

Abstract

Application of Freedom of Panorama Provision and Proposal for Amendment

- Regarding the Non-Contacting Trends in Hyper-connected Society -

Yunsoo Kim*

Service of 5G mobile communication (5G) and boosted hyper-connected society trends are changing the way that we use the works. Also, the hit of COVID-19 brought non-contacting trends all over the world. Artwork businesses that attract customers by face-to-face displays such as exhibitions and performances have been greatly affected.

'Freedom of panorama' is the free use of the works of art located in public places. Discussion on such term started in Europe. Freedom of panorama is legislated in various forms. The main criteria of them are as follows; 1) Covered works, 2) scope of a place, 3) permanency of works installation, 4) limited copyrights, 5) permitted purpose of free use, 6) permitted forms and method of free use, 7) other conditions. Ownership (France), trademarks (US), trade secrets (UK), and unfair competition (Korea) can be also applied on related issues.

The provision of freedom of panorama in the Korean Copyright Act needs to cover new trends of use of works and to allow users more suitable free use. Article 35-2 (use of works permanently located in a place open to the public) should be newly legislated.

Reviewing the freedom of panorama in a hyper-connected society requires to take account of policy demands raised by technological and cultural changes, and needs exploration of copyright law. Such tasks could be meaningful work providing new provision suitable for the non-contacting trends, and giving a valuable reference for amending other copyright provisions.

* Sookmyung Women's University, Ph. D. in Law.

Keywords

Freedom of Panorama, Exhibition and Reproduction of Art Works, Limitation of Copyright, Fair Use, Non-Contact, Virtual Reality, Augmented Reality, Hyper-Connected Society