

**Abstract**

**Research on the Issues of Writer Contract**

**- Focusing on the Standard Contracts in Publishing, Comics,  
Performing Arts and Film Industry -**

Lee, Chul Nam

Writers such as novelists, playwrights, broadcast writers make various writer agreements with producers. The issue of unfair writer contracts have been consistently raised, due to the power imbalance between writers and producers in Korea. Recently, the Ministry of Culture, Sports and Tourism is preparing a standard writer contract to be used in broadcasting industry. It will be meaningful to review and analyze the standard contracts used in publishing, comics, performing arts, film, etc. In particular, screen writer contract is important in the aspects that both films and broadcasting programs are audiovisual works and they are closely intertwined in the secondary market.

The issues regarding writer contracts can be categorized into parties, rights and duties, payments, period and so on. The Issues regarding parties include deciding authorship in the meaning of copyright act and co-author among those involved in the creation of the work. The duties of writers include licensing or transferring of copyright. Sometimes there are some problems in distinguishing between license and transfer of copyright, and in determining the boundaries of license or transfer. The protection of moral rights is also important. The payment issues include how to calculate the price and submit the data for the calculation. There are other issues in writer contract(s), such as period, third-party rights violations, and so on.

When preparing the standard writer contracts, we need to take a few things into consideration. First, production and distribution system of the broadcasting program(s) is much different from those in publishing, comics, performing arts and film industry. Next, the latest content creation and distribution are much based on digital network technology. Last, but not least, it is also important to think of ways of applying the standard contract in practice.

## Keywords

Writer Agreement, Standard Contract, Copyright, Joint Work, Moral Rights

## 참고문헌

- 박진선·김새봄·이현율, “한국 드라마의 집필 시스템 변화 분석 - 케이블 방송의 집단 창작 사례를 중심으로”, 『방송과 커뮤니케이션』 제16권 3호, 문화방송, 2015. 9.
- 이상범, “드라마작가와 시나리오작가의 구조적 시스템 연구 - 특성과 문제점 중심으로”, 『한국콘텐츠학회논문지』 제15권 제10호, 2015. 10.
- 이철남, “미국 작가계약의 주요 쟁점에 관한 연구 - 미국작가조합과 최소기본약정(MBA)을 중심으로”, 『과학기술과 법』, 제6권 제2호, 충북대학교 법학연구소, 2015. 12.
- \_\_\_\_\_, “방송 환경의 변화와 제사용료의 중요성”, 『월간 방송작가』 통권 119호, 한국방송작가협회, 2016. 2.
- 최현주·이강형, “방송작가 고용 안정화를 위한 정책 방안에 대한 연구 - 방송작가의 고용 및 계약 형태에 대한 실태조사를 중심으로”, 『언론과학연구』 제11권 2호, 2011. 6.
- 홍승기, “방송작가 집필계약상 손해배상예정액의 처리 - 〈드라마 김수로 사건〉과 관련하여”, 『법학연구』 16(1), 인하대학교 법학연구소, 2013. 3.
- 문화체육관광부, 공연예술분야 표준계약서, 2014. 3.
- \_\_\_\_\_, 만화분야 표준계약서, 2015. 4.
- \_\_\_\_\_, 영화 시나리오 표준계약서 주요 조항 해설, 2015. 10.
- \_\_\_\_\_, 출판분야 표준계약서 해설, 2014. 6.
- 미래창조과학부, 2014년 방송산업 실태조사 보고서, 2014. 11.
- 한국콘텐츠진흥원, 2014 방송영상 산업백서, 2015. 2.