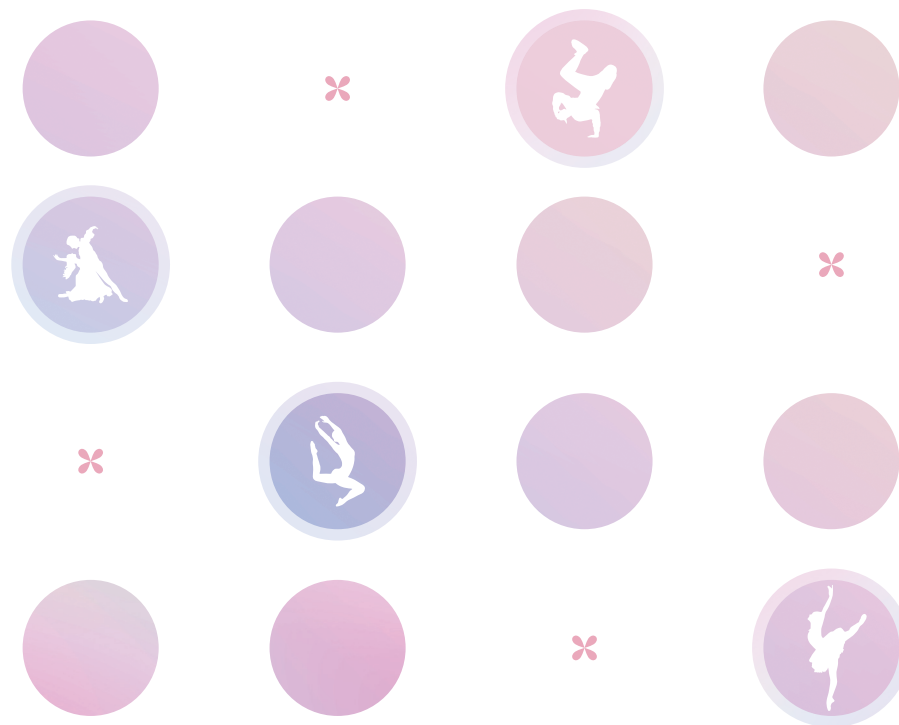


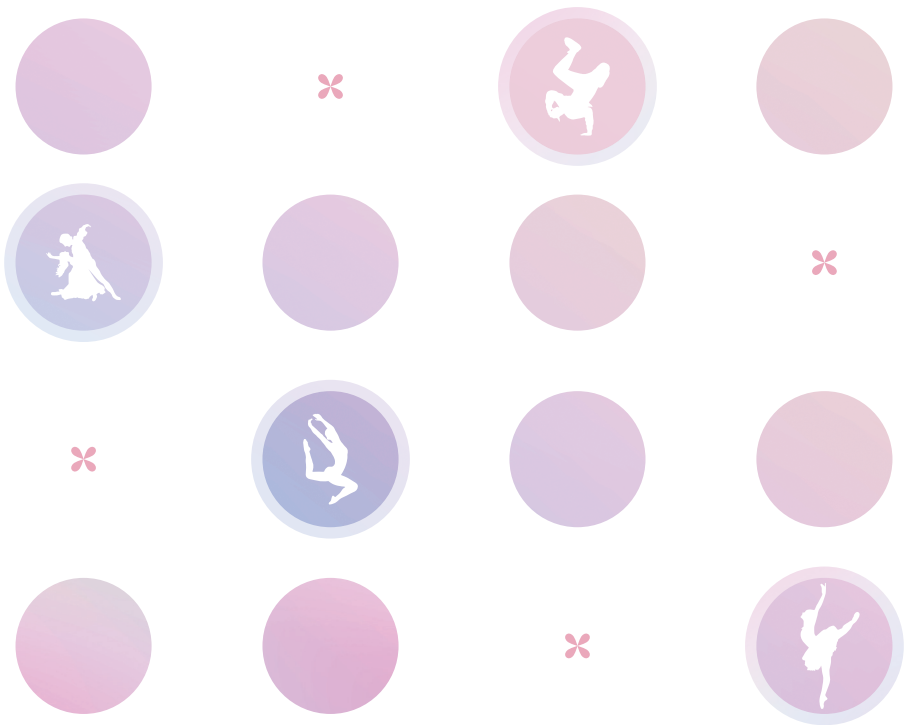


Guide to Copyright of Choreographic Works



Guide to

Copyright of Choreographic Works



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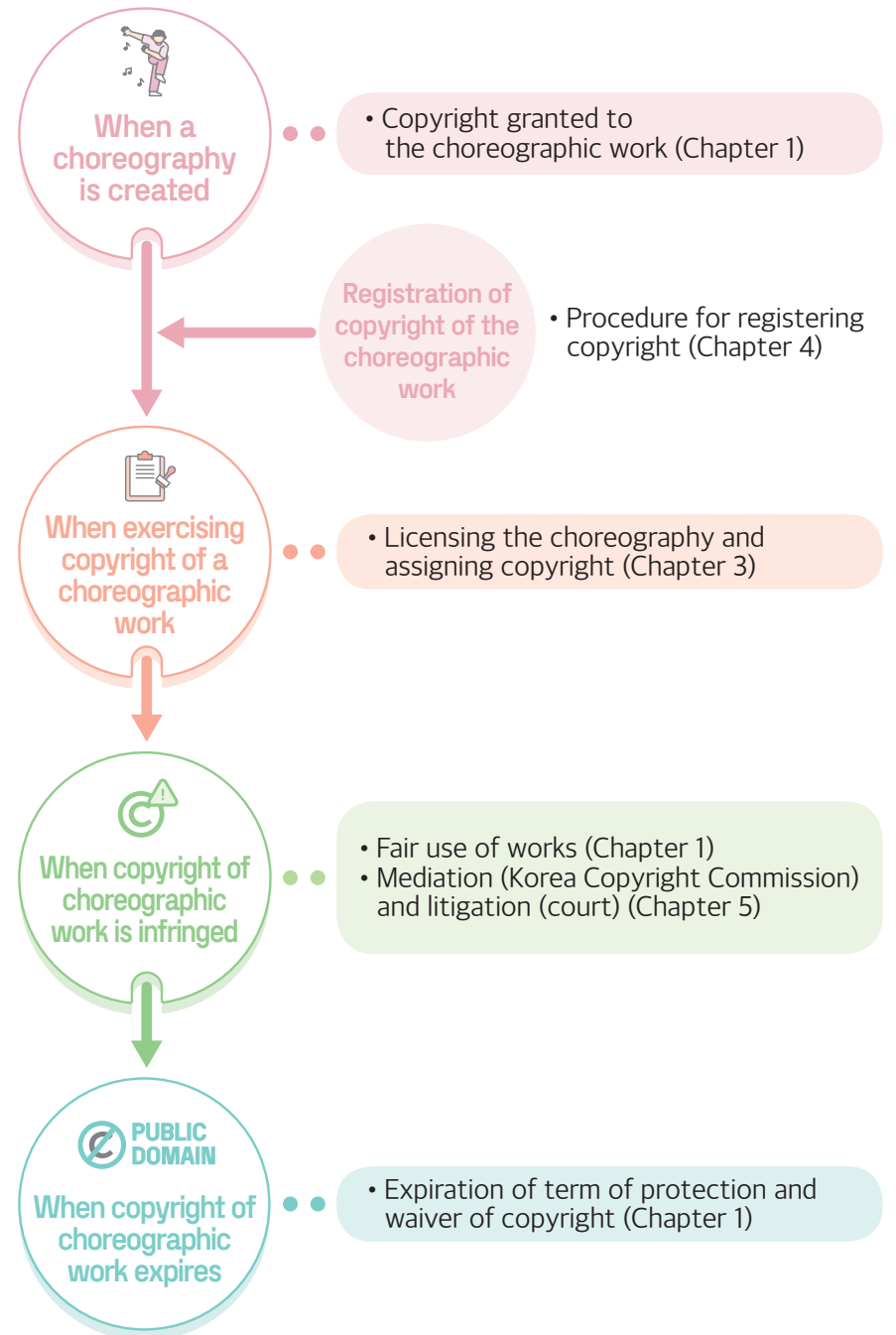
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1. Preface

- Choreography, one of K-pop's main success factors, is protected by copyright law as it is an expression of human thoughts or emotions. However, it also tends to be a blind spot in copyright protection due to a lack of awareness regarding its copyright and existing contractual practices.
- This guide aims to help choreographers, as authors of copyrighted works, better understand the copyright protection regime related to choreography and lay the groundwork for a robust copyright ecosystem for choreographic works.
- Ultimately, as authors, choreographers should be able to secure and exercise their rights to their choreography fully.
- The guide does not provide a legal interpretation regarding choreography-related copyright issues. It should be noted that, ultimately, it is a court of law that adjudicates decisions regarding matters of legal nature.
- For legal advice and other matters related to copyright, please inquire the Korea Copyright Commission (+82-1800-5455).



2. Copyright of a choreographic work - At a glance



Chapter 1



Understanding the copyright of a choreographic work

1. What is a copyrighted work?
2. Origination of copyright
3. Fair use of works
4. What rights do dancers have?

1. What is a copyrighted work?

Work



Copyright Act Article 2.1

- A creative work that expresses human thoughts and emotions

Article 2.1

The term “work” means a creative work that expresses human thoughts and emotions.

- ▶ Neither a work’s academic merit nor its level of aestheticism is a premise as to whether a work is eligible for copyright protection. A K-pop dance choreography, a diary written by a child, or a photo taken by an amateur are all protected as works as long as they are creative.

Q & A Is a selfie taken by a monkey also a copyrighted work?

A selfie taken by a monkey does not express “human” thoughts and emotions and, therefore, is not a work protected by copyright law.



Q & A Is an AI-generated choreography also a work?

An AI-generated choreography does not express “human” thoughts and emotions and, therefore, is not a work protected by copyright law.



Q & A Who determines the copyrightability of a work?

Many people mistakenly think that the Korea Copyright Commission (KCC) or the Ministry of Culture, Sports and Tourism (MCST) determines the copyrightability of a work. This is a misunderstanding. Only a court of law can determine whether a person’s text, drawing, or choreography is copyrightable or not.

2. Origination of copyright

Examples of a work



Copyright Act Article 4

- Novels, poems, dissertations, lectures, recitations, plays, and other literary works
 - Musical works
 - Theatrical works, including dramas, dances, and pantomimes
 - Paintings, calligraphic works, sculptures, engravings, crafts, works of applied art, and other artistic works
 - Architectural works, including buildings, architectural models, and design drawings
 - Photographic works (including those made by similar methods)
 - Cinematographic works
 - Maps, charts, design drawings, sketches, models, and other diagrammatic works
 - Computer program works
- ▶ The above list is not exhaustive. Any work that fulfills the criteria of a work is protected.

Q & A Is an individual movement in a choreography protected as a work?

Korean courts consider a choreography protected by copyright law “a creative combination or sequence of several physical movements and motions.” Therefore, an individual movement in a choreography is merely a tool in the creative work - similar to a word in a literary work or a note in a musical work - and is thus not considered a work in and of itself.

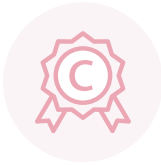
Q & A If something is not included in the list of examples of works, does it mean it won't be protected by copyright?

Article 4 of the Copyright Act is merely a list of examples, so just because a work is not mentioned in the list, it doesn't mean that it is not protected. Technological developments have led to new forms of expression, which can also be sufficiently protected by copyright as long as they fulfill the criteria of a work.

💡 “A choreography is a creative combination or sequence of several physical movements and motions.”
(Ruling on the Shy Boy case)

💡 A dance is the result of a choreography (Copyright Act Article 4.3) or a form of performance (Article 2.4).

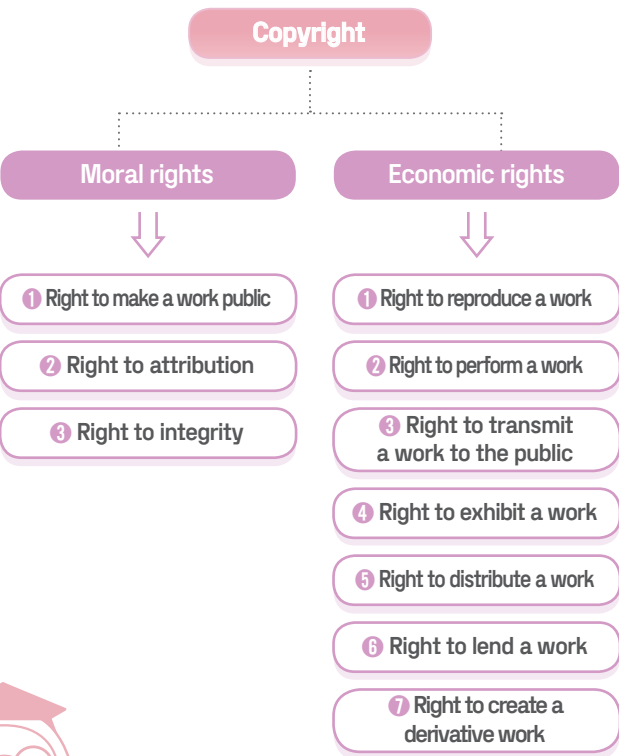
Copyright



Copyright Act Article 10

• Rights granted to a person who created a work

- ▶ Copyright refers to a bundle of several rights. They can broadly be divided into moral rights and economic rights.
- ▶ **Moral rights:** Rights that protect the honor and personal interests of the author (disappears when the author dies and is inalienable)
- ▶ **Economic rights:** Rights that protect the author's economic interests (disappears when the term of protection for economic rights expires or when the holder of rights disclaims the rights. Assigning the rights is possible.)



- Copyright originates the moment an author creates a work and does not require the work to be fixated or registered to become effective. (Principle of non-formality)

Article 10 (Copyright)

(2) A copyright shall commence from the time of its creation, and shall not require a fulfillment of any procedures or formalities.

- ▶ A spontaneous speech is considered a literary work whose copyright takes effect the moment the speech is given.

Q & A Can an impromptu choreography be protected by copyright?

The Korean Copyright Act does not require any procedure or formality for an author to gain copyright over his or her work, meaning that if a spontaneous choreography fulfills the criteria to be considered a work, it shall be protected by copyright.

Moral Rights



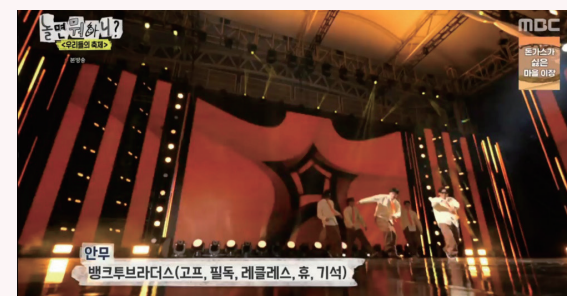
- **Right to make a work public:** The right of an author to decide whether or not to make one's work public. (Article 11)
 - ▶ If a friend came over, saw a poem on my desk that I had written, and then uploaded it to his blog without my consent, he is infringing on my right to make a work public.
- **Right to attribution:** The right of an author to indicate their real name or pseudonym on a work. (Article 12)
 - ▶ If a dance I had choreographed was labeled to have been created by someone else, I can claim my right to attribution has been infringed.
- **Right to integrity:** The right of an author to forbid the content, form, or title of their work to be modified against their will. (Article 13)
 - ▶ If someone alters my choreography without my consent, I can claim my right to integrity has been infringed.

Q & A My publisher revised some typos and incorrect syntax in my novel. Was my right to integrity infringed?

The right to integrity is guaranteed to prevent an author's reputation from being tarnished by changing their work against their intentions. However, revising typos or incorrect syntax cannot be considered modification against the author's intentions, meaning it will be difficult to argue that the right to integrity was infringed in this particular case.

Q & A If I had assigned all the rights of my choreography to an agency, is it impossible for me to ask for my name to be shown when my choreography is used in a broadcast?

The right to attribution, which gives the right to an author to put their name on the original work or the medium through which the work was made public, is a moral right. Only the author can exercise moral rights, which cannot be assigned or inherited to someone else. Even if the author assigns all of their economic rights to someone else, moral rights remain until their death. So, a choreographer can ask for their name to be shown regardless of whether they had assigned all of their economic rights to an agency.



▲ Image of a broadcast where names of choreographers are shown.



Q & A An agency changed some of the moves in my choreography without my permission. But people say that the change seems to have enhanced the work's aesthetic value. Does that mean my right to integrity has not been infringed?

The right to integrity means the right to maintain the sameness of the work. Even if a modification had increased the value of the original, the author can still claim infringement of the right to integrity. No one can change a work's content, form, or title without the author's consent. However, the law does allow a work's content, form, or title to be changed without permission in following unavoidable, exceptional cases. (Article 13.2) (1) Modification of expression within the limit as deemed unavoidable for the purpose of school education; (2) Extension, rebuilding, or other modifications of an architectural structure; (3) Modification of a computer program for the sake of compatibility; (4) Updating a computer program; (5) Other modifications deemed unavoidable in light of the nature of a work, and the purpose and manner of its utilization.

Economic rights



- **Right to reproduce a work:** The right of an author to fixate one's work on a tangible object or to reproduce it in tangible form by printing, photographing, copying, audio-recording, video-recording, or downloading it.
 - ▶ If someone builds an architectural structure using the blueprint of an architectural designer without their knowledge, the designer's right to reproduce a work may have been infringed.
- **Right to perform a work:** The right to make public a work, performance, music recording, or a broadcast by staging, playing, singing, orally narrating, reciting, screening, or reproducing it, or through other methods. (Article 17)
 - ▶ If someone performs on stage a choreography without permission from the choreographer, the choreographer can argue breach of their right to perform a work.

- **Right to publicly transmit a work:** The right to transmit or allow the use of a work, a stage performance, a music record, a broadcast, or a database through wireless or wired communication so that the public may receive or have access to it. This right includes the right to broadcast, interactively transmit a work, or make a digital audio transmission. (Article 18)

※ "Public" may refer to either a specific majority or to the general public.

- ① **Right to broadcast a work:** The right to transmit sound or image, or sound and image, for the purpose of simultaneous reception for the public. (Article 2.8)
 - ▶ If my choreographed performance is broadcasted without my permission, my right to broadcast my work has been infringed.
 - ② **Right to interactively transmit a work:** The right to make a work available for use so that members of the public can access it at a time and place of their choosing. It also includes the transmission of the work in that process.
 - ▶ If a video of my choreographed performance is uploaded onto the internet without my permission, my right to reproduce a work and also to transmit a work interactively may have been infringed.
 - ③ **Right to make a digital audio transmission:** The right to transmit sound in the digital form initiated at the request of a member of the public for the purpose of providing simultaneous reception of the sound by the public. (Excludes interactive transmission) (Article 2.11)
 - ▶ If a piece of music I had created was used in a real-time internet music broadcast without my permission, I can argue that my copyright had been infringed.
- **Right to exhibit a work:** The right to exhibit one's artistic, photographic, or architectural work, either the original or its copy, so that a member of the public may view the work. (Article 19)
 - ▶ If a photograph that I had taken is exhibited in a building corridor without my permission, then my right to exhibit my work may have been infringed.
 - **Right to distribute a work:** The right to assign or lease either the original or copy of one's work, with or without compensation. (Article 20)

< First sale doctrine >

When a holder of economic rights to a work permits the work to be sold or otherwise subject to a transaction, that holder will no longer have the right to distribute that work, meaning that the purchaser may freely assign or lease it.

- ▶ If a video of my choreographed performance was copied and sold without my permission, I can argue that my right to reproduce and distribute a work was infringed.
- **Right to lend a work:** The right for an author to lend a commercial phonogram or commercial computer program to another person for profit. (Article 21)
- ▶ As the holder of economic rights, I can claim that my right to lend a work was infringed when someone lends my music CD or computer program to someone else for a profit without my permission.
- **Right to create a derivative work:** The right to create another unique work by translating, arranging, altering, dramatizing, cinematizing, etc., an original work. (Article 22)
- ▶ If the webtoon I created was made into a movie without my consent, my right to create a derivative work was infringed.

Q & A Are all works equally protected by both moral rights and economic rights?

Yes, moral rights and economic rights are given to all works. Just because a painting drawn by a professional is valued aesthetically higher than a picture by a young child, that doesn't mean the former is protected more than the latter.



I want to make an avatar dance to a K-pop choreography inside a metaverse. Can copyright still become an issue even when it's an avatar, not a human, dancing?

Copyright may become an issue even when it's an avatar, not a human, dancing. Suppose you use someone else's choreography, a copyrighted work, without the choreographer's permission. In that case, you could be infringing copyright because you will be illegitimately using a work to make the avatar dance. So, basically, you need permission from the choreographer.



Would it be okay for me to video a cover dance and upload it to YouTube using a popular K-pop song as the background music?

Dancing in front of others is giving a public performance according to the copyright law, and filming and uploading it onto YouTube are copying and interactively transmitting a work, respectively. Therefore, if you upload a cover dance onto YouTube without permission from the choreographer, you may be infringing their copyright. Also, to use a K-pop song as the background music, you must first get permission from the rights holder separately for the song.

Q & A The yoga program that my yoga school had created is being copied by another school. Can I make copyright claims?

The sequence of sports movements, such as a yoga program, is rarely considered a copyrighted work. According to the *Compendium of U.S. Copyright Office Practices*, copyright does not protect the sequence of yoga positions, sports dance, or simple dance steps. However, choreography involved in figure skating or gymnastics may be copyrightable.



Term of protection for economic rights



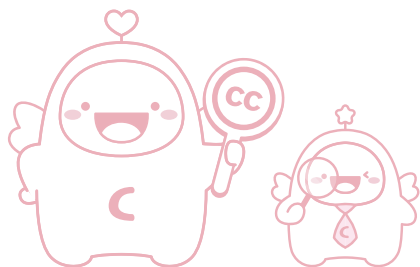
Copyright Act Articles 39 to 44

Q & A Someone used a part of my choreography to create a new one. Can I make a copyright infringement claim?

For a copyright infringement claim to be valid, (1) the rights of the holder have to be valid, (2) there has to have been access to the original work, and (3) substantial similarity must exist between the two works. Even if these criteria are met, a court will not accept copyright infringement if the copied part is not from a creative expression unique to the original author. For example, if the part that was copied and used was a sequence of simple movements used generally, copyright will not be considered infringed.

※ “Access to the original work” means that the movements included in the new choreography had indeed come from the original.

- **Principle:** During the lifetime of the author and 70 years after their death
 - ▶ Works made for hire: 70 years after the work had been made public
 - ※ A work being made public refers to disclosing or copying and distributing the work to the public.
 - ▶ Cinematographic works: 70 years after the work had been made public
 - ▶ Joint works: 70 years after the death of the last surviving author
- **How to start counting the term of protection:** The term is calculated from the 1st January of the year after the author’s death or the day the work was made public
 - ▶ For example, if an author died in 2000, the term of protection for their work would be until 31st December 2070. (From 1st January 2001 until 31st December 2070)



3. Fair use of works



Would it be possible for me to use, commercially, a choreography whose term of protection had expired?

A work whose term of protection has expired is no longer protected by copyright, so anyone can freely use it.



If a choreographer died on 1st January 2024, when does the term of protection for their choreography end?

The moral rights of an author are inalienable and cease to exist when the author dies. On the other hand, economic rights are protected throughout the author's life and 70 years after death, counting from 1st January the year after their death. So, the work of a choreographer who passed away on 1st January 2024 will be protected for another 70 years beginning from 1st January 2025, and the copyright will expire on 31st December 2094.



Limitations to economic rights



• Legal provisions allow for certain forms of free exploitation of works, without permission from the rights holder.

▶ These provisions prevent the flow of information from being restrained by copyright and enhance public interest by facilitating general information use.

• Limitations to economic rights

Article	Content
Article 23	Reproduction for judicial proceedings, etc.
Article 24	Use of political speeches, etc.
Article 24-2	Free use of public works
Article 25	Use for the purpose of school education
Article 26	Use for current news reporting
Article 27	Reproduction, etc., of current news articles or editorials
Article 28	Quotation from works made public
Article 29	Public performance and broadcasting for non-profit purposes
Article 30	Reproduction for private use
Article 31	Reproductions, etc., in libraries, etc
Article 32	Reproduction for examination questions
Article 33	Reproduction, etc., for visually handicapped, etc.
Article 33-2	Reproduction, etc., for hearing impaired persons, etc.
Article 34	Temporary sound or video recordings by broadcasting service providers
Article 35	Exhibition or reproduction of works of art, etc.
Article 35-2	Temporary reproduction in the course of using works, etc.
Article 35-3	Ancillary reproduction, etc.
Article 35-4	Reproduction, etc., by cultural facilities
Article 35-5	Fair use of works

4. What rights do dancers have?

Q & A During my university festival, the dance club I belong to plans to perform a dance cover in the university sports field. Do we have to get permission from the rights holder to perform the dance?

The Copyright Act allows some forms of performances and broadcasts by limiting economic rights (Article 29.1) as long as they are not for profit - meaning tickets to the performance should not be sold, and the performers should not get paid for their show. A non-commercial university dance club that does not sell tickets to its audience and does not pay its performers can perform a dance cover without permission from the rights holders.



Q & A During a class I teach, I want to perform a part of a dance as part of my explanation about K-pop choreography. Would this performance be infringing copyright?

You may use a copyrighted work without permission if it's for educational purposes. However, the rule is that you only use a part of the work. Only when using a part is essentially impossible due to the nature of the work or the objective and the form of the use - such as a photographic or artistic work - can the entire work be used. In short, you can use a choreography for educational purposes as long as only a part is used.



Neighboring rights

Holders of neighboring rights and what they hold



• Rights given to a person who had not authored a work but had nonetheless financially invested in the work or had contributed in some creative aspects during the course of the work being delivered to the public.

• **A performer:** A person who gives a stage performance by expressing works through acting, dancing, playing, singing, orally narrating, reciting, or other artistic methods or by expressing things other than works in a similar way, including a person who conducts, directs, or supervises a stage performance

▶ Examples: Dancer, singer, musical instrument player, actor, conductor

• **A phonogram producer:** A person who plans and produces phonograms (albums)

▶ Examples: Entertainment agency, classical music label

• **A broadcaster:** A person who provides broadcasting service

▶ Examples: Terrestrial broadcasting companies like KBS, MBC, and SBS.

Neighboring rights holders and their rights	
Performer	Right to attribution, right to integrity Right to reproduce a work, right to distribute a work, right to lend a work, right to perform a work, right to broadcast a work, right to interactively transmit a work, right to claim remuneration (from broadcasters and digital sound transmitters, and for performances using commercial phonograms)
Phonogram producer	Right to reproduce a work, right to distribute a work, right to lend a work, right to interactively transmit a work, right to claim remuneration (from broadcasters and digital sound transmitters, and for performances using commercial phonograms)
Broadcaster	Right to reproduce a work, right to simulcast, right to perform a work

Term of protection for neighboring rights

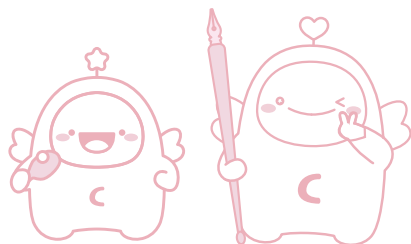


Copyright Act Article 86

- **Performances:** 70 years after the performance
- **Phonograms:** 70 years after the release of the phonogram (Rights occur the moment the sound is first fixated.)
- **Broadcasts:** 70 years after the broadcast

Q & A What kind of rights holders are there for K-pop and K-pop dance?

The lyricist and the songwriter for a K-pop song are the rights holders for the lyrics and the melody, respectively, and the members of the K-pop group are the performers of that song and are thus holders of neighboring rights. The agency that produced the CD of that song is the phonogram producer and another holder of neighboring rights. The choreographer of the K-pop dance is the rights holder for the choreography, and the members of the K-pop group that dance are performers of that choreography and thus are also holders of neighboring rights. If the members of the K-pop group created the choreography themselves and danced to it, then they are both the creators and performers of the choreography. So, they would be holders of both the copyright and neighboring rights.

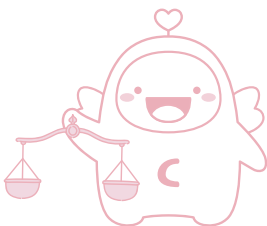


Q & A Would a ballerina performing a work whose copyright had expired not be able to exercise her rights?

The rights of the ballet choreographer may have expired, but the rights of the performer are valid until 70 years from the year after the performance. Therefore, during this term of protection, the ballerina, as the performer, may exercise her neighboring rights.



Source: <https://www.newstnt.com/news/articleView.html?idxno=240481>



Chapter 2

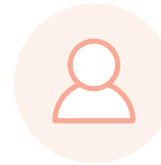


Everything about the author of a choreography

1. Who's the author of a choreography?
2. Who's the author when an entertainment agency choreographs a dance?
3. When authors jointly choreograph a dance
4. The author of a choreography depending on how the work was created

1. Who's the author of a choreography?

An author



• An author refers to a person who created a work

- ▶ Since the author of a work refers to a person who made creative contributions to a work, a person who planned or paid the costs of a choreography cannot be considered the author.

Article 2 (Definitions)

1. The term "author" means a person who has created a work.



I was asked by an entertainment agency to choreograph a dance. They'll pay me KRW 30 million. Who's the author of the final choreography?

Because the person who had actually created the work is considered the author, the choreographer, which is you, shall be regarded as the author, even if you were paid. In other words, copyright is initially attributed to the person who made the choreography. However, if the outsourcing contract for the choreography stipulated that the economic rights shall be assigned to the agency, the agency may become the holder of economic rights.



Say a group of people jointly choreograph a dance at a studio. Would the crew, which is not directly involved in the actual choreography but merely does the planning, also become an author?

Only those who have contributed to the creative expression of the choreography will become authors of the work. A person who had merely proposed the concept of the dance or had participated in the planning process is not an author. However, when creating a joint work, it would be a good idea to establish some internal rules among the choreographers to determine who is entitled to become an author and who is not.

2. Who's the author when an entertainment agency choreographs a dance?

Work made for hire



Copyright Act Article 9

- A work made for hire is a work created by an employee of a legal person, organization, or otherwise an employer as part of their duties.

- ▶ A choreography created by a choreographer employed by an entertainment agency is a work made for hire; thus, the agency is the author of that work.

Article 2 (Definitions)

31. The term “work made for hire” means a work made by an employee of a legal person, organization or other employers (hereinafter referred to as “juristic person, etc.”) during the course of his or her duties and on the initiative of legal person, etc.

• Prerequisites of a work made for hire

- ① A legal person, organization, or otherwise an employer must have planned the creation of the work.
- ② The work has to be created by a person who a juristic person employs.
- ③ The work has to be created as part of one's occupational duties.
- ④ The work must be made public under the juristic person's name.
- ⑤ The employment contract or rules should not state otherwise.



I work as a performance director in an entertainment agency. Would a choreography that I made for personal purposes be considered a work made for hire?

A work made for hire refers to a work that an employee of a company created as part of their job. So, a choreography created not as part of your work as the company's performance director but rather for personal purposes is not a work made for hire.

3. When authors jointly choreograph a dance

Joint work



Copyright Act Article 2.21
Copyright Act Article 15
Copyright Act Article 48

- Joint work is a work that is created together by two or more people and cannot be divided according to each participant's contribution.

- ▶ Example: Choreographer A makes a draft choreography, which the performance director of Agency B then revises to produce the final outcome.

- The authorship of a joint work is co-held.

• Effects of a joint work

- ▶ In a joint work, all relevant rights holders must unanimously agree when exercising their rights, or the joint authors may designate a representative to exercise their rights on their behalf.
- ▶ In principle, proceeds from a joint work should be distributed proportionately to each author's amount of contribution. However, if the amount contributed is unclear, you may presume it to be equal.
- ▶ In the case of a copyright infringement, an author, even without the unanimous consent of other co-authors, may claim compensation for damages or file a criminal lawsuit.

< Compilation work >

- A compilation is a work that can be divided into different parts according to individual authors who had all contributed to finalizing one work but have no common interest between them, unlike a joint work.
- A song is a typical example of a compilation work in that it combines the melody - a musical work - with the lyrics - a literary work.
- According to a judicial precedent, a musical is a compilation work. (Singin' in the Rain case)

4. The author of a choreography depending on how the work was created

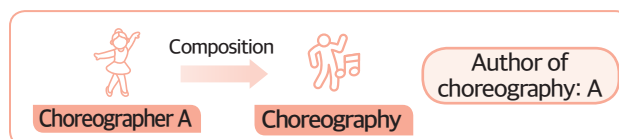
Single choreographer



Example 1

- When Choreographer A finishes making a dance on her own:

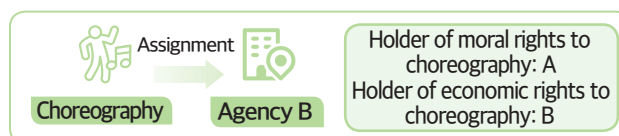
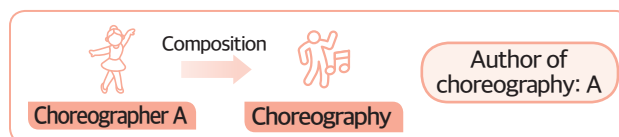
- Author: A
- Rights holder (moral rights + economic rights): A



Example 2

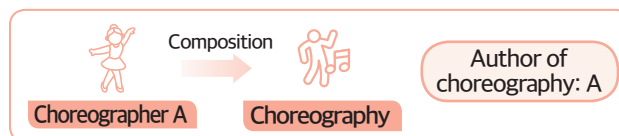
- When Choreographer A assigns economic rights of the choreography to Agency B:

- Author: A
- Holder of moral rights: A
- Holder of economic rights: B



- When Choreographer A licenses the choreography to Agency B:

- Author: A
- Rights holder (moral rights + economic rights): A

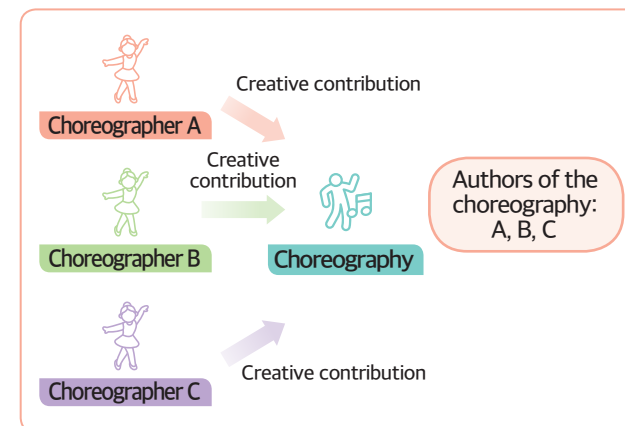


Joint choreography



- When choreographers A, B, and C jointly finish making a dance:

- Authors: A, B, C (co-authors)
- Rights holders (moral rights + economic rights): A, B, C



※ Creative contribution refers to contributing to the creative expression of a choreography and not to mere planning or proposing of a concept.

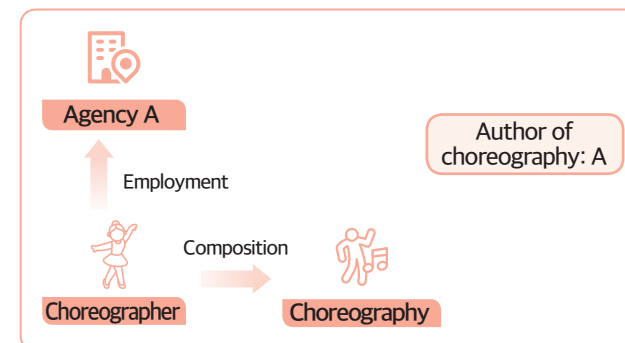
Work made for hire



Example 1

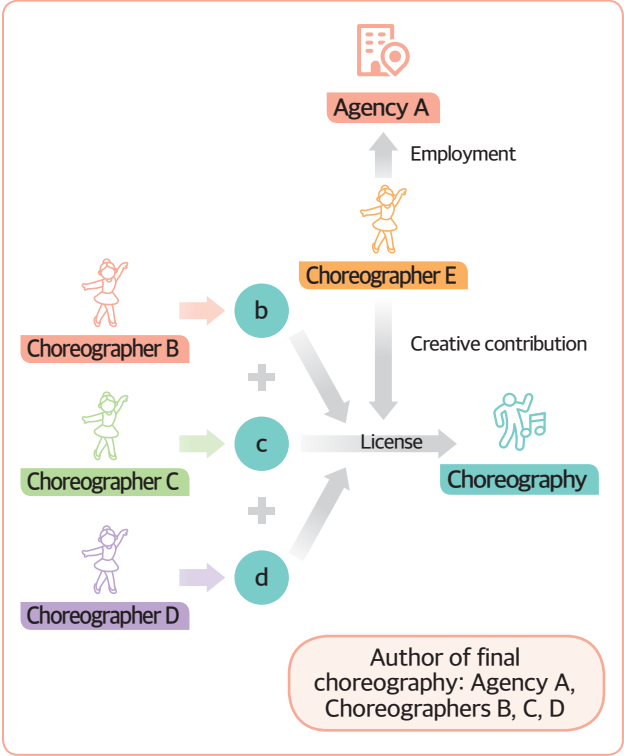
- A choreographer who works for Agency A finishes choreographing a dance on his own:

- Author: Agency A (as the author of a work made for hire)
- Rights holder (moral rights + economic rights): Agency A



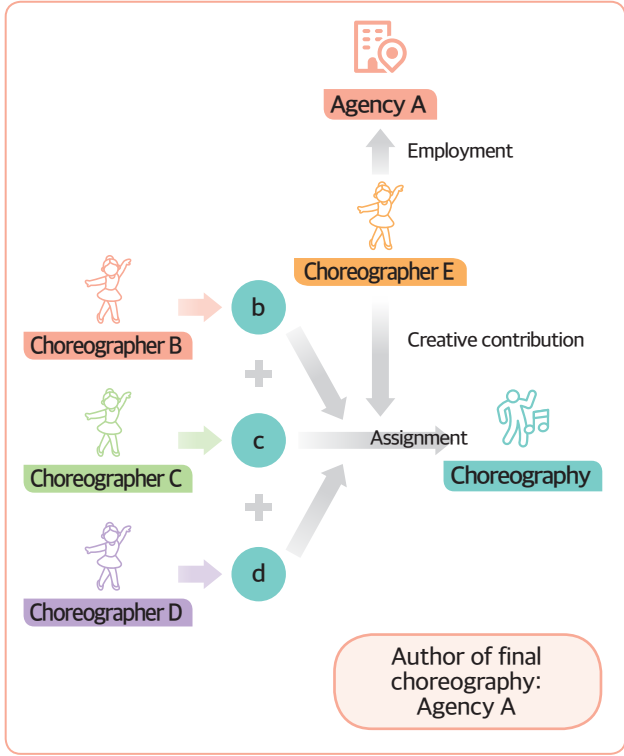
Example 2

- An agency signs a license agreement with each of the Choreographers B, C, and D to put their dances together to create one final work.
 - ▶ Authors: Agency A, Choreographers B, C, D
 - ▶ Rights holders (moral rights + economic rights): Agency A, Choreographers B, C, D



Example 3

- Choreographers B, C, and D assigned all economic rights of their choreographies to Agency A. Choreographer E, an employee of the agency, revised the choreography to create the final version.
 - ▶ Author: Agency A
 - ▶ Rights holder (moral rights + economic rights): Agency A



Chapter 3

Exercising rights of a choreography

1. Licensing a choreography
2. Assigning the rights of a choreography
3. Donating the rights of a choreography



1. Licensing a choreography

Licensing a work



Copyright Act Article 46

- A person seeking to exploit someone's work has to get permission from the rights holder prior to using it.
 - ▶ The two parties can sign a license agreement that specifies the scope of rights the user wants to obtain.
- Even if you sign a license agreement for someone to use your work, you will continue to hold your economic rights as the author.
- A license agreement can be non-exclusive (gives permission to many) or exclusive (gives permission only to one party).



I'm thinking of licensing out my choreography. How do I decide how much royalty I should get?

As a rights holder, you can negotiate with the user and decide the amount you receive as royalty. You may also provide your work for free.

However, for works managed by a collective management organization (CMO), the tariff is already set based on which the royalty will be levied and distributed. The tariff has to go through an approval process with the Minister of Culture, Sports and Tourism.



2. Assigning the rights of a choreography

Assignment of rights



Copyright Act Article 45

- A rights holder may assign a part or whole of their economic rights to another person.

▶ Even when assigning the entire suite of economic rights, the Copyright Act stipulates that the assignment shall not cover the right to create derivative works. Therefore, if you want to assign all economic rights, including the right to create derivative works, you need to state as such in the assignment contract.

- Moral rights are essentially inalienable and are not inherited nor subject to assignment. So, only economic rights may be assigned to another person.

▶ Even if you assign all your economic rights, your moral rights will remain with you as the author.

Q & A What's the difference between assigning the copyright of my choreographic work and giving a license?

If you are a choreographer and assign your economic rights to someone else, you are no longer a rights holder. On the other hand, if you license out your work, your copyright, including all of your economic rights, still belongs to you. The licensee may simply use the choreography according to the terms and conditions stated in the license agreement.

Generally, assigning economic rights and licensing them out are different in terms of rights and obligations imposed on relevant parties. So it's up to you, as the holder of the copyright of a choreographic work, whether you want to assign your economic rights or license them out.

Q & A What do I do if I want to assign all rights to my choreography, including the right to create derivative works?

Unless the relevant contract includes a special provision stating otherwise, the right to create derivative works is essentially excluded from copyright assignment. This means that if you want to assign the right to create derivative works, you have to state it clearly in the contract. For example, you can state, "Party A hereby assigns all economic rights (including the right to create derivative works) to Party B."

Q & A I'm about to sign a contract assigning the copyright of my choreographic work. The contract says that all my rights -both moral and economic rights - shall be assigned. Can moral rights be assigned?

Moral rights are inalienable, meaning they cannot be inherited or assigned. A contract stating that you give up your moral rights seems unfair.



3. Donating the rights of a choreography

Donating copyright



Copyright Act Article 135

- A rights holder may donate their economic rights of a work to the state for the members of the general public to exploit.

< An example of a choreographic work that was donated >

- Economic rights to the music “Fire” created in the spirit of giving courage and support to teenagers, and the choreography created by a dance crew, 1MILLION, to go with the song, were donated to the state.
- The sound source and the choreography may be used freely by anyone as long as the source is stated. (e.g., Fire, Gong-u-madang, CC BY)

• Documents needed when applying to make a donation

1. Pledge of donation
2. Documents verifying that you are indeed the holder of economic rights to the work
3. A copy of the work to be donated

• Donation procedure

Consultation regarding donation



Filing of donation application (In person or by post)



Submission of donation pledge



Document review



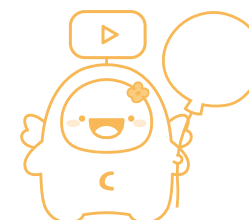
Issuing of donation certificate

- **Inquiries regarding donation application:**
Korea Copyright Commission Sharing Support Team
(Tel: +82-55-792-0136)



Is it possible for me to restrict commercial use of the choreography that I donate?

When you donate your economic rights, you can indeed restrict the donated work's use to specific areas - such as for non-commercial or educational purposes only. However, when a donator requests a restriction on the use of the donated work, the request will first be reviewed by the Committee on Deliberation on Conditional Use of Donated Works, which will then decide whether or not to accept and impose the restriction. If a donated work has certain restrictions regarding its use, users first file an Application to Use a Donated Work, and only when the purpose of the use corresponds to the conditionalities attached to the donated work will the approval be given to the user.



Chapter 4



Registering the copyright of a choreographic work

1. What is copyright registration?
2. How do I register the copyright of my choreography?

1. What is copyright registration?

Copyright registration system



- Under the copyright registration system, the rights holder inscribes information regarding their copyright and any changes to those rights into a public registry called the Copyright Registry. This registry information is made accessible to the general public.
- Because a work is copyrighted the moment it is created, it does not necessarily have to be registered to be legally protected.

Effects of registration



Copyright Act Article 53

- Rights holders can enjoy the following legal effects by registering the copyright of their choreographic work:

1. Presumption of validity

If you are a rights holder who is registered by your real name, you will be presumed to be the author of that registered work according to the law, and during a possible copyright dispute, the burden of proof will be transitioned to the other party, meaning that they will have to prove that you are NOT the author.

2. Opposing power

If you register that you had been assigned the rights of a particular work, you gain the “power” to argue that your assignment is valid vis-à-vis a third party when the assigner had assigned the same copyright to someone else.

3. Ability to claim statutory damages

When a copyright dispute arises, you gain the right to claim statutory damages worth KRW 10 million or 50 million per work (in case of intentional infringement for commercial purposes) if you had registered your copyright before the dispute.

- ▶ The burden of proof regarding the damages incurred by the infringement will not be on you.

Q & A If I don't register my choreography, will it not be copyrighted?

Copyright originates the moment a work is created, regardless of whether it is registered or not. However, if you do register your work, you will be able to enjoy some legal benefits, which may become helpful in case of a copyright dispute.

2. How do I register the copyright of my choreography?

Registration procedure



• **Documents you need to submit:**

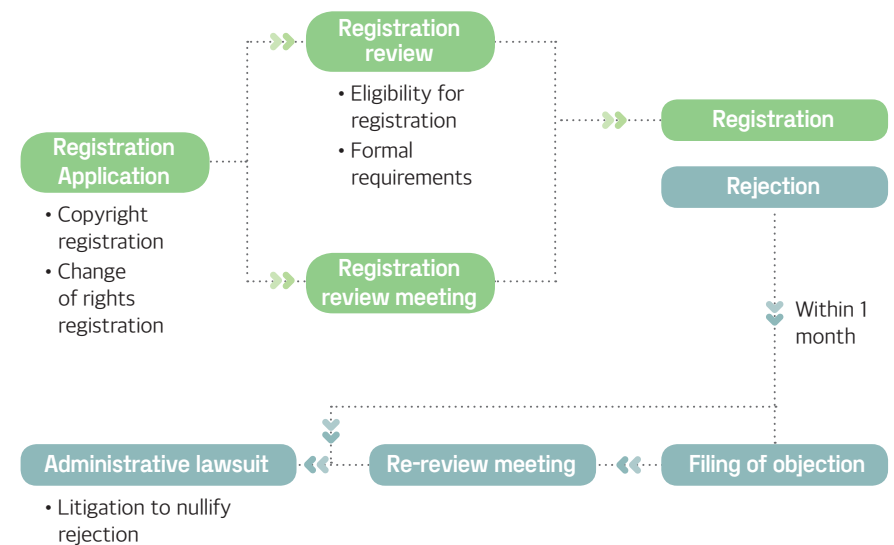
1. Copyright Registration Application Form and Detailed Statement
2. A copy of the work to be registered, or a layout or photograph, on paper or electronic, showing the content of the work
3. Documents verifying reasons for registration (e.g., Family Deregistration Record. To be attached only if verification of registration details is needed.)
4. List of authors (only if there are two or more authors or inheritors)
5. List of works (only if multiple works are to be registered)
6. Documents to verify the approval or permission of a third party regarding registration (e.g., If the applicant is a minor, documents verifying authorization from a legal guardian have to be submitted.)
7. Documents to verify that the applicant is a rights holder eligible to register (including documents to prove legitimacy as a proxy if a proxy is making the registration.)

- **How the review is done:** Examiners will review whether the applicant has submitted all required documents and perform a formal review on the minimal copyrightability of the work to be registered.

※ Because copyright is given to a work regardless of whether it is registered, the level of creativity, attribution of rights, and other substantive matters are not subject to review.

- **How long it takes:** 7 days since receipt of the application

• **Copyright registration procedure**



Applying in person



• **Korea Copyright Commission (KCC)**

- ▶ **Seoul Office:**
5th Fl., 107 Huam-ro, Yongsan-gu, Seoul (Dongjadong Gateway Tower)
Tel: +82-2-2669-0030, 0049
- ▶ **Head (Jinju) Office:**
117 Soho-ro, Jinju-si, Gyeongsangnam-do (Choongmugongdong KCC)
Tel: +82-55-792-0280

Applying online

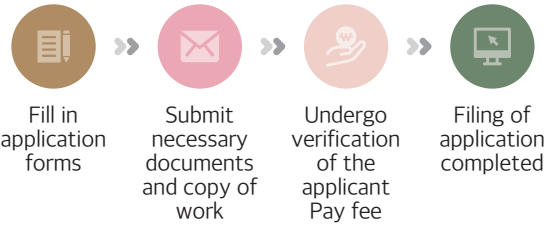


• Copyright registration website (<http://www.cros.or.kr>)



• Procedure for filing an online application for copyright registration

▶ Log in and follow the procedure to apply.



• Registration fee

Category		Fee	
		If application/ notification not filed through computerized information processing system	If application/ notification filed through computerized information processing system
1. Registration of copyright, neighboring rights, or rights of database producers	Computer programs	KRW 60,000 (if more than 10 works, KRW 10,000 per additional work)	KRW 50,000 (if more than 10 works, KRW 10,000 per additional work)
	Other than computer programs	KRW 30,000 (if more than 10 works, KRW 10,000 per additional work)	KRW 20,000 (if more than 10 works, KRW 10,000 per additional work)
2. Registration of modifications (assignment, etc.) to copyright, neighboring rights or rights of database producers	Computer programs	KRW 70,000 (if more than 10 works, KRW 15,000 per additional work)	KRW 60,000 (if more than 10 works, KRW 15,000 per additional work)
	Other than computer programs	KRW 40,000 (if more than 10 works, KRW 15,000 per additional work)	KRW 30,000 (if more than 10 works, KRW 15,000 per additional work)
3. Application for perusal or issuing of a copy of the Registry of copyright, neighboring rights, or rights of database producers		KRW 1,000	No charge
4. Issuing of English version of registration certificate pursuant to Article 8		KRW 3,000	KRW 2,000

Q & A Where can I register the copyright of my choreographic work?

Currently, the Korea Copyright Commission, a public sector institution affiliated with the Ministry of Culture, Sports and Tourism, manages copyright registration. Please contact the Registration & Escrow Team (Tel: +82-1800-5455, internal line #2) for further details regarding copyright registration.

Q & A Do I have to submit a choreographic score to register the copyright of my choreographic work?

No, submitting a score is not compulsory. You can register your copyright by submitting a video of you dancing to your choreography.

Q & A What happens if another person registers my choreography first? Does that person become the copyright holder?

Registering is not a prerequisite for copyright to originate. Just because someone registers a work first does not mean that person becomes the copyright holder. In fact, a person who falsely registers a work may be imprisoned for up to 3 years or imposed a fine of up to KRW 30 million.

Q & A Is there anything I must pay additionally after registering my work?

Copyright registration fee is KRW 30,000 for general works, such as choreography or music, and KRW 60,000 for computer programs. If you register online, you can benefit from a discount of KRW 10,000 per work. If you are registering alterations to your rights, the fee is KRW 40,000 for general works and KRW 70,000 for computer programs. With just one registration, its effects will last throughout the protection period of your work (i.e., for 70 years after your demise).



Chapter 5



Seeking relief when copyright of a choreographic work has been infringed

1. Resolving a dispute without litigation
2. Can I get compensation for damages?
3. Can the infringer be criminally punished?
4. What to do in case of an online infringement

1. Resolving a dispute without litigation

Mediation



- Mediation is a scheme where three experts from the legal profession, academia, and industry form a mediating panel, and the members use their expertise to induce the disputing parties to come to a reasonable agreement.

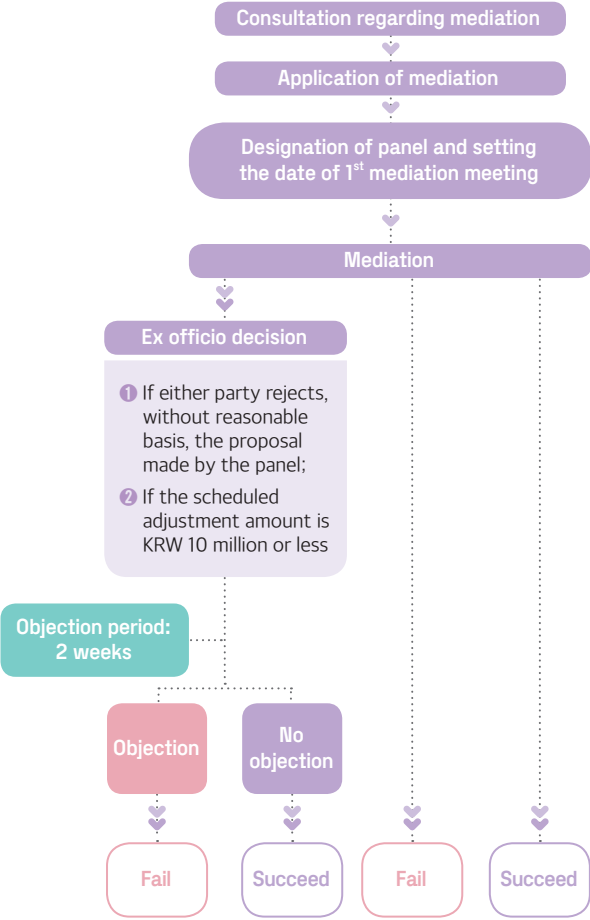
• Features

Speed	The process for applying for and proceeding with mediation is faster and simpler (within 3 months from the day of application) than taking the case to court, which usually takes a long time.
Professionalism	Each mediation panel comprises members with copyright-related expertise from the legal profession, industry, and academia so the disputing parties can benefit from expert support. (Panel consists of 3 members, one of whom is required to be an attorney.)
Affordability	Litigation can be very expensive, with high lawyer and court filing fees, among other costs. Mediation costs much less (around KRW 10,000~100,000).
Confidentiality	As a rule, mediations are not open to the public and thus can guarantee commercial or personal confidentiality.

• Mediation procedure

- ▶ Once a mediation application from a party to a copyright dispute has been filed and accepted, the chairperson designates a panel, and the panel sends a summons to the relevant parties.
- ▶ The mediation panel, when necessary, may summon the disputing parties or other stakeholders to a mediation session or ask for supplementary documents to be submitted. It can also investigate evidence by calling on witnesses, reviewing documentary evidence, undergoing inspection, or getting appraisals from experts.
- ▶ The mediation period is 3 months, during which the panel listens to each disputing party at one or multiple mediating meetings, intervenes in the dispute, and induces an agreement or proposes a settlement.

- ▶ The mediation is deemed successful if the agreed terms between the disputing parties are recorded in the mediation protocol, which has the same legal effect as a court conciliation. Therefore, no additional court procedure is necessary even when a party has to resort to compulsory execution.



• **How to apply for a mediation**

- ▶ In person (Visit the KCC or send postal mail)
- ▶ Online

• **Inquiries regarding mediation:** Korea Copyright Commission Mediation & Appraisal Team (+82-2-2669-0044)

Q & A I've already filed a litigation regarding a dispute around the copyright of a choreographic work. Can I still request a mediation?

You can still request mediation even if you're already undergoing a court procedure. Conversely, you can also start a lawsuit while undergoing mediation.

Q & A What happens if the other party, after the mediation had been concluded successfully, violates the agreed terms?

A mediation protocol has the same effect as a court sentence. So, if a party violates the protocol, you can seek compulsory execution.

Q & A What happens if the other party in a dispute doesn't respond to the mediation?

If a party applies for mediation but the other party explicitly says it will not participate, the mediation can no longer proceed and will be terminated. Unlike a court litigation, the mediation system cannot force a party to participate against its will.

2. Can I get compensation for damages?

Civil relief



Copyright Act Article 123
Copyright Act Article 125
Copyright Act Article 125-2
Copyright Act Article 126

- A rights holder can seek civil relief to prevent or ban infringement, reclaim unfair proceeds, or claim compensation for damages.
- **Compensation for damages regarding copyright infringement can either be actual or statutory.**
 - ※ Copyright must be registered for the rights holder to be eligible for statutory damages.
 - ▶ **Actual damages:** Compensation for the actual amount of loss the victim had sustained.
 - ▶ **Statutory damages:** Compensation of below KRW 10 million or KRW 50 million (in case of intentional infringement for commercial purposes) per work
- **Compensatory damages have to be filed within 10 years from the date of the copyright infringement or within 3 years from the date of discovering the damages incurred by the infringement and the perpetrator.**

Civil Act Article 766 (Prescription in respect of right to claim for damages)

(1) The right to claim for damages resulting from an unlawful act shall lapse by prescription if not exercised within three years commencing from the date on which the injured party or his or her legal representative becomes aware of such damage and of the identity of the person who caused it.

Copyright Act Article 119



Q Appraisal

- Appraisal is a form of evidence investigation recognized under the Copyright Act and relevant procedural laws. It is performed when a court or an investigation authority dealing with a copyright dispute case requests the Korea Copyright Commission to deliberate on a work's sameness or similarity, craftsmanship, possibility of infringement among other things. During an appraisal, related experts use their experience and knowledge to perform the deliberation, the results of which are then used as evidence.
- The results of an appraisal can be decisive in some dispute cases, especially those that involve works that require technological analysis and evaluation.
- Applicants of appraisal: Court of law or investigative authority
- Inquiries regarding appraisal: Korea Copyright Commission Mediation & Appraisal Team
(☎ +82-2-2669-0065: Appraisal of general works)
(☎ +82-2-2669-0066: Appraisal of software)

Q & A What effects do appraisal results have?

A court of law or an investigation authority is not bound to the results of KCC's appraisal. However, KCC appraisal is performed by top experts in the relevant field, rendering accurate and credible results, which can become keys to solving a case.

3. Can the infringer be criminally punished?



Can an individual request appraisal for a choreography?

Under the current Copyright Act, appraisal of general works, such as choreography or music, can only be requested by a court or an investigation authority, meaning an individual cannot request an appraisal to the KCC. Computer programs are different - a party to a dispute underdoing mediation can request an appraisal.

Article 119 (Appraisal)

(1) The Commission may, where a case falls under either of the following subparagraphs, make an appraisal:

1. Cases where the Commission has been requested by a court or investigation agency or such for a trial or investigation to make an appraisal of infringement or such of copyright;
2. Cases where the Commission has been requested by both parties concerned in conciliation of a dispute for conciliation of a dispute pursuant to Article 114-2 to make an appraisal of a program and electronic information or such related to the program.



Criminal relief



Copyright Act Article 140

Types of crimes involving infringement of copyright



Copyright Act Article 136~138

- A rights holder may seek criminal relief when they feel that their copyright was infringed intentionally, by pressing charges against the infringer and asking the law enforcement authorities to punish the perpetrator.
- Copyright infringement is a crime punishable only when a claim is filed directly by the victim and not a third party, and the victim has to press charges within 6 months of becoming aware of the infringer for the perpetrator to be prosecuted.
- ▶ However, in a case that involves repeated infringement of copyright for profit, a third party can also report and sue the perpetrators.

- A person who infringes on economic rights shall be imprisoned for not more than five years or imposed with a fine not exceeding KRW 50 million, or may be punished by both.
- A person who defames the honor of the author or performer by infringing on the moral rights of the author or the performer shall be imprisoned for not more than three years or imposed with a fine not exceeding KRW 30 million, or may be punished by both.
- A person who labeled and made public a work using the name of someone other than the author shall be imprisoned for not more than one year or imposed with a fine not exceeding KRW 10 million.



The moment I raised a copyright claim, the infringer immediately deleted the pirated copy from a website. Is my claim no longer valid in this case?

Just because the pirated copy was deleted, it doesn't mean that the act of copying and transmitting a work had never happened. Therefore, the infringement and the claim against it are still valid.

4. What to do in case of an online infringement

Q & A If I didn't put a warning label on my work forbidding its use, is it impossible for me to raise a copyright claim?

The Copyright Act does not make a label or a technological measure mandatory in forbidding the use of a work. Thus, using someone else's work without permission can constitute copyright infringement regardless of whether or not there is a label or technological measure.



Q & A Do I have to send a warning to the infringer before I make a copyright claim?

The Copyright Act does not stipulate that you send a warning to the infringer before claiming an infringement, meaning you don't have to have sent a warning to press criminal charges or claim compensation for damages.

Q & A It's been over a year since I became aware of the infringer. Is it too late to press criminal charges?

Crime of copyright infringement is subject to a direct complaint filed by the victim, meaning a third party cannot press charges. According to Article 230 of the Criminal Procedure Act, "As for the offenses subject to prosecution on complaint, no complaint shall be made after the lapse of six months from the date on which the identity of the offender becomes known." If it's been a year since you became aware of the infringer, you can no longer press charges against them.

Requesting copying and transmitting to be stopped



Copyright Act Article 103

• When a rights holder raises a copyright claim against an infringement and requests an online service provider to stop the reproduction and transmission of a work (taking down of a work from the internet), the online service provider must delete the unauthorized version immediately.

▶ Posting a work online makes it accessible to the masses in a very short period of time. Therefore, it's essential to minimize the damage by stopping the reproduction and transmission of the work as soon as possible before seeking civil or criminal relief.

< Online Service Providers (OSPs) >

- An OSP is a person or organization that provides service to enable others to use an information communications network to transmit a work.
- OSPs include portals such as Naver or Daum, as well as operators of "webhards" (cyberlockers), internet communities, or websites.

• Requesting a work to be deleted without legitimate grounds may lead you to become liable for damages resulting from the deletion.

▶ Intentionally requesting a work to be deleted and obstructing the business of an online service provider may make you liable to be punished by imprisonment of one year or less or a fine of KRW 10 million or less.





I found a choreography that I had made being circulated on the internet without my permission. What can I do?

If you find that an unauthorized copy of your work has been uploaded to the internet, it's best to quickly ask the online service provider to delete (request reproduction and transmission to be stopped) that post. You need to be able to justify that your choreography is being copied and transmitted illegally when requesting the online service provider to delete the post.



When I request an OSP to stop my work from being illegally copied and circulated, can I assume it's always taken care of?

Upon receiving a request from a rights claimant to stop the reproduction and transmission of a work, backed by an explanation and justification, an OSP must immediately stop the reproduction and transmission and then notify both the rights holder and the assumed infringer. However, if the latter can justify that their copying and transmitting the work were legitimate actions and requests it to be serviced once again, the OSP, without any delay, must notify the rights claimant of the re-service request and the date the service is due to resume. Then the OSP may allow that work to be copied and transmitted again starting from the notified date.

Appendix 1



Q&A regarding copyright in general

Q & A Where can I find the Copyright Act and other laws and regulations?

All laws, enforcement decrees, and rules, including the Copyright Act, can be found on the Ministry of Government Legislation website (www.moleg.go.kr).

Q & A How are intellectual property rights, copyright, and industrial property rights different?

Intellectual property rights are rights to intellectual property and can generally be divided into copyright and industrial property rights. The latter can then be subdivided into patents, trademarks, design rights, and utility models, all of which have to go through the deliberation of the Korea Intellectual Property Office to be registered and effective. On the other hand, copyright follows the principle of non-formality, meaning it becomes effective the moment a work is created. This principle of non-formality is the main difference between copyright and industrial property rights.

Q & A How are copyright and ownership different?

Copyright refers to the monopolistic and exclusive set of rights over an intangible aspect of a work. In contrast, ownership refers to the exclusive right to use, profit from, or dispose of a tangible object that one owns. For example, say you buy an artwork from a gallery. You have ownership over that piece of art, but the copyright to the work belongs to the painter. So, if you, the owner of that art, copy the work, you may infringe on the painter's right to reproduce a work.

Q & A Does the author have no rights other than economic rights and moral rights stipulated in the Copyright Act?

An author can exercise only the rights granted by the Copyright Act. For example, the law does not give the author the right to listen to their work, which means that even if someone else listens to the work, the rights holder cannot claim that their copyright has been infringed.

Q & A What do the labels © and “All rights reserved” mean when they appear on a work?

© mark originated from the Universal Copyright Convention (UCC), led by the United States - a country following the principle of formality (where the author can exercise copyright only after they had gone through a certain formality or procedure like registration), with © symbolizing the first letter of the word “copyright.” However, in 1989, the US became party to the Berne Convention, which followed the non-formality principle and thus started applying the non-formality rule to foreign works. In short, the © mark, nowadays, doesn't have a role, and it doesn't have any particular implication related to protection under the copyright law. The © mark usually comes with the phrase “All rights reserved.” Once again, your work will be protected by copyright law regardless of whether you put the mark and the phrase.



Q & A Can an innovative idea be protected by copyright?

A work that is protected by the Copyright Act is a work that expresses human thoughts or ideas. On the other hand, an idea, in and of itself, is not a creative expression and thus will not be protected by the copyright law. This means that the idea part of a work is something that can be used freely by anyone. Artistic styles and game rules are normally considered ideas.

Q & A If I were to use a foreign work in Korea, which law applies - Korean law or the law of the other jurisdiction?

The copyright law of the country where the work is being used is applied. When selling a novel by an American author in Korea, the Korean Copyright Act will apply. Conversely, American law will apply when a Korean novel is sold in the US.

Q & A What's the difference between copyright infringement and plagiarism?

Copyright infringement refers to using a work without permission from the author. For example, sharing music on the internet without authorization from the rights holder or copying a novel without permission and distributing it are acts of infringing copyright. On the other hand, plagiarism refers to using someone else's work as if it were mine and is a term used to refer primarily to moral or ethical aspect. No law punishes plagiarism. Copyright infringement and plagiarism may coincide in some cases and not in others. For instance, if you used material written by a famous scholar whose copyright to the work had expired as if they were your own thoughts, that would be plagiarism but not copyright infringement. In another case, copying and distributing someone else's book, without changing the name of the author, would constitute copyright infringement but not plagiarism. However, if you copy and distribute someone else's book without permission while also replacing the author's name with your's, you are infringing copyright and plagiarizing simultaneously.

Q & A Who determines whether copyright has been infringed?

Only a court of law can render the final decision on whether a work is indeed eligible for copyright or whether an act is an infringement. The Ministry of Culture, Sports and Tourism, Ministry of Government Legislation, Korea Copyright Commission, and Korea Copyright Protection Agency may answer copyright-related inquiries, but their responses are not legally binding.

Q & A I'm an individual creator, so it's realistically cumbersome for me to sign a license every single time. Is there a way for me to manage my work more efficiently?

Rights holders can entrust the copyright of their work to a collective management organization (CMO; Referred to as a "copyright trust management organization" in the Korean Copyright Act) to manage the rights on the rights holders' behalf. Rights holders can become members of various CMOs representing different rights depending on the nature of their work to manage their rights more easily. This enables them to avoid giving permission or signing a license every time someone wants to use their work.

Q & A When I entrust my work to a CMO, does that mean I can no longer license my work individually?

Once you sign a contract entrusting your work to a CMO, the rights to your work are transferred to the CMO, meaning you can't license out your work as an individual until you terminate the entrustment contract.

Appendix 2

Organizations related to copyright



1. Korea Copyright Commission (KCC)

Mission



- The KCC deliberates on matters related to copyright and other rights protected by the Copyright Act, exercises good offices and mediation when disputes arise, and performs various activities necessary for protecting copyright and promoting fair use of works.

Main activities



- Receives copyright registration and publishes copyright related statistics
- Exercises good offices and mediates copyright disputes
- Performs activities related to fees of collective management organizations and their tariff or royalties
- Performs activities aimed at establishing a robust culture promoting legitimate and fair use of works
- Promotes international cooperation to uphold copyright and rights of authors
- Researches, educates, and raises awareness regarding copyright
- Supports copyright-related policy-making
- Supports policy-making regarding technological protection measures and rights management information
- Sets up and operates information management systems related to the provision of copyright information
- Performs appraisal related to copyright infringement cases
- Implements duties designated or delegated to the KCC by relevant laws and regulations
- Implements other activities delegated to it by the Minister of Culture, Sports and Tourism

Contact information



- **Telephone (main line):**
 - ▶ Jinju Head Office: +82-55-792-0000
 - ▶ Seoul Branch Office: +82-2-2669-0010
- **Address:**
 - ▶ Jinju Head Office: 117 Soho-ro, Jinju-si, Gyeongsangnam-do, Korea
 - ▶ Seoul Branch Office: 5F & 16F, 107 Huam-ro, Yongsan-gu, Seoul, Korea
- **Website:** www.copyright.or.kr

2. Korea Copyright Protection Agency (KCOPA)

Mission



- KCOPA supports the establishment of initiatives to protect copyright and deliberates various issues regarding copyright protection. It also implements activities necessary for protecting copyright and aims to contribute to improving and developing culture and related fields.

Main activities



- Supports establishment and implementation of initiatives to protect copyright
- Performs surveys on copyright infringement and creates related statistics
- Researches and develops copyright protection technology
- Promotes international cooperation regarding copyright protection
- Researches, educates, and raises awareness of copyright protection
- Gives administrative support to copyright infringement investigations and enforcement activities
- Deliberates on corrective orders issued by the Minister of Culture, Sports and Tourism
- Issues corrective recommendations to online service providers and requests corrective orders to be issued by the Minister of Culture, Sports, and Tourism
- Implements duties designated or delegated to it by relevant laws and regulations
- Implements other activities delegated to it by the Minister of Culture, Sports and Tourism

Contact information



- **Telephone (main line):** +82-1588-0190
- **Address:** 4th, 9th & 10th Fl, 400 Worldcupbuk-ro, Mapo-gu, Seoul, Republic of Korea
- **Website:** www.kcopa.or.kr

3. Collective management organizations

Significance



- Rights holders can transfer their rights to a collective management organization (CMO) for it to manage the rights on their behalf. CMOs can also play a comprehensive role as a proxy when permission needs to be given to those who want to use works.
- By signing a contract with a CMO, a rights holder can avoid becoming overburdened with the task of managing works on their own (signing license agreements, monitoring illegal activities, raising copyright claims...) and instead focus on creative activities. CMOs are also better equipped to manage works more systematically.
 - ▶ When a work that had been entrusted to a CMO is infringed, the CMO can directly take action to seek relief and proactively protect copyright.

Current status of CMOs in Korea



Area	Name of CMO	Collective management area	Contact information	Website
Music	Korea Music Copyright Association (KOMCA)	Rights of authors of music (composers, lyricists, publishers)	+82-2-2660-0400	www.komca.or.kr
	Korean Society of Composers, Authors and Publishers (KOSCAP)	Rights of authors of music (composers, lyricists, publishers)	+82-2-333-8766	www.koscap.or.kr
	Recording Industry Association of Korea (RIAK)	Rights of phonogram producers	+82-2-3270-5900	www.riak.or.kr
	Federation of Korean Music Performers (FKMP)	Rights of music performers (singers, instrument players, etc.)	+82-2-745-8286	www.fkmp.kr

Area	Name of CMO	Collective management area	Contact information	Website
Literary	Korea Literature, Academic Works and Art Copyright Association (KOLAA)	Rights of authors of literary, theatrical, cinematographic, artistic, and photographic works. Deals with reproduction rights & transmission rights of literary works	+82-2-2608-2036	www.kolaa.kr
	Korea TV & Radio Writers Association (KTRWA)	Rights of TV & radio script writers	+82-2-782-1696	www.ktrwa.or.kr
	Korea Screen Writers Association (KSWA)	Rights of screenwriters	+82-2-2275-0566	www.scenario.or.kr
Audio-visual	Korean Film Producers Association (KFPA)	Rights of film producers	+82-2-2267-9983	www.kfpa.net
	Movie Distributors Association of Korea (MDAK)	Rights of film producers	+82-2-3452-1001	www.kmva.or.kr (Temporarily not in operation)
Broad-casting	Korea Broadcasting Performer Rights Association (KoBPRA)	Rights of broadcast performers (actors, voice actors, etc.)	+82-2-784-7802	www.kbpa.or.kr
News	Korea Press Foundation (KPF)	Rights of authors of news reports	+82-2-2001-7114	www.kpf.or.kr

Area	Name of CMO	Collective management area	Contact information	Website
Public sector	Korea Culture Information Service Agency (KCISA)	Public sector works (central and local governments, public sector organizations)	+82-2-3153-2820	www.kcisa.kr

Q & A Are there any CMOs for choreographic works?

Currently, there is no CMO dedicated to managing copyright of choreographic works. An organization may seek approval of the Minister of Culture, Sports and Tourism to become a CMO on condition it fulfills all the criteria stipulated in the Copyright Act. The requirements for founding a CMO are as follows: (1) It has to be an organization composed of rights holders, (2) be a non-profit, and (3) show sufficient capability to collect royalties and distribute them. (Article 105.2)



Appendix 3

Example of a Copyright Registration Application Form for a choreographic work

Example: Copyright Registration Application Form for a choreographic work

■ Copyright Act Enforcement Rule [Appendix Form No. 3] (Amended on 7th May 2024)

Copyright Registration Application Form

* Check (V) relevant brackets ([]). Read "How to fill in the form" on p.2 before filling in this form.

(Page 1)

Submission no.	Submission date	Processing time 7 days
Work	(1) Title 창작이 나눔이의 사랑이야기 (The Love Story of ChangJagi and Nanumi) <small>* If in foreign language, also put Korean transliteration or title in Korean. ([] If registering multiple works. Total ___ works.)</small>	
	(2) Type Theatrical work > Choreography <small>*Refer to copyright taxonomy and "How to fill in the form" on p.2</small>	
Applicant <Rights holder eligible for registration>	(3) Name (Name of legal entity) (KO)김창작 (ZH) (EN)Kim Changjag	
	(4) Nationality Korean	(5) Resident registration no. (Legal entity registration no.) 000000-0000000 000-00-000000
	(6) Address 1st FL, 117 Soho-ro, Jinju-si, Gyeongsangnam-do	
	(7) Phone no. (Mobile no.) <small>* Mobile phone no. not mandatory but processing may be delayed if not submitted.</small>	(8) Email address kim.changjag@copyright.or.kr
	(9) Applicant <input checked="" type="checkbox"/> Author [] One of several joint authors (Attach list) [] Inheritor or other [] One of several joint inheritors (Attach list)	
	(10) Name (Name of legal entity)	(11) Resident registration no. (Legal entity registration no.) Business registration no.
Proxy	(12) Address	
	(13) Phone no. (Mobile no.) <small>* Mobile phone no. not mandatory but processing may be delayed if not submitted.</small>	(14) Email address

* Applicant may face upto 3 years imprisonment or KRW 30 million fine if any false information is submitted in this registration application, pursuant to Copyright Act Article 136.2.2.

I hereby apply for registration as above, pursuant to the Copyright Act Article 53.1, Enforcement Decree Article 26.1, and Enforcement Rule Article 6.1.1.a of the said Act.

5th August, 2020
Applicant Kim Changjag (sign)

To Korea Copyright Commission

Documents to be submitted	<div>1. Appendix Form No.4 of the Copyright Act Enforcement Rule, "Detailed Statement of Copyright Registration Application"</div> <div>2. A copy of the work to be registered, or documents such as a layout or a photo, or an electronic recording medium that contains the content of the work</div> <div>3. Documents verifying the reason for registration (only limited to cases where registration content has to be verified - e.g., Family Deregistration Record)</div> <div>4. If the number of authors or inheritors is two or more, list pursuant to Appendix Form No. 19 of the Copyright Act Enforcement Rule</div> <div>5. If registering multiple works, list pursuant to Appendix Form No. 20 of the Copyright Act Enforcement Rule</div> <div>6. When the person registering requires the approval or permission of a third party, documents to verify such approval or permission (e.g., Letter of approval from the legal guardian if the applicant is a minor)</div> <div>7. Documents to prove that the applicant is a rights holder eligible to register (If the applicant is a proxy, documents to verify the proxy)</div> <div>8. Documents to verify any one of the following cases:<div>(a) Beneficiary Certificate pursuant to National Basic Living Security Act Enforcement Rule Appendix Form No.3-2 if the applicant is a recipient of benefits pursuant to the said Act Articles 7.1.1 to 7.1.4</div><div>(b) Copy of National Veterans Registration Card pursuant to Act on the Honorable Treatment of and Support for Persons of Distinguished Service to the State Enforcement Rule Appendix 6 if the applicant is a person of distinguished service to the State pursuant to the said Act Article 4.1</div><div>(c) Copy of National Veterans Registration Card pursuant to the Act on the Honorable Treatment of Persons of Distinguished Service to the May 18 Democratization Movement Enforcement Rule Appendix 2 if the applicant is a person of distinguished service to the May 18 Democratization Movement pursuant to the said Act Article 4</div><div>(d) Copy of Disabled Person Registration Card pursuant to Act on Welfare of Persons with Disabilities Article 32.1 if the applicant is a person with disabilities registered according to Article 32 of the said Act</div></div>
Fee (1 item)	<div>Upto 10 works submitted for application:<div>• In-person or by post: KRW 30,000</div>• By internet: KRW 20,000</div> <div>To apply for more than 10 works:<div>• KRW 10,000 for each additional work</div></div> <div>A person who fulfills any one of the criteria stipulated in Copyright Act Enforcement Rule Article 23.2:<div>• Free of charge (limited to 10 cases per year)</div></div> <div>Registration and License Tax (incl. Education Tax, 1 item) KRW 3,600</div>

Example: Detailed Statement of Copyright Registration Application for a choreography

[Appendix Form No.4] (Amended on 7th May, 2024> (Page 1)

Detailed Statement of Copyright Registration Application

* Check (V) relevant boxes (□).

Work	(1) Title	* If in foreign language, also put Korean transliteration or title in Korean. 창작이 나눔이의 사랑이야기 (The Love Story of ChangJagi and Nanumi)		(2) Type	Theatrical work > Choreography			
	(3) Format of copy	<input type="checkbox"/> Book <input type="checkbox"/> Print out <input type="checkbox"/> Photograph <input type="checkbox"/> CD <input type="checkbox"/> DVD <input type="checkbox"/> USB thumb drive <input type="checkbox"/> Tape <input type="checkbox"/> Videotape <input type="checkbox"/> Other()		(4) No. of copies	1			
* If already registered, do not fill in this section.	(5) Content	<p>This choreography deals with the love story between copyright characters, ChangJagi and Nanumi. In the beginning, their parents were against their marriage but then saw true love develop between them. The parents eventually were touched and became compassionate and accommodating. In the end, ChangJagi and Nanumi succeed in getting married. The choreography portrays the story comically, in a light mood. It is a classical choreography that combines popping and ballet.</p> <p>* Write in detail to show the content sufficiently. (Between 10 and 1,000 characters. If more space is needed, use additional paper and attach.)</p> <p>For reference: A theatrical work refers to a choreography that has already been structured in the form of acting and movements. It is recommended that the applicant, in this part, describe the theme of the dance (choreography), its characteristics, and how it expresses the creative combination and sequence of physical movements and actions.</p>						
	(6) Prior registration no. and registration date	* Only if same work is already registered.						
Information being registered	Derivative Work		(7) Title of the original work					
	*Fill in this section only when applying to register a work that is a recreative translation, arrangement, alteration, or cinematization of another original work.		(8) Author of the original work					
	(9) Stake in the rights		* Fill in only if a joint author					
	Creation	(10) Date the work was created	5 th August, 2020					
		(11) Date the work was made public	5 th August, 2020		(12) Country the work was made public	Republic of Korea		
	Information regarding making the work public	(13) Method the work was made public	<input type="checkbox"/> Publishing <input type="checkbox"/> Copying and distributing <input type="checkbox"/> Internet <input checked="" type="checkbox"/> Performance <input type="checkbox"/> Exhibition <input type="checkbox"/> Broadcasting <input type="checkbox"/> Other()		(14) Medium through which the work was made public	Performance at the Hanul Theater (Audience approx. 50 persons)		
		(15) Name (pseudonym) of the author indicated on the work when made public		Kim Changjak				
	Author	(16) Name (Name of organization)	(KO) (EN) (ZH)					
		(17) Nationality	(18) Resident registration no. (Legal entity registration no.)					
	<input checked="" type="checkbox"/> Same as applicant	(19) Address						
		(20) Phone no.(Mobile no.)	* Mobile phone no. not mandatory but processing may be delayed if not submitted.		(21) Email address			
		(22) Date of death	*Fill in only if the author is dead.					
	(23) Name and date of birth of persons who had participated in creating the work for hire							

Guide to Copyright of Choreographic Works

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