

ANSWERS
provided by
The Ministry of Culture of the Republic of Lithuania
REGARDING TKs AND TCEs
to the
ONLINE SURVEY ON INFORMATION SYSTEMS, REGISTERS AND DATABASES
prepared by
the Secretariat of the World Intellectual Property Organization

1. Is there any formal domestic or customary legal system in your country requiring, or at least relating to, the establishment and/or maintenance of an information system on GRs, TK and/or TCEs, such as:

• *conventional intellectual property (IP) law?*

N/A

• *a specific law for the protection of TK and/or TCEs?*

Yes, these are:

- The Law of the Republic of Lithuania “On the ratification of Convention for the Safeguarding of the Intangible Cultural Heritage” No. X-37, December 9, 2004
- The Law of the National Heritage Products No X-1207, June 26, 2007
- The Law on the Principles of the State Safeguarding of Ethnic Culture of the Republic of Lithuania, No VIII-1328, September 21, 1999

• *access and benefit-sharing legislation or legislation dealing with biodiversity, the environment, intangible cultural heritage, publicly funded research, food and agriculture?*

Yes, these are the same as mentioned above:

- The Law of the Republic of Lithuania “On the ratification of Convention for the Safeguarding of the Intangible Cultural Heritage” No. X-37, December 9, 2004
- The Law of the National Heritage Products No X-1207, June 26, 2007. The regulation of national heritage products protection falls within the field of agricultural policy. The Law of National Heritage Products, adopted in 2007 and revised in 2015 and 2021, is the key legal instrument to support traditional crafts, including traditional food crafts, and to ensure its safeguarding and transmission. The new interinstitutional Action Plan for the State Protection of the National Heritage Products 2021-2025 was approved in 2021 by the Ministry of Agriculture (since 2021 the Ministry of Agriculture is responsible for approving the action plan instead of the Government) which incorporates the earlier measures focused on the effectiveness of the training system of traditional crafts, its representation and demonstration/ exhibition in Lithuania and abroad, and creation of a favourable environment for the traditional craftspeople. Additionally, the new Action Plan foresees the development of tourism sector: interactive maps of five ethnographic regions with the studios and workshops of traditional craftspeople open for visiting were developed. These maps were created in cooperation with the traditional craftspeople and was shared in informational sources of the tourism sector.
- The Law on the Principles of the State Safeguarding of Ethnic Culture of the Republic of Lithuania, No VIII-1328, September 21, 1999. This Law established the general principles of State protection of Lithuanian ethnic culture and means and conditions Council for the Protection of Ethnic Culture and continuity and enrichment insofar as this shall not be regulated by other laws.

• *customary laws and practices?*

N/A

• *the law of confidentiality/trade secrets/undisclosed information? If so, please provide details, such as the title of the law(s) and the relevant provisions.*

Yes:

- The Law on legal protection of personal data of the Republic of Lithuania and its amendments No. I-1374, issued of June 11, 1996
- The Government of the Republic of Lithuania Decree No. 716 “Regarding the approval of the description of the general requirements for electronic information security, the framework of the content of security documents, and the description of the classification of state information systems, inventories and other information systems and electronic information priority evaluation framework” of July 24, 2013
- The Law on the management of information resources of the Republic of Lithuania No. XI-1807 and its amendments, issued of December 15, 2011

2. *Is your country party to any international or regional legal instrument (such as a convention, treaty or declaration) that requires the establishment of or participation in information systems for the protection, promotion and/or safeguarding of GRs, TK and/or TCEs? If so, please indicate which international or regional legal instrument.*

Yes. Since 2005, Lithuania is party to the UNESCO Convention for Safeguarding the Intangible Cultural Heritage. Seeking to implement Lithuania’s obligations under this Convention, the following legal documents have been adopted:

- The Resolution of the Government of the Republic of Lithuania “Regarding the designation of the institution in charge of the implementation of Convention for the Safeguarding of the Intangible Cultural Heritage” No. 353, March 31, 2005
- The Decree of the Minister of Culture of the Republic of Lithuania “On the approval of Intangible Cultural Heritage Inventory regulations and of Intangible Cultural Heritage Inventory data security regulations” No. Nr. IV-516, July 31, 2015

3. *Does any information system(s) of GRs, TK and/or TCEs exist in your country (whether IP-related or not)? If so, please provide a description of such information system(s).*

Lithuania maintains the following 3 information systems:

- **Intangible Cultural Heritage Inventory;**
- **Local Intangible Cultural Heritage Inventories; and**
- **Informational Database of the Products of National Heritage.**

More detailed information on each information system, besides the descriptions provided below, can be found at Lithuania' periodic report to UNESCO, 2021, see Question A6. <https://ich.unesco.org/en/state/lithuania-LT?info=periodic-reporting>

Intangible Cultural Heritage Inventory (the Inventory). It is a systemic list of Lithuanian intangible cultural heritage (ICH) elements representing their diversity, providing the descriptions of their features, development and state, significance for the society, identifying the guardians and practitioners as well as what means are used for the safeguarding and raising awareness. The elements are identified and nominated by the guardian communities and collaborating authorities, NGOs or individuals. The list of elements can be seen here: <https://savadas.lnkc.lt/en/elements/element-list/>. The Inventory realizes Lithuania’s commitment to the ratification of UNESCO **Convention** for the Safeguarding of the Intangible Cultural Heritage in 2003 and is the analogue of UNESCO’s lists regarding the intangible cultural heritage. Since 2008, on behalf of the **Ministry of Culture** of the Republic of Lithuania the governor of the Inventory data, **Lithuanian National Culture Centre** manages the data and develops the system corresponding the process. Various state and municipal institutions, NGOs, communities, the researchers, and advocates of ethnic culture actively contribute the development. The objectives of the Inventory are as follows:

- to ensure the identification and safeguarding of ICH elements;
- to ensure conditions for transmitting, continuing and raising awareness of the elements;
- to collect, systematize, archive and provide information of the living elements in Lithuania;
- to create a source (information system) of textual, visual and audio data on the elements;
- to provide accessibility for all interested parties (public administrations, science and higher education institutions as well as educational institutions) to use the Inventory;

- to disseminate the information on the elements nationally and internationally.

The Information System of the Intangible Cultural Heritage Inventory is being managed in accordance with the terms of management provided in the following national legislation:

- The Government of the Republic of Lithuania decree No. 716 “Regarding the approval of the description of the general requirements for electronic information security, the framework of the content of security documents, and the description of the classification of state information systems, inventories and other information systems and electronic information priority evaluation framework” of July 24, 2013
- Law on the management of information resources of the Republic of Lithuania No. XI-1807 and its amendments, issued of December 15, 2011

The content of the Inventory is being managed in accordance with the following legal acts:

- Law on the Principles of the State Protection of Ethnic Culture of the Republic of Lithuania No. VIII-1328 and its amendments, issued on September 21, 1999
- Law on legal protection of personal data of the Republic of Lithuania and its amendments No. I-1374, issued of June 11, 1996

In 2018–2019 Lithuanian National Culture Centre (LNCC) implemented the investment project titled “The development of Lithuanian National Culture Centre: the creation and implementation of the information system of Intangible Cultural Heritage Inventory” (hereinafter – the Project). The aim of the project was to improve the safeguarding, the transmission and the ways of raising awareness of intangible cultural heritage (ICH) in order to implement part of Lithuania’s obligations under UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. The goal was to create an instrument for the safeguarding, transmission, continuity and awareness of ICH by developing and implementing the information system (IS) of the Intangible Cultural Heritage Inventory (ICHI, Inventory) and to manage the data on Lithuanian ICH elements with the help of IT tools. The target groups of the project were as follows:

- the governor and the manager of the Inventory;
- specialists – the employees of state institutions, municipal administrations, cultural, educational and environmental institutions whose professional field is related to ICH;
- communities and organizations;
- users of the IS of the Inventory and the primary data contributors;
- everyone interested in the field for improving their professional skills; and
- members of the society.

The main goals of developing the IS of the Inventory were:

- to provide information about the e-services provided by LNCC and to ensure the accessibility to the users of the IS of the Inventory;
- to receive and to enter the various collected data on ICH and the data provided by the primary data contributors;
- to archive, systematize and update data on ICH elements;
- to automate the management and the division of the data on ICH elements in terms of various indicators;
- to manage and administer the process of receiving and giving feedback on ICH nomination forms in the IS environment;
- to provide ICH element search;
- to provide the IS users with data on ICH elements inscribed in the Inventory;
- to ensure the access to all relevant data on ICH for society.

The following results have been achieved in the implementation of set goals regarding the IS of the Inventory:

- An IS of the Inventory which is of multi-level architecture and is based on the current technologies, consisting of 5 components: system administration and security; the Inventory data management; service management; external website of the portal; portal e-services.
- The data on ICH elements, traditions and development practices from the proposal and nomination forms (including those submitted, approved, rejected and of the elements inscribed) is stored in the IS of the Inventory. The system ensures smooth application

- processing. Filtering, sorting, and reporting instruments allow to find the needed information, make decisions, draft reports for the superior institutions or the society faster.
- Users of the IS of the Inventory's external portal will have access to the information on 6 e-services; having logged in using E-Government Gateway or e-mail, they will be able to get the following services: *Proposal submission, Nomination form submission, Submission of request for additional data, Submission of question, and Submission of report on the status of inscribed ICH element.*
 - The automated process of submitting primary data on ICH elements from the IS of the Inventory – the external users, logged in the portal of the IS of the Inventory, will be able to submit proposals, nominations and reports of the state of the inscribed elements online. The applicant will be able to receive relevant information through information dissemination means.
 - Part of processes regarding application submission, monitoring and evaluation are automated; the IS will help to examine and submit information about the decisions on inscription more efficiently.
 - The external portal of the Inventory in Lithuanian and English has been developed, updated and maintained.

Local Intangible Cultural Heritage Inventories. According to the national legislation, each municipality can develop a local ICH inventory. Currently 3 out of 60 municipalities have established their inventories:

- Kaunas District Municipality (<https://www.krs.lt/savivaldybe/struktura-ir-kontaktai/administracijos-direktorius/kulturos-svietimo-ir-sporto-skyrius/kult%C5%ABra/kultura-kauno-rajone/nematerialaus-kulturos-paveldo-vertybiu-savadas/>),
- Klaipėda District Municipality (<https://old.klaipedos-r.lt/index.php?1881928902>), and
- Kretinga District Municipality (<https://www.kretinga.lt/kretingos-rajono-savivaldybes-nematerialaus-kulturos-paveldo-vertybiu-savadas>).

Informational Database of the Products of the National Heritage (<https://www.tautinispaveldas.lt/>).

In 2011 the Programme for the State Protection of the National Heritage Products, its Market and Development of Traditional Crafts for 2012-2020 was approved, and the informational database of the Products of the National Heritage was developed by the Ministry of Agriculture. The Programme determined a series of measures focused on the effectiveness of the training system of traditional crafts, its representation and manifestation in Lithuania and abroad, and creation of a beneficial environment for the traditional crafters.

In 2021, 'ESTEP Vilnius' conducted a study 'The Programme of National Heritage Products Protection, their Market and Development of Crafts 2012-2020: analysis of its implementation, lessons learned and insights for the future'. The study presents the analysis of the results and impact of the programme as well as recommendations for the future development of the programme. It is based on the surveys of the general public, traditional craftspeople, traditional crafts centres, municipalities, tourism information offices, and visitor centres of the protected territories. The study was commissioned by the Ministry of Agriculture, and the results of the study were utilised in the development of the National Heritage Products State Protection Action Plan 2021-2025. The study was also presented to the Council of National Heritage Products.

The Council of National Heritage Products is a consultative body composed from the representatives of the state's institutions and organisations and NGOs. The Council provides consultations to the Ministry of Agriculture regarding:

- 1) national heritage products' protection and development;
- 2) establishment and development of the traditional crafts centres;
- 3) training of the traditional craftspeople and the masters of traditional crafts;
- 4) formation of the image of the national heritage products in Lithuania and abroad; and

5) assessment of the non-formal training programmes (of the national heritage products, traditional crafts, and masters of the traditional crafts) correspondence to the criteria of the tradition, as well as the correspondence of the national heritage products to the indicators of the Lithuanian ethnic culture.

The expert commission certifies national heritage products, traditional crafts and traditional crafts' masters, and non-formal training programmes. The commission is composed of representatives of the state institutions, specialists working within the field of ethnic culture and other fields, having at least 5 years of experience in ethnic culture, traditional crafts.

The following questions relate specifically to information systems that have an IP-related purpose or function.

4. *Which IP-related objectives are sought to be achieved through this information system(s)?*

N/A

5. *What types of information are included in such an information system, including potentially sensitive categories of information such as sacred TK/TCEs and/or secret TK/TCEs?*

N/A

6. *What are the roles of various stakeholders in the establishment of the information system(s):*

- *who characterizes and documents GRs? N/A*
- *who writes down, films, records, translates and compiles TK and/or TCEs?*
- *who administers the information system/database/register(s)?*

Lithuanian National Cultural Centre, Public Institution Rural Business and Markets Development Agency (LITFOOD), and Local Municipalities.

- *who can add new entries/registrations?*
- *what role do Indigenous Peoples, as well as local communities as appropriate, play?*

Local communities have the right to identify and nominate elements for inclusion into the Inventory.

Traditional craftspeople certify their own products or earn a certificate to be acknowledged as masters, organise educational activities and training courses for children, youth, and adults.

Traditional craftspeople are eligible for financial support, in compliance with EU de minimis rule (up to 200 000 EUR in a three-year period), provided by the Ministry of Agriculture and administered by the National Paying Agency. The aims of the support:

- 1) to promote preservation, creation, and sale of the national heritage products;
- 2) to promote traditional crafts and national heritage products; and
- 3) to create an attractive image of the national heritage products in Lithuania and abroad.

The following activities are eligible for financing:

- 1) compensation of the certification costs for the national heritage product of the category A;
- 2) creation, production, exhibition, and market of the national heritage products of the categories A and B, and demonstration of the traditional crafts in Lithuania and abroad;
- 3) publishing publications that promote the national heritage products of the categories A and B; and
- 4) organising traditional crafts educational activities.

In 2018-2020, 309 applicants received 0,43 million EUR support from the Programme. Since 2016, traditional craftspeople, masters of traditional crafts and apprentices are eligible for individual and educational grants that are awarded on the grounds of applications. Individual grants are awarded to traditional craftspeople or their apprentices to improve their crafting skills. Educational grants are awarded to traditional craftspeople to participate in stages, courses, conferences, symposiums, and other activities contributing to the improvement of their

skills. Monthly individual grants can be paid for up to a year, and education grants – for up to six months. Such grants are administered by the LITFOOD.

7. *Which are the principles and modalities regulating access to relevant information:*

- *who retains control of the information system?*
- *who is authorized to access the content?*
- *are there tiered levels of access to different categories of content?*

Lithuanian National Culture Centre, Public Institution Rural Business and Markets Development Agency (LITFOOD), and Local Municipalities.

8. *What are the involvement and rights of Indigenous Peoples, as well as local communities, in the process of the establishment, functioning and management of the information system(s)?*

ICH communities, groups and individuals have a primary role in safeguarding their ICH:

- they participate in preparation of applications; or
- submit applications themselves for inscribing their ICH elements on the Intangible Cultural Heritage Inventory; and
- participate in the implementation of action plans adopted to safeguard the specific elements of ICH. For example, 18 ICH elements out of 48 inscribed on the Intangible Cultural Heritage Inventory were submitted by ICH bearers and practitioners, their communities or in cooperation with public cultural organisations (and all ICH elements inscribed are safeguarded by ICH practitioners). In some municipalities local communities actively contribute to local ICH inventories (currently, there are 12 municipalities that have their local ICH inventories and more often started to or plan to develop such inventories/ lists). For instance, in 2018 local communities in Rokiškis region presented 37 viable traditions to the local ICH list. This shows that ICH communities are interested and active in safeguarding their ICH. Traditional craftspeople certify their products or earn certificate to be acknowledged as masters, organise educational activities and training courses for children, youth, and adults.

9. *What is the legal effect of inclusion of GRs, TK and/or TCEs, as the case may be, into the information system? For example, does inclusion establish IP rights?*

Currently, the data submission to the National Inventory is fully controlled and managed by the specialists of the Lithuanian National Culture Centre, however it is foreseen to make the data submission process online in a near future. Data on the ICH elements are accessible and facilitated only with the authorisation of the applicants, and a written permission of the ICH elements' bearers to use and manage their personal data and images, videos, sounds, and texts is needed. Since 2017 to the date there have been no cases in which the applicants would limit access to their data.

Producers of national heritage products can fully enjoy other intellectual property rights such as trademark rights if trademarks are registered. There are also several national heritage products registered as geographical indications, also produced by certified traditional craftspeople.

All individuals have their data privacy rights that are ensured through the Law of Data Protection and EU General Data Protection Regulation.

10. *How are disputes resolved (for example, competing claims by more than one community to a certain body of GRs, TK or TCEs)? How are transboundary GRs, TK and/or TCEs dealt with?*

Protection of copyrights in Lithuania is ensured through the Law on Author Rights and Neighbouring Rights of the Republic of Lithuania, the provisions of which have been aligned with the Berne Convention for the Protection of Literary and Artistic Works, the World Intellectual Property Organization Copyright Treaty and legal acts of the European Union. Lithuania recognises that copyright law principles are not suitable for folklore protection since:

- 1) folklore is a living expression passed on from generation to generation;

- 2) copyright protection is limited in time and does not reflect the essence of folklore nor meets the needs of the society;
- 3) folklore has diverse expressions (oral, music, dance, games, myths, rituals, crafts etc.);
- 4) folklore artworks have no originality and are interpretative. Finally, the nation is “the author of folklore”.

Legal protection of folklore artworks is ensured through the Law on the Principles of the State Safeguarding of Ethnic Culture of the Republic of Lithuania. According to the Law on the Author Rights and Neighbouring Rights of the Republic of Lithuania (enacted on 18 May 1999, No. VIII-1185) folklore is not subject matter of copyright, and thus folklore falls into public domain. This means that folklore, for example, legends, stories, or songs etc., is free to use without the consent of traditional owners. On the other hand, neighbouring rights protection is ensured. Folklore can be used in other works that enjoy copyrights protection – in original literary, scientific, and artistic works which are the result of the creative activities of an author, whatever may be the objective form of their expression, for example, books, written and verbal scientific works, plays, musical works, audio-visual works, works of fine art, photographic or architecture works, works of applied art, other works. Derivative works (for example, adaptations, musical arrangements), collections of works or compilation of data, databases also enjoy copyrights protection. Persons practicing ICH can enjoy the rights of performers (folklore performing is a subject matter of neighbouring rights despite folklore itself not being copyrightable), or, if relevant, the rights of phonograms, broadcasting and producers of the first audio-visual work (film).

11. Are there interoperability standards between the existing information systems in your country and other information systems or services? Do these interoperability standards concern:

- (i) data formats (e.g., XML, data fields, etc.);*
- (ii) content data (e.g., characterization, function, technical use of GRs, TK or TCEs);*
- (iii) rights metadata (e.g., right holder, subject matter, date of documentation, etc.); or (iv) structures of the information systems and services (e.g., APIs, etc.)? If so, please provide a description of these standards.*

To the Ministry’s knowledge, none of the three Lithuanian information systems described above (the Inventory, Local Municipality Inventories, and the Informational Database) have such functionalities that would allow data sharing or provide interoperability in other ways.

12. Do you have any other views or experiences relating to the establishment, functioning and management of information systems?

„*The Research of The Situation of Safeguarding and Actualizing Intangible Cultural Heritage and How it Can be Improved*“ (2022), initiated by the Ministry of Culture and organized by the Lithuanian Council for Culture, revealed that the National Inventory for ICH is a suitable tool for the promotion and awareness of ICH, but the potential of such information system is not fully exploited due to narrow definition of objectives, no permanent funding for the elements included in the Inventory, not sufficient promotion for the Inventory and unclear development model.

13. Do you have any suggestions for future work under the auspices of the WIPO IGC and/or by the WIPO Secretariat on these issues?
