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## ENFORCEMENT DECREE OF THE COPYRIGHT ACT

[Enforcement Date 05. Aug, 2020.] [Presidential Decree No.30898, 04. Aug, 2020.,  
Partial Amendment]

문화체육관광부 (저작권정책과)044-203-2476



법제처 국가법령정보센터

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**Article 1 (Purpose)** The purpose of this Decree is to provide for the matters delegated by the Copyright Act and the matters necessary for its enforcement.

**Article 1-2 (Formulation of Policies for Protection of Copyright)** (1) Policies on education and publicity for raising public awareness of copyright, which are formulated and executed by the Minister of Culture, Sports and Tourism pursuant to Article 2-2 (1) 2 of the Copyright Act (hereinafter referred to as the "Act") shall include the matters as prescribed in any of the following subparagraphs:

1. Matters relating to nurturing human resources specialized in copyright;
2. Matters relating to education of copyright for youth;
3. Matters relating to publicity of the fair use of works;
4. Other matters deemed necessary by the Minister of Culture, Sports and Tourism to raise public awareness of copyright.

(2) Policies on the rights management information and technological protection measures of works, stage performances, phonograms, broadcasts or database (hereinafter referred to as "works, etc."), which are formulated and executed by the Minister of Culture, Sports and Tourism pursuant to Article 2-2 (1) 3 of the Act shall include the matters as prescribed in any of the following subparagraphs: <Amended on Jul. 2, 2019>

1. Matters relating to development of the standard system for the integrated management of the rights management information;
2. Matters relating to reasons for exceptions to prohibition against removal, modification or so of the rights management information;
3. Matters relating to standardization of technological protection measures;
4. Matters relating to reasons for exception to prohibition against circumvention of technological protection measures;
5. Other matters deemed necessary by the Minister of Culture, Sports and Tourism for the rights management information and technological protection of works, etc.

(3) If the Minister of Culture, Sports and Tourism intends to formulate policies pursuant to Article 2-2 (1) of the Act, he or she shall collect opinions of the related business

communities, stakeholders or such, and consult with the heads of related central administrative agencies.

(4) Where the Minister of Culture, Sports and Tourism has formulated policies pursuant to Article 2-2 (1) of the Act, he or she shall post their contents on the website of the Ministry of Culture, Sports and Tourism.

[This Article Newly Inserted on Jul. 22, 2009]

**Article 1-3 (Policies to Promote Use of Public Works)** (1) Policies to promote the use of public works pursuant to Article 24-2 (2) of the Act shall include the following:

1. Measures to increase public works readily available;
2. Matters relating to the creation of favorable conditions for the use of public works including clarification of the attribution of rights to public works;
3. Matters relating to the promotion of use of public works in the private sector;
4. Matters relating to the education, training, and publicity on free use of public works;
5. Matters relating to the application of the indication standard set by the Minister of Culture, Sports and Tourism to indicate that public works are available for free use;
6. Matters relating to the improvement of systems related to free use of public works;
7. Other necessary matters to promote the use of public works by public institutions.

(2) Under Article 24-2 (3) of the Act, the head, etc. of a central government agency defined in subparagraph 11 of Article 2 of the State Property Act (hereinafter referred to as "head, etc. of a central government agency") or the head of a local government may, where he or she acknowledges that certain public works among those provided for in Article 24-2 (1) 4 of the Act need to be available for free use by general people, permit to use such public works freely without permission for use or profit, or any loan contract, notwithstanding Article 65-8 of the State Property Act or Articles 20 and 29 of the Public Property and Commodity Management Act. In such cases, the head, etc. of a central government agency or the head of a local government may indicate, pursuant to the indication standard prescribed in paragraph (1) 5, that the relevant public works are available for free use without permission for use or profit or any loan contract.

[This Article Newly Inserted on Jun. 11, 2014]

**Article 2 (Submission of Detail of Reproduction or Performance)** A person who intends to exploit works made public pursuant to Article 25 (1) through (4) of the Act shall submit the details of reproduction, distribution, performance, exhibition, or public transmission to an

organization (hereinafter referred to as the “remuneration-receiving organization”) that exercises the right to receive remuneration pursuant to Article 25 (7) of the Act, and shall pay the corresponding amount of remuneration. <Amended on Jul. 22, 2009; Aug. 4, 2020>

**Article 3 (Designation of Remuneration-Receiving Organization)** (1) When the Minister of Culture, Sports and Tourism intends to designate a remuneration-receiving organization, he or she shall designate an organization meeting the requirements of the subparagraphs of Article 25 (7) of the Act, wherein all members are granted equal voting rights, etc. and every decision is made in a democratic manner. <Amended on Feb. 29, 2008; Aug. 4, 2020>

(2) When the Minister of Culture, Sports and Tourism designates an organization pursuant to paragraph (1), he or she shall publicly notify it in the Official Gazette. <Amended on Feb. 29, 2008>

**Article 4 (Operational Rules for Remuneration)** A remuneration-receiving organization shall lay down operational rules for remuneration including any of the following subparagraphs, and shall obtain approval from the Minister of Culture, Sports and Tourism. If any alteration is intended, the same shall apply: <Amended on Feb. 29, 2008>

1. Methods and procedures of collecting remuneration;
2. Distribution of remuneration;
3. Fees;
4. Management of remuneration.

**Article 5 (Accounting)** A remuneration-receiving organization shall keep the accounts of remuneration separately from other accounts.

**Article 6 (Revocation of Designation)** (1) If the Minister of Culture, Sports and Tourism intends to revoke the designation of a remuneration-receiving organization pursuant to Article 25 (9) of the Act, he or she shall hold a hearing. <Amended on Feb. 29, 2008; Aug. 4, 2020>

(2) Where the Minister of Culture, Sports and Tourism has revoked the designation of remuneration-receiving organization, he or she shall publicly notify the fact in the Official Gazette. <Amended on Feb. 29, 2008>

**Article 7 (Public Announcement of Distribution of Remuneration)** A remuneration-receiving organization shall make a public announcement of the matters regarding the distribution of remuneration involving the following matters in a general daily newspaper registered with a nationwide distribution pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, Etc., and on the websites of the remuneration-receiving organization and of the Ministry of Culture, Sports and Tourism, respectively. In such cases, they shall be posted for one month or more where they are posted on the websites: <Amended on Feb. 29, 2008; Jul. 22, 2009; Jan. 27, 2010; Apr. 16, 2019>

1. Grounds for payment;
2. Criteria and subjects of payment;
3. Methods of payment;
4. Payment deadline and methods of managing undistributed remuneration (referring to remuneration that remains undistributed five years after the public announcement of the distribution of remuneration; hereinafter the same shall apply);
5. Person in charge and contact information.

**Article 8 (Approval for Use of Undistributed Remuneration)** (1) Deleted. <Apr. 16, 2019>

(2) If a remuneration-receiving organization intends to obtain approval for the use of undistributed remuneration pursuant to the main clause, with the exception of the subparagraphs, of Article 25 (10) of the Act, it shall submit a document stating the following matters to the Minister of Culture, Sports and Tourism: <Amended on Feb. 29, 2008; Apr. 16, 2019; Aug. 4, 2020>

1. Date of public announcement of remuneration distribution;
2. Amount to be applied for approval;
3. Purpose for the use of remuneration;
4. Plan to use remuneration;
5. Date of application for approval.

(3) When a remuneration-receiving organization has used the undistributed remuneration, it shall prepare a report of use and submit it to the Minister of Culture, Sports and Tourism within six months. <Amended on Feb. 29, 2008>

[Title Amended on Apr. 16, 2019]

**Article 8-2 (Accumulation Rate of Undistributed Remuneration)** A remuneration-receiving organization shall accumulate undistributed remuneration at a rate determined and

publicly notified by the Minister of Culture, Sports and Tourism of not less than 5/100 nor more than 30/100 of undistributed remuneration, in consideration of the following matters, under the proviso, with the exception of the subparagraphs, of Article 25 (10) of the Act:

<Amended on Aug. 4, 2020>

1. Future distribution records of undistributed remuneration;
2. Current accumulation of undistributed remuneration.

[This Article Newly Inserted on Apr. 16, 2019]

**Article 9 (Necessary Measures such as Measures to Prevent Reproduction by Education**

**Institutions)** "Necessary measures prescribed by Presidential Decree, such as measures to prevent reproduction" in Article 25 (12) of the Act means the following measures:

<Amended on Aug. 4, 2020>

1. Technological measures falling under the following items that are necessary for the prevention of unlawful use:
  - (a) Measures to control access to keep interactively transmitted works from being used by those other than the persons who take classes;
  - (b) Measures to prevent reproduction to keep interactively transmitted works from being reproduced by those other than the persons who take classes;
2. Indication of a warning regarding copyright protection of the works;
3. Installation of equipment to calculate remuneration regarding interactive transmission.

**Article 10 (Standards for Reasonable Scope)** The Minister of Culture, Sports and Tourism may determine and give a public notice guidelines on the reasonable extent and fair practices pursuant to Article 28 of the Act. <Amended on Feb. 29, 2008>

**Article 11 (Exception of Public Performance with respect to Phonogram Published for**

**Commercial Purpose)** "Cases prescribed by Presidential Decree" in the proviso of Article 29 (2) of the Act means any of the following public performances: <Amended on Feb. 29, 2008; Jul. 22, 2009; Aug. 6, 2009; Jun. 22, 2015; Jul. 13, 2015; Sep. 21, 2016; Mar. 29, 2017; Aug. 22, 2017>

1. The following public performances presented at a place of business pursuant to subparagraph 8 of Article 21 of the Enforcement Decree of the Food Sanitation Act:
  - (a) A public performance presented at business establishments selling coffee or other alcohol-free drinks prescribed in the standard classification concerning industries the

Commissioner of the Statistics Korea publicly notify pursuant to Article 22 of the Statistics Act (hereinafter referred to as the "Korean Standard Industrial Classification") among rest restaurants prescribed in subparagraph 8 (a) of Article 21 of the Enforcement Decree of the Food Sanitation Act;

(b) A public performance presented at business establishments, such as draft beer shops or other liquor establishments prescribed by the Korean Standard Industrial Classification among general restaurants prescribed in subparagraph 8 (b) of Article 21 of the Enforcement Decree of the Food Sanitation Act;

(c) A public performance presented at a karaoke bar or an entertainment bar prescribed in subparagraph 8 (c) or (d) of Article 21 of the Enforcement Decree of the Food Sanitation Act;

(d) A public performance presented at a place of business that does not fall under any of items (a) through (c), whose part of the main contents of business is to allow the audience to appreciate music or cinematographic works, equipped with the equipment fit for appreciating music or cinematographic works;

2. A public performance given at any racecourse prescribed under the Korea Racing Authority Act and any bicycle race track or motorboat racing area prescribed under the Bicycle and Motorboat Racing Act;

3. A public performance given at the following facilities prescribed by the Installation and Utilization of Sports Facilities Act:

(a) Specialized sports facilities prescribed by Ordinance of the Ministry of Culture, Sports and Tourism among specialized sports facilities prescribed in Article 5 of the Installation and Utilization of Sports Facilities Act;

(b) Golf courses, dance institutes, dance halls, skiing grounds, aerobic dance halls, or physical training centers in attached Table 1 of the Enforcement Decree of the Installation and Utilization of Sports Facilities Act;

4. A public performance given at any passenger plane operated by the air transport business under the Aviation Business Act, any ship for the marine passenger transport business under the Marine Transportation Act, or any passenger train under the Railroad Service Act;

5. A public performance given at any hotel, resort condominium, casino, or amusement facility under the Tourism Promotion Act;

6. A public performance given at a superstore (excluding a traditional market defined in subparagraph 1 of Article 2 of the Special Act on the Development of Traditional Markets and Shopping Districts) prescribed in the attached Table of the Distribution Industry Development Act;
7. A public performance of cinematographic works published for commercial purpose given at a lodging facility or a public bathhouse defined in Article 2 (1) 2 or 3 (b) of the Public Health Control Act by installing the device for appreciating cinematographic works;
8. A public performance in the form of playback of cinematographic works published for commercial purpose for which six months have not passed from the date of publication in any of the following facilities, which are equipped with an installation for the appreciation of cinematographic works:
  - (a) Buildings and annexed facilities of the State and local governments (including subordinate institutions);
  - (b) Public performance places prescribed under the Public Performance Act;
  - (c) Museums and art galleries prescribed under the Museum and Art Gallery Support Act;
  - (d) Libraries prescribed under the Libraries Act;
  - (e) Local cultural institutes prescribed under the Promotion of Local Cultural Institutes Act;
  - (f) Social welfare service houses prescribed under the Social Welfare Services Act;
  - (g) Woman resource development centers and the Women's History Museum prescribed under Articles 47 and 50 of the Framework Act on Gender Equality;
  - (h) Youth training centers prescribed under subparagraph 1 (a) of Article 10 of the Youth Activity Promotion Act;
  - (i) Si/Gun/Gu residents halls among public facilities prescribed under Article 144 of the Local Autonomy Act.

[Title Amended on Sep. 21, 2016]

**Article 12 (Scope of Facilities Permitted to Reproduce)** "Facilities prescribed by Presidential Decree" in the main clause, with the exception of the subparagraphs, of Article 31 (1) of the Act means any of the following facilities:

1. The National Library of Korea, public libraries, university libraries, school libraries, and specialized libraries pursuant to the Libraries Act (excluding the specialized libraries established by any legal person or organization for the purpose of making profits, whose

- main purpose is to provide library services only to the persons belonging thereto);
2. Facilities established by the State, local governments, or nonprofit corporations or organizations for the purpose of preserving and lending books, documents, records, and other materials (hereinafter referred to as "book, etc."), or for the purpose of public use.

**Article 13 (Necessary Measures Including Reproduction Prevention Measures by Libraries)**

"Necessary measures prescribed by Presidential Decree" in Article 31 (7) of the Act means the following measures:

1. Technological measures falling under each of the following items, which are necessary to prevent any unlawful use:
  - (a) Measures to prevent reproduction which make users of the facilities pursuant to Article 12 (hereinafter referred to as "library, etc.") unable to exploit books, etc. in a way other than reading within the library, etc.;
  - (b) Measures to limit access to books, etc. to persons other than the users of library, etc.;
  - (c) Measures to identify the cases where users of library, etc. exploit books, etc. in a way other than reading within the library, etc., or have altered the contents of books, etc.;
  - (d) Installation of devices capable of preventing any person from using the electronic-recording medium manufactured for the purpose of sale;
2. Education for the employees of library to prevent any infringement of copyright;
3. Posting of warning signs on computers, etc. regarding copyright protection;
4. Installation of devices to compute remuneration pursuant to Article 31 (5) of the Act.

**Article 14 (Facilities for the Visually Impaired Where Reproduction Is Permitted)** (1) "Facilities prescribed by Presidential Decree" in Article 33 (2) of the Act means any of the following facilities: <Amended on Jul. 22, 2009; Oct. 16, 2013>

1. Any of the following facilities among welfare facilities for persons with disabilities under Article 58 (1) of the Act on Welfare of Persons with Disabilities:
  - (a) Residential facilities for the visually impaired, etc.;
  - (b) Braille libraries among rehabilitation facilities for persons with disabilities in a local community;
  - (c) Facilities to take care of the visually impaired, etc. among rehabilitation facilities or vocational rehabilitation facilities for persons with disabilities in a local community;
2. Special schools and schools at all levels which have special classes for the visually impaired, etc. under the Early Childhood Education Act, the Elementary and Secondary

Education Act, and the Act on Special Education for Persons with Disabilities, Etc.;

3. Facilities established and operated by the State or local government, or non-profit corporations or organizations for the purpose of education, academic research, or promotion of welfare for the visually impaired, etc.

(2) "Exclusive recording method for the visually impaired, etc. prescribed by Presidential Decree" in Article 33 (2) of the Act means any of the following: <Newly Inserted on Jul. 22, 2009>

1. An information recording method in electronic form aiming at giving expression in braille;
2. An information recording method aiming at converting printed matters into a voice;
3. A digital voice information recording method which has been standardized for the visually impaired;
4. An information recording method to which technological protection measures have been applied in order for no person other than the visually impaired to use.

[Title Amended on Jul. 22, 2009]

**Article 15 (Scope of the Visually Impaired)** The scope of the visually impaired, etc. under Article 33 of the Act shall be as follows: <Amended on Oct. 16, 2013>

1. The visually impaired under subparagraph 3 of attached Table 1 of the Enforcement Decree of the Act on Welfare of Persons with Disabilities:
  - (a) Deleted; <Oct. 16, 2013>
  - (b) Deleted; <Oct. 16, 2013>
2. Persons unable to handle books due to physical or mental disabilities, or unable to read normally due to evident damages to their reading abilities.

**Article 15-2 (Facilities for the Hearing Impaired Where Reproduction Is Permitted)** "Facilities prescribed by Presidential Decree" in Article 33-2 (2) of the Act means any of the following facilities: <Amended on Aug. 2, 2016>

1. Any of the following facilities among welfare facilities for persons with disabilities under Article 58 (1) of the Act on Welfare of Persons with Disabilities:
  - (a) Korean sign language interpretation centers among rehabilitation facilities for persons with disabilities in a local community;
  - (b) Facilities to take care of the hearing impaired, etc. among rehabilitation facilities or vocational rehabilitation facilities for persons with disabilities in a local community;

2. Special schools and schools at all levels which have special classes for the hearing impaired, etc. under the Early Childhood Education Act, the Elementary and Secondary Education Act, and the Act on Special Education for Persons with Disabilities, Etc.;
3. Facilities established and operated by the State or local government, or non-profit corporations or organizations for the purpose of education, academic research, or promotion of welfare of the hearing impaired, etc.

[This Article Newly Inserted on Oct. 16, 2013]

**Article 15-3 (Scope of the Hearing Impaired)** The scope of the hearing impaired, etc. under Article 33-2 of the Act shall be governed by subparagraph 4 of attached Table 1 of the Enforcement Decree of the Act on Welfare of Persons with Disabilities.

[This Article Newly Inserted on Oct. 16, 2013]

**Article 16 (Archiving Facilities of Sound Recordings)** "Places prescribed by Presidential Decree" in the proviso of Article 34 (2) of the Act means a place within any of the following facilities:

1. Facilities set up and operated by the State or local government for the purpose of archiving recorded materials;
2. Facilities operated by any broadcasting organization as prescribed in the provisions of subparagraph 3 of Article 2 of the Broadcasting Act to collect and preserve sound and visual recordings which are offered for broadcasting, or in which such recordings are archived on his or her commission.

**Article 16-2 (Scope of Cultural Facilities)** "Cultural facilities prescribed by Presidential Decree" in Article 35-4 (1) of the Act means any of the following facilities (hereinafter referred to as "cultural facilities"):

1. The National Assembly Library under Article 22 of the National Assembly Act;
2. The National Library of Korea and a regional representative library under Articles 18 and 22, respectively, of the Libraries Act;
3. The National Museum of Korea, the National Museum of Modern and Contemporary Art, Korea, and the National Folk Museum of Korea under Article 10 of the Museum and Art Gallery Support Act.

[This Article Newly Inserted on May 26, 2020]

**Article 16-3 (Standards for Significant Investigations)** "Significant investigation corresponding to the standards prescribed by Presidential Decree" in Article 35-4 (1) of the Act means an investigation that meets all the following requirements:

1. A cultural facility which intends to use a work made public under Article 35-4 of the Act shall identify information on the holder of author's economic right or his or her place of residence through materials stored in said cultural facility;
2. An inquiry shall be made about information on the holder of author's economic right to a relevant work and his or her place of residence through the copyright register under Article 55 (1) of the Act;
3. An inquiry shall be made to a remuneration-receiving organization and a person permitted to engage in a copyright trust service under the main clause of Article 105 (1) of the Act (hereinafter referred to as "copyright trust service provider") about information on the holder of author's economic right or his or her place of residence, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism;
4. An inquiry shall be made through an information system to search for the right holders of works whose right holders are unidentified under Article 73 (2) (hereinafter referred to as "information system to search for the right holder") about information on the holder of author's economic right or his or her place of residence;
5. An inquiry shall be made about information on the holder of author's economic right or his or her place of residence from library materials under subparagraph 2 of Article 2 of the Libraries Act and information about national bibliographies under Article 19 (1) 3 of the same Act;
6. An inquiry shall be made about information on the holder of author's economic right or his or her place of residence from a system of identifying contents under Article 23 of the Content Industry Promotion Act;
7. Information on the holder of author's economic right or his or her place of residence shall be searched using information search tools on the domestic information and communications network;
8. An inquiry shall be made to an organization which manages information about creators and which is also determined and publicly notified by the Minister of Culture, Sports and Tourism (including public institutions under Article 4 of the Act on the Management of Public Institutions) about information on the holder of author's economic right or his or

her place of residence, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

[This Article Newly Inserted on May 26, 2020]

**Article 16-4 (Request for Suspension of Use of Work)** The holder of author's economic right who intends to request suspension of the use of a relevant work in a cultural facility under Article 35-4 (2) of the Act shall submit a request for suspension of the use of the work prescribed by Ordinance of the Ministry of Culture, Sports and Tourism (including a request in electronic form), together with any of the following explanatory materials, to said cultural facility:

1. A copy of the certificate of copyright registration, etc. indicating himself or herself as the holder of rights to the work, or data corresponding thereto;
2. A copy of works, etc. indicating his or her name or title (hereinafter referred to as the "name, etc."), or stage name, pen name, or abbreviated name, etc. (hereinafter referred to as the "pseudonym") by which he or she is well known, or data corresponding thereto.

[This Article Newly Inserted on May 26, 2020]

**Article 16-5 (Application for Determination of Remuneration and Procedures for**

**Determination)** (1) A person who intends to apply for determination of a remuneration pursuant to Article 35-4 (4) of the Act shall submit an application for determination of a remuneration prescribed by Ordinance of the Ministry of Culture, Sports and Tourism to the Minister.

(2) Upon receipt of an application for determination of a remuneration under paragraph (1), the Minister of Culture, Sports and Tourism shall provide the relevant cultural facility and the holder of author's economic right with an opportunity to present his or her opinion within a specified period of at least seven days but not more than 14 days.

(3) The Minister of Culture, Sports and Tourism shall determine the amount of and timing for payment of remuneration within two months of receiving an application for determination of remuneration under paragraph (1): Provided, That where it is impracticable to determine the amount of remuneration and the timing for payment within the relevant period due to any unavoidable cause, the period may be extended only once by up to two months.

(4) Where the Minister of Culture, Sports and Tourism has determined the amount of remuneration and the timing for payment pursuant to Article 35-4 (5) of the Act, he or she shall publicly announce the details thereof in the information system to search for the right holder.

[This Article Newly Inserted on May 26, 2020]

**Article 16-6 (Posting of Information Related to Works)** (1) A cultural facility which intends to use a work pursuant to Article 35-4 (1) of the Act shall post the following matters on its website pursuant to paragraph (6) of the same Article, and submit the details thereof to the Minister of Culture, Sports and Tourism:

1. Title of the work and the date, month, and year the work was first made public;
2. Name, etc. or pseudonym of the author or the holder of author's economic right;
3. Name of the cultural facility that uses the work;
4. Method and form of the use of a work, and the start date of the use.

(2) A cultural facility which intends to use a work pursuant to Article 35-4 (1) of the Act shall take the following measures to prevent the infringement of the copyright of the work used pursuant to paragraph (6) of the same Article and other rights protected pursuant to the Act:

1. Measures to prevent reproduction so that a person who uses the cultural facility cannot use the work in a way other than by perusal;
2. Measures to identify cases, if any, where users of the cultural facility have exploited the work in a way other than by perusal or have changed the contents thereof;
3. Attachment of warning labels to the work with regard to the measures under subparagraphs 1 and 2;
4. Measures to calculate remuneration under Article 35-4 (3) of the Act;
5. Indication of the use of a work under Article 35-4 of the Act on the copy of a work.

[This Article Newly Inserted on May 26, 2020]

**Article 17 (Method of Indicating Source)** The Minister of Culture, Sports and Tourism may determine and provide a public notice of a guideline on the reasonable method of indicating source according to the circumstances of use of works pursuant to Article 37 (2) of the Act. <Amended on Feb. 29, 2008>

**Article 18 (Standards for Considerable Efforts)** (1) "Considerable efforts to meet the standards prescribed by Presidential Decree" in Article 50 (1) of the Act means satisfying all of the following requirements: <Amended on Feb. 29, 2008; Jul. 22, 2009; Jan. 27, 2010; Apr. 12, 2012; Jul. 13, 2015; Sep. 21, 2016; May 26, 2020; Aug. 4, 2020>

1. That the identity of the holder of author's economic right to the relevant work or his or her place of residence shall be inquired into by applying for perusal of the copyright register or delivery of a copy thereof under Article 55 (3) of the Act;
  2. That a document with a fixed date that inquiries into the identity of the holder of author's economic right or his or her place of residence has been sent to a person classified as follows, but the person replies that he or she does not have any knowledge thereof, or does not reply even after one month passes from the date the document was sent:
    - (a) Where there is a copyright trust service provider who manages the works in a field to which the relevant work belongs: The copyright trust service provider;
    - (b) Where there is no copyright trust service provider who manages the works in a field to which the relevant work belongs: Any of the following persons:
      - (i) A person who has filed a report on copyright agency or brokerage service pursuant to the main clause of Article 105 (1) of the Act (hereinafter referred to as "copyright agency or brokerage service provider");
      - (ii) Two or more users who have been permitted to use the relevant works;
  3. That 10 days shall have passed since the date matters prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, such as the identity of the holder of author's economic right, his or her place of residence, etc. are publicly announced in any of the following:
    - (a) A general daily newspaper registered with a nationwide distribution pursuant to Article 9 (1) of the Act on the Promotion of Newspapers, Etc.;
    - (b) Information system to search for the right holder;
  4. That the holder of author's economic right or his or her place of residence shall have been searched through information search tools of domestic information and communications networks.
- (2) Where the works that a person intends to use pursuant to Article 50 of the Act falls under a work for which five years have passed without distributing remuneration from the

date remuneration was publicly announced pursuant to the main clause of Article 25 (10) of the Act (including cases for which this provision applies mutatis mutandis pursuant to Article 31 (6) of the Act) or the work whose holder of author's economic right or his or her place of residence is unidentified, and where the Minister of Culture, Sports and Tourism has made every effort enumerated in the following subparagraphs for such work, all the requirements provided for in the subparagraphs of paragraph (1) shall be deemed to have been satisfied: <Newly Inserted on Apr. 12, 2012; Jul. 13, 2015; Apr. 16, 2019; Aug. 4, 2020>

1. Inquiry into the identity of the holder of author's economic right to relevant work or his or her residence through the copyright register under Article 55 of the Act;
2. Inquiry into the identity of the holder of author's economic right to relevant work or his or her residence through matters reported by a copyright management service provider under Article 52 (3);
3. That two months shall have passed since the date matters prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, such as the identity of the holder of author's economic right, his or her residence, etc. were publicly announced on the information system to search for the right holder.

**Article 19 (Application for Approval for Exploitation of Works)** Those who intend to obtain approval for the exploitation or broadcast of a work or for the production of phonograms from the Minister of Culture, Sports and Tourism pursuant to Articles 50 through 52 of the Act shall submit an application for approval for the exploitation of work to the Minister of Culture, Sports and Tourism as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended on Feb. 29, 2008>

**Article 20 (Submission of Opinions)** (1) Upon receipt of an application for approval pursuant to Article 19, the Minister of Culture, Sports and Tourism shall take the following measures: <Amended on Feb. 29, 2008; Apr. 12, 2012; Jul. 13, 2015>

1. To publicly announce details of an application on the information system to search for the holder of author's economic right for 10 days where the application is made for an approval for use of a work of which the holder of author's economic right under Article 50 of the Act is unidentified;

2. To decide a period from 7 days to 30 days and give an opportunity to submit an opinion to the relevant holder of author's economic right or his or her agent in the case of an application for approval for broadcasting or producing phonograms pursuant to Article 51 or 52 of the Act.

(2) When an opportunity to submit an opinion is to be given pursuant to paragraph (1) 2, the holder of the relevant author's economic right or the agent thereof shall be notified in writing no later than seven days in advance, which states that the opportunity to submit an opinion shall be deemed abandoned where an opinion is not submitted within the specified period.

(3) The holder of author's economic right who intends to raise an objection pursuant to the proviso of Article 50 (3) of the Act shall submit an application for objection attached with the following materials to the Minister of Culture, Sports and Tourism: <Amended on Feb. 29, 2008; Jul. 22, 2009; May 26, 3030>

1. Copy of the certificate of copyright registration, etc. indicating him or herself as the holder of rights to the work, or data corresponding thereto;
2. Copy of works, etc. indicating his or her name, etc. or pseudonym by which he or she is well known or data corresponding thereto.

**Article 21 (Notice of Approval)** (1) Where the Minister of Culture, Sports and Tourism gives approval pursuant to the provisions of Articles 50 through 52 of the Act, he or she shall notify the applicant and the holder of the relevant author's economic right of the details of approval. In such cases, he or she shall make a public announcement of the fact on the information system to search for the right holder if the identity of the holder of author's economic right or his or her place of residence is unknown. <Amended on Feb. 29, 2008; Apr. 12, 2012; Jul. 13, 2015>

(2) Where the Minister of Culture, Sports and Tourism has given approval pursuant to Article 50 (1) of the Act, he or she shall post the following details on the information system to search for the right holder for at least one month pursuant to Article 50 (4) of the Act: <Amended on Feb. 29, 2008; Jul. 22, 2009; Apr. 12, 2012; May 26, 2020>

1. Title of the work and the date it has been made public;
2. Name of the author or of the holder of author's economic right;
3. Name of the person who obtained the approval for use;

4. Conditions for approval for use of the work (the period permitted for use and remuneration);
5. Method and type of use of the work.

**Article 22 (Rejection of Application for Approval)** (1) Where an application for approval of the exploitation, etc. of a work pursuant to Article 19 falls under any of the following subparagraphs, the Minister of Culture, Sports and Tourism shall reject such application:  
<Amended on Feb. 29, 2008>

1. Where it does not meet the requirements for an application for the exploitation of a work pursuant to Articles 50 through 52 of the Act;
2. Where the holder of author's economic right or his or her residence has been identified, or an agreement has been reached before an approval for the exploitation of a work has been given;
3. Where the holder of author's economic right withdraws all the copies of a work so that they may not be offered for publication or other exploitation;
4. Where the objective is deemed attainable even without the relevant work or there is an inevitable reason for which the holder of author's economic right is unable to allow the exploitation of the work.

(2) If the Minister of Culture, Sports and Tourism has rejected the application for exploitation of a work under the provisions of paragraph (1), he or she shall notify the applicant as well as the holder of author's economic right of the reasons of the rejection: Provided, That when the holder of authors' economic right or his or her residence cannot be identified, he or she shall notify the applicant only. <Amended on Feb. 29, 2008>

**Article 23 (Public Announcement of Payment of Remuneration)** Where the Korea Copyright Commission (hereinafter referred to as the "Commission") under Article 112 of the Act has received remuneration pursuant to Article 50 (1) of the Act, it shall publicly announce such fact as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.

[This Article Newly Inserted on May 26, 2020]

[Previous Article 23 moved to Article 23-4 <May 26, 2020>]

**Article 23-2 (Procedures for Claiming Remuneration)** (1) An holder of author's economic right who intends to receive remuneration under Article 50 (1) of the Act (hereinafter referred to as "claimant for remuneration") shall submit a written claim for remuneration prescribed by

Ordinance of the Ministry of Culture, Sports and Tourism to the Commission, together with any of the following evidentiary materials:

1. Copy of the certificate of registration of copyright, etc. indicating himself or herself as the right holder of the work, or data corresponding thereto;
2. Copy of a work, etc. indicating his or her name, etc., or pseudonym by which he or she is well known or data corresponding thereto.

(2) When a claimant for remuneration intends to claim remuneration under Article 50 (1) of the Act for at least two works, he or she may submit a single claim for those works..

(3) When the Commission receives a claim for remuneration under paragraph (1), it shall, without delay, conduct an investigation to confirm whether the claimant for remuneration is the right holder of the relevant work.

(4) In order to conduct an investigation under paragraph (3), the Commission may request the claimant for remuneration for materials necessary to identify whether he or she is the right holder of the relevant work.

[This Article Newly Inserted on May 26, 2020]

**Article 23-3 (Approval for Use of Undistributed Remuneration)** @Article 8 shall apply mutatis mutandis to approval for use of remuneration that has been left undistributed under Article 50 (6) of the Act. In such cases, "remuneration-receiving organization" shall be construed as the "Korea Copyright Commission," and "date of public announcement of remuneration distribution" as "date of payment of remuneration."

[This Article Newly Inserted on May 26, 2020]

**Article 23-4 (Deposit of Remuneration)** (1) Remuneration can be deposited under Article 51 or 52 of the Act in the following cases: <Amended on May 26, 2020>

1. Deleted; <May 26, 2020>
2. Where the holder of author's economic right has refused to receive the remuneration or is unable to receive the same;
3. Where a pledge has been established on the right of the holder of author's economic right (excluding where the holder of author's economic right has obtained consent of the pledgee).

(2) The deposit of remuneration under paragraph (1) shall be made, if the domicile of the holder of author's economic right is in the Republic of Korea, at the depository in the

jurisdiction of his or her domicile, and in other cases, at the depository in the jurisdiction of the domicile of the person who deposits remuneration.

(3) A person who has deposited the remuneration under paragraph (1) shall inform the person who will receive the deposit of such fact. <Amended on May 26, 2020>

(4) Deleted. <May 26, 2020>

[Moved from Article 23 <May 26, 2020>]

**Article 24 (Matters to be Registered)** "Matters prescribed by Presidential Decree" in Article 53

(1) 4 of the Act means the following matters:

1. In case of any derivative work, the title and author of the original work;
2. In case of a work made public, information pertaining to the media on which the work is made public;
3. Where there exist two or more obligees of registration, the matters relating to each person's shares.

**Article 25 (Principles of Application)** (1) Registration as prescribed in Articles 53 and 54 of the Act shall be made by an application or commission, except the cases as provided otherwise in this Decree.

(2) The procedures of registration by an application shall apply mutatis mutandis to the procedure of registration by commission.

**Article 26 (Application for Registration)** (1) A person who intends to register in accordance with Articles 53 and 54 of the Act shall file an application for registration with the Korea Copyright Commission as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended on Feb. 29, 2008; Aug. 4, 2020>

(2) The application for registration under Article 54 of the Act shall be made jointly by the obligee and obligor of registration except as otherwise provided for in this Decree: Provided, That if a written consent of the obligor is attached to the application, the obligee may alone apply for registration.

(3) The application for registration by a judgment, inheritance, and other general succession or commission may be made only by the obligee of registration.

(4) When a copyright trust service provider registers a trusted work pursuant to subparagraph 1 of Article 54 of the Act, he or she may solely apply for the registration. <Newly Inserted on Jul. 22, 2009; Sep. 21, 2016>

(5) The title holder of registration alone may file an application for modification or correction of the indication of the title holder of registration. <Amended on Jul. 22, 2009>

**Article 27 (Statement in Copyright Register)** (1) The following matters shall be stated in the copyright register (in the case of computer program works, referring to a register of computer program works; hereinafter the same shall apply) pursuant to Article 55 (1) of the Act: <Amended on Jul. 22, 2009>

1. Registration number;
2. Title of work;
3. Name of author, etc.;
4. Date/month/year of creation, making public and publication;
5. Name and address of the obligee of registration;
6. Content of registration.

(2) The form and other necessary matters of the copyright register shall be stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended on Feb. 29, 2008>

**Article 27-2 (Methods for Returning Application)** Where the Commission returns an application for registration pursuant to Article 55 (2) of the Act, it shall prepare a document specifying the reasons therefor and give notice thereof to the applicant. <Amended on Feb. 29, 2008; Aug. 4, 2020>  
[Moved from Article 32 <Aug. 4, 2020>]

**Article 27-3 (Filing Objection against Return of Application for Registration)** A person who intends to file an objection pursuant to Article 55 (3) of the Act shall submit a written objection as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism to the Commission.

[This Article Newly Inserted on Aug. 4, 2020]

**Article 27-4 (Issuance of Registration Gazette)** (1) The Commission shall either issue a registration gazette or post information contained in said registration gazette on the Commission's website at least once every two months pursuant to Article 55 (6) of the Act. <Amended on Feb. 29, 2008; Jul. 22, 2009; Aug. 4, 2020>

(2) Matters under the subparagraphs of Article 27 (1) shall be stated in the registration gazette under paragraph (1).

[Moved from Article 33 <Aug. 4, 2020>]

**Article 27-5 (Perusal of Copyright Register)** A person who intends to peruse a copyright register or have a copy of said copyright register issued under Article 55 (7) of the Act shall submit an application to the Commission as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended on Feb. 29, 2008; Aug. 4, 2020>

[Title Amended on Aug. 4, 2020]

[Moved from Article 34 <Aug. 4, 2020>]

**Article 28 (Issuance of Registration Certificate)** (1) If the Commission enters registration information in a copyright register after receiving application for registration, it shall issue a registration certificate to the applicant as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism.. <Amended on Feb. 29, 2008; Jul. 22, 2009; Aug. 4, 2020>  
(2) A person who intends to have the registration certificate reissued due to loss, destruction, or damage shall submit an application for reissuance of a registration certificate to the Commission as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended on Feb. 29, 2008; Aug. 4, 2020>

**Article 29 Deleted.** <Aug. 4, 2020>

**Article 30 (Change of Registered Matters)** (1) If a person intends to apply for change, correction, cancellation, or restoration of canceled registration (hereafter in this Article referred to as "registration for change, etc.") with regard to matters registered under Article 55-3 (1) of the Act, he or she shall file an application for registration for change, etc. with the Commission, along with documents proving the same. <Amended on Aug. 4, 2020>  
(2) Where the Commission returns an application for registration for change, etc. under Article 55-3 (2) of the Act, it shall send a written explanation for such action to the applicant. <Newly Inserted on Aug. 4, 2020>  
(3) A person who intends to file an objection pursuant to Article 55-3 (3) of the Act shall submit a written objection to the Commission, as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Newly Inserted on Aug. 4, 2020>  
(4) Upon receipt of an application under paragraph (1), the Commission shall make the relevant change or correction or issue a new certificate to the applicant in cases of restoration of canceled registration after entering details of said application into the

copyright register, and where registration is cancelled, the Commission shall notify the applicant of such fact. <Newly Inserted on Jul. 22, 2009; Aug. 4, 2020>

**Article 31 Deleted.** <Aug. 4, 2020>

**Article 32** [Previous Article 32 moved to Article 27-2 <Aug. 4, 2020>]

**Article 33** [Previous Article 33 moved to Article 27-4 <Aug. 4, 2020>]

**Article 34** [Previous Article 34 moved to Article 27-5 <Aug. 4, 2020>]

**Article 35 (Registration by Electronic Data Processing System)** The registration and related duties under Articles 24 through 27, 27-2 through 27-5, 28, and 30 may be conducted by means of an electronic data processing system. <Amended on Jul. 22, 2009; Aug. 4, 2020> [Title Amended on Jul. 22, 2009]

**Article 36 (Designation of Authentication Organization)** (1) The organizations eligible to be designated as authentication organization pursuant to Article 56 (1) of the Act shall be as follows: <Amended on Feb. 29, 2008; Jul. 22, 2009; Apr. 12, 2012; May 26, 2020>

1. The Commission;
2. Copyright trust service provider;
3. Other legal persons or organizations that the Minister of Culture, Sports and Tourism recognizes as being able to execute the duties of authentication.

(2) Those who intend to be designated as authentication organization pursuant to paragraph (1) shall meet the following subparagraphs:

1. They shall have the ability to compensate for the damage inflicted on the users in connection with the execution of authentication duties;
2. They shall be equipped with facilities for the management of user registration information and the formation and issue of authentication certificate;
3. They shall have protection installations for the safe operation of facilities and equipment for the duties of authentication.

(3) Those who intend to be designated as an authentication organization shall submit an application for the designation of authentication organization prescribed by Ordinance of the Ministry of Culture, Sports and Tourism attached with the documents proving that they meet the requirements in the subparagraphs of paragraph (2) and the operational rules for

the authentication duties including the following matters to the Minister of Culture, Sports and Tourism: <Amended on Feb. 29, 2008>

1. Type of authentication;
2. Standards for authentication;
3. Method and procedure of executing authentication duties;
4. Conditions for using authentication service.

(4) Where the Minister of Culture, Sports and Tourism has designated an authentication organization, he or she shall issue a certificate of authentication organization as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended on Feb. 29, 2008>

(5) When the authentication organization designated pursuant to paragraph (4) intends to alter the content of the operational rules on authentication duties, it shall obtain designation of alteration.

(6) When an authentication organization falls under any of the following subparagraphs, the Minister of Culture, Sports and Tourism may revoke the designation: <Amended on Feb. 29, 2008>

1. Where it fails to satisfy the requirements in paragraphs (1) and (2);
2. Where it has conducted the duties of authentication in violation of the operational rules on authentication duties;
3. Where it has not conducted the duties of authentication for one year or more without justifiable reasons.

(7) Where the Minister of Culture, Sports and Tourism has designated an authentication organization or has revoked the designation, he or she shall be publicly notified it in the Official Gazette. <Amended on Feb. 29, 2008>

**Article 37 (Procedures of Authentication)** (1) A person who intends to obtain authentication pursuant to Article 56 of the Act shall submit an application for authentication stipulated by Ordinance of the Ministry of Culture, Sports and Tourism to the authentication organization that has been publicly notified pursuant to Article 36 (7). <Amended on Feb. 29, 2008>

(2) Where the person who has applied for authentication pursuant to paragraph (1) is recognized as a lawful holder of right (including the case where he or she has been permitted to exploit the work, etc. by a lawful holder of right), the authentication organization shall authenticate him or her.

(3) When the authentication organization authenticates pursuant to paragraph (2), it shall issue a certificate of authentication stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended on Feb. 29, 2008>

(4) The person to whom a certificate of authentication has been issued pursuant to paragraph (3) may indicate authentication showing the extent of authentication, term of validity, etc. on the work.

(5) The authentication by an authentication organization under Article 56 of the Act and business affairs related thereto may be handled by means of an electronic data processing system. <Amended on Aug. 4, 2020>

(6) Except for matters prescribed in paragraphs (1) through (5), the procedures and standards for authentication, indication of authentication, and other detailed matters necessary for authentication-related affairs shall be determined and publicly notified by the Minister of Culture, Sports and Tourism. <Amended on Feb. 29, 2008; Aug. 4, 2020>

**Article 38 (Mark of Holder of Author's Economic Right)** Matters to be put in the mark of the holder of author's economic right under the main clause of Article 58 (3) of the Act shall be as follows: <Amended on Dec. 3, 2008; Jan. 27, 2010; Apr. 12, 2012; Aug. 4, 2020>

1. If the author of the work subject to reproduction is a foreign national, a mark of the name of the holder of author's economic right and the first year of its publication;
2. If the author of the work subject to reproduction is a national of the Republic of Korea, a mark under subparagraph 1 and a seal of the holder of author's economic right;
3. If the right of reproduction has been transferred by assignment to a holder of the right of exclusive publication, a mark to such effect.

[Title Amended on Apr. 12, 2012]

**Article 39 (Period of Consultation on Remuneration for Digital Audio Transmission to Performer)** "Period prescribed by Presidential Decree" in Article 76 (3) of the Act means the period from January 1 through June 30 each year.

**Article 39-2 (Bailment of Program)** (1) "Person prescribed by Presidential Decree" in Article 101-7 (1) of the Act means the Commission. <Amended on Aug. 4, 2020>

(2) The bailment of programs under Article 101-7 (1) of the Act and affairs related thereto may be processed by means of an electronic data processing system. <Newly Inserted on Aug. 4, 2020>

[This Article Newly Inserted on Jul. 22, 2009]

[Title Amended on Aug. 4, 2020]

**Article 39-3 (Standard Technological Measures)** “Conditions prescribed by Presidential Decree” in Article 102 (1) 1 (d) of the Act means the following conditions:

1. Measures shall be determined openly and voluntarily by agreement between the holder of author's economic right and the online service provider;
2. Reasonable and nondiscriminatory use shall be possible;
3. Measures shall not impose substantial expenses upon the online service provider or put a substantial burden on the system or information communications network of the online service provider in connection with the provision of the online services.

[This Article Newly Inserted on Dec. 2, 2011]

**Article 40 (Request for Suspension of Reproduction or Interactive Transmission)** (1) A person who intends to request the suspension of reproduction or interactive transmission to an online service provider (excluding online service providers under Article 102 (1) 1 of the Act; hereafter in this Article and Articles 41 through 44 the same shall apply) pursuant to Article 103 (1) of the Act (hereinafter referred to as “claimant to right”) shall submit a request (including a request in electronic document) stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with verifying documents (including an electronic document) falling under any of the following subparagraphs to the online service provider: Provided, That if the claimant to right is a copyright trust service provider or if he or she has already submitted documents verifying that he or she was the holder of right regarding repetitive violations during the last one year, he or she may submit a request only: <Amended on Feb. 29, 2008; Jun. 30, 2011; Dec. 2, 2011>

1. Copy of the certificate of registration of copyright, etc. indicating himself as the holder of rights to the works, etc., or data corresponding thereto;
2. Copy of a work, etc. indicating his or her name, etc., or pseudonym by which he or she is well known or a data corresponding thereto.

(2) Where a claimant to right submits a written statement that he or she shall compensate for damage pursuant to Article 103 (6) of the Act if he or she demands the suspension of reproduction or interactive transmission without a legitimate right, and he or she shall be punished under Article 137 (1) 6 of the Act, if he or she interferes with business activities

of the online service provider by intentionally demanding the suspension of reproduction or interactive transmission, being aware that he or she has no legitimate right, along with a written request required by paragraph (1), the submission of verifying documents (including electronic documents) specified in any subparagraph of paragraph (1) may be omitted. In such cases, a legitimate ground shall exist to prove that it is impracticable to submit verifying documents (including electronic documents) specified in any subparagraph of paragraph (1). <Newly Inserted on Dec. 2, 2011>

**Article 41 (Notification of Suspension of Reproduction or Interactive Transmission)** (1) An online service provider who has suspended the reproduction or interactive transmission of works, etc. pursuant to Article 103 (2) of the Act shall notify the claimant to a right, reproducer, or interactive transmitter (in cases of a reproducer or interactive transmitter, limited to online service providers under Article 102 (1) 3 of the Act), by way of notification sheet (including a notification sheet in electronic form) prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, accompanied by a request for the suspension of reproduction or interactive transmission that the claimant to a right has submitted (limited to the reproducer or interactive transmitter, and including in electronic form) within three days from the date the reproduction or interactive transmission has been suspended.

<Amended on Feb. 29, 2008; Jun. 30, 2011; Aug. 4, 2020>

(2) Where any on-line service provider makes a notification under paragraph (1), the provider shall inform the reproducer or interactive transmitter that he or she is entitled to request for resumption of reproduction or interactive transmission by vindicating that his or her reproduction or interactive transmission is based upon the legitimate right.

**Article 42 (Request for Resumption of Reproduction or Interactive Transmission)** (1) Any reproducer or interactive transmitter who intends to request for the resumption of reproduction or interactive transmission pursuant to the main clause of Article 103 (3) of the Act shall submit a written request for resumption (including a written request in electronic document) stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the following materials (including an electronic document) to the online service provider within 30 days from the date when the suspension of reproduction or interactive transmission has been notified: <Amended on Feb. 29, 2008; Dec. 2, 2011>

1. Copy of the certificate of copyright registration, etc. indicating himself/herself as the holder of rights to the works, etc., or materials corresponding thereto;
2. Copy of a work, etc. indicating his or her name, etc., or pseudonym by which he or she is well known or materials corresponding thereto;
3. Copy of the contract attesting the fact that he or she has lawfully obtained permit for reproduction or interactive transmission from the holder of copyright, etc., or materials corresponding thereto;
4. Where the protection period of author's economic right to work, etc. has expired, data to verify such fact.

(2) If a claimant to right who demands the resumption of reproduction or interactive transmission submits a written statement that he or she shall compensate for damage pursuant to Article 103 (6) of the Act, if he or she demands the resumption of reproduction or interactive transmission without a legitimate right, and he or she shall be punished under Article 137 (1) 6 of the Act, if he or she interferes with business activities of the online service provider by intentionally demanding the resumption of reproduction or interactive transmission, being aware that he or she has no legitimate right, along with a written request for resumption required by paragraph (1), the submission of verifying documents (including electronic documents) specified in any subparagraph of paragraph (1) may be omitted. In such cases, a legitimate ground shall exist to prove that it is impracticable to submit verifying documents (including electronic documents) specified in any subparagraph of paragraph (1). <Newly Inserted on Dec. 2, 2011>

**Article 43 (Notification of Resumption of Reproduction or interactive transmission)** (1) The online service provider who has been requested for the resumption of reproduction or interactive transmission pursuant to Article 42 shall decide on whether the reproduction or interactive transmission by the reproducer or interactive transmitter is based on the legitimate right within three days from receipt of a request for the resumption of reproduction or interactive transmission, and he or she shall send to the claimant to right a written notification (including a written notification in electronic form) stipulated by Ordinance of the Ministry of Culture, Sports and Tourism specifying the expected date of resumption of reproduction or interactive transmission if the request is recognized as based on the legitimate right. <Amended on Feb. 29, 2008>

(2) The expected date of resumption under paragraph (1) shall be between the 7th day and 14th day from receipt of a request for the resumption of reproduction or interactive transmission.

**Article 44 (Notification of Designation and Change of Recipient)** When an online service provider has designated a recipient (including the case of designating the recipient after changing the already designated recipient) pursuant to Article 103 (4) of the Act, he or she shall indicate the following information regarding the recipient on his or her information and communications network which provides the services of reproduction or interactive transmission so that everyone can readily understand:

1. The name and department name whereto he or she belongs;
2. The telephone number, facsimile number and e-mail address;
3. The address capable of receiving the postal matters.

**Article 44-2 (Scope of Information That May Be Requested about Persons Who Reproduced or Interactive Transmitted Copyrighted Works)** The minimum necessary information referred to in Article 103-3 (1) of the Act is the information specified in the following subparagraphs:

1. Name;
2. Address;
3. Contact information of the person who reproduced or interactively transmitted a copyrighted work, such as telephone numbers and an e-mail address.

[This Article Newly Inserted on Dec. 2, 2011]

**Article 44-3 (Procedure for Requesting to Provide Information)** A claimant to right who intends to request the Minister of Culture, Sports and Tourism pursuant to Article 103-3 (1) of the Act to issue an order to provide him or her with information about a person who reproduced or interactively transmitted a copyrighted work (hereinafter referred to as "petitioner") shall submit to the Minister of Culture, Sports and Tourism verifying documents (including electronic documents) specified in any subparagraph of Article 40 (1), along with a written request for providing information in the form prescribed by Ordinance of the Ministry of Culture, Sports and Tourism with the following descriptions stated thereon:

1. The petitioner's name, address, and contact information, such as telephone numbers and an e-mail address;
2. The category and purpose of the lawsuit that the petitioner intends to file;
3. The type of the right allegedly violated by the person who reproduced or interactively transmitted the relevant copyrighted work and facts relevant to the violation;
4. The fact that the petitioner had requested the online service provider to provide information about the person who had reproduced or interactively transmitted the relevant copyrighted work but received a reply refusing to providing such information or the online service provider refused to provide such information in any other manner.

[This Article Newly Inserted on Dec. 2, 2011]

- Article 44-4 (Procedure for Providing Information)** (1) Upon receipt of a request for deliberation from the Minister of Culture, Sports and Tourism pursuant to Article 103-3 (2) of the Act, the Copyright Protection Deliberation Committee under Article 122-6 of the Act shall deliberate on whether to provide information and shall notify the Minister of Culture, Sports and Tourism of results thereof without delay within one month from the date on which it receives such request: Provided, That the period specified above may be extended only once, if it is unable to complete deliberation within the period due to a cause or event beyond its control. <Amended on Sep. 21, 2016>
- (2) When the Minister of Culture, Sports and Tourism intends to order an online service provider pursuant to Article 103-3 (2) of the Act to submit information on a person who reproduced or interactively transmitted a copyrighted work, he or she shall prepare a written order to provide information in the form specified by Ordinance of the Minister of Culture, Sports and Tourism and shall notify the online service provider thereof in writing (including an electronic document).
- (3) An online service provider shall submit a statement of information provision in the form specified by Ordinance of the Minister of Culture, Sports and Tourism within seven days from the date on which he or she receives an order to provide information under paragraph (2), and the Minister of Culture, Sports and Tourism shall provide the petitioner with the relevant information without delay.
- (4) When an online service provider submits a statement of information provision to the Minister of Culture, Sports and Tourism pursuant to paragraph (3), he or she shall notify the person who reproduced or interactively transmitted the relevant copyrighted work of

the fact without delay.

[This Article Newly Inserted on Dec. 2, 2011]

**Article 45 (Request of Holder of Right)** When a holder of right intends to request for the necessary measures, such as technological measures that block illegal interactive transmission of relevant work, etc. pursuant to Article 104 (1) of the Act, he or she shall submit a request (including a request in electronic document) stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the following materials (including an electronic document) to the online service provider of special type: Provided, That if the holder of right is the copyright trust service provider, or he or she has already submitted materials verifying that he or she was the holder of right regarding repetitive violations during the last one year, he or she may not submit the materials in subparagraph 1:

<Amended on Feb. 29, 2008>

1. Materials falling under any of the following items by which he or she can vindicate that he or she is the holder of right:
  - (a) Copy of the certificate of copyright registration, etc. in which he or she is indicated as the holder of right to the work, etc. or materials corresponding thereto;
  - (b) Copy of the work, etc. in which his or her name, etc. or renowned pseudonym is indicated, or materials corresponding thereto;
2. Title of work by which it is possible to identify the work, etc. that have been requested to block, or characters or signs corresponding thereto (hereinafter referred to as the "title, etc.") or materials of reproductions, etc.

**Article 46 (Necessary Measures, Such as Technical Measures to Block Illegal Interactive**

**Transmission)** (1) "Necessary measures, such as technical measures that block illegal interactive transmission of the relevant work, etc." in the former part of Article 104 (1) of the Act means all the following measures: <Amended on Jul. 22, 2009>

1. Technical measures capable of identifying the work, etc. by comparing the title, etc. and characteristics of work, etc.;
2. Measures of limiting search or interactive transmission to block illegal interactive transmission of work, etc. that came to be recognized pursuant to subparagraph 1;
3. Where the illegal interactive transmitter of the relevant work, etc. is identifiable, the dispatch of warning sign wording to the interactive transmitter of the work, etc.

requesting for the prohibition of infringement on the copyright.

(2) The measures listed in paragraph (1) 1 and 2 shall be taken immediately upon request of the holder of right.

(3) Pursuant to Article 104 (4) of the Act, the Minister of Culture, Sports and Tourism shall entrust the Korea Copyright Protection Agency under Article 122-2 of the Act (hereinafter referred to as the "Protection Agency") with the duties of verifying through information and communications networks whether the necessary measures, such as technological measures under paragraph (3) of the same Article, have been taken. <Newly Inserted on Aug. 4, 2020>

#### **Article 46-2 (Exception for Prohibition of Circumvention of Technological Protection**

**Measures)** Where determining and publicly notifying the exceptions for the prohibition of circumvention of technological protection measures pursuant to Article 104-2 (1) 8 of the Act, the Minister of Culture, Sports and Tourism shall first hear the opinions from interested parties, including users of works, etc., and undergo deliberation by the Commission.

[This Article Newly Inserted on Jun. 30, 2011]

**Article 47 (Application for Permission for Copyright Trust Service)** (1) A person who intends to obtain permission for copyright trust service pursuant to the provisions of Article 105 (1) and (2) of the Act shall submit an application (including an application in electronic document) for permission for copyright trust service stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the operational rules (including in electronic form) on the duties of copyright trust service that involve the following matters to the Minister of Culture, Sports and Tourism: <Amended on Feb. 29, 2008>

1. Terms and conditions of copyright trust agreement;
2. Terms and conditions of work exploitation agreement.

(2) When the Minister of Culture, Sports and Tourism grants a permit to engage in a copyright trust service, he or she shall issue a certificate of permit for copyright trust service stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended on Feb. 29, 2008>

(3) Deleted. <Aug. 4, 2020>

**Article 48 (Report on Copyright Agency or Brokerage Service)** (1) A person who intends to report copyright agency or brokerage service pursuant to Article 105 (1) of the Act shall submit a report (including a report in electronic document) of copyright agency or brokerage service stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the operational rules (including in electronic form) on the duties of copyright agency or brokerage service that involve the following matters to the Minister of Culture, Sports and Tourism: <Amended on Feb. 29, 2008; Jul. 22, 2009>

1. Contractual terms and conditions of copyright agency and brokerage;
2. Contractual terms and conditions of work exploitation.

(2) The Minister of Culture, Sports and Tourism upon receipt of a report pursuant to paragraph (1) shall issue a certificate of report of copyright agency or brokerage service stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended on Feb. 29, 2008>

(3) Deleted. <Aug. 4, 2020>

**Article 49 (Application and Procedures for Approval of Royalties)** (1) Where a copyright trust service provider intends to apply for the approval (including application for alteration; hereinafter the same shall apply) of the rate or amount of fee or royalties pursuant to the former part of Article 105 (9) of the Act, he or she shall apply for approval to the Minister of Culture, Sports and Tourism in writing. <Amended on Feb. 29, 2008; Sep. 21, 2016; Aug. 4, 2020>

(2) Upon receipt of an application for approval under paragraph (1), the Minister of Culture, Sports and Tourism shall publicly announce the details thereof on the website of the Ministry of Culture, Sports and Tourism for at least 14 days and collect opinions of interested persons pursuant to the latter part of Article 105 (9) of the Act and paragraph (11) of the same Article. <Newly Inserted on Sep. 21, 2016; Aug. 4, 2020>

(3) A person who has an opinion on the details publicly announced pursuant to paragraph (2) may submit it in writing (including an electronic document) to the Minister of Culture, Sports and Tourism within the period referred to in paragraph (2). <Amended on Sep. 21, 2016>

(4) Where the Minister of Culture, Sports and Tourism receives an application for approval pursuant to paragraph (1), he or she may hear opinions of the right holder, users, experts, etc. on propriety, validity, etc. of the rate or amount of fee or royalties, if necessary.

<Newly Inserted on Sep. 21, 2016>

(5) Pursuant to Article 105 (10) of the Act, the Minister of Culture, Sports and Tourism shall request the Commission to conduct deliberation, accompanied by opinions collected pursuant to paragraphs (3) and (4). <Newly Inserted on Sep. 21, 2016; Aug. 4, 2020>

(6) When the Commission has been requested for deliberation from the Minister of Culture, Sports and Tourism pursuant to paragraph (5), it shall deliberate within two months from the date of request and submit the result to the Minister of Culture, Sports and Tourism without delay: Provided, That if it is impractical to deliberate within the relevant period due to extenuating circumstances, the period may be extended on only one occasion within two months. <Amended on Feb. 29, 2008; Jul. 22, 2009; Sep. 21, 2016>

(7) Where the Minister of Culture, Sports and Tourism has approved (including the approval of modification) the rate or amount of royalties pursuant to the former part of Article 105 (9) of the Act, he or she shall publicly announce the content of approval on the website of the Ministry of Culture, Sports and Tourism. <Amended on Feb. 29, 2008; Jul. 22, 2009; Sep. 21, 2016; Aug. 4, 2020>

**Article 50 (Preparation of List of Works under Management)** The following matters shall be stated in the list of works, etc. under management pursuant to Article 106 (1) of the Act: <Amended on Jul. 2, 2019>

1. Title of works, etc.;
2. The name, etc. of the author, performer, phonogram producer or broadcasting organization, and database producer;
3. Year of creation or making public, year of performance or fixation, and year of production.

**Article 51 (Information Necessary to Conclude Contract for Use)** Information necessary for concluding a contract for the use of works, etc. under Article 106 (1) and (2) of the Act shall be as follows: <Amended on May 26, 2020>

1. Deleted; <May 26, 2020>
2. Period of trust agreement with the holder of author's economic right of the relevant work, etc.;

3. Conditions for exploitation, such as royalties and standard contract.

**Article 51-2 (Integrated Collection)** (1) In requesting an integrated collection pursuant to the former part of Article 106 (3) of the Act, the Minister of Culture, Sports and Tourism shall specify the types of business, and subjects, objects, periods, frequency, etc. of integrated collection in writing.

(2) "Person prescribed by Presidential Decree" in Article 106 (4) of the Act means any of the following persons:

1. A copyright trust service provider under the former part of Article 106 (3) of the Act;
2. A remuneration collection organization under the former part of Article 106 (3) of the Act;
3. A public institution under the Act on the Management of Public Institutions;
4. Any other corporation, institution or organization that the Minister of Culture, Sports and Tourism deems appropriate to conduct the integrated collection.

(3) A person who conducts an integrated collection pursuant to Article 106 (3) and (4) of Article 106 (3) of the Act shall notify the result of the settlement including the following information to the copyright trust service provider and the remuneration collection organization which have entrusted the affairs related to the collection pursuant to paragraph (4) of the same Article, within 60 days after the completion of the collection:

1. Total amount collected and amount collected by organization;
2. Details of the amount collected by organization;
3. Calculation basis of the amount collected by organization (including the details of the use of works);
4. Amount payable as the result of settlement.

(4) Where a copyright trust service provider or remuneration-receiving organization pays entrustment commission pursuant to Article 106 (5) of the Act, it shall pay said commission from the fees under Article 105 (8) of the Act or subparagraph 3 of Article 4 of this Decree, and shall not receive any separate entrustment commission from a holder of author's property right or other related persons. <Amended on Aug. 4, 2020>

(5) The standards for entrustment commission under Article 106 (5) of the Act shall be as specified in attached Table 1.

[This Article Newly Inserted on Sep. 21, 2016]

**Article 51-3 (Openness in Management)** (1) Pursuant to Article 106 (7) of the Act, a copyright trust service provider shall keep the matters under the subparagraphs of the same paragraph in its main office by the following means within three months after the end of each business year and shall disclose them on its website. In such cases, where any change occurs in the matters kept or disclosed, such change shall be reflected without delay:

1. They shall be kept in a conspicuous place within the main office;
2. They shall be made available for perusal on the opening screen of the website or on a screen linked to the opening screen.

(2) "Matters prescribed by Presidential Decree, such as the remuneration of executive officers" in Article 106 (7) 2 of the Act means the following matters:

1. Remuneration of each full-time executive officer;
2. Remuneration subject to income tax, which an executive officer receives from a copyright trust service provider;
3. Number of trustors and current status of works, etc. under trust service;
4. Current status of the collection and distribution of royalties;
5. Current status of undistributed amount by year in which royalties are collected;
6. Current status of budget execution.

(3) The settlement of accounts under Article 106 (7) 3 of the Act shall be accompanied by a statement of financial position, a statement of profit or loss, a statement of changes in equity, and a cash flow statement.

(4) "Matters prescribed by Presidential Decree" in Article 106 (7) 5 of the Act means the following matters:

1. Current status of executive officers (including the list and the term of office of executive officers);
2. Agenda and minutes of meetings of the board of directors and of the general assembly;
3. Matters relating to refusal to authorize use under Article 106-2 of the Act;
4. Results of the investigation conducted under Article 108 (3) of the Act.

[This Article Newly Inserted on May 26, 2020]

**Article 52 (Report)** (1) Pursuant to Article 108 (1) of the Act, a copyright trust service provider shall, each year, report the business result of the preceding year and the business plan of the relevant year as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism.  
<Amended on Feb. 29, 2008>

(2) A copyright agency or brokerage service provider shall, each year, report the business result of the preceding year as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended on Feb. 29, 2008>

(3) Under Article 108 (1) of the Act, a copyright management service provider shall prepare following matters as of the end of each month and make a report to the Minister of Culture, Sports and Tourism by the 10th of the following month: Provided, That where matters to be reported are the same as those of the previous month, he or she shall be allowed not to make a report only in the case of such matters: <Newly Inserted on Apr. 12, 2012>

1. List of works, etc. under management pursuant to the subparagraphs of Article 50;
2. Information on the right to works, etc. under trust service, or being represented or brokered;
3. Contact information of a copyright management service provider.

**Article 52-2 (Investigation)** (1) A public official who investigates the affairs and financial standing of a copyright management service provider pursuant to Article 108 (3) of the Act shall present identification indicating his or her authority to relevant persons.

(2) The public officials under paragraph (1) may enter the office of a copyright management service provider to the extent that is necessary, and conduct an investigation.

(3) Paragraphs (1) and (2) shall apply mutatis mutandis to the investigation by certified public accountants or other relevant specialized institutions under Article 108 (4) of the Act. In such cases, "public officials" shall be construed as "certified public accountants or relevant specialized institutions."

[This Article Newly Inserted on May 26, 2020]

**Article 53 (Detailed Criteria for Suspension of Business)** Detailed criteria for suspension of business under Article 109 (1) of the Act shall be as specified in attached Table 2.

[This Article Wholly Amended on Sep. 21, 2016]

**Article 54 (Imposition and Payment of Penalty Surcharges)** (1) When the Minister of Culture, Sports and Tourism intends to impose a penalty surcharge pursuant to Article 111 (1) of the Act, he or she shall notify the person subject to disposition to pay the penalty surcharge, stating the fact of violation, imposition amount, etc. in writing. <Amended on Feb. 29, 2008>

(2) The person who has been notified pursuant to paragraph (1) shall pay the penalty surcharge to a collecting agency designated by the Minister of Culture, Sports and Tourism within 20 days from the date when he or she has been notified: Provided, That in cases of an act of God or other unavoidable reasons, he or she shall pay it within 7 days after the reason ceases to exist. <Amended on Feb. 29, 2008>

(3) The collecting agency that has received the penalty surcharge pursuant to paragraph (2) shall issue a receipt to the payer.

(4) When the collecting agency has received a penalty surcharge pursuant to paragraph (2), it shall notify the fact to the Minister of Culture, Sports and Tourism without delay. <Amended on Feb. 29, 2008>

(5) The Minister of Culture, Sports and Tourism shall record and manage the matters regarding the imposition and collection of penalty surcharge. <Amended on Feb. 29, 2008>

(6) The standards for imposing penalty surcharges pursuant to Article 111 (1) of the Act shall be as specified in attached Table 3. <Newly Inserted on Sep. 21, 2016>

**Article 55 (Procedures for Use of Penalty Surcharge)** Pursuant to Article 111 (4) of the Act, the Minister of Culture, Sports and Tourism shall formulate and execute an operational plan for the use, method, etc. of penalty surcharge by October 31 of each year. <Amended on Feb. 29, 2008>

**Article 56 (Chairperson and Vice Chairperson)** (1) The chairperson of the Commission shall represent the Commission and exercise overall control over the duties of the Commission. <Amended on Jul. 22, 2009>

(2) The vice chairperson shall assist the chairperson, and when the chairperson is unable to perform the duties due to extenuating circumstances, the vice chairperson designated in advance by the chairperson shall execute the duties by proxy.

**Article 57 (Meeting and Quorum)** (1) The chairperson of the Commission shall convene a meeting of the Commission and preside over it. <Amended on Jul. 22, 2009>

(2) A majority of the members on the register shall constitute a quorum, and any decision thereof shall require the concurring vote of two-thirds of those present. <Amended on Jul. 22, 2009>

(3) Deleted. <Jul. 4, 2012>

**Article 57-2 (Disqualification of, Challenge to, and Voluntary Refrainment of Commission**

**Members)** (1) If a member of the Commission falls under any of the following subparagraphs, he or she shall be disqualified from deliberation, mediation, good offices and resolution of the Commission (hereinafter referred to as "deliberation and other proceedings"): <Amended on Sep. 21, 2016>

1. If a member or a person who is or was his or her spouse becomes a party to the case at issue (including executive officers, if the party is a legal person or organization; hereafter in this subparagraph and subparagraph 2 the same shall apply ) or is a joint right holder or joint obligor with a party to the case at issue;
2. If a member is or was a relative to a party to the case at issue;
3. If a member gives testimony, makes a statement, provides advice, conducts research, or serves as expert witness with respect to the case at issue;
4. If a member or the legal person or organization to which a member belongs is or was the representative of a party to the case at issue;
5. If a member serves or served as an executive officer or employee of a party to the case at issue;
6. If a member is or was involved in a disposition or omission that is a cause of the case at issue.

(2) If a party to the case at issue has a ground to believe that it is impractical to expect impartiality from a member in deliberation and other proceedings, the party may file a request for challenge against the member with the Commission, and the Commission may make a decision thereon by resolution. In such cases, the member against whom a challenge is filed shall not participate in resolution.

(3) If a member finds that he or she is subject to exclusion on the ground specified in any subparagraph of paragraph (1), the member shall voluntarily refrain from deliberation and other proceedings with respect to the case at issue.

[This Article Newly Inserted on Jul. 4, 2012]

**Article 57-3 (Dismissal of Members)** The Minister of Culture, Sports and Tourism may dismiss a member of the Commission from service, if the member falls under any of the following subparagraphs: <Amended on Sep. 21, 2016>

1. If a member is unable to perform his or her duty due to a mental disabilities;
  2. If a member is found disqualified on the ground of his or her neglect of duty, injury to dignity, or on any other ground;
  3. If a member is subject to exclusion on the ground specified in any subparagraph of Article 57-2 (1) but does not voluntarily refrain from deliberation and other proceedings.
- [This Article Newly Inserted on Jul. 4, 2012]

**Article 58 (Treatment of Members)** (1) The members of the Commission except the chairperson shall serve on a part-time basis. <Amended on Jul. 22, 2009>

(2) A standing member shall be paid remuneration and a non-standing member may be reimbursed for expenses incurred to perform their duties to the extent of available budget.

(3) No standing member may engage in any work for making profits other than his or her duty, and may serve concurrently in any other position without approval of the Minister of Culture, Sports and Tourism. <Amended on Feb. 29, 2008>

**Article 59 (Composition and Operation of Subcommittees)** Matters necessary for the composition, operation, etc. of subcommittees pursuant to Article 112-2 (5) of the Act shall be determined by the chairperson of the Commission through a resolution of the Commission.

[This Article Wholly Amended on Jul. 22, 2009]

**Article 59-2 (Good Offices)** (1) Any person who seeks for good offices for dispute settlement pursuant to Article 113-2 of the Act shall file an application for good offices in which the following matters are stated with the Commission:

1. Names and domiciles of the persons concerned (where there is an agent, including the name and domicile of the agent);
2. The purport of and reasons for the application.

(2) Matters necessary for detailed procedures, etc. for good offices pursuant to paragraph (1) shall be determined by the chairperson of the Commission through a resolution of the Commission.

[This Article Newly Inserted on Jul. 22, 2009]

**Article 60 (Composition and Operation of Mediation Division)** The mediation division pursuant to Article 114 of the Act shall consist of three members: Provided, That for the

cases of request for mediation of which the amount is five million won or less, one member designated by the chairperson of the Commission may perform mediation services. <Amended on Jul. 22, 2009>

- Article 61 (Procedure of Mediation)** (1) Any person who intends to apply for dispute mediation pursuant to Article 114-2 of the Act shall submit an application for mediation to the Commission as determined by the Commission. <Amended on Jul. 22, 2009>
- (2) Any person who makes an application for mediation pursuant to paragraph (1) shall pay a part of expenses for mediation in advance, and where mediation is effected, each party shall pay the remaining expenses for mediation. In such cases, procedures for payment of expenses for mediation shall be determined by the chairperson of the Commission through a resolution of the Commission. <Newly Inserted on Jul. 22, 2009>
- (3) The chairperson, on receipt of the application for mediation under paragraph (1), shall designate a mediation division and refer the application for mediation to it. <Amended on Jul. 22, 2009>
- (4) The mediation division may prepare a proposal of mediation, and present it to the party concerned: Provided, That where it is evident that mediation will not be effected, this shall not apply. <Amended on Jul. 22, 2009>
- (5) The mediation division shall mediate within three months from the date of application for mediation: Provided, That if a special ground exists, the period may be extended one more time only within the extent of one month upon mutual consent of both parties. <Amended on Jul. 22, 2009>
- (6) Where an appraisal is made pursuant to Article 119 (1) 2 of the Act, a period for appraisal shall not be included in the period for mediation referred to in paragraph (5). <Newly Inserted on Jul. 22, 2009>

- Article 62 (Request for Attendance)** (1) The Commission may request the parties concerned, proxies thereof or interested persons to attend the meeting or to submit relevant documents if necessary for the dispute mediation. <Amended on Jul. 22, 2009>
- (2) When requesting for the attendance pursuant to paragraph (1), it shall notify the parties concerned, proxies thereof, or interested persons in writing not later than seven days in advance.

(3) When persons other than the parties to mediation attend the Commission in answer to the request for attendance, the Commission may reimburse the actual expenses, such as allowance and travel expense. <Amended on Jul. 22, 2009>

(4) The Commission shall manage and keep the documents of mediation and related records. <Amended on Jul. 22, 2009>

**Article 63 (Failure of Mediation)** (1) In any of the following cases, the mediation shall be deemed to have fallen through: <Amended on Jul. 22, 2009; Aug. 4, 2020>

1. Deleted; <Aug. 4, 2020>
2. Where it has passed the period of time pursuant to Article 61 (5) from the date when an application for mediation was filed;
3. Where an agreement between the parties has not been reached;
4. Where an objection is filed under the former part of Article 117 (4) of the Act.

(2) Where the mediation has fallen through pursuant to paragraph (1), the reason therefor shall be stated in the document.

**Article 64 (Procedure and Method of Appraisal)** (1) Those who intend to request for appraisal pursuant to Article 119 (1) of the Act shall submit the following materials to the Commission: <Amended on Jul. 22, 2009>

1. The original copy or duplicate of a work subject to appraisal;
2. Materials by which it is able to compare the similarity of related works in the case of a request for appraisal on infringement;
3. Other materials that the Commission requests as it judges necessary for appraisal.

(2) When giving an appraisal, the Commission shall organize an expert appraisal committee to deal with the duties with impartiality and objectivity. <Amended on Jul. 22, 2009>

(3) The expert appraisal committee may have standing specialized members for professional appraisal.

(4) Matters necessary for the formation of expert appraisal committee, procedure of appraisal, etc. shall be laid down by the Commission. <Amended on Jul. 22, 2009>

**Article 65 (Organization and Operation of Commission)** Matters necessary for the organization, operation, etc. of the Commission shall be determined by the chairperson of the Commission through a resolution of the Commission: Provided, That matters relating to the organization, fixed number and remuneration shall be approved by the Minister of

Culture, Sports and Tourism.

[This Article Wholly Amended on Jul. 22, 2009]

**Article 66 (Organization and Operation of Copyright Technology Center)** (1) The Copyright Technology Center pursuant to Article 120 of the Act may establish Copyright Exchange to provide copyright information, etc. and a technological committee for information on rights management, protection of copyright and support for distribution.

(2) The Copyright Technology Center shall perform the following duties:

1. Construction and operation of the integrated management system for the systematic formulation, management and use of rights management information of works;
2. Development, management and dissemination of the integrated copyright number system which is able to discern works and rightful claimants;
3. Research for the standardization of technological protection measures;
4. Evaluation of the implementation of standards for technological protection measures and development of standard tools of evaluation for them;
5. Survey and research on copyright information technologies.

[This Article Wholly Amended on Jul. 22, 2009]

**Article 67 (Budget and Settlement of Accounts)** (1) The Commission and the Protection Agency shall prepare a business plan and draft budget for the next business year prior to the end of each business year and submit them to the Minister of Culture, Sports and Tourism for approval. <Amended on Feb. 29, 2008; Jul. 22, 2009; Sep. 21, 2016; Aug. 4, 2020>

(2) The Commission and the Protection Agency shall prepare annual business results and a statement of accounts every business year and submit them to the Minister of Culture, Sports and Tourism within 60 days after the end of the relevant business year. <Amended on Feb. 29, 2008; Jul. 22, 2009; Sep. 21, 2016>

(3) The Minister of Culture, Sports and Tourism may have the Commission and the Protection Agency report on its duties or submit relevant materials to him or her, if deemed necessary. <Amended on Feb. 29, 2008; Jul. 22, 2009; Sep. 21, 2016>

**Article 67-2 (Composition and Operation of the Copyright Protection Deliberation Committee)** (1) Deleted. <May 26, 2020>

(2) The chairperson of the Copyright Protection Deliberation Committee under Article 122-6 of the Act (hereinafter referred to as the "Deliberation Committee") shall represent the Deliberation Committee and exercise general supervision over the affairs of the Committee.

<Amended on May 26, 2020>

(3) Members of the Deliberation Committee may be paid actual cost necessary to perform their duties within budgetary limits.

(4) Except as provided in this Decree, detailed matters necessary for the composition and operation of the Deliberation Committee shall be determined by the chairperson of the Deliberation Committee after a resolution passed by the Deliberation Committee.

[This Article Newly Inserted on Sep. 21, 2016]

**Article 67-3 (Meetings of Deliberation Committee)** (1) The chairperson of the Deliberation Committee shall convoke and preside over the meetings of the Deliberation Committee.

(2) The Deliberation Committee shall commence its meeting with a majority of all incumbent members present and adopt resolutions with the concurrent votes of two thirds of the members present.

[This Article Newly Inserted on Sep. 21, 2016]

**Article 67-4 (Disqualification of, Challenge to and Voluntary Refrainment of Members of Committee)** (1) Any member of the Deliberation Committee who falls under any of the following subparagraphs shall be disqualified from the deliberation and resolution

conducted by the Deliberation Committee:

1. Where the member or his or her current or former spouse becomes a party (where a party is a corporation, organization, etc., including an executive officer thereof; hereafter in this subparagraph and subparagraph 2 the same shall apply) to the relevant agenda or is related thereto as a joint holder of any right or liability;
2. Where the member is or was relatives of a party to the relevant agenda;
3. Where the member or a corporation to which he or she belongs has provided any testimony, statement or consultation, or has conducted any research, service or appraisal related to the relevant agenda;
4. Where the member or a corporation to which he or she belongs is or was an agent of a party to the relevant agenda;

5. Where the member is holding or has held a post as an executive officer or employee of a party to the relevant agenda;

6. Where the member involves in or has involved in a disposition or omission which has become the cause of the relevant agenda.

(2) If any ground exists for which it would be difficult to expect a member of the Deliberation Committee to impartially conduct deliberation and resolution, a party to the relevant agenda may file a request to challenge him or her with the Deliberation Committee, and the Deliberation Committee shall make a decision thereon by its resolution. In such cases, the member subject to such request for challenge shall not participate in the resolution.

(3) If a member of the Deliberation Committee falls under any ground for exclusion set forth in subparagraphs of paragraph (1), he or she shall voluntarily refrain from the deliberation and resolution of the relevant agenda.

[This Article Newly Inserted on Sep. 21, 2016]

**Article 67-5 (Dismissal of Members of Deliberation Committee)** The Minister of Culture, Sports and Tourism may dismiss a member of the Deliberation Committee, in any of the following cases:

1. Where the member becomes incapable of performing his or her duties due to a mental disorder;

2. Where the member engages in misconduct in connection with his or her duties;

3. Where the member is deemed unsuitable as a member due to neglect of a duty, loss of dignity, or on any other reason;

4. Where the member fails to voluntarily refrain himself/herself despite the fact that he or she falls under any subparagraph of Article 67-4 (1);

5. Where the member voluntarily admits that it is impracticable for him or her to perform his or her duties.

[This Article Newly Inserted on Sep. 21, 2016]

**Article 68 (Entrustment of Duties)** (1) Pursuant to Article 130 of the Act, the Minister of Culture, Sports and Tourism shall entrust the following duties to the Commission:

<Amended on Feb. 29, 2008; Jul. 22, 2009; Apr. 12, 2012; May 26, 2020>

1. Receipt of applications for determination of remuneration under Article 35-4 (4) of the Act and determination and notification of remuneration under paragraph (5) of the same Article;
2. Approval for the use of works and decision on the standards for remuneration pursuant to Articles 50 through 52 of the Act;
3. Deleted; <Aug. 4, 2020>
4. Project to search for the right holder of works, etc. under Article 73 (1) 6 and building and operating an information system to search for the right holder under paragraph (2) of the same Article from among projects to create an environment promoting healthy use of works under Article 134 of the Act;
5. Implementation of efforts to identify the holders of author's economic right to works or his or her residence under the subparagraphs of Article 18 (2);
6. Receipt and processing of reports from a copyright management service provider under Article 52 (3).  
(2) Deleted. <Aug. 4, 2020>  
(3) Pursuant to Article 130 of the Act, the Minister of Culture, Sports and Tourism shall entrust the duties of receiving donations of rights of the holder of author's economic right, etc. pursuant to Article 135 (1) of the Act to the organization designated pursuant to paragraph (2) of the same Article. <Amended on Feb. 29, 2008>

**Article 69 (Procedures for and Methods of Collection, Destruction and Deletion)** (1) The competent public official who collects, destructs or deletes copies, etc. pursuant to Article 133 (1) of the Act shall carry a certificate indicating the authority and show it to the interested persons. <Amended on Jul. 22, 2009>

(2) Where the competent public official has collected, destructed and deleted copies, etc. pursuant to Article 133 (1) of the Act, he or she shall deliver a certificate of collection as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism to the possessor or occupier, and state the content in the book of collection, destruction and deletion. <Amended on Feb. 29, 2008; Jul. 22, 2009>

(3) The illegal copies, etc. that have been collected may be destructed when three months have passed since the date of collection, if the relevant party does not raise any objection: Provided, That the instrument, equipment and program that have been manufactured to circumvent the technological protection measures of works, etc. may be destructed when

six months have passed since the date of collection.

[Title Amended on Jul. 22, 2009]

**Article 70 (Entrustment of Duties of Collection, Destruction and Deletion)** (1) Pursuant to Article 133 (2) of the Act, the Minister of Culture, Sports and Tourism may entrust the duties of collection and destruction to the following organizations: <Amended on Feb. 29, 2008; Jul. 22, 2009; Sep. 21, 2016>

1. The Protection Agency;
2. Deleted; <Sep. 21, 2016>
3. Other corporations and organizations that the Minister of Culture, Sports and Tourism recognizes to have the capability and qualifications for the duties of collection, destruction and deletion of illegal copies, etc.

(2) Any staff member of the organization which conducts the duties of collection, destruction and deletion pursuant to paragraph (1) shall carry a certificate stipulated by Ordinance of the Ministry of Culture, Sports and Tourism when doing so, and show it to the interested persons. <Amended on Feb. 29, 2008; Jul. 22, 2009>

[Title Amended on Jul. 22, 2009]

**Article 71 (Request for Cooperation for Collection, Destruction and Deletion)** "Relevant organization" in Article 133 (3) of the Act means the following organizations:

1. Copyright trust service provider;
2. Organization mainly composed of copyright trust service providers;
3. Corporations and organizations that have been established for the purpose of creation of works, etc. and the promotion of industry.

[Title Amended on Jul. 22, 2009]

**Article 72 (Procedures for and Methods of Deliberation of Orders for Deletion of Illegal Copies through Information and Communications Network)** If the Deliberation Committee receives a request for deliberation from the Minister of Culture, Sports and Tourism pursuant to Article 133-2 (1) of the Act, it shall deliberate thereon within seven days from the date of request, and if it receives a request for deliberation from the Minister of Culture, Sports and Tourism pursuant to paragraphs (2) and (4) of the same Article, it shall deliberate thereon within 14 days from the date of request and submit the result thereof to the Minister of Culture, Sports and Tourism without delay: Provided, That where it

cannot deliberate within the period due to extenuating circumstances, it may extend the period twice only. <Amended on Sep. 21, 2016>

[This Article Wholly Amended on Jul. 22, 2009]

**Article 72-2 (Procedures for and Methods of Orders for Warning or Deletion)** If the Minister of Culture, Sports and Tourism intends to order an online service provider to give a warning on a reproducer and interactive transmitter of illegal copies, etc., to delete illegal copies, etc., or to suspend interactive transmission of them pursuant to Article 133-2 (1) of the Act, he or she shall prepare a written order prescribed by Ordinance of the Ministry of Culture, Sports and Tourism and notify it in writing (including electronic documents; hereinafter the same shall apply).

[This Article Newly Inserted on Jul. 22, 2009]

**Article 72-3 (Procedures for and Methods of Orders for Suspension of Accounts)** (1) When the Deliberation Committee deliberates pursuant to Article 133-2 (2) of the Act, it shall take the following matters into consideration: <Amended on Sep. 21, 2016>

1. Recidivism of the relevant reproducer and interactive transmitter;
2. Quantities reproduced and interactively transmitted by the relevant reproducer and interactive transmitter;
3. Kinds of illegal copies, etc. posted and their possibilities of substituting market;
4. The influence of illegal copies, etc. on the distribution order of works, etc.

(2) If the Minister of Culture, Sports and Tourism intends to order an online service provider to suspend accounts of the relevant reproducer and interactive transmitter of illegal copies or such pursuant to Article 133-2 (2) of the Act, he or she shall prepare a written order in which the following matters are stated and give a written notice thereof:

1. Accounts of the reproducer and interactive transmitter;
2. The fact that the reproducer and interactive transmitter have received warnings pursuant to Article 133-2 (1) 1 of the Act three times or more;
3. The fact that the reproducer and interactive transmitter has transmitted illegal copies, etc. after he or she received warnings pursuant to Article 133-2 (1) 1 of the Act three times or more;
4. The period of suspension.

(3) The suspension period for accounts of the reproducer and interactive transmitter pursuant to Article 133-2 (2) of the Act shall be as follows:

1. Less than one month in the case of the first suspension;
2. No less than one month and less than three months in the case of the second suspension;
3. No less than three months and less than six months in the case of the third or subsequent suspension.

(4) An online service provider who has received a written order referred to in paragraph (2) shall, without delay, notify the relevant reproducer and interactive transmitter of matters referred to in the subparagraphs of paragraph (2) mentioned in writing pursuant to Article 133-2 (3) of the Act.

[This Article Newly Inserted on Jul. 22, 2009]

#### **Article 72-4 (Procedures for and Methods of Orders for Suspension of Bulletin Board Service)**

(1) When the Deliberation Committee deliberates pursuant to Article 133-2 (4) of the Act, it shall take the following matters into consideration: <Amended on Sep. 21, 2016>

1. Profitability of the relevant bulletin board;
2. Purpose of opening of the relevant bulletin board;
3. Functions and methods of use of the relevant bulletin board;
4. Number of users of the relevant bulletin board;
5. Percentage of illegal copies, etc.;
6. Types of illegal copies, etc. posted and their possibilities of substituting market;
7. Degree of efforts of the relevant bulletin board to block illegal copies, etc.;
8. Level of convenience to posting or use of illegal copies, etc.

(2) If the Minister of Culture, Sports and Tourism intends to order an online service provider to suspend services of the relevant bulletin board pursuant to Article 133-2 (4) of the Act, he or she shall prepare a written order in which the following matters are stated and give written notice thereof:

1. Bulletin boards subject to suspension;
2. The fact that he or she has received orders pursuant to Article 133-2 (1) 2 of the Act not less than three times;
3. Details of unlawful act;

4. The period of suspension.

(3) The suspension period for services of the relevant bulletin board pursuant to Article 133-2 (4) of the Act shall be as follows:

1. Less than one month in the case of the first suspension;
2. Not less than one month and less than three months in the case of the second suspension;
3. Not less than three months and less than six months in the case of the third or subsequent suspension.

(4) When an online service provider posts the fact of suspension of a bulletin board pursuant to Article 133-2 (5) of the Act, he or she shall enlist the matters referred to subparagraphs of paragraph(2) so as to enable users of the relevant bulletin board to easily understand.

[This Article Newly Inserted on Jul. 22, 2009]

**Article 72-5 (Procedures for and Methods of Notifying Result of Measures Taken)** Pursuant to Article 133-2 (6) of the Act, an online service provider shall state matters referred to in the following subparagraphs in a notification of result of measures prescribed by Ordinance of the Ministry of Culture, Sports and Tourism, and submit it to the Minister of Culture, Sports and Tourism:

1. Details of measures taken pursuant to an order;
2. Information which can identify a reproducer and interactive transmitter (except for an order pursuant to Article 133-2 (4));
3. The date of execution of an order.

[This Article Newly Inserted on Jul. 22, 2009]

**Article 72-6 (Procedures for Recommendation for Correction)** (1) If the Deliberation Committee receives a request for deliberation from the Protection Agency pursuant to Article 133-3 (1) of the Act, it shall conduct deliberation within the period classified as follows, and notify the Protection Agency of the result thereof without delay: Provided, That if it is impossible to conduct deliberation within the prescribed period due to extenuating circumstances, the period may be extended only twice: <Newly Inserted on Sep. 21, 2016>

1. In cases falling under Article 133-3 (1) 1 and 2: Seven days from the date of the request;
  2. In cases falling under article 133-3 (1) 3: Fourteen days from the date of the request.
- (2) If the Protection Agency intends to recommend correction pursuant to Article 133-3 (1) of the Act, it shall do such in writing with the following matters stated: <Amended on Sep. 21, 2016>
1. Details of unlawful act;
  2. Recommendations;
  3. The deadline for correction;
  4. Measures to be taken when recommendation for correction is refused.
- (3) An online service provider who has been notified of recommendation for correction pursuant to paragraph (2) shall notify the Protection Agency of the result of measures taken in writing with the following matters stated therein: <Amended on Sep. 21, 2016>
1. Details of measures taken pursuant to recommendation for correction;
  2. The date of execution of recommendation for correction;
  3. Reasons for refusal of recommendations for correction, where appropriate.
- (4) When the Deliberation Committee deliberates Article 133-3 (1) 3 of the Act, it shall take account of matters referred to in Article 72-3 (1). <Amended on Sep. 21, 2016>  
 [This Article Newly Inserted on Jul. 22, 2009]

**Article 73 (Projects for Fair Use of Works)** (1) "Projects necessary for promotion of fair use of works" in Article 134 (1) of the Act means the following projects: <Amended on Feb. 29, 2008>

1. Project necessary to provide information on works, etc. of which the period of protection has expired;
2. Project to establish a common exploitation system for works of public agencies;
3. Project to improve the license system, such as the development of standard contract;
4. Project to enact and recommend guideline to establish standards for fair use of works;
5. Project to promote Creative Commons License (CCL) for works, etc.;
6. Project to search for the right holder of works, etc. in order to revitalize the use of works, etc. whose right holders are unidentified;
7. Other projects deemed necessary by the Minister of Culture, Sports and Tourism for the fair use of works.

(2) In order to efficiently implement projects in paragraph (1) 6, the Minister of Culture, Sports and Tourism may build and operate an information system to search for the right holders of works whose right holders are unidentified. <Newly Inserted on Apr. 12, 2012> [Title Amended on Jul. 22, 2009]

**Article 74 Deleted.** <Jul. 22, 2009>

**Article 75 (Procedure for Donation)** (1) A person who intends to donate author's economic right, etc. pursuant to Article 135 (1) of the Act shall submit a pledge of donation of author's economic right, etc. stipulated by Ordinance of the Ministry of Culture, Sports and Tourism and copies of the work, etc. to be donated to the Minister of Culture, Sports and Tourism. <Amended on Feb. 29, 2008>

(2) The Minister of Culture, Sports and Tourism who has received donation pursuant to paragraph (1) shall record the title of the donated work, etc., and name of donator, etc. in the ledger as stipulated by Ordinance of the Ministry of Culture, Sports and Tourism and post them on the website of the Ministry of Culture, Sports and Tourism. <Amended on Feb. 29, 2008; Jul. 22, 2009>

**Article 76 (Designation of Management Organization)** (1) The organization eligible to be designated as an organization that manages author's economic right, etc. pursuant to Article 135 (2) of the Act (hereinafter referred to as the "management organization") shall be as follows: <Amended on Feb. 29, 2008; Jul. 22, 2009>

1. The Commission;
2. Copyright trust service provider;
3. An organization whose principal members are copyright trust service providers;
4. Other legal persons or organizations that the Minister of Culture, Sports and Tourism recognizes as having the capability to conduct the duties of management of donated author's economic right, etc.

(2) A person who intends to be designated as a management organization pursuant to paragraph (1) shall submit an application for designation stipulated by Ordinance of the Ministry of Culture, Sports and Tourism attached with the following documents to the Minister of Culture, Sports and Tourism: <Amended on Feb. 29, 2008>

1. Management plan of donated author's economic right, etc.;

2. Document stating the procedures of exploitation permission for donated author's economic right, etc. and the plan to invigorate the use.
- (3) When the Minister of Culture, Sports and Tourism who has received an application pursuant to paragraph (2) designates a management organization, he or she shall issue a certificate of designation of management organization as prescribed by Ordinance of the Ministry of Culture, Sports and Tourism. <Amended on Feb. 29, 2008; Jul. 22, 2009>
- (4) When a management organization falls under any of the following subparagraphs, the Minister of Culture, Sports and Tourism may revoke the designation: <Amended on Feb. 29, 2008>
1. Where it fails to meet the qualifications in paragraph (1);
  2. Where it has violated Article 135 (3) of the Act.
- (5) Where the Minister of Culture, Sports and Tourism has designated a management organization or revoked the designation, he or she shall publicly notify the fact in the Official Gazette. <Amended on Feb. 29, 2008>
- (6) Other matters necessary for the duties of management of donated author's economic right, etc. shall be determined and publicly notified by the Minister of Culture, Sports and Tourism. <Amended on Feb. 29, 2008>

- Article 76-2 (Management of Personally Identifiable Information)** (1) The Minister of Culture, Sports and Tourism (including persons to whom the authority of the Minister of Culture, Sports and Tourism is entrusted under Articles 68) may manage the data which contain resident registration numbers or alien registration numbers under subparagraph 1 or 2 of Article 19 of the Enforcement Decree of the Personal Information Protection Act, if essential to perform the following affairs:
1. Affairs related to the approval for the exploitation of works under Articles 50 through 52 of the Act (including cases of application mutatis mutandis under Article 89 of the Act);
  2. Deleted; <Aug. 4, 2020>
  3. Affairs related to the request for information under Article 103-3 of the Act;
  4. Affairs related to the permission for copyright trust service and reporting on copyright agency or brokerage service under Article 105 of the Act.
- (2) The Commission may manage the data containing resident registration numbers or alien registration numbers under subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act, if unavoidable to perform the following

affairs: <Newly Inserted on Aug. 4, 2020>

1. Affairs relating to the registration, etc. of a copyright under Articles 53 through 55 and 55-3 of the Act (including cases applied mutatis mutandis under Articles 90 and 98 of the Act);

2. Affairs relating to the bailment of programs under Article 101-7 of the Act.

(3) An authentication organization designated under Article 56 of the Act may manage the data which contain resident registration numbers or alien registration numbers under subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act, if unavoidable to perform affairs related to authentication. <Amended on Aug. 4, 2020>

[This Article Newly Inserted on Nov. 4, 2014]

**Article 76-3 (Re-Examination of Regulation)** The Minister of Culture, Sports and Tourism shall examine the appropriateness of the matters to be included in the mark of the holder of author's economic right every, under Article 38, three years, counting from January 1, 2017 (referring to the period that ends on the day before January 1 of every third year) and shall take measures, such as making improvements. <Amended on Dec. 30, 2016>

[This Article Newly Inserted on Nov. 4, 2014]

**Article 77 (Standards for Imposition of Administrative Fines)** (1) The standards for imposition of an administrative fine under Article 142 (1) of the Act shall be as listed in attached Table 4.

(2) The standards for imposition of an administrative fine pursuant to Article 142 (2) of the Act shall be as provided in attached Table 5.

[This Article Wholly Amended on Sep. 21, 2016]