

**Abstract**

**Study on the remuneration right of neighboring right holders  
- Focusing on communication to the public and the scope of  
using phonograms -**

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According to WIPO treaties, performers and producers of phonograms shall enjoy the right to a single equitable remuneration for the direct or indirect use of phonograms published for commercial purposes for broadcasting, or for any communication to the public. The concept of “communication to the public” has different meanings depending on the scope of “communication” and “public”. If phonograms published for commercial purposes are used for communication to the public. For example, playing phonograms or simultaneous transmission through the internet, performers can claim the remuneration for that use. In the case of broadcasting, performers cannot claim the remuneration for phonograms incorporated in a cinematographic or other audiovisual work on basis of Roman Convention and WPPT. The Synchronization Right of performers is not included within the scope of remuneration for the direct or indirect use of phonograms published for commercial purposes for broadcasting. In Korea, however, it is understood that Synchronization Rights could be covered by the remuneration rights of the performer. In the revision process of the Korean Copyright Act, the remuneration rights of performers and producers of phonograms will expand into digital simultaneous transmission, and will follow the regulation of treaties in which Korea has ratified or accessed.

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**Keywords**

Remuneration, Communication to the Public, Phonograms  
Published for Commercial Purposes, Audiovisual Work, Reciprocity