

ABSTRACTS

This article deals with a relationship between derivative work and a right of integrity. Mostly, a preparation of a derivative work results in some alteration of the underlying work. It is hard for the alteration to preserve the integrity of the underlying work. When the preparation of a derivative work is not lawful, copyright of the underlying work can be infringed: a right to prepare a derivative work. At the same time, we can issue the infringement of a right of integrity from the unlawfully prepared derivative work. According to the Korean copyright law, lawful use of the underlying work is not a condition of derivative copyright. Logically, if substantial portion of the underlying work is sustained, the preparation of a derivative work can justify the alteration from the derivative work. From the point of a right of integrity, unlawful use of the underlying work cannot be treated differently from a lawfully prepared derivative work. In an age of information, the importance of a derivative work is getting bigger. This study concludes that the Korean copyright law needs to lessen the protection from a right of integrity. The right granted under the law may be an unforeseeable obstacle for derivative authors.

Keywords : derivative work, underlying work, author, a right of integrity, moral right, a right to prepare a derivative work, Berne convention