovation is interesting because it elucidates novel ways to understand innovation. Thiel's theory about progress might highlight the nuances of *Shanzhai*. Progress could be horizontal – going from *one to n*, or more importantly, vertical – going from *zero to one* – which is "much harder to imagine because it requires doing something nobody else has ever done."[91] The *zero to one* innovation is further obstructed by the unhealthy ideology of competition.[92] The unhealthy Shakespearean model of competition, as Thiel termed it, occurs when businesses fight not not over their differences, but because they are too similar; competition only exists when there are no obvious distinctions between products.[93] The IPR regime is a model where the chronological "original" has to fend off similar competitors, and it prevents both the counterfeiters and genuine brands from dedicating resources for *zero to one* innovation, causing a self-perpetuating homogenisation. Counterfeiting in *Shanzhai* disrupts the cycle by being self-referential and absurd, so that late-comers do not need to compete with the

[91] Peter Thiel and Blake Masters, *Zero to One: Notes on Startups, or How to Build the Future* (The Crown Publishing Group, 2014), 9, http://ebookcentral.proquest.com/lib/harvard-ebooks/detail.action?docID=5337465.
[92] Ibid., 30.
[93] Ibid., 33.

first-mover and have a blank slate to create new meaning. The remarkable Chinglish poetry seen on Shanzhai Lyric shirts is an example of liberation from the Shakespearan competition.

The history of imitation and innovation continued into contemporary China, and even improved upon how the Qing had articulated their philosophy towards authenticity. *Shanzhai* introduces nuances that strengthen our understanding of China, authenticity, and innovation. It offers exciting potential to reconsider China's role as a producer of original ideas, and enriches the discourse stymied by the IPR paradigm. *Shanzhai* had innovated itself into an aesthetic like Chinoiserie, and its newfound value could stand alongside Celine Dion or Modern Art.

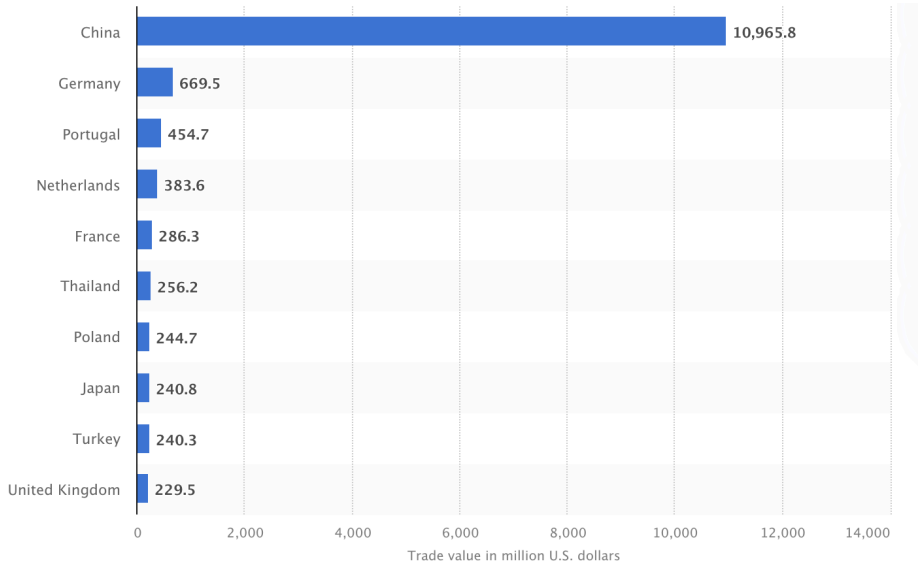
Conclusion

Porcelain is so quintessentially Chinese that its authenticity as a product of China is rarely challenged. Despite this chapter's discussion about European imitation chinaware, foreign potters were ultimately unable to out-innovate the Chinese. The Jingdezhen potters in Qing China made it clear that aesthetics can be a powerful area for innovation, so perhaps Delftware's over-reliance on the limited blue-and-white aesthetics sabotaged its own long-term value. China clearly dominates the porcelain industry today; in 2021, China exported USD$6.77 Billion and 1.9 billion kg of porcelain, and the second highest exporter, the EU, exported only USD$429 Million and 37 million kg.[94] Of China's total export volume, USD$61.3 million was to the USA.[95] Fig. 52 shows the huge lead that China has in porcelain export, especially over the European countries that were well-known for their imitation china.

[94] "Tableware and Kitchenware of Porcelain or China Exports by Country," World Bank, accessed 25 January 2025, https://wits.worldbank.org/trade/comtrade/en/country/ALL/year/2021/tradeflow/Exports/partner/WLD/product/691110.

[95] The Observatory of Economic Complexity, "Porcelain Tableware in United States," accessed 25 January 2025, https://oec.world/en/profile/bilateral-product/porcelain-tableware/reporter/usa.

Fig. 52: Leading countries in pottery export 2022[96]



The absence of continued innovation and challenge today caused the porcelain trade to become entirely monopolised by China. In contemporary China, porcelain has become a relatively more niche trade and there is a lot less discourse around modern Chinese porcelain. Modern iterations of Chinese porcelain – both genuine and counterfeit – often end up as pastiches of imperial styles. Antique imperial porcelain with a reign mark is seen as more valuable because of its historical rarity, and importantly because of the residual sheen of being "authentically Chinese" that rubbed off during Qing China's competition with their Delft and Meissen rivals.[97] The lack of incentives to out-innovate counterfeiters caused a stagnation, but it is not necessarily a deficiency. Instead, it is testament to the longevity of the value of the innovation-driven conception of authenticity. The history of competitive innovation can create

[96] Statista, "Leading Exporters of Pottery Worldwide 2022," accessed 25 January 2025, https://www.statista.com/statistics/1049653/pottery-leading-exporters-worldwide/.
[97] Danielle Burke, "Is It Ming? The Value, Care and Restoration of Chinese Porcelain," Fine Art Restoration Company, 20 January 2023, https://fineart-restoration.co.uk/news/is-it-ming-the-value-care-and-restoration-of-chinese-porcelain/.https://fineart-restoration.co.uk/news/is-it-ming-the-value-care-and-restoration-of-chinese-porcelain/Ibid.
"How Do I Know If My Chinese Porcelain Is Valuable?" accessed 27 January 2025, https://www.dawsonsauctions.co.uk/news-item/how-do-i-know-if-my-chinese-porcelain-is-valuable/.

value that outlasts even the original regime. Modern chinaware will not need to out-innovate its predecessors because it can bask in the benefits of authenticity.

While competition in the porcelain industry tapered off, *Shanzhai'*s success in reinventing China's brand is still a historical process in progress. Its implications are slowly unfolding, but it parallels the aesthetic innovations in the porcelain trade. Importantly, *Shanzhai* makes a strong case for the Chinese paradigm of authenticity because it innovates upon our understanding of innovation. Counterfeiting provides a blank slate for *Shanzhai* to build an entirely novel way of understanding anti-counterfeiting – it is not an opposition to counterfeit, but an integrated process of learning and creating.

The IPR constructs an immutable quality of authenticity, and it still remains relevant to the innovative potential of China. However, I suggested that the Chinese philosophy of authenticity is a stronger explanation for China's changing reputation in the world for the novel nuances it introduced about innovation. Not only is this paradigm much stronger on the basis of historical soundness and novel intervention, it is also the more intellectually attractive option. I want to believe that the study of history generates hope instead of resignation to deterministic trajectories. By treating counterfeit as part of innovation, this philosophy is optimistic about the potential for rehabilitating China's relationship with authenticity after decades of bad reputation. Being established earlier does not make something more authentic; the constant strive to innovate can create authenticity out of counterfeit.

CONCLUSION

"God the creator has made a potter from a gold maker".[1] Johann Friedrich Bottger had scratched this lament on his laboratory door in Dresden, where he had spent long years in imprisonment, working to perfect the first European imitation porcelain for King Augustus.[2] There was a palpable anguish in Bottger's attitude towards the craft to which his alchemy was directed. Imitation porcelain was as valuable as gold, so perhaps he felt that there was something dissatisfactory about being merely an imitation of China.

If Bottger understood the history of counterfeit in China, he would perhaps find comfort in the knowledge that his creation was invaluable to the trade of trust. His unlikely modern interlocutors – the young consumers on TikTok – would perhaps surprise him with how fervently they desired Chinese counterfeit. Bottger's lament is much more eloquent than Reddit comments, yet the reversal of the script used to consider China and counterfeit – from producer to consumer, from disappointment to desire – is crucial to the discourse of this thesis. Authenticity is a value derived from innovation, maintained by the competition between anti-counterfeiting and counterfeiting, and disseminated as a socially desirable value by the consumers in this meta-transaction of trust. Counterfeit should not be unilaterally condemned, nor is it an inevitable fate for China's economic development.

I have argued that the triangular relationship between counterfeit, authenticity, and trade provides a more nuanced understanding of why and how China's reputation for counterfeit has evolved since the Qing Empire. Qing China and the *Shanzhai* era are periods when China was perceived as the standard for authenticity, bookending the interval of rampant counterfeiting in post-reform China.

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[1] Janet Gleeson, *The Arcanum: The Extraordinary True Story* (Warner Books, 1998), 72.
[2] Ibid., 118.

In chapter one, I have demonstrated the many ways intuitive explanations fall short in capturing the dynamic inversion of China's relationship with counterfeit. Changes in market-state relations from Qing China to post-reform China created intuitive assumptions about industrialisation-enabled counterfeiting and the emphasis of a narrow chronological definition of authenticity. However, the increased incentives for the post-reform state to regulate counterfeit, and the strengthening of the bureaucratic capability to enforce anti-counterfeiting, contradicts the inexorable momentum of manufacturing. In addition, *Shanzhai* phones highlight China's pivot towards the cutting edge of innovation, and how copying is a vital part of that process. The first-mover is not entitled to authenticity, and China's industrialisation did not condemn China to the inevitable path of counterfeit.

I introduced an alternative mechanism that could explain China's changing relationship with counterfeit in chapter two. The competitive discourse between counterfeiting and anti-counterfeiting jostling for cultural supremacy determines China's reputation for counterfeit. China's culture of authenticity relies upon a defence based on authenticity gaining cultural superiority over the convenience and affordability appeal of counterfeit. Anti-counterfeiting discourse proves that authenticity is worth the opportunity cost. Silk traders in Qing China were successful and Qing China was seen as a producer and committed guardian of the culture of authenticity. In comparison, contemporary anti-counterfeiters like Craig Crosby and Wang Hai failed because consumers were tasked to fight counterfeit and had to bear the opportunity cost and burden of proof for defending authenticity. When the anti-counterfeiting discourse could not provide a credible resistance to counterfeiting, China gained its reputation as a counterfeit factory. *Shanzhai* reinvigorated this discourse because of its novel approach to anti-counterfeiting.

In chapter three, I explored how China's philosophical understanding of authenticity is premised upon innovation. This fundamentally challenges the notion of chronological primacy, and offers a philosophical basis for *Shanzhai*'s approach to anti-counterfeiting. From the Qing porcelain trade to modern aesthetics of *Shanzhai* fashion, relentless innovation remains the unchanging tenet of authenticity in China's paradigm. This opposes the contemporary IPR regime's homogenous understanding of authenticity. Through understanding how China envisages the difference between real and fake, I hope to have demonstrated why the counterfeit industry will continue to endure in China, not as a bug in the economy, but as a feature.

I have argued for the revision of the entirely negative perception of Chinese counterfeit. But how could this conversation be reconciled with the justifiable accusations and the tangible dangers resulting from the counterfeit industry? Counterfeit pharmaceuticals are a threat to both public and personal health as it has disastrous repercussions that could lead to "antimicrobial resistance for diseases with a high global disease burden and mortality", injury and even death.[3] In 2009, the Interpol seized 20 million counterfeit pills in China and Southeast Asia, and counterfeit medicine was an enormous detriment to Chinese society.[4] The counterfeit automotive-parts industry is also an area where counterfeit leads to fatalities – the World Health Organisation reported that in 2017, defective automotive parts caused 36,000 fatalities and 1.5 million injuries.[5] Oftentimes, counterfeiters rely on "low-tech, manual production" since the "barriers to entering the illicit trade are low".[6] These are but two examples of the reality that

[3] Tim K. Mackey and Bryan A. Liang, "The Global Counterfeit Drug Trade: Patient Safety and Public Health Risks," *Journal of Pharmaceutical Sciences* 100, no. 11 (2011): 4572, https://doi.org/10.1002/jps.22679.
[4] Ibid.
[5] Anqi Shen, Sue Turner, and Georgios Antonopoulos, "Driven to Death: A Chinese Case Study on the Counterfeiting of Automotive Components," *Asian Journal of Criminology* 17, no. 3 (1 September 2022): 313, https://doi.org/10.1007/s11417-022-09365-8.
[6] Ibid., 316.

unproductive and harmful Chinese counterfeiting still persists in the non-tech industries despite the transformation of *Shanzhai*.

Do we assume that the detriments of counterfeit will always exist, and does this assumption diminish the problems? Can the innovative potential of counterfeit justify, or even outweigh, the dangers of tolerating counterfeit? How do we know that bad actors in the counterfeit industry can be transformed into innovators? These are difficult questions that warrant dedicated research, and I can only demonstrate the potential ways my research grapples with these realities. Firstly, the mechanism for Chinese counterfeit I have suggested assumes that the continued existence of counterfeit is inevitable, and highlights the gaps in counterfeit regulation for the dangers of this industry. The harms of counterfeit require a sufficiently strong interlocutor, and the consumers should not be the primary stakeholders to helm the discourse. In the automotive counterfeit industry, most Chinese counterfeiters are amateurs between the ages of twenty to thirty motivated by the opportunity for "additional money-making".[7] While public and personal health and safety seem like self-evident justification for anti-counterfeiting, it cannot achieve cultural superiority against the appeal of easy profit for the counterfeiters, and the appeal of affordability for less privileged consumers. Moral condemnation does not strengthen the anti-counterfeiting discourse.

Secondly, the different philosophy China has towards authenticity shows how simply imposing the IPR regime on China is not productive. I acknowledge that *Shanzhai* and porcelain have less lethal stakes for incorporating counterfeit as innovation, and I caution against trying to universalise or generalise this philosophy across all industries. However, the more general argument in favour of diversifying our understanding of authenticity beyond the IPR paradigm could prove more productive for regulating the dangers of counterfeit. In Chinese court

[7] Ibid., 320.

judgments against automotive counterfeiters, all of the criminal defendants were "prosecuted for trademark violations" even though "they should have been prosecuted for … product quality and consumer safety."[8] Centering IPR protection misdirects the focus away from potential solutions. Substituting punitive policies for actionable policies to encourage innovation can replace the harmful industry with higher value and safer ones. For example, the Janus-faced automotive industry in China is at once known for its counterfeit, and the cutting-edge electric vehicle (EV) technology. Chinese EVs are the "next frontiers for growth" for both automotive markets and manufacturers.[9] Brands like Nio have proven to be intensely competitive against Tesla, especially with its battery-swapping technology.[10] Reframing our understanding of counterfeit and authenticity nurtures alternatives to the counterfeit industry, and is beneficial for both restoring China's culture of authenticity and mitigating the impact of fake goods.

Counterfeit is not just history, but also history-in-the-making. The "legitimate lineage" of commodities is an invented tradition to protect the value of authenticity, but this is a process that continues to evolve and negotiate its relevance.[11] The history of counterfeit in China is enriching, because trust and authenticity are immutable parts of our economic lives. Counterfeit's subversion of authenticity highlights how values that are fragile like china and fine like silk are still worth defending.

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[8] Ibid., 322.
[9] Shiv Shivaraman, "China Has an EV Advantage but Can It Maintain Its Edge?" World Economic Forum, 17 June 2024, https://www.weforum.org/stories/2024/06/china-electric-vehicle-advantage/.
[10] João da Silva, "Chinese Electric Car Maker Nio Unveils Rival to Tesla's Model Y," *BBC News*, 16 May 2024, https://www.bbc.com/news/articles/ckr5rmg0d58o.
[11] Wai-yee Li, *The Promise and Peril of Things : Literature and Material Culture in Late Imperial China* (Columbia University Press, 2022), 168, http://ezp-prod1.hul.harvard.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=3058967&site=ehost-live&scope=site.

APPENDIX A: List of Tables

Table 1: Positive Reporting on Wang Hai in Newspapers[1]

Year of Publication	Title	Key assessment (Translated)
1998	Finding Fakes in China, and Fame and Fortune Too	Wang Hai was a sort of David for the people against the store owners' Goliath.
2002	How to assess the Wang Hai style of fighting counterfeit (王海式打假到底怎样看)	Tangible results show that Wang Hai had succeeded in championing consumer rights.
2010	Anti-counterfeiting is a lifelong choice (“打假”是我一生的选择)	Wang Hai was dedicated to a life committed to fighting counterfeit.
2012	Wang Hai – resolute in fighting counterfeit (王海——坚持打假不动摇)	
2012	Wang Hai: 17 years of	

[1] *Guang Ming Ri Bao* 光明日报
Xin Hua She 新华社
Zhong Guo Guang Bo Wang 中国广播网
Rosenthal, Elisabeth, “Finding Fakes in China, and Fame and Fortune Too,” The New York Times, 7 June 1998, https://www.nytimes.com/1998/06/07/world/finding-fakes-in-china-and-fame-and-fortune-too.html.
Wong, Winnie Won Yin, “The Panda Man and the Anti-Counterfeiting Hero: Art, Activism and Appropriation in Contemporary China,” Journal of Visual Culture 11, no. 1 (1 April 2012): 20–37, https://doi.org/10.1177/1470412911430463.

	anti-counterfeit requires a strong, principled belief (王海: 打假17年坚持是一种信守)	
2012	The Panda Man	Wang Hai transformed himself from a "consumer victim" into a "savvy consumer activist" via legal activism.
2012	Enforcement is every citizen's responsibility – Anti-counterfeit hero Wang Hai (维权是每个公民的责任和义务——"打假人"王海)	Everyone needs to become a "Wang Hai" to create a society of model consumers and a trustworthy market.

Table 2: Negative Reporting on Wang Hai in Newspapers[2]

Year of Publication	Title (Translation)	Key assessment (Translated)
2002	How to assess the Wang Hai style of fighting counterfeit (王海式打假到底怎样看)	Developed economies like England and America don't have this "Wang Hai phenomenon" because their markets are standardised and well regulated. China's unique historical circumstances enable counterfeit and create anti-counterfeiters.

[2] *Guang Ming Ri Bao* 光明日报
Xin Hua She 新华社
Zhong Guo Guang Bo Wang 中国广播网
Shen, Zhimin 申志民, "'Da Jia Di Yi Ren' Wang Hai de Er Shi Nian" '打假第一人'王海的20年' [The two decades of 'number one anti-counterfeiter' Wang Hai], *Insight China*, 2015.

2006	Wang Hai: from individual anti-counterfeiting to systemic legislature reforms (王海:从个人打假到促立法打假)	Individual anti-counterfeiting is limited without real legislative enforcement.
2009	Famous anti-counterfeiting hero Wang Hai discloses his NGO's sources of funding (知名消费者维权人士王海谈其公司收益和NGO资金来源)	The company's main source of income is through IPR protection, and banning infringements is another source of income.
2012	Wang Hai: A willing volunteer for legal enforcement (王海:"维权"路上的志愿者)	After many years of fighting counterfeit, the fact that there is still no progress made to protect consumer rights meant that individual efforts are not sufficient to build a harmonious and innovative society.
2015	Wang Hai's 20 years as the best in the anti-counterfeiting trade ("打假第一人"王海的20年)	Wang Hai bought 2,020,000 yuan worth of counterfeit goods, and earned more than 4,000,000 yuan.
2024	Dialogue with Wang Hai: Live-streaming commerce is a new business model that is a gold mine waiting to bust (对话"打假人"王海:带货直播间是"富矿", 谁卖假货就打谁)	

Table 3: Tally of reported trademark counterfeit by shop type[3]

Type of merchant	Instances reported	Type of merchant	Instances reported
Opium Den	1	Tea house	3
Bank	13	Noodle shop	1
Foreign-import shop	3	General store	3
Clothing shop	1	Shoe store	1
Money shop	1	Joss paper store	1
Gourd shop	1	Jewellery store	2
Pawn shop	6	Cigarette store	2
Inn	3	Tin shop	1
Postal service	2	Second-hand shop	1
Tea specialty shop	1	Butcher	1
Pharmacy	1		

[3] Geng, Ping Ping 耿萍萍, *"Yi 'Shen Bao' Wei Shi Jiao Tan Jiu 1935 - 1936 Nian de Zhong Shi Guan Xi* 以《申报》为视角探究1935—1936年的中土关系" [Using 'Shenbao' to explore China-Turkey relations from 1935-1946], *Qianyan* 前沿 14 (2013): 28.

Table 4: Tally of reported types of counterfeited artefacts[4]

Type of media	Instances reported	Type of media	Instances reported
Image	2	Foreign check	1
Picture stamp	35	Foreign needle	1
Bank check	4	Contract	2
Transport ticket	1	Receipt	1
Written note	9	Invoice	2
Picture note	5	Discount coupon	1
Empty can	2	Coupon	1
Letter	3	Foreign currency	1
Medicine	2	Deposit	1
Lottery tickets	2		

[4] Ibid., 61.

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