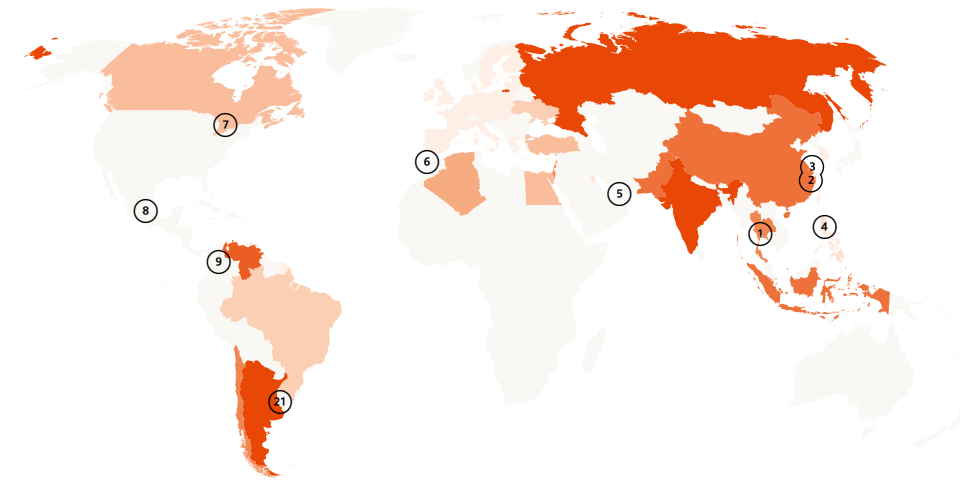


“NOTORIOUS” MARKETS

What makes informal marketplaces “notorious markets”? The answer to this question seems increasingly to be based on the inclusion of such markets in a well-known report annually released by the Office of the United States Trade Representative (USTR) under Section 301 of the Trade Act of 1974. These “Special 301” reports list physical marketplaces around the world that are deemed “notorious” for violating the intellectual property rights of U.S. companies and individuals. Be it pirated DVDs that are mass-produced and offered at bargain prices in Mexico City’s Tepito neighbourhood, fake designer clothes traded quickly and cheaply in Dubai’s Karama market or counterfeit electronics sold in Bangkok’s street markets – there are countless items one could list that cast a shadow on such marketplaces. But while trade relations are arguably subject to ethical standards, notoriety, in this context, has a more specific meaning and purpose. It is less an ethical category used to describe someone’s reputation for wrongdoing than an epistemological and legal category referring to juridical certainties that do not require more explicit evidence.

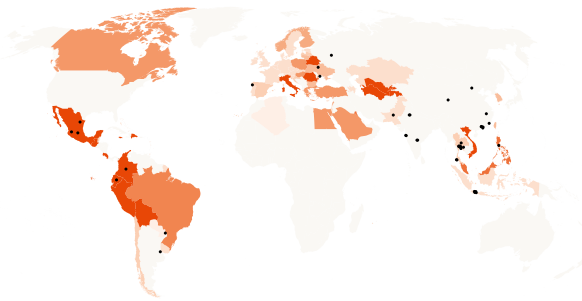
Notorium est, quod omnes sciunt – A thing is notorious when it is known to all. With roots dating back to Latin antiquity and introduced into medieval jurisprudence by the twelfth-century canon lawyer Gratian, this legal principle has now re-emerged as a political technology in the USA’s assessment of the trade policies of other governments. The key implication of using the term notoriety lies in the eschewal of evidentiary standards, in as much as the mere definition of contested sites as notorious obviates the need for further documentary evidence. In the case of the Special 301 Report, this principle has been adopted to avoid multilateral dispute-resolution processes whenever foreign marketplaces burden



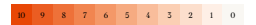
PRIORITY WATCH LIST (2004–2013)	“NOTORIOUS” MARKETS					
Frequency of listing in Special 301 Priority Watch List	① Red Zones	Bangkok	THA	⑥ Derb Ghallef	Casablanca	MAR
10 9 8 7 6 5 4 3 2 1 0	② Small commodities markets	Yiwu	CHN	⑦ Pacific Mall	Toronto	CAN
Source: Special 301 Report, Office of the United States Trade Representative (USTR)	③ Qipu Street	Shanghai	CHN	⑧ Tepito	Mexico City	MEX
	④ Quiapo Market	Manila	PHI	⑨ Septimazo's	Bogotá	COL
	⑤ DIY Trade	Dubai	UAE	⑩ La Salada	Buenos Aires	ARG

or restrict U.S. commerce by allegedly violating intellectual property rights. Instead, annual reports based on industry input claim authority over determining whether violations have occurred and whether to impose sanctions on countries that do not comply with U.S. intellectual property policies.

Intellectual property-focused Special 301 investigations were initiated in the 1980s in the wake of growing merchandise trade deficits and the inability of the U.S. to enforce free trade commitments alongside its own intellectual property standards abroad. Since 1989, more than 80 countries have graced the USTR’s annual “Watch List” and “Priority Watch List”, which serve as a warning mechanism for countries deemed to be non-compliant with international commercial ethics. Notwithstanding international legal frameworks established through global multilateral agreements under the World Trade Organization (WTO) in the past two decades, most notably the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and its subsequent amendments, the Special 301 Report continues to function as the most powerful form of unilateral leverage



WATCH LIST (2004-2015)
Frequency of listing in Special 301 Watch List



NOTORIOUS MARKET	CITY/REGION	COUNTRY
La Salada	Buenos Aires	ARG
Small commodities markets	Yiwu	CHN
Luohu Commercial Centre	Shenzhen	CHN
Buynow PC Malls	China	CHN
Silk Market	Beijing	CHN
Fu'an Footwear & Accessory Market	Putian	CHN
Garment Wholesale Centre	Guangzhou	CHN

NOTORIOUS MARKET	CITY/REGION	COUNTRY
International Jeans Market	Zengcheng	CHN
San Andresitos	Colombia	COL
Bahia Market	Guayaquil	ECU
Ladies Market	Mongkok	HKG
Nehru Place	New Delhi	IND
Gaffar Market	New Delhi	IND
Manish Market	Mumbai	IND
Lamington Road	Mumbai	IND
Chenoy Trade Centre	Hyderabad	IND
Hong Kong Bazar	Hyderabad	IND

NOTORIOUS MARKET	CITY/REGION	COUNTRY
Harco Glodok	Jakarta	INA
Mangga Dua Mall	Jakarta	INA
Ambassador	Jakarta	INA
Mall/ITC		
Ratu Plaza	Jakarta	INA
Tepito	Mexico City	MEX
Pulga Rio	Monterrey	MEX
San Juan de Dios	Guadalajara	MEX
Urdu Bazaars	Pakistan	PAK
Ciudad del Este	Ciudad del Este	PAR
Quiapo Shopping District	Manila	PHI
Savelovskiy Market	Moscow	RUS
A Pedra Market	Vigo	ESP
Pantip Plaza	Bangkok	THA
Klong Thom	Bangkok	THA
Saphan Lek	Bangkok	THA
Baan Mor	Bangkok	THA
MBK Shopping Centre	Bangkok	THA
Talad Nat	Bangkok	THA
Jatujak	Bangkok	THA
Sukhumvit Road	Bangkok	THA
Patpong Market	Bangkok	THA
Patong	Phuket	THA
Karon Beach	Phuket	THA
IT City	Pataya	THA
Rongkleu Market	Aranyaprathet	THA
Petrivka Market	Kyiv	UKR
7th Kilometre Market	Odessa	UKR

Source: Special 301 Report, Office of the United States Trade Representative (USTR)

used to compel developing countries to comply with foreign trade policies favoured by the USA. This continuing influence of the Special 301 programme is largely due to the separate “out-of-cycle review” of notorious markets begun in 2010, which involves the compilation of a short list of markets that does not target countries but rather specific marketplaces, which are purportedly included because they exemplify concerns about trademark counterfeiting and copyright piracy on a global basis. Notoriety in these cases is not the result of judicial discretion within the framework of a fact-finding exercise. It is a suggestion of undisputable economic harm associated with the existence of “such sites”.

This name-and-shame tactic needs to be seen as part of the global struggle over newly emerging markets and growth-leading economies, especially those pertaining to knowledge-intensive production, which is highly localized in cities and represents a 70 per cent share of world trade. In the accelerating shift of economic growth from developed countries to metropolitan areas of the

Global South, informal markets have thus become a pawn in the fight for control over contested territories, networks and alliances. This might not always be immediately obvious from the non-descript utilitarian style of targeted sites such as Shanghai’s Qipu Lu malls, the thousands of stalls in Yiwu’s International Trade City or the Asian trade centres in Toronto’s Golden Horseshoe area. But with the stellar rise of higher education and high-tech industries in China – in 2012, the country took the top spot in worldwide patent filing with a global share of 28 per cent – a changing knowledge landscape has begun to generate innovative home-grown products and attractive high-end domestic brands in Asia. A consolidation of higher living standards in developing countries could bring about a shift in trade relations, further accelerating the territorial redistribution of production, consumption and profit-making. It could also instigate far-reaching changes in public attitudes toward cultural expression, rendering globally branded goods less desirable. In the meantime, the USTR’s “Notorious Markets” lists – with their focus on Southeast Asia and the traditional U.S. hinterland of Latin America as well as their revealing blind spot when it comes to Africa – are producing a finely tuned geography that lays bare the ambitions and anxieties of the so-called developed world with regard to potential economic woes and investment opportunities.