



# CULTURAL MISAPPROPRIATION ONGOING, HURTFUL, EXHAUSTING

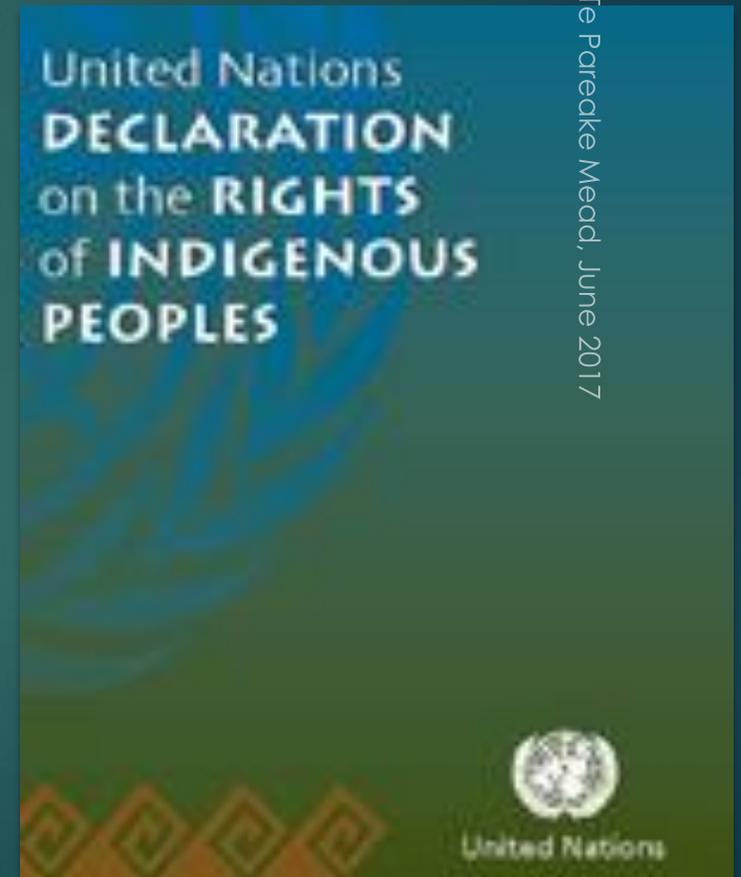
AROHA TE PAREAKE MEAD, 12 JUNE 2017

WIPO IGC 34<sup>TH</sup> SESSION

Aroha Te Pareake Mead, June 2017

# UN-DRIP Articles regarding the UN system

- ▶ **Article 41** - The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. **Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.**
- ▶ **Article 42** - The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States **shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.**

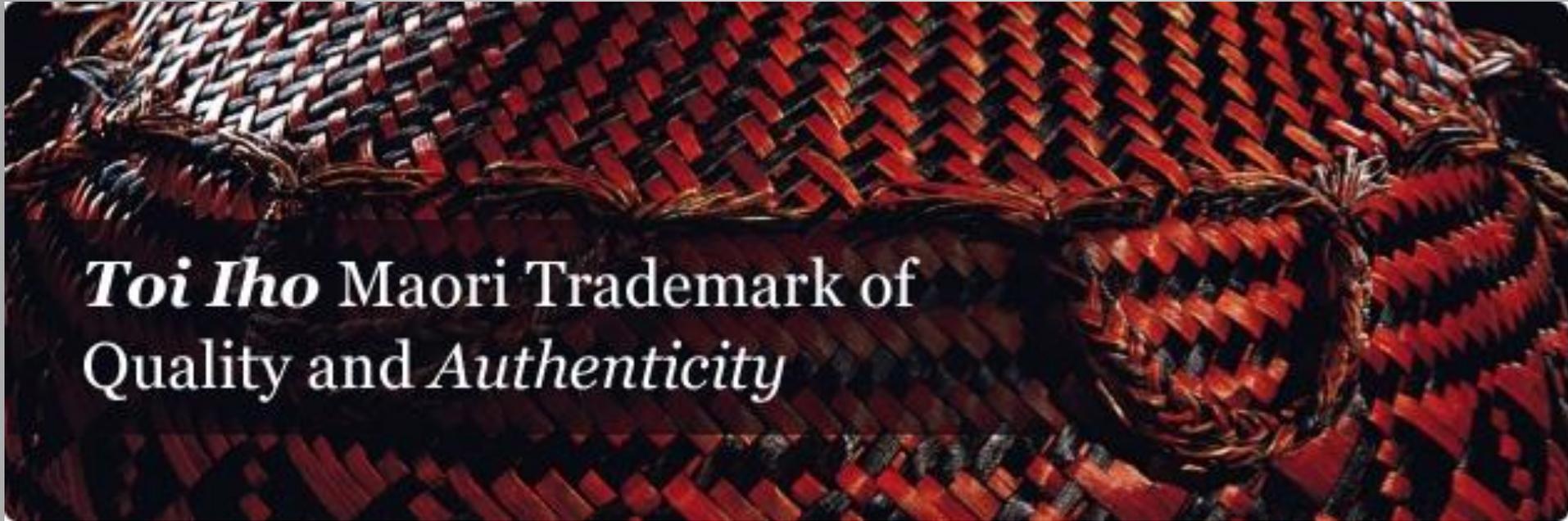


# Mataatua Declaration on the Cultural and Intellectual Property Rights of Indigenous Peoples 1993

- ▶ “that Indigenous Peoples are capable of managing their traditional knowledge themselves, but are willing to offer it to all humanity provided their fundamental rights to define and control this knowledge are protected by the international community”;
- ▶ “that the first beneficiaries of indigenous knowledge (culture and intellectual property rights) must be the direct indigenous descendants of such knowledge”

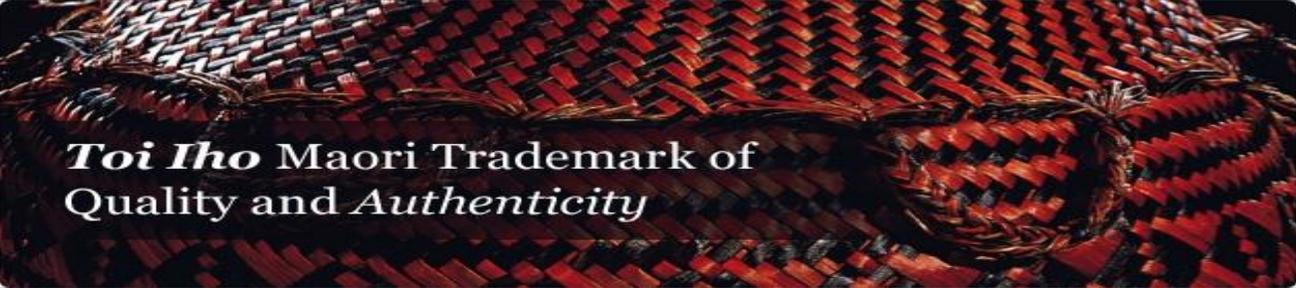


Aroha Te Pareake Mead, June 2017



Indigenous designed brand  
for commercial use





***Toi Iho*** Maori Trademark of  
Quality and *Authenticity*

- ▶ Launched by government with full fanfare in 2002
- ▶ At the peak of Toi Iho's success, government disinvested in 2009 and wrote to all accredited artists and retailers advising the mark had been dis-established
- ▶ After protests from Māori artists and arts advocates government agreed to return the Brand to Māori
- ▶ Government's announcement created instability and market insecurity in Toi Iho
- ▶ Toi Iho still operates with two brands, Māori made and Toi Iho retailers – the most innovative brands were discontinued
- ▶ Toi Iho managed by an all-Māori Trust on a voluntary basis – no core funding
- ▶ Over 200 Māori artists now accredited - [www.toiho.co.nz](http://www.toiho.co.nz)

# Cultural Appropriation debate - 2017

- ▶ **Debate over cultural appropriation a centuries-old battle for Indigenous groups** Cassandra Szklarski , TORONTO — The Canadian Press
- ▶ **The cultural appropriation debate is over. It's time for action** Kateri Akiwenzie-Damm , Special to The Globe and Mail 19 May 2017
- ▶ **Cross-fertilisation or theft? Canada's war over "cultural appropriation"** The Economist, May 25 2017
- ▶ **Canadian journalists support 'appropriation prize' after online furore** , Ashifa Kassam, The Guardian May 13 2017



Should we “rewild” our urban bodies with microbes from indigenous peoples?



Indigenous women hope to trademark textiles to fight intellectual property theft



“The emotional exhaustion of debating Indigenous views} - Appropriation debate exposes institutional racism in Canadian media

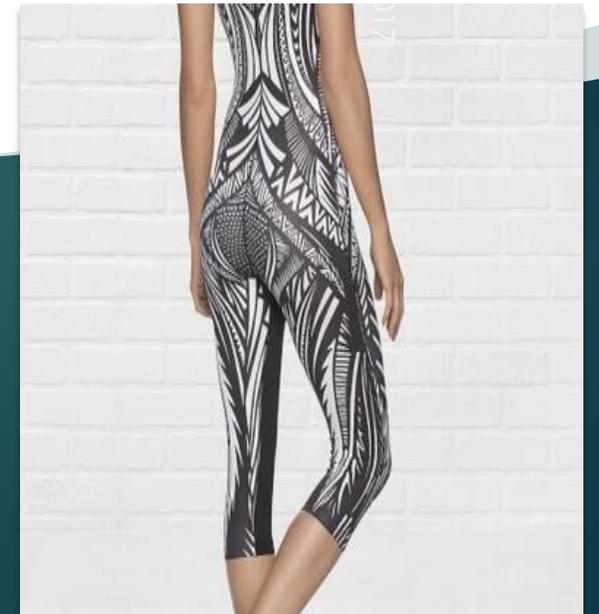
Cultural Misappropriation - 2017



# Misappropriation & Offensive Use of Indigenous designs by Fashion 'industry'

Persistent trend across the fashion industry to misappropriate traditional and contemporary indigenous designs and use in an offensive manner (Jean Paul Gauthier's Vogue spread 'I'll eat your liver and look good doing it' using Māori ta moko and Celt designs)

- ▶ Many cases are outright theft of design with minimal to no modification and outside of the notions of 'being inspired by' or 'widely available'
- ▶ Designers readily admit they are looking for an edge, something to stand out, to 'wow' during fashion weeks
- ▶ No indication designers have learned from past mistakes
- ▶ No parent body to appeal to
- ▶ Asking WIPO IGC to look specifically into the wrongful use of indigenous designs by fashion designers, fashion houses, and sportswear companies



Milan Fashion Week, D'Squaw Line  
Valentino Shoe Boxes, New York Fashion Week, Auckland fashion  
week, Nike – the list is substantial