Intangible Cultural Heritage Law of the PRC

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Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Survey of ICH Items and Establishment of ICH Lists 2

Chapter III — Inheritance and Dissemination of ICH Items 3

Chapter IV — Measures for the Protection of ICH Items 3

Chapter V — Legal Liability 4

Chapter VI — Supplementary Provisions 4

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Table of Contents

- Chapter I — General Provisions
- Chapter II — Survey and Establishment of ICH Lists
- Chapter III — Inheritance and Dissemination
- Chapter IV — Protection Measures
- Chapter V — Legal Liability
- Chapter VI — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of carrying forward the fine traditional culture of the Chinese nation, promoting the development of the socialist spiritual civilization, strengthening the protection and preservation of intangible cultural heritage items, and inheriting and promoting the fine traditional culture of the Chinese nation.

Article 2 — For purposes of this Law, "intangible cultural heritage" (hereinafter referred to as "ICH") means the various traditional cultural expressions which are passed down from generation to generation by the people of all ethnic groups in China and regarded as part of their cultural heritage, as well as physical objects and places associated with traditional cultural expressions, including:

(1) traditional oral literature and the language as its vehicle;

(2) traditional fine arts, calligraphy, music, dance, drama, folk art forms, and acrobatics;

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(3) traditional techniques, medicine, and the lunar calendar;

(4) traditional rituals, festivals, and other folk customs;

(5) traditional sports and games; and

(6) other ICH items.

Article 3 — The state shall adopt measures such as confirmation, documentation, and research for the ICH items to be protected, and shall adopt measures such as inheritance and dissemination for the ICH items that reflect the fine traditional culture of the Chinese nation and have historical, literary, artistic, and scientific value, so as to provide protection and preservation for such items. The use of ICH items shall respect their forms and connotations. The use of ICH items shall be conducive to enhancing the cultural identity of the Chinese nation, safeguarding national unity and ethnic solidarity, and promoting social harmony and sustainable development.

Article 4 — The protection of ICH items shall focus on authenticity, integrity, and inheritance, be conducive to enhancing the cultural identity of the Chinese nation, safeguarding national unity and ethnic solidarity, and promoting social harmony and sustainable development.

Article 5 — The use of ICH items shall respect their forms and connotations. No entity or individual may, in the name of protection of ICH items, harm national security or public interests, or infringe upon the lawful rights and interests of others.

Article 6 — The state shall support the protection and preservation of ICH items in ethnic autonomous areas, remote and border areas, and poverty-stricken areas.

Article 7 — The administrative department of culture under the State Council shall be responsible for the protection and preservation of ICH items throughout the country. The administrative departments of culture of the local people's governments at or above the county level shall be responsible for the protection and preservation of ICH items within their respective administrative areas. Other relevant departments of the people's governments at or above the county level shall, within the scope of their respective functions and duties, be responsible for the work relating to the protection and preservation of ICH items.

Article 8 — The people's governments at or above the county level shall incorporate the protection and preservation of ICH items into their national economic and social development plans and include the funds for protection and preservation in their fiscal budgets. The state shall encourage and support citizens, legal persons, and other organizations in their participation in the protection and preservation of ICH items.

Chapter II — Survey of ICH Items and Establishment of ICH Lists

Article 9 — The state shall organize a survey of ICH items. The administrative department of culture under the State Council shall be responsible for organizing the survey work. The administrative departments of culture of the local people's governments at or above the county level may conduct special surveys of ICH items in their respective administrative areas.

Article 10 — The state shall establish a national list of ICH items for protection. The State Council shall determine the national ICH items to be included in the list from among the ICH items that are of great value and widely distributed. The administrative department of culture under the State Council shall organize the formulation of the standards and procedures for the establishment of the national ICH list. The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall establish local ICH lists for protection and shall report the items included in the lists to the State Council for record-filing purposes.

Article 11 — Citizens, legal persons, and other organizations may make suggestions to the administrative departments of culture regarding the ICH items to be included in the ICH lists. The administrative

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departments of culture shall, in accordance with the prescribed procedures, accept and process such suggestions.

Article 12 — The administrative departments of culture and other relevant departments shall collect physical objects and materials relating to ICH items that are confirmed to have been passed down through generations and are of great value. The administrative departments of culture shall organize experts to evaluate and assess the ICH items to be included in the ICH lists.

Chapter III — Inheritance and Dissemination of ICH Items

Article 13 — The state shall recognize representative inheritors of ICH items and encourage and support the representative inheritors in their inheritance and dissemination activities. The administrative department of culture under the State Council and the administrative departments of culture of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall determine the representative inheritors of ICH items included in the national and local ICH lists, respectively.

Article 14 — Representative inheritors of ICH items shall meet the following conditions:

(1) having long-term experience in and mastery of the ICH items they inherit;

(2) being representative within a certain area and influential within the domain; and

(3) actively carrying out inheritance activities and cultivating successors.

Article 15 — Representative inheritors of ICH items shall perform the following obligations:

(1) carrying out inheritance activities and cultivating successors;

(2) properly preserving the physical objects and materials relating to the ICH items;

(3) cooperating with the administrative departments of culture and other relevant departments in their survey of ICH items; and

(4) participating in activities for the public welfare dissemination of ICH items.

Article 16 — The administrative departments of culture of the people's governments at or above the county level shall, in accordance with the needs, support the representative inheritors of ICH items in their inheritance and dissemination activities by such means as providing necessary venues for inheritance, funding, and other support.

Article 17 — The state shall encourage and support the dissemination of ICH items. Schools shall, in accordance with the provisions of the administrative department of education under the State Council, carry out education relating to ICH items. The news media shall carry out publicity on ICH items and their protection, and disseminate knowledge relating to the protection of ICH items. Libraries, cultural centers, museums, and science and technology centers shall, in accordance with their respective business scopes, carry out activities such as sorting, research, and dissemination of ICH items.

Article 18 — The state shall encourage and support citizens, legal persons, and other organizations in establishing exhibition venues and inheritance bases for ICH items in accordance with the law and displaying and passing down ICH items.

Article 19 — The state shall encourage and support the rational use of ICH items in the development of cultural products and cultural services that have local and ethnic characteristics and reflect the market demand.

Chapter IV — Measures for the Protection of ICH Items

Article 20 — The administrative departments of culture of the people's governments at or above the county level shall, in light of the characteristics and current state of the ICH items, formulate protection plans for the

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ICH items. The protection plans shall include the objectives of protection, the content of protection, the methods of protection, the measures for protection, and other matters.

Article 21 — For ICH items included in the national ICH list, the administrative department of culture under the State Council shall organize the formulation of protection plans. For ICH items included in the local ICH lists, the administrative departments of culture of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall organize the formulation of protection plans.

Article 22 — For the ICH items that have a profound mass base and prominent value, the administrative departments of culture of the people's governments at or above the county level may, upon approval by the people's governments at the corresponding level, designate cultural ecological protection zones and adopt regional overall protection measures.

Article 23 — Where the ICH items involve trade secrets, the relevant departments and units shall fulfill their confidentiality obligations in accordance with the law. Where the ICH items involve the application of traditional crafts, raw materials, and other physical objects, the state shall support and protect them in accordance with the law.

Article 24 — Where investigation, interview, video recording, audio recording, and other safeguarding activities are conducted in respect of the physical objects and venues of the ICH items, the relevant entities and individuals shall provide cooperation and support.

Article 25 — The administrative departments of culture of the people's governments at or above the county level shall conduct comprehensive and systematic records of the ICH items included in the ICH lists, establish files and databases, and properly preserve the relevant physical objects and materials.

Chapter V — Legal Liability

Article 26 — Where any administrative department of culture or any other relevant department, in violation of the provisions of this Law, neglects its duties, abuses its power, or engages in malpractices for private gain, the directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law.

Article 27 — Where any staff member of an administrative department of culture or any other relevant department, in the course of the survey, protection, and preservation of ICH items, infringes upon the lawful rights and interests of the surveyed entity or individual or damages the physical objects and materials of the ICH items, the entity or individual concerned shall compensate for the losses in accordance with the law.

Article 28 — Where any entity or individual, in violation of the provisions of this Law, damages the physical objects and venues that are part of the ICH items, the administrative department of culture shall impose a warning; if the circumstances are serious, a fine of not less than 2,000 yuan but not more than 20,000 yuan shall be imposed; if a crime is constituted, criminal liability shall be investigated in accordance with the law.

Article 29 — Where any entity or individual, in violation of the provisions of this Law, engages in destructive development and use of ICH items, the administrative department of culture shall order it to make corrections and may impose a fine in accordance with the law; if the circumstances are serious, criminal liability shall be investigated in accordance with the law.

Chapter VI — Supplementary Provisions

Article 30 — The protection of traditional Chinese medicine, traditional arts and crafts, and other matters for which laws and administrative regulations provide otherwise shall be governed by such laws and administrative regulations. The protection of ICH items relating to the spoken and written language of minority ethnic groups shall be governed by the Law of the People's Republic of China on Regional Ethnic

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Autonomy.

Article 31 — The protection of ICH items in the Hong Kong Special Administrative Region and the Macao Special Administrative Region shall be separately prescribed by their respective governments in accordance with the law.

Article 32 — This Law shall enter into force on June 1, 2011.

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