

**Abstract**

## A Study on the Assessment of Plagiarism in Popular Music

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With the development of mass media, cultural information has become widespread and the number of plagiarism controversies on the internet and other media is increasing. In Korea, while the word “plagiarism” has been used for more than 30 years, there are no objective standards established for assessing plagiarism in popular music. Due to a lack of consistent standards, the opinions of experts and regular consumers on plagiarism often differ, causing some composers to be accused of plagiarism even when that is not the case.

Court’s cases regarding infringement of musical works show that plagiarism is determined by judging if the infringed part is idiomatic phrase, and by comparing and tabulating the substantial similarity between two works. However, methods and standards differ from expert to expert. As the court can not present objective evidence and standards, the problem of plagiarism stays unsolved under the controversy of “To what extent can plagiarism be applied?” among authors, and has resulted in continuous conflict between interested parties. I insist that the court shall take into account the peculiarities of popular music in the provision of evidence and standards for determining infringement of musical works. The purpose of this article is to propose legal base for musical peculiarities of popular musical works.

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**Keywords**

Music Plagiarism, Musical Characteristics, Substantial Similarity, Music Copyright Infringement, Music Independent Creation, cliché