

Abstract

**The Legal Structure of Musical Performers'
Neighboring Rights**
: A Comparison between the French Intellectual Property Code
and the Korean Copyright Act

Won Lee*, Heejin Choe**

This article aims to compare and analyze the legal structure of performers' neighboring rights under the French Intellectual Property Code and the Korean Copyright Act. Although France and Korea both accept common international norms, including the Rome Convention, the TRIPS Agreement, and the WPPT, they display clear structural differences in the concrete formation of performers' rights. This study examines those differences along three axes: the types of moral rights and the modes of post-mortem protection, the structure of economic rights and the degree of technological neutrality, and the relationship between exclusive rights and remuneration rights. The French CPI features a multi-layered moral rights system consisting of the rights to respect for the name, for the capacity, and for the performance, alongside a comprehensive economic rights structure centered on communication to the public. Furthermore, regarding the secondary use of phonograms, it has established a system of equitable remuneration and private copying levies as a counterbalance to the limitations on exclusive rights. By contrast, Korean law maintains a more limited regime of moral rights and an enumerative structure of economic rights, while creating independent statutory remuneration claims in the areas of

* Professor, Department of Culture Contents, Incheon Catholic University

** Assistant Professor, Major in Arts and Cultural Management, Dongduk Women's University

broadcasting, digital audio transmission, and public performance.

Keywords

performer, neighboring rights, french intellectual property code, korean copyright act, right to respect for the performer's capacity, communication to the public, right to remuneration, technological neutrality