

COPYRIGHT ACT

[Enforcement Date 08. Dec, 2020.] [Act No.17592, 08. Dec, 2020., Amendment by Other Act]

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to protect the rights of authors and the rights neighboring on them and to promote fair use of works in order to contribute to the improvement and development of culture and related industries. <Amended on Apr. 22, 2009>

Article 2 (Definitions) The terms used in this Act shall be defined as follows: <Amended on Apr. 22, 2009; Jun. 30, 2011; Dec. 2, 2011; Mar. 22, 2016>

1. The term “work” means a creation that expresses human thoughts or emotions;
2. The term “author” means a person who creates a work;
3. The term “public performance” means to present to the public works, performances, phonograms or broadcasts by performing on the stage, musical playing, singing, narrating, reciting, screening, playback or other means, including transmission (excluding interactive transmission) made in the connected premises in the possession of one and the same person;
4. The term “performer” means a person who gives a performance by expressing works through acting, dancing, musical playing, singing, narrating, reciting or other artistic means or by expressing things other than works in a similar way, including a person who conducts, directs or supervises a stage performance;
5. The term “phonogram” means the medium in which the sound (referring to voice or sound; the same hereinafter) is fixed (including a digitalized sound): Provided, but excluding the sound fixed along with images;
6. The term “phonogram producer” means a person who makes an overall plan and takes charge of the first production of phonogram;
7. The term “public transmission” means transmitting works, stage performances, phonograms, broadcasts or databases (hereinafter referred to as “works, etc.”) or making such available to the public by wire or wireless means so that the public may receive them or have access to them;
8. The term “broadcasting” means, among public transmission, transmitting sound or image, or sound and image for simultaneous reception by the public;
- 8-2. The term “encrypted broadcasting signal” means electronically encrypted broadcasting signals originated by a broadcasting organization or a person who has obtained consent from a broadcasting organization for the purpose to prevent or hinder from receiving broadcasting (limited to broadcasting by means of radio or satellite communications) without authorization;
9. The term “broadcasting organization” means a person who engages in broadcasting business;
10. The term “interactive transmission” means, among types of public transmission, to make works, etc. available for the public so that the members of the public may have access at the time and place of their own choice, and includes transmissions done thereby;
11. The term “digital audio transmission” means, among public transmission, the transmission of sound in the digital form initiated at the request of the members of the public for the purpose of having the public receive simultaneously among the public transmission, excluding interactive transmission;
12. The term “digital audio transmission organizations” means a person who engages in digital sound transmission business;
13. The term “cinematographic work” means a creation in which a series of images (regardless of whether accompanied by sound) are recorded, and which may be played by mechanical or electronic devices to be seen, or seen and heard through a reproduction;
14. The term “producer of cinematographic works” means a person who plans and takes responsibility

- for the whole in the production of cinematographic works;
15. "The term "works of applied art" means artistic works, including designs and the like, that may be reproduced in the same manner on useful articles and that are distinctive from the articles on which they are reproduced;
 16. The term "computer program work" means a creation expressed in a series of instructions or commands which are directly or indirectly applied within devices having a capability of processing information, such as a computer (hereinafter referred to as "computer"), in order to obtain certain results;
 17. The term "compilation" means the collections of works, symbols, letters, sounds, images and other forms of data (hereinafter referred to as "materials"), and shall include the database;
 18. The term "compilation works" means the compilations which are of creative nature in terms of selection, arrangement or composition of their materials;
 19. The term "database" means compilation whose materials are systematically arranged or composed, so that they may be individually accessed or retrieved;
 20. The term "producer of database" means one who has made a substantial investment in human or material resource for the production of database, or for the renewal, verification or supplement of their materials (hereinafter referred to as "renewal, etc.");
 21. The term "joint works" means the works jointly created by two or more persons, and of which respective contributions may not be separately exploited;
 22. The term "reproduction" means the temporary or permanent fixation of works in a tangible medium or a remaking of works by means of printing, photographing, copying, sound or visual recording, or other means; in cases of building, it includes carrying out construction of works in accordance with the models or plans for the relevant construction works;
 23. The term "distribution" means transferring or lending of the original or its copies to the public for free or at charge;
 24. The term "publication" means a reproduction and distribution of the works or phonograms to meet public demand;
 25. The term "making public" means to make the works open to the public by means of public performance, public transmission, or exhibit and by other means, and to publish the works;
 26. The term "copyright trust service" means a business which continuously manages rights on behalf of the holder of economic rights of author, an exclusive right of publication, publication right, or neighboring right or a person who has the right as a database producer, and which includes the case of a general agent regarding exploitation of works;
 27. The term "copyright agency or brokerage service" means a business which acts as an agent or a broker on behalf of the holder of economic rights of author, an exclusive right of publication, publication right, or neighboring right or a person who has the right as a database producer, regarding exploitation of works;
 28. The term "technological protection measures" means either of the following measures:
 - (a) Technological measures taken by a right holder or a person who has obtained the said holder's consent, in order to effectively prevent or control the access to works, etc. protected under this Act, in relation to the exercise of copyright or other rights protected pursuant to this Act;
 - (b) Technological measures taken by a right holder or a person who has obtained the said holder's consent in order to effectively prevent or restrict an act of infringing copyright or other rights protected pursuant to this Act;
 29. The term "rights management information" means any of the following information or the numerals or symbols representing the said information, where each information is attached to the original or copies of the works, etc. protected by copyright or other rights protected pursuant to this Act, or is accompanied with public performance, implementation or public transmission thereof:
 - (a) Information to identify the works, etc.;
 - (b) Information to identify a person who has copyright or other rights protected pursuant to this Act;

- (c) Information relating to the methods and conditions of the use of works, etc.;
30. The term “online service provider” means either of the following persons:
- (a) A person who transmits, designates a route of, or provides connections to the works, etc. selected by users to deliver such works, etc. without any modification of their content through the information and communications networks (referring to the information and communications networks under Article 2 (1) 1 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.; hereinafter the same shall apply) between the points designated by users;
 - (b) A person who provides the services to allow users to access the information and communications networks or reproduce or interactively transmit the works, etc. through the information and communications networks, or who provides or operates facilities therefor;
31. The term “work made during the course of duties” means a work made by an employee of a legal person, organization or other employers (hereinafter referred to as “legal person, etc.”) during the course of his or her duties and on the initiative of legal person etc.;
32. The term “public” means a large number of unspecified persons (including a large number of specified persons);
33. The term “authentication” means to verify the justifiable holder of right for authorization of use of the works, etc.;
34. The term “decompilation of program code” means to reproduce or convert computer program work code in order to obtain information necessary for compatibility of independently created computer program works with other computer programs;
35. The term “label” means a sign attached, enclosed or added, or a sign designed for such purposes, to tangible copies, packages or documents of works, etc. in order to indicate that such copies have been produced with legitimate authority;
36. The term “movie theater, etc.” means movie theaters, premier theaters or other places to screen cinematographic works to the public, the entrance to which is controlled by a person who screen such works.

Article 2-2 (Formulation of Measures for Protection of Copyright) (1) The Minister of Culture, Sports and Tourism may establish and implement the following measures to achieve the purposes of this Act:

1. Matters concerning a basic policy for the protection of copyright and creation of an environment for fair use of works;
2. Matters concerning education and promotion to spread copyright awareness ;
3. Matters concerning policies for the rights management information of works, etc. and for technological protection measures thereof.

(2) Matters necessary for formulation and enforcement of policies pursuant to paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Apr. 22, 2009]

Article 3 (The works of foreigners) (1) Foreigners’ works shall be protected in accordance with the treaties which the Republic of Korea has acceded to or concluded.

(2) The works of foreigners who permanently reside in the Republic of Korea (including stateless persons and foreign legal persons whose principal offices are located in the Republic of Korea), or foreigners’ works which are first made public in the Republic of Korea (including works made public in the Republic of Korea within 30 days after their making public in a foreign country) shall be protected under this Act.

(3) Even when foreigners’ works are to be protected under paragraphs (1) and (2) (excluding foreigners who permanently reside in the Republic of Korea and stateless persons; hereinafter the same shall apply in this Article), if the relevant foreign country does not protect the works of the nationals of the Republic of Korea, their protection under treaties and this Act may be correspondingly restricted. <Amended on Jun. 30, 2011>

(4) Even in cases of foreigners’ works protected pursuant to paragraphs (1) and (2), where the term of protection has expired in the relevant foreign country, the term of protection under this Act shall not be

recognized. <Newly Inserted on Jun. 30, 2011>

CHAPTER II COPYRIGHT

SECTION 1 Works

Article 4 (Examples of Works) (1) The following shall be the examples of works referred to in this Act:

1. Novels, poems, theses, lectures, speeches, scenarios and other literary works;
2. Musical works;
3. Theatrical works including dramas, choreographies, pantomimes, etc.;
4. Paintings, calligraphies, sculptures, printmaking, crafts, works of applied art, and other works of art;
5. Architectural works including buildings, architectural models and design drawings;
6. Photographic works (including those produced by similar methods);
7. Cinematographic works;
8. Maps, charts, plans, sketches, models and other diagrammatic works;
9. Computer program works.

(2) Deleted. <Apr. 22, 2009>

Article 5 (Derivative Works) (1) A creative work produced by means of translation, musical arrangement, alteration, dramatization, cinematization, etc. of an original work (hereinafter referred to as a “derivative work”) shall be protected as an independent work.

(2) The protection of a derivative work shall not affect the rights of the author of the original work.

Article 6 (Compilation Works) (1) Compilation works shall be protected as independent works.

(2) The protection of compilation works shall not affect the copyright of materials constituting such compilation work and other rights protected under this Act.

Article 7 (Works Not Protected) No work which falls under any of the following subparagraphs shall be protected under this Act:

1. Constitution, Acts, treaties, decrees, and municipal ordinances and rules;
2. Public notifications, public announcements, directives and others similar thereto which are issued by National;
3. Judgments, decisions, orders, or adjudications of courts, as well as rulings and decisions made by the administrative appeals procedures, or other similar procedures;
4. Compilations or translations of works as referred to in subparagraphs 1 through 3 which are produced by the central or local government;
5. Current news reporting which delivers simple facts.

SECTION 2 Authors

Article 8 (Presumption of Authors) (1) Any person who falls under any of the following subparagraphs shall be presumed to have the copyright for his or her works as an author: <Amended on Jun. 30, 2011>

1. A person whose real name or well-known pseudonym (referring to the stage name, pen name, abbreviated name, etc.; hereinafter the same shall apply) is indicated as the author in a usual manner on the original or copies of a work;
2. A person whose real name or well-known pseudonym is indicated as the name of the author in the public performance or public transmission of a work.

(2) If the name of the author is not indicated as prescribed under any of the subparagraphs of paragraph (1), the person who is indicated as a publisher, promoter or a person making the work public shall be presumed to have the copyright. <Amended on Apr. 22, 2009>

Article 9 (Author of Works Made for Hire) The authorship of a work made for hire which is made by an employee of a legal person, etc. during the course of his duties and is made public under the name of such a legal person, etc. as the author shall be attributed to that legal person, etc., unless otherwise

stipulated in the contract or work regulation, etc.: Provided, That in cases of a computer program work (hereinafter referred to as "program"), being made public is not required. <Amended on Apr. 22, 2009>

Article 10 (Copyright) (1) The author shall hold the rights under Articles 11 through 13 (hereinafter referred to as "author's moral right") and the rights falling under Articles 16 through 22 (hereinafter referred to as "author's economic right").

(2) A copyright shall commence from the time of its creation, and shall not require a fulfillment of any procedures or formalities.

SECTION 3 Author's Moral Right

Article 11 (Right to Make Public) (1) The author shall have the right to decide whether or not to make his or her work public.

(2) If the author has transferred by assignment his or her economic right on a work which is not yet made public pursuant to Article 45, authorized its use pursuant to Article 46, or established the exclusive right of publication pursuant to Article 57 or publication rights pursuant to Article 63, he or she shall be presumed to have given the other party his or her consent to make it public. <Amended on Apr. 22, 2009; Dec. 2, 2011>

(3) If the author has transferred by assignment the original of his or her work of art, architectural work or photographic work (hereinafter referred to as "work of art, etc.") which has not been made public, he or she shall be presumed to have given the other party his or her consent to make it public in the manner of exhibition.

(4) If a derivative work or compilation work produced with the consent of the author has been made public, the original work shall be also considered to have been made public.

(5) Where the author donates his or her unpublished work, etc. to libraries, etc. under Article 31, it shall be presumed that he or she consents to making them public at the time of his or her donation unless otherwise expressly stated. <Newly Inserted on Dec. 2, 2011>

Article 12 (Right of Attribution) (1) The author shall have the right to indicate his or her real name or pseudonym on the original or copy of his or her work, or on the medium of publication by which his or her work is made public.

(2) Unless otherwise expressly stated by the author, the person using his or her work shall indicate the author's name in accordance with the author's manner of indicating his or her real name or pseudonym: Provided, That the same shall not apply where deemed unavoidable in the light of the nature of a work as well as the purpose and manner of its use.

Article 13 (Right of Integrity) (1) The author shall have a right to maintain the integrity of the content, form and title of his or her work.

(2) No author shall raise an objection to a modification falling under any of the following subparagraphs: Provided, That the same shall not apply to the modifications of substantial contents: <Amended on Apr. 22, 2009>

1. In cases of using a work pursuant to Article 25, the modification of expression within the limit as deemed unavoidable for the purpose of school education;
2. Extension, rebuilding or other modifications of an architectural structure;
3. Modification within the necessary limit to enable a program used only on a specific computer to be run on other computers;
4. Modification within the necessary limit to use a program more effectively for a specific computer;
5. Other modifications within the limit as deemed unavoidable in the light of the nature of a work as well as the purpose and manner of its use.

Article 14 (Inalienability of Author's Moral Right) (1) Author's moral rights shall belong exclusively to the author.

(2) Even after the death of the author, no person who use his or her work shall commit an act which

would be prejudicial to author's moral rights if he or she were alive: Provided, That if such act is deemed to have not defamed the honor of the author in the light of the nature and extent of the act, and in view of the prevailing social norms, the same shall not apply.

- Article 15 (Author's Moral Right to Joint Work)** (1) Author's moral right to a joint work may not be exercised without the consent of all authors concerned. In such cases, each of the authors may not, in bad faith, prevent the agreement from being reached.
- (2) Authors of a joint work may designate one of them as a representative in the exercise of their moral rights.
- (3) Limitations imposed on the representation under paragraph (2), if any, shall not be effective against a bona fide third person.

SECTION 4 Author's Economic Right

SubSection 1 Types of Author's Economic Rights

- Article 16 (Right of Reproduction)** The author shall have the right to reproduce his or her work.
- Article 17 (Right of Public Performance)** The author shall have the right to perform his or her work publicly.
- Article 18 (Right of Public Transmission)** The author shall have the right to transmit his or her work in public.
- Article 19 (Right of Exhibition)** The author shall have the right to exhibit the original or copy of his or her work of art, etc.
- Article 20 (Right of Distribution)** The author shall have the right to distribute the original or copy of his or her work: Provided, That if the original or copy of the work has been offered to a deal by means of sale, etc. with permission of the relevant holder of author's economic right, the same shall not apply. <Amended on Apr. 22, 2009>
- Article 21 (Right of Rental)** Notwithstanding the proviso of Article 20, the author shall have the right to authorize the commercial rental of phonograms made public (hereinafter referred to as commercial phonograms") or programs made public for pursuit of profit. <Amended by Apr. 22, 2009; Mar. 22, 2016>
- Article 22 (Right of Production of Derivative Works)** The author shall have the right to produce and use a derivative work based on his or her original work.

SubSection 2 Limitations on Author's Economic Rights

- Article 23 (Reproduction for Judicial Proceedings)** In any of the following cases, it shall be permissible to reproduce a work to the extent deemed necessary: Provided, That this shall not apply where the interests of the holder of author's economic right are unreasonably infringed upon in light of the type of the work, the number of copies of and the form of reproduction, etc. <Amended on Feb. 4, 2020>
1. Where it is necessary to reproduce the work for the purpose of judicial proceedings or for investigation;
 2. Where it is necessary to reproduce the work to be used as an internal material for legislative and administrative purposes.
- [Title Amended on Feb. 4, 2020]
- Article 24 (Use of Political Speech)** Political speeches delivered in public and statements made in public in the court, the National Assembly or local councils may be used in some way or other: Provided, That if the speeches and statements of the same author are used after compilation, the same shall not apply.
- Article 24-2 (Free Use of Public Works)** (1) A work produced as part of official duties and already made public by the State or a local government, or a work of which the author's economic right is owned in

its entirety by the State or a local government under a contract, may be used without permission: Provided, That the same shall not apply when the work falls under any of the following cases: <Amended on Feb. 4, 2020>

1. Where it includes any information pertaining to national security;
 2. Where it corresponds to an individual's privacy or confidential business information;
 3. Where it includes any information of which disclosure is limited under other Acts;
 4. Where it is registered with the Korea Copyright Commission under Article 112 (hereinafter through Article 111 referred to as the "Commission"), and is managed as State-owned property under the State Property Act or as public property under the Public Property and Commodity Management Act.
- (2) The State may establish and enforce policies to invigorate use of public works, as prescribed by Presidential Decree, in order to promote the use of works which are produced and made public by a public institution or of which the author's economic right is owned in its entirety under a contract by a public institution pursuant to Article 4 of the Act on the Management of Public Institutions.
- (3) When it is acknowledged as necessary for free use, the State or a local government may permit the use of public works among those prescribed in subparagraph (1) 4, as prescribed by Presidential Decree, notwithstanding the State Property Act or the Public Property and Commodity Management Act. [This Article Newly Inserted on Dec. 30, 2013]

Article 25 (Use for Purpose of School Education) (1) A work already made public may be reproduced in curriculum books to the extent deemed necessary for the purpose of education at high schools, their equivalents or lower level schools.

- (2) A person who has published curriculum books may reproduce, distribute, or publicly transmit the works published in curriculum books pursuant to paragraph (1) to the extent necessary to use curriculum books for the original purpose. <Newly Inserted on Feb. 4, 2020>
- (3) Where any of the following schools or educational institutions uses the works for the purpose of teaching, part of the works made public may be reproduced, distributed, performed, exhibited, or publicly transmitted (hereafter in this Article referred to as "reproduction, etc."): Provided, That where it is unavoidable to make a reproduction, etc. of an entire works in light of the nature of the works already made public, and the purpose and form of its use, reproduction, etc. of the entire work may be made: <Amended on Feb. 4, 2020>
1. A school established under any special Act;
 2. A school prescribed in the Early Childhood Education Act, Elementary and Secondary Education Act, or the Higher Education Act;
 3. An educational institution operated by the State or a local government.
- (4) An institution under the jurisdiction of the State or a local government which assists classes at schools or educational institutions under the subparagraphs of paragraph (3) (hereinafter referred to as "class-supporting institution"), may make a reproduction, etc. of a part of the works made public where necessary to support classes: Provided, That where it is unavoidable to make a reproduction, etc. of an entire works in light of the nature of the works already made public, and the purpose and form of its use, reproduction, etc. of the entire work may be made. <Newly Inserted on Feb. 4, 2020>
- (5) A person who receives education at a school or an educational institution under each subparagraph of paragraph (3) may reproduce or publicly transmit a work already made public to the extent under paragraph (3) if deemed necessary for classes. <Amended on Feb. 4, 2020>
- (6) A person who intends to use a work made public pursuant to paragraphs (1) through (4) shall pay the owner of author's economic rights remuneration in accordance with the standards determined and publicly notified by the Minister of Culture, Sports and Tourism: Provided, That no remuneration shall be paid for reproduction, etc. at high schools or schools equivalent thereto or lower. <Amended on Feb. 29, 2008; Apr. 22, 2009; Feb. 4, 2020>
- (7) The right to receive remuneration under paragraph (6) shall be exercised through an organization meeting the following requirements, which has been designated by the Minister of Culture, Sports and Tourism. When the Minister of Culture, Sports and Tourism designates an organization, he or she shall

obtain prior consent from the organization: <Amended on Feb. 29, 2008; Feb. 4, 2020>

1. That the organization is comprised of persons who have the right to receive remuneration within the Republic of Korea (hereinafter referred to as "holder of right to remuneration");
2. That the organization is not for profit;
3. That the organization is fully capable of performing the duties of collection, distribution, etc. of remuneration.

(8) Upon receipt of an application from the holder of a right to remuneration who is not a member of the organization, the organization under paragraph (7) shall not refuse to exercise the right for him or her. In such cases, the organization shall have the authority to perform judicial or extrajudicial acts in its own name regarding the right. <Amended on Feb. 4, 2020>

(9) Where an organization under paragraph (7) falls under any of the following cases, the Minister of Culture, Sports and Tourism may revoke the designation thereof: <Amended on Feb. 29, 2008; Feb. 4, 2020>

1. When it fails to satisfy the requirements under paragraph (7);
2. When it violates operational rules on remuneration;
3. When it is likely to harm the interest of the holder of right to remuneration as it has suspended the duties related to remuneration for a considerable term.

(10) An organization under paragraph (7) may use the remuneration that has been left undistributed for five years from the date of public announcement of remuneration distribution for any of the following purposes after obtaining approval from the Minister of Culture, Sports and Tourism: Provided, That, where information on a holder of a right to remuneration is identified, a certain percentage of the undistributed remuneration shall be accumulated to pay remuneration, as prescribed by Presidential Decree: <Amended on Feb. 29, 2008; Oct. 16, 2018; Feb. 4, 2020>

1. Education on, publicity of, and research on copyright;
2. Management and provision of information on copyright;
3. Support for activities to create works;
4. Projects to protect copyright;
5. Projects to protect the rights and interests of creators;
6. Projects to promote the distribution of remuneration to a holder of a right to remuneration;
7. Projects to promote the use of works and to encourage the fair use thereof.

(11) Matters necessary for the designation and revocation of an organization, operational rules, public announcement of the distribution of remuneration, approval for use of undistributed remuneration, etc. under paragraphs (7), (9), and (10) shall be prescribed by Presidential Decree. <Amended on Oct. 16, 2018; Feb. 4, 2020>

(12) Where a person who has published curriculum books under paragraphs (2) through (4), a school, an educational institution, or a class-supporting institution publicly transmits a work, he or she shall take necessary measures prescribed by Presidential Decree, such as measures to prevent reproduction, in order to prevent infringement of copyright or other rights protected under this Act. <Amended on Feb. 4, 2020>

Article 26 (Use for News Reporting) In cases of reporting current events by means of broadcasts or newspapers, or by other means, it shall be permissible to reproduce, distribute, perform publicly, transmit publicly a work seen or heard in the relevant courses, to the extent justified by the reporting purpose.

Article 27 (Reproduction, etc. of News Articles or Editorials) News articles or editorials reproduced in the newspapers and online newspapers under Article 2 of the Act on the Promotion of Newspapers, etc. or the news agencies under Article 2 of the Act on the Promotion of News Agency may be reproduced, distributed or broadcasted by other media organizations: Provided, That if there is an indication prohibiting the use thereof, the same shall not apply. <Amended on Jul. 31, 2009>

Article 28 (Quotation from Works Made Public) Works already made public may be quoted for news report, criticism, education, research, etc., in compliance with the fair practices within the reasonable

extent.

Article 29 (Public Performance and Broadcasting for Non-Profit Purposes) (1) It shall be permissible to perform publicly (excluding cases where any commercial phonograms or cinematographic works made public for commercial purposes are played) or broadcast a cinematographic work already made public for non-profit purposes and without receiving any benefit in return from audience, spectators or third persons: Provided, That the same shall not apply to cases where performers are paid any normal remuneration. <Amended on Mar. 22, 2016>

(2) It shall be permissible to play and perform publicly any commercial phonograms or cinematographic works made public for commercial purposes for the general public if no benefit in return for the relevant public performance is received from audience or spectators: Provided, That the same shall not apply to the cases as prescribed by Presidential Decree. <Amended on Mar. 22, 2016>

Article 30 (Reproduction for Private Use) It shall be permissible for a user to reproduce in private, without any commercial purposes, a work already made public, within the limit of private, domestic or the equivalent use: Provided, That this shall not apply to the case of reproductions by a reproduction equipment prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, such as photocopying equipment, scanners, and cameras installed for use by the general public. <Amended on Feb. 4, 2020>

Article 31 (Reproductions in Libraries) (1) Libraries under the Libraries Act and the facilities prescribed by Presidential Decree (including the heads of relevant facilities; hereinafter referred to as "libraries, etc.") among facilities which provide books, documents, records and other materials (hereinafter referred to as "books, etc.") designed for public access, may reproduce the works by using books, etc. held by the relevant libraries, etc. (including the books, etc. reproduced by or transmitted to the relevant libraries, etc. under the provisions of paragraph (3), in cases of subparagraph 1) when it falls under any of the following subparagraphs: Provided, That they shall not reproduce the works in digital format in the cases of subparagraphs 1 and 3:

1. Where a copy of a part of the books, etc. already made public is provided to one per person at the request of a user for the purpose of research and study;
2. Where it is necessary to make a self-preservation of books, etc.;
3. Where copies of books, etc., which are hard to obtain due to out of print or other equivalent causes, are made and provided to other libraries, etc., at their request, for their preservation purposes.

(2) The libraries, etc. may reproduce or interactively transmit the books, etc. held thereby so as to have the users peruse them within the relevant libraries, etc. by using computers. In such cases, the number of users allowed to peruse simultaneously shall not exceed the number of copies of the books, etc. held by said libraries, etc. or authorized to be used by the person holding copyright or other rights protected under this Act. <Amended on Apr. 22, 2009>

(3) The libraries, etc. may reproduce or interactively transmit the books, etc. held by them so as to have the users peruse them inside other libraries, etc. by using computers: Provided, That the same shall not apply where the whole or part of books, etc. are published for commercial purposes, and five years have not passed from the date of their publication. <Amended on Apr. 22, 2009>

(4) Where the libraries, etc. reproduce the books, etc. under subparagraph (1) 2 and those of the books, etc. under paragraphs (2) and (3), if the said books, etc. are sold in digital format, the libraries, etc., shall be prohibited from reproducing them in digital format.

(5) Where the libraries, etc. reproduce the books, etc. in digital format under paragraph (1) 1, and where they reproduce or interactively transmit the books, etc. pursuant to paragraph (3) so as to make them available for perusal inside other libraries, etc., they shall pay the remuneration to the holder of author's economic right under the standards determined and publicly notified by the Minister of Culture, Sports and Tourism: Provided, That the same shall not apply to the case of books, etc. for which the holders of author's economic right are the State, local governments or schools under Article 2 of the Higher Education Act (excluding the whole or part of books, etc. which have been published for commercial purposes). <Amended on Feb. 29, 2008>

(6) Article 25 (7) through (11) shall apply mutatis mutandis to the payment, etc. of remuneration under paragraph (5). <Amended on Feb. 4, 2020>

(7) Where the libraries, etc. reproduce or interactively transmit the books, etc. in digital format pursuant to paragraphs (1) through (3), they shall take necessary measures prescribed by Presidential Decree, such as those to prevent any reproduction, in order to prevent any infringements on copyright and other rights protected under this Act.

(8) Where the National Library of Korea collects online materials to preserve pursuant to Article 20-2 of the Libraries Act, it may reproduce the relevant materials. <Newly Inserted on Mar. 25, 2009>

Article 32 (Reproduction to Be Used as Questions in Examination) It shall be permissible to reproduce, distribute, or publicly transmit a work already made public in questions for entrance examinations or other examinations that test knowledge and skills, within the reasonable extent deemed necessary for that purpose: Provided, That where it is for profit-making purposes, this shall not apply. <Amended on Apr. 22, 2009; Feb. 4, 2020>

[Title Amended on Feb. 4, 2020]

Article 33 (Reproduction for the Visually Impaired) (1) It shall be permissible to reproduce the works already made public into Braille, and distribute them for the visually impaired, etc.

(2) It shall be permissible for the facilities prescribed by Presidential Decree (including the heads of relevant facilities) among those for the promotion of welfare of the visually impaired, etc. to make a sound recording of the literary works already made public, for the purpose of offering it for the use by the visually impaired, etc., but not for the profit-making purpose, or to reproduce, distribute or interactively transmit them by a specialized format for the visually impaired, etc. prescribed by Presidential Decree. <Amended on Mar. 25, 2009>

(3) The scope of the visually impaired under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 33-2 (Reproduction for the Hearing Impaired) (1) It shall be permissible for anyone to convert the works already made public into Korean sign language, and reproduce, distribute, perform in public, or publicly transmit such Korean sign language for the hearing impaired, etc. <Amended on Feb. 3, 2016>

(2) It shall be permissible for facilities prescribed by Presidential Decree (including the heads of relevant facilities) from among those for the promotion of welfare of the hearing impaired, etc. to convert the voice, sound, etc. contained in the works, etc. which have already been made public to any format that the hearing impaired can recognize, such as captions, for the purpose of offering it for the use by the hearing impaired, etc. but not for the profit-making purpose; or to reproduce, distribute, perform in public, or publicly transmit them for the hearing impaired, etc.

(3) The scope of the hearing impaired, etc. under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Jul. 16, 2013]

Article 34 (Ephemeral Sound or Visual Recordings by Broadcasting Organization) (1) Broadcasting organizations who have the authority to broadcast works may make ephemeral sound or visual recordings of a work for the purpose of their own broadcasting and by means of their own facilities.

(2) Sound or visual recordings made under paragraph (1) may not be kept for a term exceeding one year from the date of sound or visual recording: Provided, That if they are kept as materials for public records at places prescribed by Presidential Decree, the same shall not apply.

Article 35 (Exhibition or Reproduction of Works of Art) (1) The owner of the original of a work of art, etc., or a person who has obtained the holder's consent, may exhibit the work in its original form: Provided, That where the work of art is to be permanently exhibited on the street, in the park, on the exterior of a building, or other places open to the public, the same shall not apply.

(2) Works of art, etc. exhibited at all times at places open to the public under the proviso of paragraph (1) may be reproduced and used by any means: Provided, That in any of the following cases, the same

shall not apply:

1. Where a building is reproduced into another building;
 2. Where a sculpture or painting is reproduced into another sculpture or painting;
 3. Where the reproduction is made in order to exhibit permanently at an open place under the proviso of paragraph (1);
 4. Where the reproduction is made for the purpose of selling its copies.
- (3) A person who exhibits works of art, etc. pursuant to paragraph (1), or who intends to sell originals of works of art, etc., may reproduce and distribute them in a pamphlet for the purpose of explaining or introducing them.
- (4) No portrait nor a similar photographic work produced by commission shall be used without the consent of the commissioner.

Article 35-2 (Temporary Reproduction in Course of Using Works) Where a person uses works, etc. on a computer, he or she may temporarily reproduce such works, etc. in that computer to the extent deemed necessary for the purpose of smooth and efficient information processing: Provided, That this shall not apply where the use of such works, etc. infringes on copyright.

[This Article Newly Inserted on Dec. 2, 2011]

Article 35-3 (Incidental Reproduction) In the case of photography, sound or visual recording (hereafter in this Article referred to as "photography, etc."), if a work seen or heard is incidentally included in the main object of photography, it may be reproduced, distributed, performed, exhibited, or transmitted to the public: Provided, That this shall not apply where the interests of the holder of author's economic right are unfairly undermined in light of the type and purpose of the work used, the purpose, nature, etc. of its use.

[This Article Newly Inserted on Nov. 26, 2019]

[Previous Article 35-3 moved to Article 35-5 <Nov. 26, 2019>]

Article 35-4 (Reproduction by Cultural Facilities) (1) Where a cultural facility prescribed by Presidential Decree (including the head of the relevant facilities; hereafter in this Article referred to as "cultural facilities") among facilities that are continuously used for cultural and artistic activities operated by the State or a local government cannot identify the holder of author's economic right to a work (excluding foreigners' works under Article 3, hereafter in this Article the same shall apply) made public or his or her place of residence even after significant investigation corresponding to the standards prescribed by Presidential Decree, such cultural facility may reproduce, distribute, perform, exhibit, or publicly transmit the materials for the purpose of collecting, organizing, analyzing, and preserving materials stored in the cultural facility and providing them to the public (excluding purposes of making profits).

(2) The holder of author's economic right may request the cultural facility under paragraph (1) to suspend the use of a relevant work pursuant to paragraph (1), and the cultural facility so requested shall suspend the use of the relevant work without delay.

(3) The holder of author's economic right may request remuneration for the use under paragraph (1), and a cultural facility shall pay remuneration about which consultation was held with the holder of author's economic right.

(4) Where no agreement has been reached despite having undergone procedures for consultation on remuneration under paragraph (3), a cultural facility or the holder of author's economic right shall apply for determination of remuneration to the Minister of Culture, Sports and Tourism.

(5) Upon receipt of an application for determination of a remuneration under paragraph (4), the Minister of Culture, Sports and Tourism shall determine the amount of and timing for payment of the remuneration in consideration of the purpose, types, scope of use, etc. of a work, and notify the cultural facility and the holder of author's economic right of such information.

(6) Where a cultural facility intends to use a work pursuant to paragraph (1), said cultural facility shall take necessary measures, such as posting information related to the list, content, etc. of works being used, and measures to prevent reproduction, in order to prevent infringement of copyright and other

rights protected pursuant to this Act, as prescribed by Presidential Decree.

(7) Necessary matters regarding the procedures and methods for requesting suspension of use under paragraphs (2) through (5), application and procedures for determination of remuneration, etc. shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Nov. 26, 2019]

Article 35-5 (Fair Use of Works) (1) Except as provided in Articles 23 through 35-4 and 101-3 through 101-5, where a person does not unreasonably prejudice an author's legitimate interest without conflicting with the normal exploitation of works, he or she is entitled to use such works. <Amended on Mar. 22, 2016; Nov. 26, 2019>

(2) In determining whether an act of using works falls under paragraph (1), the following matters shall be considered: <Amended on Mar. 22, 2016>

1. Purposes and character of use;
2. Types and purposes of works;
3. Amount and substantiality of portion used in relation to the whole works as a whole ;
4. Effect of the use on the current or potential market for current or potential value of the works

[This Article Newly Inserted on Dec. 2, 2011]

[Moved from Article 35-3 <Nov. 26, 2019>]

Article 36 (Use by Means of Translation) (1) If a work is used under Article 24-2, 25, 29, 30, and 35-3 through 35-5, the work may be used by means of translation, arrangement, or adaptation. <Amended on Dec. 2, 2011; Dec. 30, 2013; Nov. 26, 2019>

(2) If a work is used under Article 23, 24, 26, 27, 28, 32, 33, or 33-2, the work may be used by means of translation. <Amended on Dec. 2, 2011; Jul. 16, 2013>

Article 37 (Indication of Sources) (1) A person who uses a work under this subsection shall indicate its sources: Provided, That this shall not apply to the cases of Articles 26, 29 through 32, 34, and 35-2 through 35-4. <Amended on Dec. 2, 2011; Nov. 26, 2019>

(2) The sources shall be clearly indicated in the manner and to the extent deemed reasonable by the situation in which the work is used, and in cases of a work which bears the author's real name or pseudonym, such real name or pseudonym shall be indicated.

Article 37-2 (Exclusion from Application) @Articles 23, 25, 30 and 32 shall not apply to programs.

[This Article Newly Inserted on Apr. 22, 2009]

Article 38 (Relationship with Author's Moral Rights) No provisions of each Article of this Sub-section shall be interpreted as affecting author's moral rights.

SubSection 3 Duration of Protection of Author's Economic Right

Article 39 (Principles of Copyright Term) (1) The author's economic right to a work shall subsist during the lifetime of an author and until the end of a term of 70 years after the death of the author, unless otherwise provided in this Sub-section. <Amended on Jun. 30, 2011>

(2) The author's economic right to a joint work shall continue to subsist for a term of 70 years after the death of the last surviving co-author. <Amended on Jun. 30, 2011>

Article 40 (Copyright Term of Anonymous and Pseudonymous Works) (1) The author's economic right to a work that is anonymous or bears the pseudonym which is not widely known shall continue to subsist for a term of 70 years after it has been made public: Provided, That within such term, if there are reasonable grounds for recognizing that 70 years have lapsed after the death of the author, such economic right shall be deemed to be extinguished at the time when it deems that 70 years have lapsed after the death of the author. <Amended on Jun. 30, 2011>

(2) The provisions of paragraph (1) shall not apply to any of the following cases:

1. Where the real name or the well-known pseudonym of an author is revealed during the period term referred to in paragraph (1);
2. Where the real name of an author is registered under Article 53 (1) during the period term referred to in paragraph (1).

Article 41 (Copyright Term of Works Made for Hire) The author's economic right to a work made for hire shall continue to subsist for a term of 70 years after it has been made public: Provided, That if it has not been made public within 50 years after its creation, the author's economic right shall continue to exist for a term of 70 years after its creation. <Amended on Jun. 30, 2011>

Article 42 (Copyright Term of Cinematographic Works) Notwithstanding the provisions of Articles 39 and 40, the author's economic right to cinematographic works shall continue to subsist for 70 years from the time of being made public: Provided, That if they have not been made public within 50 years from the time of their creation, the said right shall continue to subsist for 70 years from the time of creation. <Amended on Jun. 30, 2011>

[Title Amended on Jun. 30, 2011]

Article 43 (Time when Serial Publications Have Been Made Public) (1) In cases of works which are made public in the form of volumes, issues, or installments or in cases of works which are completed by making public in parts in a successive manner, the time when a work has been made public pursuant to Article 40 (1) or 41 shall be determined by making public of each volume, issue or installment or by making public of the last part. <Amended on Jun. 30, 2011>

(2) In cases of works to be completed by making public in parts in a successive manner, the last part already made public shall be considered to be the last one under paragraph (1) if the part supposed to follow next is not made public after three years following the preceding part made public.

Article 44 (Commencement of Copyright Term) The term of protection of author's economic right prescribed under this subsection shall commence from the next year of the death of the author, or the creation of the work, or is the making the work public.

SubSection 4 Transfer, Exercise and Expiry of Author's Economic Right

Article 45 (Transfer of Author's Economic Right) (1) Author's economic right may be transferred by assignment in whole or in part.

(2) Where author's economic right is transferred by assignment in whole, the right of the production and use of a derivative work under Article 22 shall be presumed not to be included in the transfer, unless otherwise stipulated: Provided, That in cases of a program, the right of production of a derivative work shall be presumed to have been transferred together unless otherwise stipulated. <Amended on Apr. 22, 2009>

Article 46 (Authorization to Use Works) (1) The holder of author's economic right may grant another person authorization to use the work.

(2) The person who obtained such authorization pursuant to paragraph (1) shall be entitled to exploit the work in such a manner and within the limit of such conditions so authorized.

(3) The right of exploitation as authorized under paragraph (1) may not be transferred by assignment to the third party without the consent of the holder of author's economic right.

Article 47 (Exercise of Pledge Rights on Author's Economic Right) (1) The pledge right on the author's economic right may be exercised with respect to money or other goods to be received by the holder of author's economic right as a result of a transfer of the author's economic right or exploitation of the work (including remuneration payment for the establishment of the exclusive right of publication under Article 57 and the right of publication under Article 63): Provided, That the money or other goods shall be seized before payment or delivery. <Amended on Apr. 22, 2009; Dec. 2, 2011>

(2) The author's economic right which has become the object of the pledge rights shall be exercised by

the holder of author's economic right unless otherwise stipulated in the contract of establishment of the pledge rights. <Newly Inserted on Apr. 22, 2009>

[Title Amended on Apr. 22, 2009]

- Article 48 (Exercise of Author's Economic Right to Joint Works)** (1) Author's economic right to a joint work shall not be exercised without the unanimous agreement of all the holders of author's economic right, and no holder of author's economic right shall be entitled to transfer by assignment or pledge his or her share of author's economic right without the consent of the other authors. In such cases, each holder may not prevent the agreement from being reached or refuse the consent against the good faith.
- (2) The profit accruing from the exploitation of a joint work may be apportioned among authors according to the degrees of contribution by each author, unless otherwise stipulated. In such cases, if the degree of each contribution is not clear, the profit may be equally apportioned to all the authors.
- (3) The holder of author's economic right to a joint work may renounce his or her share. In cases of renunciation or death of a holder of author's economic right without heir, his or her share may be apportioned among other authors according to the ratio of their holding shares.
- (4) The provisions of Article 15 (2) and (3) shall apply mutatis mutandis to the exercise of author's economic right to a joint work.

Article 49 (Expiry of Author's Economic Rights) Author's economic right shall expire in any of the following cases:

1. Where, after the author's death without heir, author's economic right is attributed to the State according to provisions of the Civil Act and other Acts;
2. Where, after the dissolution of a legal person or an organization who is the holder of author's economic right, author's economic right are attributed to the State according to the provisions of the Civil Act and other Acts.

SECTION 5 Exploitation of Works under Statutory License

Article 50 (Exploitation of Works Whose Holder of Author's Economic Right Is Unknown) (1) Where any person fails, despite his or her considerable reasonable efforts to meet the standards prescribed by Presidential Decree, to identify the holder of author's economic right to a work made public, or his or her place of residence, and therefore is unable to obtain any authorization for its exploitation, he or she may exploit the work by paying a remuneration to the Commission as determined by the Minister of Culture, Sports and Tourism after obtaining the Minister's approval as prescribed by Presidential Decree. <Amended on Feb. 29, 2008; Nov. 26, 2019; Feb. 4, 2020>

- (2) The person who exploits a work pursuant to paragraph (1) shall indicate the intention to use and the approval date.
- (3) When the work authorized by statutory license pursuant to the provisions of paragraph (1) becomes the object of statutory license again, the procedures of considerable endeavors corresponding to the standards prescribed by Presidential Decree pursuant to the provisions of paragraph (1) may be omitted: Provided, That if the holder of author's economic right raises an objection according to the procedures prescribed by Presidential Decree before approval on statutory license to the work, the same shall not apply.
- (4) The Minister of Culture, Sports and Tourism shall post the content of statutory license on the information and communication network as prescribed by Presidential Decree. <Amended on Feb. 29, 2008>
- (5) The right to receive remuneration under paragraph (1) shall be exercised through the Commission. <Newly Inserted on Nov. 26, 2019; Feb. 4, 2020>
- (6) The Commission may use the remuneration that has been left undistributed for more than 10 years from the date on which the remuneration was paid pursuant to paragraph (1) for the purpose falling under any subparagraph of Article 25 (10) after obtaining approval from the Minister of Culture, Sports and Tourism. <Newly Inserted on Nov. 26, 2019; Feb. 4, 2020>

(7) Procedures and methods for paying remuneration under paragraphs (1) and (6), approval for the use of undistributed remuneration, and other necessary matters shall be prescribed by Presidential Decree. <Newly Inserted on Nov. 26, 2019>

Article 51 (Broadcasting of Works Made Public) Where a broadcasting organization which intends to broadcast a work already made public for the sake of the public benefit has negotiated with the holder of author's economic rights but an agreement has not been reached, it may broadcast the work with approval of the Minister of Culture, Sports and Tourism as prescribed by Presidential Decree, and by paying to the holder of author's economic right or depositing remuneration as determined by the Minister of Culture, Sports and Tourism. <Amended on Feb. 29, 2008>

Article 52 (Production of Commercial Phonogram) If three years have passed after the date of the first sale of a commercial phonogram in the Republic of Korea, and if any person who intends to produce a commercial phonogram by recording works already recorded on such phonogram has negotiated with the holder of author's economic right but failed to reach an agreement, he or she may produce the phonogram with approval of the Minister of Culture, Sports and Tourism as prescribed by Presidential Decree, and by paying to the holder of author's economic right or depositing remuneration under the standards determined by the Minister of Culture, Sports and Tourism. <Amended on Feb. 29, 2008; Mar. 22, 2016>

[Title Amended on Mar. 22, 2016]

SECTION 6 Registration and Authentication

Article 53 (Registration of Copyright) (1) An author may register any of the following:

1. Real name, pseudonym (limited to the case where pseudonym is used at the time of making it public), nationality, domicile or residence of an author;
2. Title, types or date of creation of a work;
3. Whether a work has been made public, and the country and date/month/year in which the work was first made public;
4. Other matters prescribed by Presidential Decree.

(2) In the absence of any special intention of the author at his or her death, the person designated by the will of the author or his or her heir may register the items falling under any of the subparagraphs of paragraph (1).

(3) The person whose real name is registered as the author pursuant to paragraphs (1) and (2) shall be presumed to be the author of the registered work, and the work whose date of creation or the date on which it has been made public for the first time is registered shall be presumed to have been created or made public for the first time on the date it has been registered: Provided, That where the date, month and year of creation has been registered after one year passed from the time when a work had been created, it shall not be presumed to have been created on the date, month and year registered. <Amended on Apr. 22, 2009>

Article 54 (Registration and Effect of Changes in Rights) The following may be registered, and shall not bind third parties without their registration: <Amended on Dec. 2, 2011>

1. Transfer by assignment of author's economic right (excluding that by inheritance or other successions in general), or limitation on the disposal of author's economic right;
2. Establishment, transfer, alteration, extinction or limitation on the disposal of the exclusive right of publication under Article 57 or the right of publication under Article 63;
3. Establishment, transfer, alteration, or expiry, or the limitation on the disposal of the right of pledge on author's economic rights, exclusive rights of publication pursuant to Article 57, and publication rights pursuant to Article 63.

Article 55 (Procedures for Registration) (1) The registration under Articles 53 and 54 shall be made by the Commission making entry in the copyright register (in cases of programs, referring to a program

register; hereinafter the same shall apply). <Amended on Feb. 29, 2008; Apr. 22, 2009; Feb. 4, 2020>

(2) Where it falls under any of the following subparagraphs, the Commission may return the application: Provided, That this shall not apply where the defects in the application can be corrected and where the applicant corrects said defects on the application date: <Amended on Feb. 29, 2008; Feb. 4, 2020>

1. Where the subject for registration is not a work;
 2. Where the subject for registration is a work not protected under Article 7;
 3. Where a person who is not entitled to apply for registration applies for one;
 4. Where the applicant fails to attach necessary materials or documents for the application;
 5. Where the content of an application for registration filed under Article 53 (1) or 54 is inconsistent with the content of documents attached to the application for registration prescribed by Ordinance of the Ministry of Culture, Sports and Tourism;
 6. Where the application for registration does not conform to the form prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.
- (3) Where an application for registration is returned pursuant to paragraph (2), an applicant for registration may file an objection with the Committee within one month from the date the application is returned. <Newly Inserted on Feb. 4, 2020>
- (4) Upon receipt of an objection filed under paragraph (3), the Commission shall review the objection within one month of receiving it and notify the relevant applicant of the results of such review. <Newly Inserted on Feb. 4, 2020>
- (5) When the Commission decides to dismiss without prejudice or to dismiss the objection, it shall notify the applicant that the Commission may file an administrative appeal or an administrative lawsuit, together with a notice of the result under paragraph (4). <Newly Inserted on Feb. 4, 2020>
- (6) The Commission shall issue a registration gazette that includes registered matters in the copyright register pursuant to paragraph (1) or post such information on an information and communications network. <Amended on Feb. 29, 2008; Feb. 4, 2020>
- (7) Upon receipt of an application for perusal of, or issuance of a copy of, a copyright register, the Commission shall allow perusal of such application or deliver a copy thereof to the applicant. <Newly Inserted on Feb. 4, 2020>
- (8) Other matters necessary for registration, the return of application for registration, the filing of objection, the publication or posting of the registration gazette, perusal of the copyright register, the issuance of copies thereof, etc. shall be prescribed by Presidential Decree. <Amended on Feb. 4, 2020>

Article 55-2 (Notice of Errors or Omissions and Ex Officio Correction) (1) When the Commission has found an error or omission in the matters recorded in the copyright register, it shall inform the person who has registered pursuant to Article 53 or 54 (hereinafter referred to as "copyright registrant") of such fact without delay.

(2) If the error or omission under paragraph (1) has been caused by fault on the part of a person in charge of registration, the Commission shall, without delay, correct the registered matters and inform the copyright registrant of the details of such correction.

(3) If there is a third party who is interested in correcting the registered matters under paragraphs (1) and (2), the Commission shall also notify such third party of the details of such error and omission and the fact of correction in response.

[This Article Newly Inserted on Feb. 4, 2020]

[Previous Article 55-2 moved to Article 55-5 <Feb. 4, 2020>]

Article 55-3 (Applications for Registration for Change) (1) In any of the following cases, a copyright registrant may apply for registration for change, correction, cancellation, or restoration of canceled registration (hereinafter, "registration for change, etc.") by attaching documents proving such fact to the relevant application, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism:

1. Where any matter recorded in the copyright register is changed;
2. Where there is an error or omission in registration;
3. Where he or she desires to cancel registration;

4. Where he or she desires to have the cancelled registration restored.
 - (2) If the Commission finds any discrepancy between the details in an application for registration for change, etc. and the contents of documents proving it, the Commission may return such application.
 - (3) Where an application for registration is returned pursuant to paragraph (2), a person who has filed such application may file an objection. In such cases, Article 55 (3) through (5) and (8) shall apply mutatis mutandis to filing objections.
 - (4) When the Commission accepts an application for registration for change, etc., it shall record the details of thereof in the copyright register.
 - (5) Other matters necessary for application for registration for change, etc., return of the application, etc., shall be prescribed by Presidential Decree.
- [This Article Newly Inserted on Feb. 4, 2020]

Article 55-4 (Ex Officio Cancellation of Registration) (1) Where the Commission becomes aware that registration under Article 53 or 54 falls under any of Article 55 (2) 1 through 3 and 5, it may cancel the registration ex officio.

(2) Where the Commission intends to cancel registration pursuant to paragraph (1), it shall hold a hearing: Provided, That this shall not apply where grounds for cancellation under paragraph (1) are confirmed by a final and conclusive judgment.

(3) If the Commission cancels registration without holding a hearing under the proviso of paragraph (2), it shall notify a copyright registrant or a third party with interest of the fact of cancellation.

[This Article Newly Inserted on Feb. 4, 2020]

Article 55-5 (Duty of Confidentiality) No person who is or was in a position to register under Articles 53 through 55 and 55-2 through 55-4 shall divulge any confidential information he or she obtained in the course of his or her duties to any other person. <Amended on Feb. 4, 2020>

[This Article Newly Inserted on Apr. 22, 2009]

[Moved from Article 55-2 <Feb. 4, 2020>]

Article 56 (Authentication of Holder of Right) (1) The Minister of Culture, Sports and Tourism may designate an authentication organization for the security of transaction of works, etc. and protection of confidence. <Amended on Feb. 29, 2008>

(2) Matters necessary for the designation and revocation of the designation of authentication organization, authentication procedures, etc. pursuant to paragraph (1) shall be prescribed by Presidential Decree. <Amended on Apr. 22, 2009>

(3) The authentication organization under paragraph (1) may collect fees for authentication and the amount thereof shall be determined by the Minister of Culture, Sports and Tourism. <Amended on Feb. 29, 2008>

SECTION 7 Exclusive Right of Publication

Article 57 (Establishment of Exclusive Right of Publication) (1) A person who holds the right to publish or reproduce and interactively transmit (hereinafter referred to as "publication, etc.") works, etc. may establish an exclusive right (hereinafter referred to as "exclusive right of publication " and excluding the right of publication under Article 63; hereinafter the same shall apply) for a person who intends to use such works, etc. for publication, etc. <Amended on Dec. 2, 2011>

(2) The holder of author's economic right may establish a new exclusive right of publication to the extent that the methods and conditions of publication, etc. of relevant works, etc. do not overlap. <Newly Inserted on Dec. 2, 2011>

(3) The person for whom the exclusive right of publication (hereinafter referred to as "holder of the exclusive right of publication") has been established under paragraph (1) shall have the right to use the work that is the object of such exclusive right of publication by means of publication, etc., according to

the terms of the contract of establishment. <Amended on Dec. 2, 2011>

(4) If the right of pledge is established on the right of reproduction, distribution or interactive transmission of a work, the holder of author's economic right may establish the exclusive right of publication only with the authorization of the pledgee. <Amended on Dec. 2, 2011>
[Title Amended on Dec. 2, 2011]

Article 58 (Obligations of Holder of Exclusive Right of Publication) (1) Unless otherwise stipulated in the contract of establishment, the holder of the exclusive right of publication shall use the work by means of publication, etc. within the term of nine months from the date when he or she received manuscripts or other similar materials which are necessary for the reproduction of the work. <Amended on Dec. 2, 2011>

(2) Unless otherwise stipulated in the contract of establishment, the holder of the exclusive right of publication shall continue to use the work by means of publication, etc. in accordance with customary practice. <Amended on Dec. 2, 2011>

3) Unless otherwise stipulated in a special agreement, the holder of the exclusive right of publication shall put a mark of holder of author's economic right on each copy, as prescribed by Presidential Decree: Provided, That this shall not apply to newspapers registered pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, Etc. and termicals registered or reported pursuant to Article 15 or 16 of the Act on Promotion of termicals, including Magazines.(<Amended on Dec. 2, 2011; Feb. 4, 2020>

[Title Amended on Dec. 2, 2011]

Article 58-2 (Revision, Addition, or Reduction of Work) (1) If the holder of the exclusive right of publication reuses a work that is the object of its right by means of publication, etc., the author may revise, add or delete the contents of the work to the extent that it is justified. <Amended on Dec. 2, 2011>

(2) Whenever the holder of the exclusive right of publication intends to reuse a work that is the object of its right by means of publication, etc., unless otherwise stipulated in the contract, he or she shall notify the author of his or her intention in advance. <Amended on Dec. 2, 2011>

[Moved from Article 59 <Dec. 2, 2011>]

Article 59 (Duration of Exclusive Right of Publication) (1) the exclusive right of publication shall subsist for three years from the date of first publication, etc., unless otherwise stipulated in the contract of establishment: Provided, That the duration shall be five years where the exclusive right of publication is established to cinematize such work. <Amended on Dec. 2, 2011>

(2) If the author of the work which is the object of the exclusive right of publication dies within the duration of the exclusive right of publication, the holder of author's economic right, notwithstanding the provisions of paragraph (1), may reproduce the work in a complete collection of works or other compilation work, or use the work by means of publication, etc. by separating it from a complete collection of works or other compilation work. <Amended on Dec. 2, 2011>

[Moved from Article 60; previous Article 59 moved to Article 58-2 <Dec. 2, 2011>]

[Title Amended on Dec. 2, 2011]

Article 60 (Notification of Termination of Exclusive Right of Publication) (1) If the holder of the exclusive right of publication has violated Article 58 (1) or (2), the holder of author's economic right may call on him or her to fulfill his or her obligation for a prescribed term of not shorter than six months. If the holder of the exclusive right of publication fails to do so during such term, the holder of author's economic right may notify him or her of the termination of his or her exclusive right of publication. <Amended on Dec. 2, 2011>

(2) The holder of author's economic right may immediately notify the holder of the exclusive right of publication of its termination, notwithstanding the provisions of paragraph (1), when it is obvious that it is impossible for the holder of the exclusive right of publication to use the work by means of publication, etc., or that he or she has no intention to do so. <Amended on Dec. 2, 2011>

(3) When the termination of the exclusive right of publication is notified under the provisions of paragraph (1) or (2), the exclusive right of publication is presumed to have been terminated on the date the holder of the exclusive right of publication has received such notification. <Amended on Dec. 2, 2011>

(4) In cases of paragraph (3), the holder of author's economic right may, at any time, claim to the holder of the exclusive right of publication for restitution or remuneration for damages accruing from the suspension of publication, etc. of the work. <Amended on Dec. 2, 2011>

[Moved from Article 61; previous Article 60 moved to Article 59 <Dec. 2, 2011>]

[Title Amended on Dec. 2, 2011]

Article 61 (Distribution of Copies after Termination of Exclusive Right of Publication) After the termination of the exclusive right of publication on account of the expiration of the duration of the right or other reasons, the holder of the exclusive right of publication shall not distribute copies reproduced within the duration of the right, except in any of the following cases: <Amended on Dec. 2, 2011>

1. Where otherwise stipulated in the contract of establishment;

2. Where he or she has already made payment to the holder of author's economic right for publication, etc. within the duration of the exclusive right of publication, and he or she distributes the number of copies correspondingly to such payment.

[Moved from Article 62; previous Article 61 moved to Article 60 <Dec. 2, 2011>]

[Title Amended on Dec. 2, 2011]

Article 62 (Transfer by Assignment of and Limitations on Exclusive Right of Publication) (1) No holder of the exclusive right of publication shall transfer or pledge such right without the consent of the holder of author's economic right.

(2) Articles 23, 24, 25 (1) through (5), 26 through 28, 30 through 33, 35 (2) and (3), 35-2 through 35-5, 36, and 37 shall apply mutatis mutandis to the reproduction, etc. of works that are the object of the exclusive right of publication. <Amended on Nov. 26, 2019; Feb. 4, 2020>

[This Article Wholly Amended on Dec. 2, 2011]

[Moved from Article 63; previous Article 62 moved to Article 61 <Dec. 2, 2011>]

SECTION 7-2 Special Provisions Concerning Publication

Article 63 (Right of Print Publication) (1) A person who holds the right to reproduce and distribute a work (hereinafter referred to as "holder of the right of reproduction") may establish the right to publish such work in print (hereinafter referred to as "right of print publication") for a person who intends to publish such work in documents or pictures by printing them or by other method similar thereto.

(2) A person for whom the publication right is established pursuant to paragraph (1) (hereinafter referred to as "holder of the publication right") may hold the right to publish the original copy of the work that is the object of the publication right as prescribed by the act of establishment.

(3) The holder of the right of reproduction may establish the publication right only with the pledgee's permission, where the pledge has been established for the right of reproduction of his or her work.

[This Article Newly Inserted on Dec. 2, 2011]

[Previous Article 63 moved to Article 62 <Dec. 2, 2011>]

Article 63-2 (Application Mutatis Mutandis) @Articles 58 through 62 shall apply mutatis mutandis to the publication right. In such cases, the term "exclusive right of publication" shall be construed as "right of publication", and the term "holder of author's economic right" as "holder of the right of reproduction."

[This Article Newly Inserted on Dec. 2, 2011]

CHAPTER III NEIGHBORING RIGHTS SECTIONS 1 Common Provisions

SECTION 2 Performers Right

- Article 66 (Right of Paternity)** (1) A performer shall have the right to indicate his or her real name or pseudonym on his or her performance or the copy of his or her performance.
(2) Those who intend to exploit a performance shall indicate the real name or pseudonym of the performer as he or she has indicated insofar as there is no special declaration of intention by the performer: Provided, That if it is recognized as unavoidable in view of the character of the performance, the purpose and manner of exploitation, etc., the same shall not apply.
- Article 67 (Right of Integrity)** A performer shall have the right to maintain the identity of the content and manner of his or her performance: Provided, That the same shall not apply where deemed unavoidable in the light of the nature of the performance as well as the purpose and manner of its use.
- Article 68 (Inalienability of Performer's Moral Rights)** The rights prescribed in Articles 66 and 67 (hereinafter referred to as "moral rights of performer") shall belong exclusively to the performer.
- Article 69 (Right of Reproduction)** A Performer shall have the right to reproduce his or her performances.
- Article 70 (Right of Distribution)** Performers shall have the right to distribute the copies of his or her performance: Provided, That if the copies of performance have been offered for transactions by means of sale, etc. with authorization of the performer, the same shall not apply.
- Article 71 (Right of Rental)** Performers shall have the right to rent the commercial phonogram, in which his or her performance is recorded, for profit purpose notwithstanding the provisions of the proviso of Article 70. <Amended on Mar. 22, 2016>
- Article 72 (Right of Public Performance)** Performers shall have the right to perform his or her performance publicly which has not been fixed: Provided, That if the performance is for broadcasting, the same shall not apply.
- Article 73 (Right of Broadcasting)** Performers shall have the right to broadcast their performances: Provided, That the same shall not apply to the performance which has been recorded with authorization of the performer.
- Article 74 (Right of Interactive Transmission)** Performers shall have the right to interactively transmit their performances.
- Article 75 (Remuneration by Broadcasting Organizations to Performers)** (1) When a broadcasting organizations sends out a broadcast by using commercial phonograms in which performances are recorded, it shall pay reasonable remuneration to the performers: Provided, That when the performer is a foreigner and the relevant foreign country does not recognize remuneration pursuant to the provisions of this paragraph to the performer who is a national of the Republic of Korea, the same shall not apply. <Amended on Mar. 22, 2016>
(2) Article 25 (7) through (11) shall apply mutatis mutandis to the payment, etc. of remuneration under paragraph (1). <Amended on Feb. 4, 2020>
(3) The amount of remuneration which the organization referred to in paragraph (2) may claim on behalf of the holder of right to remuneration shall be determined each year by an agreement between the relevant organization and the broadcasting organizations.
(4) If no agreement is reached under paragraph (3), an organization or broadcasting organization may request for mediation to the Commission, as prescribed by Presidential Decree. <Amended on Apr. 4, 2009; Feb. 4, 2020>
- Article 76 (Remuneration by Digital Sound Transmission Organizations to Performers)** (1) When a digital sound transmission organization transmits by using phonogram in which stage performances are recorded, it shall pay reasonable remuneration to the performer.
(2) Article 25 (7) through (11) shall apply mutatis mutandis to the payment, etc. of remuneration under paragraph (1). <Amended on Feb. 4, 2020>

(3) The amount of remuneration which the organization under paragraph (2) may claim on behalf of the holder of right to remuneration shall be determined every year by an agreement between the organization and the digital sound transmission organization within the term prescribed by Presidential Decree.

(4) If an agreement referred to in paragraph (3) is not reached, the amount determined and publicly notified by the Minister of Culture, Sports and Tourism shall be paid. <Amended on Feb. 29, 2008>

Article 76-2 (Remuneration to Performers by Persons Doing Public Performance Using Commercial Phonograms)

(1) Any person doing a public performance using commercial phonogram on which the performance is recorded shall pay a reasonable remuneration to the relevant performer: Provided, That where a performer is a foreigner, the same shall not apply when the performer's country does not recognize a remuneration under this paragraph to a performer who is a national of the Republic of Korea. <Amended on Mar. 22, 2016>

(2) Articles 25 (7) through (11) and 76 (3) and (4) shall apply mutatis mutandis to the payment, amount, etc. of a remuneration under paragraph (1). <Amended on Feb. 4, 2020>

[This Article Newly Inserted on Mar. 25, 2009]

[Title Amended on Mar. 22, 2016]

Article 77 (Joint Performers) (1) If two or more performers perform jointly in a chorus, concert, or drama, etc., the rights of performers (excluding the performer's moral right) prescribed under this Section shall be exercised by a representative elected by the joint performers: Provided, That where such a representative is not elected, the conductor or director shall exercise the rights.

(2) In exercising the rights of performers under paragraph (1), if a solo vocalist or a solo instrument player participates in the performance, the consent of such vocalist or instrument player shall be obtained.

(3) The provisions of Article 15 shall apply mutatis mutandis to the exercise of the moral rights of joint performers.

SECTION 3 Rights of Phonogram Producers

Article 78 (Right of Reproduction) Phonogram producers shall have the right to reproduce their phonogram.

Article 79 (Right of Distribution) Phonogram producers shall have the right to distribute their phonogram: Provided, That the copies of phonogram have been offered to transactions by means of sale, etc. with authorization of the phonogram producers, the same shall not apply.

Article 80 (Right of Rental) Notwithstanding the provisions of the proviso of Article 79, phonogram producers shall have the right to authorize commercial rental of commercial phonograms for profit. <Amended on Mar. 22, 2016>

Article 81 (Right of Interactive Transmission) Phonogram producers shall have the right to interactively transmit their phonograms.

Article 82 (Remuneration to Phonogram Producers by Broadcasting Organization) (1) Where a broadcasting organization sends out broadcasts using commercial phonograms, it shall pay reasonable remuneration to the phonogram producer: Provided, That when the phonogram producer is a foreigner and the relevant foreign country does not recognize remuneration under this paragraph to the phonogram producer who is a national of the Republic of Korea, this shall not apply. <Amended on Mar. 22, 2016>

(2) Articles 25 (7) through (11) and 75 (3) and (4) shall apply mutatis mutandis to the payment, amount, etc. of a remuneration under paragraph (1). <Amended on Feb. 4, 2020>

Article 83 (Remuneration to Phonogram Producers by Digital Sound Transmission Organization) (1) Where a digital sound transmission organization transmits by using commercial phonograms, it shall pay reasonable remuneration to a phonogram producer.

(2) Articles 25 (7) through (11) and 76 (3) and (4) shall apply mutatis mutandis to the payment, amount, etc. of a remuneration under paragraph (1). <Amended on Feb. 4, 2020>

Article 83-2 (Remuneration to Phonogram Producers by Persons Performing in Public Using Commercial Phonogram) (1) Any person doing a public performance by using a commercial phonogram shall pay a reasonable remuneration to the relevant phonogram producer: Provided, That where a phonogram producer is a foreigner, the same shall not apply when the producer's country does not recognize remuneration under this paragraph to a phonogram producer who is a national of the Republic of Korea. <Amended on Mar. 22, 2016>

(2) Articles 25 (7) through (11) and 76 (3) and (4) shall apply mutatis mutandis to the payment, amount, etc. of a remuneration under paragraph (1). <Amended on Feb. 4, 2020>

[This Article Newly Inserted on Mar. 25, 2009]

[Title Amended on Mar. 22, 2016]

SECTION 4 Rights of Broadcasting Organization

Article 84 (Right of Reproduction) Broadcasting organizations shall have the right to reproduce their broadcasts.

Article 85 (Right of Simultaneous Broadcasting) Broadcasting organizations shall have the right to authorize their broadcasts to rebroadcast simultaneously.

Article 85-2 (Right of Public Performance) A broadcasting organization has the right to publicly perform its broadcasts, when the public performance is made in place accessible to the general public charging an entrance fee with regard to watching the broadcast.

[This Article Newly Inserted on Jun. 30, 2011]

SECTION 5 Term of Protection for Neighboring Right

Article 86 (Term of Protection) (1) Neighboring rights shall commence from the time that falls under the following and shall not require any procedures or formalities: <Amended on Dec. 2, 2011>

1. For performances, when the performance took place;
2. For phonograms, when the first fixation of sound was done;
3. For broadcast, when the broadcast was sent out.

(2) Neighboring rights (excluding moral rights of performers; hereinafter the same shall apply) shall continue to remain for 70 years (50 years in cases of broadcasts) counting from the year following the year falling under any of the following: <Amended on Dec. 2, 2011>

1. For performances, when the performance took place: Provided, That if a phonogram on which the performance is fixed is published within 50 years from the time such performance took place, when the phonogram is published;
2. For phonograms, when the phonogram was published: Provided, That phonograms have not been released until after 50 years have passed counting from the year after the year when the sound was first fixed on the phonogram, the time when the sound was first fixed on the phonogram;
3. For broadcasts, when the broadcasts was sent out.

SECTION 6 Limitations on, Transfers of Ownership, or Exercise of Neighboring Rights

Article 87 (Limitations on Neighboring Rights) (1) Articles 23, 24, 25 (1) through (5), 26 through 32, 33 (2), 34, 35-2 through 35-5, 36, and 37 shall apply mutatis mutandis to the use of performances, phonograms, or broadcasts that are the objects of neighboring rights. <Amended on Dec. 2, 2011; Nov. 26, 2019; Feb. 4, 2020>

(2) Where a digital sound transmission organization transmits by making use of a phonogram on which performance is recorded pursuant to Articles 76 (1) and 83 (1), he or she may temporarily reproduce a phonogram on which performance is recorded by his or her own means. In such cases, Article 34 (2) shall apply mutatis mutandis to the term of keeping such copy. <Newly Inserted on Apr. 22, 2009>

Article 88 (Transfers by Assignment, Exercise, etc. of Neighboring Rights) @Article 45 (1) shall apply mutatis mutandis to the transfer by assignment of neighboring rights; Article 46 to authorization to exploit performance, phonogram or broadcast; Article 47 to the exercise of the right of pledge established on neighboring rights; Article 49 to the termination of neighboring rights; and Articles 57 through 62 to the establishment, etc. of the exclusive right of publication of performance, phonogram or broadcast, respectively.

[This Article Wholly Amended on Dec. 2, 2011]

Article 89 (Statutory License for Use of Performance, Phonogram and Broadcast) The provisions of Articles 50 through 52 shall apply mutatis mutandis to the use of performances, phonograms and broadcasts.

Article 90 (Registration of Neighboring Rights) @Articles 53 through 55 and Articles 55-2 through 55-5 shall apply mutatis mutandis to the registration, registration for change, etc. of neighboring rights or of the exclusive right of publication of neighboring rights. In such cases, "copyright register" in Articles 55, 55-2, and 55-3 shall be construed as "neighboring register."

[This Article Wholly Amended on Feb. 4, 2020]

CHAPTER IV PROTECTION OF DATABASE PRODUCERS

Article 91 (Database under Protection) (1) The database of persons falling under any of the following subparagraphs shall be protected under this Act:

1. Nationals of the Republic of Korea;
2. Foreigners protected by the treaties to which the Republic of Korea has acceded or which it has concluded in relation with the protection of database.

(2) Even for a foreign national database protected under paragraph (1), if the foreigner's country does not protect the database of nationals of the Republic of Korea, the protection under the treaties and this Act may be limited proportionately therewith.

Article 92 (Exception from Application) The provisions of this Chapter shall not be applicable to the database falling under either of the following subparagraphs:

1. Computer programs which are used for the production, renewal, etc. or operation of the database;
2. Database which are produced or renewed, etc. in order to have wireless or wire communications technically possible.

Article 93 (Rights of Database Producers) (1) Database producers shall hold the rights to reproduce, distribute, broadcast, or interactively transmit (hereafter in this Article referred to as the "reproduction, etc.") the whole or considerable parts of relevant database.

(2) Individual materials of the database shall not be considered as the considerable parts of relevant database under the provisions of paragraph (1): Provided, That even for the reproductions, etc. of individual materials of database or of the portions falling short of their considerable parts, if the said reproductions conflict with the normal exploitation of relevant database, or prejudice unduly on the interests of database producers, by making them repeatedly or systematically for specific purposes, they shall be considered as the reproductions, etc. of the considerable parts of relevant database.

(3) Protections under this Chapter shall not affect the copyright of materials forming constituent parts of the database, and other rights protected under this Act.

(4) Protections under this Chapter shall not extend to the materials themselves forming constituent parts of the database.

Article 94 (Limitations on Rights of Database Producers) (1) Articles 23, 28 through 34, 35-2, 35-4, 35-5, 36, and 37 shall apply mutatis mutandis to the use of database which is the object of the rights of database producers. <Amended on Dec. 2, 2011; Nov. 26, 2019>

(2) In either of the following cases, a person may reproduce, distribute, broadcast or interactively transmit

the whole or substantial parts of database: Provided, That the same shall not apply where it is in conflict with the normal exploitation of relevant database:

1. Where being used for education, scholarship or research: Provided, That the same shall not apply to the case aiming at profit-making;
2. Where being used for the news reporting.

Article 95 (term of Protection) (1) The rights of database producers shall commence from the time of completing a production of database, and shall subsist for five years counting from the next year of the completion.

(2) Where a considerable investment in human or material resources has been made for the renewal, etc. of database, the rights of database producers for the relevant parts shall commence from the time of making relevant renewal, etc., and shall remain effective for five years counting from the next year of the renewal.

Article 96 (Transfer or Exercise of Rights of Database Producers) The proviso of Article 20 shall apply mutatis mutandis to the offer of database for transaction, Article 45 (1) to the transfer of rights of database producers, Article 46 to the authorization of the use of database, Article 47 to the exercise of the right of pledge established on the rights of database producers, Article 48 to the exercise of rights by the database producers of joint databases, Article 49 to the termination of rights of database producers, and Articles 57 through 62 to the establishment, etc. of the exclusive right of publication of database, respectively.

[This Article Wholly Amended on Dec. 2, 2011]

Article 97 (Statutory License for Use of Database) The provisions of Articles 50 and 51 shall apply mutatis mutandis to the use of database.

Article 98 (Registration of Rights of Database Producers) @Articles 53 through 55 and Articles 55-2 through 55-5 shall apply mutatis mutandis to registration, registration for change, etc. of the rights of database producers and the exclusive right of publication of database producers. In such cases, "copyright register" in Articles 55, 55-2, and 55-3 shall be construed as "register of rights of database producers."

[This Article Wholly Amended on Feb. 4, 2020]

CHAPTER V SPECIAL CASES CONCERNING CINEMATOGRAPHIC WORKS

Article 99 (Cinematization of Works) (1) If the holder of author's economic right authorizes another person to cinematize his or her work by means of cinematization, such authorization shall be presumed to include the following rights, unless otherwise expressly stipulated:

1. To dramatize a work for the production of a cinematographic work;
2. To publicly screen a cinematographic work aiming at a public screening;
3. To broadcast a cinematographic work aiming at broadcasting;
4. To interactively transmit a cinematographic work aiming at an interactive transmission;
5. To reproduce and distribute a cinematographic work for its original purpose;
6. To exploit the translation of a cinematographic work in the same manner as the cinematographic work.

(2) If the holder of author's economic right authorizes a person to exploit his or her work by means of cinematization, unless otherwise stipulated, he or she may authorize, after the lapse of five years from the date of his or her authorization, the cinematization of the work in another form of cinematographic work.

Article 100 (Rights to Cinematographic Works) (1) Where a person who agreed to cooperate with a producer of a cinematographic work in the production of a cinematographic work have obtained a copyright to the said cinematographic work, the rights necessary for the exploitation of such cinematographic work shall be presumed to have been transferred to the producer of the cinematographic work unless otherwise expressly stipulated.

(2) The copyright to a novel, play, work of art or musical work used for the production of a

cinematographic work shall not be affected by the provision of paragraph (1).

(3) The right to reproduce under Article 69, the right to distribute under Article 70, the right to broadcast under Article 73, and the right to interactively transmit under Article 74 with regard to the use of a cinematographic work of a performer who agreed with the producer of a cinematographic work to cooperate in the production of a cinematographic work shall be presumed to have been transferred to the producer of cinematographic works, unless otherwise expressly stipulated.

Article 101 (Rights of Producers of Cinematographic Works) (1) Rights necessary for the exploitation of a cinematographic work transferred by a person, who agreed to cooperate in the production of a cinematographic work, to a producer of a cinematographic work shall be rights to exploit the cinematographic work by means of reproduction, distribution, public presentation, broadcasting, interactive transmission, and others, and the said producer may transfer the rights, or establish the pledge thereon.

(2) The right transferred from a performer to a producer of a cinematographic work shall be rights to reproduce, distribute, broadcast or interactively transmit the said cinematographic work, and it may be interactively transferred or a pledge may be established thereon.

CHAPTER V-2 SPECIAL RULES CONCERNING Computer Programs

Article 101-2 (Objects of Protection) This Act shall not apply to the following subparagraphs used to produce programs:

1. Programming language: Characters, symbols and their systems as means expressing programs;
2. Protocol: A special agreement on how to use programming language in a specific program;
3. solution: Combination methods of instructions and commands in a program.

[This Article Newly Inserted on Apr. 22, 2009]

Article 101-3 (Limitations on Author's Economic Right of Program) (1) In any of the following cases, a program made public may be reproduced or distributed to the extent necessary for that purpose: Provided, That where it unreasonably prejudices the interest of the holder of author's economic right in the light of types and purposes of programs, substantiality of portion reproduced in a program and the number of copies of reproduction or such, the same shall not apply: <Amended on Feb. 4, 2020>

1. Where a program is reproduced for a trial or investigation;
- 1-2. Where a program is reproduced for appraisal under Article 119 (1) 2;
2. Where a program is reproduced or distributed for the purpose of provision to a class course by a person who is responsible for education at schools, and in educational institutions (limited to educational institutions, graduation from which is recognized as graduating from elementary school, middle school, or high school, or to educational institutions that award degrees) established pursuant to the Early Childhood Education Act, the Elementary and Secondary Education Act and the Higher Education Act and other educational institutions established under other statutes;
3. Where a program is reproduced in curriculum books for the educational purpose of schools under the Elementary and Secondary Education Act and schools equivalent thereto;
4. Where a program is reproduced for personal purposes (excluding cases for the purpose of profit-making) in the confined place like home;
5. Where a program is reproduced or distributed for the purpose (excluding cases for the purpose of profit-making) of entrance examinations of schools under the Elementary and Secondary Education Act and the Higher Education Act and of schools equivalent thereto, or of other examinations or official approval for scholarship or skill;
6. Where a program is reproduced for the purpose of research, study, test of functions of a program to confirm ideas and principles which form the foundation of a program (only when any person who uses a program with legitimate authority is using the relevant program).

(2) Programs (limited to cases in which they are legitimately acquired) may be temporarily reproduced during the course of using a computer for the maintenance and repair of such computer. <Newly Inserted on Dec. 2, 2011>

(3) A person who intends to publish a program in curriculum books pursuant to paragraph (1) 3 shall pay a remuneration under the standards determined and publicly notified by the Minister of Culture, Sports and Tourism to the relevant holder of author's economic right. In such cases, the provisions of Article 25 (7) through (11) shall apply mutatis mutandis to the payment of a remuneration. <Amended on Dec. 2, 2011; Feb. 4, 2020>

[This Article Newly Inserted on Apr. 22, 2009]

Article 101-4 (Decompilation of Program Codes) (1) Where any person who uses a program with legitimate authority or any person who has obtained his or her permission cannot easily obtain necessary information for compatibility and it is inevitable for him or her to obtain the information, he or she may perform decompilation of program codes without obtaining permission of the holder of author's economic right of the program limited to necessary part for compatibility of the relevant program.

(2) Where information obtained through decompilation of program codes under paragraph (1) falls under any of the following subparagraphs, it shall not be used:

1. Where information is exploited for the purpose other than the purpose of compatibility or is provided to a third party;
2. Where a program or expression subject to a decompilation of program code is exploited in development, production and sale of substantially similar programs or in infringement of copyright of the program.

[This Article Newly Inserted on Apr. 22, 2009]

Article 101-5 (Reproduction for Storage by Legitimate Users) (1) Any person who possesses and uses a copy of program with legitimate authority may reproduce the relevant copy to the extent necessary to provide against destruction, damage or deterioration or such of the copy.

(2) When any person who possesses or uses a copy of program has lost the right to possess and use a copy of the relevant program, he or she shall destroy the copy made pursuant to paragraph (1) unless the holder of author's economic right of the program specially expresses his or her intention: Provided, That where he or she has lost the right to possess and use a copy of program because the relevant copy of program has been destroyed, the same shall not apply.

[This Article Newly Inserted on Apr. 22, 2009]

Article 101-6 Deleted. <Dec. 2, 2011>

Article 101-7 (escrow of Program) (1) The holder of author's economic right of a program and any person who has been authorized to use the program may escrow the source code and technical information or such of the program to a person prescribed by Presidential Decree (hereafter in this Article referred to as "escrowee") by mutual consent.

(2) Any person who has been authorized to use a program may, when a reason stipulated in the consent obtained pursuant to paragraph (1) has arisen, request the bailee to provide him or her the source code and technical information or such of the program.

[This Article Newly Inserted on Apr. 22, 2009]

CHAPTER VI LIMITATION ON LIABILITY OF ONLINE SERVICE PROVIDERS

Article 102 (Limitation on Liability of Online Service Providers) (1) Even if copyright or other rights protected pursuant to this Act are infringed in relation to any of the following subparagraphs, an online service provider shall not be liable for such infringement, where he or she meets all of the following requirements in the items pursuant to each subparagraph: <Amended on Jun. 30, 2011; Dec. 2, 2011; Feb. 4, 2020>

1. An act of transmitting, routing or providing connections for works etc. without modifying their contents, or automatic, intermediate or temporary storage of such works etc. in the course thereof within a reasonably necessary term for such transmission:
 - (a) Where an online service provider has not initiate the transmission of works, etc.;

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- (b) Where an online service provider has not selected works, etc. or the recipients thereof;
 - (c) Where an online service provider has adopted and reasonably implemented a policy that provides for termination of the accounts (referring to the accounts with the right to use relevant services, used by an online service provider to identify and manage users; hereafter in this Article and Articles 103-2, 133-2 and 133-3 the same shall apply) of persons who repeatedly infringe on copyright or other rights protected pursuant to this Act;
 - (d) Where the online service provider has accommodated and has not interfered with standard technical measures used by the holder of right that are designed to identify and protect works, etc. and meet the conditions under Presidential Decree;
2. An act of storing works, etc. transmitted at the request of service users in an automatic, intermediating or temporary manner so that subsequent users can efficiently access or receive such works, etc.:
- (a) Where the requirements under the items of subparagraph 1 are all met;
 - (b) Where an online service provider has not modified such works, etc.;
 - (c) If any condition exists to access such works, etc. provided, where the access to temporarily stored works, etc. is permitted to users who have complied with such condition;
 - (d) Where an online service provider has complied with the rules on updating works, etc. that are determined by a person who reproduces or interactively transmits works, etc. (hereinafter referred to as "reproducer or interactive transmitter") under data communications protocol for computers or information and communications networks generally recognized in the industry: Provided, That this shall not apply where an interactive transmitter or reproducer has determined rules on updating for the purposes of unreasonably restricting such storage;
 - (e) Where an online service provider has not interfered with the use of technologies generally recognized within such industry, which are applied to obtain information on the use of works, etc. at the originating site of the works, etc.;
 - (f) Where an online service provider immediately removed or disabled access to the works etc., when an online service provider is required to suspend reproduction or interactive transmission under Article 103 (1), where such works, etc. are removed or made inaccessible at the original website, or where he or she actually becomes aware of the fact that the court or the head of a central administrative agency has issued an order to delete such works, etc. or make them inaccessible;
3. An act of storing works, etc. in the computer of an online service provider at the request of a reproducer or interactive transmitter or an act of making users aware of the location of works, etc. on the information and communications network through information search tools:
- (a) Where all the requirements under the items of subparagraph 1 are met;
 - (b) When an online service provider has the right and ability to control the infringing activity, where he or she has not obtained any financial benefit directly attributable to the infringing activity;
 - (c) When an online service provider actually becomes aware of infringement or obtains actual knowledge of the fact or circumstance that infringement is evident through the request, etc. to suspend reproduction or interactive transmission under Article 103 (1), where he or she has immediately suspended the reproduction or interactive transmission of such works, etc.;
 - (d) Where an online service provider has designated and announced a person to receive demand to suspend reproduction or interactive transmission pursuant to Article 103 (4);
4. Deleted. <Feb. 4, 2020>
- (2) Notwithstanding the provisions of paragraph (1), where it is technologically impossible for an online service provider to take measures under paragraph (1), he or she shall not be liable for the infringement of copyright or other rights protected pursuant to this Act due to the reproduction or interactive transmission of works, etc. by other persons. <Amended on Jun. 30, 2011>
 - (3) In relation to the limitation on liability under paragraph (1), an online service provider shall not be obligated to monitor any infringement within his or her services or actively investigating such infringement. <Newly Inserted on Jun. 30, 2011>

- Article 103 (Suspension of Reproduction or Interactive Transmission)** (1) Any person who claims that his or her copyright and other rights protected under this Act are infringed (hereafter in this Article referred to as "claimant") due to the reproduction or interactive transmission of works, etc. through the use of services by an online service provider (excluding cases under Article 102 (1) 1; hereafter in this Article the same shall apply), may demand the online service provider, by vindicating the said facts, to suspend the reproduction or interactive transmission of the works, etc. <Amended on Jun. 30, 2011>
- (2) Where an online service provider is requested to suspend the reproduction or interactive transmission under paragraph (1), he or she shall immediately suspend the reproduction or interactive transmission of such works, etc. and notify a claimant to the right of such fact: Provided, That an online service provider under Article 102 (1) 3 shall also notify the reproducer or interactive transmitter of such works, etc. <Amended on Jun. 30, 2011; Feb. 4, 2020>
- (3) Where the reproducer or interactive transmitter, upon receipt of notification under paragraph (2), vindicates that his or her reproduction or interactive transmission is made with legitimate authority, and demands a resumption of such reproduction or interactive transmission, the online service provider shall notify, without delay, the claimant to the right of the fact of demanding a resumption and the scheduled date of resumption, and shall have the reproduction or interactive transmission resumed on the said scheduled date: Provided, That this shall not apply where the claimant to a right notifies an online service provider before the scheduled date of resumption, of the fact that he or she has filed a lawsuit against the act of infringement of reproducer or interactive transmitter. <Amended on Dec. 2, 2011>
- (4) The online service provider shall make an announcement, by designating the person who is demanded to suspend or to resume the reproduction or interactive transmission under paragraphs (1) and (3) (hereafter in this Article referred to as "recipient"), so as to have the users of facilities or services of the provider know with ease.
- (5) Where the online service provider has made an announcement pursuant to paragraph (4), and has suspended or resumed the reproduction or interactive transmission of relevant works, etc. under paragraphs (2) and (3), the liability of the online service provider for the infringement on other person's copyright and other rights protected under this Act, and the liability of the online service provider for the losses incurred to the reproducer or interactive transmitter, shall be exempted: Provided, That this shall not apply to the liability arisen from the time when the online service provider has known the facts that the copyright and other rights protected under this Act were infringed due to the reproduction or interactive transmission of works, etc. by third parties to the time of demanding the suspension under paragraph (1). <Amended on Jun. 30, 2011; Dec. 2, 2011>
- (6) Any person who demands, without legitimate authority, the suspension or resumption of the reproduction or interactive transmission of relevant works, etc. under paragraphs (1) and (3), shall make a remuneration for any losses incurred thereby.
- (7) Matters necessary for the vindication, suspension, notification, resumption of reproduction or interactive transmission, designation of a recipient, and public notice, etc. under paragraphs (1) through (4) shall be prescribed by Presidential Decree. In such cases, the Minister of Culture, Sports and Tourism shall make a prior consultation with the heads of related central administrative agencies. <Amended on Feb. 29, 2008; Jun. 30, 2011>

Article 103-2 (Scope of Court Orders Issued to Online Service Providers) (1) Where the court orders necessary measures pursuant to Article 123 (3) to an online service provider who meets the requirements under Article 102 (1) 1, it may order the following measures only:

1. Termination of specific accounts;
2. Reasonable measures to prevent the access to specific foreign websites.

(2) Where the court orders necessary measures pursuant to Article 123 (3) to an online service provider who meets the requirements under Article 102 (1) 2 and 3, it may order the following measures only: <Amended on Feb. 4, 2020>

1. Deletion of illegal copies;
2. Measures to prevent the access to illegal copies;

3. Termination of specific accounts;
4. Other measures deemed by the court as necessary to the extent a minimum burden is imposed on an online service provider.

[This Article Newly Inserted on Dec. 2, 2011]

Article 103-3 (Request for Information on Reproducers and Interactive Transmitters) (1) Where the claimant to a right has requested an online service provider to provide information owned by such online service provider, such as the names and addresses of the relevant reproducer or interactive transmitter to the minimum extent necessary to file a civil lawsuit or bring criminal charges, but the online service provider has refused such request, the claimant to the right may request the Minister of Culture, Sports and Tourism to issue an order to the online service provider to provide such information.

(2) In receipt of a request under paragraph (1), the Minister of Culture, Sports and Tourism may order the online service provider to submit information on the relevant reproducer or interactive transmitter, after undergoing deliberation by the Copyright Protection Deliberation Committee referred to in Article 122-6. <Amended on Mar. 22, 2016>

(3) The online service provider shall submit relevant information to the Minister of Culture, Sports and Tourism within seven days from receipt of an order under paragraph (2), and the Minister of Culture, Sports and Tourism shall provide such information to a person who has made a request under paragraph (1), without delay.

(4) No person provided with information on the relevant reproducer or interactive transmitter pursuant to paragraph (3) shall use such information for the purposes other than those requested under paragraph (1).

(5) Other matters necessary for the provision of information on reproducers or interactive transmitters shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Dec. 2, 2011]

Article 104 (Obligation of Online Service Providers of Special Type) (1) The online service provider who aims principally at enabling interactive transmission of works, etc. using computers between other persons (hereinafter referred to as “online service provider of special type”) shall take necessary measures, such as technological measures, etc. that block illegal interactive transmission of the relevant work, etc. upon request from the holder of rights. In such cases, matters regarding the request of holder of rights and necessary measures shall be prescribed by Presidential Decree. <Amended on Apr. 22, 2009>

(2) The Minister of Culture, Sports and Tourism may determine and publicly notify the scope of online service provider of special type under paragraph (1). <Amended on Feb. 29, 2008>

(3) The Minister of Culture, Sports and Tourism shall verify whether necessary measures, such as technological measures under paragraph (1), have been implemented through the information and communications network. <Newly Inserted on Feb. 4, 2020>

(4) The Minister of Culture, Sports and Tourism may entrust the affairs under paragraph (3) to an institution or organization prescribed by Presidential Decree. <Newly Inserted on Feb. 4, 2020>

CHAPTER VI-2 PROHIBITION OF CIRCUMVENTING TECHNOLOGICAL PROTECTION MEASURES

Article 104-2 (Prohibition of Circumventing Technological Protection Measures) (1) No person shall circumvent the technological protection measures under subparagraph 28 (a) of Article 2 by intention or negligence without legitimate authority by removing, altering or bypassing such measures: Provided, That this shall not apply to any of the following: <Amended on Feb. 4, 2020>

1. Where a person engaged in research of encryption circumvents technological protection measures to the extent necessary to research flaws or vulnerability of encryption technologies applied to such works, etc. after legitimately obtaining the copy of the works, etc.: Provided, That this shall be limited to cases where he or she has made a considerable effort to obtain a permission for the use necessary for such research from the holder of rights, but failed to do so;
2. Where he or she includes components or parts circumventing technological protection measures in

technology, products, services or devices in order to prevent minors from accessing online works, etc. harmful to minors: Provided, That this shall be limited to cases where no ban is imposed pursuant to paragraph (2);

3. Where it is necessary to identify functions of undisclosed collection or dissemination of personally identifiable information capable of verifying individuals' online activities and circumventing them: Provided, That this shall not apply where it affects other persons' access to works, etc.;
4. Where it is necessary for law enforcement, legitimate information collection, guarantee of security, etc. by the State;
5. Where it is necessary for schools, educational institutions and class-supporting institutions under Article 25 (3) and (4), libraries under Article 31 (1) (limited to non-profit libraries) or archive management institutions under the Public Records Management Act to determine whether to purchase works, etc.: Provided, That this shall be limited to cases where any access thereto is impossible without circumventing technological protection measures;
6. Where a person who uses programs with legitimate authority engages in decompiling program codes to the extent necessary to secure compatibility with other programs;
7. Where it is necessary for a person who has legitimate authority to inspect, investigate, or correct the security of computers or information and communications networks;
8. Cases determined and publicly notified by the Minister of Culture, Sports and Tourism according to the procedures prescribed by Presidential Decree as it is deemed that the legitimate use of works, etc. of specific types is unreasonably affected or likely to be affected by the prohibition of circumventing technological protection measures. In such cases, the effect of such exception shall be valid for three years.

(2) No person may manufacture, import, distribute, interactively transmit, sell or rent, offer to the general public for subscription, advertise to sell or rent, store or possess to distribute the following devices, products or parts, or provide the relevant services, without legitimate authority:

1. Those publicized, advertised or promoted for the purpose of circumventing technological protection measures;
2. Those having limited business purposes or uses other than circumventing technological protection measures;
3. Those designed, produced or remodeled, or performed for the main purpose of making circumventing technological protection measures possible or easy.

(3) Notwithstanding the provisions of paragraph (2), the aforementioned shall not apply in either of the following cases:

1. Cases falling under paragraph (1) 1, 2, 4, 6 and 7 in relation to technological protection measures under subparagraph 28 (a) of Article 2;
2. Cases falling under paragraph (1) 4 and 6 in relation to technological protection measures under subparagraph 28 (b) of Article 2.

[This Article Newly Inserted on Jun. 30, 2011]

Article 104-3 (Prohibition of Removal and Alteration of Rights Management Information) (1) No person shall do any of the following acts without legitimate authority either knowingly or without knowing by negligence that such acts may cause or conceal the infringement of copyright or other rights protected pursuant to this Act: <Amended on Dec. 2, 2011>

1. Act of deliberately removing, altering or falsely adding rights management information;
2. Act of distributing rights management information or importing such information for the purpose of distribution, upon knowing that such information has been removed or altered without legitimate authority;
3. Act of distributing, publicly performing or publicly transmitting the original or copies of relevant works, etc. or the reproduction thereof or of importing them for the purpose of distribution, upon knowing that rights management information has been removed, altered or falsely added without legitimate authority.

(2) Paragraph (1) shall not apply where it is necessary for national law enforcement, legitimate information collection, guarantee of security, etc.

[This Article Newly Inserted on Jun. 30, 2011]

Article 104-4 (Prohibition of Circumvention of Encrypted Broadcasting Signals) No person shall perform any of the following acts:

1. Act of manufacturing, assembling, altering, importing, exporting, selling, or renting, or delivering with other means, devices, products, major components, programs, or other tangible or intangible measures for the purposes of decoding encrypted broadcasting signals without consent of a broadcasting organization, either knowingly or without knowing by negligence that such measures will be mainly used for such purposes: Provided, That this shall not apply to cases falling under Article 104-2 (1) 1, 2 or 4;
2. Where encrypted broadcasting signals have been decoded with legitimate authority, act of publicly transmitting such signals upon knowing such fact to other persons for profit without consent of a broadcasting organization;
3. Act of listening to or viewing or publicly transmitting to other persons by receiving encrypted broadcasting signals, upon knowing that such signals have been decoded without consent of a broadcasting organization.

[This Article Newly Inserted on Dec. 2, 2011]

[Previous Article 104-4 moved to Article 104-8 <Dec. 2, 2011>]

Article 104-5 (Prohibition of Forging of Labels) No person shall conduct any of the following acts without legitimate authority:

1. The act of forging labels of works, etc. to be attached, enclosed or added to illegal copies or their documents or packaging, or act of distributing forged labels or owning them for the purpose of distribution upon knowing such fact;
2. The act of distributing labels produced upon obtaining a permit from the holder of right of works, etc. or a person who has received consent from the holder of right, beyond the permitted range, or act of redistributing forged labels or owning them for the purpose of redistribution upon knowing such fact;
3. Act of forging documents or packaging distributed together with legitimate copies of works, etc. to use them for illegal copies, or act of distributing forged documents or packaging or owning them for the purpose of distribution upon knowing such fact.

[This Article Newly Inserted on Dec. 2, 2011]

Article 104-6 (Prohibition of Recording of Cinematographic Works) No person shall record cinematographic works protected by copyright at a movie theater, etc. screening such works with a recording device without consent of the holder of author's economic right, or publicly transmit such works.

[This Article Newly Inserted on Dec. 2, 2011]

Article 104-7 (Prohibition of Transmitting Signals Prior to Broadcasting) No person shall transmit signals transmitted to a broadcasting organization (excluding cases in which the signals are transmitted for the purposes of making the public to receive them directly) to any third person without legitimate authority.

[This Article Newly Inserted on Dec. 2, 2011]

Article 104-8 (Claim of Suspension or Prevention of Infringement) A person who holds copyrights or other rights protected pursuant to this Act may request suspension or prevention of infringement, security for damages, damages or statutory damages in lieu thereof against a person who has violated Articles 104-2 through 104-4, and may claim suspension and prevention of infringement against a person who has done an act under Article 104-2 (1) without intention or negligence. In such cases, Articles 123, 125, 125-2, 126 and 129 shall apply mutatis mutandis. <Amended on Dec. 2, 2011>

[This Article Newly Inserted on Jun. 30, 2011]

[Moved from Article 104-4 <Dec. 2, 2011>]

CHAPTER VII COPYRIGHT MANAGEMENT SERVICE

Article 105 (Permission for Copyright Management Service) (1) Any person who intends to engage in a copyright trust service shall obtain permission from the Minister of Culture, Sports and Tourism as prescribed by Presidential Decree; and a person who intends to engage in a copyright agency or brokerage service shall report thereon to the Minister of Culture, Sports and Tourism as prescribed by Presidential Decree: Provided, That the Minister of Culture, Sports and Tourism may designate a public institution under the Act on the Management of Public Institutions as an organization that provides copyright trust service. <Amended on Feb. 29, 2008; Mar. 22, 2016>

(2) Anyone who intends to operate the copyright trust service pursuant to paragraph (1) shall satisfy the following requirements, prepare operational rules for copyright trust service as prescribed by Presidential Decree and submit them together with an application for permission for copyright trust service to the Minister of Culture, Sports and Tourism: Provided, That the requirements prescribed in subparagraph 1 shall not apply to a public institution under the proviso of paragraph (1): <Amended on Feb. 29, 2008; Mar. 22, 2016; Feb. 4, 2020>

1. That it shall be an organization comprised of the holders of right to works, etc.;
2. That it shall not aim at profit-making;
3. That it shall have sufficient capability to execute the duties, such as the collection, distribution, etc. of royalties.

(3) A person who intends to report copyright agency or brokerage service pursuant to the main clause of paragraph (1) shall apply for operational rules for copyright agency or brokerage service as prescribed by Presidential Decree and submit them to the Minister of Culture, Sports and Tourism, together with a report on copyright agency or brokerage service. <Newly Inserted on Feb. 4, 2020>

(4) Where a person who has obtained permission for copyright trust service pursuant to paragraph (1) intends to change any important matter prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, he or she shall obtain permission for change from the Minister of Culture, Sports and Tourism as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, and where a person who has reported copyright agency or brokerage service intends to change any reported matter, he or she shall file a report on change to the Minister of Culture, Sports and Tourism, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Newly Inserted on Feb. 4, 2020>

(5) The Minister of Culture, Sports and Tourism shall notify a person who has filed the report whether or not to accept a report or a report on change, within the term prescribed by Ordinance of the Ministry of Culture, Sports and Tourism from the date of receiving the report under the main clause of paragraph (1) or the report on change under paragraph (4). <Newly Inserted on Feb. 4, 2020>

(6) If the Minister of Culture, Sports and Tourism fails to notify a person who has filed a report or a report on change whether his or her report is accepted or whether the processing term is extended pursuant to statutes or regulations related to processing of civil petitions within the term prescribed in paragraph (5), the report shall be deemed accepted on the day following the last day of such term. <Newly Inserted on Feb. 4, 2020>

(7) Any of the following persons may not obtain permission for or file a report on copyright trust service or copyright agency or brokerage service (hereinafter referred to as "copyright management service") under paragraph (1): <Amended on Mar. 21, 2017; Feb. 4, 2020; Dec. 8, 2020>

1. A person under adult guardianship;
2. A person declared bankrupt and not yet reinstated;
3. A person for whom one year has not elapsed since his or her imprisonment without labor or heavier punishment declared by a court was completely executed or exempted;
4. A person who is under suspension of the execution of his or her imprisonment without labor or heavier punishment declared by a court;
5. Any of the following persons who violates this Act or Article 355 or 356 of the Criminal Act;

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- (a) A person who is under suspension of the sentence of his or her imprisonment without labor or heavier punishment declared by a court;
- (b) A person for whom one year has not passed since his or her sentence of fine;
6. Any person who has no domicile in the Republic of Korea;
7. Any legal person or organization in which a person falling under any of subparagraphs 1 through 6 is the representative or executive officer.
- (8) Any person who has obtained permission for or reported on copyright management service under paragraph (1) (hereinafter referred to as “copyright management service provider”) may collect fees for his or her services from the holder of author’s economic rights or other interested persons. <Amended on Feb. 4, 2020>
- (9) The rate and amount of fees under paragraph (8) and the rate and amount of royalties that a copyright trust service provider receives from users shall be determined by the copyright trust service provider after he or she obtains approval from the Minister of Culture, Sports and Tourism. In such cases, the Minister of Culture, Sports and Tourism shall collect opinions from interested parties, as prescribed by Presidential Decree. <Amended on Feb. 29, 2008; Mar. 22, 2016; Feb. 4, 2020>
- (10) The Minister of Culture, Sports and Tourism shall grant approval under paragraph (9) after deliberation by the Commission, and may, if necessary, set the term of time for the approval or grant approval after changing the content in the application. <Amended on Feb. 29, 2008; Apr. 22, 2009; Feb. 4, 2020>
- (11) Upon receipt of an application for approval of the rate or amount of royalties under paragraph (9) or upon granting approval, the Minister of Culture, Sports and Tourism shall publicly announce the content thereof as prescribed by Presidential Decree. <Amended on Feb. 29, 2008; Feb. 4, 2020>
- (12) Where necessary for the protection of rights of the holder of author’s economic right and other parties or for the convenience of use of works, etc., the Minister of Culture, Sports and Tourism may change the content of approval under paragraph (9). <Amended on Feb. 29, 2008; Feb. 4, 2020>

- Article 106 (Obligation of Copyright Trust Service Provider)** (1) Copyright trust service providers shall list up works, etc. that they manage and information necessary for concluding a contract for the use of those works, etc. printed in book or produced in electronic form on a quarterly basis as prescribed by the Presidential Decree, and keep them in their main offices, and disclose them on their websites.” <Amended on Nov. 26, 2019>
- (2) Where a user requests in writing, the copyright trust service providers shall provide the information under his or her management necessary for concluding a contract for the use of works, etc., which is prescribed by Presidential Decree, within a reasonable term in writing, unless there is good cause.
- (3) Where necessary for users’ convenience, the Minister of Culture, Sports and Tourism may request a copyright trust service provider that receives royalties under Article 105 (9) or an organization that receives remunerations from persons who do public performance using commercial phonogram under Articles 76-2 and 83-2 to make an aggregate collection, as prescribed by Presidential Decree. In such cases, upon receipt of such request, the copyright trust service provider or remuneration-receiving organization shall comply therewith unless there is good cause. <Newly Inserted on Mar. 22, 2016; Feb. 4, 2020>
- (4) A copyright trust service provider or remuneration-receiving organization may entrust the affairs related to the integrated collection of royalties and remunerations under paragraph (3) to a person prescribed by Presidential Decree. <Newly Inserted on Mar. 22, 2016>
- (5) A copyright trust service provider or remuneration-receiving organization that entrusts affairs related to collection under paragraph (4), shall pay entrustment commission, as prescribed by Presidential Decree. <Newly Inserted on Mar. 22, 2016>
- (6) Necessary matters concerning the time frame for, and methods, etc. of, adjustment of royalties and remunerations collected under paragraph (3) shall be prescribed by Presidential Decree. <Newly Inserted on Mar. 22, 2016>
- (7) A copyright trust service provider shall keep the following matters in its main office to make them

available for perusal, as prescribed by Presidential Decree, and post them on its website: <Newly Inserted on Nov. 26, 2019>

1. Operational rules for copyright trust service, such as terms and conditions of a copyright trust contract and a contract for the use of a work, and regulations on the collection and distribution of copyright royalties;
2. An annual business report stating matters prescribed by Presidential Decree, such as the salary of executive officers;
3. Annual settlement of accounts for copyright trust service (including financial statements as well as annexes thereto);
4. Audit report on copyright trust service;
5. Other matters prescribed by Presidential Decree as important matters relating to the protection of the rights and interests of the right holder and the operation of the copyright trust service business.

Article 106-2 (Prohibition of Refusal to Authorize Use) A copyright trust service provider shall not refusal to authorize to use the works, etc. it manages unless there is good cause.

[This Article Newly Inserted on Nov. 26, 2019]

Article 107 (Request for Perusal of Documents) The copyright trust service provider may request for perusal of documents needed for the calculation of royalty for the relevant works from the person who uses the works, etc. under his or her management for commercial purposes. In such cases, the user shall comply therewith unless there is good cause.

Article 108 (Supervision) (1) The Minister of Culture, Sports and Tourism may demand a copyright trust service provider to submit a necessary report on the duties of the copyright trust service. <Amended on Feb. 29, 2008>

(2) In order to promote the protection of rights and interests of authors and the convenient use of works, the Minister of Culture, Sports and Tourism may issue necessary orders concerning copyright trust service. <Amended on Feb. 29, 2008>

(3) If necessary to promote the protection of rights and interests of authors and the convenient use of works, the Minister of Culture, Sports and Tourism may require public officials under his or her jurisdiction to investigate the affairs and financial standing of copyright management service providers, as prescribed by Presidential Decree. <Newly Inserted on Nov. 26, 2019>

(4) The Minister of Culture, Sports and Tourism may allow certified public accountants or other relevant specialized institutions to conduct investigations as provided in paragraph (3) for the efficient supervision of copyright management service providers. <Newly Inserted on Nov. 26, 2019>

(5) The Minister of Culture, Sports and Tourism may request necessary data, including personal information, to issue an order or to conduct an investigation under paragraphs (2) through (4), and upon receipt of such request, a copyright management service provider shall cooperate. <Newly Inserted on Nov. 26, 2019>

Article 108-2 (Request for Disciplinary Actions) Where the representative or executive officer of a copyright trust service provider falls under any of the following related to his or her duties, the Minister of Culture, Sports and Tourism may request the copyright trust service provider to take disciplinary action against the relevant representative or executive officer:

1. Where he or she is sentenced to a fine or heavier punishment (including cases of suspension of execution) for violating this Act or Article 355 or 356 of the Criminal Act and such sentence becomes final and conclusive;
2. Where he or she causes damage to the holder of author's economic right, or of other property rights protected pursuant to this Act by accounting fraud, improper acts, etc.;
3. Where he or she interferes with or evades the performance of supervision by the Minister of Culture, Sports and Tourism under this Act.

[This Article Newly Inserted on Nov. 26, 2019]

Article 109 (Revocation of Permission) (1) The Minister of Culture, Sports and Tourism may order the

suspension of business for a specified term not exceeding six months, if a copyright management service provider falls under any of the following subparagraphs: <Amended on Feb. 29, 2008; Mar. 22, 2016; Nov. 26, 2019; Feb. 4, 2020>

1. Where he or she receives a fee in excess of the amount approved pursuant to Article 105 (9);
 2. Where he or she receives a royalty in addition to the royalty approved pursuant to Article 105 (9);
 3. Where he or she fails to file a report under Article 108 (1) without good cause or files a false report;
 4. Where he or she receives an order under Article 108 (2), and fails to comply with the order without good cause;
 5. Where he or she receives a request to make integrated collection under Article 106 (3), and fails to comply with the request without good cause;
 6. Where the matters that shall be posted under Article 106 (7) are not posted;
 7. Where he or she fails to comply with, or refuses, obstructs, or evades an investigation and data request under Article 108 (3) through (5);
 8. Where he or she fails to comply with the request without good cause after receiving a request for disciplinary action under Article 108-2;
 9. Where he or she falls under any subparagraph of Article 105 (7) after obtaining permission or filing a report: Provided, That this shall not apply to cases falling under Article 105 (7) 7, where the relevant representative or executive officer is replaced within six months.
- (2) The Minister of Culture, Sports and Tourism may revoke permission for, or order to close copyright management service if a copyright management service provider falls under any of the following subparagraphs: <Amended on Feb. 29, 2008>
1. That the copyright management service provider has obtained permission or made a report by fraud or other improper means;
 2. That the copyright management service provider continues to engage in the business after receiving an order of suspension under paragraph (1).

Article 110 (Hearings) If the Minister of Culture, Sports and Tourism intends to revoke permission for copyright management service pursuant to Article 109, or to order suspension of service or closure of business by a copyright management service provider, he or she shall hold a hearing. <Amended on Feb. 29, 2008; Feb. 4, 2020>

Article 111 (Imposition of Penalty Surcharges) (1) When a copyright management service provider falls under any of the subparagraphs of Article 109 (1) and thus has to be given a disposition of business suspension, the Minister of Culture, Sports and Tourism may impose and collect a penalty surcharge not exceeding 1/100 of the royalties and remunerations collected in the immediately preceding year, in lieu of the disposition of business suspension, as prescribed by Presidential Decree: Provided, That where it is impractical to calculate the amount to be collected, the Minister may impose and collect a penalty surcharge in an amount not exceeding one billion won. <Amended on Feb. 29, 2008; Mar. 22, 2016>

(2) When the person who has been given a disposition of business suspension pursuant to the provisions of paragraph (1) fails to pay the penalty surcharge by the payment deadline, the Minister of Culture, Sports and Tourism shall collect it in the same manner as delinquent national taxes are collected. <Amended on Feb. 29, 2008; Mar. 22, 2016>

(3) The penalty surcharge collected pursuant to the provisions of paragraphs (1) and (2) may be used by the collecting body to establish order of healthy use of works. <Amended on Mar. 22, 2016>

(4) Matters necessary for the amount of penalty surcharge in accordance with the kind, degree, etc. of violation for which a penalty surcharge is imposed pursuant to the provisions of paragraph (1), procedures for use of penalty surcharge pursuant to the provisions of paragraph (3), etc. shall be prescribed by Presidential Decree. <Amended on Mar. 22, 2016>

CHAPTER VIII KOREA COPYRIGHT COMMISSION

Article 112 (Establishment of Korea Copyright Commission) (1) In order to deliberate on matters relating

to copyright and other rights (hereafter in this Chapter referred to as “copyright”) protected pursuant to this Act, and to provide good offices and mediation for disputes involving copyright (hereinafter referred to as “dispute”), to perform affairs related to copyright registration, and to conduct business necessary for the promotion of the rights and interests of right holders and the fair use of works, etc., the Korea Copyright Commission (hereinafter referred to as the “Commission”) shall be established. <Amended on Mar. 22, 2016; Feb. 4, 2020>

(2) The Commission shall be a legal person.

(3) Except as provided in this Act, the provisions of the Civil Act governing incorporated foundations shall apply mutatis mutandis. In such cases, a member of the Commission shall be deemed a director.

(4) No entity other than the Commission shall use the name the “Korea Copyright Commission.”

[This Article Wholly Amended on Apr. 22, 2009]

Article 112-2 (Organization of the Commission) (1) The Commission shall be comprised of members no less than 20 but no more than 25 including one chairperson and two vice-chairpersons.

(2) Members shall be appointed by the Minister of Culture, Sports and Tourism from among the persons referred to in the following subparagraphs, and the chairperson and vice-chairpersons shall be elected from among the members. In such cases, the Minister of Culture, Sports and Tourism shall strike a balance between the number of members who reflect the interest of holders of rights which are protected by this Act and the number of members who reflect the interest of users thereof, and may request organizations of holders of a right by field or organizations of users by field or such to recommend members:

1. Those who majored in the field related to copyright as those who are or were associate professors or higher, or in the position equivalent thereto in a college or authorized research institution;
2. Those who are in the position of a judge or public prosecutor, or those who have qualification for a lawyer;
3. Those who are experienced in business in the field of copyright or cultural industry as those who are or were public officials in Grade IV or higher, or in the position in a public institution equivalent thereto;
4. Those who are or were in the position of executive officer of an organization related to copyright or cultural industry;
5. Those who have extensive knowledge and wide experience in business related to copyright or cultural industry.

(3) A term of office of members shall be three years and they may be reappointed: Provided, That a term of office of a member who is appointed to the designated post shall be the term of the post he or she holds.

(4) When a vacancy occurs in the membership of the Commission, a substitute member shall be appointed pursuant to paragraph (2), and a term of office of the substitute member shall be the remainder of his or her predecessor’s term of office: Provided, That if the number of members is no less than 20, a substitute member need not be appointed.

(5) Subcommittees by field may be established in order to efficiently conduct business of the Commission. A resolution made by a subcommittee with respect to matters entrusted by the Commission shall be deemed made by the Commission.

[This Article Newly Inserted on Apr. 22, 2009]

Article 113 (Business Affairs) The Commission shall conduct the following affairs: <Amended on Feb. 29, 2008; Apr. 22, 2009; Feb. 4, 2020; Dec. 8, 2020>

1. Affairs relating to copyright registration;
2. Good offices and mediation for dispute settlement;
3. Deliberation on matters relating to the rate or amount of fee and royalty for copyright management service provider under Article 105 (10) and on matters presented for consideration by the Minister of Culture, Sports and Tourism or jointly by at least three members;
4. Projects for setting up order in the use of works, etc. and for promoting fair use of works;

5. International cooperation to promote copyright and to enhance the rights and interests of authors;
6. Research and education on and publicity of copyright;
7. Support for the formulation of a policy on copyright;
8. Support for the formulation of technological protection measures and of a policy on rights management information;
9. Construction and operation of an information management system for the provision of copyright information;
10. Appraisal of copyright infringement, etc.;
11. Deleted; <Mar. 22, 2016>
12. Affairs prescribed as affairs of the Commission or those entrusted to the Commission pursuant to statutes or regulations;
13. Other affairs entrusted by the Minister of Culture, Sports and Tourism.

Article 113-2 (Good Offices) (1) Any person seeking for good offices for dispute settlement may apply for good offices by filing an application with the Commission.

(2) When the Commission has received an application for good offices pursuant to paragraph (1), the chairperson shall appoint a member from among the members and have him or her perform good offices.

(3) Where a member responsible for good offices deems that a dispute is not possible to be settled through good offices, he or she may discontinue good offices.

(4) When an application for mediation has been made under this Act with respect to a dispute under good offices, the relevant good offices shall be deemed to have been suspended.

(5) When an agreement has been reached through good offices, a member responsible for good offices shall prepare a written agreement by good offices and put his or her name and seal or signature on it with the relevant persons. <Amended on Oct. 16, 2018>

(6) Matters necessary for application of and procedures for good offices shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Apr. 22, 2009]

Article 114 (Mediation Division) (1) In order for the Commission to effectively perform dispute mediation services, a mediation division comprised of one member, or three or more members, including one member qualified as a lawyer.

(2) Matters necessary for the composition, operation, etc. of the mediation division pursuant to the provisions of paragraph (1) shall be prescribed by Presidential Decree.

Article 114-2 (Application for Mediation) (1) Any person who wants for dispute mediation may apply for mediation by filing an application for mediation in which the intention and cause of application is stated with the Commission.

(2) The mediation division under Article 114 shall mediate a dispute pursuant to paragraph (1).

[This Article Newly Inserted on Apr. 22, 2009]

Article 115 (Non-Disclosure) The procedures of mediation shall be closed to the public in principle: Provided, That the head of a mediation division may permit those who are recognized as appropriate to attend mediation with the consent of the relevant parties. <Amended on Feb. 4, 2020>

Article 116 (Restriction on Use of Statement) The statements made by the relevant parties or interested persons at the mediation procedures shall not be used at the lawsuit or arbitration proceeding.

Article 117 (Success of Mediation) (1) Mediation shall take effect by entering the matters that have been agreed upon between the relevant parties in the record.

(2) In any of the following cases, a mediation division comprised of at least three members may make a decision replacing mediation ex officio (hereinafter referred to as "ex officio decision on mediation") within the extent not contrary to the objectives of the request in consideration of the interests of the parties or all other circumstances. In such cases, the head of a mediation division shall be a person under Article 112-2 (2) 2. <Newly Inserted on Feb. 4, 2020>

1. If either party rejects the proposal for mediation presented by the mediation division without any reasonable ground;
2. Where the estimated price of mediation is less than 10 million won.
- (3) When an ex officio decision on mediation has been made, a mediation division shall write text of a judicial decision and reasons for such decision and shall affix the names and seals of all the members who have participated in the decision, and shall serve the authentic copy of the written decision on the parties without delay. <Newly Inserted on Feb. 4, 2020>
- (4) Anyone who disagrees with the ex officio decision on mediation may file an objection to the mediation division in writing by specifying reasons for the disagreement within two weeks from the date of receiving the authentic copy of the decision. In such cases, the decision becomes invalid. <Newly Inserted on Feb. 4, 2020>
- (5) In any of the following cases, the effect shall be the same as in-court compromise: Provided, That this shall not apply to matters not subject to discretionary disposition by the parties: <Amended on Feb. 4, 2020>
 1. Where an agreement between the parties has been reached as a result of mediation;
 2. Where no objection is raised against an ex officio decision on mediation.

Article 118 (Mediation Expenses) (1) Mediation expense shall be borne by the applicant: Provided, That where mediation has been concluded and unless special agreement exists, the relevant parties shall share the expense equally.

(2) Matters necessary for application of and procedures for mediation, and payment methods of mediation expense shall be prescribed by Presidential Decree. <Newly Inserted on Apr. 22, 2009>

(3) The amount of mediation expense pursuant to paragraph (1) shall be determined by the Commission. <Amended on Apr. 22, 2009>

[Title Amended on Apr. 22, 2009]

Article 118-2 (Application Mutatis Mutandis of the Judicial Conciliation of Civil Disputes Act) Except as provided in this Act, the Judicial Conciliation of Civil Disputes Act shall apply mutatis mutandis to procedures for mediation.

[This Article Newly Inserted on Feb. 4, 2020]

Article 119 (Appraisal) (1) The Commission may, where a case falls under any of the following subparagraphs, make an appraisal: <Amended on Apr. 22, 2009>

1. Where a court or investigation agency requests for an appraisal of infringement of copyright or other rights for a trial or investigation;
 2. Where both parties to mediation of a dispute request for an appraisal of a program and electronic information or such related to the program for dispute mediation pursuant to Article 114-2.
- (2) Matters necessary for the procedures, methods, etc. of appraisal pursuant to the provisions of paragraph (1) shall be prescribed by Presidential Decree.
- (3) When the Commission makes an appraisal pursuant to the provisions of paragraph (1), it may collect appraisal fee and the amount shall be determined by the Commission.

Article 120 (Copyright Technology Center) (1) In order to efficiently perform the business activities under subparagraphs 8 and 9 of Article 113, the Copyright Technology Center shall be established in the Commission. <Amended on Apr. 22, 2009; Feb. 4, 2020>

(2) Matters necessary for the operation of the Copyright Technology Center shall be prescribed by Presidential Decree. <Newly Inserted on Apr. 22, 2009>

Article 121 Deleted. <Apr. 22, 2009>

Article 122 (Operation Expenses) (1) Expenses for the operation of the Commission shall be covered by the following financial resources: <Amended on Feb. 4, 2020>

1. Contributions and subsidies from the State;
2. Revenues accrued from the business affairs under the subparagraphs of Article 113;

3. Other revenues.

(2) Individuals, juristic persons, or organizations may contribute money or other property to the Commission in order to subsidize the performance of business affairs under subparagraphs 4, 6, and 9 of Article 113. <Amended on Feb. 4, 2020>

(3) The contributions under paragraph (2) shall be held in a separate account and approval from the Minister of Culture, Sports and Tourism shall be obtained for the use thereof. <Amended on Feb. 29, 2008>

[Title Amended on Feb. 4, 2020]

CHAPTER VIII-2 KOREA COPYRIGHT PROTECTION AGENCY

Article 122-2 (Establishment of Korea Copyright Protection Agency) (1) There is hereby established the Korea Copyright Protection Agency (hereinafter referred to as the "Protection Agency") to provide services related to the protection of copyright.

(2) The Protection Agency shall be a corporation.

(3) The Government may contribute money or provide subsidy for expenses required for the establishment, facilities, operation, etc. of the Protection Agency within budgetary limits.

(4) Except as expressly provided for in this Act and the Act on the Management of Public Institutions, the provisions of the Civil Act that are relevant to an incorporated foundation shall apply mutatis mutandis in regard to the Protection Agency.

(5) No one other than the Protection Agency under this Act shall not use the title of the Korea Copyright Protection Agency or any title similar thereto.

[This Article Newly Inserted on Mar. 22, 2016]

Article 122-3 (Articles of Incorporation of the Protection Agency) The articles of incorporation of the Protection Agency shall include the following: <Amended on Dec. 8, 2020>

1. Purpose;

2. Name;

3. Matters relating to the office and branch offices;

4. Matters relating to executive officers and employees;

5. Matters relating to the operation of the Board of Directors;

6. Matters relating to the Copyright Protection Deliberation Committee referred to in Article 122-6;

7. Matters relating to duties;

8. Matters relating to property and accounting;

9. Matters relating to revisions to the articles of association;

10. Matters relating to the formulation, modification and repeal of internal regulations.

[This Article Newly Inserted on Mar. 22, 2016]

Article 122-4 (Executive Officers of Protection Agency) (1) The Protection Agency shall have not more than nine directors including one chairperson, and one auditor; the auditor and directors excluding the chairperson shall be part-time, and the chairperson shall preside over meetings of the board of directors.

(2) The chairperson shall be appointed and dismissed by the Minister of Culture, Sports and Tourism.

(3) The term of office of the chairperson shall be three years.

(4) The chairperson shall represent and exercise overall control over the Protection Agency.

(5) Where the chairperson is unable to perform his or her duties in extenuating circumstances, one of directors in the order enumerated in the articles of incorporation shall act on behalf of the chairperson.

(6) No person who falls under any subparagraph of Article 33 of the State Public Officials Act shall be an executive officer of the Protection Agency referred to in paragraph (1).

[This Article Newly Inserted on Mar. 22, 2016]

Article 122-5 (Business Activities) The Protection Agency shall engage in the following business activities: <Amended on Dec. 8, 2020>

1. Support for the establishment and implementation of policies for the protection of copyrights;
2. Fact-finding survey and production of statistics on copyright infringement;
3. Research and development of technology for the protection of copyrights;
- 3-2. International cooperation for the protection of copyright;
- 3-3. Research, education and publicity for the protection of copyright;
4. Provision of support to the investigation and regulation of copyright infringements under subparagraph 26 of Article 5 of the Act on the Persons Performing the Duties of Judicial Police Officers and the Scope of Their Duties;
5. Deliberation on corrective orders issued by the Minister of Culture, Sports and Tourism under Article 133-2;
6. Making recommendations to online service providers to take corrective measures and making requests to the Minister of Culture, Sports and Tourism to issue corrective orders under Article 133-3;
7. Affairs prescribed as duties of the Protection Agency or entrusted to it, in accordance with statutes or regulations;
8. Other business activities entrusted by the Minister of Culture, Sports and Tourism.

[This Article Newly Inserted on Mar. 22, 2016]

Article 122-6 (Composition of Deliberation Committee) (1) In order to conduct deliberations under Articles 103-3, 133-2 and 133-3 and to deliberate on the matters requested by the chairperson of the Protection Agency or referred to by the chairperson of the Deliberation Committee in connection with the protection of copyright, the Copyright Protection Deliberation Committee (hereinafter referred to as the "Deliberation Committee") shall be established under the Protection Agency.

(2) The Deliberation Committee shall be comprised of not less than 15 nor more than 20 members, including one chairperson, and there shall be a balance between the number of the members representing the interest of the holders of the rights protected by this Act and the number of the members representing the interest of the users. <Amended on Dec. 20, 2016; Nov. 26, 2019>

(3) The chairperson of the Deliberation Committee shall be elected by and from among its members.

(4) The members of the Deliberation Committee are commissioned by the Minister of Culture, Sports and Tourism from among the following persons. In such cases, the Minister of Culture, Sports and Tourism may request the right holder group or user group, etc. in each field to recommend members. <Amended on Nov. 26, 2019>

1. A person who has previously held or currently holds the position of associate professor or equivalent position in a department related to law or copyright protection at a school defined in Article 2 of the Higher Education Act;
2. A person who holds the position of a judge or prosecutor, or a person who is qualified as a lawyer;
3. A person who has previously held or currently holds the position of a public official of Grade IV or higher, or a position equivalent thereto at a public institution, and has work experience in copyright protection;
4. A person who has previously held or currently holds the position of an executive officer of an organization related to copyright or culture industry;
5. A person who has previously held or currently holds the position of an executive officer of a user protection institution or organization;
6. Other persons with extensive knowledge of and experience in the affairs related to copyright protection.

(5) Each members of the Deliberation Committee shall hold office for a term of three years and his or her term may be renewed only once. <Amended on Nov. 26, 2019>

(6) A subcommittee for each field may be established in order to efficiently conduct business of the Deliberation Committee. A resolution reached by a subcommittee with respect to matters entrusted by the Deliberation Committee shall be deemed reached by the Deliberation Committee. <Amended on Nov. 26, 2019>

(7) Other matters necessary for the composition and operation of the Deliberation Committee shall be prescribed by Presidential Decree. <Newly Inserted on Nov. 26, 2019>

[This Article Newly Inserted on Mar. 22, 2016]

Article 122-7 (Establishment of Offices and Branch offices) The Protection Agency may, when necessary for performing its business activities, establish offices or branch offices in appropriate places at home and abroad as provided by the articles of incorporation.

[This Article Newly Inserted on Dec. 8, 2020]

CHAPTER IX REMEDIES FOR INFRINGEMENT OF RIGHTS

Article 123 (Right of claiming Suspension, etc. of Infringement) (1) Any person who holds the copyright or other rights protected under this Act (excluding the rights to be compensated under Articles 25, 31, 75, 76, 76-2, 82, 83 and 83-2; hereafter in this Article the same shall apply) may claim against a person infringing his or her rights to suspend such act or claim against a person likely to infringe on his or her rights to take preventive measures or to provide a security for remuneration for damages. <Amended on Mar 25, 2009>

(2) If a person who holds the copyright or other rights protected under this Act makes a claim under paragraph (1), he or she may claim destruction of the objects made by the act of infringement or other necessary measures.

(3) In the cases of paragraphs (1) and (2), or in the case where a criminal indictment under this Act has been filed, on request of a plaintiff or accuser, the court may, with or without security, issue an order to temporarily suspend the act of infringement, or seize the objects made by the act of infringement, or to take other necessary measures.

(4) With respect to paragraph (3), where a final judicial decision was made that no infringement of copyright and other rights protected under this Act has been made, the applicant shall pay remuneration for the damages caused by his or her request.

Article 124 (Acts Deemed Infringements) (1) Any act falling under any of the following subparagraphs shall be considered to be infringement of copyright or other rights protected under this Act: <Amended on Apr. 22, 2009>

1. The importation into the Republic of Korea, for the purpose of distribution therein of goods made by an act which would infringe on copyright or other rights protected under this Act, if they were made within the Republic of Korea at the time of such importation;
2. The possession, for the purpose of distribution, of goods produced by an act that constitutes an infringement on copyright or other rights protected under this Act (including those imported as referred to in subparagraph 1) with the knowledge of such infringement;
3. Exploitation in business of a copy (including imported goods pursuant to subparagraph 1) of a program made in infringement of copyright of a program by a person who has acquired it with the knowledge of such infringement.

(2) An act of using a work in a manner prejudicial to the honor or reputation of the author shall be considered to be an infringement of his or her moral rights. <Amended on Jun. 30, 2011>

(3) Deleted. <Jun. 30, 2011>

Article 125 (Claim for Damages) (1) Where the holder of author's economic right or other rights (excluding author's moral right and performer's moral right) protected under this Act (hereinafter referred to as "holder of author's economic right, etc.") claims compensation for damage a person who has infringed on his or her rights intentionally or by negligence for damages sustained from the relevant infringement, if the infringing person has gained any profit by his or her infringement, the relevant amount of profit shall be presumed to be the amount of damages sustained by the holder of author's economic right, etc.

(2) Where the holder of author's economic right, etc. claims remuneration against a person who has infringed on his or her rights intentionally or by negligence for damages sustained from the relevant infringement, the amount corresponding to that normally gained by an exercise of such rights shall be made as the amount of damages sustained by the holder of author's economic right, etc., and a claim

therefor may be made.

(3) Notwithstanding the provisions of paragraph (2), where the amount of damages sustained by the holder of author's economic right, etc. exceeds the amount under paragraph (2), a claim for such exceeding amount may be made.

(4) Any person who has infringed on copyright, exclusive right of publication (including cases applied mutatis mutandis under Articles 88 and 96), publication right, neighboring right or right of database producer which is registered shall be presumed to have been negligent in the relevant infringement. <Amended on Apr. 22, 2009; Dec. 2, 2011>

Article 125-2 (Claim for Statutory Damages) (1) A holder of author's economic right, etc. may claim considerable damages within the scope of up to ten million won (50 million won in cases of intentionally infringing rights for profit) for each work, etc. whose right is infringed in lieu of the actual amount of damages or the amount of damages determined pursuant to Article 125 or 126 against a person who has infringed on rights intentionally or by negligence before a trial proceedings of the relevant is concluded.

(2) For the purpose of paragraph (1), compilation works which use which consist of two or more works and derivative works.

(3) In order for the holder of author's economic right, etc. to make a claim pursuant to paragraph (1), relevant works, etc. shall be registered pursuant to Articles 53 through 55 (including cases applied mutatis mutandis under Articles 90 and 98) before the act of infringement occurs.

(4) In receipt of a claim under paragraph (1), the court may recognize a considerable amount of damages within the scope under paragraph (1) in consideration of the purport of defense and the results of evidence examination.

[This Article Newly Inserted on Dec. 2, 2011]

Article 126 (Recognition of Damages) When the fact is admitted that some damages have been done, but it is difficult to estimate the amount of damage under Article 125, the court may acknowledge a considerable amount of damage, in the light of the purport of pleading and the results of evidence examination.

Article 127 (Claim for Restoration of Reputation) An author or performer may demand of the person who has infringed on the author's moral right or performer's moral right intentional or by negligence to take measures necessary for the restoration of his or her reputation in lieu of or together with remuneration for damages.

Article 128 (Protection of Author's Moral Interests after Death) After the death of an author, his or her bereaved family (referring to the surviving spouse, children, parents, grandchildren, grandparents, brothers and sisters of the deceased author) or the executor of his or her will may, pursuant to Article 123, claim remuneration from a person who has violated or is likely to violate the provisions of Article 14 (2) in respect of the work concerned, or, may, pursuant to Article 127, demand restoration of his or her reputation from a person who has infringed on author's moral right intentionally or by negligence or who has violated the provisions of Article 14 (2).

Article 129 (Infringement on Rights to Joint Work) Each author of a joint work or each holder of author's economic right to a joint work shall be entitled to make a claim for damages pursuant to Article 123 without the consent of other authors or other holders of author's economic right, or to claim for damages to his or her share in a joint work regarding the infringement on author's economic right pursuant to Article 125.

Article 129-2 (Provision of Information) (1) Where deemed necessary for collecting evidence upon request of the party concerned in a lawsuit against the infringement of copyright or other rights protected pursuant to this Act, the court may order the other party concerned to provide the following information that he or she holds or knows:

1. Information capable of identifying the act of infringement or a party related to the production and distribution of illegal copies;

2. Information on the routes of production and distribution of illegal copies.
 - (2) Notwithstanding the provisions of paragraph (1), the other party concerned may refuse to provide information in any of the following cases:
 1. Where any of the following persons might be indicted or found guilty:
 - (a) The other party concerned;
 - (b) A person who is or was a relative of the other party concerned;
 - (c) Guardian of the other party concerned;
 2. Where it is intended to protect trade secrets (referring to trade secrets under subparagraph 2 of Article 2 of the Unfair Competition Prevention and Trade Secret Protection Act; hereinafter the same shall apply) or privacy, or where other reasonable grounds for refusing the provision of information exist.
 - (3) Where the other party concerned fails to comply with the order to provide information without good cause, the court may recognize argument on information by the party concerned as true.
 - (4) Where deemed necessary to determine whether there are reasonable grounds prescribed in paragraph (2) 2, the court may require the other party concerned to provide necessary information. In such cases, the court shall not disclose the provided information to anyone, unless it is necessary to hear the opinion of the party concerned who has requested the provision of information or his or her representative in order to determine whether reasonable grounds exist.
- [This Article Newly Inserted on Dec. 2, 2011]

- Article 129-3 (Orders to Maintain Confidentiality)** (1) Where all of the following grounds have been substantiated in regard to the trade secrets owned by the party concerned in a lawsuit against the infringement of copyright or other rights protected pursuant to this Act (excluding rights to receive remuneration under Articles 25, 31, 75, 76, 76-2, 82, 83, 83-2 and 101-3; hereafter in this Article the same shall apply), the court may, by decision, order the other party concerned, an agent representing the party concerned in the lawsuit or other persons who have become aware of the trade secrets from the lawsuit to neither use such trade secrets for purposes other than the purpose of continuing the lawsuit, nor disclose such trade secrets to persons other than those related to the trade secrets and issued with the order under this paragraph, upon request of the party concerned: Provided, That this shall not apply where, until such request is made, the other party concerned, an agent representing the party concerned in the lawsuit or other persons who have become aware of the trade secrets from the lawsuit have already obtained such trade secrets by means other than the perusal of preparatory documents or evidence examination under subparagraph 1:
1. That trade secrets are included in preparatory documents to have already been submitted or to be submitted, or in evidence (including information provided pursuant to Article 129-2 (4)) to have already been investigated or to be investigated;
 2. That the use or disclosure of trade secrets under subparagraph 1 for purposes other than the purpose of carrying out the lawsuit is likely to harm the business of the party concerned, and thus it is necessary to restrict the use or disclosure of trade secrets in order to prevent such harm.
- (2) The application for an order under paragraph (1) (hereinafter referred to as "order of confidentiality") shall be made in documents stating the following matters:
1. Those who are to receive an order of confidentiality;
 2. The facts that are sufficient to identify the trade secrets subject to order of confidentiality;
 3. The facts relevant to the ground under any subparagraph of paragraph (1).
- (3) Where an order of confidentiality has been decided, the written decision shall be served on the party subject to order of confidentiality
- (4) Order of confidentiality shall take effect from the time the written decision under paragraph (3) is served on the party subject to it.
- (5) An immediate appeal may be made against the ruling that has dismissed or dismissed without prejudice the application for an order of confidentiality.
- [This Article Newly Inserted on Dec. 2, 2011]

- Article 129-4 (Revocation of Orders to Maintain Confidentiality)** (1) Where the party who has applied for

or received an order of confidentiality fails to meet, or no longer meets, the requirements prescribed in Article 129-3 (1), he or she may request the court keeping the records of proceedings (where no court is keeping the records of proceedings, referring to the court that has issued the confidentiality order) to revoke the order.

(2) The court ruling on the application for revocation of an order of confidentiality shall serve the applicant and the other party concerned with the written decision.

(3) An immediate appeal may be made against the court ruling of the application for revocation of the confidentiality order.

(4) A court ruling to revoke an order of confidentiality shall take effect when it becomes final and conclusive.

(5) Where any person other than the applicant for revocation of an order of confidentiality and the other party concerned has received the order of confidentiality about the relevant trade secrets, the court that held the trial to revoke the confidentiality order shall immediately notify such person of the purport of the trial to revoke the order of confidentiality.

[This Article Newly Inserted on Dec. 2, 2011]

Article 129-5 (Notice of Application Including Perusal of Records of Proceedings) (1) Where a decision under Article 163 (1) of the Civil Procedure Act has been made on the records of proceedings of the trial that issued an order of confidentiality (excluding a trial that has revoked an order of confidentiality in whole), if the party concerned applied for the perusal, etc. of the part containing confidential information prescribed in the same paragraph through a person not subject to an order of confidentiality in the relevant lawsuit, the court administrative officer, junior court administrative officer, chief court clerk or senior court clerk (hereafter in this Article referred to as "junior court administrative officer, etc.") shall notify a person who made application under Article 163 (1) of the Civil Procedure Act (excluding a person who applied for the perusal, etc. thereof) of the purport of such an application, right after the application for perusal, etc. thereof is made.

(2) In cases falling under paragraph (1), no junior court administrative officer, etc. shall allow the person who has taken the procedures for such application for perusal, etc. the part containing confidential information under paragraph (1) until two weeks pass from the date of the application under paragraph (1) (where the application for the order of confidentiality for the person who has taken the procedures for such application is made within the term, referring to the point when the trial for such application becomes final and conclusive).

(3) In regard to allowing the person who has applied for the perusal, etc. under paragraph (1) to peruse, etc. the part containing confidential information under paragraph (1), paragraph (2) shall not apply where all of the parties concerned who have made an application under Article 163 (1) of the Civil Procedure Act consent thereto.

[This Article Newly Inserted on Dec. 2, 2011]

CHAPTER X SUPPLEMENTARY PROVISIONS

Article 130 (Delegation and Entrustment of Authority) The Minister of Culture, Sports and Tourism may delegate part of his or her authority granted under this Act to the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, and a Special Self-Governing Province Governor as prescribed by Presidential Decree, or may entrust said authority to the Commission, Protection Agency, or copyright-related organizations. <Amended on Feb. 29, 2008; Apr. 22, 2009; Mar. 22, 2016; Feb. 4, 2020>

Article 130-2 (Cooperation in Duty to Enforce Law against Copyright Infringement) When technical support is needed in connection with the duty to enforce the law against copyright infringement under subparagraph 26 of Article 5 of the Act on the Persons Performing the Duties of Judicial Police Officers and the Scope of Their Duties, the Minister of Culture, Sports and Tourism may request the Protection Agency or organizations related to copyrights to provide cooperation.

[This Article Newly Inserted on Feb. 4, 2020]

Article 131 (Legal Fiction as Public Officials in Applying Penalty Provisions) Members and employees of the Commission, executive officers and employees of the Protection Agency, and members of the Deliberation Committee shall be deemed public officials in the application of Articles 129 through 132 of the Criminal Act. <Amended on Mar. 22, 2016>

Article 132 (Fees) (1) A person who applies, etc. for any of the following pursuant to this Act shall pay a fee, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism: <Amended on Feb. 29, 2008; Apr. 22, 2009; Dec. 2, 2011; Feb. 4, 2020>

1. A person who applies for approval of statutory license (including the cases applied mutatis mutandis pursuant to Articles 89 and 97) pursuant to Articles 50 through 52;
 2. A person who makes registration (including cases applied mutatis mutandis under Articles 90 and 98) under Articles 53 through 55, and 55-2 through 55-4 and who undergoes procedures related thereto;
 3. A person who applies for permission or reports copyright management service pursuant to Article 105.
- (2) Fees under paragraph (1) may be reduced or exempted where extenuating circumstances exist, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Newly Inserted on Feb. 4, 2020>

Article 133 (Collection, Destruction, and Deletion of Illegal Copies) (1) When 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 or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu) finds out copies (excluding copies which are interactively transmitted through information and communication networks) that infringe on copyright or other rights protected pursuant to this Act, or tools, devices, information, and programs manufactured to circumvent technological protection measures for works, etc., he or she may have the relevant public officials collect, destroy, or delete them pursuant to the procedures and methods prescribed by Presidential Decree. <Amended on Feb. 29, 2008; Apr. 22, 2009; Feb. 4, 2020>

(2) The Minister of Culture, Sports and Tourism may entrust the duties pursuant to the provisions of paragraph (1) to an organization prescribed by Presidential Decree. In such cases, those who are engaged in these duties shall be deemed public officials. <Amended on Feb. 29, 2008>

(3) Where the relevant public officials, etc. collect, destroy or delete them pursuant to paragraphs (1) and (2), the Minister of Culture, Sports and Tourism may request the relevant organization for cooperation if necessary. <Amended on Feb. 29, 2008; Apr. 22, 2009>

(4) Deleted. <Apr. 22, 2009>

(5) The Minister of Culture, Sports and Tourism may set up and operate structures necessary for the duties pursuant to paragraph (1). <Amended on Feb. 29, 2008; Apr. 22, 2009>

(6) Where the provisions of paragraphs (1) through (3) conflict with the provisions of other Acts, this Act shall prevail to the extent of the conflict. <Amended on Apr. 22, 2009>

Article 133-2 (Orders for Deletion of Illegal Copies through Information and Communications Networks) (1) Where a copy or information which infringes on copyright or other rights protected under this Act, or a program or information (hereinafter referred to as "illegal copies, etc.") which circumvents technological protection measures is interactively transmitted through information and communications network, the Minister of Culture, Sports and Tourism may order, following deliberation by the Deliberation Committee, an online service provider to take measures referred to in the following subparagraphs, as prescribed by Presidential Decree: <Amended on Mar. 22, 2016>

1. Warnings to reproducers or interactive transmitters of illegal reproductions, etc.;
 2. Deletion or suspension of interactive transmission of illegal reproductions, etc.
- (2) Where any reproducer or interactive transmitter who receives warnings pursuant to paragraph (1) 1 no fewer than three times interactively transmits illegal reproductions, etc., the Minister of Culture, Sports and Tourism may order, following deliberation by the Deliberation Committee, an online service provider to suspend an account (excluding an exclusive account for e-mail and including other accounts given by the relevant online service provider; hereinafter the same shall apply) of the relevant reproducer

or interactive transmitter within a fixed term of up to six months. <Amended on Dec. 2, 2011; Mar. 22, 2016>

(3) An online service provider who has received orders pursuant to paragraph (2) shall, seven days before he or she suspends an account of the relevant reproducer or interactive transmitter, notify the relevant reproducer or interactive transmitter of the fact that the relevant account will be suspended, as prescribed by Presidential Decree.

(4) Where a bulletin board for which orders pursuant to paragraph (1) 2 have been issued more than three times from among bulletin boards (referring to bulletin boards providing commercial interests or convenience of use from among the bulletin boards referred to in Article 2 (1) 9 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc.; hereinafter the same shall apply) established in information and communications network of an online service provider is judged to seriously harm healthy use of copyright in the light of the form of the relevant bulletin board and the quantity and nature of copies posted, the Minister of Culture, Sports and Tourism may order, following deliberation by the Deliberation Committee, the online service provider to suspend the whole or part of the relevant bulletin board service within a fixed term not exceeding six months, as prescribed by Presidential Decree. <Amended on Mar. 22, 2016>

(5) An online service provider who has received orders pursuant to paragraph (4) shall, from 10 days before he or she suspends the relevant bulletin board service, post the fact that the relevant bulletin board service is suspended on the website of the relevant online service provider and on the relevant bulletin board, as prescribed by Presidential Decree.

(6) An online service provider shall notify the Minister of Culture, Sports and Tourism of the result of measures taken within five days from receiving an order pursuant to paragraph (1), within 10 days from receiving an order pursuant to paragraph (2), within 15 days from receiving an order pursuant to paragraph (4), as prescribed by Presidential Decree.

(7) The Minister of Culture, Sports and Tourism shall give an opportunity of submission of an opinion in advance to online service providers subject to orders referred to in paragraphs (1), (2) and (4), to reproducers or interactive transmitters who have direct stake in orders pursuant to paragraph (2) and to operators of bulletin boards pursuant to paragraph (4). In such cases, Articles 22 (4) through (6) and 27 of the Administrative Procedures Act shall apply mutatis mutandis to the submission of an opinion.

(8) The Minister of Culture, Sports and Tourism may establish and operate an organization necessary to perform affairs pursuant to paragraphs (1), (2), and (4).

[This Article Newly Inserted on Apr. 22, 2009]

Article 133-3 (Recommendation of Correction) (1) Where the Protection Agency, as a result of investigation into information and communications network of an online service provider, has found a fact that illegal copies, etc. have been interactively transmitted, it may recommend an online service provider to take corrective measures falling under the following subparagraphs, following deliberation by the Deliberation Committee: <Amended on Mar. 22, 2016>

1. Warnings to reproducers or interactive transmitters of illegal copies, etc.;
2. Deletion or suspension of interactive transmission of illegal reproductions, etc.;
3. Suspension of accounts of reproducers or interactive transmitters who have repeatedly transmitted illegal copies, etc.

(2) Within five days from receiving recommendation pursuant to paragraph (1) 1 and 2, and within 10 days from receiving recommendation pursuant to paragraph (1) 3, an online service provider shall notify the Protection Agency of the result of performing the correction measures. <Amended on Mar. 22, 2016>

(3) Where an online service provider fails to comply with the recommendation pursuant to paragraph (1), the Protection Agency may request the Minister of Culture, Sports and Tourism to issue an order pursuant to Article 133-2 (1) and (2) to him or her. <Amended on Mar. 22, 2016>

(4) Where, pursuant to paragraph (3), the Minister of Culture, Sports and Tourism gives an order pursuant to Article 133-2 (1) and (2), no deliberation by the Deliberation Committee shall be required. <Amended on Mar. 22, 2016>

[This Article Newly Inserted on Apr. 22, 2009]

- Article 134 (Projects to Create Environment Promoting Healthy Use of Works)** (1) The Minister of Culture, Sports and Tourism may execute projects necessary for promoting healthy use of works, such as provision of information on works, etc., copyright of which has expired. <Amended on Apr. 22, 2009>
- (2) Matters necessary for projects under paragraph (1) shall be prescribed by Presidential Decree. <Amended on Apr. 22, 2009>
- (3) Deleted. <Apr. 22, 2009>
- [Title Amended on Apr. 22, 2009]

- Article 135 (Donation of Author's Economic Right, etc.)** (1) The holder of author's economic right, etc. may donate their rights to the Minister of Culture, Sports and Tourism. <Amended on Feb. 29, 2008>
- (2) The Minister of Culture, Sports and Tourism may designate an organization capable of equally managing the rights to the works, etc. donated by the holder of author's economic right, etc. <Amended on Feb. 29, 2008>
- (3) The organization designated pursuant to the provisions of paragraph (2) shall not use the works, etc. for commercial purposes or against the intention of the relevant holder of author's economic right, etc.
- (4) Matters necessary for the procedures of donation, designation of organization, etc. pursuant to the provisions of paragraphs (1) and (2) shall be prescribed by Presidential Decree.

CHAPTER XI PENALTY PROVISIONS

- Article 136 (Penalty Provisions)** (1) Any person who falls under any of the following subparagraphs may be punished by imprisonment with labor up to five years or by a fine of up to 50 million won, or may be punished by both: <Amended on Dec. 2, 2011>
1. A person who infringes on author's economic right or other property rights protected pursuant to this Act (excluding the rights under Article 93) by means of reproduction, performance, public transmission, exhibition, distribution, rental, or production of derivative works;
 2. A person who violates the court order under Article 129-3 (1) without good cause.
- (2) Any person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for up to three years or by a fine of up to 30 million won, or may be punishable by both: <Amended on Apr. 22, 2009; Jun. 30, 2011; Dec. 2, 2011>
1. A person who defames the honor of author or performer by infringing on author's or performer's moral rights;
 2. A person who files for false registration pursuant to Articles 53 and 54 (including cases applied mutatis mutandis pursuant to Articles 90 and 98) deceitfully;
 3. A person who infringes on the right of a database producer protected pursuant to Article 93 by means of reproduction, distribution, broadcasting or interactive transmission;
 - 3-2. A person who violates Article 103-3 (4);
 - 3-3. A person who violates Article 104-2 (1) or (2) for his or her own business or for profit;
 - 3-4. A person who violates Article 104-3 (1) for his or her own business or for profit: Provided, That a person who, by negligence, has not known that such act causes or conceals the infringement of copyright or other rights protected pursuant to this Act shall be excluded herefrom;
 - 3-5. A person who commits an act falling under subparagraph 1 or 2 of Article 104-4;
 - 3-6. A person who violates Article 104-5;
 - 3-7. A person who violates Article 104-7;
 4. A person who commits an act deemed an infringement pursuant to Article 124 (1);
 5. Deleted; <Jun. 30, 2011>
 6. Deleted; <Jun. 30, 2011>
- [Title Amended on Dec. 2, 2011]

- Article 137 (Penalty Provisions)** (1) Any of the following persons shall be punished by imprisonment with

labor for up to one year or by a fine of up to 10 million won: <Amended on Apr. 22, 2009; Dec. 2, 2011; Feb. 4, 2020>

1. A person who makes a work public under the real name or pseudonym of a person other than the author;
 2. A person who publicly performs or publicly transmits a performance, or distributes copies of performance under the real name or pseudonym of a person other than the performer;
 3. A person who violates Article 14 (2);
 - 3-2. A person who conducts an act falling under subparagraph 3 of Article 104-4;
 - 3-3. A person who violates Article 104-6;
 4. A person who operates copyright trust service without obtaining permission pursuant to Article 105 (1);
 5. A person who commits an act deemed an infringement pursuant to Article 124 (2);
 6. A person who obstructs the business of an online service provider by making a demand by intention for the suspension or resumption of a reproduction or interactive transmission under Article 103 (1) or (3), upon knowing that he or she had no legitimate authority;
 7. A person who violates Article 55-5 (including cases applied mutatis mutandis pursuant to Articles 90 and 98).
- (2) A person who attempts to commit a crime under paragraph (1) 3-3 shall be punished. <Newly Inserted on Dec. 2, 2011>
[Title Amended on Dec. 2, 2011]

Article 138 (Penalty Provisions) Any of the following persons shall be punished by a fine of up to five million won: <Amended on Dec. 2, 2011>

1. A person who violates Article 35 (4);
2. A person who fails to indicate the sources, in violation of Article 37 (including the cases applied mutatis mutandis pursuant to Articles 87 and 94);
3. A person who fails to the holder of author's economic right, in violation of Article 58 (3) (including cases applied mutatis mutandis under Articles 63-2, 88 and 96);
4. A person who fails to notify the author, in violation of Article 58-2 (2) (including cases applied mutatis mutandis under Articles 63-2, 88 and 96);
5. A person who engages in a copyright agency or brokerage service without reporting pursuant to Article 105 (1), or who continues the services after receipt of an order to close the services pursuant to Article 109 (2).

[Title Amended on Dec. 2, 2011]

Article 139 (Confiscation) Among copies made by infringing on copyright or other rights protected pursuant to this Act and tools and materials mainly used to produce such copies, which are owned by the infringing person, printer, distributor or public performer shall be confiscated. <Amended on Dec. 2, 2011>
[This Article Wholly Amended on Jun. 30, 2011]

Article 140 (Complaints) The crimes under this Chapter shall be prosecuted only when the injured party has made a complaint: Provided, That in cases falling under any of the following subparagraphs, the same shall not apply: <Amended on Apr. 22, 2009; Dec. 2, 2011>

1. Where an act falling under Article 136 (1) 1 or 136 (2) 3 and 4 (in cases falling under Article 124 (1) 3, the act shall not be punishable against the explicit opinion of the victim) has been committed habitually for profit-making;
2. Cases falling under Article 136 (2) 2 and 3-2 through 3-7, Article 137 (1) 1 through 4, 6 and 7, and subparagraph 5 of Article 138;
3. Deleted. <Dec. 2, 2011>

Article 141 (Joint Penalty Provisions) If a representative of a legal person, or an agent, employee or other employed persons of a legal person or an individual has committed a crime as prescribed under this Chapter with respect to the affairs of the legal person or the individual, the fine prescribed under the

relevant Articles shall be imposed on such a legal person or an individual in addition to the punishment of the offender: Provided, That where a legal person or an individual has not neglected to pay reasonable attention to and supervise the relevant affairs in order to prevent such an offense, the same shall not apply. <Amended on Apr. 22, 2009>

Article 142 (Administrative Fines) (1) A person who has failed to take necessary measures pursuant to Article 104 (1) shall be punished by an administrative fine not exceeding 30 million won. <Amended on Apr. 22, 2009>

(2) Any of the following persons shall be subject to an administrative fine not exceeding 10 million won: <Amended on Apr. 22, 2009; Dec. 2, 2011; Mar. 22, 2016; Nov. 26, 2019>

1. A person who fails to comply with the order of the Minister of Culture, Sports and Tourism under Article 103-3 (2);
 2. A person who fails to perform his or her duty pursuant to Article 106;
 - 2-2. A person who refuses to authorize use without good cause, in violation of Article 106-2;
 3. A person who uses the title of the Korea Copyright Commission, in violation of Article 112 (4);
 - 3-2. A person who uses the title of the Korea Copyright Protection Agency, in violation of Article 122-2 (5);
 4. A person who fails to execute orders given by the Minister of Culture, Sports and Tourism pursuant to Article 133-2 (1), (2) and (4);
 5. A person who fails to give notice pursuant to Article 133-2 (3), to post notice pursuant to paragraph (5) of the same Article, to give notice pursuant to paragraph (6) of the same Article.
- (3) An administrative fine under paragraphs (1) and (2) shall be imposed and collected by the Minister of Culture, Sports and Tourism, as prescribed by Presidential Decree. <Amended on Apr. 22, 2009>
- (4) Deleted. <Apr. 22, 2009>
- (5) Deleted. <Apr. 22, 2009>