

REPUBLIC OF KOREA

COPYRIGHT ACT

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Law No. 4268, December 27, 1990 (Government Organization Act)
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Public Accountant Act concerning Enforcement of the Administrative
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CHAPTER 1. GENERAL PROVISIONS

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

Article 2(Definitions) The definitions of the terms used in this Act shall have the meaning as follows:
1. “Works” shall mean a creative production belonging to the category of original literary, scientific or artistic works;

2. "Authors" shall mean the persons who create works;
3. "Public performances" shall mean the presentation of a work to the public by acting, musical playing, singing, reciting, screening or by other means, and shall mean the presentation of a reproduction of a work to the public by playing it, and shall include transmission that is made in a connected place in one and the same person's occupation; <As amended on Jan. 12, 2000>
4. "Performance" shall mean the expression of a work by acting, musical playing, singing, reciting, screening or by other artistic means, and include the expression of something other than a work done in a similar method;
5. "Performers" shall mean the persons who make performances, and who conduct, direct, or supervise performances;
6. "Phonograms" shall mean the media in which the sound is fixed (excluding those in which the sound is fixed together with some visual images);
7. "Phonogram producers" shall mean the persons who have initially fixed the sound in phonograms;
8. "Broadcasting" shall mean the transmission of sounds and images by wire or wireless communication intended for simultaneous reception by the public; <As amended on Jan. 12, 2000>
9. "Broadcasting organizations" shall mean the persons who engage themselves in the broadcasting business;
- 9-2 "Interactive transmission" shall mean the transmission of a work or making available to the public by wire or wireless communication in such a way that members of the public may access the work from a place and at a time individually chosen by them; <Newly provided on Jan. 12, 2000>
10. "Cinematographic works" shall mean the creative production in which a series of images (regardless of whether or not accompanied by sound) are collected, and which can be played by means of mechanical or electronic devices and can be seen or heard;
11. "Producers of cinematographic works" shall mean the persons who plan and take responsibility for the production of a cinematographic work;
- 11-2. "Works of applied art" shall mean artistic works that may be reproduced in the same shape on articles and whose originality is distinguishable from the articles used, and shall include designs, etc.
12. "Computer programs" shall mean an expression of a series of statements or instructions used directly or indirectly in a computer or other devices which have an information processing ability in order to obtain a certain result;
- 12-2. "Compilation" shall mean a collection of works or symbols, letters, voices, sounds, images and materials in other formats (hereinafter referred to as "subject matters"), including databases. <Newly provided on May 27, 2003>
- 12-3 "Compilation works" shall mean compilations of a creative nature in terms of selection, arrangement or composition of its subject matters. <Newly provided on May 27, 2003>
- 12-4 "Database" shall mean a compilation that arranges or composes subject matters systematically so that such subject matters may be accessed or searched individually. <Newly provided on May 27, 2003>

12-5. "Database producer" shall mean a person who makes a considerable investment in terms of human or material resources for production of a database, or renewal, verification or supplement (hereinafter referred to as "renewal, etc.") of its subject matters. <Newly provided on May 27, 2003>

13. "Joint works" shall mean works created jointly by two or more persons and their respective contributions cannot be separately exploited;

14. "Reproduction" shall mean the fixation of works or the reproduction of works in tangible media of expression by means of printing, photographing, copying, sound or visual recording or other means; in the case of architectural works, it shall mean to carry out a construction in accordance with the models or plans for the construction; and in the case of plays, musical scores or other similar works, it shall include the sound and visual recording of a public performance, performance or broadcast of a work;

15. "Distribution" shall mean the transfer by assignment or rental of the original or reproduction of a work to the public with or without payment;

16. "Publication" shall mean the reproduction and distribution of a work for the demand of the public;

17. "Making a work public" shall mean to make a work available to the public by means of performance, broadcasting, exhibition or by other means, and to publish a work.

18. "Copyright trust services" shall mean a line of business in which one holds in trust and continuously manages author's property rights, publication rights, neighboring rights or exploitation rights on behalf of the owners of author's property rights, publication rights or neighboring rights; <Newly provided on Jan. 12, 2000>

19. "Copyright agency or brokerage services" shall mean a line of business in which one acts as an agent (excluding a general agent concerning "exploitation) or a broker on behalf of the owner of author's property rights, publication rights or neighboring rights with regard to the exploitation of works or of performance, phonograms or broadcasting, which are the subject matters of neighboring rights; <Newly provided on Jan. 12, 2000>

20. "Technological protective measures" shall mean technological measures applied by a rights holder or a person who is delegated by such rights holder to effectively prevent infringement of copyrights and other rights protected under this Act. <Newly provided on May 27, 2003>

21. "Right management information" shall mean information which falls under any of the following, or numbers or symbols representing such information, each of which is attached to the original or reproduction of a work, performance, phonogram, broadcasting, or database (which is limited to such database as is protected under Chapter 4-2 herein; same hereinafter in this Subparagraph.), or is accompanied by public performance, broadcasting or transmission thereof: <Newly provided on May 27, 2003>

a. Information for identification of a work, performance, phonogram, broadcasting, or database;

b. Information for identification of authors, owners of author's property rights, publication rights or neighboring rights, or database producers; and

c. Information related to the utilization method and conditions of a work, performance, phonogram, broadcasting, or database.

22. "Online service provider" shall mean a person who provides others with services that reproduce or transmit a work, performance, phonogram, broadcasting or database through information and

telecommunication networks (which refer to such information and telecommunication networks as provided in Subparagraph 1, Paragraph 1, Article 2 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.). <Newly provided on May 27, 2003>

Article 3(Works of Foreigners) (1) The works of foreigners shall be protected in accordance with the treaties to which the Republic of Korea has acceded or which it has ratified. <As amended on Dec. 6, 1995>

(2) Notwithstanding the provision of Paragraph (1), the works of foreigners who permanently reside in the Republic of Korea (including the foreign legal persons having their principal office in the Republic of Korea, hereinafter the same shall apply), or foreigners works which are first published in the Republic of Korea (including works published in the Republic of Korea within thirty days after their publication in a foreign country) shall be protected under this Act. <As amended on Dec. 6, 1995>

(3) Even when foreigners' works are to be protected under Paragraphs (1) and (2), but if the foreign country concerned do not protect the works of the nationals of the Republic of Korea, their protection under treaties and this Act may be correspondingly restricted.

CAPTER 2. RIGHTS OF AUTHORS

SECTION 1. WORKS

Article 4(Examples of Works, etc.) (1) The following shall be the examples of works referred to in this Act:

1. Novels, poems, theses, lectures, recitations, plays and other literary works;
2. Musical works;
3. Theatrical works including dramas, dances, pantomimes, etc.;
4. Paintings, calligraphic works, sculptures, crafts, works of applied art, and other artistic works; <As amended on Jan. 12, 2000>
5. Architectural works including architectural models and plans;
6. Photographic works including photographs and other works produced by similar methods;
7. Cinematographic works;
8. Maps, charts, design drawings, sketches, models and other diagrammatic works; and
9. Computer program works.

(2) Matters necessary for the protection of computer program works under Subparagraph 9 of Paragraph (1) shall be provided for in a separate Act.

Article 5(Derivative Works) (1) A creation produced by means of translation, arrangement, alteration, dramatization, cinematization, etc. of an original work (hereinafter referred to as “derivative work”) shall be protected as an independent work.

(2) The protection of a derivative work shall not prejudice the rights of the author of the original work.

Article 6(Compilation Works) (1) Compilation works shall be protected as independent works. <As amended on Jan. 7, 1994 and May 27, 2003>

(2) The protection of a compilation work shall not prejudice the copyright of the subject matters constituting such compilation work and other rights protected under this Act. <As amended on May 27, 2003>

Article 7(Works not Protected, etc.) No work which falls under any of the following Subparagraphs shall be protected under this Act:

1. Constitution, laws, treaties, decrees, ordinances and rules; <As amended on Jan. 12, 2000>
2. Notices, public notifications, directions and others similar to them issued by the state or local government; <As amended on Jan. 12, 2000>
3. Judgments, decisions, orders, or rulings of courts, as well as rulings and decisions made by the administrative appeal procedures, or other similar procedures;
4. Compilations or translations of works as referred to in Subparagraphs 1 to 3 which are produced by the state or local government; <As amended on Jan. 12, 2000>
5. Current news reports which transmit simple facts, and
6. Speeches delivered at an open session of courts, the National Assembly or Local Assemblies.

SECTION 2. AUTHORS

Article 8(Presumption of Authorship, etc.) (1) Any person who falls under any of the following Subparagraphs shall be presumed to be an author:

1. A person whose real name (hereinafter referred to as “real name”) or well-known pen-, stage-, or screen-name, pseudonym, abbreviation, etc. (hereinafter referred to as “pseudonym”) is indicated as the name of the author in the customary manner on the original or reproduction of a work; and
2. A person whose real name or well-known pseudonym is indicated as the author in the public performance, broadcast or interactive transmission of a work. <As amended on Jan. 12, 2000>

(2) If a work on which the name of the author as prescribed under any of the Subparagraphs of Paragraph (1) is not indicated, the person who is indicated as publisher or public performer shall be presumed to have the copyright.

Article 9(Authorship of a Work in the Name of an Organization) The authorship of a work which, on the initiative of a legal person, an organization, or other employer (hereinafter referred to as “legal person, etc.”), is made by his employee in the course of his duties and made public under the name of such a legal person, etc. as the author shall be attributed to that legal person, etc., unless otherwise stipulated in a contract, work regulation, etc. The work with the name of an author shall not fall under this article.

Article 10(Copyright) (1) The author shall enjoy the rights prescribed under Articles 11 to 13 (hereinafter referred to as “author’s moral rights”) and the rights prescribed under Articles 16 to 21 (hereinafter referred to as “author’s property rights”).

(2) The copyright shall commence from the time of completing a work regardless of the fulfillment of any procedure or formalities.

SECTION 3. AUTHOR’S MORAL RIGHTS

Article 11(Right to Make Public) (1) The author shall have the right to decide whether or not to make his work public.

(2) If an author has transferred by assignment his property rights in a work not yet being made public under Article 41, or authorized to exploit under Article 42, he shall be presumed to have given the other party his consent to make it public.

(3) If an author has transferred by assignment the original of his work of art, architectural work or photographic work (hereinafter referred to as “work of art, etc.”), he shall be presumed to have given the other party his consent to make it public in the manner of exhibition.

(4) If a derivative work or compilation work has been made public with the consent of the author, its original shall be considered also to have been made public.

Article 12(Right to Indicate the Author’s Name) (1) The author shall have the right to indicate his real name or pseudonym on the original or reproduction of his work, or when his work is made public.

(2) In the absence of any intention of the author to the contrary, the person using his work shall indicate the name of the author in the same manner as that already adopted by the author, unless such indication is deemed unavoidable in light of the nature of a work as well as the purpose and manner of its exploitation. <Proviso newly provided on Jan. 12, 2000>

Article 13(Right to Preserve the Integrity) (1) The author shall have the right to preserve the integrity of the content, form and title of his work.

(2) The author shall not make an objection to a modification falling under any of the following Subparagraphs; provided that the substantial modification has not been made:

1. In the case of a work being used under Article 23, the modification of expression within the limit as deemed unavoidable for the purpose of school education;
2. Extension, rebuilding or other forms of alteration of an architecture; and
3. Other modifications within the limit as deemed unavoidable in the light of the nature of a work as well as the purpose and manner of its exploitation.

SECTION 4. NATURE, EXERCISE, ETC. OF AUTHOR'S MORAL RIGHTS

Article 14(Inalienability of Author's Moral Rights) (1) Author's moral rights shall belong exclusively to the author.

(2) Even after the death of the author, no person who exploits his work shall commit an act which would be prejudicial to author's moral rights if he were alive; provided that such an act is deemed to have not defamed the honor of the author in light of the nature and extent of the act, and in view of the prevailing social norms.

Article 15(Author's Moral Rights in Joint Works) (1) Author's moral rights in a joint work may not be exercised without the unanimous agreement of all the authors concerned. In this case, each of the authors may not, in bad faith, prevent the agreement from being reached.

(2) Authors of a joint work may designate one of them as a representative in the exercise of their moral rights.

(3) Limitations imposed on the representation mentioned in the preceding Paragraph (2) shall not be effective against a bona fide third person.

SECTION 5. AUTHOR'S PROPERTY RIGHTS

Article 16(Right of Reproduction) The author shall have the right to reproduce his work.

Article 17(Right of Public Performance) The author shall have the right to perform his work publicly.

Article 18(Right of Broadcasting) The author shall have the right to broadcast his work.

Article 18-2(Right of Interactive Transmission) The author shall have the right to transmit his work in an interactive manner. <Article newly provided on Jan. 12, 2000>

Article 19(Right of Exhibition) The author shall have the right to exhibit the original or reproduction of his work of art, etc.

Article 20(Right of Distribution) The author shall have the right to distribute the original or reproduction of his work.

Article 21(Right of the Production of Derivative Works, etc.) The author shall have the right to produce and exploit a derivative work based on his original work, or a compilation work which is composed of his work.

SECTION 6. LIMITATIONS TO AUTHOR'S PROPERTY RIGHTS

Article 22(Reproduction for Judicial Proceedings, etc.) It shall be permissible to reproduce a work if and to the extent deemed necessary for the purpose of judicial proceedings and of internal use in the legislative or administrative organs; provided that such reproduction does not unreasonably prejudice the interests of the owner of author's property rights in the light of the nature of the work as well as the number of copies and the nature of reproduction.

Article 23(Use for the Purpose of School Education, etc.) (1) A work already being made public may be reproduced in textbooks to the extent deemed necessary for the purpose of education at high schools, their equivalents or lower level schools.

(2) Educational institutions established by special laws or the Elementary and Secondary Education Act or the Higher Education Act or operated by the state or local government may perform publicly, broadcast or reproduce a work already being made public to the extent deemed necessary for the purpose of education. <As amended on Jan. 12, 2000>

(3) A person who intends to exploit a work under Paragraphs (1) and (2) shall pay compensation to the owner of author's property rights according to the criteria for compensation as prescribed by the Minister of Culture and Tourism in accordance with the Presidential Decree, or shall deposit the same. Public performance, broadcasting or reproduction of a work done at high schools, their equivalents or lower level schools as prescribed under Paragraph (2) is not obliged to pay compensation. <As amended on Dec. 30, 1989, Dec. 27, 1990, Mar. 6, 1993, Jan. 7, 1994 and Jan. 12, 2000>

Article 24(Use for Current News Report) In the case of reporting current events by means of broadcasts, newspapers or by other means, it shall be permissible to reproduce, distribute, perform publicly, broadcast or transmit interactively a work seen or heard in the course of the event, to the extent justified by the information purpose. <As amended on Jan. 12, 2000>

Article 25(Quotations from Works Made Public) It shall be permissible to make quotations from a work already being made public; provided that they are within a reasonable limit for news reporting, criticism, education and research, etc. and compatible with fair practice.

Article 26(Public Performance and Broadcasting for Non-profit Purposes) (1) It shall be permissible to perform publicly or broadcast a work already being made public for non-profit purposes and without charging any fees to audience, spectators or third persons; provided that the performers concerned are not paid any remuneration for such performances.

(2) Commercial phonograms or cinematographic works may be reproduced and played for the public, if no admission fee is charged to audience or spectators, except the cases as prescribed by the Presidential Decree.

Article 27(Reproduction for Private Use) It shall be permissible for a user to reproduce by himself a work already being made public for the purpose of his personal, family or other similar uses within a limited circle; (Newly Inserted) provided that this shall not apply to the reproduction by a photocopying machine that is set up for the public use. <Proviso newly provided on Jan. 12, 2000>

Article 28(Reproduction, etc. in Libraries, etc.) (1) Libraries under the Libraries and Reading Promotion Act and the facilities (including the heads of the relevant facilities; hereinafter referred to as “libraries, etc.”) as prescribed by Presidential Decree among those facilities which provide books, documents, records and other materials (“hereinafter referred to as “books, etc.”) for public use may reproduce the works by utilizing books, etc. held by the libraries, etc. (in the case of Subparagraph 1, including the books, etc. reproduced by or transmitted to the libraries, etc. in accordance with the provision of Paragraph 3 hereof) in any of the following cases: provided that in the case of Subparagraphs 1 and 3, the works may not be reproduced in digital format. <As amended on Mar. 8, 1991, Mar. 24, 1994, Jan. 12, 2000 and May 27, 2003>

1. Where, at the request of a user and for the purpose of research and study, a single copy of a part of books, etc. already made public is provided to him;

2. Where it is necessary for libraries, etc. to reproduce books, etc. for the purpose of preserving such books, etc.; and <As amended on May 27, 2003>

3. Where libraries, etc. provide other libraries etc. with a reproduction of books, etc. that are out of print or scarcely available for similar reasons at the request of other libraries etc. for their collection purpose. <As amended on May 27, 2003>

(2) Libraries, etc. may reproduce or transmit their books, etc. to allow users to peruse them in such libraries, etc. by using devices capable of information processing such as computers, etc. (hereinafter referred to as “computers, etc.”). In such case, the number of users who may peruse them at the same time shall not exceed the number of copies of such books, etc. held by the libraries, etc. or authorized to be used by the persons with copyrights or other rights protected under this Act. <Newly provided on May 27, 2003>

(3) Libraries, etc. may reproduce or transmit their books, etc. to allow users in other libraries, etc. to peruse them by using computers, etc.; provided that, in those cases where all or a part of the books, etc. have been published for sale, such books, etc. shall not be reproduced or transmitted unless a period of five years has elapsed since the publication date of such books, etc. <Newly provided on May 27, 2003>

(4) In reproducing books, etc. pursuant to Subparagraph 2 of Paragraph (1), Paragraph (2) or Paragraph (3), libraries, etc. shall not reproduce such books, etc. in digital format if they are being sold in digital format. <Newly provided on May 27, 2003>

(5) In reproducing books, etc. in digital format pursuant to Subparagraph 1 of Paragraph (1), or reproducing or transmitting books, etc. for the purpose of allowing perusal inside other libraries, etc. pursuant to Paragraph (3), libraries, etc. shall pay the owners of authors’ property rights compensation in accordance with the standards determined and published by the Minister of Culture and Tourism, or deposit such sum; provided that said provision shall not apply to books, etc. (excluding those books, etc. which are, in part or in whole, published for a sales purpose) regarding which the state, local governments or schools as provided in Article 2 of the Higher Education Act hold authors’ property rights. The method and procedures of such compensation payment shall be determined by Presidential Decree. <Newly provided on May 27, 2003>

(6) If books, etc. are reproduced or transmitted in digital format pursuant to the foregoing Paragraphs (1) through (3), libraries, etc. shall take necessary measures as provided by Presidential Decree such as reproduction prevention measures in order to prevent infringement of copyrights and other rights protected under this Act. <Newly provided on May 27, 2003>

Article 29(Reproduction for Examination Questions) It shall be permissible to reproduce a work already being made public in questions of entrance examinations or other examinations of knowledge and skills, to the extent deemed necessary for that purpose; provided that it is for non-profit purposes.

Article 30 (Reproduction, etc. for Visually Impaired Persons, etc.) (1) Published works may be reproduced and distributed in Braille for visually impaired persons, etc. <As amended on Jan. 12, 2000 and May 27, 2003>

(2) The facilities (including the heads of relevant facilities) as prescribed by Presidential Decree among facilities for the purpose of promoting the welfare of visually impaired persons, etc. may record a published oral or written work, or reproduce, distribute or transmit such work in a recording form for the exclusive use of visually impaired persons, etc. in order to provide such for the use of visually impaired persons, etc. without using it, in any way, for profit-making purposes. <As amended on May 27, 2003>

(3) The scope of visually impaired persons, etc. as provided in the foregoing Paragraphs (1) and (2) shall be determined by Presidential Decree. <Newly provided on May 27, 2003>

Article 31(Ephemeral Sound or Visual Recordings by Broadcasting Organizations) (1) Broadcasting organizations may make ephemeral sound or visual recordings of a work for the purpose of their own broadcasting and by the means of their own facilities; provided that it is not contrary to the intention of the owner of the right of broadcasting.

(2) Sound or visual recordings made under Paragraph (1) may not be kept for a period exceeding one year from the date of sound or visual recording, unless they are kept as materials for public records at places as prescribed by the Presidential Decree.

Article 32(Exhibition or Reproduction of Works of Art, etc.) (1) The owner of the original of a work of art, etc. or a person who has obtained the owner's authorization, may exhibit the works in its original form. If the work of art is to be permanently exhibited in a street or park, outside the wall of a building, or other place open to the public, the consent of the copyright owner shall be obtained.

(2) Works of art, etc. exhibited at all times at an open place as referred to in the proviso of Paragraph (1) may be reproduced by any means, except those falling under any of the following cases:

1. Where a building is reproduced in another building;
2. Where a sculpture or a painting is reproduced in another sculpture or a painting;
3. Where the reproduction is made in order to exhibit permanently at an open place, as prescribed under Paragraph (1); and
4. Where the reproduction is made for the purpose of selling its copies.

(3) A person who exhibits works of art, etc. under Paragraph (1), or who intends to sell originals of works of art, etc. may reproduce and distribute them in a pamphlet for the purpose of explaining and introducing them.

(4) A portrait or a similar photographic work produced by commission shall not be exploited without the consent of the commissioner. <As amended on Jan. 12, 2000>

Article 33(Use by Means of Translation, etc.) (1) If a work is used under Articles 23, 26, or 27, the work may be used by means of translation, arrangement, or adaptation.

(2) If a work is used under Articles 22, 24, 25, 29, or 30, the work may be used by means of translation.

Article 34(Indication of Sources) (1) A person who uses a work under this section shall indicate its sources, except the cases as prescribed under Articles 24, 26, 29, or 31. <As amended on Jan. 12, 2000>

(2) The indication of the sources shall be made clearly in the manner and to the extent deemed reasonable by the situation in which the work is used. If the real name or pseudonym of the author of a work is indicated, such real name or pseudonym shall be indicated.

Article 35(Relationship with Author's Moral Rights) No provisions of this section may be interpreted as affecting the protection of author's moral rights.

SECTION 7. DURATION OF AUTHOR'S PROPERTY RIGHTS

Article 36(Principles of Protection Period) (1) Author's property rights in a work shall continue to subsist during the life time of an author and until the end of a period of fifty years after the death of an author, unless otherwise provided in this Section. Author's property rights in a work which is first being made public forty years after the death of an author and before a period of fifty years has elapsed shall continue to subsist for a period of ten years after it is being made public.

(2) Author's property rights in a joint work shall continue to subsist for a period of fifty years after the death of the last surviving author.

Article 37(Period of Protection for Anonymous and Pseudonymous Works) (1) Author's property rights in an anonymous or the pseudonymous work, unless the pseudonym is widely known, shall continue to subsist for a period of fifty years after it has been made public; provided that within such period, if there are reasonable grounds for recognizing a date fifty years after the death of the author, such property rights shall be deemed to have lapsed fifty years after the death of the author. <As amended on Dec. 6, 1995>

(2) The provision in Paragraph (1) shall not apply to any of the following cases:

1. Where the real name or the well-known pseudonym of an author is revealed during the period as referred to in Paragraph (1); and
2. Where the real name of an author is registered under Paragraph (1) of Article 51 during the period as referred to in Paragraph (1)

Article 38(Period of Protection for Works in the Name of Organization) Authors property rights in any work being made public in the name of an organization shall continue to subsist for a period of fifty years after it has been made public; provided that if it has not been made public within fifty years after its creation, authors' property rights shall continue to subsist for a period of fifty years after its creation. <As amended on Dec. 6, 1995>

Article 38-2(Period of Protection for Cinematographic Works) Notwithstanding the provisions of the foregoing Articles 36 and 37, authors' property rights in cinematographic works shall continue to remain in effect for a period of fifty years from the time that such works are made public; provided that, in those cases where such works are not made public within fifty years after their creation, such rights shall continue to remain in effect for a period of fifty years from the time of their creation. <Article newly provided on May 27, 2003>

Article 39(The Time When Serial Publications, etc. Have Been Made Public) (1) The time when a work has been made public under the proviso of Paragraph (1) of Article 36, Paragraph (1) of Article 37, or Article 38, shall be determined by making public of each volume, issue or installment in the case of works which are being made public in the form of volumes, issues, or installments, or by making public of the last part in the case of works which are being made public in parts in a successive manner. (2) In the case of works to be completed by making public in parts in a successive manner, the last part already being made public shall be considered to be the last one under the Paragraph (1) if the next part is not being made public before the expiration of a period of three years following the making public of the preceding part.

Article 40(Initial Date of Protection Period) The initial date of the protection period of authors' property rights as prescribed under this Section shall commence from the beginning of the year following the date when the author died, the work is created, or is made public. <As amended on May 27, 2003>

SECTION 8. TRANSFER, EXERCISE AND EXPIRY OF AUTHOR'S PROPERTY RIGHTS

Article 41(Transfer of Author's Property Rights) (1) Author's property rights may be transferred by assignment in whole or in part.

(2) Where author's property rights are transferred by assignment in whole, the right of the production of a derivative work or compilation work as prescribed under Article 21 shall be presumed not to be included in the transfer, unless otherwise stipulated.

Article 42(Authorization to Exploit Works) (1) The owner of author's property rights may grant another person authorization to exploit the work.

(2) The person who obtained such authorization shall be entitled to exploit the work in such a manner and within the limit of such conditions so authorized.

(3) The right of exploitation as authorized may not be transferred by assignment to the third party without the consent of the owner of author's property rights.

Article 43(Offer of Works for Transaction and Authorization of Rental of Phonograms) (1) The original or reproduction of a work offered for transaction by means of selling with the authorization of the owner of the right of distribution may be distributed continuously.

(2) The owner of the right of distribution shall have the right, notwithstanding the provision of the Paragraph (1), to authorize the rental of commercial phonograms for profit-making purposes. <Newly provided on Jan. 7, 1994>

Article 44(Author's Property Rights on Which the Right of Pledge is Established) The right of pledge may be exercised with respect to money or the like accruing from the transfer by assignment of author's property rights or the exploitation of the work (including remuneration for the establishment of the right of publication); provided that payment or delivery is preceded by the seizure of the right to receive money or the like mentioned above.

Article 45(Exercise of Author's Property Rights in Joint Works) (1) Author's property rights in a joint work may not be exercised without the unanimous agreement of all the owners of author's property rights. Each owner of author's property rights shall not be entitled to transfer by assignment or pledge his share of author's property rights without the consent of the other author's. Each owner may not, without reasonable justification, prevent the agreement from being reached or refuse in bad faith the consent.

(2) The profit accruing from the exploitation of a joint work may be apportioned among authors according to the degrees of contribution by each author, unless otherwise stipulated. If the degree of each contribution is not clear, the profit may be equally apportioned to all the authors.

(3) The owner of author's property rights in a joint work may renounce his share. In the case of renunciation and death of the owner of author's property rights without heir, his share may be apportioned among other authors according to the ratio of their holding shares.

(4) The provisions of Paragraphs (1) and (2) of Article 15 shall apply mutatis mutandis to the exercise of author's property rights in a joint work. In this case, "author's moral rights" are considered the same as "author's property right."

Article 46(Expiry of Author's Property Rights) Author's property rights shall expire in any of the following cases:

1. Where, after the author's death without heir, author's property rights are to belong to the state according to provisions of the Civil Law and other laws; and
2. Where, after the dissolution of a legal person or an organization who is the owner of author's property rights, author's property rights are to belong to the state according to the provisions of the Civil Law and others laws.

SECTION 9. EXPLOITATION OF WORKS UNDER LEGAL LICENSE

Article 47(Exploitation of Works in Which the Owner of Author's Property Rights is Not Known) (1)

Where any person, despite his considerable efforts in accordance with the criteria as prescribed by the Presidential Decree, could not identify the owner of author's property rights in a work being made public, or his place of residence and therefore is unable to obtain the authorization of the author for its exploitation, he may exploit the work on obtaining the approval of the Minister of Culture and Tourism as prescribed by the Presidential Decree, and depositing a sum of compensation money according to the criteria as determined by the Minister of Culture and Tourism. <As amended on Dec. 30, 1989, Mar. 6, 1993 and Jan. 12, 2000>

(2) The person who exploits a work under the provision of Paragraph (1) shall indicate the fact that the exploitation is made with the approval and the date when the approval is issued.

Article 48(Broadcasting of Works Being Made Public) Where a broadcasting organization which intends to broadcast a work already being 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, it may broadcast the work on obtaining the approval of the Minister of Culture and Tourism as prescribed by the Presidential Decree, and paying to the owner of author's property rights or depositing a sum of compensation money according to the criteria as determined by the Minister of Culture and Tourism. <As amended on Dec. 30, 1989, Mar. 6, 1993 and Jan. 12, 2000>

Article 49 Deleted <Dec. 6, 1995>

Article 50(Production of Commercial Phonograms) If a commercial phonogram has been sold for the first time in this country and after the expiration of a period of three years from the date of the first sale and if any person who intends to produce a commercial phonogram by recording works already being recorded on such a phonogram has negotiated with the owner of author's property rights but failed to reach an agreement, he may produce the phonogram on obtaining the approval of the Minister of Culture and Tourism as prescribed by the Presidential Decree, and paying to the owner of author's property rights or depositing a sum of compensation money according to the criteria as determined by the Minister of Culture and Tourism. <As amended on Dec. 30, 1989, Mar. 6, 1993 and Jan. 12, 2000>

SECTION 10. REGISTRATION

Article 51 (Registration of Copyright) (1) The author or the owner of authors property rights may have the items of the following Subparagraphs registered: <As amended on Jan. 12, 2000>

- 1.Name, pseudonym (limited to a case where a pseudonym was used when a work was made public), nationality, domicile or temporary domicile;
- 2.Title, category and date of creation;
- 3.Whether a work was made public, or the country and date in which the work was first made public; and
- 4.Other items as prescribed by the Presidential Decree.

(2) In the absence of any intention of the author to the contrary, the person designated by the will of the author or his heir may have such a name registered after the death of the author as prescribed under each Subparagraph of Paragraph (1). <As amended on Jan. 12, 2000>

(3) Deleted <Jan. 12, 2000>

(4) The person whose name is registered as the author or the owner of author's property rights according to the provisions of Paragraphs (1) and (2) shall be presumed to be the author or the owner of the author's property rights of the registered work. The work whose date of creation or having first been made public is registered shall be presumed to have been created or first made public on the date registered. <As amended on Jan. 12, 2000>

Article 52(Registration and Effect of Change of Rights) The following matters may be registered and shall not be effective against any third party without the registration: <As amended on Jan. 12, 2000>

- 1.Transfer by assignment of author's property rights (except that by inheritance or other successions in general) or the restriction on the disposal of author's property rights; and
- 2.Establishment of the right of pledge on author's property rights, transfer, alteration, or expiry of author's property rights, or the restriction on the disposal of author's property rights.

Article 53(Procedures, etc. for Registration) (1) The registration as prescribed under Articles 51 and 52 shall be made by the Minister of Culture and Tourism on the copyright register. <As amended on Mar. 6, 1993>

(2) The Minister of Culture and Tourism shall issue registration bulletins concerning the registration made on the copyright register in accordance with the provisions of Paragraph (1), and shall have the copyright register inspected by applicants or shall issue the copy of the copyright register to applicants.

(3) Any person who applies for registration, the inspection of the copyright register and the issuance of the copy of the copyright register in accordance with the provisions of Paragraphs (1) and (2) shall pay a fee as prescribed by the Ordinance of the Ministry of Culture and Tourism.

(4) The necessary matters concerning the registration, the issuance of registration bulletins, the inspection of the copyright register and the issuance of the copy of the copyright register in accordance with the provisions of paragraphs (1) and (2) shall be prescribed by the Presidential Decree. [As amended on Jan. 12, 2000]

CHAPTER 3. RIGHT OF PUBLICATION

Article 54(Establishment of the Right of Publication) (1) The owner who has the right to reproduce and distribute a work (hereinafter referred to as “owner of the right of reproduction”) may establish a right of publication (hereinafter referred to as “right of publication”) for a person who intends to publish the work in writing or drawing.

(2) The person for whom the right of publication (hereinafter referred to as “owner of the right of publication”) has been established shall have the right to publish the original text of the work according to the terms of the contract of establishment.

(3) If the right of pledge is established on the right of reproduction of a work, the owner of the right of reproduction can establish the right of publication only with the authorization of the owner of the right of pledge.

Article 55(Obligations of the Owner of the Right of Publication) (1) Unless otherwise stipulated in the contract of establishment, the owner of the right of publication shall have the obligation to publish the work within the period of nine months after the date when he received from the owner of the right of reproduction manuscripts or other similar materials which are necessary for the reproduction of the work.

(2) Unless otherwise stipulated in the contract of establishment, the owner of the right of publication has the obligation to continue to publish the work in its original form in accordance with customary practice.

(3) Unless otherwise stipulated, the owner of the right of publication has the obligation to indicate a notice of the owner of the right of reproduction in each copy as stipulated by the Presidential Decree.

Article 56(Revision, Addition or Reduction of a Work) (1) If the owner of the right of publication publishes a new edition of the work which is the object of its right, the author may revise, add or reduce the contents of his work to the extent that it is justified.

(2) If the owner of the right of reproduction intends to make a new edition of the work which is the object his right, he shall notify the author of his intention in advance.

Article 57(Duration of the Right of Publication) (1) The duration of the right of publication shall be a period of three years from the date of its first publication, unless otherwise stipulated in the contract of establishment.

(2) If the author of the work which is the object of the right of publication dies within the duration of the right of publication, the owner of the right of reproduction, notwithstanding the provision of Paragraph (1), may reproduce the work in a complete collection of works or other compilation work, or publish the work by separating it from a complete collection of works or other compilation work.

Article 58(Notification of the Termination of the Right of Publication) (1) If the owner of the right of publication has not discharged his obligation prescribed under Paragraphs (1) or (2) of Article 55, the owner of the right of reproduction may call on him to fulfill his obligation in a prescribed period of not shorter than six months. If the owner of the right of publication fails to do so during such period, the owner of the right of reproduction may notify him of the termination of his right of publication.

(2) The owner of the right of reproduction may immediately notify the owner of the right of publication of the termination of the right of publication, notwithstanding the provision of Paragraph (1), when it is impossible for the owner of the right of publication to publish the work, or it is obvious that he has no intention to do so.

(3) When the termination of the right of publication is notified as prescribed under the provision of Paragraph (1) or (2), the right of publication is presumed to have been terminated on the date the owner of the right of publication has received the notification.

(4) In the case of Paragraph (3), the owner of the right of reproduction may at any time claim to the owner of the right of publication for restitution or compensation for damages accruing from the suspension of publication of the work.

Article 59(Distribution of Copies of a Work after the Termination of the Right of Publication) After the termination of the right of publication on account of the expiry of the duration of the right or other reasons, the owner of the right of publication shall not distribute copies of a work reproduced within the duration of the right, except in the following cases:

1. Where otherwise stipulated in the contract of establishment; and
2. Where he has already paid any remuneration to the owner of the right of reproduction for publication within the duration of the right of publication, and he distributes number of copies equivalent to such payment.

Article 60(Transfer by Assignment of, and Limitations to, the Right of Publication, etc.) (1) The right of publication may not be transferred by assignment or pledged without the consent of the owner of the right of reproduction.

(2) The provisions of Article 22, Paragraphs (1) and (2) of Article 23, Articles 24, 25, 27 to 30, Paragraphs (2) and (3) of Article 32 shall apply mutatis mutandis to the reproduction of works which are the object of the right of publication. In such cases, the term “owner of author’s property rights” in Article 22 shall read as “owner of the right of publication.”

(3) The provisions of Articles 51 through 53 shall apply mutatis mutandis to the registration (including the registration of the establishment of the right of publication) of the right of publication. In such cases, the term “owner of author’s property rights” in Article 51 shall read as “owner of the right of reproduction” or “owner of the right of publication” in Article 54; the term “author’s property rights” in Article 52 as “right of publication”; the term “copyright register” in Article 53 as “register of the right of publication.” <As amended on Jan. 12, 2000>

CHAPTER 4. NEIGHBORING RIGHTS

SECTION 1. GENERAL RULES

Article 61(Neighboring Rights) Performances, phonograms and broadcasts falling under any of the following Subparagraphs shall be protected as neighboring rights under this Act: <As amended on Dec. 6, 1995>

1. Performances

- a. Performances conducted by nationals of the Republic of Korea (including legal persons established under the laws and regulations of the Republic of Korea, and foreign legal persons maintaining their principal offices in the Republic of Korea; hereinafter the same shall apply),
- b. Performances protected under the international treaties to which the Republic of Korea has acceded or which it has ratified;
- c. Performances fixed in phonograms as referred to in Subparagraph (2); and
- d. Performances transmitted by broadcasts as referred to in Subparagraph (3) (except those included in sound or visual recordings before transmission).

2. Phonograms

- a. Phonograms manufactured by nationals of the Republic of Korea;
- b. Phonograms in which sounds have been fixed for the first time in the Republic of Korea; and
- c. Phonograms in which sounds have been fixed for the first time in a foreign country party to the treaties to which the Republic of Korea has acceded or which it has ratified and thus protected under such treaties.

3. Broadcasts

- a. Broadcasts made by broadcasting organizations which are nationals of the Republic of Korea;
- b. Broadcasts made from broadcasting facilities located in the Republic of Korea; and

c. Broadcasts made by broadcastings organization which are nationals of a foreign country, from broadcasting facilities located in a country party to the treaties to which the Republic of Korea has acceded or which it has ratified and thus protected under such treaties.

Article 62(Relationship with Copyright) The provisions of the Articles in this Chapter shall not to be construed to have effects on copyright.

SECTION 2. RIGHTS OF PERFORMERS

Article 63(Right of Reproduction) Performers shall have the right to reproduce their performances. <As amended on Dec. 6, 1995>

Article 64(Right of Broadcasting of Performances) Performers shall have the right to broadcast their performances, except those recorded with the authorization of performers.

Article 64-2(Right of Interactive transmission) Performers shall have the right to interactive transmission their performances<As amended on Oct 17 , 2004>

Article 65(Compensation by Broadcasting Organizations to Performers) (1) When a broadcasting organization makes a broadcast by using commercial phonograms in which performances are recorded, it shall pay reasonable compensation to the performers; provided that this shall not apply to the performers who are foreigners. <As amended on Dec. 6, 1995>

(2) Those who are entitled to exercise the right to receive compensation as prescribed under Paragraph (1) shall be an organization composed of persons who engage themselves in the performance business in the Republic of Korea, and designated by the Minister of Culture and Tourism. In designating such an organization, the Minister of Culture and Tourism shall obtain the consent of such an organization in advance. <As amended on Dec. 30, 1989, Mar. 6, 1993 and Jan. 12, 2000>

(3) The organization referred to in Paragraph (2) may not, on request of a person entitled to receive compensation (hereinafter referred to “right holder”), refuse to act on his behalf, on account of his non- membership to the organization, and in acting on behalf of the right holder, the organization has the authority to exercise all the judicial or non- judicial powers.

(4) The amount of compensation which the organization as referred to in Paragraph (2) may claim on behalf of the right holder shall be determined each year by the agreement between the organization and the broadcasting organization.

(5) If the organization and the broadcasting organization fail to reach an agreement as prescribed under Paragraph (4), the organization or the broadcasting organization may request for a conciliation to the Copyright Deliberation and Conciliation Committee under the conditions as prescribed by the Presidential Decree.

(6) Matters necessary for designation, etc. of the organization as prescribed under Paragraph (2) shall be determined by the Presidential Decree.

Article 65-2(Authorization by Performers of Rental of Phonograms) (1) Performers shall have the right to authorize the rental of commercial phonograms for profit-making purposes in which performances are recorded.

(2) The provisions of Paragraphs (2), (3) and (6) of Article 65 shall apply mutatis mutandis to the exercise, etc. of the rights of performers, etc. under Paragraph (1). <Article newly provided on Jan. 7, 1994>

Article 66(Joint Performers) (1) If more than two performers perform jointly in a chorus, concert, or drama, etc., the rights of performers as prescribed under this Section shall be exercised by a representative elected by the joint performers; provided that if such a representative is not elected, the conductor or director shall exercise the rights.

(2) In exercising the rights of performers under Paragraph (1), if a solo vocalist or a solo instrument player participated in the performance, the consent of such vocalist or instrument player shall be obtained.

SECTION 3. RIGHTS OF PRODUCERS OF PHONOGRAMS

Article 67(Right of Reproduction and Distribution) Producers of phonograms shall have the right to reproduce and distribute their phonograms.

Article 67-2(Offer for Transaction and Authorization of Rental of Phonograms) (1) The provisions of Article 43 shall apply mutatis mutandis to the distribution of phonograms and authorization by producers of phonograms of rental of commercial phonograms.

(2) The provisions of Paragraphs (2), (3) and (6) of Article 65 shall apply mutatis mutandis to the exercise, etc. of the rights of producers of phonograms under Paragraph (1). <Article newly provided on Jan. 7, 1994>

Article 67-3(Right of Interactive Transmission) Producers of phonograms shall have the right to interactively transmit their phonograms. <As amended on Oct 17 , 2004>

Article 68(Compensation by Broadcasting Organizations to Producers of Phonograms) (1) If a broadcasting organization makes a broadcast by using commercial phonograms, it shall pay reasonable compensation to the producers of the phonograms; provided that this shall not apply to the producers of phonograms who are foreigners. <As amended on Dec. 6, 1995>

(2) The provisions of Paragraphs (2) to (6) of Article 65 shall apply mutatis mutandis to the amount of compensation and the claim procedures as prescribed under Paragraph (1). In such cases, the term “performance” in Paragraphs (2) of Article 65 shall read as “production of phonograms.”

SECTION 4. RIGHTS OF BROADCASTING ORGANIZATIONS

Article 69(Right of Reproduction and Simultaneous Relay) Broadcasting organizations shall have the right to reproduce their broadcasts by means of sound or visual recording, photographing or other similar means, and the right to relay them simultaneously.

SECTION 5. PROTECTION PERIOD

Article 70(Protection Period) The protection period of neighboring rights shall continue to subsist for a period of 50 years from the beginning of the year following the date: <As amended on Jan. 7, 1994>

1. When the performance took place, for performances;
2. When the first fixation of sounds was made for phonograms; and
3. When the broadcast was made, for broadcasts.

SECTION 6. LIMITATIONS TO, TRANSFERS BY ASSIGNMENT, EXERCISE, ETC. OF RIGHTS

Article 71(Limitations to Neighboring Rights) The provisions of Article 22, Paragraph (2) of Article 23, Articles 24 to 29, Paragraph (2) of Article 30, Articles 31, 33 and 34 shall apply mutatis mutandis to the exploitation of performances, phonograms or broadcasts which are the subject matters of neighboring rights.

Article 72(Transfers by Assignment, Exercise, etc. of Neighboring Rights) The provision of Paragraph (1) of Article 41 shall apply mutatis mutandis to the transfer by assignment of neighboring rights; the provisions of Article 42 to the authorization to exploit performances, phonograms and broadcasts; the provision of Article 43 to the distribution of phonograms; the provision of Article 44 to the right of

pledge established on neighboring rights; and the provision of Article 46 to the expiry of neighboring rights, respectively. <As amended on Jan. 7, 1994>

Article 72-2(Exploitation of Performances, Phonograms and Broadcasts) The provisions of Article 47, 48 and 50 shall apply mutatis mutandis to the authorization to exploit performances, phonograms and broadcasts. In such cases, the term “works” in Article 47, 48 and 50 shall read as “performances, phonograms or broadcasts”; the term “owner of author’s property rights” as “owner of neighboring rights. <Article newly provided on Jan. 12, 2000>

Article 73(Registration of Neighboring Rights) The provisions of Articles 51 through 53 shall apply mutatis mutandis to the registration of neighboring rights. In such cases, the term “author” or “owner of author’s property rights” shall read as “owner of neighboring rights,” the term “works” as “performances, phonograms or broadcasts”; the term “creation” or “making public” as “performance,” “fixation of sound in phonograms,” or “broadcasts”; the term “author’s property rights” as “neighboring rights”; the term “copyright register” in Article 53 as “neighboring rights register.” <As amended on Jan. 12, 2000>

CHAPTER 4-2. PROTECTION OF DATABASE PRODUCERS

Article 73-2(Databases under Protection) (1) Any database of a person who falls under any of the following categories shall be protected under this Act:

1. Nationals of the Republic of Korea; and
2. Foreigners protected by treaties that the Republic of Korea has acceded to or signed in connection with a database protection regime.

(2) Even in those cases of foreigners’ databases protected under the provision of the foregoing Paragraph (1), their protection under said treaties and this Act may be correspondingly restricted if a relevant foreign country does not protect the databases of the nationals of the Republic of Korea.

<Article newly provided on May 27, 2003>

Article 73-3(Exclusion of Application) The provisions of this chapter shall not apply to databases which fall under any of the following:

1. Computer programs which are used for production or renewal, etc., or operation of databases; and
2. Databases produced or renewed in order to make wireless or wire communications technologically possible.

<Article newly provided on May 27, 2003>

Article 73-4(Rights of Database Producers) (1) A database producer shall retain the rights to the reproduction, distribution, broadcasting or transmission (hereinafter referred to as “reproduction, etc.” in this Article) of all or a material part of the relevant database.

(2) The individual subject matters of a database shall not be regarded as a material part of the relevant database as provided in the foregoing Paragraph (1); provided that even in the case of reproduction, etc. of any individual subject matter or a part of a database which does not constitute a material part thereof, it shall be regarded as reproduction etc. of a material part of the relevant database if such reproduction, etc. is done repetitively or systematically for a specific purpose in such a manner that conflicts with the common use of the relevant database or causes unjust harm to the database producer’s interests.

(3) Protection under this Chapter shall not prejudice the copyrights of the subject matters that form constituent parts of a database and other rights protected under this Act.

(4) Protection under this Chapter shall not extend to the subject matters that form constituent parts of a database.

<Article newly provided on May 27, 2003>

Article 73-5(Limitation on Rights of Database Producers) (1) The provisions of the foregoing Articles 22, 25 through 31, 33 and 34 shall apply mutatis mutandis to the use of a database which is the object of the rights of a database producer. In such case, the term “works” shall be considered as “databases.”

(2) In any of the following cases, any person may reproduce, distribute, broadcast or transmit all or a material part of a database; provided that said provision shall not apply in those cases where it conflicts with the general use of such database:

1. In the case of use of a database for educational, academic or research purposes; provided that said provision shall not apply in those cases where such database is used for a profit-making purpose; and

2. In the case of use of a database for the purpose of reporting current events.

< Article newly provided on May 27, 2003>

Article 73-6(Protection Period) (1) Rights of a database producer shall commence from the time when production of a relevant database is completed, and continue to remain in effect for a period of five years from the beginning of the year immediately following such commencement.

(2) In those cases where a considerable amount of investment in terms of human or material resources is made for renewal etc. of a database, the rights of a database producer in connection with the relevant portion of such database shall commence from the time of such renewal etc. and continue to remain in effect for a period of five years from the beginning of the year immediately following such commencement.

< Article newly provided on May 27, 2003>

Article 73-7(Transfer, Exercise, etc., of Rights of Database Producers) The provision of the foregoing Paragraph (1), Article 41 shall apply mutatis mutandis to the transfer of rights of database producers; the provision of Article 42 to the authorization to use databases; the provision of Paragraph (1), Article 43 to the offer of a database for transaction; the provision of Article 44 to the exercise of the right of pledge regarding rights of database producers; the provision of Article 45 to the exercise of rights of database producers in joint databases; and the provision of Article 46 to the expiry of rights of database producers, respectively. In such case, the term “works” in Paragraph (1) of Article 41, Article 42, Paragraph (1) of Article 43 and Articles 44 through 46 shall be regarded as “databases” and the term “owner of authors’ property rights” as “database producers” and the term “authors’ property rights” as “rights of database producers.”

< Article newly provided on May 27, 2003>

Article 73-8(Statutory Authorization of the Use of Databases) The provisions of the foregoing Articles 47 and 48 shall apply mutatis mutandis to the use of a database. In such case, the term “works” in Articles 47 and 48 shall be regarded as “databases” and the term “owner of authors’ property rights” as “database producers.”

< Article newly provided on May 27, 2003>

Article 73-9(Registration of Rights of Database Producers) The provisions of the foregoing Articles 51 through 53 shall apply mutatis mutandis to the registration of the rights of database producers. In such cases, the term “author” or “owner of authors’ property rights” in Articles 51 and 52 shall be regarded as “database producers”; “works” as “databases”; “creation” as “completion of production or renewal, etc.”; and “authors’ property rights” as “rights of database producers”; and the term “copyright register” in Article 53 as “register of rights of database producers.”

< Article newly provided on May 27, 2003>

CHAPTER 5. SPECIAL PROVISIONS CONCERNING CINEMATOGRAPHIC WORKS

Article 74(Cinematization of Works) (1) If the owner of authors’ property rights authorizes a person to cinematize relevant works, it shall be presumed that such authorization includes each of the following rights, unless provided otherwise: <As amended on May 27, 2003>

1. To dramatize a work for the production of a cinematographic work;
2. To publicly present a cinematographic work for the purpose of public presentation;
3. To broadcast a cinematographic work for the purpose of broadcasting;
4. To transmit a cinematographic work for the purpose of transmission;
5. To reproduce and distribute a cinematographic work for its original purpose; and

6. To use the translation of a cinematographic work in the same way as applied to such cinematographic work.

(2) If the owner of author's property rights authorizes a person to exploit his work by means of cinematization, unless otherwise stipulated, he may authorize, after the lapse of five years from the date of his authorization, a cinematization of the work in another form of cinematographic work.

Article 75(Rights in Cinematographic Works) (1) If a person, who has agreed with a producer of a cinematographic work to cooperate on the production of a cinematographic work, should obtain the copyright for such cinematographic work, it shall be presumed that the rights necessary for the use of such cinematographic are transferred to the producer of such cinematographic work, unless provided otherwise. <As amended on May 27, 2003>

(2) The copyright in a novel, play, work of art or musical work used for the production of the cinematographic work shall not be affected by the provision of Paragraph (1).

(3) As regards the use of a cinematographic work regarding a performer who has agreed with a producer of such cinematographic work to cooperate for the production of such cinematographic work, it shall be presumed that the right of reproduction under Article 63, the right of performance broadcasting under Article 64, and the right of interactive transmission under Article 64-2 are transferred to the producer of such cinematographic work, unless provided otherwise. <As amended on Jan. 7, 1994, Dec. 6, 1995 and May 27, 2003> <As amended on Oct 17, 2004>

Article 76(Rights of Producers of Cinematographic Works) (1) Rights necessary for the use of a cinematographic work, which are transferred to the producer of a cinematographic work from the person who has agreed to cooperate for the production of such cinematographic work, shall include the rights to reproduce, distribute, publicly present, broadcast, transmit or use, by other means, such cinematographic work, and may be transferred or be the object of a pledge. <As amended on May 27, 2003>

(2) Rights, which are transferred to the producer of a cinematographic work from a performer, shall represent the rights to reproduce or broadcast interactively transmit such cinematographic work, and may be transferred or be the object of pledge. <Newly provided on May 27, 2003> <As amended on Oct 17, 2004>

Article 77 Deleted <May 27, 2003>

CHAPTER 5-2 LIMITATION ON LIABILITY OF ONLINE SERVICE PROVIDERS

Article 77(Limitation on liability of Online Service Providers) (1) In connection with the provision of services by an online service provider related to reproduction or transmission of a work, or a

performance, phonogram, broadcasting, or database (hereinafter referred to as “works, etc.” in this Chapter), liability of such online service provider for infringement by other persons on copyrights or other rights protected under this Act may be reduced or waived in those cases where such online service provider prevents or stops reproduction or transmission thereof when made aware that copyrights or other rights protected under this Act would be infringed upon due to the reproduction or transmission of works, etc. by the other persons.

(2) In connection with provision of services by an online service provider related to reproduction or transmission of works, etc., such online service provider’s liability for infringement by other persons on copyrights or other rights protected under this Act shall be waived in those cases where such online service provider attempts to prevent or stop reproduction or transmission thereof when made aware that copyrights or other rights protected under this Act would be infringed upon due to the reproduction or transmission of works, etc. by the other persons, but it is technologically impossible to do so.

<Article newly provided on May 27, 2003>

Article 77-2(Discontinuation of Reproduction or Transmission) (1) Any person who claims that his copyrights or other rights protected under this Act are infringed upon due to the reproduction or transmission of works etc. based on the use of services provided by an online service provider (hereinafter referred to as a “claimant” in this Article) may request such online service provider to cease the reproduction or transmission of such works etc. by providing evidence for such fact.

(2) In those cases where it is requested to stop reproduction or transmission as provided in the foregoing Paragraph (1), an online service provider shall promptly stop the reproduction or transmission of such works etc. and give notice thereof to the person who reproduces or transmits such works, etc. (hereinafter referred to as “reproducer/transmitter”).

(3) In those cases where a reproducer/transmitter, who is notified as provided in the foregoing Paragraph (2), requests resumption of the reproduction or transmission of works etc. by proving that his reproduction or transmission is based on legitimate rights, an online service provider shall promptly notify the relevant claimant of such request for resumption and a scheduled date of resumption, and resume the reproduction or transmission on such scheduled date.

(4) An online service provider shall designate a person who will be responsible for receiving requests to stop or resume reproduction or transmission as provided in the foregoing Paragraphs (1) and (3) (hereinafter referred to as “receiver” in this Article) and make a public announcement thereof to allow those who use his facilities or services to easily have knowledge thereof.

(5) In those cases where an online service provider makes a public announcement as provided in the foregoing Paragraph (4), and stops or resumes the reproduction or transmission of works etc. as provided in the foregoing Paragraphs (2) and (3), such online service provider’s liability for the infringement by other persons on copyrights and other rights protected under this Act as well as the damages incurred upon the reproducer/transmitter may be reduced or waived; provided that said provision shall not apply to any liability incurred from the time when such online service provider gains knowledge of the fact that copyrights and other rights protected under this Act are infringed upon due

to reproduction or transmission of works, etc. by other persons to the time when a request to stop reproduction or transmission as provided in the foregoing Paragraph (1) is made.

(6) Any person, who requests that the reproduction or transmission of works etc. be stopped or resumed in accordance with the foregoing Paragraphs (1) and (3) without any legitimate rights, shall make compensation for any damages incurred thereby.

(7) Matters necessary for provision of evidence, suspension, notification, resumption of reproduction or transmission, designation of a receiver of notices, public announcement, etc. as provided in the foregoing Paragraphs (1) to (4) shall be determined by Presidential Decree. In such case, the Minister of Culture and Tourism shall engage in prior consultation with the heads of relevant central administrative authorities.

<Article newly provided on May 27, 2003>

CHAPTER 6. COPYRIGHT MANAGEMENT SERVICES

Article 78(Permit, etc. for Copyright Management Services) (1) Any person who intends to engage in copyright trust services shall obtain a permit from the Minister of Culture and Tourism as prescribed by the Presidential Decree, and who intends to engage in copyright agency or brokerage services shall report to the Minister of Culture and Tourism as prescribed by the Presidential Decree. <As amended on Jan. 12, 2000>

(2) Any person falling under any of the following categories shall not be eligible for copyright trust services or copyright agency-brokerage services (hereinafter referred to as "copyright management services") under Paragraph 1: <As amended on Jan. 7, 1994 and Jan 12, 2000>

1. Any person who has no competence or who has limited competence declared by courts;

2. Any person whose legal capacity has not been rehabilitated following the declaration of bankruptcy;

3. Any person who is within one-year period following the execution of criminal penalties of a fine or more severe punishment, or the final decision to suspend the execution of a sentence for violation of this Act, or who is in the probation period following a suspended sentence;

4. Any person who has no domicile in the Republic of Korea; and

5. Any legal person or organization in which a person falling under Subparagraphs 1 to 4 is the representative or a member of the board.

(3) Any person who has obtained a permit for copyright management services under Paragraph (1) (hereinafter referred to as "copyright management service provider") may collect fees for his services from the owner of author's property rights or other interested persons. <As amended on Jan. 7, 1994>

(4) The rate and amount of fees as prescribed under Paragraph (3) shall be determined by the copyright management service provider subject to the approval of the Minister of Culture and Tourism; provided that this shall not apply to a person who has reported as a copyright agent or broker. <As amended on Dec. 30, 1989, Mar. 6, 1995, Dec. 6, 1995 and Jan. 12, 2000>

Article 79(Supervision) (1) The Minister of Culture and Tourism may demand a copyright management service provider to submit a report on his business concerning copyright management services. <As amended on Dec. 30, 1989, Mar. 6, 1993 and Jan. 12, 2000>

(2) In order to promote the protection of rights and interests of authors and the convenient use of works, the Minister of Culture and Tourism may issue necessary orders concerning copyright management services. <As amended on Dec. 30, 1989, Mar. 6, 1993 and Jan. 12, 2000>

Article 80(Cancellation, etc. of Permit) (1) The Minister of Culture and Tourism may order the suspension of business for a specified period of not longer than six months, if a copyright management service provider commits any of the following acts: <As amended on Dec. 30, 1989, Mar. 6, 1993 and Jan. 12, 2000>

1. that he has received fees in excess of the approved amount in violation of the provision of Paragraph (3) of Article 78;

2. that he has failed to submit a report as prescribed under Paragraph (1) of Article 79 without any justifiable reason or he has made a false report; and

3. that he has received an order as prescribed under Paragraph (2) of Article 79, but failed to fulfill the order without any justifiable reason.

(2) The Minister of Culture and Tourism may cancel the permit for copyright management services if a copyright management service provider commits any of the following acts: < As amended on Dec. 30, 1989, Mar. 6, 1993, Jan. 7, 1994 and Jan. 12, 2000>

1. that the copyright management service provider has obtained the permit by fraudulent or unlawful means; and

2. that the copyright management service provider continues to do business after receiving an order of suspension under Paragraph (1).

(3) Deleted. <Dec. 13, 1997>

Article 80- 2(Hearing) If the Minister of Culture and Tourism intends to cancel the permit for, or order to close copyright management services, he shall hold a hearing.

<Article newly provided on Dec. 13, 1997>

<As amended on Jan. 12, 2000>

CHAPTER 7. DELIBERATION ON COPYRIGHT AND CONCILIATION OF DISPUTES

Article 81(Copyright Deliberation and Conciliation Committee) (1) In order to deliberate matters concerning copyright and conciliate disputes concerning the rights protected under this Act (hereinafter referred to as “disputes”), the Copyright Deliberation and Conciliation Committee (hereinafter referred to as “the Committee”) shall be established.

(2) The Committee shall consist of more than fifteen but fewer than twenty deliberation and conciliation members (hereinafter referred to as “members”) including one chairman and two vice chairmen.

(3) Members shall be nominated by the Minister of Culture and Tourism among those who have knowledge and experience in copyright matters and renowned for their virtues, and the chairman and vice chairmen shall be elected from among the members. <As amended on Dec. 30, 1989, Mar. 6, 1993 and Jan. 12, 2000>

(4) The term of members shall be a period of three years and the members may serve for more than one term.

(5) If a vacancy has occurred in the members of the Committee, the substitute shall be nominated in the same manner as prescribed under Paragraph (3) who is to serve for the remaining period of his predecessor’s term. The substitute may not be nominated, if the total number of the incumbent members exceeds fifteen.

Article 82(Functions) The Committee shall deliberate on the following matters, in addition to the conciliation of disputes: <As amended on Dec. 30, 1989, Mar. 6, 1993, Dec. 6, 1995 and Jan. 12, 2000>

1. (Deleted) <Jan. 12, 2000>;

2. Matters concerning the rate or amount of compensation for the copyright management service provider prescribed under Paragraph (3) of Article 78; and

3. Matters referred to the Committee by the Minister of Culture and Tourism or by three or more members jointly.

Article 83(Conciliation Division) In order to effectively carry out the affairs of dispute conciliation of the Committee, a conciliation division consisting of three members, including one qualified as a lawyer, shall be established in the Committee.

Article 84(Application for Conciliation) (1) Any person who intends to have a dispute conciliated may make an application to the Committee for conciliation of a dispute by stating clearly the tenor and cause of application.

(2) The conciliation of the disputes under Paragraph (1) shall be carried out by the Conciliation Division prescribed under Article 83.

(3) The Committee shall reach a conciliation on the dispute within three months from the date of the application for conciliation, and if no conciliation has been reached during the said period, the conciliation shall be considered to have failed.

Article 85(Demand for Attendance) (1) If it is deemed necessary for the conciliation of a dispute, the Committee may demand the attendance of the person concerned, his agent or an interested person, or the submission of relevant documents.

(2) If the person concerned failed to comply with the demand for attendance prescribed under Paragraph (1) without any justifiable reason, the conciliation shall be considered to have failed.

Article 86(Conclusion of a Conciliation) (1) The conciliation shall be concluded by writing the terms of agreement between the parties on a protocol.

(2) The protocol as referred to in Paragraph (1) shall have the same effect as a judicial conciliation, unless it is concerned with matters which are outside the capacity of the parties to dispose of them.

Article 87(Failure of Conciliation) If no agreement has been reached between the parties in a conciliation, or if the conciliation is considered to have failed under Paragraph (3) of Article 84 or Paragraph (2) of Article 85, such facts shall be stated in the protocol.

Article 88(Expenses of Conciliation) (1) The expenses of conciliation shall be borne by the requesting party; provided that if the conciliation is reached, the expenses shall be borne by both parties in equal share, unless otherwise stipulated.

(2) The amount of conciliation expenses as referred to in Paragraph (1) shall be determined by the Committee.

Article 89(Organization, etc. of the Committee) The organization and administration of the Committee, procedures of conciliation, method of payment of conciliation expenses and other matters necessary for the operation of the Committee shall be determined by the Presidential Decree.

Article 90(Subsidy for Expenses) The state may subsidize the expenses necessary for the operation of the Committee within the limit of its budget.

CHAPTER 8. REDRESS FOR INFRINGEMENT OF RIGHTS

Article 91(Right of Demanding Suspension of Infringement, etc.) (1) Any person who has the copyright or other rights protected under this Act (excluding the rights to be compensated under Articles 65 and 68, hereinafter the same shall apply to this Article) may demand a person infringing his rights to suspend such act or demand a person likely to infringe his rights to take preventive measures or to provide a security for compensation for damages.

(2) If a person who has the copyright or other rights protected under this Act makes a demand under Paragraph (1), he may demand the abandonment of the objects made by the act of infringement or other necessary measures.

(3) In the cases of Paragraphs (1) and (2), or in the case where a criminal indictment under this Act has been filed, on request of a plaintiff or accuser, the court may, with or without imposing a security, issue an order to temporarily suspend the act of infringement, or seize the objects made by the act of infringement, or to take other necessary measures.

(4) In the case of Paragraph (3) where a judicial decision was made that no infringement of copyright and other rights protected under this Act has been made, the applicant shall pay compensation for the damages caused by his request.

Article 92(Acts Considered to be Infringement) (1) Any act that falls under any of the following shall be deemed infringement of copyrights or other rights protected under this Act: <As amended on Jan. 7, 1994 and May 27, 2003>

1. The importation into the Republic of Korea, for the purpose of distribution therein, of objects which would constitute an infringement of copyrights or other rights protected under this Act, if they were made in the Republic of Korea at the time of such importation; and

2. The possession, for the purpose of distribution, of objects produced based on any act that constitutes infringement of copyrights or other rights protected under this Act (including those imported as provided in the foregoing Subparagraph 1) with the knowledge of such infringement. <As amended on Jan. 12, 2000>

(2) Any act of providing, producing, importing, transferring, lending, or transmitting technologies, services, products, devices, or significant parts thereof for the primary purpose of neutralizing technological protective measures for copyrights or other rights protected under this Act such as elimination, modification or bypassing thereof without legitimate rights shall be deemed infringement of copyrights or other rights protected under this Act. <Newly provided on May 27, 2003>

(3) Any act conducted without legitimate rights with the knowledge or negligent ignorance of the fact that infringement on copyrights or other rights protected under this Act is caused or concealed that falls under any of the following shall be deemed infringement on copyrights or other rights protected under this Act: provided that said provision shall not apply to those cases where such act is deemed unavoidable for technological reasons, or in the light of the nature of a work, performance, phonogram, broadcasting or database or the purpose and manner of the use thereof:

1. Any act of intentionally eliminating or changing right management information in electronic format; and

2. Any act of distributing, publicly performing, broadcasting, or transmitting, or importing for the purpose of distribution, the original or reproduction of a relevant work, performance, phonogram, broadcasting, or database with the knowledge of the fact that right management information in an electronic format has been eliminated or changed. <Newly provided on May 27, 2003>

(4) Any act of exploiting a work in a manner prejudicial to the honor of its author shall be deemed infringement of his moral rights. <Newly provided on May 27, 2003>

Article 93(Claim for Damages) (1) Where the owner of author's property rights or other rights (excluding author's moral rights) protected under this Act (hereinafter referred to as "owner of author's property rights, etc.") claims compensation for damages that he sustained by the act of infringement from a person who has infringed his rights intentionally or by negligence, the amount of profit shall be presumed to be the amount of damages that the owner of author's property rights, etc. sustained, if the infringer has made a profit by his act of infringement.

(2) Where the owner of author's property rights, etc., claims compensation for damages that he sustained by the act of infringement from a person who has infringed his rights intentionally or by negligence, the amount which he would normally be entitled to receive by exercising his rights may be claimed as the amount of damages sustained by the owner of author's property rights, etc.

(3) Notwithstanding the provisions of Paragraph (2), if the amount of damages that the owner of author's property rights, etc. sustained exceeds the amount of money as prescribed in Paragraph (2), he may also claim the amount in excess as compensation for the damages.

(4) Any person who infringes upon registered copyrights, publication rights or neighboring rights shall be presumed to have been negligent in his act of infringement.

<As amended on Jan. 12, 2000>

Article 94(Setting of Amount of Damages) In those cases where incurrence of damages is recognized, but it is difficult to estimate the amount of damages as provided in the foregoing Article 93, the court may set a reasonable amount of damages by taking into consideration the gist of arguments and the results of evidentiary investigations. <As amended on May 27, 2003>

Article 95(Right of Demanding Recovery of Honor, etc.) The author may demand the person who has infringed his moral rights intentionally or by negligence to take measures necessary for the recovery of his honor or reputation in return for or together with compensation for damages.

Article 96(Protection of the Moral Interests after the Death of an Author) After the death of an author, his surviving family (the surviving spouse, children, parents, grand children, grand parents, brothers and sisters of the dead author) or the executor of his will may, under Article 91, demand a person who has violated or is likely to violate the provision of Paragraph (2) of Article 14 in respect of the work

concerned, or, under Article 95, demand a person who has infringed author's moral rights intentionally or by negligence, or who violated the provision of Article 14 for recovery of his honor or reputation. <As amended on Jan. 12, 2000>

Article 97(Infringement in Respect of a Joint Work) Each author of, or each owner of authors property rights in, a joint work shall be entitled to make, without the consent of the other authors or owners of author's property rights, the demand prescribed under Article 91, or demand for compensation for damages under Article 93 to his share in a joint work.

CHAPTER 8-2 SUPPLEMENTARY PROVISIONS [Newly provided on Jan. 12, 2000]

Article 97-2(Claim for Inspection of Documents) Any person who has obtained a permit to engage in copyright trust services may claim to inspect necessary documents to estimate royalties on a work concerned against those who exploit for a profit-making purpose the work, etc. held in trust by him. In this case, the exploiter shall comply with the claim without any justifiable reason.

<Article Newly provided on Jan. 12, 2000>

Article 97-3(Delegation of Authority) The Minister of Culture and Tourism may delegate the authority relating to each of the following to the Committee as provided by Presidential Decree:

1. Approval of the use of works and the determination of compensation standards therefor (including those cases where the provisions herein apply mutatis mutandis in accordance with Paragraph (2) of Article 72) pursuant to Paragraph (3) of Article 23, Paragraph (5) of Article 28, Paragraph (1) of Article 47, Article 48 and Article 50; and <As amended on May 27, 2003>

2. Registration of copyrights under Article 53 (including the cases where the provisions herein apply mutatis mutandis in accordance with Paragraph (3) of Article 60 and Article 73).

<Article newly provided on Jan. 12, 2000>

Article 97-4(Legal Fiction as Public Officials in Application of Penal Provisions) The Committee members and staff to whom the provisions of Article 129 through 132 of the Criminal Act are applicable shall be considered as public officials.

<Article newly provided on Jan. 12, 2000>

CHAPTER 9. PENAL PROVISIONS

Article 97-5(Crime of Infringement on Rights) Any person, who infringes upon authors' property rights or other property rights protected under this Act (excluding the rights under the provision of Article 73-4) by means of reproduction, public performance, broadcasting, exhibition, transmission, distribution or production of a derivative work, may be punished by imprisonment for not more than five years or a fine of not more than fifty million won, or both.

<Article newly provided on Jan. 12, 2000>

<As amended on May 27, 2003>

Article 98(Crime of Infringement on Rights) Any person, who falls under any of the following, may be punished by imprisonment for not more than three years or a fine of not more than thirty million won, or both: <As amended on Jan. 7, 1994>

1. Deleted <Jan. 12, 2000>;

2. Any person who has infringed on author's moral rights and defamed the honor of an author;

3. Any person who has made registration, as provided in Articles 51 and 52, by fraudulent means (including the cases where the provisions herein apply mutatis mutandis under Paragraph (3) of Article 60 or Article 73);

4. Any person who has infringed upon a database producer's rights protected under Article 73-4 by means of reproduction, distribution, broadcasting or transmission; <Newly provided on May 27, 2003>

5. Any person who has committed an act considered to be infringement under the provision of Paragraph (2) of Article 92 in the conduct of business or for a profit-making purpose; and <Newly provided on May 27, 2003>

6. Any person who has committed an act considered to be infringement under the provision of Paragraph (3) of Article 92 in the conduct of business or for a profit-making purpose; provided that said provision shall not apply to any person lacking in the knowledge, by negligence, of the fact that such act causes or conceals infringement on copyrights or other rights protected under this Act. <Newly provided on May 27, 2003>

Article 99(Crime of Illegal Publications, etc.) Any person who has committed any of the following acts shall be punishable by imprisonment for a term of not more than one year or a fine of not more than ten million won: <As amended on Jan. 7, 1994 and Jan. 12, 2000>

1. Any person who has made a work public under the real name or pseudonym of a person other than the author;

2. Any person who has violated the provision of Paragraph (2) of Article 14;

3. Any person who has operated copyright trust services without obtaining a permit as prescribed under Paragraph (1) of Article 78; <As amended on Jan. 12, 2000>

4. Any person who has committed an act considered to be an infringement under the provisions of Paragraphs (1) and (4) of Article 92; and <As amended on May 27, 2003>

5. Any person, who has interfered with the business of an online service provider by deliberately requesting such online service provider to stop or resume reproduction or transmission as provided in Paragraphs (1) or (3) of Article 77-2 with the knowledge that he does not have the legitimate right to do so. <Newly provided on May 27, 2003>

Article 100(Crime of Failure to Indicate Sources) Any person who has violated any of the following Subparagraphs shall be punishable by a fine of not more than five million won:

1. Any person who has violated the provisions of Paragraph (4) of Article 32; <Newly provided on Jan. 12, 2000>

1-2. Any person who has not indicated the sources prescribed under Article 34 (including the case where the provisions of Article 71 are applied mutatis mutandis); <As amended on Jan. 12, 2000>

2. Any person who has not indicated the notice of the owner of the right of reproduction in violation of the provisions of Paragraph (3) of Article 55;

2-2. Any person who has violated the provisions of Paragraph (2) of Article 56; <Newly provided on Jan. 12, 2000>

3. Any person who has engaged in copyright agency or brokerage services without reporting as prescribed under the provisions of Paragraph (1) of Article 78, or who has continued the services after being ordered to close the services under the provision of Paragraph (2) of Article 80.

<As amended on Jan. 7, 1994>

<As amended on Jan. 12, 2000>

Article 101(Confiscation) Reproductions made in violation of copyright or other rights protected under this Act which are owned by the infringing person, printer, distributor or performer shall be confiscated.

Article 102(Complaint) Crimes prescribed in this Chapter shall be prosecuted only when a party makes a complaint except for those cases provided in Subparagraphs 3 and 5 of Article 98, Subparagraphs 1 through 3 and Subparagraph 5 of Article 99, and Subparagraph 3 of Article 100. <As amended on Jan. 7, 1994 and May 27, 2003>

Article 103(Punishment of Both Parties) If a representative of a legal person, or an agent, employee or other employed persons of a legal person or a individual has committed a crime as prescribed under this Act with respect to the affairs of the legal person or the individual, the fine prescribed under the Articles concerned shall be imposed on such a legal person or an individual in addition to the punishment of the offender.

ADDENDUM

Article 1(Date of Enforcement) This Act shall come into force on and after July 1, 1987.

Article 2(Interim Measures Concerning Scope of Application) (1) This Act shall not apply to those works or parts of such works in which copyright has been expired in whole or in part, and which have not been protected by the provisions of the former Act before the enforcement of this Act.

(2) Any work being made public under the provisions of the former Act before the enforcement of this Act and falling under any of the following Subparagraphs shall be protected under the provisions of the former Act:

1. Musical playing, singing, conducting, phonograms or sound recorded films under Article 2 of the former Act;
2. Attribution and exploitation of copyright in a joint work as prescribed under Article 12 of the former Act;
3. Attribution of copyright in a commissioned work as prescribed under Article 13 of the former Act;
4. Attribution of copyright in a photographic work as prescribed under Article 36 of the former Act; and
5. Attribution of copyright in a cinematographic work as prescribed under Article 38 of the former Act.

Article 3(Interim Measures Concerning Protection Period of Works) The protection period of a work which was made public before the enforcement of this Act and which does not fall under Article 2 (1) of Addendum is as follows:

- 1.If the protection period under the former Act is longer than that of this Act, the provisions of the former Act shall apply; and
- 2.If the protection period under the former Act is shorter than that of this Act, the provisions of this Act shall apply.

Article 4(Interim Measures Concerning Alteration of Rights, etc.) The copyright (including the established right of publication) which was created, transferred by assignment or otherwise disposed of under the provisions of the former Act shall be considered to have been created, transferred or otherwise disposed of under the provisions of this Act.

Article 5(Interim Measures Concerning Registration of Copyright) The registration of copyright which was made under the provisions of the former Act shall be considered to have been done under this Act.

Article 6(Interim Measures Concerning Indication of Sources) If a person intends to exploit a work under the provisions of Paragraph (1) of Article 23, he is not obliged to indicate the sources within five years from the date of enforcement of this Act, notwithstanding the provisions of Paragraph (1) of Article 34.

Article 7(Interim Measures Concerning Infringement of Rights) Any act constituting an infringement of copyright (including that of the established right of publication) under Chapter 4 of the former Act shall be redressed under the provisions of the former Act.

Article 8(Interim Measures Concerning Penal Provisions) The penal provisions of the former Act shall apply to the acts committed before the enforcement of this Act.

ADDENDUM (December 30, 1989)

Article 1(Date of Enforcement) This Act shall come into force on and after the date of its promulgation.

(The proviso omitted)

(Articles 2 to 6 omitted)

ADDENDUM (December 27, 1990)

Article 1(Date of Enforcement) This Act shall come into force on and after the date of its promulgation.

(The proviso omitted)

(Articles 2 to 10 omitted)

ADDENDUM (March 8, 1991)

Article 1(Date of Enforcement) This Act shall come into force on and after the lapse of one month from the date of its promulgation.

(Articles 2 to 6 omitted)

ADDENDUM (March 6, 1993)

Article 1 (Date of Enforcement) This Act shall come into force on and after the date of its promulgation.

(The proviso omitted)

(Articles 2 to 5 omitted)

ADDENDUM (January 7, 1994)

Article 1(Date of Enforcement) This Act shall come into force on and after July 1, 1994.

Article 2(Interim Measures Concerning Right of Rental) The provisions of the former Act shall apply to the rental of commercial phonograms in which a work has been included before the enforcement of this Act.

Article 3(Interim Measures Concerning Protection Period of Neighboring Rights) The provisions of the protection period of neighboring rights under the former Act shall apply to the neighboring rights which have been created before the enforcement of this Act.

Article 4(Interim Measures Concerning Compensation with Respect to Textbooks) If a work being made public is to be reproduced in a textbook in which copyright is attributed to the Minister of Education or which is approved and sanctioned by the Minister of Education, the provisions of compensation or deposit shall not apply for a period of five years from the enforcement of this Act, notwithstanding the provisions of Paragraph (3) of Article 23.

Article 5(Interim Measures Concerning Rights in Cinematographic Work) The As amended provisions of Paragraph (3) of Article 75 shall not be applied for a period of five years from the enforcement of this Act.

ADDENDUM (March 24, 1994)

Article 1(Date of Enforcement) This Act shall come into force on and after the lapse of four months after its promulgation.

(Articles 2 to 7 omitted)

ADDENDUM (December 6, 1995)

Article 1(Date of Enforcement) This Act shall come into force on and after July 1, 1996.

Article 2(Interim Measures Concerning Scope of Application) This Act shall not apply to a whole or a part of a work in which copyright, etc. has been expired in whole or in part to the expiry of the protection period under the provisions of the former Act before the enforcement of this Act.

Article 3(Special Provisions Concerning Protection Period) Copyright in works of foreigners and rights of foreign performers and producers of phonograms in phonograms which have been newly protected under the provisions of Paragraph (1) of Article 3 and Article 61 respectively and which have been made public before the enforcement of this Act (hereinafter referred to as “restored works, etc.”) shall continue to subsist for the remaining protection period which would have been recognized if the restored works, etc. had been protected in the Republic of Korea.

Article 4(Interim Measures Concerning Exploitation of Restored Works, etc.) (1) Exploitation of a restored work, etc. before the enforcement of this Act shall not be considered to be an act of infringement of the rights prescribed under this Act.

(2) Reproductions of a restored work, etc. which were made before January 1, 1995 may be continuously distributed by December 31, 1996.

(3) Derivative works which are based on a restored work, etc. and made before January 1, 1995 may be continuously distributed after the enforcement of this Act; provided that the right holder of the original work may demand a reasonable compensation for exploitation made after December 31, 1999.

(4) If a person has acquired, before the enforcement of this Act, a phonogram on sale in which a restored work, etc. is fixed, the provisions of Paragraph (2) of Article 43, Paragraph (2) of Article 65 and Paragraph (2) of Article 67 shall not apply.

ADDENDUM (December 13, 1997)

Article 1(Date of Enforcement) This Act shall come into force on and after January 1, 1998. (The proviso omitted)

(Article 2 omitted)

ADDENDUM (January 12, 2000)

Article 1(Date of Enforcement) This Act shall come into force on and after July 1, 2000.

Article 2(Interim Measures concerning Copyright Management Services) Those who obtained a permit for copyright management services under the provisions of the former Act before the enforcement of this Act shall be considered those who obtained a permit for copyright trust services, and those who reported for copyright management services shall be considered for those who reported for copyright agency or brokerage services

Article 3(Interim Measures concerning Penal Provisions) The penal provisions of the former Act shall apply to the acts committed before the enforcement of this Act.

ADDENDUM (May 27, 2003)

Article 1(Date of Enforcement) This Act shall enter into force on July 1, 2003.

Article 2(Application to Protection of Databases) In those cases where five years have not elapsed from the beginning of the year immediately following production completion of a database or renewal, etc. thereof at the time of the entry into force of this Act, such database shall be protected under the amended provisions of Articles 73-2 through Article 73-9.

Article 3(Interim Measures concerning Cinematization of Works) In those cases where the owner of authors' property rights has authorized a person to cinematize works prior to the enforcement of this Act, the previous provision of Article 74 shall apply.

Article 4(Interim Measures concerning Rights in Cinematographic Works) In those cases where any person, who participates in the production of a cinematographic work, has agreed with the producer of such cinematographic work to cooperate for the production of such cinematographic work, or a performer has agreed to cooperate for the production of such cinematographic work prior to the enforcement of this Act, the previous provisions of Paragraphs (1) or (3) of Article 75 shall apply.

Article 5(Interim Measures concerning Recognition of Damages) As regards damages incurred prior to the enforcement of this Act, the previous provision of Article 94 shall apply.

ADDENDUM (Oct 17, 2004)

Article 1(Date of Enforcement) This Act shall enter into force on and after the lapse of four months after its promulgation.