



Enforcement Decree of the Computer Programs Protection Act
Presidential Decree No. 12218, Jul. 24, 1987
As last amended by Presidential Decree No. 16050, Dec. 31, 1998

TABLE OF CONTENTS

	<i>Article</i>
Chapter I:	General Provisions
	Purpose..... 1
	Protection of Foreigner's Program..... 2
Chapter I -2:	Compensation Due to Insertion in Curriculum Books
	Application for Determination and Public
	Announcement of Compensation..... 2-2
	Notification and Public Announcement of
	Determination of Compensation..... 2-3
	Deposition of Compensation..... 2-4
Chapter II:	Approval of Program Use
	Scope of Program Use..... 3
	Application for Approval of Program Use and Public
	Notification..... 4
	Approval for Program Use..... 5
	Rejection of Approval of Program Use..... 6
	[Without Title]..... 7 - 9-2
	Approval for Use of Foreigner's Program..... 10
Chapter III:	Program Registration
	Registration, etc. of Program..... 11
	Program Register Book..... 12
	Program Public Bulletin..... 13
	Inspection, etc., of Program Register Book..... 14
	Changes, etc. of Program Registration Matters..... 15
	Delivery of Program Registration Certificate..... 16
	Indication of Program Registration..... 17
	Presentation of Program Registration..... 18
	Management of Program Reproduction..... 19
	Copy of Program Reproduction..... 20
	Program Copyright Register Book..... 21
	Application for Program Copyright Registration..... 22
	[Without title]..... 23
Chapter IV:	Program Deliberation and Mediation Committee
	Functions of Program Deliberation and Mediation
	Committee..... 24
	[Without title]..... 25
	Duties of Chairman..... 26
	Operation of Committee..... 27
	Mediation Procedures..... 27-2
	[Without title]..... 27-3
	Establishment of Special Subcommittees..... 28
	Public Forum, etc..... 29
	Secretariat..... 30
	Stipend and Traveling Expenses..... 31
Chapter V:	Consignment Management of Program Copyright
	Appointment Standard for Consignment Management
	Agency..... 31-2



	Report Procedure of Agency and Brokerage of Program Copyright.....	31-3
Chapter VI:	Consignment of Business	
	Consignment of Authority.....	32
	[Without title].....	33
Addendum:		
Addendum:	(Presidential Decree No. 12895, Jan. 3, 1990) Enforcement Date	
Addendum:	(Presidential Decree No. 13869, Mar. 6, 1993) Enforcement Date	
	[Without title].....	
Addendum:	(Presidential Decree No. 14311, Jun. 30, 1994)	
Addendum:	(Presidential Decree No. 15019, Jun. 7, 1996)	
Addendum:	(Presidential Decree No. 15598, Dec. 31, 1997)	
Addendum:	(Presidential Decree No. 16050, Dec. 31, 1998)	

Chapter I General Provisions

Purpose

1. The purpose of this Decree is to prescribe the matters delegated by the Computer Programs Protection Act (hereinafter referred to as the “Act”) and matters necessary for the enforcement thereof.

Protection of Foreigner’s Program

2.—(1) Any person who has interest in a program of a foreigner may submit an application to restrict the protection on a program of a foreigner containing such information as the matters falling under any of the following subparagraphs, to the Minister of Information and Communication and may request the restriction of protection on the program of the foreigner concerned as provided in the provisions of Article 3 (3) of the Act: (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

1. The name of the country not protecting the programs of Koreans and the contents not protected; and

2. The contents necessary for the restriction of protection and methods of restriction.

(2) In cases where the Minister of Information and Communication under the provisions of Article 3 (3) of the Act restricts the protection on the programs of a foreigner, he shall notify publicly in a public programs bulletin (hereinafter referred to as a “public programs bulletin”), the contents of restriction, reasons for restriction and conditions for removing the restriction, as provided in Article 21 (4) of the Act (Amended by Presidential Decree No. 15019, Jun. 7, 1996)



Chapter I –2 Compensation Due to Insertion in Curriculum Books

Application for Determination and Public Announcement of Compensation

2-2.—(1) A person who intends to insert any program in textbooks under Article 12-2 of the Act shall present a written application for determination of compensation with documents as prescribed by the Ordinance of the Ministry of Information and Communication to the Minister of Information and Communication.

(2) If the Minister of Information and Communication receives a written application for determination of compensation under paragraph (1), he shall make a public announcement of the contents of such an application in a public bulletin.

[This Article Newly Inserted by Presidential Decree No. 16050, Dec. 31, 1998]

Notification and Public Announcement of Determination of Compensation

2-3. If the Minister of Information and Communication determines compensation under Article 12-2 of the Act, he shall notify applicants for determination of compensation and program copyright owners of the contents of such determination: provided, that where he is unable to know program copyright owners or their residences, he shall make a public announcement of the contents of such determination in a public bulletin.

[This Article Newly Inserted by Presidential Decree No. 16050, Dec. 31, 1998]

Deposition of Compensation

2-4. A case where compensation is deposited in lieu of the payment of compensation to a program copyright owner under Article 12-2 (1) of the Act shall be as follows;

1. Where a program copyright owner or his residence is unknown;
2. Where a program copyright owner is unable to be paid compensation due to the refusal of receipt of compensation by a program copyright owner or other reasons; and
3. Where a right of pledge which has the program copyright concerned for its object is established (excluding where a program copyright owner obtains the consent of a person who holds said right of pledge).

[This Article Newly Inserted by Presidential Decree No. 16050, Dec. 31, 1998]

Chapter II Approval of Program Use

Scope of Program Use

3. The scope of program use as provided in the provisions of Article 17 (1) of the Act means the reproduction use, the adaptation use and the translation use of programs.

Application for Approval of Program Use and Public Notification

4.—(1) Any person who desires to obtain an approval to use a program as provided in Article 17 (1) of the Act shall submit a written application for approval of program use to which documents as prescribed by the Ordinance of the Ministry of Information and Communication are attached to the Minister of Information and Communication (Amended by Presidential Decree No. 15019, Jun. 7, 1996: Presidential Decree No. 16050, Dec. 31, 1998)

(2) When the Minister of Information and Communication receives the application for approval of program use as provided in paragraph (1), he shall fix a period of more than 30 days and notify publicly the contents of such application in a public program bulletin (Amended by Presidential Decree No. 15019, Jun. 7, 1996: Presidential Decree No. 16050, Dec. 31, 1998)

(3) The program copyright owner, etc., who has an objection to the matters notified under the provisions of paragraph (2) of this Article may submit his objection in writing to the Minister of Information and Communication. (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

Approval for Program Use

5.—(1) If there is no submission of data which states the name of the program copyright owner or his residence and the Minister of Information and Communication deems the application justifiable within the period of public notification as provided in Article 4 (2) of this Decree, he shall establish the amount of compensation, contents and methods of program use, etc., and approve the use of program, but he may attach conditions falling under any of the following subparagraphs; (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

1. The matters which requests any person to indicate the name of the program copyright owner and the first published year of the program reproduction; and
2. Other necessary matters to protect the rights of the program copyright owner.

(2) If the Minister of Information and Communication approves the program use as provided in paragraph (1) of this Article, he shall notify the content of approval to the applicant who has applied for such approval on the program use and give a public notice of it in a public programs bulletin. (Amended by Presidential Decree No. 15019, Jun. 7, 1996)



Rejection of Approval of Program Use

6.—(1) When the application for approval of program use is deemed applicable for any of the reasons listed in the following subparagraphs, the Minister of Information and Communication shall reject the application; (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

1. When it is determined that the applicant who has applied for an approval may achieve his objectives sufficiently by other means, though it is not the program applied for;
2. When the applicant records a false fact within the contents of the application;
3. When the name of the program copyright owner of his residence is disclosed within the period of public notification as provided in Article 4 (2) of this Decree; and
4. When the grounds for application for approval of other program use is extinguished.

(2) When the Minister of Information and Communication vetoes the approval for the use under any one of the subparagraphs of paragraph (1) of this Article, he shall notify its applicant it with the reasons. (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

[Without Title]

7 through 9-2. Deleted

Approval for Use of Foreigner's Program

10.—(1) In cases where the Minister of Information and Communication approves the use of the program, under Article 17 (1) of the Act, in a foreign country that is a contraction party to a treaty concerning program copyright to which the Republic of Korea is another contracting party, or the use of other programs of any foreigner who has a nationality of the said country or address therein, he shall follow the matters designated by the international treaty in connection with the matters falling under any of the following subparagraphs; (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

1. The scope, conditions, contents of approval for the use and the expiry of use term;
2. An approval for the use and the public notification of such facts;
3. The matters concerning the sale and purchase of the approved rights and prohibition of export; and
4. The decision and the deposit of compensation.

(2) In cases where a person who desires to apply for the use of the program of which copyright owner is a foreigner as provided in Article 17 (1) of the Act, he shall submit a copy of the application of approval for use to the International Copyrights Information Center established by UNESCO.



Chapter III Program Registration

Registration, etc. of Program

11.—(1) A person who desires to register the program under the provisions of Article 21 (1) the Act shall submit an application of program registration to the Minister of Information and Communication as prescribed by the Ordinance of the Ministry of Information and Communication (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

(2) In cases where a proof on the creation of program so requires, the Minister of Information and Communication may request that the applicant submit additional documents concerning the creation (Newly Inserted by Presidential Decree No. 14311, Jun. 30, 1994; Presidential Decree No. 15019, Jun. 7, 1996)

Program Register Book

12. The form of the program register book under the provisions of Article 21 (3) of the Act shall be prescribed by the Ordinance of the Ministry of Information and Communication (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

Program Public Bulletin

13. The Minister of Information and Communication shall publish the public programs bulletin at least once every two months; provided, that case there is no matter to be published during the two months after the time of publishing a public programs bulletin, it shall not apply. (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

[This Article Wholly Amended by Presidential Decree No. 14311, Jun. 30, 1994]

Inspection, etc., of Program Register Book

14. A person who desires to inspect the program register book or transfer a written copy thereof shall submit an application to the Minister of Information and Communication as prescribed by the Ordinance of the Ministry of Information and Communication (Amended by Presidential Decree No. 14311, Jun. 30, 1994; Presidential Decree No. 15019, Jun. 7, 1996)

Changes, etc. of Program Registration Matters

15. If a person who has registered a program desires to change the registration matters or cancel them, he shall submit such application to the Minister of Information and Communication as prescribed by the Ordinance of the Ministry of Information and Communication (Amended by Presidential Decree No. 14311, Jun. 30, 1994; Presidential Decree No. 15019, Jun. 7, 1996)

Delivery of Program Registration Certificate

16. The Minister of Information and Communication shall deliver a program registration certificate to the person who registers the program and if there is a change of the registration matters as provided in Article 15 of this Decree, he shall redeliver it. (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

Indication of Program Registration

17. The program copyright owner under the provisions of Article 21 of the Act may indicate the fact of registration on the reproduction of program registered.

Presentation of Program Registration

18.—(1) The program reproduction which the person who is registering the program submits as provided in Article 22 (1) of the Act shall be a tangible object including the program such as CD-Rom or microfilm, etc. (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

(2) When any person presents a program reproduction as provided in paragraph (1), he shall present the entire program: provided, that where only a portion of the program is necessary to prove the fact of the program creation, he may select the part of the program and submit it as prescribed by the Ordinance of the Ministry of Information and Communication. (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

Management of Program Reproduction

19. The Minister of Information and Communication shall take charge of the program reproduction submitted as provided in Article 22 (1) of the Act, maintain the confidentiality thereof and devise a protective measure regarding the program reproduction as prescribed by the Ordinance of the Ministry of Information and Communication. (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

Copy of Program Reproduction

20. The program copyright owner may request a copy of the program reproduction as referred to in Article 22 (1) of the Act from the Minister of Information and Communication. (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

Program Copyright Register Book

21. The form of a program copyright register book under Article 24 (2) of the Act shall be prescribed by the Ordinance of the Ministry of Information and Communication.



Application for Program Copyright Registration

22.—(1) A person who desires to register in the program copyright register book as provided in the provisions of Article 21 of the Act shall submit a program copyrights registration application to the Minister of Information and Communication as prescribed by the Ordinance of the Ministry of Information and Communication. (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

(2) Deleted. (by Presidential Decree No. 16050, Dec. 31, 1998)

(3) According to the matters concerning the inspection application of the program copyright register book, the transfer application of copy, the change application of program copyrights registration and the transfer of the program copyright registration certificate, Article 14 through 16 shall apply *mutatis mutandis*.

[Without title]

23. Deleted

Chapter IV
Program Deliberation and Mediation Committee

Functions of Program Deliberation and Mediation Committee

24. For purposes of this Act, the term “other matters as prescribed by Presidential Decree” under the provisions of Article 29-2 of the Act means the matters falling under any of the following subparagraphs: (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

1. The advisory matters concerning the interpretation of Acts and subordinate statutes related to the program copyright;

2. The matters concerning the provisions necessary to coordinate with the Copyright Act;

3. The matters concerning the fair use of program and the contents deliberation of program copyright related to the circulation promotion;

4. The matters concerning the program registration; and

5. Other matters related to the program copyright deemed important by the Minister of Information and Communication.

[Without title]

25. Deleted



Duties of Chairman

26.—(1) The chairman shall represent the Program Deliberation and Mediation Committee (hereinafter referred to as the “Committee”); and act as the president and supervise the affairs of the Committee. (Amended by Presidential Decree No. 14311, Jun. 30, 1994)

(2) In the case of an accident to the chairman, the Committee members nominated in advance by the chairman shall act on behalf of the chairman.

Operation of Committee

27.—(1) In cases where the president convenes the Committee, he shall notify each committee member of the date and time of the meeting, its location and the matters to be deliberated at least five days before the meeting is to be held: provided, that if there occurs a state of emergency or an inevitable circumstance, this provisions shall not apply.

(2) The Committee shall hold a meeting with attendance of not less than two thirds of the Committee members and make a decision by the concurrent vote of a majority of the members present, including the chairman. (Amended by Presidential Decree No. 16050, Dec. 30, 1998)

(3) A committee member shall not participate in the deliberation of matters in which he has a direct interest.

(4) In cases where the Committee enacts or amends matters falling under any of the following subparagraphs, the Committee shall consult with the Minister of Information and Communication: (Newly Inserted by Presidential Decree No. 14311, Jun. 30, 1994: Presidential Decree No. 15019, Jun. 7, 1996: Presidential Decree No. 16050, Dec. 31, 1998)

1. The matters concerning the operation of the Committee;
2. The detailed matters concerning the dispute mediation procedures of the program copyright in addition to the mediation procedures as provided in Article 27-2 of this Decree; and
3. The matters concerning the organization, prescribed number of members and operation of the secretariat.

(5) Other matters necessary for the operation of Committee shall be determined by the chairman through the deliberation of the Committee.

Mediation Procedures

27-2.—(1) A person who wishes to request a mediation as provided in Article 29-4 (1) of the Act shall submit a mediation application to the committee as determined by the Committee.

(2) When a person requests the mediation as provided in paragraph (1) of this Article, he shall submit the mediation expenses as determined by the Committee.

(3) In cases where the chairman receives a mediation application as provided in paragraph (1) of this Article, he shall designate a mediation division and send the mediation application to such place.

(4) If the mediation division which has received the mediation application as provided in paragraph (3) of this Article requires the presence of the party concerned, his legal representative of interested persons under the provisions of Article 29-5 (1) of the Act, its procedures shall apply *mutatis mutandis* to Article 9 (3) through (6). In this case, for purposes of Article 9 (3) through (5) “the Minister of Information and Communication” shall be considered as “mediation division”, “the opposite party subject to the disposition or his agent” shall be considered as “the party concerned, agent of interested persons”, and “the public official concerned” shall be considered as “staff of secretariat.” (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

(5) The mediation division may draw up a mediation plan and present it to the party concerned and recommend the acceptance thereof.

(6) If a person who is not connected with the mediation affair attends by replying to the request, the Committee may pay him for such expenses as a stipend and traveling expenses.

(7) In cases where a mediation is conducted under the provisions of Article 29-6 of the Act, the Committee shall report the results to the Minister of Information and Communication without delay and shall manager and preserve the protocol concerning the mediation and related records. (Amended by Presidential Decree No. 15019, Jun. 7, 1996)

[This Article Newly Inserted by Presidential Decree No. 14311, Jun. 30, 1994]

[Without title]

27-3. Deleted

Establishment of Special Subcommittees

28. If the Committee deems it necessary for the operation of the affairs concerned, subcommittees shall be established in order to deliberate the matters of the Committee (Amended by Presidential Decree No. 14311, Jun. 30, 1994)

Public Forum, etc.

29.—(1) According to the deliberation of the agenda, if the Committee deems it necessary, the Committee may hold a public forum or hear the opinions of the interested persons or experts concerned.

(2) A person who has a interest in the agenda of the Committee shall submit his opinions to the Committee in writing.



Secretariat

30.—(1) The secretariat shall be designated within the Committee for the purpose of managing its affairs.

(2) The secretariat shall have one director and necessary staffs, and the director shall perform duties under the order of the chairman. (Amended by Presidential Decree No. 16050, Dec. 31, 1998)

(3) The organization, the fixed number of members, operation and other necessary matters of the secretariat shall be determined by the chairman after deliberation of the Committee. (Amended by Presidential Decree No. 16050, Dec. 30, 1998)

[This Article Wholly Amended by Presidential Decree No. 14311, Jun. 30, 1994]

Stipend and Traveling Expenses

31. Members of the Committee and experts concerned as provided in Article 29 of this Decree may be paid a stipend and travel expenses. (Amended by Presidential Decree No. 14311, Jun. 30, 1994)

Chapter V
Consignment Management of Program Copyright

Appointment Standard for Consignment Management Agency

31-2.—(1) The Minister of Information and Communication may designate a nonprofit corporation which performs functions related to program copyright under the provisions of Article 33-2 (1) of the Act, furnish it with personnel and facilities as determined by the Minister of Information and Communication as a program copyright management consignment agency (hereinafter referred to as a “consignment management agency”).

(2) A person who desires to obtain designation as a consignment management agency under the provisions of paragraph (1) of this Article shall submit an application with the documents detailing the Articles of incorporation the regulations of consignment management affairs, personnel, and conditions of the facilities, etc. to the Minister of Information and Communication

(3) The regulations of consignment management affairs as provided in paragraph (2) shall include the matters falling under the following subparagraphs:

1. The contract concerning the consignment management and the program use;
2. The matters concerning the cost rates of program use; and
3. Matters concerning the cost rates of service charge as provided in Article 33-2 (3) of the Act;



(4) The Minister of Information and Communication shall request the consignment management agency designated under the provisions of Article 33-2 (1) of the Act to submit the documents concerning the project results.

[This Article Newly Inserted by Presidential Decree No. 15019, Jun. 7, 1996]

Report Procedure of Agency and Brokerage of Program Copyright

31-3. A person who desires to report the agency and brokerage of program copyrights under the provisions of Article 33-2 (2) of the Act shall submit an application of the agency and brokerage including the regulations of agency and brokerage business to the Minister of Information and Communication.

[This Article Newly Inserted by Presidential Decree No. 15019, Jun. 7, 1996]

Chapter VI
Consignment of Business

Consignment of Authority

32.—(1) The authority of the Minister of Information and Communication concerning the registration and submission of programs (including the registration of program copyright) under the provisions of Article 32 of the Act may be consigned to the agencies (hereinafter referred to as a “consignment agency”) related to the program copyright dispute mediation business (Amended by Presidential Decree No. 14311, Jun. 30, 1994; Presidential Decree No. 15019, Jun. 7, 1996)

(2) In cases where the consignment agency is designated under the provisions of paragraph (1) of this Article, this shall be notified publicly in the official Gazette.

[Without title]

33. Deleted. (by Presidential Decree No. 16050, Dec. 31, 1998.)

Addendum

This Decree shall enter into force on the date of its promulgation: provided, that the provisions of Article 10 of this Decree shall enter into force on the date on which the international copyright treaty becomes effective in the Republic of Korea.

Addendum
(Presidential Decree No. 12895, Jan. 3, 1990)

Enforcement Date

1. This Decree shall enter into force on the date of its promulgation.



2 and 3. Omitted

Addendum
(Presidential Decree No. 13869, Mar. 6, 1993)

Enforcement Date

1. This Decree shall enter into force on the date of its promulgation.

[Without title]

2 through 4. Omitted.

Addendum
(Presidential Decree No. 14311, Jun. 30, 1994)

This Decree shall enter into force on the date of its promulgation.

Addendum
(Presidential Decree No. 15019, Jun. 7, 1996)

This Decree shall enter into force on the date of its promulgation.

Addendum
(Presidential Decree No. 15598, Dec. 31, 1997)

This Decree shall enter into force on January 1, 1998.

Addendum
(Presidential Decree No. 16050, Dec. 31, 1998)

This Decree shall enter into force on January 1, 1999.
