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# The Preservation and Transmission System for the Intangible Cultural Properties of the Republic of Korea

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*The Preservation and Transmission System  
for the Intangible Cultural Properties  
of the Republic of Korea*

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**1998**

Office of Cultural Properties  
Korean National Commission for Unesco

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## PART 1

# INTRODUCTION TO THE PRESERVATION AND TRANSMISSION SYSTEM FOR THE INTANGIBLE CULTURAL PROPERTIES OF THE REPUBLIC OF KOREA

### 1. The Purpose of the Preservation of Intangible Cultural Properties

The purpose of the preservation of intangible cultural properties is to build a foundation for the creation of a new culture inheriting the spirit of national culture and thereby promoting the cultural progress of the nation and further contributing to the development of the culture of mankind. Toward this purpose, the intangible cultural properties of outstanding value that are ever disappearing in the face of the dominant influence of modern civilization are designated by the State, cities or provinces for efficient preservation and transmission.

### 2. The Significance and Classification of Cultural Properties

A cultural property refers to an object from the cultural legacy of a nation which is of prominent historical significance as well as of outstanding academic and artistic value from the broad perspectives of the culture of mankind.

Cultural properties are not created solely by individuals but represent the cultural achievements of a nation that have been accumulated as a common asset of the nation. Therefore, the State or the local governments need to preserve and transmit them as expressions of the nation's orthodox cultural tradition.

Cultural properties are classified into designated and undesignated cultural properties. The designated cultural properties are divided again into the State-designated and city-or province-designated cultural properties.

The State-designated cultural properties are designated and managed by the Minister of Culture and Tourism who represents the highest national agency responsible for cultural properties. Cultural properties of outstanding value which are not designated by the State are eligible for designation as city-or province-designated cultural properties. They are designated by the mayor of the City of Seoul, the mayor of a direct control city or the governor of a province from among the cultural properties with in their respective territorial jurisdiction.

The State-designated cultural properties of the Republic of Korea are classified into eight types: National Treasures, Treasures, Important Intangible Cultural Properties, Historical Sites, Scenic Places, Historic Sites and Scenic Places, Natural Monuments and Important Folklore Materials.

### **3. The Significance and Classification of Intangible Cultural Properties**

An intangible cultural property refers to an intangible cultural expression of a nation of outstanding historical, academic and artistic value as well as of remarkable local flavor. Intangible cultural properties comprise the performing arts of music, dance, drama, plays, rites and martial arts, as well as the techniques for producing handicraft objects, food and various daily articles.

The intangible cultural properties designated and managed by the State are called "important intangible cultural properties," and those designated by the direct control cities or provinces are called the "city- or province-designated intangible cultural properties," respectively. In the latter case, the name of the city or the province which made the designation must be presented in the official name of the cultural property.

These intangible cultural properties are handed down in the form of skill or technique which can be viewed or heard only when they are performed live.

Preserving and transmitting an intangible cultural property means preserving and transmitting the skill or technique for its performance. Therefore, the designation must be accompanied by the recognition of persons who have a prominent skill or technique in the respective field for its transmission.

A person who has an outstanding skill or technique for a State-designated important intangible cultural property and who is recognized by the State, is referred to as the holder of the important intangible cultural property. The mayor of a direct control city or the governor of a province may also recognize the holders of important intangible cultural properties designated by their respective cities or provinces.

### **4. Statutes for Management of Intangible Cultural Properties**

The general statutes for the preservation and management of cultural properties include the Cultural Properties Protection Act and its Enforcement Decree (Presidential Decree) and Enforcement Regulations (Ordinance of the Ministry of Culture and Tourism.)

These statutes concern comprehensive matters necessary for the designation, preservation and management of the State-designated cultural properties of eight types, including important intangible cultural properties. The statutes also provide the basic directions for the designation, preservation and management of the city- or province-designated cultural properties and the legislation of the ordinances of cities and provinces relating to cultural properties.

Under the provisions of the Cultural Property Protection Act, the Minister of Culture and Tourism is responsible for the designation and cancellation of important intangible cultural properties as well as the recognition and cancellation of the holders of the properties. The rest of the rights and duties

endowed to the Minister by the Act are delegated to the Director of the Office of Cultural Properties. As for the city- or province-designated cultural properties, all of the rights and duties of the Minister are delegated to the mayor of a city or the governor of the concerned province except those for guidance and supervision.

Nevertheless, the actual execution of all administrative affairs relating to cultural properties falls under the jurisdiction of the Director of the Office of Cultural Properties. Consequently, the references to the "Minister of Culture and Tourism" in this introductory part practically refers to the Director of the Office of Cultural Properties when they concern the State-designated cultural properties, and the mayor of a direct control city or the governor of a province in cases of city- or province-designated cultural properties.

The city or provincial ordinances for cultural properties and laws for the protection of cultural properties do not differ much from those of the State in content but they concern rights and duties on the dimension of a city or a province.

## **5. Administrative Agencies for Intangible Cultural Properties**

The Ministry of Culture and Tourism is primarily responsible for the management of cultural properties. The Office of Cultural Properties is under the auspices of the Ministry. The Office is responsible for the management of the State-designated cultural properties in eight kinds and guides and supervises the management of city- or province-designated cultural properties.

The Intangible Cultural Properties Division of the Office of Cultural Properties is responsible for affairs relating to the management of the intangible cultural properties. Research falls under the jurisdiction of the Department of the Performing Arts and Folklore of the Research Institute of Cultural Properties. The Korean Foundation for the Preservation of Cultural Properties, a non-profit organization under the umbrella of the Office of Cultural Properties, handles various programs to promote and disseminate cultural properties.

The governments of cities, provinces and counties have divisions for handling affairs regarding cultural properties including the protection and management of city- and province-designated ones.

The Cultural Properties Protection Act provides for the establishment of the Cultural Properties Committee under the Ministry of Culture and Tourism to advise the Minister on the research and deliberation on matters concerning the preservation, management and utilization of cultural properties. The Act also provides that the Committee may establish Subcommittees to research and deliberate on the professional and technical matters of cultural properties in different categories. The Committee has six Subcommittees including one devoted to intangible cultural properties.

Each of the Subcommittees is composed of the members of the Cultural Properties Committee, mostly university professors, scholars and other specialists serving in areas related to the cultural



properties of the respective categories, as well as Cultural Properties Consultants with similar qualifications.

The members of the Committee research and deliberate on important matters relating to the designation and management of cultural properties at the request of the Director of the Office of Cultural Properties. Also at the request of the Director, the Cultural Properties Consultants cooperate in general affairs including collecting information and compiling research papers.

The members of the Cultural Properties Committee and the Cultural Properties Consultants serve mostly on a part-time basis for allowances only when their services are needed.

The Cultural Properties Committee exist for the State as well as for cities and provinces. As of December 31, 1997, the Subcommittee for Intangible Cultural Properties of the Cultural Properties Committee has ten members and nineteen consultants.

## **6. Discovery of Intangible Cultural Properties and Request for Designation**

In order to discover new properties for designation, the State requests concerned specialists to conduct in-depth research on the prize winners at the National Folk Arts Contest and the Grand Exhibition of Traditional Handicrafts and those who have demonstrated prominent skills and techniques at other events related to traditional culture. At times, however, such requests are made at the recommendation of concerned specialists or the general public. As a result, items of prominent value are designated as important intangible cultural properties. Also, city- or province-designated intangible cultural properties may be upgraded to State-designated important intangible cultural properties.

Except for cases discovered and designated by the State, requests for designation as important intangible cultural properties should be made through cities and counties, or the cities and provinces where the respective cultural properties have been handed down.

The mayor of the City of Seoul, the mayor of a metropolitan city or the governor of a province must then report their opinions to the Minister of Culture and Tourism and submit photographs, recordings and other materials that they consider to be necessary for designation. At this time, the following matters must be included:

- The name, history, content and characteristics of the cultural property and legends about it;
- Photographs, recordings and other documents about the cultural property;
- The name, date of birth, sex and address of the holder of the cultural property as well as his resume and photographs (in the case of an organization, the name and the date of establishment of the organization, materials to prove the establishment of the organization as well as the name and the address of its representative, along with his resume and photographs);
- Matters relating to prohibition and restriction necessary for the preservation and management of the cultural property; and

- Other matters necessary for designation.

The same procedures are required when the mayor of a direct control city or the governor of a province reports to the Minister of Culture and Tourism concerning the recognition of an individual or an organization holding an important intangible cultural property.

## **7. Investigation for Designation of Important Intangible Cultural Properties**

The Minister of Culture and Tourism requests the members of the Cultural Properties Committee, the Cultural Properties Consultants or other specialists in the related fields to conduct investigations on newly discovered intangible cultural properties of distinguished value prior to their designation as State-designated important intangible cultural properties.

Investigations are made on the history, content, characteristics and the present state as well as the name and the place of origin of a cultural property. Also investigated are various matters relating to the individuals and organizations who have prominent skill or technique for the performance of the cultural property concerned. The investigator must gather photographs, recordings and other documents and materials about the cultural property, compile a report, and submit them to the Minister of Culture and Sports.

## **8. Designation of Intangible Cultural Properties and Recognition of Holders**

The Minister of Culture and Tourism examines the reports on investigations conducted for the designation of intangible cultural properties. When he feels a certain cultural property has prominent historical, academic and artistic value and remarkable local flavor and deserves designation and preservation as a State-designated cultural property, it is designated as an important intangible cultural property following deliberation by the Cultural Properties Committee.

When an important intangible cultural property is designated, a person who has mastered, preserves and is capable of demonstration the performing skill or technique should be recognized as the holder of the cultural property for its transmission. However, in case the performing skill or technique of an important intangible cultural property, like drama or rites for example, cannot be demonstrated by an individual by nature or there is more than one individual deserving recognition as the holder, an organization which is capable of demonstrating the performing skill or technique in its original form may be recognized as the holder.

Additional recognition of individuals and organizations holding an important intangible cultural property is necessary so that it can be handed down continuously. A certificate of recognition must be issued to an individual or an organization who has been recognized as the holder.

When an individual or an organization has been recognized as the holder, the recognition and its

reasons must be announced in the Official Gazette. The announcement must include the classification (important intangible cultural property of the State-designation) and the name of the cultural property, as well as the name, sex, date of birth and the address of the holder (In the case of an organization, the announcement must include the name, address, and the date of establishment of the organization as well as name, sex, date of birth and address of its representative).

Designation of an important intangible cultural property or the recognition of an individual or an organization as its holder is effective for the holder from the date he receives the notice of designation or recognition. For others, it is effective from the date of its announcement in the Official Gazette. (As of December 31, 1997, the Republic of Korea has a total of 103 important intangible cultural properties, 181 individual holders and 51 holding organizations.)

## **9. Cancellation of the Designation of Important Intangible Cultural Properties and the Recognition of Holders**

The Minister of Culture and Tourism may cancel the recognition of the holder of an important intangible cultural property, after deliberation by the Cultural Properties Committee, when the holder is considered incompetent due to a physical or mental problem or when there is a special reason to do so.

The recognition of the holder of an important intangible cultural property is considered canceled when the individual holder dies. But the designation of an important intangible cultural property itself is considered canceled when all of the individual holders have died. The cancellation of designation or recognition, as such, must also be announced in the Official Gazette.

When the holder or the holding organization is notified that the recognition has been canceled, the certificate of recognition must be returned to the Minister of Culture and Tourism within thirty days from the date the notice is received. However, there is no need to return the certificate when an individual holder dies.

## **10. Investigation and Record Keeping**

The Minister of Culture and Tourism may have officials under his authority conduct investigations on the holders or the holding organizations of important intangible cultural properties for the sake of their preservation and transmission. He must have the contents of the properties produced as films, records or books so that they can be preserved in their original form.

At the same time, the Minister of Culture and Tourism may have research organizations or individuals with professional knowledge in cultural properties make records about the State-designated cultural properties when it is considered necessary for the preservation and management of the

important intangible cultural properties.

The Director of the Office of Cultural Properties must keep a management record of each piece of property, which includes its history, content, state of management and pertinent matters concerning the holders. The record is accompanied by recordings, photographs, music, scripts and photos of the holders.

## **11. Transmission and Preservation of Important Intangible Cultural Properties**

The Minister of Culture and Tourism sees to it that the holders of important intangible cultural properties teach their performing skill or technique, and guides and supervises instruction on the transmission and preservation of important intangible cultural properties.

The holders or the holding organizations recruit students and conduct instruction. They present an instruction plan by January 15 of the fiscal year and a report on the results of instruction by January 15 of the following year.

The State may bear the expenses necessary for the instruction. The Minister of Culture and Tourism may select scholarship grantees from among the students upon recommendation from the holders or the holding organizations of the respective important intangible cultural properties.

Scholarships are granted to those who have trained under the holder or the holding organization of each important intangible cultural property for more than six months and who display outstanding talent in the performance of the cultural property concerned. Also eligible are those who have served in areas related to important intangible cultural properties for more than one year and who intend to inherit the skills.

Instruction normally takes a minimum of five years. However, the period may be either shortened or extended depending on the abilities of individual students.

The Minister of Culture and Tourism may request the holders or holding organizations to screen those who have received or are receiving transmission instruction and award a certificate of completion to those whose skills and techniques have reached a certain level. The holders and holding organizations shall report the awarding of a certificate of completion within 15 days to the Minister of Culture and Tourism.

The Minister may select, from among those who have received a certificate of completion, teaching assistants in order to support transmission instruction given by holders and holding organizations of important intangible cultural properties.

In selecting teaching assistants, holders and holding organizations may recommend his or her teaching assistants for the transmission of instruction for important intangible cultural properties to the Minister of Culture and Tourism.

The expenses required for assisting instruction may be paid by the State as allowed by the budget.

(As of December 31, 1997, there were 143 teaching assistants and 83 scholarship students. A total of 1,273 persons have completed the instruction to date.)

In order to provide more space for instruction, each year since 1973 the State has established one or two instruction halls jointly with city or provincial governments. In principle, the instruction halls are set up in the regions where the respective important intangible cultural properties are handed down. Priorities are given to organizations rather than individuals, and to regions where a multitude of properties are handed down. Also, a plan is under way to establish an integrated instruction hall in Seoul for a variety of purposes including instruction, performance, exhibition, sale and public relations.

## 12. Exhibitions

A person who holds an important intangible cultural property must open it for public viewing once a year or more except when there is a special reason not to do so.

Exhibitions take different forms depending on the nature of each intangible cultural property. In the area of the performing arts, those who inherit the arts, including individual holders and holding organizations, demonstrate their skill once a year or more in the respective regions of origin. Or, the holders of various important intangible cultural properties may present a joint performance in Seoul. The performances in Seoul are divided into indoor and outdoor events, and each takes place once or twice a year in spring and autumn.

In the area of handicrafts, the holders and other practitioners jointly present their works in an exhibition. They may demonstrate their skill in the exhibition hall as circumstances permit.

These exhibitions of the handicrafts designated as important intangible cultural properties are not only held in Seoul, but they also tour the provinces.

The Director of the Office of Cultural Properties has related specialists, including the members of the Cultural Properties Committee and the Cultural Properties Consultants, judge the contents of the exhibitions in order to confirm, through these events, whether the skills and the techniques of the holders or the holding organizations are successfully preserved as well as to evaluate the overall results of instruction. The joint presentations of the performing arts in Seoul and the handicrafts shows are held under the auspices of the Korean Foundation for the Preservation of Cultural Properties.

These exhibitions are open not only to related specialists but also to the general public. They play important roles for the preservation of important intangible cultural properties in their original forms as well as their dissemination and promotion among the public.

A person who exhibits an important intangible cultural property must report such details as the exhibition period and the number of visitors to the Director of the Office of Cultural Properties within fifteen days from the close of the exhibition.

The entire expenses required for the exhibitions are shouldered by the State. When an exhibition

brings about an income, however, the amount of the income may be deducted from the expenses borne by the State.

### 13. Dissemination and Promotion of Cultural Properties

The important intangible cultural properties designated and managed by the State constitute the roots of traditional culture comprising music, dance, drama, rites and handicrafts. Therefore, the State undertakes various programs to disseminate these important intangible cultural properties and promote their value and significance among the general public so as to inherit the spirit of traditional culture, which is ever disappearing in the face of the dominant influence of modern civilization, and build thereupon the foundation for the creation of new culture.

As a major strategy for dissemination and promotion, the State produces films, videotapes, records, cassette tapes and books and distributes these materials free of charge to national and public museums and various other public agencies to provide the general public with an easier access to information about important intangible cultural properties.

Also, the State makes arrangements for the overseas performances and exhibitions by individual holders and holding organizations and guides and supervises these activities to introduce important intangible cultural properties to world audiences. Most of these overseas performances are realized at the invitation of foreign agencies. The State offers administrative support for the departure of the performers and some financial assistance.

The individual holders and holding organizations, under sisterhood relations with schools of various levels, teach their skills to students and are invited to perform at various campus events.

In the area of handicrafts, most of the holders are engaged in the production and sale of craft works as a means of earning a livelihood, and thereby contribute to the dissemination and promotion of important intangible cultural properties.

Nevertheless, there are institutional limitations to the activities of the State or the individual holders and holding organizations to disseminate and promote the intangible cultural properties. One example is that the State is supposed to administer with emphasis on basic programs for the general public, whereas each of the programs often has to satisfy the desires of individuals. The Office of Cultural Properties or individual holders or holding organizations face considerable difficulties when they put on regular performances or exhibitions or operate traditional crafts stores in order to meet individual needs.

The Office of Cultural Properties operates the Korean Foundation for the Preservation of Cultural Properties under its umbrella in order to fill these gaps. The foundation carries out a variety of programs to disseminate and promote cultural properties under the guidance and supervision of the office of Cultural Properties.

## 14. The Korean Foundation for the Preservation of Cultural Properties

The Korean Foundation for the Preservation of Cultural Properties was established to disseminate and promote national culture through the protection, preservation dissemination and utilization of cultural properties and for the creative development of traditional culture in everyday life. Its major programs are as follows:

### a. Preservation and Transmission of Traditional Culture

The Foundation sponsors performances and exhibitions of important intangible cultural properties by their holders. In the case of the performing arts, performances are given once a year or more in the regions where the respective arts are handed down.

But there is also the need for individual holders and holding organizations devoted to the same category of arts to get together to compare their skills and make joint efforts to promote their arts, and thereby to offer opportunities for the general public to appreciate various traditional performing arts at the same time. In order to meet these requirements, the Foundation holds two or three joint performances of important intangible cultural properties each year in spring and autumn.

In the case of handicrafts, exhibitions are held to show traditional craft works by the holders of important intangible cultural properties at one place. As circumstances allow, holders demonstrate their skills at an exhibition hall to help visitors better understand their working process.

Contests are held to invite ordinary craftsmen to present their works as well. Outstanding entries are selected through a screening process and displayed for public viewing for a certain period. Those who excel in these contests may be chosen for designation as holders of important intangible cultural properties.

The Foundation operates a traditional culture center offering research and specialized courses in traditional culture, as well as those for training instructors of youths.

### b. Programs to Promote the Public Awareness on Cultural Properties

With a view to promoting the love for traditional culture among the students of primary and secondary levels, the Foundation holds essay, sketch and photograph contests on the themes of cultural properties. Outstanding works are cited with awards and exhibited to the public.

For those interested in cultural properties, the Foundation organizes field trips to historical sites in and outside the country. It also produces replicas of antique craft works and books about cultural properties for distribution among the general public.

### c. Operation of 'Korea House'

The Foundation operates Korea House, which has a restaurant serving traditional Korean food. It also has

a small theater for daily performances of traditional arts, a bride's school for teaching Korean traditional lifestyle, and a traditional tea society.

#### d. Operation of the Traditional Handicrafts Hall

The hall is operated exclusively for year-round exhibitions and sales of traditional handicraft works produced by the holders of important intangible cultural properties. It also offers some 10 different courses in traditional handicrafts to the general public.

#### e. Operation of Instruction Halls for Important Intangible Cultural Properties

The Foundation operates instruction halls for important intangible cultural properties handed down in the Seoul area. It also supports activities of traditional craft workshops.

#### f. Operation of Seoul Nori Madang

An open-air arena for the performance of traditional arts, the Seoul Nori Madang presents free outdoor presentations of important intangible cultural properties every Saturday and Sunday from April through October. Special performances are given on major holidays and occasions for national celebration. A nationwide mask dance drama, farmers' band music and other popular folk arts contest for college students is held here every August.

#### g. Operational Costs

The State subsidizes the programs undertaken by the Foundation on its behalf, including public performances and exhibitions of important intangible cultural properties. However, the Foundation finances other programs to disseminate general traditional culture on its own with the profits from running a Korean restaurant, a traditional-style wedding hall, a performing arts theater and a traditional crafts hall.

### **15. Government Subsidies**

The Cultural Properties Protection Act provides that the State may grant subsidies to cover the whole or a part of the following expenses:

- Expenses necessary for taking measures under administrative orders;
- Expenses necessary for managing, protecting and keeping records on State-designated cultural properties; and
- Expenses for protecting and nurturing important intangible cultural properties.

Under the above-mentioned provisions, the State subsidizes the construction of instruction halls for the transmission of important intangible cultural properties, grants scholarships to outstanding students, and



subsidizes the expenses needed for activities by teaching assistants to support instruction in important intangible cultural properties. The State also subsidizes the teaching activities of the holders of important intangible cultural properties so that they can fully devote themselves to the transmission of their arts.

Aside from these, the State subsidizes the production and purchase of necessary equipment, production of teaching materials and operation of the organizations holding important intangible.

At the same time, the State subsidizes performances and exhibitions of important intangible cultural properties for the public. The State also bears part of the expenses for the overseas performances and exhibitions of important intangible cultural properties for their dissemination and promotion among world audience.

For instruction in important intangible cultural properties in order to ensure their transmission, the State grants a certain amount of subsidies to support teaching activities of individual holders, holding organizations and instructional assistants in accordance with their grade.

Individual holders or holding organizations of important intangible cultural properties are required to submit an application to the Director of the Office of Cultural Properties in order to receive subsidies for the construction of instruction halls, the manufacture of purchase of necessary equipment, and programs to disseminate and promote their respective cultural properties.

An application form must bear the designation number and name of the important intangible cultural property concerned, the name of the individual holder or holding organization, business plans, reasons for application, the necessary expenses and the requested amount.

When the Director of the Office of Cultural Properties has received such an application, he may grant a subsidy as allowed by the budget if he considers the application to be appropriate.

When the State grants a subsidy, the Director of the Office Cultural Properties may have officials under his authority guide and supervise the proceedings of the program concerned.

Local governments may also bear the expenses for or subsidize the management and protection of the State-designated cultural properties located within their respective territorial jurisdiction. A person who has been granted a subsidy is obliged to present a present a report on the result of the program concerned to the Director of the Office of Cultural Properties when the program has been completed.

In case any person who has been granted a subsidy falls under any of the following categories, however, the Director of the Office of Cultural Properties may suspend the subsidy or order the return in whole or in part of the subsidy already granted:

- When a subsidy was used for a purpose other than that for which it was granted;
- When it is acknowledged that there is no possibility of achieving the goal for which a subsidy was granted; or
- When a subsidy was gained by fraudulent or other unjust means.

In case of ordering the return of a subsidy, the calculation basis is provided by the Enforcement Decree of the Cultural Property Protection Act to determine whether to return the entire amount of the subsidy

granted or part of it.

## 16. Administrative Order

The Minister of Culture and Tourism (Director of the Office of Cultural Properties) may order the prohibition or restriction of certain acts on the part of the holder or the holding organization of an important intangible cultural property when its state of management is regarded as inappropriate for preservation or when such an order is deemed necessary for other reasons.

Anyone who opposes such an order may file an objection with the Minister of Culture and Tourism. The Minister of Culture and Tourism must make a decision and provide notification of it within thirty days from the date the objection was filed.

The State must make compensation to a person who has suffered from a loss due to the execution of administrative orders. However, anyone who has violated an administrative order without any justifiable reason is to be sentenced to imprisonment for three years or less or to a fine.

## 17. General Management

The Cultural Properties Committee has a subcommittee for intangible cultural properties to research and deliberate, at the request of the Minister of Culture and Tourism, on matters relating to the designation and cancellation of important intangible cultural properties, recognition and cancellation of their individual holders and holding organizations, and their preservation, management and utilization.

The Minister of Culture and Tourism may instruct holders or holding organizations of important intangible cultural properties with regard to matters necessary for their management and preservation. He may also instruct officials under his authority to investigate the state of management of the important intangible cultural properties when such an instruction is necessary. Anyone who interferes with such an administrative action is to be sentenced to imprisonment for two years or less or to a fine.

## 18. Reports

The Director of the Office of Cultural Properties has holders or holding organizations of important intangible cultural properties report on the state of their management and other necessary matters. Consequently, holders or holding organizations should report to the Director of the Office of Cultural Properties on their instructional plans and achievements, exhibitions, the results of subsidized programs, collection of admission fees and other matters relating to the transmission and preservation of cultural properties.

The holders or holding organizations should also report to the Director of the Office of Cultural

Properties when their names or addresses have been changed. In case an individual holder of an important intangible cultural property has died, one of his family members must report his death to the Director of the Office of Cultural Properties.

## **19. Awards and Punishment**

The Minister of Culture and Tourism may honor with an award a person who is not a holder but has made a distinguished contribution to protecting and nurturing an important intangible cultural property. He may also cite a person who has the responsibility or duty of managing, protecting and opening to the public an important intangible cultural property and has set an outstanding example to others in the performance of these responsibilities and duties.

However, in case a holder or a holding organization has neglected the duty of exhibiting the cultural property for public viewing, or interfered with management of the cultural property, or failed to make a report as prescribed by the Cultural Properties Protection Act, he may be punished.

## **20. Protection of Cultural Properties under Emergency**

The Minister of Culture and Tourism may instruct the holder or the holding organization of an important intangible cultural property to take necessary measures when such an instruction is deemed necessary to protect the cultural property in time of war, disaster or a similar state of emergency. The holder or other who has received such an instruction should put it into practice without delay and report the results to the Director of the Office of Cultural Properties.

## **21. Delegation of Authority**

The authority of the Minister of Culture and Tourism provided by the Cultural Properties Protection Act may be delegated in part, under the provisions of the Enforcement Decree of the Act, to the Director of the Office of Cultural Properties, the mayor of the City of Seoul, the mayor of a metropolitan city, or the governor of a province.

Regarding important intangible cultural properties designated by the State, most of the authority of the Minister of Culture and Tourism is delegated to the Director of the Office of Cultural Properties except for matters relating to their designation and cancellation and the recognition and cancellation of the holders. Regarding city- or province-designated intangible cultural properties, most of this authority is delegated to the mayor of the city or the governor of the province concerned except for matters relating to guidance and supervision.

## 22. City- or Province-Designated Cultural Properties

### a. Designation

The mayor of the City of Seoul or the mayor of a metropolitan city or the governor of a province may designate as a city- or province-designated cultural property a certain cultural property within his respective territorial jurisdiction which is not designated by the State, but which is acknowledged to have outstanding value. Also, the Minister of Culture and Tourism may advise, after deliberation by the Cultural Properties Committee, the mayor of a city or the governor of a province to name as a city or province-designated cultural property an intangible cultural property which is acknowledged to be deserving of such designation.

When a city or a province designates a cultural property, the name of the city or the province is specified in the official name of the cultural property.

### b. Report of Designation, Etc.

When the mayor of a city or the governor of a province has designated or canceled a city- or province-designated intangible cultural property, he must report to the Minister of Culture and Tourism within fifteen days from the date of designation or cancellation. The Minister of Culture and Tourism may order correction or other measures in case the designation or cancellation is acknowledged to be inappropriate.

When the mayor of a city or the governor of a province reports on the designation of a city- or province-designated intangible cultural property, the following matters must be included:

- The designation number and name of the intangible cultural property and the date of designation;
- The name and address of the holder;
- The history of the intangible cultural property, legends about the cultural property, and its content and characteristics;
- Photographs, recordings and documents;
- Matters relating to the prohibition or restriction necessary for management and preservation; and
- Other necessary matters.

When the mayor of a city or the governor of a province reports the cancellation of a city- or province-designated intangible cultural property, the following matters must be included:

- The designation number and name of the intangible cultural property;
- The name and address of the holder;
- Reasons for cancellation and the date; and
- Other necessary matters

### c. Management

Matters necessary for the designation procedures, management, protection, development, exhibition and

the establishment of an advisory body are prescribed by an ordinance issued by the local government concerned.

**d. Expenses**

Expenses necessary for the preservation and management of a city-or province designated intangible cultural property are in principle borne by the city or the province concerned and may be subsidized by the State.

**e. Application Mutatis Mutandis**

The provisions of the Cultural Properties Protection Act governing important intangible cultural properties, including those for instructions regarding management methods, administrative orders, matters to be reported, the duty of exhibiting the important intangible cultural properties, expenses for exhibition, collection of admission fees, report on the state of management, investigation under authority and investigation for designation may be applied mutatis mutandis to city- or province-designated cultural properties.

## PART II

# ARTICLES CONCERNING THE INTANGIBLE CULTURAL PROPERTIES FROM THE STATUTES ON THE PROTECTION OF CULTURAL PROPERTIES

## THE CULTURAL PROPERTIES PROTECTION ACT

(wholly amended by Law No. 3644 on December 31, 1982)

### CHAPTER I. GENERAL PROVISIONS

#### Article 1 (Purpose)

The purpose of this Act is to seek the cultural progress of the nation and at the same time contribute to the development of the culture of mankind by preserving and utilizing cultural properties.

#### Article 2 (Definition)

(1) In this Act, "cultural property" refers to the following:

2. Intangible cultural property: drama, music, dance, handicrafts and other intangible cultural expressions of outstanding and artistic value.

(2) In this Act, "designated cultural property" refers to the following (Amended on December 30, 1989 and March 6, 1993):

1. State-designated cultural property: a cultural property which has been designated by the Minister of Culture and Tourism in accordance with the provisions of Articles 4 to 7;

2. City- or province-designated cultural property: a cultural property which has been designated by the mayor of the City of Seoul, the mayor of a direct control city or the governor of a province in accordance with the provisions of Article 55 (1) from among cultural properties which are not designated by Subparagraph (1).

#### Article 3 (Establishment of the Cultural Properties Committee)

(1) The Cultural Properties Committee shall be established in the Ministry of Culture and Tourism to advise the Minister of Culture and Tourism with regard to research and deliberation on the following matters concerning the preservation, management and utilization of cultural properties (Amended on December 30, 1989 and March 6, 1993):

1. Designation or cancellation of a State-designated cultural property;

3. Recognition or cancellation of an individual or an organization as a holder of an important intangible cultural property;

9. Other specialized or technical matters considered important for the preservation, management or utilization of a State-designated cultural property;
  10. Recommendations by the Minister of Culture and Tourism concerning the designation and management of a city-or province-designated cultural property or cultural property material; and,
  11. Other matters presented for discussion by the Minister of Culture and Tourism concerning the management of cultural properties.
- (2) Subcommittees may be established under the Cultural Properties Committee for each category of cultural properties to research and deliberate on the matters specified under Paragraph 1.
- (3) Matters concerning the organization and administration of the Cultural Properties Committee shall be prescribed by Presidential Decree.

## **CHAPTER II. STATE-DESIGNATED CULTURAL PROPERTIES**

### **Section 1. Designation**

#### **Article 5 (Designation of Important Intangible Cultural Properties)**

- (1) The Minister of Culture and Tourism may designate, after deliberation by the Cultural Properties Committee, important intangible cultural properties among such cultural properties of outstanding value. (Amended on December 30, 1989 and March 6, 1993)
- (2) When the Minister of Culture and Tourism designates an important intangible cultural property in accordance with Paragraph (1), he shall also recognize a holder (hereinafter understood as including an individual or an organization thereof (Amended on December 30 and March 6, 1993).
- (3) The Minister of Culture and Tourism may, in addition to the holder recognized under Paragraph (2), recognize another holder of an important intangible cultural property if he is considered to be deserving of such recognition. (Amended on December 30, 1989 and March 6, 1993)

#### **Article 9 (Announcement and Notification of Designation)**

- (1) When the Minister of Culture and Tourism has named a State-designated cultural property (understood in this Article as including the protection of structures and the protection of areas) or recognized the holder of an important intangible cultural property in accordance with Articles 4 to 8, he shall so announce it in the Official Gazette and also notify without 30, 1989 and March 6, 1993)
- (2) When there is no owner of a cultural property or the owner thereof is unidentified, in the case of Paragraph (1), the notification shall be made to the occupant or the custodian thereof.

**Article 10 (Issuance of Certificate of Designation, etc.)** (2) When the Minister of Culture and Tourism has recognized the holder of an important intangible cultural property in accordance with Article 5 (2) or

(3), he shall issue a certificate of recognition thereof to the holder concerned. (Amended on December 30, 1989 and March 6, 1993)

**Article 11 (Effective Date of Designation or Recognition)** Designation or recognition under Articles 4 to 8 shall be effective for the holder of the cultural property concerned from the date he receives the notice of designation or recognition thereof; for others, from the date of its announcement in the Official Gazette.

**Article 12 (Cancellation of Designation or Recognition)** (2) When the holder of an important intangible cultural property is considered incompetent due to a physical or mental problem, or when there are other reasons to do so, the Minister of Culture and Tourism may cancel the recognition of the holder of an important intangible cultural property after deliberation by the Cultural Properties Committee. (Amended on December 30, 1989 and March 6, 1993)

(3) The recognition of a holder of an important intangible cultural property shall be considered as cancelled when the holder concerned has died, and the designation of an important intangible cultural property itself be considered as cancelled when all of the holders of the property concerned have died.

(5) The provisions of Articles 9 and 11 shall apply mutatis mutandis to the cases of Paragraphs (1) to (4).

(7) When the holder of an important intangible cultural property receives a notice of cancellation under Paragraph (5) or Article 9, he shall return the certificate of recognition to the Minister of Culture and Tourism within thirty days from the date he has received the notice; however, this shall not apply if an individual holding an important intangible cultural property has died. (Amended on December 30 and March 6, 1993)

## **Section 2. Management and Protection**

**Article 14 (Instruction Regarding Management Methods)** The Minister of Culture and Tourism may give necessary instructions concerning the management and protection of a State-designated cultural property to the holder thereof. (Amended on December 30, 1989 and March 6, 1993)

**Article 19 (Record Keeping)** (1) The Minister of Culture and Tourism shall keep records on important State-designated cultural properties. (Amended on December 30 and March 6, 1993)

(2) The Minister of Culture and Tourism may, when he considers it necessary for the preservation and management of a State-designated cultural property, have a research institution or an individual with sufficient knowledge keep a record of the property. (Amended on December 30 and March 6, 1993)

**Article 24 (Protection and Support of Important Intangible Cultural Properties)**

(1) The State shall protect and support important intangible cultural properties for the purpose of transmitting and developing national culture.

(2) The Minister of Culture and Tourism may have the holder of an important intangible cultural property teach his skill for the transmission and preservation of the cultural property concerned.



(Amended on December 30, 1989 and March 6, 1993)

- (3) The State may bear, as allowed by the budget, the expenses required for the teaching of the skill for transmission prescribed under Paragraph (2).
- (4) The Minister of Culture and Tourism may award a scholarship to a trainee learning the skill necessary for the transmission of an important intangible cultural property. (Amended on December 30, 1989 and March 6, 1993)
- (5) Matters concerning instruction for the transmission of an important intangible cultural property and the awarding of a scholarship as speculated in paragraphs (2) and (4) shall be prescribed by Presidential Decree.

#### **Article 25 (Administrative Order)**

(1) The Minister of Culture and Tourism may issue the following orders when he considers them necessary for the management and protection of a State-designated cultural property: (Amended on December 30, 1989 and March 6, 1993)

1. An order prohibiting or restricting certain acts of the holder of a State-designated cultural property when such acts are considered improper for the management of the property concerned or when there are other reasons to do so.

#### **Article 27 (Matter to be Reported)**

When an incident categorized in any of the following subparagraphs has occurred, the holder of a State-designated cultural property shall report details thereof to the Minister of Culture and Tourism under conditions prescribed by Presidential Decree; however, one of the family members of the holder may submit the report thereof in the case of Subparagraph 10. (Amended on December 30, 1989 and March 6, 1993)

1. When the name or address of the holder has been changed.

10. When an individual holding an important intangible cultural property has died.

#### **Article 28 (Subsidies)**

(1) The State may grant a subsidy to cover the whole or a part of the following expenses:

2. Expenses necessary for taking measures prescribed in each subparagraph of Article 25;
3. Expenses, other than those specified in subparagraph 1 and 2, necessary for managing, protecting, repairing and keeping a record of a State-designated cultural property; and
4. Expenses necessary for protecting and nurturing an important intangible cultural property.

(2) In the case of granting a subsidy in accordance with Paragraph (1), the Minister of Culture and Tourism may supervise repairs and other construction work on the cultural property concerned. (Amended on December 30, 1989 and March 6, 1993)

#### **Article 29 (Return of Subsidies, etc.)**

(1) If anyone who has received a subsidy in accordance with Article 28, falls under any of the following subparagraphs, the Minister of Culture and Tourism may suspend payment of the subsidy or order the

return in whole or in part of the subsidy already granted. (Amended on December 30, 1989 and March 6, 1993)

1. When a subsidy has been used for purposes other than those specified in Article 28 (1)
3. When it is acknowledged that there is no possibility of achieving the purposes specified in Subparagraph 2 or 3 of Article 28 (1), for which a subsidy has been granted.

4. When a subsidy has been gained by fraudulent or other unjust means.

(2) Matters necessary for the return of a subsidy under Paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 30 (Compensation for Loss)**

The State shall make compensation to any person who has suffered from a loss categorized in any of the following subparagraphs.

2. A person who has suffered from a loss due to the execution of orders under Subparagraph 1.3 or 4 of Article 25 (1), and Article 18(3)

#### **Article 31 (Expenses to be Borne by a Local Government)**

A local government may bear the expenses for or subsidize the management, protection or repairs of those State-designated cultural properties which are located within its territorial jurisdiction, but which are not in its possession nor under its management.

### **Section 3. Exhibition**

#### **Article 33 (Exhibition)**

State-designated cultural properties shall be exhibited for public viewing under the conditions prescribed by this Act.

#### **Article 36 (Exhibition of Important Intangible Cultural Properties)**

The holder of an important intangible cultural property shall, except when there is a special reason not to do so, exhibit the property concerned for public viewing once a year or more.

#### **Article 37 (Expenses for Exhibition)**

All expenses for an exhibition under the provisions of Article 36 shall be borne by the State, when any income occurs from such an exhibition, the amount shall be deducted from the expenses borne by the State.

**Article 39 (Collection of Admission Fees)** (1) The holder of a State-designated cultural property may collect admission fees from spectators when he exhibits the cultural property for public viewing.

(2) The owner, the holder, or the holding organization of a State-designated cultural property decide admission fees under Paragraph (1). (Amended on December 30, 1989 March 6, 1993 and December 29, 1995 )

(3) The Minister of Culture and Tourism shall determine matters necessary for fixing the amount, of

(3) The Minister of Culture and Tourism shall determine matters necessary for fixing the amount, of collecting and using the admission fees prescribed in Paragraphs (1) and (2). (Amended on December 30, 1989 and March 6, 1993)

## **Section 4. Investigation**

### **Article 40 (Report on the State Management)**

The Minister of Culture and Tourism may have the holder of a State-designated cultural property report on the state of the cultural property concerned, its management, repairs, preservation of environment and other necessary matters. (Amended on December 30, 1989 and March 6, 1993)

### **Article 41 (Investigation under Authority)**

(1) The Minister of Culture and Tourism may, when he considers it necessary, have officials under his authority investigate the state of a State-designated cultural property, its management, repairs, preservation of environment and other necessary matters. (Amended on December 30, 1989 and March 6, 1993)

(2) When an investigation is to be carried out under Paragraph (1), the holder of the cultural property concerned shall be so notified beforehand; however, in case of an emergency, notification may be made afterwards.

(3) A public official who carries out an investigation under Paragraph (1) may ask concerned person for necessary cooperation, make measurements, conduct excavation, remove obstacles, and take other measures needed for the investigation, so long as such acts do not destroy or damage the present state of the cultural property concerned; however, consent shall be obtained from the holder concerned for an investigation before sunrise or after sunset.

(4) A public official who carries out an investigation under Paragraph (2) shall bear an identification manifesting his authority, and present it to the concerned persons.

(5) The State shall make compensation for any loss caused by investigations under Paragraph (3).

### **Article 42 (Investigation, etc. for Designation)**

(1) The Minister of Culture and Tourism may have the owner or the custodian of a cultural property report on the state of the property concerned and the environment thereof, or may have officials under his authority conduct an investigation thereupon for designation under Articles 4 to 8. (Amended on December 30, 1989 and March 6, 1993)

(2) The provisions of Article 41 (2) to (5) shall apply mutatis mutandis to the case where the Minister of Culture and Tourism has officials under his authority conduct an investigation under Paragraph (1). (Amended on December 30, 1989 and March 6, 1993)

## CHAPTER V. CITY- OR PROVINCE-DESIGNATED CULTURAL PROPERTIES

### Article 55 (Designation, etc. of City-or Province-designated Cultural Properties)

(1) The mayor of the City of Seoul, the mayor of a direct control city or the governor of a province may name as a city-or province-designated cultural property a cultural property which is within his territorial jurisdiction and deserves preservation but which has not been designated by the State.

(3) The Minister of Culture and Tourism may advise, when it is acknowledged to be necessary through deliberation by the Cultural Properties Committee, the mayor of the City of Seoul, the mayor of a direct control city or the governor of a province to designate a certain cultural property as a city-or province-designated cultural property or cultural property material, and preserve it. (Amended on December 30, 1989 and March 6, 1993)

(4) When designating a city- or province-designated cultural property or cultural property material in accordance with Paragraphs (1) to (3), the name of the city or the province which has made the designation shall be presented.

(6) Matters necessary for the designation procedures, management, protection, support and exhibition of a city- or province-designated cultural property or cultural property material and for the establishment of an advisory body shall be determined by an ordinance of the local government concerned.

### Article 56 (Expenses)

(1) In case a city- or province-designated cultural property which has been designated under Article 55 (1) is owned by the State or the public, expenses necessary for its preservation shall be borne by the State or the local government concerned.

(2) The State or the local government may subsidize in part or in whole the expenses required for the preservation of a city- or province-designated cultural property which is not owned by the State or the public.

### Article 57 (Report, etc.)

(1) The mayor of the City of Seoul, the mayor of a direct control city or the governor of a province shall report without delay to the Minister of Culture and Tourism under the conditions prescribed by Presidential Decree on any of the situations described in the following Subparagraphs: (Amended on December 30, 1989 and March 6, 1993)

1. When a city or a province designates a cultural property or cancels such designation; and  
(2) When an act under Subparagraph 1 of Paragraph (1) is considered inappropriate, the Minister of Culture and Tourism may order correction or other necessary measures. (Amended on December 30, 1989 and March 6, 1993)

### Article 58 (Application Mutatis Mutandis)

(2) The provisions of Articles 14,25,27,and 33 to 42 shall apply mutatis mutandis to the city-or province-

designated cultural properties or cultural property materials; in such cases, "the Minister of Culture and Tourism" shall be replaced by "the mayor of the City of Seoul, the mayor of a direct control city or the governor of a province," and "as prescribed by Presidential Decree" shall be understood as "as prescribed by an ordinance of the local government concerned." (Amended on December 30, 1989 and March 6, 1993)

- (1) The mayor of the City of Seoul, the mayor of a direct control city or the governor of a province may designate a city- or province-designated cultural property or cultural property material as a city- or province-designated cultural property or cultural property material within his territorial jurisdiction and descriptive preservation but which has not been designated by the State.
  - (2) The Minister of Culture and Tourism may advise, when it is acknowledged to be necessary through deliberation by the Cultural Properties Committee, the mayor of the City of Seoul, the mayor of a direct control city or the governor of a province to designate a certain cultural property as a city- or province-designated cultural property or cultural property material, and preserve it. (Amended on December 30, 1989 and March 6, 1993)
  - (3) When designating a city- or province-designated cultural property or cultural property material in accordance with Paragraphs (1) to (2), the name of the city or the province which has made the designation shall be prescribed.
  - (4) Matters necessary for the designation procedure, management, protection, support and exhibition of a city- or province-designated cultural property or cultural property material and for the establishment of an advisory body shall be determined by an ordinance of the local government concerned.
  - (5) In case a city- or province-designated cultural property which has been designated under Article 22 is owned by the State or the public, expenses necessary for its preservation shall be borne by the State or the local government concerned.
  - (6) The State or the local government may subsidize in part or in whole the expenses required for the preservation of a city- or province-designated cultural property which is not owned by the State or the public.
- Article 27 (Report, etc.)
- (1) The mayor of the City of Seoul, the mayor of a direct control city or the governor of a province shall report without delay to the Minister of Culture and Tourism under the conditions prescribed by Presidential Decree on any of the situations described in the following Paragraphs: (Amended on December 30, 1989 and March 6, 1993)
  1. When a city or a province designates a cultural property or cancels such designation and
  2. When an act under Paragraph 1 of Paragraph (1) is considered inappropriate, the Minister of Culture and Tourism may order correction or other necessary measures. (Amended on December 30, 1989 and March 6, 1993)
- Article 28 (Application Materials)
- (1) The provisions of Articles 14, 22, 27 and 33 to 42 shall apply mutatis mutandis to the city- or province-

## CHAPTER VI. SUPPLEMENTARY PROVISIONS

### Article 60 (Objection Filing)

(1) A person may file an objection with the Minister of Culture and Tourism when he objects to any of the following measures taken by the Minister of Culture and Tourism, the mayor of the Special City of Seoul, the mayor of a direct control city or the governor of a province who has been delegated with the authority of the Minister of Culture and Tourism. (Amended on December 30, 1989 and March 6, 1993)

3. Orders of prohibition, restriction, etc. of certain acts under each subparagraph of Article 25 (1).

(2) The objection under Paragraph (1) shall be filed by the recipient of the measure within thirty days from the date the measure was recognized; by others, within sixty days from the date the measure was taken.

(3) When an objection has been filed under Paragraphs (1) and (2), the Minister of Culture and Tourism shall make a decision thereupon and make notification of his decision within thirty days from the date the objection was filed. (Amended on December 30, 1989 and March 6, 1993)

### Article 66 (Awards)

The Minister of Culture and Tourism may honor with awards those who fall under any of the following subparagraphs:

3. A person who is not a holder of an important intangible cultural property but has made a distinguished service in protecting and nurturing an important intangible cultural property;

4. A person who is responsible for or has the duty of managing, protecting and exhibiting a designated or provisionally designated cultural property and has set an outstanding example for others in managing, protecting and exhibiting the cultural property concerned.

### Article 68 (Delegation of Authority)

Part of the authority of the Minister of Culture and Tourism endowed by this Act may be delegated, in accordance with conditions prescribed by Presidential Decree, to the Director of the Cultural Properties, the mayor of the Special City of Seoul, the mayor of a direct control city or the governor of a province. (Amended on December 30, 1989 and March 6, 1993)

### Article 71 (Protection of Cultural Properties under Emergency)

(1) The Minister of Culture and Tourism may take necessary measures, including moving to a safe place, burying underground, etc. of State-owned cultural properties or other designated cultural properties which are not owned by the State, or may order the holders of cultural properties to take the necessary measures mentioned above, when such measures are considered necessary for the protection of cultural properties in time of war, disaster or similar states of emergency. (Amended on December 30, 1989 and March 6, 1993)

(2) The owner, etc. of a cultural property shall not refuse, obstruct or evade the measures or orders under paragraph (1)

(3) The owner, etc. of a cultural property shall comply with the order under Paragraph (1) without delay and report the results thereof to the authority specified by Presidential Decree.

(5) The provisions of Article 30 shall apply mutatis mutandis to the case of Paragraph (1); however, it shall not apply in case of war or force majeure.

**Article 72 (Request for Assistance)**

The Minister of Culture and Tourism or a public official under orders from the Minister of Culture and Tourism may request the head of an authority concerned for any assistance necessary for executing the measures under Article 71 (1). (Amended on December 30, 1989 and March 6, 1993)

**Article 77 (Support and Nurturing of Organizations Dedicated to the Protection of Cultural Properties)**

The Minister of Culture and Tourism may support and nurture relevant organizations when such an action is necessary for the protection, preservation, dissemination and promotion of cultural properties. (Amended on December 30, 1989 and March 6, 1993)

**Article 78 (Protection of Foreign Cultural Properties)**

(1) With a view to preserving the cultural legacies of mankind and increasing friendship and goodwill among nations, a cultural property designated and protected as such by statutes of a foreign country (hereinafter referred to as "foreign cultural property") which is a party of a treaty on the protection of cultural properties (hereinafter referred to as "treaty") which the Republic of Korea has signed shall be protected by both the treaty and this Act.

## CHAPTER VII. PENAL PROVISIONS

### Article 90 (Crime of Violating Administrative Orders)

(1) A person categorized by any of the following subparagraphs shall be sentenced to penal servitude for a period not to exceed three years or to a fine of three million won or less; a person falling under Subparagraph 3 shall be confiscated of the material concerned:

1. A person who, without any justifiable reasons, has violated an order prescribed by Article 25 (1) (understood as including a case where Article 58 (2) is applied mutatis mutandis) or Article 71 (1) I.

### Article 91 (Crime of Obstructing Management, etc)

A person categorized by any of the following subparagraphs shall be sentenced to penal servitude for a period not to exceed two years or to a fine of two million won or less: (Amended on December 31, 1984)

3. A person who, without any justifiable reasons, has rejected, obstructed or failed to comply with the performance of duties by a public official under this Act, or who has presented false materials;

4. A person who is responsible for the management or preservation of a designated or provisionally designated cultural property but who, by gross negligence, has caused loss of or damage to the cultural property concerned;

5. A person who has spent a subsidy granted under this Act for a purpose other than those for which it was granted; and

6. A person who has made a false statement or a false report.

### Article 92 (Crime of Violating Orders of Exhibition, etc.)

A person categorized by any of the following subparagraphs shall be sentenced to a fine of one million won or less:

1. A person who, without any justifiable reasons, has violated an order to exhibit or open for public viewing a designated cultural property, or an order to suspend or restrict such an exhibition.

### Article 93 (Fine for Default)

A person categorized by any of the following subparagraphs shall be sentenced to a fine for default of five hundred thousand one or less:

1. A holder of an important intangible cultural property (including a city- or province-designated intangible cultural property) who has neglected the duty of exhibiting the property concerned for public viewing as prescribed by this Act;

2. A person who has failed to make a statement or a report as prescribed by this Act.

### Article 94 (Joint Penal Provision)

When a representative, an agent or an employee of a juristic person or an individual has committed a crime in violation of Articles 82 to 92 in the course of operating a business or managing an asset for the juristic person or the individual concerned, not only the person who committed the crime but the juristic person or the individual shall so be punished with a fine as prescribed in each of the pertinent Articles.



# **ENFORCEMENT DECREE OF THE CULTURAL PROPERTIES PROTECTION ACT**

(wholly amended by Presidential Decree No. 11184 on August 3, 1983)

## **CHAPTER 1. STATE-DESIGNATED CULTURAL PROPERTIES**

### **Section 1. Designation**

#### **Article 1 (Criteria for Designation, etc.)**

When the Minister of Culture and Tourism intends, under Articles 4 to 8 of the Cultural Properties Protection Act (Hereinafter referred to as "Act"), to designate State-designated cultural properties or recognize the individuals or organizations holding important intangible cultural properties, the designation or recognition shall be done in respect of the criteria and process prescribed by the Ordinance of the Ministry of Culture and Tourism. (Amended on January 3, 1990; March 6, 1993 and October 7, 1994)

#### **Article 2 (Public Notice of Designation, Cancellation, etc.)**

The pertinent among the following matters shall be included in the public notice of the designation of State-designated cultural properties and the recognition of individuals or organizations or organizations holding important intangible cultural properties under Article 9 of the Act, or the cancellation of such designation or recognition under Article 12 (5) of the Act.

1. The classification, designation number, name, quantity, location or the place of custody of the State-designated cultural property;
4. The name, sex, address, date of birth or the date of death of the holder of an important intangible cultural property (or, in the case of an organization, the name, address and the date of establishment of the organization as well as the name, sex, address and the date of birth of its representative).

#### **Article 3 (Presentation of Information Relating to Designation)**

When there are cultural properties acknowledged to require designation as prescribed in Articles 4 to 8 of the Act, the mayor of the Special City of Seoul, the mayor of a direct control city or the governor of a province (hereinafter referred to as "city mayor/province governor") shall report, without delay, to the Minister of Culture and Tourism his opinion with such necessary materials as photographs, drawings, recordings, etc., under the conditions prescribed by the Ordinance of the Ministry of Culture and Tourism. (Amended on January 3, 1990 and March 6, 1993)

## **Section 2. Management and Protection**

### **Article 18 (Instruction for Transmission)**

- (1) The Minister of Culture and Tourism may guide and supervise instruction in important intangible cultural properties for their transmission pursuant to the provisions of Article 24 of the Act. (Amended on January 3, 1990 and March 6, 1993)
- (2) The Minister of Culture and Tourism may request the holders and holding organizations of important intangible cultural properties to screen those who have received or are receiving transmission instruction in the respective field of important intangible cultural properties and award a certificate of completion to those whose skills or techniques have reached a certain level. (Amended on January 3, 1990; March 6, 1993 and October 7, 1994)
- (3) When holders and holding organizations of important intangible cultural properties have awarded a certificate of completion in accordance with Clause (2), they shall report this fact to the Minister of Culture and Tourism within 15 days after the awarding. (Enacted on October 7, 1994)

### **Article 19 (Teaching assistants for transmission instruction)**

- (1) The Minister of Culture and Tourism may select, in accordance with the ordinance of the Ministry of Culture and tourism, from among the recipients of certificate of completion of transmission courses according to the prescription of Clause (2) of Article 18, teaching assistants for the transmission instruction of important intangible cultural properties in order to support the transmission instruction by the holder and holding organizations of important intangible cultural properties. (Amended on January 3, 1990; March 6, 1993 and October 7, 1994)
- (2) The expenses accruing from assisting the transmission instruction may be paid within the limit of a budget to the teaching assistants for important intangible cultural properties as prescribed in Clause (1).

### **Article 20 (Scholarship Students)**

- (1) The Minister of Culture and Tourism may decide, after the deliberation of the Cultural Properties Commission, items in each field of important intangible cultural properties for which scholarship can be awarded to the students receiving transmission instruction according to the prescription of Paragraph (4), Article 24 of this Act. (Enacted on October 7, 1994)
- (2) The Minister of Culture and Sports may select, from among the students receiving transmission instruction in important intangible cultural properties, and upon the recommendation of holders and holding organizations of important intangible cultural properties, scholarship students for the items in each field of important intangible cultural properties as prescribed in Paragraph (1). (Amended on January 3, 1990; March 6 1993 and October 7, 1994)
- (3) When a scholarship student selected under the provisions of Paragraph (1) falls under any of the following subparagraphs, the holder and holding organization shall report this fact to the Minister of Culture and Tourism. (Amended on January 3, 1990; March 6, 1993 and October 7, 1994)

1. When one cannot continue to receive instruction due to a physical or mental problem or for other reasons; and

2. When one shows a poor performance.

(4) The Minister of Culture and Tourism shall suspend a scholarship in the event that a grantee falls under any of the subparagraphs of Paragraph (3). (Amended on January 3, 1990 and March 6, 1993)

(5) Matters necessary for the recommendation of scholarship students, criteria for selection and the instruction period shall be prescribed by an ordinance of the Ministry of Culture and Tourism. (Amended on January 3, 1990; and March 6, 1993)

#### **Article 22 (Calculation Basis for the Return of Subsidies)**

(1) In the case of an order for the return of a subsidy under Article 29 of the Act, the calculation shall be made on the basis of the following matters:

1. The entire amount of the subsidy used in the case of Subparagraph 1 of Article 29 (1) of the Act;

2. The whole or part of a subsidy already delivered according to the situation in the case of Subparagraph 3 of Article 29 (1) of the Act; and

3. The entire amount of a subsidy already delivered in the case of Subparagraph 4 of Article 29 (1) of the Act.

#### **Article 23 (Compensation for Loss)**

(1) A person who intends to receive compensation for loss pursuant to the provisions of Article 30 of the Act, shall submit an application bearing the classification, designation number, name, quantity and location or the place of custody of a State-designated cultural property as well as reasons for the request to the Minister of Culture and Tourism, along with other documents to support the request. (Amended on January 3, 1990 and March 6, 1993)

(2) The Minister of Culture and Tourism shall compensate for loss in case an application has been received under Paragraph (1) and it has been verified through investigation that the loss occurred due to reasons other than the responsibility of the holder of the cultural property concerned. (Amended on January 3, 1990 and March 6, 1993)

#### **Article 26 (Exhibition of Important Intangible Cultural Properties)**

A person who exhibits an important intangible cultural property for public viewing pursuant to the provisions of Article 36 of the Act, shall report to the Minister of Culture and Tourism the details of the exhibition, including the period of exhibition and the number of visitors, within fifteen days from the completion of the exhibition. (Amended on January 3, 1990 and March 6, 1993)

the Director of

## CHAPTER IV. CITY-OR PROVINCE-DESIGNATED CULTURAL PROPERTIES

### Article 35 (Criteria for Designation of City-or Province-designated Cultural Properties, etc.)

When the city mayor/province governor intends to designate cultural properties or cultural property materials under Article 55 (1) and (2) of the Act, it shall be subject to the criteria as determined by an ordinance of the concerned local government.

### Article 36 (Report)

The city mayor/province governor shall make a report as prescribed by Article 57 (1) of the Act within fifteen days from the date the incident has occurred.

## CHAPTER V. SUPPLEMENTARY RULES

### Article 43 (Delegation of Authority)

(1) The Minister of Culture and Tourism shall, under Article 68 of the Act, delegate to the Director of the Office of Cultural Properties his authority relating to the following matters: (Amended on January 27, 1987; January 3, 1990; and March 6, 1993)

2. Instructions concerning the management and protection of State-designated cultural properties under Article 14 of the Act;
6. Keeping records on State-designated cultural properties under Article 19 of the Act;
9. Matters relating to the protection and development of State-designated cultural properties and instruction for their transmission under Article 24 of the Act;
10. Administrative orders or direct measures under Article 25 of the Act;
12. Receipt of a report under Article 27 of the Act;
13. Subsidization of the expenses under Article 28 of the Act;
14. Orders to suspend a subsidy or return a subsidy already delivered under Article 29 of the Act;
17. Receipt of a report under Article 26 of the Act in the case an important intangible cultural property has been exhibited for public viewing under Article 36 of the Act;
18. Designation of the competent local government to collect and manage the admission fees pursuant to the provisions of Article 39 (2) of the Act, determining the amount of admission fees for State-designated cultural properties under direct management by the State pursuant to the provisions of Article 39 (3), and hearing the opinions pursuant to the provisions of Article 39(4);
19. Receipt of a report on the state of management pursuant to the provisions of Article 40 of the Act;
20. Investigation on the present state of the State-designated cultural properties pursuant to the provisions of Article 41 of the Act;
21. Investigation for designation or provisional designation pursuant to the provisions of Article 42 of the Act;
32. Recommendations for the designation and preservation of city-or province-designated cultural properties pursuant to the provisions of Article 55 (3) of the Act;
33. Receipt of a report on the designation of a cultural property by a city mayor/province governor and orders for correction under Article 57 of the Act;
35. Measures or orders on the protection of cultural properties in an emergency under Article 71(1) of the Act; and
36. Request for support under Article 72 of the Act.

(3) With respect to affairs for which the authority of the Minister of Culture and Tourism is delegated to

the Director of the Office of Cultural Properties or a city mayor/province governor under Paragraphs (1) and (2), references to the "Minister of Culture and Tourism" in the Act and in this Decree shall be read as "Director of the Office of Cultural Properties" or "city mayor/province governor." respectively. (Enacted on January 27, 1987, and amended on January 3, 1990 and March 6, 1993)

**Article 46 (Agencies to Receive Reports on Protective Measures for Cultural Properties in an Emergency)**

(1) Agencies which shall receive reports on the protective measures or orders thereof for cultural properties in an emergency under Article 71 (3) of the Act are as follows:

1. The Director of the Office of Cultural Properties;
2. The city mayor/province governor; and
3. The administrative heads of cities (shi), counties (k'un) and wards (gu) and the chiefs of police stations.

(2) An agency (excluding the Director of the Office of Cultural Properties) which has received a report under Paragraph (1) shall immediately report thereof to the Director of the Office of Cultural Properties.

## **ENFORCEMENT REGULATIONS OF THE CULTURAL PROPERTIES PROTECTION ACT**

(wholly amended by an ordinance of the Ministry of Culture and Sports on September 19, 1983)

### **Article 1 (Criteria for Designation of State-designated Cultural Properties)**

The criteria for designation of the State-designated cultural properties pursuant to the provisions of Article 5 (1) of the Cultural Properties Protection Act (hereinafter referred to as "Act") and Article 1 of the Enforcement Decree of the Act (hereinafter referred to as "Decree") shall be as prescribed in Chart 1.

### **Article 1-2 (Designation Process of State-designated Cultural Properties)**

(1) According to Article 3 of the Act, when the Minister of Culture and Tourism designates a State designated cultural property, he shall have more than 2 persons including a member of a related subcommittee of the Cultural Properties Committee and Consultants or other experts investigate and evaluate the cultural property.

(2) The investigators of Paragraph (1) shall submit a report to the Minister of Culture and Tourism.

(3) When the Minister examines the report of Paragraph (2) and considers that the cultural property which was investigated has values to be designated as a State-designated cultural property, he shall announce the fact in the Official Gazette during more than 30 days, before the deliberation of the Cultural Properties Committee.

(4) The Cultural Properties Committee shall deliberate the designation of the cultural property referring to the report of Paragraph (2) and the announcement of Paragraph (3). (Enacted on December 30, 1996)

### **Article 2 (Criteria for recognition of Holder, etc. of Important Intangible Cultural Properties)**

(1) The criteria for recognition of an individual or organization holding an important intangible cultural property under Article 5 (2) of the Act and Article 1 of the Decree are as follows:

1. Holder: a person who has mastered, preserves and is capable of demonstrating the performing skill of an important intangible cultural property in its original form.
2. Holding organization: an organization which preserves and is capable of demonstrating the performing skill of an important intangible cultural property in its original form; however, the recognition is confined to cases where, by nature, the skill cannot be performed by an individual or where there is more than one individual with such an ability.

**Article 2-2** When the Minister of Culture and Tourism recognizes a holder or an organization of an Important Intangible Cultural Property according to Article 5(2) of the Act, he shall have members of the related subcommittee of the Cultural Properties Committee and members of the Cultural Properties Investigation Committee investigate the cultural property as stipulated in Article 3 of the Act. (Added on July 10, 1996)

#### **Article 4 (Information Relating to Recognition)**

(1) When the mayor of the Special City of Seoul, the mayor of a metropolitan city or the governor of a province (hereinafter referred to as the "city mayor/province governor") reports to the Minister of Culture and Sports concerning his opinion regarding the designation of a State-designated cultural property under Article 3 of the Decree, the following information shall be included: (Amended on March 29, 1990)

1. The classification, name, quantity, location or the place of custody of the cultural property;
2. The name and the address of the holder of the cultural property (or in the case of an organization holding an intangible cultural property, the name and the date of establishment of the organization as well as the name and the address of its representative);
3. The protecting areas, the number of protecting structures, and the name and address of the holder, occupant or the custodian of the cultural property in case there is a need to designate the protecting areas and structures;
4. The creator of the cultural property, its history and legends thereof;
5. Explanation about the present state of the cultural property;
6. The material, quality, structure, style, size and form of the cultural property (the content and characteristics in the case of an intangible cultural property);
7. Photographs, drawings, recordings and documents about the cultural property;
8. Matters relating to prohibition or restriction necessary for the protection and management of the cultural property; and
9. Other matters necessary for designation.

(2) For the designation of an important intangible cultural property, the following materials shall be added to the information specified by each of the subparagraphs of Paragraph (1); the same shall apply when recognizing an individual or an organization holding an important intangible cultural property:

1. The resume of the holder or the representative of the holding organization;
2. Two recent photographs of the holder or the representative of the holding organization (cartes de visite taken within six months to the date of presentation, without wearing a hat); and
3. Materials which prove the founding of the organization (only in the case of an organization).

#### **Article 6 (Certificate of Recognition for Holder, etc. Of Important Intangible Cultural Property)**

(1) The certificate of recognition for a holder of an important intangible cultural property pursuant to the provisions of Article 10 (2) of the Act shall follow Document Form No. 6 and the certificate of recognition for a holding organization shall follow Document Form No. 7, respectively.

(2) When there is loss of, or damage to a certificate of recognition as prescribed in Paragraph (1), the holder or the holding organization thereof shall be issued a new certificate.

(3) When the Minister of Culture and Tourism reissues a certificate of recognition for an individual or an organization holding an important intangible cultural property, he shall have its content recorded in a register in accordance with Document Form No. 8. (Amended on March 29, 1990)



#### **Article 12 (Register)**

- (1) The Director of the Office of Cultural Properties shall keep a register of the State-designated cultural properties, and record and preserve necessary information about the cultural properties.
- (2) The register of the important intangible cultural properties, among other State-designated cultural properties, as prescribed by Paragraph (1) shall follow Document Form No. 15.
- (3) The register of the State-designated cultural properties shall be attached with photographs, scale maps, cadastral maps and block plans of the State-designated cultural properties concerned and their protecting structures and areas; however, the register of the important intangible cultural properties shall be attached with recordings, photographs, music and scripts as well as pictures of the holders.
- (4) The register of the State-designated cultural properties shall be attached with an index and a general information chart for each cultural property bearing a serial number of designation.

#### **Article 21 (Instruction for Transmission)**

- (1) The Director of the Office of Cultural Properties may request, pursuant to provisions of Article 24 (2) of the Act, the holders and holding organizations conducting transmission instruction of important intangible cultural properties to present an instruction plan in accordance with Document Form No. 22 by January 15 of the fiscal year and a report on the result of instruction in accordance with Document Form No. 23 by January 15 of the following year.
- (3) In accordance with the provisions of Article 18 (2) of the Decree, the certificate of completion of the transmission instruction course for the important intangible cultural properties shall follow Document Form No 25.

#### **Article 22 (Teaching Assistants)**

- (1) The holders and holding organizations of important intangible cultural properties may recommend to the Director of the Office of Cultural Properties teaching assistants candidates of important intangible cultural properties as prescribed by Article 19 (1) of the Decree. (Amended on November 7, 1994)
- (3) When the holders and holding organizations of important intangible cultural properties recommend to the Director of the Office of Cultural Properties of teaching assistants candidates for the transmission instruction of important intangible cultural properties, the number of candidates shall be the multiple of two. (Enacted on November 7, 1994)
- (4) When the Director of the Office of Cultural Properties selects the teaching assistants for transmission instruction of important intangible cultural properties, he shall appoint, pursuant to Article 3 of the Decree, a commission composed of pertinent members and specialist member of the Cultural Properties Commission and other experts to examine the level of skills and arts of the recommended candidates pursuant to Paragraph (1). (Enacted on November 7, 1994)

#### **Article 23 (Scholarship Students)**

- (1) When the holders and holding organizations of important intangible cultural properties recommend, pursuant to Article 20 (2) of the Decree, scholarship student candidates, a letter of recommendation in

accordance with Document Form No. 27, along with other documents specified by the subparagraphs of Article 22 (2) shall be submitted to the Office of Cultural Properties. (Amended on November 7, 1994)

(2) The criteria for the selection of a scholarship student for an important intangible cultural property are as follows:

1. A person who has received instruction under the holder or the holding organization of an important intangible cultural property for more than six months and who displays prominent talent in the intangible cultural property concerned; or
2. A person who has served in a field related to an important intangible cultural property for more than a year and intends to inherit the performing skill of the intangible cultural property concerned.

(3) The age limits for scholarship students for the important intangible cultural properties are as presented in Chart 9.

(4) The normal instructional period of a scholarship student in an important intangible cultural property is five years; however, this shall not apply when a scholarship student has received a certificate of excellence under Article 21 (3).

#### **Article 25 (Written Report)**

(7) A report on the death of a holder of an important intangible cultural property under Subparagraph 10 of Article 27 of the Act and Article 21 of the Decree shall be made in accordance with Document Form No. 36.

#### **Article 26 (Subsidies)**

(1) A person who intends to receive a subsidy from the State under the provisions of Article 28 (1) of the Act shall submit to the Director of the Office of Cultural Properties an application form bearing the following matters:

1. The classification, designation number and name of the State-designated cultural property;
2. The name and the address of the holder of the State-designated cultural property;
3. Reasons for request;
4. Plans for repairs, management, protection, development and record-keeping as well as photographs of the cultural property;
5. Necessary expenses and the financial resources thereof; and
6. Other necessary matters.

(2) In case the Director of the Office of Cultural Properties supervises repairs or other construction work on a cultural property under the provisions of Article 28 (2) of the Act and Subparagraph 13 of Article 43 (1) of the Decree, he may appoint an official under his authority as a supervisor.

#### **Article 28 (Report on Exhibition of an Important Intangible Cultural Property)**

A report on an exhibition of an important intangible cultural property for public viewing under Article 26 of the Decree shall be made in accordance with Document Form No. 37.

### **Article 30 (Collection of Admission Fees)**

(2) A person who falls under any of the following subparagraphs shall be allowed to view the State-designated cultural properties free of charge: (Amended on August 30, 1984; March 20, 1989; March 15, 1991 and November 7, 1991)

1. A State guest and members of his entourage;
2. A foreign envoy and members of his entourage;
3. A child of age six or younger accompanied by a guardian;
4. A person whose service for the State is pursuant to the provisions of the Act on Honorable Treatment, etc. For a National Meritorious Person and his spouse, and a member of the bereaved family of a person of meritorious service for the State who bears a certificate thereof; however, one helper shall be added in the case of a person of meritorious service for the State who is classified as having a the first grade injury;
5. A disabled person pursuant to the provisions of Article 2 of the Act on the Welfare of the Disabled, who bears a disabled person identification card issued by the mayor of a city, a county chief, or the head of a ward office;
6. A person of age sixty-five or older;
7. A person on an official duty; and
8. Others who are acknowledged to deserve free admission by the person with the authority to decide the amount of admission fees for the State-designated cultural property concerned.

### **Article 35 (Identification of Investigator)**

The identification of a public official who conducts an investigation under Article 41 (4) of the Act shall follow Document Form No. 46.

### **Article 41 (Subsidies from the State)**

The provisions of Article 26 (1) shall apply mutatis mutandis to the application procedures for a subsidy for a city-or province-designated cultural property or cultural property material under Article 56 (2) of the Act.

### **Article 42 (Report on Designation, etc. of City-or Province-Designated Cultural Properties)**

When a city mayor / province governor makes a report under the provisions of Article 57 (1) of the Act, he shall include the following matters:

1. In the case of a report on the designation of a city-or province-designated cultural property under Subparagraph 1 of Article 57 (1) of the Act:
  - a. The classification, designation number, name, date of designation and quantity of the cultural property;
  - b. The name and the address of the holder of the cultural property;
  - c. The quantity of protecting structures and areas as well as the name and the address of the owner, occupant or the custodian, in case the protecting structures and areas have been designated;

- d. Explanations about the creator, history, legend and the present state;
- e. Material, quality, structure, size and form (the content and characteristics in the case of an important intangible cultural property);
- f. Photographs, drawings, recordings and documents;
- g. Matters relating to prohibition or restriction necessary for protection and management; and
- h. Other necessary matters.

2. In the case of a report on the cancellation of a city-or province-designated cultural property under Subparagraph 1 of Article 57 (1) of the Act:

- a. The classification, designation number and name of the cultural property;
- b. The name and the address of the holder;
- c. Reasons for cancellation and the date thereof; and
- d. Other necessary matters.

**Article 50 (Presentation of Information Concerning Approval, etc.)**

- (2) When the mayor of a city, the head of a county, or the head of ward office has approved the disposal of the deposit of the admission fees for a state-designated cultural property under the provisions of Article 33.
- (4) He shall report the content of and reasons for the approval to the Director of the Office of Cultural Property through the mayor or the governor of the concerned city or province. (Amended on November 7, 1994)

## **REGULATIONS OF THE CULTURAL PROPERTIES COMMITTEE**

(Presidential Decree No. 4577, transcribed into Korean alphabet on February 7, 1970)

### **Article 1 (Purpose)**

The purpose of this Decree is to define matters relating to the organization and operation of the Cultural Properties Committee (hereinafter referred to as "Committee") under the provisions of Article 3 of the Cultural Properties Protection Act (hereinafter referred to as "Act") (Amended on May 30, 1983)

### **Article 2 (Organization)**

- (1) The Committee shall be composed of sixty members or less. (Amended on April 26, 1985 and December 31, 1996)
- (2) The members of the Committee shall be commissioned by the Minister of Culture and Tourism at the request of the Director of the Office of Cultural Properties from among outstanding authorities in respective fields who are recognized to have prominent knowledge as well as a respectable personality.
- (3) The term of service of a member shall be two years; however, the term of service of a substitute member shall be limited to the remainder of the term of his predecessor.

### **Article 3 (Chairperson and Vice Chairperson)**

- (1) The Committee shall have one chairperson and two vice chairpersons.
- (2) The chairperson and the vice chairpersons shall be elected by the Committee for a tenure of two years respectively. (Amended on April 26, 1985)
- (3) The chairperson shall control the operation of the Committee as its representative, convene the Committee and chair its meetings.
- (4) The vice chairpersons shall assist the chairperson and, in case the chairperson becomes ill or is incapacitated due to an accident, one of the two vice chairpersons who is designated by the chairperson shall act on his behalf.

### **Article 4 (Matter for Deliberation)**

- (1) The Committee shall deliberate, aside from matters specified by Article 3 (1) of the Act, matters under the following Subparagraphs as well as matters prescribed by the Act on the Promotion of Museums and the Act on the Preservation of Traditional Architecture to undergo its deliberation. (Amended on February 17, 1971; May 18, 1971; May 30, 1983; April 26, 1985; January 3, 1990; May 30, 1992; and March 6, 1993)

1. Basic measures for the preservation of designated or provisionally designated cultural

properties;

3. Matters relating to research on and development and dissemination of cultural properties; and
6. Other matters submitted by the Minister of Culture and Tourism

#### **Article 5 (Quorum)**

The Committee shall vote when the majority of its members are present and a decision shall be made by the majority except when there are other special provisions of law. (Amended on December 31, 1996)

#### **Article 5-2 (Establishment, etc. of Subcommittees)**

(1) The Committee shall, under the provisions of Article 3 (2) of the Act, have the First Subcommittee, the Second Subcommittee, the Third Subcommittee, the Subcommittee for the Deliberation and the Designation of National Treasures, and the Museum Subcommittee. (Amended on December 31, 1996)

(5) The Fourth Subcommittee shall deliberate matters relating to important intangible cultural properties under Subparagraph 2 of Article 2 (1) of the Act and matters relating to folklore materials under Subparagraph 4 of the same article.

#### **Article 6 (Organization of Subcommittees)**

(1) The Subcommittee shall consist of the members of the Committee, and the Minister of Culture and Tourism shall make the assignments and determine the number of members for each Subcommittee; however, the Subcommittee for the Deliberation and the Designation of National Treasures shall consist of a chairperson, chairpersons of each Subcommittee, and members of the concerned Subcommittee. (Amended on May 30, 1983; January 3, 1990; March 6, 1993 and December 31, 1996)

(2) Each Subcommittee shall elect one chairperson.

(3) The provisions of Article 3 (2) and (3) shall apply mutatis mutandis to the term of service and the duties of the chairperson of each Subcommittee.

(4) In case the chairperson of a Subcommittee becomes ill or is incapacitated due to an accident, one of the Subcommittee members who is designated by the chairperson shall act for him.

#### **Article 7 (Joint Session of Subcommittees)**

(1) Each of the Subcommittees may, as need arises, have a joint session with other Subcommittees.

#### **Article 8 (Quorum for Subcommittees and Effect of Decision)**

(1) The provisions of Article 5 shall apply mutatis mutandis to the agenda of the Subcommittees and their joint sessions.

(2) Decisions by each Subcommittee or a joint session of the Subcommittee, except matters relating to the entire Committee, be considered as decisions by the Committee.

**Article 9 (Consultants)** (1) The Committee may have one hundred and twenty consultants or less on a part-time basis and the number of consultants for each Subcommittee shall be determined by the Minister of Culture and Tourism. (Amended on April 16, 1985; January 3, 1990; and March 6, 1993)

(2) The consultants shall be commissioned from among specialists in respective fields by the Minister

of Culture and Tourism at the request of the Director of the Office of Cultural Properties.

(3) The consultant collects information, conducts investigation and drafts research plans on consigned matters under orders from the chairperson of the Subcommittee to which he belongs, and may speak at the meetings of the Subcommittee to which he belongs.

**Article 10 (Secretary, etc.)**

(1) The Committee and each of the Subcommittees shall have one secretary and some clerks respectively.

(2) The secretary and the clerks shall be appointed by the Minister of Culture and Tourism from among staff officials of the concerned divisions of the Ministry of Culture and Tourism or the Office of the Cultural Properties. (Amended on January 3, 1990 and March 6, 1993)

(3) The secretary shall be responsible for the general administrative affairs of the Committee or the Subcommittee to which he belongs, and the clerks shall assist the secretary. (Wholly amended on April 26, 1985)

**Article 11 (Allowances and Travelling Expenses)**

The members of the Committee and the consultants shall be paid allowances and travelling expenses as allowed by the budget. (Amended on February 17, 1971)

**Article 12 (Hearing the Opinion of Concerned Persons)**

The Committee and each of the Subcommittees of their joint sessions may summon concerned public officials or other persons to hear their opinions when such an action is considered necessary.

**Article 13 (Matters for Consignment)**

Matters relating to the operation of the Committee, aside from those prescribed in this Decree, shall be determined by the chairperson through resolution by the Committee.

[CHART 1]

CRITERIA FOR DESIGNATION OF STATE-DESIGNATED CULTURAL PROPERTIES

Classification	Criteria for designation
3. Important intangible cultural properties	<p>Items of outstanding historical, academic and artistic value which fall under any of the following categories:</p> <ol style="list-style-type: none"> <li>1. Drama : Puppet drama / Mask drama</li> <li>2. Music : Ritual music / Banquet music / Military march / Ballads and short lyrical songs / Improvisation / Farmers' band music / Folk songs / Shaman ritual music / Buddhist chants</li> <li>3. Dance : Ritual dance / Court dance / Mask dance / Folk dance</li> <li>4. Handicrafts : Ceramic art / Horsehair craft / Metal craft / Ox horn craft / Personal ornaments manufacture Mother-of-pearl lacquerware / Papermaking / Woodcraft / Architecture / Leather craft / chart 1-2 Paper craft / Weaving / Dyeing / Stone and jade craft / Embroidery / Dressmaking / Musical instruments / rush and rice straw craft</li> <li>5. Rites / Plays / Martial arts / Cooking</li> <li>6. Techniques vital for the performing arts under categories Nos. 1 - 3 or the skill for manufacturing and repairing equipment used in the arts.</li> </ol>



[CHART 9] (Amended on November 7, 1994)

## AGE LIMITS FOR SCHOLARSHIP STUDENTS OF IMPORTANT INTANGIBLE CULTURAL PROPERTIES

Classification	Ages	Notes
Drama	18—40	These age limits may not apply to persons strongly recommended for special reasons given by the holder or the holding organization of an important intangible cultural properties.
Music	18—30	
Dance	18—30	
Handicrafts	18—35	
Folk plays	18—40	
Rites & Royal	18—40	
cuisine		
Others		

[CHART 10] (Amended on March 20, 1989 ; and November 7, 1994)

## CLASSIFICATION OF SPECTATORS OF STATE-DESIGNATED CULTURAL PROPERTIES

Classification	Description
Children	Those of ages 7-12
Youths & Servicemen	Those of ages 13-24 and servicemen in uniform with the rank of sergeant or lower (combat police, prison guards and defense corps troops are included)
Adults	Those of ages 25-64 (servicemen in uniform with the rank of sergeant or lower are excluded)
Old people	Those of age 65 or older
Group	A group of 30 or more people visiting for the same purpose at the same time if the group does not comprise paying children, youths, servicemen and adults.

Note : Admission fees for children, youths and servicemen shall be less than 50 percent of those for adults.

(front)

No. \_\_\_\_\_

## CERTIFICATE OF RECOGNITION AS THE HOLDER OF AN IMPORTANT INTANGIBLE CULTURAL PROPERTY

Name :	Description	Notes	Classification	Photo
Resident registration number :				
Address :				

The above person is recognized as the Holder of \_\_\_\_\_, Important Intangible Cultural Property No. \_\_\_\_\_.

Date \_\_\_\_\_  
Minister of Culture and Sports(Seal)

57353-03411  
Approved on July 2, 1981

235mm × 290mm  
Printing paper of the best quality, 120g/m<sup>2</sup>

(back)

Address	Date of change	Recorder

※ Note : Changes in the name or the address of the holder must be reported with this certificate of recognition in accordance with Article 27 of the Cultural Properties Protection Act.

(front)

No. \_\_\_\_\_

**CERTIFICATE OF RECOGNITION AS THE HOLDING ORGANIZATION OF AN IMPORTANT INTANGIBLE CULTURAL PROPERTY**

Name : \_\_\_\_\_

Address : \_\_\_\_\_

The above organization is recognized as the Holder of \_\_\_\_\_, Important Intangible Cultural Property No. \_\_\_\_\_.

Date \_\_\_\_\_

Minister of Culture and Sports (Seal)

57353-05511

Approved on July 13, 1983

235mm x 290mm

(Printing paper of the best quality 120g/m<sup>2</sup>)

(back)

**Matters Acknowledged(Changed) by the Representative of the Holding Organization of an Important Intangible Cultural Property**

Name of representative	Sex	Resident registration number	Address	Date of acknowledgement of change	Note	Recorder

Note : Cases listed below must be reported with this certificate of recognition in accordance with Article 27 of the Cultural Properties Protection Act :

1. The representative of the organization has been changed ;
2. The name or the address of the representative of the organization has been changed.



[Document Form No.15] (Amended on December 27, 1988)

(Form A)

(front)

## REGISTER OF IMPORTANT INTANGIBLE CULTURAL PROPERTIES

Classification	Designation number	Name	Index number d'index	
Date of designation				
Appendages	Name	Size	Quantity No.	Legend

5001 - 65C

380mm × 268mm

Approved on July 2, 1981

(Printing paper of the best quality 120g/m<sup>2</sup>)

(back)

History		Matters to be managed	
Date		Date	

(Form B)

Designation number		Name		Index number	
Name of holder	Sex	Education	Specialized skill	Date of birth	Address
Presented by _____ (signature or seal)					
To: _____					

5001 - 65C(2 - 2)

380mm × 268mm

Approved on July 3, 1981

(Printing paper of the best quality 180g/m<sup>2</sup>)

INSTRUCTION PLAN FOR AN IMPORTANT INTANGIBLE CULTURAL PROPERTY			
(1) Course of Instruction	Important Intangible Cultural Property		No.
(2) Name of the holder			
(3) Name of Teaching Assistants			
(4) Students	Number of Professional Students		
	Number of New Students		
	Total Number of Students		
(5) Place of Instruction			
Number of Instructions	(6) Week	Day	No.
	(7) One Year	Total	No.
<p>The instruction plan for the important intangible cultural property for the year of _____ is presented as above.</p>			
			Date
Presented by		(Signature or seal)	
To :			

REPORT ON THE RESULT OF INSTRUCTION IN AN IMPORTANT INTANGIBLE CULTURAL PROPERTY		
(1) Course of Instruction	Important Intangible Cultural Property No.	
(2) Name of Holder		
(3) Name of Teaching Assistants		
(4) Name of Students	(5) ID Card No.	(6) Duration of Instruction
(7) Place of Instruction		
Number of Instructions	(8) Number of Instructions per Year	
<p>The results of instruction in an important intangible cultural property for the year _____ are presented as above.</p>		
To :	Presented by	Date (signature or seal)



No.	
<b>CERTIFICATE OF COMPLETION</b>	
Name :	
ID card number :	
Address :	
Course of Instruction : Important Intangible Cultural Property No.	
This is to certify that the above person has completed the instruction course for the important intangible cultural property.	
Date	
Important Intangible Cultural Property No. _____ holder _____ (seal) (representative of a holding organization)	
Presented by _____ (signature or seal)	

## RECOMMENDATION OF AN INSTRUCTIONAL ASSISTANT FOR AN IMPORTANT INTANGIBLE CULTURAL PROPERTY

(1) Course		Important Intangible Cultural Property No. _____	
(2) Name		(Name)	
Nominess	(3) Resident registration number nationale		
	(4) Address		
	(5) Assignment		Musician      Assistant instructor
(6) Experience in the transmissiion of an important intangible cultural property			
Experience	(7) Performance		<input type="checkbox"/> times in the provinces (exhibitions included) <input type="checkbox"/> times in Seoul (exhibitions included) <input type="checkbox"/> times abroad (exhibitions included) <input type="checkbox"/> solo performances (exhibitions included)
	(8) Education		Received a certificate of excellence on _____ (date)
	(9) Other matters of note		
	The above person is recommended as an instructional assistant for(name) _____, Important Intangible Cultural Property No. _____.		
Surty(Holder)		Recommender	Date
To :		Recommender	(seal)
Attached : 1. Resume(1) 2. Letter of oath(1) 3. Photographs(3 cartes de visite)			

## RECOMMENDATION OF A SCHOLARSHIP STUDENT FOR AN IMPORTANT INTANGIBLE CULTURAL PROPERTY

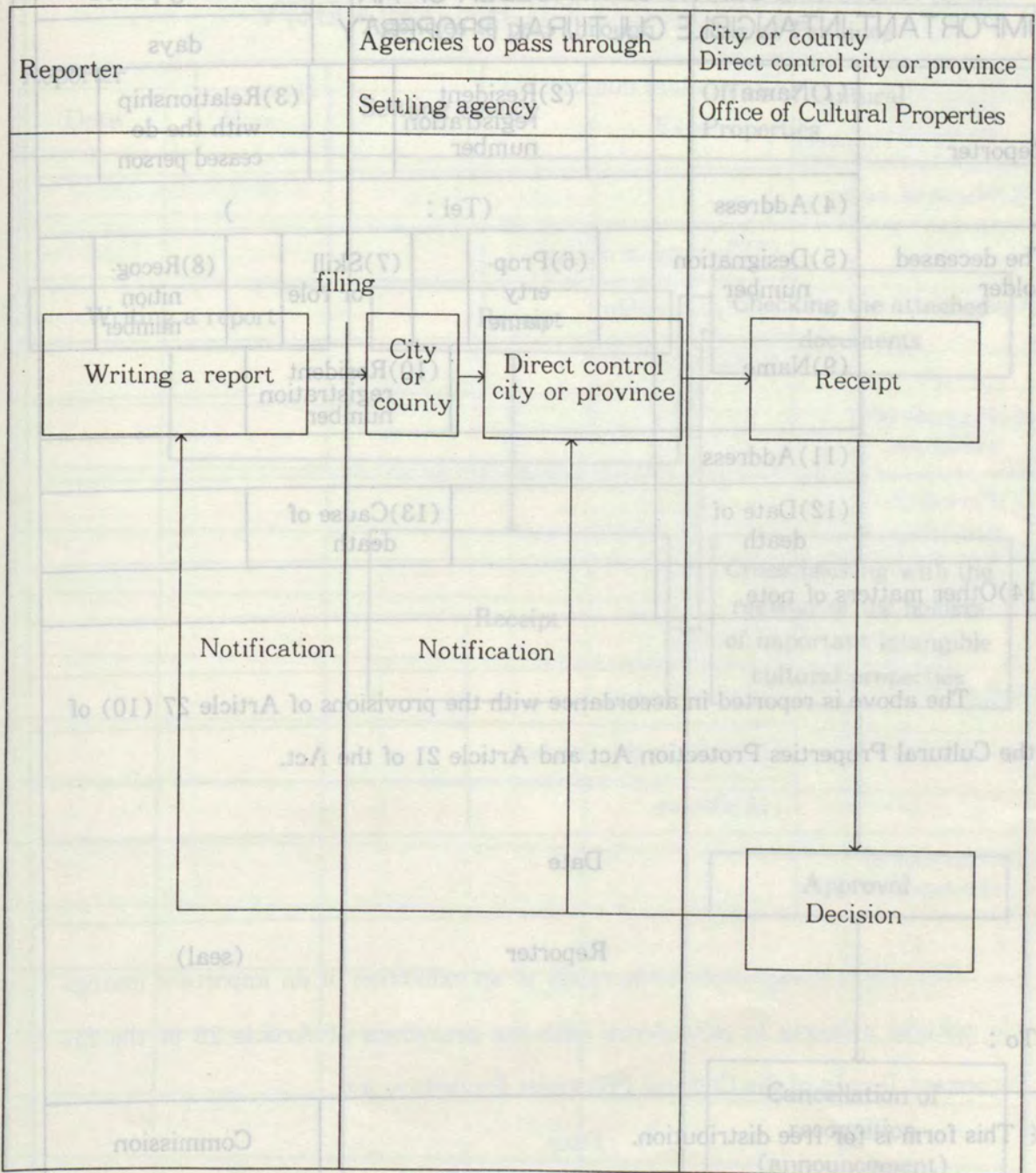
	(1) Course	Important Intangible Cultural Property No. _____ (Name)		
Nominee	(2) Name		(3) Resident registration number	
	(4) Address			
Experience	(5) Instruction an important intangible cultural property	Name of holder	Period	
		Name of the supporting agency		months
	(6) Instruction in an intangible cultural property	Name of artist	period	months
<p>The above person is recommended as a scholarship student for Important Intangible Cultural Property No. _____ (Name _____).</p> <p style="text-align: right;">Date _____</p> <p style="text-align: right;">Recommender _____ (seal)</p>				
To :				
<p>Attached : 1. Resume(1)</p> <p style="padding-left: 40px;">2. Letter of oath(1)</p> <p style="padding-left: 40px;">3. Photographs(three cartes de visite)</p>				

Setting period	A REPORT ON CHANGE OF STATE-DESIGNATED CULTURAL PROPERTY (HOLDER, OWNER, NAME OR ADDRESS OF CUSTODIAN, ADDRESS, PROPERTY NO. AND CITY)		
Two days	<b>A LETTER OF OATH</b>		
	(1) Name Reporter	(2) Resident registration number	
<p>I hereby pledge, under the joint signature of the surety below, to respect all regulations regarding the instructional assistant(scholarship student) for Important Intangible Cultural Property No. _____ (Name _____) and at the same time do my best to contribute to the transmission of the important intangible cultural property concerned.</p>			
	(10) Land category	(13) Date of change	Date
	Notification	Notification	(14) Old (15) New
Signer	Classification		
	(Instructional assistant, scholarship student)		
Surety(Holder)		Name :	(seal)
		Resident registration number :	
		Address :	
Name :			(seal)
		Resident registration number :	
		Address :	

A REPORT ON CHANGE OF STATE-DESIGNATED CULTURAL PROPERTY (HOLDER, OWNER, NAME OR ADDRESS OF CUSTODIAN, ADDRESS, PROTECTING AREAS, PLACE OF CUSTODY)						Settling period
						Two days
Reporter	(1) Name		(2) Resident registration number			
	(3) Address	(Tel : )				
(4) Name of the cultural property		(5) Classification	(6) Designation number	(7) Quantity		
(8) Address or the place of custody						
(9) Protecting areas		(10) Land category		(11) Land register		
(12) Reason for change		(13) Date of change				
Content of change	(14) Old					
	(15) New					
(16) Other matters of note						
<p>The above is reported in accordance with the provisions of Act 27 (3) to (5) of the Cultural Properties Protection Act and Article 21 of the Enforcement Decree of the Act.</p> <p style="text-align: right;">Date Reporter (seal)</p> <p>To : (seal)</p>						
Attached : photographs and maps				Commission		
* This form is for free distribution.				None		

This report is settled in accordance with the procedures below.

(back)



REPORT ON THE DEATH OF A HOLDER OF AN IMPORTANT INTANGIBLE CULTURAL PROPERTY				Settling period	
				days	
Reporter	(1)Name	(2)Resident registration number	(3)Relationship with the deceased person		
	(4)Address	(Tel : )			
The deceased holder	(5)Designation number	(6)Property name	(7)Skill or role	(8)Recognition number	
	(9)Name	(10)Resident registration number			
	(11)Address				
	(12)Date of death	(13)Cause of death			
(14)Other matters of note					
<p>The above is reported in accordance with the provisions of Article 27 (10) of the Cultural Properties Protection Act and Article 21 of the Act.</p> <p style="text-align: center;">Date</p> <p style="text-align: center;">Reporter (seal)</p> <p>To :</p>					
※ This form is for free distribution.				Commission	
				None	

This report is settled in accordance with the procedures below.

REPORT ON AN EXHIBITION OF AN IMPORTANT

(back)

Reporter		Agencies to pass through	City or Province
Date	Name	Settling agency	Office of Cultural Properties
<div style="border: 1px solid black; padding: 5px; width: fit-content;">Writing a report</div>		<div style="border: 1px solid black; padding: 5px; width: fit-content;">Receipt</div>	<div style="border: 1px solid black; padding: 5px; width: fit-content;">Checking the attached documents</div>
		<div style="border: 1px solid black; padding: 5px; width: fit-content;">Receipt</div>	<div style="border: 1px solid black; padding: 5px; width: fit-content;">Crosschecking with the register of the holders of important intangible cultural properties</div>
			<div style="border: 1px solid black; padding: 5px; width: fit-content;">Approval</div>
			<div style="border: 1px solid black; padding: 5px; width: fit-content;">Cancellation of recognition (announcement) and payment of funeral expenses</div>



## REPORT ON AN EXHIBITION OF AN IMPORTANT INTANGIBLE CULTURAL PROPERTY

(1) Important Intangible Cultural Property	Designation number No.	Name	
(2) Name of event			
Agencies concerned	(3) Agency in charge		
	(4) Sponsorship		
	(5) Support		
(6) Purpose of exhibition			
(7) Period of exhibition			
(8) Place			
Performers (or exhibitors)	(9) Holder		
	(10) Graduate		
	(11) Scholarship student		
	(12) Others		
(13) Number of spectators			

The above is reported as the result of an exhibition of an important intangible cultural property in accordance with the provisions of Article 26 of the Enforcement Decree of the Cultural Properties Protection Act.

Date

Reporter

(seal)

To :



## DAILY RECORD OF COLLECTION OF ADMISSION FEES OF A STATE-DESIGNATED CULTURAL PROPERTY

Name of the cultural property : \_\_\_\_\_

Year \_\_\_\_\_ Month \_\_\_\_\_ Date \_\_\_\_\_ Day \_\_\_\_\_ Weather \_\_\_\_\_

Classification	(1) Number of visitors	(2) Admission fee	(3) Total fees	Aggregate	
				(4) Number of visitors	(5) Total fees
Individuals	Adults				
	Youths and servicemen				
	Children				
Groups	Adults				
	Youths and servicemen				
	Children				
<b>Total</b>					

The above record is faithful to the truth.

Date

Collector in charge

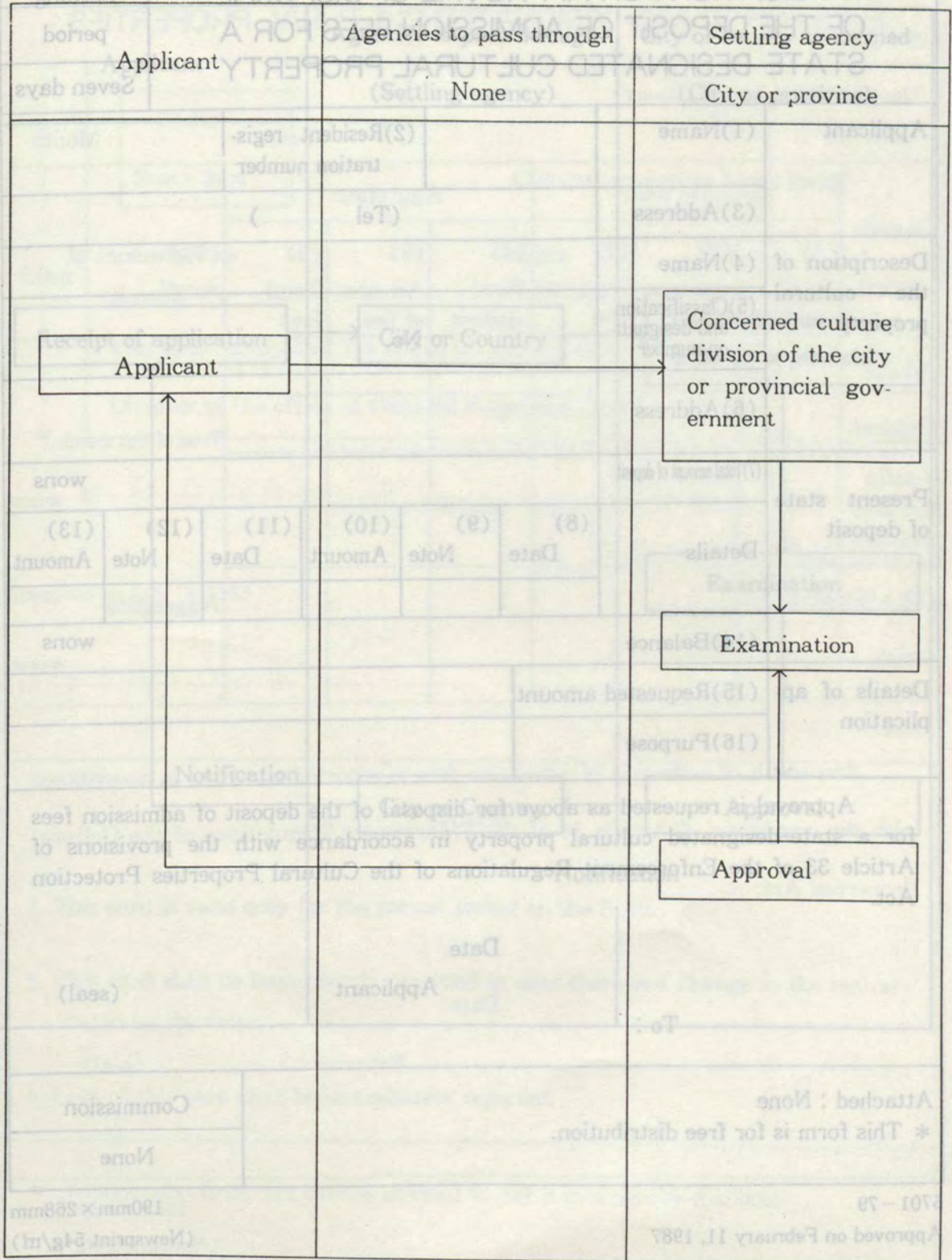
(seal)



(front)

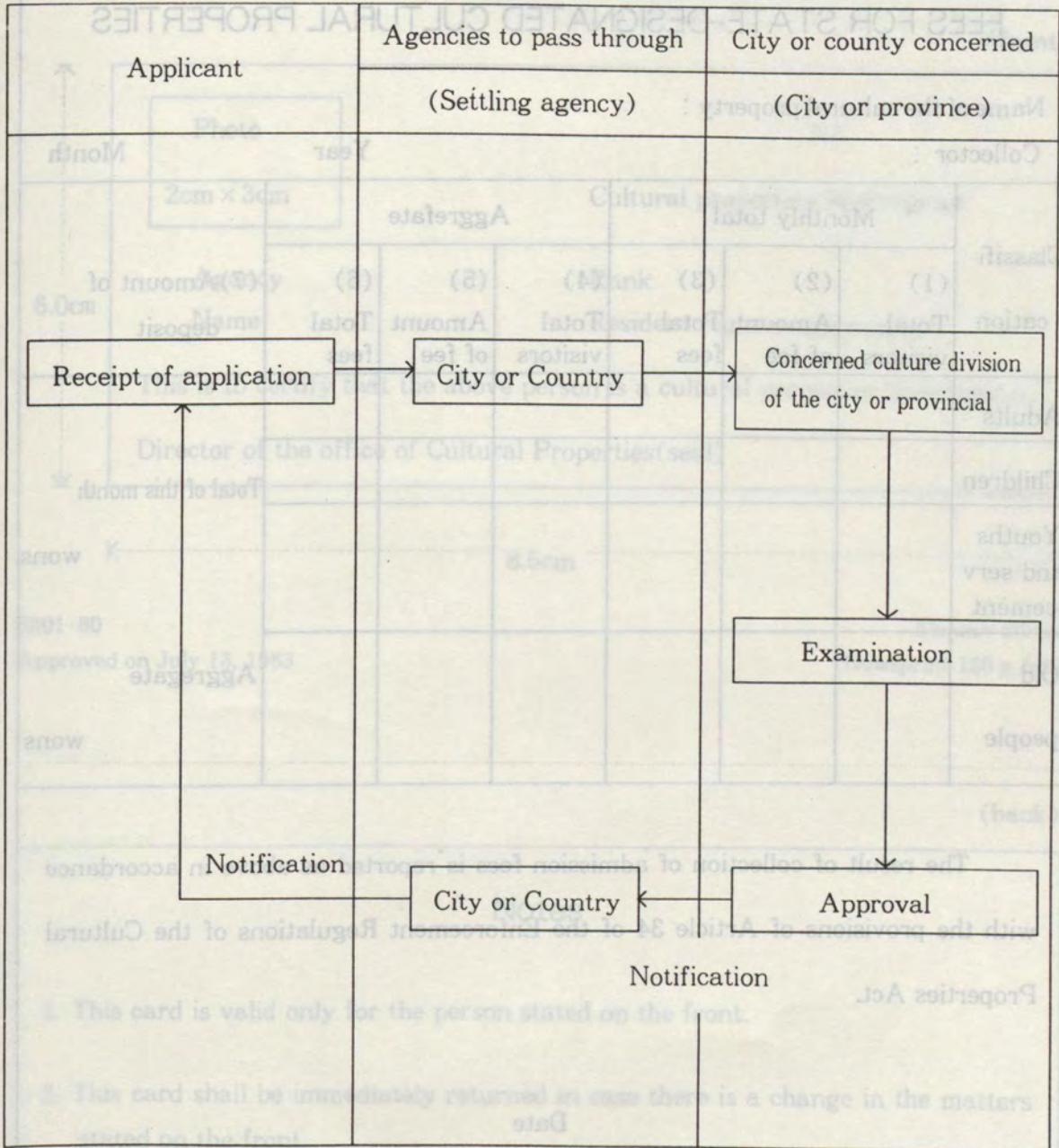
APPLICATION FOR APPROVAL OF CONSIGNMENT COLLECTION OF ADMISSION FEES FOR A STATE-DESIGNATED CULTURAL PROPERTY							Settling period	
							Five days	
Description of the cultural property		(1)Name			(2)Classification and designation number			
		(3)Address						
		(4)Protecting areas (measurement)						
Applicant (owner or managing agency)		(5)Name(name of the representative for a managing agency)			(6)Resident registration number			
		(7)Address						
Admission fees	Individuals	(8)Adults	wons	(9)Youths and servicemen	wons	(10)Chil- dren	wons	
	Groupes	(11)Adulte	wons	(12)Youths and servicemen	wons	(13)Chil- dren	wons	
Consigned collector		(14)Name			(15)Resident regis- tration number			
		(16)Address			(Tel: )			
(17)Reason for consihnment								
<p>Approval is requested as above for consigned collection of the admission fees for a state-designated cultural property under the provisions of Article 32 of the Enforcement Regulations of the Cultural Properties Protection</p>								
Date								
Applicant (seal)								
To :								
Attached : None							Commission	
※ This form is for free distribution.							None	

This application is settled according to the procedures below.



APPLICATION FOR APPROVAL OF DISPOSAL OF THE DEPOSIT OF ADMISSION FEES FOR A STATE-DESIGNATED CULTURAL PROPERTY							Settling period
							Seven days
Applicant	(1)Name			(2)Resident registration number			
	(3)Address	(Tel )					
Description of the cultural property	(4)Name						
	(5)Classification and designation number	No.					
	(6)Address						
Present state of deposit	(7)Total amount of deposit						wons
	Details	(8) Date	(9) Note	(10) Amount	(11) Date	(12) Note	(13) Amount
	(14)Balance						wons
Details of application	(15)Requested amount						
	(16)Purpose						
<p>Approval is requested as above for disposal of the deposit of admission fees for a state-designated cultural property in accordance with the provisions of Article 33 of the Enforcement Regulations of the Cultural Properties Protection Act.</p> <p style="text-align: right;">Date</p> <p style="text-align: right;">Applicant (seal)</p> <p style="text-align: center;">To :</p>							
Attached : None * This form is for free distribution.						Commission	
						None	

This application is settled in accordance with the procedures below.





## REPORT ON THE RESULT OF COLLECTION OF ADMISSION FEES FOR STATE-DESIGNATED CULTURAL PROPERTIES

Name of the cultural property :

Collector :

Year

Month

Classifi- cation	Monthly total			Aggregafate			(7) Amount of deposit
	(1) Total visitors	(2) Amount of fee	(3) Total fees	(4) Total visitors	(5) Amount of fee	(6) Total fees	
Adults							Total of this month  wons wons
Children							
Youths and serv icement							
Old people							Aggregate  wons wons

The result of collection of admission fees is reported as above in accordance with the provisions of Article 34 of the Enforcement Regulations of the Cultural Properties Act.

Date

Reporter

(seal)

To :

268mm × 190mm  
(Newsprint 54g/m<sup>2</sup>)

[Document Form No.46]

## ID FOR CULTURAL PROPERTIES INVESTIGATOR

(front)

The diagram shows a rectangular ID card with a height of 6.0cm and a width of 8.5cm. The layout is as follows:

- Photo**: A box in the top left corner labeled "Photo" with dimensions "2cm x 3cm".
- No.**: Located in the top right corner.
- Cultural properties Investigator**: Centered below the "No." field.
- Agency Name**: Located in the middle left.
- Rank**: Located in the middle right.
- Resident registration number**: Located in the middle right, below the rank.
- Text at the bottom**: "This is to certify that the above person is a cultural properties investigator." followed by "Director of the office of Cultural Properties(seal)".

5001-80

Approved on July 13, 1983

85mm x 60mm

(Newsprint 120 g /m<sup>2</sup>)

(back)

**Notes**

1. This card is valid only for the person stated on the front.
2. This card shall be immediately returned in case there is a change in the matters stated on the front.
3. Loss of this card shall be immediately reported.

\* Anyone who finds this card is advised to put it in a nearby mailbox.