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**Guardians of Tradition: A Qualitative Study of the Relationship Between Intellectual
Property Law and Cultural Appropriation in the Mayan Nation**

by

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Abstract

Background

Indigenous cultural heritage is appropriated in fashion, often resulting in the exploitation of traditional designs without consent, recognition, or fair compensation to the originating communities, raising critical legal and ethical concerns. This practice turns cultural textiles into commercial products and continues patterns of oppression. Yet, current laws often fail to protect these traditions. This study explores a critical gap which is the intersection of IP, cultural appropriation, social identity, and intergenerational trauma. Focusing on the Mayan weavers' legal struggle in Guatemala, the research aims to evaluate how current IP framework can adequately protect Indigenous communities' knowledge and promote culturally sensitive legal reforms.

Methods

This qualitative study included ten adult women: five Mayan weavers (ages 27–65) and five IP lawyers (ages 32–58), recruited via purposive and snowball sampling. Semi-structured interviews explored experiences with cultural appropriation and IP law. Data was analyzed using Braun and Clarke's thematic analysis.

Results

Both weavers and lawyers recognised IP as ill-suited to protect traditional knowledge, citing colonial legacies and procedural barriers. Weavers described appropriation as erasure, trauma, and exploitation, and emphasized the collective nature of cultural expression. The findings indicate that current IP frameworks do not align with the experiences of communities affected by cultural appropriation. In the case of Mayan textiles, these frameworks offer limited protection and prioritize individual ownership over collective cultural rights.

Discussion and Conclusion

Findings underscore the psychological and cultural harm of appropriation and emphasize the need for decolonial, culturally sensitive and accessible protections that recognize collective

cultural rights, validate Indigenous perspectives, and support the preservation and respectful use of traditional knowledge. By centering Indigenous voices, the research advocates for reforms that align with communal identity and justice, highlighting the need to reimagine legal systems that truly respect Indigenous knowledge and ownership.

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List of Abbreviations

IP – Intellectual Property

WIPO – World Intellectual Property Organization

UN – United Nations

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Statement of Originality

I, Ciara Beveridge, certify that:

- This is an original and individual piece of work and no part of this has been written by anyone else.
- I have acknowledged (appropriately referenced using the APA referencing system) all sources and citations.
- No section of this assignment has been plagiarised.
- This work has not been submitted for any other assessment.

28-05-2025

AI Use Disclosure

Acknowledgement Statement

“I acknowledge the use of Microsoft Teams Recap Feature to generate transcripts (<https://www.microsoft.com/en-us/microsoft-teams/group-chat-software>). The prompts used include all interviews from February 20th to April 9th.

The output from these prompts was used as a draft of the transcription that was then edited for errors and the Jefferson transcription system was applied.”

28-05-2025

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Introduction

Cultural heritage carries layers of meaning that extend beyond surface-level understanding, where “tantos símbolos, cábalas, sabidurias Astrales y cálculos se urden en sus telas”— so many symbols, spells, sayings, Stars and conjectures are warped in their cloth.

— *Miguel Angel Astúrias*

Background and Rational

The disciplinary context of this research encompasses the cultural appropriation of clothing, IP, and psychology. Cultural appropriation is the act of borrowing elements from a culture by a more dominant group, often without permission, which can lead to the exploitation of that culture (Borrows & McNeil, 2022). IP is a legal concept that grants creators rights over their work, allowing them to control its use, distribution, and protection from unauthorised use (World Intellectual Property Organization, 2025). Social identity and intergenerational trauma are linked to cultural appropriation, as the appropriation of cultural elements can perpetuate the historical harm experienced by communities, intensifying feelings of disconnection tied to their cultural heritage (Alexander et al., 2004). Social identity is the sense of who people are based on our membership in social groups, influencing how we see ourselves and how others perceive us (Biernat & Mosley, 2021; Tajfel & Turner, 1978). Intergenerational trauma is the passing of trauma from one generation to the next, impacting the psychological well-being of future generations (Ahokas, 2017).

A group of Mayan weavers in Guatemala appealed to the country’s High Court to address the theft of their traditional textiles (Thomas, 2024). Similar to the Mayan community’s fight to protect their traditional textiles, the Navajo Nation confronted cultural appropriation, as they took legal action against Urban Outfitters for exploiting their cultural symbols and trademarks (Choi,

2018). The rationale behind this research is to address the complexities of IP in the context of cultural appropriation and to create an understanding of how legal frameworks can be improved.

Aims and Objectives

This study aimed to explore the intersection of cultural appropriation and IP, focusing specifically on the Mayan community's fight to protect their traditional textiles. To achieve this aim, the study pursued two objectives: to give a voice to the weavers who hold the cultural knowledge of these traditions and the legal professionals who navigate these laws and to gain insights toward a more psychologically and culturally sensitive IP framework.

Methodology

To achieve the objectives, this study utilises semi-structured interviews with two groups of participants: five IP lawyers experienced in handling cases related to Mayan cultural heritage and five weavers from the Mayan Nation. The methodology provided insight into how IP and cultural appropriation interact with social identity and intergenerational trauma.

Overview of the Dissertation Structure

Following this introduction, the literature review explores the key concepts at the intersection of psychology, fashion, and law. Literature on this topic spans six key areas, from colonial trauma to legal and cultural challenges in fashion appropriation. This research identified gaps in current understanding to promote a more informed approach to protecting Indigenous cultural expressions, raising awareness among policymakers, legal professionals and consumers. The method section outlines the participant recruitment process, data collection, the analytical framework applied, ethics, and reflexivity. The results section presents the findings from the interviews, beginning with Group 1's research questions and findings, followed by Group 2's. The discussion and conclusion relates the findings to the existing literature in light of the research questions and conclusion provides recommendations for improving IP frameworks.

Literature Review

Colonial Violence and Trauma

The Maya have catalysed a collective revival of weaving practices, not merely as domestic labour but as a reclamation of cultural identity, economic autonomy, and intergenerational knowledge transmission (MacNeill, 2014). Centuries of European colonisation disrupted traditional ways of life, imposing extractive labour systems and displacing Indigenous peoples from their ancestral lands, which has left a legacy of intergenerational trauma. (Urrieta, 2019). In the 20th-century civil wars in Guatemala, during which many Mayan men were killed or forcibly disappeared, left women as the primary providers for their families. In response, Mayan women turned to weaving not only as a means of survival but also to preserve cultural identity and resist erasure (Green, 1999). However, when fashion corporations appropriate Mayan textiles without acknowledgement or compensation, they perpetuate this history of exploitation (Esqueda & López, 2022).

Conceptualisations of Cultural Appropriation Within Fashion Contexts

Cultural appropriation and cultural misappropriation are used interchangeably, though the latter term emphasises the problematic power dynamics inherent when dominant groups adopt cultural elements without permission (Roger Williams University of the Law, 2021). For the sake of cohesiveness, cultural appropriation will be used as it is the predominant term to arise in the literature. Cultural appropriation can be understood through Barthes' (1957) concept of Mythologies. When an idea becomes compelling enough that someone other than its creator adopts practices from that idea, the object of appropriation is something perceived as desirable, which motivates its acquisition. Thus, a myth defined as an object or narrative carrying strong connotative significance typically initiates the appropriation process (Nelson & Shiff, 2010). While appropriation involves distortion, it should be distinguished from influence. Once appropriated, a cultural element may become fragmented before being reconstituted in an altered form within a different context (Huck, 2012). When a home decor company transforms the patterns of a

traditional Mayan huipil into mass-produced tablecloths without permission or financial benefit to the Indigenous artisans who developed these designs, it exemplifies how cultural appropriation extracts cultural heritage, stripping them of their original context while commodifying identity and reinforcing economic disparities between the appropriating entity and the source community (Barrios, 2022).

On May 16, 2016 protesters gathered outside the Guatemalan Congress and Supreme Court to urge the government to close a gap in the IP laws. This loophole permits companies to claim ownership of ancient Mayan designs without providing fair compensation to the weavers (Skeehan, 2020).

Indigenous Communities on Cultural Ownership

The Mayan community has responded to cultural appropriation with grassroots initiatives, to ensure recognition as the owners of their cultural expressions, demanding both legal protection and fair compensation (Chaçon, 2020).

Cultural textiles, as a form of IP, could potentially be protected using trademarks, copyrights, and patents (Buccafusco, 2017). In Guatemala, Bill 5742 advocates for the inclusion of provisions within the nation's copyright laws to protect the Mayan community from the infringement of their traditional designs by corporations (Figueiroa, 2020), though some argue that such analogies may be overly simplistic (Thomas, 2012). To ensure that traditional knowledge is properly acknowledged and respected the mechanisms of protection may have to be distinct from that applied to conventional IP (Fisher, 2019).

Connections Between Appropriative Practices, Intergenerational Trauma, and Social Identity

The use of Mayan textiles in fashion, without an understanding of their cultural context, often reduces them to aesthetic elements, stripping away their deeper significance (O'Keefe & Toledo, 2021). This can impact psychological well-being by disrupting cultural identity that is

essential for communities who have experienced erasure (Sanchez, 2023). Cultural betrayal trauma occurs when dominant institutions exploit cultures and create a disconnection between populations and their culture (Gomez, 2017). This disconnection can cause psychological distress (Doyle, 2017). When a major European luxury brand incorporated traditional huipil patterns from the Kaqchikel Maya community into their 2023 resort collection without permission or compensation, not only did they appropriate sacred designs that were representative of a specific cultural narrative and identity of a community, but they also undermined the wellbeing of local weavers. (Manjeet, 2025).

Exploitation structures contemporary fashion systems (Niessen, 2003). The exhibition of cultural artefacts in colonial expositions established visual taxonomies that persist in fashion, particularly in the commodification of Indigenous aesthetics (Ramaswamy, 2014). These historical processes manifest in fashion through cultural extraction without equitable compensation and the decontextualisation of non-Western sartorial practices. This colonial legacy contextualises why appropriative practices in fashion frequently reproduce trauma for communities that have experienced generations of cultural and economic exploitation (Abdelner, 2005). Contemporary fashion's appropriation of huipil designs without attribution perpetuates these dynamics (Hendrickson, 1995). Such commodification replicates psychosocial trauma associated with colonial dispossession by alienating communities from their cultural heritage (Arias, 2006).

Social Identity Theory by Tajfel & Turner (1978) explains why cultural symbols hold such significance as they serve as markers of group belonging, reinforcing collective identity and self-esteem. Mok et al. (2011) explains that when these symbols are decontextualised or commodified, members of the originating culture may experience psychological distress, as their heritage is reduced to an aesthetic or a commercial value, this can lead to cultural identity threat, where the appropriation of sacred elements by dominant groups is perceived as an erasure or distortion of

cultural meaning. Such experiences can contribute to feelings of marginalisation and a loss of cultural agency, reinforcing broader power imbalances between groups.

Garments like the huipil represent identity with their intricate weaving patterns reflecting cosmological knowledge and historical narratives (Hendrickson, 1995). The use of colour, design, and symbols in Mayan textiles is a visible marker of social position and ethnic group membership (Costin, 1998). One's group of belonging can be communicated from textiles (Andrew, 2008). This connection between textile production and social identity has allowed these practices to persist as a form of cultural expression despite centuries of colonial oppression and globalisation. They serve as psychological protection against assimilation pressure (Rahal, 2022).

The loss of control over their textile traditions is a form of cultural dispossession (Crosby & Lykes, 2014). Efforts to heal the cultural trauma experienced by Mayan communities often involve a reclaiming of tradition. One approach is the revitalisation of the weaving traditions, wherein local communities come together to weave not only garments but also bonds of solidarity and cultural pride. Moreover, reconciliation processes often involve collaborative efforts that allow for Mayan communities to reclaim their knowledge, which are seen as key components of a broader decolonisation strategy (Carmioli & Cenko, 2007).

The psychological concept of the extended self explains why cultural artefacts like textiles are experienced as extensions of collective identity rather than commodities (Belk, 1988 ; Baker, 2004). When Mayan weavers create traditional designs, these textiles become incorporated into their collective sense of self, making appropriation an infringement on the community's extended psychological self (Eicher & Roach-Higgins, 1992). Cultural continuity serves as a protective factor against psychological distress in indigenous populations (Chandler & Lalonde, 2008). Communities with stronger connections to traditional practices, including textile production, showed greater psychological resilience despite historical trauma (Kirmayer, 2011).

Juridical Limitations in Cultural Appropriation Disputes

The application of IP to cultural appropriation presents a number of challenges that arise because IP law was designed in the context of individual ownership and commercial interests (Chacón, 2020). Legal professionals struggle to adapt individual-centric copyright and patent laws to the collective nature of Mayan weaving traditions (Bhukta, 2020). Indigenous peoples often seek to fulfil a continuing responsibility to care for cultural knowledge, even without individually holding title to them (Carpenter et al., 2019). For the Mayan community, cultural ownership is tied to collective rights (Farriss, 2021).

Furthermore, many communities cannot afford the high cost of litigation (Comerma, 2024). Compounding these challenges, legal frameworks governing IP rights in Guatemala are predominantly drafted in Spanish and English, with critical provisions rarely translated into Mayan languages spoken by the very communities whose cultural heritage these laws ostensibly protect (Sieder, 2014). Evidentiary challenges also complicate cultural appropriation cases, as proving theft or copying of textile designs is difficult without written records or formal documentation. Many Mayan communities pass down designs orally, which makes it hard to trace origins and meet IP law's requirements for concrete evidence of ownership (Oruç, 2022). The variation in IP laws across jurisdictions hinders the global enforcement of them (Min, 2017). These international disputes raise questions about which country's laws apply and whether indigenous communities can access legal remedies in foreign jurisdictions, with differing legal definitions of IP and ownership intensifying the challenges (Thomas, 2017).

Emerging Alternative Regulatory Paradigms

To address cultural appropriation, legal reforms could include recognising collective rights over cultural expressions and expanding geographical indication laws to protect traditional textiles (Deacon et al., 2004). Integrating community-based protocols and customary law could help manage the use of Mayan textile designs by ensuring community consent and cultural respect

(Comerma, 2024). Self-regulation within the fashion industry, including voluntary codes of conduct for ethical sourcing and fair compensation, could help prevent cultural appropriation (Vézina, 2019). Collaborative partnerships between the fashion industry and indigenous communities can ensure the respectful use of Mayan textiles, benefiting both parties economically (O’Keefe & Toledo, 2021). Benefit-sharing models, such as royalties or reinvestment in community projects, can ensure that Mayan communities are fairly compensated (Krawchenko, 2020).

Research Gaps

Current scholarship has insufficiently addressed how legal frameworks might accommodate the complex relationship between cultural heritage, social identity, and intergenerational trauma experienced by Mayan weavers whose designs are appropriated (Tohver, 2006). Additionally, existing literature fails to integrate the perspectives of both legal practitioners and indigenous knowledge holders when evaluating IP protections for traditional cultural expressions.

This research aimed to develop a more psychologically informed and culturally sensitive framework for IP that better protects indigenous cultural knowledge. The specific objectives included: documenting the experiences of Mayan weavers and legal professionals, identifying barriers preventing indigenous communities from accessing legal remedies, evaluating existing models of cultural heritage protection, and discussing policy recommendations that centre indigenous perspectives within IP discourse. This research addresses these gaps by employing an interdisciplinary approach that considers both psychological, cultural, and legal frameworks simultaneously. By conducting semi-structured interviews with IP lawyers and Mayan weavers, this study creates a dialogue between legal expertise and lived cultural experience. The research questions guiding this investigation correspond with each group:

Group 2 (Mayan Weavers)

1. How do communities who experienced cultural appropriation in fashion perceive the relationship between IP law, social identity, and intergenerational trauma?
2. What are the views of communities whose cultural heritage is perceived to be appropriated in fashion on existing legal protections?

Group 1 (Lawyers)

3. What are the perceptions of lawyers regarding the legal challenges involved when using IP law to address cases of cultural appropriation?

Methods

Participants

This study recruited ten female participants, ranging in age from 27 to 65 years old through purposive and snowball sampling. The ten participants were divided into two groups. Participants were required to be adults and fluent in either Spanish or English. In both groups, after securing initial participants, snowball sampling was employed whereby participants referred colleagues or community members. The sample size was determined based on the study's exploratory qualitative design. Studies examining knowledge in cultural and legal domains have shown that insights can be generated from small, carefully selected samples (Guest, 2006). Constraints including time limitations for in-depth interviews influenced the final sample size determination. The specific inclusion criteria were established to ensure participants possessed either relevant legal expertise or authentic cultural knowledge necessary for addressing the research questions.

Group 1

The first group consisted of five IP lawyers who had direct experience working on cases involving the Maya and cultural appropriation. Initial recruitment was conducted through professional legal networks specializing in IP in Guatemala.

Group 2

The second group comprised five weavers who identified as Indigenous Maya from different communities in Guatemala. Recruitment began through previous academics who have researched Mayan weaver cooperatives.

Materials

The study utilized two separate semi-structured interview schedules, for each participant group, permitting the researcher to adapt the questions based on the flow of conversation (Adam, 2015). The interview schedule was informed by the research goals, drawing from existing literature. For Group 1, the questions aimed to elicit detailed insights into the legal landscape and its

intersection with cultural issues. For Group 2, the questions were designed to explore personal experiences related to cultural identity and the impact of legal mechanisms. Both interview schedules were reviewed by an expert in the field of law and a professor of cultural studies to ensure content validity.

The full list of questions can be found in the ethics form in the appendix along with additional materials such as participant information sheets, consent forms, and debrief forms.

For Group 1 (Legal Professionals), the interview schedule contained three sections following 5 demographic questions. The questions aimed to answer research question 3. The sections and questions are as follows:

IP Law & Cultural Appropriation Intersection (4 questions)

Social Identity & Intergenerational Trauma Impact (3 questions)

Legal Mechanisms (3 questions)

For Group 2 (Community Members), the interview schedule also contained three sections following 5 demographic questions. The questions aimed to answer research questions 1 and 2. The sections and questions are as follows:

Personal Experience & Cultural Identity (5 questions)

Social Identity & Intergenerational Trauma (2 questions)

Legal Protection & Community Experience (3 questions)

Procedure

The study was conducted with attention to ethical considerations, and all participants were fully informed of the purpose, their rights, and any potential risks. Ethical approval for the study was obtained from the university's Ethics Committee prior to data collection. Participants were invited to participate through an email invitation, which contained information about the study, its goals, and the participant's rights. Those who expressed interest in participating were then sent an information sheet detailing the study's purpose, procedures, and confidentiality measures. The information sheet outlined the potential risks of the study, which were minimal, as the study

involved online interviews that posed no physical risk to participants. Participants were made aware that they could withdraw from the study at any time without consequence.

After reviewing the information sheet, participants were asked to sign a consent form, indicating their voluntary participation and granting permission for the interview to be recorded. Once consent was obtained, an interview was scheduled. After the interview, participants were sent a debriefing sheet, which included further information about the study, additional resources to assist them post-interview, and contact details for the researcher should they have any further questions or concerns.

Data Analysis

The study employed Braun and Clarke's (2006) thematic analysis method to analyse the interview data. The first step in the analysis involved familiarization with the data, which was achieved through Jefferson (2004) transcription, a method that captures not only what is said but also the nuances of how it is said. Following transcription, initial coding was performed, where features across the dataset were identified. This coding process was inductive, meaning it was driven by the data itself. Once the initial codes were identified from all interviews, they were grouped and analysed to discern potential themes. The themes were reviewed for coherence, distinctiveness, and relevance to the research question. To establish inter-rater reliability, transcript excerpts and the emerging codes were shared with the researcher's supervisor. After identifying the final set of themes, each theme was clearly defined to ensure it accurately captured the essence of the data it represented. The final step involved the production of an analytical report that integrated extract examples with interpretive narrative, highlighting the connections between the themes and provided a nuanced understanding of participants' experiences and perspectives on cultural appropriation in fashion and its legal implications.

Research Ethics

This research adhered to both university ethical guidelines and the British Psychological Society's Code of Human Research Ethics and is considered minimal risk, defined by the BPS as research where 'the probability and magnitude of harm or discomfort anticipated are not greater than those ordinarily encountered in daily life or during routine physical or psychological examinations or tests.'. The study was designed with consideration of the sensitive nature of cultural appropriation and its impact on traditional communities. Participants were provided with comprehensive information about the study's purpose and their rights before giving informed consent. To protect participant confidentiality, all data was anonymised and stored securely in accordance with data protection regulations. The positionality of the researcher and participants, particularly when working with Indigenous communities, was considered throughout the research process. This consideration involved several specific approaches: implementing regular reflexivity practices throughout the research process; consulting with Mayan cultural academics before finalising interview questions; and maintaining transparency about the researcher's background, motivations, and limitations in understanding cultural nuances.

Reflexivity

Whilst investigating cultural appropriation and its legal implications, the researcher acknowledged her positionality. The researcher whose pronouns are she/her/hers is an American-born researcher of mixed heritage, with ancestry from Puerto Rico and Scotland. The researcher acknowledged her position as a White woman from a privileged background pursuing her bachelor's degree in Psychology of Fashion. The researcher recognised her outsider status and the power dynamics inherent in cross-cultural research. The researcher acknowledged that Psychology as an academic discipline has historically functioned as tools of colonisation through imposing Western frameworks of understanding onto diverse cultural experiences (Phiri et al., 2023).

The researcher is committed to ongoing critical self-reflection regarding how identity shapes research questions and findings. The researcher recognised that this work is part of a continuous

learning process in developing more ethical research practices when working with communities that have historically been marginalised by academic inquiry.

To minimise potential bias, the researcher maintained a reflexive journal (see Appendix D) throughout the research process. This approach aligns with (Holmes, 2020) findings that reflexive journaling creates transparency in the research process by making visible to the reader the constructed nature of research outcomes.

Results

Group 1 - Research Question 3: What are the perceptions of lawyers of the legal challenges involved when using IP law to address cases of cultural appropriation?

Analysis of findings focused on lawyers' perceptions of challenges when applying IP to cultural appropriation cases (see Table 1).

Table 1

Group 1 – Research Question #3 Findings

| Group | Participants | Theme | Subthemes |
|---------|--------------|---|---|
| Lawyers | 1,2,3,5,7 | Limits of IP Law in Its Application to Cultural Appropriation | Legal and Accessibility Barriers; Misalignment Between IP Frameworks and Cultural Protection Needs |
| Lawyers | 1,2,3,5,7 | Colonial Influence in Law | Power Imbalances in Global Legal Systems; Legal Frameworks that Perpetuate Historical Inequities |
| Lawyers | 1,2,3,5,7 | Ideas for Better Protection Against Cultural Appropriation | International Protections and Reforms; Alternative Approaches |

Theme 1: Limits of IP Law in Its Application to Cultural Appropriation

All five lawyers highlighted that while IP theoretically offers protections, in practice, it remains inaccessible and misaligned with the realities of protecting cultural heritage. Lawyers

emphasised that while legal mechanisms such as copyright and trademark exist, they are often out of reach for marginalised communities. IP protections assume that individuals have a certain level of literacy, legal understanding, and financial resources. Lawyers expressed IP law's rigid structures fail to accommodate the continuous character of cultural traditions.

“You can't just copyright it (.) that process assumes literacy, legal knowledge, and financial means that many communities don't have.” (Participant 1)

“Current IP regimes operate on a fixed timeline (.) there's registration, a period of protection (.) heritage doesn't function in these boxes.” (Participant 5)

Subtheme 1.1: Legal and Accessibility Barriers

All five lawyers emphasised the procedural complexity and high costs, particularly for Indigenous and marginalised communities. These obstacles create significant barriers, representing inequities in legal access. Lawyers repeatedly pointed out that while IP rights exist in theory, the ability to exercise those rights is contingent upon having substantial financial resources and specialised legal knowledge. The quotes demonstrate how IP law's complexity and cost create a system of protection that primarily serves those with resources, effectively excluding the very communities whose cultural heritage is most at risk of appropriation.

“What happens in developing countries is that there is (.) no budget to enforce a law.”
(Participant 1)

“I mean, it's not just about having a right, it's about being able to enforce it? And the cost of doing that, uhm, it's astronomical.” (Participant 3)

“Even understanding how to register something (.) it's a minefield.” (Participant 5)

Subtheme 1.2: Misalignment Between IP Frameworks and Cultural Protection Needs

There was a consensus amongst all five lawyers that current IP frameworks are ill-suited to protect traditional cultural expressions because they prioritise individual authorship and originality. These laws are based on Western legal traditions that assume creative works are produced by identifiable individuals at specific moments in time. However, the interviews reveal that many cultural expressions in Indigenous communities are collectively created, maintained, and passed down across generations. This means that no single person can claim ownership, which clashes with the core requirements of existing IP frameworks.

“You can't copyright a traditional pattern that's been around for hundreds of years (.) the system wasn't made for that.” (Participant 1)

“IP law is built for individual inventors, not for entire cultures that share knowledge across generations.” (Participant 2)

“The framework doesn't recognise community custodianship (.) it's blind to that.”
(Participant 2)

Theme 2: Colonial Influence in Law

All five Lawyers reflected on how IP reproduces colonial logic. These legal frameworks often elevate Western notions of authorship, ownership, and innovation, while marginalising or outright dismissing Indigenous, communal, and non-Western systems of knowledge and cultural expression. The lawyers underscore that the very foundations of Western IP law centred on individual ownership, static notions of originality, and proprietary control are misaligned with Indigenous and communal epistemologies, where knowledge is relational, collective, and continuously evolving. Their perspectives highlight how IP functions not merely as a neutral legal tool but as an active mechanism of colonial dominance.

“The system was never designed to protect Indigenous knowledge (.) it was designed to extract it... Western IP law was never about justice (.) it was about ownership” (Participant 1)

“It’s not just law (.) it’s colonial law (.) it carries that history in every clause.” (Participant 2)

Subtheme 2.1: Power Imbalances in Global Legal Systems

All lawyers noted that contemporary IP frameworks are deeply rooted in colonial legal systems that were historically designed to serve the interests of American and European powers. In addition, power imbalances and U.S. financial influence may prevent Guatemalan courts from holding American companies accountable.

““What happens in developing countries is that there is (.) no budget to enforce a law.”
(Participant 1)

“The Guatemalan courts won’t go after American companies (.) America is a donor (.) there’s a power imbalance (.)” (Participant 1)

Subtheme 2.2: Legal Frameworks that Perpetuate Historical Inequities

All lawyers described how existing IP laws are systematically structured to reinforce the privileges of historically dominant groups, particularly those who have long held economic and political power in the global legal system, prioritising their interests, while undermining the ability of Indigenous communities to assert control over their traditional knowledge. These insights reveal that IP law not only reflects Western economic and cultural priorities but also serves as a vehicle for maintaining global power imbalances. The lawyers reflections illustrate how the exportation of Western IP regimes imposes legal standards that are often irrelevant or inaccessible to communities in the Global South. The lack of enforcement resources and the influence of geopolitical power dynamics such as donor dependencies further undermine the capacity of these countries to protect their cultural heritage.

“The Indigenous people doesn't have enough representatives in the Congress (.) they must have a certain number of representatives and also the political force (.) to present a bill for discussion.” (Participant 1)

“There's no real effort to decolonise the system (.) it's like putting a plaster on a bullet wound.” (Participant 5)

“Why are we pretending to be white saviors (.) their wisdom was there long before (.) law just hasn't caught up (.)” (Participant 7)

Theme 3: Ideas for Better Protection Against Cultural Appropriation

While all the lawyers interviewed expressed strong critiques of the IP framework for its failure to adequately protect cultural heritage, they also offered constructive and innovative alternatives. These alternatives included proposing mechanisms for rethinking how cultural knowledge is protected, valued, and shared globally. They emphasised the need for reforms that

would allow for a more inclusive approach. The proposed solutions empower Indigenous creators to control and benefit from their cultural assets and the narratives around them.

“We should be thinking about protection as stewardship (.) not just control.” (Participant 2)

“You can’t protect what you don’t understand (.) the first step is listening (.) really listen↑ing.” (Participant 5)

“Maybe the goal isn’t enforcement (.) but empowerment (.) giving communities the tools to decide for themselves.” (Participant 7)

Subtheme 3.1: International Protections and Reforms

Three out of five lawyers emphasised the urgent need for cross-border legal instruments and more robust international collaboration to address the widespread and often unchecked appropriation of cultural heritage. These quotes demonstrate participants’ shared recognition that meaningful protection against cultural appropriation requires international legal reform, emphasising that current efforts remain limited and that future solutions must be globally coordinated, enforceable, and inclusive of diverse legal and cultural perspectives. The lawyers underscore the need for binding agreements with clear enforcement mechanisms, such as the UN or international arbitration bodies, to facilitate more equitable and effective governance structures.

“WIPO’s work on traditional cultural expressions is a step (.) but there’s still a long way to go, right?” (Participant 1)

“If cultural appropriation is global (.) then so must be the solution.” (Participant 2)

“Could the UN be a space for this? (.) Maybe international arbitration? (.) It’s worth exploring.” (Participant 3)

Subtheme 3.2: Alternative Approaches

Beyond formal legal frameworks, three out of five lawyers proposed the development of community-led certifications and ethical standards, particularly within the fashion industry, as practical tools to provide both recognition and protection for Indigenous and marginalised cultural expressions. These quotes demonstrate a shared belief among lawyers that effective protection of cultural heritage requires shifting power to communities themselves, through self-certification, culturally grounded agreements, and market-based recognition, rather than relying solely on formal legal mechanisms.

“Legal action isn’t the only route (.) cultural contracts and market accountability matter too.”

(Participant 2)

“Empowering communities to self-certify their work (.) that’s a path forward.” (Participant

5)

“There’s value in recognition systems (.) not everything has to be litigated.” (Participant 7)

Group 2 - Research Question 1: How do communities who experienced cultural appropriation in fashion perceive the relationship between IP law, social identity and intergenerational trauma?

This group examines the perspectives of weavers who have experienced cultural appropriation in fashion (see Table 2).

Table 2*Group 2 – Research Question #1 Findings*

| Group | Participants | Theme | Subthemes |
|---------|--------------|------------------------------|--|
| Weavers | 4,6,8,9,10 | Cultural Identity and Misuse | Communal Ownership vs Individual IP Rights; Cultural Significance vs Commercial Exploitation |
| Weavers | 4,6,8,9,10 | Cultural Harm | Intergenerational Trauma and Cultural Appropriation; Economic Exploitation Without Recognition or Compensation |

Theme 4: Cultural Identity and Misuse

All weavers articulated how cultural expression is tied to identity and shared memory, which is fundamentally undermined by commodification. These quotes demonstrate how weavers view cultural expression as deeply rooted in collective identity, ancestry, and lived tradition. Participants stressed that their traditions are meant to be shared and respected, not bought and sold.

“When you put a price on something so sacred (.) it loses its power (.) it’s no longer a part of us, it’s just a product.” (Participant 4)

“Our culture isn’t just something for people to consume (.) it’s something we live (.) something we pass on with care and respect.” (Participant 6)

“Cultural knowledge is collective (.) it’s shared between generations, not owned by one individual or company.” (Participant 8)

Subtheme 4.1: Communal Ownership Versus Individual IP Rights

Two out of five weavers critically engaged with the concept of individual ownership embedded within conventional IP law, emphasising that their cultural expressions are not the creations of a single author or owner, but are instead collectively held, intergenerational, and often regarded as sacred. These reflections highlight a fundamental disconnect between Western legal concepts of ownership and the ways in which cultural expressions are understood within Indigenous and communal contexts. These expressions are sacred, collective, and created for ceremonial purposes rather than for profit. Participants emphasise that existing IP laws fail to recognise or protect the cultural and spiritual value embedded in these traditions.

“Our designs aren’t owned by one person (.) they belong to the tribe, to the ancestors.”
(Participant 4)

“How can you put a copyright on something that’s spiritual, that’s sacred?” (Participant 10)

“These things weren’t made for sale (.) they were made for ceremony.” (Participant 10)

Subtheme 4.2: Cultural Significance Versus Commercial Exploitation

Three out of five weavers articulated the psychological harm experienced as a result of the commercialisation of culturally meaningful items. These quotes demonstrate that participants experience the appropriation of their cultural garments and symbols as deeply offensive and emotionally harmful, emphasising that such items carry personal, historical, and communal meaning and not merely aesthetic value. Reducing cultural expressions like clothing to decorative

or marketable objects erases their significance, replicates past forms of cultural suppression, and reinforces feelings of dispossession.

“They make money off what we were once punished for wearing.” (Participant 10)

“Always where is (.) that custom from. So maybe sometimes you need to ask the person where is that (.) this custom from? Are you from Solo?” (Participant 4)

“En definitiva, nuestro vestuario es una forma directa de describir quién somos. ((our clothing is a direct way to describe who we are.))” (Participant 6)

“Es muy ofensivo cuando alguien corta el huipil para hacer cojines o cosas decorativas. ((it is very offensive when someone cuts a huipil to make cushions or decorative things))”
(Participant 6)

Theme 5: Cultural Harm

All weavers consistently linked cultural appropriation to broader, deeply rooted histories of oppression, inequality, and economic injustice. They emphasised that the appropriation of cultural knowledge is not an isolated incident but rather a continuation of historical processes of colonisation and exploitation. These quotes demonstrate how participants view cultural appropriation not as a disconnected phenomenon, but as part of a larger, ongoing struggle over power, identity, and economic control. Appropriation is understood as part of a persistent pattern of erasure and economic exploitation, where dominant groups continue to profit from cultural elements while ignoring their deeper meanings and the lived experiences of those they belong to.

“It’s always been about power (.) who gets to own what (.) who gets paid (.) and who gets erased.” (Participant 6)

“Appropriation doesn’t happen alone (.) it sits on top of all the injustice we’ve lived through.”
(Participant 8)

“They take what they want (.) but they don’t know what it mean (.) it’s not just fashion (.) it’s who we are.” (Participant 9)

Subtheme 5.1: Intergenerational Trauma and Cultural Appropriation

Appropriation was described not as an isolated issue, but rather as a direct continuation of colonial processes of silencing, erasure, and dispossession by all weavers. Participants emphasised that cultural appropriation is intrinsically linked to the historical legacies of colonisation, where Indigenous and marginalised communities were stripped of their voices, identities, and cultural practices. These quotes demonstrate that participants view cultural appropriation as not just a form of theft, but as an ongoing cycle of silencing, erasure, and trauma. They highlight how the commodification of their culture once suppressed or criminalised is now being profited from without acknowledgement of its deeper significance or the historical violence that led to its dispossession.

“My grandmother wasn’t allowed to speak her language, and now it’s cool to wear our patterns on a runway?” (Participant 8)

“Appropriation isn’t just theft (.) it’s a continuation of silencing us.” (Participant 10)

“They erased it from us, now they profit from it.” (Participant 10)

“Every time they take our culture for fashion (.) they take our dignity again.” (Participant 10)

“After the Civil War (1.0) many people died back then...they remember (.) like they are traumatised...they found a way to start having an income they lost their husbands, their fathers...one of them who works, who is here lost her grandparents. They were burnt alive.”
(Participant 4)

Subtheme 5.2: Economic Exploitation Without Recognition or Compensation

Three weavers articulated how cultural appropriation frequently serves the financial interests of fashion brands while leaving the communities from which these cultural expressions are drawn both economically marginalised and uncredited. These quotes demonstrate how participants highlight the stark economic disparity between the commercialisation of their cultural designs and the impoverished conditions within their communities. There is a major upcharge on items but the people who make these designs are not compensated fairly from that. Participants voiced their struggle to make a living while others profit from selling their designs for more than they could ever earn.

“They would charge two dollars (.) for something (.) but when you see [it] in a designer purse (.) it costs two hundred.” (Participant 4)

“We’re living in poverty while our designs are sold for more than we ever make.”
(Participant 9)

“Un huipil hecho a mano cuesta mil dólares. Uno de fábrica, solo doscientos. ((handmade is \$1000, factory one is \$200))” (Participant 6)

Group 2 - Research Question 2: What are the views of communities whose cultural heritage is perceived to be appropriated in fashion on existing legal protections?

For Research Question 2, investigating community views on existing legal protections for cultural heritage in fashion (see Table 3).

Table 3*Group 2 – Research Question #2 Findings*

| Group | Participants | Theme | Subthemes |
|---------|--------------|--|---|
| Weavers | 4,6,8,9,10 | Community Perspectives on Legal Protections | Perceptions of IP Law Adequacy and Accessibility; Barriers to Using Existing Legal Frameworks |
| Weavers | 4,6,8,9,10 | Community-Based Alternatives to Legal Remedies | Cultural Preservation Practices; Community-Led Approaches to Protecting Heritage Outside Formal Legal Systems |

Theme 6: Community Perspectives on Legal Protections

All weavers consistently described formal legal systems as inherently skewed toward serving the interests of large corporations and commercial entities. They expressed a shared sense of alienation, noting that these legal structures are often complex, inaccessible, and designed in ways that prioritise profit over the protection of cultural heritage and community rights. These quotes demonstrate the weaver’s sense of disillusionment from formal legal systems and their belief that they are designed to protect the interests of the powerful rather than the needs of Maya communities.

“The system is stacked against us (.) we have no way of even entering the legal fight.”

(Participant 4)

“The law’s not made for us (.) we don’t even understand it (.) how are we supposed to protect what’s ours?” (Participant 8)

“I don’t know if it will work for us (.) these laws are too far from us (.) they don’t care about what we need.” (Participant 9)

Subtheme 6.1: Perceptions of IP Law Adequacy and Accessibility

Four weavers expressed a sense of alienation from legal processes, articulating scepticism regarding the capacity of these systems to offer meaningful protection for their cultural practices and IP. These quotes demonstrate the weaver’s perception that formal legal systems are inaccessible, ill-suited to their needs, and disconnected from their realities. These reflections highlight how formal legal systems are perceived as structurally exclusionary, both financially and linguistically inaccessible, and ultimately aligned with commercial rather than cultural interests. The weavers emphasized that these systems fail to account for Indigenous governance models and community-based legal traditions, making external laws difficult to apply or even understand within their local contexts.

“It’s not for us (.) it’s too complicated, too expensive (.) the law protects business, not our culture” (Participant 10)

“El gobierno no quiere escuchar. No quiere hacer cambios. ((the government doesn’t want to listen. doesn’t want to make changes.))” (Participant 6)

“Some communit[ies] (.) they have their own legal system (.) based on common law (.) let’s say (.) among them. So if there’s a law enacted (.) it will follow the enforcement of any other law (.) so they wouldn’t know how to apply it.” (Participant 4)

“They have more than 30 (.) just in Guatemala (.) that is a very small country (.) so it's very hard for them to communicate between them and the Spanish is the official language (.) but many of them don't know how to communicate in Spanish.” (Participant 6)

Subtheme 6.2: Barriers to Using Existing Legal Frameworks

Three weavers highlighted both practical and psychological barriers that hinder their engagement with formal legal systems, including a lack of accessible legal knowledge and deep-seated mistrust in institutions that have historically excluded or failed their communities. These quotes demonstrate frustration with the legal system, highlighting their lack of resources, knowledge, and trust in the system. The lack of accessible legal support is compounded by a historical legacy of marginalisation, which has fostered feelings of disillusionment and reinforced gender power imbalances within their communities. This combination of structural and psychological barriers contributes to a sense of helplessness, where the legal is inaccessible.

“There are few leaders of the community (.) usually older people (.) usually ↓men (.) we've been shut out too long.” (Participant 4)

“Even if we wanted to sue (.) where do we start? Who do we even call?” (Participant 8)

“We don't have lawyers on speed dial (.) they do.” (Participant 10)

Theme 7: Community-Based Alternatives to Legal Remedies

Instead of depending on external legal systems, four weavers described drawing on internally developed mechanisms of cultural continuity and the emergence of community-led safeguards as primary forms of protection. These quotes demonstrate that participants view cultural preservation as rooted in lived practice, intergenerational knowledge transmission, and everyday embodiment rather than in formal legal instruments underscoring the role of community agency as a primary form of protection. There is a clear rejection of reliance on external legal systems,

emphasising instead the power of community resilience and everyday cultural practices as more meaningful and effective forms of protection. Weavers view cultural survival as an active, lived process sustained through teaching, practising, and embodying traditions across generations. This focus on oral transmission, shared experiences, and cultural mentorship underscores that for these communities, preservation is not a legal matter but a way of life.

“The law is not what keep our culture (.) it’s us (.) the people who live it every day.”

(Participant 4)

“Our system is oral (.) it’s in the songs (.) the dances (.) the stitching (.) not the contracts.”

(Participant 9)

Subtheme 7.1: Cultural Preservation Practices

All weavers conceptualised cultural survival as an active form of resistance to appropriation, emphasising the significance of intergenerational education, oral storytelling, and the continued practice of traditional knowledge systems. These quotes demonstrate that weavers view cultural survival as a deliberate act of resistance, where the transmission of knowledge, storytelling, and traditional practices are seen as essential for safeguarding their heritage and asserting their identity in the face of appropriation. For the weavers cultural survival is not a passive process but a powerful, ongoing form of resistance against erasure and appropriation. By passing down skills, stories, and traditions, they actively protect their heritage and assert their cultural identity, ensuring that their practices remain vibrant and resilient despite external pressures.

“Every time we teach our kids the stitch (.) that’s how we fight back (.) that’s how it lives on.”

(Participant 4)

“We tell stories, we make clothes the old way – that’s our resistance.” (Participant 8)

Subtheme 7.2: Community-Led Approaches to Protecting Heritage Outside Formal Legal Systems

All weavers articulated their initiatives to develop independent mechanisms for recognition and accountability within the marketplace, seeking to assert control over their cultural assets and ensure ethical engagement with their traditions. These quotes demonstrate that weavers seek to establish their own systems of accountability and ethical guidelines, asserting their agency in both the marketplace and broader societal structures, while challenging the effectiveness of legal systems in addressing their needs.

“Law creates certainty (.) Who does certainty benefit? I don’t think law is the way (.) It’s about educating people” (Participant 4)

“We created a code of ethics (.) and asked buyers to follow it (.) law doesn’t listen to us (.) but maybe the market will.” (Participant 8)

“You have to centre the knowledge holders (.) not say to them ‘listen to me because I have the answers’ .” (Participant 10)

Discussion

Discussion of Research Findings

The study aimed to develop an IP framework that better protects Mayan textile traditions by investigating the intersection of IP and cultural appropriation through engagement with both lawyers and Indigenous Mayan weavers. Both lawyers and weavers articulated significant structural impediments regarding the acquisition and enforcement of IP rights and suggested alternative approaches. In addition, the lawyers highlighted injustices, while the weavers reflected on the enduring and ongoing impacts of colonialism. This section evaluates the results in relation to existing literature and reflects on how the findings address the original research questions.

Group 1 (Lawyers) RQ3: What are the perceptions of lawyers regarding the legal challenges involved when using IP law to address cases of cultural appropriation?

The key findings revealed that IP law overall is ill-equipped to protect Indigenous textiles. Their perceptions emphasised legal, economic, and procedural barriers, as well as colonial legacies embedded in legal institutions. In addition to critiquing existing regulatory frameworks, legal professionals deliberated on potential mechanisms for enhanced safeguards for cultural appropriation. The lawyers unanimously characterised IP law as doctrinally inadequate, economically prohibitive, and incongruent with Indigenous ontological frameworks. Their assessments directly illuminated the central research inquiry regarding juridical obstacles in the application of IP mechanisms. This aligns with Bhukta (2020) and Chacón (2020), who interrogate the differences and procedural complexities of the application of IP, and Comerma (2024), whose work examines socioeconomic constraints that disproportionately impede Indigenous communities' procurement of IP rights.

Lawyers emphasised the incongruity between IP law's individualistic ownership and the inherently communal character of Mayan cultural expressions. This disjuncture aligns with Fisher's (2019) critique that legal frameworks embedded in Western ideological constructs systematically fail to recognise or accommodate communal authorship modalities or intergenerational knowledge

transmission. Their perception regarding IP law's inadequacy in facilitating appropriate restitution for Indigenous communities corresponds with empirical research by Thomas (2017) documenting how potential economic benefits derived from cultural appropriation violating IP would be systematically diverted away from source communities.

The lawyers conceptualised IP law as an extension of colonial ideas. For lawyers, this perception manifested through critiques of the legal order that privileges American and European juridical traditions. These findings substantiate theoretical arguments by Niessen (2003) which regard how contemporary global IP regimes perpetuate and reproduce colonial power dynamics.

Legal professionals believe that there is a need for advocacy through protection systems and enhanced alignment with international standards. The literature does not address this, however, it explores alternative ways of protection such as those articulated by Vézina (2019) who highlights self-regulation in fashion, through voluntary ethical codes, and Krawchenko (2020) who explores benefit-sharing models like royalties or community reinvestment.

Group 2 (RQ1): How do communities who experienced cultural appropriation in fashion perceive the relationship between IP law, social identity, and intergenerational trauma?

Group 2 (Mayan weavers) offered insight into the psychological and cultural harm caused by cultural appropriation, emphasising how such practices contribute to the erosion of collective identity, a deep sense of betrayal, and emotional distress within their communities. Participants also expressed scepticism about the relevance and effectiveness of existing IP frameworks, which they viewed as misaligned with their values and ill-equipped to protect their cultural heritage from exploitation and misuse.

Mayan weavers articulated psychosocial consequences stemming from cultural appropriation, establishing explicit correlations between appropriation and intergenerational trauma manifestations and identity destabilization. Participants explained that textile designs transcend aesthetic considerations, functioning instead as complex semiotic systems encoding knowledge. This perspective is echoed by O'Keefe and Toledo (2021), who critique the fashion industry's

appropriation of Mayan textiles in Guatemala as a form of cultural dispossession that ignores these deeper meanings. The unauthorised reproduction of these cultural signifiers precipitates profound experiences of violation and displacement. This demonstrates congruence with existing scholarly discourse by Belk (1988) regarding collective identity formation, which posits that cultural artefacts function as material extensions of self-concept and community identification.

The research identified feelings of cultural betrayal. Participants felt that this was intensified by the irony that elements once deemed illegitimate or subversive under colonial rule are now commodified and celebrated by outsiders, reinforcing a system where Indigenous contributions are only valued when stripped of context and removed from the communities that created them. This reinforces Gomez's (2017) findings that dominant cultural institutions often exploit and appropriate minority cultures, leading to a profound disconnect between communities and their heritage. These dynamics were echoed in participants' accounts, particularly in their depiction of the Guatemalan state as complicit in appropriation through regulatory neglect. This not only reinforces patterns of marginalisation but also intensifies historical trauma. These experiences corroborate Doyle's (2017) theoretical propositions on the psychological distress caused by cultural betrayal, highlighting the emotional and cultural toll of ongoing exclusion.

Group 2 (RQ2): What are the views of communities whose cultural heritage is perceived to be appropriated in fashion on existing legal protections?

Weavers offered community-based alternatives. These findings are significant as they demonstrate the inadequacy of current legal frameworks to protect cultural heritage, while also exposing the multiple dimensions of cultural appropriation.

For Mayan weavers, colonial legacies constituted an embodied quotidian reality that is experienced through neglect, legal exclusion, and the methodical erasure of cultural signification. Mayan participants' accounts of cultural appropriation revealed the profound transformation whereby textile designs that originally embodied ancestral knowledge systems undergo decontextualised commodification in global markets without appropriate attribution or equitable

compensation. Their characterisation of existing legal protections is as either irrelevant or inaccessible, as Hendrickson (1995) and Arias (2006) point out, documenting the historical exclusion of Mayan weavers from formal recognition systems and legitimate control over their cultural intellectual productions.

In response to inquiries regarding perceptions of existing legal protections, Mayan weavers predominantly expressed scepticism and rejection of IP frameworks. They characterised such systems as culturally incongruent, inaccessible, and fundamentally insufficient. Instead, participants proposed alternative regulatory models predicated upon cultural continuity mechanisms, communal decision-making structures, and international human rights paradigms. Indigenous participants emphasised oral transmission as critical protective mechanisms Chandler and Lalonde (2008) and Kirmayer (2011) identifies cultural continuity as a fundamental component of community resilience constructs.

Despite critiques regarding the inherent limitations of Western juridical frameworks in safeguarding Indigenous knowledge, Mayan collectives are nonetheless strategically engaging with conventional IP mechanisms (Drahos & Frankel, 2012). This research therefore addresses a dual imperative: first, to reconceptualise legal instruments to enhance their cultural congruence for communities actively pursuing protection within these systems; and second, to develop complementary paradigms that accommodate Indigenous stakeholders who remain justifiably circumspect about assimilating their cultural expressions into Western proprietary structures. There should be considerations to work to reshape and expand its framework to more effectively protect cultural heritage and community rights.

The empirical findings suggest several domains for legal and policy intervention:

1. Integration of collective ownership paradigms into legal definitions of IP to accommodate communal authorship and knowledge transmission. Both empirical data and literature by Carpenter (2019) and Thomas (2012) reveal that existing IP frameworks are incompatible with Indigenous cultural practices, as lawyers and weavers

emphasise the need for legal models that reflect collective ownership and intergenerational transmission.

2. Reduction of procedural impediments, including fees and language barriers, that exclude Indigenous communities from accessing protective mechanisms. Lawyers and weavers consistently cited registration costs, legal complexity, and language barriers as exclusionary. Echoing scholarly critiques by Seider (2014) that these obstacles prevent Indigenous communities from accessing protection
3. Development of educational initiatives to enhance awareness regarding cultural appropriation, aimed at both consumers and producers. Empirical accounts highlight the urgent need for educational outreach to counteract cultural appropriation and restore dignity, aligning with literature that links appropriation to cultural betrayal trauma and identity harm by Gomez (2017) and Sanchez (2023).
4. Harmonisation of IP frameworks to address jurisdictional fragmentation that impedes cross-border enforcement of Indigenous cultural rights, particularly through customary law development. Lawyers underscored the challenges of cross-border enforcement and the geopolitical power imbalance Indigenous communities face, supporting literature by Min (2017) that calls for coordinated international legal mechanisms to protect cultural heritage.

Strengths and Weaknesses

A primary methodological strength of this investigation resides in its interdisciplinary approach, integrating legal, cultural, and psychological analytical frameworks. Through the inclusion of both legal professionals and Indigenous knowledge holders, the research captures nuanced, multi-perspectival understandings of cultural appropriation and legal protection mechanisms.

The investigation prioritised linguistic inclusivity by conducting interviews in Spanish and English, thereby enhancing the authenticity and depth of empirical data. Thematic analytical

approaches facilitated the emergence of previously underexplored conceptual domains, particularly concerning cultural trauma, which remain insufficiently examined in legal literature.

One limitation of this study is the use of snowball sampling, which could have contributed to a sample with similar critical perspectives on IP law, potentially limiting the diversity of viewpoints represented (Ting et al., 2025). Participants were recruited from a single geographic region, limiting opportunities for cross-cultural comparative analysis. Additionally, the researcher's positionality as a non-Mayan external investigator potentially influenced interview power dynamics, notwithstanding efforts to establish trust and cultural sensitivity. Finally, the exclusively qualitative methodological approach precluded potential quantitative insights, such as econometric analyses of appropriation's financial impact on communities and the statistical prevalence of procedural outcomes for cases of IP litigation involving cultural appropriation cases. To address these limitations, subsequent research initiatives could:

1. Implement comparative investigations across diverse Indigenous communities experiencing cultural appropriation phenomena.
2. Utilise mixed-methods approaches to quantify the economic and psychological consequences of appropriation practices in addition to the success of the application of IP.

Conclusion

The findings indicate that existing IP frameworks demonstrate inadequacies, being shaped by colonial legacies and epistemologically blind to communal identity constructs and trauma narratives. The research underscores the urgent necessity for legal reforms that address technical inclusivity to achieve justice for those whose textiles are appropriated.

The rationale underlying this research was to highlight the overlooked dimensions in current legal protections and to elevate Indigenous perspectives within discourses concerning cultural appropriation. Its implications extend beyond jurisprudence, encompassing issues of social justice, identity, and historical accountability. Ultimately, the findings emphasise the critical importance of

centering Indigenous voices in the development of legal and ethical frameworks. Only through such reorientation can progress toward systems where cultural heritage is not merely protected but honoured, valued, and respected within a framework of intercultural equity.

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Appendices

Appendix A: Reflective Statement

From the first year of my course, I maintained a list of potential research interests, with a particular focus on communities and subcultures. Throughout this course I have focused much of my research on fashion labour and have learned about the horrors of this industry. I believe that policy change is necessary so I wanted to look at the legal side. My ultimate decision was driven by a desire to create positive impact for those exploited by the fashion industry, combining my interest in fashion labor with legal perspectives.

The most significant challenge I encountered during this phase was balancing the legal aspects with the necessary psychological dimensions of the research. I found myself deeply motivated by the potential for policy change but struggled to equally integrate psychological frameworks. This generated some frustration as I realized I had approached the topic from fashion and law first, rather than starting with psychology and fashion and then incorporating legal elements.

This experience aligns with Kolb's (1984) experiential learning theory, particularly the stage of abstract conceptualization where reflection on previous knowledge leads to new concept formation. As Wisker (2012) suggests, effective research topic selection often requires navigating between personal interest, academic discipline requirements, and practical feasibility.

Through this experience, I learned the importance of integrating disciplinary perspectives from the outset of research design. For future research endeavors, I will adopt a more balanced approach, ensuring that the psychological dimensions are considered equally with other disciplinary aspects from the beginning. This realization has changed my approach to interdisciplinary work, prompting me to develop a more systematic method for idea generation that equally weights all relevant disciplinary perspectives.

The data collection process proved exceptionally challenging due to the niche nature of my sample. Everyone had advised me of how difficult this would be. Finding participants with expertise in both Mayan textiles and intellectual property required extensive networking, persistence, and flexibility. The sample was all in different time zones to me and my eagerness to speak with them by any means necessary meant sometimes staying at the restaurant I work at till 1am for the interview after finishing a 12 hour shift at 11pm because I would not have time to make it home. Everyone advised me of how difficult this would be.

This research revealed layers of complexity that simply cannot all be captured within the scope of a single study; this work only scratches the surface of a much deeper and ongoing conversation. I also became aware that much of the existing literature on these topics is produced by white scholars, which often shapes the narratives and perspectives that dominate academic discourse. In an effort to engage more authentically, I immersed myself in the lived experiences behind the research by watching films, documentaries, and other media created by or centering Indigenous voices.

This experience was both challenging and rewarding. The difficulties in accessing participants created significant time pressure and required substantial adaptation of my research timeline. However, it also demonstrated my commitment to the research and ability to overcome logistical obstacles.

These challenges reflect what Bryman (2016) describes as "research in practice" – the messy reality of data collection that often diverges from textbook descriptions. My experience aligns with what Shenton and Hayter (2004) call "gaining access to the hard-to-reach," where researchers must demonstrate extraordinary persistence and flexibility.

This experience taught me the importance of realistic timeline planning in research that involves specialized participants. In future projects, I will allocate more generous timeframes for

recruitment and data collection, particularly when working with niche populations. I've developed greater confidence in my ability to adapt to challenging circumstances and problem-solve creatively. This resilience will serve me well in future research endeavors, particularly those involving cross-cultural work or specialized populations.

For the writing process, I employed a structured "skeleton" approach, following provided section templates and guidelines to organize my dissertation. The structured approach to writing proved extremely beneficial, providing clear direction and ensuring comprehensive coverage of all necessary elements. By following established section "recipes," I was able to maintain focus and coherence throughout the document. I've learned the value of structured writing approaches for large-scale academic projects. This experience has changed my writing practice, as I now recognize the importance of creating detailed outlines before drafting. For future academic and professional writing, I will continue to implement this structured approach, allocating adequate time for editing and revision. I've developed greater confidence in tackling extensive writing projects through planning.

My active communication with my supervisor provided timely feedback and reassurance throughout the process. However, despite starting my ethics form in December, approval was delayed until late January due to the document's complexity and my initial approach. The regular supervision interactions were invaluable, providing both practical guidance and emotional support. This aligns with what Atkison et al. (2004) describe as effective supervision – combining technical advice with interpersonal support. The ethics approval delay highlighted a tendency to rush through complex documentation rather than taking a measured approach. As Iphofen (2011) notes, ethics approval is not merely bureaucratic requirement but a fundamental aspect of research integrity requiring careful consideration.

This experience taught me the importance of proactive supervision engagement and careful attention to administrative processes like ethics approval. For future research, I will approach

complex documentation more methodically, breaking tasks into smaller components and allowing sufficient time for thoroughness. I've learned to value supervision as a collaborative process rather than simply guidance-seeking, which will shape my approach to mentorship relationships in future academic and professional contexts.

I encountered significant personal challenges near the end of this research, including mental health struggles, my workplace catching fire, and accommodation issues. The timing couldn't have been worse, as these setbacks impacted my progress on work that meant everything to me. Determined to produce my best possible work, I made the difficult decision to reach out for help. I'm incredibly grateful that I did, and that the University provided the additional support and time I needed. While I initially felt shame and questioned whether I deserved more time than my peers, I came to understand that my circumstances were serious enough to warrant this support. This assistance allowed me to continue moving forward academically despite the personal challenges I was facing.

Finally, this entire research process has instilled in me a profound sense of self-efficacy that extends beyond academic achievements. As Mark Twain wisely said, "Never part with your illusions. When they are gone, you may still exist, but you have ceased to live." This sentiment resonates deeply with my research journey and future aspirations. The challenges I overcame from securing hard-to-reach participants to navigating complex ethical frameworks have reinforced my belief in my capacity to effect meaningful change in the fashion industry. The persistence, adaptability, and interdisciplinary thinking I developed throughout this project have equipped me with the confidence and competence to pursue ambitious goals, including challenging exploitative fast fashion giants like Shein. This dissertation represents not just an academic milestone, but the foundation for my continued advocacy and action in transforming the fashion industry into one that respects both human dignity and cultural heritage.

Appendix C: Ethics Form

Research Ethics Approval Form – Student Research

Psychology Research Ethics Panel (PREP)

Guidance:

- **Please ensure that you have read the UAL Code of Practice on Research Ethics, UAL Code of Practice on Educational Ethics, and the BPS Code of Human Research Ethics before completing this form.**
- Please complete this form electronically. While completing it, delete all the text in green font, which is meant to guide you.
- **Section A** is to be completed by the student and Supervisor / Unit Leader.
- **Section B** is for PREP and UAL Sub-Committee use only.
- Once Section A has been completed, the form should be submitted to the relevant staff member (e.g., Unit Leader, Course Leader) by the student. Instructions on who to submit the form will be given in each unit.
- **Incomplete applications which are missing question responses, signatures, documents for the participants (Participant Information Sheet, Consent Form, Debriefing Sheet), or relevant appendices (e.g., study advert, questionnaires, instructions, interview questions, tasks, stimuli such as images) will be returned to the student for completion. This will delay the review and approval process.**

SECTION A

TO BE COMPLETED BY THE STUDENT

| | |
|--|--|
| Name: | Ciara Beveridge |
| College: | London College of Fashion |
| Course and year (if applicable): | Psychology of Fashion Year 3 2025 |
| Unit for which this study is being conducted: | Final Major Project |
| Study title: | Guardians of Tradition: A Qualitative Study of the Relationship Between Intellectual Property Law and Cultural Appropriation in the Mayan Nation |

The UAL codes of practice set out four key areas for ethical consideration. Which one or more of these ethical principles does this application for ethical consideration relate to?

| | |
|--|-------------------|
| <p>a. An ethics of care is supported by the Educational Ethics Sub-Committee as a positive ethic that is the University's responsibility to foster in relation to students, educational content, educational process including material resources, and in students' relations with anyone who participates or interacts with their work.</p> | <p>Yes</p> |
| <p>b. The principle of social justice obliges the student to identify the risks and benefits of participation in creative or investigative practice. Any risks to persons participating should be weighed against any potential benefits – to the participants or the student, and also the wider benefits to society of the knowledge gained. As with the principle of respect for persons, there is a need to promote equality and racial justice and protect vulnerable groups.</p> | <p>Yes</p> |
| <p>c. Respect for persons recognises the capacity and rights of all individuals to make their own choices and decisions. It refers to the autonomy and rights to self-determination of all human beings, acknowledges their equality, dignity, freedom, and rights. An important component of this principle is the need to provide special protection to vulnerable persons, both students and in student activity involving others.</p> | <p>Yes</p> |
| <p>d. Beneficence is the principle of acting for the good and well-being of others. It requires students to serve the interests of others. In so doing, students comply with the principle of neither doing, nor permitting, any foreseeable harm as a consequence of creative or investigative practice. This is the principle of non-maleficence, it is the principle of doing no harm.</p> <p>The specific duties of promoting equality and good relations are assumed under these principles, as defined by the Equality Act 2010.</p> | <p>Yes</p> |

1. Please provide the rationale behind your study, including a brief literature review, the gap in the existing literature that the study will address, study aims / research questions, and hypotheses (if the study has a quantitative component). Indicate whether the study is qualitative or quantitative and what design it will use. (600 words max, excluding references)

Background and Context

Cultural appropriation in fashion represents a complex intersection of legal, social, and psychological dimensions. It occurs when elements of marginalized cultures are adopted without proper acknowledgment or compensation, typically involving power imbalances that result in exploitation and misrepresentation (Young and Brunk, 2012; Lee, 2019). In the fashion industry, this often manifests as designers from dominant cultures co-opting traditional Indigenous, African, Asian, or Native American design motifs and sacred textile patterns without crediting or compensating the original communities (Eicher, 2000). The legal framework governing these issues centres on intellectual property (IP) law, which protects original works, designs, and innovations by granting ownership rights (Ghosh, 2014). However, traditional cultural expressions often fall into legal grey areas, as conventional IP laws typically require identifiable creators, Western-defined originality, and formal documentation (Anderson, 2009). This misalignment between legal frameworks and cultural realities can create significant challenges for protecting cultural heritage in the fashion industry (Siems, 2019).

Psychological Impact of Cultural Appropriation

The psychological impact of cultural appropriation extends beyond legal considerations. Social identity theory, which defines how individuals' self-concept derives from their knowledge of belonging to social groups (Hogg, 2003), provides a framework for understanding how cultural appropriation affects community well-being. Recent studies indicate that when cultural elements are commodified without consent, it can disrupt collective identity formation and maintenance (Biernat et al., 2021). Intergenerational trauma, defined as the transmission of historical oppression and its consequences across generations, intersects with cultural appropriation in fashion. This trauma manifests when cultural symbols and practices are decontextualized and commercialized, potentially reactivating historical wounds of colonization and marginalization (Loggans, 2017). When cultural appropriation occurs, it can reactivate historical trauma by continuing patterns of colonial exploitation. As seen in the cases of Amanda PL's appropriation of Anishinaabe painting styles and Dana Schutz's painting of Emmett Till, demonstrates how institutional spaces continue to privilege white perspectives while excluding Black and Indigenous artists from telling their own stories. This perpetuates the intergenerational trauma of colonialism by maintaining systems where dominant cultures can exploit and profit from the cultural expressions and painful histories of marginalized communities, while the original communities remain excluded and unheard (Swain, 2019). These cases show how cultural appropriation is not just about copying art styles or imagery but is also about power dynamics that echo historical trauma, where marginalized communities must continually fight for respect and recognition of their cultural ownership, much as their ancestors had to fight against colonial suppression of their cultural practices.

Research Gap and Study Aims

While existing literature extensively covers IP law, cultural appropriation, and psychological impacts separately, there is a notable absence of research examining their intersection. This study aims to bridge this gap by exploring how IP law intersects with social identity and intergenerational trauma in cases of fashion-related cultural appropriation, particularly focusing on the lived experiences of affected communities and the experience of lawyers working in this area. The rationale for this study centres on addressing a critical gap in understanding the complex intersection of intellectual property law, social identity, and intergenerational trauma in cases of cultural appropriation within the fashion industry. The study is particularly significant because current literature, while extensive, treats these topics in isolation. What makes this research particularly valuable is its qualitative methodological approach to gather perspectives from both legal professionals who handle intellectual property (IP) cases in fashion and members of communities directly affected by cultural appropriation, specifically weavers from the Mayan Nation. This dual perspective approach aims to provide insights into both the legal and psychological aspects of cultural appropriation in fashion. This research therefore examines how historical trauma and cultural identity impact communities, which can inform better legal protections for traditional cultural expressions in fashion. The research questions are as follows:

1. How do Mayan weavers who experienced cultural appropriation in fashion perceive the relationship between IP law, social identity and intergenerational trauma?
2. What are the views of Mayan weavers whose cultural heritage and work is perceived to be appropriated in fashion on existing legal protections?
3. What are the perceptions of lawyers of the legal challenges involved when using intellectual property law to address cases of cultural appropriation?

This study employs a qualitative approach using semi-structured interviews with two distinct groups: five IP lawyers who have worked on IP cases that involve the Mayan community and the fashion industry

and five weavers from the Mayan Nation. Data analysis will utilize Braun and Clarke's (2006) thematic analysis method, involving systematic coding and theme development to identify patterns in participants' experiences and perspectives. For research questions 1 and 2 the researcher will be interviewing weavers from the Mayan Nation who are affected by cultural appropriation and for question 3, the researcher will be interviewing lawyers who have worked on cases of intellectual property law and cultural appropriation of Mayan weaving.

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2. Does your research involve participants?

| |
|-----|
| No* |
|-----|

| | |
|---|-----|
| <input checked="" type="checkbox"/> | Yes |
| *If you answer 'No', you do not need to complete Questions 3 to 11. Instead, please go to Question 12 and continue from there. | |

| | |
|---|---|
| 3. Who will the participants be? Please tick as appropriate. | |
| <input type="checkbox"/> | Students at University of the Arts London |
| <input type="checkbox"/> | Staff at University of the Arts London |
| <input checked="" type="checkbox"/> | Other* |
| *If you answered 'Other' please specify below. | |
| <p>Group 1: 5 Lawyers who have worked on cases where intellectual property was applied to IP Law. There are no demographic limitations in terms of gender, nationality, or age. Location and place of practice is a demographic limitation as IP laws vary by country. Participants must practice law somewhere in the Mayan Nation where cases of cultural appropriation of the Mayan weaving has been brought to court. However, it is assumed all the legal professionals will be well over 18 due to the time of the cases that they worked on, and minimum ages set to receive qualifications.</p> <p>Group 2: 5 people who are at least 18 years of age and weavers from the Mayan community that have experienced cultural appropriation at the hands of a fashion conglomerate. There are no other demographic limitations.</p> | |

| | |
|--|--|
| 4. How will participants be recruited and how many will be involved? | |
| <p>10 participants will be recruited via the researcher's personal network and connections (convenience sampling). For group 1, the researcher will be using LinkedIn to find 5 participants (minimum) as well as using online search tools to find law firms that participants are associated with in case the researcher cannot find their personal contacts immediately. The researcher will then contact them via the law firm (see email in appendix to advertise the study and recruit Group 1). For Group 2 the researcher will be emailing 5 people they know from their personal contacts that belong to the communities that are of interest to this study, the researcher has connections through the Decolonising Fashion Society at UAL (see email in appendix to advertise the study and recruit Group 2). The researcher will possibly use snowball sampling to recruit participants for Group 1 and Group 2.</p> | |

| | |
|---|--|
| 5. What will participants be asked to do and for how long? Describe the entire study procedure, including the measures (e.g., questionnaires) or the interview questions that you will ask them to complete or answer. | |
|---|--|

The participants, after being invited to take part in the study, will be given the participant information sheet (See Appendix), containing all the key information about their role in the study, what will be asked of them and the risks and benefits of taking part. The participants will be required to complete a consent form (See Appendix) prior to taking part in the study.

The study will be qualitative, self-designed semi-structured interviews (See Appendix) which will be 1:1 with participants and conducted online. At the start of the interview participants will be asked their age, gender, ethnicity and occupation. The full interview schedules for both groups are included in the appendix of this ethics form. The interview questions explore how cultural appropriation in fashion intersects with social identity, intergenerational trauma, and legal protection. Group 1 questions target legal professionals, focusing on their experience with IP law and cultural appropriation cases, while examining their understanding of how these cases affect communities. Group 2 questions engage weavers in discussing how cultural appropriation in fashion impacts their collective identity, work, interacts with intergenerational trauma, and how they view current legal frameworks' effectiveness in protecting their cultural expressions. These parallel lines of inquiry aim to understand the complex relationship between legal protection, social identity, and the ongoing effects of trauma in cases of fashion-related cultural appropriation. The questions seek to bridge the gap between legal mechanisms and the lived experiences of Mayan people whose cultural heritage has been appropriated.

The interviews will be between 40 minutes to an hour. The interview is semi-structured, so some questions may be slightly adapted during the interview for an in-depth understanding of the topic under study. After the set of questions have been answered, the interview will come to an end. The participants will be thanked for their participation and will be handed the debriefing sheet (See Appendix) to read through.

6. What potential risks to the interests of participants do you foresee and what steps will you take to minimise those risks? How will you inform participants of the risks and the steps you are taking to address them? The BPS defines risk as the 'potential physical or psychological harm, discomfort or stress to human participants that a research project may generate.' It includes risks to participants' well-being, self-esteem, social standing, values, privacy and reputation, beliefs, employment / livelihood, personal relationships, freedom, commercial interests (e.g., intellectual property), and so on.

According to the BPS and UAL code of ethics, this research project is considered minimal risk. There are no physical safety issues for participants because the interviews will be conducted online. In the report the researcher will be only using pseudonyms therefore the study will have no negative impact on participants' reputation or right to privacy. Pseudonyms will protect participants from a negative effect on their commercial interest and livelihood. There is no possibility of them losing their job because of participation in this study. Lawyers who are interviewed will only be asked to disclose information about cases that is public knowledge. Participants will be informed that sensitive topics can be brought up in the interview and revolving around intergenerational trauma and cultural appropriation; however, they will be able to answer questions that they are only comfortable answering and can skip any question if it is too sensitive or withdraw from the interview at any time without explanation. Once the interview is complete however, they will have one week to opt out of their data being used if they wish and without detriment. Their right to withdraw from the study before, during and after will all be clearly stated in the participant information sheet. Each transcript will be given a code which will be shared with the participants in the case of if participants do wish to withdraw from

the study within that one week. In this case they will be told to email the researcher the code to the transcript so they can identify and delete the relevant data.

Participants will be made aware of this before the interviews start. The study will explore cases of cultural appropriation in fashion by gathering perspectives from both professionals in the industry and individuals from affected cultural communities. While these discussions may include experiences of cultural appropriation and its impact on communities, the interview questions are designed to only focus on constructive dialogue about the topic. The goal of the research is to understand experiences to create positive change. Participation is purely on a voluntary basis. Following an interview in which negative mood has been induced, it would be ethical to induce a happy mood state before the participant leaves the interview setting. To demonstrate respect and appreciation, the researcher will acknowledge their crucial participation in the study and emphasize how their contributions advance our understanding of this important research area. In addition, the researcher will share this link to a meditation YouTube video:
<https://www.bing.com/videos/riverview/relatedvideo?&q=Progressive+Muscle+Relaxation&&mid=289C9D99AFAA277C8DE3289C9D99AFAA277C8DE3&&FORM=VRDGAR>.

Information and resources in the debrief form will be provided to participants on where they can seek help in relation to issues regarding cultural appropriation and intergenerational trauma.

Compliance with the Data Protection Act 2018 and General Data Protection Regulation (GDPR) is a legal obligation. The data, such as recordings (audio only) and transcripts, will be stored on OneDrive, a UAL managed system, which is password protected. Once the interview has finished, these audio recordings will be immediately transferred to the UAL OneDrive of the researcher and permanently deleted from the recording device. Only the researcher and relevant staff members at the London College of Fashion will have access to the data.

Non-personal anonymised data (such as the transcripts from the interviews) can be stored for long periods as they will contain no identifying information. They will be stored for at least 5 years. The interview audio recordings and the Consent Forms will be deleted after the assignment has been marked and the mark has been confirmed by the Exam Board.

7. What potential risks do you foresee to yourself as the researcher and what steps will you take to minimise those risks? For example, does your research raise issues of personal safety for you or others involved in the project, especially if taking place outside working hours or off University premises?

The researcher's physical and psychological well-being will not be compromised by this study. The research methodology, which employs remote online interviews, eliminates potential physical risks associated with in-person data collection. No personal contact details will be shared with the participants (UAL email address will be used only). The nature of the research topic and the procedural framework do not present foreseeable risks to the researcher's psychological or emotional wellbeing. The researcher has access to UAL Counselling services if, although unlikely, any form of distress is experienced.

8. Please attach a copy of the Participant Information Sheet, Consent Form, and Debriefing Sheet you plan to give participants.

| | |
|----------|---|
| X | Please tick here if the Participant Information Sheet, Consent Form, and Debriefing Sheet are attached in the appendix at the end of this form. |
|----------|---|

9. Does your project involve children / minors (anyone under the age of 18) or vulnerable adults?

The BPS states that vulnerable populations include ‘children, persons lacking capacity, those in a dependent or unequal relationship, people with learning or communication difficulties, people in care, people in custody or on probation, people who have suffered physical or psychological trauma and people engaged in illegal activities, such as drug abuse.’

| | |
|----------|-----------------------|
| X | No. Go to Question 10 |
|----------|-----------------------|

| | |
|--|------|
| | Yes* |
|--|------|

***If you answer ‘Yes’, you may need to obtain a Disclosure and Barring Service (DBS) check and seek ethical approval from the relevant UAL ethics sub-committee. Discuss this with your Supervisor, Unit Leader, or Course Leader. Please be aware that a DBS check normally takes 4 weeks, but can take longer.**

| | |
|--|---|
| | I confirm that I have obtained a DBS check. |
|--|---|

| | |
|--|---|
| | I understand that I need to go through the PREP review and the UAL ethics review process. |
|--|---|

Please Note:

It is a presumption of academic research that, wherever possible and feasible, the information on which the research is based should be preserved, so that it can be made available to future researchers. However, the privacy of participants must be respected. Please refer to the UAL and BPS ethics codes before answering Question 10.

10. Will you be obtaining personal information (e.g., name; postal, email, or IP address; recorded images or audio; date of birth) from the participants?

| | |
|--|-----------------------|
| | No. Go to Question 11 |
|--|-----------------------|

| | |
|----------|------|
| X | Yes* |
|----------|------|

***If you answer ‘Yes’, please give details. In your response, please indicate:** Why do you need to collect personal information from participants? How will you store and use this information during the course of your research in line with the Data Protection Act 2018 and General Data Protection Regulation (GDPR)? What parts of this information will need to be confidential? How will you ensure that no one can link participants’ identity to the rest of their data? Will you exhibit or publish the information? Who will have access to the data? Will you retain information after the research is concluded? If yes, how? If information is to be destroyed, explain why this is appropriate.

In the consent form participants signature will be obtained. Recorded audio will be obtained from participants to have transcripts of the data to conduct thematic analysis on. However, there will be no identifiable personal data. Data protection principles will be followed, and data (including recorded data) will be managed in accordance with Data Protection Act 2018 and GDPR. From the first interview up until the report is submitted data will be safely stored on OneDrive which is password-protected. The recordings will be deleted on completion of the dissertation and the confirmation of the grade. Only relevant UAL staff members and the researcher will have access to the data. The data will be emailed, through UAL managed systems, to the Unit Leader/supervisor for archiving purposes after the researcher has submitted their assignment on May 14th.

To ensure that no one can link participants' identities to the rest of their data, several key strategies will be implemented. First, anonymization techniques will be used to remove personally identifiable information, replacing it with unique codes or pseudonyms. Data will be encrypted both during collection and storage to protect against unauthorized access. Nationality and occupation are relevant to the research aims however the names of participants are not. Participants will be allowed to choose a code consisting of 4 numbers that I will identify as their data (i.e. transcripts). This will allow me to easily identify and destroy their data if they wish to withdraw (within one week of the interview being conducted) participation after interviews are conducted. Quotes will be anonymised in the write up of the results in the dissertation.

Communication will be through participants' personal email address; however, their email will not be shared with anyone else. These will be handled in the same way as outlined in Section 6.

11. Will payments to participants be made?

No. Go to Question 12

Yes*

***If you answer 'Yes', please state amount and whether payment is for out-of-pocket expenses or a fee.**

12. If the project is to receive financial support from outside the University, please give details. Include any restrictions that have been imposed on the conduct of the research by the funding body or sponsor. Both financial propriety and the protection of commercial rights are important for you, the University, and other third parties (e.g., sponsors, participants).

N/A

13. Will any restrictions be placed on the publication of results?

| | |
|--|-----------------------|
| X | No. Go to Question 14 |
| | Yes* |
| *If you answer 'Yes', please state the nature of the restrictions (e.g., details of any confidentiality agreement). | |
| | |

Student Declaration:

15. I confirm my responsibility to deliver the project in accordance with the Code of Practice on Research Ethics and the Code of Practice on Educational Ethics of the University of the Arts London (the University), as well as the BPS Code of Human Research Ethics. In signing this form, I am also confirming that:

- a) The form is accurate to the best of my knowledge and belief.
- b) There is no potential material interest that may, or may appear to, impair the independence and objectivity of the researchers conducting this project.
- c) I understand that I cannot start data collection until I have received ethical approval from the relevant ethics body (e.g., PREP).
- d) I undertake to conduct the study as set out in this application unless deviation is agreed by the University and to comply with any conditions set out in the letter sent by the relevant ethics body (e.g., PREP).
- e) I understand that, if I decide to make substantial changes to the study method (e.g., the design, participant recruitment method, procedure), I will need to submit a revised ethics form.
- f) I will store data on UAL-managed systems and will follow the [data protection principles](#) at all times.
- g) I understand and accept that the ethical propriety of this project may be monitored by the relevant College Research body and/or Educational Ethics Sub-Committee.

Signature of Student:

Date (dd/mm/yyyy):

28/01/2025

Unit Leader or Supervisor Declaration:

16. I support this project and have reviewed and approved the current ethics application.

Name:

Ameerah Khadaroo

Signature of Unit Leader or Supervisor:



Date (dd/mm/yyyy):

29/01/2025

SECTION B

FOR UAL COMMITTEE USE ONLY

| Approval of Psychology Research Ethics Panel: | | | | | | | | | |
|--|--|-----------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|
| <ul style="list-style-type: none"> The Psychology reviewers recommend that: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;"> <input type="checkbox"/> </td> <td>This student's Ethics Approval Form is approved as minimal ethical risk.</td> </tr> <tr> <td style="text-align: center;"> <input type="checkbox"/> </td> <td>This student's Ethics Approval Form is approved as more than minimal ethical risk and so will be forwarded to the University's Educational Ethics Sub-Committee for final approval.</td> </tr> <tr> <td style="text-align: center;"> <input type="checkbox"/> </td> <td>This student's Ethics Approval Form must be resubmitted after the student has made the required modifications indicated in the PREP's feedback.</td> </tr> </table> | | | | <input type="checkbox"/> | This student's Ethics Approval Form is approved as minimal ethical risk . | <input type="checkbox"/> | This student's Ethics Approval Form is approved as more than minimal ethical risk and so will be forwarded to the University's Educational Ethics Sub-Committee for final approval. | <input type="checkbox"/> | This student's Ethics Approval Form must be resubmitted after the student has made the required modifications indicated in the PREP's feedback. |
| <input type="checkbox"/> | This student's Ethics Approval Form is approved as minimal ethical risk . | | | | | | | | |
| <input type="checkbox"/> | This student's Ethics Approval Form is approved as more than minimal ethical risk and so will be forwarded to the University's Educational Ethics Sub-Committee for final approval. | | | | | | | | |
| <input type="checkbox"/> | This student's Ethics Approval Form must be resubmitted after the student has made the required modifications indicated in the PREP's feedback. | | | | | | | | |
| Name of Reviewer 1 (Psychology Team Member / Unit Leader / Supervisor) | | Date (dd/mm/yyyy) | | | | | | | |
| Name of Reviewer 2 (PREP Chair / Deputy Chair) | | Date (dd/mm/yyyy) | | | | | | | |
| Signature | Reviewer 1 | Reviewer 2 | | | | | | | |

| Approval of University's Educational Ethics Sub-Committee (EEESC): <i>All 'more than minimal risk' documents will be sent to EEESC.</i> | | | | | | | |
|---|--|--------------------------|--|--------------------------|--|--------------------------|--|
| <ul style="list-style-type: none"> The Educational Ethics Subcommittee (EEESC) recommends that: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;"> <input type="checkbox"/> </td> <td>This student's Ethics Approval Form is approved as minimal ethical risk</td> </tr> <tr> <td style="text-align: center;"> <input type="checkbox"/> </td> <td>This student's Ethics Approval Form is approved as more than minimal ethical risk</td> </tr> <tr> <td style="text-align: center;"> <input type="checkbox"/> </td> <td>This student's Ethics Approval Form must be resubmitted, and the following modifications should be made (see below):</td> </tr> </table> | | <input type="checkbox"/> | This student's Ethics Approval Form is approved as minimal ethical risk | <input type="checkbox"/> | This student's Ethics Approval Form is approved as more than minimal ethical risk | <input type="checkbox"/> | This student's Ethics Approval Form must be resubmitted, and the following modifications should be made (see below): |
| <input type="checkbox"/> | This student's Ethics Approval Form is approved as minimal ethical risk | | | | | | |
| <input type="checkbox"/> | This student's Ethics Approval Form is approved as more than minimal ethical risk | | | | | | |
| <input type="checkbox"/> | This student's Ethics Approval Form must be resubmitted, and the following modifications should be made (see below): | | | | | | |
| Required Modifications List (if applicable) | 1) | | | | | | |

| | | | |
|---|----|------------------------------------|--|
| Suggested Modifications List <i>(if applicable)</i> | 1) | | |
| Name | | Date <i>(dd/mm/yyyy)</i> | |
| Signature <i>Chair of EESC</i> | | | |

PARTICIPANT INFORMATION SHEET GROUP 1

Version _____, Dated _____

Study title: Guardians of Tradition: A qualitative study of the Relationship between Intellectual Property Rights and Cultural Appropriation.

Introduction

My name is Ciara Beveridge and I am a student at London College of Fashion, University of the Arts London (UAL). You are being invited to take part in the above research study. Before you decide whether you would like to take part or not, it is important that you understand what the study involves. Please read the information below carefully and ask questions if anything is not clear or you would like more information. If you are happy to take part, you will be asked to provide consent before engaging with the study.

What is the purpose of the study?

The purpose of this study is to explore the complex intersection of intellectual property (IP) law, social identity, and intergenerational trauma in the context of cultural appropriation within the fashion industry from the perspectives of legal professionals and also, communities who have experienced cultural appropriation by fashion conglomerates.

Who can take part in this study?

Legal professionals are invited to take part in the study if they have experience with IP law cases related to fashion that touch upon cultural appropriation or traditional Mayan cultural expressions. There are no specific demographic limitations regarding gender, nationality, or age. However, your practice must be located in countries that have a significant Mayan population.

Do I have to take part?

Participation in this study is completely voluntary. You do not have to take part if you do not wish to.

What will I be required to do if I take part?

You will be required to read the participation information sheet and complete a consent form prior to taking part in the study. You will then be asked a set of demographic related questions, asking you to note your age, ethnicity and occupation.

A 1:1 interview lasting 40-60 minutes will then be conducted online via Microsoft Teams at a time that is convenient for you. In this interview you will be asked questions that focus on your experience with IP law and cultural appropriation cases in fashion. We will also explore your views on how cultural appropriation in fashion affects communities and how the law can better protect cultural expressions.

The interview will be audio recorded.

What are the possible disadvantages and risks of taking part?

This study poses minimal physical risk to participants since the interviews will be conducted online. There are potential minor psychological risks associated with discussing sensitive topics related to cultural appropriation and trauma. For example, you may experience distress when recounting work experiences linked to cultural appropriation or reflecting on the psychological impacts of these experiences. This distress, while likely temporary, could affect your mood during or immediately after the interview. However, it is not expected to have lasting effects on your overall psychological well-being. If you do, resources will be provided on the debriefing sheet to help you and you will be able to contact me and my supervisor, as our emails will be provided on the bottom of this participant information sheet and the debriefing sheet.

If you find any of the questions too sensitive or distressing, you will be allowed to not answer those and move on without any detriment, ensuring that you are in a good mental state to continue. You can stop the interview at any time while completing it, without giving a reason, and without experiencing any detriment. You can ask for your data to be withdrawn and destroyed within one week after completing the study. You can do this by emailing me at c.beveridge0620221@arts.ac.uk, the code you will be given at the interview. The transcript matching that code will then be deleted.

What are the possible benefits of taking part?

By participating in this research, you will contribute to a better understanding of the relationship between intellectual property law, cultural appropriation, and its psychological impact. As a legal professional, your insight will help inform how intellectual property law can better protect cultural heritage. The research aims to contribute to policy changes that better serve marginalized

communities while giving participants an opportunity to shape the discourse around cultural protection in the fashion industry.

How will my information be used?

Any data obtained will be used solely for research purposes. This also applies to personal data, which will be used with your consent.

You can stop taking part in the study at any time while completing it, without giving a reason, and without experiencing any detriment. You can ask for your data to be withdrawn and destroyed within 1 week after completing the study. You can do this by emailing the researcher and including the 4-digit code created before the interview.

All data will be accessible to me and relevant staff at London College of Fashion. The data will be analysed while stored on UAL-managed systems. The anonymised data (interview transcripts) will be stored on systems managed by UAL for at least 5 years after the end of the project. Interview recordings and consent forms will also be stored on UAL-managed systems, separately from the rest of your data, and will be deleted after this research has been assessed and the grade has been confirmed by London College of Fashion. No one except me and relevant staff at London College of Fashion will be able to link any identifying information to the rest of your responses.

You can find more information about UAL and your privacy rights at www.arts.ac.uk/privacy-information.

What will happen to the results of the study?

The results of this study will be reported as a dissertation for the BSc (Hons) Psychology of Fashion at London College of Fashion. The report will not contain any information that may lead to participant identification and all data will remain anonymous.

Who should I contact for further information?

If you have any questions, require more information about this study, or would like to receive a summary of the study results when they are ready, please email me, the researcher, at c.beveridge0620221@arts.ac.uk.

What happens if there is a problem?

This study has been approved by the Psychology Research Ethics Panel at London College of Fashion, UAL. If you have any concerns about the study, you can contact my supervisor, Dr Ameerah Khadaroo at a.khadaroo@fashion.arts.ac.uk. They will do their best to answer your query. If you have further concerns or wish to complain about the study, please contact researchethics@arts.ac.uk.

Thank you for reading this Information Sheet and for considering taking part in this research.

PARTICIPANT INFORMATION SHEET GROUP 2

Version _____, Dated _____

Study title: Guardians of Tradition: A Qualitative Study of the Relationship Between Intellectual Property Law and Cultural Appropriation in the Mayan Nation

Introduction

My name is Ciara Beveridge and I am a student at London College of Fashion, University of the Arts London (UAL). You are being invited to take part in the above research study. Before you decide whether you would like to take part or not, it is important that you understand what the study involves. Please read the information below carefully and ask questions if anything is not clear or you would like more information. If you are happy to take part, you will be asked to provide consent before engaging with the study.

What is the purpose of the study?

The purpose of this study is to explore the complex intersection of intellectual property (IP) law, social identity, and intergenerational trauma in the context of cultural appropriation within the fashion industry.

Who can take part in this study?

This study is focusing on weavers that are members of the Mayan Nation that have experienced cultural appropriation by fashion conglomerates directly. Specifically, participants aged 18 and above. Individuals who have not been directly impacted by cultural appropriation in the fashion industry should not take part.

Do I have to take part?

Participation in this study is completely voluntary. You do not have to take part if you do not wish to.

What will I be required to do if I take part?

You will be required to read the participation information sheet and complete a consent form prior to taking part in the study. You will then be asked a set of demographic related questions, asking you to note your age, nationality, ethnicity and occupation.

A 1:1 interview lasting 40-60 minutes will then be conducted online via Microsoft Teams at a time that is convenient for you. In this interview you will be asked questions that explore how cultural appropriation in fashion affects communities and how the law can better protect cultural expressions.

Questions are for weavers, examining their personal experiences with cultural appropriation in fashion, its generational impact on their communities, and their views on legal protection. Both sets of questions aim to understand the intersection between legal frameworks and community experiences to identify better ways to protect cultural heritage in fashion. After the set of questions is answered, you will be thanked for your participation and will be handed the debriefing sheet to read through.

The interview will be audio recorded.

What are the possible disadvantages and risks of taking part?

This study poses minimal physical risk to participants since the interviews will be conducted online. There are potential minor psychological risks associated with discussing sensitive topics related to cultural appropriation and trauma. For example, you may experience distress when recounting personal or community experiences of cultural appropriation or reflecting on the psychological impacts of these experiences. This distress, while likely temporary, could affect your mood during or immediately after the interview. However, it is not expected to have lasting effects on your overall psychological well-being. If it does, resources will be provided on the debriefing sheet to help you and you will be able to contact me and my supervisor, as our emails will be provided on the bottom of this participant information sheet and the debriefing sheet.

If you find any of the questions too sensitive or distressing, you will be allowed to not answer those and move on without any detriment, ensuring that you are in a good mental state to continue. You can stop the interview at any time while completing it, without giving a reason, and without experiencing any detriment. You can ask for your data to be withdrawn and destroyed within one week after completing the study. You can do this by emailing me at c.beveridge0620221@arts.ac.uk, the code you will be given at the interview. The transcript matching that code will then be deleted.

What are the possible benefits of taking part?

By participating in this research, you will contribute to understanding the relationship between intellectual property law, cultural appropriation, and its psychological impact. As a community member, sharing your experiences of cultural appropriation can serve as a form of advocacy. The research aims to contribute to policy changes that better serve marginalized communities while giving participants an opportunity to shape the discourse around cultural protection in the fashion industry.

How will my information be used?

Any data obtained will be used solely for research purposes. This also applies to personal data, which will be used with your consent.

You can stop taking part in the study at any time while completing it, without giving a reason, and without experiencing any detriment. You can ask for your data to be withdrawn and destroyed within one week after completing the study. You can do this by emailing me and including the 4-digit code created before the interview.

All data will be accessible to me and relevant staff at London College of Fashion. The data will be analysed while stored on UAL-managed systems. The anonymised data will be stored on systems managed by UAL for a period of two months after the end of the project. Personal data will also be stored on UAL-managed systems, separately from the rest of your data, and will be deleted after this research has been assessed and the grade has been confirmed by London College of Fashion. No one except me and relevant staff at London College of Fashion will be able to link any identifying information to the rest of your responses.

You can find more information about UAL and your privacy rights at www.arts.ac.uk/privacy-information.

What will happen to the results of the study?

The results of this study will be reported as a dissertation for the BSc (Hons) Psychology of Fashion at London College of Fashion. The report will not contain any information that may lead to participant identification.

Who should I contact for further information?

If you have any questions, require more information about this study, or would like to receive a summary of the study results when they are ready, please email me, the researcher, at c.beveridge0620221@arts.ac.uk.

What happens if there is a problem?

This study has been approved by the Psychology Research Ethics Panel at London College of Fashion, UAL. If you have any concerns about the study, you can contact my supervisor, Dr Ameerah Khadaroo at a.khadaroo@fashion.arts.ac.uk. They will do their best to answer your query. If you have further concerns or wish to complain about the study, please contact researchethics@arts.ac.uk.

Thank you for reading this Information Sheet and for considering taking part in this research.

CONSENT FORM

Version _____, Dated _____

Study title: Guardians of Tradition: A Qualitative Study of the Relationship Between Intellectual Property Law and Cultural Appropriation in the Mayan Nation

Researcher's name: Ciara Beveridge

Please complete this form after you have read the Participant Information Sheet and/or listened to an explanation about the research. If you have any questions arising from the Information Sheet or explanation already given to you, please ask the researcher before you decide whether to participate.

If you decide to participate, please tick each of the boxes below to consent to different elements of this study. Please note that you may be deemed ineligible to participate if you do not consent to any of the elements.

| Item no. | Item | Tick |
|----------|--|------|
| 1. | I confirm that I have read and understood the Participant Information Sheet for the above study. I have had the opportunity to consider the information and asked questions which have been answered satisfactorily. | |
| 2. | I confirm that I am 18 years old or over and a legal professional who has worked on cases to do with cultural appropriation, the fashion industry, and the Mayan Nation. | |
| 3. | I understand that my participation in this study is voluntary. | |
| 4. | I understand that I will be able to withdraw my data up to 1 week after my interview without giving a reason, and without suffering any adverse consequences or penalty. | |
| 5. | I understand how my data will be stored and consent to the processing of all data for the purposes explained to me. | |
| 6. | I understand the potential disadvantages and risks of participating and the support that will be available to me should I become distressed during the research. | |
| 7. | I understand that confidentiality and anonymity will be maintained and it will not be possible to identify me in any reports or publications. | |

| | | |
|-----|---|--|
| 8. | I consent to my interview being audio recorded. | |
| 9. | I consent to my data, including anonymised quotes, being used in written up or published work resulting from this research. | |
| 10. | I understand that honesty is important to the research and will do my best to answer the questions accurately and honestly. | |
| 11. | I agree to take part in this study. | |

Initials of Participant

Date

Signature

Name of Researcher

Date

Signature

CONSENT FORM

Version _____, Dated _____

Study title: Guardians of Tradition: A Qualitative Study of the Relationship Between Intellectual Property Law and Cultural Appropriation in the Mayan Nation

Researcher's name: Ciara Beveridge

Please complete this form after you have read the Participant Information Sheet and/or listened to an explanation about the research. If you have any questions arising from the Information Sheet or explanation already given to you, please ask the researcher before you decide whether to participate.

If you decide to participate, please tick each of the boxes below to consent to different elements of this study. Please note that you may be deemed ineligible to participate if you do not consent to any of the elements.

| Item no. | Item | Tick |
|----------|--|------|
| 1. | I confirm that I have read and understood the Participant Information Sheet for the above study. I have had the opportunity to consider the information and asked questions which have been answered satisfactorily. | |
| 2. | I confirm that I am 18 years old or over and a Mayan weaver. | |
| 3. | I understand that my participation in this study is voluntary. | |
| 4. | I understand that I will be able to withdraw my data up to 1 week after my interview without giving a reason, and without suffering any adverse consequences or penalty. | |
| 5. | I understand how my data will be stored and consent to the processing of all data for the purposes explained to me. | |
| 6. | I understand the potential disadvantages and risks of participating and the support that will be available to me should I become distressed during the course of the research. | |
| 7. | I understand that confidentiality and anonymity will be maintained and it will not be possible to identify me in any reports or publications. | |
| 8. | I consent to my interview being audio recorded. | |

| | | |
|-----|---|--|
| 9. | I consent to my data, including anonymised quotes, being used in written up or published work resulting from this research. | |
| 10. | I understand that honesty is important to the research and will do my best to answer the questions accurately and honestly. | |
| 11. | I agree to take part in this study. | |

Initials of Participant

Date

Signature

Name of Researcher

Date

Signature

DEBRIEFING SHEET

Version _____, **Dated** _____

Study title: A Qualitative Study of the Relationship Between Intellectual Property Law and Cultural Appropriation in the Mayan Nation

Researcher's name: Ciara Beveridge

Researcher's email address: c.beveridge0620221@arts.ac.uk

Thank you for taking part in this study! Below is some more information about the aims of the study and what happens next.

What are the aims of this study and what are we expecting to find?

The aim of this study is to explore the complex intersection of intellectual property (IP) law, social identity, and intergenerational trauma in the context of cultural appropriation within the fashion industry. Through interviews with both legal professionals and members of affected communities, the study aims to uncover how Western legal frameworks align or fail to align with traditional cultural needs and to understand the impact of cultural appropriation on social identity and psychological well-being. The contrasting viewpoints may offer insights into potential reforms that could bridge the gap between legal theory and cultural practice, ultimately protecting marginalized communities.

What are some of the benefits that may result from this study?

These findings could inform future reforms in IP law across the Mayan Nation, making them more attuned to the cultural and psychological needs of marginalized groups. By integrating legal and psychological perspectives, the study intends to contribute to the development of more culturally sensitive and effective legal protections, fostering a more equitable and respectful fashion industry.

Where can you find more information about this research topic?

A list of resources that provide more information about this research topic:

Art as Territory: Mayan weavers advocate for collective intellectual property rights in Guatemala:

<https://dailycollegian.com/2018/03/art-as-territory-mayan-weavers-advocate-for-collective-intellectual-property-rights-in-guatemala/>

Cultural and Intellectual Property Appropriation: Disputes Over Culturally-Inspired Fashions:

<https://foleyhoag.com/news-and-insights/blogs/making-your-mark-blog/2019/february/cultural-and-intellectual-property-appropriation-disputes-over-culturally-inspired-fashions/#:~:text=In%202012%2C%20the%20Navajo%20Nation,connection%20with%20clothing%20and%20jewelry>

What should you do if you need support at the end of the study?

If you need support at the end of the study contact your GP or family doctor who can direct you to local psychological services.

- For meditation:
<https://www.bing.com/videos/riverview/relatedvideo?&q=Progressive+Muscle+Relaxation&&mid=289C9D99AFAA277C8DE3289C9D99AFAA277C8DE3&&FORM=VRDGAR>.
- If you struggle with intergenerational trauma (for community members), <https://www.carolynspring.com/free-downloads/> provides free online and accessible resources to support individuals.
- To find out about organizations addressing cultural appropriation visit <https://www.fashionrevolution.org/notpublicdomain-indigenous-communities-combat-cultural-appropriation-with-traditional-textile-design-database/>. [Cultural Intellectual Property Rights Initiative®](#) (CIPRI), [Traditional Arts and Ethnology Centre](#) (TAEC) and the Oma of Nanam Village in Laos have developed a new [digital database](#) that documents a multitude of traditional garments, motifs and techniques that are culturally significant to the Oma in various ways.

- The '[Documenting Traditional Cultural Expressions: Building a Model for Legal Protection Against Misappropriation and Misuse with the Oma Ethnic Group of Laos](#)' report details the purpose and process of creating this database, its legal framework, and the impact on the community. The model of the Database can be licensed, royalty-free, by any other Indigenous group, ethnic group or local community that wants to develop cultural intellectual property protection.

Contact details

If you have more questions about the study or would like to request a summary of the findings when they are ready, please contact me using the email address provided above. If this study has harmed you in any way or you wish to make a complaint about the conduct of the study, you can contact researchethics@arts.ac.uk.

Thank you once again for your contribution to the study!

APPENDICES

(Study Advert, Questionnaires, Instructions, Interview Questions, Tasks, and/or Stimuli Such as Images)

Email for potential participants for groups 1 and 2 asking them to take part in the study:

Dear [Participant's Name],

I hope this message finds you well. My name is Ciara Beveridge (Year 3 student), and I am conducting a research study for my dissertation at London College of Fashion. I'm inviting you to participate in my study examining how intellectual property law affects marginalized communities whose cultural heritage has been appropriated by the fashion industry, with a focus on social identity and intergenerational trauma.

The study involves a 40-60 minute online interview via Microsoft Teams. We're gathering perspectives from legal professionals and Mayan weavers to develop more culturally sensitive legal protections in fashion. Your participation would contribute to understanding how cultural appropriation impacts communities and help shape more equitable legal frameworks.

If you're interested in participating as a legal professional or community member or have questions, please reply to this email. Please see attached the information sheet for this research.

I can provide further details and arrange an interview time that suits you best.

Thank you for considering this research opportunity.

Best regards,

Ciara Beveridge

Interview Questions- My last question for everyone which is going to be very important is "what is one word or phrase you would use to describe Mayan textiles"

Demographic Questions Group 1:

- What is your ethnicity?
- What is your nationality?
- What is your age?
- What is your Gender?
- What is your Occupation

Could you please tell me about your professional background/role?

Demographic Questions Group 2:

- What is your ethnicity?
- What is your nationality?
- What is your age?
- What is your gender?
- What is your occupation?

GROUP 1 (Legal Professionals)

RQ 3: What are the perceptions of lawyers of the legal challenges involved when using intellectual property law to address cases of cultural appropriation?

Section A: IP Law & Cultural Appropriation Intersection

1. Can you maybe tell me what cultural appropriation means to you? Could you describe your experience with IP law in fashion, particularly regarding cultural appropriation cases?
2. How do current IP laws across the Mayan Nation address cultural appropriation in fashion? Could you provide specific examples?
3. In your experience, what are some specific challenges marginalized communities face when engaging with Western intellectual property (IP) frameworks? For instance, how might issues like cultural misrepresentation, lack of access to IP protections, or unequal enforcement affect these communities? Could you maybe provide examples where these gaps have been particularly evident to you?
4. How effectively do current IP laws protect traditional cultural expressions in your view? Could you maybe illustrate with a few specific cases you might have in mind?

Section B: Social Identity & Intergenerational Trauma Impact

5. Based on your legal experience, how does IP law (or its absence) affect communities whose cultural expressions are used without permission? Could you provide examples?

6. What psychological and social impacts have you observed in communities affected by cultural appropriation? How do these manifest in legal contexts?

7. I'd like to explore how court decisions about cultural appropriation affect communities. First, let me explain what I mean by certain terms:

When we talk about social identity, we mean how people are perceived and see themselves, their sense of belonging, cultural values, and what makes their community unique and special.

When we discuss intergenerational trauma, we're referring to how difficult or painful experiences from the past can be passed down through generations, affecting how people feel today.

With these ideas in mind:

How do legal outcomes in cultural appropriation cases affect social identity and intergenerational trauma? Could you share specific instances?

Section C: Legal Mechanisms

8. How do current laws recognize and protect the cultural importance of traditional fashion practices? Could you explain with examples?

9. What legal reforms do you think could better protect cultural heritage in fashion? Why?

10. How could legal frameworks better incorporate community experiences and perspectives, especially when it comes to protecting cultural practices from appropriation? Could you elaborate on potential approaches to ensure that marginalized communities have a voice in the development of these laws?

GROUP 2 (Community Members)

RQ 1: How do communities who experienced cultural appropriation in fashion perceive the relationship between IP law, social identity and intergenerational trauma?

RQ 2: What are the views of communities whose cultural heritage is perceived to be appropriated in fashion on existing legal protections?

Section A: Personal Experience & Cultural Identity

1. Could you tell us a bit about your cultural background and how it has influenced your perspective on fashion?

2. What is your personal relationship with fashion? How do you see fashion as a form of self-expression or cultural representation?"
3. How do you define cultural appropriation in the context of fashion? What impact do you think it has on your community?"
4. How has cultural appropriation in fashion influenced your community's cultural identity? Could you provide specific examples?
5. When you see your cultural elements used in fashion without permission, what impact does this have on you and your community? Could you elaborate?

Section B: Intergenerational Trauma & Social Identity

6. Has cultural appropriation been a traumatic experience for your community across generations? Could you share specific examples?
7. What emotional or psychological effects have you observed in your community due to cultural appropriation? How do these manifest?

Section C: Legal Protection & Community Experience

8. What is your understanding of how IP law across the Mayan Nation protects (or doesn't protect) your cultural expressions in fashion? Could you elaborate?
9. How do you think legal protections could better serve your community against cultural appropriation? Why these specifically?
10. What changes would you like to see in how the legal system handles cultural appropriation? Could you explain your perspective?

Appendix D: Evaluative Commentary

Transcribed Interview

Participant 4: So thank you very much and I wish you many blessings in your research. ^{Positive feelings towards research}

Researcher: Thank you

Participant 4: Let me tell you a bit about how it started. In 1988, after the Civil War (1.0) Many ^{subordinate} people died back then. And the oldest women in the community - don't like talking about that - ^{trauma that people still experience} time because they are still "they remember (.) like they are traumatized for all the things that ^{they remember the horrors from the war were traumatic experiences for this group} they lived And that's why: (0.5) they found a way to start having an income they lost their husbands, their fathers, many, many, >many relatives<. You know, like one of them who works, who is here she lost her grandparents. They were burnt alive (0.8). When they were walking in the mountains, trying to escape from traumatic experience I (.) This events so you can see the relationship between ^{everything is related}

Survival techniques - trauma and death from the war - people were escaping

wants to know what I have recorded

This, (.) and because I think that if you're doing this research, it's important that you investigate a bit more. ^{do more research} Well, I don't know. (.) What's your background towards know? (.) Getting to know more about the history of Guatemala. But there are many books that you should read - ^{a lot of literature around the topic}

Researcher: I know you touched a bit on the history, but how you see fashion as a form of representation?

Participant 4: "It can be dangerous to say that it's just fashion because it's part of the identity of the women in their culture, right?" (.) Because when you investigate how the all the process is done, (.) starting how with how they dye the threads, (.) you can see all the patterns in the ^{dress is that your fashion} millennial like traditions." (.) Clothing can represent a person's cultural heritage ^{love of the process of making the clothes} and traditions. (.) For instance, wearing clothing from a particular region or using specific fabrics can showcase a connection to one's cultural roots. (.) Our designs aren't owned by one person (.) they belong to the tribe, to the ancestors ^{when people wear it, it shows the people who belong where they are from}

claim of identity - a story of the women different cultures

from the past - people's beliefs - specific places

Researcher: It's their identity. So my next questions kind of have to do with cultural appropriation and how you view it. I know from what you've said, people from America and people from Europe buy your clothing. So I think maybe that's a different conversation to companies who copy the pattern and people who wear indigenous made clothing. So I'm just kind of curious about your thoughts on that and like if there's a line for how you like, differentiate the two and what you think about it and what cultural appropriation is to you.

things being appropriated or from culture - that has to do with the things being taken from original culture - changed by those who took it - goes beyond cultural appropriation

Participant 4: Well, I think that cultural appropriation nowadays is related to gentrification, I think, because. It's very sad to see also. That many places in Central America like Costa Rica or even here, there's a place that is called Antigua Guatemala. That was the First Capital in in Guatemala, things have become. Very expensive because of gentrification. Here I saw that is 2 and \$50.00 (.) and if you go 20 is \$100. (.) So I think that it's very interesting to see. How people also can become in, in, in middle men after, after all (.) more than just related to fashion (.) more more than just cultural appropriation. You know, and I was just having this conversation with a girl from UK last week and she said that it will. (.) It will happen that a person will buy things from us. But maybe they won't be able to wear it in the UK because they will like. (.) It's a point to that person and say, oh, you are having like, cultural appropriation because you're wearing this. So for me, I have never heard that before. And I will never see that. ^{people have different opinions}

it's uncertain when it happens in South America - things being changed in this way makes the price go up - the prices are hiked up a lot

Researcher: Has there been certain companies that you've really seen take advantage of your culture and like steal the patterns?

conversation is international - people from other countries buy from the vendors

they don't wear what they buy in other countries

wearing these cultural pieces some view as appropriation some don't

there is a middle man - promoting/buying/selling traditional goods

People start making with their own money by buying with things with designer purses might be made in USA

Gentrification and cultural appropriation are related

Participant 4: Well, I think that as I mentioned previously, gentrification and culture of creation are come together because many foreigners come and they start like setting their own stores and they don't pay well, maybe. To the weavers and they get a lot of money from that and they don't pay fair fairly to the weavers. So that's the main danger as I'm telling you, is that. People come. And for you, maybe you can find a way toal by \$1.00 and you sell it by 100, so. Let's say that — they would charge two dollars (.) for something (.) but when you see [it] in a designer purse (.) it costs two hundred. (.) Or you go to museums and you offer it very expensive because not all the people are able to step in Guatemala and go to a market and talk. To the weavers, you know, so as I'm telling you like, these three categories are related, like gentrification taking advantage. And cultural appropriation. Those three things are relate.

You buy something around 10 and sell it for so much more

Researcher: What impact would you say this has on the community from like?

gentrification, cultural appropriation, people being taken advantage of are related

tourist go to the market and talk to weavers

Participant 4: Different situations, but for me now is a must because when you understand the process (.) you're able to give effort and really the real value of of of the of the work you know. And so I think that when people get interested in getting to know the process (.) Is they well informed and they understand (.) right? But I think that there there are many things to consider.

understand the work that is produced people want to know how things are done

Researcher: Yeah, I think that's like really interesting and something to just kind of consider like a lot of it has to do with understanding like the knowledge and wanting to learn about it. My next set of questions has to do with the legal side of things. And like you mentioned, the Guatemalan Constitution has some articles to protect the indigenous languages and I'm curious how effective do you think these articles are in protecting indigenous weaving?

thinking about mayan law participants found protecting article in Guatemala there are many ethnic groups including indigenous groups

this article talks about indigenous land

the law respects their ways

Participant 4: Like (.) Mayan article (.) mmhm (.) well (.) to be honest (.) I think—I'm not::: OK well I found one. It says, third section: in the Communities (.) Article 66 protection of ethnic groups (.) Guatemala is formed by diverse ethnic groups among which are found indigenous groups of Mayan descent. The state recognizes, respects, and promotes their forms of life—customs traditions, social organization, and the use of indigenous attire by men and women, their languages and dialects. Then there's Article 67 (.) protection of indigenous agricultural lands and cooperatives. It says the lands of cooperatives—or any other form of communal or collective agrarian ownership—as well as family patrimony and housing (.) will have special protection from the state and receive credit and technical assistance to help guarantee their possession and development. That's meant to ensure better quality of life for indigenous communities and others who hold lands that historically (.) sorry (.) historically belong to them

the government says they respect the ethnic groups they recognize traditions another state process

the people are protected and can get assistance if needed to protect what's theirs

the land was originally indigenous peoples

the article is supposed to protect indigenous people

Reflexive Journal

Reflexivity Journal Interview 1

February 24th 2025

- IP lawyer in Guatemala with 20 years of experience and experience in cultural appropriation
- Extremely willing to share knowledge
- Invited me to IP week online @ her firm
- Was an incredible first interview and inspired me to further research
- Would've been able to attend IP week if I speak Spanish
- Did not have many expectations/didn't know what I had found in research
- Understand history of Guatemala
- How is it different in other countries?
- Look up the specific bills that have been proposed