



**DISTINCTIVE SIGNS AND LOCAL
PRODUCTIVE ARRANGEMENTS
ON ENTERTAINMENT: THE ROLE
OF INTELLECTUAL PROPERTY**

DISTINCTIVE SIGNS AND LOCAL PRODUCTIVE ARRANGEMENTS ON ENTERTAINMENT: THE ROLE OF INTELLECTUAL PROPERTY

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ABSTRACT

This article investigates how collective distinctive signs—specifically geographical indications and collective trademarks—can function as governance instruments and mechanisms for value appropriation within entertainment-based local productive arrangements (LPAs). The study employs a conceptual and exploratory approach based on an extensive bibliographic review, articulating LPA theory, creative economy perspectives, and intellectual property principles. The analysis demonstrates that collective signs enable local actors to formalize economic relationships, institutionalize territorial reputation, and position cultural products and services in niche markets. However, their effectiveness depends on the maturity of governance structures, the degree of agent integration, and the alignment between the chosen sign type and the socio-economic dynamics of the territory. The article contributes to regional development literature by highlighting how intellectual property instruments can support the organization of cultural LPAs, facilitate the appropriation of collective efforts, and generate employment and income. The findings suggest that policymakers should design targeted interventions combining intellectual property promotion with cultural and territorial development strategies, particularly through pre-registration sensitization processes and multi-level public-private coordination. While Brazil's cultural diversity offers substantial opportunities for entertainment LPAs, the effective deployment of collective signs requires careful attention to governance maturity and inclusive institutional design to maximize endogenous development potential.

Keywords: Local Productive Configuration. Distinctive signs. Intellectual Property Rights. Governance.

INTRODUCTION

The local productive arrangement (LPA) is a theoretical framework for explaining the relationships among economic agents within a specific economic activity and geographical area. In Brazil, public policies and governmental actions have been directed toward LPAs within the scope of regional development since the late 1990s (Cassiolato & Lastres, 2003; Marini & Silva, 2012). This approach allows for the study of agent configurations in a given economic activity and region, focusing on the learning and innovation dynamics established among the different actors in these agglomerations, while also emphasizing the concentration of small firms and their respective roles and behaviors (Cassiolato & Lastres, 2003; Marini & Silva, 2012).

Coordination and institutional governance are critical factors in analyzing the configuration of local productive arrangements. In this sense, the level of organization or organizational capacity can determine the emergence of interactions, even if incipient, whose effectiveness will materialize in the medium to long term depending on the bonds of trust and reciprocity among economic agents. However, these agents both cooperate and compete within the arrangement, establishing complex relationships in a given territory that exhibits a specific social and economic dynamic (Marini & Silva, 2012; Cassiolato & Szapiro, 2003; Cassiolato & Lastres, 2003).

It is worth noting that the analysis of LPAs has increasingly incorporated intangible assets, which are relevant in their establishment and consolidation. The creation of these assets is the result of a collective effort to produce goods and services for the market. In this context, territorial assets, under the LPA approach, can foster regional development and explain the decisions made by local actors (Marini & Silva, 2012; Cassiolato & Szapiro, 2003).

To this end, intellectual property rights can be an important instrument for protecting generated knowledge and promoting its dissemination to other agents, thereby serving as a tool for appropriation and enabling the generation of economic wealth (Correa, 2003).

Therefore, distinctive signs protected by intellectual property rights are a key element in the analysis of LPAs, serving as a means of differentiation and reputation for products and services (Ramello, 2006). In the specific case of Brazil, the entertainment sector holds significant economic potential to promote income generation and local development. Thus, immaterial cultural expressions



can benefit from the use of collective signs to appropriate local reputation and structure governance, thereby better organizing socioeconomic relations within the territory.

Considering that communities, groups, or individuals interact in response to their environment—sharing common beliefs, rules, norms, symbolic values, and social bonds that reflect their history—they contribute to building a sense of identity. Brazil has great opportunity to explore its cultural diversity through entertainment activities, including popular cultural celebrations. These cultural initiatives and local traditions contribute to local economies by providing livelihoods, promoting formal and informal jobs, generating income, and fostering genuine endogenous development (Matos, Amaral Filho, & Costa, 2017). Localities such as *Conservatória* in Rio de Janeiro, known as the “land of serenades”; Gramado in Rio Grande do Sul, the “national capital of artisanal chocolate”; Parintins in Amazonas, famous for its folklore festival based on Amazonian culture; and *São João de Campina Grande* in Paraíba, which hosts the world’s largest *Quadrilha Festival*, are all examples of the potential for using collective signs in cultural entertainment activities.

Despite the growing recognition of the creative economy and entertainment-based LPAs in Brazil, the potential of collective marks and geographical indications remains largely underexplored as instruments to structure governance and appropriate the value generated by these cultural activities. Existing studies on LPAs and regional development tend to focus either on industrial or agrifood configurations, or on cultural sectors without fully integrating the specific role of distinctive signs as mechanisms that connect territorial reputation, collective organization, and market positioning. Consequently, a conceptual gap exists regarding how intellectual property instruments, especially collective signs, can reinforce coordination among actors, formalize socioeconomic relations, and convert symbolic and cultural assets into sustainable development trajectories in entertainment LPAs. To address this gap, this article aims to investigate the use of distinctive signs—such as geographical indications and collective trademarks—as elements for the appropriation and dissemination of creative production within an LPA, based on cultural and symbolic value. By linking these dimensions, this study advances the literature on regional development by highlighting how collective signs can support reputation building, foster trust and cooperation among local actors, and strengthen the endogenous dynamics of creative territories. Furthermore, the article offers insights for public policy by suggesting



how policymakers can design and implement instruments that combine intellectual property, cultural policies, and territorial development strategies to recognize, protect, and leverage entertainment-based LPAs as drivers of inclusive and sustainable local development.

The article is structured as follows: first, it provides a theoretical overview of local productive arrangements, highlighting governance and its configuration. The second part discusses collective trademarks and geographical indications as intellectual property instruments for collective use in entertainment activities. The third part examines the potentialities and limitations of collective distinctive signs within local entertainment productive arrangements.

METHODOLOGY

This study is designed as a theoretical and conceptual essay, exploratory in nature, and based on a qualitative approach. Meneghetti (2011) characterizes the theoretical essay as a research format that aims to advance knowledge through the systematization, articulation, and refinement of concepts from the literature, without the need to generate primary empirical data—a strategy widely used in social sciences and regional development studies to build interpretive frameworks and guide future empirical research. Whetten (1989) reinforces that such essays make a theoretical contribution when they clearly articulate the “what, how, why, who, where, and when” questions, providing new perspectives on established phenomena. The exploratory character of the study reflects its focus on a relatively under-investigated phenomenon—the use of collective marks and geographical indications in entertainment-based local productive arrangements—for which it is still necessary to map dimensions, relationships, and analytical categories rather than to test previously established hypotheses. As Gil (2019) describes, exploratory research is particularly suitable for situations with little prior knowledge. From a qualitative standpoint, the article privileges the interpretation of meanings, institutional arrangements, and governance processes associated with creative territories and distinctive signs, in line with the tradition that understands qualitative research as particularly suited to capturing complex socio-territorial dynamics, symbolic assets, and context-dependent interactions among actors, as proposed by Denzin and Lincoln (2000). This combination of a theoretical-conceptual essay, an exploratory purpose, and a qualitative orientation is the most appropriate for the aims of the



study, as it allows for a deeper discussion of how intellectual property instruments can be framed as governance tools within entertainment LPAs, without being constrained by the requirements of statistical generalization.

The analysis is based on an extensive bibliographic review of secondary sources, including scientific articles, books, book chapters, and technical reports on local productive arrangements, regional development, the creative economy, and intellectual property rights. The search and selection of literature drew on specialized journals and academic databases typically used in the field (such as SciELO, Web of Science, Scopus, and Google Scholar), complemented by official documents and guidelines from international and national intellectual property organizations, such as the World Intellectual Property Organization (WIPO) and the Brazilian National Institute of Industrial Property (INPI), as well as technical notes produced by research networks on productive and innovative local systems, particularly Redesist. These materials provide the conceptual and institutional background necessary to discuss the scope, functions, and governance implications of distinctive signs, with an emphasis on collective marks and geographical indications.

The theoretical lenses of local productive arrangements and the creative economy guide both the selection and the interpretation of concepts related to collective signs. From the LPA perspective, the study focuses on works that emphasize governance, coordination among heterogeneous actors, learning processes, and the role of territorial assets in regional development. This informs the analysis of how collective signs can formalize relationships, reduce information asymmetries, and structure rules within entertainment LPAs. At the same time, contributions from the creative economy debate, especially those that highlight symbolic value, cultural specificity, and creative territories, are used to select references that treat culture-based activities as drivers of endogenous development and to interpret collective marks and geographical indications as mechanisms for capturing and communicating the cultural and symbolic content embedded in goods and services. By articulating these two bodies of literature, the methodological choice reinforces the link between theory and method: the LPA and creative economy frameworks define what is considered relevant evidence in the reviewed sources and orient the analytical discussion on collective signs as instruments of governance and value appropriation in entertainment-based local productive arrangements.

LOCAL PRODUCTIVE ARRANGEMENT: A BRIEF THEORETICAL DISCUSSION

The discussion of territory has become important in social sciences for analyzing local development processes and interactions among agents engaged in economic activities within a geographic area. This emerged from the need for theoretical and methodological approaches capable of analyzing the reorganization of economic and social relations resulting from the transition from Fordist and Taylorist production to flexible production systems, as well as changes in territorial organization and the role of small businesses in the new technoeconomic paradigm (Costa, 2003; Cassiolato & Szapiro, 2003; Cassiolato & Lastres, 2003).

These studies examine spatial concentrations of productive units using different approaches— industrial districts, clusters, flexible manufacturing, innovative milieu, science and technology parks, and local networks (Cassiolato & Szapiro, 2003)—according to their specificities. The importance of studying these agglomerations derives from the organizational capacity of productive agents and their concentration of local development strategies.

The Local Productive Arrangement (LPA) approach emerged from this context. According to Lastres and Cassiolato (2008), LPAs are productive agglomerations with incipient links of interaction, cooperation, and learning among local agents capable of generating and mobilizing productive and innovative activities. LPAs are characterized as territorial agglomerations of economic, political, and social agents focused on sets of economic activities with inter- and intra-sectoral interactions (Lastres et al., 1999).

In the LPA approach, the socio-economic-political environment results from historical and cultural trajectories that condition interactions and trust bonds among agents. Embeddedness— derived from social relationships in a given location—conditions specific economic and institutional dynamics that affect learning processes and knowledge flows, particularly tacit knowledge. Economic relations are thus embedded in the social atmosphere in which they occur (Keller, 2008).

Interactivity among local agents is essential, as it contributes to the production and dissemination of goods and services, as well as knowledge generation and use. The supply of productive factors—natural resources, capital, human resources, and knowledge—are essential to promote local competitive advantage. The local dimension responds to knowledge dissemination



and interrelations among agents, creating a systemic, dynamic, and social environment that fosters cumulative local learning, specialized labor concentration, and innovative activities. This learning process qualifies human capital and develops skills, emphasizing both tacit and explicit knowledge.

The effectiveness of this interactivity depends on governance capacity. Governance addresses coordination, articulation, and integration among economic agents and activities within LPAs—from production to distribution, knowledge generation and flow, and innovative activities (Lastres & Cassiolato, 2008). Two basic types of governance exist: (1) Hierarchical governance, where an economic agent (such as an anchor company) commands the innovative efforts of others; and (2) Network governance, where no single agent coordinates activities. Network governance can be sectoral (resembling Italian Industrial Districts) or result from combined public-private incentives.

Thus, LPAs present an institutional structure—a set of rules and norms organizing productive division of labor, reducing information asymmetries and moral hazard (Erber, 2008). The LPA framework enables analysis of Brazilian local productive agglomerations, each presenting specificity and heterogeneity resulting from regional development and sectoral dynamics.

Local productive structures in Brazil relate to governance levels and maturity. A mature LPA with well-defined governance exhibits strong agent interaction with defined functions and capacity to adapt to environmental changes. Conversely, arrangements with limited maturity and governance restrict positive externalities such as labor access, logistical infrastructure, and services.

The discussion of sectoral agglomeration contributes to regional economic development through sectoral linkages and generalized spillover effects that mobilize other activities from a systemic perspective. This creates direct and indirect jobs, positively impacting income levels. However, locating agglomerations and regionalizing their development are complex, dynamic processes. This complexity arises from self-organization generated by economic externalities and the role of local agents as protagonists in organizing factors and coordinating cumulative territorial processes. Self-organization is based on agent interaction and coordination derived from collective action—autonomous decisions by local actors pursuing common goals to maintain dynamic and sustainable local productive systems (Amaral Filho, 2022).



Specific capacities are mobilized through learning processes that acquire specialized knowledge and skills facilitating innovation due to know-how and tacit knowledge embedded in the territory. From this perspective, the creative economy exhibits potential for establishing local endogenous development and growth based on cultural aspects rooted in the territory (Matos, Amaral Filho, & Costa, 2017).

The LPA theory provides an interesting lens for analyzing incipient cultural agglomerations and demanding public policy support. In this context, geographical indications and collective marks, as collective signs, can structure formal socioeconomic relations, consolidate governance processes, and serve as public policy instruments for entertainment LPAs. The next section discusses creative economy, territorial dimensions, and LPA based on cultural aspects.

CREATIVE ECONOMY: LPA BASED ON CULTURAL ACTIVITIES, GOVERNANCE, AND LOCAL DEVELOPMENT

The creative economy encompasses creative and cultural industries. The concept evolved from the 1980s, when cultural industries referred to cultural production and consumption based on symbolic elements, subsequently incorporating music, art, writing, fashion, design, media, and craft production. In the 1990s, the term “creative industries” expanded to include goods and services linked to cultural industries and those depending on innovation. After 2001, “creative economy” became popularized (Bocella & Salerno, 2016). According to Oliveira, Araujo, and Silva (2013, p. 6), creative economy comprises “the set of economic activities that depend on symbolic content—where creativity is the most significant factor for producing goods and services. The Creative Economy closely relates to economic, cultural, and social factors interacting with technology and intellectual property.”

When considering the relationship between creativity, the symbolic, and the economy, creative economy differs from cultural economy. While cultural economy relates closely to economic, cultural, and social aspects interacting with intellectual property and technology, creative economy encompasses economic activities rich in symbolic content where creativity is a relevant production factor. This shows spillover relations closer to tourism and sport activities (Oliveira, Araujo, & Silva, 2013).



As innovation and creative-oriented production add value, creativity can be understood as a process “toward intangible forms of value added [...] goods and services incorporate an essential, intangible value-added deriving from design, aesthetics, and symbolic and identity values; the key elements of contemporary competition” (Sacco & Segre, 2006, p. 2). New forms of horizontal integration exist between artistic and firm production. Territory plays an important role in knowledge use, diffusion, and generation, as tacit knowledge embedded in territory is transmitted through face-to-face interactions. According to Héraud (2016, p. 4), “the creative territory is reinforced by its success in developing innovation (endogenous development) and then attracts more activities and resources (exogenous development). [...] the territory is defined in a very deep and complex way; it is not characterized by a simple network of factors, but considers the social structures originating innovative behaviors.”

Creativity increasingly is regarded as a collective process that “evolves through the systematic modification of tastes, habits of mind and perceptions,” contrasting with the idea of major creative accomplishments by individuals and teams as emergent phenomena (Sacco & Segre, 2006, p. 6).

Thus, culture, territories, and socio-institutional factors are intrinsically related to local economic development promoting creative economies. According to Bocella and Salerno (2016, p. 3), “to develop creative economies related to a territory’s goods, it is necessary to stimulate and strengthen the network of values and relationships between social and institutional actors and promote policies supporting local development, based on new paradigms emphasizing territorial capital and increasing social capital of human collectivity in a given territory.”

From the LPA perspective on entertainment or cultural activities, the uniqueness and singularity of cultural products and services represent competitive advantages against standardized production in globalized markets. Cultural diversity is key to promoting virtuous cycles of sustainable and inclusive development, leveraging creativity and symbolic factors rooted in territory.

Territory operates at multiple dimensions: “physical, sociopolitical, symbolic (including affective, cultural, and identity linkages), and cognitive (conditions for knowledge generation, use, and dissemination)” (Matos, Amaral Filho, & Costa, 2017, p. 221). Cultural activities cannot be dissociated from territorial development history and social practices built over time, including values, beliefs, and



practices interrelated to symbolic elements—content of artistic and cultural production. In cultural activities, social, cognitive, and natural dimensions at territorial levels serve as inputs and production for cultural production itself (Matos, Amaral Filho, & Costa, 2017).

Artistic and aesthetic innovation processes emerging from immaterial cultural goods act as powerful subsystems of technical, productive, organizational, and artistic capacities supporting genuine cultural manifestations and authentic products due to tacit knowledge rooted in territory and difficult to replicate elsewhere. Knowledge use, diffusion, and generation in territory enable proper development trajectories, allowing culture to play a relevant role promoting local development in the knowledge-based economy. Tacit knowledge presents strong bonds to local specificity related to sociocultural and institutional aspects, crucial for cultural activities as it promotes symbolic production and meaning in social fields (Matos, Amaral Filho, & Costa, 2017; Matos, 2013).

In dynamic cycles, innovative artistic and aesthetic products, when introduced into the system, are validated by communities sharing the same symbolic values if they recognize essential characteristics; otherwise, they are abandoned. This selective process resembles Schumpeterian competition (Matos, Amaral Filho, & Costa, 2017). Cultural innovations show potential for radical innovations, while innovative processes tend toward incremental ones. This process flourishes from exchange and recombination of existing knowledge to generate new knowledge, resulting in innovations conceived through interactive learning and cooperation. This is particularly relevant to immaterial cultural heritage, as shared visions by groups or communities and specific embedded factors in territory provide innovations unique to that territory. Thus, originality, authenticity, and uniqueness are rooted in artisanal products and activities entering markets with added value due to consumers' perception of innovative artistic and aesthetic production.

Endogenous processes in cultural activities reside in agent interactions sharing common codes, norms, symbolic values, beliefs, and social rules favorable to establishing mutual trust and reciprocity due to social capital. This endogenous process generates a friendly atmosphere for productive activity and innovation, as social capital facilitates coordination and cooperation for mutual gain. Pecuniary and non-pecuniary relations emerge; in cultural manifestations, non-pecuniary relations can stem from self-satisfaction in artistic production or group recognition (Matos, Amaral Filho, & Costa, 2017).



The level of social capital implies social cohesion degree, horizontal links, and institutional relations nature. These factors lead to spontaneous value system sharing (Bocella & Salerno, 2016), contributing to territorial cooperation.

Production and service activities in LPAs require competitive advantages recognized and communicated to consumers, particularly for LPAs based on cultural activities articulating multiple territorial dimensions. Distinctive signs protected by intellectual property rights serve as instruments that, beyond protecting locally developed human intellectual creation, contribute to consumers' perception of production and commercialization organization, adding differentiated value relative to other territories.

DISTINCTIVE SIGNS

Distinctive signs, as stated by Olavo (2005), are understood as all signs used by producers and service providers to identify themselves within the universe of commercial transactions. Thus, under the concept set out above, commercial names, trademarks, domain names, geographical indications, among others, can be included.

Such signs help consumers when choosing goods and services of interest to them, mitigating the asymmetry of information, as stated by Ramello (2006). This is the reason that led to the protection of distinctive signs by intellectual property laws, since distinctive signs have become essential for the process of choice and purchase undertaken by the consumer, for whom the brand serves as an information instrument (Ramello, 2006; Bramley; Kirsten, 2007).

In the specific case of this article, we will select trademarks in general, collective trademarks (a type of trademark) and geographical indications as instruments that, in addition to helping consumers make choices, can add value to local production arrangements based on entertainment activities. We will then move on to understanding these intellectual property instruments.



TRADEMARKS

A trademark is considered a sign capable of distinguishing products and services placed on the market, identifying their origin. These are the two classic functions of trademarks: indicate origin and make distinctions. However, trademarks have been assuming new functions within the economy, such as information, advertising, quality and communication, as stated by Gonçalves (1999). This expansion of the trademark's functions occurs in the economic field of its operation, and in most cases without implications in the legal field. However, what is important to emphasize here is that the expansion of the trademark's functions becomes an indicator of the importance that they have assumed today. According to Gonçalves (1999, p. 25-26)¹:

A marca tornou-se uma exigência cada vez maior à medida que a economia se caracterizava por uma produção relativamente homogênea e estereotipada dos produtos. A uniformidade derivada da produção em série tornou indispensável à proteção de sinais de diferenciação. O modelo de concorrência pura, assento no critério de qualidade/preço, não passou de um modelo teórico de análise. A passagem da concorrência para um estágio superior de evolução traduziu-se na necessidade de novos critérios de afirmação. Não há que estranhar: é pelo facto de o sistema ser de livre concorrência que a concorrência se pode tornar, de facto, menos livre. A marca tornou-se necessária à concorrência não para fazer mais livre, mas para tornar possível.

As stated by Gonçalves and already highlighted here, it is because of the role played by the trademark in the universe of economic exchanges that it came to be protected. To this discussion, Olavo (2005, p. 71) adds that “[n]o estado actual da organização económica, a necessidade de diferenciação da origem dos produtos e serviços propostos ao consumidor é de uma importância primordial”² The trademark is the signal that enables this differentiation and, consequently, the differentiation of products and services. Its importance is unquestionable nowadays and its relevance to consumer practices has resulted in studies that enable the development of management strategies aimed at enhancing brand value.

1 The trademark became an increasingly important requirement as the economy became characterized by relatively homogeneous and stereotyped production of products. The uniformity resulting from mass production made it essential to protect signs of differentiation. The model of pure competition, based on the quality/price criterion, was nothing more than a theoretical model of analysis. The transition of competition to a higher stage of evolution can be translated as the need for new criteria of affirmation. This is not surprising: it is because the system is one of free competition so that competition can, in fact, become less free. The trademark became necessary for competition not to make it freer, but to make it possible.

2 “[i]n the current state of economic organization, [the need to differentiate the origin of products or services offered to the consumer is of paramount importance.”



But what is a trademark? According to Olavo (2005, p. 71)³:

[m]arca pode assim ser definida (...) como sinal adequado a distinguir os produtos e serviços de um dado empresário em face dos produtos e serviços dos demais. Ou, por outras palavras, o sinal destinado a individualizar produtos ou mercadorias, ou serviços, e a permitir a sua diferenciação de outros da mesma espécie.

For the purposes of registration as a trademark, signs must comply with the provisions of the national laws of the country in which they are interested in making economic investments, placing their products and services on the market. In the case of those interested in the Brazilian market, three requirements must be met for a sign to become a registered trademark: it must be distinctive, visually perceptible and not be included in legal prohibitions. These three requirements are verified for trademarks in general, as well as for collective trademarks, and are stipulated in article 122 of the Industrial Property Law (LPI) 9279/1996.

For a sign to be distinctive, as stated by Barbosa (2007), it must enjoy absolute distinctiveness, that is, it must be related to the sign in its segment – not being generic, necessary, common, vulgar or qualifying the product or service it aims to identify – and relative distinctiveness, and must not be identical or similar to another sign already registered as a trademark for a competing product or service in the same segment. Therefore, the ability to distinguish the product or service from other identical, similar or related products of different origin is vital for the sign to be protected as a trademark.

In order to meet this requirement, a visually perceptible sign must be able to be perceived by the sense of sight. This requirement is a restriction on the registration of new types of trademarks, called non-traditional, such as sound, taste and smell.

Finally, legal prohibitions can be divided into two types, called absolute and relative. According to Gonçalves (1999), absolute prohibitions are those that concern rights of public interest. On the other hand, relative prohibitions concern other private rights (such as copyright and personal rights).

In the Brazilian case, for a trademark to be protected, it must be registered with the competent institution – the National Institute of Industrial Property. This is because Brazil has adopted the so-called attributive system of law in which only the registered sign has guaranteed protection. This is one of the basic principles of trademarks, and the principles of territoriality and specialty are added to it.

3 [a] trademark can thus be defined (...) as a sign suitable for distinguishing the products and services of a given entrepreneur from the products and services of others. Or, in other words, the sign intended to individualize products or goods, or services, and to allow their differentiation from others of the same kind.

The principle of territoriality, as stated by Gusmão *apud* Moro (2003), merely reproduces, in terms of specific legislation, the sovereignty that States must create and apply their legislation. Just as other laws are applied within the national territory, and only generate consequences there, so is the law on industrial property. Thus, a trademark registered in Brazil is only validly registered and, therefore, is only protected within Brazilian territory. Protection in other countries must be claimed, in accordance with the provisions of the national legislation of each State in which the sign intended to be a trademark is requested.

As for the principle of specialty, this concerns the universe of trademarks. Through this principle, it can be inferred that the trademark is requested and protected only in the segment in which its owner operates. Hence the permission for identical trademarks to coexist, provided that they aim to identify products or services from different market segments.

The rules applied to trademarks in general, as seen above, also apply to collective marks.

COLLECTIVE TRADEMARK

A collective trademark is a type of trademark and is therefore subject to the same requirements and restrictions as trademarks in general. However, it has specificities and, consequently, differences that distinguish it from other trademarks. Its first difference concerns ownership, according to Carvalho (2008, p.218), “[a] marca colectiva *lato sensu* é uma marca cujo registro é titulado por uma *única* pessoa [...]”. While trademarks are owned by individuals or legal entities, the latter generally being constituted by companies, collective trademarks are owned by an entity that may be an association, cooperative or other legal entity representing a collective.

This peculiar ownership of the collective mark ends up interfering with its use, and this use is another element that characterizes this type of mark. The holder is a legal entity and the use of this type of mark is collective. All those who are members of this collective entity and comply with the provisions of the mark holder in the usage regulations may use this sign.

4 “[a] collective trademark in the broadest sense is a trademark whose registration is held by a single person [...]”

A second difference to be highlighted is the need for the collective mark to have usage regulations, as established in LPI 9279/1996, which must be submitted together with the signal when filing the trademark with the institution responsible for its protection, or sixty days after the filing request, under penalty of definitive shelving of the application. These usage regulations are an essential instrument for the collective mark, and can become a self-management instrument that regulates not only who may or may not use the mark, but also the conditions under which the sign may be used. Among the conditions to be stipulated by the holder, criteria such as quality, socio-environmental sustainability and other attributes that may be used to deliver a differentiated product or service in the market may be listed. According to what was stated by Largo Gil *apud* Carvalho (2008, p.240)⁵ the regulations for use:

[...] é o eixo sobre o qual gira todo o regime jurídico das marcas colectivas. Dele depende a constituição do direito de marca e a própria subsistência desse direito, pois não só é exigido para ser concedido o direito de marca, como também poderá, se o titular da marca permitir ou tolerar o seu desrespeito, conduzir à caducidade do registo da marca colectiva.

In Brazil, the regulations for using the collective trademark is carried out through the regulation of the use to standardizing the process of production, the product or the service, the conditions to use the sign and also the possible penalties to violators. According to Brazilian industrial property law, collective trademarks are subject to the same rules as trademarks in general, as seen above, and must be a distinctive sign, visually perceptible and not included in legal prohibitions. Unlike trademarks in general, in addition to their distinctive function, collective trademarks continue to perform the function of indicating origin, since they indicate that a given product or service originated from the members of a given entity that represents them, which is the owner of the sign. The function of indicating origin is more reinforced in the case of this type of trademark.

⁵ is the axis on which the entire legal regime of collective trademarks revolves. The establishment of the right to a trademark and the very subsistence of this right depend on it, since it is not only required for the granting of the right to a trademark, but may also, if the owner of the mark allows or tolerates its disregard, lead to the expiry of the registration of the collective trademark.

GEOGRAPHICAL INDICATION

Geographical indications (GI) are the only industrial property right in which ownership of the right is collective, as stated by Ascensão (2008) and endorsed by Carvalho (2008). A collective trademark, for example, has one owner, and only its use is collective, as presented above. A geographical indication, in turn, has an association, or other collective entity, representing the collective owner of the GI to society, and all producers in the region who follow the rules established and who are located in the demarcated area are holders of the right to use this type of sign, that is, they do not need to be associated with the legal representative of this industrial property right.

In the Brazilian case, a Geographical Indication (GI) is a genus divided into two types: Indication of Source and Appellation of Origin⁶. According to LPI 9279/1996, article 177 (Brasil, 1996), the Indication of Source is the geographical name of a country, city, region or locality in its territory, which has become known as a center of extraction, production or manufacturing of a certain product or provision of a certain service, while the Appellation of Origin is the geographical name of a country, city, region or locality in its territory, which designates a product or service whose qualities or characteristics are due exclusively or essentially to the geographical environment, including natural and human factors, according to the article 178 (Brasil, 1996).

From the provisions of the law, two observations relevant to this article can be drawn. The first concerns the difference between Indication of Source and Appellation of Origin. In the case of the first legal concept, the essential requirement is the reputation or notoriety that a given region has come to have as a center of extraction, production or manufacturing. In order to obtain an Appellation of Origin, it is essential that qualities or characteristics are derived from the geographical environment. The connection with the territory (*terroir*) is, therefore, essential in the case of the Appellation of Origin. As stated by Ascensão⁷ (2008, p.72),

6 The nomenclature in Brazilian Industrial Property Law to identify the two types of geographical indication differs from the international context. So, in this study, the authors adopt the international nomenclature. In Brazilian nomenclature, the *Indicação de Procedência* (IP) corresponds to Geographical Indication while *Denominação de Origem* (DO) corresponds to Appellation of Origin.

7 “grants an industrial right when the reputation, a specific quality or another characteristic can be attributed to the geographical origin of the product. There is, therefore, a much lower requirement than in the Appellation of Origin, in which it was expected that the characteristics of the products were due essentially or exclusively to the geographical environment”.



atribui um direito industrial quando a reputação, uma qualidade determinada ou outra característica podem ser atribuídas à origem geográfica do produto. Há, portanto, uma exigência muito menor que na denominação de origem, em que se previa que as características dos produtos se devessem essencial ou exclusivamente ao meio geográfico.

The second observation refers to the provision that protection as a Geographical Indication (GI) should encompass not only products but also services. This is a specificity of Brazilian law that makes it possible, for example, to consider a Geographical Indication for entertainment services.

According to Almeida (2008) and also Bramley and Kirsten (2006), Appellation of Origin, Geographical Indication and Indication of Source are signs for differentiation and identification of products. These signs are used to exploit local reputation in different way and they are the oldest to be used to indicate the geographical origin of goods. However, the indication of source type “does not imply any special quality, reputation or characteristic that is attributable to its geographical origin” (Bramley; Kirsten, 2006, p. 72), such as the expressions “Made in Brazil, Made in Italy” and others like those. As stated by Bramley and Kirsten (2006, p. 79-80),

The institutional framework within which geographical indications operate thus provides a legal framework within which producers can obtain property rights on the differentiated product thereby preventing other producers from entering the market and allowing the producers entitled to use the geographical indication to appropriate the benefits. This framework further facilitates collective production and marketing, providing the necessary scale of production required to justify the cost of creating and maintaining the differentiated product image.

Another important point for GI is the mechanism of control conceived in order to apply surveillance on rules and operational standard for quality control over producers, processes or products, according to the genus, resulting from its legal framework. This mechanism is crucial to manage the process in the post-registration phase to maintain the value aggregation and distinctiveness of the sign in face of the risk of damaging territorial reputation, product or service to consumers.

In international trade, as GI plays an important role in institutionalizing reputation as a way to products to attain market niche, an external mechanism of control is adopted to access the Global Chain. The legal Brazilian framework for GI has not provided external control mechanism, however, it is a well-established practice in the international context. This external control consists of external audits carried out by entities that are not related to the management of the GI in the evaluation (Niederle et al., 2017), providing greater impartiality, transparency and credibility to the process.



In Brazil, for GI legal framework, there are two ways to control production practices: (i) by producers themselves, a type of self-control and (ii) internal control structure by a regulator council which is formed by producers, technicians and sectoral representants, i.e., organisms direct associated to GI under appraisal. According Niederle et al. (2017), the regulator council should be encompassed by others actors in order to better support the governance-building process, according to territorial specificity.

To Niederle et al. (2017, p. 88), the governance of GI⁸

[...] envolve ampla rede de atores públicos e privados atuando em diferentes escalas territoriais: das associações locais de produtores às organizações multilaterais globais; dos ministérios e autarquias governamentais aos escritórios privados de assessoria jurídica; das entidades de pesquisa e desenvolvimento aos movimentos sociais de valorização da gastronomia regional.

The Brazilian GI system is a complex social network that operates on a dynamic equilibrium as it congregates different actors facing the challenge to structure and coordinate plural spaces of governance. Public actors, generally, tends to be protagonists as they implement public policies. In such plural spaces, these actors have different priorities, according to their nature and position in order to contribute in governance. The territory must be understood as a complex multi-dimension levels with rich articulations and institutions, which delimitation is hard to be defined (Héraud, 2016, Niederle, 2017, Matos; Amaral Filho; Costa, 2017).

GI have become an extremely important instrument in international trade, adding value to the products they indicate (Campos, 2024). In the specific case of Brazil, there still seems to be a great lack of awareness about them. However, due to the dissemination actions promoted by Brazilian institutions and organizations, this scenario tends to change.

The next section will discuss how collective distinctive signs protected by intellectual property rights can be incorporated into the analysis of local production arrangements.

8 [...] involves a broad network of public and private actors operating at different territorial scales: from local producers' associations to global multilateral organizations; from government ministries and agencies to private legal advisory firms; from research and development entities to social movements promoting regional gastronomy.

DISTINCTIVE SIGNS AND LOCAL PRODUCTIVE ARRANGEMENTS: A STUDY ON THE ENTERTAINMENT SECTOR

Collective trademarks and geographical indications, as distinctive signs, serve as useful instruments for agents to identify productive activities and services, promoting differentiation from competitors. These instruments assume that agents are organized both during submission application and right granting. This study examines the use of these collective distinctive signs in the creative economy—intrinsically related to creativity, symbolic, and economic spheres—to explore how cultural diversity can promote regional development in developing countries.

In analyzing LPAs, it is important to note that local agglomerations, especially in emerging countries, may comprise agents or interactions in productive or service activities without a capitalist productive base. That is, these agents are not necessarily integrated into a market economy, understood as situations where agents transact goods and services through markets and currency, with suppliers seeking profit and demanders seeking well-being. Many cultural manifestations are based on informal activities or intertwine with formal ones, potentially mobilizing large productive chains. These cultural manifestations can also mobilize other territorial assets, engendering virtuous cycles of development and growth.

Thus, the use of intellectual property depends on whether local agglomerations wish to employ it as a competitive instrument. An outline of the potential and limits of intellectual property use in entertainment-based LPAs will be discussed, including specific public policies and the governance and maturity of involved agents.

The entertainment sector results from human creativity, encompassing music, arts, sports, cultural, and tourism activities—all belonging to the creative economy as previously defined. Entertainment products and services do not necessarily employ high-tech activities; rather, they result from local skills and locational factors. This does not preclude the sector's use and internalization of technological progress or individualized tacit knowledge. These incentives for the local entertainment sector aim to boost local economies, generate employment and income, and promote local development by valuing local traditions as a differentiation strategy.

Entertainment sector products and services may be specific to geographic areas, employing local skills and geographic factors. Production is guided by demand-side considerations—consumers' perceptions of value regarding time allocation, product/service attributes, and location infrastructure. Entertainment LPAs provide services aimed at entertainment, leisure, or culture using local attributes. They leverage local identity generated by links between territorial space and local communities, requiring interaction among related agents and interdependence among economic actors as strategic LPA components.

An entertainment LPA presents three key aspects: (1) the formation and dissemination of knowledge generated in the entertainment sector; (2) the form and type of relationships (formal and informal) among agents; and (3) the configuration, maturity, and governance of the entertainment LPA.

These considerations are important for outlining the role of distinctive signs covered by intellectual property laws. Formalization of relationships and formal commitment by agents are necessary to safeguard rights when requesting collective trademark or geographical indication protection. Despite the exclusivity granted by distinctive signs, entertainment LPAs require customer-holder relationships based on market society principles. Brand loyalty influences product or service selection and results from the holder's market actions and practices.

These LPAs must build reputation and collective agreement, conditioned to agents' organizational maturity, interactivity levels, information flows, organizational structure, social norms rooted in territorial space conditioning mutual trust bonds, and cooperation levels. As a result of articulation and governance levels, LPAs present different evolutionary stages, requiring differentiated public policy actions to improve governance mechanisms, agent articulation, and training for local development and appropriate distinctive sign use.

However, when agents lack integration in social market structures, intellectual property may be inadequate for streamlining interactions. Other instruments may be necessary to confer distinctiveness to entertainment-based goods and services. Policymakers should formulate public policies to enhance cultural manifestations for groups or communities in commercially viable ways.

When asymmetric power emerges among producers, collective entities may not represent majority interests. The collective entity represents all legitimated producers; for geographical indications, it manages the sign. To generate synergy and reinforce trust, it is essential to ensure majority interests



aligned with sharing territorial reputation from activities emerging from human-environment interaction—representing their livelihoods, particularly for cultural manifestations. To prevent exclusionary behavior through rules and technical standards favoring minorities, sensitization and consciousness-raising about geographical indications should occur pre-formal registration, before State recognition.

Some geographical indication holders abandon the sign because they cannot afford technical conformity costs. Technical commercial priorities often prevail over heritage considerations when seeking international market competitive advantages through innovation, supported by public and private governance entities. This heterogeneity reveals tension between technical commercial and civic-heritage priorities. For immaterial cultural goods, imposing industrial standards on artisanal practices—based on empirical learning and intergenerational transmission—contradicts prioritizing historical and cultural products and ecological heritage links affirming differentiation strategies.

Geographical indication protection covers geographical names with territorial reputation in specific economic activities or livelihoods embedded in local traditions and cultural aspects. This reputation results from endogenous institutional processes rooted in territory, associating products or services with sociocultural attributes. These aspects are essential for immaterial cultural goods rich in symbolic value which is central to territorial creative processes. As geographical indications carry authenticity value, reinforcing differentiation-based positioning through origin indication, their governance demands multiple actors—private and public entities—supporting their construction. Specific public policies are necessary to address collective signs as instruments for entertainment-based LPAs. The National Institute of Historical and Artistic Heritage (IPHAN) should lead this process, given its attribution of territorial resource appreciation and recognition of traditional production practices and knowledge, articulated with the National Institute of Industrial Property (INPI) and other entities.

In-depth organizational study is necessary to verify the relevance of intellectual property instruments and other tools conferring distinctive character to entertainment LPA products and services. Reputation is an important asset depending on collective effort and well-established governance. For geographical indication signs, reputation builds over time through history and sociocultural and cultural aspects developed by communities in given territories. Though collectively built, only legitimated agents in specific delimited areas simultaneously obeying technical specification



notebook rules have sign usage rights.

According to Bramley and Kirsten (2007, p. 87), collective management demands common rules; collective marks “may fulfil this function by organizing control of common rule application, but the legal character of the mark, even when collective, makes it more vulnerable than the geographical indication.”

For collective marks, reputation depends on the sign holder—the collective entity such as cooperatives or associations—establishing surveillance of member affiliates’ regulation compliance. The association manages according to its interests, establishing rules and standards for process and product/service quality, as it is the sole sign holder. Rules can be flexible and inclusive or restrictive and exclusionary. This choice depends on socioeconomic dynamic relations and actor maturity in designing suitable governance. In both cases, rule establishment aims to meet consumers’ quality expectations or entertainment service experience expectations. Economically, protecting geographical indications and collective marks reduces market information asymmetry, empowering sign holders to exploit their monopoly exclusivity position. These collective signs protect consumers and producers against fraud, usurpation, and adulteration, adding and capturing value creation for producers.

From a regional development perspective, geographical indication signs can engender territorial changes linked to productive chain and territorial governance transformations. This logic extends to collective marks. For regional development and growth, collective signs applied to culture-based LPAs serve as public policy instruments for designing governance structures according to territorial specificity.

CONCLUSIONS

This article successfully achieved its objective of investigating how collective distinctive signs—specifically geographical indications and collective trademarks—can function as governance instruments and mechanisms for value appropriation within entertainment-based local productive arrangements (LPAs). Through a conceptual framework that articulates LPA theory, creative economy perspectives, and intellectual property principles, the analysis demonstrates that these signs enable local actors to formalize economic relationships, institutionalize territorial reputation, and position cultural products and services in market niches, particularly when governance structures are sufficiently mature to support their implementation.



The study contributes to the regional development and management literature by proposing an analytical lens that integrates collective signs as strategic tools within cultural LPAs, addressing a gap in the prevailing focus on industrial or agrifood configurations. Specifically, it advances the understanding of how symbolic and cultural assets can be leveraged through formal intellectual property mechanisms to generate economic returns while preserving local identity. Three key theoretical contributions emerge: (1) collective signs as governance artifacts that reduce information asymmetries and structure collective action; (2) their role in converting territorial reputation into market differentiation for entertainment activities; and (3) the conditional effectiveness of these instruments based on LPA maturity, agent integration, and governance configuration.

For regional public policy, the findings suggest that targeted interventions should combine intellectual property promotion with cultural and territorial development strategies. Policymakers should prioritize pre-registration sensitization processes to ensure broad producer inclusion, articulating the roles of INPI and IPHAN in cultural LPA governance, and designing maturity assessments to match the sign type (GI vs. collective mark) with specific socio-economic dynamics. While Brazil's rich cultural diversity offers substantial opportunities for entertainment LPAs, the effective deployment of collective signs demands multi-level public-private coordination to prevent exclusionary dynamics and maximize endogenous development potential. Future researches could examine empirical cases to test these conceptual propositions and refine policy implementation frameworks.



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