

2013 Annual Report on Copyright in Korea

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on Copyright in Korea




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A Message from the Minister of Culture,
Sports and Tourism



2013 Annual Report on Copyright in Korea

A Message from the Minister of Culture, Sports and Tourism



A Message from the Minister

Cultural enrichment can be defined as boosting the level of happiness for individual citizens by making the diverse values and power of culture act as a basic principle for all sectors of society including political, economic and social arenas. In order to lay the foundation for such cultural enrichment, it is of paramount importance to cultivate imagination and creativity.

In the era of the creative economy, which has been presented by the current administration as a paradigm for new growth of the national economy, copyright is not only a result of such imagination and creativity, but also serves as the very seed for sprouting and blossoming the creative economy. Here lies the very reason why it is important to create a healthy copyright ecosystem where copyright protection and facilitation of copyright use maintain a good balance, and to establish a culture where copyright is respected.

In 2013, the Ministry of Culture, Sports and Tourism implemented a wide array of policy tasks aimed to respect the rights of creators and to promote the growth and development of diverse culture industries. The Ministry enforced strong copyright protection including crackdown on illegal reproductions, while striving to create an optimal environment for fair distribution and utilization of copyrighted works.

First of all, in an effort to provide enhanced protection of the rights of authors, the term of copyright protection under the Copyright Act has been extended from 50 years to 70 years after the author's death starting from July 1, 2013. In addition, the term of protection for the rights of performers and phonogram producers, who have neighboring rights, has been also extended to 70 years after the date of performance or publication starting from August 1, 2013. Through such measures, the level of right protection for authors and those with neighboring rights has been elevated to those of advanced countries.

In addition, competition has been introduced to the collective management of copyrights in the music industry, thereby laying the foundation for respecting the intentions of authors concerning the management and operation of their copyrights with property value. The Ministry also paved the way for resolution of problems which had been consistently raised regarding transparency and efficiency of the collective copyright management system. Meanwhile, concerning streaming services, the Ministry shifted the rate system from the controversial rate system of the past that charged copyright fees “per subscriber” (the so-called “unlimited flat rate system”) to a new rate system that charges fees “per use” (the so-called “usage-based rate system”), which went into force on May 1. Through this move, the Ministry strived to contribute to protecting the rights and interests of music authors and promoting fair distribution of sound phonograms.

In the meantime, legal and institutional improvements on the free use of public works were made to facilitate the free use of public information whose utilization effect amounts to as much as KRW 10 trillion per year. On December 30, 2013 the Copyright Act was amended to allow Korean citizens to freely use works produced and announced by the State or local governments or works with whole economic right under the contract without obtaining additional approvals, which took effect on July 1 2014 after six-month preparations. This is a step forward from the Korea Open Government License (KOGIL or Gonggongnuri), a system introduced in 2012 that allows the free use of public copyrighted works. Unlike the selective opening policy of the past, the latest move signifies fundamental abandonment of economic right of public works, tantamount to a complete form of more proactive opening policy.

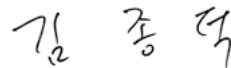
In addition, improvements were also made for persons with hearing impairment, one of socially underprivileged groups. The Copyright Act was amended to allow hearing impaired persons to convert works into sign language or to convert voice and/or sound into subtitles and reproduce/distribute and use them without the permission of copyright holders. Through the amendment, exemption provisions, which had been previously applied only to persons with visual impairments, have become applied to persons with hearing impairments, thereby securing hearing-impaired persons’ right to access information and addressing the issue of equality with persons with

visual impairments.

With heightened public awareness of copyright in recent years, the numbers of disputes have been also on the rise. In order to resolve such disputes in a fair manner, the Ministry runs a wide range of dispute resolution systems. In 2013, a court-connected mediation system was newly launched with an aim of inducing parties engaged in a dispute to reach consensus before the case is brought to the court.

This White Paper on Copyright serves as a milestone in that it not only indicates steadily heightened public awareness of copyright and the government's policy efforts in response, but also presents the direction for future copyright policies.

I hope that this White Paper will lay the foundation for building a healthy copyright ecosystem to contribute to advancing Korea a step closer to a country with advanced and mature copyright ecosystem.



Kim Jongdeok

Minister of Culture, Sports and Tourism

October 2014







2013 Annual Report on Copyright in Korea

Introduction to Government and Public Institutions

- I. Ministry of Culture, Sports and Tourism
- II. Korea Copyright Commission
- III. Copyright Protection Center

I. Ministry of Culture, Sports and Tourism

1. Organization and History

Currently, the government ministry in charge of the formulation and enforcement of copyright policies in Korea is the Ministry of Culture, Sports and Tourism (hereinafter referred to as “MCST”). The MCST has established copyright policies and implemented a wide range of activities related to copyright protection since 1987. Following several organizational reshuffles, the MCST currently has three copyright-related divisions (Copyright Policy Division, Copyright Protection Division, Copyright Industry Division) and Culture and Trade Team.

With the advent of the digital network era, the creation, distribution and usage of copyrighted works have become more diverse, leading to an increased demand for and functions of related policies, as well as the enlargement of related divisions. Initially there was only one division handling copyright-related matters when such work came under the control of the Ministry of Culture, Sports and Tourism (then known as the “Ministry of Culture and Public Information.” Approximately 20 years thereafter, it grew to have three divisions and one team in charge of copyright matters and the number of staffs also increased from 10 to about 60.

The human resource increase is primarily attributable to the appointment of a corps of copyright special judicial police officers. These police officers are assigned to regional offices in major cities of Korea(Seoul, Busan, Daejeon, Gwangju and Daegu) and their major responsibility is to crack down on illegal copyright infringements.

The history of structural reorganization with respect to copyright policy within the MCST is shown as follows:

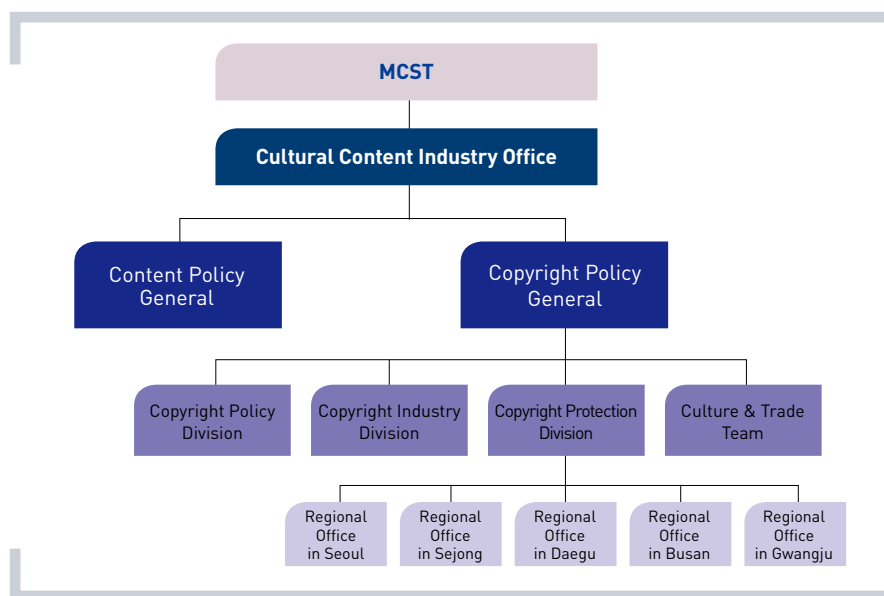
History of Structural Reorganization Concerning Copyright

July 1968	Copyright administration transferred from the Ministry of Education
Dec. 1987	Copyright Division established within the Ministry of Culture and Public Information
Aug. 2005	Copyright Division transferred from the Culture Policy Bureau to the Culture Industry Bureau
July 2006	Following a government reorganization, name changed from "Copyright Division" to "Copyright Team" May 2007 Copyright Team
May 2007	Copyright Team enlarged and divided into Copyright Policy Team and Copyright Industry Team
Feb. 2008	The position of "Copyright Policy Directorate General" established
Mar. 2008	Mar. 2008 Computer program protection-related affairs transferred from the Ministry of Information and Communication to the MCST
Aug. 2008	Copyright Protection Team established
Jan. 2009	Trade Cooperation Team established
May 2009	Trade Cooperation Team integrated into Copyright Policy Division
Aug. 2012	2012 Culture & Trade Team established

Below is the current organizational chart with respect to copyright policy-making and implementation.

Organizational Chart

(As of 2013)



The following are the main tasks of each division in charge of handling copyright matters:

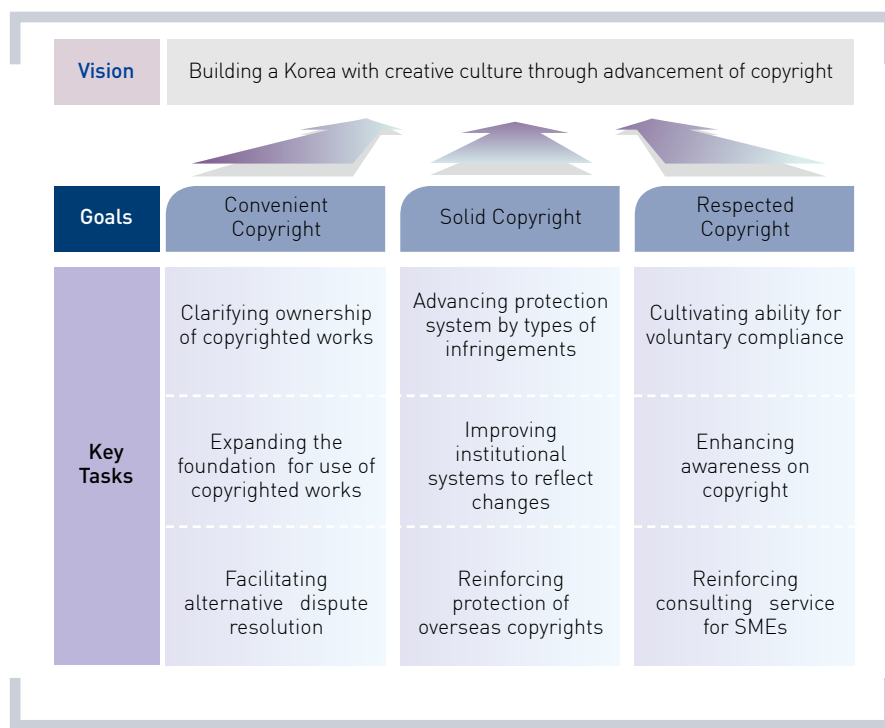
Main Tasks of Each Division in Charge of Handling Copyright

Division	Main tasks
Copyright Policy Division	Improving copyright-related laws and institutional systems; Supervising the Korea Copyright Commission; Promoting copyright education and public awareness campaigns; Enhancing copyright protection overseas
Copyright Industry Division	Laying the foundation for transaction of copyright (registration/authentication); Standardizing copyright protection and management technologies; Guiding and supervising copyright management organizations and copyright brokerage organizations; Managing copyright statutory license and copyright donation systems, etc.
Copyright Protection Division (including five regional offices)	Crackdown on distribution of illegal reproductions online/offline; Support for the operation of the Copyright Protection Center; Ordering suspension of online transmission of illegal reproductions or their deletion and imposing fines and taking other appropriate measures; Support for the development and operation of illegal reproduction tracking and management system, etc.
Culture and Trade Team	Planning/coordination of trade policies in the cultural sector including FTAs/ Cooperation with copyright-related international organizations such as the World Intellectual Property Organization (WIPO), foreign governments and agencies

2. Policy Vision and Strategies for 2013

In response to the changes in the global copyright policy environment, the Korean government presented a policy vision of “building a Korea with creative culture through advancement of copyright” and produced four key tasks: 1) Improving the foundation for use of copyrighted works and their distribution environment; 2) Advancing the copyright protection system; 3) Cultivating capacity for voluntary respect for copyright; and 4) Enhancing positive perceptions on copyright.

Policy Vision and Key Tasks for 2013



II. Korea Copyright Commission

The Korea Copyright Commission (hereinafter referred to as “KCC”) is one of the key public organization in Korea dedicated to copyright-related affairs. It plays a pivotal role in the protection of copyright, promotion of the legitimate use of works, and development of the copyright industry. The KCC is faithfully fulfilling its roles ranging from deliberating copyright-related issues, mediating copyright disputes, researching

policies and legislations on copyright, providing copyright education and public awareness programs, to serving as a copyright registration agency. Furthermore, it endeavors to raise public awareness of the importance of the copyright industry, while providing support for the advancement of Korean copyrighted works into the overseas market and protection of their copyright overseas.

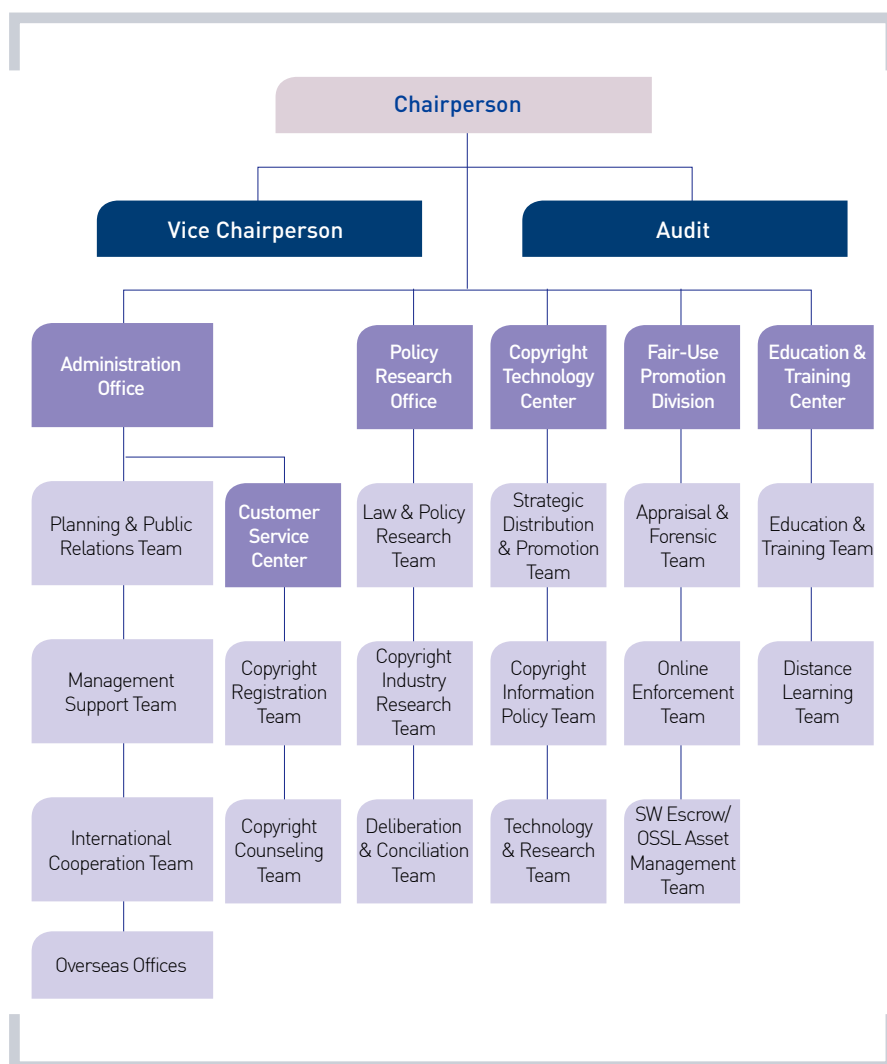
1. General Facts

- Date of Establishment: July 23, 2009
- Number of Staff: 95
- Basis for Establishment: Article 112 of the Copyright Act
- History
 - July 1, 1987: Establishment of the Copyright Commission for Deliberation and Conciliation (formerly “Copyright Commission”)
 - Aug. 2000: Delegation of additional responsibilities (copyright registration, statutory license, compensation standards determination)
 - Dec. 29, 1987: The Program Deliberation Commission (formerly “Computer Programs Protection Commission” is established.
 - Jan. 2005: Establishment of the Digital Content Use Protection Center in CPPC. (Computer Programs Protection Commission)
 - Apr. 2007: Establishment of the Illegal Software Reproduction Report Center in CPPC. (Computer Programs Protection Commission)
 - July 23, 2009: Launching the Korea Copyright Commission by merging the Copyright Commission and the Computer Programs Protection Commission
- Main Functions
 - Operation of the dispute resolution system, including mediation and conciliation of copyright disputes
 - Fair deliberation on fees and royalties of collective management organizations
 - Promotion of legitimate and fair use of works
 - International cooperation for copyright protection

- Education and training on copyright, training of professional staffs, public awareness programs
- Support for formulation of copyright policies and carrying out tasks entrusted to the KCC in accordance with laws, etc
- Support for formulation of policies on technological protection measures and rights management information
- Establishment and operation of a copyright information management system to provide information on copyright
- Research into copyright information technology
- Appraisal on copyright infringements, etc
- Issuance of recommendations for correction to online service providers of illegal reproductions and requesting the MCST Minister to issue corrective orders
- Copyright registration, copyright authentication, and management of economic rights donated
- Computer program source codes and technical data escrow
- Conducting surveys on status of copyright trade and industry and generating statistic
- R&D on copyright technology and digital copyright forensics-related activities

2. Organizational Chart

Organizational Chart as of 2013



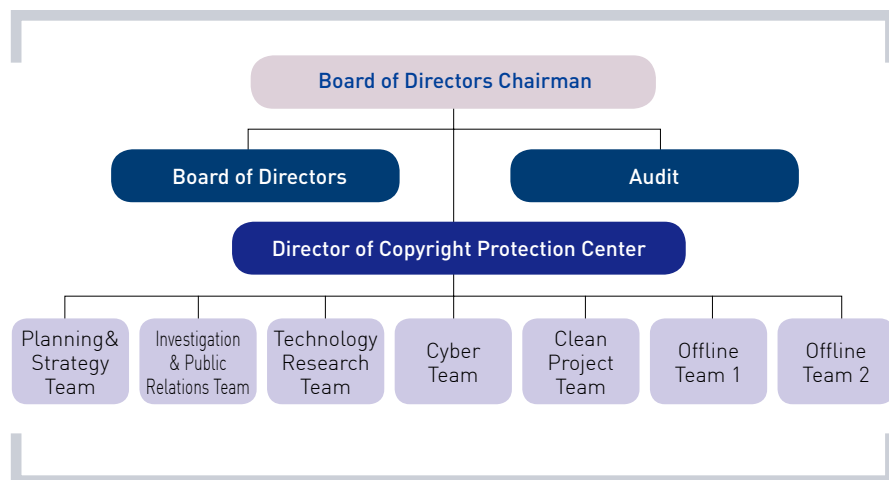
III. Copyright Protection Center¹

1. General Facts

- Date of Establishment: April 2005
- Number of Staff: 69
- Main Functions
 - Cracking down on illegal reproductions online and offline in accordance with provisions of “Notification of designation of organizations entrusted to crack down on illegal reproductions”¹⁾
 - Establishment of an IT-based enforcement system
 - Implementation of “Clean Project” aimed to protect copyright and conducting research and public awareness activities

2. Organizational Chart

Organizational Chart as of 2013



¹ Notification of designation of entrusted organizations pursuant to Paragraphs 1 through 3 of Article 133 of the Copyright Act and Article 70 of the Enforcement Decree of the same Act





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Copyright Policy and Institutional Improvement

- I. History of the Copyright Act of Korea
- II. Overview of the Copyright Act of Korea
- III. Key Points of Amendments Made in 2013
- IV. International Trade Activities and Status of
Membership of International Treaties
- V. Major Legal Cases on Copyright

I. History of the Copyright Act of Korea

Since its enactment in 1957, the Copyright Act of Korea has undergone amendments 22 times, including full amendments in 1986 and 2006, to proactively accommodate and respond to the advancement of digital technology, the changing environment for using copyrighted works, and international trends of copyright protection.

Enactment & Amendments	Description	Date of Promulgation
Enactment	• Enactment of the Copyright Act of Korea	Jan. 28, 1957
1st Amendment	• Introduction of internationally recognized regimes to join international conventions such as Universal Copyright Convention (UCC)	Dec. 31, 1986
2nd Amendment	• Amendment of relevant provisions following the amendment to the Government Organization Act	Dec. 30, 1989
3rd Amendment	• Amendment of relevant provisions following the amendment to the Government Organization Act	Dec. 27, 1990
4th Amendment	• Change of names of relevant Acts with the enactment of the Library Promotion Act	Mar. 8, 1991
5th Amendment	• Amendment of relevant provisions following the amendment to the Government Organization Act	Mar. 6, 1993
6th Amendment	• Extension of protection term of copyright neighboring rights and imposition of more rigorous penalties, etc.	Jan. 7, 1994
7th Amendment	• Change of names of relevant Acts following the amendment to the Libraries and Reading Promotion Act	Mar. 24, 1994
8th Amendment	• Amendment of the Copyright Act to reflect the content of WTO TRIPS and bringing of the copyright protection level to international standards for the accession to Berne Convention	Dec. 6, 1995
9th Amendment	• Introduction of a hearing system for such cases as revocation of copyright collective management services	Dec. 13, 1997
10th Amendment	• Introduction of the right of interactive transmission, expansion of the scope of immunity for libraries, and imposition of more rigorous penalties, etc.	Jan. 12, 2000

Enactment & Amendments	Description	Date of Promulgation
11th Amendment	<ul style="list-style-type: none"> • Provision of sui generis protection of database produces and clarification of the scope of responsibilities of online service providers, etc. 	July 10, 2003
12th Amendment	<ul style="list-style-type: none"> • Granting of the right of interactive transmission to performers and phonogram producers 	Oct. 16, 2004
13th Amendment	<ul style="list-style-type: none"> • Change of names of relevant Acts following the amendment to the Library Act 	Oct. 4, 2006
14th Amendment (2nd Complete Revision)	<ul style="list-style-type: none"> • Introduction of the concepts of public transmission and digital sound transmission • Change of the organization name to the Copyright Commission granted with more responsibilities. • Introduction of orders to collect, discard, delete and suspend illegal reproductions, etc. 	Dec. 28, 2006
15th Amendment	<ul style="list-style-type: none"> • Amendment of relevant provisions following the amendment to the Government Organization Act 	Feb. 29, 2008
16th Amendment	<ul style="list-style-type: none"> • Granting of immunity to the National Library of Korea when it collects online materials for preservation purposes • Clarification of the scope of specialized recording formats for the exclusive use by visually impaired persons, etc. • Introduction of the right to claim remuneration for public performances for performers and phonogram producers, etc. 	Mar. 25, 2009
17th Amendment	<ul style="list-style-type: none"> • Integration of the Copyright Act and the Computer Program Protection Act • Establishment of the Korea Copyright Commission granted with more responsibilities. • Strengthening of measures to prevent illegal online reproductions etc. 	Apr. 22, 2009
18th Amendment	<ul style="list-style-type: none"> • Change of names of relevant Acts following the amendment to the Act on the Advancement of Newspapers, etc. 	July 31, 2009
19th Amendment	<ul style="list-style-type: none"> • Reflection of the Korea-EU Free Trade Agreement 	June 30, 2011
20th Amendment	<ul style="list-style-type: none"> • Reflection of the Korea-US Free Trade Agreement 	Dec. 2, 2011
21st Amendment	<ul style="list-style-type: none"> • Permission for reproduction for persons with hearing impairments 	July 16, 2013
22nd Amendment	<ul style="list-style-type: none"> • Permission to freely use public works 	Dec.30, 2013

II. Overview of the Copyright Act of Korea

1. Purpose of the Copyright Act

The Purpose of the Copyright Act is to protect the rights of authors and the rights neighboring them and to promote the fair use of works in order to contribute to the improvement and development of culture and related industries (Article 1).

2. Definition and Types of Works

“Works” shall mean creative productions in which human ideas or emotions are expressed (Article 2, Paragraph 1). The Copyright Act specifies nine types of works, namely: literary works, musical works, theatrical works, artistic works, architectural works, photographic works, cinematographic works, diagrammatic works, and computer program works (Article 4). All other creative productions that meet the requirements of works shall be protected by the Copyright Act.

3. Authorship and Copyright

In principle, authors shall be natural persons, yet exceptionally legal persons (corporations, organizations and other employers) may be considered authors (Article 9). The works by legal persons are specifically termed as “works made during the course of duty.”

Copyright consists of moral rights and economic rights. Moral rights include the right to publicize, the right of paternity and right of integrity. Economic rights include the right of reproduction; the right of public

performance; the right of communication to the public (including the right of broadcasting, the right of interactive transmission, the right of digital sound transmission); the right of exhibition; the right of distribution; the right of rental; and the right of production of derivative works.

4. Creation and Transfer of Copyright

1) Creation of Copyright

Copyright exists the moment the work is created and it adopts the principle of automatic protection which does not require any procedures or formalities (e.g., presentation of a specimen copy, deposit or registration).

2) Transferability of Copyright

Economic rights may be transferred in whole or in part. However, moral rights are only owned by the author; thus they are neither transferred to nor inherited by another person.

5. Limitations to Authors' Economic Rights

Authors' economic rights are their rights to use their works exclusively. However, given that works are created with direct or indirect support from society, unlimited recognition of authors' exclusive rights may not be in the public interest and may even hinder cultural development; thus economic rights can be limited in certain circumstances. The Copyright Act of Korea stipulates limitations to economic rights for works other than computer programs in Article 23 through Article 38 and those for computer programs in Article 101-3.

6. The Term of Protection for Economic Rights

In principle, economic rights shall continue to subsist during the lifetime

of the author and 50 years²⁾ after the death of the author. In the case of joint authorship works, the economic rights shall continue to subsist for a period of 50 years from the death of the last surviving author. In the case of anonymous or pseudonymous works, works created for hire, cinematographic works, computer programs, economic rights shall continue to subsist for a period of 50 years after they have been made public. The term of protection of the author's economic rights shall be calculated from the beginning of the year following the date the author died or the work is made public.

7. Statutory License

Under the statutory license, any person who, despite considerable efforts, could not identify or locate the holder of economic rights in a work or make contact even when the rights holder is known and thus is unable to obtain the authorization of the rights-holder for the work's exploitation, may exploit the work upon obtaining the approval of the Minister of Culture, Sports and Tourism. The Korea Copyright Commission is entrusted with the function to grant a license on behalf of the MCST Minister (Article 50, Article 130).

8. Effect of Copyright Registration

Legal protection of copyright is provided even when the copyright is not registered. Copyright registration is handled by the Korea Copyright Commission. If it is registered, however, the following legal benefits are provided:

1) Legal Presumption

A person whose real name is registered as the author of a registered work shall be presumed as the author of the work. A work for which its date of

2 The "no-prosecution-contrary to victim's intent" offense refers to an offense which is not subject to prosecution because the victim expresses the intention that he or she does not want the prosecution of the suspect.

creation or the initial date of disclosure is registered shall be presumed to have been created or made public on the registered date. However, if a work is registered more than one year after its creation, it shall not be presumed to have been created on the date registered. In addition, when a registered work is infringed upon, it shall be presumed that the infringement has occurred due to negligence at least.

2) Priority of Rights between Conflicting Parties

In case a party is assigned with economic rights or the right to publication is established and these rights are registered, the registered assignee or the registered owner of the publication rights shall prevail over the duplicate assignee or the duplicate publication right holder.

9. Neighboring Rights

Neighboring rights are rights granted to those who have made capital investments or creative contributions in delivering copyrighted works to the public. The subjects of neighboring rights include performers, phonogram producers, and broadcasters. Performers have the right of indicating their names, the right of maintaining integrity, the right of reproduction, the right of distribution, the rental right, the right of public performances (live performances), the right of broadcasting performances (live performances), the right of interactive transmission, the right of claiming remuneration for broadcasting commercial phonograms, the right of claiming remuneration for digital sound transmission, and the right of claiming remuneration for public performances of commercial phonograms. On the other hand, phonogram producers have the right of reproduction, the right of distribution, the rental right, the right of interactive transmission, the right of claiming remuneration for broadcasting commercial phonograms, the right of claiming remuneration for digital sound transmission, and the right of claiming remuneration for public performances of commercial phonograms. Broadcasters have the right of reproduction and the right of rebroadcasting.

Neighboring rights shall be protected for a period of 70 years from the time when the live performance, and the time when the phonogram is

published in the case of phonograms, and for a period of 50 years from the time when the broadcast is made in the case of broadcasts.

10. Remedies for Infringement

Persons whose copyrights have been infringed may seek civil or criminal remedies. With respect to civil remedies, the copyright holder may file a lawsuit with the court against the alleged infringer to demand prevention of infringement, suspension of infringement, restitution of unjust enrichment, and compensation for damages, etc. The time limit for claiming compensation is 10 years from the date of the illegal activity or three years from the date when the damage and the infringer are identified.

In the case of criminal remedies, copyright infringement is an offense subject to prosecution upon complaint by the copyright owner within six months from the date when the alleged infringer is identified. Therefore, the investigation authorities may not prosecute the suspect upon a complaint filed by a third party whose copyright has not been infringed. Yet, exceptions apply to cases where the copyrights are infringed for profit-making purposes or repeatedly. If a person obtains with bad intent a reproduced program which has been made by infringing upon others' copyright and uses it in the course of performing his or her duty, such offense shall be categorized as a "no-prosecution-contrary to victim's intent" offense.

Any person who infringes upon economic rights of an author or a performer, etc. may be subject to imprisonment for not more than five years or a fine of not more than KRW 50 million or both. Any person who infringes upon moral rights may be subject to imprisonment for not more than three years or a fine of not more than KRW 30 million or both.

III. Key Points of Amendments Made in 2013

1. Permission for reproduction for persons with hearing impairments

(Act No.11903 of July 16, 2013)

Act No. 11903 has permitted conversion of works into sign language and reproduction, distribution, performance or public transmission of such sign language for hearing-hearing impaired persons.

In addition, the amended Act permits facilities for persons with hearing impairments to convert voices and sound included in works into subtitles in certain cases, and allows them to reproduce, distribute, perform or publicly transmit the converted subtitles to facilitate their use by hearing-impaired people.

The Copyright Act of the past had exemption provisions for visually-impaired persons, permitting the reproduction and distribution of works in braille for persons with visual impairments. However, there had been no similar provisions for hearing-impaired persons and thus, if works were reproduced in the form of sign language for the convenience of hearing-impaired persons without the permission of copyright holders, such act constituted a copyright infringement.

Against this backdrop, the amended Act has permitted the use of works by hearing-impaired persons, who are one of socially underprivileged groups, without the permission of copyright holders, thereby securing their right to information access and addressing the issue of equality with visually-impaired persons, persons, nearly 260,000 in Korea..

2. Permission to freely use copyrighted public works

(Act No.12137 of December 30, 2013)

It has been made possible for the general public to freely use works produced or commissioned by the central government or local governments and even the works whose whole economic rights are explicitly owned by the central government or local governments under contracts.

Until now, public works with the exception of some works such as legal provisions and regulations had been subject to the protection of copyright and thus the general public could use them only after individually obtaining permission from public agencies concerned.

With the ground for permitting the free use of public works now in place, the general public can freely use works owned by the State or local governments without needing to obtain approval for use.

IV. International Trade Activities and Status of Membership of International Treaties

1. Korea's Active Pursuit of and Participation in Trade Negotiations

As of December 2013, intellectual property rights are included as a separate in all free trade agreements (FTAs) except for the Korea-ASEAN FTA among the 11 FTAs signed between Korea and other countries. Among them, the Korea-U.S. FTA and the Korea-EU FTA stipulate many TRIPS-Plus provisions that go beyond TRIPS negotiation criteria.

Key points of the Korea-US FTA that went into effect in March 2012 include protection of temporary reproduction, introduction of fair-use provisions, introduction of exclusive publication rights, introduction of a procedure to request information on the alleged infringer, protection of encrypted broadcasting signals, anti-camcording, and expansion of the scope of infringement offences prosecuted ex officio.

In 2010, Korea held FTA negotiations with Australia, New Zealand, Turkey and Columbia and concluded FTA negotiations with Turkey in March 2012 (Framework Agreement, Agreement on Trade in Goods) and with Columbia in June 2012. In 2013, considerable progress was made in FTA negotiations with Canada which had resumed in 2012, while FTA negotiations with Australia were concluded in December. In addition, FTA negotiations with Indonesia and Vietnam, emerging Southeast Asian markets, which had resumed in 2012, were steadily held in 2013. In September 2013, the first-phase negotiations on modalities (the 7th round) were completed, followed by the second-phase specific negotiations by field.

FTA Status of the Republic of Korea

(As of 2013)

Phase	Country	Status	Significance
	Chile	Negotiations were launched in Dec.1999 FTA was signed in Feb. 2003; FTA went into effect in Apr. 2004.	Korea's 1 st FTA; Springboard for entry into the Latin American market
	Singapore	Negotiations were launched in Jan.2004; FTA was signed in Aug.2005; FTA went into effect in Mar. 2006	Springboard for entry into the ASEAN market
	EFTA (4 countries)	Negotiations were launched in Jan. 2005; FTA was signed in Dec. 2005 FTA went into effect in Sept.2006. ※ witzerland, Norway, Iceland, Liechtenstein	Springboard for entry into the European Union market
	ASEAN (10 countries)	Negotiations were launched in Feb. 2005; Trade in Goods Agreement was signed in Aug. 2006; Trade in Goods Agreement went into effect in June 2007; Trade in Service Agreement was signed in Nov.2007; Trade in Service Agreement went into effect in May 2009; Investment Agreement was signed in June 2009; Investment Agreement went into effect in Sept. 2009; ※ ndonesia, Malaysia, Vietnam, Myanmar, the Philippines, Laos, Cambodia, Brunei, Thailand, Singapore	Korea's 3 rd largest trading partner
	FTAs in effect (9 countries)		
	India	Negotiations were launched in Mar. 2006; FTA was signed in Aug. 2009; FTA went into effect in Jan. 2010	BRICs member; Mega market
	USA	Negotiations were launched in June 2006; FTA was signed in June 2007; Additional negotiations were concluded in Dec. 2010; Agreed documents were signed and exchanged in Feb.2011; FTA went into effect in Mar.2012.	Mega advanced economy
	EU	Negotiations were launched in May 2007; negotiations were concluded in July 2009; FTA was initiated in Oct.2009; FTA was signed in Oct. 2010; FTA went into effect in July 2011	The world's largest economy (based on GDP)
	Peru	Negotiations were launched in Mar. 2009; Negotiations were concluded in Aug.2010; FTA was signed in Mar.2011; FTA went into effect in Aug. 2011.	Country rich in natural resources; Springboard for entry into Latin America
	Turkey (Framework Agreement, Agreement on Trade in Goods)	Negotiations were launched in Apr.2010; FTA was initiated in Mar.2012; FTA was signed in Aug. 2012 FTA went into effect in May 2013.	Springboard for entry in Europe and Central Asia

Phase	Country	Status	Significance
FTAs Concluded (2 countries)	Columbia	Negotiations were launched in Dec. 2009; Conclusion of FTA negotiations was announced in June 2012; FTA was initiated in Aug.2012.	Country rich in natural resources; an emerging market in Latin America
	Australia	Negotiations were launched in May 2009; Conclusion of negotiations was announced in Dec. 2013.	Country rich in natural resources; Key market in Oceania
	Canada	Negotiations were launched in July 2005; 13 th negotiations were held in Mar. 2008.	Advanced economy in North America
FTAs under negotiation (10 cases)	GCC (6 countries)	Negotiations were launched in Jan. 2008; 3 rd negotiations were held in July 2009. ※ Saudi Arabia, Kuwait, UAE, Bahrain, Oman, Qatar	Countries rich in natural resources; Largest economy in Middle East
	Mexico	The existing SECA (Strategic Economic Complementation Agreement) was elevated into FTA and negotiations were resumed in Dec.2007; 2 nd round of negotiations were held in June 2008.	Springboard for entry into North and Latin Americas
	New Zealand	Negotiations were launched in June 2009; 4 th negotiations were held in May 2010. Resumption of negotiations was agreed in Dec. 2013.	Country rich in natural resources; Key market in Oceania
	Indonesia	Launch of negotiations was announced in Mar. 2012; 6 th round of negotiations were held in Nov. 2013.	Key market in Oceania
	China	Korea-China Trade Ministers' Meeting was held in Apr.2011; Launch of negotiations was announced in May 2012; 8 th round of negotiations were held in Nov. 2013.	One of leading exporters; Securing East Asia economic bloc
	Vietnam	Trade Ministers' Meeting was held in Sept.2012; 3 rd round of negotiations were held in Oct. 2013.	Springboard for entry into the ASEAN market
	Korea-China- Japan	Launch of negotiations was announced during the Trader Ministers' Meeting in Nov. 2012. 3 rd round of negotiations were held in Nov. 2013.	Balanced regional economic cooperation
	RCEP (16 countries)	Launch of negotiations was announced in Nov. 2012. 2 nd round of negotiations were held in Sept. 2013. ※ 12 countries: Korea, Japan, China, India, Australia, New Zealand, ASEAN member states	Pushing for East Asia Community
	TISA	Launch of negotiations was announced in Dec. 2012. Five rounds of negotiations were held until Nov. 2013.	Complementing DDA negotiations & making progress

2. Reinforcement of Copyright-related International Cooperation

Multilateral discussions on copyright on the international level are mainly led by the World Intellectual Property Organization (WIPO). WIPO's Standing Committee on Copyright and Related Rights (SCCR), which deals with major agenda on copyright, has mainly discussed such agenda issues as protection of broadcasters, protection of rights of audiovisual performers and reinforcement of accessibility for visually impaired persons. Discussions on the rights of audiovisual performers were concluded with the adoption of the Beijing Treaty on Audiovisual Performances in June 2012. Discussions on reinforcement of accessibility of visually impaired persons were concluded with the adoption of the "Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled" in June 2013.

With respect to international protection of traditional cultural expressions/ Expression of Folklore, which are drawing attention as a new type of intellectual property, WIPO set up the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) at the General Assembly held in October 2000. In-depth discussions on effective ways to protect traditional cultural expressions on the international level were held at the 25th IGC session in July 2013.

Meanwhile, the Korean government has contributed funds-in-trust to WIPO annually to support WIPO-level projects aimed to improve copyright environment for developing countries. As part of the funds-in-trust projects, the Korean government has organized the "Study Visit to The Korea Copyright Commission in Republic of Korea" every year since 2007 where the Korean government invites copyright policymakers from Asian developing countries to transfer Korea's experiences and discuss relevant issues, making a great contribution to advancement of copyright-related legal and management systems of participating countries. In April 2013, a workshop designed to enhance capabilities of copyright experts in developing countries was held for the first time in Korea in April 2013 where participants shared information on the Education Act to raise awareness of copyright. A meeting between Korean Vice Minister for Culture, Sports and Tourism and the WIPO Assistant Director General who attended the workshop was held where WIPO's keen attention to

Korea's copyright and close cooperative ties were further cemented between the two parties.

In November 2012, the Korean government organized the inaugural "Interregional Training Program on Copyright Enforcement" designed for copyright protection and enforcement experts in collaboration with WIPO. The second workshop was held in June 2013 where 13 copyright protection professionals including those from copyright enforcement agencies from seven regions including Asia and Latin America were invited to discuss copyright laws, policies and key issues and learn about Korea's advanced technology on copyright protection and enforcement. Through such efforts, the Korean government is consolidating its position in the international copyright sector, while striving to create an environment favorable to protection of Korean contents in the global market.

The year 2013 was also a time when intensive discussions on copyright dispute resolution through arbitration and mediation took place. In partnership with the WIPO, the MCST hosted a seminar on Alternative Dispute Resolution (ADR) in May 2013, while sponsoring the WIPO Arbitration Workshop in October 2013.

In addition to collaborative activities led by WIPO, the Korean government also attends the Intellectual Property Experts Group Meetings (IPEG) under the Asia-Pacific Economic Cooperation (APEC), which are held twice a year to introduce Korea's advanced copyright system and gain insights into the policies of other member states, being engaged in vigorous exchange of policy information.

3. Status of Membership of Copyright-related International Treaties and Conventions

Since it became the signatory of the Universal Copyright Convention in 1987, the Republic of Korea joined the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms in 1987, the TRIPS Convention in 1995, the Berne

Convention for the Protection of Literary and Artistic Works in 1996, the World Intellectual Property Organization (WIPO) and the WIPO Copyright Treaty(WCT) in 2004, bringing Korea's copyright laws up to international standards. Furthermore, in an effort to strengthen the rights of performers and producers of phonograms and further solidify international cooperation in the area of protection of copyright neighboring rights, the Korean government acceded to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations and the WIPO Performances and Phonograms Treaty(WPPT) in 2008, while joining the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite in 2011.

The Korean government has also actively participated in multilateral negotiations on the Anti-Counterfeiting Trade Agreement (ACTA), contributing to the formation of international norms. The ACTA negotiations were launched in Geneva, the Switzerland in June 2007 based on a draft jointly drawn up by the United States and Japan. In 2010, countries closely cooperated to facilitate early conclusion of the ACTA and meetings were held in Mexico in January, New Zealand in April, Switzerland in June and the United States in August. As a result, the treaty text was provisionally agreed in Tokyo, Japan in October 2010, and the final text was released in December 2012. Korea officially signed the ACTA on October 1, 2011.

Meanwhile, discussions on protection of audiovisual performances which had been launched in 1997 were finally concluded with the adoption of the Beijing Treaty on Audiovisual Performances in Beijing, China, on June 24, 2012 with the attendance of 700 delegation members from 156 WIPO member states.

The Treaty reinforced international protection of audiovisual performances by granting performers moral rights such as right of paternity and right of integrity and granting performers such rights as reproduction right and distribution rights –not only for unfixed performances, but also for fixed performances. It also prolonged the protection period to at least 50 years, unlike the Rome Convention which granted 20 years of protection period.

Korea attended the WIPO diplomatic conferences held in Beijing China and actively participated in the discussions to come up with an

international treaty on copyright by playing a part in drafting the text of the Treaty.

Furthermore, discussions on facilitation of visually impaired persons' access to published works, which had been launched in November 2003, were concluded in Marrakesh, Morocco on June 27, 2013 featuring the participation of 600 people including delegations from 160 WIPO member states and representatives from 57 intergovernmental organizations and NGOs with the adoption of the "Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled."

The Treaty includes the limitation or exception provided in national copyright laws to the right of reproduction, the right of distribution, and the right of making available to the public to facilitate the availability of works in accessible alternative format copies for visually impaired persons by authorized entities; permitting authorized entities to distribute legitimately produced accessible alternative format copies to an authorized entity or a beneficiary person in another Contracting Party; and the obligation on the three-step test on limitations and exceptions under the Berne Convention, TRIPS and WCT.

This Treaty is the first treaty that has adopted limitations and exceptions as principles, departing from the framework of the existing treaties on copyright protection. It carries significance in that it promotes balance between copyright protection and use of copyright and has come up with international norms for visually impaired persons who had not benefitted from technological and cultural advancements in the past.

Status of Korea's Conclusion and/or Accession into Copyright-related International Treaties and Conventions

International Treaties and Conventions	Description	Year of Conclusion	Date of Accession
The Convention Establishing the World Intellectual Property Organization	<ul style="list-style-type: none"> • Stipulates the establishment of WIPO • Signed when joining WIPO 	1967	Mar.1,1979

International Treaties and Conventions	Description	Year of Conclusion	Date of Accession
The Universal Copyright Convention	<ul style="list-style-type: none"> • Coordination between formality and non-formality concerning copyright protection (Application of © Mark) • Most countries pursued non-formality, having little effect. 	1952	Oct.1, 1987
The Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms	<ul style="list-style-type: none"> • Provisions prohibiting unauthorized duplication of phonograms; • Only single content is regulated; having little effect. 	1971	July 1, 1987
The Agreement on Trade-Related Aspects of Intellectual Property Rights; TRIPS	<ul style="list-style-type: none"> • Some provisions of the Berne Convention and the Rome Convention are incorporated into TRIPS; • Comprehensive provisions on copyright and related rights; • It is possible to bring disputes among countries to the dispute settlement body; • WTO's general principles such as National Treatment (NT) and Most-Favored-Nation Treatment (MFN) are applied. 	1995	Jan.1, 1995
The Berne Convention for the Protection of Literary and Artistic Works	<ul style="list-style-type: none"> • Framework Convention on copyright; • Protection provisions for copyright; • Protection period: 50 years 	1886	May 21, 1996
WIPO Copyright Treaty; WCT	<ul style="list-style-type: none"> • Copyright protection in the Internet era; • Treaty that has updated the Berne Convention to suit the digital age; • Protection period: 50 years 	1996	Mar.24, 2004
International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations	<ul style="list-style-type: none"> • Framework Convention on neighboring rights; • Protection provisions for neighboring rights; • Protection period: 20 years 	1961	Dec.18, 2008
The WIPO Performances and Phonograms Treaty; WPPT	<ul style="list-style-type: none"> • Protection of performances and phonograms in the age of the Internet; • Treaty that has updated provisions on performances and phonograms among the content of the Rome Convention to suit the digital age; • Protection period: 50 years. 	1996	Dec.18, 2008
Brussels Convention Relating to the Distribution Of Programme-Carrying Signals Transmitted by Satellite	<ul style="list-style-type: none"> • Sufficient obligatory provisions designed to prevent illegal distribution of program-carrying signals transmitted by satellites; • Short excerpts or quotations are exceptions. 	1974	Dec.19, 2011

International Treaties and Conventions	Description	Year of Conclusion	Date of Accession
Beijing Treaty on Audiovisual Performances	<ul style="list-style-type: none"> • Granting performers moral rights; • Granting reproduction rights and distribution rights for fixed performances; • Protection period has been extended to 50 years. 	2012	
Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled	<ul style="list-style-type: none"> • Obligation to limit in national laws the right of reproduction, the right of distribution, and the right of making available to the public to facilitate the availability of works in accessible alternative format copies for visually impaired persons by authorized entities; • Authorized entities' right to distribute legitimately produced accessible alternative format copies to an authorized entity or a beneficiary person in another Contracting Party; • Obligation to comply with the three-step test on limitations and exceptions under the Berne Convention, TRIPS and WCT. 	2013	

V. Major Legal Cases on Copyright

1. The Purpose of Paragraph 4 of Article 35 of the Copyright Act is to Protect the Portrait Right of the Photographed Person

(Supreme Court 2010Da103185 decided on Feb. 14, 2013)

After taking two pictures that show model B's face as well as B's private parts in nude photo session, a photographer A posted them to Internet sites.

With respect to the above case, the Supreme Court held that the judgment

below that A committed illegal act of infringing on B's portrait right was just. The grounds were as follows: 1) Although the photographer A owns the copyright as the photographs were taken under the consent of model B, posting the pictures revealing model B's private parts on the Internet bulletin board, which are open to the unspecified number of the general public, exceeds the scope permitted by B at the time of consent; 2) A did not make any effort to obtain consent from B concerning the posting of the pictures; 3) A refused B's expressive demand of deleting the pictures from the Internet website; and 4) The modeling fee B received amounted to no more than 600,000 won.

In the process of reaching such conclusion, the court below held that, although the paragraph 4 of the article 35 of the Copyright Act acknowledges that the copyright of the photos is owned by the photographer, it obligates the copyright owner to obtain the consent of the photographed person when using the photos to protect the right of portrait of the photographed person. This can be viewed that the purpose of the paragraph 4 of the article 35 of the Copyright Act is to "protect the right of portrait of the photographed person"

2. The Legal Principle of Fair Use Is Not Recognized under the Old Copyright Act

(Supreme Court 2011Do5835 decided on Feb. 15, 2013)

With respect to provisions on the "Fair Use of Works" newly created as the paragraph (3) of the article 35 of the Copyright Act amended as Act No. 11110 on December 2, 2011, the Supreme Court held that the old Copyright Act prior to the amendment didn't provide expressive provisions on the fair use and provided only articles for limitation on copyright under article 23 and the following articles and thus it was deemed difficult that the legal principle of fair use is widely recognized under the old Copyright Act. Therefore, even though the copyright infringement act concerned may be considered fair use under the current Copyright Act, it is not subject to the application of fair use if the act had taken place before the amendment.

In a case where the defendant reproduced the entire dissertation and submitted it to the Ministry of Food and Drug Safety with a purpose of obtaining the approval as a functional ingredient without the consent of the authors, the Supreme Court held that, as the defendant photocopied the entire

dissertation in full and attached it to the application form, it was difficult to deem the act as “quotation” as specified in article 28 of the old Copyright Act and that, even though it could be deemed as “quotation,” it was deemed difficult that the act constituted “quotation of published works.”

3. In the Case Where Copyright Is in Nominal Trust, the Person Entitled to File a Criminal Complaint is the Trustee

(Supreme Court 2010Do8467 decided on Mar. 28, 2013)

Article 48 of the old Computer Programs Protection Act specified that “the prosecution may be made only when a criminal complaint is filed by “a copyright owner of program” or “owner of exclusive publication right of program.”

With respect to program copyright infringement that had taken place when the old Computer Programs Protection Act had been in effect, the Supreme Court held that in the case where program copyright is in nominal trust, only the trustee constitutes the program copyright owner in external relations and thus criminal complaint specified under article 48 of the old Computer Programs Protection Act against infringements of a third party could be filed only by the trustee.

The legal principle of this decision is likely to be fully applied to the current Copyright Act. Therefore, even in a case where copyright of not only computer programs, but also other works involves trust of a name, the legitimate person to file a criminal complaint would be the trustee, not the truster.

4. Modification of Works Based on the Contract Does Not Constitute the Infringement of Right of Integrity

(Supreme Court 2010Da79923 decided on Apr. 26, 2013)

With respect to a case where B company, which had signed a publication contract with A et al. and produced a textbook based on scripts prepared by them, modified part of the textbook in accordance with the order to modify

of the Minister of Education, Science and Technology, and published and distributed the textbook, the Supreme Court held that B's modification of a work under administrative order does not constitute the infringement of right of integrity, as long as the author A and others agreed to modification of the work within the scope of compliance with administrative action specified in the publication contract, although the administrative order is illegal but per se void. The Court, therefore, concluded that company B's publication and distribution of the textbook after undergoing modification to comply with the administrative order to modify does not constitute the infringement of A's right of integrity.

5. Royalty Specified in the License Agreement May Serve as a Criterion for Calculating the Amount of Damages

(Supreme Court 2012Da104137 decided on June 27, 2013)

Paragraph 2 of article 125 of the Copyright Act stipulates that the amount which the owner of author's property rights, etc. would normally receive by exploiting his or her rights may be claimed as the amount of damages sustained by the owner of author's property rights, etc. According to the precedents, the amount which the owner of author's property rights, etc. would normally receive by exploiting his or her rights refers to an objective amount that may have been paid in return for the use of copyrighted works if the infringer had obtained permission for the use of the copyrighted works. If the copyright owner has signed a contract on the use of his or her work in a similar format and received royalty, the royalty decided in the license agreement may be deemed as the amount that is normally entitled to receive by exploiting his or her rights and thus may be used as the amount of damages unless there are special circumstances such as unusually high amount of royalty under exceptional circumstances or abnormally high amount decided in collusion with the other party to affect the compensation damage lawsuit.

In addition to the previous legal principles, the Supreme Court held that cases where the copyright owner has signed a license agreement and received the royalty do not necessarily take place prior to the copyright infringement or take place twice or more times. Therefore, although a license agreement, which is similar to copyright infringement, has been signed as a one-time event after

the act of infringement, the royalty set in the agreement may be considered as a ground for calculating the amount of damages.

6. Additional Service Fees Are Not Included in Revenues, a Criterion for Calculating Transmission Licensing Fee

(Supreme Court 2011Da101483 decided on July 11, 2013)

With respect to a ringtone service offered by Company A, a mobile communication company, this case centers on the issue whether additional service fees are included in the scope of revenues, which are a criterion for calculating transmission licensing fees set in Copyright Royalty Collection Regulations of the Korea Music Copyright Association.

The Supreme Court held that in the definition of revenues specified in the above collection regulations that “revenues refer to the total amount which includes income such as fees generated as a result of services concerned in the service site concerned, advertising revenues and any other incomes,” the “service site concerned” means “the website of content providers, etc.”, “income such as fees as a result of services concerned” means “only income from information use fee received in return for transmitting song files as ringtone by content providers, etc.” and “advertising revenues and any other incomes” mean “advertising revenues and any other incomes generated in website of content providers, etc.” Therefore, in this case the additional service fees, which Company A receives in return for a communication service unrelated to the act of “transmission,” are not included in “the amount of revenues” under the definition of revenues.

7. Claims on Individual Rights Constituting Moral Right or Economic Right Are Separate Subject Matter

(Supreme Court 2013Da22775 decided on July 12, 2013)

The Supreme Court held that, as individual rights constituting moral right

or copyright are not the same rights as part of moral right or copyright, but should be understood as respective, independent rights, claims on those respective, individual rights constitute separate subject matter. Therefore, in this case a claim for damages caused by infringement of copyright in a compilation work translated in Chinese and a claim for damages caused by infringement of copyright in individual stories contained in the Chinese-translated book (derivative works or original works) are separate subject matter.

8. Substantial Similarity between an Original Work and Its Summary

(Supreme Court 2011Do3599 decided on Aug. 22, 2013)

The Supreme Court held that determination of substantial similarity between the original literary work and its summary (derivative work) should be made in comprehensive consideration of the following factors: Whether the summary maintains intact the overview, structure, and main plot, etc. of the original work; whether the summary has merely excerpted part of sentences constituting the original work or has simply shortened expressions of the excerpted sentences; the relative quantity of the summary in comparison to the original work; and replaceability of the original work with the summary.

9. Safe Harbor Provisions on Liability of Online Service Providers Are Also Applied to Criminal Liability

(Supreme Court 2011Do1435 decided on Sept. 26, 2013)

Paragraphs 1 and 2 of article 102 and paragraph 5 of article 103 of the old Copyright Act (prior to the amendment as Act No. 8852 on Feb. 29, 2008, hereinafter the same shall apply) stipulate reduction or waive of liability of online service providers.

The Supreme Court held that, considering the purpose of legislation of the above-mentioned respective provisions and no limitations on their

wordings, those provisions are also applied to criminal liability. Such interpretation is likely to be applied to the existing law.

Meanwhile, the Court held that "if it is not technologically possible" stipulated in paragraph 2 of article 102 of the old Copyright Act means a case where, on the presumption that online services are provided, selective prevention or suspension of acts of reproduction/transmission that constitute copyright infringement among users' reproduction/transmission activities are technically impossible.

Furthermore, the Court held that, given the fact that in order for an online service provider to be entitled to reduction or waiving of its liability pursuant to paragraph 5 of article 103 of the old Copyright Act, the online service provider should immediately suspend the reproduction/transmission of the work concerned upon the copyright owner's demand for suspension, an online service provider is entitled to reduction or waiving of liability only when it immediately suspends the reproduction/transmission concerned even in a case where it becomes aware of copyright infringement on its own.

The above legal principle will be fully applied to the existing law and thus online service providers will not be criminally liable pursuant to paragraph 1 of article 102 or paragraph 5 of article 103 of the Copyright Act only when they prevent or suspend reproduction/transmission of the works concerned once they become aware of acts of infringement.





2013 Annual Report on Copyright in Korea

Copyright Protection Activities

- I. Responses to and Crackdowns on Copyright Infringements
- II. Copyright Education and Public Awareness Programs
- III. Copyright Protection Technology

I. Responses to and Crackdowns on Copyright Infringements

1. Overview of Copyright Protection

In an effort to create a "copyright ecosystem of balance and shared prosperity" through the establishment of an airtight copyright protection network, the Korean government has expanded investigation into violators of the Copyright Act, while reinforcing online monitoring in vulnerable hours such as night hours and public holidays by expanding the number of online monitoring staff who work from home. Furthermore, in a bid to proactively respond to new types of copyright infringements amid advancements of digital technology, it has launched investigations into or crackdowns on torrent sites, mobile webhard, and illegal SD cards ("Filial Duty Radio"), while enhancing the digital copyright evidence analysis system. Furthermore, the Korean government has been conducting intensive crackdowns by occasion and region, including such efforts as creating an environment for fair use of software, crackdowns on key distribution bases of illegal reproductions such as Yongsan Electronics Market, and crackdowns on illegally copied publications in campus areas ahead of new semesters.

2. Copyright Protection Policies and Activities in 2013

1) Investigation into Copyright Infringement Cases

In order to facilitate immediate responses to online and offline illegal reproductions and the increasingly secretive and diversified copyright infringement offences, regional offices of the Copyright Special Judicial

Police in Seoul, Busan, Gwangju, Sejong and Daegu are under operation in regional centers, including Seoul, Busan, Gwangju, Daejeon and Daegu. The regional offices are in charge of crackdowns and investigation into copyright infringement cases in their respective jurisdictions, enhancing the efficiency of investigation into copyright infringement offenses.

Moreover, the government is seeking specialization of investigation into copyright infringement offences by strengthening the operation of scientific investigation methods such as investigation support through digital evidence collection and analysis.

The numbers of cases where copyright infringers are sent to the prosecution by the Copyright Special Judicial Police significantly rose from 11 persons in 2008 to 312 persons in 2009, 539 persons in 2010, 1,115 persons in 2011, 1,803 persons in 2012 and 1,192 in 2013.

2) Expanded Operation of the Digital Copyright Evidence Collection & Analysis Investigation Support System

Digital copyright forensics investigates digital storage devices of companies or individuals that make profits by illegally distributing or using digital works protected under the Copyright Act without the authorization of copyright owners. It refers to a set of procedures involving collection, analysis, storage and report of the data in such digital storage devices based on logically standardized procedures and methods to make the data possess weight of evidence in legal procedures in the form of digital evidence.

The numbers of digital copyright forensic investigation support cases have steadily increased from 94 cases in 2010 to 291 cases in 2011, 323 cases in 2012 and 372 cases in 2013. In 2013, a system to analyze the distribution of illegal torrent reproductions was established to efficiently respond to new types of copyright infringements with types of digital copyright infringement cases increasingly becoming sophisticated and complex. In addition, effective counter-strategies were established including investigating the status of illegal works distribution based on the status of torrent use and its perceptions in Korea and coming up with realistic improvement measures by reviewing problems of the existing legal and institutional systems.

3) Administrative Measures against Copyright Infringement

The Korea Copyright Commission may issue correction recommendations to online service providers (OSPs) that distribute illegal reproductions pursuant to Article 133 (3) of the Copyright Act. In 2009, the KCC started to issue correction recommendations for the first time in accordance with the integrated Copyright Act, issuing 35,345 recommendations in the year. It issued 85,085 recommendations in 2010, followed by 107,724, 250,039, and 170,867 in 2011, 2012, and 2013, respectively.

Numbers of Correction Recommendations Issued by the KCC by Year

Classification		Annual Results	No. of Correction Recommendations		
			Warning	Deletion/ Suspension of Transmission	Account Suspension
2010	Total	85,085	42,794	42,200	91
	Webhard	82,413	41,458	40,864	91
	P2P	2,140	1,070	1,070	-
	Portals, etc.	532	266	266	-
2011	Total	107,724	54,504	53,106	114
	Webhard	101,359	51,282	49,963	114
	P2P	1,041	522	519	-
	Portals, etc.	5,324	2,700	2,624	-
2012	Total	250,039	130,304	119,560	175
	Webhard	135,961	72,516	20,059	175
	P2P	344	72,516	16	-
	Portals, etc.	113,734	172	56,118	-
2013	Total	170,867	86,455	84,412	0
	Webhard	41,909	21,850	20,059	-
	P2P	32	16	16	-
	Portals, etc.	128,926	64,589	64,337	-

Furthermore, the KCC operates an online piracy reporting website (www.copy112.or.kr) to receive complaints on online piracy lodged by copyright owners or the reports by the general public and issue correction recommendations based on the complaints. The number of complaints reported has been on the rise each year. In 2011, the KCC launched the "Citizens' Open Monitoring System" on a pilot basis through which net-users can report websites distributing illegal reproductions, which have become increasingly diversified and complex. In 2013, the KCC further upgraded the system by receiving and handling reports on private and closed websites and offering prizes to those who provide IDs and passwords for completely private and closed webhards.

The KCC's "Copy 112" Online Piracy Reporting Website



4) Creation of an Environment for Fair Use of Software Copyright

The Ministry of Culture, Sports and Tourism (MCST) has reinforced inspection activities against illegal reproduction of software among government and public agencies and small and medium-sized enterprises (SMEs), while expanding distribution of the Software Management Guide, server software management guide and software inspection programs to prevent copyright infringements that occur due to negligent software management and lack of awareness.

According to surveys on the use of software in the public sector including the central administrative agencies, local governments and public corporations, conducted pursuant to the Presidential Directive "Regulations on Software Management of Public Institutions," the rates of illegal production shows steady downwards trends with 0.51% in 2011, 0.24% in 2012, and 0.12% in 2013.

In 2013, in addition to efforts to investigate into or crack down on illegal software cases, the Copyright Special Judicial Police visited small and medium-sized enterprises (SMEs) to induce the use of authentic software and prevent illegal software reproduction activities. This initiative was introduced in consideration of the fact that, despite ongoing crackdown on illegally reproduced software, many companies are still unaware of hazards of illegal software reproduction and particularly SMEs have relatively

poor software management systems. During the preventive activities, companies were informed of how to utilize and manage software, free open-source software, and inexpensive replacement software to prevent illegal reproduction through ongoing management. In 2013, the Copyright Special Judicial Police visited a total of 2,401 companies. According to a survey taken among the companies at the end of the year, the scores for satisfaction with preventive activities and change in perceptions on software copyright stood at 90.4 points and 86.3 points, respectively.

5) Special Investigation into New Types of Copyright Infringements

As illegal works have become distributed on a large scale using a torrent program, a online P2P (Peer-to-Peer) file transmission protocol, torrent sites, along with webhards, has become one of major online media to illegal share works. After concluding that, if illegal sharing via the torrent protocol remains neglected, it will significantly undermine the normal distribution of works and the development of the copyright industry, the Copyright Special Judicial Police launched an all-out investigation into torrent sites in collaboration with the Korea Copyright Commission and the Copyright Protection Center. The police performed searches and seizures of 11 server locations for 10 major torrent sites and 15 hosting and domain registration companies. As a result, 12 torrent site operators and 41 persons who uploaded more than 1,000 seed files were booked without detention in violation of the Copyright Act and sent to the prosecution. It was the first investigation case recognizing torrent site operators and uploaders of large-quantity seed files as violators of the Copyright Act. The routes and scale of illegal sharing of works were identified by seizing and analyzing their servers, serving as a catalyst for blocking torrent sites' violation of the Copyright Act.

6) Enhanced Response to Online/ Offline Copyright Infringements

The Copyright Protection Center under the Korea Federation of Copyright Organizations operates a unit that cracks down on copyright infringement around the clock, responding to online/ offline copyright infringement cases in a prompt and flexible manner. Commissioned by

the Minister of Culture, Sports and Tourism, the Copyright Protection Center has collected, discarded and deleted offline illegal reproductions since 2007, while requesting suspension of reproduction or transmission of illegally reproduced works on behalf of copyright holders.

In addition, the Copyright Protection Center responds to online distribution of illegally reproduced works which are taking place in real time through its remote monitoring system from home against online illegal reproductions and the Illegal Content Obstruction Program (ICOP), thereby conducting monitoring day and night for 365 days a year to prevent blind spots from occurring. It monitors such genres as films, broadcasting, music, publication, comics, games, and software in webhards, P2P files, portals, torrent sites, streaming link sites without authorization.

Copyright Infringement Crackdown Results by the Copyright Protection Center under the KFCO

Classification		2012		2013		Increase/Decrease [%]	
		No. of Cases	No. of Articles	No. of Cases	No. of Articles	No. of Cases	No. of Articles
Online	Musical Works	37,344	3,998,851	67,161	3,428,417	79.8	△14.3
	Cinematographic Works	766,463	5,220,243	1,434,022	3,202,653	87.1	△38.6
	Literary Works	31,724	41,507,614	36,632	35,416,920	15.5	△14.7
	Games	31,451	114,101	56,050	82,156	78.2	△28.0
	Comics	28,562	125,482,653	46,557	88,151,503	63	△29.8
	SW	24,628	44,785	19,675	28,398	△18.9	△36.6
	Sub-Total	919,812	176,368,247	1,660,097	130,310,047	80.5	△26.1
Offline	Musical Works	326	412,100	741	13,544,783	127.3	3,186
	Cinematographic Works	535	209,539	596	184,107	14.3	△12.1
	Literary Works	537	17,224	460	13,225	△11.4	△23.2
	Games	1	427	0	5	-	△98.8
	Sub-Total	1,399	639,290	1,793	13,743,205	28.5	2,049.8
Total		921,211	177,007,537	1,661,895	144,053,252	80.4	△18.6

II. Copyright Education and Public Awareness Programs

1. Overview

In order to create a healthy "copyright ecosystem" in which authors are respected and high-quality works are smoothly distributed and consumed, it is still insufficient to merely make related legal improvements and develop IT technology. What is ultimately required is to change the perceptions and attitudes of people, who are members of the copyright ecosystem, toward a more desirable direction. To this end, the MCST has concentrated its policy capabilities on education and public awareness programs designed to raise awareness of the importance of copyright, and has implemented a wide range of policy measures.

Projects aimed to enhance copyright education have been implemented mainly in two aspects: development and operation of diverse education curriculums and enhancement of infrastructure such as development of high-quality education contents and establishment of systems. Education curriculums have been specialized in two areas, namely, education on prevention of copyright infringement and education to train professional personnel. A total of 1,759,140 persons were educated under the programs from 2008 to 2013. Meanwhile, in order to establish a copyright infrastructure, copyright-related content was reflected in textbooks of elementary, middle and high schools. In July 2010, the Korea Copyright Commission was officially authorized as a copyright distance learning education and training institute by the Ministry of Education, Science and Technology and was approved as a "lifelong education institute" by the Seoul Jungbu District Office of Education in December 2012, laying the groundwork for lifelong education.

On the other hand, public awareness programs are designed to boost

citizens' awareness of copyright protection and establish a culture of legitimate use of copyrighted works. The public awareness initiatives have been implemented in the form of a range of campaigns via various media channels and participatory contests to raise copyright awareness in everyday life, contributing to advancement in copyright awareness.

2. Copyright Education Activities and Outcomes

1) Education on Prevention of Copyright Infringement

Education programs on prevention of copyright infringement have been implemented in three categories: education for youths education for the general public and education pertaining to suspensions of prosecution conditional upon the receipt of copyright education designed for copyright infringers.

(1) Copyright Education for Youths

A. Hands-on Copyright Classes

Hands-on copyright classes are an education project in which copyright education is provided in school classes set aside for discretionary activities in the regular school curriculum for a certain amount of hours (more than six hours) in order to enhance copyright awareness of teachers and students. The project is mainly operated with the focus placed on hands-on programs designed to help students recognize the importance of copyright while being engaged in hands-on creative activities.



Hands-on Copyright Classes

Hands-on copyright classes started in 2006 with 20 classes being offered in the Seoul Metropolitan Area. The numbers of participating classes increased each year, with hands-on classes being administered in 198 classes in 2010 nationwide. In 2013, 193 classes were offered nationwide.

Status of Hands-on Class Operation by Year

Classification		2006	2007	2008	2009	2010	2011	2012	2013	Total
No. of Classes		20	20	79	117	198	99	100	193	826
No. of Individuals Educated	Students	921	763	3,479	4,095	10,669	5,827	6,997	8,996	41,747
	Teachers	20	20	80	120	151	79	74	148	692

B. Copyright Research Schools

The Copyright Research School project is aimed to devise generalized ways to educate youth on copyright by researching and developing copyright education methodology and materials for elementary and middle schools.

The Copyright Research School project was initiated in 15 schools in the Seoul Metropolitan Area in 2007, and the number of designated schools increased to 23 in the capital metropolitan area and Jeollanam-do Province in 2008. In 2009, the operation period was extended from one year to two years. The scope of operation was expanded nationwide starting from 2009. In 2013, the number of copyright research schools declined to nine nationwide with the expanded operation of hands-on copyright classes.

Status of Copyright Research School Operation by Year

Classification		2007	2008	2009	2010	2011	2012	2013	Total
No. of Schools		15	23	27	50	43	39	9	206
No. of Individuals Educated	Students	12,000	18,400	21,600	42,856	34,400	31,200	1,745	162,201
	Teachers	50	41	1,080	67	1,720	1,560	237	4,755
	Total	12,050	18,441	22,680	42,923	36,120	32,760	1,982	166,956

C. On-site Copyright Education Program

The on-site copyright education program is a customized education program in which instructors visit schools, enterprises, welfare facilities and public institutions and deliver lectures on copyright upon request.

Status of On-site Copyright Education Program Operation by Year (Students)

Classification	2008	2009	2010	2011	2012	2013	Total
No. of Individuals Educated	14,265	74,938	254,130	294,035	354,868	354,299	1,346,535
No. of Education Sessions	19	130	2,028	3,008	3,016	7,981	16,182

In the case of elementary, middle and high schools, young copyright instructors trained by the KCC visit the schools to offer education free of charge. In order to boost efficiency of the program, standardized education programs tailored for youth are utilized.



On-site Copyright Education Program

D. Online Copyright Education for Youth

In June 2011, the KCC launched an online education course titled "Let's Make Friends with Copyright" for elementary and middle school students nationwide and has offered the year-round course free of charge. A accumulative total of 2,388 students completed the course as of 2013.

This course is designed to raise awareness of copyright among youths and educate them on how to use copyrighted works legitimately. It deals with copyright issues arising in everyday life in an easy-to-understand way based on case studies, featuring copyright etiquette at home, at school and in public places. In order to provide more differentiated copyright education by levels, the course is divided into education courses for lower elementary school students and education courses for upper elementary school and middle school students. Each course consists of three sessions and the education period is three days.

(2) Copyright Education for the General Public

A. On-site Copyright Education Program

The On-site Copyright Education Program for the general public is a customized education program in which instructors visit various institutions and deliver lectures on copyright issues required by enterprises and public institutions. The KCC has provided differentiated and tailored on-site copyright education programs not only for lawyers, social welfare workers, military judicial officers, public officials at the National Assembly, and journalists, but also for reporter groups operated by enterprises, and those who are vigorously engaged in online contents creation activities such as power bloggers of portal websites.

Status of the On-site Copyright Education Program Operation (the general public)

Classification	2008	2009	2010	2011	2012	2013	Total
No. of Individuals Educated	7,340	19,039	28,726	21,473	18,844	16,951	112,373
No. of Education Sessions	103	244	431	403	358	371	1,910

In the meantime, starting from 2010, the KCC has provided copyright education for radio and TV writers who have a direct or indirect impact

on the general public via the mass media. It strives to make the public's copyright awareness naturally take root in everyday life by utilizing copyright-related topics as materials for broadcast programs.

B. Launching General Education Course on Copyright at Universities

Amid rampant copyright infringement cases in university campuses such as copying academic papers and reports and illegal bookbinding of class materials, the project of launching general education course on copyright at universities was launched in 2013 with an aim of raise proper awareness of copyright among university students. The project was funded by undistributed compensation of the Korea Reproduction and Transmission Rights Association with a purpose of contributing to the development of a copyright environment by returning the share of the existing creators to prospective creators. Through the project, the Korea Copyright Commission has opened general education course on copyright at 10 universities and a total of 618 university students took the course.

C. Online Copyright Education for University Students and the General Public

Starting from 2010, the KCC has offered online copyright education courses to help university students and the general public receives copyright education in an easy and convenient manner not bound by time and place. The online copyright education courses are aimed at preventing university students from being exposed to copyright infringements, as theft of knowledge such as copying academic papers and reports frequently occurs on university campus. They are also designed to help the general public avoid copyright infringement in everyday life. By 2013, a total of 4,445 persons completed the courses.

D. Online Copyright Education for School Parents

The online copyright education program for school parents has been operated since June 2011 with the purpose of helping parents prevent

problems associated with copyright that may occur accidentally at home and in everyday life. It placed particular emphasis on cultivating sound awareness of copyright among children through parents' enhanced awareness of copyright. The online education courses show parents how to resolve copyright-related problems that parents of elementary and middle school students may experience, and how to properly use copyrighted works.

The online copyright education course for school parents is offered on the website of the Long Distance Education and Training Institute under the KCC as a permanent course free of charge under the title "Copyright! It is the Basic." It consists of three sessions, including "Copyright! It Is Really Easy!" "We Respect Authors" and "We Use Copyrighted Works the Right Way," which are designed for elementary and middle school parents. Each session lasts for 20 minutes and the education period is three days. Those who have completed the course can receive a certificate. From the initial year of 2011 to 2013, a total of 1,195 parents completed the course.

(3) Education Pertaining to Suspensions of Prosecution Conditional upon the Receipt of Copyright Education

As cases of copyright infringement in cyberspace have been rapidly on the rise with advances in digital technology, there have been increasing cases of copyright violation charges filed by some legal firms entrusted by rights holders. They are particularly targeting images and videos as well as literary works illegally uploaded on Internet blogs and community cafes run by youths and the general public who have insufficient understanding of the Copyright Act.

In response, the government introduced "suspensions of prosecution conditional upon the receipt of copyright education (hereinafter referred to as "Copyright Protection Education") to prevent harmful effects caused by reckless filing of charges and establish an order for legitimate use of copyrighted works.

The "Copyright Protection Education" was launched in July 2008 after intensive discussions and collaboration that had taken place between the

MCST and the Ministry of Justice since 2007. The KCC entrusted by the prosecutors' offices administers the education program. Education duration is eight hours per day and education sessions are divided into adult and minor groups.

In the initial stage, the "Copyright Protection Education" was administered only for teenagers (minors) selected from copyright infringement cases under the jurisdiction of the Seoul District Prosecutors' Office. However, in consideration of considerable effect of the education, as well as the fact that most of the infringers have committed infringement due to negligence rather than willful infringement, the scope of the "Copyright Protection Education" was extended nationwide in March 2009 and also included adults in addition to youths. In 2013, the KCC administered the "Copyright Protection Education" to 2,426 (2,395 adults and 31 minors).

Meanwhile, a complaint rejection system filed against youths was temporarily operated for a year from March 1 2009 to February 28 2010 where, if the youth involved is a first-time offender, the complaint lodged against him or her is rejected without investigation. The system was deemed effective and has been extended by a year each year.

Status of the "Copyright Protection Education" Operation by Year

Classification		2008	2009	2010	2011	2012	2013	Total
No. of Education Requests	Adults	-	9,551	3,337	3,473	3,020	2,695	22,076
	Minors	171	332	55	82	103	50	793
	Sub-Total	171	9,883	3,392	3,555	3,123	2,745	22,869
No. of Individuals Educated	Adults	-	7,492	3,397	2,581	2,760	2,395	18,625
	Minors	161	320	47	76	96	31	731
	Sub-Total	161	7,812	3,444	2,657	2,856	2,426	19,356

2) Training of Copyright Professionals

(1) Training of Preliminary Copyright Professionals (Copyright Culture School)

The Copyright Culture School is a systematic introductory course open not only to creators and those who work in copyright-related fields, but also to those who have interest in copyright. Over the past 23 years, the Copyright Culture School have produced 2,304 working-level copyright professionals. Its curriculum consists of comprehensive intensive education programs involving the Copyright Act, international conventions and foreign copyright laws studies, copyright dispute case studies and special lectures. It offers a regular course and a short-term course.

The regular course is a course officially designated as the Korea Culture School to train copyright professionals (54 hours, two to three times per week, five hours a day), while the short-term course is suitable for intensive training of public sector officials and copyright-related personnel (35 hours, five days per week, seven hours per day). The evening course (operated in 2009 and 2010) was geared toward office workers who find it difficult to attend classes during the day and was offered as a three-week course (35 hours, four days per week, three hours per day).

Status of Completion of the Copyright Culture School by Year

Classification	2008	2009	2010	2011	2012	2013	Total
No. of Individuals Completing the Program	178 (Held 4 times)	182 (Held 7 times)	69 (Held 3 times)	61 (Held 2 times)	85 (Held 3 times)	83 (Held 3 times)	575 (Held 22 times)

(2) Training of Working-level Copyright Professionals (The Copyright Academy)

The Copyright Academy is a specialized, customized training course tailored for working-level professionals in the copyright industry and aims to cultivate copyright working capabilities of copyright personnel

in different fields. Education recipients are selected through consultations with specialized organizations and institutions in respective fields each year. It offers education curriculums focusing on copyright-related laws, working-level knowledge and case studies required by respective industries.

The Copyright Academy offers approximately 10 courses geared toward different fields, including the music, publication, legal, broadcast industries, as well as librarians and public officials. Each course accommodates around 20 individuals, offering intensive education for 2-3 days.

Status of Completion of the Copyright Academy by Year

Classification	2008	2009	2010	2011	2012	2013	Total
No. of Individuals Completing the Program	259 (Held 10 times)	250 (Held 12 times)	202 (Held 10 times)	287 (Held 11 times)	215 (Held 9 times)	267 (Held 10 times)	1,480 (Held 62 times)

Meanwhile, the KCC opened the Long Distance Education and Training Center in 2010 to administer e-learning copyright education in an effort to overcome limitations of time and place faced by offline education and provide self-initiated learning opportunities.

The Internet-based online copyright course for those who work for the copyright industry offered education courses in 2010 for those who work for the music, publication and Internet industries. In order to expand the scope of education choice, four education courses, including software, games, broadcasting industry workers, and introduction to copyright were added to the existing courses in 2011 and 2012, increasing the total number of courses to seven. The numbers of individuals who participated in the courses stood at 675 persons in 2010, and then 778 in 2011, and 652 in 2012, and 5,149 in 2013, respectively.

(3) Training and Operation of Copyright Instructors

A. Online and Offline School Faculty Training

The School Faculty Training Program is held twice a year (summer and winter) and is a 30-hour course that takes place over a period of five days. Up to 40 teachers receive the training per session and they are granted two credits upon completion of the course. Its curriculum covers introduction to the copyright system, copyright infringement and dispute resolution, as well as copyright and quotations, which are essential information to know at school.

Meanwhile, like the offline teacher training course, the KCC, which was designated as a teacher training institution for special fields by the Seoul Education Office, has administered an online teacher training course since 2007. Until 2009, the online teacher training course was entrusted to an external online training institute. However, after the KCC was officially approved by the Ministry of Education, Science and Technology as a "copyright long distance education and training institute" in 2010, the KCC has directly administered the online teacher training course since then.

Status of Teacher Training Course Operation by Year

Classification		2008	2009	2010	2011	2012	2013	Total
No. of Teachers	Offline	75	76	79	79	58	46	413
	Online	2,727	3,305	3,308	10,526	13,813	7,426	41,105

B. Training of Copyright Instructors (including youth instructors)

In an effort to meet the rapidly rising demand for copyright education, the KCC has trained and operated copyright instructors since 2007. Copyright instructors are categorized into "specialized instructors," "beginner instructors," "juvenile instructors," and "youth instructors" and the appointment period is two years. The training program continued through 2013.

Meanwhile, with the rapidly rising demand for copyright education for teenagers at elementary, middle and high schools as well as social welfare facilities, the KCC has trained youth instructors to provide more effective copyright education. Copyright youth instructors have been recruited

among unemployed university graduates, thereby contributing to easing youth unemployment. Until 2013, a total of 173 youth copyright instructors have been produced on six occasions (39 instructors, held two times in 2010; 44 instructors, held two times in 2011; 43 instructors, held once in 2012); and 47 instructors, held once in 2013).

Status of Appointment of Copyright Instructors

(As of 2013)

Classification	Specialized	Beginner	Juvenile	Youth	Total
No. of Instructors	54	71	62	183	325

3. Public Awareness Programs

1) Raising public awareness of copyright - SNS reporters/ Facebook, copyright promotional booths

(1) Operation of the Copyright SNS Reporters and the KCC Facebook Page

The KCC has operated the "Copyright SNS Reporters" comprising 23 undergraduate and graduate students, as well as the KCC's official Facebook page, thereby raising public awareness of online copyright. The Copyright SNS Reporters were engaged in copyright experience activities each month, including copyright education, visit to cultural contents production sites and cultural experience, and accomplishment of copyright missions for a period of six months from July to late December. After the activities, they posted copyright-related comments and contents on SNS and personal blogs, widely promoting copyright among the general public.

Meanwhile, the official KCC Facebook page was launched on July 26, 2012 aimed to facilitate the participation of the general public who are familiar with the use of new media including SNS. The KCC utilized the Facebook page as a channel for interacting with the general public designed to explain the concept of copyright in an easy and friendly manner by

delivering copyright-related information and providing guidance on copyright services for the general public.

(2) Operation of copyright promotional booths

The KCC operated copyright promotional booths designed to facilitate citizens' participation and experience in realizing the importance and value of copyright at various cultural events including the "World Book and Copyright Day," "u-Clean Youth Culture Festival," "Jeju Haevichi Art Festival," and the "Bucheon International Comics Festival" for about eight months from April to the end of November. In addition, it operated copyright counseling center where copyright counseling session was held on the spot for creators such as those engaged in artistic and cultural activities. In addition, information on a wide range of copyright-related services offered by the Commission was made available.

The 6th Jeju Haevichi Art Festival



The 2013 u-Clean Youth Culture Festival



The 16th Bucheon International Comics Festival



The 13th Comics Day



2) Copyright-related Contests

(1) The 8th Copyright Paper Contest for Undergraduate and Graduate Students

The KCC has hosted an Paper contest for undergraduate and graduate students since 2006 in an effort to invigorate research on intellectual property and create a forward-looking research environment by instilling interest in copyright among students and motivating them to conduct research into the area. In 2013, students majoring in diverse fields including not only copyright-related legal aspects, but also medical, culture/arts, and industrial and technical areas participated in the contest, contributing to expanding the base for research in intellectual property.

A total of 29 essays were submitted and the first prize was granted to the paper titled “A Legal Review on Criminal Punishment in the Case of Online Copyright Infringements” authored by Yoon Si-on and Kim Byeong-joo, graduate students at Konkuk Law School. A total of 10 papers won prizes, including two second-prize winners, four honorable mentions and three selected papers. Prize winners were awarded with prizes and scholarships, as well as an overseas training program in which they can visit overseas copyright institutions to understand the global copyright trends.

(2) The 9th National Youth Copyright Writing Contest

The National Youth Copyright Writing Contest was launched in 2005 with an aim of encouraging children and youths to experience copyright through creative activities, thereby raising their awareness of copyright protection and proper use of copyrighted works in their daily lives. In 2012, starting from the 8th contest, the WIPO Special Prize was added to the contest, further boosting its status. A total of 2,441 entries were submitted in the 9th writing contest. An essay titled "Lost Time" written by Na Min-woong from Janghoon High School was selected as grand prize winner (Presidential Prize) after going through two rounds of screening process. In addition, a total of 82 entries won prizes, including first-prizes, special prizes, second-prizes, honorable mentions and selected works by categories of elementary, middle and high schools.

Table00-00 Copyright Offline Promotional Booths

(3)Publication of Monthly Magazine Copyright Culture

Copyright Culture is a renowned magazine specializing in copyright covering copyright-related information and cultural issues. It is a periodical that offers useful information including copyright policies, issues and trends from a neutral and balanced perspective to contribute to promoting not only “copyright protection,” but also facilitation of creation through “fair use.” With the development of copyright-related industries and heightened awareness of copyright in everyday life, the magazine delivers copyright information in various fields and contents aimed to boost public awareness of copyright.

Starting from May 2013 edition (No. 225), the monthly Copyright Culture launched five new sections that introduce new types of copyright issues and government policies to promote communication and sharing among various cultural entities. In addition, it started the smart book (application) service in June 2013 to secure readers from all walks of life including authors and users of copyrighted works.

4. Assessment and Outlook

With paradigm shift towards new media such as SNS and digital devices, the way and environment of using copyrighted works undergo rapid change. Under the circumstances, there is a need for pushing for more advanced and diversified copyright education and public awareness programs targeting teenagers and youths who are growing as the digital generation.

In response, the MCST has provided comprehensive and systematic online and offline copyright education and public awareness programs to enhance copyright education by targets and social groups and create a culture of proper use of copyrighted works.

In particular, the MCST has established a lifelong education system by life cycle by receiving approval. It is expected to expand copyright education targeting adults and raise public awareness of copyright, while

enhancing practical work execution capabilities by industry

Despite diverse and ongoing efforts to raise public awareness of copyright, it is difficult to completely dispel public perceptions that the topic of copyright is still too difficult and formal. It appears that considerable time and efforts are required until the public gains a deep understanding of copyright and feel familiar with the topic. Therefore, more comprehensive and systematic copyright education and far-reaching public awareness activities are required from a mid-to long-term perspective. To this end, the Korean government plans to actively push ahead with copyright education and public awareness activities which are easily accessible in the public's everyday life to effectively raise public awareness of copyright.

III. Copyright Protection Technology

Amid rapid advancements of the smart environment in recent years, the medium of copyright distribution is becoming more diversified and social network services are deeply integrated in people's everyday lives, leading to the expansion of new types of copyright infringement cases. In order to effectively cope with the situation, the demand for copyright technology and related industries are also rising.

In order to effectively respond to such smart environment, the MCST has made concerted efforts to provide effective protection of copyright by providing support for copyright technology R&D projects; conducting copyright technology performance tests; pursuing research of copyright technology standardization as well as international standardization activities; operating technical committees; providing support for overseas advancement of copyright technology; and building international networks for exchange and cooperation.

1. R&D Projects for Copyright Protection and Facilitation of Use of Copyrighted Works

Since 2011, the MCST has implemented R&D projects aimed to develop copyright technologies, including copyright protection for smartphone applications, e-Book DRAM compatibility, copyright infringement prevention and inspection software, and development of technology to protect copyright in a cloud computing environment.

In order to secure global competitiveness of copyright technology, copyright technology R&D projects have been implemented to develop core and service technologies necessary for copyright protection, service infrastructure, compatibility linkage, and fair use of copyright through collaboration among the industry, academia and research institutions in accordance with the "Copyright Technology R&D Basic Plan (Dec. 2011)." In a bid to enhance competitiveness of core copyright technology

and service innovation technology, key focus is placed on the development of copyright protection technology in the smart media environment, the development of technology to block illegal distribution and support legitimate distribution, the development of software copyright technology, and the development of ePub-based DRM compatibility technology. In 2013, the MCST provided support for nine R&D projects which had been designated through public contests (four new projects, five ongoing projects). The Ministry is also pushing for a project to support commercialization to facilitate developed copyright technologies to be applied to the industry.

R&D Projects Undertaken in 2013

Classification	R&D Project Title	2013 Budget	Project Period
Development of Copyright Technologies	• Development of Inspection Software Technology for Prevention and Management of Copyright Infringement	0.9 bil. won	3 years (2011-2013)
	• R&D on System Software-based Mobile App Anti-Piracy Technology	0.9 bil. won	3 years (2011-2013)
	• Development of Content-based Use Control Technology for a Clean Cloud	1.5 bil. won	3 years (2012-2014)
	• Measurement of Software Similarity Based Dynamic Characteristics of Binary Codes	0.4 bil. won	3 years (2012-2014)
	• Development of Copyright Technology for Providing Reliable Log Information Related to Transmission of Copyrighted Works	0.5 bil. won	2 years (2012-2013)
	• Identification and Anti-Reproduction Technology for Scanned Comic Books	0.5 bil. won	3 years (2013-2015)
	• Development of Element Technology for Protection of Social Works and Content Mashup Tools	0.4 bil. won	3 years (2013-2015)
	• Development of Technology for Work Identification from Incomplete BitTorrent	0.2 bil. won	2 years (2013-2014)
	• R&D on Innovative Service Models on Management, Logistics, Distribution, and Settlement of Works	0.5 bil. won	3 years (2013-2015)
Support for Technology Commercialization	• Development of Integrated Multi-Viewer System Supporting Various ePub 3.0-based e-Book Content with DRM technology	0.15 bil. won	1 year (2012)

With respect to copyright technology R&D projects in 2013, key technologies including control of illegal sharing under the cloud environment, blocking illegal distribution, protection of social works, and E-Pub DRM compatibility technology were developed, contributing to invigoration of the copyright industry. Through the copyright technology R&D projects in 2013, patent application for a total of 35 copyright technologies have been filed and patent registration for 12 of them have been made (11 cases in Korea, one case overseas), securing core copyright technologies.

1) Development of Identification and Anti-Production Technology for Scanned Literary/ Comic Works

This R&D project aims to develop a technology that can identify and prevent reproduction of literary/ comic works to protect copyright of such publications as essays, fictions and comic books. Even though the book scan market is growing rapidly with the distribution and expansion of smart devices, illegal reproduction by using webhard is widespread due to lack of technical measures. In the area of music and video works, copyright filtering in the webhard is conducted by using finger printing technology. On the other hand, as for publications such as comic books and literary works (text/image), their illegal distribution is taking place indiscriminately owing to lack of identification technology. Under the circumstances, there is a need for building a foundation for protecting rights of authors and publishers by effectively blocking illegal distribution in the webhard through the development of publication identification technology.

In 2013, the MCST surveyed comic books identification technologies available at home and abroad and developed a comic book identification and management technology. In addition, a technology that can monitor illegal distribution of publication on webhard was developed through the analysis of webhard status. The technology is expected to be utilized for comic book filtering in webhard service, the establishment of comic book information management system, publication filtering in webhard service, copyright monitoring service and publication partnership sales services.

2) Development of Element Technology for Protection of Social

Works and Content Tool Mashup

This R&D project aims to develop partial copyright DRM technology, as well as element technology on content mashup tools with the capacity of marking partial copyright for social works collectively produced by a group of creators through collaboration. Social media, mainly social networks, is widely used as not only as a means of communication, but also as a means of creation. It is also used as a means of marketing and distribution for personal works. At present, collaboration creation tools and services allowing plural numbers of people to engage in collaborative work while sharing personal works have been made available and in use and thus individuals' contents creation activities are on the rise by using work sharing services and unit content clip services. However, copyright disputes over copyright authentication and profit distribution frequently take place, raising the need for development copyright distribution technologies for separating contents in a transparent and reliable manner through the utilization of partial works.

In 2013, a research on classification and identification systems for partial works and copyright holder identification system to facilitate the generation, management, and distribution of partial/collaborative work. Based on the research, E-Pub format with generality was expanded to mark copyright, while the HTML5 tag technology was developed. These technologies have laid the foundation for facilitating e-Pub and HTML5 standard-based partial copyright marking and copyright protection, contributing to the growth of new e-book markets and the development of related technologies.

3) Development of Technology for Work Identification from Incomplete BitTorrent

This R&D project aims to develop copyright identification technology by using Torrent piece files even when illegal content files are not downloaded completely using BitTorrent. With intensified crackdown on the webhard, sharing technologies such as BitTorrent, which had been used by some experts, have been in wide use again, and illegal contents distribution using them are also becoming widespread. Under the circumstances, there is an increased need for developing technologies that can track down and block

copyright infringement in BitTorrent. Against this backdrop, the MCST developed a related technology through its copyright technology R&D projects under the theme of BitTorrent.

In 2013, BitTorrent protocol analysis, as well as analysis of file formats of audio complete files and identification technology, was conducted. Based on the analyses, a technology to restore and identify incomplete files was developed, which led to the development of element technology aimed to identify works from incomplete audio files. This illegal work distribution prevention technology using the BitTorrent service is expected to be utilized in monitoring of illegal distribution of works via BitTorrent and the establishment of a forensic system.

4) R&D on Innovative Service Models on Management, Logistics, Distribution, and Settlement of Works

This R&D project aims to research and develop innovative service models designed for copyright management, distribution of copyrighted works, distribution and settlement of copyright royalties, and prevention of illegal distribution in an effort to prepare for the next-generation digital distribution environment. The copyright industry in Korea shows steady growth trends, which does not merely indicate quantitative growth, but also indicates more complicated environment amid the diversification and complex distribution services, as well as the diversification of work production and the emergence of various participating players. Under the circumstances, the need for overcoming structural, technical limitations of the existing work operation models was raised to ensure a transparent royalty distribution and settlement. To this end, this R&D project was launched to develop copyright operation service models to facilitate enterprise-wide copyright protection and management, expansion of fair use of copyright, and transparent copyright royalty distribution and settlement.

In 2013, analysis was undertaken concerning the current status of management, distribution, settlement and distribution of copyrighted works in response to the technical and structural changes of copyrighted work distribution environment, and concerned standards were defined and developed. Efforts were made to present technical alternatives by defining management information marking for reasonable copyright production and analyzing problems in the work distribution environment. As a result, the

digital work clearing system and an open collaboration platform, a part of the next-generation work service platforms, were designed.

2. Copyright Technology Performance Evaluation and Guidelines on Technological Measures

1) Copyright Technology Performance Evaluation

In order to promote legitimate service operation of special-type OSPs pursuant to Article 104 of the Copyright Act, in May 2011, the Korea Broadcasting Commission revised registration requirements of special type value-added telecommunication service providers specified in Article 22 of the Telecommunications Business Act and Article 29 of the Act's Enforcement Decree. This move is designed to prevent willful or negligent copyright infringement and illegal distribution of copyrighted works by enacting provisions on registration requirements of OSPs as well as cancellation, thereby further reinforcing obligations of service providers.

Annex 2-2 related to Article 29 of the Telecommunication Business Act Enforcement Decree specifies that in order to qualify for Webhard registration, service providers must apply technological measures pursuant to the Copyright Act. According to the provision, technological measures specified in the Copyright Act must pass performance evaluation administered by the KCC, and only technologies that are valid within the date of evaluation validity must be applied. Also, the technologies must be applied around the clock.

The KCC's copyright technology performance evaluation assesses feature-based filtering technology utilizing audio/video identification technologies. It is designed to prevent differences in technologies by technology providers and conflicts among interest parties that may arise surrounding technological measures. It is divided into technology evaluation and field evaluation, which are administered by the KCC. Technology evaluation evaluates the performance of the developed

technology, whereas field evaluation evaluates whether the technology applied to OSPs actually performs well without any performance degradation.

To this end, the KCC established standards and guidelines of performance evaluation of feature-based filtering technology and launched a pilot service starting from the second half of 2010. It has also conducted performance evaluation with the Telecommunication Business Act amended in 2011 fully going into effect. In 2011, the KCC conducted performance evaluations for four companies and issued certificates to them. In 2012 and 2013, it conducted performance evaluations and issued certificates to five companies in each year. In 2013, the KCC established a comic book filtering performance evaluation system to ensure the efficacy of technological measures not only for audio and video works, but also for comic books and its pilot service is currently under way.

2) Technological Measures Application Service and Public Feature Information Database Service

“The Technological Measures Guidelines“ that stipulate technological measure procedures and methods applied to “special-type online service providers (OSPs)“ were prepared in October 2011. With the revision of the Telecommunications Business Act on November 20, 2011, OSPs’ social responsibility as contents distributors have been enhanced, including a shift from the reporting system to registration system exclusively for special-type OSPs and further reinforced registration requirements. However, copyright infringement cases have frequently occurred even among registered special-type OSPs due to problems associated with operation and management of technological measures. This has raised a need for guidelines on management categories requiring confirmation in the course of operation of technological measures and implementation of operation and management of voluntary measures. In response, the “Self-Check Guidelines on Technological Measures“ were drawn up after six rounds of meetings from September 2012 to December 2012. The “Technological Measure Application Service“ is a service that has realized the “Public Website“⁽³⁾ mentioned in the Technological Measures Guidelines.“ It is a service where right holders request technological measures via the website

and special-type OSPs and technology companies block illegal works as requested. As of December 2013, the number of requests for technological measures stood at 17, 530.

The “Public Feature Information Database Service” is a service that has established a feature information DB necessary for feature-based contents filtering and provides feature information DB to trustworthy filtering technology companies or OSPs with an aim of protecting works distributed online. As of December 2013, a total of 4,904 data was incorporated into the Public Feature Information DB for broadcasting contents.

3) Operation of Technology Committee

The Technology Committee has been formed to deliberate and provide expertise on technical matters including rights management information in connection with the Copyright Exchange designed to provide information on copyright, copyright protection and distribution support as specified in Article 66 of the Enforcement Decree of the Copyright Act. The committee holds a regular meeting more than once every year. In 2013, a regular Technology Committee meeting and a workshop were held in April and July, respectively. In addition, sub-committee meetings aimed to deliberate on suitability and appropriateness of performance evaluation results; to deliberate on R&D project implementation and collect related opinions; to set priority on performance evaluation guidelines and R&D candidate projects and collect related opinions; and deliberate on the results of performance evaluations were held six times throughout the year 2013. The Technology Committee consists of 20 members from the legal community, academia, research institutions, and heads of associations and agencies.

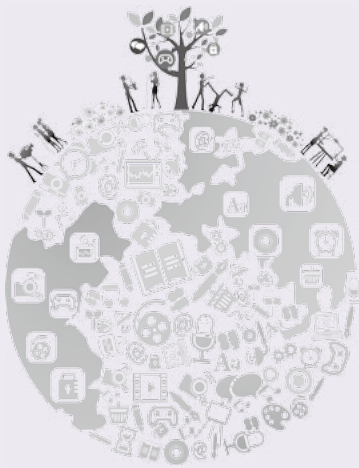
4) Support for Overseas Advancement of Copyright Technologies and Establishment of International Network for Exchange and Cooperation

- 3 The “Public Websites” refer to websites where information on copyrighted works, their recognition, and right holders is available. They are websites operated by the Korea Copyright Commission or other publicly trusted entities (Article 2 of the Technological Measures Guidelines).

The project to promote overseas advancement of copyright technology and to build international network for exchange and cooperation is aimed at building a support system necessary for overseas advancement of copyright-related companies such as distribution of copyrighted works, copyright technologies and related systems and supporting their expanded entry into overseas markets from mid-to-long term perspectives. The purpose of the project is to form networks with copyright-related government organizations and industries in Asian countries and to promote overseas advancement of related industries in Korea such as copyright technologies and contents through vigorous exchanges and cooperation.

In 2013, international cooperation activities aimed to promote overseas advancement of Korea's copyright technologies were carried out in the form of copyright technology exhibitions, conferences and overseas consultation sessions in collaboration with five Asian countries (Japan, Malaysia, Vietnam, Thailand, and Singapore). The exhibition and conference held in Malaysia achieved remarkable export outcomes as evidenced by 750 people, a total of 194 consultations, signing of export contracts worth US\$100,000 annually between Korean and Malay companies, signing of joint marketing agreements, as well as signing of letters of purchase intent worth US\$2 million.

Besides, various outcomes were achieved in 2013, including the signing of an MOU with the Ho Chi Min City Computer Association (HCA); the signing of confidential agreements on technology supply between Korean and Vietnamese companies; the signing of an agreement worth 773,000 yen between Korean and Japanese companies; the signing of a contract worth US\$1,883,000 between Korean and Thai companies; and agreement on broadcasting-related (CAS) technology exchange and collaboration between Korean and Singapore companies.







2013 Annual Report on Copyright in Korea

Facilitation of the Use of Copyrighted Works

- I. Creation of an Environment for the Efficient Use of
Copyrighted Works
- II. Creation of an Environment for the Fair Use of Copyright

I. Creation of an Environment for the Efficient Use of Copyrighted Works

1. Support for Facilitation of Copyright Business

1) Overview

With advancements in digital technology, digitalization of works has accelerated and distribution channels have become more diversified. Under such an environment, it is necessary to easily search and use copyright management information such as copyrighted works and copyright holders in order for users to use copyrighted works in a convenient and stable manner.

However, in the current online copyright market, copyright information is dispersed in a complex manner and individual companies and organizations have their respective management systems, making it difficult to achieve systematic and comprehensive management and operation of copyright information. Under the circumstances, transaction stability and reliability is not guaranteed in the use of copyrighted works. Users find it difficult to determine the legal relationship such as confirmation of copyright holders and conduct copyright clearance. In order to improve the environment for the use of copyright, to collect copyright information systematically collect and provide copyright information, and to enable online copyright use contracts, the MCST and the KCC had pushed ahead with the establishment of the Digital Copyright Exchange since 2007.

2) Activities and Outcomes

(1) Integrated Collection and Provision of Copyright Information

In order to collect and provide copyright information in a systematic way, it is imperative to develop a unique identification number system which allows users to identify individual copyrighted works as having the same information. To this end, the KCC has developed the "Integrated Copyright Number (ICN) and established an integrated copyright information database, steadily expanding the scope.

Establishment of the Integrated Copyright Information Database and the Numbers of ICN Issuance

Classification		2008	2009	2010	2011	2012	2013	Total
Musical Works	Domestic	370,000	15,000	158,428	58,031	1,427,781	85,542	2,114,782
		-	-	-	-	-	804,133	804,133
	Overseas	-	100,000	323,930	0	0	-	423,930
Literary Works		400,000	400,000	49,432	259,109	20,071	30,541	1,169,632
Broadcasting Script		-	10,089	-	6,766	1,400,588	655	37,581
News Articles		-	-	-	2,409,269	-	2,933,643	6,743,500
Films		-	-	-	30,000	-	377	30,000
Broadcasting		-	-	-	-	5,255	13,207	18,462
Public		-	-	-	-	27,943	-	27,943
Artistic Works		-	-	-	-	6,349	-	6,349
Total		770,000	525,089	531,790	2,763,175	2,918,537	3,868,098	11,376,689

*The number of some ICN issuance cases is subject to change due to renewal or deletion of copyright rights management information.

*The 6,139 characters collected through the Seoul Animation Center in 2012 have been reflected in the statistics of Art Works category.

In 2013, database for a total of 3.86 million items of integrated copyright rights management information was established and 3.86 million ICNs were issued. In a bid to support the volume-based system for music transmission fees, copyright rights management information provided by three collective management organizations and music service providers has been collected and refined to build an integrated copyright rights management information DB of 800,000 items, which can be used for

payment of music transmission fees, while newly issuing ICN numbers (ICN. 999) for payment and settlement.

Furthermore, in order to induce voluntary participation of broadcasting companies, the “Broadcasting Standard Copyright Management System” was additionally distributed to the iNet Broadcasting and the Korea Business News TV, which made the issuance of ICN in the broadcasting field 351% up from the previous year. Such copyright rights management information is promptly collected online through the standard Open-API and provided to the public. As of the end of 2013, the numbers of integrated copyright rights management information database and ICN issuance reached 11 million.

Integrated copyright rights management information consists of several meta-data. It is largely divided into information on copyrighted works and information on copyright holders (neighboring rights holders). The information on copyrighted works is further classified by genres of works. The sub-categories of the integrated copyright rights information DB are as follows:

An Example of Sub-Categories of the Integrated Copyright Information Meta-Data

Classification		Sub-Categories
Information on Copyrighted Works	Common	Titles, domestic/overseas, whether subject to copyright trust or agency or brokerage
	Musical Works	Lyric, composer, arrangement, singer, performer, audio source producer, album title, year of release, etc.
	Literary Works	Writer, translator, book title, country of publication, media format, publication date, etc.
	Broadcasting scripts	Subtitle, episodes, plots, date of original broadcast, time of original broadcast, channels, secondary broadcasting channels, TC information, etc.
	News	Sub-headlines, media companies, journalists, publication time, article links, etc.
	Films	Subtitle, genres, types of films, film rating, running time, year of production, release date, format information, etc.
	Public Works	Format classification, meaning classification, paid or free of charge works, date of creation, etc.
	Artistic Works	Subtitle, domestic/ international. classification, main materials, date of creation, date of collection, name of organization possessing the collection, structure and features, etc.

Classification	Sub-Categories
Information on Copyright Holders (Neighboring Rights Holders)	Creators, right holders, representative, business registration number, collective management organizations, date of trust, stage name/pen name, etc.

In order to expand and develop the Digital Copyright Exchange, it is essential to secure collaborate relations with copyright collective management organizations and distributors. In this endeavor, so far, a total of 28 organizations have signed partnership MOUs or provided cooperation by offering information, starting with four organizations in 2007 in the music field, and adding two in 2009, six in 2010, six in 2011 and four in 2012. In 2013, four additional organizations participated in the partnership.

In 2013, the Korea Business News TV and iNet Broadcasting from the broadcasting sector newly joined the partnership, while Chomdan Inc. and TCN Media Co., Ltd. from the literary sector became new participants. In order to enhance transparency of online audio source distribution information, the MCST, the KCC, the three leading music organizations (the Korea Music Copyright Association, the Korean Association of Phonogram Producers, the Federation of Korean Music Performers), and five music distributors (Neowiz Internet, LOEN Entertainment, Soribada, CJ E&M, KT Music) signed an MOU on “collection, utilization, etc. of log information on audio source” on October 31, 2012, promoting cooperation in updating integrated copyright rights management information DB to utilize the ground for payment and settlement of music usage fees in the log form.

Added Partner Organizations with the Digital Copyright Exchange

Classification	Organizations that have signed MOUs with the Digital Copyright Exchange	Field
2007	Korea Music Copyright Association (KMCA), the Korean Association of Phonogram Producers(KAPP), the Federation of Korean Music Performers (FKMP), and KBS	Musical Works
2009	Korean Society of Authors (KOSA), KRTRA (Korea Reprographic and Transmission Rights Association (KRTRA) (two organizations)	Literary Works
2010	Korean Film Council (KOFIC), LOEN Entertainment, KT Music, Neowiz Internet, Soribada, CJ E&M Korea Press Foundation Korea Publishing Contents	Films Musical Works News Literary Works

Classification	Organizations that have signed MOUs with the Digital Copyright Exchange	Field
2011	Korea Cable Television & Telecommunications Association (KCTA), Korea Broadcasting Performers' Association (KBPA), Armed Forces Broadcasting Korea TV, Radio Writers Association Sangwon Art Museum, Seoul Business Agency	Broadcasting Broadcasting Scripts Art Works (Image)
2012	Korea Publishers Society (KPA) Korea Fine Arts Association (KFAA) Airang International Broadcasting Foundation Korea Music Content Industry Association (KMCI)	Literary Works Artistic Works Broadcasting Musical Works
2013	Korea Business News TV, INet Broadcasting Chondan Inc., TCN Media Co., Ltd.	Broadcasting Literary Works

With ongoing cooperation of participating organizations essential for the operation of the Digital Copyright Exchange, workshops participated by partner organizations were held twice in June and November 2013 and working-level taskforce team consultations were held on 68 occasions with an aim of enhancing expertise of working-level staff of the partner organizations and strengthening cooperation.

Key issues were discussed including system improvement and operation measures ranging from the UCI issuance for musical works to the collection of music log information through collaboration between collective management organizations and music service providers to provide support for quantity-based music transmission fee charge system.

(2) Support for Online Copyright License Contract

The Copyright License Management System (CLMS) was developed to provide a one-stop service for license contracts between the right holder and the user, as well as management of details of copyright use. The CLMS service was launched in May 2008.

Status of Online License Contract Signing

Classification	2008	2009	2010	2011	2012	2013	Total
No. of Use	152	353	561	3,448	3,653	3,679	11,846

*As for online license contracts in the music sector, only new contracts were included for 2009, first renewed contracts were included for 2010, and total renewed contracts were included 2011 and the following years.

*Online license contracts in the literary works were implemented starting from 2011, while online license contracts in the news works were implemented starting from 2012.

The CLMS was established in 2008 starting from music transmission and was expanded to include music reproduction, performance and broadcasting areas in 2009, music compensation (broadcasting/performance) and the news license-related system in 2010.

In 2012, the Integrated Copyright Management System and the Copyright License Management System were incorporated into the Digital Copyright Exchange (www.kdce.or.kr). In 2013, system improvement was conducted over 52 functions to enhance user convenience. The number of copyright license contracts reached 1,718 cases mainly in the areas of musical, literary and news works. In 2014, contracts on compensation for works for educational purposes and compensation for the use of libraries will be signed in full swing through the Digital Copyright Exchange.

Types of Copyright License Available in the CLMS

Musical Works	Transmission	Wired Internet, online games and animations, homepage background music, ringtones, corporate ringtones, wireless Internet
	Reproduction	Phonogram, video, music player and audio system, advertisement, films, publication, election campaign songs, others
	Compensation	Radio, satellite SO, audio PP, home shopping PP, Internet broadcasting, store music broadcasting, performance, etc.
Literary Works	Publication, duplication, transmission, broadcasting, performance, exhibition	
	Compensation [Compensation for works for educational purposes, compensation for the use of libraries]	
News Articles	Digital news service, digital news charging details and news work license contracts with public organizations	

(3) Building a Foundation for Collection of Integrated Musical Work Log Information

With provisions on online audio source transmission fees going

into effect in January 2013, a foundation for collecting integrated log information on musical works was laid in December 2012 by collecting opinions of interest parties in an effort to support transparent and fair collection and distribution of copyright royalties.

To this end, the MCST and the KCC signed an MOU on the collection and utilization etc. of audio source use log information with the three leading music organizations (the Korea Music Copyright Association, the Korean Association of Phonogram Producers, the Federation of Korean Music Performers), and five music distributors (Neowiz Internet, LOEN Entertainment, Soribada, CJ E&M, KT Music), reaching agreement on the collection and utilization of log information on audio source sales through the five music online service providers.

Status of Online License Contract Signing

(Unit : 1 million cases)

Distributors	LOEN	CJ E&M	Neowiz	KT Music	Soribada	Total
No. of collection cases	22,928	4,341	1,915	1,755	422	31,361

With the introduction of the integrated musical works log information collection system, starting from 2014, phonogram producers or distributors will be issued with UCIs (Universal Contents Identifiers), unique identification codes, prior to release of audio sources. When they sell audio sources through the five leading music online service providers, log information following the sales of the audio source will be integrated and collected via the integrated music log information collection system on a daily basis, which will be provided to the four music right holder organizations after confirming right relations in connection with the integrated DB at the Digital Copyright Exchange. The information will be used as data for copyright royalty settlement and distribution. In addition, statistics, which is useful to right holders, such as audio source sales trends and audio source sales rankings, will be provided in collaboration with Gaon Chart, an official music chart. The provision of daily log information will offer effective information on audio source sales trends to right holders, greatly contributing to boosting the effect of the holdback provision (quantity-based charge system) following the revision of

copyright royalty collection provisions.

Formats of Music Transmission Log

Log Format			
Category	Data Type	Data Size	Remarks
UCI Code	varchar	256	
Company Code	varchar	128	The company's internal audio source code (ID)
Company Product Code	varchar	128	The company's internal product code (download, streaming, etc.)
Date of Sale	varchar	17	yyyymmdd-hh:mm:ss(Format compliance required)
ASP	varchar	256	ASP business name (or business code)

(4) Operation of "Find Copyright" Website

The "Find Copyright" Website (www.findcopyright.or.kr) is a website that provides copyright information and lists of copyrighted works which are qualified for receiving undistributed compensation to help right holders receive legitimate compensation. On the other hand, the website offers a copyright holder search service for users to relieve users of difficulties they face when they are unable to find rights holders and thus fail to use copyrighted works they want.

Since its establishment (www.right4me.or.kr) in 2008, the website built a system designed to find people's rights as well as copyright holders to replace considerable efforts made to track down right holders of works whose rights holders are unknown or missing and has been providing the service in the present form, as the simplified statutory license system went into effect with partial revision of the Copyright Act Enforcement Decree (Presidential Decree No. 23721, April 12, 2012).

The Copyright Find Service is divided into the "copyright information confirmation service" which confirms copyright information and provides information on procedures and methods, if modifications are necessary, to

help right holders to receive legitimate compensation and the “conformation service for works entitled to undistributed compensation” in which users can view information on copyrighted work entitled to undistributed compensation and information on procedures and methods is provided to help right holders concerned to apply for compensation.

In addition, the Copyright Holder Find Service is divided into “copyright holder search service” in which copyright information such as copyrighted works under the management of copyright management organizations and copyright register are incorporated in a single location to help search copyright holders easily; the “considerable effort application service” in which the KCC makes considerable efforts to find copyright holders of works whose owners’ whereabouts are unidentified; and “statutory license approval application service” in which the use of works is approved through laws, if right holders or their whereabouts are unidentified or parties concerned fail to reach agreement if a work is to be used for special purposes.

With the simplified statutory license system and compulsory registration system for orphan works taking effect in October 2012, the KCC organized briefing sessions on the simplified statutory license system and collected opinions related to the operation of the system. Furthermore, the KCC provided guidance on the simplified statutory license system and registration of orphan works, thereby supporting smooth operation of the "Find Copyright" service. As a result, in 2013, the KCC received 4,938,425 works under trust service and received 298,065 pieces of information on three-year-old or older works entitled for undistributed compensation.

In addition, the "Find Copyright Campaign," which is staged annually through portal sites and daily newspapers, is designed to publicize the importance of finding copyright and help copyright holders be compensated for their legitimate rights. The campaign offers an opportunity to raise awareness of copyright finding and overall aspects of copyright not only to copyright holders, but also to the general public.

In 2013, the KCC staged the “Copyright Find Campaign” through diverse media including broadcasting PPL, daily newspapers, and newsletters of organizations concerned. It also used facebook, blogs, and newsletters to

raise awareness of the Copyright Find website and services.

Organizations Providing Copyright Information

Category	Organizations
Musical Works	Korea Music Copyright Association, the Korean Association of Phonogram Producers, Federation of Korean Music Performers
Literary Works	Korea Reprographic and Transmission Rights Association, Korean Society of Authors, Korea Publishing Society
News	Korea Press Foundation
Films	Korean Film Council
Broadcasting Scripts	Korea TV & Radio Writers Association
Broadcasting	Arirang International Broadcasting, Armed Forces Broadcasting, CJ E&M, MBC+Media, inet-TV, JTBC, Channel A
Characters	Seoul Business Agency (Seoul Animation Center)
Images	Sangwon Museum of Art
Public Works	Korea Database Agency

3) Assessment and Outlook

The Digital Copyright Exchange has laid the foundation for systematic collection and management of copyright information in wide areas encompassing musical works, literary works, broadcasting and news articles and facilitation of use and processing of the information online, thereby facilitating the proper use of copyrighted works. However, it is true that the number of participating organizations is still insufficient and the areas of contracts are still limited. Therefore, participation of greater numbers of right holders and users in such areas as images is required, while it is also necessary to conduct various projects for collection and management of copyright information, which is modified in real time, and systematic copyright information management by partner organizations.

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In addition, there is a need for drawing up measures to prepare for shift towards the smart environment such as smartphones and tablet PCs, amendment of music transmission royalty collection regulations and introduction of plural management system. In the process, involvement of stakeholders including various right holders is essential and building database on related information should be carried out on an ongoing basis.

As a business tool, the Digital Copyright Exchange needs to expand the scope of information collection not only to include information on the existing literary and musical works, but also to include information in various other areas. In addition, based on an assumption that there should be no distortion of the existing digital copyright distribution market, efforts should be made through consultations with relevant organizations to promote Business-to-Consumer (B2C)-style transactions to help the general public easily access and utilize Business-to-Business (B2B)- style online copyright transactions.

If all of these conditions are in place and the Digital Copyright Exchange is stabilized, it is expected that the Digital Copyright Exchange will play a key role in serving as the foundation for facilitating transactions of copyrighted works in the private sector, complementing areas in which the private sector has no access, and establishing a culture of promoting proper use of copyrighted works.

2. Universal Contents Identifier (UCI)

The Universal Contents Identifier (UCI) is a content identification system based on standardization of identification numbers and systematic contents management. It is utilized for management and distribution owing to such advantages as reduction of distribution costs.

In 2013, the KCC established the “UCI Issuance System” to boost the use of UCI and to expand its foundation. Main targets of the UCI Issuance System include individual creators and small businesses who have difficulties in building internal UCI systems or intend to manage and use contents via UCI.

Moreover, through the UCI business model exploration support project, the KCC provided support for three projects including the establishment of digital music UCI advance issuance, UCI-based application anti-reproduction technology, and smart technology magazine. In the case of musical works, the UCI has been fully applied at the phase of audio source distribution, thereby laying the groundwork for utilizing UCI as a standard identification system for distribution of audio source.

3. Statutory License

1) Overview

The statutory license system is a system that can be used when legal reasons arise such as cases where right holders of works are not tracked down, despite considerable efforts to find them. Under the statutory license system, the state or organization with authority approves the use of the works on behalf of voluntary license of copyright owners, allowing the user who applies for statutory license to use the work. This system is designed to contribute to cultural development through social utilization of works.

The Korean Copyright Act (hereinafter referred to as "the Act") sets out three cases which are eligible for applying for statutory license as follows: First, where any person, despite his considerable efforts, cannot identify the owner of an author's property rights in a work made public or his place of residence and therefore is unable to obtain the authorization of the author for its exploitation (Article 50 (1) of the Act); second, where a broadcasting organization which intends to broadcast a work already made public for the sake of the public benefit has negotiated with the owner of author's property rights but failed to reach an agreement (Article 51 of the Act); and third, if three years have passed after the date of the first sale of a commercial phonogram in the Republic of Korea and if any person who intends to produce a commercial phonogram by recording works already recorded on such a phonogram has negotiated with the owner of author's property rights but failed to reach an agreement (Article 52 of the Act).

The provisions of statutory authorization of works apply not only to the use of works, but also to the use of neighboring works such as live performances, phonograms and broadcasting. In the case of the use of database, only the first and second cases apply.

The old Act did not particularly exclude works by foreigners if the owner of an author's property right is unknown. However, revision has been made to the Act to allow application of statutory license only for works by nationals, as the statutory license, even though useful for the exploitation of works of unknown authors, limits exclusive rights of the right owner. It thus allows the free use of works by foreigners through an administrative order based on the domestic law for the reason that if their whereabouts are unknown it might violate international conventions.

2) Activities and Outcomes

Despite its advantages and purpose, such as exploitation of works in which the owner of author's property rights is unknown as specified in Article 50 of the Copyright Act, the statutory license system has not been widely used, given the short time since its introduction.

The numbers of statutory license cases, which had been applied and

processed by 2013 since the introduction of the system under the laws, stood at merely 41. The numbers of statutory license cases showed increasing trends for three years from 2008 to 2010. With the year 2011 serving as a turning point, it showed slightly downward trends. In 2013, two applications for statutory license were approved.

Numbers of Statutory License Cases by Year

Year	1998	1999	2001	2002	2003	2004	2005	2007	2008	2009	2010	2011	2012	2013	Total
No. of Cases	1	1	4	1	1	3	1	1	6	7	7	4	2	2	41

3) Assessment and Outlook

There is heightened interest in the statutory license system amid higher level of public awareness of copyright and rising demand for securing various contents. It is forecasted that demand for the use of works whose owner of author's property rights is unknown will further increase, as the numbers of the so-called "orphan works" are on the rise with the copyright protection period extended through the Korea-EU FTA and the statutory license procedure has become simplified.

However, even though some procedures have been simplified such as allowing the Minister of Culture, Sports and Tourism to handle the preparatory stage prior to filing an application for statutory license (considerable efforts to find the copyright holder), it takes at least one month from the application to approval for statutory license. Therefore, the applicant who needs to use the work urgently still experiences considerable inconvenience.

In addition, there still exist inconvenient aspects from the standpoint of the user including considerable efforts to find the copyright holder, which should be conducted prior to submitting an application for statutory license, compensation deposit and notification of placing deposit after receiving approval. The user has to visit various organizations including the MCST, the KCC and court deposit offices to handle different procedures, posing

an obstacle to facilitating the use of the statutory license system. This is well evidenced by the fact that, compared to the numbers of counseling sessions on statutory license, the actual numbers of application lag far behind. This means that those who receive statutory counseling give up filing applications due to inconveniences of the long time required for undergoing statutory license and the need for visiting several organizations. It is common that those who have to urgently publish books or use music and films give up submitting application altogether, as it is impossible to resolve their problems with the statutory license system which takes about two months including the period of exerting considerable effort. Some users find that the procedure for using the statutory license system is excessively complicated and inconvenient.

In order to promote the use of the statutory license system, the following steps need to be taken: 1) To shorten the handling period through the exclusion of the period for notifying the application on the official gazette and prompt deliberations; 2) To integrate the notification on copyright holder finding and deposit notification under the KCC's Copyright Finding Information System; 3) To change the deposit office to the KCC or deposit management organizations; 4) To publicize the statutory license system to the general public on an ongoing basis; and 5) To establish data archiving and an online deliberation system in preparation for increase in the application for statutory license from the long-term perspective.

4. The Software Escrow System

1) Overview

(1) Significance of the Escrow System

The licensor and the licensee of the program may be reaching agreement with a trustworthy third-party escrow agent to deposit the program (the source code and technical information, etc.) to the deposittee. The licensee might require the escrow agent to provide the deposited program when conditions set forth under the agreement are met.

This system was introduced in the old Computer Program Protection Act of 2002 (incorporated into the Copyright Act in 2009) from the "escrow system" of the United States. It is aimed at protecting the source code of the licensor the program and promoting stable use of the program licensee, thereby invigorating the program copyright-related industry.

There has been a practice where the organization placing an order for the program development contract has been provided with platform technology such as source codes and technology information from the program developer citing such reasons as possibility of difficulties in business operation such as continuous use of the program and maintenance unless the organization does not possess the platform technology. This has caused the developer to be exposed to the risk of original technology leakage and the difficulties in developing new programs.

Therefore, the program escrow system is a system that dispels the concerns of developer organizations about copyright infringement and technology leakage and guarantees the safe use by the user organization. It is an extremely important system especially in the software industry where maintenance and management after development are important among the IT sector with frequent entries and exist taking place due to rapid technological advancements.

With the Computer Program Protection Act abolished and incorporated into the Copyright Act in April 2009, the KCC (incorporated with the Computer Program Protection Committee in 2009) has been in charge of the program's escrow-related activities. According to the General Conditions of Service Contract of Contract Regulations of the Ministry of Strategy and Finance, parties that sign contracts with the state shall deposit technical information, such as the source code, with a third party organization and the KCC is designated as an escrow agent.

(2) Operation of the System

A. Objects of Escrow

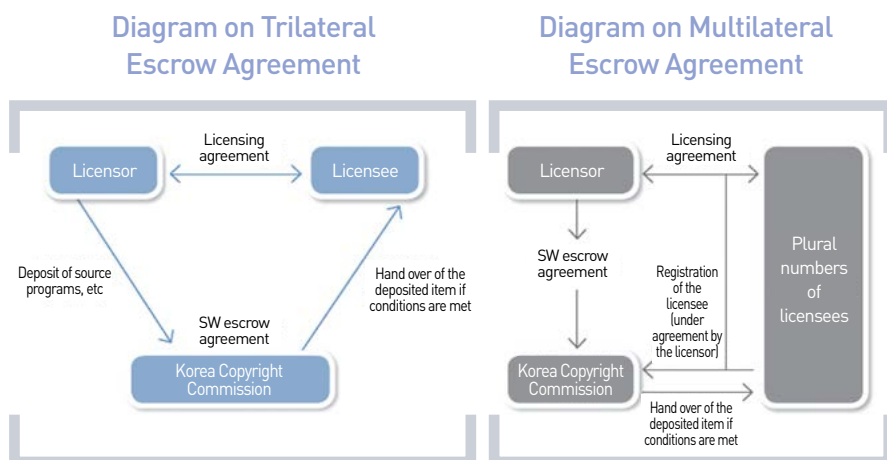
The source code and technical information of the program under the program licensing agreement become objects of escrow. They can be stored in CD-ROMs and DVDs to deposit with the escrow agent.

Objects of Escrow

SW Sector	IT Sector
<ul style="list-style-type: none">• Source programs• Object programs• Execution programs• Design/ Specifications• Flow chart/ Manuals• Maintenance data• Developer information, etc.	<ul style="list-style-type: none">• Design, Circuit Drawings• Semiconductor chip• Database• Digital contents• Accounting documents• Core information such as technical information agreed between contracting parties

B. Types of Escrow Agreements

The escrow agreement is classified into a trilateral agreement and a multilateral agreement. The former is a case where there is only a single licensee of the deposited program and the latter is a case where the number of licensees of the deposited program is plural.

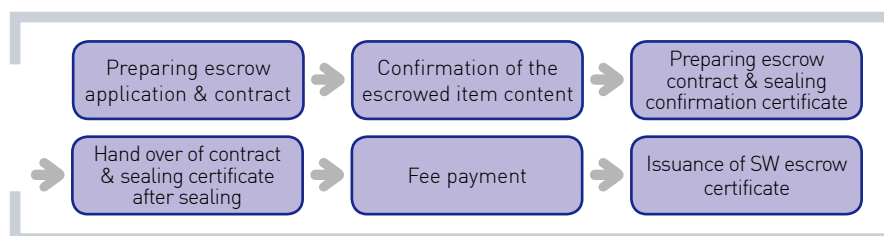


Furthermore, there is a renewal agreement in which the agreement is renewed, if necessary, when one year, the program licensing period under the agreement, elapses. Another type is the latest version escrow agreement which is designed to prevent cases where it is virtually impossible to use the existing deposited items due to additional development, version-up or modification given the characteristics of the program.

C. Escrow Agreement Procedure

The licensor and the licensee submit an application form and the deposit article to the escrow agent who finally confirms the content of the agreement after confirming the storage of the article and virus infection status. The escrow agent receives a fee after allowing the parties concerned to check on the sealing of the article. The escrow agent keeps the article in a deposit safe for the agreement period and issues escrow certificate to the licensor and the licensee, completing the contract procedure.

Escrow Agreement Procedure



If the escrow agent notifies the parties concerned of the arrival of the agreement renewal period prior to the expiry of the escrow agreement and the parties concerned do not renew the agreement, the escrow agreement is terminated. Therefore, the licensee should determine whether to renew the agreement through consultations with the licensor to ensure safe use of the program.

D. Effects of the Escrow System

The escrow system allows the program copyright holder not to transfer his or her copyright and technical information to the licensee and retain his or her platform technology, while providing guarantee for the right of use for the licensee such as stable maintenance and management. This guarantees the trustworthiness of the licensee on the technical information, while enabling smooth business operation activities.

In the case where domestic companies export technical information to overseas companies, the escrow system can enhance reliability and trustworthiness, thereby contributing to increased export. It can also secure international competitiveness of programs by preventing technology leakage overseas.

2) Activities and Outcomes

As a result of efforts to improve the system and boost convenience of users from 2009 to 2013, including improvement of legal systems, improvement of the escrow service, ongoing publicity activities, and establishment of the online escrow system (electronic contract), a total of 1,884 escrow agreements have been signed. By type, there were 734 new agreements, 841 renewed agreements, 221 cases of licensee registration, 86 latest version escrow agreements and two technology verification cases.

Escrow Agreements by Year

Classification	2009	2010	2011	2012	2013	Total
New agreements	155	151	149	116	163	734
Renewed agreements	97	126	182	212	224	841
Licensee registration	47	53	62	22	37	221
Latest version escrow agreements	17	13	20	21	15	86
Technology verification	-	-	-	-	2	2
Sub-Total	316	343	413	371	441	1,884

3) Assessment and Outlook

The numbers of cases of the software escrow system in Korea, which had been launched in 1999, sharply rose with the implementation of the software separate procurement system in 2007 serving as a turning point (150 cases in 2007). Since then, it has showed steady upward trends until recently (441 cases in 2013). Through ongoing consultations with the central government and organizations concerned, the KCC, which offers the software escrow service, has reflected granting of benefits to companies using the software escrow system in government notifications, guidelines, and standard contracts, etc., thereby supporting the stable use of software by organizations using the escrow system and the protection of platform technology of software developers. In 2014, the KCC is making concerted efforts to facilitate the use of the escrow system by operating the online escrow system for the convenience of customers using the software escrow system. As a result of such efforts, the use of the escrow service has been steadily on the rise.

The use of the escrow system is expected to rise further if improvements are made concerning ways to utilize the escrow system to prevent illegal reproduction and to protect software-related core technology, expansion of new types of services (idea escrow, SaaS escrow, copyright security interests escrow, key escrow, etc.), as well as related legal and institutional systems.

II. Creation of an Environment for the Fair Use of Copyright

1. Transformation of Public Domain Works into Creative Resources

1) Overview

With opening, sharing and collaboration becoming universal, the environment for creating and using knowledge is undergoing change, while the environment for using contents encompassing smartphones, tablet PCs and cloud service is becoming more diversified. As a result, the demand not only for converged contents, but also for new creative resources has increased sharply. In such a smart environment, capabilities of utilizing creative resources are emerging as the key to competitiveness of countries and companies and are considered crucial for future survival strategies. Amid such change of the environment, the KCC has operated the Forum on Transformation of Public Domain Works into Creative Resources involving the joint participation of the government and the private sector to seek action plans for facilitation of collection and use of works in the public domain. Meanwhile, the KCC also launched a portal site for public domain works "Sharing Plaza (<http://gongu.copyright.or.kr>)" that comprehensively collects and provides information on the rights of public domain works, endeavoring to provide support for content creation by one-person creative firms and small and medium-sized companies.

2) Activities and Outcomes

(1) Operation of the Operation Committee and the Consultative Body on Transformation of Public Domain Works into Creative Resources

In 2013, the KCC formed the operation committee on transformation of public domain works into creative resources comprising representatives from organizations related to public domain projects and a consultative

body comprising working-level staff to discuss concrete cooperation measures for the project, thereby seeking the realization of the creative economy. The consultative body has been further classified into the fields of images, texts, and multimedia. Joint projects in collaboration with partner organizations were implemented on six occasions, thereby solidifying cooperation among organizations concerned and creating synergistic effects. In November 2013, the KCC hosted an international conference on transforming public domain works into creative resources, reviewing the latest trends related to public domain works and future development directions.

(2) Establishment of a Portal Website for Works in the Public Domain

Since the official launch of a portal website for works in the public domain called "Sharing Plaza (<http://gongu.copyright.or.kr>)" in November 2012, functions of providing public domain works services have been expanded through expanded operation of the portal service and enhancement of functions. The efforts include facilitating the use of the portal site through improvement of functions aimed to enhance convenience of Web and mobile users; offering translation service in connection with overseas public domain works (Europeana), and expanded connection and collaboration with domestic and international organizations possessing works in the public domain.

The Sharing Plaza provides information on rights of 748,000 cases involving expiration, donation, free license, and public domain works. As of the end of 2013, 2.01 million cases of original text viewing and downloading services were used.

Sharing Plaza's Public Domain Works Status

Classification	2006	2007	2008	2009	2010	2011	2012	2013	Total (Piece)
Literary Works	17,300	3,843	235	5,992	332	311	-	-	28,013
Artistic Works	30	752	1,111	3,175	-	-	50,229	40,012	95,309
Musical Works	1	216	556	21	-	-	-	-	794
Photographic Works	-	280	182	2,388	-	-	50,500	40,236	93,586
Public Domain Works	-	-	-	-	-	-	47,404	483,761	531,165
Total	17,331	5,091	2,084	11,576	332	311	148,133	564,009	748,867

In December 2013, 66 pieces of photographic works themed on “nature of Korea” by photographer Kim Jung-man were serviced through the Sharing Plaza, allowing the general public to freely use professional photographic works. To date, one of the most representative donation cases include “Aegukga (national anthem of the Republic of Korea)” donated by the bereaved family of the composer An Eak-tai.

(3) Exploration of Public Copyrighted Works in the Private Sector and Expansion of Service

With capabilities to utilize public domain works emerging as one of core factors, a new project has been launched to support digitalization of works with great value for preservation in the fields of immense utilization potential and build them into a database in an effort to collect and explore public copyrighted works and to prevent works owned by the private sector from remaining hidden and unused.

Based on the public-private sector demand roadmap for public copyrighted works drawn up in 2011 by the Collection and Sharing Subcommittee of the Forum on Transformation of Public Domain Works into Creative Resources, priorities were given to artistic and photographic works with highest demand for utilization which were explored and digitalized. As of now, 100,000 works and 80,000 works were made available in the Sharing Plaza in 2012 and 2013, respectively, in accordance with license conditions of their owners.

Meanwhile, the digitalization project in 2013 was participated by 474 fine artists and 258 photographers through the signing of an MOU with the Korea Fine Arts Association and the Digital Photographers Association of Korea that possess information on a great number of rights of private works. Through such effort, contemporary art works and photographic works were made available for the public use at the Sharing Plaza. In

addition, renowned photographers willingly allowed their photographic works to be used by the public, further adding the significance of the Sharing Plaza. Some of the participating artists even donated copyrights on their works, setting an example of a culture of sharing.

Dream of sea (1975)
By Yoon Bong-yoon



Ladybug-2013-960,
By Ku Hak-sung



(4) Raising Awareness of Public Copyrighted Works

Spreading a culture of sharing copyright and raising public awareness of public copyrighted works are essential to establish a virtuous cycle where creators create secondary works by utilizing public copyrighted works and share them for the utilization by others.

Under the slogan of “Man-Na-Da (meaning ”making, sharing and reusing“) for Public Copyrighted Works,” the KCC hosted a public copyrighted works creation competition in which participants create PPT form and font designs by using expired works. A total of 16 works won prizes at the competition.

Besides, the KCC organized copyright sharing campaigns where the general public participated in a signature campaign for copyright protection. It also produced three storytelling videos in the form of animation, aimed to enhance the public’s understanding of public copyrighted works.

3) Assessment and Outlook

As part of its efforts to realize a creative economy and society by fostering one-person firms and small-and-medium-sized venture firms, the

KCC will continue to strive to find ways to efficiently transform public copyrighted works into creative resources and to promote the convenient use by the general public by exchanging ideas with organizations which own and utilize public copyrighted works to pursue exploration, collection, and expansion of public domain works on an ongoing basis.

Promotional Videos on Protection, Sharing and Coexistence



2. Establishment of the Foundation for Utilization of Open-Source Software

1) Overview

Open source software, which was created by the GNU Project led by the Free Software Foundation “FSF”), refers to software whose source code is open to the public. In general, it refers to software which anyone can freely use, reproduce, distribute or modify. The usage of open-source software is becoming diversified to the extent that the open-source software is the key to such technologies as cloud (open stack), big data (Hadoop), and mobile (Android, Tizen), which are currently drawing attention in the IT environment.

2) Activities and Outcomes

(1) Establishment and Operation of the Open Source License Information System

The establishment and operation of the Open Source Software License Information System (OLIS) has been pursued in the following areas:

▲Building a database such as open-source software project information and source codes and expansion of collection; ▲Enhancement of the open-source software license comparison/analysis/inspection service (hereinafter referred to as "CodeEye"); ▲Development of user-customized Web services tailored to the Open Source Software License Information System (OLIS) website; and ▲Introduction of equipment and laying the foundation for externally linked services amid system expansion. Establishment of the open source software database was launched in 2008 and the status of the database building is as follows:

Status of Establishment of Open Source Software Information Database

Classification	2008	2009	2010	2011	2012	2013	Total
Open Source SW License Information	72	2	-	-	4	6	84
Open Source SW Project Information	200,000	940,000	560,000	680,000	620,000	520,000	3,520,000
Open Source Software Source Code	-	8.6 million	2.7 million	16.7 million	50 million	50 million	128 million

(2) Raising Public Awareness of the Open Source Software License

The KCC has implemented a wide range of education and public awareness programs for the general public since 2009 to raise awareness of the open source software license to build the foundation of establishment of a copyright culture, and to promote sound use of open source software. In 2013, projects aimed to raise public awareness of the open source software license were systematically implemented in the following sub-areas: ▲Organizing free open source software license insight conferences; ▲Building a partnership with organizations related to open source software and publishing and distributing revised license dispute guidelines; ▲Stating online/offline public awareness campaigns designed to raise

public awareness of open source software license and participating in domestic IT-related exhibitions; and ▲ Offering specialized open source software license consulting service.

3) Assessment and Outlook

A number of developers and IT companies fail to properly use open source software due to such problems as lack of awareness, cost burden and the fact that it is difficult to confirm various open source software licenses, raising the risk of possible disputes on copyright and legal responsibility in the future. In response, the KCC has established the nation's sole Open Source Software Data Warehouse and officially opened the Open Source Software License Information Service website and the Open Source Software License comparison, analysis and inspection service (CodeEye), which utilize the warehouse. The numbers of Open Source License Information System (OLIS) visitors and the users of the inspection service are steadily on the rise each year, while license counseling, inquiries and request for consulting service are also on the rise. However, there is still a lack of sufficient awareness of license such as the proper utilization and contribution of open source software. In order to address the problem, it is necessary to continuously stage public awareness programs and to expand related projects to include the establishment of database aimed to improve service reliability and providing new information service.

3. Facilitation of the Use of Public Copyrighted Works

1) Overview

With the advent of the era of creative economy where intangible knowledge elements such as creativity are playing a pivotal role, the importance of utilization of data including contents is becoming more emphasized. At the same time, securing high-quality contents such as copyrighted works is emerging as a very important issue. Among them, public copyrighted works, which are produced and managed by the state, local governments or public institutions, have emerged as key industrial

resources, as it has been highlighted that they can be utilized as core original materials for the contents and database service industries.

In fact, demand for public works by contents companies or companies looking for new business models has increased significantly. According to a survey conducted by the Korea Database Agency, the demand for utilization of public copyrighted works increased year by year from 21.4% in 2006 to 41.7% in 2008, 51.6% in 2010, and 68.3% in 2012⁴⁾. In response, the government has established diverse policies and legislations to open public domain information including public copyrighted works, while making multifaceted efforts to create added value through the utilization of public information such as organizing App competitions using public information and Open API support project for public information. In fact, bus application and performance reservation application in Seoul Metropolitan City are commercialized business models using public information. The scope of public information utilization is expected to be expanded to include broadcasting and education areas.

As such, public copyrighted works are not only utilized for work in the public domain, but also high-added value industrial resources in the private sector, upholding the growth of the creative economy by creating high cultural and economic added values.⁵⁾

2) Activities and Outcomes

(1) Support for Copyright Clearance for Public Copyright

Amid increasing demand for public copyrighted works in the private sector, opening and sharing of public domain works has become one of the most important tasks and goals of the state. However, utilization of public copyrighted works by the private sector still remains insignificant. The biggest reason for the failure to effectively utilize public copyrighted works, compared to the demand, is the ambiguous rights relationship of

⁵ According to a survey conducted by the Korea Database Agency, the value of utilizing public copyrighted works in Korea exceeded KRW 10 trillion. In a data released in 2011, the European Commission also estimated economic effects of utilizing public copyrighted works at about KRW 210 trillion.

public copyrighted works. Particularly, considerable numbers of public copyrighted works produced by service providers through commissioned projects are faced with difficulties in utilization due to misunderstanding of creator doctrine, which is a principle applied for return of copyright. According to a survey conducted in 2009, 29.1% of private companies failed to utilize public copyrighted works due to copyright issues, while 32.4% of working staff of public institutions pointed out the copyright problem as an obstacle hindering the reuse of public copyrighted works.⁶⁾

In response, the KCC has implemented a "project to support right clearance for public copyright" from 2012 which supports right clearance of public copyrighted works whose copyright relationship is ambiguous through comprehensive license and copyright transfer and provides even legal consulting service. The project selects candidates to provide support upon applications and conducts legitimate and efficient right clearance for copyright by analyzing the form of creation and contract relationship of the applied work. In addition, the KCC has further enhanced professionalism of the project by inviting knowledge service providers and lawyers specializing in copyright to participate in the project.

In the initial-year project which was implemented from July 2012 to December 2012, the KCC selected a total of 15 organizations as recipients and provided support for right clearance of 470,000 public copyrighted works. In the second round of project which took place from July to December 2013, the KCC selected a total of 20 organizations and provided support for right clearance of 2.29 million public works. In particular, the KCC induced public works whose right processing has been completed into public work collective management or the Korea Open Government License system to make public works with their right status cleared be efficiently utilized by the private sector.

(2) Collective Management of Public Copyright

Collective management of public copyright refers to the entrustment of

⁶ Korea Creative Content Agency, "A Survey on Management and Operation of Public Contents (2009)," "The 2011 Database White Paper (2011)"

overall rights of copyrighted works, which are professionally created by the state, local governments or other public institutions or obtained from a third party and managed by them, to copyright collective management organizations that are in charge of overall activities related to external licenses of the copyright on behalf of the public institutions. One of advantages of collective management system for public copyright is that, as licenses for public copyrighted works, collection and distribution of royalties are handled by specialized organization, institutions possessing public copyrighted works can reduce personnel, costs and time required for handling copyright-related works, while users can obtain license on plural numbers of public works through a unified channel, making it more convenient to use public works. Another advantage is a specialized and prompt response to infringement cases involving public copyrighted works.

The collective management activities for public copyrighted works were transferred from the Korea Creative Content Agency to the Korea Database Agency in June 2011 and from the Korea Creative Agency to the Korea Culture Information Service Agency in July 2013. The use of entrusted works has steadily increased through ongoing promotional activities and expansion of copyrighted works. As a result, cases of utilizing public works are easily identified in the public's everyday life.

Numbers of Cases Utilizing Public Copyrighted Works

Year	2010	2011	2012	2013
No. of Use	60 cases	8 cases (3,574 works)	159 cases (3,756 works)	34 cases (36 works)

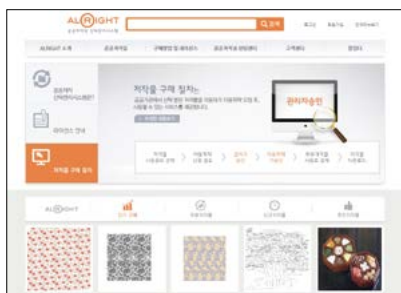
***In 2011 and 2013, the numbers of cases using public works decreased due to cancellation of contracts by the existing collective management organizations following transfer of the business.**

Utilization of Entrusted Copyrighted Works in the Private Sector



In order to build the foundation for more effective and convenient use of public copyrighted works, the Public Copyright Collective Management System (www.alright.or.kr) is under operation. The website provides not only right information of entrusted copyrighted works, but also offers overall functions that can handle license and distribution in a more convenient fashion, thus users can enjoy one-stop service from search and selection of copyrighted works they intend to use to payment of royalties. In addition, system advancement has been implemented such as refurbishment towards intuitive UI in consideration of user convenience, the introduction of integrated search engines to reinforce search functions and additional introduction of servers and storage capacity to ensure effective operation of copyrighted works. It is expected that the system will be instrumental in providing more stable and user-friendly public work distribution service.

Public Copyright Collective Management System



The demand for public copyrighted works is rising with increased creation of new business models using paid or free-of-charge entrusted copyrighted works in the private sector. However, the collective management system for public copyrighted works is still at an infant stage and only 2% out of 1,300 public institutions have introduced the collective management system. Furthermore, the public can use public works whose economic rights are wholly owned by the state or local governments without permission starting from July 1, 2014 pursuant to Article 24-2 of the Copyright Act (Free Use of Public Copyrighted Works) proclaimed on December 30, 2013. Under the circumstances, in-depth discussions on the future status of the collective management system for public works are needed in the aspects of facilitating the free use of public works, protecting rights of public works, and promoting the distribution of public works

through license to the private sector.

(3) Distribution of the KOGL System and Technical Support

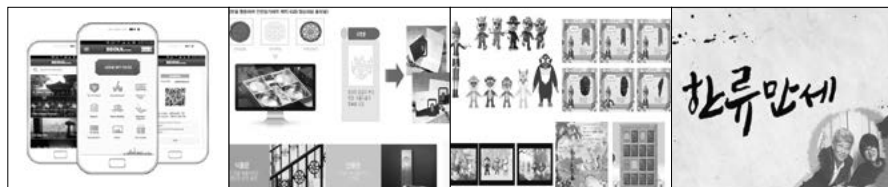
The Korea Open Government License (KOGL) system is an open license system for public copyrighted works. It is a system designed to encourage the use of public copyrighted works by showing simplified KOGL mark to indicate license of public copyrighted works and the scope of the license. Since its introduction in February 2012, the system has been actively disseminated.

Status of Introduction of the KOGL System

Classification	Government agencies	Local governments	Other public agencies	Total
No. of institutions (As of Dec.31, 2013)	10	3	67	80

The KOGL works, which number a total of 1 million, include a wide range of forms ranging from photographic and image works such as Korean traditional patterns and national documentary photography to literary works including various media releases and research reports and cinematographic works such as Internet broadcasting VODs by local governments. What is regrettable, however, is the fact that the number of works applied as the KOGL Type 1, which are allowed to make commercial use and modifications, stands at mere 60,000, which is far smaller than the demand for public works. Various approaches to expand the KOGL Type 1 works are required to meet the purpose of creating added value through the free utilization of public works.

Public Copyright Collective Management System



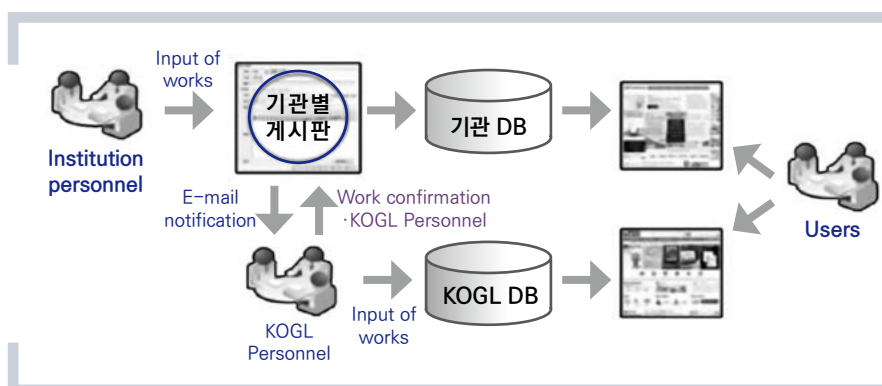
In order to distribute the KOGL system among organizations and public agencies under the MCST, the Ministry of Culture, Sports and Tourism and the Korea Culture Information Service Agency organized briefing sessions on the KOGL system on two occasions for 100 people from organizations and public institutions under the Ministry on August 26 and October 2, 2013. The briefing sessions not only contributed to the introduction of the KOGL system by all the 49 organizations and public institutions under the Ministry, but also improved copyright management capabilities of working-level officials of public institutions through the education on public copyright management methods.

Regional Briefing Sessions on the KOGL System



In addition, the MCST has developed and distributed automatically applied source codes for the KOGL system to simplify the KOGL application procedure. This was attributable to the fact that the complicated KOGL mark attachment process, which involves registration of works on the KOGL website, generation and insertion of meta tags, poses an obstacle to dissemination of the KOGL system. Thanks to the development of automatically attached source codes for the KOGL, organizations concerned have been able to introduce the KOGL system without any technical burden. At the same time, a range of support activities are also taking place to disseminate the KOGL system, such as KOGL copyright registration agent service and dispatch of technical personnel.

Diagram on the KOGL's Automatic Application Function



3) Assessment and Outlook

The need for opening and utilization of information and works produced and managed in the public domain such as the state, local government and public agencies to the private sector has been increasingly called for. Even though the Korean government made concerted efforts in this regard over the past years, laws for opening and utilization of public copyrighted works to the private sector have been insufficiently put in place, exposing limitations in effectively implementing the policy. As there were no clear domestic provisions on public copyrighted works, a number of organizations showed a passive attitude toward opening of public copyrighted works to the private sector, as there were difficulties in management methods and rights clearance of public domain works. However, amid the growth of the contents industry, individuals and companies have become more interested in public copyrighted works and the copyright issue rather posed a big obstacle to utilization of public works in the private sector. Under the circumstances, drawing up copyright management and distribution policies has emerged as an important pending issue for public institutions prior to the opening and utilization of public domain works.

In response, the MCST devised "Guidelines on Copyright Management for Public Domain Works" in 2010 as part of policy to facilitate the utilization of public works in the private sector and implemented related policies aimed to fully utilize public domain works, including guidelines on rights clearance of public copyrighted works, a project to support rights

clearance for public copyright, and the Korean Open Government License (KOGL) system, thereby building the foundation for management and utilization of public copyright.

As clear criteria are available in the utilization of public copyrighted works by individuals and companies, it is expected that the provision and use of public copyrighted works will be further facilitated and such virtuous cycle structure of public works will accelerate the utilization of public domain works by the private sector.

However, in order to boost the utilization of public copyrighted works, it is more important for public institutions to voluntarily come up with a copyright management system to disclose copyrighted works in their possession. To this end, right clearance of public copyrighted works should be preceded and it is necessary to distinguish works which require protection and works which can be used freely through the establishment of a clear rights relationship. Among the copyrighted works whose rights relationship have been established clearly, concerning works which require proper protection and have high frequencies of commercial use, if collective management system for public domain works is used for them, it will enhance users' accessibility to public copyrighted works and simplify license procedures, greatly boosting the utilization of works. On the other hands, with respect to works that can be used freely, they can be attached with a state license mark such as the KOGL to provide a guarantee for free utilization within clear license conditions, contributing to enhancing utilization of public copyrighted works.

4. Copyright Coexistence Consultative Council

1) Overview

The Copyright Coexistence Consultative Council was launched on September 22, 2009 to prevent conflicts at the time of possible disputes over major copyright-related pending issues, while encouraging active participation by rights holders, businesses and users and seeking win-win solutions.

In the past, the Copyright Coexistence Consultative Council consisted of a main consultative body (comprising one representative member from right holders, businesses and users, respectively, and two representative members from public institutions), a working-level consultative group, and the support team. The KCC provides practical support to ensure its smooth operation. In 2013, regulations on the operation of the Copyright Coexistence Consultative Group including its functions, organization and operation were drawn up. According to the regulations, modifications were made towards forming manpower pool within the consultative group including representatives of right holders, businesses, consumers and public institutions by field when selecting pending or agenda issues such as musical, literary, and cinematographic works without any given numbers of members and the scale and participating members of the consultative group can be finalized depending on issues. In accordance with the operation regulations, the Copyright Coexistence Consultative Group was operated mainly discussing the issue of improving audio source transmission royalties.

The Copyright Coexistence Consultative Group selects pending issues related to copyright each year and operate a consultative body to prevent conflicts among interested parties and to seek ways for win-win cooperation, thereby contributing to the creation of a healthy copyright ecosystem and the facilitation of the copyright industry.

2) Activities and Outcomes

The three music collective management organizations submitted a revised bill on regulations on the collection of audio source transmission royalties mainly covering the shift of copyright royalty collection method to the so-called quantity-based system where users pay copyright royalties in proportion to the numbers of use and the amended bill was approved on June 8, 2012. On March 18, 2013, the shift of the fee collection method for streaming service from charging the fees per subscribers to charging them per the number of use was approved ex-officio. However, such approval did not receive any favorable response from stakeholders particularly right holders such as music creators. In the process, the political circle and the government came to pay more attention to the enhance of rights and

interests of music creators. In response, the “audio source transmission royalties” were selected as a pending issue to ease conflicts in the music copyright sector and improve royalty collection regulations of the three collective management organizations. As part of the operation of the Copyright Coexistence Consultative Group, consultative meetings on the improvement of audio source transmission royalties were held on 11 occasions in two rounds.

At the first-round consultative meeting on the improvement of audio source royalties, participants mainly discussed “complicatedness of the collection regulation structure,” “adjustment of discount rates,” “reconsideration of ineffective provisions (sales promotion, hold back),” “clarification of ambiguous provisions on payment and settlement (streaming monthly fees, units of comparing large amounts, the concept of revenues),” “consultations on win-win solutions from the perspective of partnership (management ratio, abusing),” etc. In the process, guidelines on the frequencies related to streaming monthly fee service, management ratio and abusing were drawn up by reaching agreement.

During the first-round consultative meeting on improvement of audio source transmission royalties, concrete market data such as royalty levels demanded by right holders and levels of amounts that can be paid by consumers were not available. All parties concerned, including right holders and audio source distributors agreed on the need for conducting audio source market perception surveys among producers and consumers and conducted a “perception survey on producers in the audio source market” and a “perception survey on consumers in the audio source market.”

The second-round consultative meeting on the improvement of audio source royalties dealt with agenda on “adjustment of discount rates.” The discount rates required discussions for adjustment and key issues included “discount of large quantity downloading,” “combined discount,” “MR,” and “differentiated rates by year.” However, there were acute differences in opinions on the issue between right holders and service providers and the two sides failed to narrow down their differences. In addition, it was burdensome to discuss the revision of royalties again at a time when regulations on the collection of audio source transmission royalties by the

three major music collective organizations had been recently amended. Therefore, parties concerned agreed to shift the issue of “adjustment of discount rates” as a mid-to-long term issue.

※ Table Key Agenda and Discussion Points at the Copyright Coexistence Consultative Council
(Consultative Meetings on the improvement of Audio Source Transmission Royalties)

3) Assessment and Outlook

In 2013, the Copyright Coexistence Consultative Council was operated as a venue for coordinating interests and conflicts concerning audio source transmission royalties between right holders and service providers. It served as an occasion where respective parties gained clear understanding of the other party’s positions and sought cooperation for co-prosperity. In addition, during discussions between parties with conflicting interests, they showed an attitude of mutual concessions through the mediation of the MCST and they reached an agreement on such issues as management ratios and abusing.

The issue of improving audio source transmission royalties has been included as one of national tasks of the current administration and it is an pending issue to which even the political circle pays keen attention by mentioning problems of the current audio source policy such as unlimited monthly membership system. In response, the KCC has formed the Copyright Coexistence Consultative Group which represents right holders, mediators, and users in a balanced manner to provide a venue for communication for broad understanding of the current status of the music industry. The Consultative Group has confirmed key issues, exchanged opinions and reached agreements, finally drawing up guidelines.

The KCC will continue to make concerted efforts to provide a venue for ongoing discussions by selecting issues not only related to the music industry but also related to copyright as agenda items in a timely manner and conducting related research and investigations, thereby continuously drawing up mid-to-long term win-win solutions.

5. Efforts to Promote Fair Distribution of Song Files

1) Shift in Copyright Royalty Charging Rates for Music Streaming Services from Monthly Flat Rates to Volume-based Rates

As part of an initiative to "strengthen the rights and interests of music artists," which are included in the Park Geun-hye Government's national tasks, the Ministry of Culture, Sports and Tourism switched the controversial copyright royalty charging method of flat rate "per subscriber" for music streaming services (the so-called "unlimited flat price system") to a method of charging "per number of use" (the so-called "volume-based system"), which went into effect in May 1, 2013.

This initiative was taken after considering civil complaints that, despite the increase in the use of music files with the rise in the number of smartphone users, the existing rate system charging flat rates per subscriber failed to provide sufficient compensation to music creators and thus it was insufficient to protect the rights and interests of creators. Since the switch to the volume-based system, creators came to receive copyright royalties depending on the numbers of use regardless of types of products in the market.

Prior to revision of royalty collection regulations of the three music copyright collective management organizations, service providers paid copyright royalties of 1,800 won (if the service is used for a single platform) or 2,400 won (if there are no limitations to devices) per subscriber to the three organizations regardless of the numbers of use in the case of products offering streaming service at flat monthly rates at online music sites. However, after the revision, they should pay copyright royalties depending on actual numbers of use of streaming service. The unit price of copyright royalty per streaming is 3.6 won.

Table Comparison of Copyright Royalties for Streaming Projects Before and After Revision of Royalty Charging Regulations

Right owners	Existing Regulations	Revised Regulations
Copyright owners	300 won per subscriber (single platform)/400 won (plural platforms) or 10% of revenues	0.6 won per use or 10% of revenues
Performers	180 won per subscriber (single platform)/240 won (plural platforms) or 6% of revenues	0.36 won per use or 6% of revenues
Producers	1,320 won per subscriber (single platform)/1,760 won (plural platforms) or 44% of revenues	2.64 won per use or 44% of revenues
Total	1,800 won per subscriber (single platform)/2,400 won (plural platforms) or 60% of revenues	3.6 won per use or 60% of revenues

With the shift of copyright royalty charging systems to the volume-based one, there were concerns about the disappearance of monthly flat-rate products in the market or possible rise in consumer prices. However, the unit price for the volume-based system in 2013 was set to maintain monthly flat-rate products and minimize consumer burden. It is expected that, if consumer prices are differentiated depending on average numbers of use of streaming per subscriber by service providers in the future, it will further diversify the choices consumers can choose from.

2) Measures to Eliminate Excessive Music Downloading

"Excessive music downloading" is an act of unjustly purchasing song files concerned by copyright owners or neighboring rights owners or an act of pressuring specialized entities or others concerned to unjustly purchase song files concerned with a purpose of manipulating rankings in music charts. Such excessive music downloading should be eliminated to ensure the continuous growth of the music industry, as it can bring distorted information to consumers, results in decrease in operating profits for service providers, decrease in income from copyright royalties for other copyright owners (or neighboring rights owners), which they may have enjoyed without such act, and elimination of opportunities for appearing in broadcasts.

Under the circumstances, the Ministry of Culture, Sports and Tourism decided in August 2013 to eliminate causes of music chart manipulation through excessive music downloading and to deprive opportunities to generate unjust copyright royalties and announced the following measures to root out abusing music downloads.

First of all, the Ministry came up with measures to improve online service providers (OSP)' song file "recommendation" system and to enhance fairness in leading music charts including the Gaon Music Chart in an effort to eliminate elements that lead to manipulation of rankings in music charts. In order to improve the song file recommendation system, the Ministry decided ① to delete "tie-in" through recommendations within the current music charts; ② to create separate "recommendation" page for recommendation function and to notify selection criteria in order to secure fairness.

In addition, in an effort to improve leading song file charts including the Gaon Music Chart into fair music charts without any market distortion, the Ministry decided ① to improve music charts into downloading-centered ones;

② to limit the frequencies of reflecting one ID a day for specific songs; and ③ to discourage real-time music charts that may affect short longevity of song files.

Based on such policy directions, the Ministry encouraged the music industry to voluntarily abide by the above measures and decided to include provisions prohibiting and restricting excessive music downloading in the Music Industry Promotion Act to establish a sound distribution order in the music market. Accordingly, partially revised bills on the Music Industry Promotion Act tabled by lawmakers Choi Min-hee and Kang Eun-hee in August and October 2013, respectively, are currently pending in the National Assembly.

Next, in an effort to eliminate opportunities for unjustly generating profits from copyright royalties, the Ministry came up with criteria for abuse of music downloading related to calculation of copyright royalties and, decided to exclude cases that belong to the criteria from copyright royalty calculation. To this end, the Ministry ensured that music online service providers would voluntarily come up with preventive measures and conduct monitoring activities such as taking technical measures to prevent the abuse of music downloads at membership and service use stages.

Concerning the abuse of music downloads that occur despite the efforts of online service providers, it was decided that the Ministry of Culture, Sports and Tourism, right owners and online service providers would come up with criteria for the abuse of music downloads through agreement and exclude cases that fall under the criteria from entities entitled to copyright royalty calculation, thereby blocking the excessive music downloading from leading to generation of copyright royalties.







2013 Annual Report on Copyright in Korea

Copyright Collective Management Organizations

I. Overview

II. Current Status

I. Overview

Copyright is an intangible right. Hence, it is difficult for the copyright holder to directly manage his or her rights in person. From the perspective of the user, it is also not easy to seek permission from the author individually. What is more, in the case of the use of a large quantity of works or the use of foreign copyrighted works, it is almost impossible for users to negotiate with copyright holders in person. Therefore, a need has been raised for an institutional mechanism where the copyright holder does not manage his or her rights personally, but entrusts them to certain organizations or companies, thereby promoting conveniences of both the rights holder and the user.

Korea has operated the copyright collective management system based on provisions on copyright trust services under the Copyright Act. The copyright collective management system refers to ongoing management of economic rights, publication rights, or neighboring rights by copyright collective management organizations on behalf of the holders of such rights. Anyone who intends to engage in copyright collective management services must obtain permission from the Minister of Culture, Sports and Tourism (Article 105 of the Copyright Act).

The Korea Music Copyright Association and the Korean TV & Radio Writers Association were authorized to provide copyright collective management services in 1988 for the first time in the nation. As of now, 12 organizations in different fields have been providing collective management services upon receiving permission for copyright collective management business from the MCST. In addition to copyright collective management, they strive to protect copyright protection and facilitate the use of copyrighted works through a variety of activities.

Copyright Management by Copyright Collective Management Organizations in Korea

Category	Organization	Rights under Management
Musical Works	Korea Music Copyright Association	Right of music copyright holders (composers, lyricists, arrangers, music publishing companies)
	Recording Industry Association of Korea	Rights of recording producers
	Federation of Korean Music Performers	Rights of music performers (singers, musicians, etc.)
Literary Works	Korean Society of Authors	Rights of authors of literary, cinematographic, artistic and photographic works
	Korean TV & Radio Writers Association	Rights of radio and TV writers
	Korea Scenario Writers Association	Rights of movie scenario writers
	Korea Reproduction and Transmission Rights Association	Management of reproduction and transmission rights of literary works
Cinematographic Works	Korean Film Producers Association	Rights of film producers
	Movie Distributors Association of Korea	Rights of film producers
Broadcasting	Korea Broadcasting Performers Association	Rights of broadcasting performers (TV actors, voice actors, etc.)
News	Korea Press Foundation	Rights of news writers
Public Works	Korea Cultural Information Service	Public works (the state, local governments, public institutions)

II. Current Status

1. The Korean Society of Authors (KOSA)

The predecessor of the Korean Society of Authors (hereinafter referred to as “KOSA”) is the Korean Association of Authors which was established on May 19, 1984 to protect the rights of authors from illegal publication. As the need for its re-inauguration as a corporation was raised for the purposes of carrying out copyright protection and creation support activities in a systematic manner and boosting its public confidence, the name was changed to the Korean Society of Authors and it was officially launched on July 28, 1988 after receiving approval by the Ministry of Culture and Public Information (currently, the MCST) for corporation establishment on July 13, 1988.

The KOSA was authorized to provide copyright collective management services on March 16, 1989. Since then, it has managed copyrights of literary, dramatic, artistic and photographic works. Major activities of the KOSA include copyright collective management, copyright infringement investigation, protection of rights and interests of right holders through public awareness programs such as seminars and publication of periodicals.

The KOSA signed an MOU with the Korea Writers’ Association (KWA) to promote the rights of wider circles of copyright holders, while pursuing mutual cooperation with various organizations, including the Korea Novelists Association and the Korea Children’s Writers Association and signing MOUs with the Sangwon Museum of Art and Agricultural Museum to provide support for promoting the rights and interests of literary writers.

As the free-of-charge e-Book publication project supported by KOSA starting from 2011 was well-received among its members, the KOSA published 400 works in e-book format by 2013. It is also preparing for a

project to provide support for publication of paper books for its members.

As of the end of December 2013, the KOSA has 3,715 members (including 84 organizations) and manages 188,709 works. Twenty staff executive members including the 11th president Gwon Dae-woo and seven secretariat staff members work for the KOSA.

2. The Korea Broadcasting Performers' Association (KBPA)

The Korea Broadcasting Performers' Association (hereinafter referred to as "KBPA") was established in August 2001 to protect neighboring rights of broadcasting performers, including TV actors, voice actors, comedians and TV hosts. It was authorized by the then Ministry of Culture and Tourism to provide copyright collective management services on February 20, 2002.

The KBPA signed a special agreement on the use of neighboring rights of its members with terrestrial and cable TV broadcasting companies pursuant to Paragraph 3 of Article 100 of the Copyright Act. Based on the agreement, it collects neighboring right license fees that arise when broadcasting organizations reproduce, distribute, broadcast or transmit broadcast programs where its members make an appearance from them and distributes royalties to its members. Moreover, the KBPA has joined the effort to amend the Copyright Act to promote the rights and interests of broadcasting performers, while participating in cooperation projects with copyright-related organizations.

As of 2013, the KBPA has signed MOUs with terrestrial broadcasting companies such as KBS, MBC, SBS, EBS, OBS and nine regional private broadcasting companies, as well as 48 program providers (PP) for cable TV programs and four general programming channels to protect the rights of its members.

Furthermore, based on its understanding that the level of protection of performers' rights stipulated in Article 100 (3) of the Copyright Act lags behind, compared with protection cases of developed countries, posing an obstacle to protection and promotion of the rights of performers, the KBPA has been vigorously engaged in policy activities to address them.

As of the end of 2013, the KBPA had 5,768 members and 17 executive members including the 4th president Kim Ki-bok and 11 staff members in the secretariat work for the organization.

3. The Korean TV and Radio Writers Association (KTRWA)

The Korean TV & Radio Writers Association (hereinafter referred to as "KTRWA") was established in 1962 to promote the rights and interests of TV and radio writers who work in general fields of the broadcasting industry, including TV dramas, documentaries, entertainment, radio and translation, and contribute to the development of national culture through the growth of broadcasting literature. It was authorized to provide copyright collective management services on September 20, 1988.

The KTRWA performs such activities as collection and distribution of royalties through copyright collective management, support for research and writing activities to improve the level of broadcasting scenarios, and welfare-related activities. Besides, it operates the Korea TV and Radio Writers Training Institute to foster broadcasting literature, while carrying out public relations and publication activities by publishing monthly "TV and Radio Writers," as well as a collection featuring winning entries of the TV and Radio Writer Award. It is also actively involved in copyright protection projects as a member of various copyright-related organizations at home and abroad.

In 2013, the KTRWA focused on signing agreements on the use of copyrighted works, including reproduction and distribution of rebroadcast with general programming channels including TV Chosun and JTBC,

coming up with standards on specific royalties, etc. It also revised some provisions of collective agreements signed with terrestrial broadcasting companies to suit the changed broadcasting environment. In addition, the KRTWA took the initiative in creating a system to “prevent overdue script writing fees” to protect the rights and interests of its members. It also strengthened management on “broadcasting script writing contracts,” which are signed between broadcasting companies or production companies and script writers to prevent damage cases where writers transfers copyright to the production company against their will from occurring.

Meanwhile, as the use of broadcasting scripts, creation of secondary works utilizing them, and their use are sharply on the rise, the numbers of license contracts with related businesses have significantly increased. The KTRWA has signed license contracts for education-related publication materials using broadcast scripts, publications that have edited broadcast scripts, production of movie editions, production of broadcast script collection, and musical performances, and has collected royalties from them.

In addition, the KTRWA organized the 4th TV and radio writers’ workshop on copyright in partnership with the KCC (April 18~19, 2013). TV and radio writers from various genres, including drama, entertainment, program composition and radio programs participated in the workshop to learn about various case studies and related court decisions, thereby deepening their understanding of copyright and cultivating working-level capabilities.

As of the end of 2013, the KTRWA has 2,700 members, and it consists of 28 executive committee members including the 28th president Lee Geum-lim and 11 staff members at the Secretariat, which comprises a general administration team, a copyright team and an education and training team.

4. Korea Reproduction and Transmission Rights Association (KORRA)

The Korea Reproduction and Transmission Rights Association (hereinafter referred to as “KORRA”) was established on July 1, 2000 to protect the rights of copyright holders and publishers and to promote the fair use of copyrighted works through collective management of rights on reproduction and transmission of literary works on behalf of rights holders.

KORRA was authorized as a copyright collective management organization on November 14, 2000 and has copyright collective management organizations and related entities as its members. Its six regular groups members include the Korean Society of Authors, the Korean Publishers Association, the Korea Music Copyright Association, the Korean TV and Radio Writers Association, the Korean Association of Academic Societies and the Korea Scenario Writers’ Association. Its four associate group members include the Recording Industry Association of Korea, the Federation of Korean Music Performers, the Movie Distributors Association of Korea, and the Korea Broadcasting Performers Association.

The KORRA not only manages the rights of individual copyright holders, but also, in most cases, manages reproduction rights and transmission rights entrusted by its regular group members. Major cases of rights entrusted through member organizations include rights to make copies for poems, fictions, music scores, broadcasting scripts, and academic papers.

With the application of provisions in Article 30 of the Copyright Act, the KORRA has signed agreements on license of photocopying of works with users of public photocopiers requiring copyright right clearing for photocopying of literary works. The major service providers concerned include photocopy stores in the vicinity of university campuses, government offices and companies. Collected royalties are distributed to right holders including copyright holders and publishers. In the case of foreign organizations with rights to make copies, distribution is mostly launched after about ten years since the initial collection. On the other hand, the KORRA launched distribution of royalties in 2006 and has realized the distribution of full amounts of royalties collected since 2009.

Meanwhile, in order to promote legitimate use of works and to eliminate illegal reproductions, the KORRA carries out crackdown activities throughout the year. During the new school semesters (March and September), the KORRA performs joint crackdowns on photocopying businesses located in university areas in collaboration with the Copyright Protection Center to protect right holders.

In addition to its given activities as a copyright collective management organization, the KORRA carries out collection and distribution of remuneration as it was designated as an organization collecting library remuneration (October 17, 2003) and as an organization collecting remuneration for the use for the purpose of school education (March 13, 2008).

In 2013, the KORRA conducted different projects aimed to promote public interest by using undistributed remunerations for textbooks, including media campaigns to raise public awareness of the remuneration system; opening copyright courses in universities; establishing the integrated remuneration management system; education for copyright users; establishing a database on original texts to provide original texts of textbooks; and support for crackdowns on illegal reproduction. Among them, the project of opening copyright courses in universities targeting university students who are both users and potential right holders carries great significance in raising awareness of copyright.

In order to ensure the legitimate reproduction of foreign works, the KORRA has expanded signing of mutual management agreements with foreign reproduction rights organizations. As of the end of 2013, the KORRA has completed signing of such agreements with 20 organizations and plans to sign agreements with other organizations including the CCC of the United States. In addition, as a regular member of the International Federation of Reproduction Rights Organization (IFRRO), the KORRA has succeeded to gain the right to host the IFRRO general meeting in Seoul in October 2014 and is striving to make the general meeting a great success.

The KORRA's decision-making bodies include the steering committee, the board of directors and the general assembly. At KORRA, a total of 14

staff members work for three teams (collective management business team, remuneration business team, and management support team).

5. The Korea Scenario Writers' Association (KSWA)

The Korean Scenario Writers' Association (hereinafter referred to as "KSWA") was established to protect the rights and interests of scenario writers, offer collective manage services such as licensing and management of scenario works on behalf of scenario writers, and contribute to the development of scenarios. It was authorized to provide copyright collective management services on September 12, 2001 when its name was the Cinematographic Scenario Writers Association. As it was renamed as the Korea Scenario Writers' Association in November 2002.

The KSWA is experiencing difficulties in securing copyrighted works for collective management, given the current practices in the film industry where copyright of scenarios is all granted to film production companies. Hence, its performance on collection and distribution of license fees is relatively low.

However, the KSWA is engaged in other activities, including activities to protect the copyright of its members, research into scenarios, granting awards to meritorious members, and projects to promote the welfare of its members.

KSWA has produced numerous scenario writers through its affiliated organization, the "Scenario Writers Training Institute" established in 1992. In 2012 events and books marking the 20th anniversary of its opening were held and published, respectively. In 2013 and 2014, scenarios written by scenario writers, who had been trained at the Institute, were made into films and among them, films "The Flu (Lee Yeong-jong, 22th Class)," "Secretly, Greatly (Kim Bang-hyeon, 12th Class)," and "Moebius (Kim Ki-duk, 5th Class) were great hits.

Furthermore, the KSWA launched the Scenario Copyright Advisory Council in 2011 with an aim of creating a standard contract commentary. The commentary on the Korean film scenario standard contract was published after going through coordination of interests among the film industry's leading organizations such as the Korean Film Producers Association, the Producers Guild of Korea, the Korea Scenario Writers Association, and the Korea Film Directors' Association. If contracts are signed pursuant to this standard contract, it will serve as a great boost to the rights and interests of scenario writers and their creative activities.

6. The Korea Press Foundation (KPF)

The history of the Korea Press Foundation (hereinafter referred to as "KPF") goes back to 1962 when the Korea Press Center was established. Later, three organizations whose predecessors were the Korea Press Center, the Korea Press Institute (1964) and the Korea Journalists Fund (1974) were integrated to launch the former Korea Press Foundation (predecessor of the current KPF) in 1998. In February 2010, the Korea Press Foundation was launched with the consolidation of the former Korea Press Foundation, the Newspaper Circulation Institute and the Newspaper Promotion Commission.

The newly launched KPF is pushing ahead with the following four policy tasks to promote the news media in the digital era: enhancing the class of journalism; dissemination of reading culture; creation of a creative news distribution ecosystem; and expansion of public interest in government advertising.

With respect to news copyright, the KPF was authorized to provide copyright collective management services on June 7, 2006. As of the end of 2013, it manages the copyright of news works of 69 media of 60 media companies. Starting from 2011, 12 media from six leading media companies such as Chosun, JoongAng, and DongA have joined the KPF's services in the form of agency or brokerage services, so the number of media companies under the management of the KPF amounts to 81 media from 66 media companies. The Foundations' news copyright collective

management services are provided in two forms: support for copyright protection through monitoring and prevention of the infringement of news copyright and facilitation of paid use of news content.

In 2013, the KPF organized a contest for a campaign against infringement of news copyright (UCC, newspaper advertising, slogan categories) and a total of 3,537 entries were submitted, which was a two-fold increase from a year ago, greatly contributing to raising the public awareness of copyright protection. Newspaper advertising produced with the motif of the competition prize winners was also considered effective in promoting the value of news and importance of copyright protection. In addition, the KPF conducting monitoring on the use of news works over 8,024 websites of the central government, local governments, public institutions and companies and notified entities concerned of illegal use and provided on-site education on the proper use on 90 occasions.

In order to facilitate paid use of news, news contents were traded at the Digital Copyright Exchange, which had been established by the MCST and the KCC to facilitate copyright transactions and enhance transparency. The KPF developed a Web-based e-NIE program (online newspapers in education) and supplied it to 1,099 elementary, middle and high schools, contributing to elevating the educational value of news. In addition, the KPF formed a taskforce team comprising experts from home and abroad and introduced the “license pricing system” which is applied with differentiated news copyright prices depending on the numbers of personnel of user organizations.

As a result of such efforts, in 2012, the KPF’s news copyright collective management project has been selected by the World Association of Newspapers and News Publishers (WAN-IFRA), which is the world’s largest press organization participated by the world’s newspaper publishers and editors, as an exemplary business model in recognition of its contribution to boosting market value of news. In 2013, its news copyright sales broke the mark of KRW 10 billion and the KPF received “Excellent” grade in the management evaluation for copyright collective management organizations conducted by the MCST.

7. The Movie Distributors Association of Korea (MDAK)⁷

The Movie Distributors Association of Korea (hereinafter referred to as “MDAK”) was established in 1999 to promote seamless and fair use of cinematographic works and establish their distribution order.

The MDAK was authorized to provide copyright collective management services upon receiving approval on right of performance by means of media among cinematographic works (films) from the MCST on November 9, 2005. The MDAK was authorized to provide comprehensive collective management on September 11, 2013 and has been carrying out collective management activities for cinematographic (films) works including their right of performance, public right of transmission, right of reproduction, and right of distribution.

The MDAK has been taking the lead in protection of copyright of cinematographic works, acting as a secretariat for the “Film Industry Council to Eliminate Illegal Reproduction” in 2007 and striving to expand legitimate distribution of copyrighted cinematographic works. In 2009, it participated in the “Good Downloader Campaign,” a public awareness campaign for copyright protection as a steering committee member.

The MDAK’s main activities include collective management of cinematographic works, collection and distribution of copyright royalties, crackdown on illegal cinematographic reproductions for copyright protection, protection of the rights and interests of its members, information management to facilitate the use of cinematographic works, suggestions for related bills and public awareness campaigns. In 2010, it established subcommittees to promote the development of the film distribution and home entertainment industries and pursued various solutions to address problems in respective industries.

⁷ The name was changed from the Korea Movie and Video Industry Association to the Movie Distributors Association of Korea on August 9, 2013.

In 2013, upon requests from member companies (investors and distributors), the name was changed from the Korea Movie and Video Industry Association to the Movie Distributors Association of Korea (www.mdak.or.kr) and held a seminar on the theme of investment and distribution policy for advancement of Korea's film industry in the second half of the year, sharing information on investment and distribution in the film industry and the role of the government.

At present, the MDAK is striving to protect cinematographic works and to facilitate their distribution. As the nation's sole association for movie distributors, it places priority on researching investment and distribution policies of the film industry and developing relevant policies.

As of the end of 2013, the KMVIA has 56 companies as its members, including regular and special members. It also has six staff members, consisting of directors including the president and staffs at the secretariat under copyright management team, strategic planning team, royalty collection team, and finance team.

8. The Korean Film Producers Association (KFPA)

The Korean Film Producers Association (hereinafter referred to as "KFPA") was established in February 1994 as a consultative body for currently active film producers in Korea. It joined the International Federation of Film Producers Associations (FIAPF) in 2001 and was authorized to provide copyright collective management services by the then Ministry of Culture and Tourism in 2005.

As an association of film producers, the KFPA is engaged in a wide range of projects involving Korea's film industry, including prevention of illegal reproduction and copyright protection, facilitation of the secondary publication market, labor-management negotiations in the film industry and development of a standard contract form, and pursuit of rationalization measures of the industrial structure, thereby contributing to both qualitative

and quantitative growth of the film industry in Korea. As of the end of 2013, the KFPA had 76 companies as its members.

In 2012, the KFPA successfully reached agreements in collective and wage negotiations jointly with the Federation of Korean Movie Workers' Union. At the same time, it played a leading role in federations of various popular culture groups such as the Korea Popular Culture and Art Federation (KPCAF) and the Korean Movie Collective Solidarity Meeting and the Film Industry Shared Growth Council, vigorously implementing policy activities aimed to promote the popular culture industries including the film industry.

9. The Federation of Korean Music Performers (FKMP)

The Federation of Korean Music Performers (hereinafter referred to as "FKMP") was established in June 1988 to protect and manage neighboring rights of performers. It was authorized to provide copyright collective management services on November 14, 2000 by the then Minister of Culture and Tourism and has managed neighboring rights of performers since then.

In addition to collective management services, the FKMP collects and distributes remuneration for music performers as it was designated as an organization to collect remuneration for broadcasting of phonograms for sale in October 1988, an organization to collect remuneration for digital sound transmission in 2008, and an organization to collect remuneration for public performances of phonograms for sale in 2009.

As of December 31, 2013, the FKMP had 7,706 performers as its individual members and six special members, including the Korea Singers' Association, the Singers' Committee of the Korea Entertainers Association, the Korea Recording Musician Association, the Korean Traditional Music Association, the Music Association of Korea, and the Korea Musicians

Association. Its major activities include collection and distribution of copyright royalties and various remunerations, protection of rights and interests of music performers and improvement of their status, protection of rights of Korean music performers in foreign countries and publicity campaigns on neighboring rights.

After discussions for about two years participated by the FKMP, related government agencies (the Fair Trade Commission and Korea Communication Commission), legal experts, broadcasting companies and stakeholders (the Korea Singers Association and the Korea Entertainment Producers Association), the “standard contract for broadcasting appearance of entertainers” was enacted and announced on July 30, 2013. According to the standard contract, broadcasting companies are required to sign special agreements with copyright collective management organizations concerning secondary use of broadcast works such as re-airing to make rights handled in accordance with the Copyright, thereby promoting the rights of performers.

The FKMP has invested considerable time and personnel in building database on performance information by music performers for collection and distribution of neighboring rights royalties for music performance. On January 8, 2014 the FKMP registered its performance information database with the Korea Copyright Commission as a database copyright to receive protection as a copyright. The registered database is classified into seven categories of “album title/ album artist/ date of release/ Jacket image/ title of music/ artist/ information on the participation of the conductor, main performer and associate performer over 530,000 songs which can be searched at the FKMP homepage. It is the nation’s sole database containing information on music performs for songs in Korea. The FKMP will have legal capacity in the future, including legal opposing power on the performance information database, presumption as authors of works, and capacity to file legal compensation claims. In the meantime, with the database’s registration as a public register in the name of the copyright register, certain information in the database (author name, date of production, etc.) has become available for notification and viewing to the public.

With music performers going global with the Korean Wave and K-pop

popularity, the FKMP is also expanding the scope of its activities to foreign countries and has signed agreements on mutual management and has conducted mutual payment and settlement with a number of foreign collective management organizations in Japan, Sweden and the Netherlands, striving to expand its overseas operations. It signed contracts with the CPRA of Japan in 2010, the SAMI of Sweden in 2011, the SENA of the Netherlands in 2012. In 2013, it signed contracts with the ACTRA PRS of Canada, the ZAVOD IPF of Slovenia, the RAAP of Ireland, and the AIE of Spain.

10. Korea Music Copyright Association (KOMCA)

The Korea Music Copyright Association (hereinafter referred to as "KOMCA") was established in 1964 to protect the rights and interests of music copyright holders. It was authorized to provide copyright collective management services on February 23, 1988 and manages the right of public performance, the right of broadcasting, the right of interactive transmission and the right of reproduction of musical works. The KOMCA collected copyright royalties worth KRW 111.5 billion in 2012, and KRW 120 billion despite global economic downturn and extreme industrial slowdown in Korea. The numbers of its members and collective management agreement signatories broke through the 17,000 mark and the number of works under its collective management amounts to as many as 1,920,168, indicating its strong position as a music copyright collective management organization.

The KOMCA attended the Korea-Japan copyright forum, the Korea-China copyright forum, and the Korea-Philippines copyright forum organized by the MCST and the KCC jointly with the Japanese, Chinese and the Philippines governments and introduced its activities, thereby boosting its position in East Asia. It also attended the CISAC regular general meeting and the CISAC Asia-Pacific Committee meeting where it delivered a presentation on its pending issues and projects such as problems of plural organizations. It also received letters from leading overseas organizations pinpointing the problems of plural organizations,

thereby enhancing its overseas activities.

With the ongoing popularity of Korean Wave contents such as K-Pop overseas, the KOMCA further expanded its international exchange by signing mutual management contracts with STEMRA of the Netherlands, the TEOSTO of Finland, the UCMR-ADA of Romania, the MACP of Malaysia, and the MRCSN of Nepal to protect the Korean contents properly and enhance cooperation with overseas copyright management organizations. As of now, the KOMCA has signed mutual management contracts with 45 organizations from 43 countries in the performance/broadcasting rights and 40 organizations from 43 countries in the right of reproduction.

Meanwhile, in an effort to reduce copyright infringement ratio and maximize the collection of music royalties through campaigns to eliminate illegal reproduction, the KOMCA staged campaigns distributing posters, illegal work identification posters, promotional brochures, promotional wet tissues and vehicle stickers jointly produced by the MCST (Copyright Protection Division), the Korea Expressway Corporation, and the Copyright Protection Center to the general public at highway service areas and music recording stores nationwide. At present, through education, stores “Hi Shop” and recording stores in highway service areas are required to refuse to accept reproduced products such as albums and records without the KOMCA hologram from suppliers.

Marking the 50th anniversary of its foundation, the KOMCA has published the KOMCA’s 50 Years of History which records its history from 1964 to 2013 to re-highlight its past footsteps and to instill the spirit of history for the association.

8 The name was changed from the Korean Association of Phonogram Producers to the Recording Industry Association of Korea on May 9, 2013.

11. The Recording Industry Association of Korea (RIAK)⁸

The Recording Industry Association of Korea (hereinafter referred to as "RIAK") was established in 2001 to protect the rights and interests of phonogram producers. It was authorized to provide copyright collective management services by the then Minister of Culture and Tourism on March 17, 2003 and has provided collective management of 210,000 songs owned by 2,369 members.

In addition to collective management of neighboring rights for phonogram producers, the RIAK collects and distributes remuneration for 2.11 million songs of 3,000 phonogram producers, as it was designated as an organization to collect broadcasting remuneration for commercial phonograms in December 2001, as an organization to collect remuneration for digital audio transmission of phonograms in 2008 and as an organization to receive remuneration for performances for commercial phonograms in 2009. Furthermore, it is proactively involved in copyright protection activities and crackdown on illegal audio sources.

Meanwhile, in May 2011, the Korea Music Data Center project, which had been implemented by the Korea Creative Content Agency with the purpose of promoting the public's right to enjoy culture through the systematic collection of Korean music and the establishment of online/offline data center, was transferred to the RIAK Permanent and special exhibition halls and a data center are located on the first floor and the first basement floor in the Olympic Hall. In 2011, the "Korean Wave Soaring into the World" was staged and Nam In-su Special Exhibition was featured in 2012, followed by "Seotaiji, The History" exhibition in 2013.

In addition, the RIAK has staged various campaigns aimed to create a healthy distribution environment through crackdown on illegal audio sources and infringement prevention via expanded monitoring and to protect the rights and interests of phonogram producers and distributors, and to protect copyright and facilitate its use through the establishment of working-level phonogram producer consultative body. By doing so, it is contributing to raising public awareness of copyright and establishing perceptions on the proper use of cultural contents.

Based on such diverse projects and activities, the RIAK shows an annual growth rate of 16% on average and is expanding the rights and interests of phonogram products at the forefront of the era of a transparent and new music business. It continues to make continuous efforts to become a leader in the global music industry.

12. The Korea Cultural Information Service Agency (KCISA)⁹

The Korea Cultural Information Service Agency (hereinafter referred to as the “KCISA”) was established in 2002 to lay the groundwork for a creative knowledge-based information society and to enhance cultural competitiveness by providing support for promotion of cultural informatization and the computerization project among organizations and institutions under the MCST. As an organization in charge of informatization of the MCST, the KCISA has provided integrated management of public information in the cultural area since 2011. The majority of public information currently managed by the KCISA as a non-classified public institution belongs to public works and it also produces public works and thus it is engaged in various activities to facilitate the use of public works among the general public. Since it was authorized by the Minister of Culture, Sports and Tourism on September 23, 2013, it has been providing collective management services for rights of public works.





The KCISA is entrusted with public works, which are either works created for hire and announced by the central government, local governments and public institutions, or works whose copyright has been acquired from a third party, from various organizations, including the Seoul Metropolitan Government, the National Research Institute of Cultural Heritage and the National Gugak Center, and provides collective management services for them. It also upgrades the “public copyright

9 The name was changed from the Korea Database Agency to the Korea Cultural Information Service Agency, which was authorized to provide collective management services on September 23, 2013.

collective management system (www.alright.or.kr),” a website designed for distribution of public works to help the public conveniently use public works free of charge or at inexpensive prices without any copyright infringements, doing its utmost to protect the rights of entrusted works and to facilitate its use.

Furthermore, the KCISA is distributing the Korea Open Government License (KOGL) which can enhance the utilization of public works and contribute to the advancement of the culture industry by both acknowledging copyrights of public institutions and simplifying license procedures. It is also operating the “KOGL (www.kogl.or.kr),” a public work search portal website.

The Korea Open Government License (KOGL) System (www.kogl.or.kr)

Types of License	KOGL Mark	Scope of License
[Type 1] Source marking		<ul style="list-style-type: none"> • Source marking • Commercial or non-commercial use is possible • Secondary work production such as modification is possible
[Type 2] Type 1 + Prohibition of commercial use		<ul style="list-style-type: none"> • Source marking • Only non-commercial use is possible • Secondary work production such as modification is possible
[Type 3] Type 1 + Prohibition of modification		<ul style="list-style-type: none"> • Source marking • Commercial or non-commercial use is possible • Prohibition of secondary work production such as modification
[Type 4] Type 1 + Prohibition of commercial use + Prohibition of modification		<ul style="list-style-type: none"> • Source marking • Only non-commercial use is possible • Prohibition of secondary work production

13. Introduction of Competition in the Music Copyright Collective Management Business

In April 2013, the MCST decided to introduce competition by granting authorization to provide collective management services for musical works such as lyrics, composition and arrangement to one more organization in addition to the existing Korea Music Copyright Association and announced its plan to select a new organization for music collective management services.

In the past, the MCST maintained monopolistic collective management systems by field to efficiently management copyright. However, such problems as controversies over the fairness of royalty collection and distribution and arbitrary operation of organizations have been continuously raised and copyright collective management organizations showed limitations in voluntary improvement of such problems. As a result, the Ministry decided to introduce competition for copyright collective management business in the music copyright sector whose copyright royalty collection has amounted to more than KRW 100 billion and thus has good conditions for introduction of competition.

The Federation of Korea Music Copyrighters, which has been selected as a new authorized organization plans to launch its operation in June 2014 after the establishment of a non-profit organization and improvement of various regulations required for performing copyright collective management business.

The MCST anticipates that the introduction of competition in music copyright collective management business will provide copyright holders with opportunities to entrust their copyrights under more favorable conditions and induce the two organizations to strengthen efficiency and transparency of operation of copyright collective management organizations and to improve services for attracting members, thereby bringing about positive effects in the development of the music copyright industry.







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Appendices

- I. Copyright Statistics
- II. Major Activities in 2013
- III. Directory of Major Organizations

I. Copyright Statistics

1. Copyright Education Programs by Year and Category

Program Title	2009	2010	2011	2012	2013
Copyright Research School	21,600 27 schools (nationwide)	42,856 50 schools (nationwide)	34,400 43 schools (nationwide)	31,200 39 schools (nationwide)	1,745 9 schools (nationwide)
Hands-on Copyright Class	4,095 (117 classes)	10,669 (198 classes)	5,827 (99 classes)	6,997 (100 classes)	8,996 (200 classes)
Special Area Teachers Training	76 (2 sessions)	79 (2 sessions)	79 (2 sessions)	58 (2 sessions)	46 (2 sessions)
Distance Teachers Training	3,305 (7 sessions)	3,308 (12 sessions)	10,526 (35 sessions)	13,813 (50 sessions)	7,426 (59 sessions)
Operation of Distance Training Institute (General public)	-	1,036 (20 sessions)	1,365 (66 sessions)	1,788 (91 sessions)	5,257 (122 sessions)
Operation of Distance Training Institute (Youth)	-	-	804 (2 sessions)	1,462 (2 sessions)	122 (2 sessions)
Operation of Distance Training Institute (Public officials)	223 (8 sessions)	248 (10 sessions)	232 (27 sessions)	255 (33 sessions)	1,365 (86 sessions)
Copyright Academy	250 (12 sessions)	202 (10 sessions)	287 (11 sessions)	215 (9 sessions)	267 (10 sessions)
Copyright Culture School	182 (7 sessions)	69 (3 sessions)	61 (2 sessions)	85 (3 sessions)	83 (3 sessions)

Program Title	2008	2009	2010	2011	2012
Copyright Expert Forum	-	100 (6 sessions)	-	-	-
Copyright Instructor Training	73(3 sessions)	93 (4 sessions)	167 (5 sessions)	171 (4 sessions)	81 (2 sessions)
Copyright Protector Education	7,812 (72 sessions)	3,444 (75 sessions)	2,657 (52 sessions)	2,856 (50 sessions)	2,426 (45 sessions)
Mobile Copyright Education	93,977 (374 sessions)	282,856 (2,459 sessions)	315,508 (3,411 sessions)	373,712 (3,374 sessions)	371,250 (8,352 sessions)
Intellectual Property Day Seminar	-	-	-	-	-
Culture Industry Working-level Staff Training	-	46 (2 sessions)	-	-	-
WIPO Collaboration Program	4 (1 session)	-	-	-	-
Copyright Education Workshop for Instructors for Teacher Training	26 (1 session)	183 (2 sessions)	45 (1 session)	23 (1 session)	53 (1 session)
Textbook Authors Workshop	44 (1 session)	221 (3 sessions)	135 (3 sessions)	212 (3 sessions)	14 (1 session)
Commissioned Copyright Education for Public Officials	242	1,168	3,194	1,379	2,406
Copyright Theatrical Troupe		8,125 (20 sessions)	10,273 (27 sessions)	-	
Total	109,772	353,753	384,165	396,029	

2. Numbers of Registration by Year and Subject Matter

(Unit : Piece)

Year Category	'87 ~'96	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total	
Works	Literary	987	64	84	64	218	495	625	828	994	1,526	1,796	1,892	1,878	2,309	3,776	3,612	3,742	3,658	28,548
	Musical	86	1	21	112	290	101	214	248	238	313	362	659	744	987	1,387	1261	1,446	1,430	9,900
	Theatrical	-	-	-	-	1	6	2	11	5	4	14	3	16	27	25	20	24	58	216
	Artistic	822	13	50	159	712	1,774	2,842	2,919	2,439	4,816	3,779	3,599	4,278	5,075	4,632	5,179	7,092	7,938	58,118
	Architectural	-	4	1	78	453	262	184	161	285	145	132	210	99	117	84	246	57	131	2,649
	Photographic	6	-	1	4	18	43	93	339	736	1,048	3,877	6,350	2,993	378	447	281	507	447	17,568
	Cinematographic	484	186	41	20	109	473	287	432	800	732	723	660	247	238	676	374	505	626	7,613
	Diagrammatic	26	1	6	5	24	49	91	88	19	265	440	564	506	400	742	567	528	545	4,866
	Compilation	45	2	2	16	106	275	427	658	708	696	798	1,105	1,414	1,082	1,330	1,562	1,823	1,981	14,030
	Secondary	-	-	-	-	7	99	193	772	847	795	180	253	199	279	451	907	645	572	6,199
	Program	39,183	7,700	7,582	7,836	13,855	11,019	10,062	9,946	10,304	10,532	10,699	10,624	11,192	11,856	12,483	13,858	14,101	13,690	226,522
	Others	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1
Neighboring rights works	Performance	-	-	-	-	-	1	-	1	-	2	61	24	4	93	24	3	30	1	244
	Phonogram	162	-	-	-	14	37	21	49	82	184	68	36	73	1,366	705	230	565	323	3,915
Database		-	-	-	-	-	-	-	2	14	27	11	38	35	18	86	54	101	62	448
Total		41,801	7,971	7,788	8,294	15,807	14,634	15,042	16,454	17,471	21,085	22,940	26,017	23,678	24,225	26,848	28,154	31,166	31,462	380,837

3. Numbers of Dispute Conciliation Cases by Year and Subject Matter

Category Year	Literary	Musical	Theatrical	Artistic	Architectural	Photo- graphic	Cinema- tographic	Diagra- mmatic	Compilation	Secondary	Neighboring Rights Works	Database	Computer Program	Total
1988	6	2	-	-	-	-	-	-	-	-	2	-	-	10
1989	5	-	1	1	-	1	-	-	-	-	-	-	-	8
1990	6	-	-	-	-	7	-	-	-	-	2	-	-	15
1991	13	1	1	4	-	1	1	-	-	-	4	-	-	25

Category Year	Literary	Musical	Theatrical	Artistic	Architectural	Photo- graphic	Cinema- tographic	Diagra- mmatic	Compilation	Secondary	Neighboring Rights Works	Database	Computer Program	Total
1992	19	1	-	2	-	4	1	-	-	-	2	-	-	29
1993	18	1	-	6	-	2	-	-	-	-	-	-	-	27
1994	30	2	-	6	-	6	1	-	-	-	1	-	-	46
1995	12	13	-	7	-	1	-	-	1	-	1	-	4	39
1996	10	6	-	1	-	1	-	-	-	-	-	-	-	18
1997	6	5	-	11	-	2	-	-	3	-	1	-	4	32
1998	13	9	-	20	-	4	1	1	3	-	-	-	5	56
1999	8	-	-	14	-	3	1	1	2	-	3	-	13	45
2000	7	1	1	9	1	1	3	1	-	-	3	-	13	40
2001	19	3	1	26	2	10	4	1	1	-	-	-	16	83
2002	32	7	1	23	1	20	16	1	8	-	-	-	18	127
2003	29	29	-	4	1	41	1	-	6	-	-	-	20	131
2004	14	3	-	33	1	13	1	-	6	-	2	-	24	97
2005	31	1	-	12	1	13	-	-	6	1	1	1	27	94
2006	24	30	-	5	-	16	1	-	6	1	6	2	33	124
2007	13	4	-	8	-	8	-	2	4	-	5	-	34	78
2008	9	15	-	5	-	10	3	-	4	-	1	2	13	62
2009	10	3	1	7	-	11	-	-	2	1	4	-	16	55
2010	18	6	-	12	-	7	2	1	1	-	7	-	8	62
2011	26	1	-	11	-	7	5	2	-	-	11	-	19	82
2012	17	13	-	1	-	4	-	-	-	-	10	-	33	78
2013	23	4	1	6	-	5	5	1	1	-	22	-	33	101
total	418	160	7	234	7	198	46	11	54	3	88	5	333	1,564

4. Application for Appraisal on Copyright Infringements by Year

Classification	2011	2012	2013	Total
Application	37	59	78	174
Appraisal	38(21)	33(9)	49(16)	154
Internal, Joint Appraisal	28(19)	4(2)	-	32

※ Figures in parentheses are cases carried forward from the previous year.

5. Software Escrow Services by Year¹⁰

(Unit : No. of Case)

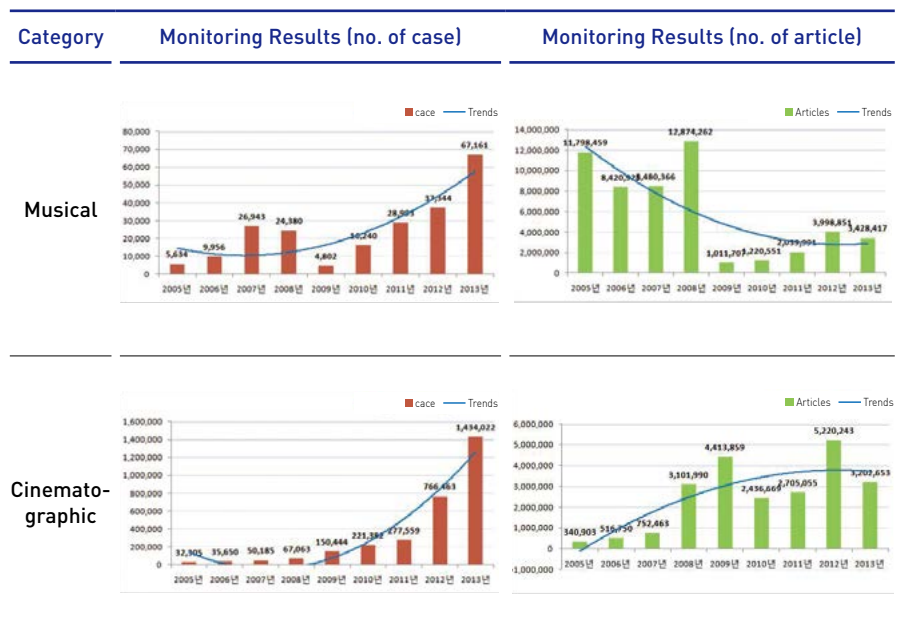
Classification	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total
New Contracts	4	4	2	11	18	19	49	62	121	155	151	149	116	163	864
Renewals	2	1	2	2	6	19	17	48	65	97	126	182	212	224	779
Deposit Contract															
Registration of Persons with the Right of Use	-	-	-	-	44	44	13	21	59	47	53	62	22	37	365
Sub-Total	6	5	4	13	68	82	79	131	245	299	330	393	350	424	2,008

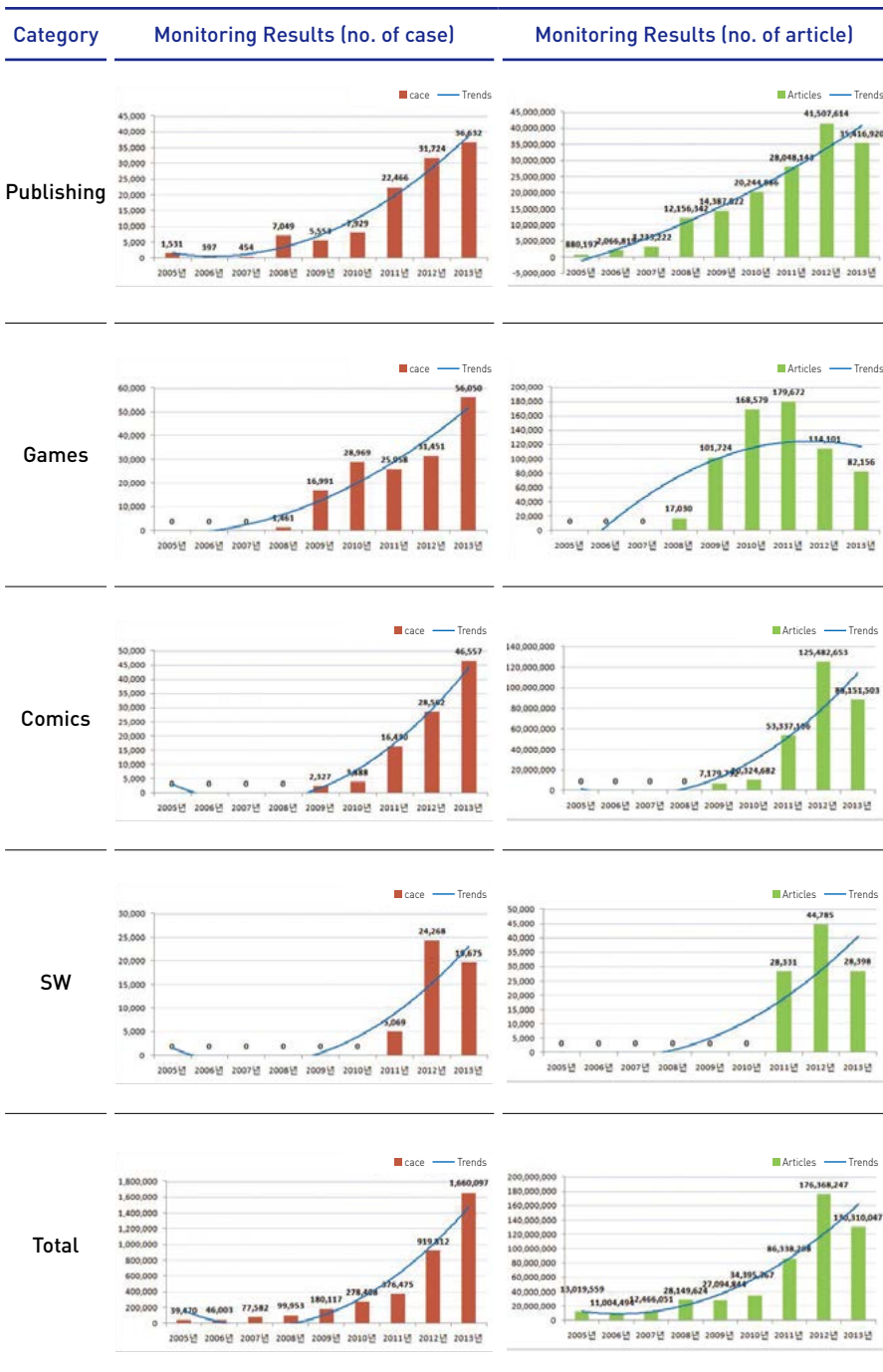
¹⁰ Software escrow is a system for mutual cooperation where technical data, etc. are deposited at a reliable 3rd organization in order to maintain protection of copyright of the developer and stable business operation of the user company at the time of transactions of technological information.

Classification	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total
Deposit of Latest Versions	-	-	-	-	-	5	8	18	14	17	13	20	21	15	116
Others															
Technological Verification	-	-	-	-	-	1	1	1	-	-	-	-	-	2	3
Sub-Total	-	-	-	-	-	6	9	19	14	17	13	20	21	17	119
Total	6	5	4	13	68	88	88	150	259	316	343	413	371	441	2,127

6. Online Monitoring Performance

(Crackdown on Illegal Reproductions over the Past 8 Years)

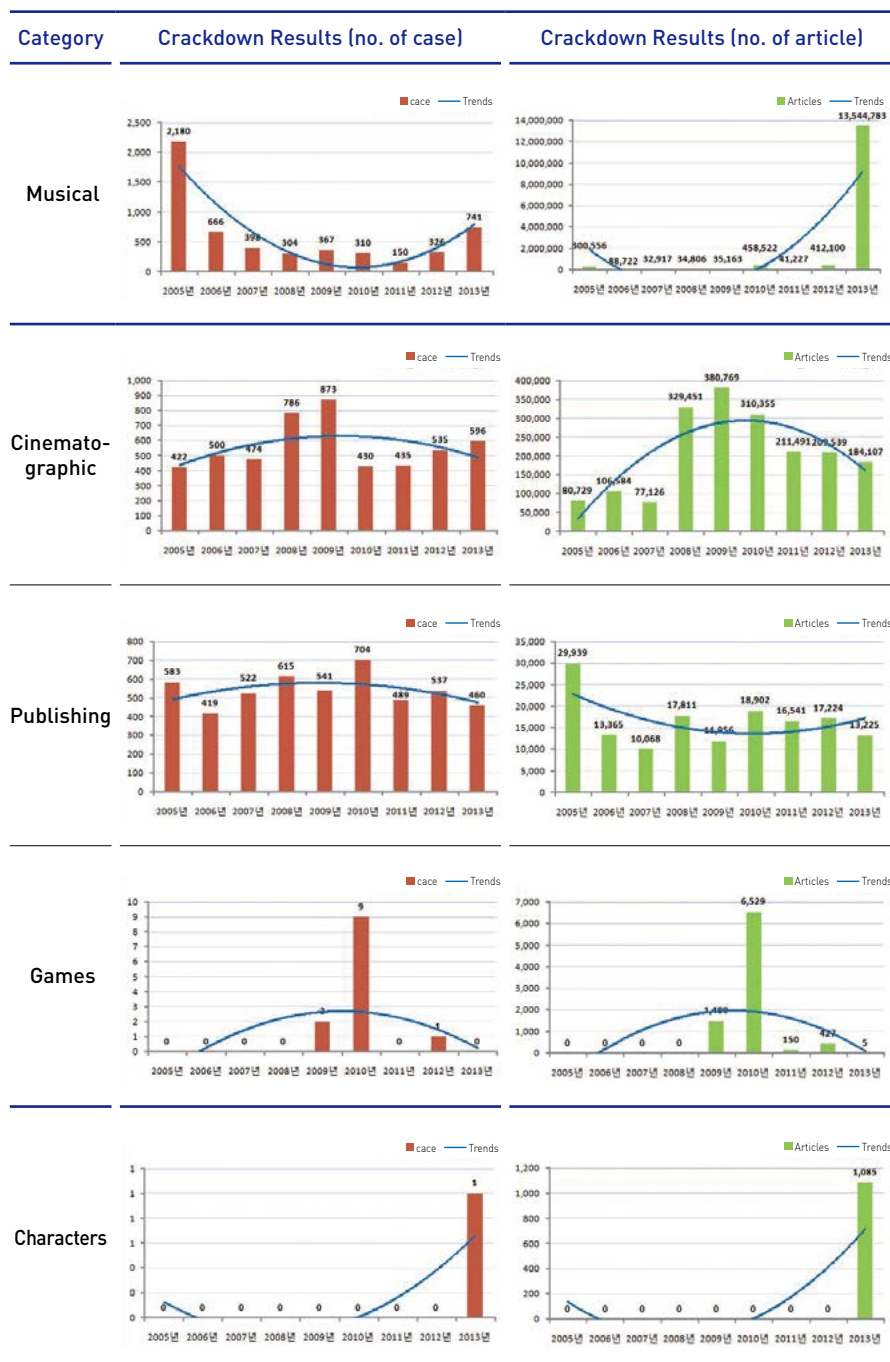


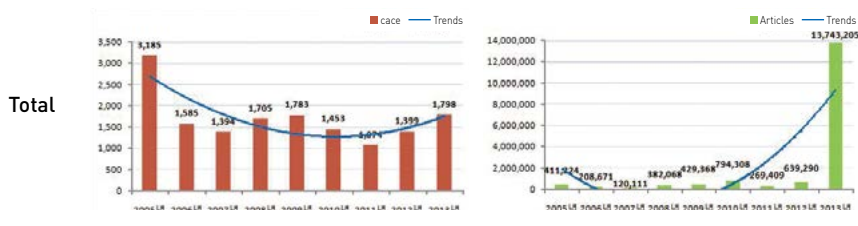


- ※ Monitoring of online game content, comics and software content commenced from October 2008, January 2009, and August 2011, respectively.
- ※ The above trend curve illustrates the change of crackdown performance from a long-term perspective.
(No. of Case) (Trends (No. of Article))

7. Offline Crackdown

(Crackdown on Illegal Reproductions over the Past 8 Years)





- ※ The crackdown on offline game content commenced in April 2009.
- ※ The above trend curve illustrates the change of crackdown performance from a long-term perspective.
(No. of Case; Trends) (No of Article; Trends)

II. Major Activities in 2013

January	<ul style="list-style-type: none"> - Forum on photographic art and copyright (Jan.17) - UCI applied to distribution of audio source contents (Jan.18) - Launching ceremony for the 2013 illegal reproduction monitoring squad (Jan. 28)
February	<ul style="list-style-type: none"> - Announcement of inspection results of software use status in public institutions (Feb. 12) - Publication of a survey report on the distribution and use of Korean copyrighted works in major countries affected by the Korean Wave (Feb.13) - Extension of the "Youth Copyright Infringement Criminal Case Rejection System" by one year (Feb..25)
March	<ul style="list-style-type: none"> - The KCC signed an MOU on copyright education with the Korea Institute of Startup and Entrepreneurship Development (Mar.8) - Launching ceremony for the 2013 Copyright Youth Instructors (Mar.14) - Launch of a council on improvement of audio source transmission fee system; The KCC signed an MOU with the Intellectual Property Center of the Zhongnan University of Economics and Law, China (Mar.21)
April	<ul style="list-style-type: none"> - Public announcement of a plant to select a new authorized music collective management organization (Apr.10) - Workshop on "enhancement of copyright expert capabilities for developing countries" was hosted jointly with WIPO. (Apr.19) - Forum on the "creative economy opened by copyright" (Apr..30)

May	<ul style="list-style-type: none"> - Audio source streaming copyright royalty charging system shifted to quantity-based system (May 1) - The KCC signed an MOU with the Korea Manhwa Contents Agency, the Copyright Protection Center and the Korea Cartoonist Association. (May 2) - A seminar on "copyright mediation and arbitration" was hosted jointly with WIPO. (May 21) - The KCC signed an MOU with the Busan IT Industry Promotion Agency and opened a copyright service support center for the Busan region (May 22).
June	<ul style="list-style-type: none"> - Workshop on "development of international copyright protection personnel" was hosted jointly with WIPO (June 4~11). - Copyright courses were opened in 12 universities and support for them was provided (June 12) - The WIPO Diplomatic conference "Treaty on Limitations and Exceptions for Facilitating Access to Published Works for Visually Impaired Persons" in Morocco (June 17~28) - The 2013 international conference on response to copyright infringement in a smart environment (June 19) - The KCC signed an MOU on prevention of plagiarism with the National Assembly Library (June 26)
July	<ul style="list-style-type: none"> - The MCST and the MSIP jointly announced a plan to "promote the contents industry" at the 12th economy ministers meeting (July 4). - The KCC signed an MOU on "culture and arts and copyright" with the Arts Council Korea and the Korean Artists Welfare Foundation (July 16). - The 2013 Steering committee of the Council to Transform Public Works into Creative Resources (July 25)
August	<ul style="list-style-type: none"> - The 2013 Public Works Creative Contest (Aug.20~Sept.20) - The MCST made another public announcement on a new authorized music collective management organization (Aug. 29) - Publication of "Copyright Statistics" Vol.2 which analyzes the copyright ecosystem (Aug. 31)
September	<ul style="list-style-type: none"> - China Mobile, China's largest telecommunication company, agreed to replace rights certification data of Korean audio source distributors with rights certificate issued by KCC's Beijing Copyright Center (Sept. 1) - The KCC signed an MOU with the Digital Photographers Association of Korea (Sept.3) - The 9th Korea-China Copyright Forum" in Qingdao, China (Sept. 5) - The MCST and the MSIP announced "ways to expand the contents industry overseas" at the 137th external economic ministers meeting (Sept.12).
October	<ul style="list-style-type: none"> - The "2013 WIPO Study Visit" aimed to provide copyright education to Latin American and Africa was held in partnership with WIPO (Oct.22~25) - The KCC signed an MOU on intellectual property-related academic exchange and cooperation enhancement with the Korea Institute of Intellectual Property (Oct.23) - The KCC signed an MOU on mutual development and cooperation in the copyright sector with China's largest portal site "Baidu" (Oct. 28).
November	<ul style="list-style-type: none"> - The MCST signed an MOU on enhancing copyright cooperation with the Department of Intellectual Property of Thailand (Nov.4). - The MCST signed an MOU with the Ministry of Culture of China and hosted the 1st Korea-China Cultural Industry Forum (Nov.15).
December	<ul style="list-style-type: none"> - The MCST selected the Korea Music Copyrighters Association as a new music copyright collective management organization (Dec.5). - The 5th Korea-Japan Copyright Forum was held in Tokyo, Japan (Dec.10). - The KCC signed an MOU with Naver Corporation (Dec.12) - Integrated homepage for copyright protection (www.copy112.or.kr) opened (Dec.23).

III. Directory of Major Organizations

Classification	Organization Name	Address	Homepage Address	Telephone No. (Main)	Fax No.
Major Organizations	Ministry of Culture, Sports and Tourism	Government Complex-Sejong, 388, Galmae-ro, Sejong-si (339-012)	http://www.mcst.go.kr	+82-44-203-2000	+82-44-203-3447
	Korea Copyright Commission	6F&7F, 619 Gaepo-ro, Gangnam-gu, Seoul(135-240)	http://www.copyright.or.kr	+82-2-2660-0000	+82-2-2660-0019
	Korea Federation of Copyright Organizations	10F, Culture Contents Center, 400 World Cup buk-ro, Mapo-gu, Seoul (121-904)	http://www.kofoco.or.kr	+82-2-1588-0190	+82-2-3153-2708
	Korea Software Property Right Council	6F&7F, Software Development Center, 447, Yeoksam-ro, Gangnam-gu, Seoul (135-841)	http://www.spc.or.kr	+82-2-567-2567	+82-2-567-2933
	Korea Creative Content Agency	400 World Cup buk-ro, Mapo-gu, Seoul (121-904)	http://www.kocca.kr	+82-2-1566-1114	+82-2-3153-1115
Copyright Collective Management Organizations	Korea Music Copyright Association	KOMCA Center, 332, Gonghang -Daero, Gangseo-gu, Seoul (157-824)	http://www.komca.or.kr	+82-2-2660-0400	+82-2-2660-0401
	Recording Industry Association of Korea	7F, The PAN, 58-gil 10, World Cup buk-ro, Mapo-gu, Seoul	http://www.kapp.or.kr	+82-2-3270-5900	+82-2-711-9735
	Federation of Korean Music Performers	7F, Doremi Building, 659 Gonghang -Daero, Gangseo-gu, Seoul(157-862)	http://www.fkmp.kr	+82-2-745-8286	+82-2-766-1034
	Korean TV&Radio Writers Association	#401, Geumsan Building, 750 Gukhoedaero, Yeongdeungpo-gu, Seoul (150-874)	http://www.ktrwa.or.kr	+82-2-782-1696	+82-2-783-3711
	Korean Society of Authors	#1020, Olympia Center, 72, Nonhyeon-ro 79, Gangnam-gu, Seoul (135-080)	http://www.copyrightkorea.or.kr	+82-2-508-0440	+82-2-539-3993

Classification	Organization Name	Address	Homepage Address	Telephone No. (Main)	Fax No.
Copyright Collective Management Organizations	Korea Scenario Writers Association	#202, Capital Building, 27, Seoyae-ro, Jung-gu, Seoul (100-273)	http://www.scenario.or.kr	+82-2-2275-0566	+82-2-2278-7202
	Korea Reproduction & Transmission Rights Association	8F, Jungang Building, 179, Hwagok-ro, Gangseo-gu, Seoul(157-010)	http://www.krtra.or.kr	+82-2-2608-2800	+82-2-2608-2031
	Korea Film Producers Association	#503, Boaz Building, Supyo-ro 28, Jung-gu, Seoul (100-272)	http://www.kfpa.net	+82-2-2267-9983	+82-2-2267-9986
	Movie Distributors Association of Korea	2F, Mijin Building, 23, Dasan-ro, Jung-gu, Seoul (100-450)	http://www.kmva.or.kr	+82-2-3452-1001	+82-2-3452-1005
	Korea Broadcasting Performers Association	#604, River Tower, 63-ro, 36, Yeongdeungpo-gu, Seoul (150-971)	http://www.kbpa.kr	+82-2-784-7802	+82-2-784-7805
	Korea Press Foundation	12F, Press Center, Sejongdae-ro 124, Jung-gu, Seoul(100-750)	http://www.kpf.or.kr http://www.newskorea.or.kr	+82-2-2001-7114	+82-2-2001-7720
	Korea Cultural Information Service Agency	#601, World Cup buk-ro, Mapo-gu, Seoul (121-904)	http://www.kcisa.kr	+82-2-3153-2371	+82-2-566-9710

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