

Are Geographical Indications Fascist? The Battle over Brunello as Cultural Icon, Global Commodity, Postmodern Symbol or Romantic Ideal

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On their face, geographical indications (GIs) appear the antithesis of globalization. Rooted in a particular place, GIs embody notions of community, tradition, and artisanal production that are light-years away from the sort of anonymous outsourcing to Asian sweatshops that we think of as epitomizing globalization. Yet, this very rootedness makes GIs a powerful marketing commodity. In an interconnected McWorld of globalized production, place is the one thing that, by definition, cannot be outsourced. The cachet that GIs confer as cultural icons commands a premium in the marketplace. Yet, there is a complex dialectic between the dual role that GIs play: as instrumentalities of the market and as custodians of cultural heritage. While the latter role underwrites the value of the former, cultural protection also stands in tension with market forces. A recent scandal over the production standards for Brunello—a renowned Tuscan wine—serves to illustrate these tensions. The struggle to reconcile this conflict points to a deeper tension running throughout trademark law: the urge to anchor through stabilizing doctrine the postmodern, free-floating meanings determined by consumer understanding. It raises the question: are GIs like trademarks, only more so? Or, more concretely, is adulterated Brunello any different than New Coke?