



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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26 April 2005

### CHN43513.E

China: Information on penalties imposed on Chinese nationals who remove from the country university-produced textbooks which have been copied from foreign material, either with or without the school having first obtained permission from the copyright holders (1995-2005)

Research Directorate, Immigration and Refugee Board, Ottawa

Information on penalties imposed on Chinese nationals who remove from the country university-produced textbooks which have been copied from foreign material, either with or without the school having first obtained permission from the copyright holders, could not be found among the sources consulted by the Research Directorate. However, the following information may be of interest.

According to various sources, pirated textbooks and other learning materials are widely available in China (*China Daily* 20 Feb. 2003; Chronicle of Higher Education 2 Apr. 2004; *Guardian Weekly* 4 Dec. 2003). Results of unauthorized reproduction range from simple sets of photocopied pages to "professionally bound copies" (Chronicle of Higher Education 2 Apr. 2004). Some pirated textbooks are virtually indistinguishable in appearance from the original texts but are sold at a much lower price (*Guardian Weekly* 4 Dec. 2003). Unauthorized editions, as well as "illegal" translations, which replace the author's name with that of a Chinese academic, are also common (Chronicle of Higher Education 2 Apr. 2004). Some Chinese learning institutions are reportedly involved in making pirated textbooks available to their students (*China Daily* 20 Feb. 2003; Chronicle of Higher Education 2 Apr. 2004). At Beijing University, textbooks are "mostly Xeroxed, as are many Western titles in the library at the China Academy of Social Sciences" (*Christian Science Monitor* 9 Jan. 2002). According to the Association of American Publishers, publishing companies in the United States lost an estimated \$40 million (U.S.) in 2003 as a result of pirated books circulating in China, while college textbooks account for most of the unauthorized copying they experience worldwide (Chronicle of Higher Education 2 Apr. 2004).

*Guardian Weekly* claims that "China's enforcement of copyright laws and regulations has traditionally been lax" and that the country began addressing the problem of pirated textbooks only recently (4 Dec. 2003). However, curbing book piracy "remains [a] difficult" task (*China Daily* 20 Feb. 2003). The scale and technical capabilities of the piracy industry in general make it challenging to detect pirated products (*Christian Science Monitor* 9 Jan. 2002). Nevertheless, *China Daily* reported that, while over 160 million pirated books and 430 million pirated audio-visual materials were seized between 1994 and 2002, authorities would aim to rid campuses of pirated textbooks "in a renewed campaign" (20

Feb. 2003). Between October 2004 and June 2005, the National Copyright Administration was to conduct inspections of printing businesses throughout the country, in conjunction with the Ministry of Public Security (*Beijing Review* 7 Oct. 2004). New rules on the implementation of administrative penalties for copyright violations were also introduced to give authorities greater powers in seizing suspected pirated material as evidence (*China Daily* 31 July 2003). In addition, "anti-piracy teams" were set up by state publishing houses throughout China, targeting unauthorized copying of "self-taught examination" textbooks, which reportedly make up at least one-third of all pirated textbooks in China (*China Daily* 4 Nov. 2003). With its entry into the World Trade Organization in late 2002, China instituted new laws designed to make counterfeiting activities illegal and prosecution more feasible than before (*Christian Science Monitor* 9 Jan. 2002).

For information on copyright laws in China, including penalties for violating them, please see CHN42182.E of 28 November 2003.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

#### References

*Beijing Review*. 7 October 2004. "Weekly Watch: Crackdown on Pirates." <<http://www.bjreview.com.cn/200440/WEEKLY-200440.htm>> [Accessed 22 Apr. 2005]

*China Daily*. 4 November 2003. "Authorities Boost Moves to Quash Textbook Piracy." (China Internet Information Center Website) <<http://www.china.org.cn/english/culture/79097.htm>> [Accessed 21 Apr. 2005]

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*Christian Science Monitor*. 9 January 2002. Robert Marquand. "China's Pirate Industry Thriving." <<http://www.csmonitor.com/2002/0109/p6s1-wosc.htm>> [Accessed 22 Apr. 2005]

The Chronicle of Higher Education. 2 April 2004. Burton Bollag. "Don't Steal This Book." <<http://chronicle.com/free/v50/i30/30a03801.htm>> [Accessed 21 Apr. 2005]

*Guardian Weekly*. 4 December 2003. Michael Chan. "Piracy Fails to Damp Hopes for China."

Additional Sources Consulted

**Internet sites, including:** Judicial Protection of IPR in China, State Intellectual Property Office of the People's Republic of China, Xinhua News Agency, Wang & Wang.

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