

**Abstract**

**Limitation on rights of public performance and the interpretation of commercial phonogram**

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Recently, the authors desire to develop and maintain the protection of their rights of public performance as effective as possible. According to Article 29 paragraph 2 of the Korean Copyright Act, commercial phonograms or cinematographic works may be reproduced and played for the public, if no fee is charged to the audience or spectators, except the case as set forth by Presidential Decree. And Article 76bis and Article 83bis of the Korean Copyright Act delineate as follows. A Party doing a public performance using commercial phonograms shall pay reasonable remuneration to the performers and producers of phonograms. This paper reviewed whether the Copyright Act balances the conflicting interests of an author and the public in the field of music performance and the possibility of the amendment of the Art. 29(2) of the Korean Copyright Act. As a result this paper reached a conclusion that in order to contribute to the improvement and development of the culture and related industries, Art. 29(2) should be revised to the advantage of copyright holder.

**Keywords**

Article 29 paragraph 2, Limitation on rights of public performance, Commercial phonogram, Neighboring rights, Compensation

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