

Abstract

A Study on Article 27 of the Copyright Act on the Reproduction of Articles and Editorials on Current Topics

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Topical articles and editorials occupy a dual position in copyright law: they are works deserving protection, yet also serve as the informational foundation for public discourse and democratic deliberation. Article 27 of the Korean Copyright Act, enacted in 2006 on the basis of Article 10bis(1) of the Berne Convention, attempts to balance these two dimensions by permitting reproduction of such works within defined limits. Yet the provision carries two persistent limitations. Its main text confines permitted acts to reproduction, distribution, and broadcasting, leaving online transmission outside its scope despite the centrality of digital channels in today's news distribution. Its proviso, which excludes works bearing a notice prohibiting use, sets no standard for the form, scope, or authority behind such a notice. This article examines these two limitations through a comparative study of Japan, Germany, and the United States — three jurisdictions that have shaped reproduction regimes from the same Berne Convention foundation along divergent paths. Despite their differences, all three converge on a common principle: a right holder's unilateral notice alone cannot override the free circulation of factual information or the general operation of copyright limitations. In Japan and Germany, moreover, a notice (or its absence) carries legal effect only when tied to a specific, identifiable work. Drawing on this convergence, the article proposes

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reforms across three dimensions: interpretive refinement, legislative revision, and improvement of industry practice.

Keywords

Article 27 of the Korean Copyright Act, Topical Articles and Editorials, Reproduction Provision, Notice Prohibiting Use, Article 10bis of the Berne Convention