

Abstract

A Study on Analysis of Communication to the Public and the Korean Copyright Law for the national implementation

Kim, SeChang*

The development of the concept of 'Communication to the Public' has been hand in hand with the development of communication technology. In the Berne Convention, the first international copyright treaty, the concept appeared in the Roman Revision Conference in 1920 and was established through various discussions, and it was also expanded in the WIPO Internet Treaty to regulate the use of works in the Internet environment. Since Korea joined the Berne Convention in 1996, Korean Copyright Act has been revised three times, establishing the concept of 'Public Transmission' and implementing provisions related to 'Communication to the Public'.

However, there are some differences between the concept of 'public transmission' and sub-concepts in Korean Copyright ACT and the concepts related to 'Communication to the Public' in international treaties. According to international treaties, provision of 'Making Available to the Public' is limited to the act of making users to access the work at a individual time and place regardless of whether the work is transmitted or not. However, in the case of Korea's 'interactive transmission', the range is relatively wider as it also includes transmissions made together with the user's request for initiation. Broadcasting refers to wireless transmission according to international treaty, but the concept of broadcasting

* Korea Copyright Commission

in Korea does include both wired and wireless one. Accordingly, the scope of 'Broadcasting Organization' is different. In the case of 'digital audio transmission', the concept is not found in international treaties. Accordingly, there was also an issue of whether 'digital image transmission', which is interpreted in the scope of use, provision or public transmission under international treaties, belongs to 'broadcasting' and whether it falls under 'other public transmissions'.

In this paper, the concept of communication to the public delivery in international treaties is was first analyzed. For the comparison of the concept in international treaties, this paper analyzes the concept in the Berne Convention, WCT, and WPPT. Next, Korea's 'Public Transmission' is was analyzed in the same way and compared with international treaties. Although Korean copyright law fully implements international treaties, it has been confirmed that there are some differences between concepts. And finally, an improvement plan was presented to overcome the problems caused by the differences.

Keywords

Public transmission, Broadcasting, interactive transmission, digital sound transmission, communication to the public, Berne Convention, WCT, WPPT