

<b>Abstract</b>
-----------------

## The Utilization of 'Selective Management System' in Digital Environments

- Through Comparative and Legislative Analysis of the  
Collecting Management System -

Kim, Kyungsuk\*

Under the Korean collective management system, all current and future rights, including derivative rights, are generally assigned to the collective management organization. The collective management system is efficient from the viewpoint of one-stop shop for the use of works, but it does not look appropriate in digital environments where end-users are actively involved in using preexisting works to create derivative works. The Japanese collective management system, upon which Korean collective management system was modelled, was amended, and thus multiple management organizations have been allowed and the partial collecting system has been autonomically introduced since 2000. It was based upon the recognition that the assignment of all rights would not properly respond to changes in digital environments.

Against this backdrop, this paper examines the possibility of utilizing the partial collecting system or 'selective management system' which has been recently suggest in the bill. It is very suggestive that new business models have appeared in Japan since the amendment. Henceforth,

\* Assistant Professor, Department of Intellectual Property Right, Sang Myung University.

collective management organizations need to actively 'the system to select the scope of trust' because it is suitable for using works in digital environments. It is a way not only to induce a potential customer (authors) to conclude a collecting agreement, but also to prevent existing customers from terminating the collecting agreement. Even if it is not introduced in the Copyright Act, 'selective management system' can be used by revising the collecting agreement. The need for legislation on we still exists as long as many collecting management organizations retain the comprehensive collecting management system.

### **Keywords**

Selective Management System, Partial Collecting, Collective Management System, Copyright Collecting Agreement, Derivative Works, Vocaloid