Regulating Style
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Fashion knock-offs are everywhere. Even in the out-of-the-way markets of highland Guatemala, fake branded clothes offer a cheap, stylish alternative for people who can’t afford high-priced originals. Fashion companies have taken notice, ensuring that international trade agreements include stronger intellectual property protections to prevent and punish brand “piracy,” the unauthorized reproduction of trademarked brand names and logos. Regulating Style approaches the fashion industry from the perspective of indigenous Maya people who make and sell knock-offs, asking why they copy and wear popular brands, how they interact with legal frameworks and state agents who criminalize their livelihoods, and exploring the localized ethics, norms, and values that structure their trade. Beyond showing that intellectual property proponents misrepresent the presumed threat that “piracy” poses to the economy, this book argues that international law itself perpetuates powerful divisions of race, class, and gender across a postcolonial field, institutionalizing a discriminatory divide between populations designated as rightful creators and consumers and others disparaged as mere copycats. Drawing on cultural studies, archaeology, and material culture studies in anthropology, this book develops a robust theory of style that emphasizes the centrality of copying and imitation to processes of cultural production. In analyzing the relationship of style to race, class, gender, indigeneity, and discourses of entrepreneurship and development that privilege a particular model of creativity, originality, and modernity in Guatemala and beyond, Regulating Style offers a new perspective on what is really at stake for fashion companies in the globalization of intellectual property law.
Chapter 2 broadens out from the history of a local industry to the legal and political processes through which the globalization of intellectual property law has taken place, especially the consolidation of the intellectual property regime via the TRIPS Agreement administered by the World Trade Organization. The chapter then gets down to the everyday work routines of Maya apparel workshop owners and employees making knock-off fashion. Copying, borrowing, and appropriation are part and parcel of the elaboration of style in the highland trade. These practices are also the subject of ongoing ethical debate in Tecpán. The chapter argues that copying is evaluated by workshop owners in light of norms and values that differ significantly from those promoted in intellectual property law. The normative models, which revolve around ideas about envy, individualism, and fair and unfair competition, and market strategies evident among Maya businessmen parochialize official portraits of business ethics and innovation built into the intellectual property regime and challenge assumptions about progress, improvement, and ordering on which the international development industry is also based.