

Abstract

**Legal Protection of Licensee in the Copyright
Licensing Contract**

- Comparative Study in Germany and Korea -

HAN, Ji Young*

A Copyright holder concludes a contract either to transfer his copyright to a third party or to allow a third party to use his work through which he earns money as royalties, and a third party also makes money. However, in the case that changes in copyright ownership take place, for example, when copyright owner transfers his copyright to a third party, or when copyright belongs to bankruptcy foundation owing to his bankruptcy, a licensee can be at disadvantages. The Copyright Act of Korea does not regulate any rules for protecting the licensee in the case, while the German Copyright Act has so-called 'Sukzessionsschutz(Protection of succession)' which purposes to protect a licensee authorized in advance to use his copyrighted work even if the copyright owner went bankruptcy. The German Copyright Act is characterized by protection for a non-exclusive licensee as well as a exclusive licensee. On the contrary, the Korean Copyright Act does not have such a system to protect a licensee. In this regard, it is necessary to review in detail to introduce such a system to Korea Copyright Act to protect licensees, especially non-exclusive licensees who have already made lots of investments in order to make money by using the copyrighted work.

Keywords

Transfer of copyright, bankruptcy of copyright holder, Act of Korean Bankruptcy, trustee, German Insolvenzordnung.

* Professor, Chosun University