

Former B.C. authors file plagiarism lawsuit

Award winners allege Ling Zhang's book Gold Mountain Blues lifts their plots and characters

BY TARA CARMAN, VANCOUVER SUN OCTOBER 29, 2011

Three award-winning Chinese-Canadian authors, all former B.C. residents, have filed a lawsuit against Ling Zhang alleging elements of her latest book plagiarize their work.

Sky Lee, Paul Yee and Wayson Choy are demanding \$6,000,000 in damages for copyright infringement, \$1,000,000 per defendant in punitive damages for bad-faith conduct plus court costs in a statement of claim filed in Federal Court in Toronto on Tuesday.

The plaintiffs claim that Zhang's novel Gold Mountain Blues, originally published in China and released in English earlier this month, lifts certain plot and character elements from six of their works, which deal with the experience of early Chinese immigrants to Canada. Ottawa author Denise Chong, originally from Prince George, also claims Zhang plagiarized elements of her 1994 novel The Concubine's Children, but she is not a plaintiff in this case. None of the allegations have been proven in court.

The book's publisher, Penguin Canada, and Nicky Harman, a U.K. college lecturer who translated the book into English, are also named as defendants in the statement of claim. Both Zhang and Penguin deny the allegations.

Choy, who was born and raised in Vancouver, is the celebrated author of The Jade Peony and a member of the Order of Canada. He lives in Toronto. Lee, who was born in Port Alberni, grew up in Vancouver and lives in Montreal, is the author of Disappearing Moon Cafe. Yee, also a Toronto resident, grew up in Vancouver's Chinatown and is the author of 19 English-language books, many of which are directed at children and young adults. Zhang, who was born in Hangzhou, China and moved to Canada in 1986, lives in Scarborough, Ont.

The six works Zhang is alleged to have plagiarized were initially published in Canada between 1986 and 2003. Gold Mountain Blues was first published in China in 2009 to much critical acclaim, winning a number of awards and monetary prizes and fetching as much as \$200,000 US for foreign language rights, according to the statement of claim.

"The remarkable success of GMB in China is less surprising when considering that it is alleged to have copied significant elements of multiple award-winning books published over the past 25 years in Canada," said the statement, which goes on to point out that because readers in China are unlikely to have read the English-language originals, the fictional stories in Gold Mountain Blues would appear unique and new to them.

"Due to the fact that many of the Collective Works are now slated to be published in Chinese and sold in China, the plaintiffs face significant potential losses, including to their reputations, as it will appear to

Chinese readers in China that the plaintiffs have copied portions of GMB when, in fact, the Collective Works were first published long before GMB."

Penguin Canada calls the plagiarism accusations "baseless and unwarranted" in a statement on its website.

"Gold Mountain Blues shares only a few general plot similarities with the other works, and those similarities reflect common events and experiences in the Chinese immigrant community."

In an interview with the Calgary Herald earlier this month, Zhang denied even having read the works she is alleged to have plagiarized.

"I am quite ignorant about what's going on in the Canadian literary circles," she said. "This is why it's so outrageous. ... 'Excuse me, no offence to you, but I haven't read your book. Not because you're not great, but because I have been writing in Chinese all the last 13 years.' "

EXAMPLES OF PLOT AND CHARACTER SIMILARITIES

Sky Lee's *Disappearing Moon Cafe* (1990), pg. 3

In grave danger, a young Chinese man is rescued and then cared for by a beautiful girl, Kelora, of rare Chinese/ Native heritage.

Zhang Ling's *Gold Mountain Blues* (2011), pp. 256-285

In grave danger, a young Chinese man is rescued and then cared for by a beautiful girl, Sundance, of rare Chinese/Native heritage.

. Sky Lee's *Disappearing Moon Cafe* (1990), pg. 237

The Chinese man is old now. Full of regret for his long lost love, Kelora, he dies after a visit from her.

Zhang Ling's *Gold Mountain Blues* (2011), pp. 511-513

The Chinese man is old now. Full of regret for his long lost love, Sundance, he dies after a visit from her.

. Wayson Choy's *The Jade Peony* (1995), pp. 52-56

Wong Suk is disfigured after working on the railway. He rescues a white foreman who becomes gratefully indebted as well as a good friend. When the foreman dies, his son passes along a precious piece of gold.

Zhang Ling's *Gold Mountain Blues* (2011), pp. 70-72, 145-147, 377

Ah Fat is disfigured in a fight while working on the railway. He saves the life of his white foreman. They become good friends over the years. When the foreman's wife dies, her will leaves money to Ah Fat's son.

. Paul Yee's *The Bone Collector's Son* (2003), pp. 62, 72-73, 79-80, 140-141

Fourteen-year-old Bing works as a houseboy for a white couple in Vancouver. He becomes a target of white bullies, but his employer Mrs. Bentley rescues him.

Zhang Ling's *Gold Mountain Blues* (2011), pp. 309-326

Fifteen-year-old Kam Ho works as a houseboy for a white couple in Vancouver. He becomes a target of white bullies, but his employer Mrs. Henderson rescues him.

. Paul Yee's *Dead Man's Gold and Other Stories* (2002), pp. 73-78

Hard-working Shek buys a farm while younger brother Ping hates farm work and goes to the city to gamble. Shek pays everyone but Ping. Ping is unhappy. Ping kills Shek.

Zhang Ling's *Gold Mountain Blues* (2011), pp. 235-236, 241, 243, 246, 247, 249, 328

Hard-working Ah Fat buys a farm while his son Kam Shan hates farm work and goes to the city to gamble. Ah Fat pays others but not Kam Shan. Kam Shan is unhappy. He disappears.

Source: Federal Court Statement of Claim

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