

## ABSTRACTS

This study is focused on insisting of directors' copyright ownership about their performance. Directors interpretate drama texts and express their thoughts and feeling on the stage.

This study overviews the state of directors' copyright inside and outside of the country so that we may protect directors' copyright and propose its concrete bounds.

Although directors' copyright is seldom controversial in Korea, director's copyright is not recognized by the court in some cases. Creative works of directors have been protected in France and Germany for the past three or four decades, and it has been hotly debated for a decade in the US.

Although directors are granted rights of performers in Korea, the problem is the absence of exclusive rights to prepare or authorize derivative works. Only the writer of drama texts(i.e., literary works) can own copyright when other genres(such as cinema, animation, or novel) are made based on the theatre(performing arts). Directors are authors of dramatic works(which means performance) of stage, who should become copyright owners of derivative works.

Directors create performing arts from literary works. Their method of expression is stage blocking which makes a meaning with marking out stage space, builds characters with positioning actors, and stocks images and meanings with visual emphasis of a lot of moments.

There could not be copyright in homage which comes from preceeding famous directors, and common or typical expressions which apply scènes à faire doctrine.

The concrete bounds of directors' copyright are;

- ① There could be double creation of stage when they show their stage expressions based on the same drama text.
- ② The creative drama text of directors of their own or the first performance should be granted copyright.
- ③ Directors have to own joint authorship in the case of collaborative working.
- ④ Directing note(acting edition) can be published like literary works so that royalty may be payed to directors for their works.
- ⑤ There is a criterion of infringement of copyright in performances. Gay McAuley analyzes performance into four stages among which the third stage can be the criterion. The third stage is 'sense block', if the sense block shows seriatly, it could be infringement of copyright in performances

Granting copyright to performance directors may encourage directors' creativity ,and support development of cultural arts institutionally.

**Keywords** : stage directors' copyright, derivative works, dramatic works, stage blocking, homage, scènes à faire doctrine, double creation, the first performance, joint works, acting edition, sense block