

Abstract

A Study on the Resolution of Issues in the Processing of Inter-Korean Copyright

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Inter-Korean exchanges are taking place across a variety of fields, although not a great many practical exchanges are taking place in the field of culture and arts. The issue of copyright processing due to the use of protected works is one of the most important factors in terms of cultural and artistic exchanges. In 1992, the Basic Agreement and the Sub-Agreement signed between North Korea and South Korea stipulated the following: "Take measures to protect the rights of the other Party's works." This establishes a comprehensive agreement on copyright protection. However, there is no consensus as to the details of how to deal with copyright handling if there is any substantial exchange that occurs. South Korea and the North Korea are acceded in the Berne Convention, but the level of copyright protection between the both sides differs, and it is important to determine the level of copyright protection by overcoming the scopes of protection. In this regard, the content and exact meaning of the agreement between the two Koreas, including the legal nature of the basic agreement, shall be examined. In addition, it is necessary to examine the legal status of North Korea and the legal status of copyright holders residing in that region in order to analyze the validity of how to view them when addressing the copyright processing problem. Furthermore, I would like to introduce the theory of interpreting the licensing, jurisdiction, and applicable law of North Korean works under the legal status of North Korean copyright holders. Thus, this paper analyzes the format of the agreement through the lense of copyrights proposed during previous studies, and proposes the resulting advantages and disadvantages according to the form of the agreement

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to be concluded in the future. This study aims to provide basic data on policy as well as follow-up research related to copyrighting between the two Koreas. Above all, it is important to understand the two cultures through cultural and artistic exchange founded on legitimate copyrighting, and to overcome the heterogeneity formed due to long-term division. In addition, it is hoped that the works of South Korea and North Korea will be used abundantly through the effective enactment of copyright protection of both sides. Eventually, Korean Wave from South Korean works will be expanded to North Korean works, and said North Korean works would be incorporated into Korean Wave.

Keywords

Inter-Korea Copyright, North Korean Works, Inter-Korea Special Copyright Agreement, Statutory License, Jurisdiction, Applicable Law, Licensing, Legal status of North Korean copyright holders, Bern Convention