

# Law Viewer

## PROMOTION OF THE MOTION PICTURES AND VIDEO PRODUCTS ACT

Act No. 7943, Apr. 28, 2006

Amended by Act No. 8280, Jan. 26, 2007

Act No. 8345, Apr. 11, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9004, Mar. 28, 2008

Act No. 9096, Jun. 5, 2008

Act No. 9657, May 8, 2009

Act No. 9676, May 21, 2009

Act No. 10109, Mar. 17, 2010

Act No. 10219, Mar. 31, 2010

### CHAPTER I GENERAL PROVISIONS

#### Article 1 (Purpose)

The purpose of this Act is to contribute to enhancing the cultural life of the people and promoting the national culture by upgrading the motion pictures and video products qualitatively and promoting the development of the film and video industry.

#### Article 2 (Definitions)

The terms used in this Act shall be defined as follows: (Amended by Act No. 8852, Feb. 29, 2008; Act No. 9096, Jun. 5, 2008; Act No. 9657, May 8, 2009)

1. The term "motion picture" means any work whose successive pictures are contained in any digital medium, such as films, disks, etc., which is produced for the purpose of public viewing at any place or establishment like movie theaters;
2. The term "film industry" means an industry engaged in producing, utilizing, distributing, disseminating, exporting, importing, etc. motion pictures;
3. The term "Korean motion pictures" means motion pictures produced by those (including juristic persons) who have their main motion picture-making establishments in Korea, and other motion pictures recognized under Article 27 as Korean motion pictures;
4. The term "jointly produced motion pictures" means motion pictures produced jointly by domestic and foreign motion picture makers in such a way as covering the production costs through their joint financing, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism;
5. The term "animation" means the motion picture produced by fictionizing a real world or an imaginary world, and by manifesting through a utilization of human resources.

- ources or technological capability to make viewers feel a dynamic sense similar to the reality;
6. The term "small films" means the motion picture produced by using the films of 16 mm or smaller or any digital medium, which is prescribed by Ordinance of the Ministry of Culture, Sports and Tourism;
  7. The term "short films" means the motion picture with the running time of not exceeding 40 minutes;
  8. The term "screening" means the act of presenting motion pictures for public viewing on screen;
  9. The term "motion picture enterprisers" means persons with the profit-making purposes who fall under any one of the following items:
    - (a) Motion picture makers: persons who run the business of making motion pictures;
    - (b) Motion picture importers: persons who run the business of importing motion pictures;
    - (c) Motion picture distributors: persons who run the business of distributing motion pictures;
    - (d) Motion picture screeners: persons who run the business of showing motion pictures;
  10. The term "movie theater" means any place or establishment where motion pictures are screened for the purpose of making profits: Provided, That any place and any establishment where the number of days per year when motion pictures can be screened is within the number of days as prescribed by Presidential Decree (hereinafter referred to as "non-permanent movie theater") shall be excluded;
    1. The term "restricted movie theater" means the movie theater where the restricted motion pictures provided for in Article 29 (2) 5 are screened;
    2. The term "video products" means any works whose successive pictures are contained in any digital medium or device such as tapes or disks, etc., which can be replayed by using machine, electrical, electronic or communication apparatus: Provided, That those falling under any one of the following items shall be excluded:
      - (a) Game softwares provided for in subparagraph 1 of Article 2 of the Game Industry Promotion Act;
      - (b) Video products operated on computer programs (limited to those with no motion picture recorded);
    3. The term "video industry" means the industry engaged in producing, utilizing, distributing, supplying, exporting, importing, etc. video products;
    4. The term "video products manufacturing business" means a business pertaining to manufacturing or reproducing video products;
    5. The term "video products distributing business" means a business pertaining to importing video products (including their originals) or reserving or managing copyrights thereof to supply retailers or lenders with video products;

- 1 The term "video service providing business" means a business pertaining to any
6. one of the following items:
  - (a) The business of running a video-viewing establishment, which offers video products to the public for the purpose of their viewing with many partitioned video-viewing compartments and video-viewing apparatuses located therein (including a case where customers operate the viewing machine by themselves);
  - (b) The business of running a video-viewing mini-theater, which specializes in video products offered to the public for the purpose of their viewing with screens, a number of spectators' seats, and video-viewing apparatuses located therein;
  - (c) The business of running a video-viewing mini-theater for video products with restricted rating, which exclusively offers restricted-rating video products only to the public for the purpose of their viewing with screens, a number of spectator's seats, and video-viewing apparatuses located therein;
  - (d) The business of rendering other types of video service, which offers video products to the public for the purpose of their viewing at places or establishments used for public accommodation, rest, etc. with video-viewing apparatuses located therein;
- 1 The term "video product business operators" means persons who run the business
7. falling under any of subparagraphs 14 through 16;
- 1 The term "juveniles" means persons under the age of 18 (including those who attend
8. high schools pursuant to Article 2 of the Elementary and Secondary Education Act);
- 1 The term "digital cinema" means showing, to the general public, or providing a user
9. with a film work processed in specific digital file formats using a digital projector or telecommunications apparatus via digital media, such as disks, or information communications network under Article 2 (1) 1 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. (hereinafter referred to as "information communications network");
- 2 The term "content information" means the theme, obscenity, violence, language,
0. drug use, risk of imitation, etc. of the contents of a film or video product, and other information related thereto.

## CHAPTER II MOTION PICTURES

### SECTION 1 Establishment of Basic Plans for Promoting Motion Pictures and Implementation Thereof

Article 3 (Basic Plans for Promoting Motion Pictures, and Plans for Implementation Thereof)

- (1) The Minister of Culture, Sports and Tourism shall formulate and implement a basic plan for promoting motion pictures and an implementation plan therefor in order to enhance the movie culture and develop the movie industry, upon hearing the opinions of the Korean Film Council established under Article 4 (hereinafter

referred to as the "Korean Film Council") and the Korea Film Archive established pursuant to Article 34 (hereinafter referred to as the "Korea Film Archive"). (Amended by Act No. 8852, Feb. 29, 2008)

- (2) The basic plan for promoting motion pictures under paragraph (1) shall contain the following matters: (Amended by Act No. 9096, Jun. 5, 2008)
1. Basic directions for promoting Korean motion pictures;
  2. Surveys and researches for promoting the production of motion pictures, expansion of the motion picture-making infrastructure, and related technology development;
  3. Surveys, research and development for the promotion of motion picture distribution and exhibition systems;
  4. Exports and overseas advancement of Korean motion pictures;
  5. Gathering and preserving film materials;
  6. Fostering the motion picture human resources;
  7. Securing financial resources necessary to expand the financial basis for the promotion of motion pictures, and devising ways to efficiently manage the said resources;
  8. International exchange and cooperation in the field of motion pictures;
  9. Basic directions for promoting digital cinemas, creation of an infrastructure for the digital cinema industry, and measures for securing financial resources and efficient operation thereof;
    1. Development and standards of film technology, quality certification of digital cinemas, facility standards for movie theaters, etc.;
  11. Other necessary matters for the promotion of the movie arts.
- (3) The Minister of Culture, Sports and Tourism may prescribe matters concerning technical standards, quality certification, facility standards, etc. related to paragraph (2) 10 for the development of the digital cinema, and recommend them to relevant enterprises, such as motion picture enterprisers: Provided, That where the Minister of Culture, Sports and Tourism intends to prescribe the technical standards, the Minister shall consult with the Minister of Knowledge Economy. (Newly Inserted by Act No. 9096, Jun. 5, 2008)

## SECTION 2 Korean Film Council

### Article 4 (Establishment)

The Korean Film Council shall be established under the jurisdiction of the Ministry of Culture, Sports and Tourism in order to devise a qualitative enhancement of motion pictures and to promote Korean motion pictures and the film industry. (Amended by Act No. 8852, Feb. 29, 2008)

### Article 5 (Corporate Personality)

The Korean Film Council shall be a juristic person.

#### Article 6 (Articles of Association)

Matters falling under each of the following subparagraphs shall be entered in the articles of association of the Korean Film Council:

1. Objective;
2. Name;
3. Matters relating to the principal office;
4. Matters relating to the directors (the members of the Korean Film Council shall be deemed directors);
5. Matters relating to the property and accounting;
6. Matters relating to the organization and operation of the secretariat;
7. Matters relating to the alteration in the articles of association.

#### Article 7 (Registration)

- (1) The Korean Film Council shall be deemed to be established by registering its establishment at the location of its principal office.
- (2) Necessary matters concerning the establishment registration of the Korean Film Council shall be prescribed by Presidential Decree.

#### Article 8 (Composition of Korean Film Council)

- (1) The Korean Film Council shall consist of 9 members including one chairperson and one vice chairperson.
- (2) The members of the Korean Film Council shall be commissioned by the Minister of Culture, Sports and Tourism, from among persons with ample expertise and experiences in the movie arts, the film industry, etc, taking into account the balance of their gender and age. (Amended by Act No. 8852, Feb. 29, 2008)
- (3) The chairperson and vice chairperson of the Korean Film Council shall be elected by mutual vote among the members of the Korean Film Council.
- (4) Necessary matters concerning the composition and operation of the Korean Film Council including the standards, etc. for nomination of its members shall be prescribed by Presidential Decree.

#### Article 9 (Chairperson' Duties, etc.)

- (1) The chairperson of the Korean Film Council shall represent the Korean Film Council, and exercise overall control over its affairs.
- (2) If the chairperson of the Korean Film Council is unable to perform his/her duties due to unavoidable reasons, the vice chairperson shall act on behalf of the chairperson, and if both the chairperson and the vice chairperson are unable to perform

m their duties, a member named in order of seniority shall act on behalf of the chairperson.

- (3) Members other than the chairperson of the Korean Film Council shall be non-permanent.

#### Article 10 (Terms of Office of Members)

- (1) The terms of office of the members of the Korean Film Council including its chairperson and vice chairperson shall be 3 years, respectively.
- (2) When a position of the Korean Film Council's member falls vacant, the Minister of Culture, Sports and Tourism shall commission a substitute member within 30 days from the date of such a vacancy. In such cases, the term of office for the substitute member shall be the remainder of his/her predecessor's. (Amended by Act No. 8852, Feb. 29, 2008)
- (3) The members of the Korean Film Council, including its chairperson and vice chairperson, whose terms of office have expired under paragraph (1) but successors are not yet commissioned shall continue to perform their duties until their successors are commissioned.

#### Article 11 (Treatment of Members, and Prohibition of Holding Concurrent Offices)

- (1) A permanent member from among the members of the Korean Film Council shall be remunerated within the limit of its budget as prescribed by the rules of the Korean Film Council, and the nonpermanent members shall be honorary, but the actual expenses such as those required for performing their duties may be reimbursed as prescribed by the rules of the Korean Film Council.
- (2) A permanent member of the Korean Film Council shall be prohibited from concurrently holding additional offices with the profit-making purposes, except as prescribed by the rules of the Korean Film Council.

#### Article 12 (Disqualification for Members)

A person falling under any one of the following subparagraphs shall be disqualified for a member of the Korean Film Council:

1. A public official (excluding a public educational official under the Public Educational Officials Act and a judicial officer);
2. A member of a political party under the Political Parties Act;
3. A person falling under any subparagraph of Article 33 (1) of the State Public Officials Act;
4. A motion picture enterpriser who has filed a report under Article 26;
5. A video product business operator who has filed a report or registration under Article 57 or 58.

Article 13 (Independence of Members in Performing Their Duties, and Guarantee of Their Status)

- (1) The members of the Korean Film Council shall be free from any instructions or interventions while performing their duties during their terms of office.
- (2) The members of the Korean Film Council shall not be dismissed against their will, except for the cases falling under each of the following subparagraphs:
  1. Where he/she falls under any disqualification referred to in any subparagraph of Article 12;
  2. Where he/she becomes unable to perform the duties for a long time due to a physical or mental impairment.

Article 14 (Korean Film Council's Functions)

- (1) The Korean Film Council shall deliberate and resolve on matters falling under each of the following subparagraphs: (Amended by Act No. 8280, Jan. 26, 2007; Act No. 9096, Jun. 5, 2008)
  1. Presentation of views on the formulation and alteration of basic plans, etc. for the promotion of motion pictures;
  2. Formulation and implementation of plans for operation of the Korean Film Council;
  3. Enactment, amendment and repeal of the articles of association and the rules of the Korean Film Council;
  4. Management and operation of the facilities related to the production of films;
  5. Management and operation of the Motion Picture Development Fund under Article 23;
  6. Survey, research, education and training for promoting Korean motion pictures and fostering the film industry;
  7. Support for the distribution of motion pictures;
  - 7-2. Matters concerning the development of film technology related to digital cinema, establishment and dissemination of standards therefor, quality certification, facility standards, etc. of movie theaters, etc.;
  8. Overseas advancement of Korean motion pictures and international exchanges;
  9. Development of art films, animations, small films and short films;
  10. Handling of dissatisfactions and petitions of moviegoers;
  11. Deleted; (by Act No. 9657, May 8, 2009)
    1. Recognition of jointly produced motion pictures as Korean motion pictures under Article 27;
    2. Operation of the integrated computer network for handling movie theater admission tickets under Article 39;

1. Operation and improvement of a system obliging the operators of movie theaters to screen Korean motion pictures under Article 40;
  15. Implementation of policies for promoting the video industry;
  16. Other matters deemed necessary by the Korean Film Council.
- (2) The Korean Film Council shall be deemed as the deliberative committee on fund management under Article 74 (1) of the National Finance Act, when it deliberates on an important matter related to management and operation of the Motion Picture Development Fund pursuant to paragraph (1) 5. <Newly Inserted by Act No. 8280, Jan. 26, 2007>

#### Article 15 (Quorum for Resolution)

The Korean Film Council shall resolve with the attendance of a majority of its registered members and with a concurrent vote of a majority of those present: Provided, That the Korean Film Council shall resolve on matters as prescribed in Article 14 (1) 3 with a concurrent vote of a majority of the registered members. <Amended by Act No. 8280, Jan. 26, 2007>

#### Article 16 (Meetings Open to Public)

- (1) Meetings of the Korean Film Council shall be made open to the public as prescribed by its rules: Provided, That the same shall not apply to the case where the Korean Film Council has resolved otherwise because it is deemed especially necessary to conduct its affairs fairly.
- (2) The Korean Film Council shall prepare its minutes as prescribed by its rules.

#### Article 17 (Sectional Committees, etc.)

- (1) The Korean Film Council may compose and operate sectional committees to perform its duties under Article 14, and matters necessary to compose and operate them shall be prescribed by the Korean Film Council's rules.
- (2) The Korean Film Council may establish and operate a research institution to perform the duties under Article 14 (1) 6, and matters necessary for the establishment and operation thereof shall be prescribed by the Korean Film Council's rules. <Amended by Act No. 8280, Jan. 26, 2007>

#### Article 18 (Compilation of Budget, etc.)

- (1) The Korean Film Council shall obtain approval of the Minister of Culture, Sports and Tourism for the basic direction and scale for the compilation of annual budget, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008>
- (2) The Minister of Culture, Sports and Tourism may request the Korean Film Council to furnish the data necessary for the business plans, budget and the settlement of accounts of the Korean Film Council. <Amended by Act No. 8852, Feb. 29, 2008>



#### Article 19 (Auditor)

- (1) The Korean Film Council shall have one auditor in order to audit matters relating to its business and accounting.
- (2) The Minister of Culture, Sports and Tourism shall, on the recommendation of the chairperson of the Korean Film Council, appoint or dismiss the auditor, and such auditor shall be nonpermanent. (Amended by Act No. 8852, Feb. 29, 2008)
- (3) The term of office of the auditor shall be three years.

#### Article 20 (Secretariat)

- (1) The Korean Film Council shall have a secretariat in order to assist in the handling of the Korean Film Council's affairs.
- (2) The secretariat shall have one secretary-general, and the chairperson of the Korean Film Council shall appoint the secretary-general with the consent of the Korean Film Council.

#### Article 21 (Enactment, Amendment, etc. of Korean Film Council's Rules)

The Korean Film Council shall, when it intends to enact, amend or repeal its rules, make a public notification thereof on the Internet, etc. not less than 20 days in advance, and when it has enacted, amended or repealed its rules, the Korean Film Council shall without delay publish it on the Internet, etc.

#### Article 22 (Assistance by National Treasury)

Expenses necessary to operate the Korean Film Council may be assisted by the National Treasury.

### SECTION 3 Motion Picture Development Fund

#### Article 23 (Establishment, etc. of Fund)

- (1) The Motion Picture Development Fund (hereinafter referred to as the "Fund") shall be established in order to improve motion pictures qualitatively and to promote and develop Korean motion pictures and the film and video product industries.
- (2) The Fund shall be managed and operated by the Korean Film Council under Article 4, and shall be separately administered as an independent account.
- (3) Matters necessary for the management and operation of the Fund shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8280, Jan. 26, 2007]

#### Article 24 (Raising of Fund)

The Fund shall be raised from financial resources falling under each of the following subparagraphs:

1. Contributions from the Government;
2. Contributions from private individuals and legal entities;
3. Charges on movie tickets under Article 25-2;
4. Earnings from the management of the Fund;
5. Other revenues prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8280, Jan. 26, 2007]

#### Article 25 (Use of Fund)

(1) The Fund shall be used for the projects falling under each of the following subparagraphs: (Amended by Act No. 8280, Jan. 26, 2007; Act No. 9096, Jun. 5, 2008)

1. Assistance to the promotion of creation and production of Korean motion pictures;
2. Investment in investment associations specializing in motion pictures;
3. Assistance in the export and international exchange of Korean motion pictures;
4. Assistance in the production of small or short films;
5. Assistance in repairing, maintaining and renovating the facilities of movie theaters;
6. Assistance in the motion picture-related projects of any organizations and civic groups engaged in motion pictures which are recognized by the Korean Film Council;
7. Assistance in the projects related to development of Korean art movies;
8. Assistance in the projects related to promotion of diversification and public interest of movie culture;
- 8-2. Assistance in the projects related to the development of film technology;
9. Assistance in the projects related to the promotion of the video industry;
  1. Assistance in the projects for promoting disabled and other neglected people's right to enjoy movies;
10. Expenses required for raising, operating and managing the Fund;
  1. Other projects for the promotion of the film and video industry to which the Korean Film Council resolves to provide supports as necessary.
  2. an Film Council resolves to provide supports as necessary.

(2) The amount of the Fund spendable for the project under paragraph (1) 12 shall not exceed 15/100 of the annual spending of the Fund. (Amended by Act No. 8280, Jan. 26, 2007)

#### Article 25-2 (Collection of Charges)

- (1) The Korean Film Council may collect charges as prescribed by Presidential Decree within the limit of five percent of each movie ticket value of movie theaters (including non-permanent theaters; the same shall apply hereinafter for the purposes of this Article) for development of Korean films and promotion of movie and video product industries.
- (2) Every business proprietor of movie theater shall receive the charges under paragraph (1) from the audience and pay them to the Korean Film Council.
- (3) Every business proprietor of movie theater shall, whenever paying the charges received in accordance with paragraph (1), submit the materials related to the receipt of such charges, including a copy of the charge receipt ledger, to the Korean Film Council.
- (4) Matters necessary for the collection method of charges, time to pay charges, submission of materials related to the receipt of charges, etc. shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8280, Jan. 26, 2007] <This Article shall be effective until December 31, 2014>

#### Article 25-3 (Evaluation of Performance)

- (1) The Minister of Culture, Sports and Tourism shall measure and evaluate the performance of spending the Fund for the projects under subparagraphs of Article 25 (1), and shall notify the Korean Film Council of the results thereof no later than the end of March next year. <Amended by Act No. 8852, Feb. 29, 2008>
- (2) The Minister of Culture, Sports and Tourism shall establish the target for performance and the guidelines for evaluation subject to the consultation with the Korean Film Council for measuring and evaluating the performance under paragraph (1). <Amended by Act No. 8852, Feb. 29, 2008>
- (3) The Minister of Culture, Sports and Tourism may, if it is deemed as a result of the evaluation of performance under paragraph (1) that there is a matter to be corrected, demand the Korean Film Council to correct such a matter. <Amended by Act No. 8852, Feb. 29, 2008>
- (4) Matters necessary for the method, procedure, etc. for the evaluation of performance shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8280, Jan. 26, 2007]

### SECTION 4 Report, etc. of Motion Picture Enterprisers

#### Article 26 (Report, etc. of Motion Picture Enterprisers)

- (1) A person who intends to become a motion picture enterpriser shall report his/her business to the Governor of a Special Self-Governing Province or the head of a Si / Gun / Gu (the head of a Gu refers to the head of an autonomous Gu; hereinafter referred to as "head of a Si / Gun / Gu"). The same shall also apply to cases where he/she alters the reported matters. <Amended by Act No. 9657, May 8, 2009>

- (2) Matters necessary concerning procedures for the report and altered report under paragraph (1), the delivery and re-delivery of report certificates, etc. shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. (Amended by Act No. 8852, Feb. 29, 2008)

#### Article 27 (Recognition of Jointly Produced Motion Pictures as Korean Motion Pictures)

- (1) A person who makes a jointly produced motion picture may be granted the recognition of the jointly produced motion picture as a Korean motion picture if human or material factors involved in the production of the motion picture or the artistic or technical features of the motion picture meet the standards for recognition as Korean motion picture.
- (2) A person who intends to be granted the recognition as a Korean motion picture under paragraph (1) shall file an application therefor with the Korean Film Council.
- (3) Matters necessary for the procedures and methods of recognition, the standards for recognition as Korean motion pictures, etc. under paragraphs (1) and (2) shall be prescribed by Presidential Decree.
- (4) Where a jointly produced motion picture recognized as Korean motion picture no more meets the standards for recognition as Korean motion pictures after completion of its production, the Korean Film Council may cancel the recognition of such motion picture as Korean motion picture.

#### Article 28 (Supply and Distribution of Motion Pictures)

- (1) When a motion picture enterpriser supplies motion pictures to any other motion picture enterpriser, the former shall supply the latter with such motion pictures at a fair and rational market prices without discrimination.
- (2) The Minister of Culture, Sports and Tourism shall, when he/she makes a judgment that the distribution order of motion pictures is in violation of Article 3-2 (1), 19 (1), 23 (1), 26 (1) or 29 (1) of the Monopoly Regulation and Fair Trade Act, notify the Fair Trade Commission of the fact. (Amended by Act No. 8852, Feb. 29, 2008)
- (3) The Minister of Culture, Sports and Tourism shall endeavor to prevent the author's property rights of a motion picture enterpriser and the rights protected under the Copyright Act from being infringed on in the course of manufacturing, screening and distributing the motion picture. (Newly Inserted by Act No. 10109, Mar. 17, 2010)

### SECTION 5 Film Rating and Restriction on Advertisement and Publicity

#### Article 29 (Film Rating)

- (1)

Motion picture enterprisers shall be granted the rating of motion pictures (including the trailers and advertising films) produced or imported by themselves from the Korea Media Rating Board referred to in Article 71 (hereinafter referred to as the "Korea Media Rating Board") before they are shown: Provided, That the same shall not apply to the motion pictures falling under any one of the following subparagraphs: (Amended by Act No. 8852, Feb. 29, 2008)

1. Small films and short films designed to be shown free of charge to specific people not including juveniles at a specific place;
2. Motion pictures to be shown in the film festivals recommended by the Korean Film Council;
3. Other motion pictures recognized by the Minister of Culture, Sports and Tourism as not needing any rating, such as those shown for the purpose of international cultural exchange.

(2) Rating of motion pictures under the main sentence of paragraph (1) shall be classified as detailed in the following subparagraphs depending on the contents of a motion picture and degree of the presentation of image, etc.: Provided, That motion pictures such as trailers and advertising films that are shown before principal motion pictures are screened shall be rated only when they fall under subparagraph 1: (Amended by Act No. 9657, May 8, 2009)

1. All ages admitted: The motion picture that the people of all ages are permitted to view;
2. Persons aged 12 or older admitted: The motion picture that people aged 12 or more are permitted to view;
3. Persons aged 15 or older admitted: The motion picture that people aged 15 or more are permitted to view;
4. Juveniles not admitted: The motion picture that juveniles are not permitted to view;
5. Restricted: The motion picture that needs to be restricted to a certain extent in its screening, advertising and publicity as it excessively prescribes lewdness, violence, social acts, etc. and thus is likely to markedly hamper universal human dignity and social values, good morals and national sentiment.

<<(This subparagraph for which the decision of unconstitutionality was made by the Constitutional Court of Korea on July 31, 2008 is amended by Act No. 9657 of May 8, 2009.)>>

- (3) No one shall screen the motion pictures that have not been rated, in violation of paragraphs (1) and (2).
- (4) In case of any motion picture that falls under the film rating provided for in paragraph (2) 2 or 3, no one shall admit any person whose age has yet to turn to be permitted to view such motion picture: Provided, That the same shall not apply to a case where such a person is accompanied by his/her parents or other guardians.
- (5) In case of the motion picture falling under the film rating provided for in paragraph (2) 4 or 5, no one shall admit any juvenile to view such motion picture.

- (6) No one shall alter a rating classified under paragraph (1) or show a motion picture by altering its contents differently from the rated ones.
- (7) The detailed classification criteria of ratings under the subparagraphs of paragraph (2) shall be prescribed by Presidential Decree by taking account of the following matters: <Newly Inserted by Act No. 9657, May 8, 2009>
1. Matters concerning maintaining fundamental democratic order and respect for human rights pursuant to the Constitution of the Republic of Korea;
  2. Matters concerning sound domesticity and the protection of children and juveniles;
  3. Matters concerning respect for social ethics;
  4. Matters concerning maintaining the national identity and diplomatic relations;
  5. Matters concerning the violence, lewdness, anti-social acts, etc. of motion pictures in their themes and contents;
  6. Matters concerning universal human dignity and social values, good morals and national sentiment.
- (8) The Korea Media Rating Board shall deliberate on any matter concerning the provision of content information when classifying the rating under paragraph (1). <Newly Inserted by Act No. 9657, May 8, 2009>
- (9) The Korea Media Rating Board shall deliver the following documents to the applicant when it has classified the rating of a motion picture: <Newly Inserted by Act No. 9657, May 8, 2009>
1. A rating classification certificate stating the rating and content information of the motion picture;
  2. Documents stating duties fulfilled according to the rating classification.
- (10) Necessary matters for the procedures and methods of rating classification, procedures and methods of providing the content information, and procedures, etc. of delivering a rating classification certificate under paragraphs (1), (8) and (9) shall be determined by the rules of the Korea Media Rating Board. <Newly Inserted by Act No. 9657, May 8, 2009>

Article 30 Deleted. <by Act No. 9657, May 8, 2009>

#### Article 31 (Re-classification of Film Rating)

- (1) A motion picture enterpriser who is dissatisfied with the rating of his/her motion picture granted under Article 29 may raise an objection to the Korea Media Rating Board to review the rating, specifying the reasons therefor, within 30 days from the day when it has been rated.
- (2) Upon receipt of an objection under paragraph (1), the Korea Media Rating Board shall make the review thereof and if there exist good reasons for such an objection, shall reclassify the rating of the motion picture and then notify the person who has raised such an objection or his/her agent thereof within 15 days after rec

cept of the objection, but if there exist no good reasons for such an objection, shall notify the said person or his/her agent as such.

- (3) Matters necessary for the application procedures for review, the notification, etc. referred to in paragraphs (1) and (2) shall be prescribed by the rules of the Korea Media Rating Board.

#### Article 32 (Restrictions on Distribution, Posting, etc. of Advertising or Publicity Materials)

- (1) A person who intends to distribute or post the advertising or publicity materials related to motion pictures or to present them for public viewing through the information and communications networks shall in advance obtain a verification from the Korea Media Rating Board as to whether they are harmful to juveniles: Provided, That the same shall not apply to the advertising or publicity materials related to any motion pictures that are rated 'restricted'. (Amended by Act No. 9096, Jun. 5, 2008; Act No. 9657, May 8, 2009)
- (2) Advertising or publicity materials verified as harmful to juveniles under paragraph (1) shall not be distributed or posted: Provided, That the distribution or posting of advertising or publicity materials through information and communications networks shall be in accordance with Article 42-2 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.
- (3) Necessary matters concerning procedures and methods for verifying whether to be harmful to juveniles under paragraph (1) shall be prescribed by the rules of the Korea Media Rating Board.

#### Article 33 (Limits on Advertisement and Publicity of Restricted Motion Pictures)

Any person who conducts the advertisement or publicity of any motion picture rated 'restricted' shall put up the advertising or publicity materials concerned on the interior walls of restricted movie theaters. In this case, such materials shall be put up in a manner that they cannot be seen from outside such restricted movie theaters.

### SECTION 6 Korea Film Archive and Preservation of Motion Picture Films, etc.

#### Article 34 (Establishment, etc. of Korea Film Archive)

- (1) The Korea Film Archive shall be established under the Ministry of Culture, Sports and Tourism to collect, preserve and display film materials including motion pictures and video products, documents related thereto, and sound materials, and to facilitate the artistic, historical and educational development of motion pictures and video products. (Amended by Act No. 8852, Feb. 29, 2008)
- (2) The Korea Film Archive shall be a juristic person.
- (3) The Korea Film Archive shall have officers and employees as prescribed by its articles of association.
- (4) The Korea Film Archive shall perform the following projects:

1. The preservation of motion picture films, etc. submitted pursuant to Article 35 and compensation therefor;
  2. The collection of film materials including domestic and foreign motion pictures and video products, documents related thereto, and sound materials;
  3. The preservation and restoration of gathered film materials including motion pictures and video products, documents related thereto, and sound materials;
  4. The utilization and display of film materials including motion pictures and video products, documents related thereto, and sound materials to facilitate the development of the movie culture;
  5. Projects for the informatization of film materials and the utilization of motion picture contents;
  6. Other projects necessary to accomplish the purposes of establishing the Korea Film Archive.
- (5) The provisions of the Civil Act concerning the incorporated foundation shall apply mutatis mutandis to the Korea Film Archive except as otherwise provided for in this Act.
- (6) Expenses necessary to collect, preserve and utilize film materials as provided for in paragraph (4) and to operate the Korea Film Archive may be provided from the National Treasury.

#### Article 35 (Submission of Motion Picture Films, etc.)

- (1) Motion picture makers shall, when they obtain the rating of their motion pictures under Article 29 (1), submit the original films, disks, etc. thereof or the copies and scripts thereof (hereinafter referred to as the "motion picture films, etc.") to the Korea Film Archive under the conditions as prescribed by Presidential Decree.
- (2) Where any person who imports or produces foreign motion pictures or the motion pictures falling under any subparagraph of Article 29 (1) wants to preserve such motion pictures, he/she may submit the motion picture films, etc. to the Korea Film Archive.
- (3) The Korea Film Archive shall, to those who submit the motion picture films, etc. under paragraphs (1) and (2), give fair compensation under the conditions as prescribed by Presidential Decree. In that case, financial resources necessary to compensate for the motion picture films, etc. shall be borne by the National Treasury.

### SECTION 7 Screening of Motion Pictures

#### Article 36 (Registration of Movie Theaters)

- (1) Any person who intends to install and operate a movie theater shall get such movie theater registered with the head of a Si / Gun / Gu having jurisdiction over a place where such movie theater is located after equipping the movie theater with



facilities prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. The same shall also apply to cases where he/she alters registered matters. (Amended by Act No. 8852, Feb. 29, 2008; Act No. 9657, May 8, 2009)

- (2) The Minister of Culture, Sports and Tourism may designate and publish any place or establishment in which the installation of any restricted movie theater is limited, as prescribed by Presidential Decree. (Amended by Act No. 8852, Feb. 29, 2008)
- (3) The procedures for the registration of movie theaters and the alteration of such registration under paragraph (1), the delivery of registration certificates, and other matters necessary for registration shall be prescribed by Presidential Decree.

#### Article 37 (Safety Precautions against Disasters)

- (1) Any person who has gotten his/her movie theater registered to install and operate it under Article 36 (1) (hereinafter referred to as "movie theater operator") shall draw up a plan for the prevention of a fire or other disaster and a safety-precaution plan that includes the duties to be performed by employees working for his/her movie theater, their disposition plan, etc. in the event of any fire or other disaster and report thereon to the head of Si / Gun / Gu having jurisdiction over it. In this case, the head of Si / Gun / Gu shall promptly notify the head of the competent fire station of the plan for countermeasures against disasters as reported. (Amended by Act No. 8280, Jan. 26, 2007)
- (2) Other necessary matters concerning the safety precautions of movie theaters against disasters shall be prescribed by Presidential Decree.

#### Article 38 (Assistance to Exclusive Movie Theaters)

- (1) The Minister of Culture, Sports and Tourism may provide assistance to the movie theaters that screen the motion pictures falling under any one of the following subparagraphs for not less than 60/100 of the annual running days (hereinafter referred to as the "exclusive movie theaters") in order to protect juveniles and proliferate the movie art: (Amended by Act No. 8852, Feb. 29, 2008)
  1. Korean motion pictures;
  2. Animations, small films, short films, or the art films recognized by the Korean Film Council;
  3. Motion pictures that juveniles are permitted to view (referring to any motion pictures that fall under Article 29 (2) 1 through 3).
- (2) Matters necessary for assistance to the exclusive movie theaters shall be prescribed by Presidential Decree.

#### Article 39 (Operation of Integrated Computer Network for Handling Movie Theater Admission Tickets and Duty to Join)

- (1)

The Korean Film Council shall operate an integrated computer network for handling movie theater admission tickets to help the public purchase movie theater admission tickets conveniently by using the computer system and know the attendance of a movie theater and other matters relating to a movie theater in a swift and accurate way. (Amended by Act No. 10109, Mar. 17, 2010)

- (2) Any movie theater operator shall join the integrated computer network for handling movie theater admission tickets operated by the Korean Film Council. (Newly Inserted by Act No. 10109, Mar. 17, 2010)
- (3) Matters necessary for operation and joining of the integrated computer network for handling movie theater admission tickets under paragraphs (1) and (2) shall be prescribed by Presidential Decree. (Amended by Act No. 10109, Mar. 17, 2010)

#### Article 40 (Mandatory Screening of Korean Motion Pictures)

Operators of movie theaters shall screen Korean motion pictures for not less than the annual running days as prescribed by Presidential Decree.

#### Article 41 (Report of Motion Picture Screening)

- (1) When the operator of any movie theater or the person who installs and operates any non-permanent movie theater intends to screen a motion picture (excluding any motion picture provided for in each subparagraph of Article 29 (1); hereafter in this Article the same shall apply) or to change a motion picture on show into another one, he/she shall file a report with the head of Si / Gun / Gu on the matters prescribed by Ordinance of the Ministry of Culture, Sports and Tourism including the title, running period, etc. of such motion picture. The same shall also apply to a case where he/she intends to suspend or resume the screening of the relevant motion picture or to reduce or extend the running period of the motion picture. (Amended by Act No. 8852, Feb. 29, 2008)
- (2) Notwithstanding the paragraph (1), the manager of a film theater who has joined the integrated computer network for handling movie theater admission tickets operated by the Korean Film Council under Article 39 is exempted from filing a report under paragraph (1). In such cases, the Korean Film Council shall notify the head of the relevant Si / Gun / Gu of the matters reported under paragraph (1). (Amended by Act No. 10109, Mar. 17, 2010)
- (3) Necessary matters concerning the procedures and methods for report or notification under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. (Amended by Act No. 8852, Feb. 29, 2008)

#### Article 42 (Restrictions on Motion Picture Screening)

The head of Si / Gun / Gu shall prohibit or suspend the screening of the motion pictures falling under any one of the following subparagraphs:

1. Motion pictures not rated for showing, in violation of Article 29 (1) and (2);
2. Motion pictures rated for showing by any false or other unjust means;

3. Motion pictures shown by altering or violating their rating;
4. Motion pictures shown by altering their contents differently from the rated ones;
5. Other motion pictures not reported, in violation of Article 41 .

#### Article 43 (Limits on Screening and Distribution of Restricted Motion Pictures)

- (1) No one shall screen any restricted motion picture in a place or establishment that is not a restricted movie theater.
- (2) No one shall make any motion picture that is the same as any restricted motion picture into any other visual product, including a video product, etc. or screen, sell, transmit or rent such produced visual product or offer it for the purpose of viewing.
- (3) Every restricted movie theater shall be prohibited from screening the motion pictures specified in Article 29 (2) 1 through 4.

#### Article 44 (Qualified Projectionists)

The operators of movie theaters shall get any projectionists who have obtained the national technical qualifications for motion picture projection under the conditions as prescribed by Presidential Decree to screen the relevant motion pictures: Provided, That the same shall not apply to the motion pictures, including small films, prescribed by Presidential Decree.

#### Article 45 (Suspension of Business and Cancellation of Registration against Movie Theaters)

- (1) The head of Si / Gun / Gu may, in case that the operator of a movie theater falls under any one of the following subparagraphs, suspend his/ her business for a fixed period of not more than 3 months or cancel the registration of the movie theater, as prescribed by Presidential Decree: Provided, That in the cases of falling under subparagraph 1 or 8, the registration shall be cancelled:
  1. Where he/she has got the movie theater registered in any false or other unjust manner;
  2. Where he/she has violated the provisions of Article 29 (3) through (6);
  3. Where he/she has put up the advertising or publicity materials, or put them up in such a manner as to be seen from outside the restricted movie theater, in violation of Article 33;
  4. Where he/she has failed to meet the standards for facilities referred to in Article 36 (1);
  5. Where he/she has failed to screen Korean motion pictures for not less than the annual running days provided for in Article 40;
  6. Where he/she has failed to comply with the order to prohibit or suspend the screening of motion pictures under Article 42;
  - 7.

Where he/she has been subjected to the business suspension on at least three occasions a year;

8. Where he/she has run the business during the period of the business suspension.
  - (2) Where the head of Si / Gun / Gu intends to cancel the registration in accordance with paragraph (1), he/she shall hold a hearing thereon.
  - (3) The operator of a restricted movie theater whose registration is cancelled under paragraph (1) shall be prohibited from getting his/her restricted movie theater registered at the same place within three years from the date of cancellation of his/her registration.

#### Article 46 (Succession of Business, etc.)

- (1) When the operator of any movie theater transfers his/her business or dies or a corporation merger involving such movie theater takes place, the transferee thereof, the successor thereof, a surviving corporation in the wake of the merger or a corporation incorporated by the merger shall succeed to the status of the operator of such movie theater.
- (2) A person who acquires any movie theater by auction under the Civil Execution Act, by the realization of properties under the Debtor Rehabilitation and Bankruptcy Act, by sales of properties attached under the National Tax Collection Act, the Customs Act, or the Framework Act on Local Taxes, or by any other similar procedures, shall succeed to the status of the operator of such business. (Amended by Act No. 10219, Mar. 31, 2010)
- (3) In case where the status of the operator of any movie theater is succeeded to pursuant to paragraph (1), the effect of an administrative sanction that was imposed on the previous operator of such movie theater for a violation of Article 45 shall continue in force with the transferee, the successor, or the newly established or surviving corporation after merger for a year following the date on which the aforementioned sanction is taken; and, in case procedures for an administrative sanction are under way, such procedures may be proceeded with against the transferee, the successor, or the newly established or surviving corporation after merger: Provided, That the same shall not apply if the transferee, the successor, or the newly established or surviving corporation after merger was unaware of the disposition of such a sanction or the fact of such a violation at the time of acquisition of the business or the merger.
- (4) Any person who has succeeded to the status of the operator of business under paragraph (1) or (2) shall report thereon to the head of Si / Gun / Gu concerned.

#### Article 47 (Support for Overseeing Activities by Civic Groups, etc.)

- (1) The Korean Film Council may provide necessary supports to civic groups, etc. which carry out the overseeing activities to protect the right and interest of moviegoers in connection with the screening of motion pictures, the operation of exclusive movie theaters, etc.
- (2)

Matters necessary for the supports, etc. under paragraph (1) shall be determined by the rules of the Korean Film Council.

## CHAPTER III VIDEO PRODUCTS

### SECTION 1 Promotion of Video Industry

#### Article 48 (Framing and Execution of Policies for Promotion of Video Industry)

- (1) The Minister of Culture, Sports and Tourism shall frame and carry out such policies as may be necessary for the promotion of the video industry (hereinafter referred to as "policies for promotion"). (Amended by Act No. 8852, Feb. 29, 2008)
- (2) The policies for promotion shall include the matters set forth in the following subparagraphs with respect to video products:
  1. The basic direction of the policies for promotion;
  2. Vitalization of creative activities;
  3. Promotion of export and creation of employment for the related industries;
  4. Development of technologies with respect to video products and improvement of levels thereof;
  5. Expansion of distribution facilities, specialization of distribution enterprises, and improvement of distribution structure;
  6. Acquisition and operation of financial resources for the promotion of the video industry;
  7. Training of experts;
  8. Construction of infrastructure for video products-related industries and the creation and operation of the relevant industrial clusters;
  9. Regulation and control of any video products that are manufactured, imported, distributed, sold, rented, or offered for viewing in violation of this Act (hereinafter referred to as "illegal video products");
  10. Assistance to nonprofit private organizations under Article 2 of the Assistance for Nonprofit Non-Governmental Organizations Act (hereinafter referred to as "nonprofit private organizations") that carry out voluntary overseeing activities to monitor illegal video products;
  11. Other matters relating to the development of the video industry.

#### Article 49 (Establishment and Operation of Video Industry Promotion Committee)

- (1) The Video Industry Promotion Committee shall be established in the Korean Film Council in order to carry out policies for promotion of the video industry in an efficient manner.
- (2) The Video Industry Promotion Committee shall consist of not more than seven members including its chairperson.

- (3) The chairperson of the Video Industry Promotion Committee shall be elected by mutual vote among its members, and the members of the Video Industry Promotion Committee shall be commissioned by the chairperson of the Korean Film Council from among the members of the Korean Film Council and the persons with ample expertise and experiences in the field of the video industry.
- (4) Such matters as may be necessary for the composition, operation, etc. of the Video Industry Promotion Committee under paragraph (1) shall be determined by the rules of the Korean Film Council.

## SECTION 2 Classification

### Article 50 (Classification)

- (1) A person who manufactures or distributes (including importing; hereinafter the same shall apply) video products shall have their contents classified by the Korea Media Rating Board before they are offered: Provided, That the same shall not apply in the case of video products falling under any one of the following subparagraphs: (Amended by Act No. 8852, Feb. 29, 2008)
  1. Video products offered free of charge for viewing by specified persons not including juveniles at a specified place;
  2. Video products offered free of charge for public viewing through information and communications networks;
  3. Video products offered for viewing at any visual representations contest or exhibition, etc. that is recommended by the Minister of Culture, Sports and Tourism or the head of a central administrative agency concerned;
  4. Video products of the same contents as the motion pictures the rating of which has already been granted (excluding any restricted motion pictures). In this case, the rating of the motion pictures shall be deemed to be that of the video products;
  5. Video products not required to be classified in the light of their producers, types of distribution, etc., as determined by Presidential Decree.
- (2) Any person who applies for the classification of video products in accordance with paragraph (1) shall file such application for the classification, accompanied by documents attesting his/her justifiable right to produce or distribute such video products.
- (3) The rating of video products under paragraph (1) shall be as follows, depending on the contents of a video product and degree of the presentation of image, words, etc.: (Amended by Act No. 9657, May 8, 2009)
  1. Suitable for all ages: The video product that the people of all ages are permitted to view;
  2. Suitable for persons aged 12 or older: The video product that people aged 12 or more are permitted to view;
  3. Suitable for persons aged 15 or older: The video product that people aged 15 or more are permitted to view;

4. Unsuitable for juveniles: The video product that juveniles are not permitted to view;
  5. Restricted: The video product that needs to be restricted to a certain extent in offering for its viewing, distribution, etc. as it excessively prescribes lewdness, violence, social acts, etc., and thus is likely to markedly hamper universal human dignity and social values, good morals and national sentiment.
- (4) Deleted. (by Act No. 9657, May 8, 2009)
- (5) Detailed classification criteria concerning the ratings under the subparagraphs of paragraph (3) shall be prescribed by Presidential Decree by taking the matters under the subparagraphs of Article 29 (7) into account. (Amended by Act No. 9657, May 8, 2009)
- (6) The Korea Media Rating Board shall deliver the following documents to the applicant when it has determined the rating of a video product: (Amended by Act No. 9657, May 8, 2009)
1. A rating classification certificate stating the rating and content information of the video product;
  2. Documents stating duties fulfilled according to the rating classification.
- (7) Necessary matters for the procedures and methods of rating classification, and procedures, etc. of delivering a rating classification certificate under paragraphs (1), (2) and (6) shall be determined by the rules of the Korea Media Rating Board. (Newly Inserted by Act No. 9657, May 8, 2009)

#### Article 51 (Confirmation of Reproduction, etc.)

- (1) Any person who intends to reproduce video products the rating of which has already been granted into any other video products whose contents are identical to those of the said video products or to distribute such reproduced video products (hereafter in this Article referred to as the "producer, etc.") shall file an application, accompanied by documents attesting his/her justifiable right to reproduce or distribute such video products, with the Korea Media Rating Board for the confirmation as to whether the contents of the reproduced video products are identical to those of the original video products: Provided, That the same shall not apply to a case where the producer, etc. obtains confirmation from the Korea Media Rating Board that he/she holds the right to reproduce video products the rating of which has already been granted into any other video products whose contents are identical to those of the said video products or to distribute such reproduced video products when he/she files an application for their classification under Article 50 (1).
- (2) The Korea Media Rating Board shall, when it confirms that the producer, etc. is the justifiable right holder and the contents of the reproduced video products are identical to those of the original video products pursuant to paragraph (1), deliver the certificate of completion of confirmation to the producer, etc.
- (3) Necessary matters concerning procedures for the confirmation, the issuance and re-issuance of the certificate of completion of confirmation, etc. under paragraph

aphs (1) and (2) shall be prescribed by the rules of the Korea Media Rating Board.

#### Article 52 (Revocation of Classification, etc.)

- (1) In the event that the classification under Article 50 (1) or the confirmation under Article 51 (1) has been obtained by any false or other unjust means or by a person who holds no justifiable right to do so, the Korea Media Rating Board shall revoke the relevant classification or confirmation.
- (2) Where the Korea Media Rating Board has revoked the classification or confirmation under paragraph (1), the person who is subjected to the disposition of revocation shall return to the Korea Media Rating Board the certificate of completion of classification under Article 50 (5) or the certificate of completion of confirmation under Article 51 (2) within seven days from the date when he/she is notified of such disposition.

#### Article 53 (Prohibition of Sales, etc. of Illegal Video Products)

- (1) No person shall manufacture, supply, sell, rent (hereinafter referred to as "distribution"), offer to the public for viewing, display, or keep the video products falling under any one of the following subparagraphs:
  1. The video products that have failed to be classified, in violation of Article 50 (1);
  2. The video products that have been reproduced or distributed without obtaining confirmation, in violation of Article 51 (1);
  3. The video products for which the classification or confirmation has been revoked pursuant to Article 52 (1);
  4. The video products that have been manufactured, imported or distributed by the person who has failed to file a report thereon, in violation of Article 57 (1);
  5. The video products the contents of which have been altered differently from the rated ones or the rating of which has been altered.
- (2) No person shall offer the public the classified video products for the purpose of their viewing in violation of the rated category as prescribed in Article 50 (3).
- (3) The certificate of completion of classification and the certificate of completion of confirmation issued under Articles 50 (5) and 51 (2) shall not be sold and purchased or presented as a gift except where it is done as such through a succession to business under Article 63.

#### Article 53-2 (Restrictions on Offering for Viewing and Distribution of Video Products with Restricted Rating)

- (1) No person may offer a video product with restricted rating for viewing at a place or facilities, other than a video-viewing mini-theater for video products with restricted rating.
- (2) No person may distribute a video product with restricted rating.



- (3) No video-viewing mini-theater for video products with restricted rating may offer a video product under the provisions of Article 50 (3) 1 through 4 to the general public for their viewing.

[This Article Newly Inserted by Act No. 9657, May 8, 2009]

#### Article 54 (Re-classification, etc.)

- (1) Any person who is dissatisfied with a decision on the classification or the deferment of classification under Article 50 may raise an objection to the Korea Media Rating Board to review the classification, specifying the reasons therefor, within 30 days after he/she is notified of the decision.
- (2) Upon receipt of an objection under paragraph (1), the Korea Media Rating Board shall make the review thereof and if there exist good reasons for such an objection, shall reclassify the video products in question or revoke the decision on the deferment of classification and then notify the person who has raised such an objection or his/her agent thereof within 15 days after receipt of the objection, but if there exist no good reasons for such an objection, shall notify the said person or his/her agent as such.
- (3) Necessary matters for the procedures and methods of application, the notification, etc. referred to in paragraphs (1) and (2) shall be determined by the rules of the Korea Media Rating Board.

#### Article 55 (Notification of Classification, etc.)

When the Korea Media Rating Board has made a decision falling under any one of the following subparagraphs, it shall give a written notice of the decision to the heads of the administrative agencies prescribed by Presidential Decree that are vested with the authority of guidance and control over video products and to the video product organization under Article 87 (hereinafter referred to as the "video product organization"), and also publicly announce it through an information communications network:  
(Amended by Act No. 9657, May 8, 2009)

1. Decision on the classification under Article 50 (1) and (3);
2. Decision on an application for objection under Article 54.

#### Article 56 (Request for Submission of Materials)

The Korea Media Rating Board may, if necessary for carrying out the business affairs as prescribed in Articles 50 and 54, request persons who applies for classification, etc. to submit necessary materials related to the examination of such classification.

### SECTION 3 Report, Registration and Operation of Business

#### Article 57 (Report on Video Product Manufacturing Business, etc.)

- (1) A person who intends to carry on a video product manufacturing business or a video product distributing business shall report thereon to the head of a Si / Gun /

Gu: Provided, That in cases falling under any one of the following subparagraphs, such business may be operated without filing a report thereon: (Amended by Act No. 9657, May 8, 2009)

1. Where such video products are manufactured by the State or local governments;
  2. Where such video products are manufactured by educational or training institutions established by Acts and subordinate statutes in order to be used for their internal education or training;
  3. Where such video products are manufactured by broadcasting business operators under the Broadcasting Act in order to be used for the broadcast purpose;
  4. Where such video products are manufactured by public institutions under the Act on the Management of Public Institutions in order to be used for the publicity of their business;
  5. Where such video products are manufactured for the purpose of preserving ceremonial occasions or religious rituals in memory: Provided, That the same shall not include the cases of distributing or offering them to the public for the purpose of their viewing;
  6. Where such video products are manufactured and distributed for the purpose of offering them to the public for their viewing only through information and communications networks;
  7. Where such video products are manufactured for any other purposes than to distribute or offer them to many and unspecified persons for the purpose of their viewing;
  8. Where the video products falling under any subparagraph of Article 50 (1) are manufactured.
- (2) Necessary matters pertaining to the procedures, methods, etc. of the reports as prescribed in paragraph (1) shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism. (Amended by Act No. 8852, Feb. 29, 2008)

#### Article 58 (Registration of Video Service Providing Business, etc.)

- (1) A person who desires to carry on a video service providing business shall register his/her business with the head of Si / Gun / Gu after being equipped with such facilities and apparatuses as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism: Provided, That in cases falling under any one of the following subparagraphs, such registration shall not be required: (Amended by Act No. 8852, Feb. 29, 2008)
1. Where such business falls under an Internet computer game facility providing business under the Game Industry Promotion Act;
  2. Where such business is engaged in offering video products to the public for their viewing only through information and communications networks.
- (2) The Minister of Culture, Sports and Tourism may, as prescribed by Presidential Decree, designate and publicly announce areas or facilities in which a video-viewing

wing mini-theater for video products with restricted rating may not be established. (Newly Inserted by Act No. 9657, May 8, 2009)

- (3) Necessary matters for the procedures, methods, etc. of registration as referred to in paragraph (1) shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism. (Amended by Act No. 8852, Feb. 29, 2008)

#### Article 59 (Restriction on Business)

Where any person who intends to file a report or registration under Article 57 or 58 falls under any one of the following subparagraphs, he/she may not report or register his/her business under Article 57 or 58:

1. Where a person (including, in the case of a corporation, its representative or officers), for whom a year has not passed yet since he/she was subjected to an order given to close his/her business or a disposition to revoke its registration, or for whom the term of business suspension has not expired yet since he/she was subjected to the disposition of business suspension, under Article 67 (1) or (2), intends to operate the same type of business again;
2. Where a person for whom a year has not passed yet since he/she was subjected to an order given to close his/her business or a disposition to revoke its registration, or for whom the term of business suspension has not expired yet since he/she was subjected to the disposition of business suspension, under Article 67 (1) or (2), intends to operate the same type of business at the same place (excluding a video product manufacturing business).

#### Article 60 (Issuance of Certificate of Report or Registration)

When the head of a Si / Gun / Gu has received a report or effected a registration under Article 57 or 58, he/she shall issue a certificate of report or a certificate of registration to the applicant, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. (Amended by Act No. 8852, Feb. 29, 2008; Act No. 9657, May 8, 2009)

#### Article 61 (Alterations of Reported or Registered Matters)

- (1) In case a person who has made a report or a registration under Article 57 or 58 intends to alter such material matters as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, he/she shall make the report or registration of alterations to the Mayor/Do Governor or the head of Si / Gun / Gu. (Amended by Act No. 8852, Feb. 29, 2008; Act No. 9657, May 8, 2009)
- (2) When the report or registration of alterations has been made pursuant to paragraph (1), the head of a Si / Gun / Gu shall renew the certificate of report or the certificate of registration accordingly and issue it, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. (Amended by Act No. 8852, Feb. 29, 2008; Act No. 9657, May 8, 2009)
- (3) Necessary matters for the procedures and methods of the report or registration of alterations, the renewal of the certificates of report or the certificates of registration, etc. as referred to in paragraphs (1) and (2) shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism.

ance of the Ministry of Culture, Sports and Tourism. (Amended by Act No. 8852, Feb. 29, 2008)

#### Article 62 (Matters to be Observed by Video Service Providing Business Operator)

A person who carries on a video service providing business shall observe the matters set forth in the following subparagraphs: (Amended by Act No. 8852, Feb. 29, 2008; Act No. 9657, May 8, 2009)

1. To take measures for the prevention of fires or accidents within the place of business;
2. In the case of the business of running a video-viewing mini-theater, to admit juveniles thereinto only during the admission hours specified by Presidential Decree: Provided, That the same shall not apply in case where a juvenile is accompanied by his/her parent or other guardian or carries a written consent to admission given by his/her parent or other guardian, or in such other cases as determined by Presidential Decree;
3. In the case of the business of running a video-viewing establishment, not to do an act set forth in the following items:
  - (a) An act of selling or offering alcohol;
  - (b) An act of employing a service man or woman or assisting any other person to employ him/her;
  - (c) Deleted; (by Act No. 9657, May 8, 2009)
4. In the case of the business of running a video-viewing establishment and a video-viewing mini-theater for video products with restricted rating, to prohibit juveniles from admitting thereinto after confirming their age;
5. To post the certificate of registration within the place of business, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

#### Article 63 (Succession of Business)

- (1) When a business operator who has made a report or a registration under Article 57 or 58 transfers his/her business or dies or a corporation merger involving such business takes place, the transferee thereof, the successor thereof, a surviving corporation in the wake of the merger or a corporation incorporated by the merger shall succeed to the status of such business operator.
- (2) When a person whose business was closed by filing the report of business closure or whose registration was cancelled under Article 64 makes a report or registration of the same type of business again at the same place within one year, he/she shall succeed to the status of business operator whom he/she had been held at the time of filing the report of business closure.
- (3) A person who acquires in whole the business facilities and apparatuses involving video products (referring to the major facilities and apparatuses determined by Presidential Decree) by auction under the Civil Execution Act, by the realization of properties under the Debtor Rehabilitation and Bankruptcy Act, by sales of

properties attached under the National Tax Collection Act, the Customs Act, or the Framework Act on Local Taxes, or by any other similar procedures, shall succeed to the status of the operator of such business. (Amended by Act No. 10219, Mar. 31, 2010)

- (4) Any person who has succeeded to the status of business operator under paragraph (1) or (3) shall report thereon to the head of a relevant Si / Gun / Gu. (Amended by Act No. 9657, May 8, 2009)

#### Article 64 (Business Closure and Ex Officio Cancellation)

- (1) When a business operator who has made a report or a registration under Article 57 or 58 ceases the operation of business, he/she shall make a report on the closure of business to the head of a relevant Si / Gun / Gu within seven days following the date of the cessation of his/her business, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. (Amended by Act No. 8852, Feb. 29, 2008; Act No. 9657, May 8, 2009)
- (2) In the event that a business operator fails to make a report on the closure of business as required under paragraph (1), the head of a relevant Si / Gun / Gu may ex officio cancel the matters of his/her report or registration after confirming the fact of his/her business closure, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. (Amended by Act No. 8852, Feb. 29, 2008; Act No. 9657, May 8, 2009)

### SECTION 4 Indication on and Advertisement of Video Products

#### Article 65 (Obligation of Indication)

- (1) A person who manufactures, imports, or reproduces video products on a commercial basis shall indicate the trade name of the manufacturer, importer or reproducer (referring to a trade name of a publishing company in the case of video products attached to publications), the rating classified under Article 50 (1), content information, and other matters determined by Ordinance of the Ministry of Culture, Sports and Tourism, on each of the video products concerned. (Amended by Act No. 8852, Feb. 29, 2008; Act No. 9657, May 8, 2009)
- (2) Necessary matters pertaining to the methods of indicating the rating and content information under paragraph (1) shall be prescribed by Presidential Decree. (Amended by Act No. 9657, May 8, 2009)

#### Article 66 (Restrictions, etc. on Advertisement and Publicity)

- (1) A person who intends to distribute or post the advertising or publicity materials related to video products (excluding the video products referred to in Article 50 (3) 1 through 3) or to offer them for public viewing through the information and communications networks shall obtain a verification from the Korea Media Rating Board as to whether they are harmful to juveniles: Provided, That the same shall

all not apply to the advertising or publicity materials of a video product with restricted rating. (Amended by Act No. 9657, May 8, 2009)

- (2) Advertising or publicity materials verified as harmful to juveniles under paragraph (1) shall not be distributed or posted.
- (3) Notwithstanding the provisions of paragraph (2), any advertising or publicity materials through information and communications networks may be offered to the general public excluding juveniles for the purpose of their viewing in accordance with Article 42-2 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.: Provided, That the same shall not apply in case where the contents of such advertising or publicity materials are verified by the Korea Media Rating Board as falling under any subparagraph of Article 50 (3) 5. (Amended by Act No. 9657, May 8, 2009)
- (4) No person shall distribute or post advertising and publicity materials showing any contents or rating that differs from the original contents or rating of a classified video product.
- (5) A person who advertises or publicizes a video product with restricted rating shall post such advertising or publicity materials in a video-viewing mini-theater for video products with restricted rating. In such cases, the relevant materials posted shall not be visible from outside a video-viewing mini-theater for video products with restricted rating. (Newly Inserted by Act No. 9657, May 8, 2009)
- (6) Necessary matters concerning procedures for verification as to whether to be harmful to juveniles under paragraph (1) shall be prescribed by the rules of the Korea Media Rating Board.

## SECTION 5 Revocation of Registration and Other Administrative Measures

### Article 67 (Administrative Disposition, etc.)

- (1) In case where any person who has filed a report on a video products manufacturing business or a video products distributing business falls under any of the following subparagraphs, the head of a Si / Gun / Gu may order the suspension of the business for a fixed period not exceeding six months or the closure of the business: Provided, That in cases falling under subparagraph 1 or 4, he/she shall order the closure of the business: (Amended by Act No. 9657, May 8, 2009)
  1. Where he/she has filed the report by false or other unjust means;
  2. Where he/she has violated the provisions of Article 53 (1);
  3. Where he/she has failed to file a report of alteration as prescribed in Article 61 (1);
  4. Where he/she has continued to run his/her business in violation of the order given to suspend his/her business.
- (2) In case any person who carries on a video service providing business falls under any one of the following subparagraphs, the head of Si / Gun / Gu may order the suspension of the business for a fixed period not exceeding six months or revoke

the registration: Provided, That in cases falling under subparagraph 1 or 7, he/s he shall revoke the registration: (Amended by Act No. 9657, May 8, 2009)

1. Where he/she has filed the registration by false or other unjust means;
  2. Where he/she has violated the provisions of Article 53 (1) or (2);
  3. Where he/she has failed to meet the standards for facilities as referred to in Article 58 (1);
  4. Where he/she has failed to make the registration of alterations as referred to in Article 61 (1);
  5. Where he/she has failed to abide by the matters to be observed as referred to in Article 62;
  6. Where he/she conducts sexual traffic, etc., or arranges or provides sexual traffic, etc., referred to in Article 2 (1) of the Act on the Punishment of Acts of Arranging Sexual Traffic;
  7. Where he/she has continued to run his/her business in violation of the order given to suspend his/her business.
- (3) The head of a Si / Gun / Gu shall, when he/she intends to order the closure of the business or revoke the registration in accordance with paragraphs (1) and (2), hold a hearing thereon. (Amended by Act No. 9657, May 8, 2009)
- (4) A person who has been subjected to an order given to close the business or a disposition to revoke the registration under paragraph (1) or (2) shall return the certificate of report or the certificate of registration within 7 days after receipt of the notice of such a disposition.
- (5) The detailed standards for administrative dispositions under paragraphs (1) and (2) shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism, according to the types, degrees, etc. of violations. (Amended by Act No. 8852, Feb. 29, 2008)

#### Article 68 (Imposition of Penalty Surcharge)

- (1) In case the head of Si / Gun / Gu is to take a disposition to suspend the business of a video service providing business operator because he/she falls under any one of the following subparagraphs, he/she may, under the conditions as prescribed by Presidential Decree, impose on him/her a penalty surcharge not exceeding 30 million won in lieu of the disposition to suspend the business:
1. Where he/she has failed to meet the standards for facilities as referred to in Article 58 (1);
  2. Where he/she has violated the matters to be observed in accordance with subparagraph 2, 4 or 5 of Article 62.
- (2) In case a person who is obligated to pay the penalty surcharge as prescribed in paragraph (1) fails to pay it within the time limit for payment, the head of Si / Gun / Gu shall collect it by referring to the practices of dispositions on default of local taxes.

- (3) The sum of money that is collected as penalty surcharge pursuant to paragraphs (1) and (2) shall be spent for the following purposes:
1. The manufacturing and distribution of wholesome video products; and
  2. The improvement of harmful environment proper to video products.
- (4) Necessary matters pertaining to the sum of penalty surcharge set according to types, degrees, etc. of violations liable to penalty surcharge under paragraph (1), the operational plan for penalty surcharge under paragraph (3), etc. shall be determined by Presidential Decree.

#### Article 69 (Succession to Effect of Administrative Sanction Disposition)

- (1) In case the status of any business operator is succeeded to pursuant to Article 63 (1), the effect of an administrative sanction disposition that was imposed on the previous business operator for a violation of any subparagraph of Article 67 (1) or (2) shall continue in force with the transferee, the successor, or the newly established or surviving corporation after merger for a year following the date on which the aforementioned disposition is taken; and, in case procedures for an administrative sanction disposition are under way, such procedures may be proceeded with against the transferee, the successor, or the newly established or surviving corporation after merger: Provided, That the same shall not apply if the transferee, the successor, or the newly established or surviving corporation after merger was unaware of the fact of such a disposition or violation at the time of acquisition of the business or the merger.
- (2) In case the status of any business operator is succeeded to pursuant to Article 63 (2), the effect of an administrative sanction disposition that was imposed for a violation of any subparagraph of Article 67 (1) or (2) before the report of business closure is filed shall continue in force with the person who succeeds to the status of the business operator for a year following the date on which the aforementioned disposition expires; and, in case procedures for an administrative sanction disposition are under way, such procedures may be proceeded with against the person who succeeds to the status of the business operator.

#### Article 70 (Closure and Removal)

- (1) When any person operates a business without a report or registration under Articles 57 and 58, or when any person continues a business after he/she was ordered to close the business or subjected to a disposition taken to revoke the registration in accordance with Article 67 (1) or (2), the head of a Si / Gun / Gu may direct the relevant public officials to take such actions as set forth in the following subparagraphs in order to close the relevant place of business: (Amended by Act No. 9657, May 8, 2009)
1. To eliminate signboards or any other signs of business on the business or the place of business;
  2. To post a notice informing that the business or the business place is unlawful;
  - 3.



To affix seals to such apparatuses or facilities as may be necessary for operation of the business in order to prevent them from being used.

- (2) As respects the actions under paragraph (1), the video product business operator or concerned or his/her agent shall in advance be notified thereof in writing: Provided, That this shall not apply if an urgent action is required for the safety and welfare of the general public. <Amended by Act No. 9004, Mar. 28, 2008>
- (3) When any video products falling under any subparagraph of Article 53 (1) are found, the Minister of Culture, Sports and Tourism, the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor and a Special Self-Governing Province Governor (hereinafter referred to as the "Mayor/Do Governor"), or the head of a Si / Gun / Gu may direct the relevant public officials to remove and destroy them. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9657, May 8, 2009 >
- (4) When a relevant public official has removed the video products concerned pursuant to paragraph (3), he/she shall issue a certificate of removal to their owner or possessor: Provided, That the same shall not apply in case where he/she refused to receive it.
- (5) The Minister of Culture, Sports and Tourism, the Mayor/Do Governor, or the head of Si / Gun / Gu may, if necessary, request the video product organization to cooperate with the relevant public officials in performing the duties of removal and destruction pursuant to paragraph (3). <Amended by Act No. 8852, Feb. 29, 2008>
- (6) The relevant public officials and the officers and staff members of the video product organization, who take such actions as to post a notice, to affix seals, and to carry out removal and destruction pursuant to paragraphs (1) and (3), shall carry a certificate verifying their authority and produce it to the interested persons.

## CHAPTER IV KOREA MEDIA RATING BOARD

### Article 71 (Korea Media Rating Board)

The Korea Media Rating Board shall be established to secure the ethical and public responsibilities of motion pictures, video products, and other materials for their advertisement and publicity (hereinafter referred to as "visual representations, etc.") and to thereby protect juveniles.

### Article 72 (Functions)

The Korea Media Rating Board shall deliberate and decide upon matters set forth in the following subparagraphs: <Amended by Act No. 9657, May 8, 2009>

1. Matters concerning the classification, content information of visual representations, etc. and ascertainment as to whether they are harmful to juveniles;
- 2.

- Matters concerning the research into the actual conditions of the manufacturing, distribution, and offering of visual representations, etc. for viewing, and concerning other control thereof;
3. Matters concerning the establishment, amendment and repeal of the rules of the Korea Media Rating Board;
  4. Matters concerning the application for challenge of members under Article 74 (2);
  5. Matters concerning the research, study, international cooperation, and education and public relations for the purpose of securing the objectivity of the classification of visual representations, etc.;
  6. Such other matters as determined or entrusted by this Act or other Acts and subordinate statutes as the duties or authority of the Korea Media Rating Board.

#### Article 73 (Formation)

- (1) The Korea Media Rating Board shall consist of not more than 9 members including a chairperson and a vice chairperson.
- (2) The members of the Korea Media Rating Board shall, on the recommendation of the president of the National Academy of Arts of the Republic of Korea under the National Academy of Arts of the Republic of Korea Act, be commissioned by the Minister of Culture, Sports and Tourism from among those who are engaged in the areas of culture and art, visual representations, etc., juvenile affairs, law, education, and journalism or in nonprofit private organizations, etc. and have expertise and experience in their respective areas. (Amended by Act No. 9657, May 8, 2009)
- (3) The formation of the Korea Media Rating Board shall be based on a balanced arrangement in the gender and age of its members, and detailed matters concerning the appointment standards of its members shall be prescribed by Presidential Decree. (Amended by Act No. 9657, May 8, 2009)
- (4) Other necessary matters concerning the formation and operation of the Korea Media Rating Board shall be determined by the rules of the Korea Media Rating Board. (Newly Inserted by Act No. 9657, May 8, 2009)

#### Article 74 (Exclusion, Challenge, and Refrainment of Members)

- (1) With respect to any case falling under any one of the following subparagraphs, the relevant member of the Korea Media Rating Board shall be excluded from the deliberation or resolution thereof:
  1. Where the member or his/her spouse or ex-spouse has made an application under this Act to the Korea Media Rating Board, such as an application for film rating under Article 29 (1) or an application for the classification of video products Article 50 (1) (hereafter in this Article referred to as the "application");
  2. Where a person who has any right or liability held jointly with the member or his/her spouse or ex-spouse has made the application;

3. Where a person who is or was in a family relationship with the member has made the application.
  - (2) Any person who has made the application may, where there exists a good reason why it appears to him/her to be difficult to expect a fair resolution from a member, file an application for the challenge of the member, with a written explanation of such fact.
  - (3) If a member falls under any such cause as provided for in any subparagraph of paragraph (1) or paragraph (2), he/she may voluntarily refrain from the deliberation and resolution of the case concerned.
  - (4) Necessary matters concerning the exclusion, challenge and refrainment of members referred to in paragraphs (1) through (3) shall be determined by the rules of the Korea Media Rating Board.

#### Article 75 (Chairperson, etc.)

- (1) The chairperson and the vice chairperson of the Korea Media Rating Board shall be elected by mutual vote among the members of the Korea Media Rating Board.
- (2) The chairperson of the Korea Media Rating Board shall represent the Korea Media Rating Board and have overall control over the affairs of the Korea Media Rating Board.
- (3) In case the chairperson of the Korea Media Rating Board is unable to perform his/her duties for an inevitable reason, the vice chairperson shall act for him/her and, in case both the chairperson and the vice chairperson are unable to perform their duties, members of the Korea Media Rating Board in precedence of age shall act for them.
- (4) The members of the Korea Media Rating Board except the chairperson shall be non-standing.

#### Article 76 (Terms of Office of Members)

- (1) The terms of office of the members of the Korea Media Rating Board including its chairperson and vice chairperson shall be three years, respectively.
- (2) In case the office of any member of the Korea Media Rating Board is vacant, the supplementary member shall be commissioned pursuant to the procedures referred to in Article 73, and the term of office of the supplementary member shall be the remaining period of the term of office of his/her predecessor.
- (3) The members of the Korea Media Rating Board including its chairperson and vice chairperson, whose terms of office have expired under paragraph (1) but successors are not yet appointed, shall continue to perform their duties until their successors are appointed.

#### Article 77 (Quorum)

Decisions of the Korea Media Rating Board shall require the attendance of a majority of the total members and the concurrent vote of a majority of the members present: Provided, That any decision on the matter as prescribed in subparagraph 3 of Article 72 shall require the concurrent vote of a majority of the total members.

#### Article 78 (Opening of Sessions to Public)

- (1) Sessions of the Korea Media Rating Board shall be open to the public under the conditions as prescribed by the rules of the Korea Media Rating Board: Provided, That sessions may be closed to the public by the decision of the Korea Media Rating Board if there exists any special reason, such as protection of trade secrets.
- (2) The Korea Media Rating Board shall record the proceedings of sessions under the conditions as prescribed by the rules of the Korea Media Rating Board.

#### Article 79 (Sectional Committees, etc.)

- (1) The Korea Media Rating Board may form sectional committees to carry out the matters which the Korea Media Rating Board has delegated to them in connection with the performance of its functions as prescribed in subparagraph 1 of Article 72. In this case, the sectional committees, which may be established by their respective fields, shall consist of not less than 5 but not more than 10 members, respectively.
- (2) The Korea Media Rating Board shall form a post-control commission to perform the duties as prescribed in subparagraph 2 of Article 72, which shall consist of not more than 7 members.
- (3) Such matters as may be necessary for the formation and operation of the sectional committees and the post-control commission shall be determined by the rules of the Korea Media Rating Board.

#### Article 80 (Treatment of Members and Prohibition of Concurrent Office)

- (1) Standing members of the Korea Media Rating Board shall be paid remuneration within the limit of its budget under the conditions as prescribed by the rules of the Korea Media Rating Board, while non-standing members of the Korea Media Rating Board shall be honorary but they may, nevertheless, be paid expenses necessary for performing their duties and other actual expenses under the conditions as prescribed by the rules of the Korea Media Rating Board.
- (2) Except as otherwise provided for in the rules of the Korea Media Rating Board, standing members of the Korea Media Rating Board may not concurrently hold another office for profit.

#### Article 81 (Disqualification for Members)

No person who falls under subparagraphs 1 through 3 of Article 12 may become members of the Korea Media Rating Board.

#### Article 82 (Independent Exercise of Duties and Guarantee of Status)

- (1) Members of the Korea Media Rating Board shall not be subject to any instructions or intervention in the exercise of their duties during their terms of office.
- (2) No member of the Korea Media Rating Board shall be removed from office or suffer any unfavorable treatment in his/her status against his/her will unless he/she falls under any one of the following subparagraphs:
  1. Where he/she falls under any disqualification as referred to in Article 81 ;
  2. Where he/she is unable to perform his/her duties for a long time due to any mental or physical impairment.
- (3) Where any member of the Korea Media Rating Board falls under paragraph (2) 1, he/she shall be removed from office, and where he/she falls under subparagraph 2 of the said paragraph, the chairperson of the Korea Media Rating Board may recommend his/her removal from office to the Minister of Culture, Sports and Tourism, subject to a resolution by the Korea Media Rating Board. (Amended by Act No. 9657, May 8, 2009)

#### Article 83 (Duties, etc. of Korea Media Rating Board Involving Classification)

- (1) The Korea Media Rating Board shall regularly survey public opinion on the classification of visual representations and reflect the results in the performance of the duties of classification, etc.
- (2) The Korea Media Rating Board may, if necessary to carry out its duties related to classification referred to in subparagraph 2 of Article 72, request motion picture enterprisers and video product business operators to submit related materials, and shall recommend the agency concerned to take necessary measures against an act of violation, if any.
- (3) Necessary matters concerning the submission of related materials under paragraph (2) shall be determined by the rules of the Korea Media Rating Board. (Newly Inserted by Act No. 9657, May 8, 2009)

#### Article 84 (Secretariat)

- (1) There shall be established a secretariat of the Korea Media Rating Board in order to assist the Korea Media Rating Board in doing clerical work.
- (2) A secretary general shall be assigned to the secretariat, and the chairperson of the Korea Media Rating Board shall appoint him/her with the approval of the Korea Media Rating Board.
- (3) Necessary matters for the formation and operation of the secretariat shall be determined by the rules of the Korea Media Rating Board.

#### Article 85 (Establishment, Amendment and Repeal of Rules of Korea Media Rating Board)

- (1)

In case the rules of the Korea Media Rating Board are to be established, amended or repealed, the Korea Media Rating Board shall give an advance notice of the bill of the rules or the bill of their amendment or repeal through the Official Gazette, etc. for a fixed period of not less than 20 days and shall, if the bill has been passed, announce it officially by publishing it through the Official Gazette, etc.

- (2) In case standards for classification are to be established or amended pursuant to Article 50 (6), the Korea Media Rating Board shall hear opinions voiced by juvenile organizations, nonprofit private organizations, and academic or industrial circles.

#### Article 86 (Financial Assistance from National Treasury)

- (1) The National Treasury may assist the Korea Media Rating Board with such expenses as may be required for its operation.
- (2) With respect to such project, etc. as may incur financial obligation on the National Treasury, the Korea Media Rating Board shall in advance consult with the Minister of Culture, Sports and Tourism. (Amended by Act No. 8852, Feb. 29, 2008)

### CHAPTER V SUPPLEMENTARY PROVISIONS

#### Article 87 (Establishment of Video Product Organization)

- (1) Video product business operators may establish a video product organization in order to promote a healthy and sound development of business.
- (2) The video product organization shall be a juristic person.
- (3) A person who desires to establish the video product organization shall obtain permission therefor from the Minister of Culture, Sports and Tourism. (Amended by Act No. 8852, Feb. 29, 2008)
- (4) The video product organization shall endeavor to ensure that a healthy and sound operational order may be maintained in doing business pertaining to the manufacture and distribution of video products.
- (5) The provisions on an incorporated association as referred to in the Civil Act shall apply mutatis mutandis to the matters that this Act does not prescribe with respect to the video product organization.

#### Article 88 (Education for Establishing Order of Video Products Distribution)

The head of Si / Gun / Gu may, if deemed necessary to establish a healthy and sound order of distribution of video products, have the video service providing business operators undergo education within the limit of three hours per year under the conditions as prescribed by Presidential Decree.

#### Article 89 (Assistance to Exemplary Video Product Business Operators)

- (1)

The head of Si / Gun / Gu may, if deemed necessary to establish a healthy and sound order of distribution of video products, designate exemplary video service providing business operators and thereby provide necessary assistance to them.

- (2) Necessary matters pertaining to the standards, procedures, etc. for designation as prescribed in paragraph (1) shall be determined by Ordinance of the Ministry of Culture, Sports and Tourism. (Amended by Act No. 8852, Feb. 29, 2008)

#### Article 90 (Fees)

- (1) Any person who applies for the recognition as a Korean motion picture under Article 27 (2) shall pay the Korean Film Council the fees determined by the Korean Film Council with the approval of the Minister of Culture, Sports and Tourism: (Amended by Act No. 8852, Feb. 29, 2008; Act No. 9657, May 8, 2009)

1. through 3. Deleted. (by Act No. 9657, May 8, 2009)

- (2) Any person who falls under any one of the following subparagraphs shall pay the Korea Media Rating Board the fees determined by the Korea Media Rating Board with the approval of the Minister of Culture, Sports and Tourism: (Amended by Act No. 8852, Feb. 29, 2008)

1. A person who applies for film rating under Article 29 (1);
2. A person who raises an objection under Article 31 ;
3. A person who applies for a verification as to whether motion picture advertising or publicity materials are harmful to juveniles under Article 32 ;
4. A person who applies for the classification of video products under Article 50 (1);
5. A person who applies for the confirmation of reproduced video products, etc. or the re-issuance of the certificate of completion of confirmation under Article 51 ;
6. A person who applies for the review of classification under Article 54 (1);
7. A person who applies for the verification as to whether advertising or publicity materials related to video products are harmful to juveniles under Article 66 (1).

- (3) Any person who falls under any one of the following subparagraphs shall pay fees, as prescribed by Municipal Ordinance of each Si / Gun / Gu (referring to an autonomous Gu): (Amended by Act No. 9657, May 8, 2009)

1. A person who applies for the registration or the alteration of registered matters under Article 36 (1);

1-2. A person who files a report on a motion picture enterpriser or files a report on the change thereof under Article 26 (1);

1-3. A person who applies for the re-delivery of a report certificate under Article 26 (2);

2. A person who files a report on a video product manufacturing business or a video product distributing business under Article 57 (1);

3. A person who applies for the registration of a video service providing business under Article 58 (1);

4. A person who reports on alterations or files for registration of alterations under Article 61 (1).

#### Article 91 (Legal Fiction as Public Officials in Applying Penal Provisions)

Any person who falls under each of the following subparagraphs shall be deemed to be a public official for the purposes of Articles 129 through 132 of the Criminal Act:

1. Members of the Korean Film Council and the staff members of its secretariat;
2. Members of the Korea Media Rating Board and the staff members of its secretariat;
3. Members of the sectional committees of the Korea Media Rating Board and the members of its post-control commission;
4. Persons engaged in the duties entrusted under the provisions of Article 92 (2).

#### Article 92 (Delegation and Entrustment of Authority)

- (1) The Minister of Culture, Sports and Tourism may delegate part of his/her authority under this Act to a Mayor/Do Governor or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. (Amended by Act No. 9657, May 8, 2009)
- (2) The Korean Film Council may entrust part of its duties to the institutions or organizations established for the purpose of promoting the film culture and the film industry, as prescribed by Presidential Decree.

### CHAPTER VI PENAL PROVISIONS

#### Article 93 (Penal Provisions)

Any person who has run business in violation of a measure taken pursuant to each subparagraph of Article 70 (1) shall be punished by imprisonment for not more than five years, or by a fine not exceeding 50 million won.

#### Article 94 (Penal Provisions)

A person who falls under any one of the following subparagraphs shall be punished by imprisonment for not more than three years, or by a fine not exceeding 30 million won: (Amended by Act No. 9657, May 8, 2009)

1. A person who has screened a motion picture whose film rating had not been made, in violation of Article 29 (3);
2. A person who has admitted any juvenile who is prohibited from viewing a restricted motion picture to his/her movie theater to view such motion picture, in violation of Article 29 (5);
3. A person who has screened any restricted motion picture in a place or establishment that is not a restricted movie theater, in violation of Article 43 (1);
- 4.



- A person who has made any restricted motion picture into other visual representations or screened, sold, transmitted, rented or offered such produced visual representations for viewing, in violation of Article 43 (2);
5. A person who offers a video product with restricted rating for viewing at a place or facilities, other than a video-viewing mini-theater for video products with restricted rating, in violation of Article 53-2 (1);
  6. A person who distributes a video product with restricted rating, in violation of Article 53-2 (2);
  7. A person who permits a juvenile to admit into a video-viewing mini-theater for video products with restricted rating, in violation of subparagraph 4 of Article 62.

#### Article 95 (Penal Provisions)

A person who falls under any one of the following subparagraphs shall be punished by imprisonment for not more than two years, or by a fine not exceeding 20 million won: (Amended by Act No. 9657, May 8, 2009)

1. A person who has screened a motion picture, in violation of Article 29 (6);
2. A person who has posted the advertising or publicity materials related to any restricted motion picture or has posted them in such a manner as to be seen from outside a restricted movie theater, in violation of Article 33;
3. A person who has screened any such motion picture as provided for in Article 29 (2) 1 through 4 in a restricted movie theater, in violation of Article 43 (3);
4. A person who has failed to comply with an order given to suspend business under Article 45;
5. A person who has obtained the classification of video products under Article 50 (1) without any justifiable right to such video products in any false or other unjust manner or gotten the confirmation of reproduction, distribution, etc. under Article 51 (1);
6. A person who has manufactured or distributed illegal video products, or offered them for viewing, or to this end, displayed or kept them, in violation of Article 53 (1);
7. A person who has sold, purchased or presented as a gift the certificate of completion of classification and the certificate of completion of confirmation, in violation of Article 53 (3);
8. A person who offers a video product under the provisions of Article 50 (3) 1 through 4 to the general public for their viewing at a video-viewing mini-theater for video products with restricted rating, in violation of Article 53-2 (3);
9. A person who has carried on a video service providing business without registering the business, in violation of Article 58 (1);
10. A person who has failed to abide by the matters to be observed, in violation of subparagraph 2 or 3 of Article 62;

1 A person who posts the advertising or publicity materials of a video products with  
1. restricted rating at places, other than a video-viewing mini-theater for video products with restricted rating, or makes them visible from outside the video-viewing mini-theater for video products with restricted rating, in violation of Article 66 (5);

1 A person who has continued business, in violation of an order given to suspend  
2. such business under Article 67 (2).

#### Article 96 (Penal Provisions)

A person who falls under any one of the following subparagraphs shall be punished by a fine not exceeding 10 million won:

1. A person who has run business without reporting, in violation of Article 57;
2. A person who has continued business, in violation of an order given to suspend such business under Article 67 (1);
3. A person who has refused, obstructed, or evaded any action taken by the relevant public official pursuant to Article 70 (1) or (3).

#### Article 97 (Joint Penal Provisions)

Where a representative of a corporation, or an agent, employee or other servant of a corporation or individual commits an offense under Articles 93 through 96 in connection with the business of the corporation or individual, not only shall such offender be punished accordingly, but the corporation or the individual shall also be punished by the fine prescribed in the relevant Article: Provided, That the foregoing sentence shall not apply to where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offense.

[This Article Wholly Amended by Act No. 9657, May 8, 2009]

#### Article 98 (Fines for Negligence)

(1) Any person who falls under any one of the following subparagraphs shall be punished by a fine for negligence not exceeding 50 million won:

1. A person who has admitted any person who is prohibited from viewing a motion picture falling under the film rating provided for in Article 29 (2) 2 through 4 to his/her movie theater to view such motion picture, in violation of paragraph (4) or (5) of the same Article;
2. A person who has distributed or posted advertising or publicity materials without obtaining a verification as to whether they are harmful to juveniles or offered them for public viewing through the information and communications networks, in violation of Article 32 (1);
3. A person who has distributed or posted advertising or publicity materials which are verified as harmful to juveniles, in violation of Article 32 (2);
- 4.

A person who has offered video products for viewing, in violation of Article 53 (2);

5. A person who has failed to obtain a verification as to whether advertising or publicity materials are harmful to juveniles, in violation of Article 66 (1);

6. A person who has distributed or posted advertising or publicity materials which are verified as harmful to juveniles, in violation of Article 66 (2).

(2) Any person who falls under any one of the following subparagraphs shall be punished by a fine for negligence not exceeding ten million won: (Amended by Act No. 8280, Jan. 26, 2007; Act No. 9657, May 8, 2009)

1. A person who has failed to pay the charges under Article 25-2 (2);

1-2. A person who has run the business of manufacturing, importing, distributing or screening motion pictures without filing a report thereon, in violation of Article 26 (1);

2. A person who has failed to submit a motion picture film, etc. in violation of Article 35 (1);

3. A person who has installed and run a movie theater without getting such movie theater registered, in violation of Article 36 (1);

4. A person who has failed to make a report on the safety-precaution plan, in violation of Article 37 (1);

5. A person who has failed to make a report or made a false report, in violation of Article 41;

6. A person who has allowed a person who has not obtained the national technical qualifications for motion picture projection to screen any motion picture, in violation of Article 44;

7. A person who has failed to make the report or registration of any alteration, in violation of Article 61 (1);

8. A person who has failed to indicate the rating or content information of video products or indicated such rating or content information in a manner different from that stated, in violation of Article 65 (1) or (2);

9. Deleted. (by Act No. 9657, May 8, 2009)

(3) Any person who falls under any one of the following subparagraphs shall be punished by a fine for negligence not exceeding 3 million won:

1. A person who has failed to report on any alteration, in violation of the latter part of Article 26 (1);

2. A person who has failed to register the alteration of any registered matters involving a movie theater, in violation of the latter part of Article 36 (1);

3. A person who has failed to report, in violation of Article 46 (4) or 63 (4).

Article 99 (Imposition of Fines for Negligence)

Fines for negligence under Article 98 shall be imposed and collected by the Minister of Culture, Sports and Tourism or the head of a Si / Gun / Gu, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9657, May 8, 2009]

## ADDENDA

### Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

### Article 2 Deleted.

### Article 3 (Repeal, etc. of Other Acts)

The Promotion of the Motion Pictures Industry Act and the Sound Records, Video Products, and Game Software Act shall be hereby repealed: Provided, That the duties of removal and destruction of the sound records, video products, and game software that have been reproduced on a commercial basis by a person who holds no justifiable right to do so, and the penal provisions applicable to any violation thereof, as provided for in Articles 42 (3) through (6) and 50 through 52 of the Sound Records, Video Products, and Game Software Act shall be applicable until December 31, 2006.

### Article 4 (Applicable Cases concerning Presentation of Motion Picture Films, etc.)

The provisions of Article 35 (1) shall apply to the motion pictures the rating of which is granted under Article 29 (1) on or after the enforcement date of this Act.

### Article 5 (Transitional Measures for Video Products)

The works recorded on any digital medium or device, such as disks, etc., newly included in the scope of video products under this Act, which are already manufactured, imported, distributed, or in circulation at the entry into force of this Act, shall be governed by the previous provisions.

### Article 6 (Transitional Measures for Korean Film Council and Korea Film Archive)

- (1) The Korean Film Council and the Korea Film Archive established pursuant to Articles 7 and 24-3 of the former Promotion of the Motion Pictures Industry Act at the entry into force of this Act shall be deemed to be established under this Act, respectively.
- (2) The incumbent members of both the Korean Film Council and the Korea Film Archive at the entry into force of this Act shall be deemed to be commissioned pursuant to this Act, but their terms of office shall be reckoned from the date they were commissioned under the former Promotion of the Motion Pictures Industry Act.

### Article 7 (Transitional Measures for Motion Picture Promotion Fund)

The Motion Picture Promotion Fund established pursuant to Article 33 of the former Promotion of the Motion Pictures Industry Act at the entry into force of this Act shall be deemed to be established under this Act.

### Article 8 (Transitional Measures for Recognition of Jointly Produced Motion Pictures as Korean Motion Pictures)

A person who has made a jointly produced motion picture at the entry into force of this Act and has been granted the recognition of the jointly produced motion picture as a Korean motion picture pursuant to Article 5 of the former Promotion of the Motion

Pictures Industry Act shall be deemed to have obtained the recognition of the jointly produced motion picture as Korean motion picture under this Act.

#### Article 9 (Transitional Measures for Korea Media Rating Board)

- (1) The Korea Media Rating Board established pursuant to Article 5 of the former Sound Records, Video Products, and Game Software Act at the entry into force of this Act shall be deemed to be established under this Act.
- (2) The number of the members of the Korea Media Rating Board established at the entry into force of this Act shall be governed by the previous provisions, notwithstanding the provisions of Article 73 (1).
- (3) The incumbent members of the Korea Media Rating Board at the entry into force of this Act shall be deemed to be commissioned pursuant to this Act, but their terms of office shall be reckoned from the date they were commissioned under the former Sound Records, Video Products, and Game Software Act.
- (4) The incumbent staff members of the Korea Media Rating Board at the entry into force of this Act shall be deemed to be staff members of the Korea Media Rating Board under this Act.
- (5) The acts of classification, etc. that have been done by the former Korea Media Rating Board or the acts of application, etc. that have been done toward the Korea Media Rating Board, at the entry into force of this Act, shall be deemed to be acts or application, etc. that has been done by or toward the Korea Media Rating Board under this Act.

#### Article 10 (Transitional Measures concerning Report and Registration)

- (1) A motion picture enterpriser who has been reported pursuant to Article 4 of the former Promotion of the Motion Pictures Industry Act or a video products manufacturing business operator and a video products distributing business operator who have been reported pursuant to Article 26 of the former Sound Records, Video Products, and Game Software Act, at the entry into force of this Act, shall be deemed to have been reported under this Act, respectively.
- (2) A motion picture enterpriser who has been registered pursuant to Article 26 of the former Promotion of the Motion Pictures Industry Act or a person who has been registered or reported pursuant to Articles 27 and 28 of the former Sound Records, Video Products, and Game Software Act, at the entry into force of this Act, shall be deemed to have been registered or reported under this Act, respectively.

#### Article 11 (Transitional Measures for Video Products and Game Software)

The motion pictures or video products that have been classified as suitable for persons of the age of 18 years under the former Promotion of the Motion Pictures Industry Act and the former Sound Records, Video Products, and Game Software Act, at the entry into force of this Act, shall be deemed to have been rated 'juveniles not admitted' under this Act.

#### Article 12 (Transitional Measures for Association or Organization)

The association or organization related to video products established pursuant to Article 43 of the former Sound Records, Video Products, and Game Software Act at the

entry into force of this Act shall be deemed to be the video product organization established under this Act.

#### Article 13 (Transitional Measures for Administrative Disposition, etc.)

- (1) The dispositions taken by, or applications, reports or other acts done toward, an administrative agency, pursuant to the former Promotion of the Motion Pictures Industry Act or the former Sound Records, Video Products, and Game Software Act (limited to the matters related to video products) prior to the entry into force of this Act, shall be deemed to be dispositions taken by, or applications, reports or other acts done toward, the administrative agency under this Act.
- (2) In application of administrative dispositions to any acts committed in violation of the former Promotion of the Motion Pictures Industry Act or the former Sound Records, Video Products, and Game Software Act (limited to the matters related to video products) prior to the entry into force of this Act, the previous provisions shall prevail.

#### Article 14 Omitted.

#### Article 15 (Relation with Other Acts and Subordinate Statutes)

In case where other Acts and subordinate statutes have cited the provisions of the former Promotion of the Motion Pictures Industry Act or the former Sound Records, Video Products, and Game Software Act at the entry into force of this Act, and where there exist the corresponding provisions in this Act, they shall be deemed to have cited this Act or the corresponding provisions of this Act, in lieu of the previous provisions.

#### ADDENDA (Act No. 8280, Jan. 26, 2007)

##### Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation: Provided, That preparatory works necessary for the installation and operation of the Motion Picture Development Fund under the amended provisions of Article 23 may be initiated before the enforcement of this Act, and the amended provisions of Article 25-2 shall enter into force on July 1, 2007.

##### Article 2 (Effective Period)

The amended provisions of Article 25-2 shall be effective until December 31, 2014.

##### Article 3 (Transitional Measures concerning Motion Picture Promotion Fund)

The claims, obligations, and other rights and duties of the Motion Picture Promotion Fund that has been managed and operated by the Korean Film Council pursuant to the former provisions enforced at the time when this Act enters into force shall be imputed to the Motion Picture Development Fund that shall be managed and operated by the Korean Film Council pursuant to this Act: Provided, That the management and operation of Motion Picture Promotion Fund under the former provisions may continue until a draft fund management plan is submitted to the National Assembly pursuant to Article 5 (2) of Addenda for deliberation and approved by it, notwithstanding the provision of Article 1 of Addenda.

##### Article 4 (Transitional Measure concerning Reporting on Plan for Countermeasures against Disasters)

A person who reported a plan for countermeasures against disaster in accordance with the former provisions enforced at the time when this Act enters into force shall be

deemed to have reported it in accordance with the amended provisions of Article 37 (1).

Article 5 (Special Exceptions to Time to Establish Fund Management Plan for 2007)

- (1) The Korean Film Council shall prepare a draft fund management plan for 2007 after the promulgation of this Act without delay, and shall submit it to the Minister of Planning and Budget through the Minister of Culture and Tourism.
- (2) The Government shall submit the draft fund management plan for 2007 as prepared pursuant to paragraph (1) to the National Assembly within sixty days after the promulgation of this Act. In this case, the National Assembly shall deliberate and make a resolution on the draft fund management plan for 2007 within sixty days from the day on which the plan is submitted to the National Assembly, notwithstanding Article 84-2 of the National Assembly Act.

Article 6 Omitted.

ADDENDA (Act No. 8852, Feb. 29, 2008)

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDUM (Act No. 9004, Mar. 28, 2008)

This Act shall enter into force three months after the date of its promulgation.

ADDENDUM (Act No. 9096, Jun. 5, 2008)

This Act shall enter into force six months after the date of its promulgation.

ADDENDA (Act No. 9657, May 8, 2009)

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Formation of Members of the Korea Media Rating Board)

The amended provisions of Article 73 (2) and (3) concerning the formation of the members of the Korea Media Rating Board shall begin applying to the first case where the members of the Korea Media Rating Boards are newly re-formed after the expiry date of the term of office for all members of the Korea Media Rating Board organized under the former provisions as at the time this Act enters into force (hereinafter referred to as "former Board"): Provided, That the amended provisions shall apply when the vacant position of a member of the former Board is filled.

Article 3 (Applicability to Indication of Content Information of Motion Pictures and Video Products)

The amended provisions concerning the indication of the content information of a motion picture or video product shall begin applying to the first application for the rating of a motion picture or video product made to the Korea Media Rating Board after this Act enters into force.

Article 4 (Transitional Measures concerning Rating)

A motion picture rated "Restricted" under the former provisions as at the time this Act enters into force shall be deemed to have been rated "Restricted" under this Act.

Article 5 (Transitional Measures concerning Report)

A motion picture enterpriser or person who carries on a video products manufacturing business or video products distributing business under the former provisions as at the time this Act enters into force shall be deemed to have filed a report under this Act, respectively.

Article 6 (Transitional Measures concerning Administrative Disposition, etc.)

- (1) A disposition, application, report or other acts against an administrative agency before this Act enters into force shall be deemed a disposition, application, report or other acts against an administrative agency under this Act.
- (2) The former provisions shall apply when taking an administrative disposition to an act committed before this Act enters into force.

ADDENDUM<Act No. 9676, May 21, 2009>

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

ADDENDUM<Act No. 10109, Mar. 17, 2010>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA<Act No. 10219, Mar. 31, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2011.

Articles 2 through 12 Omitted.