

Interim Measures for the Protection and Administration of National Intangible Cultural Heritages

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The Interim Measures for the Protection and Administration of National Intangible Cultural Heritages, which were deliberated and adopted at the executive meeting of the Ministry of Culture on October 25, 2006, are hereby promulgated for effect as of December 1, 2006.

November 2, 2006

Interim Measures for the Protection and Administration of National Intangible Cultural Heritages

Article 1 These Measures are specially formulated for the purpose of effectively protecting and passing down national intangible cultural heritages and strengthening the administration of the protection work.

Article 2 The “national intangible cultural heritage” as mentioned in these Measures refers to all the intangible cultural heritage projects that have been incorporated into the inventory of national intangible cultural heritages as approved and promulgated by the State Council.

Article 3 The protection of national intangible cultural heritages shall conform to the guidelines of “giving priority to protection, putting rescue at the first place, rational utilization, and succession and development”, and stick to the protection principles of authenticity and integrity.

Article 4 The culture administrative department of the State Council shall be responsible for organizing, coordinating and supervising the protection of national intangible cultural heritages across the country.

The culture administrative department of the provincial people’s government shall be responsible for organizing, coordinating and supervising the protection of national intangible cultural heritages within its own administrative area.

The culture administrative department of the people’s government of the place where a national intangible cultural heritage project is located shall be responsible for organizing and supervising the specific protection of this project.

Article 5 The culture administrative department of the State Council shall organize to formulate the overall plan on protection of national intangible cultural heritages, and regularly inspect the

implementation of the plan.

The culture administrative department of the provincial people's government shall organize the formulation of the plan on the protection of the national intangible cultural heritage projects within its own administrative area, and inspect the implementation of the plan upon approval of the culture administrative department of the State Council, and submit a report on the implementation of the protection plan in the current year and the protection plan for the following year to the culture administrative department of the State Council before the end of November every year.

Article 6 A protection institution shall be determined for a national intangible cultural heritage project and shall specifically undertake the protection and succession of this project. The list of recommended protection institutions shall be proposed by the region or entity applying for this project, and be reported to the culture administrative department of the State Council for confirmation after the deliberation of experts organized by the provincial culture administrative department.

Article 7 The protection institution for a national intangible cultural heritage project shall meet the following basic requirements:

- (1) Having the representative successor for or relatively complete materials about this project;
- (2) Having the ability to implement the plan on protection of this project; and
- (3) Having the place and conditions for carrying out succession and exhibition activities.

Article 8 The protection institution for a national intangible cultural heritage project shall perform the following duties:

- (1) Comprehensively collecting physical objects and materials about this project, and registering, sorting out and establishing the archives for them;
- (2) Providing necessary conditions for succession of and other relevant activities about this project;
- (3) Effectively protecting relevant cultural places for this project;
- (4) Actively carrying out exhibitions about this project; and
- (5) Reporting the situation on protection of this project to the culture administrative department of the local people's government, and be subject to the supervision thereof.

Article 9 The culture administrative department of the State Council will uniformly make plaques for a national intangible cultural heritage project, and the culture administrative department of the provincial people's government will give them to the protection institution for this project for hanging and preservation.

Article 10 The culture administrative department of the State Council will give necessary monetary subsidies to a national intangible cultural heritage project.

The culture administrative department of the people's government at or above the county level shall actively obtain the financial support from the local government, and give subsidies to the protection of national intangible cultural heritage projects within its own administrative area.

Article 11 The protection institution of a national intangible cultural heritage project shall, according to the principle of free will, propose the list of recommended representative inheritors for this project, and report it to the culture administrative department of the State Council for approval after the deliberation by the experts organized by the culture administrative department of the provincial people's government.

Article 12 The representative inheritor for a national intangible cultural heritage project shall meet the following requirements:

- (1) Having completely grasped this project or its special skills;
- (2) Having the recognized representativeness, authority and influences to this project; and
- (3) Actively carrying out succession activities, and cultivating successors.

Article 13 The representative inheritor for a national intangible cultural heritage project shall perform the succession obligation, and in case such an inheritor has lost the succession ability and can not perform the succession obligation, the representative inheritor for this project shall be separately affirmed according to the procedures; and an inheritor who is idle to perform the succession obligation shall be disqualified of his qualification to be a representative inheritor.

Article 14 The culture administrative department of the State Council will organize to establish a national intangible cultural heritage database. A qualified region shall establish a national intangible cultural heritage museum or exhibition place.

Article 15 The culture administrative department of the State Council will organize to formulate the grading standards and exit and entry standards for the physical materials about national intangible cultural heritages. Any physical object recognized as a heritage by the heritage agency shall be governed by the relevant laws and regulations on heritage protection.

Article 16 The protection institution of a national intangible cultural heritage project and the protection institution of relevant physical materials shall establish and improve rules and systems, properly keep physical materials, and prevent them from destruction and loss.

Article 17 The cultural administrative department of the people's government at or above the country level shall encourage and support the publicity and popularization of the knowledge on national intangible cultural heritages through festival activities, exhibitions, trainings, education, and mass media, etc., so as to promote the succession and social sharing thereof.

Article 18 The cultural administrative department of the provincial people's government shall draw a protection scope for the cultural site depended by a national intangible cultural heritage project, make explanatory plaques, carry out overall protection, and report it to the cultural administrative department of the State Council for archival purposes.

Article 19 The cultural administrative department of the provincial people's government may choose a national intangible cultural heritage project within its own administrative area and apply to the cultural administrative department of the State Council for the masterpiece of intangible

cultural heritage of humanity.

Article 20 No name or protection institution of a national intangible cultural heritage project may be illegally altered. Without approval of the cultural administrative department of the State Council, no plaque of a national intangible cultural heritage project may be duplicated or transferred.

The registration and protection of the domain names and trademarks of the intangible cultural heritage projects shall be carried out according to the relevant laws and administrative regulations.

Article 21 To make use of a national intangible cultural heritage project for art innovations, product development, traveling activities, etc., the real form and cultural connotations thereof shall be respected, and the distortion and abusive use thereof shall be prevented.

Article 22 In case a national intangible cultural heritage project contains state secrets, it shall be protected by determining the degree of confidentiality according to the laws and regulations of the state on confidentiality; and if it contains any business secrets, the relevant laws and regulations of the state shall be applied.

Article 23 The cultural administrative department of the people's government at each level shall encourage and support enterprises, public institutions, social groups and individuals to endow physical materials about national intangible cultural heritages or endow funds and physical objects for the protection of national intangible cultural heritages.

Article 24 The cultural administrative department of the State Council praises and rewards those entities or individuals who have made outstanding achievements in the protection of national intangible cultural heritages.

Article 25 The cultural administrative department of the State Council will regularly organize the inspections of the protection of national intangible cultural heritage projects.

In case the protection institution of a national intangible cultural heritage project commits any of the following acts, the cultural administrative department of the people's government at or above the county level shall order it to make correction, and give it a warning, serious warning until the revocation of the protection institution qualification in light of the severity of circumstances:

- (1) Illegally reproducing or transferring plaques;
- (2) Occupying the precious physical materials about any national intangible cultural heritage; or
- (3) Being idle to perform the protection obligation.

Article 26 If any principal or any other person held to be directly responsible commits any of the following acts, he shall be given an administrative sanction; and if a crime is constituted, he shall be subject to criminal liabilities:

- (1) Illegally changing the name or protection institutions of a national intangible cultural heritage project;

(2) Neglecting duties so that the cultural site depended by a national intangible cultural heritage or the environment thereof is destroyed; or

(3) Embezzling or misappropriating the funds for protection of a national intangible cultural heritage project.

Article 27 The power to interpret these Measures shall remain with the cultural administrative department of the State Council.

Article 28 These Measures shall come into force as of December 1, 2006.