

# **Protection and Inheritance of Intangible Cultural Heritage: Comparison of Global and Local Practices From the Perspective of Cultural Thought**

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**Abstract:** Intangible cultural heritage (ICH) represents unique traditions and practices that are passed down through generations. Our study investigated various aspects of intangible cultural heritage (ICH) protection and inheritance, drawing on survey data, interviews/focus groups, and document analysis. The survey (n=25) revealed a moderately aware population regarding government safeguarding initiatives in China, but knowledge of specific programs was lower. Participants emphasized the importance of preserving ICH and identified challenges such as declining interest from younger generations and commercialization of practices. Workshops and skill-sharing sessions were the most preferred method for ICH transmission, followed by educational programs and family-based transmission. Analysis of the legal framework in China revealed a dedicated ICH Law (2011) with strengths in establishing a framework and documentation focus. However, limitations in community participation and enforcement mechanisms were identified. Challenges included declining interest from younger generations due to societal shifts, and the potential negative impact of commercialization on cultural authenticity. Overall, the study highlights the importance of a multifaceted approach to ICH protection and inheritance.

**Keywords:** Intangible Cultural Heritage; China; Protection; Legal Framework; Safeguarding

## **1. INTRODUCTION**

Intangible cultural heritage (ICH) represents unique traditions and practices that are passed down through generations. These traditions encompass knowledge, skills, and expressions that define a community's cultural identity (Xiao, 2022; Zhang et al., 2022). Unlike tangible cultural heritage, ICH is not rooted in physical objects, but rather in the memories, practices, and oral histories passed down from ancestors. Studying and safeguarding ICH is crucial for understanding a nation's history, cultural

development, and artistic expression (Zhang et al., 2022). It fosters a sense of belonging and strengthens national identity. Intangible cultural resources classification serves as the foundation for developing intangible cultural projects and fostering the growth of intangible culture itself (Junping & Huixia, 2022). It encompasses six main categories: belief-based intangible culture, life-related intangible culture, social intangible culture, economic intangible culture, folklore intangible culture, and entertainment intangible culture. The safeguarding and transmission of intangible cultural heritage (ICH) in China has undergone a significant transformation, evolving from a primarily industry-driven endeavour to a broader social effort characterized by extensive multi-sectoral participation (Cui et al., 2021). This shift necessitates a renewed focus on fostering awareness and engagement among younger generations, as their active involvement is crucial for the continued vitality of ICH. Intangible cultural heritage (ICH) plays a vital role in tourism development. Understanding current trends, such as the emphasis on independent innovation and the exploration of themes like "poetry" and "distance," can inform strategies for leveraging ICH in tourism (Fan & Wang, 2022). China's rich history boasts a wealth of intangible cultural heritage elements. These traditions and practices, accumulated over millennia, represent the essence of Chinese culture and are a key component of the nation's enduring civilization. Globalization and modernization present a complex landscape for cultural heritage (Jiang, 2020). The increasing interconnectedness of the world can pose a threat to cultural diversity and local traditions. Younger generations, raised in this environment, may face a diminishing sense of connection to their cultural identities. Additionally, rapid, unplanned urbanization can disrupt the natural habitats and social environments where intangible cultural heritage thrives. These factors raise concerns about the future preservation and transmission of these valuable traditions. Daoqing, also known as Yudu, is a category of Chinese Han folk art characterized by singing and spoken performance (Jiang, 2020). Notably, Yiwu boasts a long history of Taoist influence and renowned artists associated with the art form. Recognizing its cultural significance, Yiwu Daoqing was inscribed on the national intangible cultural heritage list in December 2007. In China, a stark example of ICH endangerment is evident in Unity Yao Village, where over 80 traditional folk-art forms have dwindled to a mere 10 since the early 1990s. This decline highlights the vulnerability of cultural heritage in the face of rapid change. Similarly, Zhihui Temple Beijing Music, boasting a rich 570-year history after its introduction from the imperial court, faces a critical juncture. War and dwindling interest in Buddhist temple music have

resulted in the loss of over 255 musical pieces from the original repertoire. The burden of preserving the remaining 45 pieces falls solely on two aging inheritors (Benxing and Fuguang) from the 26th generation. The 27th generation, unfortunately, exhibits a significant decline in technical proficiency, further jeopardizing the future of this unique musical tradition. These cases exemplify the dire situation faced by many forms of ICH in the contemporary world. Gu embroidery is a revered tradition dating back to the Ming Dynasty which exemplifies the intricate relationship between artistic integration and transmission challenges. This art form flourished due to the bold artistic choices of its inheritors, who seamlessly combined elements of literati painting with complex needlework techniques. These advancements significantly impacted subsequent generations of practitioners. However, the demanding nature of Gu embroidery presents a significant barrier to its continued transmission. Mastering the craft necessitates a deep understanding of both painting and calligraphy, and producing a work of appreciable quality can take a minimum of ten years after a three-year foundational training period. This substantial time commitment discourages potential inheritors, leading to a concerning shortage of skilled practitioners and jeopardizing the future of this remarkable artistic tradition. The effective management of digital collections related to intangible cultural heritage (ICH) presents unique challenges for libraries, archives, and museums (Hariri, 2021; Hou et al., 2022; Ziku, 2020). Standard library cataloguing rules and established vocabularies often struggle to fully capture the nuances of these cultural assets. Additionally, the principles and methods of traditional art cataloguing may not be entirely suitable for modern digital systems and social applications. The early 1950s marked the systematic ICH protection practices in China. The government established dedicated departments and trained specialists to embark on a nationwide investigation of cultural heritage among minority groups (Qiu et al., 2022). This initiative culminated in the implementation of measures to safeguard a significant number of traditional arts and crafts. The government's recognition extended to individual artisans, with the designation of 200 individuals as national arts and crafts masters. The discourse surrounding ICH protection frequently intersects with conventional intellectual property (IP) systems. Within the globalized economy, established IPR frameworks serve as the primary and formalized mechanism for safeguarding knowledge-based rights. Given the essentially intangible nature of ICH knowledge, some scholars argue that intellectual property protection best aligns with its inherent characteristics. In practice, most states and international

organizations acknowledge the need for ICH protection, but the operational methods for achieving this goal remain a subject of debate. The choice lies between leveraging existing IPR regimes or establishing a new, tailored system specifically designed for ICH (Lin & Lian, 2018). In light of the previous studies, the main objective of our study is to investigate the protection and inheritance of intangible cultural heritage (ICH) with a comparative analysis examining both global and local (China) practices.

## 2. METHODS

### 2.1 Research Design and Participants

Our study adopted a mixed methods approach to investigate the protection and inheritance of intangible cultural heritage (ICH) with a comparative analysis examining both global and local (China) practices. Our study recruited 25 participants from the China Intangible Cultural Heritage Safeguarding Centre through purposive sampling to ensure expertise in the field. Prior to participation, all individuals provided written informed consent, and the study adhered to ethical research protocols, guaranteeing anonymity and confidentiality of the participants' data. We explicitly communicated that all data collected would be used exclusively for research purposes and would not be shared with any unauthorized parties.

### 2.2 Document Analysis and International Case Studies

Our study commenced with a document analysis of international sources to establish a foundation for understanding global frameworks, best practices, and prevailing cultural thoughts on ICH protection and inheritance. This analysis focused on relevant international documents and conventions, including the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. We also examined reports from international organizations with expertise in cultural heritage, such as UNESCO and ICOMOS. Our research employed a comparative case study approach, focusing on China alongside other successful ICH safeguarding nations like Japan and South Korea. This in-depth analysis involved examining relevant policy documents, news articles, and academic literature to understand the specific approaches adopted by these countries. By analysing into their policy frameworks, program examples, and the ways these are reflected in media and scholarly discussions, we aimed to identify key strengths and potential areas for improvement within each nation's

ICH protection strategy.

### 2.3 Policy Analysis

In China, we conducted a comprehensive policy analysis to understand the legal and policy framework guiding ICH safeguarding. This analysis involved a thorough examination of relevant Chinese policies and legal documents, including the ICH Law and the Law on the Protection of Cultural Relics.

### 2.4 Surveys and Interviews

The initial phase of our study involved administering a survey instrument to collect quantitative data from participants. The survey took approximately 3-5 minutes to complete and consisted of roughly 10 questions. The survey addressed various aspects of intangible cultural heritage (ICH) protection and inheritance with a focus on participant demographics, levels of awareness (Knowledge of existing ICH safeguarding initiatives in China), perceptions (Importance of ICH preservation, Challenges faced in ICH transmission (e.g., lack of interest from younger generations, commercialization), and Effectiveness of current safeguarding methods), and preferences (Preferred methods for ICH transmission within communities (e.g., workshops, educational programs, family traditions). In the second phase of our study, we conducted semi-structured interviews to gain in-depth qualitative data from key stakeholders. These interviews, typically lasting around 25 minutes, were held in groups of 5 to 6 participants to foster open discussion and exchange of perspectives. Our target audience included government officials, cultural heritage experts, ICH bearers (practitioners actively involved in the traditions), and community members. By interviewing such a diverse range of stakeholders, we aimed to capture a comprehensive understanding of the challenges and successes in ICH protection and inheritance from various viewpoints. We also explored the cultural values associated with these practices and how they influence transmission efforts within communities.

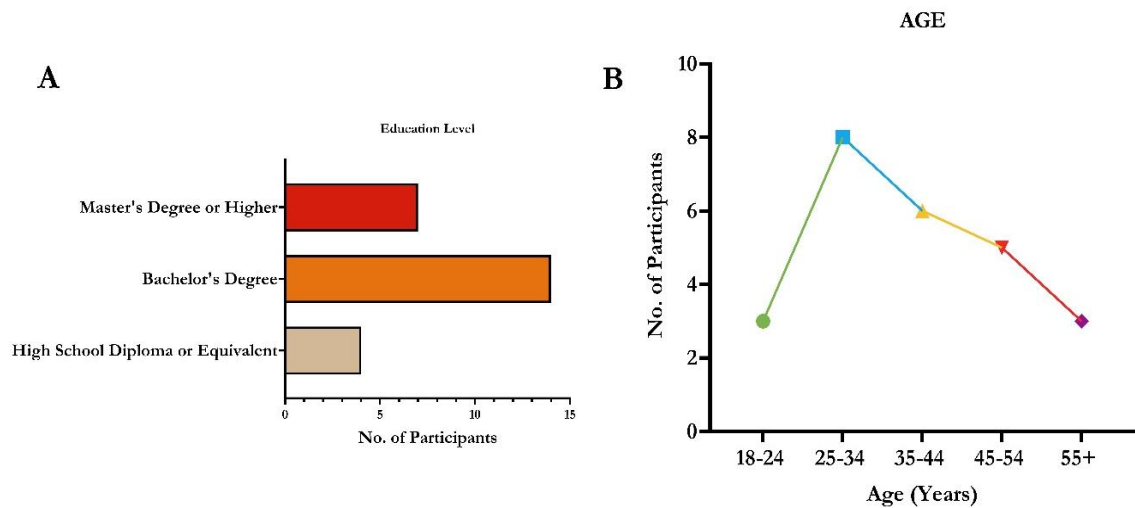
### 2.5 Data Analysis

All quantitative data were analysed in GraphPad Prism at a statistical significance of 5%. Also, we conducted thematic analysis to identify recurring themes and patterns across the different data sources to understand the similarities and differences between global and local

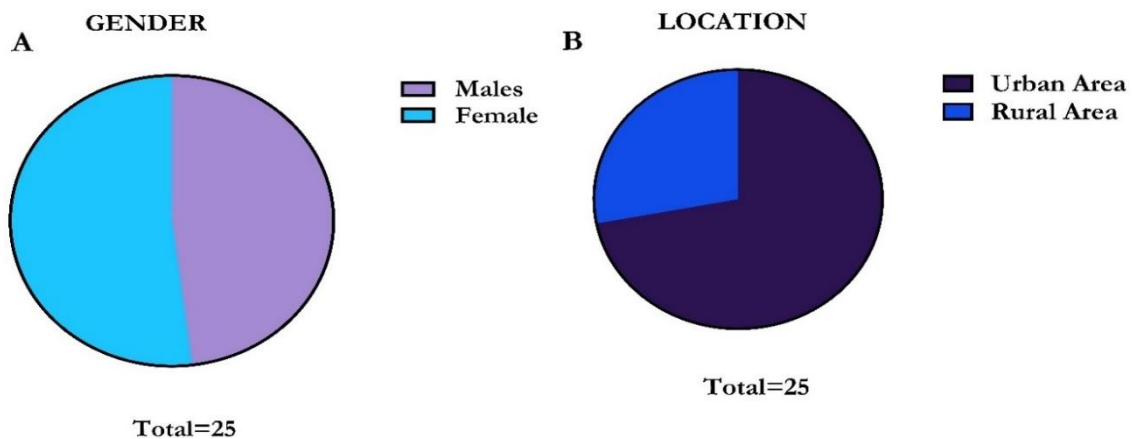
practices, considering the influence of cultural thought on these approaches.

### 3. RESULTS

The survey recruited a total of 25 participants. In terms of demographics, the age distribution was fairly balanced, with the 25–34 age group having the highest representation (32%,  $n=8$ ) followed by 18–24-year-olds (12%,  $n=3$ ), 35–44-year-olds (24%,  $n=6$ ), 45–54-year-olds (20%,  $n=5$ ), and those over 55 years old (12%,  $n=3$ ). Gender representation was almost equal with 48% ( $n=12$ ) identifying as male and 52% ( $n=13$ ) identifying as female (see Figure 1).



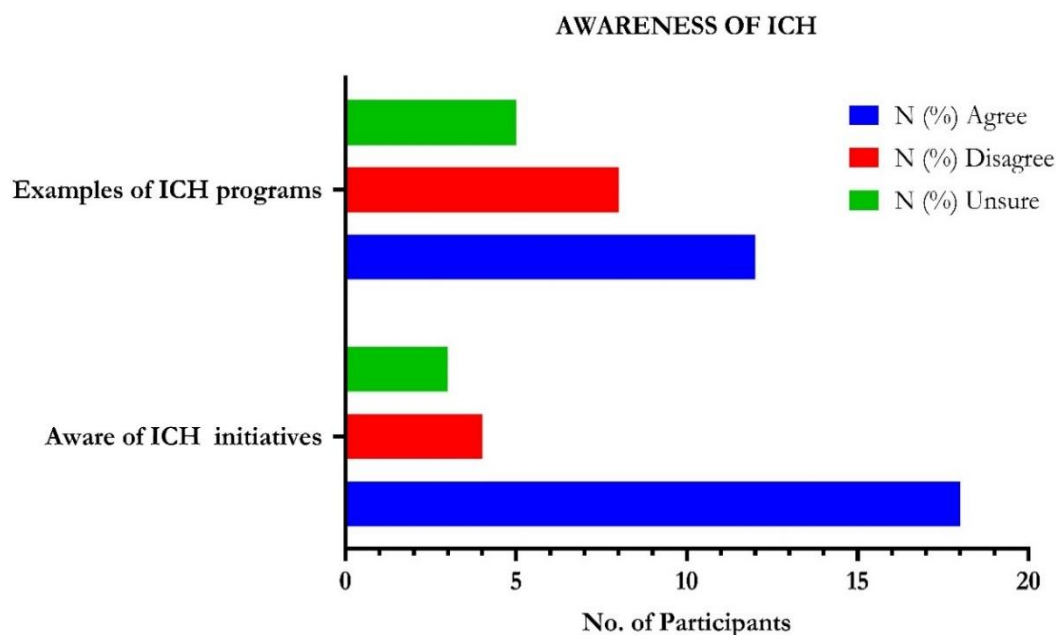
**Figure 1:** Analysis of Participant Demographics Based on Education Level and Age



**Figure 2:** Pie Chart Distribution of the Participant Demographics based on Gender and Location

In Figure 2, the majority of participants held a Bachelor's degree (56%,  $n=14$ ), followed by those with a Master's degree or higher (28%,  $n=7$ ) and high school diploma or equivalent (16%,  $n=4$ ). The survey also collected

optional location data, and the results showed that 72% (n=18) of participants resided in urban areas, while 28% (n=7) lived in rural areas.



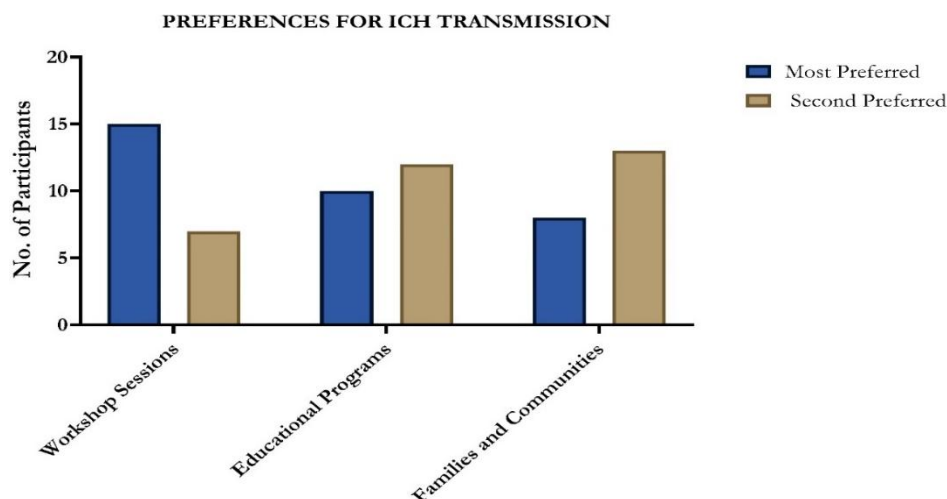
**Figure 3:** Participants Self-Reported Awareness of Existing ICH Safeguarding Initiatives in China

In Figure 3, a survey of 25 participants revealed moderate awareness of government initiatives for intangible cultural heritage (ICH) safeguarding in China, with 18 (72%) agreeing and 4 (16%) disagreeing. However, knowledge of specific safeguarding programs was lower, with only 12 (48%) indicating they could name examples, while 8 (32%) said they couldn't and 5 (20%) were unsure.

Table 1: Perceptions of Importance and Challenges in ICH Protection and Inheritance (n=25)

Statement	Mean (out of 5)	SD
Importance of Preserving ICH	4.7	0.3
Challenges Faced in ICH Transmission:		
- Lack of Interest from Younger Generations	3.2	1
- Commercialization of ICH Practices	4.1	0.8
Effectiveness of Current Safeguarding Methods	3.5	0.9

In Table 1, Survey participants indicated a strong belief in the importance of preserving intangible cultural heritage (ICH) with a mean rating of 4.7 (SD = 0.3) out of 5. Challenges were identified in ICH transmission, with a lack of interest from younger generations seen as the most concerning (M = 3.2, SD = 1.0) followed by the commercialization of ICH practices (M = 4.1, SD = 0.8). The effectiveness of current safeguarding methods received a moderate rating (M = 3.5, SD = 0.9).



**Figure 4:** Participants Reported Levels of Preferences for ICH Transmission Techniques

In Figure 4, Participants expressed preferences for skill-sharing workshops as the most favoured method for ICH transmission (15 ranked first, 7 ranked second), followed by educational programs (10 ranked first, 12 ranked second). Family and community-based transmission methods were ranked most preferred by 8 participants and second-preferred by 13.

**Table 1:** Strengths and Weaknesses of China's Legal Framework for ICH Protection

Law	Strengths	Weaknesses
ICH Law (2011)	- Establishes dedicated legal framework for ICH safeguarding. - Defines key terms and outlines responsibilities of relevant authorities. - Promotes community participation and involvement.	- Lacks clear enforcement mechanisms for some provisions. - Limited resources allocated for ICH protection initiatives.
Law on the Protection of Cultural Relics (1982)	- Offers broader protection for cultural heritage, including some intangible elements. - Provides legal basis for combating illicit trade in cultural artifacts.	- Focuses primarily on tangible cultural heritage. - Limited applicability to contemporary forms of intangible cultural heritage.

In Table 1, examining China's legal framework for intangible cultural heritage (ICH) reveals both strengths and weaknesses. The dedicated ICH Law (2011) establishes a framework, defines key terms, and promotes community involvement, but enforcement and resource limitations are concerns. The broader Law on Cultural Relics (1982) offers protection for some intangible aspects but has a stronger focus on tangible heritage and may not fully address contemporary ICH practices.



Table 2: Document Analysis of UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage: Key Principles of the UNESCO 2003 Convention

Principle	Description
Respect for Cultural Diversity	Recognizes the value of intangible cultural heritage in its diversity and as a source of mutual respect.
Community Participation	Emphasizes the importance of community involvement in safeguarding their own ICH.
Sustainability	Promotes safeguarding measures that ensure the viability of ICH practices over time.
International Cooperation	Encourages collaboration between countries to exchange knowledge and best practices in ICH protection.

In Table 2, the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage emphasizes four key principles: Respect for Cultural Diversity acknowledges the intrinsic value of diverse intangible cultural heritage (ICH) and its role in fostering mutual respect. Community Participation stresses the importance of communities being stewards of their own ICH practices. Sustainability encourages safeguarding measures that ensure the continued viability of ICH over time. Finally, International Cooperation promotes collaboration between countries to share knowledge and best practices in ICH protection.

Table 3: Comparison of ICH Safeguarding Approaches in China, Japan, and South Korea

Aspect	China	Japan	South Korea
Legal Framework	Dedicated ICH Law (2011)	Cultural Properties Protection Law (1933) with provisions for intangible heritage	Cultural Heritage Protection Act (1962) with amendments addressing ICH
Key Safeguarding Measures	Inventorying, designation systems, financial support programs	Designation systems, community-based initiatives, public awareness campaigns	Living Human Treasures system, educational programs, tax benefits for ICH practitioners
Strengths	Comprehensive legal framework, focus on documentation	Strong emphasis on community involvement, public awareness	Effective designation system, support for practitioners
Challenges	Limited community participation in management, weak enforcement mechanisms	Balancing preservation with adaptation, resource limitations	Bureaucracy, potential for commercialization of designated practices

In Table 3, a comparative analysis of China, Japan, and South Korea's

ICH safeguarding approaches reveals both strengths and challenges. China boasts a dedicated ICH Law (2011) with a focus on documentation, while Japan and South Korea leverage designation systems. However, China faces limitations in community participation and enforcement, while Japan grapples with balancing preservation and adaptation. South Korea's Living Human Treasures system and support for practitioners are strengths, but bureaucracy and potential commercialization pose challenges.

Table 4: Themes Related to Challenges in ICH Protection and Inheritance

Theme	Description	Quotes
Declining Interest from Younger Generations	Participants expressed concern about the decreasing interest in traditional practices among younger generations, citing factors like urbanization, technological advancements, and changing societal values.	"Young people are more interested in modern things. They don't see the value in learning these old traditions." (Community Member) "The fast pace of life makes it difficult for younger generations to dedicate time to learning complex skills." (ICH Bearer)
Commercialization of ICH Practices	Some participants highlighted the negative impact of commercialization on ICH, with concerns about the erosion of cultural authenticity and exploitation of traditions for profit.	"When traditions become commercialized, the focus shifts away from the cultural meaning and towards making money." (Cultural Heritage Expert) "We need to find ways to support ICH practitioners without compromising the integrity of the practices." (Government Official)
Lack of Resources and Support	Participants pointed out the need for increased resources and support for ICH safeguarding efforts, including funding for programs, training for practitioners, and infrastructure development.	"There aren't enough resources available to properly document and transmit these traditions." (ICH Bearer) "We need more government support for initiatives that promote ICH awareness and education." (Community Member)

In Table 4, examining challenges in ICH protection and inheritance, participants highlighted a decline in younger generation interest due to urbanization and technology, citing quotes like "Young people are more interested in modern things" (Community Member). Commercialization concerns emerged, with fears of losing cultural meaning (Cultural Heritage

Expert). Finally, a lack of resources was identified, with requests for increased funding and training (ICH Bearer).

Table 5: Themes Related to Successes in ICH Protection and Inheritance

Theme	Description	Illustrative Quotes
Community-Based Transmission Efforts	Several participants emphasized the importance of involving communities in ICH transmission efforts, highlighting successful initiatives that empower local communities to preserve their traditions.	"The key to keeping these traditions alive is to pass them down within families and communities." (Community member)
Educational Programs and Public Awareness Campaigns	Participants acknowledged the value of educational programs and public awareness campaigns in fostering appreciation for ICH and encouraging younger generations to get involved.	"Integrating ICH into school curriculums can help to raise awareness and generate interest among younger generations."
Designation Systems and Government Support	Some participants pointed to the positive impact of government designation systems and financial support programs for specific ICH practices.	"The designation system helps to raise the profile of certain traditions and attract more resources." (Cultural heritage expert)

In Table 5, despite challenges, stakeholders identified successes in ICH protection. Community-based transmission efforts were championed, with a community member stating "The key is to pass traditions down within families and communities." Educational programs and public awareness campaigns were seen as valuable with suggestions such as "Integrating ICH into schools can generate interest among younger generations." Finally, designation systems and government support received credit, with a cultural heritage expert noting "Designation helps raise the profile of traditions and attract more resources."

Table 6(a): Themes Related to Cultural Values Associated with ICH

Theme	Description	Illustrative Quotes
Sense of Identity and Belonging	Participants discussed how ICH practices connect them to their ancestors, heritage, and cultural identity.	"These traditions are a part of who we are. They tell the story of our ancestors and connect us to our past." (Community member)
Maintaining Social Cohesion and Transmission of Knowledge	Participants highlighted the role of ICH in strengthening social bonds within communities and transmitting traditional knowledge and skills across generations.	"These traditions bring people together and create a sense of shared identity." (Cultural heritage expert)

Table 6(b): Themes Related to Cultural Values Associated with ICH

Theme	Description	Illustrative Quotes
Importance of Harmony with Nature	Some participants discussed how certain ICH practices reflected a deep respect for nature and traditional ecological knowledge.	"Many of our traditional practices are connected to the land and the seasons. They teach us how-to live-in harmony with nature." (Community member)

In Table 6, examining cultural values associated with intangible cultural heritage (ICH), participants emphasized its role in fostering a sense of identity and belonging. "These traditions are a part of who we are," stated a community member. ICH was also seen as a cornerstone of social cohesion and knowledge transmission, with a cultural heritage expert noting "These traditions bring people together." Finally, some participants highlighted the connection between ICH and environmental respect, with a community member explaining "Our traditions teach us to live in harmony with nature."

#### 4. DISCUSSION

Our results revealed a moderate level of awareness regarding existing government initiatives for safeguarding ICH in China. However, knowledge of specific programs was lower. Participants emphasized the importance of preserving ICH and identified challenges such as declining interest from younger generations and commercialization of traditions. Workshops and skill-sharing sessions were ranked as the most preferred method for ICH transmission, followed by educational programs. The debate surrounding the operational methods for ICH protection presents two primary schools of thought. One approach advocate for leveraging existing intellectual property (IP) regimes. Proponents from the United States, Australia, and other countries argue for this approach based on the perceived similarities between ICH and certain forms of intellectual property. They believe that expanding existing IP frameworks to encompass various categories of traditional knowledge can adequately address ICH protection needs. Bodle et al. exemplify this perspective by proposing an economic framework that treats ICH as an asset protectable under indigenous cultural intellectual property regimes (Bodle et al., 2018). The second approach calls for the development of a new, sui generis system specifically designed for ICH protection. Scholars like Madhavan have explored this avenue, proposing the application of emerging property rights to safeguard intangible cultural expressions like Tibetan medicine

(Madhavan, 2017). Ubertazzi further argues for a system tailored to transnational ICH, suggesting the integration of EU quality scheme regulations with private international law rules to enhance protection efforts (Ubertazzi, 2017). Examples of research supporting this approach focuses on intellectual property's potential role in protecting folk art of the Finno-Ugric peoples, and Nwabueze investigation into the role of intellectual property in safeguarding ICH within museums (Nwabueze, 2013). Analysis of the legal framework in China revealed a dedicated ICH Law (2011) with strengths in establishing a framework and documentation focus. However, limitations in community participation and enforcement mechanisms were identified. International comparisons highlighted both strengths and weaknesses in different approaches. China's focus on documentation contrasted with Japan's emphasis on community involvement and South Korea's support for practitioners. Scholars have proposed various approaches to safeguarding intangible cultural heritage (ICH). Horton advocates for a comprehensive legal framework encompassing intellectual property (IP) law, property law, contract law, and traditional knowledge protection policies (Horton, 1995). Hariri emphasizes the need for a holistic approach that leverages the entire IP system while encouraging innovation within its framework (Hariri, 2021). Hariri further highlights the continued relevance of anti-unfair competition laws in regulating the commercial exploitation of ICH (Hariri, 2021), arguing that such laws can help prevent the unauthorized use of undisclosed ICH elements. Other studies propose legal recognition and protection for documented forms of ICH, such as texts, figures, and models. Moreover, they suggest that ownership and property rights systems within civil law, alongside the IP regime, can be applied to safeguard instruments, objects, handicrafts, and cultural sites associated with ICH. Martinet acknowledges the ongoing effectiveness of existing IP laws in protecting a significant portion of ICH manifestations (Martinet, 2020). Martinet proposes supplementing existing IP frameworks with administrative statutes and regionally-specific regulations that prioritize administrative oversight while incorporating safeguards for the continued development and growth of ICH (Martinet, 2020). China has implemented a multifaceted legal framework to safeguard its intangible cultural heritage (ICH). This framework encompasses several key pieces of legislation, including the dedicated ICH Law (2011) alongside relevant provisions within the Intellectual Property Rights (IPRs) and Contract Law frameworks. Additionally, the Law of the People's Republic of China on the Protection of Cultural Relics, enacted in 1982, plays a significant role

in broader cultural heritage protection efforts (Cheng, 2018; Xu et al., 2022). China has established a comprehensive institutional framework for safeguarding intangible cultural heritage (ICH) at all administrative levels, encompassing national and local entities. This framework includes the expert committee of national intangible cultural heritage protection, officially established in Beijing in 2006. A significant undertaking has been the large-scale national census of ICH, with initial results achieved in 2013. The Ministry of Culture's statistics indicate the collection of a vast amount of valuable data, exceeding 29 million objects and records. China's commitment extends to international recognition of its ICH treasures. The country actively participates in the UNESCO Intangible Cultural Heritage Lists, with notable successes like the inscription of Kunqu Opera as a Masterpiece of the Oral and Intangible Heritage of Humanity in 2001. Despite significant efforts, safeguarding intangible cultural heritage (ICH) in China continues to face several challenges. The increasing emphasis on a profit-driven economy and rapid social transformations pose formidable obstacles to the survival, preservation, and transmission of ICH traditions (Rodzi et al., 2013). Tourism, for instance, can have unintended consequences. The commercialization of ICH elements, driven by the pursuit of economic gains, can lead to the erosion of local cultural identities (Rodzi et al., 2013). The legal framework for ICH protection in China remains under development. While China has established a legal foundation for safeguarding its cultural heritage, further optimization is necessary. Studying and adapting successful models from other countries, including definitions of key terminology, effective enforcement procedures, supportive systems, and clear legal liabilities, could offer valuable insights for strengthening China's ICH legislation. We propose that a shortage of qualified personnel also hinders progress. The limited availability of professional education programs and personnel specializing in ICH management presents another hurdle. Universities offering relevant programs in China are few, with only a handful of institutions, such as the Central University for Nationalities and Nanjing University, incorporating courses related to folk art. Furthermore, the lack of government support for promoting folk art and fostering the development of folk artists further exacerbates the issue. This dearth of specialists jeopardizes the long-term sustainability of ethnic cultural preservation efforts. Finally, the financial constraints inherent to a developing nation pose another challenge. Effective ICH protection necessitates substantial financial resources, which may be limited in a developing country like China. China has developed a comprehensive legal system tailored to the unique

circumstances and characteristics of its ethnic minorities to safeguard their intangible cultural heritage (ICH). This framework finds its foundation in Article 4 of the revised 1984 Constitution, which mandates the preservation and development of ethnic minority cultural traditions, encompassing language, customs, and practices. Building upon this constitutional principle, various laws and regulations provide a robust legal infrastructure. These include the Law on Ethnic Regional Autonomy, the Law on the Protection of Cultural Relics, and the Implementation of the Law of the People's Republic of China on Ethnic Regional Autonomy. Additionally, key national policies and documents, such as the "14th Five-Year" Cultural Development Plan, the "14th Five-Year" Plan for Promoting National Unity and Progress, and the State Council's Opinions on Further Prosperity and Development of Ethnic Minority Culture, further solidify the commitment to safeguarding and fostering the traditional cultures of ethnic minorities. The enactment of the ICH Law in 2011 marked a significant milestone, establishing it as the cornerstone legislation for ICH protection in China. Thematic analysis of focus group discussions identified various factors influencing ICH protection and inheritance. Challenges included declining interest from younger generations due to societal shifts, and the potential negative impact of commercialization on cultural authenticity. A lack of resources and support for safeguarding efforts was also a concern. Successes were found in community-based transmission efforts, educational programs raising awareness, and government designation systems providing support for specific ICH practices. Recognition of the importance of safeguarding intangible cultural heritage (ICH) predates the UNESCO Convention. Even before the international community formally recognized the need for ICH protection through the 2003 Convention, several states had undertaken independent efforts to preserve their unique cultural expressions (Deacon et al., 2004). This focus on safeguarding cultural heritage gained significant momentum in the aftermath of World War II. The widespread destruction of cultural heritage across the globe during the war served as a stark reminder of the fragility of these irreplaceable traditions, prompting many societies to prioritize their protection. Several nations have made significant strides in establishing legal frameworks for ICH preservation. Japan stands out as a frontrunner, enacting the 1950 Law for the Protection of Cultural Properties, which became one of the first legislative measures to encompass both tangible and intangible cultural expressions (Gkana, 2020; Kurin, 2004; Lazaro Ortiz & Jimenez de Madariaga, 2022). This law introduced the designation of Important

Intangible Cultural Properties, recognizing the human bearers of these traditions, previously referred to as Living National Treasures (Kurin, 2004). Several countries have adopted distinct approaches to intangible cultural heritage (ICH) protection. South Korea, for instance, has witnessed a shift towards leveraging ICH for commercialization and tourism development (yu Park, 2011). This strategy reflects a shared recognition of the intangible value of cultural heritage by both North and South Korea, potentially serving as a tool to foster national unity (Park, 2011). In contrast, France has historically employed cultural heritage, including ICH, as a cornerstone of national identity construction, with this approach persisting from the French Revolution to the present day (Vecco et al., 2020). Italy, on the other hand, has prioritized not only the preservation of its historical and cultural heritage but also the development of ICH protection initiatives. Examples include projects promoting rural ecotourism and food-centric cultural tours (Maggi et al., 2015). (Torsen, 2008) highlights the inherent challenges associated with safeguarding traditional cultural expressions (TCEs). The sensitive nature of these expressions, coupled with the difficulty of establishing unified claims of ownership, complicates the development of a universally applicable protection system. Furthermore, the effectiveness of existing sui generis laws (unique, regionally specific laws) in achieving their goals remains debatable. These domestic laws, while acknowledging the need for protection, often struggle to provide robust or comprehensive safeguards due to their limited scope. Torsen further emphasizes potential goal conflicts within these laws (Torsen, 2008). For instance, Panama's law, designed to protect indigenous art and knowledge, prioritizes economic compensation for commercialization, which could inadvertently undermine the very cultural preservation it aims to achieve. The limited timeframe these laws have been in effect makes a conclusive evaluation of their efficacy challenging. Nonetheless, their existence underscores the international community's growing recognition of the need for robust TCE protection. In light of these complexities, Stech proposes alternative approaches, including leveraging customary laws of indigenous communities, utilizing authentication or certification marks, and potentially employing geographical indications as safeguards for TCEs.

## 5. CONCLUSION

Our study provides valuable insights into the complexities of ICH



protection and inheritance in China and international levels. However, some limitations are worth acknowledging. The focus on a specific region limits generalizability to other contexts. Additionally, the relatively small sample size in the focus groups may not capture the full range of perspectives. Future research could benefit from expanding the geographic scope to explore best practices across a wider range of countries. In-depth case studies examining successful community-based transmission efforts or the impact of educational programs could provide valuable lessons. Furthermore, investigating the economic potential of safeguarding ICH, while ensuring cultural integrity, could offer new avenues for sustainability. By addressing these limitations and pursuing further research, we can contribute to a more comprehensive understanding of safeguarding intangible cultural heritage for future generations.

#### 4. ACKNOWLEDGEMENTS

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