

Ethnographic Explorations of Intellectual Property

Susannah Chapman and Rosemary J. Coombe

Summary

Ethnographic research into intellectual property (IP) gained traction in the mid-1990s as the scope of such legal protections expanded and international trade agreements mandated minimum IP protections during the same period that international indigenous peoples’ human rights were negotiated. Anthropologists considered IP extension in terms of the new processes of commodification the law enabled, the cultural incommensurability of the law’s presuppositions in various societies, the implications of these rights for disciplinary research and publication ethics, and the modes of subjectification and territorialisation that the enforcement of such laws engendered. Recognising that IP clearly constrains and shapes the circulation of goods through the privatisation of significant resources, critical anthropological examinations of Western liberal legal binary distinctions between public and private goods also revealed the forms of dispossession enabled by presupposing a singular cultural commons. Ethnographers showed the diversity of publics constituted through authorised and unauthorised reproduction and circulation of cultural goods, exploring the management of intangible cultural goods in a variety of moral economies as well as the construction and translation of tradition in new policy arenas. The intersection of IP and human rights also prompted greater disciplinary reflexivity with respect to research ethics and publication practises. Analyzing how IP protections are legitimated and the activities that their enforcement delegitimizes, anthropologists illustrate how the law creates privileged and abject subjectivities, reconfigures affective relationships between people and places, and produces zones of policing and discipline in praxes of territorialisation.

Keywords: biotechnology, branding, commodification, cultural circulation, denominations of origin, geographic indications, intellectual property, moral economy, patents, pharmaceuticals, piracy, subjectivity, territorialisation, trademark, tradition,

traditional knowledge, translation

EXPLORING INTELLECTUAL PROPERTY THROUGH AN ETHNOGRAPHIC LENS

Anthropological considerations of intellectual property (IP) have a short history; only since the mid-1990s and the incorporation of IP into international trade regimes has it become a major field of interest. What might have been a topic of narrow interest to legal anthropologists has attracted attention across the discipline because of the range of the law’s social and economic impacts. In market economies, IP protects many intangible cultural goods (e.g.: aesthetic works, trademarks, designs, modes of manufacture and composition, genetic resources) from unauthorised reproduction through material means of enforcement. Protected informational or cultural goods are manifest in material and digital forms of fixation (books, films, posters, songs, fertilizers, machines, plants, medicine, software, pesticides) that circulate as publicly accessible (if not freely available) goods. Such goods are so pervasive and socially significant that restricting access to them via IP provokes concerns about the scope of powerful economic interests, the state’s capacity to meet vital human needs and provide critical infrastructures, and the protection of citizens’ democratic entitlements and minority cultural traditions. IP protections are understood to be both economically and socially productive: not only do they yield revenue in the form of royalties for their holders, they legitimate certain actors as creators and delegitimize others, including counterfeiters who may be deemed ‘terrorists’ and ‘pirates’.

As the scope and range of IP protection expanded, so did its capacity to restrict access to goods as diverse as music, communications technologies, seeds, pharmaceuticals, and academic scholarship. The new forms of capital accumulation and cultural influence generated by these legal changes attracted the attention of diverse subfields of anthropology, prompting scholarship that added feminist, new materialist, and science and technology studies (STS) methodologies to conventional approaches drawn from political economy, social constructionism and interpretive legal anthropology. From these different theoretical perspectives, anthropologists addressed the IP vehicles of copyright, patent, trademark, database protection, design, plant variety protection,

and publicity rights alongside emerging protections for traditional knowledges, traditional cultural expressions, and genetic resources. When ethnographically tracking these legal mechanisms, anthropologists explored questions of property and commodification, representation and translation, research and ethics, personhood and subjectivity, and place and territorialisation, which are the major themes of this essay. Anthropologists regularly engage with interlocutors in law, cultural studies, communications, and media studies; this entry references scholars outside of the discipline whose work has been influential for anthropological engagements with IP.

I. IP AS COMMODIFICATION: PRIVATE PROPERTIES AND PUBLIC DOMAINS

Anthropologists recognise IP as a form of commodification rooted in Western liberal philosophy that creates regimes of scarcity by deeming some types of material expression as the property of individual, collective, and corporate actors. Using rationales such as the valorisation of original individuated expression (copyright), novel innovation (patent), investments in creating fields of commercial meaning (trademark), and the making and merchandising of distinctive personas (celebrity), the law legitimates various entitlements. Such legal recognitions are selective in the kinds of cultural creativity they encompass, routinely finding certain forms of human expressive and innovative work to be legible and legitimate while excluding or taking for granted other similar, socially valuable activities performed by people with less political power. Although anthropologists insisted that there were some similar types of exclusive protection in non-market societies, the global consolidation of such protections was largely understood to be a product of liberal capitalist modernity, ideologically premised upon the naturalisation of social categories dividing private and public zones of social life.

1. Rejecting privatisation and embracing the public domain

In the last decade of the twentieth century, anthropologists and ethnobotanists joined a chorus of scholars across disciplines voicing alarm about the increasing privatisation of public goods,

concentrations of power, limitations upon creative expression, exacerbation of economic inequality, and other dangers consequent upon the shrinking terrain of publicly available cultural, technological, and genetic goods (e.g.: Brown, 1998; Brush, 1999; Kloppenburg, 1988; Moran et al., 2001; Napier, 1994; Scharper & Cunningham, 2007; Sunder Rajan, 2006). Following familiar anthropological critiques of cultural property (Handler, 1991), IP protections were seen as decontextualising, reifying, and objectifying social processes of creation (Brush & Stabinsky, 1996). As the implications of extending IP protections became more globally evident, anthropologists studied public domain activism in diverse geopolitical arenas. Most of this work focused on grassroots and social movement activity, with the capacity of states to forge independent domestic policy receiving less attention (cf: Halliburton, 2017; Snodgrass Godoy, 2013; Sunder Rajan, 2017; Whimp & Busse, 2000).

IP-protected works were quickly recognised as forged through the use of socially created resources in social contexts, but few early scholars scrutinised the description of such goods as “public,” which was the dominant means of critiquing cultural commodification. Denunciations of IP as effecting new forms of enclosure (e.g.: Boyle, 1996, 2008) were commonplace in what later became known as “the romance of the public domain” (Sunder & Chander, 2004). Whether insisting upon the importance of maintaining freedom of expression, freedom of academic research, or broad access to plant, human genetic, or cultural resources, liberal political and economic ideals were asserted against unjustified IP monopolies (e.g.: Brown, 2004). Although some scholars advocated greater equities in flows and compensation between regions (eg: Kloppenburg, 1988; Brush, 1999), a singular public domain was often valorised in terms that equated it with a universal and generalised moral economy¹. The *commons* became the predominant metaphor for social relationships between people, ideas, and new digital technologies (e.g.: Scharper & Cunningham, 2007) that signified openness, common property regimes, and a lack of intermediaries.

The rhetorical use of anthropological concepts—e.g.: cultures, gift economies, commons, and

potlatch—in interdisciplinary discussions describing emerging forms of digital sociality² also attracted anthropological attention (Boellstorf et al., 2008; Kelty, 2004). The study of IP was offered as evidence that anthropology was no longer concerned primarily with exotic others (Napier, 2002), even as the disciplines’ exotic others become idealised as figures of resistance in Western societies. Considering alternatives to IP in fields of high technology, however, was another way of ‘siting culture’ (Olwig & Hastrup, 1997) in more familiar worlds (Coleman, 2013; Golub, 2004; Kelty, 2004). The study of ‘remix culture’ using digital sampling in technologically-mediated worlds of arts, music, and dance explored an ethos of ‘hacking’ that resisted dominant legal and economic orders and challenged individuated models of cultural creativity in assertions of alternative creative communities of practice (Mose, 2016; Shipley, 2009).

2. From a Singular Commons to Multiple Publics

Critically exploring modern liberal political understandings of Western societies as structured by divisions between public and private spheres of activity, concern, and deliberation (eg: Habermas, 1989), anthropologists undermined the narrow conception of IP as merely an economic domain. Rather, they insisted that IP fundamentally shaped the social life of human communications by commodifying cultural forms. Conceiving of the public as a communicative space along Habermasian lines enabled counter-publics to come into view and revealed IP’s role in restricting counter-hegemonic cultural expression (Coombe, 1998). Challenging the modern, liberal concept of a singular public domain, anthropologists explored multiple publics as politically significant zones of cultural production and communicative exchange (e.g: Goodman, 2005; Hayden, 2003). Ethnographic studies of digital workers and software developers showed how non-proprietary digital goods served as a means of communicative deliberation that created patterns of sociality and innovation challenging IP’s distributions of power (e.g.: Coleman, 2013; Kelty, 2008). In the creation of legal frameworks supporting the creation of open source

software, for example, anthropologist revealed how IP was strategically used in new social movements that challenged Western understandings of politics (e.g.: Chan, 2014).

Poststructuralist understandings of the public domain explored it as a spatial metaphor, dependent upon law while seeming to function independently as somehow outside it – e.g.: ‘before the law’ (Flessas, 2008); the concept of the commons established and policed thresholds that shifted historically according to new capacities for proprietary acquisition and thereby served to justify appropriations. For example, as research in Indonesia and India showed, a state could deem local, collectively created knowledge or artistic creations to be part of the public domain—a declaration that transformed goods previously subject to traditional authorities and norms of transmission into national cultural patrimony (Aragon, 2012; Aragon & Leach, 2008; Halliburton 2017). Public domains could be ‘scaled’ to create new arenas of jurisdiction.

As social movements promoting open and unfettered access to creative productions gained momentum, scholarship showed how valorisations of the public domain mirrored and validated colonial histories of appropriation and dispossession (Bowrey & Anderson, 2009; Christen, 2015). Transnational ethnographic research suggested that open access advocates working against the extension of IP might be more interested in Western individual expressive freedoms than the cultural rights of communities when trumpeting the public domain (Fish, 2014). The Western legal tradition of IP legitimates certain goods as private properties based on individuated authorship and innovation, but often ignores collective genres of novel productivity. Under this framework, the products of many kinds of creative industry—from traditional cultural expression to crop varieties developed by farmers—are considered free for general use. Such elisions are especially consequential because states routinely misrecognise the forms of creativity, territorial inscription, and cultural work of minorities, particularly indigenous peoples in settler colonies who have been deliberately marginalized by policies of cultural assimilation (Anderson, 2009). Anthropologists explored the political consequences of decontextualised distinctions between the public and the private within postcolonial contexts and in decolonising

agendas. They considered the historical conditions under which ‘the public domain’ was forged, the illusions of equality and inclusion it projected, and the means by which modern nation states thereby assume sovereignty over the products of certain human energies (Aragon, 2012; Brush, 1999; Christen, 2012).

In an era of biodiversity loss, in which biotechnological innovation was prioritised for agricultural futures, IP regimes clearly privileged the work of laboratory and field science as innovation, denying the contributions made by farmers and peasants to the world’s plant genetic resources (Brush & Stabinsky, 1996; Cleveland & Murray, 1997). The historical categorisation of crop germplasm as the common heritage of humankind, despite its distinctive development in culturally and ecologically discrete fields of human endeavour, obscured practises of farmer innovation (Brush, 2004). Like the public domain, the common heritage concept denied non-individuated, situated agencies (other than corporate ones), and licensed accumulation by dispossession (Harvey, 2003; Kloppenburg, 2010). Just as the ‘tragedy of the commons’ (Hardin, 1968) was recognised as a central myth justifying private property (Rose, 1986), exposing a fictitious ‘commons’ as IP’s other helped shift attention to possessive relations beyond the exclusive, market-based rights characteristic of Western models of protection. Anthropological consideration turned to other concepts of attachment – e.g.: stewardship (Brosius, 1999, Fish, 2006, Ogden et al., 2013) – to understand human management of culturally and ecologically significant knowledges, practises, and goods.

As anthropologists began to explore a diversity of publics with distinct moral economies of cultural circulation, they became more concerned with issues of governance and types of publicity. Other structuring dichotomies of the law such as discovery and innovation, imitations and originals, tradition and modernity, and other variants of what Levi Strauss (1964) described as ‘the raw and the cooked’ came into view. Showing how IP discourse figured in local social imaginaries, ethnographic research from Latin America, Africa, and the Pacific illustrated that the places perceived of as ‘outside’ IP’s governance were not simply places of license, but sites

of cultural memory (Goodman, 2002, 2005), moral economies of care (Hartigan, 2017; Nazarea et al., 2013), significant spaces of responsibility (e.g.: Solomon, 2005; Wright, 2008), and aspirations for global belonging (Larkin, 2008). Whether they were considering the meaning of open source software in animating understandings of democracy and speech in the United States (e.g.: Coleman, 2013), the protection of plant varieties in Costa Rica (Aistara, 2012), the political work of making and marking traditional medicine in Tanzania (Langwick, 2015), or the social life of generic drugs in Mexico (Hayden, 2007), anthropologists challenged proponents of liberal public goods to attend to significant social relations co-produced through IP regulation.³

3. Reconfiguring the Public/Private: Technologies and Biopolitics

Dominant Anglo-American systems of IP create ‘rights’ conventionally understood as market-based rights of exchange rather than moral, human, or citizenship rights. To this end, they lend themselves to critical perspectives drawn from traditions of political economy. Nonetheless, the introduction of IP protections into new regions created entitlements and felt obligations that opened up new rights deliberations that drew upon other philosophical models of human dignity, flourishing, and well-being.

Ethnographies of early ‘bioprospecting’ projects in Latin America, for instance, underscored how market-based research and development practises could foster undesirable forms of competition between communities, entrench economic inequalities, direct research unfairly, and require investments in political organisation and infrastructure that exceed local peoples’ capabilities (e.g.: Greene, 2004; Hayden, 2003; Moran et al., 2001). In some cases, activist NGOs negatively publicised and arguably undermined anthropologists’ efforts to provide community supports in the absence of community capacities (e.g.: Berlin & Berlin, 2004, Rosenthal, 2006). ‘Best practises’ for obtaining consent and providing compensation in this field have since evolved in global policy deliberations shaped by international indigenous rights, norms of community participatory deliberation, and rights-based development practice. While

legal and policy demands to recognize local traditional environmental knowledge, expression, and innovation invited new technologies of neoliberal governmentality, they also opened new prospects for collective self-determination (Coombe, 2016).

Informational capitalism, characterised by the growing speed and power of digital communications and biotechnological innovations, relies upon the extension of IP rights to encompass new kinds of intangible goods. The extension of patents and plant variety protection to the life sciences prompted moral concern and biopolitical analysis. The legal protection of corporate rights in the human genome, plant genetic resources, and genetically modified organisms, provoked widespread social controversy, spurring anthropological inquiries into the nature of property and personhood as well as the social construction of innovation (e.g.: Hirsch & Strathern, 2004; Maurer & Schwab, 2006; Pottage & Mundy, 2004; Strang & Busse, 2011; Verdery & Humphrey, 2004). Exploring the historical identification of plant chemical compounds with medicinal properties in Africa, for example, revealed extensive social patterns of use, innovation, and exchange between rural communities, healers, explorers, scientists, and corporations, undermining the conceit of any singular moment of invention or discovery (e.g.: Osseo-Asare, 2014). Larger social debates about IP in both South Africa and Costa Rica expressed distinctive social understandings of state territoriality, sovereignty, citizenship, democracy, national belonging, reproduction, and local morality (e.g.: Aistara, 2012; Foster, 2012; Pearson, 2012). Elsewhere, research into the relationship between genomic epistemologies and capitalist systems in the life sciences revealed that transformations in technologies and markets raised new apprehensions about power and inequality (Reardon, 2005; Stone, 2010; Sunder Rajan, 2005).

Anthropological research on biotechnology markets show them to be especially speculative, linked to international financial markets that may prevent pharmaceuticals from being locally produced and leaving many regions dependent upon foreign monopoly suppliers (Peterson,

2014). In medical and biotechnological research, relegating certain resources to ‘the public’ not only denies claims to them, it may unevenly distribute risks, extend obligations, and enable denials of social responsibility (Langwick, 2015; Pechlander, 2010). For instance, during research for the the Human Genome Project, it was determined that the human genome should be kept within the scientific public domain (genetic sequences themselves being patented), but mapping this domain raised ethical issues pertaining to the categorisation and treatment of humans as research subjects. Informed consent emerged as an issue when researchers failed to anticipate subjects’ desires to access the products of the research that their genetic resources enabled. An emerging ‘salvage paradigm’ for populations deemed to be ‘facing extinction’ came to dominate genetic collecting practises, stoking racial anxieties and embroiling anthropologists in accusations of biocolonialism and negotiations of new ethical protocols (Cunningham & Scharper, 1996).

The spread of genetically modified seeds and crops aroused similar controversies. Many anthropologists encountered fierce opposition to the patenting of life forms in their fieldwork. In some contexts, objections to the sale of “life itself” reflected moral positions, while in others it expressed culturally specific resistances to neoliberalism. Biotechnologies also attracted criticism because their patenting transformed relationships between agriculture, university research, and industry interests. The social, economic, environmental, and food security impact of introducing agricultural GMOs (particularly in areas recognised as the cradles of major crop genetic diversity), prompted anthropological scrutiny of scientific research agendas (Sunder Rajan, 2012) and consideration of how local political activism articulates with transnational social movements (Edelman, 2005; Pearson, 2013; Stone, 2010).

Proprietary genetic technologies provoked resistance from farmers and food activists (e.g.: Fitting, 2011; Stone, 2010) who expressed anxieties about the ethics and safety of these new commodities in local cultural terms (eg: Hartigan, 2017; Rock, 2018). Activists against free trade agreements (which mandated patent protection for genetically-modified goods) opposed

placeless technologies of commodification and mass produced goods, often by promoting place-based *technes* of cultural production and distinctive place-based products (Grasseni, 2003, 2012; Shankar & Cavanaugh, 2012). Just as indigenous communities asserted their stewardship of biodiversity, rural farmers organising under “slow food” banners, established themselves as protectors of traditional artisanal techniques (Heller, 2007, 2013). Ironically, both groups may use legal means such as geographical indications to symbolise the distinct origins of these goods and thereby claim local, collective IP (Coombe et al., 2014).

II. IP AND ALTERITY

After 1994, all members of the World Trade Organisation were required to introduce IP protections, with countries allowed varying transition periods for complying with the TRIPs Agreement.⁴ Anthropologists protested that IP was inappropriate for goods and resources produced in non-market cultural sectors and for people who held non-proprietary relationships to intangible cultural forms, recognizing this as an unprecedented expansion of the commodity form. As IP models were globally extended, anthropologists became interested in elucidating the diversity of ways in which ‘ownership’ of knowledge was conceived in various societies while exploring local practises of interpretive agency as IP was introduced in new contexts. When global environmental, heritage, and human rights instruments emphasised protection, compensation and benefit-sharing for ‘traditional’ knowledge, innovation, and cultural expressions, anthropologists began to explore the means by which ‘tradition’ was made legible and translated in modern science, environmental management, heritage governance, and other fields of knowledge and power.

1. *IP and Incommensurability*

Anthropologists initially focused on the extension of IP into new regions, to new kinds of goods, and to new fields of practice, sensitive to controversies around expanding markets, patterns of distribution, and the upsetting of local moralities that these proprietary encroachments

engendered. Exploring IP norms, discourse, and policy, they showed how strange these IP principles looked when encountered by others. Protests against extensive IP protection in consumer societies were animated by principles of freedom of expression, public domain, and a fictitious cultural commons. However, those same mores were protested by others for whom the use of language and inappropriate deployment of cultural knowledge was considered to have material consequence (Coombe & Herman, 2004) and to effect serious harms (Burns Coleman & Coombe, 2009; Ramachandran, 2014).

Attempts to extend IP regimes to accommodate traditional knowledges prompted an early and extensive critique of Western law’s incompatibility with indigenous epistemologies (Brush & Stabinsky, 1996; Greaves, 1994; Riley, 2005). In the encounter between IP and indigenous communities, however, legal anthropologists also found an opportunity to explore Western law’s contingencies, incoherencies, mythologies, and colonial legacies (Strathern, 1999, 2004; Whimp & Busse, 2000) as well as the assumptions about indigenous identity and authenticity it served to entrench (Anderson, 2009). Some Ghanaian practises of authorship, for example, were shown to be incompatible with Western IP regimes, not because they were ‘traditional,’ but because protections for folklore and collective authorship were strategies of decolonialisation in post-independence statecraft (Boateng, 2011). The tactics historically used by African states to manage tensions between diverse communities of practice were undermined by global policy institutions now eager to vest new rights in local traditional collectives, romantically imagined (Röschenthaler, 2011a).

Communities reflecting upon new global interests in traditions and properties became more reflexive about possessing culture and its relationship to group identity (Coombe, 2011; Shepherd, 2010). Anthropologists debated the social consequences of peoples adopting a holistic anthropological understanding of culture (long discredited in the discipline itself) to appease external interlocutors (e.g.: Novellino, 2007) and considered whether communities could accomplish this while maintaining their own distinctive understandings of knowledge and value

(De Cunha, 2009; Jackson, 2010).

2. Proprietorship and Propriety in Local Moral Economies

Early concerns with IP led anthropologists to advocate the comparative study of knowledge management among social groups to elucidate the diversity of ways in which the enclosure and circulation of knowledge has been conceived and enacted. The interpretation and impact of newly-extended global IP systems in areas with and without colonial histories of such regimes attracted particular attention (e.g.: Diawara & Röschenthaler, 2016; Röschenthaler & Diawara, 2011). Kinship-based seed exchanges in Latvia and Costa Rica, for example, were shown to be threatened by the introduction of plant variety protections, particularly when new legal recognitions of plant genetic resources (and their genetic modification), were accompanied by the prohibition and criminalisation of circulation outside of commodity markets (e.g.: Aistara, 2011).

IP regimes tend to divide protected works according to modern Western categories. For example, copyright law protects literary, artistic, and musical works using aesthetic criteria. In some societies, however, expressive goods perform other social functions more significant than edifying or entertaining individuals. For example, songs may function performatively to transfer legal title (e.g.: Burns Coleman & Coombe, 2009). Some musical cultures thrive not on legal ownership of fixed works, nor upon access to a commons, but through locally meaningful practises of worship, ancestral guidance, competition, and cultural custodianship (e.g.: Mallet & Samson, 2010). Other communities of practice may reject IP’s emphasis on individuated creative work and material fixation to embrace practises of sampling and remix (e.g. Sharma, 1999). Anthropologists found that not only were IP models often locally criticised as misrepresenting the nature of creativity, but that newer, more community-friendly heritage models could also be understood to inappropriately reify social collectives and their traditions (Aragon, 2012).

Studies from Oceania showed that local understandings of entitlements to cultural reproduction

could in fact accommodate or be articulated with Western values if a wider variety of liberal legal vehicles were considered part of the portfolio with which communities could work. In the Pacific Islands, for instance, people forged unique forms of protection that combined branding, certification, and authentication to protect and add value to indigenous knowledge practices (Forsyth & Farran, 2015). Ethnographic work revealed that artisans and political authorities interpreted global IP norms within hybridised regimes, which borrowed the legitimacy of international IP discourse to formalise the authority of local creative economies. In Vanuatu, for example, the transfer of rights to make and sell anthropomorphic carvings used in male status rituals were interpreted to fit Western copyright in a fashion that further consolidated traditional gerontocracies (Geismar, 2013).

Local strategies of circulation and sequestration of knowledge and goods may operate outside of Western liberal policy assumptions about access to knowledge, individual rights as incentives to innovation, and market relations as the best means to circulate goods and compensate creators. In Guinea Bissau, for example, the exchange of agricultural knowledge is tightly constrained and concealed (Davidson, 2010) while in The Gambia farmers distribute named crop varieties widely to achieve individual fame for innovative work, a practice that generates economic and spiritual compensation from the blessings that accompany seed transactions (Chapman, 2018). In Indonesia, where many cultural products serve both embedded social purposes *and* circulate as commodities, artisans have developed strategies to simultaneously protect inherited privileges and market shares (Aragon, 2011). Global regimes that recognise only collectively-held traditional goods or individual private properties ignore the historical evolution of hybridised rights economies and may undermine other traditions of expressive practice. Even in the absence of IP, local rituals in Nigeria and Cameroon might become alienable resources held by parties who licensed their performance to generate income (Rösenthaler, 2011b). The privileging of collective community ownership for traditional goods may thereby dispossess individuals, freezing what would otherwise be dynamic processes of commercial exchange wherein

traditional goods are vested only temporarily with social groups (Röschenthaler, 2011a).

New efforts to enforce IP protections in the Global South also spurred anthropologists to ethnographically explore norms pertaining to copies and their circulation. Public domain activists, like proponents of private IP, tend to police lines between proper and improper copies, in ways that privilege innovative and transformative practice without consideration of distributional equities and obstacles to access (Hayden, 2010, Liang, 2011). Artists and commercial manufacturers in the Global South, on the other hand, develop distinct ethical mores in fields of creative expression and circulation, adapting and modifying international legal norms about innovation, imitation, and infringement to make them appropriate to local political and economic circumstance (e.g.: Hsiao, 2014; Skinner, 2015; Thomas, 2016). In informal markets where unlicensed goods circulate, moreover, new categories of distinction for counterfeits emerge that bear little relationship to IP (e.g.: Crăcium, 2012). The social and political generativity of law in society is evident in the way that categories of authenticity and genericity are deployed with respect to goods as diverse as fashion accessories, pharmaceuticals, and packaged foods (e.g.: Hayden, 2007; Luvaas, 2013; Vann, 2006).

3. The Politics of Translating Tradition

The international policy fields of health, environmental sustainability, and cultural heritage became increasingly attentive to issues of diversity and sustainability in the 1990s. Despite its conventional restriction to fixed works demonstrating individuated originality, commercial novelty, and technological innovation, the global field of IP regulation was put under pressure to find new ways of protecting traditional practises and products, particularly those pertaining to agriculture and medicine. Newly valorised ‘traditions’ were acknowledged as distinctive and legitimate modes of transmitting collectively-held intangible goods that had been overlooked in modern property regimes. The World Intellectual Property Office’s (WIPO) efforts to extend IP to “new beneficiaries”, to abide by the Convention on Biodiversity, and to respect (what became)

the Declaration on the Rights of Indigenous Peoples, was central to diffusing these policy norms, soon disseminated through environmental and development NGO projects and the rights-based advocacy of social movements (Coombe, 2017).

In the field, anthropologists encountered a new emphasis on locating ‘community tradition’ and traditional environmental knowledge (Sillitoe, 1998) as policy deliberations about the extension of IP to “new beneficiaries” became attuned to alternative social means of transmitting knowledge. Cultural anthropologists were quick to dismiss binary distinctions between ‘traditional’ and ‘modern’ knowledge and science as reified social constructions that denied contemporaneity to others (Agrawal, 1995; Gupta, 1998; Nygren, 1999). The concept of traditional knowledge appeared to those outside of policy discussions as romantic, essentialist, and Orientalist—another instance of the ‘invention of tradition’ (Hobsbawm & Ranger, 1983) by foreign agents. Other scholars showed how ‘tradition’ is rearticulated when invoked in the name of conservation (Zerner, 1994) or new benefit-sharing enterprises (Green, 2009). In regions deemed rich in biodiversity where traditional environmental knowledge was newly valorised in policies of sustainability, anthropologists explored how local communities used principles and norms drawn from IP, environmental advocacy, and indigenous rights negotiations to forge new place-based social movements (e.g.: Asher, 2007; Escobar, 1998, 2008; Ulloa, 2005).

As international heritage, biodiversity, and IP policies encouraged states to identify and audit cultural goods, communities found themselves recipients of foreign attentions, attempting to ‘bear’ the traditions that outside actors anticipated, while struggling to voice vernacular understandings of knowledge and livelihood (Novellino, 2007; Rosenthal, 2006). The mis/translation of knowledges in encounters between communities and outsiders in environmental, health, and heritage projects became a focus of anthropological interest as people attempted to make what is now known as ‘biocultural heritage’ legible to others (e.g.: Nadasdy, 1999, 2005; Noble, 2007; Reddy, 2006; West, 2005; Zerner 1994).

Anthropologists explored the interventions and responses of those bearing tradition under these new conditions. Ethnographic work showed that organised traditional practitioners of medicine and therapeutic bodily regimes find new ways to speak to institutions and challenge assumptions about locality, community, and reproduction (Langwick, 2015) when facing threats of commodification which come from a wide variety of claimants (Fish, 2006; Reddy, 2006). As ethnographic research from Egypt, India, and Tanzania illustrates, people may deploy tactics of secrecy, dissembling, and evasion to protect knowledge they consider neither extractable nor properly democratised (e.g.: Elaychar, 2012; Halliburton, 2011; Langwick, 2017). Others seek to protect their traditions by refusing negotiations with outside valuers and developing and publicising their own protocols for managing cultural access (Faulkland et al., 2017). Consequentially, anthropologists have become more reflective about the ethics and politics of their own community-based research and its publication.

III. THE ETHICS OF ANTHROPOLOGICAL PRACTICE

Amid growing concerns about the reproduction and decontextualisation of cultural and biological materials through commodification and the spread of digital technologies, anthropological debates about property and propriety proliferated. Anthropological interest in indigenous heritage rights and property rights, first voiced in terms of the politics of cultural appropriation, evolved into a larger set of questions around the ethics of anthropological and archaeological research more generally in an era in which community relationships to knowledge were the subject of human rights deliberations. In many instances, this reshaped the nature of relationships between anthropologists and their communities of research.

1. Appropriation and the ethics of research

Just as postmodern celebrations of cultural hybridity, borrowing, and remix gained particular traction in anthropological theory, considerations of cultural appropriation drew new attention to collective cultural rights (Berson, 2010; Coombe, 2009). Self-identified Indigenous Peoples,

diasporic communities, and their advocates pointed to the various types of injury enabled by presuppositions of a free, open, and undifferentiated commons (Howes, 1996; Ziff & Rao, 1997). Such critiques raised acute questions about the ramifications of anthropological research. To what extent might the publication of indigenous knowledge and cultural heritage facilitate misappropriation by placing such material in the public domain? (Christen, 2005, 2011; Holcombe, 2010). Recognising that cultural rights —understood as the human rights of communities—could be violated by the unauthorised reproduction and circulation of heritage goods posed new challenges to anthropological research methods, sparking reflection on how the terms and aims of research are established and how knowledge is produced and by whom. For whose or what ends is research justified? Who should decide how research materials should (or should not) be made available? (Nagy, 2011; Pels et al., 2018). These issues were considered central in efforts to decolonise research methodologies (Smith, 2012).

Questions about the management and ownership of anthropological data, the production and circulation of tangible and intangible materials via research and publication, and new expectations about the repatriation of research outputs characterised a new era of scholarly ethics. Within archaeology, the capacity of publication to enable information, images, and artifacts to circulate in ways that might negatively impact indigenous community recognition and rights prompted the creation of new legal tools and ethical protocols with respect to the use of cultural knowledge and property (Nicholas & Bannister, 2004; Nicholas & Wylie, 2009; Smith, 2010).

In environmental and ecological anthropology, increased awareness of how publication of ethnobotanical information could facilitate misappropriation of traditional knowledge led ethnobiologists working with indigenous organisations to craft a code of research ethics. The code emphasised the necessity of community participation, informed consent, reciprocity in benefits, and recognition of the customary rights and cultural responsibilities of indigenous peoples (Bannister et al., 2009). Largely driven by the early Brazilian fieldwork and international

advocacy of Darrell A. Posey (1990, 1999), this undertaking was influential in bringing principles of benefit-sharing and compensation for indigenous work into international biodiversity policy and linking such practises to internationally recognised Indigenous Peoples’ rights of self-determination (Garcés & de Robert, 2012).

In other anthropological subfields, the acknowledged inability of IP regimes to accommodate indigenous values and customary practises led scholars to consider alternative strategies for documenting, repatriating, and protecting data, recordings, and other cultural materials. For example, concerns that the circulation of ethnographic music recordings beyond source communities might misrepresent traditions, deny compensation to creators, and offend community norms, led ethnomusicologists to explore different means of vesting rights in recorded music to collective holders of intangible cultural heritage (e.g.: Aubert, 2010; Fox, 2017). In the archaeology of the Americas, collaborative and community-based research practises developed, using local norms for managing cultural heritage and knowledge as guides for scholarly research practice (Atalay, 2012).

2. Applied Methodologies: alternative knowledge management strategies

Digital technologies posed further ethical issues; while they provided new opportunities for source community curation of research, museum, and archival materials, they also created problems for social groups seeking to control the conditions under which cultural resources circulated (Bell et al., 2013). This recognition sparked efforts to create mechanisms for the protection of intangible cultural heritage that would reflect community values, support sustainable development, and foster self-determination (Brown & Nicholas, 2012).

Anthropologists began to work with local heritage centres, museums, and community leaders to help repatriate materials historically collected under colonial conditions of dispossession (e.g.: Nagy, 2011). Some created interactive online databases with Australian aboriginal and North American tribal communities which embedded culturally specific terms for accessing and

interpreting data (e.g.: Christen, 2011). Others developed protocols to guide practice and set the terms of knowledge collection and management (Anderson & Younging, 2015) and tools such as traditional knowledge labels and licenses to help communities better manage their cultural heritage in digital environments (Anderson & Christen, 2013; Anderson & Montenegro, 2017; Christen, 2015).

Many communities learned to define and assert their customary knowledge practises within the context of research relationships, archival repatriations, and digital rights management. Such articulations made communities and their interests more legible to dominant research and curatorial institutions (Coombe & Kisin, 2020) and encouraged both parties to critically (re)interpret IP rights for new ends (Colwell-Chanthaphonh, 2011). Increasingly organised and internationally networked Indigenous Peoples began to exchange knowledge and experience of their practises of digital database management and heritage protection. In the face of widespread state reluctance to revise national IP legislation to address the needs of indigenous communities, these collaborations helped to establish what became known as international ‘best practises’ for the management and return of archival materials and other culturally significant heritage goods. New cultural policies were thereby recursively produced through collaborations in which anthropological knowledge became enmeshed in broader struggles for community political, legal, and social recognition.

3. The life and limits of open access publishing

As anthropologists reassessed their research and publication practises with respect to marginalised communities, digital technologies were transforming the means by which texts could be shared in the discipline, spurring new social movements concerned with the production and circulation of informational goods, which attracted ethnographic inquiry. FLOSS (free [libre] and open source software) and open access publishing (OAP) movements were based on beliefs that new technologies should facilitate the dissemination of knowledge and democratise

an informational commons. OAP offered an especially attractive antidote in an environment marked by increasingly expansive IP rights, escalating prices, and industry concentration that threatened to undermine the dissemination of anthropological knowledge.

Scholar-advocates encouraged their professional associations to adopt new publishing practises to enhance the circulation of scholarship; lively debates ensued about the meaning of “open access” and its relationship to research ethics, and creative alternatives for managing and disseminating research data (Golub, 2004; Kelty, 2008). OAP ideally made anthropological knowledge more available to subject communities, providing a new means for crafting more ethical research practice (Boellstorff et al., 2008). A number of journals dedicated to making anthropological work more accessible to broader publics emerged. *Cultural Anthropology*, *HAU*, and various blogs published ethnographic reviews, commentaries, and conversations for ever-broader publics.

Such projects prompted a new wave of scholarship exploring the economic, technical, and institutional constraints shaping publishing practises. As ‘open’ access became increasingly monetised, however, questions emerged about the financial and organisational capacity of publishers to prioritise accessibility. Conversations about access turned to more general deliberations over openness and inclusivity in the production of knowledge and in knowledge exchange (West, 2018; Gershon, 2018). Deliberations on the nature of relationships and obligations that were carried into open access projects (e.g.: LaFlamme & Boyer, 2018; Mahi Tah Collective, 2018) tended to echo earlier criticisms of the advocacy of an overly romanticised public domain that failed to recognise how old exclusions might be reproduced and new forms of dispossession facilitated when ‘freedom’ was celebrated but structural positions of privilege and precarity remained unchallenged.

IV. IP AND ITS SUBJECTS

Anthropological attention to the extension of IP into new jurisdictions sparked interest in legal

constructions of personhood. Recognising property and personhood to be dialectically related, anthropologists took great interest in the modes of subjectivities that IP relations to intangible cultural goods legitimated, tracing the introduction of the Western concept of individual authorship in diverse societies. Anthropologists considered how legal technologies fabricated the categories of persons and things that ownership serves to naturalise (Pottage, 2004a). New policy emphasis upon communities and ‘traditional’ goods fostered the articulation of collective identities. Ethnographic work on the extension of IP demonstrated that the global policy contexts in which IP was debated also enabled new subject positions of stewardship to be articulated (e.g.: Brosius, 1999). Where varieties of IP such as publicity rights allowed recognisable features of identity to be claimed as private property, anthropologists explored the social construction of celebrity and emerging public personas. Similarly, the growth and extension of branding practises to social collectives from villages to nations, militaries, and even militias opened new avenues of inquiry.

1. Property and Personhood

If the introduction of IP in new regions sparked general anthropological interest, its arrival in Melanesia prompted an especially rich body of scholarship exploring encounters between radically different and sometimes surprisingly similar understandings of personhood, ownership, and cultural circulation (Hirsch & Strathern, 2004; Strathern, 1999). Moving beyond early disciplinary preoccupations with individual versus communal rights, this work explored how selves were differentially ‘dividuated’ in the region and how people, rather than things, were regarded as ‘owned’ by virtue of their kinship relationships (Strathern, 2001). When persons are partible, their relations to others become visible when they take on certain roles which are understood to be ‘images’ both created and controlled by their clans (Strathern, 2004). To fulfil kinship obligations, and in ritual practises, people in the region internalise and visualise themselves as images owned or carried by others (Harrison, 1992). In Papua New Guinea, for

instance, people seemed to entertain understandings consonant with IP’s protection of celebrity personas, commercial trademarks, and patented technologies, in performative activities of symbolic exchange, valuation, and commemoration (Strathern, 2001).

Although concepts of owning humans are morally repugnant to many religious traditions, body parts and genetic materials are increasingly owned in significant ways (Strathern, 1999, 2005). Human genomics raise questions; how and why are some human genetic materials considered inalienable aspects of a human universal heritage available to science, while others are personally alienated and may be economically exchanged? Legal techniques that claim merely to reflect divisions between norm and nature normatively institute the nature they claim (Pottage, 2004b). Efforts to protect ‘our genetic patrimony’ against commodification, for example, suggest that the genome is a resource existing independently of the means and activities through which it is visualised and rendered. Since IP creates relations of legitimated power by privileging particular forms of inscription, the simple denial of inscription is one of the means by which IP is resisted or refused.

Anthropologists have explored the ways in which the legal recognition of some ‘natural’ substances as authored or ‘cooked’, and others as discovered, or ‘raw,’ has social consequences for both persons and things (Hirsch, 2010; Pottage & Mundy 2004). For example, positioning simple DNA as part of the public domain enables rather than discounts its political consequence in terms of the identities people may claim, as debates about DNA testing to confirm tribal identity suggest; conflating ancestry with racial, ethnic or tribal kinship discounts the cultural and social means by which tribal belonging was historically rendered (Tallbear, 2013). Contests over the ownership of plants reconstruct them as discoveries or inventions at different moments. The valuable properties of the South African hoodia plant, for example, could be represented as a patented molecule, a solid drug, a liquid food, or a wild or cultivated plant. While the state patent on *hoodia* hinged upon molecular isolation of the plant’s appetite suppression chemicals, San peoples’ claims to benefit sharing relied upon demonstrating their traditional knowledge of the

whole plant’s medicinal properties (Foster, 2017).

2. Subjectification: Authors and Stewards

A long tradition of critical theory showed that historical legitimations for IP imagine authorship or innovation as originary individual inscription⁶, relying upon gendered tropes and the naturalisation of paternal authority (Rose, 1996, 2002; Woodmansee & Jaszi, 1994). Such gendered structurations are replicated in global IP discourses where creative work that is rendered natural rather than cultural, reproductive rather than productive, or social rather than individuated, is relegated to an inferior status. In the sphere of digital cultural production, even ‘hacker culture’ which otherwise flouts IP protections, nonetheless partakes of a similar legitimating logic in which individual male activity is celebrated as transformative expressive work rather than ‘mere’ reproductive labour (Liang, 2010; 2011). This discursive logic may be traced across diverse fields of activity, stubbornly re-emerging under conditions of technological change.

Practises of creolisation and hybridisation often identify new subject positions and express subjectivity. The global circulation of cultural goods, the ease of their reproduction in new contexts under conditions of digital communications, and the inclination to re-combine them may be considered constitutive of conditions of postmodernity (Harvey, 1989) as well as indicia of cosmopolitan subjectivities (Novak, 2010). Where ‘remix culture’ is naturalised as a form of global cultural identity, however, critics complain that it universalises the conditions of subjects with particular privileges, discounting the ways that conditions of remediation might allow others to maintain the alternative value systems in which cultural goods figure (Christen, 2005). IP, subjects, and moral economies tend to co-evolve in complex dialogues and dialectics.

A great deal of contemporary scholarship has addressed remix practises as creative acts of ‘piracy’ that express new subject positions. For example, the literary ‘hack’ in India rewrites classical works to engage in contemporary social and political criticism (Poduval, 2014).

Expressing knowledge of IP legalities and practices of illegality may be means of mimicking modes of modernity and drawing attention to global entitlements and their relationship to local social exclusions (Dawdy & Bonni, 2012). If the contemporary politics of pirate practice tends to criticise global corporate hegemony, in Bolivia artists have also found new means of distribution and publicity to support local, independent, small-scale cultural producers (Stobart, 2014).

Creators of ‘peripheral’ musics in Brazil, for example, not only rely upon ‘remix’ practises, but work outside of dominant channels of distribution, giving away music on social media in order to build careers and reputations (e.g.: Lemos, 2014).

Traditions of cultural expression, medicine, and artisanship require the social maintenance of a production commons that is often overlooked and may well be undermined by efforts to extend IP. People are becoming more conscious of their practises of stewardship over both natural and cultural resources. Many indigenous communities, in particular, have adopted this subject position with respect to biodiversity congruent with international recognition of the value of their traditional environmental knowledge. They reject IP encroachments and instead emphasise their cultural histories of cultivating plant genetic resources (eg: Coombe & Kisin, 2020; Rhoades, 2006; Shepherd, 2010). Claims of stewardship and rights to exercise ancestral responsibilities over biocultural resources are now routinely asserted by local communities and environmental NGOs (Bavikatte, 2014). Certain specialists, like shamans, have been elevated to a new social prominence in this new role, with Brazil, for example, portraying them as bulwarks against corporate biopiracy (Alberts, 2015). In India, however, the state itself has usurped the position of steward over traditional medicines and therapeutic practises (Fish, 2014).

3. Pirates and their Practises

A number of ethnographic studies illustrate the various means by which IP and the policing of its violation have constituted new figurations of ‘pirate’ subjects while simultaneously encouraging reflexivity amongst subject populations about community identity and the norms that reinforce

peoples’ senses of communal belonging in these circumstances (e.g.: Reinberg, 2015; Thomas, 2013). The figure of the pirate has re-emerged in the West as a rogue ‘other’ properly subject to industrial demonisation, surveillance, and punishment, or, alternatively, celebrated as a subaltern challenge to corporate cultural industries. These moral positionings are often gendered and racialised. Acts of piracy that ‘merely’ make copies or reproduce goods are often defamed with tropes of passive imitation and effeminacy contrasted to more muscular ‘transformative’ acts of appropriation (Liang, 2011, discussing Larry Lessig; Vats, 2020). The omnipresence of informal markets, however, also reveals that different kinds of copies carry distinct values in local moral economies, and that a variety of pirate subjectivities may be locally recognised (Dawdy & Bonni, 2012).

Anti-piracy campaigns attempt to impress upon socially disadvantaged peoples a normalised, universal, and trans-historical human subject, that puts targeted communities outside the pale of proper ways of life and legitimate economic activity (Thomas, 2016). IP piracy is often essential to accessing cultural goods and engaging in cultural reproduction more generally in the Global South (Liang, 2011). Local assessments of necessary, permissible, desirable, and blameworthy acts of IP violation tend instead to reflect a wide range of community norms. Accusations of piracy made by local artists in Mali were shown to have more to do with assertions of citizenship and perceptions of state failure than concerns about lost revenues (Skinner, 2012). The pirate may also locally represent a position of protest against the disintegration of state-subject relations in polities that appear to value cultural resources over human ones (Dawdy, 2011), and foreign economic interests over citizen’s social needs.

Anthropologists studying the phenomena of piracy have refused to privilege the private property/public domain binary, showing how, why, and to what ends this modern conceptual division is rejected by subjects whose economic circumstances exclude them from IP’s circuits of recognition and exchange (Grassmuck, 2014; Poduval, 2014). For example, in urban Bamako piracy has been both the cause of artistic precarity and the rationale for new kinds of cultural

governmentality, creating a crisis in political subjectivity where musicians struggle to maintain professional livelihoods amid weak state oversight and a flourishing informal economy in copied music (Skinner, 2015). Challenging the purported dangers of piracy to mainstream industries, while exploring the politicised nature of creative counterfeiting practises, anthropologists attend to the abject subjects and public anxieties generated by the policing of illegalised cultural goods (Dent, 2016, 2020; Eckstein & Schwartz, 2014; Thomas, 2016).

Assessments of piracy exceed considerations of subjectivity when they explore political economies, moral economies, and the policing of cultural circulation in the Global South.

Anthropologists increasingly ask, not who is a pirate and why, but rather, what does piracy *do*, shifting inquiry to issues of labour, technology, monopoly, cultural consumption and political representation. Attending to the productive dynamic between “appropriate” circulation and digital piracy in Brazil, for example, revealed how social groups enact, challenge, and, ultimately, may modify IP law by exposing its contradictions and fault lines (Dent, 2016).

Although considered illicit by state and international powers, pirate practises in Guatemala were shown to have local legitimacy in communities that rejected police powers exercised on behalf of foreign corporate actors who are clearly unaccountable to the people so governed (Thomas, 2016). Anti-piracy campaigns, draconian enforcement regimes, and punitive measures amplify antagonisms between emerging classes in informational capitalism, the structuring principles of whose interrelationship is still obscure (Dawdy, 2011).

4. Personas, Brands and Communities

Legal anthropologists have long recognised that law does not merely reflect social worlds but constitutes, authorises and legitimates social identities and relationships (Dent, 2013). To the extent that IP promotes forms of recognition, enables streams of royalties, and encourages investments, it fosters practises of individual and collective public subject formation. Cultural anthropologists have been particularly interested in public personas and the branding of

collective identities (e.g.: Bunten, 2008; Foster, 2007; Mazzarella, 2003). Public personas are created through expressive investments and particular forms of circulation, both of which are shaped by IP protection of the symbolic attributes of the persona that may artificially freeze fields of connotation and stifle subaltern challenges to dominant meanings. Studies of pen names, for example, show how an authorial persona is constructed as a brand to mediate between producers and consumers in mass-market publishing in North America (Taylor, 2018). The intersection of different regimes of value for restricting the circulation of iconic imagery also engenders new politics of publicity. Where the commercialization of ritually important Hindu images provoked criticism from diasporic communities, for example, these conversations spurred new aesthetic practices in expressions of shared identity (Ramachandran, 2014).

The relationships between signs (e.g.: trademarks), the virtual commonalities their circulation enables (and their owners capitalise upon), and the social imaginaries they actualise is a rich area of ethnographic inquiry, particularly in post-socialist contexts (e.g.: Vann, 2006).

Anthropological approaches to trademark and branding involve semiotic explorations of their fields of meaning as well as explications of the material infrastructures of their production and consumption. Ethnographers explore the folk ontologies and ideologies that are latent in the legal and economic discourses that legitimate brands and their circulation (Manning, 2010). Subaltern groups in India, for example, were shown to use the repertoire of cultural forms provided by trademarks to express their understanding of and protests against corporate powers, while creating new forms of surplus affective value (e.g.: Nakassis, 2012, 2013).

Anthropologists have been interested in brand behaviour -- the creative social engagements that trouble a singular social intelligibility for the IP-protected commodity. Branding takes place on multiple scales and embraces a range of actors beyond corporate producers and individual consumers, and now encompasses issues of statecraft (e.g.: Thomas, 2013). The phenomenon of nation-branding, for example, is a new means of communicating national identities and interests that engages corporate publicists and constitutes the state as an entrepreneurial subject

(Aroncwyk, 2013, Cao et al., 2019). Advertising and marketing professionals emphasise the need to maintain the singularity (and restrict the diversity) of national collective connotation, which may limit public discourse, channel political conversation, and become a means to discipline everyday social conduct (e.g.: Scher, 2014). Anthropologists have explored the further extension of branding to European cities (e.g: Graan, 2013) and the convergence of marketing and militarism in Colombian peace-building strategies (e.g.: Fattal, 2018).

V. IP AND ITS TERRITORIALISATIONS

Just as the extension of the IP into new markets and jurisdictions has enabled the reconfiguration of personhood and the production of new subject positions, it also has provoked processes of territorialisation⁷. Such processes may include the inscription, delineation, and valuation of place and regional heritage through legal mechanisms such as geographical indications, as well as deliberations over territory, sovereignty, and authority that arise in the extension of regulatory frameworks into new jurisdictions. Anthropologists—attuned to how the mobilisation of IP relations activates and redraws lines of inclusion, belonging, and attachment—turned their attention to how IP effects diverse processes of territorialisation. Most ethnographic work in this vein has engaged with two related processes that accompany the law: the (re)signification of product origins and attachments to place and the authorisation of space, territory, and markets that provoke struggles over sovereignty and citizenship.

1. Place, terroir, authenticity, and heritage

As markers of natural distinction and cultural difference gained value within global informational markets, new IP protections emerged to signify the origins of products. These include older vehicles such as appellations of origin and collective and certification marks as well as new geographical indications (GIs) such as European marks for ‘typical products’. As marks indicating conditions of origin, these protected designations signify that specific product attributes are a result of the qualities of a particular place and its environment (or *terroir*). They

may also signify social or economic aspects of production, including cultivation techniques, methods of labour, or culturally unique production practices —often asserted to be based on a region’s “heritage” (which may be quite newly minted). Hailed for their potential to protect biodiversity, foster sustainable economic development, support traditional knowledge practices, and add value to biocultural goods, marks indicating conditions of origin are both a means to secure monopoly rents and vehicles to express identity (Coombe & Aylwin, 2011).

Ethnographic studies of GIs consider how place-based product protections affect local understandings of identity, heritage, and history. GIs may provide a vehicle for artisan communities, like producers of clay whistles in Matera, Italy, to assert longstanding, affective attachments to the goods they produce and to guarantee their authenticity (Bortolotto, 2010). GIs may also redefine geographical boundaries, notions of authenticity, and conceptions of belonging and indigeneity (Bérard & Marchenay, 1996; Grasseni, 2016; Ives, 2017). In France, for example, where the formalisation of GIs under the appellation d’origine contrôlée system dates to the early twentieth century, the law is meant to reflect the confluence of terroir and local standards of production. Although the law often registers local consensus on geographic and cultural boundaries, it has also has been an important tool for socially reworking them, as excluded producers struggle to obtain membership in the exclusive clubs who control these designations (Farmer, 2014).

GI protections may provoke assertions of belonging at odds with policies that valorise placed-based heritage. For example, bemoaning the fact that in France, GIs are so hegemonic that without a cheese you are deemed to lack a culture, people have nonetheless crafted a sense of place and shared local identity by emphasising their very lack of the types of products that GI designations protect (Filippucci, 2004). Even where attempts to attain GI protection fail, campaigns to demonstrate the heritage status or the regional typicality of a product may transform its cultural and regional significance (Terrio, 2014). Thus, unsuccessful efforts in Italy

to obtain a GI designation for the Zolfino bean nonetheless transformed the crop from a sharecropper’s staple into a heritage food whose new market value attracted the attention of large, wealthy farmers (Badii, 2013). Such efforts often activate deliberations over the meaning and history of place at the same time that they increase economic reliance upon increasingly distant markets for the continued production of locally authentic products (Grasseni, 2014).

Marks indicating conditions of origin are often embraced as a means to foster rural development by providing small-scale producers a distinctive edge in increasingly competitive and homogeneous global food markets. The use of GIs may, however, have deleterious social effects on the communities they are meant to serve (Coombe, et. al., 2014). GIs function ideologically to convey harmonious social imaginaries of territories that integrate production activities, communities, and natural environments, but in practice they enable forms of fetishisation that may obscure and support unfair and exploitative labour conditions (West, 2012, Coombe & Malik, 2018). In India, for example, the GI for Darjeeling tea harnessed discourses of terroir and place-based distinction to fashion a luxury commodity for global markets, but in the process, the exploitative, racialised labour relations of colonial era tea plantations were further entrenched (Besky, 2014a, 2014b).

Likewise, attempts to define and enforce GIs may commodify traditions of practice in ways that foment competition and exploitation, thereby eroding feelings of shared social interest and collective identification. In Peru, state efforts to use GIs to bolster artisanal ceramic production led, ironically to the codification of traditional practises and ultimately their industrialisation as rural towns and producers were linked to international markets only to the extent that “native” goods were produced using standardised practices that enabled them to be mass-marketed (Chan, 2014). State projects to promote GIs for rural development may favour larger, wealthier actors who are already positioned to take advantage of emerging markets. In crafting GIs for tequila in Mexico, only elite, landed farmers possessed the infrastructure and networks to profit from these new origin-based protections and in the process both traditional knowledge and traditional terroir

was lost (Bowen, 2010).

Nonetheless, under specific conditions of governance such marks may enable alternative assertions of value and attachments to place while linking producers and consumers in relations of recognition and identification (Coombe & Aylwin, 2011). To these ends, a third generation of certification for place-based goods is evolving to communicate new forms of production and distribution grounded in environmental norms and an ethics of agroecology and socionatural or cultural reproduction (Coombe & Malik, 2018). Local actors may push for place-based marks that go beyond indices of terroir, heritage, or authenticity to capture other aspects of production, such as labour conditions and environmental standards. Farmers and their intermediaries may use GIs to build place-based economies that are more varied than any single, legally structured, place-based marketing initiative (Ofstehage, 2011). In Bolivia, for example, farmers in the region of Los Lipez began to work with NGOs and industry actors to create GI protection for their quinoa, in an effort to distinguish the unique qualities of the region’s crop and its ritual origins. This unique mark of origin did not omit other economic avenues for farmers in the region, but became one among many pathways for bringing quinoa to market (Ofstehage, 2012).

2. Territorialisation: sovereignty, jurisdiction, securitization, and markets

If ethnographic work on GIs has tracked the social and political negotiations over authenticity, heritage, and belonging that are activated by place-based IP protections, anthropologists have also explored how other vehicles of IP protection – such as copyright, patent, and benefit-sharing contracts for the use of traditional knowledge and cultural expression— may prompt political conflicts over sovereignty and jurisdiction. The roots of this anthropological inquiry may be traced to early critiques of state sovereignty over biological resources and its implications for indigenous peoples and small farmers (e.g. Brush 1993). More recently, anthropologists have explored “the politics of scale” in the creation of “national” patrimony which depends upon the usurpation of local traditional arts in Indonesia (e.g. Aragon & Leach, 2008). Anthropological

consideration of such processes as new modes of territorialisation gained traction in the 2010s.

Bioprospecting, for example, spurs territorialisation through the extraction and regulation of plant life. As a longstanding companion to both colonialism and capitalism, it continues to be central to state expansion (Besky & Padwe, 2016). Where bioprospecting involves plants and resources territorialised through their globally recognized association with local and “native” knowledge, as it did in South Africa, struggles over the ownership of patents and the benefits arising from projects to commercialise those resources may provide fertile ground for peoples historically marginalised by the state to assert alternative forms of national belonging (Foster, 2017).

Industries built upon copying and counterfeit products create marked zones that contain both new goods and new values. In cases where technologies of reproduction and distribution are more powerful than the state economic structures that might constrain them, as they were in Nigeria, piracy transforms the infrastructures through which globalisation—as the flow of informational goods and media imagery—takes *place* (Larkin, 2008). The extension of IP into new jurisdictions effects territorialisation by demarcating zones of licit and illicit production and distribution —giving rise to counterfeit economies that may enable marginalized peoples to generate livelihoods and enclaves of production and distribution in forms of territorialisation that provoke new forms of state intervention and surveillance. Ethnographic work in Brazil showed how acts of piracy enabled often-marginalized actors to gain some control over strategic spaces, even where formal state powers work to control, surveil, and set the boundaries of licit market activity (Dent, 2016; 2020). In South Africa the threat to public health posed by the counterfeiting of medication was used by the state as a rationale to transform drug safety regimes into more territorialised drug security regimes, linking pharmaceutical corporations and state authorities in ways that exacerbated predatory police interventions and encouraged the

territorialisations of security industries (Hornberger, 2018). Piracy also tends to produce new networks that traverse state boundaries, facilitating traffic in cultural goods, and, where technologies of reproduction and distribution are more powerful than state economic structures, affective connections to new territorial infrastructures of global belonging (Larkin, 2008, Reinberg, 2015).

In Closing: Commodification, Circulation, and Ethics in Colonial Pasts and Decolonial Futures

IP has provided a new lens to explore concepts such as property, culture, personhood, and place. Attention to the political economy of informational capital has afforded opportunities to consider issues of commodification, power, and inequality while movements to decolonise knowledge relations have forced reconsideration of ethical practice, gesturing toward new futures for the discipline and for policy. Challenging liberal distinctions between private property and the public domain, anthropological attention to IP has explored the diversity of publics constituted through the production, circulation, and consumption of cultural goods. In the process, anthropologists have tracked the construction and translation of tradition in deliberations over the law, the variety of ways that people articulate rights, responsibilities, and obligations with respect to intangible goods, and the formation of new subject positions and new modes of occupying place.

Despite this shared ground, neither the field of legal protections known as IP, nor their anthropological study should be considered integrated fields. The variety of IP vehicles now legally available derive from a diversity of legal traditions and are justified by a range of economic, political, and social philosophies. Ethnographers writing about IP tend to focus on narrow areas of inquiry; those studying traditional landraces in agriculture, for example, are unlikely to show familiarity with the moral economies of popular music. Specialists in handicraft arts and their ritual transmission do not attend to drug patents and compulsory licenses for pharmaceuticals. Anthropologists working on IP issues do not share a body of references that

might be deemed a disciplinary canon of scholarship and discussions across topical subfields are rare. It is thus premature to attempt to synthesise this area of inquiry.

Nonetheless, future research in this area may address some common themes. Cross-cutting commentary about the colonial nature of IP protections and enforcement, for example, underscore a need for more attention to the relationship between law’s colonial legacies and decolonising social movements. Given the increasing emphasis placed on IP protection within the realm of food and agriculture, this may be most pressing for anthropological work pertaining to plant genetic resources and transnational food sovereignty agendas. Similarly, contemporary discussions about race, intersectionality, and structures of privilege and disadvantage point to a need for a better understanding of the intersection between rationales for IP protections and practices of racialisation, and how racial formations are linked to IP in practices of accumulation by dispossession. As shifts in law and technology reshape access to knowledge and resources, there will be a need for anthropological attention to processes such as the dematerialisation of genetic resources and the financialisation of IP through speculation on technological futures.

With technoscientific innovation increasingly touted as a primary means of mitigating climate change, it will be important to track how IP is invoked and deployed in projects to shape more resilient futures. Questions about how IP distributes access to crucial technologies and values the knowledges, technologies, and innovations used by peoples living in marginalized environments who maintain the resilience of these territories may assume even greater importance. The anthropology of IP will continue to explore historical and emerging forms of power, transnational fields of regulatory government, and fields of creativity that illustrate distinctive acts of normative assertion, resistance, and social solidarity, as well as distinctive articulations of justice and injustice.

Further Reading

Anderson, J., and Geismar, H. (eds.) (2017). *The Routledge Companion to Cultural Property*. London: Routledge.

- Aragon, L. V., and Leach, J. (2008). "Arts and Owners: Intellectual Property law and the Politics of Scale in Indonesian Arts." *American Ethnologist* 35(4): 607-631.
- Besky, S. (2014). *The Darjeeling Distinction: Labor and Justice on Fair-Trade Tea Plantations in India* (Berkeley: University of California Press).
- Boellstorff, T., Kelty, C. M., Fischer, M. M. J., Golub, A., Baird Jackson, J., Christen, K., and Brown, M. F. (2008). "Anthropology of/in Circulation: The Future of Open Access and Scholarly Societies." *Cultural Anthropology* 23(3): 559–588.
- Brown, M. F. (2004). *Who Owns Native Culture?* (Cambridge: Harvard University Press).
- Brush, S. B., and Stabinsky, D. (eds.). (1996). *Valuing Local Knowledge: Indigenous People and Intellectual Property Rights* (Washington DC: Island Press).
- Cleveland, D. A., and Murray, S. C. (1997). "The World's Crop Genetic Resources and the Rights of Indigenous Farmers." *Current Anthropology* 38(4): 477-516.
- Coleman, G. (2013). *Coding Freedom: The Ethics and Aesthetics of Hacking* (Princeton: Princeton University Press).
- Coombe, R. J. (1998). *The Cultural Life of Intellectual Properties: Authorship, Appropriation, and the Law* (Durham: Duke University Press).
- Dawdy, S. L., and Bonni, J. (2012). "Towards a General Theory of Piracy." *Anthropological Quarterly* 85(3): 673-699.
- Dent, A. S. (2020). *Digital Pirates: Policing Intellectual Property in Brazil* (Stanford: Stanford University Press).
- Diawara, M., and Röschenhaler, U. (eds.). (2011). *Copyright Africa: How Intellectual Property, Media, and Markets Transform Immaterial Cultural Goods* (Canon Pyon: Sean Kingston Publishing).
- Geismar, H. (2013). *Treasured Possessions: Indigenous Interventions into Cultural and Intellectual Property* (Durham: Duke University Press).
- Grasseni, C. (2016). *The Heritage Arena: Reinventing Cheese in the Italian Alps* (New York: Berghahn Books).
- Hayden, C. (2003). *When Nature Goes Public: The Making and Unmaking of Bioprospecting in Mexico* (Princeton: Princeton University Press).
- Heller, C. (2007). *Food, Farms and Solidarity: French Farmers Challenge Industrial Agriculture and Genetically Modified Crops*. (Durham: Duke University Press).
- Hirsch, E. and Strathern, M. (eds.). (2004). *Transactions and Creations: Property Debates and The Stimulus of Melanesia* (Oxford: Berghahn Books).
- Langwick, Stacey A. (2015). "Partial Publics: The Political Promise of Traditional Medicine in Africa." *Current Anthropology* 56(4): 493-514.
- Nagy, M. (ed.). (2011). "Intellectual Property and Ethics." Special Issue, *Etudes Inuit Studies* 35(1-2): 1-328.
- Nicholas, G. P., and Bannister, K. P. (2004). "Copyrighting the Past: Emerging Intellectual Property Rights in Archaeology." *Current Anthropology* 45(3): 327-350.
- Noble, B. (2007). "Justice, Transaction, Translation: Blackfoot Tipi Transfers and WIPO's Search for the Facts of Traditional Knowledge Exchange." *American Anthropologist* 109(2): 338-349.
- Solomon, M. (2004). "Intellectual Property Rights and Indigenous Peoples' Rights and

Responsibilities". In *Indigenous Intellectual Property Rights: Legal Obstacles and Innovative Solutions*, edited by M. Riley, pp. 221-250. (California: Alta Mira Press).

Strathern, M. (2001). "The Patent and the Malanggan." *Theory, Culture & Society* 18(4): 1-26.

Sunder Rajan, Kaushik. (2017). *Pharmocracy: Value, Politics, and Knowledge in Global Biomedicine* (Durham: Duke University Press).

Thomas, K. (2016). *Regulating Style: Intellectual Property Law and the Business of Fashion in Guatemala* (Oakland: University of California Press).

Acknowledgements

The authors thank Ali Malik and John Mc Curdy for research assistance, Ana Speranza for excellent editorial assistance and two anonymous reviewers for their helpful comments.

References

Agarwal, A. (1995). "Dismantling the Divide Between Indigenous and Scientific Knowledge." *Development and Change* 26(3): 413-439.

Aistara, G. A. (2011). "Seeds of Kin, Kin of Seeds: The Commodification of Organic Seeds and Social Relations in Costa Rica and Latvia." *Ethnography* 12(4): 490-517.

———. (2012). "Privately Public Seeds: Competing Visions of Property, Personhood, and Democracy in Costa Rica's entry into CAFTA and the Union for Plant Variety Protection (UPOV)." *Journal of Political Ecology* 19(1): 127-144.

Alberts, T. K. (2015). *Shamanism, Discourse, Modernity* (Farnham: Ashgate).

Anderson, J. E. (2009). *Law, Knowledge, Culture: The Production of Indigenous Knowledge in Intellectual Property Law* (Northampton: Edward Elgar Press).

Anderson, J., and Christen, K. (2013). "'Chuck a Copyright on it': Dilemmas of Digital Return and the Possibilities for Traditional Knowledge Licenses and Labels." *Museum Anthropology Review* 7(1-2): 105-126.

Anderson, J., and Montenegro, M. (2017). "Collaborative Encounters in Digital Cultural Property: Tracing Temporal Relationships of Context and Locality." In *The Routledge Companion to Cultural Property*, edited by J. Anderson and H. Geismar, pp. 431-451. (New York: Routledge)

Anderson, J., and Younging, G. (2015). "Renegotiated Relationships and New Understandings: Indigenous Protocols." In *Free Knowledge: Confronting the Commodification of Human Discovery*, edited by Patricia W. Elliott and Daryl H. Hepting, pp. 180-198. (Regina: University of Regina Press).

Andrews, S. J. (2019). *The Cultural Production of Intellectual Property Rights: Law, Labor, and the Persistence of Primitive Accumulation* (Philadelphia: Temple University Press).

Aragon, L. V. (2011). "Where Commons Meet Commerce: Circulation and Sequestration Strategies in Indonesian Arts Economies." *Anthropology of Work Review* 32(2): 63-76.

———. (2012). "Copyrighting Culture for the Nation? Intangible Property Nationalism and the Regional Arts of Indonesia." *International Journal of Cultural Property* 19(3): 269-312.

Aragon, L. V., and Leach J. (2008). "Arts and Owners: Intellectual Property Law and the Politics of Scale in Indonesian Arts." *American Ethnologist* 35(4): 607-631.

Aronczyk, M. (2013). *Branding the Nation: The Global Business of National Identity* (Oxford: Oxford University Press).

- Asher, K. (2007). *Black and Green: AfroColombians, Development and Nature in the Pacific Lowlands* (Durham: Duke University Press).
- Atalay, S. (2012). *Community-Based Archaeology: Research with, by, and for Indigenous and Local Communities* (Berkeley: University of California Press).
- Aubert, L. (2010). "Woodstock in Amazonia and the Kingston Ghetto Superstar: Patrimonial and Moral Rights Confronted with Reality in the Field." *Gradhiva: Revue de Anthropologie et Museologie* 12(2): 141-57.
- Badii, M. (2013). "Traditional Food Heritage in Contemporary Tuscany: Local Networks and Global Policies around the Zolfino Bean." *Ethnologies* 35(2): 129-145.
- Bannister, K., Solomon M. (Part I), and Brunk C. G. (Part II). (2009). "Appropriation of Traditional Knowledge: Ethics in the Context of Ethnobiology." In *Ethics of Cultural Appropriation*, edited by James O. Young and Conrad G. Brunk, pp. 140-172. (London: Blackwell Publishing Ltd).
- Barbrook, R. (2003). "Giving is Receiving." *Digital Creativity* 14(2): 91-94.
- Bavikatte, S. K. (2014). *Stewarding the Earth: Rethinking Property and the Emergence of Biocultural Rights* (New Delhi: Oxford University Press).
- Bell, J. A., Christen, K., and Turin, M. (eds). (2013). "After the Return: Digital Repatriation and the Circulation of Indigenous Knowledge Workshop Report." Special Issue, *Museum Worlds: Advances in Research* 7(1-2).
- Bérard, L., and Marchenay, P. (1996). "Tradition, Regulation, and Intellectual Property: Local Agricultural Products and Foodstuffs in France." In *Valuing Local Knowledge: Indigenous People and Intellectual Property Rights*, edited by Stephen B. Brush and Doreen Stabinsky, pp. 230-256. (Washington: Island Press).
- . (2006). "Local products and geographical indications: taking account of local knowledge and biodiversity." *International Journal of Social Science* 58(187): 109-116.
- Berlin, B., and Berlin, E. A. (2004). "Community Autonomy and the Maya ICBG Project in Chiapas, Mexico: How a Bioprospecting Project that Should Have Succeeded Failed." *Human Organization* 63(4): 472-486.
- Berson, J. (2010). "Intellectual Property and Cultural Appropriation." *Reviews in Anthropology* 39(3): 201-228.
- Besky, S. (2014a). *The Darjeeling Distinction: Labor and Justice on Fair-Trade Tea Plantations in India* (Berkeley: University of California Press).
- . (2014b). "The Labor of Terroir and the Terroir of Labor: Geographical Indication and Darjeeling Tea Plantations." *Agriculture and Human Values* 31(1): 83-96.
- Besky, S., and Padwe, J. (2016). "Placing Plants in Territory." *Environment and Society* 7(1): 9-28.
- Biehl, J., Good, B. and Kleinman, A. (2007). *Subjectivity: Ethnographic Explorations*. (Berkeley: University of California Press).
- Boateng, B. (2011). *The Copyright Thing Doesn't Work Here: Adinkra and Kente Cloth and Intellectual Property in Ghana* (Minneapolis: University of Minnesota Press).
- Boellstorff, T., Kelty, C. M., Fischer, M. M. J., Golub, A., Baird Jackson, J., Christen, K., and Brown, M. F. (2008). "Anthropology of/in Circulation: The Future of Open Access and Scholarly Societies." *Cultural Anthropology* 23(3): 559-588.
- Bollier, D. (2002). *Silent Theft: The Private Plunder of our Common Wealth* (New York: Routledge).

- Bortolotto, C. (2010) "Globalizing Intangible Cultural Heritage? Between International Arenas and Local Appropriations." In *Heritage and Globalization*, edited by S. Labadi and C. Long, pp. 97-114. (New York: Routledge).
- Bowen, S. (2010). "Development from Within? The Potential for Geographical Indications in the Global South." *The Journal of World Intellectual Property* 13(2): 231-252.
- . (2011). "The Importance of Place: Re-territorialising Embeddedness." *Sociologia Ruralis* 51(4): 325-348.
- Bowrey, K., and Anderson, J. (2009). "The Politics of Global Information Sharing: Whose Cultural Agendas are Being Advanced?" *Social and Legal Studies* 18(4): 479-504.
- Boyle, J. (1996). *Shamans, Software and Spleens: Law and the Constitution of Information Society* (Harvard: Harvard University Press).
- . (2008). *The Public Domain: Enclosing the Commons of the Mind* (New Haven: Yale University Press).
- Brosius, P. (1999). "Locations and Representations: Writing in the political present in Sarawak, East Malaysia." *Identities* 6(2-3): 345-386.
- Brown, M. F. (1998). "Can culture be copyrighted?" *Current Anthropology* 39(2):193–222.
- . (2004). *Who Owns Native Culture?* (Cambridge: Harvard University Press).
- Brown, D., and Nicholas G. (2012). "Protecting Indigenous Cultural Property in the Age of Digital Democracy: Institutional and Communal Responses to Canadian First Nations and Māori Heritage Concerns." *Journal of Material Culture* 17(3): 307-324.
- Brush, S. B. (1993). "Indigenous Knowledge of Biological Resources and Intellectual Property Rights: The Role of Anthropology." *American Anthropologist* 95 (3): 653-671.
- . (1999). "Bioprospecting the Public Domain." *Cultural Anthropology* 14(4): 535-555.
- . (2004). *Farmers' Bounty: Locating Crop Diversity in the Contemporary World* (New Haven: Yale University Press).
- Brush, S. B., and Stabinsky, D. (eds.). (1996). *Valuing Local Knowledge: Indigenous People and Intellectual Property Rights* (Washington: Island Press).
- Bunten, A. C. (2008). "Sharing Culture or Selling Out? Developing the Commodified Persona in the Heritage Industry." *American Ethnologist* 35(3): 380-395.
- Burns Coleman, E., and Coombe, R. J. (2009). "A Broken Record: Subjecting 'Music' to Cultural Rights." In *Ethics of Cultural Appropriation*, edited by Conrad G. Brunck and James O. Young, pp. 179-210. (London: Blackwell Publishing).
- Cao, Q., Wu, D., and Tomaselli, K. G. (eds.). (2019). *Brand China in the Media: Transformation of Identities* (London: Routledge).
- Chan, A. S. (2014). *Networking Peripheries: Technological Futures and the Myth of Digital Universalism* (Cambridge: MIT Press).
- Chapman, S. (2018). "To Make One's Name Famous: Varietal Innovation and Intellectual Property in The Gambia." *American Ethnologist* 45(4): 482-494.
- Christen, K. (2005). "Gone Digital: Aboriginal Remix and the Cultural Commons." *International Journal of Cultural Property* 12(3): 315-345.
- . (2011). "Opening Archives: Respectful Repatriation." *The American Archivist* 74(1): 185-210.

- . (2012). "Does Information Really Want to be Free? Indigenous Knowledge Systems and the Question of Openness." *International Journal of Communication* 6: 2870-2893.
- . (2015). "Tribal Archives, Traditional Knowledge, and Local Contexts: Why the "s" Matters." *Journal of Western Archives* 6(1): Article 3.
- Cleveland, D. A., and Murray, S. C. (1997). "The World's Crop Genetic Resources and the Rights of Indigenous Farmers." *Current Anthropology* 38(4): 477-516.
- Coleman, G. (2013). *Coding Freedom: The Ethics and Aesthetics of Hacking* (Princeton: Princeton University Press).
- Colwell-Chanthaphonh, C. (2011). "Sketching Knowledge: Quandaries in the Mimetic Reproduction of Pueblo Ritual." *American Ethnologist* 38(3): 451-467.
- Coombe, R. J. (1998). *The Cultural Life of Intellectual Properties: Authorship, Appropriation, and the Law* (Durham: Duke University Press).
- . (2009). "The Expanding Purview of Cultural Properties and their Politics." *Annual Review of Law and Social Science* 5(1): 393-412.
- . (2011). "Possessing Culture: Political Economies of Community Subjects and their Properties." In *Ownership and Appropriation*, edited by V. Strang and M. Busse, pp. 105-127. (London: Berg Publishers).
- . (2016). "The Knowledge Economy and its Cultures: Neoliberal Technologies and Latin American Reterritorializations." *HAU: Journal of Ethnographic Theory* 6(3): 247-275.
- . (2017). "Frontiers of Cultural Property in the Global South." In *Routledge Companion to Cultural Property*, edited by J. Anderson and H. Geismar, pp. 373-400. (London: Routledge).
- Coombe, R. J., and Aylwin, N. (2011). "Bordering Diversity and Desire: Using Intellectual Property to Mark Place-Based Products." *Environment and Planning A: Society and Space* 43(9): 2027-2042.
- Coombe, R. J., and Herman, A. (2004). "Rhetorical Virtues: Property, Speech and the Commons on the World-Wide Web." *Anthropological Quarterly* 77(3): 559-574.
- Coombe, R. J., Ives, S., and Huizenga, D. (2014). "Geographical Indications: The Promise, Perils, and Politics of Protecting Place-Based Products." In *Sage Handbook on Intellectual Property*, edited by M. David and D. Halbert, pp. 207-223. (Thousand Oaks: Sage Publications).
- Coombe, R. J. and Kisin E. (2020). "Archives and Cultural Legibility: Objects and Subjects of Neoliberal Heritage Technologies." In *Objects and Standards: On the Limitations and Effects of Fixing and Measuring Life*, edited by N. Rappaport et al. (Durham: Carolina Academic Press).
- Coombe, R. J., and Malik, S. A. (2018). "Transforming the Work of Geographical Indications to Decolonize Political Ecologies of Racialized Labor and Support Agroecology." *UC Irvine Law Review* 8(3): 363-412.
- Crăciun, M. (2012). "Rethinking Fakes, Authenticating Selves." *Journal of the Royal Anthropological Institute (N.S.)* 18(4): 846-863.
- Cunningham, H., and Scharper, S. B. (1996). "The Human Genome Project." *Indigenous Affairs* 1: 54-56.
- Davidson, J. (2010). "Cultivating Knowledge: Development, Dissemblance, and Discursive Contradictions Among the Diola of Guinea-Bissau." *American Ethnologist* 37(2): 212-26.
- Dawdy, S. L. (2011). "Why Pirates are Back." *Annual Review of Law and Social Science* 7: 361-385.
- Dawdy, S. L., and Bonni, J. (2012). "Towards a General Theory of Piracy." *Anthropological*

Quarterly 85(3): 673-699.

De Cunha, M. C. (2009). *"Culture" and Culture: Traditional Knowledge and Intellectual Rights* (Chicago: Prickly Paradigm Press).

Dent, A. (2013). "Intellectual Property in Practice: Filtering Testimony at the United States Trade Representative." *Journal of Linguistic Anthropology* 23(2): E48-E65.

———. (2016). "Intellectual Property, Piracy, and Counterfeiting." *Annual Review of Anthropology* 45: 17-31.

———. (2020). *Digital Pirates: Policing Intellectual Property in Brazil* (Stanford: Stanford University Press).

Diawara, M., and Rösenthaller, U. (eds.). (2016). *Copyright Africa: How intellectual Property, Media, and Markets Transform Immaterial Cultural Goods* (Canon Pyon: Sean Kingston Publishing).

Dickson, J. (2012). "Revisiting 'Township Tourism': Multiple Mobilities and the Re-territorialisation of Township Spaces in Cape Town, South Africa." *Anthropology Southern Africa* 35(1-2): 31-39.

Dobusch, L., and Quack, S. (2010). "Epistemic Communities and Social Movements: Transnational Dynamics in the case of Creative Commons." In *Transnational Communities: Shaping Global Economic Governance*, edited by M. L. Djelic and S. Quack, pp. 226-252. (Cambridge: Cambridge University Press).

Eckstein, L., and Schwarz, A. (eds.). (2014). *Postcolonial Piracy: Media Distribution and Cultural Production in the Global South* (New York: Bloomsbury).

Edelman, M. (2005). "Bringing the Moral Economy back in...to the Study of 21st Century Transnational Peasant Movements." *American Anthropologist* 107(3): 331-345.

———. (2012). "E.P. Thompson and Moral Economies." In *A Companion to Moral Anthropology*, edited by D. Fassin, pp. 49-66. (London: Wiley-Blackwell, 2012).

Elyachar, J. (2012). "Before (and after) Neoliberalism: Tacit Knowledge, Secrets of the Trade, and the Public Sector in Egypt." *Cultural Anthropology* 27(1): 76-96.

Escobar, A. (1998). "Whose Knowledge, Whose Nature? Biodiversity Conservation and the Political Ecology of Social Movements." *Journal of Political Ecology* 5(1): 53-82.

———. (2008). *Territories of Difference: Place, Movement, Life, Redes* (Durham: Duke University Press).

Farmer, E. A. (2014). "Codifying Consensus and Constructing Boundaries: Setting the Limits of Appellation D'origine Contrôlée Protection in Bordeaux, France." *PoLAR: Political and Legal Anthropology Review* 37(1): 126-144.

Fattal, A. L. (2018). *Guerilla Marketing: Counterinsurgency and Capitalism in Colombia* (Chicago: University of Chicago Press).

Faulkland, S., Bradley, J., and McKee, B. (2017). "Animating Language: Continuing Intergenerational Indigenous Language Knowledge." In *The Routledge Companion to Cultural Property*, edited by J. Anderson and H. Geismar, pp. 452-472. (London: Routledge).

Fillippucci, P. (2004). "A French Place Without a Cheese: Problems with Heritage and Identity in Northeastern France." *Focaal: European Journal of Anthropology* 44: 72-86.

Fish, A. (2006). "The Commodification and Exchange of Knowledge in the Case of Transnational Commercial Yoga." *International Journal of Cultural Property* 13(2): 189-206.

———. (2014). "Authorizing Yoga: The Pragmatics of Cultural Stewardship in the Digital Era."

East Asian Science, Technology, and Society: An International Journal 8(4): 439-460.

Fitting, E. (2011). *The Struggle for Maize: Campesinos, Workers, and Transgenic Corn in the Mexican Countryside* (Durham: Duke University Press).

Flessas, T. (2008). "The Repatriation Debate and the Discourse of the Commons." *Social & Legal Studies* 17(3): 387-405.

Forsyth, M., and Farran, S. (2015). *Weaving Intellectual Property Policy in Small Island Developing States* (Cambridge: Intersentia Publishing Ltd).

Foster, L. A. (2012). "Patents, Biopolitics, and Feminisms: Locating Patent Law Struggles Over Breast Cancer Genes and the Hoodia Plant." *International Journal of Cultural Property* 19(3): 371-400.

———. (2017). *Reinventing Hoodia: Peoples, Plants and Patents in South Africa* (Seattle: University of Washington Press).

Foster, R. J. (2007). "The Work of the New Economy: Consumers, Brands and Value Creation." *Cultural Anthropology* 22(4): 707–731.

Fox, A. (2017). "The Archive of the Archive: The secret history of the Laura Bolton Collection." In *The Routledge Companion to Cultural Property*, edited by J. Anderson and H. Geismar, pp. 194-211. (London: Routledge).

Garcés, C. L. L., and de Robert, P. (2012). "The Legacy of Darrell Posey: From Ethnobiological Research Among the Kayapó to the Protection of Indigenous Knowledge." *Boletim do Museu Paraense Emílio Goeldi. Ciências Humanas* 7(2): 565-580.

Geismar, H. (2013). *Treasured Possessions: Indigenous Interventions into Cultural and Intellectual Property* (Durham: Duke University Press).

Gershon, I. (2018). "Pyramid Scheme. #HAUTALK." *AllegraLab*, June 19, 2018. <http://allegralaboratory.net/pyramid-scheme-hautalk/>.

Golub, A. (2004). "Copyright and Taboo". *Anthropological Quarterly* 77(3): 521-530.

Goodman, J. (2002). "'Stealing Our Heritage?': Women's Folk Songs, Copyright Law, and the Public Domain in Algeria." *Africa Today* 49(1): 85-97.

———. (2005). *Berber Culture on the World Stage: From Village to Video* (Bloomington: Indiana University Press).

Graan, A. (2013). "Counterfeiting the Nation: Skopje 2014 and the Politics of Nation Branding in Macedonia." *Cultural Anthropology* 28(1): 161-79.

Grasseni, C. (2003). "Packaging Skills: Calibrating Cheese to the Global Market." In *Commodifying Everything*, edited by S. Strasser, pp. 259-288. (Bloomington: University of Indiana Press).

———. (2012). "Reinventing Food: The Ethics of Developing Local Foods." In *Ethical Consumption: Social Value and Economic Practice*, edited by J. G. Carrier and P. G. Lutchford, pp. 198-216. (Oxford: Berghahn Books).

———. (2014). "Of Cheese and Ecomuseums: Food as Cultural Heritage in the Northern Italian Alps". In *Edible Identities: Food as Cultural Heritage*, edited by R. Brulotte & M. Di Giovine, pp. 55-67. (Dorchester: Ashgate Publishing Limited).

———. (2016). *The Heritage Arena: Reinventing Cheese in the Italian Alps* (New York: Berghahn Books).

Grassmuck, V. (2014). "On the Benefits of Piracy." In *Postcolonial Piracy: Media Distribution and Cultural Production in the Global South*, edited by L. Eckstein and A. Schwarz, pp. 79-98. (London:

Bloomsbury Academic).

Greaves, T. (ed.). (1994). *Intellectual Property Rights for Indigenous Peoples: A Sourcebook* (Oklahoma City: Society for Applied Anthropology).

Greene S. (2004). "Indigenous People Incorporated? Culture as Politics, Culture as Property in Pharmaceutical Bioprospecting." *Current Anthropology* 45(2): 211–237.

———. (2009). *Customising Indigeneity: Paths to a Visionary Politics in Peru*. Stanford: Stanford University Press.

Gupta, A. (1998). *Postcolonial Developments: Agriculture in the Making of Modern India* (Durham: Duke University Press).

Habermas, J. (1989). *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* (Cambridge: MIT Press).

Halliburton, M. (2011). "Resistance or Inaction? Protecting Ayurvedic Medical Knowledge and Problems of Agency". *American Ethnologist* 38(1): 86-101.

———. (2017). *India and the Patent Wars: Pharmaceuticals in the New Intellectual Property Regime* (Ithaca: Cornell University Press).

Handler, R. (1991). "Who Owns the Past? History, Cultural Property and the Logic of Possessive Individualism." In *The Politics of Culture*, edited by B. Williams, pp. 63-74 (Washington: Smithsonian Institution Press).

Hardin, G. (1968). "The Tragedy of the Commons." *Science* 162(3859): 1243-1248.

Harrison, S. (1992). "Ritual as Intellectual Property." *Man (N. S.)* 27(2): 225-244.

Hartigan, J. Jr. (2017). *Care of the Species: Races of Corn and the Science of Plant Biodiversity*. Minneapolis: University of Minnesota Press.

Harvey, D. (1989). *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change* (Cambridge: Blackwell).

———. (2003). *The New Imperialism*. New York: Oxford University Press.

Hayden, C. (2003). *When Nature Goes Public: The Making and Unmaking of Bioprospecting in Mexico* (Princeton: Princeton University Press).

———. (2007). "A Generic Solution? Pharmaceuticals and the Politics of the Similar in Mexico." *Current Anthropology* 48(4): 475-495.

———. (2010). "The Proper Copy." *Journal of Cultural Economy* 3(1): 85-102.

Hellekson, K. (2009). "A Fannish Field of Value: Online Fan Gift Culture." *Cinema Journal* 48(4): 113-118.

Heller, C. (2007). "Techne Versus Technoscience: Divergent (and Ambiguous) Notions of Food "Quality" in the French Debate Over GM Crops." *American Anthropologist* 109(4): 603-615.

———. (2013). *Food, Farms and Solidarity: French Farmers Challenge Industrial Agriculture and Genetically Modified Crops* (Durham: Duke University Press).

Hirsch, E. (2010). "Property and Persons: New Forms and Contests in the Era of Neoliberalism." *Annual Review of Anthropology* 39: 347-360.

Hirsch, E. and Strathern, M. (eds.). (2004). *Transactions and Creations: Property Debates and The Stimulus of Melanesia* (Oxford: Berghahn Books).

Hobsbawm, E., and Ranger, T (eds.). (1983). *The Invention of Tradition* (Cambridge: Cambridge

University Press).

Holcombe, S. (2010). "The Arrogance of Ethnography: Managing Anthropological Research Knowledge." *Australian Aboriginal Studies* 2: 22-32.

Hornberger, J. (2018). "From Drug Safety to Drug Security: A Contemporary Shift in the Policing of Health." *Medical Anthropology Quarterly* 32(3): 365-383.

Howes, D. (1996). "Cultural Appropriation and Resistance in the American Southwest: Decommodifying 'Indianness'." In *Cross-Cultural Consumption*, edited by D. Howes, pp. 138-161. (London: Routledge).

Hsiao, C. H. (2014). "The Moralities of Intellectual Property: Subtitle Groups as Cultural Brokers in China." *The Asia Pacific Journal of Anthropology* 15(3): 218-241.

Hyde, L. (1983). *The Gift: Creativity and the Artist in the Modern World* (New York: Vintage Books).

Ives, S. (2017). *Steeped in Heritage: The Racial Politics of South African Rooibos Tea* (Durham: Duke University Press).

Jackson, J. B. (2010). "Boasian Ethnography and Contemporary Intellectual Property Debates." *Proceedings of the American Philosophical Society* 154(1): 40-49.

Jasanoff, S. (2004). *States of Knowledge: The Co-production of Science and Social Order* (New York: Routledge).

Kaplan, M. (2019). "The Digital Potlatch: The Uses of Uselessness in the Digital Economy." *New Media & Society* 21(9): 1947-1966.

Kelty, C. M. (2004). "Punt to culture." *Anthropological Quarterly* 77(3): 547-558.

———. (2008). *Two Bits: The Cultural Significance of Free Software* (Durham: Duke University Press).

Kloppenburg, J. (1988). *First the Seed: The Political Economy of Plant Biotechnology, 1942-2000* (Madison: University of Wisconsin Press).

———. (2010). "Impeding Dispossession, Enabling Repossession: Biological Open Source and the Remaking of Seed Sovereignty." *Journal of Agrarian Change* 10 (3): 367-388.

LaFlamme, M. and Boyer, D. (2018). "Toward Adversary Anthropologies, or, How to Build Your Own Revolutionary Infrastructure." *Cultural Anthropology* 33(4): 526-535.

Langwick, S. A. (2015). "Partial Publics: The Political Promise of Traditional Medicine in Africa." *Current Anthropology* 56(4): 493-514.

———. (2017). "The Value of Secrets: Pragmatic Healers and Proprietary Knowledge." In *African Medical Pluralism*, edited by W. C. Olsen and C. Sargent, pp. 31-49. (Bloomington: Indiana University Press).

Larkin, B. (2008). *Signal and Noise: Media, Infrastructure, and Urban Culture in Nigeria* (Durham: Duke University Press).

Lee, A. E. (2014). "Territorialisation, Conservation, and Neoliberalism in the Tehuacan-Cuicatlan Biosphere Reserve, Mexico." *Conservation and Society* 12 (2): 147-161.

Lemos, R. (2014). "To Kill an MC: Brazil's New Music and its Discontents." In *Postcolonial Piracy: Media Distribution and Cultural Production in the Global South*, edited by L. Eckstein and A. Schwarz, pp. 195-214. (London: Bloomsbury Academic).

- Lessig, L. (2001). *The Future of Ideas: The Fate of the Commons in a Connected World* (New York: Random House).
- Lévi-Strauss, C. (1964). *The Raw and the Cooked* (New York: Harper & Row).
- Liang, L. (2010). "Beyond Representation: The Figure of the Pirate". In *Access to Knowledge in the Age of Intellectual Property*, edited by G. Krikorian and A. Kapczynski, pp. 353-376. (New York: Zone Books).
- . (2011). "Piracy, Creativity, and Infrastructure: Rethinking Access to Culture." In *The Global Flow of Information: Legal, Social, and Cultural Perspectives*, edited by R. Subramanian and E. Katz, pp. 54-89. (New York: NYU Press).
- Luvaas, B. (2013). "Material Interventions: Indonesian DIY Fashion and the Regimes of Global Brand." *Cultural Anthropology* 28(1): 127-143.
- MacFarlane, B. (2017). "The Ethics of Multiple Authorship: Power and Performativity in the Gift Economy". *Studies in Higher Education* 42(7): 1194-1210.
- Mahi Tahi Collective (2018). "An Open Letter to the HAU Journal's Board of Trustees." Accessed October 2, 2018. <https://www.asaanz.org/blog/2018/6/18/an-open-letter-to-the-hau-journals-board-of-trustees>.
- Malkki, L. (1992). "National Geographic: The Rooting of Peoples and the Territorialisation of National Identity Among Scholars and Refugees." *Cultural Anthropology* 7(1): 24-44.
- Mallet, J., and Samson, G. (2010). "Copyright, Creation and the Commons: Tension and Recomposition in Madagascar and Réunion." *Gradhiva: Revue de Anthropologie et Museologie* 12(2): 116-137.
- Manning, P. (2010). "The Semiotics of Brand." *Annual Review of Anthropology* 39: 33-49.
- Maurer, B., and Schwab, G. (eds.). (2006). *Accelerating Possession: Global Future of Property and Personhood* (New York: Columbia University Press).
- Mazzarella, W. (2003). *Shoveling Smoke: Advertising and Globalization in India* (Durham: Duke University Press).
- Moran, K., King, S. R., and Carlson, T. J. (2001). "Biodiversity Prospecting: Lessons and Prospects." *Annual Review of Anthropology* 30(1): 505-526.
- Mose, C. (2016). "Covers, Remixes and Mash-Ups: Locating African Hip-Hop in Intellectual Property Rights Discourse." In *Copyright Africa: How Intellectual Property, Media, and Markets Transform Immaterial Cultural Goods*, edited by U. Röschenhaler and M. Diawara, pp. 152-177. (Canon Pyon: Sean Kingston Publishing).
- Nadasdy, P. (1999). "The Politics of TEK: Power and the "Integration" of Knowledge." *Arctic Anthropology* 36(1-2): 1-18.
- . (2005). "The Anti-Politics of TEK: The Institutionalization of Co-Management Discourse and Practice." *Anthropologica* 47(2): 215-232.
- Nagy, M. (ed.). (2011). "Intellectual Property and Ethics." Special Issue, *Etudes Inuit Studies* 35(1-2): 21-33.
- Nakassis, C. V. (2012). "Counterfeiting What? Aesthetics of Brandedness and BRAND in Tamil Nadu, India." *Anthropological Quarterly* 85(3): 701-721.
- . (2013). "Brands and their Surfeits." *Cultural Anthropology* 28(1): 111-26.
- Napier, D. A. (1994). "Saving or Enslaving: The Paradox of Intellectual Property." *Journal of the*

Anthropological Society of Oxford 25(1): 49-58.

———. (2002). "Our Own Way: On Anthropology and Intellectual Property." In *Exotic No More: Anthropology on the Front Lines*, edited by J. MacClancy, pp. 287-318. (Chicago: University of Chicago Press).

Nazarea, V. D., Rhoades, R. E., and Andrews-Swann, J. E. (eds.). (2013). *Seeds of Resistance, Seeds of Hope: Place and Agency in the Conservation of Biodiversity* (Tucson: University of Arizona Press).

Nicholas, G. P., and Bannister, K. P. (2004). "Copyrighting the Past: Emerging Intellectual Property Rights in Archaeology." *Current Anthropology* 45(3): 327-350.

Nicholas, G. P., and Wylie, A. (2009). "Archaeological Finds: Legacies of Appropriation, Modes of Response." In *Ethics of Cultural Appropriation*, edited by J. O. Young and C. G. Brunk, pp. 11-54. (London: Blackwell Publishing Ltd).

Noble, B. (2007). "Justice, Transaction, Translation: Blackfoot Tipi Transfers and WIPO's Search for the Facts of Traditional Knowledge Exchange." *American Anthropologist* 109(2): 338-349.

Novak, D. (2010). "Cosmopolitanism, Remediation, and the Ghost World of Bollywood." *Cultural Anthropology* 25(1): 40-72.

Novellino, D. (2007). "'Talking About Kultura and Signing Contracts': The Bureaucratization of the Environment on Palawan Island (the Philippines)." In *Sustainability and Communities of Place*, edited by C. A. Maida and R. Ellen, pp. 82-105. (New York: Berghahn Books).

Nygren, A. (1999). "Local Knowledge in the Environment-Development Discourse: From Dichotomies to Situated Knowledges." *Critique of Anthropology* 19(3): 267-88.

Ofstehage, A. (2011). "Nusta Juirra's Gift of Quinoa: Peasants, Trademarks, and Intermediaries in the Transformation of a Bolivian Commodity Economy." *Anthropology of Work Review* 32(2): 103-114.

———. (2012). "The Construction of an Alternative Quinoa Economy: Balancing Solidarity, Household Needs, and Profit in San Agustín, Bolivia." *Journal of Agriculture and Human Values* 29 (4): 441-454.

Ogden, L., Heynen, N., Oslender, U., West, P., Kassam, K.A., and Robbins, P. (2013). "Global Assemblages, Resilience, and Earth Stewardship in the Anthropocene." *Frontiers in Ecology and the Environment* 11(7): 341-347.

Olwig, K. F., and Hastrup K. (Eds.). (1997). *Siting Culture: The Shifting Anthropological Object* (London: Routledge).

Ortner, S. (2006). *Anthropology and Social Theory: Culture, Power and the Acting Subject* (Durham: Duke University Press).

Osseo-Asare, A. D. (2014). *Bitter Roots: The Search for Healing Plants in Africa* (Chicago: University of Chicago Press).

Pearson, T. W. (2012). "Transgenic-Free Territories in Costa Rica: Networks, Place, and the Politics of Life." *American Ethnologist* 39(1): 90-105.

———. (2013). "'Life is Not for Sale!': Confronting Free Trade and Intellectual Property in Costa Rica." *American Anthropologist* 115(1): 58-71.

Pechlaner, G. (2010). "Biotech on the Farm: Mississippi Agriculture in an Age of Proprietary Biotechnologies." *Anthropologica (New Series)* 52(2): 291-304.

Pels, P., Boog, I., Florusbosch, J. H., Kripe, Z., Minter, T., Postma, M., Sleeboom-Faulkner, M., Simpson, B., Dilger, H., Schönhuth, M., Poser, A., Castillo, R. C. A., Lederman, R., and Richards-

- Rissetto, H. (2018). "Data Management in Anthropology: The Next Phase in Ethics Governance?" *Social Anthropology* 26(3): 391-413.
- Peres, M. R., Osterman, M., Romer, G. B., Stuart, N. M., and Lopez, J. T. (eds.). (2008). *The Concise Focal Encyclopedia of Photography: From the First Photograph on Paper to the Digital Revolutions* (Burlington: Focal Press).
- Peterson, K. (2014). *Speculative Markets: Drug Circuits and Derivative Life in Nigeria* (Durham: Duke University Press).
- Poduval, S. (2014). "Hacking and Difference: Reflections on Authorship in the Postcolonial Pirate Domain." In *Postcolonial Piracy: Media Distribution and Cultural Production in the Global South*, edited by L. Eckstein and A. Schwarz, pp. 273-292. (London: Bloomsbury Academic).
- Posey, D. A. (1990). Intellectual Property Rights and just Compensation for Indigenous Knowledge. *Anthropology Today* 6(4): 13-16.
- . (1999). "Safeguarding Traditional Resource Rights of Indigenous Peoples." In *Ethnoecology: Situated Knowledge/Located Lives*, edited by V. D. Nazarea, pp. 217-229. (Tucson: University of Arizona Press).
- Pottage, A. (2004a). "Introduction: The Fabrication of Persons and Things." In *Law, Anthropology, and the Constitution of the Social: Making Persons and Things*, edited by A. Pottage and M. Mundy, pp. 1-39. (Cambridge: Cambridge University Press).
- . (2004b). "Our Original Intelligence." In *Law, Anthropology, and the Constitution of the Social: Making Persons and Things*, edited by A. Pottage and M. Mundy, pp. 249-285. (Cambridge: Cambridge University Press).
- Pottage, A. and Mundy, M. (eds.). (2004). *Law, Anthropology, and the Constitution of the Social: Making Persons and Things* (Cambridge: Cambridge University Press).
- Ramachandran, T. (2014). "A Call to Multiple Arms! Protesting the Commoditization of Hindu Imagery in Western Society." *Material Religion* 10(1): 54-75.
- Raymond, E. (1999). *The Cathedral and the Bazaar: Musings on Linux and Open Source by an Accidental Revolutionary* (Sebastopol: O'Reilly Press).
- Reardon, J. (2005). *Race to the Finish: Identity and Governance in an Age of Genomics* (Princeton: Princeton University).
- Reddy, S. (2006). "Making Heritage Legible: Who Owns Traditional Medical Knowledge?" *International Journal of Cultural Property* 13(2): 161-188.
- Reinberg, Y. (2015). "Evasionary Publics. Materiality and Piracy in Rio de Janeiro, Brazil: Pirate Essays." In *A Reader on International Media Piracy*, edited by T. Baumgärtel, pp. 27-49. (Amsterdam: Amsterdam University Press).
- Rhoades, R. E. (2006). *Development with Identity: Community, Culture, and Sustainability in the Andes* (Cambridge: CABI).
- Riley, M. (ed.). (2004). *Indigenous Intellectual Property Rights: Legal Obstacles and Innovative Solutions* (California: AltaMira Press).
- Rock, J. (2018). "'We are not starving': Challenging Genetically Modified Seeds and Development in Ghana." *Culture, Agriculture, Food and Environment* 41(1): 15-23.
- Rösenthaler, U. (2011a). "Cultural Heritage or Intellectual Property Rights? Local Strategies in Dealing with Cultural Resources." *Sociologus (New Series)* 61(1): 45-68.
- . (2011b). *Purchasing Culture: The Dissemination of Associations in the Cross River Region*

of Cameroon and Nigeria (Trenton: Africa World Press).

Röschenthaler, U., and Diawara, M. (eds.). (2011). "Introduction: Immaterial Cultural Goods and Competing Norms: Local Strategies for Dealing with Global Regulations on the Protection of Cultural Property." *Sociologus (New Series)* 61(1): 1-17.

Rose, C.M. (1986). "The Comedy of the Commons: Custom, Commerce, and Inherently Public Property." *The University of Chicago Law Review* 53(3): 711-781.

Rose, M. (1996). *Authors and Owners: The Invention of Copyright*. Cambridge, MA: Harvard University Press.

———. (2002). "Copyright and its Metaphors". *UCLA Law Review* 50(1): 1-15.

Rosenthal, J. P. (2006). "Politics, Culture and Governance in the Development of Prior Informed Consent in Indigenous Communities." *Current Anthropology* 47(1): 119-142.

Scharper, S. B., and Cunningham, H. (2007). "The Genetic Commons: Resisting the Neo-Liberal Enclosure of Life." In *The Global Idea of 'the Commons'* edited by D. M. Nonini, pp. 53-65. (New York: Berghahn Books).

Scher, P. W. (2014). "The Right to Remain Cultural: Is Culture a Right in the Neoliberal Caribbean?" In *Heritage in Transit: Intangible Rights as Human Rights*, edited by D. Kapchan, pp. 87-109. (Philadelphia: University of Pennsylvania Press).

Scott, J. (1977). *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia* (New Haven: Yale University Press).

Shankar, S., and Cavanaugh, J. R. (2012). "Language and Materiality in Global Capitalism." *Annual Review of Anthropology* 41(41): 355-369.

Sharma, N. (1999). "Down by Law: Responses and Effects of Sampling Restrictions on Rap." *Political and Legal Anthropology Review* 22(1): 1-13.

Shepherd, C. J. (2010). "Mobilizing Local Knowledge and Asserting Culture." *Current Anthropology* 51(5): 629-654.

Shiple, J. (2009). "Aesthetic of the Entrepreneur: Afro-cosmopolitan rap and moral circulation in Accra, Ghana." *Anthropology Quarterly* 82 (3): 631-668.

Sillitoe, P. B. (1998). "The Development of Indigenous Knowledge: A New Applied Anthropology." *Current Anthropology* 39(2): 232-252.

Skinner, R. T. (2012). "Artist, Music, Piracy, and the Crisis of Political Subjectivity in Contemporary Mali." *Anthropological Quarterly* 85(3): 723-754.

———. (2015). *Bamako Sounds: The Afropolitan Ethics of Malian Music* (Minneapolis: University of Minnesota Press).

Smith, L. (2010). "Ethics or social justice? Heritage and the Politics of Recognition." *Australian Aboriginal Studies* 2: 60-68.

Smith, L. T. (2012). *Decolonizing Methodologies: Research and Indigenous Peoples* (2nd ed.) (London: Zed Books).

Snodgrass Godoy, A. (2013). *Of Medicines and Markets: Intellectual Property and Human Rights in the Free Trade Era* (Stanford: Stanford University Press).

Solomon, M. (2004). "Intellectual Property Rights and Indigenous Peoples' Rights and Responsibilities". In *Indigenous Intellectual Property Rights: Legal Obstacles and Innovative Solutions*, edited by M. Riley, pp. 221-250. (California: Alta Mira Press).

- Stallabrass, J. (2002). "Digital Commons". *New Left Review* 15: 141-146.
- Stavenhagen, R. (2006). "Indigenous Peoples: Land, Territory, Autonomy, and Self-Determination." In *Promised Land: Competing Visions of Agrarian Reform*, edited by P. Rosset, R. Patel, and M. Courville, pp. 208-220. (Oakland: Food First Books).
- Stobart, H. (2014). "Justice with My Own Hands: The Serious Play of Piracy in Bolivian Indigenous Music Videos." In *Postcolonial Piracy: Media Distribution and Cultural Production in the Global South*, edited by L. Eckstein and A. Schwarz, pp. 215-242. (London: Bloomsbury Academic).
- Stone, G. D. (2010). "The Anthropology of Genetically Modified Crops." *Annual Review of Anthropology* 39: 381-400.
- Strang, V., and Busse, M (eds.). (2011). *Ownership and Appropriation* (London: Berg Publishers).
- Strathern, M. (1999). *Property, Substance and Effect: Anthropological Essays on Persons and Things* (London: Athlone Press).
- . (2001). "The Patent and the Malanggan." *Theory, Culture & Society* 18(4): 1-26.
- . (2004). "Losing (Out On) Intellectual Resources." In *Law, Anthropology and the Constitution of the Social: Making Persons and Things*, edited by A. Pottage and M. Mundy, pp. 201-233. (Cambridge University Press).
- . (2005). *Kinship, Law and the Unexpected: Relatives are Always a Surprise* (Cambridge: Cambridge University Press).
- Sunder, M., and Chander, A. (2004). "The Romance of the Public Domain." *California Law Review* 92(5): 1331-1374.
- Sunder Rajan, K. (2005). "Subjects of Speculation: Emergent Life Sciences and Market Logics in the United States and India". *American Anthropologist* 107(1): 19-30.
- . (2006). *Biocapital: The Construction of Postgenomic Life* (Durham: Duke University Press).
- (ed.). (2012). *Lively Capital: Biotechnologies, Ethics and Governance in Global Markets* (Durham: Duke University Press).
- . (2017). *Pharmocracy: Value, Politics, and Knowledge in Global Biomedicine* (Durham: Duke University Press).
- TallBear, K. (2013). *Native American DNA: Tribal Belonging and the False Promise of Genetic Science* (Minneapolis: University of Minnesota Press).
- Taylor, J. (2018). "Animating Creative Selves: Pen Names as Property in the Careers of Canadian and American Romance Writers." *American Ethnologist* 45(1): 112-123.
- Terranova, T. (2000). "Free Labor: Producing Culture for the Digital Economy". *Social Text* 18(2): 33-58.
- Terrio, S. (2014). "French Chocolate as Intangible Cultural Heritage." In *Edible Identities: Food as Cultural Heritage*, edited by R. L. Brulotte and M. A. Di Giovine, pp. 175-184. (Farnham: Ashgate).
- Thomas, K. (2013). "Brand "Piracy" and Postwar Statecraft in Guatemala." *Cultural Anthropology* 28(1): 144-160.
- . (2016). *Regulating Style: Intellectual Property Law and the Business of Fashion in Guatemala* (Oakland: University of California Press).
- Thompson, E. P. (1991). "The Moral Economies of the English Crowd in the Eighteenth Century". In *Customs in Common: Studies in Traditional Popular Culture*, pp. 185-258. (New York: New

Press).

Ulloa, A. (2005). *The Ecological Native: Indigenous Peoples' Movements and Eco-Governmentality in Columbia* (New York: Routledge).

Vanderveest, P., and Peluso, N. (1995). "Territorialization and State Power in Thailand." *Theory and Society* 24(3): 385-426.

Vann, E. F. (2006). "The Limits of Authenticity in Vietnamese Consumer Markets." *American Anthropologist* 108(2): 286-296.

Vats, A. (2020). *The Color of Creatorship: Intellectual Property, Race, and the Making of Americans*. (Redwood City: Stanford University Press).

Verdery, K., and Humphrey, C. (eds.). (2004). *Property in Question: Value Transformations in the Global Economy* (Oxford: Berg).

West, P. (2005). "Translation, Value, and Space: Theorizing an Ethnographic and Engaged Environmental Anthropology." *American Anthropologist* 107(4): 632–642.

———. (2012). *From Modern Production to Imagined Primitive: The Social World of Coffee from Papua New Guinea* (Durham: Duke University Press).

——— (ed.). (2018). "From Reciprocity to Relationality: Anthropological possibilities." Hot Spots Series, *Cultural Anthropology*, October 18. <https://culanth.org/fieldsights/1525-from-reciprocity-to-relationality-anthropological-possibilities>.

Whimp, K., and Busse, M (eds.). (2000). *Protection of Intellectual, Biological and Cultural Property in Papua New Guinea* (Canberra, Australian Capital Territory: Australian National University Press).

Woodmansee, M., and Jaszi, P (eds.). (1994). *The Constructions of Authorship: Textual Appropriation in Law and Literature* (Durham: Duke University Press).

Wright, S. (2008). "Locating a Politics of Knowledge: Struggles Over Intellectual Property Rights in the Philippines." *Australian Geographer* 39(4): 409-426.

Zerner, C. (1994). "Through a Green Lens: The Construction of Customary Environmental Law and Community in Indonesia's Maluku Islands." *Law & Society Review* 28(5):1079–1122.

Ziff, B., and Rao, P. V. (1997). "Introduction to Cultural Appropriation: A Framework for Analysis." In *Borrowed Power: Essays on Cultural Appropriation*, edited by B. Ziff and P. V. Rao, pp. 1-27. (New Brunswick: Rutgers University Press).

¹ The concept of moral economy has Marxist humanist origins in E.P. Thompson's *The Moral Economies of the English Crowd in the Eighteenth Century* (1991) and was influentially developed by the political theorist James Scott in *The Moral Economy of the Peasant* (1977). It has been revitalised in discussions of resistance to neoliberal globalisation; see, for example, Marc Edelman (2005) who also describes the significance of the concept in the discipline more generally in "E.P. Thompson and Moral Economies" (2012).

² The humanities scholar Lewis Hyde (1983) adapted anthropologist Marcel Mauss' discussion of gift economies to characterise the ways in which literature and other expressive works circulate in contemporary societies in a metaphor that was widely adopted (eg: Barbrook, 2003, Hellekson, 2009, Macfarlane, 2017). The Boasian potlatch, originally used to describe Kwakiutl rituals of redistribution, re-emerged to celebrate the social capacities of digital communications (Raymond, 1999, Terranova, 2000, Peres, et al., 2008, Kaplan, 2019), and a revitalization of commons movements and metaphors in digital economies (eg: Lessig, 2001, Bollier, 2002, Stallabrass, 2002, Dobusch & Quack, 2010) was widely remarked.

³ The concept of co-production emerged out of scholarship in science and technology studies (STS) that tracked the dynamic dialectical relationship between the production of knowledge and social order or technology and society—often as a way to move away from theories of social or technological determinism. With respect to the formation of institutions, governance, and knowledge, the concept has been elaborated by scholars such as Sheila Jasanoff (2004) and Jenny Reardon (2005).

⁴ Under TRIPS Article 66.1 “least developed country Members” were granted a 10 years compliance window with the possibility that the Council of TRIPS could “accord extensions of this period” after a “duly motivated request.” An eventual extension for compliance to 2021 was affected through two separate decisions of the Council of TRIPS on 29 Nov 2005 (IP/C/40) and on 11 June 2013 (IP/C/64). After a Council of TRIPS decision on 6 Nov 2015, “least developed country Members” were given a further extension until 1 Jan 2033 to meet compliance for the protection of patents and undisclosed information on pharmaceuticals.

⁵ We use the concept of subjectivity as it is deployed more generally in the interdisciplinary field of sociolegal studies and law and society scholarship. Our usage better accords with the scholarship of Sherry Ortner (2006) than with the terms’ more psychological orientation in Biehl, Good & Kleinman (2007).

⁶ For works to be protected under copyright, not only must they originate with an author, they must have both an expressive and material form. Although the amount or degree of the required expressive content varies according to the category of work, the protected work must be both derived from an identifiable act of human or corporate individuated agency and have some materiality. One can sing an original song, but until that song finds some form of *inscription*, it will not be protected by copyright as a work. We use the concept of inscription as an alternative to the mere legal requirement of fixation, because it better reflects the law’s ideological valorisation of the *agency* of originary expression in acts of authorship that produce goods understood as works.

⁷ The concept of territorialisation is more extensively developed in geography than in anthropology and is more prevalent in French than in English-language anthropological traditions. Nonetheless, attention to transformations in the use, governance, and identity of regions, landscapes, and built environments is becoming more frequent under conditions of neoliberal and environmental governmentality (eg: Lee, 2014, Dickson, 2012), in studies that challenge the naturalised association of territory with nations and state governance (Malkki, 1992). Vandergeest and Peluso (1995) assert that territoriality is the “attempt by an individual or group to affect, influence, or control people, phenomena, and relationships by delimiting and asserting control over a geographic area and that control by territorialisation thus works by proscribing or prescribing specific activities within spatial boundaries (387-8). Further, “territorialisation is about excluding or including people within particular geographic boundaries, and about controlling what people do and their access to natural resources within those boundaries” (388). Indigenous peoples propound a concept of territory in contrast to the idea of land, re-enchanting or re-embedding grounded authority with other species and spirit worlds: “Territory includes the productive function of land but also encompasses the concepts of homeland, culture, religion, spiritual sites, ancestors, the natural environment, and other sources like water, forests, and belowground minerals” (Stavenhagen, 2006: 208). In anthropological studies of IP, the concept is most often utilized with respect to plants (eg: Besky & Padwe, 2016, Ives, 2017) and in relation to attempts to define regions and their products naturally and culturally for marketing purposes, particularly through the deployment of notions of *terroir* (Bérard & Marchenay, 2006) in the establishment of geographical indications (eg: Bowen, 2011).