

## 從民間文學的版權保護談民間文學的改寫 ——以霍斯陸曼·伐伐〈狗王子〉為例

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### 摘 要

民間文學也是一種創造活動的產物，但基於其口頭性、變異性、集體性與匿名性等特性，其版權的保護甚少受到重視與討論。本文嘗試從民間文學版權保護的觀點出發，討論民間文學改寫的議題。旨在主張民間文學的改寫，應該站在尊重原始口傳的智慧財產權的基礎上進行。

首先，回顧國際社會對民間文學版權保護的討論，回顧被提出的幾點具體作法。其次，釐清民間文學與民間文學改寫，亦即「整理」與「改寫」二者間的差異，揭示兩種不同工作領域，不同的敘事風格，與書寫動機、目的的差異。

以布農族作家霍斯陸曼·伐伐改寫的〈狗王子〉為討論文本，與實際在部落流傳的版本作比對。從其中國化詞彙的選用、與族群傳統背景脈絡迥異的描寫，思考民間文學的改寫宜有所規範，方能傳達族群的文化價值、自我認同、歷史情感。否則原住民的口傳文化，或許在改寫的過程中，過度變形、扭曲而造成讀者錯誤的認知。

雖然民間文學版權保護在實際施行上仍有許多困難處，在口傳凋零，文字印刷、傳媒強勢的當代，惟有思考對民間文學進行版權保護，建立正確的民間文學觀念，才能避免民間文學在商業的利用下受到傷害，維繫台灣文化的多元性與族群的主體性。

關鍵字：民間文學、口傳文學、版權保護、改寫、布農族、霍斯陸曼·伐伐

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# Copyright and Adaptation of Folklore: A Case of Husluman Vava's "Dog Prince"

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## Abstract

Folklore is a kind of the forms taken by the results of creative activity. However, because of its traits such as currency in memory, orality, anonymity of authorship and variability, copyright of folklore is seldom considered and discussed. This article tries to argue adaptation of folklore from the view of copyright of folklore. Adaptation of folklore should be based on the respect of oral intellectual property.

First, this article reviews ideas and arguments about the application of copyright proposed in several meeting organized by WIPO and Unesco in 1980s . Second, this article emphasizes the difference between folklore and adaptation of folklore. In other words, transcribing and representing in writing are quite different to adapting. They belong to two different fields. They not only have different narrative styles, but also distinct motive and purpose in writing.

Compare the text: Husluman Vava's "Dog Prince" with the original copy transmitted in Bunun tribe, we can find out that the author does use a lot chinalization words. This text has been adapted substantially so that far away from its traditional context. Certainly, there should be some disciplines of adapting folklore. Authors should think first over how to express the value of culture, identification, emotions and history of people. Otherwise, unauthorized use of folklore might be very harmful to oral culture of aborigines: misappropriation, distortion, exploitation.

Although the matter is not quite that simple, we are duty-bound to consider the theoretical and practical problems that the legal protection

of folklore presents. Only establishing correct concepts of folklore and trying to take appropriate steps to protect folklore, we can keep the rich and uniqueness of Taiwanese culture.

**Key words: Folklore, Folk literature, Oral literature, Copyright, Adaptation, Bunun, Husluman Vava**

