

Abstract

Protection of Drama Directors and Artistic Directors of Public Troupe on Filming of the Performing Arts

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The outbreak of the pandemic in 2020 caused a catastrophe in the performing arts market. Most of the concert halls are closed, but in the public sector, they are looking for a breakthrough with filming of the performing arts. This thesis focuses on legal protection of drama directors, artistic directors of public troupe in filming of the performing arts. Under Korean Copyright Act, there is a discrepancy between two articles – definition of “performer”(art. 2) and “dramatic work” as examples of copyrighted work(art. 4). The Copyright Act says that a drama director is a performer. When a dramatic work is a type of copyrighted work, then there should be an author to it. Is there any other entity than a director who can claim the authorship to it? Though the Act includes film directors in the category of performers, no one called a film director as a performer. In the era of cinematic directing, a drama director undertakes the same function of a film director, his directing and supervising is not merely a presentation of a playbook but something which is a completely new quality in relation to it. We should find the right position for the director, which is an authorship. On the other hand, the creation of an artistic director of public troupe has been interpreted as a work made for hire. When an artist has the highest artistic prowess, he/she temporarily takes charge of the job of artistic director. If a choreography or other copyrighted work created during his/her tenure becomes a work made for hire, it will

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be contrary to the purpose of the copyright system - improving and developing culture. Recently, there was a dispute over copyright ownership of the choreography created by the artistic director of a civic dance troupe. The court judged that the choreography is in the public domain according to ‘free use of public works’(art. 24-2), and therefore the artistic director who used his choreography personally without the consent of the city government is not to be blame. The court may have developed the logic to remove the liability from the artistic director, but it seems inappropriate. The case should have been resolved with an active interpretation that the choreography of the artistic director do not fall into the realm of a work made for hire.

Keywords

Artistic Director, Drama Director, Choreography, Filming, Work Made for Hire, Author, Performer