

ENFORCEMENT DECREE OF THE COPYRIGHT ACT

[Enforced on February 1, 2010] [Presidential Decree No.22003, January 27, 2010, Amendment of Other Acts]
Ministry of Culture, Sports and Tourism (Copyright Policy Department) 02-3704-9472

Article 1 (Purpose) The purpose of this Decree is to provide for the matters delegated by the Copyright Act and the matters necessary for the enforcement thereof.

Article 1-2 (Establishment of Policies for Protection of Copyright) (1) The policies on education and publicity to raise awareness of copyrights that are established and/or enforced by the Minister of Culture, Sports and Tourism under Article 2-2 (1) 2 of the Copyright Act (hereinafter referred to as “the Act”) shall include the matters as prescribed in any of the following subparagraphs:

1. Matters concerning development of experts in copyrights;
2. Matters concerning education on copyrights for youth;
3. Matters concerning public relations of the appropriate use of works; and/or
4. Other matters deemed necessary by the Minister of Culture, Sports and Tourism to raise awareness of copyrights.

(2) The policies on the right management information and technological protection measures of works, performances, phonograms, broadcasts or databases (hereinafter referred to as “works, etc.”) that are established and/or enforced by the Minister of Culture, Sports and Tourism under Article 2-2 (1) 3 of the Act shall include the matters as prescribed in any of the following subparagraphs:

1. Matters concerning development of a standard system to centrally manage the right management information;
2. Matters concerning reasons for exceptions to the prohibition against removal and/or modification of the right management information;
3. Matters concerning standardization of technological protection measures;
4. Matters concerning reasons for exceptions to the prohibition against circumvention of technological protection measures; and
5. Other matters deemed necessary for the right management information and technological protection of works, etc. by the Minister of Culture, Sports and Tourism.

(3) Where the Minister of Culture, Sports and Tourism desires to establish policies under Article 2-2 (1) of the Act, he/she shall receive opinions of appropriate industries and stakeholders and consult with the heads of the appropriate central administrative organizations.

(4) Where the Minister of Culture, Sports and Tourism has established policies under Article 2-2 (1) of the Act, he/she shall post the contents thereof on the website of the Ministry of Culture, Sports and Tourism.

[This Article Newly Inserted on July 22, 2009]

Article 2 (Submission of Details such as Reproduction, Performance, etc.) A person who desires to exploit works pursuant to Article 25 (1) and (2) of the Act shall submit details of reproduction, distribution, public performance, broadcasting, and transmission to an organization that exercises the right to receive remuneration pursuant to Article 25 (5) of the Act (hereinafter referred to as “remuneration receiving organization”) and pay the corresponding remuneration.
<Amended on July 22, 2009>

Article 3 (Designation of Remuneration Receiving Organization) (1) An organization designated by the Minister of Culture, Sports and Tourism as a remuneration receiving organization shall satisfy all requirements set forth in subparagraphs of Article 25 (5) of the Act, ensure equality in voting rights of members thereof, etc., and make decisions in a democratic manner.
<Amended on February 29, 2008 >

(2) Where an organization is designated under paragraph (1), the Minister of Culture, Sports and Tourism shall make notification thereof in the Official Gazette. *<Amended on February 29, 2008 >*

Article 4 (Business Regulations in Relation to Remuneration) A remuneration receiving organization shall determine business regulations on remuneration including each of the following subparagraphs and obtain approval therefor from the Minister of Culture, Sports and Tourism: provided that in the event of modification thereof, the same shall apply: *<Amended on February 29, 2008 >*

1. Matters concerning methods and procedures of collecting remuneration;
2. Matters concerning distribution of remuneration;
3. Matters concerning fees; and
4. Matters concerning management of remuneration.

Article 5 (Accounting) A remuneration receiving organization shall manage any remuneration in a separate account.

Article 6 (Revocation of Designation) (1) Where the Minister of Culture, Sports and Tourism intends to revoke the designation of a remuneration receiving organization under Article 25 (7) of the Act, he/she shall hold a public hearing. *<Amended on February 29, 2008 >*
(2) Upon revocation of the designation of a remuneration receiving organization, the Minister of Culture, Sports and Tourism shall make notification thereof in the Official Gazette. *<Amended on February 29, 2008 >*

Article 7 (Public Notification of Distribution of Remuneration) A remuneration receiving organization shall make public notification of the matters concerning the distribution of remuneration including matters set forth in each of the following subparagraphs in general daily newspapers of nationwide circulation registered pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, etc., and on the websites of remuneration receiving organizations and the Ministry of Culture, Sports and Tourism. In this case, public notification on the websites shall be maintained for one or more months: *<Amended on February 29, 2008; July 22, 2009; January 27, 2010>*

1. Grounds for payment;
2. Criteria for payment and the person eligible to receive remuneration;
3. Method of payment;
4. Due date of payment and treatment of undistributed remuneration; and
5. Person in-charge and contact numbers.

Article 8 (Use of Undistributed Remuneration for Public Interest) (1) The term “public interest” referred to in Article 25 (8) of the Act means a purpose which falls under any of the following subparagraphs: *<Amended on July 22, 2009>*

1. Education, awareness, and research on copyrights;
2. Management and provision of copyright information;
3. Support for creative activities of works;
4. Copyright protection business;
5. Protection of authors’ rights and interests; or
6. Increasing use of works and promoting fair use thereof.

(2) Where a remuneration receiving organization desires to obtain approval to use the undistributed remuneration under Article 25 (8) of the Act, it shall submit a document stating the details of each of the following subparagraphs to the Minister of Culture, Sports and Tourism: *<Amended on February 29, 2008 >*

1. Pronouncement date of remuneration distribution;
2. Amount applied for authorization;
3. Purpose of use of remuneration;
4. Plan to use remuneration; and
5. Date and time of application for authorization.

(3) Where a remuneration receiving organization has used the undistributed remuneration, it shall submit a report on such use within six months to the Minister of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

Article 9 (Necessary Measures Including Reproduction Prevention Measures by Educational Institution) The term “necessary measures set forth by Presidential Decree” referred to in Article 25 (10) of the Act means the measures in the following subparagraphs:

1. Technological measures necessary to prevent unlawful use, which are set forth in each of the following items:
 - (a) Access controls to keep transmitted works from being used by other persons than students; and
 - (b) Anti-counterfeiting measures to keep transmitted works from being reproduced by other persons than students.
2. Indication of a warning label for copyright protection on works; and
3. Installation of a device to calculate transmission-related remuneration.

Article 10 (Standards for Reasonable Scope, etc.) The Minister of Culture, Sports and Tourism may determine and publicly announce the reasonable limit and fair practices referred to in Article 28 of the Act. *<Amended on February 29, 2008 >*

Article 11 (Exception to Public Performance using Commercial Phonograms, etc.) The term “the cases as set forth by Presidential Decree” referred to in the proviso of Article 29 (2) means a public performance which falls under any of the following subparagraphs: *<Amended on February 29, 2008; July 22, 2009; August 6, 2009>*

1. Public performance set forth in the following items and delivered at a place of business

pursuant to subparagraph 8 of Article 21 of the Enforcement Decree of the Food Sanitation Act:

- (a) Public performance delivered at a karaoke bar under subparagraph 8 (c) of Article 21 of the Enforcement Decree of the Food Sanitation Act, and a hostess bar under item (d) of the same subparagraph; or
 - (b) Public performance delivered at places of business which do not fall under item (a), for the business purpose of having people appreciate music or cinematographic works through furnished devices for appreciation thereof.
2. Public performance delivered at racecourses under the Korean Racing Association Act, or motorboat racecourses under the Bicycle and Motorboat Racing Act;
 3. Public performance delivered at specialized sports facilities prescribed by ordinance of the Ministry of Culture, Sports and Tourism among the golf courses, ski resorts, aerobic dance halls, dance halls, ballroom dance halls, or specialized sports facilities under the Installation and Utilization of Sports Facilities Act;
 4. Public performance delivered on passenger airplanes for an air transport business purpose under the Aviation Act, on ships for marine passenger transport business purpose under the Marine Transportation Act, or on passenger trains under the Railroad Enterprise Act;
 5. Public performance delivered at hotels, resort condominiums, casinos, or amusement parks under the Tourism Promotion Act;
 6. Public performance delivered at large discount stores, specialty stores, department stores, or shopping malls under Article 3 of the Enforcement Decree of the Distribution Industry Development Act;
 7. Public performance of commercial cinematographic works delivered through devices for appreciation thereof in the hospitality industry under Article 2 (1) 2 of the Public Health Control Act and public bathhouses under Article 2 (1) 3 (b) of the foregoing Act;
 8. Public performance delivered in a form of playback of commercial cinematographic works, whose publication date has not passed six months, at facilities falling under any of the following items through furnished devices for appreciation thereof:
 - (a) Buildings of the State or local governments (including affiliated organizations thereof) and attached facilities thereof;
 - (b) Performance places under the Public Performance Act;
 - (c) Museums or art galleries under the Museum and Art Gallery Support Act;
 - (d) Libraries under the Libraries Act;
 - (e) Local cultural institutes under the Promotion of Local Cultural Institutes Act;
 - (f) Social welfare service centers under the Social Welfare Services Act;
 - (g) Women's facilities under subparagraph 3 of Article 2 of the Framework Act on Women's

Development;

- (h) Youth training centers under Article 10, subparagraph 1, item (a) of the Juvenile Activity Promotion Act; or
- (i) *Si/Gun/Gu* community centers among the public facilities under the provisions of Article 144 of the Local Autonomy Act.

Article 12 (Scope of Facilities where Reproduction is Allowed) The term “facilities as prescribed by Presidential Decree” in the main clause of Article 31 (1) of the Act means facilities falling under any of the following subparagraphs:

1. The National Library of Korea, public libraries, university libraries, school libraries, specialized libraries (excluding any specialized library established by for-profit legal persons or organizations, whose primary purpose is to serve its own members) under the Libraries Act; or
2. Any facility established by the State, local governments, or non-profit profit legal persons or organizations to retain, rent, or provide for the public use any book, document, record, or other data (hereinafter referred to as “books, etc.”).

Article 13 (Necessary Measures including Reproduction Prevention Measures by Libraries, etc.) The term “necessary measures as provided by Presidential Decree” in Article 31 (7) of the Act means the measures in any of the following subparagraphs:

1. Technological measures to prevent unlawful use that fall under any of the following items:
 - (a) Reproduction prevention measures that keep users of the facilities under Article 12 hereof (hereinafter referred to as “libraries, etc.” from exploiting books, etc. in any way other than reading them at libraries, etc.;
 - (b) Access control measures that keep users other than any user of libraries, etc. from exploiting books, etc.;
 - (c) Measures to ascertain if any user of libraries, etc. has exploited books, etc. in any way other than reading them at libraries, etc., or altered the contents thereof; and/or
 - (d) Installation of a device that prevents use of any electronic recording medium manufactured for sale.
2. Education on the library staff to prevent infringement of copyrights;
3. Attachment of a warning label for copyright protection to computers, etc.; and/or
4. Installation of a device that calculates remuneration pursuant to Article 31 (5) of the Act.

Article 14 (Facilities for Visually Impaired Persons, etc. where Reproduction, etc. is Allowed) (1)

The term “facilities as prescribed by Presidential Decree” in Article 33 (2) of the Act means facilities falling under any of the following subparagraphs: *<Amended on July 22, 2009>*

1. Welfare institutes for the disabled under Article 58 (1) of the Welfare of Disabled Persons Act, which fall under any of the following items:
 - (a) Living facilities for visually impaired persons;
 - (b) Braille libraries; or
 - (c) Community rehabilitation centers for the disabled and occupational rehabilitation centers for the disabled that protect visually impaired persons, etc.
2. Special schools and any school that has special classes for visually impaired persons pursuant to the Early Childhood Education Act, the Elementary and the Secondary Education Act, and the Act on Special Education for the Disabled Persons, etc.; or
3. Any facility that is established and/or operated by the State, local governments, or non-profit juridical persons or organizations for the purpose of promoting education, art and science, or welfare of visually impaired persons, etc.

(2) The term “a recorded form as set forth by Presidential Decree for the exclusive use of visually impaired persons, etc.” in Article 33 (2) of the Act means a method falling under any of the following subparagraphs: *<Newly Inserted on July 22, 2009>*

1. Electronic information recording method, whose purpose is to indicate information in Braille;
2. Information recording method, whose purpose is to convert printed materials into voice;
3. Standardized digital voice information recording method to service visually impaired persons; or
4. Information recording method that has technological protection measures to prevent persons other than visually impaired persons from using such information.

Article 15 (Scope of Visually Impaired Persons, etc.) The scope of visually impaired persons, etc. under Article 33 of the Act is as specified in any of the following:

1. Any visually impaired person who falls under any of the following items pursuant to subparagraph 3 of the attached Table 1 of the Enforcement Decree of the Welfare of Disabled Persons Act:
 - (a) A person whose visual acuity in the better eye (referring to corrected vision measured by the Korean eye chart) is below 0.2; or
 - (b) A person whose visual field of both eyes is less than 10 degrees from the fixation point.
2. A person who is not able to handle books due to physical or psychological disorders, or who is not able to read normally due to explicit impairment of reading capability.

Article 16 (Archiving Facilities of Recordings, etc.) The term “places as prescribed by Presidential Decree” in the proviso of Article 34 (2) of the Act means a place within a facility falling under any of the following subparagraphs:

1. Any facility established and/or operated by the State or local governments for the purpose of archiving recordings; or
2. Any facility operated by a broadcast service provider under subparagraph 3 of Article 2 of the Broadcasting Act, or commissioned by such provider to collect and/or archive, as records, the sound or visual recordings provided for broadcasting purposes.

Article 17 (Methods of Indicating Sources) The Minister of Culture, Sports and Tourism may determine and publicly announce guidelines as to how to indicate the sources of works in a reasonable manner in accordance with the use thereof, as set forth in Article 37 (2) of the Act.
<Amended on February 29, 2008 >

Article 18 (Criteria for Considerable Efforts) The term “considerable efforts in accordance with the criteria prescribed by Presidential Decree” in Article 50 (1) of the Act means the cases where all requirements in the following subparagraphs are satisfied: <Amended on February 29, 2008; July 22, 2009; January 27, 2010>

1. Even though a document with a fixed date specified has been sent to a copyright trust service provider handling the work concerned (or to a copyright agent, a broker under Article 105 (1), or two or more users permitted to exploit such works, in case there is no copyright trust service provider to handle the work concerned) so as to inquire into the name or title, address, or residence of the owner of author's property rights, a reply stating that such information is not known has been received, or there has been no reply within one month from sending such document; and
2. Ten days have elapsed since public notification of the inquiry, etc. under subparagraph 1 was made in general daily newspapers of nationwide circulation registered pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, etc., or on the websites of the Ministry of Culture, Sports and Tourism, and of the Korea Copyright Commission under Article 112 of the Act (hereinafter referred to as “the Commission”), as prescribed by the ordinance of the Ministry of Culture, Sports and Tourism.

Article 19 (Application for Approval of Exploitation of Works, etc.) A person who desires to obtain approval for exploitation of works or production of broadcast programs or phonograms

pursuant to Articles 50 through 52 of the Act shall submit an application for approval of exploitation of works to the Minister of Culture, Sports and Tourism, as set forth by ordinance of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

Article 20 (Submission of Opinions, etc.) (1) When receiving an application for approval under Article 19 hereof, the Minister of Culture, Sports and Tourism shall take measures as prescribed in the following subparagraphs: *<Amended on February 29, 2008 >*

1. In case of application for approval of exploitation of works whose owner of author's property rights is unknown under Article 50 of the Act, the content of application shall be publicly notified in the Official Gazette for fifteen days; and/or
2. In case of application for approval of production of broadcast programs or phonograms under Articles 51 or 52 of the Act, the owner of author's property rights or his/her agent shall be given an opportunity to submit their opinions in writing within a specified period of at least seven days but less than 30 days.

(2) Where an opportunity to submit opinions is intended to be provided pursuant to paragraph (1) 2 hereof, seven days' prior written notice shall be given to the owner of author's property rights or his/her agent with a statement specifying that if opinions are not submitted within a specified period of time, the owner of author's property rights or his/her agent shall be deemed to have waived such opportunity to submit opinions.

(3) Where an owner of author's property rights desires to lodge an objection in accordance with the proviso of Article 50 (3) of the Act, he/she shall submit a written objection to the Minister of Culture, Sports and Tourism with the documentation prescribed in each of the following subparagraphs attached: *<Amended on February 29, 2008; July 22, 2009>*

1. Copy of registration certificate of copyright, etc., where he/she is indicated as a rights holder of the works concerned, or any material equivalent thereto; and
2. Copy of works, etc., where there is an indication that he/she is widely known as a name or title (hereinafter referred to as "name, etc.") or a professional name, pen name, or abbreviated name, etc. (hereinafter referred to as "pseudonym"), or any material equivalent thereto.

Article 21 (Notification of Approval, etc.) (1) Upon granting approval pursuant to Articles 50 through 52 of the Act, the Minister of Culture, Sports and Tourism shall notify an applicant and the owner of author's property rights concerned of the content thereof. If the owner of author's property rights or his/her residence is unknown, such content shall be publicly notified in the Official Gazette. *<Amended on February 29, 2008 >*

(2) Upon granting approval pursuant to Article 50 (1) of the Act, the Minister of Culture, Sports and Tourism shall post each of the following subparagraphs on the websites of the Ministry of Culture, Sports and Tourism and the Commission for not less than one month pursuant to Article 50 (4): *<Amended on February 29, 2008; July 22, 2009>*

1. Title and month/date/year of publication of works;
2. Name of the author or the owner of author's property rights;
3. Name of the person who obtained approval for the exploitation of works;
4. Conditions of approval for exploitation of works (period of permission for exploitation and remuneration); and
5. Methods and forms of exploitation of works.

Article 22 (Dismissal of Application for Approval) (1) Where an application for approval of the exploitation of works, etc. under Article 19 hereof falls under any of the following subparagraphs, the Minister of Culture, Sports and Tourism shall dismiss such application:

<Amended on February 29, 2008 >

1. Where the application for the exploitation of works fails to meet requirements set forth in Articles 50 through 52 of the Act;
2. Where the owner of author's property rights or his/her residence has been identified or arrangement has been reached prior to the approval of the exploitation of works;
3. Where the owner of author's property rights recovers all copies of his/her works so that they are not provided for publication or other exploitation purposes; or
4. Where it is deemed that a purpose may be achieved without the works concerned, or there is any inevitable reason for the owner of author's property rights to disallow the exploitation of his/her works.

(2) Upon dismissal of the application for approval under subparagraph 1, the Minister of Culture, Sports and Tourism shall notify the applicant and the owner of author's property rights of such decision and the reason therefor: provided that if the owner of author's property rights or his/her residence is not identified, such notice shall be given to the applicant only.

<Amended on February 29, 2008 >

Article 23 (Deposit of Remuneration) (1) In cases falling under any of the following subparagraphs, the remuneration may be deposited as specified under Articles 50 through 52 of the Act:

1. Where the owner of author's property rights or his/her residence is not identified;
2. Where the owner of author's property rights refuses to or cannot receive the remuneration;

or

3. Where the right of the owner of author's property rights is the object of the pledge rights (except the case where the owner of author's property rights has obtained the consent of the pledgee).

(2) Where the domicile of the owner of author's property rights is within Republic of Korea, the deposit of remuneration under paragraph (1) hereof shall be made in a depository having jurisdiction over the place of the domicile thereof; otherwise in a depository having jurisdiction over the place of the domicile of a person who deposits the remuneration.

(3) A person who has deposited remuneration under paragraph (1) 2 and 3 shall notify the person, who is to receive the deposit, of the relevant facts.

(4) A person who has deposited remuneration under paragraph (1) 1 shall publicly notify the relevant facts as prescribed by ordinance of the Ministry of Culture, Sports and Tourism.

<Amended on February 29, 2008 >

Article 24 (Items for Registration) The term "items as prescribed by Presidential Decree" in Article 53 (1) 4 of the Act means the matters set forth in any of the following subparagraphs:

1. In the case of any derivative work, the title and author of the original work;
2. In the case of any publicized work, the information pertaining to the medium through which the work has been made public; and/or
3. in the case where there exist two or more obligees for registration, the matters concerning the share of each person.

Article 25 (Principle of Application) (1) The registration under Articles 53 and 54 of the Act shall be made upon application or commission by court for registration, unless otherwise provided for by this Decree.

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

Article 26 (Application for Registration) (1) A person who desires to register under Articles 53 and 54 of the Act shall submit a registration application form to the Minister of Culture, Sports and Tourism, as prescribed by ordinance of the Ministry of Culture, Sports and Tourism.

<Amended on February 29, 2008 >

(2) Unless otherwise provided for by this Decree, the registration under Article 54 of the Act may be made only when an obligee of registration and an obligor of registration jointly apply therefor: provided that if an application form has a written consent of an obligor of registration

attached, an obligee of registration may solely make an application.

(3) In the case of a registration due to judgment and/or inheritance, or other general succession or commission by court, an obligee of registration may solely make an application.

(4) Where a copyright trust service provider under Article 105 (1) of the Act registers a trusted work pursuant to subparagraph 1 of Article 54 of the Act, the copyright trust service provider may solely make an application. *<Newly Inserted on July 22, 2009>*

(5) The registration to modify or correct the indication of a registered title holder may be solely applied for by the registered title holder. *<Amended on July 22, 2009>*

Article 27 (Entry to Copyright Register, etc.) (1) The copyright register under Article 55 (1) of the Act (In case of computer program works, it refers to the copyrighted computer program register; hereinafter the same shall apply) shall contain each of the following subparagraphs: *<Amended on July 22, 2009>*

1. Registration number;
2. Title of the work;
3. Name of author, etc.;
4. Month/date/year of creation, making a work public, and publication;
5. Name and domicile of an obligee of registration; and
6. Content of registration.

(2) The form of the copyright register and other necessary matters concerning thereto shall be determined by ordinance of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

Article 28 (Issuance of Registration Certificate, etc.) (1) Where, upon receipt of the application for registration, the Minister of Culture, Sports and Tourism has enlisted it on the copyright register, he/she shall issue a registration certificate to the applicant, as prescribed by ordinance of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008; July 22, 2009>*

(2) A person who desires to have the registration certificate reissued due to loss, destruction, or damage thereof shall submit to the Minister of Culture, Sports and Tourism an application prescribed by ordinance of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

Article 29 (Notification of Mistake and Omission and Correction Ex Officio) (1) Upon discovery of any mistake or omission in the copyright register, the Minister of Culture, Sports and

Tourism shall immediately notify an obligee of registration and an obligor of registration of the facts thereof. *<Amended on February 29, 2008 >*

(2) Where any mistake or omission under paragraph (1) occurs at the fault of a public official in charge of registration, the registered item concerned shall be corrected *ex officio* without delay, and such correction shall be notified to an obligee of registration and an obligor of registration.

(3) Where there exists an interested third party in relation to the correction of registered items under paragraphs (1) and (2), the mistake or omission and the correction thereof shall be notified to such third party. *<Amended on July 22, 2009>*

Article 30 (Modification, etc. of Registered Items) (1) A person who wishes to apply for the correction, modification, cancellation, or reinstatement of cancelled registration with respect to the registered items set forth in Article 27, he/she shall submit to the Minister of Culture, Sports and Tourism an Registration Application for Modification, etc. with documents which substantiate such attached, as prescribed by ordinance of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008; July 22, 2009>*

(2) Upon receipt of the application under paragraph (1), the Minister of Culture, Sports and Tourism shall first record such content on the copyright register, and upon registration of modification, correction, or reinstatement of cancelled registration, he/she shall issue a new registration certificate to the applicant; and upon cancellation of registration, he/she shall notify the applicant of the facts thereof. *<Newly Inserted on July 22, 2009>*

Article 31 (Revocation of Registration Ex Officio) (1) Where any registered item falls under any of the following subparagraphs, the Minister of Culture, Sports and Tourism shall revoke the registration: *<Amended on February 29, 2008 >*

1. Where the registration item is confirmed to be false by a final judgment; or
2. Where the registered item is confirmed to be inappropriate for registration by a final judgment.

(2) Where the registration is revoked pursuant to paragraph (1) 2, the facts thereof shall be notified to an obligee of registration, an obligor of registration, and an interested third party.

Article 32 (Methods of Returning Application) Where the Minister of Culture, Sports and Tourism intends to return the registration application pursuant to Article 55 (2) of the Act, he/she shall prepare a document specifying the reason(s) therefor and notify the applicant thereof. *<Amended on February 29, 2008 >*

Article 33 (Issuance of Registration Notice, etc.) (1) The Minister of Culture, Sports and Tourism shall issue a registration notice or post the content thereof on the website of the Ministry of Culture, Sports and Tourism, one or more times every two months in accordance with Article 55 (3) of the Act. *<Amended on February 29, 2008; July 22, 2009>*

(2) The registration notice under paragraph (1) shall contain each matter set forth in the subparagraphs of Article 27 (1).

Article 34 (Perusal, etc. of Register) A person who desires to peruse a register or have a copy thereof issued under Article 55 (3) of the Act shall submit an application to the Minister of Culture, Sports and Tourism, as prescribed by ordinance of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

Article 35 (Registration with Computer-based Information Processing System) Registration and any business in relation thereto under the provisions of Articles 24 through 34 hereof may be carried out by use of a computer-based information processing system. *<Amended on July 22, 2009>*

Article 36 (Designation, etc. of Authentication Agency) (1) An organization falling under any of the following subparagraphs may be designated as an organization for authentication under Article 56 (1) of the Act: *<Amended on February 29, 2008; July 22, 2009>*

1. The Commission;
2. Copyright trust service provider; or
3. Other legal person or organization deemed capable of performing authentication by the Minister of Culture, Sports and Tourism.

(2) A person who desires to be designated as an authentication agency under paragraph (1) shall meet requirements set forth in each of the following subparagraphs:

1. He/she shall be capable of rendering compensation for any damage inflicted on users in the performance of authentication;
2. He/she shall possess facilities to manage registration information of users, and generate and issue written authentications; and
3. He/she shall possess facilities that protect the authentication equipment and devices.

(3) A person who desires to be designated as an authentication agency shall submit to the

Minister of Culture, Sports and Tourism an application of designation as an authentication agency prescribed by ordinance of the Ministry of Culture, Sports and Tourism with a document certifying that he/she has met all requirements under paragraph (2) and authentication business rules attached. *<Amended on February 29, 2008 >*

1. Type of authentication;
2. Criteria for authentication;
3. Methods and procedures to perform authentication; and
4. Terms of use of authentication services.

(4) Upon designation of an authentication agency, the Minister of Culture, Sports and Tourism shall issue a written designation thereof, as prescribed by ordinance of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

(5) Where an authentication agency designated under paragraph (4) desires to modify any of authentication business rules, it shall obtain approval of such modification.

(6) Where an authentication agency falls under any of the following subparagraphs, the Minister of Culture, Sports and Tourism may revoke the designation: *<Amended on February 29, 2008 >*

1. Where it fails to meet requirements set forth in paragraphs (1) and (2);
2. Where it processes authentications in violation of authentication business rules; and/or
3. Where it has not performed authentication for a continuous period of one or more years without any justifiable reason.

(7) Upon designation of an authentication agency or revocation thereof, the Minister of Culture, Sports and Tourism shall make notification in the Official Gazette. *<Amended on February 29, 2008 >*

Article 37 (Authentication Procedure, etc.) (1) A person who desires to obtain authentication under Article 56 of the Act shall submit an application for authentication prescribed by ordinance of the Ministry of Culture, Sports and Tourism to an authentication agency publicly notified under Article 36 (7). *<Amended on February 29, 2008 >*

(2) Where a person who applies for authentication under paragraph (1) is deemed to be a legitimate rights holder (including a case where exploitation of works, etc. is permitted by a legitimate rights holder), an authentication agency shall authenticate such person.

(3) Upon authentication under paragraph (2), an authentication agency shall issue an authentication certificate as prescribed by ordinance of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

(4) A person who has been issued an authentication certificate under paragraph (3) may mark works with an authentication indicating the scope, expiry date, etc. of authentication.

(5) The procedures and criteria for authentication, authentication mark, and other necessary details in relation to authentication business, except as provided for by paragraphs (1) through (4), shall be determined and publicly announced by the Minister of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

Article 38 (Mark of Owner of Reproduction Right) The mark of the owner of reproduction right under Article 58 (3) of the Act shall contain the details of the following subparagraphs: provided that in the case of any newspaper registered under Article 9(1) of the Act on the Promotion of Newspapers, etc., and any periodical registered or reported under Articles 15 and 16 of the Act on Promotion of Periodicals, Including Magazines, the mark of the owner of reproduction right may not be indicated. *<Amended on 2008.12.3, January 27, 2010>*

1. In case the author of the works subject to reproduction is a foreigner, the name of the owner of reproduction right, and the first publication year;
2. In case the author of the works subject to reproduction is a Korean national, the mark under subparagraph 1, and the inspection seal of the owner of reproduction right; and/or
3. In case the reproduction right has been transferred to the owner of the right of publication, an indication of the purport thereof.

Article 39 (Period of Consultation on Remuneration for Digital Sound Transmission to Performers) The term “period of time set forth by Presidential Decree” in Article 76 (3) of the Act means the period from January 1 through June 30 every year.

Article 39-2 (Escrow Agency) The term “a party designated by Presidential Decree” in Article 101-7 (1) of the Act means the Commission.

[This Article Newly Inserted on July 22, 2009]

Article 40 (Request for Suspension of Reproduction and/or Transmission) A person who desires to request the suspension of reproduction and/or transmission to an online service provider pursuant to Article 103 (1) of the Act (hereinafter referred to as a “claimant”) shall submit to an online service provider a written request prescribed by ordinance of the Ministry of Culture, Sports and Tourism (including a written request in an electronic format) with one of the explanatory documentations set forth in the following subparagraphs attached (including those in an electronic format): provided that if the claimant is a copyright trust service provider, or if he/she has already submitted any explanatory material vindicating that he/she was the rights

holder in regard to repeated acts of infringement during the last one year, he/she may submit a written request only: *<Amended on February 29, 2008 >*

1. Copy of the registration certificate of copyright, etc. indicating himself/herself as the rights holder of the works, etc., or any material corresponding thereto; or
2. Copy of works, etc. indicating his/her name, etc., or pseudonym, or any material corresponding thereto.

Article 41 (Notification of Suspension of Reproduction and/or Transmission) (1) An online service provider who has suspended the reproduction and/or transmission of works, etc. pursuant to Article 103 (2) of the Act, shall give the reproducer, transmitter, and claimant to right a written notice (prescribed by ordinance of the Ministry of Culture, Sports and Tourism including a written notice in an electronic format) with a written request for suspension of reproduction and/or transmission submitted by the claimant attached (limited to a reproducer and/or a transmitter; and including an electronic document), within three days from the date of suspension thereof. *<Amended on February 29, 2008 >*

(2) Upon notification to a reproducer and/or transmitter under paragraph (1), an online service provider shall inform the reproducer and/or transmitter that he/she may request resumption of reproduction and/or transmission by attesting that his/her reproduction and/or transmission is legal.

Article 42 (Request for Resumption of Reproduction and/or Transmission) A reproducer or transmitter who desires to request for resumption of reproduction and/or transmission under Article 103 (3) of the Act shall submit to an online service provider a written request for resumption prescribed by ordinance of the Ministry of Culture, Sports and Tourism (including a written request in an electronic format) with one of the explanatory documentations set forth in the following subparagraphs attached (including those in an electronic format), within thirty days from the date of receipt of suspension thereof: *<Amended on February 29, 2008 >*

1. Copy of the registration certificate of copyright, etc. indicating himself/herself as the rights holder of the works, etc., or any material corresponding thereto;
2. Copy of works, etc. indicating his/her name, etc., or widely-known pseudonym, or any material corresponding thereto;
3. Copy of a contract establishing the fact that he/she has duly obtained a permit for reproduction and/or transmission from an owner of copyright, etc., or any material corresponding thereto; or
4. Any data establishing the fact that the protection period of author's property right to works,

etc. has expired, where applicable.

Article 43 (Notification, etc. of Resumption of Reproduction and/or Transmission) (1) Upon receipt of a request for the resumption of reproduction and/or transmission, an online service provider shall decide whether the reproduction and/or transmission by the reproducer and/or transmitter is legal within three days from the date of receipt of such request, determine the expected date of resumption thereof, if such reproduction and/or transmission is deemed legal, and send a written notice prescribed by ordinance of the Ministry of Culture, Sports and Tourism (including a written notice in an electronic format) to the claimant. *<Amended on February 29, 2008 >*

(2) The expected date of resumption under paragraph (1) shall be between the 7th day and 14th day from the date of receipt of request for resumption thereof.

Article 44 (Designation of Receiver and Public Announcement of Change) Upon designation of a receiver (including the designation of a new receiver after changing the formerly designated receiver) pursuant to Article 103 (4) of the Act, an online service provider shall indicate the information on the receiver stipulated in the following subparagraphs on its information and communication network, where the reproduction and/or transmission services are provided, in such manner that anyone may readily understand:

1. Name and department name whereto the receiver belongs;
2. Telephone number, facsimile number, and e-mail address; and
3. Address where postal items can be received.

Article 45 (Request of Rights Holder) Where a rights holder desires to request necessary measures including technical measures to block illegal transmission of works, etc. pursuant to Article 104 (1) of the Act, he/she shall submit to an online service provider of a special type a written request prescribed by ordinance of the Ministry of Culture, Sports and Tourism (including a written request in an electronic format) with the materials stipulated in the following subparagraphs attached (including an electronic document): provided that if that if the rights holder is a copyright trust service provider, or if he/she has already submitted any explanatory material attesting that he/she was the rights holder in regard to repeated acts of infringement during the last one year, he/she may not submit the material referred to in subparagraph 1: *<Amended on February 29, 2008 >*

1. One of the materials in the following subparagraphs that attest that he/she is a rights holder:
 - a. Copy of the registration certificate of copyright, etc. indicating himself/herself as the rights

holder of the works, etc., or any material corresponding thereto; or

b. Copy of works, etc. indicating his/her name, etc., or widely-known pseudonym, or any material corresponding thereto.

2. Title of works by which the works concerned may be identified as the one subject to the request for blocking, characters, or signs corresponding thereto (hereinafter referred to as "title, etc."), or other materials including copies.

Article 46 (Necessary Measures such as Technical Measures for Blocking Illegal Transmission)

(1) The term "necessary measures such as technical measures for blocking illegal interactive transmission of works, etc." in the forepart of Article 104 (1) of the Act means all measures in the following subparagraphs: *<Amended on July 22, 2009>*

1. Any technical measure by which works, etc. may be identified through comparison of the title, etc. and characteristics of works, etc.;
2. Any measure to restrict search and transmission to block illegal transmission of works, etc. that have been identified under subparagraph 1; and
3. Sending of a warning message calling upon a transmitter of the works, etc. concerned to stop infringement on copyrights, etc., in case the illegal transmitter is identifiable.

(2) Upon request of a rights holder, the measures specified in paragraph (1) 1 and 2 shall be taken without delay.

Article 47 (Application for Permission of Copyright Trust Services, etc.) (1) A person who desires to obtain permission to engage in copyright trust services under Article 105 (1) and (2) of the Act shall submit to the Minister of Culture, Sports and Tourism an application for permission prescribed by ordinance of the Ministry of Culture, Sports and Tourism copyright trust services (including an application in an electronic format), by attaching thereto business rules for copyright trust services that contain the matters in the following subparagraphs (including an electronic document): *<Amended on February 29, 2008 >*

1. Terms and conditions of copyright trust service agreement; and
2. Terms and conditions of works exploitation agreement.

(2) Upon permitting copyright trust services, the Minister of Culture, Sports and Tourism shall issue a certificate of permission therefor prescribed by ordinance of the Ministry of Culture, Sports and Tourism to. *<Amended on February 29, 2008 >*

(3) Where a person, who has obtained a permit pursuant to paragraph (2), desires to change business rules for copyright trust services under paragraph (1), he/she shall obtain permission therefor.

Article 48 (Report of Copyright Agency or Brokerage Services) (1) A person who wishes to lodge a report for copyright agency or brokerage services pursuant to Article 105 (1) of the Act shall submit to the Minister of Culture, Sports and Tourism a written report of copyright agency or brokerage services prescribed by ordinance of the Ministry of Culture, Sports and Tourism (including a report in an electronic format) with business rules for copyright agency or brokerage services that contain the matters in the following subparagraphs attached (including an electronic document): *<Amended on February 29, 2008; July 22, 2009>*

1. Terms and conditions of copyright agency or brokerage service agreement; and
2. Terms and conditions of works exploitation agreement.

(2) Upon receipt of the report under paragraph (1), the Minister of Culture, Sports and Tourism shall issue a certificate of report for copyright agency or brokerage services prescribed by ordinance of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

(3) Where a person who has filed a report pursuant to paragraph (1) desires to change reported matters, he/she shall submit the report on the change to copyright agency or brokerage services, as prescribed by ordinance of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

Article 49 (Application for Approval for Royalties, etc. and Application Procedure) (1) Where a copyright trust service provider wishes to apply for approval of the rate and amount of fees and royalties pursuant to Article 105 (5) of the Act (including an application for change; hereinafter the same shall apply), he/she shall apply for approval, in writing, of the Minister of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

(2) Upon receipt of the request for deliberation pursuant to Article 105 (6) of the Act, the Commission shall perform deliberation within two months from the date of request and submit the result thereof to the Minister of Culture, Sports and Tourism without delay: provided that if deliberation cannot be conducted during the aforementioned period for unavoidable reasons, the period may be extended up to two occasions. *<Amended on February 29, 2008; July 22, 2009>*

(3) Upon receipt of application for approval of the rate and amount of royalties under Article 105 (7) of the Act, the Minister of Culture, Sports and Tourism shall post the details thereof on the website of the Ministry of Culture, Sports and Tourism for not less than 14 days so as to collect opinions of interested persons. *<Amended on February 29, 2008; July 22, 2009>*

(4) Upon approval of the rate and amount of royalties (including approval for change thereof),

the Minister of Culture, Sports and Tourism shall post the details thereof on the website of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008; July 22, 2009>*

Article 50 (Preparation of List of Managed Works, etc.) The list of works, etc. managed under Article 106 (1) of the Act shall contain all matters in the following subparagraphs:

1. Title of works, etc.;
2. Name, etc. of author, performer, phonogram producer, broadcasting service provider, or database producer, etc.; and
3. Year of creation or making a work public; year of performance or fixation; and year of production.

Article 51 (Information Required for Contracting Exploitation Agreement) The term “information prescribed by Presidential Decree” in Article 106 (2) of the Act means the information in the following subparagraphs:

1. List of works, etc.;
2. Term of trust agreement with the owner of author’s property rights, etc. of works, etc. concerned; and
3. Conditions for exploitation, including royalties, standard written contract.

Article 52 (Report) (1) A copyright trust service provider shall submit annual reports pertaining to business achievements of the prior year and business plans for the current year pursuant to Article 108 (1) of the Act, as prescribed by ordinance of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

(2) A copyright agency or brokerage service provider shall submit an annual report on business achievements of the prior year, as prescribed by ordinance of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

Article 53 (Standards for Calculation, etc. of Penalty Surcharge) (1) The penalty surcharge imposed pursuant to Article 111 (1) of the Act shall be 500,000 won per day of suspension of business in case the order of suspension of business is issued for reasons specified in Article 109 (1) 1 or 2 of the Act; or 200,000 won per day of suspension of business in case the order thereof is issued for reasons specified in Article 109 (1) 3 or 4 of the Act.

(2) The Minister of Culture, Sports and Tourism may increase or reduce the penalty surcharge under paragraph (1) up to 50% in consideration of the degree, frequency, motive, and

consequence of the violations concerned: provided that if so increased, the total penalty surcharge shall not exceed 50 million won. *<Amended on February 29, 2008 >*

- Article 54** (Imposition and Payment of Penalty Surcharge) (1) Where the Minister of Culture, Sports and Tourism intends to impose a penalty surcharge pursuant to Article 111 (1) of the Act, he/she shall give a person subject to such disposition a written notice that specifies the fact of violation, the amount of penalty surcharge, etc. and the liability to pay such. *<Amended on February 29, 2008 >*
- (2) A person who has received the notice under paragraph (1) shall pay the penalty surcharge to a collection agency prescribed by the Minister of Culture, Sports and Tourism within 20 days from the date of receipt of such notice: provided that if he/she cannot pay the penalty surcharge by such deadline due to a natural disaster or any other unavoidable cause, he/she shall pay such within seven days from the date on which such cause ceases to exist. *<Amended on February 29, 2008 >*
- (3) Upon receipt of the penalty surcharge under paragraph (2), the collection agency shall issue a receipt to the payer.
- (4) Upon receipt of the penalty surcharge under paragraph (2), the collection agency shall notify the Minister of Culture, Sports and Tourism of the facts thereof without delay. *<Amended on February 29, 2008 >*
- (5) The Minister of Culture, Sports and Tourism shall record and manage the matters concerning the imposition and collection of penalty surcharge. *<Amended on February 29, 2008 >*

Article 55 (Procedure of Use of Penalty Surcharge) The Minister of Culture, Sports and Tourism shall formulate and implement operational plans in regard to the purpose and method of using penalty surcharges pursuant to Article 111 (4) of the Act by October 31 every year. *<Amended on February 29, 2008 >*

- Article 56** (Chairperson and Vice Chairperson) (1) The chairperson of the Commission shall represent the Commission and exercise overall control of its affairs. *<Amended on July 22, 2009>*
- (2) The vice chairperson shall assist the chairperson, and if the chairperson is unable to perform his/her duties due to unavoidable cause, the vice chairperson, who has been appointed in advance by the chairperson, shall act on his/her behalf.

Article 57 (Convocation of Meeting and Quorum) (1) The chairperson of the Commission shall convene a meeting of the Commission and preside over it. *<Amended on July 22, 2009>*
(2) A meeting of the Commission shall be convoked with the attendance of a majority of all the incumbent members, and make a decision with the consent of more than two-thirds of those present. *<Amended on July 22, 2009>*
(3) A member of the Commission shall recuse himself/herself from any deliberation, conciliation, mediation, or resolution of agenda that he/she has a direct interest in. *<Amended on July 22, 2009>*

Article 58 (Treatment of Members, etc.) (1) Members of the Commission except for the chairperson shall serve on a part-time basis. *<Amended on July 22, 2009>*
(2) Full-time members shall be paid remuneration and part-time members may be reimbursed for actual expenses incurred to perform their duties to the extent allowed by the available budget.
(3) Full-time members shall not engage in any profit-making activity other than their duties, and shall not concurrently hold other positions without approval of the Minister of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

Article 59 (Organization and Operation of Sub-commission) Necessary matters in regard to the organization and operation of a sub-commission, etc. under Article 112-2 (5) of the Act shall be determined by the chairperson of the Commission through the resolution of the Commission.
[This Article Wholly Amended on July 22, 2009]

Article 59-2 (Mediation) (1) A person who desires to receive mediation for a dispute pursuant to Article 113-2 of the Act shall submit a mediation application indicating the details and matters in the following subparagraphs to the Commission:
1. Name and domicile of the parties concerned (including name and domicile of an agent, where available); and
2. Purpose of and reason for application.
(2) Necessary matters concerning detailed procedures, etc. for mediation under paragraph (1) shall be determined by the chairperson of the Commission through the resolution of the Commission.
[This Article Newly Inserted on July 22, 2009]

Article 60 (Organization and Operation of Conciliation Division) The conciliation division under Article 114 of the Act shall be composed of three members: provided that if the amount subject to conciliation is less than five million won, one member designated by the chairperson of the Commission may execute the conciliation. *<Amended on July 22, 2009>*

Article 61 (Procedure of Conciliation, etc.) (1) A person who desires to apply for conciliation for a dispute pursuant to Article 114-2 of the Act shall submit a conciliation application to the Commission, as prescribed by the Commission. *<Amended on July 22, 2009>*

(2) A person who applies for conciliation pursuant to paragraph (1) shall pay in advance a part of the conciliation costs; and when conciliation is effected, the two parties shall pay the remainder thereof. In this case, the procedure for payment of conciliation costs shall be determined by the chairperson of the Commission through the resolution of the Commission. *<Newly Inserted on July 22, 2009>*

(3) Upon receipt of a conciliation application under paragraph (1), the chairperson shall designate a conciliation division and refer the conciliation application to the conciliation division. *<Amended on July 22, 2009>*

(4) The conciliation division shall prepare a proposal of conciliation and present it to the parties concerned: provided that this shall not apply if it is evident that conciliation is not effected. *<Amended on July 22, 2009>*

(5) The conciliation division shall conciliate a dispute within three months from the date of application for conciliation: provided that the period may be extended one time up to one month with the consent of both parties if there is an unavoidable reason therefor. *<Amended on July 22, 2009>*

(6) Where appraisals under Article 119 (1) 2 of the Act are conducted, an appraisal agency shall not include the appraisal period in the conciliation period under paragraph (5). *<Newly Inserted on July 22, 2009>*

Article 62 (Demand for Attendance, etc.) (1) The Commission may, if deemed necessary to conciliate a dispute, demand the parties, agents thereof, or interested persons make an appearance or submit relevant documentation. *<Amended on July 22, 2009>*

(2) Where the Commission wishes to demand attendance of the parties, agents thereof, or interested persons pursuant to paragraph (1), it shall give them seven days' prior notice.

(3) Where a person other than the parties to conciliation makes an appearance at the request

of the Commission, the Commission may pay him/her an allowance and reimburse him/her for actual expenses such as travel expenses. *<Amended on July 22, 2009>*

(4) The Committee shall manage and keep protocols and records concerning conciliation. *<Amended on July 22, 2009>*

Article 63 (Miscarriage of Conciliation, etc.) (1) A conciliation falling under any of the following subparagraphs shall be deemed to have not been effected: *<Amended on July 22, 2009>*

1. Where the parties fail to comply with the request for attendance under Article 62;
2. Where the period under Article 61 (5) has elapsed since the date of application for conciliation; or
3. Where agreement is not reached between the parties.

(2) Where conciliation is not effected pursuant to paragraph (1), the reason therefor shall be stated in the protocol.

Article 64 (Procedure and Method, etc. of Appraisal) (1) A person who desires to request appraisal pursuant to Article 119 (1) of the Act shall submit the documentations in the following subparagraphs to the Commission: *<Amended on July 22, 2009>*

1. Original or copy of works subject to appraisal;
2. Materials by which the similarity to related works can be compared, in the case of a request for appraisal in regard to infringement; and
3. Other materials that the Commission deems necessary for appraisal and requests.

(2) Where the Commission wishes to conduct appraisal, it shall organize an appraisal expert committee to ensure a fair and objective appraisal. *<Amended on July 22, 2009>*

(3) The appraisal expert committee may have a regular expert member for professional appraisal.

(4) Necessary matters concerning the organization of the appraisal expert committee and the appraisal procedure, etc. shall be prescribed by the Commission. *<Amended on July 22, 2009>*

Article 65 (Organization and Operation, etc. of Commission) Necessary matters concerning the organization and operation, etc. of the Commission shall be determined by the chairperson of the Commission through the resolution of the Commission: provided that the matters pertaining to the organization structure, fixed number of members, and remuneration shall be approved by the Minister of Culture, Sports and Tourism.

[This Article Wholly Amended on July 22, 2009]

Article 66 (Organization and Operation, etc. of Copyright Information Center) (1) The Copyright Information Center under Article 120 of the Act may have a copyright exchange to provide information on copyrights, and a technology committee to support the protection and distribution of copyrights.

(2) The Copyright Information Center shall perform the duties set forth in the following subparagraphs:

1. Establishment and operation of an integrated management system to ensure a structured formulation, management and utilization of right management information for works;
2. Development, management, and distribution of an integrated copyright numbering system, by which works and rights holders can be identified;
3. Research on standardization of technological protection measures;
4. Evaluation of compliance with the standard technological protection measures, and development of a standardized evaluation tool; and
5. Survey and research on copyright information technology.

[This Article Wholly Amended on July 22, 2009]

Article 67 (Budget and Book-closing, etc.) (1) The Commission shall draw up the business plans and budget for the following business year before the expiry of each business year, and submit them to the Minister of Culture, Sports and Tourism for approval. *<Amended on February 29, 2008; July 22, 2009>*

(2) The Commission shall prepare the reports of business achievements and book-closing and submit them to the Minister of Culture, Sports and Tourism within sixty days after the expiry of the business year concerned. *<Amended on February 29, 2008; July 22, 2009>*

(3) The Minister of Culture, Sports and Tourism may, if deemed necessary, have the Commission make a report on duties thereof or submit relevant materials. *<Amended on February 29, 2008; July 22, 2009>*

Article 68 (Entrustment of Duties) (1) The Minister of Culture, Sports and Tourism may entrust the duties in the following subparagraphs to the Commission pursuant to Article 130 of the Act: *<Amended on February 29, 2008; July 22, 2009>*

1. Approval of exploitation of works and determination of the standards for remuneration under Articles 50 through 52 of the Act;
2. Registration of copyrights under Article 55 of the Act (including the provisions to be applied *mutatis mutandis* in Articles 63 (3), 90, 98, and 101-6 (6) of the Act; and excluding the duties

with respect to the receipt of registration under paragraph (2) hereof);

(2) Pursuant to Article 130 of the Act, the Minister of Culture, Sports and Tourism may entrust the duty of receiving the application for registration of copyrights under Article 55 of the Act (including the cases that apply *mutatis mutandis* in Articles 63 (3), 90, 98, and 101-6 (6) of the Act) to the Commission and a copyright trust service provider designated and publicly announced by the Minister of Culture, Sports and Tourism. <Amended on February 29, 2008; July 22, 2009>

(3) Pursuant to Article 130 of the Act, the Minister of Culture, Sports and Tourism may entrust the duty of receiving the rights donated by the owner of author's property rights, etc. under Article 135 (1) of the Act to an organization appointed subject to paragraph (2) of the same Article. <Amended on February 29, 2008 >

Article 69 (Procedure and Method of Collection, Destruction, and Deletion) (1) The competent public official, who collects, destroys, and/or deletes copies, etc. pursuant to Article 133 (1) of the Act, shall carry with him/her an identification verifying his/her authority and present it to the persons concerned. <Amended on July 22, 2009>

(2) Upon collection, destruction and/or deletion of copies, etc. pursuant to Article 133 (1) of the Act, the competent public official shall deliver a certificate of collection to the possessor or occupier, as prescribed by ordinance of the Ministry of Culture, Sports and Tourism, and record the content thereof in the collection, destruction, and deletion ledger. <Amended on February 29, 2008; July 22, 2009>

(3) Unless the party does not file a complaint, the collected illegal copies, etc. may be destroyed when three months have passed since the date of collection: provided that the equipment, devices, and programs manufactured to circumvent technological protection measures for works, etc. may be destroyed when six months have passed since the date of collection.

Article 70 (Entrustment, etc. of Duties of Collection, Destruction, and Deletion) (1) Pursuant to Article 133 (2) of the Act, the Minister of Culture, Sports and Tourism may entrust the collection and/or destruction to an organization falling under any of the following subparagraphs: <Amended on February 29, 2008; July 22, 2009>

1. The Commission;
2. An organization whose principal members are copyright trust service providers; or
3. Any other juridical person or organization that the Minister of Culture, Sports and Tourism deems capable of collecting, destroying, and/or deleting illegal copies, etc.

(2) An employee of the agency that collects, destroys, and/or deletes copies, etc. pursuant to paragraph (1), shall carry an identification prescribed by ordinance of the Ministry of Culture, Sports and Tourism and present it to the persons concerned, when collecting, destroying, and/or deleting illegal copies. *<Amended on February 29, 2008; July 22, 2009>*

Article 71 (Request, etc. for Cooperation for Collection, Destruction, and Deletion) The term “appropriate organizations” in Article 133 (3) of the Act means an organization falling under any of the following subparagraphs: *<Amended on July 22, 2009>*

1. Copyright trust service provider;
2. An organization whose principal members are copyright trust service providers; or
3. Any other juridical person or organization that is established mainly for the purpose of promoting creation of works, etc. and developing the industry thereof.

Article 72 (Procedure and Method of Deliberation for Order for Deletion of Illegal Copies through Information and Communications Network, etc.) If a request for deliberation from the Minister of Culture, Sports and Tourism is made pursuant to Article 133-2 (1) of the Act, the Commission shall deliberate on the case within seven days from the date of request; if made pursuant to Article 133-2 (2) and (4), it shall deliberate on the case within 14 days from the date of request, and submit the result thereof to the Minister of Culture, Sports and Tourism without delay: provided that if deliberation cannot be conducted during the aforementioned period for unavoidable reasons, the period may be extended up to two occasions.

[This Article Wholly Amended on July 22, 2009]

Article 72-2 (Procedure and Method of Warning or Order for Deletion, etc.) Where the Minister of Culture, Sports and Tourism intends to order an online service provider to issue warnings against reproducers and/or transmitters of illegal copies, delete illegal copies, etc., or suspend transmission thereof pursuant to Article 133-2 (1) of the Act, he/she shall prepare and deliver an order prescribed by ordinance of the Ministry of Culture, Sports and Tourism (including an electronic document; hereinafter the same shall apply).

[This Article Newly Inserted on July 22, 2009]

Article 72-3 (Procedure and Method of Order for Account Suspension) (1) Where the Commission deliberates pursuant to Article 133-2 (2) of the Act, it shall consider the matters in the following subparagraphs:

1. Recidivism of the reproducer and/or transmitter;
 2. Volume of copies reproduced and/or transmitted by the reproducer and/or transmitter; and
 3. Type of the posted illegal copies, etc. and their possibility of market substitution; and
 4. Impact of illegal copies, etc. on the distribution of works, etc.
- (2) Where the Minister of Culture, Sports and Tourism intends to order an online service provider to suspend the account of the reproducer and/or transmitter of illegal copies, etc. pursuant to Article 133-2 (2) of the Act, he/she shall prepare and deliver a written order containing the matters in the following subparagraphs:
1. Account of the reproducer and/or transmitter;
 2. The fact that the reproducer and/or transmitter have received warnings under Article 133-2 (1) 1 of the Act three times or more;
 3. The fact that the reproducer and/or transmitter have transmitted illegal copies, etc. even after having received warnings under Article 133-2 (1) 1 of the Act three times or more; and
 4. Period of the suspension of account.
- (3) The period of suspension of account of the reproducer and/or transmitter under Article 133-2 (2) of the Act shall be as prescribed in the following subparagraphs:
1. Less than one month in the case of the first suspension;
 2. At least one month but less than three months in the case of the second suspension; or
 3. At least three months but less than six months in the case of the third or later suspension.
- (4) Upon receipt of the written order under paragraph (2), subject to Article 133-2 (3) of the Act, an online service provider shall give the reproducer and/or transmitter in question, without delay, a written notice containing the matters in paragraph (2).

[This Article Newly Inserted on July 22, 2009]

Article 72-4 (Procedure and Method of Order for Suspension of Bulletin Board Service) (1)

Where the Commission deliberates pursuant to Article 133-2 (4) of the Act, it shall consider the matters prescribed in the following subparagraphs:

1. Commerciality of the bulletin board concerned;
2. Purpose of establishment of the bulletin board concerned;
3. Functions and method of use of the bulletin board concerned;
4. The number of users of the bulletin board concerned;
5. Percentage of illegal copies, etc. in the bulletin board concerned;
6. Type of the posted illegal copies, etc. and their possibility for market substitution;
7. Extent of efforts of the bulletin board concerned to block illegal copies, etc.; and
8. Extent of providing functionalities to facilitate posting or use of illegal copies, etc.

(2) Where the Minister of Culture, Sports and Tourism wishes to order an online service

provider to suspend services of the bulletin board concerned pursuant to Article 133-2 (4) of the Act, he/she shall prepare and deliver a written order containing the matters in the following subparagraphs:

1. The bulletin board subject to suspension;
2. The fact that the bulletin board has received the order under Article 133-2 (1) 2 of the Act three or more times;
3. Details of illegal acts; and
4. Period of suspension.

(3) The period of suspension of services of the bulletin board concerned under Article 133-2 (4) of the Act shall be as prescribed in the following subparagraphs:

1. Less than one month in the case of the first suspension;
 2. At least one month but less than three months in the case of the second suspension; or
 3. At least three months but less than six months in the case of the third or later suspension
- (4) Where an online service provider posts the fact of suspension of a bulletin board pursuant to Article 133-2 (5) of the Act, he/she shall enlist the matters referred to in each subparagraph of paragraph (2) so as to enable users of the bulletin board concerned to readily understand.

[This Article Newly Inserted on July 22, 2009]

Article 72-5 (Procedure and Method of Notifying Result of Measures) Pursuant to Article 133-2 (6), an online service provider shall notify the Minister of Culture, Sports and Tourism of the result of measures by submitting a written notification prescribed by ordinance of the Ministry of Culture, Sports and Tourism that specifies the matters prescribed in any of the following subparagraphs:

1. Details of measures taken in accordance with the order;
2. Information that can identify the reproducer and/or transmitter (except for the order under Article 133-2 (4) of the Act); and
3. Date of execution of the order.

[This Article Newly Inserted on July 22, 2009]

Article 72-6 (Procedures for Recommendation of Correction, etc.) (1) Where the Commission intends to make recommendations for correction under Article 133-3 (1) of the Act, it shall do such in writing by stating the matters prescribed in any of the following subparagraphs:

1. Details of illegal acts;
2. Recommendations;
3. Deadline for correction; and

4. Measures to be taken when correction recommendations are refused.

(2) Upon receipt of recommendations of correction under paragraph (1), an online service provider shall notify the Commission of the result of measures by stating the matters prescribed in any of the following subparagraphs:

1. Details of measures taken in accordance with recommendations of correction;
2. Date of execution of recommendations of correction; and
3. Reasons for refusal of recommendations of correction, where appropriate.

(3) Where the Commission deliberates the matter referred to in Article 133-3 (1) 3 of the Act, it shall consider the matters prescribed in Article 72-3 (1).

[This Article Newly Inserted on July 22, 2009]

Article 73 (Projects for Fair Use of Works) The term “projects necessary to promote fair use of works” in Article 134 (1) of the Act means the project prescribed in any of the following subparagraphs: *<Amended on July 22, 2009>*

1. Projects to provide information on works, etc. whose protection period has expired;
2. Projects to establish the common exploitation system for the works of public institutions;
3. Projects to improve the system for permission for exploitation such as development of a standard agreement;
4. Projects to establish and recommend guidelines to set standards for fair use works;
5. Projects to activate the Creative Commons License (CCL) for works, etc.; or
6. Other projects deemed necessary for fair use of works by the Minister of Culture, Sports and Tourism.

Article 74 Deleted. *<July 22, 2009>*

Article 75 (Procedure for Donation) (1) A person, who intends to donate his/her author's property rights, etc. pursuant to Article 135 (1), shall submit to the Minister of Culture, Sports and Tourism a written pledge for donation prescribed by ordinance of the Ministry of Culture, Sports and Tourism, as well as copies of works, etc. to be donated. *<Amended on February 29, 2008 >*

(2) Upon receipt of the donation under paragraph (1), the Minister of Culture, Sports and Tourism shall enter the titles of works, etc. to be donated and the name of the donor, etc. on the ledger, as prescribed by ordinance of the Ministry of Culture, Sports and Tourism, and post the same on the website of the Ministry of Culture, Sports and Tourism. *<Amended on*

February 29, 2008; July 22, 2009>

Article 76 (Appointment, etc. of Management Organization) (1) An organization that is eligible to be appointed to manage author's property rights pursuant to Article 135 (2) of the Act (hereinafter referred to as "management organization") shall be as prescribed in the following subparagraphs: *<Amended on February 29, 2008; July 22, 2009>*

1. The Commission;
2. Copyright trust service provider;
3. An organization whose principal members are copyright trust service providers; or
4. Any other juridical person or organization that the Minister of Culture, Sports and Tourism deems capable of managing the donated author's property rights, etc.

(2) A person, who desires to be appointed as a management organization under paragraph (1), shall submit to the Minister of Culture, Sports and Tourism an appointment application prescribed by ordinance of the Ministry of Culture, Sports and Tourism with the documents specified in the following subparagraphs attached: *<Amended on February 29, 2008 >*

1. Management plans for the donated author's property rights, etc.; and
2. Documents stating the procedure for permission of exploitation of the donated author's property rights, etc. and the plan to activate such exploitation.

(3) Where the Minister of Culture, Sports and Tourism intends to appoint a management organization upon receipt of the application under paragraph (2), he/she shall issue a certificate of appointment of a management organization, as prescribed by ordinance of the Ministry of Culture, Sports and Tourism. *<Amended on February 29, 2008; July 22, 2009>*

(4) Where a management organization falls under any of the following subparagraphs, the Minister of Culture, Sports and Tourism may revoke the designation: *<Amended on February 29, 2008 >*

1. Where the organization fails to meet the qualifications under paragraph (1); or
2. Where the organization has violated the provisions of Article 135 (3) of the Act.

(5) Upon designation of a management organization or revocation thereof, the Minister of Culture, Sports and Tourism shall make notification of such in the Official Gazette. *<Amended on February 29, 2008 >*

(6) Other necessary matters concerning the duty of managing the donated author's property rights shall be determined and publicly announced by the Minister of Culture, Sports and Tourism. *<Amended on February 29, 2008 >*

Article 77 (Standards for Imposition of Fine for Negligence) The standards for imposition of fine

for negligence under Article 142 (1) and (2) of the Act shall be as prescribed in attached Tables 1 and 2.

[This Article Wholly Amended on July 22, 2009]

ADDENDA <Presidential Decree No. 20135, Jun.29, 2007>

Article 1 (Enforcement Date) This Decree shall enter into force on June 29, 2007: provided that the amended provisions of subparagraph 1 (b) of Article 9 shall enter into force on July 1, 2008, and those of Article 11 shall enter into force on January 1, 2008.

Article 2 (Applicable Examples Regarding Vindication of Claimant, etc.) The amended provisions of the proviso other than any subparagraph of Article 40 shall be applied to the submission of explanatory materials attesting that one is the first rights holder since the enforcement of this Decree.

ADDENDA < Presidential Decree No. 20676, Feb. 29, 2008> (Organization of the Ministry of Culture, Sports and Tourism and Institutions Attached thereto)

Article 1 (Enforcement Date) This Decree shall enter into force on the date of its promulgation.
Article 2 through 4 *Omitted*.

Article 5 (Amendment of other Acts and Subordinate Statutes) (1) through <25> *Omitted*.

<26> The part of the Enforcement Decree of the Copyright Act shall be amended as follows:
"Minister of Culture and Tourism" shall be changed to "Minister of Culture, Sports and Tourism" in Article 3 (1) and (2); forepart of the part other than each subparagraph of Article 4; Article 6 (1) and (2); forepart of the part other than each subparagraph of Article 7; part other than each subparagraph of Article 8 (2); Article 8 (3); Articles 10, 17, and 19; part other than each subparagraph of Article 20 (1) and (3); forepart of Article 21 (1); part other than each subparagraph of Article 21 (2); part other than each subparagraph of Article 22 (1); main clause of Article 22 (2); Article 26 (1); Article 28 (1); Article 28 (1) and (2); Article 29 (1); Article 30; part other than each subparagraph of Article 31 (1); Article 32; Article 33 (1); Article 34; Article 36 (1) 3; part other than each subparagraph of Article 36 (3), (4), and (6); Article 36 (7); Article 37 (5); part other than each subparagraph of Article 47 (1); Article 47 (2); part other

than each subparagraph of Article 48 (1); Article 48 (2); Article 49 (1); main clause of Article 49 (2); Article 49 (3) and (4); main clause of Article 53 (2); Article 54 (1); main clause of Article 54 (2); Article 54 (4) and (5); Article 55; Article 58 (3); proviso of Article 65 (2); proviso of Article 66 (4); Article 67 (1) through (3); part other than each subparagraph of Article 68 (1); Article 68 (2) and (3); part other than each subparagraph of Article 70 (1); Article 70 (1) 3; main clause of Article 72 (1); Article 72 (2); Article 73 (6); part other than each subparagraph of Article 74 (1); Article 74 (1) 5; Article 74 (2) and (3); Article 75 (1) and (2); Article 76 (1) 4; part other than each subparagraph of Article 76 (2) and (3); part other than each subparagraph of Article 76 (3) and (4); Article 76 (5) and (6); Article 77 (1); and forepart of Article 77 (2), respectively.

“Ordinance by the Ministry of Culture and Tourism” shall be changed to "ordinance by the Ministry of Culture, Sports and Tourism" in subparagraph 3 of Article; subparagraph 2 of Article 18; Article 19; Article 23 (4); Article 26 (1); Article 27 (2); Article 28 (2); Articles 30 and 34; part other than each subparagraph of Article 36 (3); Article 36 (4); Article 37 (1) and (3); main clause of the part other than each subparagraph of Article 40; Article 41 (1); part other than each subparagraph of Article 42; Article 43 (1); main clause of the part other than each subparagraph of Article 45; part other than each subparagraph of Article 47 (1); Article 47 (2); part other than each subparagraph of Article 48 (1); Article 48 (2) and (3); Article 52 (1) and (2); Article 69 (2), Article 70 (2), Article 72 (2); Article 75 (1) and (2); part other than each subparagraph of Article 76 (2); and Article 77 (3), respectively.

The term “Ministry of Culture and Tourism” shall be changed to "Ministry of Culture, Sports and Tourism" in forepart and latter part other than each subparagraph of Article 7; subparagraph 2 of Article 18; part other than each subparagraph of Article 21 (2); Article 33 (1); Article 49 (3) and (4); and Article 75 (2), respectively.

<27> through <37> *Omitted*.

ADDENDA < Presidential Decree No. 21148, Dec. 3, 2008> (Enforcement Decree of the Act on Promotion of Periodicals, Including Magazines)

Article 1 (Enforcement Date) This Decree shall enter into force on December 6, 2008.

Article 2 (Amendment of other Acts and Subordinate Statutes) (1) through (11) *Omitted*.

(12) The part of the Enforcement Decree of the Copyright Act shall be amended as follows:

In the proviso of the part other than each subparagraph of Article 38, "periodicals registered in

accordance with Article 12 (1) of the Act on the Guarantee of Freedom and Functions of Newspapers, etc.” shall be changed to “newspapers registered pursuant to Article 12 (1) of the Act on the Guarantee of Freedom and Functions of Newspapers, etc. and periodicals registered or reported pursuant to Articles 15 and 16 of the Act on Promotion of Periodicals, Including Magazines.”

(13) and (14) *Omitted.*

Article 3 *Omitted.*

ADDENDA < Presidential Decree No. 21634, Jul. 22, 2009 >

Article 1 (Enforcement Date) This Decree shall enter into force on July 23, 2009: provided that the amended provisions of Article 14 (2) shall enter into force on September 26, 2009.

Article 2 (Repeal of other Acts and Subordinate Statutes) The Enforcement Decree of the Computer Programs Protection Act shall be repealed.

Article 3 (Amendment of other Acts and Subordinate Statutes) (1) The part of the Enforcement Decree of the Game Industry Promotion Act shall be amended as follows:

Each subparagraph of Article 9 shall be as follows:

1. Korea Copyright Commission under Article 112 of the Copyright Act; or
2. Incorporated foundation established to promote the game industry pursuant to Article 32 of the Civil Act.

(2) The part of the Enforcement Decree of the Customs Act shall be amended as follows:

In the part other than each subparagraph of Article 237, “copyrights, neighboring copyrights, or program copyrights (hereinafter referred to as “copyrights, etc.”)” shall be changed to “copyrights or neighboring copyrights (hereinafter referred to as “copyrights, etc.”)”; and “the Trademark Act, the Copyright Act, or the Computer Programs Protection Act” shall be changed to “the Trademark Act or the Copyright Act.”

(3) The part of regulations on management of national research and development projects shall be amended as follows:

The field of an organization specialized in management and/or distribution of software in the attached Table shall be as follows:

Korea Copyright Commission under Article 112 of the Copyright Act

(4) The part of the Enforcement Decree of the Adjustment of International Taxes Act shall be

amended as follows:

Article 14-2 (1) 1 (f) shall be deleted.

(5) The part of the Enforcement Decree of the Value-Added Tax Act shall be amended as follows:

In subparagraph 4 of Article 37, "in accordance with the provisions of Article 78 of the Copyright Act" shall be changed to "pursuant to Article 105 (1) of the Copyright Act."

(6) The part of the Enforcement Decree of the Industrial Technology Innovation Promotion Act shall be amended as follows:

Article 16 (3) 2 shall be as follows:

2. Author's property rights under the Copyright Act

(7) The part of the Enforcement Decree of the Framework Act on Consumers shall be amended as follows:

Subparagraph 4 of Article 25 shall be as follows, and subparagraph 5 of the same Article shall be deleted.

4. Korea Copyright Commission under Article 112 of the Copyright Act

(8) The part of the Enforcement Decree of the Restriction of Special Taxation Act shall be amended as follows:

In Article 10 (3) 5, "Computer Programs Protection Act" shall be changed to "Copyright Act."

(9) The part of the Enforcement Decree of the Music Industry Promotion Act shall be amended as follows:

Article 6 (1) 2 shall be as follows:

2. Korea Copyright Commission under Article 112 of the Copyright Act

Article (Relationship to other Acts and Subordinate Statutes) Where other Acts and subordinate statutes quote the former Enforcement Decree of the Computer Programs Protection Act or provisions thereof at the time of the enforcement of this Decree, those other Acts and subordinate statutes shall be considered as quoting this Decree or the applicable provisions thereof.

ADDENDA < Presidential Decree No. 21676, Aug. 6, 2009> (Enforcement Decree of the Food Sanitation Act)

Article 1 (Enforcement Date) This Decree shall enter into force on August 7, 2009. (Proviso Omitted)

Article 2 and 3 Omitted.

Article 4 (Amendment of other Acts and Subordinate Statutes) (1) through (7) Omitted.

(8) The part of the Enforcement Decree of the Copyright Act shall be amended as follows:

In each item of subparagraph 1 of Article 11, "subparagraph 8 of Article 7 of the Enforcement Decree of the Food Sanitation Act" shall be changed to "subparagraph 8 of Article 21 of the Enforcement Decree of the Food Sanitation Act," and in item (a) of the same subparagraph, "subparagraph 8 (c) of Article 7 of the Enforcement Decree of the Food Sanitation Act" shall be changed to "subparagraph 8 (c) of Article 21 of the Enforcement Decree of the Food Sanitation Act."

(9) through <16> *Omitted*.

Article 5 *Omitted*.

ADDENDA < Presidential Decree No. 22003, Jan. 27, 2010 >

Article 1 (Enforcement Date) This Decree shall enter into force on February 1, 2010.

Article 2 and 3 *Omitted*.

Article 4 (Amendment of other Acts and Subordinate Statutes) (1) through <35> *Omitted*.

<36> The part of the Enforcement Decree of the Copyright Act shall be amended as follows:

In the part other than each subparagraph of Article 7; subparagraph 2 of Article 18; and the proviso of the part other than each subparagraph of Article 38, "Article 12 (1) of the Act on the Guarantee of Freedom and Functions of Newspapers, etc." shall be changed to "Article 9 (1) of the Act on the Promotion of Newspapers, etc.", respectively.

<37> through <45> *Omitted*.

Article 5 *Omitted*.