

Abstracts

Introduction to the revision of Korean Copyright Act for the implementation of Korea-E,U. FTA

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Korean Copyright Act was revised to implement Korea-E,U. Free Trade Agreement(FTA), and enacted on July 1, 2011. This revision includes some overlapped parts, such as copyright term extension and protection for the access control type technological measures, with the legislative draft for Korea-U.S. FTA previously submitted to the National Assembly in October, 2008.

The principal parts of the revision are as follows;

First, the term of copyright protection was extended by 20 years (from 50 years), regardless it is counted by author's life or the first publication. The term of protection for the subject matters of neighboring rights, however, are intact.

Second, the person or entity whose name is indicated as the performer, phonogram producer, or broadcasting organization of the performance, phonogram, or broadcast in the usual manner, in the absence of proof to the contrary, shall be presumed the designated right holder in such subject matters.

Third, broadcasting organizations have the exclusive right of communication to the public of their broadcasts if such communication is made in places accessible to the public against payment of an entrance fee.

Fourth, online service providers are classified into four groups, i.e. mere conduit, caching service, hosting service, and location tools, and the conditions for exemption of liabilities for the possible copyright infringements are clarified for each group.

Fifth, with regard to the access control type technological measures that are used by right holders in connection with the exercise of their rights under the Copyright Act, the

prohibition on trafficking in circumvention tools and on circumvention itself was introduced, in addition to existing prohibition on trafficking in of circumvention tools of copy control type technological measures.

Sixth, tools and materials which were predominantly used for the manufacture of infringing goods shall be forfeited as well as the infringing goods.

Keywords : Korea-E.U. FTA, Online service providers, Technological measures, Access control measures, Temporary reproduction.