

A HISTORY OF LAND ROVER AND THE MAASAI: REGISTERING INDIGENOUS NAMES UNDER EU TRADEMARK LAW

A CASE STUDY

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INDIGENOUS PERSPECTIVES ON CULTURAL OWNERSHIP

...there is a link between the collective right of an Indigenous community to control their cultural heritage, and the development and survival of such cultures.

Erica-Irene Daes, 1993
UN Special Rapporteur of the Sub-Commission on
Prevention of Discrimination and Protection of Minoritiess



Photo: Sofia Jernroth

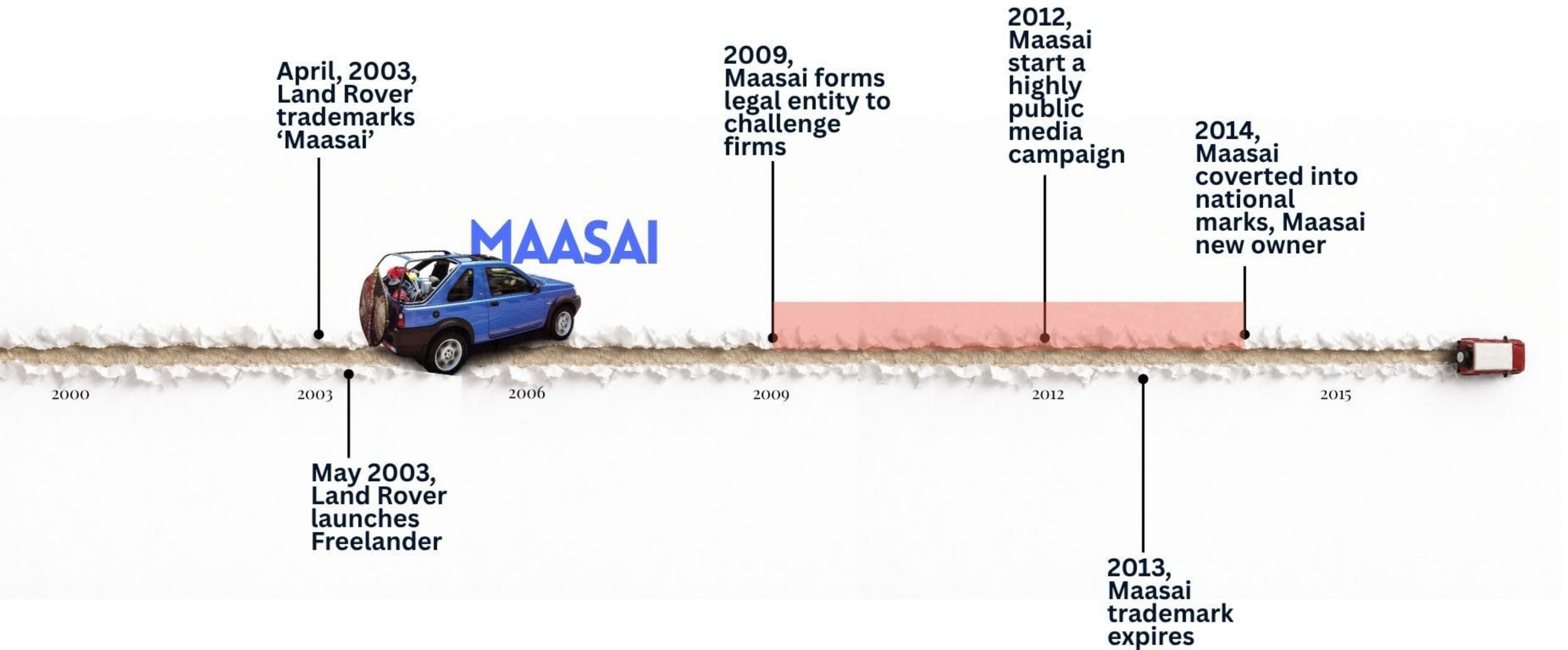
UNDRIP

“Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions”

Article 31,
United Nations Declaration on the Rights of Indigenous Peoples



THE LAND ROVER CASE STUDY



RESEARCH QUESTIONS & METHODS

- At a point of resistance: What happens in the relationship between cultural representations, trademark law, and firms?
- Oral sources
- Trademark filings & case law
- Land Rover promotional materials 1948–2014
- Archival sources

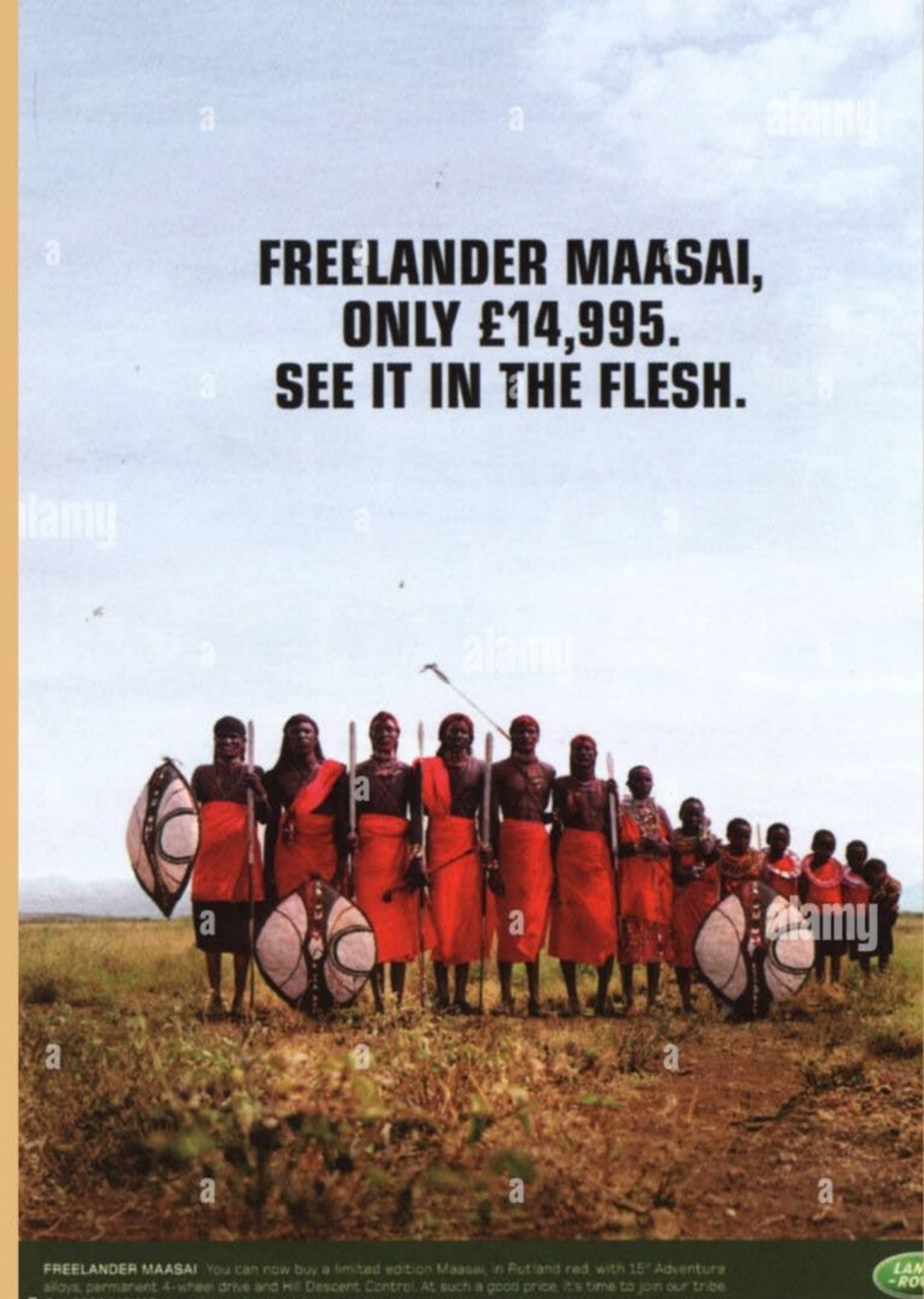
‘For centuries, people of the Maasai tribe have travelled the savannah...

...skin coloured red with the rich African earth. They are a fiercely proud and independent race...

...surviving in frequently hostile conditions breeds inner toughness and resilience.

...The Freelander Maasai Limited Edition draws its inspiration from the story of the Maasai people, a survivor in the wild, powerful, and agile enough to cope with challenging terrain.’

Photo: Land Rover



**FREELANDER MAASAI,
ONLY £14,995.
SEE IT IN THE FLESH.**

FREELANDER MAASAI You can now buy a limited edition Maasai, in Rutland red, with 15" Adventure alloys, permanent 4-wheel drive and Hill Descent Control. At such a good price, it's time to join our tribe.

LAND ROVER

DISTINCT AND STRONG
TRADEMARK

INDIGENOUS CULTURAL
MEANINGS

MAASAI

RELEVANT (EU) MARKET

DISTINCT FOR MOTOR
VEHICLES

ADVERTISING

KEY TAKEAWAYS

- EU trademark system is not designed to assess Indigenous cultural values and symbols
- Firms may draw on these through the advertising function of a trademark
- Firms may be susceptible to Indigenous opposition — but under what circumstances?



**LAND
ROVER**

THANK YOU!

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Photo: Land Rover