

Abstract

On the Right of Integrity as Author's Moral Right

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At the time of the enactment of the Korean Copyright Act, the right of integrity was stipulated as the right to maintain the original state and the right to change. In the case of the right to maintain the original state, in addition to the change, damage to honor and reputation was required as a requirement for infringement. However, through the revision of the law, the right to maintain the original state and the right to change were integrated into the right of integrity. In the process of revision, the requirements for damage to honor and reputation were deleted.

However, as the requirements for undermining the author's honor and reputation were removed, the scope of the right of integrity became wider and stronger, and it became a problem in the process of using the work. Even the right of integrity was claimed for economic benefits rather than the protection of personal right. Based on this legal structure, court has denied infringement of the right of integrity on the grounds of implied consent rather than the development of the interpretation theory of the copyright law inscription when it is necessary to deny the right of integrity.

In the meantime, in the wake of the case pre-listening case II, a judgment began to be issued that the infringement of the right of integrity of the work was denied even in matters previously recognized as damage to the identity of the work, such as extracting and using part of the work without implied consent or the author's consent. However, despite these changes, it can be said that court still has not been able to provide a clear interpretation of the reason

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why infringement of the right of integrity can be denied.

Therefore, court should pursue a balance between the convenience of using the work and the protection of the author's personal value or interest, and a clearer interpretation theory should be presented so that the use of other types of works other than musical works can be clearly determined and predicted.

Keywords

Copyright, Author's Moral Right, Personal Right, Right of Integrity, Moral Interests, Emotional Distress, Integrity, Honor, Reputation