Abstract

A Study on Film Music Fee Collection from the Copyright Perspective

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The subject of this paper became controversial when Korea Music Copyright Association(KOMCA) announced that they would collect performance royalties on showing films in the theaters. From 2010 to 2012, film industries and KOMCA confronted each other on this matter. Before discussing the appropriateness of collecting royalties, it is necessary to define film as a visual copyright work. Since film should be considered as a visual, secondary, and cooperative work, there is much interest involved in it. Therefore, the approach based on a specific single clause on the Copyright Act would not be enough to resolve the matter. Also, in defining film legally, "publicly performing" the film should be understood as making the film and then presenting it to the public by showing the film in the theater.

In France, the right of reproduction is differentiated from the right of public performance. So copyright owners collect royalties for both rights. However, the United States is completely different from France and copyright owners do not collect royalties on performing the film. Rather than simply following foreign examples, we need to discuss our legal culture, cultural systems, and etc. in order to decide which is the right way to collect film music royalty.

Recently the KOMCA and film industries have reached an

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agreement. But it would not fully seal the gap between the parties. It is only the beginning. There should be a better way to achieve the copyright policy under the Copyright Act, therefore developing the culture and related industries.

Related words

Cinematographic Work, Film Music, Performance, Reproduction, Film Music Royalty, Blanket License, Korea Music Copyright Association (KOMCA)