

Abstract

A Review on the Legitimacy of Collecting Video Transmission Service Fees from OTT Platforms

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This study reviewed the controversy surrounding the amended regulations on the music usage fee, revised in accordance with the approval of the Ministry of Culture, Sports and Tourism in December 2020, by focusing on double collection and the adequacy of music usage rates. First of all, the necessity of establishment of a new provision on the video transmission service fee was examined, while considering the possibility of double collection and the difference between each contract structure depending on the types of contents. And based on the interpretative principles on the existing copyright licensing agreements in connection with the emergence of new media, the need for the new provision was recognized.

Then, the appropriateness of the standards for determining music usage rates was analyzed. Basically, it seems reasonable to set music usage rates based upon the contribution of music to video contents. But due to the absence of a proper system to collect objective data for music, there was no choice but to check the fairness of the rates through comparison with other media. Although a number of reasons were given to justify the 1.5% music usage rate set for video transmission service, it was concluded that the grounds were weak. Lastly, three suggestions were proposed to prevent conflicts and improve the current situation regarding this topic.

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Keywords

OTT Service Provider, Music Usage Rate, Music Copyright Collection Regulation, VOD, License Contract, KOMCA, Double Collection, Transmission Right