

Abstract

The Structure and Scope of Author's Economic Rights under the French Intellectual Property Code

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This study aims to examine the "Literary and Artistic Property" (*Propriété littéraire et artistique*) system of France, the philosophical cradle of civil law copyright, and to provide an in-depth analysis of the essence and operational mechanisms of economic rights within modern copyright law. The French system of economic rights maintains a distinct dual structure consisting of the Right of Exploitation (*Droit d'exploitation*) and the Resale Right (*Droit de suite*). In particular, the management of exploitation rights through the two pillars of the Right of Representation (*Droit de représentation*) and the Right of Reproduction (*Droit de reproduction*) stands in sharp contrast to the fragmented system of the Korean Copyright Act, which lists specific types of rights based on media and methods. This dichotomous structure provides a robust comprehensiveness and flexibility that allows for the capture of authors' rights without omission, even within rapidly evolving technological environments. In terms of specific content, the right of reproduction is not merely limited to the act of making copies but is understood as a prerogative that governs the entire process of a work being physically fixed and distributed. Specifically, the Right of Destination (*Droit de destination*)—a mechanism firmly established in French legal theory—allows the author's intended purpose for a work to regulate the post-sale fate of its copies. This ensures that the functions performed by the distribution and rental rights under Korean law are realized more effectively within the broader scope

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of the right of reproduction. Similarly, the right of representation encompasses all acts of communicating a work to the public regardless of technical means, enabling flexible legal protection without gaps for new forms of exploitation such as digital streaming or use within virtual reality. Furthermore, the Droit de suite, which realizes distributive justice in the visual arts sector, functions as a crucial element that completes the framework of creator protection. This French model suggests a significant need for the Korean Copyright Act to systematically integrate and re-interpret its overly fragmented provisions regarding exploitation rights.

Keywords

Literary and Artistic Property, Author's Economic Rights, Right of Exploitation, Right of Representation, Right of Reproduction, Resale Right(Droit de suite), Right of Destination(Droit de destination)