

**Answers prepared by the Republic of Korea
to
the Questionnaire by WIPO
on
Copyright Registration and Legal Deposit**

May 26, 2010

A. COPYRIGHT REGISTRATION AND RECORDATION

1. What is the name and legal status of the copyright registering/recording body in your country?
 - ✓ Registration Agency : Korea Copyright Commission(KCC)
 - ✓ Legal Status : Established under the Copyright Law of Korea (financed by the national budget)

2. Please provide full contact details of the copyright registering/recording body, including location of its offices, with indication of the hours they open to public.
 - ✓ Person in charge : Ms. LEE, Yong Jeong, Manager, Registration & Authentication Team, KCC
 - ✓ Phone : 82-2-2660-0112
 - ✓ Tele-fax : 82-2-2660-0009
 - ✓ Address : 6th/7th Floor, Seoul Gangnam Post Office, 619, Gaepodong-gil, Gangnam-gu, Seoul, 135-230, Korea
 - ✓ Office Hours : 09:00 ~ 18:00

3. Does the copyright registering/recording body have a webpage and e-mail address? If so, please list them.
 - ✓ Official websites : www.copyright.or.kr
 - ✓ E-mail : nayjlee@copyright.or.kr

4. Is the copyright registry interconnected to any other copyright data system?
 - ✓ None as of present.
 - ✓ Currently, the 'Integrated Copyright Information DB' system is under development.

5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration.

- ✓ Copyright Act : Art.53 through Art.55-2
 - ✓ Presidential Decree to the Copyright Act : Art.24 through Art.35
 - ✓ Ministerial Ordinance to the Copyright Act : Art.6 through Art.10-2
6. What kind of copyright works can be registered/recorded? Is the registration/recording process different for each type of copyrighted work? Please describe the differences, if any.
- ✓ Works which can be registered(See Copyright Act Art.4)
 - All kinds of works protected under the Copyright Act of Korea(literary, musical, theatrical, artistic, architecture, photographic, audiovisual, diagrammatic, derivative, compilation, computer programs, database and etc)
 - ✓ Differences among Registration Procedures of Each Works
 - For works other than computer programs, same conditions apply including the application form, materials to submit, registration examination, etc. .
 - For computer programs, separate application for registration is available(due to their distinctive characteristic)
 - * Before the amendment of Copyright Act in 2009, registration system for computer programs was separated from the copyright registration system.
7. Can the subject matter of related rights (e.g., performances, broadcasts, sound recordings) also be registered/recorded? If yes, is there a different registration/recording process than for works protected by copyright?
- ✓ Subject matters of related rights can be registered
 - ✓ Procedures are the same but a different application form is required to be filled.
8. Is there a possibility to record the transfer or licensing of copyright/related rights?
- ✓ Transfer by assignment, restrictions on the disposal of copyright and restriction on establishment of the pledge right can be registered.
 - ✓ Exclusive rights to publish books or computer programs can be registered.
 - ✓ Licensing can not be registered.
9. Is there a possibility to record a security interest in the copyright or related right? If so, what are the legal requirements and effects of such recording?
- ✓ Possibility to register : security right(pledge) establishment, transfer, alteration and termination
 - ✓ The Parties for security right establishment are required to apply for registration jointly.
 - If a person once registers changes in rights, he/she can be opposable to any third party with his/her registration.

10. What is the legal effect of registration?
- ✓ A person is entitled to the presumption in relating to matters of registration (authors, date) in light of copyright registration.
 - ✓ If a person once registers changes in rights(transfer by assignment, restriction on the disposal of copyright, establishment of the pledge), he/she can be opposable to any third party with his/her registration.
11. Is copyright registration/recordation mandatory or voluntary in the following circumstances?
- (a) Recognition of creation?
 - (b) Transfer of rights?
 - (c) Initiation of judicial proceedings?
 - (d) Other changes in title/ownership (such as leasing)?
- ✓ Copyright registration is voluntary in all of the above four cases.
12. Do courts in your country recognize copyright registrations affected by public authorities in other countries? If yes, is recognition automatic or is a local procedure required to validate or otherwise give effect to the foreign registration?
- ✓ No additional procedures or requirements are necessary.
13. What are the requirements for registration?
- (a) What are the mandatory elements of the request for registration/recordation?
 - ✓ Registration application form, a copy of the subject matter, registration fee and relevant documents.
 - (b) Does the request need to be submitted in a specific form? Can the request be submitted by the post? Can the request be submitted electronically?
 - ✓ Application forms should be submitted in a prescribed form. It can be submitted by either the post or electronically.
 - (c) Is there a deposit requirement, that is, must a copy of the work be submitted with the registration request? If so, can it be submitted in digital form?
 - ✓ A copy of the work must be submitted upon registration. It can be submitted in digital form.
 - (d) Is there a registration/recordation fee? If so, how much is the registration/recordation fee?
 - ✓ Computer programs : 60,000 Korean Won(KRW) for initial copyright registration / 70,000 KRW for alteration of right.
 - ✓ Other materials : 30,000 KRW for initial copyright registration / 40,000 KRW for alteration of right.
 - On-line registration is subject to registration fee discount.

- (e) What is the average time taken to complete the registration/recordation process?
 ✓ In average, it takes maximum four days from the date of receipt of the application.
14. Are foreigners allowed to register/record their creations? Are people without legal residence in your country allowed to register/record their creations? Is there a different registration/recordation process for domestic as opposed to foreign works or objects of related rights?
 ✓ Yes (including foreigners without legal residence in Korea). There is no discrimination between Koreans and non-Koreans.
15. Are the files stored in digital form?
 ✓ Files are stored in the same format as it is submitted.
 ✓ But, KCC has been developing an archiving system to store the copies of the registered subject matters in digital form since 2008.
 ■ The archiving project for computer programs is expected to be completed by the end of 2010 to digitalize and categorize all kinds of electronic files including CDs, microfilms submitted to KCC upon registration.
16. What criteria are followed for classification of the registrations/recordations (including chronology/name of right owner/name of work or related right/type of work or subject matter of related rights, etc)? Is it possible to correct or update relevant information?
 ✓ Elements to be registered
 ■ Information about the copyright owner : name, nationality, social security number, address, contact information
 ■ Information about the subject matter : title, kinds, types(recording media), contents(overview)
 ■ Information about dates : date of creation, publication, causation and any dates when changes have been made to rights
 ✓ The registration system offers identification numbers per dates of registration and classifies and stores by years.
 ✓ It is possible to correct or update already registered information upon copyright owner's request.
17. Does the system have a search facility?
 ✓ The registered information is accessible and can be searched on-line through the registration system.
18. Is it accessible by the public? Is the search facility available on-line?

- ✓ Yes, the general public can access the registration database for by means of the Internet.
19. Is access granted to the work registered or its copies?
- ✓ Computer programs : N/A
 - ✓ Other subject matters : only works made public(registered date of publication) upon request
20. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded?
- ✓ The general public may not access the database for detailed information or related documents submitted regarding the registered subject matters due to privacy issues, right of disclosure.
21. Does your country have legislation dealing specifically with “orphan works”, i.e. works in respect of which the right owner can not be identified and/or located (e.g., a compulsory license or a limitation on liability)? Please briefly describe the main elements of that legislation.
- ✓ Statutory licensing is stipulated in the Copyright Act which any person who failed to identify the holder of author's right to a work made public can exploit(see Copyright Act Art. 50)
 - When any person fails, despite his/her ‘considerable efforts’, to identify the holder of author's right, he/she may exploit the work with the approval of the Minister of Culture, Sports and Tourism and by depositing a compensation money under the standards as determined by the Minister of Culture, Sports and Tourism.
22. Independently of whether your country has legislation on the subject, are there industry practices in your country aimed at identifying and/or locating the copyright owner of “orphan works”?
- ✓ KCC has been conducting campaigns to identify and locate the copyright owner of orphan works jointly with the domestic collective management organizations (CMOs) since 2007. (see www.right4me.or.kr)
23. Does the registering/recording body play a relevant role in the legislation or practice dealing with “orphan works”?
- ✓ KCC and CMOs have jointly carried out public awareness activities to identify and locate the copyright owners of orphan works.
 - ✓ Once the copyright owner of a orphan work is identified or located, KCC and the relevant organizations make efforts to persuade him/her to register copyright.

24. Is there a system to identify and list recorded/registered works or objects of related rights in the public domain? Is that system automated? Is that information made available to the public?
- ✓ Registered subject matters
 - In order to search registered subject matters → <http://www.cros.or.kr>
 - ✓ Subject matters in the public domain
 - Check and download files in digital form that had been collected by the KCC → <http://freeuse.copyright.or.kr>
 - ✓ Others
 - Information about subject matters that are currently managed by CMOs will be available on the 'Copyright Information Consolidated Database' which is to be completed in due course.
 - 'Copyright Information Consolidated DB' is currently being tested before its official operation.
25. If your country has a public registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recorded information from the public system?
- ✓ No.
26. Please provide statistics on following registrations/recordations:
(a) Number per statistical period (last five years)

Types		Year					Total
		'05	'06	'07	'08	'09	
Works	Literary	1,521	1,792	1,890	1,875	2,309	9,387
	Musical	313	362	659	744	987	3,065
	Theatrical	4	14	3	16	27	64
	Artistic	4,816	3,779	3,599	4,278	5,075	21,547
	Architectural	145	132	210	99	117	703
	Photographic	1,048	3,877	6,350	2,993	378	14,646
	Audiovisual	732	723	660	247	238	2,600
	Diagrammatic	265	440	564	506	400	2,175
	Compilation	696	796	1,101	1,414	1,079	5,086
	Derivative	795	180	252	197	277	1,701
	Computer program	10,528	10,686	10,623	11,190	11,855	54,882
related copy right	Performance	2	61	24	4	93	184
	Recording	184	68	36	73	1,366	1,727
right of publication	Compilation		2	4		3	9
	Literary	5	4	2	3		14
	Derivative			1	2	2	5

exclusive right of publication	4	13	1	2	1	21
Database	27	11	38	35	18	129
Total	21,085	22,940	26,017	23,678	24,225	117,945

(b) Number per nationality (last five years)

✓ Registrations by nationality(except domestic copyrighted works)

Year Nationality	2005	2006	2007	2008	2009	Total
U S A	113	47	70	53	89	372
Australia	0	84	11	0	2	97
U K	1	0	88	5	1	95
Japan	26	27	3	0	19	75
Canada	2	7	6	8	2	25
Taiwan	2	5	1	2	0	10
Russia	10	0	0	0	0	10
China	3	1	0	1	5	10
Other	27	58	67	22	53	227
Total	184	229	246	91	171	921

(c) Number of inquiries/requests for information filed per statistical period (last five years).

✓ Requests for reading or making copy or the registered subject matters

2005	2006	2007	2008	2009
774	880	637	754	871

(d) Number of recodation/registrations whose subject matter has entered the public domain. Global figure/Figure per statistical period (last five years)

✓ It is almost impossible to come up with the number of registered works currently in the public domain because it is very difficult to identify and update already registered information such as the year when the right holder died, without any regular voluntary update by the legitimate person..

B. LEGAL DEPOSIT

27. Does your country have a legal deposit system/s in place?

✓ Yes.

28. Please list relevant national legislation regulating the legal deposit.

- ✓ Library Act : Article 20 and 47
 - ✓ Presidential Decree to the Library Act : Article 13
 - ✓ Ministerial Ordinance to the Library Act : Article 8
29. Is the legal deposit mandatory or voluntary in your Country? If mandatory, what are the legal consequences in case of non compliance?
- ✓ For off-line publications either in printed or digitalized form, legal deposit is mandatory.
 - ✓ Since 1965, two copies of any off-line materials published in Korea have been required to be deposited to the National Library of Korea within 30 days after the date of publication in accordance with Article 20 of the Library Act of Korea.
 - ✓ In case of violation of Article 20 of the Library Act, fines up to 10 times of the fixed price of the subject material will be applicable under Article 47 of the same Act.
 - ✓ Any information or subject matters published for use on the Internet (on-line publication) may be collected by the National Library of Korea upon the Library's request under Article 20-2 of the Library Act. No fines will be applicable despite a non-compliance of the Library's request.
30. What are the functions performed by your National legal deposit system (e.g. preservation of cultural heritage; collection of statistical information, etc)?
- ✓ The main functions of the legal deposit system are to collect, preserve and pass down the published materials for the future generations. It also purposes to make available valuable information to the public for use.
 - ✓ Weekly reports on the legal deposit status are available in electronic form at www.nl.go.kr
31. Is there any connection or interaction among legal deposit and copyright protection?
- ✓ Legal deposit is not directly connected to copyright protection.
 - ✓ In the meantime, Article 31 of the Copyright Act allows a library to reproduce or make available to their users inside the library the materials in its possession. Also, materials the National Library of Korea collects for preservation purpose may be reproduced under Article 31 Para 8 of the same Act. .
32. Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? If so, please clarify under which terms and conditions.
- ✓ Article 31 Para 1 of the Copyright Act allows libraries to reproduce or digitalize printed materials that they possess for preservation purposes.
 - ✓ For the purpose of preservation for the library itself, digitalization of the printed materials is allowed except any digital materials that are currently being offered for sale.

- ✓ Reproduction is allowed in analogue format by one library of a printed material, which is out of print, upon request of another library for preservation purpose (No reproduction in digital format allowed).
33. What is the object of legal deposit? Please list all types or categories of material subject to legal deposit (e.g. Print Material, such as books, serials, government publication; Non-Print Material, such as music and audiovisual works, broadcast material).
- ✓ books
 - ✓ periodicals
 - ✓ musical notes
 - ✓ maps
 - ✓ micro-type documents
 - ✓ electronic materials
 - ✓ slides
 - ✓ phono-records
 - ✓ cassette tapes
 - ✓ video cassettes and other audiovisual materials
 - ✓ compact discs and digital video discs as specified under Article 2 Para 4 of Publication Cultural Industry Promotion Act of Korea
 - ✓ special materials for physically impaired persons including Braille materials, sound-recordings and etc.
34. Does legal deposit apply upon production/printing of content or after its distribution? Does legal deposit apply to material printed in your country but distributed abroad?
- ✓ In accordance with Article 20 of the Library Act of Korea, any off-line materials either in printed or digitalized form that have been published in Korea are required to be submitted to the National Library of Korea within 30 days after the date of publication. This provision applies the same to any off-line materials that are published within Korea for distribution abroad.
35. Is there any type or category of material exempted from legal deposit for policy reasons?
- ✓ Diaries for private use, commercial advertisements, one-time materials, entertainment or educational games and etc. are exempted from legal deposit.
36. Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between on-line and off-line material? Please clarify relevant differences.
- ✓ Electronic materials that had been published through off-line media such as CD-ROMs, DVD-ROMs are required to be submitted to the National Library of Korea in accordance with Article 13 Para 4 of the Presidential Decree to the Library Act of Korea.

- ✓ On-line materials such as electronic books, e-journals or music files may be collected by the National Library of Korea in accordance with Article 20-2 of the Library Act of Korea.
 - ✓ In summary, off-line materials must be submitted. However, on-line materials may be collected by the National Library of Korea.
37. How many copies does the depositor have to deposit? Are there special conditions for limited or *de luxe* editions?
- ✓ For printed materials, two copies must be deposited. For materials in digital form, one copy must be deposited.
 - ✓ There are no special conditions for limited or *de luxe* editions.
38. Who is/are the subject/subjects responsible for delivering the legal deposit?
- ✓ The person who published the material is responsible for delivering the legal deposit such as an individual, a publishing company, or a government agency.
39. What are the time requirements for legal deposit?
- ✓ Legal deposit must be made within 30 days after the date of publication of the subject material.
40. Is there a payment or compensation involved in legal deposit? If so, Please indicate its amount.
- ✓ In accordance with Article 20 of the Library Act of Korea, reasonable amount of compensation (50% of the fixed price) shall be paid to the depositor.
41. What is/are the entity/entities responsible for acting as legal depository?
- ✓ The National Library of Korea is the entity responsible for acting as legal depository.
42. Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions.
- ✓ The general public may access the list of the legally deposited materials on the National Library of Korea's official website at www.nl.go.kr or at the Library's information desk.
 - ✓ The general public may access the actual content of the printed materials, which had not been digitalized, by visiting the National Library of Korea.
 - ✓ The content of the digitalized materials are accessible inside libraries within the territory of Korea and those materials that had already fallen into the public domain

or the copyright holders of which had authorized their use are accessible from outside the libraries by means of the Internet.

43. Do/does the depository/depositories provide publicly available search facilities? If so, are they accessible on-line?
- ✓ Anyone may search the deposited materials on the websites of the National Library of Korea(www.nl.go.kr) and the Digital Library of Korea(www.dlibrary.go.kr).
44. Is legal deposit linked to any number or code? Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and other such codes?
- ✓ The Publication Cultural Industry Act of Korea requires any materials published in Korea to be attached with ISBN or ISSN which Korea Standard Number Center issues.
 - ✓ The National Library of Korea checks the publication status with the ISBN or ISSN and requests for legal deposit if any published materials are found to have failed to be deposited.
45. Please provide statistics on the number of deposits per year for the following items (last five years); a) print material; b) musical works; (c) audiovisual works.

Year	(a)	(b)	(c)
2005	234,193	10,979	21,812
2006	236,832	12,860	27,124
2007	259,505	14,072	29,300
2008	273,383	15,424	30,352
2009	268,683	10,138	38,511

* Total number of materials deposited to the National Library of Korea as of December 31, 2009 :
7,537,325 items

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