From Safeguarding to Global Circulation: Intellectual Property, Digital Transformation, and the Cross-Border Reconfiguration of Chinese Intangible Cultural Heritage

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Abstract: As intangible cultural heritage (ICH) becomes increasingly visible in global cultural, creative, and digital markets, questions surrounding ownership, interpretation, and sustainable transmission have taken on new urgency. This article offers an integrated review of the evolving intersections among ICH, intellectual property protection (IPP), and globalization, with a specific focus on China—the world's most active ICH-bearing nation. Drawing on legal scholarship, bibliometric studies, ethnographic research, and emerging digital-innovation literature, the study develops two analytical frameworks: a pathway model tracing how ICH is transformed into cultural intellectual property within domestic institutional settings, and a multi-level embedding model explaining how ICH is reinterpreted and reorganized in destination cultural and legal environments. Findings highlight three major tensions. First, the ontological mismatch between ICH and IP systems—most notably the conflict between the communal nature of heritage and the novelty requirements of patent law—generates persistent dilemmas around collective authorship, dynamic evolution, and cultural obligations. Second, cross-border dissemination produces both opportunities for global visibility and risks of cultural discount, symbolic dilution, and inequitable benefit-sharing. Third, while digitalization and generative AI provide novel modes of revitalization, they also raise concerns about data sovereignty, algorithmic appropriation, and community exclusion. The study argues that effective governance requires culturally sensitive IP strategies, participatory decision-making mechanisms, and ethical digital infrastructures that ensure the sustainability of living heritage. By bridging fragmented research strands, this article contributes a comprehensive theoretical and empirical foundation for understanding how Chinese ICH navigates the legal, cultural, and technological conditions of the global era.
Keywords: Intangible Cultural Heritage; Intellectual Property Protection; Cultural Globalization; Digital Transformation; Community Participation and Sustainability

1.Introduction

Over the past two decades, intangible cultural heritage (ICH) has moved from the margins of cultural policy to a central concern in global debates on development, identity, and soft power. Since the adoption of UNESCO's 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, ICH has increasingly been recognized not merely as a cultural asset to be preserved but also as a dynamic resource that supports innovation, community continuity, and international cultural engagement [1]. China has emerged as one of the most active state parties in this global landscape, with 44 elements inscribed

on the UNESCO ICH list and nearly 870,000 items included in its multi-tier domestic inventory. These figures illustrate both the density of China's ICH resources and the scale at which ICH has been institutionalized as a strategic cultural field [2].

At the same time, cultural development has become deeply entangled with national competitiveness, soft power, and global image-building. Since the mid-2000s, Chinese policy discourse has highlighted the need to convert cultural heritage and creative industries into comprehensive national power, positioning ICH as a symbolic and economic resource capable of enhancing China's international influence [3]. The rapid expansion of digital platforms, creative media, streaming services, and global tourism has further amplified the cross-border circulation of narratives, symbols, and artistic practices. Within this environment, Chinese ICH, rich in aesthetic form, regional diversity, and historical depth, has increasingly been mobilized as a cultural intellectual property (IP) capable of traveling globally through tourism experiences, cultural-creative products, digital platforms, and AI-enabled design.

However, these opportunities coexist with significant conceptual, legal, and practical challenges. ICH is characterized by collective custodianship, intergenerational transmission, and continual transformation, whereas modern IP systems are built around identifiable authors, fixed expressions, and exclusive rights. This structural mismatch has been widely noted in international legal scholarship and in the World Intellectual Property Organization's (WIPO) attempts to articulate frameworks for protecting traditional cultural expressions (TCEs) [4]. At the same time, empirical research suggests that ICH's increasing presence in tourism, branding, and digital industries raises concerns related to cultural misinterpretation, over-commodification, benefit-sharing, and the erosion of cultural meanings [5][6]. These tensions are particularly salient in the context of globalization, where Chinese ICH is both celebrated as an attractive cultural resource and contested as a symbol subject to commercial appropriation and cross-cultural reconfiguration.

Despite the rapid growth of ICH scholarship globally and in China, the literature remains fragmented. Studies rooted in law and policy tend to emphasize safeguarding, misappropriation, and doctrinal debates, while research on tourism, creative industries, and digital media focuses on utilization, innovation, and market-oriented transformation [7]. Bibliometric studies confirm this disciplinary separation, showing parallel but weakly connected clusters of research on protection, tourism development, heritage space, digital transformation, and cultural communication [8][9]. Only in recent years has a more integrated body of work begun to situate ICH within broader discussions of intellectual property protection (IPP), cross-border circulation, and cultural globalization [10].

This article addresses this fragmentation by bridging insights from legal theory, cultural policy analysis, bibliometric evidence, and case-based empirical studies. It proposes a unified analytical lens, ICH–IPP, through which both safeguarding and utilization can be understood as interconnected dimensions of a single cultural transformation process. By doing so, it moves beyond the dualistic framing that positions protection and commercialization as opposing agendas. Instead, it examines how ICH is simultaneously protected, negotiated, transformed, and circulated as it enters global markets and digital ecosystems.

Structurally, the article proceeds as follows. The Literature Review synthesizes international and Chinese scholarship on ICH, IPP, and globalization, highlighting conceptual tensions and empirical findings. The Theoretical Framework develops a pathway model that traces how ICH becomes cultural IP capable of traveling across borders, and introduces a multi-level embedding framework that explains how ICH is interpreted, reorganized, and institutionalized in destination contexts. The Methodology section outlines the corpus construction and coding strategies used to map research trends and extract dominant themes. The Findings section integrates legal, institutional, technological, and industrial perspectives, supported by comparative tables and conceptual figures. The Discussion elaborates on emerging risks—including cultural discount, rights ambiguities, and sustainability challenges—before the Conclusion identifies implications for future research, policy design, and culturally sensitive IP governance.

Through this integrated approach, the article contributes a theoretically informed and empirically grounded account of how Chinese ICH is transformed into global cultural IP. It speaks not only to heritage studies and intellectual property scholarship but also to debates in creative industries, communication studies, and global cultural policy.

2.Literature Review

2.1 Intangible Cultural Heritage: Concepts, Norms, and Global Debates

Since the adoption of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, UNESCO has redefined cultural heritage as a living set of practices, embodied and enacted by communities, that require continuous transmission and collective custodianship [1].
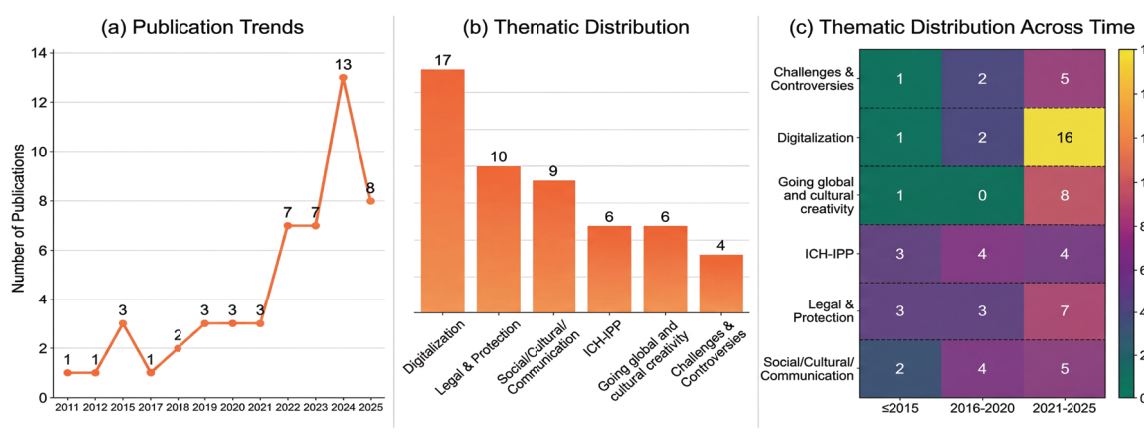
This reconceptualization marked a profound shift away from monument-centered heritage regimes toward a community-centered paradigm emphasizing continuity, identity, and social cohesion. The Convention's emphasis on living heritage not only guided national policy reforms but also catalyzed scholarly debates about the nature of ICH as a dynamic and relational cultural form.

Parallel to UNESCO's developments, the World Intellectual Property Organization (WIPO) advanced frameworks for addressing traditional cultural expressions (TCEs), seeking mechanisms to protect folklore, traditional crafts, and communal artistic practices from misappropriation and unfair commercial exploitation [4]. Unlike UNESCO's preservation-oriented approach, WIPO's work focuses on rights-based protection and the design of legal instruments—either through adapted intellectual property rights (IPR) or sui generis systems—that recognize the communal, intergenerational, and context-dependent nature of TCEs.

These global developments highlight a persistent conceptual dilemma: ICH is inherently collective, fluid, and embedded in social contexts, whereas IP systems are built on exclusivity, identifiable authorship, and fixed expressions. Scholars argue that this mismatch can lead to several risks, including cultural freezing, community marginalization, and the privatization of shared cultural expressions [11][12]. At the same time, the growing involvement of tourism, creative industries, and digital platforms has generated new debates about how to balance safeguarding with innovation and market participation.

To visualize how scholarly attention to ICH has evolved globally and in China, Figure 1 synthesizes major bibliometric findings showing rapid growth in ICH research after 2003, diversification into tourism and digitalization themes, and a more recent turn toward IP-related inquiries.

Figure 1. Bibliometric Landscape of Research on Intangible Cultural Heritage,
Intellectual Property Protection and Globalization

2.2 Intellectual Property Protection and Traditional Cultural Expressions

Intellectual property protection (IPP) has become a central concern as ICH increasingly enters markets, branding strategies, and international cultural flows. WIPO's work on TCEs has articulated both the opportunities and limitations of using existing IP categories—copyright, trademarks, industrial designs, geographical indications (GIs), and unfair competition law—to safeguard communal cultural expressions [4]. Several core tensions recur in the literature:

Collective ownership vs. individual authorshipICH is seldom attributable to a single creator, challenging the individualistic logic inherent in both copyright and patent systems. While trademarks often focus on external branding, the conflict with patents is particularly acute because patents require absolute novelty and identifiable "inventors". This requirement fundamentally contradicts the intergenerational and communal nature of traditional knowledge, where innovations are built incrementally over centuries rather than as discrete, "new" creative acts.

Dynamic evolution vs. fixation requirementMany ICH expressions evolve across generations, conflicting with IP law's preference for fixed, original expressions.

Cultural obligations vs. market incentivesCommunities often understand heritage as a moral, ritual, or identity-based obligation rather than a commodifiable asset.

Cross-border misappropriationIncreasing global circulation has heightened cases of unauthorized imitation, trademark squatting, and cultural distortion.

Legal scholars argue that, while IP tools can help prevent misappropriation and support community benefit-sharing, inappropriate application may erode cultural meanings, exclude community members, or introduce market logics that overshadow cultural obligations [11][13].

In response, comparative studies have proposed a range of policy options—including collective moral rights, sui generis registers, community protocols, and strengthened GI systems—that reflect cultural sensitivities and align with sustainable development goals [4][14].

2.3 Chinese Scholarship on ICH: Bibliometric Trends and Empirical Contributions

Chinese ICH scholarship has grown exponentially since the implementation of the Law of the People's Republic of China on Intangible Cultural Heritage in 2011. Bibliometric studies provide the clearest overview of thematic evolution. Hu et al. mapped 91 Chinese-language publications on IPP–ICH between 2011 and 2020 and found four dominant clusters: legal safeguarding, digital preservation, traditional cultural expressions, and authenticity verification [10]. Research output increased sharply after 2015, coinciding with national policies promoting cultural confidence and creative industries.

Complementary analyses show that Chinese scholarship has been particularly active in three domains:

Legal and institutional protection

Studies examine how copyright, trademarks, patents, and GIs can be applied to ICH categories, highlighting gaps in rights definition, collective ownership, and enforcement [7][15].

Tourism and regional development

A large body of work treats ICH as a cultural and economic resource for place branding, festival development, and heritage tourism, often foregrounding sustainability and authenticity issues [8][9].

Digitalization and creative industries

Recent publications explore digital archiving, knowledge graphs, interactive media, and AI-generated ICH content, emphasizing opportunities for global dissemination as well as risks related to data ownership and cultural distortion [5][16].

These strands, however, remain weakly integrated. Tourism and digitalization studies rarely address IP issues explicitly, while legal scholarship often abstracts away from practical uses of ICH in creative industries.

To consolidate the contributions of existing studies, Table 1 summarizes influential international and Chinese works on the intersections of ICH, IPP, and globalization.

Table 1. Key Literature on Intangible Cultural Heritage, Intellectual Property Protection, and Globalization

No.	Key reference	Aim / focus	Method / material	Main findings	Implications for ICH going global	Limitations / gaps
1	UNESCO (2003)	Establish an international framework for safeguarding ICH and define its scope	International convention, negotiated text	Defines ICH as living, communityrecognized practices and establishes safeguarding obligations and listing mechanisms	Provides the normative baseline for considering ICH as a global concern and as a resource for cultural diplomacy	Does not create private rights or address IP; leaves questions of commercial use and benefitsharing largely to States Parties
2	WIPO (2005, 2013)	Clarify concepts and policy options for protecting TCEs/ folklore and TK	Policy booklets and guide synthesizing comparative legal experiences	Identifies options for using existing IP tools, unfair competition law and sui generis measures to protect TCEs and TK against misappropriation	Offers legal design options for countries seeking to regulate crossborder use of traditional cultural expressions and negotiate at WIPO	Nonbinding guidance; focuses on legal form rather than detailed sectoral practices in cultural-creative industries

No.	Key reference	Aim / focus	Method / material	Main findings	Implications for ICH going global	Limitations / gaps
3	Antons & Logan (2018)	Analyze the relationship between cultural property, IP and ICH safeguarding	Theoretical and doctrinal analysis, with AsiaPacific examples	Argues that the convergence of heritage, development and IP has politicized ICH and raised difficult questions about ownership and control	Highlights how IP and heritage discourses intersect in nationalist projects and tourism, directly relevant for Chinese cultural export	Limited empirical data; China is discussed mainly in comparative perspective
4	Lin & Lian (2018)	Examine how China's IP system can protect ICH	Legal doctrinal analysis with illustrative cases	Shows how copyright, trademarks, patents and GIs can each be applied to different ICH types and identifies gaps in protection	Provides a concrete map of IP tools that can be mobilized when Chinese ICH is transformed into marketable cultural IP	Focuses on domestic law; cross-border enforcement and international negotiations are only briefly discussed
5	Cheng & Yuan (2021)	Explore IP tools for safeguarding ICH from a Chinese perspective	Semiotic and doctrinal analysis of legal concepts	Emphasizes the symbolic and communicative dimensions of ICH and advocates tailored use of GIs, collective marks and related rights	Suggests how IP can be aligned with the meanings and signs embedded in ICH when it is branded for global markets	Limited empirical testing of proposed tools; digital and platform-based uses are not systematically covered
6	Su et al. (2019)	Map global ICH research using bibliometric methods	CiteSpace bibliometric analysis of 249 WoS articles	Identifies growth in ICH research, weak collaboration networks and clusters around protection, management, policy and tourism	Demonstrates that ICH is a rapidly growing, multidisciplinary research field and that creative tourism and authenticity are central topics	Focuses on global ICH without specific attention to IPP or China's outbound cultural strategies
7	Chen et al. (2023)	Analyze ICH tourism research in China and abroad	Bibliometric and visualization analysis of 381 Chinese and 545 foreign articles	Reveals three stages of ICH tourism research and key hotspots such as authenticity, sustainable development and community participation	Shows that tourism is a central pathway through which ICH is commodified and internationalized, with implications for IP and branding	Concentrates on tourism; IP issues and legal frameworks are only implicit
8	Hu et al. (2024)	Examine Chinese research on ICH from an IPP perspective	Bibliometric and knowledge-mapping analysis of 91 CNKI papers (2011–2020)	Identifies legal protection, digital conservation, traditional cultural expressions and authentication as IPP–ICH research hotspots	Provides the most comprehensive picture to date of Chinese scholarship on ICH–IPP and highlights digital and legal frontiers relevant to going global	Limited to Chineselanguage literature; does not yet incorporate post2020 developments or non-Chinese work on Chinese ICH

This lack of synergy necessitates a holistic approach that accounts for the dual nature of ICH as both a public good and a commercial asset.

Collectively, the literature demonstrates the need for a more integrated framework that includes:(1) conceptual clarity on ICH–IP tensions;(2) institutional mechanisms through which ICH becomes cultural IP;(3) cross-border pathways that explain how ICH circulates globally; and(4) analytical models linking technological, legal, and socio-cultural dynamics.

These gaps motivate the theoretical development in the next section.

3.Theoretical Framework

3.1 Conceptual Tensions Between Intangible Cultural Heritage and Intellectual Property

The relationship between intangible cultural heritage (ICH) and intellectual property (IP) is characterized by a set of structural tensions that complicate both safeguarding and utilization. These tensions derive from the divergent ontologies on which the two systems rest. ICH, as defined by UNESCO, is living, communal, relational, and continuously recreated [1]. Its value lies not only in aesthetic forms but also in social meanings, ritual obligations, and collective identities. IP law, by contrast, is fundamentally premised on exclusivity, identifiable authorship, originality, and temporal limits [11].

Across the literature, three conceptual conflicts emerge as foundational.

Collective authorship vs. individual rights

Traditional cultural expressions (TCEs) are typically generated by communities over generations, making it difficult to

identify a single rights-holder. This challenges copyright regimes, which presuppose individualized creators and fixed creative acts [4][11].

Dynamic evolution vs. fixation requirement

ICH practices evolve across time, regions, and practitioners. Their fluidity conflicts with IP's requirement for fixation in a tangible medium and original expression [12]. Attempts to freeze cultural expressions to satisfy IP requirements risk undermining their vitality and altering their meaning within communities.

Cultural obligations vs. market incentives

While communities often treat ICH as a moral, ritual, or identity-based obligation, IP law encourages commodification by granting exclusive rights to control access and derive economic benefit [13]. Imposing proprietary logics on practices perceived as shared cultural assets may generate internal conflicts and inequitable benefit-sharing arrangements.

These tensions have led scholars to question whether IP systems alone can adequately protect ICH, particularly in cross-border contexts where misappropriation, distortion, and exploitation often occur [11][14]. At the same time, the absence of legal protection may leave communities vulnerable to free-riding and symbol appropriation. The challenge, therefore, is not to choose between IP or no IP, but to design culturally sensitive IP governance that aligns legal tools with the social meanings and lifeworld of heritage-bearing communities.

3.2 A Pathway Model for the Transformation of ICH into Global Cultural IP

To address how ICH moves from community-centered cultural practice to globally circulating cultural IP, this article employs a pathway model that synthesizes legal, institutional, creative, and technological dimensions. The model integrates insights from Chinese and international scholarship on IPP, digitalization, tourism, and creative industries [5][7][9]. The pathway comprises five interlinked stages.

Stage 1: Resource Identification and Institutional Recognition

ICH is formalized through listing mechanisms (UNESCO, national inventories, local registries) that construct its legitimacy and symbolic value. Institutional recognition not only safeguards heritage but also initiates its transformation into a mobilizable cultural resource.

Stage 2: Legal and Regulatory Frameworks

IP instruments, copyright, trademarks, GIs, related rights, and sui generis protections, shape how ICH can be owned, licensed, and enforced [7][14]. These frameworks determine which actors (states, communities, enterprises) gain rights or responsibilities.

Stage 3: Creative and Digital Transformation

ICH undergoes reinterpretation through design, media production, tourism packaging, or digital technologies. AI-assisted generative models, digital archives, and immersive exhibitions increasingly mediate this transformation, expanding ICH's expressive forms and target audiences [5][16].

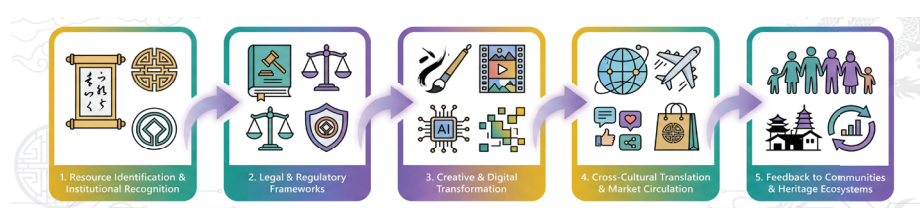Stage 4: Cross-Cultural Translation and Market Circulation

ICH enters global circuits via tourism routes, cultural-creative products, international co-productions, digital platforms, and social media. In this process, cultural meanings are reframed to fit foreign aesthetic expectations or narrative conventions [6][17].

Stage 5: Feedback Effects on Communities and Heritage Ecosystems

Global circulation produces material and symbolic consequences for local communities, including economic benefits, altered identity relations, performance pressures, or transformations in heritage practice [8][16]. These feedback effects influence both the sustainability and authenticity of ICH.

This conceptualization is illustrated in Figure 2, which serves as a roadmap for the empirical and analytical sections that follow.

Figure 2. Conceptual Pathways for Chinese Intangible Cultural Heritage as Global Cultural IP

3.3 Multi-Level Embedding Theory for Cross-Border Cultural Transformation

While the pathway model explains how ICH becomes cultural IP within China, it is equally important to understand how ICH gains traction abroad. Drawing on sociological theories of cultural embedding and cross-border media flows, this article develops a multi-level embedding model to explain how ICH is interpreted, institutionalized, and circulated in destination societies.

This model posits that successful global dissemination requires the coordination of three layers of embedding.

Cultural and Narrative Embedding

ICH is reframed into globally intelligible symbolic and narrative forms, for example, translating myths into hero narratives, repositioning crafts within sustainability discourses, or adapting performance aesthetics to international tastes [6][17]. Without cultural resonance, ICH remains exoticized and fails to achieve meaningful reception.

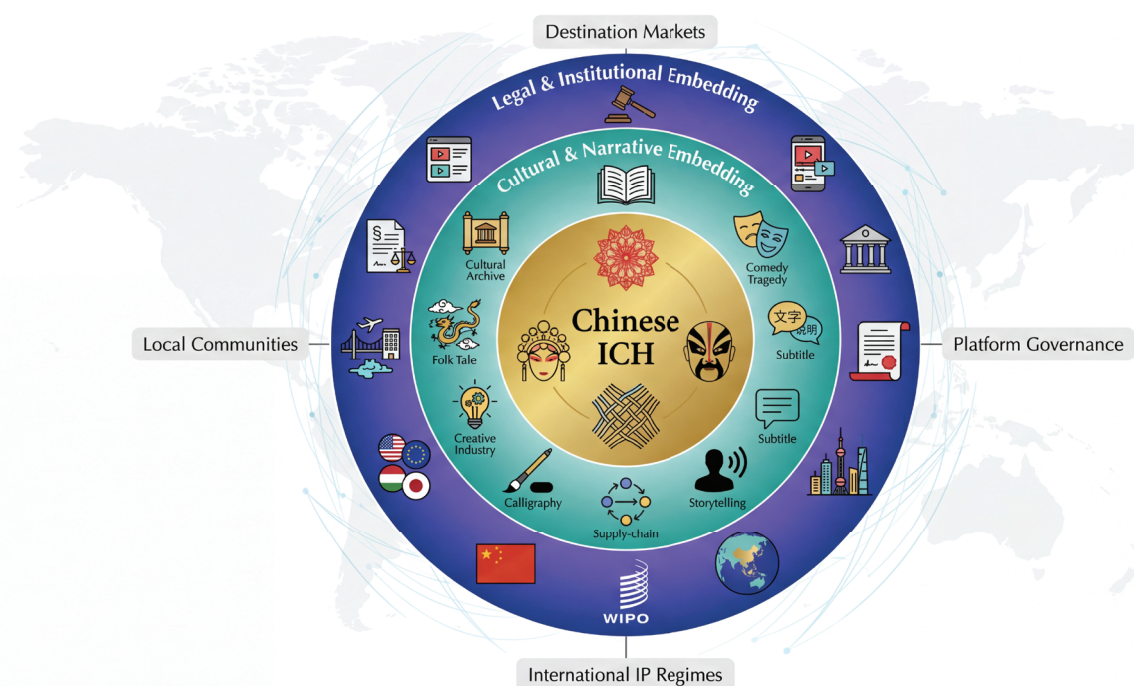Structural and Industrial Embedding

ICH must be integrated into global media, tourism, and platform infrastructures. This occurs through international co-productions, distribution agreements, festival circuits, influencer networks, and cross-border tourism partnerships [9][16]. Structural embedding determines ICH's visibility and marketability.

Legal and Institutional Embedding

ICH must navigate foreign regulatory systems, including IP registration, licensing requirements, cultural policy frameworks, and platform governance rules. Legal embedding shapes the rights communities hold abroad and the remedies available for misappropriation [14].

The model treats cultural circulation not as linear export, but as reciprocal embedding, in which cultural forms adapt and are adapted by the societies that receive them. This logic is visualized in Figure 3. The inner circle represents the ICH core, while the concentric outer layers illustrate the varying degrees of socio-legal embedding required for global reception.

Figure 3. Multi-Level Social Embedding of Chinese Intangible Cultural Heritage in Destination Legal and Cultural Environments

Taken together, the pathway model and multi-level embedding framework provide a theoretical foundation for understanding how ICH moves through domestic institutional systems, creative ecologies, global markets, and transnational legal environments. These models guide the analysis of empirical literature and case studies in the following sections.

4.Methodology

This study adopts a systematic narrative review approach, integrating bibliometric insights, conceptual analysis, and

comparative synthesis to examine the evolving intersections between intangible cultural heritage (ICH), intellectual property protection (IPP), and globalization. Unlike quantitative meta-analyses, which require standardized datasets, the present topic spans heterogeneous disciplines, including law, anthropology, cultural studies, communication, tourism research, and digital humanities, necessitating a multi-method design that accommodates diverse epistemologies.

Accordingly, the methodology proceeds in three steps: (1) construction of the literature corpus; (2) thematic, conceptual, and methodological coding; and (3) synthesis through visual and comparative instruments, including Figures 1–3 and Tables 1–4.

4.1 Corpus Construction

The literature corpus was built through iterative searches across major international and Chinese academic databases.

Web of Science (WoS): for global ICH, cultural policy, IP, and creative industry research.

Scopus: for interdisciplinary studies on cultural globalization and platform governance.

CNKI (China National Knowledge Infrastructure): the primary repository for Chinese-language ICH, IP, tourism, and digitalization research.

Google Scholar: to capture grey literature and recent working papers, especially in emerging fields such as AI-driven cultural design.

The initial keyword sets included combinations of:

intangible cultural heritage, ICH safeguarding, traditional cultural expressions, TCEs, heritage digitalization, intellectual property, copyright, trademark, geographical indications, cultural IP, cultural globalization, going global, cultural soft power, creative industries, AI, generative models, digital archives, knowledge graphs.

The search period covered 2003–2025, corresponding to the two decades following the UNESCO 2003 Convention. To ensure analytical depth, only peer-reviewed journal articles and scholarly books were included; policy reports were used selectively to contextualize legal developments.

The final dataset comprises three categories.

Legal and policy studies on ICH definition, safeguarding frameworks, IP doctrines, and TCE protection [7][11][14][15];

Empirical and bibliometric studies on ICH tourism, digitalization, knowledge mapping, and creative industries [8][9][10][16];

Cross-border cultural communication studies, including soft power, cultural discount, digital platforms, and co-production models [3][6][17].

This corpus underpins the synthesis presented throughout the article.

4.2 Coding Strategy and Analytical Dimensions

To structure the review, each article in the corpus was coded across three analytical dimensions:

Thematic focus

Articles were categorized into six clusters derived from inductive reading and aligned with prior bibliometric analyses [8][9][10]: Legal and institutional protection of ICH; Cultural policy and governance; Tourism and regional development; Digitalization and AI-driven innovation; Creative industries and branding; Community studies and ethnographic work.

Methodological approach

Methods were coded as doctrinal legal analysis, policy analysis, bibliometrics/knowledge mapping, qualitative case study, quantitative survey, or system/prototype design (reflecting emerging digital humanities and AI research).

ICH type

ICH elements were categorized based on UNESCO taxonomy: performing arts, traditional craftsmanship, rituals and festivals, oral traditions, and mixed/composite forms.

This coding enabled cross-comparison across fields and provided the foundation for the synthesized thematic clusters shown later in Table 3.

4.3 Methodological Limitations

As a narrative synthesis, the review does not claim exhaustive coverage of all ICH-related literature. The scope is necessarily selective; prioritizing works directly addressing the ICH–IPP nexus or those illustrating pathways of cross-border transformation. Moreover, disciplinary imbalances persist: legal scholarship tends to dominate discussions of IP,

while ethnographic work provides thick cultural context but limited engagement with global market dynamics. Nevertheless, the multi-dimensional coding and integration of bibliometric insights mitigate these limitations by providing balanced representation across disciplines.

With these methodological foundations, the article now turns to the empirical landscape of ICH–IPP research and its implications for the globalization of Chinese ICH.

5.Findings

5.1 Legal and Institutional Dynamics

Empirical research demonstrates that legal and institutional mechanisms form the core of China's engagement with intellectual property protection (IPP) in the domain of intangible cultural heritage (ICH). Chinese scholars have extensively analyzed how copyright, trademarks, patents, and geographical indications (GIs) can be strategically combined to safeguard ICH while enabling its reasonable utilization within creative industries [7][15]. These mechanisms constitute the backbone of China's national strategy to both protect and mobilize its cultural resources in global contexts.

Fragmented yet expanding scholarly attention: Bibliometric analysis by Hu et al. revealed a steady increase in Chinese ICH–IPP publications after 2013, with clusters forming around copyright, geographical indications, legal safeguarding and digital preservation [10]. Despite the growth in output, collaboration networks remain weak, indicating fragmentation across institutions and disciplines. This fragmentation mirrors broader scholarly divisions between legal, tourism, and digital-innovation strands.

Tensions in applying IP tools to ICH

Legal commentators identify several practical challenges in applying IP law to ICH.

Ambiguity in defining rights-holdersMany ICH elements involve collective or intergenerational authorship, making the attribution of ownership and licensing authority extremely difficult. Empirical evidence suggests that patent-related disputes often involve higher existential stakes for communities than trademark issues. For instance, when traditional medical prescriptions or technical craft processes are formalized into private patents, it can result in "technological enclosure". In such scenarios, the heritage-bearing community may be legally barred from practicing their own ancestral techniques, undermining the very foundation of living transmission. [11].

Risk of over-commodificationThe use of IP tools, especially trademarks and Gis, can strengthen commercial visibility but may shift power away from heritage-bearing communities toward external enterprises and state actors [13][15].

Conflicts in symbol usageSymbol-based misappropriation, exemplified by the unauthorized registration of ICH motifs as private trademarks, is increasingly prevalent in various industrial sectors, generating disputes over authenticity and ethical use [10].

Inadequate integration with safeguarding policiesChina's ICH Law emphasizes safeguarding and transmission, whereas IP mechanisms emphasize exclusive control; the integration of the two remains uneven.

Overall, empirical and doctrinal studies converge on the view that IP tools are necessary but insufficient to protect ICH interests. Without participatory governance and culturally grounded implementation, legal protections risk reinforcing inequalities or distorting heritage meanings [11][14].

5.2 Tourism, Creative Industries, and Digital Platforms

ICH has become a key driver of tourism and creative industries in China, generating new pathways through which cultural expressions are transformed into cultural IP capable of global circulation.

Tourism as a transformative force

A large body of Chinese and international scholarship conceptualizes ICH tourism as both a development strategy and a mechanism of cultural reconfiguration. Chen et al. identify authenticity, community participation, and sustainable development as persistent research hotspots [8]. Wang et al. show that the interaction between ICH vitality and tourism growth generates synergistic effects: tourism enhances visibility and economic benefits, while revitalized ICH enhances destination attractiveness [17].

Nevertheless, tourism-led development also generates risks: staged authenticity, commercial overuse, cultural simplification, and unequal benefit-sharing. Ethnographic studies in minority regions demonstrate that local communities often have limited

voice in decisions involving IP registration, licensing, and branding [6][18].

Creative industries and re-narration of traditional symbols

Researchers note increasing incorporation of ICH into animation, film, games, cultural-creative products, and international branding initiatives [3][17]. In these sectors, IP regime's structure value capture through copyright bundles, trademark portfolios, and licensing agreements. Yet studies also emphasize the phenomenon of cultural discount, whereby cultural products rooted in non-Western contexts face interpretive gaps or reduced market acceptance abroad [6]. This necessitates narrative adaptation—reframing traditional motifs into globally intelligible story arcs, aesthetic styles, or sustainability discourses.

Digital transformation and AI-assisted cultural production

Digitalization has emerged as one of the most dynamic areas of ICH research in China. Several developments stand out:

Digital archives and multimodal knowledge graphsProjects such as CICHMKG integrate text, image, and metadata from the national ICH inventory into structured knowledge systems that support cross-language search, visualization, and large-scale cultural analytics [16].

Interactive and immersive digital experiences3D modeling, VR exhibitions, and online museums expand global accessibility but raise questions regarding the ownership and licensing of digitized cultural materials.

Generative AI for creative adaptationAI-powered design tools have been used to generate culturally informed paper-cutting, New Year prints, or textile motifs, often with high acceptance among younger audiences [5][17]. These techniques enable scalable visual production but risk diluting symbolic meanings or reproducing cultural elements without adequate community consent.

Tensions around data ownership and algorithmic appropriationAI training datasets often contain digitized ICH materials, creating uncertainties regarding copyright ownership, traditional knowledge rights, and long-term ethical obligations [16].

Collectively, these developments illustrate both the possibility and precarity of digital transformation as a means of globalizing ICH.

5.3 Case Matrix of Chinese ICH Going Global

To illustrate how legal, cultural, and technological mechanisms interact in practice, this section synthesizes representative case studies of Chinese ICH entering global circuits. These cases encompass traditional crafts, ethnic festivals, tourism destinations, digitized heritage, and AI-generated cultural-creative content. Each case is evaluated along five dimensions: (1) ICH type; (2) mode of export or transformation; (3) IP instruments employed; (4) outcomes and impacts; and (5) associated risks. The resulting comparative matrix is presented in Table 2.

Table 2. Representative Case Studies of Chinese Intangible Cultural Heritage Going Global

Case	ICH type	Export / transformation mode	Main IP instruments	Reported outcomes	Risks / controversies
Chinese lacquer art (Song et al., 2019)	Traditional craftsmanship	International exhibitions, design collaborations, cultural festivals	Trademarks, design rights, potential GIs	Enhanced global visibility; integration into contemporary sustainability discourses	External brands may capture value; limited community control over motifs and techniques
Miao heritage in Guizhou (Liu, 2024)	Ethnic rituals, costumes, and songs	Heritage tourism, festival commodification, performance packages	Collective trademarks; copyright in performance recordings	Tourism revenues increased; stronger local identity	Staged authenticity; community marginalization in IP decisions
ICH–tourism co-development (Wang et al., 2024)	Mixed performing arts, festivals, customs	ICH towns, regional branding, integrated tourism routes	Local brands, service marks, licensing contracts	Synergy between ICH vitality and tourism growth	Over-commercialization, crowding, environmental pressure
Digitization of Silk Road ICH (Li & Wang, 2023)	Rituals, crafts, narratives	3D digitization, virtual exhibitions, cross-border cultural routes	Copyright in digital assets; platform licensing	Increased accessibility; strengthened cultural exchange	Ambiguous data ownership; misalignment between state and community priorities

Case	ICH type	Export / transformation mode	Main IP instruments	Reported outcomes	Risks / controversies
AI-assisted paper-cutting & New Year prints (Wang et al., 2024a; HarmonyCut; GAN-based projects)	Paper-cutting; woodblock prints	Generative AI content creation; digital cultural products; social media outreach	Copyright in AI-assisted outputs; trademarks for new brands; unclear rights over training images	Attraction of younger and international audiences; scalable creative production	Symbol dilution; unresolved consent and benefit-sharing issues

Table 3 synthesizes the main thematic clusters in Chinese ICH–IPP research and shows how each cluster relates to China's outbound cultural strategies.

Table 3. Thematic Clusters in Chinese ICH–IPP Research and Their Links to Outbound Cultural Strategies

Cluster	Main research focus (ICH–IPP theme)	Typical topics / keywords	Implications for outbound cultural strategies (going global)
1. Legal and institutional protection	Doctrinal analysis of ICH Law, copyright, trademarks, GIs and related rights; design of sui generis regimes and safeguarding mechanisms	ICH Law, traditional cultural expressions (TCEs), copyright, geographical indications, collective marks, enforcement, misappropriation	Provides the legal infrastructure for transforming ICH into cultural IP that can be registered, licensed and enforced across borders; shapes China's negotiating position in WIPO and in bilateral cultural trade.
2. Cultural policy and governance	National and local cultural strategies, cultural confidence, soft power, and heritage governance	Cultural policy, soft power, cultural diplomacy, heritage governance, inventory systems, multi-level administration	Frames ICH as a strategic resource for national image-building and external communication; links ICH–IPP policies to broader outbound strategies such as the Belt and Road Initiative and "telling China's story well".
3. Tourism and regional development	Use of ICH in destination branding, festival economy and regional revitalization	ICH tourism, destination branding, authenticity, sustainable development, rural revitalization, heritage towns	Positions ICH as a frontline carrier of culture in physical mobility (tourists, festivals, routes); creates cross-border contact zones where heritage is experienced by foreign visitors, and where IP issues (branding, copying) emerge.
4. Digitalization and AI-driven innovation	Digitization of ICH, online archives, immersive media, and AI-assisted design and communication	Digital archives, VR/AR museums, knowledge graphs, generative AI, online platforms, social media communication	Enables platform-based global circulation of ICH symbols, stories and skills; lowers entry barriers for international audiences but raises new questions about data ownership, algorithmic appropriation and cross-border IP governance.
5. Creative industries and branding	Integration of ICH into design, animation, games, fashion and cultural-creative products	Cultural-creative industries, branding, licensing, co-branding, merchandising, franchise models	Translates ICH into market-oriented cultural IP portfolios that can circulate globally via commodities, franchises and co-productions; makes IP strategy (trademarks, copyright bundles) central to outbound cultural competitiveness.
6. Community studies and ethnographic work	Lived experiences of heritage-bearing communities, participation, benefit-sharing, identity	Community participation, consent, benefit-sharing, performance pressure, identity negotiation	Reminds outbound strategies that long-term sustainability and legitimacy depend on local communities; highlights the need for participatory IP arrangements and ethical standards when ICH is projected to global audiences.

Synthesis of Findings

The cases illustrate several consistent patterns:

Hybridization of safeguarding and commercialization

Most successful global pathways rely on combining legal protection, creative adaptation, and technological mediation.

Increasing role of platforms and intermediaries

Cultural platforms, design firms, tourism operators, and AI developers increasingly shape how ICH is represented and monetized.

Persistent community marginalization

Even in participatory frameworks, communities often lack meaningful authority over IP decisions and revenue distribution.

Expanded yet ambiguous global audiences

Digital distribution enables rapid global reach but intensifies cultural reinterpretation, misreading, and symbolic loss.

These findings highlight the need for governance models that integrate legal, cultural, technological, and community-centered perspectives.

6.Discussion

6.1 Cultural Discount, Narrative Translation, and Cross-Cultural Misinterpretation

The globalization of Chinese intangible cultural heritage (ICH) is deeply shaped by processes of cultural translation. Despite growing international interest in Chinese aesthetics, craftsmanship, and traditional narratives, cultural discount remains a persistent barrier to global acceptance. The concept refers to the reduced appeal of cultural products as cultural distance increases [6]. This phenomenon manifests in three ways.

First, narrative structures embedded in ICH—such as ritual logics, symbolic systems, and region-specific cosmologies—often diverge from global mainstream storytelling conventions. When cultural products based on ICH adopt Westernized narrative frameworks to enhance accessibility, they may inadvertently dilute or misrepresent traditional meanings.

Second, visual reinterpretation for foreign audiences can lead to aesthetic simplification or stereotyping. Designers often adjust colors, forms, or motifs to align with global design trends, but these modifications may disconnect the symbolic elements from their original social or ritual contexts [17].

Third, knowledge asymmetries persist between heritage-bearing communities and global consumers. Without adequate contextualization, digital or creative representations risk being consumed as exotic artifacts rather than as embedded cultural practices [6][18].

These dynamics highlight a paradox: global circulation expands visibility but increases the likelihood of misinterpretation. This tension underscores the importance of embedding narrative explanations, contextual metadata, and culturally informed design principles within ICH-based cultural IP.

6.2 Rights, Governance, and Ethical Risks in ICH Intellectual Property Protection

The findings reveal that while IP tools can support economic development and protect against misappropriation, their application to ICH is neither neutral nor straightforward. The deployment of IP involves ethical trade-offs, power asymmetries, and governance dilemmas.

Structural tensions in IP governance

As noted in legal scholarship, most IP categories presuppose individual authorship, fixed expressions, and exclusive rights, which contradict the collective, fluid, and relational qualities of ICH[11][14]. These mismatches generate several governance concerns:

Privatization of collective heritage

When trademarks or copyrights are registered by external enterprises or local governments, communities may lose control over cultural expressions.

Cultural freezing

Codifying fluid traditions into fixed IP assets may inhibit natural evolution, experimentation, or intra-community diversity.

Disputes over ownership of digitized materials

As digital archives expand, questions arise concerning whether communities retain control over derivative uses of their digitized cultural practices [16].

Ethical challenges in digital and AI-mediated transformation

Digitalization creates new forms of vulnerability:

Training-data appropriation

AI systems trained on ICH images may generate outputs that diverge from or distort cultural meanings, while communities may have no say in data use or resulting IP claims [5][16].

Opacity in algorithmic decisions

Cultural motifs may be recombined or stylized in ways that obscure lineage or symbolic significance.

Inequitable benefit-sharing

While digital platforms profit from cultural content, heritage-bearing groups often receive minimal economic return.

Risk mapping across the ICH value chain

To systematically capture these risk dimensions, Table 4 aligns cultural, legal, and sustainability risks with each stage of the ICH–IPP–globalization pathway.

Table 4. Major Risk Dimensions Across the ICH Value Chain

Value-chain stage	Cultural risks	IP / rights risks	Sustainability risks
Resource identification & listing	Marginalization of everyday practices; narrow selection of representative items	Weak recognition of customary rights; top-down designation	Concentration of resources; neglect of wider cultural ecologies
Digital documentation	Loss of context; ritual and skill reduced to audiovisual fragments	Unclear ownership of digital files; limited community control	Storage burdens; dependence on proprietary platforms
Creative translation & product design	Symbol dilution; stereotype reinforcement	Private appropriation of communal motifs; ambiguous licensing	Shift from practice-based to design-centric production; de-skilling
Cross-border distribution & marketing	Narrative reframing; misinterpretation by foreign audiences	Jurisdictional enforcement gaps; limited community capacity	Environmental pressures from tourism; carbon footprint of cultural trade
Feedback to communities	Exclusion from decision-making; tension with external designers	Inequitable benefit-sharing; weak mechanisms for consent	Vulnerability to market cycles; difficulty sustaining living practice

Synthesis of governance risks

Taken together, the risks reveal a structural pattern: as ICH moves along the value chain—toward digitization, creative transformation, and global circulation—the cultural distance between heritage practice and commercial representation widens. Without culturally sensitive governance, IP-based protection may not only fail to safeguard heritage but may exacerbate marginalization or cultural distortion.

6.3 Sustainability and Community Participation in the Era of Global Circulation

Sustainability is increasingly recognized as a core principle in ICH governance. UNESCO emphasizes that safeguarding requires maintaining the living character of heritage, which depends on viable community practice, intergenerational transmission, and supportive socio-economic environments [1].

Risks of performance-led and tourism-driven models

Empirical research indicates that tourism-driven strategies may create short-term economic opportunities but can shift heritage practice toward staged performances designed for visitors rather than for community ritual purposes [17]. When communities become performers rather than practitioners, transmission may be reduced to spectacle, weakening long-term sustainability.

Structural barriers to community participation

Despite policy rhetoric emphasizing participation, communities often remain peripheral in decisions about: IP registration and licensing; Branding and tourism planning; Digitization priorities and platform governance; Use of traditional materials in AI training; Allocation of economic benefits. Power asymmetries between government agencies, commercial partners, and local communities impede equitable outcomes [18].

Reimagining sustainability in digital and global contexts

Digital transformation creates new possibilities for revitalization, such as expanding youth engagement, enabling remote

teaching, and facilitating transnational dialogue, but also raises concerns about data sovereignty, digital rights management, long-term platform dependency, and cultural meaning distortion.

A sustainable ICH–IPP framework therefore requires:

Participatory governance models that grant communities authority over cultural data and IP decisions.

Ethical digital infrastructures ensuring transparency, consent, and fair use.

Socio-economic supports (funding, apprenticeships, labor protections) for long-term practice [19].

Together, these analyses demonstrate that ICH globalization is not merely a cultural or economic process but a complex legal, ethical, and political negotiation. Cultural discount, rights ambiguities, and sustainability pressures intersect in ways that require integrated governance frameworks rather than isolated IP solutions. These insights lay the groundwork for the final section, which synthesizes implications for research, policy, and practice.

7. Conclusion and Implications

This article has examined the evolving relationship between intangible cultural heritage (ICH), intellectual property protection (IPP), and globalization through an integrated review of legal scholarship, empirical studies, digital innovation research, and cross-border cultural analyses. By synthesizing fragmented research strands, it advances a unified analytical perspective, ICH–IPP, that treats safeguarding and utilization not as opposing agendas but as interdependent processes structured by legal, cultural, institutional, and technological dynamics.

Three central insights emerge from this review.

7.1 ICH and IP operate on fundamentally different ontological and normative logics

ICH is characterized by collective custodianship, relational meanings, and continual transformation, whereas IP law is designed around individual authorship, exclusivity, and fixed expressions [20]. Attempts to reconcile the two systems necessarily involve tensions, trade-offs, and reinterpretations. The conceptual frameworks developed in this article, the pathway model and the multi-level embedding model, demonstrate how ICH becomes cultural IP through layered transformations mediated by institutions, markets, platforms, and cultural narratives. These models help clarify why certain forms of ICH gain global traction while others struggle to transcend cultural and legal boundaries.

7.2 The globalization of ICH introduces both unprecedented opportunities and significant risks

Tourism development, creative industries, digital archives, and generative AI have expanded the expressive range, visibility, and economic potential of Chinese ICH [21]. Yet these same processes intensify cultural discount, narrative distortion, symbolic dilution, and ethical dilemmas regarding data ownership, benefit-sharing, and community participation [22]. The risk mapping presented in Table 4 illustrates how vulnerabilities emerge at every stage of the ICH value chain—from resource identification to global market circulation—and why IP alone cannot resolve these systemic challenges.

7.3 Sustainability and community participation remain the decisive factors shaping the future of ICH in global contexts

Without mechanisms that guarantee communities' meaningful involvement in decision-making, licensing, data governance, and benefit distribution, the transformation of ICH into cultural IP risks reinforcing power asymmetries and undermining the social foundations that sustain living heritage [23]. As digitalization accelerates and AI-driven cultural production expands, these concerns become even more urgent.

7.4 Implications for scholarship

Future research on ICH–IPP should pursue deeper interdisciplinarity, combining legal analysis with ethnography, media studies, computational methods, and political economy. Longitudinal and comparative studies are needed to trace how ICH evolves across institutional regimes and cultural markets [24]. Moreover, cross-cultural audience research and affective reception studies will be critical for understanding cultural discount, narrative interpretation, and aesthetic negotiation in global dissemination.

7.5 Implications for policy and governance

For policymakers, the findings underscore the need for governance models that balance protection, innovation, and sustainability. This includes designing culturally sensitive IP frameworks that recognize collective rights and customary

norms; establishing conditions for community participation and informed consent in digital and commercial uses of ICH; improving international coordination through WIPO, UNESCO, and bilateral mechanisms to address cross-border misappropriation; integrating ICH safeguarding with broader sustainable development agendas, including education, rural revitalization, and environmental protection.

7.6 Implications for practitioners and creative industries

For designers, platforms, and cultural enterprises, the review highlights the importance of ethical engagement with heritage-bearing communities, transparent licensing practices, and careful narrative framing to avoid misrepresentation. As AI and digital platforms reshape creative production, practitioners must consider cultural data governance, algorithmic accountability, and fair benefit-sharing [25].

In conclusion, the globalization of Chinese ICH represents a critical site for understanding contemporary cultural politics, digital economies, and transnational legal governance. ICH will continue to evolve as it circulates across platforms, markets, and borders. The challenge—and opportunity—lies in ensuring that such evolution strengthens rather than erodes the living cultural practices that sustain community identity, creativity, and continuity. A culturally sensitive, legally grounded, and technologically informed approach will be essential for guiding this future.

Figure 4. The Dual Logic Framework Underpinning the Global Circulation of Chinese ICH

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Conflict of Interests

The authors declare that there is no conflict of interest regarding the publication of this paper.

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