

## ABSTRACTS

This paper deals with the issue of whether Article 54 of Korea's Copyright Act is applicable to the relationship among the trustee, an author(copyright owner, truster), and a third party(tiers, Dritter). In this relationship, an author assigns the ownership for all existing and future works to the trustee, and concludes a contract with the third party that he or she would assign the copyright ownership to the third party. The issue is whether Article 54 is applicable to this relationship.

At first, where a copyright is assigned to two parties by contract, this paper carefully analyzes the premises for the legal relationship between the first and the second assignee described in Article 54. This paper argues that the problem of "Opposabilité" at least presupposes the legal guarantee of equal opportunity about registration. Secondly, on the basis of this premise, this paper analyzes the scope of Article 54. This paper explains why Article 54 should not be applied to the legal relationship between the trustee and the third party. Thirdly, this paper suggests that Article 54 need to be amended to legislate new exceptions to Article 54.

This paper also suggests that the principle of presumption be applied to the relationship between the trustee and the third party.

**Keywords** : GEMA, GEMA Vermutung, Presumption, Premises of opposition, Comprehensive trust, Individual trust, Collective management, Individual management, The truth in all things, Opposition, Formality, Unformality, Deposition, Certificate of cession, Film, Software, Pseudonyme, Anonym, Real name registration, Disproof, Continuation protection of right, Registration of right.