

## Abstract

### Protection of Broadcast Signals in the Copyright Law

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Korea amended the Copyright Act on December 2, 2011 for the protection of broadcast signals in order to comply with the obligations under the Korea-U.S. Free Trade Agreement. Broadcast signals are now provided protection under copyright law. Before the amendment, the law had protected broadcasting organizations in respect of their broadcasts only, not the broadcast signals. As the concept of broadcast signals is new, it is likely that critics will question how broadcast signals are defined and how they are protected. The author focuses his attention on the literary interpretation and critical review of the new provisions with some alternative solutions when necessary.

The newly amended Act has two provisions for the protection of broadcast signals. One of them is aimed to prohibit the manufacturing or sale of devices or components used for decoding encrypted broadcast signals and the transmission or watching of those signals without authorization. The other is intended to prohibit the act of transmission of pre-broadcast signals.

The provisions are said to incorporate the relevant provisions of the FTA with minor modifications for domestic legislation. Still, it has to be further reviewed in two aspects. First, the legislature should consider whether it is necessary to provide the term of protection in regard to broadcast signals in parallel with the term of protection granted to broadcasting organizations in respect of their broadcasts. Second, only broadcasting organizations are allowed to have a standing to sue. Although the concept of broadcasting organizations is wide enough to include cablecasters in the law, the concept of "lawful distributors" or "any person injured" referred to in the FTA seems much wider than those defined in the law, covering not only broadcasting organizations but also cable companies and satellite operators.

Keywords: Broadcast signals, Encrypted broadcast signals, Broadcasting organizations,  
Signal theft, Technological protection measures, Pre-broadcast signals, Satellite  
Convention