

# 2014 Annual Report on Copyright in Korea



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2014 Annual Report  
on Copyright in Korea



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# A Message from the Minister

The popularity of Korean contents such as K-pop and K-drama are quickly spreading past Asia into as far as the Middle East and the Americas. This growth and development of Korean contents was possible only through a balance copyright system that protects the creators and promotes the use of created works.

Only ten years ago, Korea found itself in a defensive position faced with copyright protection requests from advanced countries like the United States. Today Korea is requesting copyright protection to various countries around the world. I believe this is the result of continuous efforts to improve the copyright system, in consideration of the profits for both copyright holders and users.

In 2014, the Ministry of Culture, Sports and Tourism pursued a variety of policies under the theme of “cultural prosperity” to protect the rights of the creator while facilitating the use of the created works.

First, the open license system for public copyrighted works was put into place, allowing for, in principle, free use of copyrighted products made by national and local government institutions by the citizens. With the adoption of this system, the number of public copyrighted works increased three-fold from 2013 numbers (1 million in 2013 → 2.93 million in 2014), and we hope that it will henceforth serve as the resource for further creation in a variety of areas. Also, considering the diversification of teaching methods in educational settings through online, it allows for teachers and students to use copyrighted works more conveniently.

Second, an environment for a fairer and more convenient use of created works was formed. By authorizing new copyright collective management organizations, we promoted fair competition among collective management organizations and increased convenience of consumers utilizing music. Furthermore, the construction of a database containing

information about the copyrighted works (7.29 million works in 2014, a total of 18.6 million works) allowed for a safer transaction of copyrighted works. In order to resolve the conflicts surrounding submitted works at contests, a guideline for created works contests was established, clarifying the legal rights of awarded works and other submitted works.

Third, copyright protection technology suitable for the smart device environment was developed and monitoring for illegal websites were strengthened, in an effort to enhance copyright protection within and outside of Korea. Specifically, by signing a total of 81 legal distribution contracts with the Korean wave target countries such as China, Thailand, and the Philippines, the MCST secured the foundation for legal distribution of our contents. In order to strengthen the protection of our contents abroad, the MCST also promoted system improvement in developing countries through cooperation with international copyright institutions such as the World Intellectual Property Organization, in addition to increasing the level of copyright protection of the counterpart country through trade negotiations like the Korea-China Free Trade Agreement.

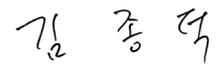
Fourth, the MCST sought to improve the copyright awareness through education and promotion. Customized copyright education programs were carried out targeting teenagers and adults, discussing the basics of copyrights all the way to the working level. The quality of education was enhanced by carrying out programs suitable for each area, such as copyright counseling for artists and software license training sessions for small- to medium-sized companies. The MCST worked to convey the value of copyright to the citizens in a friendly manner, under the slogan of "Respect for Copyright and Sharing."

Furthermore, the research conducted in 2014 regarding the copyright industry's contribution to the economy through measures such as sales revenue, value added, and employment served as a reference for industry participants to predict the industry outlook

and develop new business models. The copyright counselling centers helped to resolve inconveniences regarding the use of copyrighted works.

The Annual Report on Copyright is a compilation of domestic and international copyright trends following changes in the copyright environment, industry statistics, important information, and direction of government policies. I hope that this will serve as a useful resource not only for the copyright holders, users, and the industry, but for all those interested in the copyrights. The Ministry of Culture, Sports and Tourism will continue to work towards strengthening copyright protection in Korea and overseas and creating a fair environment for use of copyrighted works.

November 2015



**Kim Jongdeok**

Minister of Culture, Sports and Tourism



2014 Annual Report on Copyright in Korea

# Introduction to Government and Public Institutions

- I. Ministry of Culture, Sports and Tourism
- II. Korea Copyright Commission
- III. Copyright Protection Center

# I. Ministry of Culture, Sports and Tourism

## ① Organization and History

Currently, 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.

With the advent of the digital network era, the creation, distribution and usage of copyrighted works have become more diverse, leading to an increased demand for and functions of related policies, as well as the enlargement of related divisions. Initially there was only one division handling copyright related matters when such work came under the control of the Ministry of Culture, Sports and Tourism (then known as the "Ministry of Culture and Public Information." Approximately 20 years thereafter, it grew to have three divisions and one team in charge of copyright matters and the number of staffs also increased from 10 to about 60.

The human resource increase is primarily attributable to the appointment of a corps of copyright special judicial police officers. These police officers are assigned to regional offices in major cities of Korea (Seoul, Busan, Daejeon, Gwangju and Daegu) and their major responsibility is to crack down on illegal copyright infringements.

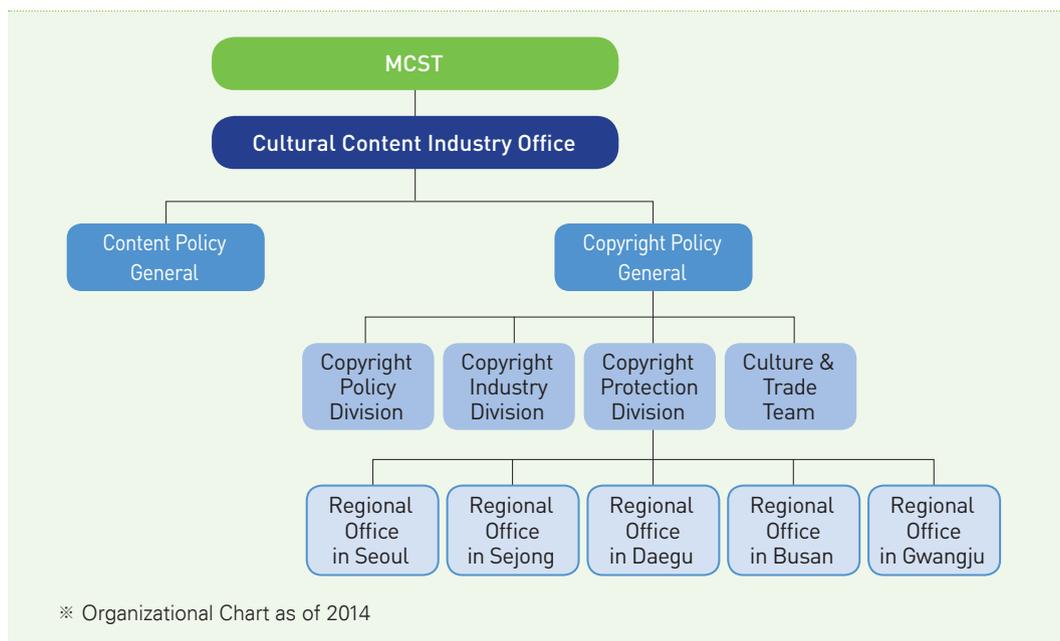
The history of structural reorganization with respect to copyright policy within the MCST is shown as follows:

## History of Structural Reorganization Concerning Copyright

July 1968	Copyright administration transferred from the Ministry of Education
Dec. 1987	Copyright Division established within the Ministry of Culture and Public Information
Aug. 2005	Copyright Division transferred from the Culture Policy Bureau to the Culture Industry Bureau
July 2006	Following a government reorganization, name changed from "Copyright Division" to "Copyright Team" May 2007 Copyright Team
May 2007	Copyright Team enlarged and divided into Copyright Policy Team and Copyright Industry Team
Feb. 2008	The position of "Copyright Policy Directorate General" established
Mar. 2008	Mar. 2008 Computer program protection-related affairs transferred from the Ministry of Information and Communication to the MCST
Aug. 2008	Copyright Protection Team established
Jan. 2009	Trade Cooperation Team established
May 2009	Trade Cooperation Team integrated into Copyright Policy Division
Aug. 2012	2012 Culture & Trade Team established

Below is the current organizational chart with respect to copyright policymaking and implementation.

## Organizational Chart



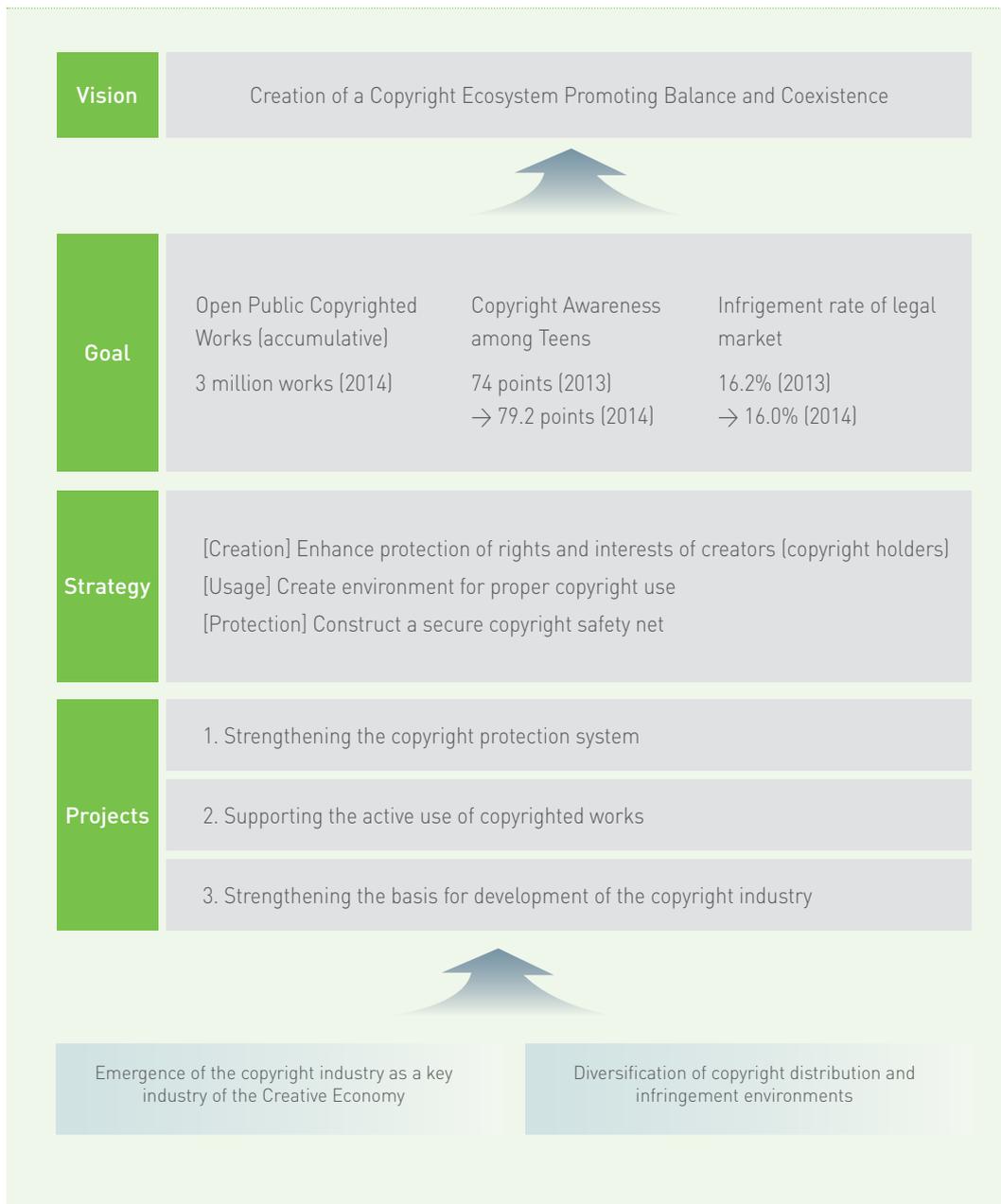
The following are the main tasks of each division in charge of handling copyright matters:

Division	Main tasks
<b>Copyright Policy Division</b>	Improving copyright-related laws and institutional systems; Supervising the Korea Copyright Commission; Promoting copyright education and public awareness campaigns; Enhancing copyright protection overseas
<b>Copyright Industry Division</b>	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.
<b>Copyright Protection Division (including five regional offices)</b>	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.
<b>Culture and Trade Team</b>	Planning/coordination of trade policies in the cultural sector including FTAs/ Cooperation with copyright-related international organizations such as the World Intellectual Property Organization (WIPO), foreign governments and agencies

## ② Policy Vision and Strategies for 2014

In order to create a healthy copyright ecosystem in which the establishment of a virtuous cycle of creation-distribution-use will help to realize the Creative Economy, while allowing for comfortable creation, convenient distribution, and free use, the government set its policy goal to be "Creation of a Copyright Ecosystem Promoting Balance and Coexistence." The government decided to pursue three main projects: (1) strengthening the copyright protection system; (2) supporting the active use of copyrighted works; and (3) forming the basis for further development of the copyright industry.

basis for further development of the copyright industry.



## II. Korea Copyright Commission

The Korea Copyright Commission (hereinafter referred to as “KCC”) is one of the key public 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.

### ① General Facts

- **Date of Establishment: July 23, 2009**
- **Number of Staff: 95**
- **Basis for Establishment: Article 112 of the Copyright Act**
- **History**
  - July 1, 1987: Establishment of the Copyright Commission for Deliberation and Conciliation (formerly “Copyright Commission”)
  - Aug. 2000: Delegation of additional responsibilities (copyright registration, statutory license, compensation standards determination)
  - Dec. 29, 1987: The Program Deliberation Commission (formerly “Computer Programs Protection Commission” is established.

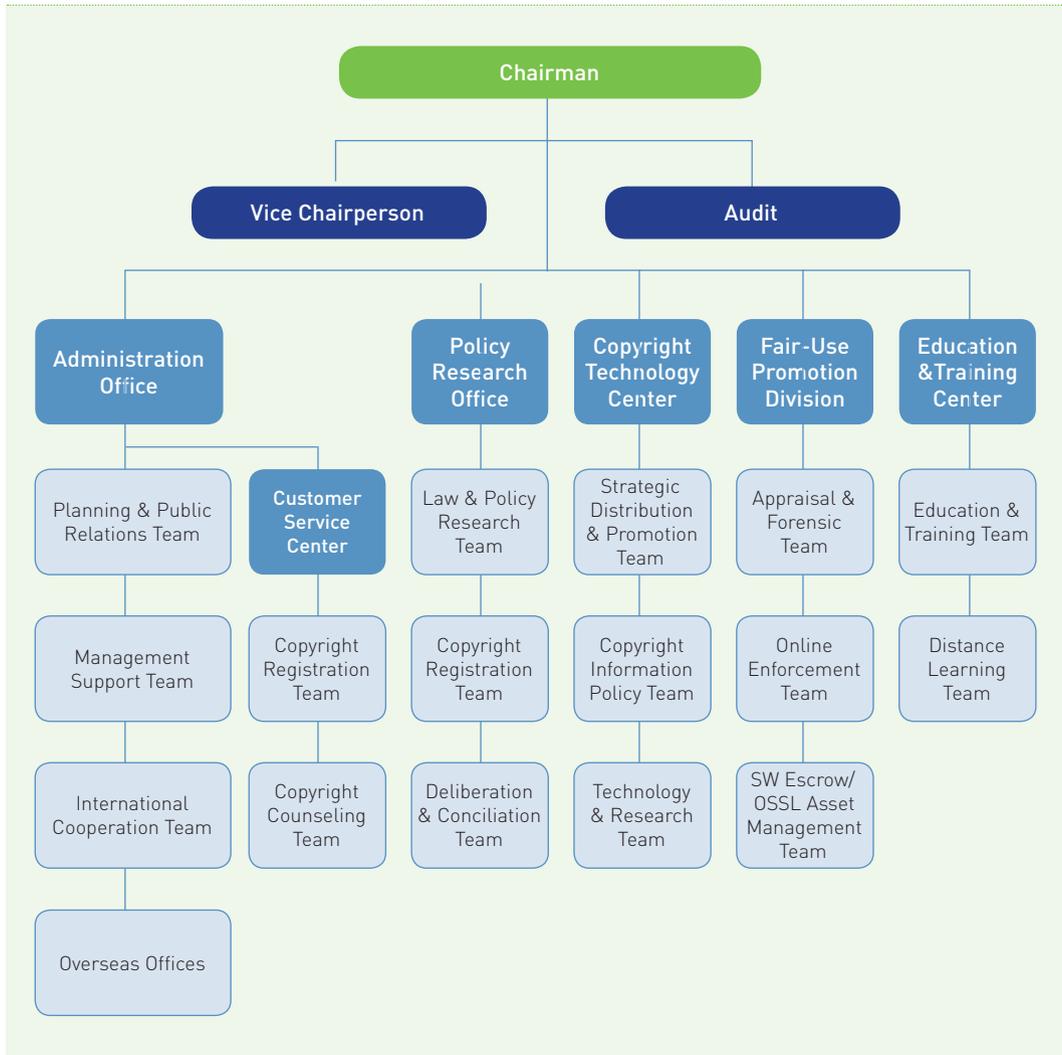
- Jan. 2005: Establishment of the Digital Content Use Protection Center in CPPC. (Computer Programs Protection Commission)
- Apr. 2007: Establishment of the Illegal Software Reproduction Report Center in CPPC. (Computer Programs Protection Commission)
- July 23, 2009: Launching the Korea Copyright Commission by merging the Copyright Commission and the Computer Programs Protection Commission

- **Main Functions**

- 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 trade and industry and generating statistic
- R&D on copyright technology and digital copyright forensics related activities

## ② Organizational Chart

### Organizational Chart as of 2014



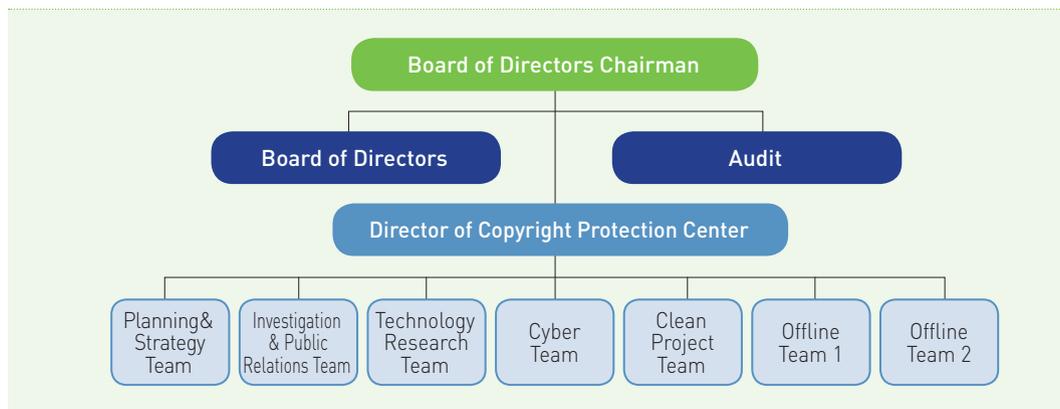
## III. Copyright Protection Center

### ① General Facts

- Date of Establishment: April 2005
- Number of Staff: 69
- Main Functions
  - Cracking down on illegal reproductions online and offline in accordance with provisions of “Notification of designation of organizations entrusted to crack down on illegal reproductions”<sup>1</sup>
  - Establishment of an IT-based enforcement system
  - Implementation of “Clean Project” aimed to protect copyright and conducting research and public awareness activities

### ② Organizational Chart

#### Organizational Chart as of 2014



<sup>1</sup> Notification of designation of entrusted organizations pursuant to Paragraphs 1 through 3 of Article 133 of the Copyright Act and Article 70 of the Enforcement Decree of the same Act



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# Copyright Policy and Institutional Improvement

- I. History of the Copyright Act of Korea
- II. Overview of the Copyright Act of Korea
- III. Key Points of Amendments Made in 2014
- IV. International Trade Activities and Status of  
Membership of International Treaties
- V. Major Legal Cases on Copyright

# I. History of the Copyright Act of Korea

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.

Enactment & Amendments	Description	Date of Promulgation
<b>Enactment</b>	· Enactment of the Copyright Act of Korea	Jan. 28, 1957
<b>1st Amendment</b>	· Introduction of internationally recognized regimes to join international conventions such as Universal Copyright Convention (UCC)	Dec. 31, 1986
<b>2nd Amendment</b>	· Amendment of relevant provisions following the amendment to the Government Organization Act	Dec. 30, 1989
<b>3rd Amendment</b>	· Amendment of relevant provisions following the amendment to the Government Organization Act	1990. 12. 27
<b>4th Amendment</b>	· Change of names of relevant Acts with the enactment of the Library Promotion Act	Mar. 8, 1991
<b>5th Amendment</b>	· Amendment of relevant provisions following the amendment to the Government Organization Act	Mar. 6, 1993
<b>6th Amendment</b>	· Extension of protection term of copyright neighboring rights and imposition of more rigorous penalties, etc.	Jan. 7, 1994
<b>7th Amendment</b>	· Change of names of relevant Acts following the amendment to the Libraries and Reading Promotion Act	Mar. 24, 1994
<b>8th Amendment</b>	· 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
<b>9th Amendment</b>	· Introduction of a hearing system for such cases as revocation of copyright collective management services	Dec. 13, 1997
<b>10th Amendment</b>	· 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

Enactment &endments	Description	Date of Promulgation
<b>11th Amendment</b>	<ul style="list-style-type: none"> <li>· Provision of sui generis protection of database produces and clarification of the scope of responsibilities of online service providers, etc.</li> </ul>	July 10, 2003
<b>12th Amendment</b>	<ul style="list-style-type: none"> <li>· Granting of the right of interactive transmission to performers and phonogram producers</li> </ul>	Oct. 16, 2004
<b>13th Amendment</b>	<ul style="list-style-type: none"> <li>· Change of names of relevant Acts following the amendment to the Library Act</li> </ul>	Oct. 4, 2006
<b>14th Amendment (2nd Complete Revision)</b>	<ul style="list-style-type: none"> <li>· Introduction of the concepts of public transmission and digital sound transmission</li> <li>· Change of the organization name to the Copyright Commission granted with more responsibilities.</li> <li>· Introduction of orders to collect, discard, delete and suspend illegal reproductions, etc.</li> </ul>	Dec. 28, 2006
<b>15th Amendment</b>	<ul style="list-style-type: none"> <li>· Amendment of relevant provisions following the amendment to the Government Organization Act</li> </ul>	Feb. 29, 2008
<b>16th Amendment</b>	<ul style="list-style-type: none"> <li>· Granting of immunity to the National Library of Korea when it collects online materials for preservation purposes</li> <li>· Clarification of the scope of specialized recording formats for the exclusive use by visually impaired persons, etc.</li> <li>· Introduction of the right to claim remuneration for public performances for performers and phonogram producers, etc.</li> </ul>	Mar. 25, 2009
<b>17th Amendment</b>	<ul style="list-style-type: none"> <li>· Integration of the Copyright Act and the Computer Program Protection Act</li> <li>· Establishment of the Korea Copyright Commission granted with more responsibilities.</li> <li>· Strengthening of measures to prevent illegal online reproductions etc.</li> </ul>	Apr. 22, 2009
<b>18th Amendment</b>	<ul style="list-style-type: none"> <li>· Change of names of relevant Acts following the amendment to the Act on the Advancement of Newspapers, etc.</li> </ul>	July 31, 2009
<b>19th Amendment</b>	<ul style="list-style-type: none"> <li>· Reflection of the Korea-EU Free Trade Agreement</li> </ul>	June 30, 2011
<b>20th Amendment</b>	<ul style="list-style-type: none"> <li>· Reflection of the Korea-US Free Trade Agreement</li> </ul>	Dec. 2, 2011
<b>21st Amendment</b>	<ul style="list-style-type: none"> <li>· Permission for reproduction for persons with hearing impairments</li> </ul>	July 16, 2013
<b>22nd Amendment</b>	<ul style="list-style-type: none"> <li>· Permission to freely use public works</li> </ul>	Dec.30, 2013

## II. Overview of the Copyright Act of Korea

### ① Purpose of the Copyright Act

The Purpose of the Copyright Act is to protect the rights of authors and the rights neighboring them and to promote the fair use of works in order to contribute to the improvement and development of culture and related industries (Article 1).

### ② Definition and Types of Works

“Works” shall mean creative productions in which human ideas or emotions are expressed (Article 2, Paragraph 1). 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). All other creative productions that meet the requirements of works shall be protected by the Copyright Act.

### ③ Authorship and Copyright

In principle, authors shall be natural persons, yet exceptionally legal persons (corporations, organizations and other employers) may be considered authors (Article 9). The works by legal persons are specifically termed as “works made during the course of duty.”

Copyright consists of moral rights and economic rights. Moral rights include the right to publicize, the right of paternity and right of integrity.

Economic rights include the right of reproduction; the right of public performance; the right of communication to the public (including the right of broadcasting, the right of interactive transmission, the right of digital sound transmission); the right of exhibition; the right of distribution; the right of rental; and the right of production of derivative works.

## ④ Creation and Transfer of Copyright

### 1) Creation of Copyright

Copyright exists the moment the work is created and it adopts the principle of automatic protection which does not require any procedures or formalities (e.g., presentation of a specimen copy, deposit or registration).

### 2) Transferability of Copyright

Economic rights may be transferred in whole or in part. However, moral rights are only owned by the author; thus they are neither transferred to nor inherited by another person.

## ⑤ Limitations to Authors' Economic Rights

Authors' economic rights are their rights to use their works exclusively. 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 may even hinder cultural development; thus economic rights can be limited in certain circumstances. The Copyright Act of Korea stipulates limitations to economic rights for works other than computer programs in Article 23 through Article 38 and those for computer programs in Article 101-3.

## ⑥ The Term of Protection for Economic Rights

In principle, economic rights shall continue to subsist during the lifetime of the author and 50 years<sup>2</sup> after the death of the author. In the case of joint authorship works, the economic rights shall continue to subsist for a period of 50 years from the death of the last surviving author. In the case of anonymous or pseudonymous works, works created for hire,

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<sup>2</sup> The "no-prosecution-contrary to victim's intent" offense refers to an offense which is not subject to prosecution because the victim expresses the intention that he or she does not want the prosecution of the suspect.

cinematographic works, computer programs, economic rights shall continue to subsist for a period of 50 years after they have been made public. The term of protection of the author's economic rights shall be calculated from the beginning of the year following the date the author died or the work is made public.

## ⑦ Statutory License

Under the statutory license, any person who, despite considerable efforts, could not identify or locate the holder of economic rights in a work or make contact even when the rights holder is known and thus is unable to obtain the authorization of the rights-holder for the work's exploitation, may exploit the work upon obtaining the approval of the Minister of Culture, Sports and Tourism. The Korea Copyright Commission is entrusted with the function to grant a license on behalf of the MCST Minister (Article 50, Article 130).

## ⑧ Effect of Copyright Registration

Legal protection of copyright is provided even when the copyright is not registered. Copyright registration is handled by the Korea Copyright Commission. If it is registered, however, the following legal benefits are provided:

### 1) Legal Presumption

A person whose real name is registered as the author of a registered work shall be presumed as the author of the work. A work for which its date of creation or the initial date of disclosure is registered shall be presumed to have been created or made public on the registered date. However, if a work is registered more than one year after its creation, it shall not be presumed to have been created on the date registered. In addition, when a registered work is infringed upon, it shall be presumed that the infringement has occurred due to negligence at least.

### 2) Priority of Rights between Conflicting Parties

In case a party is assigned with economic rights or the right to publication is established

and these rights are registered, the registered assignee or the registered owner of the publication rights shall prevail over the duplicate assignee or the duplicate publication right holder.

## 9. Neighboring Rights

Neighboring rights are rights granted to those who have made capital investments or creative contributions in delivering copyrighted works to the public. The subjects of neighboring rights include performers, phonogram producers, and broadcasters. Performers have the right of indicating their names, the right of maintaining integrity, the right of reproduction, the right of distribution, the rental right, the right of public performances (live performances), the right of broadcasting performances (live performances), the right of interactive transmission, the right of claiming remuneration for broadcasting commercial phonograms, the right of claiming remuneration for digital sound transmission, and the right of claiming remuneration for public performances of commercial phonograms. On the other hand, phonogram producers have the right of reproduction, the right of distribution, the rental right, the right of interactive transmission, the right of claiming remuneration for broadcasting commercial phonograms, the right of claiming remuneration for digital sound transmission, and the right of claiming remuneration for public performances of commercial phonograms. Broadcasters have the right of reproduction and the right of rebroadcasting.

Neighboring rights shall be protected for a period of 70 years from the time when the live performance, and the time when the phonogram is published in the case of phonograms, and for a period of 50 years from the time when the broadcast is made in the case of broadcasts.

## 10. Remedies for Infringement

Persons whose copyrights have been infringed may seek civil or criminal remedies. With respect to civil remedies, the copyright holder may file a lawsuit with the court against the alleged infringer to demand prevention of infringement, suspension of infringement, restitution of unjust enrichment, and compensation for damages, etc. The time limit for

claiming compensation is 10 years from the date of the illegal activity or three years from the date when the damage and the infringer are identified.

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. Therefore, the investigation authorities may not prosecute the suspect upon a complaint filed by a third party whose copyright has not been infringed.

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 performing his or her duty, such offense shall be categorized as a "no-prosecution-contrary to victim's intent" offense.

Any person who infringes upon economic rights of an author or a performer, etc. may be subject to imprisonment for not more than five years or a fine of not more than KRW 50 million or both. Any person who infringes upon moral rights may be subject to imprisonment for not more than three years or a fine of not more than KRW 30 million or both.

## III. Key Points of Amendments Made in 2014

### ① • Permission for exhibit and public transmission of copyrighted works for academic purposes (Act No.12137)

While previously it was only possible to copy, distribute, perform, broadcast, or transmit copyrighted works for academic purposes, exhibition and public transmission are now also permitted in light of today's diversifying education environment.

With the expanded criteria for the permitted use of copyrighted works for academic purposes, it is expected that this amendment will greatly contribute to the improvement of the quality of public education.

### ② • Permission to freely use copyrighted public works (Act No.12137 of December 30, 2013)

It has been made possible for the general public to freely use works produced or commissioned by the central government or local governments and even the works whose whole economic rights are explicitly owned by the central government or local governments under contracts.

Until now, public works with the exception of some works such as legal provisions and regulations had been subject to the protection of copyright and thus the general public could use them only after individually obtaining permission from public agencies concerned.

With the ground for permitting the free use of public works now in place, the general public can freely use works owned by the State or local governments without needing to obtain approval for use.

## IV. International Trade Activities and Status of Membership of International Treaties

### ① Korea's Active Pursuit of and Participation in Trade Negotiations

As of December 2014, intellectual property rights are included as a separate in all free trade agreements (FTAs) except for the Korea-ASEAN FTA among the 12 FTAs signed between Korea and other countries. Among them, the Korea-U.S. FTA and the Korea-EU FTA stipulate many TRIPS-Plus provisions that go beyond TRIPS negotiation criteria.

Key points of the Korea-US FTA that went into effect in March 2012 include protection of temporary reproduction, introduction of fair-use provisions, introduction of exclusive publication rights, introduction of a procedure to request information on the alleged infringer, protection of encrypted broadcasting signals, anti-camcording, and expansion of the scope of infringement offences prosecuted ex officio.

In 2010, Korea held FTA negotiations with Australia, New Zealand, Turkey and Columbia. FTA with Turkey (basic agreement and trade agreement) was reached in March 2012 and went into effect in May 2013, while FTA with Columbia was settled in June 2012, currently undergoing ratification process by the national assembly. In 2014, the FTA with Canada was concluded and FTA with Australia went into effect. FTA negotiations with Vietnam, China, and New Zealand have been completed and are preparing for official signing.

## FTA Status of the Republic of Korea

(As of December 2014)

Phase	Country	Description	Description
FTAs in effect (10 countries)	Chile	Negotiations were launched in Dec.1999 FTA was signed in Feb. 2003; FTA went into effect in Apr. 2004.	Korea's 1 <sup>st</sup> FTA; Springboard for entry into the Latin American market
	Singapore	Negotiations were launched in Jan.2004; FTA was signed in Aug.2005; FTA went into effect in Mar. 2006 FTA went into effect in Apr. 2004.	Springboard for entry into the ASEAN market
	EFTA (4 countries)	Negotiations were launched in Jan. 2005; FTA was signed in Dec. 2005 FTA went into effect in Sept.2006. ※ Switzerland, Norway, Iceland, Liechtenstein	Springboard for entry into the European Union market
	ASEAN (10 countries)	Negotiations were launched in Feb. 2005; Trade in Goods Agreement was signed in Aug. 2006; Trade in Goods Agreement went into effect in June 2007; Trade in Service Agreement was signed in Nov.2007; Trade in Service Agreement went into effect in May 2009; Investment Agreement was signed in June 2009; Investment Agreement went into effect in Sept. 2009; ※ Indonesia, Malaysia, Vietnam, Myanmar, the Philippines, Laos, Cambodia, Brunei, Thailand, Singapore	Korea's 3 <sup>rd</sup> largest trading partner
	India	Negotiations were launched in Mar. 2006; FTA was signed in Aug. 2009; FTA went into effect in Jan. 2010	BRICs member; Mega market
	USA	Negotiations were launched in June 2006; FTA was signed in June 2007; Additional negotiations were concluded in Dec. 2010; Agreed documents were signed and exchanged in Feb.2011; FTA went into effect in Mar.2012.	Mega advanced economy
	EU	Negotiations were launched in May 2007; negotiations were concluded in July 2009; FTA was initiated in Oct.2009; FTA was signed in Oct. 2010; FTA went into effect in July 2011	The world's largest economy (based on GDP)

Phase	Country	Description	Description
<b>FTAs in effect (10 countries)</b>	Peru	Negotiations were launched in Mar. 2009; Negotiations were concluded in Aug.2010; FTA was signed in Mar.2011; FTA went into effect in Aug. 2011.	Country rich in natural resources; Springboard for entry into Latin America
	Turkey (Framework Agreement, Agreement on Trade in Goods)	Negotiations were launched in Apr.2010; FTA was initiated in Mar.2012; FTA was signed in Aug. 2012 FTA went into effect in May 2013.	Springboard for entry in Europe and Central Asia
	Australia	Negotiations were launched in May 2009; Negotiations were concluded in December 2013; FTA was initiated in February 2014 and signed in September 2014	Country rich in natural resources; a major market in Oceania
<b>FTAs Concluded (5 countries)</b>	Columbia	Negotiations were launched in Dec. 2009; Conclusion of FTA negotiations was announced in June 2012; FTA was initiated in August 2012 and signed in February 2013	Country rich in natural resources; an emerging market in Latin America
	Canada	Negotiations were launched in July 2005; 15th negotiations were held in Mar. 2014. Negotiations were concluded in March 2014 FTA was signed in September 2014	Advanced economy in North America
	China	Korea-China Trade Ministers' Meeting was held in Apr.2011; Launch of negotiations was announced in May 2012; 8th round of negotiations were held in Nov. 2013. 14th negotiations were concluded in November 2014	Advanced economy in North America
	New Zealand	Negotiations were launched in June 2009; 4th negotiations were held in May 2010. Resumption of negotiations was agreed in Dec.2013. 9th negotiations were held in October 2014. Negotiations were concluded in November 2014. FTA was initiated in December 2014.	Key market in Oceania
	Vietnam	Trade Ministers' Meeting was held in Sept.2012; 3rd round of negotiations were held in Oct. 2013. 9th negotiations were held and concluded in December 2014.	Springboard for entry into the ASEAN market

Phase	Country	Description	Description
FTAs under negotiation (6 cases)	GCC (6 countries)	Negotiations were launched in Dec. 2009; Conclusion of FTA negotiations was announced in June 2012; FTA was initiated in August 2012 and signed in February 2013	Country rich in natural resources; an emerging market in Latin America
	Mexico	Complementation Agreement) was elevated into FTA and negotiations were resumed in Dec.2007; 2nd round of negotiations were held in June 2008.	Springboard for entry into North and Latin Americas
	Indonesia	Launch of negotiations was announced in Mar. 2012; 7th round of negotiations were held in Feb. 2014.	Country in demand of the Korean Wave; Establish foundation for protection
	Korea-China-Japan	Launch of negotiations was announced during the Trader Ministers' Meeting in Nov. 2012. 6th round of negotiations were held in Nov. 2014.	Balanced regional economic cooperation
	RCEP (16 countries)	Launch of negotiations was announced in Nov. 2012. 6th round of negotiations were held in Dec. 2014. ※ 12 countries: Korea, Japan, China, India, Australia, New Zealand, ASEAN member states	Country rich in natural resources; an emerging market in Latin America
	TISA	Launch of negotiations was announced in Dec. 2012. Nine rounds of negotiations were held until Dec. 2014.	Complementing DDA negotiations & making progress

## ② Reinforcement of Copyright-related International Cooperation

Multilateral discussions on copyright on the international level are mainly led by the World Intellectual Property Organization (WIPO). WIPO's Standing Committee on Copyright and Related Rights (SCCR), which deals with major agenda on copyright, has mainly discussed such agenda issues as protection of broadcasters, protection of rights of audiovisual performers and reinforcement of accessibility for visually impaired persons. Discussions on the rights of audiovisual performers were concluded with the adoption of the Beijing Treaty on Audiovisual Performances in June 2012. Discussions on reinforcement of accessibility of visually impaired persons were concluded with the adoption of the "Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled" in June 2013.

With respect to international protection of traditional cultural expressions/Expression of Folklore, which are drawing attention as a new type of intellectual property, WIPO set up the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) at the General Assembly held in October 2000. Starting with the first session in April 2001, the discussions continued on to the 28th session in July 2014.

Meanwhile, the Korean government has contributed funds-in-trust to WIPO annually to support WIPO-level projects aimed to improve copyright environment for developing countries. As part of the funds-in-trust projects, the Korean government has organized the "Study Visit to The Korea Copyright Commission in Republic of Korea" every year since 2007 where the Korean government invites copyright policymakers from Asian developing countries to transfer Korea's experiences and discuss relevant issues, making a great contribution to advancement of copyright-related legal and management systems of participating countries.

In April 2014, WIPO regional competency strengthening workshops and WIPO subregional workshops for copyright experts in developing countries were held. Education and policy concerns to improve copyright awareness of copyright experts in Asia, South America, Middle East, and Africa were shared during the WIPO regional workshop, with an expectation to help

improve the copyright protection environment of participating countries. WIPO subregional workshop was held in Shanghai, China, for the first time in August 2013 for the four Northeast Asian countries (Korea, China, Russia, and Mongolia) to share the current state of copyright development and experiences as well as to promote cooperation within the region. At the second workshop in Seoul, a continued will for cooperation and a deepened trust relationship among the four countries could be reaffirmed. Russia and Mongolia showed interest to hold future WIPO subregional workshops, continuing to cooperate with Northeast Asian countries through workshops and playing an important role in sharing our advanced system and policies.

Since the first session in November 2012, the Interregional Training Program on Copyright Enforcement, aimed to protect copyrights in each country and to train experts for execution, was relocated to a trust fund and the third workshop was held in October 2014. Eighteen copyright protection experts from 9 countries including employees of execution institutions in Asian and Latin America participated to share their copyright legal system, policy and main issues, while Korea shared its advanced technology related to copyright protection and crackdown. This workshop, based on the public confidence and expertise of the WIPO, will help strengthen Korea's position in the international copyright area as well as form a suitable international environment to protect Korea's contents.

With the emergence of the conciliation system as a new and useful means to settle copyright disputes, the MCST is holding annual seminars or workshops since 2013 in cooperation with the WIPO. The copyright conciliation workshop held in October 2014 is serving as a competency strengthening project to experience the theories and the realities of conciliation techniques, with the goal of raising domestic copyright conciliation experts. As the demand for conciliation system is expected to increase to facilitate resolution of copyright disputes, in-depth workshops by industry will be held in 2015, in which the effectiveness and efficiency of the conciliation system will be explained to relevant personnel in the copyright industry.

In addition to collaborative activities led by WIPO, the Korean government also attends the Intellectual Property Experts Group Meetings (IPEG) under the Asia-Pacific Economic Cooperation (APEC), which are held twice a year to introduce Korea's advanced copyright system and gain insights into the policies of other member states, being engaged in vigorous exchange of policy information.

### ③ 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 Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms in 1987, the TRIPS Convention in 1995, the Berne Convention for the Protection of Literary and Artistic Works in 1996, the World Intellectual Property Organization (WIPO) and the WIPO Copyright.

Treaty(WCT) in 2004, bringing Korea's copyright laws up to international standards. Furthermore, in an effort to strengthen the rights of performers and producers of phonograms and further solidify international cooperation in the area of protection of copyright neighboring rights, the Korean government acceded to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations and the WIPO Performances and Phonograms Treaty(WPPT) in 2008, while joining the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite in 2011.

The Korean government has also actively participated in multilateral negotiations on the Anti-Counterfeiting Trade Agreement (ACTA), contributing to the formation of international norms. The ACTA negotiations were launched in Geneva, the Switzerland in June 2007 based on a draft jointly drawn up by the United States and Japan. In 2010, countries closely cooperated to facilitate early conclusion of the ACTA and meetings were held in Mexico in January, New Zealand in April, Switzerland in June and the United States in August. As a result, the treaty text was provisionally agreed in Tokyo, Japan in October 2010, and the final text was released in December 2012. Korea officially signed the ACTA on October 1, 2011.

Meanwhile, discussions on protection of audiovisual performances which had been launched in 1997 were finally concluded with the adoption of the Beijing Treaty on Audiovisual Performances in Beijing, China, on June 24, 2012 with the attendance of 700 delegation members from 156 WIPO member states.

The Treaty reinforced international protection of audiovisual performances by granting performers moral rights such as right of paternity and right of integrity and granting

performers such rights as reproduction right and distribution rights –not only for unfixed performances, but also for fixed performances. It also prolonged the protection period to at least 50 years, unlike the Rome Convention which granted 20 years of protection period. Korea attended the WIPO diplomatic conferences held in Beijing China and actively participated in the discussions to come up with an international treaty on copyright by playing a part in drafting the text of the Treaty.

Furthermore, discussions on facilitation of visually impaired persons' access to published works, which had been launched in November 2003, were concluded in Marrakesh, Morocco on June 27, 2013 featuring the participation of 600 people including delegations from 160 WIPO member states and representatives from 57 intergovernmental organizations and NGOs with the adoption of the "Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled."

The Treaty includes the limitations or exceptions provided in national copyright laws to the right of reproduction, the right of distribution, and the right of making available to the public to facilitate the availability of works in alternative format copies for visually impaired persons by authorized entities; permitting authorized entities to distribute legitimately produced accessible alternative format copies to an authorized entity or a beneficiary person in another Contracting Party; and the obligation to perform the three-step test on limitations and exceptions under the Berne Convention, TRIPS and WCT.

This Treaty is the first treaty that has adopted limitations and exceptions as principles, departing from the framework of the existing treaties on copyright protection. It carries significance in that it promotes balance between copyright protection and use of copyright and has come up with international norms for visually impaired persons who had not benefitted from technological and cultural advancements in the past.

Korea not only contributed to the drafting of the treaty through active participation in the WIPO diplomatic negotiations in Marrakesh, but also is preparing domestic regulations to guarantee visually impaired persons' access to published works. Korea signed the Marrakesh Treaty on June 26, 2014, pending ratification.

### Status of Korea's Conclusion and/or Accession into Copyright-related International Treaties and Conventions

International Treaties and Conventions	Description	Year of Conclusion	Date of Accession
<b>The Convention Establishing the World Intellectual Property Organization</b>	<ul style="list-style-type: none"> <li>• Stipulates the establishment of WIPO</li> <li>• Signed when joining WIPO</li> </ul>	1967	Mar.1,1979
<b>The Universal Copyright Convention</b>	<ul style="list-style-type: none"> <li>• Coordination between formality and nonformality concerning copyright protection (Application of © Mark)</li> <li>• Most countries pursued non-formality, having little effect.</li> </ul>	1952	Oct.1, 1987
<b>The Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms</b>	<ul style="list-style-type: none"> <li>• Provisions prohibiting unauthorized duplication of phonograms;</li> <li>• Only single content is regulated; having little effect.</li> </ul>	1971	July 1,1987
<b>The Agreement on Trade-Related Aspects of Intellectual Property Rights; TRIPS</b>	<ul style="list-style-type: none"> <li>• Some provisions of the Berne Convention and the Rome Convention are incorporated into TRIPS;</li> <li>• Comprehensive provisions on copyright and related rights;</li> <li>• It is possible to bring disputes among countries to the dispute settlement body;</li> <li>• WTO's general principles such as National Treatment (NT) and Most-Favored-Nation Treatment (MFN) are applied.</li> </ul>	1995	Jan.1,1995
<b>The Berne Convention for the Protection of Literary and Artistic Works</b>	<ul style="list-style-type: none"> <li>• Framework Convention on copyright;</li> <li>• Protection provisions for copyright;</li> <li>• Protection period: 50 years</li> </ul>	1886	May 21, 1996
<b>WIPO Copyright Treaty; WCT</b>	<ul style="list-style-type: none"> <li>• Copyright protection in the Internet era;</li> <li>• Treaty that has updated the Berne Convention to suit the digital age;</li> <li>• Protection period: 50 years</li> </ul>	1996	Mar.24, 2004
<b>International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations</b>	<ul style="list-style-type: none"> <li>• Framework Convention on neighboring rights;</li> <li>• Protection provisions for neighboring rights;</li> <li>• Protection period: 20 years</li> </ul>	1961	Dec.18,2008

International Treaties and Conventions	Description	Year of Conclusion	Date of Accession
<p><b>The WIPO Performances and Phonograms Treaty; WPPT</b></p>	<ul style="list-style-type: none"> <li>• Protection of performances and phonograms in the age of the Internet;</li> <li>• Treaty that has updated provisions on performances and phonograms among the content of the Rome Convention to suit the digital age;</li> <li>• Protection period: 50 years.</li> </ul>	1996	Dec.18,2008
<p><b>Brussels Convention Relating to the Distribution Of Program-Carrying Signals Transmitted by Satellite</b></p>	<ul style="list-style-type: none"> <li>• Sufficient obligatory provisions designed to prevent illegal distribution of programcarrying signals transmitted by satellites;</li> <li>• Short excerpts or quotations are exceptions.</li> </ul>	1974	Dec.19,2011
<p><b>Beijing Treaty on Audiovisual Performances</b></p>	<ul style="list-style-type: none"> <li>• Granting performers moral rights;</li> <li>• Granting reproduction rights and distribution rights for fixed performances;</li> <li>• Protection period has been extended to 50 years.</li> </ul>	2012	-
<p><b>Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled</b></p>	<ul style="list-style-type: none"> <li>• Obligation to limit in national laws the right of reproduction, the right of distribution, and the right of making available to the public to facilitate the availability of works in accessible alternative format copies for visually impaired persons by authorized entities;</li> <li>• Authorized entities' right to distribute legitimately produced accessible alternative format copies to an authorized entity or a beneficiary person in another Contracting Party;</li> <li>• Obligation to comply with the three-step test on limitations and exceptions under the Berne Convention, TRIPS and WCT.</li> </ul>	2013	-

## V. Major Legal Cases on Copyright

### ① Supreme Court 2012 Da 73493, 73509 decided on January 29, 2014. Decision: Copyright infringement of feather handcraft acknowledged.

- [1] Standard for judging the substantial similarity between two copyrighted works in order to determine whether a copyrighted work infringed on the reproduction right or the derivative work production right of another copyrighted work
- [2] In cases where dependability relationship, a requirement for reproduction right infringement under the Copyright Act, is presumed
- [3] In judging the dependability relationship, a requirement for reproduction right infringement under the Copyright Act, whether the similarity of not only the protected expressions under the Act but also the unprotected expressions may be considered, unlike a judgment of substantial similarity (active)

### ② Supreme Court 2012 Da 28745 decided on February 27, 2014. Decision: Copyright ability of a recorded and edited video of a lecture on wrinkle reduction procedure techniques acknowledged.

- [1] The meaning and degree of “creativity” as defined by the Copyright Act Article 2-1
- [2] A case in which doctor A questioned whether a lecture on wrinkle-reduction procedure technique at a workshop is a protected copyrighted work under the Copyright Act and the aforementioned lecture was determined to be a copyrighted work containing creative characteristics of A.

### ③ Supreme Court 2012 Da 55068 decided on May 16, 2014. Decision: Copyright infringement case of an automobile grill design.

- [1] How to determine whether dependability relationship, a requirement for infringement of Copyright Act protected reproduction right and derivative work production right, can be acknowledged
- [2] A case in which A argued that the automobile grill design of B like " is based on A's sketch " and requested prohibition of copyright infringement against Company B, and the original judgment that determined Company B's design to be not based on A's sketch

### ④ Supreme Court 2012 Da 14375 decided on June 12, 2014. Decision: Copyright infringement of books and fiction on Seokguram Grotto

- [1] Whether the cases or backgrounds typically used in dealing with a type of an abstract person or a certain theme in fictions would be protected by copyright (defensive)
- [2] Criteria for judging whether a copyrighted work infringed on the reproduction right or derivative work production right of an existing copyrighted work

### ⑤ Supreme Court 2013 Da 8984 decided on July 24, 2014. Decision: Queen Seonduk case

- [1] How to determine whether dependability relationship, a requirement for infringement of Copyright Act protected reproduction right and derivative work production right, can be acknowledged
- [2] A case in which A argued that the TV show "Queen Seonduk," planned by broadcasting station B and script written by C, was produced and broadcasted based on the musical script written by A called "The Rose of Sharon, Queen Seonduk" and sought indemnification for damage; court ruled that because broadcasting B's accessibility to the aforementioned script and an obvious similarity between the aforementioned TV show

and the script cannot be acknowledged, no dependability relationship can be determined to exist between the two copyrighted works

### ⑥ Supreme Court 2012 Do 10786 decided on August 26, 2014. Decision: “Be the Reds!” case

- [1] The criteria for determining substantial similarity between the original and new copyrighted works when the original work was copied through photograph or video recording
- [2] The criteria for determining whether a copyrighted work under the old Copyright Act was cited within fair limits and in line with fair customs; and the scope of allowed free use for commercial use

### ⑦ Supreme Court 2014 Da 37491 decided on September 25, 2014. Decision: Copyright infringement case of a children’s musical script

- [1] Requirements for responsibility to cover damages to arise for infringement on performing rights under the Copyright Act
- [2] Case in which A argued that the children’s musical script and performance by B is substantially similar to A’s children’s musical script and sought indemnification for damage for copyright infringement, and the original judgment, which ruled indemnification for damage to B for copyright infringement, to be illegal for wrongful understanding of legal principles, as it was reached without a thorough hearing and judgment regarding dependability relationship or B’s intentions and faults.

### ⑧ Supreme Court 2012 Da 76829 decided on December 11, 2014. Decision: Relationship between trademark and copyright

- [1] Whether the shapes that can make up a trademark under the trademark law can be

protected as a copyrighted work under the Copyright Act, if they fulfill the requirements for a protected copyrighted work under the Copyright Act (active)

- [2] Case in which the fact that designs “

## ⑨ Supreme Court 2012 Do 16066 decided on July 24, 2014. Decision: Copyright infringement by using a shared copyrighted work without consent of the copyright co-holder

- [1] The requirements to become a copyright co-holder of a copyrighted work under the Copyright Act and the definition of “will to co-create”
- [2] Whether use of a shared copyright work by a copyright co-holder without the consent of the other co-holder can be perceived as infringement on the economic right of the other copyright co-holder on the shared copyright work (defensive)



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# Copyright Protection Activities

- I. Responses to and Crackdowns on  
Copyright Infringements
- II. Copyright Education and Public  
Awareness Programs
- III. Copyright Protection Technology

# I. Responses to and Crackdowns on Copyright Infringements

## ① Overview of Copyright Protection

In an effort to create a “copyright ecosystem of balance and shared prosperity” through the establishment of an airtight copyright protection network, the Korean government has expanded investigation into violators of the Copyright Act, while reinforcing online monitoring in vulnerable

hours such as night hours and public holidays by expanding the number of online monitoring staff who work from home. Furthermore, in a bid to proactively respond to new types of copyright infringements amid advancements of digital technology, it has launched investigations into

or crackdowns on torrent sites, mobile webhard, and illegal SD cards (“Filial Duty Radio”), while enhancing the digital copyright evidence analysis system. Furthermore, the Korean government has been conducting intensive crackdowns by occasion and region, including such efforts as creating an environment for fair use of software, crackdowns on key distribution bases of illegal reproductions such as Yongsan Electronics Market, and crackdowns on illegally copied publications in campus areas ahead of new semesters.

## ② Copyright Protection Policies and Activities in 2014

### 1) Investigation of Copyright Infringement Cases

In order to facilitate immediate responses to online and offline illegal reproductions and the increasingly secretive and diversified copyright infringement offences, regional offices of the Copyright Special Judicial Police in Seoul, Busan, Gwangju, Sejong and Daegu are under operation

in regional centers, including Seoul, Busan, Gwangju, Daejeon and Daegu. The regional

offices are in charge of crackdowns and investigation into copyright infringement cases in their respective jurisdictions, enhancing the efficiency of investigation into copyright infringement offenses.

Moreover, the government is seeking specialization of investigation into copyright infringement offences by strengthening the operation of scientific investigation methods such as investigation support through digital evidence collection and analysis.

The numbers of cases in which copyright infringers are sent to the prosecution by the Copyright Special Judicial Police rose significantly from 11 persons in 2008 to 312 persons in 2009, 539 persons in 2010, 1,115 persons in 2011, 1,803 persons in 2012, 1,192 persons in 2013, and 2,136 persons in 2014.

## 2) Expanded Operation of the Digital Copyright Evidence Collection & Analysis Investigation Support System

Digital copyright forensics investigates digital storage devices of companies or individuals that make profits by illegally distributing or using digital works protected under the Copyright Act without the authorization of copyright owners. It refers to a set of procedures involving collection, analysis, storage and report of the data in such digital storage devices based on logically standardized procedures and methods to make the data possess weight of evidence in legal procedures in the form of digital evidence.

The numbers of digital copyright forensic investigation support cases have steadily increased from 94 cases in 2010 to 291 cases in 2011, 323 cases in 2012, 372 cases in 2013, and 398 cases in 2014. In 2014, evidences of copyright infringement have been analyzed and investigated, which included administrators of torrent sites (5) and webhards (5), heavy uploaders, and game servers (11) and administrators (15). We seek to further systemize and increase efficiency of copyright infringement offence investigations.

### 3) Administrative Measures against Copyright Infringement

The Korea Copyright Commission may issue correction recommendations to online service providers (OSPs) that distribute illegal reproductions pursuant to Article 133 (3) of the Copyright Act. In 2009, the KCC started to issue correction recommendations for the first time in accordance with the integrated Copyright Act, issuing 35,345 recommendations in the year. It issued 85,085 recommendations in 2010, followed by 107,724, 250,039, 170,867, and 296,360 in 2011, 2012, 2013, and 2014, respectively.

#### Numbers of Correction Recommendations Issued by the KCC by Year

Classification	Annual Results	No. of Correction Recommendations			
		Warnings	Deletions/ Suspensions of Transmissions	Account Suspensions	
2010	Total	85,085	42,794	42,200	91
	Webhard	82,413	41,458	40,864	91
	P2P	2,140	1,070	1,070	-
	Portals, etc.	532	266	266	-
2011	Total	107,724	54,504	53,106	114
	Webhard	101,359	51,282	49,963	114
	P2P	1,041	522	519	-
	Portals, etc.	5,324	2,700	2,624	-
2012	Total	250,039	130,304	119,560	175
	Webhard	135,961	72,516	63,270	175
	P2P	344	172	172	-
	Portals, etc.	113,734	57,616	56,118	-
2013	Total	170,867	86,455	84,412	0
	Webhard	41,909	21,850	20,059	-
	P2P	32	16	16	-
	Portals, etc.	128,926	64,589	64,337	-

Classification		Annual Results	No. of Correction Recommendations		
			Warnings	Deletions/ Suspensions of Transmissions	Account Suspensions
2014	Total	296,360	150,722	145,638	0
	Webhard	45,371	24,122	21,249	-
	P2P	36	18	18	-
	Portals, etc.	250,953	126,582	124,371	-

Furthermore, the KCC operates an online piracy reporting website (www. copy112.or.kr) to receive complaints on online piracy lodged by copyright owners or the reports by the general public and issue correction recommendations based on the complaints. The number of complaints reported has been on the rise each year. In 2011, the KCC launched the "Citizens' Open Monitoring System" on a pilot basis through which net-users can report websites distributing illegal reproductions, which have become increasingly diversified and complex. In 2013, the KCC further upgraded the system by receiving and handling reports on private and closed websites and offering prizes to those who provide IDs and passwords for completely private and closed webhards.

### The KCC's "Copy 112" Online Piracy Reporting Website



#### 4) Creation of an Environment for Fair Use of Software Copyright

The Ministry of Culture, Sports and Tourism (MCST) has reinforced inspection activities against illegal reproduction of software among government and public agencies and small and medium-sized enterprises (SMEs), while expanding distribution of the Software Management Guide, server software management guide and software inspection programs to prevent copyright infringements that occur due to negligent software management and lack of awareness.

According to surveys on the use of software in the public sector including the central administrative agencies, local governments and public corporations, conducted pursuant to the Presidential Directive "Regulations on Software Management of Public Institutions," the rates of illegal production generally showed a downward trend with 0.51% in 2011, 0.24% in 2012, 0.12% in 2013, and 0.13% in 2014.

Since 2013, in addition to efforts to investigate into or crack down on illegal software cases, the Copyright Special Judicial Police visited small and medium-sized enterprises (SMEs) to encourage the use of authentic software and prevent illegal software reproduction activities. This initiative was introduced in consideration of the fact that, despite the ongoing crackdown on illegally reproduced software, many companies are still unaware of the hazards of illegal software reproduction; and particularly SMEs have relatively poor software management systems. During the preventive activities, companies were informed of how to utilize and manage software, free open-source software, and inexpensive replacement software to prevent illegal reproduction through ongoing management. The Copyright Special Judicial Police visited a total of 2,401 companies in 2013 and 2,504 in 2014. According to a survey taken among the companies at the end of the year, the scores for satisfaction with preventive activities and change in perceptions on software copyright stood at 93.3 points and 88.0 points, respectively.

#### 5) Special Investigation into New Types of Copyright Infringements

In addition to its intensive investigation efforts regarding illegal copying and transmission of copyrighted works via online platforms such as torrent programs and webhards, the Copyright Special Judicial Police launched a special investigation into copyright infringement

cases of private game servers, a new type of offence. Private game servers, also known as free servers, are servers that obtain profit by illegally providing modified game program connection IPs to users via a separate website or torrent sites without the permission of the copyright holder, who provides gaming services through an official server. Such servers also earn profits by selling game items to users in exchange for cash. The Copyright Special Judicial Police found 10 private server sites and sent 10 administrators to prosecution for violation of the Copyright Act, with one of them arrested for serious offences.

Furthermore, the Copyright Special Judicial Police continued to investigate illegal copying and transmission of copyrighted works on torrent and webhard sites and as a result sent to prosecution 10 torrent and webhard site administrators and 48 heavy uploaders of copyrighted works via Webhard on suspicion of infringement of the Copyright Act.

## **6) Enhanced Response to Online/ Offline Copyright Infringements**

The Copyright Protection Center under the Korea Federation of Copyright Organizations operates a unit that cracks down on copyright infringement around the clock, responding to online/ offline copyright infringement cases in a prompt and flexible manner. Commissioned by the Minister of Culture, Sports and Tourism, the Copyright Protection Center has collected, discarded and deleted offline illegal reproductions since 2007, while requesting suspension of reproduction or transmission of illegally reproduced works on behalf of copyright holders.

In addition, the Copyright Protection Center responds to online distribution of illegally reproduced works which are taking place in real time through its remote monitoring system from home against online illegal reproductions and the Illegal Content Obstruction Program (ICOP), thereby conducting monitoring day and night for 365 days a year to prevent blind spots from occurring. It monitors such genres as films, broadcasting, music, publication, comics, games, and software in webhards, P2P files, portals, torrent sites, streaming link sites without authorization.

## Copyright Infringement Crackdown Results by the Copyright Protection Center under the KFCO

Classification		2013		2014		Change (%)	
		No. of Classes	No. of Articles	No. of Classes	No. of Articles	No. of Classes	No. of Articles
Online	Musical Works	67,161	3,428,417	87,336	3,698,703	30.0%	7.9%
	Cinematographic Works	1,434,022	3,202,653	1,651,744	4,360,602	15.2%	36.2%
	Literary Works	36,632	35,416,920	47,002	37,261,640	28.3%	5.2%
	Games	56,050	82,156	45,706	50,007	△18.5%	△39.1%
	Comics	46,557	88,151,503	64,949	96,327,928	39.5%	9.3%
	Software	19,675	28,398	37,910	40,614	92.7%	43.0%
	Subtotal	1,660,097	130,310,047	1,934,647	141,739,494	16.5%	8.8%
Offline	Musical Works	741	13,544,783	935	15,320,691	26.2%	13.1%
	Cinematographic Works	596	184,107	382	380,419	⊖35.9%	106.6%
	Literary Works	460	13,225	392	33,576	⊖14.8%	153.9%
	Games	0	5	1	409	-	8,080.0%
	Comics	1	1,085	0	29	-	⊖97.3%
	Software	1,798	13,743,205	1,710	15,735,124	△4.9%	14.5%
Total		1,661,895	144,053,252	1,936,357	157,474,618	16.5%	9.3%

## II. Copyright Education and Public Awareness Programs

### ① Overview

In order to create a healthy “copyright ecosystem” in which authors are respected and high-quality works are smoothly distributed and consumed, it is still insufficient to merely make related legal improvements and develop IT technology. What is ultimately required is to change the perceptions and attitudes of people, who are members of the copyright ecosystem, toward a more desirable direction. To this end, the MCST has concentrated its policy capabilities on education and public awareness programs designed to raise awareness of the importance of copyright, and has implemented a wide range of policy measures.

Projects aimed to enhance copyright education have been implemented mainly in two aspects: development and operation of diverse education curriculums and enhancement of infrastructure such as development of high-quality education contents and establishment of systems. Education curriculums have been specialized in two areas: namely, education on prevention of copyright infringement; and education to train professional personnel. A total of 2,198,681 persons were educated under the programs from 2008 to 2014. Meanwhile, in order to establish a copyright infrastructure, copyright-related content was reflected in textbooks of elementary, middle and high schools. In July 2010, the Korea Copyright Commission was officially authorized as a copyright distance learning education and training institute by the Ministry of Education, Science and Technology and was approved as a “lifelong education institute” by the Seoul Jungbu District Office of Education in December 2012, laying the groundwork for lifelong education.

On the other hand, public awareness programs are designed to boost citizens’ awareness of copyright protection and establish a culture of legitimate use of copyrighted works. The public awareness initiatives have been implemented in the form of a range of campaigns via various media channels and participatory contests to raise copyright awareness in everyday life, contributing to advancement in copyright awareness.

## ② Copyright Education Activities and Outcomes

### 1) Education on Prevention of Copyright Infringement

Education programs on prevention of copyright infringement have been implemented in three categories: education for youths education for the general public and education pertaining to suspensions of prosecution conditional upon the receipt of copyright education designed for copyright infringers.

#### (1) Copyright Education for Youths

##### A. Hands-on Copyright Classes

Hands-on copyright classes are an education project in which copyright education is provided in school classes set aside for discretionary activities in the regular school curriculum for a certain amount of hours (more than six hours) in order to enhance copyright awareness of teachers and students. The project is mainly operated with the focus placed on hands-on programs designed to help students recognize the importance of copyright while being engaged in hands-on creative activities.



Hands-on Copyright Classes

Hands-on copyright classes started in 2006 with 20 classes being offered in the Seoul Metropolitan Area. The numbers of participating classes increased each year, with hands-on classes being administered in 198 classes in 2010 nationwide. In 2014, 195 classes were offered nationwide.

### Status of Hands-on Class Operation by Year

Classification		2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
No. of Classes		20	20	79	117	198	99	100	193	195	1,021
No. of individuals educated	Students	921	763	3,479	4,095	10,669	5,827	6,997	8,996	8,790	50,537
	Teachers	20	20	80	120	151	79	74	148	195	887

### B. Copyright Research Schools

The Copyright Research School project is aimed to devise generalized ways to educate youth on copyright by researching and developing copyright education methodology and materials for elementary and middle schools.

The Copyright Research School project was initiated in 15 schools in the Seoul Metropolitan Area in 2007, and the number of designated schools increased to 23 in the capital metropolitan area and Jeollanam-do Province in 2008. In 2009, the operation period was extended from one year to two years. The scope of operation was expanded nationwide starting from 2009. In 2013, the number of copyright research schools declined to nine nationwide with the expanded operation of hands-on copyright classes.

### Status of Copyright Research School Operation by Year

Classification		2007	2008	2009	2010	2011	2012	2013	2014	Total
No. of Schools		15	23	27	50	43	39	9	9	215
No. of individuals educated	Students	12,000	18,400	21,600	42,856	34,400	31,200	1,745	2,400	164,601
	Teachers	50	41	1,080	67	1,720	1,560	237	199	4,954
	Total	12,050	18,441	22,680	42,923	36,120	32,760	1,982	2,599	169,555

### C. On-site Copyright Education Program

The on-site copyright education program is a customized education program in which instructors visit schools, enterprises, welfare facilities and public institutions and deliver lectures on copyright upon request.

**Status of On-site Copyright Education Program Operation by Year (Students)**

Classification	2008	2009	2010	2011	2012	2013	2014	Total
<b>No. of individuals educated</b>	14,265	74,938	254,130	294,035	354,868	354,299	376,330	1,722,865
<b>No. of Education Sessions</b>	19	130	2,028	3,008	3,016	7,981	8,314	24,496

In the case of elementary, middle and high schools, young copyright instructors trained by the KCC visit the schools to offer education free of charge. In order to boost efficiency of the program, standardized education programs tailored for youth are utilized.



**On-site Copyright Education Program**

**D. Online Copyright Education for Youth**

In June 2011, the Korea Copyright Commission (KCC) launched an online education course titled "Let's Make Friends with Copyright" for elementary and middle school students nationwide and has offered the year-round course free of charge. An accumulative total of 4,735 students completed the course as of 2014.

This course is designed to raise awareness of copyright among youths and educate them on how to use copyrighted works legitimately. It deals with copyright issues arising in everyday life in an easy-to-understand way based on case studies, featuring copyright etiquette at home, at school and in public places. In order to provide more differentiated copyright education by levels, the course is divided into education courses for lower elementary school students and education courses for upper elementary school and middle school students. Each course consists of three sessions and the education period is three days.

## (2) Copyright Education for the General Public

### A. On-site Copyright Education Program

The On-site Copyright Education Program for the general public is a customized education program in which instructors visit various institutions and deliver lectures on copyright issues required by enterprises and public institutions. The KCC has provided differentiated and tailored on-site copyright education programs not only for lawyers, social welfare workers, military judicial officers, public officials at the National Assembly, and journalists, but also for reporter groups operated by enterprises, and those who are vigorously engaged in online contents creation activities such as power bloggers of portal websites.

#### Status of the On-site Copyright Education Program Operation (the general public)

Classification	2008	2009	2010	2011	2012	2013	2014	Total
<b>No. of individuals educated</b>	7,340	19,039	28,726	21,473	18,844	16,951	18,292	130,665
<b>No. of Education Sessions</b>	103	244	431	403	358	371	313	2,223

In the meantime, starting from 2010, the KCC has provided copyright education for radio and TV writers who have a direct or indirect impact on the general public via the mass media. It strives to make the public's copyright awareness naturally take root in everyday life by utilizing copyright-related topics as materials for broadcast programs.

## **B. Launching General Education Course on Copyright at Universities**

Amid rampant copyright infringement cases in university campuses such as copying academic papers and reports and illegal bookbinding of class materials, the project of launching general education course on copyright at universities was launched in 2013 with an aim of raise proper awareness of copyright among university students. The project was funded by undistributed compensation of the Korea Reproduction and Transmission Rights Association with a purpose of contributing to the development of a copyright environment by returning the share of the existing creators to prospective creators. Through the project, KCC has opened a general education course on copyright at 19 universities and a total of 2,246 university students completed the course.

## **C. Online Copyright Education for University Students and the General Public**

Starting from 2010, KCC has offered online copyright education courses to help university students and the general public receive copyright education in an easy and convenient manner - not bound by time and place. The online copyright education courses are aimed at preventing university students from being exposed to copyright infringements, as theft of knowledge such as copying academic papers and reports frequently occurs on university campus. They are also designed to help the general public avoid copyright infringement in everyday life. By 2014, a total of 8,695 persons completed the courses.

## **D. Online Copyright Education for School Parents**

The online copyright education program for school parents has been operated since June 2011 with the purpose of helping parents prevent problems associated with copyright that may occur accidentally at home and in everyday life. It placed particular emphasis on cultivating sound awareness of copyright among children through parents' enhanced awareness of copyright. The online education courses show parents how to resolve copyright-related problems that parents of elementary and middle school students may experience, and how to properly use copyrighted works.

The online copyright education course for school parents is offered on the website of the Long Distance Education and Training Institute under KCC as a permanent course free

of charge under the title “Copyright! It is a basic course and consists of three sessions, including “Copyright! It Is Really Easy!” “We Respect Authors” and “We Use Copyrighted Works the Right Way,” which are designed for elementary and middle school parents. Each session lasts for 20 minutes and the education period is three days. Those who have completed the course can receive a certificate. From the initial year of 2011 to 2014, a total of 1,225 parents completed the course.

### **(3) Education Pertaining to Suspensions of Prosecution Conditional upon the Receipt of Copyright Education**

As cases of copyright infringement in cyberspace have been rapidly on the rise with advances in digital technology, there have been increasing cases of copyright violation charges filed by some legal firms entrusted by rights holders. They are particularly targeting images and videos as well as literary works illegally uploaded on Internet blogs and community cafes run by youths and the general public who have insufficient understanding of the Copyright Act.

In response, the government introduced “suspensions of prosecution conditional upon the receipt of copyright education (hereinafter referred to as “Copyright Protection Education”) to prevent harmful effects caused by reckless filing of charges and establish an order for legitimate use of copyrighted works.

The “Copyright Protection Education” was launched in July 2008 after intensive discussions and collaboration that had taken place between the MCST and the Ministry of Justice since 2007. The KCC entrusted by the prosecutors’ offices administers the education program. Education duration is eight hours per day and education sessions are divided into adult and minor groups.

In the initial stage, the “Copyright Protection Education” was administered only for teenagers (minors) selected from copyright infringement cases under the jurisdiction of the Seoul District Prosecutors’ Office. However, in consideration of considerable effect of the education, as well as the fact that most of the infringers have committed infringement due to negligence rather than willful infringement, the scope of the “Copyright Protection

Education” was extended nationwide in March 2009 and also included adults in addition to youths. In 2014, KCC administered the “Copyright Protection Education” to 2,461 (2,442 adults and 19 minors).

Meanwhile, a complaint rejection system filed against youths was temporarily operated for a year from March 1 2009 to February 28 2010 where, if the youth involved is a first-time offender, the complaint lodged against him or her is rejected without investigation. The system was deemed effective and has been extended by a year each year.

#### Status of the “Copyright Protection Education” Operation by Year

Classification		2008	2009	2010	2011	2012	2013	2014	Total
No. of Education Requests	Adults	-	9,551	3,337	3,473	3,020	2,695	2,671	24,747
	Minors	171	332	55	82	103	50	34	827
	Subtotal	171	9,883	3,392	3,555	3,123	2,745	2,705	25,574
No. of Individuals Educated	Adults	-	7,492	3,397	2,581	2,760	2,395	2,442	21,067
	Minors	161	320	47	76	96	31	19	750
	Subtotal	161	7,812	3,444	2,657	2,856	2,426	2,461	21,817

## 2) Training of Copyright Professionals

### (1) Training of Preliminary Copyright Professionals (Copyright Culture School)

The Copyright Culture School is a systematic introductory course open not only to creators and those who work in copyright-related fields, but also to those who have interest in copyright. Over the past 24 years, the Copyright Culture School has produced 2,373 working-level copyright professionals. Its curriculum consists of comprehensive intensive education programs involving studies of the Copyright Act, actual copyright cases, international conventions, and special lectures. It offers a regular course and a short-term course.

The regular course is directed toward copyright professionals (54 hours, two to three times per week, five hours a day), while the short-term course is suitable for beginners (35 hours, five days per week, seven hours per day).

#### Status of Completion of the Copyright Culture School by Year

Classification	2008	2009	2010	2011	2012	2013	2014	Total
<b>No. of Individuals Completing the Program</b>	178 (Held 4 times)	182 (Held 7 times)	69 (Held 3 times)	61 (Held 2 times)	85 (Held 3 times)	83 (Held 3 times)	69 (Held 3 times)	658 (Held 22 times)

#### (2) Training of Working-level Copyright Professionals (The Copyright Academy)

The Copyright Academy is a specialized, customized training course tailored for working-level professionals in the copyright industry and aims to cultivate copyright working capabilities of copyright personnel in different fields. Education recipients are selected through consultations with specialized organizations and institutions in respective fields each year. It offers education curriculums focusing on copyright-related laws, working-level knowledge and case studies required by respective industries.

The Copyright Academy offers approximately 10 courses geared toward different fields, including the music, publication, legal, broadcast industries, as well as librarians and public officials. Each course accommodates around 20 individuals, offering intensive education for 2-3 days.

#### Status of Completion of the Copyright Academy by Year

Classification	2008	2009	2010	2011	2012	2013	2014	Total
<b>No. of Individuals Completing the Program</b>	259 (Held 10 times)	250 (Held 12 times)	202 (Held 10 times)	287 (Held 11 times)	215 (Held 9 times)	267 (Held 10 times)	222 (Held 11 times)	1,480 (Held 62 times)

Meanwhile, the KCC opened the Long Distance Education and Training Center in 2010 to administer e-learning copyright education in an effort to overcome limitations of time and

place faced by offline education and provide self-initiated learning opportunities.

The Internet-based online copyright course for those who work for the copyright industry offered education courses in 2010 for those who work for the music, publication and Internet industries. In order to expand the scope of education choice, four education courses, including software, games, broadcasting industry workers, and introduction to copyright were added to the existing courses in 2011 and 2012, increasing the total number of courses to seven. In 2013, three additional courses, viewable on mobile platforms and targeted at professionals in character and design, mobile, and contents export industries, were developed. In 2014, courses for entrepreneurs and two types of contents for comics (Webtoon) creators were newly developed and launched. The numbers of individuals who participated in the courses stood at 675 persons in 2010, 778 in 2011, 652 in 2012, 5,149 in 2013, and 8,761 in 2014.

### **(3) Training and Operation of Copyright Instructors**

#### **A. Online and Offline School Faculty Training**

The School Faculty Training Program is held twice a year (summer and winter) and is a 30-hour course that takes place over a period of five days. Up to 40 teachers receive the training per session and they are granted two credits upon completion of the course. Its curriculum covers introduction to the copyright system, copyright infringement and dispute resolution, as well as copyright and quotations, which are essential information to know at school.

Meanwhile, like the offline teacher training course, the KCC, which was designated as a teacher training institution for special fields by the Seoul Education Office, has administered an online teacher training course since 2007. Until 2009, the online teacher training course was entrusted to an external online training institute. However, after the KCC was officially approved by the Ministry of Education, Science and Technology as a "copyright long distance education and training institute" in 2010, the KCC has directly administered the online teacher training course since then.

Specifically, it has administered customized, long-distance training courses for Offices of Education in Incheon, Ulsan, Busan, and Gyeonggi Province.

### Status of Teacher Training Course Operation by Year

Classification	2008	2009	2010	2011	2012	2013	2014	Total
Offline	75	76	79	79	58	46	57	470
Online	2,727	3,305	3,308	10,526	13,813	7,426	10,848	51,953

### B. Training of Copyright Instructors (including youth instructors)

In an effort to meet the rapidly rising demand for copyright education, the KCC has trained and operated copyright instructors since 2007. Copyright instructors are categorized into “specialized instructors,” “beginner instructors,” “juvenile instructors,” and “youth instructors” and the appointment period is two years. The training program continued through 2013.

Meanwhile, with the rapidly rising demand for copyright education for teenagers at elementary, middle and high schools as well as social welfare facilities, the KCC has trained youth instructors to provide more effective copyright education. Copyright youth instructors have been recruited among unemployed university graduates, thereby contributing to easing youth unemployment. Until 2014, a total of 218 youth copyright instructors have been produced on seven occasions (39 instructors, held twice in 2010; 44 instructors, held twice in 2011; 43 instructors, held once in 2012; 47 instructors, held once in 2013; and 45 instructors, held once in 2014).

### Status of Appointment of Copyright Instructors

[As of 2014]

Classification	Specialized	Beginners	Juveniles	Youth	Total
No. of Instructors	54	71	62	138	325

## ③ Public Awareness Programs

### 1) Raising public awareness of copyright

#### (1) Launch of “Good© Copyright” Campaign

On April 17, the “Good© Copyright” Campaign was launched under the slogan of “Respect for the copyright and sharing makes everyone happy.” At the launching event, 14 organizations including the Ministry of Culture, Sports and Tourism, KCC, and other copyright organizations entered into an agreement regarding the campaign and designated a public relations ambassador for copyright. Singer and musical producer Yu Yeol and Webtoon creator Yoon Taeho will serve as co-chairs, while others such as Yu Heeyeol, a singer, An Sangtae, a comedian, a Miss Korea group K-Girls, popular animated characters including Pororo, Lava, and Tayo, and online game Kartrider will help with the campaign in the form of talent donation.



Launching of Good© Copyright Campaign



Cooperation Agreement Signing for Good© Copyright Campaign

Furthermore, KCC hosted promotional campaigns at various events such as the “World Book and Copyright Day,” “u-Clean Youth Culture Festival,” “Jeju Haevichi Art Festival,” and the “Bucheon International Comics Festival” for about eight months from April to the end of November. The events served as a venue for citizens to become familiar with copyright issues in daily lives and have their questions about copyright answered.



Handmade Korea 2014



The 17th Bucheon International Comics Festival

KCC also sought to spread a culture of sharing and respect for copyright through campaigns promotion videos and other effective mass media (CATV, IPTV, radio, etc.).



Good© Copyright Campaign Promotional Videos

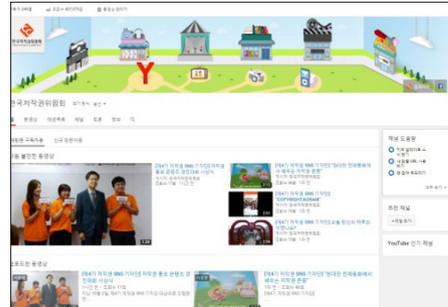
## (2) Promotion of Copyright through Copyright SNS Reporters

KCC has operated the “Copyright SNS Reporters,” comprised of undergraduate and graduate students, in addition to official Facebook and YouTube pages, in order to raise public awareness of online copyright. The Copyright SNS Reporters engaged in copyright experience activities each month, including copyright education, visits to cultural contents production sites, and accomplishment of copyright missions for approximately six months, from May to December. Afterwards, they shared copyright-related information they learned from the activities in the form of online articles, widely promoting copyright among the general public. In addition, KCC utilized its Facebook page as a channel for interacting with the public and explaining the concept of copyright in an easy and friendly manner by

delivering information that is closely linked to their daily lives. KCC also created a YouTube channel in April to expand their promotion method from text-based to video-based and thus to help improve the citizens' awareness of copyright issues.



Copyright SNS Reporters



YouTube Channel

## 2) Copyright-related Contests

### (1) The 9th Copyright Research Paper Contest for Undergraduate and Graduate Students

KCC has hosted a research paper contest for undergraduate and graduate students since 2006 in an effort to invigorate research on intellectual property and create a forward-looking research environment by instilling interest in copyright among students and motivating them to conduct research into the area. In 2014, research papers addressing a variety of topics, ranging from traditional copyright legal theory to implications of the change in environment of copyrighted works usage. The first prize was granted to Park Ji-Sook of Soongsil University for her paper titled "A Research on Possibilities of Copyrighted Works Exchange between the Two Koreas."

A total of 10 prizes were awarded, including two second prizes, four honorable mentions and three selected papers. Prizewinners were awarded prizes and scholarships, in addition to an overseas training program, through which they can become familiar with China's copyright policies and trends and explore issues with Korean copyright protection policies.

## (2) The 10th National Youth Copyright Writing Contest

The National Youth Copyright Writing Contest was launched in 2005 with an aim of encouraging children and youths to experience copyright through creative activities, thereby raising their awareness of copyright protection and proper use of copyrighted works in their daily lives. In 2012, starting from the 8th contest, the WIPO Special Prize was added to the contest, further boosting its status. A total of 2,441 entries were submitted in the 9th writing contest. An essay titled “Lost Time” written by Na Min-woong from Janghoon High School was selected as grand prize winner (Presidential Prize) after going through two rounds of screening process. In addition, a total of 82 entries won prizes, including first-prizes, special prizes, second-prizes, honorable mentions and selected works by categories of elementary, middle and high schools.

## (3) Publication of Monthly Magazine “Copyright Culture”

Copyright Culture is a renowned magazine specializing in copyright covering copyright-related information and cultural issues. It is a periodical that offers useful information including copyright policies, issues and trends from a neutral and balanced perspective to contribute to promoting not only “copyright protection,” but also facilitation of creation through “fair use.” With the development of copyright-related industries and heightened awareness of copyright in everyday life, the magazine delivers copyright information in various fields and contents aimed to boost public awareness of copyright.

Starting from the July 2014 edition (No.239), the monthly Copyright Culture split its three sections into four in order to strengthen its contents and as a result was awarded the “Korea Newsletter Association Presidential Award” at the 2014 Korea Communication Awards (November 2014). It reflected back on its efforts to deliver useful information to the copyright industry and the interested public by publishing a special edition in celebration of its twentieth anniversary in 2014 (September 2014 edition, No.241). The Copyright Culture will continue to convey interesting and insightful knowledge and information in the hopes of establishing a culture that promotes an increased copyright awareness.

## ④ Assessment and Outlook

With paradigm shift towards new media such as SNS and digital devices, the way and environment of using copyrighted works undergo rapid change. Under the circumstances, there is a need for pushing for more advanced and diversified copyright education and public awareness programs targeting teenagers and youths who are growing as the digital generation.

In response, MCST put in efforts to spread a culture of respect for copyright and sharing by shifting its paradigm of promotion from a negative message of “Illegal Infringement is Obstacle to Creation” to a positive one of “Good© Campaign.”

In particular, the MCST has established a lifelong education system by life cycle by receiving approval. It is expected to expand copyright education targeting adults and raise public awareness of copyright, while enhancing practical work execution capabilities by industry.

Despite diverse and ongoing efforts to raise public awareness of copyright, it is difficult to completely dispel public perceptions that the topic of copyright is still too difficult and formal. It appears that considerable time and efforts are required until the public gains a deep understanding of copyright and feel familiar with the topic. Therefore, more comprehensive and systematic copyright education and farreaching public awareness activities are required from a mid-to long-term perspective. To this end, the Korean government plans to actively push ahead with copyright education and public awareness activities which are easily accessible in the public’s everyday life to effectively raise public awareness of copyright.

## III. Copyright Protection Technology

Amid rapid advancements of the smart environment in recent years, the medium of copyright distribution is becoming more diversified and social network services are deeply integrated in people's everyday lives, leading to the expansion of new types of copyright infringement cases. In order to effectively cope with the situation, the demand for copyright technology and related industries are also rising. In order to effectively respond to such smart environment, the MCST has made concerted efforts to provide effective protection of copyright by providing support for copyright technology R&D projects; conducting copyright technology performance tests; pursuing research of copyright technology standardization as well as international standardization activities; operating technical committees; providing support for overseas advancement of copyright technology; and building international networks for exchange and cooperation.

### ① R&D Projects for Copyright Protection and Facilitation of Use of Copyrighted Works

Since 2011, the MCST has implemented R&D projects aimed to develop copyright technologies, including copyright protection for smartphone applications, e-Book DRAM compatibility, copyright infringement prevention and inspection software, and development of technology to protect copyright in a cloud computing environment.

In order to secure global competitiveness of copyright technology, copyright technology R&D projects have been implemented to develop core and service technologies necessary for copyright protection, service infrastructure, compatibility linkage, and fair use of copyright through collaboration among the industry, academia and research institutions in accordance with the "Copyright Technology R&D Basic Plan (Dec. 2011)." In a bid to

enhance competitiveness of core copyright technology and service innovation technology, key focus is placed on the development of copyright protection technology in the smart media environment, the development of technology to block illegal distribution and support legitimate distribution, the development of software copyright technology, and the development of ePub-based DRM compatibility technology.

In 2014, MCST provided support for 12 R&D projects selected through public contests (six new projects and six ongoing projects) in order to promote copyright protection and usage in reaction to a new distribution environment based on mobile platforms and cloud. The Ministry is also pushing for a project to support commercialization to facilitate developed copyright technologies to be applied to the industry.

#### R&D Projects Undertaken in 2014

Classification	R&D Project Title	2014 Budget	Project Duration
Copyright Technology Development	• Context-based Usage Control Technology Development for Clean Cloud	2 Bn\	3 yrs (2012-2014)
	• Software Similarity Detection Technology Development Based On Dynamic Characteristics of Binary Codes	0.4 Bn\	3 yrs (2012-2014)
	• Development of Element Technology for Protection of Social Works and Content Mashup Tools	0.4 Bn\	3 yrs (2013-2015)
	• Identification and Anti-reproduction Technology for Scanned Comic Books	0.5 Bn\	3 yrs (2013-2015)
	• Development of Technology for Copyrighted Work Identification from Incomplete BitTorrents	0.2 Bn\	2 yrs (2013-2014)
	• R&D on Innovative Service Models on Management, Logistics, Distribution, and Settlement of Copyrighted Works	0.5 Bn\	3 yrs (2013-2015)
	• EPUB SCP Technology Development and International Standardization	0.4 Bn\	3 yrs (2014-2016)
	• Development of Technology for HTML-based Web Application Package and Content Protection	0.5 Bn\	2 yrs (2014-2015)

Classification	R&D Project Title	2014 Budget	Project Duration
<b>Copyright Technology Development</b>	<ul style="list-style-type: none"> <li>Development of Digital Watermarking Technology to Prevent Copyright Infringements of 3D Contents</li> </ul>	0.2 Bn\	3 yrs (2014-2016)
	<ul style="list-style-type: none"> <li>Development of License History Tracking Technology for Content Distribution Platform between Individuals</li> </ul>	0.2 Bn\	3 yrs (2014-2016)
	<ul style="list-style-type: none"> <li>R&amp;D for Copyright Management of National Research Reports</li> </ul>	0.5 Bn\	3 yrs (2014-2016)
	<ul style="list-style-type: none"> <li>R&amp;D for Copyrighted Works Tracking, Monitoring and Services Using an Identification System</li> </ul>	0.5 Bn\	3 yrs (2014-2016)
<b>Support for Technology Commercialization</b>	<ul style="list-style-type: none"> <li>Commercialization of Innovative Service Model Research on Copyrighted Works Management, Distribution, and Calculation</li> </ul>	0.2 Bn\	1 yr (2014)
<b>Project Planning, Evaluation, and Management</b>	<ul style="list-style-type: none"> <li>Planning, Selection, Evaluation, and Management of R&amp;D Projects</li> </ul>	0.3 Bn\	1 yr (2014)
	Total	6.8 Bn \	

With respect to copyright technology R&D projects in 2014, key technologies including illegal sharing control in the cloud environment, blocking illegal distribution, protection of social works, copyrighted comics identification and reproduction prevention were developed, contributing to invigoration of the copyright industry. Copyright technology R&D helps to create a healthy environment for copyrighted works distribution by securing core copyright and service innovation technologies, in order to protect and promote copyrights in a newly developing smart environment with new contents and distribution channels. Through the copyright technology R&D projects in 2014, patent applications for a total of 34 copyright technologies have been filed and patent registration for 19 of them have been made (16 cases in Korea, three cases overseas), securing core copyright technologies.

## ② Copyright Technology Performance Evaluation and Guidelines on Technological Measures

### 1) Copyright Technology Performance Evaluation

In order to promote legitimate service operation of special-type OSPs pursuant to Article 104 of the Copyright Act, in May 2011, the Korea Broadcasting Commission revised registration requirements of special type value-added telecommunication service providers specified in Article 22 of the Telecommunications Business Act and Article 29 of the Act's Enforcement Decree. This move is designed to prevent willful or negligent copyright infringement and illegal distribution of copyrighted works by enacting provisions on registration requirements of OSPs as well as cancellation, thereby further reinforcing obligations of service providers.

Annex 2-2 related to Article 29 of the Telecommunication Business Act Enforcement Decree specifies that in order to qualify for Webhard registration, service providers must apply technological measures pursuant to the Copyright Act. According to the provision, technological measures specified in the Copyright Act must pass performance evaluation administered by the KCC, and only technologies that are valid within the date of evaluation validity must be applied. Also, the technologies must be applied around the clock.

KCC's copyright technology performance evaluation assesses feature-based filtering technology utilizing audio/video identification technologies. It is designed to prevent differences in technologies by technology providers and conflicts among interest parties that may arise surrounding technological measures. In 2014, an evaluation system for mobile application filtering technology was developed to prevent illegal infringement of mobile applications, and an E-book DRM compatibility evaluation system was also developed.

To this end, KCC established standards and guidelines of performance evaluation of feature-based filtering technology and launched a pilot service starting from the second half of 2010. It has also conducted performance evaluation with the Telecommunication Business Act amended in 2011 fully going into effect. In 2011, KCC conducted performance evaluations for four companies and issued certificates to them. In 2012 and 2013, technologies of five companies received certificates each year, and in 2014 six companies were issued certificates.

## 2) Technological Measures Application Service and Public Feature Information Database Service

“The Technological Measures Guidelines” that stipulate technological measure procedures and methods applied to “special-type online service providers (OSPs)” were prepared in October 2011. With the revision of the Telecommunications Business Act on November 20, 2011, OSPs’ social responsibility as contents distributors have been enhanced, including a shift from the reporting system to registration system exclusively for special-type OSPs and further reinforced registration requirements. However, copyright infringement cases have frequently occurred even among registered special-type OSPs due to problems associated with operation and management of technological measures. This has raised a need for guidelines on management categories requiring confirmation in the course of operation of technological measures and implementation of operation and management of voluntary measures. In response, the “Self-Check Guidelines on Technological Measures” were drawn up after six rounds of meetings from September to December 2012. As of December 2014, a total of 584 requests for technological measures were made.

A total of 5,512 cases of public feature information database development for broadcast contents were executed as of the end of 2014, of which 2,426 cases were attributed to MBC and 3,086 cases to SBS Contents Hub.

## 3) Operation of Technology Committee

The Technology Committee has been formed to deliberate and provide expertise on technical matters including rights management information in connection with the Copyright Exchange designed to provide information on copyright, copyright protection and distribution support as specified in Article 66 of the Enforcement Decree of the Copyright Act. The committee holds a regular meeting more than once every year. In 2014, a regular Technology Committee meeting and a workshop were held in February and June, respectively. In addition, 11 sub-committee meetings were held through out the year 2014 in order to deliberate on suitability and appropriateness of performance evaluation results; to evaluate performances regarding R&D technology fees; and to supervise compilation of new technical terms for the year 2014. The Technology Committee consists of 20 members from the legal community, academia, research institutions, and heads of associations and agencies.

#### 4) Support for Overseas Advancement of Copyright Technologies and Establishment of International Network for Exchange and Cooperation

The project to promote overseas advancement of copyright technology and to build international network for exchange and cooperation is aimed at building a support system necessary for overseas advancement of copyright-related companies such as distribution of copyrighted works, copyright technologies and related systems and supporting their expanded entry into overseas markets from mid-to-long term perspectives. The purpose of the project is to form networks with copyright-related government organizations and industries in Asian countries and to promote overseas advancement of related industries in Korea such as copyright technologies and contents through vigorous exchanges and cooperation.

In 2014, international cooperation activities aimed to promote overseas advancement of Korea's copyright technologies were carried out in the form of copyright technology exhibitions, conferences and business cooperation sessions in collaboration with seven countries (Malaysia, Vietnam, Singapore, Japan, Thailand, China, and United Kingdom). The exhibition held in Malaysia achieved remarkable export outcomes as evidenced by 1,150 people, a total of 205 consultations, signing of export contracts worth US\$400,000 annually between Korean and Malaysian companies.

Various other outcomes were also achieved, including signing of an MOU between Korean and Vietnamese companies, signing of contracts worth US\$20,000 and 50,000 Japanese yen between Korean and Japanese companies, signing of a contract worth US\$100,000 between Korean and Thai companies, and signing of a US\$230,000 export contract between Korean and Chinese companies.





2014 Annual Report on Copyright in Korea

# Facilitation of the Use of Copyrighted Works

- I. Creation of an Environment for the Efficient Use of Copyrighted Works
- II. Creation of an Environment for the Fair Use of Copyright

# I. Creation of an Environment for the Efficient Use of Copyrighted Works

## ① Support for Facilitation of Copyright Business

### 1) Overview

With advancements in digital technology, digitalization of works has accelerated and distribution channels have become more diversified. Under such an environment, it is necessary to easily search and use copyright management information such as copyrighted works and copyright holders in order for users to use copyrighted works in a convenient and stable manner.

However, in the current online copyright market, copyright information is dispersed in a complex manner and individual companies and organizations have their respective management systems, making it difficult to achieve systematic and comprehensive management and operation of copyright information. Under the circumstances, transaction stability and reliability is not guaranteed in the use of copyrighted works. Users find it difficult to determine the legal relationship such as confirmation of copyright holders and conduct copyright clearance. In order to improve the environment for the use of copyright, to collect copyright information systematically collect and provide copyright information, and to enable online copyright use contracts, the MCST and the KCC had pushed ahead with the establishment of the Digital Copyright Exchange since 2007.

### 2) Activities and Outcomes

#### (1) Integrated Collection and Provision of Copyright Information

In order to collect and provide copyright information in a systematic way, it is imperative to develop a unique identification number system which allows users to identify individual copyrighted works as having the same information. To this end, the KCC has developed the

“Integrated Copyright Number (ICN) and established an integrated copyright information database, steadily expanding the scope.

#### Establishment of the Integrated Copyright Information Database and the Numbers of ICN Issuance

Classification		2008	2009	2010	2011	2012	2013	2014	Total
Musical Works	Domestic	370,000	15,000	158,428	58,031	1,427,781	85,542	45,173	2,159,955
		-	-	-	-	-	804,133	572,789	1,376,922
	Overseas	-	100,000	323,930	-	-	-	-	423,930
Literary Works		400,000	400,000	49,432	259,109	30,550	30,541	25,969	1,195,601
Broadcasting Scripts		-	10,089	-	6,766	20,071	655	1	37,582
News Articles		-	-	-	2,409,269	1,400,588	2,933,643	2,674,919	9,418,419
Films		-	-	-	30,000	-	377	224	30,601
Broadcasts		-	-	-	-	5,255	13,207	1,863	20,325
Public		-	-	-	-	27,943	-	-	27,943
Visual Arts		-	-	-	-	210	-	-	210
Photographs		-	-	-	-	-	-	3,968,163	3,968,163
<b>Total</b>		<b>770,000</b>	<b>525,089</b>	<b>531,790</b>	<b>2,763,175</b>	<b>2,912,398</b>	<b>3,868,098</b>	<b>7,289,101</b>	<b>18,659,651</b>

※ The number of some ICN issuance cases is subject to change due to renewal or deletion of copyright rights management information.

In 2014, a database for a total of 7.29 million items of integrated copyright rights management information was established and issued ICNs. With regards to musical works, copyright rights management information for the Korean Society of Composers, Authors, and Publishers, a newly authorized collective management organization as of December 2013, was collected and an integrated copyright number (ICN)(ICN.999) issuing process and system for music transmission fee settlement was improved.

Furthermore, by collecting copyright rights management information regarding photographic and literary copyrighted works (advanced technology), the amount of newly issued integrated copyright numbers (ICNs) increased by 88% year on year. The copyright rights management information is promptly collected via online through the standard Open-API and provided to the public. As of the end of 2014, the number of integrated copyright rights management information database and ICN issuance reached 18 million.

Integrated copyright rights management information consists of several meta-data. It is largely divided into information on copyrighted works and information on copyright holders (neighboring rights holders). The information on copyrighted works is further classified by genres of works. The sub-categories of the integrated copyright rights information DB are as follows:

#### An Example of Sub-Categories of the Integrated Copyright Information Meta-Data

Classification		Sub-Categories
Information on Copyright works	Common	Titles, domestic/overseas, whether subject to copyright trust or agency or brokerage
	Musical Works	Lyric, composer, arrangement, singer, performer, audio source producer, album title, year of release, etc.
	Literary Works	Writer, translator, book title, country of publication, media format, publication date, etc.
	Broadcasting scripts	Subtitle, episodes, plots, date of original broadcast, time of original broadcast, channels, secondary broadcasting channels, TC information, etc.
	News	Sub-headlines, media companies, journalists, publication time, article links, etc.
	Films	Subtitle, genres, types of films, film rating, running time, year of production, release date, format information, etc.
	Broadcasts	Subtitle, episodes, plots, date of original broadcast, time of original broadcast, channels, secondary broadcasting channels, TC information, etc.
	Public Works	Format classification, meaning classification, paid or free of charge works, date of creation, etc.

Classification		Sub-Categories
Information on Copyright works	Artistic Works	Subtitle, domestic/ international. classification, main materials, date of creation, date of collection, name of organization possessing the collection, structure and features, etc.
	Photographs	Type of color, explanation, name of photographer, date of creation, etc.
	Advanced Technology	Title, media, category, name of author, published date, etc.
Information on Copyright Holders (Neighboring Rights Holders)		Creators, right holders, representative, business registration number, collective management organizations, date of trust, stage name/pen name, etc.

In order to expand and develop the Digital Copyright Exchange, it is essential to secure collaborative relationships with copyright collective management organizations and distributors. In this endeavor, a total of 30 organizations have signed partnership MOUs or provided cooperation by offering information, starting with four organizations in 2007 in the music industry. In 2014, one additional organization participated in the partnership.

The KCC hosted a collaborative workshop for cooperating organizations in August 2014 to strengthen collaboration among them. Through the operation of an on-the-job task force team 63 times, the KCC also discussed means for system improvement as well as procedures for issuing digital Universal Content Identifiers (UCIs) of musical copyrighted works to collection of music log information that would support music transmission fee rate system through cooperation between copyright collective management organizations and music service providers.

#### Added Partner Organizations with the Digital Copyright Exchange

Classification	Organizations that have signed MOUs with the Digital Copyright Exchange	Field
2007	Korea Music Copyright Association (KMCA), the Korean Association of Phonogram Producers (KAPP), the Federation of Korean Music Performers (FKMP), and KBS	Musical Work

Classification	Organizations that have signed MOUs with the Digital Copyright Exchange	Field
2009	Korean Society of Authors (KOSA), KRTRA (Korea Reprographic and Transmission Rights Association (KRTRA) (two organizations)	Literary Works
2010	Korean Film Council (KOFIC), LOEN Entertainment, KT Music, Neowiz Internet, Soribada, CJ E&M Korea Press Foundation Korea Publishing Contents	Films Musical Works News Literary Works
2011	Korea Cable Television & Telecommunications Association (KCTA), Korea Broadcasting Performers' Association (KBPA), Armed Forces Broadcasting Korea TV, Radio Writers Association Sangwon Art Museum, Seoul Business Agency	Broadcasting Broadcasting Scripts Art Works (Image)
2012	Korea Publishers Society (KPA) Korea Fine Arts Association (KFAA) Arirang International Broadcasting Foundation Korea Music Content Industry Association (KM CIA)	Literary Works Artistic Works Broadcasting Musical Works
2013	Korea Business News TV, INet Broadcasting Chondan Inc., TCN Media Co., Ltd.	Broadcasting Literary Works
2014	Korea Culture Information Service Agency	Public

## (2) Support for Online Copyright License Contract

The Copyright License Management System (CLMS) was developed to provide a one-stop service for license contracts between the right holder and the user, as well as management of details of copyright use. The CLMS service was launched in May 2008.

### Status of Online License Contract Signing

Year	2008	2009	2010	2011	2012	2013	2014	Total
No. of Use	173	353	561	816	988	1,718	4,195	4,609

※ As for online license contracts in the music sector, only new contracts were included for 2009, first renewed contracts were included for 2010, and total renewed contracts were included 2011 and the following years.

※ Online license contracts in the literary works were implemented, starting from 2011, while online license contracts in the news works were implemented, starting from 2012.

The Copyright License Management System (CLMS) expanded its services to include music reproduction, performance and broadcasting areas in 2009, music compensation (broadcasting and performance) and news license-related contracts in 2010. In 2012, the Integrated Copyright Management System and the Copyright License Management System were incorporated into the Digital Copyright Exchange ([www.kdce.or.kr](http://www.kdce.or.kr)).

Carrying over from 2013, there were 207 system function improvements conducted in 2014 to enhance user convenience. In addition, online transmission license contract service for the Korean Society of Composers, Authors, and Publishers, which started collective management since September 2014, was developed. The number of copyright license contracts reached 4,195 cases mainly in the areas of musical, literary and news works, increasing 144% year on year.

#### Types of Copyright License Available in the CLMS

Musical Works	Transmission	Wired Internet, online games and animations, homepage background music, ringtones, corporate ringtones, wireless Internet
	Reproduction	Phonogram, video, music player and audio system, advertisement, films, publication, election campaign songs, others
	Compensation	Radio, satellite SO, audio PP, home shopping PP, Internet broadcasting, store music broadcasting, performance, etc.
Literary Works	Publication, duplication, transmission, broadcasting, performance, exhibition	
	Compensation (Compensation for works for educational purposes, compensation for the use of libraries)	
News Articles	Digital news service, digital news charging details and news work license contracts with public organizations	

### (3) Building a Foundation for Collection of Integrated Musical Work Log Information

With provisions on online audio source transmission fees going into effect in January 2013, log information for musical works was collected and used through five online music service providers, in an effort to support transparent and fair collection of copyright royalties.

#### Status of Online License Contract Signing (As of December 2014)

(Unit: million)

Distributors	LOEN	CJ E&M	Neowiz	KT Music	Soribada	Total
<b>No. of Collection Cases</b>	26,707	5,944	1,968	4,066	392	39,077

Log information collected via the integrated music information collection system is aggregated monthly, and provided to four music right holder organizations after rights relations are crosschecked with the Korea Digital Copyright Exchange's integrated copyright database. The information will be used as data for copyright royalty settlement and distribution. It is also connected with Gaon Chart, the official music chart, to be used in music ranking broadcasts (on MBC, SBS, and MTV).

Starting from 2015, log information has been collected from ten online music service providers, and the regular activities of a consultative body will help to solve various operational issues. In addition, the advancement of the integrated musical works log information collection system is expected to establish a support system for the quantity-based charge system early on, by allowing for strengthened monitoring of log information collection, addition of retroactive settlement processing, and provision of statistical information.

### (4) Operation of "Find Copyright" Website

The "Find Copyright" Website ([www.findcopyright.or.kr](http://www.findcopyright.or.kr)) is a website that provides copyright information and lists of copyrighted works that are qualified to receive undistributed compensation to help rights holders receive legitimate compensation. On the other hand, the website offers a copyright holder search service for users, to relieve users of difficulties they face when they are unable to find rights holders and thus fail to use copyrighted works they want.

Since its establishment ([www.right4me.or.kr](http://www.right4me.or.kr)) in 2008, the website built a system designed to find people's rights as well as copyright holders to replace considerable efforts made to track down right holders of works whose rights holders are unknown or missing and has been providing the service in the present form, as the simplified statutory license system went into effect with partial revision of the Copyright Act Enforcement Decree (Presidential Decree No. 23721, April 12, 2012).

The Copyright Find Service is divided into the "copyright information confirmation service," which confirms copyright information and provides information on procedures and methods, if modifications are necessary, to help rights holders to receive legitimate compensation and the "conformation service for works entitled to undistributed compensation" in which users can view information on copyrighted work entitled to undistributed compensation and information on procedures and methods is provided to help rights holders concerned to apply for compensation.

In addition, the Copyright Holder Find Service is divided into "copyright holder search service" in which copyright information such as copyrighted works under the management of copyright management organizations and copyright register are incorporated in a single location to help search copyright holders easily; the "considerable effort application service" in which KCC makes considerable efforts to find copyright holders of works whose owners' whereabouts are unidentified; and "statutory license approval application service" in which the use of works is approved through laws, if rights holders or their whereabouts are unidentified or parties concerned fail to reach agreement if a work is to be used for special purposes.

With the simplified statutory license system and compulsory registration system for orphan works taking effect in October 2012, KCC organized briefing sessions on the simplified statutory license system and collected opinions related to the operation of the system. Furthermore, KCC provided guidance on the simplified statutory license system and registration of orphan works, thereby supporting smooth operation of the "Find Copyright" service. As a result, KCC received 5,831,227 works under the trust service from 2012 to 2014.

In addition, the "Find Copyright Campaign," which is staged annually through portal sites and daily newspapers, is designed to publicize the importance of finding copyright and

help copyright holders be compensated for their legitimate rights. The campaign offers an opportunity to raise awareness of copyright finding and overall aspects of copyright not only to copyright holders, but also to the general public.

In 2014, KCC staged the “Find Copyright Campaign” through diverse media including radio promotions, advertisement on busses, and promotional booths. It also used Facebook, blogs, and newsletters to raise awareness of the website and services.

### 3) Assessment and Outlook

The Digital Copyright Exchange has laid the foundation for systematic collection and management of copyright information in wide areas encompassing musical works, literary works, broadcasting and news articles and facilitation of use and processing of the information online, thereby facilitating the proper use of copyrighted works. However, it is true that the number of participating organizations is still insufficient and the areas of contracts are still limited. Therefore, participation of greater numbers of right holders and users in such areas as images is required, while it is also necessary to conduct various projects for collection and management of copyright information, which is modified in real time, and systematic copyright information management by partner organizations.

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In addition, there is a need for drawing up measures to prepare for shift towards the smart environment such as smartphones and tablet PCs, amendment of music transmission royalty collection regulations and introduction of plural management system. In the process, involvement of stakeholders including various right holders is essential and building

database on related information should be carried out on an ongoing basis.

As a business tool, the Digital Copyright Exchange needs to expand the scope of information collection not only to include information on the existing literary and musical works, but also to include information in various other areas. In addition, based on an assumption that there should be no distortion of the existing digital copyright distribution market, efforts should be made through consultations with relevant organizations to promote Business-to-Consumer (B2C)-style transactions to help the general public easily access and utilize Business-to-Business (B2B)- style online copyright transactions.

If all of these conditions are in place and the Digital Copyright Exchange is stabilized, it is expected that the Digital Copyright Exchange will play a key role in serving as the foundation for facilitating transactions of copyrighted works in the private sector, complementing areas in which the private sector has no access, and establishing a culture of promoting proper use of copyrighted works.

## ② Universal Contents Identifier (UCI)

The Universal Contents Identifier (UCI) is a content identification system based on standardization of identification numbers and systematic contents management. It is utilized for management and distribution owing to such advantages as reduction of distribution costs.

As of December 2014, a total of 36 institutions, including 18 public institutions such as the National Library of Korea, Ministry of Environment, Korea Cultural Heritage Foundation, and National Assembly Library; and 18 private institutions including Chunjae Education, Korea Electronic Publishing Association, and Recording Industry Association of Korea, are selected and operated as Universal Contents Identifier (UCI) institutions. A total of over 173 million contents have been issued UCIs. In addition, KCC operates the UCI issuance system (general.uci.or.kr) to help individual creators and small businesses to easily have UCI issued via the website.

## ③ Statutory License

### 1) Overview

The statutory license system is a system that can be used when legal reasons arise such as cases where right holders of works are not tracked down, despite considerable efforts to find them. Under the statutory license system, the state or organization with authority approves the use of the works on behalf of voluntary license of copyright owners, allowing the user who applies for statutory license to use the work. This system is designed to contribute to cultural development through social utilization of works.

The Korean Copyright Act (hereinafter referred to as “the Act”) sets out three cases which are eligible for applying for statutory license as follows: First, where any person, despite his considerable efforts, cannot identify the owner of an author’s property rights in a work made public or his place of residence and therefore is unable to obtain the authorization of the author for its exploitation (Article 50 (1) of the Act); second, where a broadcasting organization which intends to broadcast a work already made public for the sake of the public benefit has negotiated with the owner of author’s property rights but failed to reach an agreement (Article 51 of the Act); and third, 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 a commercial phonogram by recording works already

recorded on such a phonogram has negotiated with the owner of author’s property rights but failed to reach an agreement (Article 52 of the Act).

The provisions of statutory authorization of works apply not only to the use of works, but also to the use of neighboring works such as live performances, phonograms and broadcasting. In the case of the use of database, only the first and second cases apply.

The old Act did not particularly exclude works by foreigners if the owner of an author’s property right is unknown. However, revision has been made to the Act to allow application of statutory license only for works by nationals, as the statutory license, even though useful for the exploitation of works of unknown authors, limits exclusive rights of the right owner. It thus allows the free use of works by foreigners through an administrative order based

on the domestic law for the reason that if their whereabouts are unknown it might violate international conventions.

## 2) Activities and Outcomes

Despite its advantages and purposes, such as exploitation of works in which the owner of author’s property rights is unknown as specified in Article 50 of the Copyright Act, the statutory license system has not been widely used, given the short time since its introduction.

The number of statutory license cases, which had been applied and processed since the introduction of the system until 2014, stands at a mere 47 cases. The number of statutory license cases increased from 2008 to 2010 and showed a downward trend since 2011. In 2014, six applications for statutory license were approved, again showing an increase.

### Numbers of Statutory License Cases by Year

Year	1998	1999	2001	2002	2003	2004	2005	2007	2008	2009	2010	2011	2012	2013	2014	Total
No. of Cases	1	1	4	1	1	3	1	1	6	7	7	4	2	2	6	47

## 3) Assessment and Outlook

There is heightened interest in the statutory license system amid higher level of public awareness of copyright and rising demand for securing various contents. It is forecasted that demand for the use of works whose owner of author’s property rights is unknown will further increase, as the numbers of the so-called “orphan works” are on the rise with the copyright protection period extended through the Korea-EU FTA and the statutory license procedure has become simplified.

However, even though some procedures have been simplified such as allowing the Minister of Culture, Sports and Tourism to handle the preparatory stage prior to filing an application for statutory license (considerable efforts to find the copyright holder), it takes at least one month from the application to approval for statutory license. Therefore, the applicant who

needs to use the work urgently still experiences considerable inconvenience.

In addition, there still exist inconvenient aspects from the standpoint of the user including considerable efforts to find the copyright holder, which should be conducted prior to submitting an application for statutory license, compensation deposit and notification of placing deposit after receiving approval. The user has to visit various organizations including the MCST, the KCC and court deposit offices to handle different procedures, posing an obstacle to facilitating the use of the statutory license system. This is well evidenced by the fact that, compared to the numbers of counseling sessions on statutory license, the actual numbers of application lag far behind. This means that those who receive statutory counseling give up filing applications due to inconveniences of the long time required for undergoing statutory license and the need for visiting several organizations.

It is common that those who have to urgently publish books or use music and films give up submitting application altogether, as it is impossible to resolve their problems with the statutory license system which takes about two months including the period of exerting considerable effort. Some users find that the procedure for using the statutory license system is excessively complicated and inconvenient.

In order to promote the use of the statutory license system, the following steps need to be taken: 1) To shorten the handling period through the exclusion of the period for notifying the application on the official gazette and prompt deliberations; 2) To integrate the notification on copyright holder finding and deposit notification under the KCC's Copyright Finding Information System; 3) To change the deposit office to the KCC or deposit management organizations; 4) To publicize the statutory license system to the general public on an ongoing basis; and 5) To establish data archiving and an online deliberation system in preparation for increase in the application for statutory license from the long-term perspective.

## ④ The Software Escrow System

### 1) Overview

#### (1) Significance of the Escrow System

The licensor and the licensee of the program may be reaching agreement with a trustworthy third-party escrow agent to deposit the program (the source code and technical information, etc.) to the depositee. The licensee might require the escrow agent to provide the deposited program when conditions set forth under the agreement are met.

This system was introduced in the old Computer Program Protection Act of 2002 (incorporated into the Copyright Act in 2009) from the “escrow system” of the United States. It is aimed at protecting the source code of the licensor the program and promoting stable use of the program licensee, thereby invigorating the program copyright-related industry.

There has been a practice where the organization placing an order for the program development contract has been provided with platform technology such as source codes and technology information from the program developer citing such reasons as possibility of difficulties in business operation such as continuous use of the program and maintenance unless the organization does not possess the platform technology. This has caused the developer to be exposed to the risk of original technology leakage and the difficulties in developing new programs.

Therefore, the program escrow system is a system that dispels the concerns of developer organizations about copyright infringement and technology leakage and guarantees the safe use by the user organization. It is an extremely important system especially in the software industry where maintenance and management after development are important among the IT sector with frequent entries and exist taking place due to rapid technological advancements.

With the Computer Program Protection Act abolished and incorporated into the Copyright Act in April 2009, the KCC (incorporated with the Computer Program Protection Committee in 2009) has been in charge of the program’s escrow-related activities. According to the General Conditions of Service Contract of Contract Regulations of the Ministry of Strategy and Finance, parties that sign contracts with the state shall deposit technical information, such as the

source code, with a third party organization and the KCC is designated as an escrow agent.

## (2) Operation of the System

### A. Objects of Escrow

The source code and technical information of the program under the program licensing agreement become objects of escrow. They can be stored in CD-ROMs and DVDs to deposit with the escrow agent.

#### Objects of Escrow

SW Sector		IT Sector	
<ul style="list-style-type: none"> <li>• Source programs</li> <li>• Execution programs</li> <li>• Flow chart/ Manuals</li> <li>• Developer information,</li> </ul>	<ul style="list-style-type: none"> <li>• Object programs</li> <li>• Design/ Specifications</li> <li>• Maintenance data etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Design, Circuit Drawings</li> <li>• Database</li> <li>• Accounting documents</li> <li>• Core information such as technical information agreed between contracting parties</li> </ul>	<ul style="list-style-type: none"> <li>• Semiconductor chip</li> <li>• Digital contents</li> </ul>

### B. Types of Escrow Agreements

The escrow agreement is classified into a trilateral agreement and a multilateral agreement. The former is a case where there is only a single licensee of the deposited program and the latter is a case where the number of licensees of the deposited program is plural.

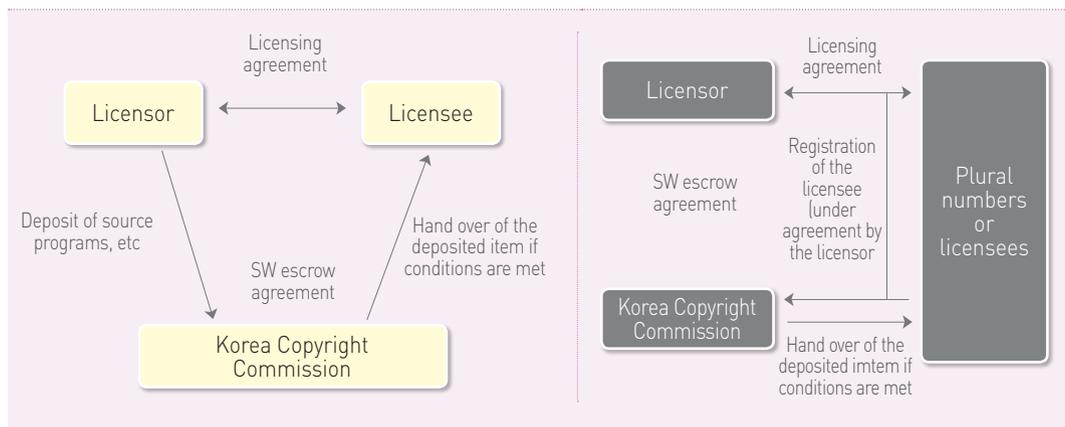


Diagram on Trilateral Escrow Agreement

Diagram on Multilateral Escrow Agreement

Furthermore, there is a renewal agreement in which the agreement is renewed, if necessary, when one year, the program licensing period under the agreement, elapses. Another type is the latest version escrow agreement which is designed to prevent cases where it is virtually impossible to use the existing deposited items due to additional development, version-up or modification given the characteristics of the program.

### C. Escrow Agreement Procedure

The licensor and the licensee submit an application form and the deposit article to the escrow agent who finally confirms the content of the agreement after confirming the storage of the article and virus infection status. The escrow agent receives a fee after allowing the parties concerned to check on the sealing of the article. The escrow agent keeps the article in a deposit safe for the agreement period and issues escrow certificate to the licensor and the licensee, completing the contract procedure.

#### Escrow Agreement Procedure



If the escrow agent notifies the parties concerned of the arrival of the agreement renewal period prior to the expiry of the escrow agreement and the parties concerned do not renew the agreement, the escrow agreement is terminated. Therefore, the licensee should determine whether to renew the agreement through consultations with the licensor to ensure safe use of the program.

## D. Effects of the Escrow System

The escrow system allows the program copyright holder not to transfer his or her copyright and technical information to the licensee and retain his or her platform technology, while providing guarantee for the right of use for the licensee such as stable maintenance and management. This guarantees the trustworthiness of the licensee on the technical information, while enabling smooth business operation activities.

In the case where domestic companies export technical information to overseas companies, the escrow system can enhance reliability and trustworthiness, thereby contributing to increased export. It can also secure international competitiveness of programs by preventing technology leakage overseas.

### 2) Activities and Outcomes

As a result of efforts to improve the system and boost convenience of users from 2009 to 2014, including improvement of legal systems, improvement of the escrow service, ongoing publicity activities, and establishment of the online escrow system (electronic contract), a total of 2,389 escrow agreements have been signed. By type, there were 921 new agreements, 1,096 renewed agreements, 271 cases of licensee registration, 99 latest version escrow agreements and two technology verification cases.

#### Escrow Agreements by Year

Year	2009	2010	2011	2012	2013	2014	Total
<b>New Agreements</b>	155	151	149	116	163	187	921
<b>Renewed Agreements</b>	97	126	182	212	224	255	1,096
<b>Licensee Registration</b>	47	53	62	22	37	50	271
<b>Latest Version Escrow Agreements</b>	17	13	20	21	15	13	99
<b>Technology Verification</b>	-	-	-	-	2	-	2
<b>Subtotal</b>	316	343	413	371	441	505	2,389

### 3) Assessment and Outlook

The numbers of cases of the software escrow system in Korea, which had been launched in 1999, sharply rose with the implementation of the software separate procurement system in 2007 serving as a turning point (150 cases in 2007). Since then, it has showed steady upward trends until recently (441 cases in 2013). Through ongoing consultations with the central government and organizations concerned, KCC, which offers the software escrow service, has reflected granting of benefits to companies using the software escrow system in government notifications, guidelines, and standard contracts, etc., thereby supporting the stable use of software by organizations using the escrow system and the protection of platform technology of software developers.

The use of the software escrow system is expected to further increase in the future, following the revision of evaluation criteria for software technology in April 2014 that allows for up to three additional points to companies that participate in informationization projects of government and other public institutions.

## II. Creation of an Environment for the Fair Use of Copyright

### ① Transformation of Public Domain Works into Creative Resources

#### 1) Overview

With opening, sharing and collaboration becoming universal, the environment for creating and using knowledge is undergoing change, while the environment for using contents encompassing smartphones, tablet PCs and cloud service is becoming more diversified. As a result, the demand not only for converged contents, but also for new creative resources has increased sharply. In such a smart environment, capabilities of utilizing creative resources are emerging as the key to competitiveness of countries and companies and are considered crucial for future survival strategies. Amidst such change of the environment, KCC has operated the Forum on Transformation of Public Domain Works into Creative Resources involving the joint participation of the government and the private sector to seek action plans for facilitation of collection and use of works in the public domain. Meanwhile, KCC also launched a portal site for public domain works “Sharing Plaza (<http://gongu.copyright.or.kr>)” that comprehensively collects and provides information on the rights of public domain works, in an effort to support content creation by one-person firms and small and medium-sized companies.

#### 2) Activities and Outcomes

##### (1) Strengthening Operation of the Forum on Transformation of Public Domain Works into Creative Resources

The Forum on Transformation of Public Domain Works into Creative Resources is an organization comprised of cooperating public domain works institutions and experts.

The forum is made up of a working-level committee and a consultative body. The latter, comprising around ten representatives from relevant organizations, was formed to discuss concrete cooperation measures for the project.

It hosted meetings every other month among working-level staff in the image, text, and multimedia industries to devise realistic measures to activate usage and collection of public domain works. In November, KCC hosted a conference on transforming public domain works into creative resources, reviewing the overseas case studies of public domain works usage, a long-term roadmap for the project, a cooperation plan between the public and private sectors, and means to promote content collection and usage. The committees will be unified starting next year to help create more practical results.



2014 Forum on Transformation of Public Domain Works into Creative Resources

## (2) Exploration of Public Copyrighted Works in the Private Sector and Expansion of Services

With capabilities to utilize public domain works emerging as one of the core factors, a new project has been launched to support digitalization of works with great value for preservation in the fields of immense utilization potential and build them into a database in an effort to collect and explore public copyrighted works and to prevent works owned by the private sector from remaining hidden and unused.

Through this project, 100,000 artistic and 80,000 photographic works were made available through the Sharing Plaza in 2012 and 2013, respectively, in accordance with license conditions of their owners. Based on the public-private sector demand roadmap for public copyrighted works drawn up in 2011 by the Collection and Sharing Subcommittee of the Forum on Transformation of Public Domain Works into Creative Resources, priorities were given to artistic and photographic works with highest demand for utilization which were explored and digitalized.

As many as 399 fine arts artists and 982 photographers participated in the 2014 digitalization project, making available approximately 60,000 new modern arts pieces on the Sharing Plaza.

### 3) Expansion of Portal Website Services for Works in the Public Domain

Since the official launch of a portal website for works in the public domain called "Sharing Plaza (<http://gongu.copyright.or.kr>)," the search engine has been changed and speed of searches was enhanced by strengthening tag function and refining metadata to improve user convenience. To maximize the collection and use of public domain works in particular, "Nanum-N," a private self-registration system for citizens, was launched and operated since November 2014.

The Sharing Plaza provides information on rights of approximately 756,000 cases involving expiration, donation, free license, and public domain works. As of the end of 2014, 2.88 million cases of original text viewing and downloading services were used, an increase of approximately 143% compared to 2.01 million cases in 2013.

#### Sharing Plaza's Public Domain Works Status

Classification	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total (Piece)
Literary Works	17,300	3,843	235	5,992	332	311	-	-	11,697	39,710
Artistic Works	30	752	1,111	3,175	-	-	50,229	40,012	26,615	121,924
Musical Works	1	216	556	21	-	-	-	-	2,355	3,149

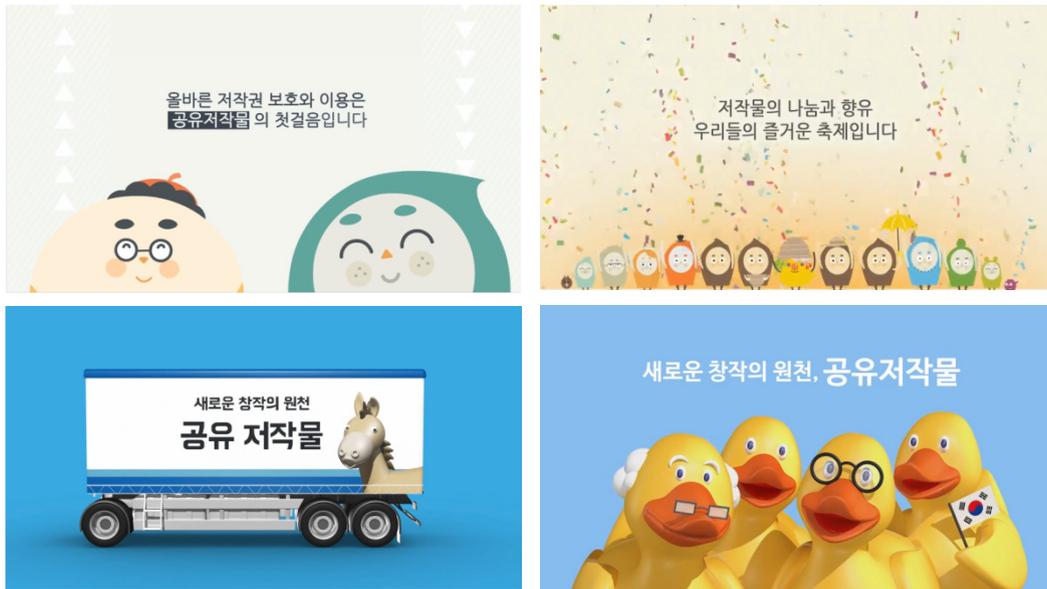
Classification	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total (Piece)
<b>Photographic Works</b>	-	280	182	2,388	-	-	50,500	40,236	261,479	355,065
<b>Public Domain Works</b>	-	-	-	-	-	-	-	4	-	4
<b>Image Works</b>	-	-	-	-	-	-	-	-	9	9
<b>Total</b>	17,331	5,091	2,084	11,576	332	311	100,729	80,252	302,155	519,861

Meanwhile, KCC signed an MOU for promotion of copyright sharing and public domain works use with fifteen institutions and organizations including Asadal and the Korea Creative Content Agency, providing a valuable channel for exchange of public domain works and public-private cooperation. Through such effort, expired works provided by the Sharing Plaza became viewable on Naver Encyclopedia (<http://terms.naver.com>) since November 2014.

#### (4) Raising Awareness of Public Copyrighted Works

Spreading a culture of sharing copyright and raising public awareness of public copyrighted works are essential to establish a virtuous cycle where creators create secondary works by utilizing public copyrighted works and sharing them for utilization by others.

Thus in 2013, KCC changed the name of its competition previously to create new copyrighted works of expired works into “Public Domain Works Creation Competition” in order to accentuate creativity of participating works and promote varied use of expired, donated, public, and CCL-applied copyrighted works. The 2014 Public Domain Works Creation Competition focused on ringtones and smartphone backgrounds, and selected works were donated and made available through the Sharing Plaza. Also, KCC launched the Copyright Sharing Campaign and shared public works promotion videos on venues such as the Sharing Plaza to raise awareness about public domain works.



Public Domain Works Promotion Video

### 3) Assessment and Outlook

As part of its efforts to realize a creative economy and society by fostering one-person firms and small-and-medium-sized venture firms, the KCC will continue to strive to find ways to efficiently transform public copyrighted works into creative resources and to promote the convenient use by the general public by exchanging ideas with organizations which own and utilize public copyrighted works to pursue exploration, collection, and expansion of public domain works on an ongoing basis.

## ② Establishment of the Foundation for Utilization of Open-Source Software

### 1) Overview

Open source software, which was created by the GNU Project led by the Free Software Foundation (“FSF”), refers to software whose source code is open to the public. In general, it

refers to software which anyone can freely use, reproduce, distribute or modify. The usage of open-source software is becoming diversified to the extent that the open-source software is the key to such technologies as cloud (open stack), big data (Hadoop), and mobile (Android, Tizen), which are currently drawing attention in the IT environment.

## 2) Activities and Outcomes

### (1) Establishment and Operation of the Open Source License Information System

The establishment and operation of the Open Source Software License Information System (OLIS) has been pursued in the following areas: ▲Building a database such as open-source software project information and source codes and expansion of collection; ▲Enhancement of the opensource software license comparison/analysis/inspection service (hereinafter referred to as “CodeEye”); ▲Development of user-customized Web services tailored to the Open Source Software License Information System (OLIS) website; and ▲Introduction of equipment and laying the foundation for externally linked services amid system expansion. Establishment of the open source software database was launched in 2008 and the status of the database building is as follows:

#### Status of Establishment of Open Source Software Information Database

Classification	~2012	2013	2014	Total
Open Source SW Project Information	-	0.1 million	2.2 million	2.3 million
Open Source Software Source Code	-	50 million	90 million	140 million

### (2) Raising Public Awareness of the Open Source Software License

KCC has implemented a wide range of education and public awareness programs for the general public since 2009 to raise awareness of the open source software license to build the foundation of establishment of a copyright culture, and to promote sound use of open source software.

In 2014, KCC sought to react to changing the open source industry environment and licencing issues through two research projects based on open source license.

Furthermore, 2014 projects aimed to raise public awareness of the open source software license were systematically implemented in the following areas: 1) hosting an international open source software license insight conference; 2) building a partnership system with organizations related to open source software; 3) promoting open source software license online and offline through campaigns and participating in domestic IT-related exhibitions; 4) offering specialized open source software license consulting.

### 3) Assessment and Outlook

A number of developers and IT companies fail to properly use open source software due to such problems as lack of awareness, cost burden and the fact that it is difficult to confirm various open source software licenses, raising the risk of possible disputes on copyright and legal responsibility in the future. In response, the KCC has established the nation's sole Open Source Software Data Warehouse and officially opened the Open Source Software License Information Service website and the Open Source Software License comparison, analysis and inspection service (CodeEye), which utilize the warehouse. The numbers of Open Source License Information System (OLIS) visitors and the users of the inspection service are steadily on the rise each year, while license counseling, inquiries and request for consulting service are also on the rise. However, there is still a lack of sufficient awareness of license such as the proper utilization and contribution of open source software. In order to address the problem, it is necessary to continuously stage public awareness programs and to expand related projects to include the establishment of database aimed to improve service reliability and providing new information service.

## ③ Facilitation of the Use of Public Copyrighted Works

### 1) Overview

With the advent of the era of creative economy where intangible knowledge elements such

as creativity are playing a pivotal role, the importance of utilization of data including contents is becoming more emphasized. At the same time, securing high-quality contents such as copyrighted works is emerging as a very important issue. Among them, public copyrighted works, which are produced and managed by the state, local governments or public institutions, have emerged as key industrial resources, as it has been highlighted that they can be utilized as core original materials for the contents and database service industries.

In fact, demand for public works by contents companies or companies looking for new business models has increased significantly. According to a survey conducted by the Korea Database Agency, the demand for utilization of public copyrighted works increased year by year from 21.4% in 2006 to 41.7% in 2008, 51.6% in 2010, and 68.3% in 2012<sup>4</sup>). In response, the government has established diverse policies and legislations to open public domain information including public copyrighted works, while making multifaceted efforts to create added value through the utilization of public information such as organizing App competitions using public information and Open API support project for public information. In fact, bus application and performance reservation application in Seoul Metropolitan City are commercialized business models using public information. The scope of public information utilization is expected to be expanded to include broadcasting and education areas.

As such, public copyrighted works are not only utilized for work in the public domain, but also high-added value industrial resources in the private sector, upholding the growth of the creative economy by creating high cultural and economic added values.<sup>3</sup>

## 2) Activities and Outcomes

### (1) Support for Copyright Clearance for Public Copyright

Amid increasing demand for public copyrighted works in the private sector, opening and

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<sup>3</sup> According to a survey conducted by the Korea Database Agency, the value of utilizing public copyrighted works in Korea exceeded KRW 10 trillion. In a data released in 2011, the European Commission also estimated economic effects of utilizing public copyrighted works at about KRW 210 trillion.

sharing of public domain works has become one of the most important tasks and goals of the state. However, utilization of public copyrighted works by the private sector still remains insignificant. The biggest reason for the failure to effectively utilize public copyrighted works, compared to the demand, is the ambiguous rights relationship of public copyrighted works. Particularly, considerable numbers of public copyrighted works produced by service providers through commissioned projects are faced with difficulties in utilization due to misunderstanding of creator doctrine, which is a principle applied for return of copyright. According to a survey conducted in 2009, 29.1% of private companies failed to utilize public copyrighted works due to copyright issues, while 32.4% of working staff of public institutions pointed out the copyright problem as an obstacle hindering the reuse of public copyrighted works.<sup>4</sup>

In response, the KCC has implemented a “project to support right clearance for public copyright” from 2012 which supports right clearance of public copyrighted works whose copyright relationship is ambiguous through comprehensive license and copyright transfer and provides even legal consulting service. The project selects candidates to provide support upon applications and conducts legitimate and efficient right clearance for copyright by analyzing the form of creation and contract relationship of the applied work. In addition, the KCC has further enhanced professionalism of the project by inviting knowledge service providers and lawyers specializing in copyright to participate in the project.

In the initial-year project which was implemented from July 2012 to December 2012, KCC selected a total of 15 organizations as recipients and provided support for rights clearance of 470,000 public copyrighted works. In the second round of project which took place from July to December 2013, KCC selected a total of 20 organizations and provided support for rights clearance of 2.29 million public works. In 2014, it changed the project name to “Project to Support Public Domain Works Release” and confirmed rights of 32 institutions and 2.7 million cases by providing rights confirmation, customized consulting, and visit education services. In particular, KCC induced public works whose rights processing has been completed into public work collective management or the Korea Open Government License

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<sup>4</sup> Korea Creative Content Agency, “A Survey on Management and Operation of Public Contents (2009),” “The 2011 Database White Paper (2011)”

system to make public works with their rights status cleared be efficiently utilized by the private sector.

## (2) Collective Management of Public Copyright

Collective management of public copyright refers to the entrustment of overall rights of copyrighted works, which are professionally created by the state, local governments or other public institutions or obtained from a third party and managed by them, to copyright collective management organizations that are in charge of overall activities related to external licenses of the copyright on behalf of the public institutions. One of advantages of collective management system for public copyright is that, as licenses for public copyrighted works, collection and distribution of royalties are handled by specialized organization, institutions possessing public copyrighted works can reduce personnel, costs and time required for handling copyright-related works, while users can obtain license on plural numbers of public works through a unified channel, making it more convenient to use public works. Another advantage is a specialized and prompt response to infringement cases involving public copyrighted works.

The collective management activities for public copyrighted works were transferred from the Korea Creative Content Agency to the Korea Database Agency in June 2011 and from the Korea Creative Agency to the Korea Culture Information Service Agency in July 2013. The use of entrusted works has steadily increased through ongoing promotional activities and expansion of copyrighted works. As a result, cases of utilizing public works are easily identified in the public's everyday life.

### Numbers of Cases Utilizing Public Copyrighted Works

Year	2010	2011	2012	2013	2014
No. of Use	60	8 (3,574 works)	159 (3,756 works)	34 (36 works)	86 (10,767 works)

※ In 2011 and 2013, the number of cases using public works decreased due to cancellation of contracts by the existing collective management organizations following transfer of the business.

			
<p>HSAD Inc., In-house newsletter</p>	<p>Sejong University, Newspaper advertisement</p>	<p>Bapuri Inc., Newspaper advertisement</p>	<p>Lotte Cinema Inc., Bus advertisement</p>

**Utilization of Entrusted Copyrighted Works in the Private Sector**

In order to allow for a more convenient and effective use of public copyrighted works, KCC is operating the Public Copyright Collective Management System ([www.alright.or.kr](http://www.alright.or.kr)). The website provides not only correct information of entrusted copyrighted works, but also offers overall functions that can handle license and distribution in a more convenient fashion, so users can enjoy one-stop service from search and selection of copyrighted works they intend to use to payment of royalties. In addition, system advancement has been implemented such as refurbishment of intuitive UI in consideration of user convenience,

the introduction of integrated search engines to reinforce search functions and additional introduction of servers and storage capacity to ensure effective operation of copyrighted works. It is expected that the system will be instrumental in providing more stable and user-friendly public work distribution service.



**Public Copyright Collective Management System**

The demand for public copyrighted works is rising with increased creation of new business models using paid or free-of-charge entrusted copyrighted works in the private sector. However, the collective management system for public copyrighted works is still in its infancy and only 0.5% [among seven institution collective managements as of 2014] of 1,300 public institutions has introduced the collective management system. Furthermore, the public can use public works whose economic rights are wholly owned by the state or local governments without permission starting from July 1, 2014 pursuant to Article 24-2 of the Copyright Act (Free Use of Public Copyrighted Works) proclaimed on December 30, 2013. Under the circumstances, in-depth discussions on the future status of the collective management system for public works are needed in the aspects of facilitating the free use of public works, protecting rights of public works, and promoting the distribution of public works through license to the private sector.

### (3) Distribution of the KOGL System and Technical Support

The Korea Open Government License (KOGL) system is an open license system for public copyrighted works. It is a system designed to encourage the use of public copyrighted works by showing a simplified KOGL mark to indicate license of public copyrighted works and the scope of the license. Since its introduction in February 2012, the system has been actively disseminated.

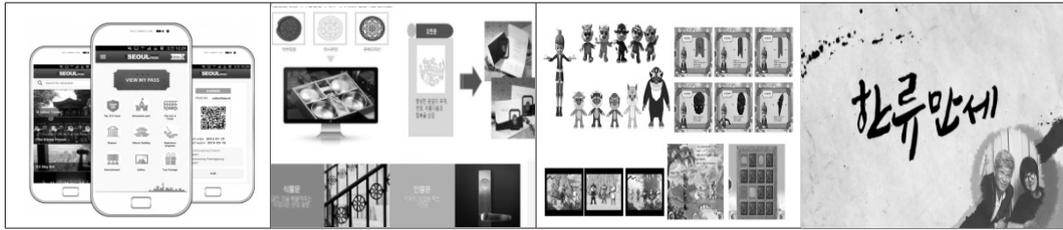
#### Status of Introduction of the KOGL System

[As of December 31, 2014]

Classification	Government Agencies	National agencies	Public institutions	Local governments	Other public agencies	Other institutions	Total
<b>No. of institutions</b>	33	138	63	89	2	16	341

The KOGL works, which number a total of 3 million, include a wide range of forms ranging from photographic and image works such as Korean traditional patterns and national documentary photography to literary works including various media releases and research reports and cinematographic works such as Internet broadcasting VODs by local governments. What is regrettable, however, is the fact that the number of works applied as

the KOGI Type 1, which are allowed to make commercial use and modifications, stands at a mere 380,000, which is far smaller than the demand for public works. Various approaches to expand the KOGI Type 1 works are required to meet the purpose of creating added value through the free utilization of public works.



### Copyright Collective Management System

In order to expand distribution of the KOGI system following implementation of Article 24-2 of the Copyright Act, the Ministry of Culture, Sports and Tourism and the Korea Culture Information Service Agency organized briefing sessions on the KOGI system on 15 occasions (14 briefing sessions and one workshop) in 2014 for about 1,000 people from over 600 national, local, and other types of public institutions. The briefing sessions not only contributed to the expansion of the KOGI system, but also improved copyright management capabilities of working-level officials of public institutions through the education on public copyright management methods.



### Regional Briefing Sessions on the KOGI System

Also in 2014, MCST developed the automatic public copyrighted works collection system to simplify the KOGI registration process. MCST considered the public copyrighted works registration process, which involves works registration via KOGI website and creation of

meta tags, to be a hindrance to expansion of the KOGL system. The development of the automatic collection system will allow for a more convenient use of the KOGL without registration.



Public Copyrighted Works Conceptual Diagram

### 3) Assessment and Outlook

The need for opening and utilization of information and works produced and managed in the public domain such as the state, local government and public agencies to the private sector has been increasingly called for. Even though the Korean government made concerted efforts in this regard over the past years, laws for opening and utilization of public copyrighted works to the private sector have been insufficiently put in place, exposing limitations in effectively implementing the policy. As there were no clear domestic provisions on public copyrighted works, a number of organizations showed a passive attitude toward opening of public copyrighted works to the private sector, as there were difficulties in management methods and rights clearance of public domain works.

However, amid the growth of the contents industry, individuals and companies have become more interested in public copyrighted works and the copyright issue rather posed a big obstacle to utilization of public works in the private sector. Under the circumstances, drawing up copyright management and distribution policies has emerged as an important pending issue for public institutions prior to the opening and utilization of public domain works.

Institutions public copy
Site A
Site B
Site C
Public copy metadata

In response, MCST devised “Guidelines on Copyright Management for Public Domain Works” in 2010 as part of its policy to facilitate the utilization of public works in the private sector and implemented related policies aimed to fully utilize public domain works, including guidelines on rights clearance of public copyrighted works, a project to support rights clearance for public copyright, and the Korean Open Government License (KOGGL) system. MCST also implemented Copyright Act Article 24-2 (free use of public copyrighted works) in July 2014, thereby laying the legal foundation for widespread usage of public works.

As clear criteria are available for the utilization of public copyrighted works by individuals and companies, it is expected that the provision and use of public copyrighted works will be further facilitated and such virtuous cycle structure of public works will accelerate the utilization of public domain works by the private sector.

However, in order to boost the utilization of public copyrighted works, it is more important for public institutions to voluntarily come up with a copyright management system to disclose copyrighted works in their possession. To this end, rights clearance of public copyrighted works should be preceded and it is necessary to distinguish works which require protection and works which can be used freely through the establishment of a clear rights relationship. Among the copyrighted works whose rights relationship have been established clearly, concerning works which require proper protection and have high frequencies of commercial use, if collective management system for public domain works is used for them, it will enhance users’ accessibility to public copyrighted works and simplify license procedures, greatly boosting the utilization of works. On the other hand, with respect to works that can be used freely, they can be attached with a state license mark such as the KOGGL to provide a guarantee for free utilization within clear license conditions, contributing to enhancing the utilization of public copyrighted works.

## ④ Copyright Use Compensation Policy for Educational and Similar Purposes

### 1) Overview

As all copyrights bear exclusive rights like property rights, the use of copyrighted works by principle requires prior permission of the copyright holder and can be used only through

the approved means and conditions. However, as the copyright law, by limiting a copyright holder's property rights, allows for use of copyrighted works without permission for educational purposes and other similarly public purposes, a provision is in place that allows those wishing to use copyrighted works to provide appropriate compensation as determined by the the Minister of Culture Sports, and Tourism to an institution selected by the Minister of Culture Sports, and Tourism (Korea Reproduction and Transmission Rights Association, hereinafter referred to as KORRA). This is the Copyright Use Compensation Policy for Educational and Similar Purposes, consisting of compensation for educational books, for courses, and for course support.

Education is an activity that realizes public interest and the use of a variety of copyrighted works is essential for an improvement of the quality of education. But if educational instructors had to separately request permissions for all the copyrighted works to be used, they would not only be greatly restricted by the time and financial burdens, but in some cases they also would be unable to use certain works due to a lack of such permissions. This policy thus seeks to vitalize use of copyrighted works while guaranteeing the quality of education.

## 2) Activities and Outcomes

While copyright use compensation policy for educational books was already in place and operating, it was difficult to implement compensation policies for courses. A final agreement was reached in November 2013 for a standard price of 1,100 – 1,300 won per student inclusive, after various discussions between users and right holders. The MCST amended the official announcement of level of compensation for courses (MCST Announcement 2014-8) on February 26, 2014, and KORRA signed inclusive contracts with over 400 universities nationwide and completed receipt of compensation.

Distribution of compensation through inclusive means requires a survey of copyrighted works usage for lecture purposes at universities. Through Nielson Company Korea, a marketing research institution, KORRA conducted an online survey in March 2014 for all faculty members at universities that signed the contracts, after which it selected approximately 100 universities as subjects of the 2014 survey. Survey will categorize the faculty of selected universities by semester, completion expected in January 2015.

Furthermore, the implementation of compensation policy for course support purposes following the 2009 amendment of the Copyright Act allowed for copyrighted works use of education supporting institutions like the offices of education in creating course supporting documents. The MCST, in conjunction with KORRA, conducted research and surveys to set the appropriate compensation level for education supporting institutions on two occasions, in 2011 and 2013. In August 2013, it announced the "Guide for Use of Copyrighted Works for Educational Purposes" after reaching an agreement among interested parties.

In March 2014, the MCST hosted the "Briefing for Plan to Pursue the Course Support Purpose Compensation Policy" to explain the policy and the planned level of compensation to offices of education nation-wide and relevant personnel. Afterwards the "Organization to Pursue the Course Support Purpose Compensation," consisting of the MCST, Ministry of Education, 17 offices of education nationwide, and compensation receiving institutions, was founded and a total of two meetings took place from April to October.

As a result of the meetings, the nationwide offices of education, the users of the policy, agreed to begin implementation in 2015 as a pilot period and to start to fully implement it as from 2016, under the condition that they pay the compensation through inclusive means in 2016 and seek consent of the copyright holders in return.

### 3) Assessment and Outlook

Following the implementation of the compensation policy for course purposes in 2014, approximately 2.8 billion won was collected and it will be distributed in the second half of 2015 after a distribution ratio research based on the survey of copyrighted works use at universities.

With regards to compensation for course support, the compensation amount per student using inclusive means will be confirmed through discussions within the organization and the policy will be implemented following announcement of the level of compensation during the first half of 2015. Like the compensation policies for educational books and courses that already have been implemented, the implementation of this policy signifies the application of the entire Copyright Use Compensation Policy for Educational and Similar Purposes, in accordance with the Copyright Act Article 25, to the educational field, and is expected to lead to an increase in the quality of courses and education at schools.

## ⑤ Copyright Coexistence Consultative Council

### 1) Overview

The Copyright Coexistence Consultative Council was launched on September 22, 2009 to prevent conflicts at the time of possible disputes over major copyright-related pending issues, while encouraging active participation by rights holders, businesses and users and seeking win-win solutions.

In the past, the Copyright Coexistence Consultative Council consisted of a main consultative body (comprising one representative member from right holders, businesses and users, respectively, and two representative members from public institutions), a working-level consultative group, and the support team. The KCC provides practical support to ensure its smooth operation. In 2013, regulations on the operation of the Copyright Coexistence Consultative Group including its functions, organization and operation were drawn up. According to the regulations, modifications were made towards forming manpower pool within the consultative group including representatives of right holders, businesses, consumers and public institutions by field when selecting pending or agenda issues such as musical, literary, and cinematographic works without any given numbers of members and the scale and participating members of the consultative group can be finalized depending on issues. In accordance with the operation regulations, the Copyright Coexistence Consultative Group was operated mainly discussing the issue of improving audio source transmission royalties.

The Copyright Coexistence Consultative Group selects pending issues related to copyright each year and operate a consultative body to prevent conflicts among interested parties and to seek ways for win-win cooperation, thereby contributing to the creation of a healthy copyright ecosystem and the facilitation of the copyright industry.

### 2) Activities and Outcomes

New business models have arisen as the digital environment matures, and the demand for copyright consumption through publishing of e-books has become much diversified. Streaming services are becoming a major source of music copyrighted works consumption

and new business models like the Internet radio have come to the fore.

In response, in 2014 the Copyright Coexistence Consultative Council operated copyright coexistence consultative councils in e-book publishing and new music transmission services industries. The former was operated in the first half of 2014 and then the latter in the second half.

### ① Copyright Coexistence Consultative Council for E-book Publishing

The consultative council in the first half of the year started out with stating the issues of the lack of customary standards regarding license agreement fee collection and distribution between the copyright holder and the publisher, as well as in the copyright fee regulations of collective management organizations. The council in particular worked hard to guarantee a balanced composition and participation of stakeholders. The Korean Writers' Association, the Korea Reproduction and Transmission Rights Association, and the Writers Association of Korea participated as copyright holders, in addition to certain individual authors who represented their personal opinions. To represent e-book publisher and distributors, companies including Kyobo Book Centre, Yes24, Book Cube Networks, Sungdo Soluwin, and Timebee participated, as well as some publishing-related organizations such as the Korean Publishers Association, Korea Publisher Society, Korea Electronic Publishing Association, and Korea Publishing Contents. Consumer advocate organizations like the YMCA and the Consumers Union of Korea and government and public institutions including the Ministry of Culture, Sports and Tourism, the Korea Copyright Commission, and Korea Publication Industry Promotion Agency also participated.



The Copyright Coexistence Consultative Council for E-book Publishing (May. 21, 2014)

The Copyright Coexistence Consultative Council for E-book Publishing was started to help vitalize e-book publishing and held four meetings from May 21 to July 30, 2014. Main discussion topics included confirmation of market standards in electronic publishing contracts, electronic publishing fee collection regulations of collective management organizations, B2B services and electronic libraries, and adoption of typographical arrangement copyright. While no agreement has been reached among stakeholders, the council was able to confirm several issues regarding the above topics.

First, with regard to establishing electronic publishing fee collection regulations of collective management organizations, given the market trend the council decided to postpone drafting new regulations and to instead revisit the issue as the market environment changes, using market customs regarding e-book publishing fee collection, confirmed through the discussion and submitted materials, as a point of reference in the meantime. Second, consensus was reached that a standard for copyright fee has to be established in order to improve the B2B service environment of e-books. But prior to establishing the standard, it seemed imperative that the e-book library service be improved through an intensive discussion regarding the means of e-book B2B (sales) service, the scope of e-book services, the possibility of allowing e-book viewing outside the library, and the budget item of e-books. In addition, it seemed necessary that the stakeholders continue progressive discussions among themselves and especially that cooperation continues among copyright holders, publishers, distributors, and libraries. Third, with regards to the adoption of typographical arrangement copyright, while the council positively viewed its necessity, the council also saw it necessary to gather a variety of opinions from relevant stakeholders through a different venue at a later date. The “Report on the Results of 2014 Copyright Coexistence Consultative Council for E-book Publishing” was drafted following the completion of the council so that it may contribute to future discussions.

### ② Copyright Coexistence Consultative Council for New Music Transmission Services

Conflicts arose between the copyright holder and the user over usage contracts regarding the newly launched music streaming service, “Milk Music.” There were also other cases regarding new music transmission services or such services to be launched for which the appropriate collective management organization fee regulations were unclear. Thus, the Copyright Coexistence Consultative Council for New Music Transmission Services, which took place in the second half of the year, sought to check collective management fee regulations that can be applied to the new transmission services and to come up with

appropriate responses to such changes, in order to promote development of the domestic music market and coexistence of market participants.

The main topics for discussion of the Copyright Coexistence Consultative Council for New Music Transmission Services included an analysis of the present condition of new music transmission services and their impact, a confirmation of regulations regarding collective management organization fees, and a preparation of appropriate responses. To allow for a balanced composition and participation of stakeholders, relevant copyright holders, businesses or users, consumers, public interest members, and public domains have participated.

The Korea Music Copyright Association, the Korean Society of Composers, Authors, and Publishers, the Federation of Korean Music Performers, and Recording Industry Association of Korea participated to represent copyright holders. For users, Loen Entertainment, CJ E&M, KT Music, Neowiz Internet, Soribada, Samsung Electronics, SK Planet, and Mediascope participated. YMCA and Consumers Union of Korea were planning to represent consumers, but as the CUK was unable to participate, Opennet participated instead. MCST and KCC participated to represent the government and public domains.

The Copyright Coexistence Consultative Council for New Music Transmission Services planned the duration of its meeting to be five months, from November 2014 to March 2015. After its first meeting on December 1, 2014, the council reached an understanding of main topics and determined the future course of discussion. The council analyzed the present status and impact of new music transmission services and checked regulations regarding collective management fees. The council decided to determine its responses in 2015.



Copyright Coexistence Consultative Council for New Music Transmission Services (Dec. 1, 2014)

### 3) Evaluation and Outlook

There was potential for conflict between copyright holders and businesses that participated in the Copyright Coexistence Consultative Council for E-book Publishing, but it had not yet surfaced. The council served as a venue through which potential conflicts may be alleviated and market customs can be checked, adjusting each party's understanding.

On the other hand, during Copyright Coexistence Consultative Council for New Music Transmission Services, some conflicts between copyright holders and businesses had arisen and there was much concern regarding the impact of new business models on current ones. The council was nevertheless meaningful in that the parties were able to discuss development of the domestic music market, despite the considerable level of conflict and difficulty in reaching an agreement.

Even though the two copyright coexistence consultative councils had very different levels of conflict and neither could reach its goal, they were still meaningful as they could confirm the contents of discussion to a degree. At the same time, it is regrettable that an agreement was difficult to reach because of the lack of stakeholders' will to participate and solve the problem. To attain a solution that results in coexistence requires urgency on the part of the participants. Voluntariness of participation and active will to solve the problem is the most essential and basic element for the existence of the copyright coexistence council. In that aspect, it may be more important that MCST and KCC first put in significant effort to promote voluntariness and will to solve the problem in participants.

The copyright coexistence consultative council secretariat, supported by KCC, will continue to select timely copyright issues in literary, music, and other areas as topics and to provide venues for discussion. It will continue to conduct relevant research and endeavor to find long-term solutions for coexistence.





2014 Annual Report on Copyright in Korea

# Copyright Collective Management Organizations

## I. Overview

Copyright is an intangible right. Hence, it is difficult for the copyright holder to directly manage his or her rights in person. From the perspective of the user, it is also not easy to seek permission from the author individually. What is more, in the case of the use of a large quantity of works or the use of foreign copyrighted works, it is almost impossible for users to negotiate with copyright holders in person. Therefore, a need has been raised for an institutional mechanism where the copyright holder does not manage his or her rights personally, but entrusts them to certain organizations or companies, thereby promoting conveniences of both the rights holder and the user.

Korea has operated the copyright collective management system based on provisions on copyright trust services under the Copyright Act. The copyright collective management system refers to ongoing management of economic rights, publication rights, or neighboring rights by copyright collective management organizations on behalf of the holders of such rights. Anyone who intends to engage in copyright collective management services must obtain permission from the Minister of Culture, Sports and Tourism (Article 105 of the Copyright Act).

The Korea Music Copyright Association and the Korean TV & Radio Writers Association were authorized to provide copyright collective management services in 1988 for the first time in the nation. As of now, 13 organizations in different fields have been providing collective management services upon receiving permission for copyright collective management business from the MCST. In addition to copyright collective management, they strive to protect copyright protection and facilitate the use of copyrighted works through a variety of activities.

In December 2013, Korea Music Copyright Holders Association (Name changed to Korean Society of Composers, Authors and Publishers in February 24, 2014) was selected as a new

music copyright collective management organization in order to promote competition in the music copyright collective management industry, and copyright collective management business was allowed on September 12, 2014.

### Copyright Management by Copyright Collective Management Organizations in Korea

Category	Organization	Rights under Management
Musical Works	Korea Music Copyright Association	Rights of music copyright holders (composers, lyricists, arrangers, music publishing companies)
	Korean Society of Composers, Authors and Publishers	Rights of music copyright holders (composers, lyricists, arrangers, and music publishing companies)
	Federation of Korean Music Performers	Rights of music performers (singers and performers)
	Recording Industry Association of Korea	Rights of record 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 Scenario Writers Association	Rights of movie scenario writers
	Korea Reproduction and Transmission Rights Association	Management of reproduction and transmission rights of literary works
Cinematographic Works	Korean Film Producers Association	Rights of film producers
	Movie Distributors Association of Korea	Rights of film producers
Broadcasting	Korea Broadcasting Performers Association	Rights of broadcasting performers (actors, voice actors, comedians, and broadcasters)
News	Korea Press Foundation	Rights of news writers
Public Works	Korea Culture Information Service Agency	Public works (the state, local governments, public institutions)

## II. Current Status

### ① The Korean Society of Authors (KOSA)

The predecessor of the Korean Society of Authors (hereinafter referred to as “KOSA”) is the Korean Association of Authors which was established on May 19, 1984 to protect the rights of authors from illegal publication.

As the need for its re-inauguration as a corporation was raised for the purposes of carrying out copyright protection and creation support activities in a systematic manner and boosting its public confidence, the name was changed to the Korean Society of Authors and it was officially launched on July 28, 1988 after receiving approval by the Ministry of Culture and Public Information (currently, MCST) for corporation establishment on July 13, 1988.

KOSA was authorized to provide copyright collective management services on March 16, 1989. Since then, it has managed copyrights of literary, dramatic, artistic and photographic works. Major activities of 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.

KOSA signed an MOU with the Korea Writers’ Association (KWA) to promote the rights of wider circles of copyright holders, while pursuing mutual cooperation with various organizations, including the Korea Novelists Association and the Korea Children’s Writers Association and signing MOUs with the Sangwon Museum of Art and Agricultural Museum to provide support for promoting the rights and interests of literary writers.

Furthermore, through an MOU with Sangwon Museum of Art and Agricultural Museum in 2013, KOSA sought to construct a legal circulation system for copyrighted images by strengthening the protection of copyrighted images and further encouraging image copyright

holders to join. In 2014, KOSA signed an MOU with the Vietnam Literary Copyright Center (VLCC) and joined the International Authors Forum in an effort to strengthen cooperation with foreign copyright institutions.

Also, as the free-of-charge e-Book publication project supported by KOSA starting from 2011 was well-received among its members, KOSA published 600 works in e-book format by 2014. It is also preparing for a project to provide support for publication of paper books for its members.

As of the end of December 2014, KOSA has 4,298 members (including 87 organizations) and manages 209,531 works. Nineteen staff executive members including the 11th president Gwon Dae-woo and six secretariat staff members work for KOSA.

## ② The Korea Broadcasting Performers' Association (KBPA)

The Korea Broadcasting Performers' Association (hereinafter referred to as "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.

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 license fees 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. Moreover, KBPA has joined the effort to amend the Copyright Act to promote the rights and interests of broadcasting performers, while participating in cooperation projects with copyright-related organizations.

As of 2014, KBPA has signed MOUs with terrestrial broadcasting companies such as KBS, MBC, SBS, EBS, OBS and nine regional private broadcasting companies, as well as 51 program providers (PP) for cable TV programs and four general programming channels to

protect the rights of its members.

Furthermore, based on its understanding that the level of protection of performers' rights stipulated in Article 100 (3) of the Copyright Act lags behind, compared with protection cases of developed countries, posing an obstacle to protection and promotion of the rights of performers, KBPA has been vigorously engaged in policy activities to address them.

As of the end of 2014, KBPA has 6,411 members and 17 executive members including board directors, two of whom work full-time, and auditors. There are 11 staff members in the secretariat, including the secretary-general.

### ③ • The Korean TV and Radio Writers Association (KTRWA)

The Korean TV & Radio Writers Association (hereinafter referred to as "KTRWA") was established in 1962 to promote the rights and interests of TV and radio writers who work in general fields of the broadcasting industry, including TV dramas, documentaries, entertainment, radio and translation, and contribute to the development of national culture through the growth of broadcasting literature. It was authorized to provide copyright collective management services on September 20, 1988.

KTRWA performs such activities as collection and distribution of royalties through copyright collective management, support for research and writing activities to improve the level of broadcasting scenarios, and welfare-related activities. In addition, it operates the Korea TV and Radio Writers Training Institute to foster broadcasting literature, while carrying out public relations and publication activities by publishing monthly "TV and Radio Writers," as well as a collection featuring winning entries of the TV and Radio Writers Award. It is also actively involved in copyright protection projects as a member of various copyright-related organizations at home and abroad.

In 2014, KTRWA notified illegal use of broadcast scripts in documents of 18 educational publishers, and collected the usage fee by signing a collective agreement with the Korean Study Materials Association, creating a system for flexible cooperation. Furthermore, KTRWA strengthened copyright management of outsourced broadcasts, constantly searching for

cases of outsourcing companies owning copyright and directly selling broadcast programs overseas, and increasingly collecting fees accordingly. Meanwhile, the number of license contracts for secondary copyrighted works using broadcast scripts, such as TV show remakes, TV show movie production and showings, and script use in published works, is greatly on the rise.

In addition, KTRWA is continuing activities to promote the broadcasting culture such as the first Korea Broadcasting Critic Award, which seeks to foster competent critics for the development of Korean broadcasting contents.

KTRWA also organized the 5th TV and radio writers' workshop on copyright in partnership with the KCC, in which writers learned about various case studies and related court decisions and other issues in broadcasting and publishing contracts, thereby deepening their understanding of copyright.

As of the end of 2014, KTRWA has 2,796 members, and it consists of 28 executive committee members including the 28th president Lee Geumlim and 12 staff members at the Secretariat, which comprises a general administration team, a copyright team and an education and training team.

## ④ Korea Reproduction and Transmission Rights Association (KORRA)

The Korea Reproduction and Transmission Rights Association (hereinafter referred to as "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. Its six regular groups 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.

KORRA is a collective management organization that manages reproduction rights and transmission rights of registered copyright holders and other individual copyrighted works. The main tasks of KORRA include copyright collective management, compensation, and public interest projects. Collective management refers to use authorization for production and transmission of literary works and infringement aid. KORRA encourages legal use of copyrighted works by signing contracts regarding public copying machines at universities and surrounding copy stores, government offices, and businesses. As the environment of copyrighted works use changes, the market for copyrighted works use through copying is decreasing overall, and KORRA is in the process of determining how to control and deter rights infringement for new means like the book scans. Transmission uses of academic papers and e-books are on the rise, and the KORRA expects the fee to increase greatly in the future. KORRA engages in legal relief activities regarding illegal uses online and offline in lieu of the copyright holders.

After it was authorized as the compensation receiving organization, KORRA has managed four types of compensation, which are compensation for educational books, courses, course support, and libraries. Compensation policies for educational books and libraries are becoming stabilized after continuous user education and distribution notifications. With regards to compensation for courses, KORRA signed contracts with universities and collected fees since 2014, and started distribution starting in August 2015. Also, compensation standards for copyrighted works used for course support at municipal offices of education were announced in July 2015, and the fees will be collected in February 2016 for the first time, after contracts have been signed with users of copyrighted works.

In order to ensure the legitimate reproduction of foreign works, KORRA has expanded signing of mutual management agreements with foreign reproduction rights organizations in 28 countries including the United States and the United Kingdom. In addition, KORRA successfully hosted the general meeting of the International Federation of Reproduction Rights Organization (IFRRO) in Seoul in October 2014. KORRA seeks to continue to sign agreements with more countries to promote more convenient copyrighted works use for the users.

KORRA's decision-making bodies include the steering committee, the board of directors and the general assembly. At KORRA, a total of 18 staff members work for six teams (collective management business team 1 and 2, compensation business team, public interest business team, information and distribution team, and management support team).

## ⑤ The Korea Scenario Writers' Association (KSWA)

The Korean Scenario Writers' Association (hereinafter referred to as "KSWA") was established to protect the rights and interests of scenario writers, offer collective management 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. It was renamed as the Korea Scenario Writers' Association in November 2002.

KSWA is experiencing difficulties in securing copyrighted works for collective management, given the current practices in the film industry where copyright of scenarios is all granted to film production companies. Hence, its performance on collection and distribution of license fees is relatively low.

However, the KSWA is engaged in other activities, including activities to protect the copyright of its members, research into scenarios, granting awards to meritorious members and projects to promote the welfare of its members.

KSWA has produced numerous scenario writers through its affiliated organization, the "Scenario Writers Training Institute" established in 1992. In 2012 events and books marking the 20th anniversary of its opening were held and published, respectively. In 2014 and the first half of 2015, scenarios written by scenario writers, who had been trained at the Institute, were made into films and among them, films "Obsessed (Kim Daewoo, 1st Class)," "Kundo: Age of Rampant," "Roaring Currents (Jeon Chul-hong, 13th Class)," "Monster (Hwang Inho, 8th Class)," "Miss Granny (Dong Hee-Sun, 11th Class)," "Stray Dogs (Ha Wonjun, 11th Class)," "My Love My Bride (Yoo Seung-Hee, 27th Class)," and "The Tenor – Lirico Spinto (Kim Kwan-Bin, 35th Class)" were great hits.

Furthermore, the KSWA launched the Scenario Copyright Advisory Council in 2011 with an aim of creating a standard contract commentary. The commentary on the Korean film scenario standard contract was published after going through coordination of interests among the film industry's leading organizations such as the Korean Film Producers Association, the Producers Guild of Korea, the Korea Scenario Writers Association, and the Korea Film Directors' Association. They are in discussion with the MCST and the Korea Film Council to officially announce the standard contract. Also, a group of young writers are pushing for the "2015 Amendment for Film Scenario Standard Contract" to improve on unfair customs in the industry.

## ⑥ The Korea Press Foundation (KPF)

The history of the Korea Press Foundation (hereinafter referred to as "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 (predecessor of the current KPF) in 1998. In February 2010, the Korea Press Foundation was launched with the consolidation of the former Korea Press Foundation, the Newspaper Circulation Institute and the Newspaper Promotion Commission.

The newly launched KPF is pushing ahead with the following four policy tasks to promote the news media in the digital era: enhancing the class of journalism; dissemination of reading culture; creation of a creative news distribution ecosystem; and expansion of public interest in government advertising.

With respect to news copyright, the KPF was authorized to provide copyright collective management services on June 7, 2006. As of the end of 2013, it manages the copyright of news works of 69 media of 60 media companies. The Foundations' news copyright collective management services are provided in two forms: support for copyright protection through monitoring and prevention of the infringement of news copyright and facilitation of paid use of news content.

In 2014, the KPF organized a contest for a campaign against infringement of news copyright

(UCC, newspaper advertising, slogan categories) and a total of 2,181 entries were submitted, greatly contributing to raising the public awareness of copyright protection. Newspaper advertising produced with the motif of the competition prize winners was also considered effective in promoting the value of news and importance of copyright protection. In addition, the KPF conducting monitoring on the use of news works over 8,776 websites of the central government, local governments, public institutions and companies and notified entities concerned of illegal use and provided onsite education on the proper use on 90 occasions.

In order to facilitate paid use of news, news contents were traded at the Digital Copyright Exchange, which had been established by the MCST and the KCC to facilitate copyright transactions and enhance transparency. The KPF developed a Web-based e-NIE program (online newspapers in education) and supplied it to 1,058 elementary, middle and high schools, contributing to elevating the educational value of news. In addition, the KPF formed a taskforce team comprising experts from home and abroad and introduced the “license pricing system” which is applied with differentiated news copyright prices depending on the number of personnel of user organizations.

As a result of such efforts, in 2012, the KPF’s news copyright collective management project has been selected by the World Association of Newspapers and News Publishers (WAN-IFRA), which is the world’s largest press organization participated by the world’s newspaper publishers and editors, as an exemplary business model in recognition of its contribution to boosting market value of news. In 2014, its news copyright sales broke the mark of KRW 12.3 billion and the KPF received “Excellent” grade in the management evaluation for copyright collective management organizations conducted by the MCST.

## ⑦ The Movie Distributors Association of Korea (MDAK)<sup>5</sup>

The Movie Distributors Association of Korea (hereinafter referred to as “MDAK”) was established in 1999 to promote seamless and fair use of cinematographic works and

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<sup>5</sup> The name was changed from the Korea Movie and Video Industry Association to the Movie Distributors Association of Korea on August 9, 2013.

establish their distribution order.

The MDAK was authorized to provide copyright collective management services upon receiving approval on right of performance by means of media among cinematographic works (films) from the MCST 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, public right of transmission, right of reproduction, and right of distribution.

The MDAK has been taking the lead in protection of copyright of cinematographic works, acting as a secretariat for the "Film Industry Council to Eliminate Illegal Reproduction" in 2007 and striving to expand legitimate distribution of copyrighted cinematographic works. In 2009, it participated in the "Good Downloader Campaign," a public awareness campaign for copyright protection as a steering committee member.

The MDAK's main activities include collective management of cinematographic works, collection and distribution of copyright royalties, crackdown on illegal cinematographic reproductions for copyright protection, protection of the rights and interests of its members, information management to facilitate the use of cinematographic works, suggestions for related bills and public awareness campaigns. In 2010, it established subcommittees to promote the development of the film distribution and home entertainment industries and pursued various solutions to address problems in respective industries.

With the support of the MCST, in 2014 the MDAK held viewings of new Korean movies with foreign language subtitles to foreigners studying in Korea. It was a well-received project aimed at allowing foreigners to better concentrate on and to understand Korean movies and thereby encouraging them to serve as citizen ambassadors of the Korean Wave and Korean movies in their home countries. A total of 6,894 foreigners from 109 countries, including six universities, one organization and the U.S. Embassy in Korea, comprising of those studying in Seoul, organizations, and American soldiers, participated in the project. Through the project twelve movies were shown on 43 occasions at movie theaters in the Seoul area, such as CGV and Lotte Cinema.

At present, MDAK is striving to protect cinematographic works and to facilitate their distribution. As the nation's sole association for movie distributors, it places priority on researching investment

and distribution policies of the film industry and developing relevant policies.

As of the end of 2014, KMVIA has 57 companies as its members, including regular and special members. It also has 5 staff members, consisting of directors including the president and staffs at the secretariat under copyright management team, strategic planning team, royalty collection team, and finance team.

## ⑧ The Korean Film Producers Association (KFPA)

The Korean Film Producers Association (hereinafter referred to as “KFPA”) was established in February 1994 as a consultative body for currently active film producers in Korea. It joined the International Federation of Film Producers Associations (FIAPF) in 2001 and was authorized to provide copyright collective management services by the then Ministry of Culture and Tourism in 2005.

KFPA created a new value-added market by starting legal online download services after litigations and agreements with Digital Contents Network in 2009. It co-founded a monitoring center and provided OSP filtering guidelines.

KFPA also runs the organization fairly and transparently through annual general meetings in February and monthly operation meetings. KFPA prioritizes the profits of its members as of utmost importance and distributes all collected fees every month without exception.

KFPA furthermore regularly hosts “Forum for Improvement of Korea Film Industry Policy,” “Seminar for Development of Fair Environment in Korea Film Industry,” “Film Industry Studies,” and “Townhall Meeting with Film Producers.” KFPA seeks to stop unfair transactions like screen monopoly and to create a reasonable producing environment through alternative solutions in terms of the policy and the industry. In 2014, KFPA hosted the first Korea Film Producers Association Award, inviting many personnel in the industry and praising their hard work.

KFPA, along with the Busan Film Commission, also launched the first Busan Film Investment Fund in 2013, supporting the planning and producing of films to this day.

KFPA is engaged in a wide range of projects involving Korea’s film industry, including

development of various standard contracts and wage and collective negotiations, thereby contributing to both qualitative and quantitative growth of the film industry in Korea.

As of the end of 2014, KFPA had 83 companies as its members. There are eight executive members, including the 10th president Lee Eun, and five members of the secretariat working for the organization.

## ⑨ The Federation of Korean Music Performers (FKMP)

The Federation of Korean Music Performers (hereinafter referred to as “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 phonograms for sale in October 1988, an organization to collect remuneration for digital sound transmission in 2008, and an organization to collect remuneration for public performances of phonograms for sale in 2009.

As of December 31, 2014, FKMP had 9,561 performers as its individual members and six special members, including the Korea Singers’ Association, the Singers’ Committee of the Korea Entertainers Association, the Korea Recording Musician Association, the Korea Traditional Music Association, the Music Association of Korea, and the Korea Musicians Association. Its major activities include collection and distribution of copyright royalties and various remunerations, protection of rights and interests of music performers and improvement of their status, protection of rights of Korean music performers in foreign countries and publicity campaigns on neighboring rights.

While FKMP mainly collects and distributes copyright fees, it also conducts research to promote status of performers and engages in activities that will protect the interest of performers through seminars that may lead to amendment of the Copyright Act and establishment of new policies. FKMP also awards various performers who have contributed to the advancement of the culture and supports relevant events. In addition, FKMP is working

to improve the welfare of performers with relevant provisions to support the elderly and ill members, while continuing to collaborate with domestic arts and culture organizations by supporting their events and performances.

With music performers going global with the Korean Wave and K-pop popularity, the FKMP is also expanding the scope of its activities to foreign countries by joining the Societies' Council for the Collective Management of Performers' Rights (SCAPR) and seminars, seeking to improve its global capabilities through collaboration with foreign neighboring rights collective management organizations. FKMP has signed agreements on mutual management and has conducted mutual payment and settlement with a number of foreign collective management organizations in Japan, Sweden, the Netherlands, the United Kingdom, Canada, Italy, and Spain.

Previously, performers were unable to exercise rights over secondary uses of broadcasts, according to special exception to the Copyright Act for video copyrighted works (Article 100) when the broadcast programs featuring the singer was rebroadcasted or transmitted over the Internet. In order to fix this, the FKMP suggested to the MCST the establishment of a standard contracts form. Relevant government departments (Fair Trade Commission, Korea Communications Commission), legal experts, broadcasting stations, and stakeholders (Korea Singers Association, Korea Entertainment Producer's Association) participated to draft the "standard contract for broadcasting appearance of popular culture artists" and FKMP contributed to its announcement.

The FKMP has invested much effort in improving distribution. As a result, it changed the method of distribution from collectively distributing neighboring rights royalties to members as from 1988 to 2011 to directly distributing to individual members since 2002. Constructing a performance rights information database for individual performers like singers, instrument performers, and conductors came to be a main issue.

However, it was difficult to attain performance information not only because of the lack of awareness on performers' part, but also because of the variety of performers, recording at different times, unspecified song and singer at the time of performance, and custom of not recording performance information of albums. To overcome such difficulty, instead of having the performer directly record performance information, FKMP signed an MOU with broadcasting

stations to acquire performance information in album jackets and promoted the importance of performance information. FKMP simultaneously researched activities of recording musicians and main recording studios by year in order to increase the accuracy of performance information. Furthermore, FKMP pursued the “Performer Rights Campaign” through sharing the performance rights information database with the copyright exchange system and developing a system for individual members to correct and confirm performance information.

Through such efforts, FKMP constructed a music database of over 1.8 million pieces including works from the 1930s to recent ones, even though it started out with only 50,000 pieces in the beginning. Starting in July 2014, FKMP greatly improved neighboring right royalty collection and distribution by establishing a distribution process using a ratio settlement system in which neighboring right royalties for music used by music services were given to members according to a rights ratio.

Even though the “right to indicate name” has been implemented in the Copyright Act, performer information is not accurately reflected on digital single albums and original sound track albums, as the offline music market rapidly shifts towards the online and mobile markets. In order to protect the rights of the performers, the need for legal amendments such as the performing information indication requirement is increasing.

## Korea Music Copyright Association (KOMCA)

The Korea Music Copyright Association (hereinafter referred to as “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. KOMCA collected copyright royalties worth KRW 111.5 billion in 2012, and KRW 125.3 billion in 2014. The numbers of its members and collective management agreement signatories broke through the 19,000 mark and the number of works under its collective management amounts to as many as 2,093,853.

Additionally, through a continuous effort at improving budget management system,

KOMCA decreased broadcasting fee from 12.5% to 9% and transmission fee from 14% to 9%, adopting one of the lowest rates worldwide. By lowering the fee, KOMCA sought to improve its public image and to contribute to creating an environment in which artists can focus on artistic activities. In 2015 the KOMCA will continue to decrease fees for bars and karaokes from the current 22% to 19.5%.

With the ongoing popularity of Korean Wave contents such as K-Pop overseas, KOMCA further expanded its international exchange by signing mutual management contracts with the TONO of Norway, SABAM of Belgium, SOZA of Slovakia, GCA of Georgia, and ACUM of Israel to protect the Korean contents properly and enhance cooperation with overseas copyright management organizations. As of now, KOMCA has signed mutual management contracts with 51 organizations from 49 countries in the performance/broadcasting rights and 42 organizations from 45 countries in the right of reproduction.

## ⑪ The Recording Industry Association of Korea (RIAK)<sup>6</sup>

The Recording Industry Association of Korea (hereinafter referred to as “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 and has provided collective management of 290,000 songs owned by 2,434 members.

In addition to collective management of neighboring rights for phonogram producers, RIAK collects and distributes remuneration for 2.9 million songs of 3,800 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 receive remuneration for performances for commercial phonograms in 2009. Furthermore, it is proactively involved in

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<sup>6</sup> The name was changed from the Korean Association of Phonogram Producers to the Recording Industry Association of Korea on May 9, 2013.

copyright protection activities and crackdowns on illegal audio sources.

Meanwhile, in May 2011, the Korea Music Data Center project, which had been implemented by the Korea Creative Content Agency with the purpose of promoting the public's right to enjoy culture through the systematic collection of Korean music and the establishment of online/offline data center, was transferred to the RIAK Permanent and special exhibition halls and a data center are located on the first floor and the first basement floor in the Olympic Hall. In 2011, the "Korean Wave Soaring into the World" was staged and Nam In-su Special Exhibition was featured in 2012, followed by "Seotaiji, The History" exhibition in 2013 and "Sing the Memory" in 2014.

RIAK conducted a mass crackdown of online illegal music distribution companies like webhard, streaming, and torrents, and of illegal SD card vendors that resulted in the demise of offline CD market. RIAK is also investing much effort in protecting the rights of producers and improving the public perception of copyright through stopping illegal music distribution campaign towards retail companies and the general public.

RIAK signed mutual management contracts with Hong Kong's PPSEAL (Phonographic Performance South East Asia Limited) and SoundExchange of United States in order to protect producers' rights for Korean records in use abroad. After joining the International Federation of Phonographic Industry (IFPI) in July 2014, RIAK is pursuing mutual management agreements with Phonographic Performance Limited (PPL) of the United Kingdom and Stichting ter Exploitatie van Naburige Rechten (SENA) of the Netherlands to expand scope of protection for domestic records abroad, and will continue to pursue agreements with other Asian countries.

Based on such diverse projects and activities, RIAK shows an annual growth rate of 14.17% on average and is expanding the rights and interests of phonogram products at the forefront of the era of a transparent and new music business. It continues to make continuous efforts to become a leader in the global music industry.

## 12 The Korea Culture Information Service Agency<sup>7</sup>

The Korea Culture Information Service Agency (hereinafter referred to as the “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 MCST. As an organization in charge of informatization of MCST, KCISA has provided integrated management of public information in the cultural area since 2011. The majority of public information currently managed by KCISA as a nonclassified public institution belongs to public works and it also produces public works and thus it is 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.

KCISA is entrusted with public works, which are either works created for hire and announced by the central government, local governments and public institutions, or works whose copyright has been acquired from a third party, from various organizations, including the Seoul Metropolitan Government, the National Research Institute of Cultural Heritage and the National Gugak Center, and provides collective management services for them. It also upgrades the “public copyright collective management system ([www.alright.or.kr](http://www.alright.or.kr)),” a website designed for distribution of public works to help the public conveniently use public works free of charge or at inexpensive prices without any copyright infringements, doing its utmost to protect the rights of entrusted works and to facilitate its use.

Furthermore, KCISA is distributing the Korea Open Government License (KOGI), which can enhance the utilization of public works and contribute to the advancement of the culture industry by simplifying license procedures. It is also operating the “KOGI ([www.kogi.or.kr](http://www.kogi.or.kr)),” a public work search portal website.

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<sup>7</sup> The name was changed from the Korea Database Agency to the Korea Cultural Information Service Agency, which was authorized to provide collective management services on September 23, 2013.

### The Korea Open Government License (KOGL) System ([www.kogl.or.kr](http://www.kogl.or.kr))

Types of License	KOGL Mark	Scope of License
[Type 1] Source marking		<ul style="list-style-type: none"> <li>• Source marking</li> <li>• Commercial or non-commercial use is possible</li> <li>• Secondary work production such as modification is possible</li> </ul>
[Type 2] Type 1+ Prohibition of commercial use		<ul style="list-style-type: none"> <li>• Source marking</li> <li>• Only non-commercial use is possible</li> <li>• Secondary work production such as modification is possible</li> </ul>
[Type 3] Type 1 + Prohibition of modification		<ul style="list-style-type: none"> <li>• Source marking</li> <li>• Commercial or non-commercial use is possible</li> <li>• Prohibition of secondary work production such as modification</li> </ul>
[Type 4] Type 1+ Prohibition of commercial use + Prohibition of modification		<ul style="list-style-type: none"> <li>• Source marking</li> <li>• Only non-commercial use is possible</li> <li>• Prohibition of secondary work production</li> </ul>

## ⑬ Introduction of Competition in the Music Copyright Collective Management Business

The Korean Society of Composers, Authors, and Publishers (hereinafter referred to as “KOSCAP”) was authorized as a music copyright collective management organization on December 5, 2013, in align with music copyright collective management organizations expansion policy for lyricists, composers, and arrangers, adopted by MCST.

The organization changed its name from “Korea Music Copyright Holders Association” to “Korean Society of Composers, Authors, and Publishers” on February 24, 2014, and enacted articles of incorporation through the 1st extraordinary general meeting on May 12, 2014. It received authorization from MCST for music copyright collective management on September 12, 2014, starting work on September 15.

KOSCAP is a music copyright collective management organization established to provide copyright holders with the right to choose that was not guaranteed under the former solitary collective management organization system, as well as to augment the rights of clients

that was limited by unfair collective agreement clauses and articles of corporation. The foundation of KOSCAP has created a positive competition system that encourages efficiency and transparency of collective management operations. It has positively affected the music industry by also initiating policies for member recruiting and service improvements.

KOSCAP adopted the “collective scope selection policy” that allows for a part or the entire copyright for reproduction, performance, broadcast, and transmission to be included or excluded from the collective management according to the will of the copyright holder. This policy thus facilitates the inclusion or exclusion of a part of directly controllable reproduction right. Also, KOSCAP relaxed restrictions for admission and withdrawal and reduced contract renewal period from five years to three years, providing more opportunities to determine whether to continue the contract.

One of the main projects of KOSCAP is development of advanced monitoring system. Previously monitoring to identify music used in broadcasting media was based on sampling, which does not even show the title of the song and had low reliability and validity. KOSCAP is aiming to achieve accurate and transparent broadcast monitoring by improving upon the problems of the current system through developing an electronic-based monitoring system that extracts the DNA (Audio Finger Printing) of music and identifies the music used in broadcasts and conducting complete enumeration. Also, the KOSCAP established distribution policy, for broadcasting music writers who have received unfair treatment for a long time, which calculates the amount based on the contribution of the music instead of based on the type of music as was the case. The KOSCAP adopted policies to protect minority music genres by separating Korean traditional music, classical music, and religious music in a separate category from popular music when distributing.

At the same time, the KOSCAP is pursuing development of an online contract system with regards to performance right permission between the users around the country and the Society to decrease inconvenience in signing a contract and reduce related expenses.

KOSCAP is in the process of trying a variety of systems and policies to faithfully serve as a multiple music copyright organization like leading copyright regimes abroad, helping to regain the rights of music copyright holders that have been alienated from previous systems, and continuing to research policies that can ameliorate chronic problems.





2014 Annual Report on Copyright in Korea

# Appendices

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- I. Copyright Statistics
  - II. Main Activities in 2014
  - III. Directory of Major Organizations

# I. Copyright Statistics

## ① Number of Copyright Education Programs by Year and Category

Program Title	2009	2010	2011	2012	2013	2014
Copyright Research School	21,600 27 schools (nationwide)	42,856 50 schools (nationwide)	34,400 43 schools (nationwide)	31,200 39 schools (nationwide)	1,745 9 schools (nationwide)	2,400 9 schools (nationwide)
Hands-on Copyright Class	4,095 (117 classes)	10,669 (198 classes)	5,827 (99 classes)	6,997 (100 classes)	8,996 (193 classes)	8,790 (195 classes)
Special Area Teachers Training	76 (2 sessions)	79 (2 sessions)	79 (2 sessions)	58 (2 sessions)	46 (2 sessions)	57 (2 sessions)
Distance Teachers Training	3,305 (7 sessions)	3,308 (12 sessions)	10,526 (35 sessions)	13,813 (50 sessions)	7,426 (59 sessions)	10,848 (55 sessions)
Operation of Distance Training Institute (General public)	-	1,036 (20 sessions)	1,365 (66 sessions)	1,788 (91 sessions)	5,257 (122 sessions)	13,131 (318 sessions)
Operation of Distance Training Institute (Youth)	-	-	804 (2 sessions)	1,462 (2 sessions)	122 (2 sessions)	2,347 (11 sessions)
Operation of Distance Training Institute (Public officials)	223 (8 sessions)	248 (10 sessions)	232 (27 sessions)	255 (33 sessions)	1,365 (86 sessions)	1,324 (112 sessions)
Copyright Academy	250 (12 sessions)	202 (10 sessions)	287 (11 sessions)	215 (9 sessions)	267 (10 sessions)	222 (11 sessions)
Copyright Culture School	182 (7 sessions)	69 (3 sessions)	61 (2 sessions)	85 (3 sessions)	83 (3 sessions)	69 (3 sessions)
Copyright Expert Forum	-	100 (6 sessions)	-	-	-	-
Copyright Instructor Training	73 (3 sessions)	93 (4 sessions)	167 (5 sessions)	171 (4 sessions)	81 (2 sessions)	205 (4 sessions)
Copyright Protector Education	7,812 (72 sessions)	3,444 (75 sessions)	2,657 (52 sessions)	2,856 (50 sessions)	2,426 (45 sessions)	2,442 (45 sessions)

Program Title	2009	2010	2011	2012	2013	2014
Mobile Copyright Education	93,977 (374 sessions)	282,856 (2,459 sessions)	315,508 (3,411 sessions)	373,712 (3,374 sessions)	371,250 (8,352 sessions)	394,922 (8,635 sessions)
Intellectual Property Day Seminar	-		-	-	-	-
Culture Industry Working-level Staff Training	-	46 (2 sessions)	-	-	-	-
WIPO Collaboration Program	4 (1 session)	-	-	-	-	-
Copyright Education Workshop for Instructors for Teacher Training	26 (1 session)	183 (2 sessions)	45 (1 session)	23 (1 session)	53 (1 session)	64 (1 session)
Textbook Authors Workshop	44 (1 sessions)	221 (3 sessions)	135 (3 sessions)	212 (3 sessions)	14 (1 sessions)	71 (2 sessions)
Commissioned Copyright Education for Public Officials	242	1,168	3,194	1,379	2,406	3,239
Copyright Theatrical Troupe		8,125 (20 sessions)	10,273 (27 sessions)	-	-	-
<b>Total</b>	<b>109,772</b>	<b>353,753</b>	<b>384,165</b>	<b>396,029</b>	<b>401,537</b>	<b>440,131</b>

## ② Numbers of Registration by Year and Subject Matter

Category	Year	1987-1996																			Total
		1987-1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	
Works	Literary	987	64	84	64	218	495	625	828	994	1,526	1,796	1,892	1,878	2,309	3,776	3,612	3,742	3,658	5,867	34,415
	Musical	86	1	21	112	290	101	214	248	238	313	362	659	744	987	1,387	1,261	1,446	1,430	1,768	11,668
	Theatrical	-	-	-	-	1	6	2	11	5	4	14	3	16	27	25	20	24	58	35	251
	Artistic	822	13	50	159	712	1,774	2,842	2,919	2,439	4,816	3,779	3,599	4,278	5,075	4,632	5,179	7,092	7,938	8,195	66,313
	Architectural	-	4	1	78	453	262	184	161	285	145	132	210	99	117	84	246	57	131	61	2,710
	Photographic	6	-	1	4	18	43	93	339	736	1,048	3,877	6,350	2,993	378	447	281	507	447	373	17,941
	Cinematographi	484	186	41	20	109	473	287	432	800	732	723	660	247	238	676	374	505	626	2,266	9,879
	Diagrammatic	26	1	6	5	24	49	91	88	19	265	440	564	506	400	742	567	528	545	407	5,273
	Compilation	45	2	2	16	106	275	427	658	708	696	798	1,105	1,414	1,082	1,330	1,562	1,823	1,981	3,734	17,764
	Secondary	-	-	-	-	7	99	193	772	847	795	180	253	199	279	451	907	645	572	725	6,926
	Program	39,183	7,700	7,582	7,836	13,855	11,019	10,062	9,946	10,304	10,532	10,699	10,624	11,192	11,856	12,483	13,858	14,101	13,690	12,411	238,933
Others	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	1	
Neighboring rights works	Performance	-	-	-	-	-	1	-	1	-	2	61	24	4	93	24	3	30	1	2	246
	Phonogram	162	-	-	-	14	37	21	49	82	184	68	36	73	1,366	705	230	565	323	1,160	5,075
Database	-	-	-	-	-	-	-	2	14	27	11	38	35	18	86	54	101	62	77	525	
<b>Total</b>	<b>41,801</b>	<b>7,971</b>	<b>7,788</b>	<b>8,294</b>	<b>15,807</b>	<b>14,634</b>	<b>15,042</b>	<b>16,454</b>	<b>17,471</b>	<b>21,085</b>	<b>22,940</b>	<b>26,017</b>	<b>23,678</b>	<b>24,225</b>	<b>26,848</b>	<b>28,154</b>	<b>31,166</b>	<b>31,462</b>	<b>37,081</b>	<b>417,918</b>	

### ③ Dispute Conciliation Cases by Year and Subject Matter

Category Year	Literary	Musical	Theatrical	Artistic	Architectura	Photographic	Cinematographic	Diagrammatic	Compilation	Secondary	Neighboring Rights Works	Database	Computer Program	Total
1988	6	2	-	-	-	-	-	-	-	-	2	-	-	10
1989	5	-	1	1	-	1	-	-	-	-	-	-	-	8
1990	6	-	-	-	-	7	-	-	-	-	2	-	-	15
1991	13	1	1	4	-	1	1	-	-	-	4	-	-	25
1992	19	1	-	2	-	4	1	-	-	-	2	-	-	29
1993	18	1	-	6	-	2	-	-	-	-	-	-	-	27
1994	30	2	-	6	-	6	1	-	-	-	1	-	-	46
1995	12	13	-	7	-	1	-	-	1	-	1	-	4	39
1996	10	6	-	1	-	1	-	-	-	-	-	-	-	18
1997	6	5	-	11	-	2	-	-	3	-	1	-	4	32
1998	13	9	-	20	-	4	1	1	3	-	-	-	5	56
1999	8	-	-	14	-	3	1	1	2	-	3	-	13	45
2000	7	1	1	9	1	1	3	1	-	-	3	-	13	40
2001	19	3	1	26	2	10	4	1	1	-	-	-	16	83
2002	32	7	1	23	1	20	16	1	8	-	-	-	18	127
2003	29	29	-	4	1	41	1	-	6	-	-	-	20	131
2004	14	3	-	33	1	13	1	-	6	-	2	-	24	97
2005	31	1	-	12	1	13	-	-	6	1	1	1	27	94
2006	24	30	-	5	-	16	1	-	6	1	6	2	33	124
2007	13	4	-	8	-	8	-	2	4	-	5	-	34	78
2008	9	15	-	5	-	10	3	-	4	-	1	2	13	62
2009	10	3	1	7	-	11	-	-	2	1	4	-	16	55
2010	18	6	-	12	-	7	2	1	1	-	7	-	8	62
2011	26	1	-	11	-	7	5	2	-	-	11	-	19	82
2012	17	13	-	1	-	4	-	-	-	-	10	-	33	78
2013	23	4	1	6	-	5	5	1	1	-	22	-	33	101
2014	19	1	-	8	-	73	-	-	1	-	8	-	20	130
Total	437	161	7	242	7	271	46	11	55	3	96	5	353	1,694

## ④ Application for Appraisal on Copyright Infringements by Year

(Unit: No. of Case)

Classification	2011	2012	2013	2014	Total
Application	37	59	78	71	245
Appraisal	38(21)	33(9)	48(16)	49(21)	168
Internal, Joint Appraisal	21	2	-	-	23

※ Figures in parentheses are cases carried forward from the previous year.

## ⑤ Software Escrow Services by Year<sup>8</sup>

(Unit: No. of Case)

Classification		1999-2008	2009	2010	2011	2012	2013	2014	Total
Deposit Contract	New Contracts	293	155	151	149	116	163	187	1,214
	Renewals	162	97	126	182	212	224	255	1,258
	Registration of Persons with the Right of Use	181	47	53	62	22	37	50	452
	Sub-Total	636	299	330	393	350	424	492	2,924
Others	Deposit of Latest Versions	45	17	13	20	21	15	13	144
	Technological Verification	-	-	-	-	-	2	-	2
	Sub-Total	48	17	13	20	21	17	13	149
Total		684	316	343	413	371	441	505	3,073

<sup>8</sup> Software escrow is a system for mutual cooperation where technical data, etc. are deposited at a reliable 3rd organization in order to maintain protection of copyright of the developer and stable business operation of the user company at the time of transactions of technological information.

## ⑥ Monitoring Performance of Illegal Reproductions by Type (Crackdown on Illegal Reproductions over the Past 8 Years)

(Unit: Number of Cases, Number of Pieces)

Year		2008		2009		2010		2011		2012		2013		2014	
		Cases	Pieces	Cases	Pieces	Cases	Pieces	Cases	Pieces	Cases	Pieces	Cases	Pieces	Cases	Pieces
Online	Music	24,380	12,874,262	4,802	1,011,707	16,240	1,220,551	28,993	2,039,991	37,344	3,998,851	67,161	3,428,417	87,336	3,698,703
	Video	67,063	3,101,990	150,444	4,413,859	221,382	2,436,669	277,559	2,705,055	766,463	5,220,243	1,434,022	3,202,653	1,651,744	4,360,602
	Publication	7,049	12,156,342	5,553	14,387,822	7,929	20,244,886	22,466	28,048,143	31,724	41,507,614	36,652	35,416,920	47,002	37,261,640
	Game	1,461	17,030	16,991	101,724	28,969	168,579	25,958	179,672	31,451	114,101	56,050	82,156	45,706	50,007
	Comics			2,327	7,179,732	3,888	10,324,682	16,430	53,337,106	28,562	125,482,653	46,557	88,151,503	64,949	96,327,928
	SW							5,069	28,331	24,268	44,785	19,675	28,398	37,910	40,614
	Subtotal	99,953	28,149,624	180,117	27,094,844	278,408	34,395,367	376,475	86,338,298	919,812	176,368,247	1,660,097	130,310,047	1,934,647	141,739,494
Offline	Music	304	34,806	367	35,163	310	458,522	150	41,227	326	412,100	741	13,544,783	935	15,320,691
	Video	786	329,451	873	380,769	430	310,355	435	211,491	535	209,539	596	184,107	382	380,419
	Publication	615	17,811	541	11,956	704	18,902	489	16,541	537	17,224	460	13,225	392	33,576
	Game			2	1,480	9	6,529	-	150	1	427	0	5	1	409
	Character											1	1,085	0	29
	Subtotal	1,705	382,068	1,783	429,368	1,453	794,308	1,074	269,409	1,399	639,290	1,798	13,743,205	1,710	15,735,124
Total	101,658	28,531,692	181,900	27,524,212	279,861	35,189,675	377,549	86,607,707	921,211	177,007,537	1,661,895	144,053,252	1,936,357	157,474,618	

※ Online: Number of deleted cases/pieces through monitoring of OSP with regards to copyrighted works the Copyright Protection Center has been entrusted with by the copyright holder (Based on Copyright Act Article 103)  
 Offline: Number of collected and discarded offline illegal reproductions that the Copyright Protection Center has been entrusted with by the MCST (Based on Copyright Act Article 103)

## ⑦ Online Illegal Copyright Works Correction Recommendations

(Unit: Number of Cases)

Classification	Annual Results	No. of Correction Recommendations			
		Warnings	Deletions/ Suspensions of Transmissions	Account Suspensions	
2009	Total	35,345	13,466	21,840	39
	Webhard	33,644	12,612	20,995	37
	P2P	773	579	194	-
	Portals, etc.	928	275	651	2
2010	Total	85,085	42,794	42,200	91
	Webhard	82,413	41,458	40,864	91
	P2P	2,140	1,070	1,070	-
	Portals, Community, etc.	532	266	266	-
2011	Total	85,085	42,794	42,200	91
	Webhard	101,359	51,282	49,963	114
	P2P	1,041	522	519	-
	Portals, Community, etc.	5,324	2,700	2,624	-
2012	Total	250,039	130,304	119,560	175
	Webhard	135,961	72,516	63,270	175
	P2P	344	172	172	-
	Portals, Community, etc.	113,734	57,616	56,118	-
2013	Total	170,867	86,455	84,412	0
	Webhard	41,909	21,850	20,059	-
	P2P	32	16	16	-
	Portals, Community, etc.	128,926	64,589	64,337	-
2014	Total	296,360	150,722	145,638	0
	Webhard	45,371	24,122	21,249	-
	P2P	36	18	18	-
	Portals, Community, etc.	250,953	126,582	124,371	-
Sep. 2015	Total	181,069	91,009	90,038	22
	Webhard	71,064	35,804	35,238	22
	P2P, Video Site	12,284	6,142	6,142	-
	Portals, Community, etc.	97,721	49,063	48,658	-

- Based on Copyright Act Article 133-3
- Targeted providers of online services through which illegal copyrighted works are distributed.

## II. Major Activities in 2014

Date	Main Activities
Feb 11-12	Broadcasting Industry Copyright Coexistence Consultative Council Coexistence Forum Workshop
Feb 27	2014 Copyright Youth Instructor Appointment Ceremony
March 5	Signing of MOU for joint effort to address broadcast online copyright violations
March 25	Establishment of a national copyright service support system through selection and operation of Copyright Service Centers in four regions
April 9-11	WIPO Inter-regional Workshop
April 14-15	WIPO Sub-regional Workshop
April 16	Launching of 2014 Citizen Open Monitoring Supporters Service
April 17	Launching of "Good© Copyright Campaign" to promote acknowledgement of copyright and sharing
April 27	Opening of an official Youtube channel of the Korea Copyright Commission ( <a href="http://www.youtube.com/user/koreacopyright">www.youtube.com/user/koreacopyright</a> )
May 7	MOU signing with Korea Copyright Law Association and joint hosting of the spring symposium
May 16	Launching of the third Copyright SNS Reporters
May 21	Establishment of E-book Publication Industry Copyright Coexistence Consultative Council
May 27	Opening of the Copyright Counselling Center
May 30	2014 Korea-Vietnam Copyright Cooperation Seminar
June 12	Korea-Indonesia Copyright Exchange and Cooperation Seminar at Jakarta, Indonesia
June 30	Web Accessibility Certification Mark acquired by online center for continuing education ( <a href="http://www.edulife.copyright.or.kr">www.edulife.copyright.or.kr</a> )
July 7	Promotion of copyrights and consultation provided for artists at the Jeju Haevichi Art Festival
July 10-13	Operation of copyright campaign and consultation sessions at Handmade Korea Fair 2014
July 11	2014 The 7 <sup>th</sup> Copyright Youth Instructor Appointment Ceremony
July 15	The 10 <sup>th</sup> Korea-China Copyright Forum in Busan
Aug 13-17	Operation of copyright campaign at the 17 <sup>th</sup> Bucheon International Comics Festival
Aug 29	Publication of the third volume of "Copyright Statistics," which includes an analysis of the copyright ecosystem

Date	Main Activities
Sept 18	2014 Korea-Philippines Copyright Forum in Manila, Philippines
Oct 8	2014 Seoul Copyright Forum
Oct 13-17	2014 International Copyright Protection Human Resource Development Project
Oct 28-29	2014 WIPO-KCC Copyright Conciliation Workshop in Seoul
Oct 29	Copyright promotion at the "Performers Concert with Copyright"
Nov 5	Awards ceremony for the 9 <sup>th</sup> Copyright Paper Contest for Undergraduate and Graduate Students
Nov 5-6	Operation of copyright campaign at the International Copyright Technology Conference 2014
Nov 7	Joint hosting of the fall symposium with Korea Copyright Law Association
Nov 13	2014 Korea-Thailand Copyright Cooperation Forum in Bangkok, Thailand
Nov 18-21	2014 WIPO Study Visit Program
Nov 20-21	Copyright holder consultative council workshop to address online copyright violations
Nov 27-30	Operation of copyright campaign at the Creative Korea Expo
Dec 1	Establishment of copyright consultative council regarding new music transmission services
	Launching of a private self-registration system (Nanum n) on Sharing Plaza
Dec 2	The 6 <sup>th</sup> Korea-Japan Copyright Forum in Seoul
Dec 4-5	Cooperation workshop with relevant institutions to provide effective copyright support for small to mid-sized companies
Dec 5	Disbanding ceremony of the third Copyright SNS Reporters
Dec 14-17	Workshop to construct a Korea-China-Japan network
Dec 26	Acquisition of certification mark as an Accounts for Lifelong Education institution for online copyright education
Dec 27	Publication of an economic analysis of commercial music services by type

### III. Directory of Major Organizations

Classification	Organization Name	Address	Homepage Address	Telephone No(Main)	Fax No.
Major Organizations	<b>Ministry of Culture, Sports and Tourism</b>	Government Complex-Sejong, 388, Galmae-ro, Sejong-si (339-012)	<a href="http://www.mcst.go.kr">http://www.mcst.go.kr</a>	044-203-2479	044-203-3466
	<b>Korea Copyright Commission</b>	1F,3F,5F, LH building,19, Chungui-ro, Jinju-si, Gyeongsangnam-do (52852)	<a href="http://copyright.or.kr">http://copyright.or.kr</a>	055-792-0000	055-792-0019
	<b>Korea Federation of Copyright Organizations</b>	10F, Culture Contents Center, 400 World Cup buk-ro, Mapo-gu, Seoul (03925)	<a href="http://www.kofoco.or.kr">http://www.kofoco.or.kr</a>	02-1588-0190	02-3153-2708
	<b>Korea Software Property Right Council</b>	6F&7F, Software Development Center, 447, Yeoksam-ro, Gangnam-gu, Seoul (135-841)	<a href="http://www.spc.or.kr">http://www.spc.or.kr</a>	02-567-2567	02-567-2933
	<b>Korea Creative Content Agency</b>	400 World Cup buk-ro, Mapo-gu, Seoul (121-904)	<a href="http://www.kocca.kr">http://www.kocca.kr</a>	02-1566-1114	02-3153-1115

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