Abstracts

A Study on Legislation for the Protection of Temporary Reproduction

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Korean Government submitted to the National Assembly the proposal of ratification of the Free Trade Agreement between the Republic of Korea and the United States of America. In relation to this proposal, it also submitted an amendment to the Copyright Act that would provide the right holders with the protection for the temporary reproduction of the copyrighted works.

This study deals with various forms and features of the temporary reproduction which is incidental or technically inevitable to the use of the digital works, including computer program, with the help of computer, or the transmission of the works over the Internet, and examines whether the proposed amendment will strike the delicate balance between the interest of the right holders and users.

This study argues that there is no ground for the proposed extension of the quasi-use right which was given to the right holders on computer program by the article 124(3) of the Act to all right holders on the digital works. It proposes that it is necessary to clarify the Act extends protection to the temporary reproduction as well as the permanent reproduction with the blanket exception to the protection that covers all the temporary reproductions that are incidental to the use of digital works on the computer, including the ones for the more efficient or stable operation of the technical procedure. However this exception shall not extend to the exploitation of works by using their copies made in accordance with the exception, instead of using copies of such works, or without a reception of transmission concerned with such works.

This study also examines other provisions related to the protection of temporary reproductions, such as the protection of the technological measures for access control, the exception for private uses and the acts considered as infringement.

keywords: temporary reproduction, use right, access right, copyright, private uses, access control measures