

Summary

The Korean report has been submitted by the National Research Institute of Cultural Heritage (NRICH). The Institute is a governmental organisation involved mainly in the field of research of cultural heritage in Korea. NRICH main goal is to contribute to the advancement of national culture through conservation, by creating value from cultural heritage.

1. Institutes Profile and ICH Related Activities

The report refers to two main institutes as part of the ICH-IP field survey: the national Research Institute of Cultural Heritage, and its parent organisation the Cultural Heritage Administration in Korea.

1) National Research Institute of Cultural Heritage (NRICH)

NRICH has been set up as Cultural Heritage Research Office by the Ministry of Culture and Information since November 5, 1969.

Its major goal is to promote the value of cultural heritage through the creation and use of cultural heritage knowledge. However, the institute operates on a multiple functions base:

- Cultural heritage research and information institute
- Cultural heritage complex research institute
- Cultural heritage conservation research institute
- Cultural heritage policy leading research institute
- Cultural heritage research exchange and international cooperation institute.

NRICH field of activities are various: national cultural heritage, including intangible cultural heritage, archaeology, artistic and architectural heritage, natural heritage, and conservation science.

2) Cultural Heritage Administration (CHA)

NRICH cooperates with CHA, a parent organisation in charge of tasks related to preserving, managing, promoting cultural heritage. CHA represents a central administration agency under the Ministry of Culture, Sports and Tourism.

CHA has three main goals in the field of culture heritage:

- Establishment of a base for conserving and managing cultural heritage by enhancing the quality of heritage policy and research and by training specialists in the field of cultural heritage.
- Enhancement of the quality of conservation and management of cultural heritage to increase the social, historical, and economic values of cultural heritage.
- Expansion of the value of Korean cultural heritage domestically and internationally, by increasing opportunities for the appreciation of cultural heritage.

Several activities have been performed by CHA as Cultural Heritage Centre:

- Designation and Registration of Cultural Heritage.
- Approval for Alteration and Excavation.
- Conservation of Cultural Heritage and Financial Support.
- Management of Royal Palaces, Tombs, and Historic Sites of the Joseon Dynasty.
- Globalisation of Cultural Heritage and Exchange with North Korea.
- Research and Investigation of Cultural Heritage and Training of Specialists.

2. Information Building and Sharing

NRICH ongoing project is related to the preservation of ICH.

1) Information Building and Sharing Activities

The institute is involved in many activities in the field of information building and sharing activities for the protection of intangible cultural heritage. The activities are categorised into five types:

- Documentation
- Construction of a database and archives
- Digitisation
- Publication and dissemination of relevant documents
- Others (including the organisation of an ICH photo exhibition).

2) Different stages

The institute follows different stages in the realisation of IBSA: Firstly, the records feature the entire process of bearers performing skills or exercising artistic talents, along with the description of their activities to conduct education for transmitting the skills or talents. Secondly, the records are produced in the form of images, photos and books. Thirdly, the final products of recordings are classified into images, photos, and texts. Then, there is documentation of the standard data production. Fourthly, photos, images, and text materials have been converted into digital files. Finally the institute proceeds with the dissemination of various publications on ICH. At this stage, the exhibitions are held for better information of the general public about ICH. The report mentions that NRICH organised an ICH photo exhibitions in 2009 and 2010 in Seoul, Daejeon, and Ulsan. Photographers have been engaged in the ICH recording projects undertaken by NRICH. In this case, exhibitions provided an opportunity for the general public to be better informed about ICH.

3. Intellectual Property Guidelines in Institute

NRICH practices numerous activities in different fields of ICH such as music, dance, play, ceremony, handicrafts, food, and martial arts.

1) IP Guidelines in Institute

In relation to NRICH projects, ICH data is mostly gathered through the fieldwork and documentation as well as donation. The report mentions about some IP guidelines operating at NRICH. As for example:

- Prior checklists, issues regarding field recording, matters to be documented, field recording, and editing.
- Practitioners' informed consent before the project launching, for the use and also publicity of the materials collected in the survey.
- ICH actors' participation in the whole process of information building and sharing in full respect on UNESCO 2003 Convention Article 15.
- Consultation of ICH bearers on copyrights and rights prior video recording for documentation purposes.

2) IP Issues in Institute

The report mentions that as of 2012, NRICH does not have any department in charge of ICH intellectual property rights. Also, it does not have principles to address the issues of ICH intellectual property. However, the institute has encountered several situations involving IP issues in the course of its ICH related activities.

① ICH Copyright infringement

The copyright infringement was concerning the Hwahyejang (craftsman skilled in the art of making traditional Korean shoes), a state-designated ICH. As principle adopted for addressing the issue, NRICH published documentary books on ICH as a part of an ICH documentation project. Those books describe the entire process of technical and artistic skills exercised or performed by the bearers and the books including photos. The NRICH asked bearers or practitioners to entrust the NRICH with intellectual property rights of the documentation results for public use and publication. Thus, governmental organisations in principle have actively engaged in resolving the above-mentioned issue of copyright infringement through arbitration.

② Patent dispute over jucheoljang (master specialising in iron casting skills), a state-designated ICH

As principle for managing the issue, the Korean Intellectual Property Office (KIPO) had to decide whether the patent infringed upon a national ICH bearer. However, legal dispute arose over traditional knowledge of ICH during the invalidation trial. After this trial, it was commonly recognised that institutional improvements were required in regards to intellectual property protection of technological and artistic skills that were designated as important ICH.

- ③ Dispute Resolution Procedure about ICH ownership conflicts. Case of shared ICH literary based works between different authors.
- ④ Issue of authority between ownership recognition at the national level and designation ICH bearer at the national authorities.
- ⑤ Issues raised by dual designation system allowed by the Korean Cultural Heritage Protection Act (as amended by Act No.10000, Feb. 4, 2010).

In conclusion, although NRICH has a guideline to address intellectual property rights regarding ICH information building and sharing activities, those rules are not just applied to activities related to ICH, but also to all kinds of cultural heritage.

The institute therefore mentioned in its concluding remarks the imperativeness of provisions on intellectual property to be included in new legislation, such as an act on protecting and promoting ICH. In terms of future plans, the institute plans to make a study of the policy for intellectual property rights in the protection, preservation, and utilisation of ICH.