

Abstract

The legal context regarding public copyrighted works and public sector information(PSI)

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In this article, I reviewed the existing Acts and its implementing rules and regulations (including Guidelines) regarding public copyrighted works and public sector information (PSI). The laws have their own main objects which focuses on getting free access to information and using it for further possibilities. However, there are not so good results about the free flow in reality. Except the public domain under the Korean Copyright Act, the access to and the use of PSI face barriers which do not generate social wealth in the information society. Legal problems such as a non-legitimate license and legal flaws for suitable free license stumble over the free access to and the use of PSI including public copyrighted works. And the works mentioned above are classified as administrative property under the National Property Act, and it is not easy to earn a recognized permission from government for using them. It needs to be revised for the sake of general license patterns for the purpose of proliferation of PSI use.

The further actions related to public copyrighted works, PSI and public database for free access and use should get a legally holistic approach. Also, it is necessary to go beyond the interpretative methods for resolving legal issues which are verified as inconsistent definitions for the same subject-matter in two different statutes, Guidelines not to adopt contract principles, a concurrent task by two governmental departments, and its inefficient plight from the existing laws.

Keywords : Public copyrighted work, Public information, Public domain, Copyright (law), Free use, License, Public database