



VIEWING GUIDE

Presented by
the Intellectual
Property Issues in
Cultural Heritage
Project

TRADITIONAL IDENTITY: The Commodification of New Zealand Maori Imagery



DEIDRE BROWN

Senior Lecturer, School of
Architecture and Planning, University
of Auckland, New Zealand

Video URL: <http://bit.ly/1gbwxy8>

SUMMARY

This presentation explores the story of appropriation, the often-fervent debates it has engendered, and the ensuing negotiations that attempt a responsible and respectful use of imagery by artists, designers and manufacturers.

KEY CONCEPTS

Appropriation, commodification, offensive vs. inappropriate, misappropriation, trademarks.

DISCUSSION QUESTIONS

1. Deidre opens her presentation with the following statement: "Appropriation is a fundamental part of contemporary art and design practice." What does she mean by this? Do you agree or disagree with this statement, and why?
2. What does Deidre mean when she uses the term "appropriation"? How is this different from "commodification"?
3. In what circumstances might a cultural appropriation be okay? In what circumstances do you think commodification of cultural heritage might be okay?
4. Deidre discusses how the Maori Trade Marks Advisory Committee must discern whether proposed uses of cultural heritage may be considered offensive, making the distinction between "offensive" versus "inappropriate." What do you think the differences are?
5. Can you think of an offensive appropriation you may have encountered lately, versus one you consider may be inappropriate?



ACTIVITY / ASSIGNMENT

A. Cultural Heritage Appropriation/Commodification Case Study

1. Identify an example of where cultural heritage has been appropriated or commodified, and provide a short summary.
2. Outline the perspectives of at least three different groups on this example.
3. Identify any relevant professional heritage association Codes of Ethics concerning this issue. How could these be used to resolve conflicts?
4. What is the current situation of the case study? Was any conflict resolved?
5. Drawing on the points raised in Deidre's presentation, what is your opinion on the use of cultural heritage in this example? Would you have done anything differently? Why or why not?

B. Indigenous Cultural Heritage and Professional Codes of Ethics

1. Identify five heritage/archaeological/anthropological organizations with Codes of Ethics (local, national and international).
2. Provide a summary of how each code addresses the responsibilities of professionals to:
a) heritage sites and objects, b) intangible heritage, c) Indigenous communities, and d) the public.
3. Do these codes address the issue of cultural commodification? If so, how?
4. How would you improve these codes to accommodate issues of appropriation and commodification? Use the issues and examples discussed by Deidre to craft an additional statement addressing these concerns.

RESOURCES

Battiste, Marie and James (Sakej) Youngblood Henderson (2000). *Protecting Indigenous Knowledge and Heritage: A Global Challenge*. Purich Publishing: Saskatoon, SK.

Brown, Deidre, and George Nicholas (2012). Protecting Indigenous Cultural Property in the Age of Digital Democracy: Institutional and Communal Responses to Canadian First Nations and Maori Heritage Concerns. *Journal of Material Culture* 17(3): 307-324.

Maori Trade Marks Advisory Committee Website. <http://bit.ly/1tMN3Wc>

The Story of the Chiefs 2014 Investec Super Rugby Jersey (2013). <http://bit.ly/1hhuFEA>

Henare, Amiria (2004). Wai 262: A Maori "Cultural Property" Claim. Paper for the Exhibition Catalogue *Making Things Public: Politics After Politics*, edited by B. Latour and P. Weibel. <http://bit.ly/1tMN3pg>

Riley, Mary (2004). *Indigenous Intellectual Property Rights: Legal Obstacles and Innovative Solutions*. AltaMira Press: Walnut Creek, CA.

Smith, Graham Hingangaroa (2000). Protecting and Respecting Indigenous Knowledge. In *Reclaiming Indigenous Voice and Vision*, edited by M. Battiste, pp.209-224. UBC Press: Vancouver, BC.

Waitangi Tribunal Website. <http://bit.ly/1oybfuc>

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