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Protection of Geographical Indication and Intangible Cultural Heritage of the Chinese Food Product Resources

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Abstract The geographical Indications intellectual property and intangible cultural heritage are the general focus of attention of the world today. In the Chinese food product resources, there are 44 kinds of national geographical indication products, 41 national geographical indication trademarks, 9 kinds of national and 212 kinds of provincial-level intangible cultural heritage. This article introduces the geographical indication protection and geographical indication trademark registration of the Chinese food products, the protection of intangible cultural heritage of traditional craftsmanship; discusses the countermeasures for the protection of geographical indication intellectual property and intangible cultural heritage; finally puts forth several recommendations.

Key words China, Food products, Geographical indication, Intellectual property, Intangible cultural heritage

1 Introduction

In the seven major types of intellectual property rights covered by the *TRIPS Agreement*, geographical indication, as an independent type of intellectual property, is provided in special sections. It is one of the three topics of the Doha Round of negotiations on intellectual property, and a hot topic drawing widespread attention^[1-3]. Geographical indication rights are an important part of agricultural intellectual property^[1], mainly for the intellectual property protection of traditional famous and high-quality specialty (the specialty in a broad sense, such as agricultural products, wine, food, arts and crafts, textile)^[1-7].

Geographical indication and origin naming system have had more than 100 years of history. France is one of the birthplaces of the system^[1-3]. From the beginning, France mainly used the system to protect champagne and other types of liquor produced at home. However, China's geographical indication protection system was implemented in 1995, with serious conflicts and high degree of repeat. There were mainly five geographical indication protection systems successively^[12]. Currently, there are still three of them as follows: (i) The geographical indication product protection of the State Administration of Quality Supervision, Inspection and Quarantine; (ii) The geographical indication trademark registration of the State Administration for Industry and Commerce; (iii) The agricultur-

al product geographical indication registration of the Ministry of Agriculture. Among them, only the former two are the systems for the protection of geographical indication intellectual property of food products. How to use the geographical indication intellectual property provided in the special section under the *WTO TRIPS Agreement*, in order to cultivate the food product brand and enhance the international competitiveness of food products, is an important issue for the further development of the Chinese food and related extension industries.

After drawing on the experience of oriental countries (Japan, South Korea, etc.) and learning from the formulation of "intangible wealth"^[8-9], UNESCO passed *Convention for the Protection of Intangible Cultural Heritage* on October 17, 2003, which was the prelude to the protection of the world's intangible heritage^[10-11].

Some kinds of traditional specialty have characteristics of geographical indication, and contain intangible cultural heritage. For example, West Lake Longjing tea is national geographical indication specialty, and its production process is the intangible cultural heritage of traditional craftsmanship; "West Lake Longjing tea" is the intangible heritage of agricultural brand. However, the research work on the dual protection of the cultural heritage and geographical indication is still a weak link. For this reason, this article will discuss the intangible cultural heritage protection problem concerning geographical indication intellectual property and traditional processing technique of the Chinese food products.

2 Geographical indication protection for food products

On January 31, 2000, Shaoxing wine became China's first origin product (namely the geographical indication product). By August 15, 2012, in accordance with *Provisions on the Pro-*

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tection of Origin Products and Provisions on the Protection of Geographical Indication Products, the former State Bureau of Quality and Technical Supervision, and the State General Administration of Quality Supervision, Inspection and Quarantine, had implemented the geographical indication product protection on 1007 kinds of products at home, involving 14 categories (fruits, herbs, vegetables, grain and oil, tea, aquatic products, handicraft article, wine, poultry, livestock, spices, tex-

tiles, beverages, and flowers). Among them, there are 44 kinds of food products, accounting for 4.37% of the total number, distributed in 18 provinces, autonomous regions (Table 1).

In addition, the State General Administration of Quality Supervision, Inspection and Quarantine approved the geographical indication product protection on 9 European specialties.

Table 1 The national geographical indication food products in China (By August 15, 2012)

Province	Geographical indication products	Approval time	Ranking approved	The use of special mark	
				The number of enterprises	The number of enterprises
Anhui	Bagongshan Tofu	2008.09.12	464	5	6
	Wucheng dried bean curd	2010.02.24	642	4	4
Fujian	Qingliu tofu skin	2007.12.24	395	8	3
	Liancheng dry red sweet potatoes	2007.12.26	404	1	2
Guangdong	Hutou rice flour	2009.11.19	599	0	0
	Chakou dried bean noodles	2012.07.31	1 013	0	0
Guangxi	Heyuan rice flour	2003.12.24	64	2	2
	Qinghua powder	2010.09.03	707	2	2
Guizhou	Xinxing rice flour	2012.06.08	985	0	0
	Tuodong dried soya cream	2012.06.21	989	0	0
Hebei	Zhaqing steamed rice dumpling	2012.07.18	998	0	0
	Guilin dried soya cream	2010.12.24	800	2	2
Henan	Lingshan bean jelly	2012.06.08	986	0	0
	Qingzhen yellow cake	2009.12.28	623	1	1
Hubei	Xingyi cake	2010.02.24	637	0	0
	Zhenning Bobo sugar	2010.09.30	726	9	9
Hebei	Lulong vermicelli	2004.08.25	85	4	4
Henan	Xuchang dried soya cream	2008.12.17	506	26	28
Hubei	Wuxue crisp candy	2010.12.24	788	0	0
	Yunmeng fish noodle	2010.12.29	804	0	0
Hunan	Muzidian old rice wine	2011.07.05	883	0	0
	Qichun sour rice flour	2011.11.30	931	0	0
Jiangsu	Wugang spiced beancurd	2008.12.31	527	4	6
Jiangxi	Funing big cake	2009.09.21	574	6	6
Liaoning	Yiyang rice cake	2006.12.28	288	7	6
	Gao'an dried soya cream	2007.01.12	300	11	11
Shandong	Fengcheng frozen rice sugar	2009.11.19	600	8	9
	Longtan green gram vermicelli	2010.12.15	772	1	1
Shanxi	Longkou vermicelli	2002.09.10	20	101	107
Shaanxi	Taigu cake	2010.09.03	695	0	0
	Liuqu pot sugar	2009.12.28	627	6	4
Sichuan	Yulin tofu	2010.09.09	713	0	0
	Pixian broad-bean	2005.12.31	192	104	109
Zhejiang	Nanxi dried bean curd	2008.09.12	468	6	6
	Danleng frozen cake	2011.09.19	900	0	0
Chongqing	Jiang noodle	2011.11.30	918	0	0
	Dongliu fermented glutinous rice	2011.12.06	941	0	0
Zhejiang	Wutongqiao soy cheese	2011.12.26	950	0	0
	Zhouli vermicelli	2011.12.26	951	0	0
Chongqing	Zitong shortcake	2011.12.26	961	0	0
	Jianmenguan tofu	2011.12.26	965	0	0
Chongqing	Luoquan tofu	2012.07.18	1003	0	0
	Longyou steamed sponge cake	2007.01.12	302	3	3
Chongqing	Zhongzhou soy cheese	2012.03.27	977	0	0

3 Trademark registration of geographical indication food products

The geographical indication trademark is the mark shows where a commodity comes from, which can indicate the particular quality, reputation or other characteristics of this com-

modity are mainly determined by the natural factors or human factors in this area. Applying for the geographical indication trademarks is a common practice at present for protecting the specialty products in the international community (especially the United States, Germany, etc.). Through the application of geographical indication trademarks, we can reasonably and full-

y use and preserve natural resources, cultural resources and geographical heritage, effectively protect the high-quality specialty products, and promote the development of characteristic industry.

The geographical indication trademark registration work of the State Administration for Industry and Commerce started from 1995. By August 15, 2012, the State Administration for Industry and Commerce had registered 1344 geographical indication trademarks in 32 provinces, cities and autonomous regions (including Chihshang rice in Taiwan Province), involving 15 major categories (fruits, vegetables, grain and oil, tea,

Chinese herbal medicine, livestock, poultry, aquatic products, handicrafts, spices, flowers, textiles, wines, beverages, tobacco).

Among them, there are 41 kinds of food products, accounting for 3.05% of the total number, distributed in 13 provinces, cities and autonomous regions (Table 2).

In addition, the State Administration for Industry and Commerce registration registered the geographical indication trademarks of products from Thailand, the United States, Mexico, Jamaica, Italy, the United Kingdom, Germany and South Korea.

Table 2 National geographical indication trademarks of the Chinese food products (By August 15, 2012)

Province	Name of trademark	Registrant	Registration number
Fujian	Liancheng dry red sweet potatoes	Liancheng dry red sweet potatoes Association	3 571 139
	Duxun crisp candy	Duxun crisp candy Association in Zhangpu County	8 090 682
	Minqing dried bean noodles	Minqing Dried Bean Noodle Association in Fujian Province	8 794 404
	Muyang extra-thin noodle	Muyang Extra-thin Noodle Association in Fu'an City	8 972 826
	Pinghe Daxi dried tofu	Pinghe Specialty Association	10 003 962
	Pinghe Xiaoxi pillow cake	Pinghe Specialty Association	10 064 381
	Gongcheng fried flour	Fried Flour Association of Gongcheng Yao Autonomous County	8 275 158
Guangxi	Guilin rice flour	Guilin Rice Flour Industry Association	8 958 222
	Xuchang dried soya cream	Xuchang Bean Product Association	9 705 715
Henan	Xiaogan rice wine	Xiaogan Matang Rice Wine Industry Association	1 607 994
	Zhangdian fish noodle	Xinzhou Fish Noodle Processing Association in Wuhan City	9 251 869
Hubei	Songzzi buckwheat tofu skin	Songzzi Buckwheat Product Production and Marketing Association	9 901 171
	Wugang pot-stewed meat or fowl	Wugang Characteristic Industry Development Office	6 053 558
Hunan	Leiyang sweet potato sheet jelly	Leiyang Xiangnan Farm and Sideline Product Purchasing and Marketing Association	7 364 862
	Youxian tofu	Youxian Tofu Industry Association	8 361 375
Jilin	Taonan Wanbao bean vermicelli	Wanbao Bean Vermicelli Industry Association in Taonan City	6 851 985
	Changling vermicelli	Changling Vermicelli Association	8 844 036
Jiangsu	Xinghua flour	Xinghua Flour Industry Association	6 020 917
	Funing big cake	Funing Food Industry Association	8 117 749
Jiangxi	Yiyang rice cake	Yiyang Rice Cake Institute in Yiyang County	3 150 959
	Ganquan dried bean curd	Ganquan Bean Product Industry Association	6 895 249
Shaanxi	Chunhua buckwheat noodle	Chunhua Farm and Sideline Product Professional Association in Shaanxi Province	7 552 909
	Zichang vermicelli	Zichang Potato Industry Development Center	8 695 198
Sichuan	Qishan noodles with minced pork and winter bamboo shoots	Qishan Famous Local Food Association	8 748 935
	Pixian broad-bean	Pixian Food Industry Association in Chengdu City	1 388 982
	Pixian broad-bean	Pixian Food Industry Association in Chengdu City	1 687 893
	Pixian broad-bean	Pixian Food Industry Association in Chengdu City	1 687 894
	Pixian broad-bean	Pixian Food Industry Association in Chengdu City	1 687 895
	Nanxi dried bean curd	Nanxi Food and Beverage Industry Office	3 772 206
	Zhongjiang noodles	Zhongjiang Handmade Noodles Association	4 446 117
Yunnan	Pixian broad-bean	Pixian Food Industry Association in Chengdu City	4 470 834
	Jianmenguan tofu	Jianmenguan Tofu Association in Jian'ge County of Guangyuan City	8 157 055
Zhejiang	Guo Qiao rice noodles	Guo Qiao Rice Noodles Association in Mengzi County	7 374 667
	Guo Qiao rice noodles	Guo Qiao Rice Noodles Association in Mengzi County	8 357 860
Chongqing	Tengchong dried rice noodles	Tengchong Dried Rice Noodles Professional Association	7 533 720
	Shiping tofu skin	Shiping Bean Product Association in Yunnan Province	8 001 166
Zhejiang	Shiping tofu	Shiping Bean Product Association in Yunnan Province	9 976 202
	Wencheng vermicelli	Wencheng Zhe'nan Potato Industry Production and Marketing Professional Cooperative	5 496 634
Chongqing	Yuyao rice cake	Sanqishi Rice Cake Institute in Yuyao City	8 107 577
	Yongchuan fermented soya bean	Yongchuan Fermented Soya Bean Industry Association in Chongqing City	8 818 724
	Wuxi potato	Wuxi Agricultural Technology Promotion Center	8 710 595

4 Intangible cultural heritage protection of traditional craftsmanship of food products

Kunqu opera became the first batch of world intangible cultural heritage in 2001. So far, China has become the world's superpower of intangible cultural heritage, and 36 items have been included in the intangible cultural heritage list of UNESCO.

In addition to the declaration of world intangible cultural heritage, China has gradually established the "four-level" (national, provincial, municipal and county) registration system of intangible cultural heritage roster system. The State Council on May 20, 2006, June 7, 2008, May 23, 2011, announced the first, second and third batch of *National-level Intangible Cultural Heritage List*, respectively, involving 1 219 items.

Various provinces and autonomous regions actively carry out the protection of intangible cultural heritage, successively releasing the provincial-level intangible cultural heritage list. Currently, these lists are basically the same as *National-level Intangible Cultural Heritage List*, which can be divided into 10

categories: folk literature, traditional music, traditional dance, traditional theater, folk art, traditional sports, recreation and acrobatics, traditional art, traditional craft, traditional medicine, folklore. Obviously, the intangible cultural heritage related to food products basically falls into the type of traditional art.

In *World Intangible Cultural Heritage List*, the Chinese intangible cultural heritage of food products is still in a blank state. Among the current 1 219 items of national-level intangible cultural heritage in China, the items related to food products only account for 0.74%, only 9 (traditional wheaten food craftsmanship; Zhoucun baked cake craftsmanship; Douyichu Shaomai craftsmanship; Tongshengxiang beef and mutton broken flour cake craftsmanship; traditional broad-bean craftsmanship; fermented soybeans brewing craftsmanship; the beancurd cheese brewing craftsmanship; moon cake traditional craftsmanship; Wufangzhai rice dumplings craftsmanship) (Table 3). Among the current 7 675 items of provincial-level intangible cultural heritage in China, there are only 212 items related to food products, accounting for 2.76%.

Table 3 The national intangible cultural heritage list of the Chinese food products

Type	List of items	The reporting regions or units
Traditional craftsmanship	Traditional wheaten food craftsmanship (sliced noodles craftsmanship, traditional Jishan pastry craftsmanship, Tianjin Goubuli buns craftsmanship)	Quanjin Assembly Hall and Jinyunlou Hotel in Shanxi Province, Heping District in Tianjin City
	Zhoucun baked cake craftsmanship	Zibo City, Shandong Province
	Douyichu Shaomai craftsmanship	Beijing Panyifang Roast Duck Group
	Tongshengxiang beef and mutton broken flour cake craftsmanship	Xi'an City, Shaanxi Province
	Traditional broad-bean craftsmanship (Pixian traditional broad-bean craftsmanship)	Pixian County, Sichuan Province
	Fermented soybeans brewing craftsmanship (Yongchuan fermented soybeans brewing craftsmanship, Tongchuan fermented soybeans brewing craftsmanship)	Chongqing Municipality, Santai County in Sichuan Province
	The beancurd cheese brewing craftsmanship (Wangzhihe beancurd cheese brewing craftsmanship)	Haidian District, Beijing City
	Moon cake traditional craftsmanship (Angel Cantonese moon cake craftsmanship)	Taiyuan City, Shanxi Province, Guangdong Angel Food Co., Ltd.
	Wufangzhai rice dumplings craftsmanship	Jiaxing City, Zhejiang Province

5 Conclusions and recommendations for the protection and development of the intangible cultural heritage (food product geographical indication and traditional processing techniques)

5.1 Conclusions Among the Chinese food product resources, there are 44 kinds of national geographical indication products, distributed in 18 provinces and autonomous regions; 41 national geographical indication trademarks, distributed in 13 provinces, municipalities and autonomous regions.

Among China's 1 219 kinds of national intangible cultural heritage at present, 9 of them are related to food products. Among 7 675 kinds of provincial-level intangible cultural herit-

age, 212 of them are related to food products.

We research the current intangible cultural heritage protection of geographical indication intellectual property of the Chinese food products and the traditional processing techniques, and put forward the following recommendations.

5.2 Recommendations

5.2.1 Researching the geographical indication factors of traditional famous food products. Geographical indication (geographical indication products, geographical indication trademarks) food products, are produced from given areas, the quality, reputation or other characteristics of which essentially hinge on the natural and human factors in the origin.

Therefore, we should conduct in-depth study of characteristics of natural factors and human factors concerning various

kinds of famous food products, to reveal the characteristics of geographical indication, and provide a scientific basis for the management and protection of geographical indication intellectual property.

5.2.2 Developing the national quality standards for geographical indication food products. Geographical indication food products all have been identified as the national geographical indication intellectual property. In order to protect and use the intangible intellectual property of geographical indication, it is necessary to pose strict quality requirements on the geographical indication specialties and formulate their national quality standards.

However, there are only 3 national quality standards of geographical indication food products at present: GB/T 19048 – 2008 *Geographical Indication Product (Longkou Bean Vermicelli)*, GB/T19852 – 2008 *Geographical Indication Product (Lulong Bean Vermicelli)*, and GB/T20560 – 2006 *Geographical Indication Product (Pixian Broad-bean)*.

Therefore, in order to improve the protection of geographical indication intellectual property, there is an urgent need to develop a variety of corresponding national quality standards for geographical indication food products in China.

5.2.3 Strengthening the geographical indication trademark registration of food products and the protection of geographical indication products. At present, there are three geographical indication protection systems in China: (i) The geographical indication product protection of the State Administration of Quality Supervision, Inspection and Quarantine; (ii) The geographical indication trademark registration of the State Administration for Industry and Commerce; (iii) The agricultural product geographical indication registration of the Ministry of Agriculture.

However, the latter does not register the geographical indication of food products, but mainly registers the geographical indication of agricultural products. Therefore, when applying for the geographical indication intellectual property protection of food products, we should register the geographical indication trademark of food products in the State Administration for Industry and Commerce, and report the geographical indication product protection of food products to the State Administration of Quality Supervision, Inspection and Quarantine.

5.2.4 Taking full advantage of the special mark of geographical indication, and cultivating the brand of geographical indication food products. By August 15, 2012, the State General Administration of Quality Supervision, Inspection and Quarantine had approved 4 419 companies or industry associations to use 494 kinds of "special mark of geographical indication products". The special mark of geographical indication of some specialties is used well, for example, now more than 218 enterprises can legally use the special mark of geographical indication product of Wuyiyan tea.

As is shown in Table 1, the majority of Chinese national geographical indication food products do not well use the "special mark of geographical indication products". In order to better cultivate brand, and make full use of the brand effect of geographical indication, we should encourage and support more enterprises within the protection scope of geographical indica-

tion food products, to use their own special mark of geographical indication.

5.2.5 Collecting and sorting out the intangible cultural heritage of traditional food products. To carry on the intangible cultural heritage of food products, we should make a detailed survey of the traditional Chinese food product resources (rice flour, rice noodles, rice cakes, tofu, etc.), collect and arrange the data on intangible cultural heritage of traditional food products (especially the traditional processing technique, traditional diet culture and custom, etc.) based on the cultural characteristics of ethnic minorities, to conduct in-depth study of the intangible cultural heritage and cultural connotation.

5.2.6 Actively applying for the intangible cultural heritage of traditional food products in the cultural and ecological protection zone. The cultural and ecological protection zone means that in a specific area, the effective measures are adopted, to restore an ecological environment where intangible cultural heritage (oral tradition and expression, including language as a vehicle of the intangible cultural heritage; performing arts; social custom, rituals, festive events; knowledge and practices concerning nature and the universe; traditional craftsmanship, and the cultural space associated with the aforesaid traditional cultural expression) and the tangible cultural heritage related to it (immoveable cultural relics, movable heritage, historical and cultural neighborhoods, towns and villages etc.) depend on each other for existence, closely related to people's life and production, which can live in harmony with the natural environment, economic environment, social environment.

Designating the cultural and ecological protection zone and preserving the intact national and folk cultural heritage in the region and environment to which it belongs, in order to make it become "living culture", is an effective way to protect the culture and ecology.

Since June 6, 2007, the Ministry of Culture has named and set up 11 national cultural and ecological protection zones successively (southern Fujian cultural and ecological protection experimental zone; Huizhou cultural and ecological protection experimental zone; Regong cultural and ecological protection experimental zone; the Qiang cultural and ecological protection experimental zone; Hakka cultural and ecological protection experimental zone; western Hunan Tujia and Miao cultural and ecological protection experimental zone; Xiangshan cultural and ecological protection experimental zone; Jinzhong cultural and ecological protection experimental zone; Weihe River cultural and ecological protection experimental zone; Diqing cultural and ecological protection experimental zone; Dali cultural and ecological protection experimental zone). Many provincial governments have also determined and announced some provincial-level cultural and ecological protection experimental zones.

Therefore, we should promote the traditional food products in national and provincial-level cultural and ecological protection zones to be included in the list of national and provincial-level intangible cultural heritage, to achieve the combination of intangible cultural heritage continuity of traditional food products and

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children's personality, academic achievements as well as behavior problems[J]. *Journal of Psychological Science*, 2005(4): 399–402. (in Chinese).

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construction of cultural and ecological protection zones, thereby promoting the development of cultural and ecological protection zones.

5.2.7 Achieving double protection of intangible cultural heritage and geographical indication intellectual property. Many kinds of intangible cultural heritage, in fact, have nothing to do with the specialty, and the geographical indication. However, the intangible cultural heritage of traditional craftsmanship is closely related to human factors of geographical indication. Some traditional food products have characteristics of geographical indication, and contain intangible cultural heritage. For example, Xiaogan rice wine is a national geographical indication specialty; the traditional productive technique of Xiaogan rice wine is the intangible cultural heritage of traditional craftsmanship; the geographical indication name "Xiaogan rice wine" is the intangible heritage of agricultural brand. Therefore, we should implement double protection on intangible cultural heritage and geographical indication of the traditional food products.

5.2.8 Developing the cultural industries related to traditional food products. The Sixth Plenary Session of the 17th Central Committee took "culture" as the central theme, and passed *CPC Central Committee's Decision on Deepening the Reform of the Cultural System, and Promoting Development and Prosperity of Socialist Culture*, pushing the cultural industry into a pillar industry of the national economy.

As we all know, the traditional specialty culture is the driving force for the development of traditional specialty industry; the traditional specialty industry is the basis and carrier for the traditional specialty culture. We should rely on the geographical indication of traditional food products and cultural heritage resources, to publish more books about traditional food product culture and traditional craft; perform the craftsmanship of traditional food products; protect the geographical indication, tangible cultural heritage and intangible cultural heritage; es-

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Establish the museums of traditional food products, and carry out the related cultural festival activities; strengthen the research on food product culture; carry out traditional food product culture tourism (especially Happy Farmhouse) and education; develop the cultural industries related to food products.

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