

Abstract

A Proposal of Copyright Act Revision for Employee's Work Provision

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Art. 9 of Korean Copyright Act attributes whole copyright of works for hire to employer. This attitude partly mirrors the reality of employee's work and has merit to activate the utilization and transactions of employee's work in the market. However, it is a legal excess to render whole copyright including the moral right to employer for the foresaid goals. It collides with main doctrines of Korean Copyright law : creator attribution and non-transferability of moral rights. Moreover, it fails to reflect copyright industry's need and loses balance leaving the employees reward totally out of its concern while the employee's works for invention and design are rewarded by the law. This article analyzes current employee's copyright work system in comparative law's aspect, historical aspect, copyright industry's aspect and legal aspect. Accordingly, it seeks for ways to overcome the shortcomings of current regime and proposes plausible ideas for revision of Art. 9 : revision of employee's work definition, attribution of works for hire to employee, employer's right to exploit the works for hire, assuring the reward for employee's work transaction, the validity of moral right non-exercising contract and special rules for computer programs. Lastly, this author proposes actual draft of Art. 9 revision based upon former research.

Keywords

works for hire, employee, employer, moral right, right of reward, employee's invention, right to exploit, copyright industry

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