



BRAND “PIRACY” AND POSTWAR STATECRAFT IN GUATEMALA

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Guatemala is perhaps best known for traditional clothing, especially the woven *huipiles* and *cortes* (blouses and skirts) worn by Maya women. Indigenous Maya people, however, increasingly wear Western-style clothing, and there is a dynamic fashion scene in the Guatemalan highlands linked to the global trade in pirated goods. Young men in particular wear T-shirts and sweaters, jeans, and sneakers featuring unauthorized reproductions of global brands. Maya people are not just consumers of fashion brands. They also make branded apparel and sell it in regional markets and city streets (see Figure 1). What people make, and what the things they make mean to them, offers a critical lens for examining practices of postwar statecraft in Guatemala. In 1996, nearly four decades of internal armed conflict came to an end. As part of the state’s effort to strengthen rule of law, the national legislature recently passed globalized intellectual property (IP) protections. Trademark laws, which effectively criminalize Maya people who affix Nike logos to their shirts, are mandatory for participation in international trade. Adopting these laws is also a symbolic statement about national sovereignty at a time when many people, including Mayas, say that things are worse—more violent, more uncertain, more corrupt—than during the genocidal war (Thomas 2009).

This local context of clothing production at the margins of the fashion industry offers an ideal case for thinking about the global spread of neoliberal legal and economic regimes. In this article, I draw on ethnographic research in garment workshops and informal markets where clothing is sold.¹ I analyze significant gaps



FIGURE 1. An indigenous market vendor dressed in a traditional huipil and corte offers wholesale prices on T-shirts that feature unauthorized reproductions of the logos of globally popular youth clothing companies.

between what branding means in highland communities and how brands are understood in international projects of legal harmonization that are also about rebranding and reimagining the Guatemalan nation. Most critical engagements with brands are ethnographically and analytically oriented toward contexts where branding logics presumed by trademark law hold up: where, for example, logos are understood as “signatures of authenticity” (Coombe 1996) that connect corporations and consumers through webs of affect and meaning (Lury 2004; Mazzarella 2003; Foster 2007). My concern is with how brands figure into cultural settings where rationalities promoted in IP law cannot be taken for granted; in this case, a lifeworld where brands are viewed as design elements, markers of gender, ethnicity, and class, and abstract signs of global modernity. I argue that, in countries like Guatemala, the differences and exclusions produced as IP law circulates globally constitute

a valuable object of study. Analysis of the moral and political economies at the edge of the hegemonic brand form helps us understand how neoliberal regimes of governance reproduce structures of inequality and disenfranchisement on both an international scale and national level.

The brand form is intrinsic to postwar statecraft in Guatemala. Neoliberal economic reforms amplify the presence of brands in the public sphere by opening the national market to imports, encouraging export production that positions Guatemalans as laborers in factories that produce branded commodities, and impelling the nation-state to publicize itself to attract foreign investment and tourism dollars. These same reforms imply the kinds of appropriation that IP regimes label “piracy,” because they compound conditions of social and economic inequality, making it unlikely that the nation’s marginalized indigenous population can access “authorized” signs of cosmopolitan status and affiliation even as these reforms provide the infrastructure and materials necessary for copying and imitation. Yet, like other Guatemalans, Maya people are invited to participate in a modernist vision of citizenship and social progress, emphasizing Western ideas about property, legality, and multiculturalism. In the highlands, participation in such projects tends to exacerbate regional class and gender inequalities and encourages a privatized model of indigenous identity mediated by branded commodities and formal market transactions. The brand emerges within this context as a powerful medium through which claims to legitimacy and authority and senses of belonging are negotiated at national and local levels.

THE CRIMINALIZATION OF PIRACY

Imitation is the most basic mechanism through which Maya garment manufacturers develop product lines. Maya men positioned within the cottage industry as owners, managers, salespeople, and designers take pride in improvising on styles they see in shopping malls, online, and at the markets and retail shops where they sell their products. Hawking men’s T-shirts and sweatshirts emblazoned with the global brands Hollister and Diesel in a Guatemala City market, a 30-year-old manufacturer proudly commented to me that his family deals in *imitaciones*. “We copy it, but we make it better,” he said, explaining that they start with youth styles they see on websites and in upscale commercial centers, then tailor them to the local market. They aim to produce something affordable that also meets local tastes in terms of color palette and cut. Highland producers often mimic neighbors’ designs as well, but are expected, within the local moral economy, to make changes that will set their garments apart in a meaningful way, such as adjusting the color scheme or

screen-printing rather than embroidering a logo. Among local producers, these are seen as morally and economically legitimate forms of appropriation and imitation (Thomas 2012).

By contrast, Guatemalan law prohibits such copying of trademarked brand names and logos. The national legislature has revised the country's trademark laws in accordance with the WTO Trade-Related Aspects of Intellectual Property Rights Agreement since 1995, part of a larger program of legal reform in the postconflict era aimed at setting Guatemala on the "progressive path" (Vann 2006:289) toward liberal democratic statehood and rule of law. Despite the role of neoliberal reforms in discouraging state spending and providing tax- and tariff-free zones for multinational corporations, media, government officials, and international business associations now blame IP "pirates" for lost federal tax revenue and, in turn, inadequate social services and a struggling economy (Menocal 2005; Prensa Libre 2011a). Sensational government and media reports conflate piracy with organized crime and claim that drug cartels are financed by the sale of pirated goods (Prensa Libre 2011b), although "pirates" do not always or even usually belong to gangs.

In everyday conversation and media reports in Guatemala, piracy's criminalization converges with ideologies of race and ethnicity, culture and class in ways that make already marginalized populations, especially the urban indigenous underclass, available for new kinds of blame (cf. Liang 2010). The social and spatial proximity of street vendors hawking pirated goods in the capital city to street crime (pickpocketing, mugging, and assault) leads to piracy being lumped into a generalized portrait of deviance and violence as an intractable part of urban life. The state demonstrates its commitment to IP law enforcement through sporadic raids on homes in depressed zones of the city and on street vendor stalls, where police look for "pirates" burning audio CDs and confiscate blue jeans and DVDs. The government recently removed hundreds of street vendors from Guatemala City sidewalks, part of a larger gentrification program with the unstated goal of making indigenous and lower-class Guatemalans involved in the piracy trade a less conspicuous feature of the urban landscape (Véliz and O'Neill 2011).

Despite such attempts by the state to criminalize and marginalize certain copying practices, a consolidated discourse regarding IP rights has yet to take hold among indigenous manufacturers of pirated goods. In Tecpán, a majority Kaqchikel Maya highland town of about 20,000 that served as my primary field site, clothing manufacturers did not generally hide from me the fact that they copy global brands and fashion designs. Using brand names and logos is a routine part of their trade, and despite a lot of talk about copying, the term *piracy* rarely

surfaced in our conversations. One small-scale producer suggested in an interview that some of his neighbors were just like the *piratas* (pirates) he had read about in the newspaper who sell DVDs in the capital city streets. “The people who make the original discs complain because they can’t sell them for the price they want,” he explained. This producer, who traded in “pirated” brand names himself, interpreted the criminalized problem of piracy in line with a localized ethics of imitation, as a problem of pricing and fairness, rather than exclusive ownership. Here, the term *piracy* connotes something different than official, legal definitions. At the same time, the kind of copying that the law dubs piracy is only one part of a broader set of imitative practices that comprise garment design and manufacturing in highland Guatemala (Thomas 2012).

ORIGINAL GAPS

Trademark proponents within the Western academy and international institutions argue that the law must protect corporate investments in brands to ensure an orderly marketplace in which rational actors can make informed decisions about their purchases (Bone 2006). This argument assumes that brands are seals of ownership that function as a social contract, relaying information about the origin of a commodity to consumers (Coombe 1996:205). Yet the same processes of globalization that make fashion brands appealing to new populations also challenge this idealized relationship among logos, producers, and consumers (Balkin et al. 2004). Writing in 1927, legal scholar Frank Schechter questioned whether trademark protections were still relevant. “To what extent does the trademark of today really function as [an indicator of origin]?” he wondered. “Owing to the ramifications of modern trade . . . the source of origin of the goods bearing a well known trademark is seldom known to the consumer” (Schechter 1927:814).

Maya garment manufacturers readily acknowledge that their products are imitaciones, not *originales* (originals), as noted above. At the same time, the term *originales* does not necessarily imply to Maya clothing producers, or consumers, the kind of authenticity that fashion companies claim for their trademarked goods. The difference between formal legal understandings of “authorization” and the evaluative scheme common to the Guatemalan highlands was made clear on a trip I made with Victor Xuya.

Victor, a 34-year-old Maya man, owns a factory in which I worked in Tecpán. Tecpán is a progressive town with a burgeoning middle class, where Maya women weave traditional textiles and hundreds of Maya men manufacture imitaciones for regional markets (see Figure 2). The local trade began with a handful of indigenous



FIGURE 2. A Kaqchikel Maya garment manufacturer poses in his two-room, cinder-block workshop with his European-make industrial knitting machine.

families in the 1960s, but declined during the worst years of the armed conflict, when indigenous professionals and community organizers were targets of killings and kidnappings. Garment manufacturing then took off during the peace process of the late 1980s. As one producer explained in an interview, garment manufacturing has been “an economic revolution for Tecpán.” It has allowed Maya people to run their own businesses, purchase land, even send their children to high school and college, opportunities unavailable through subsistence agriculture or migrant labor on highland coffee *fincas* and coastal sugar cane plantations.

Victor’s workshop is typical: a few rooms built onto his house, cluttered with spools of thread and fabric scraps. The teenage boys he employs operate Juki sewing machines imported from Japan and a Stoll knitting machine from Germany. Between their shouts to one another in Kaqchikel (the local indigenous language)

and the mechanical noise, one can barely hear the radio, which plays bachata or reggaetón music, maybe an Evangelical sermon. Victor's workshop sits behind thin sheets of metal that stand in for a wall, hidden from the chilly mountain air, government tax collectors, and gang members looking for businesses to extort.

I often traveled with Victor to municipal markets to sell the sweaters and sweatshirts he produces. On one occasion, we delivered several bundles to regular customers in the open-air market in Chimaltenango, the department capital, about a half-hour bus ride from Tecpán. We then set out for Chimaltenango's retail stores—boutiques with names like *La Nueva Moda* (New Fashion) and *El Estreno* (Debut) that line a main street and that, like the informal market stalls where Victor sells, showcase imitaciones. A spatialized hierarchy means that the youth styles these boutiques acquire from highland workshops or Guatemala City wholesale distributors of Chinese imports are of higher quality and sell at higher prices than what one finds in the municipal market, which caters to lower socioeconomic classes.

Our next stop was a mall built in 2006, with plenty of parking, a fried-chicken restaurant, Taco Bell, and Bullock's, a national retailer with 60 stores selling clothing priced just above that sold in municipal markets. Victor tells me with pride that he sometimes buys clothing there for his three young children. The sweatshirts and T-shirts feature logos that read "Arthur & Campie," "Holistar," and "Hollinger"; obvious imitations of the popular U.S. brands "Abercrombie & Fitch" and "Hollister." Bullock's also sells clothing under the Basic Editions label, a discount line available in Sears and Kmart stores in the United States. These garments are made in *maquiladoras*, the large-scale, mostly foreign-owned sweatshops where name-brand apparel is manufactured for export to the United States and Europe. There are dozens of these factories in Guatemala, and overruns and imperfect garments often find their way into retail stores and street markets.

At the other end of the mall, we stopped in front of a store that I immediately recognized. The sign hanging above the doorway featured the dark blue square and slim Arial lettering of the ubiquitous U.S. clothing chain, Gap. A second look revealed that the sign actually read "GAP^{PS}," as if this iteration of the store were a postscript to the U.S. version. Victor was hesitant to enter the store, stressing that the clothing was very expensive. He was perhaps concerned about not being welcomed there, because long-standing structures of discrimination discourage Maya men and women from entering spaces seen to belong more appropriately to well-to-do, nonindigenous Guatemalans (Nelson 1999:249–250). Indeed, spatial imaginaries, class structures, and institutionalized practices of discrimination in

Guatemala have historically linked urban space, formal institutions, nonindigenous *ladinos*, and "modernity," on the one hand, and rural space, informal enterprise, indigenous people, and "tradition," on the other hand (Thomas 2009:8; Fischer and Brown 1996:10–11). The merchandise was expensive: jeans priced at Q299 (\$35) compared to Q49 (\$7) at Bullock's. The styles were similar to those sold at U.S. Gap stores, the quality high, and each garment displayed the Gap logo. But Gap does not have stores in Guatemala. As we left, I could not resist pointing this out to Victor. "It's not real," I said. "That store is an imitation of the real Gap stores in the US." Victor was unfazed. "Those clothes are originals," he remarked. "Didn't you see how expensive they were?"

Local understandings of what makes a garment original disclose a disjuncture, a gap, between international legal frameworks and how Maya people in Guatemala experience the apparel marketplace. The term *imitaciones* indicates that the garment is a copy, a more or less faithful reproduction of an original, and implies inferiority in terms of quality and desirability. But the term *originales* does not reference an authorized and formal relationship to a fashion firm. Rather, originality is an index of the garment's exclusivity, meaning the garment's position in the marketplace as a function of the context in which it is sold—its price, quality, and spatial location in relation to other goods—and, thus, who can and cannot consume it. Merchandise sold in urban retail shops and commercial centers is considered more original, more prestigious, and more fashionable than what most Maya people buy in informal highland markets because the politics of difference in Guatemala makes those spaces more difficult to traverse and authorized goods too expensive for most to afford. Boundaries that determine who can and cannot consume original fashion at the national level mirror global divides that structure access to fashion brands. As anthropologists and others note, IP law consolidates the international division of labor that positions countries of the North as innovators, owners, and authorized consumers, while saddling countries of the South with the burden of protecting rightsholders from piracy and counterfeiting (Correa 2000:5; Coombe 1998; Luvaas this issue).

Legal and business scholars often take gaps between official frameworks and diverse local moral and legal understandings as opportunities to educate populations thought to be ignorant of the law. Legislation, education, and enforcement, they argue, will help local populations exercise "ethical reasoning," and to thus avoid participating in piracy (Nill and Shultz 1996:39). Arguments like this assume that anyone who reads the law will come to an identical conclusion about the problem of piracy. It implies that ethical behavior is only possible in the context

of formal legal governance and that respect for the law ought to be independent of socioeconomic status and other empirical conditions. Such approaches also ignore the ways that local understandings of what brands mean and local practices of appropriation are already shaped by international legal regimes and global markets. The “world capitalist system” (Nash 1981) premised on IP protections is productive of piracy insofar as Maya people are structurally disadvantaged by neoliberal reforms but also implicated in the circulation of globally popular styles and the meanings and desires associated with them. Even so, Maya manufacturers do not read the market value and cultural capital attached to fashion brands through the lens of Western property rights. The positive valuation of authorized goods and goods that closely approximate them—captured by the term *originales*—is instead understood as a function of more socially relevant class and ethnic divides that designate who is authorized to enter formal spaces and who is not.

THE LOOK OF PIRACY

Each time we prepared to leave Martín Cua’s garment workshop to sell his goods in highland markets, the ritual was the same. In his late thirties, Martín sells mostly to wholesalers in San Francisco El Alto, a Western town with a bustling clothing market. Before loading the garments into his beat-up Toyota sedan, he carefully inspected the stacks of folded sweatshirts—individually packaged in clear plastic bags, bundled by the dozen, and tied with a strip of fabric. This way of preparing garments for market is essential to what manufacturers call *presentación*, the way the garments will look to Martín’s clients, and ultimately, to consumers. *Presentación* also entails sewing a label into shirt collars and the waistbands of pants. These labels commonly feature trademarked brands, although there is often little regard for which brand name is used. Producers source labels from print or embroidery shops or use labels and tags that were smuggled out of maquiladoras. Whereas IP law frames piracy as willful deception and bad faith (Green and Smith 2002), the use of labels in this context is part of a cultural practice and business ethic in which the formal and professional presentation of goods is also about the self-presentation of the producer as a moral person who cares about his work. The use of pirated labels is also strategic because of the intense global competition that producers like Martín face from several angles. There are overruns and imperfect garments from the maquiladoras; imports from Mexico, China, and Taiwan featuring pirated brands; and the glut of name-brand, secondhand clothing from the United States that ends up in Guatemala. In this environment, it is difficult

to sell a garment without a label, and, more specifically, a label that affords some competitive advantage in a marketplace dominated by global brand names.

In addition to labels and tags, many garments made in Tecpán include a globally popular logo. Manufacturers do not see trademarked logos as signs of corporate ownership, but instead view them as design elements, similar to a stripe or color combination (cf. Luvaas this issue; Nakassis 2012). Brand names are not add-ons, as in international trademark law, but are integral to the constitution of a particular look. Maya garment producers use the Kaqchikel word, *ruwäch*—a polysemous term that here means “the look” of the garment—to talk about design. The same term is used in Mayan weaving. For instance, the word *ruwäch* refers to design elements such as the zigzags and stripes on a traditional huipil from Tecpán. The term also refers to how these elements are distributed across the garment and combine to make the overall design. As Carol Hendrickson’s (1995) study of Mayan weaving shows, it is a matter of pride for weavers to know what designs to imitate, but also to add some creative inflection that demonstrates their particular skills. The imitation of styles, designs, and techniques indicates respect for past generations and acknowledges the weaver’s participation in a community-based form of production. What carries over from traditional weaving to garment manufacturing is the sense of design practice as combination and appropriation, as well as the conceptual interdependence of the part (a design element) and the whole (the overall garment design). Both are captured in a single term, *ruwäch*, which indexes linguistically what cannot be separated practically.

One of Martín’s staple products in 2009 was a hooded sweatshirt cut from fleece material, featuring a zipper, pockets, and the word Hollister spelled out across the chest in felt letters. When I asked Martín why he used the Hollister logo on these garments, he replied, “Lleva menos letras que Abercrombie” [It has fewer letters than Abercrombie]. When producers decide which logo to include, there are many considerations, such as current trends, the difficulty involved in replicating a given logo, and the cost of materials. If a brand name has fewer letters, it means lower costs for the manufacturer. In my analysis, however, the most important factor is the need to conform to a recognizable style. Martín’s garments had to feature either Abercrombie or Hollister because those are the companies that took the generic hooded sweatshirt, made it baroque and graphic, and popularized that look among young people worldwide. If Martín made polo shirts, he would use a Ralph Lauren pony, because that company made the polo shirt embossed with an animal figure popular. IP law protects trademarks, but fashion companies actually sell design, a combinatory “look and feel” (Bharathi 1996:1668). In contemporary,

globalized youth fashion, the trademarked logo is necessary for the construction of stylish designs that have recognizable currency.

There is contestation in IP law over the relationship between trademarked logos and fashion design (Hemphill and Suk 2009). Western governments do not generally shelter fashion works in the same way as industrial designs and artistic creations. Hence, fashion firms combat design counterfeiting by making their trademarked logos more prominent features of their products, a strategy Louis Vuitton pioneered in the late 19th century. In many contemporary Ralph Lauren designs, the small pony embroidered on the polo shirt's left breast has become a large horse emblazoned across the entire left side. This transformation is no accident, nor is it purely aesthetic. Pirates cannot copy the style without also pilfering the logo, which extends the company's authorship and ownership to include the design (Scafidi 2006). Yet, while strengthening the force of law, this trend paradoxically encourages trademark piracy when producers in marginalized settings like Tecpán aim to replicate *ruwäch*, the globally marketed fashion design. When people stitch Hollister across a sweatshirt, they are not simply attempting to capture or steal the value of a trademarked logo. When consumers purchase that sweatshirt, they do not buy it just because it says Hollister. What is being bought and sold in informal markets are holistically conceived styles, what the Maya call a "look," which is to say, fashion (cf. Nakassis 2012).

INDIGENOUS BRANDS

Partly in response to foreign competition and the recent criminalization of piracy, a new set of marketing strategies and a new moral discourse regarding the appropriate use of brands is emerging in Tecpán. A few garment manufacturers have developed their own brands based on Kaqchikel terms like *b'alam* (jaguar) and *kem* (woven textile). Bernardo, a 25-year-old Maya man, hopes to launch a brand of young men's fashion called *Xarkar*, meaning blue fish in Kaqchikel. Its pronunciation reminds him of the English word *shark*, and he wants to use a shark for the logo. Bernardo developed the logo plus a tagline, marketing plan, financial profile, production flow charts, and design samples for a university business course. His father entered the garment business before the armed conflict, and has done just well enough to help Bernardo attend weekend courses in Guatemala City.

Bernardo wants to do business under a brand name that highlights his Kaqchikel identity. He is active in a local political party called *Qatinamit*, "our town," referring to Tecpán's indigenous majority. He identifies with an older generation of indigenous leaders who composed the pan-Maya movement, a loose affiliation of

activists and NGOs that shaped national policy toward indigenous people in the aftermath of the armed conflict (Fischer and Brown 1996). Using Kaqchikel terms as brands is a political move for Bernardo, who sincerely hopes his clothing line will encourage pride and affiliation among young indigenous men who wear it. It is also a strategic business decision. Like "ethnic entrepreneurs" (DeHart 2010) around the globe, and spurred by the growth of heritage and ethnicity industries, Bernardo commodifies Maya identity to capitalize on what differentiates his clothing line from imported garments and clothing made by his neighbors. His pursuits reflect a new phase of global ethnic politics and identity-based enterprise, a neoliberal turn to capitalism as a vehicle of political as well as economic "empowerment" (Comaroff and Comaroff 2009:15). This turn is especially evident in postcolonies such as Guatemala, where the state has threatened more than protected the indigenous population. Given this history of violence and contemporary policy failings, Bernardo seeks to lay claim to authority and authenticity mediated less by state recognitions than by the free market (cf. Coombe 1998).

In interviews, Bernardo admonished that *piratería* (piracy), by which he referred to using someone else's brand name, is unethical as well as illegal. Developing unique brands and incorporating his business sets him apart from informal producers in terms of class, a formal relationship to the state, and a business model informed by the latest marketing research. Hoping to hear about export opportunities, Bernardo organized a group of garment manufacturers to attend informational meetings in Guatemala City on the Central America Free Trade Agreement; he invited only those also on a path to formal market participation. Among a class of educated, relatively well-to-do young men in Tecpán, registering their businesses and brands with the state, paying taxes, and avoiding piracy are viewed as both business strategies and moral obligations, part of what it means to be a businessman as well as a good citizen. This emergent moral divide between formal and informal manufacturers in Tecpán traces a socioeconomic divide constituted in part by the early successes of producers like Bernardo's father, who prospered prior to postwar neoliberal reforms that impelled intense forms of local and international competition. When Bernardo sets himself apart from "pirates," he not only claims legitimate ownership over symbolic property but also participates in exclusionary practices of the sort indexed in local evaluations of particular garments as more or less "original" (cf. Coombe and Herman 2004).

Bernardo wants the Xarkar brand to be about a new "masculine" style as well as indigenous identity. "Da un toque de originalidad a tu personalidad masculina" [Give your masculine personality a touch of originality] is one of the taglines he

is considering. The clothing line, he notes, will appeal to young men who understand the value of cultural difference. This is a deeply gendered approach to both modernity and indigenous activism, given the cultural politics of dress in Guatemala. Bernardo's ambitions indicate earnest desire for Maya men to express their indigeneity through fashion, at least in part because Maya women have historically borne the "cultural responsibility" of displaying difference (Otzoy 1996:147). Yet the social construction of the Maya man as a formal business owner with ties to higher education and political leadership perpetuates gender divisions and racial inequalities that extend back to the colonial period. Sumptuary laws once required Maya men interacting with Spanish descendants to wear European-style attire—shoes, long pants, a collared shirt, and a hat (Carrillo Ramirez 1971). The public-private divide engendered by such laws means that indigenous men today are less likely to wear traditional clothing, and women are less likely to speak Spanish. Today, the Maya woman's *traje* (traditional dress), naturalized as a static custom and treated as cultural property, distinguishes Guatemala from other nations. Figured as a remnant of the past, it provides the historic depth necessary for the construction of a national identity (Nelson 2001:321). It also serves as a counterpoint to what it means for Guatemala to become modern and developed. Bernardo wants to help refigure (male) indigeneity as something hip and bring Maya style (and thus Maya people) up to date.

It is precisely this intimate, consumer politics of race and ethnicity—rooted in affective labor and private modes of identification, not to mention colonial heritages—that the neoliberal brand form encourages (Berlant 2008). In sum, men's relationships to the written word, rather than the woven image; Spanish rather than Mayan languages; modern styles, rather than traditional dress; a branded ethnic identity, rather than traditional heritage; and, in Tecpán, their position as owners of garment workshops, rather than manual workers, mean that fashion, and especially the business of fashion, mediates the changing relationship of Maya men to the state and civil society in ways that are largely unavailable to Maya women. At the same time, the economic and social value of Maya ethnic identity for commercial and political branding is contingent on a patriarchal image of the unchanging, culturally distinct Maya woman (cf. Coombe 1996).

CONCLUSIONS

Charles Hale coined the concept "neoliberal multiculturalism" to describe how the Guatemalan government embraces cultural rights claims made by disadvantaged groups, but only insofar as these claims do not cross over into demands for "control

over resources necessary for those rights to be realized" (Hale 2005:13). The Guatemalan state, he notes, celebrates cultural difference and acknowledges rights related to dress, language, and religion. It has done little, however, to address structural conditions that make indigenous Guatemalans vulnerable to poverty and insecurity (Hale 2006). Three-quarters of the indigenous population live in poverty, more than one-quarter live in extreme poverty, and structural adjustment policies have exacerbated the gap between rich and poor (Chase-Dunn 2000; World Bank 2009).

At the level of international institutions, blame for such outcomes falls on the backs of the governments of resource-poor nations when "structural-adjustment policies begin to bite" (Ferguson 2006:101). The failures of property regimes, free trade, and fiscal austerity get wrapped up with suspicions about whether states like Guatemala could ever achieve First World development and modernity, suspicions about "the authenticity of the copy" (Ferguson 2006:16). In turn, international legal frameworks provide a globally sanctioned discourse that governments can readily adopt to transfer blame onto groups of citizens cast as illicit and problematic. This politics of responsibility has proven especially useful for the political Right in Guatemala, which garnered widespread support during national elections in 2007 for its tough-on-crime (i.e., militarization) platform and won the presidency in 2011. The Guatemalan state and national elite thus profit from local "exceptions" (Ong 2006) to neoliberal logics of property and rule of law by laying blame for development failures at the feet of "pirates" and other "delinquent" groups, playing into long-standing racism against the impoverished indigenous majority and postcolonial projects of cultural and economic assimilation.

In Guatemala, the brand form is crucial to both national and local projects of reimagining the postwar nation-state. The state and private enterprise capitalize on culture to create a "nation-brand" around indigeneity (Mazzarella 2003). The government also positions itself, rhetorically and through intermittent enforcement efforts, as a protector of brand sovereignty for multinational corporations. The brand additionally serves to reorient indigenous entrepreneurship and Mayan cultural politics toward a formal model of national development. The postwar indigenous movement has been a "finger in the wound" (Nelson 1999) of the Guatemalan body politic, a continual reminder of racial divides, long-standing inequalities, and the violence of a genocidal war. Appropriations of indigeneity in the form of a brand, as part of a marketing strategy, conform to rather than challenge the legal and economic structures that foster inequality. These appropriations encourage the expression of indigenous affiliation through formal production and

consumption habits, a kind of consumer citizenship (Lipsitz 2006) that perhaps takes away from the collectivized political mobilization that defined the pan-Maya movement. Globalized IP laws thus shape an uneven geography of control over the meanings and practices of indigeneity in postwar Guatemala. Moreover, this legal regime underwrites a politicized process of neoliberal marketization and criminalization that covers over the historical burdens and social conditions underpinning illegal, informal economic activities.

ABSTRACT

In this article, I analyze significant gaps between what branding means in Guatemalan Maya communities and how brands are understood in international projects of legal harmonization that are also about rebranding the Guatemalan nation. Following Guatemala's internal armed conflict, neoliberal statecraft has involved policy approaches that amplify the presence of global brands while compounding conditions of socioeconomic inequality that limit Maya men and women's access to authorized goods. Meanwhile, Maya people are invited to participate in a modernist vision of citizenship and social progress that encourages a privatized model of indigenous identity mediated by branded commodities and formal market transactions. In this context, the brand is a powerful medium through which claims to legitimacy and authority are negotiated at national and local levels. [brands, piracy, intellectual property, trademark, fashion, Guatemala, Maya]

NOTE

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1. This research began in 2006 and includes a yearlong investigation in 2009, when I interviewed, in Spanish and Kaqchikel Maya, more than 100 workshop owners, employees, and others involved in the industry (and had informal conversations with many more). In addition, I surveyed 250 market vendors, and worked on an unpaid, flexible basis in two workshops. Names and identifying characteristics have been changed to protect informants' identities.

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