

Abstract

Study on the public performance right for broadcasting organizations and its limitation

Kim, Byung-Il

Korean Intellectual Property(IP) Law has recently undergone several reforms, with more to follow, in order to give effect to our obligations under the international IP treaties. Implementation of the comprehensive obligations in the treaties and Korea-EU and Korea-USA FTA will strengthen IP Law in Korea, and will also improve the legal tools available there for enforcement of IP rights.

This article is to briefly review the contending issues of Korea-EU FTA in the field of copyright protection. This article firstly studies issues regarding public performance right for broadcasting organizations and its limitation. Korea-EU FTA Article 10.9(Broadcasting and Communication to the Public) provides that each Party shall provide broadcasting organizations with the exclusive right to authorize or prohibit the communication to the public of the television broadcasts if such communication is made in place accessible to the public against payment of an entrance fee. It shall be a matter for domestic law of the State where protection of this right is claimed to determine the conditions under which it may be exercised. This article has sought to suggest how to implement Korea-EU FTA Article 10.

Keywords : Korea-EU FTA, Copyright, Public performance, Communication to the public, Broadcasting organizations