

Abstract

The effect and countermeasures of Copyright Act caused by the proposed amendment to Design Protection Act

Park, Seong-Ho

A proposed amendment to the Design Protection Act in 2010-2011 is supposed to enlarge the scope of articles protected as objects of designs according to the Locarno Classification, an international classification for industrial designs. The introduction of the Locarno Classification will be able to allow applicants to file designs such as graphic symbol designs for applications. It will also expand the scope of protection to the potential use of the design. Under the Locarno Classification, two-dimensional designs such as graphic symbol designs represent so-called the relaxation of requirement for item to be an article. This paper aims to study the meaning of the proposed amendment and the effect of such amendment on the works of applied art in the Copyright Act. For this purpose, this paper researches EU Design Law and Locarno Agreement in order to analyze them. Finally, this paper proposes the legislative bills as countermeasures in case of conflict-relations between design right and copyright.

Keywords : Industrial design, Design Protection Act, Locarno Agreement, Locarno Classification, Graphic symbol, Relaxation of requirement for item to be an article, Works of applied art