

STUDENTS' LACK OF INTELLECTUAL PROPERTY AWARENESS

Martin Wolff
Sun Yat-sen University

INTRODUCTION

Intellectual Property Protection remains a hot topic in China. The west applies constant pressure on China for more enforcement and China responds with increased enrollment in law schools, retention of more prosecutors and an annual increase of prosecutions and convictions. Yet, IP violations remain on the increase. We first addressed this issue back in 2006, Best IP Protection is Through Education, Not More Enforcement Actions, TESOL Law Journal: January 2006 Vol 1. We now explore the extent of IP knowledge with 700 post-graduate students at one of China's top ten universities, Sun Yat-sen, Guangzhou.

CONTENT BASED HOLISTIC ENGLISH

In the Fall 2009 term, 350 post-graduate students in the Holistic English Program were assigned the movie "Working Girl." This movie is a soft introduction to the personal importance of Intellectual Property Protection. (All of the students are science majors. in an oral English as a Foreign Language course.)

Before the classroom discussion of the movie, the students were assigned to read many articles that gave a broad overview of copyright, patent, trademark, personal endorsements and corporate secrets. They also read a synopsis of the Yao Ming vs. Coca Cola case filed in the Shanghai Court and Best IP Protection is Through Education, Not More Enforcement Actions, TESOL Law Journal: January 2006 Vol 1.

The students were given three separate questions for discussion:

1. How could Tess have better protected her idea from theft by her boss?

The students tended to over think this issue and came up with very convoluted and complex answers.

The simplest answer is sometimes the best. Tess should have made a copy of her notes before handing them over to her boss and Tess should have had her boss sign a receipt for the notes. Utilizing today's technology, Tess could have sent her notes as an email attachment.

2. Why is it important to protect intellectual property?

A super majority of the students stated that creativity must be rewarded to encourage more creativity because new inventions and things will advance society and create a

better off harmonious society. It was also considered a matter of protecting personal wealth.

3. What is the difference between stealing a DVD from a department store and stealing a song or movie by free download from the internet?

There were three prevalent views.

First, stealing from the department store is dangerous because someone may see you and you could go to jail. The internet is anonymous and you can't get caught. This answer raised numerous additional questions for discussion:

1. Are these students computer illiterate? Don't they understand IP addresses and footprints? Have they not read the news from the USA about people being put in jail and fined more than \$1 mil for illegally downloading music and movies for free? Don't they know that their Government has more than 30,000 internet police tracking their every move on the internet?

2. What about morality? Stealing is ok so long as you believe you can't get caught? Speeding is ok so long as there are no police around? And what about murder?

Second, if a song or movie is available on the internet it is not stealing to download a free copy. Everything on the internet is for everyone and if it was stealing the Government would close the web site. This harkens back to the socialist mentality that the Government owns everything on behalf of the people.

These post-graduate students were truly surprised to learn that their ideas were completely inconsistent with reality and the rule of law in China.

Third, many students expressed the opinion that China needs western computer software, songs and films for its further development but the western prices are too high for originals. Piracy was justified as a just punishment for the western companies not pricing their products so they are affordable in a developing country

The students were then required to formulate a plan to solve the IP Protection dilemma in China and post their plan on www.chinaholisticenglish.com,

The following are representative posts:

Judy Class 2

October 28th, 2009 at 1:01 pm

I always think that IP protect is far from me. But through the WORKING GIRL and the class, I am now aware that it is very important for all of us. We should protect our IP and also should protect other's. In China we do not take it very seriously. As the example was taken by Martine Wolff, we

do not steal the VCD or DVD in the shop, but we download the movie from the Internet freely. This may be a big question. There are two ways in front of us: One is free, the other is that we should pay money for the same thing. Of course, we choose the first one. It would be a long way for China to go to make everyone notice the importance of the IP protect. Everybody should enroll with the help of the government

Angelina Class 2

October 28th, 2009 at 11:51 am

Honestly speaking, most of us download songs, movies and articles on the Internet for free. Before the discussion of IP protection, we have never realized that this behavior is illegal. That is to say, many of us are lacking of concept and knowledge of IP and IP protection. We ourselves should pay enough attention to this situation because IP and IP protection is closely related to our future work and life. Firstly, we should culture our awareness of IP that we should know the things belonged to IP. Secondly, we should know well the laws about IP and IP protection in China. Last but not least, we should obey the laws and should respect others' labor. Only in this way, the so-called laws about IP and IP protection can be considered as meaningful.

May Class 2

October 28th, 2009 at 10:53 am

In our growing, we all have been told that taking others' things without permission is a kind of stealing behavior .But we only have the traditional concept of stealing in our mind. Few of us have the IP Concept in China. Therefore, it is a very urgent task to improve IP Concept of the Chinese people. And my suggestions are as follows.

Firstly, and also the most important one, just as our Pro. Wolff mentioned, the best IP protection is through education. Only by this way, can we abandon the traditional thoughts of stealing behavior and can we improve IP Concept of the Chinese people.

And also, we must put more enforcement actions into practice and make the law work more efficiently. Of course, the premise is that the Chinese government must establish a series of laws base on China's actual conditions in every field.

Indeed, IP protection develops rapidly in China, but it also does not develop well enough. To solve the problem of IP protection, we have still a long way to go!

Betty Class 3

October 28th, 2009 at 10:51 am

To be honest, I do not want to touch on this topic. As a student who does not have some outcomes need to protect, I prefer the convenience brought by piracy and illegal downloading. In China, intellectual property rights infringement, like a double-edged sword, bring us cultural and economic development, but more drawbacks and adverse impacts following. We have clearly seen that intellectual property infringement amounts to the action killing the goose that lays the golden eggs. On one hand, it brings great harm to the original master, lower their enthusiasm of creation, and lead them to be disappointed and distrust of us. In the long run, they are no longer willing to share with us and display the new results to us. On the other hand, though it has brought the imitator temporary benefits, copying the original outcomes results in our psychological reliance, and we become more and lazier to think and innovate. Of course, China should solve these problems, but it is really a long and intricate process. To change the situation fundamentally, we need to further educate and economic development. Take pirated books as an example. When the pirated books are much cheaper than the original, we always prefer to buy the pirate which may be of poor paper quality, because we can enjoy the same content paying much less money. So, for the publishers, why not throw off the excessive gorgeous packaging and reducing the price differences between the original and the pirate. For the government, establishing and improving the framework of laws and rules on copyright piracy are still real challenges, but why not try to set up more awards to reward innovations. For the public, we still need to get more knowledge of intellectual property rights, and show our respects to the person who do the creative work.

Lisa Class 1

October 28th, 2009 at 10:49 am

I think the key to the IP protection lies in the education. Most of Chinese people don't realize that it is illegal to use other's intangible goods without paying. They think the resources are for free. China has promulgated some laws about IP protection, but many people don't notice the laws, so it is necessary to propagate the laws effectively, using some mediums, such as TV, broadcast, newspaper and so on, punishment is not the correct way.

Maybe they should educate the students about the laws of IP protection when they are very young, because the children will be the next leaders of China, and the conception of IP protection is very important, if they are not aware of the IP protection, how will they release the laws of it? And how will the citizens develop the consciousness of it? That will be a very serious problem.

Jane Class 8

October 28th, 2009 at 3:58 pm

Frankly, the Intellectual Property Protection in China has not been good. In my opinion, the following ways can be tried to resolve this problem. 1. Draw a clear-cut line between reward and punishment. Based on existing law, we should improve relevant provisions and regulations. Governments at all levels should set an example by their own action. We must ensure that the laws are strictly observed and enforced. Publishing houses and copy shops must be given strict supervision. Law-breakers must be punished strictly. While the advanced law-abiding individuals can be given certain incentives to set leading role for the rest. 2. Governments and medias should do more publicity. Television, Internet, newspapers, billboards can be made full use to give citizens information as much as possible to understand the importance of intellectual property protection. 3. While the most important thing we should do is to strength education. Education about intellectual property protection should be strengthened in schools at all levels, especially in universities where this phenomenon is quite serious. It is important that teachers should set examples. 4. Another key point is to develop the economy, which is the basis for intellectual property protection. If our income is high enough, we have naturally foundation to buy the legal ones. However, now it is more realistic for the majority of Chinese people to buy the piracy according to our income level. This problem can not be resolved within a short time, and we can only pin our hope on our long-term joint efforts.

CONTROL GROUP

An additional 350 post-graduate students from the same university read The Best IP Protection is Through Education, Not More Enforcement Actions, TESOL Law Journal: January 2006 Vol 1 but did not watch the movie “Working Girl” or participate in the subsequent discussion of IP protection.

The students were then required to respond to the article on www.chinaholisticenglish.com.

The following are representative posts:

Jennie Class 4

December 2nd, 2009 at 11:59 pm

I don't think Intellectual Property is a good idea. Only Intellectual Share could make the whole human improve, however, it is a long way to realize this idea say nothing to practise. Throw away this unearthly idea, in the real-life, the competition exists between the countries, the companies, and the individuals, so there must be IP appearance. But I am still in a puzzle about IP. Both people read the book in the bookstore without a pay and people copy the book in the library is a theft, then all the previous theories that we learn should pay. And who are not able to pay should not get intellect, and how could the whole human improve?

Sofia class 17

November 21st, 2009 at 9:37 am

It is a so common phenomenon in China. When I go to buy books and videos, I absolutely have no sense to differ the pirates from the genuine. Actually, I have no idea about which is genuine and which is piratical since most books and videos are piratical in the book shops. The pirates are cheap while the genuine are expensive. The price of the genuine may be triple or fourfold of the pirates, and even more. We are surrounding in the environment of pirates. So we can get what we want cheaply and simply. I feel deeply ashamed of this. Yes, it is time to change. We should protect IPR from action not just talking.

sunny Class 4

December 1st, 2009 at 12:42 pm · Edit

We all know that many Chinese people have little sense about Intellectual Property (IP) protection, especially twenty years ago. And china have lost a lot benefit for that. We should strength our minds of the IP. But I can't agree with that one reading books in bookstore for free is a thief. I think that we can't be able to by all the book we want to read, for it is too expensive. And it is not need

too. For many books, we read for once is ok. This action even should be encouraged, and this can make people learn more knowledge from books.

David class 4

December 1st, 2009 at 4:53 pm · Edit

We all know that in China our law is not perfect like western countries. Many human rights can not get protection from the law. In the 'Three Deer' contaminated milk powder event the victims can not get protection from the law. Our government is more powerful than the law sometimes. But we also see the trend that our law is more and more perfect. Now many young people know that it is illegal to use pirate because the law protects Intellectual Property. But many older people do not realize the importance of Intellectual Property Protection. This is because of their education. I want to say the problem about reading books in a bookstore. In the article you think reading books in the bookstores without compensation also constitutes a theft. In fact in China no bookstore can or willing to do this. They are welcome people to read books in their bookstore. It is good for their business. This is just like a food store permit you to take a piece to have a try. Of course it is absolutely for free. If you do not know the content in the books why should you buy them. If you do not know the taste of the food why you want buy it. I can say a joke. A man passed a food store. The owner of the food store stopped him suddenly. The owner said he should pay some money because he just smelled the food's smell. The man was embarrassed. In that time a wisdom man stood out said I would pay for him. He just put out his money bag and make some sound to prove there were so many gold coins in the bag. The owner was very happy. When the owner put his hand to the wisdom man, he just said "I had paid for it. Because you heard the sound of my coins. You should pay for it. The price is the same as that man should pay." I want to know whether in the U.S.A. we should pay for the smell of the food. Or else I need take a lot of coins in my wallet.

CONCLUSION

It is futile for the west to continue applying pressure for more IP prosecutions and for China to accede to this pressure. When 350 out of 350 post graduate students at one of China's top ten universities lack the most basic appreciation of IP; it is time to redirect resources into a comprehensive educational process.