

EDITORIAL

Dear Reader,

We hope this editorial finds you well and safe in such difficult times of global pandemic. Notwithstanding the current challenges, we are pleased to be able to invite you to examine the latest issue of the biannual “Santander Art and Culture Law Review” (SAACLR) (2020), marking the passage of six years since we began this fascinating journey. We would like to remind you that the journal is available both in print and online in Open Access (www.ejournals.eu/SAACLR). We are also happy to inform you that the journal is currently indexed in Scopus; the European Reference Index for the Humanities and the Social Sciences (ERIH PLUS); the Central and Eastern European Online Library (CEEOL); and the Central European Journal of Social Sciences and Humanities (CEJSH). In 2020, SAACLR was also listed among 500 journals supported by Poland’s Ministry of Science and Higher Education, and indexed in its official list of research journals.

This issue of the SAACLR, as the previous ones, includes our regular sections: Interviews; General Articles; Legal Commentaries; Varia; Debuts; Events and Conferences; and New Books. We also continue our general strategy of having a special theme for each issue of the journal. While the previous English issue (2019, Vol. 5) was dedicated to the legal notion of “national treasures” and its relevance for the cross-border movement of cultural objects, this issue is dedicated to the theme “Cultural Heritage and Technology”. It arises from an open call for papers launched by the Research Consortium of the Project “Digital Heritage in Cultural Conflicts” – DigiCONFLICT,¹ in cooperation with the Editorial Board of the SAACLR.

¹ Realized within the framework of the JPICH Digital Heritage programme (see <https://digiconflict.net>). Polish grant No. 98/DSAP-JG/2018, supported by the Polish Ministry of Culture and National Heritage. The call for papers was published in “Santander Art and Culture Law Review” 2019, Vol. 5(2), pp. 318-319.

We are very pleased that this issue has been co-edited by three guest editors who are renowned experts in history of art, photographic cultures, and oral history, and who serve as DigiCONFLICT principal investigators: Ewa Manikowska, Associate Professor at the Institute of Art of the Polish Academy of Sciences, Warsaw (Poland); Gil Pasternak, Associate Professor/Reader in Social and Political Photographic Cultures in the Photographic History Research Centre (PHRC) at De Montfort University (United Kingdom); and Malin Thor Tureby, Professor of History at Malmö University (Sweden).

Alongside their co-edition of this issue, they also offer a Guest Editorial to the articles devoted to the leading theme, included in the sections: Interviews, General Articles, Legal Commentaries, and Debuts. We are very grateful to them for their superb work.

The topic of cultural heritage and technology is also elaborated upon in two other articles in the Legal Commentaries section. Ewa Gwardzińska presents the role of customs authorities in the trademark protection of a product upon its entry into the EU common customs area. In turn, Katarzyna Chałubińska-Jentkiewicz offers a theoretical overview of the problems related to the fight against cybercrime and the protection of digital contents in the EU Digital Single Market.

As in the case of the former volumes of the SAACLR, this one also features a *Varia* section, which this time offers four articles received in the open call for papers launched by the Renmin University of China, Beijing, People's Republic of China, and the University of Kent, Canterbury, United Kingdom, in connection with the "Symposium on Frontier Issues of Cultural Heritage Law, and Law and Policies for the Return of Cultural Property Taken during the Colonial Control or Foreign Invasion (mid-19th to 20th Century)", held in Beijing on 24-25 October 2019. In this regard, we are particularly grateful to Wang Yunxia, Professor of History of Law at the Renmin University of China, and Sophie Vigneron, Co-Director of the Centre for Heritage at University of Kent, for their editorial work.

The first article in this section, authored by Li Weifang, refers to the case of the Six Stone Horse Reliefs illegally exported from China to the US in order to put forward the argument for using soft-law instruments to break through the shortcomings of existing international treaties and the limitations of domestic law in relation to the return of cultural artefacts. The next article, by Sophie Vigneron, analyses three cases of repatriation of human remains by French public museums in order to critically examine the difficulties in the changing institutional practices in this area. The author critically assesses the statutory and administrative processes that have been used to repatriate human remains and identifies the difficulties that have been – and mostly still are – encountered. The topic of the human body is also addressed by Zhao Zhiyong, who offers a cross-cutting analysis and overview of the ethical and legal challenges surrounding the management and regulation of human remains under Chinese law. The fourth article in this section, by Pierre-Alain Collot, discusses the complex issue of attempting to enhance immovable

cultural heritage via the use of French urban planning law. He argues that the new legislation on housing development, urban planning, and digital technology has in fact contributed to weakening the heritage protection mechanisms and bestowed a priority on the construction of new buildings over the conservation and enhancement of old neighbourhoods and buildings in France.

Finally, this issue also includes information on a variety of recent events in the field of cultural heritage law and policy, and a series of notes on the most pertinent new books on cultural heritage law published in English, in 2020.

Last but not least, this issue concludes with a call for papers for the next English issue of the SAACLR (2021, vol. 7), which will focus on the topic: “The Protection of Cultural Heritage against Illicit Trade: Import Controls and Due Diligence”. This call particularly invites contributions regarding the new EU law regime on the import of cultural goods.

We hope that you will enjoy this new issue of the “Santander Art and Culture Law Review”. We encourage you to contact us (at: saacreditors@gmail.com) if you wish to reply to the call for papers, or just to express your opinion regarding the content of our volumes.

Andrzej Jakubowski & Alicja Jagielska-Burduk