

Extracting Culture: Protecting Indigenous Knowledge in Hollywood

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Introduction

Imagine a blockbuster film filled with sacred songs, ancestral designs, and traditional stories, all presented as colorful background material. The marketing celebrates the project as “inspired by” Indigenous culture, yet the people whose traditions shaped the narrative never consented to this inspiration. They receive no recognition in end credits, gain no residuals from profits, and have no say in how the meaning of their cultural expressions was to be redefined for global audiences. Unfortunately, this scenario is not a hypothetical. It illustrates a long pattern of extraction across Hollywood productions that treat Indigenous knowledge as freely available creative material rather than as a living system of governance, identity, and law.¹

This problem raises a deeper question that sits at the heart of Indigenous cultural rights: Why does Hollywood continue to rely on Indigenous and traditional knowledge for commercial gain without meaningful acknowledgment, consultation, or consent?² The entertainment industry depends heavily on the visual and narrative richness of Indigenous cultures, from songs and symbols to stories and ceremonial practices.³ Yet, the people behind those traditions often remain systemically excluded in the creative process.⁴

This issue is not new. Early filmmaking romanticized Native cultures by portraying Indigenous peoples as noble savages or mystical background figures. Mid-century films frequently cast non-Native actors to depict Indigenous nations, flattening tribal distinctions and reinforcing stereotypes for generations of viewers.⁵ Modern projects have adopted more inclusive language, but many still repeat harmful patterns of relying on tribal designs, spiritual narratives, and cultural knowledge without conducting meaningful community engagement.⁶ Western legal systems have historically failed to protect community-held knowledge, and Indigenous peoples are left without clear legal tools to challenge misappropriation in the entertainment sector.⁷

¹ Rebecca Tsosie, *Reclaiming Native Stories: An Essay on Cultural Appropriation and Cultural Rights*, 34 ARIZ. ST. L. J. 299 (2002).

² *Id.*

³ Angela R. Riley, *Recovering Collectivity: Group Rights to Intellectual Property in Indigenous Communities*, 18 CARDOZO ARTS & ENT. L. J. 175 (2000).

⁴ *Id.*

⁵ Aaron Carr et Lionel Larré, *Hollywood Indian Sidekicks and American Identity*, ESSAIS (2016) <https://journals.openedition.org/essais/3768> (last visited March 19, 2026).

⁶ *Id.*

⁷ *Id.*

Hollywood's use of Indigenous knowledge exposes a persistent imbalance between cultural ownership and commercial power.⁸ To address this, the entertainment industry and relevant legal systems must reexamine their approaches to authorship, consent, and collaboration. There is an urgent need for reforms that respect Indigenous sovereignty, safeguard traditional knowledge, and promote ethical storytelling practices that reflect reciprocity rather than extraction.

This article argues that Hollywood's reliance on Indigenous and traditional knowledge reflects deeper structural failures in both intellectual property law and industry practice, and that meaningful reform requires centering Indigenous authority, consent, and collective governance in creative production. Part I documents the scope of Hollywood's reliance on Indigenous and traditional knowledge and shows how studios employ songs, stories, symbols, and ceremonial practices while simultaneously excluding the communities who safeguard these traditions. It explains how portrayals that appear authentic often arise from extractive processes that distort Indigenous governance, identity, and cultural meaning. Part II explains the structural causes of this misappropriation, including gaps in intellectual property law, economic incentives that favor extraction, and Western artistic norms that disregard Indigenous legal protocols, and it analyzes the cultural, spiritual, and industry level harms that result. Part III evaluates potential solutions, including legal reforms that recognize collective cultural rights, enforceable cultural protocol systems, and partnership models that center Indigenous authority in creative decision making. It argues that symbolic consultation and existing intellectual property frameworks are not sufficient without structural change. Part IV concludes by situating the problem within broader debates about consent and identity in modern media and urges Hollywood and lawmakers to adopt frameworks that respect Indigenous sovereignty and transform extractive storytelling into practices grounded in reciprocity and collaboration.

I. Extent of the Problem

Hollywood has repeatedly incorporated Indigenous cultural materials such as stories, languages, songs, visual symbols, and ceremonial traditions in media, but often in ways that disregard the communities who created them.⁹ Production companies frequently bring on Indigenous consultants only after key creative decisions have already been finalized.¹⁰ Rather than allowing Indigenous peoples to shape the structure, themes, or direction of the narrative, studios frequently limit their involvement to surface level review.¹¹ This pattern results in Indigenous portrayals that appear culturally accurate, but lack the depth that arises from true partnership and shared decision-making.¹²

⁸ Tossie, *supra* note 1, at 307–12.

⁹ Martin Berny, *The Hollywood Indian Stereotype: The Cinematic Othering and Assimilation of Native Americans at the Turn of the 20th Century*, ANGLES (2020), <https://journals.openedition.org/angles/331> (last visited March. 18, 2026).

¹⁰ IllumiNative, *The Time is Now The Power of Native Representation in Entertainment*, ILLUMINATIVE 12–18 (2022), https://illuminative.org/wp-content/uploads/2022/06/IllumiNative_industry-guide_June-2022.pdf.

¹¹ Tsosie, *supra* note 1, at 312.

¹² Riley, *supra* note 3, at 183–190.

These procedures have significant consequences. When sacred or communal knowledge is transformed into entertainment content, the meaning attached to these traditions becomes distorted.¹³ Ceremonial songs may be repurposed as soundtrack elements, sacred tattoo patterns may be reproduced as costume designs, and ancestral stories may be reshaped into simplified hero narratives.¹⁴ These adaptations undermine Indigenous peoples' rights to self-definition and cultural survival.¹⁵ Allowing outside entities to reinterpret Indigenous traditions for mass audiences reinforces colonial power structures, as Indigenous peoples are excluded from the benefits of reinterpretation.¹⁶

These harms extend across multiple groups.¹⁷ Indigenous communities lose control over narratives and cultural expressions that are central to their identity, belief systems, and obligations to ancestors.¹⁸ Many communities maintain specific protocols regarding who may tell a story or carry a tradition, and these protocols operate as living systems of law.¹⁹ When studios ignore those regulations, they not only misrepresent that culture but also violate Indigenous governance, treating cultural expressions as commodities rather than responsibilities.²⁰ For example, Māori communities in Aotearoa maintain formal cultural protocols that require tribal approval before the use of ancestral narratives, haka, carvings, or tattoo patterns.²¹ These expressions are not open creative material but are governed by collective authority through iwi and hapu (tribal and sub-tribal kinship groups) decision-making. When studios adapt these expressions without consultation, they disregard a legal and cultural system that treats knowledge as a living responsibility rather than a commercial resource. Indigenous creators face structural exclusion as well. While they may be hired as consultants or actors, they are often denied access to positions that determine creative direction or control financial outcomes.²² This exclusion wrongfully concentrates power and profit in the hands of non-Indigenous individuals.²³ Audiences are also affected because inaccurate or stereotypical portrayals shape public understanding of Indigenous peoples.²⁴ These portrayals influence political discourse, social

¹³ See Tossie, *supra* note 1, at 312.

¹⁴ See Michael F. Brown, *Can Culture Be Copyrighted?*, 39 CURRENT ANTHROPOLOGY 193, 197–200 (1998).

¹⁵ G.A. Res. 61/295, United Nations Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007).

¹⁶ See Riley, *supra* note 3, at 190.

¹⁷ See Tossie, *supra* note 1, at 312.

¹⁸ *Id.*

¹⁹ See G.A. Res. 61/295 *supra* note 15.

²⁰ See Brown, *supra* note 14, at 197.

²¹ See Waitangi Tribunal, Ko Aotearoa Tenei, Report on the Wai 262 Claim 45 to 52, 84–110 (2011); HIRINI MOKO MEAD, TIKANGA MAORI, TRADITIONAL MAORI CULTURE 28 to 34, 247–256 (2003); Tania M. Ka'ai et al., CUSTOMARY CONCEPTS OF MAORI TATTOOING, IN PACIFIC ARTS 15, 17–21 (2004).

²² Etan Vlessing, *Toronto: Indigenous Filmmakers Talk Cultural Appropriation, Narrative Sovereignty*, HOLLYWOOD REP. (Sept. 15, 2020), <https://www.hollywoodreporter.com/news/general-news/toronto-indigenous-filmmakers-talk-cultural-appropriation-narrative-sovereignty-4058471/> (last visited March 2, 2026).

²³ See Riley, *supra* note 3, at 183–190.

²⁴ See Carr et Lionel Larré, *supra* note 5, at 205.

attitudes, and legal outcomes by framing Indigenous cultures as static, mystical, or homogenous rather than varied, contemporary, and complex.²⁵

These representational harms also extend beyond public perception and produce measurable consequences for Indigenous communities, particularly for Indigenous youth. Research shows that young people often rely on media as a primary source of cultural visibility, and when the images they encounter are limited, stereotypical, or distorted, these portrayals directly affect their sense of possibility, belonging, and self-worth.²⁶ Studies demonstrate that exposure to stereotypical Indigenous representations reduces Indigenous students' belief in their own potential and narrows their understanding of what futures are available to them.²⁷ At the same time, inaccurate portrayals shape how non-Indigenous audiences interpret tribal sovereignty, cultural authority, and Indigenous political claims, which in turn influences public support for legal protections and policy reforms. These audience effects underscore the significance of representational choices in Hollywood and reveal how cultural misrepresentation is not a minor artistic mistake, but a practice with profound social and political consequences.²⁸

Specific film controversies illustrate these issues.²⁹ For example, Disney's film *Moana* famously drew from Polynesian cultural and spiritual narratives to craft its story, including depictions of ancestral voyaging practices, carved symbols, and tattoo traditions that carry sacred meaning in many Pacific communities.³⁰ After the release, Disney received strong criticism for commercializing these sacred traditions through Halloween costumes, dolls, and merchandise that reproduced sacred tattoo patterns without community authorization,³¹ including the incorporation of legendary figures into children's merchandise to promote the film.³² One widely discussed example was the Maui costume, which featured full body representations of tattoo

²⁵ See Berny, *supra* note 9.

²⁶ See Stephanie A. Fryberg & Arianne E Eason, "Oh the Places You'll Go": The Psychological Consequences of Omission and Misrepresentation for Native Children, 95 CHILD DEV. 1906 (2024). See, e.g., Farah Quershi, *Native Americans: Negative Impacts of Media Portrayals, Stereotypes*, THE JOURNALIST'S RESOURCE (Feb. 10, 2016), <https://journalistsresource.org/race-and-gender/native-americans-media-stereotype-redskins> (last visited March 18, 2026); see also Melissa Chan, *Disney Stops Selling Controversial Moana Halloween Costume*, TIME (Sept. 22, 2016), <https://time.com/4505299/disney-pulls-moana-costume> (last visited March 19, 2026).

²⁷ See Fryberg et. al., *supra* note 26.

²⁸ See Stephanie A. Fryberg, Hazel Rose Markus, Daphna Oyserman, & Joseph M. Stone, *Of Warrior Chiefs and Indian Princesses, The Psychological Consequences of American Indian Mascots*, 30 BASIC AND APPLIED SOCIAL PSYCHOLOGY 208, 212–218 (2008); ILLUMINATIVE, RECLAIMING NATIVE TRUTH, RESEARCH FINDINGS REPORT: COMPILATION OF ALL RESEARCH 4–15 (2018) <https://illuminative.org/wp-content/uploads/2022/06/FullFindingsReport-screen-spreads-1.pdf>.

²⁹ See generally I. Yoshinaga, *Disney's Moana, the Colonial Screenplay, and Indigenous Labor Extraction in Hollywood Fantasy Films*, 6 NARRATIVE CULTURE 188, 200 (2019), <https://www.jstor.org/stable/10.13110/narrcult.6.2.0188>.

³⁰ *Id.*

³¹ *Id.*

³² Arieta Tegeilolo Talanoa Tora Rika, *How Did Disney Get Moana so Right and Maui so Wrong?*, BCC NEWS (Sept. 21, 2016), <https://www.bbc.com/news/world-europe-37430268> (last visited March 18, 2026).

designs that some cultural practitioners described as sacred genealogical records.³³ In another instance, Disney's *Frozen II* production prompted concern because the studio initially proceeded without formal consultation with Sámi communities.³⁴ Following public backlash, Disney entered a formal agreement with Sámi representatives known as the Verddet Agreement, which set standards for respectful collaboration.³⁵ The agreement stated that the parties would pursue a relationship based on equality, respect, and goodwill, and that the film would honor Sámi stories and cultural expressions in a manner consistent with Sámi values. The agreement also established a Sámi advisory group who were to be consulted on cultural matters throughout production. These incidents reveal how frequently Hollywood turns to Indigenous cultural material for creative inspiration and how rarely it implements meaningful structures for consultation at the outset of a project.³⁶

The legal gaps are also striking: although Indigenous legal orders persist, they have been “undermined, distorted, or lost” through colonial legal systems.³⁷ According to a UNESCO report on the protection of traditional cultural expressions, fewer than five percent of Indigenous cultural expressions receive intellectual property protection under the current legal system, reflecting the limited recognition of collective ownership within existing IP frameworks.³⁸ Most national frameworks do not recognize collective authorship or community ownership, leaving many cultural expressions unprotected and vulnerable to misappropriation.³⁹ Because traditional knowledge often predates modern IP regimes and is collectively held, it is treated as part of the public domain even when individual communities enforce strict protocols governing its use.⁴⁰ This statistic supports the need for jurisdictions to adopt more robust legal protections or to reform their existing IP jurisprudence to codify and ultimately validate Indigenous cultural governance.⁴¹

³³ See, e.g., *Disney Pulls Maui Children's Costume Amid Claims it is Offensive*, THE GUARDIAN (Sept. 21, 2016), <https://www.theguardian.com/film/2016/sep/22/disney-pulls-maui-childrens-costume-amid-claims-it-is-offensive> (last visited March. 18, 2026).

³⁴ Motzie DaPaul, *How Frozen 2 And Klaus Brought Indigenous Sámi Representation To Film*, WHATCULTURE (Nov. 27, 2019), <https://whatculture.com/film/how-frozen-2-and-klaus-brought-indigenous-sami-representation-to-film> (last visited Dec. 1, 2025).

³⁵ *Id.*

³⁶ ILLUMINATIVE, *supra* note 10, at 18.

³⁷ See Val Napoleon, *Thinking About Indigenous Legal Orders*, 11 NAT'L CENTRE FOR FIRST NATIONS GOVERNANCE 1 (2007), https://fngovernance.org/wp-content/uploads/2020/09/val_napoleon.pdf.

³⁸ UNESCO, BASIC TEXT OF THE 2003 CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE 45–47, UNESCO (2022), https://ich.unesco.org/doc/src/2003_Convention_Basic_Texts-_2022_version-EN.pdf.

³⁹ WIPO, PROTECT AND PROMOTE YOUR CULTURE, (2017), https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1048.pdf.

⁴⁰ WIPO, THE WIPO INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE (2023), <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-rn2023-5-2-en-the-wipo-intergovernmental-committee-on-intellectual-property-and-genetic-resources-traditional-knowledge-and-folklore.pdf>.

⁴¹ WIPO, PROTECT AND PROMOTE YOUR CULTURE, *supra* note 39, at 20–25.

II. Causes and Effects

Hollywood's continued misappropriation of Indigenous knowledge stems from several interconnected causes.⁴² First, legal gaps within intellectual property law make it difficult for Indigenous peoples to assert control over their cultural expressions.⁴³ Copyright frameworks focus on individual authorship and fixed terms of protection, which do not align with knowledge passed through generations under collective stewardship.⁴⁴ Because traditional stories, symbols, and songs often lack identifiable individual creators, they are rarely recognized as protectable works.⁴⁵ As a result, studios are free to reinterpret or commercialize these expressions without fear of legal consequences.⁴⁶

A. Financial Motivations

Economic incentives play a major role.⁴⁷ Films that highlight tribal aesthetics, Indigenous landscapes, or ancestral narratives attract audiences seeking cultural authenticity.⁴⁸ Yet true authenticity requires collaboration, consent, and shared authority, elements that studios may perceive as costly or time-consuming.⁴⁹ It is far easier and more profitable to incorporate Indigenous elements without formal agreements, consultation, or financial participation from the communities whose cultures supply the creative material.⁵⁰ The industry often celebrates these portrayals as inclusive or representative, even while the production structures remain exploitative.⁵¹ Beyond cost, meaningful compensation and participation can support community economic development, sustain cultural practices, and ensure that knowledge holders retain authority over how their traditions are represented rather than extracted for commercial gain.⁵²

Concerns about cost further illuminate the weakness of the industry's resistance to ethical reform. Contemporary film and television productions routinely operate with budgets ranging

⁴² ROSEMARY J. COOMBE, *THE CULTURAL LIFE OF INTELLECTUAL PROPERTIES AUTHORSHIP, APPROPRIATION, AND THE LAW* 207–45 (1998).

⁴³ Kristen A. Carpenter, Sonia K. Katyal & Angela R. Riley, *In Defense of Property*, 118 YALE L.J. 1022, 1060–1100 (2009).

⁴⁴ Madhavi Sunder, *Cultural Dissent*, 54 STAN. L. REV. 495, 503–15 (2001).

⁴⁵ World Intell. Prop. Org., *The Protection of Traditional Cultural Expressions: Updated Draft Gap Analysis*, WIPO/GRTKF/IC/40/8, at 12–14 (Apr. 9, 2019), (discussing gaps in intellectual property protection for traditional cultural expressions and risks of misappropriation).

⁴⁶ See generally KAROLINA KUPRECHT, *INDIGENOUS PEOPLES' CULTURAL PROPERTY CLAIMS REPATRIATION AND BEYOND* (Springer 2004).

⁴⁷ ILLUMINATIVE, *supra* note 10, at 17.

⁴⁸ See Vlessing, *supra* note 22.

⁴⁹ *Id.*

⁵⁰ S. Standing Comm. on Env't, Commc'ns, Parliament of Austl., *Indigenous Art – Securing the Future: Australia's Indigenous Visual Arts and Craft Sector* ch. 11 ¶ 11.10 (2007), *Chapter 11* (2007), https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/Complete_d_inquiries/2004-07/indigenousarts/report/c11 (last visited March 2, 2026).

⁵¹ See Vlessing, *supra* note 22.

⁵² See KUPRECHT, *supra* note 46 (discussing the importance of community control, compensation, and participation in preserving Indigenous cultural practices and autonomy).

from tens to hundreds of millions of dollars, with a substantial portion allocated to above-the-line expenses such as lead actors, executive producers, marketing, and post-production effects.⁵³ Against this backdrop, the incremental cost of hiring Indigenous writers, cultural advisors with decision-making authority, or community partners represents a comparatively minor financial commitment. Compensation for additional writers or consultants typically constitutes a negligible fraction of overall production budgets, particularly when compared to expenditures on reshoots, visual effects, or marketing campaigns designed to mitigate reputational risk after a project's release. Compensation for cultural consultants is modest relative to overall production costs; by contrast, key creative personnel such as screenwriters and producers routinely receive six or seven figure compensation, underscoring how small such expenses are within multimillion-dollar production budgets.⁵⁴

Industry practices already demonstrate a willingness to absorb far greater costs in the service of commercial success. Studios routinely invest millions of dollars in test screenings, script revisions, diversity initiatives, and public relations strategies, particularly when projects face the risk of public backlash.⁵⁵ In contrast, integrating Indigenous creators at the outset of production—through writers' rooms, co-creation agreements, or shared authority models—often requires reallocating existing resources rather than generating entirely new expenses.⁵⁶ From a financial perspective, ethical engagement with Indigenous communities is therefore not prohibitively expensive, but rather a question of priority and power.

Moreover, the perceived cost of Indigenous participation must be weighed against the financial consequences of failing to adopt such measures. Projects accused of cultural appropriation frequently incur reputational damage, consumer backlash, and diminished long-term value, particularly as audiences increasingly demand ethical representation. In some cases, studios have been forced—such as with *Moana* and *Frozen II*—to issue public apologies, alter marketing strategies, or retroactively add consultants—steps that often cost more than proactive

⁵³ See, e.g., Sam Kench, *Above the Line Film Positions & How They Work in a Budget*, STUDIOBINDER (May 28, 2023) <https://www.studiobinder.com/blog/above-the-line-film-positions/> (last visited March 2, 2026) (noting that above-the-line costs include lead actors, directors, and producers and can constitute a significant portion of a film's total budget).

⁵⁴ See, e.g., WRITERS GUILD OF AM., SCHEDULE OF MINIMUMS: 2020 THEATRICAL AND TELEVISION BASIC AGREEMENT (Nov. 2021) <https://www.wga.org/uploadedfiles/contracts/min20.pdf>; see also Chris Heckmann, *Film Production Budget – Low to High Budget Films Explained*, STUDIOBINDER (Feb. 13, 2022), <https://www.studiobinder.com/blog/production-budget/> (last visited March 2, 2026).

⁵⁵ See WRITERS GUILD OF AM., *Schedule of Minimums*, (2023), <https://www.wga.org/contracts/contracts/schedule-of-minimums> (setting minimum compensation for covered writers); Chris Gardner, *Power Publicists Jennifer Allen and Melissa Kates on Lessons Learned and How to Spin a Scandal in 2020*, HOLLYWOOD REP. (Jan. 9, 2020), <https://www.hollywoodreporter.com/movies/movie-news/power-publicists-jennifer-allen-melissa-kates-new-rules-sp-in-clients-die> (last visited March 2, 2026) (describing crisis-publicity work in the entertainment industry).

⁵⁶ See Terri Janke, *Pathways & Protocols A Filmmaker's Guide to Working with Indigenous People, Culture, and Concepts* (Screen Austl. 2009) <https://www.screenaustralia.gov.au/getmedia/16e5ade3-bbca-4db2-a433-94bcd4c45434/Pathways-and-Protocols.pdf>

collaboration would have. When viewed through this lens, partnership-based models function not as financial burdens, but as cost-effective risk mitigation strategies that protect both cultural integrity and commercial viability.

The persistence of cost-based objections thus reflects not economic necessity, but an entrenched production model that externalizes cultural harm while internalizing profit. By framing Indigenous collaboration as an optional expense rather than a core component of responsible production, studios perpetuate extractive practices that rely on uncompensated cultural labor. Recognizing Indigenous participation as an ordinary and necessary cost of storytelling—akin to legal review, safety compliance, or labor standards—would normalize ethical engagement without imposing undue financial strain. In this sense, the financial argument against reform collapses under scrutiny. The resources required to tell Indigenous stories responsibly already exist within standard production budgets, and the decision not to deploy them is ultimately a matter of choice, not feasibility.

B. Cultural Hierarchy

Cultural hierarchy further contributes to this problem.⁵⁷ Western artistic traditions emphasize originality, individual genius, and creative freedom, which encourages the belief that cultural borrowing is inherently transformative or acceptable.⁵⁸ Indigenous traditions, however, often treat cultural expressions as relational responsibilities that carry obligations to ancestors, communities, and land.⁵⁹ When Hollywood prioritizes Western notions of creativity over Indigenous systems of responsibility, it effectively decides that Indigenous laws and cultural protocols are irrelevant.⁶⁰ This mindset reflects long-standing colonial patterns in which Indigenous governance was disregarded in favor of state or commercial power.⁶¹

This cultural hierarchy is reinforced by the dominance of Western media institutions, which continue to function as the primary gatekeepers of global storytelling. For decades, Hollywood has controlled the platforms, distribution networks, and financing mechanisms that determine which narratives reach mainstream audiences, effectively marginalizing Indigenous media systems that have long existed outside Western commercial frameworks. Although Indigenous communities have sustained their own forms of storytelling through oral tradition, community-based media, and independent film, these systems have rarely been afforded comparable visibility or legitimacy within dominant media markets. As a result, the industry's recent turn toward Indigenous stories often reflect not a newfound recognition of Indigenous

⁵⁷ ROSEMARY, *supra* note 42, at 207–45.

⁵⁸ See James Boyle, *The Public Domain: Enclosing the Commons of the Mind*, THE PUBLIC DOMAIN 43–58 (2008), <https://thepublicdomain.org/thepublicdomain1.pdf>.

⁵⁹ See Napoleon, *supra* note 37, at 1–12.

⁶⁰ See Brown, *supra* note 14, at 200.

⁶¹ See Carpenter et. al., *supra* note 43, at 1085–1100.

creativity, but Hollywood's belated willingness to extract value from narratives it previously ignored.⁶²

This imbalance helps explain the industry's resistance to adopting the mechanisms necessary for ethical storytelling. Because studios have historically operated without meaningful competition from Indigenous-controlled media at a comparable scale, they have had little incentive to defer to Indigenous legal systems, cultural protocols, or consent requirements. Instead, Indigenous stories are frequently folded into existing production models designed around Western assumptions of authorship, ownership, and creative autonomy. Within these models, adopting Indigenous governance structures would require studios to share authority, slow production timelines, and accept limits on narrative control—changes that challenge long-standing industry norms and profit-driven practices. The reluctance to implement such mechanisms is therefore not merely a matter of oversight, but a predictable outcome of a media hierarchy that privileges Western platforms while rendering Indigenous systems of cultural governance structurally invisible.

The effects of these causes are wide-ranging.⁶³ Indigenous peoples experience cultural harm as their traditions are appropriated or misrepresented.⁶⁴ Misuse of sacred expressions can cause spiritual injury and contribute to cultural loss, especially when younger generations see distorted versions of their traditions in film rather than learning them through community practices.⁶⁵ Hollywood faces consequences as well, including public backlash, reputational harm, and pressure from viewers who demand ethical representation.⁶⁶ The industry also limits its own artistic potential by excluding Indigenous creators who could contribute richer and more nuanced narratives.⁶⁷ If these patterns continue, Hollywood will deepen mistrust with Indigenous communities and reinforce the very structures of cultural colonization it claims to reject.⁶⁸

These consequences are not merely theoretical. Indigenous actors and creators have repeatedly described how Hollywood's use of Indigenous culture without meaningful consultation produces both personal and collective harm. Zahn McClarnon, a Lakota actor known for his work in television and film, has emphasized that Indigenous performers are frequently invited into projects only after foundational creative decisions have already been made, leaving little room to

⁶² See generally Sunder, *supra* note 44, at 503–15 (2001) (discussing how dominant cultural and legal institutions marginalize non-Western systems of cultural governance); COOMBE, *supra* note 42, at 237–45 (1998) (analyzing how global media markets privilege Western authorship norms while rendering Indigenous cultural systems invisible).

⁶³ Tsosie, *supra* note 1, at 315.

⁶⁴ See Carpenter et. al., *supra* note 43, at 1075–1100.

⁶⁵ See, e.g., Sarah Rose Harper, *Native Appropriation Isn't Appreciation. It Causes Real Harm*, LAKOTA PEOPLE'S LAW PROJECT (Feb. 10, 2022), <https://lakotalaw.org/news/2022-02-10/appropriation-isnt-appreciation> (last visited March 2, 2026).

⁶⁶ Vlessing, *supra* note 21, at 20–26; IllumiNative, *supra* note 10, at 17.

⁶⁷ Leo Sonza, *Decolonizing vision: Native Americans, film and video activism*, 11 J. RACE & ETHNICITY EDUC. 237 (2018), <https://videoeducationjournal.springeropen.com/articles/10.1186/s40990-018-0022-2>.

⁶⁸ Tsosie, *supra* note 1, at 310–15.

challenge inaccurate portrayals or culturally inappropriate narratives.⁶⁹ In such cases, “consultation” functions less as a mechanism for accountability and more as a shield against criticism, permitting studios to claim cultural sensitivity while retaining unilateral creative control. Indigenous filmmakers have likewise critiqued the structural exclusion that underlies cultural misrepresentation. Sterlin Harjo, the Seminole and Muscogee creator of television series *Reservation Dogs*, has noted that Indigenous stories told through non-Indigenous creative hierarchies are often reshaped to fit marketable tropes rather than community realities.⁷⁰ This dynamic, Harjo explains, produces narratives that appear authentic on the surface while remaining disconnected from the lived experiences and cultural meanings they purport to represent. The result is not only distortion, but displacement. Indigenous communities see their traditions circulated globally through versions they neither authored nor endorsed.

Industry insiders increasingly acknowledge these failures. In response to public criticism over cultural appropriation, major studios have pointed to advisory bodies and cultural consultants as evidence of reform. Yet even these reforms reveal the limits of voluntary self-regulation. Disney’s widely cited Oceanic Story Trust, assembled during the production of *Moana*, illustrates this tension.⁷¹ While the studio emphasized its commitment to consultation, members of the Trust reportedly lacked decision-making authority over core narrative elements, underscoring how advisory structures often operate downstream from creative power rather than alongside it.⁷² Such models may mitigate reputational risk, but they do little to alter the underlying imbalance between corporate producers and Indigenous communities.

These dynamics impose costs on Hollywood itself. Public backlash, social media campaigns, and organized boycotts increasingly accompany revelations of cultural misuse, generating reputational harm that studios struggle to contain. More significantly, the exclusion of Indigenous creators from positions of authorship narrows the industry’s creative scope, foreclosing the possibility of narratives that are both culturally grounded and artistically innovative. By continuing to rely on extractive models of representation, Hollywood not only alienates Indigenous audiences but reinforces the very structures of cultural colonization it claims to reject.

⁶⁹ See Zahn McClarnon, quoted in Laura Clark, *How Zahn McClarnon is leading a Native Revolution in Hollywood*, YAHOO NEWS: ENTERTAINMENT (Aug. 23, 2022), <https://www.yahoo.com/entertainment/zahn-mcclarnon-native-revolution-hollywood-dark-winds-interview> (last visited Dec. 17, 2025).

⁷⁰ See Sterlin Harjo, quoted in Libby Hill, ‘*Reservation Dogs*’ FYC Celebrates Telling Indigenous Stories on Their Own Terms, INDIEWIRE (Dec. 3, 2021), <https://www.indiewire.com/awards/industry/reservation-dogs-fyc-indigenous-stories-1234683184/> (last visited Dec. 1, 2025).

⁷¹ See Joanna Robinson, *How Pacific Islanders Helped Disney’s Moana Find Its Way*, VANITY FAIR (Nov. 16, 2016), <https://www.vanityfair.com/hollywood/2016/11/moana-oceanic-trust-disney-controversy-pacific-islanders-polynesia>.

⁷² *Id.*

III. Possible Solutions

There are several approaches that could meaningfully address Hollywood’s misuse of Indigenous and traditional knowledge. Legal innovation is essential. One promising path is the development of international agreements or national laws that recognize collective rights over cultural expressions, such as the frameworks under discussion in the World Intellectual Property Organization.⁷³ These frameworks could establish community ownership, political sovereignty over cultural narratives, and enforceable consent requirements. Comparable legal regimes already exist in other contexts. For example, geographical indication protections grant exclusive rights to use culturally and locally significant designations to producers within a defined geographic area, such as the word “champagne” for sparkling wine from the same-named region in France.⁷⁴ Systems like these demonstrate that the law can recognize collective cultural interests tied to identity and place.⁷⁵ Yet, similar protections are rarely extended to Indigenous cultural expressions, which remain vulnerable to widespread commercial appropriation.⁷⁶

Beyond legal reform, production companies themselves must assume responsibility for addressing the misuse of Indigenous and traditional knowledge. While international agreements and national laws can establish baseline protections, meaningful change also requires studios to adopt internal remedies that restructure how Indigenous cultures are engaged, represented, and governed throughout the creative process. Cultural protocols represent another effective method.⁷⁷ Productions could be required to complete cultural impact assessments before greenlighting projects that draw from Indigenous traditions. These assessments would prioritize community consultation, ensure that cultural expressions are used appropriately, and evaluate whether the project aligns with the values and wishes of the Indigenous peoples involved. For these protocols to matter, they must include enforceable obligations rather than symbolic gestures.

Partnership models can also shift power dynamics by placing Indigenous experts in positions of real authority.⁷⁸ Instead of hiring Indigenous individuals as consultants or advisors with limited influence, studios could collaborate with Indigenous writers, directors, producers, or co-creators. This approach ensures not only accurate representation but also equitable distribution of creative authority and economic benefit.⁷⁹

⁷³ See WORLD INTELL. PROP. ORG., *supra* note 45.

⁷⁴ See WORLD INTELL. PROP. ORG., *World Intellectual Property Indicators 2024: Geographical Indication Highlights*, (2024), <https://www.wipo.int/web-publications/world-intellectual-property-indicators-2024-highlights/en/geographical-indications-highlights>.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ See Janke, *supra* note 56, at 8–12.

⁷⁸ See COOMBE, *supra* note 44.

⁷⁹ See KUPRECHT, *supra* note 46.

Solutions that rely on outdated copyright frameworks or symbolic representation without structural reform will not succeed.⁸⁰ Even where additional protections are developed, existing doctrines such as fair use may continue to create significant loopholes. Because fair use permits the unauthorized use of copyrighted material for purposes such as commentary, transformation, or artistic expression, studios may still appropriate Indigenous cultural expressions while framing such uses as creative reinterpretation.⁸¹ Creative freedom defenses may continue to appear in public debates or litigation, but they often overlook the fact that creative freedom has historically been exercised at the expense of Indigenous peoples.⁸² Meaningful change requires an understanding that respecting cultural sovereignty enhances creativity rather than restricting it.

Although these proposals may appear aspirational, several production companies and creative teams have already begun experimenting with partnership-based models that redistribute creative authority to Indigenous communities. While imperfect, these efforts demonstrate that industry-led remedies are both feasible and compatible with commercial success.

A. Existing Industry Models of Indigenous Partnership and Shared Creative Authority

One of the most frequently cited examples of a partnership-based model is FX's *Reservation Dogs*, created by Sterlin Harjo (Seminole and Muscogee) and Taika Waititi (Māori). Unlike traditional Hollywood productions that rely on cultural consultants after a project is already developed, *Reservation Dogs* was structured around Indigenous leadership at every level of production. Indigenous writers, directors, and actors were not merely consulted but empowered as primary authors of the narrative. As Harjo has explained in interviews, this structure allowed the series to reflect humor, grief, spirituality, and everyday life in Indigenous communities without filtering those experiences through external expectations or market-driven stereotypes.⁸³

The outcome of this approach illustrates the value of shared creative authority. *Reservation Dogs* received widespread critical acclaim, including nominations for the Independent Spirit Awards and Critics' Choice Television Awards, as well as strong audience reception, demonstrating that Indigenous-led storytelling does not compromise artistic or commercial success.⁸⁴ More importantly, the series avoided the backlash that frequently accompanies projects accused of cultural appropriation, underscoring how partnership models can mitigate reputational risk while producing more authentic narratives.

⁸⁰ See Carpenter et al., *supra* note 43, at 1085–1100.

⁸¹ 17 U.S.C. § 107.

⁸² See Tsosie, *supra* note 1, at 315.

⁸³ Terry Gross, 'Reservation Dogs' Co-creator Says the Show Gives Audiences Permission to Laugh, NPR (Sept. 19, 2022), <https://www.npr.org/2022/09/19/1123452609/reservation-dogs-sterlin-harjo-native-stories> (discussing the importance of authentic Indigenous storytelling and correcting misrepresentation).

⁸⁴ *Reservation Dogs*, IMDb, <https://www.imdb.com/title/tt13623580/awards/> (listing nominations including Independent Spirit Awards and Critics' Choice Television Awards).

Other studios have attempted to address cultural appropriation through advisory bodies rather than shared authority, revealing both progress and persistent limitations. Disney's creation of the Oceanic Story Trust during the production of *Moana* is often cited as a step toward ethical engagement with Indigenous cultures. The Trust included scholars and cultural practitioners from Pacific Island communities who advised on language, symbolism, and narrative elements. Disney publicly framed the initiative as evidence of cultural respect and collaboration.

Yet the advisory nature of the Trust also highlights the shortcomings of non-binding consultation. Members of the Trust reportedly lacked the power to veto narrative decisions or halt production when concerns arose.⁸⁵ As a result, while *Moana* was praised in some quarters for visibility and representation, it was also criticized for commodifying sacred cultural elements and packaging them within a conventional Disney framework.⁸⁶ While such visibility can carry meaningful benefits—particularly for Indigenous youth who rarely see themselves reflected in mainstream media—these gains are limited when representation occurs without meaningful control over how those identities are constructed.⁸⁷ Visibility alone does not ensure accuracy, cultural integrity, or community consent. In this way, representation without authority risks reinforcing the very dynamics it seeks to remedy. This outcome illustrates that consultation without enforceable authority risks functioning as a reputational safeguard rather than a mechanism of genuine consent.

Beyond individual projects, Indigenous-led production companies have demonstrated how partnership models can be institutionalized rather than treated as exceptions. Companies such as IllumiNative, Indigenous Media Initiatives, and Vision Maker Media prioritize Indigenous ownership, governance, and editorial control.⁸⁸ These entities often collaborate with major studios while retaining authority over storytelling decisions, intellectual property, and community engagement.⁸⁹ The success of these organizations challenges the assumption that Indigenous control is incompatible with mainstream distribution.⁹⁰ By centering community governance and shared economic benefit, Indigenous-led production models align cultural sovereignty with sustainable creative production. Their existence suggests that the primary barrier to ethical representation is not feasibility, but the industry's reluctance to relinquish unilateral control.

⁸⁵ See Robinson, *supra* note 71.

⁸⁶ *Id.*

⁸⁷ See Fryberg et al., *supra* note 26, at 1906.

⁸⁸ See, e.g., ILLUMINATIVE, *About*, <https://illuminative.org/> (describing its mission to advance Indigenous-led storytelling and narrative power); VISION MAKER MEDIA, *About Us*, <https://visionmakermedia.org/about/> (supporting Indigenous filmmakers and community-controlled storytelling).

⁸⁹ See ILLUMINATIVE, *supra* note 88; *Id.*

⁹⁰ See Fryberg et al., *supra* note 26.

The outcomes of these partnership-based models reveal several recurring benefits.⁹¹ From an industry perspective, these models also mitigate legal and reputational risk. Projects developed through shared authority are less likely to provoke public backlash, consumer boycotts, or reputational damage. In this sense, partnership models function not only as ethical reforms but as risk-management strategies that align cultural responsibility with corporate self-interest.

At the same time, these examples are not without limitations. Partnership-based models remain relatively rare, and many studios continue to treat Indigenous-led projects as niche rather than mainstream. Moreover, even successful collaborations often rely on individual champions within production companies rather than institutionalized obligations.⁹² Without enforceable standards, such efforts risk remaining exceptional rather than transformative. Nevertheless, the existence of these models undermines claims that meaningful reform is impractical or incompatible with creative freedom. Instead, they suggest that the primary obstacle lies in entrenched power structures rather than legal or logistical impossibility.

Taken together, these examples demonstrate that industry-led remedies are not speculative ideals but emerging practices with measurable benefits. By adopting partnership models that center Indigenous authority, production companies can move beyond symbolic inclusion toward structural reform. In doing so, Hollywood can begin to dismantle the extractive frameworks that have long governed Indigenous representation and replace them with systems grounded in consent, collaboration, and cultural sovereignty.⁹³

IV. Conclusion

Hollywood's ongoing misuse of Indigenous and traditional knowledge reflects deeper failures in both legal doctrine and industry practice. Existing intellectual property frameworks privilege individual authorship, fixed expressions, and market ownership, leaving little room for the collective, intergenerational, and relational forms of knowledge that define many Indigenous cultural traditions. At the same time, industry norms have long treated Indigenous cultures as aesthetic inspiration rather than as living systems of meaning governed by their own laws, protocols, and responsibilities. Together, these legal and institutional gaps have enabled the repeated appropriation, distortion, and commodification of Indigenous identity under the guise of creative freedom.

This moment, however, presents an opportunity for recalibration. Just as emerging technologies such as deepfakes and generative artificial intelligence have forced lawmakers and creators to reconsider how consent, authorship, and identity are protected in digital spaces, the entertainment industry must now confront how it engages with collective cultural rights. In both

⁹¹ See KUPRECHT, *supra* note 46.

⁹² See WORLD INTELL. PROP. ORG, *supra* note 45.

⁹³ See Gross, *supra* note 83.

contexts, the core question is not simply technological or artistic innovation, but power: Whose voices are authorized to tell stories, whose identities are rendered legible or expendable, and whose harms are deemed legally cognizable? Addressing Indigenous cultural misuse in Hollywood therefore requires more than piecemeal reform; it demands a fundamental shift in how law and industry conceptualize ownership, consent, and creative authority.

Protecting Indigenous knowledge in Hollywood is not only about correcting misrepresentation after the fact. It is about restoring balance in systems that have historically extracted value without accountability. Indigenous communities have long safeguarded their traditions through sophisticated systems of collective stewardship, obligation, and reciprocity—systems that predate and, in many cases, directly conflict with Western intellectual property regimes. These frameworks recognize that cultural expressions carry responsibilities as well as rights, and that not all knowledge is meant to be freely circulated, monetized, or detached from its community context. When Hollywood ignores these principles, it does more than produce inaccurate stories; it erodes cultural continuity and undermines Indigenous sovereignty.

Yet efforts to address these harms through legal reform raise an inherent tension. The solutions most readily available, including expanded intellectual property protections and enforceable consent regimes, operate within the very Western legal frameworks that have historically marginalized Indigenous systems of governance. While such tools may offer pragmatic avenues for reform within existing institutions, they are not neutral solutions. Rather, they reflect an attempt to translate Indigenous concepts of stewardship, responsibility, and collective authority into a legal language that has not always recognized them on their own terms.

Meaningful reform will require action on multiple fronts. Legal innovation, including the recognition of collective rights and enforceable consent mechanisms, can provide essential structural protections. At the same time, industry-led reforms—such as cultural impact assessments, enforceable protocols, and partnership-based production models—are critical to ensuring that these protections translate into practice. Importantly, the examples discussed in this Article demonstrate that such reforms are neither speculative nor incompatible with commercial success. Projects that center Indigenous leadership and shared authority have produced critically acclaimed, culturally grounded, and economically viable work, challenging the assumption that ethical storytelling constrains creativity.

Ultimately, a more just and inclusive entertainment industry will emerge only when Indigenous peoples are no longer treated as cultural resources to be mined, consulted, or symbolically included, but as sovereign communities and knowledge-holders with the authority to determine how their traditions are represented. This shift does not diminish artistic expression; it enriches it. By recognizing Indigenous legal and cultural systems as essential foundations rather than obstacles, Hollywood can move toward storytelling practices rooted in respect, reciprocity, and

accountability. In doing so, the industry has the opportunity not only to address past harms, but to model a future in which creativity and cultural sovereignty are mutually reinforcing rather than fundamentally at odds.