

**Abstract**

**A Study on Copyright Registration's Effect of Setting up  
against a Third Party**

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According to Article 54 of the Korean Copyright Act prescribes that assignment of economic rights (except for inheritance and other types of general succession) or limitation to their disposition can not set up against a third party without registration of transfer or limitation to disposition, of their economic rights. In other words, the registration of transfer or limitation to disposition of their economic rights is the requirement for setting up against a third party.

In reality, collective management societies such as KOMCA do not register the transfer of economic rights of their members. In terms of the issue as to whether a third party can have legally proper stakes at the present case, the Korean Supreme Court (Judgement rendered on January 14th, 2016, Case No. 2014 Da 202110) held that the CMO, who did not register the transfer of economic rights of its member, can not set up against the third person (i.e., movie producers) who gets economic rights or license from the author (i.e., a member of the CMO). In this case, the Court went on to hold that the movie producer did not induce the authors of the musical works to breach the trust between the CMO and the authors.

Hence, It is a practically pivotal one the issue as to whether a third party can have legally proper stakes at a specific case.

This Article purports to contribute to the promotion of copyright industry by proposing reasonable solution to tension and conflict among CMOs, authors, and users. Especially, it proposes reasonable interpretation and legal reform, of Article 54 of the Korean Copyright Act. Also, it takes into account the practical strategic solution to those disputes.

## Keywords

Article 54 of the Korean Copyright Act, Registration, Musical Works, Cinematographic Works, Requirement for Setting up against a Third Party

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