

Abstract

Copyright issues on the adaptation of TV drama script

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In a recent ruling the Supreme Court explained about the ‘intent of joint authorship’ in terms of joint work(2014do16517). The case is regarding a TV scrip writer who was expelled from the TV drama production without a reasonable cause. Though she notified the producer not to use her script other than the drama production, the producer published a novel based on her script without her knowledge. In that situation, the Supreme Court held, the novel is not a joint work but a derivative work because the scrip writer did not have ‘intent of joint authorship’ as she did not expect other writer adapt her script afterwards. Regarding this case, we have another important issue in the lower court’s opinion. The higher Court of the same case held that if a defendant is guilty in that he infringed the author’s right of derivative work, he is not guilty in that he infringed the author’s right to integrity and the right to claim authorship. The reasoning is that the defendant exerted himself in adding his creation to the original work, he should be exempted from the infringement of moral rights. I do not agree with the reasoning because economic rights and moral rights are quite different in terms of history and character. The higher court could have ruled that though the moral rights was also infringed, the defendant is not guilty because the infringement was not prejudicial to the original author’s reputation.

Keywords

joint authorship, economic right, moral right, derivative work, right to integrity, right to claim authorship

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