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## Bordering diversity and desire: using intellectual property to mark place-based products

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**Abstract.** Marks indicating conditions of origin—geographical indications, appellations and denominations of origin, as well as collective and certification marks—are legal vehicles increasingly common in global commerce. Although it is necessary to explore the legal, political, and economic conditions under which they have become newly popularized as vehicles of global capital accumulation, it is also important to consider ethnographic studies of the work they do in reconfiguring social relationships and their salience in local worlds of meaning. We argue that these marks of distinction have become important means for securing monopoly rents at the same time that they have become means to express identities and desires so as to project alternative assertions of value in commodity circuits that traverse sites of production and consumption. They create new borders around newly valued forms of cultural difference, producing places, and constituting borders of identity, while potentially linking producers and consumers in new relationships of identification.

### 1 Introduction

The word ‘border’ is a noun and a verb: to border is simultaneously to establish identity, proximity, and differentiation. A border marks an outer boundary, but to border is to be next to, to approach closely. We are concerned with the use of marks in commerce that draw new borders around places of production and thus accomplish new forms of social differentiation, defining new cultural identities in commercial contexts while simultaneously inviting new forms of producer subjectivity and consumer identification. Marks indicating conditions of origin (MICOs), particularly geographical indications, appellations and denominations of origin, as well as collective and certification marks are controversial legal vehicles that are increasingly common in global commerce. Avoiding the abstract philosophical and economic arguments regarding their validity and extension which characterize recent academic discussions in law and philosophy, we explore the conditions under which MICOs have become increasingly significant—conditions in which desires to enhance monopoly rents are intricately entwined with international trade politics, state export and development objectives, spaces of community hope, and paradoxical desires for greater economic autonomy and cultural recognition.

Whereas legal scholars have philosophically debated whether these are justified forms of property (Raustiala and Munzer, 2007) or appropriately considered intellectual property (Stern, 2007), economists have understood them as collective monopolies, enabling producers of goods to capture differential economic rents from a locality and its reputation and thus to capitalize upon comparative advantage (Moran, 1993). From the broader perspective of political economy, MICOs must be related to specific forms of capital accumulation. David Harvey (2001) notes that the acceleration of cultural forms as commodities *and* a growing valuation of local cultural specificity are linked to new means of capturing monopoly rents. To the extent that the commodification of goods has a tendency to reduce their uniqueness and particularity, “some way has to be found to keep some commodities or places unique and particular *enough* to maintain a

monopolistic edge in an otherwise commodified and fiercely competitive economy” (2001, page 96, original emphasis).

Under international legal regimes, intellectual property rights have become privileged means to accomplish just this. Consider the case of the centuries old ‘Zari’ craft of the Surat district in Gujarat, India. Zari is a traditional technique of weaving thread made of gold or silver into intricate designs incorporated into silks that are especially prized for use as wedding sarees. The craft, which can be traced back to the 16th century, provides a livelihood to over one hundred thousand men and women. These livelihoods were endangered by a flood of Chinese counterfeit ‘Zari’ goods which did not match the craftsmanship in which the community took such pride. To stifle such unfair competition, an organization representing Zari craftspeople applied to have ‘Zari’ recognized as a geographical indication. The Indian federal government granted it this status in November of 2010, just as we completed this paper (Press Trust of India, 2010). It thereby recognized the Surat community’s collective rights with respect to a tradition that uniquely identified them and sought to secure these artisan’s livelihoods by giving them monopoly rights to use the term ‘Zari’ with respect to textiles woven in accordance with their cultural traditions.

MICOs are legal vehicles designed specifically for securing monopoly rents and for maintaining the social reproduction of certain specificities of place so as to ensure the perpetuity of locational competitive advantage. Indeed, Harvey uses the European wine trade, which first developed appellations of origin (the modern progenitor of MICOs) as his major illustration of monopoly rents. As intellectual properties, MICOs secure new forms of monopoly rent for specific locations producing goods with particular qualities, while as protected words or signs they travel between sites of production and consumption as unique indicia of distinction and value. They can also be used to trace circuits of desire that increasingly link producers and consumers in new relationships, challenging conventional approaches to studies of production and consumption. To make this argument we must explore the contexts in which MICOs have become sites of capitalist accumulation, geopolitical controversy, objects of desire, and contested placeholders for the contradictory values that cultural diversity holds in global commerce and politics.

MICOs enable new forms of territorial differentiation by adopting cultural markers as resources in the pursuit of development objectives. This is often a direct response to neoliberal capital forces that are perceived to culturally homogenize regions through integration into global economies, while undermining the socioeconomic opportunities afforded for local social reproduction:

“The response in such areas is to pursue some form of endogenous development in which economic activity is re-formulated so as to be based more firmly on local resources, physical and human. The search for such local specificity turns attention to the markers of local cultural systems and we are currently witnessing an unprecedented proliferation of initiatives in which local cultural resources are seen as the key to improving the social and economic well-being of local rural areas” (Ray, 1998, page 3).

This process of revalorizing place through an objectification of its cultural identity has been called “the cultural economy approach to rural development”, designed “to improve the collective socio-economic well-being of the people of local/regional territories” (Ray, 2002, page 228). A ‘culture economy’ is primarily concerned with relations of production in which a territory, its cultural system, and a network of actors construct a set of resources to market local culture to others willing to pay a premium for distinctive goods. Although cultural economies appear to have their policy origins in the European Union, strategies for identifying and valorizing local cultural resources

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have spread globally through diverse legal and policy initiatives (Coombe, 2009; 2011a; 2011b).

Local cultural distinction is increasingly viewed globally as an exploitable resource for fueling development linked to efforts to reverse trends of socioeconomic marginalization, to prevent rural to urban migration, and to prevent the loss of traditional knowledge, skills, and languages.<sup>(1)</sup> The European Union has developed a range of MICOs, particularly for the marketing of regional and traditional foodstuffs, including the Protected Designation of Origin and the Protected Geographical Indication that join new ‘certificates of special character’ and older ‘appellation d’origine contrôlée’ to create, particularly in Southern Europe, a place-based foodscape (in contrast to the ‘placeless’ North, which is dominated by brand names). The majority of products registered for circulation in these ‘alternative agrofood networks’ (Goodman, 2004) originate in rural regions alleged to be ‘lacking modernization’ thus enabling producers to circumvent mass commodity markets and “use their traditions to exploit growing niche markets” (Parrott et al, 2002, page 252).

## **2 Marks indicating conditions of origin: strange commodities**

If MICOs have increasingly been used to develop and capitalize upon cultural differences (Coombe et al, 2007), geopolitical disagreements about their propriety (including World Trade Organization (WTO) controversies about their extension to new regions and goods) are also said to reflect “profound cultural differences” (Ilbert and Petit, 2009, page 503) between countries with old agrarian traditions, who seek to promote them, and those which lack such traditions and which seek to limit and/or to eradicate such legal protections. We start with different premises. Recognizing that law shapes the social realities it purports merely to represent (Geertz, 2000), and that legal resources, argument, and opportunities for articulation do productive work in the world (Coombe, 1998; Mertz, 1994), we argue that MICOs reify, objectify, and socially construct cultural differences, rather than merely reflect a world of traditions that preexist them. Moreover, the spatial cultural differentiations which they symbolically mark in commerce have social, political, and economic consequences, constituting borders of community and identity as well as relations of producer and consumer identification.

Local agency in these strategies takes place in the context of enabling legal and political forces at state, regional, international, and transnational scales of governance and policy. As studies of appellations of origin for wine in Europe illustrate, local knowledge may be turned into a form of intellectual property through state regulation and local governance (Gade, 2004, Moran, 1993; 1999). Through the incorporation of this group of legal vehicles into global trade agreements—under the more general umbrella category of geographical indications (GIs)—MICOs have been made available for an increasing range of goods. The acknowledgement of traditional knowledge under global environmental regimes, and the valorization of intangible cultural heritage under global cultural policy instruments, have similarly focused on intellectual property vehicles for protecting localized cultural properties in globalized fields of commerce and ethics.

MICOs are typically encouraged as a means of establishing a reputation for a country’s ‘culture-based assets’ (Rojal, 2005, page 1). According to advocates, products from a specific geographical origin with unique qualities, reputation, or characteristics

<sup>(1)</sup> The strategy may involve encapsulating place-based qualities *within* products, or constructing a new territorial identity for promoting tourism and investment. MICOs may be involved in both strategies, but we focus here on their use with respect to commodities.

should be identified, and producers need to use distinctive words and signs for them in commerce to avoid misappropriation by third parties and to build market identity. Ideally, these words and signs should be registered by organizations recognized by a national authority that represent the interests of all producers. This strategy should enable regional producers to face international competition collectively, seeking market niches and extending product renown beyond national borders while maintaining standards through independent quality-control bodies. The strategy is best facilitated by marketing campaigns conveying confidence to investors, and portraying a long-standing tradition of excellence. Economic prosperity for producers is thereby promoted through the development of export markets.

MICOs are unique because they protect place-based distinctions and are in significant ways inalienable (unlike the vast majority of intellectual property rights which, as individual private rights, primarily promote alienability in relations of market exchange). This is largely due to their collective ownership, which enthusiastic advocates see as a distinctive advantage:

“One advantage of GIs in this context is that they are a common property instrument. Whereas commercial trademarks are usually owned by individual economic agents who therefore have a monopoly on their use, GIs are instruments that can be used by all genuine economic agents in a specific geographical area, who respect the terms of reference guaranteeing conformity with tradition—not a frozen set of practices but practices judged, after collective deliberation, to be consistent with tradition, ie that are genuinely a part of a living culture” (Ilbert and Petit, 2009, page 504).

MICOs cannot be ‘sold’ (or, in legal terms, they cannot be contractually assigned); they exist in the public domain and they may be held in perpetuity so long as the relationship between the product, its qualities, and the place remains intact, thus making them attractive for localities seeking to accumulate collective capital (Ray, 2002) and/or to express cultural rights (Rangnekar, 2004).

Commodification is served by the delineation of enforceable and exclusive property rights. New forms of commodification require new forms of property rights, as illustrated by the extension of intellectual property to facilitate new forms of capital accumulation in informational goods (Coombe, 2003). We are accustomed to thinking that commodity circulation requires the alienation of discrete things from their social and ecological contexts (Castree, 2003). However, it is becoming clear that symbolic indicia of social and cultural contexts of production may themselves become subjects of intellectual property and thus commodities in their own right. MICOs are essentially marketing vehicles: they enable conditions of production to be communicated and the value of the meaning of such conditions to yield economic returns, but only to the extent that control over the geographical mark and its representations are held exclusively. They have been described as ‘club goods’ or limited common properties; although they are public goods, their benefits are limited to particular actors within a particular territory to whom the economic benefit of the cultural reputation accrues (Rangnekar, 2004, page 5).

### **3 Cultural identities and essential differences: authenticities and their Others**

Intellectual properties are increasingly deployed to further objectives such as rural development, ethical consumption practices, preservation of biological and cultural diversity, and indigenous self-determination. Moreover, as development becomes more ‘cultural’ in orientation (Bebbington, 2005; Ensor, 2005; Radcliffe, 2006), pressures are building to sequester cultural distinction as an asset. MICOs have received renewed attention in global development circles because they lend themselves to so many of these diverse objectives. MICOs are cultivated to promote products, processes and methods ‘traditional’ to places, and ‘traditions’ are being cultivated

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to justify the use of these marketing vehicles. Anthropologist Paola Filippucci (2004) suggests that the making and marketing of traditional products is a dominant means by which the borders of politically meaningful cultural difference are marked in modern France.

“In France, cheese is the classic *produit du terroir* (local product), a product considered typical of a place, a combination of skill and raw materials that displays the unique tie between people and the soil (terroir) that they inhabit. *Produits du terroir* are thus part of cultural heritage, broadly defined in modern France, as elsewhere, as a complex of objects and practices that embody the uniquely characterized and enduring presence of a collectivity, typically a nation or an ethnic group, at once found and displaying its ‘identity.’ Therefore, those who say that the Argonne does ‘not even have a cheese’ imply that it has no *patrimoine*” (Filippucci, 2004, page 72).

Residents of the Argonne are intensely aware that a nationally recognized locality requires essentialised qualities of tradition and authenticity rooted in geography and embodied in marketable products. This ideological configuration of rural locality positions it within the legibility of a modern nation-state which incorporates the inventory of such diversity into a composite and manageable whole. Defining acceptable forms of cultural difference in terms of commodities is part of a larger policy of constructing cultural property as national heritage. Proponents of development strategies based on cultural economies often advocate that states establish “an inventory of the country’s existing ‘cultural districts’ that should be protected by identifying geographical areas producing goods resulting from local cultural traditions” (Rojal, 2005, page 11).

In Europe, ‘traditional specialties’ continue to be accorded special legal privileges which are now being extended by the EU to developing countries. Reifying and extending local traditions while burnishing images of rustic authenticity onto goods is a popular marketing strategy, although most of these goods were marginal or nonexistent products only two generations ago. For example, in some Italian mountain areas, the creation of tallegio—another cheese—is central to local development strategies. It has transformed subsistence family farming into an ecotourism attraction as the cheese is marketed with pictures of an idyllic rural lifestyle set in a picturesque alpine landscape (Grasseni, 2003).

Many geographers suggest that places should not be regarded as enclosed territories with stable or essential identities, but as dynamic and open entities whose identities are constituted within global cross-cutting networks of social relations and understandings. However, there are also strong pressures to *represent* places as having stable identities in a networked world. No one advocating or administering these marks pretends that these ‘traditions’ are actually old, organic, or authentic, except to the extent that the goods *originate* in a particular mode of production, yielding products with a specific character. In the EU the designation of ‘traditional goods’ requires only knowledge and methods subject to transmission between generations, commercialized for at least one. Collectively produced goods that are relatively recent innovations may thus qualify—only the marketing of tradition, it seems, involves a rustic history lost in time immemorial. Assertions of uniqueness and authenticity lend themselves to articulation as distinctive and nonreplicable monopoly claims, making the possession of culture and tradition an ideal discursive basis for accruing new forms of rent (Harvey, 2001, page 98).

European justifications for MICOs have shifted in the past decade away from ‘culturally protectionist’ arguments to those favored by development economics. These include economic diversification in remote rural areas and improvements to local

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incomes that act to retain populations (Larson, 2007). They have also tended to interlink the protection and promotion of cultural and biological diversity, thereby fulfilling two sets of international policy objectives. As the impending loss of biological diversity became part of public discourse in the late 1980s, so to a lesser extent did the pending disappearance of human languages and cultural diversity (Zent and Zent, 2007, pages 91–92). These processes are now acknowledged as inherently interrelated (Maffi, 2001; 2004), with the terms ‘biocultural diversity’ and ‘biocultural heritage resources’ now used to acknowledge that local cultural knowledge and biological diversity coevolve.

The proliferation of new appellations for cheeses from Eastern France, for example, suggests that these are part of strategic differentiation processes designed to preserve biological diversity in subalpine ecosystems where ‘cheese cultures’ historically emerged to meet needs for food over long winters (Larson, 2007, page 21). MICOs are now being promoted and governed to ensure that small farmers are beneficiaries, all “stakeholders in the value chain” (page 22) are participants, consumers are protected, and diversification in cattle breeds is encouraged. The ‘single herd cheese’, echoing the ‘single malt whiskey’, is a recent strategy; undoubtedly it will be marketed with the idyllic imagery of cattle tended traditionally and naturalized in an edenic rural bliss. Perhaps we should simply discount such fictions for what they are. To focus merely upon the invention of tradition in these scenarios unduly discounts the social, economic, and political impact of these activities and the hope they hold out for those who imagine distinctive futures.

The use of MICOs to recognize and protect local ‘biocultural heritage’ is increasingly international in scope. Neoliberal policy norms that privilege market-based legal vehicles for development initiatives have ensured that lawyers, economists, botanists, and agricultural researchers worldwide are studying existing MICO systems for the cautions, lessons, and opportunities they hold for developing countries, local communities, and indigenous peoples (eg, Bramley and Kirsten, 2007; Escudero, 2001; Gopalakrishnan et al, 2007; Singhal, 2008; Tregear et al, 2007; van de Kop et al, 2006). Since 2006 the European Union has facilitated access to its legal protections for products from developing countries. Bilateral trade treaties further encourage mutual recognition of geographical indications, ensuring greater international legal recognition for products represented “as genuinely part of, and even emblematic of, the local culture” (Ilbert and Petit, 2009, page 504).

The focus on development both at the WTO and at the World Intellectual Property Organization (WIPO) has strengthened support in the Global South for the international extension of GIs to protect a greater range of goods. States view this as a means of ‘leveling the playing field’ in a multilateral trade regime in which they feel they are otherwise unable to build any competitive advantage. Moreover, intellectual property vehicles are promoted under the Convention on Biological Diversity to recognize the innovations, practices, and knowledge of indigenous peoples and local communities; and, pursuant to their obligations under the International Treaty on Genetic Resources for Agriculture, states seek new incentive mechanisms to preserve agricultural diversity and traditional practices, to improve market access, to acknowledge the contribution of traditional knowledge to commercially valuable assets, and thus potentially to recognize farmers’ rights. International negotiations have encouraged national policies in so-called ‘developing countries’ to seek intellectual property vehicles to facilitate rural development, build export markets, and promote identity products for tourism economies (Vivas-Eugui, 2001). All of these structural forces work to focus attention upon marking distinction in commerce.

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The use of local distinction as the basis for capital accumulation inevitably raises issues of representation, opposition, the identity of the appropriate guardians for cultural capital, and desires for local participation and empowerment (Harvey, 2001, pages 104–105). What segments of the populace will benefit from this newly recognized form of socially produced cultural capital? These are questions now being raised by many scholars and NGOs who subject extant MICO systems to greater scrutiny in order to assess their prospects as development vehicles (Aylwin and Coombe, 2011). Protection for traditional products in many countries is managed by centralized governmental institutions in which the determination of who can use MICOs, under what conditions, for what products, and with what oversight, are all wholly state controlled. In China, for example, measures for the registration and administration of collective and certification marks and special signs on geographical indications are all under the jurisdiction of the State Administration for Industry and Commerce, with quality control provided by the Administration of Quality Supervision, Inspection and Quarantine (Ilbert and Petit, 2009, pages 519–520). As an active participant in UNESCO efforts to recognize intangible cultural heritage, China, a country which until recently insisted that its residents were all of Han ancestry, has become an enthusiastic celebrant of its diversity as a form of national patrimony:

“In China, biological diversity is closely related to cultural diversity, and China is a country of great cultural diversity... The expansion of market economies will have an impact on many cultural traditions within local communities. The strong link between cultural and biological diversity emerges from historic ties to the landscape. As the living environment helps shape human cultures, cultures in turn influence the biodiversity of the areas in which they live. The loss of biodiversity may result from human activity, but it also contributes to the loss of human cultural diversity. Local cultures can nurture and sustain the diverse landscapes in which they live and on which they depend. Certainly, knowledge and practices of indigenous and local communities can be important for effective conservation. The challenge before us is to enhance biodiversity and maintain cultural traditions while finding innovative solutions, opportunities and incentives that allow people to improve their standard of living” (Stendell et al, 2001, page 337).

The international “Cultures and Biodiversity” conference in Kunming in 2000 (Jianchu, 2003), gave rise to dozens of proposals in which biodiversity and cultural diversity could be enhanced through market measures. For instance, Naxi peoples living near Lijiang were recognized as having distinct pictographs, known as the Dongba script, historically inscribed on hand-made paper. Both the graphic technique and the local plant used to make the paper were in danger of extinction. Naxi culture was represented as intimately related to the mountainous environment and this paper-making technique promoted, along with the practices of breeding the fibrous plants, as traditions that could be revitalized. It was determined that intellectual property rights in ‘the ethnic technique’ (China, 2005) had to be recognized, teachers located, and markets for these ‘scriptures’ secured—in this case as tourist souvenirs. While Naxi ‘culture’ appears to have served as marketing tool, it is difficult to ascertain whether the objectification of historical skills has served to build local capacity, improve livelihoods, or express cultural rights.

More recently, the United Nations Development Program announced its “Show the World: Culture-based Development Goodwill Action Plan for Ethnic Minorities in China”. This plan is aimed at the preservation and promotion of ethnic music, relying upon marketers for “the development of ethnic handicraft in six minority regions to support minority communities to develop brands for their own cultural products” (UNDP, 2009). Like the management of diversity in traditional knowledge,

the promotion of traditional goods here involves state-dominated control and surveillance over local production (Ilbert and Petit, 2009, page 520) that may merely increase state powers without building local capacities or ensuring wider participation in the management of local resources. Such hierarchical tendencies are not atypical of MICO strategies: the protection of aristocratic traditions and class-based privileges in European wine production is well known (Gade, 2004, Moran, 1993; 1999). New initiatives, however, put emphasis upon greater equity in participation and distribution of benefits, amongst other rights-based development indicators, to avoid reproducing social relations of inequality (Aylwin and Coombe, 2011).

Unfortunate and unintended consequences may ensue when state and foreign actors dominate the process of 'locating' cultural difference solely for investment and development. Since gaining independence in 1821, Costa Rica has portrayed itself as an homogenous Hispanic nation, obscuring indigenous groups and their arts. As Frederick Wherry (2006) recounts, the ceramics and pottery of the indigenous Chorortegas were at one time held in high esteem, but the 'whitewashing' of national identity alienated Costa Ricans from ethnic traditions that did not fit the state-defined *mestizo* cultural heritage deemed appropriate to a modern nation. With the recent growth of neoliberalism and the tourist economy, however, traditional practices have been revitalized by women in rural communities seeking income generation and by NGOs seeking investments in development projects.

The capacity to take advantage of MICO opportunities is far from evenly distributed in countries looking for new sources of monopoly rents. Both states and NGOs may assume significant roles in determining which cultural distinction is recognized in this new marketplace. As Wherry's comparison of two villages illustrates, Guaitil, the only village officially recognized by the state (and on tourist maps) as a centre for handicrafts, was also the site of early NGO intervention. In the 1960s the US Peace Corps aided the development of a women's pottery cooperative that revitalized the use of pre-Columbian pottery motifs. The reintroduction of these 'traditional' motifs resonated with a shift in Costa Rica's definition of national cultural heritage and its recognition of indigenous culture as a national asset. The success of this cooperative allowed Guaitil to transform the symbolic capital of the women's cooperative into new state-provided infrastructure—notably, a paved road that connected Guaitil to the main tourist highway. This ensured a constant flow of tourists to the village and cemented its status as the privileged custodian of cultural difference. There is, however, nothing intrinsically less culturally distinctive about the town of San Vicente, less than two kilometers away. Despite producing similar crafts and using equally traditional motifs, San Vicente remains impoverished. Serendipitous investments in the marketing of one village's distinction have amplified regional social inequalities.

In Peru, MICOs are state properties. In 2006 with US\$2.4 million in US aid, the Peruvian government launched a project to promote the use of a denomination of origin for ceramics made by artisans in the town of Chulucanas. Adopting techniques derived from pre-Columbian Vicus and Tallan cultures, Chulucanas' ceramicists see themselves as inheritors and guardians of indigenous traditions. Some community groups hoped that the emergence of Chulucanas as a contemporary site of distinctive cultural production might revitalize community pride amongst artisans in Chulucanas' 1000 workshops. Instead, as Anita Chan's (2008) fieldwork reveals, the MICO strategy weakened bonds of collective identity, leading to social relations characterized by distrust, suspicion, and envy, accusations of design stealing, price wars, and wage exploitation.

Nonetheless, the Chulucanas 'brand' is touted as a social and economic success story in the use of geographical indications for development. Peru's National Institution

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for the Protection of Intellectual Property established partnerships with international exporters to supply Chulucanas ceramics to chains of US retailers. To meet these high-volume orders, rural artisans had to be ‘reskilled’ and craft techniques modernized—turning machines and ceramics molds replacing hand paddles and stone polishing. Whereas once a single artisan made each ceramic, in a workshop where a few dozen pieces were crafted each month, now teams of workers, each assigned a single task, are now employed as wage laborers in shops where some 3000 ceramics per month must be produced to supply retailer’s demands.

These transformations have been controversial. As recently as the 1990s artisans called the use of the potter’s wheel a ‘sin’ and an offense against tradition. As Chan (2008) recounts, a third-generation ceramicist who agreed to transformations in his workshop in order to complete an order from the American chain store Pier One was accused of betraying his fellow artisans. Little effort appears to have been made to diminish the ‘piracy’ of these goods (copies may be found in shops in Lima, Ecuador, and China), to preclude the use of the brand on ‘unauthentic’ goods, to educate consumers, retailers, or exporters about the historical and cultural roots of these designs, or to certify sustainable environmental or social conditions of origin. Narrow economic development has been privileged over the social aspirations of the region’s peoples. Chan argues that state and industry actors have fostered individualism, entrepreneurship, new divisions of labor, and competition. If monopoly claims are “an effect of discourse” (Harvey, 2001, page 100), it is not surprising that we might find ‘tradition’ appropriated for the market differentiation of goods that now rely upon industrial production and alienation of labor. Such a cynical strategy will, however, inevitably undermine both the uniqueness of the goods and the security of the intended monopoly rents.

The globalized valuation of distinctive cultural goods has inevitably given rise to a new geopolitics of struggle. Spaces of competition and contestation have emerged around particular actors’ claims to hold intellectual property in cultural assets and the proper scale at which these claims should be made (Aragon and Leach, 2008). States, as we have seen, are likely to claim the need for recognition of intellectual property in cultural distinctions as *national* patrimony for the purposes of rural, export, and tourist development, which may or may not serve the local interests championed by human rights and environmental activists. ‘Communities’ are almost certainly objectified to serve development needs (Coombe, 2011a), but it doesn’t follow that they are necessarily artificial or that artefactual collectivities cannot capitalize upon historically forged relations of trust and sociality to pursue new ends.

In Thailand, MICOs are valued as collective marks held by way of a community right (Tanasanti, 2007, page 5); they depend upon the cooperation of local producers in determining production-control standards and designing marketing plans (Zografos, 2010, page 135). Once registered, rights to use a geographical indication under the “One Village One Product Initiative” are open to all villages and producers who meet the standards; all producers must have an interest in maintaining the area’s goodwill. The Thai government indicates that both social cohesion and community pride are anticipated benefits of a program expected to “help prevent migration of labor as well as help conserve the passed-down intelligence, traditions and local arts and crafts” (Tanasanti, 2007, page 14). Given political will, MICOs may be administered through democratic and deliberative governance structures emphasizing community security and sustainability, but they afford no guarantees in its absence.

Governments and foreign development agencies are not the only actors engaged in these new marketing strategies. If social constructions of distinction are the sites and the products of local relations of struggle, they also bear and carry affective

investments made by producers and consumers in conditions of production and consumption and the values these are perceived to embody. MICO strategies may sometimes be deployed politically to promote alternative understandings of development more fully rooted in local cultural values and aspirations (Coombe, 2005; 2011a; 2011b; Ray, 1998, page 5). New normativities may be engendered, as producers and consumers with a heightened sense of place-based values seek to engage global markets and commodities in a fashion more sensitive to local social and environmental norms. Social movements and indigenous-rights activists, development and environmental NGOs, financial institutions, and religious groups all play significant roles in shaping the way in which place-based cultural qualities are understood and exploited, capacity is built and, social capital is targeted. International NGOs have been instrumental in expanding the range of alternative cultural values that MICOs can be deployed to express, including fair trade and organic certifications and collective marks which indicate a range of social principles and ethical market practices (eg Oxfam, 2000). NGOs may also assist communities to mark new fields of identity and desire through the use of MICOs as indicators of community values.

#### **4 The commodity fetish and possessive desires**

MICOs circulate—both physically on goods and semiotically in consciousness—in a global promotional culture that is an exchange and communications system involving producers and consumers in commodity circuits. The fact that commodities circulate geographically, “are produced, exchanged, and consumed in different places and at different times, and our interactions with commodities are necessarily spatialized, makes our intimacy with them both interesting and problematic” (Bridge and Smith, 2003, page 260). Certainly, the use of MICOs opens up new possibilities for ‘defetishizing’ the commodity by increasing consumer awareness of the conditions of its production. MICOs draw attention to the nature of the labor invested in the commodity, attempting to build more intimate connections between producers and consumers. For example:

“what makes Tuscan extra virgin olive oil such a successful commodity is its craft or non-industrial production; the location of production, the producers’ estate, remains imbedded in the product. In this respect, the ‘source identifying indexicals’ of craft production, seem to seek to overcome the fetish. Extra virgin olive oil is, at least rhetorically ‘defetishized’ in that the identity of the producers remain immanent in the product” (Meneley, 2004, page 166).

Italian producers of extra virgin olive oil inscribe the character of the labor practices used to create the oil on the commodity’s surface (Meneley, 2007). Consumers who purchase goods from ‘ethical,’ ‘traditionally grown,’ or ‘locally grown’ sources participate in ‘defetishization’ by incorporating place, values, and means of production into domestic consumption practices. The Slow Food Movement has extolled the virtues of traditionally produced extra virgin olive oil from known places as part of a larger campaign against homogenized and mass-produced food products. This identification between global consumers and clearly identified local producers implies a relationship founded on the “obligation to consume responsibly” (Meneley, 2004, page 170).

We agree with Noel Castree (2001) that, although the trope of ‘defetishizing the commodity’ does important critical work (Sayer, 2003), it has significant limitations. MICOs suggest that conditions of production may be inscribed onto the surfaces of commodities, and thus that new forms of fetishism may emerge through the essentialisation of commodity origins in reified places, cultures, and localities that “are themselves signs and social constructs” (Castree, 2001, page 1520). The study of MICOs, however, also suggests that we should not be satisfied with a mere critique

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of essentialism, recognizing that, to paraphrase Bruno Latour (2004, page 232), the socially constructed naturalized fact is a political rendering of matters of wide concern. We also need to understand how, under contemporary conditions of capital accumulation, cultural place-making encourages affective investments that involve reflecting upon, developing, and communicating conditions of production and consumption to promote alternative values and new hopes for new forms of justice.

The commodity has been approached much more 'intimately' by a new generation of scholars interested in the social lives and biographies of commodities, their agency in everyday lives, and their role in constituting social relations (Bridge and Smith, 2003). Such scholarship explores production, consumption, and the passages in between, recognizing that "commodities shuttle back and forth between the poles of use value and exchange value" while embodying emotional and moral attachments and values (Bridge and Smith, 2003, page 258). Commodity chains and circuits are metaphors used by scholars to draw connections between the real lives of producers and consumers, and to show how new information technologies enable consumers to become more cognizant of the geographical lives of commodities. Social activism around commodities as diverse as diamonds and sporting goods indicates consumer interest in ensuring that their goods are ethically, equitably, and sustainably produced and traded. Regimes of certification which use MICOs have emerged to meet these desires.

If conditions are ripe for projecting new forms of cultural distinction into regional, national, and international markets, they are also open to making markets better places for new forms of intercultural communication, education, and cooperation. For example, Just Change is a MICO which establishes an alternative direct trading mechanism for linking some of the poorest communities in India and the United Kingdom as well as creating new forms of identification between them (Thekaekara, 2008). After obtaining title to their ancestral lands, organized Adivasis (indigenous peoples) of Gudalur, Tamil Nadu, were assisted by NGOs to find new ways of marketing the tea they learned to cultivate. Realizing that residents of council estates and unemployed people in the United Kingdom could not afford to purchase tea that was produced fairly, because of its higher cost, the Adivasi leaders, not wanting to become dependent upon the goodwill of affluent consumers, partnered with NGOs and forged new networks of distribution between their own cooperatives and consumer cooperatives in the UK, lowering the price of their tea and making it accessible to low-income consumers. Welfare recipients living on British housing estates and indigenous women's cooperatives in India both now benefit from transnational networks of volunteers and NGOs operating under the 'Just Change' mark.

How widely this 'Just Change' model can be applied, or how 'scaleable' it will be, remain open. Nonetheless, the example suggests that consumers' desires should not be given determinative status in discussions of emerging ethics of production and consumption. Although recontextualizing commodities in local lifeworlds has received considerable attention, it has been far less common to understand production itself as work that involves forms of desire and longing. Following broccoli from Mayan farms in Guatemala to North American grocery stores, anthropologists Edward Fischer and Peter Benson (2006) suggest that what connects these sites of production and consumption is not simply a commodity circuit, but also a circuit of desire: North American consumers' desire to have a reliable stream of healthy foods available is connected to the desire of Mayan farmers to achieve 'something better' by producing nontraditional agricultural crops at great economic risk. Broccoli farming embodies the hopes of Mayan producers for a future based on the negotiated moral values and cultural meanings that define their collective desires. These aspirations are dependent

upon larger geopolitical forces. The risks in nontraditional crop production are considerable since the global broccoli trade currently reinforces structural inequalities disadvantaging small local producers. Nonetheless, they see this work as a form of cultural empowerment (Fischer and Benson, 2006, page 59) because it enables them to see their community as an autonomous participant in a global marketplace, and because it enables them to retain control over their land and labor. Their capacity to express these values and to share their desires with others might be better met by more precisely tailored MICOs; otherwise, Northern consumers have no means of distinguishing and selecting the broccoli that ‘makes a difference’ by furthering local farmers’ dignity and autonomy.

In a study of Costa Rican *campesinos* and cooperative managers, anthropologist Peter Luetchford (2008) illustrates that although his informants saw markets as fundamentally unreliable and unfair, they nonetheless attempted to maximize livelihood security by taking advantage of multiple strategies—including those afforded by fair-trade and organic certification. *Campesinos* concerned with the negative effects of chemical dependence in agriculture judged organic farming to resonate with the traditional knowledge and practices through which they had maintained the local ecosystem—one element of a larger system of reciprocal relationships that might be better described as a cosmology—as their biocultural heritage. Desiring ideally to produce coffee that reflects their distinct cultural values and sustains the biological diversity that environmentalists prized, they also hoped for improvements in their livelihoods. Luetchford suggests that MICOs enable producers and consumers to engage in dialogue about the origins of value in natural and cultural worlds of human labor while addressing the alienation produced by separating production and consumption. Greater participation by producers in choosing the collective meanings, values, and identities embraced by MICOs is a desire we might hope that both producers and consumers will embrace.

## 5 Conclusion: just desires to offer

“It is here that the contradictions faced by capitalists as they search for monopoly rent assume a certain structural significance. By seeking to trade on values of authenticity, locality, history, culture, collective memories and tradition, they open a space for political thought and action within which alternatives can be both devised and pursued. That space deserves intense exploration and cultivation ... [I]t is one of the key spaces of hope...”

Harvey (2001, page 109)

The authoritarian and exclusionary dangers posed by place-based economic initiatives are potential, if not insurmountable, dangers in the deployment of cultural distinction as an asset in commerce. As we explore elsewhere (Aylwin and Coombe, 2011), new MICO strategies will inevitably involve new forms of opportunism and contested forms of governance. Nonetheless, as Harvey suggests, the preservation or construction of a sense of place is also “an active moment in the passage from memory to hope, from past to future” (2009, page 178). There can be little doubt that MICOs are being used to reanimate local bonds between the environmental, the cultural, and the social, to reactivate collective memories, and to generate hopes animated by desires for greater justice and recognition.

The carving out of distinctive places entails activities of bounding, but it also requires “establishing communication links, projecting images of reputation, and the like. Boundaries and borders, like reputation, are not given but made” (Harvey, 2009, page 190). Markets are fields of communication as well as of exchange, or, more precisely, terrains of communicative exchange. Anthropologists Jean and John Comaroff appropriately

challenge narratives that suggest that the commodification of cultural forms necessarily reduces their authenticity and reconfigures meaningful labor into a form of alienated abstraction (2009, pages 23–24). Cultural commodities are indeed strange hybrids; not only is culture commodified but the commodity is rendered culturally meaningful in acts of world-making that are modes of self-reflection as well as of self-construction:

“Those who seek to brand their otherness, to profit from what makes them different, find themselves having to do so in the universally recognizable terms in which difference is represented, merchandised, [and] rendered negotiable by means of the abstract instruments of the market: money, the commodity, commensuration, the calculus of supply and demand, branding” (page 24).

This commodification of cultural identity does not take place through brute force but, rather, through “fusions of intimacy and distance, production and consumption, subject and objects” (page 27), making the market an effective vehicle for locating authentic cultural identities. The Comaroffs do not concern themselves with particular legal vehicles, however, using the generic concept of ‘branding’ to describe the complex and variable work that different kinds of intellectual property accomplish. We have attempted to show, instead, how a specific form of intellectual property does particular work in the world, helping to redefine not only fields of ownership, culture, and identity, but also communities, production, and desire.

The “globalization of economies of difference and desire” (Comaroff and Comaroff, 2009, page 141) is a complex process driven by multiple actors and agencies; the marketing of cultural resources is overdetermined by a wide range of political forces, policy objectives, social needs, and collective interests. Moreover, it is animated by hope—a constitutive force in public life, and particularly in global intellectual property politics, which is powerful, generative, and always potentially dangerous (Drahos, 2004). As social institutions in which hopes are invested, MICOs embody both possibility and peril. Harnessed by states, industries, and civil society organizations looking to bolster niche-market sales, hope is ideally a resource to link consumers’ desires to engage in more ethical and discerning consumer practices with the desires of states for greater foreign capital, and the desire of producers to achieve improved livelihoods by marketing goods that capitalize upon local resources, express social values, and project cultural identities. Community sustainability and security will certainly not be accomplished solely through marketing vehicles. Appropriately governed and adequately supported by inclusive and democratic social institutions, however, MICOs offer the possibility of fulfilling some shared hopes for just futures.

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