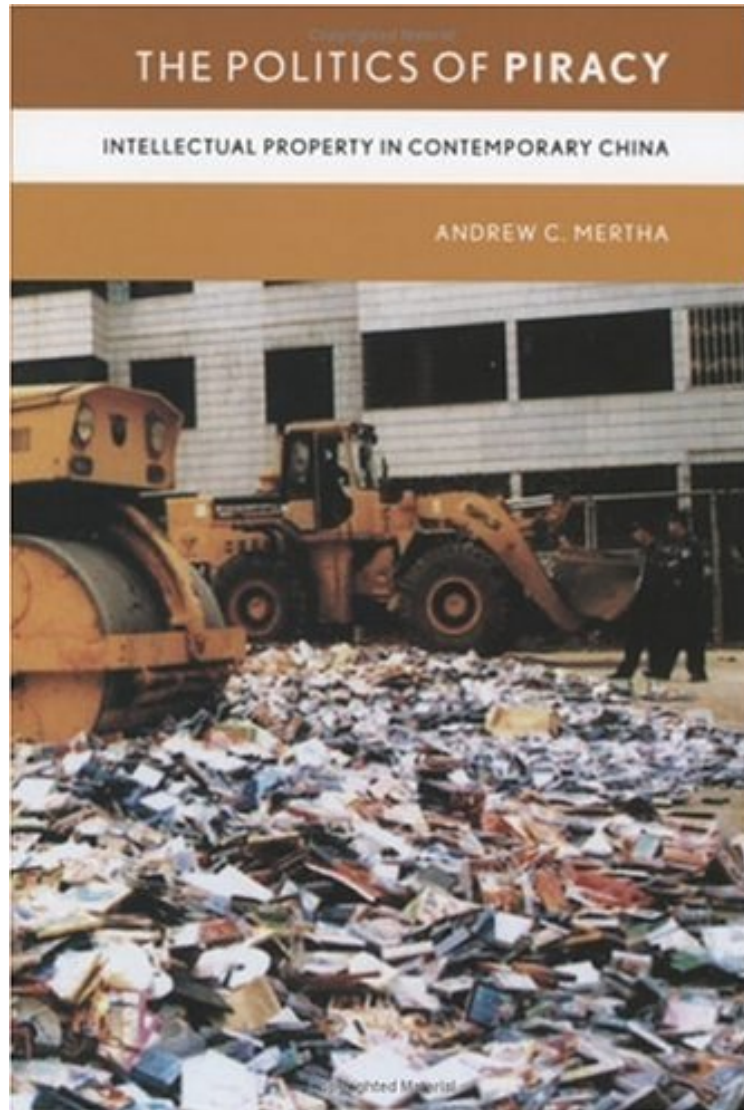


[FREE] The Politics of Piracy: Intellectual Property in Contemporary China

The Politics of Piracy: Intellectual Property in Contemporary China

Andrew C. Mertha

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Andrew C. Mertha : The Politics of Piracy: Intellectual Property in Contemporary China before purchasing it in order to gauge whether or not it would be worth my time, and all praised The Politics of Piracy: Intellectual Property in Contemporary China:

1 of 2 people found the following review helpful. Amazing ResearchBy George EverlastNo hands down, Mertha is a true academic, scholar, and researcher! He got himself deep deep deep into China, applying his Chinese language and social research skills, rubbing arms with corrupt officials and talking with common people, he reveals some amazing stories about piracy in China and produces conclusions that are solidly based on quantitative and qualitative evidence.

Even if you are interested in China or Intellectual Property Rights, I recommend reading this book just for the sake of learning what real research and writing his. Mr. Mertha, Bravo!!² of 3 people found the following review helpful. A valuable contribution to the study of IPR in ChinaBy jazzkittykat

In this book, Andrew Mertha examines the impact of external pressure on China's policymaking and implementation processes in the area of intellectual property rights (IPR). He treats the Chinese IPR regime as the result of a two-level game played both at the international and domestic levels. This allows him to show that while external pressure may play a pivotal role in getting Beijing to promulgate IPR-related laws and regulations, the enforcement of these edicts falls within the domain of China's complex bureaucracies and local government officials. Mertha's focus on the interplay between international, national, and local dynamics leads him to meticulously trace the process of policy formulation within the U.S. Trade Representative, the interactions of the latter body with Chinese officials, and the complex maze of bureaucratic entities that are subsequently handed the task of enforcement. The result is a work that makes a significant empirical contribution to the knowledge on intellectual property rights and related U.S.-China interactions. That being said, the depth and detail of Mertha's analysis sometimes makes it unwieldy. His analysis is complex and nuanced, but it is sometimes unclear that his independent and intervening variables are the only causes for change, or which one is more important. For example, was lateral exogenous pressure or dynamic institutional structure the driving force in facilitating effective trademark enforcement? Also, considering his attention to detail, it is interesting that Mertha neglects to talk much about the "pirates" or perpetrators of IPR violations themselves. Mertha's heavy focus on interviews with bureaucrats and businesspeople makes the reader wonder if he might be missing another dimension of the story. In addition, Mertha's case would be somewhat stronger if he could prove that the center was genuinely committed to IPR enforcement--by showing that IPR has become a legal norm, for example. China's legal history suggests that the concept of intellectual property as owned by individuals was virtually nonexistent; copying was even thought to be a sign of respect for the original owner, its theft an "elegant offense" (as argued elsewhere by William Alford). Although Mertha dismisses simplistic cultural explanations, it is plausible that there is no real gap in legislative intent and on-the-ground enforcement, and rather, that everyone has agreed to pretend to take the issue seriously when the situation warrants it. If true, this assertion would greatly weaken the author's findings. Those flaws aside, Mertha brings a considerable wealth of empirical information to bear on a very timely and interesting issue. He does an excellent job explicitly outlining the significance of his study for scholars of China and for the larger endeavor of political science. His commitment to explicitly addressing the falsifiability of his claims and exploring alternate explanations is also admirable. Moreover, Mertha's analysis has obvious policy implications, since it essentially illuminates potential pressure points in the Chinese system. A policymaker reading it might deduce that attention should be shifted away from demanding changes in legislation at the national level and directed to working with local authorities wherever problems are discovered. Also, the author's sharp distinction between formal ratification and compliance implies that greater attention should be paid to the institutions that enforce regulations, in addition to the word-smithing of the laws themselves. Overall, this book makes a valuable contribution that strikes out into a new direction and leaves rooms for others to build upon its insights. It will be interesting to see how widely generalizable these findings are to other issue areas, given the highly international and technical nature of intellectual property rights. However, Mertha's work could benefit from closer attention to norms, more clearly delineated causal mechanisms, and cases drawn from other issue areas and domestic settings.

7 of 10 people found the following review helpful. IP in China, a primerBy Brian B. Wagner

Andrew Mertha's book made my life harder. Deep in the writing of a paper on Chinese intellectual property, I received word that his book was available days before a deadline. That alone makes him a target of my ire. But ultimately, my research benefited from this book. Mertha weaves a tale that utilizes anecdotes and current research to show how government policy towards IP in China is changing while cultural notions of IP remain unformed. Laws are enforced, but only from the top down. Does this mean China is failing at enforcement? Not fully. What it means, according to Mertha and my own research, is that China is only now becoming convinced that IP has any positive benefits for its own development, now that Chinese nationals are themselves begin to become creators and owners of property and ideas they want to protect. The government might yield to pressure from the international community to enact laws, but real change, when IP is recognized to have benefits for China, will only occur as the Chinese become more savvy creators, writers, and inventors. I recommend this book for anyone interested in the engaging, if highly academic, field of intellectual property.

China is by far the world's leading producer of pirated goods from films and books to clothing, from consumer electronics to aircraft parts. As China becomes a full participant in the international economy, its inability to enforce intellectual property rights is coming under escalating international scrutiny. What is the impact, Andrew C. Mertha asks, of external pressure on China's enforcement of intellectual property? The conventional wisdom sees a simple correlation between greater pressure and better domestic compliance with international norms and declared national policy. Mertha's research tells a different story: external pressure may lead to formal agreements in Beijing, resulting in new laws and official regulations, but it is China's complex network of bureaucracies that decides actual policy and enforcement. The structure of the administrative apparatus that is supposed to protect intellectual property rights

makes it possible to track variation in the effects of external pressure for different kinds of intellectual property. Mertha shows that while the sustained pressure of state-to-state negotiations has shaped China's patent and copyright laws, it has had little direct impact on the enforcement of those laws. By contrast, sustained pressure from inside China, on the part of foreign trademark-owners and private investigation companies in their employ, provides a far greater rate of trademark enforcement and spurs action from anti-counterfeiting agencies.

"Mertha analyzes the impact of external political pressure on the enforcement of intellectual property rights in China. . . . A useful volume for anyone interested in the actual workings of the governmental bureaucracy in China, as well as for those who want to gain insights into the practical aspects of IPR enforcement. Highly recommended."Choice, April 2006

"You should buy not steal or copy The Politics of Piracy. It is an impressive and timely book that will help anyone trying to understand today's (or tomorrow's) battles between the United States and China regarding intellectual property. In it, Andrew C. Mertha draws on years of experience in China and a rich academic background to produce a study that I know scholars, businesspeople, and policymakers will find valuable with regard to both intellectual property and China's engagement of global norms in general."William P. Alford, Harvard University, author of To Steal a Book is an Elegant Offense: Intellectual Property in Chinese Civilization

"The Politics of Piracy is a great read and should prove to be the definitive, durable account of the politics of intellectual property in China. Andrew C. Mertha's research regarding patent, copyright, and trademark policymaking, implementation, and enforcement is the work of a highly skilled and motivated specialist in the structure and process of Chinese politics. We learn that Deng's science and technology policymakers debated patent policy from the earliest days of the reform movement, that cultural and propaganda issues trump copyright policy, and that U.S. trademark owners have figured out how to get the locals to take action against counterfeiters. Mertha's anecdotes illuminate even as they entertain."Michael P. Ryan, Georgetown University, author of Knowledge Diplomacy: Global Competition and the Politics of Intellectual Property

"This very well-written book sets out a clear argument and follows it through the maze of China's bureaucracy, arriving finally at persuasive conclusions. I have never read such a vivid description of how Chinese bureaucracies connect to each other, from the center to the local level. Andrew C. Mertha provides an extremely lucid explanation of why some types of intellectual property rights are relatively well enforced and others are not."Joseph Fewsmith III, Professor and Director of the East Asia Interdisciplinary Studies Program, Boston University

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