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How Intellectual Property, Media and Markets
Transform Immaterial Cultural Goods

Edited by Ute Rösenthaler and Mamadou Diawara

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Africa is known for its multi-faceted immaterial culture, manifested in its highly original music, oral texts, artistic performances and sporting events. These cultural expressions have become increasingly regulated by intellectual property (IP) rights, as orally transmitted stories are written down, traditional songs broadcast and ownership claimed, and sporting activities once part of village life become national media events. This volume brings together an interdisciplinary team of legal experts, anthropologists and literary scholars to explore, from a local African point of view, what happens to intangible cultural goods when they are confronted with large-scale commodification and distribution through media technologies, and defined by globalized and divergent judicial systems, institutions and cultural norms.

These transformations are observed in diverse cultural products from Senegalese wrestling contests to beauty pageants in Mali, from Kenyan hip-hop to the Nigerian novel, from the vuvuzela to Cameroonian masks. Contributors address the role of the state and the colonial legacy of the European origination of IP laws, as well as the forms of ownership, technologies of mediation and degrees of commercialization that existed pre-colonially in different African societies, recognizing that performances in most societies have always been embedded in economic activities and exchange networks. Resisting a single narrative of the imposition of a Western, external legal regime displacing older African modes, these local studies open up a more complex picture of the intricate interconnections among pirates, artists, communities, governments and international organizations. They argue that it is only when local actors embrace technologies and regulations in a specific historical situation that these become influential forces for change. The question raised is not whether international IP norms conform to African practices, nor whether media impose a Western style, but rather what local actors do with these regulations and how both local and Western practices and technologies impact on each other and co-exist.

Intellectual property (IP) has become central to global governance but we have little idea of how this international legislation plays out on the ground. Drawing on case studies from South Africa, Kenya, Cameroon, Nigeria, Mali and Senegal, this pioneering book shows how local actors use IP rather than the other way around. A must-read for anyone interested in intellectual property.

Isabel Hofmeyr, Visiting Global Distinguished Professor, New York University and Professor of African Literature, University of the Witwatersrand.

Editors

Ute Rösenthaler: Professor at the Johannes Gutenberg University of Mainz; Scientific Collaborator in the Cluster of Excellence 'The Formation of Normative Orders' at the Goethe University.

Mamadou Diawara: Professor of Anthropology at the Goethe University Frankfurt; Principal Investigator at the Cluster of Excellence, Deputy Director of the Frobenius Institut; Founding Director of Point Sud, The Center for Research on Local Knowledge, Bamako, Mali.

Contributors

Karin Barber, Mamadou Diawara, Veit Erlmann, Matthias Gruber, Alessandro Jedlowski, Caroline Mose, Elisabeth Mudimbe-Boyi, Neo Musangi, Patrick Oloko, Alexander Peukert, Ute Rösenthaler, Dorothea Schulz, Alexie Tcheuyap, Ibrahima Wane.

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