

Abstract

Study on the Copyrightability of Golf Course
 — Focusing Supreme Court of Korea, Decision of 26
 February 2026, 2024Da228661 and Supreme Court of Korea,
 Decision of 26 February 2026 2024Da229671 —

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A golf course is designed by a highly specialized Architect in the relevant field, through the selection, arrangement, and combination of various facilities including landscaping throughout the course, the layout of each hole, and the selection, arrangement, and combination of elements such as the teeing ground, fairway, rough, bunker, water hazard, and green. Golf courses including landscaping are often comprehended as inherently beautiful designs in the context of public understanding, but it was unclear whether such golf courses are copyrighted works protected under copyright law or not. The Supreme Court has previously ruled that the overall image of a golf course can be considered the golf club owner's achievement, but it had never explicitly declared that the golf course was the course designer's original work. However, in Korea, the screen golf industry utilizing golf courses has already become widespread, raising the question of whether using a golf course designed by architects in screen golf constitutes copyright infringement, and the Supreme Court ruling dealt in this paper clarified that a golf course or its design drawings may qualify as a copyrighted work.

It is difficult to find a comparative legal case that explicitly recognizes a golf course as a copyrighted work, but this seems to be because unauthorized reproduction of a golf course is not easy,

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and even if one were to imitate another person's golf course design, it is difficult to recognize substantial similarity if the selection, arrangement, and combination of the individual elements that make up the golf course are altered in part. In the United States, only buildings can be recognized as architectural works, so it is difficult for a golf course to be recognized as a work of authorship; however, prompted by the expansion of the screen golf industry in the United States, a revision to the Copyright Act was introduced to explicitly recognize golf courses as architectural works. In this way, there is also a certain degree of consideration from policy and industrial perspectives in protecting golf courses as copyrighted works. However, as is the case with other works, protecting works in golf course design—where designers can create a course design using their original creative despite functional constraints such as terrain and golf rules—is expected to encourage creativity in the field of golf course design and lead to the development of the design industry.

Keywords

Architectural Works, golf course, golf course copyrighted work, 2024Da228661 Judgment, 2024Da229671 Judgment