

Abstract

A Study on the Performers' Rights under China Copyright Law*

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Neighboring right refers to a right like the copyright granted to a performer, record producer, and broadcasting service providers. Neighboring right is understood as a recognized copyright in that it contributes to the development of culture by providing an environment in which the author's created works can be easily used to the general public, even though they are not directly created by the performer, record producer, or broadcasting service provider. The original copyright law is primarily aimed at protecting the author's creative work and his rights. Recently, as the role of neighboring rights holder has become as important as the creator, the issue of protecting neighboring rights holder has become important. For example, for works such as music, the role of those who contribute to recording, broadcasting, demonstration, distribution, etc. is essential in addition to the creator. As times and technologies change, most countries have copyright provisions in copyright law and protect the parties concerned. It is very important in that the performer among neighboring rights holder plays a role in delivering the creation directly to the public.

China's first copyright law was enacted in 1991, and regulations concerning copyright holders have existed since its enactment. However, the content showed great differences from the Berne Convention, the TRIPs Consultation, and the Treaty on actual performance and Record Production. In 2001, the current framework for Neighboring right was established by revising the contents related to Neighboring right. Currently, China is working on the third revision of the Copyright Law. As significant changes in the third amendment

* This paper was supported by the Dong-A University Research Fund.

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are expected in relation to the performer among neighboring rights holder, related research is needed.

Since there has not been much research on Chinese authoring rights so far, with many Korean works making inroads into China, research on Chinese legislation needs to be preceded to protect the rights of the performer. Therefore, this study first reviewed the current regulations on the performer under the Chinese Copyright Law and analyzed how the regulations.

Keywords

China Copyright Law, Performer, Performer's Rights, Beijing Treaty