

Abstracts

Copyright in Relation to Digital Archives of Intangible Cultural Heritage

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Under the current intellectual property system, only a limited-time period of legal protection is awarded to the subject matters which meet certain criteria. However, since most intangible cultural heritage does not meet this criteria or the time period for legal protection has been long overdue, it falls into the category of the public domain. As a result, the cases of individuals and companies misappropriating intangible cultural heritage without receiving consent from communities are continuously occurring. At the same time, distortion of the original meaning of intangible cultural heritage and outsiders' monopolization of the benefits made by using cultural heritage which belongs to other communities are increasing. With respect to this issue, various international discussions have taken place as of today, mainly spearheaded by United Nations Education, Science and Cultural Organization (UNESCO) and World Intellectual Property Organization (WIPO), in order to coordinate the differing interests among relevant actors of this issue.

This paper analyses the major legal issues occurring during the process of documentation and archiving of intangible cultural heritage, primarily that of intellectual property. For a more systematic analysis of the study, the paper divided the issue into three different categories: the subject matter (Object of Right), beneficiaries (Subject of Right) and methods (Substances of Right). On the basis of this analytical framework, the paper reviews the documentation and archiving of intangible cultural heritage practices in Korea (documentation of Korea's Important Intangible Cultural asset) as of present, and concludes its study by identifying the major tasks necessary to be solved in the future.

keywords: Intangible Cultural Heritage, Intellectual Property Right, Traditional Cultural Expressions, Traditional Knowledge, Copyright, ICHPEDIA