

Abstract

A study on the introduction of the ECL system according to changes in the environment for using copyrighted works

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The collective management system under the Korean copyright law has two types of system. The first system is the entrustment management system for the exclusive rights of copyright holders and the second one is the remuneration management system for the copyright holders to be economically compensated in case of the use of a copyrighted work. Anyone can use any copyrighted work of a rightholder in advance and pay the remuneration afterward to the designated remuneration management organization by the government.

In using a copyrighted work of exclusive rights, the user must obtain the prior permission from the rightholder of the work. However, most of the copyrighted works have a large number of rightholders, or some rightholders are not registered in the copyright collective management organization. If a user wants to use a large amount of works quickly, under the current statutory licensing system, the user is forced to use it illegally or abandon the use of the work due to a burden in terms of transaction costs.

Accordingly, it has been argued that the exclusive rights should be limited and the remuneration management system has to be expanded in order to ensure that the copyrighted works are used in a large amount in a way of transmission. Nevertheless, in relation to the expansion of the remuneration management system, it is

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confronted with the limit of not being able to provide adequate amount of remuneration for the rightholders who have contributed to the creation and delivery of the works since claiming the remuneration for the use of the works against every single user of each work is practically impossible. Especially, when there are many users of the work and the amount of the remuneration of each usage, it is not reasonable in terms of management cost.

As an alternative to solving these problems, it is desirable to introduce the extended collective management system implemented by the Nordic countries.

The extended collective management system is included in the draft of the upcoming copyright law amendment, issued on January 15, 2021 and is currently pending in the National Assembly.

In the draft of the amendment mentioned above, it is stipulated that the extended collective management organizations are restricted to entrustment management organizations. However, not only the entrustment management organizations, it is necessary to be open to remuneration management organizations since they have enough staff, advanced data-processing computer system and are capable of managing the core tasks including collection and distribution of the royalty. Likewise, it is necessary to make it possible to become the extended collective management system even in areas that are deemed desirable for the protection of rightholders without hindering the use of the works than the current compensation designated organization system.

Keywords

Copyright Collective Management, Entrustment Management, Remuneration Management, Extended Collective Management, Extended Collective License, ECL system