

Abstract**A Study on the Meaning of Right of Rental in
Copyright Law**

Yang, Bit-na*

In late March 2016, Microsoft announced to relax Windows licensing terms. Until then, Microsoft had argued that an Internet Cafe where many clients use a single computer had to buy a packaged product with Rental Rights licenses for Windows, but at last it heralded to offer an additive license free of charge which is required to install Windows in every rented PC. It seems to mean that there would be no charge while Rental Rights concept continues to be valid for Windows licenses. As with the aforementioned MOU being signed, Microsoft said, "There was no way to not introduce the concept of 'rental' as far as the resale of intellectual property rights is involved." Meanwhile, however, there is a need to examine whether Microsoft's Rental rights relate to the resale of intellectual property rights, that is, whether they could get subject to Rental Rights under our copyright laws.

The idea of rental can be varied and defined diversely in every country. Under our copyright laws, Rental Rights have been introduced just for the implementation of international conventions while the concept of rental is not specified, so the interpretation of Rental Rights under our copyright laws can be varied depending on how rental is interpreted by the international treaties. This paper, accordingly, aims to look into domestic and foreign legislative systems and major substance of international treaties relating to Rental Rights created on the above background. Following careful review on the meanings and introduction backgrounds of Rental Rights in light of various international treaties and guidelines, consideration shall be given to the provisions regarding Rental Rights under our copyright laws which were introduced to implement international treaties. Consequently, some proposals shall be offered on the

* Korea Copyright Commission, intern researcher

relevance of Rental Rights from Microsoft. It is intended, ultimately, to provide logic to rationally cope with tentative disputes that might be able to arise in years to come by investigating the meaning of Rental Rights and examining the Rental Rights from Microsoft.

Keywords

Microsoft, Rental license, Rental right, Lender's right

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