

Abstract

Proposal for Legal Controls on Copyright License

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To control on the copyright license, the Law of obligations is important as the Law of Reality. Nevertheless, we have very simple but ambiguous statute in Copyright Act article 46 which states copyright license. Also the area of law of obligations has not yet developed enough to resolve debates related to copyright license.

First of all, we should redefine the title of article 46 because the object of license is not copyrightable works but just the copyright, so the title of article 46 should be changed to 'copyright license'. Copyright license has the character of the law of obligations which copyright owner reserves his or her copyright on him or her and just users can use the copyrightable works.

Also to control the copyright license, we should consider the Copyright Act's legal policy as the promotion for human culture. On this view, it is clear that antimonopoly law, civil law to control agreements have limitations to achieve the legal policy of Copyright Act. Antimonopoly Law and civil law to control agreements are the legal system for macro-scopic area for antimonopoly and equity, so it is not suitable for specific copyright balances. To control on the balances between copyright and fair use, we should legalize contract-related statutes in Copyright Act.

This kind of research should be performed and those researches can help to resolve disputes on the legal policy of Copyright Act.

Keywords

EULA(End User License Agreement), Bundle of Right, Abuse of Rights, Copyright License, Antimonopoly Law(Sherman Act), Odious Monopoly

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