

Charting the Trajectories of Music Piracy  
in Ho Chi Minh City, Vietnam

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# Abstract

## Charting the Trajectories of Music Piracy in Ho Chi Minh City, Vietnam

Ngan Thoai Trinh

This study focuses on how the expanding market for pirated music in Vietnam has led to transnational flows of texts and genres, and to changes in how the state, music companies, pirates, and consumers deal with one another. Using theories put forth by Roger Wallis and Krister Malm (1984) and Shujen Wang and Jonathan Zhu (2003), the goal of my research is to identify major technological, economic, and organizational shifts taking place within the distribution and consumption of compact discs (CDs) in Ho Chi Minh City. This work suggests that Vietnam operates outside of our traditional understanding of the music industry or cultural flows. Unauthorized music products are helping to create a demand for all types of music in Vietnam and this begs us to question whether piracy is as negative for this country as previously thought. This thesis argues that the piracy in HCMC is a rare case of defiance and triumph over major global corporations. This study explores the magnitude of international copyright conventions, intellectual property rights enforcement, the structure of the domestic industry and the high profitability and affordability of piracy. Using a qualitative case studies approach, this examination looks at the different political, legal and regulatory frameworks that control the trajectories of music piracy in Ho Chi Minh City.

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## Introduction

When Westerners think of Vietnam, images of war are often the first that come to mind. One famous image includes that of the palace gates of Saigon falling when Communist tanks came barrelling through on April 30, 1975. That historic event marked the official end of the Vietnam War, and the American campaign against communism in which an estimated three million Vietnamese and some 58,000 Americans died (“Vietnam Marks”). Immediately after the capture, Saigon was renamed Ho Chi Minh City (HCMC) and Hanoi became the nation’s capital. During the ten years after the fall of Saigon in 1975, HCMC saw a lot of hardships. Not only did it have to overcome the devastation of 30 years of war, but it also had to help its citizens rebuild their lives. The situation was made worse by the US economic embargo but somehow the people of this city were determined to make a better life for themselves.

In 1986, new state policies called *Doi Moi* or *Renovation* led to dramatic bureaucratic decentralization, privatization and the commercialization of everyday life in Vietnam. The main goals of *Doi Moi* were to improve lagging productivity, raise living standards and to curb rapid inflation, which reached almost 500 per cent a year in the mid-1980s (Freeman 178). As the economy shifted to a market approach, Vietnam began to welcome both tourists and business opportunities from around the world. By the mid-1990s, foreigners visiting HCMC were struck by the astounding number of consumer goods that seemed to reflect the startling economic and social change. All of sudden, it seemed that market shops had an abundance of food, household goods and increasingly, luxury consumer items. Residents were thrilled, as they had endured years of poor quality local and Soviet-made goods.

Since 2001, the economy has really taken off following its trade deal with the United States. Vietnam is hoping to enter the World Trade Organization by late-2006 and most analysts believe that the country is only a few years behind China on the capitalist path. In fact with an annual growth rate of 7 to 8 per cent for the last several years, Vietnam has become one the world's fastest-growing economies, second only to China (York B1).

Ho Chi Minh City, Vietnam's largest city, has seen immense changes in the structure of the city due to foreign investment, a rise in the standard of living, the staggering impact of tourism and the proliferation of global commodities. Along with a local fascination with foreign clothes, shoes, hats and motorbikes, consumers are increasingly interested in American films and music, signalling a willing participation in the "global" economy.

HCMC celebrated its 300<sup>th</sup> anniversary in 1998. With a history just over 300 years, this city is young compared to the history of Vietnam, which is thousands of years old. Geographically, HCMC is at the centre of South Vietnam, bound by five provinces and the South China Sea. With a total area of 2,090.7 square kilometres, the city is virtually flat and is 99 kilometres in length (Nguyen 2). HCMC is divided in 17 urban districts (quan) and 5 rural districts (huyen). To complicate matters, urban districts are subdivided into phuong, and rural districts into xa; there are 238 phuong and 68 xa. There are 5,172,000 residents officially registered in the city. But there many others who live there unregistered. Average density in the urban districts is 25,700 people per square kilometre, with District 5 as the most populous (Nguyen 2). In the rural districts, it is only 550 people per square kilometre.



At an estimated population of 7.5 million inhabitants, this former capital city boasts twice the population of the current capital, Hanoi, which is located a thousand kilometres to the north (Panol and Do 462). According to the US Department of State's website, its per capita income is more than three times the national average (US \$1,640) and the city contributes one-third of both the national budget and the national output; as a result, it accounts for two-thirds of the nation's wealth and 80 percent of the tax revenues. In essence, HCMC is driving Vietnam's economy.

Vietnam has a young population, with almost two-thirds of the country's 82 million people born after the war and for most of the younger generation, the war is no longer relevant; most young people today are more concerned with making money in the new economy (York B1). Business is so booming in Vietnam that the country is finding it hard to keep pace with the rapid economic growth.

In HCMC, there are constant power outages, traffic jams, and a shortage of top quality office space. In fact, HCMC has become the fastest developing city in the country. What was once a consumer city, is now the biggest industrial centre in Vietnam, contributing about 30% of the country's industrial output, 40% of the national export value (through the city's port system), and about 20% of the total GDP (Nguyen 9). HCMC has become the most important political, economic, and cultural centre of South Vietnam.

An estimated 140,000 private businesses have been registered in Vietnam in the last five years; private companies now make up one-fifth of the GDP and are essentially the only job creators for the 1 million young people who join the work force every year (Tran 2). Although private enterprise has opened the door for many residents to become

prosperous, Vietnam's future largely depends on its relationship with its diaspora, also known as the Viet Kieu (an appellation for Vietnamese overseas which carries a negative connotation). Once considered traitors for having fled the country, these former residents are being courted back for their money, business expertise, connections, and tourism dollars. There are an estimated 2 million Vietnamese living overseas and they sent a record \$3.8 billion dollars back to their homeland last year, rivalling foreign investment and foreign aid (Tran 2).

In the spring of 2001, I was one of the Viet Kieus that returned to Vietnam. In an attempt to understand more about my culture, I travelled from Hanoi to HCMC in hopes of gaining a better sense of what it means to be Vietnamese. My intention to learn about my Vietnamese identity quickly faded as I was soon concentrating on another form of cultural learning that was more accessible – shopping. As a foreigner, each of my Canadian dollars was worth about 11,000VND, making me an instant millionaire upon my arrival.

Although Vietnam is a Socialist Republic, there was no denying that capitalism had taken root and that the growth of wealth was visible throughout HCMC. Shiny hotels, office towers, water parks, and thousands of new motorbikes were littered everywhere in this once war torn city. An upscale department store, Diamond Plaza, is now located on the same boulevard where communist tanks once rolled. Shoppers praise these new *sieu thi* (the Vietnamese term for shopping centres, supermarkets and shopping malls), as they are peaceful, clean, air-conditioned, and less chaotic than their marketplace counterparts. Vietnamese consumers flock there to buy American clothing, French cosmetics and Italian leather goods. Despite the prevalence of new department

stores like Diamond Plaza popping up in every district, the average shopper in HCMC still prefers to buy their goods from markets and shops. There are dozens of covered and open-air markets and even more small neighbourhood and speciality markets.

Specialized markets are rare in the Western world, but in Vietnam, it is quite common to see an entire block of stores selling the same item like kitchen appliances or sporting goods.

While all the speciality markets were busy, I noticed that the specialized music market streets were bustling with locals and foreigners alike. The myriad of tiny stalls and vendor's kiosks on the specialized music market streets offered customers up-to-date, inexpensive compact discs (hereafter referred to as "CD"), concert videotapes, digital video discs (DVD) and audiocassettes. Competition among these stores was fierce and open, allowing customers to have access to a variety of CDs at a low price. Unlicensed copies of recorded music were readily accessible and in HCMC, most music shops were devoted to the sale of "pirated" music. The music market in Vietnam was bustling due to the proliferation of cheap pirated discs and while some of the discs on the market were legitimate, the majority have been mass-produced by inexpensive CD burners.

The recent trade relationship between Vietnam and the US has contributed to the boom in this business and so has the rise in international tourism. Young backpackers, like myself, bring in a steady stream of foreign music and trade their old CDs (ones that are officially licensed) for new pirated ones. Local shops reproduce compact discs using a CD burner and reprint the CD cover art using a high quality photocopier. With backpackers from Canada, the US, Australia, Germany, Great Britain, and Japan landing in HCMC everyday, it is no surprise that local shops have an abundance of new music

arriving all the time. The Vietnam Economic News reports that most of the 5,000 CD sellers in HCMC trade pirated goods (Long 1).

The availability of these products only highlights how the diffusion of media technology has advanced the way that music is produced, consumed and transmitted in this city. With the exploding modes of circulation, consumers can now attain music through MP3s, mini-disc, DVDs and VCDs although CDs are still the most popular music form. Darrel William Davis's (2003) recent work on the VCD market in Asia has many parallels to the illegal CD market in HCMC. Davis writes:

CD means 'compact disc'; it can also refer to Collapsing Distinctions between media, between the replaceable parts of audio-visual information and entertainment. It describes Convergence onto a Digital plane, a Computer-Driven media acceleration. It also means Very Cheap and Disposable, which is most relevant to our interest in [VCDs] as an ephemeral, throwaway technology: very Casual Devices [...] the CD platform promotes a kind of flattening, or levelling effect, encouraging wholesale, interchangeable, use-value and exchange value. Casual, insouciant use of media, all kinds of media, indiscriminately, characterize East Asian media interface [...](173).

It is no surprise then that the Vietnamese music industry has bypassed vinyl records and mainly produces CDs as it is the more cost effective technology. Cassette tapes were once the main music medium but technology has made the CD faster and cheaper to produce.

At the end of my trip in 2001, I realized that I had travelled across the ocean to shop for products that I could have bought at home – albeit at one tenth of the cost. I went there with the intent of learning about Vietnamese culture but I largely spent my time hanging out in cluttered music shops buying English-based CDs. While all the music stores sold Vietnamese music, I did not purchase one single Vietnamese-based CD during my entire six-week stay.

The prevalence of American and British music CDs in Vietnam made me question the livelihood of Vietnamese music and how tourists like myself were creating a demand for pirated foreign music. John Fiske (2000) suggests that all popular culture is a process of struggle, i.e. a struggle over the meanings of social order and of the texts and commodities of that order (284). It is relevant then to question how the cross-border flows of populations, finances, technologies, and commodities are reconfiguring how people understand popular music in HCMC. David Hesmondhalgh (2002) explains “more than other types of production, the cultural industries are involved in the making and circulating of products- that is, texts- that have an influence on our understanding of the world” (3). As a result, music commodities are an important artefact to examine in that the speed of circulation, the systems of networks and the ownership of these products greatly influences how people understand these texts. How are these pirated CDs distributed and how does the Vietnamese music industry actually function? Does music consumption in HCMC favour global pop culture over domestic pop culture? Is the state introducing new music policies or making changes to state radio programming in order to promote domestic music? And how are the big music conglomerates reacting to their lost revenues in Vietnam? Is it more important for these international music businesses to tackle the problem of piracy or should piracy be considered a means to introduce Western music to a new and burgeoning market? These are just some of the questions that led me to this research project; these questions also highlight how complex the circulation of pirated music is in HCMC today.

My thesis will attempt to study the economic, technological, and cultural processes of the circulation of music products in HCMC, Vietnam. Vietnam is a

fascinating case because the processes of pop culture and the circulation of popular music evolves under a communist regime. Popular music is a worrisome topic for many of Vietnam's cultural bureaucrats as many believe music is straying from the patriotic role of the Communist Party. With this in mind, I will attempt to examine the economic, technological and cultural processes with other political, legal and regulatory frameworks in Vietnam to reveal the changes and continuities that are taking place in the circulation of music goods in HCMC.

Currently in Vietnam, there are many places where one can buy music: music stores, kiosks at markets, road-side stands, night markets and alley-way shops. I will focus on the trajectory of popular music CDs through primary markets, specifically small-scale individual or family owned music stores or market kiosks. These enterprises are useful to study, as they are established businesses with defined locations and not transient in nature like night markets or roadside vendors. Even though local established stores are bound to certain government regulations compared to fly-by-night operators, there is a certain saliency to how they conduct business. Although these family enterprises are registered with the state, many of them show a disregard for government labour, licensing, and taxation laws. It is concomitantly normal for the government to neglect enforcing these laws so long as music store operators conform to other tacit agreements. As a result of this situation, issues of copyright infringement and piracy will surface in my research although these issues are not of primary importance.

For my thesis, I conducted a collective case study of four different CD stores in HCMC. John Creswell describes a case study as “[An] exploration of a ‘bounded system’ or a case (or multiple cases) over time through detailed, in-depth data collection

involving multiple sources of information rich in context. This bounded system is bounded by time and place, and it is the case being studied – a program, an event, an activity or individuals” (Creswell 61).

Robert Stake (1994) goes on to explain that there exists three types of case studies: intrinsic, instrumental and collective. According to Stake, an *instrumental case study* implies examining a particular case “to provide insight into an issue or refinement of a theory. The case is of secondary interest; it plays a supportive role, facilitating our understanding of something else. The case is often looked at in depth, its contexts scrutinized, its ordinary activities detailed, but because this helps us pursue the external interest. The case may be seen as typical of other cases or not” (237).

Stake defines a *collective case study* as the “study of a number of cases jointly in order to inquire into the phenomenon, population or general condition...It is not the study of a collective but instrumental study extended to several cases...They are chosen because it is believed that understanding them will lead to better understanding, perhaps better theorizing, about a still larger collection of cases” (237).

With this in mind, I develop an in-depth analysis of four CD stores in HCMC in order to describe the state of music circulation in Vietnam. Using these qualitative case studies, I highlight certain themes such as tourism and changes in the international flow of music to explain how they affect the industry. Furthermore, cultural industries’ theories shape the direction of my research and disclose the changes and continuities in the movement of CDs in HCMC. Based upon a qualitative case study research tradition, I use observation, interviews, documentation and records to understand the trajectory and lifecycles of CDs in this city.

In all, I was in HCMC for a period of two and a half months in an attempt to describe and explain the movement of music commodities of four different music retailers. My research highlights how business operations, legal and illegal, influence both the flow of international and domestic music production and consumption. To this end, interviews were conducted with four different music retailers in HCMC. All the people mentioned in my research were given pseudonyms to protect their identities. Conversations were conducted in Vietnamese with a translator (my cousin Khoa Huynh) and then transcribed in English for later reference. Although I anticipated each interview would last one to two hours in length, in reality, they lasted only five to fifteen minutes in length. They comprised of formal and informal interviewing techniques. Due to the short length of the interviews, I place more emphasis on description and explanation over measurement and quantification in my study.

The record stores selected for my research were picked randomly and based on the participants' willingness to oblige. In general, I picked record stores in high traffic specialized music market streets. As a rule, I often visited these stores and stayed for a long period before purchasing records and asking store clerks for interviews. By "passing" as someone who was "hanging out" in music stores, I was able to observe people as they consumed and selected global and domestic music. It was unnecessary and problematic to disclose the research intentions to random consumers being observed, as it was more fruitful to take a non-interventionist approach and watch the flow of events; therefore I used a qualitative approach to observing the natural stream of how consumers access CDs (Denzin and Lincoln 2).



This study is an exploration of the circulation of music products in HCMC; this is not an analysis of the spaces in which these goods are accessed. Rather this analysis uses these spaces to study how people in HCMC consume foreign and domestic music commodities. There is no hypothesis to test as this research seeks to understand how consumption of music is practiced in everyday life. This is an attempt to find out CDs are distributed and it must be noted that the intent is not to unravel how these artefacts are performed or embodied.

As knowledge of Vietnamese popular culture is limited in Canada, I enrolled in classes about this subject at the National University of HCMC. The following courses were taken through the Vietnam Culture Discovery Program: “The History and Culture of Ho Chi Minh City”, “Vietnamese History, Nation and Identity”, and “Southeast Asia: Unity in Diversity.” A directed study with one of the professor’s in the Social Sciences department was also undertaken to gain a better perspective of the current music trends in Vietnam. My cousin Khoa, a university student in his early 20s, also assisted me in the initial selection of retail spaces or locations in which to observe consumers.

In order to give an in-depth description of this case study, I provide a wide array of information on top of the interviews and observations. To accomplish this, I use supplementary sources like the Internet to canvass news and legal websites about the music trade in Vietnam. These resources offer up-to-date information about the nature and complexities of this industry. While in HCMC, I attempted to get a sense of the official position of the government about the music industry in Vietnam by perusing their public state documents and archival records. However, it was extremely difficult to gain access to state policies as a foreigner. Therefore I had limited access to official state

legislations nor were any of my Vietnamese relatives or friends able to gain access. For example, Khoa, would have needed a letter from his university clearly stating his research intent before be able to research any policy that affected the entire country. I did not have access to reliable statistics and the Vietnamese government often does not keep good records and rarely releases figures that may reflect negatively on the government. Actual damages due to piracy are extremely difficult to pin down as it is impossible to measure what was not sold and profits not made (Callan 5). Reliable piracy figures are rare and the best ones are often prepared by private industry lobby groups who are not entirely impartial. As a result, my study is limited to practical considerations related to both time and resources, which restricted the number of components of social experience I could hope to investigate.

My research points to the regional circulation of pirated materials and highlights that while international music does indeed enter Vietnam, the products have complex and specific trajectories that operate outside of monolithic models of cultural imperialism. In Chapter 1, I point out that there has been an influx of foreign music commodities in the country since the early 90s, but that the traditional cultural imperialism thesis does not reflect the current music industry situation there. The discourse of ‘Asian values’ will be dissected as a means to preserve Eastern cultural identity in the face of Western modernity. I will also expand how regional cultures represent shared communities of language and culture and how each region draws in audiences domestically and from other parts of the world, including migrants living in other areas. This chapter reveals how Vietnamese culture has become a complex mixture of native and diasporic popular culture and that regional cultural flows are equally influential. More importantly, as

music from one country moves to another in Asia, so too does piracy. Illegal discs in Vietnam and its surrounding countries are inextricably linked and this chapter explains how theories about the cultural industries are not relevant in Vietnam, as music production and circulation in HCMC operates outside of standard industry practices.

In Chapter 2, I will explain why one cannot study any aspect of modern HCMC without acknowledging the country's turbulent history, especially the American War in Vietnam. This tragic part of history has undoubtedly shaped all aspects of social and economic life in this country to this very day. The relationship between culture, society and economy in HCMC will be analyzed with this past trauma in mind as well other colonial pasts in an attempt to accurately capture the different sounds that make up the contemporary music landscape. Additionally, I will argue that piracy is helping local music culture to rejuvenate itself as it helps audiences to appreciate the diversity of the domestic music industry. Piracy has crossed class boundaries and allowed more people to have access to music but we will see that even casual consumption of CDs or attending a concert in HCMC is political. My research will also highlight how the State is reacting to the piracy crisis and what measures have been set in place to defend or preserve what is left of the legitimate domestic music industry.

In Chapter 3, I examine the importance of international copyright convention membership, IPR enforcement, corruption in the civil service, the structure of the domestic industry and the high profitability and affordability of piracy. All of these factors play into why HCMC is experiencing a proliferation of music be it domestic, foreign, legitimate or illegitimate. This city is flooded with CDs and the consumption of these CDs has considerable ramifications in that country and around the world. Using

my case studies, I will reveal how piracy has made it more difficult for local music artists to compete in the same marketplace with pirated domestic and international music products. I will also review how Vietnam is approaching international trade and copyright agreements and how the domestic industry is banding together to fight piracy. This will be juxtaposed with how storeowners are negotiating state policies and regulations in order to turn a profit in this volatile market.

The conclusion submits that the piracy problem in HCMC highlights how Vietnam operates outside of our traditional understanding of the music industry or cultural flows. Unauthorized music products are helping to create a demand for all types of music in Vietnam and this begs us to question whether piracy is as negative for this country as previously thought. Music piracy in HCMC is a compelling example of the reversed flow of power and money in global music production and circulation. I argue that the piracy in HCMC is a rare case of defiance and triumph over major global corporations. Vietnamese-based music is more preferred and profits in music are going directly to pirates and small business owners as opposed to the Big Five (BMG, Warner, Universal, Sony, and EMI) music conglomerates. Future research on this topic is necessary in order to render a more intricate picture of how pirated CDs circulate in HCMC, how consumers have access to them and the implications of this access.

## Chapter One

### *Piracy Networks and their Flows*

Piracy is one of the most controversial issues in the entertainment industry today and it has many economic, political, cultural and theoretical consequences. Compact discs (CDs) are not merely commodities as they also represent national and cultural expression. The Financial Post reports that CDs have become the most important medium for the majority of music listeners in Vietnam as they offer excellent sound quality at a cheap price (O'Neil-Bloomberg 54). CDs are an interesting artefact to study with regards to the flow of cultural products in HCMC in that they appeal to both the young and the old, and the better and less-educated. More importantly, recorded music is easy to pirate, reproduce and consume as CDs players are standardized all over the world whereas videotapes are subject to different formats. Will Straw (2000) explains that the CD is "one of the most efficiently mobile of commodity forms, moving through primary and secondary markets in ways which link it to a whole set of legal and illicit economic activities" (179). HCMC has well-developed business districts and it is not uncommon to see street after street of retail stores selling the same up-to-date, inexpensive CDs, DVDs, and VCDs. Maria Cheng and Craig Thomas of Asiaweek.com contend that, "actual sales numbers are difficult to track in Vietnam, where piracy reigns and discs are shared". With so many unauthorized discs circulating in HCMC and the government's inability and refusal to release official records about the nature of music retailing in Vietnam, it is extremely difficult to estimate with any degree of accuracy the state of music sales.

Nevertheless, one can gather by the volume of people clustered in music shops that customers are eager to buy pirated music. Music CDs come individually wrapped in

a clear plastic sleeve behind a colour photocopy of the original CD's artwork. Customers can peruse a thick, loose-leaf binder alphabetically listing hundreds of titles, including Britney Spears, Norah Jones and the Beatles. As a result, Vietnam ranks as one of the worst countries (or best if you are a consumer) in the world regarding piracy and virtually 100% of the Vietnamese market for American recorded music is unauthorized according to the International Intellectual Property Alliance (IIPA). The availability of these products only highlights how the diffusion of media technology has advanced the ways in which people produce, consume and transmit music in that part of the world.

The record industry – specifically the Big 5 labels along with lobby groups such as the International Federation of the Phonograph Industry (IFPI) and the Recording Industry Association of America (RIAA) – are now working to stop CD pirates worldwide (Bishop 101). During the Clinton Administration, these groups were successful at implementing laws concerning Internet music (ie. No Electronic Theft Act or NET) and other laws that are falling in favour of major labels and their traditional distribution conglomerates (Bishop 102). The international music market has existed for close to a hundred years and with record companies controlling the production and distribution of music, customers, for the most part, have been forced to pay the price determined by the industry. But since the inception of the cassette recorder in the 1970s and CD technology in the 1980s, customers began to have more power. By the mid-1990s, having a CD burner in a personal computer became a common standard and music consumers now had the power to copy and distribute their own music or pirate music that legally belonged to the conglomerates.

Piracy has become popular in HCMC where people have an insatiable appetite for popular music but few means to buy music at the prices regulated by the industry. This trend however has profound implications as music piracy in Vietnam has redrawn the distribution maps for both legitimate and illegitimate products. Now one can find pirated discs everywhere from on the streets to high-end department stores. Piracy has challenged class distinctions and has changed who has access to domestic and international music. The illegal music trade has also redefined power relations among global music companies and local players by taking the power away from conglomerates. The mere presence of illegal discs on the market signals a lack of control on the part of the music industry and government to manage these pop culture commodities in this socialist country. As the Communist Party fights to maintain a distinct cultural heritage, this plight is being challenged by the onslaught of capitalistic images and sounds. Furthermore, pirated products are so difficult to police as they move at such an exceptional speed and efficiency around HCMC and Vietnam in general and this only serves to highlight the efficiency of the pirate's networks. While there is much to be learned about HCMC's growing pirate industry, we must first learn how the legitimate industry is structured and governed.

While generally there exists a great deal of writing on the volume of the music industry, the artists and the music they record, few studies have actually described how the music industry actually functions. Roger Wallis and Krister Malm's (1984) three-year project known as 'the Music in Small Countries' (MISC) attempted to describe the phases of growth in the music industry, specifically those of smaller countries, during the

Seventies. While they mostly focused on Tanzania, Tunisia, Sweden and Trinidad, they found a growing pattern in music around the world:

Small countries, small culture and language areas mean small markets with difficulties in making phonogram production commercially viable. The result is a dominance of imported 'international' (in fact mainly US) repertoire on phonogram production facilities within the country and less local music on the radio in small countries. With investigations of listening habits indicating the increased importance of recorded music in media as opposed to live performance, the process outlined above would seem to lead to the marginalization of local music traditions, posing a threat to musical heritage (11).

Despite the fact that the trends and patterns highlighted in this study are over 20 years old, they share many similarities and differences with Vietnam's burgeoning music industry. By comparing and contrasting the findings of Wallis and Malm's work with my research in Vietnam, I will show how piracy has changed the music industry in Vietnam and how music from a small country can create big changes and challenges for the international music industry. Furthermore, I will argue that piracy has actually helped to preserve music heritage in Vietnam as opposed to being a hindrance to it.

It is in this way that theories of cultural imperialism became useful to us when analyzing the nature of music flow in and around Vietnam. Using theories put forth by John Tomlinson (1991), I will reveal how the counter hegemonic flows in the legitimate and illegitimate music industry in Vietnam are working to complicate our understandings about cultural imperialism. Tomlinson points out that cultural imperialism elicits discourse of nationality and that it can't be reduced to the simple argument of there being an Americanization of indigenous culture. While American culture may be a threat to many countries in Asia, this more accurately reflects a cultural conservatism and suspicion of popular culture by the State and the elite. By highlighting examples from the Vietnamese and Taiwanese cultural industries, I will deconstruct the notion of "Asian



values” that has been actively cultivated by the Asian media industry and politicians as a means of differentiating Asia from the West. With this in mind, I will explore the “Asian values” debate as a construction of identity, regionalism and nation building. More specifically, I will examine how a new image of Asian identity is being produced, circulated, represented and consumed inside and outside Asia.

Furthermore, I will describe the legal, political, and cultural conditions, which have led to a piracy crisis in Vietnam’s music industry. Not only is HCMC a prime place to find pirated music, it is quickly becoming a lucrative production and export base for makers, distributors and exporters of pirated materials. While globalization is mostly equated with Americanization, the intraregional cultural flows in this chapter highlight the alternative patterns of the transnationalization of media and popular culture.

## **Cultural Imperialism**

Traditionally, the cultural imperialism discourse tends to regard cultural flows as unidirectional, meaning from the dominant (in many cases equated with the United States) to the dominated. This argument centres on the idea that American popular culture, combined with economic and political hegemony, is disseminated all over the world, promoting consumerist ideologies and values. Following World War II, technological advances coincided with structural changes in the music industry, specifically the growth of transnational or multinational corporations in the media and cultural sectors. Various scholars such as Jeremy Tunstall (1979), Armand Mattelart (1979) and Herbert Schiller (1976) have described the growth and integration of these

international media corporations and some of its implications. Most of the transnational concerns centre on the dominance of American music market. Herbert Schiller defined cultural imperialism as:

The sum of the process by which a society is brought into the modern world system and how its dominating stratum is attracted, pressured, forced, and sometimes bribed into shaping social institutions to correspond to, or even to promote, the values and structures of the dominant centre of the system (9).

Schiller basically argues that an American empire based on US economic, military and informational power is replacing old colonial empires like Britain, France and Holland. In the 1992 revised edition of his book, Schiller argues that US economic dominance has changed as transnational corporations now play an important role in international relations and that the basis of US cultural imperialism is really 'transnational corporate cultural dominance (39).

Nevertheless the cultural imperialism thesis neglects the agency of consumers everywhere and assumes that people merely buy what they are told. Critics of cultural imperialism like John Fiske (1987), claim that this concept was top-down and that audiences were not passive in their consumption but rather active participants in process of negotiating meaning, moreover, media texts could have multiple meanings and were open to different interpretations by audiences.

John Tomlinson (1991) argues that the perspective of the West dominating all facets of culture is outdated. With regards to global cultural flows and foreign cultural influences in a certain region, Tomlinson puts forth that "cultural domination" is in many cases a construct rather than the lived experience of the subordinated. This is very much the case in the example of Vietnam. While there are indeed a plethora of international

music goods available in HCMC, these discs are not selling anywhere near the velocity of domestic music goods. Tomlinson suggests that cultural imperialism is about the “exalting and spreading of values and habits – a practice in which economic power plays an instrumental role” (3). The world ‘imperialism’ suggests a certain dominance that is associated with ‘empire’ and Tomlinson points out that there may be a certain link between “present domination and a colonial past” (19). This ‘domination’ often connotes a negative sense of power or control and Tomlinson points out that ‘media imperialism’ is very much a way of talking about cultural imperialism: “It is not simply a name for the study of the media in developing countries or of the international market in communications. It involves all the complex political issues – and indeed, the political commitments – entailed in the notion of cultural domination” (22).

It is not that Americanization has disappeared into the air but rather it has transformed into global capitalism (Iwabuchi 42). Global cultural power is no longer solely an American possession as it has become more dispersed. But Ang and Stratton (1996) state that it is important not to assume that such flows totally replace the old power relations, as the current cultural flows are always overdetermined by the power relations and geopolitics embedded in the history of imperialism and colonialism (qtd. in Iwabuchi 48). Annabelle-Sreberny-Mohammadi (1997) writes that the history of colonialism informs many cultural preferences:

Imperialism did not maintain its rule merely through suppression but through the export and institutionalization of European ways of life, organizational structures, values and interpersonal relations, language and cultural products that often remained and continued to have impact even once the imperialists themselves had gone home. In short, imperialism was in itself a multi-faceted cultural process which laid the ground for the ready acceptance and adoption of mediated cultural products which came much, much later (qtd. in Golding & Harris 51).

Sreberny-Mohammadi adds that cultural imperialism is often reduced to media imperialism, which is a much more focused construct, and that there is a tendency to conclude that Western cultural impact is a result of the activities of multinational corporations after World War II (50).

However, this old colonial framework in which the East (Asia) looks to the colonial West for guidance is proving to be problematic as Asian countries are now turning to each other to seek cultural products and a way of life. The proliferation of Western media (mostly American) has prompted governments in Malaysia, Singapore and China to call for the protection of “Asian values” from decadent Western morality (Iwabuchi 4).

In the last two decades, this region of the world has been described as an ‘Asian Tiger’ because of its ferocious potential for success in the global economy. ‘Asian values’ is the argument behind the economic success and is offered as a justification for a style of governance that critics called authoritarian and paternalistic, but it is also an argument for a different approach to human rights (McDaniel 156). Vitality in economics in this region was attributed to Asian cultural qualities of hard work, discipline, acceptance of leadership, and social cohesiveness (McDaniel 154). This new modern identity was created by the nation state and was based on religion, patriotism, nationalistic symbols, and language. C.J.Wee (1998) suggests that some postcolonial Asian states are creating “frontier identities” in order to resist Western modernity through appropriating it. Wee argues,

[A] discourse on ‘East Asia modernity’ [has] emerged, claiming a status as a counter- or alternative model of modernity-a ‘regional’ universalism- in which ‘traditional’ Asian values of the family-centeredness, self-control, frugality, and corporate identity were seen as the foundations for Asian success. Within this

discourse, some Asians argued that they had indigenized modernity and might escape the cultural deracination thought to be taking place in the West- perceived to be the consequence of its supposedly extreme, individualist modernity (112).

Dirlik (1994) argues: “What makes something like the East Asian Confucian revival plausible is not its offer of alternative values to those of Euro-American origin, but its articulation of native culture into a capitalist narrative” (qtd. in Iwabuchi 14). This is very much the case for Vietnam as the processes of capitalism, pop culture and the circulation of popular music evolve under a communist regime. Popular music is a worrisome topic for many of Vietnam’s cultural bureaucrats as many believe music is straying from the patriotic role of the Communist Party. This is ironic as the Vietnamese government may openly resist Western culture while being politically and economically entangled and involved in globalization. The state is actively trying to promote Vietnamese music but also makes a lot of money off the sales of unauthorized versions of American CDs. The reinvention of local identity under the guise of ‘Asian values’ then serves to preserve and not erase the tension between progress and restoration (Wee 112).

The slogan of ‘Asian values’ was also readily deployed by countries like Taiwan as a defence mechanism to safeguard national identity and cultural distinctiveness in the face of Western media, culture and values. Anthony Smith (1990) argues that after World War II, there has been a trend of ethnic revival in nations. Yean Tsai (2000) has studied the impact of *hisang-tu-chu*, a popular new soap opera genre in Taiwan, and found that this type of television program reflected the regional audience’s search for cultural identity. This form of drama depicted Taiwan’s local customs and historical practices and became greatly popular after Taiwan started various cultural and economic contacts with China in the last decade (Tsai 175). Furthermore, this study found that the

audience in Taiwan preferred *hisang-tu-chus* as they could not relate to the reality or identity found in American soaps as these programs did not speak to their beliefs, hopes and dreams (Tsai 176). Smith points out that collective identity is made up of “those feelings and values in respect of a given unit of population which had common experiences and cultural attributes”(179). With this in mind, it is not surprising then that Tsai found that these types of soap operas were also immensely popular with the Chinese diasporic community all over the world who were nostalgic for Asia (175). Although, national identity is not a natural given but instead discursively constructed, invented, and imagined (Anderson 1983), it allows people to gain a sense of exclusive national/cultural identity in the face of increasingly cross-cultural interactions. Smith also argues that national culture is very much based on construction and imagination:

It is, of course, possible to ‘invent’, even manufacture, traditions as commodities to serve particular class or ethnic interests. But they will only survive and flourish as part of the repertoire of national culture, if they can be made continuous with a much longer past that members of that community presume to constitute their ‘heritage’ (178).

As Tsai notes, all of the characters in *hisang-tu-chus* have jobs and that they go from rags to riches or gain acceptance as they move up the social ladder. “This kind of plot arrangement reflects an old Chinese motto which says that misfortune always changes into luck, thus the soap ends with hope and fulfillment (184). This popular narrative helps to build national fantasies and idioms that can be embraced by audience. Smith ultimately argues that nations are “constructed communities” and this idea can be related to Taiwanese *hisang-tu-chu* soap operas as they are used by audiences as a means of building or reasserting their sense of Taiwanese identity outside of American media culture.

Kuan Hsing Chen (1998) puts forth that the assertion and reclaiming of ‘Asian values’ and Asian identity are not necessarily nationalist interpellation but part of the nativist imagination (16). Chen describes nativism as a “self-discovery movement [that is] called upon to discover our uncontaminated self and authentic tradition, to replace the deeply invaded colonial imagination” (15). Chen states, “In inventing and reinventing signs familiar to the popular imaginary and then articulating them as a higher form of universalism, the ex-colonized regains confidence in civilization, and thereby ‘at least’ beats the West in terms of cultural imagination”(18).

The ‘Asian values’ phenomenon can also be seen as a form of pan-nationalism. Smith concedes that nations are social ‘constructs and ‘imagined’ communities and that they can be understood as historic identities (179). He goes on to define pan-nationalism as the “attempt to unify in a single political community several, usually contiguous, states on the basis of common cultural characteristics or a ‘family of cultures’” (186). Smith also articulates that pan-nationalism depends largely on *ethnie* or ethno-history, which he defines as the myths, values, memories and symbols that shape the sense of identity. He argues that pan-nationalisms are healthy in that they keep alive the broad desire to negotiate differences within culture areas and create wider regional alignments and institutions (187). According to Smith, any attempt to supersede national identity, like the creation of a ‘pan-Asianism’ must inevitably draw in so many models of *ethnie* that it merely becomes another form of national identity. As a result, he recognizes that it is impossible to think of ‘culture areas’ as diversity within a unified framework. An inclusive national identity would be one open to all the different cultural communities residing in the territory of the nation. Such an identity cannot be based on the myths and

memories of any one ethno-history and therefore the 'Asian values' conceptualization is wrought with problems for those countries that wish to use it as a means of uniting a nation or a region. There is no such thing as a 'pure' culture according to Marjorie Ferguson (1992) as such a concept neglects the impact of cross-cultural influences via trade, war, tourism and communication in history (81). Therefore the 'Asian values' approach used by many governments has drawn much criticism, as no area is isolated from the cultural flows of other neighbouring countries. If anything, the return to Asia has only served to link the middle-class of various Asian countries and strengthened the development of consumerism and electronic technology (Iwabuchi 68). This shared popular and consumer culture in Asia highlights the multifarious and contradictory flows of transnational consumption.

### **Flow and Regionalism**

Iwabuchi argues that the processes of globalization have promoted the flow of intraregional media and popular culture within East and Southeast Asia as opposed to only spreading Americanized "global mass culture" (16). While pop culture commodities circulating within HCMC are imbued with American images, they are still nonetheless unique representations of being modern in Vietnam. Iwabuchi states that these products are "neither 'Asian' in any essentialist meaning nor second-rate copies of 'American originals'"(16). Rather, Vietnamese music is simultaneously 'global' and 'Asian', representing a unique mixture of sameness and difference among



contemporaneous indigenized pop music. Iwabuchi suggests that the term transnational, as opposed to international or global, best expresses this phenomenon:

Transnational has merit over 'international' in that actors are not confined to the nation-state or to nationally institutionalized organizations; they may range from individuals to various (non) profitable, transnationally connected organizations and groups, and the conception of culture implied is not limited to a national framework...transnational draws attention in a more locally contextualized manner to the interconnections and asymmetries that are promoted by the multidirectional flow of information and images, and by the ongoing cultural mixing and infiltration of these messages; it effectively disregards national demarcated boundaries both from above and below, the most important of which are capital, people, and media/images (16).

However, it is important to recognize that transnational cultural flows are never even and that there exists obvious asymmetric power relations in Asia. For example, there is more music from Hong Kong and Taiwan entering Vietnam as opposed to the other way around. This may be based on consumer demand but also on the fact that the legitimate and illegitimate music distributors of these countries are more organized in the circulation of these products and therefore have more economic power. Joost Smiers (2002) points out that transnational cultural industries will always try to find as many outlets as possible for the cultural products in which they own the rights and in order for them to achieve their goal, they will push away works of art which have a local origin (7). It is no surprise then that there is an abundance of Mainland Chinese, Hong Kong and Taiwanese artists' music for sale in HCMC.

Shujen Wang and Jonathan J.H. Zhu (2003) point out that the development of technology and of piracy is related to intra-regional activities. Therefore, Vietnam is greatly affected by product flow from Mainland China, Thailand, Cambodia, Taiwan, Hong Kong and other countries in close range. The velocity and volume of piracy flows

between these countries and Vietnam indicate how geographical and cultural proximity play into this phenomenon. However, historical contingency tends to be suppressed in the notion of cultural proximity but by examining the historical, we can better understand why music from neighbouring countries have such intimate cultural power in Vietnam. The notion of “cultural proximity” (Straubhaar 1991) is used to explain regional similarities but this term needs to be unpacked because it is essentialist in that it does not recognize shared histories between countries. “Cultural proximity” acknowledges the cultural similarities between regions, specifically language. But cultural proximity also relates to religion, dress, and ethnicity. Vietnam, Hong Kong and Taiwan are all linked to Mainland China in particular ways. Vietnam had a colonial relationship to China. Additionally, many Chinese people live in Vietnam or have married Vietnamese people. On a cultural level, both languages have similar tonal inflections and both societies are founded on Confucius principles where the family is a key social institution. Therefore by stating that these countries have ties because of their geography runs the risk of representing culture in an ahistorical and totalizing way. This frame of thought glosses over the diverse historical contexts and cultural similarities that extend beyond these countries’ geographic proximity to one another.

With this in mind, many forms of music from Taiwan and Hong Kong are popular in Vietnam and this phenomenon could be interpreted as a reaction against the Americanization of Asian culture. Appadurai (1991) suggests that culture in today’s mediated world is an interactive process rather than one dominated by images from United States. He stresses that there are various alternative fears to that of Americanization: “it is worth noticing that for the people of Irian Jaya, Indonesianization

may be more worrisome than Americanization, as Japanization may be for Koreans, Indianization for Sri Lankans, Vietnamization for Cambodians, Russianization for the people of Soviet Armenia and the Baltic republics" (295). As a result, nations are increasingly inspired by fears of cultural absorption by nations of a larger scale, especially ones that are close in proximity.

This is especially relevant in the case of Taiwan, as its culture and economy is more likely to be influenced by Japan and Hong Kong than the United States. Hong Kong, a country once considered at the periphery of the world power system, has now managed to create an empire in the film and television industry at least among Asian countries. Ding-Tzann Lii (1998) suggests that Hong Kong's film industry not only resists foreign domination but also 'invades' Taiwan's television landscape with its movies thereby creating a new type of imperialism (123). While Western media products are always global in horizon, Hong Kong media producers are less likely to see the entire world as their potential audience and therefore always seeks a regional or local consumer (Lii 128). Lii sees this limitation as a possibility in creating a higher cognitive order in which he refers to as Asianization; he suggests that Asianization consists of a "fusion or synthesis of different Asian cultures into one Asian Culture (134).

Contrary to Smith's argument of the impossibility of a cohesive pan-nationalism, Lii believes that Asianization is beneficial for this region, as it allows for a rupture in the global expansion of capitalism. While this Asianization may de-center Western cultural media flows in this region, it is also simultaneously creating a new form of imperialism. Lii refers to this form of domination as 'marginal imperialism' as it emerges at the margin of the world system and occurs primarily within third-world countries (125). He

states, “Historically speaking, marginal imperialism associated with a colonial empire occurs for the first time in capitalism when a marginal power in the third-world has created an empire and become an imperialist itself” (Lii 125). Hong Kong, once a colony, now emerges as a player in the discourse of global capitalism.

With regards to music, the localization or Asianization of Hong Kong music allows it to enter the HCMC music market with relative ease as its sounds blend easily with the domestic culture of the country. While it is not clear whether music made in Hong Kong is produced with other Asian ethnicities in mind, there are certainly musical elements that appeal to Vietnamese listeners and therefore this causes the one-way flow (associated with American music) to break down.

As music from one country moves to another in Asia, so too does piracy. Illegal discs in Vietnam and its surrounding countries are inextricably linked. Therefore, we should not look at music in Vietnam as a return to the ‘local’ specifically but rather, we should view globality and locality as Hardt and Negri (2000) have suggested, as *both* regimes of identity and difference, and as “different networks of flows and obstacles in which the local moment or perspective gives priority to the reterritorializing barriers or boundaries and the global moment privileges the mobility of deterritorializing flows”(45). It is impossible then in Vietnam today to claim local identities that are somehow outside of global flows.

Wang and Zhu’s (2003) research of film piracy in China is relevant to Vietnam’s situation in that it attempts to dissect and understand the complex processes and multiple linkages of the deterritorializing flows of global films and images as well as the changes in locations of distribution and consumption. They argue:

Film distribution and piracy are what constitute the links and relations of these networks of circulating images, products and capital. They are also the connecting lines that bridge some of the gaps among those otherwise separate entities. To focus on piracy and distribution, then, is to add the middle part to an otherwise dichotomized attention to the macro/global/production and the micro/local/reception aspects (100).

Therefore, one can see that the flow of pirated cultural products is very much a process of the conditions of the entire infrastructure. The localization or Asianization of music commodities is brought to Vietnam via many different forms of distribution, one of them being piracy. In doing so, it may destabilize the popularity of American products as these commodities have a greater chance of blurring with local tastes. In the case of Vietnamese popular culture, it is through the intraregional and domestic flow of films, books, fashion, music, etc. that the imagined living community is established and the rupture of Americanization is possible. Vietnamese culture has become a complex mixture of native and diasporic popular culture, of mass consumer culture and folklore, traditional and commercialized, and much of this culture is produced outside of Vietnam and circulates back, in and out of the region.

Thuy Nga Productions best exemplifies commercial cultural flow in and out of Vietnam, it is the premier Vietnamese entertainment company in the United States and possibly the world. Their live music concerts and variety shows (which are also taped and sold around the globe) attract the most famous performers from the global diaspora. To date, they have produced more than 60 two-three hour videotapes since the early 1980s as well as a plethora of CDs, cassette tapes and karaoke discs, in addition to their documentary specials and re-releases of classic Vietnamese movies. These videotapes are in almost every overseas household and are even staple entertainment in Vietnam. Since the government moved towards more openness, Paris By Night (the company's

most popular music variety show series) is widely available in Vietnam due to piracy. Overseas Vietnamese bring these products to their homeland on visits and therefore expose the popular culture of the diaspora. Despite the fact that these texts are produced by and for the overseas communities, it still resonates with those in Vietnam. Due to the proliferation of pirate copies and because the Vietnamese native language and culture is specific to one ethnic group, it is not a surprise that these music and video productions do well in Vietnam and its diasporic communities all over the world. Additionally, these productions also serve as cultural bridges between indigenous and diasporic Vietnamese.

While these productions are created in the United States, they are celebrating Vietnamese culture as opposed to American culture. This example shows that media globalization does not only signify the global reach of Western products but that it also allows for the “de-centering of capitalism from the West” (Tomlinson 140). The circulation of legitimate and illegitimate Paris By Night products shows the fluid routes and strategies of a “highly sophisticated and flexible spatial organization” (Wang and Zhu 110). What is interesting about these recordings is that they are originally made in the US and then brought to Vietnam for legitimate sales only to be pirated and smuggled back to the United States where they are again recopied and sold. This example highlights the routes and stages of piracy networks and their ability to find a market for their goods.

## **Networks of Piracy**

Even though my study is one about music piracy in Vietnam, it would be entirely remiss to isolate the issue and view it solely within Vietnam. It is necessary to study how

piracy works at many levels and consists of multi-layered flows that take place intra- and supra-nationally (Wang and Zhu 110). The Paris By Night example shows that the process of piracy is not confined to one location, it happens in various places and products follow certain routes and directions.

Despite the rapid movement of pirated products in and out of Vietnam, the state still holds a lot of power in the how the legitimate and illegitimate industry functions. Increasingly, the state is trying to align its legislations with other foreign countries and transnational corporations to encourage trade relations. Using Wallis and Malm's Interaction Model, we will see that there are three levels of activity in the music industry in regards to the small countries. At the international level, there are international conventions and associations, such as the World Trade Organization and International Intellectual Property Alliance (IIPA) and at the national level, there exists government bodies, trade associations, and national music companies and distributors. Finally, the third level refers to the local or what we call the public at large, meaning the types of music performed and listened to in a country. Wallis and Malm suggest that all the bodies of this complex system interact directly or indirectly with one another (20). Furthermore, this model can be applied to the presence of piracy in Vietnam's current music industry. As we will see, the way in which local governments and media support or put constraints on different types of music moulds the shape of music life on a local level.

The expanding market of pirated music in Vietnam has led to transnational flows of texts, genres, technologies and capital, and changes in how the state, music companies, pirates, and consumers deal with one another. With regards to networks and relations,

Wang and Zhu argue that piracy represents the “intersection and transformation/deformation” of many circulating products (115). They further this stance by highlighting the implications of technology on these groups and networks:

Because of the constantly shifting alliances and connections among pirate networks, and among the state, manufacturers, consumers, and a complex group of other relations, they also represent different topological possibilities. The circulating nature of capital and digital technologies further accelerate the rate of realignments and changes of the topography. Because circulation and flows often involve directions, velocities, and forces, they result in the redefinition of boundaries [e.g. geographical, social, cultural] (115).

For instance, global International Property Rights (IPR) treaties and agreements, state policies, and police bribes have all gone through several transformations as they are apart of the network that is affected by piracy. While legitimate businesses abide by state and international regulations, piracy networks by-pass those rules and as a result, have the advantage of speed. However, they are still governed by rules and codes that dictate their complex system of production and distribution. Carolyn Nordstrom (2000) suggests that piracy networks are a part of the shadow economy and are very much involved with the formal economy. They work in conjunction with and around formal institutions such as the state, the police and its sovereignty. There are so many different networks that shift and intersect in processes of piracy: the global media empires, the state, the IIPA, the regions, manufacturers, distributors, retailers, consumers, pirates and others. Each one of these groups has their own configurations and agendas.

Major recording labels have been complaining for years about the damage that pirates do to their business. The music industry now suffers from intellectual property rights theft combined with rampant swapping and trafficking on the Internet. Legitimate



albums that make it into the stores must vie with pirated copies that cost much less. Therefore it is difficult to develop a legitimate market for recorded music. One reason that music piracy is so rampant is the widespread availability of inexpensive CD-R replication equipment and high-speed burners. This has facilitated the entry of commercial pirates in the market. Commercial pirates can man many CD burner towers at once and it is easy for these entrepreneurs to operate as they are very concealed and portable if need be; also, advances in technology have made it so that a less skilled-staff can produce these discs. These pirates have not only captured the market for international music but they have also deeply impacted the domestic music industry as well. The IFPI also states that the piracy growth has also been aided by the falling prices and an over-supply of CD-Rs, mostly from Taiwan, whose manufacturers produce two-thirds of the world's blank CD-Rs. With these high quality discs, pirating has become a profitable calculated risk in HCMC; in some cases, there is no quality difference between the legitimate and pirated copy. An official from the IFPI reported in 1997, that there was more than double the manufacturing capacity available world-wide than is needed for legitimate production (Smiers 387). An overcapacity for the manufacturing of CDs enables the spread of music piracy as the supply of products is more than the actual demand. This over-production makes no difference to pirates as they are in a hurry to make money and are likely to reproduce the top-selling and best-known artists. Therefore they look for artists that sell well internationally and at home; they leave promotions and marketing to the big record companies and just concentrate on pirating the big names to secure profits.

With the market flooded with products, one would think that the music industry is headed towards destruction. PricewaterhouseCoopers argues differently and states that despite consecutive years of decline and flat sales, global spending of recorded music will total around \$33,7 billion by 2008 (“PricewaterhouseCoopers Says”). Furthermore, as the music industry works towards selling music over the Internet, it will reduce the risk of overproducing CDs by eliminating manufacturing all together. In the meantime, online copying and CD burners are surely to become more prevalent in Vietnam, making music companies and international lobby groups likely to pressure the government to take more drastic measures to curb piracy. As of right now, most Vietnamese do not have the knowledge or access to CD burners to make their own disks. However, most citizens living in HCMC do have disposable income to spend approximately \$0.70 CDN on a pirated disc of their choice.

As Lee Marshall (2004) explains, ‘piracy’ is a term that blankets a wide variety of activities such as counterfeiting, pirating, bootlegging, home taping, tape trading and online file sharing (163). Lee also suggests that figures and statistics are used as “rhetorical impact” to highlight the magnitude of the issue; he claims that they are not exact figures as it is impossible to know the exact numbers of illegal materials in circulation. Jeremy Philips also furthers this argument: “Unfortunately, counterfeiters do not yet have to file annual returns to the Commission on the scale of their illegal activity, which means that the figures put forwards for losses caused by counterfeiting are in danger of being subjective, hypothetical, and methodologically flawed” (qtd. in Marshall 164). Statistics released by music industry or their lobby groups often do not take into account how people are using pirated music in their day-to-day lives. Simon Frith (2002)

points out that the music industry overly concerns itself with questions of supply but has neglected to question why people want music.

Marshall argues that consumers who buy bootlegs (music that is not officially released by record companies) are actually extremely committed fans that use these products as a means of maintaining their on-going relationship with their favoured artists or bands (167). He goes on to argue that the same people who buy bootleg materials make up the market of guaranteed buyers of an artist's new release. Marshall, a sociologist who specializes on intellectual property and popular music, notes that there are three potential benefits of bootlegging. First off, he claims that bootlegs enable the industry to hold on to a particular type of fan and that bootlegs also act as underground promotion for both established and upcoming acts. And finally, he points out that bootlegs have acted as an impetus for a large number of official (and successful) releases (173). Many CDs on the market in HCMC are compilation discs created by pirates. Often these discs will include the greatest hits of one particular artist while some will include popular songs from a variety of artists from around the world. While it can easily be argued that these releases hurt artists, one can also argue that it allows the industry to hold on to a particular type of fan as argued by Lee in the case of bootlegs. He suggests that bootlegs can act as a promotional tool for both established and upcoming acts (173). In essence bootlegs and pirated materials keep fans buying music and encourages them in other forms of consumption related to music (i.e. attending concerts). This results in a distorted impression of the scale and effects of piracy on the music industry. The implications of piracy in Vietnam are complex and multi-faceted as are its networks and

routes of circulation and therefore, the numbers and figures released about its impact do not reflect the complicated reality.

## **CONDITIONS OF PIRACY IN VIETNAM**

Vietnam is under pressure to abide by numerous international conventions and agreements, many of these protocols however, only serve the interests of the larger wealthier nations. Wallis and Malm argue that the idea of property rights does not always resonate in all cultures:

A music copyright system based on the concept of an individual being solely responsible for the creation of a work might not be suitable for a society where composition is a collective activity and where the creative results are traditionally regarded as general property of the 'public domain' (71).

Many Vietnamese music fans see no fault in buying unauthorized copies of CDs or sharing their music with one another. Ronald Bettig (1996) points out that traditionally "Asian authors and artists have viewed the copying of their works as an honour" (213). Therefore, to some consumers in Vietnam, purchasing an unauthorized version of disc is not seen as stealing or disrespecting intellectual property rights.

Music piracy in Vietnam, specifically in HCMC, is the product of a specific set of legal, political, cultural and economic conditions and processes, which differ greatly from those in China, Taiwan or Thailand, even though the piracy networks that operate in that region are inextricably linked. There are many pirated music goods in HCMC and music lobby groups argue that this hurts Vietnam's economy and that the situation is much more bleak when we consider the fact that many pirated discs are produced and then sent all over the world. This highlights how the losses are even more significant and

damaging. HCMC city then becomes a production and export base for makers, distributors and exporters of pirate music.

With Vietnam's entry into the global economy, new legal frameworks and anti-piracy policies are introduced to the country. Multilateral organizations, treaties and agreements are also signed with other countries in order to increase trade and revenue in Vietnam. One document that came up repeatedly in my research on piracy was the Super 301 Regulations of the United States Trade Act of 1988. This is an annual "watch list" and "priority watch list" for countries that lack intellectual property safeguards, which may in turn create significant trade barriers to U.S. businesses. Trade sanctions are often imposed upon those on the offending list and countries are encouraged to organize an effective law enforcement strategy. Herman Cohen Jehoram et al. (1996) report that these trends are damaging for many countries:

The pressures on poorer countries to fight piracy brings them into a situation in which they have to spend many resources for the enforcement of intellectual property rights instead of the enforcement of other laws which are perhaps more important for the development of their economic, social and cultural life (44).

It makes one wonder if it is in the self-interest of Vietnam to fight piracy or whether it is benefiting Western countries. More importantly, it begs us to question whether the piracy issue now takes precedence over other infringements such as human rights or freedom of speech. What is even more interesting is that countries like the US are such strong supporters of a free market and strong state regulations simultaneously. HCMC is therefore in a precarious situation as it faces the increasing pressures of modernization and capitalization while simultaneously trying to safeguard its national culture. While this tension is not visible in the cramped music stores in HCMC, this strain is visible in

the state policies as the government tries to find a balance between progress and conservation.

While preserving the domestic music culture of the country may seem like a noble cause, many of the proactive measures taken to ensure Vietnam's domestic music industry is done to protect the country from economic sanctions of developed countries. So while the Vietnamese government wants to stamp out piracy in order to allow their culture to survive, pirates have only helped to bring Vietnamese music to a wider audience at home and around the world. Despite the fact that Vietnamese artists may not make any money from the sales of these discs, the goal of preserving the music of country has clearly been aided by the availability of illegal CDs. Emery Simon (1994) also attests that the protection of cultural products is not always about upholding a national identity:

[T]he internalization of creative products has elicited fear and trembling from domestic competitors less able to produce and sell productions with international appeal. These fears have been translated into increased pressure to reserve a share of domestic markets for local industries. Under the cloak of preserving national cultural identity – a legitimate goal – countries have been enacting disguised trade restrictions – an illegitimate goal (qtd. in Smiers 6).

The economic motives for the preservation of the Vietnamese music industry have often been disguised with nostalgic and/or cultural justifications. As we've discussed, the discourse of 'Asian values' has been used to preserve Eastern cultural identity in the face of Western modernity, however, this approach is greatly flawed as no country or region is isolated from global cultural flows. There is no room for pan-nationalism as Smith explains that this is an impossibility as it is problematic to think of diversity within a unified framework. And as Iwabuchi argues, this assertion of a "return to Asia" has only

achieved the development of consumerism and electronic technology among the middle-class of Asia (68). As a result of this shared consumer culture, one is able to see the multifarious and contradictory flows of transnational consumption in this region.

Furthermore, the spread of transnational cultural has also meant the spread of intra-regional piracy. As products seek a regional or local consumer, so too do pirates. Illegal discs in Vietnam and its surrounding countries are indeed linked through a complex network of legitimate and illegitimate distribution flows. Many different networks shift and intersect in this process and they include but are not limited to the state, the global media empires, international lobby groups, manufactures, distributors, retailers, and consumers. The routes in which CDs move reflect a highly sophisticated and flexible organization and the movement of pirated discs are indeed a process of the conditions of the entire infrastructure. As pop culture circulates its products around the world, piracy will continue to occur as long as it is easy to copy. Richard Barnet and John Cavanagh (1994) argue:

Stars now count on being seen and heard somewhere around the world many times a day. But the bigger the hit, the more likely it is that its creators and owners will have to share the profits with pirates. While intellectuals and politicians in poor countries denounce the 'cultural imperialism' of the global media giants, underground entrepreneurs did something about it (142).

The counter-hegemonic flows in Vietnam represent the rise of non-American producers and exporters, albeit illegal ones. The emergence of regional media and cultural centres like Taiwan and Hong Kong exemplify how the decline for American products has brought about capitalization of intraregional cultural flows. The situation in HCMC has highlighted that the nature of transnational cultural power must not be understood as solely "Americanization". Contrary to Smith's idea of the impossibility of cohesive pan

nationalism, Lii believes that Asianization is necessary for the rupture of global capitalism. Using Lii's argument, one could argue that Asian countries are now de-centering the process of cultural imperialism through the production of legitimate and illegitimate products and in turn creating new forms of imperialism. As we have learned, cultural flows are often uneven and asymmetrical in power and ignorant of national demarcated boundaries. Furthermore, popular culture is not as 'top down' as once thought and as Marshall argues, scholarship about unauthorized copied music must represent the growing complexities and implications of this phenomenon:

Research into piracy in the music industry must reflect the various forms of musical and legal meanings that individuals attach to music, and their consumption of it. Music is a commodity that requires legal protection, but the meanings given to that commodity are not merely the ones set out by those who produce it (178).

It is therefore not as simple as being for or against Asianization or Americanization, but one must continually question how the expanding market of pirated music has been implicated with the state, music companies, lobby groups, pirates and consumers. The old stand-by theories of cultural imperialism do not explain the situation of piracy in Vietnam's music industry. Previous literature has put a mistaken emphasis on cultural coming from the Western world and concepts like marginal imperialism contradict long-standing ideas about globalization and cultural flows. Contemporary research must address the complex transformations in the music industry and monitor how consumers of these products use these artefacts and see themselves in relation to domestic and global cultural flows. What is successful about piracy in HCMC is that it has enabled Vietnamese-based music to thrive within this country and its diasporic communities. Whether Vietnam is doing enough to preserve intellectual property rights is up for debate



but nevertheless, pirates can be credited with ensuring the survival of domestic music to a country otherwise unable to access or afford these commodities.

The following chapter will expand on these ideas and explain the historical influences that inform Vietnamese music and how customers in Vietnam and the diaspora blend and rejuvenate these tastes. Using information garnered from four HCMC storeowners, it will be possible to understand what it means to be a consumer of popular music in Vietnam today. Additionally, it is important to examine how the State is reacting to the piracy crisis and what measures have been set in place to defend or preserve what is left of the domestic music industry. This will be juxtaposed with how the international business community is reacting to the predicament and how storeowners are negotiating state policies and regulations in order to turn a profit in this volatile market.

## Chapter Two

### *The Counteraction to the International Music Industry*

Since *Doi Moi*, HCMC has experienced remarkable economic growth. This new prosperity has attracted rural residents – many of them poor who have brought their families with them to the city, or, in many cases, relatives have been left behind in the countryside. The city's new wealth has also given rise to an emerging wealthy elite. Many of city's rich now own successful private businesses and can afford cars and overseas holidays, luxuries that are beyond reach for most residents. In general, the commercial growth has been positive as many households that were just struggling to get by a few years ago now enjoy relative stability. The city's emerging middle-class is now able to eat out at restaurants, buy cellular phones, motorbikes, and send their children to university.

This economic growth also paved the way for foreign cultural influence and as such Vietnamese leaders are not without criticism. During the early 1990s, party leaders believed that much of Vietnam's social problems were linked to the people's desire to emulate foreign cultural values and tastes. In January 1993, the Fourth Plenum declared that the spread of "poisonous" cultural products was threatening "Vietnamese national culture" and resulting in a "loss of human values" in Vietnamese society. According to party leaders, international cultural products, specifically Western ones, were deteriorating the cultural environment. Party leaders believed that Vietnamese people lacked knowledge and confidence in their national culture and that this was due to their country's poverty and underdevelopment:

The Vietnamese people are by nature dynamic, self-resilient, intelligent and patient and need time to raise their heads because of the country's undeveloped

economy, inadequate material bases and poor living conditions (Ministry of Culture and Information 1993 17).

This is not the first time that leaders have felt that Vietnamese people suffered from an inferiority complex. In 1968, Ho Chi Minh expressed, “Many Vietnamese don’t understand clearly [how] the history, the nation, man and our precious nature is equal to foreigners”. Therefore party leaders felt that it was important to develop a sense of appreciation and pride in national culture was necessary in conjunction with economic development and national prosperity.

Following the Fourth Plenum, party leaders launched a campaign to celebrate national culture, highlighting the idea that the nation’s essence was beyond temporal historical influences. The Party lauded Vietnam’s ability to preserve its rich traditional culture throughout its history despite numerous occupations and that it would continue to triumph in the face of global capitalism (“Culture and Development” 74). Mandy Thomas (1997), an expert on Vietnamese contemporary culture, confirms that Vietnam has endured many political struggles but that it has somehow managed to preserve its uniqueness:

There is a lot of evidence to suggest that over their history, Vietnamese people have been able simultaneously to transform social and political life by incorporating foreign influences, but still to resist foreign control and to maintain their own sense of continuity and uniqueness as Vietnamese (156).

This is especially true in terms of its music. On any given night, artists in Vietnam or in the diasporic countries, will perform live shows with musical styles ranging from pre-colonial traditionalism to Sinatra-inspired adaptations of Vietnamese folksongs to bilingual versions of Britney Spears and Madonna. By examining past colonial and

military occupations in Vietnam, I will point out the many foreign musical influences as well as the three categories of music generally performed by Vietnamese artists.

Drawing upon Lull and Wallis' (1992) work of the Vietnamese music scene in the United States, I will highlight similarities and differences between the Vietnamese music industries and star cultures in San Jose, California in the United States and HCMC, Vietnam. Music connects exiled Vietnamese communities to their former homeland and music made by the diaspora in turn influences the musical tastes of audiences in Vietnam. The desire to create culturally specific music in Vietnamese is the driving force behind the success of Vietnamese music at home and abroad and therefore the industry is looking within for cultural products and a sense of identity rather than looking to the West.

Furthermore, I will explore trends in domestic music and also provide observations on rural and urban concerts in Vietnam. The relationship between culture, society and economy in HCMC will be analyzed with historical traumas in mind in an attempt to accurately capture the changing dynamics of contemporary life in this Southeast Asian country. By examining the broad context in which CDs circulate and the historical backdrop of these processes, I hope to provide a picture of what it means to be a consumer of popular music today in HCMC.

## **Vietnamese Music**

The International Federation of the Phonographic Industry's 2005 Commercial Piracy Report claims that CD piracy is at an all time high:

[G]lobal pirate disc sales are almost double the level of 2000, and 34% -one in three- of all music discs sold worldwide in 2004 was a pirate copy. [...] Disc piracy is now evenly split between two methods of manufacture and distribution – on the one hand pre-recorded discs produced in optical disc plants and, on the other, CD-R discs which are mass copied on high speed burners in small laboratories or offices (4).

Music disc piracy is changing as CD-R technology enables pirates to produce discs easier and quicker. In Vietnam, due to the proliferation of pirated music, the CD has become a promotional vehicle for artists as most performers can no longer make a living on record sales alone. As a result, the majority of music artists there make the bulk of their money from singing in clubs (PBS web site). Music audiences in Vietnam have continual access to their domestic artists as they are constantly performing at different venues throughout the country. Lull and Wallis suggest that this can be traced back to the influence of the French and Americans. The authors explain that Vietnamese bands performed mainly Anglo-American music for US soldiers as they drank and associated with bar girls. Nowadays on any given night, five or six performers will sing at the very same club, each with their distinct set of songs. The main act will perform longer and take more money home than the warm-up acts. Bars and clubs provide artists the most exposure and money opportunities as record sales are eaten up by piracy.

For those music lovers who are unable to attend live performance, radio is the next best thing and is accessible through state-run radio programming; it is reported that 70 to 80 percent of the nation's populated areas have access to local radio programs (Panol and Do 476). The "Voice of Vietnam" is the official Broadcasting System of the Vietnamese Government. It covers 5 wave systems. One of its systems airs minority language based programming and listeners are able to hear broadcasts in H'mong, Khmer,

Ede, Gia Lai and Bana languages. They also have an external system which features English, French, Russian, Khmer, Lao, Spanish, Pekinese, Cantonese, Indonesian, Japanese, Thai, and Vietnamese for Overseas Vietnamese listeners. In all, there are 61 Radio Stations at the city and provincial level, and 288 district stations (Gunaratne 276). The Ministry of Culture and Information oversees the overall management and supervision of radio broadcasting in the country. In general, radio in this country has a simple purpose: it propagandizes the authority and agendas of the state and the programs of the Communist Party.

The phenomenon of pop culture in Vietnam is barely two decades old and many in Vietnam's Communist Party are worried about trendy songsters who are winning the hearts and minds of their young listeners while neglecting the virtues of the Party. Before *Doi Moi*, popular entertainment rarely reflected the themes of personal relationships or emotion between individuals in music. Music, art and literature were limited to promoting patriotism for the Party. However, since the opening of the economy, the government has acknowledged that loosening the cultural reins is to be somewhat expected. The proliferation of the Internet, foreign music and films make the encroachment of Western cultural values inevitable.

This presence is so pronounced today that Western-influenced popular music is the most dominant and accessible form of music in HCMC. Most of the modern pop found in Vietnam today is generally like the Top 40 music in North America: upbeat, light, happy and sugary sweet- music that is fun to dance and sing along to. This genre of music, called *tân nhạc* [new music], has been cultivated, developed and flourished in Vietnam since the late 1930s. The introduction of this genre coincided with the

Westernization of Vietnamese society in the early decades of the twentieth century.

Since then, Vietnamese popular music has continued to take on elements from global popular music such as the Western scale of temperament, meters, dance rhythms, popular song form (ABA) and tonal harmony (Hung 2). One can often hear electric guitars, keyboards and a drum kit in most pop songs. The electronic keyboard, a staple instruments of many 80s pop songs, is used heavily in Vietnam as are the rhythm buttons, which are liberally employed for their rumba, tango, bossa nova, and light rock sounds.

While the synthetic sounds of the keyboard reign throughout the country, hard rock music is generally not popular in Vietnam. Perhaps in a country that has seen its fair share of sadness and destruction, sounds of aggression and despair, are not appreciated in music. In a light-hearted attempt, Dr. Minh Huynh, a music professor at the National University of Social Sciences in HCMC, best explains this preference: “Vietnamese people do not have an appetite for rock music; they do not consume enough calories in their diet in order to move to the harsh and heavy sounds of punk or metal”. Loud music may not resonate in Vietnam but Reebee Garofalo (1995) argues that pop music evolves differently than other forms of media:

Popular music is less identified with dominant American culture than film or television in the sense that it draws from numerous ethnic cultures, both in the U.S. and elsewhere...there is a strong interaction between international pop and indigenous music than simply doesn't exist with other mass cultural forms (qtd. in Crane 9).

Many pop singers in HCMC blend Vietnamese lyrics with sounds from different parts of Asia. To be more specific, singers often take a popular Chinese song and add Vietnamese words. This also happens with extremely famous English songs like Celine Dion's Titantic hit, “My Heart Will Go On”. Crane (2002) argues that popular music, in

which recording costs are quite low offer the most opportunities for local cultures (19).

While many would argue that this is not authentic, it is still a cultural product that is made specifically for the Vietnamese population. ‘National popular music’ is what Wallis and Malm (1984) classify as music styles that have been shaped by its mixing of internationally distributed popular music and local types of music (219). Crane explains Robertson’s (1995) theory of global localization or glocalization in the following way:

These are the ways in which global genres are adapted for local audiences so that the global blends with the local. This process does not lead to global homogenization but to a situation in which cultural forms that originated in the West and that diffuse globally [...] are adapted to local conditions and primarily carry messages about local cultures. Audiences often prefer local imitations of American popular culture to American popular culture itself (17).

It makes sense then that there exists so many Vietnamese versions of the most popular Western songs. In many respects, the Vietnamese copies of the song have a higher probability of becoming a popular hit if it is successful all over the world. These chances are increased when the lyrics are translated in Vietnamese, as audiences are more likely to identify with the song if they can understand its message.

James Lull (1995) contends that the infatuation with Western popular culture forms in Vietnam is traceable to colonialism or to commercial and military relationships with the United States or Europe” (2). In the last century, there has been little peace for the Vietnamese as they have fought the Chinese, Japanese, French, Americans and each other. As a result of their many struggles, Lull and Wallis (1992) contend that the people of Vietnam have acquired a “cultural adaptability”:

The foreigners left their marks [...] not only politically and economically, but in cultural spheres such as language, religion (many Vietnamese are Catholic,



inherited from the French and early Western missionaries), food, and music. For the Vietnamese, negotiating outside cultures and forging syntheses for survival have long been a way of life (212).

The US military presence in Vietnam has especially left many cultural imprints. During the United States' occupation in South Vietnam, the American military broadcasted live reports and music for its servicemen and women through its powerful radio station, Armed Forces Radio, Vietnam (Lull and Wallis 216). As a result, 1960s and 1970s pop, rock, soul and country-western music had a major influence on the entire population. During that period, Vietnamese musicians were especially interested in Western music as they would learn English-based songs in order to get jobs playing in clubs that were frequented by American soldiers; Lull and Wallis also specify that this was the primary market for Vietnamese pop musicians up until the very last stages of the war. While American music was popular, Vietnamese musicians also performed British music like the Beatles, Rolling Stones, and Dave Clark Five. It is also important to note that French music was a part of the country's music repertoires long before the Americans arrived.

While there have been many outside influences, the Vietnamese music industry is particularly unique as domestic artists and Vietnamese culture is heavily represented in mainstream national and local media despite the onslaught of foreign recordings. Even in the United States, which has the largest Indochinese population outside of Asia, Vietnamese popular culture is consumed almost entirely by members of their own ethnically based subculture (Lull and Wallis 212). This means that Vietnamese people at home and abroad support and cultivate culturally specific music in their own language.

Vietnamese music in general tends to be more towards soft rock and pop than is the case in large Western countries. Perhaps that's because Vietnamese pop music

incorporates sounds of the past and present, the country's regional differences, and the effects of forced and/or voluntary migration, and numerous wars and colonial occupations that have occurred throughout several centuries. It would be remiss to box modern pop music into one category without considering its rich and tumultuous past. During my research in HCMC, pop music seemed to rule the music preferences of most music buyers. Many Vietnamese pop songs use alternating English and Vietnamese lyrics. Wallis and Malm (1984) assert that with the internationalization of the music industry, songs permeate and combine many styles in a process called transculturation. Their research would suggest that Vietnamese music uses elements from many countries to help form and support their own cultural identities (232). Furthermore, they argue that transnational music culture is the result of a combination of features from several kinds of music:

This combination is the result of a socio-economic process whereby the lowest musical common denominator for the biggest possible market is identified by building on the changes caused by the three previously described patterns of change [cultural exchange, cultural dominance, and cultural imperialism]...It is a product that has not originated within any special ethnic group (300).

Lull and Wallis suggest that there are three categories of music performed by Vietnamese artists in the United States. They assert that traditional Vietnamese music has an Indochinese-Vietnamese sound but is also significantly influenced by early twentieth century French ballads and waltzes. Vong co is the most popular form of traditional music:

Vong co (literally "longing for the past") evolved from a simple melody into the lengthy and complex-structured vocal and instrumental pieces that exist in a wide variety today. [...] The sense of nostalgia and sadness that permeates many folk

traditions such as the *vung co* [...] may reflect the painful trials and tribulations of their social histories (Lockard 19-20).

Therefore this music generally appeals to the older generation and it is performed frequently in Vietnam as well as Vietnamese enclaves all over the world. Performers usually croon in a dramatic, romantic, sad or emotional style. Many of these songs are influenced by Chinese and French love songs and more modern ones speak to the pain of the Vietnam War and or leaving the homeland (usually sung by the diasporic community). Le Tuan Hung (2004) has studied Vietnamese music in Australia and attests that there are unique skills in performing traditional and pop songs:

In many songs, especially those in the *quê hương* [homeland] style, the vocal style remains basically Vietnamese with frequent use of ornaments such as vibratos and bent tones. Such vocal ornaments are not indicated in the printed music, which is in Western notation. They are added by singers in performances. This practice indicates that flexibility is an important aspect in the performance of Vietnamese popular music. This practice may have derived from traditional music, in which each performance of a piece is a realization of a melodic framework (2).

As a result, any study of Vietnamese popular music should not rely solely on the printed versions of scores. Traditional music involves a lot of improvising and is not based on chord sequences but rather on the rhythmic sequences and in the tone of the words. The goal instead is for the performers to build on an existing melody allowing them a high level of flexibility and spontaneity in the process.

It is perhaps that experimental spirit that allows many Vietnamese artists today to explore and breakdown many different styles of music. New sounds allow for contemporary artists to express new ideas and feelings that result when cultures intersect. Lull and Wallis also found that variety music is particularly popular with the Vietnamese in America. They understand variety as a blend of Asian, European, Latin and North

American sounds that are bound by no particular time period. Therefore “variety” music can include country-western tunes, soul classics, cha-cha-chas, tangos, Spanish love songs and other international sounds.

When Lull and Wallis wrote “The Beat of West Vietnam” in 1992, they proposed that the most popular type of music made by the Vietnamese in America was new wave—a combination of dance-oriented American pop and Eurodisco music. New wave, according to the authors, encapsulated the “energy and optimism of its youthful fans”. Craig A. Lockard (1998) also attests that this industry in the United States helped maintain a lively cultural life for the diasporic community by tapping into their dreams:

This “micromusic” industry, practically unknown to white Americans, has helped sustain ethnic identity and cohesion while also facilitating adaptation to the difficult circumstances of exile. [...] Many of the songs popular among the Vietnamese exiles reflect “cultural dreams” of the community, including a desire for elegance (especially in dress), the aspiration for upward mobility, emulation of the romantic style of American culture (in contrast to the reserved Vietnamese), and idealized memories of Vietnam (26-27).

As many of these American sound recordings travel back to Vietnam, these new music styles are introduced to the homeland. 300,000 Viet Kieu (former Vietnamese nationals) return to the country each year to study, do business, visit families and search for their cultural identities (Lamb 213). With these visits, it is not surprising that music has become an important carrier of foreign popular culture as it travels with people; this may explain the proliferation of international music now available in HCMC.

While international and Vietnamese pop music are increasingly popular with audiences, it is perhaps also due to the availability of these products in Vietnam. For example, in HCMC, smaller scale CD-R pirates are now able to concentrate on producing local repertoire music, therefore, catering to domestic tastes. They leave the international

artists to the larger pirate operations and focus on which domestic acts will bring in the customers. Therefore the plethora of Vietnamese CDs and the renewed devotion towards domestic artists in Vietnam can be partially explained by the availability of CD-R produced products. Piracy therefore sustains Vietnamese culture while also facilitating the mixing of international pop genres in the country. The Vietnamese music industry is dynamic in that it is constantly recycling and diversifying a variety of old and new genres therefore appealing to more and more audiences. Pessimistic predictions that foreign music would suffocate Vietnamese music have not come true:

There are always purists on guard to defend and protect 'national music' against foreign influences and to claim that some kinds of hybrid genres are 'inauthentic' copies of imported models and, as such, 'degenerate'. This position is based on a conception of culture as something that must be kept isolated or protected to maintain its purity and originality, forgetting that the present manifestations are the result of a historical process of long duration, even in the case of 'traditional music' (Mendonca 109).

Piracy is helping local culture to rejuvenate itself as it helps audiences to appreciate the diversity of the domestic music industry. Local artists who would otherwise not be heard in the rest of the country can now record and have their music distributed throughout the country to make a name for themselves. The example in Vietnam shows how people in this small country are using technology and piracy for their own cultural purposes. It is obvious that this trend is first and foremost a capitalist endeavour but one cannot deny that Vietnamese music is thriving in this country and this is partly due to the proliferation of cheap and accessible pirated discs. Therefore it is necessary then to question if pirated CDs are a threat to the music industry or an opportunity to assert national culture.

In the 2003 United Nations discussion paper, “Culture and Development in Vietnam”, it is reported that the Vietnamese government has recently put into place a 10 year development programme for cultural development:

The programme seeks to strengthen Vietnamese culture, enabling citizens to participate in cultural activities, build a healthy environment while maintaining and promoting cultural heritage and creating new cultural values. It was reaffirmed that culture is considered as the spiritual foundation of the society, and both the target for and driving force of socio economic development [...] cultural development is considered a long term revolutionary cause of the entire people, which aims at achieving an advanced culture imbued with national identity, patriotism and national unity, and promoting the spirit of independence and self-reliance in building a socialist Vietnam (17).

Therefore, the government is looking to implement cultural policies that will encourage sustainable growth. The preservation and promotion of culture manifests itself in many ways and these efforts were highlighted in the two concerts that I attended during my stay in Vietnam. While both shows were privately organized, I will explain how there was indeed a distinct state presence as both shows were heavily regulated in different ways.

Of the two major concerts that I attended, one was in downtown HCMC, and the other was in Vinh Long City, the capital of Vinh Long province located in the heart of the Mekong Delta. The first show was a large-scale production with female headliner Phuong Thanh. It took place on February 28, 2004 at Phan Dinh Phuong Stadium in HCMC in District 1 and was broadcast live on VTV Vietnam Television and Voice of Vietnam. “Khi Giac Mo Ve” (when the dream returns) was the theme of Thanh’s live performance as this marks her comeback after a long absence from the city’s performance stages. She is the sixth singer to perform on a monthly VTV (series showcasing Vietnam’s pop stars including My Linh, Hong Nhung, and Lam Truong. This concert proved to be an opportunity for the government to exercise music cultural

policy through broadcasting. The entire evening was programmed in advance and music styles that might offend the government were kept off the air.

This concert was produced by VTV in collaboration with the HCMC-based Cat Tien Sa Company and was meant to be a showcase for Thanh's new CD which was released on that very day. In August of 2004, VTV began paying copyright fees for songs used in its broadcasting programs ("VTV to Pay"). This deal was struck with VTV and the Music Copyright Protection Center (MPCP) to safeguard the copyrights of the music industry and is expected to earn VND600 million a year from the contract. ("VTV to Pay"). The royalties are based on the money VTV earns from advertisers and State subsidies for particular shows.

Music concerts are easily considered a venue in which cultural heritage is maintained and promoted but sometimes the performances are at odds with what the state deems culturally appropriate. For example, the styles of dress and the comportment of many of the female artists at both of these concerts were provocative as any North American female artist. While male-dominated rock does not sell well in Vietnam, the country seems to have an insatiable appetite for sexy female pop stars. Perhaps it is because female artists in Vietnam are increasingly playing up their sexuality as opposed to just their femininity. Younger artists were sassy in appearance and demeanour while older artists were conservative in their "ao dai", the traditional Vietnamese gown for women. The appearance of the younger artists at Thanh's concert appeared to be in conflict of the government's official stance on appropriate conduct at cultural performances. But no mention was made of it in the press the following day. Newspaper reports document that in March 2003, authorities in HCMC were considering a ban on

performances by artists displaying their navel and wearing sexy clothing. The head of the city's Music and Dance Department, Nguyen Thanh Son, declared:

We will ask to stop or adjust the shows in which the performers have their navel uncovered or dress scantily against a national aesthetic [...] not only the dressing but also the performing style of the artist will be our concerns, as many of them have shown the low-culture and the smutty when they perform on stage" ("Vietnam Says No").

The article also stresses that local authorities also promised that they would also revoke the licenses of show organizers who tolerate such unsuitable dress on their stages. While these policies are stated in public newspapers and in government texts, the female performers at the Thanh concert were probably in violation of those regulations as they wore provocative clothing like bustiers, mini-skirts, and other forms of revealing clothing. Thanh, in particular, wore tight pants and a nude see-through top, which might be construed as being in violation of the regulated code.

Despite their disregard for state laws, these female performers are helping to fuel a celebrity culture in Vietnam's music industry. As Lull and Wallis (1992) point out, women are the main "stars" of Vietnamese pop but that stardom is different in this Southeast Asian country than in North America. While some female singers may be well-known and very stylish, they generally conduct themselves with humility and are not worshipped by listeners like artists in the US:

The notion of entertainer in Vietnamese society for the most part eschews the individuality of the performer...they are assessed primarily on their ability to entertain [...] pop singers, [therefore], are part of the community, not above it (Lull & Wallis 222).

While I agree that singers in Vietnam had more of a connection with their fans and did not present themselves arrogantly, reverence for celebrities was distinctly visible as I saw



an entire fan club from Vinh Long, a city 2 hours south of HCMC, attending a pop concert in the city. The group was so large that they occupied an entire section of the concert hall and they were all clad in the same Thanh paraphernalia (matching t-shirts and visors). What is also remarkable about current Vietnamese celebrity culture is the access that fans have to their idols. Throughout the televised concert, there would be pauses in between songs that allowed fans to pose questions to performers or even present stars with gifts such as flowers and teddy bears- some sneaky fans were even able to plant a kiss! Rarely would such occurrences happen at North American concerts, if so, they would be greatly planned ahead of time if not completely scripted and rehearsed. Phuong Thanh also stayed on stage even after her last song to speak with fans, sing stanzas of songs on request by accapella, and even allow guests to come on stage to present her with flowers and life-size paintings. Many fans stayed afterwards to interact with the female singer but more than half the crowd left the concert hall unfazed by her celebrity.

The demographics of the audiences at these concerts must be taken into account as they speak volumes about who has access to live music. For example at the concert in HCMC, it was mostly middle-class and upper-middle class people attending the show. The concert was indoors in a concert hall with two floors complete with assigned rows with metal fold-out chairs. The atmosphere was very calm as there was a large crew of ushers and sound crew keeping things in order. Also different than many North American concerts was the diverse age range. As family plays such a huge role in Vietnamese society, toddlers and grandparents were present along with many young adults. It was also very noticeable that the concert was a chance for many of the city's

wealthy to dress up and show off new fashions and hairstyles. Ticket prices are regularly CDN\$5 in advance but customers can also buy them last minute on the day of the concert from scalpers, at double the price or quadruple the price for foreigners.

The concert in Vinh Long was in complete contrast to the one in HCMC. For starters, the tickets were exceptionally cheap at CDN\$1.50 and yet the public there found this price to be excessive. The concert took place outside in a field and there seemed to be an equal number of police/security officers as there were fans. Seating at this event was also very uncomfortable as the audience was forced to sit on small plastic chairs made for children. This concert had about five times the space as the concert in HCMC but was much more disordered and unsafe despite having more space and security. The audience in Vinh Long was comprised of all ages but the fans were much more rural in their dress and comportment compared to their urban counterparts. The people of this area are much poorer than the fans in HCMC and this was highlighted by the petty crimes committed during the concert. Before the concert, there were several warnings by the police over the loud speaker for people to be careful with their belongings. There were even scuffles in the crowd between police and some small-time criminals. These crimes seemed to be committed out of desperation as it very risky and unintelligent to steal jewellery or cell phones when surrounded by so many potential witnesses.

This experience highlighted how class is a very visible fact of life in Vietnam. Class is identified by different actors and in the case of Vinh Long, a poorer city, it is represented by the astounding number of police officers patrolling a public concert. Hesmondhalgh (2002) asserts that there are vast inequalities in access to the cultural industries: “The way cultural industries organize and circulate symbolic creativity reflects

the extreme inequalities and injustices (along class, gender, ethnic and other lines) apparent in contemporary capitalist societies” (5). The demand for music products and concert tickets can perhaps be explained by the cultural, political, socio-economic and technological changes taking place within Vietnam. For one, the creation of a new middle class in Vietnam has increased the demand for media goods. Additionally, contemporary life in this country is very diverse in terms of ethnicity, culture and economics. This diversity is marked by: the growing distinction between the rich and the poor; the distinct socio-economic differences between urban and rural residents; the increased mobility throughout the country; and the international influences on social life by way of globalization, be it through the movement of people, goods and cultural products into the country. Therefore, the concert in Vinh Long was visibly marked by access and the fact that so many police officers were there to patrol and protect the fans indicates a glaring economic disparity.

Besides the security, this concert was structurally different in that it incorporated many styles of music whereas the show in HCMC mainly consisted of 17 contemporary pop music songs. The Vinh Long performance went on for three and a half hours and featured folk music, traditional Vietnamese opera, pop music and even a Vietnamese rap artist. Organizers didn’t put the headliner on the stage until after 11pm and by then most of the crowd had dissipated and gone home. The show in HCMC incorporated different acts during the show but the headliner was consistently present on stage during that two-hour performance. As a result of the length of the Vinh Long show and the many styles of music, it was difficult to maintain a high level of energy in the audience. The rural audience didn’t seem to be as out-going in their enthusiasm for their idols. Again, people

in this area have less time and money to spend on popular culture so most people went for the thrill of attending a concert and not necessarily to see a particular singer.

Live performances are very common in Vietnam and it is a great way for domestic singers to build a fan base. Organizing concerts for domestic artists is nothing out of the ordinary but international music artists rarely perform in Vietnam.

Coordinating a show for a foreign artist can be a huge headache as private concert promoters are forced to pay for stage rentals, sound and lighting equipment and security at a much higher rate than in other Southeast Asian countries. Nguyen Nam Phuong, a writer for the Asia Times Online, explains:

[A]n ‘organization fee’ – a charge which does not generally exist elsewhere – of 10 percent of the total revenue of the show must be paid during the application for a show licence. One private promoter who staged a show for an internationally known act last year complained to Vietnam Investment Review newspaper that he was required to pay a ‘bonus’ of \$10,000 to ensure the licence would come through (3).

These problems make it less desirable for international artists to visit Vietnam and perform for audiences.

Furthermore, it is also difficult for domestic artists to attain permission to perform in foreign countries. Artists who wish to do so must submit a file of petition to the Department of Culture and Information in their home province. Artist can perform abroad provided they follow the regulations and laws of Vietnam. Singers can only sing in countries that are in good standing with Vietnam and they must submit an application that includes the following:

The file must clearly declare the destination country, invitation letter of the foreign country or organization, performance contract, and list of work the artist is to perform. However, the artist will not be approved to perform abroad if the country or organization which offers the invitation has conducted acts of sabotage against Vietnam [...] (Anh 1).

As stated earlier, the government hopes to protect cultural heritage, not only as a preservation measure, but also to stimulate socio-economic development by branding Vietnam as a world-class urban environment and attracting foreign investment. The state's essentialization of Vietnamese culture is a questionable effort because cultures are not static phenomena. While preserving social stability may help economic development, the government is quick to assume that this goal is achievable or even desirable by the people.

There are also other obstacles that stand in the way of protecting Vietnam's cultural heritage. The formerly mentioned United Nations discussion paper, "Culture and Development in Vietnam", argues that while museums and art galleries play an important part in attracting tourism dollars, they are not the only means of showcasing the country's cultural wealth:

Many ministries, departments and agencies responsible for cultural affairs devote their attention mainly to cultural heritage and to subsidized arts sector, without addressing cultural production, exchange and consumption as major economic activities in their own right. Hence, organizers – beginning from a central government level- will need to take a more pro-active and inclusive stance with regard to the cultural industries and trade, and to activities arising from this mutually beneficial field of interaction.

Therefore it is necessary for the government to see the cultural industries as a potential driving force in the economy. Musical performances of domestic and international artists can help to draw tourism and help to build the legitimacy of the domestic music industry so it is necessary that there is more of a partnership between the state and private concert organizers. Too much attention is focused on the attire of music artists when this energy could be redirected to improving the organization of the industry itself.

It is no surprise that the development of pop and celebrity culture in Vietnam conflicts with the government's ideological and spiritual values. While television and radio stations stick to state sanctioned music, the pirate industry, which is motivated by profits, is willing to cater to the popular tastes of the people. This chapter has revealed some of the tensions between state paternalism and market forces. Indeed the situation in Vietnam is complex as local music tastes change amidst societal transformation. Some elements are taken from transnational music but national and local sounds are also mixed into contemporary pop. In HCMC, the outside influences, often Vietnamese music from the United States, actually strengthen the local culture. And in the United States, pop music has played an important role in shaping, sustaining or articulating Vietnamese identity in a new country.

As discussed, Vietnamese music often reflects and articulates themes of disillusionment, despair and a nostalgic longing for the past but contemporary pop music also conveys the hope and dreams of the new generation. Popular music in Vietnam also has an experimental spirit and is also shaped by international influences, technology and global pop norms. In effect, Vietnamese artists have used imported music for their own purposes and pirates in this country have also benefited from imported technology to make and sell more discs at a faster rate.

In Vietnam, pirated CDs are a form of advertising or promotion for artists, and this may or may not lead to concert ticket purchases or buying legitimate music products. However, even casual consumption of CDs or attending a concert in Vietnam is political. Piracy has crossed class boundaries and allowed most audiences access to music. But despite this access, class is still very visible when people attend concerts in Vietnam,

whether it is in the country or the city. And while the pirated CD has taken away from actual sales for the performers, Wallis and Malm (1984) explain how music technology, more specifically the sound cassette in their case study, has provided the opportunity for people to hear more music:

To a certain extent, the user can decide what music he or she wants to hear on their cassettes. The cassettes can even be used for recording the sound of the small peoples themselves. The very accessibility of music industry technology has brought about another common pattern of change, particularly noticeable in smaller cultures. It has provided the pre-requisite for a counter-reaction against the transnationalization of music – even if no local music cultures have been totally unaffected by international music products (270).

This theory holds true in HCMC, as domestic artists now have the opportunity to disseminate Vietnamese music, with or without foreign influences. CD technology has provided audiences the chance to buy music in their mother tongue and given listeners the choice of celebrating (or being indifferent) to the uniqueness of their culture. The influx of pirated music in Vietnam has caused a counteraction in the country. Instead of a plethora of foreign music, it is mainly domestic music that is pirated and consumed by customers. These unauthorized products weaken the hold of the international music conglomerates and destabilizes their assumed power to spoon-feed cultural preferences to the weak. Wallis and Malm suggest that small countries function as marginal markets for international music (301). This is another example of the how Asian countries are looking within or turning to each other for cultural products and a sense of identity rather than looking to the West.

In the following chapter, we will explore the magnitude of international copyright conventions, IPR enforcement, the structure of the domestic industry and the high profitability and affordability of piracy. Using my case studies, I will also explain the

different political, legal and regulatory frameworks that control the circulation of legitimate and illegitimate music products. In doing so, I will explain how each system is very much connected to one another.



## Chapter Three

### *The Political, Legal and Socioeconomic Realities of Piracy*

Piracy in the Vietnamese music industry causes significant financial losses for domestic and international copyright owners, including record companies, recording artists and songwriters. While Internet piracy hasn't caught on with the majority of the Vietnamese population (due to lack of access to computers and the Internet), physical sound recording piracy, which refers to the mass production and circulation of unauthorized music, remains the dominant form of illegal music distribution in this country. Arjun Appadurai (1991) points out that the complexity of the current global economy has to do with certain fundamental disjunctures between economy, culture and politics. This is true in the case of how the Vietnamese government is dealing with the prevalence of pirated music. Wallis and Malm (1984) argue that piracy was able to flourish in Singapore in the 1980s because of the three reasons: (1) the copyright laws were not up-to-date; (2) piracy contributed significantly to Singapore's foreign currency earnings and (3) there was a very small local music scene (289). This assessment is useful when studying Vietnam's small music industry as the country's current copyright laws do little to stamp out piracy. However this theory is further complicated today by Vietnam's desire to gain accession to the WTO. While pirated music sales do indeed generate a lot of money back into the economy, the state also realizes that the improvement of their protection of intellectual property rights is essential for the country's bid to enter the WTO. Also in the Bilateral Trade Agreement ratified with the United States in 2001, Vietnam is required to protect intellectual property rights in return for low tariffs on its exports to the United States. Therefore the Vietnamese government

must put forth a public image of zero tolerance for the international community in order to maintain positive trade relations. While these copyright enforcement efforts are commendable, the abundance of illegal music products in HCMC puts the State's true commitment to stamping out piracy in question.

Previous empirical studies of piracy have focused on the influence of copyright convention membership, GDP per capita, corruption in the civil service and the strength of private property rights (Burke (1996); Marron and Steel (2000); Ronkainen and Guerrero-Cusumano (2001)). As Theo Papadopoulos (2003) explains, Burke's 1996 investigation of the relationship between international copyright conventions and piracy was flawed:

Burke concluded that economic development (GDP per capita) rather than membership to the international conventions is the most important factor distinguishing nations with low versus high piracy market shares. However, when comparing nations with medium and high piracy market shares, the copyright convention membership, and not GDP per capita, was found to be positive and significant (2).

According to Vietnam's Ministry of Trade, the GDP per capita was \$610 USD in 2005. Vietnam is a very peculiar case in that it has a low GDP and despite many international copyright conventions in place, piracy still seems to be booming. This chapter examines the relative importance of the following factors: international copyright convention membership, IPR enforcement, the structure of the domestic industry and the high profitability and affordability of piracy.

In this chapter, we look at the issues of music piracy in Vietnam in terms of power and the state. I will address how piracy and government policies affect international copyright bodies, domestic artists, music production companies, storeowners and consumers in HCMC. My research highlights how business operations,

legal and illegal, influence both the flow of international and domestic music production and consumption. To this end, I will highlight interviews that were conducted with four different music retailers in HCMC.

This chapter pinpoints how piracy in Vietnam is the outcome of particular institutional settings of the government and music industry. I will focus on how the state still holds a significant amount of control in coordinating, negotiating and enforcing the circulation of CDs but how pirates are finding innovative ways to usurp that power for their own benefit. State power is necessary in enacting and policing international agreements but the reality of Vietnam's domestic cultural policies is anything but triumphant. By examining the government's intervention along with the high demand and turnover of music in Vietnam, it is my intent to show how piracy has added another layer of complexity to an already precarious situation.

## **Intellectual Property Rights in Vietnam**

Of all the Southeast Asian countries, Vietnam has the fastest growing economy with a GDP that has increased by nearly 50% since 2001. According the website of the Office United States Trade Representative, Vietnam is also a prime destination for U.S. exports and it has seen an increase of over 150% since 2001. In 2005 alone, there was \$1.2 billion dollars worth of U.S. exports to Vietnam. Overall, Vietnam is poised for dramatic economic growth and the U.S. is excited to profit from these developments. The U.S. is also particularly interested in how its copyrighted products are being

protected in Vietnam. Copyright-based industries are flourishing around the world and the United States is leading the way:

Copyright industries contribute more to the U.S. economy and employ more workers than any other single industrial sector, including chemicals and allied products, motor vehicles and motor vehicle equipment and parts, aircraft and aircraft parts, agricultural products, electronic components and accessories, and computer and peripherals (Lehman 2).

With the exceptional growth expected in Vietnam, the U.S. sees an urgent need to uphold its copyrighted products in this market. It is no surprise that the abundance of music piracy in Vietnam would signal immediate alarms for the U.S. government.

In a bid to gain favourable status with its international trading partners (particularly the U.S.), Vietnam has adopted the Paris Convention for Protection of Industrial Property, the Madrid Agreement and the Madrid Protocol on International Registration of Marks. Vietnam also signed the Convention Establishing the World Intellectual Property Organization in 1976. Vietnam is also thinking about signing to the Rome Convention for Protection of Artists, Performers, Phonogram Producers and Broadcasting Agencies. The Geneva Convention for Protection of Producers of Phonograms Against Unauthorized Duplication of Phonograms also came into effect in Vietnam on July 6th 2005. However, the most talked about copyright agreement is the Berne Convention, it was Vietnam's first multilateral agreement on copyright. One of the most significant results of this convention is Decree 142, it protects artists' work for up to 50 years after death as opposed to 30 years. Both the Berne and Geneva Conventions acknowledge that the issue of copyright is a matter of law in each of their member nations. Under the Geneva and Berne Conventions, Vietnam must safeguard

copyright protection for sound recordings from other member countries, and will enjoy reciprocal protection for Vietnamese sound recordings in those nations.

Vietnam has recognized the importance of copyright-related fundamental rights in its 1946, 1959, 1980 and 1992 constitutions (Chu 1). However, it was really in 1986 that Vietnam had a separate legal document, Decree 142/HDBT, regarding copyrights. With Vietnam moving towards a market economy, the State decided that higher levels of legal protection were needed. Decree 142 was written with the help of VAB (a copyrights firm of the former Soviet Union) and the Vietnamese National Assembly finally adopted the Ordinance on Copyrights in October 1994. This Decree along with various others eventually merged in the Civil Code of the Socialist Republic of Vietnam on October 28<sup>th</sup>, 1995. Vietnam's legal system uses Communist legal theory and French Civil Law. The Civil Code is now the highest-level legal text and it is sustained with other legal texts such as Decrees, Circulars, and Internal Regulations and Guides of Agencies (Leetsi 3).

The Copyright Office of Vietnam (COV) in the Ministry of Culture and Information (MCI) is in charge of copyright law, and it works with other ministries to enforce its policies and legislations. Additionally, the Vietnam Office of Literary and Artistic Copyright, under the control and guidance of the Ministry of Culture and Information, is in charge of artistic copyright. The Ministry of Science and Technology also oversees the National Office of Intellectual Property (NOIP) and administers Vietnam's patent and trademark registration system. It is highly confusing for bureaucrats let alone civilians to know the specific responsibilities of each Departments

and agency as some roles seem to overlap. This confusion is best summarized by the U.S. Department of State:

Vietnamese officials have limited experience [in] drafting legislation, and new laws and regulations sometimes are contradictory or unclear. Not all officials, especially those at the provincial and local levels, are fully up-to-date on all the new laws and regulations that affect their area of responsibility. Nor are all laws and regulations readily available to business and the public. Different officials, sometimes within the same agency, may interpret laws differently.

With a shortage of practicing lawyers, law school graduate judges, and law professors, foreign countries with interests in Vietnam, such as the United States, are offering their services to assist Vietnam in establishing a legal structure compatible with international standards. With pressure and assistance from the United States, Vietnam has signed bilateral agreements that are now central to the country's copyright legal system. These agreements include the Vietnam-US Bilateral Agreement (BTA), the Vietnam-European Union Bilateral Agreement, and the Vietnam-Switzerland IPR Protection Agreement

However, publicly the new copyright provisions in the Civil Code are said to have greatly improved Vietnam's legal ability to fight piracy. The World Intellectual Properties Organization (WIPO) assisted Vietnam with introducing and implementing these provisions in its Civil Code. While the WIPO might have had their own interests at heart, Vietnam nonetheless now has laws in place that are compliant with international copyright standards. The goal of gaining WTO accession has undoubtedly spurred the government to draft copyright legislation and align itself with the international community in terms of IPR protection. As a result, Vietnam introduced the New Intellectual Property (IP) Law in November 2005. The IP Law provides those with IP rights that have been infringed upon, the option of pursuing civil, administrative and

customs remedies as well as criminal procedures. The most practical and most utilized method for enforcing IP rights in Vietnam is through administrative procedures. They are the cheapest and the least-time consuming as well. They generally consist of a fine or warning but can entail suspension of circulation, confiscation of the goods, the materials and facilities as well as suspension of business activities. It also allows for the destruction of the goods, materials and facilities as well. But for substantial compensation awards, it is necessary to pursue civil action.

The government has also revised its Criminal Code to increase the maximum penalties for copyright infringements to 3 years in jail and a 200 million dong fine from a 1-year imprisonment and 5 million dong fine (Chu 1). These steep increases reflect the government's new resolve to publicly condemn piracy. However, Vietnam's track record for prosecuting IPR offences paints a different picture. From 1989 until 1996, the People's Court of HCMC (also referred to as Civil Court) settled only 25 IPR infringement cases. Additionally, the court also withdrew 20 petitions on 20 cases that were resolved through conciliation (the Court's preferred method) (Leetsi 10). Considering that HCMC is virtually a pirated music market, it is astounding that over a three-year period ending in 1999, only 4 copyright cases went to the courts (Leetsi 10).

As a result, many international watchdogs are disappointed with this new IP Law and that it is not entirely compatible with the U.S. BTA or future TRIPS obligations. The IPI cites that there are too many restrictions on IP rights and that the civil, administrative and criminal justice system must work in conjunction with one another to deter piracy. The new IP Law lacks the specific procedural rules for enforcing these laws. The report

titled, Vietnam Trade Policy Regime, published by the U.S.-Vietnam Trade Council

Education Forum, explains that:

[R]elevant laws set out only general provisions on the basis of which injunctive and other forms of pre-trial relief can be granted. Vietnamese law also lacks provisions on how damages and other remedies in actions for infringements should be calculated (46).

Unclear laws pave the way for pirates to thrive in this country. Many also question the ability and effectiveness of the authorities to protect copyright. In regards to enforcement of IPRs, that responsibility falls under the People's Supreme Court of provincial and higher levels. With the economy and the legal system changing, the COV has had the difficult task of enforcing IPRs. The COV advises various authorities and bodies how to settle disputes and how offences should be handled. According to Mart Leetsi (2002), an IP expert on Vietnam, these bodies include:

- Market Control Department (under the Ministry of Trade)
- Customs Offices
- Specialized inspection authorities such as the Ministry of Culture and Information Inspection
- Economic Police (ministry of the Interior)
- Border Security (military)
- People's Committees (administration) at various levels (e.g. centrally controlled cities and provinces)

It is essentially the Ministry of Culture and Information's copyright department that is responsible for curbing the monstrous pirating problem but it is unable to properly fight it due to lack of enforcement powers. Enforcement of IPR remains inadequate in Vietnam for many reasons. One of them is that local police authorities take too long to act on court decisions. Violators often pay off local police, as corruption is abundant within Vietnam's civil service. According a report titled "Vietnam: 2005 Investment Climate



Statement” on the U.S. Department of State website, in 2004, Vietnam scored a 2.6 out of a possible high score of 10 points on Transparency International's Corruption Perception Index. Many times, enforcement officials are more interested in padding their pockets than upholding the law.

Minh, a storeowner in the busiest CD retail district in HCMC explained how he negotiated around government regulations despite selling pirated materials. The state has made it mandatory since 1999 that all compact discs must carry an official stamp otherwise owners must assume a VND \$20,000 (\$2.00 CDN) fine for every pirated product found on premise. The fines for copyright infringements have doubled since an amendment to Article 131 of Vietnam's Penal Code; maximum penalties can now reach as high as VND 200 million (about \$20,000 CDN) and jail sentences can be as long as 3 years (Engleman, Lange, et al. 1). Minh's store had been inspected many times and he has been ticketed three times for infringements. In the past Minh used to pay off the local inspectors. As a result of the high prevalence of corruption, Minh doesn't bother to bribe local inspectors as he has learnt that this does not guarantee that other officers from that department will not come by and fine him. Now he knows only to keep and display State authorized CDs in his store during the day in case of surprise inspections by local police. Therefore if customers visit his business from 10am-6pm, they can peruse a catalogue of his inventory but he actually has to fetch the product from a nearby location, as he keeps no pirated materials in-house. However, after 6pm when the inspectors go home, one can find a plethora of bootleg CDs in his store. This tactic, while annoying for him and his employees during the day, allows him to avoid costly fines and bribes to local inspectors.

The three other storeowners also spoke briefly about the annoyance of being inspected by local authorities. While the other three storeowners would not elaborate on their past infractions or if they bribed local and state officials, they all agreed that being occasionally fined was part of the cost of doing business. Additionally their stores were in less high traffic areas compared to Minh's store in District 1. Stores were generally inspected during the busy holiday season and Minh attests that approximately 3-4 businesses on his busy specialized market street are inspected every month. While all four businesses know what some of the repercussions may be (fines, confiscation of CDs, store closure, etc.), none of them had a clear understanding of the laws or the specific fines handed down for infractions. This highlights the confusion around Vietnam's enforcement of IPR, its lack of consistency and more importantly, how storeowners and their customers are learning to work around these loose controls.

In addition to the blurry laws and the corruption, Vietnam also has a long border, which makes it difficult to patrol, and allows for easy smuggling into the country. International Intellectual Property Institute President Bruce Lehman argues that: "High piracy rates suggest that a country is relying very heavily on pirated products produced elsewhere in the world" (5). However, this is not entirely the case in Vietnam as technology has enabled pirates to produce unauthorized discs domestically as well. Vietnam, like many countries in the world, is flush with foreign and domestically produced pirated music.

## Foreign Pressure To Uphold IPR Laws

Both international and domestic institutions are important in influencing the level of pirate sound recordings in Vietnam. Benedicte Callan explains that although pirates are found all over the globe, Asia is of particular concern to the United States for the following reasons:

First, it is home to the most dynamic emerging markets, many of whom have technology intensive sectors which are, or will eventually be, in competition against US firms. Second, the piracy rates in Asia are on the whole high and infringement widespread. [...] Third, Asia is of great concern because neither the US nor the European Union have sufficient leverage in the region to accelerate the liberalization of trade and the harmonization of IPRs, while Japan is uninterested in aggressively pushing IPRs as a trade issue. The challenge, therefore, is to create a mode of engagement with Asian countries which will put IP onto the trade agenda (6).

As Vietnam is an emerging market with a population with an increasing consumer power, the U.S. sees it as a market for their IP products. As a result, it is helping Vietnam to implement the IPR provisions of the 2001 U.S.-Vietnam BTA. Their assistance comes in the form of five million dollars worth of aid; this money is used to hire consultants to assist in drafting intellectual property legislation and to train intellectual property professionals. The US Consulate in HCMC, working with the US-Vietnam Trade Council have also established the first ever IPR law library in the country. The Consulate has also sent HCMC's Chief Justice to Washington and other US cities to learn more about IPR; the Chief Justice is the official who proceeds over all foreign IPR infringement cases.

It is evident that the U.S. wants to help Vietnam so that one day their products will enjoy IPR protection in Vietnam, ensuring the spread of their dominance in that part

of the world. Experts in the music industry attest that the United States' dominance in the international music marketplace is more a function of economic and political power than cultural power as it alone holds the majority of the world music market at 37 percent (IFPI 2000). While developing intellectual property standards isn't the only pressing economic priority for Vietnam, stronger IP protection is high on the Asian trade agenda of the United States. Technology and the information industries are some of America's strongest export and growth industries and as Benedicte Callan explains, the US has concentrated in being able to enter and compete in foreign markets freely:

[T]he United States has pursued an aggressive external IP policy in which [they] closely monitor IP rights abroad, negotiate bilateral agreements to raise protection, and occasionally threaten unilateral sanctions. The United States has also been an advocate of global rule making for intellectual property rights, successfully pushing IP onto the trade agenda of major multilateral organizations, including WTO, APEC, and NAFTA (3).

Therefore the US often imposes its IPR standards on poorer countries. As a result, is able to enforce policies and pricing standards that are not possible in Vietnam. The suggested list price put forth by international music conglomerates is more than often economically unrealistic for most people in HCMC. Theo Papadopoulos (2003) explains the balance of the trade of sound recordings in relation to affordability:

By displacing relatively high priced legitimate product, pirate sound recordings can help improve the balance of trade with respect to copyright product. For a nation that is a net-importer of copyright product, smuggling of copyright infringing product can be welfare enhancing (4).

This may help to explain why the Vietnamese government may officially oppose piracy but seemingly tolerate it unofficially, meaning while they realize that unauthorized music products must be curbed they also realize that the majority of their citizens can't afford to

pay full price for these products. Therefore, Papadopoulos concludes that copyright owners should not only look to national governments for enforcement but also, strategically price products at a more affordable rate in lower income countries.

Due to the high prices of legitimate CDs in the country, the market is awash with unauthorized CDs and DVDs. Wallis and Malm argue that most music policies in smaller countries are reactionary to the challenges faced by the industry:

The policies and actions regarding music by government in our [small countries] indicate a general awareness that some sort of intervention is necessary. But the diversity of the practical decisions and actions observed indicates that no government anywhere really knows how to cope with the rapid changes in music industry technology and organization and the effects of these changes (239).

This is best exemplified on April 26<sup>th</sup> of 2003 when the Department of Market Control and the Department of Culture and Information decided to stage a lavish production about their fight against piracy. With television cameras, photographers, and the public on hand, the government ceremoniously crushed nearly 33,000 pirated discs with a giant steamroller ("Vietnam Destroys"). The illicit materials were ground to a pulp and officials declared their unwavering commitment to stamp out such materials. It is perhaps no surprise that this drama unfolded on World Intellectual Property Rights Day. While this grandstanding may be visually impressive on television or in the national newspapers, it does little to actually curb the astounding number of cheap CDs available in the city. Nonetheless, the Vietnamese government is actively trying to publicly convey its fight against piracy and counterfeit goods in the country. The state-owned television station, VTV, has even aired news programs and documentaries on IPR issues in hopes of educating the public.

Another important step in Vietnam's goal to improve copyright protection has been the introduction of several copyright collective management organizations. These non-governmental organizations work to protect the legal rights and interests of its members by offering copyright licenses for the usage and exploitation of its members' works. These organizations act as a middleman between the artists and those organizations or individuals using their work. The copyright collective management organizations were established under the Ordinance 102/SL-L004 and have been in effect since May 20, 1957 and were given the right to association on July 30, 2003 by the government (Chu 3). So in an attempt to preserve the nation's music industry, the Vietnam Centre on the Protection of Musical Copyright (VCPMC) was established in April 2002 under the Vietnam Association of Musicians. This was the country's first copyright collective management organization and its mandate was to manage the rights of music writers and composers. A staggering 400-500 professional musicians signed contracts with the organization within two years to earn royalties from their work used in musical performances, publications, and the production of audio/video programs. They have even succeeded in working with TV broadcasters, hotels, restaurants, and mobile phone services to safeguard their members' works.

The following year after the inception of the VCPMC, the Recording Industry Association of Vietnam (RIAV) was founded after 10 years of preparation. The association works with the domestic audio-video companies, and is co-operating with the Vietnam Copyright Centre to chase up royalties owed to composers ("VTV"). Almost all the legitimate CD, video and cassette producers are members of RIAV and together with the VCMP, these organizations have formed the copyright enforcement apparatus of

Vietnam's music industry. On top of collecting and distributing royalties, these organizations also participate in making copyright protection laws and cooperate with similar international organizations to protect their members' copyright (Chu 4). More than anything, they are raising awareness and education about IPR in Vietnam.

Maria Cheng and Craig Thomas of Asiaweek Magazine Online, attest that artists in Vietnam are now using the legal system to gain compensation for copyright violations. The authors explain that actual record sales numbers are difficult to track in Vietnam, as piracy is rampant and people share discs. They explain that while Thu Ha, a popular female singer, has sold nearly 20,000 copies of her album on paper, her actual penetration of the market is five times as high. Thu Ha's uncle, composer Tran Tien, is equally famous and as many as 50 of his original songs have been covered by other singers and therefore his official sales could run into the hundreds of thousands. Tien recently made history for being the first composer in Vietnam to successfully sue for copyright violation. He set a valuable precedent for musicians when he won \$1,500 USD in damages. As a result, artists must now approve new recordings of their work and receive royalties.

In another move to improve relations to with foreign composers, the Vietnam Centre for Music Copyright is assisting in the negotiation of contracts and copyright protection for domestic and foreign artists. In addition to this, they are also working with the Vietnam Corporation for Financing and Promoting Technology and opened an online music store at www.nhacso.net. This store is the first of its kind and features over 10,000 Vietnamese songs (Huong 1).

In HCMC, one can find many pop songs from North America that have been translated into Vietnamese. However, as of October 26<sup>th</sup> 2004, singers no longer have the right to sing or produce CDs with illegally translated foreign songs (“Copyright Treaty”). Therefore, all foreign music performed or showcased has to have written permission from the authors, owners or their lawyers, before being used. Under the Berne Copyright Convention, signatories like Vietnam are supposed to provide copyright protection for works in literature, arts and sciences for all convention countries of the treaty. According to the HCMC’s Department of Culture and Information Arts Management, artists were given the right to translate 460 songs last year and more than 160 songs have been translated in the first six months of this year (“Copyright Treaty”).

The Ministry of Culture and Information sees the importance in these collective organizations and now offers workshops to promote collective copyright management. The Vietnamese government has even sent its own copyright officials to other countries to study their apparatuses with the help of the World Intellectual Property Organization (WIPO), the International Federation of Phonographic Industry (IFPI) and the International Confederation of Authors and Composers (CISAC) (Chu 2). Vietnamese officials hope that the experiences of other countries can inform Vietnam of how it needs to proceed.

Many believe that for the Vietnamese music industry to thrive, the state needs to enact and enforce modern intellectual property regimes which will encourage investments by foreign and domestic innovators. While intellectual property protection has improved over the last decade with pressure from the U.S., most Vietnamese music artists’ associations worry about the livelihood of the domestic music industry. With piracy,



they fear the market will become inundated with unauthorized discs and that this might eat up revenue for domestically made products. There are great fears that piracy will eventually destroy the Vietnamese music industry and create a bad image of the country in the international IPR community.

## **Piracy and the Vietnamese Music Industry**

Piracy is big business in Vietnam and it will likely increase as new technologies make it easier to produce profits for pirates. HCMC is a rapidly growing market for entertainment and advanced technologies and as the country develops, the market for Vietnamese and foreign language music recordings are likely to explode. Piracy via certain technological advances has meant that relations of audience, performer, space, geography and time have shifted and that the circulation and distribution of music needs to be re-examined. Hesmondhalgh states that most cultural commodities have high fixed costs and low variable costs, meaning a record can cost a lot to make but that copies of that record are relatively cheap to produce (18). McCourt and Burkart argue that the recording industry earns profits by controlling intellectual property rights:

On the distribution end of the value chain, record companies currently earn revenues from retail sales and the licensing of content for use in other media. On the production end, the business resembles a numbers game. While record companies claim to lose big money on most releases, they compensate for failures with huge hits and catalogue sales (337).

Big hits are normally very profitable for music companies; however, this is not the case in Vietnam, as music companies do not control the number of products on the market nor how they are distributed. Piracy makes it impossible for legitimate companies to control

the space and time in which their products are distributed to the public. Therefore the “when, how and exactly what of distribution” are no longer solely in the hands of the companies.

In general, music recordings have low production costs compared to films and television programs, therefore successful albums can make up for losses on movies and other ventures. McCourt and Burkart note that record companies provide fast cash flow to their parent companies, and their catalogs can generate money for decades through reissues, compilations and licensing. Furthermore, as record companies are absorbed by conglomerates, they are expected to bring in steady revenue and have greater quarter-to-quarter accountability. In order to do this, McCourt and Burkart state that record companies need to increase short-term profits by producing a steady flow of new artists and ‘blockbuster’ releases than can be cross-promoted in other media (336). But even if Vietnamese music producers are able to introduce hits, it is very unlikely that they will be able to recoup their losses from other unsuccessful albums due to the fact that pirates take such a huge portion of their intended revenue.

In reality music companies and their artists suffer as pirates profit from the illegal sales and flood the market with unauthorized copies. David Hesmondhalgh explains that companies in the businesses of cultural production exert stricter controls on the reproduction and circulation stages of their products (56). He states:

The reproduction stage is heavily industrial, is often and increasingly reliant on technically complex electronic systems, and is strictly controlled, especially in terms of when master copies of [...] CDs [...] are scheduled to be copied and released [...] (56).

This distinctive organizational form of cultural production does not work in HCMC. Due to the country's lax copyright laws, CDs of domestic Vietnamese pop artists are almost always pirated and sold at low prices (around 70 cents CDN) - sometimes even before their records are officially released to the general public. All four storeowners interviewed indicated that Vietnamese artist outsell foreign artists by a landslide but that none of them enjoyed the benefits of high sales as virtually all of their CDs were pirated. In an ironic twist, the Vietnamese music industry is a victim of its own success. HCMC audiences are still buying Vietnamese-based music over foreign music but they happen to be unauthorized copies. HCMC music listeners have turned away from foreign music to embrace their own music and have expanded their reach to Vietnamese audiences all over the world.

However as a result of the success of pirated Vietnamese music, the majority of Vietnamese singers must earn a living by doing live performances on television and in concert. For \$50,000 VND (\$5CDN), fans nowadays can cram into concert halls and enjoy four hours of non-stop music by the biggest names in Vietnamese pop music. Fans may relish these concerts but it is quite tiresome on performers, as many have to sing at three different clubs per night just to make ends meet (Nguyen 1). Additionally, artists are compelled to release as much as three records a year because of the increased volume and turnover of music in the market. With the influx of pirated materials, domestic artists must work much harder to earn the money that would have normally been generated by CD sales.

While media conglomerations are spreading throughout the world, most major recording companies are not operating in Vietnam, as U.S. music lacked any legal

protection until December of 1998 (International Intellectual Property Alliance 416). As a result, it has been difficult for Vietnamese artists to sign with international record labels and enter the world music market. In 1999, four musicians, including singers Quoc Trung and Thanh Lam, became the first Vietnamese artists to sign a copyright contract with Polygram Records. They were to collaborate with a Danish band in a project entitled “Asian Session”. This contract had the promises of international recognition, not to mention sizeable royalties. The performer’s hopes were dashed however when the Danish Copyright Association rejected the contract since Vietnam had yet to sign the International Copyright Agreement. Polygram reportedly also refused to distribute the CD in Vietnam for fear of illegal duplication (Nguyen 2). Piracy is so lucrative in HCMC that we must regard it as a national activity in Vietnam. Therefore it is important to explore the distribution of unauthorized music in this country as it speaks to highly organized and profitable networks of piracy.

HCMC has well-developed business districts and it is not uncommon to see street after street of retail stores selling the same product. There are specialized markets that are devoted to selling fabric, flowers, motorbikes, jewellery, etc. Speciality retail shops are often clustered together and only recently have shopping centres and malls gone up in construction. There are three notable specialized market concentrations in HCMC: the used-automobile-parts market, the wood carving market and the music and video market. Donald Freeman (1996) explains that these speciality districts existed before *Doi Moi* and that they indicate a dynamic system:

Specialized small-scale trading centres reveals remarkable diversity, innovation, logistical sophistication, and market-area coverage. This could hardly be a result of government fiat and is too well established to have arisen as a result of *Doi Moi*.

The specialized music market streets are exceptionally congested with motorcycles and cars swarming the storefronts and even pedestrian movement is disorderly. Customers are aware that they are purchasing unauthorized music products at these stores but do not care as there is a legacy of depending on the informal sector, especially from 1975-1986 for food and consumer goods. Private shops were a common presence during the French colonial period but most were banned in the early socialism years immediately following reunification. In those unstable moments in Vietnamese history, the informal sector continued to function and sustain the city when the government hovered on the brink of collapse. Today private shops have reinvigorated the Vietnamese economy; the ironic part is that while these businesses are legitimate, their inventory is often not. As Freeman explains, the informal sector is hard to control:

Common characteristics include their small scale, individual or family operation, lack of standardized production, failure to conform to government labour, licensing, and taxation laws, strongly competitive nature, and impermanence (181).

This is a lively street with vendors calling out to customers to entice them to enter their business. Vendors shout out promises of rock bottom prices or that they have higher quality merchandise than their competitors: “Are you looking for Britney Spears? I have her new CD...the best sound quality and the cheapest price in town!” Many of these shops also have inventory that spill out onto the sidewalk and neighbouring streets causing congestion in the entire area.

In HCMC, the biggest specialized market street for CDs is Huynh Thuc Khang Street in District 1. Quan explains that this street has been the prime destination for music lovers in Vietnam for approximately 30 years. The business is also brisk because

this block is the country's largest retail and wholesale music repository. This specialized market street is where music store operators from all across Vietnam come to get their pirated inventory. Business is so booming in this area and the astronomical rent prices reflects the bustling trade. Minh pays \$2,000 CDN a month to rent the storefront and the small apartment upstairs where he lives with his family. He also pays state taxes in the tune of \$300 CDN a month and pays his 4 assistants a salary of \$100 CDN each. Taking into account that CDs cost about \$0.80 each, he has to sell approximately 3375 discs just to break even every month! Luckily, he sells anywhere from 300-1000 discs a day. Pirates deliver approximately 300-500 illegal CDs to his shop everyday and they return the next day to collect their money. Minh reveals that there are approximately 50 CD stores on this specialized market street. All of them sell pirated materials and all of them do well. Minh explains that cheap pirated CDs imported from Thailand, China and other countries, have flooded Vietnam, and blank recordable CDs are also being imported and loaded in Vietnam with unauthorized copies of Western sound recordings. These CDs are then sold on Huynh Thuc Khang Street and shipped to music stores all over the country.

Keith Negus (1992), Robert Burnett (1996) and Paul Theberge (1997) are all scholars who have written on the production and consumption of popular music, however, their work has neglected the importance of the distribution of music.

Distribution plays a key role in music consumption as all music we hear reaches us deliberately. Steve Jones (2002) notes, "To control the distribution of music is as much an effort to control audience and place as it is to control technology" (229). The circulation of music in Vietnam is worth examining in that the industry does not control

the manufacturing of all CDs in the country or how and where these commodities get sold. More importantly, the industry in Vietnam has no control over the movement of people so it has to be aware of audience and place. As John Le Fevre points out in Billboard, there are more than 2 million Vietnamese living outside of the country and with a local population in excess of 79 million, Vietnamese repertoire holds considerable potential” (42). His magazine article was written in 1997 but his argument couldn’t be more relevant today with more and more diasporic Vietnamese returning to their motherland to visit their families or to seek out their cultural roots. At the time of the article, Le Fevre claimed that cassettes accounted for between 85% - 90% of the local market with CDs taking the remaining share (42). In the 9 years since that article, CDs have taken over as the main music medium and cassettes are now a relic of the past (at least in HCMC). It is important to understand the nature of the manufacturing capabilities in Vietnam and what conditions led to CDs becoming the standard.

According to a 1998 report in the International Market Insight Trade Inquiries, Vietnam started producing CDs when Saigon Audio Enterprise (SAE), a state-owned company, purchased the first CD press and started production in 1997 (“Vietnam: CD Industry”). It’s interesting to note that the government took over SAE after the country was reunified in 1975 and that its activity falls under the administration of the People’s Committee’s Department of Culture and Information (“2000 Special 301”). The government’s substantial investment in SAE is to “satisfy the need for entertainment and promote Vietnamese national culture” (“2000 Special 301”). Before SAE had its own CD stamping machine, albums were sent to Hong Kong, Singapore or the US for production, which made releasing an album quite expensive. When this report was

released in 1998, SAE was mostly printing titles from local artists and usually paid singers a flat rate of USD \$3,000 for the rights to produce a ten-song program; artists generally had to sell about 5,000 CDs to break even. At that time, the production facility was capable of making 7.0 million CDs a year but only operated at one-third capacity, roughly making about 2.3 million CDs a year. No official reports have been released since so it is very difficult to gage if SAE is making money for the government or not. In the November 23, 1998 issue of the Vietnam Economic News, the magazine highlighted the high costs of making an album in their country:

Producing a CD requires paying VDN40 Million (CDN\$4,000) in copyright fees and VDN100 million (CDN \$1,000) for singers and those doing all the recording work. This excludes many other required fees. In addition, the producer is required to pay tax to the state. All these fees are regulated according to the product price. Disc and tape producers have encountered difficulties as the product price continues to drop in the market...In fact, domestically made discs and tapes are less competitive than smuggled goods in terms of price. Locally produced tapes and discs are copied for sale to China and then sold back to Vietnam [at a cheaper price] ("Vietnam: Copyright").

To further complicate this issue, there has also been much speculation that SAE was itself producing pirated materials from its facility for the black market but this theory has never been proven. State-run CD laboratories are a dangerous place for piracy as they have the transfer equipment necessary on premise. Although the government regulates the lab, there may be workers there that are bribed by pirates to have access to the originals. The facts highlighted in the International Market Insight Trade Inquiries were actually released from the American Embassy in Hanoi and the report claims that at that time, SAE's biggest threat was smuggled CDs from China and that 60% of the CDs on the shelves were pirated copies of international artists.



Since 1997, SAE has had the capability to print music from its own catalogue and has had contracts with other Vietnamese music and CD-ROM producers; it also has a license to print and distribute music off of PolyGram's international roster. While SAE needs approval from the Ministry of Culture and Information of which of PolyGram's international titles it can print, Frank Chow, director of business development for PolyGram Far East, states:

It is interesting and surprising to see which artists are popular here. Vietnamese listeners don't care if it's a new song or an old song, so long as it's a good song. I think artists like the Carpenters, the Bee Gees, and Abba will prove popular here...The companies [we are working with] are free to choose whatever they like, whatever is suitable to the market. They have started with pop music first. Later, they will make a selection of jazz and classical titles (Le Fevre 42).

This position may be promising insofar as potential international music choices, but Le Fevre (1997) cautions, "While Vietnam is a market so far untapped by the major labels, there remains a question mark in regards to the revenue that can be produced in a country where the annual wage is less than [USD] \$250...the price of a CD here is equivalent of that of 15 kilos of rice" (42). At the time when this article was written, an average CD cost VDN 30,000 – 33,000 each (CDN \$3.00-\$3.30). With the proliferation of pirated CDs in Vietnam today, the value has depreciated so much so that CDs are now available everywhere at a staggering VDN7,000-10,000 (CDN \$0.70-\$1.00), less than one third of the cost 6 years ago! As the U.S. Commercial Service's (a division of the Department of Commerce) web site attests, price is undeniably a significant factor for Vietnamese consumers:

Price plays an important role in the consumer's perception of the product. Although Vietnamese consumers expect to pay a premium for a foreign label or brand, in practice, the actual number of consumers who are willing to pay the

higher price is limited. Most Vietnamese buyers are very price-sensitive, as one would expect given the low per capita income.

Economic reasons aside, there are other reasons why CDs are so popular in Vietnam. Pirate CD compilations from Vietnam are an alternative to the regulated song lists that artists release from their record companies. Pirates often create discs that include the most popular songs from one artist or a variety of artists. In turn, this may create or expand an artist's fan base. Darrel William Davis (2003) argues, "Piracy becomes not only possible, but necessary and highly lucrative when distributors fail to make programming available and affordable" (171). Furthermore, the circulation of CDs is very much determined by the ephemerality of their life cycles.

Thuy, a 26-year-old storeowner, explained that although consumers now have more access to different genres of music, it is often difficult to find specific discs as CD production is very cyclical. For example, one may be able to purchase Nelly Furtado's CD, Folklore, but it is almost impossible to find her first CD, Whoa Nelly. This is because bootleg moguls in the city produce CDs in batches and do not necessarily make more once the inventory is depleted. Piracy has severely increased the velocity of a CD's lifecycle making it harder to find older works of music. Bootleggers cannot afford to reproduce older works unless it is highly in demand as discs have a shorter shelf life now due to the proliferation of products flooding the market. Thuy attests that she receives inventory daily and that she sells approximately 300 discs a day. Visitors may place orders for specific discs and it all depends on whether her distributor has copies available. It usually takes 2 days for her distributor to fill her order and Thuy only orders more inventory when her stock is depleted. While her business is only 2 years old, she

has a legion of loyal customers and says that it's due to the fact that she stocks only the most recent and up-to-date and in-demand discs. The retailers relied on a variety of sources to choose stock for their stores. Distributors for the large part determined what the retailers received. Customers could request items and storeowners also followed newspapers, magazines, television and radio to gauge which performers were popular. The storeowners made no mention of following any sort of music charts. Minh, an owner of a shop on Huynh Thuch Khang Street, HCMC's CD shop street, also attests that he only stocks the newest discs and that after a few months, it's very difficult to find the same discs in his store or any of the other 50 stores on the block. Minh claims that while the pirate moguls may have it in their roster, it's no longer profitable to mass-produce them as the most consumers already have them or have lost interest.

Oanh, the owner of a high-end CD store on Ba Thang Hai Street in District 8, stocks old and current discs, as her customers' tastes tend to be less fickle. She sells a variety of styles from Jazz, Folk, Country, Pop and Adult Contemporary in Vietnamese and English. Although she mainly receives her inventory from local distributors, Oanh actually orders some hard to find CDs from Amazon.com. CDs move in different trajectories in HCMC and storeowners often find creative solutions to finding CDs when pirate moguls are unable to fulfil their requests. As such, Oanh also places CD orders with over-seas relatives and friends and they bring these items with them when they visit or go to work in Vietnam, otherwise they mail the CDs directly to her. Like virtually all music stores in HCMC, she also orders discs from pirates despite being a high-end store. Oanh claims that although her clients can spend \$30 CDN on a disc, they sometimes prefer to buy pirated CDs for their frivolous purchases.

Beyond their pirated inventory, all storeowners in HCMC receive stock from state-owned record companies. These discs are marked with the official government stamp. This copyright safeguard was introduced to differentiate legitimately produced discs from pirated ones. Since then, music storeowners have purchased enough official discs to display on their walls in case of surprise police inspections. Quan, the fourth interview subject, operates a store in Cho Lon Market (the Chinese District of HCMC) and reveals that representatives from State-owned companies visit him once a month to supply new stock. Quan purchases the minimum amount of government issued CDs and only purchases more if they are hot sellers. He chooses not to purchase a large quantity as these discs are expensive and cost approximately CDN \$3.50, approximately five times the cost of a pirated disc. State authorized discs also have an added tax, which make them also undesirable to the average consumer. Unfortunately, for the government, production is plummeting due to competition from pirates. The Vietnam Investment Review writes that state companies producing products for the domestic market, share the assessment that the illegal trade has driven them to the “edge of bankruptcy” (qtd. in “2000 Special 301”). But Quan adds that some people do buy officially produced CDs as the quality is greater and they generally last about a year whereas most pirated discs scratch easily and are used for only a couple of months. This also adds to the fleeting lifecycle of music products in Vietnam.

Darrel William Davis’s (2003) recent work on the VCD market in Asia and has many parallels to the illegal CD market in HCMC. He asserts that the availability of pirate VCDs is not the real problem:

The importance of VCDs lies not in piracy, but what they tells us about certain vulnerabilities in the structure, alignment and flow of multinational entertainment

between production and consumption, between film and television, and between East and West [...] their versatility, de-territoriality, and above all, affordability are all pitched at specific local and ethnic markets. These are parallel markets, shadowing the ones organized by multinational oligopolies, and they capitalize and feed on First World characteristics (166).

Davis highlights that sales of VCDs or CDs in Vietnam's case, happen on a microeconomic and macroeconomic scale. One can find legitimate and bootleg copies side by side. The prevalence of unauthorized discs in HCMC connotes that buying pirate music is a part of people's everyday lives in Vietnam. CDs in this country are cheap to make, copy, buy, swap or even throw away. Davis argues that this "cheapness" represents an alternative economy that allows for these markets to "flourish beneath the notice of international scrutiny" (170). His argument is true in that music piracy has found its way into daily life in Vietnam and it doesn't seem to be slowing down any time soon. Pirated CDs are sold openly in malls, department stores, bookstores, and thousands of roadside vendors and kiosks. While the government recognizes this acceleration, it is somewhat paralyzed with respects to taking any serious action as there are so many other priorities in Vietnam that supersede piracy. The news articles mentioned in this chapter, point to how piracy in Vietnam is the outcome of particular institutional settings of the government and music industry. Civilians do not make enough money in this country in order to be able to absorb the high costs of production and distribution. Therefore many fans see no fault in buying unauthorized copies of CDs or sharing their music with one another; if anything, it is a "way of life" in Vietnam.

However, Vietnam is garnering international scrutiny as the United States and other First World countries are using international treaties, bilateral agreements and unilateral actions to bully countries like Vietnam into enforcing copyright protection. In

fact, on May 31<sup>st</sup>, 2006, Vietnam and the United States signed a bilateral market access agreement. This is considered the first step in Vietnam's bid to join the WTO before the APEC Summit in Hanoi in November 2006. Additionally, the US and Vietnam also reached an agreement in principal on a bilateral market access agreement that would enable more American industrial and agricultural products and services to enter Vietnam freely.

Economic innovation, global competitiveness, and future profitability are apparently all at stake should developing countries not protect the IPR of the US. The "Special 301" report mentioned in the previous chapter has enabled the WTO to enforce changes in IPR policies in over 100 countries so that they are in sync with the goals and interests of the U.S. and transnational corporations (Sum 378). The Vietnamese government has had a difficult time of implementing and enforcing intellectual property laws and more importantly, it has been unsuccessful at educating storeowners or consumers about their intentions or the implications of not complying with these international treaties.

As we have seen, music circulation in HCMC operates outside of official industry and state practices, however, its trajectory is the standard for many cities across most continents. Not only are foreign music commodities susceptible to illegal duplication but domestic products are also in danger. This trend hijacks the success of domestic production and circulation of local and global artists and the effort of the country to bring copyright practices to a world standard. While more and more Vietnamese now have access to affordable music, it seems like everyone in the country is paying a price in some small way. As Thuy explained, older CDs are harder for customers to find if not

impossible. For storeowners like Minh and Oanh, it means navigating the thin line between following state policies, whether it be paying bribes or working around such agreements, and selling enough materials to stay in business. For domestic artists, it means gruelling performance and recording schedules, not to mention lost opportunities on the world music scene. And lastly, the government is also pressured to enforce new legal apparatuses or face possible trade complications from the international community. While bulldozing illegal discs provides a media constructed image of the State's crusade against piracy, international conglomerates and watchdog groups are carefully monitoring the Vietnamese government's policies and enforcement strategies to gauge whether they are indeed having an impact on the crisis.

## Conclusion

As Vietnam is a socialist country that is slowly moving towards a market economy, it is pertinent to question how its consumers are acquiring domestic and international music commodities. This thesis has attempted to chart the trajectories of CDs in HCMC and how consumers have access to them. I have examined the economic, technological and cultural processes with the political, legal and regulatory frameworks in Vietnam to reveal the changes and continuities that are taking place in the circulation of music goods in HCMC. My research points to the regional circulation of pirated materials and highlights that while international music does indeed enter Vietnam, the products have complex and specific trajectories that operate outside of monolithic models of cultural imperialism. There has been an influx on foreign music commodities in the country after *Doi Moi*, but the cultural imperialism thesis does not reflect the current music industry situation there. Rather in this chapter, I conclude that the networks theory is more appropriate for understanding how cultural flows move and the importance of regional cultures in Vietnam. As music from one country moves to another in Asia, so too does piracy. I will summarize how illegal discs in Vietnam and its surrounding countries are inextricably linked proving once again that theories about the cultural industries are not relevant in Vietnam, as music production and circulation in HCMC operates outside of standard industry practices.

For the legitimate music industry in this country, copyright is the most significant ingredient to their success in Vietnam. Ironically, it is also the same ingredient that keeps the illegitimate industry alive as well. As copyrighted products are so over-priced in this



country, there will always be a demand for pirated music. In terms of piracy in Vietnam, there is no denying that this country has high rates of domestic consumption for pirated music and high rates of pirate production. The abundance of piracy in Vietnam is the outcome of several processes. As we have seen, music piracy in Vietnam problematizes complex relations of power and control. The need for profits has made music companies in Vietnam set their goods at prices far beyond the reach of the average consumer. It is no surprise that there exists a direct correlation between Vietnam's high piracy rates and its low GDP. Therefore, the cost of a legitimate state produced CD is prohibitive for most Vietnamese music buyers. In HCMC, consumer demand, technological advances and low prices have made the pirated music market thrive.

I also conclude that the recent focus on Vietnam's piracy problem is more of a strategic tactic of international copyright watchdog groups than the supposed imminent collapse of the domestic music industry. Copyright protection in Vietnam on a national scale is so far behind other developing countries and on top of that, musicians and composers are also often not aware of the problems on a governmental level; they only know that they are struggling to get by. So in an attempt to protect corporate and government interests, the spotlight on piracy then is not entirely about the increase in illegal copying but rather, it is related to an international focus on copyright protection. I will argue that American interests along with other international copyright members are pressuring Vietnam to introduce copyright regimes and prosecute these crimes.

The issue of piracy is complicated and multi-faceted as many local and global interests are affected by illegal copying. In an attempt to avoid international trade sanctions, the Vietnamese government has unsuccessfully tried to stop pirates and

storeowners from profiting from unauthorized music in an attempt to gain favourable status with its trade partners and preserve the domestic industry. Miraculously, domestic music culture is still surviving if not flourishing in Vietnam in a physical sense if not economical one as well. I argue that the piracy problem in HCMC is a rare case of defiance and triumph over major music corporations. My collective case study reveals that Vietnamese-based music is more preferred and profits in music are going directly to pirates and small business owners as opposed to the State or any international music conglomerates. Unauthorized CDs are helping to create audiences for all types of music in Vietnam and this calls into question whether piracy is as negative for this country as previously thought. Music piracy in HCMC is a compelling example of the reversed flow of power and money in global music production and circulation.

## **Networks and Flows**

While the Vietnamese government blames piracy for ruining the domestic music industry and threatening the viability of Vietnamese music, piracy in HCMC has in fact helped to sustain Vietnamese culture while also facilitating the mixing of international pop genres in the country. The Vietnamese music industry is dynamic in that it is constantly recycling and diversifying a variety of old and new genres therefore appealing to more and more audiences. Unfounded worries that foreign music would take over Vietnamese music in terms of popularity have also proven to be unwarranted. This is why the cultural imperialism thesis does not correlate to HCMC's current music situation. This out-dated theory argues that First World countries dominate the world

economy while developing countries remain at the periphery of the system with little control over their economic and political development (Tomlinson 37). This idea is problematic in that it is vague and very top down. Tomlinson contrasts this concept with “globalization” which suggests “interconnection and interdependency of all global areas” happening “in a far less purposeful way” (175). As we have seen, cultural influences move in many directions. These influences do not originate in one place or flow in the same direction but rather there is no defined centre or periphery. The examples of Taiwanese and Hong Kong culture in Asia highlights the different networks of cultural globalization, more specifically it argues that regions are important producers and markets. Regions share and “communities of language and culture” and they often create products for audiences within an area and for migrants now living in other regions (Crane 8). As a result, cultural identities are often not bound by nationally demarcated boundaries.

Vietnam has never been a cohesive mono-cultural nation and now more than ever, there are conflicting versions of what it means to be Vietnamese. Domestic culture in this country has become a complex mixture of native and diasporic popular culture, of pop and folk, traditional and mainstream, and more recently, many Vietnamese music and video discs have been produced outside of the country and circulated back in and out of the region. As foreign products enter Vietnam, the State must consider whether or not these commodities are a major threat to national identity or whether or not they are affecting the audiences’ identification with the State. We have examined how the Vietnam government has attempted to preserve and position their indigenous culture in relation to global culture. Policies about the public attire of professional artists have yet

to be proven effective. These efforts have for the large part been put in place for Vietnamese culture internally and not necessary to export or project a pure image of their culture to the world. The preservation and promotion of culture manifests itself in many ways and these efforts were highlighted in the two concerts that I attended during my stay in Vietnam. The state presence at both shows attests to how the government heavily regulates public music-related events.

The music industry in Vietnam faces heavy policing in on all fronts: at concerts, on the radio and in the stores. The state's biggest obstacle in terms of the music is undeniably piracy. Pirated music products in Vietnam have challenged multi-national power as well as state-power. Wang and Zhu (2003) argue that although piracy networks operate as part of the 'shadow' economy, they are still very much involved with the formal economy insofar as they also work through or around the state, its regulatory and enforcement capacities, and its sovereignty (99). Although pirates operate on their own system, they are still very much affected by other networks: the state, global conglomerates, industry lobbyists, distributors, hardware manufacturers, retailers, and consumers just to name a few. Therefore, previous theoretical frameworks like media imperialism where there is a centre and a periphery do not adequately examine these increasingly complex networks and their interactions with one another. Saskia Sassen (2000) suggests that contemporary research focuses too much on the dichotomy between the local and the global and in doing so neglects what a significant role the state plays in relation to global economic actors. Sassen argues that it would be more productive to consider globalization "in terms of a transnational geography of centrality with multiple

linkages and strategic concentrations of material infrastructure (qtd. in Wang and Zhu 100).

The networks theory is a more useful framework to understanding how cultural flows move and the roles of regional cultures in Vietnam. Although cultural flows are influenced by international conglomerates, these flows are also multicultural and dynamic in that regions send products to one another. As Wang and Zhu argue, as legitimate record companies expand their reach around the world through networks of flows, so too do pirates. The networks of piracy are organized and have created an entire industry of their own and the production, distribution and consumption of pirated goods are parallel with the legitimate industry. Music piracy in Vietnam has redrawn the distribution maps for both legitimate and illegitimate products. Now one can find pirate discs everywhere from music stores, to on the street to high-end department stores. Piracy has also redefined power relations among global music companies and also local players by taking the power from the huge conglomerates. It is fascinating because the state, local manufacturers and consumers defy and resist globalization by buying pirate music.

Vietnam could be considered a powerful example of the reversed flow of power and money in global music production. In some ways, the phenomenon in HCMC is a rare case of defiance and triumph over major global corporations. Vietnamese-based music is more preferred and profits in music are going directly to pirates and small business owners as opposed to the Big Five music conglomerates. Piracy in HCMC challenges the way we think about power in Vietnam's music industry. While the government still determines significant aspects of creating and enforcing the laws and

codes of the music business, pirates have increasing pull as they meet the needs of small storeowners and local consumers.

With the price of copying equipment and blank CDs dropping in price, this only helps the pirates to reduce their production costs and increase their profits. This only encourages other potential pirates in the country to jump at this opportunity to make money and in turn, produces a domestic pirate industry, thus decreasing the need for foreign legitimate and illegitimate products. The small-scale copying start-ups produce and distribute on an informal network. With the advent of scanners, desktop publishing software, and laser printers, the artwork of unauthorized CDs is beginning to look more like the authentic product. The packaging is increasingly becoming higher in quality making legitimate products less desirable for consumers with limited budgets. The advances in technology have made it impossible for the State to keep up with pirates and thus compromising Vietnam's standing as an international trading partner.

## **International Pressure**

Peter Buckley who is the project administrator of the European Commission ASEAN Intellectual Property Rights Cooperation program (ECAP), stresses that Vietnam needs to improve its protection of intellectual property rights in order to foster trade and meet its goal of global integration. He states, "When counterfeit goods are sold, this actually causes losses to the domestic industry...and to the government in terms of taxes" ("Vietnam Needs"). The European Commission conducted a study of the music industry in an ASEAN country where illegal discs are pervasive and concluded that the losses

were estimated to be 5 million Euros in 2001 for European businesses; they also concluded that the losses for the local industry and government was 20 million Euros. Very few Vietnamese trademarks and products are protected and Buckley argues, “If you have a lot to protect, you respect the concept and respect the other people”. There is no questioning that there are significant losses due to piracy but the problem in Vietnam is not about a lack of respect for others. Piracy is in part accepted in Vietnam because of the collectivist nature of consumers in Vietnam. Furthermore, music companies in Vietnam do not fairly price music products at a price that is accessible to most of the population. Small-scaled operators therefore have taken it upon themselves to provide affordable music products to the public. In addition, estimations of losses given by foreign watchdog groups or trade organizations must be questioned about their accuracy. In the four years that it took to complete this research, there has been increasing amounts of data highlighting the growth of music piracy worldwide. Most of this data comes from US sources and reflects the country’s commitment to protect its position in the international music industry. The methodology that music watchdog groups and trade organizations use to quantify the problem of piracy is at best questionable as they have an invested interest in highlighting the phenomenon. Piracy leaves no clear paper trail so estimations are by no means accurate.

Despite the nature of these estimates, the Vietnamese government is working to appease these international groups and uphold their end of their international copyright agreements. Economic innovation, global competitiveness, and future profitability are apparently all at stake should Vietnam fail to protect the IPR of the signatory countries. The “Special 301” report mentioned in the previous chapters has enabled the WTO to

enforce changes in IPR policies in over 100 countries so that they are in sync with the goals and interests of the U.S. and transnational corporations (Sum 378). The Vietnamese government has had a difficult time of implementing and enforcing intellectual property laws and more importantly, it has been unsuccessful at educating storeowners or consumers about their intentions or the implications of not complying with these international treaties.

The U.S. has been the most aggressive in pressuring Vietnam to meet their obligations under TRIPS. Article 61 of the TRIPS agreement makes it mandatory for Vietnam to make criminal provisions against 'commercial' copyright violations (Yar 687). As a result, Vietnam is in the midst of introducing a copyright regime with the assistance and force of the American government to avoid trade sanctions. I conclude that the recent focus on piracy then is not entirely related to an increase in illegal copying but rather, it is attributed to an international focus on copyright protection. The new copyright laws in Vietnam and the alleged willingness to prosecute copyright violations have made the piracy issue in this country more visible and grave. In reality, it is the policing of copyright violations that have increased rather than an explosion of pirated music products. Pirated CDs and cassettes have been abundantly available in Vietnam for years and fighting piracy has only recently become a government goal. For years after the American War in Vietnam, citizens barely had enough to eat so copyright protection was never a priority. However, there has been a public move to criminalize copyright violations. The introduction of industry organizations such as the Vietnam Centre on the Protection of Musical Copyright and the Recording Industry Association of Vietnam are examples of how the government is working together with the domestic



music industry to make this issue visible to the public. Domestic artists and state record companies are adopting foreign attitudes concerning copyright in an attempt to keep the domestic industry viable for generations to come.

## **The Vietnamese Music Industry**

On top of the piracy concerns, the government was also concerned by plethora of foreign music available to its citizens. Vietnamese music is proving to be very resilient despite the onslaught of piracy and foreign recordings. The local culture is constantly being rediscovered and reconfigured by its audiences and performers. In HCMC, it is safe to say that Vietnamese music is not in danger of losing an audience. Richard King and Timothy J. Craig assert that local culture can survive despite the growing presence of foreignness:

[T]he more resilient cultures may also draw inspiration from the influx of this “other” culture, creating new hybrid forms that are appealing and accessible to their audiences, and presenting messages important to their extended localities in languages and styles that build new communities and kinships (7).

As highlighted by my case studies, consumers in HCMC still prefer to buy mostly Vietnamese-based music. Although piracy has taken away profits from music companies, illegitimate releases have also introduced domestic and foreign music to new audiences and in turn created a demand for these performers. Ironically, piracy may even reinforce the cultural hegemony of the domestic music industry as more people have access to their products. It cannot be ignored that piracy also provides jobs and brings money into the economy, albeit in an illegitimate way. Money is being exchanged for a product and

people in turn consume other goods and stimulate the economy. Furthermore, piracy enables the people in HCMC to enjoy music that they would otherwise not be able to afford. Piracy has provided the opportunity for a counter-reaction to the international music industry. Technological developments, such as the CD burner, have threatened the music conglomerates' hegemony over music distribution. Studying about the flow of pirated CDs in HCMC reveals the weaknesses in the structure of the international music industry and the state.

The multiple tactics of pirates in Vietnam highlight how the 'weak' have managed to destabilize the government and the international music industry and its flows. There have been both positive and negative implications that have resulted from pirates in HCMC. Pirates have enabled a counter hegemonic challenge to the operations of the music global music industry. As state-owned enterprises are still important to Vietnam's economy, pirates are likely to take the opportunity to undercut the State and sell products at a reduced cost. As the Vietnam Communist Party still stresses state guidance as opposed to deregulation and competitiveness, pirates will have an instable climate to hawk their products. The strategies adopted by pirates in the production, distribution and retailing of their products speaks to the innovative way that they are able to mobilize and manipulate the market to their advantage. Music piracy in HCMC highlights the circulating and network oriented processes of globalization, furthermore, it emphasizes how technology, power and the state play into this issue. Piracy evades the rigid frameworks of the state and the music industry and creates challenges to these institutions by weakening their control.

## Future Research

Looking ahead, I think that future research about Vietnam's music industry must take a more quantitative social science approach. Although it is very difficult to get official statistics about the Vietnamese music industry from the government or record companies, it is important to find ways in measuring sales records of official and pirated materials in HCMC or in other regions of Vietnam. It is equally pertinent to gain more qualitative information through interviewing a cross range of different age groups about their music preferences and consumption practices. Radio stations should be explored as well as popular magazines about their promotional techniques of local and international artists. Furthermore, my study has entirely ignored underground music or music from the margins. Researching popular music in Vietnam was a logical choice for me as I had more access and information to this genre of music. Obviously, underground or alternative music would highlight potential political or social issues that are perhaps ignored by mainstream artists who are under the careful watch of the government. As all artists are mindful of censorship of surveillance by the government, this genre is rare in Vietnam.

Also explorations of music in Vietnam must also be more mindful of class and gender. While my study was a collective case study, I was limited to the information given to me by music storeowners and reports in the press. Little has been published on the demographics of music listeners in Vietnam nor their spending habits on music. There is no literature that I have come across of music preferences outside of Hanoi or HCMC.

As there are 53 ethnic groups in Vietnam, music taste is likely to vary from region to region, but there is yet no academic scholarship to qualify or dismiss this.

Future studies of pirated music in Vietnam must include the artists, promoters, and distributors who market legitimate and illegitimate products in the country. In doing so, only then will we be able to assess the ways in which global music influences extend beyond the consumption of the product itself and contributes to the production of new or hybrid music in Vietnam. Discussions of popular music in Vietnam must be mindful of the postcolonial forces at play as there are many different layers of influence and history at play in the nation's music. In all, there must be more sources to draw upon in order to critique and evaluate the processes of the music industry in Vietnam.

As an observer in Vietnam, I was aware that I was positioned by my gender, age, and ethnicity, among other personal characteristics as well as my history as a member of the Vietnamese diasporic community. As a researcher of Vietnamese ethnic origin, my understanding of the Vietnamese language allowed me to better comprehend the processes of music consumption in Vietnam. My personal history as a Vietnamese boat person now living in Canada, may however, be problematic as I fear I may be looking at this phenomenon from too much of a North American perspective in terms giving weight to popular music. I do not want to assume that the context of circulation of music in HCMC and its appropriate theoretical framework to be network oriented without acknowledging my own position as a Vietnamese-Canadian female.

This is not a study of the entirety of the music distribution system in Vietnam or HCMC: that would be impossible because of the size and nature of these enterprises. Therefore the choice of an urban city like HCMC by no means represents the entirety of

the modes of circulation of the Vietnamese music industry, as Vietnam has profound regional differences and is primarily rural. “[T]he life cycle of cultural commodities may be considered in spatial and geographical terms...the paths and velocities through which cultural commodities move help to define the rhythms and the directionality of urban life” (Straw, “Exhausted Commodities” 178). As a result, this study only hopes to reveal the richness of experience of a single city.

This thesis hopes to contribute to a deeper understanding and appreciation of an evolving cultural and social cosmopolitanism in HCMC, without ignoring the issue of locality as Vietnam moves into a market economy. It is necessary that future scholarship explore the ways in which music consumption is becoming part of the Vietnamese cultural landscape. Needless to say, my research has only scratched the surface of the multifaceted nature of how music is distributed in HCMC and how consumers access domestic and international music. Ultimately, my case studies represent a brief period of time but they underscore how Vietnam’s current situation cannot be understood using a dated cultural imperialism framework as products enter and circulate within the city in much more nuanced ways. These accounts highlight that the trajectories of CDs in HCMC move outside the realm of traditional conceptual theories and industry norms, and in doing so, these movements have confounding implications for Vietnam and the rest of the world.

## Works Cited

## Books and Articles

- Anderson, Benedict. Imagined Communities: Reflections on the Origin and Spread of Nationalism. London: Verso, 1983.
- Appadurai, Arjun. "Disjuncture and Difference in the Global Economy." Global Culture: Nationalism, Globalization and Modernity. Ed. Mike Featherstone. London: Sage, 1991. 295-309.
- Baes, Jonsas. "The Cultural Politics of Music Research in Southern Philippines: The Dynamics of Intercultural Communication When a Researcher is an Insider and an Outsider." Journal of Intercultural Studies 22.2 (2001): 147-159.
- Barnet, Richard and John Cavenagh. Global Dreams: Imperial Corporations and the New World Order. New York: Simon and Schuster, 1994.
- Beck, Andrew. Cultural Work: Understanding the Cultural Industries. London: Routledge, 2003.
- Bettig, Ronald. Copyrighting Culture: The Political Economy of Intellectual Property. Boulder: Westview Press, 1996.
- Bishop, Jack. "Who are the pirates? The Politics, Poverty, and Greed in the Globalized Music Market". Popular Music and Society. 27 (2004): 101-106.
- Boyd-Barrett, Oliver. "Media imperialism: Towards an International Framework for the Analysis of Media Systems". In Mass Communication and Society. Eds. Curran, James, M. Gurevitch, and J. Woollacott. London: Edward Arnold, 1977.
- Chang, Hsiao-hung. "Fake logos, Fake Theory, Fake Globalization." Inter-Asia Cultural Studies 5.2 (2004): 222-236.
- Chen, Kuan Hsing. "The Decolonization Question." Trajectories: Inter-Asia Cultural Studies. Eds. Kuan-Hsing Chen, Hsie-Ling Kuo, Hans Hang, and Hsu Ming-Chu. London: Routledge, 1998. 1-53.
- Craig, Timothy J. and Richard King. Global Goes Local: Popular Culture in Asia. Vancouver: UBC Press, 2002.
- Crane, Diana. "Culture and Globalization: Theoretical Models and Emerging Trends". Global Culture: Media, Arts, Policy, and Globalization. Ed. Diana Crane, Nobuko Kawashima, Ken'ichi Kawasaki. New York: Routledge, 2002. 1-28.

- Creswell, John W. Qualitative Inquiry and Research Design: Choosing Among Five Traditions. Thousand Oaks: Sage Publications, 1998.
- Cunningham, Stuart. "Popular Media as Public 'Sphericules' for Diasporic Communities". International Journal of Cultural Studies. 4.2 (2001): 131-147.
- Davis, Darrell William. "Compact Generation: VCD Markets in Asia". Historical Journal of Film, Radio and Television 23.2 (2003): 165-176.
- Den Tandt, Catherine. "Globalization and Identity: The Discourse of Popular Music in the Caribbean." Music, Popular Culture, Identities. Ed. Richard Young. New York, 2002. 75-88.
- Denzin, Norman K. and Yvonna S. Lincoln. Handbook of Qualitative Research. Thousand Oaks: Sage Publications Inc., 1994.
- Dinh, Thi Thuy Hang. Between Economic Reform and Political Control: Educational and Training Strategies to Enhance Quality Journalism in Vietnam. Sydney: University of Technology, 2002.
- During, Simon. The Cultural Studies Reader. 2<sup>nd</sup> ed. London and New York : Routledge, 1999.
- Edgar, Andrew and Peter Sedgwick. Cultural Theory: The Key Concepts. London: Routledge, 1997.
- Engleman, Andrea B, David M. Lange, Chad J Peterman, and Tamir Young. The Journal of Proprietary Rights 12.9 (2000): 32.
- Featherstone, Mike. "Lifestyle and Consumer Culture." The Consumer Society Reader. Ed. Martyn J. Lee. Oxford: Blackwell Publishers, Inc., 2000. 92-105.
- Ferguson, Marjorie. "The Mythology About Globalization." European Journal of Communication 7 1992: 69-93.
- Fiske, John. "The Commodities of Culture." The Consumer Society Reader. Ed. Martyn J. Lee. Oxford: Blackwell Publishers, Inc., 2000. 282-287.
- Freeman, Donald. "Doi Moi policy and the Small-Enterprise Boom in Ho Chi Minh City, Vietnam". Geographical Review 86.2 1996: 178-197.
- Frith, Simon. "Music and Identity." Questions of Cultural Identity. Eds. Stuart Hall and Paul du Gay. London: Sage Publications, 1996. 108-127.
- Golding, Peter and Phil Harris. Beyond Cultural Imperialism. London: Sage Publications, 1997.

- Gosain, Sanjay and Zoonky Lee. "The Internet and the Reshaping of the Music CD Market." Electronic Markets 11.2 (2001): 140-145.
- Gunaratne, Shelton A. Handbook of the Media in Asia. New Delhi: Sage Publications, 2002.
- Hardt, Michael and Antonio Negri. Empire. Boston: Harvard University Press, 2000.
- Hesmondhalgh, David. The Cultural Industries. London: Sage Publications, 2002.
- Iwabuchi, Koichi. "To Globalize, Regionalize, or Localize Us, That is the Question: Japan's Response to Media Globalization." The New Communications Landscape: Demystifying Media Globalization. Eds. Georgette Wang, Jan Servaes, and Anura Goonasekera. London: Routledge, 2000. 142-159.
- . "Becoming 'Culturally Proximate': The A/Scent of Japanese Idol Dramas in Taiwan." Asian Media Productions. Ed. Brian Moeran. Honolulu: University of Hawaii Press, 2001. 54-74.
- Jehoram, Herman Cohen, P. Keuchenius and L.M. Brownlee. Trade Aspects of Copyright. Boston: Kluwer, 1996.
- Jones, Mike. "The Music Industry as Workplace: An Approach to Analysis." Cultural Work: Understanding the Cultural Industries. Ed. Andrew Beck. London: Routledge, 2003. 147-157.
- Jones, Steve. "Music That Moves: Popular Music, Distribution and Network Technologies". Cultural Studies 16.2 (2002): 213-232.
- King, Richard and Timothy J. Craig. "Asia and Global Popular Culture: The View from He Yong's Garbage Dump". Global Goes Local: Popular Culture in Asia. Ed. Richard King and Timothy J. Craig. Vancouver: UBC Press, 2002. 3-11.
- Lamb, David. Vietnam, Now: A Reporter Returns. New York: Public Affairs, 2002.
- Lee, Robert G. Orientalism: Asian Americans in Popular Culture. Philadelphia: Temple University Press, 1999.
- Lent, John A. Asian Popular Culture. Boulder: Westview Press, 1995.
- Lie, Rico and Jan Servaes. "Globalization: Consumption and Identity-Towards Researching Nodal Points." The New Communications Landscape: Demystifying Media Globalization. Eds. Georgette Wang, Jan Servaes, and Anura Goonasekera. London: Routledge, 2000. 307-333.



- Lii, Ding-Tzann. "A Colonized Empire: Reflections on the Expansion of Hong Kong Films in Asian Countries." Trajectories: Inter-Asia Cultural Studies. Eds. Kuan-Hsing Chen, Hsie-Ling Kuo, Hans Hang, and Hsu Ming-Chu. London: Routledge, 1998. 122-149.
- Lockard, Craig A. Dance of Life: Popular Music and Politics in Southeast Asia. Honolulu: University of Hawai'i Press, 1998.
- . "Hey, We Equatorial People". Ed. John A. Lent. Asian Popular Culture. Boulder: Westview Press, 1995. 11-28.
- Lull, James and Roger Wallis. "The Beat of West Vietnam". Popular Music and Communication. Ed. by James Lull. Newbury Park: Sage Publications, 1992. 207-236.
- Marshall, Lee. "The effects of piracy upon the music industry: a case study of bootlegging". Media, Culture & Society. Vol. 26 (2): 163-181. London: Sage, 2004.
- Mattelart, Armand and Michelle. "Political Economy." Theories of Communication: A Short Introduction. London: Sage Publications, 1998. 92-105.
- McCourt, Tom and Patrick Burkart. "When Creators, Corporations and Consumers Collide: Napster and Development of On-line Music Distribution". Media, Culture & Society 25 (2003): 333-350.
- McDaniel, Drew. Electronic Tigers of Southeast Asia: The Politics of Media, Technology, and National Development. Ames: Iowa State University Press, 2002.
- Mendonca, Luciana Ferreira Moura. "The Local and the Global in Popular Music: The Brazilian Music Industry, Local Culture, and Public Policies". Global Culture: Media, Arts, Policy, and Globalization. Ed. Diana Crane, Nobuko Kawashima, Ken'ichi Kawasaki. New York: Routledge, 2002. 105-117.
- Nordstrom, Carolyn. "Shadows and Sovereigns". Theory, Culture & Society. 17:4, 35-54.
- Nguyen, Lich Van. "A Brief Introduction to Ho Chi Minh City". Lectures on Vietnamese Culture: Ho Chi Minh City 2004. Ho Chi Minh City: Vietnam National University Press, 2004. 2-9.
- O'Neil-Bloomberg, Lisa Jane. Financial Post. 27 April 1995. p. 54.

- Pano, Zeny Sarabia and Yen Do. "Vietnam." Handbook of the Media in Asia. Ed. Shelton A. Gunaratne. New Dehli: Sage Publications India Pvt Ltd, 2000. 462-486.
- Papadopoulos, Theo. "Determinants of International Sound Recording Piracy." Economics Bulletin. 6.10 (2003): 1-9.
- Pilkington, Hilary and Richard Johnson. "Peripheral youth: Relations of identity and power in global/local context". European Journal of Cultural Studies. Volume 6, Number 3. London: Sage Publications, 2003.
- Rowe, David. Popular Cultures: Rock Music, Sport, and the Politics of Pleasure. London: Sage Publications, 1995.
- Reyes, Michiyo Yoneno. "Indigenous Musical Practices in the Philippines." Eds. Timothy J. Craig and Richard King. Global Goes Local: Popular Culture in Asia. Vancouver: UBC Press, 2002. 40-57.
- Said, Edward W. Orientalism. New York: Vintage Books, 1990.
- Schiller, Herbert. Communication and Cultural Domination. New York: International Arts and Sciences Press, 1976.
- . Information inequality: The Deepening Social Crisis in America. New York: Routledge, 1996.
- Smiers, Joost. "The Abolition of Copyrights: Better for Artists, Third World Countries and the Public Domain." Copyright in the Cultural Industries. Ed. Ruth Towse. Cheltenham: Edward Edgar Publishers, 2002.
- Smith, Anthony D. "Towards a Global Culture?" Theory, Culture & Society 7 (1990): 171-191.
- Sparks, Colin. "The Global, the Local and the Public Sphere." The New Communications Landscape: Demystifying Media Gloablization. Eds. Georgette Wang, Jan Servaes, and Anura Goonasekera. London: Routledge, 2000. 74-96.
- Stake, Robert. "Case Studies." Handbook of Qualitative Research. Eds. Norman K. Denzin and Yvonna S. Lincoln. Thousand Oaks: Sage Publications Inc., 1994. 236-247.
- Straubhaar, Joseph. "Beyond Cultural Imperialism: Asymmetrical Interdependence and Cultural Proximity." Critical Studies in Mass Communications 8 (1991): 39-59.
- Straw, Will. "Exhausted Commodities: The Material Culture of Music." Canadian Journal of Communications 25 (2000): 175-185.

- . "Systems of Articulation, Logics of Change: Communities and Scenes in Popular Music." Cultural Studies, 5.3 (1991): 368-388.
- Su, Herng and Sheue-Yun Chen. "The Choice Between Local and Foreign: Taiwan Youth's Television Viewing Behaviour." The New Communications Landscape: Demystifying Media Gloablization. Eds. Georgette Wang, Jan Servaes, and Anura Goonasekera. London: Routledge, 2000. 225-245.
- Thiesmeyer, Lynn. "The West's 'Comfort Women' and the Discourse of Seduction". Transnational Asia Pacific: Gender, Culture, and the Public Sphere. Eds. Shirley Geok-Lin Lim, Larry E. Smith and Wimal Dissanayake. Urbana: University of Illinois, 1999. 69-92.
- Thomas, Mandy. "Fantasia: Transnational Flows and Asian Popular Culture in Australia." Alter/Asians: Asian-Australian Identities in Art, Media, and Popular Culture. Eds. Ien Ang, Sharon Chalmers, Lisa Law and Mandy Thomas. Annandale: Pluto Press, 2000. 201-217.
- Thompson, Eric C. "Rocking East and West: The USA in Malaysian Music (An American Remix)." Eds. Timothy J. Craig and Richard King. Global Goes Local: Popular Culture in Asia. Vancouver: UBC Press, 2002. 58-79.
- Tomlinson, John. Cultural Imperialism. John Hopkins University Press, 1991.
- Tsai, Yean. "Cultural Identity in an Era of Globalization: The Structure and Content of Taiwanese Soap Operas." The New Communications Landscape: Demystifying Media Gloablization. Eds. Georgette Wang, Jan Servaes, and Anura Goonasekera. London: Routledge, 2000. 174-187.
- Wallis, Roger and Krister Malm. Big Sounds From Small Peoples: The Music Industry in Small Countries. London: Constable, 1984.
- . "The International Music Industry and Transcultural Communication." Popular Music and Communication. Ed. James Lull. Newbury Park: Sage Publications, Inc., 1987. 112-139.
- Wang, Georgette, Lin-Lin Ku, and Chun-Chou Liu. "Local and National Cultural Industries: Is There Life After Globalization?" The New Communications Landscape: Demystifying Media Gloablization. Eds. Georgette Wang, Jan Servaes, and Anura Goonasekera. London: Routledge, 2000. 52-73.
- Wang, Shujen and Jonathan J.H. Zhu. "Mapping Film Piracy in China". Theory, Culture and Society 2003. Vol. 20 (4): 97-125.

- Wee, C.J. "Representing the "New" Asia: Dick Lee, Pop Music, and a Singapore Modern". Transnational Asia Pacific: Gender, Culture, and the Public Sphere. Eds. Shirley Geok-Lin Lim, Larry E. Smith and Wimal Dissanayake. Urbana: University of Illinois, 1999. 111-133.
- Wilson, Rob. "Bloody Mary Meets Lois-Ann Yamanaka: Imagining Asia/Pacific-from South Pacific to Bamboo Ridge". Transnational Asia Pacific: Gender, Culture, and the Public Sphere. Eds. Shirley Geok-Lin Lim, Larry E. Smith and Wimal Dissanayake. Urbana: University of Illinois, 1999. 93-110.
- Yar, Majid. "The Global 'Epidemic' of Movie 'Piracy': Crime-Wave or Social Construction?" Media, Culture & Society 27.5 (2005): 677-696.

## Government Documents

Office of the United States Trade Representative. "Vietnam Trade Facts." 1 May 2006. 20 May 2006. < <http://www.usvtc.org/trade/wto/ USTRFactSheetWTOBilateral06.pdf>.>

U.S. Department of Commerce. "Vietnam: Competitive Situation". 16 Dec 1998. 25 Sept 2004 <<http://startegis.ic.gc.ca/SSG/dd741462.html>>

U.S. Department of Commerce. "Vietnam: How to Market Your Products/Services." [http://www.buyusa.gov/vietnam/en/market\\_promotion\\_penetration.html#\\_section8](http://www.buyusa.gov/vietnam/en/market_promotion_penetration.html#_section8)

U.S. Department of State. "Vietnam: 2005 Investment Climate Statement". <http://www.state.gov/e/eb/ifd/2005/42198.htm>

## Newspaper Articles

Birchall, Jonathon. "World Trade". Financial Times. London: Jan. 6, 1999. p. 6.

Le Fevre, John. "Polygram plans Viet Nam foray". Billboard. 17 May 1997. Vol 109. Iss. 20. New York: 41-42.

Thu, Hang. "Weak policing hampers copyright piracy battle." Viet Nam News. 8 January 2004: 13.

Tran, Tini. "Vietnamese Reap Fruits of Endurance." Washington Times. 13 May 2005: A17.

"Vietnam: CD Industry: An Overview". International Market Insight Trade Inquiries. 14 August 1998: 1.

"Vietnam Marks Fall of Saigon". The Globe and Mail. 30 April 2005: A17.

"Vietnam: Copyright Pirates". Vietnam Economic News. 23 Nov 1998: 1.

"Vietnam: Music Mess". Vietnam Economic News. 8 June 1999: 1.

York, Geoffrey. "Is Vietnam Destined to Become Next China?" The Globe and Mail. 29 April 2005: B1.

## Internet Sources

- Anh, Tram. "Vietnam refines licensing for performance arts abroad". Thanh Nien News 13 Aug. 2005. 24 Jan 2006 <<http://thanhniennews.com/entertainments/?catid=6&newsid=8525>>
- Bennett-Jones, Owen. BBC News Services. "Vietnam destroys 'poisonous' books". 28 Dec. 2000. <<http://perso.wanadoo.fr/patrick.guenin/can Tho/vnnews/poison.htm>>
- Callan, Benedicte. "The Potential for Transatlantic Cooperation on Intellectual Property in Asia: 1998." Berkeley Roundtable on the International Economy (1998).
- Cheng, Maria and Craig Thomas. Asiaweek.com Magazine. Sept. 8, 2000. Vol 26, 35.
- Chu, Vu Manh. "Increasing the Effectiveness of Public Administration Copyright Protection in Vietnam." National Workshop for Production and Utilization of the Vietnamese Version of the Asian Copyright Handbook. 15 Mar. 2005. <[http://www.accu.or.jp/appreb/10copyr/pdf\\_ws0503/2\\_5\\_chu.pdf](http://www.accu.or.jp/appreb/10copyr/pdf_ws0503/2_5_chu.pdf)>
- "Culture and Development in Vietnam." United Nations Country Team Vietnam: Discussion Paper No. 4. Hanoi: United Nations, 2003.
- "Copyright Treaty Bans Translating Songs." VN-Style.com. 27 Aug 2004. 25 Sept.2004 <[http://vnstyle.com/news/culture\\_society/chitiet.cfm?ID\\_Tin+557](http://vnstyle.com/news/culture_society/chitiet.cfm?ID_Tin+557)>
- Douglass, Mike. "Civil Society for Itself and in the Public Sphere: Comparative Research on Globalization, Cities and Civic Space." 14 Jun 2003. 25 Sept.2004 <[http://72.14.207.104/search?q=cache:rwXVrnzEoi0J:www.bp.ntu.edu.tw/bpwww/Students/course/92\\_2/hcj/MD\\_GRAD\\_03.pdf+mike+douglass+civil+society+for+itself+and+in+the+public+space&hl=en&gl=ca&ct=clnk&cd=2](http://72.14.207.104/search?q=cache:rwXVrnzEoi0J:www.bp.ntu.edu.tw/bpwww/Students/course/92_2/hcj/MD_GRAD_03.pdf+mike+douglass+civil+society+for+itself+and+in+the+public+space&hl=en&gl=ca&ct=clnk&cd=2)>
- Hung, Le Tuan. Vietnamese Music in Australia: A General Survey. March 2004 . 15 July 2005 <<http://home.vicnet.net.au/~aaf/vietoz.htm>>
- Huong, Huang. "Music Piracy Dealt Bureaucratic Blow". July 14, 2005. <<http://english.vietnamnet.vn/news/2005/06/453339/>>
- International Intellectual Property Alliance. "2000 Special 301 Report : Vietnam". p 414-418.
- Lehman, Bruce. "Copyright, Culture and Development: The Role of Intellectual Property and of WIPO in the Cultural Industries". A presentation to the Policy Advisory Commission of the World Intellectual Property Organization (WIPO) Beijing, China. May 22, 2002.

Leesti, Mart. Vietnam Case Study: Institutional Issues for Developing Countries in IP Policy-Making, Administration and Enforcement. Commission on Intellectual Property Rights. January 11, 2002.

International Intellectual Property Alliance. "2001 Special 301 Report : Vietnam." 414-418.

Nguyen, Phuong Nam. "A Good Dose of Discipline for Vietnam's Popsters." Asiatimes Online 19 April 2000. 24 July 2005 <<http://www.atimes.com/se-asia/BD19Ae01.html>>

"PricewaterhouseCoopers Says Entertainment and Media Industry Will Grow 6.3 Percent Annually Through 2008, Sparked by Strength in Asia/Pacific." 29 Jun 2004. 25 Sept 2004 <[http://www.globeinvestor.com/servlet/articleNews/print/PRNEWS/20040629/2004\\_06\\_29\\_08\\_3207\\_1174873](http://www.globeinvestor.com/servlet/articleNews/print/PRNEWS/20040629/2004_06_29_08_3207_1174873)>

Safire, William. "Vietnam faces battle against rampant copyright piracy". 2 Nov 2001. 24 July 2004 <<http://etaiwannews.com/Perspective/2001/11/02/1004684025.htm>>

"Vietnam Busts Pirate CD Supplier." Agence France Press. 29 Sept. 2003. 29 Sept. 2003 <<http://perso.wanadoo.fr/patrick.guenin/cantho/vnnews/cdpirate/htm>>

"Vietnam Destroys Discs, Books in Piracy Purge." ABC Radio Australia News 8 May 2003. 24 July 2004. <<http://perso.wanadoo.fr/patrick.guenin/cantho/vnnews/cdpirate.htm>>

"Vietnam Needs Better Intellectual Property Rights Protection". 21 Aug. 2003. 25 Sept. 2004 <[http://quickstart.clari.net/qx\\_se/webnews/web/bi/Qvietnam-ec-counterfeit.RotN\\_dal.html](http://quickstart.clari.net/qx_se/webnews/web/bi/Qvietnam-ec-counterfeit.RotN_dal.html)>

"Vietnam Passage: The Perspectives: Popular Music in Vietnam." PBS Online. 1 may 2002. 25 Sept 2004 <<http://www.pbs.org/vietnampassage/perspectives/perspectives.music.html>>

"Vietnam Says 'No' to Sexy Singers." 4 Mar. 2003. 25 Sept. 2004 <<http://perso.wanadoo.fr/patrick.guenin/cantho/vnnews/cdpirate/htm>>

"VTV to Pay Royalties to Musicians." Vietnam Business Forum. 19 Aug. 2004. 25 Sept 2004 <[http://vibforum.vcci.com.vn/the\\_news.asp?idnews=160](http://vibforum.vcci.com.vn/the_news.asp?idnews=160)>