



Digital presentation and preservation of intangible cultural heritage

01 - Framework for common standards and models for digitization, presentation and preservation of intangible cultural heritage

AN OVERVIEW ON INTANGIBLE CULTURAL HERITAGE AT INTERNATIONAL, EUROPEAN AND NATIONAL LEVEL

Italy



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Introduction

This report is a part of the desk-research activity in the framework of the intellectual output 1 - Framework for common standards and models for digitization, presentation and preservation of intangible cultural heritage.

It is structured into two parts. The first aims to present and analyse the main features regarding “cultural heritage” and, in particular, “intangible cultural heritage” (ICH) at the international, European and Italian points of view. It underlines how the ICH is considered to be an important factor in maintaining cultural diversity in the face of growing globalization. Preserving a real understanding of the intangible cultural heritage from different communities is paramount in promoting intercultural dialogue and encouraging mutual respect for other ways of life. What is most important in considering intangible cultural heritage is not the cultural manifestation itself but rather the wealth of knowledge and skills that are transmitted through it from one generation to the next. The social and economic value of this transmission of knowledge is relevant for minority groups and for mainstream social groups within a State.

The second part of this report includes some examples of how other countries preserve, conserve and valorise their intangible cultural heritage.

FIRST PART

Intangible Cultural Heritage

1. Cultural Heritage Definition

There is no single definition of “cultural heritage”. It depends on the specific situation and the national regulations in every State.

One definition comes from the Hague Convention of 1954 on the Protection of Cultural Heritage, which in case of armed conflict, concerns a wide category of assets, regardless of their ownership.

Another definition is determined by the fact that the cultural assets are also covered by international trade and restitution regulations that vary on the base of the national regulations of each State. Other definitions can be established at the supranational (e.g. by European Commission or Council of Europe acts and initiatives) and at the national level.

Having multiple definitions of “cultural heritage” is, at the same time a challenge and an opportunity for the discipline in this sector, especially for systems built on the idea of a “list”, as occurs with the UNESCO¹ World Heritage Convention of 1972. This Convention aimed to identify and protect the world's natural and cultural heritage that is considered to be of Outstanding Universal Value. Actually, Article no.1 states²:

*<<For the purpose of this Convention, the following shall be considered as “cultural heritage”:
monuments ... groups of buildings ... sites ... of outstanding universal value from the
historical, aesthetic, ethnological or anthropological point of view.>>*

Each UNESCO site is what a State recognizes as its own "masterpiece", as national heritage. Once this asset is added to the list, the site becomes part of the universal heritage. In this case, international laws enrich the complexity and multitudes of cultural heritage definitions. However, the legal notion of "cultural asset" is necessarily *liminal*, because legal norms cannot define without resorting to other disciplines.³ This *liminal* feature makes its legal definition weak and, consequently, in the international context, each Convention adopts its own definition of "cultural asset" or "cultural heritage".

The expression "cultural asset" was used, for the first time, in the aftermath of the Second World War and its origins emerge from the influence of the Euro-American perspective or, exclusively, by the European one, without including any different conception given from the other countries in other continents. Therefore, since every definition available is inspired by a specific idea of

¹ UNESCO, acronym for United Nations Educational, Scientific and Cultural Organization, is a specialized agency of the United Nations (UN) that was outlined in a constitution signed November 16, 1945. The constitution, which entered into force in 1946, called for the promotion of international collaboration in education, science, and culture. Besides its support of educational and science programs, UNESCO is also involved in efforts to protect the natural environment and humanity's common cultural heritage.

² Basic Texts of the 1972 World Heritage Convention (2005 Edition) - Article no.1 p.2 - Accessible: <http://whc.unesco.org/uploads/activities/documents/activity-562-4.pdf> [Retrieved online 21/06/2020]

³ Giannini, M. S. (1976). I beni culturali. *Rivista trimestrale di diritto pubblico*, 26(1), 3.

“culture”, coming from a specific society, it can sometimes appear to be “unbalanced” or not “exhaustive”.

Today, however, the importance gradually acquired from the definition of “intangible heritage” and “cultural diversity” is the sign of a geopolitical balance, aiming to reduce the prevailing position of Western culture.

In this context, in Italy, as early as 1967, a special investigation commission coined a very broad definition which was included into law only thirty years later. In the sixties, the formula used was that of <<material testimony of the value of civilization>>. Only later, the word “material” was deleted.⁴

Therefore, in Italian legislation, “cultural assets” are “the intangible and tangible assets that [...] have artistic, historical, archaeological, ethno-anthropological, archival and bibliographic interest and other assets identified by the law or, according to the law, as evidence of civil value.”

⁴ G7 Meeting of experts, The Protection of Cultural Heritage Rules, Practices, and Education, Florence, March 30, 2017, Ministero dei beni e delle attività culturali e del turismo.

1.1 International context

Since the post-second world war period, international legislation on cultural heritage has developed along three main lines.

The first, the creation of a global system of world heritage protection, starting from 1954 with the Hague Convention for assets protection in the event of armed conflict (on which the last fundamental Resolution of the United Nations Security Council N. 2347 2017) and in 1972 with the UNESCO Convention on World Heritage of Humanity. The regulation process has progressively transformed, moving from a more traditional system deriving from international law, based on conventions, to a more flexible one, with the drawing up of guidelines, policies, and other "soft law" mechanisms.

In addition, the number and variety of stakeholders have steadily increased, so much so that today it includes not only governments but also non-governmental organizations and other institutions.

The second is that an international discipline of trade and restitution of cultural heritage was constituted (e.g. UNESCO Convention of 1970 and UNIDROIT Convention of 1995).

However, this international discipline has shown the limits of traditional mechanisms bound to international laws in facing global interests and has underlined the need to elaborate special international standards also for private individuals.⁵

Effective international regulation of trade and the restitution of cultural assets requires the intervention of several subjects - not only the States but also museums and other public and private institutions, including, for example, even auction houses - and the adoption of a complex set of rules such as treaties between States and agreements between the parties involved.

The third line is related to the self-production of norms and museum standards. Transnational mechanisms, such as documents approved by the International Council of Museums (ICOM), have gradually gained worldwide importance, especially due to the high level of uniformity they can achieve.

ICOM is an important example of global self-regulation: an international non-governmental organization that adopts world standards with which the members of the organization itself must then comply. Therefore, many countries, such as Italy, have adopted rules referred to them: e.g. the acts of the organization reform of the Ministry of Cultural Heritage and Activities and Tourism - Presidential Decree n. 171 of 2014 and the d.m. December 23, 2014 - include a clear reference to the museum definition provided by ICOM.

⁵ Tarasco, A. L. (2008). Diversità e immaterialità del patrimonio culturale nel diritto internazionale e comparato: analisi di una lacuna (sempre più solo) italiana. *For amm: CdS*, 7, 2261-2287.

Moreover, this path is improved by the integration of best practices tested in the museum sector.

The contextual analysis of these paths highlights three distinct dimensions of the international discipline on cultural heritage: legislative; organizational; procedural.

Regarding the first dimension, the legislative, the production of international standards, for both public and private subjects, is constantly increasing.

Actually, UNESCO develops important guidelines, policies and other rules implementing treaties and conventions.

International non-governmental organizations adopt regulatory acts - such as the ICOM Ethics Code - which are applied not only by those directly involved in the regulatory process but also by States and/or other institutions that are (still) not members of these organizations. In some cases, world standards - such as for art-works loans - are developed through private and informal procedures.

In this context, the recent approval of the Security Council Resolution for the protection of cultural heritage in the event of armed conflict (No. 2347 of 24 March 2017) is a very positive sign, of exceptional political, legal and institutional value.

In fact, the recent decision by the International Criminal Court on the Al-Mahdi case was an important step towards greater shared protection of cultural heritage.

However, the role played by international courts still appears too weak. There are still too many areas of cultural heritage law that fall outside the jurisdiction of any court, and some "rules" - as in the case of guidelines or best practices - are not even "usable" in a court.

The second dimension, the organizational system, is much diversified. The parties involved are not only States - and, in particular, national governments - or inter-governmental organizations (such as UNESCO), but also national administrations and private bodies.

There is a wide set of organizations working together to balance the several interests related to cultural heritage (e.g. ICOMOS, ICCROM, ICOM). This makes the distinction between the public and private spheres weak, producing hybrid regimes.

The third important dimension is the procedural one, perceived as the numerous indications and instructions provided by the UNESCO WHC Operational Guidelines regarding the registration of a site on the list of World Heritage Sites. There are two perspectives, vertical and horizontal, related to UNESCO. The vertical perspective includes ICOM and other international organizations, on the one hand, and States, national administrations and museums, on the other. The horizontal perspective, instead, is given, for example, by relations between States and those between ICOM members. These elements are also common to many international regimes, as in the case of environmental protection or international trade.

1.2 Definition of “intangible cultural heritage”

Cultural heritage does not only include monuments and collections of objects, but also all living traditions transmitted by our ancestors.

Therefore, “intangible cultural heritage” means practices, representations, expressions, knowledge and skills, as well as tools, artefacts, objects, and associated cultural spaces, which are recognized by communities, groups and, in some cases even individuals, as an integral part of their cultural heritage.

In particular, what matters is not the individual cultural event itself, but the knowledge which is transmitted from generation to generation and recreated by communities and specific groups. Intangible heritage guarantees a sense of identity and continuity and encourages respect for cultural diversity, human creativity, sustainable development, as well as mutual respect between the communities themselves and the subjects involved.

The category of “intangible cultural heritage” (ICH), well-known globally, was introduced by UNESCO through the Convention of 2003. It was adopted during the 32nd UNESCO General Conference in October 2003, and entered into force in 2006. Since 2004, 178 States have accepted and/or ratified it. At the moment, there are 193 Member States of UNESCO which have subscribed to it.

In fact, in the Convention, Article no. 2 defines ICH as:

<<[...] the practices, representations, expressions, knowledge, skills - as well as the instruments, objects, artefacts and cultural spaces associated therewith - that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.>>

Five sectors of intangible heritage can be identified, as indicated in art. 2 of the UNESCO Convention of 2003:

- Oral traditions and expressions, including language as a vehicle of intangible cultural heritage;
- Performing arts;
- Social customs, rituals and festive events;

- Knowledge and practices on nature and the universe;
- Traditional craftsmanship.

In Italy, "cultural asset" is a concept including a legal value to which the preservation and valorisation initiatives of the Ministry for Cultural Heritage and Activities (MiBAC), of the Regions and local authorities, are addressed according to what the *Code of Cultural Heritage and Landscape* (Legislative Decree 42/2004) establishes⁶.

In this Code, as in the previous preservation laws, intangible cultural assets are not taken into consideration, due to their "intangible" nature of "non-things".

However, after the Italian approval, in 2007, of the UNESCO Convention for the Protection of Intangible Cultural Heritage (2003) and for the protection and promotion of cultural diversity (2005), article 7-bis was added to the text of the law:

The expressions of collective cultural identity contemplated by the UNESCO Conventions for the protection of intangible cultural heritage and for the protection and promotion of cultural diversity [...] are subject to the provisions of this code if they are represented by material evidence [...]

The UNESCO Convention of 2003 ratified, in its Italian translation, the phrase "patrimonio culturale intangibile" (Intangible Cultural Heritage - ICH - in English) which is now usually used and identified, in Italy, by the acronym PCI.

In brief, the Convention establishes four key aspects of ICH as follows⁷:

- **Traditional and contemporary at the same time:** ICH does not only represent inherited traditions from the past but also contemporary rural and urban practices in which diverse cultural groups take part.
- **Inclusive:** expressions of intangible cultural heritage that are similar to those practised by others can be shared easily. It doesn't matter if ICH comes from the neighbouring village or from a city on the opposite side of the world; it is always part of the peoples' life guaranteeing the sense of their identity and community from one generation to another. Therefore, it contributes to social cohesion, supporting individuals to feel part of one or different communities and to feel part of society at large.
- **Representative:** intangible cultural heritage is not merely valued as a cultural asset, on a comparative basis, for its exclusivity or its exceptional value. It depends on the

⁶ Tucci, R. (2005). Il Codice dei beni culturali e del paesaggio e i beni etnoantropologici: qualche riflessione. Lares, 57-70. Tarasco.

⁷ UNESCO - Intangible Cultural Heritage Accessible at <https://ich.unesco.org/en/what-is-intangible-heritage-00003> [Retrieved online 21/06/2020]

community, mainly on those whose knowledge of traditions, skills and customs are passed on to the rest of the community or to other communities.

- **Community-based:** intangible cultural heritage can only be heritage when it is recognized as such by the communities, groups or individuals that create, maintain and transmit it.

However, the concept of “intangible cultural heritage” did not originate with the UNESCO Convention, but has much older roots in Italy, starting from the observation of subjects and the surveys of folklorists and demonologists between the nineteenth and twentieth centuries.

It is in the second half of the twentieth century that the demo-anthropological research begins to connect openly with the matter of cultural heritage, for which, in 1975, the Ministry for cultural and environmental heritage was constituted.

In 1978 the Ministry of Cultural and Environmental Heritage publishes the research and the cataloguing of popular culture that was the result of the collaboration among the Central Institute for Catalogue and Documentation (ICCD), the National Museum of Popular Arts and Traditions (MNATP) and a group of scholars headed by the La Sapienza University of Rome.⁸

The volume contains the regulations of the first four datasheets designed for the cataloguing of folkloric cultural heritage, indicated with the acronym FK.

Three of these datasheets (FKM, FKN and FKC) are specifically related to intangible cultural assets. They are added to the object datasheet (FKO) on the base of the criterion that folklore is not only represented through material culture but also through intangible aspects, including music, fiction, and feast.

In 1988, Alberto Cirese formulates the well-known definition of “volatile assets” as a specific category of demonological assets which is added to those of movable and immovable assets.⁹

In 1989, UNESCO issued the Recommendation for the Safeguarding of Traditional and Popular Culture: the first document acknowledging the importance of oral cultures in the context of the cultural heritage of humanity.

In fact, UNESCO created the Section of Intangible Heritage in 1997, thus initiating a process that, in 1999, developed the Intangible Heritage project. It consisted of five actions, the best known of which is the *Proclamation of Masterpieces of Oral and Intangible Heritage of Humanity*.

⁸ Casini, L. (2012). Oltre la mitologia giuridica dei beni culturali. *Aedon*, (1-2), 0-0. Tucci, R. (2002). Beni demoetnoantropologici immateriali. *Antropologia museale*, 1(1), 54-59.

⁹ Grimaldi, R. (1988). I beni culturali demo-antropologici. *Schedurata e sistema informativo*.

Afterwards, in May 1999, the International Non-material Cultural Heritage in the Euro-Mediterranean Area conference, held in Rome, promoted by the University of the Mediterranean (Unimed), marked the start of a new Italian path.¹⁰

Therefore, in 2003, when the expression “intangible cultural heritage” was incorporated in the UNESCO Convention for the Protection of Intangible Cultural Heritage, approved in the 32nd session of the General Conference in Paris on October 17, 2003, the Italian scientific and institutional context was rich in experience in this sector.

The Italian ratification, which took place only in 2007, is almost a new starting point for new initiatives, above all territorial, with the involvement of the “communities” in the safeguard, also through the applications of the candidatures of the objects, identified by them, considered as a part of the intangible cultural heritage.

The participation of communities, groups, non-governmental organizations is the keyword of the Convention, referred to Articles 2, 11 and 15:

“Intangible cultural heritage” means the practices, representations, expressions, knowledge, know-how [...] that communities, groups and in some cases individuals recognize as part of their cultural heritage. This intangible cultural heritage passed on from generation to generation is constantly recreated by communities and groups [...]. (art.2)

Each Contracting State: among the safeguard measures referred to in Article 2, paragraph 3, will identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of relevant communities, groups and non-governmental organizations. (art.11)

As part of its activities to safeguard the intangible cultural heritage, each Contracting State will make every effort to ensure the widest participation of communities, groups and, where appropriate, individuals who create, maintain and transmit this cultural heritage, in order to actively involve them in its management. (art.15)

However, there is no definition of the criteria of the word “community” that is responsible to make the application. The Convention does not specify it and limits itself to using the term in hypothetical objectivity or sharing of meaning, but the term remains problematic and is, in fact, used critically in DEA (Demo-ethno-anthropological) disciplines which have consolidated concept of “intangible cultural heritage” through a specific research and documentation methodology applied to knowledge and practices transmitted essentially by oral and gestural means.

¹⁰ Non-material Cultural Heritage in the Euro-Mediterranean Area, Acts of the Unimed - Symposium. (May 28 1999), Formello, SEAM, 2000.

A step forward comes from the definition of “heritage community”, coined by the Framework Convention on the Value of Cultural Heritage for Society of the Council of Europe, signed in Faro in 2005:

A heritage community consists of people who value specific aspects of cultural heritage which they wish [...] to sustain and transmit to future generations (art. 2).

Even if the new definition narrows the focus, it does not completely solve the problem.

In the Italian translation of the text of the Council of Europe, “Framework Convention on the value of cultural heritage for society”, signed by the Italian government in February 2013, an interesting lexical discontinuity and a new proposal are found. Indeed, cultural heritage is translated here as “eredità culturale (heredity)”, rather than as “patrimonio culturale”; consequently heritage community is translated as “comunità di eredità” (heredity community), rather than “comunità patrimoniale” (patrimonial community).

The choice is motivated by the opportunity to distinguish two different public practices: “the term cultural heritage has been deliberately translated as “eredità culturale” (cultural heredity) to avoid confusion or overlap with the definition of cultural heritage referred to in art. 2 of the [...] Code of Cultural Heritage and Landscape”.

When talking about intangible heritage it is therefore always necessary to specify whether it refers to cultural assets or cultural heredity. If the cultural assets are considered, we cannot disregard the regulatory aspects, nor the consolidated Italian tradition within a complex and articulated system of administrative practice, built and developed over a long period.

If the intangible cultural heritage, in the sense of cultural heredity, is considered, we are using a more generic and broader terminology that can be declined in many different ways, with even much-differentiated meanings.

Since the UNESCO Convention of 2003, the term heritage has been used mainly according to the meaning specified in art. 2; very rarely according to the legal meaning it has in the Code.

So the heritage thus understood is a whole of living practices, memories, representations, exhumations, innovations, processes, sources, web resources, results of anthropological and ethnomusicological research.¹¹

¹¹ Tucci, R. (2013). Beni culturali immateriali, patrimonio immateriale: qualche riflessione fra dicotomie, prassi, valorizzazione e sviluppo. *Voci*, 10, 183-190.

2. Preserving intangible cultural heritage

Cultural heritage consists of cultural and creative resources of a tangible or intangible nature, with a value for society that has been publicly recognised in order to preserve it for future generations. It includes natural, built and archaeological sites, museums, monuments, artworks, historic cities, literary, musical, audio-visual and digital works, and the knowledge, practices and traditions of European citizens.

Not all the products of art, creativity, history and cultural expression can be considered as heritage. Heritage is a selection of those products, which are recognised as having relevant worth to be passed on to future generations.

Every country has its own framework for identifying cultural heritage, but the first step shared by all is the definition of its value for society and the public recognition of this status. This can be done in different ways, at the national, regional or local levels, for example, through its inclusion on an official list, or in a national collection.

The UN Human Rights Council in September 2016, provides a certain number of new recommendations in the Resolution 33/20 -"Cultural rights and the protection of cultural heritage".¹² In fact, it recalled upon States to respect, promote and protect the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage; and urged all parties in armed conflicts to refrain from any unlawful military use or targeting of cultural property, in full conformity with their obligations under international humanitarian law; as well as increased cooperation between states to tackle looting and illicit trafficking of cultural property and facilitating restitution. The Resolution also called for the recognition of the protection of cultural heritage as an important component of humanitarian assistance, including in armed conflict, and for the safety and security of cultural rights defenders involved in the protection of cultural heritage to be protected, including by investigating and, where appropriate, by bringing to justice anyone alleged to have harmed them.

An important international organisation interested in preserving the cultural heritage is Blue Shield International Board¹³.

The Blue Shield network, often referred to as the cultural equivalent of the Red Cross, is, as a non-profit, international organisation and was formed in response to the changes in international law. Today it works globally to protect cultural heritage in emergency situations. This includes museums, monuments, archaeological sites, archives, libraries and audio-visual material, and significant natural areas, as well as intangible heritage. There are several national committees

¹² Resolution adopted by the Human Rights Council on 30 September 2016 33/20. Cultural rights and the protection of cultural heritage - Accessible at <https://undocs.org/A/HRC/RES/33/20> [Retrieved online 23/06/2020]

¹³ Accessible at <https://theblueshield.org/about-us/what-is-the-blue-shield/> [Retrieved online 23/06/2020]

operating across the world, coordinated by an international one - the Blue Shield International Board.

The Blue Shield's work is founded on the belief that cultural heritage - tangible and intangible - is the vital expression of the culture that makes communities unique and that its loss, during conflicts and any type of disasters, can have catastrophic consequences. In this context, the Blue Shield intends, also, to be proactive, developing and coordinating knowledge and measures, wherever possible, to prevent or mitigate damage before it can occur.

The key goals of the Blue Shield are laid out in Article 2 of their Statute (2016) as follows:

- *Protecting cultural and natural heritage - tangible and intangible - from the effects of conflict and environmental disaster.*
- *Promoting the ratification of, respect for, and implementation of, the 1954 Hague Convention and its two Protocols.*
- *Raising awareness of the importance of protecting heritage in emergency situations.*
- *Promoting and providing relevant training (to heritage professionals, the armed forces, other emergency responders, and those involved in preventing the illicit trafficking of looted objects).*
- *Promoting community engagement with and participation in protecting cultural property (CP).*
- *Encouraging co-operation with, and between, other relevant entities involved in emergency situations.*

Another important step for the world cultural heritage preservation has been done by UNESCO, the United Nations Educational, Scientific and Cultural Organization. This organisation takes care primarily of preserving and conserving world cultural heritage through international cooperation in Education, the Sciences and Culture.

With 453 inscribed sites, of which 89 elements¹⁴ are included in the Representative List¹⁵ of Intangible Cultural Heritage of Humanity, Europe, as a region, represents almost half of UNESCO's World Heritage List¹⁶.

¹⁴ There are 31 certified Council of Europe Cultural Routes, crossing over 50 countries in Europe and beyond. And the network of 27 000 protected Natural 2000 sites, which comprises the EU's rich natural heritage, accounts for 18% of the EU's land and almost 6% of its marine territory.

¹⁵ Accessible at <https://ich.unesco.org/en/lists> [Retrieved online 22/06/2020]

¹⁶ Accessible at <http://whc.unesco.org/en/list/?&delisted=1> [Retrieved online 22/06/2020]

2.1 Organisations, institutes and policies for the protection of intangible assets in Europe

European Heritage sites are milestones in the creation of today's Europe.

Since 2013, these sites have been carefully selected for their symbolic value, the role they have played in European history and activities they offer to bring the European Union closer to its citizens.

The types of site, which can achieve the European Heritage Label, are monuments; natural, underwater, archaeological, industrial or urban sites; cultural landscapes; places of remembrance; cultural assets; objects and intangible heritage associated with a place, including contemporary heritage.

However, there are three key features that make the European Heritage Label (EHL) unique from the UNESCO World Heritage List. These are listed below:

- European Heritage sites bring to life the European narrative and the history behind them.
- The focus is on the promotion of the European dimension of the sites by providing people with access to them. This includes organising a wide range of educational activities, especially for young people.
- European Heritage sites can be enjoyed singly or as part of a network. Visitors can get a real feel for the breadth and scale of what Europe has to offer and what it has achieved.

The EHL began as an initiative of several national governments to improve knowledge of European history and the role and values of the EU.

In 2008 the European Commission began, at the invitation of the Council of Ministers¹⁷, examining the possibility of adopting the scheme at an EU level. Following a proposal to the European Parliament and Council¹⁸, the European Heritage Label (EHL) was formally established in 2011¹⁹.

¹⁷ Council conclusions on the creation of a European heritage label by the European Union - (2008/C 319/04) - Accessible at [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52008XG1213\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52008XG1213(01)) [Retrieved online 22/06/2020]

¹⁸ Proposal for a Decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label {SEC(2010) 197} {SEC(2010) 198} /* COM/2010/0076 final - COD 2010/0044 */ - Accessible at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52010PC0076> [Retrieved online 22/06/2020]

¹⁹ Decision No 1194/2011/EU of the European Parliament and of the Council of 16 November 2011 establishing a European Union action for the European Heritage Label - OJ L 303, 22.11.2011, p. 1-9 - Accessible at <http://data.europa.eu/eli/dec/2011/1194/oj> [Retrieved online 22/06/2020]

The first selection of sites took place in 2013 and the second in 2014.

The European Heritage Label is open to sites in the 25 Member States that participate in the action: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia Slovenia and Spain.

Every two years, participating countries pre-select a maximum of two sites and an independent panel of experts, constituting the jury at EU level, may select a maximum of one site from each country.

2.2 The Convention for the Protection of Intangible Cultural Heritage

Concerning intangible cultural heritage, the UNESCO's Convention for the Protection of Intangible Cultural Heritage (Paris, 2003) entered into force on April 20, 2006, and Italy ratified it on October 24, 2007.

The Convention aims to strengthen the system of protection of particularly vulnerable expressions of the cultural identity of peoples, made up of traditions, knowledge, linguistic and artistic expressions in various areas: theatre and music, religious celebrations and rites, traditional craftsmanship techniques and various arts.

Intangible heritage is the reflection of the vitality of peoples, the result of the meeting of different cultures, "fragile flowers of humanity" according to the definition of Claude Lévi-Strauss. And if intangible heritage is the expression of the soul of peoples, its safeguarding can constitute a vector of sustainable development for the communities, individuals and territories that are creators and custodians of this heritage together.

Intangible cultural heritage is fundamental in maintaining cultural diversity in the face of globalization and its understanding helps intercultural dialogue by encouraging mutual respect for different ways of living. Its importance does not lie in the cultural event itself, but in the wealth of knowledge and skills that are transmitted from one generation to another.

In this framework, UNESCO has among its priority objectives the implementation of measures to encourage the transmission of intangible cultural heritage between generations, which is why in 2003 it adopted the Convention for the Protection of Intangible Cultural Heritage, in which a series of procedures are envisaged for the identification, documentation, preservation, protection, promotion and enhancement of the intangible cultural asset.

Under the Convention, two lists of intangible assets have been established:

- The Representative List of the Intangible Cultural Heritage of Humanity, which helps to demonstrate the diversity of the intangible heritage and increase awareness of its importance;
- The List of Intangible Cultural Heritage in Need of Urgent Safeguarding, which aims to mobilize international cooperation and provide assistance to stakeholders to take appropriate measures.

Furthermore, from 2009 onwards, the " Register of Best Safeguarding Practices " was activated, which in fact constitutes a third list with the aim of proposing exchanges of experiences, procedures or significant actions between the Member States that have made it possible to obtain results likely to represent the source of inspiration for communities and individuals.

It contains programs, projects and activities that best reflect the principles and objectives of the Convention.

Until now, UNESCO has recognized 549 elements in 127 countries of the world as Intangible Heritage.

There are 12 Italian elements registered on the Representative List of Intangible Cultural Heritage:

- 2008 Opera dei Pupi siciliani;
- 2008 Canto a tenore sardo;
- 2012 Saper fare liutario of Cremona;
- 2013 Dieta mediterranea, “transnational” element (including Italy, Cyprus, Croatia, Greece, Morocco, Spain and Portugal);
- 2013 Feste delle Grandi Macchine a Spalla (La Festa dei Gigli of Nola, la Varia of Palmi, Faradda dei Candelieri of Sassari, the transportation of the Santa Rosa’s Car in Viterbo);
- 2014 Vite in Alberello of Pantelleria
- 2016 Falconeria, “transnational” element (including Italy, the United Arab Emirates, Austria, Belgium, the Czech Republic, France, Germany, Hungary, Kazakhstan, the Republic of Korea, Mongolia, Morocco, Pakistan, Portugal, Qatar, Saudi Arabia, Spain, the Syrian Arab Republic).
- 2017 L'Arte del "pizzaiuolo" napoletano
- 2018 L'Arte dei muretti a secco, “transnational” element (including Italy, Croatia, Cyprus, France, Slovenia, Spain and Switzerland)
- 2019 Perdonanza Celestiniana
- 2019 Alpinismo, “transnational” element (including Italy, France and Switzerland)
- 2019 Transumanza “transnational” element (including Italy, Austria and Greek)

The candidate element, for which registration is required, doesn't possess a universal value but the power of the representativeness of diversity and human creativity. Therefore, it must have the following features:

- Being transmitted from generation to generation;
- Being constantly recreated by communities and groups in close correlation with the surrounding environment and its history;
- Allowing communities, groups and individuals to dynamically develop a sense of social and cultural belonging;
- Promoting respect for cultural diversity and human creativity;
- Disseminating compliance with respect for human rights and the sustainability of development in each country.

In particular, to be entered in the Representative List of the Intangible Cultural Heritage, an element must meet the following requirements set out in the Operating Directives of the Convention:

- The candidate element is constituted as intangible cultural heritage, as indicated in art. 2 of the Convention;
- The inscription of the element will help to ensure visibility and awareness of the meaning of intangible cultural heritage and to encourage comparison, thus reflecting the cultural diversity and creativity of humanity;
- Safeguard measures are developed in order to protect and promote the element;
- The element was nominated on the basis of the wider response of participation by communities, groups or, possibly, single people involved with their free, preventive and informed consent;
- The element must be included in an inventory of the intangible cultural heritage present in the territory of the proposing State, as indicated in articles 11 and 12 of the Convention.

To be registered in the Intangible Heritage List that needs urgent protection, an element must respond to the following criteria set out in the Operating Directives of the Convention:

- The element is constituted as intangible cultural heritage, as indicated in article 2 of the Convention;
- The survival of the element is at risk, despite the efforts of the community or of the individuals concerned, or it is threatened with probable extinction in the absence of immediate countermeasures;
- Safeguard measures must be designed in such a way as to allow the community or individuals concerned to continue the practice and transmission of the assets;
- The element must be candidated on the basis of the widest response of participation by communities, groups or, possibly, individuals involved with their free, preventive and informed consent;
- The element must be included in an inventory of the intangible cultural heritage present in the territory of the proposing State, as indicated in articles 11 and 12 of the Convention;

Finally, to be entered in the Register of Good Safeguard Practices, the program, project or activity must meet the following criteria set out in the Operating Directives of the Convention:

- It involves safeguarding, as defined in Article 2.3 of the Convention;

- Contributes to the coordination of efforts to safeguard intangible cultural heritage at the regional and/or sub-regional and/or international level;
- Reflects the principles and objectives of the Convention;
- It has proven its effectiveness in terms of contributing to the vitality of the intangible cultural heritage concerned;
- It was implemented with the participation of the community, group or individuals concerned and with their free and informed consent;
- It can serve as a model, as appropriate, regional and / or sub-regional and / or international for safeguarding activities;
- The candidate States Parties, the bodies responsible for implementation and the community/ies, groups or individuals concerned agree to cooperate in the dissemination of best safeguard practices if their program, project or activity is selected;
- It brings together experiences that can be evaluated on their results;
- It responds essentially to the particular needs of developing countries.
- In cases of extreme urgency, the proposing State has been duly consulted about the registration, in accordance with article 17.3 of the Convention.

The application process involves filling in the draft form and sending it to the CNIU, which then proceeds to forward the application to the Ministry of Cultural Heritage and Activities and Tourism and to any other competent Administrations for an evaluation of merit and for the subsequent improvement of the application dossier, which may also require very long times, especially as regards the inventory procedure of the item.

The CNIU Board of Directors, in which the competent Ministries participate, every year by March 20 selects the candidacy to be presented by March 31 in Paris, at the Secretariat of the Intergovernmental Committee for the safeguarding of the intangible cultural heritage, Intergovernmental Committee for the protection of the intangible cultural heritage, for registration in the Representative List of the Intangible Cultural Heritage or in that of the Intangible Heritage of Humanity which needs urgent safeguard or in the Register of Good Practices.

The Secretariat before 30 June starts the formal examination of the dossier, giving time until 30 September to integrate the defective or unsuitable documentation. The next phase foresees, within the month of December, the examination of the candidates by the Evaluation Body which, subsequently, between April and June issues the final decision, making it known at least 4 weeks before the annual meeting of the Intergovernmental Committee. During this annual meeting, which is generally held between November and December, the Committee evaluates the

proposals of the Evaluation Body and takes the final decisions, registering or rejecting the candidate elements in the respective Lists.

The General Assembly of the States Parties to the Convention meets in ordinary session every two years. It provides strategic guidelines for the implementation of the Convention and elects the 24 members of the Intergovernmental Committee for the protection of intangible cultural heritage.

Under the terms of the Convention, States are required to contribute to the "Intangible Cultural Heritage Fund" on the basis of percentage shares set by the General Assembly (currently 1% of the contribution paid to UNESCO). The resources of the fund are aimed at international assistance - technical and training - in favour of developing countries.

The Intangible Heritage Committee meets once a year in November. It is made up of 24 members, elected for a four-year term.

It has the following functions:

- Identifying the elements of the intangible assets to be entered in Representative List, in the Urgent Safeguard List and in the Register of good practices;
- Examining the application of the Convention through the periodic reports prepared by the Member States;
- Evaluating requests for international assistance submitted by States Parties.

2.3 How Italy preserves Intangible Cultural Heritage

With Law 8 March 2017 n. 44²⁰, Italy has included the expression “intangible cultural heritage” in the protection and valorisation processes by considering different types of investment support.

The law underlines that the sites and the elements included in these Lists, due to their uniqueness, are points of excellence of the Italian cultural, landscape and natural heritage, as well as founding elements of the representation of the country at an international level.

Moreover, it also formally recognized the Management and Safeguard Plans, required by UNESCO as tools to ensure the conservation of both the sites and elements and to create the conditions for their valorisation (art.3) by providing financial actions to support such kind of interventions (art.4).

The type of interventions and the total amount of financial support are established by Decree of the Minister for Cultural Heritage and Activities and Tourism, in agreement with the Minister of the Environment and the Protection of the Territory and the Sea, with the Minister of Agricultural, Food and Forestry Policies and with the permanent conference for relations between the State, Regions and the Autonomous Provinces of Trento and Bolzano.

The Ministry for Cultural Heritage and Activities and Tourism (MiBACT)²¹ has the protection functions for the cultural heritage, in the general meaning, according to Article 118 of the Constitution. It may also confer this function to the Regions through specific agreements on the protection of cultural heritage for the coordination and cooperation with the Regions and other local public bodies (art.4 c.1) [xiv].

The preservation of cultural heritage includes both “administrative and regulations” and “operational interventions for the conservation of cultural heritage”. The aim is to ensure the protection and conservation for purposes of public use of the heritage, also in the activities aimed at designing, implementing and delivering to the public fruition interventions for the protection, conservation and safeguard of cultural heritage.

Another interesting initiative is PACI - which is an integrated project for intangible cultural heritage and cultural diversity.²² It responds to the requirements made by the UNESCO

²⁰ Italian Law 8 March 2017 n. 44 - Accessible at https://www.beniculturali.it/mibac/multimedia/MiBAC/documents/1524743597263_L44_2017.pdf [Retrieved online 21/06/2020]

²¹ Accessible at <https://www.beniculturali.it/mibac/export/MiBAC/index.html#&panel1> - [Retrieved online 21/06/2020]

²² Accessible at http://paci.iccd.beniculturali.it/paciSito/index.php?option=com_content&view=article&id=144&Itemid=338 [Retrieved online 21/06/2020]

Inventories produced for PACI project - Accessible at http://paci.iccd.beniculturali.it/paciSito/index.php?option=com_content&view=article&id=141&Itemid=337 [Retrieved online 21/06/2020]

Convention for the Protection of Intangible Cultural Heritage (Paris, 2003) and by the UNESCO Convention on the Protection and Promotion of the Expressions of Cultural Diversity (Paris, 2005), ratified by Italy in 2007.

It is coordinated by the Central Institute for Catalogue and Documentation (ICCD) and shared by the Central Institute for Sound and Audiovisual Heritage (ICBSA) and by the Central Institute for Demo-ethnoanthropology (IDEA).

The project aim is to contribute to increasing the knowledge of the Italian intangible cultural heritage through a verification of the previous cataloguing activities and an integration of new ones, to create an updated database for the integration of all the cataloguing documentation of the three Central Institutes relating to the Italian regional territories.

Other important institutes established for the preservation of Italian cultural heritage are the Central Institute of Intangible Heritage (ICPI) and the Central Institute for Sound and Audiovisual Heritage (ICBSA).

The first - Central Institute of Intangible Heritage (ICPI) - former Central Institute for Demo-ethno-anthropology, works for the valorisation, in Italy and abroad, of demo-ethno-anthropological cultural assets, both tangible and intangible, and of the expressions of cultural diversity present in the territory. It also promotes training, study and dissemination activities, collaborating with universities, public and private bodies, national and international research centres.

The second - the Central Institute for Sound and Audio-visual Heritage (ICBSA) - took over from the State Disco acquiring "the skills, staff, financial and instrumental resources, equipment and technical and documentary material". ICBSA has the task of documenting, enhancing and conserving the national audio and audio-visual heritage implemented by the legal deposit required by Law n.106 of 15 April 2004.

Its assets are currently composed of over 450,000 media: from the wax cylinders invented by Edison to discs, tapes, videos up to the current digital media. It also preserves a rich collection of historical instruments for sound reproduction such as phonographs, gramophones and other devices from the late nineteenth century to the fifties.

Another ICBSA task is to formulate standards and guidelines on the conservation and management of sound and audio-visual assets, promoting, also in collaboration with other national and international institutions, training activities and technical-scientific insights in the areas of competence.

Datasheets subdivided by Regions prepared for the PACI project - Accessible at <http://paci.iccd.beniculturali.it/iccd/cards/ricercaPerRegione/16586> [Retrieved online 21/06/2020]

In addition to the published documents relating to Italian and international folklore, there is an unpublished documentation fund, the AELM (Ethnic Linguistic Music Archive), which represents one of the most interesting collections and the only fund coming from the Central Institute for sound and audio-visual heritage.

The AELM, founded in 1962 by Diego Carpitella, ethnomusicologist and Antonino Pagliaro, glottologist, is characterized by a dialectological-musical approach.

The collection includes ethnic and folkloric music, narrative of oral and fairy-tale tradition, entertainment and popular performances, liturgical and ritual music, dialect of the Italian alloglot islands, Italian communities abroad.

Among the preserved works there is the "Parable of the prodigal son", a recordings collection of the various dialectal versions.

Moreover, from the mid-sixties to the mid-eighties, an information bulletin of the Ethnic Linguistic-Musical Archive was published and two recordings catalogues, "Oral traditions not sung" and "Ethno music", have been published.

2.3.1 Some initiatives at Regional level in Italy

LIGURIA REGION:

[Regional Law no. 32 of 2 May 1990](#) - Law for the study, the valorisation and social use of some categories of cultural heritage and, in particular, of dialects and popular traditions of Liguria.

The [Inventory of the Cultural Heritage Catalogue \(ICBC\)](#) of the Liguria Region allows the various interested parties, in particular the Liguria museums, to catalogue and manage their cultural heritage online on the basis of the cataloguing layouts developed by the Central Institute for Catalogue and Documentation (ICCD) of the Ministry of Cultural Heritage and Activities and Tourism (MiBACT). This inventory collects also the intangible cultural heritage.

LOMBARDY REGION:

Regional law for the protection of intangible cultural heritage:

[Regional Law No. 27 of 23 October 2008](#) - Intangible Cultural Heritage Valorisation

The **Archive of Ethnography and Social History of the Lombardy Region (AESS)**²³, studies and valorises the traditional cultural heritage of the Lombard communities, with particular attention to the intangible cultural heritage, recognized by the 2003 UNESCO International Convention.

²³ Accessible at <http://www.aess.regione.lombardia.it/site/> [Retrieved online 21/06/2020]

The **Register of Intangible Heritage of Lombardy - R.E.I.L.**²⁴, is the portal dedicated to the traditions and intangible cultural heritage coordinated and edited by the Archive of Ethnography and Social History of the Lombardy Region.

TUSCANY REGION

[Regional Law no. 21 of 25 February 2010](#) - Consolidated text of the instructions relating to cultural assets, institutes and activities.

MARCHE REGION

[Regional law no. 4 of 9 February 2010](#) - Rules on cultural assets and activities.

[Inventory for intangible cultural heritage.](#)

LAZIO REGION:

[Regional Law no.24 of 15 November 2019](#) - Instructions for regional cultural services and cultural valorisation.

CAMPANIA REGION:

[Executive Decree no. 71 of 03.05.2018](#) - PO FESR 2014-2020 - Specific objective 2.2 - Approval of expression of interest relating to the project "Digitization, use and conservation of the cultural heritage of archives and libraries of the Campania Region", pursuant to DGR n. 67 OF 13.02.2018.

[Inventory of memories of the food culture of Campania.](#)

BASILICATA REGION:

[Regional Law no. 27 of 11 August 2015](#) - "Instructions on cultural heritage, aimed at the valorisation, management and use of the tangible and intangible assets of the Basilicata region".

[Representative list of the intangible cultural heritage of Basilicata.](#)

SICILY REGION:

Regional Law no. 80/1977 "Cataloging and valorization of the ethno-anthropological assets".

[Intangible Heritage Register of the Sicily Region - R.E.I.S.](#) - is the catalogue of the intangible cultural heritage of Sicily. It consists of the following different books, each of which collects a particular intangible inheritance according to its nature:

²⁴ Accessible at http://www.intangiblesearch.eu/home_page.php [Retrieved online 21/06/2020]

- Book of Knowledge - to register the production techniques, the raw materials used and the production processes identifying a particular production linked to the history and identity of a community (e.g. products of artistic crafts, textiles, objects, food and wine products).
- Book of Celebrations - to register the rites, ceremonies and popular manifestations associated with religiosity, production cycles, entertainment and other moments that are historical-cultural events characterizing the community's life.
- Book of Expressions - to register the linguistic communication phenomena which are the result of particular historical-cultural events or the expression of specific socio-cultural groups.
- Book of Living Human Treasures - to register those individuals, collectivities, groups that are unique or particularly qualified holders of technical, ritual-ceremonial, linguistic or expressive knowledge referable to "long-lasting" historical-cultural processes.
- Book of Professions, Knowledge and Techniques - to register the ergological practices related to the history and traditions of the communities and the knowledge regarding the territorial management and the representation of natural and cosmic cycles.
- Symbolic spaces - to register spaces and places relevant for some events that occur such as places capable of bringing about dynamics of collective memories, symbolic production or which are historically identified socio-cultural scenarios.

PUGLIA REGION:

[Regional Law of 22 OCTOBER 2012, No. 30](#) - "Regional interventions for the protection and enhancement of music and folk dances of oral tradition".

Puglia digital Library²⁵ - a collection of feasts and rites in Puglia:

²⁵ Accessible at: <http://www.pugliadigitallibrary.it/> [Retrieved online 21/06/2020]

3. Conservation policies and processes for cultural heritage

At the international level, there are several organisations that aim to implement innovative policies and process in the conservation field of cultural heritage.

For example, ICOM - International Council of Museums is the only international organization representing museums and its professionals.

Since 1946, ICOM has assisted the world museum community in the mission of preserving, conserving and sharing cultural heritage. To achieve its objectives, ICOM collaborates with institutional partners such as ICCROM, INTERPOL, World Customs Organization, and World Intellectual Property Organization, maintains a lasting collaboration with UNESCO and enjoys the status of the consultative body at the United Nations Economic and Social Council (ECOSOC).

The International Council of Museums, an international non-governmental organization:

- brings together a single network of 40,000 members and museum professionals worldwide.
- represents a place of debate, made up of experts from 138 countries and territories, on current and challenging themes in the world of museums.
- it is made up of 115 National Committees and 30 thematic International Committees.
- is one of the founding members of the International Committee of Blue Shield (ICBS).
- uses three official languages: English, French, Spanish.

Another example is ICOMOS - the International Council on Monuments and sites²⁶ works for the conservation and protection of cultural heritage places. It is the only global non-government organisation of its kind, which is dedicated to promoting the application of theory, methodology, and scientific techniques to the conservation of the architectural and archaeological heritage. ICOMOS is a network of experts that benefits from the interdisciplinary exchange of its members, among whom are architects, historians, archaeologists, art historians, geographers, anthropologists, engineers and town planners.

The members of ICOMOS contribute to improving the preservation of heritage, the standards and the techniques for each type of cultural heritage property: buildings, historic cities, cultural landscapes and archaeological sites.

²⁶ Accessible at <https://www.icomos.org/en> [Retrieved online 21/06/2020]

3.1 Italian conservation policies and processes for intangible cultural heritage

For the acquisition of knowledge on the archaeological, architectural, landscape, historical, artistic and ethno-anthropological heritage, the Central Institute for Catalogue and Documentation has developed an articulated system of standards²⁷: a set of codified methodological principles and specific tools to carry out cataloguing according to homogeneous criteria at the national level.

The adoption of common practices and rules is, in fact, the necessary precondition for the sharing of information among the many subjects (public and private) operating in the cultural heritage sector, in order to constitute the national catalogue of heritage required by Italian legislation in force in matter.²⁸

In the first place, the assets to be catalogued are identified - a task that is the responsibility of the peripheral Institutes of MiBACT responsible for protection both on the basis of the addresses given annually by the central offices²⁹, and on the basis of a selection that takes into account multiple factors, related to the characteristics of the assets themselves and their "cultural value" in the history of a territory and/or context.

The Central Institute for Catalogue and Documentation (ICCD) established in 1975 with the institution of the Ministry for cultural and environmental heritage, today MiBACT, is committed to the management of the general catalogue of national archaeological, architectural, historical, artistic and ethno-anthropological heritage to document the heritage and preserve collections of historical photography offered for public consultation.

The ICC, with its protection and valorisation aims, acts at two main government levels:

- a regulatory function - meant as identification of cultural heritage for protection purposes;
- a service delivery function for the whole community - meant as public access to knowledge of cultural heritage.

In 2014, the Ministry drew up the guidelines for the cataloguing and the inventories of intangible cultural heritage on the base of the instructions provided by the UNESCO Convention of 2003.

²⁷ Accessible at <http://www.iccd.beniculturali.it/index.php?it/473/standardcatalografici> [Retrieved online 21/06/2020]

²⁸ Code 2004, art. 17. In the context of the organization of the MiBACT, in addition to the ICCD there are two other central institutes that take care of the definition of standards: the ICCU - Central Institute for the unique catalogue of Italian libraries and for bibliographic information (library assets) and ICAR - Central Institute for Archives (Archival Assets). It is therefore necessary to specify that the contents of this appendix only concern the areas of the ICCD's competence.

²⁹ See, for example, the objectives and the procedural indications for the cataloguing activities of 2017 - Accessible at <http://www.iccd.beniculturali.it/index.php?it/560/la-catalogazione-mibact-2017> [Retrieved online 21/06/2020]) and of 2018 - Accessible at [Http://www.iccd.beniculturali.it/index.php?it/572/la-catalogazione-mibact-2018](http://www.iccd.beniculturali.it/index.php?it/572/la-catalogazione-mibact-2018) [Retrieved online 21/06/2020]).

The cataloguing campaigns are then organized for the acquisition of data (new cataloguing activities) or, if necessary, for their updating (revision activities); the recorded information is subjected to scientific verification and, after a further formal control at central level by ICCD (validation), it is published for consultation and dissemination on the web³⁰, with attention to any data to be kept confidential.³¹

In the work process briefly described, adoption and compliance with standards constitute a guarantee for the creation of a quality database and therefore a "heritage catalogue" at the service of the administration and the community.

At a general level, the system of cataloguing standards defined by the ICCD consists of: regulations (the models for recording data), terminological tools (formalized languages, vocabularies and thesauri), methodologies (specific procedures and application methods), to be adopted for the acquisition of knowledge according to shared criteria and functional to computerized management (in particular in SIGECweb, but also in other information systems for cataloguing).³²

These "components", developed by the Institute over time and constantly updated and refined in content, are fully implemented in the latest generation of ICCD standards (the so-called "version 4.00"), to which both the most recent regulations for demo-ethno-anthropological sector, the BDM (Demo-ethno-anthropological assets) and BDI (Intangible demo-ethno-anthropological assets) boards are referred.

A fundamental "cornerstone" in the ICCD cataloguing system is the national univocal code: a sort of "tax code" which, assigned to each cultural asset and inseparably linked to it, that represents the constant point of reference throughout the process of knowledge and documentation of the asset itself. The National Catalogue of Cultural Heritage is organized on the basis of the division of Italy into Regions and the univocal code reflects this topographic criterion. It is composed, in fact, of a sequence of values of which the first (two characters) is the ISTAT code identifying the region in which the property is located at the time of its cataloguing; the subsequent value (general catalogue number) is an eight-digit number, progressive within each region, assigned by the ICCD³³, which holds its national register. The procedure requires that the accredited body to carry out a cataloguing campaign, once the assets of interest have been identified, requests

³⁰ Accessible at <http://www.iccd.beniculturali.it/index.php?it/518/un-catalogo-di-beni-un-patrimonio-di-dati> [Retrieved online 21/06/2020].

³¹ In the case, for example, of privately owned assets or assets, in particular, risk situations.

³² ICCD standards are the reference standards for anyone who wants to catalogue cultural heritage in Italy, regardless of the IT tools used.

³³ The univocal code is therefore determined by the inseparable sequence of the two indicated values: by way of example, the codes 0600006753 (Friuli Venezia Giulia), 0800006753 (Emilia Romagna), 0900006753 (Tuscany), 1800006753 (Calabria), concern different cultural assets, located in different regions. In the described sequence of codes (ISTAT code of the region + catalogue number within a region) a suffix can be added, in particular situations of revision of previous data, which, when used, becomes an integral part of the national unique identifier good.

from the Institute the respective quantity of general catalogue numbers in order to start the activities.³⁴

The best known ICCD tools are undoubtedly the catalogue cards, descriptive models that collect information on assets in an organized way which supports the cataloguer, on the basis of the rules laid down by the standard, in checking and codifying the data following precise criteria.

The contents of the catalogue datasheets, in general, can be summarized as follows:

- Descriptive and technical-scientific information, which highlight the cultural value of the property;
- Geographic information, to relate the asset to the territory (in a space-time perspective): its current location, but also the place of provenance in the case of a previous museum location, or the place of detection in the case of demo-ethno-anthropological assets, or the place where the assets were produced, etc.);
- Information on the documentation which completes, specifies and enriches the knowledge of the asset;
- Administrative information, which certifies the contents recorded in the form.

The catalogue datasheets also concern intangible assets (Table no.1). They constitute that part of the heritage represented by ephemeral performances (traditional festivals, musical and choreutical performances, theatrical performances, craft techniques, oral literature, etc.), captured at the moment in which they occur and of which it is possible to keep memory only through audio recording. These are defined as "immaterial" because what is conserved, catalogued and protected is not the asset itself (as in the case of movable and immovable property, "physically" available) but a documented manifestation of it through photographic, audio, video images.

Table no.1- Information required for an "intangible asset"

DISCIPLINARY SECTOR	ABBREVIATION - SHEET TYPE	DEFINITION	CATEGORY
Demo-ethno-anthropological assets	BDI	Intangible demo-ethno-anthropological assets	Intangible assets

Other tools for the acquisition are organized around the catalogue datasheets, which represent the main ICCD standard for the description of the assets, the "fulcrum" of the cataloguing activities.

³⁴ The register, managed in SIGECweb, allows the ICCD to monitor the assignment of catalogue numbers and the progress of activities in the area.
Accessible at <http://www.iccd.beniculturali.it/index.php?it/421/assegnazione-numeri-di-catalogo> [Retrieved online 21/06/2020].

Knowledge of cultural heritage helps to constitute a coherent and functional regulatory system for computerized management, which allows for the integration and optimization of all the components.

The cataloguing system is undoubtedly complex and articulated, but effective for the orderly recording of information on the various components of the cultural heritage.

It is important to emphasise that it is a system which, in relation to the situations to be documented and the available resources, can be graduated and calibrated: from a "minimum" level (ensured through a set of mandatory information)³⁵, to a "maximum" level which in the most articulated and complete expressions manage to recompose the contexts (territorial and cultural) of which an asset has been part of its history.

The ICCD regulatory apparatus has three main objectives:

- Creating a common regulatory basis for the definition and application of standards;
- Facilitating the approach of cataloguers to the various cataloguing structures;
- Facilitating the processing and consultation of data in the catalogue system.

The entire system of standards is applied in a production process, managed by the ICCD centrally through the SIGECweb³⁶, a web-based platform managing the entire flow of cataloguing. It has several functions: from the production and dissemination of cataloguing standards to the assignment of unique catalogue codes for the assets to be catalogued (archaeological, architectural and landscape, demo-ethno-anthropological, photographic, musical, naturalistic, numismatic, scientific and technological, historical and artistic), and to the publication of catalogue datasheets to be published in the general catalogue of cultural heritage. This platform provides a sequence of strictly controlled phases, in which recognized and accredited entities participate, distributed throughout the national territory.³⁷

Access to the system is allowed only for registered users who are associated with an accredited body and have an access profile, on the base of specific roles identified:

- Administrator
- Cataloguer
- Verifier
- Reading and consultation user

SIGECweb is the tool used for the General Catalogue of Cultural Heritage to collect centred-organized data, such as descriptive information, on cultural assets catalogued in Italy.

³⁵ Identification, Definition, Location, Chronology, Certification and Data Management.

³⁶ Accessible at <http://www.iccd.beniculturali.it/index.php?it/118/sistema-informativo-generale-del-catalogo-sigec>; www.sigecweb.beniculturali.it [Retrieved online 21/06/2020]

³⁷ Accessible at <http://www.iccd.beniculturali.it/index.php?it/391/enti-schedatori-liste-codici> [Retrieved online 21/06/2020]

The platform allows people to search, view previews and access the catalogue datasheets managed by SIGECweb. Therefore, all information sheets related to monuments, collections, objects of artistic and historical interest, archaeological finds and sites, scientific and naturalistic assets, are consultable. Currently, it contains over 2,700,000 object information sheets.

The study activities carried out by the Institute in recent years for the definition of new types of standards (the MODI - Information form, the in-depth modules, the forms for the Containers) constantly take into account the developments of the transversal legislation, which today constitutes the reference document for the definition of new regulations or for the updating of types already in use, for any disciplinary sector and for any category of property (mobile, immovable, intangible).

3.2 Other relevant initiatives

Simbdea - the Italian Society for Museum and Heritage Anthropology³⁸ - is a project that stems from the need to develop processes of participation of "communities, groups and individuals" in safeguarding processes, by fostering mutual knowledge and cooperation between the various actors involved on a social, cultural, institutional and scientific level in the policies for safeguarding intangible heritage.

It was established in 2001 and its members are scholars, professionals, amateurs and volunteers who use the anthropological perspective and ethnographic methodologies in the documentation, production, valorization and dissemination of informative sites on (tangible and intangible) heritage, such as museums, considered as privileged places for activities of intercultural education, shared cultural production, and experimental practices of representation.

Simbdea has always promoted an broad and unitary vision of heritage, with no distinction between its tangible and intangible expression. The cultural heritage is considered as the site of the active, multiplex, and polyphonic contemporary processes shaping past and present human relations and conveying visions of possible futures. In 2009, *Simbdea* was among the non-governmental organizations to be accredited by UNESCO for the safeguarding of intangible cultural heritage, and since then they have joined as observers of its intergovernmental committee sessions and, in 2012, they created an internal division specifically dedicated to intangible cultural heritage, denominated "Simbdea-ICH".

Main Safeguarding measures:

- a) **Identification, documentation, research (including inventory-making):** Simbdea's network of museum and heritage scholars and professionals regularly engages (both in museums, universities and territories) in activities of identification, documentation, and research on intangible cultural heritage. They are currently developing a project for the creation of a participated inventory of the intangible heritage of the local community of Cocullo, in Abruzzo, Italy.
- b) **Preservation, protection:** their associates working in ethnographic museums throughout the national territory especially focus on the safeguarding and enhancement of the intangible dimensions of the collections they preserve, and regularly promote campaigns of documentation and public events aimed at the safeguarding and enhancement of both historical and contemporary local knowledge and know-how.

³⁸ Accessible at <http://www.simbdea.it> [Retrieved online 22/06/2020]

c) **Promotion, enhancement:** the ethnographic museums connected to Simbdea regularly engage in both local and national activities aimed to promote and enhance the local intangible cultural heritage of the communities who live in their surroundings.

Simbdea is currently working to create and develop a network among the existing Italian NGO's working in the field of intangible cultural heritage, in order to jointly further promote and enhance it.

d) **Transmission, (non-) formal education:** they are active in the education of new generations to the intangible dimensions of cultural heritage and the related contemporary social processes in which they act as protagonists.

e) **Revitalization:** working to build a more important sensibility of heritage communities about their memory and intangible heritage, Simbdea contributes to the valorization and revitalization of folk traditions and local knowledge.

The main element in the Simbdea project, which makes it different from ICCD catalogue method, is the “participatory inventory”.

The participatory inventory is a collective and cooperative work consisting of identifying all the assets, tangible and intangible, natural and cultural, which belong to the territory. Everyone can share and use them. It is a process requiring the awareness, by the community, of the value of the heritage to manage and valorise all these resources. It requires original approaches, interdisciplinary methods, and innovative practices, and can involve professional operators (anthropologists, geographers, urban planners, etc.).

4. Intellectual Property and Copyrights

There are several organisations engaged in intellectual property and copyright protection.³⁹

One of them is the World Intellectual Property Organization (WIPO)⁴⁰ which is the global forum for intellectual property (IP) services, policy, information and cooperation. Wipo is a self-funding agency of the United Nations, with 193 member states.

The Wipo mission is to lead the development of a balanced and effective international IP system that enables innovation and creativity for the benefit of all. The mandate, governing bodies and procedures are set out in the WIPO Convention, which established WIPO in 1967.

WIPO's member states (currently 193) determine the direction, budget and activities of the Organization. An important role is assigned to the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. In fact, it is undertaking negotiations with the objective of reaching agreement on an international legal instrument(s), which can ensure the effective protection of traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs).

In Europe, there is the European Union Intellectual Property Office (EUIPO) which is responsible for managing the EU trademark and the registered community design. EUIPO work with the Intellectual Property (IP) offices of the EU Member States and international partners to offer a similar registration experience for trademarks and designs across Europe and the world.

The European Union Intellectual Property Office (EUIPO), which was known as OHIM until 23 March 2016, provides the organisations/associations with exclusive rights for trademark and design protections throughout the European Union (EU) with just a single application.

In the ever-changing world of intellectual property, it is always good to get different perspectives. That is why there are close links with other national, regional and supranational intellectual property bodies, from Europe's IP offices and the Benelux Office for Intellectual Property (BOIP) to the enforcement authorities of the European Union's national courts and the TM5, an international forum made up of the EUIPO and the IP offices of the US, China, Japan and Korea.

The EU collective mark indicates the commercial origin of certain assets and services by informing the consumer that the producer of the assets or the service provider belongs to a certain association and that it has the right to use the mark.

The EU Trademark Regulation⁴¹ defines a collective mark as a mark that is “*capable of distinguishing the assets or services of the members of the association which is the proprietor of the mark from those of other undertakings*” (Article 74 EUTMR).

³⁹ For more information: Ministero dello Sviluppo Economico - *Guida operativa al sistema della proprietà intellettuale in Italia* - edited Istituto Guglielmo Tagliacarne e da De Tullio & Partners. Accessible at <https://www.mise.gov.it/images/stories/recuperi/Brevetti/guidabrevetti.pdf> [Retrieved online 22/06/2020]

⁴⁰ Accessible at <https://www.wipo.int/portal/en/index.html> [Retrieved online 23/06/2020]

EU collective marks can be used to build consumer confidence in the products or services offered under the collective mark. They are often used to identify products or services of producers that have similar interests.

Only associations of manufacturers, producers, suppliers of services or traders, as well as legal persons governed by public law (provided that they have a similar organisation to that of associations), may apply for EU collective marks.

It is possible to register an EU collective mark which designates the geographical origin of the assets or services it covers. The regulations governing use must then explicitly authorise anyone whose assets and services originate in the geographical area in question to become a member of the association that owns the mark (Article 75(2) EUTMR).

The regulations governing use form an integral part of any collective mark. They have to be filed within two months of the application:

- They should specify the persons authorised to use the mark and the conditions for membership of the association. They can also include the conditions of use of the mark.
- If the collective mark describes the geographical indication of the assets and services it covers, the regulations governing use must contain the specific authorisation for anyone whose assets and services originate in the geographical area in question to become a member of the association that owns the mark.

To help users, EUIPO has prepared a template, which is available in 23 languages, to guide collective mark applicants through the process of drafting the regulations governing use⁴².

Another important tool for protecting intellectual property is copyright.

Copyright understood as authors' rights in most of continental Europe, grants a bundle of rights to authors of original works. Thanks to copyright, authors may control how others use their works, and receive remuneration from those uses. European jurisdictions also protect the interests of performers, producers and broadcasters.

At least in authors' rights countries, such protection is granted by 'related rights', which are distinct from the rights granted to authors. The EU has adopted several legal instruments in the field of copyright. Yet, unlike in other fields of intellectual property law, there is no 'single EU title' for copyright, and, as a result, each of the Member States has its own copyright law and policy.

⁴¹ Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union Trade Mark.

Accessible at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R1001&from=EN> [Retrieved online 23/06/2020]

⁴² More information available at <https://euipo.europa.eu/ohimportal/en/home> [Retrieved online 23/06/2020]

What European consumers can or cannot do with copyright-protected content, such as music, films or software, is often not clear.

Another issue is related to orphan works that are still protected by copyright, but whose authors or other right holders are not known or cannot be located. Music, books, newspaper and magazine articles and films are often orphan.

Orphan works are part of the collections currently held by European libraries, museums, archives, film and audio heritage institutions, and public service broadcasting organisations. The lack of data on their ownership has often constituted an obstacle to their digitisation and making them available online.

Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works sets out common rules to make their digitisation and online display legally possible. Under Article 3(6) of the Directive 2012/28/EU, EUIPO is responsible for the establishment and management of a single publicly accessible online database on orphan works.

4.1 *The changes with the digital culture*

The Commission Recommendation 2011/711/EU on the digitisation and online accessibility of cultural material and digital preservation, adopted on 27th October 2011, requires a concerted action by the Member States to digitise and preserve their cultural heritage, to make it available online for leisure, studies or work and for re-use in creative works (e.g. in tourism or for education).

It invites the Member States to encourage their cultural institutions to make their digitised material available through a European platform, named EUROPEANA⁴³, to create the legal framework conditions for underpinning licensing mechanisms for the large-scale digitisation and cross-border accessibility of works that are out-of-commerce and to promote the availability of databases with rights information, connected at the European level.

While the Orphan Works Directive and the Memorandum of Understanding on Out-of-commerce Works aim at facilitating the digitisation and accessibility of copyrighted material, the Recommendation on digitisation encourages public-private partnerships, as well as the use of structural funds, to support digitisation.

Moreover, it also encourages the reinforcement of national strategies for the long-term preservation of digital material.

In 2016, the Commission published a report assessing the overall progress in the implementation of the recommendation. According to this evaluation, an increasing number of countries are supporting open cultural heritage data and promoting its reuse. Nevertheless, there are still great differences across the Member States, and cultural heritage digitisation remains widely dependent on cultural institutions' initiatives and funding.

In this contest, and in particular, with the Communication (adopted in May 2015) on the strategy to achieve a Digital Single Market, the EU Commission aimed to reduce the differences between national copyright regimes to ensure better functioning of the applicable rules across borders and to allow for wider online access to protected content across the EU.

On this basis, in December 2015 the Commission presented a Communication, 'Towards a modern, more European copyright framework', outlining an action plan for the modernisation of EU copyright rules. Among the initiatives presented as part of this action plan, the proposal for a Directive on Copyright in the Digital Single Market (COM (2016) 593) published on 14th September 2016 is especially relevant to the objective of supporting digital innovation for cultural heritage.

⁴³ EUROPEANA, Europe's digital platform for cultural heritage, was set up in 2008 and today provides access to over 54 million items, (including image, text, sound, video and 3D material) from the collections of over 3,700 libraries, archives, museums, galleries and audio-visual collections from all over Europe. As such, it is a resource for accessing and reusing culture online, has contributed strongly to the development and implementation of standards and interoperability in this area.

The proposed Directive provides for a legal mechanism to facilitate collective licensing agreements for the dissemination and digitisation of out of commerce works (e.g. books that publishers have stopped printing and selling) held by cultural heritage institutions. The objective is to reduce also the transaction costs and to help cultural heritage institutions to digitise their collections. The legislative proposal also has included a mandatory EU-wide exemption which gives cultural heritage institutions the right to copy works in a way that is suitable for the digital environment. This covers works that were created directly in digital form, and the digitisation of works in analogue formats, and help audiences to have access to them for longer.

4.2 Intellectual Property and Copyrights in Italy

The most recent law on intellectual property in Italy is the Legislative Decree 10 February 2005, no. 30 "Industrial Property Code", in accordance with article 15 of Law no. 273 of 12 December 2002" published in the Official Gazette no. 52 of 4 March 2005 - Ordinary Supplement no. 28.

Article no.29 aims to protect **the designations of origin and geographical indications**:

Geographical indications and designations of origin identifying a country, a region or a locality are protected when they are adopted to indicate a product that originates from it and whose qualities, reputation or characteristics are due exclusively or essentially to the geographical environment of origin, including natural, human and traditional factors.

Geographical indications (articles 29 ss. of the Italian Criminal Code) consist of indications that guarantee the product origin from a specific area to which consumers traditionally associate a constant quality deriving from environmental and human factors.

The **Protected Designation of Origin (PDO)** is used to distinguish food products whose peculiar features depend essentially or exclusively on the territory in which they are produced.

In particular, the production, transformation, and processing phases must all take place in a defined geographical area. If a company produces PDO products, it is obliged to comply with the production rules and technical specifications established in the production specification, the respect of which is guaranteed by a control service, whose operation is, in turn, regulated by law.

The **Protected Geographical Indication (PGI)** can be used to distinguish food products for which a certain quality, reputation or other features derive from the geographical origin, and whose production, transformation and/or processing take place in a specific geographical area. To obtain a PGI, therefore, it is necessary to ensure that at least one phase of the production processes takes place in the specific area, and should comply with the production rules established by the relative specification, the observance of which is guaranteed by a control service.

The **Traditional Specialty Guaranteed (TSG)** protects productions characterized by traditional compositions or production methods. In this case, the specificity derives only from the production method adopted and, in fact, it is not necessarily produced in a specific area.

The duration of geographical protection is unlimited.

The **copyright law** (Law no. 633 of 22 April 1941 and subsequent amendments⁴⁴) protects creative works. By financing the creative activities of the authors and obtaining licenses for the exploitation of their rights, companies can easily return from the investments made and thus develop all the commercial potential of creative works through the new distribution channels (for example, digital platforms).

Copyright (which includes a bundle of moral rights and a bundle of property rights) protects the expressive form of creative works, i.e. the particular ways of expressing the author's creativity but does not protect the ideas which inspired these creative works.

The Italian Society of Authors and Publishers (S.I.A.E.) - was founded in Milan on April 23, 1882, and its members were writers, musicians, playwrights and publishers.

Today, it is an organisation of copyright collective management, which is made up of associates (e.g. authors and publishers). Its task is to deal with the intermediation to protect the copyright. The authors and publishers, having the economic rights to their works, entrust their protection to SIAE.

The theory of audio-tactile music and copyright: new paths on copyright processes⁴⁵

New paradigms in research rephrase the perspectives with which to interpret the reality, including copyright. The Theory of Audiotactile Formativity (or Theory of Audio-tactile Music), recently elaborated by Vincenzo Caporaletti, questions cardinal concepts as "artwork", "composer", "interpreter", "composition", "performance", introducing new concepts such as the audio-tactile principle, neo-auratic encoding, extemporization, and others. These innovative notions shed light on unprecedented ways of understanding the creative function that is carried out in the work to be protected by copyright, in particular through real-time practices, imposing a paradigm shift within the basic concepts of the law of authors' rights.

Apart from these examples, in Italy, there is no specific law on the intellectual property for intangible culture. However, its protection can be done by using, for example, the Protection of Geographical Indications. This means that knowledge - and then the tradition (as intangible cultural heritage) which is behind the object to be protected - becomes an object to be protected under the Copyright regulations.

⁴⁴ Accessible at

<https://www.gazzettaufficiale.it/eli/id/1941/07/16/041U0633/sg> [Retrieved online 22/06/2020]

⁴⁵ Caporaletti, V., & Ruggero Jacovella, L. (2017). La teoria delle musiche audiotattili e il diritto d'autore. Una revisione paradigmatica. *La teoria delle musiche audiotattili e il diritto d'autore: una revisione paradigmatica*, 9-29.

SECOND PART
*Some relevant initiatives
from other countries*

Some relevant initiatives from other countries

France

France ratified the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage in July 2006. Since then, its implementation has been entrusted, to the Ministry of Culture, to the Department of Steering of Research and Scientific Policy (DPRPS) (decree of 17 November 2009 on the organisation of the Directorate General of Heritage). Ten years later, intangible cultural heritage was included in the official definition of heritage in France (law on freedom of creation, architecture and heritage, July 7, 2016).

The DPRPS implements the ICH (Intangible Cultural Heritage) National Inventory in France, and accompanies applications for recognition mechanisms established by UNESCO in this field, disseminates and promotes the stakes of this heritage field and conducts research and enhancement actions. For future heritage professionals and cultural actors, it develops business resources and offers initial and continuing training. It provides the secretariat of the Ethnological and Intangible Heritage Committee (CPEI) and coordinates a national network, formed, in this particular field, of Ethnology advisors and PCI referents in the regional directorates of Cultural Affairs, of the eleven Ethnopoieses labelled by the Ministry (six of which are accredited by UNESCO), federations (Federation of Ecomuseums and Museums of Society (FEMS), Federation of actors and actresses of traditional music and dance (FAMDT), National Federation of Regional Natural Parks (FNPNR), for example) and multiple specialized associations. Within the Maison des Cultures du monde, the Centre français du patrimoine culturel immatériel (CFPCI), an ethnopoiesis and association accredited by Unesco, is an essential partner for the animation of the various associations, professionals and scientists in this sector. Finally, PCI research can count on several units and laboratories (University, CNRS) studying heritage policies in France and the world, including Lahic (IIAC, CNRS/EHESS).

Article 12 of that Convention requires States Parties to prepare and maintain an inventory of intangible cultural practices in their territory. The DPRPS, since it is responsible for the implementation of the ICH Inventory in France, is constantly enriched by spontaneous applications and an annual call for projects. The holders of practices listed in the Inventory receive the "ICH" emblem in France to enhance their involvement in the process of safeguarding and transmitting their living traditions.

The DPRPS ensures the methodological monitoring and the appraisal of the projects of candidacies for the inscription, national or multinational, of elements of French intangible cultural heritage on the lists established by UNESCO.

The French Centre For Intangible Cultural Heritage, FCICH is a place of information, documentation, training, reflection, recovery, education and transmission, dedicated to ICH and

cultural diversity. Located on the territory of the Marches of Brittany, it fulfils its task of organizing and cultural education with local and regional partners. From the historical activity of the documentation centre of the World Cultures Institute, it developed research, expertise and network nationally, with an international dimension, around the implementation of the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage.

In consultation with the Department of research management and science policy (DPRPS), the Directorate General of Heritage (Ministry of Culture and Communication), which coordinates in France the implementation of the UNESCO Convention the FRCICH, has set the following tasks:

- To publicize the Convention and educate audiences on the safeguarding of intangible cultural heritage in all its diversity;
- Documenting ICH and encouraging the dissemination of existing resources;
- Contributing to the production of knowledge on ICH, critical reflection on the ICH policies and their effects;
- Developing and facilitating networks of actors at different levels of ICH to encourage the sharing of experiences and dissemination of "best practice" backup;
- Informing and leading holders' projects, including the inventory of ICH in France and nominations for the UNESCO list, in close collaboration with the Committee for DPRPS and ethnological and intangible heritage;
- Participating in the monitoring of French elements included on these lists, in close collaboration with the DPRPS and the French association of elements inscribed on the lists of ICH UNESCO.

Spain

Intangible resources are regulated at the state level. Already the Ley of the Patrimonio Histórico Español n. 16/1985 included, in the context of ethnographic heritage, the "knowledge and activities that are or have been a relevant expression of the traditional culture of the Spanish people in their social or spiritual aspects", providing for measures for the study and scientific documentation of the assets at risk of extinction and by providing forms of protection to the substrate material connected to them.

In 2016 the Spanish government approved the Ley para la salvaguardia del Patrimonio Cultural Inmaterial, which governs aspects not sufficiently regulated in the 1985 legislation on the principles and measures of protection and promotion of the ethnographic heritage.

In art. 3 there are numerous general principles that the state, regional and local public authorities must respect in implementing the safeguard measures. These measures are identified in ensuring adequate dissemination, transmission and promotion of intangible assets (art. 6), in

the inclusion in the educational programs of knowledge and respect for this heritage (art. 7), in promoting information and awareness (art. 8), in ensuring citizenship access to intangible cultural events (art. 9), and in cultural communication between public administrations (art. 10). The State is responsible for ensuring the conservation of the intangible heritage and promoting its enrichment, as well as feeding and protecting access to all its citizens for its events. To this end, the general administration is responsible for adopting the necessary measures to facilitate collaboration with other public authorities. The collaboration between the state and autonomous communities is mainly foreseen for: a) proposal, elaboration, follow-up and revision of the national plan for the protection of intangible cultural heritage; b) management of the general inventory of intangible cultural heritage; c) safeguarding of this heritage through the Declaration of manifestation representative of the intangible cultural heritage (art. 11).

The precepts dedicated to the declaration of manifestation representative of the intangible cultural heritage (art. 12), and to the general inventory of the intangible cultural heritage (art. 14) follow. "[Plan Nacional de Salvaguardia del Patrimonio Cultural Inmaterial](#)", management and cooperation tool between the state administration, autonomous communities, local authorities and other public or private entities in order to carry out a coordinated programming of activities (art.139 to General inventory of intangible cultural heritage (art.14).⁴⁶

Switzerland

Intangible cultural heritage designates those traditional assets, living and handed down from generation to generation, which give a community a sense of identity and continuity. For example, music, dance, customs, festive rituals and traditional craft techniques are part of this heritage. The intangible cultural heritage is extremely varied and unlike the material cultural heritage (for example the World Heritage Site with the historic centre of Bern) is constantly evolving.

Switzerland recognizes the importance of intangible cultural heritage for cultural diversity, social cohesion, cultural identity and the image of the country and its regions. Many national and regional peculiarities are defined through intangible aspects of culture.

Supporting cultural expressions and traditional practices is therefore part of the state promotion of culture.

With the ratification of the UNESCO Convention for the Protection of Intangible Cultural Heritage on 16 July 2008, Switzerland adheres to the international legal framework aimed at promoting cultural diversity.

⁴⁶ Baldin, S. (2018). I beni culturali immateriali e la partecipazione della società nella loro salvaguardia: dalle convenzioni internazionali alla normativa in Italia e Spagna.

The United States of America

U.S.A. is not a signatory of the Convention on Intangible Cultural Heritage (UNESCO, 2003). In the U.S.A., ICH receives little legislative attention. There has been only minimal research activity within North America on the preservation of intangible cultural heritage.

An important piece of legislation is the American Folklife Preservation Act⁴⁷ which created the American Folklife Centre (1976), at the Library of Congress in Washington DC, to inventory the intangible heritage of the USA ("to preserve and present American Folklife") through programs of research, documentation, archival preservation, reference service, live performance, exhibitions, publications and training. It collects and documents living traditional culture while preserving for the future its unparalleled collections in the state-of-the-art preservation facilities of the Library of Congress. It is America's first national archive of traditional life.

The legislation called for the establishment and maintenance of a national archive: the Archive of Folk Culture is now one of the largest archives of ethnographic materials from the United States and around the world, encompassing millions of items of ethnographic and historical documentation recorded from the nineteenth century to the present.

Its collections, which include extensive audio-visual documentation of traditional arts, cultural expressions, and oral histories, offer researchers access to the songs, stories, and other creative expressions of people from diverse communities. Documentation initiatives have been undertaken by the Centre itself and from the acquisition of collections from outside field workers, scholars, and public folklife programs. The Centre continues to sponsor an active program of lectures, concerts, and symposia on folklife topics, which are recorded, added to the holdings of the Library of Congress, where the visitors have access to materials and collections which come from all 50 states and around the world. They include audio recordings, moving images, photographs, transcriptions of songs, and other historical and current documents. The Archive has about 6 million items (400,000 of which are sound recordings).

Since the advent of the internet, The American Folklife Centre⁴⁸ has concentrated on presenting its materials in online formats, to reach researchers and listeners more quickly and directly. Access to its archive and public programming is free and open to all.

⁴⁷ "American folklife" = the traditional expressive culture shared within the various groups in the United States: familial, ethnic, occupational, religious, regional; expressive culture includes a wide range of creative and symbolic forms such as custom, belief, technical skill, language, literature, art, architecture, music, play, dance, drama, ritual, pageantry, handicraft; these expressions are mainly learned orally, by imitation, or in performance, and are generally maintained without the benefit of formal instruction or institutional direction.

⁴⁸ The function of the centre: procure, receive, purchase and collect for preservation or retention in an appropriate archive creative works, exhibitions, presentations, objects, materials, artefacts, manuscripts,

Canada

Quebec is the first Canadian province to recognise at the legislative level ICH in terms of “the skills, knowledge, expressions, practices and representations handed down from generation to generation and constantly recreated, in conjunction with any cultural objects or spaces associated with them, that a community or group recognizes as part of its cultural heritage, the knowledge, protection, transmission or enhancement of which is in the public interest” (Cultural Heritage Act).

It has given special cultural heritage status to Inuit throat singing, the first element of intangible culture in Canada.

The Quebec Cultural Heritage Directory (Répertoire du patrimoine culturel du Québec) is an online cultural heritage knowledge dissemination tool for the province of Quebec. It is maintained by the province’s Ministry of Culture and Communications. It encompasses the heritage properties, items, and elements (buildings/structures (immovable objects), movable objects, people, and events) listed on the Québec Cultural Heritage Register (Registre du patrimoine culturel du Québec), as well as detailed information about heritage aspects which have been inventoried by the Ministry of Culture and Communications or by its partner organizations (Cultural Heritage Act adopted in 2011).

In the Cultural Heritage Act Quebec has included clauses inspired by the UNESCO Convention. The principal means for the promotion and development of intangible cultural heritage within the Act are official statutes of recognition. Two levels of recognition are specified: first, Quebec’s ministry of culture will be able to “designate” an element of intangible cultural heritage as part of the shared national heritage of Quebecers; second, municipalities and native band councils will be able to “identify” local elements of intangible cultural heritage. All these recognised elements will be added to the Quebec Cultural Heritage Register⁴⁹. The Act calls for municipalities to create a local heritage council responsible for receiving requests and analysing intangible cultural heritage cases.

publications, and audio and visual records (including still and motion picture film records, audio and visual magnetic tape recordings, written records, and manuscripts) which represent or illustrate some aspect of American folklife.

⁴⁹ Quebec Cultural Heritage Register is based on the principle of management according to values, that is, their authors have accepted the thesis that every cultural good (regardless of its form, tangible or intangible) always functions in reference to the values and traditions of its perception and interpretation. For this reason, the databases strive to secure knowledge about historical monuments, their material conditions, and also to transfer intangible cultural resources which are mediums.

Australia

Although the Australian government has not ratified the UNESCO Convention, government programmes across the country support it in various ways. There is an extensive work already undertaken in Australia in collecting, recording and preserving their stories by organisations such as cultural institutions (museums, archives...), national cultural measures and Indigenous and non-Indigenous cultural programs.

A cultural heritage database and cultural heritage register have been established by the Aboriginal Cultural Heritage Act 2003 and the Torres Strait Islander Cultural Heritage Act 2003. The purpose of the cultural heritage database is to assemble information about Aboriginal and Torres Strait Islander cultural heritage in a central and accessible location; and provide a research and planning tool to help Aboriginal and Torres Strait Islander parties, researchers and other persons assess the Aboriginal and Torres Strait Islander cultural heritage values of particular areas. The database is not publicly available. However, DATSIP provides information from the database to Aboriginal and Torres Strait Islander parties and land users.

The National Library of Australia has a History and Folklore Collection that includes interviews and recordings that describe cultural, intellectual and social Australian life. The collection consists of around 45,000 hours of recordings about popular culture, traditional songs, dances, music, stories, and environmental sound.

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