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

National Copyright Administration of China
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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

Definition

Common attribute and Particularity

03. Other Voices or Possibility
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 artistic works, of guaranteeing the proper use of folk literary and artistic works, and to encouraging the inheritance and development of it, this Regulation is enact in accordance with the Artical 6 of 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.

- **Computer Software Protection**
- **Copyright Collective Administration**
- **Right of Communication through Information Network**
- **Payment of Remuneration for Broadcasting Sound Recordings**


- **Folk Literary and Artistic Works**
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.
Thank You

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