

Copyright Act

[Law No. 12137. Amended on December 30, 2013]

CHAPTER 1. GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to protect the rights of authors and neighboring rights, and to promote the fair use of works in order to contribute to the improvement and development of the cultural industry and related industries. <Amended on April 22, 2009>

Article 2 (Definitions)

The terms used in this Act shall hereinafter have the following meanings: <Amended on April 22, 2009; June 30, 2011; December 2, 2011>

1. "Works" shall mean the creative productions in which human ideas or emotions are expressed;
2. "Authors" shall mean the persons who create works;
3. "Public performance" shall mean the presentation of a work, a performance, a phonogram or a broadcast to the public by acting, musically performing, singing, narrating, reciting, screening, playing or other means, and shall include transmissions (excluding interactive transmissions) that are made in a connected place under the ownership/possession of the same person;
4. "Performers" shall mean the persons who express a work by acting, dancing, musically performing, singing, narrating, reciting or other artistic means, or who express something other than a work by a similar method, including persons who conduct, produce, or direct performances;
5. "Phonograms" shall mean sounds (which refers to voice or acoustic sound effect herein; the same hereinafter) fixed on a tangible medium (excluding the fixation of sounds incorporated with visual images);
6. "Producers of phonogram" shall mean the persons who plan and assume responsibility for the fixation of sound on phonograms;
7. "Public transmission" shall mean the transmission of a work, a performance, a phonogram, a broadcast or a database (hereinafter referred to as "works, etc.") or making such a work available to the public by wire or wireless means intended for reception or access by the public;
8. "Broadcasting" shall mean, among public transmission, the transmission of sounds, images, or sounds and images intended for simultaneous reception by the public;
- 8bis. "Encrypted broadcasting signals" shall mean signals electronically encrypted by broadcasting

organizations or persons who obtained the consent thereof, to prevent or restrain the reception of broadcasting (limited to broadcasting by means of wire and satellite communication) without legitimate authority;

9. "Broadcasting organizations" shall mean persons engaged in the broadcasting business;

10. "Interactive transmission" shall mean, among public transmission, making works, etc. available to the public in such a way that members of the public may access them from a place and at a time individually chosen by them, and shall include the transmissions that occur thereby;

11. "Digital sound transmission" shall mean, among public transmission, the transmission of sounds in a digital format, which is commenced upon the request of members of the public and intended for simultaneous reception by the public. It shall exclude interactive transmissions;

12. "Digital sound transmission organizations" shall mean persons engaged in the digital sound transmission business;

13. "Cinematographic works" shall mean the creative productions containing a series of images (regardless of whether or not they are accompanied by sound) that can be played by mechanical or electronic devices, to be seen, or both seen and heard;

14. "Producers of cinematographic works" shall mean persons who plan and take responsibility for the production of cinematographic works;

15. "Works of applied art" shall mean artistic works that may be reproduced in the same manner on objects and whose originality is distinguishable from the objects used, and shall include designs, etc.;

16. "Computer program works" shall mean creative production expressed as a series of instructions or commands used directly or indirectly in a computer or other device (hereinafter referred to as "computer") that has information processing capacity in order to obtain a certain result;

17. "Compilation" shall mean a collection of works or symbols, letters, sounds, images or data in other forms (hereinafter referred to as "materials"), and shall include databases;

18. "Compilation works" shall mean compilations which are creative in nature in terms of selection, arrangement or composition of its materials;

19. "Databases" shall mean compilations of which materials are arranged or composed in a systematic way, allowing for such materials to be individually accessible or searchable;

20. "Database producers" shall mean persons who make considerable investment in human or material resources for the production of a database, or renewal, verification or supplementation (hereinafter referred to as "renewal, etc.") of its subject matters;

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

22. "Reproduction" shall mean the temporary or permanent fixation on a tangible medium or making a copy or copies by means of printing, photographing, duplicating, making a sound or visual recording, or

other means; in the case of architectural works, it shall include construction according to models or blueprints for the architecture;

23. "Distribution" shall mean the assignment of ownership or rental of original works, etc. or their copies to the public, whether with or without payment;

24. "Publication" shall mean the reproduction and distribution of works or phonograms to meet public demand;

25. "Making public" shall mean to release a work to the public by means of performance, public transmission, exhibition or other means, and to publish a work;

26. "Copyright trust services" shall mean a line of business that manages on a continuous basis the rights entrusted by and on behalf of persons who hold the rights of owners of authors' property rights, exclusive rights of publication, publication rights, neighboring rights or rights of database producers, and shall include agents who act comprehensively concerning the use of work;

27. "Copyright agency or brokerage services" shall mean a line of business that serves as an agent or a broker on behalf of the persons who hold the rights of owners of authors' property rights, exclusive rights of publication, publication rights, neighboring rights, or the rights of database with regard to the use of the rights;

28. "Technological protection measures" shall mean:

(a) Technological measures by a rights holder or a person who has obtained consent from such a rights holder to effectively prevent or restrict access to works, etc. protected under this Act with respect to the exercise of copyrights and other rights protected according to this Act;

(b) Technological measures by a rights holder or a person who has obtained consent from such a rights holder to effectively prevent or restrict the infringement on copyrights and other rights protected according to this Act;

29. "Rights management information" shall mean any of the following, or numbers or symbols representing such information, each of which is attached to the original or a copy of a work protected by copyrights or other rights according to this Act, or is assigned to a performance, implementation or public transmission thereof:

(a) Information that allows identification of works, etc.;

(b) Information that allows identification of holders of copyrights or other rights protected according to this Act;

(c) Information related to the manner and conditions of the use of works, etc.;

30. "Online service providers" shall mean any of the following:

(a) Persons who transmit, designate a route, or provide connection to works, etc. chosen by users, in order to deliver them through information and telecommunications networks (which refer to information and communications networks as provided in Article 2.1.1 of the Act on Promotion of Information and

Communications Network Utilization and Information Protection, etc.; hereinafter the same shall apply), between the points designated by the users, without modification of the content;

(b) Persons who provide services, or operate facilities for such purpose, that allow users to reproduce and interactively transmit works, etc. by accessing or going through information and communications networks. ,.

31. "Work made for hire" shall mean works made by an employee of a legal person, an organization, or other employer (hereinafter referred to as "legal person, etc.") during the course of his/her duties, and on the initiative of the legal person, etc.;

32. "The public" shall mean a large number of unspecified persons (including a large number of specified persons);

33. "Authentication" shall mean the act of verifying the justifiable rights holders to license the use of works, etc.;

34. "Decompilation of program codes" shall mean the reproduction or conversion of the codes of computer program works in order to obtain necessary information for the compatibility of independently-created computer program works with other computer programs;

35. "Labels" shall mean signs affixed to, enclosed in or accompanying, or designed for such affixation, enclosure or accompaniment, tangible copies, packages or documents of works, etc. in order to indicate that such copies have been produced in accordance with legitimate authority;

36. "Movie theaters, etc." shall mean movie theaters, premiere theaters and other venues where cinematographic works are presented to the public with admission thereto controlled by the presenter.

Article 2bis (Establishment of Policies for Copyright Protection, etc.)

(1) The Minister of Culture, Sports and Tourism may establish and enforce policies regarding each of the following subparagraphs to achieve the purpose of this Act:

1. Matters on basic policies to create an environment conducive to the protection of copyrights and the fair use of works;

2. Matters on education and publicity to spread awareness of copyrights; and

3. Matters on policies for the right management information and technological protection measures of works, etc.

(2) Matters necessary for the establishment and enforcement of policies pursuant to Paragraph (1) shall be determined by the Presidential Decree.

[\[Article added on April 22, 2009\]](#)

Article 3 (Works by Foreign Nationals)

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

(2) Works by foreign nationals who permanently reside in the Republic of Korea (including stateless persons and foreign legal persons with their principal offices in the Republic of Korea) and foreign nationals' works that were first made public in the Republic of Korea (including works made public in the Republic of Korea within thirty days after the day they were made public in a foreign country) shall be protected under this Act.

(3) Even for foreign nationals' works (excluding foreign nationals who permanently reside in the Republic of Korea and stateless persons; hereinafter the same shall apply in this article) protected in accordance with Paragraphs (1) and (2), if the foreign country does not protect the works of the nationals of the Republic of Korea, the protection of those works in accordance with treaties and this Act may be correspondingly restricted. <Amended on June 30, 2011>

(4) Even for foreign nationals' works protected in accordance with Paragraphs (1) and (2), if the term of protection of those works has expired in that foreign country, the term of protection under this Act shall not be recognized. <Added on June 30, 2011>

CHAPTER 2. COPYRIGHT

SECTION 1. WORKS

Article 4 (Examples of Works, etc.)

(1) The following shall be the examples of works referred to in this Act:

1. Novels, poems, theses, lectures, speeches, theatrical scripts and other literary works;
2. Musical works;
3. Plays, choreographies, pantomimes and other dramatic works;
4. Paintings, calligraphies, sculptures, engravings, crafts, works of applied art and other artistic works;
5. Architectural structures, architectural models, blueprints and other architectural works;
6. Photographic works (including those produced by similar methods);
7. Cinematographic works;
8. Maps, charts, layouts, rough maps, models and other diagrammatic works;
9. Computer program works.

(2) Deleted <April 22, 2009>

Article 5 (Derivative Work)

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

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

Article 6 (Compilation Work)

(1) Compilation work shall be protected as independent work.

(2) The protection of a compilation work shall not affect the copyright of the materials constituting the compilation work and other rights protected pursuant to this Act.

Article 7 (Works Not Eligible for Protection)

A work that falls under any of the following subparagraphs shall not be protected under this Act:

1. Constitutions, laws, treaties, decrees, ordinances and rules;
2. Notices, public notifications, directives and others similar thereto issued by the national or local governments;
3. Judgments, decisions, orders or rulings of courts, as well as resolutions and decisions, etc. made by the administrative appeals procedures or other similar procedures;
4. Compilations or translations of those as referred to in Subparagraphs (1) to (3) that are produced by the national or local governments; and
5. Current news reports which deliver simple facts.

SECTION 2. AUTHORS

Article 8 (Presumption of Authorship, etc.)

(1) Any person who falls under any of the following subparagraphs shall be presumed to hold the copyright of the work as the author: <Amended on June 30, 2011>

1. A person whose real name or well-known pseudonym (which refers to a stage name, pen name,

abbreviation, etc.; hereinafter the same shall apply.) is indicated in the customary manner on an original work or copy of a work;

2. A person whose real name or well-known pseudonym is indicated as the author's name where the work is publicly performed or publicly transmitted.

(2) If a work is void of an indication of the author which falls under any of subparagraphs of Paragraph (1), the person who is indicated as the publisher or public performer, or the person who is making the work public shall be presumed to hold the copyright. <Amended on April 22, 2009>

Article 9 (Author of a Work for Hire)

The author of a work for hire, which has been made public under the name of a legal person, etc. shall be that legal person, etc., unless otherwise stipulated in a contract or work regulation, etc.: *Provided*, That being made public is not required in case of a computer program work (hereinafter referred to as "programs"). <Amended on April 22, 2009>

Article 10 (Copyright)

(1) The author shall have the rights pursuant to Articles 11 to 13 (hereinafter referred to as "author's moral rights") and the rights pursuant to Articles 16 to 22 (hereinafter referred to as "author's property rights").

(2) Copyright shall take effect from the moment a work is created, and shall not be subject to fulfillment of any procedures or formalities.

SECTION 3. AUTHOR'S MORAL RIGHTS

Article 11 (Right to Make Public)

(1) The author shall have the right to decide whether or not to make his/her work public.

(2) If an author has assigned his/her property rights of a work not yet made public pursuant to Article 45, authorized the use of a work pursuant to Article 46, established the exclusive rights of publication pursuant to Article 57, or established publication rights pursuant to Article 63, then he/she shall be presumed to have given the other party his/her consent to make the work public. <Amended on April 22, 2009; December 2, 2011>

(3) If an author has assigned ownership of an original of his/her work of art, architectural work, or

photographic work (hereinafter referred to as “work of art, etc.”) not yet made public, then he/she shall be presumed to have given the other party his/her consent to make the original public in the manner of an exhibition.

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

(5) If an author donates his/her work not yet made public to libraries, etc. under Article 31, it shall be presumed that he/she consents to make it public at the time the donation occurs, unless expressed otherwise. <Added on December 2, 2011>

Article 12 (Right of Paternity)

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

(2) Unless otherwise specified, a person using a work shall indicate the real name or pseudonym of the author in the same manner as the author has indicated it: *Provided*, That the foregoing shall not be applied in an unavoidable case in light of the nature of a work, or the purpose and manner of its use etc.

Article 13 (Right of Integrity)

(1) The author shall have the right to maintain the integrity of the content, form and title of his/her work.

(2) The author shall not raise an objection to a modification falling under any of the following Subparagraphs: *Provided*, That the foregoing shall not be applied to the modification of substantial contents. <Amended on April 22, 2009>:

1. If a work is used pursuant to Article 25, a modification of expression within the limits as deemed unavoidable for the purpose of school education;
2. Extension, rebuilding or other alteration of architectural structure;
3. Modification within the limits as deemed necessary to enable programs that can be used only on specific computers to be used on other computers;
4. Modification within the limits as deemed necessary to use programs more effectively on specific computers;
5. Other modifications within the limits as deemed unavoidable in light of the nature of a work, and the purpose and manner of its use etc.

Article 14 (Inalienability of Author’s Moral Rights)

(1) Author's moral rights shall belong exclusively to the author.

(2) No person who uses a work after the death of the author shall commit an act that would constitute an infringement of the author's moral rights if he/she were alive: *Provided*, That the foregoing shall not apply if such act is deemed not to have defamed the honor of the author in light of the nature and extent of such act, under accepted social norms.

Article 15 (Author's Moral Rights to Joint Work)

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

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

(3) Limitation imposed on the right to representation pursuant to Paragraph (2) shall not be effective against a bona fide third party.

SECTION 4. AUTHOR'S PROPERTY RIGHTS

SUBSECTION 1. TYPES OF AUTHOR'S PROPERTY RIGHTS

Article 16 (Right to Reproduce)

The author shall have the right to reproduce his/her work.

Article 17 (Right to Publicly Perform)

The author shall have the right to publicly perform his/her work.

Article 18 (Right to Publicly Transmit)

The author shall have the right to transmit his/her work to the public.

Article 19 (Right to Exhibit)

The author shall have the right to exhibit the original or the copy of his/her work of art, etc.

Article 20 (Right to Distribute)

The author shall have the right to distribute the original or the copy of his/her work: *Provided*, That the foregoing shall not apply when the original or reproduction of a work is offered for transaction by means of selling, etc. as authorized by the holder of the author's property rights. <Amended on April 22, 2009>

Article 21 (Right to Rent Out)

Notwithstanding the proviso of Article 20, the author shall have the right to rent out a commercial phonogram or commercial program for the purpose of making a profit. <Amended on April 22, 2009>

Article 22 (Right to Produce a Derivative Work)

The author shall have the right to produce and use a derivative work based on his/her original work.

SUBSECTION 2. LIMITATIONS TO AUTHOR'S PROPERTY RIGHTS

Article 23 (Reproduction for Judicial Proceedings, etc.)

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

Article 24 (Use of Political Speeches, etc.)

It is permissible to exploit, by any means, political speeches delivered in public and statements made in courts of law, the National Assembly or municipal assemblies: *Provided*, That the foregoing shall not apply to the use that involves editing the speeches or statements of the same author.

Article 24bis (Free Use of Government Works) (1) Works that the State or local governments prepared as part of official duties and announced publicly, or works in which they hold the whole of author's property right according to contract, may be utilized without permission: *Provided*, That the foregoing shall not apply if such works fall under any of the following subparagraphs:

1. Where such works include any information related to national security;
2. Where such works constitute personal privacy or business secrets;
3. Where such works include information whose disclosure is limited pursuant to other laws;
4. Where such works are managed as state properties or common properties, under the State Property Act or the Common Property and Goods Management Act respectively, after being registered in the Korea Copyright Commission under Article 112.

(2) The State may establish and execute a policy to invigorate the use of government works as prescribed by the Presidential Decree, in order to promote the use of either the works that public institutions under Article 4 of the Act on the Management of Public Institutions created and made public as part of their official duties, or the works in which they hold the whole of author's property right according to contract.

(3) Where the State or local governments recognize any of the government works under Subparagraph 4 of Paragraph (1) hereof as necessary for free use, they may make such works available as prescribed by the Presidential Decree notwithstanding the State Property Act or the Common Property and Goods Management Act.

[\[Article added on December 30, 2013\]](#)

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

(1) Works already made public may be reproduced in school textbooks necessary for the purpose of education at high schools, their equivalent or lower-level schools.

(2) Schools established by special Acts, the Early Childhood Education Act, the Elementary and Secondary Education Act or the Higher Education Act, educational institutions that are operated by the State or local governments, and education support institutions affiliated to the State or local governments to support classes implemented in those educational institutions may reproduce, distribute, perform in public, display or transmit parts of works already made public, if those works have been recognized as necessary in implementing classes or in rendering support thereof. If it is inevitable to use the work in whole in view of the character of the work, or the purpose and form, etc. of such use, then they may utilize the work in whole. [<Amended on April 22, 2009; December 30, 2013>](#)

(3) A person who receives education at an educational institution pursuant to Paragraph (2) may reproduce and interactively transmit a work already made public, within the limit stipulated in Paragraph (2), where such acts are recognized as necessary for the purpose of education.

(4) A person who intends to exploit a work pursuant to Paragraphs (1) and (2) shall pay remuneration to the owner of property rights according to the criteria determined and announced by the Minister of Culture, Sports and Tourism: *Provided*, That those who engage in the reproduction, distribution, public performance, broadcasting or interactive transmission of relevant works at high schools, their equivalents, or lower level schools pursuant to Paragraph (2) shall not be obliged to pay remuneration.

[<Amended on February 29, 2008; April 22, 2009>](#)

(5) The right to be remunerated pursuant to Paragraph (4) shall be exercised by an organization which satisfies all of the following conditions and is designated by the Minister of Culture, Sports and Tourism. When the Minister of Culture, Sports and Tourism designates such an organization, prior consent from the organization shall be obtained. [<Amended on February 29, 2008>](#)

The organization shall:

1. Consist of the persons who hold the right to receive remuneration in the Republic of Korea (hereinafter referred to as “holder of the right to remuneration”);
2. Not aim at making a profit;
3. Have sufficient capability to carry out its duties of collecting, distributing, etc. of the remuneration.

(6) When there is a request from the holder of the right to remuneration, even if he/she is not a member of the organization, the organization under Paragraph (5) shall not refuse to exercise the right for him/her. In such a case, the organization shall have the authority to perform an act under its own name in court or out of court regarding the right.

(7) The Minister of Culture, Sports and Tourism may revoke the designation if the organization under Paragraph (5) falls under any of the following subparagraphs: [<Amended on February 29, 2008>](#)

1. If an organization fails to satisfy the conditions stipulated in Paragraph (5);
2. If an organization violates the work regulations with regard to remuneration; and
3. If there is concern that the interest of the holder of the right to remuneration could be prejudiced due to the organization having suspended its duties on remuneration for a considerable period of time.

(8) The organization pursuant to Paragraph (5) may use the remuneration that has been left undistributed for more than three years from the date of public announcement of remuneration distribution, for the purpose of public interest, after obtaining approval from the Minister of Culture, Sports and Tourism. [<Amended on February 29, 2008>](#)

(9) Matters necessary for the designation and revocation of an organization, work regulations, public announcement of remuneration distribution, approval for use of undistributed remuneration for the purpose of public interest, etc. pursuant to Paragraphs (5), (7) and (8) shall be prescribed by the Presidential Decree.

(10) If an educational institution conducts interactive transmission pursuant to Paragraph (2), necessary measures, such as those to prevent reproduction, shall be prescribed by the Presidential Decree in order to prevent infringement of copyrights and other rights protected under this Act.

Article 26 (Use for News Reporting)

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

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

Current news articles and editorials about politics, economy, society, culture and religion inserted in newspapers and internet newspapers pursuant to Article 2 of the Act on the Promotion of Newspapers, etc. or published by news agencies pursuant to Article 2 of the Act on the Promotion of Newspapers, etc. may be reproduced, distributed or broadcasted by other media organizations: *Provided*, That the foregoing shall not apply when indications prohibiting such an act exist. <Amended on July 31, 2009>

Article 28 (Quotations from Work Made Public) It is permissible to quote a work already made public for purposes of news reporting, critique, education and research, etc. within a reasonable limit and in compliance with fair practices.

Article 29 (Public Performance and Broadcasting for Non-profit Purposes)

(1) It is permissible to perform publicly or broadcast a work already made public for non-profit purposes and without receiving any profit in return under any pretext from the audience, spectators or third persons: *Provided*, That the foregoing shall not apply when the performer concerned is paid ordinary compensation.

(2) It is permissible to play and perform to the general public commercial phonograms or cinematographic works, if no profit is received in return from the audience or spectators: *Provided*, That the foregoing shall not be applied to cases prescribed by the Presidential Decree.

Article 30 (Reproduction for Private Use)

A user may reproduce a work already made public, for non-commercial purposes to use personally, within the home or within similarly limited range: *Provided*, That the foregoing shall not apply to reproduction by a photocopier set up for public use.

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

(1) Among libraries under the Libraries Act and facilities that provide books, documents, records and other materials (hereinafter referred to as "books, etc.") for public use, those (including the heads of the relevant facilities; hereinafter referred to as "libraries, etc.") prescribed by the Presidential Decree may reproduce the works contained in books, etc. kept at the libraries, etc. (in the case of Subparagraph 1, including the books, etc. reproduced by and interactively transmitted to the libraries, etc. pursuant to the provision of Paragraph (3) thereof) in any of the following cases: *Provided*, That in the case of Subparagraphs 1 and 3, the works shall not be reproduced in digital format:

1. Where, at the request of a user and for the purpose of research and study, a single copy of a part of

books, etc. already made public is provided to him/her;

2. Where it is necessary for libraries, etc. to reproduce books, etc. for the purpose of preserving such books, etc.;

3. Where libraries, etc. provide other libraries etc. at the request of the latter copies of books, etc. that are out of print or not widely available for similar reasons for the purpose of preservation.

(2) Libraries, etc. may reproduce and interactively transmit their books, etc. to allow users to peruse them within the libraries, etc. by using computers. In such a case, the number of users who may peruse them at the same time shall not exceed the number of copies of such books, etc. kept at the libraries, etc. or the number authorized to be used by the holders of copyrights or other rights protected under this Act. [<Amended on April 22, 2009>](#)

(3) Libraries, etc. may reproduce and interactively transmit their books, etc. to allow users at other libraries, etc. to peruse them by computers: *Provided*, That, in those cases where all or a part of the books, etc. have been published for sale, such books, etc. shall not be reproduced or interactively transmitted until a period of five years has elapsed since the publication date of such books, etc.. [<Amended on April 22, 2009>](#)

(4) In reproducing books, etc. pursuant to Subparagraph 2 of Paragraph (1), Paragraph (2) or Paragraph (3), libraries, etc. shall not reproduce such books, etc. in digital format if they are being sold in digital format.

(5) In reproducing books, etc. in digital format pursuant to Subparagraph 1 of Paragraph (1), or reproducing or interactively transmitting books, etc. for the purpose of allowing perusal inside other libraries, etc. pursuant to Paragraph (3), libraries, etc. shall pay the owners of author's property rights remuneration in accordance with the standards determined and published by the Minister of Culture, Sports and Tourism: *Provided*, That the foregoing shall not apply to books, etc. (excluding those books, etc. which are, in part or in whole, published for the purpose of sale) where the national or local governments, or schools hold author's property rights pursuant to Article 2 of the Higher Education Act. [<Amended on February 29, 2008>](#)

(6) The provisions regarding remuneration in Paragraphs (5) to (9) of Article 25, shall apply mutatis mutandis to the foregoing Paragraph (5) with regard to the payment of remuneration, etc.

(7) If books, etc. are reproduced or interactively transmitted in digital format pursuant to the foregoing Paragraphs (1) through (3), libraries, etc. shall take necessary measures as prescribed by the Presidential Decree, such as measures to prevent reproduction, in order to prevent infringement of copyrights and other rights protected under this Act.

(8) In the case of the National Library of Korea collecting online materials for the purpose of preservation pursuant to Article 20bis of the Libraries Act, it may reproduce the relevant materials. [<Added on March 25, 2009>](#)

Article 32 (Reproduction for Examination Questions)

It is permissible to reproduce and distribute a work already made public for the use in entrance examinations for schools or other examinations of knowledge and skills, within the reasonable extent deemed necessary for that purpose: *Provided*, That the foregoing shall not be applied if it is for the purposes of making a profit. [<Amended on April 22, 2009>](#)

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

(1) A work already made public may be reproduced and distributed in braille for visually impaired persons, etc.

(2) The facilities (including the heads of the relevant facilities) prescribed by the Presidential Decree among those that seek to promote the welfare of visually impaired persons, etc. may make a sound recording of the literary work already made public, or reproduce, distribute or interactively transmit such a work by recording methods exclusively for visually impaired persons, etc. as prescribed by the Presidential Decree, in order to provide it for the use by the visually impaired persons, etc., but not for the profit-making purposes. [<Amended on March 25, 2009>](#)

(3) The scope of visually impaired persons, etc. pursuant to Paragraphs (1) and (2) shall be prescribed by the Presidential Decree.

Article 33bis (Reproduction, etc. for the Hearing Impaired, etc.)

(1) Any person may convert the works already made public into sign language, and reproduce, distribute, perform in public, or transmit such sign language for the hearing impaired, etc.

(2) The facilities (including the heads of relevant facilities) prescribed by the Presidential Decree among those that seek to promote the welfare of hearing impaired persons, etc. may convert, to the extent deemed necessary, voices and sounds, etc. included in a work already made public into a form, such as subtitles, etc., that the hearing impaired may perceive, and may also reproduce, distribute, perform in public or transmit such subtitles, etc. for the use by the hearing impaired, etc., but not for profit-making purposes.

(3) The scope of hearing impaired persons, etc. pursuant to Paragraphs (1) and (2) shall be prescribed by the Presidential Decree.

[\[Article added on July 16, 2013\]](#)

Article 34 (Ephemeral Sound or Visual Recordings by Broadcasting Organizations)

(1) Broadcasting organizations with the authority to broadcast a work may make ephemeral sound or visual recordings of a work for the purpose of their own broadcasting and by the means.

(2) Sound or visual recordings made pursuant to Paragraph (1) may not be kept for a period exceeding one year from the date of the sound or visual recording: *Provided*, That the foregoing shall not be applied when they are kept as archived materials at places prescribed by the Presidential Decree.

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

(1) The owner of the original of a work of art, etc. or a person who has obtained the owner's consent may exhibit the work in its original form: *Provided*, That the foregoing shall not apply if the work of art is to be exhibited at all times on a street, in a park, on the exterior of a building or other places open to the public.

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

1. Where a work of architecture is reproduced into another work of architecture;
2. Where a sculpture or a painting is reproduced into another sculpture or a painting;
3. Where the reproduction is made in order to exhibit permanently at an open place pursuant to the proviso of Paragraph (1);
4. Where the reproduction is made for the purpose of selling.

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

(4) A commissioned portrait or similar photographic work shall not be used without the consent of the person commissioning the work.

Article 35bis (Temporary Reproduction in the Course of Using a Work)

If a work is used on a computer, the work may be temporarily reproduced on the computer to the extent deemed necessary for smooth and efficient information processing: *Provided*, That the foregoing shall not apply if the use of the work infringes copyright.

[\[Article added on December 2, 2011\]](#)

Article 35ter (Fair Use of Works)

(1) It is permissible to use works for news reporting, critique, education and research when such use does not conflict with the normal exploitation of works and does not unreasonably prejudice the legitimate interests of rights holders except in cases pursuant to Articles 23 to 35*bis* and 101*ter* to 101*quinquies*.

(2) In determining whether an act of using works falls under Paragraph (1), the following subparagraphs, etc. shall be considered:

1. The purposes and characters of the use, including whether or not such use is for profit;
2. The category and nature of the works;
3. The amount and substantiality of the portion used in relation to the whole work;
4. The effect of the use on the current or potential market or value of the work.

[\[Article added on December 2, 2011\]](#)

Article 36 (Use by Means of Translation, etc.)

(1) If a work is used under Paragraph (1) of Article 24, or Articles 25, 29, 30 or Paragraph (3) of Article 35, it may be used by means of translation, arrangement or adaptation. [<Amended on December 2, 2011; December 30, 2013>](#)

(2) If a work is used under Articles 23, 24, 26, 27, 28, 32, 33 or Paragraph (2) of Article 33, it may be used by means of translation. [<Amended on December 2, 2011; July 16, 2013>](#)

Article 37 (Indication of Source)

(1) A person who uses a work under this subsection shall indicate its source: *Provided*, That the foregoing shall not apply to cases pursuant to Articles 26, 29 to 32, 34, and 35*bis*. [<Amended on December 2, 2011>](#)

(2) The indication of the source shall be made in a manner deemed reasonable in light of the situation in which the work is used, and if the real name or pseudonym of the author is indicated in the original work, such real name or pseudonym shall also be indicated in the source.

Article 37*bis* (Exclusion of Application)

Articles 23, 25, 30, and 32 shall not be applied to programs. [\[Article added on April 22, 2009\]](#)

Article 38 (Relationship with Author's Moral Rights)

No provision under this Subsection shall be interpreted as affecting the author's moral rights.

SUBSECTION 3. TERM OF PROTECTION OF AUTHOR'S PROPERTY RIGHTS

Article 39 (Principles Regarding Term of Protection)

(1) Author's property rights in a work shall subsist during the life of the author and for a period of seventy years after the death of the author, unless otherwise stated in this subsection. [<Amended on June 30, 2011>](#)

(2) Author's property rights in a joint work shall subsist for a period of seventy years after the last surviving author's death. [<Amended on June 30, 2011>](#)

Article 40 (Term of Protection for Anonymous and Pseudonymous Works)

(1) Author's property rights in an anonymous or pseudonymous work where the pseudonym is not widely known, shall subsist for a period of seventy years after the date the work was made public: *Provided*, That if reasonable grounds are found, during such a period, to show that seventy years had lapsed after the death of the author, the property rights shall be deemed to have expired when seventy years had passed after the death of the author. [<Amended on June 30, 2011>](#)

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

1. Where the real name or a well-known pseudonym of the author is identified during the period referred to in Paragraph (1);
2. Where the real name of the author is registered pursuant to Paragraph (1) of Article 53 during the period referred to in Paragraph (1).

Article 41 (Term of Protection for a Work Made for Hire)

Author's property rights of a work made for hire shall subsist for a period of seventy years after the date the work was made public: *Provided*, That if it has not been made public within fifty years after its creation, the author's property rights shall subsist for a period of seventy years after its creation. [<Amended on June 30, 2011>](#)

Article 42 (Term of Protection for Cinematographic Works)

Notwithstanding the foregoing Articles 39 and 40, author's property rights in cinematographic works shall subsist for a period of seventy years after the date the work was made public: *Provided*, That, if such works are not made public within seventy years after their creation, the rights shall subsist for a period of seventy years from the time of their creation. <Amended on June 30, 2011> [Title amended on June 30, 2011]

Article 43 (Date of Making Serial Publications, etc. Public)

(1) When a work is being made public pursuant to Paragraph (1) of Article 40, or Article 41, the date shall be, in case of a work made public in successive volumes, issues or installments, the date when each volume, issue or installment is made public, and in case of works gradually made public in parts, the date when its last part is made public. <Amended on June 30, 2011>

(2) In the case of works to be completed by publishing parts in a successive manner, the last part made public shall be deemed to be the last part pursuant to Paragraph (1) if the part that is supposed to follow next is not made public within a period of three years after the immediately preceding part was made public.

Article 44 (Calculation of the Term of Protection)

When determining the term of protection of author's property rights as prescribed under this Subsection, calculation shall be made from the year following the death of the author, the creation of the work or the making public of the work.

SUBSECTION 4. ASSIGNMENT, EXERCISE AND EXPIRY OF AUTHOR'S PROPERTY RIGHTS

Article 45 (Assignment of Author's Property Rights)

(1) Author's property rights may be assigned of ownership in whole or in part.

(2) Where author's property rights are assigned of ownership in whole, the right of making and using a derivative work as prescribed under Article 22 shall be presumed not to be included in the assignment, unless otherwise stipulated: *Provided* that, in the case of programs, the right of the making of a derivative work shall be presumed to be included in the assignment unless otherwise stipulated.

<Amended on April 22, 2009>

Article 46 (Authorization to Use Works)

- (1) The owner of author's property rights may authorize another person to use the work.
- (2) The person who obtained the authorization pursuant to Paragraph (1) shall be entitled use the work in a manner and conditions within the extent authorized by the owner.
- (3) The right to use a work authorized pursuant to Paragraph (1) may not be assigned of ownership to a third party without the consent of the owner of author's property rights.

Article 47 (Exercise of the Right of Pledge on Author's Property Rights)

- (1) The right of pledge on author's property rights may also be exercised with respect to money or any other form of compensation (including compensation for the establishment of exclusive rights of publication pursuant to Article 57 and publication rights pursuant to Article 63) that the owner of author's property rights receives from the assignment of author's property rights or the use of works: *Provided*, That the money or any other form of compensation must be seized before their payment or delivery.

[<Amended on April 22, 2009; December 2, 2011>](#)

- (2) The owner of the author's property rights shall be entitled to exercise the property rights even when the right of pledge has been established thereon, unless otherwise stipulated in the act of establishment.

[<Added on April 22, 2009> \[Title amended on April 22, 2011\]](#)

Article 48 (Exercise of Author's Property Rights in a Joint Work)

- (1) Author's property rights in a joint work shall not be exercised without the unanimous agreement of all owners of author's property rights. A single owner of author's property rights shall not be entitled to assign or pledge his/her share of the author's property rights without the consent of the other authors. An owner shall not, in bad faith, prevent an agreement from being reached or refuse to give consent.

- (2) The profit generated from the exploitation of a joint work shall be apportioned among its authors according to the degree of contribution to the creation of the work by each author, unless otherwise stipulated. If the degree of contribution by each author is not clear, the profit shall be presumed to equally apportion to all the authors.

- (3) The owner of author's property rights in a joint work may renounce his/her share of the joint work. In the case of the owner renouncing his/her share or dying without an heir, the share shall be apportioned to the other owners according to the ratio of their shareholding.

- (4) Paragraphs (2) and (3) of Article 15 shall apply mutatis mutandis to the exercise of author's property rights in a joint work.

Article 49 (Expiry of Author's Property Rights)

Author's property rights shall expire in any one of the following cases:

1. Where the owner of author's property rights dies without an heir, the rights are escheated to the Government pursuant to provisions of the Civil Law and other laws and regulations;
2. Where a legal person or an organization that owns the author's property rights dissolve, the author's property rights are escheated to the Government pursuant to the provisions of the Civil Law and other laws and regulations.

SECTION 5. USE OF WORKS UNDER STATUTORY LICENSE

Article 50 (Use of Works Where the Owner of Author's Property Rights Is Unknown)

(1) If any person, despite his/her considerable efforts in accordance with the criteria prescribed by the Presidential Decree, cannot identify the owner of author's property rights in a work made public (except foreigners' works) or his/her domicile, and therefore is unable to obtain the authorization of the author for the use of the work, he/she may it after obtaining an approval from the Minister of Culture, Sports and Tourism as prescribed by the Presidential Decree, after depositing a remuneration according to the criteria determined by the Minister of Culture, Sports and Tourism. <Amended on February 29, 2008>

(2) The person who uses a work pursuant to the provision of Paragraph (1) shall indicate the intent of the use and the approval date.

(3) If a work that had already been authorized with a statutory license for its use pursuant to Paragraph (1) becomes the subject of a statutory license again, the procedure of making considerable efforts in accordance with the criteria as prescribed by the Presidential Decree pursuant to Paragraph (1) may be omitted, unless the owner of author's property rights raises an objection, before approval for the statutory license is granted, in accordance with the procedure prescribed by the Presidential Decree.

(4) The Minister of Culture, Sports and Tourism shall disclose the contents of the statutory licenses it had issued through its information and communications network in accordance with the Presidential Decree.

<Amended on February 29, 2008>

Article 51 (Broadcasting of Works Made Public)

If a broadcasting organization that intends to broadcast, for the sake of public interest, a work that has

already been made public has negotiated with the owner of author's property rights, but failed to reach an agreement, it may broadcast the work by paying or depositing to the owner of author's property rights remuneration according to the criteria determined by the Minister of Culture, Sports and Tourism, after obtaining approval from the Minister of Culture, Sports and Tourism as prescribed by the Presidential Decree. <Amended on February 29, 2008>

Article 52 (Production of Commercial Phonograms)

If three years have passed after the date of the first sale of a commercial phonogram in the Republic of Korea, and if any person who intends to produce other commercial phonograms by recording works already recorded on the former phonogram has negotiated with the owner of author's property rights but failed to reach an agreement, he/she may produce other commercial phonograms by obtaining approval from the Minister of Culture, Sports and Tourism as prescribed by the Presidential Decree, after making payment or depositing to the owner of author's property rights or remuneration according to the criteria determined by the Minister of Culture, Sports and Tourism. <Amended on February 29, 2008>

SECTION 6. REGISTRATION AND AUTHENTICATION

Article 53 (Registration of Copyright)

(1) The author may register the items in the following subparagraphs:

1. Real name, pseudonym (limited to a case where a pseudonym was used at the time a work was made public) nationality, address or domicile of the author;
2. Title, category and date/month/year of creation of the work;
3. Whether a work was made public, or the country and date/month/year in which the work was first made public;
4. Other items as prescribed by the Presidential Decree.

(2) Unless otherwise stated by the author, after the death of the author, the person designated by the author's will or his/her heir may register pursuant to each subparagraph of Paragraph (1).

(3) The person whose real name is registered as the author pursuant to Paragraphs (1) and (2) shall be presumed to be the author of the registered work. If the date/month/year the work was created or the date/month/year the work was first made public has been registered pursuant to Paragraphs (1) and (2), those dates shall be presumed to be the dates the work was actually created or actually first made public, respectively: *Provided*, That if the date/month/year of creation is registered after one year has

passed from the date the work was created, the work shall not be presumed to have been created on the registered date/month/year. <Amended on April 22, 2009>

Article 54 (Registration and Effect of Change of Rights, etc.)

The following items may be registered. If not registered, they shall not be effective against any third party. <Amended on December 2, 2011>

1. Assignment (except for inheritance or other general successions) or the restriction on the disposal of author's property rights;
2. Establishment, assignment, alteration, expiry or the restriction on the disposal of exclusive rights of publication pursuant to Article 57, or publication rights pursuant to Article 63;
3. Establishment, assignment, alteration, expiry or the restriction on the disposal of the right of pledge on author's property rights, exclusive rights of publication pursuant to Article 57, and publication rights pursuant to Article 63.

Article 55 (Procedures, etc. for Registration)

(1) Registration pursuant to Articles 53 and 54 shall be accomplished by the Minister of Culture, Sports and Tourism's entry on the Copyright Register (the Program Register in case of programs herein; hereinafter the same shall apply in this article). <Amended on February 29, 2008; April 22, 2009>

(2) The Minister of Culture, Sports and Tourism may turn down an application for registration that falls under any of the following cases: *Provided*, That this shall not apply if the deficiencies of the application can be corrected and the applicant corrects them on the date of application: <Amended on February 29, 2008>

1. Where the application for registration is not subject to registration;
2. Where the application for registration is not made according to the format prescribed by the Ordinance of the Ministry of Culture, Sports and Tourism, or does not have necessary materials or documents attached.

(3) The Minister of Culture, Sports and Tourism shall issue or post on the information and communications networks an Official Notice of Registration regarding the registration filled in the Copyright Register pursuant to Paragraph (1), and where there is an application requesting perusal of the Copyright Register, the Minister of Culture, Sports and Tourism shall make the Register available for perusal or shall provide a copy to the applicant. <Amended on February 29, 2008>

(4) Matters necessary for registration, rejection of application for registration, issuance or posting of an Official Notice of Registration, perusal and issuance of a copy of the Copyright Register pursuant to

Paragraphs (1) to (3) shall be set forth by the Presidential Decree.

Article 55bis (Obligation to Maintain Confidentiality)

Any person who conducts registration tasks pursuant to Articles 53 to 55 or who retained that position in the past shall not reveal to third parties secrets that he/she came to know in the course of conducting such tasks.

[\[Article added on April 22, 2009\]](#)

Article 56 (Authentication of Rights Holders, etc.)

(1) The Minister of Culture, Sports and Tourism may designate an organization to authenticate works to protect the safety and reliability in transactions of works, etc.. [<Amended on February 29, 2008>](#)

(2) Matters necessary for the designation of an organization to authenticate works, cancellation of the designation and procedures for authentication, etc. pursuant to Paragraph (1) shall be set forth by the Presidential Decree. [<Amended on April 22, 2009>](#)

(3) The organization pursuant to Paragraph (1) may charge fees with respect to authentication and the amount shall be determined by the Minister of Culture, Sports and Tourism. [<Amended on February 29, 2008>](#)

SECTION 7. EXCLUSIVE RIGHTS OF PUBLICATION [<Amended on December 2, 2011>](#)

Article 57 (Establishment of the Exclusive Right of Publication)

(1) A person who holds the right to publish, or reproduce and interactively transmit a work (hereinafter referred to as “publication, etc.”) may establish an exclusive right (hereinafter referred to as “exclusive right of publication”, excluding the publication right pursuant to Article 63; hereinafter the same shall apply) for a person who intends to use the work for publication, etc.. [<Amended on December 2, 2011>](#)

(2) The owner of author’s property rights may establish a new exclusive right of publication for his/her work to the extent that the manner and conditions of publication, etc. do not overlap. [<Added on December 2, 2011>](#)

(3) The person for whom the exclusive right of publication pursuant to Paragraph (1) has been established (hereinafter referred to as “owner of the exclusive right of publication”) shall have the right to use the work, which is the object of such exclusive right of publication, by means of publication, etc.,

according to the terms of the contract of establishment. <Amended on December 2, 2011>

(4) If the right of pledge is established on the right of reproduction, distribution and interactive transmission of a work, the owner of author's property rights may establish an exclusive right of publication only with the authorization of the pledgee. <Amended on December 2, 2011> [Title amended on December 2, 2011]

Article 58 (Obligations of the Owner of the Exclusive Right of Publication)

(1) Unless otherwise stipulated in the contract of establishment, the owner of the exclusive right of publication shall use the work by means of publication, etc. within nine months from the date that he/she received the manuscripts or other similar materials necessary for the reproduction of the work, which is the object of the exclusive right of publication. <Amended on December 2, 2011>

(2) Unless otherwise stipulated in the contract of establishment, the owner of the exclusive right of publication shall continue to use the work by means of publication, etc. in accordance with customary practices. <Amended on December 2, 2011>

(3) Unless otherwise stipulated in the contract, the owner of the exclusive right of publication shall indicate the owner of author's property rights on each copy, as stipulated by the Presidential Decree. <Amended on December 2, 2011> [The title amended on December 2, 2011]

Article 58bis (Revision, Addition or Reduction of a Work)

(1) If the owner of the exclusive right of publication reuses the work that is the object of the exclusive right of publication by means of publication, etc., the author may revise, add or delete contents of the work to the extent that is justifiable. <Amended on December 2, 2011>

(2) If the owner of the exclusive right of publication intends to reuse the work that is the object of the exclusive right of publication by means of publication, etc., he/she shall notify the author of his/her intention in advance every time he/she intends to do so, unless otherwise stipulated in the contract.

<Amended on December 2, 2011>

[Moved from Article 59 on December 2, 2011]

Article 59 (Duration, etc. of the Exclusive Right of Publication)

(1) The duration of the exclusive right of publication shall be three years from the date of the first publication, etc., unless otherwise stipulated in the contract in provisions regarding establishment of the right: *Provided*, That it shall be five years if the exclusive right of publication is established to cinematize the work. <Amended on December 2, 2011>

(2) If the author of a work that is the object of an exclusive right of publication dies within the duration of the exclusive right of publication, the owner of author's property rights, notwithstanding Paragraph (1), may include the work in a complete collection of works or other compilation works, or separately use the work which is a part of a complete collection of works or other compilation works by means of publication, etc. [<Amended on December 2, 2011>](#)

[\[Moved from Article 60 and former Article 59 moved to Article 58bis on December 2, 2011\]](#)

[\[Title amended on December 2, 2011\]](#)

Article 60 (Notification of the Termination of the Exclusive Right of Publication)

(1) If the owner of exclusive right of publication has violated provisions in Paragraph (1) or (2) of Article 58, the owner of author's property rights may call on him/her to fulfill his/her obligation within a prescribed period of not less than six months. If the owner of exclusive right of publication fails to do so within such a period, the owner of author's property rights may notify him/her of the termination of his/her exclusive right of publication. [<Amended on December 2, 2011>](#)

(2) The owner of author's property rights may notify the owner of the exclusive right of publication of the termination of the exclusive right of publication immediately, notwithstanding the provision of Paragraph (1), when it is impossible for the owner of exclusive right of publication to use the work by means of publication, etc., or it is obvious that the owner of the exclusive right of publication has no intention to do so. [<Amended on December 2, 2011>](#)

(3) When the termination of the exclusive right of publication is notified pursuant to Paragraph (1) or (2), the exclusive right of publication shall be presumed to have been terminated on the date the owner of exclusive right of publication has received the notification. [<Amended on December 2, 2011>](#)

(4) In the case of Paragraph (3), the owner of author's property rights may at any time make a claim against the owner of exclusive right of publication for restitution or compensation for damages accruing from the suspension of publication, etc. of the work. [<Amended on December 2, 2011>](#)

[\[Moved from Article 61, and former Article 60 moved to Article 59 on December 2, 2011\]](#)

[\[Title amended on December 2, 2011\]](#)

Article 61 (Distribution of Copies after Termination of the Exclusive Right of Publication)

After termination of the exclusive right of publication due to expiry of the duration of the right or other reasons, the owner of exclusive right of publication shall not distribute any copies of the work made within the duration of the exclusive right of publication, except in cases falling under any one of the following subparagraphs: [<Amended on December 2, 2011>](#)

1. If otherwise stipulated in the contract of establishment;
2. Where he/she has paid a compensation to the owner of the author's property rights for the publication of the work within the duration of the right of publication, and he/she distributes the number of copies commensurate to such payment.

[Moved from Article 62 and former Article 61 moved to Article 60 on December 2, 2011]

[Title amended on December 2, 2011]

Article 62 (Assignment of Ownership of the Exclusive Right of Publication, etc. and Limitations)

(1) The owner of the exclusive right of publication shall neither assign ownership of exclusive right of publication nor subject the right to a pledge without the consent of the owner of author's property rights.

(2) Articles 23, 24, 25(1) to (3), 26 to 28, 30 to 33, 35(2) and (3), 35*bis*, 35*ter*, 36 and 37 shall apply *mutatis mutandis* to the reproduction, etc. of the work that is the object of exclusive right of publication.

[Article wholly amended on December 2, 2011]

[Moved from Article 63, and former Article 62 moved to Article 61 on December 2, 2011]

SECTION 7*bis*. SPECIAL PROVISIONS CONCERNING PUBLICATION <Added on December 2, 2011>

Article 63 (Establishment of Publication Rights)

(1) A person who holds the right to reproduce and distribute a work (hereinafter referred to as "owner of right of reproduction") may establish the right to publish the work (hereinafter referred to as "right of publication") for a person who intends to publish such work in the form of documents or pictures by printing or by other similar methods.

(2) A person for whom the right of publication is established pursuant to Paragraph (1) (hereinafter referred to as "owner of right of publication) shall have the right to publish the work that is the object of the right of publication, in the original form, according to the terms of the contract that establishes the right.

(3) If a right of pledge whose object is the right of reproduction of the work has been established, the owner of right of reproduction may establish the right of the publication only with the authorization of the owner of right of pledge.

[Article added on December 2, 2011] [Former Article 63 moved to Article 62 on December 2, 2011]

Article 63bis (Mutatis Mutandis Application)

Articles 58 to 62 shall apply *mutatis mutandis* to the right of publication. In such a case, “exclusive rights of publication” and “owner of author’s property rights” shall be construed as “right of publication” and “owner of right of reproduction” respectively.

[\[Article added on December 2, 2011\]](#)

CHAPTER 3. NEIGHBORING RIGHTS

SECTION 1. GENERAL PROVISIONS

Article 64 (Performances, Phonograms and Broadcasts that are Protected)

(1) Performances, phonograms and broadcasts falling under any of the following subparagraphs shall be protected under this Act: [<Amended on December 2, 2011>](#)

1. Performances:

(a) Performances conducted by nationals of the Republic of Korea (including legal persons established according to the legislation of the Republic of Korea and foreign legal persons with 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 to or concluded;

(c) Performances fixed onto phonograms as referred to in Subparagraph 2;

(d) Performances transmitted by broadcasts as referred to in Subparagraph 3 (except those sound-recorded or video-recorded before transmission).

2. Phonograms:

(a) Phonograms produced 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 protected pursuant to treaties which the Republic of Korea has acceded to or concluded and was first fixed in a Contracting Party to the treaties;

(d) Phonograms protected pursuant to treaties which the Republic of Korea has acceded to or concluded and in which producers of phonograms are nationals (including legal persons established according to the legislation of the Contracting Party or legal persons with their principal offices in the Contracting Party) of the Contracting Party. .

3. Broadcasts:

- (a) Broadcasts made by broadcasting organizations which are nationals of the Republic of Korea;
 - (b) Broadcasts made from broadcasting facilities located in the Republic of Korea; and
 - (c) Broadcasts protected pursuant to those treaties which the Republic of Korea has acceded to or concluded, and made by broadcasting organizations that are nationals of the Contracting Party to the treaties from broadcasting facilities located in the Republic of Korea.
- (2) Even if performances, phonograms and broadcasts of foreign nationals are protected pursuant to Paragraph (1), the term of protection under this Act shall not apply in case the term of protection has expired in the relevant foreign country.

<Added on December 2, 2011>

Article 64bis (Presumption of Performers, etc.)

With respect to performances, phonograms and broadcasts protected under this Act, persons whose real names or widely known pseudonyms are indicated in the customary manner as performers, producers of phonograms, or broadcasting organizations shall be presumed to have the rights as performers, producers of phonograms or broadcasting organizations in regard to relevant performances, phonograms and broadcasts, respectively.

[Article added on June 30, 2011]

Article 65 (Relationship with Copyright)

In this Chapter, provisions of each Article shall not be construed to affect copyright.

SECTION 2. RIGHTS OF PERFORMERS

Article 66 (Right of Paternity)

(1) The performer shall have the right to indicate his/her real name or pseudonym on his/her performance or copy of performance.

(2) Unless otherwise stated by the performer, a person using the performance shall indicate the real name or pseudonym of the performer according to the mark/presentation/indication by the performer: *Provided*, That this shall not apply if such indication is deemed to be impossible in light of the nature or the purpose, and the manner of the use of the performance .

Article 67 (Right of Integrity)

The performer shall have the right to maintain the integrity of the content and form of his/her performance: *Provided*, That this shall not apply if it is deemed impossible to do so in light of the nature or the purpose, and the manner of the use of the performance .

Article 68 (Inalienability of Performer's Moral Rights)

The rights prescribed in Articles 66 and 67 (hereinafter referred to as "performer's moral rights") shall belong exclusively to the performer.

Article 69 (Right of Reproduction)

The performer shall have the right to reproduce his/her performance.

Article 70 (Right of Distribution)

The performer shall have the right to distribute copies of his/her performance: *Provided*, That this shall not apply if the copy of his/her performance is offered for transaction by means of sale, etc. under the authorization of the performer.

Article 71 (Right of Rental)

Notwithstanding the proviso of Article 70, the performer shall have the right to rent out, for the purpose of making a profit, commercial phonograms on which his/her performance is recorded.

Article 72 (Right of Public Performance)

The performer shall have the right to perform his/her unfixed performance publicly: *Provided*, That this shall not apply if the performance is broadcasted.

Article 73 (Right of Broadcasting)

The performer shall have the right to broadcast his/her performance: *Provided*, That this shall not be apply to a performance recorded under the authorization of performer.

Article 74 (Right of Interactive Transmission)

The performer shall have the right to transmit his/her performance in an interactive manner.

Article 75 (Remuneration by Broadcasting Organizations to Performers)

(1) When a broadcasting organization makes a broadcast using commercial phonograms on which performances are recorded, it shall pay a reasonable remuneration to the performers: *Provided*, That this shall not apply to performers of foreign nationality whose countries do not acknowledge the kind of remuneration stated in this Paragraph to performers with nationality of the Republic of Korea.

(2) Paragraphs (5) to (9) of Article 25 shall apply *mutatis mutandis* to the payment of remuneration, etc. pursuant to Paragraph (1).

(3) The amount of remuneration that an organization pursuant to Paragraph (2) may claim on behalf of holders of right to remuneration shall be determined each year by the agreement between the organization and a broadcasting organization.

(4) If an agreement pursuant to Paragraph (3) cannot be reached, relevant organizations may request conciliation to the Korea Copyright Commission pursuant to Article 112 according to conditions as prescribed by the Presidential Decree. <Amended on April 22, 2009>

Article 76 (Remuneration by Digital Sound Transmission Organizations to Performers)

(1) When a digital sound transmission organization transmits performances by using commercial phonograms on which performances are recorded, it shall pay a reasonable remuneration to the performers.

(2) Paragraphs (5) to (9) of Article 25 shall apply *mutatis mutandis* to payment of remuneration, etc. pursuant to Paragraph (1).

(3) The amount of remuneration that the organization pursuant to Paragraph (2) may claim on behalf of holders of right to remuneration shall be determined each year by an agreement between the organization and a digital sound transmission organization within a certain period of time set forth by the Presidential Decree.

(4) If an agreement pursuant to Paragraph (3) cannot be reached, the amount determined and notified by the Minister of Culture, Sports and Tourism shall be paid. <Amended on February 29, 2008>

Article 76bis (Remuneration to Performers by Parties Doing Public Performances Using Commercial Phonograms)

(1) A party doing a public performance using a commercial phonogram on which a performance is recorded shall pay reasonable remuneration to the performers appearing in the phonogram: *Provided*, That the foregoing shall not apply to a performer who is of foreign nationality whose country does not guarantee remuneration pursuant to this Paragraph to performer of nationality of the Republic of Korea.

(2) Paragraphs (5) to (9) of Article 25 and Paragraphs (3) and (4) of Article 76 shall apply *mutatis mutandis* to the payment and amount of remuneration, etc. pursuant to Paragraph (1). [\[Article added on March 25, 2009\]](#)

Article 77 (Joint Performers)

(1) If two or more performers perform jointly in a chorus, a concert or a play, etc., the rights of performers (excluding the moral rights of performers) as prescribed under this Section shall be exercised by a representative elected by the joint performers: *Provided*, That if such a representative is not elected, the conductor, director, etc. shall exercise the rights.

(2) In exercising the rights of performers pursuant to 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.

(3) Article 15 shall apply *mutatis mutandis* to the exercise of moral rights of joint performers.

SECTION 3. RIGHTS OF PRODUCERS OF PHONOGRAMS

Article 78 (Right of Reproduction)

The producer of phonogram shall have the right to reproduce his/her phonogram.

Article 79 (Right of Distribution)

The producer of phonogram shall have the right to distribute his/her phonogram: *Provided*, That the copy of the phonogram is offered for transaction by means of sale, etc. under the authorization of the producer of the phonogram.

Article 80 (Right of Rental)

Notwithstanding the proviso of Article 79, the producer of phonogram shall have the right to rent out a commercial phonogram for the purpose of making a profit.

Article 81 (Right of Interactive Transmission)

The producer of phonogram shall have the right to transmit their phonograms in an interactive manner.

Article 82 (Remuneration by Broadcasting Organizations to Producers of Phonograms)

If a broadcasting organization makes a broadcast using commercial phonograms, it shall pay a reasonable remuneration to the producer of the phonogram: *Provided*, That the foregoing shall not apply to a producer of a phonogram who is of foreign nationality whose country does not guarantee, to a producer of phonogram of nationality of the Republic of Korea, the remuneration pursuant to this Paragraph.

(2) Paragraphs (5) to (9) of Article 25 and Paragraphs (3) and (4) of Article 75 shall apply *mutatis mutandis* to the payment and amount of remuneration, etc. pursuant to Paragraph (1).

Article 83 (Remuneration by Digital Sound Transmission Organizations to Producer of Phonogram)

(1) If a digital sound transmission organization makes a transmission by using commercial phonograms, it shall pay a reasonable remuneration to the producer of the phonogram.

(2) Paragraphs (5) to (9) of Article 25 and Paragraphs (3) and (4) of Article 76 shall apply *mutatis mutandis* to the payment and amount of remuneration, etc. pursuant to Paragraph (1).

Article 83bis (Remuneration to Producers of Phonograms by Parties Doing Public Performance Using Commercial Phonograms)

(1) A party doing a public performance using a commercial phonogram shall pay a reasonable remuneration to the producer of the phonogram: *Provided*, That the foregoing shall not apply to a producer of a phonogram who is of foreign nationality whose country does not guarantee the remuneration, to a producer of a phonogram of nationality in the Republic of Korea pursuant to this Paragraph.

(2) Paragraphs (5) to (9) of Article 25 and Paragraphs (3) and (4) of Article 76 shall apply *mutatis*

mutandis to the payment and amount of remuneration, etc. pursuant to Paragraph (1). [\[Article added on March 25, 2009\]](#)

SECTION 4. RIGHTS OF BROADCASTING ORGANIZATIONS

Article 84 (Right of Reproduction)

The broadcasting organization shall have the right to reproduce its broadcast.

Article 85 (Right of Simultaneous Broadcast)

The broadcasting organization shall have the right to authorize simultaneous broadcasting of its broadcast.

Article 85bis (Right of Public Performance)

The broadcasting organization shall have the right to publicly perform its broadcast, when such public performance is made in places accessible to the public against payment of an entrance fee with regard to watching of the broadcast. [\[Article added on June 30, 2011\]](#)

SECTION 5. TERM OF PROTECTION OF NEIGHBORING RIGHTS

Article 86 (Term of Protection)

(1) The term of protection of neighboring rights shall commence from the time that falls under any of following subparagraphs and shall not require the fulfillment of any procedure or formalities: [<Amended on December 2, 2011>](#)

1. When a performance takes place, in case of performances;
2. When the first fixation of sound is made onto a phonogram, in case of phonograms;
3. When broadcast is made, in case of broadcasts

(2) Neighboring rights (excluding moral rights of performers; hereinafter the same shall apply) shall remain effective for a period of 70 years (50 years in case of broadcasts) counting from the year following the time falling under any of following subparagraphs: [<Amended on December 2, 2011>](#)

1. When a performance takes place, in case of performances: *Provided*, That in case a phonogram on which the performance is fixed is published within 50 years from the time such performance took place, it shall be when the phonogram is published;
2. When a phonogram is published, in case of phonograms: *Provided*, That in case the phonogram has not been published even after 50 years have passed counting from the year after the the first fixation of sounds onto the phonogram, it shall be when the first fixation of sounds is made;
3. When the broadcast is made, in case of broadcasts.

SECTION 6. LIMITATIONS ON, AND ASSIGNMENT OF OWNERSHIP, EXERCISE, ETC. OF NEIGHBORING RIGHTS

Article 87 (Limitations on Neighboring Rights)

(1) Articles 23, 24, 25(1) to (3), 26 to 32, 33(2), 34, 35*bis*, 35*ter*, 36 and 37 shall apply *mutatis mutandis* to the use of performances, phonograms or broadcasts that are objects of neighboring rights. [<Amended on December 2, 2011>](#)

(2) If a digital sound transmission organization transmits a performance using a phonogram on which a performance is recorded pursuant to Paragraph (1) of Article 76 and Paragraph (1) of Article 83, it may make an ephemeral reproduction of the phonogram on which the performance is recorded by the means of its own facilities. In this case, Paragraph (2) of Article 34 shall apply *mutatis mutandis* to the period of keeping such copy. [<Added on April 22, 2009>](#)

Article 88 (Assignment of Ownership, Exercise, etc. of Neighboring Rights)

Paragraph (1) of Article 45 shall apply *mutatis mutandis* to the assignment of ownership of neighboring rights; Article 46 to the authorization to use a performance, phonogram and broadcast; Article 47 to exercise of the right of pledge whose object is neighboring rights; Article 49 to the termination of neighboring rights, and Articles 57 to 62 to the establishment, etc. of exclusive rights of publication of a performance, phonogram or broadcast. [<This article wholly amended on December 2, 2011>](#)

Article 89 (Statutory License for the Use of Performance, Phonogram and Broadcast)

Articles 50 to 52 shall apply *mutatis mutandis* to the uses of performance, phonogram and broadcast.

Article 90 (Registration of Neighboring Rights)

Articles 53 to 55 and 55*bis* shall apply *mutatis mutandis* to the registration of neighboring rights or exclusive rights of publication of neighboring rights. In such cases, the term “Copyright Register” of Article 55 shall be considered as “Neighboring Rights Register.” <Amended on April 22, 2009; December 2, 2011>

CHAPTER 4. PROTECTION OF DATABASE PRODUCERS

Article 91 (Databases under Protection)

(1) Any database of a person who falls under any of the following subparagraphs shall be protected under this Act:

1. Nationals of the Republic of Korea;
2. Foreign nationals protected by the treaties that the Republic of Korea has acceded to or concluded with regard to the protection of database.

(2) Even in cases of database of foreign nationals protected pursuant to Paragraph (1), the protection under the treaties and this Act may be correspondingly restricted if the country of the foreign national does not protect the databases of the nationals of the Republic of Korea.

Article 92 (Exclusion of Application)

The provisions of this Chapter shall not be applied to databases which fall under any of the following subparagraphs:

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

Article 93 (Rights of Database Producers)

(1) A database producer shall hold the rights to reproduce, distribute, broadcast or interactively transmit (hereinafter referred to as “reproduction, etc.” in this article) the whole or a considerable part of his/her database.

(2) The individual elements of a database shall not be regarded as a considerable part of the database

pursuant to Paragraph (1): *Provided*, That even in case of reproduction, etc. of individual elements or a part of the database that is not a considerable part thereof, it shall be considered as the reproductions, etc. of a considerable part of the database, if such reproduction, etc. is done repetitively or systematically for the specific purpose, and thereby conflicts with the normal exploitation of the database or unreasonably prejudices the interest of the database producer.

(3) Protection under this Chapter shall not affect the copyrights of the elements constituting a database and other rights protected under this Act.

(4) Protection under this Chapter shall not extend to the elements themselves constituting a database.

Article 94 (Limitation on Rights of Database Producer)

(1) Articles 23, 28 to 34, 35*bis*, 35*ter*, 36 and 37 shall apply *mutatis mutandis* to the use of a database that is the object of the rights of a database producer. [<Amended on December 2, 2011>](#)

(2) In any of the following cases, any person may reproduce, distribute, broadcast or interactively transmit the whole or a considerable part of a database: *Provided*, That the foregoing shall not apply to cases where the use conflicts with normal exploitation of such a database:

1. Using a database for education, scholarship or research: *Provided*, That the foregoing shall not apply to cases aimed at making a profit;
2. Using a database for current news reports.

Article 95 (Term of Protection)

(1) Rights of a database producer shall commence from the time when the production of the database has been completed, and shall remain effective for a period of five years counting from the year after the completion.

(2) Where a considerable amount of investment in human or material resources is made for renewal etc. of a database, the rights of a database producer for the relevant part shall commence from the time of such renewal etc., and shall remain effective for a period of five years counting from the year after the renewal, etc..

Article 96 (Assignment, Exercise, etc., of Rights of Database Producer)

The proviso of Article 20 shall apply *mutatis mutandis* to the offering of a database for transaction; Paragraph (1) of Article 45 to the assignment of ownership of the rights of a database producer; Article 46 to the authorization to use a database; Article 47 to the exercise of the right of pledge whose object is

the rights of a database producer; Article 48 to the exercise of rights of database producers of joint databases, Article 49 to the termination of rights of a database producer; and Articles 57 to 62 shall apply *mutatis mutandis* to the establishment of exclusive rights of publication for database, etc.. [<Article wholly amended on December 2, 2011>](#)

Article 97 (Statutory License for the Use of Database)

Articles 50 and 51 shall apply *mutatis mutandis* to the use of a database.

Article 98 (Registration of Rights of Database Producer)

Articles 53 to 55 and 55*bis* shall apply *mutatis mutandis* to the registration of the rights of database producers and of exclusive rights of publication of the rights of database producers. In such cases, the term “Copyright Register” of Article 55 shall be considered as “Register of rights of database producers.” [<Amended on April 22, 2009; December 2, 2011>](#)

CHAPTER 5. SPECIAL PROVISIONS CONCERNING CINEMATOGRAPHIC WORKS

Article 99 (Cinematization of a Work)

(1) If the owner of author’s property rights authorizes a person to cinematize his/her work, it shall be presumed that such authorization includes each of the following rights, unless otherwise stipulated:

1. To dramatize a work for the production of a cinematographic work;
2. To publicly show a cinematographic work made for the purpose of public presentation;
3. To broadcast a cinematographic work made for the purpose of broadcasting;
4. To interactively transmit a cinematographic work made for the purpose of interactive transmission;
5. To reproduce and distribute a cinematographic work according to its original purpose;
6. To use the translation of a cinematographic work in the same manner as the cinematographic work.

(2) If the owner of author’s property rights authorizes a person to cinematize his/her work, he/she may authorize, after five years have lapsed from the date of his/her authorization, to cinematize the work into another cinematographic work, unless otherwise stipulated.

Article 100 (Rights to a Cinematographic Work)

(1) With respect to the use of a cinematographic work by a person who has agreed with the producer to cooperate in its production and has obtained the copyright for such a cinematographic work, it shall be presumed that the rights necessary for using such a cinematographic work are assigned to the producer, unless otherwise stipulated.

(2) Author's property rights in a novel, the script of a play, work of art or musical work used in the production of a cinematographic work shall not be affected by the provision of Paragraph (1).

(3) With respect to the use of a cinematographic work by a performer who has agreed with the producer of such a cinematographic work to cooperate in its production, it shall be presumed that the right of reproduction pursuant to Article 69, the right of distribution pursuant to Article 70, the right of broadcasting pursuant to Article 73, and the right of interactive transmission pursuant to Article 74 are assigned to the producer of such a cinematographic work, unless otherwise stipulated.

Article 101 (Rights of Producers of Cinematographic Works)

(1) Rights necessary for the use of a cinematographic work, which have been assigned to the producer of a cinematographic work from the person who has agreed to cooperate for its production, shall refer to the right to use the cinematographic work by means of reproduction, distribution, broadcasting, interactive transmission and others, and the relevant producer may assign the rights or set them as the object of a right of pledge.

(2) Rights that are assigned to the producer of a cinematographic work from a performer shall refer to the rights of reproduction, distribution, broadcasting or interactive transmission, and the relevant producer may assign the rights or set them as the object of a right of pledge.

CHAPTER 5*bis* SPECIAL PROVISIONS CONCERNING PROGRAMS <Added on April 22, 2009>

Article 101*bis* (Objects of Protection)

This Act shall not apply to the following subparagraphs used to make a program:

1. Programming language: Characters, signs and their system as a means to express a program;
2. Protocol: A specific agreement on the usage of programming language in a specific program;
3. Algorithm: A method of combining instructions and commands in a program. [Article added on April 22, 2009]

Article 101ter (Limitations to Author's Property Rights of Programs)

(1) In any one of the following subparagraphs, programs already made public may be reproduced or distributed to the extent deemed necessary for the purpose: *Provided*, That the foregoing shall not apply if such reproduction or distribution unreasonably prejudices the interests of the owner of author's property rights of those programs, in light of the type and usage of the programs, the relative importance of the reproduced portion in the programs, and the number of reproduced copies, etc.:

1. Where a program is reproduced for a trial or investigation;
2. Where a program is reproduced or distributed by a person who is responsible for education at a school under the Early Childhood Education Act, the Elementary and Secondary Education Act, the Higher Education Act, and an educational institution established under other acts (only institutions whose scholastic credentials are recognized for entrance to higher-level schools or which grant academic degrees) for the purpose of providing it to a course of lessons;
3. Where a program is reproduced to be included in textbooks for the purpose of education at schools under the Elementary and Secondary Education Act and schools equivalent thereto;
4. Where a program is reproduced for personal purposes (excluding cases for profit-making) in a confined space like a home;
5. Where a program is reproduced or distributed for the purpose (excluding cases for profit-making) of entrance examinations to schools under the Elementary and Secondary Education Act and the Higher Education Act, and schools equivalent thereto, or other examinations or evaluations of knowledge and skills;
6. Where a program is reproduced to research, study and test a program to verify the ideas and principles constituting the basis of the program (limited only to cases where a person uses the program with legitimate authority).

(2) Programs (limited only to those obtained through legitimate ways) may be temporarily reproduced during the course of using a computer for maintenance or repair of such computer. <Added on December 2, 2011>

(3) A person intending to include a program in textbooks pursuant to Subparagraph 3 of Paragraph (1) shall pay the owner of the author's property rights remuneration according to the criteria determined and notified by the Minister of Culture, Sports and Tourism. Paragraphs (5) to (9) of Article 25 shall apply *mutatis mutandis* to the payment of the remuneration. [Article added on April 22, 2009; Amended on December 2, 2011]

Article 101quater (Decompilation of Program Codes)

(1) When it is difficult to easily obtain information needed for compatibility but the information inevitably needs to be obtained, a person using programs with legitimate authority or any person who have acquired his/her authorization may perform reverse engineering of program codes limited to the part necessary for compatibility of the relevant program, without acquiring authorization from the owner of the author's property rights of such programs.

(2) Information gained through decompilation of program codes pursuant to Paragraph (1) shall not be used in any of the following cases:

1. When such information is used for purpose other than that of compatibility or the information is provided to a third party;
2. When such information is used for developing, producing and selling programs whose expressions are practically similar to the program subject to the decompilation of program codes, or used in infringing copyright of the program in any other way. [\[Article added on April 22, 2009\]](#)

Article 101quinquies (Reproduction for Preservation by a Legitimate User, etc.)

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

(2) When a person who owns and uses copies of programs lose the right to own and use such copies, he/she shall destroy the copies made pursuant to Paragraph (1) unless the owner of author's property rights of the program specifically expresses his/her intention: *Provided*, That the foregoing shall not apply if the right to own and use copies of programs has been lost due of destruction of such copies. [\[Article added on April 22, 2009\]](#)

Article 101sexies <Deleted on December 2, 2011>

Article 101septies (Program Escrow)

(1) The owner of author's property rights of a program and a person authorized to use the program may escrow, by reaching an agreement with a person designated by the Presidential Decree (hereinafter referred to as "escrowee" in this article), the source code and technical information, etc. of the program to the escrowee.

(2) A person authorized to exploit the program may demand the escrowee provide the source code and technical information, etc. of the program when a circumstance set forth under the agreement of Paragraph (1) occurs. [\[Article added on April 22, 2009\]](#)

CHAPTER 6. LIMITATION ON THE LIABILITY OF ONLINE SERVICE PROVIDERS

Article 102 (Limitation on the Liability of Online Service Providers)

(1) An online service provider shall not be held liable for infringements of copyright or other rights protected under this Act for acts set forth in the following subparagraphs if he/she meets all the conditions prescribed in the items in the following subparagraphs;

1. Transmitting, routing or providing connections for works, etc. without modification of its content, or the automatic, intermediate and temporary storage of such works, etc. in the course thereof, within a period reasonably necessary for such transmission:

(a) Where the online service provider did not initiate the transmission of works, etc.;

(b) Where the online service provider selected neither the works, etc. nor its recipients;

(c) Where the online service provider adopted and reasonably implemented a policy that provides for termination of the accounts (referring to the subscriber accounts used by online service providers to identify and manage users. The same applies to this Article, Articles 103*bis*, 133*bis* and 133*ter*) of those who repeatedly infringe copyrights and other rights protected under this Act;

(d) Where the online service provider accommodated and did not interfere with the right holders in using standard technical measures that are designed to identify and protect works, etc. and that meet the conditions under the Presidential Decree;

2. Automatic, intermediate and temporary storage of works, etc. that have been transmitted at the request of the service users for the purpose of making such works, etc. more efficiently available or received by subsequent users:

(a) Where all conditions under items of Subparagraph 1 are met;

(b) Where an online service provider did not modify the works, etc.;

(c) Where an online service provider permitted access to temporarily stored works, etc. that are serviced under certain conditions, only to users who have met those conditions;

(d) Where an online service provider complied with the rules concerning updating of the works, etc. specified by a person who reproduces or interactively transmits works, etc. (hereinafter referred to as "reproducer and interactive transmitter") in accordance with a data communications protocol for computers or information and communications networks that is generally accepted within such industry: *Provided*, That the same shall not apply if the reproducer and interactive transmitter determined the rules concerning updating to unreasonably restrict such storage;

(e) Where an online service provider did not interfere with the use of technology that is generally accepted within the industry and applied to obtain information regarding the use of such works, etc. from the website originally containing the works, etc.;

(f) Where an online service provider immediately removed or disabled access to the works, etc., upon receiving a request to suspend the reproduction and interactive transmission pursuant to Paragraph (1) of Article 103; or where an online service provider immediately removed or disabled access to works, etc. on the website originally containing the works, etc. upon actual knowledge that a court or the head of a related central administrative agency had issued an order to delete or disable access to the works, etc.;

3. Storage of the works, etc. in the computer of an online service provider at the request of the reproducer and interactive transmitter:

(a) Where all the conditions under the items of Subparagraph 1 are met;

(b) Where an online service provider did not receive any financial benefit directly from the act of infringement in circumstances where he/she has the authority and the ability to control such act;

(c) Where an online service provider immediately suspended reproduction and interactive transmission of works, etc., upon knowledge of the actual infringement or upon knowledge of facts or circumstances that infringement was apparent through request, etc. to suspend the reproduction and interactive transmission pursuant to Paragraph (1) of Article 103;

(d) Where an online service provider designated and publicly notified the person receiving demands to suspend reproduction and interactive transmission pursuant to Paragraph (4) of Article 103;

4. Allowing users to identify locations of works, etc. or connecting users to such work, etc. on the information and communications network through information search tools:

(a) Where requirements of Subparagraph 1 (a) are met;

(b) Where requirements of Subparagraph 3 (b) to (d) are met.

(2) Notwithstanding Paragraph (1), an online service provider shall not be liable for any infringements of copyright and other rights protected under this Act due to the reproduction and interactive transmission of works, etc. by other persons, if taking measures pursuant to Paragraph (1) is not technologically possible for the online service provider. <Amended on June 30, 2011>

(3) With respect to limitation on liability under Paragraph (1), an online service provider shall be obligated to neither monitor any infringements taking place within his/her services nor proactively investigate such infringements. <Added on June 30, 2011>

Article 103 (Discontinuation of Reproduction and Interactive Transmission)

(1) Any person who claims that his/her copyright or other rights protected under this Act have been

infringed due to the reproduction and interactive transmission of works, etc. (hereinafter referred to as “claimant to a right” in this article) through the use of services provided by an online service provider (excluding cases pursuant to Subparagraph 1 of Paragraph (1) of Article 102; hereinafter the same applies to this article.) may call on the online service provider to suspend the reproduction and interactive transmission of such works, etc. by vindicating such fact. [< Amended on June 30, 2011>](#)

(2) Where an online service provider is requested to suspend the reproduction and interactive transmission pursuant to Paragraph (1), he/she shall immediately suspend the reproduction and interactive transmission of such works, etc., and notify as such to the claimant to a right: *Provided*, That the online service provider pursuant to Subparagraphs 3 and 4 of Paragraph 1 of Article 102 shall also give notice to reproducer and interactive transmitter of such works, etc.. [<Amended June 30, 2011>](#)

(3) Where a reproducer and interactive transmitter who is notified pursuant to Paragraph (2) vindicates that his/her reproduction and interactive transmission is based on legitimate rights and demands resumption of such reproduction and interactive transmission, the online service provider shall promptly notify the claimant to a right of the fact that resumption is being demanded and the scheduled date of resumption, and shall resume the reproduction and interactive transmission on the scheduled date: *Provided*, That the foregoing shall not apply if the claimant to a right notifies, before the scheduled date of resumption, the online service provider of the fact that he/she has filed a litigation against the infringement by the reproducer and interactive transmitter. [<Amended December 2, 2011>](#)

(4) An online service provider shall designate a person who will receive demands for suspension and resumption of the reproduction and interactive transmission pursuant to Paragraphs (1) and (3) (hereinafter referred to as “recipient” in this article) and make a public notice thereof so that those who use his/her facilities or services may be easily made aware thereof.

(5) Where an online service provider has made a public notice pursuant to Paragraph (4), and has suspended or resumed the reproduction and interactive transmission of works, etc. pursuant to Paragraphs (2) and (3), such online service provider shall be exempt from liability for the infringement by other persons of copyrights and other rights protected under this Act as well as from the damages incurred to the reproducer and interactive transmitter. *Provided*, That the foregoing shall apply to any liability risen between the time that the online service provider became knowledgeable of the fact that copyrights and other rights protected under this Act were infringed due to reproduction and interactive transmission of works, etc. by other persons and the time that a demand for suspension pursuant to Paragraph (1) is received. [<Amended on June 30, 2011; December 2, 2011>](#)

(6) Any person who demands that the reproduction and interactive transmission of works, etc. be terminated or resumed pursuant to Paragraphs (1) and (3) without any legitimate authority to do so shall compensate for any damages incurred thereby.

(7) Matters necessary for the vindication, discontinuation, notification, resumption of reproduction and

interactive transmission, designation of a recipient and public notification, etc. pursuant to Paragraphs (1) to (4) shall be prescribed by the Presidential Decree. In such cases, the Minister of Culture, Sports and Tourism shall seek prior consultation with the heads of related central administrative authorities.
<Amended on February 29, 2008; June 30, 2011>

Article 103bis (Scope of Court Orders on Online Service Providers)

(1) In regard to a court ordering necessary measures pursuant to Paragraph 3 of Article 123 to an online service provider meeting the requirements pursuant to Subparagraph 1 of Paragraph 1 of Article 102, the court may only order the measures in the following subparagraphs:

1. Termination of specific accounts;
2. Reasonable measures to prevent access to specific overseas websites.

(2) In regard to a court ordering necessary measures pursuant to Paragraph 3 of Article 123 to an online service provider meeting the requirements pursuant to Subparagraphs 2 to 4 of Paragraph 1 of Article 102, the court may only order the measures in the following subparagraphs:

1. Deletion of illegal copies;
2. Measures to prevent access to illegal copies;
3. Termination of specific accounts;
4. Other measures that the court deems necessary to the extent of imposing minimum burden on the online service provider. [\[Article added on December 2, 2011\]](#)

Article 103ter (Request for Information on the Reproducer and Interactive Transmitter)

(1) Where the claimant to a right has requested an online service provider to provide information owned by such online service provider, such as names and addresses of the relevant reproducer or interactive transmitter, to the minimum extent necessary in order to file a civil or criminal complaint, but the online service provider has refused to respond to such request, the claimant to a right may request the Minister of Culture, Sports and Tourism to issue an order to the online service provider to provide such information.

(2) Upon receiving such a request pursuant to Paragraph (1), the Minister of Culture, Sports and Tourism may order an online service provider to submit information on the relevant reproducers or interactive transmitters after deliberation by the Korea Copyright Commission pursuant to Article 112.

(3) An online service provider shall submit the relevant information to the Minister of Culture, Sports and Tourism within seven days upon receiving such an order under Paragraph (2), and the Minister of Culture, Sports and Tourism shall provide, without delay, the information to the person who made the

request pursuant to Paragraph (1).

(4) A person who has received information on the reproducers or interactive transmitters pursuant to Paragraph (3) shall not use it for purposes other than those relevant to the request pursuant to Paragraph (1).

(5) Other matters necessary for providing information on the reproducers or interactive transmitters shall be determined by the Presidential Decree.

[\[Article added on December 2, 2011\]](#)

Article 104 (Obligation, etc. of Special Types of Online Service Providers)

(1) An online service provider who aims principally to enable interactive transmission of works, etc. between persons using computers (hereinafter referred as a “special type of online service provider”) shall take necessary measures such as technological measures, etc. to block illegal interactive transmissions of the works, etc. upon requests from rights holders. In such cases, matters related to the requests from rights holders and the related necessary measures shall be determined by the Presidential Decree. [<Amended on April 22, 2009>](#)

(2) The Minister of Culture, Sports and Tourism may determine and officially announce the scope of special types of online service providers pursuant to Paragraph (1). [<Amended on February 29, 2008>](#)

CHAPTER 6bis. PROHIBITION of CIRCUMVENTING TECHNOLOGICAL PROTECTION MEASURES, etc.

[<Chapter added on June 30, 2011>](#)

Article 104bis (Prohibition of Circumventing Technological Protection Measures)

(1) No person shall circumvent, by means such as removal and alteration, or bypassing, etc. and either intentionally or negligently, technological protection measures pursuant to Subparagraph 28(a) of Article 2 without legitimate authority : *Provided*, That the foregoing shall not apply to any of the following:

1. Where a person who is engaged in studying encryption circumvents technological protection measures to the extent it is necessary for studying any flaws or vulnerability in the encryption technology applied to the works, etc., after having legitimately obtained the copy of the works, etc.: *Provided*, That the person has made considerable effort to obtain authorization for the use necessary for the study from the right holders, but in vain.

2. In case of including components or parts that circumvent technological protection measures in

technology, products, services or devices whose purpose are to prevent minors from accessing online works, etc. harmful to minors: *Provided*, That this applies only to cases not forbidden under Paragraph (2);

3. Where it is necessary to identify and disable capability to carry out undisclosed collection or dissemination of personally identifiable information that tracks the online activities of an individual: *Provided*, That this shall not apply if it effects other persons accessing the works, etc.;

4. Where it is necessary for law enforcement, legal intelligence gathering or maintaining of security by the state, etc.;

5. Where it is necessary for educational institutions and educational support institutions pursuant to Paragraph (2) of Article 25, libraries (limited to non-profit libraries) pursuant to Paragraph (1) of Article 31, or archive management institutions under the Public Document Management Act to decide whether to purchase the works, etc.: *Provided*, That this applies only when any access thereto is impossible without circumventing technological protection measures;

6. Where a person who uses a program with legitimate authority conducts decompilation of the program to the extent necessary to attain compatibility with other programs;

7. Where it is necessary for a person who has legitimate authority to only inspect, investigate or correct the security of a computer or an information and communications network;

8. Where the Minister of Culture, Sports and Tourism determines and issues a public notice according to the procedures stipulated in the President Decree that the legitimate use of certain types of works, etc. is deemed to be unreasonably affected or likely to be affected by the prohibition on circumventing technological protection measures. In such cases, such exception shall remain effective for three years.

(2) No person, without legitimate authority, shall manufacture, import, distribute, interactively transmit, sell, rent, offer to the general public for subscription, advertise for sale or rental, store or possess with the purpose of distributing any of the following devices, products or components, or provide relevant services:

1. Items that are promoted, advertised or marketed for the purpose of circumventing technological protection measures;

2. Items that have limited commercial purpose or use other than circumventing technological protection measures;

3. Items that are designed, produced, remodeled or performed for the main purpose of making circumvention of technological protection measures possible or easy.

(3) Notwithstanding Paragraph (2), the foregoing shall not apply to any of the following:

1. Cases falling under Subparagraphs 1, 2, 4, 6 and 7 of Paragraph (1) with respect to technological protection measures pursuant to Subparagraph 28(a) of Article 2;

2. Cases falling under Subparagraphs 4 and 6 of Paragraph (1) with respect to technological protection

measures pursuant to Subparagraph 28(b) of Article 2.

[\[Article added on June 30, 2011\]](#)

Article 104ter (Prohibition of Removal or Alteration, etc. of Rights Management Information)

(1) No person, without legitimate authority, shall conduct any of the acts in the following subparagraphs, either knowing or without knowing by negligence that such an act induces or conceals infringement of copyrights and other rights protected under this Act. [<Amended on December 2, 2011>](#)

1. Act of intentionally removing, altering or falsely adding rights management information;
2. Act of distributing or importing for the purpose of distributing rights management information, knowing that the rights management information has been removed or altered without legitimate authority;
3. Act of distributing, performing, publicly transmitting or importing for the purpose of distributing the original of relevant works, etc. or copy thereof, knowing that the rights management information has been removed, altered or falsely added without legitimate authority;

(2) Paragraph (1) shall not apply to cases necessary for law enforcement, legal intelligence gathering or maintaining of security by the state, etc.. [\[Article added on June 30, 2011\]](#)

Article 104quater (Prohibition of Circumventing Encrypted Broadcasting Signals, etc.)

No person shall conduct any of the acts in the following subparagraphs:

1. Act of manufacturing, assembling, modifying, importing, exporting, selling, leasing or delivering in other ways tangible or intangible measures including devices, products, major components or programs, etc. for the purposes of decoding encrypted broadcasting signals, without authorization of broadcasting organizations, knowing or not knowing by negligence that the encrypted broadcasting signals are primarily used for such purposes; *Provided*, That the foregoing shall not apply to cases in Subparagraphs 1, 2 or 4 of Paragraph (1) of Article 104bis;
2. Act of publicly transmitting broadcasting signals that have been decoded under legitimate authority but, upon knowledge thereof, are being transmitted to other persons for profit without authorization from the relevant broadcasting organization.
3. Act of listening, viewing or publicly transmitting encrypted broadcasting signals to other persons upon receipt of the signals knowing that such encrypted broadcasting signals were decoded without authorization from the relevant broadcasting organization.

[\[Article added on December 2, 2011\]](#)

[\[Former Article 104quater moved to Article 104octies on December 2, 2011\]](#)

Article 104quinquies (Prohibition of Counterfeiting, etc. of Labels)

No person shall conduct any of the acts in the following subparagraphs without legitimate authority:

1. Act of counterfeiting labels of works, etc. to be affixed to, enclose in or accompany illegal copies or documentation or packaging thereof, or act of distributing the labels or possessing them for the purpose of distribution upon knowledge of such a fact;
2. Act of distributing labels produced under authorization from the rights holder of the works, etc. or a person who has received consent from him/her, but beyond the authorized scope, or act of redistributing the labels or possessing them for the purpose of redistribution upon knowledge of such a fact;
3. Act of counterfeiting documentation or packaging that is distributed with legitimate copies of works, etc. in order to use it for illegal copies, or the act of distributing counterfeited documentation or packaging or possessing them for the purpose of distribution upon knowledge of such a fact. [\[Article added on December 2, 2011\]](#)

Article 104sexies (Prohibition of Recording Cinematographic Works, etc.)

No person, without authorization from the owner of author's property rights, shall record or publicly transmit cinematographic works protected by copyright by the use of any recording device, at movie theaters, etc. screening such works. [\[Article added on December 2, 2011\]](#)

Article 104septies (Prohibition of Transmitting Signals Prior to Broadcasting)

No person, without legitimate authority, shall transmit signals that are transmitted to broadcasting organizations to any third person (except for cases with the purpose of allowing the public to directly receive them).

[\[Article added on December 2, 2011\]](#)

Article 104octies (Claim, etc. of Suspension or Prevention of Infringement)

A person who holds copyright and other rights protected under this Act may claim suspension or prevention of infringement, security for damages, damages or statutory damages commensurate thereof against a person who has violated any regulations from Articles 104bis to 104quater, or may claim suspension or prevention of infringement against a person who conducted an act pursuant to Paragraph (1) of Article 104bis without intention or negligence. In such cases, Articles 123, 125, 125bis, 126 and 129 shall apply *mutatis mutandis*. [<Amended on December 2, 2011>](#)

[Article added on June 30, 2011]

[Moved from former Article 104^{quater} on December 2, 2011]

CHAPTER 7. COPYRIGHT MANAGEMENT SERVICES

Article 105 (Permission, etc. for Copyright Management Services)

(1) Any person who intends to engage in copyright trust services shall obtain a permit from the Minister of Culture, Sports and Tourism as prescribed by the Presidential Decree, and any person who intends to engage in copyright agency or brokerage services shall declare oneself to the Minister of Culture, Sports and Tourism as prescribed by the Presidential Decree. <Amended on February 29, 2008>

(2) Any person who intends to engage in copyright trust services pursuant to Paragraph (1) shall meet the conditions in the following subparagraphs, draw up regulations regarding the duties of copyright trust services as determined by the Presidential Decree, and submit them with an application for permission for copyright trust services to the Minister of Culture, Sports and Tourism. <Amended on February 29, 2008>

1. That it shall be an organization consisting of the rights holders of works, etc.;
2. That it shall not aim at making a profit;
3. That it shall have sufficient capability to carry out its duties including collection and distribution etc. of royalties.

(3) Any person falling under any of the following subparagraphs shall not be eligible to obtain permission to or declare its intent to engage in copyright trust services or copyright agency or brokerage services (hereinafter referred to as "copyright management services") pursuant to Paragraph (1):

1. Any incompetent or quasi-incompetent;
2. Any person who has been declared bankrupt and has not yet been reinstated;
3. Any person for whom one year has not passed following the execution of or the final decision to suspend criminal penalties of a fine or more, or who is on probation following a suspended sentence, as a punishment for violating this Act,;
4. Any person who has no residence in the Republic of Korea;
5. Any legal person or organization in which a person falling under any of foregoing Subparagraphs 1 to 4 is the representative or a senior executive officer.

(4) Any person who has obtained a permit or has declare him/herself for copyright management services in accordance with Paragraph (1) (hereinafter referred to as "copyright management service provider") may charge fees for his/her services to the owner of author's property rights or other interested persons.

(5) The rate and amount of fees as prescribed under Paragraph (4), and the rate and amount of royalties that copyright management service providers receive from users shall be determined by the copyright management service providers subject to the approval of the Minister of Culture, Sports and Tourism: *Provided*, That the foregoing shall not apply to a person who has declared oneself as a copyright agency or brokerage service. <Amended on February 29, 2008>

(6) In case of giving approval pursuant to Paragraph (5), the Minister of Culture, Sports and Tourism shall go through a process of deliberation by the Korea Copyright Commission as prescribed under Article 112, and may set the period for the approval process or approve the application after amending the content thereof, if necessary. <Amended on February 29, 2008; April 22, 2009>

(7) In case where an application to approve the rate and amount of royalties is pending or the approval for such an application has been made under Paragraph (5), the Minister of Culture, Sports and Tourism shall notify the contents thereof pursuant to the Presidential Decree. <Amended on February 29, 2008>

(8) The Minister of Culture, Sports and Tourism may amend the content of its approval pursuant to Paragraph (5), where it is necessary to protect the rights and interests of the owner of author's property rights and other interested persons or to promote convenience in the use of works, etc. <Amended on February 29, 2008>

Article 106 (Obligations of Copyright Trust Service Providers)

(1) Copyright trust service providers shall make a list, on a quarterly basis, of all the works, etc. they manage, in a book or electronic form, as prescribed by the Presidential Decree, so as to make the list available to anyone at least during business hours.

(2) When requested by a user in writing, copyright trust service providers shall provide, unless there is justifiable reason not to do so and in writing within a certain period of time, information stipulated by the Presidential Decree necessary for concluding license agreement of works, etc. managed by the copyright trust service providers.

Article 107 (Request to Peruse Documents)

Copyright trust service providers may claim, to those who use the works, etc. in its trust to make a profit, perusal of documents necessary for calculating royalties for those works, etc.. In this case, the user shall respond to the request unless there is a justifiable reason not to do so.

Article 108 (Supervision)

(1) The Minister of Culture, Sports and Tourism may demand a copyright management service provider

to submit a necessary report on his/her copyright management services duties. <Amended on February 29, 2008>

(2) In order to protect rights and interests of authors and to promote the convenient use of works, the Minister of Culture, Sports and Tourism may issue necessary orders concerning copyright management services. <Amended on February 29, 2008>

Article 109 (Revocation, etc. of Permission)

(1) The Minister of Culture, Sports and Tourism may order the suspension of business for a specified period of no longer than six months, if a copyright management service provider commits any of the following acts: <Amended on February 29, 2008>

1. Where he/she has charged fees in excess of the amount approved in accordance with the provision of Paragraph (5) of Article 105;
2. Where he/she has received royalties additional to the royalties approved in accordance with the provision of Paragraph (5) of Article 105;
3. Where he/she has failed to submit a report as prescribed under Paragraph (1) of Article 108 without any justifiable reason or has made a false report;
4. Where he/she has received an order as prescribed under Paragraph (2) of Article 108, but has failed to fulfill the order without any justifiable reason.

(2) The Minister of Culture, Sports and Tourism may revoke permission for or order to close down the copyright management service, if a copyright management service provider commits any of the following acts: <Amended on February 29, 2008>

1. Where he/she has obtained permission or reported by fraudulent or other unlawful means;
2. Where he/she continues to do business after receiving an order of business suspension under Paragraph (1).

Article 110 (Hearing) If the Minister of Culture, Sports and Tourism intends to cancel permission for or order the closing of a copyright management service in accordance with Paragraph (2) of Article 109, the Ministry shall hold a hearing. <Amended on February 29, 2008>

Article 111 (Imposition of a Penalty)

(1) When a copyright management service provider commits any of the acts prescribed in Paragraph (1) of Article 109 and therefore is subject to an order of suspension of business, the Minister of Culture,

Sports and Tourism may impose and collect a penalty of no more than KRW 50 million from the copyright management service provider instead of suspending the business concerned. <Amended on February 29, 2008>

(2) When the person who has been imposed a penalty in accordance with Paragraph (1) fails to pay the penalty before the deadline, the Minister of Culture, Sports and Tourism shall collect the penalty in the same manner as in the case of delinquent national taxes. <Amended on February 29, 2008>

(3) Penalties collected pursuant to Paragraphs (1) and (2) may be used by the collecting body to establish a robust and orderly system with regard to the use of works.

(4) Matters necessary for determining the amount of penalty in accordance with the relevant type and degree, etc. of violations subject to the penalty pursuant to Paragraph (1), and the procedure of using such penalty, etc. pursuant to Paragraph (3) shall be prescribed by the Presidential Decree.

CHAPTER 8. KOREA COPYRIGHT COMMISSION <Amended on April 22, 2009>

Article 112 (Establishment of the Korea Copyright Commission)

(1) In order to deliberate on matters concerning copyrights and other rights protected under this Act (hereinafter referred to as “copyrights” in this Chapter), mediate and conciliate disputes concerning copyrights (hereinafter referred to as “disputes”), and conduct activities necessary for the protection and fair exploitation of copyrights, the Korea Copyright Commission (hereinafter referred to as the “Commission”) shall be established.

(2) The Commission shall be a legal person.

(3) Provisions regarding incorporated foundations under the Civil Act shall apply *mutatis mutandis* to matters concerning the Commission which are not stipulated under this Act. In such a case, the members of the Commission shall be regarded as directors.

(4) No person who is not the Commission shall use the name of the Korea Copyright Commission.

[Wholly amended on April 22, 2009]

Article 112 bis (Organization of the Commission)

(1) The Commission shall consist of between twenty and twenty five members including one chairperson and two vice chairpersons.

(2) Members shall be appointed by the Minister of Culture, Sports and Tourism among persons falling under any of the following subparagraphs, and the chairperson and vice chairpersons shall be elected

from among the commissioners. In appointing members, the Minister of Culture, Sports, and Tourism shall ensure that the number of members who represent the interests of owners of the rights protected under this Act and that of members who represent the interests of users of such rights are balanced, and may request the organizations of rights holders or those of users, etc. to recommend members from each sector:

1. Person who is or has been an associate professor or higher, or its equivalent at a university or an authorized research organization, and majored in an area related to copyrights;
2. Person who currently holds the position as a judge or a public prosecutor, or is a certified lawyer;
3. Person who has work experience in areas of copyrights or the culture industry as a present or former public official of Grade 4 or higher, or as a present or former employee of an equivalent position at a public institution;
4. Person who is currently or has been a senior executive officer in organizations in areas related to copyrights or the culture industry; and
5. Person who has ample experience as well as knowledge in areas related to copyrights and the culture industry.

(3) The term of members shall be a period of three years, with the possibility of reappointment: *Provided*, That the term of members who are appointed based on their position shall be the period of their term of office in that position.

(4) If a vacancy occurs in the membership of the Commission, a supplementary member shall be appointed in accordance with Paragraph (2), and the term of this member shall be the remaining term of the predecessor. A supplementary member may not be appointed if the total number of incumbent members is twenty or more.

(5) The Commission may set up sub-commissions in different areas to effectively carry out the tasks of the Commission. Any decision made by a sub-commission on a matter delegated by the Commission shall be regarded as a decision made by the Commission. [\[Article added on April 22, 2009\]](#)

Article 113 (Functions)

The Commission shall perform the following functions: [<Amended on February 29, 2008; April 22, 2009>](#)

1. Mediate and conciliate to settle disputes;
2. Deliberate on matters concerning the rates and amounts of fees and royalties of copyright management service providers prescribed under Paragraph (6) of Article 105, and matters referred to the Commission by the Minister of Culture, Sports and Tourism or jointly by three or more members of the Commission;
3. Establish an orderly system with regard to the use of works, etc. and promote fair use of works;

4. Engage in international cooperation to protect copyrights;
5. Conduct copyright-related research, education and awareness-raising;
6. Assist in copyright policy-making;
7. Assist in policy-making in regard to technological protection measures and rights management information;
8. Establish and operate an information management system for the provision of copyright information;
9. Conduct appraisals on matters concerning infringements, etc. of copyrights;
10. Issue recommendations of correction to online service providers and request the Minister of Culture, Sports and Tourism to issue corrective orders;
11. Perform duties mandated as those of or delegated to the Commission, through relevant laws;
12. Perform other duties entrusted by the Minister of Culture, Sports and Tourism.

Article 113bis (Mediation)

(1) A person seeking mediation for a dispute may request it by submitting an application to the Commission.

(2) When the Commission receives an application for mediation pursuant to Paragraph (1), the chairperson shall designate mediation member(s) from among the members of the Commission to perform the mediation.

(3) Mediation member(s) may suspend the mediation proceedings when a resolution of a dispute through mediation is deemed impossible.

(4) If an application for conciliation is made according to this Act regarding a dispute under mediation, the ongoing mediation shall be deemed suspended.

(5) When a mediation is concluded, the mediation member(s) shall issue a mediation document, and affix their signatures and seals to the document along with the relevant parties.

(6) Matters necessary for mediation application and procedures shall be set forth by the Presidential Decree.

[\[Article added on April 22, 2009\]](#)

Article 114 (Conciliation Division)

(1) In order for the Commission to effectively conciliate disputes, a conciliation division consisting of either one, or three or more members, shall be established within the Commission. One member has to be a qualified lawyer.

(2) Matters necessary for organizing and administering conciliation divisions pursuant to Paragraph (1)

shall be set forth by the Presidential Decree.

Article 114bis (Application for Conciliation, etc.)

(1) A person seeking conciliation for a dispute may make a request of conciliation by submitting to the Commission a conciliation application indicating the purpose and cause of the request.

(2) Dispute conciliation pursuant to Paragraph (1) shall be performed by the conciliation division pursuant to Article 114. [\[Article added on April 22, 2009\]](#)

Article 115 (Closed Meetings)

A conciliation procedure shall be, in principle, closed: *Provided*, That the head of the conciliation division may permit a person deemed appropriate to attend a conciliation meeting under the consent of the persons concerned.

Article 116 (Limitation on Invoking Statements)

Statements made by either the concerned persons or interested persons during the course of conciliation shall not be invoked during litigation or arbitration proceedings.

Article 117 (Conclusion of a Conciliation)

(1) Conciliation shall be concluded by writing a protocol stipulating the terms of agreement between the concerned parties.

(2) The protocol pursuant to Paragraph (1) shall have the same effect as a consent judgment, unless it concerns matters that are beyond the discretion of the concerned parties.

Article 118 (Expenses of Conciliation, etc.)

(1) Conciliation expenses shall be borne by the requesting party: *Provided*, That if conciliation is reached, the expenses shall be borne equally by both parties, unless otherwise stipulated.

(2) Matters necessary for the request and procedures of conciliation, and method of payment of conciliation expenses, shall be set forth by the Presidential Decree. [<Added on April 22, 2009>](#)

(3) The amount of conciliation expenses pursuant to Paragraph (1) shall be determined by the Commission. [<Amended on April 22, 2009>](#)

[Title amended on April 22, 2009]

Article 119 (Appraisal)

(1) The Commission may conduct appraisals in any of the following cases: <Amended on April 22, 2009>

1. If requested by courts, investigative agencies, etc. to conduct appraisals on matters related to copyright infringement, etc. for the purpose of conducting trials or investigations;
2. If requested by both parties in a dispute conciliation, to conduct appraisals on programs, electronic information about programs, etc. for dispute conciliation under Article 114*bis*.

(2) Matters necessary for procedures and methods of conducting appraisals pursuant to Paragraph (1) shall be set forth by the Presidential Decree.

(3) If the Commission conducts appraisals pursuant to Paragraph (1), it may receive appraisal fees, and the amount of fees shall be determined by the Commission.

Article 120 (Copyright Information Center)

(1) In order to effectively perform the duties prescribed in Subparagraphs 7 and 8 of Article 113, the Copyright Information Center shall be established within the Commission. <Amended on April 22, 2009>

(2) Matters necessary in operating the Copyright Information Center shall be set forth by the Presidential Decree. <Added on April 22, 2009>

Article 121 Deleted <April 22, 2009>

Article 122 (Subsidy for Expenses, etc.)

(1) The national government may, within budgetary limits, subsidize or aid a portion of expenditures necessary to operate the Commission. <Amended on April 22, 2009>

(2) An individual, a legal person or an organization may donate money or other properties to the Commission in order to support the implementation of Commission tasks pursuant to Subparagraphs 3, 5, and 8 of Article 113.

(3) A donation made pursuant to Paragraph (2) shall be managed in a separate account, and matters concerning the use of the donation shall be subject to the approval by the Minister of Culture, Sports and Tourism. <Amended on February 29, 2008>

CHAPTER 9. REMEDIES FOR INFRINGEMENT OF RIGHTS

Article 123 (Right to Demand Suspension of Infringement, etc.)

(1) Any person who holds a copyright or other rights protected under this Act (excluding rights to be compensated according to Articles 25, 31, 75, 76, 76*bis*, 82, 83, and 83*bis*; hereinafter the same shall apply to this Article) may demand a person infringing on his/her rights to suspend the act of infringement, and demand a person with the possibility of infringing on his/her rights to take preventive measures or to provide a security for compensation for possible damages. <Amended on March 25, 2009>

(2) If a person who holds a copyright or other rights protected under this Act makes a demand pursuant to Paragraph (1), he/she may demand destruction, or other necessary measures, of the goods made by the act of infringement.

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

(4) With respect to Paragraph (3), if a final ruling is made that no infringement on a copyright or other rights protected under this Act has occurred, the applicant shall compensate for the damages caused by his/her application.

Article 124 (Acts Deemed to Constitute Infringement)

(1) Any act that falls under any of the following shall be deemed as an infringement on copyrights or other rights protected under this Act: <Amended on April 22, 2009>

1. The importation into the Republic of Korea, for the purpose of distribution therein, of goods that constitute an infringement on copyrights or other rights protected under this Act, had those goods been made in the Republic of Korea at the time of such importation;

2. The possession, for the purpose of distribution, of goods produced by any act that constitutes an infringement on copyrights or other rights protected under this Act (including those imported as provided in the foregoing Subparagraph 1) with the knowledge of such infringement;

3. The use for business purposes of copies of a program produced by infringing on its copyright (including imported objects pursuant to Subparagraph 1) by a party who acquired it with the knowledge of such infringement.

(2) Any act of using a work in a manner defaming the honor of its author shall be deemed to constitute infringement of his/her moral rights. <Amended on June 30, 2011>

(3) Deleted <June 30, 2011>

Article 125 (Claim for Compensation for Damages)

(1) Where the owner of author's property rights or other rights (excluding author's and performer's moral rights) protected under this Act (hereinafter referred to as "owner of author's property rights, etc.") seeks to claim compensation for damages that he/she sustained by the act of intentional or negligent infringement by another person, the amount of gain by the infringer shall be presumed to be the amount of damages that the owner of author's property rights, etc. has sustained, if the infringer has made a gain by his/her act of infringement.

(2) Where the owner of author's property rights, etc. seeks to claim compensation for damages that he/she sustained by the act of intentional or negligent infringement by another person, the amount that he/she would normally receive by exploiting his/her rights may be claimed as the amount of damages sustained by the owner of author's property rights, etc..

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

(4) Any person who infringes registered copyrights, exclusive rights of publication (including those applied *mutatis mutandis* pursuant to Articles 88 and 96), publication rights, neighboring rights, or rights of database producers shall be presumed to be liable for his/her act of infringement. <Amended on April 22, 2009; December 2, 2011>

Article 125bis (Claim for Statutory Damages)

(1) The owner of author's property rights, etc. may demand of a person who has infringed on his/her rights, intentionally or negligently, reasonable compensation of no more than KRW 10 million for each infringed work, etc. (no more than KRW 50 million for each infringed work, etc. in the case of intentional infringement on rights for the purpose of profit-making) instead of compensation for the actual damages or the amount of damages determined pursuant to Article 125 or 126, before the proceedings of the relevant trial is concluded.

(2) In the case of applying Paragraph (1), compilation works involving two or more works and derivative works shall be considered as a single work.

(3) In order for an owner of author's property rights, etc. to make a demand pursuant to Paragraph (1),

the works, etc. need to have been registered pursuant to Articles 53 to 55 (including the cases where the provisions thereof apply *mutatis mutandis* pursuant to Articles 90 and 98) before such an act of infringement occurs.

(4) In cases where a claim is presented pursuant to Paragraph (1), the court may, in light of the intent of the arguments and results of an examination of evidence, recognize a reasonable amount of damages within the value set forth in Paragraph (1).

[\[Article added on December 2, 2011\]](#)

Article 126 (Recognition of the Amount of Damages)

In cases where damages are recognized but the amount of damages is difficult to estimate pursuant to Article 125, the court may recognize a reasonable amount of damages by taking into consideration the intent of the arguments and results of an examination of evidence.

Article 127 (Claim for Restoration, etc. of Honor)

An author or a performer may claim a person who has infringed, willfully or negligently, moral rights of the author or performer to take necessary measures to restore his/her honor in substitution for or together with compensation for damages.

Article 128 (Protection of Moral Interests after the Death of an Author)

After the death of an author, his/her bereaved family (the surviving spouse, children, parents, grand children, grand parents, or brothers and sisters) or the executor of his/her will may, pursuant to Article 123, claim compensation from a person who has violated or may potentially violate Paragraph (2) of Article 14 with respect to the work concerned, and may, pursuant to Article 127, demand restoration of his/her honor or reputation from a person who has infringed, intentionally or negligently, on the author's moral rights or has violated the provision of Paragraph (2) of Article 14.

Article 129 (Infringement of Rights with Respect to a Joint Work)

Each author or each owner of author's property rights in a joint work shall be entitled to make, without the consent of the other authors or owners of author's property rights, a demand pursuant to Article 123, and demand compensation for damages pursuant to Article 125 for the sustained infringement of the author's property rights, in relation to his/her share in a joint work.

Article 129bis (Offer of Information)

(1) In litigation over the infringement of copyrights or other rights protected under this Act, upon request by a person concerned, the court may order the other party concerned to present any of the following information that he/she holds or knows, if it is deemed necessary in gathering evidence:

1. Information that may identify the party involved in the act of infringement, or production and distribution of illegal copies;
2. Information about routes of production and distribution of illegal copies.

(2) Notwithstanding Paragraph (1), the other party concerned may decline to provide the information, in any of the following cases:

1. If any of the following persons could be prosecuted or found guilty:
 - (a) The other party concerned;
 - (b) A person who is or used to be a relative of the other party concerned;
 - (c) Guardian of the other party concerned;
2. If the purpose is to protect trade secrets (referring to those pursuant to Paragraph (2) of Article 2 of the Unfair Competition Prevention and Trade Secret Protection Act. Hereinafter the same shall apply) or privacy, or there are other justifiable reasons to decline such an order.

(3) If the other party concerned fails, without any justifiable reason, to comply with the foregoing order of information provision, the court may recognize that the arguments of the party concerned is true in regard to the relevant information.

(4) The court may demand relevant information from the other party concerned if it is deemed necessary to see if there is a justifiable reason pursuant to Subparagraph 2 of Paragraph (2) In such a case, the information shall not be revealed to anybody else, unless it is particularly necessary to listen to the opinion of the party concerned that had requested such information, or to his/her representative, to confirm whether there is a justifiable reason.

[\[Article added on December 2, 2011\]](#)

Article 129ter (Order to Maintain Confidentiality)

(1) In a litigation over the alleged infringement of copyrights or other rights protected under this Act (excluding rights to compensation under Articles 25, 31, 75, 76, 76bis, 82, 83, 83bis, and 101ter. Hereinafter the same shall apply), upon application by the party concerned, the court may order the other party concerned or its representative and others who have learned trade secrets of the party concerned due to the litigation to neither use the confidential information for purposes other than the

litigation nor disclose it to those who are not subject to the relevant orders pursuant to this Paragraph, if the applicant provides explanations for all of the following subparagraphs: *Provided*, That this paragraph shall not apply if the other party concerned and its representative, and others who have learned trade secrets due to the litigation already obtained the confidential information through methods other than perusing the preparatory proceedings and the examination of evidence pursuant to Subparagraph 1 below, before the stated application is submitted:

1. That the trade secrets are included in the preparatory proceedings that were already submitted or will be submitted, or in the evidence that was already examined or will be examined (including the information provided pursuant to Paragraph (4) of Article 129*bis*);

2. That the use or disclosure of trade secrets pursuant to Subparagraph 1 for purposes other than the litigation should be limited to prevent such use or disclosure from causing negative effects on the business of the party concerned.

(2) The application for the order pursuant to Paragraph (1) (hereinafter referred to as “order of confidentiality”) shall be submitted in writing and shall include the following:

1. The party who is subject to the order of confidentiality;

2. Facts that are sufficient to identify the trade secrets subject to the order of confidentiality;

3. Explanations concerning each Subparagraph of Paragraph (1).

(3) After an order of confidentiality has been decided, the order shall be delivered to the party subject to the order.

(4) An order of confidentiality shall take effect from the time that the order pursuant to Paragraph (3) is delivered to the party subject to it.

(5) A complaint may be lodged immediately against the ruling that rejects or dismisses an application for an order of confidentiality.

[\[Article added on December 2, 2011\]](#)

Article 129*quater* (Cancellation of an Order of Confidentiality)

(1) The party who applied for or received an order of confidentiality may request the court where the litigation records are kept (or, if there is no such a court, the court that gave the order of confidentiality) to revoke the order, if the party fails or becomes unable to meet the requirements pursuant to Paragraph (1) of Article 129*ter*.

(2) The court ruling on the application for cancellation of an order of confidentiality shall be delivered in writing to the applicant and the other party concerned.

(3) A complaint may be lodged immediately against the court ruling of the application for cancellation of an order of confidentiality.

(4) The effect of a court ruling to revoke an order of confidentiality shall take effect only after the final ruling has been confirmed.

(5) The court that has made a ruling to revoke an order of confidentiality shall immediately inform the purpose of the trial to any other party, if there is any, that is subject to the order regarding the trade secrets, beyond the applicant and the other party.

[\[Article added on December 2, 2011\]](#)

Article 129quinquies (Notice of Application Including Perusal of Litigation Records, etc.)

(1) In cases where a decision has been made pursuant to Paragraph (1) of Article 163 of the Civil Procedure Act on the documents of the litigations (excluding those where all the order of confidentiality has been revoked) and the party concerned applies for perusal, etc. of parts containing confidential information under the stated paragraph through a person not subject to the order of confidentiality regarding the litigation, a court public official in either Grades four, five, six or seven (hereinafter referred to as "Grade five court official, etc.") shall inform the person making the application pursuant to Paragraph (1) of Article 163 of the Civil Procedure Act (excluding the applicant for the perusal, etc.) of its purpose immediately, after such an application for perusal, etc. is submitted.

(2) In the case of Paragraph (1), a grade five court official, etc. shall not allow the applicant to peruse etc. the parts containing confidential information pursuant to Paragraph (1) until after two weeks have passed from the time of application under the stated paragraph (until the time when the court ruling is confirmed if an application for an order of confidentiality is made during the stated period for the person who conducted the application).

(3) Paragraph (2) shall not apply to a case where all the parties concerned with the application pursuant to Paragraph (1) of Article 163 of the Civil Procedure Act agree to allow the applicant for the perusal, etc. pursuant to the Paragraph (1) to peruse, etc. the parts containing confidential information.

[\[Article added on December 2, 2011\]](#)

CHAPTER 10. SUPPLEMENTARY PROVISIONS

Article 130 (Delegation and Entrustment of Authority)

The Minister of Culture, Sports and Tourism may delegate a part of the authority under this Act to the Special Metropolitan City Mayor, mayors of other Metropolitan Cities, governors of Provinces and Special Self-Governing Provinces, or entrust the authority to the Commission or copyright related

organizations, as prescribed by the Presidential Decree. <Amended on February 29, 2008; April 22, 2009>

Article 131 (Legal Interpretation as Public Officials in the Application of Penal Provisions)

The members and staffs of the Commission shall be deemed as public officials if Articles 129 to 132 of the Criminal Act are applied to them.

Article 132 (Fees)

Any person who applies for the items falling under any of the following under this Act shall pay fees as prescribed by the Ordinance of the Minister of Culture, Sports and Tourism: <Amended on February 29, 2008; April 22, 2009; December 2, 2011>

1. A person who applies for approval of statutory license pursuant to Articles 50 to 52 (including those cases where the provisions thereof apply *mutatis mutandis* pursuant to Articles 89 and 97);
2. A person who applies for registration (including those cases where the provisions thereof apply *mutatis mutandis* pursuant to Articles 90 and 98), modifications to the original registration, perusal of the Copyright Register, and issuance of copies of the Copyright Register pursuant to Articles 53 to 55; and
3. A person who applies for permission for or reports his/her intent to provide copyright management services pursuant to Article 105.

Article 133 (Collection, Destruction and Deletion of Illegal Copies)

(1) The Minister of Culture, Sports and Tourism, the Mayor of a Special Metropolitan City, mayors of other Metropolitan Cities, governors of Provinces and Special Self-Governing Provinces, mayors of Cities, or heads of Guns and Gus (referring to the heads of self-governing districts) may demand competent public officials collect, destroy or delete copies (excluding those interactively transmitted through information and telecommunications networks) infringing on copyrights and other rights protected under this Act, or tools, devices, information and programs that are made for the purpose of circumventing technological protection measures for works, etc., if they are found in accordance with the procedures and methods as prescribed by the Presidential Decree. <Amended on February 29, 2008; April 22, 2009>

(2) The Minister of Culture, Sports and Tourism may entrust duties pursuant to Paragraph (1) to an organization determined by the Presidential Decree. In this case, the persons who engage in such duties shall be deemed as public officials. <Amended on February 29, 2008>

(3) In the case where competent public officials, etc. collect, destroy or delete copies pursuant to Paragraphs (1) and (2), the Minister of Culture, Sports and Tourism may ask appropriate organizations to cooperate, if necessary. <Amended on February 29, 2008; April 22, 2009>

(4) Deleted <April 22, 2009>

(5) The Minister of Culture, Sports and Tourism may establish and operate an organization necessary for the duties pursuant to Paragraph (1). <Amended on February 29, 2008 and April 22, 2009>

(6) In the event of any conflict between Paragraphs (1) to (3) and provisions of other laws, this Act shall prevail to the extent of the conflict. <Amended on April 22, 2009>

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

(1) In cases where copies or information infringing on copyrights and other rights protected under this Act, or programs or information which incapacitates technological protection measures (hereinafter referred to as "illegal reproductions, etc.") are interactively transmitted through information and communications networks, the Minister of Culture, Sports and Tourism may order online service providers to take any of the following measures as prescribed by the Presidential Decree and after deliberation by the Commission:

1. Warning to reproducers and interactive transmitters of illegal copies, etc.;
2. Deletion or suspension of interactive transmission of illegal copies, etc.

(2) If a reproducer and interactive transmitter once again interactively transmits illegal copies, etc., despite having received three or more warnings as prescribed pursuant to Subparagraph 1 of Paragraph (1) of this Article, the Minister of Culture, Sports and Tourism may order online service providers to suspend the account (excluding email exclusive accounts and including other accounts provided by the corresponding online service providers; hereinafter the same shall apply) of the corresponding reproducer and interactive transmitter for a period of no more than six months as prescribed by the Presidential Decree, after deliberation by the Commission. <Amended on December 2, 2011>

(3) An online service provider that has received an order as prescribed pursuant to Paragraph (2) shall notify the corresponding reproducer and interactive transmitter of the fact that the corresponding account will be suspended, no later than seven days before such a suspension, as prescribed by the Presidential Decree.

(4) If a bulletin board established on an information and communications network of an online service provider (which refers to a bulletin board that serves commercial interests or provides convenience of use among those under Subparagraph 9, Paragraph (1), Article 2 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.; hereinafter the same shall

apply) receives three or more orders as prescribed pursuant to Subparagraph 2 of Paragraph (1) of this Article and is considered to seriously damage the robust and orderly use of copyrighted works, etc. in light of the format of the corresponding bulletin board, the amount or nature of copies posted on it, etc., the Minister of Culture, Sports and Tourism may order, after deliberation by the Commission and as prescribed by the Presidential Decree, the online service provider to suspend all or part of the bulletin board service within a period of no more than six months.

(5) An online service provider receiving an order pursuant to paragraph (4) shall post, no later than ten days before such a suspension, the fact that the service of the corresponding bulletin board will be suspended on the website of the corresponding online service provider and the corresponding bulletin board as prescribed by the Presidential Decree.

(6) Online service providers shall notify, as prescribed by the Presidential Decree, the Minister of Culture, Sports and Tourism the result of carrying out relevant orders, within five days in the case of receiving an order pursuant to Paragraph (1), within ten days in the case of Paragraph (2), and within 15 days in the case of Paragraph (4).

(7) The Minister of Culture, Sports and Tourism shall give, in advance, an opportunity for online service providers receiving an order pursuant to Paragraphs (1), (2) and (4), for reproducers and interactive transmitters directly related to an order pursuant to Paragraph (2), and administrators of bulletin boards pursuant to Paragraph (4) to submit their opinion. In this case, Paragraphs (4) to (6) of Article 22 and Article 27 of the Administrative Procedures Act shall apply *mutatis mutandis* to such submission of opinion.

(8) The Minister of Culture, Sports and Tourism may establish and operate an organization if deemed necessary for the duties pursuant to Paragraphs (1), (2) and (4) to be implemented.

[\[Article added on April 22, 2009\]](#)

Article 133ter (Correction Recommendation, etc.)

(1) In the case of the Commission finding illegal reproductions, etc. to have been interactively transmitted upon investigating the information and telecommunications networks of online service providers, it may deliberate on such matters and recommend that the online service providers take following correction measures:

1. Issue warnings against reproducers and interactive transmitters of illegal copies, etc.;
2. Delete or suspend interactive transmission of illegal copies, etc.;
3. Suspend the accounts of reproducers and interactive transmitters who repeatedly transmit illegal copies, etc.

(2) Online service providers shall notify the Commission of the results of carrying out the

recommendation within five days in the case of receiving a recommendation pursuant to Subparagraphs 1 and 2 of Paragraph (1), or within ten days in the case of Subparagraph 3 of Paragraph (1).

(3) If online service providers fail to follow a recommendation pursuant to Paragraph (1), the Commission may request the Minister of Culture, Sports and Tourism to issue an order pursuant to Paragraphs (1) and (2) of Article 133*bis*.

(4) If the Minister of Culture, Sports and Tourism issues an order pursuant to Paragraphs (1) and (2) of Article 133*bis* in accordance with Paragraph (3), deliberation by the Commission is not required.

[\[Article added on April 22, 2009\]](#)

Article 134 (Promotion of an Environment for Robust Use of Works)

(1) The Minister of Culture, Sports and Tourism may conduct projects necessary to promote the fair use of works such as providing information regarding works, etc. on which copyrights have expired.

[<Amended on April 22, 2009>](#)

(2) Matters necessary for pursuing projects pursuant to Paragraph (1) shall be set forth by the Presidential Decree. [<Amended on April 22, 2009>](#)

(3) Deleted [<April 22, 2009>](#)

[\[Title amended on April 22, 2009\]](#)

Article 135 (Donation of Author's Property Rights, etc.)

(1) An owner of author's property rights, etc. may donate his/her rights to the Minister of Culture, Sports and Tourism. [<Amended on February 29, 2008>](#)

(2) The Minister of Culture, Sports and Tourism may appoint an organization that is capable of fairly managing the rights of works, etc. donated by an owner of author's property rights, etc. [<Amended on February 29, 2008>](#)

(3) The organization appointed pursuant to Paragraph (2) shall not use works, etc. for the purpose of making a profit or against the intention of the owner of author's property rights, etc.

(4) The necessary matters with respect to donation procedures, appointment of an organization, etc. pursuant to Paragraphs (1) and (2) shall be set forth by the Presidential Decree.

CHAPTER 11. PENAL PROVISIONS

Article 136 (Penal Regulations)

(1) Any person who falls under any of the following may be punished by imprisonment of no more than five years or a fine of no more than KRW 50 million, or both. <Amended on December 2, 2011>

1. Any person who infringes upon author's property rights or other property rights protected under this Act (excluding the rights pursuant to Article 93) by means of reproduction, public performance, public transmission, exhibition, distribution, rental, or production of a derivative work

2. Any person who violates the court order pursuant to Paragraph (1) of Article 129~~ter~~ without any justifiable reason

(2) Any person who falls under any of the following may be punished by imprisonment of no more than three years or a fine of no more than KRW 30 million, or both. <Amended on April 22, 2009; June 30, 2011, December 2, 2011>:

1. Any person who has defamed an author or a performer by infringing on the author's or performer's moral rights;

2. Any person who has made a false registration pursuant to Articles 53 and 54 (including cases where the provisions thereof apply *mutatis mutandis* pursuant to Articles 90 and 98);

3. Any person who has infringed upon a database producer's rights protected pursuant to Article 93 by means of reproduction, distribution, broadcasting or interactive transmission;

3bis. Any person who has violated Paragraph (4) of Article 103~~ter~~;

3ter. Any person who has violated Paragraphs (1) or (2) of Article 104~~bis~~ for the purpose of business or making a profit;

3quater. Any person who has violated Paragraph (1) of Article 104~~ter~~ for the purpose of business or profit-making: *Provided*, That this shall not apply if the person was not aware negligently of inducing or hiding infringement of copyrights or other rights protected under this Act;

3quinquies. Any person who has committed an act under Subparagraphs 1 or 2 of Article 104~~quater~~;

3sexies. Any person who has violated Article 104~~quinquies~~;

3septies. Any person who has violated Article 104~~septies~~;

4. Any person who has committed an act deemed to be an infringement pursuant to Paragraph (1) of Article 124;

5. Deleted <June 30, 2011>

6. Deleted <June 30, 2011>

[Title amended on December 2, 2011]

Article 137 (Penal Regulations)

(1) Any person who falls under any of the following may be punished by imprisonment of no more than

one year or a fine of no more than KRW 10 million: <Amended on April 22, 2009; December 2, 2011>

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

2. Any person who has publicly staged, transmitted a performance or distributed copies of the performance under the real name or pseudonym of a person other than the actual performer;

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

3bis. Any person who has committed an act falling under Subparagraph 3 of Article 104*quater*

3ter. Any person who has violated Article 104*sexies*

4. Any person who has operated copyright trust services without a permit pursuant to Paragraph (1) of Article 105;

5. Any person who has committed an act deemed to be an infringement pursuant to Paragraph (2) of Article 124;

6. Any person who has interfered with the business of an online service provider by willfully requesting such online service provider to stop or resume reproduction and interactive transmission pursuant to Paragraph (1) or (3) of Article 103, with the knowledge that he/she does not have the authority to do so;

7. Any person who has violated Article 55*bis* (including the cases where the provisions thereof apply *mutatis mutandis* pursuant to Articles 90 and 98).

(2) Any person who has attempted to commit an act pursuant to Subparagraph *3ter* of Paragraph (1) shall be punished. <Added on December 2, 2011>

[Title amended on December 2, 2011]

Article 138 (Penal Regulations)

Any person who falls under any of the following shall be punished by a fine of no more than KRW 5 million: <Amended on December 2, 2011>

1. Any person who has violated Paragraph (4) of Article 35;

2. Any person who has not indicated the source thereby violating Article 37 (including the cases where the provisions thereof apply *mutatis mutandis* pursuant to Articles 87 and 94);

3. Any person who has not indicated the owner of author's property rights thereby violating Paragraph (3) of Article 58 (including the cases where the provisions thereof apply *mutatis mutandis* pursuant to Articles 63*bis*, 88 and 96);

4. Any person who has not notified the relevant author thereby violating Paragraph (2) of Article 58*bis* (including the cases where the provisions thereof apply *mutatis mutandis* pursuant to Articles 63*bis*, 88 and 96); and

5. Any person who has engaged in copyright agency or brokerage services without a declaration as

prescribed by Paragraph (1) of Article 105, or who has continued the services after being ordered to close the services pursuant to Paragraph (2) of Article 109.

[Title amended on December 2, 2011]

Article 139 (Forfeiture)

Copies that were made in violation of copyrights or other rights protected under this Act, and main tools and materials used to produce such copies, shall be forfeited if owned by the infringing party, printer, distributor or public performer. <Amended on December 2, 2011>[Article wholly amended on June 30, 2011]

Article 140 (Filing of Complaint)

Crimes prescribed in this Chapter shall be prosecuted only when a party makes a complaint, except in any of the following cases: <Amended on April 22, 2009; December 2, 2011>

1. In the case where a person commits an act falling under Subparagraph 1 of Paragraph (1) of Article 136, and Subparagraphs 3 and 4 of Paragraph (2) of Article 136 habitually or for the purpose of making a profit (an act pursuant to Subparagraph 3 of Paragraph (1) of Article 124 shall not be punished against the explicit intent of the person who sustained damages;
2. In cases falling under Subparagraph 2 and Subparagraphs 3*bis* to 3*septies* of Paragraph (2) of Article 136, Subparagraphs 1 to 4, 6 and 7 of Paragraph (1) of Article 137, and Subparagraph 5 of Article 138.
3. Deleted <December 2, 2011>

Article 141 (Joint Penal Provisions)

If a representative of a legal person, or a proxy, an employee or an other employed person of a legal person or an individual has committed a crime prescribed in this Chapter in the process of performing duties of the legal person or the individual, the fine prescribed under each of the Articles concerned shall be imposed on such legal person or individual in addition to the actual offender: *Provided*, That the foregoing shall not apply if the legal person or individual was not idle in paying considerable attention and conducting supervision to prevent such an offense. <Amended on April 22, 2009>

Article 142 (Fine for Negligence)

(1) A person who fails to take necessary measures pursuant to Paragraph (1) of Article 104 shall pay a

fine for negligence of no more than KRW 30 million. <Amended on April 22, 2009>

(2) A person who falls under any of the following shall pay a fine of no more than KRW 10 million. <Amended on April 22, 2009; December 2, 2011>:

1. Any person who has failed to execute the order of the Minister of Culture, Sports and Tourism pursuant to Paragraph (2) of Article 103*ter*;
2. Any person who has failed to fulfill his/her obligations pursuant to Article 106;
3. Any person who has used the name of the Korea Copyright Commission in violation of Paragraph (4) of Article 112;
4. Any person who has failed to execute the order of the Minister of Culture, Sports and Tourism pursuant to Paragraphs (1), (2) and (4) of Article 133*bis*; and
5. Any person who has failed to make a notification pursuant to Paragraph (3) of Article 133*bis*, make a posting pursuant to Paragraph (5) of the same Article, or make a notification pursuant to Paragraph (6) of the same Article.

(3) The fine for negligence pursuant to Paragraphs (1) and (2) shall be levied and collected by the Minister of Culture, Sports and Tourism as prescribed by the Presidential Decree. <Amended on April 22, 2009>

(4) Deleted <April 22, 2009>

(5) Deleted <April 22, 2009>

ADDENDA <No. 11110, December 2, 2011>

Article 1 (Date of Enforcement)

This Act shall come into force on the date when the “Free Trade Agreement between the Republic of Korea and the United States of America, and Exchange of Letters on Free Trade Agreement between the Republic of Korea and the United States of America” take effect: *Provided*, That the amended paragraph (2) of Article 64 and Article 86 shall take effect on August 1, 2013.

Article 2 (Application of Certain Provisions)

Amendments under Articles 103*ter*, 125*bis*, and 129*bis* through 129*quinquies* shall apply to the initial occurred infringement on rights or violation of obligations after this Act is executed.

Article 3 (Transitional Measures Concerning the Scope of Application)

This Act shall not apply to the copyright or other rights that are protected under this Act and expired, in whole or in part, or the works, etc. that were not protected under the former provisions before the enforcement of this Act.

Article 4 (Special Provisions Concerning Protection Period of Neighboring Rights)

(1) Notwithstanding Article 3, the neighboring rights that arose between July 1, 1987 and June 30, 1994 under Addenda paragraph (3) of Article 2 of the wholly amended Copyright Act (Act No. 8101) shall remain effective for fifty years from the year after the year when such a right arose pursuant to Article 70 of the amendment of the Copyright Act (Act No. 4717. Hereinafter referred to as “the same act” in this article) that was enforced on July 1, 1994.

(2) Among the neighboring rights that arose between July 1, 1987 and June 30, 1994 under Addenda Paragraph (3) of the same act, those that expired with the lapse of the period of protection of twenty years under the former act (referring to the Copyright Act that preceded the amendment of the Copyright Act (Act No. 4717) entering into force. Hereinafter the same applies in this Article) before this Act enters into force shall be reinstated ~~on~~ from the enforcement date of this Act and belong to the owner of the neighboring rights. In such a case, the neighboring rights shall remain effective for the remainder of the period on the assumption that the rights would have been protected for fifty years from the year after the year when such rights first arose.

(3) Any act of using performance, phonogram, and broadcasting of which the neighboring rights have been reinstated pursuant to paragraph (2) before this Act enters into force shall not be considered as infringement of rights under this Act.

(4) The copies that were made before this Act enters into force by using the performance, phonogram, and broadcasting of which the neighboring rights under Paragraph (2) expired in accordance with the former Act may be continuously distributed for two years after this Act enters into force without authorization from the owner of the neighboring rights.

Article 5 (Transitional Measures Concerning the Limitation of Obligations of Online Service Providers, etc.)

As for the limitations on the liability of online service providers regarding the infringement of copyrights or other rights protected under this Act that occurred before the enforcement of this Act, the former regulations shall apply despite the amendment of Articles 102 and 103*bis*.

Article 6 (Transitional Measures Concerning the Exclusive Rights of Publication)

The former regulations shall apply to the exclusive rights of program publication that were established and registered before the enforcement of this Act

Article 7 (Transitional Measures Concerning Penal Provisions)

The penal provisions of the former regulations shall apply to the acts that were committed before the enforcement of this Act

Article 8 (Amendment of Other Laws)

The Local Tax Act shall be amended as follows:

“copyright, publication right” in parts other than the items pursuant to Subparagraph 10 of paragraph (1) of Article 28 shall change to “copyright, exclusive right of publication (including the cases where the provisions thereof apply mutatis mutandis pursuant to Articles 88 and 96), publication right”; “Articles 54, 63^{ter}, 90, and 98” under Item b of the stated Subparagraph shall change to “Article 54 (including the cases where the provisions thereof apply mutatis mutandis pursuant to Articles 90 and 98); “exclude registration of program” shall change to “exclude registration of program, exclusive right of publication, publication right”; and “registration of program pursuant to Article 54 and pursuant to paragraph (6) of Article 101^{sexies} of the same act” in Item c of the stated Subparagraph shall change to “program, exclusive right of publication, publication right pursuant to Article 54 (including the cases where the provisions thereof apply mutatis mutandis pursuant to Articles 90 and 98)”

ADDENDA <No. 11903, July 16, 2013>

This Act shall enter into force three months after the date of its promulgation.

ADDENDA <No. 12137, December 30, 2013>

This Act shall enter into force six months after the date of its promulgation.