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ENFORCEMENT DECREE OF THE COPYRIGHT ACT

[Enforcement Date 13. Jul, 2015.] [Presidential Decree No.26398, 13. Jul, 2015., Partial Amendment]

문화체육관광부(저작권정책과), 044-203-2476

Article 1 (Purpose)

The purpose of this Decree is to provide for the matters delegated by the Copyright Act and the matters necessary for its enforcement.

Article 1-2 (Formulation of Policies for Protection of Copyright)

(1) Policies on education and publicity for raising public awareness of copyright, which are formulated and executed by the Minister of Culture, Sports and Tourism pursuant to 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 nurturing human resources specialized in copyright;
2. Matters concerning education of copyright for juveniles;
3. Matters concerning publicity of the fair use of works;
4. Other matters deemed necessary by the Minister of Culture, Sports and Tourism to raise public awareness of copyright.

(2) Policies on the rights management information and technological protection measures of works, stage performances, phonograms, broadcasts or database (hereinafter referred to as “works, etc.”), which are formulated and executed by the Minister of Culture, Sports and Tourism pursuant to 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 the standard system for the integrated management of the rights management information;
2. Matters concerning reasons for exceptions to prohibition against removal, modification or so of the rights management information;
3. Matters concerning standardization of technological protection measures;
4. Matters concerning reasons for exception to prohibition against circumvention of technological protection measures;
5. Other matters deemed necessary by the Minister of Culture, Sports and Tourism for the rights management information and technological protection of works, etc.

(3) If the Minister of Culture, Sports and Tourism intends to formulate policies pursuant to Article 2-2 (1) of the Act, he/she shall collect opinions of the related business communities, stakeholders or such, and consult with the heads of related central administrative agencies.

(4) Where the Minister of Culture, Sports and Tourism has formulated policies pursuant

to Article 2-2 (1) of the Act, he/she shall post their contents on the website of the Ministry of Culture, Sports and Tourism.

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 1-3 (Policies, etc. to Promote Use of Public Works)(1) Policies to promote the use of public works pursuant to Article 24-2 (2) of the Act shall include the following subparagraphs:

1. Measures to increase public works readily available;
2. Matters concerning the creation of favorable conditions for the use of public works including clarification of the attribution of rights to public works;
3. Matters concerning the promotion of use of public works by the private sector;
4. Matters concerning the education, training, and publicity on free use of public works;
5. Matters concerning the application of the indication standard set by the Minister of Culture, Sports and Tourism to show that public works are available for free use;
6. Matters concerning the improvement of systems related to free use of public works;
7. Other matters necessary to promote the use of public works by public institutions.

(2) Under Article 24-2 (3) of the Act, the head, etc. of a central government agency defined in subparagraph 11 of Article 2 of the State Property Act (hereinafter referred to as "head, etc. of a central government agency") or the head of a local government may, where he/she acknowledges that certain public works among those provided for in Article 24-2 (1) 4 of the Act need to be available for free use by general people, permit to use said public works freely without permission for use or profit, or any loan contract, notwithstanding Article 65-8 of the State Property Act or Articles 20 and 29 of the Public Property and Commodity Management Act. In such cases, the head, etc. of a central government agency or the head of a local government may indicate pursuant to the indication standard prescribed in paragraph (1) 5 that the relevant public works are available for free use without permission for use or profit or any loan contract.

[This Article Newly Inserted by Presidential Decree No. 25379, Jun. 11, 2014]

Article 2 (Submission of Detail, Including Reproduction, Performance, etc.)

Those who intend to exploit works pursuant to Article 25 (1) and (2) of the Act shall submit the detail of reproduction, distribution, performance, broadcast and interactive transmission to an organization (hereinafter referred to as the "remuneration-receiving organization") that exercises the right to receive remuneration pursuant to Article 25 (5) of the Act, and shall pay the corresponding amount of remuneration. <Amended by Presidential Decree No. 21634, Jul. 22, 2009>

Article 3 (Designation of Remuneration-Receiving Organization)(1) When the Minister of Culture, Sports and Tourism intends to designate a remuneration-receiving organization, he/she shall designate an organization meeting the requirements in the subparagraphs of Article 25 (5) of the Act, wherein the voting rights, etc. of the members shall be equal and the decision of the organization shall be made democratically. <Amended by Presidential Decree No. 20676, Feb. 29, 2008>

(2) When the Minister of Culture, Sports and Tourism designates an organization

pursuant to paragraph (1), he/she shall announce it in the Official Gazette. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 4 (Regulations on Duties of Remuneration)

A remuneration-receiving organization shall lay down business regulations on remuneration including any of the following subparagraphs, and shall obtain approval from the Minister of Culture, Sports and Tourism. If any alteration is intended, the same shall apply: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

1. Methods and procedures of collecting remuneration;
2. Distribution of remuneration;
3. Fees;
4. Management of remuneration.

Article 5 (Accounting)

A remuneration-receiving organization shall keep the accounts of remuneration separately from other accounts.

Article 6 (Revocation of Designation)(1) If the Minister of Culture, Sports and Tourism intends to revoke the designation of a remuneration-receiving organization pursuant to Article 25 (7) of the Act, he/she shall hold a hearing. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

(2) Where the Minister of Culture, Sports and Tourism has revoked the designation of remuneration-receiving organization, he/she shall announce the fact in the Official Gazette. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 7 (Announcement of Distribution of Remuneration)

A remuneration-receiving organization shall publish the matters regarding the distribution of remuneration involving the following matters in a general daily newspaper registered with a nationwide distribution pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, Etc., and on the websites of the remuneration-receiving organization and of the Ministry of Culture, Sports and Tourism, respectively. In such cases, they shall be posted for one month or more where they are posted on the websites: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009; Presidential Decree No. 22003, Jan. 27, 2010>](#)

1. Grounds for payment;
2. Criteria and subjects of payment;
3. Methods of payment;
4. Payment deadline and methods of managing undistributed remuneration;
5. Person in charge and contact information.

Article 8 (Use of Undistributed Remuneration for Purpose of Public Interest)(1) The term “purpose of public interest” in Article 25 (8) of the Act means any of the following purposes: [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

1. Education, publicity and research of copyright;
2. Management and provision of copyright information;
3. Support for the creation of works;

4. Project to protect copyrights;
5. Project to safeguard the right and interest of authors;
6. Project to facilitate the use of works and to promote fair use of works.

(2) If a remuneration-receiving organization intends to obtain approval for the use of undistributed remuneration pursuant to Article 25 (8) of the Act, it shall submit a document stating the following matters to the Minister of Culture, Sports and Tourism:

[<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

1. Date of public announcement of remuneration distribution;
2. Amount to be applied for approval;
3. Purpose for the use of remuneration;
4. Plan to use remuneration;
5. Date of application for approval.

(3) When a remuneration-receiving organization has used the undistributed remuneration, it shall prepare a report of use and submit it to the Minister of Culture, Sports and Tourism within six months. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 9 (Necessary Measures such as Measures to Prevent Reproduction by Education Institutions)

The term “necessary measures prescribed by Presidential Decree” in Article 25 (10) of the Act means the following subparagraphs:

1. Technological measures falling under the following items that are necessary for the prevention of unlawful use:
 - (a) Measures to control access to keep interactively transmitted works from being used by those other than the persons who take classes;
 - (b) Measures to prevent reproduction to keep interactively transmitted works from being reproduced by those other than the persons who take classes;
2. Indication of a warning regarding copyright protection of the works;
3. Installation of equipment to calculate remuneration regarding interactive transmission.

Article 10 (Standards for Reasonable Scope, etc.)

The Minister of Culture, Sports and Tourism may determine and give a public notice guidelines on the reasonable extent and fair practices pursuant to Article 28 of the Act.

[<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 11 (Exception of Public Performance with Respect to Phonogram, etc. for Sale)

The term “cases as prescribed by Presidential Decree” in the proviso to Article 29 (2) of the Act means any of the following public performances: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009; Presidential Decree No. 21676, Aug. 6, 2009; Presidential Decree No. 26333, Jun. 22, 2015; Presidential Decree No. 26398, Jul. 13, 2015>](#)

1. A public performance in the following items presented at a place of business pursuant to subparagraph 8 of Article 21 of the Enforcement Decree of the Food

Sanitation Act:

- (a) A public performance presented at a karaoke bar pursuant to subparagraph 8 (c) of Article 21 of the Enforcement Decree of the Food Sanitation Act and at an entertainment bar pursuant to item (d) of the same subparagraph;
 - (b) A public performance presented at the places of business that do not fall under item (a), whose part of the main contents of business is having the people appreciate music or cinematographic works by equipping with the equipments fit for appreciating music or cinematographic works;
2. A public performance given at any racecourse under the provisions of the Korea Racing Authority Act and any bicycle race track and motorboat racing area under the provisions of the Bicycle and Motorboat Racing Act;
3. A public performance given at any specialized sports facilities prescribed by Ordinance of the Ministry of Culture, Sports and Tourism among golf courses, skiing grounds, aerobic dance halls, dance halls, dance institutes or specialized sports facilities under the provisions of the Installation and Utilization of Sports Facilities Act;
4. A public performance given at any passenger plane operated by the air transport business under the Aviation Act, any ship for the marine passenger transport business under the Marine Transportation Act and any passenger train under the Railroad Service Act;
5. A public performance given at any hotel, resort condominium, casino, or amusement facility under the provisions of the Tourism Promotion Act;
6. A public performance given at major supermarkets, specialty stores, department stores, or shopping centers under the attached Table of the Distribution Industry Development Act;
7. A public performance of cinematographic works for sale given at a lodging facility pursuant to Article 2 (1) 2 of the Public Health Control Act or at a public bathhouse pursuant to subparagraph 3 (b) of the same paragraph by equipping with the device for appreciating cinematographic works;
8. A public performance in the form of playback of cinematographic works for sale for which six months have not passed from the date of publication in any of the following facilities, which are equipped with an installation for the appreciation of cinematographic works:
 - (a) Buildings and annexed facilities of the State and local governments (including subordinate institutions);
 - (b) Public performance places under the provisions of the Public Performance Act;
 - (c) Museums and art galleries under the provisions of the Museum and Art Gallery Support Act;
 - (d) Libraries under the provisions of the Library Act;
 - (e) Local cultural institutes under the provisions of the Promotion of Local Cultural Institutes Act;
 - (f) Social welfare service houses under the provisions of the Social Welfare Services

Act:

- (g) Woman resource development centers and the Women's History Museum under Articles 47 and 50 of the Framework Act on Gender Equality;
- (h) Youth training center under the provisions of subparagraph 1 (a) of Article 10 of the Juvenile Activity Promotion Act;
- (i) Si/Gun/Gu residents halls among the public facilities under the provisions of Article 144 of the Local Autonomy Act.

Article 12 (Scope of Facilities Permitted to Reproduce)

The term “facilities prescribed by Presidential Decree” in the main sentence of the part other than the subparagraphs of Article 31 (1) of the Act means any of the following facilities:

1. The National Library of Korea, public libraries, university libraries, school libraries, and specialized libraries pursuant to the Libraries Act (excluding the specialized libraries established by any legal person or organization for the purpose of making profits, whose main purpose is to provide library services only to the persons belonging thereto);
2. Facilities established by the State, local governments, or nonprofit corporations or organizations for the purpose of preserving and lending books, documents, records, and other materials (hereinafter referred to as “book, etc.”), or for the purpose of public use.

Article 13 (Necessary Measures Including Reproduction Prevention Measures by Libraries, etc.)

The term “necessary measures prescribed by Presidential Decree” in Article 31 (7) of the Act means the following measures:

1. Technological measures falling under each of the following items, which are necessary to prevent any unlawful use:
 - (a) Measures to prevent reproduction which make users of the facilities pursuant to Article 12 (hereinafter referred to as “library, etc.”) unable to exploit books, etc. in a way other than reading within the library, etc.;
 - (b) Measures to limit access to books, etc. to persons other than the users of library, etc.;
 - (c) Measures to identify the cases where users of library, etc. exploit books, etc. in a way other than reading within the library, etc., or have altered the contents of books, etc.;
 - (d) Installation of devices capable of preventing any person from using the electronic-recording medium manufactured for the purpose of sale;
2. Education for the employees of library to prevent any infringement of copyright;
3. Posting of warning signs on computers, etc. regarding copyright protection;
4. Installation of devices to compute remuneration pursuant to Article 31 (5) of the Act.

Article 14 (Facilities for the Visually Impaired, etc. Where Reproduction, etc. Is

Permitted)(1) The term "facilities prescribed by Presidential Decree" in Article 33 (2) of

the Act means any of the following facilities: [<Amended by Presidential Decree No. 21634, Jul. 22, 2009; Presidential Decree No. 24797, Oct. 16, 2013>](#)

1. Any of the following facilities among welfare facilities for persons with disabilities under Article 58 (1) of the Act on Welfare of Persons with Disabilities:
 - (a) Residential facilities for the visually impaired, etc.;
 - (b) Braille libraries among rehabilitation facilities for persons with disabilities in a local community;
 - (c) Facilities to take care of the visually impaired, etc. among rehabilitation facilities or vocational rehabilitation facilities for persons with disabilities in a local community;
2. Special schools and schools at all levels which have special classes for the visually impaired, etc. under the Early Childhood Education Act, the Elementary and Secondary Education Act, and the Act on Special Education for Persons with Disabilities, Etc.;
3. Facilities established and operated by the State or local government, or non-profit corporations or organizations for the purpose of education, academic research, or promotion of welfare for the visually impaired, etc.

(2) The term "exclusive recording method for the visually impaired, etc. prescribed by Presidential Decree" in Article 33 (2) of the Act means any of the following subparagraphs: [<Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009>](#)

1. An information recording method in electronic form aiming at giving expression in braille;
2. An information recording method aiming at converting printed matters into a voice;
3. A digital voice information recording method which has been standardized for the visually impaired;
4. An information recording method to which technological protection measures have been applied in order for no person other than the visually impaired to use.

Article 15 (Scope of the Visually Impaired, etc.)

The scope of the visually impaired, etc. under Article 33 of the Act shall be as follows: [<Amended by Presidential Decree No. 24797, Oct. 16, 2013>](#)

1. The visually impaired under subparagraph 3 of attached Table 1 of the Enforcement Decree of the Act on Welfare of Persons with Disabilities:
 - (a) and (b) Deleted.
2. Persons unable to handle books due to physical or mental disabilities, or unable to read normally due to evident damages to their reading abilities.

Article 15-2 (Facilities for the Hearing Impaired, etc. Where Reproduction, etc. Is Permitted)

The term "facilities prescribed by Presidential Decree" in Article 33-2 (2) of the Act means any of the following facilities:

1. Any of the following facilities among welfare facilities for persons with disabilities under Article 58 (1) of the Act on Welfare of Persons with Disabilities:
 - (a) Sign language interpretation centers among rehabilitation facilities for persons

with disabilities in a local community;

(b) Facilities to take care of the hearing impaired, etc. among rehabilitation facilities or vocational rehabilitation facilities for persons with disabilities in a local community;

2. Special schools and schools at all levels which have special classes for the hearing impaired, etc. under the Early Childhood Education Act, the Elementary and Secondary Education Act, and the Act on Special Education for Persons with Disabilities, Etc.;
3. Facilities established and operated by the State or local government, or non-profit corporations or organizations for the purpose of education, academic research, or promotion of welfare of the hearing impaired, etc.

[This Article Newly Inserted by Presidential Decree No. 24797, Oct. 16, 2013]

Article 15-3 (Scope of the Hearing Impaired, etc.)

The scope of the hearing impaired, etc. under Article 33-2 of the Act shall be governed by subparagraph 4 of attached Table 1 of the Enforcement Decree of the Act on Welfare of Persons with Disabilities.

[This Article Newly Inserted by Presidential Decree No. 24797, Oct. 16, 2013]

Article 16 (Archiving Facilities of Sound Recordings, etc.)

The term "places prescribed by Presidential Decree" in the proviso to Article 34 (2) of the Act means a place within any of the following facilities:

1. Facilities set up and operated by the State or local government for the purpose of archiving recorded materials;
2. Facilities operated by any broadcasting organization as prescribed in the provisions of subparagraph 3 of Article 2 of the Broadcasting Act to collect and preserve sound and visual recordings which are offered for broadcasting, or in which such recordings are archived on his/her commission.

Article 17 (Method of Indicating Source)

The Minister of Culture, Sports and Tourism may determine and provide a public notice of a guideline on the reasonable method of indicating source according to the circumstances of use of works pursuant to Article 37 (2) of the Act. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 18 (Standards for Considerable Efforts)(1) The term "considerable efforts to meet the standards prescribed by Presidential Decree" in Article 50 (1) of the Act means satisfying all of the following requirements: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009; Presidential Decree No. 22003, Jan. 27, 2010; Presidential Decree No. 23721, Apr. 12, 2012; Presidential Decree No. 26398, Jul. 13, 2015>](#)

1. That the identity of the holder of author's economic right to the relevant work or his/her residence shall be inquired into by applying for perusal of the copyright register or delivery of a copy thereof under Article 55 (3) of the Act;
2. That a document with a fixed date that inquires into the identity of the holder of

author's economic right or his/her residence has been sent to a copyright trust service provider who manages the relevant works (where no copyright trust service provider who manages works in a field to which the relevant work belongs exists, two or more persons from among copyright agency or brokerage service providers pursuant to Article 105 (1) of the Act or users who have been permitted to use the relevant work) under Article 105 (1) of the Act and a reply stating that they do not have any knowledge thereof arrives, or no reply arrives even after one month passes from the date the document was sent;

3. That ten days shall have passed since the date matters prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, such as the identity of the holder of author's economic right, his/her residence, etc., are publicly announced in any of the following items:

(a) A general daily newspaper registered with a nationwide distribution pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, Etc.;

(b) An information system searching for the unidentified holder of author's economic right to a work, etc. under Article 73 (2) (hereinafter referred to as "information system to search for the holder of author's economic right");

4. That the holder of author's economic right or his/her residence shall have been searched through information search tools of domestic information and communications networks.

(2) Where a work that a person intends to use pursuant to Article 50 of the Act falls under a work for which three years have passed without distributing remuneration from the date remuneration was publicly announced pursuant to Article 25 (8) of the Act (including cases for which this provision applies mutatis mutandis pursuant to Article 31 (6) of the Act) or under a work of which holder of author's economic right or his/her residence is unidentified, and the Minister of Culture, Sports and Tourism has made every effort enumerated in the following subparagraphs for such work, all the requirements enumerated in the subparagraphs of paragraph (1) shall be deemed to have been satisfied: [<Newly Inserted by Presidential Decree No. 23721, Apr. 12, 2012; Presidential Decree No. 26398, Jul. 13, 2015>](#)

1. Inquiry into the identity of the holder of author's economic right to relevant work or his/her residence through the copyright register under Article 55 of the Act;

2. Inquiry into the identity of the holder of author's economic right to relevant work or his/her residence through matters reported by a copyright trust service provider under Article 52 (3);

3. That two months shall have passed since the date matters prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, such as the identity of the holder of author's economic right, his/her residence, etc., were publicly announced on the information system to search for the holder of author's economic right.

Article 19 (Application for Approval for Exploitation, etc. of Works)

Those who intend to obtain approval for the exploitation or broadcast of a work or for the production of phonograms from the Minister of Culture, Sports and Tourism pursuant

to Articles 50 through 52 of the Act shall submit an application for approval for the exploitation of work to the Minister of Culture, Sports and Tourism as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 20 (Submission, etc. of Opinions)(1) When the Minister of Culture, Sports and Tourism receives an application for approval pursuant to Article 19, he/she shall take the following measures: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 23721, Apr. 12, 2012; Presidential Decree No. 26398, Jul. 13, 2015>](#)

1. To publicly announce details of an application on the information system to search for the holder of author's economic right for ten days where the application is made for an approval for use of a work of which the holder of author's economic right under Article 50 of the Act is unidentified;
2. To decide a period from 7 days to 30 days and give an opportunity to submit an opinion to the relevant holder of author's economic right or his/her agent in the case of an application for approval for broadcasting or producing phonograms pursuant to Article 51 or 52 of the Act.

(2) When an opportunity to submit an opinion is to be given pursuant to paragraph (1) 2, the holder of the relevant author's economic right or the agent thereof shall be notified in writing no later than 7 days in advance, which states that the opportunity to submit an opinion shall be deemed abandoned where an opinion is not submitted within the specified period.

(3) The holder of author's economic right who intends to raise an objection pursuant to the proviso of Article 50 (3) of the Act shall submit an application for objection attached with the following materials to the Minister of Culture, Sports and Tourism: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>](#)

1. Copy of the certificate of copyright registration, etc. indicating him/herself as the holder of rights to the work, or data corresponding thereto;
2. Copy of works, etc. indicating his/her name or title (hereinafter referred to as the "name, etc."), or stage name, pen name, abbreviated name, etc. (hereinafter referred to as the "pseudonym") by which he/she is well known, or data corresponding thereto.

Article 21 (Notification, etc. of Approval)(1) Where the Minister of Culture, Sports and Tourism gives approval pursuant to the provisions of Articles 50 through 52 of the Act, he/she shall notify the applicant and the holder of the relevant author's economic right of the content. In this case, he/she shall make a public announcement of the fact on the information system to search for the holder of author's economic right if the identity of the holder of author's economic right or his/her residence is unknown. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 23721, Apr. 12, 2012; Presidential Decree No. 26398, Jul. 13, 2015>](#)

(2) Where the Minister of Culture, Sports and Tourism has given approval pursuant to

Article 50 (1) of the Act, he/she shall post the following details on the website of the Ministry of Culture, Sports and Tourism and the information system to search for the holder of author's economic right for one month or longer pursuant to Article 50 (4) of the Act: <Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009; Presidential Decree No. 23721, Apr. 12, 2012>

1. Title and making public date of the work;
2. Name of the author or the holder of author's economic right;
3. Name of the person who obtained the approval of use;
4. Conditions for approval of use of the work (the period permitted for use and remuneration);
5. Method and type of exploitation of the work.

Article 22 (Rejection of Application for Approval)(1) Where an application for approval of the exploitation, etc. of a work pursuant to Article 19 falls under any of the following subparagraphs, the Minister of Culture, Sports and Tourism shall reject such application: <Amended by Presidential Decree No. 20676, Feb. 29, 2008>

1. Where it does not meet the requirements for an application for the exploitation of a work pursuant to Articles 50 through 52 of the Act;
2. Where the holder of author's economic right or his/her residence has been identified, or an agreement has been reached before an approval for the exploitation of a work has been given;
3. Where the holder of author's economic right withdraws all the copies of a work so that they may not be offered for publication or other exploitation;
4. Where the objective is deemed attainable even without the relevant work or there is an inevitable reason for which the holder of author's economic right is unable to allow the exploitation of the work.

(2) If the Minister of Culture, Sports and Tourism has rejected the application for exploitation of a work under the provisions of paragraph (1), he/she shall notify the applicant as well as the holder of author's economic right of the reasons of the rejection: Provided, That when the holder of authors' economic right or his/her residence cannot be identified, he/she shall notify the applicant only. <Amended by Presidential Decree No. 20676, Feb. 29, 2008>

Article 23 (Deposition of Remuneration)(1) In the following cases, remuneration may be deposited pursuant to the provisions of Articles 50 through 52 of the Act:

1. Where the holder of author's economic right or his/her residence cannot be identified;
2. Where the holder of author's economic right has refused to receive the remuneration or has been unable to accept it;
3. Where pledge is established on the right of the holder of author's economic right (excluding the case where the holder of author's economic right has obtained consent of the pledgee).

(2) The deposition of remuneration under paragraph (1) shall be made, if the domicile of the holder of author's economic right is in the Republic of Korea, at the depository in the

jurisdiction of his/her domicile, and in other cases, at the depository in the jurisdiction of the domicile of the person who deposits remuneration.

(3) Any person who has deposited the remuneration under paragraph (1) 2 and 3, shall notify the person entitled to receive the deposit of the deposition.

(4) Any person who has deposited the remuneration under paragraph (1) 1, shall announce the fact of deposition as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 24 (Matters of Registration)

The term “matters prescribed by Presidential Decree” in Article 53 (1) 4 of the Act means the following matters:

1. In case of any derivative work, the title and author of the original work;
2. In case of a work made public, information pertaining to the media on which the work is made public;
3. Where there exist two or more obligees of registration, the matters concerning each person’s shares.

Article 25 (Principles of Application)(1) Registration as prescribed in Articles 53 and 54 of the Act shall be made by an application or commission, except the cases as provided otherwise in this Decree.

(2) The procedures of registration by an application shall apply mutatis mutandis to the procedure of registration by commission.

Article 26 (Application for Registration)(1) A person who intends to register in accordance with Articles 53 and 54 of the Act shall file an application for registration with the Minister of Culture, Sports and Tourism as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

(2) The application for registration under Article 54 of the Act shall be made jointly by the obligee and obligor of registration except the cases as provided for otherwise by this Decree: Provided, That if a written consent of the obligor is attached to the application, the obligee may alone apply for registration.

(3) The application for registration by a judgment, inheritance, and other general succession or commission may be made only by the obligee of registration.

(4) When a copyright trust service provider pursuant to Article 105 (1) of the Act registers a trusted work pursuant to subparagraph 1 of Article 54 of the Act, he/she may solely apply for the registration. [<Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009>](#)

(5) An application for modification or correction of the indication of the title holder of registration may be made by the title holder of registration alone. [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

Article 27 (Statement, etc. in Copyright Register)(1) The following matters shall be stated in the copyright register (in the case of computer program works, referring to a register of computer program works; hereinafter the same shall apply) pursuant to Article 55 (1) of the Act: [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

1. Registration number;
2. Title of work;
3. Name of author, etc.;
4. Date/month/year of creation, making public and publication;
5. Name and address of the obligee of registration;
6. Content of registration.

(2) The form and other necessary matters of the copyright register shall be stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 28 (Issuance, etc. of Registration Certificate)(1) The Minister of Culture, Sports and Tourism shall issue the registration certificate to the applicant as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, if the application for registration has been received and the registration has been stated on the copyright register. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>](#)

(2) Those who intend to have the registration certificate reissued due to loss, destruction or damage shall submit an application stipulated by Ordinance of the Ministry of Culture, Sports and Tourism to the Minister of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 29 (Notice of Errors or Omissions and Ex Officio Correction)(1) The Minister of Culture, Sports and Tourism shall, when he/she has discovered any error or omission in the matters stated in the copyright register, notify the obligee and obligor of the registration of the fact without delay. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

(2) If the error or omission as referred to in paragraph (1) has been caused by a fault of a public official in charge of registration, the registered matters shall be promptly corrected and the corrected contents shall be notified to the obligee and obligor of registration.

(3) If there is a third party who is interested in the correction of the registered matters under paragraphs (1) and (2), the third party shall also be notified of the contents of such errors or omissions and of the fact of corrections according to them. [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

Article 30 (Modification, etc. of Registered Matters)(1) If the obligee of registration applies for the registration of modification, correction, cancellation or recovery of cancelled registration with respect to the matters registered under Article 27, he/she shall submit to the Minister of Culture, Sports and Tourism an application for modification of registration along with documents which substantiate such modification as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

(2) When the Minister of Culture, Sports and Tourism has received an application pursuant to paragraph (1), he/she shall make an entry of the contents in the copyright

register; where he/she has made registration for recovery of the registration modified, corrected or cancelled, he/she shall issue a new registration certificate to an applicant, and where he/she has cancelled registration, he/she shall notify an applicant of the fact.

[<Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009>](#)

Article 31 (Ex Officio Cancellation of Registration)(1) The Minister of Culture, Sports and Tourism shall cancel registration where registered matters fall under any of the following subparagraphs: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

1. Where the final and conclusive judgment has proved that they were false registration;
2. Where the final and conclusive judgment has proved that they were not the matters of registration.

(2) Where they are cancelled pursuant to paragraph (1) 2, the fact of cancellation shall be notified to the obligee and obligor of registration, and third party with interests.

Article 32 (Method to Return Application)

Where the Minister of Culture, Sports and Tourism intends to return an application for registration pursuant to Article 55 (2) of the Act, he/she shall prepare a document specifying the reasons therefor and give notice thereof to the applicant. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 33 (Publication, etc. of Registration Gazette)(1) The Minister of Culture, Sports and Tourism shall publish a registration gazette not less than once every two months or post the content of registration gazette on the website of the Ministry of Culture, Sports and Tourism pursuant to the provisions of Article 55 (3) of the Act. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>](#)

(2) Matters in the subparagraphs of Article 27 (1) shall be stated in the registration gazette under paragraph (1).

Article 34 (Perusal, etc of Register)

Any person who intends to peruse the register or to have a copy of the register issued in accordance with the provisions of Article 55 (3) of the Act shall file an application with the Minister of Culture, Sports and Tourism as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 35 (Registration by Electronic Data Processing System)

The registration and related duties under Articles 24 through 34 may be conducted by electronic data processing system. [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

Article 36 (Designation, etc. of Authentication Organization)(1) The organizations that may be designated as authentication organization pursuant to Article 56 (1) of the Act shall be as follows: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009; Presidential Decree No. 23721, Apr. 12, 2012>](#)

1. The Korea Copyright Commission (hereinafter referred to as "Commission") under Article 112 of the Act;
 2. Copyright trust service provider;
 3. Other legal persons or organizations that the Minister of Culture, Sports and Tourism recognizes as being able to execute the duties of authentication.
- (2) Those who intend to be designated as authentication organization pursuant to paragraph (1) shall meet the following subparagraphs:
1. They shall have the ability to compensate for the damage inflicted on the users in connection with the execution of authentication duties;
 2. They shall be equipped with facilities for the management of user registration information and the formation and issue of authentication certificate;
 3. They shall have protection installations for the safe operation of facilities and equipments for the duties of authentication.
- (3) Those who intend to be designated as an authentication organization shall submit an application for the designation of authentication organization prescribed by Ordinance of the Ministry of Culture, Sports and Tourism attached with the documents proving that they meet the requirements in the subparagraphs of paragraph (2) and the regulations on the authentication duties including the following matters to the Minister of Culture, Sports and Tourism: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)
1. Type of authentication;
 2. Standards for authentication;
 3. Method and procedure of executing authentication duties;
 4. Conditions for using authentication service.
- (4) Where the Minister of Culture, Sports and Tourism has designated an authentication organization, he/she shall issue a certificate of authentication organization as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)
- (5) When the authentication organization designated pursuant to paragraph (4) intends to alter the content of the regulations on authentication duties, it shall obtain designation of alteration.
- (6) When an authentication organization falls under any of the following subparagraphs, the Minister of Culture, Sports and Tourism may revoke the designation: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)
1. Where it fails to satisfy the requirements in paragraphs (1) and (2);
 2. Where it has conducted the duties of authentication in violation of the regulations on authentication duties;
 3. Where it has not conducted the duties of authentication for one year or more without justifiable reasons.
- (7) Where the Minister of Culture, Sports and Tourism has designated an authentication organization or has revoked the designation, he/she shall be publicly notified it in the Official Gazette. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 37 (Procedures, etc. of Authentication)(1) A person who intends to obtain

authentication pursuant to Article 56 of the Act shall submit an application for authentication stipulated by Ordinance of the Ministry of Culture, Sports and Tourism to the authentication organization that has been announced pursuant to Article 36 (7).

[<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

(2) Where the person who has applied for authentication pursuant to paragraph (1) is recognized as a lawful holder of right (including the case where he/she has been permitted to exploit the work, etc. by a lawful holder of right), the authentication organization shall authenticate him/her.

(3) When the authentication organization authenticates pursuant to paragraph (2), it shall issue a certificate of authentication stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

(4) The person to whom a certificate of authentication has been issued pursuant to paragraph (3) may indicate authentication showing the extent of authentication, term of validity, etc. on the work.

(5) Except for those prescribed in paragraphs (1) through (4), the procedures and standards for authentication, indication of authentication, and other detailed matters necessary for the authentication duties shall be laid down and publicly notified by the Minister of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 38 (Mark of Holder of Author's Economic Right)

Matters to be put in the mark of the holder of author's economic right pursuant to Article 58 (3) of the Act shall be as follows: Provided, That in the case of newspapers registered pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, Etc. and periodicals registered or reported pursuant to Article 15 or 16 of the Act on Promotion of Periodicals, Including Magazines, the mark of the holder of author's economic right shall not be put: [<Amended by Presidential Decree No. 21148, Dec. 3, 2008; Presidential Decree No. 22003, Jan. 27, 2010; Presidential Decree No. 23721, Apr. 12, 2012>](#)

1. If the author of the work subject to reproduction is a foreign national, a mark of the name of the holder of author's economic right and the first year of its publication;
2. If the author of the work subject to reproduction is a national of the Republic of Korea, a mark under subparagraph 1 and a seal of the holder of author's economic right;
3. If the right of reproduction has been transferred by assignment to a holder of the right of exclusive publication, a mark to such effect.

Article 39 (Period of Consultation on Remuneration for Digital Audio Transmission to Performer)

The term "period prescribed by Presidential Decree" in Article 76 (3) of the Act means the period from January 1 through June 30 each year.

Article 39-2 (Bailment Institution)

The term "person prescribed by Presidential Decree" in Article 101-7 (1) of the Act means the Commission.

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 39–3 (Standard Technological Measures)

The term “conditions prescribed by Presidential Decree” in Article 102 (1) 1 (d) of the Act means the following conditions:

1. Measures shall be determined openly and voluntarily by agreement between the holder of author's economic right and the online service provider;
2. Reasonable and nondiscriminatory use shall be possible;
3. Measures shall not impose substantial expenses upon the online service provider or put a substantial burden on the system or information communications network of the online service provider in connection with the provision of the online services.

[This Article Newly Inserted by Presidential Decree No. 23338, Dec. 2, 2011]

Article 40 (Request for Suspension of Reproduction or Interactive Transmission)(1)

A person who intends to request the suspension of reproduction or interactive transmission to an online service provider (excluding online service providers under Article 102 (1) 1 of the Act; hereafter the same shall apply in this Article and Articles 41 through 44) pursuant to Article 103 (1) of the Act (hereinafter referred to as “claimant to right”) shall submit a request (including a request in electronic document) stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with verifying documents (including an electronic document) falling under any of the following subparagraphs to the online service provider: Provided, That if the claimant to right is a copyright trust service provider or if he/she has already submitted documents verifying that he/she was the holder of right regarding repetitive violations during the last one year, he/she may submit a request only: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 23001, Jun. 30, 2011>](#)

1. Copy of the certificate of registration of copyright, etc. indicating himself as the holder of rights to the works, etc., or data corresponding thereto;
2. Copy of a work, etc. indicating his/her name, etc., or pseudonym by which he/she is well known or a data corresponding thereto.

(2) Where a claimant to right submits a written statement that he/she shall compensate for damage pursuant to Article 103 (6) of the Act if he/she demands the suspension of reproduction or interactive transmission without a legitimate right, and he/she shall be punished under Article 137 (1) 6 of the Act, if he/she interferes with business activities of the online service provider by intentionally demanding the suspension of reproduction or interactive transmission, being aware that he/she has no legitimate right, along with a written request required by paragraph (1), the submission of verifying documents (including electronic documents) specified in any subparagraph of paragraph (1) may be omitted. In such cases, a legitimate ground shall exist to prove that it is impracticable to submit verifying documents (including electronic documents) specified in any subparagraph of paragraph (1). [<Newly Inserted by Presidential Decree No. 23338, Dec. 2, 2011>](#)

Article 41 (Notification of Suspension of Reproduction or Interactive Transmission)(1)

online service provider who has suspended the reproduction or interactive transmission of works, etc. pursuant to Article 103 (2) of the Act shall notify the claimant to right, reproducer and interactive transmitters (in cases of reproducers and interactive transmitter, limited to online service providers under Article 102 (1) 3 and 4 of the Act) with a notification sheet (including a notification sheet in electronic document) stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with a request for the suspension of reproduction or interactive transmission that the claimant to right has submitted (limited to the reproducer or interactive transmitter, and including an electronic document) within three days from the date when the reproduction or interactive transmission has been suspended. <Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 23001, Jun. 30, 2011>

(2) Where any on-line service provider makes a notification under paragraph (1), the provider shall inform the reproducer or interactive transmitter that he/she is entitled to request for resumption of reproduction or interactive transmission by vindicating that his/her reproduction or interactive transmission is based upon the legitimate right.

Article 42 (Request for Resumption of Reproduction or Interactive Transmission)(1) Any reproducer or interactive transmitter who intends to request for the resumption of reproduction or interactive transmission pursuant to the body of Article 103 (3) of the Act shall submit a written request for resumption (including a written request in electronic document) stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the following materials (including an electronic document) to the online service provider within 30 days from the date when the suspension of reproduction or interactive transmission has been notified: <Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 23338, Dec. 2, 2011>

1. Copy of the certificate of copyright registration, etc. indicating himself/herself as the holder of rights to the works, etc., or materials corresponding thereto;
2. Copy of a work, etc. indicating his/her name, etc., or pseudonym by which he/she is well known or materials corresponding thereto;
3. Copy of the contract attesting the fact that he/she has lawfully obtained permit for reproduction or interactive transmission from the holder of copyright, etc., or materials corresponding thereto;
4. Where the protection period of author's economic right to work, etc. has expired, data to verify such fact.

(2) If a claimant to right who demands the resumption of reproduction or interactive transmission submits a written statement that he/she shall compensate for damage pursuant to Article 103 (6) of the Act, if he/she demands the resumption of reproduction or interactive transmission without a legitimate right, and he/she shall be punished under Article 137 (1) 6 of the Act, if he/she interferes with business activities of the online service provider by intentionally demanding the resumption of reproduction or interactive transmission, being aware that he/she has no legitimate right, along with a written request for resumption required by paragraph (1), the submission of verifying documents (including electronic documents) specified in any subparagraph of paragraph (1) may be

omitted. In such cases, a legitimate ground shall exist to prove that it is impracticable to submit verifying documents (including electronic documents) specified in any subparagraph of paragraph (1). [<Newly Inserted by Presidential Decree No. 23338, Dec. 2, 2011>](#)

Article 43 (Notification, etc. of Resumption of Reproduction or interactive transmission)

(1) The online service provider who has been requested for the resumption of reproduction or interactive transmission pursuant to Article 42 shall decide on whether the reproduction or interactive transmission by the reproducer or interactive transmitter is based on the legitimate right within three days from receipt of a request for the resumption of reproduction or interactive transmission, and he/she shall send to the claimant to right a written notification (including a written notification in electronic form) stipulated by Ordinance of the Ministry of Culture, Sports and Tourism specifying the expected date of resumption of reproduction or interactive transmission if the request is recognized as based on the legitimate right. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

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

Article 44 (Notification of Designation and Change of Recipient)

When an online service provider has designated a recipient (including the case of designating the recipient after changing the already designated recipient) pursuant to Article 103 (4) of the Act, he/she shall indicate the following information regarding the recipient on his/her information and communications network which provides the services of reproduction or interactive transmission so that everyone can readily understand:

1. The name and department name whereto he/she belongs;
2. The telephone number, facsimile number and e-mail address;
3. The address capable of receiving the postal matters.

Article 44-2 (Scope of Information That May Be Requested about Persons Who Reproduced or Interactive Transmitted Copyrighted Works)

The minimum necessary information referred to in Article 103-3 (1) of the Act is the information specified in the following subparagraphs:

1. Name;
2. Address;
3. Contact information of the person who reproduced or interactively transmitted a copyrighted work, such as telephone numbers and an e-mail address.

[This Article Newly Inserted by Presidential Decree No. 23338, Dec. 2, 2011]

Article 44-3 (Procedure for Requesting to Provide Information)

A claimant to right who intends to request the Minister of Culture, Sports and Tourism pursuant to Article 103-3 (1) of the Act to issue an order to provide him/her with information about a person who reproduced or interactively transmitted a copyrighted

work (hereinafter referred to as “petitioner”) shall submit to the Minister of Culture, Sports and Tourism verifying documents (including electronic documents) specified in any subparagraph of Article 40 (1), along with a written request for providing information in the form prescribed by Ordinance of the Ministry of Culture, Sports and Tourism with the following descriptions stated thereon:

1. The petitioner’s name, address, and contact information, such as telephone numbers and an e-mail address;
2. The category and purpose of the lawsuit that the petitioner intends to file;
3. The type of the right allegedly violated by the person who reproduced or interactively transmitted the relevant copyrighted work and facts relevant to the violation;
4. The fact that the petitioner had requested the online service provider to provide information about the person who had reproduced or interactively transmitted the relevant copyrighted work but received a reply refusing to providing such information or the online service provider refused to provide such information in any other manner.

[This Article Newly Inserted by Presidential Decree No. 23338, Dec. 2, 2011]

Article 44-4 (Procedure for Providing Information)(1) Upon receipt of a request for deliberation from the Minister of Culture, Sports and Tourism pursuant to Article 103-3 (2) of the Act, the Commission shall deliberate on whether to provide information and shall notify the Minister of Culture, Sports and Tourism of results thereof without delay within one month from the date on which it receives such request: Provided, That the period specified above may be extended only once, if it is unable to complete deliberation within the period due to a cause or event beyond its control.

(2) When the Minister of Culture, Sports and Tourism intends to order an online service provider pursuant to Article 103-3 (2) of the Act to submit information about a person who reproduced or interactively transmitted a copyrighted work, he/she shall prepare a written order to provide information in the form specified by Ordinance of the Minister of Culture, Sports and Tourism and shall notify the online service provider thereof in writing (including an electronic document).

(3) An online service provider shall submit a statement of provided information in the form specified by Ordinance of the Minister of Culture, Sports and Tourism within seven days from the date on which he/she receives an order to provide information under paragraph (2), and the Minister of Culture, Sports and Tourism shall provide the petitioner with the relevant information without delay.

(4) When an online service provider submits a statement of provided information to the Minister of Culture, Sports and Tourism pursuant to paragraph (3), he/she shall notify the person who reproduced or interactively transmitted the relevant copyrighted work of the fact without delay.

[This Article Newly Inserted by Presidential Decree No. 23338, Dec. 2, 2011]

Article 45 (Request of Holder of Right)

When a holder of right intends to request for the necessary measures, such as technological measures that block illegal interactive transmission of relevant work, etc.

pursuant to Article 104 (1) of the Act, he/she shall submit a request (including a request in electronic document) stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the following materials (including an electronic document) to the online service provider of special type: Provided, That if the holder of right is the copyright trust service provider, or he/she has already submitted materials verifying that he/she was the holder of right regarding repetitive violations during the last one year, he/she may not submit the materials in subparagraph 1: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

1. Materials falling under any of the following items by which he/she can vindicate that he/she is the holder of right:
 - (a) Copy of the certificate of copyright registration, etc. in which he/she is indicated as the holder of right to the work, etc. or materials corresponding thereto;
 - (b) Copy of the work, etc. in which his/her name, etc. or renowned pseudonym is indicated, or materials corresponding thereto;
2. Title of work by which it is possible to identify the work, etc. that have been requested to block, or characters or signs corresponding thereto (hereinafter referred to as the “title, etc.”) or materials of reproductions, etc.

Article 46 (Necessary Measures, such as Technological Measures to Block Illegal Interactive Transmission)(1) The term “necessary measures, such as technological measures that block illegal interactive transmission of the relevant work, etc.” in the former part of Article 104 (1) of the Act means all the following measures: [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

1. Technological measures capable of identifying the work, etc. by comparing the title, etc. and characteristics of work, etc.;
 2. Measures of limiting search or interactive transmission to block illegal interactive transmission of work, etc. that came to be recognized pursuant to subparagraph 1;
 3. Where the illegal interactive transmitter of the relevant work, etc. is identifiable, the dispatch of warning sign wording to the interactive transmitter of the work, etc. requesting for the prohibition of infringement on the copyright.
- (2) The measures listed in paragraph (1) 1 and 2 shall be taken immediately upon request of the holder of right.

Article 46–2 (Exception for Prohibition of Circumvention of Technological Protection Measures)

Where determining and notifying the exceptions for the prohibition of circumvention of technological protection measures pursuant to Article 104–2 (1) 8 of the Act, the Minister of Culture, Sports and Tourism shall first hear the opinions from interested parties, including users of works, etc., and undergo deliberation by the Commission.
[This Article Newly Inserted by Presidential Decree No. 23001, Jun. 30, 2011]

Article 47 (Application, etc. for Permission for Copyright Trust Service)(1) A person who intends to obtain permission for copyright trust service pursuant to the provisions of Article 105 (1) and (2) of the Act shall submit an application (including an application in

electronic document) for permission for copyright trust service stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the regulations (including an electronic document) on the duties of copyright trust service that involve the following matters to the Minister of Culture, Sports and Tourism: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

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

(2) When the Minister of Culture, Sports and Tourism grants a permit to engage in a copyright trust service, he/she shall issue a certificate of permit for copyright trust service stipulated by Ordinance of the Ministry of Culture, Sports and Tourism.

[<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

(3) When the person who has obtained the permission pursuant to paragraph (2) intends to alter the regulations on the duties of copyright trust service pursuant to paragraph (1), he/she shall obtain the permission for alteration.

Article 48 (Report of Copyright Agency and Brokerage Service)(1) A person who intends to report copyright agency and brokerage service pursuant to Article 105 (1) of the Act shall submit a report (including a report in electronic document) of copyright agency and brokerage service stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the regulations (including an electronic document) on the duties of copyright agency and brokerage service that involve the following matters to the Minister of Culture, Sports and Tourism: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>](#)

1. Contractual terms and conditions of copyright agency and brokerage;
2. Contractual terms and conditions of work exploitation.

(2) The Minister of Culture, Sports and Tourism upon receipt of a report pursuant to paragraph (1) shall issue a certificate of report of copyright agency and brokerage service stipulated by Ordinance of the Ministry of Culture, Sports and Tourism.

[<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

(3) If a person who has reported pursuant to paragraph (1) intends to alter the reported matters, he/she shall submit a report of alteration of copyright agency and brokerage service as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism.

[<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 49 (Application and Procedures for Approval of Royalties, etc.)(1) Where a copyright trust service provider intends to apply for the approval (including application for alteration; hereinafter the same shall apply) of rate or amount of fee or royalties pursuant to Article 105 (5) of the Act, he/she shall apply for approval to the Minister of Culture, Sports and Tourism in writing. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

(2) When the Commission has been requested for deliberation from the Minister of Culture, Sports and Tourism pursuant to Article 105 (6) of the Act, it shall deliberate within two months from the date of request and submit the result to the Minister of Culture, Sports and Tourism without delay: Provided, That if it is impractical to deliberate

within the relevant period due to extenuating circumstances, the period may be extended for two more times only. <Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>

(3) When the Minister of Culture, Sports and Tourism receives an application for approval for rate or amount of royalties pursuant to Article 105 (7) of the Act, he/she shall post the content on the website of the Ministry of Culture, Sports and Tourism not less than 14 days to collect the opinions of the interest parties. <Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>

(4) Where the Minister of Culture, Sports and Tourism has approved (including the approval of alteration) the rate or amount of royalties, he/she shall post the content of approval on the website of the Ministry of Culture, Sports and Tourism. <Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>

Article 50 (Preparation of List of Works, etc. under Management)

The following matters shall be stated in the list of works, etc. under management pursuant to Article 106 (1) of the Act:

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

Article 51 (Information Needed for Exploitation Contract)

The term “information prescribed by Presidential Decree” in Article 106 (2) of the Act means the following information:

1. List of works, etc.;
2. Period of trust agreement with the holder of author’s economic right of the relevant work, etc.;
3. Conditions for exploitation, such as royalties and standard contract.

Article 52 (Report)(1) Pursuant to Article 108 (1) of the Act, a copyright trust service provider shall, each year, report the business result of the preceding year and the business plan of the relevant year as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Presidential Decree No. 20676, Feb. 29, 2008>

(2) A copyright agency and brokerage service provider shall, each year, report the business result of the preceding year as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended by Presidential Decree No. 20676, Feb. 29, 2008>

(3) A copyright trust service provider shall prepare following matters as of the end of each month and make a report to the Minister of Culture, Sports and Tourism by the 10th of the following month: Provided, That where matters to be reported are the same as those of the previous month, he/she shall be allowed not to make a report only in the

case of such matters: <Newly Inserted by Presidential Decree No. 23721, Apr. 12, 2012>

1. List of works, etc. under management pursuant to the subparagraphs of Article 50;
2. Information on the right to works, etc. under trust service, or being represented or brokered;
3. Contact information of a copyright trust service provider.

Article 53 (Standards, etc. for Calculation of Penalty Surcharge)(1) The standards for calculation of penalty surcharge that is imposed pursuant to Article 111 (1) of the Act shall be 500,000 won per day of business suspension in the case of order of business suspension on the grounds of Article 109 (1) 1 or 2 of the Act, and 200,000 won per day of business suspension in the case of order of business suspension on the grounds of Article 109 (1) 3 or 4 of the Act.

(2) The Minister of Culture, Sports and Tourism may increase or decrease the penalty surcharge within the limit of 1/2 of the amount of penalty surcharge pursuant to paragraph (1) in consideration of the degree, frequency, motive and consequence of violation, etc.: Provided, That the total amount of penalty surcharge shall not exceed 50 million won even if it is increased. <Amended by Presidential Decree No. 20676, Feb. 29, 2008>

Article 54 (Imposition and Payment of Penalty Surcharge)(1) When the Minister of Culture, Sports and Tourism intends to impose a penalty surcharge pursuant to Article 111 (1) of the Act, he/she shall notify the person subject to disposition to pay the penalty surcharge by stating the fact of violation, imposition amount, etc. in writing. <Amended by Presidential Decree No. 20676, Feb. 29, 2008>

(2) The person who has been notified pursuant to paragraph (1) shall pay the penalty surcharge to a collecting agency designated by the Minister of Culture, Sports and Tourism within 20 days from the date when he/she has been notified: Provided, That when there exists an act of God or other unavoidable reasons, he/she shall pay it within 7 days after the reason ceases to exist. <Amended by Presidential Decree No. 20676, Feb. 29, 2008>

(3) The collecting agency that has received the penalty surcharge pursuant to paragraph (2) shall issue a receipt to the payer.

(4) When the collecting agency has received a penalty surcharge pursuant to paragraph (2), it shall notify the fact to the Minister of Culture, Sports and Tourism without delay. <Amended by Presidential Decree No. 20676, Feb. 29, 2008>

(5) The Minister of Culture, Sports and Tourism shall record and manage the matters regarding the imposition and collection of penalty surcharge. <Amended by Presidential Decree No. 20676, Feb. 29, 2008>

Article 55 (Procedures for Use of Penalty Surcharge)

Pursuant to Article 111 (4) of the Act, the Minister of Culture, Sports and Tourism shall formulate and execute an operational plan for the use, method, etc. of penalty surcharge by October 31 of each year. <Amended by Presidential Decree No. 20676,

Feb. 29, 2008>

Article 56 (Chairperson and Vice Chairperson)(1) The chairperson of the Commission shall represent the Commission and exercise overall control over the duties of the Commission. <Amended by Presidential Decree No. 21634, Jul. 22, 2009>

(2) The vice chairperson shall assist the chairperson, and when the chairperson is unable to perform the duties due to extenuating circumstances, the vice chairperson designated in advance by the chairperson shall execute the duties by proxy.

Article 57 (Meeting and Quorum)(1) The chairperson of the Commission shall convene a meeting of the Commission and preside over it. <Amended by Presidential Decree No. 21634, Jul. 22, 2009>

(2) A majority of the members on the register shall constitute a quorum, and any decision thereof shall require the concurring vote of two-thirds of those present.

<Amended by Presidential Decree No. 21634, Jul. 22, 2009>

(3) Deleted. <by Presidential Decree No. 23928, Jul. 4, 2012>

Article 57-2 (Exclusion, Challenge, and Voluntary Refraining of Commission Members)

(1) If a member of the Commission (hereinafter referred to as "member") falls under any of the following subparagraphs, he/she shall be excluded from deliberation, conciliation, mediation, and resolution of the Commission (hereinafter referred to as "deliberation and other proceedings"):

1. If a member or a person who is or was his/her spouse becomes a party to the case at issue (including executive officers, if the party is a legal person or organization; the same shall apply hereafter in this subparagraph and subparagraph 2) or is a joint right holder or joint obligor with a party to the case at issue;
2. If a member is or was a relative to a party to the case at issue;
3. If a member gave testimony, made a statement, provided advice, conducted research, or served as expert witness with respect to the case at issue;
4. If a member or the legal person or organization to which a member belongs is or was the representative of a party to the case at issue;
5. If a member serves or served as an executive officers or employee of a party to the case at issue;
6. If a member is or was involved in a disposition or omission that is a cause of the case at issue.

(2) If a party to the case at issue has a ground to believe that it is impractical to expect impartiality from a member in deliberation and other proceedings, the party may file a request for challenge against the member with the Commission, and the Commission may make a decision thereon by resolution. In such cases, the member against whom a challenge is filed shall not participate in resolution.

(3) If a member finds that he/she is subject to exclusion on the ground specified in any subparagraph of paragraph (1), the member shall voluntarily refrain from deliberation and other proceedings with respect to the case at issue.

[This Article Newly Inserted by Presidential Decree No. 23928, Jul. 4, 2012]

Article 57-3 (Dismissal of Members)

The Minister of Culture, Sports and Tourism may dismiss a member from service, if the member falls under any of the following subparagraphs:

1. If a member is unable to perform his/her duty due to a mental disabilities;
2. If a member is found disqualified on the ground of his/her neglect of duty, injury to dignity, or on any other ground;
3. If a member is subject to exclusion on the ground specified in any subparagraph of Article 57-2 (1) but does not voluntarily evade deliberation and other proceedings.

[This Article Newly Inserted by Presidential Decree No. 23928, Jul. 4, 2012]

Article 58 (Treatment of Members, etc.)(1) The members of the Commission except the chairperson shall serve on a part-time basis. <Amended by Presidential Decree No. 21634, Jul. 22, 2009>

(2) A standing member shall be paid remuneration and a non-standing member may be reimbursed for expenses incurred to perform their duties to the extent of available budget.

(3) No standing member may engage in any work for making profits other than his/her duty, and may serve concurrently in any other position without approval of the Minister of Culture, Sports and Tourism. <Amended by Presidential Decree No. 20676, Feb. 29, 2008>

Article 59 (Formation and Operation of Subcommittees)

Matters necessary for the formation, operation, etc. of subcommittees pursuant to Article 112-2 (5) of the Act shall be determined by the chairperson of the Commission through a resolution of the Commission.

[This Article Wholly Amended by Presidential Decree No. 21634, Jul. 22, 2009]

Article 59-2 (Mediation)(1) Any person who seeks for mediation for dispute settlement pursuant to Article 113-2 of the Act shall file an application for mediation in which the following matters are stated with the Commission:

1. Names and domiciles of the persons concerned (where there is an agent, including the name and domicile of the agent);
2. The purport and reason of application.

(2) Matters necessary for detailed procedures, etc. for mediation pursuant to paragraph (1) shall be determined by the chairperson of the Commission through a resolution of the Commission.

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 60 (Formation and Operation of Conciliation Division)

The conciliation division pursuant to Article 114 of the Act shall consist of three members: Provided, That for the cases of request for conciliation of which the amount is five million won or less, one member designated by the chairperson of the Commission may execute the conciliation duty. <Amended by Presidential Decree No. 21634, Jul. 22, 2009>

Article 61 (Procedure, etc. of Conciliation)(1) Any person who intends to apply for dispute

conciliation pursuant to Article 114–2 of the Act shall submit an application for conciliation to the Commission as determined by the Commission. [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

(2) Any person who makes an application for conciliation pursuant to paragraph (1) shall pay a part of expenses for conciliation in advance, and where conciliation is effected, each party shall pay the remaining expenses for conciliation. In such cases, procedures for payment of expenses for conciliation shall be determined by the chairperson of the Commission through a resolution of the Commission. [<Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009>](#)

(3) The chairperson, on receipt of the application for conciliation under paragraph (1), shall designate a conciliation division and refer the application for conciliation to it.

(4) The conciliation division may prepare a proposal of conciliation, and present it to the party concerned: Provided, That where it is evident that conciliation will not be effected, this shall not apply. [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

(5) The conciliation division shall conciliate within three months from the date of application for conciliation: Provided, That if a special ground exists, the period may be extended one more time only within the extent of one month upon mutual consent of both parties.

(6) Where an appraisal is made pursuant to Article 119 (1) 2 of the Act, a period for appraisal shall not be included in the period for conciliation referred to in paragraph (5). [<Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009>](#)

Article 62 (Request, etc. for Attendance)(1) The Commission may request the parties concerned, proxies thereof or interested persons to attend the meeting or to submit relevant documents if necessary for the dispute conciliation. [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

(2) When requesting for the attendance pursuant to paragraph (1), it shall notify the parties concerned, proxies thereof, or interested persons in writing not later than seven days in advance.

(3) When persons other than the parties to conciliation attend the Commission in answer to the request for attendance, the Commission may reimburse the actual expenses, such as allowance and travel expense. [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

(4) The Commission shall manage and keep the documents of conciliation and related records. [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

Article 63 (Miscarriage, etc. of Conciliation)(1) In any of the following cases, the conciliation shall be deemed to have fallen through: [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

1. Where the parties concerned have not answered the request for attendance pursuant to Article 62 without justifiable reasons;
2. Where it has passed the period of time pursuant to Article 61 (5) from the date when an application for conciliation was filed;
3. Where an agreement between the parties concerned has not been reached.

(2) Where the conciliation has fallen through pursuant to paragraph (1), the reason thereof shall be stated in the document.

Article 64 (Procedure, Method, etc. of Appraisal)(1) Those who intend to request for appraisal pursuant to Article 119 (1) of the Act shall submit the following materials to the Commission: [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

1. The original copy or duplicate of a work subject to appraisal;
2. Materials by which it is able to compare the similarity of related works in the case of a request for appraisal on infringement;
3. Other materials that the Commission requests as it judges necessary for appraisal.

(2) When giving an appraisal, the Commission shall organize an expert appraisal committee to deal with the duties with impartiality and objectivity. [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

(3) The expert appraisal committee may have standing specialized members for professional appraisal.

(4) Matters necessary for the formation of expert appraisal committee, procedure of appraisal, etc. shall be laid down by the Commission. [<Amended by Presidential Decree No. 21634, Jul. 22, 2009>](#)

Article 65 (Organization, Operation, etc. of Commission)

Matters necessary for the organization, operation, etc. of the Commission shall be determined by the chairperson of the Commission through a resolution of the Commission: Provided, That matters concerning the organization, fixed number and remuneration shall be approved by the Minister of Culture, Sports and Tourism.

[This Article Wholly Amended by Presidential Decree No. 21634, Jul. 22, 2009]

Article 66 (Organization, Operation, etc. of Copyright Technology Center)(1) The Copyright Technology Center pursuant to Article 120 of the Act may establish Copyright Exchange to provide copyright information, etc. and a technological committee for information on rights management, protection of copyright and support for distribution.

(2) The Copyright Technology Center shall perform the following duties:

1. Construction and operation of the integrated management system for the systematic formulation, management and use of rights management information of works;
2. Development, management and dissemination of the integrated copyright number system which is able to discern works and rightful claimants;
3. Research for the standardization of technological protection measures;
4. Evaluation of the implementation of standards for technological protection measures and development of standard tools of evaluation for them;
5. Survey and research on copyright information technologies.

[This Article Wholly Amended by Presidential Decree No. 21634, Jul. 22, 2009]

Article 67 (Budget, Settlement of Accounts, etc.)(1) The Commission shall prepare business plan and draft budget of the following business year before the end of each business year, and submit them to the Minister of Culture, Sports and Tourism for approval. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential](#)

[Decree No. 21634, Jul. 22, 2009](#)>

(2) The Commission shall prepare annual business results and a statement of accounts every business year and submit them to the Minister of Culture, Sports and Tourism within sixty days after the end of the relevant business year. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>](#)

(3) The Minister of Culture, Sports and Tourism may have the Commission report on its duties or submit relevant materials to him/her, if deemed necessary. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>](#)

Article 68 (Entrustment of Duties)(1) Pursuant to Article 130 of the Act, the Minister of Culture, Sports and Tourism shall entrust the following duties to the Commission:

[<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009; Presidential Decree No. 23721, Apr. 12, 2012>](#)

1. Approval for the use of works and decision on the standards for remuneration pursuant to the provisions of Articles 50 through 52 of the Act;
2. Registration of copyright pursuant to Article 55 of the Act (including cases for which this provision applies mutatis mutandis as prescribed in Articles 90 and 98 of the Act, but excluding the duties of receiving registration pursuant to paragraph (2));
3. Projects of searching for holders of author's economic right to works, etc. under Article 73 (1) 6 and those of building and operating an information system to search for the holder of author's economic right under paragraph (2) of the same Article from among projects for creation of sound environment for use of works under Article 134 of the Act;
4. Endeavoring to search for holders of author's economic right to works or their residence under the subparagraphs of Article 18 (2);
5. Receiving and processing of reports from a copyright trust service provider under Article 52 (3).

(2) Pursuant to Article 130 of the Act, the Minister of Culture, Sports and Tourism shall entrust the duties of receiving applications for registration of copyright pursuant to Article 55 of the Act (including cases for which this provision applies mutatis mutandis as prescribed in Articles 90 and 98 of the Act) to the Commission and the copyright trust service provider designated and announced by the Minister of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009; Presidential Decree No. 23721, Apr. 12, 2012>](#)

(3) Pursuant to Article 130 of the Act, the Minister of Culture, Sports and Tourism shall entrust the duties of receiving donations of rights of the holder of author's economic right, etc. pursuant to Article 135 (1) of the Act to the organization designated pursuant to paragraph (2) of the same Article. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

Article 69 (Procedures for and Methods of Collection, Destruction and Deletion)(1) The competent public official who collects, destructs or deletes copies, etc. pursuant to Article 133 (1) of the Act shall carry a certificate indicating the authority and show it to

the interested persons. <Amended by Presidential Decree No. 21634, Jul. 22, 2009>

(2) Where the competent public official has collected, destructed and deleted copies, etc. pursuant to Article 133 (1) of the Act, he/she shall deliver a certificate of collection as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism to the possessor or occupier, and state the content in the book of collection, destruction and deletion. <Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>

(3) The illegal copies, etc. that have been collected may be destructed when three months have passed since the date of collection, if the relevant party does not raise any objection: Provided, That the instrument, equipment and program that have been manufactured to circumvent the technological protection measures of works, etc. may be destructed 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 duties of collection and destruction to the following organizations:

<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>

1. The Commission;
2. An organization mainly composed of members of copyright trust service providers;
3. Other corporations and organizations that the Minister of Culture, Sports and Tourism recognizes as having the capability and qualifications for the duties of collection, destruction and deletion of illegal copies, etc.

(2) Any staff member of the organization which conducts the duties of collection, destruction and deletion pursuant to paragraph (1) shall carry a certificate stipulated by Ordinance of the Ministry of Culture, Sports and Tourism when doing so, and show it to the interested persons. <Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>

Article 71 (Request, etc. for Cooperation for Collection, Destruction and Deletion)

The term “relevant organization” in Article 133 (3) of the Act means the following organizations:

1. Copyright trust service provider;
2. Organization mainly composed of copyright trust service providers;
3. Corporations and organizations that have been established for the purpose of creation of works, etc. and the promotion of industry.

Article 72 (Procedures for and Methods of Deliberation of Orders, etc. for Deletion of Illegal Copies through Information and Communications Network)

If the Commission receives a request for deliberation from the Minister of Culture, Sports and Tourism pursuant to Article 133-2 (1) of the Act, it shall deliberate within seven days from the date of request, and if it receives a request for deliberation from the Minister of Culture, Sports and Tourism pursuant to paragraphs (2) and (4) of the same Article, it shall deliberate 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 where it cannot deliberate within the period due to extenuating circumstances, it may extend the period twice only.

[This Article Wholly Amended by Presidential Decree No. 21634, Jul. 22, 2009]

Article 72-2 (Procedures for and Methods of Orders for Warning or Deletion)

If the Minister of Culture, Sports and Tourism intends to order an online service provider to give a warning on a reproducer and interactive transmitter of illegal copies, etc., to delete illegal copies, etc., or to suspend interactive transmission of them pursuant to Article 133-2 (1) of the Act, he/she shall prepare a written order prescribed by Ordinance of the Ministry of Culture, Sports and Tourism and notify it in writing (including electronic documents: hereinafter the same shall apply).

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 72-3 (Procedures for and Methods of Orders for Suspension of Accounts)(1)

When the Commission deliberates pursuant to Article 133-2 (2) of the Act, it shall take the following matters into consideration:

1. Recidivism of the relevant reproducer and interactive transmitter;
2. Quantities reproduced and interactively transmitted by the relevant reproducer and interactive transmitter;
3. Kinds of illegal copies, etc. posted and their possibilities of substituting market;
4. The influence of illegal copies, etc. on the distribution order of works, etc.

(2) If the Minister of Culture, Sports and Tourism intends to order an online service provider to suspend accounts of the relevant reproducer and interactive transmitter of illegal copies or such pursuant to Article 133-2 (2) of the Act, he/she shall prepare a written order in which the following matters are stated and give a written notice thereof:

1. Accounts of the reproducer and interactive transmitter;
2. The fact that the reproducer and interactive transmitter have received warnings pursuant to Article 133-2 (1) 1 of the Act three times or more;
3. The fact that the reproducer and interactive transmitter has transmitted illegal copies, etc. after he/she received warnings pursuant to Article 133-2 (1) 1 of the Act three times or more;
4. The period of suspension.

(3) The period of suspension of accounts of the reproducer and interactive transmitter pursuant to Article 133-2 (2) of the Act shall be as follows:

1. Less than one month in the case of the first suspension;
2. No less than one month and less than three months in the case of the second suspension;
3. No less than three months and less than six months in the case of the third or subsequent suspension.

(4) An online service provider who has received a written order referred to in paragraph (2) shall, without delay, notify the relevant reproducer and interactive transmitter of matters referred to in the subparagraphs of paragraph (2) mentioned in writing pursuant to Article 133-2 (3) of the Act.

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 72-4 (Procedures for and Methods of Orders for Suspension of Bulletin Board Service)(1) When the Commission deliberates pursuant to Article 133-2 (4) of the Act, it shall take the following matters into consideration:

1. Profitability of the relevant bulletin board;
2. Purpose of opening of the relevant bulletin board;
3. Functions and methods of use of the relevant bulletin board;
4. Number of users of the relevant bulletin board;
5. Percentage of illegal copies, etc.;
6. Types of illegal copies, etc. posted and their possibilities of substituting market;
7. Degree of efforts of the relevant bulletin board to block illegal copies, etc.;
8. Level of convenience to posting or use of illegal copies, etc.

(2) If the Minister of Culture, Sports and Tourism intends to order an online service provider to suspend services of the relevant bulletin board pursuant to Article 133-2 (4) of the Act, he/she shall prepare a written order in which the following matters are stated and give written notice thereof:

1. Bulletin boards subject to suspension;
2. The fact that he/she has received orders pursuant to Article 133-2 (1) 2 of the Act not less than three times;
3. Details of unlawful act;
4. The period of suspension.

(3) The period of suspension of services of the relevant bulletin board pursuant to Article 133-2 (4) of the Act shall be as follows:

1. Less than one month in the case of the first suspension;
2. Not less than one month and less than three months in the case of the second suspension;
3. Not less than three months and less than six months in the case of the third or subsequent suspension.

(4) When 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 subparagraphs of paragraph(2) so as to enable users of the relevant bulletin board to readily understand.

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 72-5 (Procedures for and Methods of Notifying Result of Measures Taken)

Pursuant to Article 133-2 (6) of the Act, an online service provider shall state matters referred to in the following subparagraphs in a notification of result of measures prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, and submit it to the Minister of Culture, Sports and Tourism:

1. Details of measures taken pursuant to an order;
2. Information which can identify a reproducer and interactive transmitter (except for an order pursuant to Article 133-2 (4));
3. The date of execution of an order.

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 72-6 (Procedures for Recommendation of Correction)(1) If the Commission intends to recommend correction pursuant to Article 133-3 (1) of the Act, it shall do such in writing with the following matters stated:

1. Details of unlawful act;
2. Recommendations;
3. The deadline for correction;
4. Measures to be taken when recommendation of correction is refused.

(2) An online service provider who has been notified of recommendation of correction pursuant to paragraph (1) shall notify the Commission of the result of measures taken in writing with the following matters stated therein:

1. Details of measures taken pursuant to recommendation of correction;
2. The date of execution of recommendation of correction;
3. Reasons for refusal of recommendations of correction, where appropriate.

(3) When the Commission deliberates Article 133-3 (1) 3 of the Act, it shall take account of matters referred to in Article 72-3 (1).

[This Article Newly Inserted by Presidential Decree No. 21634, Jul. 22, 2009]

Article 73 (Projects for Fair Use of Works)(1) The term “projects necessary for promotion of fair use of works” in Article 134 (1) of the Act means the following projects:

[<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

1. Project necessary to provide information on works, etc. of which the period of protection has expired;
2. Project to establish a common exploitation system for works of public agencies;
3. Project to improve the license system, such as the development of standard contract;
4. Project to enact and recommend guideline to establish standards for fair use of works and;
5. Project to promote Creative Commons License(CCL) for works, etc.;
6. Project to search for holders of author's economic right to works, etc. in order to revitalize the use of works, etc. of which holders of author's economic right are unidentified;
7. Other projects deemed necessary by the Minister of Culture, Sports and Tourism for the fair use of works.

(2) In order to efficiently implement projects in paragraph (1) 6, the Minister of Culture, Sports and Tourism may build and operate an information system to search for the holders of author's economic right to works of which holders of author's economic right are unidentified. [<Newly Inserted by Presidential Decree No. 23721, Apr. 12, 2012>](#)

Article 74 Deleted. [<by Presidential Decree No. 21634, Jul. 22, 2009>](#)

Article 75 (Procedure for Donation)(1) A person who intends to donate author's economic right, etc. pursuant to Article 135 (1) of the Act shall submit a pledge of donation of author's economic right, etc. stipulated by Ordinance of the Ministry of Culture, Sports

and Tourism and copies of the work, etc. to be donated to the Minister of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

(2) The Minister of Culture, Sports and Tourism who has received donation pursuant to paragraph (1) shall record the title of the donated work, etc., and name of donator, etc. in the ledger as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism and post them on the website of the Ministry of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>](#)

Article 76 (Designation, etc. of Management Organization)(1) The organization eligible to be designated as an organization that manages author's economic right, etc. pursuant to Article 135 (2) of the Act (hereinafter referred to as the "management organization") shall be as follows: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>](#)

1. The Commission;
2. Copyright trust service provider;
3. An organization whose principal members are copyright trust service providers;
4. Other legal persons or organizations that the Minister of Culture, Sports and Tourism recognizes as having the capability to conduct the duties of management of donated author's economic right, etc.

(2) A person who intends to be designated as a management organization pursuant to paragraph (1) shall submit an application for designation stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the following documents to the Minister of Culture, Sports and Tourism: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

1. Management plan of donated author's economic right, etc.;
2. Document stating the procedures of exploitation permission for donated author's economic right, etc. and the plan to invigorate the use.

(3) When the Minister of Culture, Sports and Tourism who has received an application pursuant to paragraph (2) designates a management organization, he/she shall issue a certificate of designation of management organization as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008; Presidential Decree No. 21634, Jul. 22, 2009>](#)

(4) When a management organization falls under any of the following subparagraphs, the Minister of Culture, Sports and Tourism may revoke the designation: [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

1. Where it fails to meet the qualifications in paragraph (1);
2. Where it has violated Article 135 (3) of the Act.

(5) Where the Minister of Culture, Sports and Tourism has designated a management organization or revoked the designation, he/she shall announce the fact in the Official Gazette. [<Amended by Presidential Decree No. 20676, Feb. 29, 2008>](#)

(6) Other matters necessary for the duties of management of donated author's economic right, etc. shall be stipulated and announced by the Minister of Culture, Sports

and Tourism. <Amended by Presidential Decree No. 20676, Feb. 29, 2008>

Article 76-2 (Management of Personally Identifiable Information)(1) The Minister of Culture, Sports and Tourism (including persons to whom the authority of the Minister of Culture, Sports and Tourism is entrusted under Articles 68) may manage the data which contain resident registration numbers or alien registration numbers under Article 19 (1) or (4) of the Enforcement Decree of the Personal Information Protection Act, if it is essential to perform the following affairs:

1. Affairs related to the approval for the exploitation of works under Articles 50 through 52 of the Act (including cases of application mutatis mutandis under Article 89 of the Act);
2. Affairs related to the registration, etc. of a copyright under Articles 53 through 55 of the Act (including cases of application mutatis mutandis under Articles 90 and 98 of the Act);
3. Affairs related to the request for information under Article 103-3 of the Act;
4. Affairs related to the permission for copyright trust service and reporting on copyright agency or brokerage service under Article 105 of the Act.

(2) An authentication organization designated under Article 56 of the Act may manage the data which contain resident registration numbers or alien registration numbers under subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act, if it is essential to perform affairs related to authentication.

[This Article Newly Inserted by Presidential Decree No. 25697, Nov. 4, 2014]

Article 76-3 (Re-Examination of Regulation)

The Minister of Culture, Sports and Tourism shall examine the appropriateness of the matters to be put in the mark of the holder of author's economic right every two years, counting from January 1, 2015 (referring to the period that ends on the day before January 1 of every second year) and shall take measures, such as making improvements.

[This Article Newly Inserted by Presidential Decree No. 25697, Nov. 4, 2014]

Article 77 (Standards for Imposition of Administrative Fine)

The standards for imposition of an administrative fine pursuant to Article 142 (1) and (2) of the Act shall be as attached Tables 1 and 2.

[This Article Wholly Amended by Presidential Decree No. 21634, Jul. 22, 2009]

⊕ **ADDENDA <Presidential Decree No. 20676, Feb. 29, 2008>**

Article 1 (Enforcement Date)

⊕ **ADDENDA <Presidential Decree No. 21148, Dec. 3, 2008>**

Article 1 (Enforcement Date)

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

Article 1 (Enforcement Date)

⊕ **ADDENDA <Presidential Decree No. 21676, Aug. 6, 2009>**

Article 1 (Enforcement Date)

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

Article 1 (Enforcement Date)

▣ ADDENDUM <Presidential Decree No. 23001, Jun. 30, 2011>

This Decree shall enter into force on the date the Free Trade Agreement between the Republic of Korea, of one part, and the European Union and its Member States, of the other part, takes effect.

▣ ADDENDUM <Presidential Decree No. 23338, Dec. 2, 2011>

This Decree shall enter into force on the date the Free Trade Agreement between the Republic of Korea and the United States of America takes effect.

+ ADDENDA <Presidential Decree No. 23721, Apr. 12, 2012>

Article 1 (Enforcement Date)

▣ ADDENDUM <Presidential Decree No. 23928, Jul. 4, 2012>

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

+ ADDENDA <Presidential Decree No. 24797, Oct. 16, 2013>

Article 1 (Enforcement Date)

▣ ADDENDUM <Presidential Decree No. 25379, Jun. 11, 2014>

This Decree shall enter into force on July 1, 2014.

▣ ADDENDUM <Presidential Decree No. 25697, Nov. 4, 2014>

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

+ ADDENDA <Presidential Decree No. 26333, Jun. 22, 2015>

Article 1 (Enforcement Date)

▣ ADDENDA <Presidential Decree No. 26398, Jul. 13, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Search of Holder of Author's Economic Right, etc. through Information Search Tools of Information and Communications Networks)

The amended provisions of Article 18 (1) 4 shall begin to apply from a case where application for approval for statutory license is filed under Article 50 (1) of the Act (including cases of application mutatis mutandis under Articles 89 and 97 of the Act) or Article 19 of this Decree after this Decree enters into force.

Article 3 (Transitional Measures concerning Application for Approval for Statutory License)

Notwithstanding the amended provisions of Articles 18 (1) 3 (b) and (2) 3 and 20 (1) 1, cases where an application for the approval for statutory license is filed pursuant to Article 50 (1) of the Act (including cases of application mutatis mutandis under Articles

89 and 97 of the Act) or Article 19 of this Decree before this Decree enters into force, shall be governed by the former provisions.