Abstract

A Study on the Scope of right of Integrity and the Meaning of "Honour"

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The right of integrity clause of our copyright law is broad and unclear in its scope. Therefore, it needs to be interpreted restrictively in line with the purpose of Copyright Act. Articles 124 (2), 136 (2) and 14 (2) of the Copyright Act require defamation. Referring to the Berne Convention, which our law is directly and indirectly influenced by, the concept of "reputation" here should be understood to encompass both the reputation as an author and the reputation as a person in general. Furthermore, all three provisions require a defamatory statement in addition to the infringement of moral rights. Modification of a work alone does not constitute defamation of the author's reputation. If the alteration is perceived as having been made by the author (or with the author's authorization) and significantly diminishes the artistic value of the work, thereby leading the public to perceive the quality of the work as inferior, then the author can be considered defamed. Simply using a work in a way that deviates from its original intent or significantly diminishes its artistic value without altering it does not necessarily constitute defamation. A specific examination is required to determine whether there are any defamatory statements.

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Keywords

right of integrity, defamation, Berne Convention, personal interest, reputation