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Three Canadian Authors File C\$6 Million Copyright Lawsuit

By Leigh Anne Williams
Oct 31, 2011

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Plagiarism [allegations](#) that have been swirling around Ling Zhang's novel *Gold Mountain Blues* have now become a C\$6 million lawsuit for copyright infringement.

After reading advance copies of Zhang's novel, by Nicky Harman, Canadian authors Wayson Choy, Paul Yee and Sky Lee asked Zhang's Canadian publisher Penguin Group Canada to have an independent third-party compare the content of *Gold Mountain Blues* with several of their books. The novel was first published in China, and that's where a blogger first noted similarities in plot lines.

Penguin Canada addresses the allegations in a statement on its website, writing: "Although Penguin had no reason to believe these accusations, they have been examined in detail and proven false. *Gold Mountain Blues* does not infringe on any other work, and the accusations of "plagiarism" are baseless and unwarranted. *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. A representative for Penguin Canada was not immediately available for further comment on the lawsuit.

May Cheng, the lawyer representing the authors who have launched the lawsuit against Penguin Canada, Zhang and Harmon, says, launching the suit was the authors' only option because Penguin Canada and Zhang did not respond directly to their first request. "They've given us no alternative....Really, the only way to get the report that we're asking for is through the discovery process, and we're not satisfied with it anyhow because they've never produced it and it was done by a person who's got a serious conflict of interest." Harman was hired by Penguin to read all of the books and report back on the similarities.

Included in the statement of claim was a chart outlining some example of plot similarities: "In Sky Lee's book *Disappearing Moon Café*: In grave danger, a young Chinese man is rescued and then cared for by a beautiful girl, Kelora, of rare Chinese/Native heritage.
 In *Gold Mountain Blues*: In grave danger, a young Chinese man is rescued and then cared for by a beautiful girl, Sundance, of rare Chinese/Native heritage.

In Wayson Choy's book *The Jade Peony*: 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.

In *Gold Mountain Blues*: 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.

In Paul Yee's *The Bone Collector's Son*, 14-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.
 In *Gold Mountain Blues*: 15-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."

The authors' statement of claim says they have identified at least 50 other examples of original elements substantially copied. "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 [*Gold Mountain Blues*] when, in fact, the Collective Works were first published long before GMB," the claim adds.

Gold Mountain Blues, sold in 12 territories, will be published simultaneously by Penguin Canada and Atlantic Books in the UK. It has been translated by Nicky Harman, a lecturer in translation and Chinese-to-English translation at Imperial College London. Ms. Harman has been a translator for eleven years. Penguin Canada will support publication of the book with a three-city author tour."

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 Books in the humanities have fallen off the most, declining by approximately 15 to 20 percent.

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 Will Amazon's full slate of 122 books for the fall signal a sea change in the industry?

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 How Harper Perennial is using cool young writers, low advances and sharp design to get effect.

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BLOGS

PWxyz Blog

Craig Morgan Teicher
PW Best Books 2011: The Cold War by Kathleen Ossip
 The biggest surprise in poetry for 2011 is this second book by Kathleen Ossip. It's got everything one could wish for in a new collection of poems, except, of course, like all fulfilled wishes, one didn't know one had wished for it until the wish was granted.

Peter Brantley
Libraries: Together or Apart
 One of the most "wow!" things that I saw at the Books in Browsers conference at the Internet Archive last week was a demonstration by Sameer Verma of San Francisco [...]

Peter Cannon
PW Best Books 2011: Field Gray by Philip Kerr
 This past winter, having heard good things about British author Philip Kerr, I read March Violets (1989), the first volume in his Berlin noir trilogy, set during the Nazi era and featuring Bernie Gunther, a cop and later PI in the tough, wise-cracking mold of Sam Spade or Philip Marlowe.



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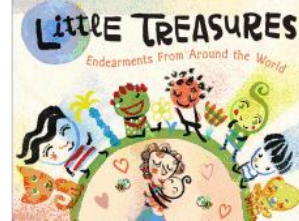
TOP BESTSELLERS

The Postcard Killers (unabr.)	Audio Fiction
In My Time (abr.)	Audio Nonfiction
Miss Peregrine's Home for Peculiar Children	Children's Fiction
Llama Llama Home With Mama	Children's Picture Book

Hunger Games	Children's Series & Tie-ins
Blue Exorcist, Volume 3	Graphic Novels
New York to Dallas	Hardcover Fiction
Jacqueline Kennedy	Hardcover Nonfiction
Port Mortuary	Mass Market Paper
The Help	Trade Paper

THIS WEEK'S FEATURED REVIEWS

words by Jacqueline K. Ogburn • pictures by Chris Raschka



Little Treasures: Endearments from Around the World
Jacqueline K. Ogburn, illus. by Chris Raschka.
Houghton Mifflin, \$16.99
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