

Research on the Influence of intellectual Property Law on the Inheritance and Protection Practice of Miao Intangible Cultural Heritage in Guizhou Province under the Background of Big Data

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Abstract: This study focuses on the complex relationship between the inheritance and protection of the intangible cultural heritage of the Miao people in Guizhou province under the dual context of big data and intellectual property law. Explore the miao intangible cultural heritage protection difficulties, analyze the crux of the intellectual property law application, mining change efficiency of big data, and put forward the systemic strategy, in order to the miao intangible cultural heritage in contemporary sustainable inheritance and protection to provide a solid theoretical support and practice guide, promote cultural inheritance, legal regulation and technological innovation together.

Keywords: Intellectual property law; Cultural heritage; Big data

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1. Foreword

The intangible cultural heritage of the Miao people in Guizhou Province is a treasure in the cultural treasure house of the Chinese nation. It contains thousands of years of history and wisdom of the Miao people, including ancient songs, silver decoration technology and Lusheng dance, etc., which reflects the national spirit and aesthetic taste of the Miao people, and is of great importance to the global cultural diversity. However, the impact of modernization and globalization makes these heritages face the dual dilemma of inheritance fracture and commercial infringement, and the younger generation has alienated the traditional skills and culture increasingly seriously. The era of big data provides new opportunities for the protection of these heritages, but there are many challenges in the actual operation of intellectual property law, such as the vague definition of rights subjects, the scope and duration of protection, and the difficulty in identifying infringement and safeguarding rights. Therefore, it is of great practical and theoretical significance to study the influence of intellectual property law on the inheritance and protection of Miao intangible cultural heritage in Guizhou province under the background of big data.

2. Multi-dimensional Examination of the Inheritance and Protection of the Miao Peoples Intangible Cultural Heritage

The swift currents of modernization have a profound impact on the cultural landscape, particularly among the younger generation of the Miao people. As they are increasingly drawn to the allure of contemporary lifestyles and career opportunities, the allure of preserving their traditional intangible cultural heritage wanes. This shift is not just a matter of personal preference but also a reflection of the broader socio-economic forces that prioritize immediate gains over long-term cultural continuity. In the case of Miao silver jewelry forging, the art's intricate techniques, the extensive time required to master the craft, and the relatively modest economic rewards have led to a dwindling interest among the youth. This decline not only threatens the survival of this specific craft but also symbolizes a broader crisis in the transmission of cultural knowledge and skills, raising concerns about the future of

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Miao intangible cultural heritage and the need for innovative approaches to engage the younger generation in its preservation.

The Miao nationality's intangible cultural heritage is a tapestry woven from a multitude of threads, each representing the diverse, collective, and historically layered nature of its creation. This complexity arises from the interplay of various creators, communities, and time periods, which makes it challenging to pinpoint a single entity that can be recognized as the intellectual property owner. For instance, the ancient songs of the Miao people, passed down orally through generations, embody this complexity. The act of creation is not attributed to a single individual but is a communal and evolving process. Consequently, the absence of a clear creator or claimant for these songs poses a significant obstacle in establishing intellectual property rights. This ambiguity hinders the establishment of a robust legal framework for protection, as it is unclear who should hold the rights and be responsible for the preservation and management of such cultural treasures. The fluidity of authorship in these cultural expressions complicates the enforcement of intellectual property laws, potentially leaving these priceless cultural assets vulnerable to misuse or misappropriation. The existing intellectual property legal system, including copyright law, patent law and trademark law, its protection scope and period setting do not match the unique attributes and inheritance needs of the Miao intangible cultural heritage. The protection period of copyright law is usually based on the natural life of the author, while the intangible cultural heritage of Miao nationality often spans hundreds or even thousands of years, and needs continuous inheritance to maintain vitality. This period cannot meet its long-term protection needs. When protecting the traditional skills, the patent law also has the limitation of the protection scope due to the difficulty of standardizing the skills, which cannot provide comprehensive and effective legal protection for the miao traditional skills.

3. The Interaction between Big Data Technology and Intellectual Property Law

By leveraging the prowess of big data technology, a comprehensive approach to data collection can be employed, which not only gathers a vast array of data related to the Miao intangible cultural heritage but also integrates it into a cohesive and extensive database. This rich repository of information serves as a valuable asset for researchers, conservationists, and inheritors, offering them a robust foundation of data to draw upon for their work. The application of sophisticated big data analysis tools allows for the in-depth exploration and interpretation of this data, uncovering hidden patterns, relationships, and the underlying principles that govern the evolution of cultural heritage. This analysis is crucial as it not only aids in understanding the past but also informs strategies for the future, providing a scientific foundation for the continuation and reinvention of these cultural practices. Furthermore, these insights can guide policymakers and cultural stewards in making informed decisions that respect the integrity of the heritage while fostering its adaptation and relevance in contemporary society.

However, in the environment of big data, the determination of intellectual property subjects has become more complex, which requires fine data analysis and legal judgment to define the real intellectual property subjects. At the same time, the network environment provides more hidden and diversified means for infringement, including digital tampering and malicious transmission and other new infringement modes, which make it difficult to track and stop infringement. Cross-border network infringement increases the complexity of the application of law and jurisdiction. Although big data technology provides a new means for infringement identification, it is still necessary to establish a sound legal and technical standard system in terms of the legality, accuracy and integrity of data to ensure the scientificity and impartiality of infringement identification.

4. Building a New Paradigm of Inheritance and Protection of Miao Intangible Cultural Heritage

In order to effectively protect and inherit the intangible cultural heritage of the Miao people, it is necessary

to formulate special laws, regulations and judicial interpretations, and establish scientific and clear standards and procedures for the identification of intellectual property subjects. This includes the establishment of a multi-level and diversified subject identification system by considering the creation origin, inheritance context, regional distribution and group contribution of the heritage. For example, for the obvious family inheritance skills, the family can be identified as the main intellectual property subject; for the regional folk activities, the relevant Miao groups can become the common intellectual property subject. In addition, a registration system for intellectual property subjects should be established to encourage inheritors and stakeholders to register, clarify the ownership of rights, and enhance the awareness of rights, so as to lay a solid foundation for the protection and inheritance. For the uniqueness of miao intangible cultural heritage and inheritance requirements, the law of traditional intellectual property rights protection scope and deadline to adjust and optimization, the representative cultural elements, folk activities and traditional art process into the copyright, trademark protection category, and set up special protection period system, such as no fixed term protection or renewed long-term protection mechanism, to ensure that the long-term inheritance of legal protection. Build a whole-process data security management system to ensure the integrity, confidentiality and availability of intangible cultural heritage data. Use encryption, Access control and data desensitization technology to fully protect the data from illegal acquisition, tampering, leakage or abuse. At the same time, attention should be paid to the privacy protection of data providers, clarify the boundaries and authority of data use, and establish a strict approval and supervision mechanism. Using big data analysis technology and artificial intelligence algorithm, intelligent infringement monitoring software and system are developed to monitor, identify and early warn the infringement in cyberspace. Combined with blockchain technology, a fixed and certification platform for infringement evidence is built to ensure the authenticity, integrity and credibility of evidence, and provide support for infringement identification and rights protection

5. Conclusion

In the current era of booming big data, the intellectual property law indeed exerts a particularly crucial and far-reaching influence on the inheritance and protection practice of the intangible cultural heritage of the Miao people in Guizhou Province. The intangible cultural heritage of the Miao nationality is currently confronted with the dual arduous challenges of the severe inheritance dilemma and the complex application dilemma of intellectual property law. However, it should be noted that the rapid development of big data technology has also ushered in novel and promising opportunities to address these existing problems. By comprehensively and meticulously improving the intellectual property legal system, further strengthening the extensive application of big data technology in the field of intellectual property protection, and actively promoting the in-depth cooperation of multiple subjects, these challenges can be effectively coped with, and the sustainable inheritance and sound protection of miao intangible cultural heritage can be successfully realized. This not only plays a significant role in effectively protecting the cultural rights and interests and safeguarding the rich cultural diversity of the Miao people, but also offers a valuable and practical reference for the protection of the intangible cultural heritage of other regions and ethnic groups, thereby contributing to the overall prosperity and development of the intangible cultural heritage cause on a broader scale.

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