

Abstract

French Copyright Contract Law Review

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Contracts for use of copyrighted works mainly appear in the form of transfer of rights or license to use. However, the concept of 'Cession' under French copyright law is not understood to be the same as the concept of 'transfer' under Korean copyright law. 'Cession' can be seen as transferring only the right to use, excluding the right to profit or disposal. In this respect, 'Cession' is closer to the concept of 'Concession', which is understood as the concept of 'permission to use.' Meanwhile, French copyright law interprets the contents of the copyright agreement related to 'Cession' very strictly. It stipulates that comprehensive transfer of rights to future works is invalid, and compensation to authors is based on proportional compensation, and fixed compensation is recognized only as an exception. Even in the case of fixed compensation, if the loss suffered by the author is more than 7/12 due to profit imbalance or failure to sufficiently predict the profits to be received from the work at the time of contract, a change in compensation may be requested. In addition, in a copyright contract, not only must each right that is the subject of the contract be individually stated, but also the area of use of the rights that are the subject of the contract in the copyright contract must be specifically determined according to the scope, purpose, location and period. In this respect, it can be seen that French copyright contract-related regulations do not entirely entrust the contractual relationship between authors and users to the principles of private autonomy or freedom of contract. The principles of the French usage contract

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system place greater emphasis on the principles of contractual fairness, focusing on protecting the weak author. The contents of the provisions related to copyright use contracts under the French Copyright Act can be used as important basic data not only in understanding the content and purpose of the French Copyright Act, but also in reflecting on our copyright use contract system. In particular, this study has significant implications in relation to legislation to create a fair copyright contract culture surrounding the amendment to the special provisions for video works that has recently been discussed in Korea.

Keywords

Cession, Concession, Transfer, Permission to Use, Use Agreement

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