

**Abstract**

## **A Study on the Coordination of the Korea-China FTA and the Third Amendment to the Copyright Law in China**

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China is a major consumer of Korean works, and is a country where many Korean copyrights, including music, are exported. A bilateral treaty was signed with China and Korea, and it was compared and reviewed with the third amendment to the copyright law in China, focusing on the provisions stipulated in the Korea-China FTA.

This study targeted five areas.

First, it is right to remuneration for broadcasting and communication to the public. In third amendment to the copyright law in China, it was understood that the right to remuneration was granted only to producers of phonograms for the transmission of phonograms through broadcasting and technical equipment, which is understood to be inconsistent with the Korea-China FTA.

Second, it is a right granted to broadcasting organizations. In third amendment to the copyright law in China, broadcasting organizations enjoy the right to prohibit. It is understood that the right to prohibit is not consistent with the Korea-China FTA.

Third, it is about the presumption of authorship or ownership. In this third amendment to the copyright law in China has been amended by presumption of ownership. This is consistent with the Korea-China FTA.

Fourth, it is the compulsory license system under the Berne

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Convention. It was concluded that under the third amendment to the copyright law in China, the provisions of compulsory license for broadcasting works by broadcasting organizations may differ from the requirements of the Berne Convention.

Fifth, Each Party shall provide for criminal procedures and penalties to be applied in accordance with its laws and regulations for the willful unauthorized copy of a cinematographic work, or any part thereof, from a performance in a movie theater on a commercial scale. No Chinese legislation could be found on this issue.

### **Keywords**

Korea-China FTA, the Third Amendment to the Copyright Law in China, Right to Remuneration, Right Granted to Broadcasting Organizations, Presumption of Authorship or Ownership, Compulsory License, Illegal Cam-Cording