

Geopiracy: the *unjustifiably* false attribution of location in the visual arts

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Have you ever seen a movie attributed to one place but filmed in another? Film buffs will recall *Tarzan of the Apes* (1918) or *Gone with the Wind* (1939) where, respectively, Morgan City, Louisiana was passed off as Africa and Hollywood, California, the antebellum South. Despite the ease of filming on location today, false attribution still happens. The 2008 releases *Vantage Point* and *Indiana Jones* passed off Mexico as Spain, and the Yucatán as the Amazon. As we write from Puerto Rico, the town of Bayamón is being filmed in *Men who Stare at Goats* as if it were Iraq.

“The Geopiracy Project™” is an interdisciplinary and international endeavor to cull films from the Internet Movie Database (www.imdb.org) and systematize them according to a typology of false attribution. The ultimate goal of the Project is to quantify the harm inflicted while suggesting *sui generis* legislation in Geographic Indications for the visual arts.

False attribution of location has four categories by which each film can be classified scene by scene.

- Type I: movies which claim to be based on a "true story" but cite a different location from where filmed
- Type II: movies which are fictional and cite a different location from where filmed
- Type III: movies which are fictional and invent a fictional name for the location
- Type IV: movies which are either fictional or based on a "true story," filmed on location, but through splicing mix locations as if they were one place.

We emphasize that justifications sometimes exist for the false attribution of location: prohibition (legally impossible to film there), *de facto* censorship (bureaucratically impossible), satire (fair use), accuracy (period settings), endangerment (likely threats), and phantasmagoria (magical plot). Recent examples would include *Dirty Dancing: Havana Nights* (2004), *Water* (2005), *Borat* (2005), *La Veuve de Saint Pierre* (2000), the aforementioned *Men Who Stare at Goats* (to be released in 2009) and *Lord of the Rings* (2001). Although many such examples exist, we daresay that most directors falsely attribute because falsification is profitable and the parties harmed are unorganized.

The harm inflicted lends itself to economic analysis. For example, the stunning landscapes of *Brokeback Mountain* (2005) were not of Wyoming but of Alberta, Canada. Moviegoers-cum-tourists will be disappointed as Alberta loses the intended revenues. Film tourism is big business. If the moviegoer happens to hail from Wyoming or Alberta, he or she will disengage from the film with every pan shot. While such harms are

commensurable (estimates of tourist dollars and regional box office), others exist which are difficult or impossible to measure. We think of descendants of the Mohican Nation as they watch *The Last of the Mohicans* (1992), filmed in the Smoky Mountains of North Carolina about their ancestral home in upstate New York.

To measure the multiple harms inflicted, we first need survey data:

- (1) what percentage of moviegoers know that the location is disclosed in the ending credits of a film?
- (2) what percentage of films are shown until the ending credits and not truncated by the projectionist?
- (3) what must be the visual acuity of a moviegoer to decipher the credit from his or her seat?
- (4) what level of speed-reading must the moviegoer command in order to comprehend the fleeting projection of the credited location?
- (5) how are the filming locations distinguished in the credits when there are multiple scenes with multiple locations?

As The Geopiracy Project™ constructs a database and answers the empirical questions, we hope that the political will emerges for a *sui generis* legislation that makes faithful attribution of location the default position in the visual arts.

Additional Resources

“On the Trail of James Bond’s Jamaica: A tour of filming locations used in ‘Dr. No’ and ‘Live and Let Die’ on the island where Ian Fleming wrote the novels.” David G. Allan and Vijai Singh, *The New York Times*. November 7, 2008.

<http://video.nytimes.com/video/2008/11/07/travel/1194832287632/on-the-trail-of-james-bond-s-jamaica.html>

“Geopiracy as an Emerging Issue in Intellectual Property Rights: The Rationale for Leadership by Small States” by Joseph Henry Vogel, Janny Robles, Camilo Gomides, and Carlos Muñiz, 21 *Tulane Environmental Law Journal* (Spring 2008), 391-406. For Spanish and Portuguese translations, <http://www.biopirateria.org/otrosdocs.php>; for permission to translate and publish in other languages, write josephvogel@usa.net.

“How to Join The Geopiracy Project™” by Joseph Henry Vogel, Janny Robles, Camilo Gomides, and Carlos Muñiz. Working Paper, Department of Economics, University of Puerto Rico-Rio Piedras, September 24, 2008, <http://economia.uprrp.edu/>.