

Abstract**Copyright Cases relating to the Ownership of the Physical Object of the Work**

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This paper discusses three cases. Those are (1) the public display of photograph in the calendar case, (2) Starbucks case, (3) the mural painting destruction in the Dorasan station case. All the cases contain the conflict of interests between the owner of the material object in which the work is embodied and copyright owner. The former two cases relate to copyright and owner's property right, and the last case relates to author's moral rights and owner's property right. The winner of the former two cases were copyright holders, but the winner of the last case was in the 1st instance the owner of the physical object. This paper thinks that the adverse results in all three cases are more justifiable. To prevent the undesirable results and to enhance the legal stability, the legislative solution is more advisable than the case-by-case solution. So this paper proposes the amendment of the copyright law. First, for the public display or exhibit of a copy freely, the first paragraph of section 35 must be amended as follows : The owner of the original of art works, etc. or a person who has obtained them under the owner's authorization, or the owner of a copy which is lawfully reproduced, may exhibit the original or the copy of art works, etc. Second, some supplementation must be added to section 35 of Copyright Act like this: in order to destroy the physical object of the work of art which is exhibited in the place open to the public, of which no further copies exist, before destruction the proprietor must notify the author of the fact that his or her work be destroyed in the near future.

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Keywords

Public display, Photograph in the calendar, Commercial phonograms,
Background music, Destruction of physical object of the work, Ownership,
Moral right, Right of integrity