

Endstop

FAKING IT

Fear and loathing of China is ratcheting up in designland. But, says **Kevin McCullagh**, its boom is down to risk-taking and energy rather than ripping off Western ideas

Becoming workshop of the world was one thing, but China's newfound status as counterfeit capital of the world strikes designers closer to home.

After all, in our post-industrial knowledge economy we creatives are supposed to live on the thin air of ideas. Companies are also becoming more vigilant in protecting their 'creative capital'. In defence of its ownership of Eames' chair designs, Vitra used European copyright laws to force a Malaysian manufacturer to remove items similar to the Aluminium Chair from its stand at Orgatec. (see Scanner page 22).

Fakery has become a multi-billion dollar, globalised business, far beyond phoney Rolexes and Louis Vuittons. General Motors and Toyota have fought piracy cases in China involving whole cars, and the European Commission claims that counterfeit goods cost 100,000 European jobs a year. Two thirds of counterfeits seized in Europe come from Asia, with the minority being of Chinese origin.

So should designers – who might have previously enjoyed the high-quality, but forbidden fakes of Shanghai's Xiangyang market – begin to see cheap imitations in a more sinister light? Is a bit of harmless bargain hunting actually robbing designers of what is rightfully theirs? Are Chinese copycats stealing our jobs?

To take the issue seriously, we must untangle rights and cultural and economic factors. Let's begin with the principle of intellectual property rights (IPR). The essence of copyright is the granting of a limited, state-enforced monopoly to protect innovators, so promoting innovation for the wider social good.

In a defining speech to the British Parliament in 1841, when the issue of copyright was being hammered out, Thomas Macaulay sharply defined the balance of interests: 'It is good that authors should be remunerated and the least exceptionable way of remunerating them is by a monopoly, yet monopoly is an evil for the sake of the good. We must submit to the evil, but the evil ought not to last a day longer than is necessary for the purpose of securing the good.' Hold that thought – IPRs are a necessary evil, to be tolerated as long as they promote social progress through more innovation.

Let's now bring to mind some real cultural differences. China is an industrial culture – making is a way of life for many Chinese. There are more mobile phone manufacturers in China than the rest of the world put together. By contrast, the West can be seen as a litigious society – if in doubt, sue. Business contract law is

viewed as a Western concept in China, where guanxi – doing deals within a network of known associates – is traditionally the way business is done. Another pivotal difference is the contrasting attitudes to risk taking. For the time and budget a Western company spends on an investment risk assessment, its Chinese counterpart will have tooled-up and have first production prototypes to assess.

Let's also nail the myth that there is something innate to China about the counterfeiting boom. This condescending and self-aggrandising fiction used to be pitched at Japan in the

has grown by 20 per cent. Also, many companies only make their profits by sub-contracting manufacturing to China.

Shanghai is now a global creative hub, and the number of Chinese mobile phone patents has tripled in the past three years. As more homegrown brands are developed and IP generated, there is increasing pressure from Chinese companies to see that IPR is enforced.

So how should we assess the ethics of buying copies? I suggest we follow Macaulay: is innovation and social progress served, or stifled? Ripping-off new designs from the Milan

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Seventies, and Korea in the Nineties, before they went on to become industry leaders.

Copying is a well-rehearsed stage for developing economies. The Design Council's director of design and innovation Richard Eisman puts it succinctly: 'It took Japan 30 years to catch-up, Korea 15 and China five'. So the counterfeit boom is the transitional phase to China's maturity as an innovation leader. And let's not forget the unpaid copyright backlog in the other direction, when Enlightenment Europe was in catch-up mode – paper, printing, gunpowder and the compass are all Chinese inventions. As for Western jobs, it's not a simple trade-off. In the past 20 years, as Europe de-industrialised, its workforce

furniture fair is a different matter from reproducing a classic. In the first case, the innovator is robbed of their chance to earn a fair return on their investment. In the second, say when Vitra charge £1,100 for a piece designed 50 years ago, most of humanity is denied the chance to own a beautiful chair, decades after its innovator died. Who, here, is ripping off who?

I conclude that it's international IP law that needs an overhaul, not China. China's boom is not driven by cheap labour and ripping-off Western ideas, but by its energy, investment, and risk-taking. We should celebrate its awesome production potential to deliver great design to the masses, not call the lawyer.

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Blueprint Sessions 2005 shortlist; Ron Arad's Holon design museum unveiled; New York's Museum of Modern Art finally opens; nanotechnology and textiles; Ash Sakula Architects transforms a Leicester bus station into a creative business hub; Hiroshi Sugimoto in Paris; plus new European furniture and much more