WIPO SEMINAR ON INTELLECTUAL PROPERTY AND TRADITIONAL CULTURAL EXPRESSIONS



National Copyright Administration of China Hu Shuang

Draft of Provisional Regulations on the Copyright Protection of Folk Literary and Artistic Works of China

01. Why Do We Draft It

Authorized by PRC Copyright Law

The Purpose of the Draft

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01. Why Do We Draft It

Authorized by PRC Copyright Law

Article 6 of PRC Copyright Law: Measures for the protection of copyright in folk literary and artistic works shall be established separately by the State Council.

Artical 1 of the Draft

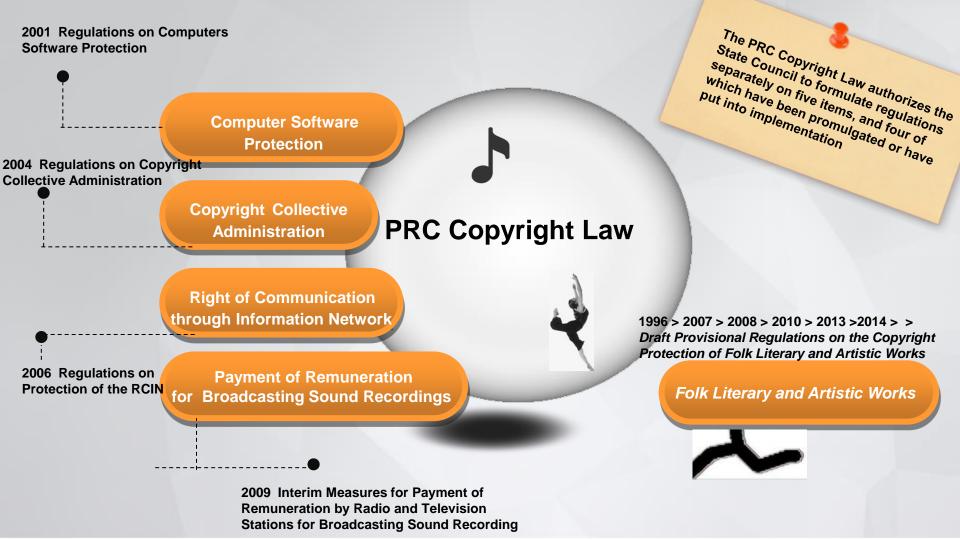
For the purpose of providing copyright protection for folk literary and artisitic works, of guaranteening the proper use of folk literary and artisitic works, and to encouraging the inheritance and development of it, this Regulation is enact in accordance with the Artical 6 of PRC copyright law.











02.What Is It About

——Subject Matter

Artical 2: Definition

Folk literary and artistic works in this regulation refer to literary and artistic works that are created and transmitted from generation to generation, in a collective context, by unspecified members of a particular nation, ethnic group or community, and embody the traditional ideas and cultural values of the nation, ethnic group or community.

Folk literary and artistic works include but are not limited to the following types:

- (i) Folk tales, Legends, poems, ballads, and other works expressed in speech or writing;
- (ii) Folk songs, instrumental music, drama, and other works expressed in forms of music;
- (iii) Folk dances, songs and dances, rituals, and other forms of works expressed in action, posture, expression;
- (iv) Folk paintings, patterns, sculpture, modelling, building, and other works expressed in plan or three-dimensional forn

Folk Literary and Artistic Works Vs. Works in PRC Copyright Law

In Common

- ▶Intellectual products in literary, artistic, and scientific domain;
- **▶**Originality requirement;
- **▶**Capable of being reproduced.

Particularity

- ▶The sources are with certainty;
- ▶The creators are unspecified members of nations;
- ▶The creative processes are dynamic;
- ▶The forms that present or express a certain work may be diverse.

03. Other Voices or Possiblility

- ? Works of Folk Literary and Artistic
- ? Expressions of Folklore

Authorized by PRC Copyright Law

Article 6 of PRC Copyright Law: Measures for the protection of copyright in *folk literary and artistic works* shall be established separately by the State Council.



Article 10 of Draft Amendment of PRC Copyright Law: Measures for the protection of copyright in works of *Expressions of Folklore* shall be established separately by the State Council.

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Thank You

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