

## ABSTRACTS

The terrestrial broadcast retransmission by cable broadcasters has already lasted for a long time and also can play an important role in the delivery of public information to the public in the future. According to the reasonable interpretation of the current Korean Copyright Act, the terrestrial broadcast retransmission by cable broadcasters is perfectly fitting with neither the concept of broadcasting which is accompanied by editing nor the concept of simultaneous relay broadcasting which would cope with the expansion of transmission range.

It is hard, within the strict grammatical interpretation of the current rules, to select the more plausible interpretation between the non-infringement argument and the other argument which treats differently according to the existence and inexistence of must-carry. Therefore, a policy decision which corresponds with the each purpose of the Korean Broadcasting Act and Korean Copyright Act must be considered after an elaborated analysis of the respective interests of cable broadcasters and terrestrial broadcasters in relation to the terrestrial broadcast retransmission.

Ultimately, the most desirable solution is to find the conditions of mutual benefit by negotiation between cable broadcasters and terrestrial broadcasters. Even though it is clear that there has been disagreement over a reasonable interpretation, relying on an injunction and even a prosecution against cable broadcasters would be harmful to the public's interest and contrary to the purpose of the Korean Copyright Act with the statutory license provisions.

**Keywords** : retransmission, must-carry, terrestrial broadcast retransmission, cable tv, MSO, multiple system operator, right of simultaneous relay broadcast, copyright