

Abstract

A Study on the Granting of Neighboring Rights to Publishers*

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In the field of publishing, it has been argued that neighboring rights should be given to publishers. In the digital age, publishing market has not escaped from a long recession due to the increasing number of illegal copies online, and the role of record producers to whom neighboring rights are granted is similar to that of publishers, which is contrary to equity. However, granting neighboring rights for publishers cannot be found in international treaties as well as in legislation of foreign countries.

Comparatively, the EU CDSM Directive only grant neighboring rights to press publishers, not all publishers, and there were discussions related to this in the U.S. and Japan, but it was finally decided not to grant neighboring rights to the work. On the other hand, in Korea's publishing sector, contracts are practically concluded in the form of Mae-Jeol contract, in which the main issue is that fair compensation is not properly achieved. It is also worth considering the introduction of a system that allows authors to claim additional compensation for publishers who have made incomparable profits after publishing rights contracts, as in German legislation.

Above all, it is important to find a way for authors and publishers to coexist. For example, under the current copyright law, the

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introduction of a system that extends the legal contract period for the establishment of publishing rights may be considered. However, a careful approach, detailed analysis, and consideration are still required for typographical or public loan right. In particular, I think it is necessary to take more time for the introduction of neighboring copyrights required by publishers, and to carefully consider various variables such as the market situation in the publishing field, the position of the author, and profit distribution while watching the international discussion situation and trend.

Keywords

Publishers, Neighboring Right, Press Publishers, CDSM Directive, Mae-Jeol Contract