

**Abstract**

**A review of issues to prepare for North-South copyright negotiations**

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Until now, in the matter of protecting North Korean works in South Korea, our court has treated North Korean works the same as South Korean works, protected North Korean works under Korean copyright law. However, it is possible to start negotiating between the two Koreas in the field of copyright only when counterpart's work is recognized as a "foreign work".

In the North-South copyright negotiations, South Korean works and North Korean works should be defined as "works created by the other residents after the division." The other's works should be treated as foreign works and protected according to the Berne Convention. Afterwards, North and South Korea will have to agree on specific protection measures, taking into account the current status of inter-Korean cultural exchanges.

While balancing North Korea's copyright law with international copyright law is a necessary process for unification in the future, hasty progress will be a serious obstacle to negotiations. Rather, in the North, it should be seeking to raise for institutional arrangements that can be used to legally exploit the South works through a simple procedure.

In this paper, I propose to expand the existing "Statutory Licenses System for Orphan Works" so that it can be applied even if you want to exploit counterpart's works. Also, I show a draft agreement between the two Koreas, which can be a starting point in the negotiation process.

**Keywords**

North Korean Works, Copyright Law of North Korea, Inter-Korean Cultural Exchanges, Statutory Licenses System, Berne Convention

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