

Modern China Lecture Series Featuring Eugenia Lean, *The Ideograph and a Cantonese Pun: Linguistic Divergence and Spurious Chinese Marks in Global Capitalism*, November 2, 2021.

– Okay, I think we'll get started. So hello and good afternoon from Cambridge. And welcome back to the Fairbank Center's Modern China Lecture Series. My name is Arunabh Ghosh. I teach a modern Chinese history here in the history department at Harvard. I'm also the convener of this lecture series. Before I introduce our speaker, I want to remind everyone about our final talk of the semester, which is scheduled to take place four weeks from today on November 30th. We'll welcome Joan Judge of York University, who I see is actually with us today in the audience. Joan Judge will speak on print vernacular languages and reading practices across the Long Republic. So please look out for the formal announcement, which will include information on how to register. So it's a special pleasure for me to introduce our speaker today, a special pleasure because she also happens to be my teacher. She was one half of a formidable duo that trained me in modern Chinese history at Columbia University. And I took my first graduate seminar in modern Chinese history, she may not remember this, back in fall of 2005. And I've of course learned much from her in the years since, not just about Chinese history, but also how to approach teaching Chinese history. So professor Eugenia Lean, a very, very warm welcome to you. For those of you do not know her, Professor Lean is a professor of modern Chinese history at Columbia University. She's also the director of the Weatherhead East Asian Institute at Columbia. She received a BA from Stanford university and then an MA and PhD from UCLA. As a historian, her interests cover a broad range of topics in late imperial and modern Chinese history. These include the history of science and industry, mass media, consumer culture, affect studies and gender as well as law and urban society. She's also interested in issues of historiography and critical theory in the study of East Asia. Many of you have likely read her first book, *Public Passions: The Trial of Shi Jianqiao and the Rise of Popular Sympathy in Republican China*. "Public Passions" offered a fascinating and original rethinking of publics in modern society. In 2007, the American historical association awarded her the John King Fairbank award recognizing "Public Passions" as the best book in East Asian history in that year. And of course, last year, Professor Lean published her second monograph, which I have up here titled *Vernacular Industrialism in China: Local Innovation and Translated Technologies in the making of a Cosmetics Empire, 1900 to 1940*," which was published by Columbia University Press. In the book, she examines the manufacturing, commercial and cultural activities of maverick industrialist, Chen Diexian. She uses Chen's case to illustrate how lettered men of early 20th century China engaged in vernacular industrialism, which she defines as the pursuit of industry and science outside of conventional venues. So vernacular industrialism draws upon or drew upon processes of experimentation with both local and global practices of manufacturing, kind of was

marked by heterogeneous, often ad hoc forms of knowledge and material work. So earlier this year when I invited Eugenia to deliver a lecture, I suggested she might wish to talk about her work on Chen Diexian and vernacular industrialism. She of course countered and said that we can all read about that ourselves and would much rather present something that she's now working on. So this suggestion of course, has the power of both not only being true, but also much to our benefit because we get to now hear something that's completely new from her. So Professor Lean's talk today is titled The Ideograph and a Cantonese Pun: Linguistic Divergence and Spurious Chinese Marks in Global Capitalism. Before I hand things over to her, a few words about format. Professor Lean will speak for about 40 to about 45 minutes. We will then follow that with a Q&A session of about 30 minutes or so, finishing at 5:15 or shortly thereafter. If you have questions, please write them up using the Q&A function, I will try and make sure that we get to as many as possible. I'll do my best to curate them as best as possible too. We would like for you to identify yourself, but since this is being recorded, and if you prefer to stay anonymous, we perfectly understand and that's fine as well. So, okay, with those logistics out of the way, Eugenia a very warm welcome again and over to you.

- So Arunabh, thank you so much. And it is indeed really such a pleasure to be here. I've always enjoyed. I've given quite a few talks at Harvard, but I have to say this time it's particularly meaningful being invited by you. And of course I remember the seminar that you took with me, it was a fantastic seminar with many of the rising stars in the fields emerging from that particular seminar, including of course yourself. So, again I'm just so thrilled to be here. And I also quickly wanted to give a shout out to Mark Grady for all his help and the Fairbank Center for Chinese studies. So it's a real honor to be included in the Modern China Lecture Series. So today's talk, I'm gonna start with this particular quote from an article in the Shi Bao. So Take Notice, right? Xiangmao Soap Buyers. Okay. "Recently, a counterfeit Xiangmao Soap has appeared on the market, and one can be easily deceived by it if one does not pay careful attention. When you buy marks... Oh, sorry, when you buy Xiangmao Soap, take note that the words and design marks are thick and bulky. The quality of the material is durable, solid yet smooth, and the color is pale yellow. Then it should be the genuine article. If the words and marks are small, the material not durable and the color a deep yellow, it is not authentic. I solemnly notify all of you to be careful and to keep one's eyes open as much as one can. Okay. This quote, instructs Chinese consumers of soap, particularly the Xiangmao Soap, which was manufactured by a British manufacturer, the William Gossage & Sons Company. And it instructs the buyers on how to recognize the genuine product. It emphasizes the need to pay attention to the words and design marks. Along with the quality and color of the material of the cake. The targeted consumer is urged to "keep one's eyes open as much as one can." The very fact that such a notice had to be published

spoke to growing anxiety about the unruly profusion of goods in China's markets during an era when the country was navigating its entry into global capitalism. As China's markets went global in the latter half of the 19th century, mass produced commodities, some imported as foreign brands, others domestically produced saturated daily life. With advances in modern chemistry and industrial manufacturing, patent medicines, cosmetics, daily use items were among the most popular. Seeking to sell their products at an unprecedented economy of scale and scope, manufacturers of such commodities quickly came to regard the modern trademark as an indispensable means to carve out distinction for their product among a sea of indistinguishable or nearly indistinguishable products. It was often difficult if not impossible for even the most discerning consumer to determine the quality of the commodity or the danger of the remedy in a potion based on the mere appearance of the item. A trademark guaranteeing the reputation of a brand was meant to aid consumers to make such evaluations. And as the authority of trademarks spread, so too did the copying of trademarks. So called counterfeiting successful marks and packaging designs, along with a copying of brand names, sorry, quickly became highly lucrative endeavors that copycats around the world undertook to sell their wares. As this copying spread, the question of how to discern an authentic mark and as we explore below, how to appreciate a non-authentic wittily copied mark became part of China's quotidian commercial world. These issues would also emerge as topics of debate in loftier legal and diplomatic settings. While the copying of pharmaceutical commodities such as soap and patent medicine was worldwide, Chinese manufacturers proved to be particularly adept copiers and adapters. As foreign traders and merchants started to enter into China's markets in the 19th century, they discovered guild mechanisms and customary protection of marks that provided considerable protection to domestic producers and they were not extended to their products. With little recourse, many foreign powers then began calling for reform in China's commercial law. The British foreign office, for example, pressed the matter with successive Chinese regimes, starting at the turn of the 20th century until the 1930s, when the Kuomintang formerly drafted a trademark law. It was against this backdrop that pharmaceutical multinationals aggressively pursued suspected copycats on the ground. Companies such as William Gossage & Sons, the manufacturer of the above mentioned soap as well as its import company, the Xiangmao foreign company, which was also known in English as the A.R Burkill & Sons Company, regularly deployed undercover agents and detectives to scour the markets in Chinese cities for fraudulent goods and counterfeits employing derivative marks. Sorry, my apologies. So, okay. Sorry, this is the slide, bear with me. I'm still a little bit rusty despite doing Zoom for a year. So here is the... Xiangmao Honey Soap was an extremely popular soap that was being sold by William Gossage & Sons. And this is an advertisement for that soap in Shanghai. And A.R Burkill & Sons was the import company that regularly imported the Gossage & Sons' soap and sold the soap locally. So it's these kinds of pharmaceutical firms

like William Gossage & Sons and these types of import companies that would bring suspected counterfeiters after they scoured the ground for... With sending out armies of detectives, they would bring suspected counterfeiters to councilor courts to press their case. In Shanghai, British and foreign firms brought trademark infringement cases to the Shanghai Mixed Court in particular where foreign assessors worked with Chinese magistrates to preside over cases that involved foreign subjects. Now, today's talk is actually part of a larger project now tentatively called Making the Chinese Copycat. And the larger copycat argues or the larger project, sorry, argues that despite uneven relations of global power in the late 19th and early 20th centuries, actions by a host of Chinese actors, manufacturers, alleged copiers consumers, lawyers, as well as the Chinese state, pinched upon even if often unintentionally and obliquely the evolving shape of a new regime of trademark in infringement and by extension the parameters of modern IP. The project also hopes to shed light on a host of other issues, moving beyond the issue of law and highlight what those other issues were at stake in the cases. This would include, for example, the waning imperial power of great Britain and other imperialist nations and their efforts to secure their power within colonial outposts, as well as China's effort to navigate its entry onto the stage of global capitalism despite a very weak geopolitical standing. In this paper, I focus on legal trials specifically involving the alleged counterfeiting of the Xiangmao Honey Soap that I just showed you above. And it does so to illuminate the extent to which Chinese language emerged as a challenge to the prosecution of alleged copycats in courts. These cases, I hope to show, served to facilitate what was to become an ongoing global dialogue about what constituted an authentic mark, how copying and ownership of marks were to be litigated, and how the emerging trademark regime could or could not accommodate different aspects of the Chinese language and the Chinese commercial world. The legal understanding of the Chinese written character in particular was questioned. Some sought to marginalize the Chinese written character in the courtroom and render it as unsuitable for legal and commercial modernity. So too was a legal place of a vibrant culture of workplace in Chinese linguistic in commercial culture. Trademark litigation, I will show, could not always grasp the complexity of the Chinese language as well as the Chinese consumer market and including the presence of repurposed trademarks that were meant to help consumers navigate a multi-tiered sector of recycled and derivative goods. So let me start with... I will be presenting two vignettes to illuminate some of these issues. And let me start with Vignette One. This is a trial actually. Probably China's first trademark infringement trial that took place in 1889 in the Shanghai Mixed Court. It featured this A.R Burkhill's Xiangmao Soap, which was the import company. This is a Shanghai-based British import/export firm that imported Gossage's soap and the name of the soap, in English, it's Honey Beehive Soap, but they translated it and they used the name of the import, Burkhill's Chinese name, Xiangmao to name the soap itself. The import firm was

founded in 1867, and so by 1889, it was actually a very well established and quite powerful firm in Shanghai. And Burkill & Sons was accusing the Guangyi company, a Chinese manufacturing firm, of trademark infringement, Burkill & Sons alleged that Guangyi company's, Xiangqi Soap was infringing upon the trademark for Xiangmao Soap. The verdict of this 1889 trial ultimately found the Guangyi Company not guilty of infringement, but it did fine it a thousand taels of silver for imitation. The final decision then ordered the Chinese company to stop using the two characters xiang and qi in the name of its soap. Since when combined, they were too similar to the eponymous name of the honey soap by Xiangmao. Highly dissatisfied with this ruling, A.R Burkill & Sons argued that the court had ruled favorably for Guangyi only because its owner was of high standing in China at the time, and initiated a retrial. The 1900 retrial took place and upheld the original decision of imitation. Now, today I wanna focus on the 1889 trial and a lively courtroom exchange that took place among the key participants. This was an exchange that took place among the Mixed Court official who ran the trial, a surname Weng As well as the British vice council who was representing A.R Burkill & Sons. It's in the newspaper as he was referred to as Mei. and then the owner of the Guangyi company, Xu Huafeng who was the no ordinary merchant. He was actually the son of Xu Shou Many of you who study the Self Strengthening Movement or the late Qing, will know Xu Shou who was a famous Qing scholar affiliated with the Jiangnan Manufacturing Bureau and who was an early chemist. Like his father, Huafeng was both classically trained, right, so this was a period where all of these intellectuals "Wenzhen" were classically trained for the civil service examination. But since the two were affiliated with the Jiangnan Manufacturing Bureau, Huafeng also well versed in newly translated, scientific and industrial knowledge. And he too was part of the Jiangnan Manufacturing Bureau. He was going to serve as a teacher in the mechanical school. And after the death of his father, he assumed the directorship of the renowned Shanghai Polytechnic Institute, right. So this was a very, very powerful individual. And he turned down pursuing a position in officialdom and instead moved even further into private industry after the Jiangnan Manufacturing Bureau and turned his scientific knowledge into industrial success establishing this Guangyi Company. So he was part of this new breed of Chinese intellectuals who proved actually quite adept at navigating new commercial frameworks emerging in the turn of the 20th century. We will see here too, that Xu who represented himself would prove a formidable foe to the lawyer representing A.R Burkill & Sons. Now as the 1889 litigation was unprecedented, it was the first in China, both sides experimented with an array of legal and cultural arguments in court. What I would like to focus on today is the linguistically focused sub argument that occurred. And within that argument, I wanna illustrate how radically divergent notions of the Chinese written character were assumed. A.R Burkill & Sons alleged that the Guangyi company's, Xiangqi Soap was infringing upon its trademark for the Xiangmao Soap. So a large part of the trial was spent looking at the

difference at the two characters of mao versus qi and questioning whether they were similar enough for the grounds of infringement. Weng himself, the Mixed Court official was also interested in these two characters. And he aggressively interrogated Xu about how and why the Guangyi company chose the particular character of qi. In response, Xu explained that the company chose qi as it was a plant similar to Ginseng Mei, the British counselor, then interjected insisting that qi was not even a word. This prompted Xu to draw the Kangxi Dictionary out of his sleeve and dramatically present it as evidence that qi was indeed a word. Weng followed up by asking why the Guangyi Company specifically combined the two characters, xiang and qi, she replied that names can be designated freely, that Xiangmao had an alternative names like Xiang Xiang, Mao Xiang and so on. And reason that if A.R Burkill & Sons had done so, why couldn't the Guangyi Company? Xu then launched into a forensic analysis of the trademarks in order to make a case for the absolute distinction between the two marks. For him, the Chinese characters were utterly distinct. Okay, in contrast, for Mei, the British vice council, the issue at hand was the matter of infringement and to establish that he wanted to establish graphic convergence between the two characters. So while Xu protested stating the two were ontologically different and turned to the Kangxi Dictionary to verify this point, Mei insisted that the difference is negligible, graphic resemblance was unmistakable. These two divergent views of Chinese characters in the 1889 courtroom are notable and not idiosyncratic. They emerge from larger understandings of the Chinese character. Mei's insistence of graphic resemblance was partly because of the legal motive to demonstrate infringement. But the idea that Chinese characters were ideographic went far beyond Mei. Such a view had coalesced among orientalist linguistics in the 19th century and was reinforced with the early 19th century linguistic fascination with Egyptian hieroglyphics. It was also linked to the prevailing belief that not just the Chinese language, but the culture as a whole was increasingly obsolete by the latter part of the 19th century, for example. Historical and comparative philologists were critical of both the ideograph, but also the Chinese grammar. And Chinese grammar became an indicator, not of bounty, but of lack. In 1864, an American linguist, William Dwight Whitney gave a lecture titled Language and the Study of Language at the Smithsonian Institution where he advanced the idea that the mono syllabic character of the classical Chinese language was indicative of the language's deficiency in its grammar. And to demonstrate this, he purposely translated a Mencius quote in a literal, nearly word-by-word way that inevitably generated a pigeon translation that failed to convey the richness of the language. Of course, what was neglected in his argument was how Chinese language had what English or German might lack, including tonal separation of otherwise identical syllables or semantically based writing system with 40,000 distinct signs. The field of linguistics, this view of the 19th century Chinese grammar and Chinese ideograph continue to hold sway after the turn of the 20th century, both iconoclastic reformists both within and beyond China were to cite the the Chinese character

being idiographic in nature as the basis of why there was a need for script reform and linking script reform to the modernization of China. By 1919, there was a very famous essay called the "Chinese Written Character as a Medium for Poetry." This was written by Ernest Fenellosa and circulated by Ezra Pound and it's very influential in modernist poetry. While the idea of the Chinese ideograph persisted into the 20th century, and informed Chinese intellectuals in the 20th century, Xu Huafeng was arguing in the courtroom prior to this 20th century sense of crisis among Chinese intellectuals about the Chinese writing system. He remained actually quite confident about the Chinese character and for Xu this distinctiveness of a Chinese character, right, between the qi and mao was less informed by its overall graphic form, but instead turned on stroke order, tonal distinction, as well as phonological etymological and semantic qualities. So this is a long tradition. Xu was drawing on by evidentiary scholars, right? That an approach that gained prominence during the Qing as many of you know, that combined textual criticism and empiricism in efforts to find the original interpretation of classical text from antiquity and which demanded philological mastery over Chinese characters. And during the heyday of the movement in the 18th century, the Kangxi Emperor, sponsored a slew of philological projects, including the Kangxi Dictionary that Xu had just brandished. Right, that I just described Xu brandishing in the courtroom. And by the end of the 19th and even into the early 20th centuries, some reformer scholars, including Yun Jianqiao and Jia Dun continued to embrace evidentiary scholarship and studies as an indigenous form of empiricism. Certainly Xu Huafeng, his classical training meant that he appreciated this kind of understanding of the character, not based on it being an ideograph, but looking at the semantic qualities. Right, semantic and phonological qualities. Now, Xu proved to be highly persuasive as he argued against a case for a graphic similarity in the Mixed Court. He definitely exposed multiple hypocrisies in the logic of both Weng and the British vice council, Mei. He flatly rejected the preposition of graphic similarity stating, "Since our China has had a written language, we pay attention to strokes, pronunciation, meaning as for considering it to be unacceptable, based on the similarity of shapes, it is unheard of since ancient times." He further argued that it would be futile to make an argument that characters were overly similar based on shape in Chinese, since so many characters were so similar, right? So the tian and the yao, he cites as examples that are often appearing in trademarks, and that look almost identical and yet are not the basis of infringement. He then lists a character of Chinese, lists of characters in Chinese that are similar in shape to mao, right? Including et cetera. Okay, and then finally he says, "Well, westerners make different words from 26 letters. Often the two words that are different by one stroke or letter have completely different pronunciations and meanings. May I ask if you would also avoid using those?" So in the end, Vice Council Weng came up with some sort of a compromise verdict, right? And this compromise actually invited Vice Council Mei accusing him of not daring to persecute Xu because Xu was

a prominent member of the Jiangnan Manufacturing Bureau. The verdict was one of imitation, but not infringement, right? Xu rejoined Mei's accusation stating that the final decision was not a matter of his public office, but grounded in reason and evidence, he then pointedly exclaimed, "Is it because Burkill's products are inferior that you spared no effort to fight over the character of Qi?" Despite the testy exchange, Weng stuck to his guns and said that this was a verdict of imitation, but decided that the mark had not risen to the level of infringement. The final court reads as follows, A.R Burkill & Sons sued Xu Zhushan which is Xu Huafeng's alternate name for trademark infringement regarding the brand Xiangqi soap that he manufactured. This court decides that the two characters are similar and demands that Xu Zhushan change the character, qi. So when resisted fining Xu for infringement, but he did call on him to issue a public announcement in newspapers, to declare without equivocation that Xiangmao and Xiangqi are not related. So upon hearing the decision, Mei was extremely unhappy and threatened to appeal. Xu too protested the part of the ruling that called for him to change his brand name and strode angrily out of the court. The ruling notwithstanding Xu's, courtroom apparently won him many fans. As he strolled out, Western observers gave him a thumbs up. Okay, I'd like to move to the second case, the second vignette that deals with a Cantonese pun. So on July 12th, 1919, the North China Daily News ran an article with the headline, Infringement of Trademarks, Chinese Imitations of Gossage's Soap. The article then proceeds, noting that, "Another interesting jump to judgment was delivered last Friday in the Mixed Court. In a passing off case, in which Misters A.R Burkill & Sons requested an injunction to restrain Shun Tah dealers in furniture and sundries from selling or permitting to be sold soap bearing marks and characters so contrived as to represent marks and characters used by the plaintiffs. Relief by the way of damages was also sought." So here yet again Burkill & Sons were going after a local company for selling spurious soap that they claim were imitating or if not infringing upon Gossage's soap, Xiangmao. At the heart of this case was this notion of passing off. This was a principle in Anglo-American common law that referred to the practice of using improper marks to make the public believe they were consuming a commodity of another manufacturer's and thus passing off one product for another. This principle was meant to protect the trade reputation of manufacturers and prevent customers from being deceived, which would be caused by one manufacturer passing off his or her product for another's. Shun Tah was accused of selling soap that was allegedly fraudulent in this manner, namely, that it was seeking to pass its soap off as Gossage's Xiangmao Honey Soap. To establish the fraud, the plaintiffs focused on the beehive carving featured on the front of the soap bar. And unfortunately, this is not an ideal image, but if you look right here, you can see this is the soap that's featured in the advertisement, and this is the honey soap here. There's a beehive, right? So the carving is actually in front of the soap. And advertisers would oftentime include the soap bar and its carvings when it advertise its product in order to showcase what is an

authentic commodity or soap. And then the plaintiff also focused on the back. If you see here, there are characters, this is very unclear again, I apologize, but there're characters that are featured in the back of the soap that are carved into the back of the soap. There were four characters and they're here, "bei ji xiang hang", that were carved on the back of the cake. And the plaintiff specifically charged that the soap sold by this Shun Tah furniture store bore a beehive mark that uncannily resembled the beehive trademark featured here on the Gossage's & Sons' Honey Soap, which was registered in England and also in Shanghai. So they were very concerned about that. If they found the beehive to be problematic, they did comment on the brand carved on the back of the soap cake in the following way. They noted how the four characters appeared. So these four right here, "bei ji xiang hang", they appeared, the prosecutors argued devoid of conjunctive significance, referring to the fact that the four characters actually have no meaning when strung together in Chinese. Yet what the prosecutors seemed to miss or certainly did not press was that these four characters were actually a highly suggestive pun and a play on the dialect pronunciation of the name. So the pun itself turns on the first two characters, bei ji which if pronounced in Cantonese, I'm not a Cantonese speaker, so I'm not exactly sure how to pronounce it, but is a pun. It's basically the pronunciation is identical to the Burkill name pronounced in Cantonese. And then there's also focus on the last two. If you were to look at the last two characters in this name, xianghang, right? Xianghang has no meaning, right? But it does rhyme with yanghang or foreign company, which is in the name of the xiangmao yanghang right? Burkill's Mandarin name and proper name. So, and on top of that, in addition to rhyming with yanghang, this xiang is the same as the character, Xiangmao, right? So there are a lot of puns in this particular derivative, so called allegedly derivative name of the soap that was being sold by the Shun Tah company, was pregnant with meaning. And it turned on several layers of word play and punning. Okay, more generally as trademarks gained increasing prominence and importance with mass manufacturing, the practice of punning and wordplay, which had a long history in Chinese culture and literature was wittily present in the burgeoning commercial culture of early 20th century China. With its numerous homophones and graphically similar characters, Chinese lends itself to wordplay and puns, both in oral and visual terms. Dialect is also often involved where puns would rest on the similarity or dissimilarity of the oral pronunciation of a character in a dialect distinct from its Mandarin pronunciation. Producing not only a different meaning from the visual sign, but also from the standard pronunciation. Crafters of modern trademarks in commercial centers and treaty ports, such as Shanghai and Guangzhou where regional dialect was prominent, showed considerable appreciation of wordplay and punning, especially with dialect. As these ports were where foreigners mingled with locals who spoke both Mandarin and their respective dialects, and increasingly some English, a new cosmopolitan linguistic landscape provided fodder for this linguistic play in trademarks. Just to give you another example, this comes from my

recent book on Chen Diexian who was similar to Xu Huafeng, an early Chinese industrialist who had also deep literary knowledge and was a winner in the literates. And this is his trade trademark. He was a producer of Butterfly Brand Cosmetics. It was one of China's most popular cosmetics and daily goods brand and manufactured by his company association for household industry. And as a brand, it was multilingual and employed several levels of linguistic wit. So here on the left is the registered mark, right? And you see it in English. It is butterfly. But if you look at the top mark, the middle trademark, you see the actual characters in Chinese are "wu di pai", right, without peer. And this was a pun or not a pun, but it was a reference to the national products movement because he himself was a right? Leader, a national products movement leader. And the "wu di pai" meant it was peerless without peer among the enemy products, right? But the actual sort of militaristic without enemy name, which was meant to evoke a passionate call to arms within the context of the national product movement actually assumed a much more whimsical, playful connotation in Shanghainese. So those of you who know Shanghainese, "wu di pai" becomes much wittier and "wu di" is actually pronounced in Shanghainese as in a way that's similar to butterfly, the Shanghainese pronunciation of butterfly, which is again the English name and visually the key visual mark of this particular trademark, right? And here to the right, you see this highly popular product. This is a product that is a tooth powder, but you could also use the tooth powder on your face as a face powder. And it is as you see with the decoration, the butterfly is prominent. And in fact, Chen Diexian, the manufacturer is himself. His name, his public name was Diexian, right? Die being butterfly, the butterfly immortal, another pun. And he himself was a Mandarin duck and butterfly writer where these tropes of butterflies and Mandarin ducks evoked kind of the romanticism of that kind of sentimental literature. So it's a play on many levels and so the Xiangmao and Cantonese pun was hardly alone on the market in terms of penny marks. Now, if wordplay was often deployed in Chinese trademarks, Western corporations did not always appreciate how those puns worked, nor did they appreciate the fully homophonic nature of the Chinese character that would allow for puns, nor did they understand the implications then that these linguistic characters had for trademark infringement. As their markets went global, multinational pharmaceuticals, such as William Gossage & Sons but also such as Burroughs Wellcome & Company and other British transnationals invested considerable energy into finding the best way to translate trademarks into foreign languages. And here is a memo, it's a 1904 memo by the Burroughs Wellcome & Company. It's one written by a A. E Warden who was the Burroughs Wellcome & Company secretariat, who was in charge of trademarks. And also in that that same office was in charge of finding copiers throughout the world. And in this particular 1904 memo, A. E Warden discusses the difficulty of translating its trademarks into any language, right? It's an English trademark, but this was going to be a challenge when you translate and find appropriate translation for its marks into romance languages. But the

particular challenge was in non romance languages. And in this memo, Mr. A. E Warden writes how word marks in particular rely on both so-called eye and ear appeal. And that the ear appeal or the sound of the mark is particularly difficult to translate effectively. The document proceeds by instructing the characters of the foreign language producing as near as possible the sound of the trademark should be arranged between, and I'm quoting here. "It should be arranged between parentheses in a subservient position in the English trademark, the characters composing the word being regarded without exception as the trademark." Okay? And to illustrate the point, right? So this actually comes right here. That's the quote right here. And to illustrate the point, the document then gives examples of the Venolia Brand. So in English, the Venolia Brand would just be Venolia, but in Turkish, it would Venolia with the Turkish writing underneath that would explain the pronunciation of Venolia in Turkish. And similarly there's Chinese, and if you see here, the little squiggly marks, that was supposed to be Chinese. The Chinese pronunciation of Venolia. The memo goes on and provides an extended counterfactual example of a Chinese language trademark being translated and registered into English. It starts here, but I'll use this slide to share the quote. "Supposing that certain characters which were not readable without a knowledge of the Chinese language, render the sound, 'Yah-hoo-pay.' I would, were I the owner of the Chinese trademark register in the United Kingdom the symbols, which in Chinese produce that sound and on my labels and in my advertisements of the product issued under that trademark. I would put the English letters which would give the pronunciation of my Chinese symbols, 'Ya-hoo-pay' in parentheses beneath my trademark regarding the Chinese symbols as my trademark. It is inconceivable in my mind that such procedure would make it permissible for anyone to use the term 'Yah-hoo-pay' as a trademark for similar goods subsequent to my adoption of my trademark. And if one did so on the ground that my trademark was the Chinese symbols and not the sound of "Yah-hoo-pay," I feel sure my rights in the sound of my trademark would be maintainable." Right? So this is an effort on the part of Burroughs Wellcome & Company and others to stake a claim over the sound of the the name in other languages. And the choice of Chinese here with its almost comical orientalist rendering of a Chinese sounding brand name, "Yah-hoo-pay" was not accidental. It suggests how the Chinese language assumed a particularly fraught position in Warden's imagination and more broadly the Western imagination, of difficult languages in which to render trademarks, especially from a phonetic perspective. So Warden proceeds with confidence that the difficult language of Chinese could be captured by the proper trademark and that the "rights" in the sound of my trademark would be maintainable. Such an assertion while stated with impressive certitude, ultimately belies however a lack of understanding of the highly homophonic nature of the Chinese language and the troubles that were to ensue in trademark infringement cases. And indeed this issue of homophones would arise as a meddling problem in the 1919 Mixed Court case featuring this allegedly derivative soap being sold by the Shun Tah company. The media coverage

of the 1919 case was quick to identify the pun and word play that lay at the heart of the soap's trademark. But none of it actually fleshed out its full legal implications. The North China Herald Article in the case presents the imitation and by extension deception as a given stating at one point that "There can I think be no question as to imitation itself or the probability of deception. The issue then was that the plaintiff was not able to establish evidence of explicit fraudulent intent." Legally, the bar for deception was very, very high and evidence had to be found not only that the mark functioned to deceive or that it had been created with the intent to deceive, but that the defendant Shun Tah in this case thought that this deception was possible. And this was where this alone, they could not establish that. So at the crux of the trademark law was the idea that a trademark was meant to assure the public and serve as a guarantor of the quality of the object by branding the reputation of the merchant or manufacturer. An offending trademark was one that sought to deceive the public to pass off one good for another and thereby claim the reputation of the targeted manufacturer. In contrast to this legal premise of offending marks confounding the public, the success of the mark on the soap being sold by the Shun Tah company, turned on its ability not to deceive, but to invite complicity from a knowing audience. So the clever pun and wordplay embedded in the four characters, "bei ji xiang hang", suggests that the soaps maker and seller was fully aware of William Gossage's Xiangmao Soap and was keenly intent on taking advantage of the Xiangmao mark and by extension Gossage's reputation. And by definition, the pun required the audience to be in on the ruse, recognize the derivative nature of the brand name to make the pun possible. The consuming public was thus expected to be fully aware and indeed appreciative of the linguistic play. In strict legal terms, the Shun Tah sold soap with thus not qualify as counterfeited or fraudulent items as its mark was not meant or expected to be able to deceive the public. But in fact, turned on the public's complicity. This indeed may have been why the plaintiff appeared silent on the matter in court. For our purposes, it was precisely the lack of attention to how the very success of Shun Tah's punning trademark rested on a knowing audience that lays bare the larger dysfunction between the evolving legal definition of trademarks and China's commercial linguistic culture. The emerging global trademark law was not entirely able to accommodate the linguistic peculiarities of China's commercial culture and trademarks that turned on those peculiarities. They oftentimes eluded full crackdown. Indeed the final verdict in the case regarded the fact that the defendants had been served with the rid of notice of the application for an interlocutor injunction to withdraw the offending article from sale and was requested to refrain from selling it in the future. That the defendant did not choose to do so prompted penalty. the article covering the case then notes, "By a course of prevarication such as is unfortunately too often adopted in these courts, they have put plaintiffs to unnecessary expense and defense of their rights. An injunction must be granted with costs as between party and party. So

Shun Tan in the end had to pay for the costs incurred, but a verdict of fraud and infringement was conspicuously absent. So some concluding thoughts, these two cases featuring alleged counterfeiting of Xiangmao Honey Soap have allowed us to explore how Chinese language and linguistic practices in Chinese commercial culture, often stymied Western manufacturers attempts to pursue and prosecute alleged copycats. They bring to the floor how the emerging trademark regime was premised on romance languages and fail to appreciate the complexity of both the Chinese language and the nature of the Chinese consumer market. In the 1889 Xiangmao case, the first ever trademark litigation in China, it was evident that the emerging global trademark regime was premised on an orientalist understanding of the Chinese character as ideograph. In the 1919 case, which we just discussed, the modern trademark regime failed to appreciate the homophonic nature of the Chinese language. By treating the language as single national language, it was unable to grasp the homophonic nature of the Chinese language and its ability to serve purposes for punning and by treating languages as single national languages, right? So not being able to grasp the place of dialect. Both the homophonic nature and the dialect were often the basis of wordplay and punning in both "original" Chinese trademarks and also allegedly derivative ones, so it was used widely. Yet trademark law proved unable to capture or accommodate these practices, the key legal premise that an offending mark rested on its function to deceive the public, prevented the system from even recognizing marks that while likely to have really been emulative, turned precisely on a knowing audience willing to purchase the counterfeit because of the witty pun. In other words, the premise behind the passing off principle that spurious marks deceive the public and buyers needed to beware is deeply at odds with China's commercial linguistic culture, where marks rested on the fact that buyers were in fact keenly aware. Such linguistic practices, common in Chinese trademarks were actually part of a larger knockoff culture that assumed a knowing audience. And this was widely accepted in Chinese commercial life, but would have no space in the emerging legal regime of IP. Recycled markets, multi-tiered copies, abounded, along with the arrival of expensive foreign brands in China's markets. China's material landscapesaw the proliferation of these multiple tiered markets with all kinds of goods, mass produced goods, both domestic and foreign manufactured, permeated all spheres of life and caused confusion, commercial markets and consumer cultures became increasingly complex. With this proliferation of goods and multiplication of things for sale, different ways of classifying daily use items appeared. Some were deemed domestic and hence authentic in opposition to enemy imported goods. Others were brand name commodities situated or pitted against so-called counterfeit items. There were also in between recycled repurposed goods. So all of these categories were shifting and changed over time and among different groups of producers and consumers. Fervent debates about exactly what formed an authentic versus fake, native versus enemy good, were constantly taking place. Within this dizzying terrain of repurposed and recycled

knockoffs, consumers were actually quite aware of the complexity and often proved savvy and resourceful in navigating the array of goods. Oftentimes, able to choose and select the best counterfeit item. And in that their mind, this item did not elicit illegal or ethical connotation. They did this oftentimes by relying on trademarks themselves, often repurposed, derivative, and artfully copied to navigate this marketplace of knockoffs. And it was in this context then that both allegedly spurious marks featured in the above cases, right? The Guangyi Company's Xiangqi product and the punning brand sold by a Shun Tah that they gained significance. Hardly marks that deceived in acts of passing off, they added and arguably abetted knowledgeable and appreciative consumers in wily acts of consumption in a much larger market of rogue knockoffs that eluded emerging trademark regimes of the early 20th century and that continue to elude the global IP regime today. So thank you very much. And I believe I turn things over to Arunabh.

- Great, thank you so much. That was really fascinating. And we actually already have questions coming in, but maybe I can abuse my privilege and ask just a little bit about... I actually cheated a bit and checked in "Vernacular Industrialism in China" to see if Xiangmao Soap turns up and it does turn up. So I was wondering if you could speak a little bit, but there's only one instance, of course, it's a passing reference. So maybe if you could tell us a little bit also about sort of the origin story for this project and to what extent and how it emerges out of the book that you just wrote about Chen Diexian. And then there's a bunch of questions that we will go to.

- Okay. So it does show up? I didn't know it showed up. Okay.

- There is one passing reference to I think the 1919 case, I think actually.

- I see, okay. So I'm now getting all my "allegedly" counterfeit Xiangmao Soaps mixed up. Yeah, it does very much emerge from this question because Chen Diexian himself had a very... I found his views on copying very interesting, and I use in the Chen Diexian case and the book in general, I use his sort of single case to kind of reflect upon larger practices of copying in China And to think about concepts like which starting already in the Self Strengthening Movement were actually really promoted as virtues, as key aspects of how China was going to self strengthen itself. It was through the adaptation, the translation, the importation, and appropriation and emulation of foreign technologies, and that there was nothing wrong with that. In fact, that was what you had to do. And that idea continued all the ways down until Chen Diexian, as a national products movement or leader. He wrote treatise after treatise and advocated and practiced and urged and exhorted his fellow manufacturers to engage in imitation And indeed he himself, right? He said, "Okay, many of my technologies come from abroad. I translate my recipes from abroad in terms of how

to make cosmetics." And he would then take those cosmetics and then tinker with them and try to find local ingredients, right? Locally sourced ingredients because a lot of the ingredients that came with these kind of Western formulas or translated formulas, China didn't produce domestically and would have to be imported, and was extremely expensive. And that actually spurred him to become a raw ingredient manufacturer of magnesium carbonate, because that was crucial for cosmetics. And so this was actually very much a theory of his that you have to imitate in order to strengthen China. But it's not just blind imitation, right? It's imitation that improves the item. That you tinker, you locally source, you improve and you adapt, right? And this was born of very real conditions. China was during a very chaotic period in the early 20th century, it was economically weak, it was politically weak. It didn't have access to a manufacturing base anywhere near what Europe had. So these were sort of tactics of the weak that he promoted as being a source, a virtue that Chinese merchants had to adopt in order to survive. And so I am very much interested in that. The irony of Chen Diexian of course, is that while he advocated the copying of technologies, he went after copycats, who tried to copy his mark, his brand, because he became a very famous manufacturer. And he was very, very concerned about the ripping off of his name, both in terms of being an author, he was worried about copyright issues, but also in terms of being a manufacturer and the people who were like ripping off his butterfly trademark. So certainly, and he was more than willing to turn around after advocating the need to copy foreign technologies. He was more than willing to turn around and say, "Okay, look, but I'm going to appropriate and translate all these legal tracks about IP for trademark infringement to protect my trademark." So there was in his mind, no inconsistency whatsoever, but it does talk about the fluidity, this example, Chen Diexian's example, and the examples I talk about today of global IP. I mean China was not alone. It certainly was increasingly targeted. And this is one of the arguments I'm making with this new book is that how does China out of all of the copiers throughout the world including copiers, wily copiers in London and in the Metropole. Why is it China that gets to eventually emerge as the quintessential copycat of the world? A reputation that really continues until today. So that kind of gives you a sense of where some of my interests came from and how they continue into the new book.

- Yeah, no, absolutely. And in some of your remarks right now have anticipated a question from my other teacher at Columbia, Madeline Zelin, who has asked sort of two back to back questions for something I was thinking about also, whether you have encountered cases and you seem to suggest that in the case of Chen Diexian, you have, where both sides, both the litigants are actually Chinese companies. And does it happen in the case of other products that you see and then Madeline Zelin also follows up and says, "What was the use of similar characters and puns supposed to signal to the consumer? In your case, the wily consumer would know a good was not the Western original. If

people would respond to buying a product that was not the foreign good, why play the game of pretending to be Western?" So I think you were signaling some of this already in terms of national product movement and the role of patriotism and so on. So I was wondering if you could reflect on both the Chinese versus Chinese kinds of cases, and then what is being signaled to the consumer?

- Yeah, yeah, no, absolutely. I mean, this is an early part which Maddy knows very, very well as an expert, whose leading economic history on the late Qing and Republican period. But this is a period where law of all sorts, including commercial law, this is what she works on, is emerging and evolving and hardly set, right? And hardly fixed. And there are merchants who like Chen Diexian who eventually become quite powerful and who seek or use the power of the court, the power of the law to pursue copycats in order to protect his brand. He does so in multiple ways, not just through the legal regime, because it was... I mean, he was productive. He was producing things in the 1920s and 1930s. And so there were copycats already in the 1920s and trademark infringement law was very, very imperfectly... The final draft of the Kuomintang Trademark Law was not until 1928. All right, so even after that, it was very imperfectly implemented or pursued or applied. And so I have many instances of cases like where Chen Diexian is using instead other tactics, which includes brow beating, like literally sending agents to brow beat merchants who are selling fraudulent Butterfly Brand goods, right? Or exposing people in newspapers. Sort of featuring copycats in newspapers, taking this out. And this was actually a tactic that not just Chinese merchants used against Chinese copycats, but that Western merchants used against copycats everywhere. So I have another chapter of this book of book three that looks at Hazeline Snow, which is a very, very popular vanishing face cream and Arunabh knows this project because it was something that we did together in Osiris Volume on Science and Capitalism. And there Burroughs Wellcome & Company went after all these copycats of Hazeline Snow throughout the world. And because early 20th century, a lot of the trademark law was imperfect in many places including in London itself, right? So the way that Burroughs Wellcome & Company would go after copycats was by forcing them to post apologies in newspapers. Kind of to shame them into stop using their brand. And that was sometimes effective. Sometimes it was not, they would have a Chinese case where the Chinese merchant just, "Okay, here's my apology." And then continue to copy, so multiple ways of going after copycats were being used in this period where the legal regime was still quite in irregular. So the second question, I'm not sure why would consumers use... Why do they need to have a pun?

- I can repeat what she said. So what was the use of similar characters and puns supposed to signal to the consumer? So in your case, the wily consumer would know a good was not the Western original. If people would respond to buying a product that was not the foreign good, why play the game of pretending to be Western to begin

with? Sort of why not just completely claim be different?

- Yeah. Well, I think it's a very playful culture, right? I mean, you know, so there's an appreciation of puns. There's an appreciation of word play. There's an appreciation. I mean, that's part of the commercial culture, right? I mean, when you have something kind of funny and witty and winking, you as a consumer fetishize that object even more. So I think it signals not necessarily that this is or isn't a Western product, but more another kind of value of the good, right? That there is something that it could be appreciative, right? And you see this today, one thing that comes to mind is like when people kind of carry the fake Guccis and then write, "This is a fake Gucci." Right? I mean, there's this kind of aspect of commercial culture that's quite performative both by the consumer and by the producer. So that's how I might sort of take a look at how these puns were being appreciated.

- I should sort of mention to the audience, I'm sorry, in my excitement to get to the questions, I didn't invite everyone to feel free to write in with their questions, to use the Q&A function. The floor is certainly open. So please feel free to add to the questions that have already come in. But there's a question here right now that sort of I think is very much related to the conversation so far, which sort of, I think, invites you to speak to sort of the market and the literacy in particular of the consumers. So this is an anonymous attendee, "Thank you for a very intriguing talk." And then ask, they're wondering about the literacy rate of that time period, where the manufacturer is aware of common consumer's abilities of recognizing the difference between characters. And if I could add a little bit to that, to sort of maybe ask you to speak also about, is this largely a sort of a Shanghai market or maybe a treaty port market that is being envisioned? Or are they thinking also of other cities that are not treaty ports and then maybe even more broadly the hinterlands and so on?

- Yeah. Yeah, so, I mean, I think an effective mark or trademark can hit and appeal to a whole variety of consumers, right? So there might be somebody who appreciates the Cantonese pun, who is from Guangdong and is a savvy urbanite who can appreciate the Cantonese pun and wittily purchase the soap that's produced domestically. And same thing with the Chen Diexian butterfly example, right? So it could appeal anyone nationwide as a product, right? If you speak Mandarin or if you can read the Chinese character, "wu di" you know that it's without enemy, right? It's a product and people might just go out and be incited to buy because they're nationalistic or patriotic. But if you live in the Shanghai area and you know, Shanghai, well, that's another level where you might kind of appreciate the product and the pun. And the good itself, the Chen Diexian case, his goods, yeah definitely reached the hinterland. It also reached global markets, Chinese diaspora in Singapore and in Southeast Asia who also kind of knew. And

he himself was very much like attached and the brand itself was very much attached to the culture, right? The Mandarin duck and butterfly fiction culture that also bled into the emerging film culture, right? So these goods, it was an incredibly sophisticated commercial market in early 20th century China. And these goods would kind of attach themselves to different parts of the consumer market, including film, including fiction and so on and so forth. And in terms of literacy, you know, I mean, there's also people who just kind of, you know, who might not have been able to or semi-literate or who nonetheless liked for example, the butterfly imagery or the beehive imagery. They'd seen the fancy beehive imagery associated with the Western soap. They might not have gotten the pun in terms of the Burkill or the Cantonese pun, but they saw a beehive mark that was similar and evoked the Western good and the Western original, but they could buy the alleged counterfeit at a much cheaper price, right? So goods like good marks actually appeal in multiple ways. And I think many of these examples just speak to that.

- Great, we have two questions from Joan Judge, but I'm gonna break them up into sort of... Take them separately, because there's a question, one of them speaks to another question that's sort of more broadly about sort of Chinese culture, if you will. So this is a question from Amit Mifeld who says, "What in Chinese culture leads to such a propensity to copy and counterfeit in the past and the present? So first, would you even agree with the framing, but if you do then how would you respond to that? And then there's Joan Judge's first question. So she thanks you for an exciting talk and then ask you to sort of reflect on maybe sort of what might be influencing some of these counterfeiting practices in particular, she's asking, "Did a long practice of counterfeiting art in the late Imperial period help to train Chinese consumers to recognize and navigate counterfeit items and sort of a new globalizing economy?" So could early counterfeit colophons possibly be a precursor to the trademark then in that sense?

- Okay, so first to Amit's question. Yeah, I probably would actually frame it a little bit differently in the sense that the aim of this book is to actually question whether Chinese culture is more inclined to copying than any other culture. I think there's copying worldwide. And especially at this moment where modern IP is kind of still emerging, right? And one of the reasons why modern IP emerged at this point in time was in part because these large pharmaceuticals is trying to kind of quell worldwide copying. And this included in China, in Japan, in India, in Canada, in US, you know, in Europe, in France, everywhere, including in London, they were actually extremely worried about domestic copycats, a lot of these British copiers. And one of my arguments is that China was targeted and deemed an exceptional copier in part because of the anxiety they had over the market. The British presence was waning during the early 20th century in China, and never had complete control as it did in other parts of the world like India. It had a long history of not being able to penetrate the Chinese

market and to sort of, you know, conquer the Chinese markets locally, right? Because China's so vast, right? So that anxiety about its control commercially and economically, as well as politically as empire was waning in the early 20th century, meant that a lot of these European companies and, you know, the foreign office, the British foreign office, which is oftentimes representing these companies, right? Was really keen on showcasing the China as like the other of capitalism, right? And that's what I was trying to also show with the first case today in the Xiangmao case, right? How language was part of that othering of China, trying to treat China as not really fitting into commercial modernity. Its language held it back, so it couldn't have a modern trademark, right? And so I would actually reject the idea that China copies more than other places, but rather what I'm interested in saying is that there was lively copying going on and that that emerged from a particular commercial culture that was multi-tiered precisely because you had foreigners who were bringing in, importing very, very expensive items. And there were local companies in the early 20th century who were very willing to kind of make mock items or repurpose commodities or trademarks in order to just carve out a niche in a very, very competitive market, right? And that I think occurs everywhere, but particularly in China, because it was a very, very complex market that was not strongly controlled in the early 20th century. And so that's also why I think it was so targeted, right? Again, that anxiety. And then today, I think the ongoing kind of refrain that China only copies and doesn't innovate is one that reflects more the anxiety of those people who are saying that, which are oftentimes Western powers than it does about Chinese propensity, like authentic, a central Chinese propensity to copy. I mean, you know, it's I think a way, there's a threat there's anxiety about China's rise as a 21st century superpower. And so this refrain that China only copies and doesn't innovate is meant to, you know, demonize the emerging superpower rather than really being an accurate depiction of what China does. So I'll keep it at that. Now, I think Joan's question.

- The long practice of counterfeiting art in the late imperial period.

- Yeah. You know, I think absolutely. I know very little. I mean that is something that I as I delve into this project, that would be great. I mean, you know, there's some recent work done on... I mean, there's always been anxiety about forgery, right? And back to ancient... I mean, Bruce Rusk has just come out on practices of forgery with colophons, right? I think maybe what Joan was referring to, throughout the late imperial period. So I think that's a very important context to look at, and legally speaking, I think the late imperial, and this is something that Maddy Zelin would know very well, sort of a Qing law probably didn't persecute. It was really guilds and kind of, you know, sort of local merchant communities and associations that might kind of tried to police or regulate, you know, sort of excessive copying of a mark. But I think that the law itself actually did very little to

comment on kind of private interests, like private interests or private merchants who were being copied. They could not turn to Qing law for that much protection because Qing law was more concerned about forgery of the state. Although there are some cases, I do believe like Chaopeng Shen who is originally in Taiwan, he's now in Hong Kong has done some interesting work of some early examples, even of Qing, you know, sort of private merchants turning to law in the Qing to defend their marks. But I think Joan's suggestion is fabulous and something I'm gonna look into a little bit more, and then she had another one?

- Yeah. So she has a second question, which I was also really quite intrigued by. So she asks if you could say something about the creative energy behind these witty trademarks. So whether teams of well-educated graphic artists who work for these companies, who are these individuals? So I guess I'm thinking of advertising firms and I guess "Mad Men" in the 1950s comes to mind immediately as sort of this kind of... Is there like a burgeoning sort of, I don't know what you call it, professional class that emerges?

- So I don't know specific to the two Xiangmao derivative soaps. I don't know. I have yet to know exactly how those marks were generated or produced. But, you know, I know a little bit more about the Chen Diexian, the butterfly mark, and I know that he was... He ran this vertically integrated, very sophisticated company, right? That produced daily goods of all sorts. And he had an in-house... I mean, he was very... Just a brilliant marketer. And so he had an in-house, you know, publicity group and he had a team that worked on the trademarks. He hired very famous artists who were calendar artists at the time to do, you know, the flowery trademark that I showed with the butterfly on the tooth powder cover. And I can't remember the name of the artist. He's a very well-known artist who is featured in Ellen Yang's work on calendar artists that emerge during the early 20th century. So there's a whole absolutely professional class of artists who probably once originally would've been trained as literati artists, perhaps, but now in the commercial culture of Shanghai and other big cities, right, were being hired to do these new visual products, right? Advertisements and so on. And there's been work done on advertisements, including Western advertisements. Carl Crow is a very, very famous early Shanghai advertiser, but of obviously, he himself, Carl Crow would've used because they would've been invested in kind of translating foreign marks, right? But so he would've... And I know he did use teams of Chinese artists and punsters, you know, people who had the creative energy. So yes, absolutely.

- Great, thank you. So we are past the time we said we would stop at, but we have some great questions still. So if you don't mind, we can maybe two more. I mean there's many, many more I have, but there are at least two more that have come from the audience that perhaps we can take. And then we can bring the session to a close. And they're somewhat related, but maybe we can take them one at a time. So the

first is from Ren Ren Yang, who says, "Thank you, Professor Lean for your illuminating talk. To what extent the hegemony of global capitalism propagates and enforces the problematic distinction between the authentic and the inauthentic to the detriment of a lack of appreciation of the playful forgery in Chinese art tradition?" So this is related to what you were just speaking of. "In other words, the condemnation of counterfeits only becomes a thing after the invention of the copyright law or the hegemonic commercial culture, whether it be in literature, in film or in material goods, in Republican China actually bridges the elites and the grassroots tastes through playful consumption." So there's also a nice sort of class element to this question.

- Yeah, yeah, absolutely. Yeah, so, I mean, this is part of my project, right? Is to show how global capitalism seeks to establish this hegemony and try to distinguish between authentic and inauthentic goods in order to support large corporation's interests in global markets. And how the Chinese have been actually extremely successful throughout history in terms of evading that hegemony. And perhaps that's what speaks to the previous question about, do Chinese copy or not. It's like, you know, in a way, one of the reasons why they are attacked or deemed quintessential copiers is because they're so good at evading this hegemony. And because the hegemony does seek to make the playing field uneven, right? And so oftentimes wily producers have to kind of, you know, carve out sort of a corner of the market through means that, you know, the the global capitalists might not appreciate as much, right? So absolutely that's, you know, primary motivating force in my work. And it does mean that they can appreciate this kind of playful forgery that we see in the trademarks that I looked at, but it is a much longer tradition. So this goes back to Joan Judge's comment as well, right? This is a much longer tradition. And it brings to mind too. This is something that I look at. Actually part of my Chen Diexian project as well, Diexian, Chen Diexian himself was a writer first and foremost in the earlier years. And he was all about play. There was this huge culture emerging late Qing in literature, popular literature that informs eventually the Mandarin Duck and butterfly stuff, but it was also informing the romance, this culture of sentiment that turned around the concept of and people have done a lot of work on this, where it was literally about playing with things, playing with genres, playing with formulas, right? And he himself as a writer would play with preexisting formulas, including narratives like you know, he was all about writing. And that was a period, that's what many writers at the time did, they would reproduce playfully sequels to the "Dream of the Red Chamber" and all his romance novels, like real authors later on, Mei Fong authors would criticize him as being unoriginal. They're all derivative. They're all yet another "Hong Lou Meng" sequel. Right? But that was precisely the point. It was meant to be kind of wink, wink, this is kind of a forge, but playful rendition of yet another "Hong Lou Meng" story and those things sold like hot cakes, you know, and that is exactly what bridges the elite and the

grassroots tastes, right? Through this kind of playful consumption. So I think that's a wonderful, wonderful question, yeah.

- Great, and your remarks about playfulness in some ways also evoke, I think what Sylvia Lindtner has tried to do in her new book, "Prototype Nation" and talk about sort of creating these, I think she's calling them hacker spaces, right? Where you are sort of unleashing creativity, but it's also central to a transition precisely away from China being seen purely as a copycat to actually a creator of kinds of... Sort of new prototypes in some ways.

- Yeah, exactly.

- Ideally high tech, but all kinds of manufacturing. So I think we'll give Fang Yung the the last question here. They say, "Fascinating talk and so important in historicizing the contemporary phenomenon of counterfeiting China. What do you think of the more recent detranslation of IP and Chinese discourse as in IP film? So IP versus the formal translation of intellectual property."

- Wow. Detranslation, so I don't know. I mean, this is fascinating. I'm gonna have to contact Fang Yung because I dunno anything about this, but it sounds really interesting and I'm kind of curious what... I'm not sure if he's a she or he or they means by detranslation. So you mean that it's no longer rightfully written out in Chinese, but now uses IP, right? Is perhaps-

- So that's where I get my understanding too. So they're no longer using the .

- So I would love to learn more about this and I'm gonna have Fang Yung directly. And I'm sorry, I don't have a specific answer to that recent phenomenon, but it is fascinating.

- Okay, well, hopefully it'll lead to a fascinating conversation and exchange. Well, they have a quick comment here. Maybe it's... Yes, using the acronym. So, but yes, I guess it's a conversation that you can sort of continue. And in some ways, maybe as a quick last word, something that is also of course intriguing is to what extent does the adoption of simplified characters, does it affect sort of the broader points you're making? And this would be to sort of, I guess, see if there are case studies in the more contemporary moment that echo some of these kinds of tensions and concerns. But anyway, that's just a concluding thought. I dunno if you have a final word of that.

- I mean I would imagine that you can still pun and do wordplay in... It's just different kinds of punning and wordplay. Perhaps some of these earlier ones don't quite stand up in kind of a simplified character context, but simplified characters still, you know, lend themselves quite a bit to punning.

- I guess you might see the classic sort of conservative kind of pushback where, oh, it's no longer as playful as it was. You know, that sort of thing.

- Right.

- The lament in some ways that, yes, this is, this is crass, it's still common, but it's crass as opposed to-

- Maybe it might be, you know, sort of those who kind of fondly have nostalgia for classic, you know, sort of complicated or traditional-

- And the more classical education that has all the illusions that, you know, is a problem.

- Exactly.

- And so on.

- But I, but I mean, I think, you know, I mean, you know, simplify characters as well. I mean, you know, it's thriving poetry culture that probably in China.

- Right, possibilities are probably in progress.

- And commercial China, right? So there are endless possibilities.

- Well, okay. Well, on that note of endless possibilities, we wish you all the best with this project, look forward to reading it hopefully soon.

- Oh, gosh, yeah. Me too.

- Yeah, and thank you so much for a fantastic talk and thank you to everyone in the audience for joining us. And we hope to see you again in four weeks when we welcome Joan Judge. So Professor Lean, thank you again so much.

- Thank you so much again. Thank you, Arunabh.