

---

**Council for Trade-Related Aspects of  
Intellectual Property Rights**

Original: English/  
anglais/  
inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY  
LAWS AND REGULATIONS NOTIFIED UNDER  
ARTICLE 63.2 OF THE AGREEMENT**

**REPUBLIC OF KOREA**

The present document reproduces the text<sup>1</sup> of the Copyright Act and the Enforcement Decree of the Copyright Act, as notified by the Republic of Korea under Article 63.2 of the Agreement (see document IP/N/1/KOR/1).

---

**Conseil des aspects des droits de propriété  
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA  
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE  
DE L'ARTICLE 63:2 DE L'ACCORD**

**RÉPUBLIQUE DE CORÉE**

Le présent document contient le texte<sup>1</sup> de la Loi sur le droit d'auteur et du Décret d'application y relatif, notifiés par la République de Corée au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/KOR/1).

---

**Consejo de los Aspectos de los Derechos de Propiedad  
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA PROPIEDAD  
INTELLECTUAL NOTIFICADOS EN VIRTUD DEL PÁRRAFO 2  
DEL ARTÍCULO 63 DEL ACUERDO**

**REPÚBLICA DE COREA**

En el presente documento se reproduce el texto<sup>1</sup> de la Ley de Derecho de Autor y de su Decreto de aplicación, notificados por la República de Corea de conformidad con el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/KOR/1).

---

<sup>1</sup> In English only./En anglais seulement./En inglés solamente.

# COPYRIGHT ACT

Act No. 3916, December 30, 1989  
As last amended by Act No. 5015, December 6, 1995

## - TABLE OF CONTENTS -

<i>CHAPTER 1 GENERAL PROVISIONS</i> .....	6
Article 1 Purpose.....	6
Article 2 Definitions .....	6
Article 3 Works of Foreigners.....	7
<i>CHAPTER 2 RIGHTS OF AUTHORS</i> .....	8
<i>SECTION 1. WORKS</i> .....	8
Article 4 Classification of Works .....	8
Article 5 Derivative Works.....	9
Article 6 Compilations.....	9
Article 7 Works not Protected, etc. ....	9
<i>SECTION 2. AUTHORS</i> .....	10
Article 8 Presumption of Authorship, etc. ....	10
Article 9 Authorship of a Work in the Name of an Organization.....	10
Article 10 Copyright.....	11
<i>SECTION 3. AUTHORS' MORAL RIGHTS</i> .....	11
Article 11 Right of making the work public.....	11
Article 12 Right of claiming authorship of the work .....	12
Article 13 Right of preserving the Integrity.....	12
<i>SECTION 4. NATURE, EXERCISE, ETC. OF AUTHORS' MORAL RIGHTS</i> .....	12
Article 14 Inalienability of Authors' Moral Rights.....	12
Article 15 Authors' Moral Rights in Joint Works .....	13
<i>SECTION 5. AUTHORS' PROPERTY RIGHTS</i> .....	13

Article 13	Right of preserving the Integrity.....	12
<i>SECTION 4. NATURE, EXERCISE, ETC. OF AUTHORS' MORAL RIGHTS.....</i>		<i>12</i>
Article 14	Inalienability of Authors' Moral Rights.....	12
Article 15	Authors' Moral Rights in Joint Works .....	13
<i>SECTION 5. AUTHORS' PROPERTY RIGHTS.....</i>		<i>13</i>
Article 16	Right of Reproduction .....	13
Article 17	Right of Public Performance.....	13
Article 18	Right of Broadcasting.....	13
Article 19	Right of Exhibition .....	14
Article 20	Right of Distribution .....	14
Article 21	Right of the Production of Derivative Works, etc. ....	14
<i>SECTION 6. LIMITATIONS TO AUTHORS' ECONOMIC RIGHTS.....</i>		<i>14</i>
Article 22	Reproduction for Judicial Proceedings, etc. ....	14
Article 23	Reproduction for the Purpose of School Education, etc .....	15
Article 24	Use for Current News Report.....	15
Article 25	Quotations from Works Made Public .....	15
Article 26	Public Performance and Broadcasting for Non-profit Purposes .....	16
Article 27	Reproduction for Private Use.....	16
Article 28	Reproduction in Libraries, etc. ....	16
Article 29	Reproduction for Examination Questions.....	17
Article 30	Reproduction in Braille.....	17
Article 31	Ephemeral Sound or Visual Recordings by Broadcasting Organizations .....	17
Article 32	Exhibition or Reproduction of Artistic Works, etc. ....	18
Article 33	Exploitation by Means of Translation, etc. ....	18
Article 34	Indication of Sources .....	19
Article 35	Relationship with Authors' Moral Rights.....	19
<i>SECTION 7. DURATION OF AUTHORS' ECONOMIC RIGHTS.....</i>		<i>19</i>
Article 36	Principles of Protection Period.....	19
Article 37	Protection Period of Anonymous and Pseudonymous Works .....	20
Article 38	Protection Period of Works in the Name of Organization .....	20
Article 39	The Time When Serial Publications, etc. Have Been Made Public .....	20
Article 40	Calculation of the term of Protection.....	21
<i>SECTION 8. TRANSFER, EXERCISE AND EXPIRY OF AUTHORS' ECONOMIC RIGHTS.....</i>		<i>21</i>

Article 41	Transfer of Authors' Economic Rights .....	21
Article 42	Authorization to Exploit Works .....	21
Article 43	Offer of Works for Transaction and Authorization of Rental of Phonograms.....	22
Article 44	Authors' Economic Rights on Which the Right of Pledge is Established .....	22
Article 45	Exercise of Authors' Economic Rights in Joint Works .....	22
Article 46	Expiry of Author's Economic Rights .....	23
<b>SECTION 9. EXPLOITATION OF WORKS UNDER STATUTORY LICENSE.....</b>		<b>23</b>
Article 47	Exploitation of Works in the case where the Owner of Author's Economic Rights is Not Known .....	23
Article 48	Broadcasting of Works Made Public.....	24
Article 49	Deleted <by Act No. 5015, Dec. 6, 1995>.....	24
Article 50	Production of Commercial Phonograms .....	24
<b>SECTION 10. REGISTRATION.....</b>		<b>25</b>
Article 51	Registration .....	25
Article 52	Effect of Registration.....	26
Article 53	Procedures, etc. for Registration .....	26
<b>CHAPTER 3 RIGHT OF PUBLICATION.....</b>		<b>26</b>
Article 54	Establishment of the Right of Publication .....	26
Article 55	Obligations of the Owner of the Right of Publication.....	27
Article 56	Alteration, Addition or Deletion in a Work .....	27
Article 57	Duration of the Right of Publication .....	27
Article 58	Notification of the Termination of the Right of Publication .....	28
Article 59	Distribution of Copies of a Work after the Termination of the Right of Publication .....	29
Article 60	Transfer of, and Limitations to, the Right of Publication, etc. ....	29
<b>CHAPTER 4 NEIGHBORING RIGHTS .....</b>		<b>29</b>
<b>SECTION 1. GENERAL RULES .....</b>		<b>30</b>
Article 61	Neighboring Rights.....	30
Article 62	Relationship with Copyright .....	31
<b>SECTION 2. RIGHTS OF PERFORMERS.....</b>		<b>31</b>
Article 63	Right of Reproduction .....	31
Article 64	Right of Broadcasting of Performances .....	31
Article 65	Compensation by Broadcasting Organizations to Performers .....	31

Article 65-2	Authorization by Performers of Lending of Phonograms .....	32
Article 66	Joint Performers.....	32
<i>SECTION 3. RIGHTS OF PRODUCERS OF PHONOGRAMS.....</i>		<i>33</i>
Article 67	Right of Reproduction and Distribution .....	33
Article 67-2	Offer for Transaction and Authorization of Rental of Phonograms .....	33
Article 68	Compensation by Broadcasting Organizations to Producers of Phonograms.....	33
<i>SECTION 4. RIGHTS OF BROADCASTING ORGANIZATIONS.....</i>		<i>34</i>
Article 69	Right of Reproduction and Simultaneous Relay.....	34
<i>SECTION 5. TERM OF PROTECTION .....</i>		<i>34</i>
Article 70	Term of Protection.....	34
<i>SECTION 6. LIMITATIONS, TRANSFERS, EXERCISE, ETC. OF RIGHTS.....</i>		<i>35</i>
Article 71	Limitations to Neighboring Rights.....	35
Article 72	Transfers, Exercise, etc. of Neighboring Rights.....	35
Article 73	Registration of Neighboring Rights .....	35
<i>CHAPTER 5 SPECIAL PROVISIONS CONCERNING CINEMATOGRAPHIC WORKS.....</i>		<i>35</i>
Article 74	Cinematization of Works.....	36
Article 75	Rights in Cinematographic Works.....	36
Article 76	Rights of Producers of Cinematographic Works .....	37
Article 77	Duration of Cinematographic Works.....	37
<i>CHAPTER 6 COPYRIGHT MANAGEMENT SERVICES .....</i>		<i>37</i>
Article 78	License for Copyright Management Services .....	37
Article 79	Supervision .....	38
Article 80	Cancellation, etc. of Permit .....	39
Article 80-2	Hearing.....	39
<i>CHAPTER 7 DELIBERATION ON COPYRIGHT AND CONCILIATION OF DISPUTES .....</i>		<i>40</i>
Article 81	Copyright Deliberation and Conciliation Committee.....	40
Article 82	Functions .....	40
Article 83	Conciliation Division .....	41
Article 84	Application for Conciliation.....	41
Article 85	Demand for Attendance .....	41
Article 86	Conclusion of a Conciliation .....	42

Article 87	Failure of Conciliation.....	42
Article 88	Expenses of Conciliation .....	42
Article 89	Organization, etc. of the Committee .....	43
Article 90	Subsidy for Expenses.....	43
<b>CHAPTER 8 REMEDIES FOR INFRINGEMENT OF RIGHTS.....</b>		<b>43</b>
Article 91	Right of Demanding Suspension of Infringement, etc. ....	43
Article 92	Acts Considered as to be Infringements.....	44
Article 93	Claim for Damages.....	44
Article 94	Presumed Number of Illegal Copies.....	45
Article 95	Right of Demanding Recovery of Honor, etc.....	45
Article 96	Protection of Authors' Moral Rights after the Death of an Author.....	45
Article 97	Infringement in Respect of a Joint Work.....	46
<b>CHAPTER 9 PENAL PROVISIONS .....</b>		<b>46</b>
Article 98	Infringement of Rights .....	46
Article 99	Illegal Publications, etc.....	46
Article 100	Failure to Indicate Sources.....	47
Article 101	Confiscation.....	47
Article 102	Accusation.....	47
Article 103	Punishment of Both Parties.....	48
<b>ADDENDUM.....</b>		<b>48</b>
<b>ADDENDA (December 30, 1989).....</b>		<b>50</b>
<b>ADDENDA (December 27, 1990).....</b>		<b>50</b>
<b>ADDENDA (March 8, 1991).....</b>		<b>50</b>
<b>ADDENDA (March 6, 1993).....</b>		<b>51</b>
<b>ADDENDA (January 7, 1994).....</b>		<b>51</b>
<b>ADDENDA (March 24, 1994).....</b>		<b>52</b>
<b>ADDENDA (December 6, 1995).....</b>		<b>52</b>

## 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 exploitation 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. "Work" means a creative production which falls within the category of original literary, scientific or artistic works;
2. "Author" means a person who creates works;
3. "Public Performance" means the presentation of a work to the public by acting on the stage, musical playing, singing, reciting, screening or by other means, and include the presentation of sound or visual recordings of performances, broadcasts or performances to the public;
4. "Performance" means the presentation of a work by acting, musical playing, singing, reciting, screening or by other artistic means, and include the presentation of something other than a work in a similar method;
5. "Performers" means the persons who make performances, and who conduct, direct, or supervise performances;
6. "Phonograms" means the media in which the sound is fixed (excluding those in which the sound is fixed together with some visual images);
7. "Phonogram producers" means the persons who initially fix the sound in phonograms;
8. "Broadcasting" means the transmission of sounds and images by wire or wireless communication intended for direct reception by the public (excluding the mere amplified transmission of sounds within the same unintercepted area);

9. "Broadcasting organizations" means those who engage in the broadcasting business;

10. "Cinematographic works" means creative works in which a series of images (regardless of whether or not accompanied by sound) are collected, and which can be seen or seen and heard by playing on mechanical or electronic devices;

11. "Producers of cinematographic works" means those who plan and take responsibility for the production of a cinematographic work;

12. "Computer programs" means 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;

13. "Joint works" means works created jointly by two or more persons in which their respective contributions cannot be separately exploited;

14. "Reproduction" means the reproduction of works in a tangible form by means of printing, photographing, photocopying, sound or visual recording or other means; in the case of architectural works, it includes the construction of an architectural work according to its plan and model; and in the case of plays, musical scores or other similar works, it includes the sound and visual recording of a public performance, broadcast or performance of a work;

15. "Distribution" means the transfer and lending the original or reproduction of a work to the public with or without payment;

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

17. "Make public of works" means to make works available to the public by means of public performance, broadcasting, exhibition or by other means, and to publish works.

### 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. <Amended by Act No. 5015, 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. <Amended by Act No. 5015, Dec. 6, 1995>

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

## **CHAPTER 2    RIGHTS OF AUTHORS**

### **SECTION 1. WORKS**

#### **Article 4    Classification of Works**

(1) As used in this Act, 'works' shall include , in particular, the following

1. Novels, poems, articles, lectures, recitations, plays and other literary works;
2. Musical works;
3. Theatrical works including dramas, dances, pantomimes;
4. Paintings, calligraphic works, designs, sculptures, crafts, works of applied art, and other artistic works;
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;
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    Compilations

(1) A compilation (including collections of treatises, numerical values, diagrams and other materials which are so systematically composed as to be retrieved by using information processing devices) which are, by reason of selection or arrangement of their contents, of a creative nature (hereinafter referred to as "compilation work") shall be protected as an independent work. <Amended by Act No. 4717, Jan. 7, 1994>

(2) The protection of a compilation work shall not prejudice the rights of the authors in the works which form part of the compilation work.

#### Article 7    Works not Protected, etc.

The following shall not be protected under this Act:

1. Acts and regulations;
2. Notices, public notifications, instructions and others similar to them issued by the state or local public entities;
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 public entities;

5. Current news reports which transmit simple facts;

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 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;

2. A person whose real name or well-known pseudonym is indicated as the author in the performance or broadcast of a work,

(2) For 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(the authorship of work).

### **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 "authors' moral rights") and the rights prescribed under Articles 16 to 21 (hereinafter referred to as "authors' economic rights")
- (2) The copyright shall commence from the time of completing a work regardless of the fulfillment of any procedure or formality.

### **SECTION 3. AUTHORS' MORAL RIGHTS**

#### Article 11 Right of making the work public

- (1) The author shall have the right to decide whether or not to make his work public.
- (2) If an author has transferred his property rights in a work which has not yet been made public under Article 41, or authorized to exploit under Article 42, he shall be presumed to have granted the other party his consent to make it public.
- (3) If an author has transferred 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 granted the other party his consent to make it public by exhibiting its original
- (4) If a derivative work or compilation work has been made public with the consent of the author, its original shall also be considered to have been made public.

#### Article 12 Right of claiming authorship of the work

(1) The author shall have the right to determine whether or not his real name or pseudonym should be indicated on the original or reproduction of his work, or in case of making his work public.

(2) In the absence of any declaration of the intention of the author to the contrary, the person using his work may indicate the name of the author in the same manner as that already adopted by the author.

#### Article 13 Right of preserving 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. the modification of expression within the limit as deemed unavoidable for the purpose of school education in the case of the exploitation of works under Article 23,;

2. modification of architectural work by means of extension, rebuilding and so on

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 AUTHORS' MORAL RIGHTS**

#### Article 14 Inalienability of Authors' Moral Rights

(1) Authors' moral rights shall be exclusively personal 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 authors' moral rights if he were alive; except in a case which is not deemed to be prejudicial to his honor or reputation of the author in light of the nature and extent of the act and in view of the prevailing social standard.

#### Article 15 Authors' Moral Rights in Joint Works

(1) Authors' moral rights in a joint work may not be exercised without the unanimous agreement of all the co-authors. 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. AUTHORS' 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 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 AUTHORS' ECONOMIC 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 authors' economic rights in the light of the nature of the work as well as the number of copies and the character of reproduction.

#### Article 23     Reproduction 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 Acts, or the Education Act, or operated by the state or local government may broadcast or reproduce a work already being made public to the extent deemed necessary for the purpose of education.

(3) A person who intends to exploit a work under Paragraphs (1) and (2) shall pay compensation to the owner of authors' economic rights as determined and announced officially by the Minister of Culture and Tourism according to the criteria for compensation prescribed under Subparagraph 1 of Article 82, or shall deposit the same as prescribed by the Presidential Decree. 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 a compensation.  
<Amended by Act No. 4183, Dec. 30, 1989; Act No. 4268, Dec. 27, 1990; Act No. 4541, Mar. 6, 1993; Act No. 4717, Jan. 7, 1994>

#### Article 24     Use for Current News Report

In the case of reporting current events by means of broadcasting, films, newspapers or by other means, it shall be permissible to reproduce, distribute, perform publicly or broadcast a work seen or heard in the course of the report, to the extent justified by the information purpose.

#### Article 25     Quotations from Works Made Public

It shall be permissible to make quotations from a work already 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 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 performed publicly 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 without commercial purposes a work already made public for the purpose of his personal use, family use or other similar uses within a limited circle.

#### Article 28 Reproduction in Libraries, etc.

It shall be permissible to reproduce a work included in materials held by libraries as prescribed by the Library and Book Reading Promotion Act and other facilities prescribed by the Presidential Decree which provide books, documents (hereinafter referred to as libraries, etc.), records and other materials for the public, in the following cases: <Amended by Act No. 4352, Mar. 8, 1991; Act No. 4746, Mar. 24, 1994>

1. Where, at the request of a user and for the purpose of his own research and study, a single copy of a part of a work already made public is provided for him;
2. Where it is necessary for libraries, etc. to reproduce for the purpose of

preserving their materials;

3. Where, at the request of other libraries, etc., a reproduction of a work out of print or unavailable due to other similar reasons is made and provided to libraries, etc. for the purpose of their collection.

#### Article 29     Reproduction for Examination Questions

It shall be permissible to reproduce a work already made public in questions of entrance examinations or other examinations of knowledge or skill, to the extent deemed necessary for that purpose; provided that it is for non-profit purposes.

#### Article 30     Reproduction in Braille

(1) It shall be permissible to reproduce in Braille for the blind a work already made public.

(2) It shall be permissible to make sound recordings of a work already made public, exclusively for the purpose of providing such recordings for the use of the blind at the facilities established for the promotion of the welfare of the blind as prescribed by the Presidential Decree.

#### 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 against 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 Artistic Works,    etc.

(1) The original of an artistic work may be publicly exhibited by its owner or with his authorization. If the artistic work is to be permanently exhibited in an open places accessible to the public such as streets or parks, outer walls of a buildings, the consent of the copyright owner shall be obtained.

(2) An artistic work, etc. exhibited permanently at open places 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 an architectural work is reproduced into another architectural work;
2. where a sculpture or a painting is reproduced into another sculpture or painting;
3. where reproduction is made for the purpose of exhibiting it permanently in an open places, as prescribed under proviso of Paragraph (1);
4. where reproduction is made for the purpose of selling its copies.

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

(4) A portrait or a similar photographic work produced by entrust may not be exhibited or reproduced without the consent of the person who entrusted.

Article 33    Exploitation by Means of Translation, etc.

(1) If a work is exploited under Articles 23, 26, or 27, the work may be exploited 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 exploits a work under this section shall indicate its sources, except the cases as prescribed under Articles 26 to 29, or 31.

(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 exploited, and shall be made of the real name or pseudonym of the author if it appears on a work.

#### Article 35 Relationship with Authors' Moral Rights

No provisions of this section may be construed as affecting the protection of the authors' moral rights.

### **SECTION 7. DURATION OF AUTHORS' ECONOMIC RIGHTS**

#### Article 36 Principles of Protection Period

(1) Authors' economic 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. Authors' economic rights in a work which is first made public in more than forty years and not exceeding fifty years after his death, shall continue to subsist for a period of ten years after it is made public.

(2) Authors' economic 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 Protection Period of Anonymous and Pseudonymous Works

(1) Authors' economic 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 that the author has been dead for fifty years, such economic rights shall be deemed to have expired as of the time dated from when the author is presumed to have died. <Amended by Act No. 5015, 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);
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 Protection Period of Works in the Name of Organization

Authors' economic rights in any work 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' economic rights shall continue to subsist for a period of fifty years after its creation. <Amended by Act No. 5015, Dec. 6, 1995>

#### 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 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 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 made public shall be considered to be the last one under the Paragraph (1) if the next part is not made public before the expiration of a period of three years following the making public of the preceding part.

#### Article 40 Calculation of the term of Protection

The term of the protection of authors' economic rights prescribed in this Section and Article 77 shall be calculated from the beginning of the year following the date when the author died, the work is created, or is made public.

### **SECTION 8. TRANSFER, EXERCISE AND EXPIRY OF AUTHORS' ECONOMIC RIGHTS**

#### Article 41 Transfer of Authors' Economic Rights

(1) Authors' economic rights may be transferred in whole or in part.

(2) Where authors' economic rights are transferred in whole, the right of the production of a derivative work or compilations 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 authors' economic rights may grant another person authorization to exploit the work.

- (2) The person who obtained such authorization under Paragraph 1 shall be entitled to exploit the work in a manner and to the extent so authorized.
- (3) The right of exploitation thus authorized under Paragraph 1 may not be transferred to the third party without the consent of the owner of authors' economic 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 lending of commercial phonograms for profit-making purposes. <Newly Inserted by Act No. 4717, Jan. 7, 1994>

#### Article 44 Authors' Economic 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 of authors' economic 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 Authors' Economic Rights in Joint Works

- (1) Authors' economic rights in a joint work may not be exercised without the unanimous agreement of all the owners of authors' economic rights. Each owner

of authors' economic rights shall not be entitled to transfer or pledge his share of authors' economic rights without the consent of the other authors. Each owner may not, without reasonable justification, prevent the agreement from being reached or refuse the consent in bad faith.

(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 authors' economic rights in a joint work may renounce his share. In the case of renunciation or death of the owner of authors' economic 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 authors' economic rights in a joint work. In this case, "authors' moral rights" are considered the same as "authors' economic rights".

#### Article 46 Expiry of Author's Economic Rights

Authors' economic rights shall expire in any of the following cases:

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

### **SECTION 9. EXPLOITATION OF WORKS UNDER STATUTORY LICENSE**

#### Article 47 Exploitation of Works in the case where the Owner of Author's



### Economic Rights is Not Known

(1) Where a person, despite his considerable effort, could not identify the owner of authors' economic rights in a work made public, or his place of residence and therefore is unable to obtain the authorization of the author for its exploitation, he may exploit the work with the approval of the Minister of Culture and Tourism as prescribed by the Presidential Decree, and by depositing a sum of compensation money fixed by the Minister of Culture and Tourism according to the criteria for compensation as prescribed under Subparagraph 1 of Article 82. <Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>

(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 Made Public

Where a broadcasting organization which intends to broadcast a work already made public for the sake of the public benefit has negotiated with the owner of authors' economic rights and failed to reach an agreement, it may broadcast the work with the approval of the Minister of Culture and Tourism as prescribed by the Presidential Decree and by paying to the owner of authors' economic rights or depositing a sum of compensation money fixed by the Minister of Culture and Tourism according to the criteria for compensation as prescribed under Subparagraph 1 of Article 82. <Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>

### Article 49 Deleted <by Act No. 5015, Dec. 6, 1995>

### Article 50 Production of Commercial Phonograms

When commercial phonograms have 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, a person who intends to produce a commercial phonogram by recording works already recorded on such phonogram has negotiated with the owner of authors' economic rights and failed to reach an agreement, he may produce the phonogram with the approval of the Minister of Culture and Tourism as prescribed by the Presidential Decree and by paying to the owner of authors' economic rights or depositing a sum of compensation money fixed by the Minister of Culture and Tourism according to the criteria for compensation as prescribed under Subparagraph 1 of Article 82. <Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>

## **SECTION 10. REGISTRATION**

### **Article 51     Registration**

- (1) The author of an anonymous or pseudonymous work may have his real name registered with respect to that work, regardless of whether he actually owns authors' economic rights.
- (2) In the absence of any declaration of intention of the author to the contrary, the person designated by the author in his will or his heir may have such a name registered after the death of the author as prescribed under Paragraph (1).
- (3) The owner of authors' economic rights may have the date of the first publication or of the first making public of his work registered.
- (4) The person whose real name is registered according to the provisions of Paragraphs (1) and (2) shall be presumed to be the author of the registered work. The work as to which the date of the first publication or the date of the first made public is registered shall be presumed to have been first published or first made public on the date registered.

#### Article 52 Effect of Registration

The following matters shall not be effective against any third party without the registration:

1. Transfer of authors' economic rights (except that by inheritance or other successions in general) or the restriction on the disposal of authors' economic rights;
2. Establishment, transfer, alteration, or expiry, or the restriction on the disposal, of the right of pledge on authors' economic rights

#### Article 53 Procedures, etc. for Registration

The registrations as prescribed under Articles 51 and 52 shall be made on the Copyright Register by the Minister of Culture and Tourism as prescribed by the Presidential Decree. <Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>

### **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") is established under preceding Paragraph 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 may 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 reproduction right, 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 in the Presidential Decree.

#### Article 56 Alteration, Addition or Deletion in a Work

(1) When the owner of the right of publication publishes a new edition of the work which is the object of its right, the author may alter, add or delete the contents of his work to the extent justified.

(2) When 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, or publish the work by separating it from a complete collection of works or other compilation.

#### Article 58 Notification of the Termination of the Right of Publication

(1) When the owner of the right of publication has not discharged his obligation prescribed under Paragraph (1) or (2) of Article 55, the owner of the right of reproduction may call on him to discharge his obligation within a period of exceeding six months. If the owner of the right of publication fails to discharge his obligation within that period, the owner of the right of reproduction notify him of the termination of his right of publication.

(2) Notwithstanding the provision of Paragraph (1), 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, when it is apparent that the owner of the right of publication is unable to publish the work, or 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 for compensation of 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 expiration of the duration of the right or for other reasons, the owner of the right of publication may 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;
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 copies corresponding to such payment.

Article 60     Transfer of, and Limitations to, the Right of Publication, etc.

(1) The right of publication may not be transferred 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 authors' economic rights" in Article 22 shall be considered as "owner of the right of publication."

(3) The provisions of Articles 52 and 53 shall apply mutatis mutandis to the registration of the right of publication. In such cases, the term "authors' economic rights" in Article 52 shall be considered as "right of publication," and "copyright register" as "register of the right of publication," respectively.

## **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:  
<Amended by Act No. 5015, Dec. 6, 1995>

#### 1. Performances

- a. Performances conducted by nationals of the Republic of Korea (including legal persons established under the Acts 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),
- 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;
- 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;
- 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. <Newly Inserted, Dec. 6, 1995>

#### Article 62 Relationship with Copyright

Any provisions in this Chapter may not be construed as affecting copyrights.

### **SECTION 2. RIGHTS OF PERFORMERS**

#### Article 63 Right of Reproduction

Performers shall have the right to reproduce their performances. <Amended by Act No. 5015, 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 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, except in the case that performers are foreigners <Amended by Act No. 5015, 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 in advance the consent of the organization. <Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>

(3) The association referred to in Paragraph (2) may not refuse the request of a person who has the right to compensation (hereinafter referred to "right holder") for the exercise of the right on his behalf, by reason of his non-membership to the association, 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 association as referred to in Paragraph (2) may claim on behalf of the right holder shall be determined each year by the agreement between the association and the broadcasting organization.

(5) If the agreement mentioned in Paragraph(4) is not reached, the association or the broadcasting organization may request for a conciliation to the Copyright Deliberation and Conciliation Committee in accordance with the Presidential Decree.

(6) Necessary matters in connection with the designation of the association as prescribed under Paragraph (2), etc shall be provided by the Presidential Decree.

#### Article 65-2 Authorization by Performers of Lending of Phonograms

(1) Performers shall have the right to authorize lending of commercial phonograms for profit-making purpose in which performances are recorded.

(2) The provisions of Paragraphs (2), (3) and (6) of Article 65 shall apply *mutatis mutandis* to the exercise of the rights of performers, etc. under Paragraph (1). < Newly Inserted by Act No. 4717, 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; 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 and authorization of lending of commercial phonograms by the producers of 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). < Newly Inserted by Act No. 4717, Jan. 7, 1994 >

#### **Article 68     Compensation by Broadcasting Organizations to Producers of Phonograms**

(1) When a broadcasting organization broadcasts using commercial

phonograms, it shall pay reasonable compensation to the producers of the phonograms; except in the case that performers are foreigners. <Amended by Act No. 5015, 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 be considered 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 to relay them simultaneously.

## **SECTION 5. TERM OF PROTECTION**

### **Article 70    Term of Protection**

The duration of neighboring rights shall begin with the following date, and continue to subsist for a period of 50 years from the beginning of the year following the date: <Amended by Act No. 4717, Jan. 7, 1994>

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

## **SECTION 6. LIMITATIONS, TRANSFERS, 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 matter of neighboring rights.

### **Article 72 Transfers, Exercise, etc. of Neighboring Rights**

The provision of Paragraph (1) of Article 41 shall apply mutatis mutandis to the transfer 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. <Amended by Act No. 4717, Jan. 7, 1994>

### **Article 73 Registration of Neighboring Rights**

The provisions of Articles 52 and 53 shall apply mutatis mutandis to the registration of neighboring rights. In this case, the term "copyright register" as prescribed under Article 53 shall read as "register of neighboring rights."

## **CHAPTER 5 SPECIAL PROVISIONS CONCERNING CINEMATOGRAPHIC WORKS**

#### Article 74 Cinematization of Works

(1) When the owner of authors' economic rights authorizes a person to exploit his works by means of cinematization, unless otherwise stipulated, this authorization shall be considered to include the following rights:

1. to dramatize a work for the production of a cinematographic work;
2. to reproduce and distribute the cinematographic work;
3. to present publicly the cinematographic work;
4. to broadcast a cinematographic work for broadcasting;
5. to use the translation of the cinematographic work in the same way as the cinematographic work.

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

#### Article 75 Rights in Cinematographic Works

(1) When a person who agrees to cooperate in the production of a cinematographic work obtains copyright in a cinematographic work, the rights necessary for the exploitation of such cinematographic work shall be considered to be transferred to the producer of the cinematographic work.

(2) The authors' economic right 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) The right of reproduction under Article 63 and the right of broadcasting of performances under Article 64 of a performer who agrees to cooperate in the production of a cinematographic work shall be considered to be transferred to the producer of the cinematographic work, unless otherwise stipulated.

<Amended by Act No. 4717, Jan. 7, 1994; Act No. 5015, Dec. 6, 1995>

#### Article 76 Rights of Producers of Cinematographic Works

A producer of a cinematographic work shall have the right to reproduce, distribute, present publicly or broadcast a visual recording in which the cinematographic work is included, and to transfer or establish the right of pledge on such rights.

#### Article 77 Duration of Cinematographic Works

The duration of authors' economic rights in a cinematographic work shall continue to subsist for a period of fifty years after it is made public; provided that it has not been made public within fifty years after its creation, it shall continue to subsist for a period of fifty years from the date of its creation. <Amended by Act No. 5015, Dec. 6, 1995>

### **CHAPTER 6 COPYRIGHT MANAGEMENT SERVICES**

#### Article 78 License for Copyright Management Services

(1) A person shall obtain a license from the Minister of Culture and Tourism as prescribed by the Presidential Decree in order to engage in a business as an agent, intermediary, or trustee(hereinafter referred to as "copyright management services") on behalf of the owner of the rights protected under this Act. A person shall report to the Minister of Culture and Tourism as prescribed by the Presidential Decree in order to engage in copyright management services only as an agent or intermediary . <Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 4717, Jan. 7, 1994>

(2) A person falling under any of the following categories may not be eligible for the copyright management services prescribed under Paragraph 1: <Amended by Act No. 4717, Jan. 7, 1994>

1. A person who has been declared by the court that he has no competence or who has limited competence;
  2. A person whose legal capacity has not been rehabilitated following the declaration of bankruptcy;
  3. Any person who is within one-year period following of 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;
  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 license 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 authors' economic rights or other interested persons. <Amended by Act No. 4717, 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; except that copyright management services are limited to agency or intermediary. <Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 5015, Dec. 6, 1995>

#### 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. <Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>
- (2) In order to promote the protection of rights and interests of authors and the convenient exploitation of works, the Minister of Culture and Tourism may issue necessary orders concerning copyright management services. <Amended by

Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>

#### 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: <Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>

1. it receives fees in excess of the approved amount in violation of the provision of Paragraph (3) of Article 78;
2. it fails to submit a report as prescribed under Paragraph (1) of Article 79 without any justifiable reason or it has made a false report; or
3. it fails to fulfill the order without any justifiable reason after it receives an order as prescribed under Paragraph (2) of Article 79,

(2) The Minister of Culture and Tourism may cancel the license for copyright management services or order the closing of the business if a copyright management service provider commits any of the followings: <Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993; Act No. 4717, Jan. 7, 1994>

1. it obtains the license by fraudulent or unlawful means;
2. it continues to do business after an order of suspension under Paragraph (1).

(3) Deleted\_< by Act No.5453, Dec.13, 1997>

#### Article 80-2 Hearing

When the Minister of Culture and Tourism intends to take measures under Paragraphs (1) of Article 80, it shall hold a hearing prior to those measures.<Newly Inserted Dec 13, 1997>



## **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 and 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. <Amended by Act No. 4183, Dec. 30, 1989; Act No. 4541, Mar. 6, 1993>

(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: <Amended by Act No. 4183, Dec. 30, 1989; Act No.

4541, Mar. 6, 1993; Act No. 5015, Dec. 6, 1995>

1. Matters concerning the criteria for compensation prescribed under Paragraph (3) text of Article 28, Paragraph (1) of Article 47, Articles 48 and 50;
2. Matters concerning the rate or amount of compensation for the copyright management service provider prescribed under Paragraph (3) of Article 78;
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 Actyer, 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, as long as it is concerned with matters within the parties' disposal.

#### 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 REMEDIES 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 as to be Infringements

(1) Any act falling under the following Subparagraphs shall be considered to be an infringement of copyright or other rights protected under this Act: <Amended by Act No. 4717, Jan. 7, 1994>

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

2. The distribution or the possession for distribution, of objects by an act infringing copyright or other rights protected under this Act (including those imported as referred to in Subparagraph 1) by a person who is aware of such infringement.

(2) An act of exploiting a work in a manner prejudicial to the honor or reputation of the author shall be considered to be an infringement of his moral rights.

#### Article 93 Claim for Damages

(1) The owner of authors' economic right or other rights protected under this Act (excluding authors' moral rights) (hereinafter referred to as "owner of authors' economic rights, etc.") may claim compensation for damages from a person who has infringed his rights intentionally or negligently.

(2) If the owner of authors' economic rights, etc. claims compensation under Paragraph (1), the amount of profits obtained by the infringer from his infringement shall be presumed to be the amount of damages suffered by the owner of authors' economic rights, etc.

(3) The owner of authors' property rights, etc. may claim an amount of

compensation for damages as referred to in Paragraph (2), or an amount of compensation for damages corresponding to the ordinary amount of money which would be received through the exercise of these rights.

#### Article 94 Presumed Number of Illegal Copies

If a work is reproduced without the consent of the owner of authors' economic rights, and if it is difficult to calculate the number of illegal copies, it shall be presumed as follows:

1. 5,000 copies in the case of a book;
2. 10,000 copies in the case of a phonogram.

#### Article 95 Right of Demanding Recovery of Honor, etc.

The author may demand that the person who has infringed his moral rights intentionally or negligently take measures necessary for the recovery of his honor or reputation in place of or together with compensation for damages.

#### Article 96 Protection of Authors' Moral Rights 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 violates 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 infringes authors' moral rights intentionally or negligently, or who violates the provision of Article 14 for recovery of his honor or reputation.

Article 97     Infringement in Respect of a Joint Work

Each co-author of, or each co-owner of authors' economic rights in, a joint work shall be entitled to make, without the consent of the other co-authors or owners of author's economic rights, the demand prescribed under Article 91, or demand for compensation for damages under Article 93 to his share in a joint work.

## CHAPTER 9     PENAL PROVISIONS

Article 98     Infringement of Rights

The following shall be punishable by imprisonment for not more than three years or a fine not more than thirty million won, or shall be punishable by both imprisonment and a fine: <Amended by Act No. 4717, Jan. 7, 1994>

1. Any person who infringes authors' economic rights or other economic rights protected under this Act by means of reproduction, performance, broadcasting or exhibition, etc.;
2. Any person who commits acts prejudicial to the honor and reputation of an author by infringing author's moral rights;
3. Any person who registers by fraudulent means under Article 51 or 52(including the case where these provisions applies *mutatis mutandis* under Paragraph (3) of Article 60 or Article 73).

Article 99     Illegal Publications, etc.

The following shall be punishable by imprisonment for not more than one year or a fine not more than ten million won: <Amended by Act No. 4717, Jan. 7, 1994>

1. Any person who has make a work public under the real name or pseudonym of a person other than the author;
2. Any person who violates the provision of Paragraph (2) of Article 14;

3. Any person who operates copyright management services without obtaining a license as prescribed under Paragraph (1) of Article 78 (except the case where the copyright management service provider is an agent or intermediary);
4. Any person who commits an act considered to be an infringement under the provisions of Article 92.

#### Article 100 Failure to Indicate Sources

The following shall be punishable by a fine not more than five million won:

1. Any person who doesn't indicate the sources under Article 34 (including the case where the provisions of Article 71 applies mutatis mutandis);
2. Any person who doesn't indicate the notice of the owner of the right of reproduction in violation of the provisions of Paragraph (3) of Article 55;
3. Any person who engages in copyright management services as an agent or intermediary without reporting as prescribed under the proviso of Paragraph (1) of Article 78, or who continues the services after being ordered to close the services under the provision of Paragraph (2) of Article 80. <Amended by Act No. 4717, Jan. 7, 1994>

#### Article 101 Confiscation

Reproductions made in violation of copyright or other rights protected under this Act which are owned by the infringer, printer, distributor or performer shall be confiscated.

#### Article 102 Accusation

In the case of offenses, the prosecution take place only upon the complaint of the injured person, except for the cases prescribed under Paragraph (3) of



Article 89, or Paragraphs (1) to (3) of Article 99, or Paragraph (3) of Article 100.  
<Amended by Act No. 4717, Jan. 7, 1994>

#### Article 103 Punishment of Both Parties

Where a representative of a legal person, or an agent, employee or any worker of a legal person or a person violates this Section in connection with the business of such legal person or such person, the fine under each Article shall be imposed upon such legal person or a person 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;

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;
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.

**ADDENDA (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)

**ADDENDA (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)

**ADDENDA (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)

### **ADDENDA (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)

### **ADDENDA (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 lending)

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 amended provisions of Paragraph (3) of Article 75 shall not be applied for a period of five years from the enforcement of this Act.

**ADDENDA (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)

**ADDENDA (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.

# ENFORCEMENT DECREE OF THE COPYRIGHT ACT

Presidential Decree No. 1482, April. 22, 1959  
As last Amended by No. 15081, June 29, 1996

## - TABLE OF CONTENTS -

<i>Article 1 Purpose.....</i>	<i>4</i>
<i>Article 2 Exception to Public Performance in Respect to Commercial Phonograms.....</i>	<i>4</i>
<i>Article 3 Facilities in Which Reproduction is Permitted.....</i>	<i>4</i>
<i>Article 4 Facilities Capable of Sound Recording of Sounds for the Blind.....</i>	<i>4</i>
<i>Article 5 Facilities for Preservation of Sound Recordings.....</i>	<i>5</i>
<i>Article 6 Cancellation of Designation.....</i>	<i>5</i>
<i>Article 7 Application for Exploitation of Works.....</i>	<i>6</i>
<i>Article 8 Statement of Opinion.....</i>	<i>6</i>
<i>Article 9 Deleted.....</i>	<i>6</i>
<i>Article 10 Notification of Approval.....</i>	<i>6</i>
<i>Article 11 Deleted.....</i>	<i>7</i>
<i>Article 12 Deleted.....</i>	<i>7</i>
<i>Article 13 Deposition of Compensation.....</i>	<i>7</i>
<i>Article 14 Rejection of Application.....</i>	<i>7</i>
<i>Article 15 Principles of Application.....</i>	<i>8</i>
<i>Article 16 Application for Registration.....</i>	<i>8</i>
<i>Article 17 Applicant of Registration.....</i>	<i>8</i>
<i>Article 18 Copyright Register, etc.....</i>	<i>9</i>
<i>Article 19 Delivery of Registration Certificate.....</i>	<i>9</i>

<i>Article 20</i>	<i>Correction of Registered Matters</i>	9
<i>Article 21</i>	<i>Modification of Registered Matters</i>	9
<i>Article 22</i>	<i>Indication of Owner of Right of Reproduction</i>	10
<i>Article 23</i>	<i>Designation of Organization of Performers</i>	10
<i>Article 24</i>	<i>Operational Rules</i>	10
<i>Article 25</i>	<i>Accounts</i>	11
<i>Article 27</i>	<i>Cancellation of Designation</i>	11
<i>Article 27-2</i>	<i>Designation of Organization Which Exercises Right of Lending Phonograms for Sale</i>	12
<i>Article 28</i>	<i>Designation of Organization of Producers of Phonograms</i>	12
<i>Article 29</i>	<i>Application for Permit of Copyright Management Services</i>	12
<i>Article 29-2</i>	<i>Report of Copyright Management Services</i>	13
<i>Article 30</i>	<i>Report, etc.</i>	13
<i>Article 31</i>	<i>Procedure of Hearing</i>	13
<i>Article 32</i>	<i>Chairman and Vice Chairmen</i>	14
<i>Article 33</i>	<i>Convocation of Meeting and Quorum</i>	14
<i>Article 34</i>	<i>Establishment of Subcommittees</i>	14
<i>Article 35</i>	<i>Treatment of Members, etc.</i>	15
<i>Article 36</i>	<i>Deleted</i>	15
<i>Article 37</i>	<i>Procedure of Conciliation</i>	15
<i>Article 38</i>	<i>Rules Concerning Operation of the Committee</i>	16
<i>Article 39</i>	<i>Secretariat, etc.</i>	16
<i>Article 40</i>	<i>Budget and Settlement of Accounts</i>	16
<i>Article 41</i>	<i>Fees</i>	17
<i>ADDENDUM</i>		17
<i>ADDENDUM &lt;January 3, 1990&gt;</i>		17
<i>ADDENDUM &lt;December 1, 1990&gt;</i>		17



<i><u>ADDENDUM &lt;April 8, 1991&gt;</u></i> .....	17
<i><u>ADDENDUM &lt;April 25, 1992&gt;</u></i> .....	18
<i><u>ADDENDUM &lt;March 6, 1993&gt;</u></i> .....	18
<i><u>ADDENDUM &lt;June 30, 1994&gt;</u></i> .....	18
<i><u>ADDENDUM &lt;July 23, 1994&gt;</u></i> .....	18
<i><u>ADDENDUM &lt;October 4, 1994&gt;</u></i> .....	18
<i><u>ADDENDUM &lt;June 29, 1996&gt;</u></i> .....	18

## Article 1 Purpose

The Decree aims at providing for matters delegated by the Copyright Act and matters necessary for its enforcement.

## Article 2 Exception to Public Performance in Respect to Commercial Phonograms

The term "cases as prescribed by the Presidential Decree" in the proviso of Paragraph (2) of Article 26 of the Copyright Act (hereinafter referred to as "Act") means the following public performances: <Amended by Presidential Decree No. 14304, Jun. 30, 1994>

1. Public performance given at a merrymaking barroom as prescribed under Item d of Subparagraph 8 of Article 7 of the Enforcement Decree of the Food Sanitation Act;
2. Public performance given at a place of business as prescribed under each Item of Subparagraph 8 of Article 7 of the Enforcement Decree of the Food Sanitation Act, where a part of its main contents of business is the appreciation of musical or cinematographic works, which advertises its contents of business, and is equipped with special facilities to appreciate the musical or cinematographic works.

## Article 3 Facilities in Which Reproduction is Permitted

The term "facilities as prescribed by the Presidential Decree" in Article 28 of the Act (including the cases where Paragraph (2) of Article 60 and Article 71 are applied mutatis mutandis) means the following facilities: <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13342, Apr. 8, 1991; Presidential Decree No. 13869, Mar. 6, 1993; Presidential Decree No. 14339, Jul. 23, 1994>

1. Public libraries, school libraries and special libraries as prescribed by the Library and Book Reading Promotion Act (excluding the special libraries established by profit-making corporations or organizations);
2. facilities established by the state, local governments, non-profit corporations or organizations for the purpose of preserving, lending and offering books, documents, phonograms and other materials for use by the public;
3. Other facilities similar to those as prescribed in Subparagraphs 1 and 2 which have been designated by the Minister of Culture and Tourism and deemed necessary for offering books, documents, phonograms and other materials for use by the public.

## Article 4 Facilities Capable of Sound Recording of Sounds for the Blind

The term "facilities as prescribed by the Presidential Decree" in Paragraph (2) of Article 30 of the Act (including the cases where Paragraph (2) of Article 60 and Article 71 of the Act are applied mutatis mutandis) means any of the following facilities: <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13173, Dec. 1, 1990; Presidential Decree No. 13869, Mar. 6, 1993; Presidential Decree No. 14395, Oct. 4, 1994>

1. Facilities established and operated by the state, local governments, social welfare legal persons and other non-profit legal persons which falls under any of the following Items:

a. Rehabilitation facilities for the visually handicapped;

b. Braille libraries;

c. Facilities which take care of the visually handicapped such as the nursing homes for the handicapped persons and the work places for the handicapped persons.

2. Special schools as prescribed by the Education Act and the Special Education Promotion Act, and schools having special classes for the visually handicapped persons.

3. Facilities established and operated by non-profit legal persons or organizations for the purpose of education, science or promotion of welfare;

4. Other facilities which have been designated by the Minister of Culture and Tourism and deemed necessary for the education, science and research for the visually handicapped persons.

#### Article 5 Facilities for Preservation of Sound Recordings

The term "places as prescribed by the Presidential Decree" in the proviso of Paragraph (2) of Article 31 of the Act (including the cases where Article 71 of the Act is applied mutatis mutandis) means any of the following facilities: <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

1. Facilities established and operated by the state or the local government for the purpose of preserving recorded materials; and

2. Facilities designated by the Minister of Culture and Tourism which have been established for the purpose of collecting and preserving as documentary records the sound and visual recordings which have been offered for broadcasting.

#### Article 6 Cancellation of Designation

The Minister of Culture and Tourism may cancel the designation of a facility designated under Subparagraph 3 of Article 3 and Subparagraph 2 of Article 5, if the said facility falls under any of the followings: <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

1. Where the person who established and operated the facility, has infringed

unfairly the rights of the copyright owner in the course of carrying out his business;

2. Where the facility has been out of operation or closed;

3. Where the Minister of Culture and Tourism deems it necessary for the protection of copyright.

#### Article 7 Application for Exploitation of Works

(1) Any person who intends to obtain the approval of the Minister of Culture and Tourism under Articles of 47, 48 and 50 of the Act, shall submit an application for the exploitation of a work to the Minister of Culture and Tourism according to the Ordinance of the Ministry of Culture and Tourism. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993; Presidential Decree No. 15081, Jun. 29, 1996>

(2) Deleted. <by Presidential Decree No. 15081, Jun. 29, 1996>

#### Article 8 Statement of Opinion

(1) The Minister of Culture and Tourism, on receipt of an application for approval under Article 7, shall give the owner of authors' property rights or his representative an opportunity to state his opinion in a prescribed period of more than seven days but not shorter than thirty days; provided that if the application for exploitation of a work is under the provisions of Article 47, the content of the application shall be announced in the Official Gazette within a prescribed period of sixty days. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993; Presidential Decree No. 15081, Jun. 29, 1996>

(2) The provisions of Paragraphs (1) to (4) of Article 31 shall be applicable mutatis mutandis to the procedure, etc. for the statement of opinion under the text of Paragraph (1).

#### Article 9 Deleted

#### Article 10 Notification of Approval

If the Minister of Culture and Tourism has given his approval to an application under Paragraph (1) of Article 7, he shall notify it to the applicant and the owner of authors' property rights; provided that if the owner of authors' property rights or his residence cannot not be identified, he shall announce it in the Official Gazette. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993; Presidential Decree No. 15081, Jun. 29, 1996>

Article 11 Deleted

Article 12 Deleted

Article 13 Deposition of Compensation

(1) The cases where the deposition of compensation can be made instead of paying it to the owner of authors' property right under Articles 47, 48 and 50 of the Act shall be as follows:

1. Where the owner of author's property right or his residence cannot be identified;
2. Where the owner of author's property right has refused to receive the compensation or it is impossible to pay it to the owner of author's property right by other reasons;
3. Where the right of pledge is established on the said property right (excluding the case where the owner of author's property right has obtained the consent of the pledgee).

(2) The deposition of compensation under Paragraph 1) shall be made, if the domicile of the owner of authors' property rights is in the Republic of Korea, at the depository in the jurisdiction of his domicile, and in other cases, at the depository in the jurisdiction of the legal licence's domicile.

(3) The person who has deposited the compensation under Subparagraphs 2 and 3 of Paragraph (1), shall notify the fact of deposition to the person who is entitled to receive the deposit and report it to the Minister of Culture and Tourism. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

(4) The person who has deposited the compensation under Subparagraph 1 of Paragraph (1), shall announce the fact of deposition as prescribed by the Ordinance of the Ministry of Culture and Tourism, and report it to the Minister of Culture and Tourism. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

(5) The provisions of Civil Code and the Deposit Act shall apply mutatis mutandis to matters not provided for in this Decree with respect to deposition.

(6) The provisions of Paragraphs (1) to (5) shall apply mutatis mutandis to the deposition under the provisions of Paragraph (3) of Article 23 of this Act.

Article 14 Rejection of Application

(1) The Minister of Culture and Tourism may reject the application for exploitation of a work under Article 7, if the application falls under any of the following: <Amended by Presidential Decree No. 12895, Jan. 3, 1990;

Presidential Decree No. 13869, Mar. 6, 1993; Presidential Decree No. 15081, Jun. 29, 1996>

1. Where the object for which the application to exploit a work has been made can be sufficiently achieved by other means without the work concerned;
2. Where it is not in conformity with the requirements for the application to exploit a work as prescribed under Articles 47, 48 and 50;
3. Where the copyright owner or his residence has been identified or an agreement has been reached before the approval for exploitation of a work;
4. Where the copyright owner has withdrawn all the reproductions of a work so as not to be offered for publication or other means of exploitation;
5. Where the Minister of Culture and Tourism has confirmed that the copyright owner has an unavoidable reason for not authorizing the exploitation of his work.

(2) If the Minister of Culture and Tourism has rejected the application for exploitation of a work under the provisions of Paragraph (1), he shall notify the reasons to the applicant as well as to the owner of author's property right; provided that the owner of authors' property rights or his residence cannot be identified. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

#### Article 15 Principles of Application

(1) The registration as prescribed under Articles 51 and 52 (including the cases where Paragraph (3) of Articles 60 and 73 of the Act are applied mutatis mutandis) shall be made by an application or commission, except the cases as provided otherwise in this Decree.

(2) The procedure of registration by an application shall apply mutatis mutandis to the procedure of registration by commission.

#### Article 16 Application for Registration

A person who intends to register under Article 15, shall submit an application for registration of copyright or neighboring right to the Minister of Culture and Tourism as prescribed by the Ordinance of the Ministry of Culture and Tourism. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

#### Article 17 Applicant of Registration

(1) The application for registration under Article 52 of this Act (including the cases where Paragraph (3) of Article 60 and Article 73 are applied mutatis mutandis) shall be made, except the cases as provided otherwise by other laws and regulations, jointly by the obligee and obligor of registration; provided that

when a written consent of the obligor is attached to the application, the application may be made by the obligee alone.

(2) The application by a judgment, inheritance, and other general succession or commission may be made only by the obligee of registration.

(3) The application for change or correction of the indication of the title holder of registration may be made by the title holder of registration.

#### Article 18 Copyright Register, etc.

Matters of registration, delivery of transcripts and application for inspection of the copyright register as prescribed under Article 53 of the Act, register of the right of publication as prescribed under Paragraph (3) of Article 60 of the Act and register of neighboring rights as prescribed under Article 73 of the Act (hereinafter referred to as "register") and other necessary matters shall be determined by the Ordinance of the Ministry of Culture and Tourism. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

#### Article 19 Delivery of Registration Certificate

The Minister of Culture and Tourism shall deliver the registration certificate to the applicant, if the application for registration under Article 16 has been received and the registration made on the register. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

#### Article 20 Correction of Registered Matters

(1) The Minister of Culture and Tourism shall notify, when he has discovered any error or omission in the matters registered on the register under Article 19, the fact without delay to the obligee and obligor of the registration. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

(2) If the error or omission as referred to in Paragraph 1 has been caused by the fault of public official in charge of registration, the registration shall be promptly corrected and the corrected contents shall be notified to the obligee and obligor of registration.

(3) If there is a third party who is interested in the correction of the registered matters under Paragraphs (1) and (2), the third party shall also be notified of the contents of such errors and omissions.

#### Article 21 Modification of Registered Matters

If the obligee applies for the registration of correction, modification, erasure or recovery of erased registration with respect to the matters of registration under Article 19, he shall submit to the Minister of Culture and Tourism an application for modification of registration along with documents which substantiate the fact of modification as prescribed by the Ordinance of the Ministry of Culture and Tourism. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

#### Article 22 Indication of Owner of Right of Reproduction

The indication of the owner of the right reproduction under Paragraph (3) of Article 55 of the Act shall be made according to the following categories, except the cases of periodicals registered under Article 7 of the Act Concerning the Registration of Periodicals: <Amended by Presidential Decree No. 14304, Jun. 30, 1994>

1. If the object of reproduction is a foreigner's work, the indication of the name of the owner of the right of reproduction and the first year of its publication;
2. If the object of reproduction is a work of a national of the Republic of Korea, the indication as referred to in Paragraph 1 and the approval seal of the owner of the right of reproduction;
3. If the right of reproduction has been transferred by assignment to the owner of the right of publication, the indication to such effect.

#### Article 23 Designation of Organization of Performers

(1) The organization of performers to be designated by the Minister of Culture and Tourism under Paragraph (2) of Article 65 shall satisfy the following requirements: <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

1. It shall not be for profit-making purposes;
2. Its members shall be allowed to enter or withdraw at will;
3. The voting and electing right of its members shall be equal.

(2) If the Minister of Culture and Tourism has designated an organization under Paragraph (2) of Article 65 of the Act, he shall announce it in the Official Gazette. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

#### Article 24 Operational Rules

The organization designated under Paragraph (2) of Article 65 of the Act (hereinafter referred to as "designated organization") shall establish the rules concerning the execution of matters related to compensation which shall provide the following matters, and obtain the approval of the Minister of Culture



and Tourism, and the same shall also apply to the case where it intends to modify such rules: <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

1. Matters concerning the acceptance of delegation of power to exercise the right of performers to receive compensation;
2. Matters concerning the apportionment of compensation;
3. Matters concerning the fee accruing from the exercise of the right to receive compensation;
4. Other matters which the Minister of Culture and Tourism deems necessary in connection to the exercise of the right of performers to receive compensation.

#### Article 25    Accounts

The designated organization shall carry out the accounts of compensation in separation from other accounts.

#### Article 26    Report on Performance Record and Programs of Business

(1) The designated organization shall prepare programs of business and draft budget for the following year before the expiry of the current business year, and submit them to the Minister of Culture and Tourism. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

(2) The designated organization shall prepare a performance record and a statement of accounts of the previous year within two months after the closure of the current business year, and submit them to the Minister of Culture and Tourism. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

(3) The statement of accounts as referred to in Paragraph 2 shall include the following accompanying documents:

1. The present state of affairs and inventory of properties as of the end of the previous business year (in the case of cash, deposit certificates issued by financial institutions shall be attached);
2. Documents specifying the cause of increase and decrease in properties; and
3. Documents specifying the change in staff members.

#### Article 27    Cancellation of Designation

(1) The Minister of Culture and Tourism may cancel the designation if the designated organization falls under any of the followings after deliberation by the Copyright Deliberation and Conciliation Committee as prescribed under the provisions of Article 81 of the Act: <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993> 1. Where the organization can no longer satisfy the requirements as prescribed under Paragraph (1) of Article 23;

2. Where the organization has violated the operational rules as prescribed under Article 24;
  3. Where the organization has neglected the duty to report as prescribed under Article 26;
  4. Where the organization has discontinued the services of compensation for so long that it is deemed to prejudice the interests of performers.
- (2) If the Minister of Culture and Tourism has cancelled the designation under Paragraph (1), he shall announce it in the Official Gazette. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

#### Article 27-2 Designation of Organization Which Exercises Right of Lending Phonograms for Sale

With respect to the designation and operational rules of an organization which is entitled to authorize the rental of commercial phonograms under the provisions Paragraphs (2), (3) and (6) of Article 65 which are applied mutatis mutandis under Paragraph (2) of Article 65-2 and Paragraph (2) of Article 67-2, the provisions of Articles 23 to 27 shall be applicable. In this case, the term "the right to receive compensation" shall be considered as "the right to authorize the rental" and the term "compensation" as "rental royalty." [This Article Newly Inserted by Presidential Decree No. 14304, Jun. 30, 1994]

#### Article 28 Designation of Organization of Producers of Phonograms

With respect to the designation and operational rules of an organization which is entitled to a claim of compensation of producers of phonograms from the broadcasting organizations under Paragraph (2) to (6) of Article 65 of the Act which are applied mutatis mutandis under Paragraph (2) of Article 68 of the Act, the provisions of Articles 23 to 27 shall be applicable. In this case, the term "performance" shall be considered as "production of phonograms" and the term "performers" as "producers of phonograms."

#### Article 29 Application for Permit of Copyright Management Services

- (1) Any person who intends to obtain a permit for copyright management services (excluding those who act as an agent or intermediary of copyright management services) shall prepare the rules concerning the copyright management services which include the following items and submit it along with the application for a permit for copyright management service to the Minister of Culture and Tourism: <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993; Presidential Decree No. 14304, Jun. 30, 1994>

1. Categories of business activities;
2. Categories of works to be handled;
3. Clauses of contract concerning the acceptance of agency, intermediary or trusteeship, and concerning the exploitation of works;
4. Matters concerning the royalty rate or amount of money according to the categories of works and the method of exploitation;
5. Matters concerning the rate of fees or amount of money as prescribed under the provisions of Paragraph (3) of Article 78.

(2) The person who intends to modify the rules concerning the copyright management services as referred to in Paragraph 1 shall obtain the approval of the Minister of Culture and Tourism.

<Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

#### Article 29-2 Report of Copyright Management Services

(1) The person who intends to engage copyright management services only as an agent or intermediary as prescribed under the proviso of Paragraph (1) of Article 78 shall prepare the rules concerning copyright management services including each Item of Paragraph (1) of Article 29 (in the case of Item 3, the clauses of contract concerning the acceptance of agency or intermediary and concerning the exploitation of works), and submit them along with the application for a permit for copyright management services to the Minister of Culture and Tourism.

(2) The person who intends to modify the rules concerning the copyright management services under provisions of Paragraph (1) shall report it to the Minister of Culture and Tourism as prescribed by the Ordinance of the Ministry of Culture and Tourism. <Amended by Presidential Decree No. 15081, Jun. 29, 1996> [This Article Newly Inserted by Presidential Decree No. 14304, Jun. 30, 1994]

#### Article 30 Report, etc.

(1) The copyright management service provider shall report the business performance of the previous year and the programs of the current year as prescribed by the Ordinance of the Ministry of Culture and Tourism. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

(2) Deleted. <by Presidential Decree No. 15081, Jun. 29, 1996>

#### Article 31 Procedure of Hearing

- (1) If an opportunity is to be given to a person to state his opinion under Paragraph (3) of Article 80 of the Act, the other party against whom the measure has been taken or his representative shall be notified in writing seven days before the date of hearing.
- (2) The other party or his representative who has received the notification under Paragraph (1) shall present himself on the designated date and state his opinion or present his opinion in writing.
- (3) If the other party or his representative has presented himself and stated his opinion as prescribed under Paragraph (2), the official concerned shall prepare in writing the gist, and have the person present confirm it personally and then sign his name and put his seal on it.
- (4) The notification as referred to in Paragraph (1) shall specify the effect that if he has failed to comply with it without any justifiable reason, he shall be considered to have given up the opportunity to state his opinion.
- (5) The provisions of Paragraphs (1) to (4) shall be applicable to the case where the designation is to be cancelled under Articles 6 and 27 (including the case to which Article 28 is applied *mutatis mutandis*).

#### Article 32 Chairman and Vice Chairmen

- (1) The chairman of the Copyright Deliberation and Conciliation Committee as prescribed under Article 81 of the Act (hereinafter referred to as "Committee") shall take charge of the affairs of the Committee and represent the Committee.
- (2) The vice chairmen shall assist the chairman, and if the chairman is absent by accident, the vice chairman designated by the chairman shall act for him.

#### Article 33 Convocation of Meeting and Quorum

- (1) The chairman shall convene the meeting of the Committee and preside over it.
- (2) The Committee shall convene its meeting with the attendance of more than a majority of its members, and make a decision by a concurrent vote of more than two-thirds of the members present. <Amended by Presidential Decree No. 15081, Jun. 29, 1996>
- (3) The members of the Deliberation and Conciliation Division of the Committee (hereinafter referred to as "member") shall not participate in the deliberation of matters in which they have direct personal interests.

#### Article 34 Establishment of Subcommittees

The Committee shall establish subcommittees if it is deemed necessary for the execution of its business.

Article 35 Treatment of Members, etc.

- (1) The Committee members other than the chairman shall serve on the non-standing basis.
- (2) Remuneration shall be paid to the standing member and the non-standing members may be paid expenses actually needed to perform their duties within the limit of budget.
- (3) The standing member shall not engage himself in any profit-making activity other than his duty, and shall not serve concurrently in any other position without the approval of the Minister of Culture and Tourism. <Amended by Presidential Decree No. 13869, Mar. 6, 1993> [This Article Wholly Amended by Presidential Decree No. 13633, Apr. 25, 1992]

Article 36 Deleted

Article 37 Procedure of Conciliation

- (1) The person who intends to apply for conciliation under Paragraph (1) of Article 84 of the Act, shall submit the application for conciliation to the Secretariat of the Committee as determined by the Committee.
- (2) If a person applies for conciliation as prescribed under Paragraph 1, he shall pay the amount of conciliation fee as determined by the Committee.
- (3) The chairman, on receipt of the application for conciliation under Paragraph (1), shall designate a conciliation division and refer the application for conciliation to it.
- (4) If the conciliation division which has received the application for conciliation under Paragraph (3), demands the attendance of the person concerned or his representative under Paragraph (1) of Article 85, the provisions of Paragraph (1) to (4) of Article 31 shall be applicable to the procedure for such demand.
- (5) The conciliation division may prepare a proposal of conciliation, present it to the person concerned, and recommend him to accept it.
- (6) The Committee may pay actual expenses such as allowances and traveling expenses to the person other than the party concerned who has presented himself in compliance with the demand of the Committee.
- (7) If conciliation has been concluded under Paragraph (1) of Article 86 of the Act, the Committee shall report it without delay to the Minister of Culture and Tourism, manage and preserve the protocol and other records. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 15081, Jun. 29, 1996>
- (8) The provisions of Paragraphs (1) to (7) shall be applicable to the procedure of conciliation as prescribed under Paragraph (5) of Article 65 of Act (including the cases to which Paragraph (2) of Article 68 of the Act is applied mutatis mutandis).

#### Article 38 Rules Concerning Operation of the Committee

- (1) Matters other than those provided in this Decree which are necessary for the operation of the Committee shall be determined by the Committee.
- (2) When the Committee enacts or revises the rules relating to the operation of the Committee, it shall obtain the approval of the Minister of Culture and Tourism. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>

#### Article 39 Secretariat, etc.

- (1) The Committee shall establish a secretariat in order to execute its business and a research office.  
<Amended by Presidential Decree No. 15081, Jun. 29, 1996>
- (2) The secretariat shall have the secretary-general and other necessary staff appointed by the chairman; provided that if he appoints the secretary-general, he shall obtain the approval of the Minister of Culture and Tourism. <Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993>
- (3) The research office shall have one director and other necessary research staff appointed by the chairman.  
<Newly Inserted by Presidential Decree No. 15081, Jun. 29, 1996>
- (4) The Committee shall determine the organization, number of staff, remuneration and other necessary matters of the secretariat and research office.  
<Amended by Presidential Decree No. 15081, Jun. 29, 1996>

#### Article 40 Budget and Settlement of Accounts

- (1) The Committee shall prepare the programs of business and draft budget of the following business year before the expiry of each business year, and submit them to the Minister of Culture and Tourism for approval.  
<Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 15081, Jun. 29, 1996>
- (2) The Committee shall prepare each business year a performance record and a statement of accounts and submit them to the Minister of Culture and Tourism within sixty days after the expiry of the current business year.  
<Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 15081, Jun. 29, 1996>
- (3) The Minister of Culture and Tourism may have the Committee report on its work or submit relevant materials to him if it is deemed necessary. <Newly

Inserted by Presidential Decree No. 13633, Apr. 25, 1992; Presidential Decree No. 15081, Jun. 29, 1996>

#### Article 41 Fees

The person who applies for a approval, permit, report, registration, transcript or inspection shall pay a fee as prescribed by the Ordinance of the Ministry of Culture and Tourism.

<Amended by Presidential Decree No. 12895, Jan. 3, 1990; Presidential Decree No. 13869, Mar. 6, 1993; Presidential Decree No. 14304, Jun. 30, 1994>

#### ADDENDUM

This Decree shall come into force on and after July 1, 1987; provided that the provisions of Paragraph (2) of Article 7 and Article 9 shall come into force on and after the date on which the Universal Copyright Convention comes into effect in the Republic of Korea.

#### ADDENDUM <January 3, 1990>

Article 1 (Date of Enforcement)

This Decree shall come into force on and after the date of its promulgation.

Articles 2 and 3 Article Omitted.

#### ADDENDUM <December 1, 1990>

Article 1 (Date of Enforcement)

This Decree shall come into force on and after the date of its promulgation (Proviso Omitted).

Articles 2 to 4 Omitted.

#### ADDENDUM <April 8, 1991>

Article 1 (Date of Enforcement)

This Decree shall come into force on and after April 9, 1991.

Articles 2 to 8 Omitted.

ADDENDUM <April 25, 1992>

This Decree shall come into force on and after the date of its promulgation.

ADDENDUM <March 6, 1993>

Article 1 (Date of Enforcement)

This Decree shall come into force on and after the date of its promulgation.

Articles 2 to 4 Omitted.

ADDENDUM <June 30, 1994>

Article 1 (Date of Enforcement)

This Decree shall come into force on and after July 1, 1994.

Article 2 (Interim Measures Concerning Report of Copyright Management Services )

The person who has obtained permit for copyright management services as an agent or intermediary under the previous provisions at the date this Decree has come into force shall be considered to have obtained the permit for copyright management services as an agent or intermediary under this Decree.

ADDENDUM <July 23, 1994>

Article 1 (Date of Enforcement)

This Decree shall come into force on and after July 25, 1994.

Articles 2 to 8 Omitted.

ADDENDUM <October 4, 1994>

Article 1 (Date of Enforcement)

This Decree shall come into force on and after the date of its promulgation

Articles 2 to 3 Omitted.

ADDENDUM <June 29, 1996>

This Decree shall come into force on and after July 1, 1996.

---