

Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

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TRADITIONAL CULTURAL EXPRESSIONS: A DISCUSSION PAPER

Document submitted by the Delegation of the United States of America

1. On May 15, 2017, the International Bureau of the World Intellectual Property Organization (WIPO) received a request from the Delegation of the United States of America to the World Trade Organization (WTO) to resubmit the document entitled “Traditional Cultural Expressions: A Discussion Paper”, as contained in document WIPO/GRTKF/IC/33/5, for discussion by the Thirty-Fourth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), as a working document under Agenda Items 7 and 8.

2. Pursuant to the request above, the Annex to this document contains the resubmission referred to, as received.

3. *The Committee is invited to take note of this document and the Annex to it.*

[Annex follows]

Traditional Cultural Expressions: A Discussion Paper

I. INTRODUCTION

Under the mandate for the WIPO IGC for the 2016/2017 biennium, a primary focus of the work of the IGC is to reach a common understanding on core issues, including whether certain TCEs are protected. TCEs could be entitled to protection at an international level and certain TCEs would not be. In advancing its work, the Committee is expected to use an “evidence-based approach, including studies and examples of national experiences, including domestic legislation and examples of protectable subject matter and subject matter that is not intended to be protected.”

The goal of the paper is to facilitate an informed discussion in the context of reaching a common understanding regarding the treatment of TCEs. For the sake of convenience, the examples in this paper are organized consistent with the categories identified in the definition of TCEs in the draft articles as follows: (1) TCEs in action, (2) material TCEs, (3) music and sound TCEs, and (4) verbal and written TCEs.¹

II. EXAMPLES OF TCEs

A. TRADITIONAL CULTURAL EXPRESSIONS IN ACTION

Background

The draft articles identify TCEs expressed in action as encompassing dances, plays, ceremonies, rituals, games and traditional sports, as well as other performances. This section discusses rituals, dance, and sports.

Examples:

1. Rituals

Bikram Yoga: Bikram yoga is a form of yoga developed by Bikram Choudhury utilizing traditional hatha yoga techniques in a series of poses that is performed in 105 degree heat.² Choudhury learned hatha yoga from Bishnu Ghosh and then developed his own series of 26 poses to address the most common health problems and to be performed in a specific sequence.³

¹ In the draft articles WIPO/GRTKF/33/4, traditional cultural expressions are broadly defined as “any form of [artistic and literary], [creative and other spiritual] expression, tangible or intangible, or a combination thereof, such as actions, materials, music and sound, verbal and written [and their adaptations], regardless of the form in which it is embodied, expressed or illustrated [which may subsist in written/codified, oral or other forms]” (internal citations omitted).

² Farrell, Maureen, Forbes, *Bikram Yoga’s New Twists*, available at <http://www.forbes.com/forbes/2009/0921/entrepreneurs-franchising-bikram-yoga-new-twists.html> (last visited Feb. 5, 2017).

³ Despres, Loraine, Yoga Journal, *Yoga’s Bad Boy: Bikram Choudhury*, available at <http://www.yogajournal.com/article/lifestyle/yoga-s-bad-boy-bikram-choudhury/> (last visited Feb. 7, 2017).

2. Dance

Jig: With roots in 16th century England, the jig migrated to Ireland and Scotland in the 17th century, where it was adapted and incorporated into traditional Irish and Scottish dance.⁴ The jig remains closely associated with Ireland and Scotland to this day. Having crossed the Atlantic with immigrant communities, the jig is performed in Canada and the United States.⁵ It has become a recognized part of the Ozark culture⁶ and contributed to the development of American tap dancing.⁷ Today competitive dancers also perform the jig in world championships, evidence of the global popularity of this traditional dance form in the 21st century.⁸

Tango: Blending influences from African and European culture, the origins of the Tango can be traced to lower-class districts of Buenos Aires, Argentina, and Montevideo, Uruguay.⁹ At the beginning of the 20th century, dancers and orchestras travelled from Buenos Aires to Europe, triggering a tango craze in major European cities and later in the United States.¹⁰ The tango is also closely tied with another category of TCE, music and sound.¹¹

Polka: The Polka is a dance and genre of dance music that originated in Bohemia (now part of the Czech Republic) in the mid-19th century, and spread to the U.S. with Czech, Polish, and German immigrants.¹² The polka remains popular in European and Latin American countries and in the United States.

Waltz: The origins of the Waltz, a ballroom and folk dance, date back to Germany and Austria, likely in the 13th century.¹³ By the mid-18th century, the waltz spread from the countryside to the suburbs of the city, starting in France and quickly spreading throughout Europe.¹⁴ Toward the end of the century, the waltz became extremely popular in Vienna, where it remains a centerpiece of Austrian culture to this day.¹⁵ Spread around the world, distinctive styles of the waltz developed in Scandinavia, Mexico, and the United States, as well as other countries.¹⁶

⁴ The InfoList.com, *Irish Step Dance*, available at

<http://theinfolist.com/php/HTMLGet.php?FindGo=Irish%20Step%20Dance> (last visited Feb. 5, 2017).

⁵ Pearlston, Jr., Carl B., Los Angeles Times, *Counterpunch: Retracing Steps of Tap's History*, available at http://articles.latimes.com/1995-12-25/entertainment/ca-17790_1_american-tap-dancing (last visited Feb. 2, 2017).

⁶ Peek, Dan William, *Live! At the Ozark Opry*, (The History Press, 2011). See also, Bob Holt *Old-Time Jig Dancing Competition featured at Old-Time Music, Ozark Heritage Festival*, available at http://www.oldtimemusic.org/?page_id=1285 (last visited Feb., 2017).

⁷ *Supra* note 5.

⁸ Alyssa Yabuno *Wins Irish Dance World Championship in Under-14 Division*, Redlands Daily Facts, May 2, 2014, available at <http://www.redlandsdailyfacts.com/arts-and-entertainment/20140502/allyssa-yabuno-wins-irish-dance-world-championship-in-under-14-division> (last visited Feb. 1, 2017).

⁹ Denniston, Christine, History-of-Tango.com, *Couple Dancing and the Beginning of Tango*, available at <http://www.history-of-tango.com/couple-dancing.html> (last visited Feb. 1, 2017); The Guardian, *Latin Rivals Learn It Takes Two to Tango*, available at <https://www.theguardian.com/world/2009/jan/25/argentina-uruguay-tango> (last visited Feb. 1, 2017).

¹⁰ Nottingham Evening Post, *Tango History and Facts*, February 19, 2007.

¹¹ Behal, Shyamant, Open, *Tango's First Steps*, April 6, 2013.

¹² Hinkley, David, Daily News, *Eclipsing the Waltz Polite Society Discovers Polka, 1844*, available at <http://www.nydailynews.com/archives/news/eclipsing-waltz-polite-society-discovers-polka-1844-article-1.574559> (last visited Feb. 2, 2017).

¹³ Dance Facts, *History of Waltz Dance*, available at <http://www.dancefacts.net/dance-history/waltz-history/> (last visited Feb. 5, 2017).

¹⁴ *Id.*

¹⁵ March, Catherine Dawson, The Globe and Mail, *In Vienna, the Waltz Is a Living Cultural Heritage*, available at <http://www.theglobeandmail.com/life/travel/activities-and-interests/in-vienna-waltzing-is-living-cultural-heritage/article30487196/> (last visited Feb. 2, 2017).

¹⁶ Dance Facts, *History of Waltz Dance*, available at <http://www.dancefacts.net/dance-history/waltz-history/> (last visited Feb. 5, 2017).

Hula: The hula is a dance form that originated in the United States state of Hawaii, but the form has now gained worldwide popularity.¹⁷ The hula dramatizes the words of a song or chant.¹⁸

3. Sports and Games

Background

Evidence of sports, games, and forms of competitive physical activity, can be found in ancient China (archery and cuju, which is a form of football),¹⁹ Egypt (wrestling, running,²⁰ and fishing),²¹ and Greece (discus, javelin, running, boxing, and wrestling, most notably at the ancient Olympic Games).²² In the modern world, there are hundreds of sports. They range from casual games among amateur players to organized, professional competitions among highly trained athletes from around the world, such as the modern Olympic Games,²³ which attract thousands of spectators²⁴ and are viewed by audiences around the world.²⁵ At the same time, there are strong economic, social, and cultural links between popular national sports, such as cricket, rugby, and baseball, both in the countries where they originated and where they were later adopted. This section focuses on the examples of baseball and lacrosse.

Examples:

Baseball: Baseball is a bat-and-ball game played between two teams of nine players, who take turns batting and fielding.²⁶ In the mid-19th century, baseball developed in North America, possibly from the older bat-and-ball game of “rounders” popular in Great Britain and Ireland, which was brought to the United States by Canadian immigrants of both British and Irish ancestry.²⁷ Extremely popular in the New York metropolitan area in the 1850s, local journalists began to call baseball the “national pastime” as early as 1856.²⁸ The game spread quickly to other cities (especially with large immigrant populations) in the late 19th century.²⁹ As baseball became professionalized in the United States, national leagues were formed.³⁰ The National League was founded in 1876 and the American League in 1901.³¹ The first World Series, pitting the two major league champions, was held in 1903.³² Throughout the twentieth century, the popularity of baseball in America continued to grow. As a measure of that popularity, by the

¹⁷ Hale, Constance, *The Atlantic*, *The Hula Movement*, available at <https://www.theatlantic.com/magazine/archive/2002/07/the-hula-movement/302538/> (last visited Feb. 2, 2017).

¹⁸ Tregaskis, Mona, *The New York Times*, *Dance: In Quest of Hawaii's Authentic Hula*, available at <http://www.nytimes.com/1987/07/05/arts/dance-in-quest-of-hawaii-s-authentic-hula.html?pagewanted=all> (last visited Feb. 2, 2017).

¹⁹ Official Website of the Chinese Olympic Committee, *A Brief Introduction to Ancient Sports in China*, available at http://en.olympic.cn/sports_in_ancient_china/2003-11-16/11313.html (last visited Feb. 2, 2017).

²⁰ History World, *History of Sports and Games*, available at <http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=ac02> (last visited Feb. 2, 2017).

²¹ Helleksen, Terry, *Fish Files: The Encyclopedia of the Fly Tier's Art*, (Gibbs Smith, 2005).

²² *Id.*

²³ *Id.*

²⁴ Guinness World Records, *Largest Attendance at an Olympic Games*, available at <http://www.guinnessworldrecords.com/world-records/greatest-attendance-at-olympic-games> (last visited Feb. 3, 2017).

²⁵ Holloway, Daniel, *Variety*, *How Rio Ratings Surprised NBC and Will Impact Future Games*, available at <http://variety.com/2016/tv/news/2016-olympics-ratings-rio-nbc-1201843200/> (last visited Feb. 3, 2017).

²⁶ WETA, *Baseball for Beginners*, available at <http://www.pbs.org/kenburns/baseball/beginners/> (last visited Feb. 2, 2017).

²⁷ History, *Who Invented Baseball?*, available at <http://www.history.com/news/ask-history/who-invented-baseball> (last visited Feb. 2, 2017).

²⁸ The People History, *Baseball Origins, Growth and Changes in the Game*, available at <http://www.thepeoplehistory.com/baseballhistory.html> (last visited Feb. 1, 2017).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

2016 World Series, 40 million viewers tuned in to watch Game 7 of the series,³³ which pitted the victorious Chicago Cubs (which had not won the series since 1908) against the Cleveland Indians (which last won the series in 1948).³⁴

The popularity of baseball, however, is by no means confined to the United States. Introduced to Cuba and Japan in the 1870s,³⁵ today baseball is one of the most popular sports in both countries.³⁶ Baseball is also played around the world, including in: Israel, the Philippines, Saudi Arabia, the United Arab Emirates, South Korea, China, Chinese Taipei, Italy, Spain, the Netherlands, the United Kingdom, Canada, the Dominican Republic, Australia, New Zealand, Brazil, Venezuela, Uganda, Ghana, and Jamaica.³⁷ The World Baseball Softball Confederation was formed by a merger of the International Baseball Federation and the International Softball Federation,³⁸ and in 2013, was recognized by the International Olympic Committee as the sole authority for baseball.³⁹

Lacrosse: Lacrosse is also a team sport, but uses a stick with a basket to catch and hold the ball rather than strike the ball.⁴⁰ Lacrosse originated with the Native Americans, including the Cherokee, Iroquois, Huron, Choctaw and Mohawk peoples,⁴¹ but its name derived from the French generic name for a game played with a curved stick.⁴² Lacrosse is now played widely in the United States and internationally and is one of the world's fastest growing sports.⁴³

B. MATERIAL TRADITIONAL CULTURAL EXPRESSIONS

Background

The draft articles describe material TCEs, including such items as expressions of art, handicrafts, ceremonial masks or dress, handmade carpets, and architecture. This section focuses on musical instruments, vernacular architecture, art and handicrafts, and food.

Examples:

1. Musical Instruments

Violin/Fiddle: The violin likely derived from the Arabic rabab and was created in Italy sometime in the early 16th century.⁴⁴ The violin or one of its predecessors is also played in the music of many non-Western music cultures, such as India⁴⁵ and Iran.⁴⁶ Most prominent in the Western

³³ Schwindt, Oriana, *Variety*, *TV Ratings: Cubs Win World Series in Front of Massive Audience*, available at <http://variety.com/2016/tv/news/tv-ratings-cubs-win-world-series-record-1201908313/> (last visited Feb. 2, 2017).

³⁴ Bastian, Jordan, and Muskat, Carrie, *MLB*, *Cubs Are Heavy Weight Champions*, available at <http://m.mlb.com/news/article/207938228/chicago-cubs-win-2016-world-series/> (last visited Feb. 2, 2017).

³⁵ World Baseball Softball Federation, *History*, available at <http://www.wbsc.org/wbsc-history/> (last visited Feb. 2, 2017).

³⁶ Brown, Bruce, *The Atlantic Online*, *Cuban Baseball*, available at <http://www.theatlantic.com/past/docs/issues/84jun/8406brown.htm> (last visited Feb. 2, 2017); Japan-Guide.com, *Baseball*, available at <http://www.japan-guide.com/e/e2081.html> (last visited Feb. 2, 2017).

³⁷ World Baseball Softball Federation, *Members*, available at <http://www.wbsc.org/wbsc-history/> (last visited Feb. 2, 2017).

³⁸ World Baseball Softball Federation, *History*, available at <http://www.wbsc.org/wbsc-history/> (last visited Feb. 2, 2017).

³⁹ *Id.*

⁴⁰ Venum, Jr., Thomas, *U.S. Lacrosse*, *The History of Lacrosse*, available at <http://www.uslacrosse.org/about-the-sport/history> (last visited Feb. 3, 2017).

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ New World Encyclopedia, *Violin*, available at <http://www.newworldencyclopedia.org/entry/Violin> (last visited Feb. 7, 2017).

⁴⁵ Lal, Vinay, *Culture*, *Violin*, available at <https://www.sscnet.ucla.edu/southasia/Culture/Music/violin.html> (last visited Feb. 6, 2017).

classical tradition and associated with classical music and the orchestra,⁴⁷ the violin (informally called the “fiddle”) is also used in jazz⁴⁸ and folk music, including American country music⁴⁹ bluegrass,⁵⁰ and Irish traditional music.⁵¹

Bagpipes: With ancient origins, bagpipes have been played for a millennium throughout large parts of Europe, northern Africa, and western Asia, including India and around the Persian Gulf.⁵² The Scottish Great Highland bagpipe became well-known worldwide as a result of the expansion of the British Empire, spearheaded by the British military that included the Highland regiments.⁵³

Banjo: The banjo is a musical instrument with a drum-like body, a fretted neck, and usually four or five strings, which may be plucked or strummed.⁵⁴ Early forms of the banjo were fashioned by Africans in America adapted from African instruments of similar design.⁵⁵ The banjo played an important role in the development of African-American traditional folk music and plays a central role in American old time music.⁵⁶

2. Vernacular Architecture

Background

Vernacular architecture encompasses building types that are designed based on local needs, use available constructional materials, and reflect local traditions. Traditional building designs are passed down from person to person and from generation to generation.

Examples:

Nomadic dwellings: Several dwellings from nomadic cultures may fall into the category of TCEs. The yurt is a circular tent traditionally used in Mongolia and typically made from bent wood and felt.⁵⁷ The igloo is associated with the Inuit culture in Alaska.⁵⁸ The tipi (or tepee or teepee) is a structure comprised of poles and hides used by the Native American Plains

[Footnote continued from previous page]

⁴⁶ Stowell, Robin, *The Cambridge Companion to the Violin, The Violin – Instrument of Four Continents*, (Cambridge University Press, 1992).

⁴⁷ New World Encyclopedia, *Violin*, available at <http://www.newworldencyclopedia.org/entry/Violin> (last visited Feb. 7, 2017).

⁴⁸ Fiddling Around the World, *Jazz Violin*, available at <http://www.fiddlingaround.co.uk/jazz/> (last visited Feb. 6, 2017).

⁴⁹ Country Music Hall of Fame, *Instruments in Country Music*, available at <http://countrymusichalloffame.org/ContentPages/instruments-in-country-music#.WJipkfrLmE> (last visited Feb. 6, 2017).

⁵⁰ *Id.*

⁵¹ Fiddling Around the World, *Irish Fiddle*, available at <http://fiddlingaround.co.uk/ireland/index.html> (last visited Feb. 6, 2017).

⁵² Iowa State University Music, *The Bagpipe*, available at <https://www.music.iastate.edu/antiqua/bagpipe.htm> (last visited Feb. 6, 2017).

⁵³ Johnson, Ben, Historic UK, *The Piob Mhor, or the Great Highlands Bagpipe*, available at <http://www.historic-uk.com/HistoryUK/HistoryofScotland/The-Piob-Mhor-or-the-Great-Highland-Bagpipes/> (last visited Feb. 6, 2017).

⁵⁴ PBS, *The Banjo*, available at http://www.pbs.org/americanrootsmusic/pbs_arm_ii_banjo.html (last visited Feb. 6, 2017).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ National Geographic Society, *Yurt*, available at <http://www.nationalgeographic.org/encyclopedia/yurt/> (last visited Feb. 6, 2017).

⁵⁸ Golgowski, Nina, Daily Mail, *Inside the Life of the Inuit: Extraordinary Photographs Document How Alaska’s Eskimos Survived the Cruellest of Winters*, available at <http://www.dailymail.co.uk/news/article-2253029/Historic-photographs-document-Alaskas-Inuit-Eskimos-survived-worlds-coldest-winters.html> (last visited Feb. 6, 2017).

Tribes.⁵⁹ Finally, the nomadic tribes of the Middle East and Northern Africa lived in “Bedouin tents” (or bayt [sing.] or buyuut [plur.]).⁶⁰

Permanent dwellings: Certain categories of permanent dwellings may be considered by some groups to be TCEs. Log cabins are traditional structures in Scandinavia, Northern and Eastern Europe, Russia, Ukraine, and the United States.⁶¹ Nepal features traditional clay and stone houses.⁶² The houses of the Maasai are constructed from mud, sticks, grass, cow dung, and cow’s urine.⁶³ Indonesia’s Batak house is another potential example with its wooden piles and roofs thatched with sugar palm.⁶⁴ Finally, the síhéyuàn is the traditional courtyard house found in China.⁶⁵

3. Art and Handicrafts

Background

There is no universally agreed definition of handicrafts. However, there are a number of common characteristics of traditional handicrafts.⁶⁶ Handicrafts are produced by artisans and contain representations or expressions that are symbolic of the artisan’s culture. Encompassing a wide variety of goods made of raw materials, handicrafts vary in function and purpose. They may serve utilitarian, aesthetic, religious, and social functions.

Examples:

Sandpainting: The Native American nations of the American Southwest have a rich tradition of art and handicrafts. Sandpainting is an aspect of Navajo healing ceremonies, in which the gods’ help is requested.⁶⁷

Turquoise Mosaics and Jewelry: Cherishing turquoise as amulet, the Pueblo, Navajo, Hopi, and Apache tribes used the stone in mosaics, sculptural works, beads, and pendants.⁶⁸

⁵⁹ University of Chicago, *Structures of the Plains Indians*, available at <http://people.ucls.uchicago.edu/~snekros/2007-8%20webquests/Structures%2089/structures89.html> (last visited Feb. 6, 2017).

⁶⁰ Encyclopedia.com, *Bedouin*, available at <http://www.encyclopedia.com/social-sciences-and-law/anthropology-and-archaeology/people/bedouin> (last visited Feb. 7, 2017).

⁶¹ National Park Service, *The Log Cabin Tradition*, available at <https://www.nps.gov/nr/twhp/wwwlps/lessons/4logcabins/4facts1.htm> (last visited Feb. 6, 2017).

⁶² Adhikary, Nripal, *International Journal of Environmental Studies*, *Vernacular Architecture in Post-Earthquake Nepal*, available at <http://www.tandfonline.com/doi/abs/10.1080/00207233.2016.1179011?src=recsys&journalCode=genv20> (last visited Feb. 6, 2017).

⁶³ Maasai Association, *The Maasai People*, available at <http://www.maasai-association.org/maasai.html> (last visited Feb. 6, 2017).

⁶⁴ Indonesia Travel, *Tomok and Simanindo: The Traditional Batak Villages in Lake Toba*, available at <http://www.indonesia.travel/en/post/tomok-and-simanindo-the-traditional-batak-villages-in-lake-toba> (last visited Feb. 6, 2017).

⁶⁵ Chinasage, *Traditional Chinese Architecture*, available at <http://www.chinasage.info/architecture.htm> (last visited Feb. 6, 2017).

⁶⁶ See generally WIPO Background Brief No. 5, *Intellectual Property and Traditional Handicrafts*, for useful brief discussion of the definition and characteristics of traditional handicrafts.

⁶⁷ NavajoPeople.org, *Navajo Sandpaintings*, available at <http://navajopeople.org/navajo-sand-painting.htm> (last visited Feb. 6, 2017).

⁶⁸ Museum of Indian Arts & Culture, *Turquoise, Water, Sky: The Stone and Its Meaning*, available at <http://www.indianartsandculture.org/whatsnew/&releaseID=292> (last visited Feb. 6, 2017); see also, Danchevskaya, O.Y. *Turquoise in the Life of American Indians*, available at http://www.academia.edu/5786419/Turquoise_in_the_Life_of_American_Indians (last visited Feb. 6, 2017).

Dreamcatcher: The “dreamcatcher,” a handmade object based on a willow hoop of Native American origins, has evolved into a Pan-Native American symbol.⁶⁹

Tartan: Tartan is a pattern utilizing two or more colors of overlapping bands and stripes to form checks.⁷⁰ Each tartan pattern is supposed to represent something unique, such as a family surname.⁷¹

Panama hat: The Panama hat (toquilla straw hat) is a traditional brimmed straw hat of Ecuadorian origin.⁷²

Cowboy boot: The cowboy boot is an iconic part of the history of the American West and the American cowboy.⁷³ Cowboy boots were developed with function in mind, higher than most boots to protect the lower leg from brush and with a toe and heel designed to easily move in and out of stirrups.⁷⁴

Shaker furniture: Shaker furniture is a distinctive style of furniture developed by furniture makers who were members of the United Society of Believers in Christ’s Second Appearing (more commonly known as the Shakers) in the United States.⁷⁵ The minimalist and functional design, lacking ornamentation such as inlays, veneers, or metal pulls, gives Shaker furniture a distinctive appearance.⁷⁶

Jack-o-lanterns: In the United States, Jack-o-lanterns are pumpkins with ghoulish faces, usually created by carving orifices in the pumpkin’s rind to resemble facial features that are illuminated with candles from within and then placed on doorsteps on Halloween.⁷⁷ The practice derives from an Irish tradition using gourds and potatoes instead of pumpkins and is based on the Irish folktale “Stingy Jack.”

4. Food

Background

Food is clearly the principal source of human nutrition, but food, along with the techniques used in its preparation and social practices related to its consumption, can also be a powerful expression of the cultures that produce it.⁷⁸

⁶⁹ New World Encyclopedia, *Dreamcatcher*, available at

<http://www.newworldencyclopedia.org/p/index.php?title=Dreamcatcher&oldid=973099> (last visited Feb. 6, 2017).

⁷⁰ The Scottish Register of Tartans, *FAQ*, available at <https://www.tartanregister.gov.uk/FAQ#general0> (last visited Feb. 6, 2017).

⁷¹ *Id.*

⁷² The art of weaving the traditional Ecuadorian toquilla is listed on the UNESCO Intangible Cultural Heritage List.

⁷³ Madsen, Leah, Buffalo Bill Center of the West, *I Can See by Your Outfit that You Are a Cowboy*, available at <https://centerofthewest.org/2014/06/18/i-can-see-by-your-outfit-that-you-are-a-cowboy/> (last visited Feb. 6, 2017).

⁷⁴ *Id.*

⁷⁵ The Metropolitan Museum of Art: Heilbrunn Timeline of History, *Shaker Furniture*, available at

http://www.metmuseum.org/toah/hd/shak/hd_shak.htm (last visited Feb. 6, 2017).

⁷⁶ *Id.*

⁷⁷ History.com, *History of the Jack O’Lantern*, available at <http://www.history.com/topics/halloween/jack-olantern-history> (last visited Feb. 7, 2017).

⁷⁸ Reflecting the cultural importance of food, traditional Mexican cuisine, the French gastronomic meal, and the traditional dietary cultures of Japan (Woshoku) are listed on UNESCO’s list of Intangible Cultural Heritage.

Examples:

Crêpe: The very thin pancake known as the crêpe, which is served with a variety of fillings (the filled pancake is also known as the crêpe), is closely associated with French culture.⁷⁹ The consumption of crêpes, however, is widespread, including in Belgium,⁸⁰ Quebec,⁸¹ North Africa,⁸² South Africa,⁸³ Japan,⁸⁴ and Uruguay,⁸⁵ among other nations. Other cultures have produced foods similar to the crepe, including the Italian crespelle, Hungarian palacsintas, Jewish blintzes, Scandinavian plattars, Russian blini, and Greek krepes.⁸⁶

Pizza: Pizza is a flatbread traditionally topped with tomato sauce and cheese and baked in the oven.⁸⁷ The modern pizza evolved from similar flatbread dishes in Naples in the 18th and early 19th century.⁸⁸ Pizza was brought to the United States with Italian immigrants.⁸⁹

Tamale: Tamales are a traditional Mesoamerican dish made of masa or dough, which is steamed on corn husk or banana leaf.⁹⁰ The tamale can be filled with meats, cheeses, fruits, vegetables and chilies.⁹¹ Dating back to the Aztec and Mayan civilizations,⁹² the tamale, in a variety of variations, is widely consumed in Mexico, Central America, South America, and the United States.⁹³ Most cultures have similar food products, such as dumplings, ravioli, pierogi, and empanadas.⁹⁴

Sushi: Sushi is the term used to refer to the Japanese preparation and serving of cooked vinegar-flavored rice (either brown or white), which is combined with a variety of ingredients, principally seafood, fish, and vegetables.⁹⁵ Sushi is often prepared with raw seafood and served with ginger, wasabi, and soy sauce.⁹⁶ The origins of sushi date back to 3rd-century China.⁹⁷ However, contemporary sushi (prepared quickly, without fermentation, with fresh ingredients and served in small portions) developed in the first half of the 19th century in

⁷⁹ Epicurian.com, *Crêpes*, available at <http://www.epicurean.com/articles/crepes.html> (last visited Feb. 6, 2017).

⁸⁰ The Washington Post, *Belgian-Style Crepes*, available at https://www.washingtonpost.com/recipes/belgian-style-crepes/12617/?utm_term=.783fb221f269 (last visited Feb. 6, 2017).

⁸¹ Keller, Dawn, USA Today, *Crepe Restaurants in Quebec*, available at <http://traveltips.usatoday.com/crepe-restaurants-quebec-62238.html> (last visited Feb. 6, 2017).

⁸² 196flavors.com, *Morocco: Baghrir (Thousand-Hole Crepe)*, available at <http://www.196flavors.com/2016/11/23/morocco-baghrir-thousand-hole-crepe/> (last visited Feb. 6, 2017).

⁸³ Tri-National Kitchen: Cooking without Borders, *Pannekoek: South African Crepes*, available at <http://trinationalkitchen.com/2015/12/29/pannekoek-south-african-crepes/> (last visited Feb. 6, 2017).

⁸⁴ Japan Guide, *Japanese Crepes*, available at <http://www.essential-japan-guide.com/japanese-crepes/> (last visited Feb. 6, 2017).

⁸⁵ Kijac, Maria Baez, *The South American Table: The Flavor and Soul of Authentic Home Cooking from Patagonia to Rio de Janeiro* (Harvard Common Press, 2003).

⁸⁶ Epicurian.com, *Crêpes*, available at <http://www.epicurean.com/articles/crepes.html> (last visited Feb. 6, 2017).

⁸⁷ Turim, Gayle, History.com, *A Slice of History: Pizza through the Ages*, available at <http://www.history.com/news/hungry-history/a-slice-of-history-pizza-through-the-ages> (last visited Feb. 6, 2017).

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ Warner, Kate, The Austin Times, *The History Behind Tamales*, available at <http://www.theaustintimes.com/2010/01/the-history-behind-tamales/> (last visited Feb. 6, 2017).

⁹¹ *Id.*

⁹² *Id.*

⁹³ Santos, Fernanda, The New York Times, *Wrapped in Tradition*, available at <http://www.nytimes.com/2012/12/19/dining/where-christmas-means-tamales.html> (last visited Feb. 6, 2017).

⁹⁴ Butler, Stephanie, History.com, *Delightful, Delicious Dumplings*, available at <http://www.history.com/news/hungry-history/delightful-delicious-dumplings> (last visited Feb. 6, 2017).

⁹⁵ Wei, Clarissa, Business Insider, *An Illustrated Guide to the Complete History of Sushi*, available at <http://www.businessinsider.com/the-complete-history-of-sushi-2015-2> (last visited Feb. 6, 2017).

⁹⁶ *Id.*

⁹⁷ *Id.*

Japan.⁹⁸ Probably the best-known staple of contemporary Japanese cuisine, sushi also is popular around the world.⁹⁹

Hamburger Sandwich: The hamburger is a sandwich consisting of one or more cooked patties of ground meat (usually beef) inside a roll or bun.¹⁰⁰ The term hamburger derives from Hamburg, Germany's second largest city.¹⁰¹ The sandwich probably was brought to America by immigrants departing from that port in the mid to late 19th century.¹⁰² Many claimed to have invented the modern hamburger sandwich in the United States in the 19th century, but the precise origin remains unclear. In the 20th century, the demand of working class people for mass-produced, affordable food that could be consumed outside the home resulted in the explosion in popularity of the hamburger sandwich in the United States.¹⁰³ To satisfy the growing demand, vendors such as White Castle, In-N-Out, Burger King, Wendy's and most prominently McDonald's opened restaurants, which later expanded into national and international and fast-food chains.¹⁰⁴

Popcorn: Popcorn is a food made by heating a dried kernel of corn to expand the kernel.¹⁰⁵ It is unclear when the practice of popping corn began, but evidence exists that it was part of the Aztec culture for centuries.¹⁰⁶ It is unclear how the process of popping corn migrated around the world, but by the mid-18th century, popcorn was mass produced in the United States.¹⁰⁷ Today, popcorn is a movie theater staple.¹⁰⁸

Barbecue: Barbecue is a process of slow cooking seasoned meat over a fire that is popular in the United States.¹⁰⁹ The four main styles of barbecue are Memphis (pulled pork in a tomato-based sauce), North Carolina (pork in a vinegar-based sauce), Kansas City (ribs in a dry rub), and Texas (mesquite-grilled beef).¹¹⁰ Other countries, such as Korea and Argentina, have their own styles of barbecue.¹¹¹

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Barksdale, History.com, *Hamburger Helpers: The History of America's Favorite Sandwich*, available at <http://www.history.com/news/hungry-history/hamburger-helpers-the-history-of-americas-favorite-sandwich> (last visited Feb. 6, 2017).

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ Geiling, Natasha, Smithsonian.com, *Why Do We Eat Popcorn at the Movies?*, available at <http://www.smithsonianmag.com/arts-culture/why-do-we-eat-popcorn-at-the-movies-475063/> (last visited Feb. 6, 2017).

¹⁰⁶ Cole, Adam, NPR's Morning Edition, available at <http://www.npr.org/sections/thesalt/2014/02/27/283307934/popcorn-common-snack-helped-to-build-empires> (last visited Feb. 16, 2017).

¹⁰⁷ Random History, *A History of Popcorn from Native Domestication through the Rise of Redenbacher*, available at <http://www.randomhistory.com/popcorn-history.html> (last visited Feb. 6, 2017).

¹⁰⁸ Geiling, Natasha, Smithsonian.com, *Why Do We Eat Popcorn at the Movies?*, available at <http://www.smithsonianmag.com/arts-culture/why-do-we-eat-popcorn-at-the-movies-475063/> (last visited Feb. 6, 2017).

¹⁰⁹ Suddath, Claire, Time, *A Brief History of Barbecue*, available at <http://time.com/3957444/barbecue/> (last visited Feb. 6, 2017).

¹¹⁰ *Id.*

¹¹¹ *Id.*

5. Hair Styles and Body Adornments

Dreadlocks: Dreadlocks (or locs) are ropelike strands of hair formed by matting or braiding hair.¹¹² The earliest depictions of dreadlocks date back to 2500 B.C. in Hinduism's oldest scriptures.¹¹³ The hair style also is documented in ancient African, Egyptian, Greek, and Indian civilizations.¹¹⁴ Dreadlocks have been worn in various cultures to express religious, spiritual, and political convictions.¹¹⁵ Perhaps the most prominent is the association between dreadlocks and the Rastafarian religious movement.¹¹⁶ With the growth of popularity of reggae music in the 1970s, Bob Marley reinforced this association and helped to make the wearing of dreadlocks a popular fashion statement.¹¹⁷

Tattoos: A tattoo is the marking of the skin by using indelible or temporary ink.¹¹⁸ The first evidence of tattoos is around 5,200 years old.¹¹⁹ The word tattoo, which is of Polynesian origin, was brought to Europe by the explorer James Cook, when he returned in 1769 from his first voyage to Tahiti and New Zealand.¹²⁰ Tattoos serve a variety of functions, including identification, aesthetics, social and cultural affiliations, and even punishment.¹²¹ Among the Maori people, facial tattoos, or Moko tattoos, are used to indicate lineage, social position, and status within the tribe.¹²² Native Americans also used tattoos to represent their tribes.¹²³ Modern tattoos may be used to indicate an association with a particular group, such as branches or units in the military, a common practice in the U.S. and British military services.¹²⁴

C. MUSIC AND SOUND TRADITIONAL CULTURAL EXPRESSIONS

Background

Before the 20th century, folk songs and other genres that fall within what the draft articles identify as musical and sound TCEs were transmitted orally. Today they are also embodied in recordings.

¹¹² Pearson, Hugh, The Baltimore Sun, *The Amusement and Frustration of Dreadlocks*, available at http://articles.baltimoresun.com/1991-02-10/news/1991041063_1_wear-dreadlocks-wear-their-hair-black-people-hair (last visited Feb. 6, 2017).

¹¹³ *Id.*

¹¹⁴ Chibelushi, Wedaeli, Independent, *I Wasn't Surprised by the US Dreadlocks Row*, available at <http://www.independent.co.uk/voices/i-wasnt-surprised-by-the-us-dreadlocks-row-white-people-never-think-they-are-guilty-of-cultural-a6964906.html> (last visited Feb. 6, 2017).

¹¹⁵ *Id.*

¹¹⁶ *Supra* note 114.

¹¹⁷ Gabbara, Princess, Ebony, *The History of Dreadlocks*, available at <http://www.ebony.com/style/history-dreadlocks#axzz4XxmWBTHN> (last visited Feb. 6, 2017).

¹¹⁸ Lineberry, Cate, Smithsonian.com, *Tattoos: The Ancient and Mysterious History*, available at <http://www.smithsonianmag.com/history/tattoos-144038580/> (last visited Feb. 7, 2017).

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.*

¹²³ Indians.org, *Native American Tattoos*, available at <http://www.indians.org/articles/native-american-tattoos.html> (last visited Feb. 7, 2017).

¹²⁴ Van Geete, Staff Sgt. Stephanie, U.S. Army, *Tattoos and the Army: A Long and Colorful Tradition*, available at https://www.army.mil/article/27582/Tattoos_and_the_Army_a_long_and_colorful_tradition (last visited Feb. 7, 2017); Mullin, Gemma, The Daily Mail, *Body Art of War: Army Lifts Ban on Hand and Neck Tattoos after Struggling to Attract New Recruits*, available at <http://www.dailymail.co.uk/news/article-2777588/Body-art-war-Army-lifts-ban-hand-neck-tattoos-struggling-attract-new-recruits.html> (last visited Feb. 7, 2017).

Examples:

Scotch Ballads: Traditional Scottish ballads, which are equally popular in Scotland, England, and Ireland, traveled to America both orally and in print.¹²⁵ Perhaps the most famous example is the “Barbara Allen” ballad, which has given rise to countless versions throughout the English-speaking world.¹²⁶

Yodeling: Yodeling is a long-time rural tradition of singing in Europe, including Switzerland, Austria, and Scandinavia.¹²⁷ Yodeling became a popular form of entertainment in European theatres and music halls in the 1830s, migrating to other countries, including the United States and Canada.¹²⁸ Musical vocalizations similar to the Swiss and Austrian yodel can be found in Asian¹²⁹ and African musical traditions.¹³⁰

Azonto: Azonto is both a dance and music genre that originated in Ghana.¹³¹ Azonto has gained international popularity, in part through video clips made available over the Internet.¹³² Today Azonto is being incorporated into national popular music, such as in Nigeria.¹³³

Calypso: Originating in Trinidad and Tobago in the early to mid-20th century, this Afro-Caribbean musical style spread to the rest of the Caribbean Antilles and Venezuela and influenced the development of other Caribbean musical genres.¹³⁴

Ska: Combining elements of calypso and other Caribbean musical genres with American jazz and rhythm and blues, Ska music emerged as a music genre in Jamaica in the late 1950s and 1960s.¹³⁵ Ska gained popularity in the United Kingdom and the United States,¹³⁶ as well as other European countries, Australia, Japan, and South America from the 1970s to the 1990s.¹³⁷ Ska music influenced the development of reggae music in Jamaica and Hip Hop culture in the United States.¹³⁸

Hip Hop Music/Culture: With roots in Jamaica, Hip Hop music developed in New York City in the 1970s, as part of American Hip Hop culture, which includes four main elements: visual art

¹²⁵ Andersen, Flemming G., Otto Holapfel, and Thomas Pettit, *The Ballad as Narrative: Studies in the Ballad Traditions of England, Scotland, Germany and Denmark*, (Odense University Press, 1982).

¹²⁶ Sharp, Verity, BBC, *Never Heard of Barbara Allen? The World’s Most Collected Ballad Has Been Around for 450 Years*, available at <http://www.bbc.co.uk/programmes/articles/5jBl5r50P0zKGJm5nLTpwpq/never-heard-of-barbara-allen-the-worlds-most-collected-ballad-has-been-around-for-450-years> (last visited Feb. 7, 2017).

¹²⁷ Platenga, Bart, *The Guardian*, *High on a Hill . . .*, available at <https://www.theguardian.com/music/2006/sep/22/worldmusic> (last visited Feb. 7, 2017).

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ New World Encyclopedia, *Yodeling*, available at <http://www.newworldencyclopedia.org/entry/Yodeling> (last visited Feb. 7, 2017).

¹³¹ Mark, Monica, *The Guardian*, *Ghana’s Azonto Craze Takes Over Dancefloors Across the World*, available at <https://www.theguardian.com/world/2012/sep/03/ghana-azonto-dance-craze-world> (last visited Feb. 7, 2017).

¹³² *Id.*

¹³³ *Id.*

¹³⁴ New World Encyclopedia, *Calypso Music*, available at http://www.newworldencyclopedia.org/entry/Calypso_music (last visited Feb. 7, 2017).

¹³⁵ Selvin, Joel, SFGate, *A Brief History of Ska*, available at <http://www.sfgate.com/entertainment/article/A-brief-history-of-ska-3221107.php> (last visited Feb. 7, 2017).

¹³⁶ *Id.*

¹³⁷ Cook, John, Bowling Green State University Libraries, *Ska*, available at <http://libguides.bgsu.edu/c.php?g=227204&p=1505986> (last visited Feb. 7, 2017).

¹³⁸ Edmondson, Ph.D., Jacqueline, ed., *Music in American Life: Encyclopedia of Songs, Styles, Stars, and Stories that Shaped our Culture* (ABC-CLIO 2013).

(graffiti), DJing, MCing, and breakdancing.¹³⁹ Hip hop has gone on to influence fashion, language, and other aspects of broader popular culture.¹⁴⁰

Zydeco: Zydeco music grew out of the French Creole culture of Louisiana,¹⁴¹ and possibly West African musical influence.¹⁴² The music typically features the frottoir (washboard), spoons, fiddle, ti-fers (triangles), and an accordion.¹⁴³

D. VERBAL AND WRITTEN TRADITIONAL CULTURAL EXPRESSIONS

According to the draft articles, verbal and written TCEs may take the form of epics, legends, poetry, riddles and other narratives. This section sets forth different examples of fables, fairy tales, and legends that some people may identify as verbal and written TCEs.

1. Fairy Tales and Fables

Background

Fairy tales are short stories that feature fantasy characters such as fairies, wizards, or goblins and take place in mythical time (“once upon time”) rather than historical time,¹⁴⁴ and fables are narratives that convey a moral lesson or useful truth.¹⁴⁵ Fables date back to ancient Greece,¹⁴⁶ have roots in Indian culture¹⁴⁷ and in the ancient and medieval Middle East,¹⁴⁸ and serve as important teaching tools across African culture.¹⁴⁹ They also have played an important role in the development of African-American culture.¹⁵⁰

Examples:

Grimm’s Fairy Tales: Collected by Jacob and Wilhelm Grimm from oral tradition and first published in Germany in the early 19th century, *Grimm’s Fairy Tales* has been translated in countries around the world.¹⁵¹ Some of the most well-known of the tales are “Hansel and Gretel,” “Cinderella,” and “Sleeping Beauty.”¹⁵²

¹³⁹ Laurence, Rebecca, BBC, *40 Years on from the Party Where Hip Hop Was Born*, available at <http://www.bbc.com/culture/story/20130809-the-party-where-hip-hop-was-born> (last visited Feb. 7, 2017).

¹⁴⁰ Shah, Vikas, Thought Economics, *The Role of Hip Hop in Culture*, available at <https://thoughteconomics.com/the-role-of-hip-hop-in-culture/> (last visited Feb. 7, 2017).

¹⁴¹ Zydeco.org, *History*, available at http://www.zydeco.org/index.php?option=com_content&task=view&id=17 (last visited Feb. 7, 2017).

¹⁴² Ancelet, Barry J., Folklife in Louisiana, *Cajun and Zydeco Music Traditions*, available at http://www.louisianafolklife.org/LT/Articles_Essays/cajunzydeco.html (last visited Feb. 7, 2017).

¹⁴³ Zydeco.org, *History*, available at http://www.zydeco.org/index.php?option=com_content&task=view&id=17 (last visited Feb. 7, 2017).

¹⁴⁴ Merriam-Webster Dictionary (2017).

¹⁴⁵ *Id.*

¹⁴⁶ Classical Literature, *Ancient Greece – Aesop – Fables*, available at http://www.ancient-literature.com/greece_aesop_fables.html (last visited Feb. 7, 2017).

¹⁴⁷ Olivelle, Patrick, Religions of South Asia, *Talking Animals: Explorations in an Indian Literary Genre*, available at http://liberalarts.utexas.edu/files/olivelle/2013a_Talking_Animals.pdf (last visited Feb. 7, 2017).

¹⁴⁸ Bodleian Libraries, University of Oxford, *Fables from East to West*, available at <http://www.bodleian.ox.ac.uk/whatson/whats-on/online/crossing-borders/fables> (last visited Feb. 3, 2017).

¹⁴⁹ Anike Foundation, *African Folktales*, available at <http://anikefoundation.org/index.php/african-folktales/> (last visited Feb. 7, 2017).

¹⁵⁰ Harris, Trudier, Freedom’s Story: Teaching African American Literature, *The Trickster in African American Literature*, available at <http://nationalhumanitiescenter.org/tserve/freedom/1865-1917/essays/trickster.htm> (last visited Feb. 7, 2017).

¹⁵¹ Cavendish, Richard, HistoryToday, *Fairy Tales*, available at <http://www.historytoday.com/richard-cavendish/publication-grimm%E2%80%99s-fairy-tales> (last visited Feb. 7, 2017).

¹⁵² *Id.*

Aesop's Fables: With origins in ancient Greece, Aesop's Fables have been transmitted and translated to countries around the world.¹⁵³ Notable examples are "The Goose that Laid the Golden Egg," "The Town Mouse and the Country Mouse," and "The Boy Who Cried Wolf."¹⁵⁴

One Thousand and One Nights (also known as the Arabian Nights): With roots in ancient and medieval Middle East, these fables have been transmitted, translated, and adapted in countries around the world.¹⁵⁵ Notable examples are "The Seven Voyages of Sinbad the Sailor," "Ali Baba and the Forty Thieves," and "Aladdin."¹⁵⁶

2. Legends

Background

Unlike fairy tales and fables, legends are traditional narratives that are based on historical figures and actual events. As the legend develops, the legendary figure may be celebrated in tales, ballads and film, which typically embellish the historical facts.

Examples:

Santa Claus: This legendary figure in Western Christian culture traces back to the historical bishop Saint Nicholas who was born in modern-day Turkey around 280 A.D. and became the patron saint of children.¹⁵⁷ The Santa Claus, St. Nicholas, and Father Christmas figures have been influenced by pagan and religious traditions in Europe, including British, Dutch and German folk culture.¹⁵⁸ The Sami people (also known as Lapps), who reside in far Northern Norway, Sweden, and Finland and engage in reindeer husbandry, indirectly contributed to the legend when they helped introduce reindeer herding in Alaska.¹⁵⁹ The herding tradition of the Sami people migrated to Alaska when a missionary introduced Sami herds and herders in an attempt to make up for diminishing resources due to over-fishing of whales.¹⁶⁰ Once the herds were introduced, an enterprising Alaskan business man sought to advertise reindeer meat as an alternative food source. He tied the legend of St. Nicholas to reindeer with the help of Macy's department store through appearances and parades featuring Santa in a reindeer-drawn sleigh.¹⁶¹ Rudolph was added to the legend years later in a coloring book.¹⁶² Today various Santa Claus figures are represented in countless literary, musical, visual, and cinematographic works.¹⁶³ Santa Claus images and costumes are pervasive in many family and community traditions, as well as modern popular and commercial culture around the world.¹⁶⁴

Bigfoot/Sasquatch: Bigfoot, as he is usually known in the United States, Sasquatch, as he is known in Canada and the United States, or Yeti, as he is known in the Himalayas, is a legendary half-man, half-ape figure that walks on two legs, is significantly larger than men and

¹⁵³ Classical Literature, *Ancient Greece – Aesop – Fables*, available at http://www.ancient-literature.com/greece_aesop_fables.html (last visited Feb. 7, 2017).

¹⁵⁴ *Id.*

¹⁵⁵ New World Encyclopedia, *The Book of One Thousand and One Nights*, available at http://www.newworldencyclopedia.org/entry/The_Book_of_One_Thousand_and_One_Nights (last visited Feb. 7, 2017).

¹⁵⁶ *Id.*

¹⁵⁷ History.com, *The Legend of St. Nicholas*, available at <http://www.history.com/topics/christmas/santa-claus> (last visited Feb. 7, 2017).

¹⁵⁸ *Id.*

¹⁵⁹ Galloway, Laura, CNN.com, *How Santa Got His Reindeer*, available at <http://www.cnn.com/2012/12/22/opinion/galloway-reindeer/> (last visited Feb. 7, 2017).

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ History.com, *The Legend of St. Nicholas*, available at <http://www.history.com/topics/christmas/santa-claus> (last visited Feb. 7, 2017).

¹⁶⁴ *Id.*

gorillas, and is covered in hair.¹⁶⁵ Based on reports of encounters with a mysterious figure, the idea of this mythic creature likely derived from the enormous ape *Gigantopithecus blacki* that evidence demonstrates likely went extinct about 300,000 years ago.¹⁶⁶

American Legendary Figures: There are numerous examples of legendary figures in American folk culture. **Daniel Boone** (the American pioneer, explorer, and woodsman, whose exploits on the American frontier in the late 18th century and early 19th century made him one of the first folk heroes in the United States);¹⁶⁷ **Johnny Appleseed** (the pioneer nurseryman who introduced apple trees in central and mid-western states in the United States in the late 18th and early 19th centuries),¹⁶⁸ and **Davy Crockett** (the frontiersman, soldier and politician who became known as the “King of the Wild Frontier” in the first part of the 19th century), are prominent figures.¹⁶⁹

III. CONCLUSION

This paper is intended to advance the work of the IGC by identifying examples found in the United States and in different cultures that may be regarded as TCEs. We invite other members to comment on the examples contained in this paper and to identify other examples for discussion.

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¹⁶⁵ American Museum of Natural History, *Beyond Bigfoot*, available at <http://www.amnh.org/exhibitions/mythic-creatures/land-creatures-of-the-earth/beyond-bigfoot/> (last visited Feb. 7, 2017).

¹⁶⁶ *Id.*

¹⁶⁷ Biography, *Daniel Boone Biography*, available at <http://www.biography.com/people/daniel-boone-9219543#synopsis> (last visited Feb. 7, 2017).

¹⁶⁸ Geiling, Natasha, Smithsonian.com, *The Real Johnny Appleseed Brought Apples—and Booze—to the American Frontier*, available at <http://www.smithsonianmag.com/arts-culture/real-johnny-appleseed-brought-applesand-booze-american-frontier-180953263/> (last visited Feb. 7, 2017).

¹⁶⁹ Biography, *Davy Crockett Biography*, available at <http://www.biography.com/people/daniel-boone-9219543#synopsis> (last visited Feb. 7, 2017).