

Leveraging Local Identity as a Counterpoint to Global Monopolization

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The "Coca-colonization" of non-Western, non-capitalist societies is a documented fact of the Twenty-First Century. Symbolized by the spread of a global, commercial culture based largely on Western consumer images of technological advancement and popular culture -- fast food, fast computers, fast music and fast news, purveyed by such well-known multinational corporations as Kentucky Fried Chicken, Microsoft, and MTV -- Coca-colonization has become the new economic model for the global economy. In this new era, trademarks are not merely valuable business assets. They are the iconized bulwarks of a new consumer culture, imposing barriers to entry that may have little relevance to the actual value of the products or services to the local consumer. Specialized protection for "famous marks" and other quality designators re-enforces the monopolistic tendencies of these commercial signs. One of the best methods for returning a level of competitiveness to the marketplace is through the conscious development of laws and policies that value local commercial identities. Such policies would include heightened protection for authentication marks for cultural works combined with a reassertion of control over local cultural images. Newly emerging areas

of intellectual property, including protection for traditional knowledge and traditional cultural expressions, such as folklore and folk art, can serve as potent sources for local branding; but only if the ability to use such brands is carefully controlled. In addition, protection for geographic indications must be rationalized. Finally, once such local identities are developed, strong protection against the counterfeiting and unauthorized use of these identities is critical. Without a carefully calibrated policy designed to enhance the competitive capabilities of local brands, coca-colonization may continue virtually unabated, erecting barriers to entry that cannot be overcome, even using the latest tools of the global electronic marketplace.