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COMMITTEE OF GOVERNMENTAL EXPERTS ON THE SAFEGUARDING OF FOLKLORE

(Unesco House, 22-26 February 1982)

STUDY OF THE MEASURES FOR PRESERVING FOLKLORE AND  
TRADITIONAL POPULAR CULTURE

CPY-82/CONF.202/COL.1

I. BACKGROUND INFORMATION

1. It was at the request of the Government of Bolivia, expressed in a communication dated 24 April 1973 (Ref. No. DG 01/1006-79) sent by the Minister of External Relations and Religious Affairs to the Director-General, that the Secretariat began to carry out studies concerning folklore.
2. The aim of the Bolivian Government's request was to add a protocol to the Universal Copyright Convention which would govern 'the conservation, the promotion and the diffusion of folklore ...'. This question was submitted to the Intergovernmental Copyright Committee, established under Article XI of the Universal Copyright Convention and the body responsible for dealing with questions concerning the application and operation of the Convention and also making preparations for revisions thereof, and was examined at its session in December 1973. At the conclusion of the discussions on this topic, the Committee decided to entrust the study of this question to the Unesco Secretariat, which was to report on the results of its work to this Committee and also to the Executive Committee of the Berne Union in so far as the protection of folklore might involve copyright.
3. In pursuance of this decision, the Unesco Secretariat submitted to the Intergovernmental Copyright Committee and to the Executive Committee of the Berne Union, at their 1975 sessions, a study on the desirability of providing for the protection of folklore on an international scale. Following discussions of this topic, at which it became clear that the matter was essentially of a cultural nature, going beyond the scope of copyright, and therefore lay outside their fields of competence, the Committees requested Unesco to make an exhaustive study of the problems involved in the protection of folklore.
4. Within the framework of Resolution 6.121 adopted by the General Conference at its nineteenth session held in Nairobi in 1976, the Director-General convened a Committee of Experts on the Legal Protection of Folklore, which met in Tunis in July 1977 and considered a preliminary study on this question prepared by the Secretariat. In the course of this meeting it became clear that the problems involved in the protection of folklore comprised defining it, identifying it, conserving it, preserving it and the ways in which it was used.
5. At their meetings held in November-December 1977, the Intergovernmental Copyright Committee and the Executive Committee of the Berne Union decided 'that studies on this subject should be pursued by the Unesco Secretariat on an interdisciplinary basis within the framework of an overall approach, but that [the World Intellectual Property Organization/ WIPO /which also has responsibilities in this field/ should be associated in the examination of any copyright aspects involved ...'.
6. Since then the work of the Secretariat in this field has been pursued at two levels: firstly, a global study of the protection of folklore which, if it is to be complete, requires the adoption of measures within an integrated framework covering the definition of folklore, its identification, its conservation, its preservation and its utilization and, secondly, a study of the copyright aspects involved, which is being carried out jointly with WIPO.
7. The work of this Committee has to do with the first of these two approaches, and thus it is the global study of the protection of folklore with which the remainder of this document is concerned.
8. Within the framework of this approach, the work plan (contained in document 20 C/5 Approved) of Resolution 5/9.2/1, adopted by the General Conference at its twentieth session held in Paris in 1978, provided in paragraph 5022 that

studies should be carried out by the Secretariat 'to identify ways of providing protection for folklore at the international level'. In pursuance of this provision, the Director-General sent Member States a letter CL/2670, dated 31 August 1979, enclosing a questionnaire on the protection of folklore in Member States. This questionnaire is included as an annex to the present document (Annex I).

9. The aim of this study is to examine the findings of the survey conducted among Member States.

## II. SURVEY CONDUCTED AMONG MEMBER STATES

### A. Scope of the survey

10. The survey was concerned with the five points identified at the Tunis meeting which are mentioned in paragraph 4 above.

11. By 30 September 1981, the Secretariat had received ninety-two replies from seventy Member States, twelve of which had sent more than one reply.

12. The list of countries which have replied to the questionnaire is as follows:  
Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Central African Republic, Chad, Chile, Colombia, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guinea, Honduras, Hungary, India, Indonesia, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Kuwait, Luxembourg, Malta, Mauritius, Mexico, Monaco, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, San Marino, Singapore, Socialist People's Libyan Arab Jamahiriya, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Turkey, Ukrainian Soviet Socialist Republic, United Kingdom of Great Britain and Northern Ireland, Upper Volta, Venezuela, Yugoslavia and Zaire.

13. The countries which sent several replies to the Secretariat are the following:  
Austria, Central African Republic, Chile, Czechoslovakia, France, Hungary, Mexico, Panama, Papua New Guinea, Peru, Switzerland and the United Kingdom. It should be noted that the opinions expressed in the replies from some of the countries mentioned above are sometimes contradictory. Where that is the case, they have not been taken into account in analysing the replies to the questionnaire, but they appear in the summary table which forms Annex II of this document. For one country, however - Austria - an exception has been made to this rule, since folklore there comes within the competence of the Länder (Provinces), and this may explain divergences of opinion on one or more points.

14. It should also be mentioned that one country - India - merely sent a letter in reply to the questionnaire expressing the opinion that 'the proforma questionnaire designed by [the Secretariat of] Unesco presumes a completely industrialized and mechanized society with cultural manifestations of folklore also institutionalized. This is not the reality in many Asian and African countries generally, and in the case of India the proforma questionnaire would seem to serve the purpose of only five large cities'. The letter continues in these terms: 'As far as India is concerned, the term "folklore" comprehends all aspects of Indian civilization and culture - ancient and contemporary, tribal and rural'.

B. Definition of folklore

15. It appears that all the replies received agree in recognizing the need for a definition of the term 'folklore', but that conceptions thereof differ.

a. Origin of folklore

16. Opinion is first of all divided on the question of the origin and foundations of folklore and more specifically as to whether it is the result of collective or individual creation and whether it is to be considered as an integral part of the 'cultural heritage'.

These views are summarized in Figure 1 below:

Figure 1 - ORIGIN OF FOLKLORE	
35 countries	<ul style="list-style-type: none"> <li>- individual creation</li> <li style="padding-left: 20px;">or</li> <li>- either collective or individual creation but in the latter case the expression of the collective consensus is necessary and</li> <li>- should be an integral part of the 'cultural heritage'</li> </ul>
6 countries	<ul style="list-style-type: none"> <li>- only the result of collective creation and</li> <li>- should be an integral part of the 'cultural heritage'</li> </ul>
3 countries	<ul style="list-style-type: none"> <li>- individual creation but</li> <li>- expression of the collective consensus is necessary and</li> <li>- should form an integral part of the 'cultural heritage'</li> </ul>
3 countries	<ul style="list-style-type: none"> <li>- individual or collective creation and</li> <li>- should be an integral part of the 'cultural heritage'</li> </ul>
3 countries	<ul style="list-style-type: none"> <li>- individual creation</li> <li style="padding-left: 20px;">or</li> <li>- either collective or individual creation, but in this case the expression of the collective consensus is not necessary</li> <li>- not necessary for it to be an integral part of the 'cultural heritage'</li> </ul>
2 countries	<ul style="list-style-type: none"> <li>- collective or individual creation, but in the latter case expression of the collective consensus is necessary and</li> <li>- should be an integral part of the 'cultural heritage'</li> </ul>
1 country	<ul style="list-style-type: none"> <li>- individual creation</li> <li style="padding-left: 20px;">or</li> <li>- either collective or individual creation, but in the latter case expression of the collective consensus is necessary</li> </ul>
1 country	<ul style="list-style-type: none"> <li>- collective creation deriving from individual creation</li> </ul>

It can be seen from the above diagram that, in the opinion of thirty-five countries, folklore may be the result of individual creation, or the result of either collective creation or individual creation, but in the latter case the expression of the collective consensus is necessary for this manifestation to be regarded as folklore, and it should be an integral part of the 'cultural heritage'.

According to six countries, folklore is only the result of collective creation, and it should be an integral part of the 'cultural heritage'.

For three countries, folklore can be the result of individual creation, but the expression of the collective consensus is necessary for this manifestation to be regarded as folklore, and the latter should be an integral part of the 'cultural heritage'.

For three other countries folklore can be the result of individual creation or of collective creation and it should form an integral part of the 'cultural heritage'.

For another three countries, folklore can be the result of individual creation, or the result of either collective creation or individual creation, but in the latter case the collective consensus is not necessary for this manifestation to be regarded as folklore, nor is it necessary for folklore to be an integral part of the 'cultural heritage'.

In two countries, folklore can be the result of collective creation or of individual creation, but in the latter case the expression of the collective consensus is necessary for this manifestation to be regarded as folklore, and folklore should be an integral part of the 'cultural heritage'.

One country was of the opinion that folklore can be the result of individual creation or the result of either collective creation or individual creation, but in the latter case it considered that the expression of the collective consensus is necessary for this manifestation to be regarded as folklore.

Finally, one country expressed the opinion that folklore is the result of collective creation deriving from individual creation.

b. The characteristics of folklore

17. A similar variety of opinions exists with regard to the features entitling a manifestation to be regarded as coming within the sphere of folklore and it should be mentioned that several countries did not consider the features put forward in the questionnaire to be comprehensive enough, viz.: the impersonal nature of the elements constituting the manifestation and of their transmission, the anonymous nature of these elements, the traditional nature of these elements and of their transmission, the oral nature of transmission, the empirical nature of transmission, the collective and spontaneous participation of the entire audience.

The variety of opinions is shown in Figure 2 below:

Figure 2 - CHARACTERISTICS OF FOLKLORE	
25 countries	impersonal, anonymous, traditional and oral nature, empirical nature of transmission, collective and spontaneous participation of the entire audience
5 countries	impersonal, anonymous, traditional and oral nature, empirical nature of transmission
4 countries	traditional and oral nature, empirical nature of transmission, collective and spontaneous participation of the entire audience
3 countries	impersonal, anonymous, traditional and oral nature, collective and spontaneous participation of the entire audience
3 countries	anonymous, traditional and oral nature, empirical nature of transmission, collective and spontaneous participation of the entire audience
3 countries	traditional nature, empirical nature of transmission, collective and spontaneous participation of the entire audience
3 countries	traditional and oral nature, collective and spontaneous participation of the entire audience
2 countries	traditional nature, empirical nature of transmission
2 countries	impersonal, traditional and oral nature, empirical nature of transmission, collective and spontaneous participation of the entire audience
1 country	traditional and sometimes oral nature, empirical nature of transmission, collective and spontaneous participation of the entire audience
1 country	traditional and oral nature
1 country	traditional nature, collective and spontaneous participation of the entire audience
1 country	traditional nature
1 country	impersonal and traditional nature, empirical nature of transmission, collective and spontaneous participation of the entire audience
1 country	impersonal, anonymous, traditional and oral nature
1 country	impersonal, anonymous and traditional nature
1 country	impersonal, traditional and oral nature, collective and spontaneous participation of the entire audience
1 country	impersonal and oral nature, empirical nature of transmission, collective and spontaneous participation of the entire audience
1 country	impersonal, anonymous and traditional nature, empirical nature of transmission, collective and spontaneous participation of the entire audience
1 country	impersonal, traditional and oral nature, collective and spontaneous participation of the entire audience
1 country	impersonal nature
1 country	anonymous, traditional and oral nature
1 country	influence of technical media not to be excluded, collective participation of entire audience which is either spontaneous or previously organized

As indicated in the above figure, twenty-five countries singled out the impersonal nature of the elements constituting the manifestation and of their transmission, the anonymous nature of the elements constituting the manifestation, the traditional nature of the elements constituting the manifestation and of their transmission, the oral nature of transmission, the empirical nature of transmission and the collective and spontaneous participation of the entire audience.

Five countries - the impersonal, anonymous, traditional and oral nature and the empirical nature of transmission.

Four countries - the traditional and oral nature, the empirical nature of transmission and the collective and spontaneous participation of the entire audience.

Three countries - the impersonal, anonymous, traditional and oral nature and the collective and spontaneous participation of the entire audience.

Three countries - the anonymous, traditional and oral nature, the empirical nature of transmission and the collective and spontaneous participation of the entire audience.

Three countries - the traditional nature, the empirical nature of transmission and the collective and spontaneous participation of the entire audience.

Three countries - the traditional and oral nature and the collective and spontaneous participation of the entire audience.

Two countries - the traditional nature and the empirical nature of transmission.

Two countries - the impersonal, traditional and oral nature, the empirical nature of transmission and the collective and spontaneous participation of the entire audience.

One country - the traditional and sometimes oral nature, the empirical nature of transmission and the collective and spontaneous participation of the entire audience.

One country - the traditional and oral nature.

One country - the traditional nature and the collective and spontaneous participation of the entire audience.

One country - the traditional nature.

One country - the impersonal and traditional nature, the empirical nature of transmission and the collective and spontaneous participation of the entire audience.

One country - the impersonal, anonymous, traditional and oral nature.

One country - the impersonal, anonymous and traditional nature.

One country - the impersonal, traditional and oral nature and the collective and spontaneous participation of the entire audience.

One country - the impersonal and oral nature, the empirical nature of transmission and the collective and spontaneous participation of the entire audience.

One country - the impersonal, anonymous and traditional nature, the empirical nature of transmission and the collective and spontaneous participation of the entire audience.

One country - the impersonal, traditional and oral nature and the collective and spontaneous participation of the entire audience.

One country - the impersonal nature.

One country - the anonymous, traditional and oral nature.

Finally, one other country considered that the influence of technical media should not be excluded and added that the collective participation of the entire audience can be spontaneous or previously organized, as in the case of stage performances of folk music or dancing, popular festivities and local and national festivals.

To the question as to whether elements other than those mentioned in the questionnaire are taken into consideration in the definition of folklore, thirty-eight countries replied in the affirmative, mentioning particularly the regional nature of the manifestation, its specifically regional character, its specifically regional character allied to its association with a specific time, the collective memory, the cohesive effect of the manifestation on society, the appeal to the conscience, which is reflected by a feeling of belonging to a community, the 'functional role' of the manifestation, the evolution of the manifestation with time while maintaining its identity, the collective nature of the manifestation and, finally, its rural nature.

### C. Identification of folklore

#### a. Spheres in which manifestations of folklore occur

18. Criteria for the identification of folklore seem to be essential for the protection of this part of the cultural heritage. These should cover the following spheres of activity:

- (1) popular traditions (68 countries), including ceremonies commemorating particular events (marriages, births, etc.), customs associated with a particular season or time of year and agricultural traditions (harvest festivals, etc.), popular lore (popular knowledge of flora and fauna, popular knowledge of meteorology and astronomy, sayings and proverbs about the weather, astrology, magic, divination and the interpretation of dreams, alchemy), popular imagery, marks and signs, inscriptions (epitaphs), votive offerings, masks, make-up, culinary practices, housing and living habits, musical instruments and means of transport;
- (2) music and other creative forms involving sound (67 countries);
- (3) songs (67 countries);
- (4) literature (66 countries), including fables, legends, riddles and proverbs;
- (5) dancing and other creative forms involving movement (65 countries);



- (6) costumes (64 countries);
- (7) religion (63 countries), including rituals;
- (8) history (62 countries);
- (9) medicine (62 countries);
- (10) pottery (61 countries);
- (11) sculptures (60 countries);
- (12) craftwork (60 countries), including objects made of wood, copper and other metals, glassware (engraved glass, decoration of bottles, etc.), textiles (hand weaving, lace, etc.), basketwork, toys;
- (13) agriculture (59 countries), including horticulture and forestry;
- (14) paintings (58 countries);
- (15) linguistics (57 countries);
- (16) drawings (55 countries);
- (17) ethnology (55 countries), including popular ethnography and 'ethnopedagogy';
- (18) jewellery (54 countries), including adornments for the hair (plaits of animal or vegetable fibre) or for the teeth, body decorations (tattoos, etc.);
- (19) botany (54 countries);
- (20) plastic forms and other optical impressions (54 countries);
- (21) sociology (49 countries);
- (22) law (46 countries);
- (23) philosophy (45 countries);
- (24) carpets (42 countries);
- (25) other fields (35 countries);
- (26) mosaics (28 countries).

19. Some countries provided additional information to supplement the spheres of activity mentioned in the questionnaire. Thus, in addition to the areas indicated above, mention was made of:

- (1) traditional and rural architecture, including monuments, churches, chapels and cemeteries;
- (2) traditional trades and professions;
- (3) animal breeding and bee-keeping;

- (4) sports;
- (5) card games;
- (6) hunting, fishing and crop-gathering, together with the equipment necessary for these activities (crossbows, etc.).

b. Methods of identification

20. With regard to the question concerning the method(s) used for collecting and recording manifestations or expressions of folklore, the replies received show that in fifty-one countries a combination of the two methods given in the questionnaire is used:

- (1) extensive method (consisting in establishing a wide survey network over the whole area under consideration and then proceeding to sort out the information); and
- (2) intensive method (survey on specific, scientifically defined points carried out among persons qualified to provide such information: witch doctors, singers, story-tellers, heads of castes, scholars, priests, master craftsmen, patriarchs, heads of family, etc.).

Fifty-two countries employ the intensive method and forty the extensive method.

Under this heading, one reply mentioned that the survey had been carried out by means of visits planned and organized by scientific personnel from appropriate institutions in collaboration with personnel in the field - farm labourers, teachers, workers, foreign experts, retired people, ex-servicemen, etc.

21. It appears that forty countries have adopted the practice of drawing up one or more model questionnaires for the purpose of recording and collecting the content of folklore, its manifestations and expressions. As requested in the questionnaire sent out by the Secretariat, some countries (10) attached a copy of the questionnaire(s) which they use. The questionnaires received may be examined at Unesco by anyone so wishing. It should be added in this connection that it might perhaps be desirable at a later stage to draw up a standard questionnaire.

c. Systematization of the data collected

22. The replies received show that only twenty-five countries use a standardized procedure for transcription and translation and that this procedure, when it exists, most often provides for the transcription of the text in the vernacular language (standardized alphabet, Africa alphabet, etc.), then for literary translation, and finally for literal, juxtalinear translation in a widely spoken world language.

23. As to whether the existing rules of historical criticism should be applied to the analysis of the data collected, forty-three countries replied in the affirmative. Some of the countries which expressed a different view indicated the methodological rules which they apply. The basic principles employed are: socio-logical methods including the use of monographs and statistics; the use of general questionnaires on the different areas of folklore and of special questionnaires on particular areas; methodological rules appropriate to the areas being studied; traditional principles of criticism of the sources of folklore; rules of the 'functional' theory; numerous other methods; the comparative and 'functionalist'

method; and the historico-comparative method. Some other countries stated that they are still at the data collection stage, others declared their intention of undertaking a research programme which would also include the establishment of methodological rules, and yet others indicated that they do not have any methodological rules at the moment.

d. Training of personnel

24. The questionnaire also asked whether or not countries had centres for the training of researchers (specialists in various disciplines - literature, history, ethnology, sociology, archaeology, musicology), specialists in linguistic transcription (implying training in phonetics, phonology, tonology, morpho-syntax, lexicography and socio-linguistics), and collectors working on a specific programme under the direction of a specialist. On this point the replies received show that centres for the training of researchers are quite common, while those for the training of the other categories of persons mentioned are less numerous.

25. It was noted that in thirty-eight countries theoretical training courses are provided for collectors of folk traditions in order to familiarize them with recording techniques (use of machines; indoor- and outdoor-recording techniques; precautions to be taken against reverberation or wind; handling of original tapes; basic copying techniques).

e. Recording equipment

26. It appears that fifty-six countries have the necessary recording equipment for the collection of manifestations and expressions of folklore (tape-recorders, headphones, microphones, tapes, etc.). One reply under this heading mentioned that the technical side of film-making (washing, synchronization, etc.) was carried out with the help of the laboratories of other state institutions.

f. Classification of the data collected

27. The replies received show that forty countries use an inventory or catalogue, by type or theme, for the classification of the data collected. It should be noted that ten countries employ classification by type, five classification by theme, three classification by theme and type, and two classification by place. Only a few countries provided information about this inventory or catalogue. One country stated that each item of data was numbered and classified by type.

D. Conservation of folklore

28. The need for rules on the conservation of folklore was clearly affirmed.

a. Means

29. With regard to the means of conserving folklore, it appears that forty-one countries have an inventory of manifestations and expressions of folklore and thirty-six countries a register centralizing information on the different manifestations or expressions of folklore. It should be added in this connection that the Bolivian authorities, in their communication to the Director-General referred to in paragraph 1 of this document, suggested the establishment within Unesco of an 'International Register of Folk-cultural Properties'.

b. Storage of the content of manifestations or expressions of folklore

30. With regard to the storage of the content of manifestations or expressions of folklore, it appears that forty-nine countries effect this by means of index cards, records, tapes, microfiches, films, microfilms, etc.

31. It emerges from the replies received that at the present time only ten countries use a computer for this purpose, one of them indicating that this was not without its financial problems. Another country indicated that, for technical and financial reasons, it was still at an early experimental stage in this field.

However, thirty-two countries expressed their intention to make use of computers in the future.

Fifteen countries said that they did not intend to use computers in the future, some of them justifying their decision on the grounds of finance (five countries), lack of funds and qualified staff (one country), lack of technical knowledge (one country), lack of specialists (one country), lack of premises suitable for the installation of the necessary air-conditioning (one country), the complexity of the data and the incomplete nature of the indexes (one country).

c. Nature of the manifestations or expressions of folklore which are the subject of conservation

32. It appears that material and immaterial manifestations or expressions are conserved in fifty-six countries, material manifestations or expressions in forty-six countries, and immaterial manifestations or expressions in forty-four countries.

d. Publication of manifestations or expressions of folklore

33. As to whether manifestations or expressions of folklore are the subject of any publications in their country, sixty countries replied in the affirmative, it being noted in this connection that such publications mainly concerned national folklore and, to a lesser extent, that of other countries.

E. Preservation of folklore

34. Rules for the preservation of folklore appear to be essential

a. Inventory of groups producing manifestations or expressions of folklore

35. In response to the question as to whether there is an inventory of groups producing manifestations or expressions of folklore, forty-four countries replied in the affirmative.

b. Structures or measures providing access to the phenomenon of folklore

36. It would seem that, at the national level, fifty-two countries possess structures or have adopted measures providing access to the phenomenon of folklore. Fifty-one of these countries provided information about the structures or measures, which are as follows:

(1) structures:

special institutes (18 countries);

museums (8 countries);

a special department in a ministry (5 countries);

youth and cultural centres (4 countries);

national library (1 country);

(2) measures:

school curricula (27 countries);

university or other higher education syllabuses (25 countries);

the media (9 countries);

exhibitions, festivals and performances (6 countries);

promotion of interregional cultural exchanges (1 country);

proclamation of an international year (1 country);

circulars recommending the introduction of the teaching of artistic disciplines in schools (1 country).

c. Cultural policies and the preservation of folklore

37. Sixty-five countries indicated that their cultural policies provided for measures in support of manifestations of folklore and sixty-one of these countries mentioned specific measures, notably the following:

- (1) organization of craftwork exhibitions or fairs (29 countries);
- (2) organization of local or national festivals (22 countries);
- (3) organization of regional, interregional and national artistic competitions (19 countries);
- (4) organization of national or international seminars, meetings and congresses (8 countries);
- (5) establishment of educational programmes in this field (5 countries);
- (6) financial support for museums or for their establishment (4 countries);
- (7) organization and promotion of cultural exchanges, particularly on an interregional basis (3 countries);
- (8) training of folklore specialists and folklore groups (3 countries);
- (9) creation of publications (3 countries);
- (10) financial support for craft fairs (3 countries);
- (11) financial support for the organization of manifestations of folklore (3 countries);
- (12) financial support for folklore groups or associations (3 countries);

- (13) financial support for projects within the field of folklore (3 countries);
- (14) financial support for activities within the field of folklore in general (2 countries);
- (15) organization of theatrical performances (2 countries);
- (16) foundation of museums (2 countries);
- (17) creation of traditional instrumental music groups; (2 countries);
- (18) organization of travelling exhibitions (2 countries);
- (19) legislation (2 countries);
- (20) opening special shops (1 country);
- (21) organization of cultural weeks (1 country);
- (22) establishment of a special department in a ministry (1 country);
- (23) organization of folk-dancing courses (1 country);
- (24) establishment of clubs for folk troupes (1 country);
- (25) creation of a national ballet (1 country);
- (26) establishment of a prize for the best craftsman (1 country);
- (27) establishment of audio-visual programmes for schools (1 country) and financial support for these programmes (1 country);
- (28) organization of conferences and the launching of publications designed to promote the establishment of museums (1 country);
- (29) preparation of circulars by the Ministry of Culture recommending the formation of folk-dancing groups (1 country).

d. Restrictions on the use of folklore

38. With regard to whether the use of folklore is subject to restrictions, the replies received reveal the existence of restrictions regarding the conditions of its use (in 18 countries), regarding the places in which it may be used (in 16 countries), and regarding the persons entitled to use it (in 14 countries). These replies do not contain, however, any information regarding the conditions laid down, the places used or the persons concerned.

e. Utilization of folklore outside its milieu of origin

39. Since the utilization of folklore outside its milieu of origin may give rise to its misuse or fraudulent use or even involve its distortion, some countries require certain procedures to be followed. These include:

- (1) supervision by the appropriate authorities (e.g. the cultural institutions, etc.) or with the assistance of special commissions (16 countries);
- (2) verification that the structures providing access to folklore ensure respect for its milieu of origin (3 countries);

- (3) issuance of a certificate of authenticity on purchase of an object made by craftsmen (1 country);
- (4) the requirement that the object should indicate its origin (1 country);
- (5) the requirement that there should be an exact description of the object (1 country).

One country indicated, under this heading, that its legislation contained provisions on this matter, another that it only exercised supervision in the case of religious objects, and a third country that it was at present studying the whole matter.

f. Commercial utilization of folklore

40. It appears that there are strict limitations concerning the sectors of activity or creation in which folklore may give rise to commercial utilization in only eight countries, though it should be added that the replies given by some countries on this point do not provide a clear idea of the situation which exists. Some countries specified the sectors concerned. They are:

- (1) the audio-visual media (1 country);
- (2) arts and crafts (1 country);
- (3) popular songs, music and dancing (1 country);
- (4) amateur artistic activities (1 country);
- (5) publications and broadcasts by the Department of Folklore (1 country);
- (6) radio and television advertising (1 country);
- (7) records (1 country);
- (8) popular songs (1 country).

41. It emerges that sixteen countries exercise supervision of the authenticity of folklore in the case of commercial utilization and some of these countries indicated the bodies responsible for this supervision. These include:

- (1) the Institute of the National Academy of Sciences within the Ministry of Culture (1 country);
- (2) the Department of Cultural Affairs, the Arts and Museums (1 country);
- (3) the Council of Decorative Arts (1 country);
- (4) the Ministry of Culture and the regional authorities (1 country);
- (5) the Cultural Commission and the National Board (1 country);
- (6) the National Department of Folklore (1 country);
- (7) the Ministry of Culture and the Arts (1 country);
- (8) the National Copyright Office (1 country) or the National Office for Authors and Composers (1 country where legislation is now being prepared);

- (9) the National Committee for National Traditions (1 country);
- (10) the National School of Folk Arts operated by the National Institute of Culture (1 country);
- (11) the National Council for Socialist Culture and Education through the intermediary of subordinate institutions (Institute of Ethnological Research, cultural centres, etc.), (1 country);
- (12) the State Board for Tourism, Sport and Entertainment (1 country).

42. The replies received show that supervision is carried out in advance in nineteen countries, in retrospect in ten countries and both in advance and in retrospect in eight others.

F. Utilization of folklore

43. Rules for the utilization of folklore are regarded as essential.

a. Legal protection of folklore

44. As to whether folklore is legally protected in their country, twenty countries replied in the affirmative, while forty-nine countries indicated that in their countries it was regarded as belonging to the public domain.

45. In the cases where folklore is protected by legislation, the legal principles applicable are:

- (1) copyright law in nineteen countries. It appears that this law applies to the protection of folklore as to a collective work in fifteen countries, and as to an anonymous work in thirteen countries. Two countries indicated that they protected folklore as an 'individual work' and 'as a personal work or arrangement', - this being a case which was not envisaged in the questionnaire;
- (2) the notion of plagiarism in thirteen countries;
- (3) the notion of unfair competition in eight countries;
- (4) a law sui generis in eight countries.

One country indicated under this heading that one of the principles of its cultural policy - which is in fact incorporated in its Constitution and in its laws - is that each individual is jointly responsible for the cultural heritage. Another country drew a distinction between:

important and tangible folk-cultural manifestations that are recognized as such by the state which provides financial support for their restoration, for protective measures against serious damage and other measures of preservation;

and important and intangible folk-cultural manifestations that are recognized as such by the state, which provides financial support for their recording and also for the training of instrument restorers.

Finally, another country stated that a draft law on the protection of intellectual property was currently before the Council of Ministers for approval.



b. Conditions governing the utilization of folklore

46. As to whether there are conditions governing the utilization of works of folklore, twenty-five countries replied in the affirmative. The conditions existing were classified as follows:

- (1) previous authorization (in 20 countries);
- (2) completion of formalities (in 16 countries);
- (3) other conditions (in 2 countries).

Eight countries indicated that other conditions govern the utilization of works of folklore, these being:

- (1) payment of a fee for each utilization in accordance with national legislation (1 country);
- (2) application of the regulations governing commercial utilization or the private lives of individuals (1 country);
- (3) courses and examinations for singers and musicians using folk material, as a means of guaranteeing authenticity (1 country);
- (4) supervision, but only in the case of financial support from the state (1 country);
- (5) no condition is laid down by the government, but some conditions are imposed by local groups or associations (1 country);
- (6) conditions in the case of utilization of works by foreigners, but only in the country of origin of such works (1 country);
- (7) conditions in accordance with copyright provisions in general (1 country);
- (8) conditions in accordance with copyright provisions concerning published works (1 country).

47. It appears that utilization is subject to advance supervision in fourteen countries.

With regard to the different forms of supervision of the utilization of works of folklore, it was noted that:

- (1) reproductions of the work have to be sealed by an official body in four countries, this being:

the Board of the Council of Decorative Arts (1 country);

the Official Folklore Centre (1 country);

the Ministry of Culture and Science (1 country);

Arts Councils and Publishers' Offices and Councils (1 country);

and one country indicated that this practice is rigorously followed in the case of foreign sales;

- (2) quotas exist for the sale of copies of the work in only six countries, while in nine other countries the sale of such copies is restricted by means other than the use of quotas, namely:

the legal deposit of a certain number of copies in the case of books (1 country);

export licences for valuable works - which are granted by an institute of conservation or by a museum (1 country);

agreement between author and publisher (1 country).

48. It appears that the conditions relating to the utilization of folklore apply to all forms of utilization in thirty-two countries, and only to commercial utilization in fourteen countries.
49. With regard to the question whether the utilization of works of folklore considered in their country as belonging to the public domain was subject to the system of 'domaine public payant', nineteen countries replied in the affirmative, while twenty-two others indicated that their utilization was subject to the system of 'domaine public d'Etat'.
50. It emerges from the replies received that in eleven countries where utilizations of works of folklore are not subject to the system of 'domaine public payant' they are subject instead to the payment of royalties.
51. The royalties from the utilization of works of folklore are used to support:
- (1) the social welfare of writers and composers (1 country);
  - (2) the National Art Fund (1 country);
  - (3) the creation of works of art (1 country);
  - (4) cultural programmes in general (publication of books), the University Arts Fund with a view to protecting, encouraging and promoting copyright in the arts and research in the arts (musical works) (1 country);
  - (5) the Literature Fund, Musical Fund and Fine Arts Fund for the purpose of promoting creative activities in the fields of literature, science and the arts (1 country);
  - (6) the provision of pensions for leading figures of the popular arts and the endowment of prizes (1 country);
  - (7) the creation of fellowships (1 country);
  - (8) the payment of performers (1 country);
  - (9) the encouragement of special public celebrations (1 country);
  - (10) the reward of individual creativity (1 country);
  - (11) subsidies to musicians' organizations or payments to authors (1 country);
  - (12) the reproduction of works by technical means or their artistic utilization by artists (1 country);

(13) research (1 country);

(14) payments to film-makers (1 country).

### III. CONCLUSIONS

52. The replies received to the questionnaire have made it possible to achieve the intended objective, namely to obtain information on the protection of folklore in Member States.

53. The conclusions which emerge from the five-point survey carried out among these states may be summarized as follows:

#### 1. Definition of folklore

54. The question of the origin of folklore produced a division of opinion among Member States (see paragraph 16), as too did the question on the features entitling a manifestation to be regarded as coming within the sphere of folklore (see paragraph 17).

##### a. Origin of folklore

55. It appears that a large majority of the states (35 out of 54) are of the opinion that folklore can be the result of individual creation or the result of either collective creation or individual creation, but in the latter case they considered that the expression of the collective consensus is necessary for this manifestation to be regarded as folklore, which in any case should be an integral part of the 'cultural heritage'.

56. This view raises two questions which will need to be examined. The first involves determining which authority or authorities shall be competent to express this collective consensus when it is required, that is to say, when folklore is the result of individual creation. The second involves definition of the notion of 'cultural heritage'. By way of illustration, take the Japanese law for the protection of cultural properties,<sup>1</sup> certain provisions of which are reproduced below for the information of the Committee.

'Article 1. The purpose of this Law is to preserve and utilize cultural properties, so that the culture of the Japanese people may be furthered and a contribution be made to the evolution of world culture.

Article 2. "Cultural properties" in this Law shall be the following:

(1) Buildings, pictures, sculptures, applied arts, calligraphic works, classical books, ancient documents, and other tangible cultural products, which possess a high historical and/or artistic value in and for this country [.....], archaeological specimens and other historical materials of high scientific value (hereinafter referred to as "tangible cultural properties");

(2) Art and skill employed in drama, music and applied arts, and other intangible cultural products, which possess a high historical and/or artistic value in and for this country (hereinafter referred to as "intangible cultural properties");

1. Law No. 214 of 30 May 1950, as amended on 1 July 1975.

(3) Manners and customs related to food, clothing and housing, to occupations, religious faiths, festivals, etc., to folk-entertainments and clothes, implements, houses and other objects used therefor, which are indispensable for the understanding of changes in our people's modes of life (hereinafter referred to as "folk-cultural properties");  
 [.....]

b. Characteristics of folklore

57. With regard to the features entitling a manifestation to be regarded as coming within the sphere of folklore, it is to be observed that, although the opinions expressed by Member States on this point have resulted in twenty-three different combinations of features, the ones that are singled out most often are its impersonal nature, its traditional nature and its oral nature. It should be noted in this connection that the features put forward in the questionnaire might be usefully supplemented on the basis of the additional information provided by some countries (see the last subparagraph of paragraph 17).

58. It is clear from the above considerations that it is essential to draw up as exact and practical a definition as possible of the term 'folklore'.

2. Identification of folklore

a. Spheres in which manifestations of folklore occur

59. Considering the wide variety of replies on this point (see paragraphs 18 and 19), it seems clear that the question as to which manifestations should be regarded as being part of folklore requires further attention, with a view to establishing as accurate a classification as possible of the phenomena of folklore by sector, sphere or type and subsequently drawing up an inventory within each group established.

b. Methods of identification

60. It appears that most countries apply a combination of the extensive and intensive methods to collect and record the content of manifestations or expressions of folklore (see paragraph 20), some of them using one or more model questionnaires for this purpose.

It would therefore appear useful to prepare - at a later stage - a standard questionnaire.

c. Systematization of the data collected

61. It should be noted that, whereas the use of a standardized procedure for transcription and translation is not very widespread (see paragraph 22), more than half the countries apply the existing rules of historical criticism to the analysis of the data collected (see paragraph 23). With this method, facts have to be established on the basis of documents, i.e. the traces which these facts have left in the present. These documents may be of various kinds: monuments, utensils, weapons, etc., the value of which as evidence needs to be carefully examined. External criticism is concerned with the form of the document, i.e. with its integrity (criticism of restoration designed to restore the document, which may have undergone considerable changes, to its original form) and with its authenticity (criticism of its provenance, in order to establish whether the document is really from the source to which it has been attributed). Internal criticism is

concerned with the content of the 'document', i.e. with its meaning. The most difficult thing is to determine the value of the evidence, since experience shows that man distorts the facts and that valid evidence is the exception rather than the rule. This means that evidence should only be regarded as valid when it agrees with other evidence and such agreement itself is only of value if the separate items of evidence stem from independent sources. Finally, account must be taken of certain probabilities or rather certain possibilities, considering that, as has been justly stated, 'any human phenomenon is always a link in a chain extending through the ages'.

d. Training of personnel

62. It was found that some countries have centres for the training of researchers (specialists in various disciplines - literature, history, ethnology, etc.), specialists in linguistic transcription (implying training in phonetics, phonology, etc.) and collectors working on a specific programme under the direction of a specialist (see paragraph 24). It appears, however, that special efforts need to be made in this field and it might be useful to carry out a survey of the existing personnel in order to determine the need for additional personnel and with the view to the possible establishment of additional training centres at existing institutes or universities. It would perhaps be appropriate to set up an exchange system for researchers and teachers between existing institutions and even to award fellowships on a bilateral or international basis.

e. Recording equipment

63. It appears that most countries have the necessary recording equipment for the collection of manifestations and expressions of folklore.

f. Classification of the data collected

64. It seems that about half the countries use an inventory or catalogue for the classification by type or theme of the data collected (see paragraph 27). In this regard, it might be useful to prepare, at a later date, a model inventory or catalogue.

3. Conservation of folklore

a. Means

65. Many countries have an inventory of manifestations or expressions of folklore, while certain others use a register centralizing information on the different manifestations or expressions of folklore.

66. It would seem desirable to examine more closely the question of establishing within Unesco an 'International Register of Folk-Cultural Properties'. This Register could be conceived on the lines of the inventory for the protection of the cultural and natural heritage, including items which, without being of outstanding importance, are inseparable from their environment and contribute to its character, proposed in Article 29 of the Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage, adopted by the General Conference at its seventeenth session in November 1972.

67. It might also prove useful to design - at a later stage - a model index card for cataloguing information.

b. Storage of the content of manifestations of folklore

68. It appears that the storage of the content of manifestations of folklore - material and immaterial (see paragraphs 30 and 32) - is currently effected in most countries by traditional means such as card indexes, records, tapes, microfiches, films, microfilms, etc.

69. Although computers are still little used, the situation should change in the future (see paragraph 31). It might therefore be useful to draw up guidelines in this area.

c. Publication of manifestations or expressions of folklore

70. Manifestations or expressions of folklore are the subject of publications in nearly all countries, but such publications are generally concerned with national folklore and less frequently with that of other countries.

4. Preservation of folklore

a. Inventory of groups producing manifestations or expressions of folklore

71. Such an inventory exists in a good many countries and the question arises as to whether steps might not be taken to help make this practice the general rule. Guidelines could be drawn up to help national authorities bring this about.

b. Structures or measures providing access to the phenomenon of folklore

72. It appears that most countries possess structures or have adopted measures providing access to the phenomenon of folklore (see paragraph 36). This is a major factor in the protection of folklore, inasmuch as the education of the public in this field provides the surest guarantee of the conservation of manifestations or expressions of folklore. It should be added here that such structures or measures are very often provided for in the cultural policies of the countries concerned (see paragraph 37).

c. Restrictions on the use of folklore

73. It is essential to deal effectively with the question of restrictions on the use of folklore, if it is desired to preserve its authenticity both in the case of its utilization outside its milieu of origin and in the case of its commercial utilization (see paragraphs 38 to 42).

5. Utilization of folklore

a. Legal protection of folklore

74. It appears that folklore is legally protected in only a few countries, while in many others it is regarded as belonging in the public domain.

75. When folklore is protected by legislation (see paragraph 45), the legal principles applicable are:

- (1) most often those of copyright law;
- (2) the notion of plagiarism;
- (3) the notion of unfair competition;
- (4) those of a law sui generis.

76. It would seem appropriate in this connection to draw the Committee's attention to the studies carried out jointly by Unesco and the World Intellectual Property Organization (WIPO) on the copyright aspects which might be involved here. As a result of these studies the Unesco Secretariat and the International Bureau of WIPO convoked a Working Group on the Intellectual Property Aspects of Folklore Protection which, in the course of two meetings, held respectively on 7-9 January 1980 and 9-13 February 1981, drew up and then adopted Model provisions for national laws on the protection of expressions of folklore, which will be examined by a committee of experts to be convened jointly by Unesco and WIPO in 1982.

b. Conditions governing the utilization of folklore

77. The replies show that this question needs further study, considering that very few countries place conditions on the utilization of works of folklore and that, when such conditions do exist, they vary considerably from country to country (see paragraphs 46 to 51).

ANNEX I

Country .....

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Questionnaire on the protection of folklore

I. Definition of folklore

1. What are the origin and sources of folklore in your country?
- 1.1 Is folklore solely the result of collective creation?  yes  no
- or
- 1.2 Can it be the result of individual creation?  yes  no
- or
- 1.3 Can it be the result of both these forms of creation?  yes  no
- 1.4 If folklore in your country can result from individual creation, is the expression of the collective consensus necessary for this manifestation to be regarded as folklore?  yes  no
- 1.5 Should folklore be an integral part of the "cultural heritage"?  yes  no
2. What, in your country, are the features entitling a manifestation to be regarded as coming within the sphere of folklore?
- 2.1 The impersonal nature of the elements constituting the manifestation and of their transmission?  yes  no
- 2.2 The anonymous nature of the elements constituting the manifestation?  yes  no
- 2.3 The traditional nature of the elements constituting the manifestation and of their transmission?  yes  no
- 2.4 The oral nature of transmission?  yes  no



- 2.5 The empirical nature of transmission?    
yes no
- 2.6 The collective and spontaneous participation of  
the entire audience?    
yes no
3. Are other elements taken into consideration in your country  
in the definition of folklore, and if so, what are they?    
yes no
- .....  
.....  
.....  
.....

II. Identification of folklore

4. What are, in your country, the spheres in which manifestations  
of folklore occur?
- 4.1 Music and other creative forms involving sound    
yes no
- 4.2 Literature?    
yes no
- 4.3 Songs?    
yes no
- 4.4 History?    
yes no
- 4.5 Philosophy?    
yes no
- 4.6 Sociology?    
yes no
- 4.7 Ethnology?    
yes no
- 4.8 Popular traditions?    
yes no
- 4.9 Linguistics?    
yes no
- 4.10 Religion?    
yes no
- 4.11 Law?    
yes no

- |      |   |                          |                          |
|------|---|--------------------------|--------------------------|
| 4.12 | Medicine?   | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.13 | Botany?   | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.14 | Agriculture?  | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.15 | Dancing and other creative forms involving<br>movement? | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.16 | Plastic forms and other optical impressions?            | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.17 | Paintings?  | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.18 | Sculptures?   | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.19 | Costumes?   | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.20 | Drawings?   | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.21 | Carpets?  | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.22 | Mosaics?  | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.23 | Jewellery?  | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.24 | Pottery?  | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.25 | Craftwork?  | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |
| 4.26 | Other fields?   | <input type="checkbox"/> | <input type="checkbox"/> |
|      |   | yes                      | no                       |

.....  
.....  
.....

5. What rules are applied in your country in the collection and recording of manifestations or expressions of folklore?

5.1 Application of the extensive method (consisting in establishing a wide survey network over the whole area under consideration and then proceeding to sort out the information)?

yes no

5.2 Application of the intensive method (survey on specific, scientifically defined points carried out among persons qualified to provide such information: witch doctors, singers, story-tellers, heads of castes, scholars, priests, master craftsmen, patriarchs, heads of family, etc.)?

yes no

5.3 A combination of both methods?

yes no

6. Are there, in your country, one or more model questionnaires designed for the recording and collection of the contents of folklore, its manifestations and expressions?

yes no

If so, please attach a copy of one of these questionnaires.

7. Is there, in your country, a standardized procedure for transcription and translation?

yes no

8. If so, please indicate whether it provides for:

8.1 Transcription of the text in the vernacular language (standardized alphabet, Africa alphabet, etc.)

yes no

8.2 Literal, juxtalinear translation in a widely spoken world language

yes no

8.3 Literary translation

yes no

9. Do you consider that the existing rules of historical criticism apply to the analysis of the data collected?

yes no

10. If not, please indicate the methodological rules according to which the data are analysed.

.....  
.....  
.....

11. Does your country have centres for the training of:

11.1 Researchers (specialists in various disciplines - literature, history, ethnology, sociology, archaeology, musicology)?

yes no

11.2 Specialists in linguistic transcription (implying training in phonetics, phonology, tonology, morpho-syntax, lexicography and socio-linguistics)?

yes no

11.3 Collectors working on a specific programme under the direction of a specialist?

yes no

12. Does your country have the necessary recording material for the collection of manifestations and expressions of folklore (tape-recorders, head-phones, microphones, tapes, etc.)?

yes no

13. Are theoretical training courses provided for collectors of folk traditions in order to introduce them to recording techniques (use of machines; indoor- and outdoor-recording techniques; precautions to be taken against reverberation or wind; handling of original tapes; basic copying techniques)?

yes no

14. Is there in your country an inventory or catalogue, by type or theme, for the classification of the data collected?

yes no

If so, please give a brief description of it.

.....  
.....  
.....

III. Conservation of folklore

15. What, at present, are the means of conserving folklore in your country

15.1 Is there an inventory of manifestations and expressions of folklore?

yes no

15.2 Is there a register centralizing information on the different manifestations or expressions of folklore in your country?

yes no

16. Once the manifestations or expressions of folklore have been identified and their content collected, how is this information stored?

16.1 By means of index cards, records, tapes, microfiches, films, microfilms, etc.?

<input type="checkbox"/>	<input type="checkbox"/>
yes	no

16.2 By computer?

<input type="checkbox"/>	<input type="checkbox"/>
yes	no

16.3 If your country does not use computers for this purpose, is it intending to do so in the future?

<input type="checkbox"/>	<input type="checkbox"/>
yes	no

16.4 If not, please specify the obstacles to the use of computer storage.

.....  
.....  
.....

17. Does the conservation of manifestations or expressions of folklore apply in your country

17.1 To material manifestations or expressions?

<input type="checkbox"/>	<input type="checkbox"/>
yes	no

17.2 To immaterial manifestations or expressions?

<input type="checkbox"/>	<input type="checkbox"/>
yes	no

17.3 To both?

<input type="checkbox"/>	<input type="checkbox"/>
yes	no

18. Are manifestations or expressions of folklore the subject of any publications in your country?

<input type="checkbox"/>	<input type="checkbox"/>
yes	no

19. If so, do these publications concern

19.1 National folklore?

<input type="checkbox"/>	<input type="checkbox"/>
yes	no

19.2 Folklore of other countries?

<input type="checkbox"/>	<input type="checkbox"/>
yes	no

IV. Preservation of folklore

20. Is there an inventory of groups producing manifestations or expressions of folklore in your country?

<input type="checkbox"/>	<input type="checkbox"/>
yes	no

21. Are there national structures or measures providing access to the phenomenon of folklore (for example, do school curricula include the study of folklore or contact with it, etc.)?  yes  no

22. If so, please specify these structures or measures.  
.....  
.....  
.....

23. Do your country's cultural policies include measures in support of manifestations of folklore (regional artistic competitions, travelling or fixed exhibitions of expressions of folklore, etc.)?  yes  no

24. If so, please describe these measures.  
.....  
.....  
.....

25. Is the use of folklore subject to restrictions

25.1 Regarding the persons entitled to use folklore?  yes  no

25.2 Regarding the conditions of its use?  yes  no

25.3 Regarding the places in which it may be used?  yes  no

26. When folklore is used outside its milieu of origin, must steps be taken to guarantee its authenticity and prevent its distortion? If so, what are these steps?  
.....  
.....  
.....

27. Are there strict limitations in your country concerning the sectors of activity or creation in which folklore may give rise to commercial utilization?  yes  no

28. If so, please specify the sectors.

.....  
.....  
.....

29. Is there any supervision of the authenticity of folklore in the case of commercial utilization?

yes no

30. If so, please specify the body responsible for such supervision.

.....  
.....  
.....

31. Is this supervision carried out

31.1 In advance?

yes no

31.2 In retrospect?

yes no

V. Utilization of folklore

32. Is folklore legally protected in your country?

yes no

Or is it regarded as belonging in the public domain?

yes no

33. If folklore is protected by legislation, please specify the legal principles applicable:

33.1 Application of copyright law?

yes no

33.1.1 As to an anonymous work?

yes no

33.1.2 As to a collective work?

yes no

33.2 Application of the notion of plagiarism?

yes no

33.3 Application of the notion of unfair competition?    
yes no

33.4 Application of a law sui generis?    
yes no

If so, please specify the workings of that law.

.....  
.....  
.....

34. Are there conditions governing the utilization of works of folklore?    
yes no

34.1 Previous authorization?    
yes no

34.2 Completion of formalities?    
yes no

34.3 Other conditions (please specify)?  
.....  
.....  
.....

35. Are these uses subject to advance supervision?    
yes no

35.1 Do reproductions of the work have to be sealed by an official body; if so, which body?    
yes no  
.....  
.....  
.....

35.2 Is there a quota for the sale of copies of the work?    
yes no

or

Is the sale restricted by other means; if so, how?    
yes no  
.....  
.....  
.....



36. Do the conditions relating to the utilization of folklore apply

36.1 To all forms of utilization?    
yes no

36.2 Only to commercial utilization?    
yes no

37. If works of folklore are considered in your country as belonging in the public domain, is their utilization subject to the system of

37.1 "domaine public payant"?    
yes no

37.2 "domaine public d'Etat"?    
yes no

38. If utilizations of works of folklore are not subject to the system of "domaine public payant", are they subject to the payment of a royalty?

yes no

39. To what purpose are the royalties from the utilization of works of folklore allocated?

.....  
.....  
.....

ANNEX II/ANNEXE II/ANEXO II/ПРИЛОЖЕНИЕ II/ الملحق ٢

SUMMARY TABLE OF THE REPLIES RECEIVED TO THE QUESTIONNAIRE  
TABLEAU RECAPITULATIF DES REPONSES RECUES AU QUESTIONNAIRE  
CUADRO RECAPITULATIVO DE LAS RESPUESTAS RECIBIDAS AL CUESTIONARIO  
ИТОГОВАЯ ТАБЛИЦА ОТВЕТОВ НА ВОПРОСНИК

جدول تلخيصي للاجابات الواردة ردا على الاستبيان

(This table only exists in English)  
(Le présent tableau n'existe qu'en version anglaise)  
(El presente cuadro existe solamente en versión inglesa)  
(Настоящая таблица существует только на английском языке)

هذا الجدول موجود باللغة الانجليزية فقط

Note/Nota/  
Примечание/  
ملاحظة

1. The numbers which appear in this table correspond to the numbers of the questions in the questionnaire reproduced in Annex I

Les numéros qui figurent dans le présent tableau correspondent aux numéros des questions du questionnaire qui est reproduit en Annexe I

Los números que figuran en al presente cuadro corresponden a los números de las preguntas del cuestionario, cuya reproducción figura en el Anexo I

Порядковые номера в настоящей таблице соответствуют номерам вопросов в вопроснике, приведенном в Приложении I

الأرقام الماثلة في هذا الجدول مناظرة لأرقام أسئلة الاستبيان الواردة في الملحق ١

2. The letters N, O, S and Y which appear in this table have the following meanings:

Les lettres N, O, S, Y qui apparaissent dans le présent tableau ont la signification suivante:

Las letras N, O, S, Y que figuran en al presente cuadro tienen el siguiente significado:

Встречающиеся в настоящей таблице буквы N, O, S, Y имеют следующее значение:

فيما يلي دلالات الحروف N,O,S,Y الماثلة في هذا الجدول

N : No - Means a negative reply to the question  
Correspond à une réponse négative à la question posée  
Corresponde a una respuesta negativa a la pregunta formulada  
Соответствует отрицательному ответу на заданный вопрос

N : لا - يدل على اجابة سلبية عن السؤال

O : - Means that there was no reply on this point  
Signifie qu'il n'y a pas eu de réponse sur ce point  
Significa que ese punto no ha merecido respuesta  
Означает, что на этот пункт не было ответа

O : يدل على أنه لم ترد اجابة على هذا السؤال

S : Statement - Means that the reply contains a statement on this point  
Signifie que la réponse contient une déclaration sur ce point  
Significa que la respuesta incluye una declaración sobre el punto de que se trata  
Означает, что в ответе содержится по этому вопросу какое-то заявление

S : بيان يدل على أن الاجابة تحتوي على بيان بشأن هذه النقطة

Y : Yes - Means an affirmative reply to the question  
Correspond à une réponse positive à la question posée  
Significa que ha habido una respuesta positiva a la pregunta planteada  
Соответствует положительному ответу на заданный вопрос

Y : نعم - يدل على اجابة ايجابية عن السؤال







