

ENFORCEMENT RULE OF THE COPYRIGHT ACT

[Enforced on July 24, 2009]

[Amended by Ordinance of the Ministry of Culture, Sports and Tourism No.37, July 24, 2009]

Ministry of Culture, Sports and Tourism (Copyright Policy Department) 02-3704-9472

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

Article 2 (Types of Specialized Sports Facilities) The term "specialized sports facilities prescribed by ordinance of the Ministry of Culture, Sports and Tourism" in subparagraph 3 of Article 11 of the Enforcement Decree of the Copyright Act (hereinafter referred to as "the Decree") means the stadium and gymnasium among the facilities specified in subparagraph 1 of the attached Table 1 of the Enforcement Rule of the Installation and Utilization of Sports Facilities Act and the playground and gymnasium among the facilities specified in subparagraph 2 of the same Table. <Amended on March 6, 2008>

Article 3 (Content of Public Notification) The matters in the following subparagraphs shall be included in the public notification in relation to the inquiry, etc. in subparagraph 2 of Article 18 of the Decree:

1. Intention of finding an owner of author's property rights;
2. Name, title, domicile, or residence, etc. of the owner of author's property rights (limited to the case where they are known);
3. Title of works;
4. Name (real name or pseudonym) of the owner of author's property rights indicated in the public notification;
5. A person who has published or publicly announced works;
6. Purpose of exploitation of works;
7. Materials such as a picture cover of copies (where available); and

8. Name and contact information of the person who made public notification.

Article 4 (Application for Approval of Exploitation of Works, etc.) A person who desires to obtain approval pursuant to Article 19 of the Decree shall submit to the Minister of Culture, Sports and Tourism an approval application for exploitation in Appendix Form No. 1 with the documents specified in the following subparagraph attached: <Amended on March 6, 2008>

1. A detailed statement for the application for approval of exploitation in Appendix Form No.2 (If the form and content of works, performance, broadcast, or database are not clear, a sample, drawing or picture thereof shall be attached.);
2. Details of calculation of remuneration;
3. Document proving that the works, etc. concerned have been published;
4. Document proving that the owner of author's property rights, the owner of neighboring rights, or the database producer, or the domicile thereof are unknown (limited to the case where the application for approval is made for the aforementioned reason);
5. Document indicating the progress of consultation (limited to the case where the application for approval is made due to failure of consultation); and
6. Document proving that the phonogram concerned has been on sale in Korea for at least three years [limited to the case where the application for approval is made in accordance with Articles 52 and 89 of the Copyright Act (hereinafter referred to as "the Act").]

Article 5 (Public Notice of Deposit of Remuneration) A person who intends to publicly notify the fact of deposit of remuneration pursuant to Article 23 (4) of the Decree shall post the matters in the following subparagraphs in general daily newspapers of nationwide circulation registered pursuant to Article 12 (1) of the Act on the Guarantee of Freedom and Functions of Newspapers, etc., or on websites of the Ministry of Culture, Sports and Tourism and the Korea Copyright Commission (hereinafter referred to as "the Commission") pursuant to Article 112 of the Act: <Amended on March 6, 2008; July 24, 2009>

1. Title of works (If unavailable, the content thereof shall be summarized.);
2. Name of the author and the owner of author's property rights (If unknown, the meaning of works, etc. shall be specified.);
3. Content of exploitation of works;
4. Amount deposited;
5. Name and location of the depository;
6. Reason for deposit; and
7. Address and name of the user of works.

Article 6 (Application for Registration) (1) A person who intends to register copyrights (including publication rights, neighboring rights, rights of database producers, exclusive publication rights of copyrighted computer programs that apply *mutatis mutandis* in Articles 63 (3), 90, 98, and 101-6 (6)) pursuant to Article 26 (1) of the Decree shall submit a registration application and the detailed statement thereof set forth in the following subparagraphs: <Amended on July 24, 2009>

1. Registration of copyrights, etc.

(a) Registration of copyrights: Copyright Registration Application in the form of Appendix Form No.3 [in the case of copyrighted computer programs (hereinafter referred to as "programs"), Programs Registration Application in the form of Appendix Form No.3-2], and Detailed Statement of Copyright Registration Application in the form of Appendix Form No.4 Form (in the case of programs, Overview Of Programs in the form of Appendix Form No.4-2)

(b) Deleted. <July 24, 2009>

(c) Registration of neighboring rights: Neighboring Rights Registration Application in the form of Appendix Form No.7, Detailed Statement of application for Neighboring Rights Registration Application (performance) in the form of Appendix Form No.8, Detailed Statement of Neighboring Rights Registration Application (phonogram) in the form of Appendix Form No.9, or Detailed Statement of Neighboring Rights Registration Application (broadcast) in the form of Appendix Form No.10; or

(d) Registration of database producer rights: Database Producer Rights Registration Application in the form of Appendix Form No.11, and Detailed Statement of Database Producer Rights Registration Application in the form of Appendix Form No.12.

2. Registration of change of rights, etc.

(a) Registration of change of author's property rights and publication rights: Registration Application in the form of Appendix Form No.5 (in the case of registration of change of copyright of programs including exclusive publication rights of programs, Registration Application in the form of Appendix Form No.5-2), and Detailed Statement of Registration Application in the form of Appendix Form No.6 (in the case of unregistered programs, Overview Of Programs in the form of Appendix Form No.4-2)

(b) Registration of change of neighboring rights: Registration Application in the form of Appendix Form No.13, and Detailed Statement of Application for Change of Neighboring Rights (performance) in the form of Appendix Form No.14, Detailed Statement of Application for Change of Neighboring Rights (phonogram) in the form of Appendix Form No.15, or Detailed Statement of Application for Change of Neighboring Rights (broadcast)

in the form of Appendix Form No.16.

(c) Registration of change of database producer rights: Registration Application in the form of Appendix Form No.17, and Detailed Statement of Application for Change of Database Producer Rights in the form of Appendix Form No.18.

(2) The registration application under paragraph (1) shall have the documents in the following subparagraphs attached: <Amended on July 24, 2009>

1. Copies subject to registration, or documents such as drawings or pictures indicating the content thereof, or electronic recording medium;
2. Documents attesting to reasons for registration (limited to the case where the content of registration requires proof);
3. List in the form of Appendix Form No.19 in cases where there exist two or more authors, owners of neighboring rights, database producers, heirs, obligees of registration, or obligors of registration;
4. List in the form of Appendix Form No.20 in cases where works, works subject to neighboring rights, or databases are registered on a large scale;
5. If a consent or permission from a third party with respect to reasons for registration is required, documents attesting such;
6. Documents attesting that the applicant is an obligee of registration or an obligor of registration (if an agent applies for registration, a document attesting the applicant is an agent shall be included); and
7. A written consent of an obligor of registration (limited to the case where an obligee of registration solely makes an application pursuant to the proviso of Article 26 (2) of the Decree).

(3) Notwithstanding paragraph (2) 1, in the case of programs, a copy of electronic recording medium containing copies of programs shall be submitted. <Newly Inserted on July 24, 2009>

(4) Where the fact of creation can be proven only with part of programs when submitting copies of programs pursuant to paragraph (3), such part may be extracted and submitted. In this case, program languages which have not been compiled through the computer shall be submitted. <Newly Inserted on July 24, 2009>

Article 6-2 (Management and Reproduction, etc. of Copies) (1) The Commission shall store the copies submitted pursuant to Article 6 (2) and (3) in an exclusive storage to keep them in confidentiality and take necessary measures to ensure their security.

(2) If the copies submitted pursuant to paragraph (1) are programs, they shall be sealed: provided that if copies are handled through the computer-based information processing system pursuant to Article 35 of the Decree, technological measures to maintain confidentiality may be

used in lieu of sealing.

(3) The Commission may temporarily open the copies of programs sealed according to paragraph (2) and reproduce them in a separate medium to prepare for destruction or damage of the registered programs, where appropriate. In this case, they shall be resealed immediately after being reproduced.

(4) Where a rights holder or a third party who obtained the consent of a rights holder demands the reproduction of the copies submitted pursuant to Article 6 (2) 1, and (3), the Commission may reproduce them.

[This Article Newly Inserted on July 24, 2009]

Article 7 (Copyright Register, etc.) The copyright register under Article 27 (2) of the Decree (referring to program register for programs; and including the register of publication rights, neighboring rights, and database producer rights to apply *mutatis mutandis* in Articles 63 (3), 90, and 98) shall be as stipulated in the following subparagraphs: <Amended on July 24, 2009>

1. Copyright Register: Appendix Form No.21;
2. Program Register: Appendix Form No.21-2;
3. Publication Rights Register: Appendix Form No.22;
4. Neighboring Rights Register: Appendix Form No.23; and
5. Database Producer Rights Register: Appendix Form No.24.

Article 8 (Registration Certificate) (1) Upon registration of copyrights subject to Article 28 (1) of the Decree (including publication rights, neighboring rights, database producer rights, and exclusive publication rights of programs to apply *mutatis mutandis* in Articles 63 (3), 90, 98, and 101-6 (6)), the Commission shall issue a registration certificate set forth in the following subparagraphs to an applicant for registration: <Amended on July 24, 2009>

1. Where copyrights are registered: Copyright Registration Certificate in the form of Appendix Form No.25;
- 1-2. Where copyrights of programs are registered: Program Registration Certificate in the form of Appendix Form No.25-2;
2. Where publication rights are registered: Publication Rights Registration Certificate in the form of Appendix Form No.26;
3. Where neighboring rights are registered: Neighboring Rights Registration Certificate in the form of Appendix Form No.27;
4. Where database producer rights are registered: Database Producer Rights Registration

Certificate in the form of Appendix Form No.28;

5. Where the change of author's property rights is registered: Registration Certificate in the form of Appendix Form No.29;

5-2. Where the change of copyrights of programs is registered: Program Copyright Registration Certificate in the form of Appendix Form No.29-2;

6. Where the change of neighboring rights is registered: Registration Certificate in the form of Appendix Form No.30; or

7. Where the change in database producer rights is registered: Registration Certificate in the form of Appendix Form No.31.

(2) A person who desires to have the registration certificate reissued pursuant to Article 28 (2) of the Decree shall submit an application in the form of Appendix Form No.32 (in the case of programs, an application in the form of Appendix Form No.32-2), with documents attesting that he/she is an obligee registration or an agent attached (limited to the case where an application is made by an agent). <Amended on July 24, 2009>

Article 9 (Registration Application for Modification, etc. and Registration Application Withdrawal Form)

(1) A person who wishes to apply for the correction, modification, cancellation, or reinstatement of cancelled registration with respect to the registered items pursuant to Article 30 of the Decree (hereafter in this Article referred to as "registration of modifications") shall submit the Application in the form of Appendix Form No.33 (in the case of copyright of programs, the Application in the form of Appendix Form No.33-2) with documents set forth in the following subparagraphs attached: <Amended on July 24, 2009>

1. Registration Certificate;
2. Documents attesting to the reasons for registration of modifications (limited to the case where the content of the application for registration of modifications needs to be proved); and
3. Documents attesting that he/she is an agent (limited to the case where the registration of modifications is applied for by an agent).

(2) A person who wishes to withdraw the application for registration before registration is received shall submit the Registration Application Withdrawal Form in the form of Appendix Form No.34 with the documents set forth in the following subparagraphs attached:

1. Documents attesting that he/she is the applicant for registration;
2. Documents attesting that he/she is an agent (limited to the case where an agent withdraws the application for registration); and
3. Copy of an account under the name of the applicant for registration.

Article 10 (Perusal, etc. of Register) (1) A person who desires to peruse a register or have the copy thereof issued under Article 34 of the Decree, shall submit the Application in the form of Appendix Form No.35 (in the case of copyrights of programs, Application in the form of Appendix Form No.35-2). In this case, if an agent makes an application, documents attesting that the applicant is an agent shall be attached. <Amended on July 24, 2009>

(2) When issuing a copy of a register upon application under paragraph (1), the Commission shall state, at the end of the register or on its back, that such is a copy of a register, record the date of issuance thereof, and have an official seal of the head of a department in charge affixed. <Amended on July 24, 2009>

Article 10-2 (Treatment, etc. of Registration Affairs through the Computer-based Information Processing System) (1) If registration affairs are handled through the computer-based information processing system subject to Article 35 of the Decree, the auxiliary storage containing registered items shall be deemed a register.

(2) An applicant for registration or an agent may apply for registration by the computer-based information processing system.

(3) Where registration affairs are handled through the computer-based information processing system, other documents than electronic documents may be used in lieu of attached documents, and in the case of electronic documents, an electronic signature of an applicant or an agent may be used in lieu of affixation of their seal and signature.

[This Article Newly Inserted on July 24, 2009]

Article 11 (Designation Application for Authentication Agency, etc.) (1) The Designation Application for Authentication Agency referred to in Article 36 (3) of the Decree shall be as specified in Appendix Form No.36.

(2) The Written Designation of Authentication Agency referred to in Article 36 (4) of the Decree shall be as specified in Appendix Form No.37.

Article 12 (Authentication Application, etc.) (1) A person who desires to obtain authentication subject to Article 37 (1) of the Decree shall submit the authentication application set forth in the following subparagraphs, with the documents attesting to the relation of rights or the relation of use attached: <Amended on July 24, 2009>

1. Authentication Application for Rights: Appendix Form No.38; and

2. Authentication Application for Authorization of Exploitation : Appendix Form No.38-2

(2) The authentication certificates under Article 37 (3) of the Decree shall be as specified in the

following subparagraphs. <Amended on July 24, 2009>

1. Authentication Certificate for Rights: Appendix Form No.39; and
2. Authentication Certificate for Authorization of Exploitation : Appendix Form No.39-2.

Article 13 (Request Form for Suspension of Reproduction and/or Transmission) A person who desires to request for the suspension of reproduction and/or transmission pursuant to Article 40 of the Decree shall submit the Request Form for Suspension of Reproduction and/or Transmission in the form of Appendix Form No.40 with a document set forth in the subparagraphs of Article 40 of the Decree and documents attesting that he/she is an agent (limited to the case where the request is made by an agent) to an online service provider attached.

Article 14 (Notice of Suspension of Reproduction and/or Transmission) The Notice of Suspension of Reproduction and/or Transmission under Article 41 (1) of the Decree shall be as specified in Appendix Form No.41, and the Notice of Claimant to Rights shall be as specified in Appendix Form No.42.

Article 15 (Request Form for Resumption of Reproduction and/or Transmission) A person who desires to request for resumption of reproduction and/or transmission pursuant to Article 42 of the Decree shall submit the Request Form for Resumption of Reproduction and/or Transmission in the form of Appendix Form No.43 with a document set forth in the subparagraphs of Article 42 of the Decree and documents attesting that he/she is an agent (limited to the case where the request is made by an agent) attached.

Article 16 (Notice of Resumption of Reproduction and/or Transmission) Where the resumption of reproduction and/or transmission is notified pursuant to Article 43 (1) of the Decree, the Notice of Resumption of Reproduction and/or Transmission in the form of Appendix Form No.44 shall be sent with the Request Form for Resumption of Reproduction and/or Transmission attached.

Article 17 (Request Form for Technological Measures, etc. to Online Service Provider of Special Type) A person who desires to request technical measures to block illegal transmission of works pursuant to Article 45 of the Decree shall submit the Request Form in Appendix Form

No.45 with the documents set forth in the subparagraphs of Article 45 of the Decree, documents identifying him/her as the principal, and documents attesting that he/she is an agent (limited to the case where the request is made by an agent) attached.

Article 18 (Permission Application, etc. for Copyright Trust Services) (1) A person who intends to obtain a permit for the copyright trust services subject to Article 105 (1) of the Act shall submit the Permission Application for Copyright Trust Services in the form of Appendix Form No.46 with the documents set forth in the following subparagraphs attached: <Amended on July 24, 2009>

1. Business rules for copyright trust services;
2. Curriculum vitae of the applicant (a representative and an officer in the case of a juristic person or an organization);
3. Articles of association, or regulations; and
4. Financial statement (limited to the case of a juristic person).

(2) A public official who has received the application referred to in paragraph (1) shall verify the certified copy of registry of a juristic person by sharing the administrative information under Article 21 (1) of the Electronic Government Act (limited to the case of a juristic person). <Amended on July 24, 2009>

(3) The Permit of Copyright Trust Services referred to in Article 47 of the Decree shall be as specified in Appendix Form No.47.

Article 19 (Report, etc. 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 the Report of Copyright Agency or Brokerage Services in the form of Appendix Form No.48 with the documents set forth in the following subparagraphs attached:

1. Business rules for copyright agency or brokerage services;
2. Curriculum vitae of the reporter (a representative and a officer in the case of a juristic person or an organization);
3. Articles of association, or regulations (limited to the case of a juristic person, or an organization); and
4. Financial statement (limited to the case of a juristic person).

(2) A public official who has received the report referred to in paragraph (1) shall verify the certified copy of registry of a juristic person by sharing the administrative information under Article 21 (1) of the Electronic Government Act (limited to the case of a juristic person). <Amended on July 24, 2009>

(3) The Certificate of Report of Copyright Agency or Brokerage Services referred to in Article 48 (2) of the Decree shall be as specified in Appendix Form No.49.

(4) A person who desires to file a report on changes to copyright agency or brokerage services pursuant to Article 48 (3) of the Decree shall submit the Report on Changes to Copyright Agency or Brokerage Services in the form of Appendix Form No.50 with the Certificate of Report and the documents attesting to changed matters attached.

Article 20 (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 as set forth in the following subparagraphs pursuant to Article 52 (1) of the Decree to the Minister of Culture, Sports and Tourism by March 31 of each business year: <Amended on March 6, 2008>

1. Business Achievement Report containing the matters specified in the following items:

(a) Details of the entrusted works; and

(b) Details of the royalties and fees generated by providing works, etc. for exploitation.

2. Business Plan Report containing the matters specified in the following items:

(a) Plans to utilize the entrusted works; and

(b) Budget.

(2) A copyright agency or brokerage service provider under Article 52 (2) of the Decree shall submit a report of business achievements of the prior year addressing the matters specified in the following subparagraphs to the Minister of Culture, Sports and Tourism by March 31 of each business year. <Amended on March 6, 2008>

1. Types and quantities of the works under agency or brokerage services; and

2. Details of the royalties and fees generated by agency or brokerage services of works, etc.

Article 21 (Notice of Payment) The Notice of Payment referred to in Article 54 (1) of the Decree shall be as specified in Appendix Form No.51.

Article 22 (Imposition and Collection Ledger of Penalty Surcharge) The matters pertaining to the imposition and collection of the penalty surcharge under Article 54 (5) of the Decree shall be recorded in the Imposition and Collection Ledger of Penalty Surcharge in the form of Appendix Form No.52.

Article 23 (Fees) (1) The amount of fees to be paid subject to Article 132 of the Act shall be as

specified in the attached Tables.

(2) Where the State, affiliated agencies thereto, and local governments register copyrights, etc. pursuant to Articles 53 and 54 of the Act (including the cases that apply *mutatis mutandis* in Articles 63 (3), 90, 98, and 101-6 (6)) and own a share of copyrights, etc. of 50 percent or more, notwithstanding paragraph (1), the fees shall be exempted. <Amended on July 24, 2009>

(3) Where an author who has entrusted his/her rights to a copyright trust service provider under Article 105 of the Act applies for registration of copyrights under Article 53 of the Act (including the cases that apply *mutatis mutandis* in Articles 90 and 98) or where a copyright trust service provider registers change in rights, etc. under Article 54 of the Act (including the cases that apply *mutatis mutandis* in Articles 63 (3), 90, 98 and 101-6(6)), notwithstanding paragraph (1), the fees shall be exempted.<Newly Inserted on July 24, 2009>

Article 24 (Certificate of Collection, etc.) (1) The Certificate of Collection referred to in Article 69 (2) of the Decree shall be as specified in Appendix Form No.53.

(2) Where the Minister of Culture, Sports and Tourism collects, destroys or deletes illegal copies, etc. pursuant to Article 69 (2) and (3) of the Decree, he/she shall prepare the Collection Ledger in the form of Appendix Form No.54, Destruction Ledger in the form of Appendix Form No.55, or Deletion Ledger in the form of Appendix Form No.55-2, respectively, and take custody thereof (including custody in an electronic format).

[This Article Wholly Amended on July 24, 2009]

Article 25 (Identification Verifying Authority) The Identification Verifying Authority under Article 70 (2) of the Decree shall be as specified in Appendix Form No.56.

Article 26 (Order, etc. of Deletion or Suspension of Transmission, etc.) (1) The Order for Deletion or Suspension of Transmission, etc. under Article 72-2, 72-3 (2), and 72-4 (2) of the Decree shall be as specified in Appendix Form No.57.

(2) The Notice of Result of Measures under Article 72-5 of the Decree shall be as specified in Appendix Form No.57-2.

[This Article Wholly Amended on July 24, 2009]

Article 27 (Preparation and Custody of Documents) Where the Minister of Culture, Sports and Tourism has issued orders pursuant to Articles 72-2 through 72-4 of the Decree, he/she shall

record the contents thereof in the Order Ledger for Deletion and Suspension of Deletion in the form of Appendix Form No.58 and take custody thereof. <Amended on March 6, 2008; July 24, 2009>

Article 28 (Written Pledge for Donation of Author's Property Rights, etc.) A person who intends to donate author's property rights, etc. pursuant to Article 75 (1) of the Decree shall submit the Written Pledge for Donation in the form of Appendix Form No.59 with copies of works, etc. and documents attesting that he/she is the owner of author's property rights of the works, etc. concerned attached.

Article 29 (Management Ledger of Donated Author's Property Rights, etc.) The Management Ledger of Donated Author's Property Rights, etc. under Article 75 (2) of the Decree shall be as specified in Appendix Form No.60.

Article 30 (Appointment Application for Management Organization) The Appointment Application under Article 76 (2) of the Decree shall be as specified in Appendix Form No.61, and the Certificate of Appointment under Article 76 (3) of the Decree shall be as specified in Appendix Form No.62.

Article 31 Deleted. <July 24, 2009>

ADDENDA <No.166, Jun. 29, 2007>

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

ADDENDA <No. 1, Mar. 6, 2008> (Enforcement Rule of the Organization of the Ministry of Culture, Sports and Tourism and Institutions Attached thereto)

Article 1 (Enforcement Date) This Rule shall enter into force on the date of its promulgation.

Article 2 *Omitted.*

Article 3 (Amendment of other Acts and Subordinate Statutes) (1) through <19> *Omitted.*

<20> 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 the part other than each subparagraph of Articles 4 and 20 (1) and (2); latter part of Article 24; and Article 27, respectively.

“Ordinance by the Ministry of Culture and Tourism” in Article 2 shall be changed to “ordinance by the Ministry of Culture, Sports and Tourism.”

“Ministry of Culture and Tourism” in the part other than each subparagraph of Article 5 shall be changed to “Ministry of Culture, Sports and Tourism.”

“Minister of Culture and Tourism” shall be changed to “Minister of Culture, Sports and Tourism” in the forepart of Appendix Form No.36; forepart of Appendix Form No.48; Appendix Form No.51; Appendix Form No.56; and forepart of Appendix Form No.61, respectively.

“Ministry of Culture and Tourism” shall be changed to “Ministry of Culture, Sports and Tourism” in the latter part of Appendix Form No.36; Appendix Form No.46; latter part of Appendix Form No.48; Appendix Form No.51; Appendix Form No.56; and latter part of Appendix Form No.61, respectively.

<21> through <24> *Omitted.*

ADDENDA <No.37, Jul. 24, 2009>

Article 1 (Enforcement Date) This Rule shall enter into force on the date of its promulgation.

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

Article 3 (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 Rule, those other Acts and subordinate statutes shall be considered as quoting this Rule or the applicable provisions thereof.