

Abstract

A Study on the Copyright and the Copyright Law in China, Japan, and Korea before the Enactment of Modern Copyright Law

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In general, it has been understood and thought that intellectual property such as copyright originated from western culture and that there was no concept of copyright and copyright law in eastern Asian countries such as China, Japan, and Korea because of a number of reasons. Historically, Asians have not viewed intellectual discoveries or scientific inventions as the private property. New ideas or technologies were 'public goods' for everybody to share freely.

First, especially in Korea, even though the art of printing had been invented earlier, publication and distribution of printed material were strictly under the control of the government and were monopolized by a privileged group of people during the Yi Dynasty from the late 14th century to the early 20th century. Second, the market economy had not been developed and the educated classes thus regarded learning not as commercial but as invaluable and elegant because of the Confucian tradition. Third, people who produced art were looked down upon by reason of above.

Based on the study of history related to books and publishing, however, this paper reaches to some conclusions to support the possibility that the concept of moral rights was already recognized and that there were full-time writers in eastern countries earlier than western countries. Moreover, writers in eastern countries were respected and they acquired a distinct position. In addition, there were effective and detailed contracts which reflected the relationship between writers and publishers based on an understanding of a writer's authority and the relationship of their rights under the contracts. In addition, it is important that the history of Korean copyright among Asian countries had some tradition of limitation

of copyright such as information sharing and the assistance of the handicapped. Therefore, if we make reference to our copyright tradition in regard to a contemporary copyright system, I believe, our copyright system will be better.

Keywords: Copyright, Copyright law, The history of copyright, The origin of copyright in Korea, Culture of copyright, System of copyright, Elements of copyright