

Abstract

A Study on the Method of Determining Royalty for Musical Works

Moon, Kunyoung*

There have been several issues pointed out regarding the system requiring government approval in advance for copyright trust management organizations' copyright royalty collection regulations. In the administrative lawsuit on the OTT royalty collection regulations, it was judged that the collection regulations only present the standards for the royalty to be applied to certain types of services, and that the parties can set them differently in specific usage contracts. This article examines the intent of the above rulings, examines the problems of the current royalty determination method and the dispute resolution system related to it from a procedural perspective. Currently, the Ministry of Culture, Sports and Tourism's approval of the collection regulations is done in the form of revisions and approvals after hearing the opinions of various stakeholders. It is proposed that this current system be revised and supplemented. When approving the collection regulations, it is necessary to specify in detail the basis for calculating the royalty. In addition, the collection regulations might set only an upper limit and allow the parties to autonomously determine the royalty within that range. We can also consider a method that allows users who meet certain conditions to apply for approval of the revision of collection regulations. In this way, we might gradually move toward respecting the autonomy of the parties.

* Jeju National University, associate professor

Keywords

royalty for musical works, collection regulations, copyright trust management organizations, OTT, dispute resolution