

Abstract

A Study on the Legal Approaches for Copyright Protection of K-pop Cover Songs

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It has been observed that K-pop cover works are actively produced and shared on platforms like YouTube and social media. However, the act of uploading cover songs to platforms without the permission of the original copyright holders constitutes a violation of copyright law. In light of the objective of copyright law, it is considered more effective to resolve cover culture not simply through sanctions but by obtaining consent from the original copyright holders, thus enabling a win-win situation for both the original copyright holders and cover song users.

The paper identifies limitations in the current copyright enforcement system, including the omission of certain rights from protection. It highlights the need for new policy agreements to address these limitations and suggests that, considering copyright's exclusive rights, the ultimate solution to copyright issues lies in resolving permission issues between rights holders and content users.

To address the identified legal gray areas, the paper proposes the "Cover License" system as a model for improvement. The Cover License system leverages the existing general user permission framework to enable original creators and neighboring rights holders to declare their desired profit-sharing ratios in advance and to manage the registration and profit distribution through a trust organization transparently in the public domain. It is expected that

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this proposal, by preserving the original intent of copyright law, will serve as a win-win strategy, allowing original rights holders and cover song creators to share profits through a small transaction cost and extend the lifespan of original works.

Keywords

K-pop cover, cover song, violation of copyright law, cover culture, cover song legalization, YouTube, music copyright