

2011 Annual Report on Copyright in Korea



A blurred photograph of three business professionals in motion, ascending a wide set of stone stairs. The individuals are out of focus, conveying a sense of speed and activity. In the background, a tall, modern building with a distinctive white, grid-like facade rises against a clear sky. The overall image has a light blue tint.

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on Copyright in Korea

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A Message from the Minister of Culture, Sports and Tourism



A Message from the Minister

It is my belief that what Korean society expects in terms of the government's copyright policy is to "protect rights of authors and the neighboring, and to promote the fair use of works in order to contribute to the improvement and development of culture," as stipulated in Article 1 of the Copyright Act of Korea.

Copyright policy is like two sides of a coin. Just as economic value is created when the two different sides of a coin exist, copyright policy can provide cultural value to society only when it has dual aspects of rights protection and facilitation of the use of works.

Korea has made great strides in copyright protection over the past few years. Most notably, following the introduction in 2009 of a system to order the suspension of online accounts of repeated infringers, the country revised the Copyright Act to implement the Korea-EU Free Trade Agreement (FTA) and the Korea-US Free Trade Agreement (FTA) in 2011, thereby creating more systematic and advanced legal frameworks on copyright protection.

However, amid recent changes in the digital environment that is increasingly moving toward a convergent multimedia environment represented by N-screen and cloud computing, copyright infringement cases are becoming more diversified and sophisticated. In order to respond to the

changing digital environment, the Korean government has developed and implemented a system to collect and analyze evidence of digital copyright infringement and “I-Cop,” which automatically screens websites for copyright infringements, while introducing the “Copyright Special Judicial Police System.” As a result, infringement ratios of the potential licensed works market have been steadily on the decline, from 21.6% in 2009, to 19.2% in 2010 and 18.8% in 2011, respectively.

Korea’s commitment to copyright protection and its achievements have already set a good example in the international community. The nation's system to suspend online accounts and bulletin board services of infringers has presented a precedent case for Western countries such as France, the United Kingdom and New Zealand. In addition, Korea has been excluded from the Special 301 Watch List released by the United States Trade Representative (USTR) for four consecutive years since 2009, thus enhancing Korea’s national image.

In particular, in its August 2011 edition, *The Economist*, a leading UK business publication, introduced Korea as a nation that mobilizes powerful enforcement against illegal reproduction and positively assessed the nation's efforts to block illegal online websites, suspend online accounts of infringers, and provide education programs for youths who have downloaded files illegally. Such efforts are deemed to have contributed to the significant increase in sales of Korea's phonogram market over the past three years from KRW506.4 billion in 2007 to KRW704.5 billion in 2010.

Meanwhile, in order to smoothly promote the “copyright ecosystem” consisting of creation, protection and utilization of copyrighted works, the Korean government is striving to protect copyrights, while implementing

a policy of “facilitating fair and convenient use of copyrighted works” in a balanced manner.

Economic benefits of the use of public information are estimated at KRW10 trillion annually. For this reason, developed countries are proactively responding to new cultural and economic demands by securing works in the public domain – such as works whose copyrights have expired, works whose creators have donated them for public use or allowed their free use, and works possessed by public institutions and are freely open to the public, and expanding available services.

Korea created a database on copyright information on 4.59 million works from 2008 to 2011, while, based on the database, operating the “Digital Copyright Exchange” where users can sign contracts on allowing the use of works online in a convenient manner. Furthermore, the government is endeavoring to restrict copyrights of public sector works and introduce the “Korea Open Government License” system to introduce a public sector works management system for the central and local governments.

The “2011 Annual Report on Copyright in Korea” is a performance report dedicated to the general public to help them assess to what extent the nation’s copyright policy has met expectations of Korean society on development of culture and related industries. It is also a manifestation of the government's commitment to further enhancing public elements of copyright policy in the future.

I hope that the “Annual Report on Copyright in Korea” will assist those in the copyright industry expand the spirit of shared growth and cooperation where copyright protection and fair use of copyrighted works are maintained in a balanced fashion. I express my sincere appreciation for the hard work and dedication of those who have been involved in compiling and publishing this annual report.

Thank you.



Choe Kwang-shik

Minister of Culture, Sports and Tourism

September 2012

2011 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 under the Office of Copyright Policy General (Copyright Policy Division, Copyright Industry Division and Copyright Protection Division).

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 in charge of copyright matters and the number of staffs also increased from 10 to about 50.

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:

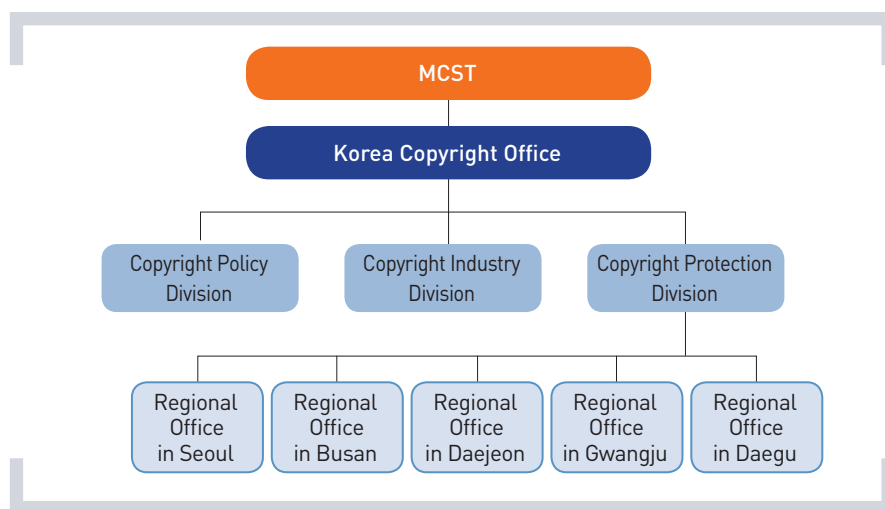
History of Structural Reorganization Concerning Copyright

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 enlarged and divided into Copyright Policy Team and Copyright Industry Team
Feb. 2008	The position of "Copyright Policy Directorate General" established
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

Below is the current organizational chart with respect to copyright policymaking and implementation.

Organizational Chart

(As of 2011)



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

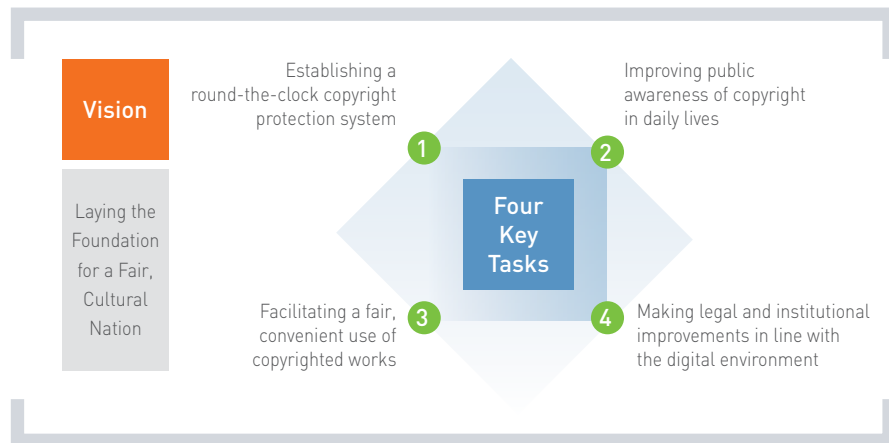
Division	Main tasks
Copyright Policy Division	Improving copyright-related laws and institutional systems; Supervising the Korea Copyright Commission; Promoting copyright education and public awareness campaigns; Enhancing copyright protection overseas and international cooperation; Handling copyright-related trade, etc.
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.

2. Policy Vision and Strategies for 2011

In response to the changing copyright policy environment, the Korean government presented a policy vision "laying the cornerstone for a fair, cultural nation" and produced four key tasks: 1) Establishing a round-the-clock copyright protection system; 2) improving public awareness of copyright in daily lives; 3) facilitating a fair and convenient use of copyrighted works; and 4) making legal and institutional improvements in line with the digital environment. The government selected the following as specific tasks to protect copyright: Enlarging monitoring staffs working from home for vulnerable hours such as night hours and holidays; expanding the investigation system based on the analysis of digital copyright evidence

by signing MOUs with relevant organizations; setting up guard posts at key bases for distribution of illegal reproductions; ongoing crackdown campaigns such as "Seoul Clean 100 Day Project" and "joint crackdown on illegal reproduction of published materials in universities areas during new semester seasons"; and introduction of the Webhard Company Registration System (Went into effect as of Nov. 20, 2011).

Policy Vision and Key Tasks for 2011



II. Korea Copyright Commission

The Korea Copyright Commission (hereinafter referred to as "KCC") is the nation's sole agency 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: 74
- 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 : Merging of the two commissions and launching of the Korea Copyright Commission.

- Main Functions

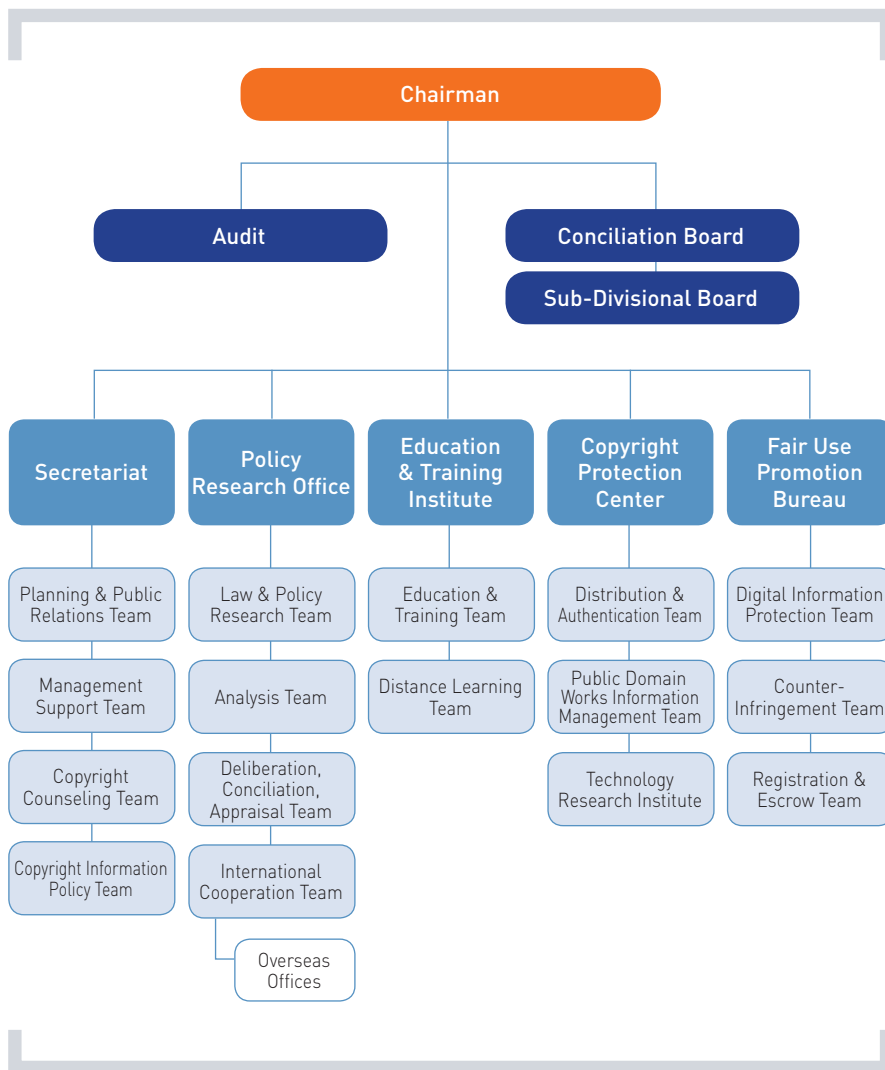
- Operation of the dispute resolution system, including mediation and conciliation of copyright disputes
- Fair deliberation on fees and royalties of collective management organizations
- Promotion of legitimate and fair use of works
- International cooperation for copyright protection
- Education and 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 statistics
- R&D on copyright technology and digital copyright forensics-related activities.

2. Organizational Chart

(one secretariat, one office, one institute, one center, one bureau, 16 teams)

Organizational Chart of the KCC

(As of 2011)



III. Copyright Protection Center¹

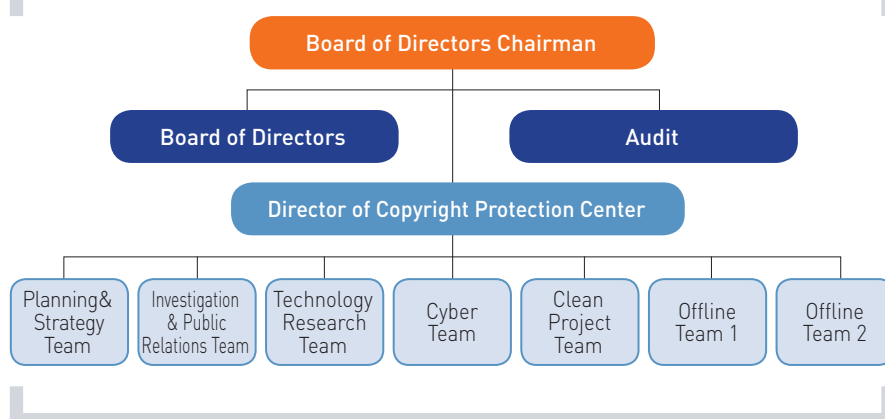
1. General Facts

- Date of Establishment: April 2005
- Number of Staff: 65
- 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”
 - Establishment of an IT-based enforcement system
 - Implementation of “Clean Project” aimed to protect copyright and conducting research and public awareness activities
 - Conducting research and public awareness activities.

2. Organizational Chart

Organizational Chart of the Copyright Protection Center

(As of 2011)



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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Introduction to the Copyright Act of Korea



- I. History of the Copyright Act of Korea
- II. Overview of the Copyright Act of Korea
- III. Key Points of the Amended Copyright Act for the
Implementation of the Korea-EU, Korea-US Free
Trade Agreements
- IV. Membership of International Treaties

I. History of the Copyright Act of Korea

Since its enactment in 1957, the Copyright Act of Korea has undergone amendments 20 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 Complete Revision	- Introduction of internationally recognized regimes to join international conventions such as Universal Copyright Convention	Dec. 31, 1986
1st Amendment	- Amendment of relevant provisions following the amendment to the Government Organization Act	Dec. 30, 1989
2nd Amendment	- Amendment of relevant provisions following the amendment to the Government Organization Act	Dec. 27, 1990
3rd Amendment	- Change of names of relevant Acts with the enactment of the Library Promotion Act	Mar. 8, 1991
4th Amendment	- Amendment of relevant provisions following the amendment to the Government Organization Act	Mar. 6, 1993
5th Amendment	- Extension of protection term of copyright neighboring rights and imposition of more rigorous penalties, etc.	Jan. 7, 1994
6th Amendment	- Change of names of relevant Acts following the amendment to the Libraries and Reading Promotion Act	Mar. 24, 1994
7th 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
8th Amendment	- Introduction of a hearing system for such cases as revocation of copyright collective management services	Dec. 13, 1997

Enactment & Amendments	Description	Date of Promulgation
9th 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
10th Amendment	- Provision of sui generis protection of database producers and clarification of the scope of responsibilities of online service providers	July 10, 2003
11th Amendment	- Granting of the right of interactive transmission to performers and phonogram producers	Oct. 16, 2004
12th Amendment	- Change of names of relevant Acts following the amendment to the Library Act	Oct. 4, 2006
2nd Complete Revision	- 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
1st Amendment	- Amendment of relevant provisions following the amendment to the Government Organization Act	Feb. 29, 2008
2nd Amendment	- 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.	Mar. 25, 2009
3rd Amendment	- 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
4th Amendment	- Change of names of relevant Acts following the amendment to the Act on the Advancement of Newspapers, etc.	July 7, 2009
5th Amendment	- Reflection of the Korea-EU Free Trade Agreement	June 30, 2011
6th Amendment	- Reflection of the Korea-US Free Trade Agreement	Dec. 2, 2011

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 Copyrights

(1) Creation of Copyrights

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 Copyrights

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 are 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

² The term of protection for economic rights will be extended to 70 years starting from July 1, 2013 with the amendment to the Copyright Act for the implementation of the Korea-US Free Trade Agreement.

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 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 50 years³ from the time when the live performance takes place, the phonogram is published, and the broadcast is made.

10. Remedies for Infringement

Persons whose copyrights have been infringed may seek civil or

³ The term of protection for phonograms of live performances shall be extended to 70 years starting from August 1, 2013 with the amendment to the Copyright Act for the implementation of the Korea-US Free Trade Agreement.

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" offense⁴.

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.

⁴ 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.

III. Key Points of the Amended Copyright Act for the Implementation of the Korea-EU, Korea-US Free Trade Agreements (FTA)

1. Key Points of the Amended Copyright Act for the Implementation of the Korea-EU FTA

The European Parliament and the Korean National Assembly ratified the Korea-EU FTA on February 17, 2011 and May 4, 2011, respectively and the Korea-EU FTA took effect on July 1, 2011. The Copyright Act has been amended to implement the copyright-related obligations under the Korea-EU FTA.

(1) Extension of Copyright Protection Term

The term of copyright protection has been extended from 50 to 70 years, irrespective of the term calculation basis of either the author's death or the date of publication of the work (term of protection for anonymous and pseudonymous works, works made for hire, cinematographic works)⁵.

However, in order to ease the impact following this extension, such as unanticipated damages that the publication and film industries, which have been preparing related businesses based on the prospect for the expiration of the protection period on specific works, might incur, the amended provisions on the

⁵ The extension of the term of copyright protection is an international trend as evidenced by the fact that approximately 70 countries around the world, including the U.S., the U.K. and France have already extended the protection duration to 70 years.

copyright protection term will be enforced after a two-year grace period⁶.

The old Act stipulated that, unlike general works, the protection term of computer program works commence after they are made public. The amended Act applies the death of the author as a criterion as in the case of general works in line with international standards.

(2) Presumption of Holders of Neighboring Rights

With respect to authors, there has been a presumption provision stipulating that a person whose real name or a well-known pseudonym is indicated as the author in a usual manner on the original works or their reproductions, or during performance or public transmission of the work, shall be presumed to be the author. On the other hand, there has been no such provision for holders of neighboring rights (performers, phonogram producers, and broadcasters). Through the amendment, a similar provision has been created stating that a real name or a well-known pseudonym of a performer, a phonogram producer or a broadcaster is indicated in a usual manner shall be presumed to be the neighboring rights holder.

(3) Granting of Public Performance Rights to Broadcasters

Under the amended Copyright Act, in cases where broadcasters collect admission fees from viewers or gain other direct benefits for allowing them to watch the broadcast in a facility for watching broadcasts, they are granted exclusive rights for the performance of the broadcast. The amendment is limited to cases where viewers are allowed to watch the broadcast on condition of paying admission fee. For instance, if admission fees are not collected in return for the watching broadcast, the provision is not applicable to cases where broadcast programs are aired in general commercial establishments (restaurants, bars, etc.).

⁶ The amended provisions on the copyright protection term shall take effect on July 1, 2013.

(4) Clarification of the Requirements for Exemption of Liabilities for Online Service Providers

Online service providers (OSPs) play a role as intermediaries in exchanging information on works via the Internet. In order to minimize copyright infringement that may take place through their services and help them do business in a stable manner, the amended Act has classified the types of OSPs in four categories – mere conduit, caching⁷, hosting and information search tools – and specified the requirements for liability exemption for respective service types.

(5) Procedures for Suspending Reproduction or Transmission by Online Service Providers

The amended Act stipulates requirements for liability exemption for four types of online service providers, clearly defining the procedures for suspending reproduction and transmission in accordance with the request by the rights claimant by types.

(6) Reinforcement of Technological Protection Measures

The amended Act added ‘access control’⁸ to the previous ‘use control’ in the provision on the definition of technological protection measures and newly created a provision on prohibitions against circumvention of technological protection measures, including access control.

Meanwhile, excessive protection of access control technological protection measures may undermine the fair use of works by restricting even the access

⁷ Caching refers to temporarily storing frequently used digital information in a location called “cache” for a later use without requiring the computer to go to the original source to boost efficiency and safety of information processing. Caching in the context of OSPs is differentiated from the caching performed in the context of the user using works on his or her own computer.

⁸ In terms of precedents, technological protection measures for access control were also included (the Supreme Court, Sony Playstation “Modchip” incident (The Supreme Court, court decision 2004Do2743 delivered on Feb.24, 2006))

to the works by people who intend to use works fairly. In order to minimize this problem, the amended Act enumerates specific exceptions⁹.

(7) Expansion of the Scope of Confiscation

The amended Act has made it possible to confiscate tools or materials used in the production of illegal reproductions in addition to the objects reproduced through the infringement of rights.

2. Key Points of the Amended Copyright Act for the Implementation of the Korea-US FTA

With the ratification of the Korea-US FTA at the Korean National Assembly on November 22, 2011, the Copyright Act has been amended to implement the copyright-related obligations under the Korea-US FTA.

Major points of the amended Copyright Act for the implementation of the Korea-US FTA include reproduction right for temporary storage, extension of terms of neighboring rights, introduction of exclusive publication right, anti-camcording and introduction of fair use provisions.

(1) Clarification of Protection of Temporary Reproduction

The amended Act states that “temporary reproduction”¹⁰ of copyrighted works is included in the concept of reproduction. Concerning temporary reproduction

⁹ The amended Act lists the following cases as exceptions: ① cryptography research, ② minor protection, ③ preventing collection of personal identification information (a kind of cookie information) on the Web, ④ law enforcement by the state, ⑤ libraries' decision on the purchase of works, ⑥ reverse engineering, ⑦ security tests, ⑧ other cases specified by notices issued by the Minister of Culture, Sports and Tourism.

¹⁰ More than 86 countries including the United States, EU member states and Japan recognize temporary reproduction (as of 2004).

that occurs in the course of using copyrighted works via computers, exceptions are recognized in a comprehensive manner within the scope deemed necessary to process information in a smooth and efficient manner.

(2) Introduction of Fair Use Provisions

With works increasingly becoming digitalized and the distribution environment changing rapidly, there have been ‘limits’ to accommodating all cases requiring free use of works with exhaustive copyright restriction provisions of the previous Copyright Act. This has necessitated a comprehensive provision restricting the author’s economic rights that is applicable to the changed environment.

Besides the existing provisions restricting the author’s economic rights (Article 23 through Article 35-2; Article 101-3 through Article 101-5), the revised Act contains a provision generally permitting fair use of a copyrighted work for the purpose of reporting, criticizing, educating or researching; if such use is not in conflict with an ordinary use of the work and within the scope where the copyright holder’s legitimate interests are not unreasonably prejudiced.

(3) Introduction of Exclusive Publication Right

The previous Copyright Act recognized an exclusive publication right only for publication of a copyrighted work and computer programs. However, the revised Act contains legal grounds for setting an exclusive right for other types of publication of various copyrighted works. In this case, the scope of publication extends to cover transmission.

(4) Extension of Protection Terms for Neighboring Rights

The amended Act has extended protection terms for neighboring rights with the exception of broadcasting from 50 to 70 years. The provision will be enforced starting from August 1, 2013¹¹.

¹¹ The provision was made to take effect from August 1, 2013 in accordance with the Korea-Peru FTA that had already taken into effect.

Broadcasting has been excluded from the Korea-US FTA as the United States does not protect broadcasters separately under its Copyright Act. In addition, discussions on a treaty on rights of broadcasters are currently under way in the World Intellectual Property Organization (WIPO); thus it is necessary for the amendment concerning broadcasters to be made only after the result is produced.

(5) Addition of Requirements for Liability Exemption for Online Service Providers

The revised Act added the “policy of suspending online accounts of repeat copyright infringers” and “acceptance of standard technological measures” to the exemption requirements for online service providers.

(6) Introduction of a Procedure to Request Information on the Alleged Infringer

In order to tackle unreasonable problems that occur when the claimant attempts to obtain personal information on the alleged infringer to receive remedies for copyright infringement such as abuse of criminal proceedings, a need has arisen for coming up with a procedure to obtain minimum information on the alleged copyright infringer that is necessary for taking legal action from the online service provider. Under the revised Act, if an online service provider (OSP) refuses to comply with the request made by the claimant to provide minimum information that is necessary for the claimant to bring civil or criminal actions, the rights holder may request the Minister of Culture, Sports and Tourism to issue an order requiring the OSP to provide such information.

The revised Act has limited the scope of the information to the minimum necessary to bring legal actions such as name and address to protect personal information and to prohibit the use of such information for other purposes. It stipulates penalties of up to three years of imprisonment or up to KRW 30 million in the case of violation of the prohibition.

(7) Expansion of the Protection Scope of Rights Management Information

Under the previous Copyright Act, rights management information only in electronic form was subject to protection, thus raising the need for expanding the protection scope of rights management information. The amended Act has included rights management information not only in electronic form, but also in non-electronic form in the protection scope. It also includes the act of distributing false rights management information in the scope of prohibited acts.

(8) Protection of Encrypted Satellite and Cable Signals

The revised Act prohibits the unauthorized receipt or distribution of encrypted satellite or cable signals to watch or hear the broadcasts by unlawfully using tools to decrypt such signals or by any other acts.

(9) Prohibition of Distribution of Counterfeit or Illicit labels of Copyrighted Items

Consumers generally distinguish the authenticity of phonograms, motion picture DVDs, and computer program CDs by examining enclosed labels or certificates. Thus, it is necessary to minimize the damages incurred by copyright holders by controlling counterfeiting or illegal distribution of such labels or certificates. The revised Act prohibits counterfeit labels of phonograms and DVDs, etc. and transaction of illicit labels and counterfeit labels.

(10) Anti-camcording

In the case of movie films, there is a time difference in releasing films by channels such as showing at the movie theater, DVD release and transmission on the Internet. With the advancement in portable digital video recording devices, however, cinematographic works are illicitly recorded by the audience simultaneously with their release and indiscriminately distributed on the Internet, incurring tremendous damages on rights holders

such as film producers, thereby raising the need for preventive measures to be taken. The revision prohibits any recording activities using recording devices or transmission to the public during the showing of a movie film without permission of copyright owners at movie theaters.

(11) Introduction of Statutory Damages

Copyright infringement is infringement upon intangible property rights, so it is difficult to accurately calculate actual damages incurred by the copyright owner and secure evidence to prove them. In order to ease the burden of the copyright holder to prove actual damages and guarantee the effectiveness of compensation for damages, statutory damages have been introduced, allowing rights holders to claim compensation set by the court, provided that the copyright must be registered prior to the time when the infringement occurs.

(12) Providing information for Evidence Collection

According to the amendment, during litigations pertaining to copyright infringement, the court may, upon request from a party of the litigation, issue an order requiring the other party of the litigation to provide information to specify those involved in the act of infringement, production and distribution of the infringed work and information on production and distribution channels of the infringed work. However, in certain cases such as those related to trade secret or privacy protection, the other party may refuse to provide such information. In case the other party refuses to provide information without legitimate reasons, the court deems the requesting party's claim on such information as being true.

(13) Protective Order during Infringement Litigation

In cases where information, which is not disclosed in general circumstances such as software source codes, is disclosed during the

litigation process and used for purposes other than for the lawsuit, it may cause tremendous damages to be incurred by the parties concerned. This raises a need for taking preventive measures. The amended Act stipulates that when a party of a lawsuit proves that its trade secrets are contained in briefs, the court may order that disclosure of such information is prohibited for purposes other than for the lawsuit.

(14) Expansion of the Scope of Infringement Offences Prosecuted Ex Officio

Copyright infringement that takes place on a commercial scale or in a repeated manner on the Internet environment infringes upon not only the legal interests of right holders, but also the legal interests of the entire society. This raises a need for expanding the scope of infringement offences subject to criminal prosecution without filing a formal complaint by a victim, to allow the prosecution to initiate legal action ex officio against the infringer. The revised Act has expanded the scope of infringement offences subject to criminal prosecution without a formal complaint to include infringements committed “for profit-making or habitually.” The previous Act only included infringement offences committed for “profit-making and habitually.”

IV. Membership of International Treaties

The Republic of Korea is a member state of the following international treaties and conventions with respect to copyright.

Membership of International Treaties and Conventions

International Treaties and Conventions	Year of Conclusion	Date of Accession
WIPO Convention The Convention Establishing the World Intellectual Property Organization	1967	Mar. 1, 1979
UCC The Universal Copyright Convention	1952	Oct. 1, 1987
Phonogram Convention The Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms	1971	Oct. 10, 1987
TRIPS The Agreement on Trade-Related Aspects of Intellectual Property Rights	1995	Jan. 1, 1995
Berne Convention The Berne Convention for the Protection of Literary and Artistic Works	1886	Aug. 21, 1996
WCT The WIPO Copyright Treaty	1996	June 24, 2004
Rome Convention The International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations	1961	Dec. 18, 2008
WPPT The WIPO Performances and Phonograms Treaty	1996	Dec. 18, 2008
The Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite	1974	Dec. 19, 2011

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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

In a bid to create a sound online environment for the distribution of copyrighted works, the Korean government has implemented intensive copyright protection activities on an ongoing basis. In 2011, the Copyright Special Judicial Police opened a new branch office in Daegu to reinforce investigation into copyright infringement cases, thereby creating a copyright protection system based on five regional offices in Seoul, Busan, Gwangju, Daejeon and Daegu. In the year, the government also reinforced digital copyright forensics and conducted research in related fields, further enhancing efficiency and expertise of investigation. Meanwhile, the government launched the “Citizens’ Open Monitoring System” on a pilot basis to encourage Netizens to report copyright infringement. It also developed brochures and applications on crackdown on illegal software and efficient management of software, striving to enhance the convenience of software users.

2. Copyright Protection Policies and Activities in 2011

(1) Investigation into Copyright Infringement

The Copyright Special Judicial Police Squad had been responsible for crackdown on illegal software reproductions, operating under the Ministry

of Information and Communication until 2008. With the transfer of the responsibility to the Ministry of Culture, Sports and Tourism (MCST) in July 2008, the work scope of the Copyright Special Judicial Police Squad was extended to include crackdowns on illegal reproductions of general works, in addition to crackdowns on illegal software reproductions. In order to facilitate immediate responses to online and offline illegal reproductions and the increasingly secretive and diversified copyright infringement offenses, a fifth branch office of the Copyright Special Judicial Police was opened in Daegu on July 15, 2011, following the establishment of branch offices in Seoul, Busan, Gwangju and Daejeon.

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 and 1,115 persons in 2011. The amounts of confiscated criminal proceeds through special investigation increased from KRW2.165 billion in 2009, KRW3.97 billion in 2010 to KRW8.50 billion in 2011.

(2) Reinforcement of Digital Copyright Forensics

The Ministry of Culture, Sports and Tourism (MCST) and the Korea Copyright Commission (KCC) introduced digital forensics in the field of copyright in January 2010 for the first time in the nation with the aim of contributing to specialization and advancement of copyright criminal investigation by establishing a prompt response system and a scientific and systematic investigation support system to investigate digital copyright crimes.

Digital copyright forensics investigates digital storage devices of companies or individuals that make profits by illegally distributing digital works that are 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 in accordance with logically standardized procedures and methods to make the data possess

weight of evidence in legal procedures in the form of digital evidence.

In 2011, the number of staffs in the digital copyright forensics taskforce unit was increased from 9 to 11, while a pool of external experts was significantly enhanced to improve its capability to respond to high-tech crimes.

In addition, the KCC signed an MOU on enhancement of collaboration in forensic science against copyright infringement offences with the Supreme Prosecutor's Office on March 10, 2011. The two organizations agreed on research and consultations on forensic science in relation to copyright infringement of digital works and software, academic research and exchanges, mutual cooperation on human and material resources needed for advanced forensic science investigation, and overall matters to promote the development of both organizations. In November 2011, the KCC signed MOUs with the Korea Criminal Procedure Law Institute and the Korean Institutes of Forensic Sciences, respectively, to reinforce criminal investigation power against companies that use illegal software or distribute illegal reproductions online.

The KCC Signed MOUs



(3) Administrative Measures against Copyright Infringement

The MCST takes administrative measures against reproducers or interactive transmitters of illegal reproductions such as issuance of warnings and account suspension in accordance with Article 133-2 of the Copyright

Act. The Ministry issued 750 and 457 administrative orders in 2010 and 2011, respectively.

Numbers of Correction Orders Issued by the MCST

Classification	Description of Correction Orders	No. of Online Service Providers	No. of Administrative Measures
2011	Warning	15	220
	Deletion or suspension of transmission	15	220
	Account suspension	4	17
	Total	34	457

The MCST also imposes fines on special types of online service providers (OSPs) who fail to carry out technical measures to block illegal transmission of works despite requests lodged by right holders in accordance with Article 104 of the Copyright Act. The numbers of OSPs that were subject to fine imposition increased from 89 in 2010 to 99 in 2011.

Imposition of Fines on Special Types of OSPs by Year

Classification	No. of Cases	Amount of Fines (Unit: KRW mil.)
2008	80	674
2009	88	740
2010	89	753
2011	99	1,034

The KCC may issue correction recommendations to OSPs prior to issuance of correction orders by the MCST pursuant to Article 133-3 of the Copyright Act to provide them with opportunities to take corrective measures voluntarily. The KCC started the issuance of correction recommendations in 2009 for the first time in accordance with the integrated Copyright Act, issuing 35,345 correction recommendations in the year. It issued 85,085 and 107,724 correction recommendations in 2010 and 2011, 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
2009	Total	35,345	13,466	21,840	39
	Webhard	33,644	12,612	20,995	37
	P2P	773	579	194	-
	Portals, etc.	928	275	651	2
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	-

Furthermore, the KCC operates an online piracy reporting website (www.copy112.or.kr) to receive complaints on online piracy lodged by right holders or the general public and issue correction recommendations based on the complaints. The numbers of complaints reported have been increasing each year. In 2011, the KCC launched “Citizens’ Monitoring System” on a pilot basis through which Netizens can report websites distributing illegal reproductions, which have become more diversified and complicated. The monitoring system has not only expanded the scope of monitoring, but also boosted public awareness of copyright protection. During the 6-month pilot period in 2011, 13,204 complaints were reported, which led to corrective actions.

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



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

1) Reinforcement of Crackdown on Illegal Software and Software Management System Consulting Service

The MCST has reinforced monitoring activities against illegal reproduction of software among government and public agencies and small and medium-sized enterprises (SMEs), while distributing the Software Management Guide and software programs to check software piracy. The MCST has also provided consulting services free of charge on software management systems not only to public agencies, but also SMEs. As of 2011, there were 670 companies and public institutions that had received the consulting services.

SW Management System Consulting Service and Distribution of SW Inspection Tools

Classification	2008	2009	2010	2011
No. of Consulting Sessions	82	51	68	81
No. of Distributed SW Inspection Programs	34,801	47,940	44,581	53,235
No. of Distributed SW Management Guide (copy)	3,000	2,000	3,000	4,000

Crackdown Results on Software Piracy in the Private Sector by Year

Classification		2008	2009	2010	2011
No. of Cases Subject to Raids		2,005	809	1,161	1,028
No. of Detected Cases	No. of Companies	1,446	626	735	687
	No. of criminal charges	1,286	536	604	619

Software Inspection in the Public Sector by Year

Classification	2008		2009		2010		2011
	Internal Inspection	Audit Inspection	Internal Inspection	Audit Inspection	Internal Inspection		Internal Inspection (1st, 2nd, 3rd rounds)
					1st Half of the Year	2nd Half of the Year	
No. of Entities	736	72	1,862	461	2,085	1,743	3,016

2) Publication of the Software Management Guide

The MCST and the KCC has published the “2012 Software Management Guide” which contains guidelines on efficient

The 2012 Software Management Guide (left)
Software Management System Self-Checklist (right)



management of software and business process standardization.

The 2012 Software Management Guide contains the definition of software licenses and software management process, as well as software management register and letter of oath in the appendix section, which are easily usable by public agencies and enterprises. It also contains information on how to distinguish free-of-charge software from paid software, which is easily confused by the general public.

Software management personnel of public agencies and enterprises can easily identify the quantities of software and obtain information on response measures and process in the case when illegal software is found by utilizing the “Software Management System Self-Checklist” contained in the 2012 Software Management Guide. The 2012 Software Management Guide can be downloaded from its homepage (www.itsam.or.kr).

3) Development of a Software License Viewer Smartphone Application

In October 2011, the KCC developed a smartphone application which provides information on software license (dubbed as “Alsora,” the Korean abbreviation of “Easy-to-understand Software License”) and started to provide the application free of charge via the App Store and the Android Market. The application had been developed with a focus on providing proper license information to software users. It has a preventive effect, blocking copyright infringement in advance that may occur when users have misleading information.

The “Alsora” application provides information on software licensing of leading copyright holding companies at home and abroad, methods to apply the licenses, software management guidelines, and Q&A section via iPad and Galaxy Tab. Computer users who find software license information complicated and difficult can access software license information in an easy and convenient manner by utilizing the Software License Viewer application.

Home Screen of the Software License Viewer Application: iPhone(left); iPad (right)



(5) Copyright Protection Activities by the Korea Federation of Copyright Organizations

The Copyright Protection Center under the Korea Federation of Copyright Organizations (KFCO) collects, discards or deletes illegal reproductions pursuant to Article 133 of the Copyright Act. On behalf of rights holders, the Federation requests deletion or cease of interactive transmission of illegal online reproductions. In 2011, it collected and discarded 269,409 illegal offline reproduction articles, which is a decrease by 66%, compared to the previous year. The sharp decline in the crackdown results is attributable to the decrease of illegal offline reproduction and the unusually strong crackdown results in 2010 due to a clampdown on a mammoth illegal reproduction manufacturing factory. Meanwhile, the results of requests for deletion or cease of interactive transmission of illegal online reproductions in 2011 amounted to 86,338,298 articles, an increase by 151% from a year ago. This is thanks to expansion of monitoring staffs working from home and implementation of special monitoring activities on popular works.

Copyright Protection Results by the Copyright Protection Center under the KFCO

Classification		2010		2011		Increase/Decrease (%)	
		No. of Cases	No. of Articles	No. of Cases	No. of Articles	No. of Cases	No. of Articles
Online	Musical Works	16,240	1,220,551	28,993	2,039,991	79%	67%
	Cinematographic Works	221,382	2,436,669	277,559	2,705,055	25%	11%
	Literary Works	7,929	20,244,886	22,466	28,048,143	183%	39%
	Games	28,969	168,579	25,958	179,672	▽10%	7%
	Comics	3,888	10,324,682	16,430	53,337,106	323%	417%
	SW	-	-	5,069	28,331	-	-
	Sub-Total	278,408	34,395,367	376,475	86,338,298	35%	151%

Classification	2010		2011		Increase/Decrease (%)	
	No. of Cases	No. of Articles	No. of Cases	No. of Articles	No. of Cases	No. of Articles
Musical Works	310	458,522	150	41,227	▽52%	▽91%
Cinematographic Works	430	310,355	435	211,491	1%	▽32%
Offline Literary Works	704	18,902	489	16,541	▽31%	▽12%
Games	9	6,529	-	150	-	▽98%
Sub-Total	1,453	794,308	1,074	269,409	▽26%	▽66%
Total	279,861	35,189,675	377,549	86,607,707	35%	146%

II. Copyright Education and Public Awareness Programs

In order to create a healthy “copyright ecosystem” in which authors are respected and high-quality works are smoothly distributed and read, 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 copyright education and public awareness programs designed to raise awareness of the importance of copyright and 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 curricula and enhancement of infrastructure such as development of high-quality educational contents and establishment of systems. Education curricula has been specialized in two areas of education on prevention of copyright infringement and education aimed to cultivate professional personnel. A total of 920,350 persons were educated under the programs from 2008 to 2011. In addition, in order to build copyright infrastructure, copyright-related content was reflected in textbooks of elementary, middle and high schools. In 2010, the Korea Copyright Commission was authorized as a distance learning education and training institute by the Ministry of Education, Science and Technology, and since then, it has actively implemented various distance learning initiatives.

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 wide range of campaigns through various media and participatory contests to raise copyright awareness in everyday life, contributing to advancement in copyright awareness.

1. 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, 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

① 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 for a certain amount of 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 they are engaged in 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 79 classes in 2008, 117 classes in 2009, and 198 classes in 2010 nationwide. In 2011, the number decreased to 99 classes nationwide to promote more effective class operation.

Teachers who administer hands-on copyright classes participate in training programs in advance to learn about basic concepts on copyright and methods to utilize education programs before they administer hands-on education to students. Starting from 2010, the KCC has selected copyright class teachers who excel in operating the hands-on classes and requests them to transfer their expertise to new teachers for the following year. The teachers also serve as copyright instructors for the KCC. In addition, the KCC has developed and distributed a variety of copyright contents that are useful for

both teachers and students, providing an environment where copyright class teachers can offer copyright education in a smooth manner.

Status of Hands-on Class Operation by Year

Classification		2006	2007	2008	2009	2010	2011	Total
No. of Classes		20	20	79	117	198	99	533
No. of Individuals Educated	Students	921	763	3,479	4,095	10,669	5,827	25,754
	Teachers	20	20	80	120	151	79	470

② Copyright Research Schools

The Copyright Research School project is aimed to research and develop copyright education methodology and materials for elementary and middle schools and devise systematic and general ways to educate youth on copyright.

The Copyright Research School project was initiated in 15 schools (12,050 people) in the Seoul Metropolitan Area in 2007, and the number of designated schools increased to 23 (18,441 people) in the capital metropolitan area and Jeollanam-do Province in 2008. In 2009, the operation period was extended from one year to two years and the number of participating schools also increased to 27 (22,680 persons) in 10 cities and provinces. The numbers of participating schools further increased to 50 (42,923 people) in 15 cities and provinces in 2010. In 2011, 43 schools (36,120 people) were designated and operated as the Copyright Research School, expanding the scope nationwide.

Status of Copyright Research School Operation by Year

Classification		2007	2008	2009	2010	2011	Total
No. of Schools		15	23	27	50	43	158
No. of Individuals Educated	Students	12,000	18,400	21,600	42,856	34,400	129,256
	Teachers	50	41	1,080	67	1,720	2,958
	Total	12,050	18,441	22,680	42,923	36,120	132,214

In order to make the operation of the Copyright Research School more effective, teachers operating the program received training in advance to learn about basic concepts of copyright, operation methods and how to utilize essential copyright education programs needed at schools.

③ 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 by Year (Students)

Classification	2008	2009	2010	2011	Total
No. of Individuals Educated	14,265	74,938	254,130	294,035	637,368
No. of Education Sessions	19	130	2,028	3,008	5,185

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



④ 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. In the initial year of 2011, there were 804 students who completed the course.

This course is designed to raise awareness of copyright among youths and help them obtain 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

① 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	Total
No. of Individuals Educated	7,340	19,039	28,726	21,473	76,578
No. of Education Sessions	103	244	431	403	1,181

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 daily lives by utilizing copyright-related topics as materials for broadcast programs.

② Online Copyright Education for University Students and the General Public

Starting from 2010, the KCC has operated online copyright education courses to help university students and the general public receive 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 infringement, 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 prevent copyright infringement in everyday life. In 2010, there were 361 persons who completed the courses and 258 in 2011.

③ 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 which 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 and is designed for elementary and middle school parents. Each session lasts for 20 minutes and the education period is 3 days. Those who have completed the course can receive a certificate. In the initial year of 2011, a total of 329 parents completed the course.

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

As cases of copyright infringement in cyberspace have been rapidly on the rise with advancement in digital technology, there have been increasing cases of copyright violation charges filed by some legal firms entrusted by rights holders¹². They are particularly targeting images and videos as well as literary works illegally uploaded in Internet community cafes and blogs run by youths and the general public who have insufficient understanding of the Copyright Act.¹³

In response, the government introduced “suspensions of prosecution conditional upon the receipt of copyright education (hereinafter referred to

¹² The numbers of suspects who are forced to pay excessive settlement money by legal firms entrusted with copyright crackdown activities from right holders are rapidly on the rise. (Hankyoreh Shinmun, Oct.11,2007)

¹³ The numbers of random copyright lawsuits filed by contents providers and legal firms that take advantage of weaknesses of the current law against teachers are rapidly on the rise. (Electronic Times, July 1, 2009)

as “Copyright Compliance Education”) to prevent harmful effects caused by reckless filing of charges and establish an order for legitimate use of copyrighted works.

The “Copyright Compliance 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 Compliance 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 reasons for copyright violations, considerable effect of the education, as well as the fact that most of 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 2011, the KCC administered the “Copyright Compliance Education” to 2,657 persons (2,581 adults and 76 minors).

Status of the “Copyright Compliance Education” Operation by Year

Classification		2008	2009	2010	2011	Total
No. of Education Requests	Adults	-	9,551	3,335	3,473	16,359
	Minors	171	332	55	82	640
	Sub-Total	171	9,883	3,390	3,555	16,999
No. of Individuals Educated	Adults	-	7,492	3,397	2,581	13,470
	Minors	161	320	47	76	604
	Sub-Total	161	7,812	3,444	2,657	14,074

(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 those who work in copyright-related fields and creators, but also to those who have interest in copyright. Over the past 21 years, the Copyright Culture School have produced 1,921 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, a short-term course and an evening course.

The regular course is a course officially designated as the Korea Culture School to train copyright professionals (54 hours, 2-3 times a week, 5 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 is geared toward office workers who find it difficult to attend classes during the day (four days per week, three hours per day).

Status of Completion of the Copyright Culture School by Year

Classification	2008	2009	2010	2011	Total
No. of Individuals Completing the Program	178 (Held 4 times)	182 (Held 7 times)	69 (Held 3 times)	61 (Held 2 times)	490 (Held 16 times)

The Copyright Culture School Classes



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

The Copyright Academy is a specialized, customized training course tailored for professionals working for 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 curriculum 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 and 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	Total
No. of Individuals Completing the Program	259 (Held 10 times)	250 (Held 12 times)	202 (Held 10 times)	287 (Held 11 times)	998 (Held 43 times)

Meanwhile, the KCC opened the Long Distance Education and Training Center (www.edu-copyright.or.kr) 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 for those who work for the music, publication and Internet industries in 2010. 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, increasing the total number of courses to seven. The numbers of individuals who participated in the courses have been steadily on the rise, with 675 persons in 2010 and 778 in 2011.

The online copyright industry personnel education program not only offer courses for those who work for the industries, but also offer a course for officials from the central and local governments and public institutes, designed to respond to possible copyright infringement disputes in the public sector. Since 2009, the Central Officials Training Institute has offered a 12-session training course for public officials from the central government using education contents developed by the KCC. In addition, customized education program has been offered for staffs of the MCST since November 2011.

3) Training and Operation of Copyright Instructors

① Online and Offline School Faculty Training

The “School Faculty Training Program,” which is administered to school teachers, is a program operated with a purpose of helping school teachers first recognize the importance of copyright and play a role as an intermediary to spread a culture of legitimate use of copyright among youths. The KCC was designated as a teacher training institution for special fields by the Seoul Education Training Institute (designated by the Seoul Education Office) and has administered offline teacher training programs ever since.

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 how to do citations, 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. The numbers of teachers educated through the online teacher training course amounted to 1,209 in 2007 (held once), 2,727 in 2008 (held five times), 3,305 in 2009 (held seven times), 3,308 in 2010 (held 12 times), and 10,526 in 2011 (held 35 times).

Status of Teacher Training Course Operation by Year

Classification	2008	2009	2010	2011	Total
Offline	75	76	79	79	309
Online	2,727	3,305	3,308	10,526	19,866

② 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. Copyright instructors have to complete customized training programs including basic education on copyright and lecturing techniques before they are mobilized to education courses. With the sharp increase in demand for copyright education (540 sessions in 2009 to 2,632 sessions in 2010, an increase by 487%), the KCC signed an MOU with the Korea Bar Association in 2010 and appointed lawyers who have completed copyright education course, thereby reinforcing the specialized teaching personnel pool.

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. A total of 83 youths worked as copyright instructors in 2001 after completion of training courses held four times in the year.

Status of Appointment of Copyright Instructors

(As of 2011)

Classification	Specialized	Beginner	Juvenile	Youth	Total
No. of Instructors	73	194	63	83	413

2. Establishment of Educational Infrastructure

(1) Development of Education Content

1) Development of Education Content for Teenagers

① Copyright-related Curriculum Research and Its Reflection

One of the most effective ways to help teenagers obtain copyright-related knowledge is to reflect copyright-related content in regular education curricula. To this end, since 2006, the KCC has conducted curricular research to identify copyright-related educational elements in school textbooks and reflected them in school textbooks at the time of curriculum revision.

Since 2006 when it started curriculum research on such subjects as social studies, ethics, home economics and arts, the KCC has conducted curriculum research each year in line with school textbook development schedules in accordance with national curricula revised by the Ministry of Education, Science and Technology. In 2011, it analyzed six subjects, including middle school Korean language and ethics and researched ways to reflect copyright-related content in regular school textbooks and teachers' guides.

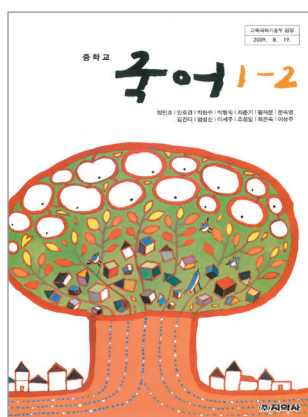
Status of Curriculum Research

Year	Research Subjects	Grade
2006	Social Studies, Ethics, Home Economics, Arts	Grade 4~12
2007	Korean Language, Music	Grade 1~10
2008	Pilot versions (Korean Language, Disciplined Life, Intelligent Life, Pleasant Life)	Elementary School Grade 1&2
2009	Pilot versions (Pleasant Life, Intelligent Life, Disciplined Life, Korean Language, Social Studies)	Elementary School Grade 3&4
2010	Pilot versions (Korean Language, Ethics, Social Studies)	Elementary School Grade 5&6
2011	Korean Language, Ethics, Social Studies, Technology/ Home Economics, Information & Computer	Middle School Grade 1~3

Status of Reflecting Copyright-related Content to Curriculum

Classification	Subjects	No. of Pages Reflected
Government-designated and authorized textbooks (Elementary School)	14 subjects, including Korean Language and Ethics	357 Pages
Government-authorized textbooks (Middle School)	30 subjects, including Technology/ Home Economics	709 Pages
Government-designated and authorized textbooks (High School)	31 subjects, including Korean Language and Ethics	290 Pages
Total	75 Subjects	1,356 Pages

An Example of a School Textbook Reflecting Copyright Information



② Production and Distribution of Creative Flash Animations for Preschoolers

As preschoolers can have easy access to the Internet via computers and smart-phones, it is necessary to start copyright education from preschooler stage to induce sound development of their character. In 2011, the KCC developed copyright education contents in the form of DVDs to help preschoolers learn about copyright at kindergartens and distributed them to 4,500 national and public kindergartens across the nation.

The education contents were developed in the form of flash animation to suit preschoolers and a total of seven contents were developed, including creative stories (3) such as “The Secret of Monster Homework Factory,” children’s songs (2) and children’s poems (2). They were designed to be connected with “Life and Tools,” the education theme for October and November based on kindergarten curriculum. Teachers’ guide was also included to help kindergarten teachers use the contents conveniently.

Education Contents for Preschoolers

Copyright-themed Creative Stories
(Episode 1, 2, 3)



Copyright-themed
Children's Songs (2)



Copyright-themed
Children's Poems (2)



③ Production and Development of Copyright-themed Musical Content

Copyright is perceived as a difficult and complicated field – not only by students, but also by the general public. In this light, the KCC has strived to

raise copyright awareness by delivering the seemingly difficult copyright-related content through performance medium of “musical” as a composite art form in an entertaining manner, rather than focusing on information-delivering education.

In 2010, musical performances were held on 20 occasions (viewed by 8,125 persons) for students from 20 schools in Seoul and Incheon areas. In 2011, in order to provide students residing in provincial areas opportunities to have copyright-related cultural experiences, musical performances were held on 27 occasions (viewed by 10,273 persons) for students from 47 schools in five metropolitan cities (Daegu, Daejeon, Ulsan, Busan, Gwangju).

In particular, the musical content was selected through a musical scenario writing contest and the musical performances drew keen interest and participation not only from teenagers, but also from the general public.

Performance of a Copyright-themed Musical

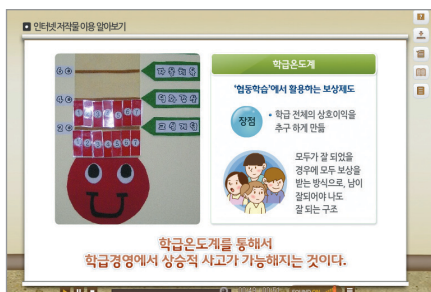


2) Development of Education Content for the General Public

In 2011, copyright education content for the general public was developed mainly in the form of online content. In order to maximize educational effects, the online education content utilized audiovisual materials and mainly consisted of case studies.

With respect to education content for school faculty, development of a kind of education content (comprising 60 classes) was completed in 2009. In 2011, another version of education content (comprising 60 classes) was additionally developed, reflecting changed content quality certification assessment elements. In the course of developing education content, Web-accessibility policy guidelines were reflected to lay the foundation for copyright education for less-privileged groups such as disabled persons and international standard SCORM2004 was observed in consideration of scalability and recyclability of the content. In addition, the KCC acquired e-learning quality certification from the Korea Education and Research Information Service (KERIS) to operate school faculty training programs.

Online Education Content for School Faculty



Copyright Story in the Classrooms

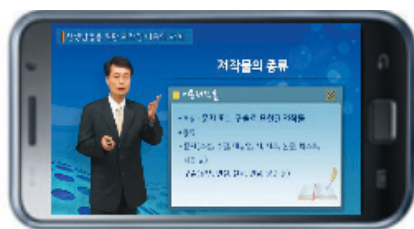


Copyright Story at School

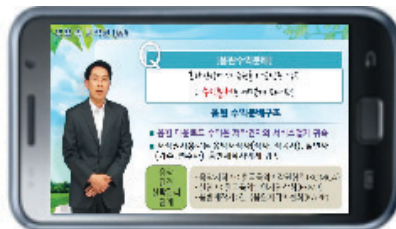
Furthermore, amid widespread use and popularization of smart-phones, the KCC developed education content (two kinds) exclusive for mobile learning service in 2011, expanding opportunities for copyright education among smart-phone users. The mobile learning content for school faculty (comprising 15 classes) systematically featured case studies at schools

and acquired content quality certification (e-learning quality certification No.2011-D188) from the KERIS. The mobile learning content for the general public (comprising 15 classes) shows how to legitimately use copyrighted works in daily life such as detailed case studies and precedents in the form of a Q&A session.

Mobile Learning Content



Copyright Issues & Case Studies at School



Copyright Q&A in Everyday Life
(for the general public)

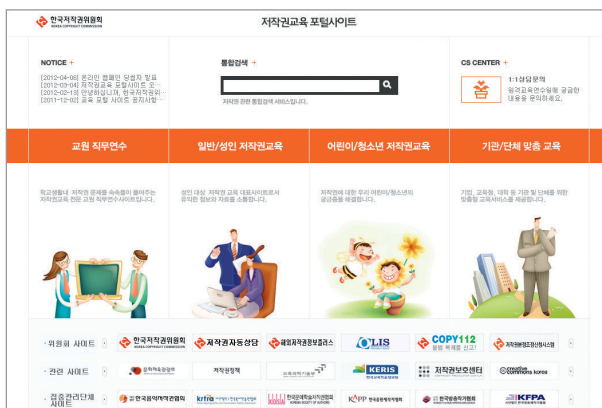
(2) System Establishment and Operation

1) Operation of Copyright Education Portal Website (portal.edu-copyright.or.kr)

In 2011, the KCC established a copyright education portal website in a bid to provide its ample copyright education-related information to the general public in a comprehensive and systematic one-stop service manner.

The KCC laid the foundation for integrated management of education resources of its copyright long distance education system, which is established by education target groups, including school faculty, the general public and teenagers. It also reinforced integrated database research function in connection with KCC's homepage, while complying with Web standards and accessibility guidelines, making the education website more convenient to use.

Copyright Education Portal Website



2) Establishment and Operation of Distance Education and Training Institute Website

In an effort to overcome time and spatial limitations of offline education and respond to rapidly increasing demand for copyright-related education, the KCC established a system that enabled nationwide copyright distance education in 2009.

In 2010, the KCC was authorized as a distance education institute and improved functions essential for operation of school faculty training programs, while implementing the first round of its distance education system advancement project, which involved hardware equipment duplexing, and refurbishment of website UI (User Interface). In 2011, the KCC pursued a dual long distance education system by separating access web pages for school teachers and the general public, respectively, to establish optimized webpage by targets.

Copyright Long Distance Education and Training Institute Website



3) Operation of Copyright Class Website (youth.copyright.or.kr)

In an effort to provide a variety of information and services aimed at raising copyright awareness among children and youths, the KCC launched the “Copyright Class for Children and Youths” website (1318.copyright.or.kr) in January 2007. In 2011, it revamped the website and renamed it as “Copyright Class (youth.copyright.or.kr).”

The website develops and uploads copyright-related education content for children and youths each year, while providing information on how to utilize copyright education programs for teachers, as well as videos, animations and learning materials needed at school. The Copyright Class website is used not only as an important learning space for various programs, including the Copyright Research School, hands-on classes, and On-site Copyright Education Program, but also as an online community space for information sharing.

No. of Visitors for Copyright Class Website by Year

Classification	2007	2008	2009	2010	2011	Total
No. of Visitors	94,152	397,353	514,819	318,390	328,584	1,653,298

Copyright Class Website



4) Establishment and Pilot Operation of Mobile Web Education Program

The KCC established the mobile learning service system in 2011 under which users can receive copyright education anywhere and at any time without any restraints of time, space and network environment. Under the mobile learning system that is linked with the existing e-learning programs, users can participate in real-time learning, discussions and confirm completion of the education courses. The KCC offers two mobile learning courses for school teachers and the general public, respectively.

Mobile Learning Education Courses



The “Copyright Issues and Case Studies at School” course targeted for school teachers consists of copyright issues and case studies that occur at school by real life situations. On the other hand, the “Copyright Q&A in Everyday Life” for the general public shows how to legitimately use copyrighted works in daily life in the form of a Q&A session to help the general public easily understand the difficult content of the Copyright Act.

With the establishment of the mobile education system under which citizens can receive copyright education easily anywhere and at any time, the KCC plans to further develop a wider range of education contents,

thereby gradually expanding mobile education courses. In 2012, it plans to build a hybrid application system which combines advantages of mobile applications and mobile Web, further developing and expanding the smart learning system.

3. Public Awareness Programs

(1) Operation of “Our Star Defense Squad,” a Hands-on Copyright Awareness Campaign

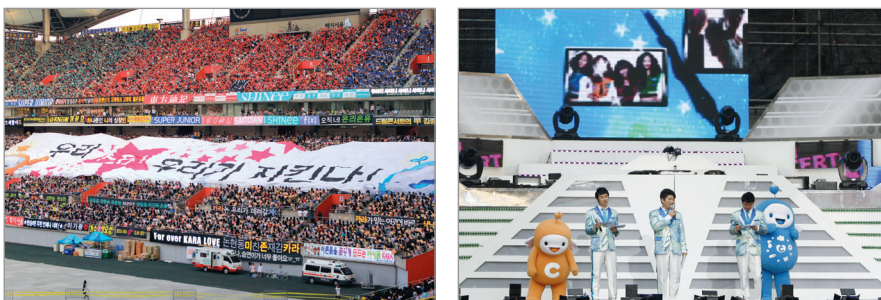
In a bid to raise awareness of copyright and spread the culture of legitimate use of copyright, in April 2011, the KCC launched “Our Star Defense Squad,” a copyright experience group that consisted of members and administrators of singer fan clubs who have potentially high possibility for copyright infringement and relatively higher interest in copyright, compared to the general public. The main purpose of the “Our Star Defense Squad” is to experience the value of creation and the importance of copyright and share the experience with others through online and offline channels.

The “Our Star Defense Squad” consisted of 182 copyright challengers who had been selected through two rounds of screening processes that lasted for eight months from April to the end of November. The squad members were engaged in a range of copyright-related experiences each month, including copyright education, visits to cultural content production sites and cultural experience, participating in copyright-related missions, street campaigns and volunteer activities. After such activities, they shared their experiences with the general public via SNS or personal blog postings. Such SNS activities produced substantial outcomes through the “Copyright Safeguarding Signature Campaign” in which as many as 107,209 individuals participated, thereby spreading positive messages on copyright among the general public.

In the meantime, the positive image of copyright was conveyed among the general public in a large-scale copyright awareness campaign in collaboration

with the “Dream Concert” which featured B-Boy copyright performance and flag performance. During the concert, a mammoth banner with wording of “We Defend Our Stars!” and copyright mascots was featured with the help of the 10,000-strong audience, along with other diverse campaigns.

Copyright Campaign in Connection with “Dream Concert”



(2) Copyright-related Contests

1) The 6th Copyright Essay Contest for Undergraduate and Graduate Students

The KCC has hosted an essay 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 2011, the essay contest was separated from the industrial property rights by the Korea Institute of Intellectual Property and was singlehandedly focused on the subject of copyright, which was an indication of increasingly heightened awareness of the academic importance of copyright.

A total of 43 essays were submitted and the first prize was granted to the essay titled “The Illegal Sharing of Online Works via Bittorrent and Countermeasures” written by Kim Yi-soo and two others.

2) The 7th National Youth Copyright Writing Contest

The National Youth Copyright Writing Contest is designed to encourage

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. The writing contest has been held for seven consecutive years, starting from 2005. A total of 3,747 entries were submitted in the 7th writing contest held in 2011 and an essay titled “Precious Experience” written by Kim Hyun-woo from Hana High School was selected as the first prize winner through two rounds of screening process.

(3) Public Awareness Campaigns via TV and the Internet

The KCC provided copyright-related questions to TV quiz shows “Quiz Korea” and “Challenge Golden Bell,” which are popular among children and youths, as well as familiarizing the general public with the seemingly difficult topic of copyright in the form of quiz. In addition, the KCC also produced a quiz show “Copyright Conquest” for elementary school students to celebrate the Day of Copyright Protection and aired the show via EBS, a terrestrial broadcasting company. As such, the KCC has pushed for public awareness campaigns by utilizing terrestrial TV broadcasts to which the general public have easy access.

Besides, the KCC held online campaigns for seven months on the Day of Copyright Protection (26th day of every month) and the total number of participation cases reached as many as 153,540, which is an increase by 133%, compared with 87,656 in 2010.

Online Campaign on the “Copyright Day”



(4) Development and Distribution of Copyright Promotional Content

In order to raise the public's awareness of copyright, the KCC has pushed for copyright campaigns featuring popular entertainers. In particular, a copyright campaign song titled “Agreeable Promise” composed by Don Spike and sung by singer and copyright ambassador Kim Bum-soo earned a good reception among the public with its simple chants featuring copyright catchphrases and rhythms. The copyright promotional contents were distributed to schools and libraries to help children and youths familiarize them with copyright. What's more, the KCC produced two versions of copyright posters and used them for a number of promotional campaigns.

Copyright Campaign Posters



With the increase in the number of users of new media such as smart-phones and tablet PCs, the KCC renewed the previously developed copyright application “Hello! Copyright” and distributed the new version in November 2011. The renewal realized UI (User Interface) that complies with mobile application accessibility, while involved improvement of overall functions, including adjustment of font sizes in consideration of different age groups and content search function. Furthermore, it also refurbished its content and

developed the application into a “copyright portal application” by conveying extensive copyright-related information in an easy-to-view manner.

Copyright Application “Hello! Copyright”



III. Copyright Protection Technology

It has become increasingly difficult to resolve copyright issues arising from changes in the digital distribution environment, the emergence of smart-phones and a variety of new services such as 3D and e-Book services, solely through the existing copyright education, public awareness programs and improvements in the legal system. Hence, the MCST has made concerted efforts to provide effective protection of copyrighted works in the digital environment by providing support for copyright-related R&D projects, formulating guidelines on technological measures, pursuing research of copyright technology standardization and its application, and providing

support for building a copyright information network (Digital Copyright Asian Network: DCAN) among Asian countries.

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

After securing the budget for copyright R&D projects in 2011, the MCST designated the KCC as a specialized copyright R&D institution and launched such R&D projects as copyright protection for smart-phone applications, e-Book DRM compatibility, and copyright infringement prevention and inspection software. An R&D project titled “Asymmetric/Reversible Watermarking and Modified Content Detection Technology” from the KCC was transferred from the Korea Creative Content Agency in April 2011. R&D projects undertaken in 2011 were as follows:

Application Examples of Outcomes of Copyright Technology R&D Projects in 2011

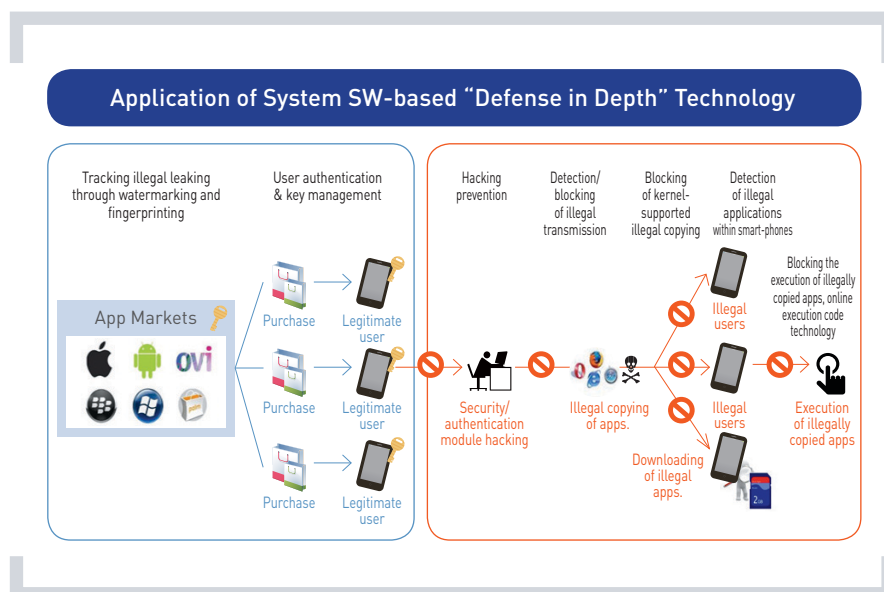
Technology Description	Examples of Application
<ul style="list-style-type: none"> • Technology for Content Protection and Distribution in a non-DRM Environment -This R&D project utilizes copyright base technologies such as fingerprinting and feature points-related technology and can be applied to a variety of services. 	<ul style="list-style-type: none"> • Emotion-based music recommendation technology; KT (Smart Home Pad, Olleh TV, KT Music) Technology transfer and commercialization are under way. • Tests for technology transfer and commercialization are scheduled for Kumyoung karaoke equipment, IPTV karaoke, and karaoke applications. • Technology transfer for Hyundai Motor Company's vehicular music navigation-related technology is under way.
<ul style="list-style-type: none"> • DNA Filtering Technology - It extracts unique features of content, thereby blocking its illegal circulation. 	<ul style="list-style-type: none"> • P2P and Webhard service providers in Korea (KT, Soribada, Nowcom, Wiz Solution, MarkAny, etc.) have applied the DNA filtering technology to their technological protection measures (filtering technology). • Music and cinematographic work filtering technology has been applied to the Copyright Protection Center's ICOP, a illegal work tracking and management system. • The DNA technology is also reflected in registration requirements with the enforcement of the Webhard registration system.

Technology Description	Examples of Application
<ul style="list-style-type: none"> • ebook DRM Compatibility Technology <ul style="list-style-type: none"> - It allows readers to conveniently view ebook with different DRMs using a single ebook viewer. 	<ul style="list-style-type: none"> • The technology is under pilot testing in the nation's 5 leading e-book content suppliers (Bandi & Luni's, Libro, Daekyo, Yes24, Aladin).
<ul style="list-style-type: none"> • Inspection SW Technology <ul style="list-style-type: none"> - The technology makes it easy to inspect and manage SW and copyrighted works (music, movie films) installed in personal PCs. 	<ul style="list-style-type: none"> • SW Inspector: distributed to 309,065 SMEs and public institutions (As of April 2012) • Multimedia Inspector: Its trial version was developed and unveiled to portal sites.

(1) Research and Development of Technology for Prevention of Illegal Reproduction of Mobile Applications (Oct. 2011 ~Mar. 2013)

This R&D project is aimed at developing technology that can prevent illegal reproduction and distribution of smart-phone applications in order to reduce the risk of copyright infringement in a mobile environment.

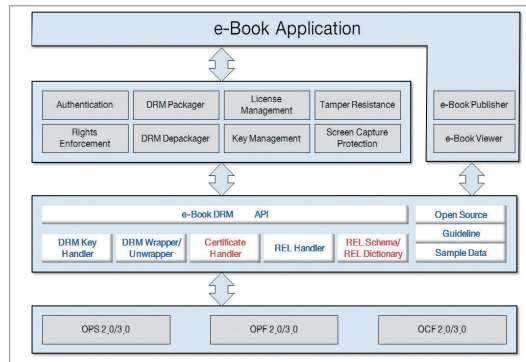
Conceptual Diagram on Copyright Protection of Mobile Applications



(2) Development of e-Book DRM Standard Reference Software Technology (June 2011 ~ Mar. 2012)

This R&D project aims to establish standard reference to support e-Book DRM compatibility based on the international EPUB standard of the International Digital Publishing Forum (IDPF). The standard reference allows different e-Book DRM technologies to be compatible through API.

Development of E-book DRM Standard



(3) Development of Inspection Software Technology (June 2011 ~ Mar. 2013)

This R&D project is aimed at developing the Multimedia inspector that supports recognition of information on copyrighted materials, such as still images, videos and phonogram stored on a PC, and inspection of their legality.

Example of Inspection by the Multimedia Inspector

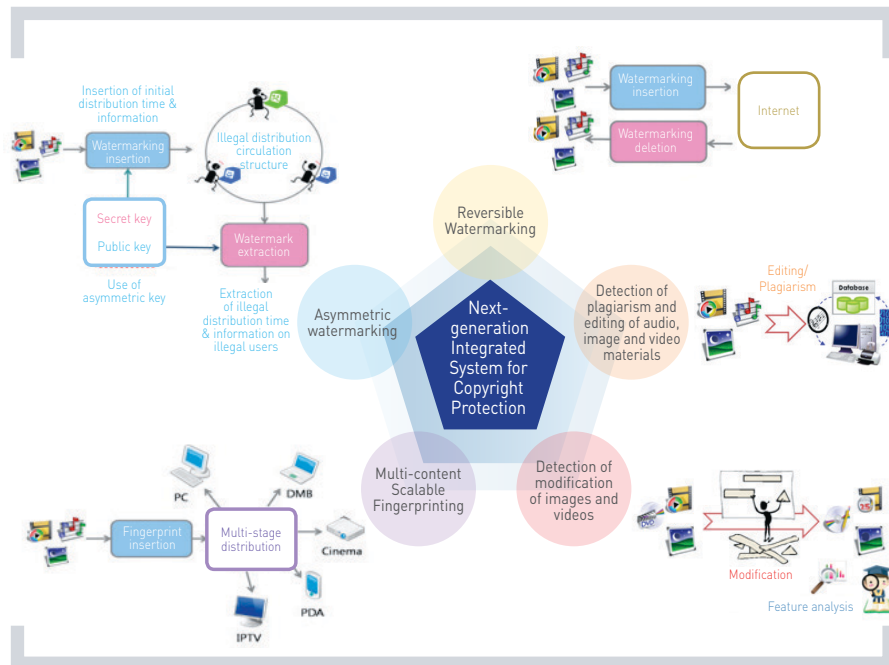


(4) Development of Asymmetric/Reversible Watermarking and Modified Content Detection Technology (Mar. 2009 ~ Feb. 2011)

This R&D project aims to develop technology to protect copyright without using DRM. Under the R&D project, various technologies to comprehensively protect copyright in various multimedia were developed,

including asymmetric/reversible watermarking technology, multi-content fingerprinting technology, and modulated or modified content detection technology.

Technology Overview Diagram for Asymmetric/Reversible Watermarking and Modified Content Detection Technology



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, Copyright Act, technological measures 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. 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.

In order to boost trust among interested parties, the KCC has established standards and guidelines of performance evaluation of feature-based filtering technology and launched a pilot service starting from the second half of 2010. As of the end of 2011, the performance evaluation confirmation was granted to technologies of four companies.

(2) Operation of a Consultative Body to Formulate Guidelines on Technological Measures

Concerning the issue of the extent to which "special-type" OSPs must

implement technological measures to prevent copyright infringement protected under the Copyright Act, a need for establishing guidelines that can be agreed upon among interest parties, such as rights holders and OSPs, has been raised. Hence, a guideline draft was prepared through six rounds of meetings held from August to December 2010 and was confirmed in 2011 after having been reported to the Copyright Coexistence Consultative Council.

3. Copyright Technology Standardization Research and Its Implementation

In order to protect online broadcasting content, the KCC signed an MOU with MBC (Munhwa Broadcasting Corporation) on October 25, 2011, which focused on jointly establishing feature information database necessary for feature-based filtering and providing the database to trustworthy filtering technology companies and YouTube. It was the second time that the KCC signed such an MOU after it signed the first MOU with SBS Content Hub in 2010. Through the signing of the MOU, MBC laid the foundation for efficient management of copyright and stable distribution of content. As of now, the number of data items contained in the common feature information database for broadcasting content amounts to approximately 48,000 of which MBC has 1,900 and SBS Content Hub has 46,000.

2011 Annual Report on Copyright in Korea

Copyright Industries, Facilitation of the Use of Copyrighted Works and Dispute Resolution



- I. Special Classification of Copyright Industries
- II. Support for Facilitation of Copyright Business
- III. Provision of Information on Works in the Public
Domain and Facilitation of the Use of Public
Copyrighted Works
- IV. Copyright Dispute Resolution

I. Special Classification of Copyright Industries

1. Systemization of Copyright Industry Statistics

In order to promote the virtuous cycle-model development and secure global competitiveness in the wake of the entry into force of FTAs, it is essential to accurately determine industry status, analyze objective industrial trends based on quantified data, and present empirical evidence. As part of research into systemization of copyright statistics aimed to build a copyright statistics collection and analysis system, the KCC conducted a “copyright statistics information demand survey” and a “basic study on copyright-related statistics and development of statistics index” in 2011. In November 2011, Korea became the first country whose “Copyright Industry Special Classification” was designated as a national official classification among UN and OECD member states, which laid the foundation for clarifying the scope of copyright industries and accurately measuring their socioeconomic effects.

The “Copyright Industry Special Classification” was based on the International Standard Industrial Classification (ISIC) used by the World Intellectual Property Organization (WIPO) in defining copyright industries. In order to reflect domestic industrial situations, it classified specific industries in accordance with the Korean Standard Industrial Classification (KSIC). It was designed as a national official classification in November 2011 after having been approved by the Commissioner of Statistics Korea.

With respect to the first-phase Level 1 classification, the Copyright Industry Classification system followed the recommendation of the WIPO and divided copyright-related industrial activities into four categories, namely, core, interdependent, partial and non-dedicated support industries. It also used the 7-digit classification code.

Korean Standard Industrial Classification

Classification	Copyright Industries		
	Classification Code (Example)	Classification Name (Example)	Classification Definition
Phase 1	1	Core copyright industries	The first area of the four general areas of the WIPO guide
Phase 2	101	Publishing & literature	53 specific items of the WIPO guide were applied
Phase 3	10101	Writers, authors, translators	The subject of major creative activities in the field of publication and literature
Phase 4	1010101	Non-performing artists	Artists who are engaged in non-performing art activities in the field of publishing and literature
	1010102	Translation service	Industrial activities providing translation service in the field of publication and literature

The recently established Copyright Industry Classification has provided an objective framework for understanding the status of Korea's copyright industries, measuring their economic impact, and producing statistics comparable to those of other countries on an ongoing basis.

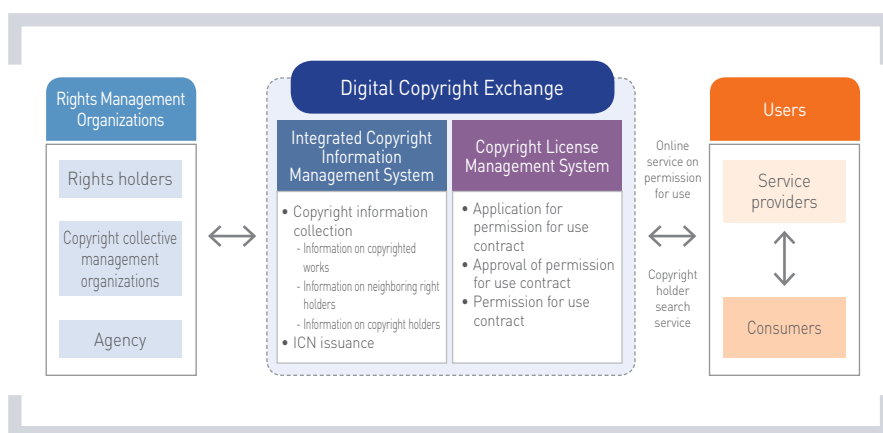
II. Support for Facilitation of Copyright Business

1. Support for Facilitation of Copyright Business

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 and users find it difficult to determine the legal relationship. Hence, the MCST and the KCC have pursued the establishment of the Digital Copyright Exchange since 2007 to improve the environment for the use of copyright, collect and analyze copyright information in a systematic manner, and enable online contracts for permission for use of copyright.

The Conceptual Map on the Digital Copyright Exchange



(1) Integrated Collection and Provision of Copyright Information

In an effort to collect and provide copyright information in a systematic way, the KCC has developed the “Integrated Copyright Number (ICN), a unique identification number system, which allows users to identify individual copyrighted works as having the same information, and established an integrated copyright information database. As of the end of 2011, approximately 4.59 million ICNs have been issued.

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

Classification		2008	2009	2010	2011	Total
Musical Works	Domestic	370,000	15,000	158,428	58,031	601,459
	Oversea	-	100,000	323,930	-	423,930

Classification	2008	2009	2010	2011	Total
Literary Works	400,000	400,000	49,432	259,109	1,108,541
Broadcasting (Script)	-	10,089	-	6,766	16,855
News articles	-	-	-	2,409,269	2,409,269
Films	-	-	-	30,000	30,000
Images	-	-	-	6,139	6,139
Total	770,000	525,089	531,790	2,769,314	4,596,193

In 2011, efforts to build the integrated copyright meta-database and issue ICNs accelerated, and thus a total of 2.76 million ICNs were issued. Also, news articles, movie films and images were newly added to the existing categories of musical works, literary works and broadcasting scripts.

It is essential to collaborate with such systems as copyright collective management organizations and distributors. In 2011, five more organizations (the Korea Cable Television and Telecommunications Association, the Korea Radio and TV Writers Association, the Korea Broadcasting Performance Association, the Seoul business Agency and Sangwon Museum of Art) signed MOUs in this endeavor, bringing the number of partner organizations to 17.

(2) Support for Online Copyright License Contract

The Copyright License Management System (CLMS) is designed 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. Starting from the field of music transmission in 2008, the CLMS established license systems, including the fields of music reproduction, performances and broadcasts in 2009 and the fields of music remuneration (broadcasting/performance) and news articles in 2010.

In 2011, the CLMS established a license contract system on remuneration

for literary works (library remuneration and remuneration for the classroom use) and copying royalties. A contract system on remuneration for broadcasts, performances and digital sound transmission by the Federation of the Korean Music Performers was also established, launching services. In addition, it was also made possible to pay copyright collective management system fees in the form of credit card points, while a information service on the Creative Commons License mark of the three leading music-related copyright collective management organizations was also launched. As a result of these initiatives, the numbers of copyright license contracts through the CLMS rose by 45%, compared to the previous year.

Status of Online License Contract Signing

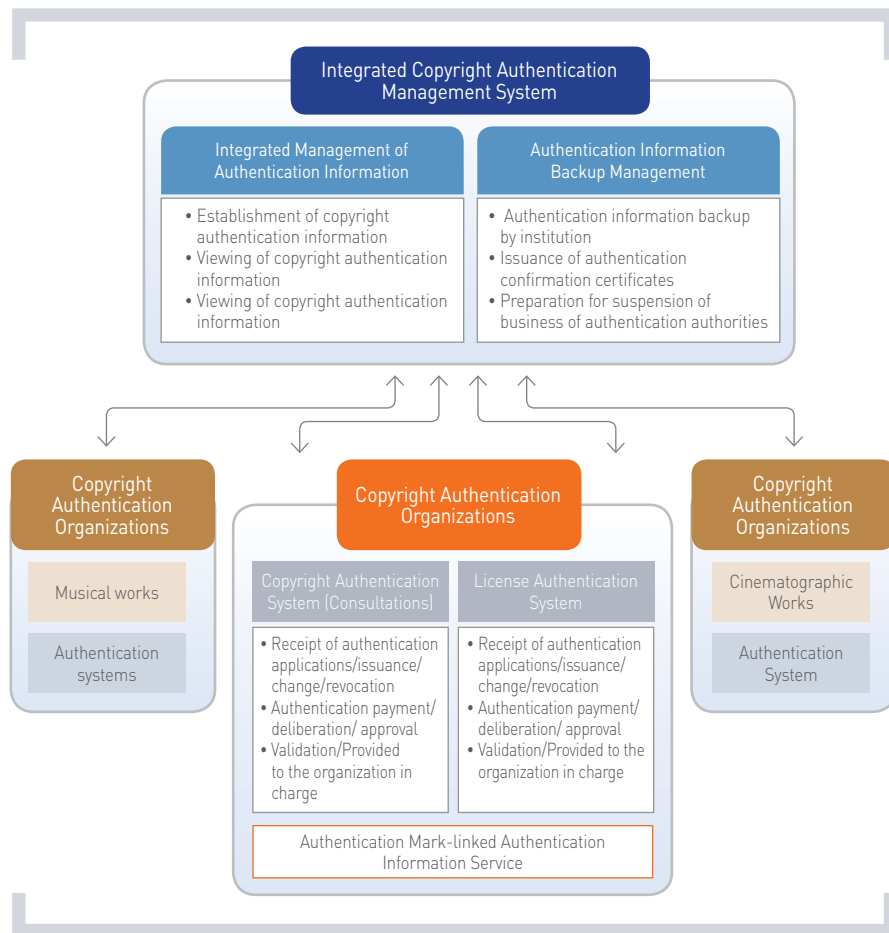
Classification	2008	2009	2010	2011	Total
No. of Use	173	353	561	816	1,903

(3) Authentication

It has been difficult to claim rights in parts of the world that still have a vulnerable environment for copyright protection and management such as China, which often posed an obstacle to protection of Korean copyrighted works and businesses. For this reason, there has been a need for means through which right holders or licensees can claim their legitimate rights via reliable organizations.

Hence, the Copyright Authentication System was introduced at the time of amendment of the Copyright Act in 2006 and the Copyright Authentication System was established in 2011 after a certain period of research and preparations. The Copyright Authentication System whose comprehensive development was completed in 2011 was developed as a standard system to be distributed among authentication organizations. It realizes rights authentication and license authentication, respectively, which are separated under the Copyright Act, while providing integrated management of authentication information.

Conceptual Map on the Copyright Authentication System



As the KCC made necessary preparations to meet overall requirements for copyright authentication, including drafting copyright authentication operation regulations and procuring operation facilities, it was designated as the nation's first copyright authentication organization by the MCST on December 30, 2011. Its authentication scope includes providing authentication for copyrights or licenses of works created or performed, produced, broadcasted by Korean citizens. The KCC launched its authentication-related services related to exercising rights overseas on February 23, 2012 and plans to provide the services without charging any fees for a year.

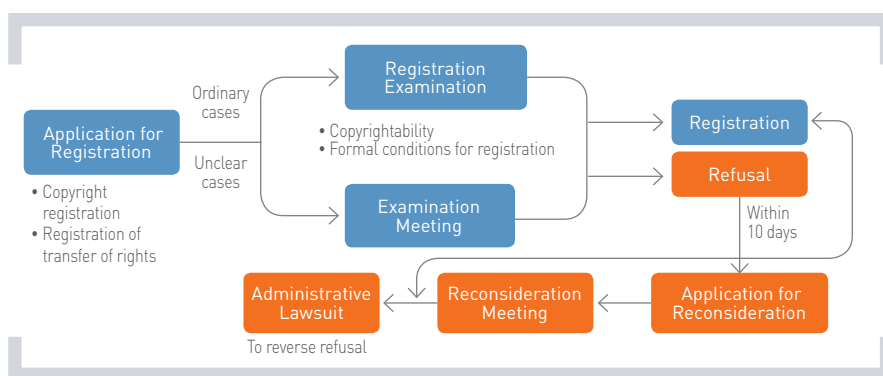
2. Copyright Registration

(1) Overview

The Copyright registration system is a public notification system in which certain information on works (the author's name, the initial date of its creation and publication, etc.) and information on the change in the copyright (assignment, disposal restriction, and establishment of the right of pledge, etc.) are registered in the copyright register which is an official register. The information is open to the public for viewing.

The registration process is as follows: ① Registration consultations ② Completion of the application form ③ Application for registration and payment of registration fee ④ Registration examination ⑤ Recording on the register ⑥ Issuance of registration certificate ⑦ Publication of registration notification ⑧ Post-registration management (re-issuance of registration certificate, changes to the registered information, placing registered works for public viewing, and issuance of duplicates, etc.)

Registration Process Flow Chart



The benefits from copyright registration include presumption of authorship, the priority between conflicting parties, the restoration of the copyright protection period, and the right to claim infringing items to be withheld at the customs.

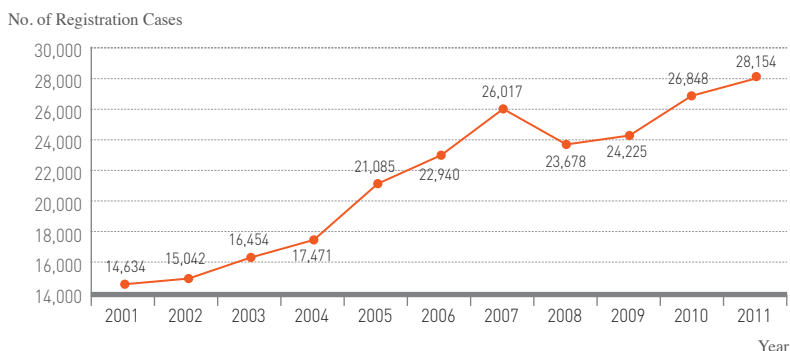
(2) Registration Activities and Outcomes

1) Registration Performance in 2011

In 2011, the KCC improved the online registration system for the convenience of registration applicants, while surveying inconveniences and complaints among customers who had filed registrations the previous year and reflecting them to promote customer-oriented registration service. It also made intensive efforts to publicize its registration service among organizations with a great quantity of registration cases and host organizations of contests to boost registration application. As a result, the KCC recorded 28,154 cases of registration in 2011, an increase by 4% from the previous year (26,848 cases).

It can be assumed from the increase of “copyright registration,” which is the most basic registration item, by 7% that authors are increasingly aware of the importance of protecting their rights. On the other hand, the rising trend of such registration of transfer of rights (assignments) and establishment of the right of pledge, etc. indicates that authors are increasingly using copyright in terms of exercising their property rights. However, there still remains a long way to go to facilitate registration of neighboring rights-related items.

Status of Copyright Registration by Year



2) Improvement of Online Registration System

With the Computer Program Protection Act incorporated into the Copyright Act in 2009, copyright registration services were also integrated. However, in order to minimize confusion that may arise from the integration of service systems that had been operated separately, the general works registration system and computer program registration system had been handled separately only for a temporary period of time. The two systems were incorporated in 2011 when the “Integrated Copyright Registration System” was established, completing the integration of registration services in the true sense.

The integrated system allowed the public to view at a glance registration notifications on general works and computer program works, which amount to more than 300,000 cases, thereby achieving the goal of this registration system, which is one of the nation’s public notification systems.

III. Provision of Information on Works in the Public Domain and Facilitation of the Use of Public Copyrighted Works

1. Provision of Information on Works in the Public Domain

It is expected that great importance will be placed on the creativity of individuals and creative resources such as copyrighted works will emerge as

core resources in the future society. Hence, countries around the world are striving to secure usable creative resources. Korea has also made concerted efforts to transform works in the public domain, such as works whose copyright protection period has expired, works whose copyright has been donated, works under a Creative Commons License, and public copyrighted works.

(1) Operation of the “Forum on Transformation of Public Domain Works into Creative Resources”

Amid the explosive increase in demand for content creation with the emergence of new media, the “Forum on Transformation of Public Domain Works into Creative Resources” involving joint participation by the government and the private sector, was launched on July 12, 2011 to provide support for government policy formulation aimed at utilizing works in the public domain as creative resources.

The Forum consists of 98 members, including joint representatives from the government and the private sector, steering committee members and subcommittee members. In order to ensure efficient discussions, it has three subcommittees on collection and sharing, creation of the institutional foundation, and social collaboration, respectively.

Since its inauguration in July 2011, the Forum held general meetings and meetings of the three subcommittees (19 occasions), producing such outcomes as creation of a public-private sector demand roadmap for expired copyrighted works, the Korea Open Government License (KOGL), the Charter on Transformation of Public Domain Works into Creative Resources, and the government-private sector cooperation guidelines.

(2) Utilization of Expired Copyrighted Works

Since 2007, Korea has been applying the Free Use Website (<http://freeuse.copyright.or.kr>) as a major channel for utilizing works in the public domain.

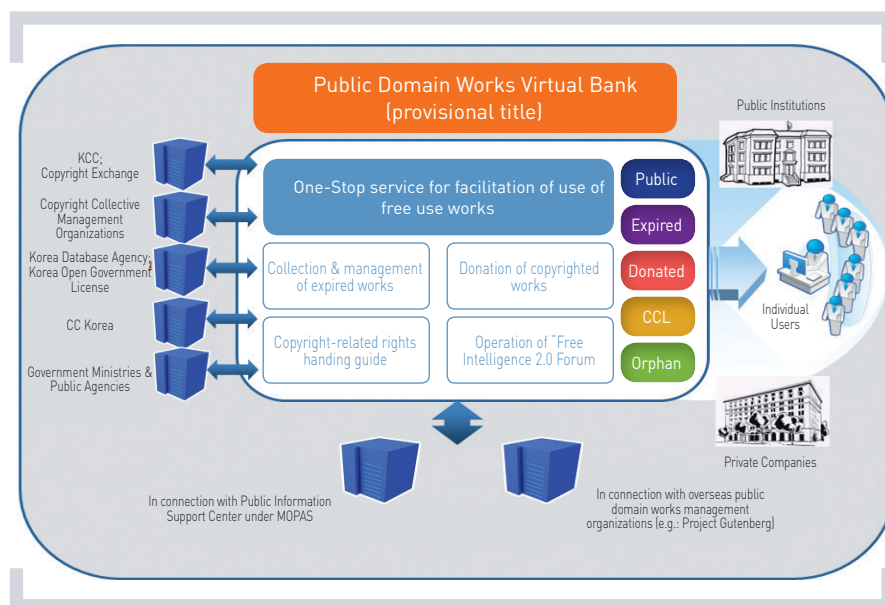
The website offers works whose copyright has expired to individuals and businesses. Although its service still lags behind, compared to overseas counterparts, the scope of its services is expanding on a continual basis. As of the end of 2011, the website had a database on 36,000 cases and it received approximately 945,000 views in 2011, an increase by 43.2% from a year previously (660,000 views in 2010).

Status of the Free Use Website Database on Expired Works

Classification	2006	2007	2008	2009	2010	2011	Total (Cases)
Literary works	17,300	3,843	235	5,992	332	311	28,013
Artistic works	30	752	1,111	3,175	-	-	5,068
Musical works	1	216	556	21	-	-	794
Photographic works	-	280	182	2,388	-	-	2,850
Total	17,331	5,091	2,084	11,576	332	311	36,725

Meanwhile, with the rapid increase in the use of smart-phones, a mobile Web (<http://mfreeuse.copyright.or.kr>) service was launched in 2011 to provide services without any restraint of time and space, thereby expanding the number of channels through which one can have access to free use works. In addition, the Free Use Website was further expanded and refurbished to lay the groundwork for providing a portal service (virtual bank) that offers comprehensive management of information on works in the public domain. Also, a research work titled “A Study on Collection of Overseas Public Domain Works and Related Systems for Information Connection” was conducted to examine the status of digitization and management of overseas public works. The Free Use Website also provided services in connection with an overseas public domain works project (Europeana) in the Open API format.

Schematic Map of Public Domain Works Virtual Bank (provisional title) Target System



2. Facilitation of the Use of Public Copyrighted Works

Public copyrighted works, which are produced and managed by the state, local governments or public institutions, have emerged as key industrial resources, as it was highlighted that they can be utilized as core original materials for content development.

According to a survey conducted by the Korea Database Agency, the demand for use of public copyrighted works has significantly increased from 21.4% in 2006 to 41.7% in 2008 and 51.6% in 2010. It is found that works related to tourism, culture, arts, transportation, weather, bio resources and food safety are very popular public copyrighted works, among others.

As such, public copyrighted works are not only utilized for handling of business, but also generate high cultural and economic added values as high added-value industrial resources, driving the growth of the national economy.

(1) Collective Management of Public Copyrights

Collective management of public copyright refers to the entrustment of 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. If public organizations that lack expertise and experience concerning copyright utilize the public copyright collective management system, they can resolve difficult and complicated copyright issues and conveniently handle licensing of their copyright to the private sector.

Since 2004 when it had been approved as a collective management organization, the Korea Creative Content Agency, has exercised the rights of public cultural content on behalf of public institutions. However, the copyright management work was transferred to the Korea Database Agency in June 2011 and the scope of copyrighted works was also extended to include general public copyrighted works. As of the end of 2011, 52,700 copyrighted works from 19 organizations are placed under collective management and the use of the system has been rising rapidly.

Status of Collective Management of Public Copyrighted Works

Classification	2008	2009	2010	2011
No. of Public Institutions that have placed works under collective management	23	24	24	19
No. of Works under collective management	25,397	29,556	29,658	52,700

Major examples of copyrighted works under collective management include the Statue of King Sejong, Kim Hong-do's painting "Seodang," bio resources and traditional patterns.

Major Examples of Public Copyrighted Works under Collective Management



(2) Development of the Open License System for Public Copyrighted Works and the Establishment of the KOGL Website

The open license system for copyrighted works owned by the public sector is aimed at providing the foundation for the free use of copyrighted works produced and managed by public institutions by presenting standard open license on public copyrighted works. The open license framework and guidelines on the Korea Open Government License (KOGL) system has been developed in order to promote opening and sharing of copyrighted works owned by public institutions with the private sector by simplifying and standardizing the scope and terms of the open license for public copyrighted works.

In order to apply the KOGL system, public institutions need to select copyrighted works and terms of use and attach the KOGL mark. Users can utilize public copyrighted works attached with the KOGL mark under given terms of use. To this end, the KOGL website (www.kogl.or.kr) provides meta data on KOGL-applied copyrighted works

IV. Copyright Dispute Resolution

1. Conciliation

(1) Overview

With advances in information technology and the resulting emergence of various types of media, disputes are increasingly becoming more complex, varied and frequent. However, resolving all these disputes solely through legal procedures in the court can be complicated, costly and time-consuming. An alternative to going to trial is the Alternative (other than litigation) Dispute Resolution (ADR) system, which includes conciliation and arbitration. The KCC is responsible for such dispute resolution systems.

The KCC's conciliation system has several advantages. First, its conciliation board consists of members with high-level of expertise in disputes and requesting parties can resolve disputes more readily. Second, once the conciliation request is received by the KCC, the conciliation process is handled expeditiously within three months. Third, the dispute resolution is less costly and confidentiality of the concerned parties is guaranteed. Fourth, when the conciliation is concluded, it has the same effect as judicial conciliation, thereby making enforcement possible. Lastly, not only the right holder, but also the infringer may request conciliation.

1) Applicable Laws

Paragraph (1) of Article 112 (Establishment of the KCC) of the Copyright Act stipulates that the Korea Copyright Commission shall be established to deliberate matters concerning copyright and other rights protected under this

Act and conciliate disputes concerning copyright, indicating that one of the purposes of the establishment of the KCC is conciliation. Subparagraph (1) of Article 113 (Functions) of the Copyright Act sets forth that “conciliation of disputes” is one of the functions of the KCC.

2) Subjects of Conciliation

The subjects of dispute conciliation by the KCC are disputes about rights protected under the Copyright Act, which include disputes over authors’ moral rights or economic rights, disputes over neighboring rights, disputes over remuneration for use for broadcasts and disputes over the rights of database producers.

3) Effects of Conciliation

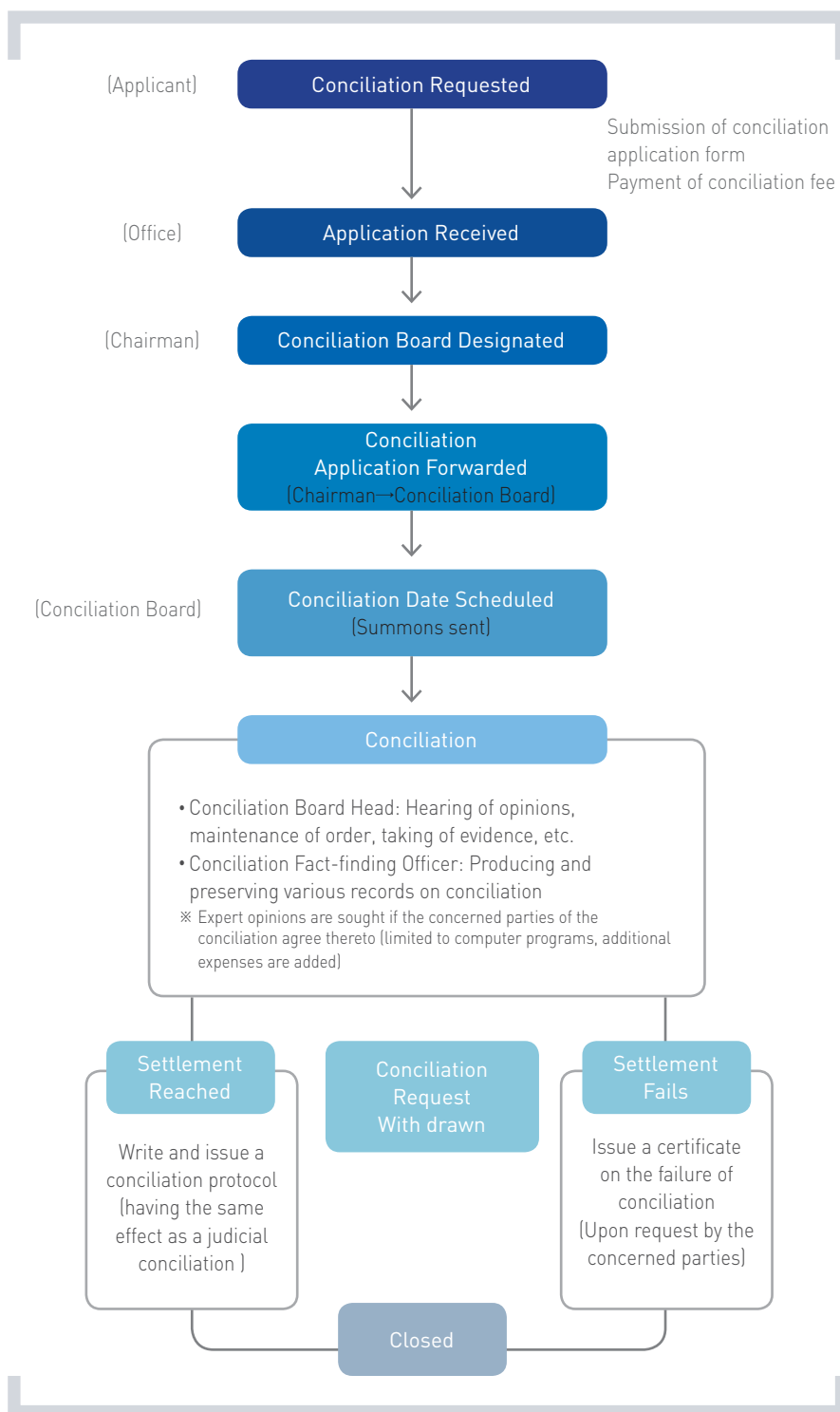
Paragraph (1) of Article 117 (Conclusion of a Conciliation) of the Copyright Act states that the conciliation shall be concluded by writing the terms of agreement between the parties on the protocol. Paragraph (2) of the same article sets forth that the protocol as referred to in Paragraph (1) shall have the same effect as a judicial conciliation, unless it is concerned with matters that are outside the capacity of the parties to dispose of them.

In other words, in the case when parties voluntarily reach an agreement in a conciliation, it has the same effect as a court ruling. The rule on granting a writ of execution to a conciliation protocol from various dispute conciliation committees (Supreme Court Rule No.1198) provides a legal basis for granting an effect of a writ of execution to a conciliation protocol.

4) Conciliation Process

A general process of mediation or conciliation at the KCC to resolve copyright disputes is briefly presented as follows:

Dispute Resolution Process



2. Activities and Outcomes

(1) Operation of the Conciliation Board

In 2011, the KCC's Conciliation Board operated a total of 11 divisions including seven multi-member divisions and four single-member divisions. A total of 82 applications for conciliation were received, an increase by 32% from a year previously.

Depending on the fields of the copyrighted works, the 82 applications are classified into 26 literary works, one musical work, 11 artistic works, seven photographic works, five cinematographic works, two diagrammatic works, 19 computer program works and 11 other subject matters. Applications for conciliation are mainly concentrated on literary, computer program, artistic, photographic and musical works, while there has been no application for conciliation concerning dramatic, architectural, secondary and database works. It is assessed that such distribution of ratios is attributable to the fact that expertise of the Copyright Commission on general copyrighted works and that of the Computer Program Deliberation and Mediation Commission on computer programs, which had been separated before the integration of the two organizations, produced synergistic effects, resulting in balanced distribution across fields of copyright.

The rise in the number of applications for conciliation is attributable to boosting the efficiency of conciliation by appointing experts in various fields to conciliation board members and adopting a procedure where conciliation fact-finding officers sufficiently listen to opinions of concerned parties in a pre-investigation process and hold pre-conciliation meetings prior to the commencement of conciliation process to report key issues to the conciliation division concerned and discuss them sufficiently. Another reason for the increased application for conciliation is the fact that, unlike litigation, concerned parties are given sufficient time for unreservedly explaining their positions in the course of the conciliation period and the conciliation board does its utmost to help both parties reach agreement after sufficiently

listening to their positions. This indirectly indicates that the expertise and authority of the copyright dispute resolution system in the field of copyright is recognized by the general public.

Numbers of Conciliation Applications and Handling Status by Year

(Unit: Case)

Year	Conciliation Application Handling Status					Total
	Settled	Failed	Withdrawn	Others	Pending	
2010	23	17	7	-	15	62
2011	28	29	28	-	12	97

Numbers of Conciliations by Subject Matter and by Year

(Unit: Case)

Year	Literary	Musical	Dramatic	Artistic	Architectural	Photographic	Cinematographic	Diagrammatic	Editing	Secondary	Derivative	Database	Computer programs	Total
2010	18	6	-	12	-	7	2	1	1	-	7	-	8	62
2011	26	1	-	11	-	7	5	2	-	-	11	-	19	82
Total	44	7	-	23	-	14	7	3	1	-	18	-	27	144

(2) Operation of Regional Circuit Conciliation Boards

The regional circuit conciliation board was operated on Jeju Island in 2011. In the past, the KCC had had no regional offices, thus attending conciliation hearings in Seoul, affected schedules of dispute parties, as it was mandatory for them to attend each hearing. In

response, the KCC provided a circuit conciliation board service by holding hearings in regional locations for the convenience of the parties concerned.

Regional Circuit Conciliation Board Session in Jeju



Given that there have been many cases where conciliation failed due to the absence of parties residing in regional areas, there is a need for further expanding the areas subject to the regional circuit conciliation board service to promote the conveniences of dispute parties.

2011 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, there is a need for an institutional mechanism that can promote 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, the Federation of Korean Music Performers, 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 have been authorized by the MCST to provide copyright collective management services. 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

Category	Organization	Rights under Management
Music	FKMP	Neighboring rights of music performers
	KOMCA	Right of public performance, right of broadcasting, right of reproduction, right of interactive transmission of musical works
	KAPP	Neighboring rights of online phonogram content
Literature	KOSA	Right of reproduction, right of distribution, right of interactive transmission, right of broadcasting of literary works
	KTRWA	Right of broadcasting, right of reproduction, right of distribution, right of interactive transmission, right of production of derivative works for broadcast scripts
	KRTRA	Right of reprography and interactive transmission
	KSWA	Copyright of scenarios such as film scenarios
Broadcasting	KBPA	Neighboring rights of performers such as TV actors, voice actors, etc.
Cinematographic Works	KMVA	Right of public performance of movie film content through videos and DVDs, etc.
	KFPA	Right of reproduction and right of interactive transmission of movie film content
News	KPF	Copyright of news
Public	KDA	Copyright of public sector works

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.

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. In addition to copyright collective management, the main activities of KOSA include copyright infringement investigation and pursuit of legal remedies and public awareness activities by holding seminars and publishing publications. As of December 2011, KOSA had 2,765 members (including 82 groups).

In 2011, KOSA held a meeting with related organizations, including the Korea Writers' Association (KWA), the Korean Novelists Association and the Photo Artist Society of Korea on November 18 to discuss ways on mutual cooperation on copyright-related matters, while hosting a seminar on the theme of "impartiality of publication contracts and the growth of the culture industry" on December 2 to listen to a wide spectrum of opinions from various fields.

In addition, in order to provide support for e-book publication in line with the digital era, KOSA signed an MOU with Kyobo Bookstore and Timebee, while publishing the KOSA quarterly newsletter.

As of the end of 2011, under the leadership of its chairman Kwon Dae-woo (professor of the Graduate School of Law, Hanyang University) the KOSA consists of a board of directors (20 directors and two auditors), a steering committee and a secretariat (7 staffs).

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 MCs. 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 interactive transmit broadcast programs where its members make an appearance from them and distributes royalties to its members. Moreover, the KBPA joins 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 2011, 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 44 program providers (PP) for cable TV programs, to protect the rights of its members.

Furthermore, it understands that the level of protection of performers' rights stipulated in Paragraph 3 of Article 100 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. Hence, it has been vigorously engaged in policy activities to address this issue. As a result of the effort, lawmaker Kim Eul-dong submitted a revision bill aimed to amend Paragraph 3 of Article 100 of the Copyright Act to the 18th National Assembly. Apart from such effort, the KBPA is engaged in a variety of other activities to protect the rights of its members in practical terms. As part of the effort, it is striving to sign a special agreement with newly launched general-programming cable TV channels.

As of the end of 2011, the KBPA had 4,100 members and 17 executive members including the 3rd president Kim Ki-bok and nine staff members in the secretariat work for the organization.

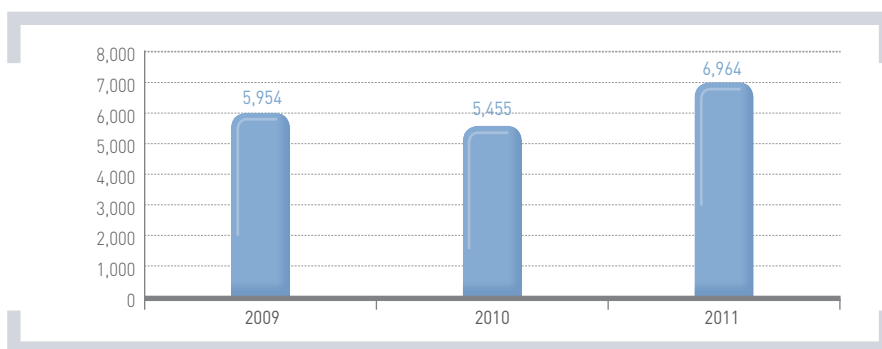
3. The Korean TV and Radio Writers Association (KTRWA)

The Korean TV & Radio Writers Association (hereinafter referred to as “KTRWA”) was established in 1962 to promote the rights and interests of TV broadcast 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 and exchanges. 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 Broadcast Writers Training Institute to foster broadcasting literature, while carrying out public relations and publication activities by publishing monthly “Broadcast Writers,” as well as a collection featuring winning entries of the Broadcast Writer Award. It is also actively involved in copyright protection projects as a member of various copyright-related organizations at home and abroad.

Numbers of Copyright Royalty Payment Cases by Year

(Unit: Case)



In 2011, the KTRWA focused on activities to improve unfair contract-signing practices with outside producers and respond to violations. As part of the effort, it signed collective agreements with outside producers and collected royalties. In addition, the Association participated in a project to introduce a “standard writing contract form” to promote fair content transactions, while conducting a survey on unfair contract-signing practices involving broadcast writers. The KTRWA and the KCC jointly hosted a workshop on the copyright of broadcast writers on April 7-8, 2011 to enhance the writers’ understanding of copyright for two consecutive years.

As of the end of 2011, the KTRWA has 2,400 members, and it consists of 28 executive committee members including the 27th president Kim Ok-yeoung and 10 staff members at the Secretariat, which comprises a general administration team, a copyright team and an education and training team.

4. The Korea Reprographic and Transmission Rights Association (KRTRA)

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

The KRTRA was authorized as a copyright collective management organization on November 14, 2000 and has copyright collective management organizations and related organizations as its members. It has six regular group members, including the KOSA, the KOMCA, the KTRWA, the KSWA, the Korean Publishers Association, and the Korean Association of Academic Societies, as well as four associate group members, including the KAPP, the FKMP, the KMOVIA, and the KBPA.

Even though the Association manages the rights of individual copyright holders, it mainly manages reproduction and transmission rights on behalf of regular group members. The rights under collective management on behalf of group members include the right of reproduction of poetry, novels, music scores, broadcast scripts and academic papers.

Pursuant to a proviso of Article 30 of the Copyright Act, the KRTRA has signed copyrighted work reproduction license contracts with owners of photocopiers set up for public use which requires handling of copyright on photocopying of literary works. The owners include photocopy shops in university areas, government offices and companies. Collected license fees are distributed to rights holders such as copyright holders and publishers. Compared with foreign reproduction management organizations that commence distributing the fees after 10 years from the initial collection, the KRTRA commenced distribution of royalties in 2006. Since 2009, it has distributed full-amounts of collected fees to right holders.

Furthermore, the KRTRA also carries out crackdown activities throughout the year to promote the legitimate use of works and eliminate illegal reproductions. In collaboration with the MCST and the Copyright Protection Center, it performs joint crackdowns on photocopying businesses in university areas during new school semesters (March and September) to protect rights holders.

In addition to its main responsibility of providing copyright collective management services, the KRTRA has been designated as an organization to collect remuneration from libraries (October 17, 2003) pursuant to Article 31 of the Copyright Act and remuneration for school education purposes (March 13, 2008) pursuant to Article 25 of the Copyright Act. Since then, it has collected and distributed remunerations from those organizations.

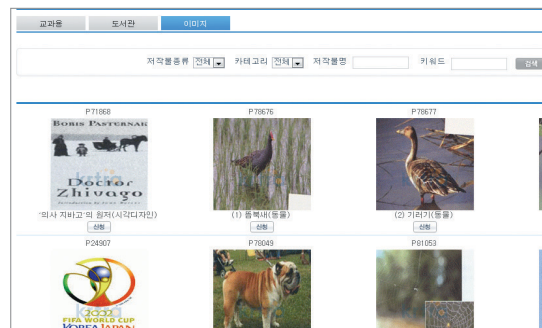
As standards on remuneration for reproduction, performance, etc. for school education purposes pursuant to Paragraph 2 of Article 25 of the Copyright Act was notified (the Minister of Culture, Sports and Tourism Notification No.2011-017, April 28, 2011), in 2011, the KRTRA organized workshops and produced guidebooks to provide information on the

remuneration system aimed to collect and distribute remunerations on the use of copyrighted works for school education in schools such as universities, making concerted efforts to help the remuneration system for school education purposes to take root at an early date.

Besides, the Association also made multifaceted efforts to locate copyright holders to facilitate the distribution of collected remunerations. In the case of remunerations on textbooks, in particular, it has undertaken a variety of projects, including online and offline advertising campaigns, production of database and catalogue for images used in textbooks to found out the right holders. It also offers a service to help the public to locate their works used in textbooks on its homepage (www.krtra.or.kr).

The KRTRA's decision-making bodies include the steering committee, the board of directors and the general assembly and its secretariat consists of three teams of a collective management service team, a remuneration project team and a project support team with 14 staff members.

The KRTRA's Homepage



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 KSWA in November 2002, it launched copyright collective management and brokerage services in full swing.

The KSWA finds it difficult to secure copyrighted works for collective management, given the current practices in the film industry where copyright of scenarios is all granted to film producers. 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, prize awards to meritorious members, and projects to promote the welfare of its members. In 2011, it hosted the Korea Scenario Contest with prize money worth KRW100 million, contributing to invigoration of the film industry, including copyright projects.

The KSWA also has trained a number of scenario writers through its affiliated organization, the “Scenario Writers Training Institute” established in 1992. In 2011, scenario writers of the institute’s 37th and 38th class were trained in the training institute. A scenario contest and prize-awarding ceremony were also held at the training institute. And, KSWA recommended members for the Korean Film Council, and sectoral subcommittees of the Korea Media Rating Agency.

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 has established five policy tasks: strengthening

the competitiveness of the newspaper industry in the digital era; support for the production of high-quality news content; promotion and dissemination of reading culture; enhancement of the quality of government advertising agency services; and improvement of the printed media distribution structure and its 140 employees are conscientiously implementing those tasks.

With respect to news copyright, the KPF was authorized to provide copyright collective management services on June 7, 2006. As of the end of 2011, it manages the copyright of news works of 69 media of 59 media companies. Starting from 2011, 13 media from seven 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 82 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 2011, the KPF organized a contest for a campaign against infringement of copyright of news (UGCs) to raise awareness of copyright protection and held the "Copyright Policy Forum" from June 21 to October 30. It also published research reports on the "satisfaction survey on the use of news copyrighted works and market expansion measures" and "prediction of potential paid market through analysis of infringing status of copyright of news works." It also identified practices of using news-related copyrighted works and established a permanent monitoring system to prevent copyright infringement, while launching public awareness campaigns to protect news copyright via various media such as newspapers, radio and the Internet.

7. The Korea Movie and Video Industry Association (KMVIA)

The Korea Movie and Video Industry Association (hereinafter referred to as "KMVIA") was established in 1999 to promote seamless and fair use of

cinematographic works and establish their distribution order. It was authorized to provide copyright collective management services on November 9, 2005.

The KMVIA manages the right of public performance of cinematographic works and mainly grants licenses to DVD theaters nationwide for performance of cinematographic works. However, as the forms of movie watching have shifted toward online and digital formats, the numbers of DVD theaters in the nation have declined, resulting in a decrease in the collection of copyright royalties.

Nevertheless, the KMVIA 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 to urge special-type OSPs to mount technological measures to prevent illegal reproduction 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 KMVIA’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.

In 2011, the KMVIA held a seminar on ways to promote the seamless use of cinematographic works and protect rights, while sharing its research on Article 29 of the Copyright Act (Public Performance and Broadcasting for Non-profit Purposes) and case studies of developed countries. It also hosted a seminar on the revision of the Enforcement Decree with the introduction of the Webhard Registration System and presented the direction of revision desired by the film industry.

In the second half of 2011, the KMVIA carried out guidance and publicity

activities to eliminate the use of illegal cinematographic works and prohibit unauthorized use in libraries, accommodation establishments and bathing houses. It also started the third lawsuit against illegal Webhard service providers (OSPs), raising public awareness of copyright protection for cinematographic works.

As of the end of 2011, the KMVIA had 57 companies as its members, including regular members and special members. It also has six staff members, consisting of directors including the president and staffs at the secretariat that deals with management of copyright of cinematographic works, strategic planning and collection of royalties.

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 market in the film industry, 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 2011, the KFPA had 65 companies as its members.

In 2011, the KFPA jointly launched the Film Industry Employment and

Welfare Committee with the Federation of Korean Movie Workers' Union to provide education and training for movie staffs and improve their welfare. It also took a lead in exploring high-quality materials for special feature development to boost competitiveness of the Korean film industry through the "Screenwriters Pann" project jointly organized with the Gyeonggi Performing Arts and Film Commission, the Korea Film Council, the Producers Guild of Korea and the Screenwriters' Guild of Korea.

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, 2011, the FKMP had 5,120 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.

Record on the FKMP's Collection of Copyright Royalties and Remunerations

Classification	Performance in 2010 (won)	Target in 2011 (Won)	Performance in 2011 (Won)	Target Achievement Rate (%)
Interactive Transmission	7,574,600,200	8,050,000,000	8,335,917,843	103.6
Reproduction	33,000,000	70,000,000	57,393,185	82.0
Total Royalties	7,607,600,200	8,120,000,000	8,393,311,028	103.4
Broadcasting	2,639,579,734	3,100,000,000	3,311,749,322	106.8
Digital Sound Transmission	91,932,726	100,000,000	105,526,772	105.5
Public Performance	275,927,204	560,000,000	363,145,992	64.8
Total Remunerations	3,007,439,664	3,760,000,000	3,780,422,086	100.5
Total Amounts Collected	10,615,039,864	11,880,000,000	12,173,733,114	102.5

In 2011, the FKMP conducted specialized researches on commission aimed at promoting the efficient organizational operation and improving the status of performers, such as cost analysis on management fees of copyright royalties, survey on the current status of the digital music market and cost analysis on fees. It continued the performance information advancement project which had been implemented to minimize royalties not distributed, while making concerted efforts in public relations activities such as airing a commercial on terrestrial broadcasting to raise the recognition of the organization and strengthen public awareness of neighboring rights. As a result of such promotional effort, its individual members broke the 5,000 mark.

Furthermore, in order to enhance the protection of Korean music performers overseas, the FKMP has been engaged in an exchange training project with the Center for Performers' Rights Administration (CPRA) in

Japan on an ongoing basis, while strengthening its international activities by attending the 36th general assembly of the Societies' Council for the Collective Management of Performers' Rights (SCAPR) and copyright-related international conferences hosted by the SCAPR and signing MOUs on reciprocal management contracts with overseas organizations. Recently, the FKMP signed a reciprocal management contract with Sweden's performers' rights management organization SAMI.

10. The 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 102.8 billion in 2010, opening the era of KRW 100 billion in copyright royalties. In 2011, it collected KRW 108.7 billion, further continuing the upward trend.

Copyright Royalties Collected in 2011 by Category

(Unit: 1,000 won)

Classification	Category	Budget Amount	Amount Executed	Target Achievement Rate
Revenues from Royalties for Musical Works	Broadcasting	21,302,000	20,589,566	97%
	Interactive Transmission	28,500,000	27,672,433	97%
	Advertising	734,000	606,320	83%
	Recording	13,582,000	13,822,540	102%

Classification	Category	Budget Amount	Amount Executed	Target Achievement Rate
Revenues from Royalties for Musical Works	Movie Films	218,000	255,091	117%
	Publication	1,107,000	1,099,655	99%
	Public Performance	34,157,000	34,486,443	101%
	Overseas	10,000,000	10,233,410	102%
Total		109,600,000	108,765,458	99%

In 2011, the KOMCA hosted an international seminar at Seoul Garden Hotel in Mapo, downtown Seoul, on March 17 to have in-depth discussions on the effective copyright management system by inviting copyright experts from home and abroad.

In a bid to strengthen international cooperation and exchange, KOMCA's chairman Shin Sang-ho attended the 3rd World Copyright Summit held on June 7-8, 2011 in Brussels, Belgium. During the summit, he met with delegations from Europe (SACEM and SACD of France, PRS of the United Kingdom) and the Americas (SOCAN of Canada and SCD of Chile) and requested strict management of Korean works. He also discussed ways to enhance working-level cooperation vigorous cultural exchanges between the organizations with delegations from the Asia-Pacific region (JASRAC of Japan, APRA of Australia).

Furthermore, the KOMCA agreed with the KFMP and the KAPP on the use of a license mark on all online websites that have signed legitimate license contracts through the Copyright License Management System. It has produced a common mark design for the three music copyright collective

Common Mark for 3 Organizations **KOMCA Mark**



management organizations, as well as KOMCA mark design and distributed them to websites concerned.

Meanwhile, KOMCA has instituted the Korea Music

Copyright Awards, an award granted to copyright holders of musical works for the first time in the nation and held the 1st KOMCA Music Awards ceremony on December 4 in the Jamsil Stadium (Olympic Hall). The award categories were popular music (ballad, dance, hip hop, rock, trot, OST), classical music (Korean traditional music, songs and children's songs), and special awards (rookie of the year award and the Korean Wave music award, etc.). The first prize was granted to Cho Yeong-soo, the copyright holder of songs included in T'ara's first album and Lee Seung-gi's third album.

In addition, the KOMCA hosted the second seminar (topic: The Analysis of the Status of the Digital Music Market and Improvement Measures) to promote the development of the music industry jointly with the FKMP, the KAPP and the Korea Music Content Association on December 13, 2011 in the 63 Building (Juniper Hall) in Yeouido, Seoul. In the seminar, participants had in-depth discussions on the problems of the music market in Korea and urged the government and various sectors of society to make efforts to come up with improvement measures.

11. The Korean Association of Phonogram Producers (KAPP)

The Korean Association of Phonogram Producers (hereinafter referred to as "KAPP") 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 management of neighboring rights of phonogram producers on their behalf.

In addition to collective management services, KAPP collects and distributes remuneration for phonogram producers related to the use of phonograms, as it was designated as an organization to collect remuneration for broadcasting

phonograms for sale in December 2001, 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 2011, KAPP performed collective management of the rights of 180,000 music titles held by 1,700 members. In terms of remuneration collection and distribution, it manages remuneration on 1.8 million music titles of held by 2,500 right holders.

Status of KAPP's Membership

Classification	No. of Collective Management Members	No. of Remuneration Members	No. of Collective Management Contractor	No. of Persons Registered for Remuneration	No. of Total Members
Dec. 31, 2010	1,714	421	-	-	2,135
Dec. 31, 2011	1,745	432	236	117	2,530
Number of Increase	31	11	236	117	395
Increase Ratio (%)	1.81	2.61	-	-	18.50

Status of KAPP's Management of Music Titles

Classification	No. of Music Titles under Collective Management	No. of Music Titles under Remuneration	Total Music Titles
Dec. 31, 2010	192,145	1,493,250	1,685,395
Dec. 31, 2011	183,756	1,633,980	1,817,736
Number of Increase	-8,389	140,730	132,341
Increase Ratio (%)	-4.37	9.42	7.85

In 2011, KAPP participated in a new technology industry project organized by the Korea Creative Content Agency in September and conducted a research on restructuring metadata in the field of music. As of the end of 2011, modeling phase was completed and its Webpage making phase is scheduled for completion in 2012.

In addition, KAPP has pursued research activities on an ongoing basis, discussing pending issues at the 2nd seminar on the development of the

music industry jointly hosted by four music-related organizations (KAPP, KOMCA, FKMP and the Korea Music Content Association).

Meanwhile, in May 2011, KAPP was transferred with the Korea Music Data Center project from KOCCA. The project is aimed at promoting citizens' right to culture by collecting and classifying data on Korean music in a systematic manner and building online and offline data center. Permanent and special exhibition halls and a data center were opened on the first floor and the first basement floor in the Olympic Hall in June 2011.

In addition, KAPP provides KBS broadcasting deliberation registration services on behalf of phonogram producers to protect their rights and enhance their convenience.

12. The Korea Database Agency (KDB)

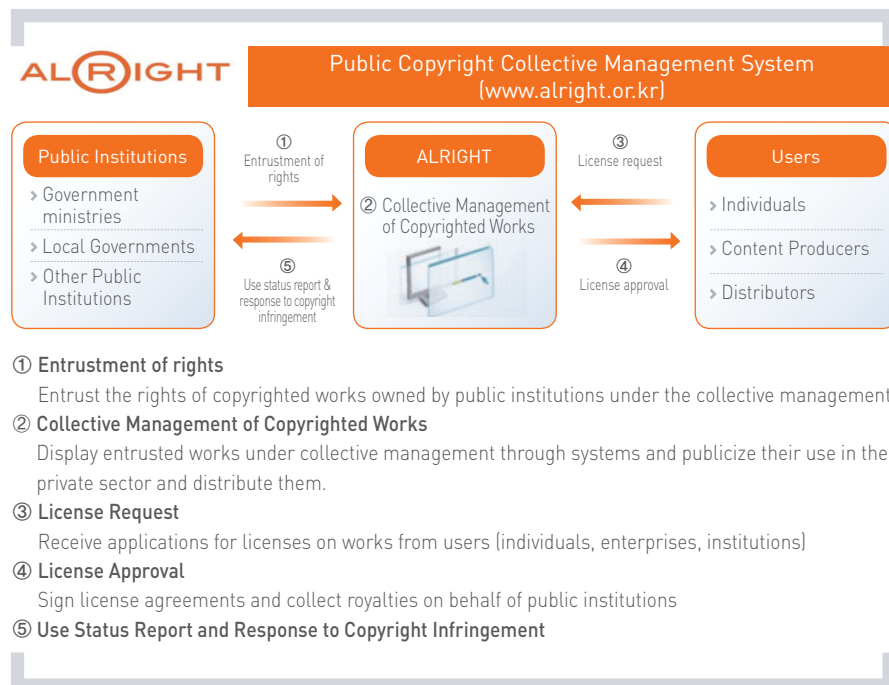
The predecessor of the Korea Database Agency (hereinafter referred to as "KDB") was the Korea Database Center established in 1993 to promote database-building, which is a core infrastructure in the era of the knowledge economy. The KDB was newly launched in 2009 with the change of its name.

In line with the growth of the database industry in Korea, the KDB has implemented a wide range of projects, including the development and distribution of public databases, the promotion of the use of public information by the private sector, advancement of database quality evaluation system, and training of specialized database personnel.

With the private sector's rising demand for works owned by public institutions, the KDB was authorized to provide copyright collective management services in June 2011 and was transferred with copyright collective management of public cultural content from the KOCCA. Since then, the KDB has managed public copyrighted works and expanded the scope of collective management from the existing public cultural content to all areas of public copyrighted works to accelerate the use of public copyrighted works.

In 2011, the KDB established the “ALRIGHT” system to perform collective management of public copyrighted works efficiently, while developing and distributing guidelines on management of public copyrights and guidelines on handling the rights of public copyrighted works to provide support for copyright management of public institutions. In addition, it offers such services as “public copyright management self-inspection” service which helps public institutions examine the level of their copyright management on their own. The “ALRIGHT” system enabled the issuance of the Integrated Copyright Number (ICN) in collaboration with the KCC at the time of its establishment. The KDB plans to link the system with the Copyright License Management System (CLMS) to enable users to view information on licenses obtained via the ALRIGHT system through the CLMS as well. Unlike private collective copyright management organizations that mainly engage in licenses of copyrighted works and collection of royalties on behalf of their members, the KDB is a copyright collective management organization in the public sector, so it focuses on distributing free copyrighted works based on the intentions of public institutions to promote the use of public copyrighted works by the private sector.

The "ALRIGHT" System



① Entrustment of rights

Entrust the rights of copyrighted works owned by public institutions under the collective management

② Collective Management of Copyrighted Works

Display entrusted works under collective management through systems and publicize their use in the private sector and distribute them.

③ License Request

Receive applications for licenses on works from users (individuals, enterprises, institutions)

④ License Approval

Sign license agreements and collect royalties on behalf of public institutions

⑤ Use Status Report and Response to Copyright Infringement

In addition to collective management of public copyrights, the KDB also strived to promote the use of public copyrighted works by the private sector. As part of this effort, in 2011, it developed the Korea Open Government License (KOGL) system, which is a system to permit the free use of public copyrighted works, laying the foundation for the distribution of public copyrighted works. The principles of the KOGL system, which will be fully implemented starting from 2012, are to simplify license conditions and exclude the use of specialized terminologies to enhance the convenience of providing public copyrighted works and reinforcing their accessibility.



2011 Annual Report on Copyright in Korea

Appendices



I. Copyright Statistics

II. Main Activities in 2011

III. Directory of Major Organizations

I. Copyright Statistics

1. Statistics on the Performance of the KCC

(1) Copyright Education Programs by Year

Target	Program Title	2008	2009	2010	2011
Youths	Hands-on Copyright Class	3,479 persons (79 classes)	4,095 (117)	10,669 (198)	5,827 (99 classes, 99 sessions)
	Copyright Research School	18,400 (23)	21,600 (27)	42,856 (50)	34,400 (43)
	On-site Copyright Education	14,265 (19)	74,938 (130)	254,130 (2,028)	294,035 (3,008)
	Copyright Drama Circuit Performance	-	-	8,125 (20)	10,273 (27)
	Distance Education for Youth	-	-	-	804(2)
	Education Pertaining to Suspension of Prosecution Conditional on the Receipt of Copyright Education (Copyright Compliance Training)	161(3)	320(7)	47(3)	76(4)
	Total	36,305	100,953	315,827	345,415
Adults	Hands-on Copyright Class	80 (2)	120 (2)	151 (2)	79 (1)
	Copyright Research School	41 (1)	1,080 (1)	67 (2)	1,720 (1)
	On-site Copyright Education (including SW)	7,340 (103)	19,039 (244)	28,726 (431)	21,473 (403)

Target	Program Title		2008	2009	2010	2011
Adults	School Faculty Training	Offline	75 (2)	76 (2)	79 (2)	79 (2)
		Online	2,727 (5)	3,305 (7)	3,308 (12)	10,526 (35)
	Distance Education for the General Public		-	-	1,036 (20)	1,365 (66)
	Distance Education for Public Officials		-	223(8)	248 (10)	232(27)
	Education Pertaining to Suspension of Prosecution Conditional on the Receipt of Copyright Education (Copyright Compliance Training)		-	7,492(65)	3,397 (72)	2,581(48)
	Copyright Education Workshop for Textbook Authors		-	44(1)	221(3)	135(3)
	Copyright Culture School		259(10)	182(7)	69(3)	61(2)
	Copyright Academy		178(4)	250(12)	202(10)	287(11)
	Operation of Copyright Education Group		71(3)	73(3)	93(4)	167(5)
	Workshop for School Faculty Training		15(1)	26(1)	183(2)	45(1)
	Copyright Education in the Public Sector		86(3)	-	-	-
	Copyright Education Forum		-	-	100(6)	-
	Copyright Training of Workers in the Copyright Culture Content Industry		15 (1)	-	46 (2)	-
	SW Management System Distribution Education		-	2,377 (50)	-	-
Sub-Total		10,887	34,287	37,926	38,750	
Total		47,192	135,240	353,753	384,165	

(2) Correction Recommendations Pursuant to Article 133-3 of the Copyright Act by Channels

(Unit: No. of Case)

Classification		Total	Correction Recommendations		
			Warning	Deletion/ Suspension/ Transmission	Account Suspension
2011	Total	107,724	54,504	53,106	114
	Webhard	101,359	51,282	49,963	114
	P2P	1,041	522	519	-
	Portal, etc.	5,324	2,700	2,624	-

(3) Numbers of Registration by Year and Subject Matter

(As of Dec.31, 2011)

Year		'96	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	Total
Category																		
Works	Literary	127	64	84	64	218	495	625	822	991	1,521	1,792	1,890	1,875	2,309	3,773	3,611	20,261
	Musical	35	1	21	112	290	101	214	248	238	313	362	659	744	987	1,387	1,261	6,973
	Theatrical					1	6	2	11	5	4	14	3	16	27	25	20	134
	Artistic	66	13	50	159	712	1,774	2,842	2,919	2,435	4,816	3,779	3,599	4,278	5,075	4,632	5,179	42,328
	Architectural		4	1	78	453	262	184	161	285	145	132	210	99	117	84	246	2,461
	Photographic				1	4	18	43	93	736	1,048	3,877	6,350	2,993	378	447	281	16,608
	Cinematographic	29	186	41	20	109	473	287	432	800	732	723	660	247	238	676	374	6,027
	Diagrammatic	1	1	6	5	24	49	91	88	19	265	440	564	506	400	742	567	3,768
	Compilation	3	2	2	16	106	273	427	658	706	696	796	1,101	1,414	1,079	1,330	1,560	10,169
	Derivative					7	99	193	772	846	795	180	252	197	277	451	907	4,976
	Computer Program	9,736	7,700	7,582	7,836	13,854	11,018	10,062	9,939	10,299	10,528	10,686	10,623	11,190	11,855	12,483	13,858	169,249
	Others							1									1	2
Other Subject Matter	Performance					1			1		2	61	24	4	93	24	3	213
	Photogram					14	37	21	49	82	184	68	36	73	1,366	705	230	2,865

Category	Year	'96	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	Total
Publication Right	Compilation Works					2				2		2	4		3		2	15
	Literary Works								6	3	5	4	2	3		3	1	27
	Artistic Works									4								4
	Derivative Works									1			1	2	2			6
Exclusive Publishing Right						1	1		7	5	4	13	1	2	1			35
Database									2	14	27	11	38	35	18	86	54	285
Total		9,997	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	28,155	286,406

(4) Numbers of Dispute Conciliation Cases by Year and Subject Matter

(As of Dec.31, 2011)

Year	Literary	Musical	Theatrical	Artistic	Architectural	Photographic	Cinematographic	Diagrammatic	Compilation	Derivative	Other Subject Matter	Database	Computer Program	Total
1989	5	-	1	1	-	1	-	-	-	-	-	-	-	8
1990	6	-	-	-	-	7	-	-	-	-	2	-	-	15
1991	13	1	1	4	-	1	1	-	-	-	4	-	-	25
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

Category Year	Literary	Musical	Theatrical	Artistic	Archite- ctural	Photo- graphic	Cinema- tographic	Diagra- mmatic	Com- pilation	Derivative	Other Subject Matter	Database	Computer Program	Total
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
Total	372	141	6	227	7	189	41	10	53	3	54	5	267	1,375

(5) Requests for Expert Opinions and Requests Processed by Year

Classification	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	Total
Application	2	1	3	1	8	28	28	22	26	39	48	47	46	54	37	390
Expert Opinions Provided							9(1)	17(4)	14(5)	20(8)	33(18)	32(20)	23(11)	34(16)	38(21)	220(104)
Internal, Joint Appraisal	-	-	-	-	-	-	1	8	6	11	25	27	23	31(16)	28(19)	160(35)

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

(6) Software Escrow¹⁴ Services by Year

Classification		(Unit: No. of Case)															Total
Deposit Contract	New Contracts	4	4	2	11	18	19	49	62	121	155	151	149				745
	Renewals	2	1	2	2	6	19	17	48	65	97	126	182				567
	Registration of Persons with the Right of Use	-	-	-	-	44	44	13	21	59	47	53	62				343
	Sub-Total	6	5	4	13	68	82	79	131	245	299	330	393				1,655
Others	Deposit of Latest Versions	-	-	-	-	-	5	8	18	14	17	13	20				95
	Technological Verification	-	-	-	-	-	1	1	1	-	-	-	-				3
	Sub-Total	-	-	-	-	-	6	9	19	14	17	13	20				98
Total		6	5	4	13	68	88	88	150	259	316	343	413				1,753

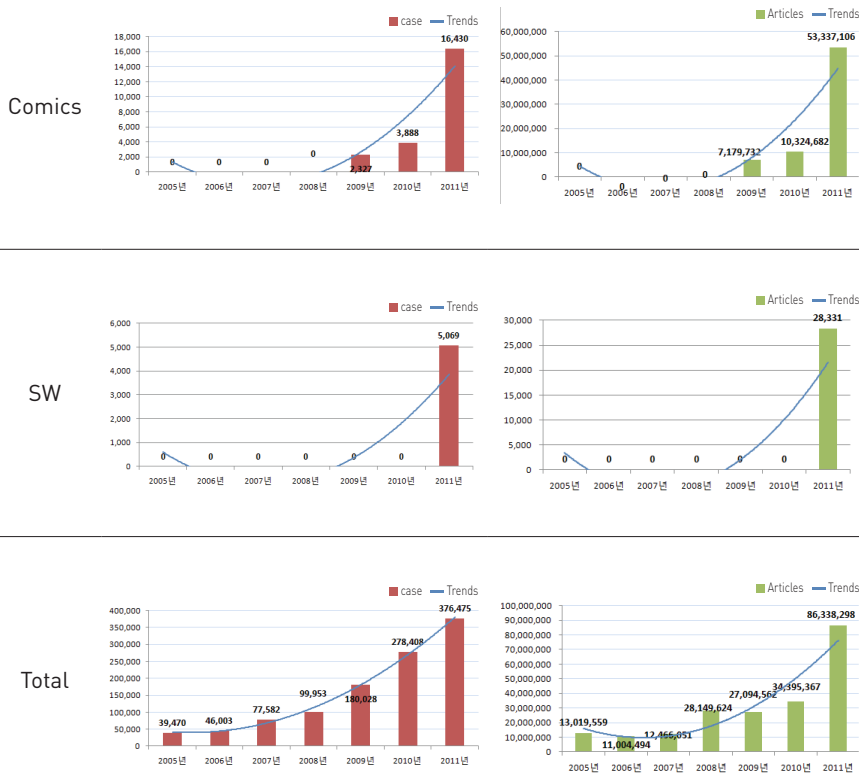
¹⁴ Software escrow is the depositing of related technological source to a reliable third-party escrow agent in the case of transactions of software technological information. It is designed to protect copyright of the developer company and guarantee stable business execution of the user company for bilateral cooperation and co-existence.

2. Statistics on the Performance of the Copyright Protection Center (Crackdown on Illegal Reproductions over the Past 7 Years)

(1) Online Monitoring



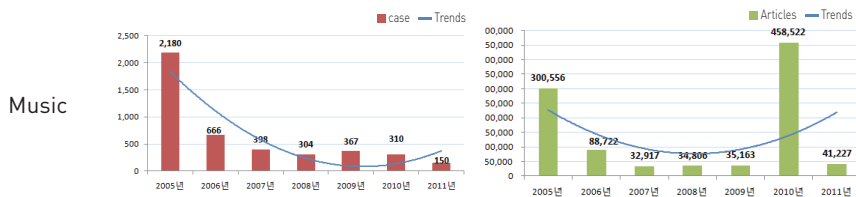
Category	Monitoring Results (no. of case)	Monitoring Results (no. of article)
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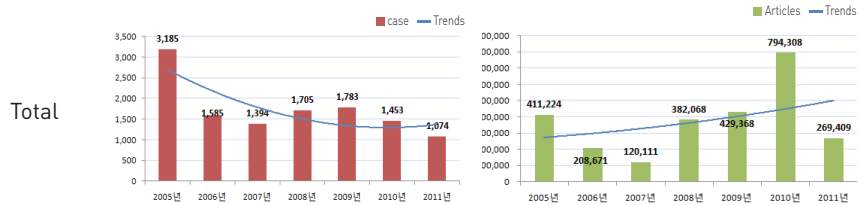
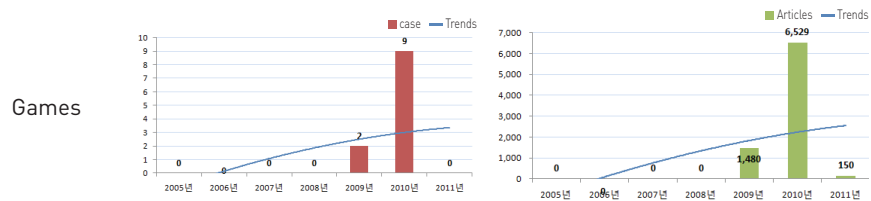
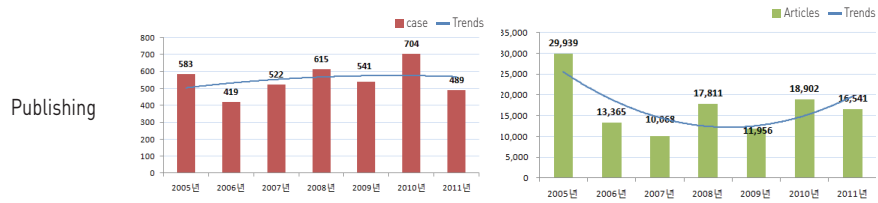
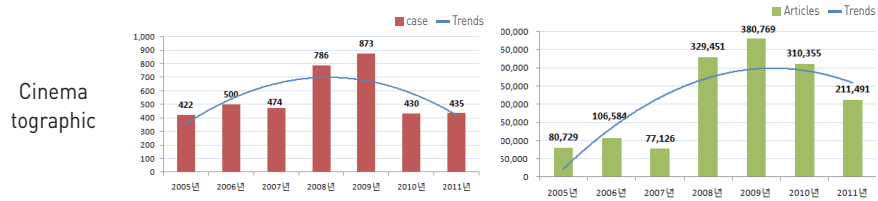


- ※ Monitoring of online game content, comics and software content commenced from October 2008, January 2009, and August 2011, respectively.
- ※ The above trend curve illustrates the change of crackdown performance from a long-term perspective. (No. of Case; Trends) (No of Article; Trends)

(2) Offline Crackdown

Category	Crackdown Results (no. of case)	Crackdown Results (no. of article)
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- ※ 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 2011

Jan.	- A hearing on remuneration criteria for reproduction, performance, etc. for school education purposes was held. (Jan.26~27)
Feb.	-
Mar.	<ul style="list-style-type: none"> - The MCST designated the KCC as specialized R&D institutions in copyright technology. - Inauguration ceremony for "Our Star Defense Squad," a copyright monitoring group, was held. (Mar. 30)
Apr.	<ul style="list-style-type: none"> - The Copyright Protection Center commenced the operation of the "Illegal Reproduction Crackdown & Report Center" in Yongsan (Apr.1). - The 1st relay debate on copyright was held (Apr.20). - The Copyright Protection Center implemented the "Seoul Clean 100 Day Project"(Apr.25~Aug.2). - The 2nd relay debate on copyright was held (Apr.26). - Criteria for remuneration for Reproduction, Performance, etc. for school education purposes were notified (Apr.28).
May	<ul style="list-style-type: none"> - The 3rd relay debate on copyright was held (May 4). - The 4th relay debate on copyright was held (May 12). - The 5th relay debate on copyright was held (May 18). - The "We Defend Our Stars!" event and campaign in connection with the Dream Concert were held (May 22).
Jun.	<ul style="list-style-type: none"> - The Copyright Protection Center hosted the 9th "Copyright Clean Forum" (June 9). - The 7th Korea-China Copyright Forum was held in Beijing, China (June 10). - The authority for collective management of public copyrights was transferred to the Korea Database Agency and the scope of collective management expanded to include general public copyrighted works.
Jul.	<ul style="list-style-type: none"> - The Korea-Indonesia seminar on copyright exchange and cooperation was held in Jakarta, Indonesia (July 6). - Copyright Special Judicial Police Daegu Office was established (July 15).
Aug.	<ul style="list-style-type: none"> - The KCC signed an MOU with the Shanghai Copyright Service Center. - The Korea-China seminar on copyright exchange was held in Shanghai, China (Aug.19).
Sept.	-
Oct.	- A seminar on copyright technology to ensure effective copyright protection in the smart environment was held (Oct.19).

Nov.	<ul style="list-style-type: none"> - The open-source software license inside conference was held (Nov.7) - The Copyright Industry Classification was designated as a national official classification (Nov.8). - The 2011 WIPO STUDY VISIT was held. - The Copyright Protection Center hosted the 10th "Copyright Clean Forum" (Nov.17).
Dec.	<ul style="list-style-type: none"> - The 3rd Korea-Japan copyright forum was held in Tokyo, Japan. - The KCC Accession to the Convention Relating to the Distribution of Program-carrying Signals Transmitted by Satellite (Dec.19). - The Manila, Philippines Office of the Overseas Copyright Center was established (Dec.26).

III. Directory of Major Organizations

Classification	Organization Name	Address	Homepage Address	Telephone No. (Main)	Fax No.
Major Organizations	Ministry of Culture, Sports and Tourism	215 Changgyeongung-ro, Jongno-gu, Seoul (110-360)	http://www.mcst.go.kr	+82-2-3704-9114	+82-2-3704-9154
	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, 250-15, Sangamdong-gil, Mapo-gu, Seoul (121-835)	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 (135-280)	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 (121-270)	http://www.kocca.kr	+82-2-3153-1114	+82-2-3153-1115

Classification	Organization Name	Address	Homepage Address	Telephone No. (Main)	Fax No.
Copyright Collective Management Organizations	Korea Database Agency	9F, Korea Tourism Organization Building, Da-dong 10, Jung-gu, Seoul (100-180)	http://www.kdb.or.kr	+82-2-3708-5407	+82-2-318-5040
	Korea Music Copyright Association	KOMCA Center, 649 Ujangsan-dong, Gangseo-gu, Seoul (157-824)	http://www.komca.or.kr	+82-2-2660-0400	+82-2-2660-0401
	Korean Association of Phonogram Producers	7F, The PAN, 1592, Sangam-dong, Mapo-gu, Seoul (121-851)	http://www.kapp.or.kr	+82-2-3270-5900	+82-2-711-9735
	Federation of Korean Music Performers	7F, Doremi Building, 659, Gonghangdae-ro, Gangseo-gu, Seoul (157-862)	http://www.fkmp.kr	+82-2-745-8286	+82-2-766-1034
	Korea TV&Radio Writers Association	#401, Geumsan Bldg. 750 Gukhoedae-ro, 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
	Korean Scenario Writers Association	#202, Capital Bldg. 28-1, Pil-dong 3, Jung-gu, Seoul (100-273)	http://www.scenario.or.kr	+82-2-2275-0566	+82-2-2278-7202
	Korea Reprographic and Transmission Rights Association	8F, Jungang Bldg. 1063-3, Hwagok-dong, Gangseo-gu, Seoul (157-010)	http://www.krtra.or.kr	+82-2-2608-2036	+82-2-2608-2031
	Korea Film Producers Association	#503, Boaz Bldg. Supyo-ro 28, Jung-gu, Seoul (100-272)	http://www.kfpa.net	+82-2-2267-9983	+82-2-2267-9986
	Korean Movie and Video Industry Association	2F, Mijin Building, 333-63, Sindang-dong, 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

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Ministry of Culture, Sports and Tourism

215, Changgyeonggung-ro, Jongno-gu, Seoul, 110-360, Korea

Tel +82-2-3704-9114 **Fax** +82-2-3704-9154

<http://www.mcst.go.kr>

Korea Copyright Commission

6, 7F, 619, Gaepo-ro, Gangnam-gu, Seoul, 135-240, Korea

Tel +82-2660-0000 **Fax** +82-2-2660-0019

<http://www.copyright.or.kr>

Design_

Gaemunsa Inc. **Tel** +82-2-725-5216