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공공저작물 자유이용허락

Introduction of the Korean Copyright System

한국저작권위원회
KOREA COPYRIGHT COMMISSION

C/O/N/T/E/N/T/S

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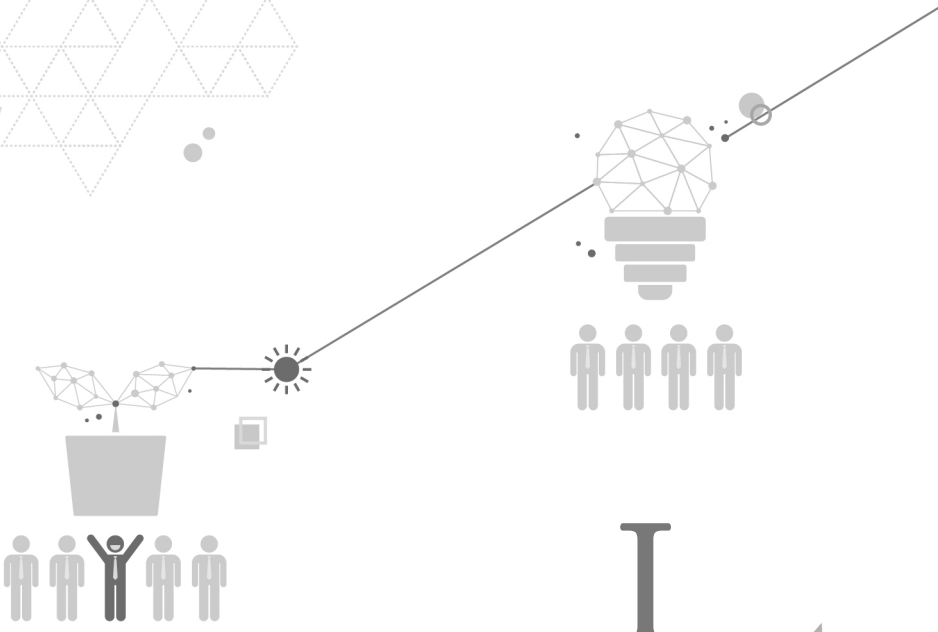
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I

Government and Public Institutions

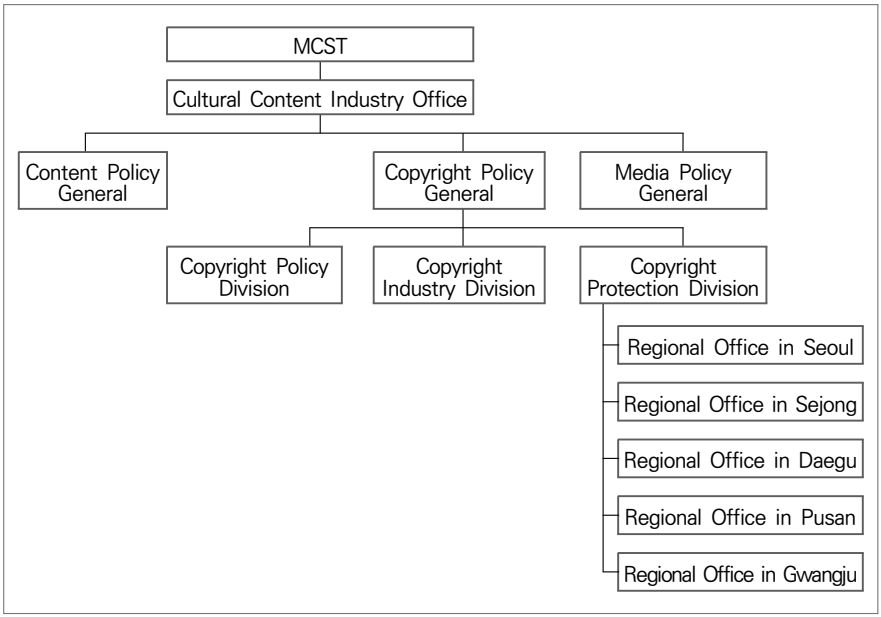
I
Government and Public Institutions

1. Ministry of Culture, Sports and Tourism

The government ministry in charge of the formulation and enforcement of copyright policies in Korea is the Ministry of Culture, Sports and Tourism (hereinafter referred to as "MCST"). The MCST has established copyright policies and implemented a wide range of activities related to copyright protection since 1987. Following several organizational reshuffles, the MCST currently has three copyright-related divisions (Copyright Policy Division, Copyright Protection Division, Copyright Industry Division) and Culture and Trade Team. Especially, the Copyright Protection Division has 5 regional offices in major cities of Korea(Seoul, Busan, Sejong, Gwangju and Daegu), where the copyright special judicial police officers are assigned, the copyright special judicial police officers' major responsibility is to crack down on illegal copyright infringements.

The Minister of Culture, Sports and Tourism may establish and enforce following basic policies to create an environment conducive to the protection of copyrights and the fair use of works; policies for education and publicity to spread awareness of copyrights; and policies for the right management information and technological protection measures of works, etc. to achieve the purpose of the Copyright Act.(Article 2bis) Below is the current organizational chart with respect to copyright policy-making and implementation.

Organizational Chart



The following are the main tasks of each division in charge of handling copyright matters:

Division	Main Task
Copyright Policy Division	• Improving copyright-related laws and institutional systems; • Supervising the Korea Copyright Commission; • Promoting copyright education and public awareness campaigns; • Enhancing copyright protection overseas
Copyright Industry Division	• Laying the foundation for transaction of copyright(registration/authentication); Standardizing copyright protection and management technologies; • Guiding and supervising copyright management organizations and copyright brokerage organizations; • Managing copyright statutory license and copyright donation systems, etc.
Copyright Protection Division (including five regional offices)	• Crackdown on distribution of illegal reproductions online/offline; • Support for the operation of the Copyright Protection Center; • Ordering suspension of online transmission of illegal reproductions or their deletion and imposing fines and taking other appropriate measures; • Support for the development and operation of illegal reproduction tracking and management system, etc.

2. Korea Copyright Commission

The Korea Copyright Commission (hereinafter referred to as "KCC") based on article 112 of the Copyright Act of Korea is one of the key pubic organization in Korea dedicated to copyright-related affairs. It plays a pivotal role in the protection of copyright, promotion of the legitimate use of works, and development of the copyright industry. The KCC is faithfully fulfilling its roles ranging from deliberating copyright-related issues, mediating copyright disputes, researching policies and legislations on copyright, providing copyright education and public awareness programs, to serving as a copyright registration agency. Furthermore, it endeavors to raise public awareness of the importance of the copyright industry, while providing support for the advancement of Korean copyrighted works into the overseas market and protection of their copyright overseas.

The KCC lunched on July 2009 by merging the Copyright Commission(formerly "Copyright Commission for Deliberation and Conciliation") established on July 1987 and the Computer Programs Protection Commission (formerly "Program Deliberation Commission") established on December 1987.

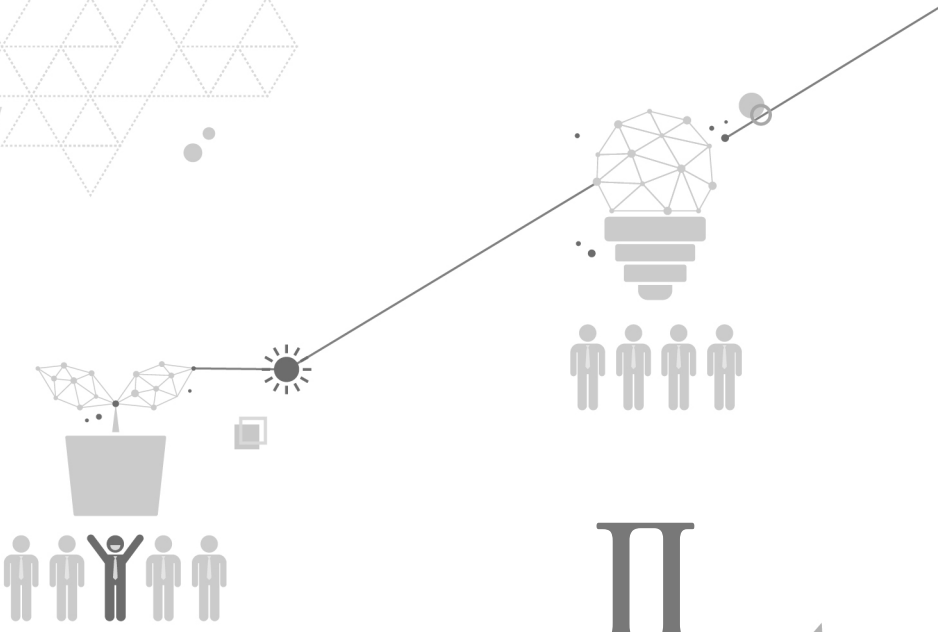
The KCC's main functions are as follows:

- Operation of the dispute resolution system, including mediation and conciliation of copyright disputes
- Fair deliberation on fees and royalties of collective management organizations
- Promotion of legitimate and fair use of works
- International cooperation for copyright protection
- Education and training on copyright, training of professional staffs, public awareness programs
- Support for formulation of copyright policies and carrying out tasks entrusted to the KCC in accordance with laws, etc

- Support for formulation of policies on technological protection measures and rights management information
- Establishment and operation of a copyright information management system to provide information on copyright
- Research into copyright information technology
- Appraisal on copyright infringements, etc
- Issuance of recommendations for correction to online service providers of illegal reproductions and requesting the MCST Minister to issue corrective orders
- Copyright registration, copyright authentication, and management of economic rights donated
- Computer program source codes and technical data escrow
- Conducting surveys on status of copyright transactions and industry and generating statistic
- R&D on copyright technology and digital copyright forensics-related activities

3. Copyright Protection Center

The Copyright Protection Center established on April 2005 has been working on cracking down on illegal reproductions online and offline in accordance with article 133 of the Copyright Act of Korea, establishing an IT-based enforcement system and implementing "Clean Project" aimed to protect copyright and conducting research and public awareness activities.



II

History Of Copyright Systems In Korea

Ⅱ
History Of Copyright Systems In Korea

1. Enactment and Amendments of the Copyright Act

The Copyright Act enacted in 1957 was composed of five chapters and provides that the purpose of the Act is to protect an author of an academic or artistic work and promote the national culture. The works to be protected under the Copyright Act included written and oral works, paintings, sculpture, fine art, architecture, maps, schematic drawings, photographs, musical works, drama, phonographs, cinema, and things which belong to the academic and artistic categories. The Copyright Act protected copyrighted works with no formal requirement such as registration. Author's economic rights in a work shall subsist during the life of the author and for a period of 30 years after the death of the author.

Since its enactment in 1957, the Copyright Act of Korea has undergone amendments 22 times, including full amendments in 1986 and 2006, to proactively accommodate and respond to the advancement of digital technology, the changing environment for using copyrighted works, and international trends of copyright protection.

(1) 1st Amendment(Amended on 1986.12.31./Enforced on 1987.7.1./ Act No. 3920)

The Act stipulated the purpose as the protection of the author's rights and promotion of the fair use of works in order to contribute to the improvement and development of the culture.

Computer program was to be protected separately and accordingly the Computer Program Protection Act was enacted.

The economic rights were subdivided into right of reproduction, right of public performance, right of broadcasting, right of exhibition, right of distribution, right of the production of derivative work and the term of protection extended from 30 years to 50 years after the death of the author.

Limitations on economic right and statutory license for works in which the owner of author's economic rights is unknown were introduced.

The 20-year protection for neighboring rights was introduced.

The special provision for cinematographic works and copyright collective management was included.

The Copyright Council under the Act of 1956 was newly reorganized to the Copyright Commission for Deliberation and Conciliation to handle with resolution of copyright disputes and deliberation on various compensations and royalty rates.

Criminal penalties on copyright infringement were increased to imprisonment for no more than three years or a fine of no more than KRW 3 millions.

(2) 6th Amendment(Amended on 1994.1.7./Enforced on 1994.7.1./ Act No. 4717)

The Act was amended to reflect changes of circumstances such as Korea-America Intellectual Property Trade Negotiation, Uruguay Round Agreements.

Database was protected as compilation works.

The remuneration for use of works in textbooks was introduced.

The right of rental for a commercial phonogram was introduced.

The term of protection for neighboring rights extended from 20 years to 50 years.

The possession, for the purpose of distribution, of illegal copies was recognized as an act to be considered as copyright infringement.

Criminal penalties on copyright infringement were increased to be able to impose both imprisonment and fines.

(3) 8th Amendment(Amended on 1995.12.6./Enforced on 1996.7.1./ Act No. 5015)

The Act was amended to reflect the content of WTO/TRIPS and bring the copyright protection level to international standards for the accession to Berne Convention for the Protection of Literary and Artistic Works.

The protection for works by foreign nationals published prior to the effective date of the Convention was granted retroactive effect, however legitimate acts to use works prior to entry into force of the amended Act was exempted.

The compulsory license for the right of translation was abolished.

The performer's right of recording and filming of his/her performance was expanded the right of reproduction.

(4) 10th Amendment(Amended on 2000.1.12./Enforced on 2000.7.27./ Act No. 6134)

The Act was amended to reinforce the protection over author's rights and improve the relationship related to use of copyrighted works, as the development of digital technology and expansive dissemination of photocopying machines

increasingly caused infringements on author's rights. In this context, criminal sanctions on infringement were strengthened to protect an author from illegal infringement.

The right of interactive transmission was introduced.

The scope of immunity for libraries expanded to allow libraries to interactively transmit their books for users to peruse them in such libraries or other libraries by using computers.

Reproduction by a photocopier set up for public use was excluded from the scope of copyright limitation allowed for a reproduction for private use.

The criminal penalties on copyright infringement were increased to imprisonment for no more than five years or a fine of no more than KRW 50 million, or both.

(5) 11th Amendment(Amended on 2003.5.27./Enforced on 2003.7.10./ Act No. 6881)

The Act was amended to protect considerable investment of effort spent on the productions of database, to reinforce copyright protection in digital network circumstances through technological protection measures and right management information and to give clarification of the scope of responsibilities of online service providers.

The libraries may interactively transmit their books to allow users to peruse them in the premises of the libraries by using computers, provided that the number of users who may peruse them at the same time shall not exceed the number of copies of such books kept at the libraries.

The facilities for the purpose of promoting the welfare of visually impaired persons may reproduce, distribute or interactively transmit the literary work already made public by an exclusive recording method for the visually impaired persons but not for the profit-making purposes.

The liabilities of an online service provider may be reduced or exempted where the OSP immediately suspends the reproduction or interactive transmission when the OSP actually became aware of copyright infringements.

The criminal penalties on act of offering, manufacturing, importing, transferring, rental, interactively transmitting technology, services or devices for the primary purpose of circumventing technological protection measures; act of removing or altering rights management information in an electronic form were introduced.

The court may determine a reasonable amount of damages by taking into consideration the intent of arguments and the results of an examination of evidence.

(6) 12th Amendment(Amended on 2004.10.16./Enforced on 2005.1.17./ Act No. 7233)

The Act was amended to provide the right of interactive transmission to a performer and a phonogram producer.

(7) 14th Amendment(Amended on 2006.12.28./Enforced on 2007.6.29./ Act No. 8101)

The Act was amended to reform untidy structures caused by frequent amendments, reinforce the protection of neighboring rights and copyright to cope with changes of digital environments, and create environment for fair use of copyrighted works.

The definition of public transmission covering broadcasting, interactive transmission and digital sound transmission was introduced.

The copyright authentication system was introduced to secure safe circulation of copyrighted works.

The designation and revocation of an organization that collects and distributes

of remuneration for use of works in textbooks and by libraries was introduced and the provision that the organization may use the remuneration that has been left undistributed for more than three years from the date of public announcement of remuneration distribution for the purpose of public interest was introduced.

An educational institution and a person who receives education interactively transmit a part of a work already made public where necessary for the purpose of the lessons for the purpose of the lessons, provided that the necessary measures such as reproduction prevention measures, etc. shall be taken.

If a work which already authorized statutory license for its use becomes the subject of statutory license again, the procedure of making considerable efforts may be omitted.

A performer's right was greatly reinforced by the introduction of the right of paternity, the right of integrity, the right of distribution, the right of public performance(live only).

The special types of online service providers was required to take the necessary measures such as technological measures, etc. to block illegal interactive transmissions of the works, etc. upon requests from the rights holders.

The investigation authorities may prosecute the suspect even without a complaint filed by a copyright owner, where the copyrights are infringed for profit-making purposes or repeatedly.

(8) 16th Amendment(Amended on 2009.3.25./Enforced on 2009.9.26./ Act No. 9529)

The Act was amended for granting of immunity to the National Library of Korea when it collects online materials for preservation purposes, clarification of the scope of specialized recording formats for the exclusive use by visually impaired persons, etc., introduction of the right to claim

remuneration for public performances of phonogram for performers and phonogram producers, etc.

(9) 17th Amendment(Amended on 2009.4.22./Enforced on 2009.7.23./ Act No. 9625)

The Computer Program Protection Act covering computer program was integrated into the Copyright Act covering copyrighted works to reflect the need for consistent and systemic integration of same or similar provisions while special provisions for computer program were included upon consideration of its unique features.

The Korea Copyright Commission was established by merging the Copyright Commission and the Computer Program Protection Commission to efficiently do projects to protect copyright and create environment for fair use of copyrighted works .

The Minister of Culture, Sports and Tourism may order an online service provider to take measures such as a deletion of illegal copies, warning to and against interactive transmitters, suspension of the account of the corresponding interactive transmitter, and suspension of the bulletin board in order to prevent illegal online reproductions.

(10) 19th Amendment(Amended on 2011.6.30./Enforced on 2011.7.1./ Act No. 10807)

The Act was amended to reflect the Korea-EU Free Trade Agreement.

The term of protection for copyright extended from 50 years to 70 years.

The presumption of authorship expanded to the neighboring rights.

Persons whose real names or widely known pseudonyms are indicated as performers, producers of phonograms, or broadcasting organizations in the customary manner shall be presumed to have the rights as performers,

producers of phonograms or broadcasting organizations for the relevant performances, phonograms, and broadcasts, respectively.

The right of public performance was granted to the broadcasting organization when the public performance is made in places accessible to the public against payment of an entrance fee with regard to the watching the broadcast.

The protection of access control technological protection measures was introduced, in addition to copy control technological protection measures.

The certain exceptions are allowed in cases of studying of encryption, protection of minors, national law enforcement, etc., while preventing circumvent technological protection measures

Online service providers were subdivided into mere conduit, caching, hosting and information search and accordingly stipulated individual requirement for exemption of liabilities.

(11) 20th Amendment(Amended on 2011.12.2./Enforced on 2012.3.15. /Act No. 11110)

The Act was amended to reflect the Korea-US Free Trade Agreement.

The temporary fixation in a tangible medium was recognized as reproduction.

The term of protection for neighboring rights(except broadcasting organization's rights) was extended form 50 years to 70 years

The fair use was included in the types of limitations on copyright.

The exemption requirement of liabilities for an online service provider was added.

The scope of protection of right management information was expanded.

The provisions to prohibit circumvention of encrypted broadcasting signals,

counterfeiting of label, and illegal recording of cinematographic works were introduced.

The order to keep confidentiality and claims for statutory damages was introduced.

(12) 21st Amendment(Amended on 2013.7.16./Enforced on 2013.10.17./ Act No. 11903)

The Act was amended to permit conversion of works into sign language and reproduction, distribution, performance or public transmission of such sign language for audibly impaired persons. In addition, the amended Act permits facilities for audibly impaired to convert voices and sound included in works into subtitles in certain cases, and allows them to reproduce, distribute, perform or publicly transmit the converted subtitles to facilitate their use by audibly impaired people.

(13) 22nd Amendment(Amended on 2013.12.30./Enforced on 2014.7.1./ Act No. 12137)

The general public may freely use works of which copyright are owned by the central government or local governments, except for certain circumstances such as national security, privacy or business secrets, etc..

The type of use of a work allowed for the purpose of the lessons by an educational institution was expanded to cover exhibition and non-interactive transmission.

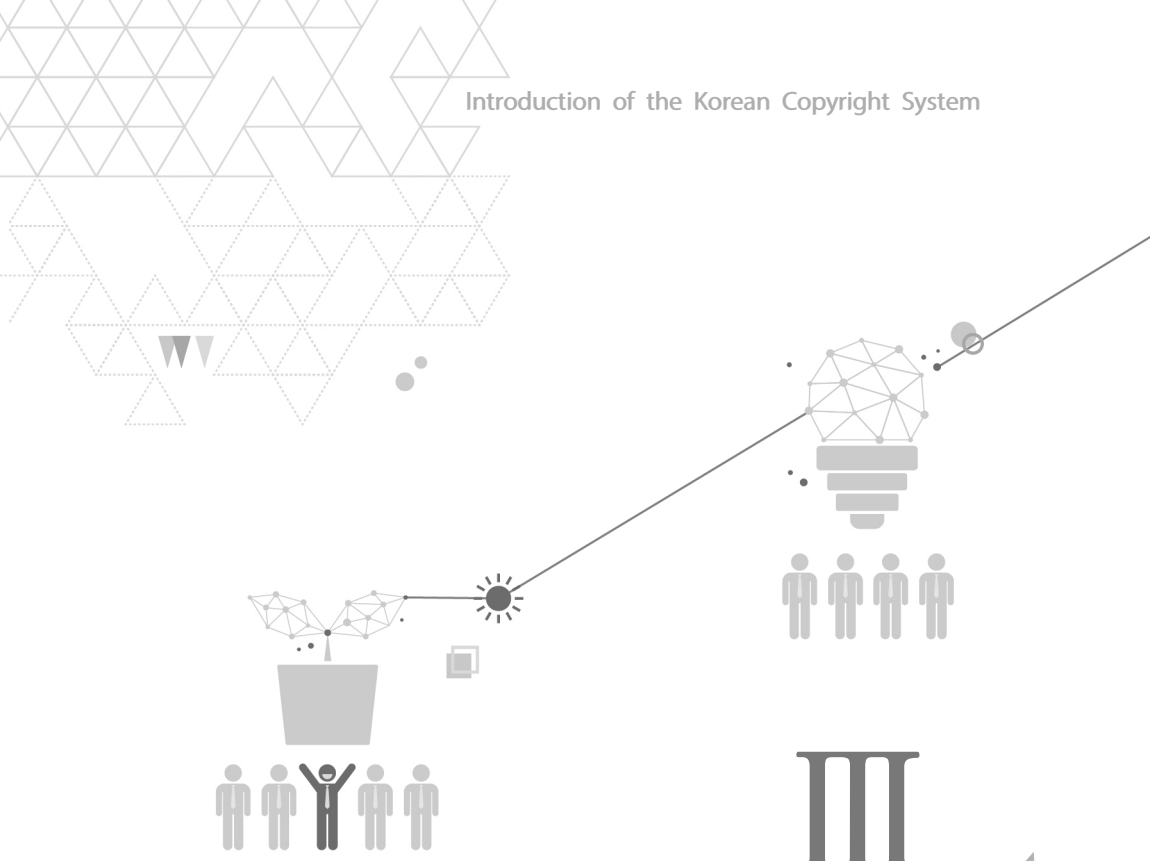
Enactment & Amendments	Description	Date of Promulgation
Enactment	– Enactment of the Copyright Act of Korea	Jan. 28, 1957
1st Amendment	– Introduction of internationally recognized regimes to join international conventions such as Universal Copyright Convention (UCC)	Dec. 31, 1986
2nd Amendment	– Amendment of relevant provisions following the amendment to the Government Organization Act	Dec. 30, 1989.
3rd Amendment	– Amendment of relevant provisions following the amendment to the Government Organization Act	Dec. 27, 1990
4th Amendment	– Change of names of relevant Acts with the enactment of the Library Promotion Act	Mar. 8, 1991
5th Amendment	– Amendment of relevant provisions following the amendment to the Government Organization Act	Mar. 6, 1993
6th Amendment	– Extension of protection term of neighboring rights and imposition of more rigorous penalties, etc.	Jan. 7, 1994
7th Amendment	– Change of names of relevant Acts following the amendment to the Libraries and Reading Promotion Act	Mar. 24, 1994
8th Amendment	– Amendment of the Copyright Act to reflect the content of WTO TRIPS and bringing of the copyright protection level to international standards for the accession to Berne Convention	Dec. 6, 1995
9th Amendment	– Introduction of a hearing system for such cases as revocation of copyright collective management services	Dec. 13, 1997
10th Amendment	– Introduction of the right of interactive transmission, expansion of the scope of immunity for libraries, and imposition of more rigorous penalties, etc.	Jan. 12, 2000.
11th Amendment	– Provision of sui generis protection of database produces and clarification of the scope of responsibilities of online service providers, etc.	July 10, 2003
12th Amendment	– Granting of the right of interactive transmission to performers and phonogram producers	Oct. 16, 2004
13th Amendment	– Change of names of relevant Acts following the amendment to the Library Act	Oct. 4, 2006

Enactment & Amendments	Description	Date of Promulgation
14th Amendment	- Introduction of the concepts of public transmission and digital sound transmission - Change of the organization name to the Copyright Commission granted with more responsibilities. - Introduction of orders to collect, discard, delete and suspend offline illegal reproductions, etc.	Dec. 28, 2006
15th Amendment	- Amendment of relevant provisions following the amendment to the Government Organization Act	Feb. 29, 2008
16th Amendment	- Granting of immunity to the National Library of Korea when it collects online materials for preservation purposes - Clarification of the scope of specialized recording formats for the exclusive use by visually impaired persons, etc. - Introduction of the right to claim remuneration for public performances for performers and phonogram producers, etc.	Mar. 25, 2009
17th Amendment	- Integration of the Copyright Act and the Computer Program Protection Act - Establishment of the Korea Copyright Commission granted with more responsibilities. - Strengthening of measures to prevent illegal online reproductions etc.	Apr. 22, 2009
18th Amendment	- Change of names of relevant Acts following the amendment to the Act on the Advancement of Newspapers, etc.	July 31, 2009
19th Amendment	- Reflection of the Korea-EU Free Trade Agreement	June 30, 2011
20th Amendment	- Reflection of the Korea-US Free Trade Agreement	Dec. 2, 2011
21st Amendment	- Permission for reproduction for persons with hearing impairment	July 16, 2013
22nd Amendment	- Permission to freely use Government's works - Permission to exhibit or transmit to the public a part of a work already made public where it is recognized as necessary for the purpose of the lessons or the support	Dec.30, 2013

2. Status of Membership of Copyright-related International Treaties and Conventions

Since it became the signatory of the Universal Copyright Convention in 1987, the Republic of Korea joined the copyright-related international treaties and conventions as follows:

International Treaties and Conventions	Year of Conclusion	Date of Accession/ Ratification
• Convention Establishing the World Intellectual Property Organization	1967	'79.3.1
• Universal Copyright Convention	1952	'87.10.1
• Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms	1971	'87.10.10
• Agreement on Trade-Related Aspects of Intellectual Property Rights	1995	'95.1.1
• Berne Convention for the Protection of Literary and Artistic Works	1886	'96.8.21
• WIPO Copyright Treaty	1996	'04.6.24
• International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations	1961	'08.12.18
• WIPO Performances and Phonograms Treaty	1996	'08.12.18
• Convention Relating to the Distribution Of Programme-Carrying Signals Transmitted by Satellite	1974	'11.12.19
• Beijing Treaty on Audiovisual Performances	2012.6.24	-
• Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled	2013.6.28	'14.6.26



III

Copyright and Other Rights in the Copyright Act of Korea

Ⅲ
Copyright and Other Rights in the Copyright Act of Korea

1. Author's Right

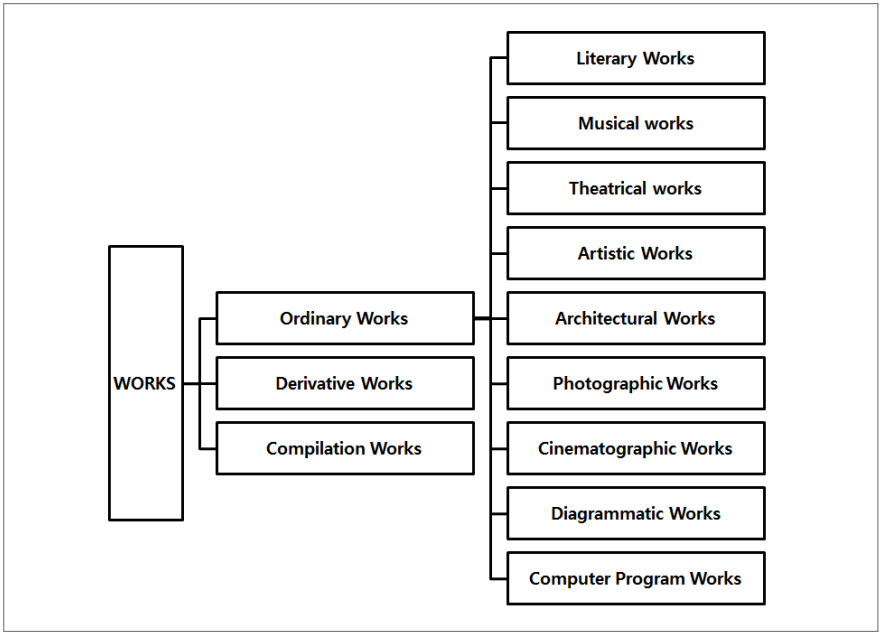
1) The Scope of Protection

① Works protected

Works protected under the Copyright Act mean creative productions in which human ideas or emotions are expressed.

The Copyright Act specifies nine types of works, namely: literary works, musical works, theatrical works, artistic works, architectural works, photographic works, cinematographic works, diagrammatic works, and computer program works.(Article 4) The listed types of the works are not limitative but illustrative, which means that all other creative productions that meet the requirements of works shall be protected by the Copyright Act.

Types of Copyrighted Works



② Works not protected

The Copyright Act expressly excludes some works from copyright protection for various reasons. No work which falls under any of the following shall be protected under the Act: ⅰ) constitutions, laws, treaties, decrees, ordinances, and rules; ⅱ) notices, public notifications, directions, and others similar thereto issued by the national or local government; ⅲ) judgments, decisions, orders, or rulings of courts, as well as resolutions and decisions, etc. made by the administrative appeals procedures or other similar procedures; ⅳ) compilations or translations of those as referred to in ⅰ) to ⅲ) which are produced by the national or local government; and ⅴ) current news reports which deliver simple facts.(Article 7)

③ Works by foreign authors

Works by foreign nationals shall be protected in accordance with the treaties to which the Republic of Korea has acceded to or ratified. Works by foreign

nationals who permanently reside in the Republic of Korea(including stateless persons and the foreign legal persons having their principal offices in the Republic of Korea) and foreign nationals' works which are first made public in the Republic of Korea in the Republic of Korea within thirty days after the day the works made public in a foreign country) shall be protected under the Copyright Act. Even when foreign nationals' works(excluding foreign nationals who permanently reside in the Republic of Korea and stateless persons) are to be protected, where the foreign country does not protect the works of the nationals of the Republic of Korea, their protection in accordance with treaties and the Copyright Act may be correspondingly restricted.

2) Rights of Authors

In principle, an author shall be natural persons, yet an author of a work for hire that made by an employee of a legal person, an organization, or other employer during the course of his/her duties, on the initiative of a legal person, etc. and that made public under the name of a legal person, etc. shall be that legal person etc., unless otherwise stipulated in a contract, or work regulation, etc..(Article 9)

Copyright is secured automatically when the work is created and there are no requirement for fixation or formalities as registration, presentation of a specimen of copy or deposit. Copyright consists of moral rights and economic rights. Economic rights may be transferred in whole or in part. However, author's moral rights shall belong exclusively to the author and thus, they are neither transferred to nor inherited by another person.

(1) Moral rights

① Right of Disclosure(Article 11)

An author shall have the right to decide whether or not to make his/her work public.

However, if an author has transferred his/her economic rights of a work not

yet made public, authorized the use of a work, established the exclusive rights of publication, or established print-publication rights, he/she shall be presumed to have given the other party his/her consent to make it public. If an author has transferred ownership of an original of his/her work of art, architectural work, or photographic work not yet made public, he/she shall be presumed to have given the other party his/her consent to make the original public in the manner of exhibition. If a derivative work or compilation work, made with the consent of the author, has been made public its original shall be also considered to have been made public.

② Right of Attribution(Article 12)

An author shall have the right to indicate his/her real name or pseudonym on an original work or its copy, or on a medium by which his/her work is made public.

Unless any specific intention of the author is expressed, a person using his/her work shall indicate his/her real name or pseudonym in the same manner as, the author has indicated it, except for an unavoidable case in light of the nature of a work, or the purpose and manner of its use etc.

③ Right of Integrity(Article 13)

An author shall have the right to maintain the integrity of the content, form, and title of his/her work.

However, an author shall not raise an objection to ⅰ) a modification of expression within the limits as deemed unavoidable for the purpose of school education; ⅱ) extension, rebuilding, or other alteration of architectural structure; ⅲ) modification within the limits as deemed necessary to enable programs that can be used only on specific computers to be used on other computers; ⅳ) modification within the limits as deemed necessary to use programs more effectively on specific computers; and ⅴ) other modifications within the limits as deemed unavoidable in light of the nature of a work, and the purpose and

manner of its use etc., provided that the modification does not amount to the modification of substantial contents.

(2) Economic Rights

Authors' economic rights are their rights to exclusively use their works. However, given that works are created with direct or indirect support from society, unlimited recognition of authors' exclusive rights may not be in the public interest and could even hinder cultural development, and thus economic rights can be limited in certain circumstances.

① Right of Reproduction(Article 16)

An author shall have the right to reproduce his/her work. Reproduction shall mean the temporary or permanent fixation in a tangible medium or making a copy or copies by means of printing, photographing, duplication, sound or visual recording, or by other means. In the case of architectural works, reproduction shall include construction according to the models or architectural plans for the architecture.

② Right of Public Performance(Article 17)

An author shall have the right to perform his/her work publicly. Public performance shall mean the presentation of a work, or a performance, a phonogram, or a broadcast to the public by acting, musical performance, singing, narrating, reciting, screening, playing, or other means, and shall include transmissions(excluding interactive transmissions) that are made in a connected place under a same person's ownership/possession.

③ Right of Public Transmission(Article 18)

An author shall have the right to transmit his/her work to the public. Public transmission shall mean transmission of a work, a performance, a phonogram, a broadcast, or a database or making such a work available to the public by wire or wireless means intended for reception or access by the public and includes broadcasting, interactive transmission and digital sound transmission.

Broadcasting, shall mean, among public transmission, the transmission of sounds, images, or sounds and images intended for simultaneous reception by the public. Over-the-air television or satellite television falls within the meaning of broadcasting and unlike to interactive transmission, broadcasting depends upon the simultaneity. Interactive transmission shall mean, among public transmission, making works, etc. available to the public in such a way that members of the public may access them from a place and at a time individually chosen by them, and shall include the transmissions that occur thereby. The act of uploading of copyrighted works or providing of interactive streaming services comes under the scope of interactive transmission. Digital sound transmission shall mean, among public transmission, the transmission of sounds in a digital format which is commenced upon the request of members of the public intended for simultaneous reception by the public, and shall exclude interactive transmissions. Winamp and webcasting are typical examples of digital sound transmission.

④ Right of Exhibition(Article 19)

An author shall have the right to exhibit the original or the copy of his/her work of art, architectural work, or photographic work. The Copyright Act does not provide the definition of exhibition, but the Supreme court noted that an exhibition means "a display or post of tangibles such as the original or the copy of a work of art, architectural work, or photographic work so the public can see that.

⑤ Right of Distribution(Article 20)

An author shall have the right to distribute the original or the copy of his/her work. Distribution shall mean the transfer of ownership or rental of original works or their copies to the public, whether with or without cost. However, under the first sale doctrine the right of distribution shall not be applied when the original or copies of a work is offered for transaction by means of selling, etc. with the authorization of the holder of the author's economic rights.

⑥ Right of Rental(Article 21)

An author shall have the right to rent a commercial phonogram or commercial program for the purpose of making a profit.

⑦ Right of the Production of Derivative Work(Article 22)

An author shall have the right to produce and use a derivative work based on his/her original work. A derivative work means a work produced by means of translation, arrangement, alteration, dramatization, cinematization, etc. of an original work and shall be protected as an independent work.(Article 5)

2. Neighboring Rights

The Copyright Act grants neighbouring rights to performers, phonogram producers and broadcasting organizations who make creative contributions or investments to bring the intellectual creations of others to the public in the form of performance, phonograms, and broadcasts.

1) The Scope for protection(Article 64)

Performances, phonograms, and broadcasts as prescribed in the Copyright Act shall be protected under the Act. Even if performances, phonograms, and broadcasts of foreign nationals are protected under the Act, the term of protection under the Copyright Act shall not apply in case where term of protection has expired in the relevant foreign country.

① Performances

Performances shall mean expression of a work(including something other than a work) by acting, dancing, musical performance, singing, narrating, reciting, or other artistic means, or that expression of other than a work by a similar method.(Article2)

② Phonograms

Phonograms shall mean sounds(which refers to voice or acoustic sound effect herein; the same hereinafter) fixed in a tangible medium (excluding the fixation of sounds incorporated with visual images).(Article2)

③ Broadcasts

Broadcasting shall mean, among public transmission, the transmission of sounds, images, or sounds and images intended for simultaneous reception by the public.(Article2)

2) Neighboring Rights

① Performer(Article 65-Article 76*bis*)

A performer shall mean a person who expresses a work(including something other than a work) by acting, dancing, musical performance, singing, narrating, reciting, or other artistic means, including the persons who conduct, direct, or supervise performances.(Article2)

A) Moral Rights

A performer shall have the right of attribution, the right of integrity.

B) Exclusive Rights

A performer shall the right of reproduction, the right of distribution, the right of rental, the right of public performance(live only), the right of broadcasting(live only), the right of interactive transmission.

C) Remuneration Rights

A performer shall have the right to receive remuneration, when a broadcasting organization makes a broadcast using commercial phonograms in which performances are recorded, when a digital sound transmission organization transmits performances by using commercial phonograms in which

performances are recorded, or when any does a public performance using a commercial phonogram in which a performance is recorded. The right to be remunerated shall be exercised by an organization that consists of the persons who hold the right to receive compensation and is designated by the Minister of Culture, Sports and Tourism. When there is an application from the holder of the right to remuneration even if he/she is not a member of the organization, the organization shall not refuse to exercise the right for him/her. In such cases, the organization shall have the authority to perform an act, under its own name, in court or out of court regarding the right. If two or more performers perform jointly in a chorus, concert or drama, etc., the rights of performers(excluding the moral rights of performers) shall be exercised by a representative elected by the joint performers, yet the conductor, director, etc. shall exercise the rights, if such a representative is not elected.

② Phonogram Producer(Article 78-Article 83*bis*)

A producer of phonogram shall mean a person who plans and assumes responsibility for the fixation of sound on phonograms.(Article2)

A phonogram producer shall have the right of reproduction, the right of distribution, the right of rental, the right of interactive transmission. In addition phonogram producer shall have the right to receive remuneration when a broadcasting organization makes a broadcast using commercial phonograms or when a digital sound transmission organization transmits by using phonograms or when any does a public performance using a commercial phonogram. The provisions as regards payment of remuneration to a performer shall apply *mutatis mutandis* to a producers of phonogram.

③ Broadcasting Organization(Article 84-Article 85*bis*)

A broadcasting organization shall mean the person engaged in the broadcasting business.(Article2)

A broadcasting organization shall have the right of reproduction, the right of simultaneous broadcast. In addition, the broadcasting organization shall have the

right to publicly perform its broadcast, when such public performance is made in places accessible to the public against payment of an entrance fee with regard to the watching the broadcast.

3. Sui Generis Right of Database Producers

The Copyright Act grants a database producer certain rights, no matter whether database are creative or not.

A database producer, who makes a considerable investment in human or material resources for the production of a database, or renewal, verification, or supplementation of its subject matters, shall hold the rights to reproduce, distribute, broadcast or interactively transmit whole or a considerable part of his/her database.(Article 93)

4. Term of Protection

1) Term of Protection of Economic Rights(Article 39–Article 44)

In principle, author's economic rights in a work shall subsist during the life of an author and for a period of seventy years after the death of an author, except for cases stipulated otherwise. Economic rights in a joint work shall subsist for a period of seventy years after the last surviving author's death.

Author's economic rights in an anonymous or pseudonymous work which is not widely known, a work made for hire, and a cinematographic work shall subsist for a period of seventy years following the making public of the work. When determining the term of author's economic rights, calculation shall be made from the following year of the death of the author, the creation of the work or the making public of the work.

2) Term of Protection of Neighboring Rights(Article 86)

Neighboring rights(excluding moral rights of performer) shall remain effective for a period of 70 years(50 years in case of broadcasts), counting from the following year of the following dates:

when the performance takes place in case of performance, however, when the phonogram is published, – if a phonogram in which the performance is fixed is published within 50 years from the time such performance took place;

when the phonogram is published in case of phonograms, however, when the first fixation of sounds is made, – if the phonogram has not been published until 50 years from the first fixation of sounds in the phonogram;

when the broadcast is made in case of broadcast.

3) Database Producer(Article 95)

Rights of a database producer shall commence from the time when the production of a database is completed, and remain effective for a period of five years counting from the following year of its completion.

5. Limitation on Economic Rights

1) Limitation on Economic Rights

The Copyright Act proclaims the balance between conflicting interests of copyright owners and users, stipulating that the purpose of the Copyright Act is to "protect the rights of authors and the neighboring rights" and to "promote the fair use of works in order to contribute to the improvement and development of the culture and related industries." For this purpose, the Copyright Act provides for 16 types of individual limitations and 'fair use'. Additionally, the Act stipulates special limitation clauses with respect to computer programs.

① Reproduction for Judicial Proceedings and of Internal Use in the Legislative or Administrative Bodies(Article 23)

It is permissible to reproduce a work if and to the extent deemed necessary for the purposes of judicial proceedings and of internal use in the legislative or administrative bodies, provided that such reproduction does not unreasonably prejudice the interests of the owner of author's economic rights in light of the type of the work as well as the number and the format of reproduction.

② Use of Political Speeches and Public Statements(Article 24)

It is permissible to exploit, by any means, political speeches delivered in public and statements made in courts, the National Assembly, or municipal assemblies, except for making of compilation of the speeches or statements of the same author.

③ Free Use of Works Produced by Government(Article 24*bis*)

The general public may freely use works which the central government or local governments make during the course of their duties or works for which the central government or local governments hold economic rights as stipulated in contracts, except for certain circumstances such as national security, privacy or business secrets, or information whose disclosure is limited by other laws.

④ Use for the Purpose of School Education, etc.(Article 25)

A work already made public may be inserted in textbooks necessary for the purpose of education in high schools, their equivalents, or lower level schools.

Certain schools as prescribed by laws and educational supporting institutions belonging to the national or local government to support lessons of those educational institutions may reproduce, distribute, publicly perform, exhibit, or publicly transmit a part of a work already made public where it is recognized as necessary for the purpose of the lessons or the support.

A person who intends to insert a work already made public in abovementioned

textbooks and a person who intends to exploit a work at higher education institutions than high schools shall pay remuneration to the owner of author's economic rights according to the criteria determined and announced by the Minister of Culture, Sports and Tourism. This right to be remunerated shall be exercised by an organization which is designated by the Minister of Culture, Sports and Tourism.

⑤ Use for News Reporting(Article 26)

In case of reporting current events by means of broadcasts, newspapers, or other means, it is permissible to reproduce, distribute, perform publicly, or transmit publicly a work seen or heard in the relevant courses, to the extent justified by the reporting purpose.

⑥ Reproduction, etc. of News Articles and Editorials(Article 27)

Current news articles and editorials about politics, economy, society, culture, and religion inserted in newspapers and Internet newspapers or in news communications by news agencies as prescribed by the Copyright Act may be reproduced, distributed, or broadcasted by other media organizations except for when indications of prohibition of use exist.

⑦ Quotations from Work Made Public(Article 28)

It is permissible to quote a work already made public for news reporting, criticism, education, and research, etc. within a reasonable limit and in compliance with the fair practices.

⑧ Public Performance and Broadcasting for Non-profit Purposes, etc.(Article 29)

It is permissible to perform publicly or broadcast a work already made public for non-profit purposes and without charging any fees under any pretext to audience, spectators or third persons, provided that performer concerned is not paid any compensation.

In addition, it is permissible to play and perform publicly commercial phonograms or cinematographic works for the general public, if no benefit in return for the relevant public performance is received from audience or spectators except for the cases as prescribed by Presidential Decree.

⑨ Reproduction for Private Use(Article 30)

A user may reproduce in private a work already made public without any commercial purposes, except for reproduction by a photocopier set up for public use.

⑩ Reproduction, etc. in Libraries, etc.(Article 31)

A) Copying for users by Libraries

Libraries may reproduce the works contained in books kept at the libraries in any of the following cases: ⅰ) where, at the request of a user and for the purpose of research and study, a single copy of a part of books already made public is provided to him/her, provided that the copy shall not be reproduced in digital format; ⅱ) where it is necessary for libraries to reproduce books for the purpose of preserving such books; and ⅲ) where libraries provide other libraries with copies of books those are out of print or not widely available for similar reasons at the request of other libraries for the purpose of their preservation, provided that the works shall not be reproduced in digital format. In reproducing copies from books in digital format at the request of a user and for the purpose of research and study, libraries shall pay the owners of author's economic rights remuneration in accordance with the standards determined and published by the Minister of Culture, Sports and Tourism.

B) Making Available by Computer at the Libraries

The libraries may interactively transmit their books to allow users to peruse them in the premises of such libraries by using computers, provided that the number of users who may peruse them at the same time shall not exceed the number of copies of such books kept at the libraries.

C) Making Available by Computer at Other Libraries

The libraries may reproduce or interactively transmit their books, etc. to allow users at other libraries to peruse them by computers, except for where all or a part of the books, etc. have been published for sale, such books, etc. shall not be interactively transmitted until a period of five years has elapsed since the publication date of such books, etc. In transmitting interactively books for the purpose of allowing perusal inside other libraries, libraries shall pay the owners of author's economic rights remuneration in accordance with the standards determined and published by the Minister of Culture, Sports and Tourism.

⑪ Reproduction for Examination Questions(Article 32)

It is permissible to reproduce and distribute a work already made public in questions of entrance examinations for schools or other examinations of knowledge and skills, within the reasonable extent deemed necessary for that purpose, except for the reproduction and distribution for the purposes of making a profit.

⑫ Reproduction, etc. for Visually Impaired Persons, etc.(Article 33)

A Work already made public may be reproduced and distributed in Braille for a visually impaired person and a person who is not able to handle books due to physical or psychological disorders, or who is not able to read normally due to explicit impairment of reading capability.

The certain facilities for the purpose of promoting the welfare of visually impaired persons, etc. may make a sound recording of the literary work already made public, or reproduce, distribute or interactively transmit such a work by an exclusive recording method for the visually impaired persons, etc. in order to provide it for the use by the visually impaired persons, etc., but not for the profit-making purposes.

⑬ Reproduction, etc. for Audibly Impaired Persons, etc.(Article 33*bis*)

It is permitted for anyone to convert works already made public into sign language and to reproduce, distribute, perform or publicly transmit such sign language for audibly impaired persons, etc. as prescribed by law. In addition, the facilities for audibly impaired persons convert voices and sound included in works into subtitles in certain cases, and allows them to reproduce, distribute, perform or publicly transmit the converted subtitles to facilitate their use by audibly impaired people.

⑭ Ephemeral Sound or Visual Recordings by Broadcasting organizations (Article 34)

A Broadcasting organization with the authority to broadcast a work may make ephemeral sound or visual recordings of a work for the purpose of their own broadcasting and by the means of their own facilities. The sound or visual recordings may not be kept for a period exceeding one year from the date of the sound or visual recording, except for where they are kept as materials for records at places prescribed by Presidential Decree.

⑮ Exhibition or Reproduction of Work of Art, etc.(Article 35)

An owner of an original of work of art, architectural work, or photographic work or a person who has obtained the owner's consent, may exhibit the work in its original form, except for where the work of art is to be exhibited at all times on the street, in the park, on the exterior of a building, or other places open to the public.

Work of art, etc. exhibited at all times at an open place with a copyright owner's consent may be reproduced and used by any means, except the following cases: i) where a building is reproduced into another building; ii) where a sculpture or a painting is reproduced into another sculpture or a painting; iii) where the reproduction is made in order to exhibit permanently at an open place; and iv) where the reproduction is made for the purpose of selling.

⑯ Temporary Reproduction in the Course of Use of Work(Article 35*bis*)

If a work is used on a computer, the work may be temporarily reproduced on the computer to the extent deemed necessary for smooth and efficient information processing: provided that the use of the work does not infringe the copyright.

⑰ Fair Use of Works(Article 35*ter*)

It is permissible to use works for news reporting, criticism, education and research when such use does not conflict with the normal exploitation of works and does not unreasonably prejudice the legitimate interests of the author. In determining whether an act of using works constitutes the fair use, the following factors, etc. shall be considered: i) the purposes and characters of the use, including whether such use is for profit or nonprofit; ii) the category and nature of the works; iii) the amount and substantiality of the portion used in relation to the work as a whole; and iv) the effect of the use on the current or potential market for or value of the work.

⑱ Special Provisions Concerning Computer Programs (Article 101*ter*-Article 101*quinquies*)

(A) Reproduction of Computer Programs for Educational Purposes, etc.

Programs already made public may be reproduced or distributed to the extent deemed necessary for the purpose in the following cases: i) where a program is reproduced for a trial or investigation; ii) where a program is reproduced or distributed by a person who is responsible for education at certain schools for the purpose of providing it to a course of lessons; iii) where a program is reproduced to be included in textbooks for the purpose of education at schools prescribed by law; iv) where a program is reproduced for personal purpose(excluding cases for profit-making purpose) in confined place like a home; v) where a program is reproduced or distributed for the purpose(excluding for the purpose of making a profit) of entrance examinations to schools

prescribed by law or other examinations or evaluations of knowledge and skills; and vi) where a program is reproduced to research, study, and test the functions of a program to verify the ideas and principles constituting the basis of the program (only when the relevant program is used by a person who uses a program with legitimate authority).

(B) Reproduction of Computer Program for Repair or Maintenance

Programs, only when they are obtained in legitimate ways, may be temporarily reproduced during the course of using a computer for maintenance or repair of such computer.

(C) Reverse engineering

When it is difficult to obtain information necessary for compatibility and it is inevitable to obtain such information, a person using programs with a legitimate authority or any person who have acquired his/her authorization may perform reverse engineering of program codes limited to the necessary part for compatibility of the relevant program without acquiring authorization from the owner of the author's economic rights of such programs.

(D) Reproduction by Computer Program Owner

A person who owns and uses copies of programs with legitimate authority may reproduce such copies to the extent necessary to provide against destruction, damage, or deterioration, etc. of such copies.

2) Limitation on Neighboring Rights

In the same context with economic rights of a copyright owner, the free use of performances, phonograms, or broadcasts which are the objects of neighboring rights is allowed under certain circumstances. reproduction for judicial proceedings and of internal use in the legislative or administrative bodies(Article 23), use of political speeches and public statements(Article 24), use for the purpose of school education, etc.(Article 25(1)-(3)), use for news

reporting(Article 26), reproduction, etc. of news articles and editorials(Article 27), quotations from work made public(Article 28), public performance and broadcasting for non-profit purposes, etc.(Article 29), reproduction for private use(Article 30), reproduction, etc. in libraries, etc.(Article 31), reproduction for examination questions(Article 32), reproduction, etc. for visually impaired persons, etc.(Article 33(2)), ephemeral sound or visual Recordings by broadcasting organizations(Article 34), temporary reproduction in the course of use of work(Article 35*bis*), fair use of works(Article 35*ter*) shall apply mutatis mutandis to the exploitation of performances, phonograms, or broadcasts which are the objects of neighboring rights.

6. Statutory License(Article50-Article52)

In addition to a variety of limitations including fair use, the Copyright Act also provides three types of compulsory licenses or statutory licenses.

1) Statutory Licenses for Orphan Works

If any person, despite his/her considerable efforts in accordance with the criteria prescribed by Presidential Decree, cannot identify an copyright owner of a work made public(except foreigners' works) or his/her domicile and therefore is unable to obtain the authorization of an copyright owner for its use, he/she may use the work by obtaining approval from the Minister of Culture, Sports and Tourism as prescribed by Presidential Decree, and depositing remuneration according to the criteria as determined by the Minister of Culture, Sports and Tourism. Considerable efforts mean cases where all following requirements are satisfied: an inquiry into the copyright register; an inquiry to a copyright trust service provider; elapse of ten days since public notification on general daily newspapers of nationwide circulation or the KCC's system to find a copyright owner; and search through internet. If a work which has already been authorized

for statutory license becomes the subject of statutory license again, the procedure of making considerable efforts may be omitted, unless an copyright owner raises an objection before approval for statutory license for the work is granted.

The procedure of obtaining statutory license was simplified, following the revision of Presidential Decree in order to improve convenience of using this co-called 'orphan works' and thus, the Minister of Culture, Sports and Tourism may make considerable efforts to identify an copyright owner instead of an individual wishing to use the work. That is, considerable efforts are considered to taken, if the Minister of Culture, Sports and Tourism made an inquiry into the copyright register, made an inquiry into right informations of collective management societies, and more than two months have elapsed since public notification on the KCC's system to find a copyright owner.

2) Statutory Licenses for Broadcasting Organization

If a broadcasting organization which intends to broadcast a work already has been made public for the sake of public interest has negotiated with an copyright owner but failed to reach an agreement, it may broadcast the work by paying to the copyright owner or depositing remuneration according to the criteria as determined by the Minister of Culture, Sports and Tourism, after obtaining approval from the Minister of Culture, Sports and Tourism as prescribed by Presidential Decree.

3) Statutory Licenses for Phonogram Production

If three years have passed after the date of the first sale of a commercial phonogram in the Republic of Korea and if any person who intends to produce other commercial phonograms by the recording works already had recorded on the phonogram has negotiated with an copyright owner but failed to reach an agreement, he/she may produce other commercial phonograms by obtaining approval from the Minister of Culture, Sports and Tourism as prescribed by

Presidential Decree, and after making payment to the copyright owner or depositing remuneration according to the criteria as determined by the Minister of Culture, Sports and Tourism.

The provisions of statutory license for uses of works shall apply *mutatis mutandis* to the uses of performance, phonogram and broadcast and the uses of database. As for now, the statutory license procedures are handled by the Korea Copyright Commission.

7. Execution of Author's Economic Rights

Economic rights may be transferred or inherited in the same as another property rights and the right of pledge can be established on economic rights. The provisions as regards transfer of economic rights, license , establishment of pledge on economic rights, and establishment of exclusive rights of publication on economic rights shall apply *mutatis mutandis* to the neighboring rights and the rights of database producers.

1) Transfer of Economic Rights(Article 45)

Author's economic rights may be transferred in whole or in part. Where ownership of author's economic rights are transferred in whole, the right of the making of a derivative work shall be presumed not to be included in the transfer, unless otherwise stipulated, however in the case of computer programs, the right of the making of a derivative work shall be presumed to be included in the transfer unless otherwise stipulated.

2) Authorization to Use Works(Article 46)

The owner of author's economic rights may authorize another person to use the work. The person who obtained the authorization shall be entitled to use

the work in a manner and conditions to the extent authorized by the owner and the right of use authorized may not be transferred to a third party without the consent of the owner of author's economic rights.

3) Establishment of the Right of Pledge on Economic Rights(Article 47)

The owner of author's economic rights can establish the right of pledge on his/her rights, which means that the value of author's economic rights can be utilized as collateral security for loans. For example, the owner of author's economic rights who borrows money from a creditor can pledge his/her rights as collateral for loans, and the creditor's security interest in author's economic rights can be enforced against the borrower if the borrower defaults on loans. An owner of author's economic rights shall be entitled to exercise economic rights even when the right of pledge has been established thereon, unless otherwise stipulated in the act of establishment.

4) Exclusive Rights of Publication and Print-Publication Rights

A person who holds the right to publish, or reproduce and interactively transmit a work may establish an exclusive right for a person who intends to use the work for publication, etc..(Article 57)

An owner of exclusive rights of publication can take civil and criminal measures against a person who infringes his/her right, without a copyright owner's help. The exclusive rights of publication were introduced to grant exclusive status to those who mostly distribute copyrighted works online.

However, aside from the introduction of exclusive rights of publication, print-publication rights are maintained so that a person who holds the right to reproduce and distribute a work may establish the right to publish the work for a person who intends to publish such work in documents or pictures by printing them or by other similar methods, in order to respect longstanding practice of publishing industry. Accordingly the provisions for exclusive rights of publication shall apply mutatis mutandis to rights of print-publication.(Article

63 and Article 63*bis*)

The duration of exclusive rights of publication shall be three years from the date of the first publication, etc., unless otherwise stipulated in the contract of establishment. Especially, the duration of exclusive rights shall be five years where the exclusive right of publication is established to cinematize the work.

5) Donation of Author's Economic Rights(Article 135)

An owner of author's economic rights may donate his/her rights to the Minister of Culture, Sports and Tourism. The Minister of Culture, Sports and Tourism may appoint an organization which is capable of fairly managing the rights donated. The organization appointed by the Minister of Culture, Sports and Tourism shall not use works for the purpose of making a profit or against the intention of the donator. As for now, the Korea Copyright Commission has been appointed as the organization managing donated rights.

8. Registration, Authentication and Appraisal of Copyright

1) Registration of Copyright(Article 53–Article 55*bis*)

Although copyright is secured automatically when the work is created, and therefore its registration is not the requirement for protection, the Copyright Act provides legal benefits for registering a work. As for now copyright registration is handled by the Korea Copyright Commission. The provisions as regards registration of copyright shall apply *mutatis mutandis* to the registration of neighboring rights and the rights of database producer.

① Legal Presumption

An author may register the following items: real name, pseudonym(only where a pseudonym was used at the time a work was made public) nationality, address,

or domicile of the author; title, category, and date/month/year of the creation of a work; whether a work was made public, or the country and date/month/year in which the work was first made public; and other items as prescribed by Presidential Decree.

The person whose real name is registered as the author shall be presumed to be the author of the registered work and the work which the date/month/year of creation or the date/month/year of its first publication has been registered shall be presumed to have been created or have been first made public on the registered date/month/year, provided that if the date/month/year of creation is registered after one year has passed from the time the work was created, the work shall not be presumed to have been created on the registered date/month/year.

In addition, any person who infringes upon registered copyrights, exclusive rights of publication, print-publication rights, neighboring rights, or rights of database producers shall be presumed to have been negligent at least in his/her act of infringement(Article 125(4)).

② Priority of Rights between Conflicting Parties

Transfer(except for inheritance or other successions in general) or restriction on the disposal of author's economic rights may be registered and shall not be effective against any third party having conflicting legal interests without the registration.

2) Copyright Authentication(Article 56)

The Minister of Culture, Sports and Tourism may designate an authentication agency to protect the safety and faith of transactions of works, etc..

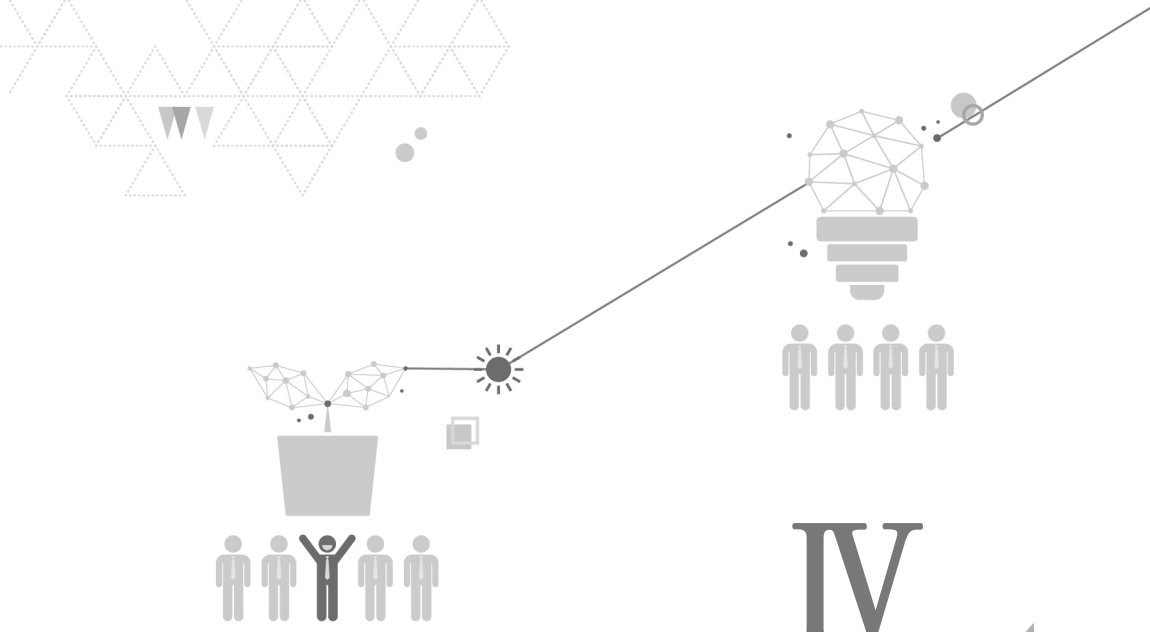
A person who desires to obtain authentication shall submit an application for authentication prescribed by ordinance of the Ministry of Culture, Sports and Tourism to an authentication agency and where a person who applies for authentication is deemed to be a legitimate rights holder(including legitimate

licensee), an authentication agency shall authenticate such person and shall issue an authentication certificate as prescribed by ordinance of the Ministry of Culture, Sports and Tourism. As for now, the Korea Copyright Commission is designated as the copyright authentication organization.

3) Appraisal(Article 119)

The Korea Copyright Commission may conduct appraisals in any of the following cases: i) where requested by courts, investigative institutions, etc. to conduct appraisals on copyright infringement matters, etc. for the purpose of trials or investigations; and ii) where requested by both parties in dispute conciliation to conduct appraisals on programs, electronic information about programs, etc. for dispute conciliation under the Act.

A person who wishes to request appraisal shall submit original or copy of works subject to appraisal, materials by which the similarity between conflicting works can be tested, in the case of a request for appraisal in regard to infringement, and other materials that the Korea Copyright Commission deems necessary for appraisal and requests to the Commission.



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Infringement

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Infringement

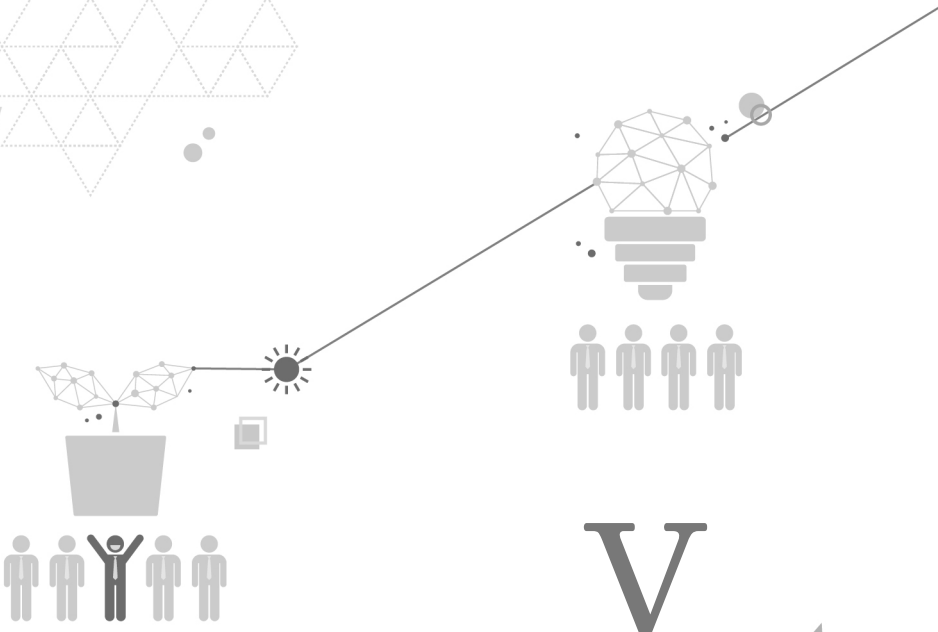
1. Acts Considered as Infringements

Apart from acts that violate copyright or other rights protected under the Copyright Act, the Copyright Act stipulates that any act that falls under any of the following shall be deemed as an infringement on copyright or other rights protected under the Copyright Act: the importation into the Republic of Korea, for the purpose of distribution therein, of goods which would constitute an infringement, if they were made in the Republic of Korea at the time of such importation; the possession, for the purpose of distribution, of goods produced by any act that constitutes an infringement(including imported objects) with the knowledge of such infringement; and the use for business of illegal copies of a computer program by a party who acquired it with the knowledge of such infringement.

In addition, any act of using a work in a manner defaming the honor of its author shall be deemed to constitute infringement of his/her moral rights.

2. Acts prohibited under the Copyright Act

The Copyright Act prohibits specific acts, even if those acts do not fall under acts that constitute infringements nor acts that are considered as infringements. Accordingly, the circumvention of technological protection measures(Article 104*bis*), the removal, alteration, false addition of rights management information(Article 104*ter*), the circumvention of encrypted broadcasting signals, etc.(Article 104*quater*), the trafficking in counterfeit labels or illicit labels(Article 104*quinquies*), the illicit camcording in theaters(Article 104*sexies*), and the transmission of signals prior to broadcasting(Article 104*septies*) are prohibited.



V

Measures against Infringement

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Measures against Infringement

1. Civil Remedies

1) Injunctions

Any person who holds a copyright or other rights protected under the Copyright Act may demand a person infringing on his/her rights to suspend against, and ask the court to grant injunctions to prevent or restrain infringement of rights. If a person who holds a copyright or other rights protected under the Copyright Act makes a demand indicated hereinabove, he/she may demand the court to order the destruction of the goods made by the act of infringement, or other necessary measures.(Article 123)

2) Claim for Damages

① Claim for Actual Damages

The owner of copyright or other rights protected under the Copyright Act may recover actual damages that he/she suffered from the act of intentional or negligent infringement. Where an owner of copyright, etc., claims for actual damages, the amount which he/she would normally receive by exploiting his/her rights may be claimed as the amount of damages sustained by the copyright owner, etc.. Otherwise, the amount of profit of the infringer may be presumed to be the amount of damages that the owner of author's economic rights, etc. sustained.(Article 125) In the cases where damage is recognized but difficult to estimate the amount of damages, the court may recognize a reasonable

amount of damages by taking into consideration the intent of arguments and the results of an examination of evidence.(Article 126)

② Claim for Statutory Damages

A copyright owner, etc. may demand stautory damages in a sum of no more than KRW 10 million for each infringed work, etc.(no more than KRW 50 million for each infringed work, etc. in the case of intentional infringement on rights for the purpose of profit-making) instead of compensation for the actual damages, before the proceedings of the relevant trial is concluded.(Article 125*bis*) In order for a copyright owner, etc. to make a demand for statutory damages, the works, etc. shall be registered before such an act of infringement occurs.

3) Claim for Restoration of Honor

An author or a performer may claim a person who has infringed moral rights of author or performer willfully or negligently to take measure necessary to restore his/her honor together with or substituting for compensation for damages.(Article 127)

4) Protection of Moral Interests after the Death of an Author

After the death of an author, his/her bereaved family(the surviving spouse, children, parents, grand children, grand parents, or brothers and sisters) or the executor of his/her will may, ⅰ) demand to suspend infringements on his/her moral rights and to take preventive measures or to provide a security for compensation for possible damages against a person who, after the death of the author, has committed or may potentially commit an act which would constitute an infringement of the author's moral rights if he/she were alive with respect to the work, and ⅱ) demand restoration of his/her honor or reputation from a person who has infringed on author's moral rights intentionally or negligently.(Article 128)

2. Criminal Remedies

1) Penalty for copyright infringements

① Any person who infringes upon author's economic rights or other economic rights protected pursuant to the Act by means of reproduction, public performance, public transmission, exhibition, distribution, rental, or production of a derivative work may be punished by imprisonment for no more than five years or a fine of no more than KRW 50 million, or both.(Article 136)

② Any person who has defamed an author or performer by infringing on the author's or performer's moral rights may be punished by imprisonment for no more than three years or a fine of no more than KRW 30 million, or both.

③ Any person who falls under any of the following may be punished by imprisonment for a term of no more than one year or a fine of no more than KRW 10 million: any person who has made a work public under the real name or pseudonym of a person other than the author; any person who has publicly staged or transmitted a performance, or distributed copies of the performance under the real name or pseudonym of a person who is not the actual performer; any person who uses a work after the death of the author shall commit an act which would constitute an infringement of the author's moral rights if he/she were alive; any person who has operated copyright trust services without a permission prescribed by the Act; any person who has committed an act deemed to be an infringement prescribed by the Act; any person, who has interfered with the business of an online service provider by willfully requesting such online service provider to stop or resume reproduction or interactive transmission with the knowledge that he/she does not have the authority to do so.(Article 137)

④ Any person who did not indicate a work's source where he/she use a work under limitations clauses and is required to indicate its sources may be punished by a fine of no more than KRW 5 million.(Article 138)

⑤ Copies made by the infringement of copyrights or other rights protected under the Copyright Act and major tools and materials used in the infringement, which are owned by the infringing person, printer, distributor, or public performer shall be forfeited.(Article 139)

2) Complaints(Article 140)

In the case of criminal remedies, copyright infringement is an offense subject to prosecution upon complaint by the copyright owner within six months from the date when the alleged infringer is identified. Yet, exceptions apply to cases where the copyrights are infringed for profit-making purposes or repeatedly.

If a person obtains with bad intent a reproduced program which has been made by infringing upon others' copyright and uses it in the course of business, such offense shall be categorized as a "no-prosecution-contrary to victim's intent" offense.

3) Joint Penal Provisions(Article 141)

If a representative, an agent, or an employee of a legal person or an individual has committed a crime with respect to the duties of the legal person or the individual, the concerned fine shall be imposed on such a legal person or an individual in addition to the punishment of the offender, unless the legal person or individual was not idle in paying considerable attention and conducting supervision to prevent such an offense.

3. Administrative Regulation

1) Collection, Destruction and Deletion of Illegal Copies

The Minister of Culture, Sports and Tourism or the heads of local governments may order competent public officials to collect, destroy, or delete copies(excluding those interactively transmitted through information and telecommunications networks) infringing on copyrights and other rights protected under the Act, or tools, devices, information and programs that are made for the purpose of circumventing technological protection measures for works, etc..(Article 133)

As for now, the collection, destruction and deletion indicated hereinabove is handled by the Copyright Protection Center.

2) Order to Delete Illegal Copies, etc. through Information and Communications Networks, etc.

The Copyright Act stipulates a graduated response, referred to as three-strike rule, that gradually tightens measures against repetitive infringements by the cooperation with the online service providers and copyright holders.

① Order to Delete Illegal Copies, etc. through Information and Communications Networks, etc.(Article 133*bis* (1))

In the case where copies or information infringing on copyrights and other rights protected under the Copyright Act, programs or information which incapacitates technological protection measures are interactively transmitted through information and communications networks, the Minister of Culture, Sports and Tourism may order online service providers to take any of the following measures: warning to and against interactive transmitters of illegal copies, etc.; deletion or suspension of interactive transmission of illegal copies, etc..

② Order to Suspend the Account of Repetitive Interactive Transmitters(Article 133*bis* (2))

If a reproducer or interactive transmitter who received three or more warnings as prescribed hereinabove interactively transmits illegal copies, etc., the Minister of Culture, Sports and Tourism may order online service providers to suspend the account(excluding email exclusive accounts) of the corresponding interactive transmitter within a period of no more than six months.

	period of suspension of account
1st suspension	less than one month
2nd suspension	at least one month but less than three months
3rd suspension	at least three months but no more than six months

③ Order to Suspend the Bulletin Board Service(Article 133*bis* (4))

If a bulletin board established on an information and communications network of an online service provider receives three or more orders to delete or suspend interactive transmission of illegal copies, etc. and is considered to seriously damage the lawful use of copyrighted works, etc. in light of the format of the corresponding bulletin board, the amount or nature of copies posted on it, etc., the Minister of Culture, Sports and Tourism may order the online service provider to suspend all or part of the bulletin board service within a period of no more than six months.

	period of suspension of account
1st suspension	less than one month
2nd suspension	at least one month but less than three months
3rd suspension	at least three months but no more than six months

④ Correction Recommendation(Article 133*ter*)

In the case of investigating the information and telecommunications networks of online service providers and finding that illegal reproductions, etc. were interactively transmitted, the Korea Copyright Commission may deliberate on

such matters and recommend that the online service providers take correction measures under any of the following: ⅰ) issuing warnings against reproducers and interactive transmitters of illegal copies, etc.; ⅱ) deletion or suspension of interactive transmission of illegal copies, etc.; and ⅲ) suspension of the accounts of reproducers and interactive transmitters which repeatedly transmitted illegal copies, etc.. An online service provider shall notify the Korea Copyright Commission of the consequences of carrying out the recommendation within prescribed days from receiving the recommendation. If online service providers fail to follow the recommendation, the Korea Copyright Commission may request the Minister of Culture, Sports and Tourism to issue and order to delete illegal copies, etc. through information and communications networks, etc. and an order to suspend the account of repetitive reproducers or interactive transmitters.

4. Limitation on Liability of Online Service Providers

1) In General

Safe harbor provisions of the Copyright Act stipulate that even if copyright or other rights protected under the Copyright Act are infringed in relation to the certain acts set forth, an online service provider shall not be responsible for such infringement, where he/she meets all the conditions prescribed in the Copyright Act, in order to encourage the cooperation of online service providers and prevent a chilling of ISP investment in internet structure.(Article 102)

types of service / requirement	mere conduit	caching	hosting	information search
Where the online service provider did not initiate the transmission of works, etc.	O	O	O	O
Where the online service provider did not select the works, etc. or its recipients	O	O	O	

types of service / requirement	mere conduit	caching	hosting	information search
Where the online service provider adopted and reasonably implemented a policy that provides for termination of the accounts of repetitive infringers	O	O	O	
Where the online service provider accommodated and did not interfered with standard technical measures used by the right holder	O	O	O	
Where an online service provider did not modify the works, etc.		O		
Where an online service provider permitted access to temporarily stored works, etc. only to users who have met specific access conditions		O		
Where an online service provider complied with the rules concerning updating of the works, etc. when specified by the person who transmits works, etc. in accordance with a data communications protocol for computers or information and communications networks that is generally accepted within such industry		O		
Where an online service provider did not interfere the use of technology that is generally accepted within such industry and applied at the originating site of the works, etc. to obtain information about the use of such works, etc.		O		
Where an online service provider immediately removed or disabled access to the works, etc., when he/she received a request to suspend the interactive transmission; when such works, etc. has been removed or disabled at the originating site; or when he/she actually became aware of the fact that the court or the head of a related central administrative agency has issued an order to delete or disable access to the works, etc.		O		
Where an online service provider did not receive a financial benefit directly attributable to the infringing activity in circumstances where he/she has the right and ability to control such activity			O	O
Where an online service provider immediately suspended interactive transmission of the works, etc., when he/she obtained actual knowledge of the infringement or became aware of facts or circumstances that the infringement was apparent through the request, etc. to suspend the interactive transmission			O	O
Where an online service provider designated and announced a person to receive demands for suspending interactive transmission			O	O

2) Notice and Takedown(Article 103)

① online service providers' obligation to suspend the interactive transmission of works, etc.

Any person who claims that his/her copyrights or other rights protected under the Copyright Act are infringed due to the interactive transmission of works, etc. through the use of services provided by an online service provider(excluding mere conduit service) may call on the online service provider to suspend the interactive transmission of such works, etc. by vindicating of such a fact.

Where an online service provider is required to suspend the interactive transmission, he/she shall immediately suspend the interactive transmission of such works, etc., and notify a claimant to a right of such fact, provided that the hosting service provider and information search service provider shall also give notice to transmitter of such works, etc..

② online service providers' obligation to resume the interactive transmission of works, etc.

Where a transmitter who is notified vindicates that his/her interactive transmission is based on legitimate rights and demands resumption of such interactive transmission, the online service provider shall promptly notify the claimant to a right of the fact of demanding a resumption and the scheduled date of resumption, and shall resume the interactive transmission on such a scheduled date, except for where the claimant to a right notifies the online service provider of the fact that he/she has filed a litigation against the infringement by the transmitter before the scheduled date of resumption.

③ exemption of liability of online service providers for taking down and resumption

Where an online service provider has made a public notice of designation of a person who will receive demands for suspension and resumption of the interactive transmission and suspend or resume the interactive transmission of

allegedly infringing works, etc.,, such an online service provider's liability for the infringement by other persons on copyrights and other rights protected under the Act as well as the damages incurred to the interactive transmitter shall be exempted.

④ liability of wrongful demands for suspension and resumption of the interactive transmission

Any person who demands that the interactive transmission of works, etc. be ceased or resumed without any legitimate rights shall compensate for any damages incurred thereby.

3) Request for Information on the Interactive Transmitter(Article 103*ter*)

Where the claimant to a right has requested an online service provider to provide information owned by such online service provider, such as names and addresses of the relevant transmitter to the minimum extent necessary in order to file a civil or criminal complaint, but the online service provider has refused such request, the claimant to the right may request the Minister of Culture, Sports and Tourism to issue an order to the online service provider to provide such information. In receipt of a request hereinabove the Minister of Culture, Sports and Tourism may order an online service provider to submit information on the relevant interactive transmitters after deliberation by the Korea Copyright Commission

4) Requests for Necessary Measures by Special Types of Online Service Provider(Article 104)

An special types of online service provider who aims principally to enable interactive transmission of works, etc. between other persons by using computers shall take the necessary measures such as technical measures, etc. to block illegal interactive transmissions of the works, etc. upon requests from the rights holders.

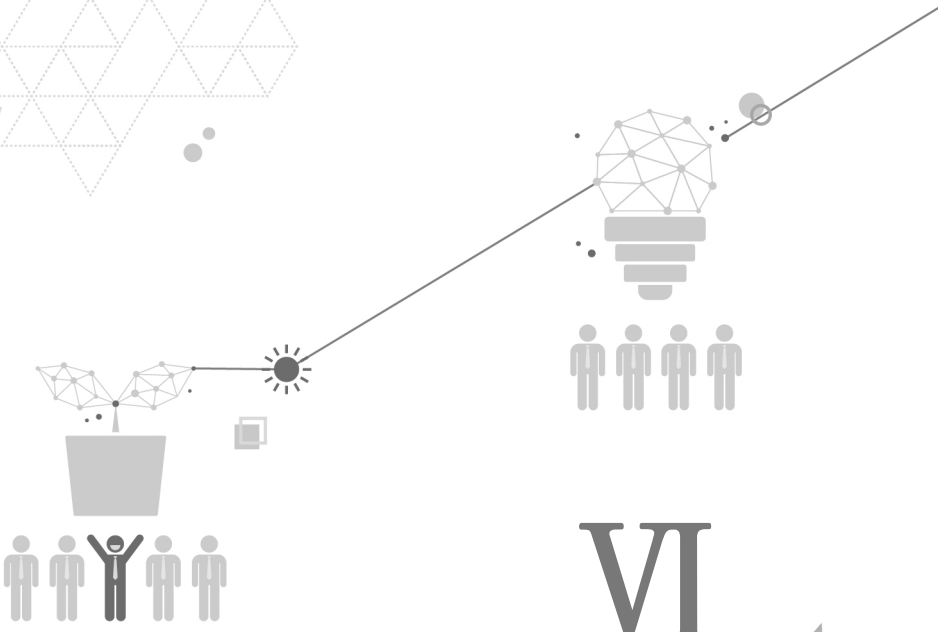
The necessary measures such as technical measures for blocking illegal interactive transmission of works, etc. means all measures in the followings: ⅰ) any technical measure by which works, etc. may be identified through comparison of the title, etc. and characteristics of works, etc.; ⅱ) any measure to restrict search and transmission to block illegal transmission of works, etc. that have been identified hereinabove; and ⅲ) sending of a warning message calling upon an interactive transmitter of the works, etc. concerned to stop infringement on copyrights, etc., in case the illegal interactive transmitter is identifiable.

5. Alternative Dispute Resolution

Copyright disputes can be resolved by settlement, mediation or conciliation or litigation. Where settlement has not reached between parties, they can choose mediation or conciliation system instead of litigation. The mediation or conciliation is more economical and faster compared to litigations. The mediation and conciliation proceedings regarding copyright disputes are handled by the Korea Copyright Commission.(Article 113)

A party wishing to receive conciliation for a dispute may request a conciliation of the dispute by submitting a conciliation application indicating the purpose and cause of the request to the Korea Copyright Commission. Statements made by persons concerned or interested persons during the course of conciliation shall not be invoked during litigation or arbitration proceedings. In order for the Korea Copyright Commission to effectively carry out dispute conciliation, a conciliation division consisting of either one or three or more members, including one qualified as a lawyer shall be established within the Commission.

The conciliation shall be concluded by writing the terms of agreement between the parties in a protocol that shall have the same effect as a consent judgment, unless it is concerned with matters which are outside the capacity of the parties to dispose of.



VI

Copyright Management System

VI
Copyright Management System

1. Copyright Management Services(Article 105- Article 111)

Copyright management services include copyright trust services and copyright agency or brokerage services. Copyright trust services shall mean a line of business in which one holds in trust and continuously manages the rights on behalf of the persons who hold author's economic rights, neighboring rights, or rights of database producers, while copyright agency or brokerage services shall mean a line of business in which one acts as an agent or a broker on behalf of the persons who hold such rights with regard to the exploitation of such rights.

The Minister of Culture, Sports and Tourism may demand a copyright management service provider to submit a necessary report on his/her duties of copyright management service. In order to promote the protection of rights and interests of authors and the convenient use of works, the Minister of Culture, Sports and Tourism may issue necessary orders concerning copyright collective management.

1) Copyright Trust Services

Any person who intends to engage in copyright trust services shall obtain a permit from the Minister of Culture, Sports and Tourism.

Copyright trust services may collect royalties from users and receive fees for his services from the owner of author's property rights or other interested

persons. The rate and amount of fees and the rate and amount of royalties shall be determined by the service providers subject to the approval of the Minister of Culture, Sports and Tourism.

Any person who intends to engage in copyright trust services shall meet the conditions prescribed by the Act, draw up the regulations regarding the duties of copyright trust services as determined by Presidential Decree, and submit them with an application for permission for copyright trust services to the Minister of Culture, Sports and Tourism. Copyright trust service providers shall draw up lists of works, etc. managed by them on a quarter year basis in a book or electronic form as prescribed by Presidential Decree so as to be available to anyone during business hours at the least.

2) Copyright Agency or Brokerage Services

Any person who intends to engage in copyright agency or brokerage services shall notify his/her business to the Minister of Culture, Sports and Tourism.

A copyright agent or broker may collect royalties from users and receive fees for his services from the owner of author's economic rights or other interested persons. Copyright agent or broker can determine the rate and amount of the fees at his/her discretion without the approval of the Minister of Culture, Sports and Tourism.

2. Copyright Collecting Societies in Korea

Since the Korea Music Copyright Association and the Korean TV & Radio Writers Association were authorized to provide copyright trust services in 1988 for the first time in the nation, as of now, 13 organizations in different fields have been providing copyright trust services upon receiving permission for copyright collective management business from the Minister of Culture, Sports

and Tourism. In order to prevent harmful effect from monopolistic operation and promote operational efficiency and transparency, the Minister of Culture, Sports and Tourism approved the establishment of the second collecting society in the field of musical works in 2014, which means that copyright collective management services in musical works have been transformed toward competition.

Copyright Collecting Societies in Korea

	Organization	Rights under Management
Music	Federation of Korean Music Performers	Rights of music performers (singers, musicians, etc.)
	Korea Music Copyright Association	Right of music copyright holders (composers, lyricists, arrangers, music publishing companies)
	Korean Society of Composers, Authors and Publishers	Right of music copyright holders (composers, lyricists, arrangers, music publishing companies)
	Recording Industry Association of Korea	Rights of recording producers
Literary Works	Korean Society of Authors	Rights of authors of literary, cinematographic, artistic and photographic works
	Korean TV & Radio Writers Association	Rights of radio and TV writers
	Korea Reproduction and Transmission Rights Association	Reproduction and interactive transmission right of literature(poets, novels, essay), scholarly work(thesis, columns, academic journals), image(arts, photos, illustrations)
	Korea Scenario Writers Association	Rights of movie scenario writers
Broadcasting	Korea Broadcasting Performers Association	Rights of broadcasting performers (TV actors, voice actors, etc.)
Cinematographic Works	Movie Distributors Association of Korea	Public performance right and public transmission right of film
	Korean Film Producers Association	Reproduction right and interactive transmission right of film
News	Korea Press Foundation	Rights of news writers
Public Works	Korea Cultural Information Service Agency	Public works(the state, local governments, public institutions)

1) Music

① Korea Music Copyright Association(www.komca.or.kr)

The Korea Music Copyright Association(KOMCA) was established in 1964 to protect the rights and interests of music copyright holders. It was authorized to provide copyright collective management services on February 23, 1988 and manages the right of public performance, the right of broadcasting, the right of interactive transmission and the right of reproduction of musical works.

② Korean Society of Composers, Authors and Publishers (www.koscap.or.kr)

The Korean Society of Composers, Authors and Publishers(KOSCAP) was established in February 2014 to protect the rights and interests of music copyright holders. It was authorized to provide copyright collective management services on September 2014.

③ Federation of Korean Music Performers(www.fkmp.kr)

The Federation of Korean Music Performers(FKMP) was established in June 1988 to protect and manage neighboring rights of performers. It was authorized to provide copyright collective management services on November 14, 2000 by the then Minister of Culture and Tourism and has managed neighboring rights of performers since then.

In addition to collective management services, the FKMP collects and distributes remuneration for music performers as it was designated as an organization to collect remuneration for broadcasting of commercial phonograms in October 1988, as an organization to collect remuneration for digital sound transmission in 2008, and as an organization to collect remuneration for public performances of commercial phonograms in 2009.

④ Recording Industry Association of Korea(www.riak.or.kr)

The Recording Industry Association of Korea(RIAK) was established in 2001

to protect the rights and interests of phonogram producers. It was authorized to provide copyright collective management services by the then Minister of Culture and Tourism on March 17, 2003. In addition to collective management of neighboring rights for phonogram producers, the RIAK collects and distributes remuneration for phonogram producers, as it was designated as an organization to collect broadcasting remuneration for commercial phonograms in December 2001, as an organization to collect remuneration for digital audio transmission of phonograms in 2008 and as an organization to collect remuneration for public performances of commercial phonograms in 2009.

2) Literary Works

① Korean Society of Authors(www.copyrightkorea.or.kr)

The predecessor of the Korean Society of Authors(KOSA), the Korean Association of Authors which was established on May 19, 1984 to protect the rights of authors from illegal publication and was officially launched on July 28, 1988. Since the KOSA was authorized to provide copyright collective management services on March 16, 1989, it has managed copyrights of literary, dramatic, artistic and photographic works. Major activities of the KOSA include copyright collective management, copyright infringement investigation, protection of rights and interests of right holders through public awareness programs such as seminars and publication of periodicals.

② Korean TV & Radio Writers Association(www.ktrwa.or.kr)

The Korean TV & Radio Writers Association was established in 1962 and was authorized to provide copyright collective management services for TV and radio writers who work in general fields of the broadcasting industry, including TV dramas, documentaries, entertainment, radio and translation, on September 20, 1988. It is also actively involved in copyright protection projects as a member of various copyright-related organizations at home and abroad.

③ Korea Reproduction and Transmission Rights Association (www.korra.kr)

The Korea Reproduction and Transmission Rights Association(KORRA) was established on July 1, 2000 to protect the rights of copyright holders and publishers and to promote the fair use of copyrighted works through collective management of rights on reproduction and transmission of literary works on behalf of rights holders. KORRA was authorized as a copyright collective management organization on November 14, 2000 and has copyright collective management organizations and related entities as its members. In addition to its given activities as a copyright collective management organization, the KORRA carries out collection and distribution of remuneration as it was designated as an organization collecting library remuneration (October 17, 2003) and as an organization collecting remuneration for the use for the purpose of school education (March 13, 2008). Its six regular group members include the Korean Society of Authors, the Korean Publishers Association, the Korea Music Copyright Association, the Korean TV and Radio Writers Association, the Korean Association of Academic Societies and the Korea Scenario Writers' Association. Its four associate group members include the Recording Industry Association of Korea, the Federation of Korean Music Performers, the Movie Distributors Association of Korea, and the Korea Broadcasting Performers Association.

④ The Korean Scenario Writers' Association(www.scenario.or.kr)

The Korean Scenario Writers' Association was established to protect the rights and interests of scenario writers, offer collective manage services such as licensing and management of scenario works on behalf of scenario writers, and contribute to the development of scenarios. It was authorized to provide copyright collective management services on September 12, 2001 when its name was the Cinematographic Scenario Writers Association. As it was renamed as the Korea Scenario Writers' Association in November 2002.

3) Broadcasting

① Korea Broadcasting Performers' Association(www.kbpa.co.kr)

The Korea Broadcasting Performers' Association(KBPA) was established in August 2001 to protect neighboring rights of broadcasting performers, including TV actors, voice actors, comedians and TV hosts. It was authorized by the then Ministry of Culture and Tourism to provide copyright collective management services on February 20, 2002. The KBPA signed a special agreement on the use of neighboring rights of its members with terrestrial and cable TV broadcasting companies pursuant to Paragraph 3 of Article 100 of the Copyright Act. Based on the agreement, it collects neighboring right royalties that arise when broadcasting organizations reproduce, distribute, broadcast or transmit broadcast programs where its members make an appearance from them and distributes royalties to its members.

4) Cinematographic Works

① Movie Distributors Association of Korea(www.mdak.or.kr)

The Movie Distributors Association of Korea(MDAK) was established in 1999 to promote fair and systematic distribution of cinematographic works. The MDAK was authorized to provide copyright collective management services on right of public performance of cinematographic works by means of media on November 9, 2005. The MDAK was authorized to provide comprehensive collective management on September 11, 2013 and has been carrying out collective management activities for cinematographic(films) works including their right of performance, right of public transmission, right of reproduction, and right of distribution.

② Korean Film Producers Association(www.kfpa.net)

The Korean Film Producers Association(KFPA) was established in February 1994 as a consultative body for film producers in Korea. It joined the International Federation of Film Producers Associations in 2001 and was authorized to provide

copyright collective management services by the then Ministry of Culture and Tourism in 2005.

5) News

① Korea Press Foundation(www.kpf.or.kr)

The history of the Korea Press Foundation(KPF) goes back to 1962 when the Korea Press Center was established. Later, three organizations whose predecessors were the Korea Press Center, the Korea Press Institute(1964) and the Korea Journalists Fund(1974) were integrated to launch the former Korea Press Foundation, the predecessor of the current KPF in 1998. In February 2010, the current Korea Press Foundation was launched with the consolidation of the former Korea Press Foundation, the Newspaper Circulation Institute and the Newspaper Promotion Commission. The KPF was authorized to provide copyright collective management services on June 7, 2006.

6) Public Works

① Korea Cultural Information Service Agency(www.kcisa.kr)

The Korea Cultural Information Service Agency(KCISA) was established in 2002 to lay the groundwork for a creative knowledge-based information society and to enhance cultural competitiveness by providing support for promotion of cultural informatization and the computerization project among organizations and institutions under the Minister of Culture, Sports and Tourism. The KCISA has been engaged in various activities to facilitate the use of public works among the general public. Since it was authorized by the Minister of Culture, Sports and Tourism on September 23, 2013, it has been providing collective management services for rights of public works.

Introduction of the Korean Copyright System

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