

Abstract**A Case Study on Protection of Folklore through Copyright**
-Focusing on the Beijing Supreme People's Court Decision 2003
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The main issue regarding the copyright protection of folklore is whether indigenous peoples can enjoy copyright to the folklore. There are some related regulations on the copyright protection of folklore, such as the Berne Convention, the Model Regulation, the Rome Convention, and the WIPO IGC is negotiating on the protection of intellectual property and folklore, but no international agreement has yet been reached. Under this circumstance, in 2003, in China, for the first time since the enactment of the Copyright Act, there has been a case in which local governments have filed lawsuits on behalf of ethnic minorities for copyright infringement on folk literary and artistic work. In the "The Wusuli Chantey" case, the Chinese court judged that the people's government inhabited by ethnic minorities can be a party to litigation, but did not mention that the people's government is the owner of civil and literary works of art. Today, in Chinese academia, the case is still being heard about whether the ethnic minority community can enjoy copyright and whether the local government can become the owner of folklore. Recently as Nagoya Protocol enters into force, an increasing emphasis is placed on the traditional knowledge of genetic resources. In the future, if China claims that its ownership of traditional knowledge associated with genetic resources is not a minority but a people's government, this case will have particular significance and implications.

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Keywords

Folklore, Traditional Knowledge, Traditional Knowledge Associated with Genetic Resources, Folk Literary and Artistic Work, Copyright, The Wusuli Chantey, Nagoya Protocol

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