

# **COPYRIGHT LAW OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA**

Adopted by Decree No.2141 of the Presidium of the Supreme People's Assembly on March 21, 2001 and amended by Decree No. 1532 of the Supreme People's Assembly on February 1, 2006

## **Chapter 1. Fundamentals**

### **Article 1 (Mission)**

Copyright Law of the DPRK shall aim to protect the rights of copyright holders and contribute to the development of literature, art, science and technology by establishing a strict system and order in the use of copyrighted works.

### **Article 2 (Protection of copyright)**

To protect the copyright is a consistent policy of the DPRK.

The state shall see that the authorship of the writers is ensured and the rights of the copyright holders are protected.

### **Article 3 (Proper use of copyrighted works)**

Proper use of copyrighted works is an important condition for the development of literature, art, science and technology.

The state shall establish proper procedure and method of the use of copyrighted works and ensure their strict observation.

### **Article 4 (Protection of related right)**

The state shall protect the rights of those who use the copyrighted works for art performance, sound recording, video recording and broadcasting.

### **Article 5 (Protection of foreigner's copyright)**

The copyright of a corporate body or an individual whose country is a party to a convention to which the DPRK has acceded shall be protected by the convention. However, in the event a corporate body or an individual whose country is not a party to the same convention makes public his works for the first time in the DPRK, the works shall be protected by this Law.

### **Article 6 (Exclusion)**

The copyright of any works whose publication, issuance, performance, broadcasting,

show and exhibition are prohibited shall not be protected.

#### **Article 7 (Exchange and cooperation)**

The state shall promote exchange and cooperation with foreign countries and international organizations in the field of copyright.

### **Chapter 2. Object of Copyright**

#### **Article 8 (Basic requirements of determination of object of copyright)**

Proper determination of the object of copyright is prerequisite for the protection of copyright.

The institutions concerned shall determine the object of copyright on the principle of scientific accuracy, impartiality and practicability.

#### **Article 9 (Object of copyright)**

The object of copyright shall be as follows:

1. works of scientific treatises, novels and poems;
2. works of music;
3. works of theatrical art such as opera, drama, acrobatics and dance;
4. works of visual art such as film and television program;
5. works of fine arts such as painting, sculpture, industrial art, calligraphy and design;
6. works of photography;
7. works of graphic art such as map, chart, blueprint, sketch and model; and
8. computer programs.

#### **Article 10 (Object of related copyright)**

The works transformed from the original by rewriting, arrangement, dramatization, embellishment, adaptation or translation shall be considered independent and become the object of copyright.

Modernized versions of national classics shall also be the object of copyright.

#### **Article 11 (Compiled works)**

The compiled works such as a dictionary or an anthology shall be the object of copyright.

In this case, the selection and arrangement of the materials should be creative.

#### **Article 12 (Exclusion)**

Documents for state management, current news or information data shall not be the

object of copyright unless commercial purpose is pursued.

### **Chapter 3. Copyright Holder**

#### **Article 13 (Right)**

The copyright holder shall be the author of works in the fields of literature, art, science and technology or the one who inherits the author's rights.

The copyright holder shall have moral and property rights to his works.

#### **Article 14 (Moral right)**

The moral right of the copyright owner shall be as follows:

1. the right to determine the publication of their works;
2. the right to make public his name in the works; and
3. the right to keep unchanged the title, content, form, etc. of their works.

#### **Article 15 (Property right)**

The property right of the copyright holder shall be as follows:

1. the right to reproduce, perform or broadcast the works;
2. the rights to exhibit or disseminate the original or the reproduction of the works;
3. the right to make a new work by rewriting, arrangement, dramatization, embellishment, adaptation or translation; and
4. the right to compile the works.

#### **Article 16 (Ownership of copyright)**

The copyright of a work created in the name of an individual shall be owned by the author. The copyright of a work created in the name of an institution, enterprise or organization shall be owned by the institution, enterprise or organization.

#### **Article 17 (Joint copyright)**

The copyright of a work authored by two or more individuals shall be held jointly by them. The joint copyright shall be exercised by mutual agreement of the joint right holders. In this case, a representative may be appointed to exercise the copyright.

#### **Article 18 (Copyright of visual works)**

The copyright of visual art works shall be granted to its producer.

The copyright of the novel, script, music and fine art used for making visual art works may be exercised independently.

**Article 19 (Protection of right of original copyright holder)**

The adapter or editor of a work shall not, in his exercise of copyright, infringe upon the right of the copyright holder of the original work.

**Article 20 (Protection of moral right)**

The moral right of the copyright holder shall belong exclusively to the author.

The moral right shall not be transferred nor inherited and shall be protected for an unlimited period.

**Article 21 (Transfer of property right)**

The whole or part of the property right of the copyright holder may be transferred or inherited.

In case the property right is to be transferred to a foreign corporate body or an individual, authorization of the institution concerned shall be obtained.

**Article 22 (Inheritance of property right by corporate body)**

In case an institution, enterprise or organization holding the property right to copyrighted works is dissolved, the inheriting institution, enterprise or organization shall take over the property right.

**Article 23 (Term of protection of property right)**

The property right to a copyrighted work shall be protected from the moment of its publication to the 50<sup>th</sup> year after the death of its author.

The property right to a joint copyrighted work shall be protected from the moment of its publication to the 50<sup>th</sup> year after the death of the last survivor of the co-authors.

**Article 24 (Term of protection of property right of corporate body)**

The property right to a copyrighted work or a copyrighted visual art work whose author is an institution, enterprise or organization shall be protected for up to 50years from the moment of its publication.

**Article 25 (Calculation of term of protection)**

The term of copyright protection shall be calculated from the 1<sup>st</sup> of January of the year following the publication of the work or the death of its author.

**Chapter 4. Use of Copyrighted Works**

**Article 26 (Basic requirements)**

The use of copyrighted works is an important undertaking of dissemination them by reproduction, performance, broadcast, exhibition, distribution, adaptation and compilation.

Institutions, enterprises, organizations and individuals shall use a copyrighted work as required by the established procedures and methods.

**Article 27 (Use of copyrighted works, permission)**

The copyrighted works shall be used by the copyright holders.

With the permission of the copyright holder, an institution, enterprise, organization or citizen may also use the work.

In case the copyright holder is not to be found, a copyrighted works may be used with the authorization of the institution concerned.

**Article 28 (Use of copyrighted works on a priority basis)**

In case a copyrighted works is created by a citizen affiliated with an institution, enterprise or organization as part of his duty, the institution, enterprise or organization in question may have priority to using the works.

**Article 29 (Limit of use)**

An institution, enterprise, organization and citizen shall use the copyrighted work within the permitted or authorized limit.

**Article 30 (Transfer of license)**

The institutions, enterprises, organizations and citizens that have been authorized to use a copyrighted work may transfer the license to a third party. In this case agreement shall be sought from the copyright holder or the institution concerned that has permitted or authorized the use of the copyrighted work.

**Article 31 (Royalty)**

The institutions, enterprises, organizations and citizens using a copyrighted work shall pay royalty due to the copyright holder.

The royalty shall be determined by the price fixing institution.

**Article 32 (Use of copyrighted work without permission)**

A copyrighted work may be used without the permission of the copyright holder in the following cases:

1. when a copyrighted work is reproduced or translated for use by an individual or within the family;

2. when a copyrighted work is reproduced for the purposes of preserving, displaying, reading or lending in such places as a library, an archives, a museum or a memorial hall;
3. when a copyrighted work is copied, broadcast or adapted for school education;
4. when a copyrighted work needed for the state management is copied, broadcast or used for compilation;
5. when a copyrighted work is broadcast or carried in newspapers or periodicals for the purpose of its introduction;
6. when a copyrighted work is quoted;
7. when a copyrighted work is performed free of charge;
8. when a copyrighted work in public places is copied; or
9. when a copyrighted work is sound-recorded or reproduced in Braille for blind people.

## **Chapter 5. Related Right Holder**

### **Article 33 (Definition, obligation)**

A related right holder is one who performs, sound-records, video-records or broadcasts using a copyrighted work or the one to whom this right is transferred.

Any person that performs, sound-records, vido-records or broadcasts shall not infringe on the right of the copyright holder to his work.

### **Article 34 (Right of performer)**

Any person that performs using a copyrighted work may associate his name with it, reproduce or broadcast his performance.

In case of need, the recorded works may be disseminated.

### **Article 35 (Right of producer of sound- or video-recordings)**

Any person that has produced sound- or video-recordings using a copyrighted work may reproduce them.

In case of need, the sound- or video-recordings or their reproductions may be disseminated.

### **Article 36 (Right of broadcaster)**

Any person that has broadcast using a copyrighted work may reproduce the broadcastings by sound-recording, video-recording or photographing.

As the case may be, it may be relayed or rebroadcast.

### **Article 37 (Use of related copyright)**

The institutions, enterprises, organizations or citizens that wish to use a performance,

sound-or video-recording or broadcasting shall secure permission from the related right holder.

In this case, they shall pay reasonable royalty.

**Article 38 (Term of protection of related copyright)**

The term of protection of related right shall be up to 50years from the moment of performance, sound- or video-recording or broadcasting.

The term of protection shall be calculated from the 1<sup>st</sup> of January of the year following the year of performance, sound- or video-recording or broadcasting.

**Article 39 (Transfer, inheritance)**

The related copyright may be transferred or inherited.

**Article 40 (Use without permission)**

A performance, sound- or video-recording or broadcasting may be used without permission of the related right holder in such cases as specified in Article 32.

## **Chapter 6. Guidance and Control of Copyright Protection**

**Article 41 (Basic requirements)**

Intensifying guidance and control is the principal guarantee for the correct implementation of the state policy on copyright protection.

The state shall intensify guidance and control of copyright protection.

**Article 42 (Guidance)**

Guidance of copyright protection shall be undertaken by the leading institutions of publication, culture, science and technology under the uniform guidance of the Cabinet.

The leading institutions of publication, culture, science and technology shall establish a proper system and protect the rights of copyright holders or related right holders.

**Article 43 (Organization of representative agencies)**

The leading institutions of publication, culture and science and technology may set up their representative agencies needed for copyright protection.

In this case approval shall be obtained from the Cabinet.

**Article 44 (Prohibition of imitation and pirating)**

Institutions, enterprises, organizations or citizens shall not imitate or pirate the works of others that have been submitted for publication.

**Article 45 (Supervision and control)**

Supervision and control of copyright protection shall be undertaken by the leading institutions of publication, culture and science and technology, and the supervisory institutions concerned.

The leading institutions of publication, culture, science and technology, and the supervisory institutions concerned shall exercise strict control so that the copyright and the related rights may not be infringed upon.

**Article 46 (Compensation)**

In case of any infringement upon the copyright or the related rights the resulting losses shall be compensated.

**Article 47 (Administrative or penal responsibility)**

Officials of institutions, enterprises and organizations, or individual citizens who are responsible for the serious consequences resulted from their violation of this Law shall be subject to administrative or penal responsibility.

**Article 48 (Settlement of dispute)**

Any dispute arising in relation to copyright shall be settled by consultation.

In case of failure in consultation, it may be referred to an arbitration body or a court for settlement.