

Answers prepared by the Republic of Korea
to
the Questionnaire by WIPO
on
Copyright Limitations and Exceptions

May 28, 2010

The answers to this questionnaire have been provided on behalf of the Minister of Culture, Sports and Tourism of the Republic of Korea by Hyeyoon Choi at hychoi77@korea.kr or 82-2-3704-9476

Part I: General

1. Specific

2. Partially

- ✓ Article 23 (Reproduction for Judicial Proceedings, Etc.) It shall be permissible to reproduce a work if and to the extent deemed necessary for the purpose of judicial proceedings and of internal use in the legislative or administrative organs: **provided that such reproduction does not unreasonably prejudice the interests of the owner of author's property rights with respect to the nature of the work as well as the number of copies and the nature of reproduction.**

- ✓ Article 101-3 (Limitations to Author's Property Rights in Programs) (1) When falling under any of the following Subparagraphs, programs already made public may be reproduced or distributed to the extent deemed necessary for the corresponding purpose: **provided that this shall not apply if such reproduction or distribution unreasonably damages the interests of the owner of author's property rights in**

those programs in the light of the types and usage of the programs, relative importance occupied by the reproduced portion in the original programs, number of copies, etc

- ✓ Other than the two Articles mentioned above, Article 26, Article 28 and Article 32 specify that the exempted activities shall be **conducted to the extent justified by the purpose.**

3. Yes

- ✓ Article 25 (Use for the Purpose of School Education, Etc.)
 - (1) A work already made public may be reproduced in textbooks to the extent deemed necessary for the purpose of education in high schools, their equivalents, or lower level schools.
 - (2) Schools established by special laws; schools under the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; educational institutions operated by the national or local government; and educational support institutions belonging to the national or local government to support classroom education at these educational institutions may reproduce, distribute, perform publicly, broadcast, or conduct interactive transmission a part of a work already made public to the extent deemed necessary for the purpose of classroom education or support: provided that the use of the entirety of a work is deemed inevitable in the light of the nature of a work, and the purpose and manner of its exploitation, etc., use of the entirety of the work shall be permissible.
 - (4) A person who intends to exploit a work pursuant to Paragraphs (1) and (2) shall pay remuneration to the owner of author's property rights according to the criteria for remuneration as determined and published by the Minister of Culture, Sports and Tourism. **Those who engage in reproduction, distribution, public performance, broadcasting, or interactive transmission of a work done at high schools, their equivalents, or lower level schools as prescribed under Paragraph (2) shall not be obliged to pay remuneration.**
- ✓ Article 31 (Reproduction, Etc. in Libraries, Etc.)
 - (1) Libraries under the Library Act and the facilities (including the heads of the appropriate facilities; hereinafter referred to as “libraries, etc.”) as prescribed by Presidential Decree among those facilities

which provide books, documents, records, and other materials (hereinafter referred to as “books, etc.”) for public use may reproduce the works contained in books, etc. held by the libraries, etc. (in the case of Subparagraph 1, including the books, etc. reproduced by or(and) interactively transmitted to the libraries, etc. in accordance with the provision of Paragraph (3) hereof) in any of the following cases: provided that in the case of Subparagraphs 1 and 3, the works may not be reproduced in digital format: Where, at the request of a user and for the purpose of research and study, a single copy of a part of books, etc. already made public is provided to him;

- (3) Libraries, etc. may reproduce or interactively transmit their books, etc. to allow users at other libraries, etc. to peruse them by computers: provided that, in those cases where all or a part of the books, etc. have been published for sale, such books, etc. shall not be reproduced or interactively transmitted until a period of five years has elapsed since the publication date of such books, etc.
 - (5) In reproducing books, etc. in digital format pursuant to Subparagraph 1 of Paragraph (1), or reproducing or interactively transmitting books, etc. for the purpose of allowing perusal inside other libraries, etc. pursuant to Paragraph (3), libraries, etc. shall pay the owners of author’s property rights remuneration in accordance with the standards determined and published by the Minister of Culture, Sports and Tourism: **provided that said provision shall not apply to books, etc. (excluding those books, etc. which are, in part or in whole, published for a sales purpose) regarding which the national, local governments, or schools as provided in Article 2 of the Higher Education Act hold author’s property rights.**
- ✓ Other than the cases mentioned above, Article 23 (Reproduction for Judicial Proceedings, Etc.), Article 24 (Use of Political Speeches, Etc.), Article 26 (Use for News Report), Article 27 (Reproduction, Etc. of News Articles and Editorials), Article 28 (Quotations from Works Made Public), Article 29 (Public Performance and Broadcasting for Non-profit Purposes), Article 30 (Reproduction for Private Use), Article 32 (Reproduction for Examination Questions), Article 33 (Reproduction, Etc. for Visually Impaired Persons, Etc.), Article 34 (Ephemeral Sound or Visual Recordings by Broadcasting Organizations), Article 35 (Exhibition or Reproduction of Works of Art, Etc.) and Article 36 (Use by Means of Translation, Etc.) provides for a number of cases where there is no need

for authorization or for payment of remuneration for uses.

4. Yes

- ✓ Article 50 (Exploitation of Works in Which the Owner of Author's Property Rights Is Not Known)
 - (1) Where any person, despite his considerable efforts in accordance with the criteria prescribed by Presidential Decree, cannot identify the owner of author's property rights in a work made public (except foreigners' works), or his place of residence and therefore is unable to obtain the authorization of the author for its exploitation, he may exploit the work by obtaining approval of the Minister of Culture, Sports and Tourism as prescribed by Presidential Decree, and depositing a sum of remuneration money according to the criteria as determined by the Minister of Culture, Sports and Tourism.
 - (2) The person who exploits a work under the provision of Paragraph (1) shall indicate that the exploitation is made with approval and the date when the approval is issued.
 - (3) Where a work which already obtained approval of the Minister of Culture, Sports and Tourism for its exploitation pursuant to Paragraph (1) becomes the object of approval of the same kind at a later time, the procedure of making considerable efforts in accordance with the criteria as prescribed by Presidential Decree pursuant to Paragraph (1) may be omitted, unless the owner of author's property rights lodges an objection in accordance with the procedure prescribed by Presidential Decree before approval for statutory license for the work is granted.
 - (4) The Minister of Culture, Sports and Tourism shall notify the content of statutory license on telecommunications networks in accordance with Presidential Decree.

5. Yes

- ✓ Article 51 (Broadcasting of Works Made Public) Where a broadcasting organization which intends to broadcast a work already made public for the sake of the public benefit has negotiated with the owner of author's property rights but failed to reach an agreement, it may broadcast the work by obtaining approval of the Minister of Culture, Sports and Tourism as prescribed by Presidential Decree, and paying to the owner of

author's property rights or depositing a sum of remuneration money according to the criteria as determined by the Minister of Culture, Sports and Tourism.

- ✓ Article 52 (Production of Commercial Phonograms) If three years have passed after the date of the first sale of a commercial phonogram in the Republic of Korea and if any person who intends to produce a commercial phonogram by recording works already recorded on such a phonogram has negotiated with the owner of author's property rights but failed to reach an agreement, he may produce the phonogram on obtaining approval of the Minister of Culture, Sports and Tourism as prescribed by Presidential Decree, and paying to the owner of author's property rights or depositing a sum of remuneration money according to the criteria as determined by the Minister of Culture, Sports and Tourism.

6. Yes

- ✓ Article 30 (Reproduction for Private Use) A user may reproduce by himself a work already made public for the purpose of his personal, family, or other similar uses within a limited circle, not for profit purposes: provided that this shall not apply to reproduction by a photocopier set up for public use.

7. No

8. Yes

- ✓ It depends on the interpretation of each specific provision.

9. No

10. Yes

11. Yes

12. No.

- ✓ However, the Copyright Law does not prohibit circumvention of access control technological measures and it only prohibits any act of providing, manufacturing, importing, transferring, lending, or interactively transmitting technologies, services, products, devices, or components thereof for the primary purpose of circumventing technological protection measures for copyrights or other rights protected pursuant to the Copyright Act by such means as eliminating, modifying, or bypassing such technological protection measures without legitimate rights to do.

- ✓ Therefore, even if the law does not provide specific mechanism which is the questionnaire describes, the Copyright Law gives the room for users of copyrighted works to exploit limitations and exceptions of copyright provided under the Copyright Law despite of existence of any use-control technological measures implemented by the right holder.

13. N/A

14. No

15. N/A

16. Yes

- ✓ Article 101-3 (Limitations to Author's Property Rights in Programs)
 - (1) When falling under any of the following Subparagraphs, programs already made public may be reproduced or distributed to the extent deemed necessary for the corresponding purpose: provided that this shall not apply if such reproduction or distribution unreasonably damages the interests of the owner of author's property rights in those programs in the light of the types and usage of the programs, relative importance occupied by the reproduced portion in the original programs, number of copies, etc:
 1. Reproduction for a trial or investigation;
 2. When a person who is responsible for education at a school under the Early Childhood Education Act, the Elementary and Secondary

Education Act, or the Higher Education Act or an educational institution established under other acts (only those educational institutions of which scholastic ability is recognized for admission to higher-level schools or which grant academic degrees) reproduces or distributes programs to provide to his class;

3. Reproduction to be included in textbooks for the purpose of education at schools under the Elementary and Secondary Education Act and their equivalents;
 4. Reproduction for personal use in limited places like homes (excluding cases for profit-making purposes);
 5. Reproduction or distribution to be used in questions for entrance examinations to schools under the Elementary and Secondary Education Act and the Higher Education Act and their equivalents or other examinations or inspections of knowledge and skills (excluding cases for profit-making purposes); and
 6. Reproduction to research, study, and test the functions of a program to verify the ideas and principles constituting the basis of the program (This shall be limited to cases of parties with a justifiable authority to use the program).
- (2) Parties intending to include a program in textbooks under Subparagraph 3 of Paragraph (1) shall pay the owner of author's property rights remuneration according to the criteria determined and notified by the Minister of Culture, Sports and Tourism. Paragraphs (5) to (9) of Article 25 shall apply mutatis mutandis to payment of remuneration.
- ✓ Article 101-4 (Counter Analysis(De-compilation) of Program Codes)
- (1) When it is difficult to gain information necessary for compatibility and it is inevitable to gain such information, parties using programs with a justifiable authority or parties acquiring permission from such parties may decompile program codes for parts necessary for compatibility without acquiring permission from the owner of author's property rights of such programs.
 - (2) Information gained through de-compilation of program codes as prescribed in Paragraph (1) shall not be used in any of the following cases:
 1. When using such for a purpose other than compatibility or providing to a third party; and
 2. When such is used in developing, producing, and selling programs

where expressions are practically similar to the program subject to the de-compilation of program codes or infringing on other program copyrights.

- ✓ Article 101-5 (Reproduction for Keeping by a Legitimate User, Etc.)
 - (1) Parties which own and use reproductions of programs with justifiable authority may reproduce the reproductions to the extent necessary to protect against destruction, damage, degradation, etc. of such reproductions.
 - (2) When parties which possess and use reproductions of a program lose the right to possess and use such reproductions, they shall destroy reproductions made pursuant to Paragraph (1) in the absence of any intention of the owner of author's property rights of the program to the contrary: provided that this shall not apply if the right to own and use program reproductions is lost due to loss of such reproductions.

17. No

18. Yes

- ✓ Article 102 (Limitation on the Liability of Online Service Providers)
 - (1) In connection with the provision of services by an online service provider related to reproduction or interactive transmission of works, etc., the liability of such online service provider for infringement by other persons on copyrights or other rights protected pursuant to this Act may be reduced or waived in those cases where such online service provider prevents or stops reproduction or transmission thereof when made aware that copyrights or other rights protected pursuant to this Act would be infringed upon due to the reproduction or interactive transmission of works, etc. by the other persons.
 - (2) In connection with the provision of services by an online service provider related to reproduction or interactive transmission of works, etc., such online service provider's liability for infringement by other persons on copyrights or other rights protected pursuant to this Act shall be waived in those cases where such online service provider attempts to prevent or stop reproduction or interactive transmission thereof when made aware that copyrights or other rights protected under this Act would be infringed upon due to the reproduction or

interactive transmission of works, etc. by the other persons, but it is technically impossible to do so.

19. No

20. N/A

Part II: Limitation and Exceptions related to Educational Activities

21. No

- (477) Korea acceded to the WPPT and Rome Convention in 2008.
- (478) The Copyright Act was revised most recently as of Law No. 9625 dated April 22, 2009 to reflect exceptions for the benefit of educational activities.
- (481) Article 25(2) of the Copyright Act had been amended as follows to reflect changes in the scope the beneficiary institutions.

(2) Schools established by special laws; schools under **the Early Childhood Education Act**, the Elementary and Secondary Education Act, or the Higher Education Act; educational institutions operated by the national or local government; and **educational support institutions belonging to the national or local government to support classroom education at these educational institutions** may reproduce, distribute, perform publicly, broadcast, or conduct interactive transmission a part of a work already made public to the extent deemed necessary for the purpose of classroom education or support: provided that the use of the entirety of a work is deemed inevitable in the light of the nature of a work, and the purpose and manner of its exploitation, etc., use of the entirety of the work shall be permissible.

- (483) “Inc” specified in the box for the “remuneration required?” column should be changed to “Yes”.

22. Yes

- ✓ Article 25 (Use for the Purpose of School Education, Etc.)
- (1) A work already made public may be reproduced in textbooks to the extent

deemed necessary for the purpose of education in high schools, their equivalents, or lower level schools.

- (2) Schools established by special laws; schools under the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; educational institutions operated by the national or local government; and educational support institutions belonging to the national or local government to support classroom education at these educational institutions may reproduce, distribute, perform publicly, broadcast, or conduct interactive transmission a part of a work already made public to the extent deemed necessary for the purpose of classroom education or support: provided that the use of the entirety of a work is deemed inevitable in the light of the nature of a work, and the purpose and manner of its exploitation, etc., use of the entirety of the work shall be permissible.
- (3) A person who attends the educational institutions described in Paragraph (2) may reproduce or interactively transmit a work already made public within the limit stipulated in Paragraph (2) to the extent deemed necessary for the purpose of classroom education.
- (4) A person who intends to exploit a work pursuant to Paragraphs (1) and (2) shall pay remuneration to the owner of author's property rights according to the criteria for remuneration as determined and published by the Minister of Culture, Sports and Tourism. Those who engage in reproduction, distribution, public performance, broadcasting, or interactive transmission of a work done at high schools, their equivalents, or lower level schools as prescribed under Paragraph (2) shall not be obliged to pay remuneration.
- (5) The right to be compensated pursuant to Paragraph (4) shall be exercised by an organization which satisfies all of the following conditions and is designated by the Minister of Culture, Sports and Tourism. The consent of the organization shall be necessary when the Minister of Culture, Sports and Tourism designates such organization. The organization shall:
 1. Consist of the persons who hold the right to receive remuneration in the Republic of Korea (hereinafter referred to as "remuneration right holder");
 2. Not be profit making; and
 3. Have ample capability to carry out its duties including collecting and distributing the remuneration.
- (6) At the request of a remuneration right holder, the organization under Paragraph (5) may not refuse exercise of the right of a remuneration right holder even if the remuneration right holder is not a member of the organization. In this case, the organization shall have the authority to

- exercise judicial or non-judicial acts with regard to the right under its name.
- (7) The Minister of Culture, Sports and Tourism may revoke the designation if the organization under Paragraph (5) falls under any of the following Subparagraphs :
 1. Where an organization fails to satisfy the conditions stipulated in Paragraph (5);
 2. Where an organization violates the work regulation with regard to remuneration; and
 3. Where there is a concern that the interest of a remuneration right holder could be harmed due to the organization's suspension of its duties with regard to remuneration for a considerable period of time.
 - (8) The organization under Paragraph (5) may use undistributed remunerations for which notification was made three or more years ago for the public interest after obtaining authorization of the Minister of Culture, Sports and Tourism.
 - (9) The necessary matters for designation and revocation of appointment of the organization, work regulations, notification of distribution of remuneration, authorization of exploitation of undistributed remuneration for the public interest, etc. in accordance with Paragraphs (5), (7) and (8) shall be set forth by Presidential Decree.
 - (10) If an educational institution conducts interactive transmission pursuant to Paragraph (2), the necessary measures set forth by Presidential Decree including reproduction prevention measures shall be taken in order to prevent infringement on copyrights and other rights protected under this Act.

23. Both

On Performances

24. Yes

- ✓ Article 25 (Use for the Purpose of School Education, Etc.) (2) Schools established by special laws; schools under the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; educational institutions operated by the national or local government; and educational support institutions belonging to the national or local government to support classroom education at these

educational institutions may reproduce, distribute, perform publicly, broadcast, or conduct interactive transmission a part of a work already made public to the extent deemed necessary for the purpose of classroom education or support: provided that the use of the entirety of a work is deemed inevitable in the light of the nature of a work, and the purpose and manner of its exploitation, etc., use of the entirety of the work shall be permissible.

25. Yes

- ✓ Article 25 (Use for the Purpose of School Education, Etc.)
 - (1) A work already made public may be reproduced in textbooks to the extent deemed necessary for the purpose of education in high schools, their equivalents, or lower level schools.
 - (2) Schools established by special laws; schools under the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; educational institutions operated by the national or local government; and educational support institutions belonging to the national or local government to support classroom education at these educational institutions may reproduce, distribute, perform publicly, broadcast, or conduct interactive transmission a part of a work already made public to the extent deemed necessary for the purpose of classroom education or support: provided that the use of the entirety of a work is deemed inevitable in the light of the nature of a work, and the purpose and manner of its exploitation, etc., use of the entirety of the work shall be permissible.
 - **(4) A person who intends to exploit a work pursuant to Paragraphs (1) and (2) shall pay remuneration to the owner of author's property rights according to the criteria for remuneration as determined and published by the Minister of Culture, Sports and Tourism.** Those who engage in reproduction, distribution, public performance, broadcasting, or interactive transmission of a work done at high schools, their equivalents, or lower level schools as prescribed under Paragraph (2) shall not be obliged to pay remuneration.

26. Yes

- ✓ Article 25 (Use for the Purpose of School Education, Etc.) (2) Schools established by special laws; schools under the Early Childhood Education

Act, the Elementary and Secondary Education Act, or the Higher Education Act; educational institutions operated by the national or local government; and educational support institutions belonging to the national or local government to support classroom education at these educational institutions may reproduce, distribute, perform publicly, broadcast, or conduct interactive transmission a part of a work already made public **to the extent deemed necessary for the purpose of classroom education or support**: provided that the use of the entirety of a work is deemed inevitable in the light of the nature of a work, and the purpose and manner of its exploitation, etc., use of the entirety of the work shall be permissible.

27. Teachers, Educational institutions

28. Not-for-profit

On Reproduction

29. Yes

✓ Article 25 (Use for the Purpose of School Education, Etc.)

- (2) Schools established by special laws; schools under the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; educational institutions operated by the national or local government; and educational support institutions belonging to the national or local government to support classroom education at these educational institutions may **reproduce**, distribute, perform publicly, broadcast, or conduct interactive transmission a part of a work already made public to the extent deemed necessary for the purpose of classroom education or support: provided that the use of the entirety of a work is deemed inevitable in the light of the nature of a work, and the purpose and manner of its exploitation, etc., use of the entirety of the work shall be permissible.
- (3) A person who attends the educational institutions described in Paragraph (2) may **reproduce** or interactively transmit a work already made public within the limit stipulated in Paragraph (2) to the extent deemed necessary for the purpose of classroom education.

30. Reprography, Digital copying

31. Yes

- ✓ Article 25 (Use for the Purpose of School Education, Etc.) (2) Schools established by special laws; schools under the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; educational institutions operated by the national or local government; and educational support institutions belonging to the national or local government to support classroom education at these educational institutions may reproduce, distribute, perform publicly, broadcast, or conduct interactive transmission a part of a work already made public to the extent deemed necessary for the purpose of classroom education or support: provided **that the use of the entirety of a work is deemed inevitable in the light of the nature of a work, and the purpose and manner of its exploitation, etc., use of the entirety of the work shall be permissible.**

32. Yes

- ✓ Article 25 (Use for the Purpose of School Education, Etc.) (4) **A person who intends to exploit a work pursuant to Paragraphs (1) and (2) shall pay remuneration to the owner of author's property rights according to the criteria for remuneration as determined and published by the Minister of Culture, Sports and Tourism.** Those who engage in reproduction, distribution, public performance, broadcasting, or interactive transmission of a work done at high schools, their equivalents, or lower level schools as prescribed under Paragraph (2) shall not be obliged to pay remuneration.

33. Yes

- ✓ Article 25 (Use for the Purpose of School Education, Etc.)
 - (1) A work already made public may be reproduced in **textbooks to the extent deemed necessary for the purpose of education in high schools, their equivalents, or lower level schools.**
 - (2) Schools established by special laws; schools under the Early Childhood Education Act, the Elementary and Secondary Education

Act, or the Higher Education Act; educational institutions operated by the national or local government; and educational support institutions belonging to the national or local government to support classroom education at these educational institutions may reproduce, distribute, perform publicly, broadcast, or conduct interactive transmission a part of a work already made public **to the extent deemed necessary for the purpose of classroom education or support**: provided that the use of the entirety of a work is deemed inevitable in the light of the nature of a work, and the purpose and manner of its exploitation, etc., use of the entirety of the work shall be permissible.

- (3) A person who attends the educational institutions described in Paragraph (2) may reproduce or interactively transmit a work already made public within the limit stipulated in Paragraph (2) **to the extent deemed necessary for the purpose of classroom education.**

34. Teachers, Students, Educational institutions

35. Not-for-profit

36. No.

On translation

37. Yes

38. Yes

- ✓ **Article 36 (Use by Means of Translation, Etc.)** (1) If a work is used in accordance with Articles 25, 29, or 30, the work may be used by means of translation, arrangement, or adaptation.

✓

- ✓ Article 25 (Use for the Purpose of School Education, Etc.) (4) A person who intends to exploit a work pursuant to Paragraphs (1) and (2) shall pay remuneration to the owner of author's property rights according to the criteria for remuneration as determined and published by the Minister of Culture, Sports and Tourism. Those who engage in reproduction, distribution, public performance, broadcasting, or interactive transmission of a work done at high schools, their equivalents, or lower level schools as prescribed under Paragraph (2) shall not be obliged to pay remuneration.

39. Yes

- ✓ Article 25 (Use for the Purpose of School Education, Etc.)
 - (1) A work already made public may be reproduced in **textbooks to the extent deemed necessary for the purpose of education in high schools, their equivalents, or lower level schools.**
 - (2) Schools established by special laws; schools under the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; educational institutions operated by the national or local government; and educational support institutions belonging to the national or local government to support classroom education at these educational institutions may reproduce, distribute, perform publicly, broadcast, or conduct interactive transmission a part of a work already made public **to the extent deemed necessary for the purpose of classroom education or support:** provided that the use of the entirety of a work is deemed inevitable in the light of the nature of a work, and the purpose and manner of its exploitation, etc., use of the entirety of the work shall be permissible.
 - (3) A person who attends the educational institutions described in Paragraph (2) may reproduce or interactively transmit a work already made public within the limit stipulated in Paragraph (2) **to the extent deemed necessary for the purpose of classroom education.**

40. Teachers, Students, Educational institution

41. Not-for-profit

On making available in digital networks

42. Yes

43. Yes

- ✓ Article 25 (Use for the Purpose of School Education, Etc.) (2) Schools established by special laws; schools under the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; educational institutions operated by the national or local government; and educational support institutions belonging to the national or local government to support classroom education at these educational institutions may reproduce, distribute, perform publicly, broadcast, or conduct interactive transmission a part of a work already made public to the extent deemed necessary for the purpose of classroom education or support: provided **that the use of the entirety of a work is deemed inevitable in the light of the nature of a work, and the purpose and manner of its exploitation, etc., use of the entirety of the work shall be permissible.**

44. Yes

- ✓ Article 25 (Use for the Purpose of School Education, Etc.) (4) A person who intends to exploit a work pursuant to Paragraphs (1) and (2) shall pay remuneration to the owner of author's property rights according to the criteria for remuneration as determined and published by the Minister of Culture, Sports and Tourism. Those who engage in reproduction, distribution, public performance, broadcasting, or interactive transmission of a work done at high schools, their equivalents, or lower level schools as prescribed under Paragraph (2) shall not be obliged to pay remuneration.

45. Yes

- ✓ Article 25 (Use for the Purpose of School Education, Etc.)
 - (2) Schools established by special laws; schools under the Early Childhood Education Act, the Elementary and Secondary Education Act, or the Higher Education Act; educational institutions operated by the national or local government; and educational support institutions belonging to the national or local government to support classroom

education at these educational institutions may reproduce, distribute, perform publicly, broadcast, or conduct interactive transmission a part of a work already made public to the extent deemed necessary for the purpose of classroom education or support: provided that the use of the entirety of a work is deemed inevitable in the light of the nature of a work, and the purpose and manner of its exploitation, etc., use of the entirety of the work shall be permissible.

- (3) A person who attends the educational institutions described in Paragraph (2) may reproduce or interactively transmit a work already made public within the limit stipulated in Paragraph (2) **to the extent deemed necessary for the purpose of classroom education.**

46. Teachers, Students, Educational Institutions

47. Not-for-profit

48. Yes

Article 25 (Use for the Purpose of School Education, Etc.) (10) If an educational institution conducts interactive transmission pursuant to Paragraph (2), the necessary measures set forth by Presidential Decree including reproduction prevention measures shall be taken in order to prevent infringement on copyrights and other rights protected under this Act.

49. No

50. N/A

51. No

Part III: Limitation and Exceptions related to Libraries and

Archives

52. No

- ✓ From Appendix (p.330), the Article numbers need to be changed as follows:
 - Art. 34 → Art. 37
 - Art. 35 → Art.38
 - Art. 28 → Art.31
 - Art. 71 → Art. 87
 - Art. 2(17) → Art.2(25)
 - Art. 28(3) → Art. 31(5)
 - Art. 2(14) → Art 2.(22)
- ✓ Research or Study-Who can copy-Conditions:
 - None → Libraries in accordance with the Library Act or those facilities appointed under the Presidential Decree to the Copyright Act which are makes available books or etc. to the public
- ✓ Research or Study-Who can copy-Medium of the copy-Conditions:
 - See definition of “reproduction” below → No reproduction in the digital format is allowed.
- ✓ Supplying Copies to other Libraries-Medium of the copy-Conditions:
 - Any. See definition of “reproduction” below → No reproduction in the digital format is allowed.
- ✓ Supplying Copies to other Libraries-Other provisions?
 - The sentence in the upper box should be deleted
- ✓ Anti-Circumvention of Technological Protection Measure-Prohibited Acts?-the Act of Circumvention? :
 - There are no provisions regulating this.
- ✓ Anti-Circumvention of Technological Protection Measure-Prohibited Acts?-Dealing in Devices
 - The current sentence need to be altered with the following → “Any act of providing, manufacturing, importing, transferring, lending, or interactively transmitting technologies, services, products, devices, or components thereof for the primary purpose of circumventing technological protection measures for copyrights or other rights protected pursuant to this Act by such means as eliminating, modifying, or bypassing such technological protection measures without legitimate rights to do so is prohibited”. (See Article 124 Para 2)
- ✓ Miscellaneous-Defined Terms :

■ “Library and Book Reading Promotion Act” → “the Library Act”

53. Yes

- ✓ Article 31 (Reproduction, Etc. in Libraries, Etc.) (1) Libraries under the Library Act and the facilities (including the heads of the appropriate facilities; hereinafter referred to as “libraries, etc.”) as prescribed by Presidential Decree among those facilities which provide books, documents, records, and other materials (hereinafter referred to as “books, etc.”) for public use may reproduce the works contained in books, etc. held by the libraries, etc. (in the case of Subparagraph 1, including the books, etc. reproduced by and interactively transmitted to the libraries, etc. in accordance with the provision of Paragraph (3) hereof) in any of the following cases: provided that in the case of Subparagraphs 1 and 3, the works may not be reproduced in digital format:

2. Where it is necessary for libraries, etc. to reproduce books, etc. for the purpose of preserving such books, etc.

54. Books, documents, records, and other materials

55. Yes

- ✓ Article 31 (Reproduction, Etc. in Libraries, Etc.) (1) Libraries under the Library Act and the facilities (including the heads of the appropriate facilities; hereinafter referred to as “libraries, etc.”) as prescribed by Presidential Decree among those facilities which provide books, documents, records, and other materials (hereinafter referred to as “books, etc.”) for public use may reproduce the works contained in books, etc. held by the libraries, etc. (in the case of Subparagraph 1, including the books, etc. reproduced by and interactively transmitted to the libraries, etc. in accordance with the provision of Paragraph (3) hereof) in any of the following cases: provided that in the case of Subparagraphs 1 and 3, the works may not be reproduced in digital format:

2. Where it is necessary for libraries, etc. to reproduce books, etc. for the purpose of preserving such books, etc.

56. Please refer to the following provision from the Copyright Act of Korea

Article 31 (Reproduction, Etc. in Libraries, Etc.) (4) In reproducing books,

etc. pursuant to Subparagraph 2 of Paragraph (1), Paragraph (2) or Paragraph (3), libraries, etc. **shall not reproduce such books, etc. in digital format if they are being sold in digital format.**

- ✓ (7) If books, etc. are reproduced or interactively transmitted in digital format pursuant to foregoing Paragraphs (1) through (3), libraries, etc. **shall take necessary measures as provided by Presidential Decree such as reproduction prevention measures in order to prevent infringement of copyrights and other rights protected under this Act.**

57. Yes

Article 31 (Reproduction, Etc. in Libraries, Etc.) (1) Libraries under the Library Act and the facilities (including the heads of the appropriate facilities; hereinafter referred to as “libraries, etc.”) as prescribed by Presidential Decree among those facilities which provide books, documents, records, and other materials (hereinafter referred to as “books, etc.”) for public use may reproduce the works contained in books, etc. held by the libraries, etc. (in the case of Subparagraph 1, including the books, etc. reproduced by and interactively transmitted to the libraries, etc. in accordance with the provision of Paragraph (3) hereof) in any of the following cases: provided that in the case of Subparagraphs 1 and 3, the works may not be reproduced in digital format:

1. Where, at the request of a user and for the purpose of research and study, a single copy of a part of books, etc. already made public is provided to him;

(2) Libraries, etc. may reproduce or interactively transmit their books, etc. to allow users to peruse them in such libraries, etc. by using computers. In such case, the number of users who may peruse them at the same time shall not exceed the number of copies of such books, etc. held by the libraries, etc. or authorized to be used by the persons with copyrights or other rights protected pursuant to this Act

(3) Libraries, etc. may reproduce or interactively transmit their books, etc. to allow users at other libraries, etc. to peruse them by computers: provided that, in

those cases where all or a part of the books, etc. have been published for sale, such books, etc. shall not be reproduced or interactively transmitted until a period of five years has elapsed since the publication date of such books, etc.

58. Books, documents, records, and other materials

59. Yes

- ✓ Article 50 (Exploitation of Works in Which the Owner of Author's Property Rights Is Not Known)
 - (1) Where any person, despite his considerable efforts in accordance with the criteria prescribed by Presidential Decree, cannot identify the owner of author's property rights in a work made public (except foreigners' works), or his place of residence and therefore is unable to obtain the authorization of the author for its exploitation, he may exploit the work by obtaining approval of the Minister of Culture, Sports and Tourism as prescribed by Presidential Decree, and depositing a sum of remuneration money according to the criteria as determined by the Minister of Culture, Sports and Tourism.
 - (2) The person who exploits a work under the provision of Paragraph (1) shall indicate that the exploitation is made with approval and the date when the approval is issued.
 - (3) Where a work which already obtained approval of the Minister of Culture, Sports and Tourism for its exploitation pursuant to Paragraph (1) becomes the object of approval of the same kind at a later time, the procedure of making considerable efforts in accordance with the criteria as prescribed by Presidential Decree pursuant to Paragraph (1) may be omitted, unless the owner of author's property rights lodges an objection in accordance with the procedure prescribed by Presidential Decree before approval for statutory license for the work is granted.
 - (4) The Minister of Culture, Sports and Tourism shall notify the content of statutory license on telecommunications networks in accordance with Presidential Decree.

60. None as of present.

61. N/A

62. No

63. Yes

Article 31 (Reproduction, Etc. in Libraries, Etc.) (1) Libraries under the Library Act and the facilities (including the heads of the appropriate facilities; hereinafter referred to as “libraries, etc.”) as prescribed by Presidential Decree among those facilities which provide books, documents, records, and other materials (hereinafter referred to as “books, etc.”) for public use may reproduce the works contained in books, etc. held by the libraries, etc. (in the case of Subparagraph 1, including the books, etc. reproduced by and interactively transmitted to the libraries, etc. in accordance with the provision of Paragraph (3) hereof) in any of the following cases: **provided that in the case of Subparagraphs 1 and 3, the works may not be reproduced in digital format:**

1. Where, at the request of a user and for the purpose of research and study, a single copy of a part of books, etc. already made public is provided to him;

(2) Libraries, etc. may reproduce or interactively transmit their books, etc. to allow users to peruse them in such libraries, etc. by using computers. **In such case, the number of users who may peruse them at the same time shall not exceed the number of copies of such books, etc. held by the libraries, etc. or authorized to be used by the persons with copyrights or other rights protected pursuant to this Act.**

(3) Libraries, etc. may reproduce or interactively transmit their books, etc. to

allow users at other libraries, etc. to peruse them by computers: **provided that, in those cases where all or a part of the books, etc. have been published for sale, such books, etc. shall not be reproduced or interactively transmitted until a period of five years has elapsed since the publication date of such books, etc.**

(4) In reproducing books, etc. pursuant to Subparagraph 2 of Paragraph (1), Paragraph (2) or Paragraph (3), libraries, etc. **shall not reproduce such books, etc. in digital format if they are being sold in digital format.**

64. Please refer to the following provision from the Copyright Act of Korea Article 31 (Reproduction, Etc. in Libraries, Etc.)

(5) In reproducing books, etc. in digital format pursuant to Subparagraph 1 of Paragraph (1), or reproducing or interactively transmitting books, etc. for the purpose of allowing perusal inside other libraries, etc. pursuant to Paragraph (3), libraries, etc. shall pay the owners of author's property rights remuneration in accordance with the standards determined and published by the Minister of Culture, Sports and Tourism: provided that said provision shall not apply to books, etc. (excluding those books, etc. which are, in part or in whole, published for a sales purpose) regarding which the national, local governments, or schools as provided in Article 2 of the Higher Education Act hold author's property rights.

(7) If books, etc. are reproduced or interactively transmitted in digital format pursuant to foregoing Paragraphs (1) through (3), libraries, etc. shall take necessary measures as provided by Presidential Decree such as reproduction prevention measures in order to prevent infringement of copyrights and other rights protected under this Act.

65. Yes

Article 31 (Reproduction, Etc. in Libraries, Etc.) (1) Libraries under the Library Act and the facilities (including the heads of the appropriate facilities; hereinafter

referred to as “libraries, etc.”) as prescribed by Presidential Decree among those facilities which provide books, documents, records, and other materials (hereinafter referred to as “books, etc.”) for public use may reproduce the works contained in books, etc. held by the libraries, etc. (in the case of Subparagraph 1, including the books, etc. reproduced by and interactively transmitted to the libraries, etc. in accordance with the provision of Paragraph (3) hereof) in any of the following cases: provided that in the case of Subparagraphs 1 and 3, the works may not be reproduced in digital format:

3. Where libraries, etc. provide other libraries etc. with a reproduction of books, etc. that are out of print or scarcely available for similar reasons at the request of other libraries etc. for their collection purpose.

66. No

Part IV: Limitation and Exceptions for Persons with Disabilities

67. No.

- ✓ For pages 33, 35, 39 and 43, the following should be considered
 - Those facilities (including the heads of appropriate facilities) as prescribed by Presidential Decree among facilities for the purpose of promoting the welfare of visually impaired persons, etc. may record a published literary work, or reproduce, distribute or interactively transmit such work in a recorded form as set forth by Presidential Decree for the exclusive use of visually impaired persons, etc. in order to provide such for the use of visually impaired persons, etc. without using it, in any way, for profit-making purposes. (See Article 33 Para 2)
- ✓ For page 158, the overall analysis should consider Article 33 of the Copyright Act, which is as follows :
 - Article 33 (Reproduction, Etc. for Visually Impaired Persons, Etc.)
 - (1) Published works may be reproduced and distributed in Braille for

visually impaired persons, etc.

(2) The facilities (including the heads of appropriate facilities) as prescribed by Presidential Decree among facilities for the purpose of promoting the welfare of visually impaired persons, etc. **may record a published literary work**, or reproduce, distribute or interactively transmit such work in a recorded form as set forth by Presidential Decree for the exclusive use of visually impaired persons, etc. in order to provide such for the use of visually impaired persons, etc. without using it, in any way, for profit-making purposes.

(3) The scope of visually impaired persons, etc. as provided in foregoing Paragraphs (1) and (2) shall be set forth by Presidential Decree.

- ✓ For page 210, “Import by organizations, Export/import of intermediate copies”, any materials that meets the conditions specified under Article 33 Para 2 of the Copyright Act may be imported as long as they are legal.
 - ✓ For “Exhaustion of rights”, the following fact should be reflected
 - If the original or copies of the original of a work has been offered for transaction through sales or other ways with the authorization of the economic right holder of the work, computer programs for sale as well as phonograms for sale are subject to rights for rental for commercial purposes in accordance with Article 22 of the Copyright Act.
- * **Article 21 (Right of Rental)** Notwithstanding the proviso of Article 20, the author shall have the right to rent a commercial phonogram or commercial program for profit-making purposes. <Amended on April 22, 2009>

68. Yes

- ✓ Article 33 (Reproduction, Etc. for Visually Impaired Persons, Etc.)
 - (1) Published works may be reproduced and distributed in Braille for visually impaired persons, etc.
 - (2) The facilities (including the heads of appropriate facilities) as prescribed by Presidential Decree among facilities for the purpose of promoting the welfare of visually impaired persons, etc. may record a published literary work, or reproduce, distribute or interactively transmit such work in a recorded form as set forth by Presidential Decree for the exclusive use of visually impaired persons, etc. in order to provide such for the use of visually impaired persons, etc. without using it, in any way, for profit-making purposes.
 - (3) The scope of visually impaired persons, etc. as provided in

foregoing Paragraphs (1) and (2) shall be set forth by Presidential Decree.

69. Yes

- ✓ Such as BBS, TTS, Daisy and etc. falls under this exception by the Presidential Decree to the Copyright Act

70. Please refer to the following provision from the Copyright Act of Korea.

- ✓ Article 33 (Reproduction, Etc. for Visually Impaired Persons, Etc.)
 - (1) Published works may be reproduced and distributed in Braille for visually impaired persons, etc.
 - (2) The facilities (including the heads of appropriate facilities) as prescribed by Presidential Decree among facilities for the purpose of promoting the welfare of visually impaired persons, etc. may record a published literary work, or reproduce, distribute or interactively transmit such work in a recorded form as set forth by Presidential Decree for the exclusive use of visually impaired persons, etc. in order to provide such for the use of visually impaired persons, etc. without using it, in any way, for profit-making purposes.
 - (3) The scope of visually impaired persons, etc. as provided in foregoing Paragraphs (1) and (2) shall be set forth by Presidential Decree.

71. No

- * Permitted when such material falls under our law

72. No.

73. No.

74. N/A

75. No.

* Permitted when such material falls under our law

76. No.

77. No.

78. N/A

79. No

* Permitted when such material falls under our law

80. None as of present

81. N/A

82. No.

Part V: Religious, social and cultural exceptions

83. No

84. N/A

85. ~ 93. No

Part VI: Other questions on digital technology

94. Yes

✓ **Article 101-4 (De-compilation of Program Codes)**

(1) When it is difficult to gain information necessary for compatibility and it is inevitable to gain such information, parties using programs with a justifiable authority or parties acquiring permission from such parties may decompile program codes for parts necessary for compatibility without acquiring permission from the owner of author's property rights of such programs.

(2) Information gained through de-compilation of program codes as prescribed in Paragraph (1) shall not be used in any of the following cases:

1. When using such for a purpose other than compatibility or providing to a third party; and

2. When such is used in developing, producing, and selling programs where expressions are practically similar to the program subject to the decompilation of program codes or infringing on other program copyrights.

95. Yes

✓ **Civil Act of Korea**

– **Article 760 (Liability of Joint Tort-Feasors)**

(1) If two or more persons have by their joint unlawful acts caused to another, they shall be jointly and severally liable to make remuneration for such damages.

(2) The provisions of paragraph (1) shall also apply if it is impossible to ascertain which of the participants, albeit not joint, has caused the damages.

(3) Instigators and accessories shall be deemed to act jointly.

96. Yes

✓ Article 102 (Limitation on the Liability of Online Service Providers)

- (1) In connection with the provision of services by an online service provider related to reproduction or interactive transmission of works, etc., the liability of such online service provider for infringement by other persons on copyrights or other rights protected pursuant to this Act may be reduced or waived in those cases where such online service provider prevents or stops reproduction or transmission thereof when made aware that copyrights or other rights protected pursuant to this Act would be infringed upon due to the reproduction or interactive transmission of works, etc. by the other persons.
- (2) In connection with the provision of services by an online service provider related to reproduction or interactive transmission of works, etc., such online service provider's liability for infringement by other persons on copyrights or other rights protected pursuant to this Act shall be waived in those cases where such online service provider attempts to prevent or stop reproduction or interactive transmission thereof when made aware that copyrights or other rights protected under this Act would be infringed upon due to the reproduction or interactive transmission of works, etc. by the other persons, but it is technically impossible to do so.

✓ Article 103 (Discontinuation of Reproduction or Interactive Transmission)

- (1) Any person who claims that his copyrights or other rights protected under this Act are infringed upon due to the reproduction or interactive transmission of works, etc. by the use of services provided by an online service provider (hereinafter referred to as "claimant" in this Article) may request such online service provider to cease the reproduction or interactive transmission of such works, etc. after providing evidence for such fact.
- (2) In those cases where it is requested to stop reproduction or interactive transmission pursuant to foregoing Paragraph (1), an online service provider shall immediately stop the reproduction or interactive transmission of such works, etc. and give notice thereof to the person who reproduces or interactively transmits such works, etc. (hereinafter

referred to as “reproducer/interactive transmitter”) and the claimant of such request.

- (3) In those cases where a reproducer/interactive transmitter, who is notified pursuant to foregoing Paragraph (2), proves that his reproduction or interactive transmission is based on legitimate rights and requests resumption of the reproduction or interactive transmission of works, etc., the online service provider shall promptly notify the claimant of such request for resumption and a scheduled date of resumption, and resume the reproduction or interactive transmission on such scheduled date.
- (4) An online service provider shall designate a person who will be responsible for receiving requests to stop or resume reproduction or interactive transmission pursuant to foregoing Paragraphs (1) and (3) (hereinafter referred to as “receiver” in this Article) and make a public announcement thereof to allow those who use his facilities or services to easily have knowledge thereof.
- (5) In those cases where an online service provider makes a public announcement pursuant to foregoing Paragraph (4), and stops or resumes the reproduction or interactive transmission of works, etc. pursuant to foregoing Paragraphs (2) and (3), such online service provider’s liability for the infringement by other persons on copyrights and other rights protected under this Act as well as the damages incurred upon the reproducer/interactive transmitter may be reduced or waived: provided that said provision shall not apply to any liability incurred from the time when such online service provider gains knowledge of the fact that copyrights and other rights protected under this Act are infringed upon due to reproduction or interactive transmission of works, etc. by other persons to the time when a request to stop reproduction or interactive transmission pursuant to foregoing Paragraph (1) is made.
- (6) Any person who requests that the reproduction or interactive transmission of works, etc. be stopped or resumed in accordance with foregoing Paragraphs (1) and (3) without any legitimate rights shall make remuneration for any damages incurred thereby.
- (7) The matters necessary for provision of evidence, suspension, notification, resumption of reproduction or interactive transmission, designation of a receiver of notices, public announcement, etc. pursuant to foregoing Paragraphs (1) to (4) shall be set forth by Presidential Decree. In such case, the Minister of Culture, Sports and

Tourism shall engage in prior consultation with the heads of the appropriate central administrative authorities.

97. Yes.

- ✓ Acting as a conduit for infringing material (e.g., transmitting, routing, or supplying connections for material)
- ✓ Caching infringing material
- ✓ Storing infringing material at the direction of a user
- ✓ Providing access by means of information search tools such as indices, references, hyperlinks and directories to infringing materials that users post

98.

Article 102 (Limitation on the Liability of Online Service Providers)

- (1) In connection with the provision of services by an online service provider related to reproduction or interactive transmission of works, etc., the liability of such online service provider for infringement by other persons on copyrights or other rights protected pursuant to this Act may be reduced or waived **in those cases where such online service provider prevents or stops reproduction or transmission thereof when made aware that copyrights or other rights protected pursuant to this Act would be infringed upon due to the reproduction or interactive transmission of works, etc. by the other persons.**
- (2) In connection with the provision of services by an online service provider related to reproduction or interactive transmission of works, etc., such online service provider's liability for infringement by other persons on copyrights or other rights protected pursuant to this Act shall be waived **in those cases where such online service provider attempts to prevent or stop reproduction or interactive transmission thereof when made aware that copyrights or other rights protected under this Act would be infringed upon due to the reproduction or interactive transmission of works, etc. by the other persons, but it is technically impossible to do so.**

Article 103 (Discontinuation of Reproduction or Interactive Transmission)

- (1) Any person who claims that his copyrights or other rights

protected under this Act are infringed upon due to the reproduction or interactive transmission of works, etc. by the use of services provided by an online service provider (hereinafter referred to as “claimant” in this Article) may request such online service provider to cease the reproduction or interactive transmission of such works, etc. after providing evidence for such fact.

- (2) In those cases where it is requested to stop reproduction or interactive transmission pursuant to foregoing Paragraph (1), an online service provider shall immediately stop the reproduction or interactive transmission of such works, etc. and give notice thereof to the person who reproduces or interactively transmits such works, etc. (hereinafter referred to as “reproducer/interactive transmitter”) and the claimant of such request.
- (3) In those cases where a reproducer/interactive transmitter, who is notified pursuant to foregoing Paragraph (2), proves that his reproduction or interactive transmission is based on legitimate rights and requests resumption of the reproduction or interactive transmission of works, etc., the online service provider shall promptly notify the claimant of such request for resumption and a scheduled date of resumption, and resume the reproduction or interactive transmission on such scheduled date.
- (4) An online service provider shall designate a person who will be responsible for receiving requests to stop or resume reproduction or interactive transmission pursuant to foregoing Paragraphs (1) and (3) (hereinafter referred to as “receiver” in this Article) and make a public announcement thereof to allow those who use his facilities or services to easily have knowledge thereof.
- (5) In those cases where an online service provider makes a public announcement pursuant to foregoing Paragraph (4), and stops or resumes the reproduction or interactive transmission of works, etc. pursuant to foregoing Paragraphs (2) and (3), such online service provider’s liability for the infringement by other persons on copyrights and other rights protected under this Act as well as the damages incurred upon the reproducer/interactive transmitter may be reduced or waived: provided that said provision shall not apply to any liability incurred from the time when such online service provider gains knowledge of the fact that copyrights and other rights protected under this Act are infringed upon due to reproduction or interactive transmission of works, etc. by other persons to the time when a

request to stop reproduction or interactive transmission pursuant to foregoing Paragraph (1) is made.

- (6) Any person who requests that the reproduction or interactive transmission of works, etc. be stopped or resumed in accordance with foregoing Paragraphs (1) and (3) without any legitimate rights shall make remuneration for any damages incurred thereby.
- (7) The matters necessary for provision of evidence, suspension, notification, resumption of reproduction or interactive transmission, designation of a receiver of notices, public announcement, etc. pursuant to foregoing Paragraphs (1) to (4) shall be set forth by Presidential Decree. In such case, the Minister of Culture, Sports and Tourism shall engage in prior consultation with the heads of the appropriate central administrative authorities.

Part VII: General questions to cover areas left out in Part I to VI

99.

- ✓ right of quotation
- ✓ news reporting
- ✓ ephemeral copies
- ✓ incidental uses
- ✓ government uses
- ✓ non-voluntary license for broadcasting
- ✓ non-voluntary license for mechanical reproduction of musical works

100. Yes

Please refer to the following provision from the Copyright Act of Korea.

- ✓ Article 29 (Public Performance and Broadcasting for Non-profit Purposes)
 - (1) It shall be permissible to perform publicly or broadcast a work already made public for non-profit purposes and without charging any fees to audience, spectators or third persons: provided that the performers concerned are not paid any remuneration for such performances.
 - (2) Commercial phonograms or cinematographic works may be reproduced and played for the public, if no fee is charged to the audience or spectators, except the cases as set forth by Presidential

Decree.

101. Yes

102. The Korea-US FTA and Korea-EU FTA specify the availability for the Parties to exploit the three-step test principle in operating copyright exceptions and limitation in their national laws.

103. None.

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