

WIPO SEMINAR ON INTELLECTUAL PROPERTY AND TRADITIONAL CULTURAL EXPRESSIONS



An Aspect of *Protection for Folk Literary and Artistic Works in China*

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

02. What Is It About

——Subject Matter

Defination

Common attribute and Particularity

03. Other Voices or Possiblility

CONTENS

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 **guaranteeing 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.**



2001 Regulations on Computers
Software Protection

Computer Software
Protection

2004 Regulations on Copyright
Collective Administration

Copyright Collective
Administration

Right of Communication
through Information Network

2006 Regulations on
Protection of the RCIN

Payment of Remuneration
for Broadcasting Sound Recordings

2009 Interim Measures for Payment of
Remuneration by Radio and Television
Stations for Broadcasting Sound Recording

PRC Copyright Law



The PRC Copyright Law authorizes the State Council to formulate regulations separately on five items, and four of which have been promulgated or have put into implementation

1996 > 2007 > 2008 > 2010 > 2013 > 2014 > >
Draft Provisional Regulations on the Copyright Protection of Folk Literary and Artistic Works

Folk Literary and Artistic Works



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 form

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 Possibility

- ? 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.

WIPO SEMINAR ON INTELLECTUAL PROPERTY AND TRADITIONAL CULTURAL EXPRESSIONS



Thank You

National Copyright Administration of China
Hu Shuang