

Abstract

Proposals to Interpret and Legislative Suggestions for Requirement Facts of Infringement in the Right of Integrity

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Recently it is becoming increasingly important whether the scope of protection for the right of integrity is appropriate in Copyright Law of Korea. And the right of integrity has become one of major legal issues in the individual specific cases.

In this article, I would like to develop interpretation theory and Legislative Suggestion for the current copyright law in consideration of international treaties, legislative cases, overseas cases, domestic precedents, and recent cases of disputes.

Therefore, I think that Korean Copyright Act has created urgent need for international harmonization of copyright laws because legislative policy for the right of integrity has so strong protection. We need urgently a legislative improvement based on an approach to reduce the scope of copyright protection for the right of integrity.

In particular, there may be cases that infringement is established regarding the modification and transformation accompanying inevitably in the event that there is no license or consent to the right of integrity, even if the right to make derivative works is obtained or approved. It is difficult to comply with the user's judgment and generally-accepted idea in the society. Taking too much emphasis on the right of integrity can lead to irrationality in resolving individual issues.

Therefore, it is desirable to legislate the adjustment standards in view of Article (1) of Copyright Act of Korea and the balance of interests by establishing provisions on the relationship between the right of integrity and the right to make derivative works.

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Keywords

Right to the Integrity of the Work, Moral Rights, Berne Convention, Honor or Reputation, Right to create Derivative Works, Derogatory Action, Adaptation, Distortions