

Abstract

The copyright protection of TV format and reconsideration of the idea/expression dichotomy

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The TV format was understood to be difficult to protected by copyright because it was on the border line of idea and expression. Then, with the advent of the Korean Supreme Court decisions that recognized these kinds of works as copyrightable by applying the legal principle of compilation works, there was a perception that the protection issue was settled. However, A format is essentially a plan for producing a TV program and could be an idea as a solution. So, no matter how specifically described or how creative an idea is, its use or implementation may not be protected by copyright. The existence of the format can be divided into three categories: TV format, format bible, and TV program. When TV program is produced according to a format's specific instructions, even if it is an idea, it should be subject to copyright.

I attempted to reclassify ideas into three categories: 1) abstract ideas, 2) methods of producing or performing works or solutions, and 3) scientific discoveries, axioms, or principles. Just as ideas as solutions to technical problems can be protected by patents, ideas as methods for producing or performing works could be protected by copyright.

Keywords

idea, expression, idea/expression dichotomy, broadcasting program format, format bible, combination of game rules, idea as a solution, principle of compilation works

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