

ABSTRACTS

Today, with growing concerns over intellectual property rights and thriving culture industry, it is increasingly important to protect effective and adequate protection of intellectual property rights and to strengthen measures and procedures to enforce intellectual property rights. After concluding the KORUS FTA, the Korean government heightened measures and procedures to enforce intellectual property rights and adopted a new system “Recordation of Copyrights” for more effective protection of intellectual property. The system, created by the United States, is designed to prevent the entry into the channels of commerce in the jurisdiction of imported pirated copyright goods through border measures so as to avoid the proliferation of considerable harm to the right holder. “Recordation of Copyrights” is stipulated in the U.S. Code of Federal Regulation, Part. 19 Subpart D.

To secure Customs protection against the importation of infringing copyright goods, the copyright owner shall file an application to record a copyright in writing addressed to the Intellectual Property Rights Branch, U.S. Customs Service. The recordation of copyright shall remain in effect for 20 years unless the copyright ownership of the recordant expires before that time. If a recorded copyright has a term which exceeds the original 20-year recordation, continued Customs protection may be obtained by renewing the recordation. Each procedure shall require payment of a fee to the U.S. Customs and Border Protection(CBP). Under the circumstances where the number of cases of copyright infringement increases, the U.S. CBP has recently proposed the amended regulation to strengthen enforcement and procedures and stressed the necessity of a greater role of the U.S. CBP.

As Korea’s newly adopted system “Recordation of Copyrights” is quite similar to the U.S. Recordation system, it is expected that a closer examination on the related U.S. regulations and discussions about their amendment will contribute to the effective enforcement of Korea’s newly adopted “Copyright Recordation.”

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